

**MINUTES FOR REGULAR COMMISSION MEETING HELD OCTOBER 29,
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 prayer. There were no other comments.

Pledge of Allegiance

Any wishing to participate.

Consideration of Business License Applications for Paragon Oilfield Products and Climax Heating & AC, LLC

Duchesne County Deputy Clerk/Auditor Teresa Baker joined the meeting at 1:03 p.m...

Commissioner Wood motioned to approve business license applications for Paragon Oilfield Products and Climax Heating & AC, LLC. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.

Consideration of Tax Adjustments

Duchesne County Clerk/Auditor Diane Freston joined the meeting at 1:05 p.m...

The commission reviewed Tax Adjustments (attached) for the Assessor and Treasurer as presented by Clerk/Auditor Freston. *Commissioner Harrison motioned to approve the Tax Adjustments as recommended by the Assessor and Treasurer. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of Payment Vouchers

The commission reviewed vouchers #103412 through #103487 in the amount of two hundred forty-four thousand, nine hundred thirty-seven dollars and seventy-two cents (\$244,937.72). *Commissioner Harrison motioned to approve vouchers #103412 through #103487 dated October 29, 2007. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Resolution No. 07-28 A Resolution Declaring That the Public Health, Convenience, and Necessity, Require the Annexation of Certain Properties to the Upper Country Water Improvement District and Declaring the Intent of the Board of Commissioners of Duchesne County to Annex into the Upper Country Water Improvement District Said Properties.

The commission reviewed the resolution.

RESOLUTION NO. 07-28

A RESOLUTION DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE, AND NECESSITY, REQUIRE THE ANNEXATION OF CERTAIN PROPERTIES TO THE UPPER COUNTRY WATER IMPROVEMENT DISTRICT AND DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS OF DUCHESNE COUNTY TO ANNEX INTO THE UPPER COUNTRY WATER IMPROVEMENT DISTRICT SAID PROPERTIES

WHEREAS, the Board of Commissioners of Duchesne County, State of Utah, hereby declare that the public health, convenience, and necessity require the annexation of certain properties into the Upper Country Water Improvement Water District, and

WHEREAS, all property included within the boundary of this proposed annexation will be benefitted by annexation into the Water District, and

WHEREAS, none of the area to be annexed is also within the boundaries of any other special service district established by Duchesne County, nor is the area to be annexed within any other district presently providing similar services,

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Duchesne County as follows:

1. The public health, convenience, and necessity require the annexation of certain properties into the Upper Country Water Improvement District.
2. The boundaries of this area to be annexed are as follows:

TOWNSHIP 1 SOUTH, RANGE 4 WEST, USM,

SECTION 12: BEG NE/C SW4NE4 TH S 468 FT; TH W 468 FT; TH N 468 FT; TH E 468 FT TO BEG; TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: BEG AT NE/C AT SW4NE4 SD SEC TH N 1320 FT; TH W 15 FT; TH S 1320 FT; TH E 15 FT TO BEG. 5.02 ACRES (00-0032-87501, 0849-0001)

SECTION 26: BEG NE/C SW4SW4 SD SEC; TH S 0°02'19" E 397.35 FT; TH S 89°20'47" W 507.06 FT; TH N 11°45'01" W 404.90 FT; TH N 89°20'47" E 589.25 FT TO BEG. 5.00 ACRES 09/17/2002 (00-0033-8859, 0971-0004)

TOWNSHIP 2 SOUTH, RANGE 5 WEST, USM

SECTION 12: COMMENCING AT THE NW/C SE4; TH N 89°08'46" E 690.23 FT ALONG THE N LINE OF SD SE4, TO THE TRUE PT OF BEG, TH N 89°08'46" E 600.00 FT ALONG SD N LINE; TH S 28°08'03" W 845.85 FT TO N R/W LINE OF STATE HWY 87; TH N 54°23'04" W 487.00 FT ALONG SD R/W LINE; TH N 23°15'15" E 493.45 F. 8.34 ACRES (00-0032-6940, 2248-0003)

3. Public hearing on the question of the annexation of said property into the Upper Country Water Improvement District shall be held by the Board of County Commissioners at the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah, at 2:00 p.m. on Monday, December 3, 2007, at which time all interested persons or parties may appear and be heard, either in support of or in opposition to the annexation of the property into the district.

4. The notice of intention to annex said property into the Upper Country Water Improvement District as set forth in Section Five shall be published at least once a week during three consecutive weeks, the first publication to be not less than 21 days nor more than 35 days before the hearing, in the *Uintah Basin Standard*, a newspaper having general circulation in Duchesne County.

5. The notice of intention to be published shall be substantially in the following form:

NOTICE OF INTENTION TO ANNEX CERTAIN PROPERTIES INTO THE UPPER COUNTRY WATER IMPROVEMENT DISTRICT .

Notice is hereby given that on October 29, 2007, the Board of County Commissioners of Duchesne County adopted a Resolution declaring that the public health, convenience, and necessity require the annexation of certain property within the Upper Country Water Improvement District . The Resolution also provides for a public hearing on the annexation of the property into the district, to be held at the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah at 2:00 p.m. on Monday, December 3, 2007. The area proposed to be annexed is described as follows:

TOWNSHIP 1 SOUTH, RANGE 4 WEST, USM,

SECTION 12: BEG NE/C SW4NE4 TH S 468 FT; TH W 468 FT; TH N 468 FT; TH E 468 FT TO BEG; TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: BEG AT NE/C AT SW4NE4 SD SEC TH N 1320 FT; TH W 15 FT; TH S 1320 FT; TH E 15 FT TO BEG. 5.02 ACRES (00-0032-87501, 0849-0001)

SECTION 26: BEG NE/C SW4SW4 SD SEC; TH S 0°02'19" E 397.35 FT; TH S 89°20'47" W 507.06 FT; TH N 11°45'01" W 404.90 FT; TH N 89°20'47" E 589.25 FT TO BEG. 5.00 ACRES 09/17/2002 (00-0033-8859, 0971-0004)

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PUBLIC HEARING ON PROPOSED ANNEXATION INTO THE UPPER COUNTRY WATER IMPROVEMENT DISTRICT.

The Board of Commissioners will hold a public hearing on the annexation of the above-described property into the Upper Country Water Improvement District at the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah at 2:00 p.m. on Monday, December 3, 2007. Any interested person may protest the annexation into the district, either orally at the hearing or in writing, at any time prior to the hearing. Written protest must be filed with the County Clerk and may be withdrawn by the protestant at any time before the County annexes the property into the District.

Any protest signed on behalf of a corporation having an interest in the area shall be sufficient if it is signed by the president, the vice president, or any duly authorized agent of the corporation. For title to any properties 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 Commissioners will give full consideration to all protest which shall be been filed and will hear and consider all interested persons desiring to be heard.

At said public hearing, 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 annexing the property into the Upper Country Water Improvement or determining that the annexation into the district should be abandoned, and may in its discretion reduce the boundary of the area to be annexed.

If within 15 days after the conclusion of the hearing, over fifty percent (50%) of the owners of over fifty percent (50%) of a table value of a taxable property included within the proposed annexed area,

file written protests against annexation into the district with the County Clerk, the Board is required by law to abandon the proposed annexation of the property into the district.

Any person who shall come at or any time prior to the date and time above specified for the hearing and file a written protest with the County Clerk against the annexation of said property to the district and whose property has been included within the boundaries of the proposed annexed area, notwithstanding such protest, may within thirty (30) days after the adoption of the Resolution annexing said property into the district, apply to the District Court of the Eighth Judicial District, for a Writ of Review of the actions of the County annexing said property into the District, only upon the grounds, however, that his property will not be benefitted by services authorized to be furnished by the district or that the proceedings taken in the annexation of said property in the district have not been in compliance with law.

A FAILURE TO APPLY FOR SUCH WRIT OF REVIEW WITHIN THE PRESCRIBED TIME SHALL FORECLOSE ALL OWNERS OF PROPERTY WITHIN THE PROPOSED AREA OF ANNEXATION INTO THE DISTRICT FROM THE RIGHT TO FURTHER OBJECTION THERETO.

6. 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.

7. If any one or more sections, sentences, clauses, or parts of this Resolution shall for any reason be questioned or held invalid, such judgment shall not effect, impair, or invalidate the remaining provisions of this Resolution but shall be confined in its operation to the specific section, sentences, clauses, or part of this Resolution so held unconstitutional and invalid; and the inapplicability and invalidity of any section, sentences, clauses or part of this Resolution in any one or more instances shall not effect or prejudice in any way the applicability and validity of this Resolution in any other instances.

8. All resolutions, bylaws, and regulations of Duchesne County, Utah in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repeal shall not be construed to revive resolution, bylaw, or regulation or part thereof heretofore repealed.

GIVEN BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
DUCHESNE COUNTY, this 29th day of October, 2007.

Attest:

DUCHESNE COUNTY:

Diane Freston
County Clerk

Kent Peatross, Chairman
Duchesne County Board of County

W. Rod Harrison
Commission Member

Kirk J. Wood
Commission Member

Commissioner Harrison motioned to approve resolution No. 07-28. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration of the Minutes for Regular Commission Meeting Held October 22, 2007

Commissioner Wood motioned to approve the minutes as presented. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.

Adjournment

Chairman Peatross adjourned the meeting at 1:20 p.m.

Read and approved this 5th day of November 2007.

Kent R. Peatross
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting taken by Kathy Desormeau*_____