

Minutes of the Meeting of the Daggett County Commission and the Daggett County Redevelopment Agency held on **Tuesday, September 7, 2021** in the Commission Chambers in the Daggett County Courthouse 95 N 1st West in Manila, Utah and through electronic means. Commissioners Randy Asay and Matt Tippetts were present in person and Commissioner Jack Lytle participated electronically. Attorney Niel Lund, Clerk Brian Raymond and Recorder/Treasurer Brianne Carter were present in person. The meeting was called to order at 9:00 am by Commissioner Asay.

**Present In Person:** Crystal Allen, Dave Allison, Brandi Pearson-Commission Assistant, Dave McDonald, Thompson Davis, David Orr, Matt Lucas

**Present Online or by Phone:** Craig Smith, Bart Jensen of Jones and DeMille Engineering and Chris Clark of Uintah Engineering

**Motion to Go In and Out of Redevelopment Agency (RDA):** Commissioner Tippetts motioned to go in and out of the Redevelopment Agency (RDA). Commissioner Lytle seconded the motion. All were in favor, so the motion carried.

**Approve Minutes:** No minutes were available today.

**Issues Updates:** Commissioner Asay said the Rodeo went over well and Jack and his crew need to be commended for a great activity and there was a lot of work put into it. The County was thanked by Jack for the work done on the facility and grounds and everyone else that helped.

COVID is still going strong but we are in the low transmission level, but Niel clarified that the test positivity rate is high and not the transmission rate.

Matt is still working on the issues on the roads and the airport projects are ongoing but nothing new to report.

Crystal Allen was given some time. She is here because of trails and she has something she can offer. She asked if anyone knew the reason for the names of Leidy and Marsh Peaks and Commissioner Asay asked her to tell everyone. Crystal said that they were competing paleontologists looking for dinosaurs back in the day. She has an app through her company Explore Galore that can educate people about these and trails, etc. She is trying to integrate with GAIA and she used GIAI Saturday to keep from getting lost. They've got some prototypes of iron stands that they hope to get out on the trails. If the County supports this they can get some revenue as people access the app. The goal is to collaborate with businesses and Local, State and Federal agencies. She would like to get the county on board. Commissioner Asay said he and his wife took an ATV tour a couple of weeks ago and it was amazing how well marked out some of it is.

The 3-Minute Rule Book was introduced and the author was contacted and helped her to move forward with this. Brian brought up that many of the backcountry areas do not have cell service. Crystal said that is solved by GIAIs ability to download information prior to going into the backcountry like people do with ONYX. Crystal also said there are no partnerships yet, but she is working on this with GAIA or some similar service.

Dave Allison said the reason he came is to hear Crystal's spiel and because the County has a lot of public lands and not much going on with them. He just finished reading the "Our Piece of Land" pamphlet and it has a lot of information in it. There is a lot of history that people do not even know about like the Carter Military Trail. This could tie everything together and get the history out there. Crystal said the posts are about \$50 and the recordings will be about \$6 each. Brian asked if she had the signs approved with the Forest Service. Crystal said they haven't seen them yet, but the

BLM has and they can be modified if needed. Will they withstand a cow or moose rubbing up against them and she thought they would. Dave said one sign says Down Mtn instead of Dowd.

Commissioner Lytle asked if there were any updates on the road issue and how he can help. Commissioner Tippetts said he would let him know. Niel may need to help us through this issue.

**Citizen Comments:** No additional comments given.

**Cash Summary And Expected Revenues Report Review:** The Cash Summary and Expected Revenue Reports were provided by the Recorder/Treasurer's Office. Commissioner Lytle asked if Fund 50 is Collecting and Assessing and it was explained that the

Commissioner Lytle motioned to acknowledge receipt of the Cash Summary Report and Expected Revenue Report for all accounts as of September 3, 2021 and the Expected Revenue Report was in the amount of \$163,324.11. Commissioner Tippetts seconded the motion. All were in favor, and the motion carried.

**Approve Open Invoice Register:** The Open Invoice Register of September 2, 2021 was provided by the Auditor's Office.

Commission Tippetts motioned to approve the Open Invoice Register dated September 2, 2021 for normal invoices in the amount of \$113,997.80. Commissioner Lytle seconded the motion. Commissioner Lytle asked about confirming that we received the money from the State before writing the check to the District. Recorder/Treasurer Brianne Carter said that we received the transfer from the State several weeks ago. All were in favor and the motion carried.

**Disbursement Listing:** The Disbursement Listing was provided by the Auditor's Office for review. Commissioner Lytle was asked if he was coming in or if Brian should stamp the reports and Brian was given permission to use Commissioner Lytle's stamp for the approved documents.

Commissioner Tippetts motioned to accept the Disbursement Listing from Zions Checking for August 26, 2021 - September 2, 2021 in the amount of \$131,904.67. The motion was seconded by Commissioner Lytle. All were in favor and the motion carried.

**Purchase Request Approvals:** There were no purchase requests to consider.

**Correspondence:** Commissioner Asay asked if anyone had any correspondence? Commissioner Tippetts said that he had a conversation with Matt Lucas the other day and he wanted to get on the agenda and asked Brian if that had happened. There is a Closed Session set up with Thompson Davis at 1 pm and Matt at 1:30 pm and both were told that time is limited due to the chance to meet with Representative Moore at 4 pm. We also have attorney Craig Smith on the agenda for 11 am regarding water rights. Brian said there are several documents in the packet that are just for the commission to review and no action needed.

**Calendar Review:** Commissioner Asay said that Representative Moore will be at Red Canyon at 4 pm and he seems to be paying attention to the rural areas.

Commissioner Tippetts said tomorrow is the Conservation District and Weed Board meetings and the Trails meeting tomorrow night. Thursday is the LEPC and Economic CED meeting. Monday is the Museum Board and USACCC Tuesday through Friday. Commissioner Lytle said the board meeting for USACCC will start Tuesday evening and the rest of the meetings start on Wednesday so he asked that we limit next week's meeting to noon or 1 pm at the very latest.

Commissioner Asay said he has a meeting with UBAOG tomorrow on some housing related issues. The other commissioners didn't seem to have been invited.

## **Policy and Legislation Items:**

**Discussion and Consideration Of Possible GIS Services:** Commissioner Asay asked Brianne Carter about this and she said we need to make a decision on what we are doing. Jones and DeMille had updated their proposal since we last discussed this and we also received another proposal from Nick Keska? who works for UGRC and does this on the side. There were two proposals in the packet. Jones and DeMille Engineering had a proposal for us on the monthly amount. Nick has worked with Kym and he has come in considerably lower priced than Jones and DeMille and he does it for two other counties. It seems to be under our Professional Services threshold and Jones and DeMille is our surveyor and wouldn't necessarily have to put it out for bid. Commissioner Tippetts thought we could check his references and see if he would do a monthly quote and do our due diligence. Commissioner Tippetts motioned that we approve the proposal from Nick pending the reference check and that we have him do \$7,500 per quarter. Commissioner Lytle seconded the motion. We will probably have to put a contract on the agenda in the future, but this lets us move forward. All were in favor and the motion carried.

**Discussion and Consideration Of Transfer Of Cemetery Lots For Glen & Shirlene Keel:** Brian Raymond said that this was at the Recommendation of the Cemetery Board to pass on these graves to the Keel's. The ownership or burial rights are unknown and she has relatives buried in these lots. We have done this for her once before and she is asking to finish this up. There are lots of lots in a similar situation. We are starting to work on this. We have put a provis in there that allows us to give out her contact information if other relatives ask about these graves and that should help in the future. Brian said we grouped the graves together, but we are working to get the burial rights established for each lot, so we may see more of these in the future. Commissioner Lytle asked if this is part of the Cemetery Board conversation and Brian said at the last meeting this was recommended by the Cemetery Board and we just received the affidavit back, which is why it is on the agenda now.

Commissioner Tippetts motioned to follow the recommendation of the Cemetery Board to allow the transfer of the lots as indicated to Glen and Shirlene Keel. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

**Discussion and Consideration Of CIB Application And Possible Changes:** Commissioner Lytle asked Commissioner Asay's feelings after the meeting. Commissioner Asay thought they gave us good consideration and the follow up actions they took were appropriate. Commissioner Asay did not stay for Garfield County's presentation and Commissioner Lytle said they stated that they were not there to get a loan and CIB took that into consideration. There were lots of good questions and ideas brought out. Commissioner Asay said he and Trevor had a lot of good discussion to and from the meeting.

Commissioner Asay said we need to pursue the ARPA money and see what that amount might be. There were lots of good questions raised. We need to see what we can get from ARPA before the next meeting in October and Commissioner Lytle said maybe we can remain pending if we don't know where that is yet at next month's meeting. The CIB Board questioned the pilot study

until Sunrise clarified that it was a requirement of the Water Division. The Study would be better than just relying on the modeling information. We need to move forward with seeking the ARPA funding. Commissioner Lytle thanked Trevor for all his work and Commissioner Asay for his involvement. Commissioner Asay thought it was a good experience and educational and wanted Commissioner Lytle to stay as involved as possible since it is his department and he is so knowledgeable. Commissioner Asay said we don't want to burden the users so they can't use the water. Commissioner Lytle said the Board recognized that we have been responsible in getting the system to pay its way and have raised the rates several times.

Commissioner Lytle asked Brian if the minutes for the meeting held in Dutch John could be found and included in the packet to CIB so they could see more about the concerns of the public. Brian said he would send out the minutes to the Commission, Trevor and Sunrise engineering.

Commissioner Lytle asked if we need a motion and Commissioner Asay thought that it was more of discussion based on us not knowing what the funding level is. It ties into the next agenda item. Commissioner Asay said Drinking Water seems to be supportive of the project. Commissioner Tippets said he had spoken with Trevor and thought we need to keep moving forward and get as much as possible through ARPA, but there is lots of competition for that funding. We will rely on Sunrise, Trevor and Jack to help move this forward.

#### **Discussion and Consideration Of ARPA Grant And Other Funding Opportunities:**

Brian Raymond said that he included a copy of the State information on ARPA in the packet, which has a link to watch the Webinar. A recess was taken at 10:35 am. The Commission came back into session at 11:12 am.

#### **Discussion and Consideration Of Daggett County Water Rights - Craig Smith:**

Commissioner Asay welcomed Craig Smith of Smith Hartvigsen into the meeting virtually. Craig asked how the water was holding up in wells and springs in the area. Commissioner Asay said the canal company had pretty good water all summer and the fire regulations have been lowered. Craig addressed things holistically. The Division of Water Resources is the State's resource for allocations out of the rivers. He feels they haven't been as active as they could have been. They were supposed to be coming up with Contingency Plans for drought, and they have done some things but not enough. Six states have written a letter regarding the proposed Lake Powell pipeline to St. George. Legislation created the Lake Powell Authority this past legislative session. It passed pretty much how it was proposed and didn't get a lot of review. There were some concerns regarding the bill as it was written by a California attorney and didn't take into account all aspects of Utah law. The authority is getting staffed up and getting started now, so there is a bit of a waiting game. The Ute Indian tribe was not given a seat at the table and they have not signed the Colorado River Compact, so they have a case in Federal Court regarding their rights to water in the rivers and so we will have to see how that will turn out. Craig said our rights will remain the same, while the State's may change, although we may be subject to Contingency Plans and drought restrictions. Craig believes that the Authority will be more aggressive and they will be open to communication from groups like the county. Craig was reminded we were in open Session as he began to talk about potential contracts for in-stream flow, which is something they have been working on. Storage Rights are not

as affected by the date of the right, which is good for us. Mike Noel said Blue Castle, the proposed nuclear power plant, had tied up a large block of water and it appears to be back on the market now as the project is dead or on hold. We need to make sure that we are involved with the Authority as they are the new sheriff in town dealing with the state's water rights and other states have similar authorities already set up and running.

Commissioner Lytle said he had talked with Mayor Kunkel and she had concerns about the ability to have a secure water source for the system and Dave McDonald said that he just has precautionary concerns about the drought and our low priority as of 2005. Dave said that the Town and County need to be prepared in case we have another bad winter. Craig said that is a good question and as long as we have water that is beneficially used and it is segregated we should be okay. Dave said the State's website shows the 168 acre feet that is segregated and another pending amount that probably needs to be addressed and segregating a 2005 right does not help much as it is pretty low priority. The other thing is the meeting with Alan Nicholson, the interim director in 2017 stated that the water is only for the use within the town's boundary and supposedly supported by the Bureau's attorney. Dave said that before the County can use the water somewhere else they would need to have an agreement with the Town, so maybe the cart is being put before the horse.

Dave said contingency planning for a call on the river needs to be considered as the 2005 right is the most junior right on the river. Craig thought the storage right was not as bad as Dave thought and he thought we had to work with the State's Colorado River Authority. Craig said that several years ago the federal government asked the states to begin contingency planning and until it gets running it's anyone's guess as to how they will do things in the future. Dave brought out that they would need to work with the other state's agencies to get any concessions as the full authority is based in the multi-state organization. Niel asked if there was anything for Closed Session and Craig said it would be a good idea to have one in the near future, but he had covered everything that needed covering at this time. Craig said that the Commission should not ignore any invitations to meet with the Authority.

Dave reminded the Commission that there is a meeting this afternoon at Red Canyon with Representative Moore and Commissioner Asay said they were aware of it, but he wasn't sure who would attend. Niel said he would not be able to attend. Dave also said that the Commission might want to look at

Recess was taken at 12:00 pm. The Commission Meeting came back into session at 1:12 pm, as the 1 pm appointment was running late.

**Closed Session:** Commissioner Tippetts motioned to go into Closed Session at 1:13 pm for the purpose of purchase, exchange or lease of real property. Commissioner Asay seconded the motion. A Roll Call vote was taken and Commissioner Matt Tippetts voted "Aye," Commissioner Randy Asay voted "Aye," and Commissioner Jack Lytle voted "Aye", so the motion carried.

Commissioner Tippetts motioned to come out of Closed Session into Open Session at 3:05 pm. Commissioner Lytle seconded the Motion. All were in favor and the motion carried.

With no further business Commissioner Lytle adjourned the meeting by acclamation and Commissioner Asay declared the meeting adjourned at 3:06 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