

Minutes of the Meeting of the Daggett County Commission/Redevelopment Agency Board held on **Tuesday, August 18, 2020** 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. Attorney Niel Lund and Clerk/Treasurer Brian Raymond were present in person and Auditor/Recorder Keri Pallesen, Sheriff Erik Bailey attended by electronic means. The meeting was called to order at 9:05 am by Commissioner Asay.

Present electronically: Bret Reynolds of CIVCO Engineering, Bart Jensen of Jones and DeMille Engineering, Amy McDonald, and Mayor Sandy Kunkel; Present in-person: Manila Mayor Dave Coombs, Terry Wright and Paul Sawyer

**Approve Minutes:** Minutes for the July 14, 2020 Commission meeting were provided by the Clerk/Treasurer's office. Commissioner Tippetts motioned to approve the July 14, 2020 Commission meeting minutes. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

**Issue Updates:** Commissioner Asay gave the August 17th COVID-19 updates and for Wyoming Sweetwater County has 262 positive cases with 255 recovered and 2 deaths. Uinta County, Wyoming has 233 positive cases with 44 probable and 260 recovered and 2 deaths. In Utah, Daggett County still doesn't have any cases; Uintah County has 68 recovered cases with 23 active and 8 hospital cases; Duchesne County has 70 recovered and 20 active cases and 4 hospitalizations. The Ute Tribe has 4 recovered and 12 active cases and 5 hospitalized. Moffat County, Colorado has 32 total positive cases and 1 death. It's still going up, so we are not out of the woods yet. Haven't heard much on the sewer numbers, but the mayor said they went from 35 in Dutch John to 4 or 5, so that is good. Manila is still undetectable, but hasn't received last week's report yet.

Bret Reynolds was given the floor and he said there were two items. The Apron project ACIP form was approved and Clerk/Treasurer Brian Raymond said that was in the packet. The crack seal is over budget almost \$90,000 and the State is willing to take money from the expansion project to cover the difference. The county would need to come up with about \$9,000 of that. No need to expand the apron if we don't have a decent runway. Some cracks are too big to fix the normal way and will have to use mastic. It's basically the same contract and Bret thought he had sent a copy of the Bid packet to Niel, but Niel had not received the email, but had it in today's packet. In two weeks he would like the approval of putting the bid out and setting up the Apron project.

Attorney Niel Lund, said Brian had received notice that we have a collections contract that they are willing to keep the account open and follow up on next week. We paid in advance and we will get all payments directly. They prefer not to do anything when they are older than 120 days but they would try since most of ours are over that.

**Citizen Comments:** Terry Wright of Kokanee Lane in Chettyville and brought up a matter of the septic systems in Chettyville are not perking out very well and systems are failing. Growth is happening and there is very little available. Captains Cove is having the same problem. There is funding and something needs to be done. They went to the Town meeting last week and received support for improvements. There are rumors of people using drums and that's not good. The expansion of the Jenner Mine could lead to more people wanting to settle here full time. Something needs to be done to improve the issue. Keith Larson said he is willing to provide rights of ways to help get the linkage to the sewer ponds. Should have been done 20 years ago, but better to do now instead of waiting another 10 years when it is a real problem. Mayor Coombs said this is very preliminary and the engineers said it would probably require some sort of pumping system. There is

a County Water and Sewer District and its not known their status, but Mr. Raymond said they are active although they are working on some reporting issues related to a flood and death of their former manager. Chad Reed would be the person to talk to. Commissioner Lytle asked the mayor to recognize the need in their water and sewer planning. The Mayor believed there was something on the CIB List for the sewer improvements on the 2 to 5 year plan. Phil from Rural Water will be here on September 10th to review the lagoons and the 4th lagoon needs some maintenance and maybe it would be more usable. The Mayor said the gray water might be useful for irrigation, but it's just not known all the details at this point in time. Terry said this is the start of the process to get the ball rolling. Commissioner Asay brought up that Broadbent was willing to donate land that would have allowed the whole valley to be served, but that option was not chosen, so there's some history that needs to be dealt with. Commissioner Tippetts said it would be good to see the final plan and to begin the conversation with the Water and Sewer District. The Mayor said he is trying not to perpetuate existing animosities but wants to work with everyone to improve things.

**The Open Invoice Register Was Presented For Review And Approval:** The Open Invoice Register of August 13, 2020 was prepared by the Auditor/Recorder's Office. Commissioner Asay had some questions on the Bridger Valley Electric bills, so he and Commissioner Lytle discussed it. Commissioner Lytle had a question on the Indigent Defense and how that was working. Attorney Niel Lund said that it was working great and Lance was doing a good job. The contract needs to be renewed and we need to look at maybe doing a new average. Commissioner Lytle motioned to approve the Open Invoice Register dated August 13, 2020 for the normal invoices for Daggett County in the amount of \$18,704.05. Commissioner Tippetts seconded the motion. All were in favor. The motion carried.

**Disbursement Listing:** The Disbursement Listing for August 8 - August 13 2020 was prepared by the Auditor/Recorder's Office. Commissioner Lytle motioned to approve the Disbursement Listing for August 8 through August 13, 2020 in the amount of \$90,238.22. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Issue Updates:** Commissioner Lytle asked Paul Sawyer about new signs for UDOT and Muley Fanatic had paid for some signs, but they didn't meet the UDOT standards and the sign company will fix them, but have to be shipped back and that costs money. Next year they will have some more cattle and wildlife signs as 11 cows were killed last year on Hwy 44. There are some more guard rail projects for next year. There is a partial reconstruct area in the Carter Creek area as there is lots going on with the Pavement in that area and it's an SMA and a lot stronger. The following year a project will go from the junction to Dutch John in 2022 if that funding is approved. The Cart Creek Bridge will also be worked on the following year. The Spring Creek maintenance project was discussed and they had 18 trucks running from all the shops and it looks good. Will the State take over the Brown's Park Road and they won't. James Olsen has been talking with Wyoming on their portion and they are working on a big project, but it's not known when.

**Cash Summary:** The Cash Summary dated August 17, 2020 was available for review. Commissioner Tippetts motioned to acknowledge receipt of the Cash Summary for August 17, 2020. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

**Purchase Orders:** There were no Purchase Orders to review. Commissioner Lytle said he is working on one that needs a W-9 so it is probably not ready for some SCADA work at the water

plant. We have typically used one company and Trevor found a new one. A five minute recess was taken at Commissioner Lytle's request. The meeting was resumed at 10:20 am.

**Correspondence:** Commissioner Asay asked for any correspondence. Commissioner Tippetts didn't have any. Commissioner Lytle said the river will probably be going up as more electricity is needed in California.

**Calendar Review:** Commissioner Lytle said he has Seven County Infrastructure on Friday the 21st and NACO regional call on the 20th. August 28th is the meeting with the Tourism Director and we need to schedule the interviews for the new Economic Development Director. The Labor Day weekend is a challenge for Commissioner Lytle as he has a schedule conflict for the 9th. The 8th is the Election for Dutch John. Do we have a new NIMS training scheduled? Next week is an elected official meeting, but there is nothing on the agenda at the moment, so maybe we can do the interview next Tuesday the 25th at 2 pm. Commissioner Tippetts will start working on setting the interviews up for the afternoon of the 25th.

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

**Discussion And Consideration Of Fire Hydrants For Captains Cove And Mountain View Subdivision-Mayor Coombs:** Commissioner Asay invited the Mayor to comment and he said they met with the Mtn. View Homeowners Association (HOA) and they will fund it to the tune of \$12,200 as an assessment of its members. Captain's Cove will be put on hold until the Town can talk to them. The Town will pay half of the other \$12,200 for two more, so the County is being asked for \$6,100 and at some time there may be a need for additional funding for Captains Cove. The Town has some money in the budget for contingencies of about 10%. The mayor would like to start in the next 30 to 40 days but more realistically 30 to 60 days for the first two at least. The Mayor said that it could wait til next spring and be part of next year's budget. The Water and Sewer District was discussed as a possibility. Mr. Raymond said they had money in the Treasury Account, but he wasn't sure what their budget was and if they had any ready cash. Keri Pallesen was asked for her input and she came into the meeting as it was difficult to hear what was being talked about. She said we didn't have a budget for this type of expenditure. The RDA was discussed and it really wouldn't apply, but the loan could be recalled and Keri said that was budgeted to happen already. The District should be worked with to see what they could do. The Town would like to get the materials ordered, but there is some flexibility. The Fire Line items might be a place that could be used if there is enough there.

The budget was discussed if it could be kept open for another week and various budget items were discussed including that the Conservation District is asking for \$500 for several years that hasn't been paid and Commissioner Tippetts said the Conservation District is a district and may be a place for the PILT money to go, but there was more discussion. There is also a potential of a backhoe for the water and sewer system in Dutch John. There was a question if the budget was still open and it is, so we should probably close that up by next week. The Economic Development funding and other funding were discussed. The fire hydrants and this should be discussed during the budget opening. The Conservation District is asking for funds that never got reimbursed in past years that also needs to be added to the budget. Maybe the PILT money could go to them and help out the weed department.

Commissioner Lytle motioned that the Commission is in favor of the idea contingent upon finding some funding including having a conversation with the Water and Sewer District for the

\$6100 of needed funding for the fire hydrants in the Mountain View subdivision. Commissioner Tippetts seconded the motion. All were in favor and the motion carried.

**Public Hearing to Hear Input :** Commissioner Tippetts motioned to recess form the Commission meeting into Public Hearing. Commissioner Lytle seconded the motion. And the Commission went into Public Hearing at 11:05 am to hear comments on the EMS District and Possible Cemetery District . Mayor Coombs asked about this. Commissioner Tippetts said this was for the unincorporated areas of the county, but there is an opportunity for the Town's to participate. Commissioner Lytle said there were no presumptions that the Towns would or would not participate. The State PILT money we received could negatively affect our Federal PILT payment by the same amount. There are several districts that could receive that money to "protect" it. The Towns could join if they wanted, but the main priority with this is to protect PILT. The Mayor asked if this ties in with Corey Auger and that effort. It does and doesn't.

Attorney Niel Lund explained that there is discussion of Local Districts vs. Special Service Districts and Local Districts allow for taxes to be levied. This didn't used to be a problem as we were under a different funding mechanism, but it has changed and so we now have to protect our Federal PILT monies from other federal money we receive.

Amy McDonald asked about the Special Service Districts being funded and they can't raise taxes on their own, but they can use mineral lease money. Uintah County has challenges as they are heavily reliant on mineral lease and those monies have dried up, so they are having to cut services. Amy asked the differences between local and special districts and Attorney Niel Lund explained the major difference is the ability to tax. Special Districts can collect fees for services and general obligation bonds. Local Districts can levy taxes, but the Special Service Districts can't unless the forming agency allows it. Special Service Districts are audited with the County and the County can impose taxes to cover bonds. Amy noted it is important to have a good EMS system and this is something that is important and having a tax is not always the best way to do it, but it has to come from somewhere and it would be for a good cause. The mineral lease funds are not secure. The tax is restricted for a specific purpose and secures that funding for that use. Commissioner Tippetts said the district is one way to secure funding for a specific important purpose. Commissioner Asay said it adds a way to get additional equipment. Commissioner Lytle said the Town Councils and County could have their own representatives on the District Board and yet it is still its own entity, separate from all the entities and not controlled by an entity. There are options of equipment ownership. It's a good way to pull everything

Another difference is the Local District Board members can be appointed or elected and they could be completely autonomous. In a Special Service District the Government Entities have more control and can appoint the board but they may be elected. Commissioner Lytle asked if a local district allows some board members to be elected and some appointed. Mr. Lund wasn't sure if that was possible or not. Mayor Coombs said he was disappointed in the lack of participation, but thought it was good to do the hearing first before doing the resolution. He thought that the local district with its flexibility was a good fit and being dependent on Mineral Lease is kind of scary. Mr. Lund said that the option to divide a local district into divisions is built into the code for Local districts, but that has to be part of the public hearing if you want to do it or not. The need to do this is critical because of the funding, but also with the increased visitorship which means more emergency calls. With our limited EMS personnel a call can mean an hour or more response time.

If we formed an unincorporated area district the towns could be added later, but it would be like starting over. If the Towns wanted to participate a joint resolution could be developed to form the entity. Commissioner Asay asked if the language could be written to encourage the inclusion of the entities. Yes, but the process still needs to be gone through to allow the new entity to participate

and the District Board would have to allow that, so there is a small risk that the autonomous board could say no. The district could provide services for non involved areas for a fee, just like the Towns do for Fire services currently. The District could then pay for the Fire Services and provide EMS services for a fee. The Mayor was concerned that more people were not here and involved in this discussion. There is more funding available if all the entities are involved. There is a need for better services and a way to pay for it, so even though the PILT money could go into an existing district, it would be advantageous to form a new district. There is a big effort from the Sheriff's Office to improve EMS.

The Mayor asked if there was a decision needed by next Tuesday. The Attorney explained that the State PILT decision has to be implemented before the end of the year. There is a timeline to implement that including 45 days public notice prior to your hearing, after the public hearing there is 60 days available for a protest period, so we need to get on this quickly.

The Mayor speaking for himself only is all for the cooperation of the entities and he wants to go forward in a positive manner and he will do his utmost to encourage the rest of the Council to move forward also. Commissioner Lytle said the Resolution could be for the unincorporated areas but was willing to change it if the Towns joined. The Attorney said the Towns would also have to do their notice of intent and hold the public hearings, so it would require them to follow the same procedures. If done together the notices could be concurrent and it would be cleaner to do it all together. The Attorney said that we could go to plan B if the Towns had any interest and do it all at once. The extenuating circumstances with Dutch John could be dealt with if they wanted to continue the process or if they unincorporated they would be part of the County. The Mayor thought there would be more knowledge of the situation after September 8th.

Commissioner Tippetts thought there were two viable options: the first is to go forward with the creation of a local district for the unincorporated County district and invite the Towns to participate and the other is to hold off and get them all going together at the same time. There was discussion of how much time we still have, so it's 3 months and 15 days that we need. There was additional discussion on the options and requirements. The time to allow the Towns to do their due diligence will take longer than we have. We need to get this ready to Notice by the 15th of September. We can move forward even if the Towns are not ready.

Amy McDonald says the Dutch John Town Council meets on Monday the 24th and they could decide how they feel about this. Niel said he was willing to attend on the 24th and so was Commissioner Lytle, so Amy said she would add it to the meeting agenda. The urgency is to get it done for the services to improve by the setting up of the district and the \$37,000 can be spent another way, so the PILT issue is only a motivator but not the driver. The Mayor said the Manila Town Clerk is out of town, but there was a willingness to call a Special meeting after her return. Commissioner Lytle said he feels an urgency to get it done for the services to improve by setting up the district and the PILT issue is only a motivator but not the driver. Commissioner Asay said that he is not hesitant, but wants to see that everyone has a chance to participate and comment. Colby Crossland entered the meeting but did not have a comment specific to the hearing.

Motion to go out of Public hearing and into Open Session was made by Commissioner Lytle at 12:14 pm. Commissioner Tippetts seconded the motion. All were in favor and the motion carried. Commissioner Lytle thanked the Mayor and Amy for their participation.

#### **Closed Session For Possible Purchase, Exchange or Lease Of Real Property:**

Commissioner Tippetts motioned to go in and out of Redevelopment Agency (RDA) at 12:16 pm. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Commissioner Lytle motioned to go into Closed Session for the Purpose of Purchase, Exchange, or Lease of Real Property. Commissioner Tippetts seconded the motion. A Roll Call vote was taken and Matt Tippetts voted "Aye", Randy Asay voted "Aye" and Jack Lytle voted "Aye".

Commissioner Lytle motioned to go into open session at 1:22 pm. Commissioner Tippetts seconded the motion. All were in favor and the motion carried..

**Discussion And Consideration Of Ratification Of Cooperative Law Enforcement Annual Operating Plan And Financial Plan Between The Daggett County Sheriff's Department And The USDA, Forest Service Ashley National Forest:** Commissioner Tippetts motioned to ratify the Cooperative Law Enforcement Annual Operating Plan and Financial Plan that has been signed. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of Ratification Of The Rural EMS Assessment Flex Grant For Daggett County Ambulance.** Commissioner Tippetts motioned to ratify the Rural EMS Assessment Flex Grant in the amount of \$500. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

**Discussion And Consideration Of Adjustment To 2020 Daggett County Budget: Discussion And Consideration Of Resolution 20-09: A Resolution For Amending 2020 Daggett County Budget;** Commissioner Lytle motioned to table items 8 and 9 and leave the budget open for another week. Commissioner Tippetts seconded the motion. All were in favor and the motion passed.

**Discussion And Consideration Of Insurance Application For Airports:** Commissioner Tippetts explained that there were some issues with the completed applications and some of the information was not showing up last week, so we have updated it. Mr. Raymond said that the multiple quotes for different coverages were a possibility, but these need to be turned in this week. Commissioner Tippetts motioned that we sign the insurance applications for the airports and ask for more information on coverage and then amended the motion to receive multiple quotes on increased coverage. The motion was seconded by Commissioner Lytle. All were in favor and the motion carried.

**Discussion And Consideration Of 2020 General Election Mobile Voting Pilot Contract With Voatz, Inc:** Commissioner Asay brought this up. Clerk/Treasurer Brian explained that this allows UOCAVA voters (military or overseas voters) and Disabled Voters. There are 6 or 7 voters that would qualify and the budget would handle this amount. Commissioner Tippetts motioned to sign the contract with Voatz for \$100. Commissioner Lytle seconded the motion. All were in favor and the motion carried.

Motion to adjourn was made by Commissioner Tippetts at 12:34 pm. commissioner Lytle seconded the motion. All were in favor and the motion carried.

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