

**MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR
SESSION MEETING HELD OCTOBER 03, 2011, BEGINNING AT 1:00 P.M. IN
COMMISSION CHAMBERS, IN DUCHESNE, UTAH**

Present

Commission Chairman Kirk J. Wood, Commissioner Kent R. Peatross, Commissioner Ronald Winterton, Deputy County Attorney Jonathan Stearmer, Public Works Director Glen Murphy, Deputy Clerk Auditor Connie Sweat, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

Commissioner Peatross said the prayer. There were no other comments.

Public Works/Landfill Department Update

Director Murphy stated that the Road Department finished the paving program for the summer and finished driveways and approaches on County Road 46 from the Uintah County line to Myton. They also finished the project in the Northtown Subdivision in Roosevelt. This week, they will start on County Road 36 by John Price's and will also rotomill on Highway 40 and stockpile it at the crusher site outside of Duchesne.

He stated that at the Landfill last week, SWANA Training was held, which is a solid waste training program; they had people from Idaho, Colorado, and Wyoming attend.

Consideration Of Payment Vouchers

The commission reviewed vouchers #119105 through #119236 dated October 03, 2011, in the amount of three hundred fifty four thousand nine hundred thirty five dollars and fifty eight cents (\$354,935.58) as presented by Deputy Clerk Sweat. *Commissioner Peatross motioned to approve the vouchers as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Tax Adjustments– Assessor

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.

Discussion Of A Land Exchange Between The Forest Service And Utah School Institutional Trust Lands Administration (SITLA)

Daggett County Commission Chairman Jerry Steglich & Commissioner Stewart Leith joined the meeting at 1:10 P.M....

Daggett County Chairman Steglich stated that they are proposing a land exchange on federal land within the NRA on the lake approximately four hundred twenty (420) acres in exchange for SITLA Land. Trout Unlimited is a partner in this with Daggett County. Part A and B of this bill is going to be a designation of the Green River under the Wild & Scenic Rivers Act, which is currently being managed this way. We are willing to codify that. In turn, they would lift the designation of section C of the River. There would be no designation take place other than some work with the BLM as far as right of ways along the river and other development. Senator Orin Hatch and Congressman Rob Bishop have asked them to come to the neighboring counties to ask for letters of support on this bill. He has been working on this for the past six (6) years and sees this project as very beneficial to Daggett County and very needful at this time. This is a good trade off where it has been managed by the Forest Service for quite some time. We are willing to satisfy the special interest groups and allow this to happen to codify this and allow this land exchange to go forth. There is no change in how this is going to be managed and this will add to the attraction for marketing of the area. The developers and investors love the geographic layers and how it slopes into the lake. This is a win-win for everyone involved and Daggett County sees this as a good trade off to create development. *Commissioner Peatross motioned to send a letter of support on this proposal for Daggett County to our congressional delegation. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Beer License Application For Pelican Station Inc.

Deputy Clerk Sweat stated that this application is a name change from the Bluebell Store to the Pelican Station and it has been approved by the Sheriff's Department.

Commissioner Winterton motioned to approve the beer license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Business License Application For ARM Security, Inc.

Deputy Clerk Sweat stated that this company is a direct dealer for Vivint, Inc. of Salt Lake City and Provo. They are a door to door sales business of home automation systems. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For CF Diesel LLC

Deputy Clerk Sweat stated that this business has received a conditional use permit from the Planning and Zoning Commission and is a mobile business. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Lake Fork Rock, LLC

Deputy Clerk Sweat stated that this company located in Arcadia and is a gravel pit. They have also received a conditional use permit from the Planning and Zoning Commission. They lease the gravel pit to Nielson Construction. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Lake Fork Transport, Inc.

Deputy Clerk Sweat stated that this company will be transporting oil and is leased to Hosco. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For MI Swanco, LLC

Deputy Clerk Sweat stated that this company is an oil, mud, and chemical sales business. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Packers Plus Energy Services (USA) Inc.

Deputy Clerk Sweat stated that this company is involved with fracking and is from Houston, Texas. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Shar's Snapshot Photography, LLC

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

Consideration Of A Business License Application For Ulterra Drilling Technologies, LP

Deputy Clerk Sweat stated that this company is from Fort Worth, Texas and is a distributor of drill bits in the oil field. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of An Easement Agreement With The School And Institutional Trust Lands Administration (SITLA)

Attorney Stearmer stated that this agenda item has been turned over to GIS Director Stoney Monks to verify the legal descriptions and to make sure all of the roads are accounted for. *Commissioner Winterton motioned to postpone this item until we hear from Director Monks. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Risk Management Policy

Commissioner Winterton stated that we have assembled a risk management team to assess the risks that may arise or affect Duchesne County operations and activities on behalf of its citizens, and to make recommendations to the governing body concerning those risks. All Duchesne County operations are required to cooperate with the risk team in this effort. We are asking for cooperation from all department heads. We will have training that we have outlined and will start next week. *Commissioner Winterton motioned to accept the policy statement and add it to our manual. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Minutes For Combined Commission Meeting Held September 26, 2011

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

Commissioner Winterton motioned to enter into recess at 1:37 P.M. to be able to attend an informational meeting with The Division Of Natural Resources. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Re-entered Combined Commission Meeting at 3:02 P.M...

Consideration Of Resolution No. 11-08, A Resolution Adopting The Duchesne County Basic Emergency Operations Plan

Attorney Stearmer stated that he has spoken to Emergency Management Director Mike Lefler and it is his understanding that this is the plan that the emergency management office and the LEPC has been working on for the past couple of years. They have finished the review and it is now being presented to the county commission for formal adoption based on the recommendation from Director Lefler. Commissioner Winterton stated that this plan is a requirement for a grant that they receive.

RESOLUTION NO. 11-08

A RESOLUTION ADOPTING THE DUCHESNE COUNTY BASIC EMERGENCY OPERATIONS PLAN

WHEREAS, Duchesne County, through its Emergency Management Department and the Local Emergency Planning Committee (LEPC), have revised and updated its Basic Emergency Operations Plan; and

WHEREAS, such review and revisions have received input from many local stakeholders to insure that the procedures outlined therein follow best practices and local practicalities; and

WHEREAS, Mike Lefler, Duchesne County Emergency Manager, along with the LEPC recommend the adoption of this Basic Emergency Operations Plan.

BE IT HEREBY RESOLVED by the Board of Duchesne County Commissioners that the Duchesne County Basic Operations Plan, attached hereto as Exhibit A, and incorporated herein by reference, is adopted in its entirety.

Dated this 3rd day of October, 2011.

ATTEST:

Diane Freston
County Clerk/Auditor

THE BOARD OF DUCHESNE COUNTY COMMISSIONERS:

Kirk J. Wood, Chairman

Ronald Winterton, Member

Kent R. Peatross, Member

Commissioner Winterton motioned to adopt Resolution No. 11-08. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of September 13, 2011 Notices Of Intent For El Paso Exploration & Production Company Draft Letter

County/Community Planning Administrator Mike Hyde joined the meeting at 3:05 P.M....

Administer Hyde stated that this is another case where El Paso is working with the Utah Division of Air Quality and complying with a settlement agreement that they entered into with the EPA recently regarding a number of tank batteries around the county that are already on the ground but have never had an approval order for air quality permitting. These were typically constructed by other companies that El Paso has purchased over the years and are gradually getting them approved through the state air quality rules. We have been supporting this effort in the past and recommend that DEQ issue the approval orders. Commissioner Peatross stated that the letter looks good.

Consideration Of Newfield Oil-Gas Separation Plant #4, Duchesne County Draft Letter

Administrator Hyde stated that the commission may recall a meeting with Newfield several months ago about their future plans. A part of Newfield's plan was to move from having tank batteries on every well site to having central processing facilities. They are in the process of building an additional oil and gas separation plant #4 on the Pariette Road on Bureau of Land Management Land. This is the first one of their central processing facilities and they need an air quality permit from DEQ. By doing this they will dramatically reduce the amount of Volatile Organic Compounds (VOC), nitrous oxide, and carbon monoxide that is getting into the atmosphere. They will have a vapor recovery system where they will recover the vapors and the tank heaters will be more efficient; this will be good for the ozone problem. It will also help cut down on dust and truck traffic to each individual well pad which is good for the environment. Commissioner Winterton stated that they will be able to separate the water from the oil and will eliminate the need for evaporation ponds; they are proposing having twelve (12) of these central batteries. The amount of money that they are going to invest in these is quite significant. He is in full support of this letter. Commissioner Peatross stated that the letter looks good.

Executive Session - Personnel And/Or Litigation

Commissioner Peatross motioned to go into and out of executive session for the purpose of discussing personnel and litigation issues at 3:14 p.m. and suggested moving the meeting to Commissioner Peatross's Office. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Discussion Of Personnel Issues began at 3:14 P.M... Assistant Casper was excused from the meeting...

Discussion Of Litigation Issues began at 3:30 P.M... Assistant Casper re-joined the meeting....

Re-entered Combined Commission Meeting at 3:46pm

Commission Calendaring

Adjourn

Chairman Wood adjourned the meeting at 3:46 P.M.

Read and approved this 17th day of October 2011.

Kirk J. Wood

Commission Chairman

Diane Freston

Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____