

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, March 20, 2018** in the Commissioner Chambers at the Daggett County Courthouse. Commissioners Randy Asay and Clyde Slaugh were present. Commissioner Lytle was excused as he is doing Wildlife Business. Attorney Neil Lund, Auditor/Recorder Keri Pallesen, Assessor Lesa Asay, Sheriff Erik Bailey and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:06 a.m. by Commissioner Slaugh.

Also present: Chuck Bennington, Thompson Davis, Jerry Steglich, John Foster, Steve Habvostack, Ned Brady and Becky Bindl of Weed Department

**Old Business:** No business brought forward.

**Citizen Comments:** John Foster spoke up and said he was a project engineer for a few years and has just moved here and is interested in volunteering. The Economic Development Board, Planning and Zoning, Board of Adjustments were all mentioned as possibilities. Jerry Steglich mentioned there is a Republican Caucus meeting at the courthouse tonight and there might be a need for volunteers to help count votes. Mr. Steglich also spoke briefly of the project he is working on and said the Economic Development Board might be a good board for Mr. Foster to get involved with due to his background.

**Approve Minutes:** The Clerk/Treasurer's office sent out minutes for February 27<sup>th</sup> after the packet was sent out. Commissioner Asay made a motion to approve the minutes of February 27, 2018 and Commissioner Slaugh seconded the motion. All were in favor and the motion carried.

**The Open Invoice Register was presented for review and approval:** The open invoice register of \$84,017.46 was available from the Auditor Recorder's Office. Commissioner Slaugh made the motion to approve the invoice register of March 19, 2018 in the amount of \$84,017.46 and Commissioner Asay seconded the motion. All were in favor and the motion carried.

**Correspondence:** Commissioner Slaugh asked if there was any correspondence and Mr. Raymond said there was an email sent out last week regarding cooperating status for the BLM, which will need to be on the agenda at some point in time. Mr. Raymond said he had received the flyer from UBAG regarding the marketing training on Thursday, plus other information from UBAG.

**Commission Calendar Review:** Commissioner Asay said he has the Board of Health meeting on the 26<sup>th</sup> and Commissioner Slaugh said he went to the PRCA meeting last night. They are making good progress and are going to need some volunteers for September.

**Weekly Budget Review:** No information provided this week.

#### **Policy and Legislation Items from the Posted Agenda:**

**Discussion and Consideration of Business License Applications:** Commissioner Asay motioned to approve AT&T, Nied Lodging LLC, Dinosaur River Expeditions, Stew's Odd Jobs and Myvocom were approved with Myvocom being conditional upon receiving their UPP documentation. Commissioner Slaugh seconded the motion. There was discussion that AT&T and Myvocom had not submitted their UPP information yet and Assessor Lesa Asay said AT&T is centrally accessed and therefore not subject to UPP. With no further discussion all were in favor and the motion carried.

**Discussion And Consideration Of Purchase of Side by Side And Subsequent Lease to the Weed Department:** Ned Brady of the Weed department said they had received confirmation that they had received the grant money they had requested, plus they may be able to get additional money from the Bureau of Land Management (BLM). Mr. Brady spoke to his desire to have a side by side that could be used for spraying weeds in Browns Park and other areas. There is money in their weed grant to do this and there was discussion about whether it could be a lease purchase or just a lease. Auditor/Recorder said that the lease or lease/purchase would require opening the budget and making some adjustments. There was discussion on if a lease/purchase would be allowed by the grant and that will need some more investigation. We will get the language from Zion's and see if the State will approve it. Becky Bindl said the State doesn't want them to buy anything that won't be used up in one year, so the lease is a year by year thing and maybe the lease/purchase would allow them to purchase it at the end of the lease. Commissioner Asay made a motion to move forward on the lease and gather the needed information. Commissioner Slaugh seconded the motion and all were in favor, so the motion carried.

**Discussion And Consideration Of Bid On Previously Surplused Cattle Guards:** Mr. Raymond said that originally this was approved and posted to open bids on February 27<sup>th</sup>, but no bids were received, so it wasn't put on the agenda or discussed further. We have now received a bid and Mr. Raymond asked what the Commission wanted they wanted to do. Commissioner Slaugh said in the past we have just sold things at the minimum bid if they weren't sold at the initial sale. The bid received was for the two 14' cattle guards. Commissioner Slaugh motioned to sell the two 14' cattle guards for the minimum bid and make the other two available for the minimum bid if anyone else submits a bid. Commissioner Asay seconded the motion and all were in favor. The motion carried.

**Discussion And Consideration Of The Sewer Lines in Dutch John:** Thompson Davis addressed the Commission on two sewer lines through their property. They have come to the conclusion that the North South line is the County's line and so he submitted a bill for services they rendered on the County's line. The Dutch John Resort would like to have the County use the bill to offset their tax bill and water payments. No contractors were used although they tried and none would respond and it was critical to get the work done promptly. The bill was given to the County Attorney to review and he was okay with the level of detail, but stated there should be further verification on the expenses. Keri Pallesen said that if the Commission wants to do this then the expense would need to come out of the Sewer Expenses and the taxes are in a totally different account. Mr. Raymond agreed as the taxes are in a totally different account than the Water and Sewer Expenses. Mr. Steglich said he was there during the first problem and the sewage was pretty bad and it would have been hard to get anybody to work on that for a low rate. Mr. Davis said if the Commission wants Dutch John Resort is willing to take the line and eat the expense and Mr. Habvostack of Trout Creek Flies said that would be a bad idea as they have a legal right to tie into that line. Commissioner Asay said he would like Commissioner Lytle to be able to weigh in on this. Commissioner Asay asked if a new easement could be obtained if needed, but Thompson Davis said that it would be in their best interest to allow a new easement and abandon the old one. Mr. Davis would like to see it writing so it doesn't get forgotten in the future. Commissioner Slaugh asked the Attorney why he felt that this was the County's line and so he explained the detail and there is still a question as to whether it's the Bureau of Reclamation (BOR) line or Daggett County's and even though it is unclear, the BOR would probably say that the right-of-way was passed onto the County when the land was transferred, although they have not officially stated their position yet. Mr. Lund also stated that he had spoken with Dutch John Resort's attorney and it is all on the up and up.

The other issue is the East-West line and it has the same confusion and Dutch John Resort felt they own the line and that it hasn't been used for 50 years, so they built on top of it. There is a question as to whether it was a right of way or an easement which makes a difference. The map says a right-of-way, but nobody is for sure. Rights and grants for these types of things were discussed. Mr. Lund said there needs to be more fact gathering done, so this can be tabled until we have the information needed to make a good decision. Mr. Lund said he would like to continue to work on this and the Commission will need to help.

**Discussion And Decision on Water Rates For Dutch John Resort With Information From Keri Pallesen:** Mr. Davis was permitted to speak on this topic as well. He feels that only three items of information are needed to finish this up and Mrs. Pallesen said she feels that there needs to be more information than just these three things and Chris Collett the operator should be involved in the discussion. It was tentatively set to have everyone meet at 1 pm on Monday the 26<sup>th</sup> to discuss this further.

**Discussion And Consideration Of Sheep Creek Irrigation Co. Meeting and Request For County Proxy:** Commissioner Asay asked when the meeting was and Lesa Asay said it was on March 31<sup>st</sup> at 1:00 pm. Mr. Raymond said somebody could attend and then we wouldn't have to use the proxy card which we had received. A copy is in the packet. Mr. Slaugh said he would attend.

**Discussion And Consideration Of Surplussing Election Equipment:** Commissioner Slaugh asked about this and Mr. Raymond said a list of the equipment being surplussed is in the packet and this equipment was actually picked up during last week's commission meeting. So they need to be officially surplussed. Commissioner Slaugh asked if we got any money for the equipment and Mr. Raymond replied that we did, but it wasn't very much. The new equipment should be delivered this week and there is training on it next Tuesday and Wednesday. Commissioner Slaugh made a motion to surplus all the items on the list and read through the serial numbers and tag numbers: #251726 – 02805; #256950 – 2806; #258702 – 02999; #15537 – Duchesne; #256979 – 02998; #257001 – 02760; #SN39068 – 02890; #SN38045 – 02803. Commissioner Asay seconded the motion and all were in favor.

**Discussion And Consideration Of Collection Agreement Between Daggett County And The United States Department of Agriculture, US Forest Service Ashley National Forest:** Commissioner Slaugh asked James Olsen of the Road Crew regarding this contract. He replied it was the Chip seal project for Cedar Springs and Mustang Ridge Campground paved roads. This is money set aside to match Forest Service funds to accomplish some work on Forest Service Roads. Mr. Olsen said there is an admin fee that is also paid into the B Road Fund that helps take care of non-paved roads. Commissioner Asay made a motion to ratify the Collection Agreement between Daggett County and the United States Department of Agriculture. Commissioner Slaugh seconded the motion. All were in favor and the motion carried.

**Ratification Of Cooperative Forest Road Agreement Between Daggett County And The United States Department of Agriculture, US Forest Service Ashley National Forest:** Mr. Olsen explained that this is the main maintenance agreement that is good for 5 years and Commissioner Slaugh said they have an annual meeting to determine who does what for that year. Commissioner Asay motioned to ratify this Cooperative Agreement between the Forest Service and Daggett County. Commissioner Slaugh seconded the motion; all were in favor and the motion carried.

**Ratification Of Cooperative Law Enforcement Annual Operating Plan & Financial Plan Between Daggett County Sheriff's Office and the USDA , Forest Service Ashley National Forest:** Commissioner Asay remarked that this is critical for the Sheriff's Office at this time. Commissioner Asay made the motion to ratify the document and Commissioner Slaugh seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of Other Dutch John Issues And/Or Agreements:** Commissioner Asay said that he wants it on the record that we need to have a meeting face to face with the Town Council. They agreed to the MOU, but not the interlocal agreement. Mr. Lund thinks that it may just be a misunderstanding. Chad Woolley reached out to them and had not heard anything back yet. The intent is to get things done that can be done, so they are taken care of and there are other items that will take additional time to prepare the associated documentation. The Commissioners questioned if they had started the process of transferring the bond. Commissioner Slaugh made a motion to recess out of regular session at 10:30 pm and the motion was seconded by Commissioner Asay . All were in favor and the motion carried.

Commissioner Slaugh motioned to come back into meeting from recess and go from regular session to Closed Session for the purpose of Litigation at 10:34 am. Commissioner Asay seconded the motion and all were in favor. Commissioner Slaugh motioned to get out of closed session at 11:46 am and Commissioner Asay seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of Other Dutch John Issues And/Or Agreements:** Commissioner Asay said he thought we should have a meeting on Monday morning before the meeting with Thompson Davis. It was decided to meet at 10:00 am and Keri Pallesen suggested that we send out invitations through Google Mail. The plan was to have this and administrative meeting and then have decisions made during the Tuesday meeting.

Commissioner Slaugh adjourned the meeting at 11:50 am.

s/ Brian Raymond  
Clerk/Treasurer\_Brian Raymond

/s/ Jack Lytle  
Commissioner Jack Lytle

/s/ Clyde Slaugh  
Commissioner Clyde Slaugh

/s/ Randy Asay  
Commissioner Randy Asay