

SANPETE COUNTY COMMISSION MEETING

May 7, 2013, 1:00 P.M.

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

Present are: Commission Chair Claudia Jarrett, Commissioners Jon Cox and Steve Frischknecht, County Attorney Brody Keisel (excused for the first part of the meeting), 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 #33097 through #331080. The motion is seconded by Commissioner Cox, and the motion passes.

Approval of Travel Council Expenditures for Summer Radio Ads and Arapeen Trail Maps

Motion is made by Commissioner Cox to approve the expenditure of \$3,500.00 for Summer Radio Ads and \$5,143.00 for Arapeen Trail maps, plus the fee for bulk mail postage. The motion is seconded by Commissioner Frischknecht, and the motion passes. Transient Room Tax (TRT) funds can be used for Search and Rescue activities and law enforcement activities to mitigate impacts of recreation, tourism, etc.

Discussion and Approval of USU Employee Benefits for Sanpete County USU Extension Employee

Sanpete County has a cooperative agreement with Utah State University Extension (USU). In the past, the office manager was an employee of Sanpete County, and received Sanpete County's benefits package. If we change the agreement to have the office manager become an employee of USU rather than Sanpete County, there will be a savings in the benefit expenses of about \$7,409.00 per year. Motion is made by Commissioner Cox to approve the new USU cooperative agreement, making the office manager and 4-H assistant an employee of USU, with Sanpete County reimbursing USU for the salary and benefits effective June 1, 2013. The motion is seconded by Commissioner Frischknecht, and the motion passes. (The original motion set the start date as May 1, 2013, but the date was changed to June 1, 2013 later in the meeting.)

Jesse Raynor: Final Approval of a 4-Lot Minor Subdivision on 26619

Scott Olsen and Jesse Raynor are present. The road is nearly complete. A modification on the corner needs to be completed to condense multiple accesses into one. Mr. Raynor states he will complete the changes. Motion is made by Commissioner Cox to approve the Pleasant Meadow Community Subdivision, a 4 lot minor subdivision containing 40.57 acres. The property is located south east of Mt Pleasant in the A Zone on S 26619. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Approval of Right of Way Agreement for Ephraim City Power to Move Overhead Power Line Underground on the East Borrow Pit of 400 East

Motion is made by Commissioner Frischknecht to approve the right of way agreement with Ephraim City Power to move overhead power lines underground along the east borrow pit of 400 East in Ephraim. The motion is seconded by Commissioner Cox, and the motion passes.

Approval of Minutes

Motion is made by Commissioner Cox to approve the minutes from April 16, 2013 with minor corrections. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Sheriff Brian Nielson: Approval to Purchase a Multipurpose HP LaserJet; Approval to Expend 2012 State Homeland Security Grant

Sheriff Brian Nielson is present. Motion is made by Commissioner Cox to approve the purchase of a multipurpose HP LaserJet in the amount of \$2,096.13 with the funds to come from the equipment budget. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to approve the expenditure of the 2012 State Homeland Security Grant in the amount of \$28,000.00. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Sherrena Young: Request for Adjustment of Taxes for 2012 to be Credited Towards 2013 Taxes on S 19129x1

Sherrena Young appears by phone. Her property was split in 2011, and she paid taxes in 2012 on a larger amount of land than she owned. A correction has been made to the taxes for 2013. Motion is made by Commissioner Cox to authorize a credit of the overpayment of \$294.89 for taxes that were billed and paid in 2012. This will be applied to the taxes for 2013 on S 19129x1. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Public Hearing to Consider and Adopt a Proposal to Amend the 2001 Sanpete County Land Use Ordinance by Adopting an Excavation Notice to Mitigate Flood Potential Ordinance

Garrick Willden with Jones and DeMille is present. Now is the time for the public hearing. No comments are made from the public. This ordinance will sunset in five years, and outlines the requirements for those wanting to excavate in the Wood Hollow fire area. Zoning Administrator Scott Olsen prepared a checklist to be used when work is done in the burn area. Motion is made by Commissioner Frischknecht to adopt ordinance #05 07 2013. The motion is seconded by Commissioner Cox, and the motion passes.

Discussion of Sage Information Services Purchase of Tax Roll

County Attorney Brody Keisel joins the meeting. Sage Information agreed to purchase the tax roll in 2012 for the amount of \$375.00. The tax roll was sent to Sage, and a payment of only \$50.00 was tendered. In the future, no tax rolls will be prepared until the full fee is received.

Christy Hogue with CoreLogic Solutions, LLC: Request to Purchase a Copy of the Tax Roll

Christy Hogue appears by phone. CoreLogic does not resell the information in the format that they receive it. Their customers use it for research and comparables. Motion is made by Commissioner Frischknecht to approve the sale of the tax roll to CoreLogic at a rate of \$375.00. The money is to be paid up front. The motion is seconded by Commissioner Cox, and the motion passes.

Erasm Rivera: Request for Deferral of Delinquent Property Tax and Removal from Tax Sale on S27040x7

Erasm Rivera and his son are present. His son explains that Erasm was quite ill, and unable to keep up with the payment schedule that was made for his back taxes. He had 2 parcels of land, and gave one back to the person he was purchasing it from. Mr. Rivera states that the property is used for a mechanic shop. Deferral cannot be granted if the property is used commercially. This parcel, S 274040x, will go to the May tax sale unless payment of \$3,555.79 (back taxes, penalty, interest, and administrative fee) is made by 9:45 A.M. on May 23, 2013.

Wildor Rivera: Request for Deferral of Delinquent Property Tax and Removal from Tax Sale on S 61033

Wildor Rivera is present. His property is used for an auto parts and car sales business. A payment schedule was set up in 2011. Approximately 1/3 of the agreed payments were received in the past 2 years. Deferral cannot be granted if the property is used for commercial purpose. This parcel, S 61033, will go on the tax sale unless the back taxes, penalty and interest in the amount of \$5,260.12 is paid in full by 9:45 A.M. on May 23, 2013.

Garrick Willden: Sanpete EWP 2012 Update, Discussion and Approval of Invoices; Wood Hollow Fire EWP Update, Discussion and Approval of Invoices

Garrick Willden is present. Motion is made by Commissioner Frischknecht to approve a payment of \$122,353.50 to Christensen Bros. for work done in the Manti area, \$117,102.70 to FX Construction for work done on the Moroni diversion, and a final payment of \$52,613.76 to Terry Larsen for excavation work done in the Gunnison area. The motion is seconded by Commissioner Cox, and the motion passes. The Dover Road was closed as of yesterday, and the excavation is started.

The NRCS is only allowing 13% (\$195,000.00) of the flood mitigation project money to be used for the engineering funds. This does not cover the work that has already gone into the projects. Moroni Irrigation Company is required to come up with a 25% match on their project. The match was projected to be \$50,000 - \$60,000.00. The County has rock that can be used to make up the match. We will request \$55,000.00 from the irrigation company for the match, and they can make that payment to the County. The money can then be used to make Jones and DeMille whole and any remaining money will be held for further match if needed.

Wales Town submitted a stream alt permit, and are waiting for the permit before their project can move forward.

Pauline Sorenson lives south of Fountain Green, and was concerned about the berms that were put up. Nailbenders was hired to complete the work. The berms were shaped up and compacted. Sediment that filled the property was removed, a road was built up, raising it about a foot to help prevent future flooding to their shop. Motion is made by Commissioner Frischknecht to approve payment of \$21,252.28 to Nailbenders. The motion is seconded by Commissioner Cox, and the motion passes.

Executive Session

No executive session was needed.

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

The meeting is adjourned at 3:14 P.M.

ATTEST: *Sandy Neill*
Sandy Neill
Sanpete County Clerk

APPROVED: *Claudia Jarrett*
Claudia Jarrett
Commission Chair

ORDINANCE NO. 05-07-2013

THE COUNTY LEGISLATIVE BODY OF SANPETE COUNTY ORDAINS AS
FOLLOWS:

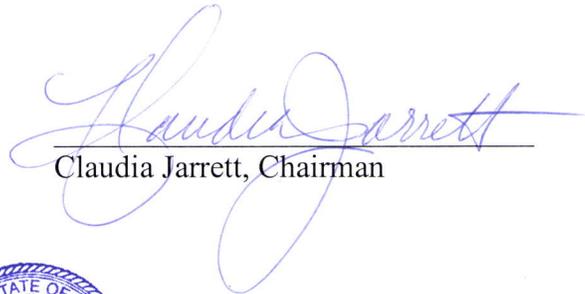
1. WHEREAS the Sanpete County Commission is the legislative body operating within Sanpete County;
2. WHEREAS Utah law grants authority to county legislative bodies to pass ordinances and rules as are necessary and proper to provide for the safety, to preserve the health, promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;
3. WHEREAS during the summer months of 2012 the Wood Hollow Fire erupted in Northern Sanpete County, destroying structures and vast acres of vegetation, leaving the area susceptible to flooding;
4. WHEREAS several property owners suffered damages due to such flooding as a result of the Wood Hollow Fire;
5. WHEREAS Sanpete County, in coordination with Natural Resources Conservation Service, the Utah Division of Wildlife Resources and other agencies seek to obtain information to coordinate efforts to stop or mitigate flooding;
6. WHEREAS the area of specific flood concern is illustrated by the attached Exhibit "A";
7. WHEREAS Utah Code Annotated §§ 17-8-5 and 17-8-5.5 provides allowance for the County to plan for, protect, maintain, clear and protect rivers, creeks, streams, canals, gullies, washes, storm sewers and present flood plains, whether containing water or not;
8. THEREFORE, any person, corporation or other entity, that seeks to conduct, perform or engage in any soil excavation, whatsoever the scope or duration, within the area illustrated by Exhibit "A", shall provide Sanpete County with notice of such excavation prior to commencement of the excavation as follows:
 - a. Any excavation that shall not reasonably, directly or materially affect or impact rivers, creeks, streams, canals, gullies, washes, storm sewers or present flood plains, whether containing water or not at the time of excavation, shall contact and give notice to the Sanpete County Zoning Administrator at least ten (10) business days prior to moving soil within the affected area illustrated by Exhibit "A";

b. Any excavation that shall directly or materially affect or impact rivers, creeks, streams, canals, gullies, washes, storm sewers or present flood plains, whether containing water or not at the time of excavation, shall contact the Sanpete County Clerk's Office at least thirty days (30) prior to the excavation for the purpose of scheduling a hearing before the Sanpete County Commission to provide the County notice of excavation activity such that the County can coordinate with the applicant in a manner that will protect and sustain the rivers, creeks, streams, canals, storm sewers or flood plains within the affected area illustrated by Exhibit "A".

9. Violation of this ordinance is a class B misdemeanor. Such person, firm, corporation or other entity violating this title or any portion thereof shall be deemed to be guilty of a separate offense for each and every day during which such violation is committed, continued or permitted by such person, firm, corporation or other entity and shall be punishable as provided by law as a separate offense.

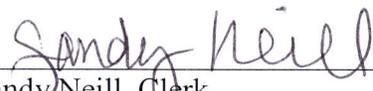
10. This ordinance shall remain in effect until January 1, 2018.

DATED this 7th day of May, 2013.



Claudia Jarrett, Chairman

Attest:



Sandy Neill, Clerk



Voting for:

Commissioner Jarret
Commissioner Frischknecht
Commissioner Cox

Voting against:

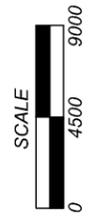
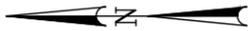
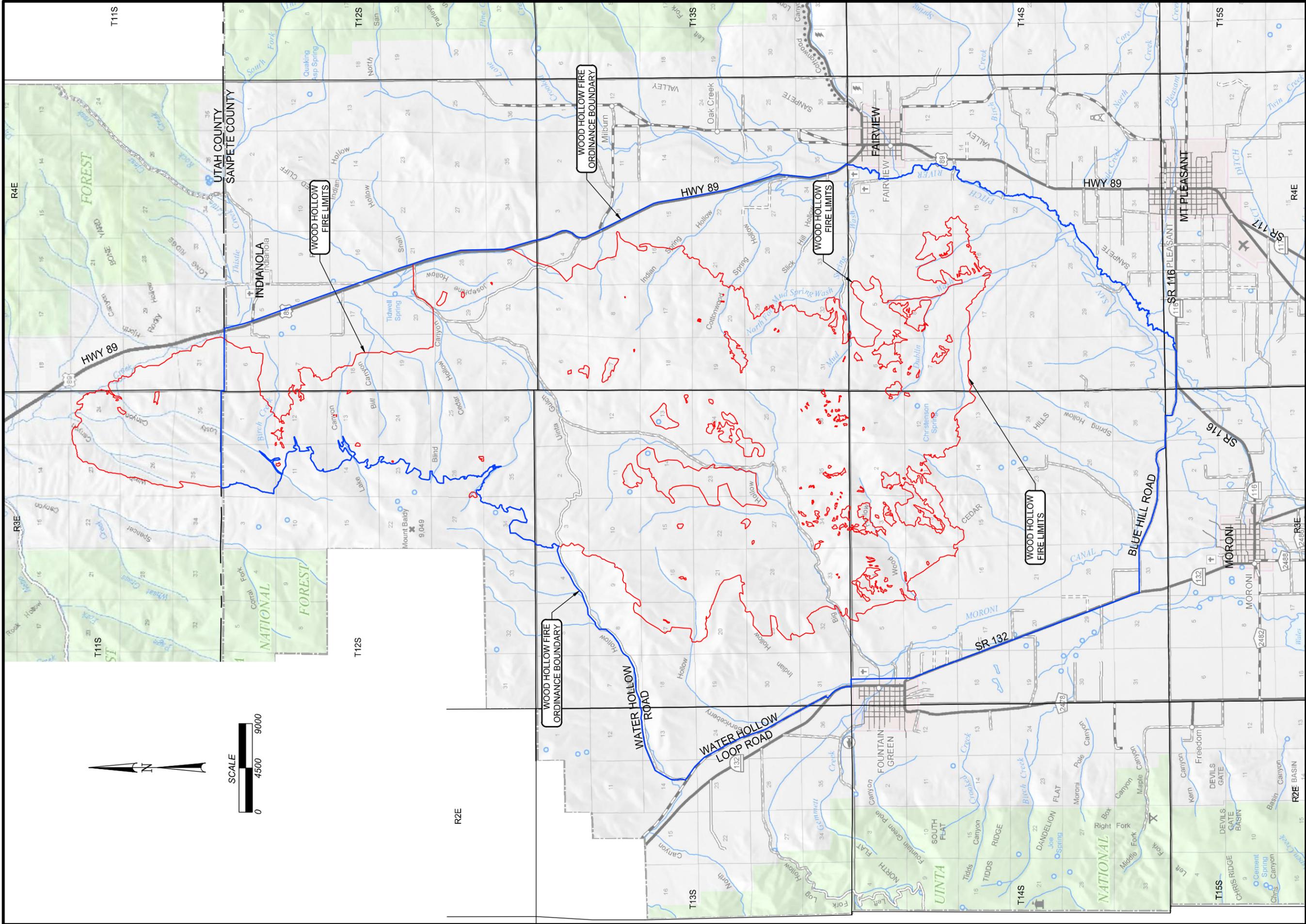


SUMMARY OF ORDINANCE NO. 05-07-2013

Due to the destruction of vegetation resulting from the 2012 Wood Hollow Fire in Northern Sanpete County, water runoff has created several areas of flooding potential. Sanpete County desires to help mitigate potential flooding through better communication and coordination between property owners, the County, and other affected agencies. This Ordinance requires property owners to work with the County as follows:

- 1) Property owners who plan on engaging in any movement of soil upon their property will be required to contact Scott Olsen, with the Sanpete County Building and Zoning Department (835-2113) to discuss the nature of the planned excavation/construction. Depending on the planned activity, Mr. Olsen may visit and inspect the proposed site.
- 2) If it is determined or admitted that the proposed excavation will **not** materially affect or impact rivers, streams, washes, gullies, etc., thereby increasing the flood potential for downstream or surrounding property owners, then the excavation will proceed without need to have a public hearing before the Sanpete County Commission.
- 3) If it determined or admitted that the proposed excavation **will** materially affect or impact rivers, streams, washes, gullies, etc., thereby increasing flooding potential for downstream or surrounding property owners, then the property owner will be required to appear at a public hearing before the Sanpete County Commission. The purpose of the hearing is to give notice of the activity to surrounding potentially affected property owners and to discuss potential impacts and/or to discuss alternatives to the proposed excavation.

Given the flood potential, the County views this Ordinance as necessary and proper to help guide and promote discussion of soil excavation that can aggravate and increase flooding. This Ordinance is set to expire in five years, a time at which the County believes re-vegetation will have occurred and flood potential to have diminished.



Jones & DeMille Engineering, Inc. CIVIL ENGINEERING - SURVEYING - TESTING GIS - ENVIRONMENTAL 1-800-745-5275 www.jonesandmille.com		DESIGN: _____ DRAWN: JEV 03-13 CHECK: _____ QUANT: _____	REVIEW: _____ DATE: _____ BY: _____
SANPETE COUNTY WOOD HOLLOW FIRE ORDINANCE BOUNDARY		PROJECT NUMBER: 1303-121	REVISIONS: _____ ORIGINAL SUBMISSION FOR AUTHORIZATION
SHEET NO. BD-02		DWG NAME: BD-01 DWG CREATED: 03/21/13 PEN TBL: _smrnc2000.dwg	REMARKS: _____ NO. DATE DESIGN REVISIONS NO. DATE DESIGN REVISIONS
SCALE: 1" = 9000'		APPROVAL: _____ DATE: _____	APPROVAL: _____ DATE: _____