

MINUTES FOR A COMBINED REGULAR AND WORK MEETING HELD MARCH 14, 2011 BEGINNING AT 8:45 A.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE, UTAH

Present

Commission Chairman Kirk J. Wood; Commissioner Ronald Winterton, Lorien Belton from USU, and Chief Deputy Clerk JoAnn Evans taking minutes of the meeting.

Absent

Commissioner Kent Peatross and Deputy County Attorney Jonathan Stearmer were on assignment elsewhere.

Opening Comments

Chairman Wood said the prayer.

Pledge of Allegiance

Any wishing to participate.

Tax Adjustments

None

Consideration of Payment Vouchers

Deputy Clerk/Auditor Judy Mutton joined the meeting at 8:50A.M...

The commission reviewed vouchers # 117183 through #117261 dated March 14, 2011, in the amount of two hundred fourteen thousand one hundred thirty dollars and twenty seven cents (\$214,130.27) as presented by Deputy Clerk/Auditor Judy Mutton.

Commissioner Winterton moved to approve the vouchers presented by Deputy Clerk/Auditor Judy Mutton. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.

Public Works/Landfill Update

Director Glen Murphy joined the meeting at 8:57 A.M... Assessor Greg Garff joined the meeting at 8:58 A.M..

Director Murphy stated that he has received complaints this last week over all the mud and the pot holes that winter and spring has brought them. There was discussion on the process Director Murphy uses to bid out the diesel fuel he purchases in Altamont, Duchesne, and Roosevelt. It was decided he does things the proper way.

Discussion of Fire Protection at the Duchesne and Utah Mini Ranches

Emergency Management Supervisor Mike Lefler joined the meeting at 9:07 A.M.... Uintah Basin Standard Reporter Steve Puro joined the meeting at 9:15 A.M...

Supervisor Lefler stated that he had a letter that he would like to read to the commission pertaining to the Duchesne and Utah Mini Ranches subdivisions. The letter will be sent to the Utah Division of Drinking Water. The letter states that all new subdivisions in Duchesne County must meet the requirements of the Wildland Urban Interface that was adopted by the county in 2006.

Discussion of a Letter to the Ashley National Forest, RE: Upper Anthro Lop and Scatter Project

Chairman Wood stated that Community Planning Administrator Mike Hyde is on assignment elsewhere and will not be able to give the information he would have liked for the letters presented today. Commissioner Winterton stated that he felt that Administrator Hyde had thoroughly prepared this letter and everything is fine with it. *Commissioner Winterton moved to authorize this letter to the Ashley National Forest, RE: Upper Anthro Lop and Scatter Project are sent. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Discussion of a Letter to the BLM, RE: Newfield Production Company, "27 Oil Well Project" EA

Chairman Wood stated that Community Planning Administrator Mike Hyde is on assignment elsewhere and will not be able to give the information he would have liked for the letters presented today. Commissioner Winterton stated that he felt that Administrator Hyde had thoroughly prepared this letter and everything is fine with it. *Commissioner Winterton moved to authorize this letter to the BLM, RE: Newfield Production Company, "27 Oil Well Project" EA is sent. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Discussion and Consideration of Resolution No. 11-04 "A Resolution Establishing Method, Rules, and Procedures for the 2011 Tax Sale and Allocation of Administrative Costs to Delinquent Properties"

Deputy Evans stated that this resolution needs to be in place every year for the May tax sale. There have only been a few minor adjustments to the way it was worded last year. It gives the Clerk/Auditors office the ability to do what they have to for the tax sale.

RESOLUTION NO 11-04

A RESOLUTION ESTABLISHING METHOD, RULES, AND PROCEDURES FOR THE 2011 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 "DUCHESNE 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 DUCHESNE COUNTY TAX SALE RULES, are hereby adopted to govern the Duchesne County Tax Sale.

PUBLIC NOTICE

Notice is hereby given that on the 26th day of May, 2011 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 25, 2011 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 25 2011, 5:00p.m.
 8. As a courtesy the tax sale listing will be posted on our website at www.duchesne.utah.gov. 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

Kirk J. Wood, Chairman

Attest:

Kent R. Peatross, Member

Diane Freston
County Clerk/Auditor

Ron Winterton, Member

Passed and Adopted this 14th day of March, 2011 by the Board Of County Commissioners.

Commissioner Winterton moved to approve "A Resolution Establishing Method, Rules, and Procedures for the 2011 Tax Sale and Allocation of Administrative Costs to Delinquent Properties. Chairman Wood seconded the motion. Both Commissioners voted aye and the motion passed.

Discussion of PILT Payment for Wildlife Resources

Kevin Christopherson joined the meeting at 9:45 A.M...

Mr. Christopherson stated that he had already dropped the check off to the treasurer a few weeks ago. The check was in the amount of forty three thousand ten dollars and sixty five cents (\$43,010.65). There was discussion held concerning the lands involved with Wildlife Resources and what they will be trying to do with it. They are trying to dispose of some land they no longer need. The priority lands will be the ones that we will keep. The area below Lake Canyon is on our disposal list.

Discussion and Consideration of Myton City's Request to extend the Law Enforcement and Animal Control Agreements

Commissioner Winterton stated that he had talked to Myton City Mayor Kathleen Cooper about this agreement. The letter given to us by Myton City is stating that they would like to extend the contract for the 2010/2011 year. She knows that she will need to prepare another letter for the 2011/2012 year by May 1, 2011. We have prepared a letter that will be sent to Mayor Cooper stating this fact.

Commissioner Winterton moved to approve the request to extend the Law Enforcement and Animal Control Agreement. Chairman Wood Seconded the motion. Both commissioners voted aye and the motion passed.

Discussion with USU Extension RE: Sage Grouse Update

Jason Robinson from the DWR joined the meeting at 9:31 A.M... Brian Maxfield from the DWR joined the meeting at 10:00 A.M...

Chairman Wood stated that he sits on the board to help protect the Greater Sage Grouse. He has learned that many things affect the sage grouse and it is important for them to be protected. Ms. Belton stated that they had a PowerPoint presentation they would like to show the commission. Mr. Robinson stated there are many things that affect the sage grouse; the weather, the mule deer, and people who don't realize they are there. The PowerPoint presentation by Ms. Belton and Mr. Robinson went through the process of how to protect the sage grouse. Mr. Maxfield stated that we need to do all we can to keep the sage grouse of the endangered species list.

Discussion with Duchesne City RE: Relocation of the City's Water Station

Duchesne City Mayor RoJean Rowley joined the meeting at 11:05 A.M...

Mayor Rowley stated she has been approached by Bill Barrett Corporation to put in more water stations when the time comes to relocate. They will help with some of the funding for it. We have not finalized the agreement for the property to put the stations on; however we would like to move forward if at all possible. Commissioner Winterton stated that Commissioner Peatross missed his CIB meetings this week, but

feels it should not be a problem to go ahead and move forward. Chairman Wood agreed with this statement.

Consideration of a Business License Application for A.D. Shaw Art Studio

Deputy Clerk/Auditor Sweat stated this business is an artist that was not aware that he needed to have a business license. *Commissioner Winterton moved to approve the business application A.D. Shaw Art Studio, as presented by Deputy Clerk/Auditor Sweat. Commissioner Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration of a Business License Application for NK Coal

Deputy Clerk/Auditor Sweat stated this business cannot have any more storage than what they have. Administrator Hyde wrote a note on the planning and zoning application that if we receive a complaint they will have to get a conditional use permit. *Commissioner Winterton moved to approve the business application NK Coal, as presented by Deputy Clerk/Auditor Sweat. Commissioner Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration of a Business License Application for Lee's Saddlery

Deputy Clerk/Auditor Sweat stated this business did not know that he needed a license. He is disabled and only works part of the year. *Commissioner Winterton moved to approve the business application Lee's Saddlery, as presented by Deputy Clerk/Auditor Sweat. Commissioner Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration of the Minutes for Commission Working Meeting Held March 7, 2011

Commissioner Winterton moved to approve the minutes as corrected. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.

Consideration of the Minutes for Regular Commission Meeting Held March 7, 2011

Commissioner Winterton moved to approve the minutes as corrected. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.

Adjournment

Chairman Wood adjourned the meeting at 11:21 A.M...

Read and approved this 21th day of March 2011.

*Kirk J. Wood
Commission Chairman*

*Diane Freston
Clerk/Auditor*

*Minutes of meeting prepared by JoAnn Evans*_____