

**TOWN OF MANILA REGULAR MEETING
TOWN OF MANILA MEETING ROOM
145 E HWY 43
SEPTEMBER 12, 2019 AT 5:30 P.M.**

MINUTES

MEETING CALLED TO ORDER: Mayor David Coombs called the meeting to order at 5:32 P.M.

PRESENT: Mayor David Coombs, Council Member Gretchen Northcott, Council Member Greg Scott, Council Member William Rylander, and Marlena Connor Town Clerk. Council Member Randall Browning was excused.

GUESTS: Eyvonne Long, Aaron Averett with Sunrise, Manila Attorney Rob Patterson, Commissioner Randy Asay, Commissioner Matt Tippetts, Sheriff Erik Bailey, and Daggett County Attorney Niel Lund.

CONSENT CALENDAR: Council Member Rylander moved to approve the consent calendar consisting of payroll hours, budget worksheet, invoice register, transaction register, revenue analysis and, August 2019 minutes. Council Member Scott seconded the motion. All were in favor of the motion carried.

SUNRISE UPDATE: Aaron Averett gave an update on the water and sewer project. The water project is closed other than the last PRV that needs to be rebuilt in Mountain View subdivision. Aaron Averett stated that the Public Works Director, Jerry Muir thought it would be better to wait to fix the PRV until the paving in the area was finished. Now that the paving is done, they should be fixing the PRV soon.

Aaron stated that they had the Public Works Director go check the sewer lagoons to make sure cell 4 is down, and all of the weeds could be poisoned. Then SCI can go do some testing on the condition of the clay liner. The water levels have been dropping down but it's not gone yet. Aaron said that the screen structure that goes into the sewer lagoons has been plugging up. Flushable wipes have been sticking to the screen and drying up, the bypass does operate when the screen is plugging up, but they feel it would be better if they lowered the bypass. Aaron said the bypass is doing what it is supposed to do; the only issue is when the water backs up at the bypass the Public Works Director, Jerry Muir gets a reading on the meter that says there are too much water and an alarm that says it is backing up. If the bypass is lowered it will solve that problem.

SURPLUS SEALED BIDS: Mayor Coombs opened 3 sealed bids for the 2003 Mule. The minimum bid was set at \$800.00. The 1st sealed bid was for \$1011.00, the 2nd sealed bid was for \$900.00, and the 3rd sealed bid was for \$1,300.00 from Grant Brown. Casey Olsen bid \$5,000.00 on the landfill trackhoe. Council Member Northcott moved to approve the bids from Grant Brown for \$1,300.00 for the 2003 mule and Casey Olsen for \$5,000.00 for the landfill trackhoe. Council Member Rylander seconded the motion. All were in favor. The motion carried.

INTERLOCAL AGREEMENT 5. a. CHANGES: Mayor Coombs read paragraph 5. A. with the changes.

5. Authority to Access Property.

a. Manila Waterworks personnel shall not be required to obtain building, construction, excavation, or other types of permits from Sweetwater in connection with the repair, maintenance, testing, operation, and protection of the Manila Waterworks or pay any fees for such work, provided that Manila Waterworks personnel shall apply for a Sweetwater "Type A" license at least one week

**TOWN OF MANILA REGULAR MEETING
TOWN OF MANILA MEETING ROOM
145 E HWY 43
SEPTEMBER 12, 2019 AT 5:30 P.M.**

before commencing any planned work in Sweetwater. There shall be no application fees, license fees, review fees, or other fees associated with the "Type A" license application. In the event of an emergency or other exigent circumstance, Manila Waterworks personnel shall not need to apply for the "Type A" license but shall notify Sweetwater of work performed to manage the situation within one day of completing such work. Mayor Coombs stated that the context was not changed but to notify Sweetwater County. Council Member Northcott moved to approve the changes. Council Member Scott seconded the motion. All were in favor. The motion carried.

BHI UPDATED BID: Mayor Coombs explained that the town did not have a person to grade the roads during the time BHI would be hauling road base. Mayor Coombs thought it was in the town's best interest to hire BHI to grade the roads while hauling the road base. The additional cost would be \$3,500.00. The Town Council agreed that it needed to be done. Council Member Rylander moved to approve the updated bid amount of \$13,375.00. Council Member Scott seconded the motion. All were in favor. The motion carried.

BRIAN NELSON/COMBINING LOTS: Brian Nelson had bought a vacant lot next to his home on 5th east, and had them surveyed to combine the lots. The mylar had been approved by the Planning and Zoning Commission. Council Member Scott moved to approve the combination of lots. Council Member Northcott seconded the motion. All were in favor. The motion carried.

NICK KISER CONDITIONAL USE PERMIT: Nick Kiser applied for a conditional use permit for temporary living quarters (travel trailer/trailers) on the property located at 72 N 4th E, while under construction of the proposed RV park. He would have one year with the first application, and an extension of a second-year available while doing construction. Council Member Rylander moved to approve the conditional use permit. Council Member Scott seconded the motion. All were in favor. The motion carried.

CORRESPONDENCE: LETTER FROM SONJA NORTON REGARDING WRIGHT ACCT. Sonja Norton with Ashley Valley Realty in Vernal, UT representing Freddie Mac in Uintah County; sent a letter to ask for some of the billing be forgiven for 615 Bennion Lane due to the property owners death. Town Council decided they would be comfortable with writing off \$361.00 leaving the balance to be paid. Council Member Rylander moved to write off \$361.00. Council Member Northcott seconded the motion. All were in favor. The motion carried.

MARTIN PIERCE/COMBINING LOTS-LOT LINE ADJUSTMENT: Martin Pierce surveyed the property for Aaron Carrillo to combine the lots across state line road and between 2nd east and 3rd east, and down 3rd east little ways. There are parts of state line road that have not been dedicated to the town. By signing the mylar/plat approval the Town of Manila is assuming responsibility of those parts of the roads and approving the combination of the lots. Council Member Northcott moved to approve the combination of lots and assuming responsibility of the roads on the mylar. Council Member Rylander seconded the motion. All were in favor. The motion carried.

DISCUSSION WITH ROB PATTERSON: Town Council took some time to ask some questions to the town's legal counsel regarding the Manila Fire Department MOU, and law enforcement previous discussions. Town Council also discussed contracting with Daggett County Sheriff Department to patrol the town's roads on certain dates, and additional services.

**TOWN OF MANILA REGULAR MEETING
TOWN OF MANILA MEETING ROOM
145 E HWY 43
SEPTEMBER 12, 2019 AT 5:30 P.M.**

(10 MINUTE BREAK)

FIRE DEPARTMENT UPDATE: Council Member/Fire Captain Scott stated that the Telesquirt fire truck may have a hydraulic leak on the ladder and that they are looking for more fire volunteers.

(10 MINUTE BREAK CONTINUED)

DAGGETT COUNTY LAW ENFORCEMENT DISCUSSION CONTINUED: Commissioner Asay, Sheriff Bailey, and Commissioner Tippetts came to the meeting around 7:00 P.M. Their legal counsel was on the way. They decided to continue with the meeting unless they will need legal counsel.

Mayor Coombs asked the Daggett County Commissioners if they had received the new fire MOU for the amount of \$15,000.00. Commissioner Tippetts stated that they had never agreed to that amount. Council Member Northcott stated that the MOU should be sent to the Commissioners, there weren't any other updates except the dollar amount. Commissioner Asay said that since the amount has changed the Town Council should explain why they expect more. Rob Patterson agreed that there should be some details explaining why the fire department needs more money.

Mayor Coombs stated that they had got a report from the emergency call center with all Daggett County calls during the year 2017 and 2018 and all of the fire calls in the 2 years were in the county. The only fire that affected the town was the landfill fire. Commissioner Tippetts asked that the information be shared with the commissioners.

Mayor Coombs opened the discussion about law enforcement by stating that the Town Council feels that the service the Daggett County Sheriff Department is providing to the Town of Manila is in good & efficient manner when called. The town is looking to have more law enforcement presence on the Manila roads especially on certain holiday weekends. Mayor Coombs asked what the county could provide and what they would expect back in return. Commissioner Tippetts stated he thought the first question should be "what does that county have to offer to the town? If anything?" Commissioner Asay and Sheriff Bailey stated that by state code the cities/towns are responsible for their law enforcement rather it be contractual or on their own. Commissioner Asay stated that it's the counties obligation to do some of the fires within the unincorporated areas.

Mayor Coombs asked if there were a specific time that the town needed a couple of deputies presence; would the county be able to effectively provide, and if so what would they want in return. Sheriff Bailey stated that, that is why he gave the council members a blank contract to look at, so they could go through and hash some of this out. There is a multitude of things that they can do. Council Member Northcott stated that the council is more concerned with the ATVs that are getting out of control. They need more traffic control than anything. The town needs to update its traffic ordinance. Especially with the trails master plan, and trails that will be going out of the town to the mountain trails. The council discussed the need to have ATV drivers following basic road laws, and safety while keeping in mind that this is a recreational area. Sheriff Bailey stated that the biggest problem with all of this is man-power. When there are seasonal deputies on the mountain and at the lake, it frees up the county deputies to concentrate more on the high-density areas. If there is a contract with the town the Sheriff

**TOWN OF MANILA REGULAR MEETING
TOWN OF MANILA MEETING ROOM
145 E HWY 43
SEPTEMBER 12, 2019 AT 5:30 P.M.**

will make sure that they enough deputies. Sheriff Bailey and the Town Council discussed some things that the town would be interested in contracting for.

Rob Patterson said that there should be an agreement stating that the Sheriff is willing to respond to the calls from the town, and the town would like a deputy for certain times, during certain holiday weekends. Sheriff Bailey said that there is a non-emergency number that residents can call 435-784-4222, and the town could put it in the newsletter.

Commissioner Tippetts said he would like to back up and answer the question “who is responsible to provide law enforcement services in the Town of Manila?” Commissioner Tippetts said he moved from West Jordan, UT where they had their police department, not a county department.

The County Attorney, Neil Lund accompanied the meeting around 7:30 P.M. and stated that that is how Utah law is set up, the county covers unincorporated areas, the cities are responsible, including municipal type services. There are a lot of smaller cities that contract with their county sheriff's department. Commissioner Tippetts stated that the expense of running a police department is large and if it's not a cities obligation, why would they do it?

Council Member Northcott said that unless the county has a separate municipal service budget and all the residents from the different municipalities are on different rates then it could be different, but because we all pay the same percentage of the taxes regardless of where we live. Then we should be getting the same services.

Neil Lund asked if Council Member Northcott was looking at the codes or just looking at the budgets.

Rob Patterson read Utah code 17-34-3

(1)

- (a) If a county furnishes the municipal-type services and functions described in Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the entire cost of the services or functions so furnished shall be defrayed from funds that the county has derived from:
 - (i) taxes that the county may lawfully levy or impose outside the limits of incorporated towns or cities;
 - (ii) service charges or fees the county may impose upon the persons benefited in any way by the services or functions; or
 - (iii) a combination of these sources.
- (b) As the taxes or service charges or fees are levied and collected, they shall be placed in a special revenue fund of the county and shall be disbursed only for the rendering of the services or functions established in Section 17-34-1 within the unincorporated areas of the county or as provided in Subsection 10-2a-219(2)

Rob continued to state that the code is really clear as to how this works. You don't have a line item for the money that comes in from a certain area and goes into a certain budget so they are helping pay their

TOWN OF MANILA REGULAR MEETING
TOWN OF MANILA MEETING ROOM
145 E HWY 43
SEPTEMBER 12, 2019 AT 5:30 P.M.

share to provide certain services in their area. Again the code isn't really clear because it says you are supposed to collect money from unincorporated areas to provide services to that area. That's great but you have an entire county property tax so how does that work out. The Town's thinking is if we are all paying into the same fund, can we get the same type of services. That doesn't include patrolling town streets or enforcement of Town code or Town ordinances or nuisance laws, the town would have to pay for that separately.

Commissioner Tippetts said he agreed that that is what the town is thinking, but I want to know what the laws say.

Rob stated that the law, as he reads it, says if you are providing services in the unincorporated county, you should probably only take money from the unincorporated county. If you are taking money that comes from all over including the town as well, you should provide services to the town. Commissioner Tippetts said services are being provided to the town, but specifically who is obligated to provide the services to the Town of Manila, and Dutch John as well. They incorporated, they are an entity, and so does that change where the responsibility lies?

Sheriff Bailey said the other code Rob should be looking at is 17-22-2 specifically subsection 1, subsection O.

- (o) for the sheriff of a county of the second through sixth class that enters into an interlocal agreement for law enforcement service under [Title 11, Chapter 13, Interlocal Cooperation Act](#), provide law enforcement service as provided in the interlocal agreement;

Neil Lund said to answer your question Matt, there is nowhere in the code that says this entity is responsible for providing this service to this area. There are references to different things like the codes previously mentioned. There is nothing that says it's the town's responsibility and there is nothing that says it's the counties responsibility.

Rob Patterson said that the town and the county should get clarification from a third party like the state auditor.

Council Member Scott asked if they were going to stop providing law enforcement for the town. Commissioner Tippetts stated that he did not think that was part of the discussion at this point. Council Member Scott asked what part of his taxes is being paid to the county; that goes towards paying law enforcement. If you are paying for law enforcement with town residents taxes you should be responsible to provide law enforcement.

Commissioner Tippetts stated that the County is currently using tax revenue from the town residents to pay for law enforcement services.

Council Member Scott asked what it would take to get a little bit more patrolling of the town's streets. Mayor Coombs said that the County and the Town need to start working together and come to a reasonable solution regardless of what the law exactly states. The town is to the point of needing some additional coverage on specific weekends.

**TOWN OF MANILA REGULAR MEETING
TOWN OF MANILA MEETING ROOM
145 E HWY 43
SEPTEMBER 12, 2019 AT 5:30 P.M.**

Commissioner Asay said that it's the same as the town wanting more money for the fire department.

Council Member Northcott tried to explain that the town doesn't have the same umbrella to tax the county residents to pay into the fire department service.

Commissioner Asay said that the town does because the town just raised the water rates for the whole county.

Council Member Northcott said that is an enterprise fund, and you can't marry the two, because it's a utility, a user rate thing. If you use the water you pay for the water.

Commissioner Tippetts said that he is not proposing that the county says they are not going to do anything for the Town of Manila. He's not even proposing that if it is the town's responsibility to provide law enforcement that the county is going to charge the town for it. Who is responsible for what? The next step would be to create some kind of MOU and agreement and move forward.

Rob said he might not have been clear when the question was asked about who is responsible to provide law enforcement to the town. The answer to the question is that the town is responsible to provide police services for the town being an incorporated municipality. It may do that through a contract, the tax issues that have been discussed, is the town saying we are already paying the county without a contract.

Commissioner Asay asked Council Member Northcott if she agreed with that because he did not take it as if she did.

Council Member Northcott said if the County did not want to provide those services, then the County would need to create a municipal service budget, and not tax the town of manila for services. The county will need to re-calculate what we would owe as a town and reduce the taxes accordingly, and then the town would tax its residents and then we could contract with the county.

Sheriff Bailey said that they need to have certain MOUs in place because if there is a critical incident, and he comes into the town, and the county looks to the feds for reimbursement the feds can say you didn't have an MOU in place, you had no business being there.

Commissioner Tippetts asked if the county is obligated to use the money from the town to provide law enforcement services; since the town is responsible to provide law enforcement to the residents of the town.

Sheriff Bailey said he agreed with Rob and they should look into asking a third party, like the state auditor to clarify. Daggett County Attorney Neil Lund agreed.

Commissioner Tippetts wants to know the minute details, and then move forward. Maybe it is another line item for the town on the budget.

Council Member Rylander asked Sheriff Bailey if he got a call from 911 is he obligated to answer.

**TOWN OF MANILA REGULAR MEETING
TOWN OF MANILA MEETING ROOM
145 E HWY 43
SEPTEMBER 12, 2019 AT 5:30 P.M.**

Sheriff Bailey said it depends on the call. The determination is made by dispatch. They are obligated to respond to health, safety, and welfare.

The Town's attorney and the Daggett County Attorney will write a letter together and send it to the state auditor asking what law enforcement obligations does a county has to a town based on taxes paid by town residents. Once they receive a common answer they will come back and continue discussions.

ADJOURNMENT: Council Member Rylander moved to adjourn the meeting. Council Member Scott seconded the motion. All were in favor. Mayor Coombs adjourned the meeting at 8:27 P.M.

David G. Coombs, Mayor

Marlena Connor, Town Clerk

APPROVED 10-10-2019