

Minutes of the Meeting of the Daggett County Commission and the Daggett County Redevelopment Agency held on **Tuesday, May 11, 2021** in the Commission Chambers at the Daggett County Courthouse and through electronic means. Commissioners Randy Asay, Jack Lytle and Matt Tippetts were present in person. Auditor Keri Pallesen, and Attorney Niel Lund were in and out of the meeting. Attorney Niel Lund, Clerk Brian Raymond, Recorder/Treasurer Brianne Carter and Sheriff Erik Bailey were present in person. The meeting was called to order at 9:00 am by Commissioner Asay.

Present In Person: Brandi Pearson-Commission Assistant, Hank Gutz, Jason Carr, Floyd and Caleb Morton, Scott Merkley, John R. Hatch, Brad Burman, Blake Gardiner, Jacob Francom

Present Online or by Phone: Bret Reynolds of CIVCO Engineering, Thomas Winterton, RDA Attorney Craig Smith and Kymberly Slagowski

Approve Minutes: Minutes for the May 4, 2021 Commission Meeting were provided by the Clerk's Office. Commissioner Lytle motioned to go in and out of the Redevelopment Agency (RDA) meeting. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Commissioner Lytle motioned to approve the minutes for the May 4, 2021 Daggett County Commission and RDA Meeting. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Issues Updates: Commissioner Asay asked if there were any updates and Commissioner Lytle noted that the Clinic Updates had been added to the list. Brandi said the survey responses are coming in, but the box at the post office was stolen, but she has been trying to collect them daily.

The Sheriff said that the class is almost finished and should be done in about two weeks. Commissioner Lytle has not talked with the Forest Service EMTs yet.

Bret was asked if he has an update on the airport master plan. He said he's making good progress and should have a draft out in a week or so. He is almost done with the Instrument Landing RFP. He has been talking with the Feds and State and making progress on getting it prepared.

Citizen Comments: Commissioner Lytle said that the Outlaw Jamboree has used the Sears Canyon Trail for many years and now they are not being allowed to use it, because it is closed on the BLMs RMP. Commissioner Lytle asked if we had a copy of the Trails plan and Kym Slagowski said that it is on the County website. PLPCO (Public Lands Policy Coordinating Office) is aware of the issue. There is one section that was left off their map.

Jason Carr got up to speak and everyone else introduced themselves quickly. Some of the people have been using the road for 40 years. The History of Brown's Park talks about the value of Sears Canyon and 1880 and 1890s the Stagecoach used Sears Canyon and a thresher was brought in through Sears Canyon and sheep were brought down Sears Canyon to Vernal from the Romantic and Notorious History of Brown's Park by Diana Allen Couris. Don Batty talked about it from 1880 to 1927 following a rough trail through Sears Canyon. Vernal Express talked about it as the best route to Green River. August 8, 1903 the Uintah County Commissioners appended \$100 to repair the Sears Canyon Road. The Outlaw History did a map in 1993 that showed it was active. Another article from 1954 showed the use of Sears Canyon. The Carr family has used it for many years. Scott McCarrel still uses it regularly. It's being used several times a year. The group is willing to do whatever it takes to help the County keep the trails open. Commissioner Tippetts said there is a virtual County trails meeting tonight and it should be brought up at that meeting.

Blake Gardiner said he is a board member for the Diamond Mountain Landowners Association and there are 157 members and all are against it being closed. He has used it three times

this past year. He hopes it can be kept open. There are books about some of his family that used to drive trucks or jeeps up and down it, but it's okay if it is just ATVs. There are lots of people that need to speak up to get the trail open. Commissioner Asay asked why it's a big deal now and Commissioner Lytle said that in the RMP it was closed and so now SUWA The Southern Utah Wilderness Alliance is pushing them to keep it closed as it is shown in the RMP.

Jacob Francom with the Utah County Farm Bureau Federation spoke next and said they believe in multiple uses and are here to find out more and offer help (if possible) to keep it open.

Scott Merkley said he rode it last week and he looked at the whole canyon and he could see no reason that it should be closed. It's been open so long and we need to do something to keep it open. It's a beautiful country and it's better than Moab and its local. He's had people from Germany and Oklahoma ride the trail with him. He asked if we can make it a county road? It wasn't clear, but Commissioner Lytle did find it on the Trails map on the Daggett County Trail Plan. He has contacted the Rocky Mountain Elk Foundation and Mule Deer People as well as others and they will get letters from these groups of people. Commissioner Lytle said Attorney Niel Lund left as he has Court and he would know what it takes to make it a Class D Road

Caleb Morton said it's a family tradition to travel this road. He said that it has been in use for more than 20 years and if it was private ground it would be affected by laws about prescriptive right-of-ways. Why is it being treated differently than private land?

John Hatch from Vernal represents the Snowmobilers of URAT and he was glad to see it on the trails map and he wondered why it was not a RS2477 Road. Commissioner Lytle said part of it was left off. During that process. He prefers to take it by motorcycle. There was a lot of work on the Forest and they were able to get the shutdown of Red Mountain cancelled with good research.

Niel came back into the meeting and he was asked how we could make this a D Road. John said that Utah Shared Access Alliance and Blue Ribbon Foundation could be possible groups that could assist. We can talk to them. Niel said there is no State Authority to declare it a D Road, but Commissioner Lytle said maybe there was a way that it could be prescriptively brought up since it has been used so long. Commissioner Lytle said that for the short term the issue doesn't look good, but long term it looks better. Commissioner Tippets said we are with you on this, but we need to get you hooked up with the Trails Committee. A phone number was shared and a text sent.

Hank Gutz addressed the Commission and said there is a deposition that Clyde Slaugh took a grader down that road when he was on the County's Road Department.

Commissioner Lytle asked Bret Reynolds if he was still involved with the Trails Committee? Bret said he is involved with the Trails Committee and is also involved with the snowmobile group in Vernal. He knows John Hatch and will touch base. Commissioner Lytle said to speak with Jake Garfield of PLPCO and they are aware of it but maybe they can come up with something. Connie Brooks is an attorney that might be able to challenge them on it and Uintah County residents are affected by this decision. They are working on their Trails plan and that gives Daggett and Uintah County as cooperators a chance to comment on the closure as part of the Diamond North Trails Plan Update. It should be part of what the BLM has to review for consistency.

It was asked the distance between the metal gates and its 3.2 miles from gate to gate. The gates are to keep livestock from wandering the canyon. Commissioner Tippets will attend the trails meeting, but Commissioner Lytle will not be able to attend tonight.

No other Citizen comments were given.

Cash Summary And Expected Revenues Report Review: The Cash Summary and Expected Revenue Reports were provided by the Recorder/Treasurer's Office. Brianne Carter said Kym has submitted a request for over \$9000 now that the Corner Monumentation project is done, so that will take care of everything. Gidget Carroll is working on the reimbursement for Fund 30 and Bret is working on getting the reimbursement for the airport. Bret said they are usually pretty quick

at turning it around for Aeronautics reimbursements. We received the Front End Loader payment yesterday and we also received the Fuel tax and the funds for the 2012 Dodge Ram, so all these will drop off next week. Bret said the reimbursements are submitted. Copies of the forms need to go to Keri and Brianne, so he'll do that and it will get listed next week.

Commissioner Tippetts motioned to accept the Cash Summary Report of May 10, 2021 and the Expected Revenue Report also dated May 10, 2021. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Approve Open Invoice Register: The Open Invoice Register of May 10, 2021 was provided by the Auditor's Office for review. Commissioner Lytle said this one is going to put a pretty good ding, but it comes from more than fund 10 due to the loader as its money in and money out. Commissioner Tippetts motioned to approve the Open Invoice Register of May 10, 2021 in the amount of \$204,995.10. 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 asked if a disbursement of taxes was done recently and Brianne said she hadn't and the next one would not be done until July. Commissioner Lytle motioned to accept the Disbursement Listing for Zions Checking, for April 29, 2021 to May 10, 2021 in the amount of \$158,873.84. The motion was seconded by Commissioner Tippetts. All were in favor and the motion carried.

Purchase Request Approvals: Commissioner Tippetts said there was a request for Port-a-pots and Brandi said that there is still some work being done on this.

Correspondence: Commissioner Tippetts said he met with the Auditors last Thursday before they left, while the two other Commissioners were in Colorado. The big issue is the training and we need to document anything that was done last year through any other organizations and will try and do the training for this year in two weeks. Clerk Brian Raymond said they would like to see any certificates for training done last year.

Commissioner Asay thought the trip to Colorado was worthwhile and Commissioner Lytle said the talk on wolves was interesting. It was discussed that Moffat is trying to be a cooperating agency with the state on this and maybe Daggett County could do that with the State of Utah.

Commissioner Lytle brought up the Census meeting and Brian said he thought it would be good to do if people were interested. It was thought it would be okay to set it up for the CED Board and whoever else was interested.

Commissioner Asay asked if everyone was on the same page on the CIB Application. Brian said there were some documents sent out last night, but not everyone got them, so they were re-sent to the Commissioners. It will be put on the agenda for the next week, so there can be more discussion before the public hearing.

Commissioner Asay asked about the Port-a-Pots and Brian said the purchase has been in the works for many years. Commissioner Asay said he doesn't want to compete with private business. Hank Gutz noted the old ones are no longer usable.

Calendar: Commissioner Asay will be in Roosevelt tomorrow and many will be attending the Utah Association of Counties Conference (UAC). Kym Slagawoski will attend the conference virtually. The Sheriff asked about the Phone discussion and it was thought the Elected Officials meeting was this afternoon, but it is on May 25th at 2 pm and we will add the needed training.

Policy and Legislation Items:

Discussion and Consideration Of Completed Business Licenses: Pallesen Construction, Sysco Intermountain, and Intermountain Concrete: Commissioner Asay said we have three business licenses applications: Pallesen Construction, Sysco Intermountain, and Intermountain Concrete. Commissioner Tippetts motioned to approve the business license for Pallesen Construction, Sysco Intermountain, and Intermountain Concrete. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Discussion and Consideration Of Conditional Business License Ferrell Gas LP: Commissioner Asay said we have one conditional business license application: Ferrell Gas. Commissioner Lytle motioned to approve the business license for Ferrell Gas conditional on them providing their UPP paperwork or payment. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

Bid Opening For Parties Interested In Marketing The Daggett County Jail: Commissioner Asay welcomed Thomas Winterton to the meeting. Commissioner Tippetts said we only received one application. Brian said that he had sent a notice to Nate Worthen and Commissioner Tippetts had told him about a month ago that we were going to do this, so that should have been sufficient. Colliers was the only application and Thomas said that he had some input on the application, but it was mostly done by Colliers-Brandon and Bryant. They had done some research and contacted several people to see if there was any interest in it and there seems to be, so they have submitted their proposal.

Discussion and Consideration Of Bids From Parties Interested In Marketing The Daggett County Jail: Commissioner Tippetts noted it is a one year listing and 6% commission. Commissioner Lytle asked about paragraph 3 and Commissioner Tippetts said that is typical. Paragraph 5 was also discussed regarding the lease option and Niel said they need to understand the lease options are limited to the State or we would have to rebond. Commissioner Lytle asked if Colliers understood that the bond only allows certain things. Thomas said they understood that and also that the Commission is making the final decision and the listing agent will bring the offers to the County for their review and determination. Niel said he provided notification on April 14th to the previous listing company by email. The new listing agreement starts on May 21st if approved.

Commissioner Lyle motioned to approve Colliers International as the Real Estate Agent/Broker for the Daggett County Jail and as a strategic marketing partner for marketing the jail. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Thomas said they were excited for this and Thursday is the CED meeting, so Thomas should be invited to attend and participate with that committee on a regular basis. Commissioner Lytle requested that he be on the permanent invite list for the CED meetings.

Discussion And Consideration Of Approval Of Arena Use For Daggett Heritage PRCA Rodeo September 3 & 4 2021: Commissioner Lytle disclosed that he is on the board of the Daggett Heritage PRCA Rodeo and will recuse himself from the vote. Hank Gutz is also here as part

of that board. They will probably need to set up all week and clean up on Sunday in prep for the Jr. Rodeo finals. People can use the arena before the rodeo but nothing can be scheduled. Matt Henry needs to approve any changes to the Arena through Jesse Platt or Commissioner Asay.

Commissioner Tippetts motioned to approve the application for the use of the Arena for the Daggett Heritage PRCA Rodeo on September 3 and 4th of 2021 and set up and clean up extending from August 29th through September 5th. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Hank said there is work to have the Rodeo on the Cowboy Channel and other video done. Commissioner Asay seconded the motion. Commissioner Tippetts and Commissioner Asay were in favor and Commissioner Lytle recused himself and did not vote.

Discussion and Consideration Of Daggett County's Participation / Payment For Daggett Heritage PRCA Rodeo: Commissioner Lytle recused himself and said that he was unable to get the info in the packet. He has a 501 (c) (3) at UBAOG in the past that is being used for the money. There is a request for \$22,838.81 from the County for the Rodeo. It is a partnership/sponsorship and the tickets are digital, so it will all be online as well. It was asked what is the difference between a partner and sponsor and it is the amount of money being paid out. Jack Lytle reviewed the website on the monitor for everyone to see the ticketing process and information available online. Commissioner Lytle asked about Daggett Daze and nothing was known as to what was happening. The sponsorship tickets could be doubled.

Commissioner Tippetts motioned to approve the Daggett Heritage PRCA Rodeo at a total for last year's budget and this year's budget for \$22,838.81. Commissioner Asay seconded the motion but said he doesn't want to go that high for future years. Brian brought up the fees for the two rodeos for the use of the arena and Commissioner Tippetts thought that could be an in kind donation and not charge additional fees for the arena use. Jack Lytle said that he would ask for \$10,000 next year, but not the increased amount. The committee is very grateful for the Commissioners consideration. Commissioner Asay and Commissioner Tippetts were in favor and the motion carried. Commissioner Lytle abstained. Hank thanked the Commission. There was a misspelling on the website that needs to be corrected.

Commissioner Lytle brought up the other application for facility use with a request for alcohol use that was in the packet and Brian said that he included that as he was looking for direction on how that application should be handled. The private group is different and it was unclear how it should be handled. The Sheriff said it should go through his office, but he hasn't seen anything yet. Brian said they had been referred to the Sheriff's Office. Commissioner Tippetts said it could come to the Commission and Commissioner Lytle was okay with it going to the Sheriff instead of the Commission. A check off box could be added to the form to show it was sent to the Sheriff and County Attorney and that they had reviewed it and approved it. Everyone seemed okay with that process to get approval for the use of alcohol.

Discussion And Consideration Of Establishing A Common Polling Place For The Upcoming Municipal Elections. Commissioner Asay asked about this and Brian said the code that is in the packet is new this year, but doesn't take effect until July, but it could require having two

polling locations per county for future elections. We are not doing the elections for the municipalities, so we don't need to do anything at the moment.

The meeting was recessed at 11:17 am and came back into session at 11:21 am

Sheriff was asked if he had anything to share and he said that he had something for a Closed Session. Commissioner Lytle said they had a successful search and rescue for a 67 year old that had a mountain bike accident that was more of a rescue than a search. It was good we had a group show up. AirMed from Rock Springs came. The new trainee put out a white sheet to help the pilot find the landing zone. The summer season has started. There was also a search in Colorado two weeks ago, but there was discussion of when it actually occurred.

Closed Session For Possible Purchase, Exchange Or Lease Of Real Property: There was a need for a closed session to discuss the nature and character of an individual and for the purchase, exchange or lease of real property. The motion was made by Commissioner Lytle to go into Closed Session at 11:58 am for the purpose of discussing the Character, Professional Competence, Or Physical Or Mental Health Of An Individual and for the Purchase, Exchange or Lease of Real Property. The motion was seconded by Commissioner Tippetts. A Roll Call vote was taken and Matt Tippetts voted "Aye", Randy Asay voted "Aye," and Jack Lytle voted "Aye". The motion carried.

The motion to go into Regular Session was made by Commissioner Lytle at 12:45 pm. The motion was seconded by Commissioner Tippetts. All were in favor and the motion carried. No other business was necessary.

Commissioner Asay adjourned the meeting at 12:45 pm.

/s/ Randy Asay

Commissioner Randy Asay

/s/ Brian Raymond

Clerk/Treasurer_Brian Raymond

/s/ Jack Lytle

Commissioner Jack Lytle

/s/ Matt Tippetts

Commissioner Matt Tippetts