

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board, Tuesday, January 28, 2014. All board members were present. Vicky McKee, County Clerk, was present as board secretary. The meeting was called to order at 9:00 A.M. by Chairman Steglich.

Also present were: Keri Pallesen-County Auditor/Recorder, Niel Lund-County Attorney, Thompson Davis, David Orr, Tammy Twitchell, Boyde Blackwell-Utah Division of Wildlife Resource, Casey Snider, Charlie Card, Ned Brady, Kym Slagowski and Mechelle Miller-DPS/DEM.

With regards to old business, the county had received the Subdivision Map for the Kushida's Minor Subdivision for Commission signature. Mr. Steglich reported that Kenny Hardy, Kushida's Attorney, had informed him that he had researched minor subdivisions and the county is not required to sign off on a map for a minor subdivision. However, in order to cover ALL bases, he had the engineer that prepared the map to include signature blocks. The map was signed by Commissioner Steglich in open meeting. Mrs. McKee also provided three original agreements for the Challenge Cost Share Agreement Between Uintah County, Daggett County and the USDA, Forest Service – Ashley National Forest for signing. The agreement had been approved, signed and returned after the last Commission meeting but the Forest Service needed three agreements with original signatures of all affected entities.

With regards to citizen's comments, Mrs. Twitchell voiced her concerns with the current policy for employee per diem reimbursement. She stated that the Commission has set a reduced rate and in order to get a reimbursement the employee has to provide a receipt. She stays at her sister's house in Salt Lake with meals provided whereupon she is saving the county \$70.00 per night and due to the policy she cannot take them out to dinner in return. She stated that she cannot eat a meal in Salt Lake and meet the per diem rate without saving up her per diem for one healthy meal. She stated that she was going back to Salt Lake for another meeting and will be staying there from Sunday through Thursday but thereafter she will be staying in a hotel and not with her sister. Mrs. Perry stated that this has happened with Travis Dupaix when he has stayed with relatives and saved the county money and she questioned the ability of taking their relatives out for one meal or at least being able to accrue their per diem. Mr. Blanchard stated that the county is not paying the employees to take their families out to dinner. The county appreciates when an employee tries to save the county money but it is not required as the county is willing to pay for meals and hotel rooms for meetings/trainings. Mrs. Twitchell requested for employees to be paid a daily flat rate for per diem so she has the ability to take her family out to dinner. The matter was discussed and Mrs. Pallesen suggested that with the additional work for her office due to the receipt requirement and the complaints from the employees, that the county go back to the per day amount. The matter will be added to the next agenda for further discussion.

There was no one else present with citizen's comments.

The minutes of the January 7, 2014 Public Hearing were provided for review and approval by the County Clerk's office. Mrs. Perry stated that the word "for" on Page one, 4<sup>th</sup> paragraph, 4<sup>th</sup> sentence needed to be deleted. Mr. Blanchard addressed the following revisions for the minutes: Page 5, first paragraph, second sentence – the word 'previous' needs to be added to County Attorneys and the 4<sup>th</sup> sentence needs to be revised to read – The county ended up buying the 40 acres but some of the contamination

was still on the SITLA property. Motion by Mr. Blanchard to approve the minutes of the Public Hearing held on January 7, 2014 as amended. Seconded by Mr. Steglich, all in favor. The minutes of the January 22, 2014 regular meeting were provided by the County Clerk's office for review and approval. Mr. Lund stated that on Page 1, 4<sup>th</sup> paragraph, the "s" on the word presents needs to be deleted. Motion by Mr. Blanchard to approve the minutes as revised. Seconded by Mrs. Perry, all in favor.

The Open Invoice Report was provided by the County Auditor's Office for review and approval in the amount of \$25,548.64. Mr. Steglich stated that the county had paid Utah Association of Counties almost \$13,000.00 last month and there is another billing from them in the amount of \$532.85 and Mrs. Pallesen stated that this invoice was to administer the Unemployment Insurance Program. He also questioned the coding for the expenditure of \$1,679.00 for a computer under Mrs. Slagowski's credit card and Mrs. Pallesen stated that all the computers are inventoried by the IT Department and checked out to employees. This computer was paid for under the Capital Project Fund for the IT Department. Upon review and discussion, motion by Mr. Blanchard to approve the Open Invoice report in the amount of \$25,548.64 as provided. Seconded by Mrs. Perry, all in favor.

With regards to correspondence, Mrs. McKee provided an email from Ken Brown, Western Counties Alliance, regarding the horse slaughter program and a letter received from the Utah Pipeline Association regarding a training scheduled for February 18, 2014 in Vernal.

The following business license applications were provided for review and approval by the County Clerk's office: Doug Roberts, Michelle Jeffries-Roberts, Melissa Roloson, Breanne Smith, Creative Fishing Adventures, Flaming Gorge Fishing Co., Goslin Mountain Fishing Co., Kevin Moser, Sheila Williams, Cedar Springs Marina and Convergence. The matter of applications for home businesses and businesses located under the same roof was discussed. Mr. Blanchard will check with Planning & Zoning regulations regarding home businesses. Motion by Mr. Blanchard to approve the business license applications as listed "a" through "k". Seconded by Mrs. Perry, all in favor.

The matter on the agenda for the discussion and approval of extension of fees with Pinnacle Potash International, LTD for the agreement to lease water rights will be continued until the next meeting as there is a meeting scheduled for this Thursday.

Mr. Steglich opened the matter of the county surveyor for discussion. Mr. Blanchard stated that there are three "Draft Request for Proposals" in the packet but he does not feel there is a need for a county surveyor. He had talked with Uintah Engineering and they had informed him that in 1990s the county had asked for them to act as the county surveyor and Hal Marshall had stated that he would be glad to continue. Kym Slagowski stated that she would like to see this matter tabled to allow time to review the RFP's. There is a need to discuss the procedures necessary to be done by the county from start to finish for maps coming into the county for surveying. It was determined that the matter was administrative and those involved will meet at 1:00 P.M. to discuss the county processes and determine what is needed in an RFP prior to putting it out.

Boyde Blackwell, Utah Division of Wildlife Resources, was present and provided the 2013 Wildlife PILT payment in open meeting. He invited the County Commission to

attend a Bighorn Sheep Release on Goslin Mountain on Thursday or Friday and provided contact information for Dax Mangus, Terrestrial Wildlife Manager, to the Commission for them to be able to do this. There will be around 26 sheep released. Mr. Blackwell stated that he was very happy with the fisheries in the county. Mrs. Perry stated that some of the aquatic employees had helped with the Burbot Bash activities and they were a great help. Mr. Blackwell stated that he is hoping to have a wildlife law enforcement officer back in Manila in August. Mr. Steglich asked if he was aware of what the Bureau of Reclamation was doing with the water on the Flaming Gorge Reservoir and Mr. Blackwell stated that he was watching it carefully and plans to participate fully. Mr. Blanchard stated that it is not the Bureau of Reclamation but it is the seven states involved in the water. Mr. Steglich advised those present that the check provided from the Division of Wildlife Resources in the amount of \$4,683.00 is for PILT (Payment in Lieu of Taxes) for their property located in Daggett County.

Ned Brady was present to request a wage increase for his position as weed manager. He provided the history of the position over the last two years and where he would like to see the program go. He stated that when he had originally submitted his request he had used a chart that the State puts out for the accepted amounts to be paid for wages and equipment and since the county did not have any money, they came up with an optional rate. Last year, Mr. Brady had been let go due to a lack of county funds and the State of Utah determined to fund the program almost 100% but the program has to be applied for and increased yearly. There are more job requirements and responsibilities all the time and OSHA has also mandated international acceptance for chemicals and herbicides for storage and labeling. Mr. Brady stated that he is a temporary employee who pays for his own health insurance and retirement and with the additional responsibility he feels he is worth the requested amount. In 2013 Mr. Brady applied for a \$30,000.00 weed grant of which \$18,000.00 was wages. He sprays all the county roads which is a benefit for the County Road Dept. and works with land owners in spraying their properties at a very low cost which comes back to the county. The State of Utah is going to a new mapping system to map the weeds and show the State where they are located. The matter was opened up for discussion with the Commission. Mr. Steglich questioned the wage scale that Mr. Brady submits to the State and Mr. Brady replied that he submitted the amount of \$32.00 to cover wages and benefits. All wages and benefits paid to Mr. Brady are paid out of the grant funds excluding liability insurance. Mrs. Perry stated that this is an important program and it needs to be a position that upon Mr. Brady retirement someone else would be willing to come on board. Mr. Steglich then requested comments from the citizens. David Orr questioned the number of hours worked and Mr. Brady responded that during the winter he spends about six to eight hours a week and in the summer he worked around forty hours a week. Mr. Blanchard stated that there has been a big difference in the program in the last two years and the Conservation District is very supportive in keeping this program going. Mr. Steglich stated that he had served on the Conservation Board and weeds were always an issue and he agrees that there has not been a program that has worked as well as it is now. By June 30<sup>th</sup> of this year all of the \$30,000.00 grant will have been used so Mr. Brady will need to resubmit for additional grant funds. Mr. Steglich stated that he would like to see Mr. Brady using the county equipment as much as possible and Mr. Brady replied that was

his full intent. Motion by Mrs. Perry to approve Ned Brady's request for the wage increase to \$25.00 per hour. Seconded by Mr. Blanchard, all in favor.

Mr. Blanchard stated that he had met with Bruce Schofield on Saturday. Upon checking with Mr. Lund, County Attorney, he had found where Mr. Schofield had also received a Nuisance Letter in 2003 from a prior County Attorney. Mr. Blanchard provided the background for the trailer which had belonged to a school teacher who had passed away. The trailer had been moved onto his property without his knowledge and he does not have a title for the trailer. The current sheriff at that time had told him that he could not move the trailer because they did not have a title. Mr. Schofield had stated that he had \$800.00 that could go towards removing or destructing the trailer and that he does not want the trailer on his lot. Mr. Blanchard stated that based on that, he recommends for the county to declare the trailer as abandoned property and file for a title and work with the Schofield's to remove the trailer. The matter was reviewed and discussed. It was determined that the county will follow up with the situation to try to get the trailer removed and the property cleaned up.

Mr. Steglich reported that he had met with Congressman Bishop for about 30 minutes prior to the presentations held at the State Capitol on Thursday, January 22, 2014. Congressman Bishop had stated that he wanted a document from each of the seven counties by September or October with the final requests for the lands bill so they were all asked to drill down and dissect the items listed to make sure the counties have covered everything. They had stated at the meeting that they were very impressed with Daggett County's work and progress so far and it was considered to be the best of the seven counties involved as far as progress being made. The river was considered to be of the greatest concern so Mr. Steglich had invited Casey Snider and Charles Card to be in attendance today for discussion. Mr. Steglich recommends that the county get started on this right away for the following two reasons. 1. It will take several months to work through the document to have it completed when Congressman Bishop requests the information. 2. There were definite concerns that were expressed at the public meetings and the concern expressed by Dickinson's. The Commission needs to answer her letter soon as she had expressed valid concerns but those concerns have been addressed in the past. Mr. Blanchard questioned if Congressman Bishop had said anything about crossing the Colorado line with the two WSAs and Mr. Steglich replied that the Congressman did not have a problem with it carrying into Colorado. He had questioned why the county would want to codify one and release one and expressed concern that the county would have less control if the one WSA was released and returned to the BLM's control rather than putting the language into the bill as to how it was to be managed. Casey Snider stated that what Congressman Bishop was referring to was that a carte blanche release of the WSAs opens it up to federal interpretation as to what they will do next but if it was designated as wilderness, the county could specify grazing and etc. Wilderness is the most restrictive of federal designations stating that these places are to be maintained as man is only a visitor and his existence there is not recognizable. The matter was reviewed and discussed. Mr. Snider stated that the county will need to make assessments in favor of Daggett County but at the same time respecting the historical uses. Mr. Blanchard stated that he was still concerned with the proposed designation of the Green River but he would like to see the "C" section released. He is comfortable where it is at and the other designation scares him. Mrs. Perry stated that this needs to be reviewed

very carefully and if the language cannot be made to where all feel secure it just needs to remain as it is. Mr. Snider stated that he agrees as he shares their concerns. He feels that the best starting place would be to list all the concerns including the concerns of Dickinson's and look at all the potential ramifications. Mr. Lund stated he has heard there are risks and benefits but there is a need to state exactly what those risks and benefits are and address each of these items. The matter was reviewed and discussed. Mr. Blanchard stated that in order for the Forest Service to change the current management of the river a public hearing would have to be held. Mr. Snider stated that there are two risks: 1. Do something 2. Do nothing. The risk to do nothing is that the county lacks the ability to steer the process through legislative language and the county is under the mercy of a Federal Agency that is going to determine how it is managed. The river is currently being managed as a de facto scenic river under the Wild and Scenic Rivers Act and if the county does not act there can be different interpretations on how the river is managed as agency staff changes. The positive of doing something and determining the future of the river as a community is that the county can stipulate the recreation concerns and protect and codify infrastructure, facilities, water rights and dam operations. The risk of doing something is that everything needs to be tied down to keep there from being any wiggle room. Mr. Blanchard expressed his concern of what can happen when the bill gets to Washington and Mr. Snider replied that Congressman Bishop is currently the Chair of the Natural Resources Committee and the opportunity for adjustments is minimal. Congressman Bishop has also said that at any point of the process Daggett County can back out. Mr. Orr questioned if there was any way to submit wording in the lands bill to keep the water from being removed from the reservoir and Mr. Blanchard replied that the Colorado Impact was done in 1922 and takes precedence of any later water rights. It was determined to list all the pros and cons of the items listed in the proposed lands bill and have discussions like today scheduled each Tuesday after Commission meeting.

Mr. Blanchard had presented the Wastewater Planning Program at the last Commission meeting. Mrs. Perry had questioned the finances and she feels that the form as prepared shows that the county is not supporting the program. The county still has the funds to cover the cost but the funds are in a Capital Improvement Fund not Fund 28 specifically. Mrs. Pallesen stated that she could set up a separate Capital Improvement Fund designated as such. Mr. Blanchard stated that per the State, the county cannot supplement the plant. Mrs. Pallesen questioned if the rates as set are enough to cover the day to day plus a contingency. Mr. Blanchard replied that according to his calculations it is showing a \$30,000.00 contingency fund each year with \$5,000.00 for the sewer and \$25,000.00 for the water. The matter was reviewed and discussed and it was determined that Mr. Blanchard would go over the financial statements with Mrs. Pallesen as well as the document for the State. This matter will be continued until the next meeting.

Mr. Blanchard stated that there is someone other than a county employee that is interested in renting the county owned house in Dutch John but in the past the house was only rented to county employees. He requested that the Commission make a decision on whether to rent to those other than county employees. Upon review and discussion it was determined that the Commission was in favor of this as long as the county was protected and the process was open to everyone. Mr. Blanchard stated that he will work with Mr. Lund, County Attorney, and return with a Draft Lease for the next meeting. Charlie Card

questioned if the county did end up allowing rental with non county employees would the county consider renting the confiscated trailers in Dutch John and the Commission responded negative.

Mechelle Miller, Department of Public Safety, Emergency Management, was present to provide an update to the Commission. The Department of Agriculture continues to declare the counties in the State of Utah as drought conditions and Daggett County is included. Daggett County's Drought Declaration was submitted to the State in 2013 and she will verify with Mrs. Twitchell that it is updated for 2014. Ms. Miller recommended that the Commission begin to take precautions if the drought continues such as planning and mitigation and Mr. Steglich stated that the county would be working with the Conservation District. Mr. Blanchard stated that the Conservation District is piping irrigation water to conserve water. Ms. Miller stated that Duchesne County received 5M from NRCS last year for mitigation due to flooding. She also recommends for the county to begin planning & preparing for a bad fire season due to the drought. Tammy has submitted the EMPG Grant report to the State and the grant deadline for the 2011 grant is May 30<sup>th</sup> and 2012 is June 30<sup>th</sup>. She provided information on being NIMS compliant. The HSSP Grant closes the end of this month. She also provided a copy of the Reporting Tool that is used by Tammy to put the information on. The Shake Out is scheduled on April 17<sup>th</sup> and the matter was discussed as to what the county's participation can be. Mrs. Twitchell, CEM, stated that she has been working with Kevin Rose, State Communications, requiring all counties go to broadband. There will be a separate series for cell phone coverage only for 1<sup>st</sup> responders. Daggett County is the most difficult county in the State but with the Omnilink System the county can communicate clear to Medicine Hat. The Wasatch Front has gone to 800 megahertz for their radios and that does not work in the rural counties so there is still a lot of work to be done for communication. The Department of Environmental Quality is holding a conference on April 30<sup>th</sup> which will provide training on working with DEQ and the reporting process. The EPA is conducting the Green River Contingency Plan on the lower area of the river for hazmat incidences due to the oil field production there. Mr. Blanchard stated that there are a lot of pipelines that run under the river so the upper part of the river should be a part on the plan. Ms. Miller also provided information on the Masters of Disasters for the Schools to help them get prepared and information on Active Shooter training. She stated that Ms. Twitchell and herself will be meeting today to set up the Training Exercise calendars for the year. Mr. Steglich stated that the seven eastern counties have established an Economic Development Coalition and have been having regular meetings and suggested that Ms. Miller contact Tammy Lucero.

Motion by Mrs. Perry to go "In & Out" of the Redevelopment Agency Portion of the meeting at 11:20 A.M. and "In & Out" of Closed Session for the purpose of Real Estate purchase and imminent litigation. Those present are: Thompson Davis, Attorney Lund, Clerk McKee and Commissioners Blanchard, Steglich and Perry.

With no further business, the meeting adjourned at 12:45 P.M.

/s/ Vicky McKee

/s/ Jerry Steglich

/s/ Karen Perry

/s/ Warren Blanchard