

Minutes of the Meeting of the Daggett County Commission and the Daggett County Redevelopment Agency held on **Tuesday, June 1, 2021** in the Commission Chambers at the Daggett County Courthouse and through electronic means. Commissioners Randy Asay, Matt Tippetts and Jack Lytle were present in person. Clerk Brian Raymond was present in person and Attorney Niel Lund, Auditor Keri Pallesen, attended digitally. The meeting was called to order at 9:05 am by Commissioner Asay.

Present In Person: Brandi Pearson-Commission Assistant, Chad Reed, Vicky Nelson, Matt Lucas, Chuck and Melissa Gartner

Present Online or by Phone: Senator Winterton, Bryan Meier, Aaron Averette, Martin Pierce, Corey Auger

Approve Minutes: No Minutes were available for review. Commissioner Tippetts motioned to go in and out of the Redevelopment Agency (RDA). Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Issues Updates: Commissioner Lytle asked about the agenda item number 4 that says All and Clerk Brian Raymond said it should say Allow. Commissioner Asay said that he met the new EMT Coordinator from Green River and Brandi said she got a picture of her and some information from her, but didn't have anything available for the Commission. Brandi has collected all of the Surveys and is working on tallying them and getting them to Dr. Breitenbach and Monique of the Clinic so they can review them. Commissioner Tippetts did not have any updates and said Bret Reynolds told him he did not have anything to report on the airports today.

Citizen Comments: No comments

Cash Summary And Expected Revenues Report Review: The Cash Summary and Expected Revenue Reports were provided by the Recorder/Treasurer's Office. Commissioner Asay noted many of the negatives had been taken care of. Commissioner Tippetts said a draw had been submitted on the weeds and so now they are starting to bill they are doing better. Commissioner Lytle motioned to acknowledge receipt of the Cash Summary Report of May 28, 2021 and the Expected Revenue Report also dated May 28, 2021. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Approve Open Invoice Register: The Open Invoice Register of May 24 2021 was provided by the Auditor's Office for review. Commissioner Lytle motioned to approve the Open Invoice Register of May 27, 2021 in the amount of \$34,502.59. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Disbursement Listing: The Disbursement Listing was provided by the Auditor's Office. Commissioner Tippetts motioned to approve the Disbursement Listing for Zions Checking, for May 24, 2021 to May 27, 2021 in the amount of \$65,772.13. The motion was seconded by Commissioner Lytle. All were in favor and the motion carried.

Purchase Request Approvals: There were no purchase requests to consider.

Correspondence: Clerk Brian Raymond said he had included information in the packet about the Open Burn window closing on Sunday provided by Corey Auger. Corey said without any

specific codes it reverts back to state code and no open burning is permitted in the municipalities without a permit signed by Corey Auger. Air Quality limits the municipalities but not the unincorporated areas of the County. He is interested in the Commissioners discussion on the Drought later on the agenda. Commissioner Lytle asked if he had any comments and Corey said if you go into drought it will lead to fire restrictions. Some areas have already imposed fire restrictions. We had a lightning event Sunday night. A BLM truck was sent out, but it turned out to be a false alarm.

Brian said he had also included some information about the job situation throughout the State and the jobs in the five major counties account for 80% of the jobs in the state and the other 24 counties have only 19% of the new jobs.

Commissioner Tippetts said he had reached out to Mayor Coombs on the Bike Path and he is still trying to get with the Forest Service and Sweetwater County.

Commissioner Lytle asked the State Drought Notice and asked Brian to send a copy to Trevor. It was in the packet for the Drought Discussion later in the agenda. Commissioner Lytle also said about 10 people attended the meeting that was held last night in Dutch John and he will talk more about that during the CIB agenda item. Dutch John was busy but not crazy Memorial Day weekend and it sounds like it was reasonably busy in Manila.

Calendar Review: Commissioner Lytle said the CIB Spring Retreat is Thursday and Friday at Ruby's Inn and he will start traveling tomorrow. Commissioner Tippetts said he was going to attend a meeting Brandi set up for Thursday morning with Thomas Winterton, David Fields and Mike Hansen, but he has a follow up appointment with his wife, so will be unable to attend. Commissioner Asay will attend and there was discussion about inviting the CED Board. The topic is about RDA land sales and Affordable Housing brainstorming.

Municipal elections were brought up by Commissioner Lytle and Mr. Raymond said that today is the start of the time when people can declare their candidacy through next Monday. Neither municipality is doing ranked choice and they are doing their own elections with a little help for voter registration and signature verification from the County.

Policy and Legislation Items:

Discussion And Consideration Of State Drought Declaration And Possible Daggett County Drought Declaration: Commissioner Lytle asked if there was a Drought Declaration prepared and Brian Raymond said that this had been requested, so he had included the State Letter for review. Commissioner Asay said that he has been dealing with water his whole life. Commissioner Lytle wasn't so worried about the regulations on the Water System, but more about shooting and fire pits, etc. Commissioner Lytle said in a couple of weeks the June grass will dry out and asked Corey Auger about the 100 hour fuel levels and Corey wasn't sure. He found that on May 28th 100 hour fuels was at 6%. Fuel moistures are critical and in some areas it already looks like late summer. Commissioner Tippetts asked what the Declaration means and how it affects us. Corey didn't have any specifics yet, but will look at things this week. Commissioner Lytle said that it shouldn't make any difference to Dutch John water system.

Commissioner Lytle said the grass in Browns park never really greened up. Commissioner Asay asked about the Haynes Index and Corey said that a reading of 6 or higher and the atmospheric conditions are open and allow for fire spread. Commissioner Tippetts asked how not declaring a drought might affect the producers as we are doing a little better than most of the state. Commissioner Lytle asked about the irrigators and how they are holding up. Commissioner Tippetts

said the report of a month or so ago was that the Longs Park was low, but the snowpack was still high, so it's unclear how that will all play out. The Road Crew was three weeks late getting into Spirit Lake this year. Commissioner Lytle said that the lower elevations have already melted off, so what happens to the higher snowpack is unsure. It might be helpful to review what we had done in the past before we do anything this year.

Niel said he had sent the information on what our drought declarations mean per County Code. Commissioner Asay said that he didn't feel that we should do anything without consulting the Town and the irrigation companies.

Commissioner Lytle motioned to table the Drought Declaration. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Discussion and Consideration Of Payment For Scholarship Award To Manila High School By County Commissioners: Commissioner Asay said he had paid some money \$200 towards the Scholarship for the students at the High School and it was presented the other night.

Citizen Comments: Chad Reed said he got information he needed to share, and he was upset that the Planning Commission had not been consulted and it was approved and he did not think it was right that they were approved to go forward. He would like to resign due to this lack of enforcement and lack of respect to the Planning Commission. The owners told Chad that it was approved. Niel was asked and he said there was a discussion and due to the errors on the County's side he recommended it go forward, but did not authorize it to move forward. Planning Secretary Vicky Nelson said that there was an issue with this and she felt like it was a result of Matt Tate's lack of communication and coming up and doing physical inspections. There was a red tag and then it was taken off. They were given a condition before they could pour and they didn't follow through on the condition to double check the setbacks, plus they signed the building permit which had the correct set backs. They told Chad that they had approval to place the home and Vicki said she had not given that, but maybe Matt Tate did? Commissioner Tippetts brought up that the building official does not have the ability to give a variance. Only the Commissioners can do that with the recommendation of the Planning and Zoning Board. Chad said that there are multiple times that the Planning Commission has been ignored and this was an insult to the Planning Commission. Commissioner Lytle asked Niel what we needed to do at this point in time. Niel said in fairness to Matt Tate we probably need to have a meeting with him, we were not even in a good place when the Red Tag was put into place. We aren't in a good position and the further it goes the more difficult and expensive to correct it. Vicky said the lines of Communication are messed up and she sees that the communication needs to go through the Planning and Zoning Board and not her. Chad didn't think the error was on the County's side, as they signed the building permit. Niel didn't think that was quite right as there was supposed to be an inspection that should have found the problem. Commissioner Tippetts thought it was the builder's responsibility to meet the set backs. Chad said the problem is that the process is not being followed and the Planning Commission is not being kept up to date. There was additional discussion and Commissioner Lytle said we need to work on making sure this doesn't happen again and fix this specific situation. It can be fixed, but we need to not throw blame, because it doesn't fix the problem. Chad said this opens a can of worms that will only

make this worse. We have to protect other people's rights. Commissioner Asay said we need to call an Emergency Meeting and discuss this, as this is not on today's agenda. We need to get the facts and get this taken care of. Chad said that he is leaving Thursday morning for a funeral, and he needs to know when you want to meet as he won't always have cell service.

Trevor Brooksby said that in his past life he worked with modular builders and he said it is not too difficult for them to move it 10' if needed. It's done regularly. Chad said regardless it needs to be stopped. Commissioner Lytle asked Niel what the options are and how to do this and Niel said a Red Tag would be the step to stop it. Vicky and Chad were asked to call Matt Tate and find out what can be done.

Discussion and Consideration Of Proposed CIB Application For The Dutch John Water System Improvements: Commissioner Asay asked Commissioner Lytle about the meeting held in Dutch John yesterday. Commissioner Lytle said the meeting was between 4 and 6 pm and then deferred to Aaron Averette of Sunrise Engineering said it was a good meeting. Some Town officials and residents attended in person and Dave McDonald attended virtually. Aaron said the heart of it was that the application needs to be submitted and then the funding package can be determined and brought to the community. UBAOG has run this through the CIB tool and given some indication of the funding. The recommended range for the loan would be 25-35% and it is not known for sure, but is higher than what Dutch John can handle. The question is whether to turn in the application. There were lots of questions in the Public Hearing. The grant/loan mix in the application is 85/15. The Preliminary information from Zions Bank said the payment would be less than \$20,000. It doesn't mean that we can't use other funding to help pay for that. Governor Cox signed legislation to allow ARPA funds at a 50/50 grant/loan rate and this funding could be part of the mix. Commissioner Lytle was comfortable with it going forward to CIB although he is nervous about what it will do to the capital improvements fund. There was a lot of discussion yesterday as to whether a new tank or a new pipe would be better. Another thing might be an emergency procedure to allow for something like a temporary pipe in the instance of pipeline break.

Commissioner Lytle motioned to move forward with the application. Commissioner Tippetts seconded the motion and asked if Aaron was comfortable that this is the best solution to solve the problem. Aaron said that there is a lot of back up for the decisions they are recommending. There is also flexibility in changing the wording to solve a problem and be flexible on how it is solved. Commissioner Lytle amended his motion to add the wording to show the flexibility. Commissioner Tippetts seconded the amendment. Commissioner Lytle said there is a commitment to bring the funding package back to the community before making a final decision and Trevor was asked if he had any additional comments and he did not. All were in favor and the motion carried.

Commissioner Lytle said that the application should be from Daggett County and the Municipal Building Authority. Commissioner Tippetts said the RDA could be a participant on this project and help provide funds if needed since they will benefit if the project is completed. Aaron said that there is a signature page to get signed and if it is forwarded to Sunrise Engineering, Sunrise will submit the application to CIB.

Discussion and Consideration Of Planning & Zoning Recommendation Letter For Approval Of Conditional Use Permit To All(ow) Short Term Rental For Youngberg Properties/ Bonnie's

Acre: Commissioner Asay asked Clerk Brian Raymond to read this agenda item. Commissioner Tippetts noted the letter of recommendation is in the packet and motioned to approve the conditional use permit. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

A recess was taken. The Commission came back into regular session at 11:12 am. There was a need for a Closed Session and Commissioner Lytle noted that if we get done before Vicky Nelson leaves we would like to get an update from her on the discussion held with Matt Tate, Chad Reed and Vicky Nelson.

Closed Session For Possible Purchase, Exchange Or Lease Of Real Property:

Commissioner Lytle motioned to go into Closed Session at 11:14 am for the Purpose of discussing the Purchase, Exchange or Lease of Real Property as stated in Utah Code Title 52 Section 4-205. The motion was seconded by Commissioner Tippetts. A Roll Call vote was taken: Matt Tippetts voted "Aye" and Randy Asay voted "Aye," and Jack Lytle voted "Aye". The motion carried and the meeting went into Closed Session in the Commission Chambers of the Daggett County Courthouse at 11:14 am on June 1st, 2021.

The motion to go into Regular Session was made by Commissioner Lytle at 12:31 pm. The motion was seconded by Commissioner Tippetts. All were in favor and the motion carried. A recess was taken at 12:32 pm.

The Commissioners came back into session at 12:42 pm and met with Chuck and Melissa Gartner regarding an issue with their building permit as brought to the Commissioner's attention earlier in the meeting. Their house is sitting half on their lot and will sit there until he has approval to set it and there is a very high liability for any damage that may occur due to weather. They had applied for a building permit and drove down here and picked it up. There was a lot of discussion as to what was signed and unsigned and they had emails and information they presented and said they had applied for, paid for and obtained a valid permit plus they have an email from the building inspector to go ahead and so they should be allowed to place their home. The Contractor said they could have it sealed today so there would not be additional damage. It was asked if the contractor's were still on site and Mr. Gartner said they were still there. The Gartner's actual application shows a 6' setback and they have a plan that also shows a 6' setback. Mr. Gartner said he had a county official give him permission to go forward and now he has a cease and desist and he is hot. Mr. Gartner gave his phone number and said he would be sitting in his camper waiting for a phone call. Commissioner Tippetts said he recommended that they allow it to be sealed up to minimize damage while they go through the process of a variance or whatever is decided. The Commissioners will talk with Matt Tate and Niel Lund and move forward. Mr. Gartner asked for something he could file to show he is in compliance.

Commissioner Lytle motioned to adjourn the meeting at 1:06 pm. Commissioner Tippetts seconded the motion. Some brief discussion occurred and then the vote was taken. All were in favor and the meeting was adjourned at 1:07 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