

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION  
MEETING HELD MAY 20, 2013 BEGINNING AT 9:00 A.M. IN CONFERENCE ROOM  
#1, IN DUCHESNE, UTAH**

***Present***

Commission Chairman Ronald Winterton; Commissioner Kirk J. Wood, Commissioner Kent R. Peatross, Deputy County Attorney Marea Doherty, Duchesne County Resident Sam Meacham, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

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

Director Murphy reported that the Road Department is working on the Strawberry River Road County Road #14 with Nielson Construction and Bill Barrett Corporation. They are hoping to finish this week. The Forest Service is building a camp ground and needed four inch rock so he agreed to give them twenty loads from our supply in Altamont.

Director Murphy reported that they are working with Joe Summarell's inmate crew to build barbed wire fencing at the Landfill to keep people from entering through the back of the Landfill on four-wheelers.

Director Murphy also reported that there will be a bid opening on the Dye Dugway project on June 5, 2013. The plan is to plow to the top near the Dye residence, where they will have room for a turn-around spot. Commissioner Wood stated that there are four homeowners who live there and may want it closed.

***Discussion Of A Proposal Regarding The Second Amendment Preservation Act***

Mr. Meacham presented the attached petitions to enact a Duchesne County 2<sup>nd</sup> Amendment Preservation Ordinance and a draft ordinance. Mr. Meacham stated that he has received signatures from all around the county and received the draft ordinance from Highland City. Chairman Winterton stated that this would enforce the letter that was signed by Sheriff Travis Mitchell. Commissioner Peatross stated that he believes that they are all in favor of doing something and suggested that this be reviewed. Whatever we do as a county has no authority in a municipality, so all entities in Duchesne County would have to adopt their own. Commissioner Wood stated that we need Sheriff Travis Mitchell and the County Attorney's Office to look at this. Attorney Doherty suggested that we consult with Utah Association of Counties (UAC) to see if there is any proposed legislation. Mr. Meacham stated if we can get backing throughout the State of Utah, it will be easier to go through legislation at a State level. Chairman Winterton stated that they will turn it over to the Attorney's Office and bring this up at their next UAC meeting and County Council meeting.

*Bryce Hamilton, Welby Weimer, Mike Rowley, Ammond Slaw, Wayne Clayburn, Rob Babcock, Jason Woods & Ralph Anderson joined the meeting at 9:21 A.M...*

Mr. Hamilton stated that Iron County passed a resolution, but we are confident that if we can get counties to pass it, we can get it through legislation. The State of Utah doesn't have sovereignty and we need our rights back. Chairman Winterton stated that we appreciate this issue being brought to our attention. Commissioner Peatross stated that this is not going to be a fast moving process. Our Attorney's Office is busy with other issues, though we are convinced of the value; we need to have our legal department review it.

***Discussion Of An Altamont Recreation Special Service District***

*GIS Director Stoney Monks, Jack Wood, Sherry Holgate & Anisa Maxfield joined the meeting at 9:34 A.M...*

Mr. Jack Wood stated that they have modified the boundary lines where the voting precincts have changed to create the district boundaries. Attorney Doherty stated that the creation of this district has been on her to do list since she replaced Attorney Jonathan Stearmer in 2011. Mrs. Maxfield stated that they do have bylaws prepared that were created by Brad Brotherson. Commissioner Peatross suggested that Brad Brotherson contact Assistant Casper to review the creation process of the Tabiona Recreation Special Service District and go over the information with Attorney Doherty.

### ***Discussion Of Property Taxes***

*Treasurer Colene Nelson & Cheryl Thomas joined the meeting at 9:58 A.M...*

Treasurer Nelson stated that this is scheduled to be on the tax sale, but it is a primary residence. She calculated the payments for eleven months including 2013 taxes would be two hundred sixty dollars and forty nine cents (\$260.49) a month. If bigger payments are made, it will reduce the interest fees. Mrs. Thomas stated that the payment amount will work for her and she will try to pay more than the minimum each month.

### ***Consideration Of A Memorandum Of Understanding Establishing A Cooperating Agency Relationship With The BLM In Their Upcoming Travel Management Planning Effort***

*County/Community Planning Administrator Mike Hyde joined the meeting at 10:09 A.M...*

Administrator Hyde stated that this was on the commission's agenda in April, but it didn't talk about RS 2477 rights and keeping roads open and available. He has since spoken to Uintah County Deputy Attorney Jonathan Stearmer who was in agreement of what needed to be added. Uintah County adopted this last week. *Commissioner Peatross motioned to adopt the Memorandum Of Understanding establishing a Cooperating Agency Relationship with the Bureau of Land Management (BLM) in their upcoming Travel Management Planning Effort. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of Signage For The Duchesne County Fairgrounds Arena***

*Chief Deputy JoAnn Evans joined the meeting at 10:15 A.M...*

Deputy Clerk Evans stated that Utah Counties Insurance Pool (UCIP) suggested the attached language for signage on the arena at the Duchesne County Fairgrounds. Attorney Doherty stated that Kathe Liuzzi is the new attorney at UCIP who suggested the language. Commissioner Wood stated that he doesn't think it needs to be so extensive. Attorney Doherty suggested that the full language be on the sign to be sufficient under the statute.

### ***Consideration Of A Pre-Disaster Mitigation Plan For Duchesne County As Required By The Federal Emergency Management Administration (FEMA)***

*Emergency Management Secretary Shelly Felter joined the meeting at 10:31 A.M...*

Mrs. Felter stated that Emergency Manager Mike Lefler brought this to the commission in a meeting previously, but was uncertain if it needed to be adopted by resolution and suggested that the new director be changed in the language. We found out that it can be adopted by a motion and a resolution isn't necessary. *Commissioner Wood motioned to adopt the Pre-Disaster Mitigation Plan for Duchesne County. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of Payment Vouchers***

*Deputy Clerk Auditor's Connie Sweat joined the meeting at 10:36 A.M...*

The commission reviewed vouchers # 124908 through 124960 dated May 20, 2013, in the amount of six hundred forty two thousand three hundred twelve dollars and seventy cents (\$642,312.70) as presented by the Clerk Auditor's Office. *Commissioner Peatross motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of A Business License Application For Outlaw Gear***

Deputy Clerk Sweat stated that this is an online business selling ammunition. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of Minutes For Combined Commission Meeting Held May 13, 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 Personnel Issues at 10:41 A.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed. Assistant Casper was excused.*

*-Reentered Combined Commission Meeting at 11:31 A.M... Assistant Casper re-joined the meeting.*

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

*No action was necessary.*

**Closed Meeting –**

*Commissioner Wood moved to go into and out of closed session for the purpose of discussing pending or reasonably imminent litigation at 11:31 A.M.*

*Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

*Re-entered Combined Commission Meeting at 12:15 P.M...*

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

*No action was necessary.*

**Commission Calendaring**

*Entered recess by general consent at 12:29 P.M...*

*Re-entered Combined Commission Meeting at 1:30 P.M...Meeting was relocated to Commission Chambers...*

**Public Hearing 1:30 P.M. –**

**Consideration Of Resolution No. 13-08, A Resolution Annexing Certain Lands Into The Upper Country Water Improvement District**

*Ilene Jensen joined the meeting at 1:30 P.M...*

Mrs. Jensen stated that this is the final annexation resolution. This was advertised in the Uintah Basin Standard for three weeks as required by law and she hasn't received any opposition.

**RESOLUTION NO. 13-08**

**A RESOLUTION ANNEXING CERTAIN LANDS INTO THE UPPER COUNTRY WATER IMPROVEMENT DISTRICT**

**WHEREAS**, the Board of Commissioners of Duchesne County, State of Utah, did, on the 15<sup>th</sup> day of April 2013, pass a Resolution, declaring its intention to annex into the Upper Country Water Improvement District certain lands at the request of the property owners of an area adjacent to the Upper Country Water Improvement District and in accordance with the provisions of Title 17B-1-401 thru 418, et seq. Utah Code Annotated, as amended, and

**WHEREAS**, many of the residents have sought to be included in the District and have urged that they be included in the District, and

**WHEREAS**, public hearings have been held pursuant to notice published in the *Uintah Basin Standard* as provided by law, and

**WHEREAS**, it appears that the inclusion of the below-described lands of said district is in the best interest of the public and of the health, safety, and convenience of the public, require the annexation of these lands to the Upper Country Water Improvement District,

**BE IT THEREFORE RESOLVED** that certain lands adjacent to the Upper Country Water Improvement District be annexed into said district. The description of said lands is as follows:

**TOWNSHIP 1 SOUTH RANGE 4 WEST USM**

**Section 10:**

PARCEL 1

BEGINNING AT A POINT 395.65 FEET N. 0°16'23" E. OF THE SOUTHEAST CORNER OF SECTION 10, T. 1 S. R. 4 W. U.S.B.& M.

THENCE N. 83°13'29" W. 352.57 FEET ALONG AN EXISTING FENCE LINE;

THENCE N. 0°06'05" W. 52.02 FEET; THENCE N. 0°20'34" E. 497.21 FEET;

THENCE S. 88°40'24" W. 427.49 FEET; THENCE N. 1°02'36" W. 330.30 FEET

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TO THE NORTH BOUNDARY LINE OF THE S.E.1/4 OF THE S.E. 1/4 OF SAID SECTION 10;  
THENCE N. 88°59'11" E. 785.15 FEET TO THE N.E. CORNER OF THE S.E.1/4 OF THE S.E 1/4 OF SAID  
SECTION 10;  
THENCE S. 0°16'23" W. 925.06 FEET TO THE POINT OF BEGINNING.  
ABOVE DESCRIBED PARCEL CONTAINS 10.50 ACRES.  
SUBJECT TO THAT PART BEING USED AS COUNTY ROAD RIGHT OF WAY.

PASSED this 20th day of May 2013, by the Board of County Commissioners.

DUCHESNE COUNTY:

Attest:

\_\_\_\_\_  
Diane Freston  
County Clerk/Auditor

\_\_\_\_\_  
Ronald Winterton, Chairman  
Duchesne County Board  
of County Commissioners

\_\_\_\_\_  
Kent R. Peatross, Member

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Kirk J. Wood, Member

***Consideration Of Ordinance No. 13-316, An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Agricultural-Residential (A-5) To Industrial (I)***

*County/Community Planning Administrator Mike Hyde, JT Martin & Robert Meeks joined the meeting at 1:30 P.M...*

Administrator Hyde stated that this is a similar request that we received from RNI. The Planning Commissioner held a public hearing on May 1, 2013 and there was no opposition to the rezone request. The applicants are proposing to convert two or more of the evaporation ponds to solid waste disposal facilities for the receipt of oilfield exploration and production wastes, such as used drilling mud and used reserve pit liners. Solid waste disposal facilities are allowed only in the industrial zone, thus a zoning map amendment has been requested. Mr. Martin stated that it makes sense to get out of the pond business for us and redo those pits. We have been working over the past several months to empty our ponds. We recently received an odor complaint which we are trying to eliminate. Our goal is to completely take the netted pond out of the system.

*Entered back in Combined Commission Meeting at 1:43 P.M...*

*Commissioner Peatross motioned to adopt Resolution No. 13-08. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

*Commissioner Wood motioned to adopt Ordinance No. 13-316. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Adjourn***

*Chairman Winterton adjourned the meeting at 1:44 P.M.*

*Read and approved this 17<sup>th</sup> day of June 2013.*

\_\_\_\_\_  
Ronald Winterton  
Commission Chairman

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Diane Freston  
Clerk/Auditor

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