

**SANPETE COUNTY COMMISSION MEETING**

**June 21, 2016, 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 #338877 through #338943. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**APPROVAL OF A RIGHT OF WAY AGREEMENT PURCHASED BY MADSEN EXCAVATING**

Motion is made by Commissioner Bartholomew to approve a right of way agreement with Madsen Excavation to install an underground water line under the gravel road at 100 South at 680 West near Ephraim. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL TO PAY CHRISTENSEN & JENSEN, P.C. FOR WORK DONE ON THE ENGLESTEAD VS PALISADES CASE**

Motion is made by Commissioner Frischknecht to approve the payment of \$5,321.10 to Christensen and Jensen, P.C. for work done on the Englestead vs Palisades case. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**APPROVAL OF A RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2016 CENTRALLY ASSESSED PROPERTIES**

Assessor Ken Bench is present. The State centrally assesses utilities, properties that cross county lines, and very large properties. If an appeal to a centrally assessed property is made, it is handled by the state. Four owners with centrally assessed property in Sanpete County have filed an appeal with the Utah State Tax Commission for 2016. Motion is made by Commissioner Frischknecht to adopt resolution 06-21-2016, authorizing the filing of cross-appeals for 2016 centrally assessed properties. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**CONSIDERATION AND APPROVAL TO VACATE THE DECISION MADE IN COMMISSION MEETING ON MAY 17, 2016 REMOVING PORTIONS OF PARCELS 6384, 6362, 6359, AND 6360 FROM THE PUBLIC FACILITIES ZONE NEAR THE EPHRAIM AIRPORT**

The notice was deficient for the public hearings that came before the decision made on May 17, 2016. Brody Keisel, Attorney advises the Commission to vacate the decision to correct the error. Motion is made by Commissioner Frischknecht to approve vacating the decision made on May 17, 2016 that removed portions of parcels 6384, 6362, 6359, and 6360 from the public facilities zone near the Ephraim airport. This matter will go back to the Planning Commission. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**CONSIDERATION AND APPROVAL TO CONVERT THE VICTIM ADVOCATE POSITION TO FULL-TIME WITH BENEFITS**

Brody Keisel explains that the grant for the victim advocate position has been increased to allow full-time benefitted employment. Heidi Aagard is currently employed part-time in that position. Commissioner Jarrett expresses concern about a standard change relative to overtime that may impact future policies involving balancing of the hours. Hours worked are documented on a time card for this position, and the present policy will remain in force, so it shouldn't be a problem. Motion is made by Commissioner Bartholomew to approve the conversion of the victim's advocate position for Heidi Aagard to full-time effective July 1, 2016, with benefits as determined in negotiations with the auditor. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**MATT PALMER: APPROVAL TO POST AN OPENING FOR AN ASSISTANT MANAGER FOR THE SUSTAINABLE AGRICULTURE CENTER**

Matt Palmer is present. Motion is made by Commissioner Frischknecht to approve posting an opening for an assistant manager for the sustainable agriculture center. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**MARTY DUITZ: APPROVAL TO PURCHASE TWO UTILITY BOXES FOR THE BRUSH TRUCKS**

Marty Duitz is present. Motion is made by Commissioner Bartholomew to approve the purchase of two utility boxes for the new brush truck for the Indianola Valley Fire Department at a cost of \$1,580. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**JAYSON ALBEE: APPROVAL OF ALERTSENCE CONTRACT; APPROVE AARON BROOMHEAD AS A SEARCH AND RESCUE VOLUNTEER**

Sergeant Jayson Albee is present. The funds for AlertSence come from a grant at this time. In the future, we would need to come up with the funds if we want to continue the program. AlertSence is a program that helps notify the public during emergencies. Motion is made by Commissioner Bartholomew to approve the AlertSense Contract for one year, with the \$8,200 cost being paid by a grant. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Bartholomew to approve Aaron Broomhead as a search and rescue volunteer. The motion is seconded by Commissioner Frischknecht, and the motion passes. Discussion is held as to whether a document approving each of the search and rescue volunteers needs to be signed by the Commission. Statute requires that a roster be provided for worker's compensation purposes.

**SHERIFF BRIAN NIELSON: APPROVAL TO SELL TASK FORCE 2013 DODGE 1500 QUAD SKT 4X4; APPROVAL TO PURCHASE AMMUNITION**

Sheriff Brian Nielson is present. This Dodge vehicle is being sold for close to \$23,000 which was the original purchase cost. Motion is made by Commissioner Bartholomew to approve the sale of the task force 2013 Dodge 1500 Quad SKT 4x4. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Frischknecht to approve expending the remainder of the ammunition budget in the amount of \$9,470. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**PUBLIC HEARING TO CONSIDER AND POTENTIALLY ADOPT A PROPOSAL TO AMEND THE 2001 SANPETE COUNTY LAND USE ORDINANCE AND ZONING MAP BY ADOPTING A BUFFER ZONE, AFFECTING MULTIPLE ZONES AROUND MOUNT PLEASANT CITY**

Now is the time and the place for a public hearing. Zoning Administrator Scott Olsen and Mt Pleasant City employee Dave Oxman are present. The road grid plan for Mt Pleasant City is not part of the zone change, but is included on an overlay of the map. Mr. Olsen explains the various zones that are included in the buffer zone to meet the city's needs. The Public Facility zone only consists of the sewer lagoon and city owned property. Motion is made by Commissioner Bartholomew to adopt the proposal to amend the Sanpete County Land Use Ordinance and Zoning Map by adopting a buffer zone around Mt Pleasant City. The motion is seconded by Commissioner Frischknecht, and the motion passes. Commissioner Bartholomew amends the motion to be contingent upon recommendation from the Planning and Zoning Commission to amend Section 14.24.030 of the Land Use Ordinance which requires a ½ mile buffer zone, and then the Commissioners amending Section 14.24.030 of the Land Use Ordinance to allow a one mile buffer zone. The amended motion is seconded by Commissioner Frischknecht, and the motion passes.

**LORI NAY: RURAL UTAH ALLIANCE DISCUSSION**

This matter is stricken.

**SCOTT NOLL W/TATE FARMS: REQUEST FOR APPROVAL TO INSTALL GATES OR CATTLEGUARD TO CROSS OLD HIGHWAY 132**

Scott Noll is present. He is requesting to be allowed to install four gates to add to the current cattleguard to use as a buffer to keep the wild horses from the BLM program from leaving the pasture. Part of the property has fencing, but the side by the old highway is not fenced. Mr. Noll states he will accept the liability for containing the horses. The road is a class B road, so the gates can't be locked. Motion is made by Commissioner Frischknecht to approve the installation of four gates contingent upon a memorandum of understanding regarding the expectations for the gates. The Commission ask to receive a schedule of when the gates will be closed (to be updated as needed), and will require a sign to be posted advising the public to be aware of possible gate closure, and to leave the gate as it was when they approached. Reflectors need to be placed on the gates, and any other requirements as determined by County Attorney, Brody Keisel. The motion is seconded by Commissioner Bartholomew, and the motion passes. Mr. Noll will alert the road supervisor of the road closure dates.

**AUTHORIZATION FOR UDOT TO PAY JONES & DEMILLE ENGINEERING FOR WORK DONE ON THE SEVIER RIVER BRIDGE WEST OF CENTERFIELD**

Motion is made by Commissioner Frischknecht to authorize UDOT to Pay Jones & DeMille Engineering \$11,514.82 for work done on the Sevier River Bridge west of Centerfield. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**EXECUTIVE SESSION**

No executive session was needed.

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

The meeting is adjourned at 3:55 P.M.

ATTEST: *Sandy Neill*  
Sandy Neill  
Sanpete County Clerk

APPROVED: *Claudia Jarrett*  
Claudia Jarrett  
Commission Chair

**SANPETE COUNTY COMMISSION RESOLUTION  
AUTHORIZING THE FILING OF CROSS-APPEALS  
FOR 2016 CENTRALLY ASSESSED PROPERTIES**

RESOLUTION NO. 06-21-2016 ADOPTED 6/21/2016

A RESOLUTION OF THE **SANPETE** COUNTY COMMISSION APPROVING  
THE FILING OF CROSS-APPEALS TO 2016 APPEALS FILED BY  
TAXPAYERS SUBJECT TO CENTRAL ASSESSMENT.

IT IS HEREBY RESOLVED BY THE **SANPETE** COUNTY COMMISSION THAT:

WHEREAS, Utah Code Ann. § 59-2-1007 allows a county to object to an assessment and request a hearing with the Utah State Tax Commission (“cross-appeal”) within thirty days from when an owner of a centrally assessed property objects and requests a hearing (“appeal”);

WHEREAS, the following owners with centrally assessed property in **SANPETE** County have filed an appeal with the Utah State Tax Commission contesting their 2016 assessment:  
1. **AT&T Mobility LLC**; 2. **Cellco Partnership d/b/a Verizon Wireless**; 3. **T-Mobile US Inc.**;  
4. **PacifiCorp**.

WHEREAS, it is in the best interest of the County that it file a cross-appeal(s) so that the County can fully participate in the proceedings initiated by the owner(s), including subsequent appeals to the District Court or Utah Supreme Court arising from such proceedings, with the purpose to protect the County’s financial interests and the equality of the tax burdens of taxpayers within its jurisdiction.

NOW, THEREFORE, the **SANPETE** COUNTY COMMISSION resolves as follows:

1. That cross-appeals should be filed by legal counsel and pursued in response to the appeals initiated by the following owners: 1. **AT&T Mobility LLC**; 2. **Cellco Partnership d/b/a Verizon Wireless**; 3. **T-Mobile US Inc.**; and 4. **PacifiCorp**.

2. That the County Commission direct the prosecution of the cross-appeal(s) under the advice of legal counsel, hereby authorizing Thomas W. Peters esq, to file the necessary cross-appeals to protect the County’s interests.

3. That in the event an appeal by an owner not identified above is subsequently discovered, legal counsel is authorized to file a cross-appeal using his or her discretion to ensure timeliness, but such cross-appeal must be subsequently brought before the Commission as soon as possible for ratification.

APPROVED and ADOPTED this 21st day of June, 2016.

SANPETE COUNTY COMMISSION

By: *Claudia Jarrett*  
Claudia Jarrett, Chair

ATTEST:

By: *Sandy Neill*  
Sandy Neill  
County Clerk



APPROVED AS TO FORM:

*Brody Keisel*  
Brody Keisel  
Attorney

Voting:

Claudia Jarrett  
Steve Frischknecht  
Scott Bartholomew

*aye* \_\_\_\_\_  
*aye* \_\_\_\_\_  
*aye* \_\_\_\_\_