

MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR SESSION MEETING HELD SEPTEMBER 10, 2012, BEGINNING AT 9:00 A.M. IN CONFERENCE ROOM #1, IN DUCHESNE, UTAH

Present

Commission Chairman Kirk J. Wood, Commissioner Ron Winterton, Deputy County Attorney Marea A. Doherty, Public Works Director Glen Murphy, GIS Director Stoney Monks, Nick Kuln, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Public Works/Landfill Department Update

Sheriff Travis Mitchell & Uintah Basin Standard Reporter Steve Puro joined the meeting at 9:15A.M...

Director Murphy reported that the Road Department is finishing oiling this week. They will then touch up the driveways on the North Cove Road and will be done on Wednesday. He will then split up trucks so half can roto-mill in Altamont and the other half can help the inmates.

Director Murphy stated that there are issues with locked gates on Orange Mountain and he asked Mr. Kuln to be here for the discussion. He also asked Danny and Elizabeth Harris to attend, but they aren't here yet. Mr. Kuln stated that he bought into Rim Rock Ranches in 2006 which is a gated community with an HOA that pays to maintain our roads. It was fully gated when he bought it from Mountain West Ranches. He was told to gate it on his property. People have cut and vandalized his gate and his neighbor's fence to get to the county road; he has numerous police reports. Director Murphy stated that the county got involved in 2009 when Elizabeth Harris brought this to our attention and had told us about her daughter getting hurt because barb wire had been strung across the road and she hit it on a four wheeler. She wants the gates opened so they can ride their four wheelers. Mr. Kuln stated that the original gate has been there since 1977 and locked. There are now three gates. All of the landowners want it to be private roads. We maintain them through our association; this is our subdivision. Director Monks stated that we claim a portion of that road on our county D Road map. Chairman Wood stated that his thoughts are if the county road enters the subdivision and all of the owners want it private, we should make it a private road, if it doesn't make the loop and the connection, as long as it doesn't land lock anyone. Attorney Doherty stated that so long as these minutes reflect that Mr. Kuln is representing the association and making the request to the county to vacate the county road. Everyone who has a potential interest should know that the county is considering the request. This can operate as the initial request to vacate. Mr. Kuln stated that there is a cell tower that says AT&T on it, but they access it from the Sam's Wash Road. Director Monks stated that if we are going to vacate it, he recommends doing the last mile where the subdivision starts. Chairman Wood suggested that Director Monks contact the owners of the cell tower to get their input on closing the road. Director Murphy stated that if the road dead ends and we don't need it, we should vacate it. Chairman Wood stated that if Director Murphy and Sheriff Mitchell don't see a problem with vacating the road, we should move forward. We need to notify the property owners and go from there. Attorney Doherty stated that there is a process to vacate and all of the surrounding property owners will be notified by mail. Director Monks stated that he will get all of the serial numbers of the surrounding parcels for Attorney Doherty to notify the owners.

Danny & Elizabeth Harris joined the meeting at 9:50A.M...

Mr. Harris stated that he wants the gates torn down on Orange Mountain. Mrs. Harris stated that their concern is that people riding four wheelers are having to leave the county road and are going on private property to get around the gates. This has become a war. Director Monks stated that there is a request to vacate the county road from Rim Rock Association. The county road does not go all the way to the tower; it runs about a mile after the gate and dead ends. Chairman Wood stated that Rim Rock Association thought

that they owned the road and wasn't aware it was a county road. Commissioner Winterton stated that the gate should not be locked because it is a county road and he is not sure that they made that clear to Mr. Kuln. Chairman Wood stated that we can add you to the notification list when the hearing to vacate the road is scheduled.

Discussion With Cedarview Montwell Special Service District

Lars Powell & Charley Skewes joined the meeting at 9:37A.M...

Mr. Skewes stated that the Cedarview Montwell SSD has been approved for funding for their first phase of their project and wanted to show the project boundaries to the commission because they are using county roads for their pipelines. The majority of the pipelines will be in county right of ways and will get the necessary permits from the county. Director Murphy suggested that they meet with him to get the permits this afternoon. Mr. Skewes stated that the contract will be awarded this fall and we hope to hit construction hard next spring. Chairman Wood suggested before the bid gets awarded, to let people know the rules of the county when excavating a county road.

Consideration Of A Revised Inter-Local Cooperative Agreement Providing For Consolidated Dispatch Services By The Uintah Basin Communications Center

Sheriff Mitchell stated that Attorney Doherty has reviewed this agreement and they are both good with it. Essentially, we are doing the same thing as we have done in the past. The change was very minor, but he couldn't remember exactly what it was. Attorney Doherty stated that she will contact the AG's Office to see what the changes are.

Discussion Of A Draft Letter Regarding The El Paso Ravolla Compressor

Commissioner Kent R. Peatross & County/Community Planning Administrator Mike Hyde joined the meeting at 9:15A.M...

Administrator Hyde stated that El Paso has proposed putting a compressor station in and they have asked DEQ for an air quality permit. It meets all of the State and Federal air quality standards and we ask that they make sure the best available technology is being used in light of the winter ozone problems we have experienced in the Basin. A concern is that the site is close to the flood plain of the Lake Fork River which could be an issue during periods of flooding. We suggest that this may not be the best location; it should be farther from the river. Chairman Wood stated that we may want to add if they could raise it in elevation; it will help with the winter ozone problem based on the studies that he has seen. Commissioner Peatross suggested that they move it farther west.

Discussion Of A Draft Letter Regarding Rhoades Canyon Commercial Rock Project

Administrator Hyde stated that this is on the north side of Highway 35 before the Wasatch County line. The project is being done by Drifters LLC who will pull the rock from there and transfer it somewhere else. The Forest Service has asked for our comments on this. They will need to coordinate with the Department of Transportation (UDOT) to make them aware of the truck traffic and they will need a mining permit from DOGM. If the stone yard is going to be in the county, they need a permit from the Planning and Zoning Department.

Consideration Of A Revised Memorandum Of Understanding And Designate Mike Hyde As The County's Point Of Contact With The BLM Regarding The Development Of The Resource Management Plan Amendments And Environmental Impact Statement For The Proposed Greater Sage-Grouse National Planning Strategy, Utah Sub-Region

Administrator Hyde stated that in 2011 we looked at the Sage Grouse MOU with the BLM and the commission authorized Chairman Wood to sign the MOU and made Administrator Hyde the point of contact. Since then, Uintah County Deputy Attorney Jonathan Stearmer found a few things that need to be changed; those changes have been made. We want to be in sync with what Uintah County has. The revised agreement makes sure that the BLM will use county recommendations to the maximum extent possible and that the BLM will recognize the State Sage Grouse Plan amendments that happen as a result of the state process.

Discussion Of The 2013 Budget

Chief Deputy Clerk Auditor JoAnn Evans joined the meeting at 10:38 A.M...

Deputy Clerk Evans stated that she would like to set up dates to meet with department heads to discuss next year's budget. The hearing to adopt the budget is set for December 17, 2012 at 6:00 p.m. The commission all agreed that the afternoon of September 24th, the

morning of September 25th, and all day September 28th would work for their schedule.

Discussion Of Realignment On The Bluebell Road

Planning & Zoning Secretary CoraLee Sanchez & Raymond Murray joined the meeting at 10:50 A.M...

Mr. Murray stated that on the Bluebell Road, they could only find state markers. He has spoken to Ervin Rhoades with the Utah Department of Transportation (UDOT) who gave him the okay to go in the State right of ways and the go ahead on the project to get it done. He has received permission to extend the culvert by the irrigation company. His concern is that everyone stays in compliance and requested that he be the liaison or mediator over the project. He is an interest owner on the property and thinks he can keep in contact with everyone involved. UDOT has requested copies of all documents as they go along so he will keep track. Commissioner Peatross stated that he appreciates Mr. Murray coming in and feels that this is a win-win project because that is a very dangerous area. He will get with Attorney Doherty to get a letter written recognizing Mr. Murray as the liaison to move the project forward.

Consideration of Payment Vouchers

Deputy Clerk Auditor Connie Sweat joined the meeting at 11:13 A.M...

The commission reviewed vouchers #122551 through 122659 dated September 10, 2012, in the amount of one hundred fifty six thousand three hundred eleven dollars and eighty four cents (\$156,311.84) 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. All commissioners voted aye and the motion passed.*

Tax Adjustment –Assessor

Commissioner Peatross motioned to approve the Tax Adjustments as presented by the Clerk Auditor's Office. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Business License Application For Agri-Service, Inc.

Deputy Clerk Sweat stated that this business is an agriculture equipment sales, parts, and service business. We have received a copy of their access letter from UDOT. *Commissioner Winterton motioned to approve the business license as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Diamond F Welding

Deputy Clerk Sweat stated that this is a mobile welding business. *Commissioner Winterton motioned to approve the business license as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For NB&R Transportation

Deputy Clerk Sweat stated that this business is a trucking company that is leasing to Iowa Tanklines. *Commissioner Winterton motioned to approve the business license as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Timothy Michael Ahrend Inc.

Deputy Clerk Sweat stated that this business trains horses. *Commissioner Winterton motioned to approve the business license as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Vertical Edge Trucking & Gravel Pit

Deputy Clerk Sweat stated that this is only for the trucking portion of the company. The gravel pit is not in service and received a conditional use permit on April 7, 2012 from the Planning and Zoning Commission. *Commissioner Winterton motioned to approve the business license as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Minutes For Combined Commission Meeting Held August 27, 2012

Assistant Casper stated that these minutes are not ready to be considered at this time.

Entered recess at 11:20 A.M...

Reentered Combined Commission Meeting at 12:26 P.M.

Employment Law Attorney's Scott Crook, Lisa Henry, & Rick Arnold joined the meeting at 12:26 P.M...

Closed Meeting -

Commissioner Winterton motioned to go into and out of closed session for the purpose of discussing personnel issues at 12:26 P.M. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Reentered Combined Commission Meeting at 1:35 P.M.

Public Notice is further given that such meeting shall continue at 1:00 p.m.

Consideration Of The New County Manuals Including The Personnel Policies Manual And The Safety Manual

Personnel Director Carrie Mascaro & Emergency Management Director Mike Lefler joined the meeting at 1:35 P.M...

Mr. Crook stated that we conducted a review of the Personnel Policies and Procedures Manual. The intention of it was to assess whether it was consistent with the requirements of Federal and Utah State Statutory Regulatory Requirements. Our conclusion is that it didn't fully meet all requirements of State and Federal regulations and law. Although it's our ordinary practice to do a line item procedure, we didn't do that in this case because of the significant deficiencies so we did a re-write of the policy. We made recommended changes in some policies and procedures to be compliant with the Family and Medical Leave Act (FMLA). There have been changes to the law recently and those changes were not reflected in the policies and procedures manual. For the most part, it's self-explanatory. Under General Conduct, this is where your policy was particularly bad; it was hard to see what you could get in trouble for. Under benefits and compensation, a lot of the information was out dated and missing. The drug testing policy was totally out of compliance. Government employees have more rights than private employees. All supervisors should be trained to be qualified for reasonable suspicion. Preannounced periodic random drug testing can be done. Under volunteers, this is a big problem. They are protected as if they are employees and you should have people sign in and out when volunteering. We think this is a good policy that will give you stability that your employees will better understand. The employees are going to be most concerned with benefits. It was never his intention to change the benefits. You want to set standards; the more standardized it is the better. Commissioner Winterton stated that this is going to protect the county and will stand up in court.

Mr. Crook stated that on the Safety Manual, we did a brand new one. There are so many regulations it was easier to start over.

Closed Meeting -

Commissioner Peatross motioned to go into and out of closed session for the purpose of discussing personnel issues at 3:02 P.M. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Reentered Combined Commission Meeting at 3:31 P.M.

Commission Calendaring

Adjourn

Chairman Wood adjourned the meeting at 3:31 P.M...

Read and approved this 24th day of September 2012.

Kirk J. Wood

Diane Freston

Commission Chairman

Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____