

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION
MEETING HELD SEPTEMBER 16, 2013 BEGINNING AT 1:00 P.M. IN COMMISSION
CHAMBERS, IN DUCHESNE, UTAH**

Present

Commission Chairman Ronald Winterton; Commissioner Kirk J. Wood, Commissioner Kent R. Peatross, Deputy County Attorney Tyler Allred, Deputy Clerk Auditor Connie Sweat, Land man for EP Energy E&P Company , LP Jay Van Tassell, Roosevelt City Manager Justin Johnson, Cindy Warren with Roosevelt Housing Authority and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Consideration Of Vouchers

The commission reviewed vouchers # 125942 through 126009 dated September 16, 2013, in the amount three hundred eleven thousand three hundred twelve dollars and eight cents (\$311,312.08) 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 Pioneer Energy Services

Deputy Clerk Sweat stated that this business is a wire line company. *Commissioner Wood motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Request From Roosevelt Housing Authority

Uintah Basin Standard Reporter Steve Puro joined the meeting at 1:14 P.M...

Ms. Warren stated that they are asking for seven thousand dollars (\$7,500) due to a shortfall due to budget cuts, so we don't have enough money to pay for expenses. We currently serve 313 individuals. We provide rental assistance to very low income housing that's based on household incomes. They rent from private landowners and we help with rent. We also have senior housing in Roosevelt, two private homes that we rent out, and have Crown Homes being built. This is a one person agency that began in 1988 and this is the first time we have ever had to ask for funding. Mr. Johnson stated that he is on the Roosevelt Housing Authority Board and Roosevelt City is splitting the difference of the shortfall. We are asking for the money in the next budget cycle in January 2014.

Commissioner Peatross motioned to approve this one-time expense of seven thousand five hundred dollars (\$7,500) in the 2014 budget. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Damage Settlement And Release Agreement With EP Energy E&P Company, L.P.

Mr. Van Tassell stated that he has a written proposal for a surface lease on 6.21 acres for operations associated with the drilling, completion, and producing of a well. In exchange for the lease, EP Energy is willing to compensate twenty five thousand dollars (\$25,000). Commissioner Wood stated that he is not opposed to the concept, but he would like our Attorney's Office to review this. Commissioner Peatross agreed and suggested that this

item be tabled until our attorneys have reviewed it. *Commissioner Wood motioned to postpone this until our attorneys have reviewed it. Commissioner Peatross seconded it. All commissioners voted aye and the motion passed.*

Consideration Of A Request From Duchesne Land LC For The County To Commission A Traffic Impact Study Associated With Improvements At The Intersection Of Coyote Canyon Road And Highway 40

Commissioner Peatross stated that he met with Joan Steed earlier today on this issue and suggested postponing this until further notice. *Commissioner Peatross motioned to postpone this agenda item. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

1:30 P.M. Public Hearing

Consideration Of Ordinance No. 13-318, An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Agricultural-Residential (A-5) To Industrial (I)

Deputy County Attorney Grant Charles, County/Community Planning Administrator Mike Hyde & Mark Snow with Titan Development joined the meeting at 1:30 P.M...

Administrator Hyde stated that Titan Development is proposing to put business buildings on this property, however there is no irrigation water so it's not suitable for agriculture use this is why they are asking for a rezone to Industrial. The Planning Commission met on September 4th and felt that the rezone criteria of the rezone ordinance have been met. There is a cluster of industrial property in that area so this rezone request makes sense. The only concern is that the intersection is not designed to support large truck movements, so the Planning Commission recommended to the commission that the rezone be granted subject to the developers enter into an agreement in which they agree to have a Traffic Impact Study prepared for the intersection of Highway 40 and 6250 South before the issuance of any building permits. The developers shall also consent to participate in a fair share of the costs of a road improvement projects recommended by the traffic study to facilitate safe truck movements to and from the property. Said fair share shall be determined by the County Public Works Director or County Commissioners on appeal. Developers shall also consent to dedicate any additional road right of way needed for such project. When the developers saw the recommendation after the Planning Commission meeting, they hired Falcon Traffic Engineering to do a draft traffic study which is submitted to the Utah Department of Transportation (UDOT). Their recommendation is that turning radius improvements be made. Studies show that the improvements can be made in the existing rights of way.

Public Comments-

Mr. Snow stated that he is comfortable with the stipulations. This will benefit the corner for everyone.

Re-entered Combined Commission Meeting at 1:41 P.M...

ORDINANCE #13-318

AN ORDINANCE AMENDING THE DUCHESNE COUNTY ZONING MAP, REZONING DESCRIBED PROPERTY FROM AGRICULTURAL-RESIDENTIAL (A-5) TO INDUSTRIAL (I)

WHEREAS, Titan Development LLC has filed an application to rezone certain described property, 10 acres in size, from Agricultural-Residential (A-5) to Industrial (I); and,

WHEREAS, after giving notice and conducting a public hearing on September 4, 2013, the Duchesne County Planning Commission has recommended conditional approval of the rezone as requested for the subject lands; and,

WHEREAS, after giving notice and conducting a public hearing on September 16, 2013, the Duchesne County Commissioners have accepted the Planning Commission recommendation and adopted findings to conditionally approve the rezone request.

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

SECTION 1. *The lands described below are hereby rezoned on the official zoning map from Agricultural-Residential (A-5) to Industrial (I):*

A parcel of land lying in the NW 1/4 of the NW 1/4 of Section 24, Township 3 South, Range 2 West, Uintah Special Base and Meridian described as follows: Commencing at the Northwest Corner of said Section 24; thence South 00°13'02" West 1,321.60 feet along the west line of said Section to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section; thence North 89°42'46" East 22.60 feet to a point on the east right of way line of US Highway 40 and the True Point of Beginning; thence North 00°44'00" East along said right of way line 831.08 feet; thence North 89°42'46" East 539.84 feet; thence South 00°18'21" East 830.94 feet more or less to a point on the south line of said Northwest Quarter of the Northwest Quarter; thence South 89°42'46" West 554.91 feet along said south line to the point of beginning. Less and excepting that portion within the right of way of Duchesne County Road #49 (6250 South).

SECTION 2. *This zoning map amendment is conditioned upon the applicants/property owners signing a Development Agreement in which they agree to have a Traffic Impact Study prepared for the intersection of Highway 40 and 6250 South before the issuance of any building permits. The applicants/property owners shall also consent to participate in a fair share of the costs of a road improvement project(s) recommended by the traffic study to facilitate safe truck movements to and from this property. Said fair share shall be determined by the County Public Works Director or County Commissioners on appeal. Applicants/property owners shall also consent to dedicate any additional road right of way needed for such a project. Said improvements shall be completed prior to the issuance of any Certificates of Occupancy for new buildings on the subject property.*

SECTION 3. *Severability.*

If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 4. Effective Date.

This Ordinance shall become effective fifteen (15) days after publication.

DATED this 16th day of September, 2013.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Ronald Winterton, Chairman

Kent R. Peatross, Commissioner

Kirk J. Wood, Commissioner

Commissioner Wood moved that the Commission adopt the findings of fact and conclusions of law recommended by the Planning Commission and approve Ordinance No. 13-318. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Damage Settlement And Release Agreement With EP Energy E&P Company, L.P.

Attorney Charles stated that he has reviewed this and it appears that the term is for the life of the well. He is fine with the agreement. Commissioner Wood moved to approve the Damage Settlement and Release Agreement with EP Energy in the amount of twenty five thousand dollars (\$25,000). Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Discussion Of The Duchesne County Fairground Security Camera Contract

IT Department Director Kent Ogletree joined the meeting at 1:58 P.M...

Director Ogletree stated that they are waiting for a quote for a new pole. We signed this contract in March and the job has not been completed. This system is very closed so if we need anything, it has to be done by this company. Attorney Charles suggested that Director Ogletree send an email to them stating that he is still waiting for the quote so there is a paper trail in case it goes to litigation. Commissioner Peatross proposed giving a drop dead date or ask for access. Give them until September 23, 2013 to give us a proposal or we will go into a settlement proposal. Attorney Charles stated that he is okay with giving a date and then they will address it at that time.

Consideration Of Minutes For Combined Commission Meeting Held September 9, 2013

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

Closed Meeting –

Commissioner Wood moved to go into and out of closed session for the purpose of discussing pending or reasonably imminent litigation at 2:09 P.M. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

-Re-entered Combined Commission Meeting at 2:18 P.M...

Closed Meeting –

Commissioner Peatross moved to go into and out of closed session for the purpose of discussing personnel issues at 2:19 P.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed. Assistant Casper was excused.

-Re-entered Combined Commission Meeting at 3:41 P.M... Assistant Casper rejoined the meeting at 3:31 P.M...

Consideration To Take Action Discussed Under Closed Meeting

Commissioner Peatross motioned to authorize Legal Staff to prepare a contract for HR Services with HR Connection. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Commission Calendaring

Adjourn

Chairman Winterton adjourned the meeting at 4:03 P.M.

Read and approved this 7th day of October 2013.

Ronald Winterton
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by BobbiJo Casper*_____