

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION  
MEETING HELD DECEMBER 16, 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, Roads Director Glen Murphy, Deputy County Attorney Tyler Allred and BobbiJo Casper taking minutes of the meeting.

***Public Works/Road Department Update***

Director Murphy reported that the Road Department is hauling material to Mortensen Lane to rebuild that road. They are also peeling back corners in Myton and Neola to allow larger turns.

Director Murphy also reported that they have received calls about snow plow drivers hitting mail boxes when pushing snow. They are around ten dollars (\$10.00) to replace and we typically only get a few calls each year. Commissioner Peatross suggested that when these mail boxes get replaced, that they are moved back from where they were and suggested that the owner sign a waiver that it will be moved back and won't be replaced again. Commissioner Wood suggested that we put something in the newspaper about having mail boxes moved off of the edge of roads so they don't get hit. Commissioner Peatross suggested that Director Murphy visit with the Planning and Zoning Department to have cluster boxes required when a subdivision is approved.

***Consideration Of An Agreement With Rafter 7 Enterprises***

Attorney Allred stated that the only change to this contract from last year is the amount. There was three percent (3%) increase to last year's amount. Director Murphy stated that there were issues that Sheriff Travis Mitchell had, but feels they have been resolved and Mr. Joe Summarell is aware of what he needs to do. The contract works well for the Public Works Department. *Commissioner Wood motioned to authorize Chairman Winterton to sign the agreement with Rafter 7 Enterprises. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 13-21, A Resolution Increasing Revenue And Expense For 2013***

*Clerk Auditor Diane Freston joined the meeting at 9:27 A.M...*

Auditor Freston stated that at the budget public hearing last week, we proposed to increase the general fund by 7 million three hundred thousand dollars (\$7,300,000) taking it from fund balance to the general fund and expensing it back out putting three million dollars into fund 23 and putting four million three hundred thousand dollars into fund 41. You can pull funds out of fund 41 and put it where you need it, but you have to hold a public hearing to do so. We also proposed taking \$300,000 out of the Library fund and expense it out into fund 41. These are the only changes for 2012; we will do transfers in a couple of weeks.

**DUCHESNE COUNTY RESOLUTION 13-21**

WHEREAS the legislature of the State of Utah has granted legislation providing for the **increase** in unencumbered or unexpended appropriations in the budgetary or the General Fund, the said legislation being designated as Section 17-36-26 of the Utah Code annotated, 1953, and amended 1975; and

WHEREAS there exists a need to utilize this provision of the State statutes to serve the best interest of the County and the residents thereof and to promote the most efficient and practical operation of county government. The purpose of this resolution is to increase the 2013 Duchesne County Budget by revenue and expenses and free up said monies spent;

NOW THEREFORE, be it hereby resolved as follows;

WE, THE BOARD OF COUNTY COMMISSIONERS of Duchesne County, State of Utah as governing body of this county do enact this resolution to increase the following amounts to the listed departments within the following funds for the Budget year 2013.

## INCREASES

### GENERAL FUND

	Revenue	Expense
Transfer in from fund balance	7,300,000.00	
Transfer out to fund 23		3,000,000.00
Transfer out to fund 41		4,300,000.00

### LIBRARY FUND

Transfer in from fund balance	300,000.00	
Transfer out to fund 41		300,000.00

PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF DECEMBER, 2013 by the following vote of the Board of County Commissioners:

DUCHESNE COUNTY:

Attest:

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

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

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

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

*Commissioner Wood moved to adopt Resolution No. 13-21. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 13-22, A Resolution Adopting The 2014 County Budget***  
Auditor Freston stated that we held out budget public hearing and did our diligence.

## **DUCHESNE COUNTY RESOLUTION 13-22**

### **CERTIFICATION OF BUDGET**

**DUCHESNE COUNTY**  
**Calendar Year Ending December 31, 2014**

#### **ADOPTION OF BUDGET INFORMATION:**

In compliance with Title 17, Chapter 36, Section 15, Utah Code, which states:

“On or before the last day of each fiscal period, the governing body by resolution shall adopt the budget which, subject to further amendment, shall thereafter be in effect for the next fiscal year. A copy of the final budget, and of any subsequent amendment thereof, shall be certified by the budget officer and filed with the state auditor not later than thirty days after its adoption. A copy, similarly certified, shall be filed in the office of the budget officer for inspection by the public during business hours.”

WHEREAS the legislature of the State of Utah has granted legislation providing for the adoption of said county annual budgets and;

***WHEREAS there exists a need to utilize this provision of the State statutes to serve the best interest of the County and the residents thereof and to promote the most efficient and practical operation of county government. The purpose of this resolution is to adopt the 2014 Duchesne County Budget by revenue and expenses;***

NOW THEREFORE, be it hereby resolved as follows;

***WE, THE BOARD OF COUNTY COMMISSIONERS of Duchesne County, State of Utah as governing body of this county do enact this resolution to adopt said budget for the year 2014.***

***PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF DECEMBER, 2013 by the following vote of the Board of County Commissioners:***

DUCHESNE COUNTY:

Attest:

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

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

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

\_\_\_\_\_  
Kirk J Wood  
Member

*Commissioner Peatross motioned to adopt Resolution No. 13-22. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 13-24, A Resolution Establishing A New Fee Schedule For Buildings And Construction Within Duchesne County***

*Assistant Casper stated that Building Official Karl Mott was unable to attend. This item was postponed by general consent.*

***Consideration Of Ordinance No. 13-323, An Ordinance Establishing Salaries For 2014***

*Chairman Winterton stated that they need to discuss the attorney's salary with Attorney Stephen Foote before this is adopted. This agenda item was postponed by general consent.*

***Update From The Division Of Wildlife Resources On The Tabby Mountain Travel Plan***

*Miles Hanberg, Dax Mangus & Boyd Blackwell with the Division of Wildlife Resources (DWR) joined the meeting at 9:42 A.M...*

*Mr. Hanberg presented the commission with the attached report and stated that they will give a report annually to keep them up informed on what is going on. Last year we came in and discussed the seasonal road closure on Tabby Mountain with you and since then we did an elk survey on the Currant Creek Sub-Unit in February. A group of elk could be one or three hundred elk. We find with the road closure it creates a presents of safeness without having the truck traffic in and out of there. Mr. Mangus stated that we did the elk survey by helicopter and flew over the entire unit in three days to prevent double counting and we were able to GPS where we had already been. Mr. Miles stated that we only had two hunters check out the keys for the cougar hunt and five were harvested last year. Even though we restrict access, people still come out and access the resources. Commissioner Peatross stated that the public complains about road closures, so it's nice to see these survey results and data.*

***Consideration Of Resolution No. 13-25, A Resolution Approving And Authorizing The Execution Of A Sixth Amended Interlocal Cooperation Agreement With Other Members Of***

***Utah Counties Indemnity Pool, Relating To The Establishment, Funding And Operation Of Utah Counties Indemnity Pool***

*Chief Deputy Clerk JoAnn Evans joined the meeting at 10:34 A.M...*

Deputy Clerk Evans stated that there was a change to this agreement from last year with the withdrawal process. Other than that, the contract remains the same.

**RESOLUTION NO. 13-25**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF  
A SIXTH AMENDED INTERLOCAL COOPERATION AGREEMENT  
WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL,  
RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF  
UTAH COUNTIES INDEMNITY POOL**

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, and the Utah Insurance Code, Title 31A, Chapter 1, et seq, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements to provide services and facilities; and

WHEREAS, the County Commission of Duchesne County, Utah, has determined that the interests and welfare of the public within Duchesne County's jurisdiction will best be served by a Sixth Amended Interlocal Cooperation Agreement with other members of Utah Counties Indemnity Pool relating to the establishment, funding and operation of Utah Counties Indemnity Pool.

NOW, THEREFORE, be it resolved by the County Commission of Duchesne County, Utah, that Duchesne County approve and authorize the Commission Chair to execute a Sixth Amended Interlocal Cooperation Agreement with other members of Utah Counties Indemnity Pool relating to the establishment, funding and operation of Utah Counties Indemnity Pool.

APPROVED AND ADOPTED this 16<sup>th</sup> day of December, 2013.

DUCHESNE COUNTY COMMISSION

By: \_\_\_\_\_  
Duchesne County Commission Chair

ATTEST:

By: \_\_\_\_\_  
Duchesne County Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Duchesne County Attorney

*Commissioner Peatross motioned to adopt Resolution No. 13-25. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Vouchers***

*Deputy Clerk Auditor Connie Sweat joined the meeting at 10:44 A.M...*

*The commission reviewed vouchers # 126863 through 126960 dated December 16, 2013, in the amount six hundred forty four thousand four hundred ninety dollars and sixty four cents (\$644,490.64). Commissioner Wood motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For CKC Feild Services***

*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 Beer License Application For Hanna Café & Bar***

*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 A Beer License Application For Rock Creek Lodge LLC***

*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 October 28, 2013***

*Commissioner Peatross suggested that we postpone these minutes until next week awaiting review of the amounts from the UBMC attorney. This item was postponed by general consent.*

***Consideration Of Minutes For Combined Commission Meeting Held November 18, 2013***

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

***Consideration Of Minutes For Combined Commission Meeting Held November 25, 2013***

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

***Consideration Of Minutes For Combined Commission Meeting Held December 02, 2013***

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

***Consideration Of Minutes For Special Commission Meeting Held December 04, 2013***

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

***Consideration Of Minutes For Combined Commission Meeting Held December 09, 2013***

*Commissioner Peatross suggested that these minutes be postponed until next week. This item was postponed by general consent.*

***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 11:23*

*A.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed. Assistant Casper was excused from the meeting.*

*-Re-entered Combined Commission Meeting at 11:44 P.M...*

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

*No action was necessary.*

***Commission Calendaring***

***Adjourn***

*Chairman Winterton adjourned the meeting at 11:54 A.M.*

*Read and approved this 23<sup>rd</sup> day of December 2013.*

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*Ronald Winterton*

*Commission Chairman*

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*Diane Freston*

*Clerk/Auditor*

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