

**-MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION
MEETING HELD JULY 29, 2013 BEGINNING AT 9:00 A.M. IN CONFERENCE ROOM
#1, IN DUCHESNE, UTAH**

Present

Commission Chairman Ronald Winterton; Commissioner Kirk J. Wood, Commissioner Kent R. Peatross, Deputy County Attorney Anthony Wilcox, Public Works Director Glen Murphy, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Public Works/Landfill Department Update

Director Murphy reported that the Road Department is working on the North Crescent Road (County Road 180) in Roosevelt with XTO. They had to rent hammer equipment to break up ledge rock to widen that road and pave it this fall.

Director Murphy also reported that they cleaned up after flash floods over the weekend near Utahn and Nine Mile Canyon.

Director Murphy stated that there was a fire at the Landfill and the Fire Department showed up even though we didn't need them, so we will be receiving a bill. Commissioner Wood stated that it was suggested that they have respirators in each of the Landfill employee's vehicles for these types of incidents. Commissioner Peatross suggested that the Landfill have a fire plan and procedures policy put together as to how to respond to these situations by Emergency Management Mike Lefler and Landfill Operator Hal Giles.

Consideration Of A Franchise Agreement With Moon Lake Electric Association Inc.

Chairman Winterton stated that we met with Moon Lake a few weeks ago. Moon Lake wants us to review this agreement and consider changes to it. Commissioner Peatross stated that he has not reviewed it and suggested moving this agenda item to next week to give everyone including the Attorney's Office and Director Murphy a chance to review it.

Consideration Of The Duchesne County Investment Policy

Treasurer Colene Nelson joined the meeting at 9:20 A.M...

Treasurer Nelson stated that we have a policy in place, but it hasn't been updated. She had someone from State Money Management help her create this revised policy. The Money Management Act is very good and they have been helpful giving us recommendations and monitoring our investments. Commissioner Peatross stated it appears that this is a coordinating effort between the Clerk/Auditor's Office, Treasurer's Office and the Commission. He is mostly interested in the objectives, but this looks good to him. *Commissioner Wood motioned to adopt the Duchesne County Investment Policy as recommended by Treasurer Nelson. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Discussion Of The County Seat's Progress In Duchesne County With Chad Booth

Producer of the County Seat Program Chad Booth joined the meeting at 9:32 A.M...

Mr. Booth stated that he is here for his annual visit and would like to discuss what concerns the commission may have about the program. Commissioner Wood stated that at the NACO Conference last week, there was a presentation regarding grazing by a gentleman from Africa that was very good. He recommended talking to him because the environmentalists have been attacking this, so it would be good to discuss this with them also. Mr. Booth stated that rural healthcare, Oil Shale and fracking are discussions he would like to have on the show. Commissioner Peatross stated that Haliburton presented a demo on all of the fracking liquids which are household items that are kept under kitchen sinks. He asked what the viewership is. Mr. Booth stated that the program is being shown thirty nine times a week, but the only channel we can get a count from is KTVX Channel 4, which shows thirty nine thousand viewers a week. The concept of the show is to give rural counties a voice and he feels that is being done. The show is very expensive to produce. They put together a blue ribbon committee and what the committee is looking at is to have a different way of funding via Utah Association of Counties. We now have twenty one counties in the State participating in the program one way or another. Chairman Winterton suggested

narrowing down the viewership for the committee and congratulated Mr. Booth on the recent award he received.

Consideration Of Formation Of A Mitigation Improvement District

Attorney Eric Johnson with Blaisdell & Church, Scott Wilson & Maureen Henderson with Duchesne County Water Conservancy District (DCWCD), DCWCD Board Member Clyde Watkins, Mike Holly with Jones & DeMille Engineering & Special Service District #2 Board Member Terry Feldstead joined the meeting at 10:16 A.M...

Mr. Wilson stated that the DCWCD has been pursuing the Victory Pipeline Project. We have gone to CIB, but it has been a tug a war with 50% grant and 50% loan for thirty years. It appears that the proposal is not going anywhere. When we went to sign the letter of intent with water districts, it was being stretched out which left a significant component of the project. The district has turned over every stone trying to make this project work. There are health and safety reasons to get the problem solved so we discussed forming a district and that it where we are today.

Mr. Johnson stated that there is a timing issue involved when creating a district. The first thing that needs to be decided is where the boundaries are. A notice of intent to create the district will need to be done and published in the paper for four weeks and then give sixty days for input. The district will be able to fund public improvements outside of its boundaries as long as it's a public benefit.

Commissioner Peatross stated that in Subsection 14, there is very broad language as to what the funds would be spent on. The statutory grant is broad enough to cover any public purchase the county may have. As long as you are acting within the statutory scope, you wouldn't have to name the other thirteen powers. He is willing to talk about this with the County Attorney to make sure he is comfortable.

Mr. Johnson stated that he feels this is a perfect fit for the project. Our agencies are trying to balance out economic growth and shift the burden to water users.

Commissioner Wood stated that the only issue he sees is that this district will take away from the other districts.

Commissioner Peatross stated that we need to decide what the boundaries are and what amount we will commit to this district. He would like to have five board members and suggested that the county pay Mr. Johnson for his services.

Mr. Johnson stated that the process to add a power to an existing district would be the same as creating a new one.

Commissioner Peatross stated that he would like to see this happen to Special Service District #3 and add two more board members.

Commissioner Peatross motioned to retain Mr. Eric Johnson with Blaisdell & Church to assist the county in forming an Impact Improvement District. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Entered recess by general consent at 11:17 A.M...

Re-entered Combined Commission Meeting at 11:32 A.M...

Consideration Of Human Resources Consultant Request For Proposal (RFP)

Rick Arnold with Arnold, & Crook, PLLC joined the meeting at 11:32 A.M...

Mr. Arnold stated that there are publishing guidelines that need to be followed, but suggested running the advertisement longer and posting in the Salt Lake Tribune and Deseret News. The submission of proposals deadline is August 19, 2013. He will get the advertisement drafted and send it to Assistant Casper.

Entered recess by general consent at 12:23 P.M...

Re-entered Combined Commission Meeting at 12:51 P.M...

Consideration Of Vouchers

Deputy Clerk Auditor Connie Sweat joined the meeting at 12:51 P.M...

The commission reviewed vouchers # 125412 through 125473 dated July 19, 2013, in the amount three hundred eighty nine thousand five hundred forty four dollars and sixty six cents (\$389,544.66) as presented by the Clerk Auditor's Office. *Commissioner Peatross motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed*

The commission also reviewed vouchers # 125474 through 125531 dated July 29, 2013, in the amount one hundred five thousand one hundred ninety dollars and twenty cents (\$105,190.20) as presented by the Clerk Auditor's Office. *Commissioner Peatross motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Tax Adjustments – Assessor

The commission reviewed the attached tax deferrals presented by the Clerk/Auditor's Office. Commissioner Wood motioned to approve the tax adjustments as recommended by the Assessor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Business License Application For F.M. Consulting

Deputy Clerk Sweat stated that this business does consulting for the oilfield. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Sparrows Novelties & Clothing LLC

Deputy Clerk Sweat stated that this is a small scale wholesale and resale sales business. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Sprinkler World

Deputy Clerk Sweat stated that this business purchased Harward Irrigation and is a wholesale and retail sales company. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For T And D Oilfield Service

Deputy Clerk Sweat stated that this business will dispatch crude loads to be bought and hauled. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Vantage Energy Uinta, LLC

Deputy Clerk Sweat stated that this is an oil and gas production business. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Bids For Lease Of Talmage City Park, Section 2, Block 4

Commissioner Peatross stated that we received one bid from Trent and Jessica Cook and requested that the Attorney's Office draft an agreement. *Commissioner Peatross motioned to lease this property to Trent and Jessica Cook and extend the lease out for five (5) years in exchange the Cook's will put up a four strand barb wire fence. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of An Agreement With Architectural Nexus, Inc.

Commissioner Wood motioned to enter into an agreement with Architectural Nexus on the Justice Center Complex Project subject to a final review from the Attorney's Office.

Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Amendment #4 To Children’s Justice Center Contract #110659

Chairman Winterton stated that this is an amendment to our contract for the Children’s Justice Center. The only change is the amount of money. Commissioner Peatross stated that he would like clarification on why there is this change and suggested that they speak to Cheryl Boren for further information.

Entered recess by general consent at 1:20 P.M...

Re-entered Combined Commission Meeting at 1:30 P.M...

Public Hearing 1:30 P.M. – Moved to Commission Chambers

Consideration Of An Appeal Of A Planning Commission Decision To Grant A Conditional Use Permit To Dale And Kelari Wilkerson To Relocate Their First Call Propane Business At 3796 W 3000 South (Ioka Lane)-Continued From July 8, 2013

County/Community Planning Administrator Mike Hyde, Uintah Basin Standard Reporter Steve Puro, Dale Winterton, Kelari Winterton, & Jerry Foote joined the meeting at 1:30 P.M...

Administrator Hyde stated that after the Commission recessed the hearing on July 8, 2013, he asked all planners in Utah if they have special zoning standards for propane facilities. We received two responses from Wasatch County and Weber County stating that they leave propane business siting up to the fire authorities to handle. We found a manual from 2011 entitled “Fire Safety Analysis for LP-Gas Storage Facilities” prepared by the National Fire Protection Association using a grant from the Propane Education and Research Council. This fire safety manual was prepared “based on the requirements of NFPA 58, 2011 edition.” The manual was developed using the “expertise of industry, engineering and fire service representatives” and “provides a comprehensive, uniform objective approach that was designed to provide for the uniform and objective application of Fire Safety Analysis requirements...”

Page 1-4 of this manual includes a statement that:

*“The study concluded that a fatality to the general public as a direct result of an LPG transportation or storage incident involving the loss of product is very small and **the risk (expressed in expected number of fatalities per year) is smaller than that from natural phenomena (lightning, tornadoes, objects falling from the sky, etc.).**”*

The manual goes on to state:

*“An analysis conducted by the National Fire Protection Association of LP-Gas fire damage and casualty data during the period between 1980 and 1999 also **indicates that the LP-Gas storage facility operations in the US are very safe.** The number of reported fires at LP-Gas bulk storage facilities remains small and has fallen since 1980, but substantial variation exists from year to year. During the five-year period from 1994 through 1998, an estimated 49 fires, on average, were reported per year at LP-Gas bulk storage facilities. These fires caused an annual average of one civilian death, five civilian injuries and \$754,000 in direct property damage. In 1999, an estimated 58 reported fires on these properties caused four civilian injuries and \$722,000 in direct property damage. **The 58 fires reported in 1999 accounted for .003% of all fires reported that year.**”*

Form 6.3 of the manual (see attached) provides minimum setback requirements from propane storage tanks to property lines and buildings. For example, the minimum setback from a 30,001 to 70,000 gallon tank is 75 feet. This setback is workable on the subject property and will be enforced by fire authorities in the permitting process.

Form 8.3 of the manual provides a minimum water flow rate to cool propane containers exposed to a fire. For a 30,000 tank, it requires a water flow rate of 201.3 gallons per minute. Testimony received at the July 8, 2013 indicated that Johnson Water has an 8” water line available for this business to hook on to. Engineering studies indicate that an 8” water line, with average pressure between 20 and 100 psi) will deliver about 1,900 gallons per minute.

Figure I.1(b) of NFPA 58, Liquefied Petroleum Gas Code, shows that propane tanks up to 2,000

gallons in size may be located within 25 feet of a dwelling or property line. Propane tanks up to 1,200 gallons in size may be located within ten feet of a dwelling or property line if no other tanks over 125 gallons in size are located within 25 feet of the tank.

Administrator Hyde stated that the staff hopes that the above and attached information is adequate for the County Commissioners to make an informed decision.

Commissioner Peatross stated that according to the testimony we heard and the water chart for the size they are wanting, they should have an adequate water supply and asked Administrator Hyde if that's correct?

Administrator Hyde stated that would be dealt with the fire authorities. The eight inch line should be capable of delivering more than 1,000 gallons a minute; 1,900 gallons a minute according to the table he looked at.

Chairman Winterton asked if there were any new comments from the public since the last hearing.

There were no comments.

Commissioner Wood stated that since we met last time, he has been more cognizant driving around the State of Utah of these types of facilities. He has noticed them all over; they are next to highways and in the middle of communities. There was a storage unit that was one hundred feet from someone's home. Recently, there was a propane truck that rolled and fortunately there wasn't a spill, a fire, or an explosion. He is feeling comfortable with the safety record of propane.

Entered back in Combined Commission Meeting at 1:41 P.M...

Commissioner Peatross motioned to adopt the findings of fact and conclusions of law to deny the appeal and uphold the Planning Commission decision. Commissioner Wood seconded the motion. Commissioners Wood & Peatross voted aye and the motion passed 2-0, with Chairman Winterton abstaining.

Entered recess by general consent at 1:42 P.M...

Meeting was moved back to Conference Room #1...

Re-entered Combined Commission Meeting at 2:43 P.M...

Consideration Of Minutes For Combined Commission Meeting Held July 08, 2013

Commissioner Peatross motioned to approve the minutes with the necessary corrections. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Minutes For Combined Commission Meeting Held July 15, 2013

Commissioner Peatross motioned to approve the minutes with the necessary corrections. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Closed Meeting –

Commissioner Peatross moved to go into and out of closed session for the purpose of discussing pending or reasonably imminent litigation at 2:45 P.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

-Re-entered Combined Commission Meeting at 3:28 P.M...

Consideration To Take Action Discussed Under Closed Meeting

No action was necessary.

Commission Calendaring

Adjourn

Chairman Winterton adjourned the meeting at 3:33 P.M.

Read and approved this 12th day of August 2013.

Ronald Winterton
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____