

**MINUTES FOR REGULAR COMMISSION MEETING HELD APRIL 12, 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, Deputy County Attorney Jonathan Stearmer, American Legion's Vern Peterson, and Commission Assistant BobbiJo Bailey taking minutes of the meeting.

***Opening Comments***

Attorney Stearmer gave the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Consideration Of Payment Vouchers***

*Clerk Auditor Diane Freston joined the meeting at 1:06 P.M...*

The commission reviewed vouchers #113609 through #113703 dated April 12, 2010 in the amount of three hundred twelve thousand four hundred twelve dollars and seventy six cents (\$312,412.76). *Commissioner Wood motioned to approve the vouchers presented by Auditor Freston. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Report From American Legion, Utah Boys And Girls State***

*Boys & Girls State attendees Adam Herron, Kade Beck, Taylor Rowley, Lisa Pace, Heather Moon, Dillen Grant, Travis Potter, Kimberly Wilkerson, Stacey Taylor, Alex Remond, Brittani Reinhardt, Triton Ivie, & Nicole Bartlett joined the meeting at 1:15 P.M...*

Mr. Peterson thanked the commission for giving them the opportunity to be there. He stated that the reason they are there is because the young men and women are sponsored by different companies that pay their way to Boys and Girls State; they are required to come back and report to the commission. Duchesne High School has taken the academic decathlon for seven (7) years in a row. These students went through the course and all graduated. Mr. Herron stated that he had a lot of fun and was elected as the city and county Treasurer; he ran for State Treasurer, but was beaten out. He learned a lot about how city and county governments work and feels it will help him out in life. Mr. Beck stated that he was elected City and State Treasurer and had a lot of fun. It was interesting to see how voting works and how you have to vote on everything. Mr. Rowley stated that he was elected Mayor of Matern City and the State party Chair. He ran the election for the state election candidates; he learned about the party chairs in Utah and it was a very inspiring week. Ms. Pace stated that she was elected Muah City Attorney and had her first mock trial, which was in front of two hundred (200) people. She feels this helped her learn to speak in front of people and be prepared. Ms. Moon stated that she ran for the County Treasurer nominee, but was beaten out. She had a great time; she felt overwhelmed at first, but it helped her come out of her shell and she ran for numerous things; it was very inspiring. Mr. Grant stated that he was appointed Chief of Police and was elected County Sheriff. It was a great experience, he learned about law, and the voting system; this is something he will remember his entire life. Mr. Potter stated that he ran for County Surveyor but didn't get it. He had a lot of fun and was able to graduate; he also got five (5) stitches in his head while playing basketball. Ms. Wilkerson stated that she was elected into the House of Representatives and had to write a bill and get it passed; the bill was women's rights on abortion. Ms. Taylor stated that she was in Durran City and learned a lot more than she ever wanted to know on politics, but appreciates the government and how it works. She was Sergeant at Arms and it was really interesting; she really enjoyed it. Mr. Remund stated that he was the County Auditor and it made him realize what people in the commissioner's position have to do. People don't recognize what people have to do in leadership positions; people bad mouth them and don't know what they really do. Ms. Reinhardt stated that she was elected the county Register and County Delegate and learned a lot about the county. She made a lot of friends who she has kept in contact with throughout the year. Mr. Ivie stated that he was selected as a State Delegate and ran for Governor and Mayor, but didn't win. He really enjoyed Boys State; his favorite part was listening to the debate between the Democratic and Republican parties. It was interesting to see what both parties believe and how it all works. Ms. Bartlett stated that she ran for Walker City Auditor and Walker City Register. She learned a lot about government and the military; this is one of the greatest experiences that a young lady could ever have. Chairman Peatross stated that he hopes everyone

continues this enthusiasm because, sometimes when we get older, we lose sight of what's important. The election that is coming up this year can determine how many delegates we can have, from Duchesne County, that go out to the state, based on the amount of people who register to vote. We have an opportunity, on a grass roots level, to have some influence, and you guys have a feel for that at this point in your life and it would be his hope in life that you don't forget it; an individual can make a difference. Mr. Peterson stated that this is one of the greatest programs out there right now for young people and there are almost four hundred thousand dollars (\$400,000.00) worth of scholarships that were given to two hundred (200) boys. Commissioner Wood stated that this is a great investment for our future with these young individuals; the more they understand about the processes that their county works on, the better off we will be. Chairman Peatross stated that we have opportunities to attend state meetings and other things; if anyone wants to sit in on any of these meetings, give him a call.

***Consideration Of A Business License Application For Outlaw Firewood***

*Chief Deputy Clerk JoAnn Evans joined the meeting at 1:02 P.M...*

Deputy Clerk Evans stated that this company will gather firewood. *Commissioner Wood motioned to approve the application as presented by Deputy Clerk Evans. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Vertical Edge Construction, Inc.***

Deputy Clerk Evans stated that this company has a gravel pit by Altamont and was required to get a conditional use permit from Planning and Zoning. *Commissioner Wood motioned to approve the application as presented by Deputy Clerk Evans. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***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, but didn't have all of the information. We had concerns over the detail and suggested tabling this for another week. *Commissioner Wood motioned to postpone this agreement until next week. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 10-09, A Resolution Establishing Method, Rules, And Procedures For The 2010 Tax Sale And Allocating Administrative Costs To Delinquent Properties***

Chairman Peatross stated that we discussed this earlier in the Working Meeting with Deputy Clerk Auditor Teresa Baker.

**RESOLUTION NO 10-09**

**A RESOLUTION ESTABLISHING METHOD, RULES, AND PROCEDURES FOR THE 2010 TAX SALE AND ALLOCATING ADMINISTRATIVE COSTS TO DELINQUENT PROPERTIES.**

**WHEREAS** the County Commission is charged under Utah Law with determination of the method of sale of delinquent properties for delinquent taxes; and

**WHEREAS** the following "METHOD OF SALE" and "DUCESNE COUNTY TAX SALE RULES", appear to facilitate the objectives of protecting the financial interest of the delinquent owner while meeting the county's need to collect delinquent taxes due; and

**WHEREAS** the Tax Sale creates costs of administration including advertising, recording, noticing, offering, mailing, etc.;

**NOW THEREFORE**, be it resolved that the following PUBLIC NOTICE, METHOD OF SALE, and DUCESNE COUNTY TAX SALE RULES, are hereby adopted to govern the Duchesne County Tax Sale.

**PUBLIC NOTICE**

Notice is hereby given that on the 20th day of May, 2010 at 10:00 a.m. in the commission chambers of the Duchesne County Administration Building, 734 North Center, Duchesne City, Duchesne County, Utah, the Duchesne County Clerk-Auditor, Diane Freston, will offer

for sale at public auction and sell to the highest bidder for CASH OR CERTIFIED FUNDS pursuant to the provisions of Section 59-2-1351 Utah Code, the following described real property located in said County and now delinquent and subject to tax sale. A bid for less than the total amount of taxes, interest, penalty and administrative costs, which are a charge upon said real estate, will not be accepted. NO PERSONAL CHECKS WILL BE ACCEPTED IN PAYMENT OF BID.

#### **METHOD OF SALE**

The Board of County Commissioners of Duchesne County has determined the following method of sale best meets the objectives of protecting the financial interests of the delinquent property owner and collecting delinquent property taxes due: The highest bid amount for the entire parcel of property shall be accepted; however, a bid may not be accepted for an amount that is insufficient to pay the taxes, penalties, interest and administrative costs. Any amount received in excess of the taxes due to all local governments and any administrative costs by the County shall be treated as surplus property and paid to the State Treasurer pursuant to Utah State Law.

#### **DUCHESNE COUNTY TAX SALE RULES**

1. Duchesne County prohibits collusive bidding. "Collusive bidding" is any type of arrangement, agreement, or practice between two or more parties that in any way alters the bidding which results in an unfair advantage or disadvantage to a party, a bidder or Duchesne County. Anyone participating in collusive bidding may, at the discretion of the clerk-Auditor, subject to appeal to the legislative body, be banned from bidding at the present and future sales not to exceed five years.
2. Any person or persons who would be in a position of conflict of interest shall not be permitted to bid for any tax sale properties.
3. A bidder shall pre-register prior to bidding and be given a number for bidding purposes. In the registration, bidder shall properly and clearly identify correct information and address for use in issuance of deeds.
4. If the amount of taxes due are \$200.00 or more a fee in the amount of 8% of the total amount of taxes, penalty and interest will be assessed for "administrative costs" with a minimum of \$100.00 per parcel with additional fees of \$2.00 for preparation of the deed, and \$10.00 for the recording of the deed as per Utah Code 59-2-1351. Said fee shall be added to the taxes, penalties and interest outstanding on each delinquent property to cover a proportional share of the costs of such administration.
5. If the amount of taxes due is less than \$200.00, an administrative fee in the amount of \$50.00 per parcel will be added, with additional fees of \$2.00 for preparation of the deed, and \$10.00 for the recording of the deed, as per Utah Code 59-2-1351. Said fee shall be added to the taxes, penalties and interest outstanding on each delinquent property to cover a proportional share of the costs of such administration.
6. The period to redeem property prior to the closing of the books and the beginning of the tax sale shall end on May 19, 2010 at 5:00 p.m.
7. The County Clerk-Auditor shall withdraw from the tax sale any properties that have been redeemed prior to the closing of the books on May 19, 2010, at 5:00 p.m..
8. As a courtesy the tax sale listing will be posted on our website at [www.duchesnegov.net](http://www.duchesnegov.net). If a payment comes in at 5:00 p.m. the day before the sale, it will be posted the following morning on the website.
9. If the County Clerk-Auditor discovers before the tax sale that because of an irregular or erroneous act or assessment, legal description or amount due, said property should not be sold. The County Clerk-Auditor shall not sell the property, and the county legislative body shall cause the tax records to reflect the correction in the following year.
10. If the County Clerk-Auditor, subject to approval by the county legislative body, issues a written finding that it is in the best interest of the public to withdraw a property from the tax sale, the County Clerk-Auditor shall withdraw the property from the sale.
11. Loud whispering, yelling or talking, other than bids, is not allowed so that accurate records may be kept of the proceedings of the sale.
12. The County Clerk-Auditor shall state the amount of taxes, penalties, interest, and administrative costs on the parcel(s) being offered for sale, which shall be the lowest acceptable bid at which bidding will begin.

13. The bidder first recognized by the County Clerk-Auditor shall be the first bid recorded, etc. As in any auction, the bid recognized is the one in effect at the time.
14. Upon receipt of a bid sufficient to pay taxes, penalties, interest and administrative costs on the parcel, higher bids shall be solicited in no less than \$10.00 increments. The last bid received in the highest dollar amount, when the County Clerk-Auditor calls "sold", shall be the bid accepted (if such bid is otherwise acceptable under these rules).
15. The final bid number announced by the County Clerk-Auditor is the official sale, and the previously registered name and address for that number will go on the deed.
16. Once the County Clerk-Auditor has offered for sale all properties on the tax sale list, all remaining properties that did not receive a bid shall be struck and become property of Duchesne County.
17. Once the County Clerk-Auditor has closed the sale of a particular parcel of property as a result of accepting a bid on a parcel, the successful bidder or purchaser of the property may not unilaterally rescind the bid. The county legislative body, after acceptance of a bid, may enforce the terms of the bid by obtaining a legal judgment against the purchaser in the amount of the bid, plus interest and attorney's fees.
18. Only cash or certified funds will be accepted in payment for property. Payment shall be made to the County Treasurer on or before two (2) hours after the sale ends on the day of the sale.
19. If the successful bidder does not make proper payment to the County Treasurer prior to two (2) hours after the sale ends, the day of the sale, the next highest bidder shall be offered the opportunity to purchase the property for the amount of their bid, and so on, until a successful bidder is found, or until the minimum acceptable bid is reached. Original successful bidders who fail to pay for the property bid upon shall be liable as set forth in paragraph 17 above and UCA 59-2-1351.1 (6) and, in addition, shall be required to post a \$500 (five hundred dollar) bond prior to being allowed to bid in future sales.
20. One deed, and only one deed, will be issued to the successful bidder on each parcel sold.
21. Any person wishing to contest any action taken in connection with the tax sale must present such protest to the Duchesne County Commissioners, in writing, within ten (10) days of the sale.
22. All bids shall be considered conditional, whether or not the bid is contested, until reviewed and accepted by the Board of County Commissioners, acting at a regularly scheduled meeting after the above said (10) day protest waiting period. Once the tax sale has been reviewed by the Board of County Commission, said sale shall be ratified.
23. Upon ratification of the tax sale, the County Clerk-Auditor shall prepare the tax deeds and deliver said deeds to the County Recorder.
24. Upon receiving the tax deeds the County Recorder shall record all said deeds and then mail the original deeds to the property owners at their previously registered addresses.
25. Any property listed may be subject to a rollback tax under the provisions of "THE FARMLAND ASSESSMENT ACT", Utah Code Section 59-2-501 thru 59-2-515.

**THE BOARD OF DUCHESNE COUNTY COMMISSIONERS**

\_\_\_\_\_  
Kent R. Peatross, Chairman

Attest:

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Kirk J. Wood, Member

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

\_\_\_\_\_  
Ron Winterton, Member

Passed and Adopted this 12<sup>th</sup> day of April, 2010 by the Board Of County Commissioners.

*Commissioner Winterton motioned to adopt Resolution No. 10-09. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of VOCA Grants***

Chairman Peatross stated that we discussed this in the Working Meeting earlier with Attorney Stephen Foote. Commissioner Winterton stated that these are regarding the Victim's Advocate and Children's Justice Center Programs. *Commissioner Wood motioned to approve the application process. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Contract With Rafter Seven Enterprises (Joe Summarell)***

Attorney Stearmer stated that as of now, how the contract is written in Mr. Summarell's name, we know that Mr. Summarell is going to be performing the services. If we are to enter into this agreement with the business and Mr. Summarell is to hire an employee we wouldn't be able to stop that action the way it is currently drafted. Commissioner Wood stated that he had a conversation with Mr. Summarell, who expressed that his accountant recommended that the contract be in his business name. Attorney Stearmer stated that for accounting purposes, he can see the benefit, but for liability purposes, if he is the only person under the entity that's taking the action, they will pierce under the corporate bill and nail him anyway. The cleanest way to fix the scenario is that we can put in the contract to perform these functions, and that the county understands that Joe Summarell will be the individual that performs. *Commissioner Winterton motioned to approve the contract with the amended language with Rafter Seven Enterprises. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of The Minutes For Regular Commission Meeting Held April 05, 2010***

*Commissioner Winterton motioned to approve the minutes with the necessary changes. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***1:30 P.M. Public Hearing –***

*-Chairman Peatross excused himself from the hearing to avoid any possible conflicts and asked Commissioner Winterton to Chair this discussion...*

***Consideration Of Ordinance No. 10-280, An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Industrial (I) To Residential (R-1)***

*County Community Planning Administrator Mike Hyde & Property Owner Belinda Mitchell joined the meeting at 1:30 P.M...*

Administrator Hyde stated that we have an application from Roger and Belinda Mitchell to rezone two and a quarter (2.25) acres of land from Industrial to residential. They would like to create a home site for a daughter and the Zoning Ordinance doesn't allow a single family residential development in an industrial zone; the resolution would be to do a rezone. The Planning Commission held a public hearing on April 7, 2010; there was no opposition.

**ORDINANCE #10-280**

**AN ORDINANCE AMENDING THE DUCHESNE COUNTY ZONING MAP, REZONING DESCRIBED PROPERTY FROM INDUSTRIAL (I) TO RESIDENTIAL (R-1)**

WHEREAS, Roger and Belinda Mitchell have filed an application to rezone property located at 21171 W 8225 South from Industrial (I) to Residential (R-1); and,

WHEREAS, after giving notice and conducting a public hearing on April 7, 2010, the Duchesne County Planning Commission has recommended approval of the rezone from Industrial (I) to Residential (R-1) for the subject parcel; and,

WHEREAS, after giving notice and conducting a public hearing on April 12, 2010, the Duchesne County Commissioners have accepted the Planning Commission recommendation and adopted findings to approve the rezone request.

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

**SECTION 1.** *The following described property is hereby rezoned on the official zoning map from Industrial (I) to Residential (R-1):*

*Commencing at the east quarter corner of Section 36, Township 3 South, Range 5 West of the Uintah Special Base and Meridian; thence north 00°05'15" east 255.44 feet along the east line of the NE ¼ of said section; thence north 89°54'45" west 339.41 feet perpendicular to said east line to the true point of beginning; thence north 89°54'45" west 261.00 feet; thence north 00°05'15" east 328.57 feet parallel with said east line to the south right of way line of an existing street; thence north 00°11'35" east 66.78 feet to the north right of way line of said street; thence south 81°02'26" east 264.04 feet along said north right of way line; thence south 00°05'15" west 354.62 feet parallel with said east line to the true point of beginning. Subject to a 66-foot wide street right of way along the north line. Contains 2.25 acres.*

**SECTION 2. Severability.**

*If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.*

**SECTION 3. Effective Date.**

*This Ordinance shall become effective April 27, 2010.*

*DATED this 12<sup>th</sup> day of April 2010.*

ATTEST:

DUCHESNE COUNTY  
BOARD OF COMMISSIONERS

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

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Kent R. Peatross, Chairman

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Kirk J. Wood, Commissioner

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Ronald Winterton, Commissioner

*-Back In Regular Commission Meeting At 1:35 P.M... Chairman Peatross returned...*

*Commissioner Wood motioned to adopt Ordinance No. 10-280 rezoning lands at 21171 W 8225 S, for Roger and Belinda Mitchell, as recommended by the Planning Commission. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed. Chairman Peatross abstained from voting.*

**Adjournment**

*Chairman Peatross adjourned the meeting at 2:05 P.M.*

*Read and approved this 19<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*\_\_\_\_\_