

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION  
MEETING HELD MARCH 18, 2013 BEGINNING AT 9:00 A.M. IN CONFERENCE  
ROOM #1, IN DUCHESNE, UTAH**

***Present***

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

***Absent***

Commissioner Kent R. Peatross was on assignment elsewhere.

***Public Works/Landfill Department Update***

Director Murphy reported that the Road Department finished widening the road near Hancock Cove and plan to pave it at some point. They are currently working on the Airport Road in Duchesne City and found out that the road is divided down the middle. The county owns half and Duchesne City owns the other half. Special Service District #2 is unable to pave this road because it's partially owned by Duchesne City. He requested that we use Revitalization Funds and estimated the total to oil it around one hundred thousand dollars (\$100,000). Commissioner Wood suggested that Mayor RoJean Rowley be contacted to see if they can cover the cost.

Director Murphy also reported that there is a meeting with Moon Lake Electric on March 18<sup>th</sup> and we need to discuss our agreement. He doesn't like the fact that it's a fifty year contract. Commissioner Wood suggested that Director Murphy make a list of what he needs in the agreement.

Director Murphy also reported that Don Sawyer in Hanna wants the county to build him a new garage because Mr. Sawyer claims that water flooded his garage and caused damage. He and Chairman Winterton visited with Mr. Sawyer last summer and the county constructed a new drainage ditch and thought Mr. Sawyer was happy with what they had done. Chairman Winterton stated that when we saw the garage, the floor was cracking, but it didn't appear to be new damage. Director Murphy stated that the garage is two feet off of the road and it may be in the county right of way. He will get a line on it so they know for sure.

***Discussion Of Property Taxes***

*Treasurer Colene Nelson, Assessor Greg Garff, & Mr. Kent Cramer joined the meeting at 9:20 A.M...*

Mr. Cramer stated that the taxes are under Diane Cramer who is his mother. She passed away nine months ago and he has been charged late charges and penalty fees that he is concerned about. Assessor Garff stated that there are four different lots one acre each located in Pinion Retreat. Mr. Cramer stated that there are road issues because of water build up and it needs a culvert just off of the road. Commissioner Wood stated that if it's not on a county road it could be a private issue. Director Murphy stated that if the problem is in the county right of way, it's a different story and he will look at it. Treasurer Nelson stated that two of these properties taxes go back to 2009 and the other two go back to 2011, so there is time to pay for them before they go to tax sale and this is why you have been charged penalty fees. Mr. Cramer asked if there is anything that can be done about the fees. Commissioner Wood stated that there are payment coupons you can get from Treasurer Nelson, but there is nothing we can do about the fees. Mr. Cramer stated that he thought he would ask and is happy with how they have worked with him on the home. Commissioner Wood suggested that Mr. Cramer speak to the Clerk/Auditor's Office to see if he may qualify for a circuit breaker.

Treasurer Nelson stated that Paul Bowden reserved a life estate and the O'Driscols have paid the taxes in the past but sold everything else to the Mitigation Commission and is now two years behind on taxes in the amount of seventeen hundred ninety five dollars (\$1,795). Deputy Recorder Bunny Young noticed the life estate and pulled it out. Mr. Bowden never received a tax notice and feels that it was our fault because it was under a life estate and doesn't see how Mr. Bowden is going to be able to come up with the money. Commissioner Wood stated that he feels the Mitigation Commission should step in. They can't kick Mr. Bowden out, it doesn't sound like they did their diligence. They

will have to condemn it and move Mr. Bowden or buy him out. Chairman Winterton stated that if we didn't get the property broke out, then it was our fault.

*Recorder Carolyn Madsen joined the meeting at 9:20 A.M...*

Recorder Madsen stated that typically the tax notice goes to the person who established the life estate. Recently, the Mitigation Commission took over all of the other properties and since this took place, all of the other taxes are now tax exempt. Chairman Winterton suggested that Recorder Madsen look further into this and come back to the commission with the information.

*Deputy Recorder Bunny Young joined the meeting at 10:00 A.M...*

Deputy Recorder Young stated that O'Driscol reserved the life estate so it's Mr. Bowden's until he dies then it goes to O'Driscol. She pulled the parcel out when O'Driscol sold it the Government. This is the first time we have had a problem. It's possible that we didn't send the tax notice to Mr. Bowden; if we sent it to Mr. O'Driscol he may have thought nothing of it since he sold everything else. Assessor Garff stated that we need to look at the transition for Greenbelt because there are rollback taxes. We probably sent out the application to Mr. O'Driscol and never got it back. Chairman Winterton stated that they will review this issue with Commissioner Peatross when he gets back.

#### ***Treasurer's Department Update***

Treasurer Nelson stated that they have collected 95.78% of the property taxes for last year and Bonnie Neilson is keeping their records current by scanning them into Fortis.

#### ***Discussion Of Greenbelt***

Assessor Garff stated that there are seven lots in Red Creek owned by Mr. Russ Young who doesn't have them particularly fenced and is not sure how animals are kept in. There are 46.76 acres which means Mr. Young would have to have one steer on the property for nine out of twelve months to qualify for Greenbelt. Commissioner Wood suggested that Assessor Garff contact Mr. Young and do an onsite visit and go from there.

#### ***Closed Meeting –***

*Commissioner Wood motioned to go into and out of closed session for the purpose of discussing pending or reasonably imminent litigation at 10:31 A.M. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

*-Entered Combined Commission Meeting at 11:20 A.M.*

#### ***Consideration To Take Action Discussed Under Closed Meeting***

*No action was necessary.*

#### ***Consideration Of Resolution No. 13-04, A Resolution Supporting Nomination Of Hon. James D. Healy To National Freight Advisory Committee***

Chairman Winterton stated that this nomination request came to us from NACO. The US Department of Transportation is establishing a National Freight Advisory Committee and soliciting nominations for membership. Sixty Four percent of all roads are owned locally and he suggested having a commissioner on the board.

### **Duchesne County, Utah Resolution No. 13-04, A Resolution Supporting Nomination of Hon. James D. Healy to National Freight Advisory Committee**

**WHEREAS**, the U.S. Department of Transportation is establishing a National Freight Advisory Committee (NFAC) and soliciting nominations for membership; and

**WHEREAS**, the NFAC will provide advice and recommendations to the Secretary of Transportation on matters related to freight transportation in the United States, including: (1) Implementation of the freight transportation requirements of MAP 21; (2) Establishment of the National Freight Network; (3) Development of a National Freight

Strategic Plan; (4) Development of strategies to help States implement State Freight Advisor Committee and State Freight Plans; and (5) Development of measures of conditions and performance in freight transportation; (6) Development of freight transportation investment, data, and planning tools; and (7) Legislative recommendations; and

**WHEREAS**, the Secretary of Transportation has requested nominations for members of the Committee to ensure a wide range of members and a balanced Committee; and

**WHEREAS**, the Secretary of Transportation will appoint committee members with a view toward achieving varied perspectives on freight transportation, including from government bodies, and seeking to balance the interests of many groups including those of local elected officials; and

**WHEREAS**, Counties play an integral role in the movement of freight in America owning and operating: 44% of all public roads and highways; 228,026 bridges of all kinds; 27% of public transit systems; and 30% of public airports; and

**WHEREAS**, Elected County Officials play a key role in economic development efforts in their regions and development of new regional transportation infrastructure, serving on, or being actively involved in, all of the nations Port Authorities, Metropolitan Planning Organizations and Development Organizations ; and

**WHEREAS**, the Honorable James D. Healy, County Commissioner, serves as Transportation Chairman for the National Association of Counties (NACo), having also served NACo as Chairman of the Highway, Airport and Transit Authorization Sub-Committees, and serves as a member of the Board of Directors for the National Association of Regional Councils (NARC), and served as the Chairman and Vice-Chairman of the Transportation and Public Works Committees in his home County, as well as a past member of his local regional planning organization;

**WHEREAS**, the Honorable James D. Healy has been a vocal proponent of local governments working together in cooperation with the freight, shipping and railroad industries, hosting the first freight/railroad summit last year bringing together 250 local elected officials and representatives of the freight, shipping and railroad industry, and is singularly responsible for the positive dialogue now occurring between local government officials and the railroad industry.

**NOW THEREFORE, BE IT RESOLVED** the Board of County Commissioners for Duchesne County, Utah do hereby request the Secretary of Transportation to appoint the Honorable James D. Healy, County Commissioner, as a member of the NFAC Committee, to represent the views and interests of local governments in America.

Enacted this 18<sup>th</sup> Day of March, 2013

By: \_\_\_\_\_  
Ronald Winterton, Commission Chair

Attest: \_\_\_\_\_  
Diane Freston, Clerk/Auditor

*Commissioner Wood motioned to adopt Resolution No. 13-04 supporting nomination of Hon. James D. Healy to National Freight Advisory Committee. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 13-05, A Resolution Covenanting To Not Impair The Mineral Lease Revenues Of The Duchesne County Special Service District #2 So As To Negatively Impact Said District's Ability To Repay Its \$4,000,000 Mineral Lease Revenue Bond, Series 2013; And Related Matters***

Chairman Winterton stated that this resolution is to guarantee their ability to pay the loan back. We are the ones who set the percentage that goes to the district from Mineral Lease Funds. Commissioner Wood suggested that they sit down with the district board and look at the master plan. Our concern is that they have set something up and are tying our hands. *Commissioner Wood motioned to table this agenda item until next week. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

*Entered recess at 11:36 A.M...*

*Entered back into Combined Commission Meeting at 11:40 A.M...*

***Closed Meeting –***

*Employee Department Interim Lisa Henrie joined the meeting at 11:40 A.M...*

*Commissioner Wood moved to go into and out of closed session for the purpose of discussing personnel issues at 11:40 A.M. Chairman Wood seconded the motion. Both commissioners voted aye and the motion passed.*

*-Entered Working Commission Meeting at 1:57 P.M...*

**Consideration To Take Action Discussed Under Closed Meeting**

*No action was necessary.*

**Consideration Of A Request From The IS Department For Capital Expenditure For Back Up System**

*IS Department Director Kent Ogletree joined the meeting at 1:57 P.M...*

Director Ogletree stated that last year we spent eighteen thousand six hundred dollars (\$18,600) in Revitalization Funds for a backup system. The problem is that the size of this system doesn't meet our needs with the records retention policy requirement. The expansion would cost twenty seven thousand eight hundred dollars (\$27,800) and feels this would solve the problem for a long time. Commissioner Wood stated that we do have interest funds in Revitalization that we can use, we would need to hold a special meeting to be able to use it. Chairman Winterton stated that we can use what we have and suggested that Assistant Casper contact Laurie Brummond to find out if we have enough funds and if this fits the requirements in order to use Revitalization Funds.

**Tax Adjustments – Assessor**

*Deputy Clerk Auditor's Connie Sweat & Clerk/Auditor Diane Freston joined the meeting at 2:13 P.M...*

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

**Consideration Of Payment Vouchers**

The commission reviewed vouchers # 124372 through 124437 dated March 18, 2013, in the amount of one million eighty eight thousand twenty six dollars and forty five cents (\$1,088,026.45) as presented by Clerk Auditor's Office. *Commissioner Wood motioned to approve the vouchers as presented by the Clerk Auditor's Office. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

**Consideration Of A Business License Application For Down And Dirty Customs Of Roosevelt UT**

Deputy Clerk Sweat stated that this business was in the city limits of Roosevelt and has relocated into the county doing hotshot services and oil transport. *Commissioner Wood motioned to approve the business license application as presented. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

**Consideration Of A Business License Application For Elk Horn Transport LLC**

Deputy Clerk Sweat stated that this business is a trucking company in Myton leased by Iowa Tanklines. *Commissioner Wood motioned to approve the business license application as presented. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

**Consideration Of Minutes For Combined Commission Meeting Held March 11, 2013**

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

**Closed Meeting –**

*Commissioner Wood moved to go into and out of closed session for the purpose of discussing personnel issues at 2:32 P.M. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

*-Entered Combined Commission Meeting at 3:21 P.M...*

**Consideration To Take Action Discussed Under Closed Meeting**

*No action was necessary.*

**Commission Calendaring**

**Adjourn**

*Chairman Winterton adjourned the meeting at 3:21 P.M.*

*Read and approved this 25<sup>th</sup> day of March 2013.*

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*Ronald Winterton  
Commission Chairman*

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*Diane Freston  
Clerk/Auditor*

*Minutes of meeting prepared by BobbiJo Casper*\_\_\_\_\_