

SANPETE COUNTY COMMISSION MEETING

May 25, 2010, 10:00 A.M.

Sanpete County Courthouse, 160 North Main, Room 303, Manti, Utah

Present are: Commission Chair Claudia Jarrett, Commissioner Steve Frischknecht, County Attorney Ross Blackham, and County Clerk Sandy Neill. Commissioner Spencer Cox is excused. Present from the media is C.R. Truitt.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Deputy Auditor Stacey Lyon is present. Motion is made by Commissioner Frischknecht to approve payment of claims #323333 through #323439. It is noted that claim #323433 may be voided. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO PAY GUNNISON CITY FOR RESOURCE OFFICER

Motion is made by Commissioner Frischknecht to approve the payment of \$12,000.00 to Gunnison City for the South Sanpete School Resource Officer. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO PAY CDW G FOR UPS TO BACKUP 911 SYSTEM

Motion is made by Commissioner Frischknecht to approve the payment of \$2,121.30 to CDWG for a UPS to back up the 911 system. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO PAY LOGAN SIMPSON FOR WORK DONE ON THE GENERAL PLAN

Motion is made by Commissioner Frischknecht to approve the payment of \$4,224.22 to Logan Simpson for work done on the general plan. The motion is seconded by Commissioner Jarrett, and the motion passes. The project is nearly completed.

APPROVAL TO PAY UTAH STATE LIBRARY FOR BOOKMOBILE LIBRARY

Motion is made by Commissioner Frischknecht to approve the payment of \$41,707.50 to the Utah State Library for Sanpete County Bookmobile Library services from January 1, 2010 - June 30, 2010. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO PAY RON GREENE SPORTS CENTER FOR ATV FOR THE WEED DEPARTMENT

Motion is made by Commissioner Frischknecht to approve the payment of \$5,400.00 to Ron Greene Sports Center for a 2009 Kawasaki ATV for the weed department. The motion is seconded by Commissioner Jarrett, and the motion passes.

KENT HIGGINS: APPROVAL OF PURCHASE AND BUILDUP OF FEPP HEAVY HAULER TRUCK FOR THE INDIANOLA VALLEY FIRE DEPARTMENT

Mr. Higgins appears by phone. The engine to the existing water tender has been determined to be unreliable and non repairable. Mr. Higgins proposes to purchase a used truck, and build it up to serve as a water tender. He is proposing to use funds from the reserve account to pay for this. Motion is made by Commissioner Frischknecht to authorize the expenditure of up to \$10,000.00 from the Indianola Valley Fire Department reserve funds for the purchase and buildup of a truck from the State Forestry Fire and State Lands FEPP fleet. Once grant funds are received, this will be reversed. The motion is seconded by Commissioner Jarrett, and the motion passes.

HARWARD AND REES: APPROVAL OF RIGHT OF WAY AGREEMENT TO INSTALL MAYFIELD TOWN WATER LINE ON SOUTH SIDE OF CANYON ROAD

Motion is made by Commissioner Frischknecht to approve the right of way agreement to install the Mayfield Town water line on Canyon Road pending receipt of the bond, and to waive the fee for this permit because the work is being done for a town. The motion is seconded by Commissioner Jarrett, and the motion passes.

CENTRA COM INTERACTIVE: APPROVAL OF RIGHT OF WAY AGREEMENT TO INSTALL CONDUIT FOR FIBER OPTIC CABLE ALONG PINE CREEK ROAD FOR 2.6 MILES

Motion is made by Commissioner Frischknecht to approve the right of way agreement to install conduit for fiber optic cable along Pine Creek Road. It is requested that the conduit be large enough to accommodate future growth. The motion is seconded by Commissioner Jarrett, and the motion passes.

SPRING CITY CORPORATION: APPROVAL OF RIGHT OF WAY AGREEMENT TO INSTALL 3 POWER POLES AT THE SOUTH END OF CRAWFORD LOOP

Motion is made by Commissioner Frischknecht to approve the right of way agreement to install 3 power poles for Spring City at the south end of Crawford Loop, and to waive the fee for this permit because the work is being done for a city. The motion is seconded by Commissioner Jarrett, and the motion passes.

HDX L.C.: APPROVAL OF RIGHT OF WAY AGREEMENT TO BORE HIGHWAY ON 400 S 150 W IN FOUNTAIN GREEN

Motion is made by Commissioner Frischknecht to approve the right of way agreement to bore the highway on 400 South 150 West in Fountain Green to install a waterline for the city, and to waive the fee for this permit because the work is being done for a city. The motion is seconded by Commissioner Jarrett, and the motion passes.

BROOKE BOWHUIS: MASS GATHERING PERMIT FOR MUSIC AND ART FESTIVAL NEAR SPRING CITY

Brooke Bowhuis is present. Ms. Bowhuis states that they have addressed the sound issue concern that was brought up after their first concerts. They will contract with Search and Rescue for security, and also will hire additional security for this event. This event is scheduled June 18 - 20, 2010. Motion is made by Commissioner Frischknecht to approve the mass gathering permit subject to posting of bond to cover expenses of hiring EMT's and security, and the meeting of all the conditions in the letter from the Sheriff. The motion is seconded by Commissioner Jarrett, and the motion passes. It is noted that a letter of protest was received.

APPROVAL OF 2010 - 2011 STATE COURT CONTRACTUAL AGREEMENT

Motion is made by Commissioner Frischknecht to approve the 2010 - 2011 court contractual agreement. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL OF THE 2010 - 2011 BAILIFF AND SECURITY CONTRACT

Motion is made by Commissioner Frischknecht to approve the 2011 FY Bailiff and Security Contracts. The motion is seconded by Commissioner Jarrett, and the motion passes.

AWARD OF BID FOR CONCRETE PAD FOR MORONI REPEATER SITE ANTENNAE TOWER

Motion is made by Commissioner Frischknecht to approve the bid by Christensen Brothers in the amount of \$10,437.00 to install a concrete pad and security fence for the Moroni repeater site antennae tower. The motion is seconded by Commissioner Jarrett, and the motion passes.

CATHERINE BARTHOLOMEW: APPROVAL OF INTERLOCAL AGREEMENT BETWEEN MAYFIELD TOWN AND SANPETE COUNTY FOR JUSTICE COURT SERVICES

Mayor John Christensen and Judge John Cox are present. Mayor Christensen states that Mayfield does not have a justice court. County Attorney Ross Blackham explains that cities are not required to have a justice court. The County has handled the few cases that have been filed, and has kept the fines and fees that were generated. If the city or town wants to split the fines and fees, they will need to provide their own prosecutor and public defender. An amended contract will need to be prepared. Requests by cities or towns will be considered on a case by case basis. Motion is made by Commissioner Frischknecht to approve the agreement to have Sanpete County Justice Court handle cases filed for Mayfield Town, and to split the fines and fees. The agreement will be amended to state that the city will be responsible to provide their own prosecutor and public defender. The motion is seconded by Commissioner Jarrett, and the motion passes.

ASSESSOR KEN BENCH: APPROVAL OF MCAT AGREEMENT

Assessor Ken Bench is present. This will be placed on the next agenda for approval of a resolution.

SHERIFF KEVIN HOLMAN: APPROVAL TO PURCHASE GPS TRACKER FOR THE TASK FORCE

Lieutenant Brad Bown is present. Motion is made by Commissioner Frischknecht to approve the purchase of a GPS tracking device for the task force with one year of air time for a total of \$3,004.00. (This purchase will be funded by a grant.) The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL OF CONTRACT FOR INDIGENT INMATE DEFENSE COUNSEL SERVICES FOR KYLE ROACH

Motion is made by Commissioner Frischknecht to approve the contract for indigent inmate defense counsel services for Kyle Roach. The motion is seconded by Commissioner Jarrett, and the motion passes.

WAYNE LARSEN: APPROVAL TO SEND D. BOYD TO CISCO TRAINING CLASS

Wayne Larsen is present. The computer firewall at the Sheriff's Office requires careful maintenance because of the many users of the system. Deb Boyd will pay for airfare and housing on her own. Motion is made by Commissioner Frischknecht to approve sending Deb Boyd to the Cisco training class at a cost to the County of \$2,870.00. The motion is seconded by Commissioner Jarrett, and the motion passes.

CHRIS MICKELSON: LEASE PROPOSAL AT THE FAIRGROUNDS

Chris Mickelson is present. He would like to lease a 5 acre parcel of land owned by the County near the fairgrounds for racing events and a rock crawling course. He is willing to lease the property for three years, and then keep it on a year by year basis. Commissioner Frischknecht states that the plans for improving the fairgrounds includes this property. He suggests that Mr. Mickelson look into another parcel of land nearby that could be used.

ROBERT MENDENHALL: REQUEST FOR REFUND OF OVERPAYMENT OF TAXES ON S 22483x13

After researching S 22483x13, it was found that the legal description for that property is also included in S 22483x12, another parcel owned by Mr. Mendenhall. Taxes from 2001 through 2009 have been paid on both properties. Motion is made by Commissioner Frischknecht to apply a credit of \$897.62 to the 2010 taxes owed on S22455x51, another parcel owned by Mr. Mendenhall. The motion is seconded by Commissioner Jarrett, and the motion passes.

CORRECTION OF THE RECORD ABOUT THE REZONING OF PARCEL S 25199

On September 5, 2000 several parcels of land were rezoned from agricultural to commercial. The original request was to rezone S 25199 so that a body shop could be located there. The request was later changed to include the surrounding properties. Somehow S 25199 was left off the records, but it is clear that the zone change was approved by both the Planning Commission and the Commissioners. Motion is made by Commissioner Frischknecht to let the record reflect that S 25199 was left off inadvertently, and the zoning map should now be amended to show include S 25199 in the commercial zone. The motion is seconded by Commissioner Jarrett, and the motion passes.

PUBLIC HEARINGS ON THE FOLLOWING THREE PROPOSED AMENDMENTS TO THE LAND USE AND ZONING MAP

The following are present for these hearings: Lee Holmstead, Clifford Green, Corey Jackman, Wayne Green, Monte Bona, Kevin Christensen, John Tolman, Valerie Tolman, Tony Fuller, Kristy Davis, Kathleen Davis, Val Kofoed and Scott Sunderland.

APPROVAL OF A BUFFER ZONE FOR CENTERFIELD CITY

One protest was received. The County is concerned about the buffer zone, and may propose amending the buffer zone to exclude the property owned by the County that was purchased for a future gravel pit. Motion is made by Commissioner Frischknecht to approve a modified buffer zone to only go out 1/4 mile around the section that surrounds the county owned property, and then 1/2 mile out for the remaining. The motion is seconded by Commissioner Jarrett, and the motion passes. (See attached map.)

APPROVAL TO REZONE THE FOLLOWING PROPERTIES IN THE CHESTER AREA: 25748x, 25747x, 25747, 25748, 25743x1, 25743x, 25745x AND 25745 TO BUSINESS/COMMERCIAL

Val Kofoed, engineer for this project addresses the Commission. John Tolman would like to see more property in the area zoned commercial. Clifford Green owns property in the area, and approves this zone change. John Tolman asks why they didn't purchase property that was already zoned commercial. Mr. Kofoed responds that the property and operating costs were too expensive. Kevin Christensen is in support of this business, but is concerned about the location. He states that our general plan tries to keep business like this in cities with the proper infrastructure. Monte Bona encourages the Commission to postpone this decision until the general plan is adopted. Scott Sunderland disagrees. Clifford Green states he has several businesses located in the County. He owns commercial property on both sides of the road, and has brought families into the area. The Commissioners review the map, and the amount of property that is already zoned commercial in the area. Wayne Green states that the infrastructure will come. Kristy Davis states that there are other properties that they would like included in the zone change. Motion is made by Commissioner Frischknecht to approve the zone change. The motion is seconded by Commissioner Jarrett. Commissioner Jarrett addresses whether the County should have an industrial corridor of our own, outside of city limits. There is commercial in this area already, and it is looking like a county industrial park or corridor. Commission Chair Claudia Jarrett calls for a question on the motion, all were in favor, and the motion passes.

APPROVAL TO PROVIDE FOR PROTECTIVE HOUSING FACILITIES AS A CONDITIONAL USE IN THE A, RA1, RA2, AND BC ZONES

Zoning Administrator Lee Holmstead explains that our land use matrix does not allow for protective housing facilities in the County. Clifford Green approves adding protective housing facilities to our land use plan. Motion is made by Commissioner Frischknecht to approve adding protective housing facilities as a conditional use in the A, RA1, RaA2, and BC zones. The motion is seconded by Commissioner Jarrett, and the motion passes.

STEPHEN STRATE: FINAL APPROVAL OF TRIPLE S RANCH SUBDIVISION ON S 27329x

Stephen and Christine Strate and Lee Holmstead are present. Motion is made by Commissioner Frischknecht to approve the Triple S Ranch Subdivision on S 27329x. The motion is seconded by Commissioner Jarrett, and the motion passes.

ROY MOORE WITH WOLVERINE: FINAL APPROVAL OF SEISMOGRAPH DATA COLLECTION PROGRAM

Roy Moore is present. He updates the Commission on Wolverines's activity in the County. The seismograph data collection program was already approved by the Planning Commission. Motion is made by Commissioner Frischknecht to approve the permit to perform seismic tests on S 11176, which is owned by Sanpete County. The motion is seconded by Commissioner Jarrett, and the motion passes.

MAYOR SCOTT BARTHOLOMEW: DISCUSSION OF BOUNDARY LINES IN FAYETTE

Recorder Reed Hatch and Mayor Scott Bartholomew are present. Mr. Hatch explains the boundary line problem that exists in Fayette. Five years ago, after a government survey marker was found that changed the boundary lines. A grant was applied for to help resolve the problem. The County's portion of the grant was received, but the city did not apply for their grant. The project was dropped, and the County had to send back the grant money. Mayor Bartholomew thought that the problem was resolved a few years ago after a professional survey and some quit claim deeds. County Attorney Ross Blackham suggests that the best solution seems to be to re-deed the property descriptions to fit the land as it is possessed. He suggests another option would be to file in court to see if a judge would declare the historic fence line as the boundary line instead of the marker. The Commission suggests that Mayor Bartholomew check with CDGB about funding to help resolve this.

FLO MITCHELL AND KEVIN CHRISTENSEN: GRASSHOPPER CONTROL

Flo Mitchell and Kevin Christensen are present. Ms. Mitchell lets the Commission know that the grasshoppers have a hatch starting now. It would help if we break the cycle at least once. The bait that the County was able to acquire for free is no longer available. This needs to be a united effort, or the grasshoppers will continue to return. Ms. Mitchell has worked on this project for three years, and is asking for help to get something done. She has some federal and state help, and is working with the farmers, asking them to report when they see hatches.

SALLY EAST WITH MT. PLEASANT CITY: APPROVAL OF INTERLOCAL AGREEMENT WITH SANPETE COUNTY JUSTICE COURT

This matter is tabled at the request of Mt. Pleasant City.

DARIN OLSEN WITH THE FOREST SERVICE: INTRODUCTION AS A NEW HIRE

Darin Olsen is present. He is the new District Ranger, and works out of the Ferron office. He has worked for the Forest Service for several years. His mom was from Wales, and his wife attended Snow College. He is starting the travel analysis process, and is seeking information on the Olsen trail. The Commissioners suggest that he contact Richard Stevens for this.

JUDGE HENRY CLAYTON WITH THE NATO INDIAN NATION: INDIGENOUS SACRED SITES, BURIAL SITES, ARTIFACTS PROTECTION & COLLECTION & PRESERVATION

Judge Henry Clayton, Mariah Clayton and Jeremy Willemse are present. Judge Clayton displays a map that shows the area that he is asking to be protected based on a treaty. He has two issues to bring to the Commission. First, burial sight digging on land in Sterling. Judge Henry was concerned when the property owner next to him started digging. He was summoned by the planning and zoning commission and he brought this issue up with Planning and Zoning Commission. He discussed the declaration made by the United Nations on the Rights of Indigenous Peoples. He addressed the jurisdiction over the sacred sights. The second issue was protection and enhancement of the cultural environment. He discussed the Utah Division of Indian Affairs Act, or the Utah Code. He proposed three ideas to the Commissioners. The first is he would like to set up an ordinance for the purpose of establishing jurisdiction over sacred sites, burial sites, artifacts and or antiquities. The purpose of this is so the fighting over jurisdiction will stop and it will be given to them. Also to work concurrently with the state and then the federal government would need to regulate. Second he would like to set up policies and procedures for the Planning and Zoning Commission on what do you do if someone was digging and dug up bones; how do you handle that. The third is a joint project to establish a Museum where artifacts and or antiquities could be stored, administered, viewed and analyzed. He was also concerned about seismograph activity by Wolverine Gasoline and also when they start drilling. The Commissioners thanked Judge Henry for his information and said they would review what he has given them.

APPROVAL OF MINUTES

Motion is made by Commissioner Frischknecht to approve the minutes from April 20, 2010 with minor corrections. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to approve the minutes from May 11, 2010 with minor corrections. The motion is seconded by Commissioner Jarrett, and the motion passes.

COUNTY ASSESSOR KEN BENCH: CONVENE BOARD OF EQUALIZATION TO APPROVE PERSONAL PROPERTY EXEMPTIONS

This matter will be heard at the next Commission meeting.

EXECUTIVE SESSION

No executive session was needed.

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

The meeting is adjourned at 4:41 P.M.

ATTEST: *Sandy Neill*
Sandy Neill
Sanpete County Clerk

APPROVED: *Claudia Jarrett*
Claudia Jarrett
Commission Chair