MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION MEETING HELD MONDAY, FEBRUARY 05, 2024, BEGINNING AT 9:00 A.M. IN DUCHESNE, UTAH

Present –

Commissioner Irene Hansen, Commissioner Tracy Killian, Commissioner Greg Miles, Deputy Attorney Tyler Allred, Public Works Deputy Director Clint Curtis, Public Works Director Mike Casper, Deputy Attorney Grant Charles, Library Director Daniel Mauchley, Clerk-Auditor Chelise Jessen, Recorder Shelley Brennan, Treasurer Stephen Potter, Assessor Traci Herrera, Community Development Assistant Becky Broadhead, Deputy Assessor Cory Luttrell, Deputy Assessor Teresa Prince, Deputy Assessor Michelle Lewis, Chief Deputy Assessor Ginger Johnson, Deputy Assessor Cheryl Fabrizio, Deputy Assessor JR Hyde, Deputy Clerk-Auditor Janet Jenkins, Human Resource Director Judy Stevenson, Human Resource Generalist Nichole Cowley, Community Development Assistant Director Mike Gottfredson, Surveyor Jerry Allred, Duchesne County Residents Tracy Ross and Bryan Winterton, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Opening Comments

(9:00 a.m.)

Interim Chairperson Miles welcomed everyone to the meeting.

Pledge of Allegiance

(9:01 a.m.)

Consideration of Justice Court Contract with Daniel Irvin

(9:02 a.m.)

Deputy Attorney Grant Charles presented the agreement for legal services for the Justice Court between Duchesne County and Daniel Irvin. Duchesne County is required to furnish legal representation for defendants in cases filed in the Justice Court in and for Duchesne County, in which defendants are indigent and cannot obtain defense counsel in criminal cases. The agreement shall take effect on February 1, 2024, and continue through December 31, 2024. The total compensation is $13,200, $1,200 monthly for eleven months. The parties discuss the agreement. *Commissioner Killian made a motion to approve the contract with Daniel Irvin for Justice Court Legal Services. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Consideration of District Court Indigent Defense Contract #3

(9:03 a.m.)

Deputy Attorney Grant Charles presented the agreement for legal services for the District Court between Duchesne County and Laura Fuller. Duchesne County is required to furnish legal representation for defendants in cases filed in the District Court in and for Duchesne County, in which defendants are indigent and cannot obtain defense counsel in criminal cases. The agreement shall take effect on January 1, 2024, and continue through June 30, 2024. The total compensation is $36,600, $6,100 monthly for six months. The parties discuss the contract. *Commissioner Killian made a motion to approve the contract as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Commissioner Hansen entered the meeting at 9:06 am.

Closed Meeting – Strategy Session to Discuss: Pending or Reasonably Imminent Litigation;

(9:06 a.m.)

Commissioner Killian made a motion to go in and out of a closed meeting for a strategy session to discuss: Pending or Reasonably Imminent Litigation. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.

Back in Session

(9:22 a.m.)

No action is to be taken.

Presentation of Employee of the Month
(9:23 a.m.)

Human Resource Director Judy Stevenson presented Chief Deputy Assessor Ginger Johnson with the Employee of the Month award. Assessor Traci Herrera read the nomination letter she submitted. Chief Deputy Johnson is genuine and always looking for ways to help. She is an excellent asset to the County. Each Commissioner expressed their appreciation for her dedication and positive outlook. Chief Deputy Johnson thanked everyone for the award.

Public Works Update
(9:30 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. It snowed in Neola and Boneta last week. They will be done moving the crusher today. It will take a week or two to set it up. The track hoe bucket is worn out. They will get an estimate for a repair. A new bucket is about $17,000. They are working on the shoulders of State Street in Roosevelt. Nathan Robinson, the Duchesne County Fire Warden, would like to hang signs saying: permit required for outdoor burning, on the County's street sign poles. Director Casper wants to discuss purchasing a transport truck at the next Commission meeting.

Discussion & Consideration of New Business Licenses
(9:36 a.m.)

Deputy Clerk-Auditor Janet Jenkins presented nine new business licenses:

- K&R Transportation Inc., owned by Rochelle Washburn, Roosevelt, Utah.
- Leslie Richens Leatherworks, owned by Leslie Richens, Roosevelt, Utah.
- Utah Micro, LLC, owned by Scott K. Fairbourn, Fruitland, Utah.
- Basin Elite Flooring LLC, owned by Bryce Tibbitts, Neola, Utah.
- Automation Technology Group, owned by Larry Hillegeist, Roosevelt, Utah.
- Contour Custom Cuts, LLC, owned by Jerremy Arlo Richens, Roosevelt, Utah.
- Lot 21 Boutique, owned by Crystal Wilson, Roosevelt, Utah.
- Land P Enterprises LLC DBA Uintah Basin Drain and Sewer, owned by Luke Fausett, Bluebell, Utah.
- Swains Electric Inc., owned by Benson Swain, Roosevelt, Utah.

The parties reviewed and discussed the new business licenses. *Commissioner Miles made a motion to acknowledge the business licenses issued by the Clerk-Auditors office as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Auditors Office – Vouchers
(9:40 a.m.)

Deputy Clerk-Auditor Janet Jenkins presented the February 5, 2024, vouchers, check numbers 164082 through 164119 for $206,671.68. The parties reviewed the vouchers submitted. Commissioner Miles made a motion to approve the February 5, *2024, vouchers, as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Consideration of Minutes for Combined Commission Meeting held January 29, 2024
(9:42 a.m.)

Parties review the combined Commission meeting minutes held on January 29, 2024. *Commissioner Killian made a motion to approve the minutes for January 29, 2024, as corrected. 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
(9:48 a.m.)

Discussion & Consideration of County Volunteers
(9:51 a.m.)

Human Resource Generalist Nichole Cowley presented a list of six new volunteers. The parties discuss the names and how their commitment ensures the success of the County Fair. *Commissioner Miles made a motion to approve the volunteers as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Calendaring & Weekly Update on Events
(9:53 a.m.)

Recess 10:04 a.m. to 10:16 a.m.

Human Resource Update
(10:16 a.m.)

Human Resource Director Judy Stevenson gave an update on the Human Resource Department. The county has several openings, including a part-time victims advocate, Event Coordinator and Fair Assistant, Certified Patrol Officer, part-time Information Systems Technician, Legal Assistant for the Public Defense Office, and Part-time Records / Administration Assistant at the Sheriff's Office. They have received applications from a lot of great candidates.

Closed Meeting – Strategy Session to Discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual;
(10:20 a.m.)

Commissioner Miles made a motion 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
(11:06 a.m.)

No action is to be taken.

Recess 11:07 a.m. to 11:44 a.m.

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

Closed Meeting – Strategy Session to Discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual;
(11:44 a.m.)

Commissioner Miles made a motion 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
(12:22 p.m.)

No action is to be taken.

Recess 12:23 p.m. to 1:00 p.m.

Commissioner Miles made a motion 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 Rezoning Request
(1:00 p.m.)

Present -

Commissioner Irene Hansen, Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Community Development Director Mike Hyde, Community Development Assistant Director Mike Gottfredson, Deputy Treasurer Connie Sweat, members of the public – Mathew Bell, Rex Giles, Amanda Burk, Annalisa Giles, Stephanie Wade, Penny Oviatt, Steve Giles, Rick Giles, Guy Taylor, Greg Garff, Dee Olson, via Zoom – Gordon Moon, Lorana Iorg, Beth Iorg, Max Giles, Carol Giles, Rocky Giles, Sean Iorg. Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Commissioner Killian made a motion to go into a public hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

Commissioner Hansen explained the rezoning request and stated all comments from the previous public hearings are still being considered at this public hearing. Community Development Director Mike Hyde summarized the request and the process thus far.

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 (as lots less than 20 acres in size cannot be bisected by a road). Before pursuing that option, a rezone on Lot 6 is being explored.

The Planning Commission conducted a public hearing regarding this proposal at their December 6, 2023 meeting. Three property owners in the subdivision objected to the rezone, fearing that Mr. Bell would create several 2.5-acre lots, not just the one proposed. To alleviate those concerns, the applicant has agreed to sign and record a Development Agreement that limits any future divisions of the subject lot west of the North Fork Road to the original five-acre minimum lot size that applies to all owners within the subdivision. Thus, only one 2.5-acre lot should result from this action.

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. These findings have been supplemented with information received since the Planning Commission meeting. Any decision made by the County Commissioners must also be based on findings of fact and the rezoning criteria. If the Commission disagrees with the Planning Commission's recommendation to approve the request, the Commission would need to recess the public hearing again and direct staff to prepare findings of fact to support an alternative decision.

As a result of concerns expressed at the December 18, 2023, and January 8, 2024, public hearings, staff sent a request to the Duchesne Ranger District of the Ashley National Forest, the TriCounty Health Department, the Utah Division of Water Rights, and the Rhoades Canal Company to inquire if those agencies have any concerns about the zoning map amendment.

Comments were received from the Duchesne Ranger District on January 3, 2024, the Utah Division of Water Rights on January 31, 2024, and the Rhoades Canal Company on February 5, 2024. The responses were included with the documents.

Director Hyde presented the findings of fact and explained each factor listed. He recommends the approval of this rezone, requested by Mathew Bell, changing 20.05 acres of land from Agriculture (A-5) to Agriculture (A-2.5), subject to the recording of the associated Development Agreement.

(1:22 p.m.)

Mathew Bell of Stansbury Park, Utah, drafted a letter to the Commission and the audience. He read the letter and explained the maps that were included. The letter explains his connection with Duchesne County and his plans for his Larsen Springs Agriculture Subdivision property.

(1:39 p.m.)

Steve Giles of Taylorsville, Utah, asked Mathew Bell about the required distance from the spring (on the portion of his parcel he wants to sell) to a septic system. He thought it was 300 feet, but TriCounty Health's response states that 100 feet is required. Mr. Giles then asked how wide the parcel would be.

(1:42 p.m.)

Rick Giles of Spanish Fork, Utah, spoke in opposition and presented a petition. Commissioner Hansen read the petition: The Larsen Spring in North Fork has been a public landmark for over 100 years! It is one of the few places the public can walk to the spring and drink straight from the pipe getting pure spring water. A new land owner is wanting to change the zones to subdivide that piece. A septic system would be put in to support the home. We believe this would contaminate the Spring. A septic system would drastically change the experience of stopping at the spring. Contaminated water affects not only the community but also the wildlife in the area. We URGE you to spread this petition and reach out to the others who have grown to love and enjoy the Larsen Spring. There is a public hearing on February 5th at 1 pm to discuss this change. We'd love for you all to attend the hearing or contact Mike Hyde to oppose this change. There are 983 signatures on the petition.

(2:01 p.m.)

Stephanie Wade of Herriman, Utah, spoke in opposition. She thinks if an exception is made for Mr. Bell, others will request an exception, and the area will have a lot of unwanted development.

(2:10 p.m.)

Lorena Iorg spoke on behalf of Beth Iorg via Zoom in opposition. She wants something in place to protect the spring, which they feel is their only other option for water. They are afraid they won't be able to get water if something happens to their water well.

(2:13 p.m.)

Max Giles of Larsen Springs, Hanna, Utah, spoke in opposition. The spring is on Mr. Bell's property. If the rezoning request is approved, he suggested moving the drain field. He also suggested the County look at the area before making a decision.

(2:19 p.m.)

Stephanie Wade of Herriman, Utah, asked who would regulate the standards to protect the water from contamination. Director Hyde answered that TriCounty Health would enforce the standards.

(2:22 p.m.)

Mathew Bell of Stansbury Park, Utah, stated he would like to develop the spring properly. A board of directors could be put together to oversee the development.

(2:26 p.m.)

Commissioner Killian asked why the staff didn't approve the variance instead of proposing the rezoning request. Director Hyde stated they prefer lots not to be bisected by a road.

(2:31 p.m.)

Rick Giles of Spanish Fork, Utah, asked if they would approve the variance for other lots bisected by the North Fork Road if it is approved.

(2:33 p.m.)

Max Giles of Larsen Springs Hanna, Utah, recommended not approving the rezoning request, and Mr. Bell sell it as a 5-acre lot.

(2:33 p.m.)

Commissioner Miles made a motion to close the public hearing and go back into the regular session. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Discussion & Consideration of Ordinance #24-404; An Ordinance Amending the Duchesne County Zoning Map, Rezoning Described Property from Agriculture (A-5) to Agriculture (A-2.5)

(2:34 p.m.)

The parties discuss the process and research from all involved. *Commissioner Miles made a motion to adopt the findings and conclusions recommended by the Planning Commission and approve Ordinance # 24-404, subject to the applicant recording the associated Development Agreement. Commissioner Hansen seconded the motion. Commissioner Miles voted aye, Commissioner Hansen voted aye, and Commissioner Killian voted nae. The motion passed by majority.*

Adjournment

(2:45 p.m.)

Commissioner Miles made a motion to adjourn the meeting at 2:45 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 12th day of February 2024.

Irene Hansen
Commission Chair

Chelise Jessen
Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes