

**MINUTES FOR REGULAR COMMISSION MEETING HELD SEPTEMBER 12, 2011  
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,  
UTAH**

***Present***

Commission Chairman Kirk J. Wood; Commissioner Ronald Winterton, Clerk Auditor Diane Freston, Deputy Clerk Auditor Connie Sweat, Uintah Basin Standard Reporter Steve Puro, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

***Absent***

Commissioner Kent R. Peatross was on assignment elsewhere.

***Opening Comments***

Auditor Freston said the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Consideration Of Payment Vouchers***

*Deputy County Attorney Jonathan Stearmer joined the meeting at 1:06 P.M...*

The commission reviewed vouchers #11881 through #118974 dated September 7, 2011 in the amount of two hundred nineteen thousand six hundred sixty dollars and thirty four cents (\$219,660.34). The commission also reviewed vouchers #118975 through #119052 dated September 12, 2011 in the amount of one hundred thirty thousand one hundred ninety three dollars and fifty two cents (\$130,193.52).

*Commissioner Winterton motioned to approve the vouchers as presented by Auditor Freston. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Bar Mesa Resources Inc.***

Deputy Clerk Sweat stated that this company will be an accounting service for the oil and gas industry who will work out of their home in Roosevelt. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For CDP Industries Inc.***

Deputy Clerk Sweat stated that this company is a John Deere Dealer. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For David K Service Company***

Deputy Clerk Sweat stated that this company is out of Vernal and is a trash dumpster rental and servicing business. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Elite Powerwash***

Deputy Clerk Sweat stated that this is a pressure washing business that cleans kitchen hoods and are out of Layton. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Kennel License Application (Continued from August 29, 2011)***

*Melisa Stephenson, Babette Rhynes, Jessie Rhynes, Michelle Shiner, Fred Moler, & Monica Latew joined the meeting at 1:20 P.M...*

Chairman Wood stated that they did an onsite visit last Tuesday. When we arrived the dogs began to bark as we approached the kennels and continued to do so until we left. Things as far as food and water looked good. We took a few pictures and left as it began to rain. We drove barely past the cedars and couldn't hear the dogs barking anymore. Attorney Stearmer stated that if the requirements are met, then it's up to the commission to approve the application. Then Attorney Stearmer read the following requirements out loud as contained in Duchesne County Code.

Attorney Stearmer also stated that there is a dog ordinance provision dealing with dog noise and read it out loud.

Mrs. Stephenson stated that she is the owner of the dogs and is aware of the surrounding property owner's issues; she keeps the dogs contained and locked up. We have plans to build where the dogs are and have plans to contain the dogs somewhere else for the winter months. We feel that by putting the dogs in a building it will muffle the noises. We do adoptions every weekend, so the dogs always come and go. Mrs. Shiner stated that she manages the Roosevelt shelter and the problem with dogs being at her shelter is that there is only a five (5) day hold and then they get euthanized. We get an average of ten (10) dogs a day, so if it wasn't for Mrs. Stephenson, a lot of the dogs would be put down and requested help from the community to work together on this. We need people to help the solution not be a part of the problem. The animals get walked every morning and night. Chairman Wood asked Mrs. Stephenson if she has enough area in Bluebell where she resides to move the dogs there. Mrs. Stephenson replied by stating that there is not enough room and there are neighbors on both sides of her. Chairman Wood stated that we probably can't deny Mrs. Stephenson the kennel license, but a problem is that there isn't a run and the nuisance ordinance; he foresees this as a real problem and could become a criminal offense. Mr. Moler stated that he used to walk his labs every day, but this past June, he was walking his dogs when he come upon a pack of dogs and hasn't walked his dogs since; they would of torn his dogs to shreds. Mrs. Stephenson stated that there are dogs at large all over up there and a young boy approached her a few months ago because he was missing five (5) dogs. Mrs. Shiner stated that we don't allow vicious dogs at the rescue and do not accept Rottweiler's or Pit bulls. Mrs. Stephenson stated that she is in the process of getting 501C3 status and is raising money through donations for her building. Mrs. Latew stated that when the dogs first came, she saw big dogs and was intimidated by them and suggested that they be fed earlier in the morning and later at night so they don't have to hear them barking for hours. She is all for animal rescue and feels a building would help the situation. Mr. Rhynes stated that he lives down the hill from the dogs and likes to sit outside at night but can't because the dogs are too loud. He suggested that the dogs be moved to Bluebell. He saw Mrs. Stephenson walking the dogs one day and had one of the dogs approach him and his wife, so he fired shots in the air and under the dog and she didn't even call the dog away from us. Mrs. Shiner stated that Mrs. Stephenson needs to feel safe on her own property and Mr. Rhynes fired shots on her property; she goes up there with her kids and dogs. Mrs. Stephenson stated that the dog that approached Mr. Rhynes never went off of her property, so she didn't call it to come to her. Commissioner Winterton stated that we are going to be taking notes and hopes that there will not be any further complaints and that everyone will have their peace and Mrs. Stephenson will have her dogs. Attorney Stearmer stated that things need to be taken care of to the commission's satisfaction, not the surrounding owners. Chairman Wood stated that the noise ordinance is still in affect and suggested that Mrs. Stephenson work closely with the residents to see if they have any suggestions and maybe invest in bark collars. We will have this agenda item back for review on January 9, 2012 and see how things are going. Mrs. Stephenson stated that she is willing to comply with anything. She doesn't have shock collars but is willing to try them. *Commissioner Winterton motioned to grant a temporary kennel license to Fur Ever Buddy's Rescue through the end of the year, with a review on January 9, 2012 Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

#### ***Consideration Of Land Purchase In Boneta***

Chairman Wood stated that we had a conversation with the seller earlier in the working meeting and had some snags in regards to our zoning ordinance associated with gravel pits & rock crushers, so we are on hold.

#### ***Consideration Of The Minutes For Combined Commission Meeting Held August 29, 2011***

*Commissioner Winterton motioned to approve the minutes as presented. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

*Entered Public Hearing @ 2:03P.M...*

#### ***Public Hearing –***

*Jacob Woodland with Turner Petroleum Land Services & Joe Martin with Lone Wolf Energy joined the meeting at 2:03 P.M...*

***Consideration Of A Request To Obtain A Lease For Oil & Gas Extraction On Certain Properties Owned By Duchesne County In Township 4 South, Range 2 West, U.S.M.:***

***Section 26: Lots 1, 2, & 3***

Attorney Stearmer stated that it is his understanding that on this particular lease, that there is a provision in it that has an automatic renewal before the termination; if that is the case, then this is basically a public hearing. The date of this lease is November 8, 2006 and is a five (5) year term. What we are dealing with here is we have the original company coming in to make an offer on this lease. The county hasn't received any offers on this and is not aware of a provision of a lessee to exercise his first right of refusal on something that hasn't received an offer. Typically it's when an offer has been received and they have a chance to accept or reject. He feels this is premature to deal with this because right now we have to honor the terms of the lease unless the lessee wants to initiate the process. In reviewing the proposed lease, the terms are a little bit different than the current lease, but he doesn't want to disclose them because it could jeopardize Newfield's ability to participate in a future bid. Right now it's the same company and the same parcel but they changed the terms and where they hold the current lease, they are asking us to review this. If the county wants to accept offers, Newfield has the ability to have the first bite at one of the offers because they enjoy that under the current lease. Mr. Woodland stated that his comments will address both his client's interest and his views as a citizen of Duchesne County. To do a posting and allow bids to be received prior to the expiration date of the original lease term would allow the original lessee to then match whatever the highest offer was as dictated by the provisions of the original lease. Speaking as a citizen of Duchesne County and looking at what would be best for the county that would not allow the county to get the greatest benefit because other companies would be less inclined to bid knowing that whatever they bid would be matched by this other company. Whatever the lease term is now that's essentially what the renewal would be for generally so the opportunity for the county to increase the value to receive the greatest revenue stream would be greatly diminished. Representing Turner Petroleum, he would imagine that many other companies would be interested in other oil and mineral rights that the county owns. He will be involved in a hearing in two weeks and the commission discussed methods of disposition of county leases and it wasn't determined at that time the best method. Mr. Woodland observed that the State of Utah when disposing of their oil and gas and mineral rights is held in an auction. They have a lease form and there is a signing of royalty or bonus royalty upfront. Generally there is a production royalty which is a percentage and so the State has taken and generated a lease form that has all of the provisions that they want regardless so you don't negotiate anything. The only thing that is variable is that initial bonus payment which is put to bid. In his opinion it would be to the best benefit of the county to allow the leases to expire to allow the county to set provisions that are favorable to the county without negotiations and put it out to auction. It would allow all of the companies to work on equal footings. You may be able to on an annual basis come up with a block of leases. We are just now seeing an interest where energy companies are moving into areas that were too hard to get too and may now attract the oil companies. To establish an ordinance for disposition for these properties would be beneficial to the citizens of the county, the commissioners, and the oil companies where added competition would be added to these hearings. Commissioner Winterton stated that maybe there wasn't an interest before where now there is and feels that we should let this lease expire and go through the same process so we are comparing apples to apples. Attorney Stearmer stated that if Mr. Martin's client is reading the current lease differently, please have them contact him. Chairman Wood stated that he is not prepared to make a motion today.

*Entered Back Into Regular Commission Meeting At 2:37 P.M...*

*Upper County Water Association's Ilene Jensen joined the meeting at 2:42 P.M...*

Mrs. Jensen stated that we wanted to thank the commission for their support on Upper Country's latest project and received CIB funding.

***Adjournment***

*Chairman Wood adjourned the meeting at 2:55 P.M.*

*Read and approved this 19<sup>th</sup> day of September 2011.*

---

*Kirk J. Wood*

---

*Diane Freston*

*Commission Chairman*

*Clerk/Auditor*

*Minutes of meeting prepared by BobbiJo Casper*

---