

**MINUTES** of the public meeting of the Uintah County Commission held **May 21, 2024** in the Commission Chambers of the Uintah County Building at 147 East Main, Vernal, Utah. Meeting commenced at 3:00 p.m.

**PARTICIPANTS:** Commissioners John Laursen, Sonja Norton, and Brad Horrocks.

**ATTENDANCE:** Mike Wilkins, Wendi Long, Lindsay Germer, Deana Nyberg, Bud Allen, Madonna Allen, Amanda Coombs, Troy Slaugh, Melanie Silcox, Dan Mortensen, Corey Foley, Willis Lefevre, Peggy Moore, Susan Horrocks, Tonya Craven, Wayne Simper, Quinn Bennion, Zeke Atwood, Mike Gledhill, Gennie Bird, Scott Hardman, Jon Stearmer, Monica Hill, Robin O'Driscoll, Barbara Simper, Travis Campbell, Nathan Simper, Steve Evans, Carl Morton, and Steve Labrum.  
Minutes recorded by Tai Duncan.

**WELCOME:** Commissioner Laursen welcomed everyone to the meeting.

**PRAYER** offered by Monica Hill.

**PLEDGE OF ALLEGIANCE** led by Tonya Craven.

**1. APPROVAL OF MINUTES** of the May 13, 2024 work session and May 14, 2024 meeting.

*Commissioner Horrocks moved to approve the minutes for May 13, 2024 work session and May 14, 2024 meeting. Commissioner Norton seconded. Motion passed unanimously.*

**2. REPORT OF WARRANTS** – Mike Wilkins, Clerk-Auditor, presented warrants dated May 16, 2024 in the amount of \$984,603.62. Items of note include a payment to Nationwide trailer for a semi crude trailer in the amount of \$30,000; and a transfer to the Uintah Health Care Special Service District in the amount of \$300,000.

**3. REVIEW and COUNTER SIGNATURE of CERTIFIED LIST of CLAIMS** –

Check #392220 in the amount of \$4,037.00 to Leads Online for the annual service package for investigation services. The services were rendered and invoice received before a purchase order was obtained.

*Commissioner Norton moved to approve the claim as presented. Commissioner Horrocks seconded. Motion passed unanimously.*

**4. TAX MATTERS** –

Mike presented a request for abatement of 2019 taxes for Red Rocks Company for serial number 09:069:0008. This parcel was split into two: serial number 09:069:0011 and 09:069:0010. American Gilsonite paid taxes in the amount of \$54,862.56 based on the locally assessed value and the remaining balance of \$5,103.98 is a credit based on the new value. Therefore, the requested abatement is in the amount of \$5,103.98.

*Commissioner Horrocks moved to approve the tax abatement for serial number 09:069:0008 in the amount of \$5,103.98 as presented. Commissioner Norton seconded. Motion passed unanimously.*

Mike also presented a request for refund by order of approval from the State Tax Commission as per appeal #23-1168. This is a centrally assessed appeal by Greylock Production for tax year 2023. The total refund owed Greylock is \$29,594.73; the County's share is \$5,038.98.

*Commissioner Horrocks moved to approve the tax refund for Greylock Production in the amount of \$29,594.73 as presented. Commissioner Norton seconded. Motion passed unanimously.*

Barbara Simper, Assessor, presented three refunds for business personal property taxes. Account #2846 over paid their taxes by \$42.26 for 2024. Account #2466 over paid their 2024 taxes in the amount of \$815.94. Account #5668 filed their assets in error for 2024 and is due a refund of \$1,501.01.

*Commissioner Norton moved to approve the business personal property taxes as presented. Commissioner Horrocks seconded. Motion passed unanimously.*

**5. SAFE STREETS & ROADS FOR ALL Grant Agreement – Gennie Bird, Grants**

The US Department of Transportation Federal Highway Administration has provided us a grant to develop a safety action plan to reduce crashes resulting in injury or death by determining areas that need improvements. Some of these improvements could be restriping, widening, adding a crosswalk, adjusting speed limits, etc. The grant is \$120,000 plus our match of \$30,000. Jon Stearmer, Deputy County Attorney, has reviewed and has no concerns.

*Commissioner Horrocks moved to approve the Safe Streets and Roads for All grant agreement as presented. Commissioner Norton seconded. Motion passed unanimously.*

**6. CONSULTING SERVICES CONTRACT to create a County Economic Development Strategy –**

Travis Campbell, Economic Development, presented the contract with Urban and Main Consulting. This is a Utah based firm that will be assisting with creating an economic development strategic plan to be included in the General Plan. They will guide the efforts by starting with a steering committee of county representatives and municipality representatives. They will review various analysis on the socio-economic demographics, and review current and future projections regarding the population, workforce, housing, etc. We want public input on the economic development of Uintah County. We received a grant to fund the consulting services. The common cost of such services ranges from \$25,000 to \$30,000. The grant is for \$15,000 and will be an hourly compensation rather than a lump sum. Our budget is no more than \$15,000. Several counties are utilizing this firm. Travis had reached out to several firms and this firm had the best reviews while other firms didn't even respond.

*Commissioner Norton moved to approve the contract as presented. Commissioner Horrocks seconded. Motion passed unanimously.*

**7. INSTALLATION and MAINTENANCE of GAGING STATION Agreement - Scott Hardman, Roads**

This is an agreement with USGS, US Geological Survey, and Utah Water Science Center to install a gauge to measure the water flow under the bridge over Ashley Creek at 6500 S in Jensen. In regards to the flow out of the treatment plant, they have indicated they put around 3 million gallons into the creek each day. Scott shared that information with USGS so they understand that is not part of the actual flow of Ashley Creek.

*Commissioner Horrocks moved to approve the agreement for a gaging station as presented. Commissioner Norton seconded. Motion passed unanimously.*

**8. COUNTY FAIR CONCERT CONTRACT with Evans Family Media: rescind previous contract and approve new – Melanie Silcox, Western Park**

This is the final draft to replace the contract that was previously approved. Evans Family Media will find the talent for the Thursday night concert at the County Fair this August. The budget for all expenses related to said event will not exceed \$46,000. The County will pay a deposit of 50% once we know who the act is going to be, at least 30 days prior to the Fair. The insurance clause has been amended that Evans Family Media will need to provide \$3 million general aggregate insurance. Steve Evans addressed the contract. They are happy to provide the service; however, their original estimated budget did not include the aggregate insurance at \$3 million. They are in final negotiations with the Frontmen: Larry Stewart of Restless Heart, Richie McDonald of Lonestar, and Tim Rushlow of Little Texas. Jon clarified the insurance requirements are due to an amendment of state law. All contracts are being adjusted to reflect the change. We understand it is difficult and expensive.

*Commissioner Norton moved to rescind the previous contract with Evans Family Media and approve the presented contract for the County Fair concert. Commissioner Horrocks seconded. Motion passed unanimously.*

**9. STALL RENTAL AGREEMENT AMENDMENT – Melanie Silcox, Western Park**

The agreement has been in place for many years and two paragraphs are being added to ensure the health and welfare of the animals. We are not a boarding facility but it is like that in many ways. These requirements follow state and national regulations. Melanie read the two paragraphs:

“Western Park stall rental requires proof of a CVI (certificate of veterinary inspection) for all horses. Any horse that has crossed state lines is required to provide proof of a CVI and negative Coggins test before access to the stall. If the horse is removed from the Western Park property for more than 7 consecutive days a current CVI is required. Anyone who moves a horse into a stall prior to Western Park office approval will result in immediate eviction.

Western Park is not a boarding facility, it is an event facility, it is a courtesy to allow stall rentals. If an event requests to use the Western Park stalling area you may be asked to remove your horse for the duration of the event, a pro-rated credit may be assessed. Stall rental does not guarantee arena availability or access to turnout/holding pens.”

*Commissioner Horrocks moved to approve the amended agreement as presented. Commissioner Norton seconded. Motion passed unanimously.*

Jon took a moment for a public announcement. The health of the horses at the Western Park is important and we want to ensure the public knows and understands only those that are healthy are able to be stalled at the Western Park. The County and Western Park encourages the public to be more conscientious of infectious diseases, parasites, etc.

**10. ORDINANCE #05-20-2024 O1: Amending Title 4 – Purchasing of the Uintah County Code – Zeke Atwood, Purchasing & Grants**

The purchasing policy was updated and approved almost a year ago. In the department head meeting, Zeke had asked for comments and suggestions. He was asked to reduce the quote requirements for purchases. Purchases under \$5,000 would only need one quote rather than three and those above \$5,000 would need two quotes rather than three. There was also a grammatical error that needed fixed.

*Commissioner Norton moved to approve Ordinance #05-20-2024 O1 as presented. Commissioner Horrocks seconded. Motion passed unanimously.*

**11. ORDINANCE #05-20-2024 O2: Amending Chapter 17.33 – Uses – Changes to dog kennels, automobile impound facilities, adding a use for in-home medical services and other minor changes to additional regulations – Deanna Nyberg, Community Development**

This was reviewed in detail in work session yesterday. Major changes included adding commercial dog kennels to RA-1 zoning as a conditional use and adding automotive impound facilities to C-1 zoning as a conditional use. In work session yesterday, Commissioner Norton had requested the ordinance specify the number of commercial vehicles and the number of trailers so it is clarified the facility can park up to five of each. There is also a new use to add, in-home medical services. There was some discussion regarding updating the biohazard requirement, “biohazardous waste shall be lawfully stored and then disposed of according to state law within 30 days.” There were several minor grammatical errors and reference changes to make. The Planning Commission recommended approval of all the changes unanimously. Commissioner Norton asked about the medical services guidelines. Deanna responded there are few cities or counties with similar uses in code but they checked with the state as well. The state’s concern is the proper licensing and less in regards to the facility. The state regulates hospitals but not smaller facilities – licensing is the key.

*Commissioner Norton moved to approve Ordinance #05-20-2024 O2 as presented. Commissioner Horrocks seconded. Motion passed unanimously.*

## **12. RESOLUTION #05-21-2024 R1: IMPOSING A 0.3% SALES and USE TAX for PUBLIC SAFETY**

Mike read the resolution: "A resolution of the Uintah County Commission authorization of the imposition of a 0.3% local option sales tax for public safety under Utah code annotated (UCA) 59-12-2216. Whereas, Uintah County is authorized to impose a local option sales tax for public safety purposes under UCA 59-12-2216 (3)(b); and Whereas, there is an ongoing and acute need for funding for public safety purposes; and Whereas, UCA 59-12-2216 (1) provides for the imposition of up to 0.3% sales and use tax for public safety purposes; and Now therefore, it is hereby resolved by the Uintah County Board of Commissioners to impose a 0.3% sales and use tax for public safety purposes as permitted under UCA 59-12-2216. Said sales and use tax will be enacted by the Utah State Tax Commission and allocated 100% for the purpose of public safety to Uintah County upon passage of this resolution. Effective date for tax implementation, October 1, 2024."

The tax imposed would be \$0.30 on \$100 and the funding would go to the Sheriff's Office and jail. Commissioner Norton stated "I take these decisions very seriously and would like to let you know that this was brought up yesterday at the Monday work session. This proposal aims to raise the tax as stated. The County sales tax will rise from 6.45% to 6.75%. With the revenue exclusively allocated for public safety, this will help offset the cost of operating the Jail. I have spoken with the Sheriff regarding his concerns about his \$14.5 million budget and the ongoing wage issues plaguing his department. Recently, several of our officers were involved in a shooting where one of the Vernal City Sergeants was shot several times while several others narrowly escaping harm. Additionally, our officers had to confront the Santaquin officer murder suspect that had traveled to our area in an attempt to escape arrest. His actions brought significant danger to our area. In the past week alone there have been multiple incidents where officers had to draw their weapons because a suspect was armed; fortunately deciding not to use them at the last moment. Our community is changing with the presence of fentanyl and other dangerous drugs posing significant challenges for our officers every day. I am deeply concerned that if we do not adequately support our officers and their families they may leave our area for better paying opportunities elsewhere, which would be detrimental to our community. I encourage all of the public to reach out to the Sheriff if they would like to discuss any of the issues he is dealing with." She also noted the Commissioners are trying to keep close track of the budget, revenues and expenses. The County has already received \$1 million less in revenue than anticipated as compared to last May.

Commissioner Horrocks would like to see this tabled for a week or two to do more homework as he is having conflicting thoughts. He can't say enough how much we need to support our public safety but he wants to review other avenues before imposing a new tax. He understood the code specified that the tax could be used for other things as well. Mike noted the code says public safety or transportation and the County must specify which in the Resolution. This proposed resolution specifies public safety. Commissioner Horrocks would also like to review how much the jail is costing and how much the County is subsidizing. He would also like better estimates of how much centrally assessed taxes are coming in with the change to the three-year average. Mike noted that change doesn't actually go into effect until next year so there won't be an increase this year. Commissioner Horrocks also stated budgets are tight for everyone and \$0.30 on a \$100 can add up for many, particularly the younger couples and elderly. He does agree we need to do what we can to keep our public safety running well.

Commissioner Laursen was not comfortable with tabling the resolution as it has been discussed. Commissioner Horrocks then asked how much money the County had saved. Mike noted some of the 2023 budget was carried over to 2024. Commissioner Horrocks feels there is plenty of money without an additional tax. Commissioner Laursen noted there is funding that is restricted and has to be spent on specific things. Commissioner Norton added they listened to the public at the truth and taxation hearing and many stated a property tax increase was not the way; another method was needed. The State Legislature has determined this is a way the counties can help fund public safety. This is an opportunity that could be lost. A sales tax increase spreads the burden to everyone in the County, including tourists and those that do not own property. Commissioner Laursen agreed. When Search and Rescue goes out to find a lost tourist, they are not charged for that service and this may be a way to get some of that money back. Commissioner Horrocks then noted they are also expected to vote on a 401k match and

the price of that is still unknown. There has to be other options. He wants to know if we are subsidizing state inmates and what is actually being paid.

*Commissioner Norton moved to approve Resolution #05-21-2024 R1 as presented. Commissioner Laursen called for a vote. Motion passed, Commissioner Norton and Commissioner Laursen in favor with Commissioner Horrocks opposed.*

### **13. ORDINANCE #05-21-2024 O1: CODIFYING RESOLUTION #05-21-2024 R1**

Jon noted the question came forward in yesterday's work session if an ordinance would be needed if the previous resolution was passed. The law allows it to be enacted by Resolution, stating such in code. His legal advice is to use the resolution as code requires and then codify via an ordinance. Ordinances are put in the County code and may be more easily searched and available than a resolution. It does not make it any more legal. As this would put it in code, it also needs a place in code; this will codify the passed resolution into County Code Title 3 Chapter 5.

*Commissioner Norton moved to approve Ordinance #05-21-2024 O1 as presented. Commissioner Laursen called for a vote. Motion passed, Commissioner Norton and Commissioner Laursen in favor with Commissioner Horrocks opposed.*

### **14. RESOLUTION #05-21-2024 R2: TIER 2 RETIREMENT AND 401K MATCH**

This resolution will allow the County to match up to 2.5% to the Utah Retirement Systems (URS) 401(k) plan for all full-time employees and elected officials. Mike read the resolution: "Whereas, Uintah County allows employees and elected officials to participate in the Utah Retirement Systems 401(k) plan, Uintah County will match dollar-for-dollar up to 2.5% of an employees' and elected officials' contribution to their 401(k) plan. This match would include any employee required contributions to the Tier 2 Hybrid Utah Retirement Systems retirement plan. For example, a Tier 2 Public Employee in the hybrid system will have to contribute a total of 0.7% after tax & 2.14% after tax for a Tier 2 Public Safety Employee. The County will recognize required employee contributions paid by the employee going toward their retirement and match these contributions of 0.7% & 2.14%. Based on these required contributions, this allows those Tier 2 Hybrid Public Employees to contribute an additional 1.8% toward their 401(k) making a total of 2.5% being contributed by the employee. This would allow the Public Safety Employee to contribute another 0.36% toward their 401(k) making a total of 2.5% being contributed by the employee. The matching contributions from Uintah County will be vested immediately and paid bi-weekly through payroll. These changes will be effective July 1, 2024 once approved and will remain in effect until the governing body sees the need to revisit this Resolution for any changes." The new required contributions for tier 2 are due to the actuary mandates from URS. The State has chosen to offer a wage increase for the affected employees. The amount of contribution for all other full-time employees and elected officials is voluntary, only the 0.7% and 2.14% is mandatory. The budget already accounts for a 1% match. Pension rates decreased for tier 1 employees, and those savings can offset the cost of this proposed match.

Commissioner Horrocks expressed concern with adding a new sales tax and fund a 401k match to employees already receiving 16% for their retirement. He has never heard of an employer that pays 16% in retirement for any employee. Our economy is not in good shape and we cannot implement more taxes. He would prefer a wage increase like the State is doing. He can't support taking money from the citizens. Commissioner Norton noted the difference in the cost and what we are saving was presented in work session, Mike did not have them at hand for this meeting. If 75% of the eligible employees were to participate in the 2.5% match, the additional cost to the County, beyond the existing budget, would be around \$4,000. Currently 50% of employees contribute to the 401k system. Commissioner Horrocks argued just because we saved money doesn't mean we should spend it. Commissioner Norton also noted, in the past, the County has elected to pick up the additional required contribution to public safety employees, which would be 2.4% and we are not electing to do so this time. She expressed concern that increasing wages, which would be much more costly than \$4,000, would increase the wage compression issues we already face. Other options and ideas from other counties have been reviewed. They have

also been talking to departments to see how it would affect employees. Overall, she believes this would be the least expensive and best balance option. Commissioner Laursen agreed.

*Commissioner Norton moved to approve Resolution #05-21-2024 R2 as presented. Commissioner Laursen called for a vote. Motion passed, Commissioner Norton and Commissioner Laursen in favor with Commissioner Horrocks opposed.*

#### **15. RESOLUTION #05-21-2024 R3: REAUTHORIZING the 0.1% SALES and USE TAX for WESTERN PARK**

This is a lengthy resolution so Mike provided a summary rather than reading it all. In 1996 the voters approved a 0.1% sales and use tax to help fund Western Park. The funding supports the Western Park, the amphitheater, and the Western Heritage Museum. This has to come back to the voters every ten years. It was approved in 1996, 2005 and again in 2014 and it is now time to do it again. A resolution has to be passed in order to place the question on the ballot in November. The County added an additional \$500,000 to the Western Park last year to keep it running, the tax revenue is not enough. Mike read exhibit A: "Opinion Question to continue to provide public funding for recreational facilities, botanical, cultural, and zoological organizations." The ballot question would read: "Shall Uintah County, Utah, be authorized to impose a 0.1% (1/10%) sales and use tax for the continued financial support of Western Park as has been previously enacted according to state law? Vote for one: for or against."

*Commissioner Norton moved to approve Resolution #05-21-2024 R3 as presented. Commissioner Laursen called for a vote. Motion passed, Commissioner Norton and Commissioner Laursen in favor with Commissioner Horrocks opposed.*

Commissioner Horrocks stated he is normally in favor of this tax but we just have too much, we need to be in line with what is going on with the community.

#### **16. PUBLIC COMMENT –**

Commissioner Laursen reminded attendees that the public comment period is a time for comments not debate. The Commission will listen to comments and take them into consideration but will not respond or answer questions. They may not have the power to act on any comments. The meeting is recorded, please be patient, wait for your turn at the microphone and state your name for the record. Be respectful and do not interrupt. A total of fifteen minutes will be allotted for public comment and each speaker will have up to three minutes to make their comments.

Quinn Bennion, Vernal City Manager, started by stating his comments are not endorsed by the City Council. The newly imposed 0.3% sales tax would be county wide, including Vernal City, increasing their tax from 6.95% to 7.25%. Unlike the transportation tax approved in 2019, this tax would not be shared with the cities. This new revenue, estimated at \$4.5 million, would go to the Uintah County Sheriff and Jail not the cities. He wanted to know where the shift would go if the Sheriff and Jail are receiving additional revenue. He is concerned the cities will be affected but not receive any of the benefit.

Dan Mortensen stated he had no problem with raising taxes if everything is explained up front and in advance to the citizens. There is a concern with items being discussed one morning and then voted on the very next day with no public input. That is the disagreement between the governing body and the citizens. More transparency is needed.

Tonya Craven, Human Resources Director, took a moment to comment. There are 183 employees currently in tier 2; 55 are public safety and 128 are public employees. There are 81 employees in tier 1. Several have called her regarding the match. Many are not contributors but will see a decrease in their paychecks due to the mandated contribution. This is a concern particularly for the public safety employees as the County has picked it up in the past and it is a large amount at 2.14%. She is also concerned because most of the tier 2 employees are newer employees, since July 2011, and are at the lower end of the salary spectrum. The employees that have called her would rather see the 0.7% or

2.14% in their pocket than their 401k. Tonya didn't agree with Commissioner Norton that adjusting wages would increase the compression issue. Matching an employee's contribution is a good thing, she just wanted to make the Commission aware of some of the concerns she has heard.

Ed Long expressed his frustration that public comments were not allowed prior to the vote. This additional sales tax will weaken the police department. This will create a competitive advantage for the Sheriff's Office in regards to recruiting and retaining officers. He has seen a similar issue in Grand Junction. The Sheriff's Office there has a pay scale 20-30% higher than the cities. Officers then leave the cities in favor of the Sheriff. He suggested such decisions include those involved and be expanded; we want to consider all unintended consequences.

Wayne Simper noted code 59-12-2216 doesn't go into effect until July 1<sup>st</sup> so he questioned the legality of today's resolution. Jon thanked him for the question and responded. The statute was passed and signed effective July 1<sup>st</sup>. The resolution approved today is not effective until October 1<sup>st</sup> so it is legal. Passage now allows the paperwork to be completed with the State to allow the tax to be imposed on the effective date of October 1<sup>st</sup>. Wayne continued noting his calculations come to \$4.5 million in revenue not \$3 million. He doesn't feel there has been enough transparency. This is a great option to get the needed funding but it wasn't done well; he approves of the resolution but not how it was presented and approved. Wayne does not agree with the 401k match in any way. If money is being saved it should not be spent elsewhere. Savings should be put towards a wage increase not benefits. The County is losing employees because the wages are not high enough.

**17. CLOSED SESSION** for the purpose of discussing pending or imminent litigation.

*At 4:11 pm Commissioner Horrocks moved to go into Closed Session for the purpose of discussing pending or imminent litigation in the small conference room and when discussion is complete, adjourn and reconvene Commission meeting in order to adjourn. Commissioner Norton seconded. Motion passed unanimously.*

Closed Session attendance: Mike Wilkins, Barbara Simper, Wendi Long, and Jon Stearmer.

**ADJOURN:** The meeting adjourned at approximately 4:35 pm.

  
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JOHN LAURSEN, CHAIR

  
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MICHAEL W. WILKINS, CLERK – AUDITOR

