

Minutes of the Meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, August 11, 2020** in the Commission Chambers at the Daggett County Courthouse and through electronic means. Commissioners Randy Asay, Jack Lytle and Matt Tippetts were present in person. Sheriff Erik Bailey, Attorney Niel Lund and Clerk/Treasurer Brian Raymond were present in person and Auditor/Recorder Keri Pallesen, attended by electronic means. The meeting was called to order at 9:04 am by Commissioner Asay.

Present electronically: Senator Ron Winterton, Bart Jensen of Jones and DeMille Engineering, Mayor Sandy Kunkel; Present in-person: Mayor Dave Coombs, Corey Auger, Jesse Platt, Gale Lamb, Matt Henry and Brianne Carter of the Auditor/Recorder's Office.

**Approve Minutes:** Minutes for the August 4, 2020 Commission meeting were provided by the Clerk/Treasurer's office. Commissioner Lytle was looking at the July 28th minutes and noted Tyson Todd was not here with Dave Ure. Clerk/Treasurer Brian Raymond said he had gotten the correct name from Dave Ure and updated the minutes. Commissioner Lytle motioned to approve the August 4, 2020 Commission meeting minutes. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Issue Updates:** Commissioner Asay gave the August 10th COVID-19 updates Daggett County still has 0 and Uintah County has 57 recovered cases with 24 active; Duchesne County has 46 recovered and 43 active cases. The Ute Tribe has 4 recovered and 12 active cases. Uinta County, Wyoming has 231 confirmed cases and Sweetwater County has 224 cases. Moffat County, Colorado has 31 total positive cases.

Commissioner Asay said that the fire is 90% contained and Corey Auger said that Wyoming is downgrading to Type IV command structure. The fire areas not contained yet are the steeper canyons around Pigeon Canyon along Martin Draw and there are also some hot spots near Red Creek that are also in steeper country. Commissioner Lytle said the management did a great job and local fire center support was very helpful and we can see why we don't want to centralize Fire Dispatch. The Allen Fire was called out last week, so it is done. The Ashley National Forest is going into Fire Restrictions and the notice was received by email. Energy Release Components (ERCs) are at a 30 year high and the Drought index is extreme. The cause of the Richard's Fire is still officially undetermined, but it was thought to be a lightning strike and there is a possible witness. The Sheriff brought up Communication as a problem that is still an issue in this modern age. Corey said he could help facilitate solutions for that. No private land was affected in Utah and only a little state land and SITLA land. There were some private lands affected in Wyoming. There was a desire to get some water in Dutch John. Corey was thanked for his efforts!

Commissioner Lytle said there was a bear showing up in Dutch John on Saturday and Sunday. Traps were set and hounds were used to track it and take care of it.

Commissioner Lytle addressed the Fire restrictions and the Towns were not included in the County's restriction. Dutch John seemed to assume that they were included and they weren't and Mayor Coombs was advised that Manila was not included, so he asked for a copy of the State Order and Corey said he would send it to the Mayor's email.

Commissioner Lytle asked about the Economic Development Director position and Commissioner Tippetts said six applications had been received and he will discuss it during the Calendar to get the interviews set-up.

**Citizen Comments:** Sheriff Bailey addressed the Commission and said he had received a \$500 State Rural EMS Grant and this Year's Forest Service SISK Contract, that has been signed and

forwarded on to them as they were looking for it months ago. The increase in manpower could lead to an increase in the amount we receive from the Forest Service in the future. Maybe next year we might be able to add to it. Commissioner Asay asked for comments and none were given. He will close the applications for EMS and Emergency Manager as soon as he talks with Keri to ensure that we have all the applications and everything is ready to go, so hopefully they can interview the first week of September. He has some additional information from the State on EMS transports. The Sheriff will be gone August 17th through the 24th. The Sheriff requested Sergeant Isaacson be sworn in now so he can get on the job.

**The Swearing In of Sergeant Isaacson was Performed by Judge Charlene Hartmann:** Sergeant Leonard Isaacson was sworn in at 9:45 am by Justice Court Judge Charlene Hartmann. Sheriff Bailey said Sergeant Isaacson comes from the Naples Police Department and he has a variety of law enforcement experience during the past 25 years and is excited to have him take the position. Commissioner Lytle said he has worked with Sergeant Isaacson since 1995 and is happy to have him up here. Sergeant Isaacson spoke briefly about some of his experiences. Commissioner Asay said the Commission was happy to have him here.

**The Open Invoice Register Was Presented For Review And Approval:** The Open Invoice Register of August 7, 2020 was prepared by the Auditor/Recorder's Office. Commissioner Tippetts motioned to approve the Open Invoice Register dated August 7, 2020 in the amount of \$32,215.08. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

**Disbursement Listing:** The Disbursement Listing for July 31-August 7, 2020 was prepared by the Auditor/Recorder's Office. Commissioner Lytle motioned to approve the Disbursement Listing for July 31 through August 7, 2020 in the amount of \$10,841.98. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Cash Summary:** The Cash Summary dated August 10, 2020 was available for review. The Summary was in a different format and there was a question on DJ Home Sales in Fund 28. Fund 30 is a reimbursable grant that we are waiting on a reimbursement. Fund 80 Weeds is doing good and is working on another reimbursement request. Commissioner Lytle motioned to acknowledge receipt of the Cash summary for August 10, 2020. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Purchase Orders:** There were no Purchase Orders to review. Commissioner Lytle said he is working on one for Bob Weidner and it was on the Invoice Register today, so it is complete.

**Correspondence:** Commissioner Asay said he had received a certified letter from the Bureau of Land Management regarding the McCoy Flats Trails and John Wesley Powell Conservation Area. It is a virtual meeting and they wanted to make sure that we are aware and attend if we can. Commissioner Lytle looked at it and said we should be involved and make sure it doesn't affect us. At a quick glance it didn't look like it did.

Commissioner Lytle said there was some correspondence from the Sheriff about the Rodeo and Commissioner Tippetts said he had some correspondence with Mark Wilson to bring up when we talk about the Rodeo.

Commissioner Lytle brought up the RDA and it needs more agenda items under it. He also mentioned the Election for Dutch John. The District Court has ordered the County to run the

election. The notices have been sent out and ballots need to go out next week for the Election to be held on Tuesday, September 8th.

**Calendar Review:** Commissioner Asay said he has a Northeast Counseling meeting tomorrow in Roosevelt and there is a Public Lands meeting on Friday. Commissioner Tippetts said he had a Museum Board meeting yesterday and tomorrow is Conservation and Weed Board meetings and Thursday is the ED Board and LEPC meeting. Sheriff Bailey wasn't sure on the date. Commissioner Lytle said that he will be doing a BigHorn Sheep survey tomorrow and Wednesday and has NACO Public Lands on Friday. The Sheriff said the LEPC meeting discussed earlier will be cancelled for August.

### **Policy and Legislation Items:**

**Discussion And Consideration Of Fire Hydrants For Captains Cove And Mountain View Subdivision-Mayor Coombs:** Commissioner Asay turned the time over to Mayor Coombs and he said that earlier this year there was a fire at a residence in the Mountain View subdivision and some of the residents had some concerns that got put on the back burner with COVID-19. Sunrise Engineering has looked at it and said 4 more hydrants are needed for Mountain View and at least 1 more in Captain's Cove subdivision for a total of about \$36,000 or \$6,100. The Town would like to see some financial participation from the County and Mtn View Subdivision of about 1/3 each. The maps showing where the hydrants were needed were reviewed. The Mayor will be meeting with the Mountain View Subdivision's Homeowners Association (HOA) on Saturday. Commissioner Tippetts declared a Conflict of Interest as he serves as the President of the Mtn View HOA. Commissioner Lytle said that he felt that the split should be higher for the HOA (3/4) and Commissioner Tippetts said he would be in favor of that as a homeowner. Maybe it could be put together as a package for CIB. It's not on the 1 year or 2-5 year plan for CIB, so it could take some time unless it's run as an emergency. Maybe something to look at for the future and include other areas that may need additional hydrants.

**Public Hearing to Open the 2020 Daggett County Budget:** Commissioner Asay said it was a little past 10:30 am, and asked if people in attendance were here for that or something else. Commissioner Lytle motioned to recess the regular Commission Meeting and go into Public Hearing at 10:39 am. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Commissioner Lytle asked if there was anything on the agenda besides the Rodeo that needed the budget opened. Mr. Raymond said that the Special Districts and the Fire Hydrant discussions might need a budget adjustment. Keri Pallesen came into the meeting and said there was also the Economic Development Grant from the State for \$96,000. The CED Board had recommended some signs for the Towns and Commissioner Tippetts thought we could do County signs as well. None of that money has been budgeted as a revenue or expense. Keri couldn't think of anything else, but Commissioner Lytle said there was a need for a purchase or lease of a backhoe for the Water and Sewer System. Keri said you might have to expense the whole thing in a year depending on how the contract is written. He was hoping to see what a year's worth of billing would look like to see how that would work out. We are around a year under the new rate system. A raw storage tank is also needed in case the line breaks and that would be another 1 or 2 million dollars.

We received some correspondence on reticence of using taxpayer dollars for the rodeo. The Sheriff said the life packs used on the ambulance are 12-14 years old and one is malfunctioning and LifePack recommended they be replaced. They are running a special now of a 50% discount, so we could maybe do at least one, but maybe we could do both for the price of one. We can get more

information during this week if we can keep the budget open for a week. The Sheriff said that we have one certified EMT and several students. The State would allow the ambulance to run this way rather than delay transportation. We are relying heavily on Castle Rock and Gold Cross. Classic Air is really good to come and assist and not bill if they don't need to fly the patient. The Sheriff's personal and professional opinion is that with EMS in its current state we should not be using taxpayer money to sponsor a rodeo, but should be building up the EMS system. We've had some interest in new EMTs. Commissioner Lytle asked about the students who were still waiting to hear what their next steps are. The Sheriff said they are still waiting for more information, but they may have to retake the class.

Commissioner Tippetts said that Mark Wilson, Chamber President, said the parade was cancelled but the fireworks were still going. He also expressed that he wasn't against the Rodeo if it could be held safely, but the large expense and the unknown ROI were factors to consider. The County had made a good contribution to the Chamber and wondered if the events were cancelled, couldn't that money be used for this event. Mr. Wilson said that we have seen good revenues for the past few months but worried we would not see that continue in the fall when we tend to see more out of state and even foreign visitors that we won't see this year. The Chamber/TRT has not sponsored anything to this level in the past and his advice is to keep the funds for the future. Commissioner Lytle thought having the Rodeo would be a good example that we could work within COVID and that would have value. Mr. Henry was asked how the Jr. Rodeo went and he thought there were about the same number of participants. Commissioner Asay said that people have been asking why so many events have been cancelled and how can you have a rodeo when everything else is cancelled. The lack of personnel and volunteers has affected the cancellation of most activities. The Car Show was held and it was successful but it was a private effort. Next year there may be more fallout from COVID as people will have to pay for everything that's happened. No further comments were given and Commissioner Tippetts motioned to go back into regular session at 11:22 am. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

A five minute recess was taken and the Commission meeting restarted at 11:28 am.

**Discussion And Consideration Of A Request For A Commission Adjustment On Back Taxes And Penalties For Parcels 01-0094-0069 and 01-0010-0016.** Commissioner Asay asked Brianne Carter to address this and so Brianne gave a short history and explanation of how the error occurred. There was a corrective warranty deed. The parcel wasn't created until 2016. It is owned by Diane Bingham and she didn't know that so couldn't pay. Commissioner Lytle motioned to follow the recommendation of the Recorder's Office and abate the penalties for parcel 01-0094-0069. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

The second parcel is on Main Street and is a small portion and it is near Andrea Scott's garage near the Boren's. It's a little tiny triangle piece and it is thought to give this to Andrea Scott, but not guarantee that she owns it as it's part of her driveway. Nels Philbrick is currently the stated owner, but he and his wife have passed away. Nobody has been paying taxes for the past 4 years. The legal description has issues and she can pursue it if the Commission wants. The action requested is not an assignment of ownership but of tax responsibility. It is being used by Andrea Scott and it was included in the property in the past, but was taken out at some time. From a taxing side it makes sense. The tax assessments are small- about \$6 for this year. Commissioner Tippetts motioned to follow the advice of the County Auditor/Recorder and assign the Tax liability for the parcel 01-0010-0016 as discussed. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

### **Discussion And Consideration Of Possible Special Service District For Emergency**

**Services:** Attorney Niel Lund said we had put this on as a way of using funds that may affect Federal PILT money. If we desire to move forward we need to get going. It can be done by the end of the year if you set it up as a local district. There is a prohibition on local Fire Districts but what we are looking at would be different. You have to have a hearing and publication of the notice for two weeks and a 60 day waiting period for protests. The first step is a resolution to create a local district and then the notice of the hearing has to include the resolution. The hearing is held and then you wait 60 days. "Adequate protests" can stop it but if there aren't adequate protests then an Ordinance is passed and there is 10 days to notify the Lt. Governor. It does not require an election, but the board members can be elected or they can be appointed and then elected. The budget will be completely separate from the County budget and would not need to be reported on the County financials.

A Special Service District is different and would take a minimum of 95 days. The differences are mostly political. The board members are appointed but they can still make their own decisions. Special Districts can not be elected but only appointed. Both types of districts would have to go through the Truth-in-Taxation process to levy taxes and there probably wouldn't be time to do it this year. The districts are allowed to charge a tax rate separately from the County and towns. Mosquito is a max of .0004 and the EMS district is a maximum of .0008.

Commissioner Lytle asked if an unincorporated district could add incorporated areas and the Attorney Niel Lund said the legislative body of the district could follow the same procedures for creating the district, to add to it, so basically you would be starting over. Niel said the Special District can choose to have board members be elected. The local district can charge taxes, and it doesn't appear that the Special Districts can, but because of the changes in districts over the years there may be some grandfathering or special regulations that allow it. The Local District once formed may spend the money differently than the founding entities leaders want as they are autonomous. It is a risk. Under a Special Service District the County or Town would have to levy a tax on their behalf.

Commissioner Tippetts said that he was willing to create a District to protect PILT and to provide for EMS and fire if needed and inviting the towns to participate. He's not sure he wants to impose a tax at this time. The Attorney said a Special District for Fire can provide EMS, but it's not as clear for local districts. Commissioner Lytle said that even if it was just the unincorporated areas it should provide both services and he thought whatever district is formed should have taxing ability to be able to support the Emergency Services of the County.

The Local District doesn't have to have contiguous boundaries, but it's not as clear for the Special Service District. Commissioner Asay brought up that if we do the notice then it tells people we've already made up our minds and that's not right. We could hold a preliminary hearing that could lead to discussion of a potential district.

Commissioner Lytle thought holding a public Hearing was good to get a feel of the people on this before we get too far down the road. Commissioner Lytle asked if the Hearing could be for both Districts to get people's feelings on both. The Attorney said that Districts could own property, but they don't have to as maybe it could be a long term lease. Commissioner Lytle asked if we could have the hearing next week to get comments and we could have a draft of the Notice of Intent for people to look at and comment on. The first phase might be doing the unincorporated county area and future phases would be to bring in the municipalities.

The Attorney brought up that there is an option to give the money to the Transportation District, so the deadline is not super critical. Commissioner Tippetts thought the deadline was good as it forces us to move forward and examine all the issues. All the same things apply for the cemetery districts, except the towns would have to do a resolution to be a part of it.

Commissioner Lytle motioned to have a Public Hearing for the discussion of forming a local district that will provide both Fire and Ambulance Services. Commissioner Tippetts seconded the motion. All were in favor although Commissioner Asay was a little hesitant.

**Discussion And Consideration Of Possible Special Service District For Cemetery:** Time was given to Gayle Lamb to discuss this. The three years he has been on the board funding has always been a problem. One way to secure the needed funding is through taxation. Every month someone else is buried there that doesn't really have roots here. Commissioner Lytle asked how much is in the budget and he said there is \$4,000, but that doesn't include the labor. Plots are \$250 and the maintenance donation requested is \$5 per lot. Commissioner Lytle asked about the stacking of graves and we are not there yet. Approximately \$17,000 is needed annually to operate the two cemeteries. They didn't consider owning property as the district. The maintenance would be contracted with the County or somebody else and that money would come from the district to pay that expense. Nobody on the Cemetery Board has talked with either town yet. The land ownership could go to the district if it is formed. Jesse said about 1/3 of the Manila Cemetery is jointly owned by the Town and County. Getting something on the ballot is the end of August. There are still so many unanswered questions that we need to keep working on this. There could be an increase of the line item in next year's budget. There would be a need for insurance and other things that are absorbed in the county budget now. Maybe the jail could be a mausoleum.

**Discussion And Consideration Of Possible Rough Stock Rodeo on August, 29, 2020 - Matt Henry:** Commissioner Lytle said he likes the idea of having the rodeo, but it will not be painless if we decided to do it. A local Rodeo district was suggested! Commissioner Tippetts said he couldn't make the connection with the CARES Act funding. It was asked about the Economic Development money and Commissioner Tippetts said that he felt uncomfortable with sort of going around the CED Board. Matt Henry was asked if he would be able to do it with less than \$20,000 and he said no. He doesn't have enough time to get the sponsorships and donations to come up with the rest. Commissioner Asay said that the Cow Country Rodeo has been going on for a lot longer than 17 years, as he remembers being involved when he was 25 years old and that was a lot longer ago than 17 years ago. Cody Rodeo was cancelled by the Wyoming Governor, but the organizers didn't agree and held it anyway and it sold out. It was quite successful. Gale Lamb asked what happens when somebody gets sick, does that mean school is delayed and everything else is affected? Commissioner Lytle said that there have been cases here, but we have been lucky and careful, so when the cases come nobody could say it was just because of the rodeo. Green is still in effect in Uintah with 88 cases, and people still need to be cautious when in green. A case or cases would probably not change things much.

Commissioner Lytle motioned that we provide the \$20,000 with half of it to come from the Daggett Designation and the other \$10,000 from the fund balance of the legislators funds given to us for the Centennial Celebration. Commissioner Asay accepted the motion and Commissioner Tippetts seconded the motion. Commissioner Lytle voted "Aye", Commissioner Tippetts voted "Nay" and Commissioner Asay voted "Nay". The motion failed. Matt Henry was thanked for his patience and effort to get to this point.

**Discussion And Consideration Of 2020 General Election Mobile Voting Pilot Contract With Voatz, Inc:** Mr. Raymond said that this discussion could wait a week.

**Discussion And Consideration Of Emergency Facilities And Land Use Agreement With BLM For Richard Mountain Fire:** This was requested last week and needs to be decided on.

Commissioner Lytle motioned to approve the BLM contract as written. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Commissioner Lytle said he talked with Trevor about this for future use.

**Discussion And Consideration Of Facility Use Agreement For Exercise Classes At Dutch John Conference Hall:** We have a Facility Use agreement and they have nowhere else to go. Commissioner Lytle thought it was a good use of the facility. Commissioner Tippetts motioned to approve the use of the Conference Hall for the exercise class with the completion of the waivers. Commissioner Lytle seconded the motion and all were in favor. The motion carried.

With no further business Commissioner Lytle motioned to adjourn and Commissioner Tippetts seconded the motion. All were in favor and the motion carried at 1:45 pm..

/s/ Randy Asay  
Commissioner Randy Asay

s/ Brian Raymond  
Clerk/Treasurer\_Brian Raymond

/s/ Jack Lytle  
Commissioner Jack Lytle

/s/ Matt Tippetts  
Commissioner Matt Tippetts