

**MINUTES FOR REGULAR COMMISSION MEETING HELD JULY 02, 2007
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kent R. Peatross, Commissioner W. Rod Harrison (attending via telephone), Commissioner Kirk J. Wood (absent), Duchesne County Deputy Clerk/Auditor JoAnn Evans and Commission Assistant Kathy Desormeau taking minutes of the meeting.

Opening Comments

Chairman Peatross stated that, due to required emergency attendance upon the North Neola Fire, Commissioner Harrison will be attending a portion of this meeting via telephone.

Duchesne Deputy Clerk/Auditor JoAnn Evans gave the prayer. There were no other comments.

Pledge of Allegiance

Any wishing to participate.

Consideration of Payment Vouchers

Chairman Peatross reviewed a pre-draw for vendor No. 17741 in the amount of four thousand, three hundred thirty-three dollars and thirty-three cents (\$4,333.33). He then reviewed vouchers #101826 through #101905 (in the amount of one hundred one thousand, five hundred sixty dollars and seventy-nine cents (\$101,560.79). Chairman Peatross stated that all appeared to be in order, then, due to the absence of Commissioners Harrison and Wood, directed that the pre-draw and vouchers be tabled for ratification during next week's commission meeting.

Consideration of Department Head Time Sheets

Duchesne County Deputy Clerk/Auditor Leann Stewart joined the meeting at 1:18 p.m...

All were approved.

Duchesne County Commissioner Rod Harrison joined the meeting via telephone at 1:20 p.m...

Consideration Of Business License Application For Express Filter Service, Inc.

Duchesne County Deputy Clerk/Auditor stated that all was in order with the application. Chairman Peatross stated that he had reviewed the application. *Commissioner Harrison motioned that the business license application for Express Filter Service Inc. be approved. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Resolution No. 07-17 A Resolution Declaring That The Public Health, Convenience And Necessity Require The Creation Of A Special Service District For Animal Control, 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

Chairman Peatross stated that Resolution No. 07-17 concerns the establishment of a special service district for animal control purposes. The resolution allows for publication regarding a public hearing to be held on July 30, 2007 at 1:30 p.m.

RESOLUTION NO. 07-17

A RESOLUTION DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE AND NECESSITY REQUIRE THE CREATION OF A SPECIAL SERVICE DISTRICT FOR ANIMAL CONTROL, 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, PROVIDING FOR NOTICE OF SAID HEARING AND RELATED MATTERS.

WHEREAS, the Board of County Commissioners of Duchesne County, Utah, believes that the public health, convenience and necessity require the construction, repair, and maintenance of a county wide animal control program, it is desirable to incorporate said area into a Special Service District pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, 1953, as amended, Section 17A-13-1301 through 17A-13-1332, and Article XIV, Section 8 of the Constitution of Utah; and

WHEREAS, all property included within the boundaries of said proposed Special Service District will be benefited by the creation thereof; and

WHEREAS, none of the area to be contained within the boundaries of said proposed Special Service District is also within the boundaries of any other Special Service District established by said County to construct, repair, and maintain a county wide animal control program, nor is the area within any other district presently providing similar services:

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners of Duchesne County, Utah, as follows:

1. The public health, convenience and necessity require the creation within Duchesne County, Utah, of a Special Service District (the "District") pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, 1953, as amended, Section 17A-13-1301 through 17A-13-1332, and Article XIV, Section 8 of the Constitution of Utah.
2. The boundaries of the District to be so established shall be as set forth in the Notice of Hearing in Section Seven (7) hereof.
3. The District is to be created for the purpose of constructing, repairing, and maintaining animal control facilities as well as provide a means by which any issue reasonably related to animal control will be addressed. The Districts purpose shall be achieved through the construction, purchase, gift, condemnation or any combination thereof of the facilities or systems necessary to provide said services, and to finance the same.
4. The District so created shall be known as "Duchesne County Special Service District; Animal Control."
5. A public hearing on the question of the creation of the District shall be held by the Board of County Commissioners at the Duchesne County Administrative Building, 734 North Center Street, Duchesne, Utah, at 1:30 p.m. on July 30, 2007, at which time and place all interested parties may appear and be heard either 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 Seven (7) hereof.
6. A Notice of the Intention to create the District shall be published, pursuant to Utah Code Annotated, 1953, as amended Section 17A-2-1308, at least once a week during three consecutive weeks, the first publication to be not less than twenty-one (21) days nor more than thirty-five (35) days before the hearing, in the Uintah Basin Standard, a newspaper having general circulation in Duchesne County.
7. The Notice of Intention to be published shall be in substantially the following form:

**NOTICE OF INTENTION TO ESTABLISH
DUCESNE COUNTY SPECIAL SERVICE DISTRICT; ANIMAL CONTROL**

NOTICE IS HEREBY GIVEN THAT on July 2, 2007, 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 "Duchesne County Special Service District; Animal Control" (the "District") for the purpose of construction, repairing and maintaining of animal control facilities 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 Duchesne County Administrative Building, 734 N. Center, Duchesne, Utah, at 1:30 p.m. on July 30, 2007.

DESCRIPTION OF THE PROPOSED DISTRICT

The District shall have the following boundaries:

The boundaries of Duchesne County, as set forth in the official county boundary records maintained by the office of the lieutenant governor pursuant to Utah Code Annotated, 1953, as amended Section 17-50-104; including therein all incorporated areas.

PROPOSED SERVICES

The District will be authorized to construct, repair, and maintain animal control facilities as well as provide a means to address any issue reasonably related to animal control.

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METHOD OF FINANCING

Pursuant to the provisions of the Utah Special Service District Act and the Constitution of Utah, the District may annually impose fees and charges to pay for all or a part 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 may issue bonds for the acquisition and/or construction of facilities or systems to provide said services, provided, however, that said levy to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose.

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

The Board of County Commissioners will hold a public hearing on the establishment of the District and the constructing, repairing, and maintaining of animal control facilities as well as establishment of means by which any issue reasonably related to animal control will be addressed within the District at the Duchesne County Administrative Building, 734 N. Center, Duchesne, Utah, at 1:30 p.m. on July 30, 2007. Any interested person may protest the establishment of the District or the furnishing of services therein either orally at the hearing or in writing, at or at any time prior to the hearing. Written protests must be filed with the County Clerk, and may be withdrawn by the protestant at any time before the County establishes or abandons the District.

Any protest signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to the property must join in the signing of the protest.

At said public hearing, the Board of County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Board of County Commissioners may continue the hearing from time to time. After conclusion of the hearing, the Board of County Commissioners shall adopt a resolution either establishing the Duchesne County Special Service District; Animal Control or determining that the establishment of the District should be abandoned, or may, in its discretion, reduce the boundaries of the District and establish the District by resolution, as modified.

If, within fifteen (15) days after the conclusion of the hearing, over fifty percent (50%) of the qualified voters of the territory proposed to be included within the District or the owners of over fifty percent (50%) of the taxable value of the taxable property included within the proposed District file written protest against the establishment of the proposed District or against the specified type of service to be provided within the District with the County Clerk, the Board is required by law, in the former instance, to abandon the proposed establishment of the District and, in the latter instance, to eliminate the type of service objected to from the resolution finally establishing the District.

Any person who shall, at or any time prior to the date and time above-specified for the hearing, file a written protest with the County Clerk against the establishment of the District and whose property has been included within the boundaries of the proposed District notwithstanding such protest, may, within thirty (30) days after the adoption of the Resolution establishing the District, apply to the District Court of the Eight Judicial District for a writ of review of the actions of the County in establishing the District, only upon the grounds, however, that his property will not be benefited by the services authorized to be furnished by the District or that the proceedings taken in the establishment of the District have not been in compliance with law. A failure to apply for said writ of review within the prescribed time shall foreclose all owners of property within the District so established from the right to further object thereto.

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.
9. If any one or more section, sentences, clauses or parts of this resolution shall, for any reason, be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this resolution, but shall be confined in its operation to the specific 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 instances.
10. All resolutions, by-laws 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, by-law or regulation, or part thereof, heretofore repealed.

PASSED this 2nd day of July 2007. By the Board of County Commissioners.
Members:

Commissioner Harrison motioned that Resolution No. 07-17 be approved. Chairman Peatross seconded. Both commissioners voted aye and the motion passed.

Consideration Of The Minutes For Regular Commission Meeting Held June 25, 2007

Commissioner Harrison motioned to approve the minutes as presented. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.

Adjournment

Chairman Peatross adjourned the meeting at 1:26 p.m.

Read and approved this 9th day of July 2007.

Kent R. Peatross
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting taken by Kathy Desormeau _____