

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, September 17, 2019** in the Commission Chambers at the Daggett County Courthouse. Commissioners Randy Asay, Jack Lytle and Matt Tippetts were present. Auditor/Recorder Keri Pallesen, Sheriff Erik Bailey, Attorney Niel Lund and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:04 a.m. by Commissioner Asay.

Also present: Chuck Bennington, Dutch John Mayor Buddy Rogers, Craig Smith of Smith Hartvigsen, PLLC

Issue Updates: Commissioner Asay said the roof repair at the fire station seems to be holding through the recent rains. Sgt. Dupaix was asked previously about the EMT class, and he said there were five signed up for the next EMT class and maybe more.

Citizen Comments: Commissioner Lytle asked about the Republican Party meeting and Chuck Bennington said he did not go, but Jerry Steglich and Adam McFetridge did attend. The meeting started well, but went downhill from there.

Approve Minutes: The Clerk/Treasurer's Office provided minutes for the August 20, 2019 meeting. Commissioner Tippetts motioned to approve the Commission Meeting minutes for August 20, 2019. Commissioner Lytle asked about the Room Payment Issue Updates. He was told it is related to the Travel Policy, which still hasn't been updated. The motion was seconded by Commissioner Lytle. All were in favor and the motion carried.

Correspondence: Commissioner Asay said there was a notice of intent for Forest Plan Update and Commissioner Lytle said that it would be nice to have the Public Lands Committee weigh in on this, but he was not sure that will happen. There are four documents that need to be reviewed and commented on. We need to be proactive and educate the citizens of the county. We should try and set up a meeting with Public Lands Advisory Committee and the Conservation District. Hank Gutz and Jon Wilde would probably get involved and Dave Allison would also probably be willing to help. It would also be nice to have involvement from the Towns.

The Open Invoice Register Was Presented For Review And Approval: The Open Invoice Register for September 16, 2019 for \$13,347.10 was prepared by the Auditor/Recorder's Office. Commissioner Lytle made a motion to approve the Open Invoice Register for September 16, 2019 in the amount of \$13,347.10. Commissioner Tippetts seconded the motion. The All were in favor. The motion carried.

Disbursement Listing: There was a Disbursement Listing for September 10 through September 16, 2019 provided by the Auditor /Recorder's Office. Commissioner Tippetts made a motion to acknowledge receipt of the Disbursement Listing dated September 16, 2019 in the amount of \$188,495.58. Commissioner Lytle seconded the motion. Commissioner Asay asked about two Indigent Burial Lot items and Mr. Raymond noted that we have two lots set aside for indigent burials, but maybe that is the cost of burial, because it is not that much for a lot. All were in favor and the motion carried.

Correspondence: Commissioner Asay said there was a notice of the Public Hearing for the Master Trails Plan on October 1st at 6 pm. It's official now and the document can be reviewed in the Clerk's Office.

Cash Summary: A Cash Summary dated September 16, 2019 was provided by the Clerk/Treasurer's Office. Commissioner Lytle asked about Fund 28 only having \$1200 and then noted that it was okay and he was looking at fund 27. Commissioner Lytle asked about the General Fund and Mr. Raymond said we are still waiting on some reimbursements, but it probably is not enough, so he will start the transfer process on Wednesday. Commissioner Tippetts asked if there were any other concerns and none were addressed. The Harper Deposit is 911 Surcharge and Mr. Raymond explained that it is left over tax money from when we were receiving telecommunications taxes and now those are going directly to the UBCCC. Weeds are still negative, but a reimbursement request will go in today and that will bring it positive and have some for future expenditures. Commissioner Lytle motioned to acknowledge receipt of the Cash Summary dated September 10, 2019. Commissioner Tippetts seconded the motion. All were in favor. The motion carried.

Purchase Orders: Nobody was aware of any.

Correspondence: Commissioner Lytle asked about Forest Plan, but it's already been addressed. Commissioner Lytle asked when will be dealing with the Engagement Letter. Commissioner Asay said that will be at 11 am today. Commissioner Tippetts said he had received a letter from Aaron Eger and he clarified the payments received from producers could go into the Weed Fund and are not part of a match, so that was good news.

The Town Council meeting was brought up by Commissioner Tippetts and there was progress made but nothing was finalized and their attorney interpreted the code differently than Niel Lund does. The assignment for the Attorneys is to write a letter to the State Auditor for determination if the Town or County is responsible for providing law enforcement in the Town. There is one reference that states the Town is responsible and another small reference in code that makes it a little cloudy, but Mr. Lund did not agree with the other attorney's interpretation of this particular reference. Mr. Lund had spoken with Piute County and they have contracts with their four municipalities. The County Sheriff's Office already provides some police services for the Town that are about normal with the coverage of any other area of the County. The Town wants more patrols in town and the question is whether the County is obligated to provide any law enforcement to the Town. The Town residents pay County Taxes, but does that obligate the County to provide services without an agreement to do so? The Sheriff has to allocate his staff and other resources as he thinks best within the budget he has been allocated. If Counties are obligated to provide law enforcement services to Town's why would any town have their own law enforcement? Mayor Rogers said that when Dutch John incorporated they were told that if the local laws changed and they wanted more services they would have to pay for them. Mayor Rogers said the question for the State is what are basic services that the County is obligated to provide for its citizens who may live in a municipality? Commissioner Tippetts just wants to know if we are obligated or not to provide law enforcement because we were taxing the residents. There are a lot of activities/services the County performs that assist the Towns besides Law Enforcement. What are examples of the other attorney's application of the code reference? What are the precedents in law?

What do Piute County's contracts look like and what does it involve? Manila said that Duchesne County doesn't charge or have an agreement to provide law enforcement services to the small communities in their County. Wasatch County provides officers to the schools, but it's under a contract. We send officers to the school and we aren't receiving any reimbursement, but Granite District has its own law enforcement. They also have a huge number of students. Could the Towns contribute a portion towards another officer? Niel Lund said the sheriff's responsibilities are delineated in code and if it's not in there he is not responsible for it and the Code does not include

any mention of providing any services to municipalities. Mr. Lund then asked would the Sheriff be held liable if he did not respond to the town and he did not think he would be as the code says for Class 2 through 6 counties they could provide services with an interlocal agreement. Moab has its own law enforcement and does not want the county interfering. The County also provides a criminal attorney for the Town even though many other jurisdictions handle it differently. There's some homework to do before we can answer Commissioner Tippet's question.

Correspondence: Commissioner Lytle said the trip to Washington went well and PILT was a big topic with the Whitehouse Intergovernmental Affairs person as well as the Legislatures. The goal is to get it a fixed item instead of a fight for funding every year. The NACO portion of the Fly-In assignment was to share information with North Carolina and Representative Bishop. Also spent time with Secretary of the Interior Burnhart and he also met with Mr. Williams of Interior. There were also a couple of railroad meetings while there. Everything went very well.

Commission Calendar Review: Commissioner Tippetts has a trails meeting tomorrow at 6 pm. It's at Red Canyon and is greater than just Manila. Commissioner Lytle said SCIC is on Thursday, but he is going tomorrow night. We need to be very careful not to have too many specialized trails, as they mostly need to be multiple-use. Planning and Zoning is tomorrow night as well. Monday is BOE (Board of Equalization) from 9 to noon. Elected Officials is also on the Calendar for next Tuesday. The 19th at 10 am is the SCIC meeting. There is a UAC Board of Directors meeting on the 25th and then a USACCC meeting for County Commissioners and Council members that afternoon and the next day. Commissioner Asay has a Seniors meeting tomorrow in Roosevelt.

Policy and Legislation Items:

Closed Session - Discussion And Consideration Of Possible Purchase, Exchange, Or Lease of Real Property With The Town of Dutch John: Commissioner Lytle motioned to go in and out of Redevelopment Agency and Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Commissioner Tippetts motioned to go into Closed Session at 10:35 am for the purpose of negotiating the purchase, exchange, or lease of Real Property. Commissioner Lytle seconded the motion. A Roll Call vote was taken and Commissioner Lytle voted "Aye", Commissioner Tippetts voted "Aye" and Commissioner Asay voted "Aye". The motion carried and the Closed session was held in the Commission Chambers at the Daggett County Courthouse.

Discussion And Consideration Of Possible Purchase, Exchange, Or Lease of Real Property With The Town of Dutch John: Commissioner Lytle motioned to go into regular session at 12:11 pm. Commissioner Tippetts seconded the motion. Roll call vote was taken and Commissioner Lytle voted "Aye", Commissioner Tippetts voted "Aye" and Commissioner Asay voted "Aye". The motion carried. Attorney Niel Lund noted that a roll call vote is not required to come back into regular session from a closed session. It was remarked that it was an effort to be cautious. Commissioner Lytle summarized the closed session saying it was ongoing considerations with the Town of Dutch John and no conclusions are ready for reporting.

Discussion And Consideration Of A Request For Proposals (RFP) For A County Surveyor/Engineer: Commissioner Asay said he had received a proposal from someone that was interested in bidding on this when it's ready. The RFP was sent by the Attorney earlier this morning

and he said very little was changed. The previous contract was not signed and it's been five years, so it would be good to do this again. There was discussion on a Surveyor being able to do work for the County and the Redevelopment Agency (RDA) and also the surveyor reviewing his own work if doing both of these roles. Doing two RFPs simultaneously was discussed. Commissioner Tippetts motioned to send two separate RFPs for surveying services one for the County Surveyor/Engineer and a second for a surveyor for the RDA. Commissioner Lytle seconded the motion and then asked if the Surveyor/Engineer could be assigned to do surveying for the RDA and get paid from the RDA under a single RFP. Niel Lund said he was Commissioner Tippetts amended his motion to put out a request for proposals for a County/Engineer and if it's needed a separate RFP if that person can not perform those services for the RDA. Commissioner Lytle seconded the amended motion as being conditional on what the County Attorney's office finds out. Commissioner Asay asked about review of the RDA work and there was additional discussion. The attorney said the County one is ready, but the RDA RFP is not set. The RFP would specify the cost associated with the work, and the attorney said this would set the hourly rate for different types of work performed. This will not be an employee, but an as needed contractor and the RFP makes that clear. The motion was restated by Commissioner Tippetts to put out a request for proposals for a County Surveyor/Engineer and if it's determined that it's needed an RDA Surveyor/Engineer if the County Surveyor can't perform those services for the RDA on RDA property then to send out two RFPs and if they can perform those duties on RDA property then we would only send out one RFP. With Commissioner Tippetts's permission the motion was clarified by Commissioner Lytle to initiate the RFP for a County Surveyor/Engineer and in the event we find it is necessary to go through the competitive process for the RDA to serve the same jobs that we go forward with an RFP for the RDA and the RFPs be put out concurrently. Commissioner Tippetts accepted the restatement as presented and Commissioner Lytle seconded the restated motion. Commissioner Asay questioned if needed to say Engineer. Mr. Lund said the code says that the Surveyor can also perform Engineering services if necessary and if licensed and it's included in their duties by code. It's not a separate position in code and duties are within the code. The vote on the motion was called for: all were in favor and the motion carried.

Discussion And Consideration Of 2019-2020 Daggett County Airport Insurance Proposal From Utah Counties Indemnity Pool (UCIP): Commissioner Lytle asked about the difference in price and nobody had a clear explanation. The TRIA (Terrorism) and War coverage options were discussed and it looks like we had TRIA last year but not War. Commissioner Tippetts clarified that this is a response from Old Republic based on the application we filled out last month. Commissioner Lytle motioned to maintain the coverage we had last year at the increased cost of \$308 and Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of Proposed Change To The By-laws For The Daggett County Shooting Range Committee: Commissioner Tippetts asked about this and Mr. Raymond explained that the Committee met the other night and wanted to set a minimum number of board members necessary to have a quorum, since they have an unlimited committee size. Commissioner Tippetts motioned to amend the by-laws as proposed and Commissioner Lytle seconded the motion after clarification. Mr. Raymond also asked Commissioner Tippetts if he had any additional committee member applications as several people had turned in applications and they weren't on the list. Commissioner Tippetts said he would look into that. All were in favor and the motion carried. With no further business Commissioner Tippetts motioned to adjourn at 12:54 pm.

/s/ Randy Asay
Commissioner Randy Asay

s/ Brian Raymond
Clerk/Treasurer_Brian Raymond

/s/ Jack Lytle
Commissioner Jack Lytle

/s/ Matt Tippetts
Commissioner Matt Tippetts