

Minutes of the Electronic Meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, June 2, 2020** in the Commission Chambers at the Daggett County Courthouse and through electronic means. Commissioners Randy Asay, Jack Lytle and Matt Tippets were present and Auditor/Recorder Keri Pallesen were present electronically. Auditor/Recorder Keri Pallesen was also present in-person for part of the meeting with Sheriff Erik Bailey, Attorney Niel Lund and Clerk/Treasurer Brian Raymond were present in person. The meeting was called to order at 9:01 am by Commissioner Asay.

Present electronically: Kym Slagowski, Johnnie Miller of Utah Counties Indemnity Pool (ECIP), and present in-person: Shiloh Dupaix, State Senator Ron Winterton , Roger Marett of UBMC, Bret Reynolds of CIVCO Engineering and Kym Slagowski

**Approve Minutes:** No minutes were available for review.

**Issue Updates:** Commissioner Asay said the new EMS Director will be coming at the end of June or early July. The Jail is still for sale. Commissioner Lytle said he had talked with Jordan Huffman of Spirit Lake and they are working on their letter of support.

There are 10 positive cases in Uintah County, 9 in Duchesne and none for Daggett or Ute Tribe. In Wyoming, Sweetwater County has 22 cases with 9 in Uinta County. Moffat County Colorado is at 7 now. Most cases are recovered except the new cases. There may be testing again this week. Senator Winterton was welcomed and thanked for his efforts on our behalf. The Sheriff said there was no civil disobedience in Daggett County this week.

**Citizen Comments:** Commissioner Asay opened it up and no comments were received prior to the meeting. The Tax sale last week was the first open meeting in the courthouse for awhile and it was one of the biggest tax sales we've had with the number of properties sold, people attending and money produced. The excess above the taxes and fees gets returned to the property owners.

**The Open Invoice Register Was Presented For Review And Approval:** The Open Invoice Register of June 1, 2020 was prepared by the Auditor/Recorder's Office. Commissioner Asay noted we could discuss the invoice from UBMC during the "Flaming Gorge Clinic Updates" and Mr. Marett said that the current invoice could be paid in 2 or 3 portions and part of it was due to a contract that gave staff three months severance when let go, but the new contracts do not include that point. Mr. Marett says that the new provider is here for just the summer, unless he really likes it and so that will be re-evaluated around Labor Day. The Commission was concerned for the overall annual budget, but will keep an eye on things. Commissioner Tippets motioned to approve the Open Invoice Register dated June 1, 2020 in the amount of \$135,354.94. Commissioner Lytle seconded the motion. Commissioner Lytle asked about the Cash report and where this would come from and part would come from the General Fund and most would come from the Hospital Fund. Mrs. Pallesen pointed out that the Register has a spot showing the amount needed from each fund. All were in favor and the motion carried.

**Disbursement Listing:** The Disbursement Listing for May 27-June 1, 2020 was prepared by the Auditor/Recorder's Office. Commissioner Lytle motioned to accept the Disbursement Listing of Zions Checking May 27 through June 1, 2020 for \$21,070.22. Commissioner Tippets seconded the motion. All were in favor and the motion carried.

**Cash Summary:** The Cash Summary dated June 1, 2020 was available for review. Commissioner Lytle asked about Fund 28 PTIFs and Fund 80 for Weeds. Mr. Raymond explained that the Fund 7684 is an escrow account holding some of the funds for the Water Tank Project. There are additional funds available and the final request for reimbursement should go in this week. PTIF Account 8676 is the annual payment and Account 8699 is the Reserve payment that will eventually reach \$21,000 with a monthly addition of \$178 and Acct 8700 is the Tank Replacement Fund that will build over time. Commissioner Tippetts said they are working on getting monthly reimbursements on the weeds so it doesn't get too out of control. Commissioner Asay asked about Fund 77, which is the Monument Fund and it is negative, but is reimbursable and already a part of the budget. Commissioner Lytle motioned to acknowledge receipt of the Cash Summary for June 1, 2020. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Purchase Orders:** There weren't any purchase orders, but Commissioner Lytle said he will check when we take a break.

**Correspondence:** Commissioner Lytle said that Carrie Poulsen of Planning and Zoning has given her notice and will be leaving the 17th of June. Mr. Lytle noted that she has done a good job and we will miss her. It will be hard to replace her.

Shiloh Dupaix said that she had received correspondence regarding the Rural County Grant Program through GOED. The grant opens in mid June and the Board has a meeting on the 11th to prepare for that. Commissioner Lytle asked if anyone had tapped into the UAC meetings on COVID grants and nobody seemed to be too connected and the Commission said they would get more info to Shiloh on this in the future.

**Calendar Review:** Commissioner Lytle asked about the NIMS training and it was thought that it was supposed to be this afternoon at 1 pm. Next week on the 11th and 12th is the CIB Policy meeting online.

Commissioner Lytle noted that some of the residents of Dutch John had turned in a petition to disincorporate. There was discussion that the petition lacked some needed language and after Mr. Raymond's consultation with the State Elections Office the petition will need to be redone and resubmitted with new signatures. Attorney Niel Lund said that it does not require any action on the part of the County Legislative Body. The Clerk is tasked with reviewing the format and the signatures and then submitting it to the District Court.

## **Policy and Legislation Items:**

### **Discussion and Consideration Of Airports In General - CIVCO Engineering:**

Commissioner Asay turned the time over to Bret Reynolds and he reported on the PAPIs as they are working on one end and not the other end. It appears that someone has been going through our scrap pile and we are losing some of the value for that. A change order is coming once we get the cost to get it working. There is some money still left that should cover it. DBT is waiting for the FAA to do their thing and then DBT would come and finish everything off. The lighting contractor wanted some of the retention released and the state has approved a portion of it to be released. We may need to change contracts as the completion dates may be passed or coming up. Bret will check into that.

The next stage here in Manila is the instrument rating and after considerable research the best we can do is a night time GPS approach. Another company would have to be hired to do flyovers to get the information needed. One of the companies was willing to set the flight paths for emergency providers. It might accommodate the needs of the medical flights, but it wasn't for sure. We would

need to double and triple check that to see if it is worth the cost. The stripping would also need to be changed and that would probably be best to do the next time it is scheduled.

The next project is the \$400,000 apron expansion in Dutch John. The layout in Manila is not conducive to parking Planes and maybe the tie-downs need to be changed to conform to new standards. Something to add to the list for the future. The State is worried about the expansion as it's not part of the Airport Layout Plan and so that is something that Bret has been working on. How many planes and their size, etc. all need to be considered to accommodate any future expansion.

**Public Hearing:** Commissioner Lytle motioned to go into Public Hearing at 10:05 am to discuss the airports, but it is actually for the creation of a new Fund for the new Highway Tax. Commissioner Tippetts seconded the motion and all were in favor. Clerk/Treasurer Brian Raymond said no comments had been received on this.

Mr. Raymond said that the tax took effect on April 1st. The amounts received so far this year are minimal and there is not a lot of data to predict what will be generated. Mr. Raymond was not sure if there was any need for these funds this year. State Code 59-12-2212.2 is the code that applies to this discussion. Mr. Raymond said he recommends that we budget \$5,000 for A2 and \$2,000 for A3. The Attorney looked at the restrictions and said it doesn't specify the differences in expenditures, so there was discussion as to how to set this up. There was discussion about possible uses and one was trails, but Trails was not specifically mentioned although it allows for all conveyances. The Public Hearing was to get input on the creation of the new fund and set up the budget. Auditor/Recorder Keri Pallesen said that we would need a Resolution to adopt the budget and that is not

Commissioner Lytle motioned to go out Public Hearing and into Open Session at 10:31 am. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Commissioner Lytle asked about the next step and Attorney Niel Lund said the purpose of the hearing is to gather information and then you can take action at some time in the future. Next week we need the budget resolution on the agenda and Niel said he will work with Keri on that.

**Discussion And Consideration Of Bid Package For Payment Preservation Project At Dutch John Airport:** Bret Reynolds said that we need to get the AWOS payment made and then quickly ask for reimbursement. Commissioner Tippetts stated he had signed it and turned it into Nancy Steib. Mr. Reynolds handed out the ACIP form which was brought to the Commission previously and the Engineering Agreement that is basically the same as for the previous project. The changes were made to Page 3 number 18 limiting the liability to the fees paid to the Engineer. The attorney had not had a chance to review the document yet. Mr. Reynolds said that the completion date on Exhibit "B" may need to extend into 2021 as we may have missed the window for this fall. There were questions about the Engineering agreement and if there was a back up document for CIVCO to be the Engineer of Record for all airport projects or specific airport projects. CIVCO is on the State's approved vendor list for airports. There were some airport projects that were done during an RFP and it wasn't clear if that included this project. The amounts for engineering matched up, which was something else that Mr. Reynolds wanted to verify. The crack seal is needed, but we don't have the prisoners that helped the previous time it was done. Commissioner Lytle motioned to table further discussion until next week with clarification of the procurement process for engineers. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Commissioner Tippetts says this needs to be done to give CIVCO some confidence to move forward for this project and how we will handle future projects.

**Discussion And Consideration Of State Marketing Agreement:** Shiloh Dupaix said she and Commissioner Tippetts had submitted the Sole Source document but hadn't heard back on that yet and that is part of the Commissioner Lytle motioned to ratify the OHV grant agreement following much discussion last week. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Commissioner Lytle added that it is a \$15,000 contract with the State and there was discussion that the AYL contract is what requires the \$1,000 payment that may get us \$500 back although it is not specified in either contract.

**Discussion And Consideration Of At Your Leisure (AYL) Contract - Sole Source:** Attorney Niel Lund commented on this and said that he had looked at it and the 2nd paragraph that didn't get finished and there were a couple of other small things that aren't fatal. Mr. Lund also spoke with the State and they were expecting that we would follow our procurement procedures. Mostly the reasoning is the timing of the project is so tight that a normal RFP would not allow us to be funded by the state and complete the project. The State said that the airing of the advertisements does not need to be completed by the end of June but the product has to be finished by that date. Commissioner Lytle asked if language could be added to state that if we did not receive the state reimbursement we would not be liable for the payment. The Contract as written did not include anything about the \$500.00. Commissioner Tippetts was okay with how it was and that this is a good thing for the County. Commissioner Tippetts motioned to approve the contract. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of The Certified Tax Rate For 2020:** Auditor/Recorder Keri Pallesen said she did not have all the numbers to do this and Commissioner Lytle motioned to table this discussion until Keri Pallesen has the information to bring it forward again. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of Facility Use Agreement:** Clerk/Treasurer Brian Raymond said he had talked with Johnnie Miller of UCIP and he was available to explain the sample policy he had sent to Mr. Raymond. Mr. Miller was contacted and participated by phone to explain the sample that he had sent to Mr. Raymond and was distributed through the packet. The sample is a starting point for the County to determine the amount of risk they are willing to accept in exchange for economic development or other purposes. There was consideration that the personal use of County facilities has to be authorized or the public officials could be guilty of a misdemeanor. Commissioner Lytle asked about drop in use like a basketball court in a park. Mr. Miller said the Commission can authorize that. Rodeos or Equine events weren't mentioned in the Sample so that was discussed. Equine Events have a special indemnity if the signs are displayed citing the inherent dangers of the event. Spectators are a whole different matter. Typically in the past Counties have asked to be additional insureds and Mr. Miller suggested that we have an indemnity clause to cover the County's costs if they have to fight a lawsuit. Mr. Lund asked if that applies to contractors and Mr. Miller agreed. Mr. Miller was willing to work with the Attorney and get him a sample that included Rodeo and Equine events. He will also send a picture or copy of the sign for Equine events. Mr. Miller said that he would help the County do whatever was needed to get this policy in place. He was thanked for his help and assistance in this.

Keri Pallesen asked about the Rodeo scheduled for this weekend and Mr. Raymond said that he had not seen an application yet. There was discussion about what was required in the past and it was thought that we've gone with 1,000,000 per occurrence and 2,000,000 aggregate. Commissioner Asay said one had been received this morning and a break was taken so Mr. Raymond could get that and bring it back into the meeting for discussion.

After coming back into session Commissioner Asay said that we had received an application and a copy of the insurance of \$1,000,000 per occurrence and \$1,000,000 aggregate. There was a question whether he was having alcohol or not, so that needs to be determined.

**Discussion And Consideration Of Community Wildfire Protection Plan (CWPP):** It wasn't clear if Kym Slagowski was going to participate in this as she has put a lot of work into this. Commissioner Tippetts motioned to approve the CWPP as written. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of RFP For Professional Real Estate Services in Dutch John:** Shiloh Dupaix said that the map had been prepared and included in the packet. Attorney Niel Lund said that the "send proposals to" should be on the next page so it is together with the address. Commissioner Lytle asked about the unknown zones and one was commercial and others were Future Development. It appears that it is the County's zoning layer and not the town of Dutch John's zoning. Commissioner Lytle motioned to carry until next week. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of Planning And Zoning Commission Recommendation To Approve a Lot Line Adjustment For Mike/Peggy Knodel And Penny Muir Weaver In Indian Hills Subdivision:** Commissioner Lytle asked where Indian Hills is located and it was explained that it is off Hwy 43 out by Winston and Shirley Slaughts/the Asays/Ty Smith. Keri Pallesen said the wording on the Mylar is incorrect and Carrie Poulson will get a hold of them to get it fixed and they will also have to do deeds to each other to finalize everything. The Plat needs to say Amended Plat-Indian Hills Subdivision. Keri Pallesen also said that the Plat has listed Peggy Knodel but she is not an owner as it's in a trust, but it won't keep it from being recorded. The attorney said that the Commission could conditionally approve it on the correct wording as the Commission doesn't technically need to approve the documentation. Commissioner Lytle motioned to conditionally approve the boundary line adjustment amending the Plat for Indian Hills Subdivision and Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of Planning And Zoning Commission Recommendation To Approve A Plat Amendment For Shaun And Leah Johnson For Property Serial Numbers: T-R-031, 032, 033, 034, 035, 036, T-R-043, 044, 045, 046, 047 And 048 In Taylor Flat Subdivision:** Keri Palesen said she had reviewed this and it was ready to go. It was reviewed and it appears the owners are asking to combine the 12 lots into one lot. Commissioner Lytle motioned to approve the petition to amend the Subdivision Plat for Shaun and Leah Johnson to combine the 12 lots listed in Taylor Flat into Lot 31A. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Closed Session:** Commissioner Tippetts motioned to go into closed session for the purpose of Eminent or Potential Litigation at 12:28 pm. Commissioner Lytle seconded the motion. A Roll Call vote was taken and Commissioner Matt Tippetts voted "Aye", Commissioner Jack Lytle voted "Aye", and Commissioner Randy Asay voted "Aye" so the motion carried.

Commissioner Lytle motioned to go out of Closed into Open Session at 1:02 pm. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Commissioner Tippets motioned to Adjourn and the meeting was adjourned at 1:03 pm.

/s/ Randy Asay

Commissioner Randy Asay

s/ Brian Raymond

Clerk/Treasurer\_Brian Raymond

/s/ Jack Lytle

Commissioner Jack Lytle

/s/ Matt Tippets

Commissioner Matt Tippets