

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION  
MEETING HELD APRIL 29, 2013 BEGINNING AT 9:30 A.M. IN CONFERENCE  
ROOM #1, IN DUCHESNE, UTAH**

***Present***

Commission Chairman Ronald Winterton; Commissioner Kirk J. Wood, Commissioner Kent R. Peatross, Deputy County Attorney Marea Doherty, Public Works Director Glen Murphy, Jack Thomas, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

***Public Works/Landfill Department Update***

Director Murphy reported that the Road Department is working on County Road 154, South Cove Road. We are widening the shoulders to get better drainage and will build a new ditch along the fence line. For a future project, he would like to come back to this project and go further north. Once we are done there, we will build a fence line up on Mortensen Lane near Les Gardner's home. We have all of the right of ways we need from Mr. Gardner; in exchange, we are putting this fence in. We will haul the road base if Newfield will provide the base, which would help us out. He will contact Reed Durfey to see if that's a possibility.

***Discussion Of A Draft Letter Regarding Trail Projects On The Ashley National Forest***

*County/Community Planning Administrator Mike Hyde joined the meeting at 9:51 A.M...*

Administer Hyde stated that he was contacted by Sandra Kaminiski from the Ashley National Forest who is trying to get grant money from the State of Utah to improve hiking trails. One is in the Rock Creek area from the Stillwater Reservoir to the Miners Gulch Camp Ground. The other is on the top of Yellowstone near Swift Creek going to the Farmers Lake and Timothy Lake areas. They are asking for letters of support to help get the grant. Chairman Winterton stated that these are good projects. Commissioner Wood stated that the letter looks good, Commissioner Peatross agreed.

***Discussion Of Property Taxes***

*Treasurer Colene Nelson, Assessor Greg Garr, Property Owner Ray Munteer & Attorney Ryan Harp Purshell joined the meeting at 10:02 A.M...*

Mr. Purshell stated that there are two properties that are scheduled to go on the county tax sale this year and he would like to resolve the issue. Mr. Munteer is disabled and receives Worker's Compensation in the amount of eighteen hundred sixty two dollars (\$1,862) a month. On a yearly basis, Mr. Munteer receives three thousand two hundred ninety five dollars and ninety five cents (\$3,295.95). Mr. Munteer is asking for an extension and is able to pay three thousand dollars (\$3,000) a year and one hundred dollars (\$100) a month until June of 2014 upon which he will pay the balance in full. Commissioner Peatross stated that we don't waive taxes on secondary property or raw property, so Mr. Munteer would have to pay that amount before the tax sale; the amount due is one thousand one hundred ten dollars and sixty cents (\$1,110.60). Mr. Purshell stated that we will do whatever it takes and the amount will be paid by the tax sale in 2014.

***Consideration Of Payment Vouchers***

*Deputy Clerk Auditor Connie Sweat joined the meeting at 10:23 A.M...*

The commission reviewed vouchers # 124744 through 124771 dated April 29, 2013, in the amount thirty eight thousand one hundred fifty dollars and eighteen cents (\$38,150.18) as presented by the Clerk Auditor's Office. *Commissioner Peatross motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Wild Cat Rentals***

Deputy Clerk Sweat stated that this is an equipment rental business that has been approved by the Planning and Zoning Department. *Commissioner Wood motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Closed Meeting –***

*Surveyor Jerry Allred joined the meeting at 10:28 A.M...*

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing the purchase, exchange, sale, or lease of real property & Pending Or Reasonably Imminent Litigation at 10:28 A.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

*Re-entered Combined Commission Meeting at 1:26 P.M...*

***Consideration To Take Action Discussed Under Closed Meeting***

*No action was necessary.*

*Entered Recess by general consent at 1:26 P.M...*

*Re-entered Combined Commission Meeting at 1:30 P.M...Meeting was relocated to Commission Chambers...*

***Public Hearing 1:30 P.M. – Consideration Of An Appeal By Neil Wilkerson Of The Planning Commission’s Decision To Grant Approval Of A Minor Subdivision Plat Amendment For Paul And Jone Wells***

*Neil Wilkerson, & Paul & Jone Wells joined the meeting at 1:30 P.M...*

Administrator Hyde stated that we had a similar application last year that was withdrawn on appeal. Paul and Jone Wells are proposing to divide a 3-acre parcel (Lot 4 of the Gardenbrook Subdivision) into three one-acre parcels. These matters can be approved by him. In this case, Mr. Wilkerson appealed the staff approval decision to the Planning Commission after an administrative hearing was held on March 7, 2013. The Planning Commission conducted a public hearing on April 3, 2013 and upheld the hearing officer’s decision. No property owners other than the appellant appeared in person or in writing at the Planning Commission hearing to object to the request. The Planning Commission decision has been appealed to the commission that’s why this is before you today. The findings of fact and conclusions of law set forth the applicable criteria in the subdivision ordinance for the review of minor subdivisions. The Planning Commission believes that all of these criteria have been met. The appellant’s cause seems to question the wisdom of the commission in passing various ordinances over the years that established these standards. It is recommended that the Planning Commission decision be upheld and the appeal denied.

Chairman Winterton invited Appellant Mr. Wilkerson to speak.

Mr. Wilkerson stated that in order to do this the county has to send out a notice to all surrounding landowners within 300 feet. Why is that notice even sent out?

Commissioner Wood stated that the notices are sent so that they can come in and address concerns.

Mr. Wilkerson stated that we brought up concerns and Administrator Hyde ignores them. Last year he presented signed petitions and feels that nobody that was on that petition has changed their mind. To make this legal all they would have had to do is buy property from Glen Berlin who bought five acres to keep them away from them instead of changing county ordinances. He doesn’t feel that the rounding should happen. Mr. Wilkerson asked who authorized the change from last year.

Commissioner Wood stated that the commission approves zoning changes. Administrator Hyde came to the commission with recommendations and the commission approved it. He feels that this very thing is common practice and rounding happens in other areas of the state because it has happened to him personally.

Chairman Winterton stated that after last time, we asked Administrator Hyde to make the definitions clear to clarify the questions that were raised last time.

Mr. Wilkerson stated that Gardenbrook Subdivision was done illegally to start with. They deeded thirty feet of his property to the county as a road. The county had an attorney that wasn’t on the up and up. The Wells found a loophole and put it over next to us. What he is saying is divisions requiring construction of public roads, public sewer, & public water lines are not eligible for minor subdivision process. House bill 101 says a new minor

subdivision parcel is to be at least one acre in size and you have allowed it to be rounded. His attorney stood here last time and stated of all of the grief that this is going to cause. The commission is the law of this county, not Administrator Hyde, so the commission should make the decisions. Administrator Hyde goes through them and changes them to suit whatever situation he wants. The same situation almost happened over there with John Barton when Bob West tried to subdivide and you stopped that from happening. Why can't you stop Paul Wells from doing it? If you bring in duplexes that is going to cause a lot more traffic, it will double it. You want 66 foot, what you have is a narrow road and a tree ten feet in diameter. Not only that, Mr. Wells has his fence right next to it. If someone hits the tree and gets killed they will come after Duchesne County who will be liable because that road doesn't meet the standards. A few years ago the road was paved and he was forced to sell the county fifteen feet to settle out of court. He thinks that Administrator Hyde has better things to do than tie up the county's resources and make a big clause when one acre minimum is simple enough. If you want to round it you can you are the governing body and that's my appeal.

Administrator Hyde stated that, in this case, the road and waterline are already there and sewage disposal has been approved by the Health Department; so the Wells qualify for approval because the infrastructure improvements have been done previously. If these things weren't done, they would not qualify.

Chairman Winterton asked to hear from the applicants.

Mrs. Wells stated that she would like to address some of the things that Mr. Wilkerson brought up. He talked about the petition from the neighbors; that petition was done when this first took place. If the neighbors were so opposed, they would come to these hearings to voice their concerns and opinions. We have gone through six hearings and we have sat here and listened to Mr. Wilkerson make accusations about Administrator Hyde and we are sick of it. We have complied with everything that the county has asked. We ask that you deny the appeal and approve the minor subdivision plat amendment based on the fact that we have met all of the county standards.

Administrator Hyde stated that nobody else has expressed any objections to this new application. He wants to clarify that his role is to take direction from the commission and Planning Commission; he does not make any laws. He doesn't enact these laws; he prepares them and presents them after receiving direction from the Planning Commission and/or County Commission.

Commissioner Wood stated that we are within the ordinance and the laws that have been set and he doesn't see that anything has been done wrong here. The Planning Commission has gone through this thoroughly.

Commissioner Peatross stated that he takes exception to the accusations that we are working for Administrator Hyde and that he is telling us what to do. He expects and demands that Administrator Hyde be an expert at his job. When there are issues or situations in the county with changes of laws, county rules, or ordinances that need to be adjusted, he expects Administrator Hyde to bring those forward and then he makes up his own mind whether or not he is going to vote for or against it. We give Administrator Hyde a lot of direction of where to go on what we want to do. He knows that the perception is out there and floating around in the county, but it is not true that Administrator Hyde dictates to the commission as to what we are going to do on these matters. We ask Administrator Hyde how issues fit into the ordinances that we have and we will evaluate in our own minds if it fits or not.

Chairman Winterton closed the public hearing.

*Re-entered Combined Commission Meeting at 2:19 P.M...*

*Commissioner Peatross motioned to adopt the findings of fact and conclusions of law recommended by the Planning Commission to deny the appeal by Neil Wilkerson and approve the minor subdivision/plat amendment requested by Paul and Jone Wells. Commissioner Wood seconded the motion. All commissioners voted aye and the motion*

*passed.*

***Consideration Of Minutes For Combined Commission Meeting Held April 08, 2013***

Commissioner Wood motioned to approve the minutes with the necessary corrections. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

***Consideration Of Minutes For Combined Commission Meeting Held April 15, 2013***

Commissioner Wood motioned to approve the minutes with the necessary corrections. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

***Consideration Of Minutes For Combined Commission Meeting Held April 22, 2013***

Assistant Casper stated that these minutes are not ready for approval.

***Commission Calendaring***

***Adjourn***

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

*Read and approved this 13<sup>th</sup> day of May 2013.*

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*Ronald Winterton*

*Commission Chairman*

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*Diane Freston*

*Clerk/Auditor*

*Minutes of meeting prepared by BobbiJo Casper* \_\_\_\_\_