

**MINUTES FOR REGULAR COMMISSION MEETING HELD JUNE 4, 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, Duchesne County Deputy Clerk/Auditor JoAnn Evans, Public Works Department Director Glen Murphy, Mario Croce, Kathleen Conover, and Commission Assistant Kathy Desormeau taking minutes of the meeting.

***Opening Comments***

Commission Assistant Kathy Desormeau gave the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Consideration of Payment Vouchers***

The commission reviewed vouchers # 101525 through #101598 in the amount of one hundred seventy-eight thousand, seven hundred twenty-two dollars and eighty-one cents (\$178,722.81) *Commissioner Wood motioned to approve the vouchers dated June 4, 2007. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of Awarding of Advertised Chip/Sealing Bid***

Commissioner Harrison stated that only one bid had been received in response to advertisement. It was from Burdick Paving.

Bid Proposal:

TO: Duchesne County Road Department  
P.O. Box 356  
20800 W. East River Road  
Duchesne, UT 84078

B/O: May 31, 2007 5:00 P.M.

Bid: Chips/Spreader/Distributor

Burdick Paving, Corp bids the following:

1. Road chips plus chip spreader @ \$18.50 per ton.
2. Distributor truck @ \$120.00 per hour.

Chips will be furnished from Burdick pits within 10 miles of Roosevelt.

Kerry Farnsworth, V.P.

*Commissioner Wood motioned to accept the bid for chip/sealing from Burdick Paving. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration of Resolution No. 07-11 A Resolution By The Duchesne County Board of Commissioners Expressing Its Disapproval Of The Proposed "Voter Confidence And Increased Accessibility Act Of 2007" (HR 811)***

**RESOLUTION NO. 07-11**

**A Resolution by the Duchesne County Board of Commissioners expressing its disapproval of the proposed "Voter Confidence and Increased Accessibility Act of 2007" (HR 811).**

**WHEREAS**, the United States House of Representatives of the 110<sup>th</sup> Congress is considering a

bill titled the “Voter Confidence and Increased Accessibility Act of 2007” (HR811); and

**WHEREAS**, the effect of the Bill, if adopted, would be to render the current DRE electronic voting machines used by Duchesne County, and other counties throughout the State of Utah unlawful, and require a change to a new voting system; and

**WHEREAS**, in an independent election survey of voters in the Utah 3<sup>rd</sup> Congressional District primary election using the DRE voting machines, conducted by the BYU “Center for the Study of Elections and Democracy”, 95% of the respondents surveyed felt somewhat confident, or very confident that their ballot would be counted accurately; and

**WHEREAS**, Duchesne County currently has 52 DRE electronic voting machines valued at over one hundred fifty thousand dollars (\$150,000.00), and has invested thousands of dollars in additional funds to house said machines, revamp election processes to accommodate said machines, and train election personnel on the use of the machines; and

**WHEREAS**, change to a new voting system would actually erode voter confidence in the election process, and burden Duchesne County with additional expenses associated with a change to another new voting system;

**NOW, THEREFORE, BE IT RESOLVED**, that the Duchesne County Board of Commissioners does express its opposition to HR811, currently before the 110<sup>th</sup> Congress; and

**BE IT FURTHER RESOLVED**, that the Duchesne County Board of Commissioners urges the 110<sup>th</sup> Congress, and in particular the Senators and Representatives serving the citizens of Duchesne County, and the State of Utah to reject HR811.

Adopted this the 4th day of June, 2007.

**Duchesne County Board of Commissioners**

\_\_\_\_\_  
Kent Peatross, Chairman

\_\_\_\_\_  
WR Rod Harrison, Member

\_\_\_\_\_  
Kirk Wood, Member

Attest:

\_\_\_\_\_  
Diane Freston, Clerk/ Auditor

Commissioner Harrison stated that the Utah Association of Counties suggested that all counties pass a resolution expressing disapproval of the proposed “Voter Confidence And Increased Accessibility Act of 2007 (HR 811) He stated that HR 811 would outlaw the use of electronic voting machines and mandate the use of archival quality paper ballots. This practice would not only waste the over \$150,000.00 spent on Duchesne County’s 52 electronic voting machines, but would force the County to pay high costs for printed paper ballots and additional required equipment. Commissioner Harrison stated that the Duchesne County Commission is not willing to force this extra burden upon taxpayers. *Commissioner Wood motioned to adopt Resolution No. 07-11. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Mossy Septics, Dine-In Catering, STR Plumbing Inc., Uintah Engineering & Land Surveying, S & S Swabbing and TLC Handyman***

Due to unavailable state licensure for Mossy Septics, approval of their application was tabled until the June 11, 2007 Duchesne County Commission meeting.

*Commissioner Kirk Wood motioned that the Dine-In Catering, STR Plumbing Inc., Uintah Engineering & Land Surveying, S & S Swabbing and TLC Handyman business licenses be approved. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of Recission Of Easement For Right-of-way***

Commissioner Harrison stated that due to the need for additional information, consideration of Recission Of Easement For Right-of-way will be postponed.

***Consideration Of The Minutes For Regular Commission Meeting Held May 21, 2007***

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

***Adjournment***

*Commissioner Wood motioned that the meeting be adjourned. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed. Meeting adjourned at 1:30p.m.*

*Duchesne County Community Development Administrator Mike Hyde, Gerald Cooper and Bob West joined the meeting at 1:30 p.m.*

***1:30 p.m. Public Hearing (Continued from May 7, 2007) – Zoning Map Amendment – Roger Brockbank and Bob West (Consideration of Ordinance No. 07-257 An Ordinance Amending The Duchesne County Zoning Map, Rezoning Described Property From Residential (R-1) to Industrial***

Duchesne County Community Development Administrator Mike Hyde stated that Mr. Brockbank, represented by Bob West, had made application to amend zoning. Mr. Hyde stated that the application appeared before the Duchesne County Planning Commission on May 2, 2007. Opposition testimony was heard from many concerned property owners. The Planning Commission voted four (4) to one (1) that the application be denied. The matter was heard by the Duchesne County Commission in public hearing on May 7, 2007. At that time, to provide the developer time to restructure the application and communicate with concerned property owners, a request to recess the hearing until today's date, June 4, 2007, was granted. Since then, Mr. West has submitted a scaled down rezoning plan.

Commissioner Harrison asked if the scaled back rezoning plan has been heard by the Duchesne County Planning Commission. Mr. Hyde answered that it has not.

Mr. Hyde stated that the scaled down plan allowed for an increased buffer zone between the industrial area and the existing residential area. He stated that, in order to maintain an upscale industrial area, Bob West is willing to consider deed restrictions that would prevent developments such as garbage dumps and feed lots.

Mr. Hyde stated that options include the Duchesne County Commission approving the scaled down zoning application today, or referring this issue back to the Duchesne County Planning Commission.

Bob West stated that he is sensitive to the needs of interested parties. He stated that the scaled down plan calls for utilizing 61 of the 108 acres for a buffer zone between residential and industrial areas. This buffer zone would remain zoned as residential.

Gerald Cooper stated that Bob West had not contacted him regarding plan changes. He asked what the plans are regarding development in the industrial area. He expressed concern that trucking companies may be allowed in the industrial area, subjecting residents to 24-hour traffic flow.

Bob West stated that buildings similar to that of other industrial areas would be constructed. He stated that neither he nor Mr. Brockbank have intentions of developing "derogatory industrial." He stated that school bus and emergency vehicle access concerns exist regarding the existing dead-end residential road. He proposed that the road be extended to include service to the proposed 61-acre residential area.

Gerald Cooper stated that he holds the right-of-way on the current residential service road, but is open to negotiation regarding redevelopment of this road if all other concerned property owners are in agreement. He stated that the scaled down plan should be referred back to the Duchesne County Planning Commission in order to ensure involvement of all concerned parties.

Kathleen Conover expressed concern regarding future impact of zoning changes. She cited issues such as industrial property ownership changes and lowering property values. She suggested that all concerned property owners be given the opportunity to view, then vote on the scaled back rezoning plan.

Bob West stated that he does not wish this issue to be heard by the Duchesne County Planning Commission, as it does not provide him with a fair position. He stated that he attended today in order that the Duchesne County Commission might provide an immediate solution.

Commissioner Wood stated that there are two options - either send the issue back to the Duchesne County Planning Commission or deny the scaled down zoning plan, causing the process to start over.

Commissioner Harrison stated that the Duchesne County Planning Commission is the authority that should deal with this issue and that, in the best interests of the public, due process should be followed.

Bob West asked for a recess, stating that he will work towards a solution.

*Commissioner Wood motioned that the Zoning Map Amendment – Roger Brockbank and Bob West, be referred back to the Duchesne County Planning Commission. Commissioner Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

*Commissioner Harrison adjourned the meeting at 1:45 p.m.*

*Read and approved this 11<sup>th</sup> day of June 2007.*

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*Kent R. Peatross  
Commission Chairman*

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*Diane Freston  
Clerk/Auditor*

*Minutes of meeting taken by Kathy Desormeau*\_\_\_\_\_