

**MINUTES FOR REGULAR COMMISSION MEETING HELD APRIL 05, 2010  
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,  
UTAH**

***Present***

Commission Chairman Kent R. Peatross, Commissioner Kirk J. Wood, Commissioner Ronald Winterton, Clerk Auditor Diane Freston, Deputy County Attorney Jonathan Stearmer, and Commission Assistant BobbiJo Bailey taking minutes of the meeting.

***Opening Comments***

Commissioner Winterton gave the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Consideration Of Payment Vouchers***

The commission reviewed vouchers #113567 through #113607 dated April 05, 2010 in the amount of fifty eight thousand three hundred eighty six dollars and fifty nine cents (\$58,386.59). *Commissioner Wood motioned to approve the vouchers presented by Auditor Freston. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Payment Request No. 15 For Design And Construction Engineering Services On The Pariette Road Reconstruction Project***

Chairman Peatross stated that we have covered this agenda item in the vouchers.

***Consideration Of Duchesne County/Duchesne Ranger District Annual Road Maintenance Plan 2010***

Chairman Peatross stated that we discussed this earlier in the Commission Working meeting; this has to do with the Moon Lake road and maintenance agreement.

*Commissioner Wood motioned to table this agreement until next week.*

*Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Adoption Of Resolution No. 10-08, A Resolution Providing For A Special Bond Election To Be Held On June 22, 2010, For The Purpose Of Submitting To The Qualified Electors Of Duchesne County, Utah, A Proposition Regarding The Issuance Of Not To Exceed \$8,000,000 General Obligation Bonds To Finance The Costs For Constructing An Aquatic Center And Related Improvements; Providing For The Publication Of A Notice Of Public Hearing; Approving The Form Of And Directing The Publication Of A Notice Of Election And The Ballot Proposition; And Related Matters***

*Roosevelt City Mayor Vaun Ryan, Duchesne City Mayor RoJean Rowley, KNEU's Jean Liddell, Carey Dee Willis, Terri Wentworth, Kirk Wentworth, Ross Wentworth, Guy Coleman, Art McKee, Lanny Ross, Nancy Wager, Clinton Moon, Lee Moon, Lloyd Grant, Pacel Hayes, Phillip Bertoch, Doris Bertoch, Karie Ann Hullinger, Lyman Taylor, Steve Rowley, John Swasey, Ron Johnson, David Labrum, Gordon Moon, Abby Staker, Shannon Staker, Ellie Staker, Brynn Staker, Claire Staker, Greg Staker, Craig Thomas, Vickie Bailey, Chamber of Commerce Director Irene Hansen, Kathy Lee Heapes, Bruce Peatross, Calvin Killian, Connie Mullins, Keith Hooper, Sharon Smith, Selanie Iorg, Roger Marrett, Susan Paulsen, Gary Child, & Thomas Winterton joined the meeting at 1:06 P.M...*

Chairman Peatross stated that there are a couple points as we go into this discussion and they are that this discussion is not for the purpose of talking about whether this is a good or bad idea. That will be determined during the election process by the voters of Duchesne County. The commission has received over one thousand one hundred (1,100) signatures to put this item in the election process and to put it on the ballot. The point of this discussion is to determine whether this is going to be on the June or November election. We like the fact that something of this magnitude is going to be in front of the voters of Duchesne County. This is for the purpose of a Duchesne County Aquatic Center. There is a group that has been driving this project, that has collected the signatures, has presented them to the commissioners, and has asked for the commission to consider this. This has been following an initiative process, Attorney Stearmer will explain that, but the issue is that this is not a matter of if this will be voted on, but when it will be voted on; that is what we would like to hear from the public. Attorney Stearmer stated that, under the State Initiative Process in Utah code section 20A-7-501, under the initiative process, if a correct percentage of voters sign a petition to force a law, (in this case, it would be a bond election and a tax increase to pay for that bond); if they provide fifteen percent

(15%) of all votes cast in the county in the last Governor election, (which would be eight hundred fifty five (855) signatures); and if they gather eight hundred fifty five (855) signatures or more, then they can present them to the governing body, who is the commission, and ask them to adopt this. If they decide to adopt it, they can put it on the June election; if not, because they have the required amount of signatures, they can force it onto a ballot, which means it would go on the November election. Since petitions have been presented with eleven hundred (1,100) signatures, they have the requisite number of signatures, so that is why the question up front is not whether or not this is going to the voters, but when it is going to the voters. Chairman Peatross stated that a concern that the commission has had is the amount of interest that the general public has to the June election. Auditor Freston stated that when you compare the 2006 and 2008 election results, in 2006, nineteen percent (19%) voted in the primary election (June) and forty two percent (42%) voted in the general election (November); in 2008, twenty percent (20%) voted in June and fifty nine percent (59%) voted in November. Chairman Peatross stated that in Duchesne County the number of unaffiliated, which is around five thousand (5,000) voters, is second to the number of republicans; the Democratic Party is around one thousand (1,000). There is a large majority of the population that may not have a reason to vote in June; this is an issue that we have a concern about. Mr. Wentworth stated that, in gathering the petitions, we let voters know that we were shooting for the June election and feels this is a reason for people to vote in June.

**Public Comments:**

**Art McKee-** He appreciates the commissioners giving the opportunity to discuss this issue at hand. It is his strong feeling that we need to have as many participants as possible in the process and strongly urges the commissioners to put this on the November ballot where there would be a lot more participation.

**John Swasey-** Nobody ever knocked on his door to sign a petition and feels that most of the campaigning was done in Roosevelt. If you hold this election in June you will eliminate everyone who is interested in voting for or against, but it seems to be a one sided thing if we don't have time to campaign on both sides and hold it off until November when everyone will be interested in voting. He recommends holding this off until November and give all of the people in the county, since this is a county wide issue, the opportunity to vote.

**Carey Dee Willis-** She lives in Ioka which is in Duchesne County; she has invested a lot of time and money on gas to collect signatures. All signatures were in the county and everyone was for the issue being on the ballot in June to move forward.

**Kalvin Killian-** He is against holding this election in June and that it should be on the November ballot after everyone has had time to look at it and understand what it is. We are on the west side of the county and don't see many people on the west side of the county using it. He feels that people on the west side of Uintah County will use it more and that he is against it being on the June ballot.

**Ross Wentworth (Architect)** – His firm was selected to help with the design of the project. We find ourselves right now in a great economy to build; prices are down so you will benefit from an early start. You will see value in getting the project underway. The design period is generally a four (4) or five (5) month process. A late fall start can be tough here in the Basin and sometimes there is not value. It would be about the same time in opening the complex, being the nature of the facility, if it was voted on in June or November. The only difference would be the cost of when it goes to bid, it's hard to put a value on it, but the sooner the better.

**Gordon Moon-** An important reason that this should be on the November ballot and not on the June ballot is that the three school board seats are all in Roosevelt area for the primaries, so you would have all of those that are going to be at the ballot box anyway. We should have as many voters as possible on a tax increase as we can.

**Greg Staker-** He lives in Roosevelt and just attended the caucus meetings and the attendance throughout the state was higher than it has been in sometime. You will find a significant increase and those who are interested enough to come will be there to participate. It sounds like it has been presented in the way that if you want it passed, put it on June, if not, put it on November. His request would be for this to be

done in June and feels that, by deciding to put it on the ballot in November, you are wielding power and are determining how the election goes and he doesn't feel that's appropriate.

**Lloyd Grant-** He resides in Duchesne and has been around the community for over eighty years and has yet to see prices go down; they are always going up. Regardless of when you make this decision, and the commission, if the three of them determine when it takes place, we have a very small amount of people who are invested in this county. You need to be awful careful how taxation is going to land blast the communities, you will be taxed; they will go up like gas. He thinks that the commission is representing him and he is a small voice and was put in by the people; they recognize you. If you avoid and make a quick decision sometimes it works and sometimes it doesn't. You can't back out once you make a decision; a lot of people have not had the opportunity to understand the principal, the cost, or the liabilities. A small majority will benefit, he will never benefit because he is too old to go swimming. He suggested waiting until November to make the decision and feels that would be on their behalf.

*-Went into public hearing at 1:30 P.M...*

*-At 1:37 P.M. Regular Commission Meeting Reconvened...*

*-Chairman Peatross reconvened the discussion of the Aquatic Center...*

Chairman Peatross stated that it has been brought to our attention that on the petition it states that, if approved by the voters of Duchesne County, this initiative will take effect on November 3, 2010. Mr. Wentworth stated that he was asked to follow the initiative process, but that truly isn't an initiative, so we talked about the fact that these were made up following the initiative. We did discuss this and were told that this shouldn't be a problem and it didn't seem important at the time. Otherwise we could have clarified them before we went out, but the direction was that it wasn't necessary and feels this shouldn't be brought up as an important item. Chairman Peatross stated that he feels Mr. Wentworth stated that very correctly and he will take most of the blame for the miscommunication in that discussion, it is unfortunate that none of us knew enough about the process at the time to know that it was an issue. We all know a lot more today than we did when that conversation was held a month ago and apologized to Mr. Wentworth. Mr. Wentworth stated that he appreciates support from the commission and has tried to develop a plan for everyone and feels that June was what most people were looking at.

**Kalvin Killian-** There is a lot of talk about the petition to have this on the ballot in June and that the people who signed it were all for it but the people on the west end of the county and the majority of us didn't know about it; we heard it on the radio. If you don't give us time to get a petition signed saying that we would like it on the November ballot, he doesn't think its right that you count those signatures to count as a vote to put it on the June ballot.

**Mayor RoJean Rowley-** How many of those signatures are living on the west side?

Chairman Peatross stated that there are signatures from every area of the county, there are approximately three hundred signatures from outside of Roosevelt.

**Mayor RoJean Rowley-** On the election in June, she has heard that people aren't geared up to think election in June and thinks more people will look at the November election and will be geared by what is on that election. She would like this to be on the November election and would like to see the comparison on how many signatures are from the west side.

**David Labrum-** He is from Roosevelt and was a primary candidate in 2008 and lost by thirty two (32) votes in the twenty percent (20%) turn out in the county. He has been on the school board and thinks this is a great opportunity to unite the county. He would like to do it the right way, not the political way. He thinks that the west side would vote against it because most of the flow comes from Altamont on over to Roosevelt. Roosevelt City cannot sponsor an eight million dollar project; it just is not in our capacity to do it. This should be on the November ballot where everyone gets a chance to vote.

Commissioner Wood stated that he was very interested in what people had to say and that the one thing he had in favor of the June election was the construction window; apparently that's not an issue, but a cheaper bid could be. The cons that he had listed were fewer voters, democrats that don't have a reason to show up for the primary, and all of the unaffiliated parties. He thinks there is a perception, like in the school bond, people said that the only reason they voted against it was they felt that it was being sneaked in on an off election year. In favor to the pool committee, they have done their homework and have tried to have a lot of involvement and knows that the school board did the same thing. In November, hopefully we will have a better feel for the economy. A concern that he has is in centrally assessed, if centrally assessed goes down then property taxes have to go up to offset it. You will see a tax increase if that takes place and that concerns him. If people aren't informed on how this will affect them, it's pretty much an automatic "no" vote when they vote. If something says that it will raise taxes, he thinks that as many registered voters as possible should make that decision. Commissioner Winterton stated that he is concerned that, on the petition, he doesn't think that people read what was on the petition when they signed it. He would like to see more of the county have a voice in this, because Roosevelt has been very generous in letting us build the facility; but that is not set in stone yet. We need to decide where is best suitable for the county.

**Vickie Bailey-** If this does passes vote, are we going to be given another vote of where this should be, because that would have an affect on people.

Commissioner Peatross replied by stating that, on that decision, probably not. The reality on where that facility would have to be would be based on certain things like water and sewer access. A facility of this nature, in order to be successful at all, would have to be supported by as big of a population as you can get. Commissioner Wood stated that it hasn't been decided where it's going to be but he is thinking that he is ninety percent (90%) sure that it will be in the Roosevelt area where the work has been done and where it's been set up.

Attorney Stearmer stated that we are under the initiative process, so the county legislative body can accept the petition and enact the law by putting it on the ballot. There needs to be two (2) motions accepting the petition signatures, then the next decision would be to adopt the resolution or not.

*Commissioner Winterton motioned to accept the petitions presented to the commission for the Aquatic Center. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

*Commissioner Wood motioned to reject Resolution No. 10-08 that would put it on as a special bond election on the June 22, 2010 ballet. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Attorney Stearmer stated that he will relay this information to the Clerk's Office and to the Bond Counsel who prepared this resolution, and then they will have to follow the process gearing up for the November election. Chairman Peatross stated that this was not the commissions' intent to take sides; we do not want to take sides, we feel very strongly that this is up to the community and to leave it in the hand of our county voters. Attorney Stearmer stated that now that the voice of the voters has been heard, this will be on the November election based off of the petition signatures. Under the bond statute, it requires a public hearing, public notice, and it also requires the county to prepare a voter information packet; all of this will happen before the November election.

#### ***Consideration Of The Minutes For Regular Commission Meeting Held March 29, 2010***

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

#### ***1:30 P.M. Public Hearing –***

#### ***Consideration Of Resolution No. 10-07, A Resolution Annexing Certain Lands Into The Upper Country Water Improvement District***

*Upper Country Water Improvement District Office Manager Ilene Jensen joined the meeting at 1:30 P.M... Minutes of Regular Commission Meeting Held on April 05, 2010*

Mrs. Jensen stated that we have had this advertised for the past three (3) weeks in the Uintah Basin Standard. Attorney Stearmer has reviewed the final annexation resolution and we would like your consideration of this resolution. She came in March 01, 2010 with the intent to annex and this is the final annexation. Mr. Swasey asked if the people who get annexed-in have to pay the back taxes against the bill or if they start fresh from now. Mrs. Jensen replied by stating that, because of the expense of it, they do have a fee that covers the cost of advertising and her time. They also have a fee in lieu for a portion of debt that is outstanding and they do contribute to that factor.

**RESOLUTION NO. 10-07**

**A RESOLUTION ANNEXING CERTAIN LANDS INTO  
THE UPPER COUNTRY WATER IMPROVEMENT DISTRICT**

WHEREAS, the Board of Commissioners of Duchesne County, State of Utah, did, on the 1st day of March 2010, pass a Resolution, declaring its intention to annex into the Upper Country Water Improvement District certain lands at the request of the property owners of an area adjacent to the Upper Country Water Improvement District and in accordance with the provisions of Title 17A-2-301, et seq. Utah Code Annotated, (1953) as amended, and

WHEREAS, many of the residents have sought to be included in the District and have urged that they be included in the District, and

WHEREAS, public hearings have been held pursuant to notice published in the Uintah Basin Standard as provided by law, and

WHEREAS, it appears that the inclusion of the below-described lands of said district is in the best interest of the public and of the health, safety, and convenience of the public, require the annexation of these lands to the Upper Country Water Improvement District,

BE IT THEREFORE RESOLVED that certain lands adjacent to the Upper Country Water Improvement District be annexed into said district. The description of said lands is as follows:

**TOWNSHIP 1 SOUTH RANGE 4 WEST USBM**

Section 25: Beginning at the North Quarter Corner of Section 25 and running thence North 88° 22'47" East 406.91 feet along the North line of the Northeast Quarter of said Section 25; Thence South 00°53'13" East 750.40 feet parallel to the West line of said Northeast Quarter; Thence South 88° 22'47" West 406.91 feet parallel to said North line to said West line; Thence North 00° 53'13" West 750.40 feet along said West line to the point of beginning.

Contains 7.10 acres more or less. Less the ROW for County roads 5000 North and 15500 West. (0952-0001/00-0035-0325)

PASSED this 5th day of April 2010, by the Board of County Commissioners.

DUCHESNE COUNTY:

Attest:

\_\_\_\_\_  
Diane Freston  
County Clerk/Auditor

\_\_\_\_\_  
Kent R Peatross, Chairman  
Duchesne County Board  
of County Commissioners

\_\_\_\_\_  
Kirk J. Wood, Member

\_\_\_\_\_  
Ronald Winterton, Member

*-Back In Regular Commission Meeting At 1:37 P.M...*

*Commissioner Wood motioned to adopt Resolution No. 10-07. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.  
Minutes of Regular Commission Meeting Held on April 05, 2010*

*-Chairman Peatross reconvened the discussion of the Aquatic Center...*

***Adjournment***

*Chairman Peatross adjourned the meeting at 2:03 P.M.*

*Read and approved this 12<sup>th</sup> day of April 2010.*

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*Kent R. Peatross*  
*Commission Chairman*

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*Diane Freston*  
*Clerk/Auditor*

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