

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, April 2, 2019** in the Commission Chambers at the Daggett County Courthouse. Commissioners Randy Asay, Jack Lytle and Matt Tippetts were present. Sheriff Erik Bailey, Auditor/Recorder Keri Pallesen and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:01 a.m. by Commissioner Asay.

Also present: Lynnette Asay, Pam and Butch Johns, Shelley Roberts, Sgt. Travis Dupaix, Carrie Poulsen, Kym Slagowski, Thompson Davis, David Orr, Matt Lucas and Jesse Lassley

**Issue Updates:** Commissioner Tippetts said he has been impressed with the information and hard work of the Dutch John Water and Sewer Rate Committee and all of the hard work that has been put into this project.

**Citizen Comments:** Shelley Roberts, a Dutch John business owner, said she and her husband manage a nightly rental, and have all the licenses and paperwork required plus they pay sales taxes. They are very concerned about the implementation of the water and sewer rates of the Small Commercial Rate category proposal of \$360/month. This amount is too much and the business will close if this is approved. It's an added risk that will be a challenge to small businesses and they are small, Ms. Roberts said they will not be able to afford this high overhead. The proposed fees will lead to the closure of the Rusk House because of the high costs. The closure will also affect the Town, County and State, and the high rate will discourage new business, when that is needed right now. The Rusk house is the only home in Dutch John that is available as a nightly rental to non-governmental employees at an affordable price, and it also has donated stays to families in need. It has also aided the educational process for the children at the Elementary School. She has compared Moab and other places and none have a Commercial Rate for overnight rentals. Ms. Roberts said she has also talked to the Town of Manila and they do not have this category rate for the rental properties in a residential area. She thanked the Commission for their time.

**Approve Minutes:** The draft Minutes from the March 26, 2019 Commission Meeting were available from the Clerk/Treasurer's Office. Commissioner Tippetts motioned to approve the Minutes for the March 26, 2019 meeting. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

**The Open Invoice Register Was Presented For Review And Approval:** The Invoice Register of April 2, 2019 for \$13,773.82 was prepared by the Auditor/Recorder's Office. Commissioner Lytle made a motion to approve the Invoice Register. Commissioner Tippetts seconded the motion to accept the Invoice Register of April 2, 2019 in the amount of \$13,773.82 All were in favor. The motion carried.

**Disbursement Listing:** The Auditor/Recorder's Office provided the Disbursement List. Commissioner Tippetts made the motion to accept the County Disbursement Listing dated March 26 through April 1, 2019 in the amount of \$112,092.20. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

**Cash Summary:** A Cash Summary was provided by the Clerk/Treasurer's Office. Commissioner Tippetts made the motion to accept the County Cash Summary dated March 25, 2019. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

**Correspondence:** Commissioner Asay asked for any correspondence and none was presented.

**Commission Calendar Review:** Commissioner Lytle requested to be excused for the meeting on the 9th, as he will be at an annual training for his other job. Next week there will be UAC Meetings starting the 10th and running through 12th. This Thursday is the CIB Meeting and a Jarvie Fest Meeting at 1:00 pm, but he won't be able to be back for it. Commissioner Tippetts said he would phone in for the UDOT Road Construction Meeting on Hwy 43 this Thursday as 1:00 pm. He also has a Museum Board Meeting next Monday, a Soil Conservation District Meeting on Wednesday, and the UDOT Meeting on Thursday. Commissioner Asay will not be attending the UAC Meeting, so he will try to go to the UDOT Meeting. Commissioner Lytle noted that next week there is a PRCA Meeting on Tuesday the 9th at 6:30 pm, and timesheets are due on Monday. We were scheduled to have an Elected Officials Meeting next week, but Commissioner Lytle won't be available, so we'll wait until the next meeting.

### **Policy and Legislation Items:**

**Discussion And Consideration Of Business License Applications for C & H Distributing Co; Dinosaur River Expeditions; Igloo Ice; National Outdoor Leadership School; Nicholas & Co, Pallesen Construction, Red Canyon Lodge; TB2 Guide Service; Willow Springs Outfitters:** Commissioner Asay read the names of the businesses and Commissioner Tippetts asked if they were all renewals. Shelley Roberts had a question about the requirements for guides on the lake and river, and if Business Licences are needed for both. Mr. Raymond said that guides on the river were not required to get a County License, but lake guides do need a County License. Mrs. Roberts said her river guides do have one. Commissioner Tippetts made a motion to approve the Business License applications as read: a. through i. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

**Discussion And Consideration Of Business License Applications For Coca Cola Bottling Co; Dominion Energy; LR Communications; Mike Knodel Construction; US Foods; Birrell Bottling, Co:** Mr. Raymond said that they had not received all the paperwork for these businesses, so they could only be approved conditionally upon receipt of all paperwork. Commissioner Lytle motioned to conditionally approve the Business Licenses a. through f. based on the Clerk's discretion once all their paperwork is complete. Commissioner Tippetts seconded the motion. All were in favor. The motion carried.

**Discussion And Consideration Of VOCA Grant Application For 2019- 2021 Funding:** Commissioner Asay turned the time over to Lynette Asay, the Daggett County Victim's Advocate. VOCA stands for Victims of Crime Act. It is the same grant we have been receiving since 2011, and she has asked for additional training for herself and volunteers. There is no longer a cash match, but there is a requirement for an in-kind match, and now it requires the use of volunteers. The total for the grant is \$18,157.17 and the second grant is for \$18,034.05 which is an increase of about \$3,000. Statistics were given for the assistance provided by this grant. Keri Pallesen had reviewed it and didn't have any issues. Commissioner Lytle motioned to approve the application for the VOCA Grant for two years. Commissioner Tippetts seconded the motion. All were in favor. The motion carried. Commissioner Lytle thanked Lynette and asked if she had an original, and she provided a

letter that allowed her to sign electronically, which Commissioner Lytle signed for her and she will provide a copy for the Clerk.

**Discussion And Consideration Of Local Consent For Off-Premise Beer Retailer License For Red Canyon Lodge:** Commissioner Lytle asked if this was for a specific event, but Mr. Raymond said it is the annual License. Thompson Davis remarked that the State has been requiring new Licenses for selling beer to be taken off-property. Commissioner Lytle motioned to support or approve Local Consent for the license request. Commissioner Tippetts seconded the motion. All were in favor. The motion carried.

**Discussion And Consideration Of Ordinance 19-03: An Ordinance Adopting the Daggett County Zoning Map:** Attorney Niel Lund said he did not have a map to attach with the Ordinance, and Mr. Raymond said that he had not received one either, but noted the digital version is on the website. Commissioner Lytle worked to pull up the map. Kym Slagowski and Carrie Poulsen joined the meeting. The map was reviewed and Commissioner Lytle motioned to support or approve Ordinance 19-03, but Mrs. Slagowski noted that the Ordinance notes a printed map. Commissioner Lytle amended the motion for approval to be conditional upon including a paper map. Commissioner Tippetts seconded the motion. All were in favor. The motion carried. Commissioner Asay thanked Mrs. Poulsen and Mrs. Slagowski for their work on this.

**Discussion And Consideration Of Resolution 19-04: A Resolution Establishing Method, Rules And Procedures For The 2019 Tax Sale And Allocating Administrative Costs To Delinquent Properties:** Commissioner Tippetts asked if there has been any change to the rules or was it just the date. Keri Pallesen said there were no changes in the method, it was just the date. Commissioner Tippetts motioned to adopt Resolution 19-04. Commissioner Lytle seconded the motion. All were in favor. The motion carried.

**Discussion And Consideration Of Recommendation From Dutch John Water and Sewer Rate Committee:** The time was turned over to Butch Johns, and he thanked the Commission for allowing this discussion to take place. He noted that Amy McDonald was going to do this presentation, but her kids were sick and she was unable to attend. Mr. Johns displayed a PowerPoint Presentation and explained how they developed the Budget, and then their proposed rate structure. They proposed that there be two Commercial Rates and only two tiers for overages. The goal was to cover 100% of the costs including the Admin and Capital Funds. Shelley Roberts again stated she felt that the Small Commercial Rates were excessive and needed to be adjusted down. If not, they will go out of business and then taxes will not be collected, and it will have a bigger negative impact. Thompson Davis and David Orr also provided comments and explained some of the thoughts of the Committee Members. Jesse Lassley is on a Water Board for an even smaller system and asked about the incentives available to encourage the usage of less water. Matt Lucas also commented and said it is tough to get seasonal guides here, and this might make it tougher if you add a higher cost to them, so he suggested that there be a Small, Medium and Large Commercial or a Seasonal Rate. Commissioner Tippetts said that he was willing to consider a Residential/Commercial or redo the Small and Large Commercial. Shelley Roberts thought that would encourage growth instead of discouraging it under the proposed plan. Commissioner Lytle said he would like to encourage further discussion over the next couple of weeks. He does not want to rebuild the wheel that has been developed, but Shelley Roberts said that maybe we could just add a spoke. Further discussion occurred regarding overages, revenues and costs, so that they need to be reviewed. One suggestion was to accept the proposal the way it is and then work on the new category. Commissioner Tippetts

suggested taking the proposal and tweak it over the next couple of weeks to get it ready for another Public Hearing and get with some of the other agencies that we haven't heard from and may not know yet what the effects of the proposal might be. Thompson Davis said the Committee was a good idea and it helped get some ideas out there.

**Discussion And Consideration Of Section 21, Purchasing, Of The Daggett County Policy And Procedures Manual:** Commissioner Tippetts asked if the only changes that are in red are the only changes from the original, and he was told that this was a new version with information from the State Auditor's office. The intent was to have it corrected and make it our policy. There was discussion that the reference to the Commission needs to be standardized. Business Days were brought up or should it read Calendar Days. The Commissioners said if there was a protest policy, it will be 5 business days. Niel was asked if he corrected it, and he said he will tighten it up when he receives an editable version. Commissioner Tippetts said that with the change all purchases over \$15,000 must be put out for bid. This will require more competitive bidding than in the past, which is more work and red tape, but not necessarily bad. It was noted that the old policy going up to \$50,000 before requiring a bid was only for professional services, and it was asked if it could be kept in the new proposal. The old policy did not have an RFP amount, but this would. There was talk of using the discretion of the Commission when you don't know what the cost will be. Commissioner Lytle liked the \$50,000 for professional services in a new section. Commissioner Tippetts wanted to see it addressed separately. The Attorney said the language would take more than what could be approved conditionally. James Olsen had talked with Keri Pallesen about the repair of vehicles and how that is not known when you take the vehicle in. He also talked about emergency purchases and it could be rewritten. Mrs. Pallesen brought up the Auditors bill which is over the \$15,000. They are hired for 5 years usually after an RFP, but there was a question on the wording of the contract. There was more discussion on vehicle repairs, and if it's over \$5,000, then maybe it needs to be approved by the Department Head. Vehicle repairs and professional services are the sticky issues. We don't have approved vendors, but that could be determined somehow. Mrs. Pallesen was not too thrilled about that idea. State bids were mentioned and that those vendors have already gone through the process. We'll look at this again in two weeks.

**Closed Session For Discussion Of Potential Litigation:** The motion was made to go in and out of Redevelopment Agency by Commissioner Lytle. Seconded by Commissioner Tippetts. All were in favor. The motion carried.

Commissioner Lytle made a motion to go into a Closed Session of the RDA for discussion of Possible Negotiation for Land Sales at 12:57 pm. Commissioner Tippetts seconded the motion. A roll call vote was taken: Commissioner Lytle voted "Aye"; Commissioner Asay voted "Aye"; and Commissioner Tippetts voted "Aye". All were in favor. The motion carried.

Motion to go back into Open Session was made by Commissioner Lytle at 5:20 pm. Commissioner Tippetts seconded the motion. All were in favor. The motion carried.

With no further business Commissioner Lytle made a motion to adjourn at 5:21 pm.

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/s/ Jack Lytle

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/s/ Brian Raymond

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/s/Matt Tippetts

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/s/ Randy Asay