

**MINUTES FOR REGULAR COMMISSION MEETING HELD May 5, 2008  
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,  
UTAH**

***Present***

Commission Chairman W. Rod Harrison, Commissioner Kent R. Peatross, Deputy County Attorney Jonathan Stearmer, Clerk Auditor Diane Freston, and Commission Assistant BobbiJo Bailey taking minutes of the meeting.

***Absent***

Commissioner Kirk J. Wood, on assignment in Roosevelt

***Opening Comments***

Assistant Bailey gave the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Timesheets –***

*Deputy Clerk Auditor Leann Stewart joined the meeting at 1:14 P.M...*

All were approved

***Consideration Of Payment Vouchers***

The commission reviewed vouchers #105607 through #105621 dated May 02, 2008 in the amount of ten thousand three hundred ninety one dollars and seventy nine cents (\$10,391.79). *Commissioner Peatross motioned to approve the vouchers as presented. Chairman Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

***Consideration Of Business License Application For 4 (four) Bears Construction***

*Chief Deputy Clerk JoAnn Evans joined the meeting at 1:10 P.M...*

Deputy Evans stated that this is a consulting company that finds projects for construction companies to bid on. *Commissioner Peatross motioned to approve the application as presented. Chairman Harrison seconded the motion. Both Commissioners voted aye and the motion passed.*

***Consideration Of Memorandum Of Understanding Between Duchesne County And Duchesne City***

Attorney Stearmer stated that the change has been made from cat to dozer as suggested in the earlier work meeting. *Commissioner Peatross motioned to approve the memorandum of understanding as presented. Chairman Harrison seconded the motion. Both Commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 08-13 A Resolution Approving the Condemnation Of Certain Real Property, Or Interest In Real Property, In Duchesne County For The Purpose Of Creating A Public Right-Of-Way***

Attorney Stearmer stated that whereas clauses have been added; two (2), three (3), and four (4) talks about the subdivision was approved in 1982 with the understanding that access was provided by a county road, but then in the subsequent arbitration proceeding in 2004 it was determined that it was not a public road so public access had been cut off the subdivision; also outlining the numerous attempts trying to resolve this without condemnation now resorting to formal proceedings so that the residents and public can have access to this area.

**RESOLUTION NO. 08-13**

**A RESOLUTION APPROVING THE CONDEMNATION OF CERTAIN REAL  
PROPERTY, OR INTEREST IN REAL PROPERTY, IN DUCHESNE COUNTY FOR  
THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY**

**PARCEL NO. 00-0005-2518**

**OWNERS: Frank R. Penrod and Terri L. Penrod**

WHEREAS, for the reason set forth below, the public interest and necessity require the acquisition by Duchesne of a public improvement, namely, a public right-of-way [the “Right-Of-

Way”], for the purpose of allowing for the movement of traffic and public access for a previously approved subdivision (formally known as “Terra Del Sol”), which Right-Of-Way shall be owned by Duchesne County [the “County”] thereby increasing the usage, safety, access, convenience and enjoyment of the reference area to the residents of the County and other members of the general public; and

WHEREAS, Duchesne County approved this subdivision in 1982 with the understanding that access to the subdivision was provided by a county road;

WHEREAS, subsequent arbitration proceedings, in 2004, determined that this was not a public road, thus, cutting off public access to the subdivision; and

WHEREAS, numerous attempts have been made to resolve this matter short of formal condemnation and there has been a complete lack of communication from the landowner, or his legal counsel, responding to the County’s many letters and phone calls; and

WHEREAS, the Commission finds that the Right-Of-Way is required to bring the above named subdivision into compliance with the other subdivisions within the County; and

WHEREAS, the property impacted by this condemnation includes one parcel of land already encumbered by a private easement; and

WHEREAS, the Commission further finds that it is in the public interest and necessity to acquire the aforementioned right-of-way at the specific location of the above described property; and

WHEREAS, the use of the right-of-way necessitates the acquisition and immediate occupancy of the real property, or interests in real property, hereinafter described; and

NOW, THEREFORE, be it resolved that:

1. The County Attorney of Duchesne County is instructed and requested to acquire, in the name of Duchesne County, the needed real property, or interests in real property, hereinafter described, by condemnation in accordance with the provisions of the laws, statutes, and Constitution of the State of Utah relating to eminent domain; to prepare and prosecute such proceeding in the proper court having jurisdiction thereof as may be necessary for such acquisition; and to seek from said court an order permitting the County to take immediate occupancy and use of said property as needed.

2. The County Clerk/Auditor is instructed on behalf of the County, to request a warrant from the Duchesne County Treasurer in a sum equal to 100 percent of the approved appraisal of said real property, or interests in real property, payee to be the Clerk of the District Court of Duchesne County, for the use and benefit of the landowners and/or lienholders as hereinafter described.

3. A tender to the landowners and/or lienholders of said sum equal to the approved appraisal of the real property, or a like kind exchange of real property for the property of at least the value to be acquired, for said public improvement shall be made prior to the issuance of an Order to Occupy Property.

4. The real property, or interests in real property, which the County is by this resolution authorized to acquire for said public improvement and use [the “Property”] is situated as follows:

A 66 feet wide right-of-way over part of the NE1/4 of the SW1/4 of Section 12, Township 1 South, Range 8 West of the Uintah Special Base and Meridian, said right-of-way being 33 feet on each side of the following described centerline: BEGINNING AT A PT on the S line of said NE1/4 which is S 89°46’06” E 168.07 FT from the SW Corner of said NE1/4; TH N 39°50’23” W 54.94 FT; TH N 09°38’42” W 41.40 FT; TH N 17°33’55” E 60.28 FT; TH N 30°48’17” E 71.10 FT; TH N 73°53’25” E 244.70 FT; TH N 65°02’24” E 204.13 FT; TH N 53°46’11” E 151.77 FT; TH N 64°53’12” E 64.39 FT; TH S 61°25’17” E 46.95 FT; TH S 44°03’44” E 26.86 FT; TH S 75°55’39” E 36.55 FT; TH N 88°52’46” E 234.69 FT; TH N 77°12’15” E 36.69 FT; TH N 52°41’17” E 30.27 FT; TH N 38°14’58” E 69.72 FT; TH N 61°50’33” E 45.42 FT; TH N 72°12’06” E 70.52 FT to the E line of said NE1/4 at a point which

is N 00°07'01" E 555.42 FT from the SE Corner of said NE1/4, said right-of-way containing 2.26 acres, and said centerline being 1490.38 FT in length, and the side lines of said right-of-way to be shortened or lengthened to terminate at the aliquot part lines on which the centerline begins and ends.

5. Title to the estate or interest referred to herein is presently vested in Frank R. Penrod and Terri L. Penrod ["Owners"].

6. No additional persons and entities claim a legal or equitable interest in the property.

7. County is seeking to obtain present possession of the right-of-way.

APPROVED AND ADOPTED by a duly constituted quorum of the Board of County Commissioners of Duchesne County this 5<sup>th</sup> day of May, 2008.

ATTEST:

DUCHESNE COUNTY:

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

\_\_\_\_\_  
W. Rod Harrison  
Chairman

\_\_\_\_\_  
Kirk J. Wood  
Member

\_\_\_\_\_  
Kent R. Peatross  
Member

*Commissioner Peatross motioned to adopt Resolution No. 08-13 as presented. Chairman Harrison seconded the motion. Both Commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 08-14 A Resolution Adopting The County E-Mail System As The Official Means Of Communication To All County Employees***

Attorney Stearmer stated that this is the official means of communication stating that if we are going to communicate its going to be done by email so we know it's going to every county employee since everybody has access to it and has been assigned an email address; we can have the Personnel Department send out disclaimers for a couple months to remind people to check their email. Commissioner Peatross stated that he doesn't want someone to miss out on important information because we are restricting it to the fact that we are doing it through email; I am okay with it if we can operate with the understanding that we are in a phasing period.

## **RESOLUTION NO. 08-14**

### **A RESOLUTION ADOPTING THE COUNTY EMAIL SYSTEM AS THE OFFICIAL MEANS OF COMMUNICATION TO ALL COUNTY EMPLOYEES**

**WHEREAS**, Duchesne County maintains an email system for the purpose of conducting county business; and

**WHEREAS**, it is in the best interest to the residents of the county to have the County's employees work as efficiently as possible and reduce office supply costs; and

**WHEREAS**, it is in the best interest of Duchesne County to have one official means of communication with its employees for the purpose of disseminating information, in-house job announcements, employee memoranda, etc.

**IT IS HEREBY RESOLVED** by the Board of County Commissioners for Duchesne County that the county email system shall be the official means of communication to its employees for the purpose of announcing in-house job openings, meetings, and other information of general application to all county employees.

DATED this 5<sup>th</sup> day of May, 2008.

ATTEST:

DUCHESNE COUNTY:

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

\_\_\_\_\_  
W. Rod Harrison  
Chairman

\_\_\_\_\_  
Kirk J. Wood  
Member

\_\_\_\_\_  
Kent R. Peatross  
Member

*Commissioner Peatross motioned to adopt Resolution No. 08-14 as presented. Chairman Harrison seconded the motion. Both Commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 08-15 A Resolution Adopting The Duchesne County Policy And Procedures Manual***

Chairman Harrison suggested postponing this resolution for one (1) week.

***Consideration Of The Minutes For Regular Commission Meeting Held April 28, 2008***

*Commissioner Peatross motioned to approve the minutes with the correction necessary. Chairman Harrison seconded the motion. Both commissioners voted aye and the motion passed.*

***Adjournment***

*Chairman Harrison adjourned the meeting at 1:38 P.M.*

*Read and approved this 12<sup>th</sup> day of May 2008.*

\_\_\_\_\_  
W. Rod Harrison  
Commission Chairman

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Diane Freston  
Clerk/Auditor

*Minutes of meeting taken by BobbiJo Bailey*\_\_\_\_\_