

**SANPETE COUNTY COMMISSION MEETING**

**June 16, 2009, 1:00 P.M.**

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

Present are: Commission Chair Claudia Jarrett, Commissioners Spencer Cox and Steve Frischknecht, County Attorney Ross Blackham, and County Clerk Sandy Neill. Present from the media is C.R. Truitt. Gary Van Horn is also present.

Meeting is called to order by Commission Chair Claudia Jarrett.

**CLAIMS**

Auditor Ilene Roth is present. Motion is made by Commissioner Cox to approve payment of claims #320279 through #320422. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**OTHER ITEMS**

Wade Garrett and Dell Smith are present from Congressman Jason Chaffetz's office. They update the commission on the narrows project. Mr. Smith expresses concerns about a new bill called "Cap and Trade" that could raise a typical family's utility bill as much as \$300.00 per month. Congressman Chaffetz is working on support for search and rescue with possible reimbursements for searches done on Federal land. The Commission ask for help with grasshopper control on Federal land in the County. Mr. Garrett states there is money in their budget for this, and he will follow through to be sure it's taken care of. The Commission give Mr. Garrett a contact person so that he can see which areas have the greatest need at this time.

**APPROVAL TO PAY HONEYWELL FOR EQUIPMENT AND SERVICES FOR AUTO CAD DRAWINGS AND ADDITIONAL TECHNICIAN TIME**

Motion is made by Commissioner Frischknecht to approve the payment of an additional \$1,416.00 to Honeywell for auto cad drawings and technician time, for a total payment of \$7,196.00. The motion is seconded by Commissioner Cox, and the motion passes.

**APPROVAL TO PAY LOGAN SIMPSON DESIGN FOR WORK DONE ON GENERAL PLAN**

Motion is made by Commissioner Cox to approve the payment of \$4,702.18 to Logan Simpson Design for work done on the general plan. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL TO PAY WELLS FARGO BANK BOND PAYMENT FOR JAIL**

Motion is made by Commissioner Cox to approve the payment of \$119,041.25 to Wells Fargo Bank for the general obligation bonds, series 2007. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**USU EXTENSION: APPROVAL TO USE FAIRGROUNDS FOR ATV SAFETY WORKSHOP AND CERTIFICATION**

Motion is made by Commissioner Frischknecht to approve the use of the fairgrounds for a 4-H ATV safety workshop on July 1<sup>st</sup>, and on July 7<sup>th</sup> for an ATV certification course. The motion is seconded by Commissioner Cox, and the motion passes.

**PAM FINN WITH 4-H: APPROVAL TO USE FAIRGROUNDS ARENA FOR HORSE SHOW**

Motion is made by Commissioner Frischknecht to approve the use of the fairgrounds arena for a 4-H horse show on July 14. The motion is seconded by Commissioner Cox, and the motion passes.

**AWARD OF CONTRACT TO BRODERICK & HENDERSON CONSTRUCTION ON THE INDIANOLA VALLEY FIRE STATION PROJECT; WITHDRAWAL OF BID FROM BRODERICK & HENDERSON CONSTRUCTION ON THE INDIANOLA VALLEY FIRE STATION PROJECT**

Motion is made by Commissioner Cox to affirm the awarding of the contract to Broderick & Henderson Construction on the Indianola Valley Fire Station project in the amount of \$687,000.00.

The motion is seconded by Commissioner Frischknecht, and the motion passes. (The awarding of the contract came too late to be placed on the last agenda, so the Commissioners agreed to award the bid, and affirm that decision in this open meeting.) Broderick & Henderson Construction withdrew their bid due to an error. Motion is made by Commissioner Frischknecht to accept the withdrawal of Broderick & Henderson Construction's bid, and forfeit the bond. The motion is seconded by Commissioner Cox, and the motion passes.

**AWARD OF CONTRACT TO KELLER CONSTRUCTION ON THE INDIANOLA VALLEY FIRE STATION PROJECT**

Bill Boggs and Phillip Henich are present. The Commission explain that within a few weeks we should be ready to close on the bond, and start building the new fire station. Mr. Boggs would like to arrange a groundbreaking ceremony, and is instructed to contact Ludlow Engineering to make those arrangements. Mr. Boggs asks if the concrete paved road that leads to the fire department could be renamed or named Bowler Road to honor the person who donated the property. This will go on the next agenda. Motion is made by Commissioner Cox to award the contract to Keller Construction on the Indianola Valley Fire Station Project in the amount of \$736,570.00, contingent upon financing. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL OF CONTRACT WITH ROCKY MOUNTAIN POWER FOR THE INDIANOLA VALLEY FIRE STATION; APPROVAL TO PAY ROCKY MOUNTAIN POWER FOR SERVICES FOR THE INDIANOLA VALLEY FIRE STATION**

Motion is made by Commissioner Cox to approve the contract and the payment of \$10,165.00 which is the refundable option to Rocky Mountain Power for the services to the Indianola Valley Fire Department. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**RESOLUTION RESTATING THE SERVICES TO BE PERFORMED BY SANPETE COUNTY SPECIAL SERVICE DISTRICT NO 2 (THE "FIRE DISTRICT") AS FIRE PROTECTION, WHICH INCLUDED EMERGENCY MEDICAL SERVICES, AMBULANCE SERVICES, SEARCH AND RESCUE SERVICES, FIREWISE COMMUNITIES PROGRAMS AND THE DEVELOPMENT OF COMMUNITY WILDFIRE PROTECTION PLANS, AND THE RECEIPT OF SECURE RURAL SCHOOL FUNDS AS PROVIDED UNDER SECTION 51-9-603 FOR THE PURPOSES OF CARRYING OUT FIREWISE COMMUNITIES PROGRAMS, DEVELOPING COMMUNITY WILDFIRE PROTECTION PLANS, AND PERFORMING EMERGENCY SERVICES, INCLUDING FIREFIGHTING ON FEDERAL LAND**

The definition of fire districts was amended during the first special session of the legislature this year. This resolution amends the County's definition of our fire district. The resolution is read for the record, and is attached to these minutes. Mark Ward, attorney for Utah Association of Counties is asking the counties to carefully consider where to apply the 2008 money received, because of strings that are attached. The Commissioners will make a decision as to where the money will used at a later date. Motion is made by Commissioner Frischknecht to adopt Resolution #06 16 09. The motion is seconded by Commissioner Cox, and the motion passes.

**SHERIFF KEVIN HOLMAN: APPROVAL TO PAY A.P.C.O. FEES FOR NARROW BANDING; APPROVAL OF THE JUSTICE ASSISTANCE GRANT FOR THE DRUG TASK FORCE; APPROVAL OF THE SANPETE/JUAB COUNTY MAJOR CRIMES & DRUG TASK FORCE ORGANIZATIONAL INTER-GOVERNMENT AGREEMENT; APPROVAL TO HIRE SHERRIE LAMB AS A PART-TIME CUSTODIAN; APPROVAL TO PROMOTE JACE PETERSON TO SERGEANT; APPROVAL TO HIRE CATHY DAVIS AS A PART-TIME MEDICAL NURSE; APPROVAL TO HIRE THE FOLLOWING AS PART-TIME JAIL EMPLOYEES: JOHNNY GOBLE, ALVIN HATCH, COLBY RAY ZEEMAN, BRAD WILSON, AND STEVE PYPER**

Sheriff Kevin Holman, Beverly Thomas and Barry Bradley are present. Mr. Bradley explains that the narrow banding will allow twice as many channels in the same spectrum. This change is mandated by the FCC. Motion is made by Commissioner Frischknecht to approve the payment of \$2,831.50 to A.P.C.O. for the fees for narrow banding. The motion is seconded by Commissioner Cox, and the motion passes.

Motion is made by Commissioner Frischknecht to authorize the signature of the chair on the Justice Assistance Grant for the Drug Task Force. The motion is seconded by Commissioner Cox, and the motion passes.

The Commissioners review the Sanpete/Juab inter-government agreement. Sheriff Holman explains that Nephi City is willing to add their grant money to this task force, which would add an additional officer to the force, for a total of 4 officers. If Nephi City changes their mind and pulls out of the agreement, grant money would still provide funding for 3 officers. This agreement designates Sanpete County's Auditor as the task force accountant. The agreement will be reviewed by the auditor, and will be placed on the next agenda for approval.

Motion is made by Commissioner Frischknecht to approve the hiring of Sherrie Lamb as a part-time custodian at \$8.15 per hour effective tomorrow. The motion is seconded by Commissioner Cox, and the motion passes.

Motion is made by Commissioner Cox to approve the promotion of Jace Peterson to Sergeant with an increase in pay of \$.90 per hour per hour effective the beginning of the next pay period. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Motion is made by Commissioner Cox to approve the hiring of Cathy Davis as a part-time medical nurse at \$12.87 per hour effective immediately. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Motion is made by Commissioner Frischknecht to approve the hiring of Johnny Goble, Alvin Hatch, Colby Ray Zeeman, and Brad Wilson, as part-time jail employees at the rate of \$12.87 per hour effective immediately. The motion is seconded by Commissioner Cox, and the motion passes.

**TOM CHRISTENSEN: PIGEON HOLLOW TO SPRING CITY CE CONTRACT MOD AND PROJECT UPDATE; APPROVAL OF PIGEON HOLLOW TO SPRING CITY PROJECT CHANGE ORDER**

Tom Christensen is present. The Pigeon Hollow road is basically on schedule. There were a few problems with utilities at the beginning, and some cable was relocated. The modification to the contract involves the supervision of the project. The SSD reviewed the change order, and recommended that the Commission approve these changes. Motion is made by Commissioner Cox to approve the signature of the chair on the contract modification. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to approve the signature of the chair on the change order in the amount of \$53,124.50. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL TO SIGN PAYMENT REQUEST AND PROGRESS REPORT FROM JONES AND DEMILLE ON THE PIGEON HOLLOW ROAD PROJECT**

Motion is made by Commissioner Cox to approve the signature of the chair on the payment request and progress report on the Pigeon Hollow Road project. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**CHRISTINE SMITH: REQUEST FOR REFUND OF TAXES ON S 40122**

Christine Smith and her husband are present. Mrs. Smith submits documents to show that she resided in the home, and a letter from a person who came in 2001 with her husband when he inquired about the taxes. The Commission ask for written documentation that shows a written application was completed in 2001. Mrs. Smith asks for documentation in writing that shows why back taxes cannot be corrected by refunding the overpayment. The Commissioners take this under advisement, and will provide a copy of the rules that govern refunds with their decision. Mrs. Smith states her address is incorrect. She is advised to contact the building inspection office to clear up the address problem.

**PUBLIC HEARING FOR CONSIDERATION OF AMENDING THE SANPETE COUNTY WILDLANDS URBAN INTERFACE MAP**

Zoning Administrator Lee Holmstead, Fire Marshall Thomas Peterson, and Building Official Tracy Christensen are present. Mr. Holmstead asks that this matter be tabled for now. He would like more time to review the map with the Commission before a change is made, and arranges for a work meeting with the Commission on July 1<sup>st</sup> at 9:00 A.M. Mr. Holmstead proposed to have more than one zone in the Wildlands interface area. Joseph Massey, a representative of Fairview Lakes, wants to know what the requirements will be for the lot to be built on before plans are submitted. Thomas Peterson wants some loose ends to be tied up, to make the process more understandable.

**SCOTT HASLAM: FINAL APPROVAL OF THE GRANT SUBDIVISION LOCATED SOUTH EAST OF CHESTER**

Lee Holmstead and Scott Haslam are present. Motion is made by Commissioner Cox to approve the Grant subdivision. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**REED CHRISTENSEN WITH FAIRVIEW LAKES: DISCUSSION OF GRAVEL FOR THE ROAD INTO FAIRVIEW LAKES SUBDIVISION**

Reed Christensen, Joseph Massey, Steven Schoonover, Craig Blackley, Ken Bench and Reed Hatch are present. Fairview Lakes Association is asking for the County's support by bringing in gravel to maintain the portion of the road that gives the public access to the lake. The association would take care of spreading the gravel, and the mag chloride. Reed Hatch states there was an agreement made about 4 years ago stating that the County would not maintain the roads. The Commission explain that this road is not currently on the map as a County road. Before the County can commit resources, the road would need to be recognized as a County road. A request would need to be made for this to happen. County Attorney Ross Blackham explains that a County road designation means more than just public access. Once the road becomes a County road, different rules apply. The road may have been maintained by the County years ago. The Commission is concerned about the precedence that may be set if they help with roads that are not County roads.

**STEVE KELLER: AUTHORIZATION TO HIRE MIKE HELTON AS A PART-TIME SUMMER EMPLOYEE**

Motion is made by Commissioner Frischknecht to approve the hiring of Mike Helton as a part-time Summer employee at \$11.57 per hour effective immediately. The motion is seconded by Commissioner Cox, and the motion passes.

**KEN BENCH: APPROVAL OF TWO YEAR STEP RAISE FOR LISA BLACK**

Ken Bench is present. Motion is made by Commissioner Cox to approve the step raise for Lisa Black to \$15.21 per hour effective July 1<sup>st</sup>. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL OF MINUTES**

Motion is made by Commissioner Cox to approve the minutes from June 2, 2009 with minor corrections. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**BURNS BROS: COUNTY APPROVAL OF TEMPORARY SPECIAL EVENT BEER PERMIT FOR JULY 11, 2009**

Lee Holmstead is present, and explains that the Planning Commission is in the process of issuing a conditional use permit for various items for Burns Brothers. Burns Brothers are requesting a temporary special event beer permit to sell beer on Saturday, July 11, 2009 from 10:00 A.M. to 10:00 P.M. They will be having an ATV drag race, and a battle of the bands. They have not applied for a mass gathering permit because they don't expect to have over 200 people in attendance to this event. The sheriff is aware of this event. Motion is made by Commissioner Cox to give the County's approval for the temporary beer permit. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**FLO MITCHELL: DISCUSSION OF COUNTY PLAN FOR SPRAYING FOR GRASSHOPPERS**

Flo Mitchell, Reed Christensen, Burk Lyon, and 5 others are present. Ms. Mitchell has contacted 76 farmers, and 48 of them sprayed as of a few days ago. This is just a small portion of what needs to be sprayed. She obtained signatures from 72 people who would like the county to help with this. This year and next year should be the worst for grasshoppers according to a 7 year cycle. When the state reviewed the ground that was sprayed last year, very few of the grasshoppers have returned to those areas. The best time to spray is when the grasshoppers are small. The Commission expresses appreciation to Ms. Mitchell for her work done. This year the state will pay 90% (instead of the 75% paid in the past) of the cost for spraying. It would be helpful if the newspapers would let the people know about the available funding for this. Ms. Mitchell is checking with other states to see how they fund their spraying projects. She is concerned that agriculture in the county will be harmed if we don't take care of this problem. A concern is that if owners are left to take care of spraying on their property, absentee owners won't spray, and the others will be effected. Discussion is held about the forming of an abatement district. This would take time to form, and wouldn't help until next year. Data will need to be collected that document cost, acreage involved, and more. Information needs to be provided to all to explain why this affects each property owner, not just the large property owners. The water conservancy district is already set up as a taxing entity that could possibly use funds to help pay for abatement of mosquitoes. Reed Christensen states that this problem will not go away on its own. It's been around for over 100 years. Flo Mitchell asks that the Commission do their best to have something in place before June of next year.

Motion is made by Commissioner Frischknecht to take a short recess. The motion is seconded by Commissioner Cox, and the motion passes.

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

**EXECUTIVE SESSION**

Motion is made by Commissioner Cox to go out of executive session. The motion is seconded by Commissioner Frischknecht, and the motion passes. No action was necessary due to this executive session.

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

The meeting is adjourned at 5:17 P.M.

ATTEST:   
Sandy Neill  
Sanpete County Clerk

APPROVED:   
Claudia Jarrett  
Commission Chair

RESOLUTION RESTATING THE SERVICES TO BE PERFORMED BY SANPETE COUNTY SPECIAL SERVICE  
DISTRICT NO. 2 (THE FIRE DISTRICT)

A Regular meeting of the County Commission of Sanpete County, Utah was held on June 16, 2009, at the hour of 1:00 p.m. at the office of the County Commission in Manti, Utah, at which meeting there were present the following members who constituted a quorum:

COMMISSIONERS: Claudia Jarrett  
Spencer Cox  
Steve Frischknecht

ALSO PRESENT: Ross C. Blackham, County Attorney  
Sandy Neill, County Clerk

After the meeting had been duly called to order, and after other matters not pertinent to this Resolution had been discussed, the County Clerk presented to the County Commission a Certificate of Compliance with Open Meeting Law with respect to this June 16<sup>th</sup>, 2009, meeting, a copy of which is attached hereto as Exhibit "A".

Sanpete County Special Service District No. 2, also known as the "Fire District", was created by the County Commissioners by Resolution on May 5, 1992. The District was created to provide fire protection under the provisions of the Utah Special Service District Act with stated purposes to include the acquisition of fire fighting equipment and services and for the protection of life and property against fire and the elimination of fire hazards within the District.

At the 2009 1<sup>st</sup> Special Session of the Utah Legislature Title 17D-1-201, Utah Code Annotated, 1953, was amended to provide that fire protection by Special Service Districts included emergency medical services, ambulance services, and search and rescue services, if fire protection is also provided, Firewise Communities programs and the development of community wildfire protection plans, and the receipt of federal secure rural school funds as provided under Section 51-9-603 for the purpose of carrying out Firewise Communities programs, developing community wildfire protection plans, and performing emergency services, including firefighting on federal land.

The Commissioners desire to consider a Resolution restating the purposes and services provided by the Fire District as consistent with and as now stated in Utah Code Annotated 17D-1-201(9), 1953, as amended. The following resolution was then moved for adoption by Commissioner

Frischknecht.

RESOLUTION NO. 06-16-09

BE IT RESOLVED by the Board of Commissioners of Sanpete Count, Utah:

1. The services provided by the Sanpete County Special Service District No. 2 (also known as the "Fire District") are: fire protection, which shall include, among other things, all enumerated services in the Resolution creating said District on May 5, 1992 and the Notice of Intent to Create adopted by the Commissioners on March 3, 1992, and including emergency medical services, ambulance services, and search and rescue services, if fire protection service is also provided, and, Firewise Communities programs and the development of community wildfire protection plans, and the receipt of secure rural school funds as provided under Section 51-9-603 for the purposes of carrying out Firewise Communities programs, developing community wildfire protection plans, and performing emergency services, including firefighting on federal land.

2. As restated in this Resolution all the terms and provisions of the Resolution creating said District are in full force and effect.

COMMISSIONER COX, seconded the motion to adopt the foregoing Resolution. The Resolution was thereupon put to a vote and unanimously adopted on the following recorded vote:

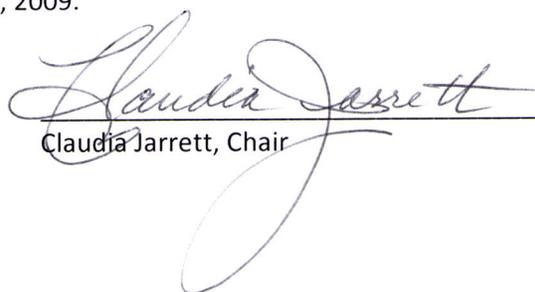
page 3.

Those voting AYE:

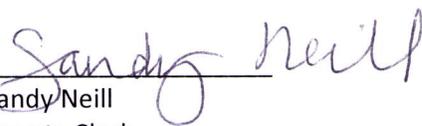
Jarrett  
Cox  
Frischknecht

Those voting NAY:

PASSED AND APPROVED this 16<sup>th</sup> day of June, 2009.

  
Claudia Jarrett, Chair

ATTEST:

  
Sandy Neill  
County Clerk

(seal)

