

**MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR
SESSION MEETING HELD DECEMBER 19, 2011, BEGINNING AT 1:00 P.M. IN
COMMISSION CHAMBERS, IN DUCHESNE, UTAH**

Present

Commission Chairman Kirk J. Wood, Commissioner Ronald Winterton, Commissioner Kent R. Peatross, Public Works Director Glen Murphy, Deputy County Attorney Marea Doherty, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

Chairman Wood said the prayer. There were no other comments.

Public Works/Landfill Department Update

Director Murphy reported that the Road Department has had a lot of employees on vacation, but with the few employees he had, they put shale on the dugway behind Gateway in Duchesne. Someone damaged our new cattle guard with some kind of equipment in the Koch Field and we had to fix it. There was an ice jam on Arcadia Road by Joe Taylor's that caused water to sit on the road, so we put a trench in. We put a new cattle guard on County Road 26 that was furnished by Todd Moon on the Sand Wash Road eighteen (18) miles from the Patch Country Store in Pleasant Valley.

Director Murphy reported that at the Landfill, they want to work on the North Slope and Chet Hovey said he didn't see a problem with it since we closed the one monitoring well out; we want to tear down the fence. Chairman Wood stated that he spoke to Hal Giles who said that the order form for the new compactor showed that it should have included the teeth. Director Murphy stated that Kent Berg offered to pay half for the teeth so he will contact him and check into it.

Consideration Of Continuing The Junk Vehicle Program To Begin Phase VI And Phase V Prize Drawing

County/Community Planning Administrator Mike Hyde joined the meeting at 1:35 P.M...

Administer Hyde stated that we started the junk vehicle program in 2005 as an incentive for people to get rid of their junk vehicles. For every vehicle that is certified as being removed, the county puts ten dollars (\$10.00) in a prize fund. We have had four (4) phases of this program which has resulted in about nine hundred vehicles being removed and the fifth (5th) program was just completed. Having another one hundred sixty (160) vehicles removed. He asked the commission if they would like to continue to Phase VI (6). *Commissioner Peatross motioned to continue to Phase VI (6) of the Junk Vehicle Program. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Attorney Doherty drew the following names that are the winners of Phase V:

- 1st- Daniel Taylor \$800
- 2nd-Mike Maynes \$320
- 3rd-Floyd or Wendy Crowder \$240
- 4th-Sue Judd \$160
- 5th-Larry Rasmussen \$80

Administrator Hyde stated that he will contact the winners and try to get Daniel Taylor to come in and have his photo taken when he picks up his check.

Consideration Of Payment Vouchers

Clerk Auditor Diane Freston joined the meeting at 1:10 P.M...

The commission reviewed voucher #120161 dated December 14, 2011, in the amount of five hundred nineteen dollars and seventy five cents (\$519.75) as presented by Auditor Freston. The commission also reviewed vouchers #120162 through #120246 dated December 19, 2011, in the amount of four hundred eighty seven thousand nine hundred thirty four dollars and twelve cents (\$487,934.12) as presented by Auditor Freston. *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.

Tax Adjustments– Clerk/Auditor

Commissioner Winterton motioned to approve the tax adjustments as recommended by the Clerk/Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Tax Adjustments– Treasurer

Commissioner Winterton motioned to approve the tax adjustments as recommended by the Treasurer's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Beer License Application For All Country Store

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:31 P.M...

Deputy Clerk Sweat stated that this application has been verbally approved by the Sheriff's Department and is waiting for written confirmation. 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 Allen Lindsay Welding

Deputy Clerk Sweat stated that this company is a mobile welding service out of Roosevelt. 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 Michael Bruce Construction

Deputy Clerk Sweat stated that this business hasn't provided his DOPL License to us yet and recommended tabling this agenda item until December 30, 2011. This agenda item was tabled by general consent.

Consideration Of A Business License Application For S.D. Outfitters

Deputy Clerk Sweat stated that this company received a conditional use permit on June 1, 2011 and has an elk ranch in Indian Canyon near mile marker 282 and has been approved by the Planning and Zoning Department and Building Department. 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 Uintah Basin Healthcare Corporate Bylaws

Attorney Doherty stated that this was presented to the commission in a past commission meeting as a recommendation from Uintah Basin Medical Center CEO Brad LeBaron. Commissioner Winterton motioned to approve the Uintah Basin Healthcare Corporate Bylaw changes. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Season 2 Sponsorship Agreement With Chadwick Booth & Co.

Commissioner Winterton stated that we made a lot of headway on topics this season and now they are reviewing the heated topics. Commissioner Peatross stated if we sold some of this to sponsors, it would cost less. Last contract amount was twenty nine thousand four hundred forty three dollars and forty four cents (\$29,781.44) and this new contract is for thirty nine thousand seven hundred eighty one dollars and fifty four cents (\$39,781.54). Commissioner Winterton stated that we only budgeted twenty thousand dollars (\$20,000.00) for this contract in 2012 and suggested that they contact Chad Booth. This agenda item was postponed by general consent.

Consideration Of Resolution No. 11-12, A Resolution Increasing Revenue And Expense For 2011 In General Fund

Auditor Freston stated that this resolution consists of increasing for the settlement on the Hancock case, property taxes-new growth, and flood control. This resolution is to also do a fund transfer of one million five hundred thousand dollars (\$1,500,000.00) for the year 2011.

DUCHESNE COUNTY RESOLUTION 11-12

WHEREAS the legislature of the State of Utah has granted legislation providing for the **increase** in unencumbered or unexpended appropriations from one department to another within the same fund, the said legislation being designated as Section 17-36-26 of the Utah Code annotated, 1953, and amended 1975; and

WHEREAS there exists a need to utilize this provision of the State statutes to serve the best interest of the County and the residents thereof and to promote the most efficient and practical operation of county government. The purpose of this resolution is to increase the 2011 Duchesne County Budget by revenue and expenses and free up said monies spent;

NOW THEREFORE, be it hereby resolved as follows;

WE, THE BOARD OF COUNTY COMMISSIONERS of Duchesne County, State of Utah as governing body of this county do enact this resolution to increase the following amounts to the listed departments within the following funds for the Budget year 2011.

	REVENUE	EXPENSES
Fund Balance Transfer - Hancock Settlement		
10-2951-000-000	1,312,000.00	
10-4962-650-000		1,312,000.00
Property Taxes - New Growth		
10-3110-000-000	277,320.00	
CAMA Appraisal Fee		
10-4146-310-000		60,400.00
10-4962-610-000		216,920.00
2011 Flood-Emergency Management		
10-4220-250-200		66,750.00
10-3331-000-000	66,750.00	
LIBRARY FUND		
Property Taxes - New Growth		
22-3010-000-000	39,773.00	
Miscellaneous-All other		
10-4962-610-000		39,773.00
Fund Balance Transfer		
10-3510-100-000	1,500,000.00	
10-4962-265-000		1,500,000.00
FUND 41		
41-3010-000-000	1,500,000.00	
41-4820-000-000		1,500,000.00

PASSED AND ADOPTED THIS 19th DAY OF DECEMBER, 2011 by the following vote of the Board of County Commissioners:

DUCHESNE COUNTY:

Attest:

Diane Freston
County Clerk/Auditor

Kirk J. Wood
Chairman, Board of Duchesne
County Commissioners

Kent Peatross
Member

Ronald Winterton
Member

Commissioner Winterton motioned to adopt Resolution No. 11-12. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Resolution No. 11-13, A Resolution Adopting The 2012 County Budget

Auditor Freston stated that this is a resolution to adopt the budget for 2012. The general fund amounts to thirteen million two hundred forty thousand three hundred forty two dollars (\$13,240,342.00), B-Road is two million one hundred ninety thousand six hundred ninety dollars (\$2,190,690.00), the Library is five hundred eighty two thousand seven hundred fifty dollars (\$582,750.00), Duchesne/Wasatch Blue Bench Landfill is one million one hundred five thousand five hundred seventy six dollars (\$1,105,576.00), Dedicated fund is three hundred twelve thousand five hundred dollars (\$312,500.00), Solid Waste is seven hundred fifty five thousand seven hundred fifty five dollars (\$755,755.00), Municipal Building Authority is one million ten thousand dollars (\$1,010,000.00), Capital Projects is two million dollars (\$2,000,000.00), and the Grant Trust Fund is five million dollars (\$5,000,000.00). There have not been any changes since the budget hearing held on December 12, 2011.

DUCHESNE COUNTY RESOLUTION 11-13
CERTIFICATION OF BUDGET

DUCHESNE COUNTY
Calendar Year Ending December 31, 2012

ADOPTION OF BUDGET INFORMATION:

In compliance with Title 17, Chapter 36, Section 15, Utah Code, which states:

“On or before the last day of each fiscal period, the governing body by resolution shall adopt the budget which, subject to further amendment, shall thereafter be in effect for the next fiscal year. A copy of the final budget, and of any subsequent amendment thereof, shall be certified by the budget officer and filed with the state auditor not later than thirty days after its adoption. A copy, similarly certified, shall be filed in the office of the budget officer for inspection by the public during business hours.”

WHEREAS the legislature of the State of Utah has granted legislation providing for the adoption of said county annual budgets and;

WHEREAS there exists a need to utilize this provision of the State statutes to serve the best interest of the County and the residents thereof and to promote the most efficient and practical operation of county government. The purpose of this resolution is to adopt the 2012 Duchesne County Budget by revenue and expenses;

NOW THEREFORE, be it hereby resolved as follows;

WE, THE BOARD OF COUNTY COMMISSIONERS of Duchesne County, State of Utah as governing body of this county do enact this resolution to adopt said budget for the year 2012.

PASSED AND ADOPTED THIS 19th DAY OF DECEMBER, 2011 by the following vote of the Board of County Commissioners:

Attest:

Diane Freston
County Clerk/Auditor

DUCHESNE COUNTY:

Kirk J. Wood
Chairman, Board of Duchesne
County Commissioners

Kent Peatross
Member

Ronald Winterton
Member

Commissioner Winterton motioned to adopt Resolution No. 11-13. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Ordinance No. 11-293, An Ordinance Amending The Duchesne County Animal Control Ordinance

Attorney Doherty stated that this amends the animal control ordinance but wants to know what the goal is on this and what they are trying to accomplish by amending the current ordinance. She will discuss this with Administrator Hyde to see if the recommended change is going to accomplish what we want done.

ORDINANCE #11-293

AN ORDINANCE AMENDING THE DUCHESNE COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS, Duchesne County has determined that it is in the public interest to amend the animal control ordinance to address issues that have arisen with kennels and kennel licensing; and,

WHEREAS, the Duchesne County Commission has conducted a public meeting to solicit citizen comments regarding these proposed amendments.

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

SECTION 1. Section 4-3-7 (D) of the Duchesne County Code is amended as follows:

4-3-7: KENNELS:

- 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. **The enclosure shall be constructed to prevent animals from running at-large and to prevent Dog Noise Disturbance (as defined in Section 4-3-6 (D) of this Code).** 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. **Outdoor runs shall not be used before 7:00 AM or after 9:30 PM.**
 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.

SECTION 2. Severability. If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 3. Effective Date. This ordinance shall become effective fifteen (15) days after publication.

DATED this _____ day of _____, 2011.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Ronald Winterton, Member

Kent R. Peatross, Member

This agenda item was postponed by general consent.

Consideration Of Minutes For Regular Commission Meeting Held December 05, 2011
Commissioner Winterton motioned to approve the minutes as corrected. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Minutes For Combined Commission Meeting Held December 12, 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 per Attorney Doherty.

Commission Calendaring

Adjourn

Chairman Wood adjourned the meeting at 3:18 P.M.

Read and approved this 30th day of December 2011.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____