

**IRON COUNTY COMMISSION MEETING  
JANUARY 9, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 9, 2017  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma A. Adams	Commissioner
Michael P. Bleak	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
Adrion Walker	Human Resource Director

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## **PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Paul Monroe.

## **INVOCATION**

An invocation was offered by Alma Adams.

## **DEPARTMENTAL REPORTS**

**Dale Brinkerhoff, Iron County Commissioner**, reported that a check in the amount of \$3,000 had been prepared for Duane Sullivan for an asbestos survey in anticipation of repairs to the Iron County Courthouse. Commissioner Brinkerhoff then discussed a planned re-roofing of the Beryl Community Center. Dale reported that a bid of \$20,000 to replace the existing and damaged single ply roof with a steel roof was received from Steve Harker. He added that Steve had agreed to donate \$5,000 back with half the labor; Dixie Power Company would donate \$5,000; Utah Counties Indemnity Pool (UCIP) would cover \$5,000 and Iron County would pay \$5,000. Dale instructed that the Beryl Community Center roof be included on the next Iron County Commission meeting. He reported that the carpet had been replaced in Festival Hall.

**Alma Adams, Iron County Commissioner**, reported that Dan Benson, Brian Head Public Safety Chief, asked whether the county paging system coverage agreement that Iron County had made an agreement to maintain the paging system with full coverage. Alma requested Jon Whittaker to research the minutes for that agreement. He reported that Bob Weidner, Lobbyist from Washington DC, had a list prepared to give to the new presidential administration which included a Sage Grouse Focal Area Withdrawal. Alma explained that the focal area was a 10 million acre withdrawal where no drilling would be allowed to save the sage grouse.

## **PUBLIC COMMENTS**

No public comments were offered.

## **REORGANIZATION OF THE IRON COUNTY COMMISSIONERS ASSIGNMENTS AND APPOINTMENT OF COMMISSION CHAIR FOR 2017**

Alma Adams made a motion to appoint Commissioner Dale Brinkerhoff to serve as the Chairman of the Iron County Commission for 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; Michael Bleak, Aye.

The following changes were made to commission liaison assignments: Dale Brinkerhoff took Construction and the Diamond Z Arena; Michael Bleak took Jail, IT and Law Enforcement.

## **CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization.

## **CONSIDERATION OF LATE LOW INCOME TAX ABATEMENT FOR 2016**

Terry Ann Anderson, a citizen of Iron County, explained that the tax statement was sent to her and she had received it. Terry noted that she had then received a delinquent letter and that she had sent in the abatement but it had not been received. She explained that there had been a break-in to the mailboxes and that the abatement must have been in there.

Alma Adams made a motion to waive the tax assessment in the amount of \$711.71, the amount that would have been abated. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff declared the Board of Equalization adjourned and the reconvening of the Iron County Commission.

**AMENDMENT TO THE BRIAN HEAD COMMUNITY DEVELOPMENT AGREEMENT (CDA) AGREEMENT TO CORRECT THE BASE YEAR VALUE TO INCLUDE THE PERSONAL PROPERTY VALUE**

Bret Houser, Brian Head town manager, explained that in 2016, the Brian Head CDA reset the base year values to the 2015 values, and removed of the minimum contribution to the CDA from both Brian Head Town and Iron County. Bret reported that when Brian Head Town received the disbursement this year it seemed a little high. He explained that he had met with the Iron County Auditor they discovered that when the base valuation was set in 2016, the personal property tax was not included. Bret explained that the amendment was to include the personal property tax to the base valuation.

Alma Adams made a motion to approve the amendment to the Brian Head Town CDA agreement to correct base year value to include the personal property tax. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PUBLIC DEFENDER APPEALS CONTRACT APPROVAL**

Lori Starr, Justice Court Administrator, reported that the Public Defender Appeals contract was offered to Dale Sessions, which he accepted. Lori explained that the contract was now based on payment caps for cases. She noted that those included cases that where the defendant plead guilty were limited to \$1,000, multiday trials at \$5,000 and single day trials at \$2,500.

Alma Adams made a motion to approve the Public Defender Appeals contract offered to Dale Sessions, including the payment limits as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT (CICWCD) TO ASSIST IN THE CONSTRUCTION OF AN AQUIFER RECHARGE PROJECT**

Paul Monroe, CICWCD General Manager, explained that the CICWCD was moving forward with a project to divert water that would normally flow into Quichapa Lake from Coal Creek and be lost to evaporation. Paul explained that there was a grant in place for \$100,000 to help with a ditch for the recharge basin near Quichapa Lake. He requested that Iron County provide equipment for the project to construct the canal and dike. He noted that Steve Platt had been instrumental in moving the project forward. Steve Platt explained that the CICWCD was requesting an excavator and operator to dig the canal for about one month. Steve added that they would need also a bulldozer from the Road Department to help with compacting.

Michael Bleak made a motion to approve the MOU with the CICWCD as explained. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**UTAH RECYCLING MARKET DEVELOPMENT ZONE APPLICATION FOR DESIGNATION**

Danny Stewart, Cedar City/Iron County Economic Development Director, explained that in 1996, the Utah Legislature created the Utah Recycling Market Development Zone Program which focuses on recycling as an economic development tool. As more products are recycled and used to manufacture new products the economy will be stimulated through new company expansion or formation and the creation of additional jobs. Danny continued by explaining that recycling development zones areas were established to incentivize businesses to use recycled materials in their manufacturing processes and create new products for sale. It also benefits businesses or individuals that collect, process, distribute recycled materials. Composting is also considered to be eligible recycling operation. Danny noted that by designating all of Iron County as a "Recycling Market Development Zone," any business could benefit from recycling.

Danny Stewart explained that certain benefits were available to eligible businesses from being within such a Recycling Market Development Zone, such as: a 5% Utah state income tax credit on the cost of machinery and equipment; a 20% Utah state income tax credit (up to

\$2,000) on eligible operating expenses; technical assistance from state recycling economic development professionals; and various other local incentives.

**RESOLUTION 2017-1 AUTHORIZING APPLICATION TO THE GOVERNORS' OFFICE OF ECONOMIC DEVELOPMENT FOR THE CREATION OF A RECYCLING MARKET DEVELOPMENT ZONE IN IRON COUNTY**

Alma Adams made a motion to approve Resolution 2017-1 authorizing application to the Governors' Office of Economic Development for creation of a recycling market development zone in Iron County. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**OFFICIAL APPLICATION FOR AN ENTERPRISE ZONE**

Danny Stewart explained that any city or county in the state of Utah may be eligible for enterprise zone designation. Danny noted that counties with 70,000 or less population could apply. He explained that applications would be reviewed and approved on the basis of economic development need and a variety of economic distress factors, as well as the quality of the application; the extent to which projected development within the zone would provide employment to residents within the zone; and local initiative.

Danny Stewart explained that for eligible businesses within such an enterprise zone, a \$750 tax credit for each new full time position filled for at least six months during the tax year would be given. Also, a \$500 tax credit if the new position pays at least 125% of the county average monthly wage for the respective industry. In the event this information is not available for the respective industry, the position must pay at least 125% of the total average monthly wage in the county. Furthermore, an additional \$750 tax credit would be given if the new position is in a business which adds value to agricultural commodities through manufacturing or processing. Finally, an additional \$200 tax credit would be given for two consecutive years, for each new position insured under an employer sponsored health insurance program if the employer pays at least 50% of the premium.

Danny Stewart explained that for buildings which have been vacant for at least two years, a tax credit of 25% of the first \$200,000 spent on rehabilitating a building would be available. Also, an annual investment tax credit of 10% of the first \$250,000 in investment, and 5% of the next \$1,000,000 qualifying investment in plant, equipment, or other depreciable property would also be available.

Danny Stewart concluded by explaining that nonrefundable tax credits would be available to eligible businesses in designated enterprise zones from the start of the tax year in which the designation is made. Unused credits may be carried over for three years. Businesses closing operations in one rural area to locate in another rural area may not claim tax credits under this program, and that construction jobs are not eligible for tax credits. Retail businesses and public utilities are not eligible to claim tax credits.

**CONSIDERATION OF RESOLUTION 2017-2 AUTHORIZING THE APPLICATION TO THE GOVERNORS' OFFICE OF ECONOMIC DEVELOPMENT FOR CREATION OF AN ENTERPRISE ZONE IN IRON COUNTY**

Alma Adams made a motion to approve Resolution 2017-2 Authorizing the Application to the Governors' Office of Economic Development for creation of an Enterprise Zone in Iron County. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONSIDER MATCHING CONTRACT WITH THE UTAH DEPARTMENT OF AGRICULTURE & FOOD PREDATOR DAMAGE CONTROL FUND (PDCF) FOR 2017**

Alma Adams made a motion to enter into a contract with the Utah Department of Agriculture and Food for predator damage control fund for fiscal year 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## PERSONNEL

Betsy Cummings presented for approval of the new hire of Alisha Esplin, as a Full Time Court Clerk in the Justice Court, effective date January 3, 2017. This was a backfill for a vacant position.

Alma Adams made a motion to approve new hire of Alisha Esplin, as a Full Time Court clerk, effective date January 3, 2017. This was a backfill for a vacant position. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Betsy Cummings presented the transfer of Beau Johnson from Corrections Deputy to Patrol Deputy in the Sheriffs' Office, effective date January 15, 2017 for approval. Betsy presented approval of new hire, Shawn Higgins, as Corrections Maintenance Deputy, with an effective date of January 15, 2017. This would be a backfill of a vacant position. Betsy presented the approval of a pay increase for Danny Christiansen, who had successfully completed (Peace Officer Standards Training (POST) and Field Officer Training (FTO).

Michael Bleak made a motion to approve the transfer Beau Johnson from Corrections Deputy to Patrol Deputy in the Sheriffs' Office, effective date January 15, 2017, new hire Shawn Higgins, as Corrections Maintenance Deputy, effective date of January 15, 2017. This would be a backfill of a vacant position, and to approve a pay increase for Danny Christiansen, who had successfully completed POST and FTO. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Betsy Cummings presented a pay increase in the Attorneys' Office for Chad Dotson and Shane Klenk to a salary of \$50,000 per year.

Alma Adams made a motion to approve a request for a pay increase in the Attorneys' Office for Chad Dotson and Shane Klenk to \$48,526.40 per year, which was the amount discussed during the budget discussions, with an effective date of January 15, 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Betsy Cummings presented a request for a pay increase in the Assessor's Office for Brady Kelsey who completed the Licensed Appraiser certification, effective January 1, 2017. Betsy also presented a request for a temporary 5% wage increase for Meliss Houston for supervising at the Cedar Motor Vehicles office during the Iron County courthouse remodel, effective date of January 1, 2017.

Michael Bleak made a motion to approve a request for a pay increase in the Assessor's Office for Brady Kelsey for completion of the Licensed Appraiser certification, effective January 1, 2017. Also to approve a temporary 5% wage increase for Meliss Houston for supervising at the Cedar Motor Vehicles office during the Iron County courthouse remodel, effective January 1, 2017. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Betsy Cummings presented a request to raise the wages of various part time and/or seasonal employees. Dale Brinkerhoff requested that a written paragraph from the department heads be provided for each such employee being considered for a wage increase by the next meeting of the Iron County Commission and that the item be brought back for consideration.

Betsy Cummings presented a wording change in the Hiring Policy in Section A Position Management, Paragraph 3 Reclassification to strike "bi" from bi-annually; Section B Filling Vacant Positons, paragraph 6 adding subsection D stating "If the elected official or department administrator is unsatisfied with the qualifications of applicants interviewed, at the elected official or department administrator request, the Human Resource Department may re-advertise the vacant position, and be under legal review if deemed reasonable; Paragraph 7, subsection B to add "and verify any applicable information deemed necessary.

Michael Bleak made a motion to approve the changes in the Iron County Hiring Policy as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

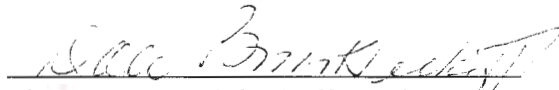
**DISCUSSION OF PENDING LITIGATION OR REASONABLY IMMINENT LITIGATION**

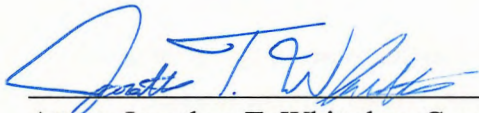
Alma Adams made a motion to close the open meeting per Utah Code Annotated (UCA) §52-4-205(c) for a discussion of pending or reasonably imminent litigation. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

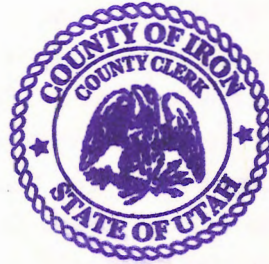
STATE OF UTAH     )  
                                  ) s.s.  
COUNTY OF IRON    )

I, Dale Brinkerhoff, Chairman of the Iron County Board of Commissioners, hereby certify that the purpose of the closed session convened was conducted in accordance with UCA §52-4-205(c) for a strategy session to discuss pending or reasonably imminent litigation.

Dated this 13<sup>th</sup> of February, 2017.

  
Signed: Dale Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk

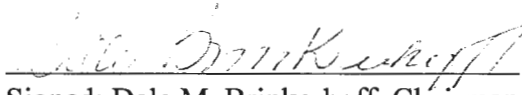


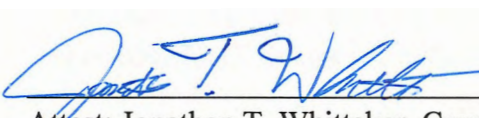
**NON-DELEGATED ITEMS**

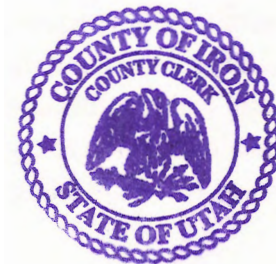
No Non-Delegated items were discussed.

**ADJOURNMENT**

Alma Adams made a motion to adjourn. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**

**January 23, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 23, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale Brinkerhoff	Commission Chair
Michael Bleak	Commissioner
Alma Adams	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Cindy W. Bulloch	County Assessor
Deborah Johnson	County Recorder
Dan Jessen	County Auditor
Nicole B. Rosenberg	County Treasurer

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Jon Whittaker.

**INVOCATION**

An invocation was offered by Dan Jessen.

## DEPARTMENTAL REPORTS

**Cindy Bulloch, Iron County Assessor**, reported that the Assessor's Office ended 2016 under budget. Cindy reported that the office was settled from the recent move to Cedar City, and that each person had their own office. She complemented the Information Technology (IT) Department for all of their work making the transition easier. Cindy noted that the new building signs resembled road signs and requested that money be spent to make them look a little more professional. Cindy reported that she was down on appraisers and requested to hire some part-time workers to assist in scanning documents.

**Dan Jessen, Iron County Auditor**, noted that the Auditor's Office move to Cedar City went well. Dan reported that he had been reviewing Gene Adams' (former Iron County Auditor) files and requested the commissioners let him know if there was something specific they wanted him to do. He noted that there was a request from the public for a simplified public facing budget report. Alma Adams expressed that a simplified budget report would be helpful for the commissioners as well. Dan reported that they were within 1% of the 2016 budget. He stated that one of his goals was to increase efficiency. Dan reported that a tentative date of March 27, 2017 had been set for the annual independent audit. He said there was a concern about where to hold the tax sale, as it had been held at the courthouse in the past.

**Nicole Rosenberg, Iron County Treasurer**, reported that the Iron County Pooled Cash report was at \$29,748,000. Nicole noted that the Treasurer's Office was under budget for the year 2016. She expressed her thanks to her staff, and the prison crew for all the help in moving to Cedar City. Nicole reported that the certified mailing for the tax sale had been mailed and that it was low at 352 parcels to be sold. She expressed that a deferral resolution be discussed with the annual tax sale coming up to help ease the number of calls. Nicole reported that there were three different investment policies and all were good policies, with Zion and Morton being the best firms under consideration. She noted that an investment resolution would have to be adopted before any meetings could be arranged. Alma Adams suggested that there be an in house meeting on February 13, 2017 to further strategize and discuss the matter.

**Debbie Johnson, Iron County Recorder**, expressed her gratitude to John Englestead and the prison crew, and the IT Department for all the great help in moving her office to Cedar City. Debbie noted that all the books from the Recorder vault had been placed and everyone was settling in. Debbie reported that recording was down a bit at the end of 2016. She reported that Notices of Default were down, Trustees Deeds were up slightly, and revenues were down due to the holidays. Debbie stated that the Auditor neglected to include the scanning on the budget and she still ended up 1.97% in the good.

**Alma Adams, Iron County Commissioner**, reported that Mike Worthen was moving forward with the County Resource Management Plan (CRMP). Alma noted that the completed plan would help Iron County when dealing with governmental agencies. Alma reported that the Off Highway Vehicles (OHV) effort in the west desert was a challenge because the Bureau of Land Management (BLM) was holding things up until they got their CRMP in place. He stated that the Story Road application for stories about Iron County would need further discussion because of the high cost associated with it.

**Michael Bleak, Iron County Commissioner**, reported that he had met with the Central Iron County Water Conservancy District (CICWCD) and they are down by three positions. Mike noted that the CICWCD had some concerns regarding the filling of those positions. He reported that they wanted to make sure there was representation from Kanarrville, Cedar City, and Enoch. Mike noted that there were names submitted and notices would be sent out.

## PUBLIC COMMENTS

Bruce Washburn, a citizen of Iron County, questioned that in regards to the pay raises that were given across the board, if there were any plans to move those Iron County employees that were still below the pay scale up to those levels. Dale Brinkerhoff noted that there were no plans at this time and that the Iron County Auditor would be handling it.



**DISCUSSION REGARDING IRON COUNTY PARTICIPATION IN ACTIVITIES AND PROGRAMS FOR THE FIRST WORLD WAR I CENTENNIAL**

Bruce Winslow, a member of the Iron County Veterans Coalition and Cedar City American Legion, explained that the centennial of the United States entering World War I (WWI) would be on April 6, 2017 and that he was pursuing a grant for a commemorative program. Bruce noted that there were 294 names on the WWI Memorial in Cedar City. He explained that there was a required book to apply for the grant, and that there were no stories from the war from Iron County assembled, and that he would like to add those stories. Bruce explained that he was looking for information regarding war service cards and questionnaires. He reported that he had looked into the Cedar City Library Special collections, the National Guard, and the State of Defense. He said that he was working with Cedar City Mayor Maile Wilson on ways to get information out to collect stories. Bruce explained that he wanted to get all the information digitized and needed help finding out how to begin that process.

**DISCUSSION AND POSSIBLE ACTION REGARDING A LIBRARY TAX AGREEMENT WITH CEDAR CITY AND PAROWAN**

Mike Edwards, Iron County Deputy Attorney, noted that there had been discussions regarding the disbursement of library tax revenues for some time. Mike explained that the Cedar City Library and the Parowan City Library were county wide facilities available to any resident for use at the same rate, and in exchange Iron County had provided a portion of the Iron County library tax revenue that had been generated to the cities. He reported that recently it had been determined that the amount that Iron County would distribute the library tax revenue based on the proportion geographically collected. He explained that Cedar City would receive the revenue from Cedar City and Kanarraville. Parowan City would receive the revenue from Parowan City, Brian Head and Paragonah. The revenues from the unincorporated areas would be distributed to the Utah State Library, or Bookmobile, which was based in Enoch City. Mike noted that there had not been a written agreement as it had been difficult to determine the amount that would be generated. He explained that the agreement under consideration would distribute the library tax proportionally as explained. Mike explained that if Iron County determined to cease or reduce the amount collected they would need to give the cities a six month notice.

Tyler Romeril, Cedar City Attorney, noted that Cedar City agreed with the proposed agreement. Tyler expressed that it was a good compromise, and that the proportioning was fair.

Dan Jessen expressed that the agreement was the fairest and most logical way to determine the amount of revenue.

Alma Adams made a motion to approve the library tax agreement with Cedar City and Parowan City. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NOTIFICATION OF A CONDITIONAL USE PERMIT APPLICATION FOR OUTDOOR RECREATION-HORSE TRAINING & RIDING INSTRUCTIONS**

Reed Erickson, Iron County Planner, explained that this was a notification only. Reed reported that the location was at 2937 W 3800 S, Cedar City and the horse training and riding instruction was scheduled for February 2, 2017. He noted that there would be portable water and portapotties available and only anticipated 6-8 people.

**REQUEST AND APPROVAL TO VACATE AND AMEND LOTS, VACATION AND RESUBDIVISION**

Reed Erickson explained that originally, when the West View Estates Subdivision was created there was a large tract set aside for the Church of Jesus Christ of Latter-day Saints (LDS Church), who at the time, was not interested in building on the property. Reed noted that the developer later subdivided church parcel into more lots. He reported that the LDS Church had now determined that they would build there and asked to combine four of the lots, 1A,1B,1C, and 1D, which would be around 3.3 acres. Reed noted that the only concern that had arisen from

neighbors to the west would be drainage, which would be addressed in the Administrative Land Use permit and the Building permit.

Michael Bleak, made a motion to approve the application to vacate and amend lots 1A, 1B, 1C, and 1D, Vacation and Re-subdivision, Plat, Lot 1, Block B, Westview Estates Subdivision, Phase 1, NE1/4NW1/4 Sec 19, T36S, R11W, SLB&M. The applicant being the Church of Jesus Christ of Latter-day Saints. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF FIDUCIARY ENGAGEMENT RENEWAL AGREEMENT WITH GEORGE K. BAUM & COMPANY, AN INDEPENDENT REGISTERED MUNICIPAL ADVISOR FIRM**

Matt Dugdale, of George K. Baum & Company (via telephone), reported that the current fiduciary contract between George K. Baum and Iron County would expire at the end of January 2017 and a new one would provide for a renewal for another two years.

Alma Adams made a motion to approve the fiduciary engagement renewal agreement with George K Baum & Company as the independent registered municipal advisor firm moving forward for the next two years. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONSIDERATION OF RESOLUTION 2017-4 DECLARING THE INTENT OF IRON COUNTY TO ISSUE UP TO \$18,000,000.00 REVENUE BONDS UNDER THE UTAH INDUSTRIAL FACILITIES AND DEVELOPMENT ACT FOR THE BENEFIT OF THE DIXIE AND ANNE LEAVITT FAMILY FOUNDATION AND PROVIDING FOR RELATED MATTERS**

Matt Dugdale explained that Resolution 2017-4 declares Iron County's intent to issue a conduit bond under the Industrial Revenue Bond Act of the State of Utah. Matt added that the essential structure of the bond was that by having Iron County issue the bonds it provided access to tax exempt interest rates for the project. The project would be additional student housing adjacent to Southern Utah University (SUU), owned by the Dixie and Anne Leavitt Family Foundation, and leased to SUU. He explained that the bond would not represent an obligation to Iron County and would be an indentured trust that puts all the elements and obligations of the payments on said foundation. Matt noted that there were protections for Iron County, and that no tax dollars would be spent on the project. He noted that he had reviewed the Resolution and found everything to be in standard form for these types of projects.

Dale Brinkerhoff explained that the Dixie and Anne Leavitt Family Foundation had asked Iron County to issue industrial revenue bonds for a new housing project. Dale added that this was a program made available through state statute that allowed Iron County to provide this service as a conduit to allow projects to move forward with tax exempt bonds. He explained that the resolution would help SUU to move forward with a contract with the foundation to provide an additional 320 beds. Dale expressed that this partnership would be beneficial for all involved. He explained that Iron County would not make any payments, even in the case of a default.

Marvin Dodge, Vice President for Finance and Administration at SUU, explained that this was a unique opportunity for SUU to add 320 additional beds to their current 600 beds. Marvin explained that SUU encouraged the freshman class students to live on campus as it contributes to the first year college experience. He added that the aim of the dorm experience was to ensure a positive outlook on the college experience and to help build new friendships. He noted that it had also been proven to boost retention rates. Marvin reported that SUU had been working with the Leavitt Foundation for many years and that they had provided millions of dollars in housing scholarships for students attending SUU. He stated that SUU was in the final stages of signing a 30 year lease with the Leavitt Foundation, and that the bonds would be given to the Leavitt Foundation for them to move forward with the construction of the facility.

Brian Baker, Zions Public Finance, explained that they were the financial advisors for SUU and the Leavitt Foundation. Brian reported that Intermountain Health Care (IHC) and the

Boy Scouts of America had also used this tax exempt process. He noted that this conduit bond with Iron County would result in a significant savings for the project.

Alan Jones, Leavitt Foundation, expressed that it was a pleasure for the Leavitt Foundation to be able to be involved with the project.

Ryan Bjerke, Chapman & Cutler, explained (via telephone) that the resolution authorizes the intent to move forward with the project, and to hold a public hearing required by the Internal Revenue Service (IRS) to be held February 13, 2017. Ryan reported that if the resolution was adopted with no changes, they would return with the final resolution that would finalize the bond.

Alma Adams made a motion to approve Resolution 2017-4 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## IRON COUNTY RESOLUTION 2017-4

A RESOLUTION DECLARING THE INTENT OF IRON COUNTY, UTAH TO ISSUE UP TO \$18,000,000 OF ITS FACILITIES REVENUE BONDS (THE DIXIE AND ANNE LEAVITT FAMILY FOUNDATION PROJECT), SERIES 2017, IN ONE OR MORE SERIES, FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD, SCHEDULING A PUBLIC HEARING AND PROVIDING FOR PUBLICATION OF A NOTICE THEREOF, PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED AND FOR THE RUNNING OF A CONTEST PERIOD AND DESIGNATING THE TIMES AND PLACE WHERE A COPY OF THE PROCEEDINGS AUTHORIZING THE ISSUANCE OF THE BONDS MAY BE EXAMINED; AND PROVIDING FOR RELATED MATTERS.

**Whereas**, pursuant to the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "*Act*"), Iron County, Utah (the "*County*") is authorized to issue revenue bonds to finance "projects" consisting of facilities suitable for business purposes or suitable to provide services to the general public;

**Whereas**, The Dixie and Anne Leavitt Family Foundation, a Utah nonprofit corporation and a private foundation (the "*Borrower*"), has requested that the County issue its Facilities Revenue Bonds (The Dixie and Anne Leavitt Family Foundation Project), Series 2017, in an aggregate principal amount not to exceed \$18,000,000 (the "*Bonds*") for the purpose of (i) financing the cost of acquiring, constructing, improving and furnishing a new student residence hall to be located between 300 West and Dewey Avenue at 200 South in Cedar City, Utah (the "*Project*"), (ii) funding any necessary reserves and (iii) paying costs of issuance of the Bonds;

**Whereas**, the County has determined that the public interest will be best served and that the purposes of the Act can be achieved by issuance of the Bonds for the foregoing purposes;

**Whereas**, the substantially final forms of an Indenture of Trust, attached hereto as *Exhibit A* (the "*Indenture*") and a Loan Agreement, attached hereto as *Exhibit B* (the "*Loan Agreement*"), relating to the Bonds have been prepared and presented to the County Commission of Iron County, Utah (the "*Commission*") in connection with the adoption of this resolution (the "*Resolution*");

**Whereas**, all or a portion of the expenditures relating to the Project (the "*Expenditures*") (i) have been paid within the 60 days prior to the passage of this resolution or (ii) will be paid on or after the passage of this resolution;

**Whereas**, the County reasonably expects (based upon information supplied by the Borrower upon which it believes is reasonable and prudent to rely) to reimburse the Borrower for the Expenditures with the proceeds of the Bonds; and

**Whereas**, the County desires to schedule a public hearing with respect to the issuance of the Bonds and the financing of the Project and authorize the publication of notice of such public hearing and the County also desires to publish a Notice of Bonds to Be Issued pursuant to Section 11-17-16 of the Act;

**Now Therefore**, Be it and It is Hereby Resolved by the Board of Commissioners of Iron County, Utah, as follows:

*Section 1.* The County hereby finds and determines that the issuance and sale of the Bonds of the County and the application of the proceeds thereof for the purpose of (a) financing the costs of acquiring and constructing the Project, (b) funding the debt service reserve and (c) paying costs of issuing the Bonds, is in furtherance of the public purposes set forth in the Act and is in the public interest and will further the public purposes of the Act.

*Section 2.* The Commission, hereby authorizes and approves the issuance of the Bonds of the County in the aggregate principal amount of not to exceed \$18,000,000 to bear interest at a rate or rates of not to exceed 10% per annum, to mature in not more than 31 years, and to be sold to the purchasers thereof at a discount of not more than 2.00% of the principal amount thereof, all for the purposes set forth above, pursuant to the Indenture, and the lending of the proceeds of the sale of the Bonds to the Borrower for such purposes pursuant to Loan Agreement. The Bonds may be issued in one or more series and may be issued such that the interest thereon shall be exempt or not exempt from federal income taxation, as the County may determine.

*Section 3.* The Commission hereby authorizes and approves the issuance and sale of the Bonds, pursuant to the provisions of the Resolution and the Indenture, with such changes thereto as shall be approved by the Commission upon the adoption of a final bond resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 2 hereof.

*Section 4.* In accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 11-17-16, Utah Code Annotated 1953, the County Clerk shall cause a notice (the "*Notice*"), in substantially the following form, to be published once in *The Spectrum*, a newspaper of general circulation in the County, with such publication being at least 14 days prior to the date set for the public hearing:

#### NOTICE OF BONDS TO BE ISSUED AND NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 11-17-16, Utah Code Annotated 1953, that on January 23, 2017, the Board of Commissioners of the County (the "*Commission*") of Iron County, Utah (the "*County*"), adopted a resolution (the "*Resolution*") in which it declared its intent to issue its Facilities Revenue Bonds (The Dixie and Anne Leavitt Family Foundation Project), Series 2017 (the "*Bonds*"), in the aggregate principal amount of not to exceed \$18,000,000, to bear interest at a rate or rates of not to exceed 10% per annum, to mature in not more than 31 years, and to be sold to the purchasers thereof at a discount of not more than 2.00% of the principal amount thereof.

The Bonds are to be issued pursuant to the Utah Industrial Development and Facilities Act, Title 11, Chapter 17, Utah Cod Annotated 1953, as amended (the “Act”), for the purpose of (a) financing the costs of acquiring and constructing a new student residence hall to be located to be located between 300 West and Dewey Avenue at 200 South in Cedar City, Utah (the “Project”), (b) funding any necessary reserves, and (c) paying costs of issuing the Bonds. The Project is and will be owned by The Dixie and Anne Leavitt Family Foundation, a Utah nonprofit corporation and private foundation (the “Borrower”) and will be leased to and operated by Southern Utah University. The Bonds are to be issued and sold by the County pursuant to the Resolution, including as part of the Resolution the draft of an Indenture of Trust that was before the Commission and attached to the Resolution in substantially final form at the time of the adoption of the Resolution. The proceeds from the sale of the Bonds will be loaned to the Borrower pursuant to a Loan Agreement and used for the purposes set forth above. The Loan Agreement was also before the Commission and attached to the Resolution in substantially final form at the time of the adoption of the Resolution. The Commission is to approve the Indenture of Trust and the Loan Agreement in such form and with such changes thereto as the Commission shall approve upon the adoption of a final bond resolution, *provided* that the principal amount, interest rate or rates, maturity and discount, if any, will not exceed the respective maximums described above.

THE BONDS WILL BE LIMITED AND SPECIAL OBLIGATIONS OF THE COUNTY PAYABLE BY THE COUNTY SOLELY FROM AMOUNTS RECEIVED BY THE COUNTY UNDER THE LOAN AGREEMENT WITH THE BORROWER AND CERTAIN OTHER AMOUNTS PLEDGED UNDER THE INDENTURE OF TRUST SECURING THE BONDS. NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE STATE OF UTAH NOR ANY OTHER POLITICAL SUBDIVISION THEREOF IS PLEDGED TO THE PAYMENT OF PRINCIPAL OR PURCHASE PRICE OF, PREMIUM, IF ANY, OR INTEREST ON THE BONDS. THE BONDS AND INTEREST THEREON WILL NOT CONSTITUTE OR GIVE RISE TO A GENERAL OBLIGATION OR LIABILITY OF THE COUNTY OR A CHANGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS, AND THE BONDS WILL NOT CONSTITUTE A LOAN OF THE CREDIT OF THE COUNTY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL RESTRICTION OR STATUTORY LIMITATION.

A copy of the Resolution (including the exhibits attached thereto, including the Indenture of Trust and Loan Agreement) is on file in the temporary office of the County Clerk at 88 East Fiddlers Canyon Road, Cedar City, Utah, where it may be examined during regular business hours of the County Clerk from 8:00 a.m. to 5:00 p.m., Monday through Friday. The Resolution shall be so available for inspection for a period of at least 30 days from and after the date of the publication of this notice.

NOTICE IS FURTHER GIVEN that, pursuant to law, for a period of 30 days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the above-described Resolution of the Commission or the Bonds or any provisions made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

NOTICE IS FURTHER GIVEN that, on February 13, 2017, the Commission will hold and conduct a public hearing during the Commission's regular public meeting that will begin at 9:00 a.m., at the regular meeting place of the County Commission at the Parowan City Offices, 35 East 100 North, Parowan, Utah. The purpose of the hearing is to provide a reasonable opportunity for interested individuals to express their views, both orally and in writing, on the proposed issuance by the County of the Bonds. Section 147(f) of the Internal Revenue Code of 1986, as amended, requires that before any of the Bonds may be issued, the County must approve a plan financing for the Project after conducting a public hearing. At the time and place fixed for the public hearing, all interested persons will be given an opportunity to express their views, both orally and in writing, on the proposed issuance of the Bonds pursuant to such plan of financing. Written comments may be submitted to the County Clerks's temporary office, 88 East Fiddlers Canyon Road, Cedar City, Utah or P.O. Box 429, Parowan, Utah 84761-0457, until the end of the business day preceding the hearing on February 13, 2017. Additional information may be obtained from the County Commission office.

*Section 5.* The County Clerk shall cause copies of this Resolution, the Indenture and the Loan Agreement to be kept on file in his office for public examination during regular business hours until at least 30 days from and after the date of publication of the Notice described in Section 4. For a period of 30 days after the publication of the Notice, any person in interest shall have the right to contest the legality of the Resolution, the Indenture, the Loan Agreement or the Bonds thereby authorized or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of the Resolution, the Indenture, Loan Agreement or the Bonds for any cause whatsoever.

*Section 6.* The Expenditures are reasonably expected to be reimbursed with proceeds of the Bonds, which will be issued in the maximum principal amount of \$18,000,000.

*Section 7.* After its passage and execution, this Resolution shall be recorded in a book kept by the County Clerk for that Purpose. A copy of this Resolution shall be forthwith filed in the office of the County Clerk.

*Section 8.* The Chairman of the Commission, the County Clerk and other officers of the County are, and each of them is, hereby authorized to do or perform all such acts and to execute all such certificates, documents and other instruments as may be necessary or advisable to provide for the issuance, sale, registration and delivery of the Bonds and to fulfill the obligations of the County hereunder and thereunder.

*Section 9.* It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this Resolution.

*Section 10.* All ordinances, resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict with any of the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

*Section 11.* This Resolution shall become effective immediately upon its approval and passage.

ADOPTED AND APPROVED this day, January 23, 2017.

IRON COUNTY, UTAH

By Dale Brinkerhoff  
Chairman,  
Board of Commissioners of the County



[SEAL]

ATTEST:

By Jonathan T. Whitaker  
County Clerk

**APPROVAL FOR ROOFING REPAIR PROJECT OF THE BERYL COMMUNITY CENTER**

Dale Brinkerhoff explained that the roof on the Beryl Community Center continued to be blown off and was in need of repair. Bids were sent out and the bid went to Steve Harker. Dale reported that Steve Harker would be donating the labor and that the \$15,000 cost for the roof would be split three ways: \$5,000 from Iron County, \$5,000 from Utah Counties Indemnity Pool (UCIP), and \$5,000 from Dixie Power.

Michael Bleak made a motion to award the roofing repair project of the Beryl Community Center replacing the asphalt roof to include a metal roof and down spouts in the amount of \$15,000 to Steve Harker. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PRESENTATION OF REBATE CHECK FROM ROCKY MOUNTAIN POWER IN RECOGNITION OF THE EFFORTS OF MIKE GIBBS AND BRAD SPENCER IN LOWERING POWER COSTS IN THE IRON COUNTY JAIL FACILITY**

Dale Brinkerhoff expressed his gratitude to Brad Spencer and Mike Gibbs for their leadership and direction to increase energy efficiency at the Iron county Jail. Dale discussed the efforts to switch to Light Emitting Diode (LED) lights and the herculean task of replacing the original boiler in the Jail facility. Dale added his gratitude to the work crew for the great job they did with helping to move the courthouse to Cedar City. He noted that every department had expressed their appreciation. Jon Whittaker explained that the work crew continued to work at the courthouse getting surplus moved out for the surplus sale.

**DISCUSSION OF EMERGENCY PAGING SYSTEM FOR IRON COUNTY**

Dan Benson, Brian Head Town Marshal, explained that the Brian Head Fire Department, EMS, and Law Enforcement relied on pagers to receive notifications from their citizens. Dan noted that the cities of Parowan, Paragonah, Summit, Kanarraville, Cedar, Newcastle and Beryl also relied on the paging service. He reported that Brian Head had an issue with one of the radios going down for a cost of \$600.00. Dan added that the radio was fixed and that there was a question of who was responsible for the bill. He explained that former Iron County Commissioner David Miller committed to maintain the paging system for all the municipalities at the counties expense. Dan reported that he currently was maintaining the Brian Head pagers at

the cost of \$2114.00 per year. Jon Whittaker, Iron County Clerk, reported that he was not able to find any information of the agreement in the commission minutes.

Dale Brinkerhoff suggested a meeting between all the parties that are involved with the paging service to help clarify duties.

**DISCUSSION OF CONTRACT FOR PURCHASE OF NATURAL GAS WITH SUMMIT ENERGY, LLC**

Alma Adams explained that there was only one building that was large enough to be served by natural gas wholesaler Summit Energy, LLC and that was the Iron County Jail. Alma reported that the savings for natural gas would be around \$15,000 a year with a onetime charge of \$5,000 to make the change. He noted that the service level was firm which meant that there would not be an outage associated with the natural gas. Dale Brinkerhoff expressed interest in it and that he would like to pursue it.

**PERSONNEL**

Adrion Walker presented a request to increase the wages of several part-time and/or seasonal employees to \$11.00 per hour. Michael Bleak made a motion to approve a wage increase for Tammy Bosshardt, Marcy Griffiths, Debra Grimm, Elizabeth Zaleski, Jamilynn Evans, Beverly Landes, Donnett Vincent and Aislinn Brettridge up to \$11.00 per hour. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

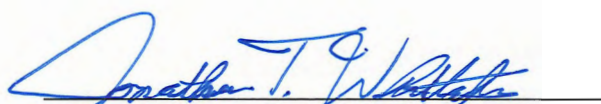
**COUNTY BOARDS**

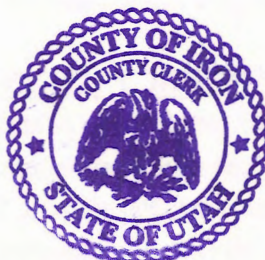
Michael Bleak made a motion to approve Joe Melling, Tom Stratton and Tyler Allred to fill three vacant positions on the Central Iron County Water Conservancy District board, replacing John Black and Rick Bonzo the board members whose terms had expired, and the third vacancy created by the resignation of Mike Coronado. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**ADJOURNMENT**

Alma Adams made a motion to adjourn. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING**

**February 13, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 13, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Michael P. Bleak	Commissioner
Alma L. Adams	Commissioner
Scott Garrett	County Attorney
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Jared Wilson	County IT Director
Cindy W. Bulloch	County Assessor
Deborah B. Johnson	County Recorder
Dan Jessen	County Auditor
Nicole B. Rosenberg	County Treasurer

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by William Pressgrove.

**INVOCATION**

An invocation was offered by Michael Edwards.

**APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the December 12, 2016 and January 23, 2017 meetings of the Iron County Commission. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DEPARTMENTAL REPORTS**

**Scott Garrett, Iron County Attorney**, reported that the Attorney’s Office ended 2016 at 95% of budget. Scott reported that after one month, the 2017 budget had about 92% remaining, which was on track. He noted that felonies were down due primarily to the Justice Reinvestment Initiative (JRI). There were 2 homicide cases in 2016, which required extra time and effort. Scott and the commissioners discussed a bill under consideration that would cause county attorneys to screen all juvenile cases. He explained that were the bill to become law, it would necessitate additional manpower. There was a discussion about how such a law would be an unfunded mandate upon Iron County. Scott concluded by expressing that the law would make sense because county attorneys and their deputies would be more qualified to exercise prosecutorial prerogative.

**Stefanie Furnival, Iron County Children’s Justice Center (CJC) Director**, reported that there was a significant increase in new open cases from 319 in 2015 to 388 in 2016. Stefanie explained that the Iron County CJC was unique from other centers because they not only accepted sexual abuse cases but also physical abuse, drug endangerment, domestic violence and any other kind of abuses of children. She reported that she had received a call from the media questioning why Iron County was higher in their abuse cases than those in Washington County. Stephanie explained that Washington County only covered sexual and severe physical abuse cases. She reported that Iron County, with gratitude for the Iron County Attorney and Troy Little, had an intensive training program in place and was also able to use trainers from Iron County. Stephanie explained that Iron County had a solid team and had been able to retain them in Iron County. Mike Bleak reported that he had the privilege to work with the CJC since its inception and that it was the most life changing agency in Iron County. Mike added that the Iron County CJC was a model for the rest of the state. He stated that it was heart wrenching, but comforting to see all the different agencies that come together to assist in the many cases. Dale Brinkerhoff explained that all departments provide a service but the CJC was a service that provided for those who were unable care for themselves. Stephanie reported that the expansion of the medical center to the CJC was moving forward and there would be an open house scheduled some time in the spring.

**Lori Starr, Iron County Justice Court**, reported that they were 91% overall for the 2016 budget. Lori reported that the 2016 budget for the Public Defender was at 94% overall. She noted that morale in the Justice Court had improved after two years and was a very nice place to work. Lori reported that the case tracking report for the Public Defenders had accumulated 11 months of data, as it was started in February. Lori reported that \$70,659 was spent for appeals in 2016. She added that case limits were in place and that Dale Sessions would begin to finalize the appeal cases from last year.

**Jared Wilson, Iron County Information Technology (IT) Director**, reported that the IT department came under for the 2016 budget. Jared reported that the projects IT was working on included finishing the fair building, and putting in a fiber optic line to connect the Visitor Center with the USU Extension building. He added that while checking the telephones in all the

county buildings they were able to re-negotiate a new price for a T1 line for a savings of \$150.00 per month, and had eliminated fax lines that were no longer needed for a savings of \$500.00 per month. Dale Brinkerhoff and Alma Adams expressed their gratitude for the IT Department in helping to relocate courthouse personnel temporarily to Cedar City.

**Paul Monroe, Central Iron County Water Conservancy District (CICWCD)**

**Director**, reported that the recharge projects were valuable and important, and expressed gratitude for the generous and cooperative support from the various entities. Paul explained that the Ground Water Management Plan committee met to discuss options to regulate or utilize Iron County water rights and help get the county back to a safe yield. He reported that the committee had come up with five main topics to work on. One topic was how to manage unused water rights. Paul explained that the state engineer estimated that Iron County was over pumping the aquifer by 7,000 acre feet per year. He added there were about 28,000 acre feet that were paper rights that people were not utilizing and potentially could have the impact of pumping more. Paul reported that other topics included how to accomplish safe yields, how to get back to equilibrium, how to preserve agriculture and promote growth, how to improve and continue to implement more recharge projects, and how to utilize the effluent from the cedar waste water treatment plant. He explained that the West Dessert Well Project was moving forward and the 2016 test pump was completed and was producing Environmental Protection Agency (EPA) guideline pure water. Paul reported that the CICWCD was within the 2016 budget.

Paul Cozzens, a member of the Cedar City Council, the CICWCD, and the Ground Water Management board, expressed his gratitude to Iron County and Steve Platt for the support of the recharge project. Paul reported that another project moving forward was Phase 3 of the Coal Creek flood plan. Paul explained that he and Fred Rowley had approached Keith Nichols from Western Rock and they approved the use of a pit to use for recharge. He explained that this was a Flood Recharge Project because of the issue of running all the water northward. The trench was dug and the water was running faster than predicted and there was concern about erosion. Paul added that Kit Wareham would design a back wall to prevent excess erosion.

**Alma Adams, Iron County Commissioner**, reported that Bill HB 152 was requested by Box Elder County to modify the Corridor Preservation Fund to allow funds taken from it to go towards regular road repairs. Alma explained that the initial development of the Corridor Preservation Fund was to buy corridor for expanded county and that he was opposed the bill. He reported Bill HB218 was regarding additional polling places. Jon Whittaker explained that adding additional polling places was a challenge at the time of the 2016 General Election because of the time required for public notification. He added that more polling places would be in place at the next general election.

**PUBLIC HEARING FOR LIMITED, SPECIAL OBLIGATION FACILITIES REVENUE BONDS**

Dale Brinkerhoff, Iron County Commission Chair, declared a public hearing for Special Obligation Facilities Revenue Bonds. Dale explained that the purpose of the Conduit bonds was for a new student residence hall to be located between 300 W Street and Dewey Avenue at 200 S Street in Cedar City, Utah. The bonds would not exceed the aggregate principal amount of \$18,000,000. Dale noted that the borrower was The Dixie and Anne Leavitt Family Foundation, a Utah nonprofit Corporation. He quoted from the bond "That the bonds would be limited and special obligations of Iron County payable by Iron County solely from amounts received by Iron County under the loan agreement with the borrower and certain other amounts pledged under the indenture of trust securing the bonds. Neither the Faith and credit nor the taxing power of the state of Utah nor any other political subdivision thereof was pledged to the payment of principal or purchase price of, premium, if any, or interest on the bonds."

Marvin Dodge, Vice-President over Finance for Southern Utah University (SUU), explained that this was a great project that would add 320 beds for the students of SUU. Marvin added that the project was a replacement for Juniper Hall and would bring the available beds to 900. He noted that SUU would be signing a 30 year lease and that the bonds would not add to Iron County debt obligation.

Alan Jones, Legal Counsel for the Leavitt Foundation, explained that the lower rate of the bond financing would translate to savings on rent for student housing.

Dale Brinkerhoff added that Matt Dugdale, Iron County bond counsel, had assured Iron County that there would be no financial obligation placed on the county.

Steve Barsky, a citizen of Iron County, asked if there were a default on behalf of SUU, if Iron County would then be liable. Marvin Dodge explained that Iron County would never be under any obligation to make any payments. He added that if SUU were to default they would go through the state for help.

Brad Green, a citizen of Iron County, asked who was providing the finance and why Iron County was signing the bond. Dale Brinkerhoff explained that Zions Bank was the lender and that Iron County supported SUU and with the signature from Iron County it would make the bonds tax exempt.

Dan Jessen explained that tax exempt meant that the land holders become tax exempt and the savings were passed along to the borrower.

Alma Adams explained that this Conduit Bond would not affect Iron County's ability to continue to borrow for other projects in the future.

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing closed.

### **BID OPENING FOR THE PRCA RODEO IN CONJUNCTION WITH THE IRON COUNTY FAIR**

Dale Brinkerhoff explained that the bid was for a multiyear contract for the PRCA Rodeo held in conjunction with the Iron County Fair on Saturday and Monday of Labor Day weekend beginning in the 2017 calendar year. Mike Bleak reported the Diamond G Rodeos, Inc., submitted bids were: \$29,899.00 for year 2017, \$31,500.00 for year 2018, \$32,500.00 for year 2019 and a successive year increase of 3%. Bar-T Rodeo submitted bids in three Scenarios: Scenario 1-\$30,200.00, Scenario 2-\$32,200.00 and Scenario 3-33,200.00. The Bar-T bids were based on prize amounts. Joyce Evans, Iron County Fair Manager, requested to review the bids before a decision be made.

### **CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization.

### **CONSIDERATION AND POSSIBLE APPROVAL OF LATE LOW INCOME TAX ABATEMENTS FOR 2016**

Cindy May, daughter of Ardella Rohde, explained that she was helping her mother, who was 90 years of age, with her care and finances and was not aware that the abatement request must be filed every year. Cindy requested the Iron County Commission to approve a late abatement for the 2016 property tax in the amount of \$554.39 and to waive the \$10.00 penalty fee and any interest. She added that her mother had been receiving abatements since 2010.

Alma Adams made a motion to approve the late abatement in the amount of \$544.39 and not approve waiving the \$10.00 penalty. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the adjournment of the Iron County Board of Equalization and to reconvene as the Iron County Commission.

## **PUBLIC COMMENTS**

Bruce Washburn, a citizen of Iron County, explained that about two months previously, Commissioner Adams made a comment about a grant from the State of Utah regarding Intergenerational poverty and asked who was leading that effort. Alma Adams reported that Iron County, Cedar City Mayor Maile Wilson and Heidi Miller, Cedar City Housing Authority Director, were working together. The grant was awarded and the age group of 12 to 14 year olds would be the target. Alma explained that Iron County had a policy in place that allowed county employees to take one hour paid leave per week to work as a mentor for the children.

## **PUBLIC DEFENDER APPEALS CONTRACT ADDENDUM FOR EACH EXISTING CONTRACT HOLDER FOR IRON COUNTY COMMISSION APPROVAL**

Lori Starr reported that within the last year it had been determined that she had implemented oversight relative to the appeals contracts. Lori explained that when Dale Sessions was awarded the contract she met with him and the decision was made that there needed to be a better system for the transferring of cases, and the understanding of what the merits of individual appeals were. She explained that the contract addendum was a process for the existing public defenders to communicate with Dale Sessions or whomever would be the Appeals Public Defender in the future.

Alma Adams made a motion to approve the Public Defender Appeals Contract Addendum as explained for each existing contract holder, being: Jeff Slack, Troy Sundquist, Jim Park (representing the Park Firm), Candace Reid, and Dale Sessions. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **DISCUSSION AND POSSIBLE APPROVAL OF SUMMIT ENERGY LLC SUPPLYING WHOLESALE NATURAL GAS TO THE IRON COUNTY JAIL FACILITY**

Bruce Rigby, Vice President of Summit Energy, LLC, explained that Summit Energy, LLC was Utah's only wholesale natural gas supplier which supplies municipalities that are their own utility. Bruce noted that Summit Energy supplied various facilities in Cedar City. He explained that Iron County currently buys their natural gas from a local distribution company who purchases the gas from a distributor, thus being marked up twice. Bruce noted that Summit Energy could eliminate the double mark up and save Iron County 30% per year. He explained that the local retail distributor, Questar Gas, would require an insurance fee and a Transportation Service Contract to sign up with Summit Energy. Bruce added that the only building at the time with sufficient natural gas usage was the Iron County Jail and the cost was currently \$45,000 per year. Summit Energy would only charge \$30,000, of which \$10,000 would go to Questar for access through their pipe and the insurance. Dale Brinkerhoff requested that Bruce Rigby prepare the necessary paperwork and present it at the February 27, 2017 Iron County Commission meeting. Alma Adams asked Bruce Rigby to explain the \$5,000 telemetry charge. Bruce explained that it would be a fee charged by Questar for an upgrade to the meter. He explained that Summit Energy would cover the \$5,000 telemetry fee. Bruce noted that for the next year it would be taken out through twelve equal payments at no interest.

## **APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE US DEPARTMENT OF THE INTERIOR FOR THE ZION NATIONAL PARK VISITOR USE MANAGEMENT PLAN AND ENVIRONMENTAL ASSESSMENT**

Alma Adams explained that the MOU was a visitor use plan to help conceptualize a plan to deal with the increase of visitors to Zion National Park and surrounding cities.

Alma Adams made a motion to approve the MOU with the US Department of the Interior for the Zion National Park Visitor Use Management Plan and Environmental Assessment. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY VISITOR CENTER FLOORING BIDS AND CONTRACT APPROVAL**

Lester Ross, Iron County Building Maintenance, explained that bids had been submitted for the removal and replacement of carpet and walkout carpet throughout the Iron County Visitor Center building except the west conference room, where it would be replaced with Luxury Vinyl Tile (LVT). Lester reported that 2 bids were received for the carpet. The first bid was from Pioneer Floor Coverings for \$17,322.32 and the second from Ogden's Flooring Design for \$20,142.84. He reported that the first bid for the hardwood flooring was Shakespeare Flooring Inc. for \$2,928.85 and the second from Ogden's Flooring Design (labor to be performed by Superior Wood and Tile) for \$6,756.00. Lester explained that LVT in the west conference room would last longer. He added that the extra cost of LVT Flooring for the Daughters of Utah Pioneers for \$2,405.71 was mainly to cover the labor to remove everything from the room. Lester explained that the funds for the project would be coming from Transient Room Tax (TRT) funds.

Michael Bleak made a motion to approve the Pioneer Floor Covering bid for carpet removal and replacement in the amount of \$17,322.32, the Shakespeare Flooring Inc. bid for the hardwood flooring in the amount of \$2,928.95 and the extra LVT Flooring for the Daughters of Utah Pioneer at \$2,405.71. With a 5% contingency of \$1,132.88, the total expense would be \$23,789.72 for the project. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**LANDFILL REQUEST TO SURPLUS A 2003 STERLING TRUCK. BIDS TO BE ACCEPTED AT THE ONLINE AUCTION SITE ADDRESS.**

Bruce Anderson, Iron County Landfill Supervisor, explained that the vehicle to be auctioned was a roll off truck and had been replaced and was not included on the current surplus vehicle list. Bruce expressed that the minimum bid should be \$25,000.

Alma Adams made a motion to approve the request to surplus a 2003 Sterling truck, VIN Number: 2FHAZANO3AL72254, with a minimum bid of \$25,000. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REVIEW AND APPROVAL OF BIDS RECEIVED FOR THE ADVERTISED IRON COUNTY SURPLUS VEHICLES**

Michael Bleak made a motion to approve the bids received for the advertised Iron County surplus vehicles as stated in the documentation as provided by the Iron County Clerk. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF DISTRIBUTION OF SURPLUS LIBRARY FUNDS TO CITIES**

Dan Jessen explained that Cedar City had signed an agreement regarding the distribution of excess funds accumulated in the Library Fund, but that Parowan had requested more time to review it. Dan reported that he had since heard from Parowan and they would likely approve the agreement. Dale Brinkerhoff explained that Iron County had collected a surplus in the Library Fund and that there had not been a sufficient distribution process in place. Dan Jessen explained that the distribution in the agreement had been made based on property values. Not every city in Iron County had a library so Cedar City would include Kanarraville, and Parowan would include Brian Head and Paragonah in the valuations. Dan explained that this was a formula to distribute the surplus to the cities proportionately and fairly.

Alma Adams made a motion to approve the distribution of surplus Library funds to cities contingent on the approval the agreement by Parowan City. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONFLICT OF INTEREST POLICY. DISCUSSION AND POSSIBLE ACTION REGARDING A POTENTIAL AMENDMENT TO SECTION 36 OF THE IRON COUNTY PERSONNEL POLICY**

Mike Edwards, Iron County Deputy Attorney, presented a potential amendment to Section 36 of the Iron County Personnel Policy regarding conflicts of interest. Mike noted that this issue had been brought before the commissioners before, but had been tabled for further discussion after some concerns were brought up. He explained that volunteer hours were now exempt under the policy. Also, the Childrens Justice Center, Senior Citizens Center, and the Iron County Animal Shelter would be exempt for donations less than \$5,000. Another aspect of the proposed policy had to do with disclosure requirements for employees that own or work at a business that is regulated by Iron County, or that does business with Iron County. Mike addressed various concerns regarding the disclosure requirements.

Alma Adams made a motion to accept the amendment to Section 36 of the Iron County Personnel Policy as presented. The motion died for a lack of a second.

**PERSONNEL**

Adrion presented for approval New Hire, Brandon Kennedy to backfill a position in the Sheriffs' Office left by Jacob Hoyt, effective date of February 13, 2017; in the Building and Zoning Department, Adrion presented a request for approval of an additional Facilities Maintenance Technician. This would be a backfill position; in the Landfill Department, Adrion presented a request for approval of an additional Landfill Technician. This would be a backfill position.

Michal Bleak made a motion to approve the new hire Brandon Kennedy to fill a backfill position in the Sheriffs' Office, effective date of February 13, 2017. This would be a Backfill position; to approve requests from the Building and Zoning and Landfill for additional workers. These would be backfill positions. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF CHANGES TO SECTION 15 OF THE PERSONNEL POLICY**

Adrion explained that Number 2 in Section 15 of the Personnel Policy needed an update to the "Subsistence Costs" section of the policy, addressing Peace Officer Standards and Training (POST) meal plan and regular per diem rates for qualifying employees. He added the increase would be from \$36.00 to \$41.00 and that it matched the Utah State Meal Per Diem posted rates. There would need to be an outline to the POST subsistence. Adrion noted that the last time the policy was reviewed was in year 2013. Dale Brinkerhoff expressed that the \$36.00 was satisfactory to him and did not agree with the automatic pass. Alma Adams expressed that at times it would be a challenge to stay within the \$36.00 per day. He also did not agree the automatic pass. Mike expressed that the \$41.00 was significantly lower than the Federal rate. He added that travel out of Utah would be a challenge where costs could be much higher, and that possibly there was a need for separate per diem rates.

Michael Bleak made a motion that Iron County follow the Meal Per Diem as posted by the Utah Governmental Administration Services Fleet Operation Division; to raise the rate from \$36.00 to \$41.00 per day pursuant to Utah State Per Diem rate; to approve the policy as presented with the addition that the Iron County Auditor periodically review the State Per Diem rates and present them to the Iron County Commission with an effective date of February 13, 2017. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**INTRODUCTION OF THE NEW FIVE COUNTY COMMUNITY WILDFIRE PLANNER**

Ron Wilson, Forestry, Fire, and State Land Area Manager, introduce Bevan Killpack as the new Five County Community Wildfire Planner. Bevan explained that he had 37 years with the Forest Service serving for the last 16 years as the District Ranger in Pine Valley. He stated that there was now a risk for fires because of overgrown vegetation. Bevan explained that he would be coming before the Iron County Commission with updates and progress.

**DISCUSSION AND REQUEST FOR APPROVAL TO UTILIZE THE EXISTING WILDFIRE CONTRIBUTE MATCH FUNDS FOR PERSONNEL, MITIGATION, AND FIRE PREVENTION EDUCATION PROJECTS**

Ryan Riddle reported that the threat of fire was real and that the change in policy would be from reactive to proactive. Ryan explained that instead putting funds into suppression the paradigm had shifted to being proactive in dealing with the overabundance of fuels. He added that with the change in policy they were asking that funds now go towards mitigation, prevention, education, and being able to build capacity in the form of fire trucks and equipment. Ryan explained that Iron County budgeted \$240,000 in 2016 in an effort to meet that contribution match. He requested for approval from the commission to utilize the contribution to be able to use his assistant during the winter months for mitigation projects. Ryan added that the request was not a request to hire a new employee but for funds from the contribution match which he anticipated would be about \$15,000.

Dale Brinkerhoff asked for clarification that the funds would come out of the \$240,000. Ryan confirmed that it would. He reported that a request from the Iron County Commission in form of an e-mail would create a charge code in the Salt Lake Office.

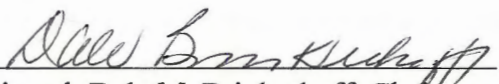
Michael Bleak made a motion to approve Ryan Riddle to utilize the existing Wildfire contributed match funds for personnel, mitigation, and fire prevention education projects in the form of using his assistant during the winter months. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

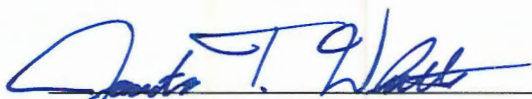
**NON-DELEGATED ITEMS**

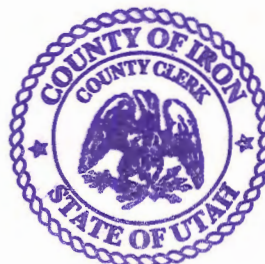
No Non-Delegated Items were discussed.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
FEBRUARY 27, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 27, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Jonathan T. Whittaker	County Clerk
G. Michael Edwards	County Deputy Attorney

Also present:

Dan Jessen	County Auditor
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
Adrion Walker	Human Resource Director

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Dan Jessen.

**INVOCATION**

An invocation was offered by Adrion Walker.

## APPROVAL OF MINUTES

Alma Adams made a motion to approve the minutes of January 9, 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## DEPARTMENTAL REPORTS

**Jon Whittaker, Iron County Clerk**, reported that passport applications had increased 11 fold since moving to the Cedar City location in Fiddlers Canyon. Jon reported that the Clerk budget was on track for the end of February. He reported that the prison work crew, supervised by John Englestead had done a remarkable job with moving the courthouse furniture and equipment temporarily to Cedar City, as well as emptying out the courthouse in preparation for repairs. Dale Brinkerhoff suggested that for the return move to the courthouse, county funds be spent to purchase meals for the prisoners instead of elected officials' personal funds.

**John Higley Iron County Emergency Management Coordinator** submitted a written report with the Clerk's Office. Jon Whittaker reviewed the report with the commissioners. The report began by noting that as of January 31, 2017, Emergency Management had spent 5% of its annual budget. Then a discussion of maintenance of the existing emergency paging system used by the various agencies was given, with a suggestion that a \$2,000 budget allocation be made for the necessary maintenance of the paging system. Alma Adams suggested that an apportionment be made to Gold Cross Ambulance for their usage of the paging system. Dale Brinkerhoff asked that the matter be researched and brought back as a commission agenda item when ready. The written report also outlined several trainings that were planned for the spring. One of the trainings was a test of the emergency broadcast systems of the Citizen Alert and mobile phone applications which was scheduled for April 20, 2017. Also on April 20<sup>th</sup>, John explained that an earthquake preparedness drill, "Utah's Great Shakeout," and an Emergency Coordination Center (ECC) training for most department heads would be held. In conclusion, John Higley's written report noted a training plan that he had developed for ecclesiastical groups and businesses. John explained that he had made the presentation to several wards of the Church of Jesus Christ of Latter Day Saints (LDS), and had received a positive reception.

**Adrion Walker, Iron County HR Director**, reported that there were no budget concerns with the new year, nor concerns for the end of 2016. Adrion reviewed the recently completed and ongoing hiring efforts with the commissioners. He reported that the recent benefits enrollment process had gone very smoothly. Adrion touted the efforts made by Betsy Cummings and Carrie Christiansen to that end. He reported meeting with many of the department heads to review job descriptions and looked forward to meeting with each department head. Adrion reported that the usage trends in health insurance remained low, which was a good sign. He noted that the Workers Compensation Fund, "Experience Modification" or "EMOD" rate was at 0.6, versus 1.0 as the State of Utah average, a positive trend. Adrion reported that Betsy Cummings continued to train with Carrie Christiansen on payroll as a backup. He noted that he was planning on performing a "Safety Culture Assessment," to identify target areas of concern in regards to safety and to limit the liability to Iron County.

**Danny Stewart, Cedar City/Iron County Economic Development Director**, explained that roughly 98% of job creation in Iron County comes from new business and the expansion of existing business. Danny listed the businesses in Iron County that were expanding or planning to expand. Companies that he discussed with the commissioners were: Décorworx/Rainbow Sign and Banner, which was currently renovating the old Utah Parks Bus Garage at Main Street and Coal Creek in Cedar City; Charlotte Pipe, which was building a 150,000 square foot building and planning on hiring 30 new employees; Genpak, which was bringing the recently acquired Goer Manufacturing building online and planning to hire 60 to 80 additional employees; Doubletap Ammunition, which had recently been awarded a new contract with Colt and had plans to hire 12 new employees; Specialized Mountain Services in Brian Head, who recently had been awarded a \$50,000 Rural Fast Track grant for new equipment and anticipated hiring 1 new employee; also, Funder Welding and Design, which also qualified for a \$50,000 Rural Fast Track grant and planned to hire 1 additional employee. Danny explained that many businesses in Iron County

were healthy and had plans to hire at least one new employee in 2017. He noted that they were trying to identify those companies and assist them if possible. Danny also discussed new business recruitment with the commissioners. He noted that Mueller Industries was moving forward to restart copper extrusion activities at the existing Cerro Copper factory. Also, there were several "Shovel Ready," sites available that with some effort could be marketed by the Economic Development Corporation of Utah (EDCUtah). In terms of Retail Development, Danny explained that there were various openings and re-openings that had happened, such as: Lin's; Sportsman's Warehouse; Ross; Deseret Industries; and various other small businesses. He concluded by explaining that he and Jon Whittaker had been working with Adam Long, council for the Iron County Community Development and Renewal Agency (ICCD&RA) on some housekeeping items.

**Alma Adams, Iron County Commissioner**, expressed his gratitude to Danny Stewart and Chris McCormick for the Economic Review held on February 15, 2017. Alma reported while at the Legislature he had spoken with Adam Truppp, Chief Executive Officer of the Utah Association of Counties (UAC) regarding targeted lobbying efforts in Washington D.C. Rather than Iron County hiring someone year round, UAC would provide a collaborative effort. He reported that the Old Spanish Trail celebration was a success and thanked Chad Nay, Mike Worthen, and Reed Erickson for their help. Alma stated that Cedar City had asked the Landfill to accept 14 tons of nitrates from the Cedar City wastewater treatment facility. Bruce Anderson did a study and found that it would be possible to accept the nitrates. Alma concluded by noting that that Iron County provides opportunities for Iron County Employees to mentor children 1 hour per week.

#### **PUBLIC HEARING**

Dale Brinkerhoff, Iron County Commission Chair, declared a public hearing regarding a proposed zone change open.

#### **PUBLIC HEARING TO RECEIVE COMMENTS AND TO CONSIDER ACTION FOR A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 TO COMMERCIAL FOR 93.5 ACRES LOCATED WEST OF THE NORTH KANARRAVILLE INTERCHANGE ON I-15. (SW ¼ SE ¼ OF SECTION 2, AND THE N ½ NE ¼ OF SECTION 11, T37S, R12W, SLB&M)**

Reed Erickson, Iron County Planner, explained that a request was made by George M. Vandenberghe Family, LLC. The property was initially zoned Agriculture 20 (A-20), but had been anticipated to change to Commercial zoning because of proximity to Exit 51, along I-15, south of Cedar City. Also, there had been a long standing intent to realign Vandenberg Road and the southern extent of the belt route. Reed noted that there had been no opposition to the change.

Dan Roberts reported that there was plenty of water for any project that might be interested.

Dale Brinkerhoff declared the public hearing closed.

Alma Adams made a motion to approve a zone change from Agriculture 20 to Commercial for 93.5 acres located west of the North Kanarraville Interchange on I-15. (SW ¼ SE ¼ OF Section 2, and the N ½ NE ¼ OF Section 11, T37S, R12W, SLB&M) requested by George M. Vandenberghe Family, LLC. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **PUBLIC COMMENTS**

No public comments were offered.

#### **CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION (BOE)**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization.

**CONSIDERATION AND POSSIBLE APPROVAL OF TAX ABATEMENT ADJUSTMENT**

Christene Lowder, Iron County Deputy Auditor, explained that Yvette Miles applied for abatement in 2016 but that the application could not be found, therefore she did not receive the abatement. Christene reported that Ms. Miles' mortgage company customarily paid all of the taxes and as a result they had increased her mortgage payment and then raised it again in anticipation of having to pay the 2017 year taxes. She added that Ms. Miles was requesting the 2016 abatement that she would have received in the amount of \$1,000.73.

Alma Adams made a motion to approve the tax abatement request from Yvette Miles in the amount of \$1,000.73, with a rebate check for overpayment to be paid to Yvette Miles. Second by Michael Blake. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff declared the reconvening of the Iron County Commission.

**TAX MATTERS**

Jon Whittaker explained that there were two tax deferral requests. The first application was submitted by the daughter of Michael A. Wood, explaining that he had passed away in 2012 and that she had been trying to keep the property. She added that there was an amount of \$730.00 due. She wrote that the tax notice that was delivered to the wrong address. Due to some family hardships she had forgotten to follow through with the taxes. Jon added that Cindy Bulloch had informed him that there was still some question as the mailing address and the situs address did not match. Jon noted that there was a mobile home on the primary property but was unsure if anyone was living in it.

Alma Adams made a motion to defer action on Assessor's Parcel Number (APN): E-147-26 for further investigation. Second Michael Bleak. Second by Michael Blake. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Jon Whittaker presented a second request submitted by Gohar Jamzadeh in the amount of \$1,118.58, for APN's E-1611-9, E-467-1, and E-1265-2-1. He explained that the properties had no structures on them and appeared to be investments. Jon explained that there were three parcels and two of those would be sold at auction during the 2017 tax sale if they were not redeemed.

Alma Adams made a motion to deny the deferral request in the amount of \$1,118.58 due to the parcels not being a primary residence. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF SUMMIT ENERGY, LLC SUPPLYING WHOLESALE NATURAL GAS TO THE IRON COUNTY JAIL FACILITY**

Michael Bleak made a motion to table the decision for Summit Energy, LLC supplying wholesale natural gas to the Iron County Jail Facility. Also, to wait one year to evaluate the actual usage and costs and reevaluate. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF TRANSFER OF VEHICLE FROM THE ROAD DEPARTMENT OF A 2002 INTERNATIONAL DUMP TRUCK UNIT #234 TO THE ENGINEER DEPARTMENT. APPROVAL OF TRANSFER OF VEHICLE FROM THE ENGINEER DEPARTMENT TO THE LANDFILL DEPARTMENT OF A 1994 KENWORTH UNIT #252.**

Alma Adams made a motion to approve the transfer of the 2002 International Dump Truck Unit #234 from the Road Department to the Engineer Department, and to approve the transfer of the 1994 Kenworth Unit #252 from the Engineer Department to the Landfill Department. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONFLICT OF INTEREST POLICY. DISCUSSION AND POSSIBLE ACTION REGARDING A POTENTIAL AMENDMENT TO SECTION 36 OF THE IRON COUNTY PERSONNEL POLICY**

Mike Edwards reported that he had made some clarifications to the proposed amendment, the first in the Iron County Personnel, Section 36 B, 1 “Donation,” means a contribution of anything of value, other than volunteer service. The second was in Section 36(C)(7) Exceptions: “Donations of a value less than \$5,000 made to the Children’s Justice Center, the Iron County Senior Citizens Center, the Iron County Animal Shelter, and the Iron County Search and Rescue. However, all financial donations to the Children’s Justice Center, the Iron County Animal shelter, and the Iron County Search and Rescue must comply with Section E(1)(b), which require a receipt. Mike added that those were the only changes made since the previous meeting.

There was a discussion about Section 36(G) regarding how broad to make the requirements to disclose business dealings in or with Iron County, and if employees were to be included.

Alma Adams made a motion to defer the Conflict of Interest Policy amendment to Section 36 of the Iron County Personnel Policy to the next commission meeting to give Mike Edwards time to address the outside employment question and for a change in wording of the Senior Citizen Center to Council on Aging (COA). Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN INVOICE FOR PRINTING THE IRON COUNTY LOGO ON 1A HIGH SCHOOL BASKETBALL PROGRAMS**

Alma Adams explained that Brian Bremner from Garfield County had requested approval to print the Iron County logo on the 1A High School Basketball programs. Alma added that the expense was approved in 2016 and recommended that it be continued in 2017 to promote Iron County. He noted that Maria Twitchell approved \$300.00 from the TRT fund.

Alma Adams made a motion to approve \$300.00 from the TRT funds for printing the Iron County logo on the 1A High School Basketball programs. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Adrian Walker, Human Resource (HR) Director, presented approval of a transfer of Orlas DeMasters from Corrections Deputy 1 to Patrol Deputy 1 in the Sheriff’s Office. This would be a backfill of a vacant position left by Charles Triplett and be effective March 12, 2017. Adrian added that there would be no budget impact from said transfer. In the Attorney’s Office Adrian Walker presented for approval the advancement of Chad Dotson from Deputy Attorney I to Deputy Attorney II with the corresponding pay increase in the Attorneys’ Office, effective March 26, 2017. Chad had satisfactorily met all the requirements for the advancement. Adrian added that the transfer would affect the current budget.

Michael Bleak made a motion to approve the transfer of Orlas DeMasters from Corrections Deputy 1 to Patrol Deputy 1, effective March 12, 2017, being a backfill of a vacant position left by Charles Triplett. Also, the approval of the advancement of Chad Dotson from Deputy Attorney I to Deputy Attorney II with the corresponding pay increase, effective date of March 12, 2017. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**Public Safety Building**

Dale Brinkerhoff reported that Iron County would need to meet with John Higley to begin formulation of plans for the EOC building. Dale added that the renovations would be a separate project for Iron County and not included with the contract with Carter Construction.

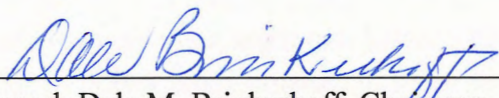
Dale Brinkerhoff reported that the parking lot located between the Fiddlers Canyon Building and the Movie Theatre (APN: B-1-9-23-6) had been appraised at \$125,000. Dale added

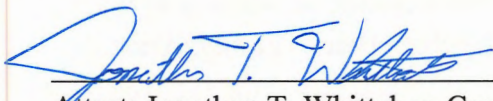
that the owners accepted the appraised amount of \$125,000. He requested that the potential sale of said parcel be added to the Iron County Commission Agenda of March 13, 2017.

Dale Brinkerhoff reported that the Utah Association of Counties (UAC) voted to move from an Opposition to a Monitor phase in regards to the Justice Reinvestment Initiative (JRI). Alma Adams expressed that keeping juveniles out of detention was a good direction.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
MARCH 13, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 27, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner - Excused
Michael P. Bleak	Commissioner
Jonathan T. Whittaker	County Clerk
Scott F. Garrett	County Attorney

Also present:

Dan Jessen	County Auditor
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
G. Michael Edwards	Deputy County Attorney
Adrion Walker	Human Resource Director

**SYNOPSIS**

ADJOURNMENT .....5

ANNOUNCEMENT OF APPARENT LOW BID FOR COURTHOUSE REMODEL .....2

APPROVAL OF MILEAGE REIMBURSEMENT RATE .....4

APPROVAL OF LATE PROPERTY TAX ABATEMENTS FOR VETERANS.....3

APPROVE OR DENY REQUESTS FOR TAX EXEMPT STATUS FOR THE 2017 YEAR.....3

AUTHORIZATION OF APPRAISAL SERVICES EXPENSE .....3

AWARD OF MULTI-YEAR PRCA RODEO CONTRACT TO BAR T RODEO.....2

AWARD OF SURPLUS VEHICLES TO HIGH BIDDERS .....2

CONTRACT AWARD FOR THE REMODEL OF THE IRON COUNTY COURTHOUSE.....5

DEPARTMENTAL REPORTS.....2

DISCUSS POSSIBLE PURCHASE OF APN: B-1-9-23-6 .....4

INVOCATION .....2

NON-DELEGATED ITEMS.....4

PERSONNEL .....4

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....2

REQUEST LANE CLOSURE FOR MOUNTAIN BIKE RACE .....3

REVIEW OF ROAD EASEMENT FOR BOWERY CREEK/YANKEE MEADOW ROAD .....4

TAX MATTERS .....3

TAX MATTERS, CONTINUED .....5

## **PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Christene Lowder.

## **INVOCATION**

An invocation was offered by William Pressgrove.

## **DEPARTMENTAL REPORTS**

**Maria Twitchell, Executive Director of the Cedar City/Brian Head Tourism Bureau,** reported that the Tourism Department had spent 13% of its budget as of January 31<sup>st</sup>. Maria noted that occupancy rates were down due to more western destinations having a favorable winter. She also attributed the slight downturn to fatigue from a long, cold winter period. Maria explained that Transient Room Tax (TRT) collections were up 23.8% in 2016, with occupancies up 7.3%. She noted that with the planned open house and dedication of the Cedar City Latter Day Saint (LDS) Temple later in 2017, she had set aside some funds to help with the preparation efforts. Maria expressed concern regarding plans to limit access to tourists in Zion National Park, such as metering. She suggested that perhaps the commissioners or the Utah Association of Counties (UAC) intervene to help avoid limitation of tourism in Zion National Park.

Maria Twitchell reported that the Outdoor Recreation Department had spent 4% of its budget as of January 31<sup>st</sup>. Maria noted that the usage of Wood's Ranch had increased during the winter of 2016-7. She expressed that the decision to keep the restrooms open seemed to be successful. Maria explained that there was a concern about subsidence under one of the Wood's Ranch restrooms which would be addressed after the winter snow melted. She expressed gratitude for the commissioners approving the hire of a full time maintenance employee. Maria explained that at the Shooting Range, the Bureau of Land Management (BLM) had donated 8 concrete picnic tables. Also, they were preparing for a new restroom. Maria concluded by reporting that the BLM was in the process of patenting the Iron County Park to Iron County.

## **ANNOUNCEMENT OF APPARENT LOW BID FOR COURTHOUSE REMODEL PROJECT**

Dale Brinkerhoff announced that the apparent low bid for remodeling the Iron County Courthouse was submitted by Zwick Construction, with a bid of \$2,286,000. Other bids included Carter Enterprises, Inc, with a bid of \$2,402,000 and Larry Pendleton Building, with a bid of \$2,710,000. Dale explained that the award of the courthouse remodel project would be announced later in the meeting, after the full bid packages could be reviewed.

## **APPROVAL OF SURPLUS VEHICLE BIDS**

Michael Bleak made a motion to accept a bid of \$301.00 from Tony Rose for a 2004 Dodge Intrepid; a bid of \$2000.00 from Steve Applegate for a 1986 Williamson Pup; and a bid of \$500.00 from John Englestead for a 1999 Ford Crown Victoria. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **AWARD OF MULTIYEAR CONTRACT FOR A PRCA RODEO HELD IN CONJUNCTION WITH THE IRON COUNTY FAIR**

Joyce Evans presented for approval the bid made by Bar T Rodeo for a multi-year PRCA rodeo contract. Michael Bleak made a motion to approve the proposal by Bar T Rodeo, Scenario 2, in the amount of \$32,000 for a three year contract. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **PUBLIC COMMENTS**

No public comments were offered.



**REQUEST FOR APPROVAL FOR AN IRON COUNTY ONE LANE ROAD CLOSURE FOR A MOUNTAIN BIKE RACE HELD IN SEPTEMBER 2017**

Margaret Gibson, representative of Spingeeeks, LLC, was unable to attend and the item was postponed.

**CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION (BOE)**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization.

**DISCUSSION TO APPROVE OR DENY REQUESTS FROM VARIOUS RELIGIOUS, CHARITABLE OR EDUCATIONAL ORGANIZATIONS SEEKING REAL AND/OR PERSONAL PROPERTY TAX EXEMPT STATUS FOR THE 2017 TAX YEAR**

Christene Lowder, Iron County Deputy Auditor, explained that the new requests were from The Church of Jesus Christ of Latter Day Saints (LDS), Dixie & Anne Leavitt Foundation, Sonrise Christian Fellowship, Southern Utah University (SUU), and TURN Community Services, Inc. Christene explained the requests for changes in percentage exempt were Grace Christian Church and International Church of the Four Square Church.

Michael Bleak made a motion to approve the tax exempt requests as presented by Christene Lowder, subject to any legal assessments or legal advice. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REVIEW AND APPROVE PROPERTY TAX ABATEMENTS FOR QUALIFYING VETERANS GRANTED AFTER DECEMBER 12, 2016**

Christene Lowder explained that seven veterans had requested tax abatements for the 2016 tax year.

Michael Bleak made a motion to approve the property tax abatements for qualifying veterans granted after December 12, 2016 in the amount of \$7,888.24. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff declared the BOE adjourned and the reconvening of the Iron County Commission.

**TAX MATTERS**

Frank Sorgenfry explained that he had submitted a payment plan along with a letter of hardship as was requesting a tax deferral.

Michael Bleak made a motion to approve the deferral request of property taxes for Assessor's Parcel Number (APN) E-1841 in the amount of \$1,106.72. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Dale Brinkerhoff explained that deferrals were not made on investment property. There was not enough information and requested the item of APN C-549-1 to be moved to later in the meeting.

Jon Whittaker explained that regarding APN E-1616-0005-0000 the owner did not submit a deferral form and that it was vacant property. Jon requested that the deferral not be considered.

**DISCUSSION AND AUTHORIZATION OF APPRAISAL SERVICES FOR ASSESSOR'S PARCEL NUMBERS(APN's): B-1-9-23-2 AND B-1-9-23-6**

Dale Brinkerhoff explained that Iron County was interested in purchasing the vacant lot adjacent to the Fiddlers Canyon Building. The appraised value for the parking lot (APN: B-1-9-23-6) was listed as \$125,000 and the Fiddlers Canyon Building (APN: B-1-9-23-2) was appraised at \$800,000. Dale reported that the appraisal fee for the parking lot was \$1,800.00 and the building was \$3,000.00.

Michael Bleak made a motion to approve the payment of the appraisal fees in the amount of \$4,800.00 to Morley & McConkie Appraisers. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR PURCHASE OF PROPERTY EAST OF THE IRON COUNTY FIDDLERS CANYON BUILDING APN: B-1-9-23-6**

Dale Brinkerhoff requested the discussion be moved to the next commission meeting so that Alma Adams could be present.

**DISCUSSION AND POSSIBLE APPROVAL OF MILEAGE REIMBURSEMENT RATE**

Michael Bleak made a motion to approve the mileage reimbursement rate of 53.5 effective immediately, until an update from the Iron County Auditor be presented for consideration. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REVIEW AND POSSIBLE APPROVAL OF A ROAD EASEMENT FOR THE BOWERY CREEK-YANKEE MEADOW ROAD, FOREST HIGHWAY NO. 49**

Dale Brinkerhoff requested that the issue be brought back at the next commission meeting so that the Iron County Engineer would have time to examine it.

**PERSONNEL**

Adrion Walker presented the transfer of Elaine Espinoza from Part-time Outreach Worker to Part-time Activity Director in the Council on Aging, effective March 13, 2017 for approval. This would be a backfill of a vacant position left by Ashlee Lloyd. Adrion also presented for approval the transfer of Steven Davis from Part-Time Assistant Cook to Part-time Outreach Worker in the Council on Aging, effective March 13, 2017. This would be a backfill vacant position left by Elaine Espinoza.

Michael Bleak made a motion to approve the transfers in Council on aging as presented by Adrion Walker. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Adrion presented for approval of a "Professional Increase" for Troy Little and Michael Edwards, as outlined in the Attorney Wage Schedule and Promotional Standards in the Attorney's Office.

Dale Brinkerhoff reported that he had discussed this with Adrion Walker and had asked him to review several other positions in addition to the two mentioned. Dale Brinkerhoff asked Scott Garrett if he would be willing to wait before action would be taken, to which Scott agreed.

Adrion presented a potential amendment to Section 7 Employee Status in the Iron County Personnel Policy. He reported that currently seasonal employees had been included with part-time/temporary employees and could not work more than 720 hours during a 26 week period. He explained that if an employee was designated as a "seasonal employee" they could be full-time but not work more than 6 months or 26 weeks during the calendar year. Adrion requested that seasonal workers be separated from the part-time/temporary employees.

Michael Bleak made a motion to approve the amendment to Section 7 Employee Status of the Iron County Personnel Policy as presented by Adrion Walker. Second by Dale Brinkerhoff. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

Lester Ross reported in the Public Safety Building, builders were beginning to put the roof covering on, the basement portion was framed and electrical and mechanical was in and framing and electrical and mechanical were beginning in the upper portion.

**TAX MATTERS CONTINUED**

Dale Brinkerhoff reported that a deferral agreement had been received with a monthly payment of \$1,109.85 per month beginning April 13, 2017 for APN C-549-1.

Dale Brinkerhoff made a motion to enter into a deferral agreement regarding APN C-594-1 with a monthly payment of \$1,109.85 per month. Second by Michael Bleak.

Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

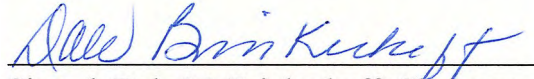
**CONTRACT AWARD FOR THE REMODEL OF THE IRON COUNTY COURTHOUSE CONTINUED**

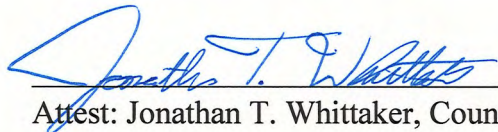
Dale explained that the bids had been reviewed and there was a budget of \$2,590,000 for remodeling and repair of the Iron County Courthouse. He reported that a low bid in the amount of \$2,326,250 was received from Zwick Construction and had been reviewed.

Dale Brinkerhoff made a motion to award the bid to Zwick Construction in the amount of \$2,326,250. Second by Michael Bleak. Voting: Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
MARCH 27, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 27, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Jonathan T. Whittaker	County Clerk
G. Michael Edwards	Deputy County Attorney

Also present:

Dan Jessen	County Auditor
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
Stephen R. Platt	County Engineer
Adrion Walker	Human Resource Director
Preston Nelson	Road Department Director

**SYNOPSIS**

ADJOURNMENT .....8

APPROVAL OF AN EDUCATIONAL USE PROPERTY EXEMPTION .....4

APPROVAL OF MINUTES .....2

APPROVAL TO TRANSFER SURPLUS VEHICLE.....7

APPROVAL TO USE ICCD&RA FUNDS TO PAY SMITH HARTVIGSEN, PLLC .....5

BID OPENING FOR ASBESTOS ABATEMENT IN THE IRON COUNTY COURTHOUSE ..3

CONFLICT OF INTEREST POLICY .....7

DEPARTMENTAL REPORTS.....2

DISCUSS PURCHASE OF APN: B-1-9-23-6.....7

ICCD&RA RESOLUTION 2017-1, DRAFT CDA FOR APPALOOSA SOLAR I .....5

ICCD&RA RESOLUTION 2017-2 AMENDMENT TO THREE PEAKS POWER CDA .....5

ICCD&RA RESOLUTION 2017-3 THREE PEAKS INTERLOCAL AMENDMENTS.....5

ICCD&RA RESOLUTION 2017-4 AMENDMENT TO SUNEDISON, PHASE I CDA .....6

ICCD&RA RESOLUTION 2017-5 SUNEDISON, PHASE I INTERLOCAL AMENDMENTS.6

ICCD&RA RESOLUTION 2017-6 SUNEDISON, PHASE I NEW PART. AGREEMENTS ...6

INVOCATION .....2

KANE SPRINGS ROAD IMPROVEMENTS INCLUDING FENCING .....3

NON-DELEGATED ITEMS.....8

PERSONNEL .....7

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....3

ORDINANCE 2017-1 AMENDING THE THREE PEAKS POWER CDA.....6

ORDINANCE 2017-2 AMENDING THE SUN EDISON PHASE I CDA.....7

REQUEST LANE CLOSURE FOR MOUNTAIN BIKE RACE.....3

RESOLUTION 2017-5 AMENDED INTERLOCAL WITH ICCD&RA FOR THREE PEAKS..7

RESOLUTION 2017-6 AMENDED INTERLOCAL WITH ICCD&RA SUN EDISON, PH.I....7

REVIEW OF APPLICATIONS FOR TAX EXEMPT STATUS.....4

ROAD EASEMENT TO USFS IN BOWERY CREEK, YANKEE MEADOW .....3

UASD#2 RESOLUTION 2017-2 SUNEDISON, PHASE I INTERLOCAL AMENDMENTS ....6

UASD#2 RESOLUTION 2017-1 THREE PEAKS INTERLOCAL AMENDMENTS .....6

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Grant Oxenrider.

**INVOCATION**

An invocation was offered by Steve Platt.

**APPROVAL OF MINUTES**

Mike Bleak made a motion to approve the minutes of the February 27<sup>th</sup>, 2017 and March 13<sup>th</sup>, 2017 Iron County Commission meetings. Second by Alma Adams. Voting: Alma Adams, Aye; Mike Bleak, Aye; Dale Brinkerhoff, Aye.

**DEPARTMENTAL REPORTS**

**Steve Platt, Iron County Engineer**, reported that the Engineering Department’s budget was on track for the end of March. Steve thanked the commissioners for a new hydraulic excavator and noted that it was running well. He discussed an aquifer recharge project just north of Highway 56 at Quichapa Lake Iron County was performing the work south of Highway 56, while Cedar City was doing the work north of said highway. Said aquifer recharge project was done in concert with the Central Iron County Water Conservancy District (CICWCD), and was nearing completion. Steve reported successfully passing a recent audit regarding \$1.7M in Utah Department of Transportation (UDOT) funds that were used for the recently constructed southern portion of 5700 West as part of a Belt Route in Cedar valley. Steve reported that another aquifer recharge project north of the Cedar City Airport was successful and was percolating well. The water was being diverted into a pit owned by Western Rock. Regarding Revised Statute 2477 (RS-2477) roads, Steve reported that Tony Rampton from the Utah State Attorney General’s Office had been in Iron County to take depositions from citizens with firsthand knowledge of certain public lands rights of way. He also explained that Iron County had been working with federal agencies to upgrade Cedar Highlands Road. Steve noted that with a recent vote by the residents of Cedar Highlands in favor of incorporation, he had turned the follow up over to the new town. Steve concluded by discussing a site within Cedar City that was being considered for a veterans’ memorial cemetery. He expressed that the site, which was south of the Cedar City Wal-Mart, seemed unsuitable because of the extremely rocky soil and steep slopes.

**Preston Nelson, Road Department Director**, reported that his crews had either been plowing snow or hauling pit run to the Kane Springs Road since mid-February. Preston also reported that his crews had been working on the Chimney Meadows Road (1500 North), hauling pit run and widening culverts. Two cattle guards on Wecco Road were replaced, and would be moved to Schoppmann Road and the Right Hand Canyon Road. Preston noted that the Road Department had ordered a new 140 M Caterpillar blade and 2 new Warren sanders. He noted that

bids had been returned, with the low bidders being Western Rock for rock chip \$15.75 per ton, and Sunroc for asphalt at \$50.00 per ton.

**Bruce Anderson, Landfill Supervisor**, reported that the Landfill budget was on track for the months of January through March. Bruce noted that he had hired Grant Oxenrider, who was on the agenda for Commission approval later in the meeting. He reported having sold their roll off truck for \$46,000. Bruce noted that the Landfill would be receiving a \$1,700 rebate for replacing the lighting in the shop with Light Emitting Diode (LED) lighting. Dale Brinkerhoff expressed that said rebate should be deposited directly into the Landfill Fund instead of the General Fund. Bruce Anderson continued, reporting that the Landfill had been receiving bio-solids from the Cedar City Wastewater Plant. Bruce reported that he had attended a load screening training in Moab, as well as an asbestos training in West Valley City. He expressed a need to repair the fence and replace signs at the Parowan landfill pit, as well as establish a water connection and plant some trees. Bruce concluded by reporting that all of the Landfill equipment was working properly.

### **PUBLIC COMMENTS**

No public comments were offered.

### **REQUEST APPROVAL FOR A IRON COUNTY ROAD ONE LANE CLOSURE ON THE SHOOTING RANGE ROAD FOR A MOUNTAIN BIKE RACE BEING HELD IN SEPTEMBER 2017**

Troy Houston, representative of Spingeeeks, LLC, explained that the one lane closure would start just north of the Three Peaks entrance and goes clear around to Iron Springs. He noted that there would be around 80-500 mountain bikers. Troy reported that Spingeeeks would supply their own EMT's and Ride Marshalls.

Alma Adams made a motion to approve the one lane road closure on the shooting range road to Iron Springs for the Mountain Bike Race being held in September 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **BID OPENING FOR ASBESTOS ABATEMENT IN THE IRON COUNTY COURTHOUSE**

Lester Ross reported that no bid had been submitted for the contract for asbestos abatement. He explained that the asbestos abatement was not part of the overall courthouse remodel contract. There were three suggestions given for the bids. First was to rebid, second was to negotiate with Sullivan, the third option was for the Iron County staff to remove the ceiling in the courthouse. Dale Brinkerhoff suggested that the contract for asbestos abatement be postponed for legal review to consider amending the contract to remove the ceilings as part of the contract. He noted that the bidding would be extended indefinitely.

### **APPROVAL OF ROAD EASEMENT FOR THE BOWERY CREEK-YANKEE MEADOW ROAD, FOREST HIGHWAY NO. 49**

Steve Platt recommended the approval of an easement to the United States Forest Service in the Bowery Creek area. Alma Adams made a motion to approve the road easement for the Bowery Creed-Yankee Meadow Road, Forest Highway No. 49 as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **KANE SPRINGS ROAD IMPROVEMENTS INCLUDING FENCING**

Steve Platt explained that improvements to the Kane Springs road were being made from 2200 North to 4600 North in Parowan Valley, a 3 mile section of the road. Steve reported that survey work had been done, establishing section corners and describing sliver parcels to be deeded to Iron County. He explained that typically, during major road improvements, Iron County would try to maintain a 66 foot right of way. Often, this would necessitate acquiring slivers of land from adjacent land owners. In exchange for the deeded sliver parcels, Iron County had typically built or rebuilt a fence on the new property line. Another common practice was to

use a prison work crew from the Iron County Correctional Facility. Steve explained that this agenda item and discussion was at the request of Sheriff Gower, who had some concerns about the transparency of the process. Steve explained further that the process of acquiring sliver parcels to properly widen rights of way in exchange for replacement fencing had been the practice since he had been associated with Iron County dating back to the 1960's. He reported that he had recorded deeds from the owners of record along said portion of Kane Springs Road, with the exception of one. Jon Whittaker expressed that, with the recording of the deeds, the names of the land owners were made public. Steve Platt expressed that he would not build any new fencing without a signed deed for the sliver parcel for the right of way. Mike Edwards noted that Iron County was not building new fence, rather replacing existing fence to match the new right of way line. Steve Platt noted that the fence was a net wire fence, with 1 barbed wire and a cedar post every 6 and 10 posts, also, gates were provided. Dale Brinkerhoff made a motion to authorize the Iron County Engineer to make all coordination efforts with the Iron County Sheriff for the inmate work crew to build fence along the new right of way boundaries for property owners as had been the practice. Second by Michael Bleak. Voting: Alma Adams, Abstain; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION**

#### **APPROVAL OF AN EDUCATIONAL USE PROPERTY EXEMPTION**

Christene Lowder presented a request for an Educational Use Property Exemption for 12.48 Acres north of Paragonah, Assessor's Parcel Numbers (APN): C-208-2 and A-639-46, owned by The Archaeological Conservancy, a non-profit corporation. Christene explained that the land had been discovered to be a Native American (Fremont) archaeological site. She explained that this application had been sent on time, but was not received by the Auditor's Office by the March 1<sup>st</sup> deadline. However, Christene expressed that, because the post mark was clearly on time, and that the envelope had been delivered to the wrong Iron County department, that the request should be considered. She explained that after several years of ownership, this was the first application to be submitted. Furthermore, Christene explained that typically, raw land does not qualify for educational exemptions and that there had been very little activity on the parcels. She recommended that the commissioners deny the request, so that the owners could appeal to the State of Utah, allowing for further explanation and a final decision by the State of Utah.

Alma Adams made a motion to deny the Educational Use Property Exemption made by The Archaeological Conservancy for APN's: C-208-2 and A-639-46. Second by Mike Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **REVIEW OF APPLICATIONS FOR TAX EXEMPT STATUS PENDING FROM THE MARCH 13, 2017 MEETING**

Christene Lowder explained that 200 S 300 West in Cedar City was purchased from SUU to build a new student housing complex. At that time the property was tax exempt because the intent was to build a church on the property. Mike Edwards explained that when a non-profit entity acquires property from a for-profit entity it stops being taxable at the time of purchase. Mike reported that there were proportional tax exemptions and it does not apply to raw land until a building permit was issued. He explained that the intent of the property was not known because there was not a lease agreement between SUU and the Dixie & Leavitt Foundation. He recommended the tax exemption be denied until the terms of the lease agreement were available.

Alma Adams made a motion to deny the application for tax exempt status of APN: B-218-219 until the terms of the lease agreement were available to ascertain the amount eligible for tax exemption. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**CONVENE AS THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the ICCD&RA.

**APPROVAL TO USE ICCD&RA FUNDS TO PAY ATTORNEY'S FEES OWED TO SMITH HARTVIGSEN, PLLC**

Danny Stewart, Iron County Economic Development Director, explained that when establishing the various solar projects in Iron County, the agreements between the entities were written up such that there were not administrative fees included. Danny reported that legal fees to Smith Hartvigsen, PLLC were still owed in the amount of \$15,151.37. He reported that about \$9000.00 would be collected on cost reimbursement agreements from the owners of the Quichapa Project in the amount of \$4,226.00, and the Onyx groups in the amount \$4,759.50. That would leave \$6,165.87 still owing.

Dale Brinkerhoff made a motion to make the payment from the ICCD&RA fund in the amount of \$6,165.87. Payment would be on hold until April 1, 2017 at which time all applications for incentive were due. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**ADOPTION OF ICCD&RA RESOLUTION 2017-1 AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY REINVESTMENT DEVELOPMENT PROJECT AREA PLAN FOR APPALOOSA SOLAR I, AND RELATED MATTERS**

Danny explained that this would be a new solar project being built north and adjacent to the Three Peaks Solar project by Onyx Solar.

Alma Adams made a motion to approve the adoption of the ICCD&RA Resolution 2017-1 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF ICCD&RA RESOLUTION 2017-2 AN AMENDMENT TO THE THREE PEAKS POWER PROJECT AREA PLAN TO CONFORM ITS LEGAL DESCRIPTION TO THE PROJECT CONFIGURATION AND RELATED MATTERS**

Danny explained that Three Peaks was an 80 megawatt photovoltaic solar power plant on Lund Hwy, and needed to be amended to reflect the correct boundaries in accordance with the final project configuration.

Alma Adams made a motion to approve the ICCD&RA Resolution 2017-2 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF ICCD&RA RESOLUTION 2017-3 AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE THREE PEAKS POWER COMMUNITY DEVELOPMENT AREA (CDA) TO REFLECT THE PROJECT AREA PLAN AMENDMENT**

Alma Adams made a motion to approve the ICCD&RA Resolution 2017-3 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.



**APPROVAL OF ICCD&RA RESOLUTION 2017-4 AN AMENDMENT TO THE PROJECT AREA PLAN FOR THE SUNEDISON PHASE CDA TO REDUCE THE SIZE OF THE PROJECT AREA TO INCLUDE ONLY THE THREE QUICHAPA SOLAR PROJECTS**

Danny Stewart explained that the SunEdison, Phase I CDA originally included 6 separate solar plants that were 3 megawatts each. The legal description for the original CDA encompassed far more land than was included in the projects. The individual projects included Fiddlers Canyon 1, Fiddlers Canyon 2, Fiddlers Canyon 3, Quichapa 1, Quichapa 2, and Quichapa 3. Danny explained that the Fiddlers Canyon projects would no longer be included in a CDA, and that the legal description on the amended SunEdison, Phase I CDA would include only the 3 Quichapa projects. Michael Bleak made a motion to approve the adoption of the ICCD&RA Resolution 2017-4 as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF ICCD&RA RESOLUTION 2017-5 A NEW INTERLOCAL AGREEMENT WITH THE NEW OWNER OF THE SUN EDISON PHASE I CDA**

Michael Bleak made a motion to approve the adoption of the ICCD&RA Resolution 2017-5 as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF ICCD&RA RESOLUTION 2017-6 A PARTICIPATION AGREEMENT WITH THE NEW OWNER OF THE QUICHAPA SOLAR PROJECT**

Michael Bleak made a motion to approve the adoption of the ICCD&RA Resolution 2017-6 as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONVENE AS THE GOVERNING BOARD OF THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 (UASD#2)**

Dale Brinkerhoff declared the adjournment of the ICCD&RA and the convening of the Governing Board of the Iron County Unincorporated Area Services District #2.

**APPROVAL OF UASD#2 RESOLUTION 2017-1 AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE THREE PEAKS POWER CDA TO REFLECT THE AMENDED PROJECT AREA PLAN**

Alma Adams made a motion to approve the UASD#2 Resolution 2017-1 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF UASD#2 RESOLUTION 2017-2 AN INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE SUN EDISON, PHASE I CDA**

Alma Adams made a motion to approve the UASD#2 Resolution 2017-2 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff declared the reconvening as the Iron County Commission

**APPROVAL OF ORDINANCE 2017-1 AMENDING THE THREE PEAKS POWER CDA PLAN AS APPROVED BY THE ICCD&RA**

Michael Bleak made a motion to approve Ordinance 2017-1, Amending the Three Peaks Power CDA Plan as approved by the ICCD&RA. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF ORDINANCE 2017-2 AMENDING THE SUN EDISON PHASE I CDA PLAN AS APPROVED BY THE ICCD&RA**

Michael Bleak made a motion to approve Ordinance 2017-2 , Amending the Sun Edison, Phase I CDA Plan as approved by the ICCD&RA. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF RESOLUTION 2017-5 APPROVING AN AMENDED INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE THREE PEAKS POWER CDA**

Michael Bleak made a motion to approve Resolution 2017-5 as approved by the ICCD&RA. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF ORDINANCE 2017-6 APPROVING AN INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE SUN EDISON PHASE I CDA**

Michael Bleak made a motion to approve Ordinance 2017-6. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL TO TRANSFER SURPLUS VEHICLE 1986 WILLIAMSEN PUP, FROM THE ROAD DEPARTMENT TO THE ENGINEER DEPARTMENT**

Dale Brinkerhoff made a motion to approve the transfer of a surplus 1986 Williamsen pup trailer, from the Road Department to the Engineer Department. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION FOR PURCHASE OF PROPERTY EAST OF THE IRON COUNTY FIDDLER'S CANYON BUILDING. ASSESSOR PARCEL NUMBER B-1-9-23-6**

Dale Brinkerhoff requested the action of purchase of APN: B-1-9-23-6 be postponed indefinitely.

**CONFLICT OF INTEREST POLICY REGARDING A POTENTIAL AMENDMENT TO SECTION 36 OF THE IRON COUNTY PERSONNEL POLICY**

Michael Edwards explained that Conflict of Interest Policy had been brought before the commissioners before but there were concerns expressed by those present. Michael explained that in the interim, he had met with many elected officials and department heads to discuss their concerns. He noted that he had been able to address the concerns. Michael Bleak made a motion to approve the Conflict of Interest Policy. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Adrion Walker, Iron County Human Resource (HR) Director, presented new hire Jason Thomas as a Patrol Deputy in the Sheriff Department, effective March 27, 2017, for approval. This would be a backfill of a vacant position left by Shawn Coston.

Adrion Walker presented new hire Grant Oxenrider as a Landfill Technician in the Landfill Department, effective March 27, 2017, for approval.

Adrion Walker presented new hire Jeff McKee as a Facilities Maintenance Technician in Building Maintenance, effective April 10, 2017, for approval.

Adrion Walker presented new hire Hudson Brown as a Justice Court Clerk in the Justice Court, effective date April 10, 2017 for approval. This would be a backfill of a vacant position.

Adrion Walker presented an updated Pay Value and associated Pay Range for the Building Inspector/Zoning Officer in the Building Department for approval.

Adrion presented a possible wage increase for Terry Palmer in association with the pending approval to update the Pay Value and associated Pay Range of the Building Inspector/Zoning Officer position.

Adrian presented new hire Gale Rollo for the newly created/approved position of Part Time temporary data entry clerk in the Assessor's Office that will be working on the scanning of archived information to electronic storage, with an anticipated effective date of April 3, 2017.

Alma Adams made a motion to approve all of the Personnel actions as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

As part of the Personnel discussion, Cindy Bulloch made the commissioners aware that former employee Tammy Melling had expressed a willingness to help with the upcoming tax roll. Cindy Bulloch expressed that Tammy Melling be compensated for her work.


**NON-DELEGATED ITEMS**

Lester Ross reported that on the Public Safety Building, builders were beginning to put the roof covering on, the basement was framed with electrical and mechanical installed, and that the framing and electrical and mechanical were beginning on the main floor.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**  
**April 10, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 10th, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer

**SYNOPSIS**

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APPROVAL OF CONTRACT FOR CRUSHING UNTREATED BASE .....	3
APPROVAL OF LEASE CONTRACT WITH UTAH COURTS .....	4
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## **PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Joanna Cuthers.

## **INVOCATION**

An invocation was offered by Dan Jessen.

## **REVIEW BOARD APPOINTMENTS**

All Iron County Boards were reviewed and updated. Various corrections were noted, and the commissioners asked Jon Whittaker to review insurance committee members with department heads, as well as the Mountain View Special Service District.

## **APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the March 27, 2017 Iron County Commission Meeting. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff.

## **OPEN MEETING LAW REVIEW**

Mike Edwards, Deputy County Attorney, provided the annual Open Meeting Law Review. He discussed due process, notice requirements, recording requirements, the purpose of closed meetings, what constitutes a quorum and various other aspects of open meeting law. The Utah Open and Public Meetings act is in Utah Code Annotated (UCA) § 52-4.

## **COMMISSIONER REPORTS**

**Alma Adams, Iron County Commissioner**, reported attending a “Patchwork Parkway” meeting, regarding scenic Highway 143. Alma noted that the Road department committed to help. He also reported having appeared on The County Seat television program which addressed a change in the law regarding Utah Prairie Dogs. The 10<sup>th</sup> Circuit Court of Appeals had overturned a 2014 decision that gave more local control to the conservation of the species.

**Michael Bleak, Iron County Commissioner**, reported that improvements to the Shooting Range were continuing to move forward.

**Dale Brinkerhoff, Iron County Commissioner**, expressed that he was humbled by the amount of people needing help from Behavioral Mental Health.

## **PUBLIC HEARING TO CONSIDER PUBLIC COMMENT AND ACTION ON PROPOSED CARR MINOR LOT SUBDIVISION**

Brent Carter, of Carter Surveying, explained that the Carr Minor Lot Subdivision was located at 1335 West 200 North in the Parowan valley, and was within the NW ¼ SE ¼, Section 15, T34S, R9W, SLB&M. Mr. Carr wanted to split a single lot into a double lot to build a home.

Reed Erickson, Iron County Planner, explained that the plat had received a positive recommendation from Building and Zoning.

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing to consider public comment and action on the proposed Carr Minor Lot Subdivision open.

No comments were offered.

Dale Brinkerhoff declared the public hearing closed.

Alma Adams made a motion to approve the action on the proposed Carr Minor Lot Subdivision as explained. Second by Mike Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**PUBLIC HEARING TO CONSIDER PUBLIC COMMENT AND ACTION ON CASTLE TOWNSITE**

Reed Erickson explained the action was to vacate certain alleyways within Castle Townsite. He noted that the plat was entitled, "Partial Vacated & Amended Plat of Castle Townsite, Block 14, Castle Townsite Survey," and vacated 16 foot avenues in Block 14 of Castle Townsite, thus conveying eight feet on each side to the adjoining property owners. This action resulted in a parcel reconfiguration of said Block 14.

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing to consider action regarding action within Castle Townsite, open.

No comments were offered.

Dale Brinkerhoff declared the public hearing closed.

Michael Bleak made a motion to approve the Castle Townsite, partial Vacate & Amend Plat, Block 14; vacate 16 foot avenues in Block 14 & convey eight feet on each side to the adjoining property owners, and a parcel reconfiguration of Sections A & B, Block 14 to parcels 1, 2, 3 & 4. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**APPROVAL OF CONTRACT FOR CRUSHING UNTREATED BASE COURSE AGGREGATE FOR 2017**

Steve Platt reported that Progressive Contracting, Inc. Russell Limb had submitted the low bid for crushing in the amount of \$156,000 at \$5.70 per cubic yard.

Alma Adams made a motion to approve the contract for crushing untreated base course aggregate for 2017 awarded to Progressive Contracting, Inc. Russell Limb was the low bid in the amount of \$156,000 at \$5.70 per cubic yard. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**PUBLIC COMMENTS**

No Public Comments were offered.

**BID REVIEW AND POSSIBLE AWARD OF CONTRACT FOR ASBESTOS ABATEMENT IN THE IRON COUNTY COURTHOUSE**

Reed Erickson reported that only one bid was submitted for asbestos abatement. Lester Ross explained that upon review, the bid from Rocmont Industrial Corporation did not include some removal of flooring and the removal of the ceiling. The original contract amount was \$28,270.00 and after review the total should have been \$30,855.00.

Alma Adams made a motion to approve the bid from Rocmont Industrial Corporation for asbestos abatement in the Iron County Courthouse including the textured walls in the amount \$5.75 per sq.ft, B&T Black Masters \$4.25 per sq.ft., approximately 18 fittings at \$78.50 each for an estimated amount of \$30,855.00; to pay the state \$250.00 to move forward, and to negotiation with Zwick Construction, the main contractor, to remove the rest of the ceilings in the building, and to dispose of the material. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**REQUEST TO FILL THE IRON COUNTY COMMISSION VACANCY ON THE FRONTIER HOMESTEAD MUSEUM FOUNDATION BOARD**

Mike Scott, Frontier Homestead Museum Foundation Chair, explained that there was a vacancy of an Iron County Commissioner on the Foundation Board.

Alma Adams made a motion to appoint Michael Bleak as the Iron County Commission representative on the Frontier Homestead Museum Foundation Board. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**APPROVAL OF LEASE CONTRACT NO. 90-1817 AMENDMENT #2 WITH THE STATE OF UTAH, ADMINISTRATIVE OFFICE OF THE COURTS FOR THE FIFTH DISTRICT COURT**

Jon Whittaker explained that the Administrative Office of the Courts had prepared the lease agreement, which reflected that there would not be any Fifth District Court held in the Iron County Courthouse during courthouse repairs.

Michael Bleak made a motion to approve the lease contract No. 90-1817 Amendment #2 with the State of Utah, Administrative Office of the Courts for the Fifth District Court in the amount of \$20,902.09. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION (BOE)**

Dale Brinkerhoff, Iron County Commission Chair, declared the Iron County BOE convened.

**REVIEW, APPROVE, OR DENY AN APPLICATION FOR A NEW EDUCATIONAL USE PROPERTY TAX EXEMPTION**

Christene Lowder presented an educational use property tax exemption to the commissioners for approval. Christene explained that the parcel was on West View Drive in Cedar valley and was not owned by the Children's Discovery Learning Center who had applied, but was owned by West View Enterprises, LLC. The Children's Discovery Learning Center was leasing it and therefore did not qualify for the exempt status. She noted that the Children's Discovery Learning Center did have five vehicles that were applied for which did qualify. Christene requested that the tax exempt status be denied on the property and that the vehicles be approved.

Alma Adams made a motion to deny the tax exempt application on the property presented and to accept the tax exempt application for the five vehicles owned by the Children's Discovery Learning Center. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**RECONVENE AS IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the adjournment of the Iron County BOE and the reconvening of the Iron County Commission.

**SPONSORSHIP REQUEST OF \$300.00 FOR A LEGISLATIVE TOUR OF IRON COUNTY**

Dale Brinkerhoff explained that Iron County had received a request to cooperate with other counties and contribute to an upcoming tour of Utah State legislators.

Michael Bleak made a motion to approve a \$300.00 sponsorship for a Legislative tour of Iron County. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**DISCUSS AND POSSIBLE APPROVAL OF CERTAIN DONATION MADE TO THE IRON COUNTY SHERIFF DEPARTMENT (ICSD)**

Dan Jessen, Iron County Auditor, reported that a policy regarding donations had been passed during the last Iron County Commission meeting. Dan explained that certain donations had been made prior to the policy's approval. The donors requested that said donations should be applied to a treadmill desk that had been purchased by the Sheriff's Office. Three separate donations were made: \$1,500.00 by check, \$500.00 cash, and \$40.00 cash. Dan requested that the funds be deposited into the Fund 11, Municipal Services, from which the Iron County Sheriff's Office draws.

Michael Bleak made a motion to accept the donations made to the ICSD as presented with a total amount of \$2,040.00 to be credited to Fund 11 Municipal Services.

Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE PROPOSAL FOR PURCHASING ORDER SOFTWARE AND SERVICES FROM TYLER TECHNOLOGIES, INC.**

Dan Jessen explained that the independent auditor recommended Iron County purchase additional software and services from Tyler Technologies, Inc., as Iron County does not have a purchase order policy with a requisition process. Dan explained that there was not a lot of control at the beginning of the purchasing process. He reported that with the new software, when a Purchase Order (PO) was entered into the system the department heads would be aware of the encumbrance as soon as the PO was approved. Dan noted that the proposed software would integrate with the current software and it would increase accountability. Dan reported that there was a onetime cost of \$8,780.00 with a recurring annual cost of \$1,320.00.

Alma Adams made a motion to approve the purchase order for software and services from Tyler Technologies, Inc. as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**PERSONNEL**

Dale Brinkerhoff presented Jeffery Humphries for a promotion to Sergeant in the Sheriff Department with a 5% pay increase with an effective date of March 26, 2017 for approval. This was a backfill of a vacant position.

Dale presented Daniel Raddatz for a promotion to Corporal in the Sheriff Department with a 5% pay increase with an effective date of March 26, 2017 for approval. This was a backfill of a vacant position.

Dale presented Brenda Pires for a pay increase in the Sheriff Department after successfully receiving her LEO Certification and completing her FTO for approval.

Dale presented Josh Winder for a transfer from corrections to patrol in the Sheriff Department with an effective date of April 23, 2017 for approval. This was a backfill of a vacant position.

Dale presented new hire Fiapule Tufuga as a Corrections Deputy in the Corrections Department with an effective date of April 10, 2017 for approval. This was a backfill of a vacant position.

Michael Bleak made a motion to approve the Personnel changes as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

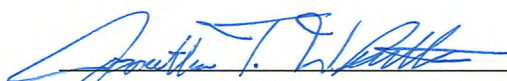
**NON-DELEGATED ITEMS**

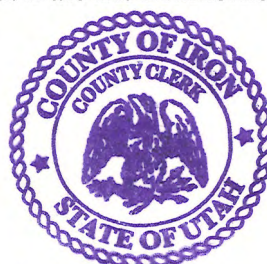
Lester Ross reported that the four way inspection: mechanical, plumbing, framing, and electrical, had been conducted on the basement of the Public Safety Building.

**ADJOURNMENT**

Dale Brinkerhoff declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
APRIL 24, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 24, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Cindy W. Bulloch	County Assessor
Nicole B. Rosenberg	County Treasurer
Deborah B. Johnson	County Recorder
G. Michael Edwards	Deputy County Attorney
Adrion Walker	Human Resource Director

**SYNOPSIS**

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PUBLIC HEARING REGARDING VACATE AND AMEND WEST VIEW ESTATES.....	3
RESOLUTION 2017-7 REGARDING MEMBERSHIP WITH FIRM .....	3
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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Steve Barsky.

## **INVOCATION**

An invocation was offered by William Pressgrove.

## **APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the April 10, 2017 Iron County Commission Meeting. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff.

## **DEPARTMENTAL REPORTS**

**Cindy Bulloch, Iron County Assessor**, noted that the deadline for the Assessment Roll was May 22, 2017. Cindy reported that the Assessor's Office was down two employees. She noted that two new employees were coming on line, one was a Certified General Appraiser. Cindy reported that the personal property tax notices had been sent, with the deadline being May 15, 2017. She reported that the values were up in some areas more than others with around a 12% increase. The decision coming from 10<sup>th</sup> Circuit Court regarding the Prairie Dogs could have an effect on property values. Cindy noted that she had not received a response from Black Iron regarding their payments.

Alma Adams reported that, regarding the Prairie Dog situation, Pacific Legal was going to petition to have the full 10<sup>th</sup> Circuit Court to hear the case. Cindy Bulloch expressed that Iron County could possibly do an outreach of some kind to preserve the numbers of the Prairie Dog and show that they could be managed better locally.

**Dan Jessen, Iron County Auditor**, reported that the Utah Association of Counties (UAC) Conference had created an Employee Benefit Pool (EBP) for insurance. UAC would become a Licensed Broker for the Basic Environmental Health Program and it was proposed that each county to join before the next Insurance cycle. Dan explained that John Dougall, Utah State Auditor, reported that there was too much fraud in government and suggested that each county put together an Audit Committee to do independent internal fraud audits, and the counties that did not establish an Audit Committee would be put on a "short list" for random fraud audits from the state. Dan reported that some counties were hiring an independent CPA to review high risk areas such as credit cards, travel, etc. Dan recommended that Iron County form an Audit Committee and to change the outside Auditor every five years. He reported that the new purchase order process would be installed to do an overview test before the decision to purchase it was made. Dan concluded by noting that the budget would need to be opened to make adjustments.

**Nicole Rosenberg, Iron County Treasurer**, noted that the UAC Convention was very beneficial to attend. Nicole reported that the Pooled Cash report for April had an ending balance of \$25,724,771.41. Outstanding taxes had increased to about \$11.5M. She reported that there were around 248 properties for the tax sale. Nicole explained that Black Iron had requested that monies be applied to certain line items and not others. She explained that she wrote them a letter explaining Iron County was not allowed to do that. Nicole returned the three checks they had sent her. She noted that they also requested Iron County stop accruing past due interest which she also could not do. Black Iron owed about \$3M in outstanding taxes which represented about half of all outstanding taxes before personal property.

**Deborah Johnson, Iron County Recorder**, reported total documents recorded were at 3585, Transfer documents were 1110, Notice of Default was at 20 and Trustee's Deed was at 11. Debbie reported that the Tender Type Journal Summary total distribution was \$74,224.40. She noted that she was a little disappointed in the quality of the images, continuity, and inclusions from the State Archive. Jared Wilson was able to acquire a scanner that had great images and the poor quality images would be rescanned. Debbie expressed her thanks to her staff and all the hard work that they do.

**Alma Adams, Iron County Commissioner**, reported that Brad Green, McQuarry of Red Hills Solar, had been dealing with an ongoing noise issue from the Red Hills solar farm. They put bales of Bermuda grass three and four high around the transformers. Alma reported that it

made a significant difference. He noted that the underground wires were not put in jacketing and were now having problems with gophers chewing the wires.

**Dale Brinkerhoff, Iron County Commissioner**, reported that a recent Legislative tour was successful. Dale and Mike Worthen presented to the legislators regarding wild horse problems, they toured the Solar Farms and ended the tour at SUU for dinner.

**PUBLIC HEARING & ACTION TO VACATE AND AMEND WEST VIEW ESTATES PHASE 1, 3<sup>RD</sup> AMENDMENT.**

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing for action to vacate and amend West View Estates Phase 1, 3<sup>rd</sup> Amendment. Located in the NE ¼ of the NW ¼ of Section 19, T36S, R11W, SLB&M open.

Reed Erickson, Iron County Planner, explained that this was the 3<sup>rd</sup> Amendment for the West View Estates subdivision that originally contained a parcel that was platted for The Church of Jesus Christ of Latter-day Saints, containing 3 ½ acres. There was some indecision on the use and it was amended to create lots during the 2<sup>nd</sup> amendment of the subdivision. Those lots were then adjusted to one parcel and the south line was now being shifted to accommodate the public utilities in the 3<sup>rd</sup> amendment of the subdivision being considered.

Not comments were offered.

Dale Brinkerhoff declared the public hearing closed.

Michael Bleak made a motion to approve the action to approve West View Estates Phase 1, 3<sup>rd</sup> Amendment. Located in the NE ¼ of the NW ¼ of Section 19, T36S, R11W, SLB&M open. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE ROCKY MOUNTAIN POWER COMMUNITY PERFORMANCE PLAN FOR 2017**

Tom Heaton, Rocky Mountain Power, explained that the plan had not changed from 2016. A discussion regarding rooftop solar ensued. Alma Adams made a motion to approve the Rock Mountain Power community Performance Plan for 2017 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PRESENTATION OF THE 2016 PAYMENT IN LIEU OF TAXES (PILT) PAYMENT**

Kevin Bunnell, Division of Wildlife Resources Regional Supervisor, reported that the PILT payment had been mailed. Kevin explained, regarding the Utah Prairie Dog, that when the Circuit Court heard the case there was a three Judge panel. Pacific Legal was filing an appeal through the entire Circuit which would have a 10 Judge panel. The court had 45 days to accept or deny the appeal. He reported that a project in Mammoth Creek was on going and there would be a spring removal of resident deer. The ban on shed pickup ended on March 1, 2017.

**RESOLUTION 2017-7 APPROVING AND AUTHORIZING MEMBERSHIP WITH THE FOUNDATION FOR INTEGRATED RESOURCE MANAGEMENT (FIRM)**

Alma Adams explained this was a new group that had come forward with the mission to keep access open to public land. The cost of membership would be \$250.

Alma Adams made a motion to approve authorizing membership with FIRM. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2017-7**

A RESOLUTION APPROVING AND AUTHORIZING MEMBERSHIP WITH THE FOUNDATION FOR INTEGRATED RESOURCE MANAGEMENT (FIRM)

**Whereas**, Iron County has an interest in supporting the integrated use of public lands located within Iron County, within the state of Utah and within the Western United States; and

**Whereas**, the Iron County would like to attend the valuable seminars, educational meetings and summits hosted by FIRM at a discounted rate.

**Whereas**, the Iron County, its officials, and staff would like to subscribe to the various communications channels (i.e., email, texting and social media lists) to receive breaking news and other vital public lands information.

**Whereas**, the Iron County would like to become eligible to request legal action and public relations assistance from the FIRM support network.

**Whereas**, the County Commission of Iron, Utah, has determined that the interests and welfare of the public within Iron County’s jurisdiction will best be served by joining and maintaining membership in the Foundation for Integrated Resource Management.

**Now Therefore**, be it resolved by the County Commission of Iron County, Utah, that Iron County approve and authorize the Commission Chair to apply for FIRM membership as a Founding Member, and authorize payment of membership dues.

APPROVED AND ADOPTED this 24<sup>th</sup> day of April, 2017.

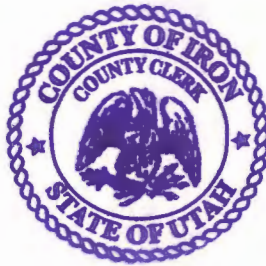
BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff

ATTEST:

*Jonathan T. Whittaker*

Jonathan T. Whittaker  
Iron County Clerk



Voting:

Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye  

**BLM COMMUNICATION SITE RENEWAL LEASE UTU-92367 AND THE FRISCO COMMUNICATION SITE PLAN**

Jon Whittaker explained that the Bureau of Land Management (BLM) site lease was on Frisco Peak in Beaver County and was first entered into in 1967 and it was expiring. The lease before the commissioners was for renewal.

Alma Adams made a motion to approve the BLM Communication Site renewal lease UTU-92367 and the Frisco Communication Site Plan. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RESOLUTION 2017-8 ADOPTING THE FIVE COUNTY MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN FOR YEARS 2017 THROUGH 2021**

Mike Worthen explained that the Disaster Mitigation Act of 2000 required that state, local, and tribal governments have Disaster Mitigation plans in place before they could apply for assistance from the federal government through the Federal Emergency Management Agency (FEMA). Mike explained that the plan addresses mitigation plans for local and regional hazards that may arise.

Michael Bleak made a motion to approve the Five County Multi-Jurisdictional Natural Hazard Mitigation Plan for years 2017 through 2021. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2017-8**

**A RESOLUTION OF IRON COUNTY ADOPTING THE FIVE COUNTY MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN 2017-2021**

**Whereas**, the Iron County recognizes the threat that natural hazards pose to people and property within Iron County; and

**Whereas**, Iron County has participated in the creation of a multi-hazard mitigation plan, hereinafter known as the Five County Multi-Jurisdictional Natural Hazard Mitigation Plan 2017-2021, in accordance with the Disaster Mitigation Act of 2000; and

**Whereas**, the Five County Multi-Jurisdictional Natural Hazard Mitigation Plan 2017-2021 identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Iron County from the impacts of future hazards and disasters; and


**Whereas**, adoption by the Iron County Commission demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the Five County Multi-Jurisdictional Natural Hazard Mitigation Plan 2017-2021.

**Now Therefore**, be it resolved by the County Commission of Iron County, Utah, that Iron County hereby adopts the Five County Multi-Jurisdictional Natural Hazard Mitigation Plan 2017-2021.

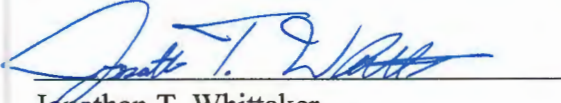
This resolution shall be effective on the date it is adopted.

APPROVED AND ADOPTED this 24<sup>th</sup> day of April, 2017.

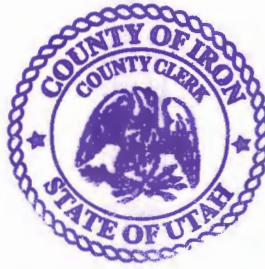
BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Dale M. Brinkerhoff

ATTEST:



Jonathan T. Whittaker  
Iron County Clerk



Voting:

Alma L. Adams     \_Aye\_  
Michael P. Bleak   \_Aye\_  
Dale M. Brinkerhoff \_Aye\_

**PUBLIC COMMENTS**

No public comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF CLOUD SEEDING ASSESSMENT**

Jon Whittaker explained that the assessment was from the Utah Water Resources Development Corporation with an assessment from last winter in the amount of \$9450.00 and prior years that had not been paid with a total of \$19,350.00 for cloud seeding. Dan Jessen, Iron County Auditor, stated that he wanted to look further into the payment history.

Alma Adams made a motion to table the issue for further investigation of the payment history and be brought before the commission at a later date. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR PURCHASE OF PROPERTY EAST OF THE IRON COUNTY FIDDLERS CANYON BUILDING ASSESSOR PARCEL NUMBER B-1-9-23-6**

Dale Brinkerhoff explained that the parcel was for sale and Iron County had an interest to purchase it. It was appraised at \$125,000 and the owners had accepted the offer.

Alma Adams made a motion to purchase the property east of the Iron County Fiddlers Canyon Building, APN B-1-9-23-6. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF AGREEMENT AUTHORIZING UAC TO ANALYZE CENTRALLY ASSESSED VALUATIONS BY THE TAX COMMISSION AND APPEALS BY CENTRALLY ASSESSED TAXPAYERS**

Cindy Bulloch, Iron County Assessor, explained that there was a change to the appeals process in centrally assessed property. Cindy noted that the counties could not appeal centrally assessed property only the tax payers could. Once the tax payer appealed then the county could cross appeal. The deadline was changed that counties had to file cross appeals to within 30 days. UAC was asking for approval to become an agent for the counties so they could file the appeals directly within 30 days.

Alma Adams made a motion to approve the agreement authorizing UAC to analyze centrally assessed valuation by the Tax Commission and appeals by centrally assessed taxpayers. Alma Adams would be the contact person for said cross appeals. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN ADJUSTMENT TO THE CONTRACT WITH ROCMONT INDUSTRIAL CORPORATION FOR ASBESTOS ABATEMENT AND DEMOLITION SERVICES IN PREPARATION FOR COURTHOUSE REMODEL**

No action was taken.

**DISCUSSION AND POSSIBLE APPROVAL OF AN ADDITIONAL PAYMENT TO HARKER RANCH, LLC FOR ROOFING REPAIR ON THE BERYL COMMUNITY CENTER**

Dale Brinkerhoff explained that there was an additional bill in the amount of \$14,497.36 for repairs to the Beryl Community Center for additional sheeting as the roof was in worse shape than expected. Chad Nay, Iron County Planning & Zoning, reported that he was very impressed with Harker Ranch, LLC.

Michael Bleak made a motion to approve the additional payment to Harker Ranch, LLC for roofing repair on the Beryl Community Center in the amount of \$14,497.36. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Adrion Walker presented Bart Bishop for a 5% pay increase in the Recorder Office for approval with an effective date of April 9, 2017. Bart had earned the Cadastral Mapping certification.

Adrion Walker presented Doug Johnson for transfer from Medical to Line Deputy in the Corrections Department for approval with an effective date of April 23, 2017. This would be a backfill of a vacant position.

Adrion Walker presented new hire Amanda Buhrman as a Correction Deputy in the Corrections Department for approval with an effective date of May 8, 2017. This would be a backfill of a vacant position.

Adrion Walker presented new hire Trevor Mattson as an Appraisal Trainee in the Assessors Department for approval with an effective date of May 8, 2017. This would be a backfill of a vacant position.

Adrion Walker presented new hire Martha Ming as a Part-time Assistant Cook in the Council of Aging Department for approval with an effective date of April 4, 2017. This would be a backfill of a vacant position.

Michael Bleak made a motion to approve the changes in personnel as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye. Alma Adams recused himself on the vote of Trevor Mattson due to a personal relationship.

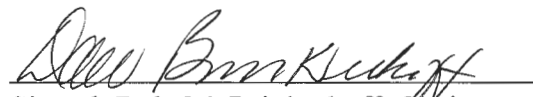
**NON-DELEGATED ITEMS**

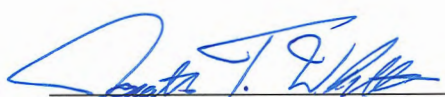
Regarding County Boards, Alma Adams reported that the members of the Natural Resource Advisory Council were: Chad Reid, Don Hunter, Tyce Palmer, Craig Laub and Scott Stubbs.

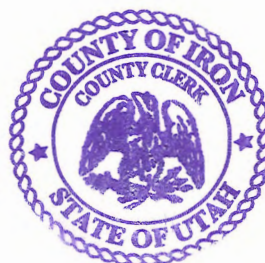
Regarding the Public Safety Building, Lester Ross reported that drywall was underway in the basement.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**

**May 8, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 8th, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

**Officers in attendance included:**

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Scott F. Garrett	County Attorney
Jonathan T. Whittaker	County Clerk

**Also present:**

Dan Jessen	County Auditor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer
Adrion Walker	Human Resource Director

**SYNOPSIS**

ADJOURNMENT .....6

APPROVAL OF ADDENDUM TO THE COOPERATIVE AGREEMENT WITH UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS.....4

APPROVAL OF CONTRIBUTION TO THE AQUIFER RECHARGE PROJECT .....4

APPROVAL OF 2017 COOPERATIVE AGREEMENT FOR SUU EXTENSION .....5

APPROVAL OF COURTHOUSE REPAIR AMENDMENT .....4

APPROVAL OF IMPACT FEE AGREEMENT WITH CEDAR CITY .....4

APPROVAL OF MINUTES .....2

APPROVAL FOR PURCHASE OF RESCUE UTV FOR SEARCH AND RESCUE .....4

DEPARTMENT REPORTS .....2

DISCUSSION ON PERSONNEL DEFICIENCIES IN THE IRON COUNTY CORRECTIONAL FACILITY MEDICAL DIVISION .....3

INVOCATION .....1

NON-DELEGATED ITEMS.....6

PERSONNEL .....5

PRESENTATION AND SUPPORT OF ZERO FATALITIES ON ROADWAYS .....3

PUBLIC COMMENTS .....3

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Stephanie Furnival.

**INVOCATION**

An invocation was offered by Jon Whittaker.



## **APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the April 24, 2017 Iron County Commission Meeting. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff.

## **DEPARTMENT REPORTS**

**Scott Garrett, Iron County Attorney**, reported that there were no concerns with the Attorney budget. Scott reported that there were no new homicide cases pending through the month of April. He explained that the Critical Incident Task Force Team had been a main focus. The director of the team was Michael Bleak; Assistant Director was Michael Berg under the direction of Scott Garrett. The team had been meeting and designs had been submitted for a badge, hats, and shirts. Scott reported that there were 35 members on the team from various agencies in Iron County, Beaver County and Garfield County. Training would take place once each quarter. He noted that it would be a very efficient team that would only be investigating in-custody deaths and officer involved shootings. Dale Brinkerhoff asked about the progress of the Justice Reinvestment Initiative (JRI) program. Scott Garrett reported that the primary challenge with JRI was the lack of funding to help pay for treatment. He explained that the JRI program had been implemented to treat rather than incarcerate non-violent offenders. Scott reported that there had been a meeting between himself, Chief Adams, Sheriff Gower, Alan Julian and Cody Matheson (JRI Coordinator for the Iron County area) and the decision had been made to apply for Grants to help pay for a tracker program to track those participating in the local Drug Court and Mental Health Court. Scott reported that the percent of recidivism could not be accurately calculated as there were still problems with the program. The main concern had been that the violent offender sentences were being considered within the JRI program. Mike Bleak expressed frustration that failing drug tests and using Meth would be a crutch. Scott Garrett explained that such cases would fall into the Mental Health Court. Scott noted that he had received praise for the positive effects the Mental Health Court had on those in the program.

**Stephanie Furnival, Iron County Children's Justice Court (CJC) Director**, reported that the Church of Jesus Christ of Latter-day Saints had donated \$125,000 to the CJC Program state wide. Stephanie reported that she had applied for, and received, \$26,000 to purchase a Colposcope for the CJC in Kane and Beaver County. She explained that Iron County had a Colposcope but it could not move from one county to another due to do the sensitivity of the optic eye. Stephanie reported that she had applied for a Victim of Crimes Act (VOCA) Grant in the amount of \$491,000 and would be receiving word in June if the Grant was awarded. The grant would be used to move Stephanie Rainey to Full-time, new video/audio equipment, two part-time Mental Health Counselors for use in Canyon View Middle School, Gateway, Parowan High, and Enoch Elementary. It would also provide a part-time counselor for Kane County. Stephanie noted that the Iron County CJC Program won the Best in State award.

**Lori Starr, Iron County Justice Court (ICJC) Administrator**, reported that the ICJC budget was at 22% through March 31, 2017. Lori noted that there were two full-time positions open for Justice Court Clerks. She explained that there would be a change in Legislation that the Justice Courts would no longer include fines as part of the probation conditions under Failure to Comply. They would be moving to the state collection as contempt.

Lori reported that the Public Defender Case Tracking was on budget. On July 1, 2017 the Juvenile & Justice contracts would be up for renewal. There was a self-renewal provision and there was no need to re-advertise.

Lori concluded that the changes made in the appeals process had been successful. In the first quarter of 2017 the total expense was \$14,979.80, down from \$35,790.69 in 2016. That was a savings of \$20,810.89.

**Jared Wilson, Iron County Information Technology (IT) Director**, noted that the overall budget was on track. Jared reported that the outside audit was underway and would be conducted every two years. He explained that the IT Department had created a security training class being taught by Josh Meredith. The fiber connection in the USU Extension Building was now on the Iron County network and work was moving forward to connect the phones to the VoIP system. Josh concluded that the new door lock system was in place in the Justice Court and the installation was in process for the Sheriff Office.

#### **PUBLIC COMMENTS**

William Pressgrove, a citizen of Iron County, expressed concern with zoning “fascism” that states he could not do anything on his property without the approval from the Iron County Commission. William questioned the criteria that was used to designate a parcel as a particular zoning as a R5 or a RA-20. He quoted under the explanation of a R5 zone “that generally residential districts shall be located where adequate public services and facilities are available to meet the needs of the residents” verses RA-20 “the primary purpose for requiring large minimal lots of not less than 20 acres is to discourage small lots and subdivisions where public facilities such as central sewage, disposal, parks, play grounds, government services such as police, fire protection are not readily available or cannot reasonable be made available.” William stated that the RA-20 zone applied to the description of his property but it was zoned as a R5. He noted that he would prefer his property of 6.1 acres be zoned as RA-20 because it fits the amenities to his property.

Reed Erickson, Iron County Planner, stated that the zoning definitions were made years ago and that now considerations are based on the services provided.

#### **PRESENTATION AND SUPPORT FOR IRON COUNTY TO REACH ZERO FATALITIES ON OUR ROADWAYS**

No action taken because of lack of representation.

#### **DISCUSSION ON PERSONNEL DEFICIENCIES AT THE IRON COUNTY CORRECTIONAL FACILITY MEDICAL DIVISION**

Mark Gower, Iron County Sheriff, reported that there was a personnel deficiency at the Correctional Facility Medical Division. Sheriff Gower noted two open positions, one full time Medical Technician open since March 24, 2017 and a part-time Medical Technician open since April 2, 2017. There have been no applications submitted for those open positions because the compensation was better in other counties. He reported that as of May 1, 2017 they would be down to one full time Medical Technician. Sheriff Gower stated that Iron County needed to be proactive to fix the deficiency problem now rather than wait for a future liability cost.

Joanna Cuthers reported that she had been employed at the Correctional Facility for over 18 years and the medical situations were constantly increasing and the need for the Medical Technicians was imperative. Joanne reported that to be fully staffed included: 1 Full-time LPN, 2 Full-time EMT’s, and 1 Part-time EMT.

Dale Brinkerhoff requested that Adrion Walker, Iron County HR, prepare a breakdown of wages of the Iron County Medical staff and a meeting between Commissioner Michael Bleak, Sheriff Gower, Adrion Walker and Joanna Cuthers to collaborate on a plan to remedy the deficiency. Mike suggested the meeting be held within the week.

#### **APPROVAL FOR PURCHASE OF RESCUE SIDE BY SIDE FOR THE IRON COUNTY SHERIFF’S SEARCH AND RESCUE**

Sheriff Gower explained that there was \$9,000 allocated in the 2017 budget for the purchase of a snowmobile. The Search and Rescue was in need of a side by side more than the snowmobile. He noted that the state bid came in for \$14,530.32 for a Polaris

Roger 1000 six seater with a stretcher stokes basket in the back. Tracks for the side by side would be needed but could be purchased at a later date

Michael Bleak made a motion to approve \$9,000 that was allocated for a snowmobile to be reallocated for the purchase of a Polaris Roger 1000 side by side with additional funding from account number 542 out of Search and Rescue on the state contract. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **APPROVAL FOR COURTHOUSE REPAIR AMENDMENT**

Reed Erickson reported that the Courthouse renovation contract approved and awarded to Zwick Construction did not include \$8585.00 for the ceiling demolition that was not included in the asbestos removal contract. The amendment would bring the total cost to \$2,334,835.00.

Alma Adams made a motion to approve the courthouse repair amendment to include an additional \$8585.00 for the ceiling demolition not included in the asbestos removal contract for a total of \$2,334,835.00. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **APPROVAL OF AN ADDENDUM TO THE COOPERATIVE AGREEMENT WITH THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS**

Alma Adams made a motion to approve the addendum to the cooperative agreement with the Utah Division of Forestry, Fire and State Lands to move forward with the mitigation that was entered into with the new program. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **APPROVAL FOR AN IMPACT FEE AGREEMENT FOR THE DEVELOPMENT OF THE IRON COUNTY PUBLIC SAFETY BUILDING AND TWO LOTS LOCATED AT 55 N AND 67 N ON 200 EAST**

Dale Brinkerhoff explained that Cedar City charged Iron County \$51,690.00 for the Impact Fee Development on the Public Safety Building. The payment of \$38,930 would be paid less \$1,000 that was overbilled with the balance being paid at a later date.

Alma Adams made a motion to approve the Impact Fee Agreement for the development of the Iron County Public Safety Building and two lots located at 55 North and 67 North on 200 East. The total impact fee owed to Cedar City was \$51,690.00. At this time \$38,390.00 less the overpayment of around \$1,000 would be paid with the balance being paid when Iron County acquired the adjacent two lots. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **APPROVAL OF A \$2,500 CONTRIBUTION TO AN AQUIFER RECHARGE PROJECT IN CEDAR VALLEY**

Dale Brinkerhoff explained that the Central Iron County Water Conservancy District (CICWCD) had requested a \$2,500.00 contribution to participate in an additional recharge basin north of the Cedar City road shed. It was located between the Schmidt pit and the county road. Dale reported that he had reached out to Southern Utah University (SUU) and the Iron County School District (ICSD) and they had both agreed to contribute \$2,500.00 each.

Michael Bleak made a motion to approve a \$2,500 contribution to the Aquifer Recharge Project in Cedar Valley requested from the (CICWCD). Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **APPROVAL OF THE 2017 COOPERATIVE AGREEMENT FOR USU EXTENSION SERVICES**

Alma Adams reported that there was a reduction in the cost from 2016 which was \$161,736.00, a savings of \$9,102.00.

Alma Adams made a motion to approve the 2017 Cooperative Agreement for the USU Extension Services in the amount of \$152,634.00. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **PERSONNEL**

Adrion Walker, Human Resource (HR) Director, presented a request from the Sheriff Office for an increase in the Salary Range for the Lieutenant Jail Commander position, for approval. The Salary Range proposed was \$62,931.00 (minimum) to \$85,274.00 (maximum). Adrion noted that the request was to generate additional interest in the position. The current minimum salary was \$57,846.00. He reported that there was an impromptu study of other Class 3 counties and found that the proposed increase was still a conservative number.

Dale Brinkerhoff expressed that the current posting of \$57,846 was sufficient.

Michael Bleak reported that he had met with HR and the Sheriff Office and was inclined to approve the increase to enlarge the applicant pool.

Michael Bleak made a motion to approve the increase in the Salary Range for the Lieutenant Jail Commander in the Sheriff Office to the proposed \$62,931.00 (minimum) to \$85,274.00 (maximum). Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Nay.

Adrion Walker presented Brett Robinson and Joshua Meredith from the Information Technician (IT) Department for promotions from IT Systems Administrator II to IT Systems Administrator III with appropriate increases to hourly wages from \$58,011.20 to \$64,011.20 for approval. Brett and Josh have met all requirements related to the promotions. Adrion reported that Iron County had the smallest and lowest paid IT Department among the 3<sup>rd</sup> Class counties.

Jared Wilson, IT Director, explained that IT Departments no longer use the term System Administration. The departments are now listed as Specialists.

Mike Bleak stated that it would be difficult and expensive to replace Brett and Josh. Sheriff Gower explained that Brett and Josh put in hundreds of hours and it would be a tremendous loss to Iron County to lose them.

Michael Bleak made a motion to approve the promotions of Brett Robinson and Joshua Meredith from the Information Technician (IT) Department for promotions from IT Systems Administrator II to IT Systems Administrator III with the appropriate increase to hourly wages from \$58,011.20 to \$64,011.20. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Nay.

Adrion Walker presented Jared Wilson for a promotion from IT Director Level II to IT Director Level III with the appropriate salary increase from \$69,049.76 to \$75,049.76 for approval. Jared had met all the requirements related to the promotion.

Michael Bleak made a motion to approve Jared Wilson for a promotion from IT Director Level II to IT Director Level III with the appropriate salary increase from \$69,049.76 to \$75,049.76. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Nay.

Adrion Walker presented new hire Nicolas LaFever as a seasonal Weed Technician in the Weed Department for approval, with an effective date of May 8, 2017. This would be a backfill of a vacant position.

Alma Adams made a motion to approve new hire Nicolas LaFever as a seasonal Weed Technician in the Weed Department for approval, with an effective date of May 8, 2017 at a rate of \$13.00 (seasonal rate). This would be a backfill of a vacant position. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Adrion Walker presented new hire Brian Hoffmeier as a Certified General appraiser in the Assessor Office for approval, with an effective date of June 5, 2017. This would be a backfill of a vacant position.

Michael Bleak made a motion to approve new hire Brian Hoffmeier as a Certified General appraiser in the Assessor Office for approval, with an effective date of June 5, 2017. This would be a backfill of a vacant position. . Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**PRAIRIE DOG MATTERS**

William Pressgrove question if the status on the Utah Prairie Dog was still at a 45 day window. Alma Adams reported that there was no decision made.

**COUNTY BOARDS**

Cindy Bulloch reported that Mark Whitney presented a great presentation regarding Secure Rural of Schools (SRS) and Payment in Lieu of Taxes (PILT).

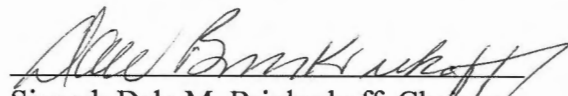
Alma Adams noted that the National Association of Counties (NACo) sent out a notice that a new bill was going to be presented regarding SRS.

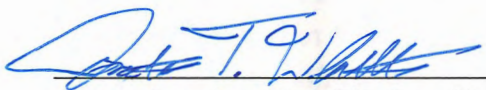
**PUBLIC SAFETY BUILDING**

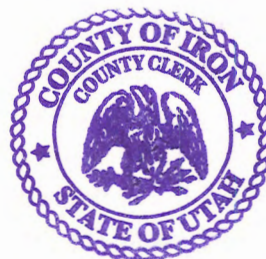
Dale Brinkerhoff reported that work was progressing and that most of the concrete was in.

**ADJOURNMENT**

Dale Brinkerhoff declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
MAY 22, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 22, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Jonathan T. Whittaker	County Clerk
G. Michael Edwards	Deputy County Attorney

Also present:

Dan Jessen	County Auditor
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
Stephen R. Platt	County Engineer
Adrion Walker	Human Resource Director

**SYNOPSIS**

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PUBLIC HEARING FOR IRON COUNTY RESOURCE MANAGEMENT PLAN.....3  
TAX MATTERS .....6

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Dennis Johnson.

**INVOCATION**

An invocation was offered by John Higley.

**APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the May 8, 2017 Iron County Commission meeting. Second by Michael Bleak. Voting: Alma Adams, Aye; Mike Bleak, Aye; Dale Brinkerhoff, Aye.

**DEPARTMENTAL REPORTS**

**Jon Whittaker, Iron County Clerk,** reported that the Clerk’s Office was at 39% of the 2017 Budget. Jon noted that passport applications remained very busy but had slowed down. Marriage Licenses were increasing as was typical for that time of year. He reported that he attended the spring Utah Association of Counties (UAC) conference. Jon explained that there was a presentation on a self-funded employee benefits pool through UAC and was a work in progress.

**Adrion Walker, Iron County Human Resource (HR) Director,** noted the 2017 Budget was on track. Adrion reported that there had been 8 Full-time, 2 Part-time, and 1 Seasonal employees hired since his last report. All were back fill positions except a Facilities Maintenance position. Adrion reported that he had met with various Elected Officials and Department Heads and the most common issue was compensation structure. The leading cause of concern was recruiting and retention of employees. There was some concern that there were no applicants for the present two Medical Technician positions. He stated that he met with the Iron County Insurance representatives to review the 2017 medical claims and that usage trends were favorable. Betsy Cummings continued to cross train with Carrie Christiansen for payroll. Adrion noted that he was reviewing job descriptions and minor policy revisions and updates. Mike Bleak asked how many applicants applied for Iron County Jail Commander. Adrion reported that there were 6 applicants.

**John Higley, Iron County Emergency Management Coordinator,** explained that Iron County had been awarded 4 Emergency Management grants. First, was an Emergency Management Performance Grant in the amount of \$46,000.00. It would be used to defer the payroll and benefits costs of the Emergency Management Coordinator and secretary. Second, was an Emergency Management Projects Grant in the amount of \$10,000.00, which would be used to help with projects that would not be possible with current funding. Third, was a Hazardous Material Emergency Preparedness Grant in the amount of \$3,000.00, which would be used to track Tier II hazardous materials as reported by local businesses. Fourth, was a State Homeland Security Grant in the amount of \$9,500.00. It would be used to purchase Community Emergency Response Team (CERT) training supplies, and to pay for registration fees and lodging for grant required training and conferences. John noted that the 2017 budget was at 69% thus far.

**Curtis Crawford, Iron County Council on Aging (COA) Director,** reported that the Cedar City and Parowan Senior Centers continued to operate and function well, with no complaints from seniors or staff. The seniors in Iron County reported a high level of satisfaction and enjoyment of the center’s activities, presentations, education and meals. Curtis explained that the centers provide social activities, educational and nutritional presentations, exercise, health classes and information. Outreach services help as many seniors in Iron County as possible with information and where to get help and other assistance sources readily available. He noted that volunteers served 399 hours in April of 2017 which translates to a \$9,683.73 value

received. There were 1,527 meals served through the Meals on Wheels program and 633 meals served at the centers. Curtis reported that the COA was 10% under the budget as of the middle of May.

**Dennis Johnson, Iron County Television Specialist**, reported that his main concern was television spectrum. The television broadcast band was being reduced to make more space for cellular and data communications. Dennis noted that when he began working with television translators in around 1987, the broadcast band went to channel 83 and later was reduced to channel 69. The television spectrum would likely now be reduced from 51 channels to 36. He reported that funds from a spectrum auction would provide \$10.05 billion for relocation of broadcast television stations, but no funding had been proposed for relocation of television translators and low power broadcasters. The Utah statewide estimated total cost to relocate television translators was \$6-7 million, and to date it was an unfunded project. Dennis stated that Iron County had approximately 50 television translators operating with the county boundaries, 28 of said translators would need to be relocated to lower channels. The Frisco Peak and Levan sites would be relatively unaffected.

### **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT CONCERNING THE PROPOSED IRON COUNTY RESOURCE MANAGEMENT PLAN (CRMP)**

Mike Worthen, Iron County Resource Management Director, explained that the CRMP law had been created in the 2015 Legislature. The most critical issues, concerns, and policies that would affect Iron County were put together in the Iron County CRMP. There would be no cost for the CRMP.

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing open for public comment concerning the CRMP.

Bruce Washburn, a citizen of Iron County, stated that there had not been much publicity about the CRMP before the commission meeting.

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing closed.

### **ASSISTANCE REQUEST WITH INSTALLING A CATTLE GUARD ON SR 143**

Scott Stubbs, a citizen of Iron County, explained that a cattle guard on SR 143, 6 miles east of the Cedar Breaks State Park had been removed by the State of Utah. Scott noted that he had offered to rebuild the fence, and the State of Utah had agreed to rebuild the cattle guard, but desired help from Iron County to assist in the necessary excavation.

Alma Adams made a motion to approve limited Iron County Road Department assistance to install a cattle guard on SR 143, 6 miles east of the Cedar Breaks Park. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **PRESENTATION AND SUPPORT FOR IRON COUNTY TO REACH ZERO FATALITIES ON OUR ROADWAYS**

Rebecca Kanell, Zero Fatalities Program Manager, explained that Zero Fatalities was a Utah Department of Transportation (UDOT) & Department of Public Safety (DPS) program. Rebecca reported that there were 280 fatalities in 2016 and 94% of those crashes were due to human error. She noted that the term "crashes," not "accidents" was used because the crashes were not an accident, but were due to human error. Rebecca explained that the Zero Fatalities program covered the Social Change of the 5 "E's" which were Engineering, Enforcement, Education, Emergency Response, and Everyone. Presentations to Drivers Education classes or businesses of the Five Deadly Driving Behaviors were covered. Those consist of Drowsy Driving, Distracted Driving, Aggressive Driving, Impaired Driving, and not buckling up. The most injuries came from not taking the time to buckle up. Rebecca stated that not only may one be a fatality but it may also become a "projectile," crashing into and killing other passengers. She encouraged Iron County to become actively involved in the Zero Fatalities Program.



## **PUBLIC COMMENTS**

William Pressgrove, a citizen of Iron County, explained that in a zoning meeting he attended it was stated that individuals with a 10 acre parcel in the northwest of Iron County would be given the right to choose an R5 or R20 zone. William stated that if certain citizens were given the right to choose their zoning, all citizens should be given that same right. Another situation Mr. Pressgrove described regarded an island of unincorporated land and a statement made by an Iron County official to make provisions to “nudge” those property owners to annex into Cedar City. This statement appeared to Mr. Pressgrove to be a tyrannical action. He noted that within Iron County code, the various Tables of Uses for various zones contained uses that were often contradictory and unenforceable. One such use was accessory storage of flammable materials. He was against any Table of Uses because it limits freedom and liberty.

## **VACATE AND AMEND LOTS 16 & 17 OF SKI VIEW ESTATES SUBDIVISION**

Reed Erickson, Iron County Planner, explained that Steve Hurst, property owner, had requested to vacate and amend Lots 16 & 17, Block B, of Ski View Estates Subdivision, Unit A to vacate Lot 17 to combine it with Lot 16.

Michael Bleak made a motion to approve to vacate and amend Lots 16 & 17, Block B, of Ski View Estates Subdivision, Unit A to vacate Lot 17 to combine it with Lot 16. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **CONDITIONAL USE PERMIT NOTIFICATION FOR LIGHT INDUSTRIAL USE**

Reed Erickson explained that Anna Slingland had requested a conditional use permit for light industrial use to assemble storage sheds inside a new building to be located on a parcel between Old Hwy 91 and 5100 W at approximately 3300 S, Assessor’s Parcel Number (APN): E-256, located within Lot 3, Section 37, R12W, SLB&M. This was a notification only to the Iron County Commission.

## **UTAH STATE LIBRARY MEMORANDUM OF AGREEMENT #USL 16-0214 AMENDMENT #1**

Alma Adams made a motion to approve the Utah State Library Memorandum of Agreement #USL 16-0214 Amendment #1, establishing the amount due for the remainder of the 2016-2017 fiscal year, in order to remit the full amount of tax collected in the amount of \$8,799.14. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **DISCUSSION AND ACTION REGARDING A POTENTIAL SETTLEMENT IN THE SKYWEST AND SPRINT CORPORATION. APPEALS IN THE UTAH STATE TAX COMMISSION**

Mike Edwards explained that a valuation appeal by SkyWest Airlines involved various counties in Utah, although primarily Salt Lake and Washington counties. An email from hired counsel, Mr. Peters states, “that the results of the production and value based upon the tax breakout sheet shows the debt refund due from Iron County for the 2007 and 2016 tax history combined is approximately \$800.00 if your tax rate is around 1%.” Regarding a similar valuation appeal from the Sprint Corporation, Mr. Peters wrote “the tax appreciation shows the impact to Iron County appears to be a small amount of approximately \$690 applied to the value reduction in the amount of \$68,669.00.”

Alma Adams made a motion for approval of the settlement presented by Mike Edwards for the SkyWest and Sprint Corporation appeals at the Utah State Tax Commission. With an approximate reduction in value for SkyWest Airlines of \$31,582.00 for 2007, and an approximate reduction in value for Sprint of \$68,669.00 for 2016. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF UP TO \$200,000 TO PURCHASE APN: B-801-802-2 AND B-802-2. PARCELS ADJACENT TO THE IRON COUNTY JUSTICE CENTER**

Dale Brinkerhoff explained that two parcels were located on 200 E adjacent to the Iron County Justice Center in Cedar City that would be auctioned by the Utah State Institutional Trust Lands Administration (SITLA) on May 24, 2017, with a minimum written bid of \$130,000. Iron County had submitted a sealed bid for said parcels. If Iron County were in the top three bidders Commissioner Brinkerhoff would then participate in the auction.

Alma Adams made a motion to approve up to \$200,000.00 to purchase APN: B-801-802-2 and B-802-2, located at 55 N. 200 E. and 67 N. 200 E. in Cedar City. Said parcels being adjacent to the Iron County Justice Center. Said SITLA Auction to be held on May 24, 2017, with Commissioner Dale Brinkerhoff to represent Iron County. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVE, MODIFY, OR DENY AGREEMENT WITH PAROWAN CITY AND TED STEFFENSEN REGARDING ROAD IMPROVEMENTS**

Michael Edwards explained an agreement to make improvements to 2200 West in Parowan Valley near the Eagle Rock Subdivision had been struck with Parowan City, a developer, Ted Steffensen, and potentially Iron County. In said agreement, Ted Steffensen and Parowan City agreed to pay for materials to improve the existing gravel road, and Iron County would do the work. Parowan City would pay Iron County \$24,032.96 for assistance to improve and maintain the road. Ted Steffensen would pay Iron County \$10,967.04 immediately and \$35,000.00 once the first two chip seal layers were complete, for a total outlay of \$75,000 for materials.

Alma Adams made a motion to approve the agreement with Parowan City and Ted Steffensen regarding road improvements on 2200 W. in Parowan Valley as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONVENE AS THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the ICCD&RA.

**APPROVAL FOR REBATE OF INCREMENTAL TAXES PAID TOWARD THE BERYL SOLAR, CEDAR VALLEY SOLAR, AND BUCKHORN SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS FOR THE YEAR 2016**

Michael Bleak made a motion to approve the rebate incremental taxes paid toward the Beryl Solar Community development project area in the amount of \$33,286.87, Cedar Valley Solar Community development project area in the amount of \$34,881.09, and Buckhorn Solar Community development project area in the amount of \$36,976.60, for the year 2016. Said payments would be reduced by the amount already paid to ICCD&RA counsel Smith Hartvigsen, with the reductions shared 3 ways. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE DECISION REGARDING THE TIMING AND FREQUENCY OF ANNUAL SOLAR APPROVAL SUBMISSIONS FOR BOTH PERSONAL AND REAL PROPERTY TAX INCREMENTAL REBATES**

After a brief discussion regarding what might be best practices as to when, and how frequently to allow solar companies to request increment, Dale Brinkerhoff asked that a formal policy be drafted to define how the ICCD&RA would allow solar companies to apply for tax increment rebate payments. No action was taken.

## **RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the adjournment of the ICCD&RA and the reconvening of the Iron County Commission.

## **DISCUSSION AND POSSIBLE ACTION REGARDING THE IRON COUNTY WILDLIFE FIRE PARTICIPATION COMMITMENT FINANCIAL STATEMENT AND PREVENTION & MITIGATION PROPOSAL**

Ryan Riddle, Iron County Fire Warden, explained that \$243,055.00 had been budgeted for a commitment match by the State of Utah. The financial statement showed that Iron County would support the program with participation and commitment. One of the components was that 50% would have to be spent on fire mitigation. Under the preparedness component, \$5,000.00 would be used for communication and \$35,000 would be for prevention implementation. Ryan reported that Fuels Mitigation did get funded from the state through the Regional Committee in the amount of \$300,000.00. It would be used for a fuel mitigation project on the South end of Cedar City in removal of trees and bushes. He reported that UDOT would be contracted to mow the I-15 and Hwy corridors on both sides.

Michael Bleak made a motion to approve the 2017 Iron County Wildland Fire Participation Commitment Financial Statement and a Prevention and Mitigation proposal with \$194,000.00 towards Fuels Mitigation, \$35,000.00 towards Fire Prevention Implementation, \$10,000.00 towards the Iron County Community Preparedness Plan, and \$5,000 towards the Communication Paging System maintenance. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **TAX MATTERS**

Jon Whittaker reported that there had been an application for deferral and that there was a sale pending on Assessor's Parcel Number (APN): E-209-1-8-3, located at 926 S. 4850 W. Cedar City.

Alma Adams made a motion to approve the deferral of property taxes of APN E-209-1-8-3 in the amount of \$3,314.66 pending the sale of the property. If payment was not made in full by July 1, 2017 the owner would need to present a payment agreement.

Joe Sandberg explained that he had not received a tax bill due to difficulty transferring title for APN: B-26-7, located at 377 N. 700 W. Cedar City into his name. Joe stated that he would be able to pay \$500.00 down and pay \$400.00 per month for nine months which would bring the taxes current.

Michael Bleak made a motion to approve the deferral of property taxes of APN B-26-7, located at 377 N. 700 W. Cedar City, Utah with a down payment of \$500.00 and payments of \$400.00 per month until taxes were paid, but no longer than one year. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **PERSONNEL**

Adrion Walker reported that two open Medical Technician positions originally posted on March 22, 2017 were becoming critical to fill. At the present time there had only been two applications with one of those having no qualifications. Adrion expressed that indications show the need to increase the pay range. He noted that the current salary was \$15.25 per hour which increased to \$16.12 per hour once the employee was Peace Officer Standards and Training (POST) certified within the first year. Adrion proposed the pay range be increased to \$20.00 per hour with an increase to \$21.00 per hour upon POST certification.

Michael Bleak made a motion to approve an update in the pay range for the Medical Technician (full-time and part-time) starting wage of \$20.00 with an increase to \$21.00 once POST certified. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **NON-DELEGATED ITEMS**

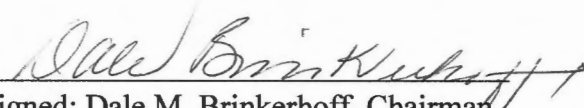
No Non-delegated items were discussed.


**FLOOD CONTROL IN CEDAR VALLEY**

Joe Melling, and Steve Platt discussed the history of flood control in Cedar Valley with the commissioners. Particularly, they described the changes to Coal Creek due to expanded development in Cedar Valley over the previous century. With continued growth, homes and business had been built in what had been flood plains. In past times, the flood waters were distributed via the various irrigation ditches to several uninhabited flood plains, but development had necessitated concentrating the flows into Coal Creek and the Quichapa channel. As a mediation effort for very high waters, Joe Melling asked the commissioners to be willing to fund a flood control project that would direct very high flood waters into an existing basin north of the Cedar City Airport but before several smaller bridges that would be in danger during a very high flood event. Said funds would help with the engineering and eventual construction of a spillway for the diversion as explained. The commissioners sought to discuss the matter with the parties that would be involved. Steve Platt committed to discuss the matter with the owner of the pit Phil Schmidt, Alma Adams, and Preston Nelson. No further action was taken at that time.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**

**June 12, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 12, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Deborah B. Johnson	County Recorder
Mark O. Gower	County Sheriff
Adrion Walker	Human Resources Director

**SYNOPSIS**

ADJOURNMENT .....7

APPROVAL FOR BOOKMOBILE SERVICE .....5

APPROVAL FOR CONTINUANCE OF THE PUBLIC DEFENDER CONTRACTS.....4

APPROVAL FOR SUPPORT FOR HEATON RANCH IN SUMMIT CANYON .....6

APPROVAL OF AN AMENDED PURCHASE ORDER SOFTWARE AGREEMENT..5

APPROVAL OF ADDITIONAL FUNDING FOR THE COURTHOUSE REPAIR.....5

APPROVAL OF DELINQUENT PROPERTY TAX SALE RESULTS.....3

APPROVAL OF FUNDING FOR AN EMERGENCY COORDINATION CENTER ....5

APPROVAL OF MINUTES .....2

APPROVAL OF PARAGONAH ONE DAY TRIATHLON AND FEE WAIVER .....6

APPROVAL OF RESOLUTION 2017-9.....6

APPROVAL OF THE CONTINUED LINKAGE AGREEMENT.....5

DEPARTMENTAL REPORTS.....2

DISCUSSION ON INFLUX OF TOURISTS TO KANARRA FALLS .....4

ENOCH CITY ANNEXATION OF APN: D-657-1 .....4

INVOCATION .....2

NON-DELEGATED ITEMS.....7

PERSONNEL .....6

PLEDGE OF ALLEGIANCE.....2

PRESENTATION OF IHC COMMUNITY BENEFIT REPORT.....3

PUBLIC COMMENTS .....3

## PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Becki Bronson.

## INVOCATION

An invocation was offered by Maria Twitchell.

## APPROVAL OF MINUTES

Alma Adams made a motion to approve the minutes of the Iron County Commission meeting held May 22, 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## DEPARTMENTAL REPORTS

**Maria Twitchell, Iron County Tourism Bureau Executive Director**, reported 47% of the annual budget had been spent as of April 3, 2017. Maria noted that she would request a mid-year budget adjustment of \$71,750.00 for additional monies received from Brian Head town and the Utah Office of Tourism for marketing; a transfer from the fund balance of \$12,000.00 for the County Seat program and \$12,500.00 to Parowan Town that was not included in the current 2017 budget. She asked that a balance transfer of \$40,000.00 from the Transient Room Tax (TRT) fund to participate with the Utah Office of Tourism on an international marketing effort and additional brochure/visitor services in anticipation of the LDS Temple open house and dedication. Maria reported that the TRT collections were up 9.8% and the Restaurant tax was up 7.3% over the same time in 2016. Brian Head had a 75% increase in lodging sales over year 2016. She noted that 2016 marked the 20<sup>th</sup> anniversary of the Iron County Visitor Center building and expressed that an updated interior display space would help with customer service. She noted that a grant application with Kane and Washington counties was underway for a winter campaign which could bring an additional \$480,000.00 for marketing. The Tourism office was beginning to prepare for the Church of Jesus Christ of Latter Day Saints (LDS) Temple open house in late October 2017.

Maria Twitchell reported that the Outdoor Recreation budget was at 23% as of April 30, 2017. She reported that Iron County would be hosting the High School Mountain Bike Championship in November 2017 at the Three Peaks Recreation area with an anticipated potential 2000 riders.

**Mark Gower, Iron County Sheriff**, reported that as of June 9, 2017 there had been: 171 animal control calls; 710 Civil Process papers served; 1,562 Case Numbers issued; 1,181 citations issued; 1,693 traffic stops; 5,473 calls for service; 55 arrests by the Iron County Sheriff's Office (ICSO), and 9 out-of-state extraditions. Sheriff Gower noted that the statistics were on par 2016. Arrests were down as a result of the Justice Reinvestment Initiative (JRI). Mark noted that three deputies graduated from the Peace Officer Standards & Training (POST). Deputy Beau Johnson received the Top Firearms award and the Outstanding Achiever award for overall high scores in academics, physical fitness and firearms proficiency. He reported that the ICSO was down five positions in patrol. Four of those would be filled upon the completion of the deputy intensive field training. The Iron County Sheriff's Search and Rescue and Ropes Team had been busy, with double the callouts over 2016 thus far. Sheriff Gower noted that the ICSO was operating within the 2017 allocated budget. He reported that the Volunteers in Police Service (VIPS) had a variety of skills that were available to the Sheriff and Iron County. They were not sworn law enforcement officers, but assist those who were so that they may be available for emergency and other calls for service. The VIPS personnel had donated 5,402.25 hours, which at the entry level deputy wage saved Iron County about \$82,762.42.

Mark explained that there had been some safety issues at an area called "2000 Flushes" located on Desert Mound road. There continued to be parties involving

juveniles with drugs, drinking and pushing a truck into the pit. He stated that he had written a letter to the owners and asked that the pit be blocked for safety reasons.

### **PRESENTATION OF THE INTERMOUNTAIN HEALTHCARE (IHC) COMMUNITY BENEFIT REPORT**

Terri Kane, IHC Regional Vice-President for the Southwest Region, explained that IHC was a not-for-profit organization. Terri introduced the team that accompanied her to the Iron County Commission meeting as: Steve Nance, Regional Chief Financial Officer; Eric Packer, Cedar City Hospital Administrator; Reid Sargent, Finance Director; and Becki Bronson, Public Relations Manager. She reported that in 1975 there were 15 hospitals operated by the Church of Jesus Christ of Latter-Day Saints (LDS). The LDS church divested the hospitals to IHC for \$1.00. She expressed that said divestiture was the greatest philanthropic gift from the LDS church, which came with the expectation to become a model health care system. Terri noted that IHC was dedicated to serve the community and to be a valuable resource to Iron County. She explained that IHC had different facilities in the Intermountain region with different strengths, all of which was designed to provide the best care possible. Terri noted that IHC's mission was to help people live the healthiest lives possible.

Eric Packer reported that Cedar City Hospital recently received the Top 20 Rural Hospital award in the nation and was the only hospital to receive the award for 2 consecutive years. Eric explained that as a not-for-profit organization, IHC was obligated to report on 6 standards that must be met. First, that IHC was organized as a non-profit basis, to promote healthcare, provide assistance to the general public, be dedicated to charitable purposes and as a hospital to be set up as a 501(c)(3) organization. Cedar City Hospital meets all the requirements. Second, no individual would earn a profit. All profit, if any, was reinvested into the community to improve services. Third, there would be no discrimination in treatment of patients. All patients were admitted based on clinical judgement, open access policy was available for services and the Cedar City Hospital website was available in English and Spanish. Fourth, have a community charity plan. There was a community health needs assessment program. Fifth, each hospital's total gift to the community must exceed what it would otherwise pay in property taxes. In the calendar year 2016 \$3.6M in charity care was provided. Sixth, satellite facilities must be used for charitable purposes.

### **IRON COUNTY COURTHOUSE REPAIR UPDATE**

Brian Alama, Preconstruction Manager, Southern Utah Division, Zwick Construction, reported that all demolition inside the courthouse had been completed; plumbing lines were being installed; duct work was going in on the first floor; new walls were being framed along with drywall patching; and coordination with plumbing space in the ceiling was being done to insure the mechanical and electrical plumbing lines would fit and run correctly.

### **PUBLIC COMMENTS**

Tom Hale, a citizen of Iron County, stated that he was concerned with neglected roads and streets on 6000 North, West of 2300 West in Cedar valley. Mr. Hale noted that residents pay county taxes and had not received services for over 30 years.

### **PRESENTATION OF RESULTS OF THE DELINQUENT PROPERTY TAX SALE HELD ON MAY 25, 2017 FOR REVIEW, ADJUSTMENTS, AND APPROVAL**

Christene Lowder, Iron County Chief Deputy Auditor, explained that there had been 246 delinquent properties listed on the 2017 property tax sale. 125 of those were redeemed between the end of April, 2017 and the morning of the tax sale held May 25,

2017. Christene reported that 66 delinquent properties were sold and 55 were struck off to Iron County.

Alma Adams made a motion to approve the results of the delinquent property tax sale held on May 25, 2017 as presented by Christene Lowder. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **DEPARTMENT REPORT, CONTINUED**

**Joanna Cuthers, Iron County Corrections**, reported that the Corrections Department was on track. There was an unexpected expenditure for ammunition that had been purchased in 2016, but had never been paid. Another budgetary concern was extra expense for the prison work crew. Joanna explained that some of the work sites had been further away than expected, causing extra expense. With the exception of the concerns for prior year ammunition expenses and unanticipated work crew expense, she expressed that the overall Corrections budget was on track. Joanna discussed ongoing and planned projects for the Iron County Jail facilities with the commissioners.

#### **DISCUSSION REGARDING THE INFLUX OF TOURIST TO THE KANARRA FALLS HIKE IN KANARRAVILLE**

Tyler Allred, Kanarraville Town Council, stated that multiply entities, including Iron County, advertised the Kanarra Falls hike, resulting in an influx of tourists. The town of Kanarraville was then left to handle all the problems associated with overcrowding. Some of those problems were parking, sanitation, and too many people in the canyon. Tyler reported that on Memorial Day he had counted 215 persons walking within a one mile path at the beginning of the Kanarra Falls hike and that the number did not include those already in the canyon. All the parking areas were full. Mayor Galen Allred expressed concern about the safety and security of the Kanarraville water supply, whose source is in the same canyon. Todd Lloyd, a citizen of Kanarraville, suggested a draw or permit system to limit hikers to 50 per day. Dale Brinkerhoff expressed solidarity with Kanarraville Town, and suggested a meeting with the various entities wherein Iron County would participate and help seek a solution to this very challenging problem.

#### **APPROVAL FOR THE CONTINUANCE OF THE PUBLIC DEFENDER CONTRACTS FOR THE JUVENILE JUSTICE COURT CASES FOR JULY 1, 2017 THROUGH JUNE 30, 2018**

Lori Starr reported that July 1, 2017 was the deadline for renewal of a contract with the Juvenile Public Defenders through the Juvenile and Justice Courts. The Public Defenders were Candace N. Reid and James M. Park of The Park Firm.

Alma Adams made a motion to approve the continuance of the Public Defender contracts for the Juvenile Justice Court cases for July 1, 2017 through June 30, 2018 with Candace N. Reid and James M. Park of The Park Firm. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **ENOCH CITY ANNEXATION OF APN: D-657-1**

Gary Howe requested the annexation of APN: D-657-1 into Enoch City in accordance with Utah Code 10-2-402: Annexation/Limitations, "a contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part. An unincorporated area may not be annexed to a municipality unless: it is a contiguous area; it is contiguous to the municipality; annexation will not leave or create an unincorporated island or unincorporated peninsula; unless the county and municipality have otherwise agreed." Gary explained that the annexation would cause an island. The property surrounds a parcel owned by Ben Ross who did not want to annex, and was currently non-conforming. Reed Erickson expressed that it was not a good practice to simply leave an island of unincorporated land,



especially a single parcel. Dale Brinkerhoff directed that the matter be reviewed by the Iron County Attorney's Office, and by the Planning and Zoning commission.

**APPROVAL FOR CONTINUAL BOOKMOBILE SERVICE FROM JULY 1, 2017 THROUGH JUNE 30, 2018**

Dan Jessen explained that \$105,000.00 had been collected from the unincorporated areas and Enoch City in library tax. Michael Bleak made a motion to approve \$105,000.00 generated from the Library Tax for the continual Bookmobile service from July 1, 2017 through June 30, 2018. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF AN AMENDED PURCHASE ORDER AGREEMENT FOR OBTAINING PURCHASE ORDER SOFTWARE**

Dan Jessen explained that amendment to the agreement was to include up to an additional \$1,700.00 for travel expense for training. Alma Adams made a motion to approve the amended purchase order agreement for obtaining the purchase order software from Tyler Technology in the amount of \$10,100.00 with an estimated travel expense of \$1,700.00. The cost covers a one-time fee of \$8,780.00 and recurring fees of \$1,300.00 per year. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF FUNDING TO CONSTRUCT AN EMERGENCY COORDINATION CENTER IN THE BASEMENT OF THE PUBLIC SAFETY BUILDING**

Dale Brinkerhoff explained that Iron County had provided space in the basement of the Public Safety Building for construction of an Emergency Coordination Center and training Room. It was not included in the original construction contract. The proposed amount was \$75,000.00 to be taken out of the general budget.

Michael Bleak made a motion to approve the funding to construct an Emergency Operation Center/Training Room in the basement of the Public Safety Building in the amount of \$75,000.00. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF ADDITIONAL FUNDING FOR THE COURTHOUSE REPAIR**

Dale Brinkerhoff proposed additional funding in the amount of \$75,000.00 for aesthetic improvements for the Iron County Courthouse.

Alma Adams made a motion to approve additional funding for the Iron County Courthouse renovation for aesthetic improvements in the amount of \$75,000.00. To be expended under the approval of the Iron County Commission. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE CONTINUED LINKAGE AGREEMENT BETWEEN THE IRON COUNTY CHILDREN'S JUSTICE CENTER AND SOUTHWEST BEHAVIORAL HEALTH CENTER**

Alma Adams made a motion to table the discussion and possible approval of the continued linkage agreement between the Iron County Children's Justice Center (ICCJC) and the Southwest Behavioral Health Center until Stephanie Furnival, ICCJC Director, could be present. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF SUPPORT FOR HEATON RANCH IN SUMMIT TO BE AWARDED FEDERAL FOREST LEGACY PROGRAM DOLLARS TO FUND THE PURCHASE OF A CONSERVATION EASEMENT**

Alma Adams explained that Heaton Ranch, located in Summit canyon, was seeking a conservation easement to limit development rights in order to protect the ranching legacy of Heaton Ranch. Alma noted that Heaton Ranch was requesting support from Iron County because it was very competitive for the Federal Forest Legacy program dollars.

Alma Adams made a motion to approve support for Heaton Ranch in Summit, Utah to be awarded Federal Forest Legacy program dollars to fund the purchase of a conservation easement. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF RESOLUTION 2017-9 TO PURSUE CROSS APPEALS OF CENTRALLY ASSESSED PROPERTY**

Michael Edwards explained that for properties that crossed over county lines, which were assessed by the Utah State Tax Commission or centrally assessed, responding to valuation appeals was more complicated than for other parcels and properties. Mike noted that to challenge these valuation appeals was called, "Cross-Appeal." He also noted that, recently, the Utah Association of Counties (UAC) had united the counties together to help defray the expense of the cross-appeals. Resolution 2017-9 was to authorize pursuing cross-appeals for property valuations of the following companies: PacifiCorp, Sprint, Verizon, Black Iron, Level 3, AT&T, PacifiCorp, Rig II and Sky West.

Alma Adams made a motion to approve Resolution 2017-9, authorizing pursuit of cross-appeals of property valuation for: PacifiCorp, Sprint, Verizon, Black Iron, Level 3, AT&T, PacifiCorp, Rig II and Sky West. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF A ONE DAY EVENT AND REQUEST FOR A FEE WAIVER FOR NON-PROFIT PARAGONAH SPRING TRIATHLON TO BE HELD ON JULY 22, 2017**

Michael Bleak made a motion to approve the one day event and to grant a fee waiver for the non-profit Paragonah Spring Triathlon to be held on July 22, 2017. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Adrion Walker reported that Iron County had received a dividend check of over \$6,000 from the Workers Compensation Fund for high safety ratings. Adrion expressed that Iron County Employees should be commended for their safety mindfulness. He noted that various staffing actions were ongoing.

Adrion Walker presented the new hire of Kayla Ibarra as a Full Time Court Clerk, effective June 5, 2017. Also the new hire of Karaly Whitesell as a Full Time Court Clerk, effective July 3, 2017. Both new hires were backfills of vacant positions.

Adrion Walker presented a change in status for Trevor Mattson in the Assessor's Office from Appraisal Trainee to Appraisal Apprentice. Said change in status would increase Trevor Mattson's pay to \$17.79 per hour.

Adrion Walker presented a 5% pay increase for Deputy Douglas Johnson, due to his recent promotion from Medical Technician to Corrections Deputy, effective June 4, 2017. Said pay increase would increase Deputy Johnson's pay to \$20.31 per hour.

Adrion Walker presented a pay increase of Leann Pratt to the recently revised new minimum for Medical Technicians of \$20.00 per hour.

Mike Bleak made a motion to approve the personnel actions as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Adrion Walker discussed possible action regarding Sheriff's Office assigned pay values and compensation scale with the commissioners. Adrion noted that this item was due to a formal complaint filed within the Sheriff's Office. He reported having performed a thorough review, and it was evident that Iron County needs a more standardized process for pay increases. Adrion noted that the current process causes subordinates to sometimes be paid more than their supervisors. He recommended that the commissioners consider the review he had prepared. Said review was based on time with Iron County, time in current position, and proficiency as judged by their Department Head. Dale Brinkerhoff expressed that he was not prepared to make a big adjustment in the middle of the year. Dale suggested that such a review be made during budget time. Adrion Walker noted that his suggestions for the Sheriff's Department would cost \$78,000, annually. Mike Bleak expressed that the suggested changes were substantial enough to be addressed, but he thought it would be wise to address these same issues county wide. Mike expressed that wages needed to be addressed equitably. Alma Adams expressed concern that time in position was such a heavily weighted factor, he worried about long time employees that were just filling a space. Adrion Walker noted that Iron County possessed a highly skilled workforce, but few were at a proficient pay level. Adrion expressed that a disproportionately high number of employees had pay levels that were out of line. He also discussed a 3 stage salary correction that had begun in 2016 with stage 1, but that the subsequent stages were not carried forward. No Action was taken.

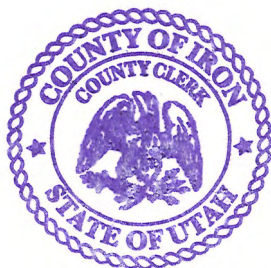
#### **NON-DELEGATED ITEMS**

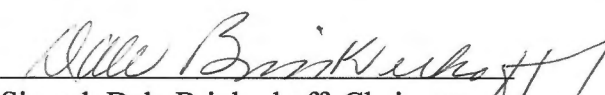
Lester Ross reported that framing and sheetrock and texture were being completed on the Public Safety Building.

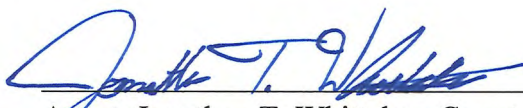
Dale Brinkerhoff invited the elected officials and department heads to a walk-through of the courthouse repair project underway to be held immediately after the commission meeting.

#### **ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.



  
Signed: Dale Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**

**June 26, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 26, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner - Excused
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Cindy W. Bulloch	County Assessor
Deborah B. Johnson	County Recorder
Stephen R. Platt	County Engineer
Adrion Walker	Human Resources Director

**SYNOPSIS**

ADJOURNMENT .....15

APPROVAL FOR TEMPORARY BEER LICENSE FOR MOUNTAIN BIKE RACE..11

APPROVAL OF MINUTES .....2

APPROVAL OF CONTINUED BAILIFF CONTRACT .....11

APPROVAL OF THE CONTINUED CJC LINKAGE AGREEMENT.....11

APPROVAL TO INCLUDE APN 685-2-1 ON THE SURPLUS PROPERTY LIST .....12

APPROVAL TO SELL SURPLUS PARCELS FROM MAY TAX SALE .....12

BRIAN HEAD FIRE REPORT.....3

DEPARTMENTAL REPORTS.....2

DISCUSSION REGARDING IRON COUNTY TITLE 15 SECTION 15.06.030.....12

INVOCATION .....2

LETTER OF SUPPORT FOR A CONSERVATION EASEMENT.....14

NON-DELEGATED ITEMS.....15

ORDINANCE 2017-3 .....3

PERSONNEL .....14

PLEDGE OF ALLEGIANCE.....2

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RESOLUTION 2017-10 .....6

RESOLUTION 2017-11 .....7

RESOLUTION 2017-12 .....11

RESOLUTION 2017-13 .....13

UASD#2 RESOLUTION 2017-2.....12

## PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Steve Platt.

## INVOCATION

An invocation was offered by John Higley.

## APPROVAL OF MINUTES

Alma Adams made a motion to approve the minutes of the Iron County Commission meeting held June 12, 2017. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

## DEPARTMENTAL REPORTS

**Chad Nay, Iron County Building and Zoning Administrator**, presented the 2016 year end building permit report. As of May 2017 there were 24 permits issued in the Iron County Unincorporated Areas; Parowan City had 7 permits; Brian Head had 1 permit and Kanarraville had zero permits issued. Chad noted that the Planning & Zoning Board had constructed a plan to allow higher density lots that were smaller and allowed more housing to be built. The plan had passed Planning and Zoning and would be presented to the Iron County Commission at a later date. He reported that many solar projects were nearing completion. Chad noted that unfortunately Iron County was limited by infrastructure for further growth in solar farms. Chad reported that his department was spread very thin and was beginning to certify present employees versus hiring new employees.

**Steve Platt, Iron County Engineer**, noted that the 2017 budget was on track. Steve reported that the Kane Springs Road in Parowan Valley continued to progress. All deeds for the right-of-way had been obtained and recorded, the prison crew had been working on the fence and Rocky Mountain Power was rebuilding the power line. He noted that an agreement with Eagle Rock and Parowan City had been completed. Steve reported that the Central Iron County Water Conservancy District Recharge Project at Quichapa Lake had received a \$100,000 grant from the State of Utah. Cedar City had diverted a portion of Coal Creek into Western Rock's pit. He noted that Phil Schmidt had presented a proposal to divert water out of the channel into his pit. Steve reported that concrete barriers had been placed on three bridges for safety and planned to install Bowery Creek guard rails. All Parowan crushing projects had been completed. The Attorney General's office continued to accept depositions regarding the RS-2477 roads. Steve reported that work continued on the 7700 West, or Lake Road; work was moving forward with eight other easements, and all letters to owners to acquire additional right-of-way had been sent. He reported that Preston Nelson, Road Supervisor, had been able to acquire a new material source permit from the Bureau of Land Management on Vandenberghe Road. Steve concluded that Parowan City requested assistance in building a new trail bridge in Parowan Canyon.

**Bruce Anderson, Iron County Landfill Supervisor**, noted that the 2017 budget was on track. Adjustments would be needed because of the Bio-solids brought in and changes with the Department of Environmental Quality (DEQ). DEQ would be changing the way they assess landfills in 2019. There had been no formal decision made, only that there would be an increase in cost. Bruce reported that Platt Engineering had conducted a compaction survey and he was waiting for the results. The fence repair was completed at the Parowan Landfill and signs were being replaced. He noted that the Parowan landfill road was in need of repair, and a water connection needed to be installed. Bruce reported having contacted Parowan City but had not yet received a reply.

**Preston Nelson, Iron County Road Supervisor**, reported that new, wider cattle guards had been placed on Schoppmann Road and Right Hand Canyon. All the culverts were in and the subgrade was built up on Chimney Meadows Road. Preston reported that the prison crew continued to repair the fence on Kane Springs Road. The power company would be moving poles around the first of August to repair the power lines. He noted that they continued to patch roads. Five miles of the Kanarra Mountain road had been Iron Wolfed. Preston reported that the 2200 West road in Parowan had been chipped. As of May 2017, 20 miles of road had been chipped with 10 to 15 miles still to be completed. Alma Adams commended Preston for procuring different sources to save money.

#### **BRIAN HEAD FIRE REPORT**

Jesse Bender, Public Information Officer, reported that Kim Martin's Type 1 Incident Management Team was now overseeing fire suppression on the eastern side of the Brian Head fire from Panguitch. Tim Roide's Type 2 Team remained in command of the western side of the fire from Parowan. The two teams would coordinate closely to ensure the safety of the public and the firefighters.

Tim Roide expressed gratitude for the hospitality shown to all the firefighters and crew. Tim reported that the strategy for the fire crews was full suppression. The three priorities were: First-Life and property; Second-Municipal watersheds located in Parowan and Panguitch; Third-Highways and infrastructure. The wind had been coming from the north but strong southwest winds were expected, causing concern for fire management on the northern perimeter of the fire. He stated that the weather and fuel type had been the big challenge.

David Whittekiend, Fire Liaison Officer, reported that Sheriff Gower had been great to work with. Alma Adams asked if there was any plan in place to reseed. Dave noted that most seeding would be handled naturally with the forest. The structure loss was at 13 and 8 out buildings.

John Higley, Iron County Emergency Coordinator, expressed his thanks to the firefighters and crew.

#### **ORDINANCE 2017-3 PROVIDING FOR AMENDMENTS TO THE GENERAL RESOURCE MANAGEMENT PLAN OF IRON COUNTY**

Dale Brinkerhoff declared the comment period open for Ordinance 2017-3, providing amendments to the Iron County Resource Management Plan.

Mike Worthen, Natural Resource Management Specialist, reported that this was the final step to incorporate the Iron County Resource Management Plan into the General Plan; to establish policy and provide an effective date. The plan was lacking maps because they were large and would be done separately. Mike reported that the plan would supersede previous plans. Mike Hansen, from Rural Community Consultants, expressed that Iron County had great engagement and that Mike Worthen was instrumental in assembling the plan. Mike Hansen noted that he would use much of Mike Worthen's verbiage throughout the state of Utah on other plans.

No public comments were offered.

Dale Brinkerhoff declared the comment period closed regarding Iron County Ordinance 2017-3.

Alma Adams made a motion to approve Ordinance 2017-3 providing for amendments to the General Plan of Iron County, Utah; incorporating the Iron County Resource Management Plan into the General Plan; establishing policy and providing for an effective date. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

## IRON COUNTY, UTAH ORDINANCE 2017-3

AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS, PROVIDING FOR AMENDMENTS TO THE GENERAL PLAN OF IRON COUNTY, UTAH (the "General Plan"); INCORPORATING THE IRON COUNTY RESOURCE MANAGEMENT PLAN INTO THE GENERAL PLAN; ESTABLISHING POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, in order to provide for the health, safety and general welfare of the citizens of Iron County, Utah, the County commission is committed to establish and keep current a General Plan that specifies goals relating to land use, county resources, housing, the environment, transportation and public facilities and services and policies that facilitate those goals; and

**Whereas**, on October 10, 1995, the County Commission adopted the General Plan of Iron County, Utah as Ordinance 137 in accordance with the provisions of Utah Code Annotated relating to the adoption and content of General Plans in the State of Utah; and

**Whereas**, since the adoption of the General Plan, changes have occurred in the land use patterns, demand for and potential supply of high quality natural resource development and preservation located in the unincorporated areas of the County, the state and local laws and policies related to resource use and development of lands outside of incorporated cities and towns; and

**Whereas**, in 2015 the Utah Legislature adopted HB 323 requiring each Utah county to develop a resource management plan as a part of the county's general plan; encouraging each county to identify any common interests the county shares with any other proximate county with regards to the elements of the resource management plan and to establish consistent objectives and policies with regards to the common interests identified; and,

**Whereas**, the Iron County Commission desires that the County General Plan contain a resource management plan element that provides for the protection, conservation, development, and managed use of resources that are critical to the health, safety, and welfare of the citizens of Iron County and of the state; and serves as a basis for communicating and coordinating with the federal government on land and resource management issues; and,

**Whereas**, in June, 2009 the County adopted the "Iron County Resource Management Plan" with subsequent additions of plans for Wilderness, Sage Grouse, Wild Horses, and ACECs (Areas of Critical Environmental Concern) in order to create a tools for the implementation of the goals and policies of the General Plan; and the County Commission believes the use of said resources may be expanded to establish appropriate uses and possible developed projects; and

**Whereas**, the County Commission has also established a number of additional policies that should be implemented over the next several years in order to more fully achieve the goals and policies of the General Plan and the County Resource Management Plan; and

**Whereas**, the County Commission finds that it is in the best interest of the County



after taking into consideration the citizen's health, safety and welfare, to amend the County General Plan; and

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the General Plan of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed amendment to the Iron County Commission with a recommendation to the County Commission that the General Plan Amendments and incorporation of the Iron County Resource Management Plan into the General Plan of Iron County, Utah be adopted; and

**Whereas**, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the planning commission recommendation, public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances the Iron County Resource Management Plan with all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act and the Iron County General Plan.

**Now Therefore**, be it ordained and enacted by the Board of County Commissioners of Iron County, Utah as follows:

1. The document "2017 Iron County Resource Management Plan - Amendments to the General Plan of Iron County, Utah" attached hereto is hereby adopted, with necessary formatting, grammatical and spelling revisions as required.
2. All ordinances adopted subsequent to the 2017 Iron County Resource Management Plan - Amendments to the General Plan of Iron County, Utah shall comply with the goals and policies of the General Plan of Iron County, Utah as amended.
3. The provisions of the 2017 Iron County Resource Management Plan - Amendments to the General Plan of Iron County, Utah shall supersede any inconsistent provisions in the existing General Plan and incorporated sections of the previously adopted Iron County Resource Management Plan – June 2009.
4. Iron County Resource Management Plans that were previously adopted are hereby repealed and replaced with resource plans contained in the 2017 Iron County Resource Management Plan - Amendments to the General Plan of Iron County, Utah, specifically include:
  - The Iron County Resource Management Plan – June 2009
  - The Iron County Greater Sage Grouse Resource Management Plan – September 2013
  - The Iron County Wild Horse Resource Management Plan – February 2016
  - The Iron County Proposed Wilderness Regions Interim Resource Management Plan – January 2011
  - The Iron County Areas of Critical Environmental Concern (ACEC) Plan – May 2016
5. This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.
6. Elements of the Iron County General Plan identified in this amendment, shall be, and hereby are, amended with the express intent of promoting more thorough resource management, better communication and coordination with the federal government on

land and resource management, and encouraging greater utilization of resources identified herein.

7. Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 26th day of June, 2017.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff, Chair

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker  
County Clerk



VOTING:

Alma L. Adams       Aye    
Dale M. Brinkerhoff   Aye    
Michael P. Bleak    Absent  

**RESOLUTION 2017-10, WILDFIRE EMERGENCY DECLARATION FOR THE TOWN OF BRIAN HEAD AND SURROUNDING UNINCORPORATED AREAS**

Mike Edwards asked that there be a correction to the reference to Utah Code Annotated (UCA) from Title 63, Chapter 5 to Title 53, Chapter 2(a).

Alma Adams made a motion to approve Resolution 2017-10, Wildfire emergency declaration for the town of Brian Head and surrounding unincorporated areas including the correction as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2017-10**

**A RESOLUTION OF IRON COUNTY DECLARING A WILDFIRE EMERGENCY IN THE BRIAN HEAD TOWN AND SURROUNDING UNINCORPORATED AREAS**

**Whereas**, beginning on or about June 17, 2017, the Town of Brian Head in Iron County, Utah and surrounding unincorporated areas experienced severe wildfire; and

**Whereas**, said fires caused serious damage to homes, businesses, utilities, and other public and private facilities, as well as to timber, grazing lands, and vital watersheds; and

**Whereas**, the local tourism industry has been severely affected by evacuations, road closures, and damage to recreational areas; and

**Whereas**, emergency response operations continue throughout Iron County and are severely straining all response agencies and the emergency operations plan is in effect; and

**Whereas**, the cost and magnitude of responding to and recovering from the impact of this event is far in excess of Iron County's available resources; and

**Whereas**, these conditions do create a "State of Emergency," within the intent of Title 53, Chapter 2(a) of the Utah Code Annotated 1953, as amended

**Now, Therefore**, be it resolved by the County Commission of Iron County, Utah, that a "State of Emergency" exists due to said wildfire and such area is declared to be a disaster, and aid, assistance, and relief available pursuant to the provisions of local and state statutes are hereby sought.

This resolution shall be effective on the date it is adopted.

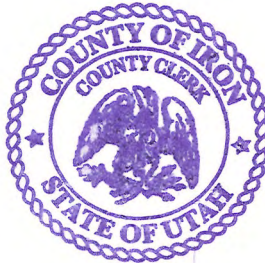
APPROVED AND ADOPTED this 26<sup>th</sup> day of June, 2017.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker  
Iron County Clerk



Voting:

Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff  Absent 

**RESOLUTION 2017-11, PROVIDING FOR THE ISSUANCE BY IRON COUNTY, UTAH OF IT'S FACILITIES REVENUE BONDS (THE DIXIE AND ANNE LEAVITT FOUNDATION) IN A AGGREGATE PRINCIPAL AMOUNT OF \$14,070,000.00, WHICH WILL BE PAYABLE SOLELY FROM THE REVENUES PLEDGED THEREFORE UNDER AND INDENTURE OF TRUST**

Marvin Dodge, Southern Utah University (SUU), thanked the Iron County Commission on the behalf of SUU for their cooperation with the revenue bond. Marvin reported that the facility would provide a much needed additional 300 beds for the SUU students staying on campus. He stated that Iron County would not be obligated with any payments from the taxpayers. The obligation for the payments was solely upon SUU and The Dixie and Anne Leavitt Foundation.

Alan Jones, Trustee of the Dixie and Anne Leavitt Foundation, noted that the project was a much needed facility for SUU. With the support from the Iron County Commission the bond was tax exempt and would be a savings for the students. The facility would be ready for the 2018 Fall Semester.

Alma Adams made a motion to approve Resolution 2017-11, providing the issuance by Iron County, Utah of its Facilities Revenue Bonds (The Dixie and Anne Leavitt Foundation) in an aggregate principal amount of \$14,070,000.00, which would be payable solely from the revenues pledged therefor under and indenture of trust. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

## IRON COUNTY RESOLUTION 2017-11

A RESOLUTION PROVIDING FOR THE ISSUANCE BY IRON COUNTY, UTAH OF ITS FACILITIES REVENUE BONDS (THE DIXIE AND ANNE LEAVITT FOUNDATION) IN AN AGGREGATE PRINCIPAL AMOUNT OF \$14,070,000, WHICH WILL BE PAYABLE SOLELY FROM THE REVENUES PLEDGED THEREFOR UNDER AN INDENTURE OF TRUST; AUTHORIZING THE EXECUTION AND DELIVERY BY THE COUNTY OF AN INDENTURE OF TRUST, A LOAN AGREEMENT WITH THE DIXIE AND ANNE LEAVITT FOUNDATION, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

**Whereas**, pursuant to the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (together, the “Act”), Iron City, Utah (the “County”) is authorized to issue revenue bonds to finance “projects” consisting of facilities suitable for business purposes or suitable to provide services to the general public;

**Whereas**, The Dixie and Anne Leavitt Family Foundation, a Utah nonprofit corporation and a private foundation (the “Borrower”), has requested that the County issue its Facilities Revenue Bonds (The Dixie and Anne Leavitt Family Foundation Project), Series 2017, in an aggregate principal amount of \$14,070,000 (the “Bonds”) for the purpose of (i) financing the costs of acquiring, constructing, improving and furnishing a new student residence hall to be located between 300 West and Dewey Avenue at 200 South in Cedar City, Utah (the “Project”) and (ii) paying costs of issuance of the Bonds;

**Whereas**, the County has determined that the public interest will be best served and that the purposes of the Act can be achieved by the issuance of the Bonds for the foregoing purposes;

**Whereas**, the substantially final forms of an Indenture of Trust, attached hereto as Exhibit A (the “Indenture”), and a Loan Agreement, attached hereto as Exhibit B (the “Loan Agreement”), relating to the Bonds have been prepared and presented to the Board of Commissioners (the “Board”) in connection with the adoption of this Resolution;

**Whereas**, pursuant to the Loan Agreement, the Borrower will promise to pay amounts sufficient to pay, when due, the principal of, premium, if any, and interest on the Bonds, all in accordance with the requirements of the Act;

**Whereas**, the Board deems it necessary and advisable to authorize the issuance and sale of the Bonds and to authorize the execution and delivery of the Loan Agreement, the Indenture, and other related documents required for the sale of the Bonds;

**Whereas**, after published notice, a public hearing was held at which any interested party had an opportunity to comment upon the proposed issuance of the Bonds or any other matter relating to the Project;

**Whereas**, the Act and the documents to be signed by the County provide that the Bonds shall not constitute nor give rise to a general obligation or liability of the County or the State of Utah or be a charge against its general credit, and that the Bonds will be payable from and secured solely by the revenues arising from the pledge and assignment

under the Indenture of the Loan Agreement to Zions Bank, a division of ZB, National Association, as trustee under the Indenture (the "Trustee") and other collateral provided by the Borrower, including a mortgage on the Project from the Borrower to the Purchaser (defined below);

**Now, Therefore,** be it resolved by the Board of Commissioners of Iron County, Utah as follows:

**Section 1.** All terms defined in the recitals hereto shall have the same meaning when used herein. Capitalized terms used but not defined herein have the meanings assigned to such terms in the Indenture.

**Section 2.** The County is authorized to issue the Bonds for the purpose of lending the proceeds thereof to the Borrower to refinance the costs of the Project, provide for necessary reserves, and pay costs of issuance of the Bonds, all pursuant to the provisions of the Act. All action heretofore taken by the County in connection with the issuance of the Bonds is hereby ratified, approved and confirmed.

**Section 3.** The County is authorized and directed to issue the Bonds as fully-registered bonds, in an aggregate principal amount of \$14,070,000. The Bonds shall bear interest at a rate not to exceed 10.0% per annum, to be determined on or about the date of delivery of the Bonds, and will mature in not more than 31 years. The form, terms and provisions of the Bonds shall be as set forth in the Indenture. The Chairman of the Board (the "Chairman") and County Clerk are hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication.

**Section 4.** The Bonds are to be issued in accordance with and pursuant to, and the Chairman and County Clerk are authorized and directed to execute and deliver, the Indenture and the Loan Agreement, in substantially the same forms presented to the Board at the meeting at which this resolution was adopted. The Indenture provides for the issuance of the Bonds solely for the purposes described in Section 2 hereof. The Bonds shall not constitute nor give rise to a general obligation or liability of the County or the State of Utah or a charge against the general credit of the County or the general credit or taxing power of the State of Utah. Recourse on the Bonds executed and delivered by authorized officers of the County pursuant to the Indenture may be had only against the security for the Bonds as provided therein and in the Indenture.

**Section 5.** The Project to be refinanced with proceeds of the Bonds consists of the acquisition, construction, improvement and furnishing of a new student residence hall to be located between 300 West and Dewey Avenue at 200 South in Cedar City, Utah.

**Section 6.** The Indenture and Loan Agreement, in substantially the forms presented to the Board at this meeting, with such changes as are authorized by Section 8 hereof, are hereby approved in all respects, and the Chairman and County Clerk are hereby authorized to execute each of the same on behalf of the County, and the acts of the Chairman and County Clerk in so doing are and shall be the act and deed of the County. The Chairman and County Clerk and all other proper officers and employees of the County are hereby authorized and directed to take all steps on behalf of the County to perform and discharge the obligations of the County under each of said instruments.

**Section 7.** The sale of the Bonds to Zions First National Bank. (the "Purchaser"), at a price equal to the principal amount of the Bonds, is hereby authorized, approved and confirmed.

**Section 8.** The Chairman is hereby authorized to make any alterations, changes or additions in the Indenture, the Loan Agreement and the Bonds herein authorized which may be necessary to correct any errors or omissions therein, to remove ambiguities therefrom, to conform the same to other provisions of said instruments, to the agreement of the Borrower and the Purchaser, to the provisions of this resolution, or any other resolution adopted by the County, or the provisions of the laws of the State of Utah

or the United States, as long as the rights of the County are not materially adversely affected thereby.

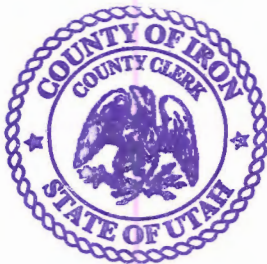
**Section 9.** It is hereby declared that all parts of this resolution are severable and that if any section, paragraph, clause or provision of this resolution shall, for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this resolution.

**Section 10.** The Chairman and County Clerk of the County are hereby authorized to execute all documents and take such action as they may deem necessary or advisable in order to carry out and perform the purpose of this resolution, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability. All action heretofore taken by the County, its officers and employees, with respect to the issuance and sale of the Bonds is hereby ratified and confirmed.

**Section 11.** All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation or part thereof heretofore repealed.

**Section 12.** After any of the Bonds are issued, this resolution shall be and remain irrevocable until the Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

**Section 13.** This resolution shall take effect immediately upon its approval and adoption.



BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker  
Iron County Clerk

Voting:

Alma L. Adams     \_Aye\_  
Michael P. Bleak   \_Aye\_  
Dale M. Brinkerhoff \_Absent\_

**PUBLIC COMMENTS**

Cindy Bulloch asked what the protocol was concerning high grass present on lots in Summit. Cindy mentioned that several residents had concerns with the fire hazard from owners not clearing them. She reported having spoken with Preston Nelson, Iron County Road Superintendent. Preston explained Road Department would only be mowing the grass on the sides of the roads. Chad Nay noted that Fire Marshalls could help with enforcement. Alma Adams stated that he would look into the Iron County Ordinance and report back to Cindy Bulloch.

**REQUESTING APPROVAL FOR A TEMPORARY BEER LICENSE FOR A MOUNTAIN BIKE RACE & FESTIVAL TO BE HELD AT THREE PEAKS RECREATIONAL AREA**

Alma Adams made a motion to approve a temporary beer license for a mountain bike race and festival to be held at Three Peaks Recreation Area. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF THE CONTINUED LINKAGE AGREEMENT BETWEEN THE IRON COUNTY CHILDREN'S JUSTICE CENTER (CJC) AND SOUTHWEST BEHAVIORAL HEALTH CENTER**

Alma Adams made a motion to continue the Linkage Agreement between the CJC and Southwest Behavioral Health Center. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF CONTINUED STATE OF UTAH CONTRACT FOR BAILIFF & PERIMETER SECURITY FOR THE FIFTH DISTRICT AND JUVENILE COURTS**

Alma Adams made a motion to table the discussion and approval of the continued State of Utah Contract for Bailiff & Perimeter Security for the Fifth District and Juvenile Courts until Lori Starr, Court Administrator could be present. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**RESOLUTION 2017-12, ADOPTION OF CERTIFIED TAX RATES & BUDGETS FOR TAX YEAR 2017**

Dale Brinkerhoff reported the new tax rate for the General Fund was 0.001134; Library was 0.000063; Public Health was 0.000064 for a total of 0.001261. The new tax rate was based on the 2016 projections.

Jon Whittaker read an email from Dan Jessen, Iron County Auditor, "1) Property values are raising and are being reappraised higher accordingly which drives down rates; 2) Due to a new law personal property is not included in the new growth calculation. Because the majority value in solar farms is personal property, this means that their tax revenue is shifted some of the tax burden off everyone else, lowering the overall rate. This new law makes it so we don't experience negative new growth when they depreciate the panels, which would drive up rates sharply. While this is great news to the citizens in terms of a lower tax rate, it also means Iron County won't get as much new revenue in taxes as we expected; 3) The effect of rates falling so significantly this year means that even though the school district is going through Truth in Taxation, or an increase in taxes, the new rate is still 3% lower than last year's rate; 4) On the related topic due to new growth in county wide real property revenues are increasing for all the entities even though the average homeowner will pay less in taxes."

Alma Adams made a motion to approve Resolution 2017-12, adoption of the certified tax rates and budgets for tax year 2017. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**CONVENE AS THE IRON COUNTY UNINCORPORATED AREA SERVICE DISTRICT #2**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Iron County Unincorporated Area Service District #2 (UASD#2).

**UASD#2 RESOLUTION 2017-2 TO ADOPT CERTIFIED TAX RATES AND BUDGETS FOR TAX YEAR 2017**

Dale Brinkerhoff stated the UASD#2 tax rate and budgets for tax year 2017 was 0.0002158 in the amount of \$2,987,420.00.

Alma Adams made a motion to approve the UASD#2 Resolution 2017-2 to adopt the certified tax rates and budgets for the tax year 2017 for the amount presented by Dale Brinkerhoff. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff declared the reconvening of the Iron County Commission.

**DISCUSSION REGARDING TITLE 15 SECTION 15.06.030 OF THE IRON COUNTY CODE OF ORDINANCES, BUILDING AND CONSTRUCTION**

Lance Haynie, a resident of Washington County, noted that he was representing multiple property owners of land located west of Newcastle between Modena and Beryl Junction. He stated that he had struggled to get in contact with the Planning & Zoning Department and was therefore bringing this to the Iron County Commission. The concern was for hauling water for small cabins, specifically to install between 300 to 1000 gallon underground water cisterns for each cabin. The issue at hand was from Title 15 of the Iron County Code of Ordinances, Building and Construction. The specific section was 15.06.030, water, sewage, road, and geologic conditions requirements of Chapter 15.06.030. Layne reported that the request was to have the Planning Commission clearly define the meaning of "seasonal purposes" mentioned in the Iron County Code of Ordinances, and how one would go about voluntarily restricting access. Furthermore, allowing the property owners with similar plans to obtain a building permit and certificate of occupation.

Chad Nay apologized for the lack of response from the Planning & Zoning Office. Chad noted that this was the first that he had been involved with the request. He stated that there were many concerns with hauling water. Chad asked the Iron County Commission for approval to return the request back to the Planning & Zoning Department. He recommended that the property owners have shared wells. The meaning of "seasonal purposes" was if it was not accessible year round.

Mr. Haynie agreed to meet with Chad Nay to discuss the matter further.

**APPROVAL TO SELL SURPLUS LOTS AND APPROVE MINIMUM BID AMOUNTS FOR PROPERTIES WHICH WERE RETURNED TO IRON COUNTY FROM THE MAY 2017 DELINQUENT TAX SALE**

Alma Adams made a motion to approve to sell surplus lots and approve the minimum bid amounts for properties which were returned to Iron County from the May 2017 Delinquent Tax sale with a total bid value of \$43,500.00. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL TO APPROVE APN: E-685-1, LOT 1, BLOCK 2, FAR WEST SUBDIVISION FOR INCLUSION ON THE SURPLUS PROPERTY LIST, AS WELL AS A MINIMUM BID AMOUNT**

Jon Whittaker reported that Assessor's Parcel Number (APN) E-685-1 was deeded to Iron County in 2001 and was not added to the surplus list. Jon explained that the property owner adjacent to the parcel wanted to purchase it. Having never been placed on the surplus property list, it would be necessary for the commissioners to approve the parcel to be sold. The minimum bid for the parcel would be \$750.00.

Alma Adams made a motion to approve APN: E-685-1, Lot 1, Block 2, in the Far West Subdivision for inclusion on the surplus property list. A minimum bid of \$750.00



was entered based on the Assessor's Office estimate of the parcel. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**RESOLUTION 2017-13, SUPPORTING BLM FIRE RESTRICTIONS AND LIMITING FIREWORKS TO DESIGNATED AREAS**

Dale Brinkerhoff explained that the resolution would state that fire restrictions and fireworks would only be allowed in designated areas of Iron County.

Alma Adams made a motion to approve Resolution 2017-13, supporting Bureau of Land Management (BLM) fire restrictions and fire restrictions and limiting fireworks to designated areas. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2017-13**

A RESOLUTION OF IRON COUNTY SUPPORTING FIRE RESTRICTION ORDER

**Whereas**, Iron County desires to protect the lives and property of the citizens of Iron County.

**Whereas**, effective on June 21, 2017, the Utah State Forester issued fire restrictions on State and private unincorporated lands within Washington, Iron Beaver, Kane, and Garfield counties in Utah per 65A-8-212 UCA.

Acts prohibited include:

1. Setting, building, maintaining, attending or using open fires of any kind, except within the facilities designated for them in improved campgrounds, picnic areas or home sites where running water is present.
2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.
3. Discharging or using any kind of fireworks, tracer ammunition or other pyrotechnic devices including exploding targets.
4. Cutting, welding or grinding metal in areas of dry vegetation.
5. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.

Penalties defined as:

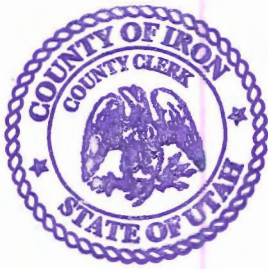
Any of the above acts is a violation of state law and is punishable by up to 6 months in jail and a fine of up to \$1,000. These restrictions will be enforced by Iron County law enforcement.

**Whereas**, volatile and dangerous fire conditions exist, already causing intense fires and severe property damage; and

**Now Therefore**, be it resolved by the County Commission of Iron County, Utah, that Iron County Supports the fire restrictions implemented by the State Forester on June 21, 2017 and asks that residents comply with said restrictions on all lands within Iron County.

This resolution shall be effective on the date it is adopted.

APPROVED AND ADOPTED this 26<sup>th</sup> day of June, 2017.



BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff

ATTEST:

*Jonathan T. Whittaker*

Jonathan T. Whittaker  
Iron County Clerk

Voting:

Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff  Absent 

**LETTER SUPPORTING A CONSERVATION EASEMENT FOR PROPERTY OWNED BY CLARK AND RUTHANN WEBSTER NEAR KANARRAVILLE TOWN**

Dale Brinkerhoff explained that Clark and Ruthann Webster were asking for a letter of support from the Iron County Commission in support of a conservation easement for property near Kanarraville Town, located in Section 6, Township 38 South, Range 11 West, Salt Lake Base and Meridian.

Alma Adams made a motion to approve the letter of support for a conservation easement for property owned by Clark and Ruthann Webster near Kanarraville Town, located in Section 6, Township 38 South, Range 11 West, Salt Lake Base and Meridian. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Betsy Cummings presented new hire Robert Hunt as a Full-time Medical Technician/Deputy in the Corrections Department for approval. Effective, June 19, 2017. This would be a backfill of a vacant position.

Betsy Cummings presented a status change for Joanna Cuthers to a Corrections Lieutenant in the Corrections Department for approval. Effective June 18, 2017. This would be a backfill of a vacant position.

Betsy Cummings presented new hire Gary Orton as a Part-time Evidence Technician in the Sheriff's Office for approval. Effective date to be determined. This would be a backfill of a vacant position.

Betsy Cummings presented a status change for Stephanie Rainey, from Part-time to Full Time Office Coordinator in the Children's Justice Center for approval. Effective July 2, 2017. Additional state funding had been obtained to support this request.

Alma Adams made a motion to approve the changes in personnel as presented by Betsy Cummings. Gary Orton starting would not be prior to June 26, 2017. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

*COUNTY BOARDS*

Chad Nay explained that Diane Pratt would be resigning and names for her replacement would need to be submitted for consideration and approval.

*PUBLIC SAFETY BUILDING*

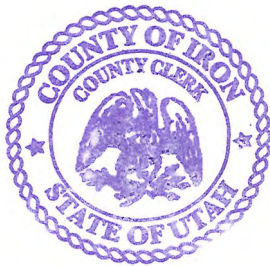
Lester Ross reported that the basement was currently being painted and the drywall was being installed on the main floor. A detention pond would need to be installed.

*COURTHOUSE*

Lester Ross reported that during the demolition it was discovered that there were no grounding wires in the entire courthouse originally. There was now new ground wiring throughout the building. There will be Maple doors and Alder cabinets and trim. He noted the timeline for completion was moved from October 31, 2017 to November 30, 2017.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.



  
Signed: Dale Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**\*\*\* NOTICE OF CANCELLATION \*\*\***

**OF A MEETING OF THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF IRON  
STATE OF UTAH**

\*\*\*\*\*

**PUBLIC NOTICE IS HEREBY GIVEN** that the regularly scheduled meeting of the Board of Commissioners of the County of Iron, State of Utah, in Council Chambers at the Parowan City Offices, 35 East 100 North, Parowan Utah (temporary location) on **Monday, the 10<sup>th</sup> Day of July, 2017** at the hour of 9:00 o'clock, a.m., is **CANCELLED** due to a lack of a quorum. All matters to be considered will be rescheduled.

*Certificate of Posting*

*I hereby certify that copies of this notice have been posted in compliance with Utah Code 52-4-202.*

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By: Jonathan T. Whittaker, Iron County Clerk

**IRON COUNTY COMMISSION MEETING**

**July 25, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 25, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Michael Edwards	County Deputy Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
Betsy Cummings	Assistant HR Director

**SYNOPSIS**

ADJOURNMENT .....7

APPROVAL FOR A SPECIAL ASSESSMENT AREA BOND .....5

APPROVAL OF COMMUNICATIONS CENTER BUDGET FOR FY 2017-2018 .....6

APPROVAL OF CONTINUED CONTRACT FOR BAILIFF AND SECURITY .....6

BRIAN HEAD FIRE UPDATE .....4

COUNCIL ON AGING (COA) BUDGET & CONTRACT FOR FY 2018 .....6

DEPARTMENTAL REPORTS.....2

DISCUSSION REGARDING THE GOLD SPRINGS ROAD.....4

DISCUSSION REGARDING PUBLIC ACCESS RS2477 ROADS .....4

DISCUSSION REGARDING PROPERTY IN SUMMIT.....5

DISCUSSION REGARDING PARK VIEW SUBDIVISION.....6

INVOCATION .....2

NON-DELEGATED ITEMS.....7

PERSONNEL .....7

PLEDGE OF ALLEGIANCE.....2

PRESENTATION REGARDING CURBSIDE RECYCLING SURVEY .....5

PUBLIC COMMENTS .....4

PUBLIC HEARING REGARDING AMENDMENTS TO 2017 IRON COUNTY BUDGET .....3

## PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Dan Jessen.

## INVOCATION

An invocation was offered by Clint Kelly.

## DEPARTMENTAL REPORTS

**Ryan Riddle, Iron County Fire Warden**, reported that he was at or under budget. Ryan reported that the local Volunteer Fire Department had completed training in fire operations for Wildland Urban Interface, Wildland Fire Refresher, Utah Wildland Engine training, and basic Utah Fire & Rescue Academy training. Prevention and education had been conducted through the Iron County building show, Iron County schools, parades, church programs, individual contacts at camping areas and sign placement throughout Iron County. He reported that fuel breaks on Brian Head Resort property, Thunder Ridge Scout Camp, and the Parowan watershed had reduced damage during the Brian Head fire. Chipping to reduce hazard fuels had been conducted at Bumblebee Ridge, Cedar Highlands, Meadow Lakes, Ireland Meadows and Old Iron Town. Fuel Breaks were created at Comstock Lakes, Ireland Meadows, Red Canyon, and Parowan City. Work continued at Quichapa Lake around critical watersheds and structures.

**Joyce Evans, Iron County Fair Manager**, reported that Art Walnut would be the posthumous Honorary Grand Marshall of the Iron County Fair parade. The Miss Iron County Rodeo competition would be held on July 28<sup>th</sup> and 29<sup>th</sup>. The Miss Iron County Pageant would be holding a "Get to know your county government" dinner on August 10, 2017 and Joyce asked that the commissioners attend. The Iron County Fair was scheduled to run from Saturday, August 19 to Wednesday, September 9. She noted that there would be a mud bog, a livestock show, and a demolition derby, among other activities. Joyce reported that a new "Kids Days" event would be held to help kids learn about farming, rodeo and heritage. She invited the continual support of the Iron County Commissioners, especially at the parade on Monday, September 4. Joyce noted that she had attended a motorcycle show held in another city and inquired if they would be interested in performing for the fair. They said they would but the cost was \$5,000.00 and could possibly be considered for the 2018 fair.

**Dan Jessen, Iron County Auditor**, reported that the department was on track to be under the 2017 Auditor budget. Dan noted that he was busy with the mid-year budget adjustments which would be covered later in the meeting. The Tyler Software Company had again postponed a new Purchase Order software to be installed. He reported that the Auditor's Office was preparing for the upcoming Board of Equalization (BOE) meetings. They were expecting an increase in applicants due to property value increases and the Brian Head fire. Dan reported that he still desired to put together an Audit Committee.

**Nicole Rosenberg, Iron County Treasurer**, reported that the activity and collections were doing well. There was \$4.6M in outstanding collections, with \$3M owing by one tax payer. Nicole reported that the Public Treasurers Investment Fund was doing well with an interest increase of 1.34%. Nicole reported that after implementing instant payments the merchant fees had decreased from \$49,000.00 in year 2014 to \$32,000 in year 2016. She noted that the budget was doing well.

**Debbie Johnson, Iron County Recorder**, reported that recording had been steady and has kept her staff busy. There had been an increase in transfers of property and very few trustee sales. Debbie noted that the Recorder budget was on track.

**Paul Monroe, Central Iron County Water Conservancy District (CICWCD) General Manager**, expressed appreciation with the cooperation from so many on the aquifer recharge project. Paul reported that the budget was on track. Work continued on the expansion of the recharge pit at Quichapa. Well tests had been made in Pine Valley, and the results were positive for good drinking water. Interestingly, the water from the Pine Valley well tests, was relatively new water, newer even than the local springs. Paul explained that this was likely due to very little clay in the strata under Pine Valley.

**Donny Hunter, Representative for Sportsman for Fish & Wildlife**, expressed his concerns for the RS2477 Iron Mountain road closures. Donny reported that the roads had been used for generations for hunting. The hunting has been a successful way to manage wildlife in the area and there was concern with closing the roads.

**Alma Adams, Iron County Commissioner**, expressed his concerns with the flooding that would be occurring as a result of the Brian Head fire. Irrigation companies were experiencing problems because the water was too dirty to use and had to turn it out of the systems to flow into the Little Salt Lake. There was also concern with sediment filling the Yankee Meadow Reservoir which could be a catastrophic situation. Alma reported that there were plans for reseeded of the burn areas and that Iron County would provide free garbage dumpsters in the Horse Valley area where cabins were destroyed.

**Michael Bleak, Iron County Commissioner**, reported that the Children's Justice Center had been accredited by the National Children's Alliance. There had been a clean-up project conducted in anticipation of a visit from the Accreditation Committee. The Southern Utah University (SUU) Football team volunteered to clean up and spread wood chips. With the help of the SUU Football team the all-day planned clean up event took only 2 1/2 hours. Mike expressed that the clean-up was a success.

**Dale Brinkerhoff, Iron County Commissioner**, thanked Joyce Evans for all the planning and effort she continued to give toward making the Iron County Fair a success. Dale reported that the Wild Horse Summit was approaching and registration was beginning for the Rural Summit.

Alma reported that he and Senator Evan Vickers visited with Aurelia Skipwith, Deputy Assistant Secretary of the U.S. Department of the Interior, during her visit to Cedar City. They toured the wild horse area north of Milford to show her first hand the over population of the wild horses.

#### **PUBLIC HEARING & ACTION REGARDING PROPOSED AMENDMENTS TO THE IRON COUNTY 2017 BUDGET**

Dan Jessen, Iron County Auditor, presented the amendments to the Iron County 2017 budget. Adjustments were made in various departments. One of the main adjustments made was regarding the Iron County Community Development & Renewal Agency (ICCD&RA). Dan explained that the ICCD&RA budget had not been in compliance with state code and required its own budget. It was a component unit, where it was associated with, but separate from Iron County. The result was a special revenue fund called Fund 61. Another major adjustment was moving the Assessor's and Treasurer's Departments from the General Fund to the Assessing & Collecting Fund. Adjustments were made in the General Fund, IT Department, Clerk's Office, Recorder's Office, Attorney's Office, Engineering Department, Jail, Emergency 911, Restaurant Tax, Landfill, Transient Room Tax (TRT), Building & Grounds, Courthouse remodel, Department of Public Safety, Library and Ambulance.

Dale Brinkerhoff, Iron County Commission Chair, declared the Public Hearing open.

Bruce Washburn, a citizen of Iron County, asked if there were any adjustments to capital expenses or any salary adjustments. Dan explained that there was one salary adjustment made in the Attorney's Office due to a mistake made in the budget. There were adjustments made in fixed assets regarding the Courthouse remodel. Dale Brinkerhoff explained that the Iron County Courthouse was built in 1974 and there was no electrical grounding, and that asbestos was found throughout the building, both adding expense to the budget.

Dale Brinkerhoff, Iron County Commission Chair, declared the Public Hearing closed.

Alma Adams made a motion to approve the proposed amendments to the Iron County 2017 budget as presented by Dan Jessen. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.



## **BRIAN HEAD FIRE UPDATE**

Ryan Riddle, Iron County Fire Warden, reported that as of July 25<sup>th</sup>, the Brian Head fire was at 71,000 acres and holding. At the height of the fire there were around 2,000 personnel working the fire and it had been reduced to 60. Recent rains were welcomed, but it had been spotty with heavy rain in some areas and none in others. Ryan explained that the fire would occasionally jump as far as a mile ahead. The fire burned for 15-20 miles with flames 20 feet high. At one point there were 70 miles of hose in use. The cost of the Brian Head fire was at roughly \$40M, just for the coverage of suppression. The cost of rehabilitation would likely be two to three times that. He said that there was still a significant risk of fire because there was a great deal of untreated private property. Full containment for the fire was anticipated to be around July 30<sup>th</sup>, with continued help from Mother Nature.

Devin Johnson, US Forest Service Lead Resource Advisor, explained that the resource team kept track and recorded all the fire suppression related impacts or damage. A general guideline for suppression, rehabilitation, and repair was prepared and included in the incident report every day. Rehabilitation, as related to the fire, had the goal to return the area to natural forest. The forest had already begun regrowth with grass, trees, and new springs. Devin stated that the strategy had always been full suppression.

Richard Hepworth, Utah Division of Wildlife Resources (DWR) Aquatics Manager, explained that his main focus was the fisheries affected. There was 150 miles of stream that would lose fishing as a result of the ash flow. Potentially, Yankee Meadow and Red Creek were both in danger of losing all fish. The goal was to prevent the reservoirs from turning into meadows. Richard noted that there would be at least three years of debris flows.

## **PUBLIC COMMENTS**

William Pressgrove, a citizen of Iron County, stated that where there are no consequences, there are no laws. The Iron County Table of Uses had not been set up to be compatible with Iron County. Selective prosecution could be a result of the Table of Uses. It needed to be cleaned up and to remove the requirement that a person must first check with the county before use. He stated that as such, it hindered his inalienable rights.

Christian, Bureau of Land Management (BLM), introduced Paul Briggs as the incoming Cedar City Field Manager.

## **DISCUSSION AND POSSIBLE ACTION REGARDING THE GOLD SPRINGS ROAD CURRENTLY NOT LISTED A COUNTY ROAD WITH THE BLM**

Alysen Tarrant, TriMetals Mining, Inc., explained that the Gold Springs Road was located off of Hwy 56 just west of Modena. The Gold Springs Road was currently not listed as a county road with the BLM. The TriMetals Company had been doing exploration in the area since year 2010. Alysen reported that the road was used very often by motorists to access the Gold Springs area for recreation, grazing, and exploration drilling of gold/silver targets. Her company had identified up to 1 million ounces of resource of gold and silver. In two years they hoped to move from exploration into mining and processing of gold and silver ore. Having the Gold Springs Road designated as a county road would assist tremendously in the planning of future activities. Alysen asked that Iron County request a Title 5 Right of Way from the BLM which would include widening the road for ease of operations that would include open pit mining and processing. There was an anticipation of over 10,000 tons per day which would greatly increase traffic on the road. The road was approximately 10 miles from the turn off to the Gold Springs Area.

Dale Brinkerhoff asked that the issue be turned over to Steve Platt, Preston Nelson, and Mike Worthen for further investigation and to bring the information back to the commission for further discussion.

**DISCUSSION ON PUBLIC ACCESS TO RS2477 ROADS WITHIN IRON MOUNTAIN ON PRIVATE LAND TO BE RECLASSIFIED TO PRIVATE ACCESS ONLY**

Alysen Tarrant, representing Black Iron LLC & Gilbert Development Corporation, explained that Black Iron LLC and Gilbert Development Corporation own or control land around Iron Mountain, approximately 16 miles West of Cedar City. Iron Mountain had a collection of open pit iron mines and related facilities. Many roads within Iron Mountain were designated as RS2477 public access roads. Alysen reported that Black Iron and Gilbert Development would like to reclassify those roads on private land to be private access only, which would allow them to be blocked off. She state that the reason was vandalism and trespassing that had occurred around the Iron Mountain area. Black Iron also requested that the pit known as "2000 Flushes" be fenced off to close access to the pit and block any access roads.

Dale Brinkerhoff asked that the requests be turned over to Steve Platt, Preston Nelson, and Mike Worthen for further investigation and to bring the information back to the commission for further discussion.

**PRESENTATION OF A RECENT SURVEY ON RECYCLING OPINIONS FOR THE SUPPORT OF CURBSIDE RECYCLING**

Stephen Gwin presented the Iron County Commissioners the findings of a recent survey of likely Iron County voters regarding recycling. He reported that out of 5,900 likely voters, only 500 responded to the survey. Close to 90% of those approved of recycling and 71% approved of curbside recycling. About 24% replied that they would support recycling depending on the cost. Stephen explained that the information was given as a reference for future decisions on recycling. Dale Brinkerhoff expressed that he was not in favor of imposing a fee for curbside recycling on Iron County residents. Dale also noted that logistics of serving remote areas of Iron County would make it especially challenging.

**CONSIDERATION AND OR POSSIBLE APPROVAL FOR A SPECIAL ASSESSMENT AREA BOND FOR THE SUNSET SUBDIVISION OWNERS IN REGARDS TO ROAD IMPROVEMENTS WITHIN THE SUBDIVISION**

George Mason, President of Sunset Subdivision Home Owners Association (HOA), explained that he was representing the HOA in requesting that Iron County form a Special Assessment Area (SSA) with the intent of transferring the private roads to Iron County. George reported that there were 28 homes built or under construction and anticipated a total of 32 to 35 homes to be completed this year. There were a total of 58 lots located off Bumblebee Road. He reported that the homeowners were aware that it would require a bond issue that would be paid by the Sunset Subdivision owners.

Steve Platt reported that if the request was approved he would take the subdivision boundary, make an SSA, and prepare an estimate of cost to the property owners. He would then submit the findings to the HOA for review and possible vote. The homeowners would be responsible for all of the improvements that could be paid over a ten year period.

Dale Brinkerhoff made a motion to approve the HOA to move forward for an SSA bond for the Sunset Subdivision owners. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION ON PROPERTY IN SUMMIT**

Bill Wilson, a citizen of Summit, explained that the land that his home sits on has never been a street, but a parcel that is about 0.10 of an acre belongs to Iron County and was listed as a road. In 2005 he approached then Iron County Clerk, David Yardley, and expressed that he was concerned for the protection of his home from fire because the adjacent field was full of weeds. Bill reported that he went before the Iron County Commission and they allowed him to keep the field mowed and cleaned for \$10.00 per year for ten years. This agreement was in the form of a ten year lease. The home was now rented and the tenants kept the field mowed. Bill noted that the payments of \$10.00 per year showed on all his tax forms.

Dale Brinkerhoff advised to defer to the council of Iron County Deputy Attorney Mike Edwards to look into the matter and bring suggestions back to the commission for further discussion.

**DISCUSSION AND POSSIBLE ACTION REGARDING CONVEYANCE OF CERTAIN LOTS IN THE PARK VIEW SUBDIVISION TO ENOCH CITY FOR 5600 NORTH ROAD REALIGNMENT AND POSSIBLE EASEMENT FOR CATTLE IN THE PARK VIEW SUBDIVISION**

Rob Dotson, Enoch City Manager, explained that between the years 2004-2006 the Park View Subdivision commenced North of Enoch. Soon after the development of phases 1 through 4, the developer filed bankruptcy, and the bank took over but also filed bankruptcy. The subdivision then reverted to Iron County but could not be sold because of subsidence problems. In 2012 there was flooding in Enoch. After over 100 homes were flooded, money was received from the National Resource Conservation Service (NRCS) to develop storm drains, but that ran out around Half Mile Road. He reported that obtaining some of the Park View lots from Iron County would allow for a drainage detention & retention project.

Dale Brinkerhoff asked that Mike Edwards perform a study of options for Iron County and report back to the Iron County Commission for further discussion.

Rob Dotson explained that north of the possible retention parcels, there were some Park View Subdivision lots adjacent to a parcel used for cattle grazing. Rob proposed that the rancher who grazed the adjacent parcel be allowed to extend grazing usage to certain adjacent Park View Subdivision lots. He explained that the lots would have to be fenced and that a yearly agreement could be made which could be cancelled at any time.

No action was taken.

**APPROVAL OF CONTINUED STATE OF UTAH CONTRACT FOR BAILIFF & PERIMETER SECURITY FOR THE FIFTH DISTRICT AND JUVENILE COURTS**

Michael Bleak made a motion to approve the continued State of Utah Contract for Bailiff and perimeter security for the Fifth District and Juvenile Courts located in Cedar City, Utah in the amount of \$91,076.00, retroactive to July 1, 2017. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**COMMUNICATIONS CENTER COOPERATIVE AGREEMENT, PROVIDING FOR CONSOLIDATED DISPATCH SERVICE IN IRON COUNTY**

Linda Petty, Cedar Communications Manager, explained that all Communication Center Cooperative contracts would be for 5 years, and would not include a budget element.

Dale Brinkerhoff made a motion to approve the five year Communications Center Cooperative Agreement contract between Cedar Communications and Iron County.

Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Linda Petty reported that for fiscal year 2017, the portion paid by Iron County was \$122,754.00. The portion for Iron County in fiscal year 2018 would be \$136,350.00, a \$23,000.00 increase. The increase was the result of a new retirement bill for dispatchers created by the State Legislature in 2015 that had a fiscal note of \$500,000.00. It had previously been paid by the Department of Public Safety and was now being passed on to the centers.

Michael Bleak made a motion to approve the Communications Center Cooperative budget for fiscal year 2017-2018 in the amount of \$136,350.00. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**COUNCIL ON AGING (COA) BUDGET AND CONTRACT FOR FY 2018**

Michael Bleak made a motion to approve the COA Budget and contract for FY 2018 in the amount of \$254,253.00. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Betsy Cummings, Iron County Human Resource (HR) Assistant, presented Steven Davis for a transfer from Part-time Outreach Worker to Part-time Van Driver in Council on Aging, effective July 3, 2017, for approval.

Alma Adams made a motion to approve the transfer of Steven Davis from Part-time Outreach Worker to Part-time Van Driver in Council on Aging, effective date of July 3, 2017 for approval. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

In Corrections, Betsy Cummings presented a promotion and associated 5% pay increase for Corporal Michelle Walker to the rank of Sergeant, with an effective date of July 16, 2017, for approval, also a promotion and associated 5% pay increase for Deputy Jerod Hansen to the rank of Corporal, with an effective date of July 16, 2017 for approval. Betsy Cummings presented the new hire of Zach Wood as a Corrections Deputy, with an effective date of July 31, 2017 for approval. All positions would be a backfill of a vacant position.

Michael Bleak made a motion to approve the personnel changes in Corrections as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Betsy presented the approval of the 2017-2018 United Research Services contribution (URS) rates. The only change was that the percentage changed in the distribution rate between the 401K and the system account. The outcome would remain the same.

Alma Adams made a motion to approve the 2017 -2018 URS contribution rate as presented by Betsy. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**PRAIRIE DOG MATTERS**

Alma Adams reported that he was hopeful that after the visit with Aurelia Skipwith, there would be a better understanding of the problem. Alma noted that the goal was to have the Federal Government adopt the state plan that had been so successful.

**PUBLIC SAFETY BUILDING**

Dale Brinkerhoff reported that the completion of the Public Safety building would be close to the end of September, 2017. There had been multiple issues that had come up during the building of the Public Safety Building which had moved the completion date back.


**COURTHOUSE**

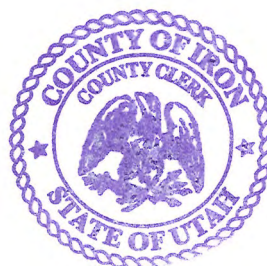
Dale Brinkerhoff reported that asbestos had been found on the texture on the wall boards, and the unexpected grounding service was an extra cost. There was not a date set for the courthouse to reopen because of all the unforeseen problems.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**

**August 14, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 14, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Scott F. Garrett	County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer
Adrion Walker	Human Resource Director

**SYNOPSIS**

ADJOURNMENT ..... 12

APPROVAL OF BEER TAX GRANT FUNDS EXPENDITURES ..... 9

APPROVAL OF MINUTES ..... 2

APPROVAL OF SEIZED DRUG FUNDS EXPENDITURES ..... 9

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DEPARTMENT REPORTS ..... 2

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NON-DELEGATED ITEMS..... 11

PERSONNEL ..... 11

PLEDGE OF ALLEGIANCE..... 1

PUBLIC COMMENTS ..... 8

PUBLIC HEARING REGARDING ORDINANCE 2017-4..... 3

REQUEST FOR PARTICIPATION IN ENTERPRISE CITY PARK ..... 8

RESOLUTION 2017-14 ..... 9

RESOLUTION 2017-15 ..... 10

UTAH PRAIRIE DOG UPDATE ..... 2

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Stephanie Furnival.

**INVOCATION**

An invocation was offered by William Pressgrove.

## **APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the June 26, 2017 Iron County Commission meeting. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff.

## **DEPARTMENTAL REPORTS**

**Stephanie Furnival, Iron County Children's Justice Center (CJC) Director,** reported that the National Children's Alliance (NCA) accreditation team had conducted their interviews as well as reviews of each case in the CJC to insure that the Iron County CJC was adhering to best practice guidelines. Stephanie noted that Iron County had passed with 100% and had received no recommendations. The CJC was now accredited for the next 5 years. She explained that being accredited not only guaranteed funding from the NCA but also helped to obtain grant money. Stephanie reported that the CJC had received a \$75,000.00 grant from the Eccles Foundation and an anonymous donation of \$25,000.00 to help with the building of a CJC in Kane County. The estimated cost was \$500,000.00. There has been \$200,000.00 raised and a ground breaking for the building was expected early in 2018. She reported that "Dancing With the Stars" was scheduled for October. She reported that with school beginning, the CJC would likely be busy with new reports of abuse. Reports increase because of the children had friends and teachers to confide in.

**Kenneth Richards, Iron County Geographic Information System (GIS),** noted that the overall Information Technology (IT) budget was on track. Ken reported that he had been able to assist with public safety on the Brian Head fire. Maps were provided for boundaries and parcels with structures located on them. The reports had been shared with the Treasurer's Office to help with tax adjustments to those who lost property as a result of the fire. Ken concluded by noting that printers had been set up for the Iron County Fair so they would not have to tie up printers in other offices.

**Dale Brinkerhoff, Iron County Commissioner,** noted that cost to install electrical grounding in the courthouse would be around \$175,000. Dale explained that the project was waiting for a bid from Rocmont Industrial for asbestos abatement in the wall texture. Dale noted that the Bureau of Land Management would be holding a meeting on August 25, 2017 at 10:00 a.m. regarding Kanarra Falls.

**Alma Adams, Iron County Commissioner,** reported that Parowan Valley water users were being negatively affected by ash and debris from the Brian Head fire. The worse being affected was the Parowan and Little Creek drainages. The others were Paragonah, Summit and Cottonwood. Alma reported that an application for the Watershed & Flood Prevention Operations grant was in progress. It was a 100% Grant and would be presented at the commission meeting on August 28, 2017. He noted that Governor Herbert had introduced a "Twenty-five thousand Job Initiative" to create 25,000 jobs for the 25 counties off the Wasatch front in the next 4 years.

## **UTAH PRAIRIE DOG UPDATE**

**Reed Erickson, Iron County Planner,** explained that on March 29, 2017 the 10<sup>th</sup> District Court overturned the prior Judge Benson ruling (acting on the United States Fish & Wildlife Service (FWS) and Friends of Animals appeal). The March 29<sup>th</sup> ruling was issued by 3 Appellate Judges out of the 10. After the ruling Pacific Legal Foundation petitioned a rehearing to have the full panel rule. On April 25, 2017 the Friends of Animals sent the Department of Natural Resources a notice of intent to sue. On August 8, 2017, the rehearing petition was denied. The FWS would take back control of the management of the Utah Prairie Dog (UPD) on August 15, 2017. The Pacific Legal Foundation filed a motion to stay on August 14, 2017 with the Supreme Court, which would automatically suspend the FWS control until the court makes a motion. Reed

reported that Utah had one more year under the 1998 Ecological Society of America control. The Utah Division of Wildlife Resources (DWS) continued work on a “General Conservation Plan,” which would be similar to the Low-Effect Habitat Conservation Plan. Iron County would be listed as the “Master Permit Holder.” He explained that Population Viability Analysis was a scientific study on how many prairie dogs were necessary to insure their survival in the future.

#### **DEPARTMENTAL REPORT**

**Scott Garrett, Iron County Attorney**, noted that the Attorney budget was at 55% at the six month mark. Scott reported that task force cases were up, felony drug cases were up and child sexual abuse cases were up at 15 compared to a total of 9 in 2016. He stated that new Juvenile Justice Legislation was in effect, and his office would now file all cases in the Juvenile Court. Any misdemeanor that happened on school grounds would now be handled by the school and not referred to Juvenile Court. The law would become mandatory in one year.

#### **COURTHOUSE UPDATE**

Mitch Berger, Superintendent, Zwick Construction, reported that the insulation in the courthouse was installed. The electrical upgrade was being completed on the first floor, but they were waiting on the asbestos abatement. They were unable to work on the electrical behind the sheetrock because of the asbestos. The air handler had been installed and the ducting to it was in progress. Mitch noted that the asbestos abatement would begin on August 15.

Dale Brinkerhoff asked if there was a completion date. Mitch Berger explained that the date would be contingent on asbestos abatement and how long would be needed to complete the removal. Mitch noted that if all were to go well, the completion date could sometime during November.

#### **PUBLIC HEARING TO CONSIDER INPUT ON ORDINANCE 2017-4, COUNTY CODE AMENDMENTS TO MAXIMUM DENSITY & PERFORMANCE SUBDIVISIONS AND NOTIFICATION REQUIREMENT FOR DWELLINGS IN THE A-20 AND RA-20 ZONING DISTRICTS**

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing to consider input on Ordinance 2017-4 open.

Reed Erickson explained that Ordinance 2017-4 had come from the Planning Commission for consideration to make changes in two subdivisions. The Maximum Density & Performance Subdivision Ordinance option may be allowed in the A20, RA-20, RR-20, R-5, R-2, R-1 zoning districts which allowed the lots to be divided based on density to any size configuration. The number of subdivision lots allowed in a performance subdivision would be determined by qualifying for density bonus points identified in Section 16.23.040. Reed explained that in the previous code the R-1/2 lots were not included for the maximum density and Ordinance 2017-4 would allow the R-1/2 lots to be included. This Ordinance would require that a property owner requesting a building permit sign an Agreement Acknowledgment of building in an agriculture area which may or may not currently surround their property, and no 14 day notification would be required.

No public comments were offered. Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing closed.

Michael Bleak made a motion to approve Ordinance 2017-4, Iron County Code Amendments to Maximum Density & Performance Subdivisions and notification requirement for dwellings in the A-20 and RA-20 zoning districts. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## IRON COUNTY ORDINANCE 2017 - 4

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND MODIFYING CERTAIN SECTIONS OF TITLE 16 – SUBDIVISIONS; TITLE 17 – ZONING; ESTABLISHING PROVISIONS FOR MAXIMUM DENSITY SUBDIVISIONS IN NEW ZONING DISTRICTS; AMENDING OPEN SPACE AND PERFORMANCE POINT REQUIREMENTS IN PERFORMANCE SUBDIVISIONS; REMOVING NOTIFICATION REQUIREMENTS FOR DWELLINGS IN A-20 AND RA-20 ZONES; AND PROVIDING AN EFFECTIVE DATE.

**Whereas**, Iron County has determined in accordance with Utah Code and the Iron County Land Management Code, that certain provisions and regulations be established that permit maximum density subdivisions in additional zoning districts of the county, and reduce open space and performance point requirements in performance subdivisions;

**Whereas**, Iron County officials have the desire to eliminate burdensome notification requirements for dwellings in certain agricultural zoning districts; and

**Whereas**, the proposed ordinance is designed to implement the objectives of the County to promote additional options for property use while reasonably regulating the same to serve the purposes of the Iron County Zoning and Subdivision Ordinances; and

**Whereas**, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning and Subdivision Ordinances of Iron County, Utah and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinances to the Iron County Commission with a recommendation for approval; and,

**Whereas**, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the planning commission recommendation, public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act; the Iron County General Plan; and, the Iron County Zoning and Subdivision Ordinances.

**Now Therefore**, be it ordained and enacted by the Board of County Commissioners of Iron County, Utah as follows:

**SECTION 1. Chapter 17.30.070 – Acknowledgment agreement required within the A-20 and I-A zoning districts for buildings for human occupancies or non-agriculture businesses**, of the Iron County Code, shall be, and hereby is, amended to read as follows:

**17.30.070 - Acknowledgment agreement required within the A-20 and I-A zoning districts for buildings for human occupancies or non-agriculture businesses.**

A. All lots and properties located within the A-20, RA-20, and I-A zoning districts proposed for the issuance of a building permit to construct buildings for



human occupancy and non-agriculture businesses shall sign an acknowledgment agreement prior to the approval of the building permit application. The agreement shall:

1. Run with the property;
2. Be filled out in its entirety;
3. Be signed with a notarized signature, by the property owner(s) of record applying for the building permit; and
4. Be recorded in the office of the Iron County recorder with a copy of such recorded document being provided as part of the building permit application.

The property owner requesting the building permit shall sign and record the acknowledgment agreement, acknowledging ranching and farming activities, which include swine and animal operations, do occur in the RA-20, A-20 and I-A zones which may or may not currently surround their property. A copy of the recorded agreement shall be provided as part of the building permit application.

B. The acknowledgment agreement shall include that farming, ranching, swine and animal operations and activities exist and may continue to operate, and that agricultural use in the RA-20, A-20 and I-A zones is a principle land use of the RA-20, A-20 and I-A zoning districts. The owner(s) of the property signing the agreement shall acknowledge that the following activities and practices occur, but are not limited to:

1. Pesticide spraying (including crop dusting) by land and plane;
2. Field and ditch burning;
3. Machinery operations, including well pumps, and engines, at all hours for extended periods of time;
4. Feeding of livestock, including storage of all types of feed;
5. Dairy operations;
6. Grazing and moving of livestock;
7. Calving, lambing, foaling, hatching and farrowing;
8. Fertilizing;
9. Composting;
10. Dust caused by agriculture operations and adjacent road;
11. Nighttime activities and operations;
12. Associated noises;
13. All other normal agriculture operations and activities;
14. Flood irrigation and high water runoff occurs which may result in the flooding of adjacent and nearby properties, including roads, streets, rights-of way and easements;
15. That strong odors are part of normal agriculture, ranching, farming, swine and animal operations; and
16. Greenhouses.

**SECTION 2.** Within **Chapter 16.26 – Maximum Density Subdivision Option**, of the Iron County Code, shall be, and hereby is, identified and amended to reads as follows:

**16.26.020 - Use regulations.**

The maximum density subdivision option may be allowed in the A-20, RA-20, RR-20, R-5, R-2, R-1, and R-1/2 zoning districts at the discretion of the county commission, following the receipt of a planning commission recommendation. An application for a maximum density subdivision shall be considered concurrently with a preliminary subdivision application or minor subdivision application. All use requirements of the zoning district in which the maximum density subdivision is located shall apply.

**16.26.040 - Development standards.**

A. Minimum Lot Area. The minimum lot area for dwellings may be reduced below the area normally required by the zoning district regulations in which the maximum density subdivision is located, as recommended by the planning commission, and as approved by the county commission. Minimum lot areas shall not be less than 10,000 square feet. The proposed lot size must be sufficient to meet the requirements of the South West Utah Health Department and the Utah Department of Environmental Quality for the provision of culinary water and sanitary sewer services, as applicable. Subdivisions not connected to a center sewer system shall not have lots smaller than five acres unless the applicant can sufficiently demonstrate that lots smaller than five acres and associated small wastewater treatment systems on less than five acres will not be detrimental to the public health, safety and/or welfare, including specifically, but not limited to, groundwater quality, groundwater hydrology, and soils stability.

B. Minimum Lot Width and Yard Setback. The minimum lot width and yard requirements may be reduced below the width and yard normally required by the zoning district in which the maximum density subdivision is located, as recommended by the planning commission, and as approved by the county commission. However, no required side yard shall be less than ten feet, no required front or rear yard shall be less than thirty feet, and no corner side yard shall be less than thirty feet. Any variation from the normally required setbacks for the zone shall be specified on the preliminary plat, and the recorded final plat, or record of survey as recorded in the office of the Iron County recorder.

C. Use and Height Regulations. Use and height regulations shall be the same as for the zoning district in which the maximum density subdivision is located.

D. Building Envelope. An appropriately sized building envelope shall be designated for each lot where residential structures may be built, leaving the remainder of the lot free of structures.

E. Subdivision Improvements. The Iron County design and construction standards shall be required for each zone, as designated, unless there are any lots in the subdivision that are smaller than the normal minimum required lot area of the zoning district in which the subdivision is located. In such case, the planning commission shall recommend, and the county commission shall approve the appropriate (more stringent) required level of on-site and off-site subdivision improvements based on the number of lots and the lot sizes in the subdivision, as well as subdivision location, current and future land use designations of adjacent properties, and all other relevant considerations.

In Tier IV, a maximum density subdivision with any lots sized smaller than twenty acres each shall be regulated by the design and construction standards required in the R-5 zoning district. The minimum lot size in A-20, RA-20, and RR-20 Tier IV, is five acres.

F. The proposed maximum density subdivision shall comply with the application and approval requirements for preliminary subdivision applications, final subdivision applications and minor subdivision applications, as applicable.

G. In the R-1/2, R-1, and R-2 zoning districts, Maximum density subdivisions must be served by central water and central sewer, and be located within an Iron County Tier II or Tier III area.

**SECTION 3.** Within **Chapter 16.23 – Performance Subdivision Option**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**16.23.030 - General requirements.**

A. The number of subdivision lots allowed in a performance subdivision shall be determined by qualifying for density bonus points identified in Section 16.23.040, and as follows:

Level	Density (Units / GDA*)	Performance Requirements
A	2 units/ acre	0% open space + 0 performance points
B	3 units/acre	5% open space + 5 performance points
C	4 units/acre	10% open space + 10 performance points
D	5 Units/acre	15% open space + 15 performance points
E	6 units/acre	20% open space + 20 performance points

Land to be used for schools, churches, and other public facilities/buildings and uses may be included in the area for determining the number of allowable lots. The determination of the number of lots allowed shall also recognize any critical area requirements that may be applicable to the subdivision site, as identified in Section 1102(9), Iron County zoning ordinance.

\* Gross developable acre means land which is capable of being improved with landscaping, recreational facilities, buildings, or parking (subject to the provisions of the Iron County Land Management Code.)

B. Properties must contain at least twenty acres of contiguous land in order to qualify for the performance subdivision option.

C. Projects with phased planning must adopt an overall development plan with the approval of the first phase, describing open space and other values to qualify the entire project as a performance subdivision. Each phase must contain at least ten acres.

D. Performance subdivisions must be served by central water and central sewer, and be located within an Iron County Tier II or Tier III area.

E. The area and location of the property to be preserved and maintained as open space through the performance subdivision option shall be of a size and location sufficient to achieve the purposes of the area preserved and the purposes of the performance subdivision option and held as common area to the subdivision.

F. The development shall be in a single or corporate ownership or the subdivision application filed jointly by the owners of all the property.

G. The property adjacent to the performance subdivision shall not be adversely affected and to this end, the planning commission and county commission may require, that uses of least intensity or greatest compatibility be arranged around the boundaries of the performance subdivision area.

**SECTION 4. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of allowing greater flexibility in residential development and providing additional housing opportunities in accordance with Utah State code and Iron County code.

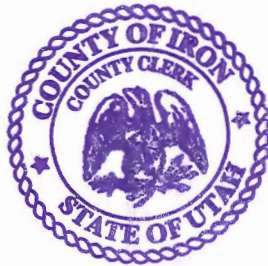
**SECTION 5. Severability.**

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**SECTION 6. Effective Date.**

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14th day of August, 2017.**



BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff, Chair

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker,  
County Clerk

VOTING:

Alma L. Adams       Aye    
Dale M. Brinkerhoff   Aye    
Michael P. Bleak     Aye  

**PUBLIC COMMENTS**

No public comments were offered.

**REQUEST FOR PARTICIPATION IN ENTERPRISE CITY PARK FOR BENEFIT OF UNINCORPORATED AREA OF IRON COUNTY**

Jared Holt, Enterprise City, explained that Enterprise was building a Regional Park in the amount of \$3.5 million. Most of the work thus far had been by volunteers. There were 30-40 Iron County businesses and individuals that had contributed. There had been over 300 volunteers from Washington and Iron County. The more technical work would be contracted out. Jared reported that Enterprise City would bond \$450,000.00, and proposed that Iron County participate by contributing \$25,000.00. He stated that the park would be used by both Washington and Iron County residents. Jared noted that Holt Dairy would contribute \$15,000.00 to a park that would be built in New Castle.

Mayor Bracken expressed his gratitude to the positive relationship between Enterprise City and Iron County.

Dale Brinkerhoff agreed that this was a good project for both counties and asked that the Iron County Commission have two weeks to consider and review the proposal with council and be brought back to the Iron County Commission meeting held on

September 11, 2017. Alma Adams noted that the donation would be less than 1% of the project.

**DISCUSSION ON SEIZED DRUG EXPENDITURE FUNDS**

Sheriff Gower reported that there was \$14,856.72 in a segregated account that was seized drug money. He explained that he was interested in purchasing a drone for the Iron County Sheriff's Office in the amount of \$8,824.00. Sheriff Gower reported that he had received a grant in the amount of \$3,500.00 and was requesting permission to spend \$5,324.77 from the segregated account.

Alma Adams made a motion to approve \$5,324.77 from the seized drug expenditure funds to help purchase a drone for the Iron County Sheriff's Office. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION ON BEER TAX GRANT FUNDS EXPENDITURES**

Del Schlosser explained that when applying for a Beer Tax Grant they added the cost for a Side-by-side in the amount of \$17,000.00 and was awarded the grant. The bid amount for the Polaris Roger 1000 side-by-side vehicle was \$16,973.32 which would be covered by the Beer Tax Grant.

Michael Bleak made a motion to approve the expenditure of Beer Tax Grant Funds in the amount of \$16,973.32 for the purchase of a Polaris Roger 1000 side by side vehicle. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**RESOLUTION 2017-14, APPROVING PARTICIPATION OF IRON COUNTY SPECIAL SERVICE DISTRICT #1 (ICSSD#1) IN THE UTAH COUNTIES INDEMNITY POOL AS A SEPARATE COUNTY RELATED ENTITY MEMBER**

Jon Whittaker explained that because of the different Special Service Districts in Utah, Utah Counties Indemnity Pool (UCIP) requests that the Indemnity Pool be listed as a separate county related entity member.

Alma Adams made a motion to approve Resolution 2017-14 approving participation of ICSSD#1 in the Utah Counties Indemnity pool as a separate county related entity member, contingent upon checking with UCIP regarding no increase in cost. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2017-14**

**A RESOLUTION OF IRON COUNTY APPROVING PARTICIPATION OF THE IRON COUNTY SPECIAL SERVICE DISTRICT #1 IN THE UTAH COUNTIES INDEMNITY POOL AS A SEPARATE COUNTY RELATED ENTITY MEMBER**

**Whereas**, the Governing Body of Iron County, Utah, a participating Member of the Utah Counties Indemnity Pool, is the proper authority to sponsor the participation of the Iron County Special Service District #1, a separate county related entity; and

**Whereas**, the Governing Body of Iron County, Utah, has been informed that the Bylaws of the Utah Counties Indemnity Pool require that a separate county related entity must be sponsored by a participating Member County by resolution of the member's governing body;

**Whereas**, the Governing Body of Iron County Utah, acknowledges that the Bylaws

of the Utah Counties Indemnity Pool, requirements of eligibility have been met by the separate county related entity.

**Now Therefore**, be it resolved that the Governing Body of Iron County, Utah, hereby approves the Iron County Special Service District #1 as a separate county related entity member, eligible to participate in the Utah Counties Indemnity Pool.

RESOLVED, ADOPTED, AND ORDERED this 14<sup>th</sup> day of August, 2017.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker  
Iron County Clerk



Voting:

Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye  

**RESOLUTION 2017-15, APPROVING PARTICIPATION OF IRON COUNTY SPECIAL SERVICE DISTRICT #3 (ICSSD#3) IN THE UTAH COUNTIES INDEMNITY POOL AS A SEPARATE COUNTY RELATED ENTITY MEMBER**

Alma Adams made a motion to approve Resolution 2017-15, approving participation of ICSSD#3 in the Utah Counties Indemnity Pool as a separate county related entity member, contingent upon checking with UCIP regarding no increase in cost. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2017-15**

RESOLUTION OF IRON COUNTY APPROVING PARTICIPATION OF THE IRON COUNTY SPECIAL SERVICE DISTRICT #3 IN THE UTAH COUNTIES INDEMNITY POOL AS A SEPARATE COUNTY RELATED ENTITY MEMBER

**Whereas**, the Governing Body of Iron County, Utah, a participating Member of the Utah Counties Indemnity Pool, is the proper authority to sponsor the participation of the Iron County Special Service District #3, a separate county related entity; and

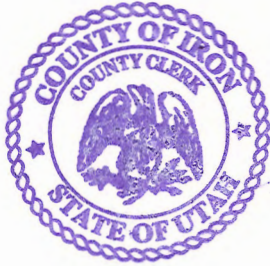
**Whereas**, the Governing Body of Iron County, Utah, has been informed that the Bylaws of the Utah Counties Indemnity Pool require that a separate county related entity must be sponsored by a participating Member County by resolution of the member's

governing body;

**Whereas**, the Governing Body of Iron County Utah, acknowledge that the Bylaws of the Utah Counties Indemnity Pool, requirements of eligibility have been met by the separate county related entity.

**Now Therefore**, be it resolved that the Governing Body of Iron County, Utah, hereby approves the Iron County Special Service District #3 as a separate county related entity member, eligible to participate in the Utah Counties Indemnity Pool.

RESOLVED, ADOPTED, AND ORDERED this 14<sup>th</sup> day of August, 2017.



BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff, Chair

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker  
Iron County Clerk

Voting:

Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye  

**PERSONNEL**

Adrion Walker, Human Resource (HR) Director, presented the new hire of Kelli Stoker as a part time Outreach Worker in the Council on Aging Department. Effective July 31, 2017. This would be a backfill of a vacant position.

Alma Adams made a motion to approve the new hire of Kelli Stoker as a part time Outreach Worker in the Council on Aging Department. Effective July 31, 2017. This would be a backfill of a vacant position. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**COUNTY BOARDS**

Planning & Zoning was in need of a member from the Cedar City area. A list of names was submitted for approval.

**PUBLIC SAFETY BUILDING**

Lester Ross reported that the painting in the Public Safety Building was complete. The move in date was moved back due to backorders on consoles and finishing touches. He noted that \$75,000 was allocated for the Economic Operations Committee to be added in the basement of the Safety building.

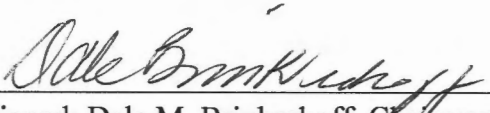
**COURTHOUSE**

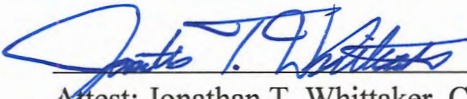
Lester Ross reported that there was money set aside for landscaping for the Justice Center. He suggested that that money be used for re-landscaping the Iron County Courthouse.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.



  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**EMERGENCY IRON COUNTY COMMISSION MEETING**  
**August 22, 2017**

Minutes of the Emergency Iron County Commission meeting convened at 1:00 p.m.  
August 22, 2017 in the Cedar City Chambers at the Cedar City Offices, Cedar City, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Michael P. Bleak	Commissioner
Alma A. Adams	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Cindy W. Bulloch	County Assessor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer

**SYNOPSIS**

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APPROVAL OF INCIDENTAL TAKE PERMITS FOR PRAIRIE DOGS UNDER HCP.....	1
APPROVAL TO APPLY FOR WATERSHED AND FLOOD PREVENTION GRANT.....	2

**APPROVAL OF “INCIDENTAL TAKE PERMITS” UNDER THE IRON COUNTY HABITAT CONSERVATION PLAN**

Reed Erickson explained that a 2014 ruling by a federal judge had allowed the Utah Prairie Dog (UPD) to be managed under State of Utah rules, which were less onerous than the previous federal oversight. Reed noted that two separate rulings by the 10 Circuit Court of Appeals had overturned the 2014 decision, thereby nullifying the State of Utah control and reverting back to the federal regulation under the still existing Habitat Conservation Plan (HCP). He noted that for existing state permits, as long as the ground had been disturbed, then the permit would be honored. Reed noted that the now current HCP would expire at the end of 2017. He also explained that a General Conservation Plan (GCP) was being formulated, which he hoped would be a hybrid of the State of Utah rules and the federal rules. Reed thanked Utah Division of Wildlife Resources (DWR) staff, particularly Jessica Van Woeart and Kevin Bunnell for being excellent partners and responsive to help Iron County work through the transition back to the HCP. The date UPD reverted back to federal management was August 17<sup>th</sup>, 2017, thus necessitating the review of Incident Take Permits during an Emergency Meeting.

Jessica Van Woeart, DWR Wildlife Biologist, presented the following names and parcels for approval of take under the HCP to the commissioners:

- Brett Williams, 1 UPD, 0.44 Acres, Lot 108, Iron Mountain Subdivision
- Judd Abrams, 2 UPD, 0.28 Acres, APN: B-1486
- Brian Peterson, 2 UPD, 0.16 Acres, Lot 129, Gemini Meadows Subdivision
- Clayton Cheney, 2 UPD, 0.50 Acres, APN: B-1792-16
- Brett Williams, 1 UPD, 0.10 Acres, APN: B-1180-1

Alma Adams made a motion to approve the UPD take as explained under the HCP. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

At this point, Dale Brinkerhoff, as well as Fred Rowley from the Cedar City Council additionally lauded Jessica Van Woert.

Reed Erickson explained the GCP would be closer to the State of Utah plan, and would count UPD on private property as well as public. He noted that land with UPD would be counted by the acre versus by the UPD. Reed also gave some details as to what the pricing structure and plans might be under the GCP and answered questions.

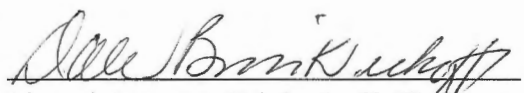
**APPROVAL TO APPLY FOR A “WATERSHED AND FLOOD PREVENTION OPERATIONS PROGRAM” GRANT**


Nancy Dalton, Secretary of the Little Creek Field and Canal Company, explained that various drainages in the Parowan Valley had suffered severe flooding due to the recent Brian Head Fire. Nancy explained that, in addition to the “Emergency Watershed Protection” funding that had been approved to apply for, there was also “Watershed and Flood Prevention Operations Program,” grant monies available from the Natural Resources Conservation Service. She noted that leaders from Iron County, Parowan and surrounding areas had met earlier in the month and had decided to move forward, with Iron County being the “Sponsoring Agency.” After some brief planning, Nancy explained that to build detention basins and reinforce the flood channels for all 5 basins involved would cost an estimated \$17.636 Million. She suggested that Iron County and the other municipalities commit to a matching amount to improve the probability of the grant being awarded.

Michael Bleak made a motion to approve a Watershed and Flood Prevention Operations Program grant application, contingent upon approval of the Iron County Attorney. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
AUGUST 28, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 28, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P Bleak	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Deborah Johnson	County Recorder
H. Eugene Adams	County Auditor
Nicole B. Rosenberg	County Treasurer
Adrion Walker	Human Resource Director

**SYNOPSIS**

ADJOURNMENT .....6

APPROVAL OF 2016 AUDIT REPORT .....4

APPROVAL OF 2017 SURPLUS VEHICLES LIST.....4

APPROVAL OF AN EMERGENCY WATERSHED PROTECTION GRANT .....3

APPROVAL OF CHANGE IN ROCMONT INDUSTRIAL CONTRACT.....5

APPROVAL OF CONTRACT FOR EXTERIOR PAINTING WITH CHURCH CONST.....5

APPROVAL OF MINUTES .....2

APPROVAL OF PRAIRIE DOG TAKE .....4

CANVASS OF CEDAR HIGHLANDS 2017 MUNICIPAL ELECTION.....5

DEPARTMENTAL REPORTS.....2

INVOCATION .....2

NON-DELEGATED ITEMS.....5

PERSONNEL .....5

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....4

REVIEW OF WATERSHED & FLOOD PREVENTION OPERATIONS GRANT.....4

ROADS IN THE HIDDEN VALLEY RANCHOS SUBDIVISION.....4

UPDATE ON THE SENIOR CORPS PROGRAM.....4

## PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Danny Stewart.

## INVOCATION

An invocation was offered by Jon Whittaker.

## APPROVAL OF MINUTES

Alma Adams made a motion to approve the minutes of the February 13, 2017, July 25, 2017 and August 22, 2017 Iron County Commission meetings. Second by Michael Bleak. Voting: Alma Adams, Aye; Mike Bleak, Aye; Dale Brinkerhoff, Aye.

## DEPARTMENTAL REPORTS

**Jonathan T Whittaker, Iron County Clerk**, reported that passports have settled down but marriage license applications have not. The 2017 Municipal Election was over. Jon expressed his thanks to his office staff for the work performed during the recent municipal primary election.

**John Higley, Iron County Emergency Management Coordinator**, reported that the grant documentation for, and purchase and installation of satellite phones at Woods Ranch and the Iron County Shooting Range was in its final stages. John anticipated that the satellite phones would be operable by October. The Emergency Communications trailer was deployed at the recent Fire Road Race and would be deployed again for the Cedar City Half Marathon. It housed three radio working areas for Amateur Radio Operators. Iron County had hosted two Community Emergency Response Team (CERT) basic training courses this year and had a third scheduled for October 3-7. John noted there would be a CERT awareness fair in the parking lot of Cal Ranch in Cedar City on September 30, 2017. John reported that the Iron County Emergency Preparedness app continued to be enhanced by the developer and was now offered in Spanish. He noted that there had been 427 volunteer hours donated, an equivalent of \$1423.00. John reported that 67% of the budget had been spent.

**Adrion Walker, Iron County Human Resource Director**, reported that he was on track with the budget with no anticipated large expenditures. There had been no new hires recently since all hires had been backfills of vacant positions. The renewal of employee benefits was in the early stages. Adrion noted that he had been working with the Utah Association of Counties Benefit Pool and Gallagher. Iron County was trending well, but would likely have an 8-12% increase in the cost of benefits. Adrion reported he had sent an email to department heads and supervisors regarding employee performance evaluations. Evaluations were an Iron County Policy which had not been followed in recent few years and needed to be implemented. The deadline was September 9 for evaluations to be completed. Adrion expressed that evaluations were a way to for employees to improve and grow. He noted that he had investigated a "Healthy Living" program which could offer incentives to employees to implement healthy practices. Adrion reported that there had been an extensive wage review and was waiting for further direction from the commissioners. Betsy Cummings continued to cross train with Carrie Christiansen on payroll and would be attending the upcoming Utah Counties Indemnity Pool Risk Management conference.

**Danny Stewart, Iron County Economic Development Director**, introduced Brad Abrams, the new Economic Development Coordinator since June 5th. Brad explained that his job was to promote expanding economic interests in Cedar City and Iron County. He reported that an Economic Summit would be held on September 7th at the Southern Utah University (SUU) Gilbert Great Hall. Manufacturing Day would be on October 6<sup>th</sup>, sponsored by the Southern Utah Manufacturers Association. Decorworx Sign & Banner Company continued to renovate the old Utah Parks Bus Depot on north Main Street in Cedar City. When completed it would create 164 new jobs. Brad reported that Governor Herbert's "25,000 Jobs Initiative" was moving forward and the Governor

would be meeting with County Economic Development leaders. On the top of the Iron County Economic Development Plan was the average monthly wage discrepancy between Iron County and the rest of the state. At the beginning of 2010, Iron County's average monthly wage was 71% of the states' monthly average. The average Utahn earned \$3,173 per month compared to Iron County at \$2,259. In the first quarter of 2017, Iron County's monthly average wage slipped to 69% of the states' average wage. Iron County's average was now \$2,616 compared to the states' \$3,762. While the states' average wage increased by \$589 per month in the past seven years, the average wage in Iron County increased by just \$231. Looking ahead, the greatest opportunities for economic growth in Iron County lie mainly in four business clusters including: manufacturing/light industrial and distribution; small business development, including technology based companies; renewable energy, and tourism.

**Lori Starr, Iron County, Iron County Justice Court Administrator**, reported that the Justice Court budget was on target. They had 7 full-time clerks, 1 Lead Supervisor, and 1 full-time and 1 part-time Judge. There was an SUU Intern working at the Justice Court that was a tremendous help. The final audit report had come in and the Judges and Lori were developing training that had been suggested. Lori reported that the Public Defender expenditures for appeals were down to \$14,979 compared to \$47,911 in 2016, a savings of \$32,931 for Iron County.

**Alma Adams, Iron County Commissioner**, reported that he attended a recent Wild Horse and Burrow Summit. The main purpose of the meeting was to save the horses and range. Alma noted that the wild horse population had doubled every 4 years. The range was able to support 2,700 wild horses, which presently was at 7,500 wild horses, with another 40,000 in expensive holding facilities. Alma reported that there had been a meeting concerning the Kanarrville Falls hike. In recent years, the hike had become very popular, resulting in numerous problems. There was a suggestion to begin charging a fee for entrance. Alma reported that he, along with Steve Platt and Preston Nelson, had met with Forest Service personnel to discuss road damage caused from flooding as a result of the Brian Head fire. There had been over \$1M appropriated for restoration of the roads.

#### **DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH THE NATURAL RESOURCE CONSERVATION SERVICE FOR AN EMERGENCY WATERSHED PROTECTION (EWP) GRANT**

Lance Smith, Natural Resources Conservation Service (NCRS) Civil Engineer, explained that the purpose of the agreement was to provide financial and/or technical assistance to implement recovery measures that, if left undone, pose a risk to life and/or property as a result of the Brian Head Fire. The total estimated construction costs were \$2,534,400 based on the following: NCRS would contribute \$1,900,800 (up to 75% of total construction costs) as reimbursement to Iron County for approved on-the-ground construction costs; NCRS would contribute Technical Assistance funds in the amount of \$190,080.00 (up to 7.5% of total construction costs) as reimbursement for technical and administrative costs directly charged to the project; Iron County, as Lead Sponsor, would contribute funds in the amount of \$633,600.00 (25% of the total construction costs) in either direct cash expenditures or in-kind contributions. Lance reported that the contract was approved and they were waiting for the funds to be put into the NCRS account.

Michael Bleak made a motion to approve the agreement with the Natural Resource Conservation Service for an Emergency Watershed Protection Grant in the amount of \$1,900,800; with the understanding Iron County would contribute \$633,600.00. Also, authorization for the Iron County Commission Chair to sign the contract at a later date. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**UPDATE ON THE SENIOR CORPS PROGRAM AND TO REQUEST FINANCIAL ASSISTANCE**

No representative came to address this agenda item.

**REQUEST OF CONSIDERATION TO BRING ROADS IN THE HIDDEN VALLEY RANCHOS SUBDIVISION BACK UP TO COUNTY STANDARD NOW THAT EXCAVATION WORK HAS BEEN COMPLETED BY THE CICWCD**

Thomas Hale, resident of Iron County, explained that in March, 2008 the Central Iron County Water Conservancy District (CICWCD) excavated the roads in the Hidden Valley Ranchos Subdivision. The CICWCD excavated the roads to install meters, lines, etc. The roads were dug up and never returned to Iron County standard mandated in the Iron County Code. Mr. Hale reported that the roads were Iron County roads and should be maintained.

Dale Brinkerhoff asked that Commissioner Bleak coordinate with the CICWCD, Steve Platt, and Preston Nelson on the matter.

**PUBLIC COMMENTS**

No public comments were offered.

**DISCUSSION AND POSSIBLE ACTION REGARDING PRAIRIE DOG TAKE**

Jessica VanWoeart, Utah Prairie Dog Wildlife Biologist, explained that she was revisiting the approval for 1 Utah Prairie Dog (UPD) take for Brett Williams. Because there had been 2 dogs found, he would need take for 1 more dog in the amount of \$100.00. Also, Clayton Cheney would need take for 2 prairie dogs in the amount of \$500.00.

Alma Adams made a motion to approve prairie dog take for Brett Williams of Ponderosa Construction for 0.1 acre of occupied UPD habitat in the amount of \$100.00 for one extra dog take. Also, approval of prairie dog take for Clayton Cheney for 0.5 acre of occupied UPD habitat in the amount of \$500.00 for 2 dogs. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PRESENTATION OF THE 2017 SURPLUS VEHICLES LIST**

Jon Whittaker presented the 2017 Surplus Vehicles list. Alma Adams made a motion to approve the sale of the 2017 Surplus Vehicles as listed, after the list had been sent to each department for review for possible use. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PRESENTATION OF THE 2016 AUDIT REPORT BY HINTON & BURDICK**

McKay Hall, Audit Manager for Hinton & Burdick, reported that Iron County received a "clean" report.

Michael Bleak made a motion to approve the 2016 Audit report as presented by Hinton & Burdick, Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REVIEW OF A GRANT APPLICATION FOR A WATERSHED AND FLOOD PREVENTION OPERATIONS PROGRAMS GRANT IN THE AMOUNT OF \$17,635,746.75, WITH AN IRON COUNTY AND LOCAL ENTITY MATCH OF \$1,763,574.68 OR 10%, WHICH MAY BE PROVIDED IN MONEY OR IN KIND SERVICES. THIS WAS APPROVED DURING THE AUGUST 22<sup>ND</sup> EMERGENCY IRON COUNTY COMMISSION MEETING**

Nancy Dalton, Little Creek Water Canal Co., noted that this was the application phase of the grant project. Nancy reported that she had spoken with the NRCS office in Salt Lake City, Utah and they expressed confidence that Iron County would receive some funds. They noted that having Iron County as the Lead

Sponsor with an in-kind match contribution would help with the decision on how much funds would be awarded. Nancy stated that there were very dedicated partners with Iron County that were ready to step up and help as much as possible. The grant application was due at 5:00 P.M. August 28, 2017.

Dale Brinkerhoff stated that the application for the grant was approved at the Emergency Iron County Commission meeting held on August 22, 2017 and no action was needed.

**APPROVAL OF A CHANGE IN CONTRACT FOR ROCMONT INDUSTRIAL FOR THE IRON COUNTY COURTHOUSE HAZARDOUS MATERIAL REMOVAL**

Lester Ross reported that an additional \$104,500.00 would be needed for the removal of the asbestos from the Iron County Courthouse. This would not include the cost for reconstruction after it was removed.

Alma Adams made a motion to approve a change in the contract for Rocmont Industrial for the Iron County Courthouse Hazardous material removal in the amount of \$104,500.00. This would require a budget adjustment. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**APPROVAL OF THE CONTRACT FOR THE EXTERIOR PAINTING OF THE IRON COUNTY VISITOR CENTER AND OFFICE BUILDING WITH CHURCH CONSTRUCTION**

Lester explained that there were two separated amounts listed. The first was \$11,280.00 for the Visitor Center and the second was \$9,860.00 for the Office Building.

Michael Bleak made a motion to approve the contract for the exterior painting of the Iron County Visitor Center and Office Building with Church Construction in the amount of \$11,280.00 for the Visitor Center and \$9,860.00 for the Office Building. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CANVAS OF THE CEDAR HIGHLANDS 2017 MUNICIPAL ELECTION RESULTS**

Alma Adams made a motion to approve the canvas of the Cedar Highlands 2017 Municipal Election results. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Adrienne Walker, Human Resource (HR) Director, presented new hire of Tanner Edwards as a Part-time Medical Technician in the Corrections Department for approval, effective August 27, 2017. This would be a backfill of a vacant position.

Michael Bleak made a motion to approve new hire of Tanner Edwards as a Part-time Medical Technician in the Corrections Department for approval, effective August 27, 2017. This would be a backfill of a vacant position. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**PRAIRIE DOG MATTERS**

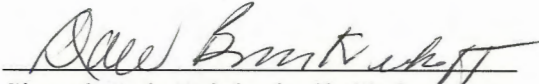
Jon Whittaker reported that the new take process was set up. Alma Adams explained that even though the state had lost the control over management of the UPD, the Fish and Wildlife Service was working with the state to prepare a General Conservation Plan that would not be as cumbersome as before.

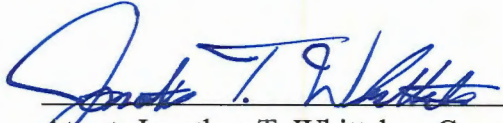
COURTHOUSE REMODEL

Lester Ross reported that fixtures were being installed. The move in date was moved back to January of 2018.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
SEPTEMBER 11, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 11, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Michael Edwards	County Deputy Attorney
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
Adrion Walker	HR Director

**SYNOPSIS**

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APPROVAL OF PRAIRIE DOG TAKE ON APN: B-1836-14 .....	3
APPROVAL OF MINUTES .....	1
APPROVAL OF SURPLUS VEHICLE LIST CHANGES .....	3
ASSIGNMENT OF COMMISSION CHAIR PRO TEM .....	1
DEPARTMENTAL REPORTS.....	2
INVOCATION .....	1
NON-DELEGATED ITEMS.....	4
PERSONNEL .....	3
PLEDGE OF ALLEGIANCE.....	1
PRESENTATION OF SUU INTERN CAMERON KAZEL.....	3
PUBLIC COMMENTS .....	3

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Joanna Cuthers.

**INVOCATION**

An invocation was offered by Michael Bleak.

**APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the August 8, 2017 Iron County Commission meeting. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff.

## **DEPARTMENTAL REPORTS**

**Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau and Parks & Recreation**, reported that the Tourism budget spent as of July 1, 2017 was 56% in the Transient Room Tax (TRT) fund, and 37% in the Restaurant Tax Fund. TRT collections were up 3% over this time last year and Restaurant tax was up 8%. Marie noted that she submitted two grant applications with the Utah Office of Tourism and were awarded \$137,625 for winter marketing and \$43,230 for a summer campaign. She reported that they were installing welcome banners along 200 North in Cedar City in anticipation of the LDS Temple open house and dedication. Also, I-15 billboards would present a message that would complement the Temple opening. Maria explained that in an effort to help alleviate some of the visitor issues with the Kanarra Falls hike, the Tourism Office had created a one sheet description and safety guide for those wishing to hike the Falls. She noted that she would be attending the Utah Tourism Conference September 12-14, 2017. Maria reported that Outdoor Recreation had spent 38% of the budget as of June 30<sup>th</sup>. She explained that most of the spending happened during the summer months. She asked the commissioners to consider allowing a budget adjustment to reallocate monies that had been set aside to match a National Rifle Association (NRA) grant for improvements at the shooting range to purchase a heavy duty maintenance truck. The application for the NRA grant was not successful, and therefore the matching funds were not used. Maria reported \$5,662 in revenues from reservation and camping fees with 111 pavilion reservations to date. She noted that the restrooms at Woods Ranch would remain open all winter. Maria discussed working on an all-inclusive event permit application with Lieutenant Del Schlosser and Jon Whittaker.

**Mark Gower, Iron County Sheriff**, reported on Sheriff statistics up to September 11<sup>th</sup>. He reported that total animal control calls were 283, civil process papers served were 980, 2,545 case numbers issued, 1,867 citations issued, 2,257 traffic stops, 7,297 total calls for service, 200 total arrests, and 9 out of state extraditions. Sheriff Gower noted that Deputies DeMasters, Kennedy and Johnson had nearly completed the 14 week field training. He explained that Deputy Winder had recently completed his Police Officer Standards and Training (POST) with top firearms and top academic marks for his class. Kanarrville Falls had been very busy during the summer of 2017, with 6 rescues. Sheriff Gower reported that the Iron County Sheriff's Office was operating within its allocated budgets, and was preparing for a busy fall and hunting season.

**Joanna Cuthers, Iron County Jail Commander**, reported that the jail had spent 54% of its budget as of June 30<sup>th</sup>. Joanna reported that there were 9 state and 21 federal inmates, with about 180 total inmates on average. She noted that the total inmates fluctuated day to day. Sheriff Gower noted that the total capacity was around 220 inmates. Sheriff expressed concern that there was a risk of overcrowding. He noted that the Justice Reinvestment Initiative (JRI), which limits the number of Felony charges caused inmates to be housed in county housing versus state correctional facilities. Joanna Cuthers reported that some plumbing issues were being repaired, but had closed about 3 cells during repairs. She noted that due the age of the jail facilities, many repairs were becoming necessary.

**Alma Adams, Iron County Commissioner**, reported having toured the Brian Head fire burn scar with Congressman Chris Stewart. They observed seeding with fixed wing aircraft and bale-bombing with straw for erosion abatement. Alma noted that a real frustration was that the many burned but standing trees could not be logged or cut down due to road restrictions. He expressed hope for a legislative solution to the road issue.

**Dale Brinkerhoff, Iron County Commissioner**, reported having spent several days in Washington D.C. meeting with several dignitaries. Dale expressed satisfaction that he was able to lobby Ryan Zinke, U.S. Secretary of the Interior, and others regarding burn scar logging restrictions, Payment in Lieu of Taxes (PILT), Secure Rural Schools (SRS), and the Utah Prairie Dog (UPD).

### **ASSIGNMENT OF COMMISSION CHAIR PRO TEM**

Michael Bleak made a motion to assign Alma Adams to serve as Iron Commission Chair pro tem in the absence of Commissioner Dale Brinkerhoff until he returned from making a phone call. Second by Alma Adams. Voting: Alma Adams, Aye; Alma Adams, Aye; Dale Brinkerhoff; Absent.

### **PRAIRIE DOG TAKE APPROVAL FOR A LEAST SEVEN (7) DOGS AND 0.48 ACRES OF HABITAT FOR MARTENE BARKER**

Jessica Van Woeart, Division of Wildlife Resources (DWR) Biologist presented for approval of take for 7 Utah Prairie Dogs (UPD) and 0.48 Acres of habitat for Martene Barker at 1308 North 3525 West in Cedar City, Assessor's Parcel Number (APN): B-1836-14. A mitigation fee of \$480 would also be assessed. Alma Adams asked how many dogs would be available in Iron County for take if this item were approved. Jessica Van Woeart explained that with 52.1 dogs available to date, 7 dogs would leave 45.1 dogs remaining. Jessica noted that she was aware of 6 more dogs worth of take that would be forthcoming. Michael Bleak made a motion to approve the UPD take as explained. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Absent.

### **PUBLIC COMMENTS**

Tom Hale, a resident of Iron County, explained that he had brought a request for road improvements to Iron County previously in the Hidden Valley Ranchos area. He noted that some of the roads had been improved, but others were still rough from a 2008 water line installation by the Central Iron County Water Conservancy District (CICWCD). Mr. Hale expressed a desire for said roads to be brought back to the condition they were in before the water line installation.

### **PRESENTATION OF THE SUU FALL SEMESTER 2017 INTERN, CAMERON KAZEL, TO SERVE WITH THE IRON COUNTY JUSTICE COURT**

Lori Eichelberger presented an agreement for Cameron Kazel to serve the Iron County Justice Court during the fall, 2017 semester. Michael Bleak made a motion to approve the intern agreement as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **APPROVAL OF SURPLUS VEHICLE CHANGES APPROVED ON AUGUST 28, 2017**

Jon Whittaker explained that, due to requests by department heads, it was necessary to change the surplus vehicle list which was approved on August 28<sup>th</sup> by removing one Dodge Durango and adding two other Dodge Durangos. Alma Adams made a motion to approve the changes to the surplus vehicle list as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **PERSONNEL**

Adrion Walker presented a Training Reimbursement Agreement for public safety positions to establish a 2 year employment commitment for those who receive training paid for by Iron County, such as Peace Officer Standards and Training (POST). Otherwise, those individuals would have to pay a portion of the costs associated with said training. The proration would be 1/24<sup>th</sup> per month until 24 months of service are completed. Alma Adams made a motion to approve the general concept of the Training Reimbursement Agreement contingent on any changes made by legal. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Adrion Walker presented a change in the K-9 Officer compensation to a set per-day stipend rather than the current, hourly-based compensation. This would simplify pay calculations and ease record keeping. Michael Bleak made a motion to approve the change in the K-9 Officer compensation to a set per-day stipend in the amount of \$15.00 per day. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Adrion Walker presented changing Tanner D. Edwards from part-time Medical Technician to full-time Medical Technician in the Corrections Department for approval. Effective date September 10, 2017. Adrion Noted that Tanner's wage would remain the same until POST Certification was completed, and then it would increase. This would be a backfill of a vacant position. Michael Bleak made a motion to approve the change for Tanner D. Edwards from Part-time Medical Technician to Full-time Medical Technician in the Corrections Department, effective September 10, 2017, with the same wage until POST Certification was completed. This would be a backfill of a vacant position. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**COUNTY BOARDS**

Alma Adams reported that there were names submitted for the vacancy on the Planning & Zoning Board and were waiting for a positive response.

Dale Brinkerhoff reported that there was a vacancy on the Low Income 5 County Human Services Board. He had asked Curtis Crawford, Council on Aging, to submit names for consideration. Dale asked Jon Whittaker to email the commissioners an updated list of changes made to County Boards for review.

**PUBLIC SAFETY BUILDING**

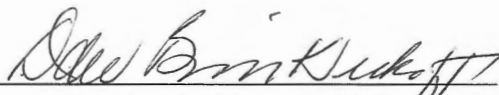
Dale Brinkerhoff reported that contract was awarded to have steel studs and sheetrock stocked in the Emergency Coordination Center. The completion date was still set for October 1, 2017.


**COURTHOUSE**

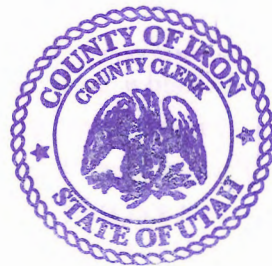
Dale Brinkerhoff reported that completion of the courthouse renovations would be sometime after the first of the 2018 because of the unexpected asbestos and electrical setbacks.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**  
**September 25, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 25, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer
Stephen R. Platt	County Engineer

**SYNOPSIS**

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APPROVAL OF AN INTERLOCAL AGREEMENT FOR KANARRAVILLE FALLS .4

APPROVAL OF ANONYMOUS DONATION FOR THE ECOMM TRAILER .....3

APPROVAL OF BIDS FOR SURPLUS VEHICLES .....6

APPROVAL OF MARK HALTERMAN FOR PLANNING COMM. MEMBER .....4

APPROVAL OF MINUTES .....2

APPROVAL OF PRAIRIE DOG TAKE .....3

APPROVAL OF SENIOR CORPS FINANCIAL ASSISTANCE .....4

APPROVAL TO ATTACH DELINQUENT PERSONAL PROPERTY TAXES .....3

APPROVAL TO FILE AMICUS CURIAE BRIEF.....6

AWARD OF JANITORIAL SERVICES CONTRACT .....5

DEPARTMENTAL REPORTS.....2

ENTERPRISE CITY PARK REQUEST.....6

INVOCATION .....2

IRON COUNTY BUILDING DEPARTMENT REQUESTS .....5

NON-DELEGATED ITEMS.....7

NOTIFICATION OF CONDITIONAL USE PERMITS .....5

PERSONNEL .....7

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PUBLIC COMMENTS .....4

REQUEST TO ADD PROPERTY TO IRON COUNTY SURPLUS LIST .....4

SIGNING OF PAROWAN EWP AGREEMENT .....	4
STORYBOOK CAVALCADE FOUNDATION REQUEST .....	6
THE COUNTY SEAT TELEVISION SHOW UPDATE .....	3

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Robert Cague.

**INVOCATION**

An invocation was offered by Steve Platt.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the September 11, 2017 Iron County Commission Meeting. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff.

**DEPARTMENTAL REPORTS**

**Chad Nay, Iron County Building & Zoning Administrator**, presented a review of the Monthly Building Permit Reports. Chad explained that the building permits were leveling out and were the same at the end of August 2017 as issued at the end of August 2016. He reported that Reed Erickson, Steve Platt and he continued to work on the northern belt route, with projects that could affect the location of the route. Therefore, it would be in the best interest of Iron County to preserve its location by including it in the Transportation portion of the Iron County General Plan. Work continued with the trails systems which included historical markers that had been placed along the Old Spanish Trail. Chad reported that solar companies continued to explore more solar farms in Iron County. The lack of infrastructure to transmit the electricity had become the primary challenge. He explained that the budgetary demands of the courthouse remodel caused other remodel and landscaping projects to be redirected to another time and budget.

**Steve Platt, Iron County Engineer**, noted that the engineering budget was on track. Steve reported that the prison crew continued to work on the fencing on Kane Springs Road with about 2 miles left. Rocky Mountain Power had completed their work along the Kane Springs Road. Phase I and Phase II of the Central Iron County Water Conservancy District Recharge Project were complete. Steve reported that there had been three floods as a result of the Brian Head fire. Funds from the Natural Resources Conservation Service (NRCS) had been granted and would be prioritized in the following way: Parowan would contract with consultant Bowen Collins; repairs to the “forebay” (in Parowan Canyon) for irrigation back to Parowan town; Parowan’s gravel pit detention basin; Parowan road crossings at 300 W & 400 S; flood channel improvements from the detention basin to I-15; Iron County to acquire flood channel easements, for maintenance & access; enlarge structure at Eagle Rock; detention basin at freeway, if Iron County acquired the land Utah Department Of Transportation would build said detention basin, and the detention basin west of 600 West in Parowan. Steve reported that the Federal Emergency Management Agency 2009 Floodplain Preliminary Flood Insurance Rate Maps (FIRM) had been updated and promised to be sent to Iron County by September 29, 2017. A new crushing project was scheduled at the Iron Mines. Plans and specifications were being prepared for a Sunset Subdivision Special Assessment Area. Letters had been sent to property owners on 77 W lake Road to acquire 8 additional easements and 5 had been signed and returned.

**Preston Nelson, Iron County Road Supervisor**, reported that a Cat 140M grader had been purchased. Chimney Meadows Road and chipping of 33 miles were complete. Preston noted that they had worked on the cleanup after the floods in Parowan. There was about a week of patching left and they would be getting the snow plow

equipment ready. He noted that they would get the subgrade finished up on the Kane Springs Road and place gravel.

**Bruce Anderson, Iron County Landfill Supervisor**, noted that the budget was on track with a few adjustments to be made. Bruce reported that there was still no action on the Stone Castle site cleanup. The second part of a survey done by Platt Engineering to find what level of compaction the landfill was getting would begin next week. The water connection in Parowan would be completed today. He reported that SiTech Intermountain Engineering Company had a drone flight the pit with a GPS camera to record what volume was remaining. The Department of Environmental Quality would be conducting an inspection and a water test September 27th. Bruce reported that most of the landfill equipment was working well. All cabins and buildings that were destroyed by the Brian Head fire had been cleaned up.

**Dale Brinkerhoff, Iron County Commissioner**, reported that the railroad had removed many of the tracks in Cedar City. Dale expressed that those abandoned crossings might eventually be used for 5700 West as part of the belt route. Iron County had been in negotiations to acquire the abandoned crossings. Dale reported that the commissioners would be meeting with Utah State Association of Commissioners later in the week.

#### **“THE COUNTY SEAT” TELEVISION SHOW UPDATE**

Chad Booth, Executive Producer, stated that the purpose of the visit was to discover topics for The County Seat. Chad explained that the program did discussion for about 22 ½ minutes, where other venue discussions lasted between 2-4 minutes. They would be using social media to use the program to report live, breaking news within 10 minutes. The program would be going live in January 2018. Some potential topics discussed were: the Brian Head fire, iron mine closures, aquifer recharge project, courthouse renovation, the Utah prairie dog, wild horses, and the Kanarrville Falls trail.

#### **PROVIDING INFORMATION AND REQUESTING APPROVAL TO ATTACH DELINQUENT TAXES FOR BUSINESSES AND MOBILE HOMES FOR THE YEAR 2017**

Cindy Bulloch, Iron County Assessor, explained that she was requesting approval to attach unpaid personnel property taxes to the associated real property.

Alma made a motion to approve to attach delinquent taxes for businesses and mobile homes for the year 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **PRESENTATION OF ANONYMOUS DONATION FOR THE ECOMM TRAILER**

John Higley, Emergency Management Coordinator, explained that there was a donation made in the amount of \$529.10 to help pay for the ECOMM trailer. The donor wished to remain anonymous. To stay in compliance to Iron County policy he presented the document to the commissioners for approval.

Michael Bleak made a motion to accept the anonymous donation in the amount of \$529.10 as presented by John Higley. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **PRAIRIE DOG TAKE APPROVAL REQUEST FOR STEVE LEYDSMAN AND JAKE HULET CONSTRUCTION**

Jessica VanWoeart, Division of Wildlife Resources (DWR) Biologist, presented for approval of take for 2 dogs and 0.5 acres which would be a \$500.00 mitigation fee for Steve Leydsman and Jake Hulet Construction.

Alma Adams made a motion to approve the prairie dog take on 3792 N 250 E for 2 dogs and 0.5 acres of habitat which would be a \$500.00 mitigation fee for Steve

Leydsman and Jake Hulet Construction. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**UPDATE ON THE SENIOR CORPS PROGRAM AND A REQUEST FOR FINANCIAL ASSISTANCE FOR THE PROGRAM**

Joni Lyman, Senior Corps Coordinator, requested assistance from the commissioners for jackets for the Senior Companions and Foster Grandparents in Iron County. Joni explained that they have name tags, but the jackets would provide additional recognition. Twenty-three jackets were needed for a total of \$500.00.

Michael Bleak made a motion to approve a stipend in the amount of \$500.00 to assist in the purchase of jackets for the Senior Corps Program. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Nay.

**SIGNING THE PAROWAN EMERGENCY WATERSHED PROTECTION (EWP) PROJECT AGREEMENT**

Tim Wilson, NRCS State Conservationist, noted that the NRCS was pleased to assist in the restoration of the Parowan EWP project as it related to the Brian Head fire. Tim presented Parowan Mayor Landes with the agreement of funds in the amount of \$2.7M. He explained that NRCS would be funding \$1.9M. It would also include "in kind" assistance and sponsorship assistance by Iron County and other local entities.

Mayor Landes expressed his appreciation for the assistance and all that it would allow to be accomplished.

**PUBLIC COMMENTS**

Thomas Hale, a citizen of Iron County, expressed his concern for the lack of road maintenance in the Hidden Valley Ranchos Subdivision. Mr. Hales made reference to the Iron County Code (12.1.100, 12.1.110 and 12.1.120) which states when excavations were performed the roads must be restored to the original condition. He explained that after the Central Iron County Water Conservancy District (CICWCD) excavated the road it did not restore the road. Mr. Hale noted that there were 32 parcels in the Hidden Valley Ranchos Subdivision and all were paying Iron County taxes but not receiving services. He noted that the subdivision was 100% occupied and met all requirements for Iron County road maintenance. Mr. Hale concluded by expressing that the roads needed to be fixed.

**REQUEST TO ADD IRON COUNTY PROPERTY, PARCEL A-963-1, TWELVE ACRES TO THE IRON COUNTY SURPLUS LIST**

John Whittaker requested that the Property Surplus list be moved to the next commission meeting in two weeks so the list could be reviewed by Cindy Bulloch.

**APPROVAL FOR MARK HALTERMAN TO BECOME A PLANNING COMMISSION MEMBER**

Chad Nay presented the name of Mark Halterman to fill the vacancy left by Diane Pratt on the Planning Commission for approval.

Alma Adams made a motion to approve Mark Halterman to become a Planning Commission member. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**APPROVAL OF AN INTERLOCAL COOPERATIVE AGREEMENT WITH KANARRAVILLE TOWN FOR BUILDING INSPECTION SERVICES**

Chad Nay explained that it was difficult for smaller municipalities like Kanarraville Town to provide building inspection services. Iron County had helped with the services in the past and would like to continue the Interlocal Cooperative Agreement with Kanarraville Town.



Michael Bleak made a motion to approve the Interlocal Cooperative Agreement with Kanarraville Town for Building Inspection Services. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**NOTIFICATION OF CONDITIONAL USE PERMITS FROM THE PLANNING & ZONING DEPARTMENT**

Chad Nay explained that notification for the conditional use permit was previously sent by email and did not need to be addressed by the commission at this time.

**JANITORIAL SERVICES CONTRACT AWARD**

Reed Erickson, Iron County Planner, reported that Krystal Kleen Team was the low bidder in the amount of \$73,600.00 for the five Iron County buildings. Reed stated Krystal Kleen Team was the current janitorial service and had done a great job. The contract was for 2 years, but recommended a 6 month probation period with a 60 day notice. There would also be weekly inspections to insure that all the work was being completed.

Alma Adams made a motion to approve Krystal Kleen Team for the Janitorial Services contract award as presented by Reed Erickson. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

Reed explained that the Window & Blind cleaning contract was submitted separate from the janitorial service. He recommended the contract be awarded to JJ's Window Cleaning & Blinds as it was the only bid submitted. He stated that they were also the current service used. The winning bid was \$2,010.00 for the window cleaning at twice a year, and \$2,110.00 for the blind cleaning at every other year depending on the facility.

Alma Adams made a motion to approve JJ's Window Cleaning & Blinds for the Window & Blind Cleaning contract award as presented by Reed Erickson. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**IRON COUNTY BUILDING DEPARTMENT REQUESTS**

Lester Ross, Iron County Maintenance Administrator, presented the following requests: approval of a Change Order for the Iron County Courthouse; new storefront entrances, overhead coiling door, relocate water meter, change out fire hydrant, bring building up to current electrical code, replace all unusable existing wiring and conduit, and changes due to the asbestos removal repairs in the net amount of \$253,608.16; second floor restroom modifications, East sidewalk and curb, existing insulation repairs, clean existing air ducting, drywall replacement due to asbestos removal, railing at 2<sup>nd</sup> floor, railing at north exterior stair, commission chambers audio visual, exterior insulation and finish system on fascia and soffits, 4 columns, 26 light boxes, commission chambers podium and tables, insulation and sealant at windows, additional day and general conditions, remove radiant heaters form scope of work, upgrade 64 windows to thermally broken aluminum to dark bronze and approval of payment for Rocmont in the amount of \$104,500.00. Points for discussion and direction from the commission: drywall replacement, soffit & eaves, window replacement and monument or sign in front of the courthouse.

Alma Adams made a motion to approve the Iron County Building Department requests of \$253,608.16 for the asbestos removal repairs, and payment to Rocmont in the amount of \$104,500.00 as presented by Lester Ross. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**REQUEST FROM ENTERPRISE CITY FOR IRON COUNTY TO PARTICIPATE IN THE AMOUNT OF \$25,000 TOWARD THE NEW CITY PARK**

Dale Brinkerhoff explained that Enterprise City has a history of providing services with Iron County residents. They have been good neighbors. Enterprise was requesting Iron County to participate with the new park in the amount of \$25,000.00. The park would be open free of charge for Iron County residents.

Michael Bleak made a motion to approve the request from Enterprise City for Iron County to participate in a new city park in the amount of \$25,000.00 which would be open free of charge to Iron County residents. There would be an interlocal agreement setting forth the use of the park. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**APPROVAL TO FILE AN AMICUS CURIAE OR "FRIEND OF THE COURT" BRIEF SUPPORTING THE KANE AND GARFIELD COUNTY COMMISSIONERS IN THE LAWSUIT, SUWA VS. KANE AND GARFIELD COUNTY COMMISSIONERS OPPOSING THEIR MEETING WITH SECRETARY ZINKE TO DISCUSS THE SIZE OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT**

Alma Adams reported that Mark Ward was working with Garfield and Kane Counties in a law suit regarding the legal private meeting with Secretary Zinke to discuss the size of the Grand Staircase-Escalante National Monument. They have asked Iron County to be a "Friend of the Court" for support.

Alma Adams made a motion to approve to file an Amicus Curiae or "Friend of the Court" brief supporting the Kane and Garfield County Commissioners in the Lawsuit, SUWA vs Kane and Garfield County Commissioners opposing their meeting with Secretary Zinke to discuss the size of the Grand Staircase-Escalante National Monument, Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE ACTION REGARDING A \$500 DONATION TO THE STORYBOOK CAVALCADE FOUNDATION IN SUPPORT OF "THE OLD WOMAN IN THE SHOE" PARADE FLOAT**

Michael Bleak explained that Joyce Messer requested a continuation of a donation of \$500.00 at \$100.00 per year over five years. The donation would support "The Old Woman in the Shoe" parade float. It was a non-profit organization. Dale Brinkerhoff noted that the Storybook Cavalcade parade was the best float parade in the region.

Michael Bleak made a motion to approve a \$500.00 donation to the Storybook Cavalcade Foundation in support of "The Old Woman in the Shoe" parade float. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

**APPROVE OR DENY BIDS FOR SURPLUS VEHICLES**

Jon Whittaker reported the results of the surplus vehicle bids. The high bids were as follows: 2008 Dodge Durango received bid of \$1267.00, 2008 Dodge Durango received a bid of \$1268.00, and 993 WHGM Tractor Truck received a bid of \$3,100.00. The Alamo 60" side mower deck and the 125 gallon tank sprayer would be donated to the Outdoor Recreation Department. Jon reported that there were no bids submitted for the 2004 Chrysler Concorde and the 2008 Chev Ext Cargo Van and requested that they be listed on the State surplus website.

Alma Adams made a motion to approve the bids submitted for the 2008 Dodge Durango, with a bid of \$1267.00, the 2008 Dodge Durango with a bid of \$1268.00, and the 1993 WHGM Tractor Truck, with a bid of \$3,100.00, the Alamo 60" side mower deck and the 125 gallon tank sprayer to be donated to the Outdoor Recreation

Department, and the 2004 Chrysler Concorde and the 2008 Chev Ext Cargo Van to be listed on the State surplus website. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, abstained.

**PERSONNEL**

Adrion Walker, Iron County Human Resource Director, explained that Chad Nay and Maria Twitchell were extreme examples of underpayment. Adrion reported that Chad had been with Iron County for 34 years and was at 45% of his pay range. Adrion recommended that Chad be raised to 92% of his pay range. Maria Twitchell had been with Iron County for 23 years and was at 37% of her pay range. Adrion recommended a raise to 68% of her pay range.

Michael Bleak made a motion to approve a pay increase for Chad Nay in the amount of \$8,000.00 to \$76,764.80 annually; also a pay increase for Maria Twitchell in the amount of \$5,000.00 to \$61,222.40 annually. Said increases to be effective September 24, 2017. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**PRAIRIE DOG MATTERS**

Reed Erickson reported that there was a meeting held in Beaver to discuss the Iron County General Conservation Plan. Iron County was requesting to be a master permit holder. Iron County was currently getting credit for money being spent. Reed explained that Iron County was under the jurisdiction of the Fish & Wildlife and was hoping the General Conservation Plan would be in effect by the first of the year.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
OCTOBER 9, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 9, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P Bleak	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Deborah Johnson	County Recorder
Dan Jessen	County Auditor
Nicole B. Rosenberg	County Treasurer
Cindy W. Bulloch	County Assessor
Adrion Walker	Human Resource Director

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**Deborah Johnson, Iron County Recorder**, expressed her appreciation to Melanie Hall for the assistance in setting up online payments in her department. Debbie reported that Total Documents recorded was up, Transfer Documents were slightly up, Notices of Default were up and Trustees Deeds were down. Subdivision plat map recordings were up. Most of the requests had been lot combinations to build larger homes. Debbie reported that some of the Recorder's Offices around the state have been put under a mandate that they could not hire or have salary increases until they have found ways to raise revenue. Some talk had been to raise the cost of a document to \$45 each. She noted that the Recorder's Office budget was on track. After a year of scanning and naming each page, the document scanning was finally completed and on the "cloud."

**Joyce Evans, Iron County Fair Director**, reported that bills from the fair were still being paid. They were continuing to count seats and the fair was getting larger each year. Joyce noted that the total numbers for the 2017 fair would be available in about a month.

### **PUBLIC COMMENTS**

William Pressgrove, a citizen of Iron County, stated that there were inconsistencies in the Iron County Zoning rules. William said he was concerned that not everyone was reviewed fairly. He did not want to abide by the R-5 rules when his property fits the description of the R-20. The zoning, according to the tier system, was supposed to be equitable, but was more like a patchwork quilt. Zoning needed to be reviewed by size vs use.

### **PUBLIC HEARING TO CONSIDER ACTION AND PUBLIC COMMENT CONCERNING THE PROPOSED "IDA M. RUCH MINOR SUBDIVISION"**

Dale Brinkerhoff, Iron County Commission Chair, declared a public hearing to consider action and public comment concerning the proposed "Ida M. Ruch Minor Subdivision" open.

Reed Erickson, Iron County Planner, explained that the proposed subdivision was located at 5015 N 1700 West, Cedar City, Utah, within the NW ¼ SW ¼ of Section 10, T35S, R11W, SLB&M, APN: D-534-2-5. This had been before Zoning & Planning with a recommendation for approval. It was a 20 acre parcel, breakoff of a 5 acre parcel for the Minor Subdivision. There was a variation request to not pave the road on 1700 West because it would be a two home subdivision.

No public comments were offered. Dale Brinkerhoff declared the public hearing closed.

Alma Adams made a motion to approve the "Ida M. Ranch Minor Subdivision" located at 5015 N 1700 West, Cedar City, Ut. APN: D-534-2-5 and the variation request. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **PUBLIC HEARING TO CONSIDER ACTION AND PUBLIC COMMENT ON A MAXIMUM DENSITY SUBDIVISION APPLICATION AND ASSOCIATED MASTER PLAN FOR PEAK VIEW SUBDIVISION MASTER PLAN AND PHASE II PRELIMINARY PLAT**

Dale Brinkerhoff, Iron County Commission Chair, declared a public hearing to consider action and public comment on a Maximum Density Subdivision application and Associated Master Plan for the Peak View Subdivision, APN: D-597-4 open.

Reed Erickson explained that this was 4.28 acres within the E1/2 W1/2 of Section 16, T35S, R11W, SLB&M, APN: D597-4. The Maximum Density Subdivision would allow the option to take the entire acreage of the development to be divided by total acreage. The smaller lots would still be on sewer and water. The master plan was laid out to comply with the Iron County Ordinance.

**PROPERTY DISCUSSION ON JAIL ISSUES AS IT RELATES TO THE AGING IRON COUNTY SHERIFF'S OFFICE CORRECTIONAL FACILITY AND OVERCROWDING TREND**

Mike Gibbs reported that the Iron County Jail building was 30 years old and when built was projected to be a 20 year old building. Multiple problems were consistently coming up. Those involved the parking lot, transformers, plumbing, drains, roof leaks, corroded data lines and the most concern was population. The inmate population was growing faster than the facility could support. The average daily county inmates were 215 and there were only 216 beds. In five years they would be over capacity. Mike expressed that it was time to start planning for a new jail. The plumbing alone would take close to \$1M to repair. If repaired, there would not be anywhere to house the inmates during the repairs. Mike expressed that Iron County would face a serious bed shortage within seven years if no action was taken.

**CONVENE AS THE BOARD OF EQUALIZATION**

Dale Brinkerhoff declared the convening of the Board of Equalization.

**DISCUSS AND REVIEW FOR APPROVAL, APPLICATIONS FOR LOW INCOME, HOMEOWNER TAX CREDITS, BLIND AND VETERANS ABATEMENT FOR THE 2017 TAX YEAR THROUGH OCTOBER 5, 2017**

Christene Lowder, Iron County Chief Deputy Auditor, reported that there were 1,271 applicants compared to 1,142 in 2016. There had been an increase in veterans in the amount of \$367,528.30 compared to \$319,957.28 in 2016. Alma Adams made a motion to approve the application for low income, homeowner tax credits, blind and Veterans abatements for the 2017 tax year through October 5, 2017 in the amount of \$700,963.51, with a \$156,103.21 rebate coming from the state for the Circuit Breaker program. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REQUEST APPROVAL OF BOARD OF EQUALIZATION HEARING OFFICERS RECOMMENDATIONS FOR THE 2017 REAL PROPERTY APPEALS**

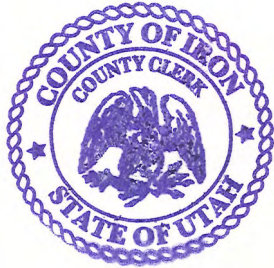
Carrie Christiansen, Iron County Deputy Auditor, reported that there were 359 appeals for the 2017 tax year. Carrie recommended that \$9,729,050.00 in value adjustments, \$16,763.15 County taxes, \$4,692.89 municipal service adjustments, for a total tax difference to Iron County in the amount of \$21,456.05, be made. Michael Bleak made a motion to approve the recommendation for the 2017 Real Property appeal as presented by Carrie Christiansen. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the Board of Equalization closed and the reconvening as the Iron County Commission.

**DISCUSSION AND POSSIBLE APPROVAL OF THE MATCHING PREDATOR DAMAGE CONTROL CONTRACT FOR THE 2018 FISCAL YEAR**

Jon Whittaker explained that the Predator Damage Control was a contract with the Department of Agriculture and was an ongoing contract in the amount of \$11,500. Alma Adams made a motion to approve the matching Predator Damage Control contract with the Department of Agriculture for the fiscal year 2018 in the amount of \$11,500. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.



BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Dale M. Brinkerhoff  
Dale M. Brinkerhoff - Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk

Alma L. Adams        Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye  

**PERSONNEL**

Adrion Walker, Human Resource (HR) Director, presented the new hire of Ryan Sessions as a part-time Medical Technician, and the new hire of Kassen Lasson as a Corrections Deputy in the Corrections Department for approval. Effective October 8<sup>th</sup>. They would be backfills of vacant positons. Adrion presented Fiapule Tufuga for the associated pay increase for the completion of the Peace Officer Standards & Training (POST) and the Field Training Officer (FTO), with a salary increase upon the completion of training, in the Corrections Department for approval. Effective date October 8<sup>th</sup>.

Adrion Walker presented Shane Klenk for advancement from Deputy Attorney I to Deputy Attorney II in the Attorney’s Office for approval, effective October 8<sup>th</sup>.

Adrion Walker presented the new hire of August Franklin as a full-time Deputy Auditor in the Auditor’s Office for approval, effective October 23<sup>rd</sup>. This would be a backfill of a vacant position.

Michael Bleak made a motion to approve all changes in personnel as presented by Adrion Walker. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Adrion Walker presented the 2018 Health Insurance report from the Iron County Insurance Committee. After contacting numerous health providers, Select Health submitted an initial bid of a 13% price increase, and was negotiated down to 3% increase. Adrion reported that the Insurance Committee recommended remaining with Select Health with the bid of a 3% increase. Dale Brinkerhoff stated that he was not prepared to make a decision until after the budget meeting. Alma Adams stated that it would need to be reviewed, but he was pleased with the results.

Dale Brinkerhoff recommended that the Insurance decision be made after the budget hearings. Bring back to the Iron County Commission meeting in two weeks for a decision.

**NON-DELEGATED ITEMS**  
**PUBLIC SAFETY BUILDING**

Lester Ross reported that the cost on the electric door locks had come down to \$500.00 per door compared to \$1,000.00 per door. The bids had been sent out for landscaping and would be ready to open in the next commission meeting in two weeks. Lester reported that the tenants were beginning to move in and would be open for business in about a week.

**IRON COUNTY COMMISSION MEETING  
OCTOBER 23, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 23, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Scott Garrett	County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Deborah Johnson	County Recorder
Dan Jessen	County Auditor
Nicole B. Rosenberg	County Treasurer
Cindy W. Bulloch	County Assessor
Adrion Walker	Human Resource Director

**SYNOPSIS**

ADJOURNMENT .....7

ANNUAL SCENIC BYWAY REPORT.....3

APPROVAL OF MINUTES. ....2

BID OPENING FOR LANDSCAPING AND CONCRETE FOR IC BUILDINGS.....7

CONSIDERATION OF SITLA LAND LEASE APPLICATION IN KANARRA FALLS. ....6

DEPARTMENTAL REPORTS.....2

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NON-DELEGATED ITEMS.....7

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PERSONNEL .....6

PLEDGE OF ALLEGIANCE.....2

PRAIRIE DOG TAKE FOR COUNTRY MEADOWS PHASE II LOTS 48-53 .....3

PUBLIC COMMENTS .....3

PUBLIC HEARING APPALOOSA SOLAR I DRAFT PROJECT PLAN & BUDGET ..4

RESOLUTION ICCD&RA 2017-7.....5

RESOLUTION ICCD&RA 2017-8.....5

RESOLUTION ICCD&RA 2017-9.....5

RESOLUTION 2017-17.....6

UASD#2 RESOLUTION 2017-3.....5



**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Thomas Hale.

**INVOCATION**

An invocation was offered by Jon Whittaker.

\*\* Commissioner Bleak was excused for family matters (He returned later in the meeting.) \*\*

**APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the September 25, 2017 Iron County Commission meeting as amended. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**DEPARTMENTAL REPORTS**

**Scott Garrett, Iron County Attorney**, noted that the 2017 budget was on track. Scott reported that Felony cases were numbered at 378 which was up from 2016 by 16 cases. The increase was primarily a result of the Task Force cases which were at 112 and could possible increase to 125-130 by the end of the year. He praised the work of Dan Glazier with his work on the Task Force. Scott reported that it had been a busier year all around. The Attorney's Office was working on joining an Amicus Brief regarding the Utah Prairie Dog issue and was waiting on word from the Governor's Office. Dale Brinkerhoff reported that the Bill to turn the Prairie Dog issue back over to state supervision failed by three votes last week. Steps were being taken to hopefully persuade the three to change their vote by helping them understand the issue better.

**Lori Eichelberger, Justice Court Administrator**, reported that the Justice Court Clerks would be attending training meetings that week. She and Julie Sanders attended the Utah Bureau of Criminal Identification Conference in September 2017. The Information Technology (IT) Department would be going over new Security Awareness training. Lori reported that the retention project had identified 2,200 open cases in the system from years 1994-1999. The open cases resulted from the cases failing to be transferred during the implementation of new software programs. With help from the Iron County Attorney's there were now standing motions and orders to dismiss the cases as they were technically handled and needed to be closed. The 2017 budget was on track as of October 20<sup>th</sup>.

Lori reported that \$7,113.60 had been spent for public defenders for district court conflicts, with \$12,886.40 budget remaining for the year 2017. She noted that the public defender case tracking was being finalized for the second year of data. The appeals expenditures were at \$14,979.80 through the 2017 3<sup>rd</sup> Quarter compared to the 2016 3<sup>rd</sup> Quarter amount of \$84,993.20. This was a savings of \$45,793.54.

**Jared Wilson, Iron County Information Technology (IT) Director**, reported that the scanner in the Records Office was replaced due to equipment failure. The Courthouse project would begin in November to prepare for the move back in. Dale Brinkerhoff reported that he had some complaints that full-time IT staff could not be contacted directly by in-house telephone. Jared explained that the in-house calls were directed to voicemail because otherwise, IT staff would be on the phone constantly. About 80% to 90% of the work orders could be handled by part-time IT employees. This policy helped the office flow more smoothly. He noted that full-time staff was always available via cell phone. Jared reported that there were around 100 open work-orders and that it was a challenge to close those in a timely manner with the limited full time workers in the IT Department.

\*\* Commissioner Michael P. Bleak, excused for family matters, returned and joined the meeting. \*\*

**Alma Adams, Iron County Commissioner**, reported that he had met with the Natural Resources Conservation Service regarding a \$17M Flood Grant. Iron County had received \$500,000.00 which would be distributed to engineering for planning. The remaining grant money would be dispersed within a 2 to 3 year period. Alma reported that the planning would address retention basins and drainages affected by the Brian Head fire and subsequent floods. Dale Brinkerhoff stated that the grant monies were instrumental in the bail bombing and seeding effort in difficult to reach and crucial areas of the mountainous burn scar. Alma reported that plans were in place for the state to build a retention basin where the Parowan Creek flows under the I-15 freeway. He noted that Exit 75 would be reconfigured for safety.

#### **PUBLIC COMMENTS**

Thomas Hale, a citizen of Iron County, stated that he was still concerned with the lack of road maintenance in the Hidden Valley Ranchos (HVR) Subdivision. Mr. Hale made references to Iron County Code (12.04.040, 12.04.050, 12.04.060, 12.12.060 and 12.12.10) regarding road maintenance. He noted that the subdivision was 100% occupied and met all requirements for Iron County road maintenance. As stated in the September 25, 2017 Iron County Commission meeting, the road was not brought back up to standards after the Central Iron County Water Conservancy excavated the road. Alma Adams reported that Steve Platt, Iron County Engineer, and Preston Nelson, Iron County Roads Superintendent, had inspected the subdivision and affirmed that the HVR roads were not up to standard before the excavation. Mr. Hale explained that he had investigated and found that the roads were brought up to standards in 1972 in order for Iron County to approve the subdivision. The contract was signed by Ralph Platt and approved. He again stated that the roads had to be up to standards for the subdivision to be approved and he would further investigate to provide proof. He noted that no one he had talked with could prove that the roads were not up to standards.

#### **COURTHOUSE UPDATE**

Zwick Construction reported, that in the courthouse, the 1<sup>st</sup> floor ceiling grid, rock, and painting was complete. Tile was complete in the North and South bathrooms on the 1<sup>st</sup> floor and the main bathroom on the 1<sup>st</sup> floor would be laid today. There were concerns with getting information from Mesa regarding the electrical plan for the lights, grout color and the cabinet plan. The 2<sup>nd</sup> floor passed the 4-way inspection the prior week.

#### **PRAIRIE DOG TAKE APPROVAL REQUEST**

Dale Brinkerhoff explained that the prairie dog take request was within the development of Country Meadows P.U.D. Phase II, surveyed lots 48-51. There would be at least 1.2 prairie dogs (0.3 prairie dogs per lot) and 0.4 acres of habitat (0.1 acre per lot) for Dan Neville; development for Country Meadows P.U.D. Phase II, surveyed lots 52 & 53. There would be 0.6 prairie dogs (0.3 prairie dogs per lot) and 0.2 acres of habitat (0.1 acre per lot) for Logan Obering.

Alma Adams made a motion to approve prairie dog take for Dan Neville and Logan Obering as presented. Second by Mike Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **ANNUAL SCENIC BYWAY REPORT ON ACCOMPLISHMENTS AND 2018 PROJECTS**

Nancy Dalton reported that the tourist oriented directional signage program had been successfully implemented in small-class counties with over 140 participating businesses. "Byway 143 is Still Alive" after the fire, floods, and recovery campaign was being implemented using social media to get the word out that there were plenty of places

to visit and recreate along National Scenic Byway 143, Utah's Patchwork Parkway. She reported that the committee had applied for and received a Utah Office of Tourism Cooperative Marketing Grant in the amount of \$1,892.00 to develop and implement a social media ad campaign to attract visitors to the byway recreational sites and communities. They received a National Park Service Trails, Recreation & Conservation Program technical assistance grant to do the design work for Panguitch's five trailhead kiosk sites, which were near competition. Nancy noted that the committee assisted Panguitch City prepare and obtain a grant (local match 6.77%) to construct five trailhead kiosks/staging areas. The project proposal was ranked #1 for funding with approval to be made in May 2018. The Utah Department of Transportation review committee approved an increase to the project funding from \$95,000 to \$125,000.

**DISCUSSION AND POSSIBLE APPROVAL OF THE RENEWED LEASE BETWEEN IRON COUNTY, CEDAR CITY, AND CEDAR CITY TRAP CLUB**

Discussion tabled due to lack of representation.

**REQUEST FOR PROPERTY OWNED BY IRON COUNTY TO BE PURCHASED: PARK VIEW SUBDIVISION PHASE 3A, LOTS 258, 267-294 & 328-338; APN: A-963-1, 12.00 ACRES.**

After a discussion regarding the properties being included or not included on the Iron County surplus list, Dale Brinkerhoff referred the request to the Iron County Attorney for further investigation and to be brought back before the commission at a later date for a decision.

**CONVENE AS THE IRON COUNTY COMMUNITY DEVELOPMENT & RENEWAL AGENCY (ICCD&RA)**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the ICCD&RA.

**PUBLIC HEARING ON THE DRAFT PROJECT AREA PLAN AND PROJECT AREA BUDGET FOR THE PROPOSED APPALOOSA SOLAR 1 COMMUNITY REINVESTMENT PROJECT AREA**

Danny Stewart, Iron County Economic Development, explained that the wording had changed since the last solar project. It was previously called a Community Development Area (CDA) and was now referred to as a Community Reinvestment Area (CRA).

Adam Long, ICCD&RA counsel, explained that the purposes for the public hearing would be to: 1) allow public comment on the draft Project Area Plan and Project Area Budget; 2) allow public comment on the Project Area Plan and the Project Area Budget and whether each should be revised, approved or rejected; and 3) receive all written objections and hear all oral objections to the Project Area Plan and Project Area Budget. Adam reported that the Appaloosa Solar 1 CRA was a 200 Megawatt project and over twice the size of the other solar projects. It was projected to be completed in 2021. The incentive amount would be the same as previous projects at 70 percent. Adam explained that the 70 incentive would be paid through the ICCD&RA, with 30 of tax revenues being paid directly to the taxing entities. He noted that one change as a result of the law change to a CRA was that a mandatory allocation of funds (10 percent) would go to low income housing within Iron County.

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing on the Draft Project Area Plan and Project Area Budget for the proposed Appaloosa Solar 1 CRA open.

Cindy Bulloch, Iron County Assessor, asked if the final boundary was known at this time or before the project begins. Luigi Resta, Onyx Renewables, reported that it would be difficult to define the total boundary now because of the evolution of the solar

panels. The panels continue to increase in efficiencies. The storage component “Flow Redox Battery” and the Geotechnical study would also need to be completed. He did assure Cindy that the final boundary would be disclosed before the project began.

No other comments were offered.

Dale Brinkerhoff declared the public hearing on the Draft Project Area Plan and Project Area Budget for the proposed Appaloosa Solar 1 CRA closed.

**RESOLUTION ICCD&RA 2017-7 APPROVING THE PROJECT AREA PLAN FOR THE APPALOOSA SOLAR 1 COMMUNITY REINVESTMENT PROJECT AREA**

Alma Adams made a motion to approve Resolution ICCD&RA 2017-7 approving the Project Plan for the Appaloosa Solar 1 Community Reinvestment Project Area. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT  
AND RENEWAL AGENCY  
ICCD&RA RESOLUTION 2017-7**

A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE APPALOOSA SOLAR I COMMUNITY REINVESTMENT PROJECT AREA.

**Whereas**, pursuant to the provisions of the Utah Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the “**Act**”), specifically Utah Code Annotated (“UCA”) § 17C-5, the Iron County Community Development and Renewal Agency (the “**Agency**”) adopted a resolution on March 27, 2017, designating a survey area, which was to become the Appaloosa Solar I Community Reinvestment Project Area (“**Project Area**”), and calling for the preparation of a project area plan and budget; and

**Whereas**, the draft Project Area Plan (the “**Draft Plan**”), having been prepared for the Project Area pursuant to UCA § 17C-5-105, the Agency held, on October 23, 2017, a duly noticed public hearing pursuant to UCA § 17C-5-104 to allow public comment on the Draft Plan and whether it should be revised, approved, or rejected; and to receive all written and hear all oral objections to the Draft Plan; and

**Whereas**, having received and heard all commentary on and objections, orally and in writing, to the Draft Plan submitted for its consideration, the Agency has passed upon such objections as it has received and has made such modifications, amendments, and/or emendations to the Draft Plan as it deems appropriate, if any; and

**Whereas**, the Agency has made relevant findings concerning the amount of opposition, if any, to the Draft Plan by owners of real property within the Project Area.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

**1. Legal Description.**

The boundaries of the Project Area are described in the Project Area Plan, attached hereto as **Exhibit A**.

## **2. The Agency's Purposes and Intent with Respect to the Project Area.**

The purposes and intent of the Agency with respect to the Project Area are as follows:

**2.1.** To satisfy the purposes of the Act, as defined therein, by promoting, creating, and/or retaining jobs through the planning, design, development, construction, rehabilitation, or business relocation within the Project Area, as well as the provision of office, industrial, manufacturing, warehousing, distribution, parking, public, or other facilities, or other improvements that benefit the state or a community;

**2.2.** to increase the County's tax base as well as its commercial front so as to improve both opportunity and quality of life for all of its citizens;

**2.3.** to promote, encourage, and bring to fruition, the development within the Project Area of a commercial development comprised of up-scale, reputable commercial concerns;

**2.4.** to stimulate the economy within the Project Area and in the surrounding area;

**2.5.** to provide for the installation of needed infrastructure, if and as necessary, for development within the Project Area;

**2.6.** to take any or all additional steps which may be appropriate or necessary to promote or further the aim of improving the Project Area (and, indirectly, of surrounding areas).

## **3. Designation, Adoption, and Incorporation of the Plan.**

The Draft Plan for the Project Area (attached as **Exhibit A**) is hereby designated the *Official Plan for the Appaloosa Solar I Community Reinvestment Project Area* (the "**Official Plan**"), and is incorporated herein by this reference.

The Agency hereby officially approves and adopts the Official Plan for the Appaloosa Solar I Community Reinvestment Project Area.

## **4. Required Findings.**

**4.1.** A need exists to effectuate a public purpose; to wit, the exercise of the statutorily enacted community reinvestment mechanism for the benefit of the citizens of Iron County.

**4.2.** Benefit to the public shall accrue from the execution of the Official Plan, as each project undertaken thereunder shall be subject to the analysis described in Utah Code § 17C-5-105(2).

**4.3.** The adoption and carrying out of the Official Plan is economically sound and feasible.

4.4. The Official Plan conforms to the County's General Plan.

4.5. Carrying out the Official Plan will promote the public peace, health, safety, and welfare of the Iron County and its residents.

**5. Submission of the Official Plan to the Iron County Commission for Adoption by Ordinance.**

5.1. Pursuant to Utah Code §§ 17C-5-104 & -109, the Agency Board hereby submits the Official Plan to the Iron County Commission for review and adoption.

**6. Recording and Transmittal.**

6.1. Pursuant to Utah Code § 17C-5-111, Agency Staff are hereby directed and authorized to take the following actions within 30 days after adoption of the Official Plan by the Iron County Commission:

a. to record with the Iron County Recorder a document containing a description of the land within the Project Area, a statement that the Official Plan for the Project Area has been adopted; and the date of its adoption by the Iron County Commission; and

b. to transmit a copy of the description of the land within the Project Area, a copy of the County ordinance adopting the Official Plan, and a map indicating the boundaries of the Project Area to each of the following: (i) the auditor and assessor of the county in which the Project Area is located; (ii) the officer or officers performing the function of auditor or assessor for each taxing entity, if any, that does not use the county assessment roll or collect its taxes through the county; (iii) the legislative body or governing board of each taxing entity; (iv) the State Tax Commission; and (v) the State Board of Education.

**7. Execution of the Plan.**

7.1. Following adoption of the Official Plan by the Iron County Commission, the Agency shall proceed to carry out the Plan.

**8. Directions to Agency Staff.**

8.1. The Agency staff are hereby directed and authorized to take all such actions as necessary to effectuate the purposes and aims of this resolution.

**9. Effective Date**

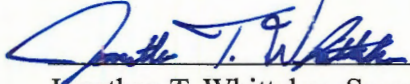
9.1. This Resolution shall take effect upon its adoption.

**APPROVED AND ADOPTED** on the 23<sup>rd</sup> day of October, 2017.

**IRON COUNTY  
COMMUNITY  
DEVELOPMENT AND  
RENEWAL AGENCY**

  
Dale M. Brinkerhoff, Chair

ATTEST:

  
Jonathan T. Whittaker, Secretary



**Voting by the Agency Board:**

Alma L. Adams     \_Aye\_  
Michael P. Bleak   \_Aye\_  
Dale M. Brinkerhoff \_Aye\_

**RESOLUTION ICCD&RA 2017-8 APPROVING THE PROJECT AREA BUDGET  
FOR THE APPALOOSA SOLAR 1 COMMUNITY REINVESTMENT PROJECT  
AREA**

Michael Bleak made a motion to approve Resolution ICCD&RA 2017-8 approving the Project Plan Budget for the Appaloosa Solar 1 Community Reinvestment Project Area. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT  
AND RENEWAL AGENCY  
ICCD&RA RESOLUTION 2017-8**

A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA BUDGET FOR THE APPALOOSA SOLAR I COMMUNITY REINVESTMENT PROJECT AREA.

**Whereas**, pursuant to the provisions of the Utah Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the “Act”), specifically Utah Code Annotated (“UCA”) § 17C-5, the Iron County Community Development and Renewal Agency (the “Agency”) adopted a resolution on March 27, 2017, designating a survey area, which was to become the Appaloosa Solar I Community Reinvestment Project Area (“Project Area”), and calling for the preparation of a project area plan and budget; and

**Whereas**, pursuant to the provisions of the Utah Community Reinvestment Agency Act (the “Act”), specifically Utah Code Annotated (“UCA”) § 17C-5, on October 23, 2017

the Agency approved the Community Reinvestment Project Area Plan for the Project Area after holding a duly-noticed public hearing; and

**Whereas**, the Agency has prepared a Project Area Budget (the “**Budget**”) for the Project Area as required by the Act; and

**Whereas**, the Budget having been prepared for the Project Area pursuant to the Act, the Agency made the Budget publicly available and provided notice of the budget hearing as required by the Act; and

**Whereas**, the Agency held, on October 23, 2017, a duly-noticed public hearing pursuant to UCA § 17C-5-302 to allow public comment on the Budget and whether it should be revised, approved, or rejected, and to receive all written and hear all oral objections to the Budget; and

**Whereas**, having received and heard all commentary on and objections to the Budget submitted for its consideration, the Agency has passed upon such objections as it has received and has made such modifications, amendments, and/or emendations to the Budget as it deems appropriate, if any; and

**Whereas**, pursuant to UCA § 17C-5-304, the Budget remains subject to approval by the entities that levy taxes within the Project Area that enter into interlocal agreements with the Agency for the Project Area before the Agency may collect project area funds from the Project Area; and

**Whereas**, the Agency now desires to formally adopt the Budget as the official budget for the Project Area.

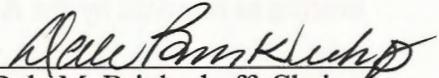
**THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

1. The Agency has received all comments and objections to the draft Budget.
2. The Budget attached hereto as **Exhibit A** is hereby adopted as the official budget for the Appaloosa Solar I Community Reinvestment Project Area.
3. Agency staff are hereby authorized to take all actions necessary, including those actions required by UCA § 17C-5-305, to carry out the purposes of this resolution.
4. This resolution shall be effective upon adoption

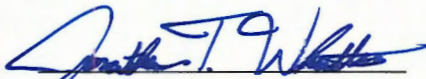


APPROVED AND ADOPTED on the 23<sup>rd</sup> day of October, 2017.

**IRON COUNTY  
COMMUNITY  
DEVELOPMENT AND  
RENEWAL AGENCY**

  
Dale M. Brinkerhoff, Chair

ATTEST:

  
Jonathan T. Whittaker, Secretary



**Voting by the Agency Board:**

Alma L. Adams      \_Aye\_  
Michael P. Bleak   \_Aye\_  
Dale M. Brinkerhoff \_Aye\_

**RESOLUTION ICCD&RA 2017-9 APPROVING INTERLOCAL AGREEMENTS WITH IRON COUNTY, THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 (UASD#2), THE IRON COUNTY SCHOOL DISTRICT AND THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT (CICWCD) FOR THE APPALOOSA SOLAR 1 COMMUNITY REINVESTMENT PROJECT AREA**

Alma Adams made a motion to approve Resolution ICCD&RA 2017-9 approving Interlocal Agreements with Iron County, the UASD#2, the Iron County School District and the CICWCD for the Appaloosa Solar 1 Community Reinvestment Project Area. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT  
AND RENEWAL AGENCY  
ICCD&RA RESOLUTION 2017-9**

A RESOLUTION APPROVING INTERLOCAL AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY, THE IRON COUNTY SCHOOL DISTRICT, THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2, AND THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT REGARDING THE APPALOOSA SOLAR I COMMUNITY REINVESTMENT PROJECT AREA.

**Whereas,** pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Act"), public agencies,

including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

**Whereas**, the Iron County Community Development and Renewal Agency (the “Agency”) and Iron County, the Iron County School District, the Iron County Unincorporated Area Services District #2, and the Central Iron County Water Conservancy District (the “Taxing Entities”) are “public agencies” for purposes of the Act; and

**Whereas**, the Agency has adopted a Project Area Plan (the “Plan”) for the Appaloosa Solar I Community Reinvestment Project Area (the “Project Area”); and

**Whereas**, after careful analysis and consideration of relevant information, the Agency desires to enter into interlocal agreements with the Taxing Entities (the “Interlocal Agreements”) whereby the Taxing Entities consent to the Agency receiving for an extended period of time a portion of the tax increment produced by the Taxing Entities’ levies on real and personal property within the Project Area; and

**Whereas**, Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**


1. The Interlocal Agreements with each Taxing Entity, substantially in the form attached hereto as **EXHIBIT A**, are approved and shall be executed by the Agency.
2. The Chair shall make such additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreements.
3. Pursuant to Section 11-13-202.5 of the Act, each Interlocal Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the Agency for review and approval as to form and legality.
3. Pursuant to Section 11-13-209 of the Act and upon full execution of each Interlocal Agreement, a copy thereof shall be filed immediately with the keeper of records of the Agency.
4. Each Interlocal Agreement shall be effective on the date of publication of the notice required by Section 17C-5-205, Utah Code; such notice shall be published by the Agency on behalf of each Taxing Entity according to the terms of the Interlocal Agreements.
5. This Resolution shall take effect upon adoption.

**APPROVED AND ADOPTED** on the 23<sup>rd</sup> day of October, 2017.

**IRON COUNTY  
COMMUNITY  
DEVELOPMENT AND  
RENEWAL AGENCY**

  
Dale M. Brinkerhoff, Chair

ATTEST:

  
Jonathan T. Whittaker, Secretary



**Voting by the Agency Board:**

Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye  

**CONVENE AS THE IRON COUNTY UNINCORPORATED AREA SERVICES  
DISTRICT #2 (UASD#2)**

Dale Brinkerhoff, Iron County Commission Chair, declared the adjournment of the ICCD&RA and the convening as the Iron County Unincorporated Area Services District #2 (UASD#2).

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION UASD#2 2017-3  
APPROVING AN INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR  
THE APPALOOSA SOLAR 1 COMMUNITY REINVESTMENT PROJECT  
AREA**

Alma Adams made a motion to approve Resolution UASD #2 2017-3 approving an Interlocal Agreement with the ICCD&RA for the Appaloosa Solar 1 Community Reinvestment Project Area. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY UNINCORPORATED AREA SERVICES  
DISTRICT #2  
UASD #2 RESOLUTION 2017-3**

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 REGARDING THE APPALOOSA SOLAR I COMMUNITY REINVESTMENT PROJECT AREA.

**Whereas**, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Act”), public agencies,

including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

**Whereas**, the Iron County Community Development and Renewal Agency (the “Agency”) and the Iron County Unincorporated Area Services District #2 (the “District”) are “public agencies” for purposes of the Act; and

**Whereas**, the Agency has adopted a Project Area Plan (the “Plan”) for the Appaloosa Solar I Community Reinvestment Project Area (the “Project Area”); and

**Whereas**, after careful analysis and consideration of relevant information, the District desires to enter into an interlocal agreement with the Agency (the “Interlocal Agreement”) whereby the District consents to the Agency receiving for an extended period of time a portion of the tax increment produced by the District’s levy on real and personal property within the Project Area; and

**Whereas**, Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE GOVERNING BOARD OF THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 AS FOLLOWS:**

3. The Interlocal Agreement, substantially in the form attached hereto as **EXHIBIT A**, is approved and shall be executed by the District.

4. The Chair shall make such additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreement.

3. Pursuant to Section 11-13-202.5 of the Act, the Interlocal Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the District for review and approval as to form and legality.

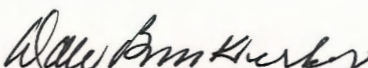
3. Pursuant to Section 11-13-209 of the Act and upon full execution of the Interlocal Agreement, a copy thereof shall be filed immediately with the keeper of records of the District.

4. The Interlocal Agreement shall be effective on the date of publication of the notice required by Section 17C-5-205, Utah Code; such notice shall be published by the Agency on behalf of the District according to the terms of the Interlocal Agreement.

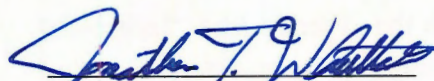
5. This Resolution shall take effect upon adoption.

Approved and adopted by the Iron County Governing Board of the Iron County Unincorporated Area Services District #2, this 23<sup>rd</sup> day of October, 2017.

IRON COUNTY  
UNINCORPORATED  
AREA SERVICES  
DISTRICT #2

  
Dale M. Brinkerhoff, Chair

ATTEST:

  
Jonathan T. Whittaker, Secretary



Voting by the Agency Board:

Alma L. Adams      \_Aye\_  
Michael P. Bleak   \_Aye\_  
Dale M. Brinkerhoff \_Aye\_

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the adjournment of the Iron County USAD#2 and the reconvening of the Iron County Commission.

**ORDINANCE 2017-5 ADOPTING THE PROJECT AREA PLAN FOR THE APPALOOSA SOLAR 1 COMMUNITY REINVESTMENT PROJECT AREA**

Michael Bleak made a motion to approve Ordinance 2017-5 Adopting the Project Area Plan for the Appaloosa Solar 1 Community Reinvestment Project Area. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY ORDINANCE 2017-5**

AN ORDINANCE ADOPTING THE PROJECT AREA PLAN FOR THE APPALOOSA SOLAR I COMMUNITY REINVESTMENT PROJECT AREA, AS APPROVED BY THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AS THE OFFICIAL COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE PROJECT AREA.

**Whereas**, the Iron County Community Development and Renewal Agency (the “Agency”), having prepared the Project Area Plan (the “Plan”) for the Appaloosa Solar I Community Reinvestment Project Area (the “Project Area”) pursuant to Utah Code Annotated (“UCA”) § 17C-5, has adopted on this same date the Plan as the Official Community Reinvestment Project Area Plan for the Project Area; and

**Whereas**, Section 17C-5-109 of the Utah Limited Purposes Local Government Entities – Community Reinvestment Agency Act (the “Act”) mandates that, before a community reinvestment project area plan approved by an agency under UCA § 17C-5 may take effect, it must be adopted by ordinance of the legislative body of the community

that created the agency; and

**Whereas**, the Act also requires that certain notice is to be given by the community legislative body upon its adoption of a community reinvestment project area plan under UCA § 17C-5-110.

**NOW, THEREFORE, BE IT ORDAINED BY THE IRON COUNTY COMMISSION AS FOLLOWS:**

1. The Iron County Commission hereby adopts and designates the Plan for the Appaloosa Solar I Community Reinvestment Project Area, as approved by the Agency on this same date, as the official plan (the "**Official Plan**") for the Project Area, the respective boundaries of which are shown and described on the legal descriptions and map attached hereto as **Exhibit A** and incorporated herein by this reference.

2. Iron County Commission and Agency staff are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-5-110, substantially in the form attached hereto as **Exhibit B**, whereupon the Official Plan shall become effective under UCA § 17C-5-110.

3. Pursuant to the Act, the Agency may proceed to carry out the Official Plan as soon as it becomes effective.

4. This ordinance takes effect immediately upon publication and recording.

**DATED** this 23<sup>rd</sup> day of October, 2017.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff - Chairman

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker – Iron County Clerk



Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye

**RESOLUTION 2017-17 APPROVING AN INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE APPALOOSA SOLAR 1 COMMUNITY REINVESTMENT PROJECT AREA**

Michael Bleak made a motion to approve Resolution 2017-17 Approving an Interlocal Agreement with the ICCD&RA for the Appaloosa Solar 1 Community Reinvestment Project Area. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2017-17**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY REGARDING THE APPALOOSA SOLAR I COMMUNITY REINVESTMENT PROJECT AREA.

**Whereas**, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “**Act**”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

**Whereas**, the Iron County Community Development and Renewal Agency (the “**Agency**”) and Iron County (the “**County**”) are “public agencies” for purposes of the Act; and

**Whereas**, the Agency has adopted a Project Area Plan (the “**Plan**”) for the Appaloosa Solar I Community Reinvestment Project Area (the “**Project Area**”); and

**Whereas**, after careful analysis and consideration of relevant information, the County desires to enter into an interlocal agreement with the Agency (the “**Interlocal Agreement**”) whereby the County consents to the Agency receiving for an extended period of time a portion of the tax increment produced by the County’s levy on real and personal property within the Project Area; and

**Whereas**, Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE IRON COUNTY COMMISSION AS FOLLOWS:**

5. The Interlocal Agreement, substantially in the form attached hereto as **EXHIBIT A**, is approved and shall be executed by the Country.

6. The Chair shall make such additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreement.

3. Pursuant to Section 11-13-202.5 of the Act, the Interlocal Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the County for review and approval as to form and legality.

3. Pursuant to Section 11-13-209 of the Act and upon full execution of the Interlocal Agreement, a copy thereof shall be filed immediately with the keeper of records of the County.

4. The Interlocal Agreement shall be effective on the date of publication of the notice required by Section 17C-5-205, Utah Code; such notice shall be published by the Agency on behalf of the County according to the terms of the Interlocal Agreement.

5. This Resolution shall take effect upon adoption.

Approved and adopted by the Iron County Commission, this 23<sup>rd</sup> day of October, 2017.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale M. Brinkerhoff*  
Dale M. Brinkerhoff - Chairman

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker – Iron County Clerk



Alma L. Adams       Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye  

**CONSIDERATION AND POSSIBLE APPROVAL OF A LEASE APPLICATION FOR 600 ACRES OF SCHOOL & INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) LAND IN THE KANARRA FALLS AREA**

Mike Worthen, Iron County Natural Resource Specialist, explained that the Kanarra Falls had become a popular tourist destination with between 30 to 40 thousand visitors per year. There were concerns about the water quality, which include the culinary water and irrigation water in the town of Kanarraville. Mike reported that Kanarraville and the Department of Water Quality were monitoring the water at the time. He noted that on a busy weekend there could be a 2 to 3 hour wait to go up and down a ladder along the hike. There were no restroom facilities available in the canyon and many used the surrounding areas to relieve themselves. There were many complaints about the wait and stench in the canyon. Mike reported that there was a cooperative effort between the Bureau of Land Management (BLM) and Kanarraville to find a solution to the problems. The BLM would require 3 to 5 years for completion of a plan to mitigate impacts and to provide a better experience. There was a suggestion that Iron County lease 600 acres, out of 640, from SITLA. The remaining 40 acres would be for the Kanarraville water infrastructure. ~~Once the lease was in place it~~ would allow a fee structure to limit the amount of tourists entering Kanarra Falls. Mike noted that a portion of the revenue through fees would be required to be returned to SITLA to go towards Utah schools. The cost of the lease would be \$1,000.00 up front, then \$1,000.00 annually which could be recouped through revenues from visitor fees.

Michael Bleak suggested the decision be postponed until after the November 2017 election as there could be new Kanarraville officials elected to make those decisions. Alma Adams noted that the Iron County Commission was brought into the Kanarra Falls issue because of the seriousness of the problems.

Alma Adams made a motion to table the SITLA lease until after the November 2017 election. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.



**2018 INSURANCE RENEWAL FOR DISCUSSION AND POSSIBLE APPROVAL**

Adrion Walker, Human Resource (HR) Director, reported that Iron County received a favorable renewal of a 3 percent increase or \$70,000.00 from the current provider, Select Health. Adrion explained that the Insurance Committee requested that the \$70,000.00 be funded through a fund of accumulated dental insurance funds, due to Iron County being self-funded which had an excess of \$392,795.00.

Alma Adams made a motion to accept the 2018 Insurance renewal with a 3 percent increase and that the \$70,000.00 surplus would be funded from the self-funded Dental Fund contingent upon review by the Iron County Attorney. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**BID OPENING FOR THE A) IRON COUNTY COURTHOUSE LANDSCAPING, B) PUBLIC SAFETY BUILDING LANDSCAPING AND C) THE IRON COUNTY VISITOR OFFICE BUILDING CONCRETE**

Lester Ross, Iron County Lead Facilities Maintenance, explained that there were no bids submitted for the Iron County Courthouse landscaping. One of the main problems was with the assurance that the lawn would be able to be watered due to irrigation water availability in Parowan resulting from the Brian Head fire. The open bid for the landscaping could be resubmitted in the spring.

Lester reported that there was one bid submitted for the Public Safety Building landscaping from McArthur Landscaping in the amount of \$71,703.20. The decision was made to remove \$6,490.00 for the fence between the Ambulance building and the Safety building.

Alma Adams made a motion to approve the bid from McArthur Landscaping excluding \$6,490.00 for a total of \$65,213.20, contingent upon Iron County's ability to include the cost of the lease revenue fee with the state. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

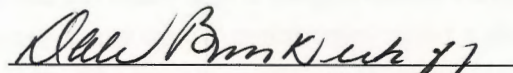
Lester reported that there was one bid submitted for the Iron County Visitor Office building concrete. He explained that the bid was ten times over the amount expected and the concrete could be done in-house or to resubmit the open bid in the spring.

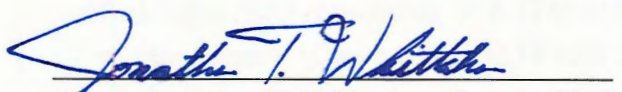
**NON-DELEGATED ITEMS**

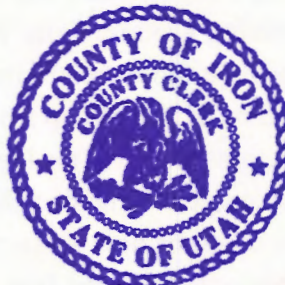
No Non-Delegated items were discussed.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
NOVEMBER 13, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 13, 2017 in the Parowan City Council Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Michael Edwards	County Deputy Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Deborah Johnson	County Recorder
Dan Jessen	County Auditor
Nicole B. Rosenberg	County Treasurer
Cindy W. Bulloch	County Assessor
Adrion Walker	Human Resource Director

**SYNOPSIS**

ADJOURNMENT ..... 10

ADOPT THE 2018 IRON COUNTY COMMISSION MEETING SCHEDULE ..... 7

APPROVAL OF LATE APPEALS BECAUSE OF THE BRIAN HEAD FIRE ..... 5

APPROVAL OF MINUTES. .... 2

APPROVAL OF LEASE APPLICATION OF SITLA LANDS..... 4

APPROVAL OF SONRISE CHRISTIAN TAX EXEMPTION REQUEST..... 6

APPROVAL OF SUU TAX EXEMPTION REQUEST FOR APN: B-1253-18-BL. .... 6

APPROVAL OF SUU TAX EXEMPT REQUEST FOR APN: B-658. .... 6

APPROVAL OF 2017 TAX ABATEMENTS. .... 5

DEPARTMENTAL REPORTS..... 2

DISCUSSION OF A JOINT ANIMAL CONTROL FACILITY WITH CEDAR CITY. ... 4

ENOCH CITY REQUEST TO PURCHASE PARCELS IN PARK VIEW SUBD. .... 4

INSPECTION SERVICES CONTRACT WITH PAROWAN CITY..... 7

INTERLOCAL AGREEMENT WITH CEDAR CITY FOR FIRE SERVICES..... 3

INVOCATION ..... 2

LEASE RENEWAL WITH CEDAR CITY TRAP CLUB. .... 3

NON-DELEGATED ITEMS..... 10

ORDINANCE 2017-6, SMALL BUSINESS LICENSE CHANGES..... 8

PERSONNEL ..... 10

PLEDGE OF ALLEGIANCE..... 2

PRAIRIE DOG TAKE REQUESTS ..... 5

PUBLIC COMMENTS .....	3
TENTATIVE IRON COUNTY 2018 BUDGET .....	7
WILDLAND FIRE PROGRAM COOPERATIVE 2018 BUDGET CONTRACT(S).....	6

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Michael Miller.

**INVOCATION**

An invocation was offered by John Higley.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the October 9, 2017 Iron County Commission meeting as amended. Second by Alma Adams. Voting: Alma Adams, Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DEPARTMENTAL REPORTS**

**Jon Whittaker, Iron County Clerk,** noted that the Clerk budget was at 83 percent. Jon reported that his staff was working well together. The 2017 municipal election had concluded with some close races. Cedar City would be holding their canvass that afternoon. Jon said he would be attending the Utah Association of Counties (UAC) meetings held in St. George during the upcoming week.

**Adrion Walker, Iron County Human Resource (HR) Director,** noted that the HR budget was on track. Adrion reported that open enrollment had begun and that all employees would need to attend one of the sessions. The employee performance evaluations were 79 percent complete. Most of those not completed were part-time, seasonal employees, or elected officials. He reported that there was a committee formed to address a “Wellness Program” for the Iron County employees. Plans were in place to have a quarterly activity beginning in 2018. Adrion stated that he was pleased with what had happened within Iron County in 2017. He noted that he enjoyed positive communication with the department heads and elected officials. Employee retention was improving and workers compensation claims were still low. Adrion complemented the efficiency and hard work from Betsy Cummings, noting that she was an asset to Iron County. Adrion concluded by expressing that Iron County was fortunate to have excellent employees.

**John Higley, Iron County Emergency Management Coordinator,** noted that the budget was at 69 percent. John reported that they were up-to-date on all grant reports and were in compliance with the State of Utah. The equipment for the satellite phones being installed at the Shooting Range and Woods Ranch were shipped. Once the phones were installed they would be turned over to Maria Twitchell (Iron County Tourism/Parks and Recreation) for maintenance. He stated that the phones were enclosed in well protected cases.

**Chad Reid, USU Extension,** reported that the Youth Council had been participating in various activities and service projects in Iron County and the state. The members had increased from 10 to 20 youth. The 4H Robotics program had 38 youth and 10 adults, and had participated in state-wide competitions. The Shooting Sports had 17 youth. The Iron Bee Keeping Club had been in operation for 6 years. Chad reported that the Leadership Skills Development project had 22 youth; the Horse Program had 43 youth and the Sewing Construction Program had 18 youth. He noted that the Livestock Clinic had over 100 attend and the Cupcake Contest had over 80 participate. Close to 250 individuals attended the 4H Open House and 779 youth attended the Water Fair. The 4H Livestock Show had 17,000 to 19,000 attend and sold a record \$540,000 of livestock.

**Michael Bleak, Iron County Commissioner,** reported that the “Dancing with your Community Stars” raised a record \$19,000.00. The funds raised would help fund the Mental Health Counselors in the Iron County Middle Schools. Mike noted that the Children’s Cavalcade Parade was well attended.

**Alma Adams, Iron County Commissioner,** reported that the Bureau of Land Manage (BLM) area manager Paul Briggs had implemented a new project in Hamlin Valley to clear the land for better production and less fire hazard. The Southern Utah Wilderness Alliance sued to stop the project and filed a petition to “immediately” cease, which the judge overrode. Alma noted that the Iron County Engineer Department had done some extensive work on the Parowan Flood Channel as a result of the Brian Head fire.

**Dale Brinkerhoff, Iron County Commissioner,** reported that he would attend the UAC meetings being held in St. George. Garfield County had asked Iron County to participate in forming a ceremonial trail for the “Hole in the Rock” from Parowan to Bluff. He noted that further discussion on the issue would be held and that it would be a good project for Iron County to participate in.

### **PUBLIC COMMENTS**

Thomas Hale, a citizen of Iron County, stated that he was still concerned with the lack of road maintenance in the Hidden Valley Ranchos (HVR) Subdivision. As stated in the October 25, 2017 Iron County Commission meeting, 5500 North, 5550 North, 5700 North, and 5900 North were not yet brought back up to Iron County standards after the Central Iron County Water Conservancy District (CICWCD) excavated the roads. Mr. Hale expressed that the CICWCD should be responsible to restore the roads to Iron County standards. Mr. Hale stated he would continue to investigate the matter.

### **DISCUSSION AND POSSIBLE APPROVAL OF A RENEWED LEASE BETWEEN IRON COUNTY, CEDAR CITY AND THE CEDAR CITY TRAP CLUB**

Bruce Hughes, Cedar City Trap Club Treasurer, explained that the Cedar City Trap Club had incorporated in 2005 as a 501(c)(4) not profit. Iron County had a joint lease agreement between Iron County, Cedar City and the Cedar City Trap Club for use of the property located between the Cedar city Animal Control building and the Schmidt gravel pit. The lease had been renewed between the Trap Club and Cedar City and now needed to be ratified by Iron County. Bruce noted that after five years, the lease had an “Evergreen” auto renewal lease.

Alma Adams made a motion to approve the renewed lease between Iron County, Cedar City and the Cedar City Trap Club as presented and to waive the \$1.00 fee. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **DISCUSSION AND POSSIBLE APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN IRON COUNTY, CEDAR CITY, ENOCH CITY AND KANARRAVILLE TOWN REGARDING FIRE SERVICES**

Mike Phillips, Cedar City Fire Chief, reported that the current agreement was 50 years old and was based strictly on fire calls. The proposed agreement would be based on market value. Tyler Romeril, Cedar City Attorney, explained several details of the interlocal agreement. The actual budget would be expenses less grants and revenues. Expenses would be divvied out based on projected real property value by municipalities. The agreement would be a one year interlocal agreement with an automatic renewal and would be terminable via 90 day notice.

Michael Bleak made a motion to approve an Interlocal Agreement between Iron County, Cedar City, Enoch City and Kanarraville Town for Fire Services with an understanding that Iron County had 90 day escape clause if it was found that it was not

beneficial to Iron County. A budget increase at 25% for year 1; a 50% budget increase for year 2; a 75% budget increase for year 3 full funding at year 4, with an annual budget review between all entities. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE ACTION ON PARTICIPATION WITH CEDAR CITY IN CONSIDERATION OF A JOINT ANIMAL CONTROL FACILITY**

Paul Bittmenn, Cedar City Manager, explained that the discussion was a continuation of a previous meeting where it was requested that Cedar City return to the Iron County Commission with construction cost estimates. Paul reported that the estimate on Capital Costs would be \$400,000 for Iron County's share. The Operations and Maintenance share would be \$2,800 per year. Alma Adams noted that it was his understanding that Mayor Wilson was planning on a fundraising for the facility. Michael Bleak noted that it would be a good project and would benefit Cedar City and Iron County. He stated that he was concerned with the cost at this time and would like to wait to see the results from fundraising. Dale Brinkerhoff agreed that there was a value in the project, but was also concerned with the cost and to wait for fundraising results. At the time there was not a firm estimate amount to go by.

Alma Adams made a motion to bring back the request when Cedar City was ready to give a firm estimate from Iron County. Michael Bleak disclosed that he worked for the Cedar City Corporation and that it was not a conflict as Cedar City would move forward with the project with or without participation from Iron County. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PURCHASE OF CERTAIN LOTS IN PARK VIEW SUBDIVISION BY ENOCH CITY TO FINISH THE EXTENSION OF AN NRCS STORM DRAINAGE PROJECT**

Rob Dotson, Enoch City Manager, explained that he previously approached the Iron County Commission to request a donation of the parcels to Enoch City. After discussions with the Enoch City Council they approved that he return and request to purchase APN's: A-1010-392, A-1010-393, A-1010-394, and A-1010-409 for \$8863.68.

Alma Adams made a motion to table the request until the December 11<sup>th</sup> meeting so that proper public notice could be made. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONSIDERATION AND POSSIBLE APPROVAL OF A LEASE APPLICATION FOR 600 ACRES OF SCHOOL INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) LAND IN THE KANARRA FALLS AREA**

Mike Worthen, Iron County Resource Management Plan Director, explained that the Bureau of Land Management (BLM) and SITLA agreed that there needed to be a regulation of visitation to the Kanarra Falls area. Curtailing access was not an option because of existing public access and different owners. Iron County could step in because of access rights to traverse the canyon. Iron County agreed to lease the BLM parcel for five years, with an understanding that BLM and SITLA would work out a trade wherein BLM would control the land and implement a comprehensive recreation plan. Mike reported that process now required Iron County to apply for a lease of 600 acres and pay an annual fee in the amount of \$1,000 per year as a base fee to be credited back from any revenue. Kanarraville Town Mayor Galen Allred stated that the City was very grateful to Mike Worthen for his efforts. They would fully support Iron County in the agreement.

Michael Bleak made a motion to approve the lease for 600 acres of SITLA land in the Kanarra Falls area in the amount of \$1,000 per year for 5 years to be reimbursed by Kanarraville Town. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**UTAH PRAIRIE DOG (UPD) TAKE APPROVAL REQUESTS**

Jessica VanWoeart, Division of Wildlife Resource (DWR) Biologist, reported that the DWR surveyed Sycamore Trails Phase III Subdivision, and that the estimated take would be at least 1 dog and 0.1 acres of habitat in the amount of \$100.00 as requested by Mark Meisner. A survey completed in Monarch Meadows Subdivision, Lot 18 estimated take for at least 1 dog and 0.49 acres of habitat in the amount of \$490.00 as requested by Tracy Delnegro of Radiant Blue Construction.

Alma Adams made a motion to approve the Utah Prairie Dog take for Mark Meisner of 1 dog and 0.1 acres of habitat in the amount of \$100.00 and Tracy Delnegro of 1 UPD and 0.49 acres of habitat in the amount of \$490.00. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

As a Non-Delegated Item, Alma Adams made a motion to approve a 60 day extension to Martene Barker for her UPD take from a previously approved UPD take. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION (BOE)**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening as the Iron County BOE.

**APPROVAL OF STIPULATED ADJUSTMENTS FOR LATE FILED APPEALS FOR PROPERTIES AFFECTED BY FLOODING AS A RESULT OF THE BRIAN HEAD FIRE**

Cindy Bulloch, Iron County Assessor, reported that the property was located in the Maple Springs Subdivision, APN's A-2062-9 and A-2062-10, owned by Valentine Family Trust. Cindy explained that this was an after effect from the rain as a result of the Brian Head fire that flooded the two parcels. The owners missed the BOE deadline and called to request an application and because of a typo error in the email they had not received it. She requested an approval of an abatement of \$6,679.00 on APN: A-2062-9 and \$6,406.00 on APN: A-6062-10 which was roughly 50 percent of the land value at 50 percent of the year.

Alma Adams made a motion to approve the late file appeals for the properties APN: A-2062-9 in the amount of \$6,679.00 and \$6,406.00 on APN: A-6062-10 in the amount of \$6,406.00 for damage affected by flooding as a result of the Brian Head fire. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSS AND REVIEW APPLICATIONS FOR LOW INCOME, HOMEOWNERS TAX CREDITS, BLIND AND VETERANS ABATEMENTS FOR THE 2017 TAX YEAR RECEIVED FROM OCTOBER 5, 2017 THROUGH NOVEMBER 9, 2017**

Christene Lowder, Iron County Deputy Auditor, explained that the applications were received from October 5, 2017 through November 9, 2017. Christene reported that Mobile Home abatements posted in the amount of \$1,582.67, an additional \$26,410.89 was abated for Circuit Breakers, Blind and Veterans. Currently there was \$165,130.55 that would be requested back from the State of Utah for reimbursement from Circuit Breaker portion of the abatement which was state funded.

Michael Bleak made a motion to approve the application for low income, homeowners' tax credits, blind and veterans abatements for the 2017 tax year received from the October 5, 2017 through November 9, 2017 as presented by Christene Lowder. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REQUEST AND CONSIDERATION FOR A REQUEST FROM SOUTHERN UTAH UNIVERSITY (SUU) FOR EXEMPT STATUS BEGINNING MAY 25, 2017 THROUGH DECEMBER 31, 2017 ON APN: B-1253-18-BL**

Christene Lowder explained that APN: B-1253-18-BL was a hanger located at the Cedar City Airport for the use of the SUU Aviation School. SUU was seeking a prorated exemption in the amount of \$1,776.24 and would pay the taxes responsible from January 1, 2017 through May 24, 2017 in the amount of \$1,163.70.

Alma Adams made a motion to approve the request from SUU for exempt status beginning May 25, 2017 through December 31, 2017 on APN: B-1253-18-BL in the amount of \$1,776.24. The balance of \$1,163.70 to be paid by SUU. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REVIEW AND CONSIDERATION FOR A REQUEST FROM SUU FOR A TAX-EXEMPT STATUS ON 100 PERCENT OF APN: B-658 WHICH IS THE SUU PUBLIC SAFETY BUILDING**

Christene explained that APN: B-658, the SUU Public Safety Building, was previously rented out to a local law firm who vacated the building and was now used in whole by SUU Public Safety. SUU was requesting tax exempt status on the entire building from June 1, 2017 through December 31, 2017. The total taxes due on the property were \$2,939.91. SUU would pay taxes due on the portion rented from January 1, 2017 through May 31, 2017 in the amount of \$882.75.

Michael Bleak made a motion to approve a request from SUU for tax exempt status on 100 percent of APN: B-658 which was the SUU Public Safety Building located at 36 N 300 West, Cedar City, Utah beginning June 1, 2017 through December 31, 2017 in the amount of \$882.75. SUU would be responsible for property taxes due on the portion which was rented from January 1 through May 31, 2017 in the amount of \$1,235.88. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REVIEW AND CONSIDERATION OF A REQUEST FROM SONRISE CHRISTIAN FELLOWSHIP FOR PROPERTY TAX EXEMPT STATUS FROM MAY 25, 2017 THROUGH DECEMBER 31, 2017**

Christene explained that Sunrise Christian Fellowship was given the Parcel 2, "Shadow Mountain Road Dedication Subdivision," APN: E-140-5, to build a church. At that time it was land only and did not qualify for the tax exempt status. The building permit was issued May 25, 2017 and they were requesting tax exempt status from May 25, 2017 through December 31, 2017 in the amount of \$390.13. They would be responsible for taxes due from January 1, 2017 through May 24, 2017 in the amount of \$255.59.

Alma Adams made a motion to approve a request from Sunrise Christian Fellowship for property tax exempt status from May 25, 2017 through December 31, 2017 in the amount of \$390.13 for Parcel 2, "Shadow Mountain Road Dedication Subdivision." Sunrise Christian Fellowship would be responsible for taxes due from January 1, 2017 through May 24, 2017 in the amount of \$255.59. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the adjournment of the Iron County BOE and the reconvening of the Iron County Commission.

**APPROVAL OF THE 2018 WILDLAND FIRE PROGRAM COOPERATIVE BUDGET CONTRACT(S)**

Dan Jessen presented the 2018 Wildland Fire Program Cooperative Budget Contract to the commissioners. Dan noted that there was an overall decrease in said

budget. He explained that there was a decrease for the Engine Boss budget. Dan explained further that there would be two line items in the Iron County budget, a "Warden Support," account, and a, "State Match" account. He noted that the State Match account would increase over several years. However, any non-cash contributions that Iron County makes, will offset the amount needing to be paid. Dale Brinkerhoff expressed concern over a budgeted 6.9% increase to the Warden Support budget. Dale asked that the item be returned to the Auditor for review of the Fire Warden's raise.

#### **TENTATIVE IRON COUNTY 2018 BUDGET**

Dan Jessen explained that he would be presenting the tentative budget during this meeting, and that a public hearing would be held during the November 27<sup>th</sup> meeting, and that the final budget would be reviewed for adoption during the December 12<sup>th</sup> meeting. Some of the highlights of Dan's presentation were a surplus in the General Fund of \$525,994.56; a surplus in the Municipal Services Fund of \$236,142.84; a fund balance appropriation to retire the bond indebtedness for courthouse repairs and renovations in the amount of \$794,000; a surplus in Assessing and Collecting in the amount of \$104,124.18; a surplus in Landfill in the amount of \$155,930.00; a surplus in Transient Room Tax in the amount of \$42,595.84; a surplus in Fair in the amount of \$19,500.00; a surplus in Sewer in the amount of \$56,800; a surplus in Solid Waste Collections in the amount of \$9,400.00; \$250,000 set aside toward the eventual closing of the current landfill and opening of a new landfill; \$497,000 for a newer, more effective compactor/loader in the Landfill; Distribution of Assessing and Collection funds and the methodology for such allocations; moving the Childrens' Justice Center to Fund 18 from the General Fund to prevent co-mingling of funds; an explanation of the methodology used to transfer funds between accounts; a grant from T-Mobile in the amount of \$500,000 to help pay the costs of acquired spectrum and needed new equipment for Television; the creation of Fund 61 to hold funds from the solar companies for incremental tax rebates by the Iron County Community Development and Renewal Agency; roughly \$204,000 for salary increases plus a fixed dollar amount for a cost of living increase per employee. Alma Adams made a motion to approve the 2018 Iron County tentative budget as presented, with a directive that all part time employees receive a proportional cost of living adjustment that would not diminish the full time employee's cost of living adjustment. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **APPROVAL AND SIGNING OF AN AGREEMENT BETWEEN IRON COUNTY BUILDING DEPARTMENT AND PAROWAN CITY FOR INSPECTION SERVICES**

Chad Nay presented an agreement for building inspection services by Iron County with Parowan City. Chad explained that 30% of fees are returned to Parowan. He noted that, although they were stretched thin, they should be able to perform the services. The contract also has a cancellation clause for up to 6 months. Alma Adams made a motion to approve the building inspection agreement with Parowan City as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **ADOPT THE 2018 IRON COUNTY COMMISSION MEETING SCHEDULE**

Michael Bleak made a motion to approve the 2018 Iron County Commission Meeting Schedule. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.



**ORDINANCE 2017-6 ADOPTING REQUIREMENTS SET FORTH IN SB 81**

Jon Whittaker explained that Senate Bill 81, as passed by the Utah State Legislature allowed for juvenile, occasional business license exemptions, as well as exemptions from business license fees for certain home-based businesses. Alma Adams made a motion to adopt Ordinance 2017-6, Adopting Requirements Set Forth in SB 81. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY ORDINANCE 2017-6**

AN ORDINANCE ADOPTING REQUIREMENTS SET FORTH IN S.B. 81, ADOPTED DURING THE 2017 GENERAL SESSION OF THE UTAH STATE LEGISLATURE. SAID BILL CREATES CERTAIN EXCEPTIONS TO BUSINESS LICENSE REQUIREMENTS FOR JUVENILE, OCCASIONAL, AND HOME BASED BUSINESSES.

**Whereas**, Iron County regulates and issues business licenses in the unincorporated areas of Iron County, as per UCA § 17-53-216 to recover Iron County’s costs of regulation; and

**Whereas**, Iron County desires to create a robust and welcoming business environment; and

**Whereas**, S.B. 81 created certain exceptions for business license requirements for juvenile, occasional, and home based businesses; and

**NOW, THEREFORE, BE IT ORDAINED BY THE IRON COUNTY COMMISSION AS FOLLOWS:**

Iron County code to be amended as follows:

Section 5.04.030 – Definitions.

For purposes of this title, the following words and phrases shall have the following meaning:

**“Business”** means and includes all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, whether full-time or part-time, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit either directly or indirectly, on any premises within the county anywhere within its jurisdiction. Any person engaged in rental of two or more real property units for profit shall be considered to be engaging in business.

**“County”** means the county of Iron, Utah.

**“County license officer”** means the county clerk.

**“Employee”** means any operator, owner or manager of a business; any person or persons employed by an operator, owner or manager in the operation of a place of business in any capacity, whether part-time or full-time; any sales persons, agents or independent contractors engaged in the furtherance of a business activity in any capacity, regardless of the method of compensation. As used in this title, the term employee is intended to include all owners if there be more than one.

**“Home-Based Business”** means a business that is operated out of a person’s primary residence.

**“License”** means a certificate or document issued by the county evidencing permission or authority from the county to the holder named to carry on a particular business or to pursue a particular occupation.

**“Licensee”** means the person to whom a license has been issued pursuant to the provisions of this title, including individual persons, partnerships, joint ventures, associations, clubs, trusts, corporations or any other entities qualified by law to carry on any business referred to in this title. The term person as used in this title shall include all of the above, and shall be either an applicant or licensee.

**“Number of employees”** means the average number of employees engaging in the furtherance of licensee's business from a base within the county during a regular working day of the preceding calendar year, or in the case of a new business, said number shall be based upon applicant's sworn statement. In computing such number, a part-time employee shall be counted by that fraction formed by using the total number of hours worked by such employee as the numerator and the total number of hours worked by a full-time employee as the denominator. (Full-time is defined as a forty-hour week.)

**“Offsite Impact”** The cumulative effect of light, noise, traffic, dust, and street use that a home-based business has on the primary residential use and surrounding neighborhood.

**“Premises”** means all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or otherwise used in connection with any such business conducted on such premises.

Section 5.04.040 Regulation as Applied. (Subsection “G”)

G. Exemptions. Exemptions to this title are as follows:

1. Any person or organization for the conduct or operation of a nonprofit enterprise, either regularly or temporarily, when it is found that the applicant operates without private profit and for a public, charitable, educational, literary, fraternal or religious purpose.
2. Any business having gross sales of less than two thousand dollars per year.
3. Any business that is operated only occasionally; and by an individual who is under 18 years of age shall not be required to obtain a business license. Any such business may still apply for a business license and pay the usual business license fee.
4. Any home-based business whose combined offsite impact of the home based business and the primary residential use does not materially exceed the offsite impact of the primary residential use alone shall not be charged a business license fee. This exemption does not apply when the home-based business:
  - a. Employs people (other than family members).
  - b. Receives regular deliveries.
  - c. Conducts client meetings.
  - d. Displays signage.
  - e. Utilizes on or off street parking.
  - f. Stores inventory or materials.
  - g. Gives rise to any other activity or condition that may have a greater impact on the surrounding area than the impact created solely by normal residential use.

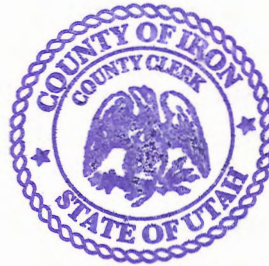
DATED this 13<sup>th</sup> day of November, 2017.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: *Dale Brinkerhoff*  
Dale M. Brinkerhoff - Chairman

ATTEST:

*Jonathan T. Whittaker*  
Jonathan T. Whittaker – Iron County Clerk



Alma L. Adams        Aye    
Michael P. Bleak     Aye    
Dale M. Brinkerhoff   Aye  

**PERSONNEL**

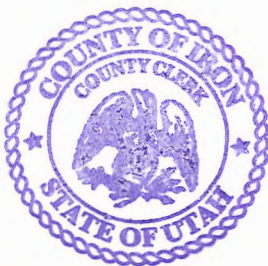
Adrion Walker presented the new hire of Lani Mackert (Penney) as Communications Specialist in the Tourism department. Said new hire was a backfill of a vacant position, and was effective November 6<sup>th</sup>. In the Sheriff department, Adrion Walker presented pay increases for Beau Johnson, Orlas Demasters, and Brandon Kennedy for successfully completing the Peace Officer Standards and Training (POST) and Field Training Officer (FTO) programs. Said raises to be effective November 5<sup>th</sup>. Michael Bleak made a motion to approve said personnel actions with the caveat that Brandon Kennedy would need to sign a retention agreement first, due to his recent hire. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

No Non-Delegated Items were discussed.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.



*Dale Brinkerhoff*  
Signed: Dale Brinkerhoff, Chairman

*Jonathan T. Whittaker*  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
NOVEMBER 27, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 27, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer
Cindy Bulloch	County Assessor

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Maria Twitchell.

**INVOCATION**

An invocation was offered by Curtis Crawford.

**DEPARTMENTAL REPORTS**

**Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau,** noted that as of September 1, 2017 the budget was at 68 percent spent in Transient Room Tax (TRT) and 50 percent spent in Restaurant tax. Maria reported that TRT collections were up by 11 percent and Restaurant tax was up 3 percent

as of November 1<sup>st</sup>. Brian Head had a 75 percent increase in lodging sales over 2016. She stated that the department vehicles had reached 100,000 plus miles and she had requested upgrades in the 2018 budget. Two grant applications had been submitted with the Utah Office of Tourism and were awarded in the amount of \$137,625.00 for winter marketing and \$43,230.00 for a summer campaign. Maria reported that Kenzie Lundberg resigned to take a position at Southern Utah University on October 13, 2017. Her position was filled by Lani Penney on November 6, 2017. Lani previously worked at the Brian Head Grand Lodge in marketing and sales.

Maria reported that the Outdoor & Recreation budget was at 47 percent spent as of September 1, 2017. She stated that the department was in need of a new maintenance truck. There had been \$6,581.00 generated in income from reservations and camping fees and 153 pavilion reservations had been made. Culverts had been placed to mitigate damage created by rain at Three Peaks and the Shooting Range road. Work continued at the Shooting Range and grills were being installed at Three Peaks. Maria reported that the Utah High School Mountain Bike Championships held at Three Peaks November 2<sup>nd</sup> and 3<sup>rd</sup> were a success. Nearly 2,000 riders plus staff and family were at Three Peaks during the event.

**Mark Gower, Iron County Sheriff**, reported that as of November 21<sup>st</sup>, the total Animal Control calls were at 367, Civil Process Papers served were at 1,204, Case Numbers issued were at 3,358, Citations issued were at 2,386, Traffic Stops were at 3,583, calls for service were at 10,732, Arrests for the Iron County Sheriff Office (ICSO) were at 245 and the total out of state extradition were at 9 with 3 pending. Deputy Winder would be deployed on a 400 day military assignment/training around the first of January 2018. He was currently assigned to the Court Services Division and Sheriff Gower was hopeful to temporarily back-fill the position as soon as possible as to avoid any disruptions to the court security responsibilities. Deputy Beau Johnson would be deployed on a 400 day military assignment/training beginning in April 2018. He was currently assigned to the Patrol Division. Sheriff Gower commented that he was very proud of the employees that serve in the military and supported them completely and wished them well on their deployments. They would be welcomed back upon their return from service.

Sheriff Gower reported that the Iron County Sheriff's Search and Rescue and Ropes Team had been very busy since the first of 2017. They were about double the calls compared to the 2016 statistics thus far. He noted that there was a staff shortage at the Iron County Animal Shelter. The volunteer base was down and was now using deputies from Corrections and Patrol to oversee its day to day operation. Carrie Haber was one of the volunteers that worked several hours each week adopting out and caring for the dogs in the facility. He stated that the shelter would not operate as well as it does if it were not for Carrie.

He reported that the ICSO was operating within the allocated 2017 budgets for Corrections and Patrol.

Michael Bleak noted that he had an opportunity to work with the ICSO Deputies over the weekend with their assistance on a couple of rough situations and was thankful for their help.

**Joanna Cuthers, Iron County Corrections**, noted that Corrections was at 78 percent of the 2017 budget. Joanna reported that total bookings for the 3<sup>rd</sup> Quarter were 522 and the total daily average inmate population was 169. The total inmate by type as of November 27, 2017 was State 10; Federal 18 and other County 2. She reported that the prison work crew projects included flood control channel, Kane Springs Road, Woods Ranch, Animal Shelter, 200 N. Sparkles, and the Public Safety Building.

**Curtis Crawford, Iron County Council on Aging (COA) Director**, reported that the Cedar City and Parowan Senior Centers continued to operate and function well, with no complaints from seniors or staff. The seniors in Iron County report a high approval of satisfaction and enjoyment of the Senior Center's activities, presentation,

education and meals. Curtis noted that the handbook or “back-up” book of instruction about the duties, procedures and reports of the COA Coordinator that he had prepared was now complete and available to all the COA departments. He emphasized the importance of cross-training. Curtis presented the COA Statistics for the month of October 2017: 16 Employees; 70 Volunteers; Volunteers served 479 hours the equivalent of \$11,625.33 value received; 904 phone visits; 381 home visits; 990 Other: which included chores, outreach, referral, legal service, nutrition information and transportation; 1,719 Meals on Wheels served; 782 meals served at the Senior Centers and 686 bus ride destinations given. The Five County Association of Governments (AOG) taught another round of a “Step-On” class. This was a seven week course about balance and preventing falls. They also taught a class called “Chronic Pain Self-management.” It was a six week course about helping seniors deal with pain and how to manage their health. Curtis noted that he continued to work within the 2017 budget.

### **PRESENTATION OF IRON COUNTY 2018 BUDGET**

Dan Jessen, Iron County Auditor, presented some of the highlights from the Iron County 2018 Budget. The budget report was presented in the November 13, 2017 Iron County Commission meeting. The information was presented for the purpose of the required Public Hearing.

Dale Brinkerhoff expressed his gratitude to the efficiency of the Auditor’s Office for the simplification of the Iron County 2018 budget process. Alma Adams noted that it would appear to the public that Iron County could implement a tax cut. Alma explained that the Iron County Jail was over 30 years old and was one of the oldest in the state. The need for a new Jail was imminent within the next 7 to 10 years. He stated that if Iron County was fiscally prepared then the need for a bond to build the Jail might not be needed.

### **PUBLIC HEARING REGARDING THE IRON COUNTY 2018 BUDGET**

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing on the Iron County 2018 budget open.

No comments were offered.

Dale Brinkerhoff declared the hearing closed. He noted that there would not be a vote on the budget at this time and the final adaption would be presented to the Iron County Commission in two weeks.

### **PUBLIC HEARING FOR PROPOSED ZONE CHANGE FROM INDUSTRIAL TO COMMERCIAL. LOCATED AT APPROXIMATELY 3040 NO. IRON SPRINGS ROAD, CEDAR CITY, PARCELS SA-E-116-5 & SA-E-116-3-1**

Chad Nay, Iron County Building & Zoning Administrator, explained that the zone change requested by Frank Nichols was an extension to the adjacent property whose zone had been changed previously. The property was 13.28 acres located along the section line between sections 21 & 28, T35S, R12W, SLB&M. It was being requested to extend a planned Travel Trailer Park.

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing regarding the proposed zone change open for public comment.

Cindy Bulloch, Iron County Assessor, recommended that the property to be changed from State Assessed to Locally Assessed. The property was not a part of the mining operation and could be changed. Cindy reported that she would call the state and facilitate the change. Chad Nay noted that Frank Nichols was aware of the iron deposits that still exist under the parcel, and that in the future someone may want to extract it.

Dale Brinkerhoff declared the public hearing regarding the proposed zone change closed.

Alma Adams made a motion to approve the zone change from Industrial to Commercial; located at approximately 3040 N Iron Springs Rd, Cedar City. 13.28 acres

located along the section line between sections 21 & 28, T35S, R12W, SLB&M. (Parcels SA-E-116-5 & SA-E-116-3-1). Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

### **PRAIRIE DOG TAKE APPROVAL REQUEST FOR TOM BRAUN, BRAUN CONSTRUCTION**

Jessica VanWoeart, Division of Wildlife Resource Biologist, presented a request by Tom Braun, Braun Construction, for the prairie dog take at 3781 W 1250 North, Cedar City, APN: B-1834-18. Based upon the Division of Wildlife Resources (DWR) survey, as well as the estimated spring prairie dog productivity, the estimated take for the development of the property would be at least 0.1 dogs and 0.24 acres of habitat for a total amount of \$240.00. There were 16 burrows found. Jessica noted that Iron County still had take for 38.2 prairie dogs remaining.

Michael Bleak made a motion to approve the prairie dog take for Tom Braun of Braun Construction as presented in the amount of \$240.00. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

As a **Non-Delegated** item, Jessica VanWoeart presented a request for prairie dog take from Brian Peterson, Son Builders, Inc. for the resurveyed Lot 130 in Gemini Meadows Subdivision. Based upon the DWR survey, estimated take for development of the property would be at least 2 dogs and 0.16 acres of habitat for a total of \$160.00.

Alma Adams made a motion to approve the prairie dog take for Brian Peterson of Son Builders, Inc. as presented in the amount of \$160.00. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

### **PUBLIC COMMENTS**

No public comments were offered.

### **DISCUSSION AND INFORMATION REGARDING SYRINGE EXCHANGE PROGRAMS AND WHY THEY ARE VITAL IN UTAH**

Mindy Vincent, Founder/Owner of Utah Harm Reduction Coalition (UHRC), explained that the UHRC was a program to education communities throughout Utah regarding the syringe exchange program and substance abuse. Mindy reported that Utah State law required that the syringe exchange be a "turn at least one in to receive one." When a syringe was turned in a new packaged one was replaced for it. The UHRC worked with hospitals and health departments for the disposal of the used syringes. She noted that the long term goal was for abstinence of substance abuse. She explained that there was no contact in Iron County and they were not planning on beginning a syringe exchange program here at that time. They wanted to hold an Educational Town Meeting to offer community awareness and a chance for a question and answer session in January or February 2018. Dale Brinkerhoff suggested she contact Jonathan Whittaker to schedule a building to meet in.

### **PERSONNEL**

Adrion Walker, Iron County Human Resource Director, presented a status change for David Smith in the Information Technology Department (IT) from part-time to full-time for approval, effective November 19, 2017. This status change was due to the elimination of 2 part-time positions.

Adrion explained that Amanda Buhrman, in the Corrections Department, had completed her Peace Officer Standards & Training (POST) and the Field Training Officer (FTO) period. She was now eligible for the corresponding pay increase per policy, effective November 19, 2017, for approval.

Michael Bleak made a motion to approve a status change for David Smith in the IT Department from part-time to full-time, effective November 19, 2017. This status change was due to the elimination of the part-time positions; and a pay

increase for Amanda Buhrman, in the Corrections Department, for completing POST and FTO per policy, effective November 19, 2017. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**PUBLIC SAFETY BUILDING**

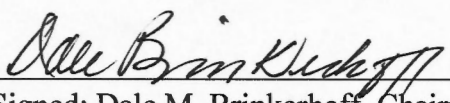
Lester Ross, Lead Facilities Maintenance, reported that most of the issues had been completed. The Request for Proposal (RFP) regarding landscaping maintenance and snow removal was being prepared. The plaque had arrived and was ready for placement.

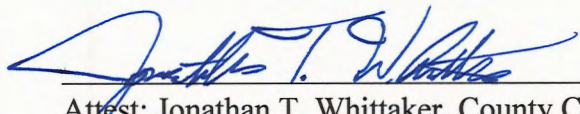
**IRON COUNTY COURTHOUSE**

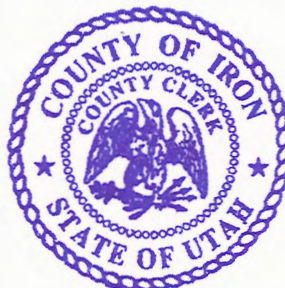
Lester Ross gave a tentative move-in date for Iron County staff of February 1, 2018.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
DECEMBER 11, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m.  
December 11, 2017 in the Parowan City Council Chambers at the Parowan City Offices,  
Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Scott Garrett	County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Deborah Johnson	County Recorder
Dan Jessen	County Auditor
Nicole B. Rosenberg	County Treasurer
Cindy W. Bulloch	County Assessor
Adrion Walker	Human Resource Director

**SYNOPSIS**

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APPROVAL OF LEASE AGREEMENTS FOR THE PUBLIC SAFETY BUILDING. .. 7

APPROVAL OF MINUTES. .... 2

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RESOLUTION 2017-19 ENDORSING CICWCD MEMBERSHIP IN UCIP. .... 7

## **PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Preston Nelson.

## **INVOCATION**

An invocation was offered by David Blodgett.

## **APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the October 23rd, 2017, November 20<sup>th</sup>, 2017, and November 27, 2017 Iron County Commission meetings. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **DEPARTMENTAL REPORTS**

**Steve Platt, Iron County Engineer**, noted that the 2017 Budget was on track. Steve reported that fencing continued to be sporadic on Kane Spring Road. There would be a Special Assessment Area in the Sunset Subdivision. The Geotechnical Investigation was completed. Plans and specifications were being prepared and hopefully construction would begin in the summer of 2018. He reported on priorities with the National Resources Conservation Service (NRCS) money from the Brian Head fire as: repairs to The Forebay, irrigation water to Parowan town by next April; Parowan's gravel pit, a detention basin at 300 East & 400 South in Parowan, 7.5 acres to impound 30 acre ft; Parowan road crossings at 300 W & 600 W; Flood channel improvements from detention basin to I-15; Iron County acquisition of flood channel easements; a detention basin at I-15; a detention basin west of 600 West, with Parowan city to acquire property; a septic tank at road department building in Parowan road building, and working on David Gray's pond. The Forest Service had collected much of the debris at Red Creek Reservoir. The Title V federal right of way for Greens Lake Rd would be transferred to Cedar Highlands Town after January 1, 2018. Steve reported that he had met with Federal Emergency Management Agency (FEMA) representatives and had revised Floodplain Preliminary Insurance Rate Maps for 2017 in the office but not online. The New crushing project at Iron Mines was under contract with Mel Clark.

**Preston Nelson, Iron County Road Supervisor**, noted that Mike Gardner retired after 32 years of service. Work was continuing on Kane Springs Road placing road base. Mel Clark Inc. was currently crushing road base at the Iron County Landfill. Preston reported that work would begin soon on the Vandenberg Road. They would be changing three cattle guards out on the Bench Road in Newcastle.

**Bruce Anderson, Iron County Landfill Supervisor**, noted that other than a few adjustments the budget was on track. Bruce reported that the Department of Environmental Quality (DEQ) had an onsite visit and that it went well. The DEQ were going to be changing the way they charge the landfills. There had not been any exact word on it other than the fees would be more than they had been in the past. He reported that Platt Engineering performed a survey of what kind of compaction they were getting. The findings were less than favorable and some necessary changes in the compaction were made in hopes to bring it up. SiTech Intermountain had a drone that would be flying the Iron County pit with a GPS camera to determine what volume remained. That would happen at the end of November and then they could recalculate the compaction. The new fence and gate were up at Iron Springs.

**David Blodgett, Southwest Utah Public Health Department (SUPHD)**, noted that they were currently on budget with the final budget approval for 2018 set for the next Board of Health meeting. It was likely that the per-head assessment used to fund the health department would increase by \$0.50 to \$6.55 per person in the district and in Iron County. David stated that he was especially grateful to Iron County and to the Iron County Commission, and to Commissioner Brinkerhoff specifically for his willingness to fund public health. The SUPHD operated on the lowest per capita rate in the State of

Utah. Summit County contributes \$64.00 per head compared to Iron County's \$6.55. He reported that they would have to replace the heating system within the new few years. The current boiler was outdated and it was difficult to find someone that could service it. The FDA regulations regarding e-cigarettes would go into effect in July of 2018. While it takes away most local control of the issue, it standardizes the product and has largely been a good thing. Representative Last would be running legislation to allow local health departments to regulate tobacco sales licenses. He noted that the defining health issues of our generation would be diabetes and medical marijuana. Roughly 10 percent of the nation now had diabetes. Not only were the personal effects of the disease, very difficult, the average diabetic adds \$500,000 to their lifetime medical expenditures. David reported that the current efforts to try to legalize marijuana were misguided at best, more and more data was mounting that there was no medical value to a product that was smoked for delivery of the medication, and that it was very harmful. Whether the components of marijuana could be helpful was being studied, but these products were already available and seldom used. David expressed that it was difficult to imagine a society where 50% of its young people don't show up to life because they were smoking marijuana, but that was what was happening in states that had legalized marijuana either medically or recreationally. He concluded by stating he was grateful to the Iron County Commission for their support of their efforts. He was especially grateful for Commissioner Brinkerhoff's service on the Board of Health, and that he had been willing to champion Public Health in so many ways. He was invaluable to the board and to his word as a health officer.

#### **NON-DELEGATED ITEM**

##### Iron County Courthouse

Lester Ross, Iron County Lead Facilities Maintenance, reported that the Courthouse would be ready for move in on January 29, 2018. It will be ready to hold the next Iron County Commission Meeting on January 8, 2018. The furniture would be delivered between January 22<sup>nd</sup> and 26<sup>th</sup>.

#### **PRAIRIE DOG TAKE APPROVAL REQUEST**

Jessica Van Woert, Division of Wildlife Resources Biologist, presented a request for 0.8 prairie dog take and 0.17 acres of habitat for Ryan Reese at 4893 W. 1125 S., Cedar City, Assessor's Parcel Number (APN): E-209-1-6-10, Lot 10, Block 6, Meadows Ranch East Subdivision with a \$170.00 mitigation fee for Ryan Reese.

Alma Adams made a motion to approve prairie dog take at 4893 W. 1125 S., Cedar City, Utah, APN: E-209-1-6-10, Lot 10, Block 6, Meadows Ranch East Subdivision for 0.8 UPD and 0.17 acres of habitat which would be a \$170.00 mitigation fee for Ryan Reese. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye, Dale Brinkerhoff, Aye.

#### **RESOLUTION 2017-18, ADOPTING THE IRON COUNTY 2018 FINAL BUDGET**

Dan Jessen, Iron County Auditor, reported that there was only one significant change since the last commission meeting. In the Iron County Special Service District #3 (ICSSD#3) had appropriated less money than was anticipated and instead of transferring \$300,000 to the Road Department only \$150,000 would be transferred.

Bruce Washburn, a citizen of Iron County, asked if any money would be appropriated to the American Legislative Exchange Council. Dale Brinkerhoff explained that \$7,000 was budgeted.

Michael Bleak, Iron County Commissioner, made a motion to approve Resolution 2017-18, adopting the Iron County 2018 Budget as presented by Dan Jessen. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

# IRON COUNTY RESOLUTION 2017-18

## A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2018 BUDGET.

**Whereas**, Iron County is required by UCA §17-36-15 to adopt a budget on or before the last day of each fiscal period, the governing body by resolution shall adopt the budget which, subject to further amendment, shall thereafter be in effect for the next fiscal period. A copy of the final budget, and of any subsequent amendment thereof, shall be certified by the budget officer and filed with the state auditor not later than 30 days after its adoption. A copy, similarly certified, shall be filed in the office of the budget officer for inspection by the public during business hours; and

**Whereas**, a tentative budget has been adopted and has been made available for inspection at the office of the County Auditor for at least ten (10) days prior to the public hearing; and

**Whereas**, November 27, 2017 at the hour of 10:00 a.m. in the Parowan City Offices (Temporary Location) was the time and place of a public hearing where all interested persons had an opportunity to be heard for or against the estimates of revenue and expenditures and performance data on any item in any fund; and

**Whereas**, notice of the public hearing was been published at least seven days before the hearing in one newspaper, Daily Spectrum, a newspaper of general circulation within the County;

**Now Therefore**, be it hereby resolved by the Board of Iron County Commissioners that the budget as presented and filed in the Iron County Auditor's Office is hereby adopted for calendar year 2018.

**RESOLVED, ADOPTED, AND ORDERED** this 11<sup>th</sup> day of December, 2017.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Dale M. Brinkerhoff - Chairman

ATTEST:

  
Jonathan T. Whittaker – Iron County Clerk



Alma L. Adams     \_ Aye \_  
Michael P. Bleak   \_ Aye \_  
Dale M. Brinkerhoff   \_ Aye \_

### REVIEW AND ADOPTION OF ADJUSTMENTS TO THE IRON COUNTY 2017 BUDGET

Dan Jessen reported that most of the adjustments had to do with transfers between funds. Those that were affected were the Iron County Courthouse remodel and the Public Safety Building due to change orders.

**PUBLIC HEARING REGARDING ADJUSTMENTS TO THE IRON COUNTY  
2017 BUDGET**

Dale Brinkerhoff, Iron County Commission Chair, declared the public hearing regarding adjustments to the Iron County 2017 Budget open.

No comments were offered. Dale Brinkerhoff declared the public hearing closed.

Michael Bleak, Iron County Commissioner, made a motion to adopt the adjustments to the Iron County 2017 Budget as presented by Dan Jessen. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PUBLIC COMMENTS**

Thomas Hale, a citizen of Iron County, expressed that he was still concerned with the lack of road maintenance in the Hidden Valley Ranchos (HVR) Subdivision. Mr. Hale made references to Iron County Code (12.12.010, 060,100 and 014) Excavation standards. He stated that the road was not brought back up to standards after the Central Iron County Water Conservancy (CICWCD) excavated the road. He stated that he could not find any evidence that the CICWCD obtained an encroachment permit. He again stated that the roads should have been put back to the Iron County standards by the CICWCD.

**DISCUSSION AND POSSIBLE APPROVAL OF SALE OF PARCELS TO  
ENOCH CITY FOR THE PURPOSES OF EXTENDING A STORM DRAINAGE  
PROJECT.**

Dale Brinkerhoff reported that the parcels to be sold were: (a) APN's: A-1010-392, A-1010-393, A-1010-394, and A-1010-409, Lots 392,393, 394, and 409 of Park View Subdivision, Phase 4C. Dale noted that the Iron County Attorney assured that the proper process had been followed regarding the sale of the property. Sale price would be \$8,863.68.

Alma Adams made a motion to approve the sale of parcels to Enoch City for the purposes of extending a storm drainage project for the price of \$8,863.68. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**FINAL PLAT APPROVAL FOR THE PEAK VIEW SUBDIVISION, PHASE II,  
WITHIN THE NW ¼ SECTION 16, T35S, R11W, SLB&M**

Reed Erickson, Iron County Planner, reported that the Peak View Subdivision, Phase II had been through the entire approval process and was now up for final commission approval.

Michael Bleak, Iron County Commissioner, made a motion to approve the final plat approval for the Peak View Subdivision, Phase II, within the NW ¼ Section 16, T35S, R11W, SLB&M. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION**

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization.

**DISCUSS AND REVIEW FOR APPROVAL APPLICATIONS FOR LOW  
INCOME, HOMEOWNERS TAX CREDITS, BLIND AND VETERANS  
ABATEMENTS FOR THE 2017 TAX YEAR RECEIVED FROM NOVEMBER 9,  
2017 THROUGH NOVEMBER 30, 2017**

Christene Lowder, Iron County Deputy Auditor, reported that since the last report there were additional abatement requests in the amounts of \$15,935.50 for real property abatements, \$4,469.17 for veterans vehicles and \$2,432.60 for past years abatements for veterans. She noted that \$171,848.89 had been billed to the State of Utah for a refund to Iron County for taxes collected in their behalf.

Alma Adams made a motion to approve abatement requests in the amounts of \$15,935.50 for real property abatements, \$4,469.17 for veterans vehicles and \$2,432.60 for past years abatements for veterans. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

### **RECONVENE AS THE IRON COUNTY COMMISSION**

Dale Brinkerhoff, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

### **REQUESTS FOR CONSIDERATION TO CHANGE VEHICLE ACCESS STATUS ON TWO ROADS NEAR KANARRAVILLE**

Mike Worthen, Iron County Natural Resource Specialist, presented a request to change the vehicle status on two roads near Kanarraville. First, a road from Kanarra Falls to Kanarraville Town traversing 0.97 miles. Mike suggested changing “unlimited access” to “limited” for Kanarraville Town maintenance of culinary water source and facilities only. Second, a road from Spring Creek from parking area at the mouth of the canyon traversing 0.37 miles. Mike suggested closing this road to all vehicle access. He explained that these road status changes were part of the ongoing efforts to manage the influx of visitors to the Kanarra Falls area. Mike explained that the temporary restrictions Iron County might place would last for 2 years, by which time, a solution by the Bureau of Land Management (BLM) and the State Institutional Trust Lands (SITLA) should be in place. Mayor Galen Allred noted that the partnership with Iron County was necessary to move forward. He agreed that Spring Creek should be changed to a “limited” status. Kanarraville Town would have a public hearing regarding the Kanarra Falls Fee Structure on January 16, 2018. Mike Worthen stated that he would plan and advertise for the road closures at a future Iron County Commission meeting.

### **PRESENTATION BY THE UTAH ATTORNEY GENERAL REGARDING RS-2477 ROADS**

Anthony Rampton, Assistant Attorney General, gave an update regarding RS-2477 roads. Revised Statute 2477 was enacted in 1866 by the United States Congress and granted to counties and states a right of way across federal land. Various methods have been used to prove said RS-2477 rights of way exist. Mr. Rampton pointed to a win by Kane County in 2011, granting the Skutumpah Road to Kane County. He explained that there were over 12,500 roads in question with 22 cases on file. Mr. Rampton observed a change in attitude with the new administration, who agreed that the lawsuits over RS-2477 roads had been going on too long, and that litigation is an impractical solution. He noted that a panel of judges had ordered standards be established whereby a road could receive RS-2477 status. Mr. Rampton then spoke of the value of depositions by those who remember specific roads, and the need to take depositions from as many individuals as possible before they pass away. He explained that filming of the roads was also a key tool. Mr. Rampton estimated that there would still be years left in the struggle, but expressed optimism at success. Dale Brinkerhoff thanked him for his presentation and for his efforts in this regard.

### **APPROVE OR DENY AMENDMENT TO THE IRON COUNTY PERSONNEL POLICY AND PROCEDURES SECTION 34**

Adrion Walker presented to the commissioners, an amendment to Iron County Personnel Policy Section 34, increasing from \$150 to \$200 the amount allowable to spend on a memento for an individual who retires. Also that said funds could also be spent on a gathering, with the total county expenditures not to exceed \$200. Another change Adrion presented was that volunteers could be given small mementos and/or a dinner not to exceed \$20 per volunteer. Finally, Section 34 was amended to continue the practice of sending flowers in the event of the death of a loved one, not to exceed \$50.

Alma Adams made a motion to approve the amendment to Iron County Personnel Policy and Procedures, Section 34, noting that the flower expense should go against the Non-Departmental fund. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A LEASE AGREEMENT FOR UTAH HIGHWAY PATROL (UHP), DRIVERS LICENSE (DL), ADULT PROBATION AND PAROLE (AP&P) AND CEDAR CITY COMMUNICATIONS CENTER (DISPATCH) AT THE NEW PUBLIC SAFETY BUILDING LOCATED AT 181 EAST DL SARGENT DR, CEDAR CITY**

Reed Erickson presented a lease agreement for offices in the recently constructed Public Safety Building at 181 East DL Sargent Drive, In Cedar City. The UHP, DL, AP&P, and Dispatch would all be housed there. Reed explained that, due to requests made by the tenants, there was an overage of roughly \$169,000 in the Public Safety Building construction expense. He suggested three possible remedies: First that the individual agencies pay for the overages. Second, that rents be increased to make up the shortfall. Third, that the lease term be extended from 25 to 26 years, thus recouping the additional expense. Reed also suggested that it might be best to let the State of Utah choose which option to follow and vote to allow the Commission Chair to sign the lease at such time the State of Utah decides which option is preferable.

Alma Adams made a motion to approve the lease agreement with UHP, DL, AP&P, and Dispatch, authorizing the Commission Chair to sign the lease once the State of Utah decided which option to follow. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RESOLUTION 2017-19-ENDORSING MEMBERSHIP OF THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT (CICWCD) IN THE UTAH COUNTIES INDEMNITY POOL (UCIP)**

Alma Adams, Iron County Commissioner, made a motion to approve Resolution 2017-19 Endorsing Membership of the CICWCD in UCIP. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **IRON COUNTY RESOLUTION 2017-19**

**A RESOLUTION OF IRON COUNTY APPROVING PARTICIPATION OF THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT IN THE UTAH COUNTIES INDEMNITY POOL AS A SEPARATE COUNTY RELATED ENTITY MEMBER**

**Whereas**, the Governing Body of Iron County, Utah, a participating Member of the Utah Counties Indemnity Pool, is the proper authority to sponsor the participation of the Central Iron County Water Conservancy District, a separate county related entity; and

**Whereas**, the Governing Body of Iron County, Utah, has been informed that the Bylaws of the Utah Counties Indemnity Pool require that a separate county related entity must be sponsored by a participating Member County by resolution of the member's governing body;

**Whereas**, the Governing Body of Iron County Utah, acknowledges that the Bylaws of the Utah Counties Indemnity Pool, requirements of eligibility have been met by the separate county related entity.

**Now Therefore**, be it resolved that the Governing Body of Iron County, Utah, hereby approves the Central Iron County Water Conservancy District as a separate county related entity member, eligible to participate in the Utah Counties Indemnity Pool.

RESOLVED, ADOPTED, AND ORDERED this 11<sup>th</sup> day of December, 2017.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Dale M. Brinkerhoff

ATTEST:

  
Jonathan T. Whittaker  
Iron County Clerk



Voting:

Alma L. Adams     \_Aye\_  
Michael P. Bleak   \_Aye\_  
Dale M. Brinkerhoff \_Aye\_

**PERSONNEL**

Adrion Walker, Iron County Human Resource (HR) Director, presented new hire Chance Begaye as a Roads Maintenance Worker in the Roads Department for approval. This would be a backfill position, effective December 18<sup>th</sup>.

Michael Bleak, Iron County Commissioner, made a motion to approve new hire Chance Begaye as a Roads Maintenance Worker in the Roads Department, effective December 18<sup>th</sup>, as explained. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.


**NON DELEGATED ITEMS**

No Non Delegated Items were discussed.

**ADJOURNMENT**

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.

  
Signed: Dale Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker  
Iron County Clerk

