

**MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION
MEETING HELD MONDAY, SEPTEMBER 16, 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, Surveyor Jerry Allred, Human Resource Director Judy Stevenson, Community Development Director Mike Hyde, Community Development Assistant Director Mike Gottfredson, Deputy Clerk-Auditor Becky Broadhead, Deputy Clerk-Auditor Lexie Young, 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.)

Presentation of Employee of the Month

(9:03 a.m.)

Postponed by General Consent

Public Works Update

(9:04 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. They looked at Wells Draw with the contractor; some patching must be done before it can be chipped-sealed. It is planned for October 1st. The County will provide trucks to haul the chips. Culverts are being installed on State Street, and Fillinghams Road is being prepared to be chipped. The new sweeper should arrive this week along with the 2-ton truck. The parties discussed the stockpile of guardrails being used for a project. A call was received about a failure on River Road. Director Casper will evaluate the damage and determine how to repair it. The Commissioners appreciated the Public Works Department for all of the work they have completed this year.

Discussion & Consideration of the 24/25 Utah Rural Grant Contract

(9:13 a.m.)

Commissioner Hansen explained the contract for the Governor's Office of Economic Opportunity Rural County Grant, which is \$200,000. Economic Development Director Deborah Herron and the Board of Directors will administer the grant. The Rural County Grant is intended to empower rural county governments to manage their economic development opportunities and take responsibility for planning, projects, and activities leading to improved economies. It is designed to address economic development needs, including business recruitment, development and expansion, workforce training and development, and infrastructure and capital facilities improvements for business development. Commissioner Miles recognized Commissioner Hansen for her work with the grant. *Commissioner Miles made a motion to approve the Governor's Office of Economic Opportunity Rural County Grant Contract. 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 Land Management Plan Direction for Old-Growth Forest Conditions Across the Ashley National Forest System Letter

(9:18 a.m.)

Community Development Director Mike Hyde presented a twenty-one-page letter to Linda Walker, the Director of the Ecosystem Management Coordination at the U.S. Department of Agriculture. A portion of the letter reads: The elected County Commissioners of Duchesne County, Utah, (the County) have reviewed the Department of Agriculture, U.S. Forest Service (“USFS”) draft environmental impact statement (DEIS) dated June 2024. The proposal is to amend management plans for 128 units of the National Forest System to “include consistent direction to conserve and steward existing, and recruit future, old-growth forest conditions and to monitor their condition across the planning area” (hereinafter the “Proposed Plan Amendments”). The County encourages responsible and appropriate development/use of natural resources to promote economic development for the benefit of its citizenry and support the County’s Resource Management Plan. As such, the County appreciates the opportunity to comment on the DEIS and accordingly submits the following comments and recommendations for the USFS’s review and consideration. These comments are in addition to comments the County submitted by letter dated January 22, 2024, which is incorporated herein by reference.

In Summation, the citizens of Duchesne County, the State of Utah, as well as the United States as a whole, will continue to benefit as the USFS fulfills its mission “to sustain the health, diversity, and productivity of the nation’s forests and grasslands to meet the needs of present and future generations.” As an overarching goal, “the County and State support the wise use, conservation, and protection of public lands and their resources, including well-planned management prescriptions.”

Thus, “it is the County’s position, as it is the State’s position, that public lands be managed for multiple uses, sustained yields, prevention of waste of natural resources, and to protect the health, safety, and welfare of the public. It is important to the County and State economy that public lands be properly managed for fish, wildlife, livestock production, timber harvest, recreation, energy production, mineral extraction, water resources, and the preservation of natural, science, scientific, and historical values.”

Managing old-growth forests like a museum: the hands-off approach advocated by many “conservationists,” is not the answer. Instead, the County encourages the USFS to focus on active forest management, forest stewardship, and vegetation treatments, to produce the desired old-growth forest conditions and achieve the required consistency with the State SRMP and the County RMP.

The County and the State of Utah has a significant amount of forest land in various stages of maturity (see:

<https://experience.arcgis.com/experience/37cb7e33db6949c79f1f87f87968e51a>).

Mature and old-growth forests should be managed for tree characteristics instead of designating specific areas or boundaries for mature and old-growth forests. Mature and old-growth forest characteristics should be considered when actively managing forest ecosystems but should not impede the ability to actively manage and restore forest ecosystems. Ecosystem resiliency is in part dependent on having a range of various tree age classifications within a forested ecosystem.

In sum, the cornerstone of proper management of the resources within Duchesne County

and the State of Utah is the coordination and cooperation between county, state, and federal land management agencies. Accordingly, we thank you for your consideration of the County's comments.

The parties discussed the letter and the County's Resource Management Plan. *Commissioner Killian made a motion to approve the letter as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of Ordinance #24-415: A Temporary Land Use Regulation Prohibiting Subdivisions Over Four Parcels or Lots within Duchesne County

(9:26 a.m.)

Deputy Attorney Tyler Allred presented the ordinance. He explained that it would slow growth to review water, road conditions, health, and safety for all current and new residents of Duchesne County. The temporary zoning ordinance shall remain in effect until March 15, 2025, unless earlier amended, modified, or repealed. The temporary land use regulation shall not exceed 180 days. The parties discussed the current growth in the county. *Commissioner Killian made a motion to approve Ordinance #24-415: A Temporary Land Use Regulation Prohibiting Subdivisions Over Four Parcels or Lots within Duchesne County as corrected. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of a Temporary Beer License

(9:52 a.m.)

Deputy Clerk-Auditor Lexie Young presented a temporary beer license permit from American Legion Post #22 for the Monster Truck event on October 4th and 5th. The parties discussed the event and the American Legion. *Commissioner Miles made a motion to approve the temporary beer license 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

(9:54 a.m.)

No BOE adjustments this week.

Recess 9:55 a.m. to 10:17 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

(10:17 a.m.)

Deputy Clerk-Auditor Becky Broadhead presented the September 16, 2024, vouchers, check numbers 166528 through 166592, for \$673,808.19. The parties reviewed the vouchers submitted. *Commissioner Miles made a motion to approve the vouchers for September 16, 2024, 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 September 09, 2024

(11:16 a.m.)

The parties reviewed the combined Commission meeting minutes for September 09, 2024. Commissioner Killian made a motion to approve the minutes for September 09, 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

(10:39 a.m.)

Calendaring & Weekly Update on Events

(10:42 a.m.)

Human Resource Update

(10:58 a.m.)

Human Resource Director Judy Stevenson gave an update for her department. The health fair is on Thursday this week. URS will provide training for tier 1 and tier 2 members. The new Road Department Employees started working today. The Public Defender will begin next week. Commissioner Hansen appreciated Director Stevenson for helping clear office space for the Public Defenders.

Closed Meeting – Strategy Session to Discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual

(11:04 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

(11:35 a.m.)

No action is to be taken.

Recess 11:36 a.m. to 1:30 p.m.

Commissioner Killian made a motion to recess until the 1:30 Public Hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

PUBLIC HEARING 1:30 PM – Consideration of Ordinance #24-412; An Ordinance Amending the Duchesne County Subdivision Ordinance

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, Community Development Zoning Specialist Shon McKinnon, Zane Lay with Ovintive, Mike Hawley with Jones & DeMille Engineering, Teisha Black, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

Chad Salisbury, Spencer Turnbow with Humbolt, Macey Wallace with Ovintiv, Pax Marrs, Rikki Hrenko Browning with UPA, Willie Rivera with Berry, JD Kesler, and Don Bromley.

Consideration of Ordinance #24-412; An Ordinance Amending the Duchesne County Subdivision Ordinance

(1:32 p.m.)

Community Development Director Mike Hyde presented Ordinance #24-412 and the Findings of Fact. He explained that the County proposes to amend its subdivision ordinance to comply with SB 174, passed during the 2023 Utah General Legislative Session, and HB 476, passed during the 2024 Utah General Legislative Session. The legislation requires jurisdictions to amend their subdivision ordinances by December 31, 2024, to streamline the subdivision process and make housing more affordable. The ordinance was prepared in consultation with Kirk Cullimore, an attorney hired by the Utah Association of Counties, to help facilitate compliance with the legislation. The proposed ordinance was reviewed during a public hearing conducted by the County Planning Commission on September 4, 2024. The Planning Commission voted unanimously to recommend approval of Ordinance #24-412.

Public Hearing

(1:43 p.m.)

Commissioner Hansen opened the public hearing.

Public Comments

(1:44 p.m.)

There were no public comments.

Public Hearing Closed

(1:44 p.m.)

Commissioner Hansen closed the public hearing.

Commission Discussion

(1:45 p.m.)

The parties discussed the ordinance. *Commissioner Miles made a motion to adopt Ordinance #24-412, An Ordinance Amending the Duchesne County Subdivision Ordinance as required by SB 174. 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 – Consideration of Ordinance #24-409; An Ordinance Amending Title 8, Chapters 2, 6, and 13 of the Duchesne County Zoning Ordinance Oil & Gas Drilling and Production Facilities

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, Community Development Zoning Specialist Shon McKinnon, Zane Lay with Ovintiv, Mike Hawley with Jones & DeMille

Engineering, Teisha Black, Scott Duncan, Allan Smith, Bryce Gilbert, Elizabeth Gilbert, Kim Harding, Dean Gilbert, Cindie Gilbert, Kelsey Carter, Gordon Moon, Heather Ivie, Dustin Linam, Chelsie Gilbert, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

Chad Salisbury, Spencer Turnbow with Humbolt, Macey Wallace with Ovintiv, Pax Marrs, Rikki Hrenko-Browning with UPA, JD Kesler, Don Bromley, 661-440-3629, Cody McNeece with Ovintiv, Sandy Pummell, Brock Harrison with Jones & DeMille Engineering, and Cody Deeter with EFG Consulting.

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

(2:00 p.m.)

Commissioner Hansen explained that this item had been recessed until today at 2:00 p.m. She described the changes in oil production moving from Forest Service Land to private land and the impacts on county roads. The County is trying to find a balance to mitigate its challenges.

Commissioner Miles thanked Jones & DeMille Engineering for their work with Vialytics. He explained that the County had engaged Cody Deeter and his company, EFG Consulting, to complete a transportation mitigation fee study, which should be completed within two weeks.

Mike Hawley with Jones & DeMille Engineering said there is no new information from Jones & DeMille. He is working with Cody Deeter to provide the information they obtained with Vialytics.

Public Hearing

(2:13 p.m.)

Commissioner Hansen opened the public hearing.

Public Comments

(2:14 p.m.)

Kim Harding, a county resident, suggested identifying truck routes and putting up signs. He also expressed his concerns about the noise. He lives near an existing compressor station. Elizabeth Morgart played a clip of the sound she heard at home. The noise is constant and around 66 decibels. They have listened to it for the last four months. They have contacted the industry, and some tests have been done. But the noise hasn't improved. Ms. Morgart also showed pictures of the decibels at different times of the day. She said they installed sound walls, which now direct the sound to her house. Mr. Harding and Ms. Morgart would like the County to do something to help them.

(2:26 p.m.)

Allen Smith suggested the ordinance be recessed until the study is completed.

(2:28 p.m.)

Dustin Linam is also concerned about the noise from a compressor station. He works night shifts, so the sound affects him during the day when he tries to sleep.

(2:29 p.m.)

Bryce Gilbert lives by a compressor station. He said it has gotten louder over the years, making it difficult to converse with the person beside him. When the station is flaring, it is even louder. He said the company has done sound tests and reports no issues, but there are.

(2:32 p.m.)

Gordon Moon asked what the status of the ordinance was and if it was ready to present. He also conveyed his concern for the industry having to pay for the full impact on the roads even though other heavy traffic uses them. He asked how much royalty revenue the county has received in the past few years. Commissioner Hansen explained how oil royalties could take five generations before seeing a profit. The royalties that the County receives are used to balance the budget.

Commissioner Killian stated that half of the County residents don't benefit from the oil industry. They don't own royalties or work in the industry. He asked for a fair way to fix the problems without raising the residents' taxes.

Mr. Moon said that the County needs to recognize the industry's contributions and what it is willing to contribute in the future.

The parties discussed severance taxes and where they are allocated.

Kim Harding and Elizabeth Morgart commented on the increased property taxes.

(2:55 p.m.)

Dustin Linam asked how many federally funded projects are in the County. Mike Hawley with Jones & DeMille Engineering explained the projects. Most are self-funded.

(3:01 p.m.)

Heather Ivie with Kinder Morgan thanked the Commissioners for the ordinance process. She will work with the Gilberts to make their situation more favorable. She said Kinder Morgan has gone out of its way to be a great neighbor and will continue to use best practices that have worked in other areas. They want to work together.

(3:05 p.m.)

Commissioner Miles asked Cody Deeter with EFG Consulting if he had received everything he needed to complete the transportation mitigation fee study. Mr. Deeter said yes, he had received what was required.

(3:06 p.m.)

Commissioner Killian asked Rikki Hrenko-Browning with UPA to send the information for the proposal she sent. Ms. Hrenko-Browning said they used a similar formula suggested by the County but are using repair costs instead of new costs.

Commission Discussion

(3:08 p.m.)

The Commissioners discussed the schedule for moving forward. The transportation mitigation fee study should be completed by September 30th, and there needs to be enough time to review it. The parties will have a working session on September 30th and the public hearing on October 21st.

Commissioner Miles made a motion to recess the public hearing for Ordinance #24-409 until October 21st 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.

Adjournment

(3:25 p.m.)

Commissioner Miles made a motion to adjourn the meeting at 3:25 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 23rd day of September 2024.

Irene Hansen
Commission Chair

Chelise Jessen
Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes

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