

**MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR
SESSION MEETING HELD OCTOBER 24, 2011, BEGINNING AT 10:00 A.M. IN
CONFERENCE ROOM #1, IN DUCHESNE, UTAH**

Present

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

Public Works/Landfill Department Update

Elizabeth & Ashley Harris joined the meeting at 10:27 A.M...

Director Murphy stated that the Road Department finished edging County Road 36 by John Price's and it has been paved. We finished putting in three (3) culverts on County Road 35 by Leo Brady's; they dug up more than he wanted too, but they will go back and pave it. He received reports of locked gates in the Cedar Mountain area of Orange Mountain. Director Monks stated that Nicholas Kuhns has put up a gate and strung barbed wire to keep people off of a County "D" Road. He has also posted signs saying the road is private and no public access. There are two (2) gates fifty (50) yards apart and are there to obstruct traffic. Ashley Harris was riding a four wheeler and hit the barbed wire and was hurt pretty badly. Director Murphy stated that this road is on our County "D" Road map. Mrs. Harris stated that there is barbed wire all around the gates and people are getting hurt; riders have to go up and around a steep canyon. Attorney Stearmer stated that the Road Department needs to send a letter to Mr. Kuhns saying that the gates need to be removed or the gates will be torn down. Director Murphy stated that he will work with Attorney Stearmer on getting a letter sent out.

Director Murphy reported that at the Landfill, Roy VanOs came out and gave permission to close the one monitoring well.

Discussion Of Newspaper Digitization Project

Myton City Mayor Kathleen Cooper joined the meeting at 10:50 A.M...

Mayor Cooper stated that she is working on gathering newspapers and would like to get through World War II and requested a donation for the project from Duchesne County. She needs just over eight thousand dollars (\$8,000.00) to do ten (10) years. Her goal is to get everything through 1970. Commissioner Peatross stated that he is very supportive of this project and appreciates Mayor Cooper for doing this. He would like to see permanent direction to give it ongoing life and feels we have an organization started. Chairman Wood suggested that Mayor Cooper contact Sam Passey at the Regional History Center, because they may have some old newspapers that she is looking for and if they have regional funding available. *Commissioner Peatross motioned to authorize up to eight thousand dollars (\$8,000.00) out of the discretionary fund for the county wide digitization project. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Discussion Of Correcting Duchesne County Addresses

Commissioner Winterton stated that the Lt. Governor has started contacting Chief Deputy Clerk Auditor JoAnn Evans in regards to the election process in the Vista Program. Director Monks stated that the problem is that people were given their addresses based off of their driver's licenses which came from the Driver's License Division. The county entered it in based on that address and was wrong ninety percent (90%) of the time. We have approximately twenty three hundred (2,300) addresses that need to be corrected in the Vista System. For Deputy Clerk Evans, he has taken all of the addresses from CTxMS and put them into a file and put the addresses in Vista also in a file so she can correct the address by name. The address points that he has been getting can be used to correct the address. The only way it can be corrected is to go in and put in a GPS point. The addresses on the east side of the county are okay because they are straight roads; it's going to be more difficult when we get to Fruitland. We need to determine if we are going to use the Geo coded version or the street version this next election. If it becomes too much of a problem and we need help, the State of Utah has offered to send someone out to do data entry. Commissioner Peatross stated that if the State of Utah is willing to send someone out, have them do it. Director Monks stated that he will coordinate with Deputy Clerk Evans on this and the problem is with the names, but Deputy Clerk Evans

needs to do her part, then he will go through and pull the ones out that are problems and pull them out to reassess what the problem is. Auditor Freston stated that the State of Utah wants this done before primary elections next year and was told by Deputy Clerk Evans that Director Monks hasn't done what he needs to do on this. Director Monks stated that this is going to be checking and entering; we started at six thousand (6,000) and are now down to twenty three hundred (2,300). Everything that can be done automatically has been done; it's the busy work that needs to be done now.

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

Attorney Stearmer stated that this has to do with the past meetings we have had with SITLA regarding easements. We need to verify the legal descriptions. Director Monks stated that this is on roads down south and is on BLM and SITLA. This is for a portion of them, so we will see more in the future. They are little chunks that go right through SITLA in the BLM area. *Commissioner Winterton motioned to approve the Road Easement Agreement with SITLA and authorized Chairman Wood to sign it. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

The commission reviewed vouchers #119380 through #119657 dated October 20, 2011, in the amount of two hundred twelve thousand seven hundred sixty two dollars and eight cents (\$212,762.80). *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.

Consideration Of A Business License Application For A&D Pump Parts Inc.

Deputy Clerk Auditor Connie Sweat joined the meeting at 11:25 A.M...

Deputy Clerk Sweat stated that this company is doing internet sales out of their home selling pump parts. *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 GLB Safety

Deputy Clerk Sweat stated that this company is out of Bluebell and is a safety compliance officer for OSHA. *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 GLB Welding & Fencing

Deputy Clerk Sweat stated that this company is a mobile welding and fencing company. *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 High Country Plumbing & Mech Inc.

Deputy Clerk Sweat stated that this company is plumbing and mechanic 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 K&A Oilfield Services, Inc.

Deputy Clerk Sweat stated that this company provides trash baskets and toilets 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 A Business License Application For Wilson Supply A Schlumberger

Company

Deputy Clerk Sweat stated that this company has received a conditional use permit from the Planning and Zoning Commission and is in the process of building a location in our county, but is currently in Vernal. *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 Quit Claim Mineral Deed On Township 4 South, Range 2 West, U.S.M.

Recorder Carolynne Madsen joined the meeting at 12:06 P.M...

Attorney Stearmer stated that we received a request from the Moon family who owns property in Duchesne County. The county acquired the ground in a tax sale in 1930. In 1937 the Moon family got the property and now the question is whether we want to or not deed it to the Moon's. In 1989 the property went through another tax sale and quit claim deeded in 1990. In 2006 the Moon family acquired it. The problem is that there is a triangle of property that was included in the deeds in 1965 that never should have been included and now the Moon's want the minerals claiming that it was an error in the Recorder's Office. He had Deputy Recorder Teresa Baker research this who found the legal descriptions was entered in wrong. Chairman Wood stated that he would like more research done on this and doesn't feel comfortable giving the minerals back at this point. If someone comes in and asks why we did this, we have no justification. Attorney Stearmer stated that we can go back and find out who prepared the deeds. People have the responsibility of keeping track of their property. Recorder Madsen stated that this is an area where we get a lot of these documents that were based on the legal description off of a canal. Title companies don't mess with anything over forty (40) years ago and she wouldn't mess with it now. Commissioner Peatross stated that the county used the legal description that was provided to them and doesn't feel this is the fault of the county; the legal description was used in the tax sale. Attorney Stearmer stated that the county hasn't had any dealings with this property since 1989.

Consideration Of Memorandum Of Agreement On Behalf Of Duchesne County, A Member Of The Rural Public Lands County Council 2012

Commissioner Winterton stated that this is with Bob Weidner and is in the same amount as it was last year of fifteen thousand dollars (\$15,000). *Commissioner Winterton motioned to approve the agreement with RPLCC. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Memorandum Of Understanding For Emergency Animal Control Services

Commissioner Winterton stated that this MOU is with Uintah County Special Service District for emergency services in the event we need their services for animal control. We currently have an agreement for this, but it's with Uintah County and not the SSD, so this is correcting that. This is a mutual MOU with Duchesne County, Uintah County, Daggett County, and the Ute Indian Tribe. *Commissioner Winterton motioned to authorize Chairman Wood's signature on the MOU for Emergency Animal Control Services. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Discussion Of Cell Phone Stipends

Commissioner Wood stated that per Attorney Stearmer, the commission needs to approve increasing stipends on cell phones. He just purchased a new smart cell phone and increased the services that are available. The current stipend for each commissioner is forty five dollars (\$45.00) a month and requested increasing that amount to seventy five dollars (\$75.00) a month. Attorney Stearmer stated that the Clerk Auditor's Office has the allowance forms; we need to make sure that the forms get filled out and approved. *Commissioner Peatross motioned to allow Commissioner Wood's stipend to go to seventy five dollars (\$75.00) to cover the costs of a data package and smart phone and authorize him to fill out the allowance form. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Minutes For Regular Commission Meeting Held October 17, 2011

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

Commissioner Peatross motioned to go into and out of recess at 12:39 P.M. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Reconvened to Working Commission meeting at 12:45 P.M...

Executive Session - Personnel And/Or Litigation

Commissioner Peatross motioned to enter into and out of executive session for the purpose of discussing litigation issues at 12:45 P.M. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Reconvened to Working Commission meeting at 1:03 P.M...

Executive Session - Personnel And/Or Litigation

Personnel Director Carrie Mascaro joined the meeting at 1:04 P.M...

Commissioner Peatross motioned to enter into and out of executive session for the purpose of discussing Litigation Personnel issues at 1:04 P.M. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Reconvened to Working Commission meeting at 1:25 P.M...

Commission Calendaring

Duchesne County Resident Jimmy Brotherson joined the meeting at 1:41 P.M...

Mr. Brotherson read a letter aloud that was sent to Marlo Holland from Duchesne County regarding property he wants to sell in Boneta. He feels that the county is wanting bribes is how he is interpreting the letter because it says incentives. Attorney Stearmer stated that incentives in real estate deals are not bribes.

Adjourn

Chairman Wood adjourned the meeting at 12:20 P.M...

Read and approved this 31st day of October 2011.

Kirk J. Wood

Commission Chairman

Diane Freston

Clerk/Auditor

*Minutes of meeting prepared by BobbiJo Casper*_____