

**SANPETE COUNTY COMMISSION MEETING**

**October 15, 2013, 2:00 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, 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 #332031 through #332144. The motion is seconded by Commissioner Cox, and the motion passes.

**APPROVAL TO CLOSE THE COURTHOUSE ON OCTOBER 17, 2013 UNTIL AT LEAST NOON DURING THE PLANNED POWER OUTAGE SCHEDULED BY MANTI CITY TO UPDATE THE POWER**

Motion is made by Commissioner Cox to approve closing the courthouse on October 17, 2013 until at least noon during the planned power outage scheduled by Manti City to update the power. Full time employees will take lunch before coming to work at noon. They will work until 5 P.M. or 6 P.M., and will be paid for the time taken off in the morning. (Employees who work 10 hour days will receive 4 hours pay, and those who work 8 hour days will receive 3 hours pay.) The motion is seconded by Commissioner Frischknecht, and the motion passes.

**KEN BENCH: REQUEST TO PURCHASE OFFICE EQUIPMENT**

Ken Bench is present. Over the years, the Assessor's office has acquired old furniture from other offices. Bids for new and used furnishings were obtained. There is almost enough in the budget to cover the full purchase this year. The used equipment seems to be a higher quality than the new. The budget is discussed. Motion is made by Commissioner Frischknecht to approve the purchase of used office equipment for the Assessor's Office if the cost can be brought down to fit the budget. The motion is seconded by Commissioner Cox, and the motion passes.

**ILENE ROTH: APPROVAL OF BOARD OF EQUALIZATION ACTION LIST**

Ilene Roth is present. Motion is made by Commissioner Cox to approve the Board of Equalization action list. The motion is seconded by Commissioner Frischknecht and the motion passes. This list will be posted with the minutes on the public meeting notice website.

**APPROVAL TO APPOINT LOREN THOMPSON TO THE PLANNING COMMISSION**

Motion is made by Commissioner Cox to approve the appointment of Loren Thompson to the Planning Commission effective today to serve for four years to replace Thell Stewart. The motion is seconded by Commissioner Frischknecht and the motion passes.

**SHERIFF BRIAN NIELSON: APPROVAL TO HIRE MATTHEW GATES AS A FULL TIME CONTROL ROOM OPERATOR; APPROVAL TO EXPEND 2013 HOMELAND SECURITY GRANT OF \$50,000.00; APPROVAL OF STEP RAISE FOR DENNIS MAY AND KELLY MOORE; APPROVAL OF A CREDIT CARD FOR JARED HILL**

Sheriff Brian Nielson is present. Matthew Gates is trained as a certified officer, and has applied for the control room operator position. Motion is made by Commissioner Cox to approve hiring Matthew Gates as a full time control room operator effective October 28, 2013 at the rate of \$13.23 per hour. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to approve the expenditure of the 2013 Homeland Security grant in the amount of \$55,233.00. The funds will

be used for various homeland security purposes (hazmat supplies, computers in EOC, video camera systems for vehicles). The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to approve step raises for Dennis May and Kelly Moore to \$15.82 per hour effective October 17, 2013. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner to Cox to approve a credit card with a limit of \$1,000.00 for Jared Hill. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**PUBLIC HEARING TO CONSIDER A PETITION BY ALLAN ROWAN AND JAY LAMB TO AMEND THE PALISADE SUBDIVISION PLAT B LOCATED EAST OF STERLING NEAR PALISADE RESERVOIR. THE AMENDMENT WOULD CHANGE THE LOT LINE BETWEEN LOTS 21 AND 18**

Scott Olsen is present. Motion is made by Commissioner Frischknecht to approve the amendment to the Palisade Subdivision Plat B between Lots 21 and 18. The motion is seconded by Commissioner Cox, and the motion passes.

**WILLIAM GUILLORY AND LEROY STUBBS: REQUEST FOR A PUBLIC HEARING FOR A LOT LINE ADJUSTMENT BETWEEN 33535 AND S 33536 IN THE ASPEN HILLS SUBDIVISION (PLAT B, LOTS 531 AND 532)**

Motion is made by Commissioner Cox to set a public hearing for a lot line adjustment between S 33535 and S 33536 in plat B of the Aspen Hills subdivision. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**PUBLIC HEARING TO CONSIDER A PETITION BY ASPEN GROVE ASSETS INCORPORATED TO AMEND THE SANPETE COUNTY LAND USE ORDINANCE AND ZONING MAP BY REZONING APPROXIMATELY 18 ACRES OF PROPERTY LOCATED TWO MILES SOUTHEAST OF MT. PLEASANT FROM THE AGRICULTURAL (A) ZONE TO THE PUBLIC FACILITIES (PF) ZONE**

Scott Olsen, Drew Briney, Jeffery Kunz, David Asay, Bill Bowles, Sandra Bigler, Dave Oxman, Sam Draper, Jon Woodard, Henry Casten, Dawn Casten, Dave Robinson, Deanie Robinson, Robert Ault, Janice Ault, and Wayne Larson are present. The property is north east of the Twin Oaks subdivision. The future plans for the 18 acres are: park, cemetery, church, and bishops storehouse. Robert Ault doesn't understand the zoning designation of Public Facility (PF). It seems to him that the proposed uses seem to be more of commercial nature rather than PF. Scott Olsen explains that within our ordinance, a PF zone requires a minimum of 5 acres, and all of the proposed uses for this 18 acre parcel are permitted uses in this zone. Jon Woodard, Mt Pleasant City Recorder is concerned about a major population increase in this area that is located near the city boundary. Mt Pleasant City has a good police force, but they are concerned about the increased population in the county that is located a distance from the Sheriff's office who patrols the unincorporated areas in the county. Sam Draper is concerned about how their fire department will handle the area. Dave Oxman addresses Mt Pleasant City's water. Most of their water comes from streams. With this so close to the city, the subdivision will be draining the same water supply. Mayor Bigler is concerned about protecting the watershed. Jeff Kunz explains that this subdivision was started in 1983. Water rights are part of the subdivision. Fire hydrants are in place, and a storage tank holds 300,000 gallons, ready to fight a fire. There are many subdivisions all over the county in the A Zone. Mr. Kunz states that one concern that was expressed to Twin Oaks is that the cemetery is located too close to the watershed. Yet his research shows that Mt Pleasant's cemetery is 100' from their well. Mr. Kunz states that Twin Oaks does not have a locked gate other than on the water system. Many subdivisions in the county have locked gates making it difficult for the police and fire departments to access. The space for the cemetery is preserved for use when needed. Bill Bowles states that he is on the board of directors of the Twin Oaks district. The district is required to comply with all the rules and regulations. When the subdivision was first purchased, the water system was unacceptable. They invested a lot of money in the tank, and tore up and replaced what was in place under the direction of the Utah State Division of Drinking Water. They want a fire department in order to create a safe environment

and protection. When assistance was needed, Mt Pleasant officers and Sheriff deputies responded and took care of the situation. There is only one law that a few of them are not in compliance with. They do not break any federal laws. The Commissioners ask if they have enough allocated water to meet their projected growth. Mr. Kunz responds that yes, unless something happens to the water. Deanie Robinson states that having a PF zone won't change any need for fire or police protection. Drew Briney, attorney for Twin Oaks addresses the concern about the growth in the area. They don't want to become a town. The crime rate has been very low in their sister communities. They are transparent and open. All that this community is doing is being funded by donations. The camping grounds have been improved with private funding, and are open to the public. Wayne Larsen appreciates the community and environment that they have in Mt Pleasant. Just because we have done something in the past, it doesn't mean we should continue to do the same. (He is referring to the subdivisions that have been created in the past.) Sanpete County struggles with the infrastructure we have, and can't afford to take on much more. He is concerned that even though they have water rights, it doesn't mean that they have sufficient water. He opposes moving forward as a resident and employee of Sanpete County. Mr. Bowles understands the economic concerns, but it has to be dealt with. He likes Sanpete County, and has appreciated working with the county. Jeff Kunz states they do have adequate water for fire protection, and have cut fire breaks to protect the surrounding area. He states that they have tried hard to comply and be good neighbors. Sanpete County recently developed a master plan with the goal to keep a balance between economic development and maintaining our agricultural base. The Commission can make a decision today, or defer and make this decision at the next meeting. Drew Briney waives the right to having a timely decision today. Commissioner Frischknecht would like to take time to consider the concerns that have been raised. Commissioner Cox agrees. He refers to the general plan, and our goal to protect and preserve agricultural land. Deanie Robinson states that 18 acres is not a lot of property. She feels a cemetery would be a better use of the land than the rocks that are there. Robert Ault has 3 acres that are agricultural, and he would prefer to keep it that way. Hank Castin states that he harvested 1500 pounds of potatoes. Sheriff Nielson explains that law enforcement in the unincorporated areas of the County are taken care of by the Sheriff's office. David Robinson is amazed that Mt Pleasant City is objecting to this when the costs for this would be paid on their own, and not by the city. Motion is made by Commissioner Frischknecht to defer the decision until the next Commission meeting. The motion is seconded by Commissioner Cox, and the motion passes.

#### **STAN ANDERSEN WITH THE BUREAU OF LAND MANAGEMENT: DISCUSSION OF PROPOSED OIL AND GAS LEASE SALE**

This matter is tabled until the Federal Government's shut down has ended.

#### **DISCUSSION, INVOICE APPROVAL, AND APPROVAL OF AMENDMENT #4 FOR THE WOOD HOLLOW FIRE EMERGENCY WATERSHED PROJECT (EWP); DISCUSSION AND INVOICE APPROVAL FOR SANPETE 2012 EWP**

Garrick Willden is present. The Wood Hollow project was running over budget. Cuts would need to be made to continue. Mr. Willden spoke with NRCS, and an amendment was made to the grant to be able to complete the project. Motion is made by Commissioner Cox to approve amendment #4 to the Wood Hollow project, adding \$100,000.00. The motion is seconded by Commissioner Frischknecht, and the motion passes. Wales needs a gate fixed and adjusted, and a few items in Ephraim need to be completed. Motion is made by Commissioner Frischknecht to approve a change order for \$17,859.00 and payment of \$1,500.00 to FX Construction. The motion is seconded by Commissioner Cox, and the motion passes. Motion is made by Commissioner Cox to approve payment of \$5,336.25 and \$6,068.15 to Jones and DeMille for TA on the Wood Hollow Fire EWP. The motion is seconded by Commissioner Frischknecht, and the motion passes. The 2<sup>nd</sup> invoice is for FA. The mining and stockpiling of rock is pretty much finished and is being hauled. Motion is made by Commissioner Cox to approve the invoice for Terry Brotherson in the amount of \$44,815.54 for work done on the Wood Hollow Fire EWP. The motion is seconded by Commissioner Frischknecht, and the motion passes. With the federal government furlough, this may take a bit of time to get paid.

**CONSIDERATION AND APPROVAL OF EASEMENT AGREEMENT WITH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) SUBJECT TO THE 5600 WEST LAND EXCHANGE PHASE**

**II**

The easement agreement has been reviewed by County Attorney Brody Keisel, and SITLA agreed to amending the document. Motion is made by Commissioner Frischknecht to approve the amended easement agreement with SITLA. The motion is seconded by Commissioner Cox, and the motion passes.

**ADOPTION OF A GENERAL COUNTY PRISON RESOLUTION**

This resolution is a result of PRADA checking to see if the counties are interested in being a part of the prison relocation. This resolution shows potential interest depending on what the state has to offer. The contract would need to show that the state commits to reimbursing whether the beds are filled or not. Sheriff Nielson expressed his concerns to the Commissioners earlier about setting the level of inmates that we would accept. Motion is made by Commissioner Cox to approve the adoption of a General County Prison Resolution #10 15 2013. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**JEFF ANDERSON: APPROVAL TO PURCHASE CARPET**

Jeff Anderson is present. He requested three bids, and only received two. Motion is made by Commissioner Frischknecht to accept the low bid which was from Valley Furniture. The motion is seconded by Commissioner Cox, and the motion passes. Mr. Anderson will work on getting more of the carpet replaced as the budget allows.

**APPROVAL OF MINUTES**

Motion is made by Commissioner Cox to approve the minutes from September 17, 2013 with minor corrections. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Frischknecht to approve the minutes from October 1, 2013 with minor corrections. The motion is seconded by Commissioner Jarrett, 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 4:26 P.M.

ATTEST: *Sandy Neill*  
Sandy Neill  
Sanpete County Clerk

APPROVED: *Claudia Jarrett*  
Claudia Jarrett  
Commission Chair

**RESOLUTION NO. 10-15 2013**

**A RESOLUTION COMMITTING TO THE CONSTRUCTION OF NEW  
JAIL BEDS FOR USE BY THE UTAH STATE PRISON SYSTEM**

**WHEREAS**, For many years the State Prison system has contacted with County Jails to house excess State Prison inmates; and

**WHEREAS**, In 2013 roughly 1600 prison inmates were housed in 20 separate county jail facilities; and

**WHEREAS**, The State is now considering closing the Utah State Prison located in Draper, Utah and relocating the prisoners to other areas within the state; and

**WHEREAS**, This relocation may include the construction of additional state prison facilities and possibly an increase in the number of state prisoners being held in county facilities under contract with the various counties; and

**WHEREAS**, The State Prison Relocation Committee has asked for proposals from various entities, including counties, relating to the housing of the inmates that will be displaced by the elimination of the Draper Prison facility; and

**WHEREAS**, Several counties are willing to construct additional jail facilities to house displaced state prisoners if certain conditions are met; and

**WHEREAS**, Sanpete County would like to be included in the consideration for additional prison beds and would be willing to commit to construct facilities for additional beds to help house the relocated prisoners from the Draper facility.

**NOW WHEREFORE** be is resolved by the Sanpete County Commission in and for the County of Sanpete as follows:

1. Sanpete County is willing to construct 192 additional jail beds for use in housing State contract inmates. The construction of these beds is conditioned upon the following minimum requirements:
  - a. The State will commit to pay \$59 per day for inmates housed in the newly constructed jail beds.
  - b. This State commitment must be by written contract and must continue for a period of no less than 20 years.
  - c. The \$59 per day amount will be increased each three years during the 20 year period to reflect the current rate of inflation for the preceding three years.

