

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, January 17, 2018** in the Commissioner Chambers at the Daggett County Courthouse. Commissioners Jack Lytle, Randy Asay and Clyde Slaugh were present. Attorney Neil Lund, Auditor/Recorder Keri Pallesen, Assessor Lesa Asay and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:03 a.m. by Commissioner Lytle.

Also present: Dutch John Councilman David McDonald, Steve Habovstak, Chuck Bennington, Matt Tippets, Jeff Strange, Bret Reynolds of CIVCO Engineering, David Orr, Thompson Davis, Chris Collett, Hank Gutz, Craig Ide and Matt Swapp of Utah Aeronautics, Butch Johns, Pam Johns, Sergeant Travis Dupaix, James Olsen, Deputy Ken Rasmussen, John Weaver and Jerry Steglich

Old Business: Commissioner Asay made the commission aware that the Board of Health will be here tomorrow (January 18, 2018) to check for lead paint so the county can move forward with replacing the floor in the entrance of the courthouse. Commissioner Lytle introduced Bret Reynolds of CIVCO Engineering and gave him the floor to explain the improvements planned by UDOT to two intersections (Little Hole Road and South Boulevard) in Dutch John. Temporary construction easements are needed and a representative from UDOT will be in touch with the commission. Mr. Reynolds will follow up with UDOT and gave some information regarding future projects including the addition of a sewer line in Dutch John, chip seal, and restriping. Mr. Reynolds is looking for input from the commission today that he can take back to UDOT as far as the direction Daggett County is thinking of going. There was some further discussion regarding plans for the projects and Dutch John Town Councilman David McDonald was asked for his input regarding zoning by Commissioner Lytle. Mr. McDonald made some recommendations and there was some further discussion. The potential agreement between Daggett County and Dutch John was brought up and discussed. The conversation then turned back to project plans. Mr. Reynolds will pass along the consideration from Daggett County, but advised the commission that they will want a final decision quickly. Restriping of the highway was discussed, once again and Mr. McDonald stated that he would like to see the work happen earlier so it is completed before July 2018 or wait until after July 24, 2018 because of the holidays. The temporary construction easement was again discussed along with the processes associated with the project. Commissioner Lytle requested this discussion be added to the RDA agenda for next week (January 23, 2018). Mr. Lytle addressed the “bumpiness” and lack of shoulder along Highway 43 and there was some further discussion.

Citizen Comments: Bret Reynolds addressed the commission as a private citizen, representing his family and their land in Taylor Flat. Mr. Reynolds discussed a letter he sent the commission regarding the road in Taylor Flat and boundary conflict with the DWR property North and South. Commissioner Lytle recommended tying in with the DWR and there was some further discussion.

Approve Minutes: The minutes for December 19, 2017 were provided by the Clerk/Treasurer’s Office for review and approval. Commissioner Slaugh moved to approve the minutes of December 19, 2017 and Commissioner Asay seconded the motion. All were in favor and the motion carried.

The Open Invoice Register was presented for review and approval: The open invoice register of \$13,524.34 was presented by the Auditor/Recorder’s Office for review and approval. Commissioner Asay made the motion to approve the invoice register of January 16, 2018 in the

amount of \$13,524.34 and Commissioner Slaugh seconded the motion. All were in favor and the motion carried.

Correspondence: Commissioner Lytle brought up the letter sent out by a private citizen in Dutch John that included the letter from Daggett County to Dutch John as part of the negotiations. The letter written by the private citizen was addressed to Dutch John Mayor Buddy Rogers, but a copy of the letter was distributed to all box holders at the Dutch John Post Office. Commissioner Lytle discussed some comments made by concerned citizens because there was some confusion. The letter from the private citizen contained a copy of the letter from Daggett County to Dutch John. Daggett County did not distribute the letter to box holders. Also, Mr. Lytle wants it on record that a copy of the letter from Daggett County to Dutch John was given to the private citizen properly through a GRAMA request. Mr. Lytle also acknowledged, as part of correspondence, Item No. 9 on the regular meeting agenda and Item "A" on the RDA agenda will be responding to a letter received from the Town of Dutch John. Attorney Niel Lund addressed the commission regarding the possible postponement of the meeting scheduled on January 19, 2018 due to inclement weather. Commissioner Lytle provided some insight regarding the potential agreement and stated that his intention is to pursue an agreement that will work for both parties.

Commission Calendar Review: Commissioner Lytle has a UAC board of directors meeting on January 18, 2018. There is a potential Dutch John Town Council / Daggett County meeting on January 19, 2018 starting at 10:00 a.m. without the BOR, as recommended by Attorney Niel Lund. Commissioner Asay stated that he is not ready to do anything on January 19, 2018 until the commission discusses Dutch John's response. Mr. Lund will contact the BOR to postpone the meeting, and then the commission can discuss whether or not they want to meet with Dutch John on January 19, 2018. Commissioner Asay concurred. UAC will host a meeting on January 25, 2018 to discuss legislation. The PRCA Centennial Rodeo committee will meet on February 5, 2018 at 6:00 p.m. and there are trainings scheduled for February 6, 2018. Everything is still online for energy discussions during the regular session commission meeting on January 23, 2018. Commissioner Asay has a Tri-County Health meeting on January 24, 2018. In regards to the training on February 6, 2018, Dutch John Councilman Dave McDonald asked the commission if the Dutch John Town Council could attend. Commissioner Lytle agreed and suggested inviting the Town of Manila and it was discussed to invite special service districts as well.

Weekly Budget Review: The cash summary and disbursement list was presented by the Clerk/Treasurer's office for review. Property tax money was discussed.

Policy and Legislation Items from the Posted Agenda:

Commissioner Slaugh moved to go in and out of RDA and Commissioner Asay seconded. All were in favor and the motion carried. Attorney Niel Lund asked for a short recess. Commissioner Slaugh motioned to recess and the meeting was reconvened at 10:08 a.m.

Discussion And Consideration Of Switching Propane Vendor to State Contract Vendor: This item is postponed until Auditor/Recorder Keri Pallesen is present for discussion.

Discussion And Consideration Of Changes To Business License Code: Clerk/Treasurer Brian Raymond addressed the commission regarding some changes made to business licenses. Mr. Raymond asked the commission if it is okay to strike out the part of the code that requires applicants to list out their board of directors. There are other recommendations as the state law has changed.

Dutch John Councilman David McDonald had some input and gave some explanation on how Dutch John handles business licenses. Commissioner Lytle brought up personal property and Assessor Lesa Asay explained that business owners are required to file a statement on personal property. Commissioner Lytle then went on to recommend a group be formed to review the information and then present their recommendations to the commission. Mr. McDonald addressed Mr. Raymond and suggested that Dutch John mirror Daggett County's process and time schedule. Mr. McDonald asked Mr. Raymond to keep him informed.

Discussion And Consideration Of Changes to Dog Licensing Code: Clerk/Treasurer Brian Raymond brought this item up for discussion and is asking the commission to consider deleting the section regarding licensing requirements. An ordinance needs to be put in place. Audience member Hank Gutz addressed the commission and provided a little bit of background on the ordinance and there was some further discussion.

Discussion And Consideration Of Possibility Of Taxpayers Donating Taylor Flat Lots To Daggett County In Lieu Of Taxes Due: Clerk/Treasurer Brian Raymond provided some explanation about an idea to allow taxpayers to sign over, not donate unwanted lots in Taylor Flat to Daggett County. Mr. Raymond also presented the idea of composing a special service district. It was asked if the Municipal Building Authority (MBA) could function in that capacity. Problems with zoning were brought up and discussed. Attorney Niel Lund clarified and stated that Daggett County could accept title to the property in lieu of taxes and the property will become another asset, however, he is not making a recommendation one way or another. Commissioner Lytle expressed his hesitation for the county to get involved and feels that Taylor Flat needs to remain privately owned. There were some discussion points brought up by audience members John Weaver, David McDonald, and Bret Reynolds in regards to tax sales, private sales, and title issues. Mr. Reynolds then asked as a property owner for the best approach to advertise willingness to buy/sell property. Putting an advertisement on KSL classifieds, the county newsletter, or approaching the property owners directly were discussed. Audience member Hank Gutz addressed the commission with the idea of the county taking the lots for open space to possibly facilitate septic system(s) or have a park. Options to donate lots to Daggett County were discussed as well as tax ramifications and there were some comments made by Mr. Lund. Assessor Lesa Asay suggested providing contact information for neighboring lots to landowners so they market the property themselves. Commissioner Asay shared some of his thoughts and Mr. McDonald shared an idea regarding putting in septic systems on easements. He provided some further explanation. Mr. Reynolds asked if Tri-County Health had any ideas or suggestions.

Discussion And Consideration Of Capital Improvements List For 2018: Commissioner Lytle stated that it would be helpful to add the sewer line project in Dutch John to the list. Public hearing held by UBAOG will be on February 27, 2018, but the commission has to present the list to UBAOG prior by February 1st. It was agreed to stop discussion on this until future meetings.

Discussion and Consideration of Airport Issues With State Division of Aeronautics: Commissioner Lytle turned the time over to Craig Ide, an engineer and Matt Swapp, a planner with Utah Aeronautics who provided handouts to the Commissioners. Mr. Swapp started with projects for the Manila Airport including AWOS lighting and runway preservation. Mr. Swapp made the commission aware that the funding is set, and the Division of Aeronautics is flexible on timing as far as projects go. Dutch John Town Councilman David McDonald addressed the gentlemen in regards to an FAA AWOS published approach. The approach can be done after the AWOS system is installed, but it cannot be done at the same time. Mr. Ide pointed Mr. McDonald to the FAA's site

for reference. There was some further discussion regarding the steps it takes to get an AWOS approach. The Daggett County Airport Master Plan was then brought up and the last one was done in 2004. The goal is to try to get an approach in the future and taking these steps will help facilitate it. The Dutch John Airport was next for discussion including enlarging the apron. Mr. McDonald made the recommendation to add hammer heads at both airports to assist planes in turning around and discussion of the idea followed. The lighting at the Manila Airport was discussed, as well as funding. Options and ideas to repair/replace lighting and install AWOS were brought up. Bret Reynolds of CIVCO Engineering asked Mr. Ide to explain the difference between AWOSI and AWOSII to the commission which he did while referencing the handouts. Processes and funding were discussed and Mr. Ide provided some more information with comments from Mr. Reynolds. Mr. McDonald made the suggestion of taking the funds for the apron enlargement and adding it to the funds for the Manila Airport projects. According to Mr. McDonald the apron can wait and there was some further discussion. Mr. Ide stated that it is up to the county to decide what their priorities are for the airports, and plans to consolidate funds were discussed. Mr. McDonald was asked for his opinion and he said that the efforts should be concentrated on one airport, and then work on the other and Mr. Ide made some recommendations on the AWOS system. Mr. McDonald made some recommendations to the commission and there was some conversation regarding CIB funding and PILT. Mr. Lytle summarized Mr. McDonald's recommendations and there were some questions regarding funding that were discussed. Mr. Swapp addressed the commission and advised that the division of aeronautics needs a letter lining out the county's requests. Each commissioner was given the opportunity to share their thoughts on how to proceed with the projects. Audience member Thompson Davis addressed the commission and stated that Daggett County needs the most sophistication it can get at one airport as quickly as possible for emergency situations. Start the Manila Airport, and then work on the Dutch John Airport. Mr. McDonald made a suggestion on landing first in Manila and then flying to Dutch John and there was some further discussion. Commissioner Slaugh motioned to repurpose \$555,000.00 from the Dutch John Airport to bring the Manila Airport up to standard for a total of \$1,110,000.00. Motion seconded by Commission Asay. All were in favor and the motion carried.

Recommendation was made to recess for lunch. Commissioner Slaugh made a motion to recess until 1:00 p.m. Commissioner Asay seconded the motion. All were in favor and the motion carried. Commission meeting came back into regular session at 1:18 p.m.

Discussion And Consideration Of Capital Improvements List For 2018 (Cont'd):

Commissioner Lytle said he had talked with Dutch John Mayor Buddy Rogers regarding the CIB list. Mr. Lytle will send a copy of the CIB list with Dutch John Councilman David McDonald for their reference. Priorities for each entity were discussed as well as the airports. Because there is a page from the list missing from the packet, this item was tabled until next week's commission meeting.

Discussion And Consideration Of Dutch John Resort Water Billing: Thompson Davis of the Dutch John Resort was available to address the commission as well as Chris Collett the water/sewer operator. Mr. Davis passed out a handout to the commission regarding water/sewer bills for commercial properties and provided some explanation. Commissioner Lytle addressed some of the formulas associated with his bills. There was a considerable amount of discussion regarding the billing structure. Mr. Lytle stated that the idea is that there is equivalency in the formula to help pay for the system and everybody has to pay to use the system. Mr. Davis then provided input regarding usage and stated that the burden needs to fall on all users of the system, not just one. Audience member David Orr addressed the commission regarding usage. Dutch John Town Councilman David McDonald shared some history about the rural water rate study. According to Mr. McDonald

the rate study for commercial properties is based on potential to use in the base rate plus an overage. The reason they rely heavily on the base rate is because if there isn't usage, there's still operating and maintenance costs, and bond payments. Mr. McDonald discussed the potential to use and how it doesn't have anything to do with the number of taps. Attorney Niel Lund interjected and stated that it is a little inaccurate to say the rate study is where that rate structure came from. According to Mr. Lund, the rate structure (Resolution 13-19) was already in place and the rate study was done based on that structure. Mr. McDonald provided some additional historical information regarding the rate study and Mr. Davis shared some of his thoughts. There was some further conversation. Chris Collett addressed Mr. Davis and asked about the data collected and there was some discussion. Commissioner Asay spoke up and said that he finds it disturbing that certain accounts without meters are being billed. Mr. Collett stated that he is still working on it. Mr. Orr stated that the intent should be to be fair. Mr. Asay shared his opinion about some of the data provided, and recommended going back to rural water for further explanation and clarification. Commissioner Slaugh agreed. The data provided by Mr. Thompson was reviewed and there was some discussion. Mr. Thompson addressed the commission and stated that he provided as much information as he could as he was requested. He feels that this is enough for the commission to move forward with a decision. Mr. McDonald inquired about sewer rates and Mr. Lund provided him with some information and Mr. Collett was asked for input. There was further discussion and Commissioner Lytle gave Chris Collett the floor. Mr. Collett addressed the commission regarding some research he had done on the meters on Mr. Davis' property. Mr. Collett stated that there has been a calculated error on the meter because of the size of the pipes and he has been in contact with Meter Works. There was some further discussion and Mr. Collett offered to sit down with Mr. Davis and Mr. Orr. Mr. Collett intends to check every meter in Dutch John because of this discrepancy. Commissioner Lytle stated that he would like to look at the accounts that don't have meters attached. There was some information provided by Mr. McDonald as to what properties do not have meters. Mr. Lytle would like to meet with all water users and it was agreed to discuss this again in two weeks on January 30, 2018 at 2:00 p.m.

Discussion And Consideration Of Dutch John Resort/ Trout Creek Flies Sewer

Easement: According to Commissioner Lytle there has been a request that part of this discussion be in closed session, but prior to doing that, he requested an overview/description of the issue as it relates to Daggett County. Attorney Niel Lund provided an explanation based on Mr. Lytle's request. Mr. Lund stated that as far as he can find in county documents, the easement belongs to the federal government. Dutch John Town Councilman David McDonald asked Mr. Lund who the easement was dedicated to during the dedication that happened in 2000. Mr. Lund referenced a plat map which references a Dutch John community utility sewer line right of way and then about 17 different maps which have been recorded. There are no conveyance documents. Mr. Lund is hoping that he can find some contracts or agreements from the transfer. The closed session is for the purpose of discussing the character, professional competence, or physical or mental health of an individual; collective bargaining; litigation, purchase, exchange, or lease of real property and Commissioner Lytle provided some additional explanation. Plat maps showing easements and recorded easements were reviewed and discussed with input from Mr. McDonald, Thompson Davis, Mr. Lund, and the commission. According to Mr. Lund, this is the first time the potential for litigation has been brought to his attention. This closed session meeting is prior to the filing of a notice of claim against Daggett County.

Commissioner Slaugh made a motion to go into closed session at 2:55 p.m. Commissioner Asay seconded the motion. All were in favor and the motion carried.

Commissioner Slaugh made a motion at 3:35 p.m. to go back into open session and Commissioner Asay seconded the motion. All were in favor and the motion carried. Attorney Niel Lund gave a quick explanation of the closed session for potential litigation. No actions have been made by the commission during closed session.

Discussion And Consideration Of Dutch John Position Statement And A Potential Dutch John Agreement: This applies to both for the Redevelopment Agency (RDA) and the regular session agenda. Motion to go in and out of RDA was given earlier in the meeting and still remains in effect. Commissioner Lytle addressed the letter received from the Dutch John Town Council. This letter was in response to the commission's letter dated January 3, 2018. The letter from Dutch John was read aloud by Commissioner Jack Lytle. The letter received from Dutch John rejects the commission's counter-proposal dated January 3, 2018 and offered up Dutch John's version of a framework for settlement which was read by Mr. Lytle. Mr. Lytle then went on to share some of his thoughts and recommended another meeting. Commissioner Slaugh and Commissioner Asay were asked to share their input and water rights were the main point of what was discussed. Commissioner Asay would like to see them pay rent and utilities for the buildings they are using and vented other frustrations. Attorney Niel Lund addressed the commission regarding an email he received from Dutch John Mayor Buddy Rogers. Mr. Lund stated that Mayor Rogers agreed to meet with the commission this Friday as previously discussed. Commissioner Asay requested that on the agenda for the next meeting he wants to see an item for discussion for Dutch John to rent the buildings and pay utilities and there was some further discussion. Commissioner Lytle motioned to have a meeting at the Daggett County Courthouse on Friday, January 19, 2018 at 10:00 a.m. Commissioner Slaugh seconded. All were in favor and the motion carried.

Commissioner Slaugh motioned to adjourn at 4:24 p.m.

/s/ Brian Raymond

/s/ Jack Lytle

/s/ Clyde Slaugh

/s/ Randy Asay