

MINUTES of the work session of the Uintah County Commission held **June 3, 2024** in the large Commission Conference Room of the Uintah County Building at 152 East 100 North, Vernal, Utah. Meeting commenced at 9:02 a.m.

PARTICIPANTS: Commissioners Sonja Norton and Brad Horrocks; John Laursen excused.

ATTENDANCE: Mike Wilkins, JC Brewer, Willis LeFevre, Tildon Jones, Danny Mortensen, Jess Hermann, Tracie Smuin, Cindy Dilsaver, Brian Gorum, Dan Dilsaver, Jo E Gardner, Deanna Nyberg, Matt Cazier, Wendi Long, Derrick Jaramillo, Anna Billings, Gabby Blackburn, Jonathan Stearmer, Barbara Simper, Tonya Craven, Travis Campbell, Lesha Coltharp, Crystal Clark, and Ryan Mattson. Minutes recorded by Tai Duncan.

WELCOME: Commissioner Norton welcomed everyone to the meeting.

1. CONSENT TO ENTRY AGREEMENT for the Fish and Wildlife Access Renewal – Tildon Jones, FWS
There is an antenna installed downstream from the Bonanza Bridge. This antenna is part of the Upper Colorado River endangered fish species recovery program. ESA (Endangered Species Act) compliance is a collaboration of multiple agencies working together to save species while not interrupting the rest of the uses of our water. No water projects have been halted or delayed nor have we been involved in any litigation. The recovery program provides certainty for all water users as well as fishes. The antenna spans the bottom of the river and will pick up the tagged fish so they can identify different individuals in the water. It has a solar panel for power and a cellular modem that sends the data so they don't frequent the site very often. The antenna was installed in 2012 as a mitigation for a pipeline project for Questar. The Fish and Wildlife Service was granted entry for maintenance and repairs. This is a non-invasive, low cost monitoring solution that improves their ability to monitor fish. It has been there for twelve years with no issues. They upgraded the electronics in the boxes recently. Since 2021, 90,462 fish crossed the antenna; 8,899 unique individuals; 20 Colorado Pikeminnow; 138 Razorback Suckers; and 3000 fish on Utah's species of greatest conservation need list. This antenna enhances their ability to monitor and estimate populations. The existing consent is still valid but they would like to extend another 15 years to 2039.

Jonathan Stearmer, Deputy County Attorney, commended the users involved in the recovery program for their efforts to protect the species as well as the water users. It is always best to work things out and allow projects to move forward and stay away from litigation. The goal of the ESA is to get animals, and plants, off the endangered list. There are species that have been moved from endangered to threatened through the recovery program. Utah has been able to prevent others from being listed as well. This is a great use for this multi-use property on the river. Gilsonite pulls water out of the river at this location and USGS, US Geologic Survey, has a gauge here. It's also a recreational site where there is a boat ramp people can access to float the river. Requirements are minimal: they need to inform Facilities with 24 hours' notice when they intend to access and they have to take care of their antenna system. The contract would run through May 30, 2039 with the option of approving again for an additional 15 years, with Commission approval. He recommends the contract be considered at the next meeting.

2. INSURANCE REQUIREMENT FORM – Tracie Smuin, Conference Center

The Conference Center will be open for nine years this fall. When it was built, there was no instruction manual and it was a task determining the best way to do the booking, forms, and contracts. The last few months, the staff has been busy reviewing the forms and procedures in order to perfect the process and be more efficient. They have developed a new service dog policy. The State Legislature has also made a few changes that we must address with the contracts regarding general aggregate insurance. Jon took a moment to explain. The state changed laws regarding when the government can be sued and for how much. That cost has been increasing with inflation and complicated cases. The Legislature increased the amount from \$2 million to \$3 million and an escalator clause to review regularly and account for inflation. The next review is this July. Jon has advised the general aggregate requirement be increased to \$3.5 million to account for the increase. As they have caught up with the current market, he doesn't

see another drastic escalation. They now also have it in the calendar to review regularly to ensure we keep all County contracts up to date. The County carries indemnity coverage through UCIP, Utah Counties Indemnity Pool. This general aggregate is for when someone using the facility does something wrong, they have the insurance needed; the County is liable if the private entity does not have enough coverage.

3. OHVR CONTRACT – Trails Coordinator

This was sent to Jon to review but the link had expired so he was not able to do so. Lesha Coltharp, Tourism and Events, thought this must be a grant. This will be added to the next agenda.

4. APPOINTMENT OF UINTAH COUNTY BOUNDARY COMMISSION MEMBERS: two elected County officers and one alternate are needed to sit on the Boundary Commission for the purpose of hearing protests to annexation. These three elected officers must be appointed by the County Commission

Deanna Nyberg, Community Development, noted the Boundary Commission's purpose is to hear comments and protests regarding annexations. The Boundary Commission consists of seven members and three alternates. There was one set up years ago but the terms were expired and not replaced as annexations were not common. Annexations are coming forward again and more are expected. The Uintah County Commission needs to appoint two members and one alternate to the Boundary Commission. They must be an Elected Official. The cities will have to appoint members and alternates as well. Then citizens will need to be appointed. This way it is a good representation of the entities and the citizenry. This is something that needs to be put together soon as an annexation is already in progress. Mike Wilkins, Clerk-Auditor, noted when this came forward many years ago, he, Donna Richens, and Darlene Burns were the appointed Elected Officials. They never had cause to meet. However, with the water issue with Ashley Valley Water & Sewer Improvement District, many are requesting to be annexed into Vernal City because they have available water hook ups. Jon took a moment to clarify the County is not running out of water but the management of water is in dispute. This will be on the agenda for next week.

5. CONTRACT AMENDMENT FOR THE ASHLEY VALLEY WATERSHED AND CANAL PIPING PROJECT: amendments to the canal piping bidding phase services and the construction engineering services – Matt Cazier, Community Development

They now have the funding and are moving on to the construction phase of the canal piping. To do so, they need a bid. Both the bid and construction will require an engineer. JUB has a contract that states they will also be the engineer for those two portions. The contract amendment requires Commission Chair signature. Exhibit A is eight pages and describes the contract. The County has no monetary commitment, we are only signing as the sponsor of the grant. The Canal company is responsible for the costs. Matt spoke with Wayne Simper, who could not attend today, and they are in approval and ready to move forward. Mike asked for clarification that the matching funds come from the canal company and not the County. Matt agreed that is correct for this portion of the project.

6. ORDINANCE #06-03-2024 O1: Amendments to Chapter 17.27.110, Flag Lots – Matt Cazier, Community Development

This chapter was amended a few months ago and has been utilized since. As such, a minor issue has come forward in section G. If the parent parcel is more than five times the minimum lot required for that zone, they must have an access strip that meets the requirements for more than two flag lots as well as deeding such access strip to the County to allow for future improvements. This requirement of five times is not sufficient. Some zones have much smaller lot requirements so that could end up being a small parent parcel, such as 2 acres. Planning Commission recommends we add a minimum of five acres and more than five times the minimum size to meet the intended consequence of the amendment. Public hearings were held in two Planning Commission meetings as well as a work session and Planning Commission recommended approval unanimously.

7. POLICY 310, COMPENSATION – Tonya Craven, Human Resources

In July 2019 the policy was amended to stop service awards after 20 years of service. Tonya has discussed this amendment with Commissioners Norton and Laursen but has not connected with Commissioner Horrocks. The amendment would recognize long-term service and add service awards for years 25, 30, 35, and 40 with the same increase of 3.0% of the employee's base pay x 2080. Anyone who exceeds 40 years will continue to receive rewards at each consecutive five-year landmark. In reviewing the records, there would be six employees who would need their 25, 30, or 35 year awards since the amendment in 2019. If the amendment is approved, those service awards will be requested.

8. POLICY 460, EMPLOYEE BENEFITS – Tonya Craven, Human Resources

There has been some confusion regarding the HSA, health savings account, benefit in the policy. The County contributes \$1500 for single and \$3000 for two-party or family for all eligible employees. In addition, employees can contribute and the County will match up to a maximum of \$550 for single and \$1100 for two-party and family. Some understood an employee would also need to contribute the same amount as the County before the County would match the employee contribution. Others believed the contribution amount would be dollar for dollar, regardless as to the employee contribution amount; so, if an employee contributed \$10 or \$30, the County would as well. The policy states "The County will match employee contributions above \$1,500 (match amount maximum - \$550.00 - single or \$1100 – two party or family)". To clarify the interpretation, this amendment would remove that sentence so employees would receive the dollar for dollar match for whatever their contribution is, up to the maximum. If this amendment is approved, we will also need to catch the contributions up for those employees. Additionally, in the wellness program, the team leaders will now be called Wellness Champions and PTO incentives expire in one year.

Dan Dilsaver asked what the County Contribution would be for those that need to be corrected. Mike didn't have that information at hand but could find them for him.

9. PRIVACY COMPLIANCE PLAN Utah Code Title 63G Title 31 – Tonya Craven, Human Resources

Tonya recently sent this to Jon to review. It came about due to the audit. We want to be proactive and develop a privacy compliance plan to meet State Code 63G-31-304. We have locker rooms at the Ice Rink and the Western Park will need to be included. Jon added new construction will need to have individual restrooms; restrooms are highly litigated right now and we don't want that kind of an issue. The State Legislature has required the State Auditor and local governments to be bathroom police, which is frustrating. The paragraphs appear to be part of the state code so he doesn't have any concern with the language. However, he did note in the facility construction paragraphs, it is Chapter 31 not Title 31. He would also suggest Tonya remove "many" in paragraph 2 under facility construction.

10. COUNCIL FORM OF GOVERNMENT STUDY DISCUSSION

Commissioner Norton asked Jon to address this item. He noted it is a great topic and good for the public and elected representatives to ensure the best is being done for the public in a representative form of government. Our government is formed in a way that the majority rules regarding who is elected but the Constitutions protect the minority views. There are different ways under state law to form County government. We currently have a three-person commission. Some have a five-person council with a mayor and some have a council with a mayor and a manager. To keep the discussion focused, he felt it would be good to do a quick recap of where we are in the statute. Five sponsors can get the petition started. If an optional plan is developed, that is submitted to the public for a vote. We do not need to review the merit of one form or another, we need to focus on if there are issues and possible solutions that would develop an optional plan. We don't necessarily need to discuss the end result. We do need to determine if the County is going to sponsor it or a citizen group. A citizen group would need around 11% of registered voters' signatures from at least 75% of the geographic area. This would be estimated at 1800 signatures and encompass more than Vernal; signatures would be needed from Jensen, Ballard, Lapoint, etc. The optional plan is when the study would come in. This doesn't happen often so there are few examples. Mike added there was a push about 25 years or so ago but when the question went to

the voters, it didn't pass. Jon noted Tooele County is the most recent example; Cache and Wasatch Counties are also council forms of government. Commissioner Norton noted the group has been working on this. She would like to get a work session scheduled specifically for this topic before the Commissioners make a decision. It is important to gather as much information as possible from those with a council form and perhaps from those in the commission before their government was changed to council.

Anna Billings noted their group has done a lot of research and determined it has to be done by a vote of the Commission or citizens. They are asking the Commission to vote on the change to facilitate it or not. If not, the citizen group will move forward with their initiative. They would like to get this done as soon as possible and asked to meet on Monday, June 10th. JC Brewer clarified the date and noted a similar proposal came forward many years ago, as Mike stated, to change to a council. It created a lot of hate and discontent at that time. He recalls it being defeated almost two to one. He questions the wisdom in bringing up the topic again. He wants to know when it will be discussed and encouraged the Commission to ensure all discussion is a public meeting so everyone knows about it. The public should be involved but he feels this is creating an unnecessary controversy. Commissioner Horrocks noted he would like to see an evening meeting as well. Crystal Clark, as a voter, asked for the pros and cons and what they are hoping to achieve if we change from what we have now. She has concerns with being able to fill five seats rather than three. Dan Dilsaver pointed out there are no qualifications to becoming a Commissioner. Their intent is to have input and information pooled together to have positive discussions. All options need to be considered as the information is gathered. He would also like to see the Commission agendas include a public comment portion after each item. This would increase transparency and inform the public they are welcome to come in and discuss items. Commissioner Norton noted that is the purpose of the work session; it is a more informal meeting to allow people to ask questions and be more involved.

ADJOURN: The meeting adjourned at approximately 10:06 am



SONJA NORTON, ACTING CHAIR



MICHAEL W. WILKINS, CLERK - AUDITOR

