

MINUTES of the public meeting of the Uintah County Commission held **November 28, 2023** in the Commission Chambers of the Uintah County Building at 147 East Main, Vernal, Utah. Meeting commenced at 3 p.m.

PARTICIPANTS: Commissioners Sonja Norton and John Laursen; Brad Horrocks, excused.

ATTENDANCE: Mike Wilkins, Wendi Long, Jess Hermann, Lance Dean, Steve Labrum, Tiffany Parker, Angie Harflinger, Jim Oldham, Kelton Jenkins, Ronnie Harflinger, Gloria Clark, Ashton Jenkins, Jaron Jenkins, Justin Shearer, Rick May, Bud Allen, Madonna Allen, JC Brewer, Melindy Karren, Barbara Simper, Angalena Simper, Kayla Toro, Lana Fullbright, Sam Passey, Joel Brown, Justin White, TJ Batty, Zeke Atwood, Kelly Boren, Jim Boren, Deanna Nyberg, Jeremy Raymond, Brenda McDonald, Nick Porter, David O’Riordan, Eric Johnson, Christi Jenkins, Willis LeFevre, Jed Labrum, Chery Bolton, and Jon Stearmer.

Minutes recorded by Tai Duncan.

WELCOME: Commissioner Norton welcomed everyone to the meeting.

PRAYER offered by Chery Bolton.

PLEDGE OF ALLEGIANCE led by Commissioner Laursen.

1. APPROVAL OF MINUTES of the November 6, 2023 work session, November 7, 2023 meeting, and November 7, 2023 special public hearing.

Commissioner Laursen moved to approve the minutes of the November 6, 2023 work session, November 7, 2023 meeting, and November 7, 2023 special public hearing. Commissioner Norton seconded. Motion passed unanimously.

2. REPORT OF WARRANTS – Mike Wilkins, Clerk-Auditor, presented warrants dated November 9, 2023 in the amount of \$407,043.53. Payments to note are \$81,486.90 to ProWest for roofing at the Western Park; \$12,870.28 to UDOT for a portion of the Brush Creek Bridge; \$14,336.00 to CyberSecurity Training; and \$42,865.00 to Williamson-Godwin for a sander at the Road department. Warrants dated November 16, 2023 in the amount of \$951,110.05. Of note: \$196,937.33 for a Hagglund Snow Cat; \$83,696 to McCarley Construction; \$21,957.00 for ice skates. Warrants dated November 22, 2023 in the amount of \$4,163,621.62. Of note is a \$3,526,400.00 transfer to the Ice Rink and a \$422,350.00 transfer to the Transient Room Tax, both from General Fund.

3. REVIEW AND COUNTER SIGNATURE OF CERTIFIED LIST OF CLAIMS - None

4. TAX MATTERS –

Wendi Long, Treasurer, requested approval of escaped property taxes for a property owned by UBAG, serial number 05:131:0173 and sold to an individual in 2022. It was not taken out of the non-taxing district when it was sold. It has now been moved to the correct tax district and will be charged taxes appropriately. The escaped taxes for 2022 and 2023 are \$1,225.71. Once approved, Wendi will send notice and give the property owner 30 days to pay taxes without a penalty as it is so close to the deadline.

Commissioner Laursen moved to approve the escaped tax as presented. Commissioner Norton seconded. Motion passed unanimously.

Wendi also requested approval of tax adjustments on four properties. They are in the name of UBAG and will not be sold before the end of the year. These types of properties are no longer held in a non-taxing district until sold so they have been accumulating taxes. The taxes for 2023 need to be abated: serial number 17:041:0201 in the amount of \$327.73; serial number 17:041:0202 in the amount of \$327.72; serial number 17:041:0203 in the amount of \$327.72; serial number 17:041:0204 in the amount of \$327.72 for a total abatement of \$1,310.88.

Commissioner Laursen moved to approve the abatements as presented. Commissioner Norton seconded. Motion passed unanimously.

Barbara Simper, Assessor, requested an abatement of 2023 taxes for serial number 04:023:0040 in the amount of \$648.05. There was an error on the home's square footage that only affected this year, all previous years were correct.

Commissioner Laursen moved to approve the abatement as presented. Commissioner Norton seconded. Motion passed unanimously.

5. DECKARD TECHNOLOGIES CONTRACT regarding short-term rentals – Barbara Simper, Assessor, also presented this contract. This will assist the Assessor's office in capturing short-term rentals county-wide. The cost will be \$3,000 a year and starts January 1, 2024 and ends December 31, 2024. This could be an annual contract if it works out well. We have a lot of short-term rentals, which includes Air BNB, VRBO, etc. There is a policy in place and short-term rentals must have a permit to operate. These are not considered a primary residence and should be taxed as a secondary. The Assessor's office is not always made aware that it is a short-term rental. This will help identify those, as well as those in city limits as she is responsible for assessing all of them.

Commissioner Laursen moved to approve the contract with Deckard Technologies effective January 1, 2024 thru December 31, 2024 in the amount of \$3,000 as presented. Commissioner Norton seconded. Motion passed unanimously.

6. SNOW GROOMING COOPERATIVE AGREEMENT between Utah Division of Outdoor Recreation and Uintah County – Mike Cook, Trails. This item will be tabled.

7. MUSEUM GENERAL OPERATING SUPPORT GRANT – Sam Passey, Library, requested authorization of the signatures on the grant from the State for the Heritage Museum in the amount of \$10,000. This funding can be used for any expenses related to the general operations. Previously, some has been used for exhibit care and some for utilities. This is about a fourth of the operating costs of the Heritage Museum outside of staffing. They are extremely grateful to the legislature for providing the funding. This contract requires e-signatures. There is no match. Commissioner Norton thanked Sam for the hard work in obtaining and following through with such grants. Sam said all the credit goes to Lana Fullbright and her staff at the Museum.

Commissioner Laursen moved to accept the Operating support grant in the amount of \$10,000 and authorize electronic signatures as presented. Commissioner Norton seconded. Motion passed unanimously.

8. SITLA OFFICE SPACE LEASE AGREEMENT AMENDMENT #3 – Jess Hermann, Facilities, presented the amendment for approval. SITLA, School and Institutional Trust Lands Administration, already rents some space in our building and they would like an additional 720 square feet. This would bring their total rent to 1,305 square feet and from \$1,100 a month to \$2,000. Once approved and signed, it will go to SITLA to sign. Commissioner Norton asked how the costs are figured. Jess responded he works closely with the Clerk-Auditor and Assessor offices.

Commissioner Laursen moved to approve amendment #3 to the SITLA Lease agreement as presented. Commissioner Norton seconded. Motion passed unanimously.

9. PUBLIC DEFENDER CONTRACT FORM APPROVALS – Lance Dean, Public Defender, asked for approval of new contract forms. Two minor changes came to light during the interview process. These two new parts address client complaints and how to address them and the support staff information so the support staff can assist with quarterly reports. Each of the following forms would include the two additions except for Conflict Counsel as it will not include the support staff.

- a. JUSTICE COURT
- b. DISTRICT COURT
- c. JUVENILE COURT
- d. CHILD WELFARE
- e. CONFLICT COUNSEL.

Commissioner Norton asked if Jon Stearmer, Deputy County Attorney, has reviewed them and Lance agreed he had; he helped make the changes.

Commissioner Laursen moved to approve the contract forms as presented noting each will include both changes except Conflict Counsel; it only reflects the change regarding client complaints. Commissioner Norton seconded. Motion passed unanimously.

10. PUBLIC DEFENDER CONTRACTS, DISTRICT COURT - Lance Dean, Public Defender

Four applicants submitted for the District Court contracts and they all are current contractors. They were all interviewed but Mark Flores recently noted he is taking other employment and his contract will end December 31, 2023. Lance's office is now working on a way to cover his case load. However, the other three contracts, which include the new changes, will need to be approved. These contracts are with Beau Blackley, Clint Hendricks, and Jennie Wingad. They would be effective January 1, 2024 through December 31, 2024 with the option to extend for an additional two years.

Commissioner Laursen moved to approve the District Court contracts effective January 1, 2024 thru December 31, 2024 as presented. Commissioner Norton seconded. Motion passed unanimously.

11. RFQ AWARD: INDIGENT DEFENSE COUNSEL – Zeke Atwood, Purchasing & Grants, presented the request for qualification to award to complete the process and go along with the contracts that were just approved. Hendricks, Blackley, Wingad, and Flores were those that submitted. The committee reviewed them all and found they met all requirements and contracts could be done. All but Flores will have contracts.

Commissioner Laursen moved to award the Indigent Defense Counsels as presented. Commissioner Norton seconded. Motion passed unanimously.

12. OPIOID CLINICIAN CLINICAL HOURS AGREEMENT – Steve Labrum, Sheriff

A clinician in the jail will need some additional training for her position and will need to report the hours as required by DOPL, Division of Professional Licensing. She needs less than 750 hours so the maximum cost for that reporting is expected to be \$3,600. It will come out of the jail's Opioid budget. He will have the clinician sign a contract that if she leaves employment within two years, she will have to pay it back, prorated. Commissioner Laursen added DOPL will not allow the clinician to pay for the tutoring individually, the agency must pay for it.

Commissioner Laursen moved to approve the agreement as presented not to exceed \$3,600. Commissioner Norton seconded. Motion passed unanimously.

13. UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE DATA SHARING MEMORANDUM OF UNDERSTANDING – Steve Labrum, Sheriff, noted that when the Legislature mandates something it typically lands on the County to accommodate. Fortunately, they have also provided the opportunity to allow data sharing so the State could access the Spillman program and get the data they are requiring regarding the jail. It will require the Sheriff's signature.

Commissioner Laursen moved to approve the MOU for data sharing and authorize the Sheriff's signature as presented. Commissioner Norton seconded. Motion passed unanimously.

14. VOCA PRESENTATION FOR CJC – Angie Simper, was recently hired as the Children's Justice Center, CJC, Director. So far this year, the CJC has provided services for 594 victims and their families. The Center is a family friendly environment where law enforcement and child services bring children who

have alleged child abuse. They are interviewed and forensic exams can be done due to a grant for such medical providers. They currently contract with Primary Children's Hospital. They also contract with the National Children's Alliance and Victim of Crimes Act (VOCA) to be able to assist these children and their families in the one location. This makes it much easier for everyone. They serve both Uintah and Daggett Counties. So far this year, they have had 19 medical exams. They are currently working to make this service more proactive and allow medical providers to determine who may or may not need an exam. There is an assessment poll provided as part of the mental health program. Only 125 were completed, many decline. She feels this is due to not fully understanding the tool and its purpose. The tool screens for suicidal tendencies and stress in these children. Of those 125 responses, 37 scored high and 7 were in the suicidal range. There is a grant to allow therapy at the Journey Counseling Center; a referral and funding for visits. The CJC has one full-time employee and one part-time that is funded through the County. VOCA funds the other three employees.

15. VOCA PRESENTATION FOR ATTORNEY'S OFFICE – Angie Simper noted they have not yet made a decision on who will be replacing her in the Attorney's office but they have had interviews. VOCA, Victim of Crimes Act, in the County Attorney's Office has served 913 victims and close to 10,000 services over the last year. They are doing all they can to streamline the information provided to these victims while maintaining cost efficiency. The program is doing a tremendous amount of good. One position is funded by the County and there are two VOCA funded positions. They are grateful to the County and VOCA for the opportunity to serve victims in our community.

16. RECESS FOR MUNICIPAL BUILDING AUTHORITY

Commissioner Laursen moved to recess for Municipal Building Authority. Commissioner Norton seconded. Motion passed unanimously.

As Chair of the Municipal Building Authority, Commissioner Laursen turned the time over to Eric Johnson.

17. A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,200,000 TAXABLE LEASE REVENUE BONDS, SERIES 2024 FOR ROAD EQUIPMENT; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

Eric Johnson, Bond Attorney, presented the Resolution for the MBA to approve. The County has obtained funding approval from the CIB, Community Impact Board, to purchase road equipment. The project total is \$1.5 million with \$510,000 as a grant and \$990,000 in a zero-interest loan. There are two reasons why this has to be done through the MBA and not the County. CIB gets their funding from mineral lease revenue which is federal. If that funding were to go to the County directly, it would reduce the amount of PILT, payment in lieu of taxes, the County receives. The MBA is used to protect the PILT funds. Additionally, Utah Law prohibits using public assets as security for a loan; the security for this particular loan will be the acquired road equipment. Around 40 years ago, Utah approved the MBA as a non-profit controlled by the County. The MBA Board is also the County Commissioners. The MBA can only do what the Commission authorizes. The equipment will be held under the MBA name and then leased to the County. He compared this process to two pockets in the same pair of pants. Eric also noted the MBA is not approving the loan today. They are merely calling for a public hearing for January 8th, then they can approve the loan or not. The public must be allowed to voice their opinion regarding the loan. Additionally, the Resolution and notification indicates a higher amount, \$1.2 million, than the loan would actually be, it is a 20% buffer. This is standard and best practice. The interest rate is zero and the loan is for 15 years.

Commissioner Norton moved to approve the MBA Resolution calling the public hearing to be on January 8, 2024. Commissioner Laursen seconded. Motion passed unanimously.

(This date should have been January 9, 2024).

18. ADJOURN MBA AND RECONVENE COMMISSION MEETING

Commissioner Laursen adjourned MBA to reconvene Commission meeting.

19. A RESOLUTION APPROVING THE ADOPTION BY THE MUNICIPAL BUILDING AUTHORITY OF UTAH COUNTY, UTAH OF A PARAMETERS RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,200,000 TAXABLE LEASE REVENUE BONDS, SERIES 2024 AND RELATED MATTERS.

Eric presented this Resolution, #11-28-2023 R1, for approval. It authorizes the MBA to approve the Resolution and call the public hearing in January.

Commissioner Laursen moved to approve the Resolution as noted and hold the public hearing in January. Commissioner Norton seconded. Motion passed unanimously.

20. SUNRISE ENGINEERING AGREEMENT for developing flood control monitoring recommendations for the Highline and Upper Canal channels – Matt Cazier, Community Development, was unable to attend. Deanna Nyberg, Community Development, presented. Sunrise will provide the County with a plan for recommended monitoring of the two canals. The fee for the plan is \$3,000 and will come out of flood control funds. In work session, it was asked if this is a one-time fee and it is.

Commissioner Laursen moved to approve the Sunrise Engineering Agreement as presented, not to exceed \$3,000. Commissioner Norton seconded. Motion passed unanimously.

21. BASIN ACRES – final plat approval for a subdivision on property owned by Savage Land Development LLC at 1929 S Vernal Ave, Vernal; serial number 05:106:0060 and property owned by Edgar F Lacayo at 2021 S Vernal Ave, Vernal; serial number 05:106:0061 – Matt Cazier, Community Development, Deanna presented in his stead.

This is the final approval and would not normally be brought before the Commission but the process was begun before the change to code was made and the plat has already been printed and they started obtaining signatures. They are waiting for the original bond letter but have received a copy over email. Once signed, they will hold until that letter is received.

Commissioner Laursen moved to approve the final plat for Basin Acres as presented with the understanding it will be held until the original bond letter is received. Commissioner Norton seconded. Motion passed unanimously.

22. PUBLIC HEARING – AMEND UTAH COUNTY RIGHTS-OF-WAY: Class “B” Road, vacate County Road 1250 North on private land, Christi Jenkins, T4S R21E Section 17 – Matt Cazier, Community Development – Deanna also presented information for this public hearing.

This is in the Maeser area near Maeser Elementary. 1250 N comes off 3000 West. The applicant would like to vacate 1250 North as it is located on her property. She did not know it was considered a County Road until one of the properties down this road was listed for sale. The applicant believes it is not a county road and has never been. All improvements done to the road have been done by the property owner. The road provides frontage for four other properties owned by the Clarks, Hackfords, and the Oviatt Trust. A minor subdivision was done in March splitting one of the parcels owned by the Oviatt trust, which would be a fifth property. The Clark’s have signed the application to vacate the road but the other property owners have not. Vacating the road would eliminate frontage for three properties. Deanna also provided a little history of the road: between 1950 and 1975 and in 1977, 1250 North was not on any maps. 1986 and 1989, the road was on the transportation map as a Class D unmaintained County road. The 1994, 1996, 1997 transportation maps show it as a Class D unmaintained County road. 1998 to present, transportation maps show it as a Class B paved road. The road department was not able to find any record of maintenance or construction on this road. Regarding the minor subdivision, one lot has frontage along 1250 North and the other lot has frontage along 3000 West. The application to vacate the road was received in October and a second application from the Oviatt Trust for a minor subdivision was received later the same day. This road vacation process has been published for four weeks, posted on the Public Meeting Notice website, posted in the County Building, and letters sent to all abutting property

owners as well as UDOT, Utah Department of Transportation. Items of concern are not all abutting property owners have given consent; if vacated they would lose their ability to divide their properties. UDOT asked those involved, through the public hearing process, to confirm that vacating the road will not eliminate access to other private properties without their consent. Community Development recommends that any approval include consent from each property owner with frontage on 1250 N and easements for each property owner with frontage on 1250 N. Commissioner Norton clarified the road vacation was submitted before the second minor subdivision application was submitted but on the same day. Deanna confirmed she was correct. Commissioner Norton also asked if the road is vacated, if an easement to these same properties would serve the same purpose as if it were not vacated. Deanna noted it would allow them access and they could build on them as they are, but they would not be allowed to divide their properties. Jon Stearmer, Deputy County Attorney, added during the research they discovered 1250 N was shown as a Class B road before the Jenkins' or the Clark's purchased the property.

Commissioner Norton then opened the public hearing and reminded individuals to state their name.

Justin White noted he is under contract for the property at 1217 North 3000 West. The modular that was cut out of the property in March only has access along 1250 North. If it were to be vacated they would only be able to access the home through a ten-foot-wide road on the property they are under contract on. They are not comfortable with the road vacation.

Jed Labrum, Attorney representing Christi Jenkins, was not there to start a war. It came to the Jenkins' attention that 1250 N was a County road as a result of the minor subdivision. If she had known previously, she would have come forward then. It is not a road, it is a lane to her home. Just because we say it is a road does not mean it is a road. He can't find anything that dedicates it to the County. The County has had nothing to do with it as far as he knows; the County has never maintained it. The Road department was not even aware of the situation. There are a lot of roads that have been placed on the map but that doesn't mean it belongs to the County. His client sees this as a taking. Other individuals on that lane have dedicated easements. He has been able to communicate with all the property owners and received statements from many of them, which he turned in for the record. If the minor subdivision had not been approved this would not be an issue. Citizens are not required to look at a travel map to see if they have property listed as a road. This is a difficult situation for all involved. The public has not traveled this road in any way for more than 20 years, particularly since the home was built. There have been a few interested buyers since a parcel was listed. It is a narrow road. None of the neighbors want it to be a County road. 3000 West is the only frontage available. It is not the Jenkins' job to provide frontage along her lane. It has been on the map but not consistently and it is now listed as a Class B Road. He understood The Jenkins' spoke to the County at one time and it was supposed to be taken off the map. In response to Jed's question, Jon clarified it is currently listed as a Class B Road. Jed then noted there is no evidence of such. There was some black top due the Jenkins' maintenance of the road. He will continue to discuss the matter with neighbors to ensure everyone understands. His legal point of view is that this is not a public road; it has not been deeded as such.

Christi Jenkins took a moment to address the public hearing as well. Her concern is that her lane is private property, it is part of her legal tax form and has been since she purchased the property from her parents. Everyone on the lane has a legal easement and that was submitted with the request for vacation. They did a title search when she purchased from her father, Morgan Clark. In 1982 or 1983, a property owner down the lane had a written agreement with them that if they maintained the lane, they could live there. Since then, they have maintained and repaired the road, often with road base, and plowed it in winter. There has never been a County employee on the road. Her other concern is the Oviatt's do not have an easement up the lane. They got rid of the easement they had through their own property when they rezoned their property. The modular has been rezoned since the request to vacate was submitted. She also has concerns with emergency vehicles. The lane is only 16 feet wide. It is not wide enough to be a public road, two vehicles cannot pass. Some of the new traffic reviewing the lot for sale has had to turn around in other driveways.

TJ Batty addressed the meeting stating his legal name is Timothy James Batty. He noted feelings do not change laws. This road was on the County map in 1986, prior to the applicant owning the property. As executor of the Oviatt Trust, he has done what was required and best for all beneficiaries. They have done their due diligence and hired an engineering firm to do research and determined 1250 N is a Class B Road. They went through the necessary channel and did a minor subdivision and made the decision to make an economic impact on individuals. If the County reverses the approval of the minor subdivision and takes away the Class B Road, what will happen to other properties throughout the County; other neighbors could do the same. Vacating the road would create a dangerous precedence. He does sympathize with the Jenkins' but repeated feelings do not dictate law. Property has not been taken away from them; maps have shown for years that it is a road. No one raised concern when it was approved as a minor subdivision.

Gloria Clark, previous owner that purchased from the Ashby's around 1981 or 1982, deeded the right of way to Boyd for 32 feet. The road at that time was a dirt road with grass down the middle. It was an easement and that is a part of the deeds. They do not have any problems with the Oviatt's, they were great neighbors and they knew it was just a lane. They even had a gate at the end for the sheep. They were not aware this was considered a road. They received a call one day from someone working for the County stating the little roads were being submitted to the State for funding. The Oviatt's did not have a right of way. They did not receive notification when their property was rezoned and Community Development indicated it was not necessary to notify all the neighbors.

Madonna Allen is a neutral party, she is a local realtor. She had several questions. Jon told her questions should be addressed to the Commission but she was welcome to discuss specifics with the involved parties outside the meeting. She asked how the meets and bounds would change on the property description and what the difference was regarding said description now and when the Jenkins' purchased it. She asked if there was a legal width to qualify it as a County road. If the Jenkins' are the legal property owner, would they allow an easement for the modular home. She believes property should not be taken and should be with the rightful owner.

Jed Labrum offered a few responses. There is evidence of asphalt but it is not paved. The legal description of the lane has always been the same. Legally, it belongs to the Jenkins'. The only way to change ownership would be if the usage would change or a prescriptive easement. The public is not traveling the road so a prescriptive easement is not applicable.

Brenda McDonald, Recorder, started working in 1991. At that time, Randy Simmons was the Recorder and he was working with the Assessor, Pudge Merkle, to digitize old roads. Any they found while assessing would be drawn on the maps. They combined maps from the BLM, Forest Service, Ute Tribe, the State, and their own into one. They prepped for years. The theory at that time was to get them on at one time rather than little by little later. She reviewed the legal description and the property has always had 33 feet of frontage as per the description. The entire road is all part of the description for her property.

Seeing no further comments Commissioner Norton closed the public hearing.

Deanna indicated she did have an additional piece of information she forgot with the presentation. When the Jenkins' built the home, the flag lot ordinance did not exist, they had to have Class B County Road access. This indicates it was considered a Class B when the building permit was issued. It is not a flag lot. The legal nonconforming lots were set aside in 2005; the Jenkins' built their home in 2003.

With Commissioner Norton's permission, Christi addressed this information. When they received their building permit, it was never mentioned that it was a county road. It has always just been part of the warranty deed and the description. It was all purchased together.

Jon noted this was a public hearing only and it will be placed on Monday's work session for further discussion. The soonest the Commission may make a decision would be the following day, next Tuesday.

23. BOARD APPOINTMENTS

Commissioner Norton noted there are no Board Appointments to make today but there are two openings on the Utah Central Water Conservancy Board. The Commission is required to notify the Governor of three names, per vacancy, from the applications filed to fill those vacant seats. Only two applications were received, Steve Hanberg and Max Haslem. Both names will be presented to the Governor. She also noted there are a lot of board positions that are expiring at the end of the year so appointments will be coming soon.

24. PUBLIC COMMENT

TJ Batty took a moment to thank the Commission for everything they do for the County. They take a lot of heat and some of what is done is done behind closed doors due to legalities. Their work is difficult but they do what they feel is best for their community and that is to be commended.

ADJOURN: The meeting adjourned at approximately 4:29 pm.


SONJA NORTON, ACTING CHAIR


MICHAEL W. WILKINS, CLERK – AUDITOR

