

**MINUTES FOR REGULAR COMMISSION MEETING HELD JULY 16, 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, Commissioner Kirk J. Wood (absent), and Commission Assistant Kathy Desormeau taking minutes of the meeting.

***Opening Comments***

Commissioner Harrison gave the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Consideration of Payment Vouchers***

*Duchesne County Deputy Clerk/Auditor Leann Stewart joined the meeting at 1:07 p.m...*

The commission reviewed vouchers #102054 through #102116 in the amount of two hundred seventy-six thousand, eight hundred fourteen dollars and seventy-three cents (\$276,814.73). *Commissioner Harrison motioned to approve vouchers #102054 through #102116, dated July 16, 2007. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed*

***Consideration of Department Head Time Sheets***

All were approved.

***Consideration of 2007 USDA/RD Grant/Loan Application, Duchesne/Wasatch Blue Bench Landfill Facility***

Commissioner Harrison stated that the purpose of the grant/loan application is to construct a new cell at the Bluebench Landfill. He stated that this is a joint application by the Duchesne/Wasatch Landfill District and that County and Landfill Attorneys reviewed and approved the application content. *Commissioner Harrison motioned to approve the 2007 USDA/RD Grant/Loan Application, Duchesne/Wasatch Blue Bench Landfill Facility. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration of Follett Software Agreement***

Library Board Secretary Kathy Desormeau presented the agreement prepared by Follett entitled "Destiny Resource Management Agreement – Duchesne County Library, Roosevelt UT, June 8, 2007." She stated that the purpose of this agreement is to upgrade the library circulation system and network the Roosevelt Branch and Duchesne Branch Libraries. Commissioner Harrison stated that this project has long been underway. *Commissioner Harrison motioned to approve the Follett Destiny Resource Management Agreement – Duchesne County Library, Roosevelt UT, June 8, 2007 as presented. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration of UBTA-UBET SDSL Connection Agreement***

*Uintah Management Systems Director Dave Bonnett joined the meeting at 1:15 p.m...*

Chairman Peatross stated that the agreement contains a fixed cost but the names of the parties have not been inserted. Mr. Bonnet confirmed that the cost as quoted is a fixed cost. Chairman Peatross stated that the agreement is being tentatively considered for approval today, pending final approval upon completion and execution of the agreement. *Commissioner Harrison motioned to tentatively approve the agreement pending the completion of terms, conditions and naming of parties. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

***1:30 P.M. Public Hearing - Final Plat Of The Pheasant Meadow Estates Subdivision***

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

Duchesne County Community Development Administrator Mike Hyde stated that the Pheasant Meadows Subdivision is the development of 160 acres located between

Highway 40 and the Duchesne River near the City of Myton. He stated that one new street will be constructed and that plans have been submitted to Utah State Division of Drinking Water and Johnson Water. Mr. Hyde stated that the State found that the water supply is not sufficient to provide adequate water to fire hydrants and determined that no water must be taken from the hydrants until Johnson Water installs an 8-inch feed to the subdivision. Mr. Hyde stated that former Fire/Emergency Management Director Georg Adams approved the subdivision subject to each dwelling having an internal fire sprinkler system installed. Mr. Hyde stated that the Duchesne County Planning and Zoning Commission recommends approval of the final plat with the condition that it not be recorded until a final letter of approval is received from the Utah State Division of Drinking Water. *Commissioner Harrison motioned that the final plat of the Pheasant Meadow Estates Subdivision be approved with the condition that it not be recorded until the final letter of approval letter is received from Utah State Division of Drinking Water. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

**1:30 P.M. Public Hearing - Final Plat Of Brad Knight Subdivision**

Duchesne County Community Development Administrator Mike Hyde stated that Brad Knight Subdivision consists of twenty (20) acres (five (5) lots) located east of Highway 40 on the North Myton Bench. He stated that the proposed road has been approved as a county "B" road, a new fire hydrant will be installed and that verbal approval has been received from the Utah State Division of Drinking Water. Mr. Hyde stated that the Duchesne County Planning and Zoning Commission recommends approval of the final plat with the condition that it not be recorded until a final letter of approval has been received from the Utah State Division of Drinking Water. *Commissioner Harrison motioned to approve the final plat of the Brad Knight Subdivision with the condition that it not be recorded until the final letter of approval is received from Utah State Division of Drinking Water. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed*

**1:30 P.M. Public Hearing - Annexation Of Certain Properties Into The Fruitland Special Service District (Consideration Of Resolution No. 07-18 A Resolution Annexing Certain Lands Into The Fruitland Special Service District)**

Commission Assistant Kathy Desormeau stated that on June 18, 2007, the Commission approved a resolution (No. 07-12) expressing intent to annex certain properties into the Fruitland Special Service District. She stated that public hearing publication requirements have been met, then stated that Resolution No. 07-18 will establish actual annexation. Ms. Desormeau stated that the Recorder's office and officers of the Fruitland Special Service District have verified the description as contained on the resolution.

**RESOLUTION NO. 07-18**

**A RESOLUTION ANNEXING CERTAIN LANDS INTO THE FRUITLAND SPECIAL SERVICE DISTRICT**

**WHEREAS**, the Board of Commissioners of Duchesne County, State of Utah, did, on the 18<sup>th</sup> day of June, 2007, pass a Resolution, declaring its intention to annex into the Fruitland Special Service District certain lands at the request of the property owners of an area adjacent to the Fruitland Special Service District and in accordance with the provisions of Title 17A-2-301, et seq. Utah Code Annotated, (1953) as amended, and

**WHEREAS**, many of the residents have sought to be included in the District and have urged that they be included in the District, and

**WHEREAS**, public hearings have been held pursuant to notice published in the *Uintah Basin Standard* as provided by law, and

**WHEREAS**, it appears that the inclusion of the below-described lands of said district is in the best interest of the public and of the health, safety, and convenience of the public, require the annexation of these lands to the Fruitland Special Service District,

**BE IT THEREFORE RESOLVED** that certain lands adjacent to the Fruitland Special Service District be annexed into said district. The description of said lands is as follows:

**TOWNSHIP 3 SOUTH, RANGE 9 WEST, USM,**  
SECTION 1: W1/2 E1/2 of the SW quarter of SW quarter, E1/2 of E1/2 of the SW quarter.  
W1/2 of SW quarter of SW quarter.  
SECTION 2: S1/2 of SE quarter.

SECTION 11: NE4SE4; E2NE4NE4; E2 W2NE4NE4; SE4NE4; EXCEPT:

Commencing at the SE corner thence N 1412.47 feet along E line to thence W 329 feet; thence N 613.35 feet; thence N 72°00' E344.83 feet along ditch to E line, thence S 714.71 feet to point of beginning.

SECTION 12: Beginning S 0°25'10"W 520.30 feet from NW corner, S 2119.70 feet to W 1/4 corner, E 1320 feet, N 1320 feet, E 1320 feet, N 115.57 feet, thence along an old fence line the following calls: S 88°47'20" W 1248.63 feet, N 2°11'46" W 176.18 feet, N 10°38'29" W 50.53 feet, N 30°31'38" W 72.27 feet, N 10°31'25" W 96.31 ft, S 83°02'43" W 64.14 ft, S 87°00'19" W 86.67 ft, N 69°18'33" W 152.35 ft, S 78°52'36" W 79.97 ft, S 08°34'11" W 130.83 ft, S 61°30'12" W 11.12ft, N 64°30'48" W 138.50 ft, N 59°36'00" W 234.43 ft, N 87°49'45" W 213.60 ft, N 86°18'59" W 134.84 ft, N 81°32'41" W 80.25 ft, N 56°00'55" W 62.19 ft, N 37°21'09" W 161.93 ft, N 20°29'23" W 77.79 ft to beginning.

PASSED this 16<sup>th</sup> day of July, 2007, by the Board of County Commissioners.

THE BOARD OF DUCHESNE COUNTY  
COMMISSIONERS:

Attest:

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Diane Freston  
County Clerk/Auditor

Kent R. Peatross, Chairman

W. Rod Harrison, Member

Kirk Wood, Member

*Commissioner Harrison motioned to accept Resolution No. 07-18 as presented.  
Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

***1:30 P.M. Public Hearing - Rezone Requested By 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. Continued From June 04, 2007)***

Duchesne County Community Development Administrator Mike Hyde stated that, having purchased one hundred eighty-eight (188) acres, Roger Brockbank and Bob West requested that eighty-three (83) acres be rezoned from residential to industrial. Mr. Hyde stated that in May 2007, Mr. West proposed a downsizing of the rezone. This would rezone 61 acres, leaving a buffer zone on the north side between the proposed industrial area and existing residential area. Mr. Hyde stated that on July 11, 2007, the Duchesne County Planning and Zoning Commission, finding Mr. West's downsized proposal an acceptable compromise, recommended approval of the rezone request.

Kitty Conover provided testimony in opposition of the rezone request, stating that there is ample alternate real estate available for industrial development. She voiced questions regarding proposed industrial parcel size, road conditions and use restrictions.

Gerald Cooper stated that residents did not build near an existing industrial area. Rather, as expansion occurred, the industrial area encroached on the residential area. He expressed opposition to the rezone request, stating that the proposed buffer zone does not address resident concerns such as loss of property value and quality of environment. He suggested construction of a six (6) foot security fence between residential and industrial areas.

Von Johnson stated that the rezone would increase traffic and cause a reduction in property values. He expressed concern that the majority of industrial development will be oil industry related, stating that should the oil boom discontinue, companies will move away, leaving debris behind. He stated that development restrictions have been mentioned, then questioned what the restrictions would be.

Chairman Peatross asked Mr. Hyde if the Planning and Zoning Commission had recommended restrictions. Mr. Hyde replied issues such as no junkyards or other nuisance facilities had been discussed, but so restrictions were recommended.

Bob West gave evidence that there is insufficient real estate available for industrial development in Duchesne County.

Commissioner Harrison asked Bob West if there were plans to develop the buffer zone as residential. Mr. West replied that he didn't have an answer but would take the burden of making sure the zone was appropriately utilized.

Commissioner Harrison proposed increasing the buffer zone in the area near the Conover property. Kitty Conover stated that a larger buffer zone would be appropriate.

Chairman Peatross suggested a road site that would cut down on resident exposure to traffic. Bob West stated that there are future possibilities of additional road construction that would benefit residents.

Mr. Brockbank cited county growth and need for expanding industrial development. He stated that in creating the buffer zone, he took resident concerns seriously.

Commissioner Harrison stated that Duchesne County is in need of industrial development. He stated that communication between residents and Bob West/Roger Brockbank is required, then requested that residents review the next proposal prior to it being presented to the commission.

Chairman Peatross stated intent to postpone a decision, citing need to extend the buffer zone, create a clarified access plan and set development restrictions. He requested Mr. West to create a list of restrictions. Bob West replied that the intent was "clean industrial." Roger Brockbank requested permission to work with Mr. Hyde to create an acceptable list of restrictions. Chairman Peatross requested Mr. Hyde to perform a resident telephone poll for suggestions. He then suggested that the residents appoint a spokesperson to represent all resident concerns. *Commissioner Harrison motioned to recess the public hearing until 1:30 p.m. on July 30, 2007. Chairman Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of The Minutes For Regular Commission Meeting Held July 9, 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 2:44 p.m.*

*Read and approved this 23<sup>rd</sup> day of July 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*\_\_\_\_\_