

SANPETE COUNTY COMMISSION MEETING

August 18, 2015, 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

Auditor Ilene Roth is present. Motion is made by Commissioner Frischknecht to approve payment of claims #336735 through #336835. The motion is seconded by Commissioner Bartholomew, and the motion passes.

SHEILA BRINGHURST: APPROVAL TO HIRE TRACY BRAITHWAITE AS A PART-TIME DISPATCHER

Debbie Hatch is present. Motion is made by Commissioner Bartholomew to approve hiring Tracy Braithwaite as a part-time dispatcher at \$12.41 per hour pending successful completion of required testing. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL OF PAYMENT REQUEST FROM JONES AND DEMILLE FOR CONSULTANT SERVICES ON THE SEVIER RIVER BRIDGE PROJECT

Motion is made by Commissioner Frischknecht to approve the payment of \$5,271.86 to Jones and DeMille for consultant services on the Sevier River Bridge Project. The motion is seconded by Commissioner Bartholomew, and the motion passes. The funds will be paid by UDOT.

APPROVAL OF STREAM ALTERATION PERMIT ON THE SEVIER RIVER BRIDGE PROJECT

Motion is made by Commissioner Bartholomew to approve moving the stream alteration permit on the Sevier River project forward. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL OF FOUR CONTRACT MODIFICATIONS FOR PRECONSTRUCTION ENGINEERING ON THE SEVIER RIVER BRIDGE PROJECT

The modifications to the contract include additional services to be provided by the consultant, revised fixed fee amount which increased the disbursement by \$6,820, termination date is extended to January 29, 2016, and insurance is required. Motion is made by Commissioner Frischknecht to approve the modifications for the preconstruction engineering on the Sevier River Bridge project. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL TO PAY K&H INTEGRATED PRINT SOLUTIONS FOR ELECTION SUPPLIES

Envelopes have been purchased for upcoming elections. When purchased in bulk and sooner than 120 days before an election, a discounted price is given for the envelopes. Motion is made by Commissioner Bartholomew to approve the payment of \$5,907.92 to K&H for envelopes to be used in elections by the clerk's office. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY BROKEN ARROW FOR COMPLETION OF ROOF REPAIR

Motion is made by Commissioner Frischknecht to approve the payment of \$31,325 to Broken Arrow for the completion of the roof repair. The motion is seconded by Commissioner Bartholomew, and the motion passes.

SANDRA VINCENT: REQUEST FOR RULING ON GRAND-FATHERED PARCEL OF LAND (S 22523x6) INVOLVING POSSIBLE FENCE LINE AGREEMENT

Zoning Administrator Scott Olsen is present. Sandra Vincent owns parcel S 22523x6. This 10 acre parcel is in the 40 acre zone, but has been 10 acres since before 1981 when the zoning laws were adopted. This parcel is considered grand-fathered in, allowing it to be used as a building lot. A fence line agreement has been proposed to settle a property dispute. This agreement would take approximately 1.36 acres away from the property. Our ordinance doesn't allow a person to create a new lot and retain the grand-fathered in ability to build. A fence line adjustment or boundary line adjustment does not negate the grand-fathering of a lot as no new lot is created. Motion is made by Commissioner Bartholomew to grant continuing grand-fathering on lot S 22523x6 even though the lot will decrease in size due to a proposed fence line agreement. The motion is seconded by Commissioner Frischknecht, and the motion passes.

GARY ARNOLDSON, DAVID ALPHIN, PAUL BECKSTEAD AND DOUGLAS GARRITSON: PUBLIC HEARING FOR REQUEST TO RE-ZONE APPROXIMATELY 83 ACRES OF LAND ON 22502, 22502X, 22502X1, 22500X7, 22500X8 AND 22500X10 FROM SENSITIVE LANDS TO AGRICULTURAL (A-ZONE)

Scott Olsen is present. Gary Arnoldson requested to re-zone his property. A home was previously built on the property, then the property was split. At the time, he didn't understand that the property no longer complied with the zoning regulations. Mr. Arnoldson would like to create a subdivision after the zone change is approved. With the zone change and subdivision, his lot will be brought into compliance with the current zoning regulations. He contacted the nearby property owners, and they also applied to re-zone their property. This property is contiguous to the A-Zone. Motion is made by Commissioner Frischknecht to approve the re-zone of 22502, 22502x, 22502x1, 22500x7, 22500x8 and 22500x10 from Sensitive Lands to Agricultural (A-Zone). The motion is seconded by Commissioner Bartholomew, and the motion passes.

ADOPTION OF A RESOLUTION APPROVING THE PROCESS FOR DISPOSAL OF PROPERTY ACQUIRED BY SANPETE COUNTY THROUGH ANNUAL TAX SALES

The resolution which is attached is read for the record. Motion is made by Commissioner Bartholomew to adopt Resolution #08 18 2015 A, approving the process for disposal of property acquired by Sanpete County through annual tax sales. The motion is seconded by Commissioner Frischknecht, and the motion passes.

KIMBALL & ROBERTS: AUDIT REPORT

Rick Roberts and Gabe Miller present the audit report for 2014. Motion is made by Commissioner Bartholomew to accept the audit report. The motion is seconded by Commissioner Frischknecht, and the motion passes.

REQUEST FROM ENCORE LAND SERVICE TO LEASE THE MINERAL INTEREST ON A PORTION OF S 27460 NEAR MORONI

No one is present. This matter is tabled.

KATHLEEN AND ROD CULLEY: DISCUSSION OF REQUEST TO PURCHASE PARCEL S 16760X1; APPROVAL TO PUBLISH REQUEST TO PURCHASE

Kathleen Culley is present. She is advised to pay a \$50 request fee so the process can begin, and this can be published in the newspaper. The publication will include the minimum bid required. All bids must be sealed. Kathleen Culley will pay the fee today, and the clerk will notify her of the minimum bid and deadline for submitting when this is ready to be published. Motion is made by Commissioner Frischknecht to publish a notice in the paper to accept bids on S 16760x1. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL OF INDEMNITY AGREEMENT WITH TWIN OAKS FOR A BRIEF SIDEWALK INCURSION ON COUNTY PROPERTY

David Asay and Duane M. Moser are present. The agreement is read for the record. Motion is made by Commissioner Bartholomew to approve the indemnity agreement with Twin Oaks for a brief sidewalk incursion on County property. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL OF A QUIT CLAIM DEED TO BRIAN AND MICHELLE REILLY FOR PROPERTY PURCHASED FROM SANPETE COUNTY (S 33303 AND S 33363 IN ASPEN HILLS)

Motion is made by Commissioner Bartholomew to approve a quit claim deed from Sanpete County to Brian and Michelle Reilly for S 33303 and S 33363 in Aspen Hills. The motion is seconded by Commissioner Frischknecht, and the motion passes.

DISCUSSION AND APPROVAL OF RESOLUTION FOR LOCAL SALES TAX FOR TRANSPORTATION

The proposed resolution is read for the record. It is attached to this document. The Commissioners discuss whether to pass this resolution to put the local option sales tax on the ballot this November. Eight of the cities have passed resolutions asking the County to put this on the ballot this year. There is a complicated formula that needs to be understood, and this year there will be statewide information shared to educate the public. Motion is made by Commissioner Bartholomew to approve resolution 08-18-2015 B, to place the local sales tax option for transportation on the ballot this year. The motion is seconded by Commissioner Frischknecht. Roll call vote is taken. Commissioner Bartholomew: Aye, Commissioner Frischknecht: Aye, Commissioner Jarrett: Aye. The resolution passes.

APPROVAL OF MINUTES

Motion is made by Commissioner Frischknecht to approve the minutes from August 4, 2015 with minor corrections. The motion is seconded by Commissioner Bartholomew, and the motion passes.

Motion is made by Commissioner Bartholomew to go into executive session to discuss pending or reasonably imminent litigation and the character, professional competence, or physical or mental health of an individual. The motion is seconded by Commissioner Frischknecht, and the motion passes.

EXECUTIVE SESSION

Motion is made by Commissioner Frischknecht to go out of executive session. The motion is seconded by Commissioner Bartholomew, and the motion passes. The following action was necessary due to this executive session: Motion is made by Commissioner Bartholomew to authorize the expenditure of up to \$2,500 for our attorney to work with Christensen and Jensen on a law suit that has recently been filed against the County. The motion is seconded by Commissioner Frischknecht, and the motion passes.

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

The meeting is adjourned at 5:12 P.M.

ATTEST: *Sandy Neill*
Sandy Neill
Sanpete County Clerk

APPROVED: *Claudia Jarrett*
Claudia Jarrett
Commission Chair

RESOLUTION NO. 08-18-2015 A

A RESOLUTION APPROVING THE PROCESS FOR DISPOSAL OF PROPERTY ACQUIRED BY SANPETE COUNTY THROUGH ANNUAL TAX SALES

WHEREAS, pursuant to Utah Code Ann. §17-50-302, the State grants to counties power to perform various functions necessary to effectuate local government; and

WHEREAS, pursuant to Utah Code Ann. §17-53-220, Sanpete County is empowered to levy taxes against the taxable property within the county for all county purposes; and

WHEREAS, when property owners fail to pay the assessed property tax, pursuant to Utah Code Ann. 59-2-1331, that property is deemed delinquent by the County; and

WHEREAS, pursuant to Utah Code Ann. §§ 59-2-1343 and 59-2-1351, if after four years of delinquency the tax delinquency remains unredeemed, Sanpete County may sell the delinquent property at its next annual tax sale; and

WHEREAS, pursuant to Utah Code Ann. § 59-2-1351, Sanpete County gives public notice of and conducts an annual tax sale; and

WHEREAS, occasionally property auctioned during the annual tax sale fails to receive bids or willing purchasers, then pursuant to Utah Code Ann. § 59-2-1351.3, such said property is struck off and sold to the County thereby vesting the property's title to the County in fee simple; and

WHEREAS, pursuant to Utah Code Ann § 59-2-1351.5, Sanpete County may dispose of property obtained by the County at tax sale for a price and upon terms determined by the Board of Sanpete County Commissioners.

NOW THEREFORE, BE IT RESOLVED THE BOARD OF SANPETE COUNTY COMMISSIONERS AS FOLLOWS:

1. Sanpete County affirms that the County is not actively marketing properties obtained via annual tax sales; however is willing to consider selling such County-owned property on an individualized case basis.
2. Sanpete County preserves the right to retain properties obtained at tax sale for County purposes relative to purposes reasonably related to the safety, health, morals, welfare and overall good of the County as determined by the Board of County Commissioners.
3. To assist the public and adhere to the County's policy of transparency, the Sanpete County Clerk is directed to maintain an updated list of properties acquired and owned by Sanpete County via annual tax sales. Such list shall be available on the Clerk's website and available for inspection during regular business hours.
4. Any party having serious interest in obtaining a property from the list may commence the selling process by posting a non-refundable \$50.00 posting fee to Sanpete County.

5. Upon receiving the original \$50.00 posting fee, Sanpete County will publish and/or otherwise give public notice of the County's intent to entertain bids from interested parties to acquire the subject parcel. Within the notice, Sanpete County will invite interested parties to submit written, sealed bids as irrevocable offers to purchase the property should Sanpete County choose to accept the submitted offer. All bids must be sufficient to pay all back taxes, interest owing, penalties, tax sale administrative fees and supervisory fees, plus any additional amount the bidder wishes to submit to ensure a successful bid. Sanpete County shall calculate the minimum bid requirement and include the amount within its public notice posting.
6. The tax sale administrative fees shall be calculated based on the entire amount expended including administrative and title search fees related to the original tax sale.
7. The supervisory fee shall be discretionary to the County based on parcel size and County participation in maintaining and preserving the parcel.
8. Sealed, written bids shall be opened during the public portion of the next scheduled Sanpete County Commission meeting following the deadline for submitting bids.
9. Should the original party posting the \$50.00 fee be the successful bidder, Sanpete County shall credit the posting fee as part of the amount bid for the parcel.
10. All bid shall be tendered in good faith. Sanpete County is not bound to award the parcel to the highest bid tendered. Should the County award the property to a person or party other than the highest bid amount, the Commission chair shall state such reasons on the record.
11. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full effect.
12. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED THIS 15th DAY OF AUGUST, 2015.

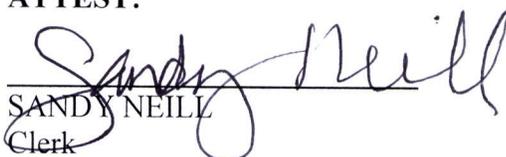

 CLAUDIA JARRETT
 Commission Chair



Voting:

Steve Frischknecht: Aye ___ Nay
 Scott Bartholomew: Aye ___ Nay
 Claudia Jarrett: Aye ___ Nay

ATTEST:


 SANDY NEILL
 Clerk

RESOLUTION NO. 08-18-2015 B

A RESOLUTION AUTHORIZING SUBMISSION OF AN OPINION QUESTION TO SANPETE COUNTY REGISTERED VOTERS VOTING ON THE IMPOSITION OF A .25% SALES AND USE TAX DURING THE NOVEMBER 2015 ELECTION.

WHEREAS, a safe and efficient transportation system creates the foundation for economic growth, improved air quality and public health, and enhanced quality of life; and

WHEREAS, the creation and maintenance of transportation infrastructure is a core responsibility of local government; and

WHEREAS, the creation and maintenance of transportation infrastructure requires funding to provide; and

WHEREAS, during the 2015 General Session, the Utah legislature passed House Bill 362 which authorized counties to impose a local option sales and use tax for highways and public transit; and

WHEREAS, pursuant to Utah Code Ann. §59-12-2219(8), revenue collected from this tax may be expended for purposes including: (1) class B roads; (2) class C roads; (3) traffic and pedestrian safety, including for a class B road or class C road for: a sidewalk, curb and gutter, a safety feature, a traffic sign, a traffic signal, street lighting or a combination of the foregoing; (4) the construction, maintenance, or operation of an active transportation facility that is for non-motorized vehicles and multimodal transportation and connects an origin with a destination; (5) public transit system services; or (6) any combination of (1) through (5); and

WHEREAS, following town meetings held in Mt. Pleasant, Manti and Gunnison, eight of the thirteen municipalities within Sanpete County passed formal resolutions supporting the proposed sales and use tax; and

WHEREAS, prior to imposing the sales and use tax, the Sanpete County Commission is required to submit an opinion question to Sanpete County's registered voters voting on the imposition of the sales and use tax; and

WHEREAS, if following the election, the Sanpete County Commission determines that a majority of Sanpete County's registered voters voting on the imposition of the sales and use tax, then the Commission shall vote upon imposing the sales and use tax.

NOW THEREFORE, BE IT RESOLVED THE BOARD OF SANPETE COUNTY COMMISSIONERS AS FOLLOWS:

1. A notice of an opinion question is to be placed on the General Election ballot for the purpose of authorization of the imposition of a local sales and use tax of one quarter of one percent (.25%) to fund motorized and non-motorized transportation projects,

corridor preservation, congestion mitigation, or to expand capacity for regionally significant transportation facilities in Sanpete County. Said notice shall be published in a newspaper of general circulation in Sanpete County for three consecutive weeks, the first publication of which shall be not less than 21 nor more than 35 days before the election.

2. The notice shall be published in form and content as follows:
 - a. Notice is hereby given that the Sanpete County Commission has called for an opinion question to be placed on the General Election ballot for the purpose of authorization of the imposition of a local sales and use tax of one quarter of one percent (.25%) to fund motorized and non-motorized transportation projects, corridor preservation, congestion mitigation, or to expand capacity for regionally significant transportation facilities in Sanpete County. The question submitted to voters shall appear on the November 2015 ballot. Polling places, time and election officials will be the same as already established by the Sanpete County Clerk for the General Election. All qualified voters shall be entitled to vote either for or against the proposal. The General Election will be held on the 3rd day of November, 2015 between the hours of 7:00 a.m. and 8:00 p.m.
3. The Sanpete County Commission hereby directs that the following, or substantially similar language, be submitted as an opinion question to registered Sanpete County voters during the November 2015 general election:

“Shall Sanpete County, Utah, be authorized to impose a quarter of one percent (0.25% or the equivalent of 1 cent for every \$4 spent or equally, 25 cents for every \$100 spent) sales and use tax (except on sales of food and food ingredients) for the specific purpose of transportation improvements such as roads, trails, sidewalks, maintenance, and safety features, with the revenues divided among the county, towns and cities?”
4. The Sanpete County Commission hereby directs the Sanpete County Clerk and all other appropriate officers and employees of the County to take all actions necessary and appropriate to conduct the General Election specified herein and that the General Election be conducted in accordance with State law as to voting, registration, challenges to voters, judges, ballot forms, sample ballots, absentee voting, canvass, notice of results, and all other election procedures.
5. This resolution shall take effect without publication immediately upon its adoption by the Board and the Sanpete County Clerk is hereby directed to publish the election notice.

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PASSED AND ADOPTED THIS 18th DAY OF AUGUST, 2015.


CLAUDIA JARRETT
Commission Chair



Voting:

Steve Frischknecht: Aye Nay

Scott Bartholomew: Aye Nay

Claudia Jarrett: Aye Nay

ATTEST:


SANDY NEILL
Clerk