MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION MEETING HELD MONDAY, MARCH 27, 2023, BEGINNING AT 9:00 A.M. IN DUCHESNE, UTAH

Present -

Commissioner Greg Miles, Commissioner Tracy Killian, Deputy Attorney Tyler Allred, Public Works Supervisor Mike Casper, Public Works Supervisor Clint Curtis, Clerk-Auditor Deputy Christie Walker, Clerk-Auditor Deputy Janet Jenkins, Emergency Management Director Mike Lefler, Deputy Attorney Grant Charles, Deputy Treasurer Connie Sweat, Community Development Director Mike Hyde, Community Development Assistant Director Mike Gottfredson, Human Resource Payroll & Benefits Administrator Jamie Park, Jeff Baker, and Mark Jensen with Jones & DeMille, Luke Stradinger with the Utah Highway Patrol, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Absent – Commissioner Irene Hansen

Opening Comments

(9:02 a.m.)

Acting Chairperson Miles welcomed everyone to the meeting.

Pledge of Allegiance

(9:03 a.m.)

Open and Award Crack Seal Bids

(9:04 a.m.)

Commissioner Greg Miles opened the three bids received for the 2023 Roadway Maintenance - Crack Seal.

- CKC Operations, LLC – 426,372.85
- C & B Striping LLC – 434,000.00
- Advanced Paving & Construction - $423,500.00

Parties allow Jeff Baker and Mark Jensen with Jones & DeMille time to review the bids.

(9:26 a.m.)

Jeff Baker and Mark Jensen reviewed the three bids and reported that all required documentation had been received. The parties discuss the bids and decide to take additional time to review them. The crack seal bid will be awarded at a future meeting.

Mark Jensen gave an update on the East Fork EWP project. Perco Rock is waiting for the snow to melt to start working again. They are hoping for mid-April. They are looking at Farnsworth Canal and possibly using precast box culverts. The cost for thirty feet would be $5,000. Perco Rock would like to pick the culverts up and haul them to the site. Jones & DeMille has also requested quotes from other companies to deliver the culverts.

Public Works Update

(9:08 a.m.)

Public Works Supervisors Mike Casper and Clint Curtis give an update on existing projects and upcoming work. They were busy last week patching holes. They hauled some sand to Myton and cleared a spot in the Strawberry Pinnacles for flood mitigation. A semi collided with one of their dump trucks, there were no injuries, but mostly cosmetic damage was done. The box culvert for the lower red creek area is ready; Old Castle will hold it in their yard until the weather warms up. Supervisor Curtis presented a TransWest Express Transmission Project overview map of Duchesne County. He explains the project. The parties discuss the roadway maintenance and which roads must be repaired.

Emergency Management Update

(9:20 a.m.)

Emergency Management Director Mike Lefler gave an update on the current flooding mitigation. He has been in contact with the cities and the county road department to deliver sand and sandbags. He will continue to work with the cities for a site to place the sand. Many of the towns still have snow and nowhere to put the sand. The resources that are provided will need to be tracked. The state may need the information for the resources that the County provided. Director Lefler states that work can only be done in the rivers or drainages with proper permitting. The County's primary focus will be the infrastructure. Therefore, the residents need to prepare their properties for possible flooding.

Discussion & Consideration of Duchesne County Comments Regarding Greenhouse Gases in NEPA Documents

(9:41 a.m.)

Community Development Director Mike Hyde presented an article titled Biden-Harris Administration Releases New Guidance to Disclose Climate Impacts in Environmental Reviews and a comment letter in response. Director Hyde explains that the Biden administration is waging war on the Oil & Gas Industry and the effects if they make it harder to produce oil and gas. Part of the letter reads: We predict that the establishment of this guidance for the consideration of greenhouse gas emissions and climate change, although not legally enforceable (since it is not a rule or regulation), will be used by NGOs and NIMBYs to weaponize NEPA to litigate and prevent beneficial projects; especially those associated with the production or transportation of oil and natural gas products that are so vital to our standard of living around the world. If the CEQ and other federal agencies are going to follow the "*Rule of Reason*" mentioned throughout the guidance, the essential nature of fossil fuels for society should be first and foremost in our minds. The reason dictates that many will freeze in the winter or die from heat waves in the summer if fossil fuel development is curtailed as a result of this guidance.

Crude oil and natural gas produced in our county are used for many products that we rely on and use on a daily basis. A few of the most common uses for crude oil and natural gas are National Defense, Vehicles, Construction, Clothing, Fashion Accessories, Fuels, Household Items, Beauty Products, Medical Products, Furniture, Sporting Goods, Electronics, Office Supplies, Toys, and Agriculture. Each item listed has a description in the letter.

Director Hyde summarizes the rest of the thirteen-page letter. The parties discuss the comments and commend Director Hyde for his insight and ability to articulate the thoughts and beliefs of the County. *Commissioner Killian makes a motion to approve the Duchesne County Comments Regarding Greenhouse Gases in NEPA Documents that were prepared by Mike Hyde. Commissioner Miles seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.*

Recess 10:02 a.m. to 10:10 a.m.

Auditors Office – Vouchers

(10:10 a.m.)

Clerk-Auditor Deputy Christie Walker presented the vouchers for March 27, 2023, check numbers 160594 through 160638, for $278,161.98. The parties review the vouchers submitted. *Commissioner Killian makes a motion to approve the vouchers for March 27, 2023, as presented. Commissioner Miles seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.*

Auditor's Office – Tax Adjustments

(10:13 a.m.)

Clerk-Auditor Deputy Janet Jenkins presented a tax adjustment for the Assessor's Office on two parcels for credit in the amount of $1,317.02. One property was changed to primary with proof of residency; the other was a stipulation on a state appeal. The parties review the tax adjustments. *Commissioner Killian makes a motion to approve the tax adjustment for the Assessor's Office as presented. Commissioner Miles seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.*

Auditor's Office – Tax Deferrals

(10:13 a.m.)

Treasurer Deputy Connie Sweat presented a tax deferral for the Treasurer's office. She explained the reason for the tax deferral. *Commissioner Killian makes a motion to approve the tax deferral as presented and authorize the Treasurer's Office to set up a payment plan. Commissioner Miles seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.*

Discussion & Consideration of Eastern Utah TV Transponders

(10:19 a.m.)

Commissioner Killian gives an update on the Eastern Utah TV Transponders. The TV transponder on Tabby Mountain needs to be replaced. The dish is about 30 years old and is not repairable. There will be a cost of approximately $30,000 to replace the transponder. The transponder provides TV for the local communities. The parties discussed replacing the transponder for emergency communications to the residents. *Commissioner Miles*

makes a motion to authorize up to $35,000 for a new digital transponder. Commissioner Killian seconds the motion. Commissioner Miles votes aye, and Commissioner Killian votes aye. The motion passes.

Discussion & Consideration of Indigent Defense Contract for Duchesne County Justice Court
(10:27 a.m.)

Deputy Attorney Grant Charles presented the Justice Court Contract for legal services. This Agreement between Duchesne County and Matt Morrison is to provide competent legal representation of indigent adult criminal defendants in the Justice Court accused of violations of the criminal law. The parties discuss the contract. *Commissioner Killian makes a motion to approve the Indigent Defense Contract for Duchesne County Justice Court for $11,139.48. Commissioner Miles seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.*

Discussion of Hourly Rate for Indigent Defense Conflict Cases
(10:31 a.m.)

Deputy Attorney Grant Charles stated that the resolution for non-contracted conflict cases is $90 per hour. They have received some invoices for higher amounts. It has been requested that the resolution be amended to be around $100 per hour. The parties discuss the request. This item must wait until later when the 2024 budget is discussed.

HR Office – Payroll
(10:38 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the payroll report ending March 18, 2023; there were 200 employees paid. *Commissioner Killian makes a motion to approve the payroll ending March 18, 2023, as presented. Commissioner Miles seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.*

Closed Meeting – Strategy Session to Discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual;
(10:41 a.m.)

Commissioner Killian makes 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 seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.

Back in Session
(11:06 a.m.)

No action is to be taken.

Consideration of Minutes for Combined Commission Meeting held March 20, 2023
(11:06 a.m.)

Parties review the combined Commission meeting minutes held on March 20, 2023. *Commissioner Killian makes a motion to approve the minutes for March 20, 2023, as presented. Commissioner Miles seconds the motion. Commissioner Killian votes aye, and Commissioner Miles votes aye. The motion passes.*

Discussion of Possible Subjects for the Next Meeting
(11:14 a.m.)

Calendaring & Weekly Update on Events
(11:22 a.m.)

Adjournment
(11:32 p.m.)

Commissioner Killian makes a motion to adjourn the meeting at 11:32 a.m. Commissioner Miles states that we have reached the end of the agenda; therefore, this motion is noncontestable. The forum adjourns.

Read and approved this on the 3rd day of April, 2023.

Irene Hansen
Commission Chair

Chelise Jessen
Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes