

**MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION  
MEETING HELD OCTOBER 21, 2012 BEGINNING AT 11:00 A.M. IN COMMISSION  
CHAMBERS OF THE DUCHESNE COUNTY ADMINISTRATION BUILDING, IN  
DUCHESNE, UTAH**

***Present***

Commission Chairman Ronald Winterton, Commissioner Kent R. Peatross, Emergency Management Director Mike Lefler, Mike Casper with Public Works, County resident Don Sawyer, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

***Absent***

Commissioner Kirk J. Wood.

***Opening Comments***

Assistant Casper gave the prayer. There were no comments.

***Discussion Of A Past Due Balance For Fire Or Emergency Services With Don Sawyer***

Mr. Sawyer stated that he prepared a letter for the commissioners explaining why he hasn't paid the fire bill (see attached). After reading the letter from Mr. Sawyer, Chairman Winterton stated that once the fire department is dispatched, whether they fire trucks get used or not, it's still an expense to the county. Mr. Sawyer stated that the fire was out before the fire truck arrived. He has personal issues with Director Mike Lefler who was one of the fire responders and was told by Director Lefler that he was going to sue him. Commissioner Peatross asked that Mr. Sawyer stick to the issue of the fire and asked Director Lefler if there was a message sent into dispatch when the fire was called in requesting the smaller truck? Director Lefler stated that it's a possibility, but if there was a request for a specific truck, he never received that message. The issue with someone requesting a specific truck such as the smaller one is that he is not sure that he would send out a smaller truck without determining for himself that the fire could be contained with the small truck. The issue with the response time, it was fifteen (15) minutes from the call in to our time to the site. Chairman Winterton stated that open fires are illegal. You cannot burn your trash in a barrel. Mr. Sawyer stated that he is still burning in a barrel and he would like to see something in writing stating that he can't. Director Lefler stated that he can't personally sue for the county; he told Mr. Sawyer he could write citations, he never said anything about suing him. Mr. Sawyer needs to understand that garbage is to be taken to the Landfill not burned. Chairman Winterton stated that Director Lefler is fully qualified to make these calls and is a professional. Commissioner Peatross stated that the intent of these bills is to collect from cost causers especially when it's neglect. When fires are called in, they don't usually specifically say what is to happen and feels that the bill is justified. Chairman Winterton stated that he agrees with Commissioner Peatross and the amount is minimal. The Chief is who makes the decisions and feels that the bill is warranted. If you are going to burn, you need to contact dispatch to avoid these issues. Mr. Sawyer stated that he will pay the bill.

Mr. Sawyer stated that he is planning to sue the county on another issue and his son is an attorney in California. He has hired an attorney in Park City and has tried to call Attorney Stephen Foote several times with no success. He is suing because his garage was damaged because the drain ditches were flooded that the county neglected. Chairman Winterton recommended that Mr. Sawyer contact Deputy County Attorney Tyler Allred who will be handling this.

***Discussion Of A Surveying Plat With Cedarview Montwell Special Service District***

*Lars Powell with Cedarview Montwell Special Service District joined the meeting at 11:25 A.M...*

Mr. Powell stated that he spoke to County Surveyor Jerry Allred about handling changes to our map on our boundaries who recommended that I get permission from the Commissioners. Commissioner Peatross stated that Mr. Allred's primary responsibility is to locate and mark section corners throughout the county, but he is capable of doing the work. We need to look at who will pay the bill. Mr. Powell stated that he is fine with paying the bill. The bid has been awarded to Gorran and it came in very low. This is scheduled to be done by next June. Commissioner Peatross suggested getting Surveyor Allred going on this. We will need to meet with Mr. Powell and Surveyor Allred on this.

***Resolution No. 13-17, A Resolution Declaring To Be Known As The Convenience Necessitate The Creation Of A Special Service District To Be Known As The Altamont Special Service District; Defining The Boundaries Of Said Special Service District And The Services To Be***

***Provided Therein; Providing For A Hearing On The Creation Of Said Special Service District; And Providing For Notice Of Said Hearing And Related Matters***

*Anissa Maxfield joined the meeting at 11:30 A.M...*

Mrs. Maxfield stated that she met with Brad Brotherson who is doing the legal work on their district last night and some of the language and verbiage was changed since the last version that was sent to the commission for review. Once this resolution is adopted we will post notice of it in the newspaper and then a public hearing will be held on December 4, 2013 in Altamont. Commissioner Peatross recommended that the boundaries map and resolution be posted on the county website.

*Deputy County Attorney Tyler Allred joined the meeting at 11:37 A.M...*

**RESOLUTION NO. 13-17**

**A RESOLUTION DECLARING THAT THE PUBLIC HEALTH AND CONVENIENCE NECESSITATE THE CREATION OF A SPECIAL SERVICE DISTRICT TO BE KNOWN AS THE UPPER COMMUNITY RECREATION DISTRICT; DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN; PROVIDING FOR A HEARING ON THE CREATION OF SAID SPECIAL SERVICE DISTRICT; AND PROVIDING FOR NOTICE OF SAID HEARING AND RELATED MATTERS**

WHEREAS the Board of County Commissioners of Duchesne County, Utah, on October 28, 2013, passed a Resolution declaring that the public health, convenience, and necessity require the establishment of a special service district pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated, as amended, and Article XI, Section 7 of the Constitution of Utah, for the specific purposes of providing recreational services; and

WHEREAS all property included within the boundary of this proposed special service district will be benefitted by the creation thereof; and

WHEREAS none of the area to be contained within the boundaries of this proposed special service district is also within the boundaries of any other recreation district established by Duchesne County.

NOW THEREFORE be it resolved by the Board of County Commissioners of Duchesne County, Utah as follows:

Section 1: It is the intent of said Board that a special service district, to be known as the Upper Community Recreation District, be created within Duchesne County, Utah, pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated, as amended, and Article XI, Section 7 of the Constitution of Utah.

Section 2: The boundaries of this local district are indicated on the attached map, and described herein as follows:

**TOWNSHIP 5 NORTH, RANGE 1 WEST**

Parts of Sections 19-22

Sections 27-34

**TOWNSHIP 5 NORTH, RANGE 2 WEST**

Parts of Sections 19-24

Sections 25-36

**TOWNSHIP 5 NORTH, RANGE 3 WEST**

Parts of Sections 14-18

Sections 19-22  
 Part of Sections 23-24  
 Sections 25-36  
TOWNSHIP 5 NORTH, RANGE 4 WEST  
 Parts of Sections 13-14  
 Part of Sections 21-24  
 Sections 25-27  
 Part of Section 28  
 Part of Sections 30-31  
 Section 32-36  
TOWNSHIP 5 NORTH, RANGE 5 WEST  
 Parts of Sections 33, 35, 36  
TOWNSHIP 4 NORTH, RANGE 1 WEST  
 Sections 3-10  
 Sections 15-22  
 Sections 27-34  
TOWNSHIP 4 NORTH, RANGE 2 WEST  
 Sections 1-36  
TOWNSHIP 4 NORTH, RANGE 3 WEST  
 Sections 1-36  
TOWNSHIP 4 NORTH, RANGE 4 WEST  
 Sections 1-36  
TOWNSHIP 4 NORTH, RANGE 5 WEST  
 Sections 1-2  
 Parts of Sections 3-6  
 Section 7-36  
TOWNSHIP 4 NORTH, RANGE 6 WEST  
 Parts of Sections 1-3  
 Parts of Sections 8-12  
 Section 13-17  
 Section 20-29  
 Section 32-36  
TOWNSHIP 3 NORTH, RANGE 1 WEST  
 Sections 3-10  
 Sections 15-22  
 Sections 27-34  
TOWNSHIP 3 NORTH, RANGE 2 WEST  
 Sections 1-36  
TOWNSHIP 3 NORTH, RANGE 3 WEST  
 Sections 1-36  
TOWNSHIP 3 NORTH, RANGE 4 WEST  
 Sections 1-36  
TOWNSHIP 3 NORTH, RANGE 5 WEST  
 Sections 1-36  
TOWNSHIP 3 NORTH, RANGE 6 WEST  
 Sections 1-5  
 Sections 8-17  
 Sections 20-29  
 Sections 32-36  
TOWNSHIP 2 NORTH, RANGE 1 WEST  
 Sections 3-10  
 Sections 15-22  
 Sections 27-34  
TOWNSHIP 2 NORTH, RANGE 2 WEST  
 Sections 1-20  
 Parts of Sections 21-22  
 Sections 23-25  
 Parts of Sections 26-29  
 Section 30-31  
 Parts of Sections 32-36  
TOWNSHIP 2 NORTH, RANGE 3 WEST  
 Sections 1-36  
  
TOWNSHIP 2 NORTH, RANGE 4 WEST

Sections 1-36  
TOWNSHIP 2 NORTH, RANGE 5 WEST  
 Sections 1-36  
TOWNSHIP 2 NORTH, RANGE 6 WEST  
 Sections 1-5  
 Sections 8-17  
 Sections 20-29  
 Sections 32-36  
TOWNSHIP 1 NORTH, RANGE 1 WEST  
 Sections 1  
 Parts of Sections 2-3, 12  
TOWNSHIP 1 NORTH, RANGE 2 WEST  
 Parts of Section 5  
 Sections 6-7  
 Parts of Sections 8, 17  
 Sections 18-19  
 Parts of Section 20-21  
 Parts of Section 28  
 Section 29-32  
 Partial Section of 33  
TOWNSHIP 1 NORTH, RANGE 3 WEST  
 Sections 1-36  
TOWNSHIP 1 NORTH, RANGE 4 WEST  
 Sections 1-36  
TOWNSHIP 1 NORTH, RANGE 5 WEST  
 Sections 1-36  
TOWNSHIP 1 NORTH, RANGE 6 WEST  
 Sections 1-5  
 Sections 8-17  
 Sections 20-29  
 Sections 32-36  
TOWNSHIP 1 SOUTH, RANGE 2 WEST  
 Sections 6-7, 18-19, 30-31  
TOWNSHIP 1 SOUTH, RANGE 3 WEST  
 Sections 1-36  
TOWNSHIP 1 SOUTH, RANGE 4 WEST  
 Sections 1-36  
TOWNSHIP 1 SOUTH, RANGE 5 WEST  
 Sections 1-36  
TOWNSHIP 1 SOUTH, RANGE 6 WEST  
 Sections 1-5  
 Sections 8-17  
 Sections 20-29  
 Sections 32-36  
TOWNSHIP 2 SOUTH, RANGE 2 WEST  
 Parts of Sections 5-6  
TOWNSHIP 2 SOUTH, RANGE 3 WEST  
 Parts of Sections 1  
 Sections 2-10  
 Parts of Sections 11-12, 15  
 Sections 16-21  
 Part of Sections 22  
 Section 28-33  
 Parts of Section 34  
TOWNSHIP 2 SOUTH, RANGE 4 WEST  
 Sections 1-36  
TOWNSHIP 2 SOUTH, RANGE 5 WEST  
 Sections 1-18  
 Parts of Sections 19-21  
 Sections 22-26  
 Parts of Sections 27, 35, 36  
TOWNSHIP 2 SOUTH, RANGE 6 WEST  
 Sections 1-12  
 Part of Section 13

Sections 14-17  
Parts of Sections 20-24  
TOWNSHIP 3 SOUTH, RANGE 3 WEST  
Parts of Sections 4  
Sections 5-8  
Parts of Sections 17-18  
TOWNSHIP 3 SOUTH, RANGE 4 WEST  
Sections 1-5  
Parts of Sections 6, 11-14  
TOWNSHIP 3 SOUTH, RANGE 5 WEST  
Parts of Section 1  
Including Altamont City

Section 3: The district is to be created for the purpose of providing recreation services within the area of the special service district, together with all powers and duties ancillary thereto, as set forth in Utah Code Annotated Section 17D-1-103, and such other powers, duties and services as are, or in the future may be, allowed by law.

Section 4: The district so created shall be known as the “Upper Community Recreation District”.

Section 5: A public hearing on the question of the creation of the district shall be held by the Board of Duchesne County Commissioners at the Altamont High School auditorium, Altamont, Utah, at 7 p.m., on Wednesday, December 4, 2013, at which time and place all interested persons or parties may appear and be heard whether in support of or in opposition to the creation of the district, as more fully described in the Notice of Intention set forth in Section 7 hereof.

Section 6: The Notice Intention to Establish Upper Community Recreation District, as set forth in Section 7, shall be published at least once a week during four consecutive weeks, the final publication to be not less than five (5) days nor more than twenty (20) days before the hearing, in the Uintah Basin Standard, a newspaper having general circulation in Duchesne County, as well as being published for thirty-five (35) days before the date of the public hearing on the public legal notice website.

Section 7: The Notice of Intention to be published shall be in substantially the following form:

NOTICE OF INTENTION TO ESTABLISH UPPER COMMUNITY RECREATION  
DISTRICT

NOTICE IS HEREBY GIVEN that, on October 28, 2013, the Board of County Commissioners of Duchesne County, Utah adopted a resolution declaring that the public health, convenience and necessity require the establishment of a special service district, to be called the “Upper Community Recreation District”, for the purpose of providing recreation services and performing such duties as are ancillary to the primary purpose of recreation services within the boundaries of the district. The Resolution also provides for a public hearing on the establishment

of the district in the county, to be held at the Altamont High School auditorium, Altamont, Utah, at 7:00 p.m. on Wednesday, December 4, 2013.

DESCRIPTION OF THE PROPOSED DISTRICT

The district shall have the following boundaries:

TOWNSHIP 5 NORTH, RANGE 1 WEST

Parts of Sections 19-22  
Sections 27-34

TOWNSHIP 5 NORTH, RANGE 2 WEST

Parts of Sections 19-24  
Sections 25-36

TOWNSHIP 5 NORTH, RANGE 3 WEST

Parts of Sections 14-18  
Sections 19-22  
Part of Sections 23-24  
Sections 25-36

TOWNSHIP 5 NORTH, RANGE 4 WEST

Parts of Sections 13-14  
Part of Sections 21-24  
Sections 25-27  
Part of Section 28  
Part of Sections 30-31  
Section 32-36

TOWNSHIP 5 NORTH, RANGE 5 WEST

Parts of Sections 33, 35, 36

TOWNSHIP 4 NORTH, RANGE 1 WEST

Sections 3-10  
Sections 15-22  
Sections 27-34

TOWNSHIP 4 NORTH, RANGE 2 WEST

Sections 1-36

TOWNSHIP 4 NORTH, RANGE 3 WEST

Sections 1-36

TOWNSHIP 4 NORTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 4 NORTH, RANGE 5 WEST

Sections 1-2  
Parts of Sections 3-6  
Section 7-36

TOWNSHIP 4 NORTH, RANGE 6 WEST

Parts of Sections 1-3  
Parts of Sections 8-12  
Section 13-17  
Section 20-29  
Section 32-36

TOWNSHIP 3 NORTH, RANGE 1 WEST

Sections 3-10  
Sections 15-22  
Sections 27-34

TOWNSHIP 3 NORTH, RANGE 2 WEST

Sections 1-36

TOWNSHIP 3 NORTH, RANGE 3 WEST

Sections 1-36

TOWNSHIP 3 NORTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 3 NORTH, RANGE 5 WEST

Sections 1-36

TOWNSHIP 3 NORTH, RANGE 6 WEST

Sections 1-5  
Sections 8-17  
Sections 20-29  
Sections 32-36

TOWNSHIP 2 NORTH, RANGE 1 WEST

Sections 3-10

Sections 15-22  
Sections 27-34

TOWNSHIP 2 NORTH, RANGE 2 WEST

Sections 1-20  
Parts of Sections 21-22  
Sections 23-25  
Parts of Sections 26-29  
Section 30-31  
Parts of Sections 32-36

TOWNSHIP 2 NORTH, RANGE 3 WEST

Sections 1-36

TOWNSHIP 2 NORTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 2 NORTH, RANGE 5 WEST

Sections 1-36

TOWNSHIP 2 NORTH, RANGE 6 WEST

Sections 1-5  
Sections 8-17  
Sections 20-29  
Sections 32-36

TOWNSHIP 1 NORTH, RANGE 1 WEST

Sections 1  
Parts of Sections 2-3, 12

TOWNSHIP 1 NORTH, RANGE 2 WEST

Parts of Section 5  
Sections 6-7  
Parts of Sections 8, 17  
Sections 18-19  
Parts of Section 20-21  
Parts of Section 28  
Section 29-32  
Partial Section of 33

TOWNSHIP 1 NORTH, RANGE 3 WEST

Sections 1-36

TOWNSHIP 1 NORTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 1 NORTH, RANGE 5 WEST

Sections 1-36

TOWNSHIP 1 NORTH, RANGE 6 WEST

Sections 1-5  
Sections 8-17  
Sections 20-29  
Sections 32-36

TOWNSHIP 1 SOUTH, RANGE 2 WEST

Sections 6-7, 18-19, 30-31

TOWNSHIP 1 SOUTH, RANGE 3 WEST

Sections 1-36

TOWNSHIP 1 SOUTH, RANGE 4 WEST

Sections 1-36

TOWNSHIP 1 SOUTH, RANGE 5 WEST

Sections 1-36

TOWNSHIP 1 SOUTH, RANGE 6 WEST

Sections 1-5  
Sections 8-17  
Sections 20-29  
Sections 32-36

TOWNSHIP 2 SOUTH, RANGE 2 WEST

Parts of Sections 5-6

TOWNSHIP 2 SOUTH, RANGE 3 WEST

Parts of Sections 1  
Sections 2-10  
Parts of Sections 11-12, 15  
Sections 16-21

Part of Sections 22  
 Section 28-33  
 Parts of Section 34  
TOWNSHIP 2 SOUTH, RANGE 4 WEST  
 Sections 1-36  
TOWNSHIP 2 SOUTH, RANGE 5 WEST  
 Sections 1-18  
 Parts of Sections 19-21  
 Sections 22-26  
 Parts of Sections 27, 35, 36  
TOWNSHIP 2 SOUTH, RANGE 6 WEST  
 Sections 1-12  
 Part of Section 13  
 Sections 14-17  
 Parts of Sections 20-24  
TOWNSHIP 3 SOUTH, RANGE 3 WEST  
 Parts of Sections 4  
 Sections 5-8  
 Parts of Sections 17-18  
TOWNSHIP 3 SOUTH, RANGE 4 WEST  
 Sections 1-5  
 Parts of Sections 6, 11-14  
TOWNSHIP 3 SOUTH, RANGE 5 WEST  
 Parts of Section 1

Including Altamont City

#### PROPOSED SERVICES

The district will be authorized to provide recreation services within the boundaries of the district, together with acquisition of all properties, facilities, equipment and appurtenances therefore.

#### METHODS OF FINANCING AND GENERAL POWERS

Pursuant to the provisions of the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated, as amended, and Article XI, Section 7 of the Constitution of Utah, the district may annually impose fees and charges to pay for some or all of the services to be provided by the district. It may also annually levy taxes upon all taxable property within the district to provide the proposed services, and exercise any and all other powers set forth in Utah Code Annotated Section 17D-1-103.

#### PROTESTING AGAINST THE CREATION OF THE SPECIAL SERVICE DISTRICT OR AGAINST A SERVICE THE SPECIAL SERVICE DISTRICT IS PROPOSED TO PROVIDE

An interested person may protest the creation of the special service district or a service that the special service district is proposed to provide. Each protest shall be in writing, shall be submitted to the Board of County Commissioners of Duchesne County no later than 60 days after the public hearing described herein and shall explain why the person is protesting. A person submitting a written protest may withdraw the protest, or, having withdrawn a protest, cancel the withdrawal, no later than 60 days after the public hearing described herein. The Board may not adopt a resolution or ordinance creating the special service district, or authorizing the district to provide a service, if adequate protests, as defined by Utah Code Annotated Section 17D-1-102(1), are filed with respect to the creation of the district or provision of that service. A parcel of real property may not be included for purposes of calculating adequate protests unless the protest is signed by owners representing a majority ownership in that parcel, or, if the property is owned by joint tenants or tenants by the entirety, by 50% of the number of owners of that parcel. The signature of a person signing a protest in a representative capacity on behalf of an owner is invalid unless the person's representative capacity and the name of the owner the person represents are indicated on the protest with the person's signature, and the person provides documentation accompanying the protest that reasonably substantiates the person's representative capacity. Subject to the aforesaid requirements set forth for persons signing in a representative capacity, a duly appointed personal representative may sign a protest on behalf of a deceased owner.

Subject to the provisions of Title 17D, Chapter 1, Part 2, Utah Code Annotated, as amended, prohibiting or restricting the same, the Board may adopt a resolution or ordinance establishing the Upper Community Recreation District as proposed. The Board may, in its

discretion, change the boundaries of the district and/or change the services to be provided by the district.

A person may file an action in district court challenging the creation of the district or a service the district is proposed to provide, if the person filed a written protest, in conformity with the requirements set forth above, and either is a registered voter within the district and alleges in the action that the procedures used to create the district violated applicable law, or is an owner of property included within the boundary of the district and alleges in the action that the person's property will not be benefitted by the service that the district is proposed to provide or the procedures used to create the district violated applicable law. Any court action must be filed within 30 days after the date of the adoption of a resolution or ordinance creating the district. If a court action is not filed within said 30 days, a registered voter or property owner within the district may not contest the creation of the district or a service that it is proposed to provide.

**PUBLIC HEARING ON PROPOSED ESTABLISHMENT OF SPECIAL SERVICE DISTRICT**

The Board of County Commissioners of Duchesne County will hold a public hearing on the establishment of the district and the providing of recreational services within the district at the Altamont High School auditorium, Altamont, Utah, at 7:00 p.m., on Wednesday, December 4, 2013. At said public hearing, the Board of County Commissioners will give full consideration to each written protest that has been filed and hear and consider all interested persons desiring to be heard. The Board may continue the hearing to another date and time.

GIVEN BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF  
DUCHESNE COUNTY

This 28th day of October, 2013.

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

ATTEST:

\_\_\_\_\_  
Diane Freston, County Clerk

TO BE PUBLISHED IN THE UINTAH BASIN STANDARD ON November 5,  
November 12, November 19 and November 26, 2013, as well as the public legal notice website  
beginning no later than October 30, 2013.

Section 8: The officers of Duchesne County, Utah are hereby authorized and directed  
to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9: If any one or more sections, sentences, clauses or parts of this resolution  
shall for any reason be questioned or held invalid, such judgments shall not affect, impair or  
invalidate the remaining provisions of this resolution, but shall be confined in their operation to  
the special sections, sentences, clauses or parts of this resolution so held unconstitutional and  
invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this  
resolution in any one or more instances shall not affect or prejudice in any way the applicability  
and validity of this resolution in any other instance.

Section 10: All resolutions, bylaws and regulations of Duchesne County, Utah in  
conflict with this resolution are hereby repealed to the extent only of such inconsistency. This  
repealer shall not be construed to revive any resolution, bylaw or regulation, or part thereof,  
heretofore repealed.

Dated this 28<sup>th</sup> day of October, 2013

ATTEST:

THE BOARD OF DUCHESNE COUNTY  
COMMISSIONERS:

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

\_\_\_\_\_  
Ron Winterton, Chairman

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

\_\_\_\_\_  
Kirk J. Wood, Member

*Commissioner Peatross motioned to adopt Resolution No. 13-17 subject to attorney review and approval. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Discussion Of A Past Due Balance For Fire Or Emergency Services With Noretta Prescott***

Director Lefler stated that this fire was in Myton City and it never should of gone out. Myton City needs to handle this.

***Public Works/Landfill Update***

Commissioner Peatross stated that he received a call from County Resident Kathryn Larsen who is requesting a bar ditch be built in front of her house in Bridgeland to keep water from running into her home. Mr. Casper will need to go and look at it and contact her.

Mr. Casper reported that there are seven (7) trucks that will be hauling salt over the next few weeks. The stripers will be here this week to stripe the one hundred miles of road that was paved this year. The Dye Dugway is halfway done. There are a few patch jobs throughout the county. They will tear up the concrete on the bridge near the Duchesne City building and repave it. At the fairgrounds there needs to be some work done to keep water from flooding homes. He would like to build something in the road to keep it from running over and feels that pavers will be here next week so that would be a good time to have it done.

***Consideration Of Resolution No. 13-10A, A Resolution Adopting A New Application For Commercial Use County Road Approches***

Attorney Allred stated that the county only had one approach that was designed for residential use. This resolution is particularly for commercial use so the only difference is the fee and the eight (80) feet wide driveway.

**RESOLUTION NO. 13-10A**

**A RESOLUTION ADOPTING A NEW APPLICATION FOR COMMERCIAL USE  
COUNTY ROAD APPROCHES**

**WHEREAS**, Duchesne County currently has only one application for all county road approaches; and,

**WHEREAS**, the current application was not designed to accommodate the need of large commercial trucks,

**BE IT THEREFORE RESOLVED** that a second application for commercial use, as set forth in Exhibit A attached hereto and hereby incorporated by reference is adopted.

**IT IS FURTHER RESOLVED** that this resolution shall take effect October 25, 2013.

PASSED this 11<sup>th</sup> day of October, 2013. By the Board of County Commissioners.

Members:	Vote	
	Aye	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. 13-10A. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

**Consideration Of A Right Of Way**

*GIS Director Stoney Monks joined the meeting at 12:10 P.M...*

Director Monks stated that Kinder Morgan came to him with their right of way easements where the pipeline is already there so they are cleaning up the title work. They are offering the county two thousand nine dollars and fifty three cents (2,009.53) for this permanent right of way. A survey has been ordered to have an actual of where the pipeline is. We may need to wait for them to get the survey to make sure the description doesn't change. Commissioner Peatross suggested that Kinder Morgan might need to vacate the original easement. He is okay with this based on the fact that the pipeline has been there for twenty (20) years. *This agenda item was postponed by general consent.*

**Consideration Of Tax Adjustments - Assessor**

*Deputy Clerk Auditor Connie Sweat joined the meeting at 12:20 P.M...*

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

**Consideration Of Vouchers**

The commission reviewed vouchers # 126319 through 126503 dated October 21, 2013, in the amount four hundred fifty thousand nine hundred forty five dollars and forty eight cent (\$450,945.48) 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 Brett Anderson Welding, LLC**

*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 Derrick D Hicken Transportation, Inc.**

*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 FIML Natural Resources, LLC**

*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 Go Pure Enterprise**

*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 Jim Miller Concrete Sawing, Inc**

*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 Rockwater Energy Solutions***

*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 Snake Creek Photography***

*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 The Hideout Steakhouse***

Deputy Clerk Sweat stated that this application has been signed off by the Sheriff's Office. *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 A Kennel License Application For Micheal Richens***

Deputy Clerk Sweat stated that Micheal Richens has twenty three (23) dogs for his farm and received a citation for not having a kennel license. He previously had one that didn't have an expiration date. *Commissioner Peatross motioned to approve the kennel 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 Acquisition Of Easements For Class D County Roads Crossing SITLA Lands In Duchesne County***

*County/Community Planning Administrator Mike Hyde joined the meeting at 12:29 P.M...*

Administrator Hyde stated that we discussed this a few weeks ago and we need to get easements for them. There are 18.61 miles of road easements. It has been recommended that the commission amend the CIB application to add this in the amount of thirty one thousand dollars (\$31,000). *Commissioner Peatross motioned to add this to the CIB list for 2014 to acquire a right of way for SITLA Lands on Class D Roads. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Discussion Of A Proposed Street Vacation Request – Boneta Townsite***

Administrator Hyde stated that he didn't want to start this process without discussing it with the commissioners. The porch projects ten (10) feet into the right of way, but the surrounding property owners aren't in favor of the full vacate. One of the options is to do a ten foot vacate on both sides of the road which would take their shed or we could adopt an agreement. Commissioner Peatross suggested running these options by the Planning and Zoning Commission.

***Consideration Of A Memorandum Of Agreement On Behalf Of Duchesne County, A Member Of The Rural Public Lands County Council 2014***

*Commissioner Peatross motioned to approve the agreement with Rural Public Lands County Council and Bob Weidner. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of Minutes For Combined Commission Meeting Held October 7, 2013***

Commissioner Peatross motioned to approve the minutes with the necessary correction. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.

*Entered recess at 12:50 A.M...*

*Entered back in Combined Commission Meeting at 1:30 P.M...*

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

***Consideration Of Ordinance No. 13-319, An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Agricultural-Residential (A-5) To Industrial (I)***

Administrator Hyde stated that the Planning Commission met on October 9, 2013 and no

opposition was given. The Planning and Zoning Commission is recommending your approval.

**ORDINANCE #13-319**

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

**WHEREAS**, Dan Crozier has filed an application to rezone certain described property, 19.582 acres in size, from Agricultural-Residential (A-5) to Industrial (I); and,

**WHEREAS**, after giving notice and conducting a public hearing on October 2, 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 October 21, 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):*

*Lots 1-3 of the DJ Crozier Land & Livestock LLC Minor Subdivision, located in Section 2, Township 3 South, Range 2 West, USM, as recorded in the Duchesne County Recorder's Office.*

**SECTION 2.** *This zoning map amendment is conditioned upon the applicants/property owners improving the road approach from Highway 87 at 4250 West with pavement to UDOT Region 3 standards prior to the occupancy of any buildings in the rezone area.*

**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 21<sup>st</sup> day of October, 2013.*

ATTEST:

DUCHESNE COUNTY  
BOARD OF COMMISSIONERS

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

\_\_\_\_\_  
Ronald Winterton, Chairman

\_\_\_\_\_  
Kent R. Peatross, Commissioner

\_\_\_\_\_  
Kirk J. Wood, Commissioner

*Re-entered back in Combined Commission Meeting at 1:35 P.M...*

*Entered recess at 1:35 P.M...*

*Re-entered back in Combined Commission Meeting at 1:53 P.M...*

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

*Paxton Marrs joined the meeting at 1:53 P.M...*

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 SE¼SE¼ 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 stated that we received a counter offer for the 33% that Duchesne County owns. At our last quarterly auction held on October 7<sup>th</sup>, we rejected the original bid from Bill Barrett Corporation. Chairman Winterton stated that after rejecting the original bid, we requested a new proposal. Mr. Marrs stated that we had a title opinion done that determined that Duchesne County owns 33% and originally offered \$200 per acre; our revised proposal is for \$500 per acre.

*Re-entered Combined Commission Meeting at 1:56 P.M...*

*Commissioner Peatross motioned to adopt Ordinance No. 13-319. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

*Commissioner Peatross motioned to approve the revised offer from Bill Barrett Corporation for the property described for an oil and gas lease. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

**Closed Meeting –**

*HR Connections Lisa Henrie joined the meeting at 2:05 P.M...*

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing personnel issues at 2:05 P.M. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed. Assistant Casper was excused from the meeting.*

*-Re-entered Combined Commission Meeting at 2:31 P.M... Assistant Casper rejoined the meeting at 2:31 A.M... Ms. Henrie was excused from the meeting.*

**Closed Meeting –**

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing pending or reasonably imminent litigation issues at 2:31 P.M. Chairman Winterton seconded the motion. Both commissioners voted aye and the motion passed. Assistant Casper was excused from the meeting.*

*-Re-entered Combined Commission Meeting at 2:46 P.M...*

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

*No action was necessary.*

***Discussion Of The Wellness Program***

*Ms. Henrie rejoined the meeting at 2:46 P.M... Deputy Treasurer Jamie Park & IT Departments James King who are involved with the Wellness Committee joined at 2:46 P.M...*

Ms. Henrie stated that we are working on a program that we would like to launch in February of 2014 beginning with employees only for the first year then expand to spouses. This will be an online system where all of the information disclosed will not be viewed by us at all and the costs are covered by Select Health. Each employee will do a risk assessment to determine what their needs are and Select Health will categorize those needs. Both commissioners agreed that the program sounds very beneficial and is in support of it.

***Commission Calendaring***

***Adjourn***

*Chairman Winterton adjourned the meeting at 2:58 P.M.*

*Read and approved this 4<sup>th</sup> day of November 2013.*

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*Ronald Winterton*  
*Commission Chairman*

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*Diane Freston*  
*Clerk/Auditor*

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