

**MINUTES FOR REGULAR COMMISSION MEETING HELD SEPTEMBER 13,  
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, Deputy Clerk Auditor Leann Stewart, 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.

***Tax Adjustments – Assessor***

The commission reviewed the attached tax adjustments presented by Deputy Clerk Stewart. *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 #115121 through #115291 dated September 13, 2010 in the amount of three hundred thirty two thousand nine hundred thirty dollars and forty two cents (\$332,930.42). *Commissioner Winterton motioned to approve the vouchers presented by Deputy Clerk Stewart. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Deb Lindsay Studios***

*Chief Deputy Clerk JoAnn Evans joined the meeting at 1:12 P.M...*

Deputy Clerk Evans stated that this company redoes gun stalks and is good to go. *Commissioner Wood motioned to approve the application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Oxi Fresh Of Eastern Utah***

Deputy Clerk Evans stated that this business doesn't reside in our county, so it didn't need to be approved through 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 A Business License Application For Sandstone Pizza And Grill***

Deputy Clerk Evans stated that this company has passed all building codes and has also passed through 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 An Addendum To The R&M Janitorial Contract***

Chairman Peatross stated that this was on the agenda last week and was postponed, because we didn't agree with the numbers. Attorney Stearmer stated that he discussed the amount with Mike Lefler who is a part owner of R&M Janitorial, and determined that the amount is four hundred dollars (\$400.00); which makes the new contract amount twenty one thousand twenty five dollars (\$21,025.00). Commissioner Winterton stated that originally, the Mickelson Building was not on their original contract and reviewed the amount change when it was added, which was increased four hundred dollars (\$400.00). *Commissioner Winterton motioned to approve the addendum to the cleaning contract with R&M Janitorial. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Approval Of Right Of Way Deeds On The Nine Mile Canyon Road***

Chairman Peatross stated that these deeds are on the intersection where the monument was and right of way work was done and some changes. *Commissioner Winterton motioned to approve the acceptance of the right of way deeds on the Nine*

*Mile Canyon Road. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Bailiff And Security Services Contract***

Attorney Stearmer stated that there was some language that didn't mesh with our Court Security Plan with the State of Utah. He had conversations with the State of Utah, so he changed the language on "Attachment B", and it now mirrors with what is in the Court Security Plan. *Commissioner Wood motioned to approve the contract for Bailiff and Security Services. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Ordinance No. 10-282, An Ordinance Creating The Duchesne County Community Development And Renewal Agency To Be Known As The "Duchesne County Redevelopment Agency"***

Chairman Peatross stated that we had some lengthy education on this in a couple of Working Meetings. Attorney Stearmer stated that from those meetings, it seemed to be the county's position that we want to move forward in the creating a redevelopment agency (RDA) in the county for economic community development. The direction was given to Craig Smith who is the RDA Attorney that we have been using and proposed these documents. He has reviewed the documents and is fine with them; they seem to be appropriate and accurate. This will only affect the unincorporated areas of the county.

## **DUCHESNE COUNTY, UTAH**

### **Ordinance No. 10-282**

#### **AN ORDINANCE CREATING THE DUCHESNE COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY TO BE KNOWN AS THE "DUCHESNE COUNTY REDEVELOPMENT AGENCY."**

**WHEREAS** the Board of County Commissioners of Duchesne County, Utah, (the "Commission" and "County," respectively) has determined that it is in the best interests of the County to undertake community development, economic development and/or urban renewal in such areas of the County as may become necessary or desirable;

**WHEREAS** the Commission intends that community development, economic development and/or urban renewal project undertaken within the County be carried out in accordance with the provisions of Title 17C of the Utah Code, the "Limited Purpose Local Government Entities-Community Development and Renewal Agencies Act" as amended (the "Act"); and

**WHEREAS** Section 17C-1-201 of the Act authorizes the legislative body of a community to create a community development and renewal agency for the purposes of undertaking or promoting community development, economic development, and/or urban renewal within the geographic boundaries of the agency, which shall be coterminous with the boundaries of the community creating the agency, or as otherwise provided by the Act.

#### **THE COUNTY LEGISLATIVE BODY OF DUCHESNE COUNTY, UTAH ORDAINS AS FOLLOWS:**

**Section 1.** Pursuant to the provisions of Section 17C-1-201(1) of the Act, the Commission creates a community development and renewal agency (the "Agency"), contingent upon the issuance by the Utah Lieutenant Governor of a certificate of creation under Section 67-1a-6.5 of the Utah Code.

**Section 2.** The official name of the Agency is the "Duchesne County Redevelopment Agency."

**Section 3.** The geographic boundaries of the Agency are and will be coterminous with the geographic boundaries of the unincorporated area of the County.

**Section 4.** Upon creation, the Agency will be vested with all the powers set forth in the Act and as otherwise provided by law.

**Section 5.** The governing body of the Agency will be a Board consisting of the members of the Commission as may serve from time to time on the Commission. Any change in the composition of the Commission will automatically and without any further action required constitute a similar change in the composition of the Agency Board.

**Section 6.** Within 10 days of the adoption of this Ordinance, the County Clerk/Auditor will cause to be prepared and filed with the Utah Lieutenant Governor a notice of impending boundary action (the "Notice") and a final local entity plat (the "Plat") both as required by Section 17C-1-201(2)(a) of the Act. A substantially final copy of the Notice is attached as **Exhibit A** and a substantially final copy of the Plat is attached as **Exhibit B**. The appropriate officials of the County are authorized and directed to sign and seal both the Notice and the Plat upon their proper preparation. The Plat must comply with the requirements contained in UCA § 17-23-20(4) and the Notice must comply with the requirements of UCA § 67-1a-65(3).

**Section 7.** Upon the issuance by the Utah Lieutenant Governor of a certificate of creation under Section 67-1a-6.5 of the Utah Code, the Agency will be created and incorporated. Upon the lieutenant governor's issuance of a certificate of creation, the County Clerk will submit or cause to be submitted to the County Recorder the original Notice, the original certificate of creation, the original Plat, and a certified copy of this Ordinance.

**THIS ORDINANCE WILL TAKE EFFECT 15 DAYS AFTER PASSAGE, AND AFTER DEPOSITING OF A COPY IN THE CLERK-TREASURER'S OFFICE AND PROPER POSTING THROUGHOUT THE COUNTY, AS REQUIRED BY UTAH CODE ANNOTATED SECTION 17-53-208.**

PASSED and APPROVED this 13<sup>th</sup> day of September, 2010

**ATTEST:**

**DUCHESNE COUNTY BOARD OF  
COUNTY COMMISSIONERS**

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

\_\_\_\_\_  
Kent R. Peatross  
Chair

*Commissioner Winterton motioned to adopt Ordinance No. 10-282 creating the Duchesne County Redevelopment Agency. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Ordinance No. 10-285, An Ordinance Regulating The Possession Of Synthetic Marijuana***

Chairman Peatross stated that we discussed this earlier in the Working Meeting. This came as a recommendation from the Sheriff's Department and the County Attorney. Attorney Stearmer stated that this has been a growing concern nationwide. Cache County, Utah County and Uintah County have taken action on this already, so this will make us the fourth (4<sup>th</sup>) county in the state. The street name is "Spice" and we are still learning of compounds associated with this drug, so this may be an ongoing issue that we may have to add compounds to address it, but the Attorney's Office and Sheriff's Department are taking this very seriously. Chairman Peatross stated that because of state law, this will not take affect for fifteen (15) days.

**ORDINANCE NO. 10-285**

**AN ORDINANCE ADOPTING RESTRICTIONS ON THE MANUFACTURE, DISTRIBUTION, POSSESSION, OR USE OF SYNTHETIC CANNABINOIDS**

**WHEREAS**, the County Commission finds and determines that the substances described hereunder are often used as an alternative to marijuana, that the substances are potentially dangerous to users, that the long term effects are not yet known, that a high number of hospitalizations have been reported in connection with the use of the substances; and

**WHEREAS**, the substances described hereunder are not yet categorized as illegal controlled substances under State or Federal law, and that it is proper and necessary for the County Commission to exercise its authority to safeguard and protect the public health and safety; and

**WHEREAS**, the County Sheriff's Office and the County Attorney's Office have reviewed all available options to combat this growing health and safety concern; and

**WHEREAS**, the County Commission finds that it would most harmful to the health and safety to the residents of Duchesne County to postpone taking action against synthetic cannabinoids; and

**WHEREAS**, Duchesne County has the authority under Utah Code Ann. § 17-53-201 and 17-53-223 to take the following action.

**NOW THEREFORE, The County Legislative Body of Duchesne County ordains as follows:**

**SECTION I.** Title 4 Chapter 2 of the Duchesne County Code shall be amended and adopted to include the following subsection:

**4-2-3: Prohibitions Concerning Synthetic Cannabinoids**

A. Except as authorized by Title 58 Chapter 37 of the Utah Code, as amended, it is unlawful for any person to knowingly and intentionally: (i) produce, manufacture, dispense or (ii) possess with intent to produce, manufacture, or dispense or (iii) distribute, or agree, consent, offer, or arrange to distribute or (iv) possess with the intent to distribute (v) possess or use synthetic cannabinoids, more specifically identified as follows:

- (a) 1-Pentyl-3-(1-naphthoyl)indol  
Some trade or other names: JWH-018
- (b) 1-Butyl-3-(1-maphthoyl)indole  
Some trade or other names: JWh-073
- (c) N-benzylpiperazine  
Some trade or other names: BZP
- (d) 1-(3-[trifluoromethylphenyl]) piperazine  
Some or other names: TFMPP; or
- (e) Any structurally similar analogs of the substances listed above.

B. **Penalty:** A violation of this ordinance is a Class B Misdemeanor and each such violation shall be subject to the penalties provided in section 1-4-1 of this code

C. **Subsequent State Action:** Except as otherwise provided in this Chapter, should the Utah State Legislature adopt a statute enacting criminal penalties for prohibitions set forth in this ordinance, then upon the effective date of such state statute, this ordinance shall no longer be deemed effective. Any violations of this ordinance prior to a state statute becoming effective may be prosecuted.

D. **Effective Date:** This ordinance shall become effective fifteen (15) days after its passage and upon proper publication in a newspaper published and having general circulation in Duchesne County. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

PASSED and APPROVED this 13<sup>th</sup> day of September, 2010.

DUCHESNE COUNTY:

Attest:

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

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Kent R. Peatross  
Commission Chairman

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Kirk J. Wood  
Commission Member

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Ronald Winterton  
Commission Member

Roll Call Vote:

AYES:

NAYS:

ABSENT:

*Commissioner Wood motioned to approve Ordinance No. 10-285. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Minutes For Working Commission Meeting Held August 30, 2010***

*Commissioner Wood motioned to approve the minutes as corrected.*

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

***Consideration Of The Minutes For Regular Commission Meeting Held August 30, 2010***

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

*-Entered Recess At 1:26 P.M...*

*-Back In Regular Commission Meeting At 1:30 P.M...*

***1:30 P.M. Public Hearing –***

*Duchesne City Mayor RoJean Rowley, Clinton & Helen Park, Roosevelt City Pool Committee Member Kirk Wentworth, Terri Wentworth, Kim Harding, Craig Thomas, Gordon Moon, IT Department Head Jessica Purcell, KNEU Radio Station's Jean Liddell, & Uintah Basin Standard Reporter Steve Puro joined the meeting at 1:30 P.M...*

***Public Hearing To Receive Input From The Public With Respect To (i) The Issuance Of By The Board Of County Commissioners Of Duchesne County, Utah Of General Obligation Bonds And (ii) Any Potential Economic Impact That The Improvements, Facilities Or Properties Financed In Whole Or In Part With The Proceeds Of Said Bonds May Have On The Private Sector***

Chairman Peatross stated that as we proceed with this hearing, we are here today to take public input and provide information. This is not a decision hearing because the issue has gone through the initiative process and will be on the November Election. This is nothing more than information exchange. Mr. Wentworth stated that the pool itself came out of the fact that Roosevelt City was looking for an idea to build a new facility for its current failing facility. We found that a lot of the community uses the Roosevelt facility and serves a good portion of the county and decided to involve the entire county. We felt like we wanted to build something that will fill the means of the community with an indoor and outdoor pool with a family locker room, which is a new trend. There will also be a therapy pool and a party room. We are projecting that the project will cost around eight million dollars (\$8,000,000.00). We figure that it will cost around five hundred thousand dollars (\$500,000.00) a year for operation and maintenance. We feel that this fits within our means and is not to extravagant. The Uintah Basin Medical Center has been trying to build a therapy pool but has been struggling with that, so they are very supportive of our therapy pool.

***Public Comments/Questions***

**Kim Harding-** Will Uintah County access this facility for the same rate as Duchesne County residents?

Mr. Wentworth replied by stating that Uintah County will pay a non resident fee.

**Gloria Rasmussen-** She lives in Fruitland and has diabetes, but feels that she gets her best exercise from pools and feels that a new pool with a therapy pool is a great idea. She feels that the distance is okay with her because she has driven to Kamas just to use their pool.

**Kim Harding-** Eight million dollars is for the pool and the cost of operation and maintenance is separate?

Chairman Peatross replied by stating that yes, the O&M is separate, so we want everyone to know that if people vote for this bond they are also voting for the O&M because we do not have the funds to operate the facility.

**Gordan Moon-** The majority of the community would be from the Roosevelt area that would use this facility, are there any entities that are going to help pay for this or is it all coming from the bond?

Mr. Wentworth replied by stating that we expect to get around seventy percent (70%) in revenue and also expect to get between fifty and one hundred thousand dollars from the hospital. We haven't spoken to the Duchesne County School Board, but feels that if this gets built, we hope that the school would get involved. If he was on the school board, he would be offering property to put this pool close to a school. The original proposal was to put this new pool next to the park, but there are other options.

Chairman Peatross stated that if in fact this passes, there are two or three criteria's. You have to have water and sewer, but it does in fact make sense to put it in the biggest population location of the county for revenue. The number proposed is based on the worst case scenario. Ultimately, it will be a commission decision where this pool will go if it passes.

**Gloria Rasmussen-** She would be for this pool and help support it and feels that she would use the therapy pool two or three times a weeks to keep her blood sugar levels down. There are a lot of elderly that live in Fruitland that would take advantage of a new indoor pool.

**Craig Thomas-** He lives in Tabiona and he can see good things in this but Tabiona has their own recreation district that they pay taxes on and doesn't want to pay anymore taxes. Tabiona is far away from Roosevelt and doesn't see that anyone would drive to use the pool. He is opposed to this and feels that there ought to be another way to pay for this. Maybe Roosevelt can create their own district.

**Clint Park-** He lives in Duchesne City and the city paid for their own pool a few years ago and subsidizes the pool in what we are doing. For this pool to tax people in Duchesne, he is opposed to it and his taxes increasing.

**Gordon Moon-** He lives in Duchesne and in regards to the therapy pool, the UBMC has ways to fund their own pool. This is a major facility and he is against this, he encourages voters to vote against it. This is bad timing and is not a good time to be building. This bond would ask for people from Tabiona and Neola to pay a double tax. The O&M is ongoing forever and hopes the voters understand how this works and is not something that Roosevelt City can afford without the rest of the county's tax base.

Mr. Wentworth stated that the notion behind this is that the voters are the ones to make the decision. If this doesn't pass, Roosevelt City will build an outdoor pool that they can afford.

**RoJean Rowley-** Duchesne City spent \$450,000.00 a few years ago on their pool and we do go in the hole every year and operates in the red. Duchesne City would be paying for both pools.

Chairman Peatross stated that our objective was to follow state law and to provide an opportunity for information exchange and appreciates everyone comments and

attendance. This is not driven by the county commission; this was driven by about one thousand (1,000) signatures on a petition.

Mr. Wentworth stated that there will be scheduled meetings that will be throughout the county and will be advertised in the Uintah Basin Standard.

Attorney Stearmer stated that the county cannot take a for or against position on the bond, so the meetings that Mr. Wentworth is talking about are community meetings.

*-Back In Regular Commission Meeting At 2:14 P.M...*

***Adjournment***

*Chairman Peatross adjourned the meeting at 2:14 P.M.*

*Read and approved this 20<sup>th</sup> day of September 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*\_\_\_\_\_