

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board Tuesday, October 27, 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: Brian Raymond, Keri Pallesen-Auditor/Recorder.

Old business: Commissioner Perry asked if the Dutch John Town Council held a meeting. Commissioner Lytle indicated that they did hold their meeting and presented copies of the agenda and a proposed Sales and Use Tax Ordinance, which Mr. Lytle stated was approved after the public hearing. Mr. Lytle stated that the Council also discussed planning and zoning issues regarding Thompson Davis and David Orr. Mr. Davis and Mr. Orr again asked the Town Council to let the County issue a building permit. Commissioner Lytle stated that the Dutch John officials would like the Commissioners to add this to the agenda for next week. Mr. Lytle stated that they also discussed the sign at the Conoco. Commissioner Slaugh stated that he thought the sign looked fine and asked why Planning & Zoning approved the sign if it were out of compliance. Commissioner Lytle addressed Mr. Slaugh's concerns regarding the sign. Brian Raymond addressed the Commission with regard to the Trails Utah Dowd Mountain Trail Maintenance Project and the request for final payment. Commissioner Perry stated that she does not feel they have met the terms of the contract and does not feel that they have completed \$8000.00 worth of work. Mrs. Perry feels that Mr. Raymond had done most of the work. Mr. Lund stated that the Commission needs to determine if Trails Utah has met the obligations of the contract. Further discussion regarding the contract and the work that was done on the Dowd Mountain Trail as well as the Red Canyon and Carter Trails. Mr. Lund stated that it appears the contract also addressed signage. Commissioner Perry addressed the terms of the contract, and after further review agrees with Mr. Lund that the County needs to determine if Trails Utah has fulfilled their obligation and the County will need to process the payment. Mr. Raymond addressed the email from Sarah Bennett and stated that he is open to ideas for signage. Mr. Raymond stated that he has received an email from the Governor's Office indicating that he has been nominated to serve on the Rural Partnership Board. Mr. Raymond stated that he does not have to accept the nomination however; he did want to discuss this with the Commissioners. Commissioner Lytle asked if he is interested in serving on the Board and Mr. Raymond stated that he would like to be involved. Commissioner Slaugh stated that he thinks it would be a good idea. Commissioner Lytle asked Mr. Raymond when the next TRT Board meeting will be held and if Mr. McDonald had been notified as there seemed to be some confusion as to the date of the next meeting. Mr. Raymond stated that he would follow up with Mr. McDonald. Mr. Lund stated that he had forwarded an email from David Hartvigsen notifying the Commissioners that the filing for water rights had been taken care of.

The minutes of the special meeting held on October 16th, the regular commissioner meeting held on October 20th, and the special meeting held on October 23rd were presented for review and approval. Mr. Lund noted a correction to the October 16th minutes. The beginning of the third paragraph should read "Commissioner Perry" with no comma. Motion by Clyde Slaugh to approve the October 16th minutes with corrections. Seconded by Jack Lytle, all in favor. Commissioner Perry indicated that on

the October 20th minutes, UBAG should be UBAOG. Motion by Jack Lytle to approve the October 20th minutes as corrected. Seconded by Clyde Slaugh, all in favor. Mrs. Perry indicated that the October 23rd minutes should read that she would “email” Delta Plan/D.P. 2 rather than send a letter. Motion by Jack Lytle to approve the October 23rd minutes as corrected. Seconded by Clyde Slaugh, all in favor.

The invoice register was presented by the Auditor’s Office for review and approval. Commissioner Lytle addressed the invoices for Kimball Engineering. The account name indicates “P & Z building inspector mileage” and he wanted to clarify that the invoices were not just for mileage. Commissioner Lytle also addressed inmate wages for work at the Dutch John airport. After further discussion, motion by Jack Lytle to approve the Open Invoice Register in the amount of \$27,271.67. Seconded by Clyde Slaugh, all in favor.

Commissioner Lytle addressed replacement of the appliances at the rental house in Dutch John. Commissioner Perry addressed the personnel action forms currently being held. Discussion regarding the change requests that have been submitted for the dam employees as well as the road department and sheriff’s office. Discussion regarding the wage study as well as the raises that have already been committed. Commissioner Lytle addressed budgets, promotions, etc. This matter will be tabled until Mrs. Pallesen can be present.

Discussion regarding the cancellation of the November 10th commission meeting. Mrs. Olorenshaw asked if the Commissioners wanted to cancel the meeting due to the UAC Conference in St. George. Commissioners Perry and Lytle suggested that rather than cancelling the meeting, keep the meeting to a bare minimum and begin at 8:00 a.m. in order to facilitate travel to St. George for UAC.

Commission Calendar Review. Commissioner Perry addressed the scheduled trainings to be held on Wednesday and Thursday. Mr. Raymond stated that the Governor’s Rural Partnership meeting is November 10th at 9 a.m. Commissioner Lytle stated that the Six County Coalition meeting will be held on November 6th and the USFS breakfast will be held on November 11th. County offices will be closed on November 11th in observance of Veterans Day. Commissioner Lytle indicated that Doug Sands will be off beginning Wednesday, November 4th and will be gone through Christmas. There will be an RMP/Data management meeting on November 9th from 12:00 to 5:00 p.m. in Vernal. Commissioner Perry stated that she will be unavailable on Monday and Friday mornings for the next four weeks.

Discussion regarding the vacancy on the Special Road District Board. Commissioner Slaugh stated that he discussed this with Chad Reed-Acting Chairman, who has indicated that the Board feels it is the Commission’s responsibility to fill the vacancy. Mr. Lund asked if they referred to the District’s bylaws. Commissioner Slaugh stated that the bylaws did not specify how to fill a vacancy. Discussion regarding advertising for the position. Mr. Slaugh indicated that the Board has stated that they prefer someone with a business background. Commissioner Perry suggested James Olsen. Commissioner Slaugh stated that Sean Hughes has indicated that he is interested in serving on the Board. Commissioner Lytle stated that he would recommend Clyde Slaugh serve on the Board based on his knowledge of roads, etc. unless it would be considered a conflict. The Commissioners would like Mr. Lund to research this option. Discussion regarding where the road district gets its funding, and the fact that the funds

cannot go directly to the County. Mr. Lund asked if Commissioner Slaugh would get him copies of the bylaws and stated that there should be something in their bylaws regarding membership.

Discussion regarding the application from Nick Elmer for a Music Festival-Rally in the park/rodeo grounds June 9-13, 2016. Commissioner Perry questioned why this was on the agenda. Commissioner Lytle stated that he had questioned the need for an event permit and had asked that it be researched. Mrs. Olorenshaw stated that there was not a separate event permit/application, it had been discussed however; nothing has been formally adopted. Commissioner Perry asked if Mrs. Olorenshaw would be willing to have Mrs. Williams prepare an application for the Commissioners to review. Mrs. Williams could coordinate with Travis Dupaix and Sheriff Jorgensen to address law enforcement and EMS services to ensure public safety issues are dealt with. The Commissioners agreed that the Festival/Rally would be good for the County. After further discussion, motion by Clyde Slaugh to approve the application from Nick Elmer. Seconded by Jack Lytle, all in favor.

Discussion regarding the subordination agreement with Mountain America Credit Union and Curtis and Ch'ree Mills. Commissioner Perry asked about the agreement. Mr. Lund stated that the Mills' were refinancing and needed a new agreement. Commissioner Lytle stated his concerns. Mr. Lund stated that it was the same promissory note; the County would just be in a different position. Mr. Raymond stated that this has been done in the past as owners refinance. Mr. Lund addressed the request for notice that was filed. Motion by Jack Lytle to approve the Subordination Agreement for Curtis and Ch'ree Mills. Seconded by Clyde Slaugh, all in favor. Mr. Lund asked if this is an RDA property. Mr. Raymond stated that it is not in the RDA and indicated that the Pettit lot in Harpers Landing is the only RDA property outside of Dutch John.

Discussion regarding the memorandum Of Understanding between the US Forest Service, Ashley National Forest and Daggett County. Commissioner Perry asked if Commissioner Lytle had something he wanted to address regarding this item. Mr. Raymond addressed the Commission regarding the memorandum. Mr. Lund indicated that he has not had a chance to review the document. Mr. Raymond stated that Commissioner Lytle had asked him to send the document to Mark Ward for review, and Mr. Ward had indicated that it looked fine to him. Mr. Raymond stated that he had a question regarding the language pertaining to use of the USFS insignia, and wanted to know if it could be changed. Commissioner Perry indicated that advertising was done as a courtesy and they may not want to include insignia in the future. Commissioner Lytle stated that the MOU between the Forest Service and UAC should also be included. Mr. Raymond stated that this is not the final document and Mr. Lund stated that he would like time to review the agreement. Mrs. Perry asked for this to be put back on the agenda for next week.

Commissioner Perry asked if they could discuss both of the CIVCO Engineering work orders together. Commissioner Lytle addressed recent issues related to the Dutch John airport and the work orders for surfacing and inspection. Commissioner Perry asked if they should be requesting bids for all of the airport work. Mr. Raymond addressed the Commission. Mr. Lund addressed Mrs. Perry's concerns. Commissioner Perry suggested doing a request for qualifications for engineers. Mr. Lund stated that he will research doing an RFQ. Discussion regarding the Manila airport project. Commissioner

Lytle addressed the funding requirements and fees. According to the documents, fees cannot exceed 16.2% of the total cost. Mr. Raymond stated that the work orders submitted by CIVCO are over the allowed percentage. Mr. Lund addressed the time frame for funding. Mr. Raymond stated that they don't need a funding application as the County already has the funding. The Commissioners wanted to know why the Dutch John project is more than the Manila project. Mrs. Perry stated that they should ask CIVCO for a detailed proposal for the \$19,000.00 work order. Commissioner Lytle stated that he had asked Mr. Reynolds to be here, but he had other commitments. Mr. Lytle stated that he will contact CIVCO as well as the Division of Aeronautics regarding these issues. Commissioner Lytle stated that the Dutch John project should be handled in Fund 29 and needs to be reflected in the budget.

Brian Raymond addressed the Commission regarding EDC Utah and stated that a list of the projects that had been discussed should be attached to the document. Mr. Raymond stated that the Commissioners can add to the list, he wanted to get feedback before the documents were submitted. Discussion regarding what the Commissioners feel should be the top three priorities with regard to economic development. Commissioner Perry addressed ATV and walking trails along with event development. Mr. Raymond suggested that trails include all types. Commissioner Lytle stated that he would like to talk to Mrs. Slagowski regarding the broadband meeting she attended. Discussion regarding upgrades to the clinic. Mrs. Slagowski was present and addressed the Broadband Summit she attended. Mrs. Slagowski stated it was a good conference and they discussed economic development issues. Mrs. Slagowski indicated that she had made contacts with UEN, and STRATA, as well as Kelly Cole, the GOEd director. Mrs. Slagowski stated that UEN has indicated that they may consider adding the County to their existing lines and she would also like to contact Sweetwater County School District. After further discussion it was determined that priority #1 would be to improve broadband internet. Priority #2 should be trails development (all trails included) and priority #3 should be first responder, law enforcement (EMS, fire, etc.). Mr. Raymond stated that he is concerned that there is not quantifiable data. Commissioner Perry suggested making #3 data development, as at this time there is no follow up with all of the marketing efforts. Mr. Raymond confirmed with the Commissioners that the top three challenges facing the County would be lack of high speed internet, lack of volunteers/resources (people and funding) and lack of quantifiable data.

Discussion regarding the 2016 wildland fire suppression budget. Commissioner Lytle indicated that the budget has not been increased and should actually see a decrease next year. Based on the agreement, the County will budget \$7000.00 however; this does not mean the County will actually spend that amount. Motion by Jack Lytle to approve the 2016 Wildland Fire Suppression Budget. Seconded by Clyde Slauch, all in favor.

Further discussion regarding the wage study. Commissioner Perry stated that she will inform Mrs. Pallesen that the personnel action forms have all been approved with the exception of Richard Cook and Rick Ellsworth, as they may need justification for the promotions. Mr. Lytle stated that he has concerns with any contractual agreements, as well as budget issues. Commissioner Perry stated that Mrs. Pallesen needs to be commended for her work with keeping the departments within their budgets. Mrs. Perry will research the two promotions in question. Mrs. Perry suggested looking at the current

policy and discuss next week. Discussion regarding signatures on the change forms. Commissioner Lytle stated that he prefers all three Commissioners sign the forms.

Commissioner Perry recessed for lunch at 11:46 a.m.

The meeting reconvened at 1:06 p.m.

Those previously mentioned were present as well as Sheriff Jerry Jorgensen. Commissioner Perry addressed Sheriff Jorgensen and Mrs. Pallesen regarding the personnel action forms that have been submitted and the reasons behind the approvals however; the Commissioners did have questions regarding Cook and Ellsworth. Discussion regarding the interview process. Mrs. Pallesen stated that she did not have any paperwork regarding the promotions. Sheriff Jorgensen stated that based on information from the previous County Attorney, it was his understanding that he could promote without going through the competitive process however; it would not be considered a merit position. Sheriff Jorgensen stated that the increase for Rick Ellsworth was an approved wage, set by the dam contract and the interview process for the promotion of Richard Cook was done at the time the interviews were held for the Jail Commander. Discussion regarding policy. Sheriff Jorgensen stated that the promotions that were given were done in good faith and were done within his budget. Further discussion regarding the wage study. Commissioner Lytle stated that the County must follow HR rules to avoid future litigation. Mrs. Pallesen stated that the Sheriff is doing a good job with the hiring process; he just needs to provide better documentation for the HR files. Mrs. Pallesen stated that if a position is an appointed position and did not go through the promotion process, it should be noted on the personnel action form. Commissioner Perry stated that she has noted "other/appointment" on the forms. Commissioner Perry also stated that the Commissioners would like to see all three signatures on the change forms, or at least a note indicating why there are not three signatures to ensure that all have reviewed.

Commissioner Perry addressed Dutch John and stated that after the last meeting with town officials, she feels the County may just need to let it go to litigation. Discussion regarding the meeting with Town Officials last week, including the land and water rights. Brian Raymond stated that he had talked to Bob Leek with the Division of Water Rights who indicated that the ability to have the rights taken back to the original date may or may not be possible and the "50/50" statement may be stretching that ability. Mr. Leek also indicated that no long term rights will be approved however; there may be some short term rights available, 16-20 years may be approved under special considerations. Raymond stated that he also asked about splitting the water rights, and was told that it would not make a difference as to the value of the water rights however; it may affect the ability to get the older status returned. Mr. Leek also indicated that he would be willing to come and to talk to the Commissioners prior to finalizing anything with the Town of Dutch John. Commissioner Perry stated that she is open to the transfer of the land but feels the water rights will gain in value and should be retained by the County, which would be in the best interest of the entire County. Mr. Raymond stated that he was informed that a municipality can only lease their shares and cannot sell shares. Commissioner Perry stated that she feels the County should remain firm on the water issue. The water rights belong to the County and should be maintained by the County. Mrs. Perry stated that she would be willing to do a 99 year lease, and share any profits. Mrs. Pallesen wanted to know how the County could ever justify giving Dutch

John all of the land and/or the water. Mrs. Pallesen stated that the feasibility study did not address the land or water as a way to fund the Town, and the RDA is the avenue to dispose of the land. Mr. Raymond addressed the Commission. Commissioner Lytle stated his feelings regarding the legislation and the water and land transfers, he feels that the County has some obligation to make sure Dutch John is whole and able to succeed. Discussion regarding the initial land disposition policy and how cumbersome it was as well as the federal policy for the disposal of property. Mrs. Pallesen stated that she is working on the budgets and January 1st will be a new budget year and the County needs to do what is required of them whether Dutch John is ready or not. The State Auditor will hold the County responsible if things are not done properly or timely. Mr. Lytle stated that the County needs to set a drop dead date, and if an agreement is not reached the County will have to proceed as there are deadlines that will need to be met. If an agreement has not been reached, the County will also need to address an additional rate increase due to the water revenue bond and the requirement for a contingency fund to handle repairs etc. The County will also need to form a municipal service fund in order to continue to provide utility services to a municipality. Mrs. Pallesen stated that she will need direction from the Commissioners with regard to the budget. Discussion regarding the Dutch John employees. Commissioner Perry asked for each of the elected officials to write up their thoughts on Dutch John and email to each other for discussion next week.

Mrs. Pallesen gave a brief presentation on the wage study and asked for direction from the Commission. Commissioner Lytle asked if Mrs. Pallesen could put the information into a graph to look at as well as the addition of years of service. Mrs. Pallesen addressed setting up the review committee that has been discussed. Mrs. Pallesen stated that she would like to see something implemented by budget time. Sheriff Jorgensen asked if any decisions had been made regarding the leave policy. Commissioner Perry stated that this is still under review. With no further business, the meeting adjourned at 3:22 p.m.

/s/ Sue Olorenshaw

/s/ Karen Perry

/s/ Jack Lytle

/s/ Clyde Slaugh