

**MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR
SESSION MEETING HELD JUNE 04, 2012, BEGINNING AT 9:00 A.M. IN
CONFERENCE ROOM #1, IN DUCHESNE, UTAH**

Present

Commissioner Ron Winterton was acting as Chairman Pro Tem; Commissioner Kent R. Peatross, Deputy County Attorney Marea A. Doherty, Public Works Director Glen Murphy, Public Works Department Clint Curtis, Kevin Rowley, El Paso Representative Alex Keeler, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Absent

Commission Chairman Kirk J. Wood.

Opening And Consideration Of Sealed Bids For A Culvert Located At 5000 West 8500 North In Neola

Mr. Curtis opened the sealed bids and stated that he received four bids. He asked for excavation bids to cut the road and an alternative to pull the black pipe through the existing culvert in case it gets stuck then we have to cut the road open.

Company	Cutting Road	Alternative
Excavation Services	\$154,736.00	\$79,220.00
Allied Construction	\$1,030,699.23	
KW Robinson	\$430,574.00	\$127,920.00
Chapman Const.	\$287,764.60	

Commissioner Peatross stated that the apparent low bidder is Excavation Services and motioned to award the bid to Excavation Services upon Director Murphy and Mr. Curtis' final review. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Public Works/Landfill Department Update

Director Murphy stated that the Road Department finished County Road 214 in Talmage. There are a few spots that are still oil, but most of the road is now gravel. If we end up with the rotamill off of the Bluebell Road that Jones & DeMille Engineering is designing, we could use that on this road.

Director Murphy stated that Roosevelt City will pay us to oil the road south of Pole Line Road to the county line; it's 6/10th of a mile long. Commissioner Peatross suggested that Director Murphy make sure that Roosevelt City has covered all of their bases and have no alternatives because the legislature passed a bill on this and we can't be competing with private enterprises in another municipality. If there are tradeoffs we can do with Roosevelt City that would be good.

Director Murphy stated that he met with the Utah Department of Transportation (UDOT) in regards to improving the intersection on the Nine Mile Road. He will do some prep work on the west side and will work with UDOT to tie it all together this fall.

Discussion And Consideration Of A Protection Oil And Gas Lease With Bill Barrett Corporation

Jake Woodland with Bill Barrett Corporation joined the meeting at 9:30 A.M...

Attorney Doherty stated that we already executed the protection oil and gas lease. There is an offer letter for additional payment for a portion that hadn't been identified pursuant to the protective oil and gas lease which this offer letter identifies. On March 26, 2012, the commission signed the original protective oil and gas lease. We had ninety (90) days from the execution of that lease to identify proof of title ownership. Mr. Woodland stated that the lease is the same for the minerals that the county owns on the north ½ of section 11. On this piece, we know that the county owns the minerals. This is a small fractional interest that is similar to the other lease. Technically, it's already been included in the prior lease, but it wasn't identified or included in the original compensation. It doesn't affect the terms of the prior interest. This is notification that we are paying the county this money. *Commissioner Peatross motioned to authorize signature. Commissioner*

Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Discussion And Consideration Of A Dedication Deed For Public Right Of Way Along The Coyote Canyon Road (Currently A Class 'D' Road), To Provide Legal Public Access To Duchesne Mini Ranches Across The Phillip Moon Enterprises LLC Property

County/Community Planning Administrator Mike Hyde, Joe Steed, Ricky Townsend, & Jeff Schnars joined the meeting at 9:34 A.M...

Administrator Hyde stated that in 2007, Phase 6 of the Duchesne County Mini Ranches was approved by the commission. The subdivision ordinance requires a Class 'B' Road access. Coyote Canyon Road is a Class 'D' Road used as a Petroglyph operating road for many years. Now it's being used for subdivision access. One of the conditions of approval from phase 6 is that the developers upgrade that access to a Class 'B' standard. That required some right of way from the Phillip Moon property of 1985 feet from Highway 40 south where the Duchesne Land property starts. With the recession and everything that has happened, it got put on the back burner. Now Duchesne Land has been working towards some additional phases out there. The dedication deed has been signed by Clinton Moon on behalf of Phillip Moon Enterprises LLC. The deed is now before the commission for acceptance of that right of way. This runs 1985 feet south of Highway 40. This deed will meet 'B' Road standards with a 66 foot right of way. They are working with UDOT on the entrance off of Highway 40 to determine what kind of improvements need to be made there and widening the opening of the gate and cattle guard to have a 'B' Road standard access for future and current phases. UDOT is meeting on this to decide what improvements need to be made. Mr. Steed stated that the cattle guard is no longer necessary. There hasn't been cattle there since we started developing over 10 years ago. Commissioner Winterton stated that he will contact UDOT to see if they will consider widening the highway fence opening from 50 to 66 feet. Mr. Steed stated that there have been a few accidents off of Highway 40 and he would like to take off some of the hillside so people could see to the west. Director Murphy stated that UDOT was concerned about traffic going west bound and they need a passing lane like they put near County Road 29. Mr. Steed stated that they built the dirt road to county standards and put gravel in some spots. We are waiting to see what UDOT wants. *Commissioner Peatross motioned to accept this dedication of the property; the road will change from a 'D' to a 'B' status upon approval of the improvements made by Duchesne Land LC. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Mineral Quit Claim Deed

Attorney Doherty stated that we became aware of this during the process of the review of an attempt to purchase land in Boneta. Mr. Keeler has come to us to tell us why it's appropriate for us to do the replacement mineral quit claim deed. Mr. Keeler stated that according to state law, counties cannot deed to an estate of a deceased person. During a tax sale, Duchesne County deeded to the estate of Jackman Herrick. In reviewing this they didn't feel it's an acceptable conveyance knowing that state law at the time was not allowing that to take place. So a corrective deed transferred to living heirs or a living entity would be the appropriate action. El Paso would like the county to issue a corrective deed to the heirs of the estate so it would be more reflective in a law setting. They want to make sure this interest doesn't ever become encumbered because of the faulty deed. There was a title attorney who has reviewed this and we have approached the family so they are aware of this. Attorney Doherty stated that it is her recommendation that the commission execute the deed. *Commissioner Peatross motioned to approve the replacement Mineral Quit Claim Deed to Jay Foster Successor Trustee of the Samuel Herrick Jr. Trust, with revised signature page reflecting the administrative body. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration of Payment Vouchers

Deputy Clerk Auditor Connie Sweat joined the meeting at 9:51 A.M...

The commission reviewed vouchers # 121688 through 121730 dated May 29, 2012, in the amount of eighty seven thousand five hundred eighty eight dollars and thirty eight cents (\$87,588.38). The commission also reviewed voucher #121731 dated May 30, 2012, in the amount of forty two thousand four hundred ninety dollars (\$42,490.00). The commission reviewed vouchers # 121732 through #121757 dated June 04, 2012, in the amount of forty eight thousand dollars and ninety eight cents (\$48,000.98) as presented by Deputy Clerk Sweat. *Commissioner Peatross motioned to approve the*

vouchers as presented by the Clerk Auditor's Office. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Tax Deferral –Treasurer

Treasurer Colene Nelson joined the meeting at 9:55 A.M...

Treasurer Nelson stated that Chairman Kirk Wood advised them to pull this off of the tax sale because this is a primary home. Commissioner Peatross motioned to ratify the settlement that was pulled from the tax sale due to it being a primary residence.

Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of A Warranty Deed

Deputy Clerk Sweat stated that this was a surplus parcel that we offered to surrounding property owners to purchase. Mrs. Anderson was the only responder with an offer.

Commissioner Peatross motioned to approve the sale as recommended by the Clerk Auditor's Office. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of Minutes For Combined Commission Meeting Held May 21, 2012

Commissioner Peatross motioned to approve the minutes with the necessary corrections. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Closed Meeting -

Commissioner Peatross motioned to go into and out of closed session for the purpose of discussing personnel issues, pending or reasonably imminent litigation, the purchase, exchange, sale, or lease of real property, and investigate proceedings regarding allegation of criminal misconduct at 10:26 A.M.

Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Reentered Combined Commission Meeting at 11:46 A.M.

Commission Calendaring

Adjourn

Commissioner Winterton adjourned the meeting at 11:49A.M...

Read and approved this 11th day of June 2012.

Kirk J. Wood

Commission Chairman

Diane Freston

Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper
