

**MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION
MEETING HELD DECEMBER 17, 2012 BEGINNING AT 9:00 A.M. IN COMMISSION
CHAMBERS, IN DUCHESNE, UTAH**

Present

Commission Chairman Kirk J. Wood, Commissioner Ronald Winterton, Commissioner Kent R. Peatross, Deputy County Attorney Marea Doherty, Public Works Director Glen Murphy, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

Assistant Casper offered the prayer. There were no other comments.

Pledge Of Allegiance

Any wishing to participate.

Public Works/Landfill Update

Director Murphy reported that the Road Department worked on County Road #43 on the bridge in Myton. They came up short on footings, but were able to work it out so it can be driven on. We will extend it when we get more time and when the weather warms up. The road looks good and we expect to gain eight to ten feet of width on a sharp corner west of the bridge.

Director Murphy also reported that he cancelled a project with the Forest Service due to the snow pack on the roads. He didn't want to risk sending his trucks up there with gravel. He plans on doing this project next spring.

Director Murphy stated that for the rest of the week, they will hook up snow plows and catch up on odds and ends. He has a lot of employees on vacation, but they are on call.

Consideration Of An Amended Agreement For Services With Rafter 7 Enterprises

Attorney Doherty stated that 1099 employees do not get overtime. There may be weeks where Mr. Joe Summarell works over forty hours, but that does not trigger overtime and it doesn't go over an annual 2080 hours a year unless there is an amendment to the contract. This allows more flexibility. According to Mr. Summarell, in the past, he has not worked over the 2080 hours in a year. This is an as needed contract; we are not guaranteeing that Mr. Summarell will work this amount of hours. Mr. Summarell gets paid hourly and he submits his timesheet monthly. Commissioner Peatross suggested that Director Murphy sign Mr. Summarell's timesheets. *Commissioner Peatross motioned to approve the revised agreement with Rafter 7 Enterprises. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Resolution No. 12-22, A Resolution Amending Resolution No. 05-46 On The Term Limit Policy Governing The Assigning And/Or Appointing Of Board Members To The Duchesne County Fair Board Executive Committee To Provide For An Exception To The Term Limit

Commissioner Peatross stated that this resolution allows us to follow the term limit policy, but also gives the ability to continue with the current Chairman if there isn't a qualified candidate.

RESOLUTION NO. 12-22

A RESOLUTION AMENDING RESOLUTION 05-46 ON THE TERM LIMIT POLICY GOVERNING THE ASSIGNING AND/OR APPOINTING OF BOARD MEMBERS TO THE DUCHESNE COUNTY FAIR BOARD EXECUTIVE COMMITTEE TO PROVIDE FOR AN EXCEPTION TO THE TERM LIMIT

WHEREAS the Duchesne County Commission has previously found that there must exist a policy governing the assigning and/or appointing of board members to the Duchesne County Fair Board Executive Committee, and

WHEREAS the Duchesne County Commission properly approved, passed and adopted Resolution 05-46 setting policy that limits the Duchesne County Fair Executive Committee Board Chair to two (2) consecutive terms of four (4) years each, and

WHEREAS the Duchesne County Commission finds that in balancing the interest of the county and the public and in the interest of all parties there should be an amendment to such term limit policy to provide for an exception to the term limit that will provide for continued consistency, competence and professionalism in the administration of the duties of the Board Chair; and

WHEREAS Duchesne County finds in adopting this policy to amend its prior Resolution 05-46, it is the intent of the Duchesne County Commission to provide for an exception to the otherwise applicable term limit, and to be fair and equitable while at the same time ensuring for the continued professional leadership of the Duchesne County Fair Board Executive Committee,

BE IT THEREFORE RESOLVED by the Board of County Commissioners for Duchesne County that:

1. The Board Chair shall continue to be limited to two (2) consecutive terms of four (4) years each. If a member is appointed to fill an unexpired term, they are still eligible to fulfill two (2) consecutive terms of four (4) years each after the initial appointment.
2. In the event that the Duchesne County Commission does not receive timely applications of qualified applicants for the position of Board Chair for the Duchesne County Fair Board Executive Committee, the Board of County Commissioners is authorized to invoke an exception to the otherwise applicable term limit, and may select, re-assign and re-appoint an individual as Board Chair who has served two prior consecutive terms.
3. The positions of Chair, Vice Chair and Secretary shall continue to be appointed by the Duchesne County Commission.

DATED this 17th day of December, 2012.

ATTEST:

Diane Freston
County Clerk/Auditor

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Kirk J. Wood, Chairman

Kent R. Peatross, Member

Ron Winterton, Member

Commissioner Winterton motioned to adopt Resolution No. 12-22. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Duchesne County Board Appointments

Commissioner Peatross motioned to reappoint Debbie Thayne as Chairman on the Fair Board Executive Committee. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Geographic Information Systems (GIS) Services Agreement

GIS Director Stoney Monks joined the meeting at 9:35 A.M...

Attorney Doherty stated both Director Monks and IS Department Director Kent Ogletree have reviewed this contract and were fine with it. Director Monks general premise is that he will be available on Mondays to consult with the commissioners and he will be available onsite another day during the week. He will make himself available whenever anyone tries to schedule with him and the other most significant provision is the delegation of appropriate duties to a dedicated representative which is the cardologist records analyst who currently is Christina Nelson. This will allow access to all of the documents and data when Mr. Monks is not available.

IS Department Director Kent Ogletree joined the meeting at 9:45 A.M...

Director Ogletree stated that he is good with the agreement as written. Commissioner Peatross stated that he likes this arrangement with Director Ogletree signing off on this because the county didn't know if Director Monks was doing what he was supposed to or not, we don't have the availability to measure that. Every time we spoke to the State of Utah and other people, they would use Director Monks as an example of how things need to be done. He really likes having Director Ogletree doing the oversight and the coordination with the IS Department because it gives us a level to monitor.

Commissioner Peatross motioned to approve the contract between MCGS and Duchesne County for Geographic Information Systems (GIS). Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Appointment Of County Records Officers By County Chief Administrative Officer – Chairman Kirk J. Wood

Director Ogletree stated that there were changes during the last legislative session with GRAMA. One of the requirements is that we provide a list of GRAMA Officers to the State of Utah. At the Administration Building it will be Bonnie Nielsen 1st and Cristina Neilson 2nd. At the Sheriff's Department, it is Karena Defa 1st and Loretta Purdy 2nd. At the Jail it is Cynthia Wardle. We will send these individuals to trainings so they are aware of what is privileged, private, or public information. He will also be attending trainings to better understand the appropriate process. Chairman Wood suggested that this be discussed at the next staff meeting. *Commissioner Winterton motioned to approve the records officers as recommended by the IS Department. Commissioner Peatross seconded the motion. All Commissioners voted aye and the motion passed.*

Discussion Of A Draft Letter Regarding Scoping Comments On Blacktail Ridge EDA Project – Bill Barrett Corporation

County/Community Planning Administrator Mike Hyde joined the meeting at 10:04 A.M...

Administrator Hyde stated that this letter is only in relation to six new pads for twelve proposed wells on Mitigation Commission property East of Highway 208, North of Highway 40. They asked for our scoping comments. The letter supports this project. The land was acquired for deer, elk, and sage grouse habitat. Our only requirement is that they consult with the Division of Wildlife Resources to strike a balance between mineral access and wildlife protection. They are mostly using existing roads, but there are some new roads proposed. Commissioner Peatross suggested adding a statement that says something to the affect that we have concerns when the Mitigation Commission takes land out of private ownership, they need to provide multiple use. Administrative Hyde stated that he will add that statement to the letter.

Review And Potentially Award Bids For Construction Of The Duchesne County Emergency Watershed Protection Flood Rehabilitation

Emergency Management Director Mike Lefler joined the meeting at 10:23 A.M...

Commissioner Winterton stated that this is for the placement of the rock. Director Lefler stated that this project will begin in the middle of January 2013. *Commissioner Winterton motioned to award the bid for construction to TNT General Contractors of Lehi, in the amount of seven hundred forty nine thousand sixty six dollars (\$749,066). Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Ordinance No. 12-310, An Ordinance Setting The Commission Meeting Schedule For 2013

Clerk Auditor Diane Freston joined the meeting at 10:33 A.M...

Commissioner Peatross asked Auditor Freston what the impact would be on her office if the commission only held one or two meetings a month. Auditor Freston stated that in other counties the commission doesn't approve the standard things such as utility bills. The commission authorizes all payments out of budgeted funds like fund 10, B' Road and 11, Library. We use to only do vouchers once a month, we could go back to doing that. Commissioner Winterton stated that he likes to be able to see what is being paid so they know what is going on. Chairman Wood stated a couple of concerns is that the public has a perception that the commission only works one day a week because we are in the office on Mondays. The other is that if we only hold meetings once a month, it will be an all-day meeting. Commissioner Peatross suggested staying with the weekly meeting and that meetings will not be held on legal holidays and then add other properly noticed scheduling conflicts.

ORDINANCE 12-310

AN ORDINANCE SETTING THE COMMISSION MEETING SCHEDULE FOR 2013

WHEREAS, U.C.A. §17-53-204 requires the County Legislative Body to “provide by ordinance for the holding of regular meetings of the county legislative body; and

WHEREAS, the County Legislative Body has found that it will be beneficial to continue holding meetings at the same time and place as the previous year.

NOW THEREFORE, the County Legislative Body of Duchesne County ordains as follows:

Section 1. Meeting Schedule and Location

The 2013 meeting schedule for the Board of County Commissioners of Duchesne County, Utah, will be every Monday (except legal holidays and other properly noticed commission scheduling conflicts) beginning at 9:00 a.m. for the working session and again at 1:00 p.m. for the regular session. In case of a light meeting schedule, meetings may be combined as properly noticed.

Meetings will be held for the working meeting in Conference Room #1 and for the regular session in the Commission Board Room of the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah.

Section 2. Public Notice

The following public notice shall be given:

NOTICE IS HEREBY GIVEN OF THE 2013 MEETING SCHEDULE OF THE BOARD OF COUNTY COMMISSIONERS OF DUCHESNE COUNTY, UTAH

PUBLIC NOTICE is hereby given that the 2013 meeting schedule for the Board of County Commissioners of Duchesne County, Utah, will be every Monday (except legal holidays) beginning at 9:00 a.m. for the working session and again at 1:00 p.m. for the regular session. In case of a light meeting schedule, meetings may be combined as properly noticed

Meetings will be held for the working meeting in Conference Room #1 and for the regular session in the Commission Board Room of the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah.

I, Diane Freston, Duchesne County Clerk/Auditor do hereby certify that from December 31, 2012 through January 1, 2014 pursuant to U.C.A., 52-4-202, this notice was posted. Notice also given to Radio Station K.N.E.U. and the newspaper Uintah Basin Standard.

Section 3. Effective Date

In accordance with U.C.A. §17-53-208, this Ordinance will take effect fifteen (15) days after its passage.

PASSED AND ADOPTED THIS 17th DAY OF DECEMBER, 2012 by the following vote of the Board of County Commissioners:

DUCHESNE COUNTY:

Attest:

Diane Freston
County Clerk/Auditor

Kirk J. Wood
Commission Chairman

Kent R. Peatross
Commission Member

Ron Winterton
Commission Member

Commissioner Peatross motioned to adopt Ordinance No. 12-310 as amended. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Minutes For Regular Commission Meeting Held November 19, 2012

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

Consideration Of Minutes For Combined Commission Meeting Held December 10, 2012

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

Consideration Of Payment Vouchers

Deputy Clerk Auditor Connie Sweat joined the meeting at 10:51 A.M...

The commission reviewed vouchers # 123623 through 123685 dated November 17, 2012, in the amount of three hundred forty two thousand one hundred forty dollars and twenty four cents (\$342,140.24) 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.*

Entered Recess at 10:55 AM...

Reconvened to Combined Commission meeting at 1:30 P.M...

1:30 Public Hearing

Consideration Of Ordinance No. 12-309, An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Agricultural-Residential (A-2.5) To Agricultural-Residential (A-5)

County/Community Planning Administrator Mike Hyde, LeRoy & Beth Morris, Ryan Snow, & Jim Hogan joined the meeting at 1:30 P.M...

Administrator Hyde stated that the Planning Commission received a request from LeRoy and Beth Morris to rezone property of one hundred sixty acres on the Harmston Bench to match the northern forty acres which is zoned A-5. That would put them in line to apply to the Planning Commission for a conditional use permit for a gravel pit on this property. The Planning Commission has recommended that you approve the rezone request. There are existing gravel pits in this area and an asphalt operation. Access would be from the county road off of Highway 121. If this rezone is approved today, the applicants anticipate going to the Planning Commission on January 02, 2013 for their conditional use permit. He has not heard any negative testimony thus far regarding this rezone.

Chairman Wood asked for comments from anyone in opposition to the rezone. There were no comments.

ORDINANCE #12-309

AN ORDINANCE AMENDING THE DUCHESNE COUNTY ZONING MAP, REZONING DESCRIBED PROPERTY FROM AGRICULTURAL-RESIDENTIAL (A-2.5) TO AGRICULTURAL-RESIDENTIAL (A-5)

WHEREAS, LeRoy and Beth Morris have filed an application to rezone certain described property from Agricultural-Residential (A-2.5) to Agricultural-Residential (A-5); and,

WHEREAS, after giving notice and conducting a public hearing on December 5, 2012, the Duchesne County Planning Commission has recommended approval of the rezone as requested for the subject described lands; and,

WHEREAS, after giving notice and conducting a public hearing on December 17, 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-2.5) to Agricultural-Residential (A-5):*

The East ½ of the NE ¼ of Section 8 and the West ½ of the NW ¼ of Section 9, Township 2 South, Range 1 West, USB&M.

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 17th day of December, 2012.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Kent R. Peatross, Commissioner

Ronald Winterton, Commissioner

Reconvened to Combined Commission meeting at 1:41 P.M...

Commissioner Peatross motioned to adopt the findings of fact and conclusions of law recommended by the Planning Commission and approve Ordinance 12-309. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Closed Session

Commissioner Winterton moved to enter into and out of executive session for the purpose of discussing imminent or pending litigation at 1:44 P.M. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Reconvened to Combined Commission meeting at 4:25 P.M...

Discussion of Afternoon Agenda Items

Commission Calendaring

Adjourn

Chairman Wood adjourned the meeting at 4:25 P.M.

Read and approved this 24th day of December 2012.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by BobbiJo Casper*_____