

Minutes of the Meeting of the Daggett County Commission and the Daggett County Redevelopment Agency held on **Tuesday, August 24, 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 Jack Lytle were present in person and Commissioner Matt Tippetts was excused. Attorney Niel Lund, Clerk Brian Raymond and Recorder/Treasurer Brianne Carter were present in person. Auditor Keri Pallesen attended digitally. The meeting was called to order at 9:17 am by Commissioner Asay.

**Present In Person:** Brandi Pearson-Commission Assistant, Matt Lucas

**Present Online or by Phone:** Kirk Benghe of TriCounty Health Department; Mechelle Miller

**Motion to Go In and Out of Redevelopment Agency (RDA):** Commissioner Lytle motioned to go in and out of the Redevelopment Agency (RDA). Commissioner Asay seconded the motion. Commissioner Tippetts was excused today and was not present to vote. Commissioner Asay and Commissioner Lytle were in favor, so the motion carried.

**Approve Minutes:** Minutes from the August 17, 2021 Commission Meeting were available for review. Commissioner Lytle asked about the verbiage regarding a motion, which was more of a suggestion that he was willing to make a motion.

Commissioner Lytle motioned to approve the minutes. Commissioner Asay seconded the motion. Commissioner Tippetts was excused today and was not present to vote. Commissioner Asay and Commissioner Lytle were in favor, so the motion carried.

**Issues Updates:** Commissioner Asay asked Kirk Benghe to make a statement regarding a COVID related death from Daggett County. Kirk said it was a male over 65 that was hospitalized and passed away while in the hospital, a minor news announcement was issued. The Pfizer vaccine was recently fully approved and it is working even though some are still getting COVID after getting vaccinated, but the symptoms are not as severe as those who are unvaccinated. Kirk encouraged everyone to consider getting the vaccine, especially now that school is in session and the kids could be bringing it home to parents from school.

Commissioner Asay asked about Affordable Housing and thought Commissioner Lytle's idea presented last week was a good one. Commissioner Lytle did not have anything new to add.

Commissioner Lytle asked Clerk Brian Raymond to display some pictures of the road damage in Brown's Park. It's one thing to do a quick fix and another to get it right in the long-term. There is a lot of material to be moved and all the groups (BLM, SITLA, County, Private landowners need to be in the same room to discuss the options, responsibilities, etc. James felt he could get things patched up in three or four days, but that will take some working with the other entities. Niel asked to be notified when a meeting is set up and Commissioner Lytle said it needs to be as soon as can be set up. Hunters have different viewpoints on this. Two of the three roads are in the RS2477 suit. The sooner we can get working on this the better.

**Citizen Comments:** No citizen comments were given.

**Cash Summary And Expected Revenues Report Review:** The Cash Summary and Expected Revenue Reports were provided by the Recorder/Treasurer's Office. Brianne Carter said the Expected Revenue Report hasn't changed. The Cash Summary is in pretty good shape, but Fund 33 is still in deficit for Zions, but there is money in the PTIF and Brianne is not planning to move money around, but just keep her eyes on it, as it will go away when the taxes are received this fall.

The Shooting Range as a deficit of \$180, so Brianne will look at that and get the Water Tank request done this week. Commissioner Lytle asked about the Transportation Tax (Fund 50) being in deficit. Keri said all the airport activity was budgeted in Fund 50 this year and it will be positive when the \$92,996.88 reimbursement is received.

Commissioner Lytle motioned to acknowledge receipt of the Cash Summary Report for all accounts as of August 23, 2021 and the Expected Revenue Report of \$113,324.11. Commissioner Asay seconded the motion. All were in favor, and the motion carried.

**Approve Open Invoice Register:** The Open Invoice Register of August 19, 2021 was provided by the Auditor's Office. Commissioner Lytle motioned to approve the Open Invoice Register dated August 19, 2021 for normal invoices in the amount of \$64,126.36. Commissioner Asay seconded the motion. All were in favor and the motion carried. Commissioner Lytle asked about the Indigent Attorney fee and if it was part of the collaboration with Uintah County. Niel thought it was just the normal payment and it is separate from the Attorney's Office budget.

**Disbursement Listing:** The Disbursement Listing was provided by the Auditor's Office for review. Commissioner Lytle motioned to accept the Disbursement Listing from Zions Checking for August 12 - August 19, 2021 in the amount of \$85,469.46. The motion was seconded by Commissioner Asay. All were in favor and the motion carried.

**Purchase Request Approvals:** There were no purchase requests to consider. Commissioner Lytle noted that he approved the tractor Purchase Order and cc'd the other Commissioners.

**Correspondence:** Commissioner Lytle said Randy Rasmussen of Trout Unlimited (TU) would like to meet with the Commission about Wild and Scenic designations. There is some merit and also costs associated with this happening and they would like to present their views and have some discussion, but no date has been set.

Niel was asked if he had contacted Dave Hartvigsen yet about the water rights and he had not been able to. Commissioner Lytle said it's important to get going on this so we don't lose anything.

Commissioner Lytle said we had received the Preliminary Engineering Report and they want time on the agenda next week to discuss it.

Commissioner Asay brought up the Award Opportunity that is coming due and Mark Wilson was being considered and Brian said there are two awards and one expires next week and the Civic Plus one expires in October. Commissioner Lytle noted that next week is the CIB meeting and we are on the agenda for the Water Project. The discussion on the Preliminary Engineering Report will be helpful to have more discussion prior to the meeting. The loan/grant mix is about 50/50 and more research needs to be done to determine if the users can cover the cost. It seems awfully high. Keri was asked about this to see if this would be workable without a rate increase. She was willing to sit down and review that with Commissioner Lytle and Brianne. That needs to be reviewed before the meeting and Commissioner Lytle said he would forward them the info from the CIB review.

**Calendar Review:** Commissioner Asay said there is the opportunity to meet with Senator Mike Lee on Thursday in Vernal and Roosevelt, but he doesn't have anything else on the calendar for this week.

Commissioner Lytle said CIB is on September 2nd and Thursday is Senator Lee's briefing on the Railroad in Myton and Thursday afternoon will be more for the County to meet at 3 pm at the Uintah Conference Center. Commissioner Asay said he would be meeting with him that night and Commissioner Lytle wouldn't be able to make that meeting. Next week is the rodeo, so it will be a very busy week.

## **Policy and Legislation Items:**

### **Discussion and Consideration Of Business Licence For Maxfield Construction:**

Commissioner Asay asked if they had all their paperwork in and Brian said they do. Commissioner Lytle motioned that we approve the business licence for Maxfield Construction for Stacy Maxfield. Commissioner Asay seconded the motion. All were in favor and the motion carried.

### **Discussion and Consideration Of Distribution Of State Payment In Lieu Of Taxes**

**(PILT) Funds To The Flaming Gorge Fire & EMS District:** Clerk Brian Raymond said the last time this was talked about it was for last year's payment only and there would be further discussion for future years. Commissioner Asay said that he didn't want to go too far out in the future, but Commissioner Lytle said that we need to allocate it to a District and there are limited districts. Commissioner Lytle asked if it had been received and Brian thought it had but he wasn't sure. He had forwarded some emails regarding this to Brianne, but he was not sure where it was at. Brianne had asked that this be on the agenda, so she was asked to come back into the meeting. The Commissioners said that they had no problem approving it for the EMS District this year. It's not an intention to defund the Fire and EMS District.

Brianne said Alley Branch of the State of Utah releases the money to the counties or districts and she needs something in the minutes to allow them to allocate the funds to the District in the future. The minutes in March were read and it was for last year and this year's would be considered later, which is why this came up. Commissioner Lytle said the Commissioners would like to look at this each year and that it is not something that would defund the EMS District, but it just should be looked at annually. Brianne did not know how much it was off the top of her head, so she went to find that information.

### **Discussion and Consideration Of Revised And Restated Interlocal Cooperation**

**Agreement To Create And Govern The Tri County Health Department:** Commissioner Lytle said there were some questions on this due to personnel changes and he deferred to Commissioner Asay as a Board Member if he was comfortable with it and Commissioner Asay said that he was comfortable with it. Commissioner Asay said he feels Tri County has done a good job and it is equal on a per capita basis. Commissioner Asay said he is in favor of approving this and moving forward. Kirk Benge said that he had met with Uintah County and they wanted some clarification and he is not sure what else is going on with them. The red lined version was sent and this is not a new contract, but a revision of the previous contract. Commissioner Asay thought we had met their needs and Daggett County was in favor of the changes proposed. Commissioner Lytle was grateful for the TriCounty Health Department and there is value in all three counties being involved in this.

Commissioner Lytle motioned to approve the Revised and Restated Interlocal Cooperation Agreement between Daggett, Duchesne and Uintah Counties to create and govern Tri County Health Department. Commissioner Asay seconded the motion. All were in favor and the motion carried. Commissioner Lytle asked Kirk to let them know if there were any changes. Kirk said he will loop back if there are any changes proposed at the Vernal Meeting.

### **Discussion and Consideration Of Distribution Of State Payment In Lieu Of Taxes**

**(PILT) Funds To The Flaming Gorge Fire & EMS District (Cont'd):** Brianne came back into the meeting and said the amount this year is \$37,755. Commissioner Lytle motioned to approve the distribution of the State PILT funds of \$37,755 to the Flaming Gorge Fire and EMS Local District for 2021. Commissioner Asay seconded the motion. Keri said that if we do this then we need to open the budget and show the money going into and out of the County funds through a budget adjustment. Commissioner Lytle asked if the motion could be amended to give the State Finance Division permission to put it directly into the District's account so we don't have to change the budget. The funds have already been received this year, so we will still need to open the budget. We just need to send them a check and it doesn't require them to have a PTIF account this year. Keri said this can be done either way, but it looks like we need to open the budget for this year, since we have the money already. Commissioner Asay asked where the money went last year and Brianne said a check was sent to their account. That could be done for this year's amount as well, but a Budget adjustment will be needed. Commissioner Lytle amended his motion to transfer the FY21 Funds to the Flaming Gorge Fire and EMS District in whatever method is needed. There was discussion of adding next year's information to the motion. Brianne asked what the hang up was for allowing it to go directly to the District each year. Commissioner Asay said he wanted to have control of the County's money and not necessarily to defund the EMS District. He thought that there may be a need for that money to go somewhere else in the future, so an annual look at this would be better. One Commission should not encumber future Commissions. Brianne said it is not too difficult to do it either way, we just need to make a plan, so she can plan for it and keep it simple. Brianne just wanted to keep it simple and she could set up a reminder to contact the State in May to facilitate this. Commissioner Asay would just as soon put the payment into the County's fund and transfer it to wherever it's needed. Commissioner Lytle asked if we could budget an increased amount each year, so that it is in the budget and if we get money or don't get money the budget is covered. Budgeting annually made more sense to Brianne and Keri thought it was fine to do it that way. Commissioner Asay seconded the earlier amended motion. All were in favor and the motion carried.

Commissioner Lytle motioned to have future deposits come to the Daggett County PTIF unless we notify them otherwise. The general intention is to forward the money to the EMS District. The motion was rescinded by Commissioner Lytle.

Commissioner Asay asked if there were any additional open session items. Niel said he did not have anything for the open session, but he wanted to have a closed session for the Commissioners only.

Mechelle Miller had a general update from the State. We have firefighters in California and Montana. She said the state is working on the Flooding Assessments and we weren't affected by the Floods and Commissioner Lytle said we did have road damage from the floods in the Three Corner area. There was private, public (BLM) and SITLA land and County D Roads that were affected. She will be in Daggett County Thursday and if we are doing things the Count's threshold is only \$4,000. Three different roads were severely damaged. She needs the information as soon as possible. Since the watershed is affected we can apply for Brick Grant. The Willow Creek watershed was affected

and it is owned by BLM, SITLA and Private Landowners and is for irrigation and fish. It was the 7th of August. She will be here Thursday and can get the information, but Commissioner Lytle will not be available. We will exceed \$4,000 fairly easily. It is estimated that it will take two days worth of work to get the roads passable. It will take months to restore it. Mechelle asked if NRCS was involved and they have been informed and BLM and SITLA have also been informed. The next Community Awareness meeting is set for September 24th. The 2020 grant articles are signed and we can work on the SHSP grant now. Commissioner Asay noted that the Fire restrictions on the Ashley National Forest were lifted on August 20th. September and October are supposed to dry out, but hopefully we will get some more rain.

**Closed Session:** Commissioner Lytle motioned to go into Closed Session at 11:00 am for the purpose of discussing and negotiating the purchase, exchange or lease of real property, and Commissioner Asay seconded the motion. A Roll Call vote was taken and Commissioner Jack Lytle voted “Aye”, Commissioner Matt Tippets was excused and did not vote and Commissioner Randy Asay voted “Aye” so the motion carried.

Commissioner Lytle motioned to come out of Closed Session into Open Session at 12:45 pm. Commissioner Asay seconded the Motion. Commissioners Asay and Lytle were in favor and the motion carried.

**Discussion And Consideration Of Possible Purchase Agreements And/Or Participation Agreements For Land In Dutch John:** Commissioner Lytle noted that we have been doing negotiations with JRL Holdings #2, LLC. Niel said that he was printing the updated agreement with the changes discussed in the Closed Session. Niel confirmed the company name as stated and Commissioner Lytle said the discussion during closed was for the negotiation of the price and terms of sale for 3 parcels 02-001A-1400; 02-001A-1300; and 02-0017-0100 and Jesse said they need to be added to Exhibit A as approximately 50 acres of undeveloped land. Serial Numbers are 408, DJ13 and DJ14. The parcel numbers are 02-001A-1400; 02-001A-1300; and 02-0017-0100 and were confirmed by Commissioner Lytle as he looked at the GIS map. The parcels are located west of the access to Little Hole Road (6th Avenue) going west and south of the Little Hole Road (2 parcels) and the directly south of the parcels bordering Little Hole Rd and west of 6th Avenue. It is north of the LDS Church and South of Little Hole Road and east of Trout Creek Flies and Dutch John Resort. Jesse was informed that Basin Title had been contacted and they can have it ready for settlement next week. The agreement purchase Price is for \$550,000.00, and \$275,000 will be used to reimburse horizontal infrastructure by the buyer. Today’s date was added and once signed the agreement will be sent to Jesse. Commissioner Lytle motioned to approve the Purchase Agreement between Daggett County Redevelopment Agency and JRL Holdings #2, LLC for the purchase of property for the amount of \$550,000.000 and \$275,000 will be applied to infrastructure paid for by the buyer. Parcels numbers mentioned are associated with Serial Numbers are 408, DJ13 and DJ14. The price per acre was approximately \$11,206.00 per acre for approximately 50 acres (49.078 acres). Commissioner Asay seconded the motion. With no further discussion Commissioner Lytle and Commissioner Asay both voted Aye and the motion carried. Jesse Lassley thanked everyone and asked Niel to send it to the Title Company and he said it would probably be better for him to do it once it was fully signed.

With no further business Commissioner Lytle motioned to adjourn and Commissioner Asay declared the meeting adjourned at 1:06 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