Minutes of the Meeting of the Daggett County Commission and the Daggett County Redevelopment Agency held on **Tuesday, April 12, 2022 in** the Commission Chambers in the Daggett County Courthouse 95 N 1st West in Manila, Utah and through electronic means. Commissioners Matt Tippets, Jack Lytle and Randy Asay were present in person. Attorney Niel Lund, Clerk Brian Raymond, Recorder/Treasurer Brianne Carter, Sheriff Erik Bailey attended in person. Auditor Keri Pallesen attended virtually and in person. The meeting was called to order at 9:00 am by Commissioner Tippets. The Invocation was given by Commissioner Lytle and Commissioner Tippets led those in attendance in the Pledge of Allegiance.

Present In Person: Brandi Pearson, Jason Loftus, Bret Reynolds of CIVCO Engineering, Jerry Steglich, Rhett Burkman and Acting District Ranger Marshall Alford of US Forest Service, Matt Lucas

Present Online or by Phone: Senator Ron Winterton, Michelle Miller,

Motion to Go In and Out of Redevelopment Agency (RDA): Commissioner Asay motioned to go in and out of the Redevelopment Agency (RDA) Meeting Agenda. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Approve Minutes: There were minutes available for the April 5, 2022 Commission Meeting. Commissioner Lytle noted that there was an extra "s" on Commissioner Tippets in the Calendar section. Commissioner Lytle motioned to approve the minutes for the Tuesday, April 5, 2022 Commission Meeting as amended. Commissioner Asay seconded the motion. All were in favor and the motion carried.

Issues Updates: Commissioner Tippets asked if there was anything that needed to come forward concerning the RDA. Commissioner Lytle said he had talked with Jesse Lassley and he is moving forward on developing his property.

Bret Reynolds had an airport update and said he had gotten the mylar signed by Commissioner Tippets and will take that to the State. There was the question regarding whether plats need to be on mylar, and Brianne said code still requires mylar if it's a plat, but if it's not a plat it can be on paper. The Airport Layout Plan is a planning document and not a plat. Jones and Demille is working on the plat. Brianne did not think legislation has changed on this yet to allow digital recording of plats, but she will check at UAC meetings at the end of the month. Bret will get this to Brian tomorrow for recording on Wednesday.

Bret said there have been requests for a plug in at the tie down area for electricity for battery charging and engine warming. We currently have $650,000 for construction and $150,000 in contingency. The proposed costs and plan were distributed to the Commissioners with ideas to get us within budget. We could go to the State and see if they have any additional funds, but if they don't we would have to pay all the overage. We are over budget with the estimate, so we could take off taxiways or change one large tie down to a small one or remove one large plane tie down to get within budget. Bret recommended that we take the plans to the state and get their recommendations of how to whittle things down. Commissioner Tippets would like to see Aeronautics thoughts on keeping it the way it is and have the RFP note there are possible changes. The electricity came up and boring can be done later if needed, especially since there is no way to capture repayment of power used. There are electric planes coming out now that may want electricity, but it's not really a priority now. Bret requested that the Commissioners review the documents he provided and he will talk with aeronautics and get it ready to go out for bid.

Citizen Comments: Jerry Steglich said he was the Chairman of the Central Committee of the Republican Party and there is the Convention next Thursday at 6 pm and State candidates will have representatives here so he encouraged those that want to talk with the candidates to be here about 5:30 pm. Daggett County went from three to nine State Delegates at the first of the year. The State Convention is April 23rd and the Commissioners wanted a list of the State Delegates.

The second item Mr. Steglich brought up was the concern people have regarding the possible drawdown of the reservoir. He has gotten lots of calls and been told that there may be a 50' draw down and people are worried how that will affect things like the ramps and how their condition is after being underwater for years. He wondered how involved the Commission has been in the process and Commissioner Lytle said he has talked with Dale Hamilton of the BOR and they are still working on things, so the meeting this month is really important. This could be a double whammy as we are one of the few places that still have water, so we will be busier than usual and there will be congestion at the boat ramps and the congestion is a concern for the sheriff as well. Are we talking about getting a new ramp for low water situations during the drop? We have more to lose than any of the other counties in this situation due to our reliance on tourism..

Cash Summary And Expected Revenues Report Review: The Cash Summary Reports were provided by the Recorder/Treasurer's Office. Brianne said that Pelorus is still working on setting up the receivable information, but she has dispersed taxes and they are in holding until the receivables get worked out. Commissioner Lytle asked about Fund 28 and it is still in process. Commissioner Lytle motioned to accept the Cash Summary for all bank accounts as of April 8, 2022. Commissioner Asay seconded the motion. All were in favor and the motion carried.

Approve Open Invoice Register: The Open Invoice Register was provided by the Auditor's Office. Commissioner Lytle asked about the HLS equipment and the Sheriff and Keri replied that it was for Homeland Security for Night Vision equipment. Commissioner Asay motioned to approve the Open Invoice Register dated April 11, 2022 for normal invoices in the amount of $84,478.16. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Disbursement Listing: The Disbursement Listing was provided by the Auditor's Office for review. Commissioner Lytle motioned to accept the Disbursement Listing for Zion's Checking dated March 31, 2022 to April 11, 2022 in the amount of $107,586.52. Commissioner Asay seconded the motion. All were in favor and the motion carried.

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

Correspondence: Commissioner Lytle asked what we had talked about yesterday. We applied for ARPA funding last year but did not get approved, so we are applying under a new process from Drinking Water and that has been submitted. With the change of Board memberships on the CIB Board Commissioner Lytle's term will end in June and if the rest of the Commissioners are okay he is willing to be reappointed.

Commissioner Tippets had received a call from Eric Rasband of UDOT and the application we had for a bike path last year is in consideration as there is more funding this year. There is a meeting in April and Mr. Tippets said that he needs to talk with Bret before that meeting. Commissioner Lytle asked about funding and it is a 80/20 grant and the 20% we would have to come up with could come from CIB or our CED grant, but that will still need to be determined.

Another item was the Brown's Park Road and how we might deal with the deficit. Bret said that the thought was to maybe do a 30' wide road with only 24' of pavement. This would help slow down traffic. The next meeting is April 22nd in St. George. The other option is to just go down to a

24' wide road. This request is for a regular hot mix, which will last longer and will hold up better than the double chip seal. This is the higher elevation of the road. We could pave the shoulder later if possible. Birch Creek Road is narrow, but it wasn't clear what the width was and Brown's Park Rd has more day to day traffic with the guides and shuttles and other traffic going both directions. A recess was taken at 9:56 until the scheduled 10 am discussion on Linwood Lane.

Calendar: Commissioner Tippets moved the discussion of Linwood Lane up and we will come back to this later.

Policy and Legislation Items:

Discussion And Consideration Of Linwood Lane/Forest Road 86 With Rhett Bergmann Of USFS: This item was moved up and Commissioner Tippets turned the time over to Rhett Burkman with a K as he noted the spelling of his name was not correct. He stated that fiber cable was being brought in to Buckboard this summer by All West and it was asked if it would be coming to Utah and it will not. It was supported by the Commissioners. Sheep Creek Loop is supposed to be paved this summer and Bridger Valley has asked for a utility easement and the Commission was supportive of that as well. Bridger Valley will also be doing work on Bare Top, but the road will remain closed for other traffic.

There was an application by the Town of Dutch John to get a right of way on Forest Service property for a residential development and that will probably get approved with curb and gutter. This is part of the NEPA process and these have all been published. The Commission was okay with the proposals.

Rhett said that he had done some research on the Linwood Lane that has come up for years. The easement that the Forest Service purchased is now under water and is not the section that is in question. The People's Canal right of way was mentioned. He was not sure how it got onto the Travel map, but they are looking to abandon that claim and the County can then make their claim. They want to keep 101 open and it's a little rougher and will slow down traffic. Acting Ranger, Marshall Alford reiterated that they are looking to remove that from the travel management map and are willing to work with the Sheriff for enforcement of any issues occurring in that area.

Jerry Steglich said as a Commissioner he supported keeping roads open, but this road is an exception as there are private property rights and danger from too high of speeds. He almost got hit and killed by a motorist going way too fast. There is another route and there was discussion of how to access this in the future. Commissioner Lytle thought that there was evidence of public access over time and it was best if the landowners went through the proper process if they wanted the road closed. Jerry said that the property owners had sought relief in the past and not gotten it. There was a question about Mr. Mattson and what his plans are regarding the other route. The Forest Service said that if the traffic increased they would do more to improve the conditions of the alternate route. Commissioner Lytle thought that there was evidence of use and wondered if there was some room for an agreement of some kind to continue to allow public use of the road. Commissioner Asay said Linwood Lane allows access to a beach and the other road does not allow campers. The closing of the road wouldn't keep people from racing up and down the other part of Linwood Lane, but Jerry pointed out that it would keep the drunks from racing down it at midnight after partying at the beach.

Jason said his property is littered with beer bottles and he had a window broken out shortly after purchasing the property. Jerry had hoped that 101 could get improved so that a camper could get down it. Jason said he bought that property for private property enjoyment and did some due diligence but never found it on any maps. He has taken the lock off to negotiate this, but has plans on putting a gate on the other side of his property as well. Commissioner Tippets said there has been historical use over a period of time that may or may not be on a map. The access on 101 is not equal

access, but if it could be improved he would be more willing to consider access through that direction and possibly allow closure of the road in question. We haven't received a petition for closure yet. Jason thought that if 101 was improved it would be better for everyone. Commissioner Asay pointed out that 101 goes through private property as well. Commissioner Lytle said those wanting it closed have argued well, but we have to consider all points of view, and with this discussion we have the opportunity to see if there are other solutions than putting a lock on the road. Niel read the wording from the State Code and it says if it has been open and continuously used for 10 years by the public it becomes a public use road. That continuous use can be seasonal or as often as the public finds convenient and necessary. Jason asked if it could be walk-in access only and Niel said the law doesn't address that. Commissioner Lytle said that's a good question. The acting Ranger said the type of use historically would probably be what was requested. Jason asked who would be liable if someone wrecks on the road and Niel said if it is public access Jason would not be liable, but Jason asked if it was 10 feet off the road then what and that wasn't as clear. The Forest Service is willing to look at improving the 101 Road. Commissioner Tippets thought that if we could get with the Forest Service and improve 101 and have the public hearings and go through the process and address the access issues he would be more willing to entertain the idea of closing it if it is done properly and can't be challenged.

The Sheriff said that area is growing in popularity and he needs access for emergency services. If there is an emergency and a lock is on the road he will cut it and replace it later. The drunks aren't always staying in that location. With the limited manpower he has he can't be everywhere at once. Jason was encouraged to call the Sheriff's Office if there are issues.

Commissioner Tippets was sympathetic to Mr. Loftus for his concerns and the public's concerns, but putting a lock on a gate with Public Access is not legal and there is a process to petition to close off access. That way the public is involved and the requirements are met. Past closures were discussed briefly. The Forest Service has some options to purchase easements and they were willing to be involved in the future discussions. The Forest Service was asked if they had any plans for a new ramp and they did not.

Correspondence Cont'd: The information received from Keri yesterday regarding a Water Right Temporary Change for 2 acre feet was discussed and it appears it might be from the Road Department and it has been approved. Commissioner Tippets was encouraged to speak with James Olsen about it and he said he would and would share his findings.

Calendar Review: Commissioner Tippets said the Leadership meeting was yesterday and there was some good food and discussion. There was also a Museum Board meeting yesterday and there will be a Conservation District Board meeting and Weed Board Meeting tomorrow. The LEPC meeting is Thursday and CED also on Thursday. Commissioner Lytle asked if he was attending the UBAOG meeting tomorrow and the CIB Tutorial training and he wasn't planning on going. Commissioner Lytle can't attend due to the SCIC meeting and nobody else was able to attend, so Brandi was tasked with representing the County for future CIB applications. Commissioner Lytle said the 13th and 14th will be the SCIC meetings, which is a change and he noted this is Holy Week. Commissioner Asay brought up later in the meeting that there is a UBAOG Board meeting tomorrow that Commissioner Tippets might need to attend. Brandi brought up a meeting with the Commissioners on Thursday morning at 10 am with Representative Curtis regarding Boyd Kitchen's retirement after 36 years. Commissioner Lytle will not be available.

Discussion And Consideration Of Completed Business Licenses For Coca-Cola Bottling Co. High Country, Slagowski Ranch Custom Meat, Quick Dispense Inc, Wild West Munchies

LLC, Diane Thurgood: Commissioner Tippets read the business names and noted there were two "d"'s so one should be an "e". Commissioner Tippets asked if they had everything they needed and Brian Raymond said they did. Commissioner Lytle motioned to approve the licenses as stated including Coca-Cola Bottling Co. High Country, Slagowski Ranch Custom Meat, Quick Dispense Inc, Wild West Munchies LLC, and Diane Thurgood. Commissioner Asay seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of Renewal Of County Board & Committee Member Terms: Commissioner Tippets read that the following were up for renewal for the CemeteryBoard Lesa Asay and Gale Lamb for 4 year term to end December 31, 2025; Planning and Zoning Commission members Alan Staggs For a 3 year term ending December 31, 2023 and Carrie Poulsen for a 3 year term ending December 31, 2024. Commissioner Tippets asked if all were willing to extend their service and Brian said they had all expressed a willingness to continue. Commissioner Lytle said Thanks You, Thank You, Thank You to each of them!! Commissioner Asay motioned to approve the renewed terms for the boards stated. Commissioner Lytle seconded the motion. All were in the favor and the motion carried.

Discussion And Consideration Of Assignment Order From Jones & DeMille Engineering For Dutch John Airport Survey: Commissioner Tippets said he asked to have this on the agenda since it was a contract for $8,900. Commissioner Asay asked if he was okay with the order and Commissioner Tippets said he was. Commissioner Lytle couldn't find it and was given the signing copy to review. There is money in the budget and it will be billed to the RDA.

Commissioner Lytle motioned to go forward with the Assignment Order for $8,900 through the agreement with Jones and DeMille. It was thought they were the County and RDA surveyors. Keri said that since this is in RDA it should be listed on the Agenda for RDA, Even though we are in and out, it is not on the agenda. Commissioner Lytle motioned to approve, but to Ratify under the RDA next week to do the Airport Parceling in the amount of $8,900. Commissioner Asay seconded the motion. All were in favor and the motion carried. Brian was asked to put this on the Agenda to ratify next week under the RDA portion of the Agenda.

Discussion And Consideration Of Approval To Withdraw Parcel #01-0003-0002 From The 2022 Tax Sale: Commissioner Tippets turned the time over to Keri and she was assuming that the Commissioners had received the code that said the Auditor could remove any parcels with errors from the Tax Sale. There are actually three different parcels and only one of the three was on the list. There are three different owners and these things constitute an error that needs to be corrected before the property can be sold..

Commissioner Asay motioned to remove Parcel #01-0003-0002. Commissioner Lytle seconded the motion. Brianne noted there is a "0" missing on the parcel # on the agenda, so that needs to be brought up. All were in the favor and the motion carried.

Discussion And Consideration Of New Part-Time Election Coordinator/Clerk Deputy Position: Commissioner Asay asked about this and Brian explained that he and Keri had discussed this and an increase to combine the two positions discussed last week (6-8 hours a week and 19 hours a week) would cost about $12,150 which included retirement benefits. This would be for a 25 hour per week position. We also looked at going with a full-time position with part of those hours being worked in another department and that would cost about $35,000. We probably will not go this route, but we wanted to see what that option would cost. Brian was excited for the combination of the two positions into one, which might allow for a better pool of candidates. Keri was asked if she thought we could find the $12,000.

Commissioner Asay motioned to approve the new combined position as a Deputy Clerk II Commissioner Lytle seconded the new motion. There was discussion of the type of deputy and Brian said his preference was for a Deputy II. Keri thought it should be one position with one job description. Commissioner Lytle asked if it needed to be a deputy? Brian said yes and he would like to see it advertised as a II, but he wasn't sure if someone would have the experience and according to Keri it could be underfilled. The motion stood, but the Deputy Clerk II was added. It was seconded with the addition of the Deputy Clerk II position. We will have to have the budget adjustment, but it will need to be done before the Clerk's Office exhausts its current budget. All were in favor and the motion carried.

Discussion And Consideration Of Funds From Sale Of Property To The Town Of Dutch John: Commissioner Lytle said he didn't like calling back the loan and couldn't see why we couldn't use the money for improving the Fire or EMS infrastructure. Niel agreed and thought it could be used for emergency services but it needs to be specific for their project area. Commissioner Asay thought that the faster we could get the towns into the district the better it would work. Commissioner Lytle asked if we have a requirement to show how that money is spent. We pay for fire service, but we have to be careful that it is spent for the Town. They have been paying for the utilities at the Fire Station and it wasn't clear if we agreed that it would only be applied to Dutch John services. Commissioner Asay thought it would be good to use this as a carrot to get them involved in the District. Commissioner Lytle thought the District could help incentivize them joining the District.

Niel said it's okay to talk with Dutch John about how they feel about ideas we have and see what they think. Niel thought that information was in the contract, but he wasn't sure. Niel and Brian weren't sure if they had a copy of the Contract. Commissioner Lytle thought we could do WUI projects with it. Brian said you could do it as a grant for a piece of equipment, training or something that you would have a receipt for. It could benefit the Town and the unincorporated areas they serve.

Commissioner Lytle motioned to keep the money in the RDA ($34,610) and as projects or equipment needs arise Dutch John can apply for the use of that money. Commissioner Asay wanted to see the contract and see how it was worded before approving or seconding. Commissioner Lytle motioned to table this until we have had a chance to review the contract. Commissioner Asay seconded the new motion. All were in the favor and the motion carried.

Closed Session For Possible Purchase, Exchange Or Lease Of Real Property: Commissioner Asay motioned to go into Closed Session for the purpose of possible purchase, exchange or lease of real property. Commissioner Lytle seconded the motion. A roll call vote was taken and Commissioner Randy Asay voted "Aye,"Commissioner Matt Tippets voted "Aye," and Commissioner Jack Lytle voted "Aye," and so the motion carried and after a quick recess the Commission went into Closed Session at 11:46 am.

Commission Asay motioned to come out of Closed session at 12:40 pm. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Commissioner Lytle motioned to adjourn and Commissioner Tippets accepted the motion at 12:40 pm.