

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board Tuesday, September 29, 2015. Commissioners Karen Perry, Jack Lytle, and Clyde Slaugh were present. Niel Lund-County Attorney, and Sue Olorenshaw, County Clerk were also present. The meeting was called to order at 9:00 a.m. by Commissioner Perry.

Also present were: Keri Pallesen-Auditor/Recorder, Brian Raymond, David Orr, Thompson Davis, Travis Dupaix, Carrie Poulsen, Eldon Buckalew, Burke Buckalew, Bill Rodgers, and Mechelle Miller.

Old business: Commissioner Lytle attended the Commission/Council portion of the USAC meetings in Heber City last Thursday. Mr. Lytle stated that they had a lot of discussion about the Sage Grouse decision. Mr. Lytle stated that he also spoke with Mark Ward regarding the RMP and had an opportunity to speak with the acting BLM Director for the State of Utah. Commissioner Lytle stated that he would like an update of the Board of Equalization hearings from the other Commissioners. Commissioner Perry indicated that she had asked Lesa Asay-County Assessor for additional information regarding the purchase price for the Simper property, as they had appealed the assessed value of the property.

No one present with public comment.

The minutes of the September 22, 2015 meeting were presented for review and approval. Motion by Jack Lytle to approve the minutes as written. Seconded by Clyde Slaugh, all in favor.

With regard to commission correspondence. Discussion regarding several emails dealing Planning and Zoning issues and the building permit for Aoki. Commissioner Lytle stated that he needed to review the file.

Commission Calendar Review: Commissioner Slaugh stated that he will be attending a Road District meeting tonight at 7:00 p.m. Commissioner Lytle indicated that he would like to attend the meeting for RMP contract review in Vernal at the commission chambers on Wednesday at 10:00 a.m. Not sure anyone from Daggett County will be able to attend, but each of the Commissioners should be sure to submit comments. Mr. Lund indicated that a training regarding Roberts Rules has been scheduled by his firm and will be held in Salt Lake. Mr. Lund stated he knows it is short notice, but wanted to make the Commissioners aware of the training. Brian Raymond reminded the Commissioners of the training with Susie Becker with Zions Bank regarding RDA's on October 9th. Commissioner Lytle stated that he has reviewed the Six County Coalition meeting agenda and did not see anything major if no one else is able to attend. Commissioner Lytle stated that the Dutch John Town Officials indicated that they may be able to attend another work meeting in the afternoon on October 9th.

Consideration of the Sweetwater Events invoice. Commissioner Perry indicated that she spoke with Erika Koshar at the events complex who stated that she thought it would be fine if the County sent the \$7000.00. Commissioner Perry stated that she will still try to contact Kandi Pendleton to see what the increase was for and why the County was not notified of the increase in advance. Commissioner Slaugh stated that it was his understanding that the proposal to hold a two week fair is going to move forward. Keri Pallesen stated that it is only a small group who is complaining, and the fair board feels this is the only way to deal with the complaints. The fair board has not yet made a decision and that the next board meeting will be held on October 27th at 7:00 p.m. Mrs.

Pallesen stated that the more correspondence they receive in opposition the better. Commissioner Perry stated that she would like to write a letter on behalf of the County opposing the change. Mrs. Pallesen stated that it will create a hardship for families with children who participate in both the 4-H and open classes. Those in opposition feel that the 4-H program will lose participation if it is changed.

Discussion regarding the Dutch John water tank bond increase. Commissioner Lytle stated that he feels the Dutch John Town council needs to be included in the discussions. Commissioner Lytle stated they have indicated they would like a package transfer, but realize that may not be possible.

Consideration of changes to the policy manual. Commissioner Slaugh indicated that he has not had time to review the policy. Commissioner Perry suggested holding a work session with the elected officials to discuss changes to the leave policy. Commissioner Lytle stated that he would like to discuss this further as he has been approached by at least one employee who has concerns.

Keri Pallesen addressed the Commissioners regarding the need to schedule the 2016 budget hearing dates for Daggett County. Mrs. Pallesen stated the budget hearings need to be held by December 31st. Mrs. Pallesen also stated that the budget hearings need to be held after the tentative budget has been approved. Commissioner Perry suggested holding the budget hearing on December 8th at 10:00 a.m. Mrs. Pallesen stated that the Commissioner will want to have the budget as complete as possible to present to the public.

Consideration of the 2015-2016 Daggett County Airport Liability Insurance proposal. Commissioner Lytle asked if the insurance is through UCIP. Mrs. Pallesen stated that UCIP is the broker and the insurance policy is actually through Old Republic. Commissioner Lytle asked if the amount is the same as last year. Mrs. Pallesen stated that if they don't make any changes to the policy, the amount will be the same. Motion by Jack Lytle to approve the airport liability policy for 2015-2016. Seconded by Clyde Slaugh, all in favor.

Discussion and review of the job survey and wage study that was done. Commissioner Perry stated that she has been thinking about this and wondered if it would be easier with the information that has been provided, to add steps for years of service. Commissioner Perry suggested capping out after 15 years of service. Mrs. Pallesen stated that unless an employee was given a promotion or a change in job title, they would have no step increases after the fifteen year cap. Mrs. Pallesen stated that she had made corrections to the spreadsheet that was provided and would like to review the new information with the Commissioners. Mrs. Pallesen also stated that policy has not been set, so none of this information should be released to the employees until an official policy has been adopted, as this could make employee morale an issue. Commissioner Perry stated that this as well as the leave policy will be reviewed at the next elected officials meeting on October 20th at 1:00 p.m.

Discussion of a possible sponsorship of the Hand in Hand Outdoors Project. Commissioner Perry stated that she talked with Steve Henline regarding the water issues. The Town of Manila is willing to supply water however; it will be very costly. Mr. Henline indicated that they have been advised that for fire suppression they will need storage capacity of at least 3000 gallons. Mrs. Perry stated the County has a 3000-5000 gallon tank at the cemetery and a trailer that are not currently being used. Commissioner

Perry asked if the County is actually a sponsor of the project, instead of giving funds could they give items that they could use. Mr. Lund stated that if the County were a sponsor, they would need to receive all benefits that any other sponsors receive. Mr. Lund also stated that if the current site is still intended to be a temporary location, it may not be in the best interest to actually give them these items, rather allow them the use of the equipment. After further discussion, motion by Clyde Slaugh to approve the sponsorship of the water tank and trailer for the Hand in Hand Outdoors project. Seconded by Jack Lytle, all in favor.

Thompson Davis and David Orr were present with an update on the D.P. 2 resort project. Mr. Davis stated that they would like the County to retain jurisdiction for the building permit. The new proposal is to build laterally due to the costs of building a second story. D.P. 2 is asking for permission to proceed with their existing building permit. Mr. Lund stated that the law specifies the application date applies. Mr. Lund stated that he had inquired about this and found that if a permit has not been issued, the applicant can make changes, if there were any public hearings held regarding the project they would need to be reposted. Mr. Lund stated that his recommendation to the Commission would be to follow those guidelines. Carrie Poulsen, Secretary for Planning and Zoning stated that the original application for the C-Store was made in March. Mr. Lund stated that even with the significant changes, the County could allow without requiring a new application. Commissioner Perry stated that if an application was made prior to the incorporation, then the County would retain jurisdiction. Commissioner Lytle stated that he would like to see the application. Mrs. Poulsen submitted the application as well as a map. Commissioner Lytle addressed the proposed changes and inquired if the County had been billed by Kimball Engineering. Mrs. Poulsen stated that the County had been billed and will forward a copy of those charges to David Orr. Mr. Orr stated that they plan to pay those fees when they pay for the building permit. Discussion regarding demolition of existing buildings. Mrs. Poulsen stated that no permit for demolition has been issued. Commissioner Lytle stated that they need to be aware that D.P. 2 will not be able to submit a building permit application to the County for demolition, this would need to go to the Town of Dutch John. Commissioner Perry stated that the County would handle the expansion of the proposed steakhouse but any new buildings would go to Dutch John. Commissioner Lytle indicated that he does know how the County can issue a permit if plans have changed from the original application and if they have to have permit for demolition. Commissioner Lytle stated that with all of the changes presented, he feels it is now a completely different project. Mr. Lund stated that if the County has an application for a remodel and they have had to make changes due to code, they can make changes to the plans they have already submitted to the County, and proceed with the County. If the plans have changed to the point that they are now doing new building, Mr. Lund feels that it then needs to go to Dutch John. Mr. Davis addressed the Commission regarding the moratorium that has been put in place in Dutch John. Commissioner Lytle stated that the County needs to know what their plans are before they can go any further. Commissioner Perry asked if they are concerned that Dutch John won't allow them to make the improvements. Mr. Davis stated that they feel the new Town Officials will not allow them to proceed based on previous discussions and hearsay. Commissioner Lytle asked if the proposed plan that was submitted was considered their concept plan. Mr. Lund stated that all changes need to be submitted to Planning and Zoning.

Commissioner Perry stated that it was time for the scheduled public hearing on the petition from Bobcat Ranch LLC to vacate a portion of Road B32A. Motion by Jack Lytle to move in to the public hearing at 10:11 a.m. Seconded by Clyde Slaugh, all in favor. Burke and Eldon Buckalew and Bill Rodgers were present for the hearing. Commissioner Perry addressed correspondence received from Jerry Kenczka, BLM and Chris Potter, UDOT. Mr. Lund stated there were concerns regarding a possible issue with unintended trespass. Commissioner Perry stated that the County would also like to see that any unintended trespass issues be handled as well. Commissioner Perry addressed the email from Jerry Kenczka. Mr. Rodgers stated that there is already a gate in place. If this portion of the road is vacated, they would not have to allow public access. Commissioner Lytle posted a map for the public to view showing where the road is and which portion would be vacated. Mr. Buckalew stated the road would be closed approximately where the corrals are currently located. Mr. Buckalew also stated that they would not be cutting off access for anyone wanting to get to Colorado. Commissioner Lytle stated that they will need to add signage indicating that the road is closed or dead end. Commissioner Slaugh stated that he would have the road department place signs on both gates. Commissioner Perry asked if there were any other public comments. With no further comments, motion by Jack Lytle to close the public hearing at 10:25 a.m. Seconded by Clyde Slaugh, all in favor.

Motion by Clyde Slaugh to approve the petition to vacate a $\frac{3}{4}$ mile portion of Road B32A from Bobcat Ranch LLC. Seconded by Jack Lytle, all in favor. Mr. Buckalew stated that they, as well as the other land owners in the area would still like to help the County if they decide to gravel the other section of road.

Commissioner Lytle asked about the progress on the McCoy/Boren petition. Commissioner Slaugh stated that they are still waiting on Mr. McCoy.

Motion by Clyde Slaugh to move in to the next scheduled public hearing at 10:30 a.m. to receive comments regarding **ORDINANCE #15 – 22 AN ORDINANCE AMENDING DAGGETT COUNTY’S PLANNING AND ZONING ORDINANCE TO INCLUDE REGULATIONS REGARDING SHIPPING CONTAINERS USED AS ASSESSORY BUILDINGS.** Seconded by Jack Lytle, all in favor. Commissioner Lytle stated that this ordinance has taken a lot of effort from Niel Lund, Carrie Poulsen, and the Planning and Zoning Board. The proposed ordinance was read and reviewed by the Commission. With no public comments, motion by Jack Lytle to close the public hearing at 10:33 a.m. Seconded by Clyde Slaugh, all in favor.

Motion by Jack Lytle to approve Ordinance #15-22. Seconded by Clyde Slaugh, all in favor.

Commissioner Perry addressed the 3rd Option to extend term of Flaming Gorge Dam security contract. Commissioner Lytle stated that he has reviewed the document. Mrs. Perry indicated that the contract has already been signed. Commissioner Perry asked whether the Commission needed to ratify contract. Mr. Lund indicated that no action needed, informational only. Mr. Lund stated that it may be nice to have Sheriff Jorgensen explain to the Commission what the process is for determining the amount of the contract.

Motion by Jack Lytle to go in and out of the RDA portion of the meeting and go in to closed session at 10:37 a.m. The closed session was held for the purpose of

negotiating the sale or lease of real estate. Those present for the closed session were Commissioners Perry, Lytle, and Slaugh, Niel Lund-County Attorney, Sue Olorenshaw, Keri Pallesen, Brian Raymond, Travis Dupaix, Thompson Davis, and David Orr.

Motion by Clyde Slaugh to go back in to regular session at 11:18 a.m. Seconded by Jack Lytle, all in favor.

The regular meeting reconvened at 11:20 a.m. Commissioner Perry addressed the meeting with the Dutch John Town Officials this afternoon.

Mechelle Miller was present with an emergency management update as well as presenting the Commission with information regarding emergency preparedness month. Ms. Miller stated that all grants are up to date and wanted the Commission to know that Travis Dupaix is doing a great job. Ms. Miller discussed NIMS compliance and stated the training can be done online or Mr. Dupaix can provide training. Commissioner Perry stated that UBAG provides some training and she will contact Laurie Brummond regarding classes for compliance.

Motion by Jack Lytle to recess for lunch at 11:30 a.m. Seconded by Clyde Slaugh, all in favor.

Regular meeting reconvened at 1:15 p.m. Buddy Rogers, Dave McDonald, Warren Blanchard, and Chad Reed were present. Commissioner Perry indicated that she had invited Mr. Reed, a former County Commissioner as he was involved with the privatization process and gave testimony at the Congressional hearings, etc. Chad Reed addressed the privatization of Dutch John and the 10 years leading up to the actual privatization. Mr. Reed discussed the acquisition of the water rights. Mr. Reed stated that he remembered a number of 400-500 acre feet however; during these discussions it was brought up that there were 12,000 acre feet available and the County filed on the rights. It was written in to the legislation that a certain amount was needed for the legislation and the 12,000 acre feet was not for only Dutch John but surrounding areas of the County as well. Discussion regarding the amount that was needed to supply Dutch John at that time and how that was determined, as well as planning for the future growth of Dutch John. Mr. Reed gave some background as to what the Commission at the time of privatization, felt would meet the needs of Dutch John as well as any future growth and knew those needs would be met with the 12,000 acre feet that was acquired. Mr. Reed also addressed the 300 acre feet that was acquired and then lost for the Taylor Flat Subdivision. Mr. Reed stated there was no interest in forming a special service district in order to proof up those water rights and stated that if the current amount is not proved up, they may be lost as well. Further discussion regarding water rights. Commissioner Perry stated that the County had considered leasing 8,000 acre feet however; they needed to change the point of diversion. Mr. Reed stated that the County had discussed different entities that could use that water, but the Division of Water Rights did not want them to be that specific. Mr. Reed stated that CREDA was where most of the money came from and the intent was to save the Federal Government money in the long run. Dave McDonald addressed the Commission and stated that John Morton and Warren Blanchard maintain that all the water rights were meant for Dutch John, and the surrounding areas meant the future growth of Dutch John. Chad Reed maintained that was not the intention, at that time the County had no idea if they would ever get the 12,000 acre feet, they just applied for the rights and discussed whether they could use as leverage or lease. Commissioner Perry asked what timelines had been discussed at recent Town Council

meetings. Mayor Rogers stated they are still looking at the first of the year. Commissioner Perry stated that Fund 28–Dutch John Enterprise does not appear to be a problem as far as transferring to the Town. Fund 29-Dutch John Town will be more complicated. Discussion regarding the airport and fire station. Mr. Rogers stated that as far as the hospital property in concerned, the Town does not want to deal with anything. Dave McDonald addressed the moratorium that was put in place and current projects. Mr. Lund stated that the County has made it clear to Delta Plan that any building permits that have not already been applied for would have to go to the Town of Dutch John. Discussion regarding the water tank project, current water rates, etc. Discussion regarding the RDA. Mr. Lund stated that any transfers from the RDA have to have a participation agreement. Discussion regarding a possible work meeting on Friday, October 9th and possibly every two weeks thereafter. Mr. Reed mentioned a letter from the Special Road District that the Town should be receiving. Mr. Reed stated that previously funds were solely disbursed with the County however; funds are now available to special service districts and government entities. Monies available from the Road District are mainly for new road construction. Mr. Reed stated that he is a member of Planning and Zoning and it is his understanding that they will not be dealing with anything in Dutch John that has not already been applied for. Further discussion regarding zoning and building permits in Dutch John and the moratorium that is currently in place. Mr. McDonald inquired about the proposed storage building for D.P. 2 and wanted to know if they had applied for a permit. Mrs. Poulsen stated that they have talked about it as a concept plan only and no formal application has been made. Mr. Lund indicated that D.P. 2 had stated that they had not made an application and would go through Dutch John. Discussion regarding drainage control issues at the Conoco Station and a flood control structure. The Commission indicated that they would like to see engineered plans. Mr. Lund stated that the property has been purchased and the County has no more interest in the property and the property now defers to local or state jurisdiction. Commissioner Lytle stated that according to the building inspector, the property owners will not receive an occupancy permit until the drainage problems have been fixed. Discussion regarding a request for a variance for the Aoki property. The Aoki's have applied for a variance with Planning and Zoning. Mr. Lund has advised them to send the request back to the Aoki's and inform them that they will need to go through the Town of Dutch John. Discussion regarding crack seal at the airport. Mr. McDonald stated that they need to discuss land and water issues. Mrs. Pallesen stated that the County needs to discuss assets as insurance will be due at the first of the year and the County will need to know what they will or will not be insuring. Discussion regarding a request from Matt Lucas for a general utility easement to his property and the need for a dedicated public utility easement past his property. Mr. McDonald stated that he would like to disclose that Matt Lucas is his wife Lorraine's cousin. Mr. McDonald stated that the Town will take care of the permit for Mr. Lucas. Mr. Lund stated that the County should bill the Town of Dutch John for amounts paid to Matt Tate regarding Matt Lucas. Mr. McDonald stated that Mr. Lucas will get the utility easement surveyed. Discussion regarding the water and sewer system transfers, bonding issues, etc. Mr. McDonald stated that the Town Council does not want to take over anything unless it's a total package. Mrs. Olorenshaw wanted to know what happens if the Town and the County cannot come to an agreement. Mr. Lytle discussed his thoughts regarding the

water and land issues. Commissioner Perry stated that Mr. Reed had made it clear that the intent of the privatization was to allow residents to purchase their homes. Mr. McDonald stated that he would like to see a milestone of January 1, 2016. Commissioner Perry stated that it seems as if they want the assets, but are not willing to take the liabilities. Mr. Lund stated that there needs to be an inter-local agreement in place until the Town takes over on January 1, 2016 which states that the County will be operating the Town as is. Motion by Jack Lytle to go before the Drinking Water Board to request an increase in the loan/grant amount to \$250,000.00. Daggett County will start the process and transfer to Dutch John at a later date. Seconded by Clyde Slaugh, all in favor.

The invoice register was submitted by the Auditor's Office for review and approval. Motion by Jack Lytle to approve the Open Invoice Register in the amount of \$87,749.30. Seconded by Clyde Slaugh, all in favor.

Mr. McDonald asked about the increase in fees from Uintah Engineering for the water tank project, he feels that Chris Clark is at fault for the delay, that he had no authority to allow the bidder to submit via email, etc. Harriet Dickerson indicated that the fees for Uintah Engineering were increased to \$144,000.00 and wondered what the increase was for. Commissioner Perry stated that the County would not agree to any additional charges, Uintah Engineering was chosen because they were the low bid. After review, it was determined that there were no increases in the fees and the amount listed on the bid sheet was correct. Mr. McDonald requested current financial asset and depreciation reports for Dutch John. Mrs. Pallesen stated that she would get the reports to Mr. McDonald.

With no further business, the meeting adjourned at 3:40 p.m.

/s/ Sue Olorenshaw

/s/ Karen Perry

/s/ Jack Lytle

/s/ Clyde Slaugh