MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION MEETING HELD MONDAY, DECEMBER 18, 2023, BEGINNING AT 9:00 A.M. IN DUCHESNE, UTAH

Present -

Commissioner Irene Hansen, Commissioner Tracy Killian, Commissioner Greg Miles, Deputy Attorney Grant Charles, County Attorney Stephen Foote, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Treasurer Stephen Potter, Deputy Treasurer Connie Sweat, Human Resource Director Judy Stevenson, Building & Inspection Director Karl Mott, Building & Inspection Assistant Glenna Mayhew, Clerk-Auditor Chelise Jessen, Community Development Director Mike Hyde, Deputy Clerk-Auditor Janet Jenkins, Deputy Treasurer Connie Sweat, Human Resource Payroll & Benefits Administrator Jamie Park, Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Opening Comments

(9:00 a.m.)

Chairperson Hansen welcomed everyone to the meeting.

Pledge of Allegiance

(9:01 a.m.)

Public Works Update

(9:01 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. He presented a printout of the current equipment balances through CAT Financial. A crew is trimming trees, and another is patching holes on paved roads. If weather permits, they will move to the Sage Creek area to widen the road.

Discussion & Consideration of Purchasing a Grader for the Road Department

(9:08 a.m.)

Public Works Director Mike Casper presented a quote from Wheeler Machinery Co. for a new Caterpillar Model: 160JOY-LR Motor Grader. The grader they would like to replace is around 20 years old. The parties discuss the need for the new equipment and the wait time for delivery. *Commissioner Miles motioned to approve the purchase of a new grader for $517,750.00 and pay for it with the 2023 budget. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of the 2024 Building Permit Fee Calculation Proposal

(9:11 a.m.)

Building & Inspection Director Karl Mott presented the 2024 building permit fee calculation proposal. He explained what the fees are for 2023 and what the different options are for 2024. He presented a Permit Fee Comparison for a typical 1700-square-foot home with a 700-foot attached garage. This shows the permit fee at 43%, 45%, 50%, and 55% of the home value. The parties discuss the options and the increase that would come closest to cover the cost of the inspections. Currently, the minimum violation fee is $110.00. The parties discussed the violation fee and how to incentivize property owners to obtain a building permit before they start building. Director Mott will finalize the documents and present the final form later.

(1:45 p.m.)

Director Mott presented Resolution 23-16: A Resolution Establishing a New Fee Schedule for Buildings and Construction within Duchesne County and attached documents. The parties discussed the building permit fees and violation fee options and agreed that the permit fee should be 45% of the home value, an increase of 3.74%, and the minimum violation fee should be $250.00. *Commissioner Killian motioned to approve the 2024 Building permit fee calculation proposal as presented by Director Karl Mott and Glenna Mayhew. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of the Correspondence for the May 2024 Mountain Bike Race

(9:46 a.m.)

Community Development Director Mike Hyde presented the letter to Ms. Brandi Perry at the BLM Vernal Field Office, responding to the notice they sent about the Two Feathers Events: May 2024 Mountain Bike Race. A similar bike race was held in Duchesne County

this year. Next year, they propose a different route in the Nine Mile Canyon area. The letter encourages them to advise the event organizers to provide information and coordinate with the Duchesne County Road Department, Sheriff's Department for traffic control and safety measures, TriCounty Health to address required sanitation facilities, and Carbon County since the staging area is within their jurisdiction. The event organizers should be aware that the subject roads are located in areas used by the oil and gas industry and that truck traffic may be present, as well as off-highway vehicles and livestock. Duchesne County is very supportive of multiple uses of our public lands and encourages recreational events such as the proposed event. *Commissioner Miles motioned to authorize the letter. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of the Correspondence to the U.S. Securities and Exchange Commission

(9:54 a.m.)

Community Development Director Mike Hyde presented an eleven-page letter to Vanessa Countryman, Secretary at the U.S. Securities and Exchange Commission. The subject of the letter is regarding the Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change to Amend the NYSE Listed Company Manual to Adopt Listing Standards for Natural Asset Companies (SEC No. SR-NYSE-2023-09). A portion of the letter reads: On October 4, 2023, the Securities and Exchange Commission (SEC) issued a proposed rule to approve the creation of a new investment vehicle, the "Natural Asset Company (NAC)." This new vehicle was created by the Intrinsic Exchange Group (IEG) in partnership with the New York Stock Exchange (NYSE). The Rockefeller Foundation founded the IEG with supporting partners, including international environmental organizations such as the World Wildlife Fund.

This new investment product aims to provide a vehicle for domestic and foreign investors and governments to profit from protecting our nation's natural resources under the guise of combating the so-called "climate crisis." Proponents have been calling for permanently safeguarding at least 30 percent of the world's lands and oceans by 2030 – the "30x30" agenda. These same actors also push "net zero" and decarbonization policies that threaten jobs, energy supplies, and quality of life worldwide. Their objective is not the conservation of the land. They seek total political and financial control of the world's natural resources, particularly those of the United States.

Duchesne County, Utah, has reviewed the Federal Register notice containing the Proposed Rule, and the County has several concerns regarding this Proposed Rule and its stated purpose.

In summation, the citizens of Duchesne County, Utah, as well as the State of Utah and the United States as a whole, will continue to benefit as the SEC fulfills its three-part mission to "protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation."

Instead of sticking to its mission of regulating securities, it appears that the SEC is allowing the NYSE and itself to venture outside its rulemaking authority arbitrarily and capriciously into areas of ESG, which, as stated earlier, is about controlling and forcing behaviors. It attempts to do so through capital markets, which activists and their government allies have been unable to do through democratic processes. It is a political ploy that, intentional or not, can result in market participants using economic force to drive a political agenda. With the issuance of this proposed rule, the SEC is proposing the final step necessary to rob the American people of their property and natural rights and play right into the hands of foreign adversaries.

The County encourages the SEC to reconsider and abandon its proposed course of action immediately.

The parties discuss the letter and what the results of this action may cause. *Commissioner Killian motioned to approve the letter to the U.S. Securities and Exchange Commission as presented by Director Hyde. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Recess 10:03 a.m. to 10:26 a.m.

Discussion & Consideration of Amending Resolution No. 23-13: A Resolution Establishing Salaries for the Duchesne County Elected Officers for the Fiscal Year 2024

(10:26 a.m.)

Clerk-Auditor Chelise Jessen presented Resolution No. 23-13: A Resolution Establishing Salaries for the Duchesne County Elected Officers for the Fiscal Year 2024—a change

needed to be made due to an oversight. The Attorney's salary has been updated from $135,000 to $150,000. *Commissioner Killian motioned to approve the amendment to Resolution No. 23-13: A Resolution Establishing Salaries for the Duchesne County Elected Officers for the Fiscal Year 2024. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of the State of Utah Contract for Predator Control
(10:28 a.m.)

Commission Executive Assistant Melissa Hughes presented the State of Utah Contract for Predator Control. Participation in the Predator Damage Control Fund program will allocate the funds contributed by Duchesne County and matched by the Utah Department of Agriculture and Food (UDAF) to be used for aerial predator management. The parties discuss the program. *Commissioner Miles motioned to approve the predator control contribution of $1,500 and authorize the chair to sign on behalf of the County. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Auditors Office – Vouchers
(10:31 a.m.)

Deputy Clerk-Auditor Janet Jenkins presented the December 18, 2023 vouchers, check numbers 163630 through 163714, for $921,471.65. The parties review the vouchers submitted. *Commissioner Miles motioned to approve the December 18, 2023 vouchers, as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Tax Adjustment - Abatement Approval
(10:42 a.m.)

Deputy Treasurer Connie Sweat presented the Auditor's Individual Abatement Report. Totals for the Abatement report are as follows: Residential Buildings - 3 for $2,242.28, Residential Land – 1 for $233.70, for a total - 4 for $2,475.98. The breakdown totals are as follows: Blind - $137.35, Circuit Breaker - $2,475.98, 20% Circuit Breaker - $1,609.89, for a total of $4,223.22. *Commissioner Miles motioned to accept the 2023 Individual Tax Abatement as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Treasurer's Office – Tax Adjustment - Late Fee Waive
(10:43 a.m.)

Treasurer Stephen Potter presented a fraud issue where a taxpayer's check was stolen, and the County never received the payment, so late fees were assessed. The taxpayer requests the late fee be waived because of the unforeseen circumstance. They provided evidence of the police report filed and a picture of the front and back of the check. The parties discussed the situation, and the taxpayer's payment history shows no other late payments. *Commissioner Killian motioned to waive the late fee from Herman Mascarenas. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Assessor's Office – Tax Adjustments
(10:44 a.m.)

Treasurer Stephen Potter presented the tax adjustments for the Assessor's Office. There are tax adjustments for two parcels. Parcel 0381 – The property increased by 40% but should have only increased by 25% for a credit of $321.54. Parcel 8678 – The parcel is now an exempt property; refund one month for a credit of $200.88. *Commissioner Miles motioned to approve the tax adjustments from the Assessor's office as presented by Treasurer Stephen Potter. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

HR Office – Payroll
(10:48 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the payroll report ending December 9, 2023; 207 employees were paid. *Commissioner Killian motioned to approve the December 9, 2023 payroll, as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Auditors Office - Surplus
(10:50 a.m.)

Clerk-Auditor Chelise Jessen presented a list of items from the Building & Grounds Department and the Weed Control Department to be put on the Surplus website. The parties review the items. *Commissioner Miles motioned to approve the surplus items as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of Board Appointments
(10:56 a.m.)

Commission Executive Assistant Melissa Hughes presented the list of County Boards and candidates for the Planning & Zoning Commission and the Public Land Use Committee. Kelsey Carter sent a letter of interest to be considered for the Hanna / Tabiona area on the Planning & Zoning Commission Board. Kent Bastian would like to be re-appointed to the Public Land Use Committee to represent the Farm Bureau. The parties discuss the candidates and express their appreciation for the dedication and willingness of the board members and new applicants. *Commissioner Killian motioned to appoint Kelsey Carter to the Planning & Zoning Commission and re-appoint Kent Bastian to the Public Land Use Committee to represent the Farm Bureau. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion of Possible Subjects for the Next Meeting
(10:59 a.m.)

Calendaring & Weekly Update on Events
(11:04 a.m.)

Consideration of Minutes for Combined Commission Meeting held December 11, 2023
(11:12 a.m.)

Parties review the combined Commission meeting minutes held on December 11, 2023. *Commissioner Miles motioned to approve the minutes for December 11, 2023, as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of the Public Defender Contracts
(11:18 a.m.)

Deputy Attorney Grant Charles presented two agreements for legal services for the District Court. The agreements are with Aaron Owens and Clint Hendricks for indigent defense. The compensation for both attorneys will be twelve monthly payments of $6,100 for $73,200 from January 01, 2024, through December 31, 2024. The parties discuss the contracts. *Commissioner Miles motioned to approve the legal services agreement with Aaron Owens and Clint Hendricks for District Court Indigent Defence. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of the Update to County Policy 401.3: Using the Purchasing Card
(11:25 a.m.)

Human Resource Director Judy Stevenson presented Policy 401.3, Using the Purchasing Card, with the update in red print. She explained that the previous policy was vague and open to interpretation. The Commissioners asked Clerk-Auditor Chelise Jessen if there was anything she wanted to add to the policy. Clerk-Auditor Jessen said she is happy with the policy and current process. *Commissioner Miles motioned to approve the changes to Policy 401.3 Using the Purchasing Card as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Human Resource Update
(11:32 a.m.)

Human Resource Director Judy Stevenson gave an update on the current and upcoming events for the County. The employees are completing the KMS acknowledgments and NIMS. OSHA has asked the County to participate in a survey, and the County is currently completing a study for Workers Comp.

Closed Meeting – Strategy Session to Discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual;
(11:35 a.m.)

Commissioner Miles motioned to go in and out of a closed meeting for a strategy session to discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Back in Session
(12:05 p.m.)

No action is to be taken.

Recess 12:05 p.m. to 12:59 p.m.

Commissioner Miles motioned to recess. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Public Hearing 1:00 p.m. – Larsen Springs Rezone Request
(12:59 p.m.)

Present -

Commissioner Irene Hansen, Commissioner Tracy Killian, Commissioner Greg Miles, Deputy Attorney Grant Charles, Community Development Director Mike Hyde, Community Development Assistant Director Mike Gottfredson, Rick Giles of Spanish Fork, Beth Iorg, and Sharon Bleak from the Larsen Springs Subdivision area, Mathew Bell from Stansbury Park via Zoom, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Commissioner Miles motioned to go into a Public Hearing. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Community Development Director Mike Hyde explained the request. Mathew Bell owns Lot 6 of the Larsen Springs Agriculture Subdivision. The 20.05-acre lot is bisected by the North Fork Road, with approximately 2.9 acres on the east side and approximately 17.15 acres on the west side. Mr. Bell wants to sell the 2.9 acres but cannot due to the current 5.0-acre minimum lot size in the A-5 zone. He could sell a 5.0-acre lot bisected by the county road; however, that would require a variance to the county subdivision ordinance (lots less than 20 acres in size cannot be bisected by a road), and such a variance would be challenging to justify.

Rather than rezone one lot, staff proposed that the entire subdivision be rezoned to give the property owners flexibility to create smaller lots in the future. However, none of the other owners decided to join the rezoning request. Hanna Water is fairly close to the subdivision and could extend in the future, enabling the creation of lots down to one-acre size.

The Planning Commission conducted a public hearing regarding this proposal at their December 6, 2023 meeting. Three property owners in the subdivision objected to rezoning, fearing Mr. Bell would create several 2.5-acre lots, not just the one proposed. The Planning Commission unanimously adopted findings of fact showing that the request meets the rezoning criteria of the zoning ordinance and recommended approval of the rezoning.

(1:11 p.m.)

Mathew Bell of Stansbury Park spoke in favor of the rezoning. He explained that he bought the property for recreational purposes. He is building a small recreation home by the river. For two years, he has worked toward selling the 2.9 acres across the County Road of the property.

(1:18 p.m.)

Rick Giles of Spanish Fork owns property in the Larsen Springs Subdivision; he spoke in opposition to the rezoning. He said he had spoken to his family, who also own property in the area, and they are all against the rezone. He worries about the spring on the property being contaminated if it is developed.

Sharon Bleak from the Larsen Springs Subdivision area opposed the rezoning.

(1:31 p.m.)

Commissioner Miles motioned to close the public hearing and re-enter the regular session. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

The parties discuss the rezoning proposal and items to complete before deciding. *Commissioner Miles motioned to recess the rezoning proposal until January 8, 2023, at 1:00 pm. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Adjournment

(1:52 p.m.)

Commissioner Miles motioned to adjourn the meeting at 1:52 p.m. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The forum adjourned.

Read and approved this on the 28th day of December, 2023.

Irene Hansen
Commission Chair

Chelise Jessen
Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes