

**MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION
MEETING HELD MONDAY, JULY 29, 2024, BEGINNING AT 9:00 A.M. IN
DUCHESNE, UTAH**

Present –

Commissioner Irene Hansen, Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Economic Development Director Deborah Herron, Emergency Management Director Joshua Phillips, Surveyor Jerry Allred, Deputy Clerk-Auditor Becky Broadhead, Human Resource Generalist Tommi Mascaro, Human Resource Payroll and Benefits Administrator Jamie Park, Deputy Attorney Grant Charles, Duchesne County Resident Jeff Chugg, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Opening Comments

(9:01 a.m.)

Chairperson Hansen welcomed everyone to the meeting.

Pledge of Allegiance

(9:02 a.m.)

Public Works Update

(9:03 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. The chip-sealing is complete. They will start fogging, which will take a couple of weeks to complete. The contractor will begin patching and chip-sealing this week. The company from which the zipper was purchased will train the crew this week. There is an approach in Bluebell on 1000 North that will start tomorrow. Commissioner Miles said he received a call from a concerned resident about the property line for the right-of-way on 1000 North. Surveyor Jerry Allred addressed the concern. He said he worked with Deputy Attorney Tyler Allred to prepare the descriptions. There will be an addition of 3 feet on each side of the road. XCL Resources will set a new fence for the new boundaries. Commissioner Killian is concerned about a corner on South State Street where trucks are having trouble rounding the corner. He suggested using asphalt to widen the corner. A contractor is working in that area that could complete the repair. The parties discussed patching and repairs to be completed.

Emergency Management and Fire Weather Update

(9:16 a.m.)

Emergency Management Director Joshua Phillips gave an update on his department. The County is under a red flag warning until Tuesday. Five fires started in the last four days, two now federal. The Lion Hollow fire on Indian Canyon is now contained, and the Spring Hollow fire north of Bluebell is controlled and almost contained. The county fire resources have been sent to other locations, including the Spears fire in the Ashley National Forest near Flaming Gorge. The county has a tanker that can be used on federal fires after it is painted. The parties discussed training and certifications for the firefighters.

Economic Development Update

(9:29 a.m.)

Economic Development Director Deborah Herron presented the report she will submit for the Rural County Grant. The program significantly contributed to Duchesne County's economic development. The grant has enabled businesses to make vital capital improvements, enhance their service offerings, and expand their workforce. The support has also allowed one business to open its doors to the public sooner than expected, accelerating its contribution to the local economy. The improved infrastructure and increased employee base have led to a notable uptick in sales and customer service capacity, fostering a more vibrant economic environment in Duchesne County.

The parties discussed the grant and a program that provides real-time data on trends for dining and shopping for residents and patrons visiting the county.

Discussion & Consideration of the State of Utah Contract Amendment for the Children's Justice Center

(9:44 a.m.)

The Children's Justice Center (CJC) Director Cheryl Borren presented the contract amendment before the meeting. The amendment amount is \$197,024.00. The parties discussed the amendment. *Commissioner Killian made a motion to approve the State of Utah Contract Amendment for the CJC. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of County Volunteers

(9:46 a.m.)

Human Resource Generalist Tommi Mascaro presented a list of volunteers who have passed the background check. *Commissioner Miles made a motion to approve the county volunteers 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 Board of Equalization (BOE) Adjustments

(9:49 a.m.)

Clerk-Auditor Chelise Jessen presented a list of thirty-eight (38) BOE adjustments. The list is stored in the Clerk-Auditors office with the minutes. The parties discussed the adjustments. *Commissioner Miles made a motion to approve the BOE adjustments as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Recess 9:56 a.m. to 10:16 a.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.

Auditors Office – Vouchers

(10:16 a.m.)

Deputy Clerk-Auditor Becky Broadhead presented the July 29, 2024, vouchers, check numbers 165897 through 165946, for \$695,287.23. The parties reviewed the vouchers submitted. *Commissioner Miles made a motion to approve the vouchers for July 29, 2024,*

as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

HR Office – Payroll

(10:27 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the payroll report ending July 20, 2024; 216 employees were paid. *Commissioner Killian made a motion to approve the July 20, 2024 payroll, as presented. 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

(10:31 a.m.)

Calendaring & Weekly Update on Events

(10:33 a.m.)

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

(10:47 a.m.)

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

Back in Session

(12:00 p.m.)

No action is to be taken.

Consideration of Minutes for Combined Commission Meeting held July 22, 2024

(12:01 p.m.)

The parties reviewed the combined Commission meeting minutes for July 22, 2024. *Commissioner Miles made a motion to approve the minutes for July 22, 2024, as corrected. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Closed Meeting – Strategy Session to Discuss: The Purchase, Exchange, Sale, or Lease of Real Property

(12:07 p.m.)

Commissioner Miles made a motion to go in and out of a closed meeting for a strategy session to discuss: The Purchase, Exchange, Sale, or Lease of Real Property. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Back in Session

(12:26 p.m.)

Action to be taken

Discussion & Consideration of Purchasing Property for the Road Department

(12:26 p.m.)

The parties discussed expanding the gravel pit in Altamont. A screen has been purchased for the County to produce its chips for chip sealing, and the gravel from the land expansion will be used for this purpose. *Commissioner Miles made a motion to purchase parcels 00-*

0004-8714 and 00-004-7815 in Altamont for \$721,920.00. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Recess 12:30 p.m. to 2:00 p.m.

Commissioner Miles made a motion to recess until the 2:00 p.m. Public Hearing. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Public Hearing 2:00 PM Located at the Duchesne County Centennial Event Center 60 West 400 South – Ordinance # 24-409: Enacting Provisions in the Duchesne County Zoning Ordinance Associated with Oil & Gas Drilling Production

Present –

Commissioner Irene Hansen, Commissioner Tracy Killian, Commissioner Greg Miles, Deputy Attorney Tyler Allred, Community Development Director Mike Hyde, Community Development Deputy Director Mike Gottfredson, Community Development Zoning Specialist Shon McKinnon, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Kelsey Carter and Jeff Crozier with Javelin Energy Partners, Jacob Woodland with Wasatch Energy Management, Heather Ivie with Kinder Morgan, Zane Lay with Ovintiv, and Jeff Chugg, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present Via Zoom –

Rikki Hrenko-Browning with Utah Petroleum Association (UPA), Leslie Pearson-Rich with Finley Resources – Uinta Wax, Cameron Cuch, Tiesha Black, Sandee Pummell, Senator Ron Winterton, JD Kesler with Parsons Behle & Latimer, attorney for UPA, Jesse Duncan, Cody McNeece, Chad Salsbury, Connie Sweat, David Yadon, Macey Wallace with Ovintiv, and Recorder Shelley Brennan.

(2:03 p.m.)

Commissioner Irene Hansen officially opened the public hearing.

Community Development Director Mike Hyde explained the zoning ordinance amendments found in Ordinance 24-409 are proposed as a result of the rapid expansion of oil and gas drilling and production facilities on private (fee) land in Duchesne County, with the associated impacts on residents and roads in agriculture and rural residential areas.

He summarized some of the proposed amendments.

The “Oil and Gas Drilling and Production Facilities” used in the table of uses now require a conditional use permit in all zoning districts. Currently, these facilities are permitted outright in the A-10, A-5, Commercial, and Industrial zones. Most county lands are zoned A-5, and most oil and gas drilling and production facilities have thus not required a conditional use permit.

The oil and gas drilling and production facilities section to require administrative conditional use permits for wells (not yet spudded) and compressor stations or water handling facilities (where construction has not commenced) in all zoning districts.

Codifies the traffic estimation and road infrastructure improvement process outlined in the Duchesne County Transportation Master Plan, which was adopted by Resolution in 2017 (and thus did not have the force of law). This will require a traffic forecast to determine if the oil and gas operation will generate “extraordinary use” and what mitigation measures are needed to prepare access roads to accommodate this use. Decisions associated with road improvement requirements will be made by the County Road Department Supervisor, with an appeal to the County Commissioners available in case of disagreement.

As stated in the associated finding documents and in the ordinance, it is not the intent of the County to establish an impact fee.

The proposed Ordinance received initial Planning Commission review on April 3, 2024; the matter was recessed until June 26, 2024, and then again indefinitely, until a pending road study was completed and stakeholders were given eight weeks to review the results of that study and the proposed ordinance. The County Commission has determined that this indefinite recess constituted a negative recommendation under section 8-3-3 B. 9. e. of the Duchesne County Zoning Ordinance.

The County Commission reopened the public hearing regarding this ordinance on July 8th and recessed it until July 29th; and held work sessions on July 15th and 22nd to hear additional comments and work toward finalization of the ordinance.

He also noted the letter received this morning from the Utah Petroleum Association for the record.

Mike Gottfredson introduced the new Community Development Zoning Specialist, Shon McKinnon. Mr. McKinnon expressed his gratitude and excitement for the position.

Public Comments

(2:11 p.m.)

Zane Lay with Oviniv thanked the parties for the work done with the ordinance and encouraged them to continue the process and give the industry time to evaluate the study once it is complete.

Jacob Woodland with Wasatch Energy Management wanted the letter submitted by UPA recognized. He read the last paragraph: Despite those concerns, we remain optimistic that pending a review of the Jones and DeMille study, we will be able to set out a system or matrix of costs that reflect an averaged approximate cost associated with heavy industry wear and/or maintenance needs on the roads. In the July 22 Commission work session, we understood that the county intends to share this data after their internal review and to also set out haul routes. We appreciate this development and would seek to ensure that these haul routes are regularly updated as industry development progresses, and that industry funding provided through this ordinance is directed to those haul routes. Most importantly, we ask that the Jones and DeMille study be shared as promptly as possible and time be granted for industry to work with this data to present a proposal to the Commission. Our continued sharing of projected operations and trucking data, as recently as last Monday, July 22nd, demonstrates our good faith commitment to finding a mutually agreeable solution to the industry associated impacts on county roads. We want to restate our commitment to finding solutions that address road needs and sincerely believe that we can arrive at a reasonable solution based on the Jones and DeMille study data, but we cannot support the ordinance as it is currently drafted.

Rikki Hrenko-Browning with UPA echoed Jake Woodland's comments. She would also like to see the study from Jones and DeMille and have time to review it. She thinks the study would help the industry and the county come together. She would also like to see the newly revised ordinance.

The parties discussed the meeting with Jones and DeMille on Thursday to get the data, which could possibly be available to the industry on Friday.

Community Development Director Mike Hyde addressed the newly revised ordinance. He said he would send it out after the Commission had reviewed it.

Commission Discussion

(2:21 p.m.)

Commissioner Miles appreciates all of the comments and input received. The parties discussed future working meetings after the study is complete.

Commissioner Miles made a motion to recess the public hearing until September 16, 2024, at 2:00 p.m., located in the Commission Chambers, with two working sessions on August 19, 2024, and August 26, 2024, at 2:00 p.m. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Commissioner Irene Hansen officially closed the public hearing.

Adjournment

(2:29 p.m.)

Commissioner Killian made a motion to adjourn the meeting at 2:29 p.m. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The forum adjourned.

Read and approved this on the 5th day of August 2024.

Irene Hansen

Commission Chair

Chelise Jessen

Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes