

Minutes of the Meeting of the Daggett County Commission held on **Tuesday, March 23, 2021** 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. Clerk Brian Raymond, Attorney Niel Lund, Recorder/Treasurer Brianne Carter and Sheriff Erik Bailey were present in person. Auditor Keri Pallesen and Sheriff Erik Bailey were present online. The meeting was called to order at 9:07 am by Commissioner Asay.

Present In Person: Brandi Pearson-Commission Assistant, Dave Ure of the School Institutional Trust Lands Administration, and Matt Lucas

Present Online: Bret Reynolds of CIVCO Engineering, Senator Ron Winterton, Chris Clark of Uintah Engineering, Martin Pierce of Jones and DeMille Engineering, and Kym Slagowski

Approve Minutes: Minutes for the March 16, 2021 Commission Meeting were provided by the Clerk's Office. Commissioner Lytle asked about the Zion's account Commissioner Tippetts noted a comma needed on the top of page 3 between James Olsen and Keri Pallesen, so Clerk Brian Raymond made the correction. Commissioner Lytle motioned to accept and approve the corrected minutes for the March 16, 2021 Commission Meeting. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Citizen Comments: Director Dave Ure of the School Institutional Trust Lands Administration (SITLA) was given the floor. Commissioner Lytle asked if he was attending the meetings in Vernal later this week and Mr. Ure said he was sending Tyson Todd as he has other meetings to attend. He encouraged the Commission to take the time to review the minutes and get them correct as the GRAMA requests can be a challenge. Mr. Ure is out to do his annual meet and greet. Please let him know or contact Tyson Todd in Vernal if there are any questions or needs related to SITLA. The leasing of Federal ground can't legally be stopped, but it can be slowed down. The Counties and SITLA have got to work together and be on the same page. Resource Management Plans (RMPs) are super important to get the needed lands for exchanges that may be needed. The new funds are for water for Cities and to get some help for water issues in Flint Michigan, but can be used by other Cities or Special Services District, but not counties. Maybe the County can because it has the Dutch John Water System. The SITLA Payment In Lieu of Taxes (PILT) checks will be out next month at about \$.83 an acre. It will be less as the land in Sheep Creek was sold. There is a possibility of using different money for the STATE PILT so it will not affect the Counties, so that can be investigated. It does not include LEDA money, which is separate. There was discussion on the State changing the State Law regarding the State PILT payment between Mr. Ure and Senator Winterton and how they could work with Legislative Research to see if that really is possible. Mr. Ure was thanked for his help with Dutch John last summer and he said they are willing to continue the efforts. Mr. Ure thanked the Commissioners for their interest and time. Commissioner Asay asked about the taxes for the Sheep Creek property. Recorder/Treasurer Brianne Carter said that Utah is a non-disclosure state and it was purchased by an agreement like the RDA uses that may not reflect the purchase price. They may be looking to build a lodge or some rental units.

Issues Updates: Commissioner Asay said that he had not heard any more about the next vaccine shot. Brianne thought it was April 10th and Brandi Pearson thought it was the 9th, which is a Friday. People will be able to get their 1st or 2nd shot on that date.

Commissioner Asay said that Affordable Housing has been added to the Issue Updates to keep reminding us that we need to keep working on this. The Sheriff was asked if he had any updates on the EMS Director. He said he is doing the background check and Sgt. Isaacson is

working through that and the position is now closed and so is the advertised Deputy position, but it will be reopened soon for a short period of time.

Bret was asked about the airports and he said they are double checking the FAA guidelines as they have changed some of the guidelines in the last few years.

Commissioner Tippetts said that Mike Mower had called on the Jail and is interested in coming up and discussing that on April 8th. The Sheriff thought that would work for him. The new Executive Director will participate on Zoom. Housing is still an issue according to the Sheriff. Senator Winterton said that Mike is a PR man for the Governor working with the rural counties. Representative Blake Moore will be here on April 6th.

COVID numbers are falling, but it is still here. April 10th is the last day of the Mask requirement in Utah.

The Affordable Housing issue is a challenge and the Church at the Jail could possibly be turned into a dormitory for Affordable Housing for workers. There is some money in Fund 49 for Affordable Housing and maybe that could be used to change that to a duplex or something and add the needed bathroom and showers. The building was donated by the LDS Church, so there may need to be some checking into that and Commissioner Asay said he thought it had been cleared to be used however the County needs. The Commission will meet with the Sheriff and look at that today after the meeting. We need to look at the long term for affordable housing in case the jail is reopened and the building is again needed for use by the Jail.

Cash Summary And Expected Revenues Report Review: The Cash Summary and Expected Revenue Reports were provided by the Recorder/Treasurer's Office. Recorder/Treasurer Brianne Carter said some new items for billing of Dutch John Utilities had been added and she had provided the contact person's names that provided the invoices in case there were additional questions. The payments for corner monumentation have grown and the EMPG grant will continue to grow until the projects are complete and we can submit an invoice. Brianne had not heard from the Town on elections and Brian said he had talked with Amy McDonald and they wanted another copy of the invoice, which has been provided and payment should be received shortly. Commissioner Lytle asked about the PTIF/Fund 28 dispersals and Brianne said that February's had not been made yet and she needed to speak with Commissioner Lytle about that after the meeting. Mr. Raymond said that there is an allowance for when monthly expenses are higher than monthly revenues the transfer does not have to occur, but it has to be made up in the future. Brianne said that the shortfall in February was about \$10,000 for several reasons both one time and ongoing.

Commissioner Lytle motioned to accept the Cash Summary report of March 19, 2021 for all bank accounts and the Expected Revenue Report in the amount of \$20,737.00. Commissioner Tippetts seconded the motion. All were in favor of the motion so the motion carried.

Approve Open Invoice Register: The Open Invoice Register of March 22, 2021 was provided by the Auditor's Office for review. Commissioner Asay said we had paid the Fire agreement to the Town and the utilities to the town, plus propane was pretty high. Commissioner Tippetts motioned to approve the Open Invoice Register for March 22, 2021 normal invoices in the amount of \$31,136.67. The motion was seconded by Commissioner Lytle. All were in favor and the motion carried.

Disbursement Listing: The Disbursement Listing was provided by the Auditor's Office for review. Commissioner Lytle asked about the \$12,000 for water provided by the Bureau as he did not remember seeing it on the Register last week. Commissioner Lytle motioned to acknowledge receipt and review of the Disbursement Listing for Zions Checking, for March 11, to March 22, 2021 in the

amount of \$105,501.97. The motion was seconded by Commissioner Tippetts. All were in favor and the motion carried.

Purchase Request Approvals: There were no purchase requests known. Commissioner Lytle asked for a moment to check his folder. Mr. Raymond said he would change this on future agendas to Purchase Requests instead of Purchase Orders.

Correspondence: Commissioner Tippetts said April 8th is the date for Mike Mower, but we don't have a time set yet and the Director of Corrections will participate virtually.

Commissioner Asay said he didn't have anything for correspondence, but appreciated Dave Ure's comments. Mr. Raymond said he would try to get the minutes out Friday night or Saturday morning so there is more time to review them prior to the Commission meeting.

Commissioner Calendar Review: Commissioner Asay said he has UBAOG on Thursday and Tri County Health on Wednesday. Brandi Pearson asked if TriCounty has anything to do with the Clinic as she has some ideas that might be helpful. Commissioner Asay encouraged her to share those ideas as they may be helpful. Commissioner Lytle said he would get back with Mike Mower and firm that meeting up for April 8th. Mr. Lytle said there is an Energy meeting in Vernal on Thursday and Friday after the UBAOG meeting. Commissioner Lytle asked if the Clerk's Office had been notified about the funeral for Annie Yates and Brian said they had and Jesse had been notified, so it was being handled. Commissioner Lytle said the CIB meeting in April will be the second week instead of the 1st week and he had signed up for the Suicide Prevention Meeting. Brienne said there is a Community Awareness meeting on Thursday at 2 pm. Commissioner Lytle will be at the Energy meeting and won't be able to attend. Brandi will attend the UBAOG meeting and Commissioner Tippetts will try to get back from UBAOG in time for the Community Awareness meeting.

Policy and Legislation Items:

Discussion and Consideration Of Completed Business Licences: Coca Cola Bottling, Collet's Mountain Resort, William H. Smith & Associates, DJ's Glass Plus, Chad Jaques/TB2 Guide Services, Trugreen Limited Partnership, Walton Feed, Inc., Birrell Bottling (DBA Pepsi of Vernal), Diamond Mountain Marketing, Wild West Paddle Company, Mandy's Auto Detailing, Craig Stockavas: Commissioner Asay said we had the following business licenses for review: Coca Cola Bottling, Collet's Mountain Resort, William H. Smith & Associates, DJ's Glass Plus, Chad Jaques/TB2 Guide Services, Trugreen Limited Partnership, Walton Feed, Inc, Birrell Bottling (DBA Pepsi of Vernal), Diamond Mountain Marketing, Wild West Paddle Company, Mandy's Auto Detailing, Craig Stockavas. Mr. Raymond said Conquest Expeditions needed to be added as they had completed all their paperwork also. Commissioner Lytle motioned to approve the applications for the thirteen businesses that have completed their applications. Commission Tippetts seconded the motion. All were in favor and the motion carried.

Discussion and Consideration Of Conditional Business Licenses: Chenega Security & Support Solutions and Conquest Expeditions: Commissioner Asay asked about Chenega and was told they provide security on the Dam. Commissioner Tippetts motioned to conditionally approve the application for Chenega Security and Support Solutions contingent until they get the needed paperwork to the Clerk. Commission Lytle seconded the motion. All were in favor and the motion carried. Commissioner Lytle asked about Conquest Expeditions and it was explained they were approved during the completed applications section as all their paperwork had been turned in.

Discussion and Consideration Of Appointing Board Members To The Flaming Gorge Fire & EMS District: Commissioner Asay said we had some interviews and Commissioner Tippetts asked the attorney if the notification on the agenda needed their names and Niel was okay with how it was listed.

Commissioner Tippetts said the interviews had been completed and he was happy with who had applied. Commissioner Tippetts motioned to approve Bret Reynolds for the at Large Position, Woody Bair for the Eastern precinct and Don Allphin for the Western Precinct as Board Members for the Flaming Gorge Fire and EMS District. Commissioner Lytle seconded the motion and commented that he appreciated their willingness to participate and work through this process. Attorney Niel Lund said that this needs to be done by Resolution and their terms need to be set, so he will work on that for next week. All were in favor and the motion carried. Bret said that he had questions and the first was answered by Niel as this is not finalized until the resolution is passed. Bret also asked that contact information be shared with the new board members. Bret also asked that at least one of the Commissioners attend the first meeting and Commissioner Tippetts said he is the liaison for the Special Districts, so he will plan on attending and the other Commissioners can attend if they are able.. Bret asked about the process of posting a Public Meeting and Niel said that Mr. Raymond could help with that. There was discussion about how the attorney would be chosen and contracted with and how services are agreed upon through an interlocal agreement. The Contracts with the Towns can be assigned to the District. Commissioner Lytle said the Board needs to go on the State Auditor's website for training about posting of meetings, and GRAMA, etc. It was asked if the Board determined who gets which term, but it was thought the At-Large position was likely to be the shortest, but the Ordinance creating the District will have to be reviewed. Bret asked about the bank account. Brienne Carter asked if this is a taxing district and she was informed that they have the ability to tax, but they will need to go through Truth-in Taxation first. Keri and Brienne said the Bank account will need an EIN, so the Board will have to apply for an EIN and they may need to open a new account as the current account is with Zion's using the County's EIN. The board will have to decide who is going to handle the accounts, etc.

Discussion and Consideration Of Surplussing 2007 & 2012 Dodge RAM Trucks From The Road Department: Commissioner Asay said the 2007 is a grey truck and the 2012 is a white one with a flatbed. Commissioner Tippetts said the money received will go toward the purchase of the new truck. Commissioner Tippetts recommended taking the trade in values and use that as the minimum for auction like we did for the ambulance. Commissioner Asay asked if there is any interest from other departments as either would be more efficient than the one the Water Sewer Department is using. They could be surplused today and see what interest there is before putting them up for auction next week. "B" Road money purchased the trucks, so any proceeds have to go back into the B Road Fund.

Commissioner Lytle motioned to approve the surplus of the 2012 Dodge Ram with the last four of the VIN being #7640 and the 2007 Dodge RAM with the last 4 of the VIN being 9022. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Discussion and Consideration Of The Recommendation From The Planning and Zoning Commission For Approval of The Revised Eagles Landing Subdivision Plat: Commissioner Lytle went and got Vicky Nelson of Planning and Zoning and she came into the meeting. Mr. Raymond noted that it is Eagle's Landing Subdivision and not Eagle Subdivision. It's near the Biljon Subdivision. Commissioner Tippetts disclosed that he had an interest in Lot 1 (the original lot) which was sold last week and has an interest in lot 3 of the subdivided lot. Additional land was purchased to provide the frontage required. The letter has the recommendation of the Planning and Zoning Commission and there was no objection of the public during the Public Hearing. The access is from State Line Road. There is an easement through the Eagles Landing lots. The new piece that is going into Lot 1 from the Biljon Subdivision will give the needed frontage so the lot is buildable. That Biljon piece was unbuildable as well, so it helps out that now it can be used. Lot 1 is owned by Dan Hansen and Lot three is owned by 3Z Ranch, which is Commissioner Tippetts and his wife. Lot 2 is shared ownership between Dan Hansen and 3Z Ranch. Recorder Brianne Carter said there are deeds that will record after the Plat is recorded. It is a combination and a split. The lots will be at least one acre in size since the zoning is R-R-1. There is an old house and cellar on the lot going to 3Z Ranch. There is an approach off Highway 44 and others have been allowed to use it as well.

Commissioner Lytle motioned to approve the Revised Eagles Landing Subdivision Plat as recommended by the Daggett County Planning and Zoning Commission for parcel # 01-0090-0290. Commissioner Asay seconded the motion. Commissioner Tippetts recused himself from voting. Commissioner Lytle and Commissioner Asay were in favor and the motion carried. There were questions on the needed signatures and it appears that it is okay, but Niel will double check that.

A recess was taken at 11:05 am and the Commission came back into session at 11:09 am.

Discussion and Consideration Of Approval Of Utility Easement Use For Matt Lucas: Commissioner Asay moved this up since Matt Lucas was here with his Engineer Chris Clark on virtually. Commissioner Lytle asked Chris if he was involved with the Water Tank Close Out Inspection last week and said he was not aware of it. Matt said that he is seeking permission to tie into the 2" water line and access the County easements on Dutch John Draw Rd. There are two plans: a 2" line or an 8" line and he is looking to do the 2" version, which will require an 80,000 gallon tank that is required for a hydrant by the fire code. There is a 2' line to the tank and an 8' line to the hydrant. It will be nice looking and it will have a disturber or heat that keeps it from freezing, depending on the quote. The 2" line plan is the most realistic plan and there will be a 14" sleeve for an 8" water line that may be installed by Delta Plan. No pumping is needed to fill the tank. Commissioner Lytle asked if there is a challenge in the initial fill and it could be done overnight, so it doesn't create any problems for the rest of the town. Matt wants to have Dutch John Planning and Zoning vote on the 2" line at the next meeting. If that proposal doesn't pass and they have to go with the 8" line then he would like to ask the RDA for financial assistance to make that feasible. Commissioner Lytle asked if we need to have the County Surveyor look this over and Commissioner Tippetts said that since it is in an existing easement it shouldn't be a problem. The Fire chief would have to sign off on it also. Commissioner Asay asked if the 80,000 gallon tank needed a berm in case it sprang a leak. Chris Clark said that secondary containment is not required and there is a natural drainage away from the proposed buildings. Chris is working with UDOT on the application

to do the work and the access off the highway. UDOT wanted to know the highest peak usage and the traffic coming and going before giving that approval. It is hoped that they don't need a full turning lane as that would cost about a half million dollars. The boring will have to be deep and the space for boring will be significant. Chris Clark said that the main question is to get permission for Matt and his contractors to do the work on the County right-of-way and Attorney Lund said that the RDA is still the legal owner and so we would be giving him permission to do it on our behalf and also to allow him to hook into the water system main.

Commissioner Lytle motioned to go in and out of the Redevelopment Agency (RDA) and Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Commissioner Tippetts motioned to allow Matt Lucas to make the development request on the RDA's behalf as the developer of the property and the County's behalf as the easement/right-of-way owner. Commissioner Lytle seconded the motion. All were in favor and the motion carried. Matt said that he would let the Commission know Dutch John's Planning and Zoning decision during the first week in April. The 8" line would cost around \$400,000 and the excavator doesn't really want to do it because of the narrow easement.

Chris Clark said that there was one thing that they came across when they did the surveys up there, it looks like the sewer line easement cuts across the property, but the sewer line is outside the actual easement. Chris said it can be left as is or an updated easement can be developed to represent what is actual. It is something that needs to be kept in mind. Matt showed the Commissioners where the issue is on the plat he had provided. We can have our surveyors work with Chris to get that rectified. Either Sunrise or Jones and Demille will be in contact with Chris on this as Jones and Demille were no longer attending virtually.

Discussion and Consideration Of Appointing Linda Petersen To The Museum Board:

Commissioner Tippetts said we had received the paperwork back and motioned to approve Linda Petersen as a member of the Museum Board. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion and Consideration Of The CIB Capital Improvements List From the Uintah Basin Association of Governments (UBAOG): The UBAOG requested that this final version be reviewed. Mr. Raymond brought up No. 3 which is the Sewer System Study under the Water System and Commissioner Lytle said it is the Water and Sewer System. Commissioner Tippetts brought up adding the Shooting Range Committee's proposal to acquire property and the Trails Committee's project for Bike and Pedestrian Path development to the one year list. Commissioner Lytle motioned to approve those additions to the 1 Year list. Commissioner Tippetts seconded the motion. With further discussion the amounts were discussed. The Shooting Range is land purchase and development. Commissioner Lytle brought up needs and wants and Taylor Flat would rank higher on a need. Commissioner Tippetts thought Taylor Flat would be higher if there was consensus from the owners in Taylor Flat, so #7 was the location for this item. It was asked if that No. 2 in the 2 to 5 year list that is being moved to the 1 year list is different from No. 11 that is already on the 1 year list and it is as No. 11 is much broader and for trails in general. The Shooting Range was added number 10 and at a \$150,000 value for property acquisition and infrastructure development under the MBA.

Commissioner Lytle asked about the The Road District being on line for this one and Commissioner Tippetts said they were approached on changing their charter and they haven't been willing to so far. The motion was restated: Commissioner Lytle motioned to approve the additions of the Shooting Range Committee's proposal to acquire property and the Trails Committee's project to the 1 year List. Commissioner Lytle amended the motion to include adding the development of the shooting range and that the projects be under the MBA in the amounts mentioned. Commissioner Tippetts seconded the amended motion. All were in favor and the motion carried.

Commissioner Tippetts motioned to approve the 1 Year and 2-5 Year CIB Capital Improvement Lists as amended. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Commissioner Lytle asked if the contract with Intermountain Economic Consulting had been signed and Brian said he has a copy for signing.

Closed Session For Possible Purchase, Exchange Or Lease Of Real Property: Niel Lund said he had an item for Closed Session. Commissioner Lytle motioned to go into Closed session at 12:05 pm for the discussion of Potential Litigation. Commissioner Tippetts seconded the motion. A Roll Call Vote was taken and Jack Lytle voted "Aye", Matt Tippetts voted "Aye" and Randy Asay voted "Aye". Keri Pallesen was invited to participate in the closed session but she decided not to participate, but asked if we had informed UCIP of the potential litigation. Niel said it isn't to that point yet. Commissioner Lytle motioned to go back into regular session from Closed Session at 12:24 pm. Commissioner Tippetts seconded the motion at 12:24 pm. All were in favor and the motion carried.

With no further business Commissioner Asay declared the meeting adjourned at 12:25 pm.

<hr/>	<u>/s/ Randy Asay</u> Commissioner Randy Asay
<u>s/ Brian Raymond</u> Clerk/Treasurer_Brian Raymond	<u>/s/ Jack Lytle</u> Commissioner Jack Lytle
	<u>/s/ Matt Tippetts</u> Commissioner Matt Tippetts

