

SANPETE COUNTY COMMISSION MEETING

May 17, 2011, 2:00 P.M.

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

Present are: Commission Chair Claudia Jarrett, Commissioner Steve Frischknecht, County Attorney Brody Keisel, and County Clerk Sandy Neill. Commissioner Spencer Cox is excused. Jay Clayton is present from the media.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Auditor Ilene Roth is present. Motion is made by Commissioner Frischknecht to approve the payment of claims #325966 through #326077. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO PAY KEEN IMPRESSIONS FOR ADDRESSING AND MAILING TRAVEL BROCHURES

Motion is made by Commissioner Frischknecht to approve the payment of \$1,758.61 to Keen Impressions for addressing and mailing travel brochures. The motion is seconded by Commissioner Jarrett, and the motion passes.

SHERIFF BRIAN NIELSON: APPROVAL OF CREDIT CARD FOR KEITH NUNLEY; APPROVAL TO RETAIN JUSTIN AAGARD AS A PART-TIME DEPUTY; APPROVAL TO PURCHASE AMMUNITION; APPROVAL TO HIRE BEVAN MONROE PART-TIME

Sheriff Brian Nielson is present. Motion is made by Commissioner Frischknecht to approve issuing a credit card to Keith Nunley with a credit limit of \$1,000.00. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Frischknecht to approve retaining Justin Aagard as a part-time deputy at the rate of \$12.87 per hour. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Frischknecht to approve the expenditure of \$8,425.85 to purchase ammunition. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Frischknecht to approve the hiring of Bevan Monroe, as a part-time deputy at the rate of \$12.87 per hour effective May 17, 2011. The motion is seconded by Commissioner Jarrett, and the motion passes. Approval is given to pay Deputy Sweetwood the part-time rate of \$12.87 per hour.

CONSIDERATION OF ORDINANCE CONFIRMING OPENNESS OF COUNTY ROADS FOR OHV TRAVEL

This proposed ordinance will open County roads for OHV use. Statute already specifies how old a driver must be to operate OHVs. The Commissioners discuss whether a different speed limit should be set for OHVs. This would involve many signs over the 500 or so miles of County roads. State statutes would still be enforced as to age and helmets. The Commission asks the Sheriff to review the ordinance and meet with the County Attorney with suggestions for items to be included in the ordinance. This matter will be placed on the next agenda for approval.

CONSIDERATION OF THE BARLOW FAMILY TRUST MEMORANDUM OF UNDERSTANDING

This matter will be placed on the next agenda for approval.

TOM PETERSON: APPROVAL TO HIRE SHAWN EDWARDS FOR G.I.S. WORK

Tom Peterson appears by phone. Motion is made by Commissioner Frischknecht to approve the hiring of Shawn Edwards for G.I.S. work at the rate of \$13.50 to begin the first of the next pay period. The motion is seconded by Commissioner Jarrett, and the motion passes.

ASPEN GROVE ASSETS: REQUEST A PUBLIC HEARING FOR APPROVAL TO AMEND THE LAND USE ORDINANCE BY ADDING A DEFINITION FOR SLEEPING UNITS

Scott Olsen and David Asay are present. The definition for sleeping units will read as follows: Portable sleeping unit: A small, and/or movable sleeping structure not to exceed 200 square feet only allowed and used in RV Park Campground. Not to exceed 3 per acre must have a conditional use permit and building permit to install in the RV Park Campground. No utilities except lighting. If permanently installed a power pedestal is required and hard wired to the unit, and if movable a maximum 50 ft. RV power cord and connections. Motion is made by Commissioner Frischknecht to set a public hearing for approval to amend the land use ordinance by adding a definition for sleeping units. The motion is seconded by Commissioner Jarrett, and the motion passes.

ASPEN GROVE ASSETS: REQUEST A PUBLIC HEARING FOR AMENDMENT TO THE PINE CREEK RANCHOS SUBDIVISION TO ADJUST LOT LINES, AND TO CHANGE THE NAME OF THE SUBDIVISION TO TWIN OAKS

David Asay is present. An agreement was reached with neighboring lot owners allowing the fence line to become the lot lines. Deeds have been prepared reflecting the changes. Another lot line has been adjusted, allowing the road to be altered, to make access easier. A majority of the property owners have signed the plat, and a public hearing will be held. Motion is made by Commissioner Frischknecht to set a public hearing for amendment to the Pine Creek Ranchos Subdivision to adjust lot lines and to change the name of the subdivision to Twin Oaks. The motion is seconded by Commissioner Jarrett, and the motion passes.

THOMAS FUHRIMAN: REQUEST FOR A PUBLIC HEARING FOR APPROVAL OF A LOT LINE CHANGE IN THE HAWK MEADOWS RANCH SUBDIVISION, LOCATED SOUTH OF MILBURN

Thomas Fuhriman is present. Motion is made by Commissioner Frischknecht to set a public hearing for the lot line change in the Hawk Meadows Ranch Subdivision. The motion is seconded by Commissioner Jarrett, and the motion passes.

ZONING ADMINISTRATOR SCOTT OLSEN: REQUEST A PUBLIC HEARING FOR CLARIFICATION AND CHANGES TO THE LAND USE ORDINANCE AND SUBDIVISION ORDINANCE

Scott Olsen reviews proposed changes which updates the codes being used, and clarifies enforcement. Motion is made by Commissioner Frischknecht to set a public hearing for clarification and changes to the Land Use Ordinance and Subdivision Ordinance. The motion is seconded by Commissioner Jarrett, and the motion passes.

ROBERT SHELLEY: FINAL APPROVAL OF THE HOPE'S SUBDIVISION, LOCATED ON THE SHELLEYVILLE ROAD, NORTH OF MT. PLEASANT ON S 22157

Robert Shelley is present. This is a one lot minor subdivision on property currently owned by his father. Motion is made by Commissioner Frischknecht to approve the Hope's Subdivision on S 22157. The motion is seconded by Commissioner Jarrett, and the motion passes.

JIMMY KEISEL: APPROVAL OF A 1 LOT MINOR SUBDIVISION LOCATED ON SUNFLOWER LANE WEST ROAD IN AXTELL

Jimmy Keisel is present. All is in order, but signatures need to be notarized before the plat is signed. Jimmy Keisel will get that done and return.

HAL AND KODY ANDERSON: APPROVAL OF A 4-LOT MINOR SUBDIVISION LOCATED ON WEST SIDE ROAD NORTH OF WALES ON S 25553X

Hal and Kody Anderson are present. Motion is made by Commissioner Frischknecht to approve the 4 lot minor subdivision located on West Side Road north of Wales on S 25553x. The motion is seconded by Commissioner Jarrett, and the motion passes.

JOHN LEE; BLUE MOON DEVELOPMENT: REQUEST A PUBLIC HEARING FOR A ZONE CHANGE ON S 22039 & S 22039X FROM THE A ZONE TO THE BC ZONE

This property is south of Fairview 1 mile. This proposed zone change would be a spot zone change of 9.8 acres. Motion is made by Commissioner Frischknecht to set a public hearing for a zone change on S 22039 and S 22039x. The motion is seconded by Commissioner Jarrett, and the motion passes.

KEAGON PRITCHARD: DISCUSSION OF BACK TAXES OWED ON S 7080X3

Keagon Pritchard appears by phone. He has paid the \$400.00 administrative fee. He is asking for a new payment plan to catch up the taxes. Motion is made by Commissioner Frischknecht to remove S 7080x3 from this year's tax sale, remove interest due as of February of 2010, leave the interest for tax year 2010 as owing, set up a payment schedule of \$350.00 per month for 24 months, and require that the 2011's taxes are paid when they come due. The motion is seconded by Commissioner Jarrett, and the motion passes.

SANDRA VINCENT: DISCUSSION OF ACCESS ROAD WITH A LOCKED GATE THROUGH HER PROPERTY EAST OF MT. PLEASANT

Sandra Vincent is present. She owns 2 lots in the mountains east of Mt. Pleasant. Two roads give access to this property. There is a gate on the north road. She was given a key to that gate, but chose to use the South road for years. After using the South road for 17 years, the lock was changed, and they were denied access. They tried to use their key to the north road gate, and the lock was gone, and a new chain was on the south gate. Ms. Vincent is concerned because part of the roads run through her property, and have been used by the public for many years, yet access is now denied. At this time, she has no access to her property. The Commission and County Attorney advise Ms. Vincent that they can't give legal advice on how to take care of this situation. She is advised to contact her attorney for legal advise.

APPROVAL OF RAC FUNDING FOR WEED CONTROL PROJECTS

Motion is made by Commissioner Frischknecht to approve the signature of the chair on the application for federal assistance to receive RAC funding for weed control projects. The motion is seconded by Commissioner Jarrett, and the motion passes. Sanpete County will received \$90,000 for chemicals for weed control projects.

APPROVAL OF COOPERATIVE FOREST ROAD AGREEMENT BETWEEN SANPETE COUNTY AND THE MANTI-LA SAL NATIONAL FOREST

Motion is made by Commissioner Frischknecht to approve the cooperative forest agreement for the roads in the Manti-La Sal National Forest. The motion is seconded by Commissioner Jarrett, and the motion passes.

DISCUSSION OF LAWSUIT FILED IN THIRD JUDICIAL DISTRICT COURT RE TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX

This matter will be heard in executive session.

LAURA LISTER REPRESENTING SANPETE COUNTY HORSE 4-H: REQUEST FOR DONATION TO HELP FUND THE PROGRAM

Laura Lister is present. She asks if the County will still be able to assist in the 4-H Horse program. The Commission will check to see how this donation was taken care of in the past. This program goes from Mt. Pleasant to Axtell. They will be holding 3 horse shows in Manti, and 1 in Mt. Pleasant this year.

APPOINTMENT OF PLANNING COMMISSION MEMBERS

Motion is made by Commissioner Frischknecht to appoint Leon Day to the Planning Commission. The motion is seconded by Commissioner Jarrett, and the motion passes. Mr. Day will be sworn in today in the clerk's office.

MARTHA LARSEN REPRESENTING DAVID PETERSON: DOCUMENTATION FOR EXEMPTING S 25987 FROM THE SUBDIVISION REQUIREMENT BECAUSE THE SPLIT INVOLVED DONATING PROPERTY TO A MUNICIPALITY

Martha Larsen and Scott Olsen are present. This property was split with a parcel going into city limits. The split lot left in the County is accepted by the County. Motion is made by Commissioner Frischknecht to exempt this property from the 1 lot subdivision requirement. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL OF MINUTES

Motion is made by Commissioner Frischknecht to approve the minutes from May 3, 2011 with minor corrections. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to go into executive session to discuss pending or reasonably imminent litigation. The motion is seconded by Commissioner Jarrett, and the motion passes.

EXECUTIVE SESSION

Motion is made by Commissioner Frischknecht to go out of executive session. The motion is seconded by Commissioner Jarrett, and the motion passes. The following action was necessary due to this executive session. Motion is made by Commissioner Frischknecht to direct the County Attorney to write a letter to Stirba and Associates to add Sanpete County to the lawsuit filed in Third Judicial District Court re tourism, recreation, cultural, convention, and airport facilities tax as an intervener. The motion is seconded by Commissioner Jarrett, and the motion passes.

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

The meeting is adjourned at 4:36 P.M.

ATTEST: *Sandy Neill*
Sandy Neill
Sanpete County Clerk

APPROVED: *Claudia Jarrett*
Claudia Jarrett
Commission Chair