

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, June 18, 2019** in the Commission Chambers at the Daggett County Courthouse. Commissioners Randy Asay, Jack Lytle and Matt Tippetts were present. Auditor/Recorder Keri Pallesen, Attorney Niel Lund and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:03 a.m. by Commissioner Asay.

Also present: Mark Wilson, Debbie Weaver and Trevor Brooksby

Issue Updates: Commissioner Lytle thanked Mark Wilson for all he does with the Chamber of Commerce and the various county boards and committees.

Commissioner Tippetts brought up the airport resurfacing and noted that there are areas that are not adhering as well as hoped and it's not as bad as originally thought. There was a meeting and the contractor will address those areas that need to be fixed. The lighting project should be finished in two weeks.

Commissioner Lytle said the CIB meeting went well last week and there were people there regarding the railroad NEPA funding, which was approved. We didn't have any projects this time. The Hearing for the Water and Sewer Rates went well last night and he stayed and met with Mayor Rogers after and had a good conversation.

Citizen Comments: Commissioner Asay asked for comments and no comments were given.

Issue Updates: What did we figure out with the Town and Wes Moser to haul some gravel. Their grader broke down, so there is a delay and the timing is up in the air. Attorney Niel Lund said we can put the interlocal agreement on the agenda for next week to get that going. Commissioner Lytle said they were able to get things done yesterday at the water plant, so Commissioner Tippetts will thank James Olsen for allowing Sean Hughes to assist with that.

Approve Minutes: The draft Minutes from the June 11, 2019 Commission Meeting were available from the Clerk/Treasurer's Office. Commissioner Tippetts motioned to approve the Minutes of the Tuesday, June 11, 2019 Commission Meeting. Commissioner Lytle 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 June 17, 2019 for \$5,685.65 was prepared by the Auditor/Recorder's Office. Commissioner Lytle made a motion to approve the Open Invoice Register of June 17, 2019 in the amount of \$5,685.65. Commissioner Tippetts seconded the motion. All were in favor. The motion carried.

Disbursement Listing: The Auditor/Recorder's Office provided the Disbursement Listing of June 1 - June 10 for \$84,683.93 and June 11-June 17, 2019 in the amount of \$41,805.44. The June 1st Listing was the same as approved last week, but maybe it didn't get signed. Commissioner Tippetts made a motion to accept the County Disbursement Listing dated June 11-June 17, 2019 in the amount of \$41,805.44. Commissioner Lytle seconded the motion. All were in favor. The motion carried. The question came up about last week's listing and, it was signed just in case that was what was needed. Commissioner Lytle asked about the approx \$30,000 number if it was payroll and it appears it was.

Cash Summary: A Cash Summary dated June 18, 2019 was provided by the Clerk/Treasurer's Office. Commissioner Lytle asked about Fund 33 and the negative amount. Clerk/Treasurer Brian Raymond explained that Fund 33, which is the Assessing and Collecting Fund, has a negative balance in the Zions Account and a positive balance in the PTIF Account. In conversations with Kyle of Pelorus he didn't think we would want to transfer more money into Zions, but it can be done. Fund 33 has part of payroll and other monthly expenses related to the Treasurer's, Auditor's and Assessor's Offices coming from it, plus monthly fees for the COINS program. If we zero it out we might need to keep reloading this every month, but we do get tax money in quarterly. Other accounts showing a negative Zion's balance included Funds 15 and 17, and Mr. Raymond wasn't sure which Funds those were for, but said he will find out for next week's meeting. Fund 12 is the Jail and may have monthly expenses coming out of it, but there shouldn't be very much. Mr. Raymond said he would talk with Kyle of Pelorus again and see what might be able to be done. Commissioner Lytle made the motion to acknowledge the County Cash Summary dated June 18, 2019 as presented and we'll have more discussion next week. Commissioner Tippetts seconded the motion. All were in favor. The motion carried.

Purchase Orders: No purchase orders were presented for today's meeting.

Correspondence: Commissioner Lytle said that Trevor Brooksby has passed his second water certificate for distribution and so he is eligible for a .25 increase and that will be on next week's agenda for approval. He hopes to have all his certifications done by November.

Commissioner Asay said that the sewer is unplugged for the park and museum.

Commission Calendar Review: Commissioner Asay said there is quite a bit happening next week. Commissioner Lytle said there is a PLPCO Meeting on RMPs tomorrow on the 19th at 2 pm. UBAOG meetings will be here on June 27th, and a Senior Advisory Committee meeting on the 26th. There is a 9 am meeting on the 28th with the Bureau of Reclamation on the flow stakeholders and then a DNR meeting in the afternoon. Commissioner Tippetts said there is a hearing for the Dutch John Planning and Zoning map on the 20th and the Chamber meeting and shooting range committee meeting are also on the 20th. Commissioner Lytle said that he won't be able to attend any of them. There is a County Planning and Zoning tomorrow the 19th at 6 pm, but Mr. Raymond said he just received notice that it had been cancelled due to lack of a quorum

Policy and Legislation Items:

Discussion and Consideration Of A Business License For Andrews Construction:

Commissioner Tippetts asked if they had all the paperwork and Mr. Raymond said they had turned in all their paperwork. Mr. Raymond asked about the list of subcontractors requested on the form, but it was decided that those will need to be provided when a building permit is issued. Construction businesses only need to be licensed out of one area. Commissioner Tippetts motioned to approve the Business License for Andrews Construction. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

Discussion And Consideration Of Temporary Beer Permit For Cow Country Rodeo:

Mark Wilson of the Cow Country Rodeo Committee was given the floor and he said that this an annual permit request to be able to serve beer at the rodeo. There are requirements that need to be met including security and that will be in the permit. He would also like to have approval for the PRCA Rodeo Labor Day weekend. Commissioner Tippetts motioned to approve the Temporary Beer

Permit for the Cow Country Rodeo. Commission Lytle seconded the motion. All were in favor. The motion carried. Commissioner Lytle asked about the use agreement, which isn't generally on the agenda, but because the contractor wants to camp out during the rodeo and a day before it should be noted. Commissioner Lytle acknowledged receipt of the Use of the Rodeo Arena Use request and show support to the Cow Country Rodeo. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of New Memorandum Of Understanding (MOU) For The Flaming Gorge-Uintas National Scenic Byway: Mark Wilson of the Scenic Byway Steering Committee spoke to this and said the MOU is not completed yet, but he has a draft for the commission to look at. The Byways have lost their funding at the National level, but the designation is still in place for all the byways approved. The MOU is for a group of organizations that will help to maintain the local byway. The Forest Service is the main owner/contributor as they have 18 sites along the byway. Mr. Wilson brought out two specific aspects needed to maintain the Byway Steering Committee. There is a need for signage maintenance and replacement at the kiosks. The other is to "endeavor to respect the integrity of the intrinsic values of the byway in actions that may affect byway sights, visual attributes and themes." The recent discussion of electronic signage and windmills could negatively affect the scenic values of the byway. Towns have signage and the byway does take that into account. The Town will also need to sign the MOU when it is ready. Hwy 191 from Vernal to the State Line is part of our Byway and the lower part of Hwy 191 is part of the Dinosaur Diamond Byway. Commissioner Asay said that Union was looking at helping with an Electronic Sign at the Arena and that is in the town and should be okay in that location as long as it's not too bright. The Byway maps have been produced and they promote things along the byway and the coloring books have also been reprinted. The Chamber and our partners have helped with these items. Another item is Wyoming has funded signage and now a sign is coming to Vernal near Steinakers, so keep your eyes open for it!

Discussion And Consideration Of Daggett County Representative For The Flaming Gorge-Uintas Scenic Byway Steering Committee: Mr. Wilson said he has been serving as the representative, but he thought he might need to be reauthorized. Commissioner Lytle said thanks for his involvement and wished to keep Mr. Wilson as the County's representative on the Committee. The other commissioners agreed that he should continue his efforts on this committee and Mr. Wilson agreed to keep the Commission apprised of any significant decisions that need to be made. Commissioner Lytle said thanks for all the good things that Ryan Kelly does and also noted that we had the CIB group down the river last week with Leisha Colthrap and Ryan Kelly's assistance.

Discussion And Consideration Of TRT Expenditures And Reimbursement Request From Flaming Gorge Chamber Of Commerce: Mark Wilson kept the floor and introduced himself as the Chamber President. There is a bill for reimbursement that should be coming next week and that is all part of the already approved budget. He said that the Chamber just completed assisting with 4 events already this year and the last was the Jarvie Fest. The Chamber has secured a 10 year vending permit from the BLM as last year 300 people came and nobody could buy a bottle of water. This year they had wagon rides and other vendors and over 700 people attended this year. Mr. Wilson also mentioned the Chamber is finishing off an in-state marketing cafeteria plan with the State of Utah that will be discontinued next year, and it is a big help for us. The remaining plan is a co-op plan, which is a competitive program. Next year the Chamber is working on a Google Destination program for half of the \$6,000 cost through the State Co-op. It should be a great program for businesses in the County and get everyone fully functional on Google, which will be big.

Commissioner Lytle asked for a white paper list for what could be talked about with legislators. One item is to consider a different ratio for the small counties who have a good product, instead of a 1:1 a 1:1.5 for the smaller counties that have a good product. The Chamber has marketed to the national park visitors between Yellowstone and Moab. Sweetwater say 62% of their travelers are National Park visitors and Flaming Gorge is the #1 destination. We need summer to start!! It's tough to fight Mother Nature. The fishing on the river has been great but there are still cancellations. High water brings the big fish out, and the current cicada hatch is going well, so once the river drops it will be phenomenal. We have also done some Familiarization (Fam) Tours. We had a small German group recently that sends visitors to the US and they had a great time thanks to the Office of Tourism. This is an annual budget item of \$5-6,000 to fund these types of activities. Mr. Wilson thanked the Commission for their support with the TRT money and they seek to spend it wisely..

Correspondence: Commissioner Asay opened this up for reviewing correspondence that was in the packet and the first idea was the Apprenticeship program which could provide up to half of the cost of registration for training and testing, so Trevor Brooksby was asked to look into this further.

There was also a letter asking for a letter of support for Jordan Cove to the Federal Energy Commission. The Seven County Infrastructure is supportive of it and we are part of that group. Commissioner Tippetts motioned to support the Jordan Cove Energy Project and Pacific Connector 25:15 Gas Pipeline and write a letter of support. Commissioner Lytle seconded the motion. There was discussion to update the form letter and get it submitted. All were in favor and the motion carried.

Discussion And Consideration Of Enterprise Zone Application: Brian Raymond explained that the Enterprise Zone is a five year program and ours has expired and it should be renewed. It is primarily for manufacturing businesses which we only have a few very small businesses, but the big reason he would like to see this move forward is the non-profit program which allows people and businesses to get a State Tax credit for up to 50% of their economic development donations to a 501(c)(3) like the Flaming Gorge Community foundation. We have several projects that might qualify, but the application is due July 1st. The application was started, but Mr. Raymond said he had not had more than a brief moment to talk with Debbie Weaver about it since she has been working on the BEAR Grant. The County includes everything except the municipalities. Manila's expired at the end of 2018 and Dutch John will expire at the end of 2019.

Discussion and Consideration Of Economic Development With Linda Gilmore of GOED: Debbie Weaver came into the meeting and said Linda Gilmore could not attend today, but will be here next week at 11 am with Rebecca Dilg. The BEAR grants are in one for Port-a-pots for all the events in the county and another one we are involved with Uintah and Duchesne Counties for their grant request to visit the businesses and help them learn what is available. Commissioner Lytle said that UBAG has a new planner and he is willing to help with the enterprise zone.

Discussion And Consideration Of Enterprise Zone Application: Debbie Weaver explained that she has finished the BEAR grant and now can start working on this. Commissioner Lytle said that there is somebody at the Uintah Basin Association of Governments (UBAOG) that might be helping with Enterprise Zones. Commissioner Tippetts researched and said his name is Will Wright. He will help Debbie make the connection. Mrs. Weaver said that she had received an email about another grant opportunity through a webinar on Thursday and she is also working on an exchange with the Forest Service so the County could own some property that could generate some

income for the County, Grizzly Ridge and Dutch John Mountain. There was discussion about it being Sovereign lands that the Forest is interested in, so there is some work that still needs to be done. It's a long shot, but it may be worth the effort. Commissioner Lytle said he would like to see the Enterprise Zone move forward if possible and motioned to go forward to try and complete the application before July 1st if possible. Commissioner Tippetts seconded the motion and Commissioner Asay said he thought we should move forward and get the information we need to get it completed. All were in favor and the motion carried.

Correspondence: Commissioner Lytle said that he had a conversation with President Weight about the possibility of using the jail as a corrections training facility. We need to pursue this and Commissioner Tippetts said that he met with Senator Winterton last week and he is very interested in helping the County find a viable use for the facility including the training facility or if it could become a state owned or leased facility. Commissioner Lytle suggested we start a punch list to keep this moving forward. Senator Winterton is very willing to help us on this.

Discussion And Consideration Of Enterprise Zone Application: Commissioner Lytle showed Debbie a map of the Sheep Creek area and the land is School Institutional Trust Lands Administration (SITLA) and we have a good relationship with them. It doesn't seem to be sovereign land, but it might be. It is worth looking into. Commissioner Lytle said he would like to see the Enterprise Zone move forward if possible and motioned to go forward to try and complete the application before July 1st if possible. Commissioner Tippetts seconded the motion and Commissioner Asay said he thought we should move forward and get the information we need to get it completed. All were in favor and the motion carried.

Discussion And Consideration Of Options For County Policy Regarding House Bill (HB) 163: Commissioner Tippetts said he reviewed the proposed policy and that he likes it and it protects the employees and potential consequences of HB 163. He wondered if everyone had reviewed it and Attorney Niel Lund said that he had only received comments from Commissioner Asay. Mr. Lund said that the numbering needs to be worked on. The personnel policy doesn't seem to be on line any longer, so that needs to be investigated. Commissioner Lytle said he is comfortable approving the proposed policy in the packet and motioned to approve the policy acknowledging that there needs to be some work on the numbering. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Mr. Lund said he would remove the draft watermark and get the numbering corrected.

Discussion and Consideration Of AT&T And State of Utah Property Tax Division's Settlement: Commissioner Lytle asked if this needed to be done in closed session and it could be or it could be in open. Commissioner Lytle motioned to go in and out and RDA. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Commissioner Lytle motioned to go into Closed Session for the reason of pending litigation at 11:07 am. Commissioner Tippetts seconded the motion. Mr. Raymond said there was an employee on hand waiting for an agenda item, but it was decided that this was not a long agenda item, so it was decided to move forward with the closed session. A Roll Call vote was taken and Commissioner Tippetts voted "Aye", Commissioner Lytle voted "Aye", and Commissioner Asay voted "Aye". The motion carried.

Commissioner Lytle motioned to go back into regular session at 11:27 am. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Commissioner Tippetts motioned to accept the proposed AT&T settlement for tax years 2018 and 2019. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion and Consideration Of Dutch John Water and Sewer Rates:

Commissioner Lytle said that there had been proposals to amend the overage amounts and rates for Large Commercial and he said was comfortable with the gallons remaining the same, but might be willing to look at fees for Tier 4 as it was requested to change that to \$4 instead of \$5.50. He also said that in considering the request for an annual relook at the rates he thinks it should be at least a 2 year period where we exceed the point 5 accrual (.5%) before anything would be given as a refund, dividend or credit. We are not accruing the amounts we should at this point. There is still a lot more discussion to be had.

Commissioner Tippetts asked to share something and went through the tier usages and said if we increased to what Mr. Davis requested that would mean we could have 30 million gallons of usage before we are charging any overages. We could increase Large Commercial to 54,000 gallons on the base and go up from there. We could look at lowering the rate on the higher tier. There are nine large commercial water users and eight sewer users. Mr. Lund was asked to pull together some language together to clarify or update this and he said that this is a rate discussion and he said that the policies are in 18-17 and that last whereas could be something like the Commission's intention is to through these rates to collect a sufficient amount for capital improvements and contingency. Terry Smith was the one who said we should be generating revenues to cover a multiplier of 1.5% of the expenses for capital improvements and replacement and this budget is only covering about 1.18%, without overages. The overage should get us over the 1.2%. We want to emphasize that the more people that get hooked up to the system the more people that help pay the costs.

Trevor Brooksby said that we processed 38 million gallons and metered 25 million gallons. There is a 32% loss and this year it should be less with the leaks that have been fixed and the meters that have been added. The 1.5% would be a maximum threshold and the 1.2% would be the minimum. Commissioner Asay asked about the depreciation and thought most of it might be already depreciated out, but there are some new lines and generator and other things still being depreciated. If the filter system went out there is not enough to deal with a big problem like that. Commissioner Lytle said the Master Plan needs to be updated so we know what is needed. Trevor said that he met with CIVCO last week and they said there is some 1005 planning money available and if it's CIB then it is only 50% grant. The maps need to be GPS'd and we need to have a conversation with Uintah Engineering who did a lot of work for us in the past. Commissioner Lytle said that there were plans on the shelf, but we don't have the digital plans. There are no plans for future development.

Trevor Brooksby was asked how the tiers were developed and he said he looked at usage and tried to keep most people out of the higher tier. There was a miscalculation or typo in one of the tiers. Commissioner Lytle said that he is worried that we don't have much coverage if people start changing out meters and messing with our base rates. Trevor also said he thought the Resolution should mention the rate for those that pull water from a hydrant. It can create problems so they need to pay the cost, which is \$10 per thousand and a \$75 metering fee. It's sometimes hard to get this revenue in, so we just have to keep tabs on it and do the billing. We are getting close.

Commissioner Tippetts motioned to recess for lunch at 12:15 pm and Commissioner Lytle seconded the motion. All were in favor and the meeting was recessed until 1:30 pm.

Commissioner Asay reopened the regular session at 1:42 pm.

Discussion and Consideration Of Dutch John Water and Sewer Rates: Commissioner Lytle said he was willing to look at what Commissioner Tippetts worked on during lunch.

Commissioner Tippetts said he wants to keep base fees the same, but he attempted to bring some continuity to the rate structure for the different tiers. He ran through a scenario that takes all the commercial levels up with a multiplier of 1.5% from the residential category. There was a question about if we want lawns or not with the proposal to decrease the amounts for residential overages. There was talk of getting the meters added to the two residential houses on one meter and also add a commercial meter as its been confirmed that water is going to the commercial enterprise from that meter. There was talk about working with people that have leaks and adjusting their bills after they get it fixed and that would provide incentive to fix it, but would be more work. The base rate is \$6.83 for residential and small commercial. Cost to produce is \$8.63 so Medium Commercial at 9.11 per 1,000 and Large Commercial is \$12.15. After this discussion Commissioner Lytle motioned to approve the Resolution with Matt's numbers at 1.5% from Small to Large. Commissioner Tippetts seconded the motion. Commissioner Asay said his concern was a statement made by Trevor Brooksby that he was running at capacity, but he means that he is running at capacity for about 6 hours per day, so there is room to increase production. We may need another operator to be fully compliant. Unfortunately, the apprenticeship funding is just for training not for salary. Commissioner Lytle made some minor grammatical changes and the Attorney added information about the capital accumulation. There was also a discussion about the budget and the truck purchase and sale.

Discussion and Consideration Of Ordinance 19-08: An Ordinance To Provide For The Continuation of Utilities For The Residents and Businesses in the Town of Dutch John: Based on the discussion there were changes made to the Resolution and the cost of downsizing was considered to be a standard hookup fee to add the new meter as a hookup or resizing fee. There will be an inspection done if they combine meters, so they will need to incur all costs. The attorney said it would be easier to have a cost and less ambiguous for the user. What about Lorraine's, and under this resolution she will be residential now as are all structures in the residential zone. This is not retroactive and will be effective as of a certain date. Do we have to get the budget approved first, no but it will need to get done. We should do this to take effect on July 1st. We should get more users on the system and there are two potential hookups coming this summer or fall. People that want to disconnect will have to look at the cost of reconnecting before they do it. Commissioner Lytle retracted his motion and Commissioner Tippetts agreed to pull his second. Commissioner Lytle motioned to approve the updated Resolution 19-08 Amending The Dutch John Utility Water and Sewer Rates and Policies with all the changes discussed. Commissioner Tippetts seconded the motion and all were in favor and the motion carried unanimously. There was discussion if the Resolution met the agenda item posted as it said Ordinance and was not the same description as the Resolution, but the attorney said that it was good and didn't need to be reposted for next week.

Discussion and Consideration Of Ratification Of Commissioner Tippetts Decision To Hire Ruth Lee For The Weed Department And Associated Nepotism Issues: Commissioner Tippetts said that last Wednesday he hired Ruth Lee to work for the weed department and she is the sister of Becky Bindl who is the supervisor. Our policy has stipulations on this and Commissioner Tippetts read the stipulations and explained that she was the only applicant for the job and under stipulation 2 she was the only qualified and only applicant, so she was hired. Commissioner Tippetts is asking the commission to approve retroactively. Commissioner Lytle motioned to ratify the hiring of Ruth Lee and Commissioner Asay seconded the motion. All were in favor. The motion carried. It was asked if we want to revisit our policy and it was asked to be put on the agenda for next week.

Commissioner Lytle asked about the letter ready for the Jordan Cove and the Attorney got it ready for everyone to sign and printed it so that could be done.

Discussion and Consideration Of Coca Cola Bottling Company Vending Contract For The Courthouse: Commissioner Asay said this was as a result of a visit from the Coca Cola manager last week. Mr. Raymond said he had received a copy of this by email a couple of months ago. It didn't get acted on. It was asked if we had a contract with Pepsi and Mr. Raymond said he didn't remember seeing one. The attorney looked at it and it looks more like a credit account and maybe that's why we didn't approve it earlier. Commissioner Lytle said he would support going forward with the contract or agreement and motioned to approve the agreement. Commissioner Tippetts seconded the motion and all were in favor. The motion carried.

Motion was made by Commissioner Lytle to recess out of regular session for administrative purposes at 3:10 pm. Motion was seconded by Commissioner Tippetts. All were in favor and the motion carried.

Commissioner Lytle motioned to go back into open session and Commissioner Asay seconded the motion at 3:35 pm. All were in favor and the motion carried.

Closed Session: Discussion And Negotiation Of Possible Land Sales: Commissioner Lytle motioned to go into Closed Session for the discussion of Character and Competency of an individual. Motion was seconded by Commissioner Tippetts. Roll Call vote was taken and Commissioner Lytle voted "Aye", Commissioner Asay voted "Aye" and Commissioner Tippetts voted "Aye". The motion carried.

After coming back into Open Session at 4:05 pm, there was nothing further to consider. Commissioner Tippetts motioned to adjourn at 4:06 pm.

s/ Brian Raymond
Clerk/Treasurer_Brian Raymond

/s/ Randy Asay
Commissioner Randy Asay

/s/ Jack Lytle
Commissioner Jack Lytle

/s/ Matt Tippetts
Commissioner Matt Tippetts