

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, August 28, 2018** in the Commissioner Chambers at the Daggett County Courthouse. Commissioners Jack Lytle, Clyde Slaugh and Randy Asay were present. Attorney Niel Lund, Sheriff Erik Bailey, Auditor/Recorder Keri Pallesen, and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:10 a.m. by Commissioner Lytle.

Also present: Chuck Bennington, Jerry Steglich, Thompson Davis, Sgt. Travis Dupaix

Old Business: Nothing discussed

Citizen Comments: Jerry Steglich asked if there was anything new on the jail. Commissioner Asay said the folks he was working with have delayed meeting with the County. It is not listed yet, but will be discussed on September 11th.

Approve Minutes: Minutes for August 7, 2018 were available for review. Commissioner Slaugh made the motion to approve the minutes of August 7, 2018. Commissioner Asay seconded the motion. All were in favor. The motion carried.

The Open Invoice Register Was Presented For Review And Approval: The Open Invoice Register of \$63,128.31 was available from the Auditor Recorder's Office. Commissioner Lytle asked if there was any discussion about it, and there was none. Commissioner Asay made the motion to approve the Invoice Register of August 27, 2018 in the amount of \$63,128.31. Commissioner Slaugh seconded the motion. All were in favor. The motion carried.

Correspondence: Commissioner Lytle said that we had received an invite from Congressman Bishop for Thursday, August 30th at the Capital. The other Commissioners are booked up already. Commissioner Lytle also received a lengthy text from Johnny Spillane over the Settlement and Release of Liability, and he would like to conference call with the Commission, but is not available today.

We have also had some administrative correspondence from the Auditor/Recorder Keri Pallesen.

Attorney Niel Lund had a call from a student doing research on whether we are a "fence in" or "fence out" County. He could not find anything and Commissioner Lytle said he thought we were "fence in" back in the 90's by the Commissioners, and it may not have made it into the County code that was recently adopted. Currently, State Law is "fence in" and several thought that "fence out" was the current law. Jerry Steglich said that he had a dispute a while back, and he was told the State was a "fence in". Commissioner Lytle said between neighbors it probably is "fence in", and open range is "fence out". If the Commission wants to change it, they can do some more research.

Commission Calendar Review: Commissioner Lytle reminded everyone that next week's meeting is cancelled, and the Brown's Park Swinging Bridge will be dedicated on the 18th, so we want that to be a short meeting. The Scoping Meeting for the Trails Master Plan is that night at 7 pm. SCIC will be on the 14th and CIB will be on the 6th. The Rodeo will be Friday the 31st, and Saturday, September 1st, with Daggett Daze on Saturday, September 1st also.

Weekly Budget Review: No information was provided this week.

Policy and Legislation Items from the Posted Agenda: Commissioner Slaugh made the motion to go in and out of the Redevelopment Agency. Commissioner Asay seconded the motion. All were in favor. The motion carried.

Discussion And Consideration Of Settlement And Release Of Liability Agreement With Delta Plan One / Dutch John Resort: Commissioner Lytle asked if everyone had had a chance to read the Agreement. He asked Attorney Niel Lund about Item number 4, and if it could be added to use of sewer line utility. Number 5 changed to “the” rights. Mr. Lytle also asked about separability in Section 6 where invalidating a section doesn’t invalidate the entire Agreement. Commissioner Lytle felt it’s an “all or nothing” Agreement especially since there is a responsibility to the other users. The Attorney said that the ordinance is not contingent on this or the other way around, but is contingent on the easement being recorded. Thompson Davis said he has the final version of the easement and is ready to record it. The Attorney had reviewed it and was okay with how it had been fixed. Commissioner Slaugh said he was okay with it, but just wanted to make sure that Trout Creek was protected and not charged extra fees. The Attorney said the expectation is that there would be no change to Trout Creek Flies in how their sewer is administered or charged. There was discussion about sewer rates and this doesn’t affect them, but there is some dispute as to how the entities should be charged for sewer, but that is a separate issue and this Agreement does not affect it in any way. The other Commissioners wanted to keep the separability section in. Commissioner Asay wanted to hold off on signing this until the easement was recorded, and Commissioner Lytle wanted to see the easement before it was recorded. Commissioner Slaugh asked about the Resolution passed by the Town of Dutch John. Commissioner Asay said the Town of Dutch John wants to control things without taking responsibility for themselves. Commissioner Lytle asked about the topography of the new easement vs. the existing easement. Thompson Davis showed them the map and discussed it with the Commission. The concept of the easement requiring a County signature could be problematic as approval of the Easement by the County was not agendaed. There was discussion and a disagreement, and Commissioner Lytle adjourned the meeting. There was some confusion if it was really adjourned or recessed. Attorney Niel Lund said he spoke with Chad Woolley and the meeting was not adjourned appropriately, and he also spoke with Commissioner Lytle who apologized, but asked to be excused further from today’s meeting. One of the Commissioners can take over the Chairmanship as an alternative to adjourning. Commissioner Asay asked if the \$20,000 was for an easement, and the Attorney said it was not and that it was to release the liability and is a promise to continue to operate the line as a sewer line. Commissioner Slaugh moved to approve the Settlement Agreement with the ability to match the date that the easement is signed and recorded. Commissioner Asay seconded the motion. All in attendance were in favor and the motion carried.

Discussion And Consideration Of Possible EMS Special Service District: Commissioner Asay asked about this, and Brian Raymond said that he just thought that with the Public Meeting coming up on the 11th, we should not wait to talk about this until the last minute. He handed out an email from Jordan Katcher, and the packet contained information from the Attorney for the Commission to review. Mr. Raymond said that he had called the Town of Manila this morning to let them know about this, but did not catch anyone into the office. We need to contact people and get the advertisement out if we want to do something. There were questions that needed to be discussed about what we need to have accomplished at this meeting. One of the questions was regarding whether a Local District or a Special Service District would be best. Niel Lund explained some of these differences. The main difference is who has control of the district and where the taxes go. More discussion will take place during regular meeting on September 11th.

Closed Session: Discussion And Consideration Of Potential Litigation (Dutch John Resort, Dutch John Town): There was no need for a Closed Session. Mr. Lund said that the Town of Dutch John made a filing regarding the RDA stating that their position was clear enough and it should not be dismissed. The ACLU case had a complaint filed against the Motion.

With no further business Commissioner Slauch made the motion to adjourn at 10:55 am. .

s/ Brian Raymond
Clerk/Treasurer_Brian Raymond

/s/ Jack Lytle
Commissioner Jack Lytle

/s/ Clyde Slauch
Commissioner Clyde Slauch

/s/ Randy Asay
Commissioner Randy Asay