

**MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION
MEETING HELD MONDAY, OCTOBER 7, 2024, BEGINNING AT 9:00 A.M. IN
DUCHESNE, UTAH**

Present –

Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Emergency Management Executive Assistant Shelly Felter, State Fire Warden Brandon Peck, Deputy Clerk-Auditor Becky Broadhead, Deputy Clerk-Auditor Lexie Young, Economic Development Director Deborah Herron, Treasurer Stephen Potter, Assessor Traci Herrera, Human Resource Director Judy Stevenson, Human Resource Payroll & Benefits Administrator Jamie Park, Community Development Director Mike Hyde, Deputy Treasurer Connie Sweat, Recorder Shelley Brennan, Duchesne County Resident Jeff Chugg, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom–

Karen Peterson, Kendall Welch with Jones & DeMille Engineering, Daniel Jensen with Sunrise Engineering, Casey Snyder, and Sophie Frankenburge with Logan Simpson.

Excused - Commissioner Irene Hansen

Opening Comments

(9:01 a.m.)

Proteum Chair Miles welcomed everyone to the meeting.

Pledge of Allegiance

(9:02 a.m.)

Update on the Yellow Lake Fire

(9:03 a.m.)

County Fire Warden Brandon Peck updated the parties on the Yellow Lake Fire on Wolf Creek. Overnight, the winds died down. The fire is currently at about 16,000 acres and 7% contained. There are 500 fire personnel, and the cost is 5.7 million. The wind is predicted to be light today. Fire Warden Peck presented a map of the fire with evacuation points. A spot fire started 2 miles away from the primary fire on the Moon's property. No structures have been lost. The parties discussed having an informational meeting for the public. The type 2 team will be in place on Wednesday.

Open & Award the Proposals for the Duchesne County General Plan

(9:12 a.m.)

The Commissioners opened the proposals from Sunrise Engineering, Jones & DeMille Engineering, and Logan Simpson Design Inc. The parties reviewed the proposals and want to allow staff time to review them. They will hear the recommendation and award the proposal at the October 21st meeting.

Public Works Update

(9:23 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. The East River Road (CR 79) failure is possibly caused by a base issue, not an asphalt failure. They would like to get a qualified opinion from an engineer. The parties discussed the heavy haul traffic on the county roads, possibly due to the construction on Highway 40. The North Crescent (CR 177) widening project is finished by the county and is ready to be paved. Some culverts have been replaced on County Road 11 in Tabiona, along with some repairs. They have sprayed dust suppressant in Red Creek and discussed other areas that also need it. They have equipment ready to be used on the fire if needed.

Discussion & Consideration of Purchasing Property for the Road Department

(9:36 a.m.)

Commissioner Miles explained that the county has been looking for property for the Road Department. They will apply to use revitalization funds for the project. The property is on Blue Bench and has enough room for future expansion. *Commissioner Killian made a motion to purchase the property from the Madsens for \$227,000. Commissioner Miles*

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

(12:51 p.m.)

The Commission was informed that the previously quoted acreage was incorrect. *Commissioner Killian made an amended motion to purchase the property for \$240,160.00. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Discussion & Consideration of Approach Permits

(9:39 a.m.)

Public Works Deputy Director Clint Curtis presented two Residential/Commercial Approach Permits with aerial pictures of the property and approach location. The parties discussed the permits. *Commissioner Killian made a motion to approve the residential/commercial approach permits as presented and authorize Commissioner Miles to sign on behalf of the County. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

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

(9:45 a.m.)

Deputy Clerk-Auditor Lexie Young presented twelve records of final decision from the BOE hearing officer. Parcel numbers: 00-0003-0407, 00-0034-8736, 00-0035-0166, 00-0002-2396, 00-0001-3429, 00-0028-8955, 00-0002-4707, 00-0009-0948, 00-0004-5553, 00-0005-1908, 00-0028-8765, and 00-0003-0415. The parties discussed the parcels and adjustments. The parties requested Assessor Traci Herrera to provide more information on appeal numbers 2024-238 and 2024-239.

(10:37 a.m.)

Assessor Traci Herrera gave updated information and the stipulations recommended but not accepted by the landowners. *Commissioner Killian made a motion to approve the BOE Adjustments, excluding appeal numbers 2024-238 and 2024-239. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Discussion & Consideration of Resolution No. 2024-03; A Resolution of Appointment of a Duchesne County Representative and an Alternative Representative for the Utah Counties Indemnity Pool Annual Membership Meeting

(9:41 a.m.)

Clerk-Auditor Chelise Jessen presented the resolution before the meeting. The parties discussed the resolution and the upcoming meeting. *Commissioner Killian made a motion to appoint Commissioner Miles as the Duchesne County Representative and Commissioner Killian as the Alternative Representative for the Utah Counties Indemnity Pool Annual Membership Meeting. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Discussion & Consideration of New Business Licenses

(9:57 a.m.)

Deputy Clerk-Auditor Lexie Young presented three new business licenses:

- 3LC Pest & Weed LLC, owned by Chanse Hyder, Roosevelt, Utah.
- MadDog Rentals, LLC, owned by Roy Opsahl, Neola, Utah.
- Mile High Roasting, owned by Jon Igo, Roosevelt, Utah.

The parties discussed the new businesses. *Commissioner Killian made a motion to accept the new business licenses approved by the Clerk-Auditor's Office. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Discussion & Consideration of the Support Letter for Strata Fiber Optic Cable Installation

(10:00 a.m.)

Community Development Director Mike Hyde presented the support letter and explained the maps for the location of the internet fiber installation. A portion of the letter reads: Duchesne County is pleased to read that the Ashley National Forest is moving forward to approve a project by Strata Networks to install and operate approximately 5.1 miles of new fiber optic communication cable along the North Fork Road within the boundaries of the Duchesne-Roosevelt Ranger District.

The project is consistent with county findings and policies in the Duchesne County Resource Management Plan; examples are listed in the letter.

The County urges the Forest Service and construction crews to coordinate the project with other utility providers who may have services in the project area and with the Duchesne

County Public Works Department, which maintains the North Fork Road [County Road #7], to determine if a right of way encroachment permit will be required. The parties discussed the letter and the project. *Commissioner Killian made a motion to approve the letter of support for the Strata Networks Fiber Optic Cable installation. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Recess 10:05 a.m. to 10:19 a.m.

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

Auditors Office – Vouchers

(10:19 a.m.)

Deputy Clerk-Auditor Becky Broadhead presented the October 7, 2024, vouchers, check numbers 166736 through 166805, for \$1,821,940.18. The parties reviewed the vouchers submitted. *Commissioner Killian made a motion to approve the vouchers for October 7, 2024, as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

HR Office – Payroll

(10:22 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the payroll report ending September 28, 2024; 235 employees were paid. *Commissioner Killian made a motion to approve the September 28, 2024 payroll, as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

Tax Adjustment - Abatement Approval

(10:25 a.m.)

Deputy Treasurer Connie Sweat presented the Auditor's Individual Abatement Report. Totals for the Abatement report are as follows: Residential Buildings - 174 for \$87,877.23, Residential Land – 79 for \$12,299.09, total - 253 for \$100,176.32. The breakdown totals are as follows: Blind – 8 for \$930.69, Circuit Breaker – 164 for \$100,176.32, Indigent – 44 for \$24,538.70, 20% Circuit Breaker – 102 for \$47,386.06, Veterans – 129 for \$215,994.89, for a total of 447 for \$389,026.66. *Commissioner Killian made a motion to approve the 2024 Individual Tax Abatement as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles 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.)

Discussion & Consideration of the 2025 Employee Benefits

(10:52 a.m.)

Human Resource Director Judy Stevenson presented the medical negotiated renewal rate. For 2025, it will increase by 1%. Dental insurance will now be with Sun Life, with a \$1,500 annual benefit, and the rate should stay about the same. Vision insurance will increase by 4%. The parties discussed the benefits and cost increase. The benefits will be approved at a later meeting.

Human Resource Update

(10:56 a.m.)

No update at this time.

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

(10:57 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, and Commissioner Miles voted aye. The motion passed.

Back in Session

(11:38 a.m.)

No action is to be taken.

Recess 11:39 a.m. to 12:50 p.m.

Commissioner Killian made a motion to recess until just before the 1:00 p.m. public hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.

Consideration of Minutes for Combined Commission Meeting held September 30, 2024

(12:52 p.m.)

The parties reviewed the combined Commission meeting minutes for September 30, 2024. *Commissioner Killian made a motion to approve the minutes for September 30, 2024, as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.*

PUBLIC HEARING 1:00 PM – Ordinance #24-413; An Ordinance Vacating the Public's Interest in that Portion of Summit Street, Located Between Jensen Road and Alpine Street in the Pinon Ridge Subdivision, Plat #1

Present –

Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Community Development Director Mike Hyde, Community Development Deputy Director Mike Gottfredson, Mike Hawley with Jones & DeMille Engineering, Community Development Zoning Specialist Shon McKinnon, Duchesne County Resident Bob Hamlet, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

Excused – Commissioner Irene Hansen

Public Hearing

(1:00 p.m.)

Commissioner Miles opened the public hearing.

Community Development Director Mike Hyde introduced Duchesne County Resident Bob Hamlet and explained the request. Lots 416, 434, 542, and 543 of the Pinon Ridge Subdivision, Plat #1, have an undeveloped, 50-foot-wide public right-of-way bisecting them. The owner, Mr. Hamle, would like to assemble the four 1/4th-acre lots (plus one additional lot not abutting the right-of-way) and the right-of-way into one new building site.

Good cause exists for granting the right-of-way vacation request. No road or utility improvements have been placed in this right-of-way since it was platted in 1963. Site photos show a steep slope within the right-of-way. Utility companies can provide service now or in the future to the nearby lots from Jensen Road and Alpine Street. No objections have been received from Dominion Energy, Moon Lake Electric, Strata Networks, or the Pinion Forest Special Service District.

The proposed ordinance was reviewed during a public hearing conducted by the Planning Commission on October 2, 2024. The Planning Commission voted unanimously to recommend approval of Ordinance #24-413.

Public Comments

(1:09 p.m.)

Mr Hamlet stated that only a four-wheeler could drive on the right-of-way.

Commission Discussion

(1:10 p.m.)

The parties discussed the ordinance and location. The only concern was future growth; this right of way vacation should not affect it.

(1:11 p.m.)

Commissioner Miles closed the public hearing.

Further Action

Commissioner Killian made a motion that the Commission adopt the findings recommended by the Planning Commission and approve Ordinance #24-413.

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

Recess 1:12 p.m. to 1:30 p.m.

Commissioner Killian made a motion to recess until the 1:30 p.m. public hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.

PUBLIC HEARING 1:30 PM – Ordinance #24-410; An Ordinance Amending Title 8, The Duchesne County Zoning Ordinance to Create an Airport Overlay Zoning District Protecting the Duchesne Municipal Airport

Present –

Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Community Development Director Mike Hyde, Community Development Deputy Director Mike Gottfredson, Mike Hawley with Jones & DeMille Engineering, Community Development Zoning Specialist Shon McKinnon, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom – JD Kesler

Absent – Commissioner Irene Hansen

Public Hearing

(1:31 p.m.)

Commissioner Miles opened the public hearing.

Community Development Director Mike Hyde presented the ordinance and explained that Duchesne County proposes to amend its zoning ordinance to establish an airport overlay zoning district to protect the Duchesne Municipal Airport from incompatible uses. This action is required pursuant to House Bill 206, passed in the 2023 Utah General Legislative Session. The proposal would apply additional land use restrictions to real property (under county jurisdiction, not within the Duchesne City limits) within several defined airport zones with a goal of discouraging development that could result in noise complaints or mass casualties in the event of a crash. The ordinance would also regulate the heights of buildings and other features to prevent hazardous obstructions to navigation.

The legislation gave counties until December 31, 2024, to bring their zoning ordinances into compliance. If the County fails to adopt an airport overlay zone by that deadline, the following requirements shall apply in an “airport influence area” (within 5,000 feet of a runway):

- (a) The County must notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise;
- (b) The County must, as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require the person building or developing land to grant or sell to the airport owner at appraised fair market value, and aviation easement; and
- (c) The County must require that a person building or developing land within an airport influence area conform to the requirements of Title 72, Chapter 10 of the Utah Code (Utah Aeronautics Act) and 14 C.F.R. Part 77; and

The proposed ordinance was prepared with assistance from JUB Engineering, which prepared a recent update of the Duchesne Municipal Airport Master Plan, which is required by the FAA and enables the City to continue receiving FAA funds to operate and maintain the airport.

At the May 1 Planning Commission and May 13 County Commission public hearings, concerns were raised about the plans for public and private development around the airport; including oil and gas development. The proposed ordinance has been amended to allow “airport compatible land uses” provided the FAA issues a “Determination of No Hazard to Air Aviation” or verifies that the proposal falls below their notice criteria. Moon Lake Electric recently received such a determination for their proposed new facility on the east side of Highway 87, northwest of the airport. Additional concerns raised by the energy industry at the September 4, 2024, Planning Commission meeting have been addressed.

The proposed ordinance amendment was reviewed during public hearings conducted by the County Planning Commission on May 1, September 4, and October 2, 2024. The Planning Commission voted unanimously to recommend approval of Ordinance #24-410.

The parties discussed the ordinance and the proposed changes.

Public Comments

(2:18 p.m.)

No public comments.

(2:19 p.m.)

Commissioner Miles closed the public hearing.

Further Action

Commissioner Killian made a motion that the Commission adopt the findings recommended by the Planning Commission and approve Ordinance #24-410, amending the Duchesne County Zoning Ordinance and establish an overlay zone protecting the Duchesne Municipal Airport. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.

Recess 2:22 p.m. to 2:30 p.m.

Commissioner Killian made a motion to recess until the 2:30 p.m. working session. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The motion passed.

WORKING SESSION 2:30 PM – 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 Greg Miles, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Mike Hawley with Jones & DeMille Engineering, Allan Smith, Kelsey Carter, Don Bromley, Lisa Sagers, Jake Woodland, Corie Miller, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Community Development Deputy Director Mike Gottfredson, Scott Duncan, Colleen Fish, Jackie Shober, Greg Simms, Jeff Crozier, Frank Jimenez, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

Cody Deeter with EFG Consulting, Rikki Hrenko-Browning with UPA, JD Kesler, Heather Ivie with Kinder Morgan, Cody McNeece, Sandee Pummell, James Lebeck, Cameron Cutch, Leslie Pearson-Rich with Ovintiv, Teisha, and 281-728-5208.

Excused – Commissioner Irene Hansen

Commissioner Greg Miles welcomed everyone to the meeting and excused Commissioner Hansen, who was obligated elsewhere.

Mike Hawley with Jones & DeMille Engineering presented a report explaining how the data was compiled. Different options were presented, each with a method or formula for calculating the cost per mile per well. The parties discussed the possibilities and recent costs of repaired roads. It was suggested that the industry provide anticipated haul routes and armor the road before the heavy hauling starts.

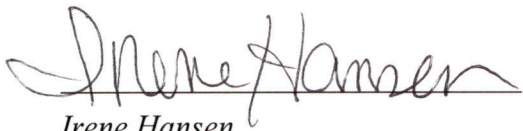



The industry requested time to review the updated ordinance before the public hearing on October 21, 2024. The ordinance will be sent to the industry for review as soon as it is available.

Adjournment

(3:25 p.m.)

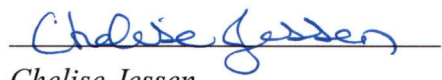
Commissioner Killian made a motion to adjourn the meeting at 3:25 p.m. Commissioner Miles seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The forum adjourned.

Read and approved this on the 21st day of October 2024.



Irene Hansen

Commission Chair



Chelise Jessen

Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes