

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, November 5, 2019** in the Commission Chambers at the Daggett County Courthouse. Commissioners Randy Asay, Matt Tippetts and Jack Lytle were present. Auditor/Recorder Keri Pallesen, Sheriff Erik Bailey, Attorney Niel Lund, Justice Court Judge Charlene Hartmann and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:00 am by Commissioner Tippetts.

Also present: Sgt. Travis Dupaix, Mayor Buddy Rogers of Dutch John and Senator Ron Winterton, Bret Reynolds, Chad Reed and Carrie Poulsen of Planning and Zoning, Mechelle Miller of Utah Department of Public Safety.

Issue Updates: Commissioner Tippetts said he had scheduled the Surveyor Interviews for this afternoon starting at 1 pm. It was suggested that Keri Pallesen and Kym Slagowski be involved in the interview process.

Attorney Niel Lund said he had been in touch with the Town of Dutch John's attorney and he was involved in the early history with Dutch John, but he wasn't involved with the Disposition Policy and neither he nor Mr. Judd could find anywhere in state code that required a referendum or even a hearing. We could probably change our code as it appears the State Code has changed. Mr. Judd had forwarded the agreement to Mayor Rogers and it appears it was discussed at their meeting last night and there will be proposed changes. It was asked if the vehicle titles had all been transferred and Clerk/Treasurer Brian Raymond said three had been transferred. The Jeep has been approved but not transferred while the AmGen is in our name, but could be state surplus so we still need to do more research and verify the VIN. Commissioner Lytle said he would work on that.

Commissioner Lytle mentioned the Utility Billing and we are working on changing the billing for the Fire Department to a Small Commercial (1") and the Big Lawn has been shut down. Mr. Raymond said some payments had been received.

Citizen Comments: No Comments given today.

Approve Minutes: The minutes for October 8, 2019 and October 29, 2019 were provided by the Clerk/Treasurer's Office. Commissioner Lytle motioned to accept the Tuesday, October 8, 2019 meeting minutes. Motion was seconded by Commissioner Tippetts. All were in favor and the motion carried.

The minutes of October 29th were discussed and there was a moment when Mr. Raymond stepped out of that meeting for signatures and he wasn't sure what happened and unfortunately the recording did not work. Nobody could remember anything significant. The adjournment time was stated as 11 am, but it was after 1 pm and before 1:30 pm, so it was decided to list it as 1:20 pm. Commissioner Lytle motioned to approve the October 29th minutes with the amendment of the ending time. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

The Open Invoice Register Was Presented For Review And Approval: The Open Invoice Register for November 4, 2019 for \$72,969.66 was prepared by the Auditor/Recorder's Office. There was a refund invoice for \$208.96 for a water/sewer bill from refund Inv. # 16101. Commissioner Lytle moved to approve the refund for Mike Byrnes and Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Commissioner Tippetts motioned to approve the open invoice register dated November 4, 2019 in the amount of \$72,969.66. Commissioner Lytle seconded the motion. It looks like one of the big things is Health Insurance, the Dispatch Costs Credit cards, Scales and attorney fees. All were in favor and the motion carried.

Disbursement Listing: The Disbursement Listing for October 29 through November 4, 2019 was prepared by the Auditor/Recorder's Office. Commissioner Lytle made a motion to accept the Disbursement Listings dated October 29 through November 4, 2019 for \$181,644.37. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Cash Summary: A Cash Summary dated November 4, 2019 was provided by the Clerk/Treasurer's Office. Commissioner Lytle noted that we had received the Weed Reimbursement. He asked if there was an adjustment made to have the positive amount in Fund 10 and that was not something the Treasurer had to do. The Bond on the jail was paid last week, which is why there is such a big negative number, but future taxes will make that positive. Commissioner Lytle made a motion to accept the Cash Summary dated November 4, 2019. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Purchase Orders: There are two purchase orders. The first is for \$9816.00 for the repair of the bearings in the aerator for the Sewer Plant in Dutch John. PO # 423 is mostly for materials and this has a bid and is a sole source with Wes Tech as the designer of the system. Commissioner Tippetts motioned to approve PO #423 in the amount of \$9,816. Commissioner Lytle seconded it and noted there is enough in the budget to pay for it. All were in favor and the motion carried.

Commissioner Lytle said the 2nd PO is for on site field service for the replacement of the bearings and also includes training for Trevor Brooksby as he has not been trained on this system yet. This is also a sole source for Wes Tech. Commissioner Tippetts motioned to approve PO #424 in the amount of \$7,650.00. Commissioner Lytle seconded the motion. All were in favor and the motion carried. Commissioner Lytle motioned to approve the Sole Source Document as reviewed and signed by Auditor/Recorder Keri Pallesen and Department Head Commissioner Lytle. Commissioner Tippetts seconded the motion to approve the Sole Source paperwork. All were in favor and the motion carried.

Correspondence: Mr. Raymond said there were several items in the packet and he spoke with Laurie Brummond about the ¼ cent tax and her impression was the State would impose it one way or the other. Senator Winterton said that if the state imposes it then they keep all the money. We are in the fourth phase and if the Towns approve it they collect and keep .10%. The money stays locally to help with transportation. The County would keep .15%. We didn't originally think it was a good idea, but now that the state would impose it and then keep the money we should do something. We should get going on this if it needs to be done by the end of the year. Commissioner Lytle recommended that the attorney follow up with Mr. Steamer in Uintah County. Senator Winterton said Duchesne County was paying \$192,000 a year for UTA and now it is self-supporting for the past two years and then have been able to do some sidewalks and trails too. We need to make the mayors aware of this.

We have a letter requesting a letter of support from Rural Water. Commissioner Lytle said they are vital to us and they have been very open and available to us. Mr. Raymond said he would work on that. The ROI Report is out and we were mentioned in it, so it was included in the Correspondence. We also had a notice about the end of the week being the end of the comment period for the Forest Plan and Commissioner Lytle said he would try to get some comments in. Mr. Lytle also said we should support the efforts of Lincoln Shurtz regarding County Government. They are seeking input and support. It was fairly contentious at the legislature last year.

Calendar Review: Commissioner Lytle said he needs to be excused next week if we have a meeting. There was nothing on the agenda at the moment and the ¼ cent sales tax could be discussed, but wouldn't probably be ready. There are board meetings on Wednesday. Commissioner Tippetts was in favor of foregoing next week's meeting and motioned to forego the meeting next week due to the UAC meetings. Commissioner Lytle seconded the motion and noted we need to make the notifications. Mr. Raymond said he would take care of that. All were in favor and the motion carried.

Weekly Budget Review: There was information included in the packet and Keri Pallesen said that she had sent these out for review and didn't know that they would be on the agenda. Mrs. Pallesen said there were several items needing adjustment by opening the budget: Weeds Budget needs to be adjusted to match the grant; PLSS grant for corner monumentation was not in the original budget; the Capital Improvement Funds for 2018 needs to be fixed; TV Budget has gone over and the Elections account is also over and needs to be adjusted: We moved some items from Buildings and Grounds and fire that need to be adjusted. That's it so far.

Policy and Legislation Items:

Discussion And Consideration Of Resolution 19-16: A Resolution To Reauthorize the Rural Hospital Tax: Attorney Niel Lund said when he was reviewing this issue in our code he had some questions. There were emails sent out and it looks like we need to clean up several things in the code. Niel was unclear of what taxes we are imposing and the Hospital Tax may have been reauthorized already, but the State Code is not clear how to reauthorize this. There are several other issues including the possible new ¼ cent sales tax that may need to be added. Commissioner Lytle motioned to table until November 19th. The motion was seconded by Commissioner Tippetts. All were in favor and the motion carried.

Discussion And Consideration Of Resolution 19-17: A Resolution Approving The Lease Agreement For The Weed Truck And Shop Space For The Weed Department: Commissioner Tippetts explained that this is a request from the Weed Department and the Weed Board to get this in written format. Keri Pallesen was emailed the agreement, but no comments were received. Commissioner Tippetts said the last whereas is a cut and paste that needs to be removed. There were no dates included, but they could be added or the years could be added for clarification. It all seems unnecessary, but it serves a purpose. Commissioner Tippetts motioned to approve 19-17 with the changes including dates in the seventh whereas, the final whereas being deleted and the change to paragraph number 1 where it indicates that this took effect in 2017. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of Disposition Of Mineral Lease Money To Economic Development/Road District: Mr. Raymond explained that the Division within the State that administers the Mineral Lease Monies changed in July of 2018 and all the monies have been put into the Road District PTIF account since that point in time. This has not been verified by double checking revenues for the two entities. The 15% intended for Economic Development is not going into Fund 22. With the Change in PILT classification the question arises if that money should come back to the Economic Development Fund or be left with the Road District. Mr. Raymond said there may have been notice given but it was not understood. There was discussion of the Municipal Building Authority being able to receive Mineral Lease and Senator Winterton said he wasn't sure that would work. Chad Reed was here and was asked about the Road District and said the Board's

opinion is that the maintenance that is required and the new roads needed are more than can be afforded and diluting it with airport and trails projects could negatively impact the road projects. Commissioner Tippetts motioned to keep the money with the Road District and Commissioner Lytle seconded the motion. Commissioner Lytle and Tippetts were in favor and Commissioner Asay was opposed. The motion carried.

Discussion And Consideration Of Planning & Zoning Recommendation For Changes To The Ordinance Regarding RV Use & Camp Trailer Uses: Chad Reed and Carrie Poulsen were here from the Planning and Zoning Board (PnZ) to answer questions and discuss the proposed changes to the legislation regarding RVs and trailers. The challenge is we are a recreational area, but the zoning doesn't permit this type of use at the moment. There are people considering this, but it is not set up yet. We have people living in RVs in garages and that is a safety hazard. Passing this will require some enforcement work from PnZ and the Sheriff's Office. Mr. Reed said if this is approved and we here notice of a problem it needs to be enforced. These regulations would help with the problems in Taylor Flat 20-27 missed. Issues with some houses were discussed. Mr. Reed said that he would like to see it approved today, but at least by summertime. This recommendation is pretty strict and says what not to do. Commissioner Lytle said the trailer "not owned by a property owner" as family guests could be allowed on property with a house and so that statement should be removed from Letter A and Carrie and Chad were okay with that. This ordinance does not allow occupancy of trailers and it is not specified for in garages or not. Commissioner Lytle was in support and Commissioner Tippetts was generally in support of the change and thought it had been discussed heavily and vetted well. Commissioner Tippetts realized there may yet be unintended consequences, but we can deal with those as they arise. Commissioner Tippetts said that he has a potential conflict of interest as he is looking at the possibility of developing some of his ag property to allow for this type of use. The disclosure is good, but does not preclude him from voting. Commissioner Lytle motioned to approve the amendment to Section A.9.21 and A.9.22 and after discussion that a public hearing had not been held, and our code requires the Commission to hold it and State Code Requires PnZ to hold it. Commissioner Lytle amended his motion to move forward with a public hearing for the Planning and Zoning's recommendation for Recreational Vehicles in A. 9.21 and A. 9. 22 with the amendment discussed regarding Section A. Commissioner Tippetts seconded the motion. Senator Winterton said there was a law passed that went into effect on July 1st, not allowing other Public Hearings on the same day as the Budget Hearing. The Budget Hearing date and time was on the Tax Notices. We might have to adjourn Commission meeting and Have a separate meeting, but they still may not work. A Roll Call vote was held and Commissioner Lytle voted "Aye", Commissioner Tippetts voted "Aye" and Commissioner Asay also voted "Aye". The motion carried. It appears that the law discussed was dealing with a proposed tax increase and so we should be okay. See SB 179 for amendments to Truth in Taxation. There was discussion about having the hearing in the day or evening. The Budget Hearing is at 10:00 am and it was finally decided to hold the PnZ hearing on the 17th of December at 6 pm.

Mechelle Miller was recognized for being in Attendance from State Emergency Services

Discussion And Consideration Of Amending Daggett County Policy: Section 26, Purchasing Policy: Commissioner Lytle asked the County attorney if the change was the additional language under Section 21.4.5 which is highlighted and everything else has stayed the same. Mr. Lund replied that policy would now allow following the State Code for Professional services, which goes up to \$50,000 and is not limited to \$15,000 which is where we are at currently. A Purchase Order (PO) is still required, so it still gets discussed by the Commission. Commissioner Tippetts

motioned to amend Section 21: The Purchasing Policy especially 21.4.5 to read "... not withstanding any other limits or provisions specified herein. The County Commission shall adhere solely to the Utah Procurement Code in the procurement of all professional services." Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of Long Term Agreement For Dutch John Fire: What's in the packet is what was sent to the Town. Mr. Judd said there were some minor changes to be made to the agreement, but we haven't seen those yet. Mayor Rogers said the Planning and Zoning approved the recommendation and will get us a copy of the letter. The Attorney said based on the letter being forwarded we could move forward. The reduced or eliminated water bill was one change to the amended version in the packet. Section 5 was also something to look at as the feds will pay \$250 or \$300/hour and we were looking at \$200/hour. If there is somebody we are billing then we wouldn't bill the County. The County may have to ask for reimbursement and then pay to the Town. Mayor Rogers wanted to keep Section 7 the way it was originally. Mr. Lund said the County can only request one certification a year. The Town doesn't want a Commissioner in the future to say you're not doing it right and you need to be doing it this way.

No need to approve now. Mr. Judd should be getting some information to the attorney soon. There is a requirement for 14 day notice on this hearing. Notice of General Circulation is also required. We will hold the hearing during the meeting on the 26th. Commissioner Tippetts motioned to hold the hearing on the 26th at 10 am and put it on the agenda to act on it if desired. Commissioner Lytle seconded the motion. All were in favor and the motion carried. It was brought up that it might be better to move it to the evening if you want people to attend. Commissioner Asay said that we have had evening meetings and there isn't any better attendance, but he was willing to move it to 6 pm. All were in favor and the meeting was moved to 6 pm to held in the Commission Chambers.

Discussion And Consideration Of Status of Disposition Of Daggett County Jail:

Commissioner Asay said that he appreciated Senator Winterton attending today and the last few weeks. The jail is still unoccupied and not being used and we appreciate all the help and any further help that could be given. Senator Winterton said he had spoken with Commissioner Tippetts and Bryan Sith plus the State Corrections director several times and they are struggling with personnel issues, but they are still looking at options. We need to put this in a budget request for appropriations before the next legislative session. We want to be able to provide affordable housing to help if the state would take it over and move forward. It is a general obligation bond and not a revenue bond, so it doesn't obligate the state. Commissioner Tippetts said he will get financial information to Senator Winterton. Commissioner Tippetts said that he had been working with the Realtor Nate Worthen on a prospectus and he will keep him going on that.

The Sheriff brought up that another option might be for the Flamingo's to use this as a Hot Shot base, which is only a minimum security facility. They could then do some of the Forest Restoration needed when they are not busy with fires. These gentlemen are State inmates, so it makes sense and other inmates could also be housed. Could it be teamed up with 24 hour book and release, which would help travel time for current deputies. Senator Winterton said he would see where it goes. More discussion was held to figure out whether this is a possibility. Staffing it is still a roadblock. We would also have to talk with Brian Cottam of Forestry Fire and State Lands. Commissioner Asay talked about purchase and Commissioner Tippetts thought a triple net lease with them paying for maintenance would be preferable. We would like to have that conversation. The need for beds is increasing and we have a facility that has 80 beds available. With JRI that want to find ways for separating out some of the prisoners and the Governor's thing to move jobs off the

Wasatch Front and into rural communities it all fits together if we could just get together and discuss it. Senator Winterton was thanked for his efforts and assistance.

Emergency Management Discussion: Mechelle Miller of Department of Public Safety was here to support Sgt. Dupaix with some items. Sgt. Dupaix said the Mitigation Plan has been approved by FEMA and the State and so that will be presented in a future meeting for approval by the Commission. The Regional will be holding a full scale exercise on the County board between Uintah and Daggett County next summer or fall. There is a planning meeting for the 20th of February and a possible exercise in our area in June, so it would be good to participate and show an interest in that. Mechelle said the new NiMS training requirements are out. We aren't too bad off, but the Federal government is really looking at compliance and there are classes that could be held. If certifications are over 10 years old it would be good to go through it again. All elected officials could benefit from the trainings. Sgt. Dupaix said that we could do a class each quarter and it was decided to move forward.

With no further business Commissioner Tippetts motioned to adjourn at 1:00 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