

**MINUTES FOR REGULAR COMMISSION MEETING HELD MARCH 26, 2012
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kirk J. Wood, Commissioner Kent R. Peatross, Commissioner Ronald Winterton, Deputy County Attorney Marea Doherty, Clerk Auditor Diane Freston, Thomas Winterton, Stan and Kathleen Larsen, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

Attorney Doherty said the prayer. There were no other comments.

Pledge Of Allegiance

Any wishing to participate.

Public Comment

None.

Tax Adjustments – Treasurer

The commission reviewed the attached tax adjustments. *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 Payment Vouchers

The commission reviewed vouchers # 121134 through 121199 dated March 26, 2012, in the amount of Four hundred three thousand six hundred eight dollars and thirty four cents (\$403,608.34) as presented by Auditor Freston. *Commissioner Peatross motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Public Comment

Mr. Larsen has an issue with the Division of Oil, Gas, and Mining holding a meeting in regards to a petition from Newfield being held in Richfield, Utah. He would like to attend the meeting, but is not financially able to and feels that with Newfield being local, the meeting should be held here. Commissioner Winterton stated that this is the Division of Oil, Gas, and Mining's regularly scheduled meeting. They rotate their meetings around the state. The commission is meeting with them on April 12, 2012 where he plans to address this issue. He has received other calls with the same concern. Chairman Wood stated that you can send your issues and concerns to the Division of Oil, Gas, and Mining that will be addressed during the meeting.

Mrs. Larsen asked if all of Duchesne City is in Utah House District sixty nine (69)? Commissioner Peatross referred her to speak to the Clerk/Auditor's Office to review the voting precinct maps for clarification.

Mrs. Larsen asked if there could be engine brake enforcement signs put up around her home because there is currently a lot of heavy truck activity in her area. Commissioner Peatross stated that the commission has had a lot of discussion with Newfield, and that a county ordinance is already in place to restrict the use of engine brakes during certain hours. He will mention her concern when he meets with Newfield.

Consideration Of A Protective Oil And Gas Lease With Bill Barrett Corporation

Jacob Woodland with Turner Petroleum Representing Bill Barrett Corporation joined the meeting at 1:21 P.M...

Mr. Woodland stated that he is before the Commission to request a protective lease as outlined in correspondence to the Board of Commissioners as well as the County Attorney. The situation as you are aware, leasing was performed and done and Attorney's Title opinion was a part of the permitting process that was completed which was determined that Duchesne County may or may not have an interest. As the case may be, Bill Barrett is seeking a protective lease, so we can move on with the permit process while the county and the other land owner in question can determine who has the mineral rights. He has had previous conversations with Attorney Doherty and the

commissioners and has since forwarded an offer letter with an amendment that is pending final approval from his boss. Attorney Doherty stated that there was an offer letter that was presented previously that indicated that Bill Barrett Corporation would make a payment of one hundred dollars (\$100) per net mineral acre upon the execution of the lease and if there was documentation from Duchesne County that would provide proof of one hundred percent ownership the net mineral acreage amount would increase to nine hundred dollars. The proof is still required to be provided within ninety days from the effective date of the lease. The additional language that we discussed this morning includes that in the event Duchesne County becomes involved in legal action to settle the above claim and notice is duly filed with Bill Barrett Corporation prior to the expiration of the ninety (90) day term, then the additional bonus will be held in escrow until judgment is entered. This language is what we were looking for in the event that we aren't able or the other party involved (Joann Armstrong) is not able to provide determinative proof within the ninety (90) days that the period of consideration would be stayed sort of speaks. Mr. Woodland stated so long as some action is entered, we can't have it sitting out there forever waiting for something to happen. What this does is it provides for Duchesne County ninety days to perform a due diligence and prove ownership and enter some type of action to attempt to prove. Attorney Doherty stated that it is her expectation that if Joann Armstrong enters a legal action, we are going to be in it; we may not initiate the action. Mr. Woodland requested from the commission pending the approval of his boss that this is an official offer and that Attorney Doherty then also approves it, and then we move on with the request for the protective lease. *Commissioner Winterton motioned to approve the protective lease with Bill Barrett Corporation with Attorney Doherty's approval of the suggested changes. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Minutes For Working Commission Meeting Held March 12, 2012

Assistant Casper stated that these minutes will be submitted next week for approval.

Consideration Of Minutes For Regular Commission Meeting Held March 12, 2012

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

Consideration Of Minutes For Special Commission Meeting Held March 15, 2012

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

Adjournment

Chairman Wood adjourned the meeting at 1:48 P.M.

Read and approved this 02nd day of April 2012.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____