Minutes of the Meeting of the Daggett County Commission and the Daggett County Redevelopment Agency held on **Tuesday, March 22 2022 in** the Commission Chambers in the Daggett County Courthouse 95 N 1st West in Manila, Utah and through electronic means. Commissioners Matt Tippets, and Randy Asay were present in person and Commissioner Jack Lytle joined virtually. Clerk Brian Raymond, Recorder/Treasurer Brianne Carter, Sheriff Erik Bailey attended in person. Auditor Keri Pallesen attended virtually. The meeting was called to order at 9:00 am by Commissioner Tippets. The Invocation was given by Commissioner Asay and Commissioner Tippets led those in attendance in the Pledge of Allegiance. As a note the recording did not work except for during the Board of Adjustments meeting.

Present In Person: Brandi Pearson, Jesse Platt,

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

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 Tippets seconded the motion. Commissioner Tippets and Asay were in favor. Commissioner Lytle was not present yet, so the motion carried.

Approve Minutes: There were minutes available for February 15 and February 22, 2022. Commissioner Asay motioned to approve the minutes for the Tuesday, February 15, 2022 Commission and RDA Meeting. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Commissioner Asay asked about the spelling of surplussed and Clerk Raymond said it underlines it both as single "s" or a double "ss". Commissioner Asay motioned to approve the minutes for February 22, 2022. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Issues Updates: Commissioner Tippets asked if there were any items for the RDA. The transfer to the Town is complete and he also closed electronically with Jesse Lassley last week. Another parcel is still awaiting finalization. Commissioner Asay said we have some discussion with UBAOG on affordable and Workforce housing and maybe we can get that scheduled at Thursday's UBAOG meeting. There were no known EMS/EMT updates. The airport layout plan was discussed in the meeting last week and will be on the agenda next week. There are no clinic or road updates.

Mechelle Miller was asked if she had anything to report and she said she has another meeting at 10 am, so she said that the training scheduled for after the UBAOG meeting was postponed again and hopefully the Coronavirus trend will continue downward. She is working on the grant for the 2022 regional meeting later today. We also have the Public Safety Conference in May and another meeting is in November. We will be having a Full Scale Table Top exercise on May 12, 2022 in Vernal and everyone is invited to attend.

Citizen Comments: There were no citizen comments.

Cash Summary And Expected Revenues Report Review: The Cash Summary Reports were provided by the Recorder/Treasurer's Office. Commissioner Asay commented that the Fund 30 negative balance seems to be growing. Brianne Carter agreed that it is due to additional grant expenses. Brianne also said that the negative amount in Fund 28 must be something that was posted incorrectly and she is working with Smuin and Rich to figure that out this morning. Commissioner

Asay motioned to acknowledge receipt of the Cash Summary for all bank accounts as of March 18, 2022. Commissioner Lytle 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 motioned to approve the Open Invoice Register dated March 21, 2022 in the amount of $91,773.31. Commissioner Asay 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 Asay motioned to approve the Disbursement Listing for Zion's Checking dated March 11, 2022 to March 21, 2022 in the amount of $309,398.56 and a void amount of $6,272.45. The motion was seconded by Commissioner Lytle. All were in favor and the motion carried. Commissioner Lytle gave his permission for his stamp to be used to sign the Invoice Register and Disbursement Listing.

Purchase Request Approvals: There were four Purchase requests for review: Kir Mag, Inc. for $5,750.00 From the FIG Grant for Trail Mapping; Chadwick Booth and Company for $21,050.00 for Utah State OHV marketing program; and SITLA for $30,750.00 for land purchase for the Shooting Range; and Election Systems and Software for $5,705 for annual maintenance on the voting machines.

The Kir Mag request is Grant money that is paying for this. Commissioner Asay motioned to approve the request for $5,750 for Kir Mag, Inc. for trail mapping-Account 37.4600.310. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Keri did some research and found that the last time we approved this type of payment it was considered to be Sole Source. Commissioner Tippets said we would need to fill out the Sole Source form and this is for a total of $42,100 from State money to market Finches Draw Trail and Carter Military Trail. This is for the initial deposit. Commissioner Asay motioned to approve the request for $21,050 for OHV program for Chadwick Booth and Company for account code 37-4600.310. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Commissioner Tippets asked Clerk Raymond about this and he explained that this is the annual maintenance fee and is part of the budget. Some years we have gotten state funds to reimburse this, but it is not anticipated that there will be any grant funds this year. Commissioner Lytle motioned to approve the request for $5,705 for Election Systems and Software. Commissioner Asay seconded the motion. All were in favor and the motion carried.

The Certificate of Sale was approved last week and this is the Purchase Request to make the payment required to complete the sale. Commissioner Asay motioned to approve the request for $30,750 to complete the SITLA transaction. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Correspondence: Commissioner Asay said that the Children's Justice Court is looking for a new Director as Tonya is resigning and so they are accepting applications to replace her. He also said Congressman John Curtis was here on Saturday. He had some good information and if he is elected he will be a good person to represent us as he is very up on the problems at hand.

Clerk Raymond had included a notice from the Forest Service regarding their planned Spring prescribed burns.

Calendar: Commissioner Asay said he has a Tri County Health meeting tomorrow and a UBAOG meeting on Thursday, both are in Vernal. Commissioner Tippets is planning to make the UBAOG meeting. Commissioner Lytle will try if he is back in town that day.

Policy and Legislation Items:

Discussion And Consideration Of Completed Business Licenses For Creative Fishing Adventures; Wakeless Harbor Marine Services, LLC; Xerox Corp.; B & D Real Estate Holdings, LLC; William H. Smith and Associates, Inc.; and RMC Unlimited: Commissioner Tippets read the business names and Commissioner Asay asked if they had everything they needed. Brian said they are ready to go. Commissioner Asay motioned to approve the licenses for Creative Fishing Adventures; Wakeless Harbor Marine Services, LLC; Xerox Corp.; B & D Real Estate Holdings, LLC; William H. Smith and Associates, Inc.; and RMC Unlimited. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of The Bureau Of Land Management (BLM) Application For Transportation, Utility Systems, Telecommunications And Facilities On Federal Lands And Property For Red Creek Road (B25): Commissioner Tippets said Sean Hughes had asked that he be called when we got to this topic, so he was called. Sean explained that the application is for a right of way from the BLM so we can apply for the FLAP grant application in the future. Commissioner Lytle asked if it is a BLM Road and Sean said they are claiming it, but it has been on our system for many, many years. We want to eventually pave it, so we need to get this taken care of. Sean thought it was on the list for RS2477 request Commissioner Asay motioned to approve the BLM Application. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of The Temporary Leave Related To Covid-19 Emergency Pandemic Leave Policy: Commissioner Tippets asked Keri about this and she did not respond, but did come into the meeting. Keri wondered if it was time to be done with this emergency situation. It seems to have calmed down for now and Commissioner Asay verified that the leave that was requested has been cleared up. We could have used CARES money, but we did not use that option. We did let some go negative on their leave. We have learned a lot about it and vaccines are now available so maybe it would be considered a normal disease at this point in time. Commissioner Lytle thought if we undo it, we could put it back in place if it was needed at some time in the future.

Commissioner Lytle motioned to rescind the Covid Temporary Leave Policy from our County Policy. Commissioner Asay seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of Remote Clerk And Judicial Clerk For Justice Court: Commissioner Tippets turned the time over to Judge Allphin to speak to this. She said that Larinda's last day was on Friday. It takes about two years for Clerk's to become proficient. We are basically shut down because the judge cannot touch CORIS. Many of the small courts use a remote clerk that handles the detailed issues in CORIS and another clerk that is in the office handles the phones and the mail. The Remote Clerk would train the Office Clerk. Both positions would be part time approx. 19 hours per week. One option is the Remote Clerk could be a contract employee, which would reduce the benefit costs, but it may be better to go with them as an employee. Keri was asked if this was in the Budget Adjustment and she replied that it was. Judge Allphin said the Remote Clerks were very highly recommended. The remote clerk could help with Webex. Their first attempt at webex went well and there was only one no show. The Remote Clerks know their value and $25/hr is the going rate. The AOC has excellent training available online and between that and the Remote clerk they could get the new clerk trained within a year or two. She had talked with other Judges and the turnover due to lack of training does exist in other places, not just here. The officers are going to have to use electronic tickets instead of paper tickets. Commissioner Lytle said that there are

situations where a hand written ticket is the only way to do it, but then they try to enter it when they get connectivity. The State system allows them to enter the citation number digitally. Without a clerk it is a bit problematic, but we'll be able to deal with it eventually. Commissioner Asay would like to see somebody local, but who knows if we have an experienced clerk already in town? The posting was discussed if there was an experienced person willing to be in person they might need more hours and then have benefits available. Many of the Judges that have been working webex for the past two years are now running the webex and Judge Allphin wants to get there, but isn't yet. Having a backup clerk would also be nice for illnesses and vacations, etc. Commissioner Tippets does not see an alternate path. Commissioner Lytle asked if the Office is open or closed and Judge Allphin said everything is on hold. The next Court date is in May, so without anyone to help they are dead in the water. It was asked if the Clerk's office could help out and Brian said it might be possible as District Court does use CORIS, but we are not really familiar with Justice Court systems. Keri suggested that someone that is already trained would be best. The calls could be sent to the Clerk's Office to explain the situation. The request today is to seek the increase in budget then the details will be worked out. Keri said the policy requires the Commission to approve any new positions and Judge Allphin said that we could do a part-time Level 2 Clerk

Commissioner Tippets motioned to approve the creation of a new position as a part-time Level 2 Justice Court Clerk. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion And Consideration Of Resolution 22-02: A Resolution To Amend The 2022 Daggett County Budget: Commissioner Tippets asked Keri if we have addressed all the reasons to amend the budget in this resolution and she said that this was all of the things that she was aware of. Commissioner Asay wondered if we had to discuss the PRCA Rodeo first, but it was already budgeted and it was the other rodeo that needed additional funds. The next agenda item was moved up for consideration.

Discussion And Consideration Of PRCA Rodeo Sponsorship: Commissioner Lytle disclosed that he is also a member of the Board of the PRCA Rodeo. We had requested a $10,000 Sponsorship for this year and it is in the budget. We had a sponsor that covered the Big Screen TV last year and are working towards that Sponsorship continuing. The arena and the manpower from Buildings and Grounds is also part of the County's Sponsorship. Search and Rescue and the EMS and Sheriff's Office all received donations last year from the PRCA Rodeo. It is hoped that there can be a donation towards the enhancement of the arena facility this year. The ambulance is still a question for this year.

Commissioner Asay made the motion to provide the arena, the manpower from Buildings and Grounds, plus a $10,000 donation towards the Partner level Sponsorship for the Daggett Heritage PRCA Rodeo. Commissioner Tippets seconded the motion. Commissioner Asay and Commissioner Tippets were in favor and Commissioner Lytle recused himself as a member of the Rodeo Board. The motion carried.

Discussion And Consideration Of Resolution 22-02: A Resolution To Amend The 2022 Daggett County Budget: With the PRCA question resolved, Commissioner Asay motioned to approve Resolution 22-02 as written to amend the Calendar Year 2022 Budget. Commissioner Lytle seconded the motion. All were in favor and the motion was carried to approve the resolution and amend the budget.

Closed Session For Possible Purchase, Exchange Or Lease Of Real Property: There was no need for a Closed session today.

Recess For Board of Adjustments Meeting: Commissioner Tippets started the meeting at 11:00 am and called to order the Board of Adjustments meeting with Commissioner Tippets, Asay and Lytle attending with Keri Pallesen, County Auditor, Brian Raymond, County Clerk and Planning and Zoning Staff member Vicky Nelson and Brandi Pearson also in attendance. The notice was read by Commissioner Tippets regarding the variance request by Stew Clair Leith to have a garage closer to the road than allowed by code. Vicky Nelson showed a map with the property in question and surrounding properties. Vicky said it was a 2.2 acre parcel with a steep cliff in much of the property. The home is no longer there. The property is zoned AG20 and this is the perfect example of a need for a variance. AG20 requires a 60' setback and then the house wouldn't fit. There was a discussion on this back in 2017 and it was approved, but the Ordinance was changed after that time and the structure was not built. The minutes were included in the packet. The request is for a 30' setback. Vicky stated that the variance request meets requirements for a variance. Commissioner Tippets asked why it wouldn't be better to rezone it to R-R-1. Vicky said it would be more time consuming and expensive. Vicky had also talked with Carrie Poulsen who thought the variance was the best way to go. The front setback is the only problem due to the terrain of the land on this parcel. Niel asked for clarification and Commissioner Tippets spent time reviewing the map. The area to the North and East is zoned R-R-½ and the rest around it is AG20. Commissioner Tippets asked if it would make more sense to rezone it, but Commissioner Asay said it was never part of the R-R-½ subdivision.

Attorney Niel Lund was asked about the code on a variance and he replied that it is in Chapter 17-20A part 5 and 7. He read the code for everyone, which says that the literal enforcement creates an unreasonable hardship, there are special circumstances attached to the property that don't generally apply to other properties in the same zone, granting the variance is essential to the enjoyment of a substantial property right possessed by others in the same zone, the variance will not substantially affect the general plan and will not be contrary to public interest, and the spirit of the land ordinance is observed. Vicky said that it met that close enough to ask for a rezone. Niel thought that it met the requirements. The location of the leech field has some effects on where the house and garage could go. Commissioner Tippets thought the variance was the last resort and he still sees another option that could solve the problem, so he was open to discussion. Commissioner Asay said he was okay with the variance and it was approved at one point in time. Commissioner Tippets said the garage was to be in front of the house at that time and the current ordinance allows that. Commissioner Lytle said he was okay with it.

Commissioner Lytle moved to allow the variance to have a 30 foot front set back instead of 60 foot setback and also allowing the garage to be in front of the home. Commissioner Asay seconded the motion. For further discussion it is allowing the garage to be in front even though it is now allowed by Ordinance. All were in favor and the motion passed, so the variance is granted.

Meeting adjourned at 11:25 am by Commissioner Tippets.