

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board Tuesday, December 15, 2015. Commissioners Karen Perry, Clyde Slaugh, and Jack Lytle were present. Niel Lund-County Attorney, and Sue Olorenshaw, County Clerk were also present. The meeting was called to order at 9:05 a.m. by Commissioner Perry.

Also present were: Brian Raymond, Keri Pallesen-Auditor/Recorder, Lesa Asay-Assessor, Jean Dickinson, and Dirk Larsen.

Old business: Clyde Slaugh stated that he had received a call from Craig Collett who wanted to know if he could purchase some of the crack seal material that could not be used at the airport. Commissioner Lytle stated that he thought there may be a way to accomplish that once the airport project has been completed however; the County will need to determine what funds were used to purchase the materials. Mr. Lund addressed the Tension Membrane Ordinance and wanted to make sure there was an actual motion to adopt. The minutes were reviewed and it was determined that the motion was made. Brian Raymond has received a copy of the inter-local agreement between the Town of Manila and the RDA and requested that this be put on the agenda for next week. Mr. Raymond also stated that he has received an email from Matt Lucas regarding the updated lease. Mr. Lund indicated that this is a new agreement with the language as discussed in the previous commission meeting. Commissioner Lytle addressed the hospital property and wondered if the agreement had been signed. Mr. Lund stated that Mr. Thompson and Mr. Orr had some questions and were still reviewing the document.

No one present with public comment.

The minutes of the regular commission meeting held on December 8, 2015 were presented for review and approval. No action taken at this time.

The invoice register was presented by the Auditor's Office for review and approval. No action taken.

Correspondence: Commissioner Perry stated that she received correspondence regarding the TRT increase and will address them during the discussion item.

Review of the Dutch John Airport Pavement Preservation Project Scope and consideration of the Project Application and Grant Agreement. Commissioner Perry stated that she has reviewed the documents and has no issues. Commissioner Lytle stated that he wanted to make sure that the \$11,000.00 match from the County is accounted for in the agreement. After further discussion, a motion was made by Clyde Slaugh to approve the Dutch John Airport Pavement Preservation Project Application and Grant Agreement. Motion was seconded by Jack Lytle, all were in favor.

Discussion regarding the revenues from the RV lot rentals in Dutch John. Commissioner Perry stated that the revenues are currently going to the County. Commissioner Lytle asked when the lots were transferred to the RDA. Mr. Raymond stated he thought they were transferred sometime in May 2015. The Commission feels that any rental income up until the time the lots were transferred to the RDA should stay in Fund 29, after that the revenues should be moved to the RDA. Mr. Lytle wanted to clarify that the rental income should go to the RDA because the RDA owns the lots. Commissioner Perry stated that unless the lots are transferred back to the County until they are sold, the funds should go to the RDA. Commissioner Lytle asked if there were any other lots owned by the RDA in this situation. Mr. Raymond stated there were no other properties. Motion by Jack Lytle to transfer to the RDA the amount of income

generated from the RV lot rentals in 2015 from the time the lots were transferred to the end of the year and to continue for 2016 or until the lots are sold. Seconded by Clyde Slauch, all in favor.

Discussion regarding the Dutch John Water Rate Resolution. Mr. Raymond addressed the Commission regarding the research he has done concerning this. Mr. Raymond stated that he has contacted several entities and has reviewed ordinances from different cities and towns. Mr. Raymond stated that the Town of Manila has a higher commercial rate however; they include more gallons with that rate. The Town also requires a separate connection for each additional building. Mr. Raymond stated that other towns allowed multiple sites on one connection. Mr. Raymond addressed winter rates and how it will affect businesses. Mr. Raymond stated that there were several scenarios the commission could consider. Commissioner Perry stated that she was contacted by DP2 who indicated that they currently have one water connection and one sewer connections and they would prefer to keep it that way. Commissioner Perry also stated that from a maintenance stand point, the more meters there are, the more costly to maintain. Mr. Raymond stated that his recommendation would be to increase the commercial rate as well as the rate charged for overages; currently commercial customers pay the same overage rate as a residential customer. Mr. Raymond stated that he will prepare spreadsheets to compare the different scenarios. Mr. Raymond indicated that there was also one business located in a residential area that is being billed the residential rate. The Commissioners feel that this needs to be researched further before making a decision.

Discussion regarding the repayment of the loan to the RDA. Commissioner Perry addressed Keri Pallesen-Auditor/Recorder regarding this matter. Mrs. Pallesen indicated that this was not included in the original budget however; it was included in the amended tentative budget. Mrs. Pallesen addressed the original sale of homes by the Federal Government and indicated that funds in the RDA could be from the original sales and the language pertaining to the Federal monies specifically stated that it is to be used for Dutch John. If the loan to the RDA is re-paid at this time, it would make a much cleaner transition. Mrs. Pallesen also feels that this would make it easier for the Town of Dutch John to track the money from the Federal Government. In anticipation of repayment of the loan to the County, Mrs. Pallesen suggested that the funds go directly in to the General Fund; if it is then determined that additional funds from the sale of the Federal homes are still available, they can be transferred to Fund 29. This could all be done at one time and would be easier to track. Mr. Lund addressed Section 10 (m) of the Privatization Act that talks about the disposal of land and revenues derived from the sale of federal properties. The act states that for the first two years funds will be paid to Daggett County semi-annually and after two years, the properties would be given to the County without consideration. Commissioner Perry stated that she agrees with Mrs. Pallesen's suggestions. Commissioner Lytle stated that he would like to see the numbers. Mr. Lund stated that the County has expended money from the General Fund and if the funds were not used as they should have been, it should go back to the Dutch John Fund. Commissioner Perry stated that she researched how the money has been spent from the beginning up to 2006 and would like Mrs. Pallesen to proceed as discussed. Mrs. Pallesen stated that she will go back to 1998 and track the figures to see what has been spent to get an exact number for the Commissioners. Mrs. Pallesen stated that the final

budget needs to be adopted by December 31st and she will need to have figures for Funds 28 & 29. Mrs. Pallesen stated that she has created a new line item for RMP and will transfer \$4500.00 out of public lands for the RMP. Commissioner Lytle stated that he would like to discuss public lands further before the budget is finalized.

Discussion and public comment regarding the proposed 1.25% increase in the TRT tax. Dirk Larsen was present to voice his concerns regarding the increase. Mr. Larsen stated that he is the owner of Villa Inc. and would like to know where the TRT money goes. Mr. Larsen also indicated that he does not feel that the businesses get any benefit from advertising with the Vernal area. Commissioner Perry addressed Mr. Larsen and stated that the money no longer goes to Vernal. The majority of TRT funds go to the Flaming Gorge Chamber of Commerce for brochures, etc. Mr. Larsen stated that if the taxes are increased it will affect the number of tourists who come to the area. Commissioner Perry stated that the TRT Advisory Board has requested the Commission increase the tax in order to hire a full time Chamber director who can do more with social media, etc. The Chamber feels they would be able to reach out to more people and have better coverage. Commissioner Lytle addressed Mr. Larsen's concerns and asked what he would like to see different from what is already being done. Commissioner Perry addressed Mr. Larsen and encouraged him to get more involved. Mr. Larsen asked if any of the TRT money goes to the general fund. Commissioner Perry stated that the County currently keeps \$6000.00 for Daggett Designation and addressed what those funds are used for. Mr. Larsen addressed donations to Search & Rescue. Mrs. Pallesen addressed Mr. Larsen's concerns regarding S&R issues and indicated that those monies are kept in a separate fund. Further discussion regarding TRT taxes, the Chamber and the possibility of tracking and monitoring advertising results. Jean Dickinson addressed the Commission. Commissioner Perry stated that a financial breakdown was provided with the request from the TRT Advisory Board and again stressed the need for individuals to get involved. Commissioner Perry addressed email correspondence she received regarding the proposed increase. Kevin Clegg and Woody Bair responded and indicated that they were in favor of the increase as was Mark Wilson. Brent and Elaine Stewart responded indicating that they were not in favor of an increase. Brian Raymond asked if there was any response from AL&L, as he felt they would be the most affected by an increase. Mrs. Perry stated that she sent them a letter regarding the discussion today and received no response. Jean Dickinson addressed advertising by other counties including Sweetwater County and the use of pictures of the Flaming Gorge area. Brian Raymond addressed the challenges and the fact that we have limited funds and are competing with much larger areas. Commissioner Perry stated that Thompson Davis indicated that he would be in favor of the increase if funds go back to the businesses. Mr. Lund addressed Mr. Raymond regarding the possibility of holding some type of search engine optimization training for local businesses. Further discussion regarding the Chamber and where the additional funds will be used. Mrs. Perry asked if the Commission was ready to vote on this matter or wait for additional response from the businesses. Mr. Lytle stated that he felt it would be appropriate to move forward. Commissioner Perry would like to approve the increase with the stipulation that the Chamber or TRT Board provide some kind of documentation to monitor or quantify the increase. Mr. Lund stated that the County cannot put restrictions on the increase. Commissioner Perry stated that she was aware of that however; they could require accountability in order to maintain the

increase. Commissioner Perry also suggested that the park coupons be for any local business e.g. fuel, grocery store, rooms, etc. and not just restaurants. Mr. Raymond stated that a resolution has not been prepared and that he will work with Mr. Lund to have one prepared for next week.

Consideration of paying off the land purchased from SITLA for the gun range. Discussion regarding the area and potential grazing leases. Brian Raymond stated that he has been approached by individuals wanting to hold a meeting in February to discuss the gun range. Commissioner Lytle stated they may be able to move the gate to the dump and require the gun range be closed when the dump is open. Further discussion on the possibility of pursuing additional funding from the State, etc. Commissioner Perry addressed the pay off. Mrs. Pallesen stated that the County would save the interest if they were to pay it off. Commissioner Lytle asked what the payment amount versus the pay off would be. Mrs. Pallesen indicated that the annual payment is \$1789.52 and the pay off amount would be approximately \$22,000.00. Commissioner Lytle stated that given the current budget situation, he would rather make the payment this year and look at possibly paying it off at a later date. Mrs. Pallesen asked if this parcel is something that they may want to consider putting in the RDA. Commissioner Perry stated that she felt that may be a good idea. Commissioner Lytle stated that he would like to think about the RDA option. Mrs. Pallesen was instructed to make the payment for this year and they will discuss the other options.

Commissioner Perry indicated that they are not ready to approve the budgets and asked to have this on the agenda for next week.

Consideration of Ordinance #15-28 An Ordinance Establishing and Affixing the Salaries of Elected Officials and Statutory Offices of Daggett County for 2016. Commissioner Perry addressed the proposed increase for the Commissioners and stated that she does not want the increase for herself. Commissioner Lytle and Commissioner Slaugh both stated that they agreed. Commissioner Perry also stated that the County is not in a position to fund the increases for the other elected positions. Mrs. Asay stated that she was not aware of the proposed increases and addressed the formula used to calculate the increases. Mrs. Asay stated that she spoke with Mike Swallow who indicated that there was an error in the formula used for the Assessor's Office. Mrs. Pallesen addressed her concerns and stated that the elected positions were added by Mr. Swallow after the fact, based on the wages of other employees. Mrs. Asay addressed the Commission regarding her office. Mrs. Olorenshaw and Mrs. Pallesen addressed the Commission regarding their current budgets and indicated that both of their offices were below last year's budget for this year and 2016 as well. Commissioner Perry indicated that based on current budget issues, it is her recommendation that the salaries for elected officials stay as is. Discussion regarding current salaries and the fact that salaries should be based on the position and not the individual. Discussion regarding the possibility of implementing some sort of a percentage increase over the next few years. The Commission will review and address this matter next week.

Consideration and approval of Ordinance #15-29 An Ordinance Setting the Commission Schedule for 2016. Motion by Jack Lytle to approve Ordinance #15-29. Seconded by Clyde Slaugh, all in favor.

Consideration of renewing or continuing the vehicle leases for the 2014 Ford Explorer and Ford F-150. Commissioner Perry stated that if the County chooses to keep

the current vehicles they will have to spend money to replace tires, etc. If the lease cost is the same she would be in favor of turning them in and getting two new vehicles. Mrs. Pallesen stated that the leases are not actually due to renew until January however; she wanted to know what the Commissioners would like to do. Commissioner Perry stated that she will work with Mrs. Pallesen on the vehicle leases. Commissioner Lytle stated that he would be willing to help as well.

Consideration of Resolution #15-30 between Zions Bank and the Daggett County Sheriff's Office for a vehicle lease. The Commission wanted to know if the lease amount would be the same. Mrs. Pallesen stated that the payment amounts are slightly higher. This lease is for an Explorer for Ray Ruble for the Dam. Motion by Jack Lytle to adopt Resolution #15-30 and approve the lease agreement with Zions Bank for the Ford Explorer. Seconded by Clyde Slaugh, all in favor.

Discussion regarding the outcome of the request for indigent appellant counsel for Michael Wilden. Mr. Lund stated there was no need to go in to a closed session. Mr. Lund indicated that he had forwarded an email from counsel regarding this matter. Mr. Lund stated that the Judge wanted to move forward on the appeal process and appointed counsel however; the Judge also gave the County the option to pursue the matter civilly. Mr. Lund stated that the case was being handled by the Uintah County Attorney's Office due to a conflict, but they are no longer interested in continuing. Mr. Lund stated that the County does not have a contract for indigent appellant counsel and the Commission needs to make a decision on who they are going to appoint, and if they want to pursue a civil action. Commissioner Lytle asked about the possibility of trading services in cases of recusal. Mr. Lund stated that there has been no charge from Uintah County for the Wilden case so far; however they are not willing to proceed any further. Mr. Lund stated that the County has used Grant Morrison in the past. Mr. Lund estimated the costs for the appeal to be approximately \$2000.00 to \$5000.00. Commissioner Perry indicated that she feels the County should contact Mr. Morrison for the appeal and see if he is interested and what he would charge. Mr. Lund stated that he will contact his firm to see if they can handle the civil case. Mrs. Pallesen asked about the cost of pursuing a civil case. Mr. Lund stated that he will reach out to Mr. Morrison and report back to the Commission.

Mr. Lund stated that he wanted to update the Commission on the settlement negotiations in the Cook case. Mr. Cook did not accept the plea deal and the case will be going to trial in February. The trial is scheduled for 3 days and Mr. Lund stated that the fees for the expert witness, who is vital to the case, could be as high as \$10,000.00. Mr. Lund stated that he just wanted to keep the Commission informed of the status on this case.

Commissioner Perry addressed the email from the Dutch John Town Council. The email referenced the land and water issues however; it did not address the issues identified in the letter from the County. Commissioner Perry stated that she would send a response to the email indicating that the County needs to address the budget issues at this time. Commissioner Lytle stated that he plowed the roads in Dutch John after the last snow storm and had a chance to speak with Mayor Rogers, who indicated to him that there was room for discussion.

Meeting recessed for lunch at 1:00 p.m.

Meeting reconvened at 1:30 p.m.

Commissioners Slaugh and Lytle have both indicated that they would be willing to serve as Commission Chair for 2016. The decision will be decided by a coin toss. Commissioner Slaugh won the coin toss and will serve as Chairman beginning January 1, 2016. Motion by Jack Lytle to have Commissioner Slaugh serve as Chairman for 2016. Seconded by Karen Perry, all in favor.

The minutes of the December 8, 2015 meeting were presented again for approval. Motion by Clyde Slaugh to approve the minutes as written. Seconded by Jack Lytle, all in favor.

The Open Invoice Register was presented for approval. Motion by Jack Lytle to approve the invoice register in the amount of \$128,602.34. Seconded by Clyde Slaugh, all in favor.

Commissioner Perry addressed a telephone conversation she had with Rick Ellsworth regarding the post retirement benefit. Mr. Ellsworth stated that he is against the County taking away this benefit. Mrs. Pallesen addressed the Commission and stated that Mr. Ellsworth does not receive this benefit.

Mr. Lund wanted to inform the Commission that he did contact Mr. Morrison regarding the appeal and he will get back to the County with a proposal.

With nothing further, the meeting adjourned at 1:40 p.m.

/s/ Sue Olorenshaw

/s/ Karen Perry

/s/ Jack Lytle