

**MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR  
SESSION MEETING HELD AUGUST 29, 2011, BEGINNING AT 1:00 P.M. IN  
CONFERENCE ROOM #1, IN DUCHESNE, UTAH**

***Present***

Commission Chairman Kirk J. Wood, Commissioner Kent R. Peatross, Commissioner Ronald Winterton, Public Works Director Glen Murphy, Uintah Basin Standard Reporter Steve Puro, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

***Opening Comments***

Assistant Casper said the prayer. There were no other comments.

***Consideration Of Payment Vouchers***

*Deputy County Attorney Jonathan Stearmer & Deputy Clerk Auditor Connie Sweat joined the meeting at 9:07 A.M...*

The commission reviewed vouchers #118824 through #118880 dated August 29, 2011, in the amount of two hundred fifteen thousand one hundred seventy three dollars and eighty four cents (\$215,173.84) as presented by Deputy Clerk Sweat. *Commissioner Peatross motioned to approve the vouchers as presented by Deputy Clerk Sweat. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Tax Adjustments And Discussion Of property Taxes – Assessor***

*Assessor Greg Garff & Property Owner Ray Mounter joined the meeting at 1:09 A.M...*

Mr. Mounter stated that his property tax notice shows his primary residence as secondary, but he has lived there for almost five (5) years. He is handicap and hasn't been receiving his tax notices for the past few years, but has now corrected that with the Treasurer's Office. Assessor Garff stated that the notices went to old addresses and he would receive the exemption of around seven hundred dollars (\$700.00) a year. His recommendation was to change it from a secondary residence to a primary residence for 2009 and 2010; 2011 has already been changed. *Commissioner Winterton motioned to approve the tax adjustments as recommended by the Assessor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Public Works/Landfill Department Update***

Director Murphy stated that there were flash floods again in Antelope Canyon last week and the Road Department spent the week cleaning it up with the help of Petroglyph and Berry Petroleum. This week they will clean up a flash flood in the Log Hollow area in Hanna and will patch bad spots on the Arcadia Road.

***Consideration Of A Business License Application For Hide And Seek***

Deputy Clerk Sweat stated that this company will be prospecting on Tribal property in Duchesne County. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For LaRose Welding, Inc.***

Deputy Clerk Sweat stated that this company is a welding and roustabout business. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Powell Snow Removal***

Deputy Clerk Sweat stated that this company is a snow removal business. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Straight Shot Oilfield Services***

Deputy Clerk Sweat stated that this company is a roustabout business in Neola. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of A Business License Application For Upper Country Catering***

Deputy Clerk Sweat stated that this company is a catering company in Bluebell, but is only allowed to do baked goods and candy. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of A Kennel License Application***

*Property Owners Babette Rhynes, Michael Bennett, Julia Berg, & John Crawford joined the meeting at 1:15 P.M...*

Deputy Clerk Sweat stated that the application came from a business called Fur Ever Buddy's Dog Rescue, which is a shelter that gets animals from the pound and adopts them out. Both Officer Rick Carda and County/Community Planning Administrator Mike Hyde have signed off on the application. The animals are kept in Talmage, but the applicant lives in Bluebell and there are always new animals. Commissioner Winterton stated that the animals are kept in portable kennels and the applicant is in the process of getting a building to house them in. Mrs. Rhynes stated that she lives directly across from where the dogs are and they are always barking and this has been a problem since she moved there. She has been in constant contact with the police department. There have been dogs that have chased her on her property and she was told by the police that they will no longer accept her phone calls. The owners don't live on the property and suggested that the license not be given until the owners get their home built and actually live there to take care of the animals. Mr. Bennett stated that the dogs always seem to get out, so you can't walk down the road and agrees with Mrs. Rhynes that if the owner lived there they could control them. Commissioner Winterton stated that he has been out there where the dogs are twice while nobody was there, but all of the dogs were locked up. As he was leaving, the license applicant Melisa Stevenson arrived to feed the dogs and then they began to bark. He drove over to Mrs. Rhynes house and sat there for thirty (30) minutes, but couldn't hear the dogs barking at all. The second time he went out there, he went unannounced again and the dogs were all locked up and they were not barking. According to Officer Rick Carda the dogs are being taken care of and every time he is up there they aren't barking and there is nothing he can site the owner with. Mrs. Berg stated that she lives a mile and a half from where the dogs are and hears them barking at all different times of the day. She has seen dogs loose and over the weekend seen three dogs near her home. If the wind blows in her direction, she can hear the dogs really well. Mr. Bennett stated that dogs are dogs, they are going to get loose; he is a realist. Mr. Winterton stated that it has been a few weeks since he has been up there and suggested that Chairman Wood and Commissioner Peatross go up there to see where this is. Attorney Stearmer stated that in our county code Title 4 Chapter 3 Subsection 7, it states the following:

The application shall first be referred to the county planning official for zoning approval. Upon receiving zoning approval, the application is submitted to the county animal control officer for inspection of the premises for compliance with the minimum standards as set forth in subsection D of this section. Upon approval, the county shall issue the permit upon payment of the fee herein provided.

C. Location Conditions: Before the permit can be issued, the following conditions concerning the location of the kennel must be met:

1. The location where the dogs or cats are kept, raised, housed or boarded must be at least two hundred feet (200') away from any neighboring house; and
2. Must be at least one hundred fifty feet (150') from any road right of way line.

D. Minimum Standards: The following minimum standards shall be complied with to obtain and maintain a kennel permit:

1. Enclosure must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal, and also to permit proper cleaning and disinfecting.
2. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.

4. Runs shall provide an adequate exercise area and protection from the weather.
5. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
6. Food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
7. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

Chairman Wood recommended that we post pone this application until we have more input. Commissioner Peatross stated that he is not sure that even though we have a lot of complaints about this that we can deny this request if it fits within the rules of the ordinance. It does appear that if there are these kinds of complaints as far as sound and animals getting loose that it does require some stipulations or further monitoring. He is not prepared to approve this today and would like to hear from the applicant. Mr. Crawford stated that he is hard of hearing, but he is having to listen to these dogs barking all of the time and can hear them quit plainly. He has never heard such incredible excessive barking before and he can't imagine what the people who live closer to these dogs are going through and the punishment that they are taking since he is hard of hearing. There must be twenty to thirty (20-30) dogs with all of the noise that was being made. *Commissioner Peatross motioned to postpone this license for two (2) weeks. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

*Entered Public Hearing @ 1:30P.M...*

**1:30 P.M. Public Hearing –**

*County/Community Planning Administrator Mike Hyde, Jeff Williams, Jacob Woodland with Turner Petroleum Land Services, & Alex Keeler an independent with El Paso joined the meeting at 1:30 P.M...*

**Consideration Of Requests To Obtain Leases For Oil & Gas Extraction On Certain Properties Owned By Duchesne County In Township 3 South, Range 5 West, USM: Section 12: E/2SW/4 & Section 13: E/2E/2 & Township 1 South, Range 4 West, USM: Section 28: Streets & Avenues Of The Boneta Townsite, Section 28: Block 3 Lots 3&4 of the Boneta Townsite, Section 28: Block 4 Lots 1, 2, & 4 of the Boneta Townsite**

Attorney Stearmer stated that the purpose of the hearing is because the county owns certain property with mineral rights on it and our disposition ordinance states that if we are disposing property or tying it up in any way we need to hold a public hearing. Also if it's in the public use, over ten (10) acres, or one hundred thousand dollars (\$100,000.00) in value. These two proposed leases are for acres of two hundred forty (240) acres a piece, so it meets the land quantity part of being in the public use; this means before we do anything we have to hold a public hearing to get public input.

Chairman Wood opened up the opportunity for public comment.

Mr. Woodland stated that he would like to make a point of clarification on the notice for Township 3 in section 12 it should read E/2SE/4. There was some discussion that these might be lease renewals, but it would appear that these are new leases to be put out by public bid by Duchesne County.

Attorney Stearmer stated that the county retains the ability to dispose of the property as it sees fit, which could be through open public bid, sealed bid, or someone coming in and entering into negotiations. The county has the obligation to use whatever means it can lawfully to get the best value it can for taxpayers, that it the part he would change in Mr. Woodland's statement.

Mr. Woodland asked if the county knows how they are going to dispose of these at this time.

Attorney Stearmer stated that the county has all of its options available. we have received sealed documents and am assuming they are bids for the leases, but the terms have not been disclosed. It's up to the county commission how they would like to continue.

Mr. Keeler stated that he brought the first contract to the county with the intention of trying to understand the process in which the county's ownership is going to carry forward. He is under the impression that it was going to follow a certain type of process. We have presented an offer in a sealed bid and is here to find out what the process is going to intel and assumes that this is going to be here on out the process in which the county is going to activate on their lease of ownership.

Commissioner Peatross stated that his vote is to establish some kind of a fair bidding process for the bidders and the county tax payers.

Chairman Wood asked if Mr. Woodland was prepared to give a sealed bid today.

Mr. Woodland replied by stating that he could have one ready in five (5) minutes.

Commissioner Peatross stated that we are looking for an apples to apples process, so that we don't have to pick and choose.

Mr. Woodland stated that you want a uniform process so you want to see in our bids a signing bonus, royalty, the term of the lease, the duration, and different contractual stipulations.

Attorney Stearmer stated that you may not have apples to apples because one company may want to weigh heavily on cash bonuses, and another company may want to weigh in on the royalty.

Commissioner Peatross stated that as far as he is concerned it is apples to apples and can decide which risk they want to take.

Mr. Woodland stated that the county has the option to weigh all of the provisions of the lease to make the best determination of the lease. You have your upfront signing bonus, a production royalty, and the terms of the lease are the primary terms; there are also shut in royalties that can be negotiated.

Mr. Keeler suggested that this process be similar with the county tax sale and feels that the county would hold the highest in that setting. This would bring us all together and find out who wants to do business.

Commissioner Peatross stated that he would prefer some time to educate ourselves before making a decision. He appreciates the openness and honesty of Mr. Woodland and Mr. Keeler.

Chairman Wood stated that we need to put together some stipulations. Come prepared to either make an auction bid or sealed bid on September 21, 2011 at 9:00 a.m.

*Entered Back Into Regular Commission Meeting At 2:18 P.M...*

***Consideration Of A Cooperative Agreement Between Utah Department Of Transportation And Duchesne County For Weed Control For Fiscal Year 2012***

Commissioner Peatross stated that this is the same agreement that we have approved in the past with UDOT. They give us seven thousand dollars (\$7,000.00) that allows the Weed Department to do a lot of spraying. *Commissioner Peatross motioned to approve the agreement with UDOT. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of An Appointment To The Children's Justice Center Board***

Commissioner Winterton stated that on the CJC Board they have been short a representative from the Indian Ute Tribe. *Commissioner Winterton nominated Floyd Wyasket as a board member at large who would represent the Indian Ute Tribe. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Warranty Deeds From The Bill Barrett Corporation For The Nine Mile Canyon Road Project***

*County/Community Planning Administrator Mike Hyde joined the meeting at 2:25 P.M...*

Administrator Hyde stated that as you know, the Nine Mile Canyon Road Project is under way and part of that project crosses private land owned by Bill Barrett Corporation (BBC) down in the canyon who has offered us a deed for a road in those areas. Jones & DeMille, our project engineer, have worked with BBC to come up with the legal descriptions dealing with this and he recommended the signing of this deed. Attorney Stearmer stated that he has reviewed this and has signed the form that was provided by Administer Hyde. *Commissioner Winterton motioned to accept the right-of-way warranty deed from Bill Barrett Corporation for the Nine Mile Canyon Road Project. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Surplus IT Equipment***

*IS Department Head Jessica Purcell & Chief Deputy Clerk JoAnn Evans joined the meeting at 2:20 P.M...*

Attorney Stearmer stated that there have been some requests on some personal property that the county owns that needs to be put in surplus. Our county ordinance states that we need Commission approval if it's not being done during an annual sale. IS Department Head Purcell stated that this is computer towers and printers that are outdated but still work and we don't need them for our functions. We would like to sell them as they come up instead of sticking them out in the shed for almost a year. We want to put them online where there is a bid process. Deputy Clerk Evans stated that we can set a minimum bid and can recoup some of the costs and we won't ship anything everything has to be picked up. *Commissioner Peatross motioned to approve the process to sale IT Equipment. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Equipment Lease-Purchase Agreement With Caterpillar Financial Corporation***

Commissioner Winterton stated that we discussed this last week in Commission Meeting for a new loader at the Road Department; it's a five (5) year lease-purchase. Commissioner Peatross stated that it appears that the annual payment is thirty six thousand two hundred sixty dollars and eighty eight cents (\$36,260.88). *Commissioner Peatross motioned to approve the lease-purchase agreement with Caterpillar Financial Corporation for a loader as recommended by Public Works Director Glen Murphy. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Minutes For Combined Commission Meeting Held August 22, 2011***

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

***Executive Session - Personnel And/Or Litigation***

*No discussion was necessary.*

***Commission Calendaring***

***Adjourn***

*Chairman Wood adjourned the meeting at 2:40 P.M.*

*Read and approved this 12<sup>th</sup> day of August 2011.*

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*Kirk J. Wood*

*Commission Chairman*

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*Diane Freston*

*Clerk/Auditor*

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