

**MINUTES FOR REGULAR COMMISSION MEETING HELD NOVEMBER 05, 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, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

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

Pledge Of Allegiance

Uintah Basin Standard Reporter Steve Puro joined the meeting at 1:06 P.M...

Any wishing to participate.

Tax Deferrals – Assessor

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:10 P.M...

The commission reviewed the attached tax deferrals presented by the Clerk/Auditor's Office. *Commissioner Peatross motioned to approve the tax deferrals as recommended by the Assessor's Office. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

The commission reviewed vouchers # 123246 through 123302 dated November 05, 2012, in the amount of one hundred forty one thousand three hundred sixty dollars and thirty cents (\$141,360.30) as presented by Deputy Clerk Sweat. *Commissioner Winterton motioned to approve the vouchers 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 Hookin It LLC

Deputy Clerk Sweat stated that this is an equipment rental company near Roosevelt. They received a conditional use permit from the Planning Commission in September. *Commissioner Winterton motioned to approve the business license application as presented by Deputy Clerk Sweat. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Shurtz Oil Field Services

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

Consideration Of A Business License Application For Through My Eyes Photography tlr

Deputy Clerk Sweat stated that this is a mobile photography business near Roosevelt. *Commissioner Winterton motioned to approve the business license application as presented by Deputy Clerk Sweat. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Duchesne County Commercial Lease Agreement With The United Way Of Eastern Utah

Attorney Doherty stated that she is waiting for proof of insurance from the United Way. *Commissioner Peatross motioned to authorize Chairman Wood to sign the lease agreement with the United Way. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Resolution No. 12-15, A Resolution Approving An Interlocal Agreement Between Myton City And Duchesne County For Enforcement Services For Land Use Ordinance Violations

Attorney Doherty stated that we addressed this in June of 2012 and requested that the commission execute the resolution. She has received additional comments on the

associated agreement from Myton City's attorney, so she needs to make contact with the attorney regarding those comments. The resolution is fine, they are two different things.

RESOLUTION NO. 12-15

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT
BETWEEN MYTON CITY AND DUCHESNE COUNTY FOR
ENFORCEMENT SERVICES FOR LAND USE ORDINANCE
VIOLATIONS**

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, permits governmental units to enter into agreements with one another for the purpose of exercising, on a joint and cooperative basis, powers and privileges that will benefit their citizens and make the most efficient use of their resources; and

WHEREAS, Title 11, Chapter 13, Section 202.5 of the Utah Code Annotated, 1953 as amended, requires that governing bodies of governmental units adopt resolutions approving Interlocal agreements before such agreements may become effective; and

WHEREAS, Duchesne County and Myton City have negotiated an Agreement for the purpose of providing law enforcement services to Myton City;

NOW THEREFORE, the Board of County Commissioners of Duchesne County hereby resolves to enter into the attached Interlocal Agreement with Myton City for the purposes authorized in the Interlocal Agreement, and the Interlocal Agreement is hereby approved. The Chair of the Board of County Commissioners of Duchesne County is authorized and directed to execute the Interlocal Agreement for and on behalf of Duchesne County.

DATED this 5th day of November, 2012.

BOARD OF COUNTY COMMISSIONERS
OF DUCHESNE COUNTY

Kirk J. Wood, Chairman

Kent R. Peatross, Member

Ron Winterton, Member

Commissioner voted _____

Commissioner voted _____

Commissioner voted _____

ATTEST:

By: _____
Diane Freston, Clerk/Auditor

APPROVED AS TO FORM:

By: _____
Marea A. Doherty, Deputy Attorney

Commissioner Winterton motioned to adopt Resolution No. 12-15 and authorize Chairman Wood to sign the revised agreement. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Minutes For Working Commission Meeting Held October 29, 2012

Assistant Casper stated that these minutes are not ready for approval.

Consideration Of Minutes For Regular Commission Meeting Held October 29, 2012

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

1:30 Public Hearing

Consideration Of Ordinance No. 12-304, An Ordinance Vacating A Public Street Right Of Way In Plat B Of The Neola Plat – Continued From October 15, 2012

County/Community Planning Administrator Mike Hyde, Karren Ross, Raelynn Dunsmore, & Claude Crozier joined the meeting at 1:30 P.M...

Administrator Hyde stated that this proposed right of way vacation was before the commission on October 15, 2012. At that time, you received a recommendation from the Planning Commission, who voted 4 to 1 to recommend the approval of this ordinance to vacate. The commission recessed the hearing and conducted a site visit on October 30, 2012. Today, in your packet you have findings that allow you to approve or reject this proposed ordinance.

Chairman Wood opened the floor for comments and suggested that we only hear additional comments and new information that has not already been presented.

Mr. Crozier stated that he doesn't think there is anything to gain with the road being there and is in favor of the road being vacated.

Commissioner Peatross stated that he has wrestled with this issue and his heart tells him to vacate, but his head tells him it's not a good idea for the future of Neola. He doesn't see the road being built for a long time, but looking at the town site map, it isolates an area where there would be no emergency vehicle response roads. It concerns him with the public safety and the garbage truck having to back up all of the way to 2080 West. We talked to the Dunsmore's who welcomed the garbage truck turning around in their yard. He is assuming for liability reasons that they aren't doing that and are backing up over a block to get out. He feels that this is in the abutting individual's best interest in having this road vacated, but as he looks at the overall general population of Neola, it worried him that a decision to vacate would come back to haunt that community in the next fifteen to twenty years.

Commissioner Winterton stated that he feels, down the road, they will be sorry if they do it and they need to protect the interest of the town site. He doesn't see the road being built there anytime soon, and is concerned with the ability to provide there.

Chairman Wood stated that he would like to share a few comments that he heard from the individuals who attended the tour who were opposed to the vacation. If the road remains status quo, he doesn't see the county building a road anytime in the near future. It wouldn't change how this property is being used, it would stay the same. It wouldn't allow permanent fixtures because of the right of way. He felt that the opponents wanted a road way put in immediately to take care of some of those service issues, but he doesn't see that happening anytime soon.

Mrs. Ross stated that the garbage truck has to back up on other streets as well, just so the commission knows. The roads have never been upgraded like other places have, so they don't have a choice other than to back up.

ORDINANCE #12-304

AN ORDINANCE VACATING A PUBLIC STREET RIGHT OF WAY IN PLAT B OF THE NEOLA PLAT

WHEREAS, the property owners abutting the subject street right of way have petitioned the County to vacate its interests in the right of way described herein; and,

WHEREAS, after giving notice and conducting a public hearing on October 3, 2012, the Duchesne County Planning Commission has recommended approval of the right of way vacation as requested as there is good cause for the vacation and no personal or public interests would be materially injured; and,

WHEREAS, after giving notice and conducting a public hearing on October 15, 2012, the Duchesne County Commissioners have accepted the Planning Commission recommendation and adopted findings to approve the street right of way vacation request.

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

SECTION 1. *Duchesne County hereby vacates its interests in the following described street right of way:*

That portion of 2160 West (Third West Street) between 9000 North (Fourth South Street) and 8950 North (Fifth South Street), located between Blocks 2 and 3 of Plat B of the Neola Plat, all as depicted in Exhibit A attached hereto and incorporated herein.

SECTION 2. *Pursuant to the Utah Code, the relinquishment of the county's interests in the described right of way may not be construed to impair any right of way or easement of any lot owner or the franchise rights of any public utility.*

SECTION 3. 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 4. Effective Date.

This Ordinance shall become effective fifteen (15) days after publication.

DATED this 15th day of October, 2012.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Kent R. Peatross, Commissioner

Ronald Winterton, Commissioner

-Re-entered Regular Commission Meeting at 1:45P.M...

Commissioner Peatross motioned that the commission adopt the findings of fact and conclusions of law stating that the proposed street vacation is not in the long-term public interest and that Ordinance. 12-304 be rejected. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Adjournment

Chairman Wood adjourned the meeting at 1:45 P.M.

Read and approved this 3rd day of December 2012.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by BobbiJo Casper*_____