

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION  
MEETING HELD OCTOBER 07, 2013 BEGINNING AT 1:00 P.M. IN COMMISSION  
CHAMBERS, IN DUCHESNE, UTAH**

***Present***

Commission Chairman Ronald Winterton; Commissioner Kent R. Peatross, Deputy County Attorney Tyler Allred, Deputy Clerk Auditor Connie Sweat, Uintah Basin Standard Reporter Steve Puro and Commission Assistant BobbiJo Casper taking minutes of the meeting.

***Absent***

Commissioner Kirk J. Wood.

***Public Works/Landfill Update***

Public Works Director Glen Murphy was unable to attend.

***Consideration Of Resolution No. 13-10, A Resolution Amending Resolution No. 08-06, A Resolution Adopting A New Fee Schedule Concerning Road Crossing And Easement Encroachments***

Attorney Allred stated that as recommended by Public Works Director Glen Murphy, we changed language on bond requirements from the old application, so an individual can cut an unpaved road without having to purchase a blanket bond. We also added a vegetation management sheet to help prevent the spread of noxious weeds. Director Murphy is requesting that we have an approach permit for commercial use approaches, so that will be addressed separately.

**RESOLUTION NO. 13-10**

**A RESOLUTION AMENDING RESOLUTION NO. 08-06, A RESOLUTION ADOPTING A NEW FEE SCHEDULE CONCERNING ROAD CROSSING AND EASEMENT ENCROACHMENTS**

**WHEREAS**, Duchesne County requires, by ordinance, an application fee and bonding when a road crossing or easement encroachment is necessary; and,

**WHEREAS**, it has been determined that the existing fee structure and bonding requirements adopted in Resolution 08-06 are inadequate; and,

**WHEREAS**, Duchesne County desires to reduce the spread of invasive plants and noxious weeds by construction equipment,

**BE IT THEREFORE RESOLVED** that:

1. The fees, policies, and requirements relating to any encroachment within a county right of way, as set forth in Exhibit A attached hereto and hereby incorporated by reference is adopted.
2. The Right of Way Encroachment Application includes language that requires the applicant to comply with State and County weed ordinances.
3. Any existing fee amount contrary to this resolution is changed to reflect this new fee schedule.

**IT IS FURTHER RESOLVED** that this resolution shall take effect immediately upon passage and publication as required by law.

PASSED this 7<sup>th</sup> day of October, 2013. By the Board of County Commissioners.

Members:

	Aye	Vote	
		Nay	
Ronald Winterton		_____	_____
Kent Peatross		_____	_____
Kirk Wood		_____	_____

ATTEST:

THE BOARD OF DUCHESNE COUNTY

COMMISSIONERS:

---

Diane Freston  
County Clerk/Auditor

---

Ronald Winterton, Chairman

---

Kent R. Peatross, Member

---

Kirk J. Wood, Member

*Commissioner Peatross motioned to adopt Resolution No. 13-10 as proposed. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Tax Adjustment – Treasurer***

*Deputy Clerk Auditor Connie Sweat joined the meeting at 9:57 A.M...*

The commission reviewed the attached tax adjustment presented by the Clerk Auditor's Department. Commissioner Peatross motioned to approve the tax adjustment as recommended by the Treasurer's Office. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.

***Consideration Of Vouchers***

The commission reviewed vouchers # 126312 through 126394 dated October 7, 2013, in the amount one hundred fifty seven thousand four hundred forty nine dollars and twenty seven cents (\$157,449.27) 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 Justin Benson Welding, Inc.***

Deputy Clerk Sweat stated that this is a mobile welding business. *Commissioner Peatross motioned to approve the business license application 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 Lefler Development LLC***

Deputy Clerk Sweat stated that this is a general contractor. *Commissioner Peatross stated that it needs to be reflected that Mr. John Lefler is his son in law and is using his permanent address as headquarters for his business, but there is no personal gain or loss and wanted to declare this upfront. In as much there is only the two of us today he motioned to approve this business license application with the declaration stated. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Pelican Station***

Deputy Clerk Sweat stated that this is the former Neola Store that has new owners. *Commissioner Peatross motioned to approve the business license application 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 The Hideout Steakhouse***

Deputy Clerk Sweat requested approval of this business license pending final approval from Tri County Health. *Commissioner Peatross motioned to approve the business license application for The Hideout Steakhouse subject to approval from the Health Department. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Ute Oil Field Water Services, LLC***

Deputy Clerk Sweat stated that this is a Tribal water trucking business that has a lot of trucks. *Commissioner Peatross motioned to approve the business license application as presented by the Clerk Auditor's Office. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Beer License Application For Pelican Station***

*Combined Working & Regular Commission Meeting October 07, 2013*

Deputy Clerk Sweat stated that this beer license has been signed by the Sheriff's Department. *Commissioner Peatross motioned to approve the beer license application as presented by the Clerk Auditor's Office. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of An Appointment On The Uintah Basin Medical Center Board Of Trustees***

Commissioner Peatross stated that this has been a very hard deliberation. *Commissioner Peatross motioned to appoint Alarik Myrin to fill the vacant non expired seat on the Hospital Board that end on December 31, 2014. Chairman Winterton seconded the motion. Both commissioners vote aye and the motion passed.*

***Consideration Of Appointments on The Career Service Council***

Chairman Winterton stated that this council will hear appeals regarding employee grievances or terminations within the county. This board was created when we adopted our Policy and Procedures Manual. We only received one application for this board. However, the applicant works for a government agency. Commissioner Peatross stated that in the past, the Commission has done this, but often we are too close to what has happened and it's hard to take a neutral position. This is an attempt to get individuals who are not involved and can decide if the decision made is justified or not. We now need to solicit for this board and suggested that we postpone this for two weeks. Mr. Puro and Mr. Woodland stated that they are both interested in serving on this board.

***1:30 P.M. Public Hearing***

***Consideration Of A Request To Obtain A Lease For Oil & Gas Extraction On The Following Property Owned By Duchesne County:***

Township 2 South, Range 3 West, USM  
Section 33: A parcel of land in fee for the purpose of constructing the Arcadia Road relocation, known as Project No. 1544, being part of the entire tract of property situated in SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, T.2.S, R.3.W, USM. The boundaries of said parcel of land are described as follows:

Beginning at the northeast corner of said entire tract, which point is the northeast corner of the Southeast Quarter of the Southeast Quarter; and running thence S. 0°34'40" E. 268.20 feet along the Section Line and easterly boundary line of said entire tract; thence S. 36° 34'31" W. 86.29 feet to a point 145.00 feet perpendicularly distant southeasterly from the centerline of said Arcadia Road, opposite Engineers Station 128+50; thence S. 12° 25'41" W. 177.55 feet; thence S. 44°46'31" W. 464.89 feet to a point in the existing westerly right of way line of old Arcadia Road, which point is 240.00 feet perpendicularly distant southeasterly from the centerline of said Arcadia Road, opposite Engineers Station 122+35.11; thence Southwesterly 873.77 feet along the arc of a 918.51-foot radius curve to the left, (chord to said curve bears S 54°05'44" W. for a distance of 841.19 feet), along said existing right of way line to the Township Line and southerly boundary line of said entire tract; thence S. 89°14'42" W. 101.04 feet along said Township Line to a point 125.55 feet perpendicularly distant northwesterly from the centerline of said Arcadia Road, opposite Engineers Station 113+70.62; thence N. 1°45'23" E. 92.90 feet; thence N. 26°51'55" E. 284.02 feet; thence N. 69°31'47" E. 68.70 feet; thence N. 43°17'08" E. 616.73 feet; thence N. 66°34'37" E. 107.70 feet; thence N. 41°43'21" E. 150.21 feet; thence N. 17°18'04" E. 112.71 feet; thence N. 35°18'47" E. 152.07 feet; thence N. 53°35'10" E. 215.73 feet to the 40 Acre Line and northerly boundary line of said entire tract; thence N. 88°53'12" E. 84.54 feet along said 40 Acre Line to the point of beginning.  
(Containing 9.606 acres, more or less)

Commissioner Peatross opened the only bid received and stated that this bid is from Bill Barrett Corporation represented by GreenShell Energy Company, in the amount of two hundred dollars (\$200) per acre for a three year term. This is a lot less that we have received in the past. Mr. Woodland stated that the auction process is really hard and this is the down side to the process.

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

*Commissioner Peatross motioned to postpone this until we have an opportunity to meet with Mr. Paxton Marrs about the bonus. Chairman Winterton seconded the motion.*

*Both commissioners voted aye and the motion passed.*

***Consideration Of Minutes For Special Commission Meeting Held September 16, 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.

***Consideration Of Minutes For Combined Commission Meeting Held September 23, 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.

***Consideration Of Minutes For Combined Commission Meeting Held September 30, 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.

***Consideration Of A Contract For Human Resource Services***

*Lisa Henrie with HR Connections joined the meeting at 1:44 P.M...*

Attorney Allred stated that the county decided to go with HR Connections for Human Resource Services Chairman Winterton stated that we went through an RFP process and a board was formed who made this recommendation to the commission. Deputy County Attorney Grant Charles was on the board and prepared the contract. Ms. Henrie stated that there are a few questions that she had and wanted to clarify them with the commission. She also stated that the contract beginning date says September 16, 2013 and asked if a new date could be set determined by the commission for billing purposes. Ms. Henrie requested to attend the personnel conference at UAC and asked if the commission would approve this. Commissioner Peatross stated that this conference is unique to counties and felt that it would be appropriate for her to attend. *Commissioner Peatross motioned to approve the agreement for Human Resource Services with HR Connections effective October 15, 2013 and authorized Chairman Winterton to sign it. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Closed Meeting –***

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing personnel issues at 2:18 P.M. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed. Assistant Casper was excused.*

*-Re-entered Combined Commission Meeting at 4:05 P.M... Assistant Casper rejoined the meeting at 4:05P.M...*

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

*No action was necessary.*

***Closed Meeting –***

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing litigation issues at 4:06 P.M. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

*-Re-entered Combined Commission Meeting at 4:15 P.M...*

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

*No action was necessary.*

***Calendaring***

***Adjourn***

*Chairman Winterton adjourned the meeting at 4:20 P.M.*

*Read and approved this 21<sup>st</sup> day of October 2013.*

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

\_\_\_\_\_  
*Diane Freston*  
*Clerk/Auditor*

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