

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board Tuesday, February 2, 2016. Commissioners Karen Perry, Jack Lytle, and Clyde Slaugh were present. Sue Olorenshaw, County Clerk was also present and Chad Woolley-County Attorney was present via telephone. The meeting was called to order at 9:05 a.m. by Commissioner Slaugh.

Also present were: Chris Clark-Uintah Engineering, William Rogers, Ryan Kelly, Harriet Dickerson, Jean Dickinson, Mike Musselman, Joe Jacobs, Joe Stoddard, Jack Searle, Sheriff Jerry Jorgenson, Keri Pallesen-Auditor/Recorder, James Olsen, Travis Dupaix, Lesa Asay, Rowdy Muir, and Jerry Muir.

Old Business: Commissioner Perry stated that all the leased vehicles that were to be returned have been turned back in.

Public comment. None at this time.

The minutes of the regular commission meeting held on January 26, 2016 were presented for review and approval. Motion by Karen Perry to approve the minutes as written. After reviewing the minutes, motion was seconded by Jack Lytle. All were in favor and the motion carried.

The invoice register was presented by the Auditor's Office for review and approval. With no questions or comments, motion by Jack Lytle to approve the Open Invoice Register in the amount of \$107,753.33. Seconded by Karen Perry, all in favor.

Correspondence: Commissioner Lytle addressed the letter that was prepared by Brian Raymond and signed last week. Mr. Lytle stated that he made a recommendation to Mr. Raymond to wait to send the letter until he had a chance to speak with Representative Brown. Mr. Lytle also suggested sending copies of such correspondence to Senator Van Tassell and Representative Brown to let them know what types of issues the Commission is supporting.

Calendar Review: The Commissioners were unable to attend the legislative meetings in Salt Lake due to the weather. Commissioner Lytle stated that there is a Six County Coalition meeting in Salt Lake on Thursday that he is planning to attend. A UAC legislative committee meeting will also be held on Thursday at 10:00 a.m. There will be an LEPC meeting Thursday at 12:00 in Commission Chambers. There will be a Conservation District meeting on February 9th to discuss public lands and forest revision.

The Commission has been asked to consider a resignation letter from Planning and Zoning submitted by Stew Leith. Mrs. Olorenshaw stated that Mrs. Poulsen had indicated that Mr. Leith would like to resign however; he is willing to serve until a replacement is approved. Motion by Karen Perry to accept Mr. Leith's resignation and allow him to serve until a replacement is found. Seconded by Jack Lytle, all in favor.

The next item on the agenda is to return to inventory the 2004 Dodge pick-up that was a previous surplus item. Commissioner Perry stated that this is the maintenance vehicle that Mr. Jacobs drives and is being returned to inventory. Seconded by Jack Lytle, all in favor.

Daggett School District has submitted a letter to the Commissioner regarding possible surplus or excess snow plow equipment that they may be interested in. Commissioner Slaugh stated that Chad Reed had talked with him about this and he would like to wait to address this until Mr. Reed can be present. No action taken at this time.

Discussion of surplus items in Dutch John. Mrs. Olorenshaw stated that due to the letter from the School District, she also wanted to mention to the Commission that

Bret Reynolds had sent an email regarding his interest in bidding on surplus items. James Olsen addressed the Commission regarding the items Mr. Reynolds may have been interested in bidding on. Mike Musselman addressed the Commission regarding surplus items and wanted to know where he could see a list of items and how to go about bidding on them.

Mr. Woolley stated that it was his understanding that a number of items were put on a list to be transferred to Dutch John. Commissioner Perry stated that the list has not been compiled yet. Mr. Woolley suggested that the Commission make sure that along with the list of assets, it is clear that the County has to have an agreement as to what the items are and why they are being transferred. Mr. Woolley stated that the County cannot transfer assets without having a clear reason for the transfer and compensation at fair market value. Commissioner Perry addressed Mr. Woolley regarding the snow plow equipment and stated that the roads have been transferred and Dutch John can't plow without equipment. Mr. Woolley stated that the items need to be on an agenda. The County needs to publish a list of items being considered for transfer to be open and transparent to the public. It needs to be made clear what the Commission is doing. Commissioner Perry addressed Mr. Woolley regarding how items were purchased and if the funds used for the purchase of certain items were specific to Dutch John. Mr. Woolley addressed the process, and stated that the Commission has the right to do what they would like within reason. The Commission must have reasonable progression, which includes not only a list of the items being considered, but the cost of the items (fair market value) along with what the County will be receiving from Dutch John in exchange for the items. Commissioner Lytle addressed equipment from the BOR. Mr. Woolley stated that those items were given to the County, and the same rules would apply.

The next item on the agenda is budget hearing dates. Commissioner Perry asked Mrs. Pallesen how much notice she would need for publishing. Mrs. Pallesen stated that she sent the Commissioners a list of items that need attention regarding the 2016 budget. Discussion regarding possible hearing dates. Motion by Jack Lytle to schedule a public hearing to discuss the 2016 Budget on February 23, 2016 at 10:00 a.m. Seconded by Karen Perry, all in favor. Mrs. Pallesen stated that the Commissioners will need to let her know what items they would like to consider for budget adjustments no later than Thursday.

Consideration of the CPIP Grant Memorandum Agreement. Commissioner Perry addressed Sheriff Jorgensen regarding the County Jail Screening Process Inter-local Cooperation Agreement. Niel Lund had requested this to be on the agenda. This is an MOU between Daggett County Sheriff's Office ("a Satellite Jail") and the Utah County Sheriff's Office ("the Hub County Jail") for the purpose of facilitating the establishment of the County Jail Screening Process. This Agreement is effective only after the parties have signed the document. Sheriff Jorgensen stated that this will allow the interview process to be done telephonically. After further discussion, motion by Jack Lytle to enter into the MOU agreement for the jail screening process. Motion was seconded by Karen Perry and all were in favor.

Consideration of amending Resolution #16-02. After discussing with counsel, Commissioner Perry recommended holding this resolution until the Commission receives more information. Commissioner Lytle stated that he would like to table and discuss in closed session. James Olsen addressed the Commission and stated that the road department has spent money on some of the equipment and he would not be in favor of

transferring any of the equipment to Dutch John. Mrs. Perry stated that the County has purchased all of the equipment. Commissioner Lytle addressed Mr. Olsen's concerns. This matter will be tabled until later in the meeting.

Commissioner Lytle addressed his disclosure forms. Mr. Lytle stated that this was done last year, and he wanted to make sure he submitted new forms for this year. Mr. Lytle stated that the forms will need to be signed before a notary and then he will submit.

Discussion regarding the bill from RDT in the amount of \$500.00 for damages to the roll-off in Dutch John. Mrs. Olorenshaw stated that this was put on the agenda for the Commission to consider splitting the \$500.00 charge with Matt Lucas. Commissioner Lytle stated that Mr. Lucas had called and indicated that he had put ashes in the dumpster and may have had something to do with the fire. Commissioner Lytle stated that he assumed the County could cover half as Mr. Lucas did come forward and may or may not have been responsible. Mr. Lytle told Mr. Lucas he could pay \$250.00. Commissioner Perry addressed Mr. Rogers regarding the roll-off container. Mr. Rogers indicated that the Town may decide to continue paying for the roll-off. Commissioner Perry suggested the Town consider donations at certain times of year for the additional charges for the roll-off. Commissioner Slaugh stated that it appears they cannot prove that Mr. Lucas was entirely responsible for the damages. Motion by Karen Perry to split the \$500.00 charge from RDT with Mr. Lucas. Seconded by Jack Lytle, all in favor. Mr. Rogers stated that the Town Council has discussed implementing a building permit requirement for construction projects to provide their own dumpster.

Consideration of the discontinuation of services from utility vendors. Commissioner Lytle stated that he thought this had already been done. Mrs. Olorenshaw indicated that nothing was decided and this needs to be resolved. Discussion regarding an email from Bridger Valley Electric regarding service to the water and sewer plants, the conference hall, street lights, etc. No action taken.

Motion by Karen Perry to go in and out of the RDA portion of the meeting at 10:00 a.m. Seconded by Jack Lytle, all in favor. The consideration of ownership of the Dutch John RV lots was discussed last week however; it was not on the RDA agenda and was put back on the agenda for today. Commissioner Perry briefly addressed the lots in Dutch John that are rented, the rental home, etc. The lots currently occupied by the guides in Dutch John are owned by RDA and the County is trying to encourage development through the RDA. At this time, the rental income from these lots is going to the RDA and the County has discussed whether or not to transfer ownership of the lots back to the County so the income from the rentals would come back to the county rather than the RDA. Mrs. Pallesen addressed whether or not this is the proper way to handle a transfer, and wants to make sure it is done right. Commissioner Slaugh asked Mr. Woolley if this is proper. Mr. Woolley stated that property transferred to an RDA generally stays in the RDA, and depending on the incentives that were offered through the RDA, they may not be able to transfer the lots back to the County. Mr. Woolley stated that the RDA can use the money for economic development for the County on behalf of the RDA and indicated that property deeded to the RDA usually has to stay in the RDA for a certain period of time. Commissioner Lytle asked Mr. Woolley if he would research this and get back to the Commission. Mrs. Perry stated that the lots were deeded to the RDA through a resolution.

Commissioner Lytle requested the Commission go in to a closed session with Dutch John Officials. Commissioner Perry stated that she would like the closed session to be only the Commission at this time. Mr. Woolley recommended the closed session start with the Commission, and then the Commission could invite the other elected County officials, and then move back in to the public meeting. Motion by Karen Perry to go in to a closed session at 10:10 a.m. The purpose of closed session is to discuss property held by Dutch John and to discuss issues regarding potential litigation. Motion was seconded by Jack Lytle and all were in favor. Those present for the closed session were Commissioners Slaugh, Lytle and Perry, Clerk Olorenshaw and Chad Woolley was present via telephone. Present for the closed session with the elected officials were those previously mentioned along with Keri Pallesen-Auditor/Recorder, Lesa Asay-Assessor, and Sheriff Jerry Jorgenson. Motion by Karen Perry to go back in to regular session at 11:30 p.m. Seconded by Jack Lytle, all in favor.

The next item on the agenda is the bid opening for the Dutch John water tank project. Chris Clark-Uintah Engineering was present and addressed the Commission regarding three potential bidders that were turned around due to road closures. Mr. Clark stated that he received five telephone calls regarding the weather and stated that the Commission may want to consider postponing the bid opening. Discussion by the Commission regarding the bids. Commissioner Perry stated that it made sense to reward those who were responsible enough and made the effort to get their bids submitted on time. There were four bids submitted by the deadline. The following bids were opened by the Commission: Gerber Construction, total cost of \$844,011.00, additive #1 \$64,000.00 and additive #2 \$51,600.00. Patriot Construction LLC, total cost of \$722,484.00, additive #1 \$29,084.00 and additive #2 \$71,020.00. Extreme Excavating, total cost of \$834,068.50, additive #1 \$62,000.00 and additive #2 \$67,000.00. Robinson Construction, total cost of \$1,053,584.93, additive #1 \$68,147.12, and additive #2 \$84,877.62. The Commission requested Mr. Clark review the bids to determine if they qualify.

Rowdy Muir-USFS was present and addressed the Commission. Mr. Muir stated that he had an opportunity to comment on Congressman Bishops public lands initiative regarding Daggett County. Mr. Muir indicated that in his comments he addressed the Deer Lodge summer home land exchange, and stated that if this was done, Half Moon Park should be included as well. Mr. Muir stated that he commented on every item of the bill and personally does not agree with how it was written. As currently written, the USFS would give up 78,000 acres for the release of certain BLM study areas and he is not in favor of the Forest Service exchanging Department of Agriculture lands for Department of Interior lands. Commissioner Lytle asked about the wilderness area in Summit County. Mr. Muir indicated that he also has concerns over the language regarding the management of big horn sheep and domestic sheep. Mr. Muir feels that they are forcing management on Daggett County and does not agree with how it relates to domestic sheep herds and the transfer of diseases. Commissioner Lytle asked about the forest plan and MOU. Mr. Muir stated that he is not sure where they are currently on the forest plan revision and stated that some of the dates have been moved back due to the backlog and the County should be receiving a letter regarding this. Mr. Muir also stated that he did not have any new information regarding the overarching MOU. Mr. Muir indicated that he was instructed to do an overarching MOU and a separate MOU for the

forest plan revision. Mr. Muir addressed cooperating agencies and stated that the forest plan revision is not a typical environmental assessment (EA), it is a special project and they felt it needed a separate letter and agreement. Mr. Muir stated that there will be a Ranger meeting next week, and he will be able to report where our region is with the statewide MOU. The Commissioners asked if Mr. Muir had a chance to meet with Brian Raymond regarding signage for trails. Mr. Muir stated he had spoke with Mr. Raymond but they had not had a chance to meet yet.

The Dutch John officials were present to discuss the transfer of assets, etc. Mr. Woolley addressed the discussions from last week. Mr. Woolley indicated that there were issues with how things were done versus how things were noticed and stated that he has made recommendations to the Commission as to how they should proceed. Mr. Woolley stated that one of his concerns, from a legal standpoint is that the County needs to determine what kind of agreement will be put in place. Mr. Woolley has suggested an MOU initially to address items that have been agreed on then plan for a long term agreement. Mr. Woolley has also suggested that the Commission appoint a sub-committee that will work with Dutch John to come up with an inter-local agreement. Mr. Woolley expressed his concerns with the transfer of assets, and stated the County must have justification as to how the items are being transferred and why. The County must also quantify amounts and worth. All of this needs to be done so the County can continue moving forward. The County will also need to have public hearing once all of this information has been obtained, and then the Commission can ratify the agreement. Ryan Kelly asked if the Commission has a response to last week's draft agreement from Dutch John, and stated that he did not feel that this is an answer. Mr. Kelly stated that this needs to happen quickly, as patience is wearing thin. Commissioner Slaugh addressed Mr. Kelly. Mr. Woolley addressed Mr. Kelly and stated that he agrees that this does need to happen sooner than later however; it needs to be done legally. Mr. Woolley stated that the concept is to enter into an MOU that outlines what direction the Town and the County are going and include the items that have already been discussed. At this time there are questions with no answer and the County cannot move forward until those questions are answered. The County must follow the correct processes. Commissioner Slaugh addressed snow removal issues. Counsel has indicated that this can be declared an emergency situation and the County can step in to help. Mayor Rogers addressed the MOU and questioned what items could be included. Mr. Woolley stated that he will start on this immediately and would like a contact from Dutch John who could meet when needed. Mr. Woolley stated that he will meet with the Commission to get a better understanding of what needs to happen and when. Land and water right issues will need to be dealt with specifically no matter what is decided on the MOU. Mr. Woolley stated that within the next 2 to 3 days he will contact each of the Commissioners, and then he would like to talk to a spokesman from Dutch John. Mr. Woolley indicated that he would like to have a draft prepared before the next meeting. Commissioner Slaugh and Mr. Woolley will then set up a meeting with Dutch John. Mr. Kelly indicated that he would like to have a copy of the draft MOU to present to the Town Council on Monday. Mr. Kelly stated he will be in Salt Lake on Thursday if Mr. Woolley would be available to meet then. Commissioner Lytle addressed the snow plow. Mr. Woolley stated that he is comfortable with an emergency declaration as this is a safety issue. Sheriff Jorgenson addressed the MOU and stated the agreement needs to include language that Dutch John

provides fire suppression just in case something happens before all the details are worked out. Mr. Woolley stated that he will be speaking with Sheriff Jorgenson before the agreement is finalized and agrees that they need to address these issues in writing. Sheriff Jorgenson also stated that the County intends to provide basic law enforcement as well as emergency needs. Mr. Woolley stated that he will be in contact with County officials.

Commissioner Slaugh recessed the meeting for lunch at 12:20 p.m.

The meeting reconvened at 1:45 p.m. Chris Clark-Uintah Engineering addressed the Commissioner regarding the water tank bids. Three of the four bids submitted were within the project budget including the additives. Mr. Clark indicated that Patriot Construction was the apparent low bidder, next was Gerber Construction, then Extreme Excavating. Robinson Construction's bid was over the project budget. Mr. Clark addressed some possible concerns with Patriot Construction. Mr. Clark stated that their largest project to date is an upgrade of the Riverdale Fire Station, which is less than half of project amount of the Dutch John tank project; they had a water tank project for the Goslind Water Tank for \$135,900.00. Mr. Clark stated he has concerns with the size and scope of projects they have done to date and they may not be qualified based on the size and scope of this project. Gerber Construction had the second lowest bid and has had several similar and/or larger projects in the past. Mr. Clark stated that out of all the bidders, Gerber is definitely the most qualified. Extreme Excavating was the third lowest and they have also had experience with water tanks and water lines. Discussion regarding the bids. Mr. Clark suggested the Commissioner may want to discuss the bids with the County Attorney prior to selecting a contractor that was not the apparent low bid. Chad Woolley was again present via telephone. Commissioner Slaugh stated the questions and concerns over the bids. Mr. Clark addressed Mr. Woolley regarding the project and project list that was required as a part of the bid packet. Mr. Woolley asked about the language in the request for bid and requested a copy of the bid packet. Mr. Woolley indicated that he would be comfortable with the Commission moving forward tentatively while waiting for Mr. Woolley to review the bid documents. Mr. Clark will email the documents to Mr. Woolley. The Commissioners may want to move forward with the intent to award the bid to Gerber Construction pending counsel approval. Mr. Clark stated that he will check references, as well as request a comprehensive project list from Patriot Construction.

With nothing further the meeting adjourned at 2:25 p.m.

/s/ Sue Olorenshaw

/s/ Clyde Slaugh

/s/ Jack Lytle

/s/ Karen Perry