MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION MEETING HELD MONDAY, AUGUST 19, 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, Human Resource Director Judy Stevenson, Emergency Management Director Joshua Phillips, Clerk-Auditor Chelise Jessen, Surveyor Jerry Allred, Community Development Director Mike Hyde, Building Inspection Assistant Regan Nielson, 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. They are working on widening the shoulder on North Crescent (CR 177). Lower Red Creek (CR 15) flooded last week, and they rescued stranded motorists from the Promised Land area. There was flooding in Wells Draw (CR 30) last night. The mastic crew is out as weather permits. The graders are catching up on the scheduled maintenance. Commissioner Miles drove Strawberry River Road (CR 14), and the mitigation project was working. The water-spreading ditches were functioning as designed. There is a Rock Creek Dugway meeting tomorrow. The parties discussed the progress of the contracted road work.

Discussion & Consideration for the Purchase of a Roller

(9:13 a.m.)

The parties discussed whether to purchase a new or used roller. At a future meeting, Director Casper will present quotes for approval.

Discussion & Consideration of Approach Permits

(9:14 a.m.)

Public Works Deputy Director Clint Curtis presented a residential approach permit with an aerial map of the location. Greg Sorensen is applying for an approach in Talmage. The parties discussed the request. *Commissioner Miles made a motion to approve the residential approach permit as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Deputy Attorney Tyler Allred joined the meeting at 9:22 a.m.

Emergency Management and Fire Weather Update

(9:26 a.m.)

Emergency Management Director Joshua Phillips gave an update on the fire weather. The active fire in the North Koch Field area is now contained. There was a report of a fire in Browns Draw near Tabiona. Nothing was found because of the rain in the area. The monsoons will start up again on Wednesday. A haystack caught fire on Saturday, and four fire agencies responded. Five large haystacks were affected. It was determined later that the property was located in Uinta County. The cause has not been confirmed, but they think it was a lightning strike or spontaneous combustion. The parties discussed the amount of water used and the estimated time the fire would burn.

Director Phillips gave an update on installing the dual band radios in the fire trucks. The new radios don't have mics, which has affected many rural Utah counties. Once the mics are received, the installation will continue. The parties discussed the radio issues and why they must have dual bands.

Discussion & Consideration of Resolution No. 24-02; A Resolution of Duchesne County Approving an Amended Interlocal Agreement Establishing the Uintah Basin Narcotic Strike Force

(9:32 a.m.)

Commissioner Miles explained that the amendment is to add an AP&P member to the board. Their input will be an asset to the board. The parties discussed the board's function and the coordination between the agencies. *Commissioner Killian made a motion to approve Resolution No. 24-02; A Resolution of Duchesne County Approving an Amended Interlocal Agreement Establishing the Uintah Basin Narcotic Strike Force, and authorize Commissioner Miles to sign on behalf of the County. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of Purchasing Vehicles for the Building / Inspection Department

(9:40 a.m.)

Commissioner Miles explained the need for a vehicle for the Building / Inspection Department. Building / Inspection Assistant Regan Nielson described the current vehicles and their mileage. L&L Motor Company provided a quote for a 2023 Ford F-150 XL 4WD Supercab for $40,695.00. The parties discussed needing dependable vehicles and possibly moving a fleet vehicle to another department. *Commissioner Miles made a motion to authorize the purchase of the quoted vehicle from L & L Motor Company for $40,695.00 and another for up to $55,000 and authorize the purchase of a fleet vehicle. 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 Memorandum of Understanding (MOU) with the Utah Public Lands Policy Coordinating Office (PLPCO) regarding the joint employment of Mike Hyde through October 15, 2024

(9:50 a.m.)

Community Development Director Mike Hyde presented the MOU with PLPCO for his joint employment. The MOU is effective from July 1, 2024, through October 15, 2024. In mid-2021, Redge Johnson of PLPCO approached the County Commissioners regarding their desire to employ someone with Uintah Basin experience to assist them with public lands issues. The Commission and Mr. Johnson met to discuss how a joint employment arrangement with Mike Hyde could be mutually beneficial, and an MOU was prepared.

The updated MOU recently received from PLPCO for state FY 2024-2025 specifies the responsibility of each agency. Mr. Hyde continues as a State employee, scheduled to work an average of 20 hours per week on state business and 20 hours per week on County business. The state pays 100% of the benefits. The county receives reimbursement from the state for Mr. Hyde's occasional use of a county vehicle for state business.

In the 2022 county budget, PLPCO was reimbursed $48,000, which increased to $53,000 for the 2023 and 2024 county budget years, based on the actual time worked for each entity. An analysis of Mr. Hyde's actual hours spent on PLPCO and County projects during state FY 22/23 revealed that 56% of his time was spent on County business and 44% on state business. The reimbursement from the County to PLPCO is proposed at $15,500.00 for the 3.5 months from July 1, 2024, to October 15, 2024.

The parties discussed the MOU and Director Hyde's retirement. *Commissioner Miles made a motion to approve the MOU with PLPCO regarding the joint employment of Mike Hyde from July 1, 2024, to October 15, 2024. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

The Commissioners thanked Director Hyde for his dedication and commitment to the County.

Discussion & Consideration of the Board of Equalization (BOE) Adjustments

(9:58 a.m.)

Clerk-Auditor Chelise Jessen presented a list of fifteen (15) BOE adjustments. The list is stored in the Clerk-Auditors office with the minutes. The parties discussed the adjustments. *Commissioner Killian made a motion to approve the BOE adjustments as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

The Commissioners appreciated the Assessors Office for working diligently with the public.

Auditors Office – Vouchers
(10:02 a.m.)

Clerk-Auditor Chelise Jessen presented the August 19, 2024, vouchers, check numbers 166143 through 166211, for $410,602.12. The parties reviewed the vouchers submitted. *Commissioner Miles made a motion to approve the vouchers for August 19, 2024, as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Recess 10:08 a.m. to 10:26 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.

Consideration of Minutes for Combined Commission Meeting held August 05, 2024
(10:26 a.m.)

The parties reviewed the combined Commission meeting minutes for August 05, 2024. *Commissioner Killian made a motion to approve the minutes for August 05, 2024, as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Consideration of Minutes for Combined Commission Meeting held August 12, 2024
(10:31 a.m.)

The parties reviewed the combined Commission meeting minutes for August 12, 2024. *Commissioner Miles made a motion to approve the minutes for August 12, 2024, as corrected. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion of Possible Subjects for the Next Meeting
(10:36 a.m.)

Calendaring & Weekly Update on Events
(10:42 a.m.)

Human Resource Update
(11:10 a.m.)

Human Resource Director Judy Stevenson gave an update for her department. The health fair is coming up next month on September 19th.

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

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

Back in Session
(11:30 a.m.)

No action is to be taken.

Closed Meeting – Strategy Session to Discuss: Pending or Reasonably Imminent Litigation
(11:31 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
(11:59 a.m.)

No action is to be taken.

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

Commissioner Miles made a motion to recess until the 1:00 pm 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 1:00 PM – Ordinance #24-410; An Ordinance Amending the Duchesne County Zoning Ordinance to Add an Airport Overlay Zone to Protect the Duchesne Municipal Airport
(1:00 p.m.)

Present –

Commissioner Irene Hansen, Commissioner Tracy Killian, Commissioner Greg Miles, Community Development Director Mike Hyde, Deputy Attorney Tyler Allred, Community Development Assistant Shon McKinnon, Rikki Hrenko-Browning with UPA, Corie Miller, Kelsey Carter with Javelin Energy Partners, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

David Yadon with KODA Middle Fork Energy, Sandee Pummell, Don Bromley with Ovintiv, and Heather Ivie with Kinder Morgan.

(1:03 p.m.)

Community Development Director Mike Hyde explained in response to House Bill 206, passed in the 2023 Utah General Legislative Session, Duchesne County proposes to amend its zoning ordinance to establish an airport overlay zone to protect the Duchesne Municipal Airport from incompatible development on lands under county jurisdiction. HB 206 establishes a deadline of December 31, 2024, for this to be completed. Duchesne City and Roosevelt City will need to consider a similar ordinance pertaining to lands within the city limits.

The proposed ordinance was reviewed during a public hearing conducted by the County Planning Commission on May 1, 2024. Upon hearing numerous concerns and requests for an extension of time to review and comment on the ordinance, the Planning Commission voted to recess their public hearing until August 7, 2024, to allow for further study of the regulatory options. However, the Planning Commission could not muster a quorum on August 7th, which moved this agenda item to their September 4, 2024 meeting. If the Planning Commission makes a recommendation after that hearing, it is recommended that the Commissioners conduct their hearing on September 16, 2024.

Commissioner Miles asked if any changes had been made to the ordinance since the last public hearing. Director Hyde said they have made substantial changes based on comments from the public and the oil and gas industry.

Public Comments
(1:10 p.m.)

There were no public comments.

Commissioner Miles made a motion to recess the public hearing associated with Ordinance #24-410 until September 23, 2024, 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.

Recess 1:14 p.m. to 2:00 p.m.

Commissioner Miles made a motion to recess until the 2:00 pm working session. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Working Session
(2:00 p.m.)

Present –

Commissioner Irene Hansen, Commissioner Tracy Killian, Commissioner Greg Miles, Community Development Director Mike Hyde, Deputy Attorney Tyler Allred, Community Development Assistant Shon McKinnon, Rikki Hrenko-Browning with UPA, Corie Miller, Kelsey Carter and Jeff Crozier with Javelin Energy Partners, Michael Hawley and Brock Harrison with Jones & DeMille Engineering, Leslie Pearson-Rich, Zane Lay with Ovintiv, Jake Woodland with Wasatch Energy Management, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

David Yadon with KODA Middle Fork Energy, Sandee Pummell, Heather Ivie with Kinder Morgan, Paxton Mars, Lauren Brown, and Teisha Black with XCL Resources, Don Bromley, Scott Duncan with XCL Resource, Macey Wallace, and Cody McNeece with Ovintiv, JD Kelser with Parsons Behle & Latimer.

Discussion of Ordinance #24-409; An Ordinance Amending Title 8, Chapters 2, 6, and 13 of the Duchesne County Zoning Ordinance Regarding Oil & Gas Drilling and Production Facilities

(2:03 p.m.)

Mike Hawley with Jones & DeMille introduced himself and Brock Harrison. He presented a PowerPoint presentation on Roadway Costs from Industry Traffic. He talked about the AASHTO 1993 road test pavement design method and methodology, what the roads are like now, how many trucks there are and the impact, how much the paved roads and gravel roads cost, the cost of energy impacts, how the cost of paved roads and gravel roads should be calculated, and whether these costs offset the impacts.

Scott Ducan with XCL Resources asked for clarification on the typical affected roadway cost. Mike Hawley with Jones & DeMille Engineering explained the proposed formula.

Zane Lay with Ovintiv said, "Thank you for providing the formula; that is what they were asking for." He is concerned with the "paved road replacement cost per mile." The formula is the cost of a new road or replacement, which should be lower than what is being presented. He is also concerned that there is a formula for gravel roads, not just paved, as presented during the other working sessions.
He would also like the ordinance to designate the funds for the roads, not another project.

Mike Hawley with Jones & DeMille Engineering explained how the numbers were determined for new and existing roads. The formula calculates the industry at 2.3% of the traffic.

Scott Duncan with XCL Resources asked how you can ensure that the industry is not double-charged. The formula accounts for the number of predicted trucks on the road for each location.

Zane Lay with Ovintiv asked why the formula is for the replacement cost, not maintenance. He disagrees with the formula and says it is unfair to consider every road a total replacement and not a repair.

Scott Duncan with XCL Resources said there needs to be balance. The industry is trying to do its part to help fix the roads destroyed by the truck traffic.

Jake Woodland with Wasatch Energy Management said this has been a productive conversation. He asked why the formula uses the full replacement cost instead of a repair cost and what the average cost to armor the road would be. Wasatch Energy Management is one of the smallest in the industry, and if he had to pay the fee for a location that is 5.2 miles of pavement with the proposed formula, it would pay for the road to be replaced in 2.5 years.

The parties discussed what the industry would be willing to pay and what other States or Counties have in place.

Don Bromley with Ovintiv would like a copy of the Jones & DeMille presentation. It may help determine a more fair number.

Brock Harris with Jones & DeMille Engineering will send it via email, which can be shared with the industry.

Lauren Brown with XCL Resources said she has seen a per-well tier formula used in another state.

Zane Lay with Ovinitiv asked to continue working together as partners. They are shocked at the cost and want to negotiate a more equitable number. He asked for the compressor stations and water treatment facilities to be separated from the ordinance, such as the flare gas and labor camps.

Adjournment
(3:47 p.m.)

Commissioner Miles made a motion to adjourn the meeting at 3:47 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 26th day of August 2024.

Irene Hansen
Commission Chair

Chelise Jessen
Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes