

**MINUTES FOR REGULAR COMMISSION MEETING HELD MAY 10, 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, Uintah Basin Standard Reporter Steve Puro, 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.

Tax Adjustments – Assessor

Clerk Auditor Diane Freston joined the meeting at 1:09 P.M...

The commission reviewed the attached tax adjustments presented by Auditor Freston. *Commissioner Winterton motioned to approve the tax adjustments as recommended by the Assessor's Office. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

The commission reviewed vouchers #113875 through #113947 dated May 10, 2010 in the amount of two hundred twenty three thousand one hundred four dollars and twenty seven cents (\$223,104.27). *Commissioner Winterton motioned to approve the vouchers presented by Auditor Freston. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Hawk Excavation & Construction

Chief Deputy Clerk JoAnn Evans joined the meeting at 1:15 P.M...

Deputy Clerk Evans stated that this is a construction company who has his contractor's license and has been approved by Planning and Zoning. *Commissioner Wood motioned to approve the application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Poll Workers

Chairman Peatross stated that we discussed this earlier in the Working Meeting where we were presented a list of workers from Deputy Clerk Evans (see attached). Deputy Clerk Evans stated that there are three (3) people that are missing from the Roosevelt polling location, but is still working on that list and will present a revised list later to the commission. *Commissioner Wood motioned to approve the list of Poll Workers for the Primary Election in June presented by Deputy Clerk Evans. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Multi-County Appraisal Trust (MCAT) Computer Assisted Mass Appraisal System (CAMA) Resolution

Chairman Peatross stated that this is a computer system that is being implemented statewide and we discussed this with Assessor Greg Garff in the Working Meeting earlier. This is an agreement of commitment of being compliant with a server and other things to prepare the county to implement this in 2013.

**Multi-County Appraisal Trust (MCAT)
Computer Assisted Mass Appraisal System (CAMA)**

Introduced by: Art Partridge, President

Subject: Implementation Schedule Resolution

County: Duchesne

WHEREAS, the State Legislature has mandated that all counties shall annually update property values based on a systematic review of current market data using a mass appraisal system over the next five years; and

WHEREAS, a county faces a significant loss of revenue from the multi-county assessing and collecting levy if it fails to comply with the statistical measures of appraisal performance related to 59-2-303.1(4)(c); and

WHEREAS, funding to implement the statewide CAMA system used to accurately value property, establish and maintain a uniform level of assessment among counties, and to insure the efficient administration of the property tax system has been provided to counties through the multi-county assessing and collecting funds allocated to MCAT in 59-2-1606(3)(a); and

WHEREAS, MCAT has been granted authority to determine which projects shall be funded and to oversee the administration of the statewide CAMA system;

THEREFORE BE IT RESOLVED that the governing body and the county assessor:

1. Seek approval to participate in the funding for the statewide CAMA system from MCAT;
2. Request funding to be provided in the year 2013;
3. Agree that MCAT will pay for the acquisition of the following software: RealWare, Marshall & Swift cost module, Apex sketching module, up to two SPSS licenses, services, conversions and customization as defined in the UAC contract with CCI, training as defined in the UAC contract with CCI, and annual maintenance and support costs for RealWare, Marshall & Swift cost module, and Apex; and
4. Certify that the county will have sufficient funds and other resources to implement and operate the CAMA system after it is installed.

Approved and adopted the 10th day of May, 2010

Kent R. Peatross
Commission Chairman

COUNTY	Total	Class	System	Section	CCI Parcel	Project	MCAT	Annual	Group	Year
IRON	43,690	3	Tyler	5	43,690	\$267,383	\$267,383	\$31,457	0	2010
MILLARD	15,364	4	Tyler	3	35,000	\$214,200	\$214,200	\$25,200	0	
BOX ELDER	43,486	3	Tyler	1	43,486	\$266,134	\$266,134	\$31,310	1	August 2011
TOOELE	25,204	3	Tyler	1	40,000	\$244,800	\$244,800	\$28,800	1	
SUMMIT	35,797	3	Tyler	2	40,000	\$244,800	\$244,800	\$28,800	1	
SEVIER	16,569	4	Tyler	3	35,000	\$214,200	\$214,200	\$25,200	2	December 2011
JUAB	8,996	5	Tyler	3	30,000	\$183,600	\$183,600	\$18,000	2	
KANE	19,344	5	Tyler	5	30,000	\$183,600	\$183,600	\$21,600	2	
WASATCH	19,838	4	Pams	2	35,000	\$214,200	\$214,200	\$25,200	3	June 2012
MORGAN	6,494	5	Pams	2	30,000	\$183,600	\$183,600	\$18,000	3	
SANPETE	28,819	4	Pams	3	35,000	\$214,200	\$214,200	\$25,200	3	
CACHE	40,614	3	In House	1	40,614	\$248,558	\$248,558	\$29,242	4	December 2011
CARBON	14,523	4	Pams	4	35,000	\$214,200	\$214,200	\$25,200	4	
EMERY	9,088	5	Pams	4	30,000	\$183,600	\$183,600	\$18,000	4	
GRAND	6,503	5	Pams	4	30,000	\$183,600	\$183,600	\$18,000	4	
SAN JUAN	7,786	4	Pams	6	35,000	\$214,200	\$214,200	\$25,200	4	
GARFIELD	9,447	5	Pams	6	30,000	\$183,600	\$183,600	\$18,000	4	
DUCHESNE	32,219	4	M&S Singer	2	35,000	\$214,200	\$214,200	\$25,200	5	June 2013
RICH	9,545	6	M&S Singer	2	20,000	\$122,400	\$122,400	\$18,000	5	
DAGGETT	3,051	6	M&S Singer	2	20,000	\$122,400	\$122,400	\$18,000	5	
BEAVER	8,086	5	M&S Singer	3	30,000	\$183,600	\$183,600	\$18,000	6	December 2013
PIUTE	2,747	6	M&S	3	20,000	\$122,400	\$122,400	\$18,000	6	

WAYNE	4,009	6	M&S	4	20,000	\$122,400	\$122,400	\$18,000	6	
UTAH	162,202	2	CCI	1	162,202	\$1,000,000	\$0	\$116,785		Completed
DAVIS	92,029	2	CCI	1	92,029	\$563,217	\$217,798	\$66,261		
WEBER	91,716	2	CCI	1	91,716	\$561,302	\$361,302	\$66,036		
SALT LAKE	430,000	1	CCI	1	430,000	\$0	\$0	\$258,000		
UINTAH	21,568	4	CCI	2	35,000	\$214,200	\$214,200	\$25,200		
WASHINGTON	75,501	2	CCI	5	75,501	\$462,066	\$0	\$54,361		

Commissioner Winterton motioned to authorize Chairman Peatross to sign the MCAT Resolution. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Acceptance Of Road Dedication And Grant On The Benson Draw Road

Attorney Stearmer stated that this has been an ongoing matter with El Paso where they were threatening to close the Benson Draw Road because they didn’t want the liability anymore on the dugway. It’s the county’s position that it’s already a public road, but El Paso doesn’t like the legal principal that you can get a public right of way through a prescriptive easement and wants a paper trail. El Paso has been threatening to put up a gate, but he told them if that happened, our road crew would tear the gate down. El Paso sent out one of their land men to gather up public road dedications and grants; which are from all landowners along the whole section of the Benson Draw Road. The language is the same on everyone, except for the landowner; we received signatures from everyone except one landowner. By the landowners signing these dedications, they are formally dedicating this over to the county. With these being accepted by the county, there are two hold outs, the first is by Macy Duke (also known as Marsha McGuire) who was told by her attorney to not sign it or take any action because it’s already being claimed as a public road. The second is El Paso and the course of action that he has been able to work out with El Paso’s attorney is to file a Quiet Title Action, and then they will give us a public dedication and grant. They will not dispute it, we will basically enter into a settlement with El Paso and they will sign it over. These road dedications will be recorded and will be used as Exhibit “B” with the Quiet Title Action. *Commissioner Winterton motioned to accept all road dedications and grants on Benson Draw a Class “D” Road. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of The Minutes For Regular Commission Meeting Held May 3, 2010

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

1:30 P.M. Public Hearing –

Consideration Of Ordinance No. 10-281, An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Agricultural (A-2.5) To Agricultural (A-5)

County/Community Planning Administrator Mike Hyde & R. Chapman representative Jason McKenna joined the meeting at 1:30 P.M...

Administrators Hyde stated that there is a photo (see attached) that shows the eighty (80) acres that R. Chapman owns on the Harmston Bench north of the county gravel pit and west of Burdick’s gravel pit. Mr. McKenna is here representing R. Chapman Construction; he appeared before the Planning Commission May 5, 2010 where we held a public hearing in regards to this zone change. If the zoning is granted, it is the intention of the applicant to come back to the Planning Commission in June for a Conditional User Permit for a gravel pit. There was no opposition at the Planning Commission meeting and recommended approval from the commission.

ORDINANCE #10-281

AN ORDINANCE AMENDING THE DUCHESNE COUNTY ZONING MAP, REZONING DESCRIBED PROPERTY FROM AGRICULTURAL (A-2.5) TO AGRICULTURAL (A-5)

WHEREAS, R. Chapman Construction has filed an application to rezone property located on the Harmston Bench north of Roosevelt from Agricultural (A2.5) to Agricultural (A-5); and,

WHEREAS, after giving notice and conducting a public hearing on May 5, 2010, the Duchesne County Planning Commission has recommended approval of the rezone for the subject parcel as requested; and,

WHEREAS, after giving notice and conducting a public hearing on May 10, 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 Agricultural (A2.5) to Agricultural (A-5):*

The NE ¼ of the NW ¼ and the SE ¼ of the NW ¼ of Section 9, Township 2 South, Range 1 West, USM, containing 80 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 May 25, 2010.

DATED this 10th day of May 2010.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Kent R. Peatross, Chairman

Kirk J. Wood, Commissioner

Ronald Winterton, Commissioner

-Back In Regular Commission Meeting At 1:32 P.M...

Commissioner Wood motioned to adopt Ordinance No. 10-281. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Adjournment

Chairman Peatross adjourned the meeting at 1:32 P.M.

Read and approved this 17th day of May 2010.

Kent R. Peatross
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by BobbiJo Bailey*_____