

**MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR
SESSION MEETING HELD JUNE 18, 2012, 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, Clerk Auditor Diane Freston, Myton City Mayor Kathleen Cooper, Deputy County Attorney Marea Doherty, Deputy Clerk Auditor Connie Sweat, Interns Hanna and Dalaney Mecham, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

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

Consideration Of Payment Vouchers

The commission reviewed vouchers #121854 through #121939 dated June 18, 2012, in the amount of three hundred eighty eight thousand two hundred six dollars and sixty nine cents (\$388,206.69) 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

Uintah Basin Standard Reporter Steve Puro joined the meeting at 1:05 P.M...

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 Donation In Support Of Myton Daze

Mayor Cooper requested a donation in support of Myton Daze this year to help for advertising costs. *Commissioner Winterton motioned to approve a donation to Myton City for Myton Daze in the amount of five hundred dollars (\$500). Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Ashley Safety Training

Deputy Clerk Sweat stated that this business is from Altonah and will be going to other businesses to conduct training. *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 Lazy Cc's Specialties

Deputy Clerk Sweat stated that this business repairs pumps and other things for Newfield. *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 Board Appointment On The Cedarview/Montwell Special Service District Filling Two (2) Vacant Unexpired Seats

Commissioner Winterton stated that we received three (3) applications. Jett Abeggan, Henry Allred, and Jon Bingham were the applicants. He attended the last board meeting and met with Mr. Allred and Mr. Bingham. The board has recommended that Mr. Allred and Mr. Bingham be appointed to the board. *Commissioner Winterton motioned to appoint Mr. Henry Allred and Mr. Jon Bingham to fill the vacant seats on this board. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Board Appointment On The Planning And Zoning Commission Filling One (1) Vacant Unexpired Seat

County Community Planning Administrator Mike Hyde joined the meeting at 1:30 P.M...

Administrator Hyde stated that Dean Burton recently resigned representing the Upper Country area. We have yet to have anyone come forward with interest to his position. He will contact people from that area to see if they have any recommendations. If anyone has somebody in mind, please have them contact him. Commissioner Peatross stated that this is a very active board in the county and he is extremely pleased with

what they have done, so we need to make sure we get someone who is committed.

Public Hearing- 1:30 P.M...

Consideration Of Ordinance No. 12-301, An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Agriculture-Residential (A-5) To Industrial (I)

Administrator Hyde stated that this property is thirty four (34) acres west of Jim Nebeker's truck facility at the Southwest corner of 4000 West and Ioka Lane. The Planning Commission held a public hearing on June 6, 2012 with no opposition. The applicant intends on parking trucks on the property initially and plans to build a shop eventually. Right now they plan on cleaning up the property because it has been a miniature junk yard in the past. The Planning Commission recommended unanimously that you pass the ordinance and adopt the findings and conclusions in the report. A few years ago we conducted a public hearing and invited all of the property owners along Ioka Lane to tell us whether they wanted the area industrial or residential zoning. The Planning Commission felt this fitted in with the trends of the area and it meets the rezone criteria from the zoning ordinance and recommends your approval.

ORDINANCE #12-301

AN ORDINANCE AMENDING THE DUCHESNE COUNTY ZONING MAP, REZONING DESCRIBED PROPERTY FROM AGRICULTURAL-RESIDENTIAL (A-5) TO INDUSTRIAL (I)

WHEREAS, Ioka West Industrial Park LLC has filed an application to rezone property described as:

The NE ¼ of the NE ¼ of Section 2, Township 3 South, Range 2 West, USM; excepting therefrom a parcel described as follows: Commencing at the NE corner of said Section 2; thence South 01°06'59" East 442.82 feet; thence South 88°55'21" West 689.11 feet; thence North 0°59'18" West 442.90 feet; thence North 88°55'21" East 688.12 feet to the point of beginning;

from Agricultural-Residential (A-5) to Industrial (I); and,

WHEREAS, after giving notice and conducting a public hearing on June 6, 2012, the Duchesne County Planning Commission has recommended approval of the rezone as requested for the subject parcel subject to the property owners placing a deed restriction on the property prohibiting its use as a junk yard, landfill, feed lot or composting facility; and,

WHEREAS, after giving notice and conducting a public hearing on June 18, 2012, the Duchesne County Commissioners have accepted the Planning Commission recommendation and adopted findings to approve the rezone request.

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

SECTION 1. *The following described property is hereby rezoned on the official zoning map from Agricultural-Residential (A-5) to Industrial (I):*

The NE ¼ of the NE ¼ of Section 2, Township 3 South, Range 2 West, USM; excepting therefrom a parcel described as follows: Commencing at the NE corner of said Section 2; thence South 01°06'59" East 442.82 feet; thence South 88°55'21" West 689.11 feet; thence North 0°59'18" West 442.90 feet; thence North 88°55'21" East 688.12 feet to the point of beginning;

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 18th day of June, 2012.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Kent R. Peatross, Commissioner

Ronald Winterton, Commissioner

-Entered back into Combined Commission Meeting at 1:45 P.M...

Commissioner Peatross motioned to approve the zoning change and adopt Ordinance No. 12-301 as recommended by the Planning Commission. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Quit Claim Deed

Commissioner Winterton stated that this was done before Attorney Doherty was here. Former Deputy County Attorney Jonathan Stearmer worked on this. This is land where the county had a Landfill north of Myton. A former commission approved this deal and the paperwork was never finalized, so this is completing that process. Mr. Scott Hagman has been waiting for the county to sign the deed before he put any investment into the property. *Commissioner Winterton motioned to approve the Quit Claim Deed. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Gate Canyon Road Memorandum Of Understanding Supplemental Agreement Between The State Of Utah SITLA And Duchesne County

Commissioner Winterton stated that this is an ongoing project with the same guidelines from 2008. We completed two (2) concrete crossings previously and this is to build as many crossings as the money will allow. SITLA owns the property this stretch of road crosses through and he feels it's appropriate to execute. *Commissioner Peatross motioned to approve the MOU Supplemental Agreement with SITLA concerning the Gate Canyon Road improvements. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Amendment To The Duchesne County Fairgrounds Contract With Country Wide Builders

Attorney Doherty stated that this is an amendment to the agreement that was entered into on May 02, 2012 with Country Wide Builders to do improvements on the Duchesne County Fairgrounds. This is expanding the original scope of work in the contract by tearing down the old announcer stand and building a new one. She has reviewed this and feels it's appropriate to execute. *Commissioner Peatross motioned to approve the amendment to the contract with Country Wide Builders. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Minutes For Combined Commission Meeting Held June 04, 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 Combined Commission Meeting Held June 11, 2012

Assistant Casper stated that these minutes are not ready for consideration at this time.

Commission Calendaring

Closed Meeting -

Commissioner Winterton motioned to go in and out of a closed meeting to discuss pending or reasonably imminent litigation and personnel issues at 2:27 P.M.

Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

-Entered back into Combined Commission Meeting at 4:28 P.M...

Adjourn

Chairman Wood adjourned the meeting at 4:28 P.M...

Read and approved this 25th day of June 2012.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____