

**MINUTES FOR REGULAR COMMISSION MEETING HELD DECEMBER 10, 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, Uintah Basin Standards Preston McConkie, Johnson Waters Jerry Thacker, Johnson Waters Lanny Ross, and Commission Assistant BobbiJo Bailey taking minutes of the meeting.

Opening Comments

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

Pledge of Allegiance

Any wishing to participate.

Tax Adjustor

Duchesne County Clerk/Auditor Diane Freston joined the meeting at 1:12 P.M...

The commission reviewed tax adjustments (attached) as presented by Duchesne County Clerk/Auditor Diane Freston. *Commissioner Wood motioned to approve the tax adjustments as presented. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Business License Application For K and M

Duchesne County Chief Deputy Clerk JoAnn Evans joined the meeting at 1:06 P.M...

Duchesne County Chief Deputy Clerk JoAnn Evens stated that this will be a repair shop for semi trucks and trailers. *Commissioner Wood motioned to approve the application as presented. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Business License Application For Molly Price Photography

Duchesne County Chief Deputy Clerk JoAnn Evans stated that all was in order with the application and Mrs. Price will be conducting business out of her home mobily. *Commissioner Wood motioned to approve the application as presented. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of Regional Response Planning Committee By-Laws

Discussion was held regarding the Regional Response Planning Committee By-Laws. Commissioner Harrison stated that there has been one change since the signing of the By-Laws last summer. They added the Ute Tribe as the region response committee. *Commissioner Harrison motioned to approve the By-Laws as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

The commission reviewed vouchers #103882 through #103985 dated December 10, 2007 in the amount of one hundred thirty eight thousand one hundred eight dollars and sixty nine cents (\$138,108.69). *Commissioner Harrison motioned to approve the vouchers as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Eighth District Juvenile Court Employment Agreement

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

Consideration Of Resolution No. 07-29 A Resolution Declaring That The Public Health, Convenience, And Necessity, Require The Annexation Of Certain Propertied To The Johnson Water Improvement District Said Properties

Mr. Thacker who represented Johnson Water stated that Mike Wakefield wants service on his land of five and a half (5.5) acres. Chairman Peatross suggested that he double check the description to avoid overlapping with other districts.

RESOLUTION NO. 07-29

A RESOLUTION DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE, AND NECESSITY, REQUIRE THE ANNEXATION OF CERTAIN PROPERTIES TO THE JOHNSON WATER IMPROVEMENT DISTRICT AND DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS OF DUCHESNE COUNTY TO ANNEX INTO THE JOHNSON 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 Johnson Water Improvement District, and

WHEREAS, all property included within the boundary of this proposed annexation will be benefited 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 Johnson Water Improvement District.
2. The boundaries of this area to be annexed are as follows:

TOWNSHIP 2 SOUTH, RANGE 2 WEST, USM,

SECTION 33: Beginning at the South quarter corner of said section 33, thence South 89 36' 38" West 290.00 feet along South line of said section to a bail and washer set in the pavement of State Highway 87; thence North 00 00' 00" East 826.12 to a 5/8" rebar with an aluminum cap situated on the East line of the Southeast quarter of the Southwest quarter of said section 33; thence South 00 00' 00" East 826.14 feet along said East line to the Point of Beginning. Contains 5.50 acres more or less. Basis of Bearing being along the East line of said Southeast quarter of the Southwest quarter of said section 33, that bearing is assumed to be "North".

3. Public hearing on the question of the annexation of said property into the Johnson 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 1:30 p.m. on Monday, December 31, 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 Johnson Water Improvement District as set forth in Section Five shall be published at least once a week during two 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 JOHNSON WATER IMPROVEMENT DISTRICT.

Notice is hereby given that on December 10, 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 Johnson 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 1:30 p.m. on Monday, December 31, 2007. The area proposed to be annexed is described as follows:

TOWNSHIP 2 SOUTH, RANGE 2 WEST, USM,

SECTION 33: Beginning at the South quarter corner of said section 33, thence South 89 36' 38" West 290.00 feet along South line of said section to a bail and washer set in the pavement of State Highway 87; thence North 00 00' 00" East 826.12 to a 5/8" rebar with an aluminum cap situated on the East line of the Southeast quarter of the Southwest quarter of said section 33; thence South 00 00' 00" East 826.14 feet along said East line to the Point of Beginning. Contains 5.50 acres more or less. Basis of Bearing being along the East line of said Southeast quarter of the Southwest quarter of said section 33, that bearing is assumed to be "North".

PUBLIC HEARING ON PROPOSED ANNEXATION INTO THE JOHNSON WATER IMPROVEMENT DISTRICT.

The Board of Commissioners will hold a public hearing on the annexation of the above-described property into the Johnson Water Improvement District at the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah at 1:30 p.m. on Monday, December 31, 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 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 Johnson Water Improvement District 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 benefited 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 10th day of December, 2007.

DUCHESNE COUNTY:

Attest:

Diane Freston
County Clerk

Kent Peatross, Chairman

W. Rod Harrison, Member

Kirk Wood, Member

Commissioner Harrison motioned that Resolution No. 07-29 be approved. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of The Minutes For Regular Commission Meeting Held December 03, 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 1:28 P.M.

Read and approved this 31st day of December 2007.

Kent R. Peatross
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting taken by BobbiJo Bailey*_____