

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION  
MEETING HELD MAY 06, 2013 BEGINNING AT 9:00 A.M. IN CONFERENCE ROOM  
#1, IN DUCHESNE, UTAH**

***Present***

Commission Chairman Ronald Winterton; Commissioner Kent R. Peatross, Deputy County Attorney Marea Doherty, County/Community Planning Administrator Mike Hyde, Uintah Basin Standard Reporter Steve Puro, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

***Absent***

Commissioner Kirk J. Wood.

***Discussion Of A Draft letter Regarding Acquisition Of Land In Duchesne County, Utah***

Administrative Hyde stated that we received an email from Mike Weland at the Mitigation Commission in March requesting our comments. A property owner has approached the Mitigation Commission about possible acquisition of ten acres on the west side of Highway 208 a mile and a half north of Highway 40. In this case, the Mitigation Commission owns the land to the north, east, and the south and DWR owns the land to the west so they are surrounded by public land. This is secondary land and the taxes are one hundred fifty five dollars and twenty six cents (\$155.26). Mr. Weland asked for our comments on whether they should proceed to acquire this property. In this case the Mitigation Commission has not explained how the loss in revenue or the loss in private land acreage will be made up. Commissioner Peatross suggested that the letter go out to see what their response is. Chairman Winterton agreed.

***Consideration Of Resolution No. 13-09, A Resolution Expressing The County's Intent To Amend The General Plan To Incorporate Policies From The State Of Utah Greater Sage Grouse Conservation Plan***

Administrator Hyde stated that the BLM and Forest Service are currently preparing amendments to their federal land use plans in an attempt to avoid a listing of the greater sage grouse as a threatened or endangered species. They have to get these plans done in 2014, because the federal Fish and Wildlife Service has a mandated deadline to act on that possible listing. Governor Gary Herbert formed a committee and they came up with a greater sage grouse conservation plan that the State of Utah has approved. The plan will be considered in those federal agency plans as Alternative E as they look at the alternatives for managing the grouse. Mark Ward, Utah Association of Counties (UAC), has prepared a resolution for consideration. He built into the resolution the management policies of the State of Utah's plan so that the county could adopt the resolution supporting the state plan and stating a plan to initiate proceedings to amend the county's general plan to include the state plan within our county general plan. Uintah County Deputy Attorney Jonathan Stearmer and he are approaching it with a resolution that is two pages long that recognizes the state plan as an attachment by reference and indicate that we will proceed to look at the state plan and amend our general plan in the next few months. We will need to have the Public Lands Committee, Planning Commission, and the County Commission look at it for an actual general plan amendment. We feel that the shorter version is cleaner and much easier. We need to get our consistency review comments into the BLM today, in order to do that, we need to show that we have adopted one of these two resolutions. He believes that Uintah County adopted their resolution last week. Attorney Doherty stated that the shorter version will require people to refer outside of the resolution, but she believes that as Administrator Hyde and Uintah County Deputy Attorney Stearmer have determined, it will be just as strong of a position. We aren't trying to separate ourselves from other counties who are going to adopt the UAC version; we are still representing a strong position with the shorter resolution.

# RESOLUTION #13-09

## A RESOLUTION APPROVING AND ADOPTING THE STRAWBERRY AND CARBON SAGE GROUSE MANAGEMENT AREAS AND SUPPORTING THE STATE OF UTAH GREATER SAGE GROUSE CONSERVATION PLAN

**WHEREAS**, over 52% of the land within Duchesne County is public land and the historical and continued utilization of these public lands and their resources are vital to the development and continued prosperity of Duchesne County; and

**WHEREAS**, the Duchesne County Commissioners have determined it is in the best interest of Duchesne County to create and implement a Duchesne County Greater Sage-grouse Management Plan to guide, promote and encourage decision-making processes concerning the greater sage-grouse; and

**WHEREAS**, a General Plan was adopted by the Board of County Commissioners in 1997, which has been amended several times since, which remains a current and reliable framework for the future growth and development of Duchesne County; and

**WHEREAS**, the *Duchesne County General Plan* includes a public lands portion which considers the best strategy for future growth and development; and

**WHEREAS**, federal land managers are required to ensure that management decisions are consistent with local government's approved plans, ordinances, and policy to the fullest extent possible; and

**WHEREAS**, the public lands portion of the general plan must be dynamic and adopted to the current realities faced by Duchesne County; and

**WHEREAS**, it is the intention of Duchesne County adopt the *Conservation Plan for Greater Sage-grouse in Utah*, as implemented by the State of Utah, (hereinafter "State Plan") as Duchesne County's Sage-grouse plan; and

**WHEREAS**, although Duchesne County has managed for the Greater Sage Grouse within the County, the United States Fish and Wildlife Service under the Endangered Species Act of 1973, *et seq.*, has stated its intention to review the status of the Greater Sage Grouse throughout its habitat, including parts of Duchesne County; and

**WHEREAS**, Duchesne County has actively participated in the open and public process in the development of the Utah State Greater Sage Grouse Conservation Plan, including having county commissioners attend a number of the meetings and having a county commissioner sit as one of the members of the local sage grouse working group; and

**WHEREAS**, Duchesne County encouraged the Local Area Working Group to develop and submit, to the state committee, sage-grouse management protocols; and

**WHEREAS**, the State of Utah took a grass-roots approach in developing its Greater Sage-grouse conservation plan by soliciting local governments and the local working groups to identify specific boundaries and threats to the Greater Sage-grouse; and

**WHEREAS**, these protocols were discussed and thoroughly vetted by biologists, conservationists, ranchers, industry, and government officials over a period of a couple of years and were submitted to the State of Utah for inclusion into the State Plan; and

**WHEREAS**, the State Plan calls for the active management of sage-grouse habitat utilized by more than ninety percent (90%) of the sage-grouse residing in Utah.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Duchesne County, Utah:

Section 1: The Conservation Plan for Greater Sage-grouse in Utah, as implemented by the State of Utah, with the maps of the Strawberry and Carbon Sage-Grouse Management Areas, as attached hereto, and incorporated by reference, is adopted as Duchesne County's Sage-grouse Management Plan, as it applies to those portions of the Strawberry and Carbon Sage-grouse management Areas within Duchesne County.

Section 2: Duchesne County shall immediately initiate the statutory county general plan amendment process to consider creating and/or amending and implementing a sage grouse management plan for Duchesne County to be incorporated into the Duchesne County General Plan, subject to and conditioned upon careful review and consideration of public comment after public notice and due opportunity to be heard.

Section 3: Duchesne County requests that the Bureau of Land Management and U.S. Forest Service amend their resource management plans for federal lands in Duchesne County to be consistent with the *Conservation Plan for Greater Sage Grouse in Utah*, which is set forth as Alternative E in the Draft Resource Management Plan Amendments/Environmental Impact Statement.

**APPROVED AND ADOPTED** by a duly constituted quorum of the Board of County Commissioners of Duchesne County this 6<sup>th</sup> day of May, 2013.

**DUCHESNE COUNTY COMMISSIONERS      ATTEST:**

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Ronald Winterton, Chair

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Diane Freston, Clerk/Auditor

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Kirk J. Wood, Commissioner

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Kent R. Peatross, Commissioner

*Commissioner Peatross motioned to adopt Resolution No. 13-09. A resolution approving and adopting the Strawberry and Carbon Sage Grouse Management Areas and Supporting the State of Utah Greater Sage Grouse Conservation Plan. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of Ordinance No. 13-313, An Ordinance Establishing Method, Rules, And Procedures For The 2013 Tax Sale And Allocating Administrative Costs To Delinquent Properties***

*Chief Deputy Clerk JoAnn Evans joined the meeting at 9:28 A.M...*

Attorney Doherty stated that this ordinance is a revision of Ordinance No. 12-300 which was adopted last year. We determined that it was appropriate to establish, pursuant to Utah Code, what the county would do with regard to the tax sale. Last year, we meant to establish how it would be done every year, but it only set last year's date. So this ordinance indicates that unless notice is given otherwise, the tax sale will be held on the third Thursday in May. This year it will be held on June 20<sup>th</sup>, 2013.

**ORDINANCE NO 13-313**

AN ORDINANCE REVISING ORDINANCE 12-300 ESTABLISHING THE METHODS, RULES, AND PROCEDURES FOR COUNTY TAX SALES AND ALLOCATING ADMINISTRATIVE COSTS TO DELINQUENT PROPERTIES.

**WHEREAS** the County Commission is charged under Utah Law with determination of the method of sale of delinquent properties for delinquent taxes; and **WHEREAS** the following "METHOD OF SALE" and "DUCHESNE COUNTY TAX SALE RULES", appear to facilitate the objectives of protecting the financial interest of the

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delinquent owner while meeting the county's need to collect delinquent taxes due; and

**WHEREAS** the Tax Sale creates costs of administration including advertising, recording, noticing, offering, mailing, etc.;

**NOW THEREFORE**, be it resolved that the following PUBLIC NOTICE, METHOD OF SALE, and DUCHESNE COUNTY TAX SALE RULES, are hereby adopted to govern the Duchesne County Tax Sale.

### **PUBLIC NOTICE**

Notice is hereby given that, unless noticed otherwise, the annual Duchesne County Tax Sale shall be held every year on the third Thursday of the month in the month of May, at 10:00 a.m. in the commission chambers of the Duchesne County Administration Building, 734 North Center, Duchesne City, Duchesne County, Utah. At such time, the Duchesne County Clerk-Auditor, will offer for sale at public auction and sell to the highest bidder for CASH OR CERTIFIED FUNDS pursuant to the provisions of Section 59-2-1351 Utah Code, the real property as listed by the Duchesne County Treasurer on the Tax Sale Listing pursuant to Section 59-2-1343 and described herein located in Duchesne County and delinquent and subject to tax sale. A bid for less than the total amount of taxes, interest, penalty and administrative costs, which are a charge upon said real estate, will not be accepted. **NO PERSONAL CHECKS WILL BE ACCEPTED IN PAYMENT OF BID.**

Notice of an alternative date of sale shall be given in the form pursuant to the provisions of Section 59-2-1351 Utah Code. Accordingly, notice is hereby given that the annual Duchesne County Tax sale for the current year 2013 shall be held on Thursday, June 20, 2013 at 10: am in the commission chambers of the Duchesne County Administration Building, 734 North Center, Duchesne City, Duchesne County, Utah. Such tax sale shall proceed pursuant to the provisions of Section 59-2-1351 Utah Code and this Ordinance herein.

### **METHOD OF SALE**

The Board of County Commissioners of Duchesne County has determined the following method of sale best meets the objectives of protecting the financial interests of the delinquent property owner and collecting delinquent property taxes due: The highest bid amount for the entire parcel of property shall be accepted; however, a bid may not be accepted for an amount that is insufficient to pay the taxes, penalties, interest and administrative costs. Any amount received in excess of the taxes due to all local governments and any administrative costs by the County shall be treated as surplus property and paid to the State Treasurer pursuant to Utah State Law.

### **DUCHESNE COUNTY TAX SALE RULES**

1. Duchesne County prohibits collusive bidding. "Collusive bidding" is any type of arrangement, agreement, or practice between two or more parties that in any way alters the bidding which results in an unfair advantage or disadvantage to a party, a bidder or Duchesne County. Anyone participating in collusive bidding may, at the discretion of the Clerk-Auditor, subject to appeal to the legislative body, be banned from bidding at the present and future sales not to exceed five years.
2. Any person or persons who would be in a position of conflict of interest shall not be permitted to bid for any tax sale properties.
3. A bidder shall pre-register prior to bidding and be given a number for bidding purposes. In the registration, bidder shall properly and clearly identify correct information and address for use in issuance of deeds.
4. If the amount of taxes due are \$200.00 or more a fee in the amount of 8% of the total taxes, penalty, and interest will be assessed for "administrative costs" with a minimum of \$100.00 per parcel. The following minimum additional fees shall be added to and included in the "administrative costs" assessed on each delinquent parcel: fee of \$2.00 for preparation of deed, fee of \$10.00 for the recording of the deed as per Utah Code 59-2-1231, and a title search fee. All such fees shall be added to the delinquent taxes, penalties and interest outstanding on each delinquent property to cover a proportional share of the costs of such administration.
5. If the amount of taxes due is less than \$200.00, an administrative fee in the amount of \$50.00 per parcel will be added, with additional fees of \$2.00 for preparation of the deed, and \$10.00 for the recording of the deed, as per Utah Code 59-2-1351. Said fee shall be added to the taxes, penalties and interest outstanding on each delinquent property to cover a proportional share of the costs

- of such administration.
6. The period to redeem property prior to the closing of the books and the beginning of the tax sale shall end at 5:00 p.m on the business day immediately proceeding the noticed date of sale.
  7. The County Clerk-Auditor shall withdraw from the tax sale any properties that have been redeemed prior to the closing of the books at 5:00 pm on the business day immediately proceeding the noticed day of sale.
  8. As a courtesy the tax sale listing will be posted on our website at [www.duchesne.utah.gov](http://www.duchesne.utah.gov). If a payment comes in at 5:00 p.m. the day before the tax sale, it will be posted the following morning on the website.
  9. If the County Clerk-Auditor discovers before the tax sale that because of an irregular or erroneous act or assessment, legal description or amount due, said property should not be sold, the County Clerk-Auditor shall not sell the property. The county legislative body shall cause the tax records to reflect the correction in the following year.
  10. If the County Clerk-Auditor, subject to approval by the county legislative body, issues a written finding that it is in the best interest of the public to withdraw a property from the tax sale, the County Clerk-Auditor shall withdraw the property from the sale.
  11. Loud whispering, yelling or talking, other than bids, is not allowed so that accurate records may be kept of the proceedings of the sale.
  12. The County Clerk-Auditor shall state the amount of taxes, penalties, interest, and administrative costs on the parcel(s) being offered for sale, which shall be the lowest acceptable bid at which bidding will begin.
  13. The bidder first recognized by the County Clerk-Auditor shall be the first bid recorded, etc. As in any auction, the bid recognized is the one in effect at the time.
  14. Upon receipt of a bid sufficient to pay taxes, penalties, interest and administrative costs on the parcel, higher bids shall be solicited in no less than \$10.00 increments. The last bid received in the highest dollar amount, when the County Clerk-Auditor calls "sold", shall be the bid accepted (if such bid is otherwise acceptable under these rules).
  15. The final bid number announced by the County Clerk-Auditor is the official sale, and the previously registered name and address for that number will go on the deed.
  16. Once the County Clerk-Auditor has offered for sale all properties on the tax sale list, all remaining properties that did not receive a bid shall be struck and become property of Duchesne County.
  17. Once the County Clerk-Auditor has closed the sale of a particular parcel of property as a result of accepting a bid on a parcel, the successful bidder or purchaser of the property may not unilaterally rescind the bid. The county legislative body, after acceptance of a bid, may enforce the terms of the bid by obtaining a legal judgment against the purchaser in the amount of the bid, plus interest and attorney's fees.
  18. Only cash or certified funds will be accepted in payment for property. Payment shall be made to the County Treasurer on or before two (2) hours after the sale ends on the day of the sale.
  19. If the successful bidder does not make proper payment to the County Treasurer prior to two (2) hours after the sale ends, the day of the sale, the next highest bidder shall be offered the opportunity to purchase the property for the amount of their bid, and so on, until a successful bidder is found, or until the minimum acceptable bid is reached. Original successful bidders who fail to pay for the property bid upon shall be liable as set forth in paragraph 17 above and UCA 59-2-1351.1 (6) and, in addition, shall be required to post a \$500 (five hundred dollar) bond prior to being allowed to bid in future sales.
  20. One deed, and only one deed, will be issued to the successful bidder on each parcel sold.
  21. Any person wishing to contest any action taken in connection with the tax sale must present such protest to the Duchesne County Commissioners, in writing, within ten (10) days of the sale.
  22. All bids shall be considered conditional, whether or not the bid is contested, until reviewed and accepted by the Board of County Commissioners, acting at a

regularly scheduled meeting after the above said (10) day protest waiting period. Once the tax sale has been reviewed by the Board of County Commission, said sale shall be ratified.

23. Upon ratification of the tax sale, the County Clerk-Auditor shall prepare the tax deeds and deliver said deeds to the County Recorder.
24. Upon receiving the tax deeds the County Recorder shall record all said deeds and then mail the original deeds to the property owners at their previously registered addresses.
25. Any property listed may be subject to a rollback tax under the provisions of "THE FARMLAND ASSESSMENT ACT", Utah Code Section 59-2-501 thru 59-2-515.

## THE BOARD OF DUCHESNE COUNTY COMMISSIONERS

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Ron Winterton, Chairman

Attest:

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Kent R. Peatross, Member

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Diane Freston  
County Clerk/Auditor

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Kirk J. Wood, Member

Passed and Adopted this 6<sup>th</sup> day of May, 2013 by the Board Of County Commissioners.

*Commissioner Peatross motioned to adopt Ordinance No. 13-313. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

### ***Tax Adjustments – Treasurer***

*Deputy Clerk Auditor Connie Sweat joined the meeting at 9:38 A.M...*

The commission reviewed the attached tax deferrals presented by the Clerk/Auditor's Office. Commissioner Peatross motioned to approve the tax deferral 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 # 124772 through 124829 dated May 06, 2013, in the amount of one hundred twenty three thousand three hundred nineteen dollars and eighty two cents (\$123,319.82) as presented by the Clerk Auditor's Office.

*Commissioner Peatross 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 High Desert Water Service LLC***

Deputy Clerk Evans stated that this is this business received a conditional use permit and recommended approving a temporary business license until June 1, 2013 so they can finish the requirements requested from the Planning and Zoning Department.

*Commissioner Peatross motioned to approve a temporary business license as recommended until June 1, 2013. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

### ***Consideration Of Minutes For Combined Commission Meeting Held April 22, 2013***

Commissioner Peatross motioned to approve the minutes as presented. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.

### ***Consideration Of Minutes For Special Commission Meeting Held April 29, 2013***

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

### ***Closed Meeting –***

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing pending or reasonably imminent litigation at 9:50 A.M.*

*Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

*Entered Combined Commission Meeting at 10:19 A.M...*

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

*No action was necessary.*

***Commission Calendaring***

***Adjourn***

*Chairman Winterton adjourned the meeting at 10:19 A.M.*

*Read and approved this 13<sup>th</sup> day of May 2013.*

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*Ronald Winterton*  
*Commission Chairman*

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*Diane Freston*  
*Clerk/Auditor*

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