

**MINUTES FOR REGULAR COMMISSION MEETING HELD MARCH 25, 2013
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Ronald Winterton, Commissioner Kent R. Peatross, Commissioner Kirk J. Wood, Deputy County Attorney Marea Doherty, Building Official Karl Mott, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

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

Pledge Of Allegiance

Any wishing to participate.

Tax Adjustments – Assessor

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:09 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 Wood seconded the motion. All commissioners voted aye and the motion passed.*

Tax Adjustments – Treasurer

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 Treasurer's Office. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

The commission reviewed vouchers # 124438 through 124487 dated March 25, 2013, in the amount of one hundred forty five thousand seven hundred sixty eight dollars and twenty two cents (\$145,768.22) as presented by Clerk Auditor Sweat. *Commissioner Wood 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 The Big G On 40

Deputy Clerk Sweat stated that this is the new name of the store in Fruitland and has new management; the application has been approved by the Planning and Zoning Department. *Commissioner Wood 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 Beer License Application For The Big G On 40

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

Building Department Update & Purchase Requests

Official Mott stated that January and February was disappointing. Permits were down 27.91% compared to last year. The weather got too cold so everything slowed down. We received a check for inspecting the Altamont High School in the amount of sixty three thousand dollars (\$63,000) and requested that he be able to replace his copy machine using some of this money in the amount of six thousand four hundred fifty four dollars (\$6,454). He would also like to use some of the money to purchase a large format scanner, but he is still researching bids. He plans to clean out the room where the plans are kept for this machine and that his goal is to place most of their stuff online to condense the amount of filing cabinets in his office. Commissioner Peatross suggested that Official Mott get his purchase orders turned in when he has decided which machines would be best for his office needs.

Attorney Doherty stated that Official Mott has requested her interpretation of the owner builder certification. Official Mott has an instance where there appears to be two (2) couples that own the property. Official Mott stated that DOPL's form says sole owner and the law says sole owners and the property in question is owned by several family members. One of the couples who own the property wants to build a cabin, so he is not sure if they are eligible due to the language on the DOPL form. Commissioner Peatross stated that the majority of people who would apply for this would be a married couple or a family. Attorney Doherty stated that the statutory section overrides the form in her legal opinion. She suggested that Official Mott contact DOPL to suggest that they correct their form.

Tax Adjustments - Abatements

Chief Deputy Clerk JoAnn Evans joined the meeting at 1:39 P.M...

Deputy Clerk Evans stated that Rita Brumfield did not get her tax abatement paperwork in by the deadline of December 31, 2012. We received it in February of 2013. Ms. Brumfield has had since April to turn it in. The State of Utah will not pay their share due to the application being turned in after the deadline and Ms. Brumfield is requesting that the county pay it. Commissioner Wood stated he feels that people should be responsible for turning their applications in.

Deputy Clerk Evans stated that she and Assessor Greg Garff discussed a tax abatement for Ray Napton a few weeks ago where he was in the hospital for nine out of the twelve months and didn't get his form turned in. He has had an abatement application turned in every year except for last year due to his medical issues. Assessor Garff has taken care of the greenbelt portion of Mr. Napton's taxes due to the fact that they were rolled off but has since received the documents necessary. Commissioner Peatross feels that they should be responsible for whatever the state would pay under the abatement program. Commissioner Wood seconded that motion. All commissioners voted aye and the motion passed.

Consideration Of A Confidentiality Agreement

Attorney Doherty stated that the purpose of this agreement is to make sure that all of the sensitive information on documents that are scanned in by the various offices remains confidential. There is some editing that still needs to be done.

Consideration Of A Training Reimbursement Form

Interim Personnel Officer Lisa Henrie joined the meeting at 2:15 P.M...

Attorney Doherty stated that this form is not ready for approval.

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

**DUCHESNE COUNTY, UTAH
BOARD OF COMMISSIONERS
March 25, 2013
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

WHEREAS, Duchesne County, Utah (the "County"), is a political subdivision and body politic duly and regularly created, established, organized, and existing under and by virtue of the Constitution and laws of the State of Utah; and

WHEREAS, the County has previously authorized and directed the creation of the Duchesne County Special Service District #2, Duchesne County, Utah (the "District") pursuant to the provisions of a resolution (the "Creating Resolution"); and

WHEREAS, pursuant to the direction of the Board of Commissioners (the "County

Commissioners”) contained in the Creating Resolution, the District has been duly and regularly created, established, and is organized and existing under and by virtue of the provisions of the Constitution and laws of the State of Utah, including, in particular, the provisions of the Utah Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated 1953, as amended (the “Act”); and

WHEREAS, under the Creating Resolution, the objects and purposes for which the District has been founded and incorporated are to acquire, improve or extend one or more projects and to finance their costs in accordance with the procedures and subject to the limitations of the Act and the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, in order to accomplish the public purpose for which the District exists; and

WHEREAS, the District desires to finance, in part, transportation improvements, including improvements on what is commonly known as the Wells Draw Road and related improvements (the “Project”); and

WHEREAS, the District does not have the funds on hand to pay the cost of financing the Project; and

WHEREAS, the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, provides that the Administrative Control Board of the District may issue non-voted revenue bonds payable solely from certain federal mineral lease payments which are to be distributed to special service districts, including the District, in accordance with state law; and

WHEREAS, based upon the information available to the District, the federal mineral lease payments to be distributed to the District will produce sufficient Revenues (as defined in the District’s Bond Resolution) to pay the debt service on the proposed \$4,000,000 Mineral Lease Bond, Series 2013 (the “Series 2013 Bond”); and

WHEREAS, the average annual installments of principal and interest on the Series 2013 Bond and all bonds issued on a parity therewith shall not at any one time exceed 80% of the Revenues received by the District during the fiscal year immediately preceding the fiscal year in which the Series 2013 Bond is authorized and issued; and

WHEREAS, as mineral lease revenue bonds, the Series 2013 Bond must be repaid within 15 years of their date of issuance; and

WHEREAS, the County has previously committed to allocate to the District a portion of the mineral lease revenues which special service districts in the County receive; and

WHEREAS, the State of Utah has covenanted that it will not take actions that will limit or impair the Revenues pledged to repay mineral lease revenue bonds of special service districts; and

WHEREAS, the purchaser of the Series 2013 Bond desires that the County, like the State of Utah, covenant that the County will not take actions that will limit or impair the Revenues of the District pledged to repay the Series 2013 Bond; and

WHEREAS, the County acknowledges that such a covenant is desirable to enable the District to market bonds and exercise the powers granted to the District;
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DUCHESNE COUNTY, UTAH, AS FOLLOWS:

Section 1. All action heretofore taken (not inconsistent with the provisions of this Resolution, or the Creating Resolution) by the County Commissioners and by the officers of the County directed toward the creation and establishment of the District and the financing of the Project by the District are hereby ratified, approved and confirmed.

Section 2. In accordance with Section 11-14-308(4), Utah Code Annotated 1953, as amended, Duchesne County acknowledges that the State of Utah pledges and agrees with the owners of the Series 2013 Bond that it will not alter, impair or limit the Revenues in a manner that reduces the amounts to be distributed to the District which are devoted or pledged therefor until the Series 2 2013 Bond, together with applicable interest, if any, are fully met and discharged; provided, however, that nothing shall preclude such alteration, impairment or limitation if and when adequate provisions shall be made by law for the protection of the holder of the Series 2013 Bond. In addition, the foregoing pledge and agreement of the State of Utah with respect to the Revenues shall not be construed (a) as a pledge guaranteeing the actual dollar amount ultimately received by the District; (b) to require the Utah Department of Transportation to allocate mineral lease payments in a manner contrary to the method prescribed by law; or (c) to limit the Utah Department of Transportation in making rules or procedures allocating mineral lease payments pursuant to Section 59-21-2(2)(h), Utah Code Annotated 1953, as amended.

Section 3. Similar to the pledge of the State of Utah as set forth in Section 2 above, the

Board of County Commissioners of Duchesne County, Utah hereby pledges and agrees with the owner of the Series 2013 Bond that it will not alter, impair or limit the Revenues in a manner that reduces the amounts to be distributed to the District which are devoted or pledged therefore until the Series 2013 Bond, together with applicable interest, if any, are fully met and discharged; provided, however, that nothing shall preclude such alteration, impairment or limitation if and when adequate provision shall be made by law for the protection of the holders of the Series 2013 Bond. In addition, the foregoing pledge and agreement of Duchesne County, Utah with respect to the Revenues shall not be construed (a) as a pledge guaranteeing the actual dollar amount ultimately received by the District; (b) to require the Utah Department of Transportation or Duchesne County, Utah to allocate mineral lease payments in a manner contrary to the method prescribed by law; or (c) to limit the Utah Department of Transportation in making rules or procedures allocating mineral lease payments pursuant to Section 59-21-2(2)(h), Utah Code Annotated 1953, as amended or to limit the County in making rules and procedures allocating mineral lease payments, so long as the Revenues pledged to secure the Series 2013 Bond are not impaired or limited.

Section 4. The covenant in Section 3 above shall be irrevocable so long as the Series 2013 Bond of the District is outstanding and is secured by mineral lease revenues.

Section 5. Upon its issuance, the Series 2013 Bond will constitute a special limited obligation of the District payable solely from the Revenues (as defined in the District's Bond Resolution). No provision of this Resolution or any resolution of the District, or the Series 2013 Bond or any other instrument, shall be construed as creating a general obligation of the District or of creating a general obligation of the County or as incurring or creating a charge upon the general credit of the County or against the taxing powers of the County. The County shall have no power to pay out of its funds, revenues, or accounts, or otherwise contribute any part of the cost of making any payment with respect to the Series 2013 Bond.

Section 6. If any provisions of this Resolution (including the exhibits attached hereto) are held invalid, the invalidity of such provisions shall not affect any of the other provisions of this Resolution or the Exhibits.

Section 7. All regulations, orders and resolutions of the County or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any regulation, order, resolution or ordinance or part thereof.

Section 8. The County Clerk/Auditor is directed to complete the attached Record of Proceedings.

Section 9. This Resolution shall become effective immediately upon adoption by the County Commissioners.

ADOPTED BY THE BOARD OF COMMISSIONERS OF DUCHESNE COUNTY, UTAH
THIS 25th DAY OF MARCH, 2013.

Chair

ATTEST AND COUNTERSIGN:

County Clerk/Auditor
(SEAL)

Commissioner Wood motioned to approve Resolution No. 13-05. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Discussion Of Spring It Forward Into Health Fair And Employee Recognition Programs

Mrs. Henrie stated that we met with Ray Hussey last week and discussed organizing a Wellness Committee and the Health Fair. We will be getting a substantial amount of money and we need to discuss what to do with those funds. She has prepared vendor forms for the health fair and will email those out. The date of the health fair is set on May 14th with an employee recognition BBQ following.

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

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

Consideration Of Minutes For Combined Commission Meeting Held March 18, 2013

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

Closed Session

Commissioner Wood moved to enter into and out of executive session for the purpose of discussing Personnel issues at 2:42 P.M. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed. Assistant Casper was excused from the meeting.

Reconvened to Combined Commission meeting at 3:10 P.M... Assistant Casper rejoined the meeting.

Closed Session

Commissioner Peatross moved to enter into and out of executive session for the purpose of discussing pending or reasonably imminent litigation at 3:10 P.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed

Reconvened to Combined Commission meeting at 3:34 P.M...

Consideration To Take Action Discussed Under Closed Meeting

No action was necessary.

Adjournment

Chairman Winterton adjourned the meeting at 3:37 P.M.

Read and approved this 1st day of April 2013.

Ronald Winterton
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by BobbiJo Casper*_____