

**MINUTES FOR REGULAR COMMISSION MEETING HELD MARCH 12, 2007
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kent R. Peatross (*absent*), Commissioner W. Rod Harrison, Commissioner Kirk J. Wood and Personnel Director Carrie Mascaro taking minutes of the meeting.

Opening Comments

Commissioner Harrison gave prayer. There were no other comments.

Pledge of Allegiance

Any wishing to participate.

... Deputy Clerk/Auditor JoAnn Evans and Clerk/Auditor Diane Freston joined the meeting...

Consideration Of Payment Vouchers

The commission reviewed vouchers #100723 through #100808 in the amount of four hundred twenty-six thousand, one hundred forty-four dollars and seven cents (\$426,144.07). *Commissioner Wood motioned to approve payments. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Applications For G&L Repair and MJ Trucking

The commission reviewed the applications. *Commissioner Wood motioned to approve the applications contingent on the Building Official's approval. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Tax Adjustments – Treasurer's

The commission reviewed the following tax adjustment:

<u>Account</u>	<u>Year</u>	<u>Credit-/Debit +</u>	<u>Reason</u>
0031-1690	2006	-9.31	Per order of State Tax Comm

Commissioner Wood motioned to approve the adjustment. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of A Memorandum Of Understanding Between The Utah Division Of Forestry, Fire, and State Lands and Duchesne County

The commission reviewed the MOU. The purpose of the MOU is to provide a mechanism for procurement, use and compensation for services provided by county sponsored or contracted fire departments or fire districts outside its jurisdictional area of responsibility to the State of Utah and its cooperators; pursuant to cooperative agreements, operating plans, closest forces agreements and suppression resource needs. *Commissioner Wood motioned to approve the MOU. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of The Minutes For Regular Commission Meeting Held March 5, 2007

Commissioner Wood motioned to approve the minutes as is. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.

...Bob West, Greg Reynolds, Shalon Reynolds, Glen Page, John Barton and Community Development Administrator Mike Hyde joined the meeting...

1:30p.m. Public Hearings –

Final Plat Of Eagle Estates Subdivision, Phase 4

Mr. Hyde provided the following statement: "The applicant is proposing a residential subdivision, consisting of 22 lots, ranging from 1.59 to 6.34 acres on 49.35 acres of land

located west of 3000 West, between 330 and 750 North, in Hancock Cove. Phases 1-3 consist of 21 existing lots located between Phase 4 and 3000 West.

On March 7, 2007, the Planning Commission conducted a public hearing on the preliminary plat and approved it subject to the following conditions:

1. Developer shall provide a second County B standard access to this subdivision from 3000 West at either 660 North or 750 North. Such access shall be completed and accepted by the county within two (2) years of the date of final plat approval by the County Commissioners or prior to the sale of the 12th lot in Phase 4, whichever occurs first.
2. Prior to construction of the water system, the developer shall obtain plan approval of the County Fire Department (for fire hydrant placement), Roosevelt City and the Utah Division of Drinking Water. Prior to occupancy of homes in this phase, the Utah Division of Drinking Water must issue an operating permit for the water system.
3. Prior to recording the final plat, the developer shall either construct the required road and water system improvements or post an acceptable bond in an amount not less than 125% of the construction cost estimate.
4. Developer shall work with the County Public Works Department in the provision of street signs, which shall be installed prior to occupancy of homes in this phase.
5. Roads within this phase shall be paved to county standards. The temporary cul de sac at the south end of 3430 West shall be paved to a diameter of 100 feet.

On March 7, 2007, the Planning Commission also conducted a public hearing on the final plat request and has recommended approval, subject to the following conditions:

1. The final plat shall not be recorded until either a bond is posted or the required road and waterline improvements are constructed and accepted.
2. No occupancy of homes in this phase will be allowed until all roads and street signs have been completed by the developer and accepted by the county.
3. No occupancy of homes in this phase will be allowed until the water system, including fire hydrants, has been inspected and approved by Roosevelt City and the Utah Division of Drinking Water.
4. The developer, or the surveyor, shall provide an electronic copy of the final plat to the County Recorder when recording the final plat.

At the Planning Commission hearing, five residents of Eagle Estates and Hancock Cove appeared to express concerns about septic systems, high water table, traffic, school bus routes and other issues associated with increasing development in the area.”

Commissioner Wood asked if the neighbors were okay with one access. Mr. Hyde replied that they wanted two accesses but Mr. Bob West has stated that Snow Construction is creating a subdivision adjoining that would have an access.

Mr. Page stated that he owns property on the west side of the subdivision. He stated that Mr. West has not talked to him about the plans. Mr. Reynolds stated that Mr. West has not talked to him either. Mr. Page request that the commission not approve the final plat until Mr. West talks to the neighbors. Commissioner Harrison asked if the issues could be resolved if he talked to Mr. West today. Mr. Page replied that Mr. West needed to speak with another man as well.

Mr. Reynolds stated that he owns lot three and there is thirty feet of road with heavy truck traffic. He stated that there are thirty-four children and twenty-two of them are school age. He stated that the children have to stand on the road to catch the bus. He stated that lot twenty-two usually has standing water and that the water tests were done in the winter and would like to see them done in the summer. He stated it would be helpful if the county notified all property owners and not just adjoining. He stated the existing road is not practical and a second road should be in before the twelve homes.

Commissioner Wood motioned to approve the final plat of the Eagle Estates Subdivision, Phase 4, as recommended by the Planning Commission. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.

Amended Plat Of The Cedars Subdivision, Lot 3

Mr. Hyde provided the following statement: “The county approved The Cedars Subdivision in 1986. It is located on the north side of 10000 North, at 0 West. The original plat has 6 lots that range from 5.01 to 16.47 acres in size. Since that time, Lot 2 has been divided from 15 acres into three 5-acre lots. Lot 3 is the only other lot in this subdivision that has ten or more acres. Since there is a five-acre minimum lot size in the area, Lot 3 is the only lot with the potential to be divided at this time.

Health Department approval of the lot split has been received and the state engineer has issued well permits. The lots have legal access via an easement to 10000 North. The easement is 33 feet wide, which provides this owner’s half of a potential 66-foot right of way in the future. The fire department has approved the proposal recognizing that compliance with the urban-wildland interface code will occur through the building permit process.

The Planning Commission conducted its public hearing on the request on March 7, 2007 and has recommended approval, subject to the applicant’s surveyor providing the County Recorder with an electronic copy of the plat amendment map. No one appeared at the Planning Commission hearing to speak against the request.”

Commissioner Wood motioned to approve the amended plat of the Cedars Subdivision, Lot 3, as recommended by the Planning Commission. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of Resolution No. 07-05 A Resolution Adopting A New Fee Schedule Concerning Road Crossing And Easement Encroachments

The commission reviewed the following resolution:

RESOLUTION NO. 07-05

**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 06-19 are inadequate;

BE IT THEREFORE RESOLVED that:

- 1. The fees for road crossing and right of way encroachments be as follows:
 - A. Application fee: \$250.00
 - B. Bond requirement (in addition to fee):
 - PAVED ROAD: \$50,000.00 per crossing or per mile. Those individuals and/or entities anticipating the need for multiple utility crossings, over paved roadways, in any calendar year may post \$100,000.00 for all crossings by that individual and/or entity during one calendar year (a calendar year shall be from January 1st through December 31st of that same year.)
 - UNPAVED ROAD: \$500.00 per crossing. Those individuals and/or entities anticipating the need for multiple utility crossings, over unpaved roadways, in any calendar year may post \$2,500.00 for all crossings by that individual and/or entity during one calendar year (a calendar year shall be from January 1st through December 31st of that same year.)

Bonds may be in the form of a cash deposit, surety bond, or irrevocable letter of credit.

Bonds or Cash for crossings will not be refunded until two (2) years after construction approval of the crossing is met.

2. This resolution shall take effect immediately upon passage and publication as required by law.

PASSED this ____ day of _____ 2007. By the Board of County Commissioners.

Commissioner Wood motioned to approve the resolution. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of Ordinance No. 07-255 An Ordinance Amending Ordinance No. 04-216, Organizing Library Services Within Duchesne County And The Method In Which Said Services Shall Be Administered

The commission reviewed the following ordinance:

(insert ordinance here)

Commissioner Wood motioned to approve the ordinance. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.

Adjournment

Commissioner Wood motioned to adjourn the meeting at 3:15 p.m. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.

Read and approved this 19th day of March 2007.

Kent R. Peatross
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting taken by Carrie Mascaro _____