

**MINUTES FOR REGULAR COMMISSION MEETING HELD AUGUST 20, 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, Altamont Councilman Ole Olsen, and Commission Assistant Kathy Desormeau taking minutes of the meeting.

***Opening Comments***

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

***Pledge of Allegiance***

Any wishing to participate.

***Consideration of Business License Applications For D & D Guide Service, Native Express L.L.C. and Shane's Construction Inc.***

*Deputy Clerk/Auditor JoAnn Evans joined the meeting at 1:05 p.m...*

Stating that the owner of Shane's Contraction has not yet received Utah State Contractor licensure, Deputy Evans requested postponement of this application. *Commissioner Harrison motioned to approve the business license applications for D & D Guide Service and Native Express L.L.C. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Assessor Department Tax Adjustment***

*Duchesne County Clerk/Auditor Diane Freston joined the meeting at 1:08 p.m...*

Citing a calculation error, Clerk/Auditor Freston presented a tax adjustment in the amount of \$362.57. *Commissioner Wood motioned to approve the tax adjustment for property serial number CRE-A-38 in the amount of \$362.57. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration of Payment Vouchers***

The commission reviewed predraw voucher #102445 in the amount of two thousand seventy-seven dollars and forty-seven cents (\$2,077.47). *Commissioner Harrison motioned to approve predraw voucher #102445. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

The commission reviewed vouchers #102446 through #102508 in the amount of one hundred three thousand, one hundred eighty-nine dollars and twenty-two cents (\$103,189.22). *Commissioner Harrison motioned to approve vouchers #102446 through #102508, dated August 20, 2007. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 07-20 A Resolution To Establish The Duchesne County Special Service District "Animal Control", To Authorize Construction Of Improvements As Set Forth In The Notice Of Intention To Create The District And To Appoint An Administrative Control Board For The District***

*Deputy Duchesne County Attorney Grant Charles joined the meeting via teleconference at 1:18 p.m...*

Commissioner Wood stated that in light of animal control issues, it is necessary to form a special services district to address countywide animal control problems rather than burden municipalities on a separate basis.

Discussion was held concerning resolution language regarding board members. Attorney Charles advised that language stating municipality representation could be inserted into the resolution, but could also be as effectively addressed in district bylaws.

Chairman Peatross stated that he had spoken to Roosevelt City Manager Brad Hancock concerning that municipality's preference regarding resolution language. He reported that Mr. Hancock stated that addressing board member municipality representation in district bylaws would be acceptable.

Town of Altamont Councilman Ole Olsen stated that a board member who is a municipality citizen should represent each municipality. He then stated agreement that municipality representation could be effectively addressed in district bylaws.

Chairman Peatross stated that only one letter of public disagreement had been received during the fifteen (15) day public comment period. He also stated that he had received some verbal input that did not express disapproval of district formation, but of it being a taxing entity. Chairman Peatross stated that the district is not currently a taxing entity. To be so, voters would have to approve taxing entity status via election.

**RESOLUTION NO. 07-20**

**A RESOLUTION TO ESTABLISH THE DUCHESNE COUNTY SPECIAL SERVICE DISTRICT "ANIMAL CONTROL," TO AUTHORIZE CONSTRUCTION OF IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT AND TO APPOINT AN ADMINISTRATIVE CONTROL BOARD FOR THE DISTRICT.**

BE IT RESOLVED by the Chairman and Board of Commissioners of Duchesne County, Utah:

**Section 1.** The board of Commissioners of Duchesne County, Utah (the "Board of Commissioners") believes that the public health, convenience and necessity require the construction of the improvements identified and described in the Notice of Intention concerning the establishment of the Duchesne County Special Service District "Animal Control" (the "District").

**Section 2.** The Board of Commissioners has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or the construction of any of the improvements therein, or on any other matter pertinent to the District.

**Section 3.** The Board of Commissioners hereby finds that less than 50% of the taxable value of taxable property included within the proposed special service district have filed written protests against the establishment of said district or against the specified type of service, within said district, proposed to be furnished.

**Section 4.** The improvements proposed and described in the Notice of Intention to create the District are hereby authorized, and the District is hereby created.

**Section 5.** The District shall be administered by an Administrative Control Board which is hereby delegated, without limitation, the power to act as the governing authority of the District and to exercise all or any of the powers provided for in Sections 17A-2-1301 through 17A-2-1332 of the Utah Special Service District Act. If at any point in the future the eligible voters of Duchesne County authorize the power to levy a tax, by election, said Administrative Control Board shall have the power to levy a tax on the taxable property of the District, to issue bonds payable from taxes and to call or hold an election for the authorization of the tax or bonds with the approval of the Board of Commissioners.

**Section 6.** Administrative Control Board members shall be paid at a per diem rate to be set by resolution of the Board of Commissioners.

**Section 7.** The membership of the Administrative Control Board of the District shall consist of seven (7) members, each of whom shall be appointed by the Board of Commissioners. The Board of Commissioners shall appoint three (3) initial members to serve two-year terms and the remaining four (4) members to serve four-year terms, the determination of who shall serve in each category to be made by lot. Said terms shall commence on January 1, 2008.

Vacancies of the appointed members of the Administrative Control Board, other than by expiration of term, shall be filled by appointment of the Board of Commissioners for the unexpired term of the members whose vacancy is filled.

PASSED this 20th day of August 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 Wood motioned to adopt Resolution No. 07-20 in the form originally composed and presented in the August 20, 2007 Commission Work Meeting. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

#### **Consideration Of Animal Shelter Construction Bid**

Commissioner Harrison stated that due to need for an animal control facility in the west area of the county, property has been set aside north of the Duchesne County Jail. A construction bid has been received in the amount of \$62,000.00. *Commissioner Harrison motioned that the bid be accepted and an agreement be entered into with Randy Woods of Pinion Ridge Construction that costs not exceed \$62,000.00 for the construction of a metal building for animal control purposes in the west area of the county. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

#### **Consideration Of Resolution No. 07-23 A Resolution Establishing Policies For The Preparation, Processing, And Recording Of Minor Subdivisions In Duchesne County**

##### **RESOLUTION NO. 07-23**

##### **A RESOLUTION ESTABLISHING POLICIES FOR THE PREPARATION, PROCESSING AND RECORDING OF MINOR SUBDIVISIONS IN DUCHESNE COUNTY**

**WHEREAS**, Section 17-27a-605 of the Utah Code allows property owners to divide their land into ten or fewer lots, under certain conditions, without recording a subdivision plat, under what is known as the "Minor Subdivision" process; and

**WHEREAS**, the Duchesne County Subdivision Ordinance defines and regulates Minor Subdivisions as follows:

"Minor Subdivision" means the division of land into nine or fewer parcels provided that:

1. *A minor subdivision survey is prepared by a professional land surveyor for review and a decision by the land use authority after the required public hearing;*
2. *Minimum lot size and other land use standards are met (or a variance granted);*
3. *Written approval has been received from the sanitary sewer authority;*
4. *All parcels have public right of way access and no additional right of way is required to be dedicated pursuant to the Official Map or county standards;*
5. *Has both a proposed water source, approved in writing by the culinary water authority and an electrical power source;*
6. *The division is not part of a phased development. No further division by minor subdivision shall be allowed within one (1) year. Further division within one (1) year shall be accomplished by the standard subdivision process.*
7. *Commercial or industrial land divisions or divisions requiring the construction of roads, public water lines or public sewer lines are not eligible for the minor subdivision process;*
8. *The minor subdivision survey map is recorded in the County Recorder's Office; and*

**WHEREAS**, in addition to such Minor Subdivision surveys being filed in the office of the County Surveyor, it is deemed beneficial for such surveys to be recorded at the County Recorder's office after the County Treasurer

verifies that all property taxes have been paid up to and including the tax year in which the Minor Subdivision is approved; and

**WHEREAS**, the required format for legal descriptions associated with each lot or parcel in a Minor Subdivision and a policy regarding signatures of property owners on Minor Subdivision surveys needs to be established to guide surveyors in the creation of such surveys.

**BE IT THEREFORE RESOLVED** by the Board of Duchesne County Commissioners that:

**Section 1.** All Minor Subdivision surveys shall be submitted to the Duchesne County Recorder's Office for recording after land use approval has been received from the Community Development Administrator.

**Section 2.** Prior to submittal of a Minor Subdivision survey to the County Recorder, the applicant shall obtain the signature of the County Treasurer on the survey, verifying that all property taxes have been paid, up to and including the tax year in which the Minor Subdivision was approved.

**Section 3.** If the surveyor who prepared the Minor Subdivision survey submits metes and bounds legal descriptions, the County Recorder's office shall enter the new parcels onto the section maps with the appropriate serial numbers. If the surveyor who prepared the Minor Subdivision survey submits legal descriptions in the form of lot or parcel numbers, the County Recorder's office shall enter the new parcels onto a separate map and create serial numbers in the usual manner for standard subdivisions. Surveyors shall provide the County Recorder's office with electronic copies of Minor Subdivision surveys to aid in this process.

**Section 4.** Since Minor Subdivisions are not allowed by law to include the dedication of right of way, it is not required that the property owners sign a Minor Subdivision survey.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by the Board of County Commissioners. Members: Kent R. Peatross, Kirk J. Wood and W. R. "Rod" Harrison. All present and voting in favor thereof.

**THE BOARD OF DUCHESNE COUNTY COMMISSIONERS**

\_\_\_\_\_  
Kent R. Peatross, Chairman

Attest:

\_\_\_\_\_  
W. Rod Harrison, Commissioner

\_\_\_\_\_  
Diane Freston  
County Clerk/Auditor

\_\_\_\_\_  
Kirk J. Wood, Commissioner

*Commissioner Wood motioned to approve Resolution No. 07-23. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

**Adjournment**

*Chairman Peatross adjourned the meeting at 1:50 p.m.*

*Read and approved this 27<sup>th</sup> day of August 2007.*

\_\_\_\_\_  
*Kent R. Peatross*  
*Commission Chairman*

\_\_\_\_\_  
*Diane Freston*  
*Clerk/Auditor*

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