

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, October 16, 2018** in the Commissioner Chambers at the Daggett County Courthouse. Commissioners Jack Lytle and Randy Asay were present, and Commissioner Clyde Slauch was excused. Attorney Niel Lund, Sheriff Erik Bailey, Judge Charlene Hartmann, Auditor/Recorder Keri Pallesen (by phone), and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:08 a.m. by Commissioner Lytle.

Also present: Thompson Davis and David Orr, Chuck Bennington, Matt Tippets and David McDonald of Dutch John Town Council, Tabitha Olorenshaw, Vicky Muir, Redge Johnson and Jake Garfield of PLPCO, Carrie Poulsen came in at noon

Old Business: Commissioner Lytle asked for any old business and Clerk/Treasurer Brian Raymond said the person scheduled for Board of Adjustment variance called and asked if we could possibly move it to the next week at 1:00 pm (October 30th). The Commission briefly discussed it and did not see a problem with moving it a week.

Citizen Comments: Thompson Davis said there is an ongoing resolution on water rates and he asked about why his bill was put out to the public and he wanted to know who released it and it should not be public. Mr. McDonald said that Harriet Dickerson had received some information from the Courthouse, but he wasn't sure from whom. Mr. Davis said this issue is important to discuss, but his privacy is also important. Commissioner Lytle said he was not aware of what was in the information because he was involved in his job other than what he sent out initially. It did not have names listed.

Dave McDonald said he wanted to thank the County for the progress we are making on the billing. The Town should be involved with things in the beginning and not when it is all decided. A quick update was given on Mayor Rogers.

Approve Minutes: Several Sets of minutes were available for review. Commissioner Asay made the motion to approve the Workshop Minutes of October 2, 2018. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

Commissioner Asay was willing to make the motion to approve the Minutes of October 10, 2018, but Commissioner Lytle asked it to be tabled until the next meeting, since he was not in attendance for this meeting.

The Open Invoice Register Was Presented For Review And Approval: The Open Invoice Register of \$55,884.10 was available from the Auditor/Recorder's Office. Commissioner Lytle asked about the changes that were made to the register and about the airport payments and Sheriff's association dues. Thompson Davis asked about expected payment and asked when that payment will be coming. There was discussion, but it is not set. Commissioner Asay made the motion to approve the Invoice Register of October 15, 2018 in the amount of \$55,884.10. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

Correspondence: Commissioner Lytle had some correspondence from UAC that he read relating to public officials and staff not using public resources to influence the elections. He also read an update.

Commission Calendar Review: Commissioner Lytle said we will postpone the Board of Adjustments meeting scheduled for next week at 10 am until Tuesday, October 30th at 1 pm. There was some discussion about the topic of overnight rentals. Mr. Raymond said the Chamber

meeting is here at the Courthouse on Thursday, October 18 at noon. Mr. Lytle said there is a Forest Service meeting tomorrow morning. November 8th is CIB meeting in Moab.

Policy and Legislation Items from the Posted Agenda:

Discussion And Consideration Of November Commission Meeting Dates: Mr. Raymond brought up two November dates that have issues. November 6, 2018 is the General Election Day and we have never held a meeting on Election Day before. November 13/14th is an issue due to Veteran's Day and elected officials traveling for the UAC Conference starting early in the morning of November 14th in St. George. If we kept it short in the morning, we could meet that day. We will move the November 6th meeting to the 7th. Attorney Niel Lund said that he would not be available, but he would check to see if someone else from his firm could participate.

Discussion And Consideration Of Justice Court Recertification: Commissioner Lytle turned the time over to Charlene Hartmann after discussing a letter he had received from the State regarding wages. Judge Hartmann said she had gone through the questionnaire and it is completed, and we don't need to ask for any exceptions to be a Class IV Court. The Sheriff has reviewed the application and the Attorney has provided a letter that a Justice Court is necessary. There were questions about the requirements and Judge Hartmann read through the requirements. Commissioner Asay made the motion to approve the recertification of the Daggett County Justice Court. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

Discussion And Consideration Of Resolution 18-15: A Resolution Requesting The Recertification Of The Daggett County Justice Court: Commissioner Lytle read through the Resolution and noted a typo that needs to be corrected. Commissioner Asay made the motion to approve Resolution 18-15 to request recertification for the Daggett County Justice Court. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

Discussion And Consideration Of Economic Development Board Suggestions Of Listing Prices For the Listing Of The Daggett County Jail. Matt Tippetts was present and said the Board had an emergency meeting on Thursday to discuss this and come up with a recommendation. Two methods were used to determine the value. One was to estimate the cost for construction of a new facility at today's costs, and the other is to look at the appreciated value, and both methods came to a value of about \$5 million and then factored in \$500,000 of depreciation for a potential listing price of \$4.5 million. Commissioner Lytle asked the Sheriff about the potential and costs for reopening. There are a couple of issues: the motherboard which is about \$30,000 and some water line repairs (\$5,000). There is a shortage of beds as Idaho is shipping prisoners to Texas, and the new facility that will replace the Point of the Mountain Prison will have 2,000 less beds. This creates some value for an existing facility. Commissioner Lytle brought up JRI, and if we would be able to operate without doing more JRI programs than we did in the past, so the costs for these would need to be figured in. We have support from other Commissioners and Sheriffs to move forward with reopening. Vicky Muir asked what the status of the Church building is relating to the possible sale. There hasn't been a final resolution to that. Matt Tippetts said the best scenario is to reopen or sell it to someone else who would use the facility to create jobs and bring new families to the area that will use our schools and spend money locally. Mr. Tippetts said we could add a clause into the contract allowing the County to continue to explore additional options for reopening.

The Sheriff asked if the Board had considered lease prices, and Mr. Tippetts said that the lease price was examined and it was felt that the price was low. We are looking at a triple net lease and lease of about \$1.25 a sq foot per month. Commissioner Lytle said that it is time to set up a meeting

to finalize things with RPDM Newmark and present them with this information as a point of negotiation. Commissioner Lytle motioned to move forward with meeting with RPDM Newmark and Commissioner Asay seconded the motion. The sheriff was asked for his opinion and he was willing to go forward with things. All were in favor. The motion carried. Roads would be mostly for administrative purposes.

Discussion And Consideration Of Roadless Rule Petition – Redge Johnson of Governor’s Public Lands Policy Coordinating Office (PLPCO): The Commission turned the time over to Redge Johnson of PLPCO and he introduced himself and Jake Garfield. He said this is not an attempt to get roads but to get more detail. The State is trying to give the Forest Service more latitude to do projects in these Roadless areas. State Forest Service Offices can do more than the Federal Offices. Look at the options and look at things that re-inventory or boundary adjustments, but be very selective. We want to put a good petition together and then it will go through the EIS process. The recorder was accidentally disconnected for a few minutes.

Commissioner Lytle asked about the nuance of roadless areas without roads and those with roads. Forest Service Regulations do not allow USFS to look at them differently. Category 3 is the only category that allows commercial timbering. The map was reviewed. The County needs to review these roads/ways carefully. Look at it from the County’s perspective, but look at the original intent of the roadless rule. Catastrophic fire does not help with water and air quality or water quantity. Commissioner Lytle commented on Forest data. Mr. Johnson said trying to allow the forest service some tools to do thinning and maintenance. Maps are online and can bring up more specific detail. The proposal is to also look at doing cross boundary projects. This is only for Roadless and has nothing to do with Wilderness designations. We don’t want to validate the Roadless Rule, but this is not a chance to get rid of the rule, but try and find some ways to keep everything from being shut down. This is for forest health and to maintain quiet enjoyment, and NOT to put a road on every ridgeline.

Daggett has 63 units to review, but some of them are small. Mr. Johnson said you could combine units. Idaho and Colorado have done their petitions already and Alaska has submitted theirs and is starting the EIS now. Mr. Johnson said they would like to see Daggett County’s information by the first of November or at least by mid November. Everything still has to go through NEPA, but this process may give back some tools for forest health. Niel Lund said he had heard from Summit County and they were interested in talking with us about the areas where we border each other.

Discussion And Consideration Of County Code Relating To Bonds Or Insurance For Elected Officials: Commissioner Lytle said he didn’t know where to go on this and was hoping there would be more information from the Attorney. The State Code requires counties to set the amounts. We have some samples, but since our code is silent we need to address this at some point in time. This needs to be carried forward for further work, but it will be at least two weeks before it can come back for further consideration.

Discussion And Consideration Of Resolution 18-16: A Resolution Of Appointment Of A Daggett County Representative And An Alternate Representative For the Utah Counties Indemnity Pool (UCIP) Annual Membership Meeting: Commissioner Lytle said Keri Pallesen has been our representative and Commissioner Lytle has been an alternate before, but would like to see Randy Asay fulfill that roll this year. Mr. Asay was willing and so Commissioner Lytle made the motion to approve Resolution 18-16 with Keri Pallesen and Randy Asay as representatives. Commissioner Asay seconded the motion. All were in favor. The motion carried.

Discussion And Consideration Of Updates on Nuisance Violation – Danny Lamb:

Commissioner Lytle asked about this and Mr. Raymond said that Carrie Poulsen wanted to see that this didn't get dropped. There was a complaint from a neighbor that nothing had happened to clean up the property. The Attorney said that there were some options. The ordinance allows for the County to abate the nuisance and then charge him for that cost or we could file charges. He has been given notice and allowed to abate the problem, but now that that process has been done the Attorney can file charges. Is it was asked if we need charges to be filed to get restitution and the answer was no. Cars for kids could be used, but there would be no title available. The liability of abating or not was discussed and the imminent danger was deemed to be low to moderate risk, so the court process could be gone through first to see what plays out. No motion was made or action taken at this time except to support the Attorney's follow up for the criminal aspect of things.

Discussion And Ratification Of State Homeland Security Grant: The Commissioners approved it last week and it was already signed but there were questions or clarification requested. The attorney said it was approved last week and looked at the Agreement but had some questions that could only be answered by Commissioner Lytle. Commissioner Asay made the motion to approve it since Commissioner Lytle had already signed it and submitted it. Commissioner Slaugh seconded the motion. All were in favor. The motion carried.

Discussion And Ratification Of Insurance Proposal Prepared For Daggett County Airports: This was briefly discussed on October 2nd, but was not on the agenda so it was brought forward to last week's agenda where it was approved but there were still questions as to some of the options available. Some options were briefly discussed on October 2nd, but others were not. The note Mr. Raymond had from Patty Wood was that e-Risk Hub was not discussed. The turnaround time on this was quick and needed to be signed and returned. TRIA (Terrorism coverage) was desired and War and e-Risk options were not desired.

Ratification Of Real Estate Lease Between Trevor Brooksby And Daggett County: The big question was the fireplace notation. Commissioner Lytle explained that it is existing and was not anywhere else on the lease, so that was why Mr. Brooksby added it on. Commissioner Asay said that was good to know and he motioned to approve the lease. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

Discussion And Consideration Of Possible Uintah Fire District Agreements: Commissioner Asay said he had been working on this and so had the Sheriff's Office. Commissioner Lytle said he didn't want to pull the pins out from under the Dutch John Fire Department, but he thinks we need this while we work to get the Fire Department up to speed. There are two different agreements that they already have in place with other jurisdictions. There was a question as to whether they would use their own equipment or the County's equipment. Search and Rescue wants to use the building for storage of equipment for use in that area, if the Town of Dutch John is not going to use the building. An agreement helps us to do something to protect the unincorporated areas of the County and will help the Fire Department get trained. There was discussion of having a similar agreement for Brown's Park area with Maybell, Colorado. The agreement could help build the camaraderie and ability of the fire fighters. The next step is to figure out the details. The two agreements are just the starting place. There is an agreement with Manila, but it may not be current. There needs to be more discussion, but which agreement is best and what are the details that need to be added or clarified. The difference between the two agreements relates to payments and the equipment list, but both were \$5000 a year minimum. The question was brought up if Naples was included with this agreement, and it doesn't seem they are.

Closed Session: Discussion and Consideration For Potential Litigation: Nothing was discussed

Commissioner Asay made the motion to adjourn at 1:00 pm

/s/ Jack Lytle

/s/ Brian Raymond

Excused

Clyde Slaugh

/s/ Randy Asay