MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION MEETING HELD MONDAY, OCTOBER 21, 2024, BEGINNING AT 9:00 A.M. IN DUCHESNE, UTAH

Present –

Commissioner Irene Hansen, Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Grant Charles, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Emergency Management Director Josh Phillips, County Fire Warden Brandon Peck, Economic Development Director Deborah Herron, Deputy Treasurer Connie Sweat, Human Resource Director Judy Stevenson, Human Resource Payroll & Benefits Administrator Jamie Park, Clerk-Auditor Chelise Jessen, Surveyor Jerry Allred, Duchesne County Resident Jeff Chugg, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Opening Comments

(9:00 a.m.)

Chairperson Hansen welcomed everyone to the meeting.

Pledge of Allegiance

(9:01 a.m.)

Update on the Yellow Lake Fire

(9:02 a.m.)

Emergency Management Director Josh Phillips and County Fire Warden Brandon Peck updated the parties on the Yellow Lake Fire on Wolf Creek. It has burned 33,041 acres and is 34% to 37% contained. Divisions H (Soapstone), J (North Fork), and C (Heart Lake) are still active. The California Complex Management Team 2 will transition to a Type 3 team (downsized management due to complexity). The restrictions have been lifted for the residents, and State Road 35 has been reopened as of this morning. The Incident Commander Type 3 requests an excavator and operator for a week. They are working with Public Works on the request.

630,000 gallons of retardant and 2.2 million gallons of water have been used to help suppress the fire.

The Commissioners expressed their gratitude to all parties involved with the fire. The Centennial Event Center staff has made the ICP a major success by providing and anticipating its needs. The Sheriff's Department and Search and Rescue helped with the evacuation, which went smoothly. The Emergency Management Director, Josh Phillips, and County Fire Warden, Brandon Peck, have been involved since the beginning. Most of the residents were very cooperative when asked to evacuate.

Public Works Update

(9:12 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. They will send excavator 330 and an operator to help with the fire. They will be done with the parking lot at the South Building today, and it will be ready for the paving company. Warm Springs Drive in Hanna was paved last week. They graveled some roads and the bus turnaround in Altamont last week. North Crescent (CR 177) is ready to be paved. They will do a 1" overlay with widening and then another 1" overlay. This will cost less than the original proposal. The bridge in Altona is almost complete. It should be ready to be paved by the end of the week. Fruitland and Tabiona received 3-4 inches of snow last week. They graveled Sawmill Road (CR 5) in Fruitland. The equipment has been drained and winterized. A steel bridge on Antelope Road (CR 27) needs to be replaced. They will install a box culvert. They have been working with Jones & DeMille Engineering, which is estimated to cost approximately $250,000. It will take about six months for delivery once ordered. The parties discussed temporary repairs to ensure structure integrity. The road striping should be completed this week.

Discussion & Consideration of the Uintah Basin Revitalization Fund Application

(9:25 a.m.)

Commissioner Miles explained that the county had purchased the property for the new Road Department Facility. The application is to relocate and construct a new road shed building. The costs will include construction, engineering, and site preparation for a new location for the road department. The application amount is $5,886,568.00. The new building will be 23,000 square feet and host five bays with three drive-throughs. The building will include a storage area and office space to accommodate staff needs. The

project could go out to bid at the beginning of next year. The parties discussed the contingency amount for possible inflation. *Commissioner Miles made a motion to submit the application to the Uintah Basin Revitalization Fund Board for $5,886,568.00. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of Executive Order for the Emergency Order of Evacuation
(9:29 a.m.)

Commissioner Hansen explained that the Yellow Lake Fire threatened lives and property in a portion of Duchesne County. The Sheriff's Office temporarily closed and evacuated the area. The threat continued, so pursuant to Utah Code Annotated 53-2A-205, the authority of the Chief Executive Officer, an Emergency Order of Evacuation, was signed on October 8, 2024. The parties discussed the evacuation and fire. *Commissioner Miles made a motion to approve the Emergency Order of Evacuation and authorize the chair to sign. 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
(9:33 a.m.)

Clerk-Auditor Chelise Jessen presented thirty-one records of final decision from the BOE hearing officer. Parcel numbers: 00-0001-4138, 00-0001-4757,00-0001-4765, 00-0032-3190, 00-0008-4297, 00-0008-2655, 00-0026-3248, 00-0029-3658, 00-0006-5734, 00-0003-5287, 00-0008-2903, 00-0008-2945, 00-0026-3420, 00-0029-5349, 00-0029-6354, 00-0035-2088, 00-0007-2904, 00-0034-8730, 00-0027-3817, 00-0008-6573, 00-0014-6187, 00-0029-5208, 00-0035-0540, 00-0008-2663, 00-0005-7251, 00-0005-9976, 00-0006-1436, 00-0028-0382, 00-0001-3429, and 00-0002-4707. The parties discussed the parcels and adjustments. The same company submitted twenty-six of the BOE adjustments for the industry-owned properties. No evidence was provided to support a change in value, so the hearing officer recommended that the board affirm the 2024 assessed value without any change. The parties discussed the other BOE adjustments. Appeal numbers 2024-238 and 2024-239 were excluded last week, and a decision needs to be made to approve the stipulated amount or the assessed value. *Commissioner Miles made a motion to approve BOE adjustments as presented and recommend to stay with the stipulated amounts for the Hicken Investment Properties. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Auditors Office – Vouchers
(9:45 a.m.)

Clerk-Auditor Chelise Jessen presented the October 21, 2024, vouchers, check numbers 166806 through 167027, for $1,828,970.42. The parties reviewed the vouchers submitted. *Commissioner Miles made a motion to approve the vouchers for October 21, 2024, as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Tax Adjustment - Abatement Approval
(9:48 a.m.)

Deputy Treasurer Connie Sweat presented the Auditor's Individual Abatement Report. Totals for the Abatement report are as follows: Residential Buildings - 6 for $2,427.45, Residential Land – 4 for $1,381.22, total - 10 for $3,808.67. The breakdown totals are as follows: Circuit Breaker – 6 for $3,808.67, 20% Circuit Breaker – 4 for $986.87, Veterans – 2 for $1,418.97, for a total of 12 for $6,214.51. *Commissioner Miles made a motion to approve the 2024 Individual Tax Abatement Report as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Recess 9:50 a.m. to 10:06 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.

HR Office – Payroll
(10:06 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the payroll report ending October 12, 2024; 224 employees were paid. *Commissioner Killian made a motion to approve the payroll ending October 12, 2024, 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 the 2025 Payday & Holiday Schedule
(10:09 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the 2025 Payday and Holiday Schedule. The parties discussed the schedule. *Commissioner Killian made a motion to approve the 2025 Payday and Holiday Schedule. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration of the 2025 Employee Benefits
(10:12 a.m.)

Human Resource Director Judy Stevenson and Human Resource Payroll & Benefits Administrator Jamie Park presented the 2025 Employee Benefits. They explained the rebate history for last year and the expected rebate for medical insurance this year. The rate will increase by 1% in 2025. The dental insurance will be moving to Sun Life with a maximum of $1,500 yearly. The vision insurance will increase by 4%. The rest of the benefit rates will stay the same. The parties discussed the benefits. *Commissioner Miles made a motion to approve the 2025 Employee Benefits 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 October 7, 2024
(10:17 a.m.)

The parties reviewed the combined Commission meeting minutes for October 7, 2024. *Commissioner Killian made a motion to approve the minutes for October 7, 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
(10:27 a.m.)

Calendaring & Weekly Update on Events
(10:29 a.m.)

Human Resource Update
(10:41 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
(10:42 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
(11:46 a.m.)

No action is to be taken.

Assessor's Office – Tax Adjustments
(11:46 a.m.)

Chief Deputy Assessor Ginger Johnson presented the tax adjustments for the Assessor's office. The adjustments are on fifteen parcels. Parcel 00-0031-6860 There was a PUMA conversion error; the home was converted twice for a credit of $551.85. Parcel 00-0035-0932 The house was complete for 2024; during a rollover, part of the home reverted to secondary; it is a primary residence for a credit of $1,567.48. Parcel 00-0028-8765 A stipulation was signed for a credit of $310.07. Parcel 00-0029-7501 is a primary residence for a credit of $1,113.15. Parcel 00-0006-6666 is a primary residence for a credit of $813.23. Parcel 00-0003-0142 was converted as an improved lot with utilities; the utilities are on the lot with the home for a credit of $213.20. Parcel 00-0000-0582 The building is for storage only, for a credit of $377.34. Parcel 00-0004-3046, the rollback needs to be canceled in 2024, and a new notice was sent out; the paperwork was received on time and was approved for a debit of $3,543.44. Parcel 00-0032-5400, the rollback needs to be

canceled in 2024, and a new notice was sent out; the paperwork was received on time and was approved for a debit of $1,179.37. Parcel 00-0003-0415, a stipulation agreement, was signed for a credit of $296.02. Parcel 00-0001-3460, there was a mistake in the commercial appraisal for a credit of $1,406.17. Parcel 00-0027-1035 has no utilities on the lot for a credit of $249.70. Serial AL-0048 The lot should be a primary residence for 2024 for a credit of $956.51. Parcel 00-0034-9285 The lot was exempt but had a tax value assessed for a credit of $88.96. Parcel 00-0034-9286 The lot was exempt but had a tax value assessed for a credit of $88.96. *Commissioner Miles made a motion to approve the tax adjustment as presented for the Assessor's Office. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Recess 11:49 a.m. to 1:01 p.m.

Commissioner Killian made a motion to recess until the 1:00 p.m. 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 1:00 PM – Ordinance #24-414; An Ordinance Amending Title 8, The Duchesne County Zoning Ordinance to Create an Airport Overlay Zoning District Protecting the Roosevelt Municipal Airport

Present –

Commissioner Irene Hansen, Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Grant Charles, Community Development Director Mike Hyde, Community Development Deputy Director Mike Gottfredson, Community Development Zoning Specialist Shon McKinnon, Drew Eschler with Roosevelt City, Kelsey Carter with Crescent Energy, Senator Ron Winterton, Duchesne County Residents Jeff Chugg and Cynthia Wardle, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

Leslie Pearson-Rich with Finley Resources/Uintah Wax, and Rodney Black.

Public Hearing
(1:01 p.m.)

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 Roosevelt 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 Roosevelt City limits) within several defined airport zones to discourage 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 avigation 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 Roosevelt 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.

This proposed ordinance is based on Ordinance #24-410, establishing an overlay zone to protect the Duchesne Municipal Airport.

The proposed ordinance amendment was reviewed during a public hearing conducted by the County Planning Commission on October 2, 2024. Several persons expressed concerns about the ordinance's impact on future development around the Roosevelt airport, including a member of the Utah legislature who voted for HB 206. The Planning Commission unanimously recommended approval of Ordinance #24-414 and directed staff to monitor the 2025 Utah legislative session for any changes to UCA 72-10-403 and report back to the Commission during their June 2025 meeting.

He also explained that Roosevelt City has its own airport overlay and would like consistency between the County and the City. Roosevelt City requests that the County recess the public hearing for 30 days.

Drew Eschler with Roosevelt City said that after meeting with the Roosevelt airport board, there was concern about having two overlay zones for the same airport. He would like one draft that would satisfy both entities' needs. He asked if the Commission would recess the public hearing.

(1:10 p.m.)

Commissioner Hansen opened the public hearing.

Public Comments

(1:10 p.m.)

There were no public comments.

Commission Discussion

(1:11 p.m.)

Commissioner Killian made a motion to recess the public hearing until November 25, 2024, at 1:00 p.m. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

Recess 1:15 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 – 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 Grant Charles, Community Development Director Mike Hyde, Community Development Deputy Director Mike Gottfredson, Community Development Zoning Specialist Shon McKinnon, JD Kesler with Parsons Behle & Latimer, Rikki Hrenko-Browing with Utah Petroleum Association (UPA), Kelsey Carter with Crescent Energy, Senator Ron Winterton, Jake Woodland with Wasatch Energy Management, Michael Hawley with Jones & DeMille Engineering, Allan Smith, Don Bromley with Ovintiv, Bart Kettle with Division of Oil Gas and Mining (DOGM), Teisha Black, Andrea Gurr, Gordon Moon, Jeff Crozier, Jeff Chugg, Cody Ivie, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom –

Seraphim Kupec with Berry Petroleum, Macey Wallace with Ovintiv, Sandee Pummell, Cody McNeece with Ovintiv, Leslie Pearson-Rich with Finley Resources/Uinta Wax, Rodney Black, Cameron Cutch, Frank Jimenez with Berry Petroleum, Treena Brodie, Cody Deeter, Raymond Rodriguez, Willie Rivera, Kent Fink, Nick Smith, Lauren Brown with XCL Resources, Jennifer Cox, Heather Ivie with Kinder Morgan, and Dan Brooks with Javelin Energy.

Public Hearing

(2:02 p.m.)

Commissioner Hansen opened the public hearing.

Community Development Director Mike Hyde explained that 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 agricultural and rural residential areas. These proposed amendments are summarized below:

- Amends the definition of "Oil and Gas Drilling Facilities/Production" to "Oil and Gas Drilling and Production Facilities," which include well pads and their associated equipment;
- Amends the "Oil and Gas Drilling and Production Facilities" use in the Table of Uses to 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. A majority of the County's fee lands are zoned A-5, and most oil and gas drilling and production facilities have not required a conditional use permit;
- Amends the oil and gas drilling and production facilities section to require administrative conditional use permits for wells (not yet spudded) in all zoning districts and;
- Provides for payment of a transportation mitigation fee formulated by Jones & DeMille Engineering to be incorporated in the amended County Transportation Master Plan. Note: Implementing this fee will require a separate Resolution to amend the Transportation Master Plan. Questions or discussions associated with this fee are best deferred until the Resolution is on the agenda for consideration.

Director Hyde summarized the findings of fact. He provided the audience with a copy of the findings of fact and the updated ordinance. He also mentioned some red-line edits the Utah Petroleum Association submitted.

Public Comments

(2:11 p.m.)

Rikki Hrenko-Browning with UPA expressed her appreciation to the Commission and staff for additional dialogue on the proposed ordinance and the opportunity to comment on the draft language. Her position is based on the industry members for the detailed redlines. The fee should be included in the ordinance, not just a resolution. Vertical wells, water hauling, and compressor stations should be excluded because they have lower road impacts. The fee should only apply to paved roads, not gravel roads. There should be a three-year review requirement for the fee calculation. Once the ordinance is passed, the effective date should be 30 days after publication instead of 15 days. UPA used the Jones & DeMille Engineering formula but changed the repair cost from $876,000 to $350,000 per mile per well. Based on work recently completed by operators and multiple bids and estimates, including new estimates provided this week, they believe this number for the repair cost is more appropriate. Using this amount with the revised Jones & DeMille Engineering formula would result in a cost-per-mile-per-well fee of $14,244. A cap of 3 miles on the fee was also proposed.

(2:20 p.m.)

JD Kesler, with Parsons Behle & Latimer representing UPA, wanted to comment on the submitted redlines. Their members were confused about the process, so they tried to provide clarification with the suggested redline edits for the UPA members. With some surface use agreements, some credit may be given through the CUP process. The industry already complies with the Surface Use Protection Act through DOGM.

(2:22 p.m.)

Jake Woodland with Wasatch Energy Management agreed with Rikki Hrenko-Browning on the proposed per-mile-per-well fee of $14,244. He explained how this amount would be added to the road maintenance budget and double what was used this year.

(2:25 p.m.)

Gordan Moon spoke on behalf of the mineral owners. The industry benefits the county and brings a lot of good. He recommended following the UPA proposed redline edits.

(2:28 p.m.)

Frank Jimenez with Berry Petroleum feels that the definitions aren't clear. He recommends that the County follow the redline edits that UPA has proposed. He thinks gravel roads, compressor stations, and water hauling facilities should be exempt and not included with the transportation mitigation fee. He also suggested that the fees be imposed for new wells, not existing wells, and a mileage cap be established.

(2:32 p.m.)

Kent Fink with Berry Petroleum suggested that the fee be paid at the time of permitting, not when the well is spudded.

Commission Discussion
(2:33 p.m.)

Commissioner Killian agreed that the transportation mitigation fee should be included in the ordinance, but the amount proposed by UPA isn't enough. The compressors, water hauling, and vertical wells have an impact and should be included in the fee calculation.

Commissioner Miles agreed that the vertical wells, water hauling, and compressor stations should be included. He understands the concern about the funds being used on the roads. He did his own survey and estimated that the industry uses 73% of the County roads. He also agrees with Commissioner Killian that the amount proposed by UPA wouldn't cover the costs needed for the roads. This year, the County has spent more than 9.5 million on road repairs.

Commissioner Hansen said we know the industry's value and what it brings. The County is grateful to have them in the area. She recognized the Division of Oil Gas and Mining for keeping the balance.

Chief Deputy Attorney Grant Charles said the Commission could pass the ordinance as is or add changes. He suggested that if the fees are added to the ordinance, the public hearing should be recessed to allow time for the adjustments.

Community Development Director Mike Hyde said the General Plan would need to be amended if the fees are added to the ordinance.

The parties discussed the proposed redlines and a timeline if the public hearing is recessed.

Further Action

Commissioner Miles made a motion to recess the public hearing until November 18, 2024, at 11:00 a.m. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Adjournment
(3:18 p.m.)

Commissioner Miles made a motion to adjourn the meeting at 3:18 p.m. Commissioner Killian seconded the motion. Commissioner Killian voted aye, and Commissioner Miles voted aye. The forum adjourned.

Read and approved this on the 28th day of October 2024.

Irene Hansen
Commission Chair

Chelise Jessen
Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes