

Minutes of the regular meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, March 10, 2020** in the Commission Chambers at the Daggett County Courthouse. Commissioners Randy Asay, and Matt Tippets were present and Commissioner Lytle was participating on the phone. Attorney Niel Lund and Clerk/Treasurer Brian Raymond were also present. The meeting was called to order at 9:06 am by Commissioner Asay.

Also present: Mayor Coombs and Council member Gretchen Northcott from Town of Manila

**Issue Updates:** Commissioner Asay asked Commissioner Lytle if he had a chance to talk with Summit County about the Annexation of the Spirit Lake Lodge. He had talked with Council Member Kim Carson and they would like the Spirit Lake Lodge owners to get in touch with them and they will go from there.

Commissioner Asay noted that we had a leak in the Dutch John Justice Court Building and that has been taken care of but it also flooded the Firehouse, so Jesse is over there today working on the Firehouse today.

Mr. Raymond brought up the monthly PTIF account payments for the Water Tank Bond. The Bond requirements are that these payments are to be made each month if the revenues are sufficient. In February there was a deficit and so the question is whether to make the payment or not. There was a revenue surplus in January of \$9,000 that would cover the deficit created by the annual BOR water payment in February which created a deficit of \$1,586.74 for the month and does not include the PTIF transfer. We can wait and pay it in April or go ahead and make the payment now. Mr. Raymond said that in December he had the same quandary, but the annual amount was over and so he made the payment. It does not include the depreciation. It is simply moving it from the Zions Account in Fund 28 to the three different PTIF accounts in Fund 28. The balance is just under \$60,000 when you combine all three accounts and the Zions Account balance is \$130,990.26. The three payments would decrease the Zions Account by \$2,940.39 and increase the PTIF account balances by the same amount. The Commissioners decided to go ahead and make the payments now, so Mr. Raymond said he would take care of that this afternoon.

**Citizen Comments:** No comments were made.

**Approve Minutes:** Minutes for the January 14, 2020 and March 4, 2020 Commission Meetings were available for review. Commissioner Asay noted that Tim Redman should be Tim Redmon in the people attending. Commissioner Tippets noted under the Calendar Review CWP on page 2 should be CWPP. Commissioner Tippets motioned to approve the minutes for January 14, 2020 Commission/RDA Meeting with the noted changes. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Commissioner Lytle noted several typographical changes: Commissioner "Asay" was added. After Gretchen there needs to be a "can't" and position was spelled wrong in the Clerk/Treasurer. Also Commissioner Lytle was not present so he couldn't have seconded the motion. Commissioner Tippets motioned to approve the minutes for March 4, 2020 with the noted corrections. Commissioner Lytle seconded the motion but abstained from voting as he was not present. Commissioners Asay and Tippets were in favor and the motion carried.

**Disbursement Listing:** The Disbursement Listing for March 2 to March 9, 2020 was prepared by the Auditor/Recorder's Office. Commissioner Lytle motioned to accept the

Disbursement Listing dated March 2-March 9, 2020 in the amount of \$31,341.02. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Cash Summary:** Cash Summary dated March 10, 2020 was available for review. Commissioner Tippetts motioned to acknowledge receipt of the Cash Summary for March 10, 2020. Commissioner Lytle 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 March 10, 2020 for \$46,285.72 was prepared by the Auditor/Recorder's Office. Commissioner Tippetts motioned to approve the Open Invoice Register dated March 10, 2020 in the amount of \$46,285.72. Commissioner Lytle seconded the motion. All were in favor and the motion carried. Commissioner Lytle gave Mr. Raymond approval to stamp his signature on the Invoice Register and Disbursement Listing.

**Purchase Orders:** There were no purchase orders to discuss.

**Correspondence:** Commissioner Asay said that Ogden Pioneer Days was looking for a nomination for our County's Cowboy/Cowgirl of the Year. Last year Lesa Asay was recognized and they have provided a list of past recipients. We also have received the annual notice of Sheep Creek Irrigation Annual meeting and Commissioner Tippetts said he was willing to attend and vote the County's proxy.

Commissioner Lytle said he was honored to be a part of the NACO trip in Washington DC. He spoke with a lot of people about a variety of topics including broadband, predator control and public lands in general. The PRCA Rodeo committee had a phone meeting and it was very positive.

The trails meeting for tonight has been postponed due to illness of chair and co-chair. The Shooting range committee has done a pre-application for a grant. Commissioner Lytle said that Gary Cook is the contact person for shooting with Hunter's Safety may be able to help partner with them.

**Calendar Review:** Commissioner Asay said we have the CIB tutorial tomorrow in Vernal as each entity has to have someone attend to be able to apply for the CIB funding. Commissioner Tippetts had a conflict, but would attend if needed. Commissioner Asay was planning on attending and Commissioner Lytle is supposed to attend as a CIB Board member but will have to see how he's feeling tomorrow. The next UBAG meeting is on Thursday, March 26th. Commissioner Lytle said he was planning on going to the last week of the legislature, but probably won't due to his illness. The 21st is a Hunter's Safety class in the Commission Chambers. Commissioner Lytle said that 10 years old and up is fine and younger is up to the parents as they may have to do it a couple of times. SCIC meeting is on the 20th. The Governor is scheduled to be here on the 24th at 9:30 am. The 25th is a busy day with Uintah Basin partners meeting in the morning in Vernal and UDOT meeting that day. Commissioner Lytle thanked Mr. Raymond for his efforts on Super Tuesday and Mr. Raymond brought up the Canvass for next week and asked what time they wanted to do that and 1:00 pm was decided as the time to review the canvass information.

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

**Discussion And Consideration Of Business Licenses for HC Fabrication, Home Chef's Marketplace and Mike Shaw for MS Slammer Hand Crafted Lures:** Commissioner Asay reviewed the three applications. Commissioner Lytle asked about the EIN on several applications and not the other, plus there was not a Utah Sales Tax Number. Mr. Raymond was asked if he had

any concerns and he replied that he did not. Commissioner Lytle motioned to approve the business license application for HC Fabrication and Home Chef Marketplace. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Commissioner Lytle motioned to table consideration of MS Slammer until we have their Sales Tax number. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

#### **Discussion And Consideration Of Fire Agreement With The Town of Manila:**

Commissioner Asay turned the time over to the Town for this discussion. Gretchen Mpothcott of the Manila Town Council had prepared a breakdown of costs for the past few years that was handed out to those in attendance and emailed to Commissioner Lytle. Commissioner Lytle asked about the incentives given to the firefighters and it's the base amount for Manila water and sewer utilities. It is paid for those who attend the meetings and call outs. There was \$4,224 paid in 2018 and over \$6,662 in 2019. There was also a stipend set up for the Fire Chief of about \$400 a month. The town was asked about the percentage and number of calls in the Town and County and those numbers over the years have been 70-93%. In 2014-2018 there were 30 calls and only two were in the Town. Mayor Coombs said there were 4 or 6 in 2019 and all were in the County. The initial agreement had some good cooperative information agreement from 1986. The latest agreement was signed in 2017 and the agreement has remained basically the same over the years. The Town appreciates the cooperation in the past. Mayor Coombs had heard that the County had budgeted \$7,500 for the Manila Fire Department for 2020, but nobody was sure if that was correct. Some research was done and that figure is correct for line item 10.4214.313. The Town made a proposal to accept \$7,500 cash a year for three years.

A separate option was given for the Town to purchase the fire station for \$35,000 through a \$5,000 a year credit for 7 years. This would not be cash, which should help with the County's cash flow and would get the Town towards the desired \$15,000 per year. Commissioner Tippetts noted that this would require a Public Hearing for Disposal of Public Property and the Attorney agreed it would need to go through this process but it does not need to be for the market value. There was discussion that there has never been any rent charged due to the cooperative nature of the agreement. This could be considered. This is a verbal offer and not a formal written offer. Mayor Coombs said that he has researched and never found the final lease or agreement for the Town's use of the land. It was thought it was originally a 99 year lease. Dutch John has been budgeted at \$7,500, but it does not mean that we will spend that much depending on the calls. The Town said the prospect of not having a fire station is not going to happen because they have seen what that does to people's insurance rates. Commissioner Tippetts said that he likes to negotiate, but negotiations on the front end could hurt us on the back end. Council Member Northcott said these costs are factual and need to be covered to keep the Fire Department operating. Commissioner Lytle asked about the percentage the County was paying for 2012 vs. now and 20% was thrown around. The \$7,500 for 2020 is about the same percentage as 2012. Mayor Coombs said that the Town is looking to the future and sees increased development in the future. Commissioner Lytle brought up the discussion of the Fire District and that it would be beneficial and help with increased growth. The Town said this has taken too long to work out.

Commissioner Tippetts suggested another alternative starting with a \$7,500 per year payment in 2020 and adding \$250 per year and with an annual non-payment for the land for \$3500 for 10 years. The Town felt it was an interesting proposal, but ten years seemed to be too long. What about going to a five year agreement. The question came up as to where we are on the district idea and the Town said that they are not against it but the current problem needs to be solved first. Commissioner Lytle said he thinks any agreement should have some language to keep the district as a long range goal of serving the public. Commissioner Tippetts asked if the Commission was willing to consider

a five year agreement with the Town starting at \$7,500/year and increasing \$500/year, plus contributing in kind for the property. Commissioner Asay asked about the call outs and where this would go at the end of the five years. There was discussion of reimbursements for fire calls and the Town stated that they are negotiating a contract with a company that will go after insurance company reimbursements and reimbursement for call outs on Forest Service property. The Commissioners seemed to be willing to do the \$7,500 per year with an annual increase of \$500, but there was some hesitation on the transfer of land. Gretchen Northcott stated that the Town was not willing to settle for only the annual payment. Mayor Coombs said that originally they were thinking that the annual payment should be \$20,000 per year, but that was reduced to \$15,000, but today's offer was a softer approach to get closer to that amount. Commissioner Lytle said he wanted to do some more homework on the land and may be willing to go a little higher in future years but that requires more discussion on the Commissions part. Mayor Coombs reiterated that this is the first step and he anticipated the need for additional work and discussion. Commissioner Asay said he was not ready to make a final decision and feels the Commission needs to discuss it further especially since the agreement will affect two fire departments and not just one. What will the County get for \$7,500.00? Gretchen said they need some direction to take back to the Town Council. We can do some research and next week we can discuss the issue further as the following week is when the Governor will be visiting Daggett County.

Commissioner Tippetts motioned to table the discussion with the Town of Manila until next week. Commissioner Lytle seconded the motion. All were in favor and the motion carried. Meeting was recessed at 11:55 am for a few minutes and came back into session at 12 noon.

#### **Discussion And Consideration Of Recorder/Treasurer and Attorney Salaries for 2021:**

Commissioner Asay asked Commissioner Lytle if he had seen the email from Auditor/Recorder Keri Pallesen containing a spreadsheet that could be changed to reflect various expenses covered or not covered. The travel and training was covered by the law firm and now would also include UAC dues. Health Insurance would not be an issue for at least the 1st term as Mr. Lund has insurance through the Navy. Initially there would not be a staff person. Scenarios 2 and 4 would be the most applicable. There is \$100,000 in litigation services and it was not used in 2019, but is in 2020's budget. The attorney thought it was a good idea, but may offer some wiggle room. There were changes made to see how different variables affected things. Several other County Attorney salaries were examined, but one of the issues is that there isn't much of an option for building a private practice in Daggett County. The military aspect is something we need to consider as we don't want to have to pay two salaries if Mr. Lund gets deployed again. Mr. Lund didn't think that would be an issue for at least three years. If Niel declares his candidacy then the County has six months to give notice to the current firm. Commissioner Tippetts threw out a salary of \$70,000 and retirement benefits that Niel is not receiving at the moment and it would take the expenses to a level below the current expenses of approximately \$4100. There was some question on the other expenses and what was included to get to the bottom line. This difference could be looked at as a retainer for the firm to use the resources of the rest of the firm that we wouldn't have if we went with an elected attorney. Elected Officials can have other employment, but they should have posted office hours. The budget is for an Attorney's Office that has expenses that aren't being paid at the moment like phone, supplies and internet, etc. The total amount budgeted for 2021 is \$260,000, but it includes the litigation amount. The total numbers were reviewed again

Commissioner Tippetts motioned to change the currently contracted attorney position to an elected position for the calendar year beginning in 2021 and establish the salary of the elected position at \$70,000 with the stipulation that there is a \$3,000 health insurance reimbursement but no health insurance plan and no additional staff and that would be a savings to the county of \$4,128.98.

Commissioner Asay asked if this changes the framework so we keep the office the way it is if nobody signs up. The attorney said this is to establish the amount for the purpose of the Notice of Candidacy. Commissioner Tippetts restated his motion several times to establish an elected attorney office and for the sake of the Notice of Candidacy filed the wage of \$70,000 for the year 2021. Commissioner Lytle asked about the wage if somebody did want the health insurance. Commissioner Tippetts said that if the individual opted to take the insurance the wage would be reduced. The attorney said the wage won't be set until the end of the year. There was also discussion that we are setting a precedent when we don't really have a budget and the wages can't be set until the end of the year. Mr. Lytle was concerned that the savings weren't good enough and maybe we shouldn't be having this discussion with the attorney present. There was a question about what other counties pay in addition to their attorney's wages and if this position is an elected or contract position. Since someone has declared their intent to run it is now an elected position. That person can still withdraw if the wages are not sufficient. The discussion really is about what the wages should be set for the filing fee. Doing nothing now sets the filing fee at the other elected officials' rate. Mr. Raymond was asked to read the motion again as it was written: "Commissioner Tippetts motioned to establish an elected attorney position for the calendar year of 2021 and establish the salary of \$70,000 for the Notice of Candidacy with no health insurance and no staff and that would be a savings to the county of \$4,128.98." The attorney said it is based on the wages and salary as compared to the current contract. Mr. Lytle proposed a friendly amendment changing from establishing to recognizing the interest in the elected position. Commissioner Tippetts was okay with it and the attorney clarified the motion to recognize the elected position of the County Attorney for the purposes of the Notice of Election based on the intent to declare candidacy that has been received and to set a salary for the purposes of the Notice of Intent for the election of \$70,000 assuming no health insurance and no staff will be provided for the position. Commissioner Tippetts agreed that was his motion and after some discussion Commissioner Lytle seconded the motion. Commissioner Asay was okay to do it to set the filing fee as long as it's not set in stone that is used for the salary next year and he is okay with it as clarified. Commissioner Lytle seconded it again. All were in favor and the motion carried. It was noted that the reason for doing this is that someone has declared an intent to gather signatures already.

#### **Discussion And Consideration Of Jared Gardner For Vacant Mosquito Abatement**

**District Board Position:** Commissioner Asay asked Commissioner Lytle if he knew who Jared was and he didn't, but it was explained that he is the new Manila Postmaster and he lives in Manila. Commissioner Tippetts noted that there has been a vacancy for a while and he graciously volunteered for this position. Commissioner Tippetts motioned to appoint Jared Gardener to be on the Mosquito Abatement Board. Commissioner Lytle seconded the motion. All were in favor and the motion carried. Commissioner Lytle asked if the Board had approved him and they had voted and we concurred with the Mosquito Board's decision. Mr. Gardner was thanked for doing this.

**Closed Session:** Attorney Niel Lund said the Sheriff had asked for a Closed Session for the Character and Competence of an individual. Commissioner Tippetts motioned to go into a closed session for the Character and Competence of an individual and the Purchase, Exchange, or lease of Real Property. Commissioner Lytle seconded the motion. A roll call vote was taken on the Closed Session motion, Matt Tippetts voted "Aye" and Randy Asay voted "Aye" and Jack Lytle voted "Aye". The motion carried and Closed Session began at 1:25 pm.

Commissioner Tippets motioned to come back into Open Session out of Closed Session at 2:25 pm. Commissioner Lytle seconded the motion. All were in favor and the motion carried. Motion to adjourn at 2:25 pm was made by Commissioner Tippets.

/s/ Randy Asay

Commissioner Randy Asay

s/ Brian Raymond

Clerk/Treasurer\_Brian Raymond

/s/ Jack Lytle

Commissioner Jack Lytle

/s/ Matt Tippets

Commissioner Matt Tippets