MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION MEETING HELD MONDAY, APRIL 10, 2023, 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 Supervisor Clint Curtis, Clerk-Auditor Chelise Jessen, Emergency Management Director Mike Lefler, Community Development Director Mike Hyde, Human Resource Payroll & Benefits Administrator Jamie Park, Building & Grounds Director Shane Jenkins, Building Inspector Karl Mott, Craig Buttars and Kelly Pehrson with UDAF, Kevin Workman and Troy Ovand with CUWCD, Clay Crozier with PLPCO, 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

(9:01 a.m.)

Open & Award the 2023 Pavement On-Call Services Bid

(9:03 a.m.)

Commissioner Miles opened the two bids received for the 2023 Pavement On-Call Services Bid.

- CKC Operations, LLC - $358,780.00
- Burdick Materials - $501,610.00

The Commission wants to allow Jones & DeMille time to review the bids. The project will be awarded at a later meeting.

Public Works Update

(9:07 a.m.)

Public Works Director Mike Casper and Public Works Supervisor Clint Curtis give an update on existing projects and upcoming work. The entire Road Department was able to have a well-deserved weekend off. Grader operators have been fixing dirt roads in the county. They have moved their equipment to the rock quarry; it should be up and running this week, as well as the crusher. The sand pits are open, and a lot of truck traffic is causing issues on the county roads. The parties discuss the options and other routes the sand trucks should take. Supervisor Curtis will contact the companies to get familiar with their process. Commissioner Miles states that the Sheriff's Department is working on getting a DOT officer to ensure the trucks aren't overloaded and in compliance. The parties commend the road department for their good work with the potholes.

Discussion & Consideration of a Temporary Closure of the Western Portion of CR 14 and CR 17

(9:23 a.m.)

Commissioner Miles stated that County Road 14 and County Road 17 are Strawberry River Road and Timber Canyon Road. There was an avalanche in Timber Canyon not long ago, and now there is an ice dam that has caused the water to reroute and is next to the road. This area has the potential to be hazardous to the public. They will continue to watch the area and may close it in the future if needed. The parties discuss the options to temporarily close the road during the winter months in the future due to the increasing costs.

Emergency Management Update

(9:31 a.m.)

Emergency Management Director Mike Lefler gave an update on the current flooding mitigation. Sand has been delivered throughout the county. Myton has 1,500 filled sandbags. There are also 750 filled at the EOC building in Duchesne. The State of Utah will be sending pallets of empty sandbags. There is a need to track all the time, supplies, and meetings that have gone into the flood mitigation work. Director Lefler has received requests from different groups offering assistance to fill sandbags. However, there isn't a place to store them until the containers are received.

The fire mitigation work in the Pinon Ridge area will be starting again soon.

Central Utah Water Conservancy District Update
(9:37 a.m.)

Kevin Workman and Troy Ovand with Central Utah Water Conservancy District (CUWCD) presented a report on the snow conditions for this year and the last several years. They are expecting high water flows and need to be prepared. Mid-May, they will start having weekly coordination meetings. The parties discuss the levels of the reservoirs in the area and when they will spill over. They are currently releasing water to make room for the runoff. The parties thank them for the preparations that are being made. Commissioner Hansen stated she believes everything that can be done is being done for flood mitigation.

Emergency Management Director Mike Lefler stated he met with Andrew Dutson about working in the river. He said any individuals concerned with the river on their property should contact Mr. Dutson. In addition, Commissioner Hansen and Commissioner Killian met with Mr. Dutson last week and spoke about mitigation work to clear debris from areas that have caused issues in the past.

Discussion & Consideration of the CY2023 Flood Mitigation Funding Award
(10:00 a.m.)

Emergency Management Director Mike Lefler presented the CY2023 Flood Mitigation Funding award packet from the State of Utah Department of Public Safety Division of Emergency Management. Director Lefler describes what the funding will purchase: a sandbagging machine, sandbags, storage containers, and a trailer. The total funding is $42,000. He is working on quotes and comparables for the equipment. *Commissioner Miles makes a motion to authorize the chair to sign and approve the CY2023 Flood Mitigation Funding Award as presented. Commissioner Killian seconds the motion. Commissioner Miles votes aye, Commissioner Killian votes aye, and Commissioner Hansen votes aye. The motion passes.*

Recess 10:08 a.m. to 10:16 a.m.

Discussion & Consideration of the Crossing Consent Agreement with Javelin
(10:16 a.m.)

Building & Grounds Director Shane Jenkins presented the crossing consent agreement with Javelin. He explained that this crossing is for the utilities at the new weed building. Director Jenkins has concerns with some of the wording on page 13, Exhibit C, number 2. The parties discuss the agreement. *Commissioner Miles makes a motion to approve the crossing consent agreement with changes; striking the last sentence on exhibit c number two, which says; Easement holder shall in no way be liable for any damage and shall not be required to replace or repair any property, including, but not limited to asphalt, driveways, and structures, and also the requirement to be above the gas line instead of 2 feet under, and authorize the chair to sign when those changes are made. Commissioner Killian seconds the motion. Commissioner Miles votes aye, Commissioner Killian votes aye, and Commissioner Hansen votes aye. The motion passes.*

Discussion & Consideration of Resolution No. 23-01; A Resolution Opposing Federal Over-Regulation of Public Utilities in Utah via the "Good Neighbor Rule"
(10:30 a.m.)

Community Development Director Mike Hyde presented Resolution No. 23-01, A Resolution Opposing Federal Over-Regulation of Public Utilities in Utah via the "Good Neighbor Rule," and explained the need for this resolution. The Environmental Protection Agency's (EPA's) *Federal Implementation Plan for Cross State Air Pollution Standards* (also known as the "Good Neighbor Rule") will hamstring public utilities and will force premature closures of power plants due to unrealistic goals, impractical timelines, and increased cost of compliance, decrease power grid stability and reliability, increase ratepayer costs across the state, create job losses in the power sector, and effectively transfer that state power of public utility regulation to the federal government. The EPA's plan will require Utah to reduce NOx emissions by 12% of the national total when Utah contributes just 1.4% of the national total.

Nationally, according to the EPA's 2020 air trends report, concentrations of air pollutants have dropped significantly since 1990, even though during the same period, the U.S. economy continued to grow, Americans drove more miles, and population and energy use increased.

The *Federal Implementation Plan for Cross State Air Pollution Standards* does not account for air pollution that originates in other countries. The resolution includes a demonstration chart that shows heavy-handed federal regulations will do nothing to reduce air pollution in countries (predominately in Africa and Asia) where large

populations and lower environmental standards result in the combustion of the heaviest polluting fuels, generating air pollutants that are circulated worldwide.
Commissioner Killian makes a motion to approve Resolution No. 23-01, A Resolution Opposing Federal Over-Regulation of Public Utilities in Utah via the "Good Neighbor Rule" as presented. Commissioner Miles seconds the motion. Commissioner Killian votes aye, Commissioner Miles votes aye, and Commissioner Hansen votes aye. The motion passes.

Discussion & Consideration of the Support Letter for Moon Lake Electric
(10:39 a.m.)

Community Development Director Mike Hyde presented the Grid Resilience and Innovation Partnerships (GRID) Program DE-FOA-0002740 Support Letter for Moon Lake Electric Association, Inc. / PacifiCorp Application. This letter is to affirm support for Moon Lake Electric Association, Inc. in their application efforts with PacifiCorp to rehabilitate the Roosevelt-Lapoint 69kV power transmission line. Duchesne County, Utah, is very interested in the project and fully supports the applicant's efforts to build electrical grid resiliency. The parties discuss the letter and thank Director Hyde for the excellent work on the letter. *Commissioner Miles makes a motion to authorize the Commission to sign the letter to support the Grid Resilience and Innovation Partnerships application for Moon Lake Electric as presented. Commissioner Killian seconds the motion. Commissioner Miles votes aye, Commissioner Killian votes aye, and Commissioner Hansen votes aye. The motion passes.*

Discussion & Consideration of the Building Department Proclamation for Building Safety Month
(10:45 a.m.)

Building Official Karl Mott presented the Proclamation for Building Safety Month, which is in May. Part of the Proclamation reads: Whereas the Duchesne County Commission is committed to recognizing that our growth and strength depends on the safety and essential role our homes, building, and infrastructure play, both in everyday life and when disasters strike. Each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience, and economic investment at home and in the community and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property. *Commissioner Miles makes a motion to accept the Proclamation for Building Safety Month as presented and authorize the Commission to sign. Commissioner Killian seconds the motion. Commissioner Miles votes aye, Commissioner Killian votes aye, and Commissioner Hansen votes aye. The motion passes.*

HR Office – Payroll
(10:57 a.m.)

Human Resource Payroll & Benefits Administrator Jamie Park presented the payroll report ending April 1, 2023; there were 216 employees paid and a total payroll cost of $741,631.10. *Commissioner Killian makes a motion to approve the payroll ending April 1, 2023, as presented. Commissioner Miles seconds the motion. Commissioner Killian votes aye, Commissioner Miles votes aye, and Commissioner Hansen votes aye. The motion passes.*

Presentation of the Agriculture Programs in Utah from the State of Utah Department of Agriculture & Food
(10:59 a.m.)

Commissioner of the State of Utah Department of Agriculture & Food (UDAF) Craig Buttars and Deputy Commissioner Kelly Pehrson presented a handout of agriculture in Duchesne County. The flyer shows the farm overviews, state rankings, why agriculture land preservation matters, the 2023 UDAF Grants that are becoming available, and the UDAF featured programs. They discussed who they are, what they do, their divisions, and their strategic goals – Agristructure, Workforce Development, Ag Land Preservation, Food Supply Chain Development, Agriculture Education, and Customer Serice. They talked about the benefits of Agriculture in Utah. It provides food, fiber, and animal food. It strengthens local food security and creates rural jobs. They go into detail about the grants that are available for farmers and ranchers in Utah. Utah agriculture is essential to protecting our local food supply, boosting rural economies, and preserving open space and quality of life. They are here to help. You can learn more at https://ag.utah.gov/.

Discussion of Possible Subjects for the Next Meeting
(11:38 a.m.)

Calendaring & Weekly Update on Events
(11:42 a.m.)

Auditors Office – Vouchers
(11:44 a.m.)

Clerk-Auditor Chelise Jessen presented the vouchers for April 10, 2023, check numbers 160724 through 160797, for $178,185.76. The parties review the vouchers submitted. *Commissioner Miles makes a motion to approve the vouchers for April 10, 2023, as presented. Commissioner Killian seconds the motion. Commissioner Miles votes aye, Commissioner Killian votes aye, and Commissioner Hansen votes aye. The motion passes.*

Recess 11:57 a.m. to 12:50 p.m.

Consideration of Minutes for Combined Commission Meeting held April 03, 2023
(12:50 p.m.)

Parties review the combined Commission meeting minutes held on April 03, 2023. *Commissioner Killian makes a motion to approve the minutes for April 03, 2023, as presented. Commissioner Miles seconds the motion. Commissioner Killian votes aye, Commissioner Miles votes aye, and Commissioner Hansen votes aye. The motion passes.*

Closed Meeting – Strategy Session to Discuss: Pending or Reasonably Imminent Litigation;
(12:55 p.m.)

Commissioner Miles makes a motion to go in and out of a closed meeting for a strategy session to discuss: Pending or Reasonably Imminent Litigation. Commissioner Killian seconds the motion. Commissioner Miles votes aye, Commissioner Killian votes aye, and Commissioner Hansen votes aye. The motion passes.

Back in Session
(1:12 p.m.)

No action is to be taken.

Closed Meeting – Strategy Session to Discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual;
(1:13 p.m.)

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

Commissioner Miles leaves the meeting at 1:35 p.m.

Back in Session
(2:07 p.m.)

No action is to be taken.

Adjournment
(2:08 p.m.)

Commissioner Killian makes a motion to adjourn the meeting at 2:08 p.m. Commissioner Hansen seconds the motion. Commissioner Killian votes aye, and Commissioner Hansen votes aye. The forum adjourns.

Read and approved this on the 17th day of April, 2023.

Irene Hansen
Commission Chair

Chelise Jessen
Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes