

**MINUTES FOR REGULAR COMMISSION MEETING HELD AUGUST 13, 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, 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 Department Head Time Sheets

All were approved.

Consideration of Business License Applications for Dian's, Miller Brooks Environmental Inc., and Shane's Construction Inc.

Deputy Clerk/Auditor JoAnn Evans joined the meeting at 1:07 p.m...

Deputy Evans requested that the Shane's Construction Inc. application be postponed then stated that all others were in order. *Commissioner Harrison motioned to approve the business license applications for Dian's and Miller Brooks Environmental Inc. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Library Board Appointment

Commissioner Wood motioned to appoint Renee Park to the Library Board. Commission Harrison seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Public Land Use Committee Appointment

It was noted that two vacant committee seats had been advertised: 1) Recreation and 2) Energy and Mineral Resources. *Commissioner Harrison motioned that Lee Hill be appointed to the seat representing the Energy and Mineral Resources area of interest and that Jeff Crozier be appointed to the seat representing the Recreation area of interest. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of Payment Vouchers

Duchesne County Clerk/Auditor Diane Freston and Therena Morril of the Uintah Basin Standard joined the meeting at 1:10 p.m...

The commission reviewed vouchers #102372 through #102444 in the amount of one hundred ninety-six thousand, one hundred ninety-three dollars and four cents (\$196,193.04). *Commissioner Wood motioned to approve vouchers #102372 through #102444, dated August 13, 2007. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed*

Citing payment reasons, Clerk/Auditor Freston requested guidance concerning a contract with Stringham Enterprises. Commissioner Wood will research this.

Consideration Of Resolution No. 07-22 A Resolution Declaring That The Public Health, Convenience And Necessity Require The Creation Of A Special Service District For The Purpose Of The Construction, Repair, And Maintenance Of A County Wide Fire Protection, Emergency Medical And Ambulance Program Which Shall Receive Federal Mineral Lease Funds, 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

Chairman Peatross stated that Resolution No. 07-22 expresses the intent to form a non-taxing special service district through which federal mineral lease monies may be utilized for countywide fire protection, emergency medical, and ambulance purposes. It was noted that a public hearing concerning this issue is scheduled for 1:30 p.m. on September

10, 2007. Commissioner Harrison stated that the special service district is a necessary tool through which to channel federal lease funds into areas currently lacking funding.

Therena Morrill asked if this would be a new special service district. The commission replied in the affirmative, explaining the content and purpose of Resolution No. 07-22.

RESOLUTION NO. 07-22

A RESOLUTION DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE AND NECESSITY REQUIRE THE CREATION OF A SPECIAL SERVICE DISTRICT FOR THE PURPOSE OF THE CONSTRUCTION, REPAIR, AND MAINTENANCE OF A COUNTY WIDE FIRE PROTECTION, EMERGENCY MEDICAL AND AMBULANCE PROGRAM WHICH SHALL RECEIVE FEDERAL MINERAL LEASE FUNDS, 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 countywide fire protection, emergency medical and ambulance program which shall receive federal mineral lease funds. 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-2-1301 through 17A-2-1332, 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 fire protection, emergency medical and ambulance 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-2-1301 through 17A-2-1332, 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 receiving federal mineral lease funds under Utah Code Annotated, 1953, as amended Title 59, Chapter 21 for the constructing, repairing, and maintaining fire protection, emergency medical and ambulance as well as provide a means by which any issue reasonably related to fire protection, emergency medical and ambulance 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 "Special Service District Number 3."
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 September 10, 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 DUCHESNE COUNTY SPECIAL SERVICE DISTRICT NUMBER 3

NOTICE IS HEREBY GIVEN THAT on August 13, 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 Number 3" (the "District") for the purpose of receiving federal mineral lease funds under Utah Code Annotated, 1953, as amended Title 59, Chapter 21 for the constructing, repairing, and maintaining fire protection, emergency medical

and ambulance as well as provide a means by which any issue reasonably related to fire protection, emergency medical and ambulance programs 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 North Center, Duchesne, Utah, at 1:30 p.m. on September 10, 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 receive federal mineral lease funds under Utah Code Annotated, 1953, as amended Title 59, Chapter 21 for the construction, repairing of, and maintenance of fire protection, emergency medical and ambulance programs as well as provide a means by which any issue reasonably related to fire protection, emergency medical and ambulance may be addressed.

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 receive federal mineral lease funds under Utah Code Annotated, 1953, as amended Title 59, Chapter 21.

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 receiving of federal mineral lease funds under Utah Code Annotated, 1953, as amended Title 59, Chapter 21 for the construction, repairing of, and maintenance of fire protection, emergency medical and ambulance facilities and equipment as well as provide a means by which any issue reasonably related to fire protection, emergency medical and ambulance programs within the boundaries of the District at the Duchesne County Administrative Building, 734 North Center, Duchesne, Utah, at 1:30 p.m. on September 10, 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 Duchesne County Special Service District Number 3 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 13th day of July 2007. By the Board of County Commissioners.

Members:	Vote	
	Aye	Nay
Kent Peatross	_____	_____
William R. Harrison	_____	_____
Kirk Wood	_____	_____

ATTEST: THE BOARD OF DUCHESNE COUNTY COMMISSIONERS:

Diane Freston
County Clerk/Auditor

Kent R. Peatross, Chairman

W. Rod Harrison, Member

Kirk Wood, Member

Commissioner Harrison motioned to approve Resolution No. 07-22 and to move forward in gaining public input. Commissioner Wood seconded. All commissioners voted aye and the motion passed.

Consideration of Revitalization Funds

The Commission reviewed the Duchesne County 2007 Revitalization letter that Commissioner Harrison will present during the July 16, 2007 Revitalization Meeting. It was noted that although it is unsure at this time what the total revitalization allotment will be, Duchesne County will certainly receive \$367,500.00. *Commissioner Wood motioned to approve the Duchesne County 2007 Revitalization Allocation. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of The Minutes for Regular Commission and MBA Meetings Held August 06, 2007

Commissioner Harrison motioned to approve the regular commission and the MBA meeting minutes of August 06, 2007. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Assessor Department Tax Adjustment

Duchesne County Assessor Greg Garff joined the meeting at 1:40 p.m...

The commission reviewed a tax adjustment request in the amount of \$50.00. It was noted that the funds concerned involved regular motor vehicle registration fees. The commission denied the request.

Adjournment

Chairman Peatross adjourned the meeting at 1:45 p.m.

Read and approved this 20th day of August 2007.

Kent R. Peatross
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting taken by Kathy Desormeau*_____