

**MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION
MEETING OF THE DUCHESNE COUNTY COMMISSION HELD JANUARY 14, 2013
BEGINNING AT 9:00 A.M. IN CONFERENCE ROOM #1, IN DUCHESNE, UTAH**

Present

Commission Chairman Kirk J. Wood, Commissioner Ronald Winterton, Public Works Director Glen Murphy, Gary & Kay Robb, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Absent

Commissioner Kent R. Peatross was on assignment elsewhere.

Public Works/Landfill Update

Uintah Basin Standard Reporter Steve Puro joined the meeting at 9:02 A.M... Deputy County Attorney Marea A. Doherty joined the meeting at 9:04 A.M...

Director Murphy reported that the Road Department is pushing back snow drifts with the grader on roads and should be finished today. We will start the tree trimming project this week.

Discussion Of Property And Irrigation Issues

Mr. Robb stated that in 2004, we went to court against Richard Mountain, Stewart Pike, and Floyd Wopsock. On April 15th, 2012, we went to turn on our water and they were sitting there on the road with a sign saying Knights Canal and Shanks Canal do not trespass. We had no access permit at that time so we backed away. Richard Mountain and his three sons were there and had their guns lying on the hood of the car so we backed away. We tried to go in a different way and tried talking to the Tribal Business Committee, but they didn't want to get involved. We went to court in 2004 and we won the case. The Knights Canal Company head gate has been there since 1909. The right of way was granted by the Department of Interior in 1909. This was the old canal that came out to the ranch. The Government went in with us to put in sprinklers that cost over three hundred thousand dollars (\$300,000.00). In 1988, Shanks Canal bought a right of way from the Indians and it came out the same head gate, so it put them in the same boat. Our easement agreement expired in 2008. Since that time, he has been over there numerous times but Stuart Pike who is on the Business Committee throws our paper work away when it gets there. The easement agreement is renewed every twenty (20) years. It was addressed in the lawsuit and due to the fact that they are a sovereign nation, they wouldn't make it a permanent agreement. Tina Campbell was the judge on that case. We don't know what to do now. We paid one hundred sixty eight thousand dollars (\$168,000) on the case the last time we went to court. Attorney Doherty stated that she is not sure what the county can do and suggested that they contact Attorney Jesse Trentadue with Switter Axland who is familiar with these types of issues. We can't directly assist, but we are interested in finding resolution.

Closed Session

Commissioner Winterton moved to enter into and out of closed session for the purpose of discussing imminent or pending litigation at 9:16 A.M. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.

Building Official Karl Mott joined the meeting for personal reasons at 9:19 A.M...

Wayne Robb joined the meeting at 9:22 A.M...

Reconvened to Combined Commission meeting at 9:54 A.M...

Discussion Of Greenbelt Rollback Taxes

Uintah Basin Standard Reporter Steve Puro rejoined the meeting at 9:54 A.M... Assessor Greg Garff & Travis Grant joined the meeting at 9:54 A.M...

Mr. Grant stated that his brother dropped the ball on getting the Greenbelt paperwork turned back into the Assessor's Office and he didn't realize it until he received the rollback tax bill. Assessor Garff stated that December 29, 2011 was when the bill went out, so it has been rolled off for a while. The amounts owed are three thousand three hundred twenty dollars (\$3,320.00) for one parcel and the other parcel is one thousand seven hundred eighty four dollars (\$1,784.00). Mr. Grant stated that Leon Ross is buying these parcels and we split lots off, so he is confused at all of the tax notices he received if there are only the two parcels. Chairman Wood suggested that Mr. Grant sit down with

Assessor Garff and compare the tax notices to the parcels just so they don't miss any. If the circumstances change in your review, come back to the commission. Traditionally, if the process has been followed we sit back and let it happen, but as a property owner it's your responsibility to follow up on this. Commissioner Winterton stated that it may have been a different story if you were in here last year, but he doesn't feel that we can forgive this. Assessor Garff stated that the use of the property hasn't changed; we just didn't get the application back.

Assessor Greg Garff rejoined the meeting at 10:27 A.M...

Assessor Garff stated that the two notices discussed covered the entire one hundred acres that Mr. Grant was talking about. There were pieces split off, but they do owe the taxes. Chairman Wood stated that we can't look out for everyone in the county; it's the property owner's responsibility to get their applications turned back in.

Discussion Of Payment In Lieu Of Taxes (PILT)

Mr. Boyd Blackwell with the Division of Wildlife Resources joined the meeting at 10:18 A.M...

Mr. Blackwell stated that he appreciates the awesome working relationship that they have with the Duchesne County Commission and their employees. Duchesne County is one of the larger resource providing counties in the State of Utah for a lot of things not just wildlife. He has been asked to present your PILT payment and stated that it's in the amount of forty three thousand one hundred twenty eight dollars and nine cents (\$43,128.09) that comes from hunting and fishing license dollars. We need to make sure that folks are aware of these funding resources. With that, there is a notice that needs to be signed for our file that you did receive your payment. He appreciates the fact that the commission feels comfortable enough to speak to him outside of the office about issues, because if they didn't he wouldn't know about them.

Clerk/Auditor's Office

Deputy Clerk Auditor Robin Rega joined the meeting at 10:04 A.M...

Deputy Clerk Rega stated that she was asked to come in and discuss an electronic time clock that the Auditor's Office is considering purchasing. Chairman Wood suggested that this be discussed during tomorrow's staff meeting.

Tax Adjustments – Assessor

Deputy Clerk Auditor Connie Sweat joined the meeting at 10:18 A.M...

Commissioner Winterton motioned to approve the tax adjustments as recommended by the Assessor's Office. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of Payment Vouchers

The commission reviewed vouchers # 123751 through 123836 dated January 4, 2013, in the amount of five hundred six thousand nine hundred ten dollars and three cents (\$506,910.03) as presented by Deputy Clerk Sweat. The commission also reviewed vouchers # 123837 through 123895 dated January 10, 2013, in the amount of one hundred twenty six thousand eight hundred forty five dollars and eighty eight cents (\$126,845.88) as presented by Deputy Clerk Sweat. *Commissioner Winterton motioned to approve the vouchers as presented by the Clerk Auditor's Office. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Beer License Application For All Country Store

Deputy Clerk Sweat stated that this application has been approved by the Sheriff's Department. *Commissioner Winterton motioned to approve the beer license application as presented by the Clerk Auditor's Office. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Beer License Application For Moon Lake Resort, Inc.

Deputy Clerk Sweat stated that this application has been approved by the Sheriff's Department. *Commissioner Winterton motioned to approve the beer license application as presented by the Clerk Auditor's Office. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Bb Transportation & Safety Training & Testing

Deputy Clerk Sweat stated that this business hauls water and does drug and safety

training for their employees. *Commissioner Winterton motioned to approve the business license application as presented by the Clerk Auditor's Office. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Precision Detail

Deputy Clerk Sweat stated that this business does mobile detailing business. *Commissioner Winterton motioned to approve the business license application as presented by the Clerk Auditor's Office. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Shiner Welding, Corp.

Deputy Clerk Sweat stated that this is a welding business that is working out of another businesses shop in Altamont. *Commissioner Winterton motioned to approve the business license application as presented by the Clerk Auditor's Office. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of 2013 Commission Chairman

Chairman Wood motioned to assign Commissioner Winterton as Chairman for 2013. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of 2013 Commission Assignments

Commissioner Winterton motioned to accept the assignments as presented. Chairman Wood seconded the motion. Both Commissioners voted aye and the motion passed.

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

Assistant Casper stated that Attorney Doherty has not had a chance to review these minutes and suggested that Attorney Doherty review them before they are considered.

Consideration Of Minutes For Combined Commission Meeting Held December 24, 2012

Commissioner Winterton motioned to approve the minutes as presented. Chairman Wood seconded the motion. Both 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 Personnel issues at 11:02 A.M. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed. Assistant Casper was excused from the meeting.

Reconvened to Combined Commission meeting at 12:07 P.M... Assistant Casper rejoined the meeting.

Discussion of Afternoon Agenda Items

Commission Calendaring

Adjourn

Chairman Wood adjourned the meeting at 12:08 P.M.

Read and approved this 28th day of January 2013.

*Kirk J. Wood
Commission Chairman*

*Diane Freston
Clerk/Auditor*

*Minutes of meeting prepared by BobbiJo Casper*_____