MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION MEETING HELD MONDAY, NOVEMBER 18, 2024, BEGINNING AT 9:00 A.M. IN DUCHESNE, UTAH

Present –

Commissioner Irene Hansen, Commissioner Tracy Killian, Commissioner Greg Miles, Deputy Attorney Tyler Allred, Clerk-Auditor Chelise Jessen, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Economic Development Director Deborah Herron, Human Resource Payroll & Benefits Administrator Jamie Park, Surveyor Jerry Allred, 4H Livestock Committee President Kevin Michaelson, Darrell Gillman with the Duchesne Soil Conservation District, Jeremy Maycock with NRCS, Code Enforcement Officer Chris Floyd, Community Development Director Mike Hyde, Assessor Traci Herrera, Michael Hawley and Brock Harrison with Jones & Demille Engineering, Community Development Zoning Specialist Shon McKinnon, Commissioner Elect Jeff Chugg, Duchesne County Residents Roger Ames and Ryan Harrison, 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.)

Public Works Update

(9:02 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. The plow trucks are ready for the winter season. They are installing the wings on the graders. The shoulder work on the Boys Ranch project is complete. They will be installing a new culvert in that area as well. Some roads in Duchesne and Tabiona have been graveled. The paint crew is done for this year. There is some work they were not able to complete due to breakdowns. A project was completed for the school district. They will attend a conference in Vernal on Wednesday this week. He plans for the entire department to attend.

(9:13 a.m.)

Public Works Deputy Director Clint Curtis updated the parties on the approach permit for Ovintiv.

Discussion & Consideration of the Application from a Local Business for the Utah Rural Grant

(9:08 a.m.)

Economic Development Director Deborah Herron presented an application from Charlie Strebel, who owns the Sage Brush Inn. She explained that this business is located in Tabiona and is one of the few businesses where you can rent a room. The outside stairs to the Inn were in disrepair, and Mr. Strebel couldn't rent the rooms because of the risk. New covered stairs are in place, so the rooms can now be rented. He is asking for a matching grant amount of $5,506. The parties discussed the application. *Commissioner Killian made a motion to approve the application from the Sage Brush Inn for $5,506.00. 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 Items for the County Fair
(9:15 a.m.)

4H Livestock Committee President Kevin Michaelson presented the Livestock Meeting Agenda. He explained that the Livestock Committee wants to purchase items for the 2025 County Fair. They would like to secure two judges for the upcoming show for $1,600 per judge. They propose purchasing sixty-four award buckles for $85 - $150 per unit, ninety-one panels for approximately $20,747.50, and paying for drug testing of the 2024 grand, and reserve market animals for $194.11. The parties discussed the purchases and expenses. *Commissioner Miles made a motion to approve the purchase of the list of items as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Junk Vehicle Prize Drawing
(9:30 a.m.)

Code Enforcement Officer Chris Floyd explained the county began its junk vehicle removal program in 2004 to encourage residents to dispose of unused/unwanted vehicles. For every junk vehicle documented to have been removed from private property, the County places $10 into a prize fund as an incentive. The junk vehicle removal program funding comes from the solid waste operations budget.

Phase 10 has been completed with the removal of 111 vehicles between May 2022 and October 2024. This results in a prize drawing for $1,110.00.

The Commissioners drew tickets for the winners: First Place—Joel Pordillo, $555.00. Second Place—Scott Jensen, $222.00. Third Place—Lee Baxter, $166.50. Fourth Place—Josh Bailey, $111.00. Fifth Place—Sidney Ross, $55.50. The parties discussed the program's benefits. *Commissioner Killian made a motion to continue the Junk Vehicle Removal Program. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Community Development Director Mike Hyde thanked the Solid Waste Department for funding the program.

Discussion & Consideration of the Duchesne Conservation District & NRCS Report
(9:39 a.m.)

Darrell Gillman with the Duchesne Conservation District presented the 2024 report and explained the programs offered.

- The ARDL Program aims to aid farmers and ranchers. He also provided some examples of eligible projects. Four loans for about $360,000 were made in Duchesne County through the ARDL Program.
- The Agriculture Voluntary Incentive Program allows participants to sit down with Nutrient Management Planners from UDAF to discuss their agricultural operations and then utilize soil tests, manure tests, and crop nutrient uptake. The Planner can develop a crop nutrient management plan that will identify best management practices for each operation. Duchesne County currently has nine producers participating in this program.
- The Agriculture Water Optimization Program works with the producers to help them optimize water use while maintaining or improving agriculture production. Duchesne County has twelve producers or canal companies funded this year for almost $2,000,000.

- UDAF's Utah Soil Health Program was created during the 2021 General Session (HB0296) to recognize soil health as essential to protecting the state's soil and water resources, bolstering the state's food supply, and sustaining the state's agriculture industry. In Duchesne County, the district helps promote soil health with no-till drills available for landowners to rent at minimal cost. Over 700 acres were planted this year using district drills.
- District Tree Program/Utah Pollinator Habitat Program—The district continues to sell bare-root trees and shrubs at reduced prices in this area. This year, they sold just under 4,500 trees and shrubs. Duchesne County had six individuals who received 50 to 60 plants each from the state pollinator program.

Mr. Gillman described the outreach and events they have participated in and other available State programs. He asked the Commission for the funding for their program. The County has contributed $20,000 in previous years.

Jeremy Maycock with NRCS introduced himself and presented the 2024 Duchesne County USDA-NRCS accomplishments and future projects. The parties discussed the East Fork EWP project. The Commissioners expressed their gratitude to NRCS for their assistance.

Commissioner Miles made a motion to accept the reports and approve the funding request for $20,000 from the Duchesne Conservation District. 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
(10:05 a.m.)

Clerk-Auditor Chelise Jessen presented two commercial and one residential BOE adjustment late appeal applications. She explained that the resident said they didn't receive the statement. The commercial properties said there was a classification error. Assessor Traci Herrera said there was no classification error that she could see on the properties. They are zoned commercial and assessed commercial. *Commissioner Miles made a motion to deny the late appeal applications. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Auditors Office – Vouchers
(10:18 a.m.)

Clerk-Auditor Chelise Jessen presented the November 18, 2024, vouchers, check numbers 167261 through 167413, for $1,121,078.90. The parties reviewed the vouchers submitted. *Commissioner Miles made a motion to approve the vouchers as presented for November 18, 2024. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Recess 10:26 a.m. to 10:38 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.

Treasurer's Office – Tax Abatements
(10:40 a.m.)

Treasurer Stephen Potter presented the 2024 Individual Abatement Report. The adjustments are as follows: Residential Buildings – 5 for $2,911.83 and Residential Land – 1 for $1.17, a total of 6 for $2,913.00. The breakdown is Circuit Breaker – 4 for $2,913.00, Indigent – 1 for $241.45, 20% Circuit Breaker – 4 for $1,832.42, Veterans – 4 for $6,055.92, a total of 13 for $11,042.79. The parties discussed the report. *Commissioner Miles made a motion to approve the 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.*

Assessor's Office – Tax Adjustments
(10:42 a.m.)

Treasurer Stephen Potter presented a list of thirty-four parcels for tax adjustments and explained the adjustments. The list of adjustments will be kept in the Clerk-Auditor's office with the minutes. The parties discussed the tax adjustments. *Commissioner Killian made a motion to approve the tax adjustments as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Human Resource Office – Payroll
(10:48 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the payroll ending November 19, 2024, with 247 employees paid. The parties reviewed the payroll. *Commissioner Killian made a motion to approve the 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
(10:53 a.m.)

Public Hearing 11:00 a.m. – 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 Sites
(11:00 a.m.)

Present –

Commissioner Irene Hansen, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Community Development Director Mike Hyde, Community Development Deputy Director Mike Gottfredson, Economic Development Director Deborah Herron, Sheriff Travis Tucker, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Deputy Treasurer Connie Sweat, Attorney Stephen Foote, Commissioner Elect Jeff Chugg, Roger Ames, Kelari Winterton, Rikki Hrenko-Browining, Mike Hawley and Brock Harrison with Jones & DeMille Engineering, Leslie Pearson-Rich, Lisa Sagers, Jerald Sagers, Jeff Crozier, Andrea Gurr, Frank Jimenez, Thomas Winterton, Allen Smith, Heather Ivie, Garrett Taylor, Gordon Moon, Orlan Wallace, Richard Powell, Bart Kettle, Teisha Black, Jacob Woodland, Cameron Cutch, Kelsey Carter, Zane Lay, J.D. Kesler, Lori Winterton, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Present via Zoom–

William Wallace, Annette, Mike Hawley, Larry Carter, Brad Wells, Eric Major, Chatch, Cody Deeter, Don Bromley, iPhone 185, Galaxy S23, Serphim Kupec, KTF, Barbara Winterton, Jennifer Cox, Cody McNeece, Scott XCL, Sandee Punmell, Spencer Turnbow, Treena Brodie, Jeffrey Baker, Willie Rivera, Chelsi Townsend, RPad 2, Jordan Kennington, Dan Brooks, Ron Winterton, Samsung SM, Thomas Winterton, Hyrum Winterton, Shon McKinnon, Lauren Brown XCL, Linda Conde, and Macey Wallace.

(11:02 a.m.)

Community Development Director Mike Hyde explained that the zoning ordinance amendments found in Ordinance #24-409 are proposed due to 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 the findings of fact and some of the amendments to the ordinance.

(11:11 a.m.)

Mike Hawley with Jones & DeMille Engineering shared the latest analysis and industry-suggested cost levels. The current fee is suggested at $14,250 per well per mile.

Public Comments

(11:15 a.m.)

Thomas Winterton of Roosevelt spoke in opposition to the ordinance. He attended a meeting last week and met an investor who declined an investment opportunity in the Uintah Basin. He said the reason was because of the uncertainty of this ordinance. He spoke about the oil industry when the president-elect was in office previously.

(11:20 a.m.)

Ryan Harrison of Arcadia is a County resident, business owner, and royalty owner. He is concerned about the damage the industry is causing to the roads. Industry traffic damaged and blocked the key route to his business, and he is concerned that his customers won't have access to it. He is in favor of the impact fee for assistance with road repairs.

(11:22 a.m.)

Bart Kettle with DOGM appreciates the Commission's work with the stakeholders, but there are sections that they would like to coordinate with the County. He suggested postponing the ordinance.

(11:24 a.m.)

Zane Lay with Ovintiv said that the ordinance's downfall is uncertainty. He doesn't agree with not adding the fees to the ordinance. He suggested removing the compressor station and water hauling facilities and handle them separately from the oil wells.

(11:29 a.m.)

Lori Winterton of Roosevelt said that her husband, Senator Winterton, is working on bills to give the county money for road repairs. She said he needs support to pass these bills, and this ordinance wouldn't be needed. The state doesn't know the industry in the basin.

(11:32 a.m.)

Cameron Cutch of Roosevelt, representing Uinta Wax, is concerned about the limited time allowed to review the new language of the ordinance. He doesn't think the ordinance should be passed today. He doesn't agree that the redlines submitted by UPA weren't considered. The fee should be included in the ordinance and he would like another working session before the ordinance is passed.

(11:37 a.m.)

Jake Woodland with Wasatch Energy Management said thank you for the time to address the Commission. He expressed his appreciation to Mr. Harrison for coming forward with his concern. He said that all constituants need to be considered for this ordinance. The

timelines to respond have been an issue, there is significant overlap, and conflicting rules. He suggested the Commissioners review the letter from Mr. Kesler.

(11:43 a.m.)

Dan Brooks with Crescent-Javelin EP said he has spent a lot of time with UPA to come up with the redline suggestions and they were not recognized. He said that the ordinance is not acceptable as drafted. He is supportive of an impact fee, but the ordinance is not ready to be passed.

(11:46 a.m.)

Hyrum Winterton of Roosevelt suggested to listen to the producers. The ordinance should be agreeable to them so they will stay in the area. If the industry pulls out of the County it will affect the state as well. He suggested to get the state involved to help with the roads.

(11:49 a.m.)

Commissioner Hansen read a letter received from William Hugie. The letter was address to an oil company not disclosed in the meeting. A portion of the letter reads: I am writing to express my serious frustration with you and your employees regarding the unacceptable impact your company's recent expansion has had on my residence at 3000 South. The changes imposed by your operations have severely disrupted my quality of life and the value of my property.

Since your expansion last year, the volume of semi-trucks has skirocketed from 5 per day to 5 per hour. These trucks frequently turn onto 3000 South, using their jake breaks (or engine brakes) at all hours, creating a relentless noise disturbance both day and night.

(11:53 a.m.)

Teisha Black representing SM-XCL would like more time to review the ordinance. She thanked UPA, they have done a lot of work.

Commission Discussion

(11:55 a.m.)

Commissioner Hansen recognized the good work that Senator Winterton has done. She explained that the taxes that the industry pays goes to the State of Utah. The County has postponed updating the ordinance for three years in hopes that Senator Winterton's bills would pass.

Commissioner Miles said he have worked on several bills with the Senator. They would like the money to be given back to the county of origin. He said it is not fair to raise taxes for the residents to repair the roads. They have been working on this ordinance for months and the language shouldn't come as a surprise. He thanked UDOT for their efforts they have been improving Highway 191 and Highway 40.

Commissioner Killian echoed what the other Commissioners said about getting money from the State. He has to stand up for the residents and small business owners. The letter that Commissioner Hansen read is from his neighbor. He is living the same life and seeing the same things as him.

Commissioner Hansen said that the industry is infavor of the conditional use permit. Until the fee is passed there is no fee. Uinta County has conditional use permits, but they are different than ours. She feels very confident in the time spent on the process. There are regulations the other businesses has to follow, they don't get to write them.

Commissioner Miles said there are no guidelines in place, there needs to be a minimum standard that the other businesses are already following. He appreciates Commissioner Hansen's leadership.

Commissioner Killian said that he attended a meeting recently where he defended the industry. The State doesn't understand what is happening in the basin. He is frustrated with the process of the ordinance, but he appreciates everyone here and the industry.

Commissioner Hansen said Duchesne County does support the industry.

Commissioner Hansen closed the public hearing.

Regular Session
(12:17 p.m.)

Discussion & Consideration 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 Sites
(12:17 p.m.)

Commissioner Miles made a motion to adopt the findings of fact and conclusions of law and approve Ordinance #24-409. 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 November 4, 2024
(12:19 p.m.)

The parties reviewed the combined Commission meeting minutes for November 4, 2024. *Commissioner Killian made a motion to approve the minutes for November 4, 2024, with corrections. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Calendaring & Weekly Update on Events
(12:25 p.m.)

Closed Session – Strategy Session to Discuss Pending or Imminet Litigation
(12:25 p.m.)

Commissioner Miles made a motion to go in and out of a Closed Session to discuss Pending or Imminent Litigation. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Consideration to take action during the closed session
(12:57 p.m.)

Commissioner Miles made a motion to enter into a settlement agreement and authorize the chair to sign the opioid settlement. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Adjournment
(12:58 p.m.)

Commissioner Miles made a motion to adjourn the meeting at 12:58 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 25th day of November 2024.

Irene Hansen	*Chelise Jessen*

DRAFT

Commission Chair *Clerk-Auditor*

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes

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