SEVEN COUNTY INFRASTRUCTURE COALITION
MEETING MINUTES
April 14, 2022 at 8:00 a.m.
Carbon County Fairgrounds
450 S Fairgrounds Road, Price, Utah
(435) 219-1362

Board Members Present: Casey Hopes (Carbon County, Jack Lytle (Daggett County), Greg Miles (Duchesne County), Lynn Sitterud (Emery County), Garth (Tooter) Ogden (Sevier County), Willie Grayeyes (San Juan County) and Brad Horrocks (Uintah County).
Also, in attendance: Mike McKee, Eric Johnson, Brian Barton, Kristi Sharp, and Lenise Peterman.
Attended telephonically: Melissa Schnee, Kelly Carter, Stan Holmes, Deeda Seed, and Bret Reynolds and Sam (no last name given).
Others Present Senator Ron Winterton, James Lawrence, Steve Rodgers, Joel Yellowhorse, Evan Barlow, Mike Bean, Tony Erickson, Jeff Worthington, Guy Letendre, Senator David Hinkins, Pam Juliano, Mark Hemphill, (Please notify staff at 801-712-7622 of any spelling corrections or if you were present and not listed.)

Public Meeting Participation Information:

Please click the link below to join the webinar:
https://jonesanddemille.zoom.us/j/81812623532

Or Join by Telephone:
1-253-215-8782 or
1-346-248-7799 or
1-669-900-6833

Webinar ID: 818 1262 3532

1. Welcome and Pledge of Allegiance (Casey Hopes)

Chairman Hopes welcomed everyone to the meeting. He indicated the entire Board was present, along with all supporting staff. He then led the Pledge of Allegiance.
2. **Public Comment** (Casey Hopes)

Public comment was accepted verbally, during the meeting, telephonically by Zoom, and by electronic written submission at peterman@7county.utah.gov. Electronic written comments will be forwarded to the Board Members. All comments are summarized in the meeting minutes. A complete copy of any written comments submitted may be requested at the email address provided herein.

Time was turned over to Melissa Schnee who gave instructions on how to participate verbally and by Zoom.

For this meeting there were no public comments offered.

3. **Approval of Meeting Minutes for March 10, 2022** (Casey Hopes)

**Motion to approve March 10, 2022 meeting minutes as presented** by Commissioner Sitterud, seconded by Commissioner Ogden.

Chairman Hopes called for a vote to approve the minutes. **The motion passed unanimously.**

4. **Report on Unit Basin Railway.** (Casey Hopes)

Commissioner Horrocks commented that this project is driving excitement in the area and is seen as a very positive project. Commissioner Miles also commented on the update provided by the Unit Basin and a large number of contractors are inquiring about the project and excited to see it move along. Executive Director Mike McKee commented much work was ongoing in the trenches with only the Forest Service permit outstanding. He very much wants to see this moving forward as he rides off into the sunset. Chairman Hopes thanked everyone for the report and for the record there is no better time for this project with gas prices as they currently are and expressed appreciation for the work on this project.

5. **Executive Director Report.** (Mike McKee)

Executive Director McKee spoke to the funding efforts underway. He expressed appreciation to both Senators Winterton and Hinkins for their efforts. He was looking specifically for carbon fiber funding and referenced Weber State who is doing work as well as James Lawrence and that both will join the meeting later with updates. Executive Director McKee indicated Senator Winterton was critical to these efforts and drove additional funding into this effort specifically. Executive Director McKee also indicated CIB and Keith Heaton were very supportive of this effort as well. Commissioner Grayeyes and San Juan County did receive $400,000 from Water Quality with efforts driven by Senators Winterton and Hinkins. Commissioner Miles inquired about the $400,000 award and what it was for. Executive Director McKee indicated it was focused on the planning aspect of water use i.e., drinking, agricultural and so on. Brian Baron, Jones & DeMille, spoke to a clarification regarding the funding which was allocated from the Division of Drinking Water and not Water Quality. Commissioner Ogden then presented a question in regard to the two different qualifying entities that is drinking water and agricultural
which Executive Director McKee indicated would require some deeper exploration. Brian Barton weighed in that water source and storage would drive further discussions. Commissioner Lytle indicated that common storage for pre-treatment and then distribution for secondary water which is different than drinking water. Executive Director McKee indicated further water planning would be required and more information would be forthcoming. Executive Director McKee then thanked everyone for the great opportunity of working with the Board and that he has the highest regard for all Board members. He stated he sees the coalition moving to new and higher levels even when others initially did not support the organization. Executive Director McKee believes the Seven County Coalition is now seen in a very positive light and as a model of moving projects forward.

Commission Lytle then expressed his appreciation for Executive Director McKee’s efforts and for his leadership. Chairman Hopes also expressed thanks from the Board as well as the qualified applicants to replace Executive Director McKee. On behalf of the Board, Chairman Hopes wanted to extend their thanks for all Executive Director McKee has done to advance the coalition and helping them stay together as a coalition. He then asked Executive Director McKee how long he has worked with the Board and Executive Director McKee indicated five years as the Director but also indicated he was part of the early beginnings of the Board. Executive McKee then referenced his entire public service timeline and Chairman Hopes request beginning with the school board, serving four terms as a commissioner and then moving into the Executive Director role. Executive Director Mike McKee is a firm believer in public service and has loved his time spent in improving all of our communities.

Commissioner Miles went on to recognize Executive Mike McKee’s efforts with a plaque provided by the Board for his efforts. Commissioner Miles then read the plaque into the minutes. Executive Director McKee thanked everyone and indicated the plaque would be a personal treasure. Commissioner Miles spoke to the value Executive Director McKee has brought to the coalition and his talent for bringing people together with a positive attitude and again a heartfelt thank you. Commissioner Grayeyes expressed his thanks for Executive Director McKee’s strong support for the many projects the coalition has been able to work on. Executive Director McKee then spoke to learning a second language and the Navajo language specifically in conjunction with Commissioner Grayeyes. When inquiring what the proper words were for good-bye in Navajo, Commissioner Grayeyes indicated there was no translation for good-bye, only go in peace in Navajo. Much laughter filled the room as Executive Director attempted to speak Navajo with Commissioner Grayeyes trying to assist. Commissioner Horrocks expressed his appreciation for the job Executive Director McKee preformed and that he would be missed. Commissioner Lytle then expressed his thanks for everything Executive Director McKee has done and the amount of communication and energy the role required.

Chairman Hopes then indicated an offer had been extended to Keith Heaton for the role of Executive Director the previous day and all indications is he has accepted and the Board is excited to have him join. Commissioner Miles indicated his excitement at continuing to move things forward with Keith Heaton and thanked all of the great applicants for applying for the position. Executive Director McKee inquired if a resolution had been approved the day before
and Chairman Hopes indicated only a motion was made to extend the offer to Keith Heaton. A resolution is on today’s agenda to formalize the selection for the new Executive Director.

6. **Engineers Report.** (Jones & DeMille)

Brian Barton also expressed his thanks for working with Executive Director McKee and referenced his high level of integrity as well as his high level of engagement with the Board. In regards to the rail project, Jones & DeMille has been working on gathering additional files to ensure we have a complete and full record of the project. Executive Director McKee indicated they previously thought all files had been acquired but discovered some items were missing from HDR and they now believe it is complete. Brian Barton indicated there were a multitude of different file types to amass and indicated it is done now. He then moved on to San Juan County and the various meetings and planning which is underway with the Navajo DOT regarding planning and referenced the previous funding request for the water study. Brian indicated further discussion would be held during the retreat meeting.

Commissioner Grayeyes also discussed the Navajo road connection and indicated a water line for road construction was included as it would be required for road construction. At the same time, he is exploring how to interface and to get the water line up to the top of the Piute Basin and create a holding tank or reservoir. Commissioner Grayeyes indicated the first priority is to create a reservoir, with the second priority being to develop agriculture and the third for water for livestock. He is also working with the Navajo Water Association to have access to one of the six deep wells which is coming together to provide water to local communities. Commissioner Grayeyes also referenced the Herman Daniels $4.4 million dollar impact study with $150 million towards road construction with a total of $180 million as his best guess. He continues to try to corral dollars from the ARPA funding which previously failed and is currently reloading “ammunition” to reintroduce this project for funding.

7. **Discussion, consideration and possible ratification of Resolution 2022-04A of NDA with Red Leaf Resources.** (Casey Hopes)

Chairman Hopes introduced this reminding the Board we had an NDA to provide utilities to a refinery which have transferred to this group. Red Leaf Resources are now trying to secure the NDA with the Coalition.

**Motion to approve Resolution 2022-04A NDA with Red Leaf Resources** was made by Commissioner Lytle with a second by Commissioner Horrocks. The motion passed unanimously.

8. **Open Meeting Training.** (Eric Johnson)

Chairman Hopes then called on Coalition Attorney Eric Johnson to conduct open meeting training. Eric Johnsen opened with expressing his appreciation of Executive Director McKee and how the Coalition did not have a clear project to pursue until Executive Director McKee was able to sort through the various projects and move them forward. Eric Johnson then turned the open meeting training to his colleague Joel Yellowhorse.

Meeting Minutes April 14, 2022
Joel Yellowhorse indicated this is required per the Open Meeting Act and the Board sees vast amount of training on this topic given their role in government. The whole purpose of the Open Meeting Act is for the public to be aware of what government entities are doing. Some of those procedures include providing 24-hour public notice of meetings; posting agendas at the location as well as on the Public Meeting website. A good practice is to post in both locations if a location has changed. A change recently implemented is posting on the website will automatically trigger a possible posting in the newspaper and will count as sending it directly to the newspaper.

Commissioner Lytle then inquired about “base locations” as it relates to virtual meetings. Previously a virtual meeting had to have a base location, but if the chairman makes a determination, it is not safe to meet due to health concerns such as COVID, a meeting can be held completely electronically and the determination is in place for a total of thirty days. The chairman is required to send out a notification if such a determination is made. This concluded the training.

9. Discussion, consideration and possible approval of Resolution 2022-04B CIB Rail Contract. (Casey Hopes)

Chairman Hopes turned this over to Executive Director McKee who spoke to the amended agenda as an approval instead of a ratification. The current rail contract expires May 31 and CIB has extended for two additional years to use CIB funds. Another change is the previous contract did not allow for funds to be used in litigation and this one reflects the ability to use funds in litigation up to $500,000. Another contract has been approved which covers the day-to-day ongoing expenses previously presented to the Board. Commissioner Lytle had clarification regarding the budgeted amount for the attorneys and the contingency funding from CIB and how it may be impacted. Executive Director McKee indicated the money had been reassigned to possible funding of litigation and that there was ample money in the account. Commissioner Miles also clarified the funds would still be available for other needs as the project moves forward.

**Motion to approve Resolution 2022-04B CIB Rail Contract** was made by Commissioner Ogden with a second by Commissioner Horrocks. The motion passed unanimously.

10. Discussion, consideration and possible approval of Resolution 2022-04C to finalize contract with Executive Director McKee. (Casey Hopes)

Chairman Hopes turned this over to Executive Director McKee. Coalition Attorney Eric Johnson spoke to the current contract and that it referenced Executive Director McKee be available when transitioning out of the role. The concern of Executive Director McKee is his availability given he is submitting mission papers and may not be readily available to fulfill the contract as is. With this resolution there would be no ongoing obligation by Executive Director McKee at a legal level. Executive Director McKee indicated he would be more than happy to assist moving forward in assisting, he just would like to remove the legal obligation from the equation. Commissioner Horrocks asked if there was a way for us to compensate Executive Director McKee for future engagement over the next few years if we have the need? Executive Director McKee indicated he would be happy to help direct folks to his emails/files which most likely
would have the details of whatever questions may arise. He also discussed having the Coalition paying for his and other staff email accounts which is of a minimal cost to the Coalition. Commissioner Lytle asked if there was a way to secure Executive Director McKee’s emails so they can be accessed in the future by archiving them and keeping them secure. Brian Barton indicated there is a way to archive and hold the email account for future searching and so on. Commissioner Ogden questioned if we need Mike oncall and we definitely need to secure his emails and texts. Executive Director McKee indicated his phone needs to be handled as well so that it doesn’t compromise the Coalition in anyway in the future but would like personal records to be removed. Commissioner Miles indicated this contract just relieves Executive Director McKee of the legal obligation and thinks that is a fair request. He also indicated the Board would definitely work out a way to compensate Executive Director McKee if needed. Commissioner Horrocks indicated Executive Director McKee may require his phone and iPad for the next few months because there may be more calls during the transitional period of the next few months. Executive Director McKee indicated everything would be there for the Coalition and Chairman Hopes indicated if we needed Executive Director McKee to research or look up any information it could be conducted on the archived files. This will allow him to move on with his life and there will not be new data on his devices. Commissioner Lytle agreed and stated Executive Director McKee would become an ex-employee and rules will govern that institutional knowledge may require time and we should look to compensate him accordingly. Commissioner Horrocks had a clarifying question if this resolution would release Executive Director McKee from the obligation of having to help which Chairman Hopes indicated it would.

**Motion to approve Resolution 2022-04C to finalize contract with Executive Director Mike McKee** was made by Commissioner Ogden with a second by Commissioner Miles. The motion passed unanimously.

**11. Presentation, approval and adoption of monthly expenses.** (Smuin, Rich & Marsing)

Kristi Sharp with Smuin, Rich and Marsing asked the Board who would be responsible for paying for the email accounts if Executive Director McKee was no longer taking on that responsibility. Executive Director McKee indicated if the new Executive Director Keith Heaton was open to taking on that fee it would be easiest to transition that to him. Commissioner Miles indicated communication is critical and the Coalition should just take on that expense. Currently this expense is on a personal credit card and the Coalition does not have any credit cards assigned. Kristi Sharp indicated we did have a purchasing policy in place and we could figure out the appropriate way to handle this expense.

Kristi Sharp also expressed her thanks to Executive Director McKee for his efforts to keep financial transitions as transparent as possible and has enjoyed working with him. She then presented the monthly expenses to the board in the amount of $149,573.23. She did distribute some paper copies to the Board for review. The paperwork was for revision one for the amount listed above and includes a lost check from over a year ago that had been previously approved by the Board. She asked if the Board would like a stop payment on this particular check and Chairman Hopes indicated she should do so just in the event of someone trying to cash it. Invoice copies were included in the packets for the Board in case any of the Commissioners
would like to see the individual checks. Commissioner Lytle asked if these payments reflect previous months or just March? Kristi Sharp indicated most are for the month of March with Eric Johnson's firm being behind in their billing to the Coalition and is getting caught up. Executive Director McKee indicated there were some close out checks to various contractors included in this set of payments. Executive McKee indicated there was $2.5 million authorized by the legislature and in discussions with Commissioner Horrocks it was determined to issue a Request for Proposals for chip and seal and then we close this out. The Board had previously approved this project. Commissioner Ogden indicated if the project did not require all the funding there is another project which could be considered. Commissioner Horrocks indicated estimates are coming in for approximately $6 - $7 million so it appears there may not be funding remaining. Commissioner Ogden asked if any more bills are expected and Executive McKee turned that over to Brian Barton who indicated there may be minor charges for archival activities. Kristi Sharp indicated Eric Johnson may have a few more invoices but most have been received and accounted for. Current accounting stands at approximately $2,588,000.00. Brian Barton then asked Melissa Schnee to speak to the UEC website. Melissa Schnee inquired if the Board wanted to maintain the domain for the website with a minimal costs and is renewed to 2024 under Jones and DeMille. Commissioner Miles inquired about the current cost and Melissa Schnee indicated while hard to predict with inflation, if renewed this year it would be approximately $15.50. Commissioner Miles indicated we should protect the domain. Commissioner Horrocks had a question regarding the work done on Seep Ridge Road and if that was in our possession and Brian Barton responded that it was in our possession. Executive Director McKee asked if there was any issue with sharing this information with Unit County with Commissioner Miles indicating it would be available as it is public information. Eric Johnson indicated as a member county they were actually entitled to it as well.
Motion to approve monthly expenses was made by Commissioner Miles, seconded by Commissioner Horrocks.

Chairman Hopes called for a vote to approve monthly expenses. The motion passed unanimously.

Kristi next referred the board to the Financial Statement as of February 28, 2022. On the second page they have the Profit and Loss Statement, showing a loss of $90.23 for bank charges. Executive Director McKee commented that we also show a monthly loss as CIB will not reimburse bank charges and requested a review of CIB’s position on covering that cost. She also reviewed the status of current project funding for the Board.

Motion to approve financial reports was made by Commissioner Miles, seconded by Commissioner Sitterud.
Chairman Hopes called for a vote to approve financial reports. The motion passed unanimously.

12. Motion to enter closed (executive) session pursuant to Section 52-4-205 related to real estate acquisition, potential litigation, professional competency and trade secrets. (Casey Hopes)

Commissioner Miles moved to go into closed session seconded by Commissioner Ogden.

Chairman Hopes called for a Roll Call Vote to move to closed session with votes listed below:

Carbon County – Aye
San Juan County – Aye
Emery County – Aye
Servier County – Aye
Daggett County – Aye
Uintah County – Aye
Duchesne County - Aye

Motion to leave closed (executive) session and return to open meeting.

Commissioner Lytle motioned to exit executive session with a second by Commissioner Miles.

Chairman Hopes called for a Roll Call Vote to move to open session with votes listed below:

Carbon County – Aye
San Juan County – Aye
Emery County – Aye
Servier County – Aye
Daggett County – Aye
Uintah County – Aye
Duchesne County - Aye

13. Discussion, consideration and possible approval of Resolution 2022-04D selecting a new Executive Director. (Casey Hopes)

Chairman Hopes indicated the offer for Executive Director was extended to Keith Heaton and this will formalize the agreement.
Motion to approve Resolution 2022-04D to select Keith Heaton as the new Executive Director was made by Commissioner Sitterud with a second by Commissioner Ogden. The motion passed unanimously.

Commissioner Sitterud discussed Seep Ridge Road and comments made during previous day gave him pause and want to ensure everyone understood the position of those voting were voting as their counties. Commissioner Horrocks indicated he understood the vote and had no issue with it and Commissioner Lytel asked if this was directed at his comments and since comments were made during a closed session he did not feel it was appropriate to address. Commissioner Sittured just wanted to ensure the Board was aware it had nothing to do with Grand County.

16. **Motion to Adjourn** (Casey Hopes)

   A motion to adjourn was made by Commissioner Horrocks.
A motion to approve the April 14, 2022 meeting minutes was made by Commissioner __________, seconded by Commissioner __________.

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

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<th>County</th>
<th>Role</th>
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<td>Daggett</td>
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Co-Chair: Greg Miles

Co-Chair: Casey Hopes

(COALITION SEAL)

ATTEST:

Lenise Peterman

Meeting Minutes April 14, 2022