

IRON COUNTY COMMISSION MEETING
March 11, 2013

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 11, 2013
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Maria Twitchell	Tourism Director
Jane Shaffer	Parks and Recreation
Marie Brooks	Interim Emergency Management Supervisor
Jared Wilson	IT Director

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Lincoln Miller.

APPROVAL OF MINUTES February 25, 2013 :

Minutes of the Iron County Commission meeting held February 25, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

REPORTS :

Maria Twitchell Tourism Director, reported that transient room tax collections for 2012 were the highest ever at \$908,439. 2013 numbers are down slightly due to Brian Head ski resort being not fully operational in November and December. She also reported on plans for the Tour of Utah Bike Race scheduled for August. The race is similar to the Tour De France and is one of

the largest in the United States. Other events scheduled for this year include American College Dance Festival in March, Utah Summer Games Water Polo in April, National High School Archery Championships in May, WE Rock in May, Fire Road (Leadville qualifier) in July.

Brian Head and the Hilton Double Tree were featured on the Price Is Right TV show and there was a winner. A video clip is available on the Tourism face book page.

Jane Shaffer Parks and Recreation, reported that the transition from a combined department to Tourism has been completed.

There are concerns with the water system at Woods Ranch and the Water Conservancy District is helping with a solution and recommendation for replacing the water tank. They will also help in managing and testing the water system.

Marie Brooks Emergency Management, reported that grant existing grants are nearing completion. She reported that a new grant for State Homeland Security Grant Programs appropriation will be cut in half for the next year with twenty five percent of the program being directed to terrorism training.

She also reported on plans for the annual preparedness expo which was a huge success last year. Sponsors are being solicited for this years event which will be scheduled later in the year. CERT training will continue with a course being planned train trainers to help distribute the program to more community volunteers.

Jared Wilson IT Department, reported on the data processing budget. It appears some items are nearly expended for the year but this is due to licensing that comes due early in the year so it is not anticipated to exceed the annual budget appropriation. He reported on projects being upgraded including the fingerprint system at the Jail and Sheriff Office, camera system at the Jail, voice over IP phone upgrade, website updates, new servers, Spillman upgrades and wi fi upgrades.

The Commission asked for an update on their request to go paperless for Commission meetings. They stated that they prefer tablets for receiving documents.

David Miller reported that Senate Concurrent Resolution 3 (SCR 003) which recommends transferring management of the Utah Prairie Dog from Federal jurisdiction to Iron County jurisdiction to manage recovery efforts for a five year period has passed both the Senate and House. It is now awaiting the Governor's signature.

Alma Adams reported that the fire in the C and D pit at the landfill has reignited. He also reported that there has been some contamination appear in one of the test wells apparently from fire fighting efforts last summer in controlling the landfill fire.

BOARD OF EQUALIZATION - TAX EXEMPTION REQUESTS :

David Miller made a motion to convene as the Iron County Board of Equalization to review applications for tax exemptions and tax credits. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Christene Lowder presented for approval Veteran application(s) submitted for property tax credit(s) for the 2011 and 2012 tax year applications submitted between December 10, 2012

and March 1, 2013. She also reviewed the annual statement for continued property tax exemption applications submitted by Religious, Charitable And/or Educational organizations for the 2013 tax year for personal and/or real property. Christene noted several prior exemptions that did not have paper work submitted on time. The Commission reviewed the procedure that has been followed in the past which allowed the Auditor's office to mail a certified letter allowing for an application to be filed within ten days.

The Commission tabled action on the proposed exemptions to allow time to notify those entities that were delinquent in filing tax exemption requests. The matter will be placed on the next agenda for final action.

The Commission then reconvened as County Commission.

PROPOSED AMENDMENT TO IRON COUNTY ORDINANCE 2011-4 :

Christene Lowder presented a request to amend Ordinance 2011-4 to make minor language changes. She also presented a request to adopt the method, rules, and procedures of conducting the annual tax sale and allocating administrative costs to delinquent properties.

After reviewing the proposed changes, the matter was referred to the County Attorney and Christene to refine language and re submit for approval.

BOOKMOBILE DISCUSSION AND ACTION :

The Commission reported that upon further review that the contract for Bookmobile service will be extended through the end of the State fiscal year ending June 30, 2013. It is the intent of the County to continue to fund the service through the State Library to the extent that tax funds collected through the Library tax on the unincorporated areas will be used to fund library services to the unincorporated areas. There is also more research that needs to be done by Cities having libraries responsibility to assess the library tax on their entity.

PRAIRIE DOG PERMANENT TAKE REQUEST :

A request for permanent take of 3.6 Utah Prairie Dogs for property located in Mountain Shadows Subdivision Lot 32 requested by Gary Jones Construction was presented for approval. Dale Brinkerhoff made a motion to approve the requested take. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

RESOLUTION 2013-3 2nd AMENDMENT PRESERVATION RESOLUTION :

Commissioner Miller introduced the following resolution which as been reviewed and approved by the County Attorney. He then made a motion to amend the resolution to add Iron County instead of the County and to adopt the Resolution with the amendment. Second by Dale Brinkerhoff.

**IRON COUNTY
RESOLUTION 2013-3**

“2ND AMENDMENT PRESERVATION RESOLUTION”

**A RESOLUTION TO PREVENT FEDERAL INFRINGEMENT ON THE RIGHT
TO KEEP AND BEAR ARMS; TO RENDER NULL AND VOID CERTAIN ACTS,**

LAWS, ORDERS, EXECUTIVE ORDERS, RULES, OR REGULATIONS REGARDING FIREARMS, AMMUNITION, AND ACCESSORIES VIOLATING THE 2ND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, THAT HAVE BEEN OR MAY BE ENACTED BY THE CONGRESS OF THE UNITED STATES AND/OR THE PRESIDENT OF THE UNITED STATES

WHEREAS, The 2nd Amendment to the Constitution of the United States reads as follows, “A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”

WHEREAS, All federal acts, laws, orders, executive orders, rules, or regulations regarding firearms are a violation and infringement on and of the 2nd Amendment.

NOW THEREFORE BE IT RESOLVED by the Governing Board of Iron County, Utah the Iron County Board of Commissioners declares that any federal act, law, order, executive order, rule, or regulation regarding firearms that is a violation and infringement of the 2nd Amendment of the Constitution of the United States, passed by the Congress, and/or signed by the President, violating the true meaning and intent of the 2nd Amendment of the Constitution of the United States as given by the Founders and Ratifiers of the Constitution, is invalid in Iron County, shall not be recognized by Iron County, is specifically rejected by Iron County, and shall be considered null and void and of no effect in Iron County.

BE IT FURTHER RESOLVED that it shall be the duty of the Sheriff of Iron County to take all measures as may be necessary to prevent the enforcement of any federal acts, laws, orders, rules, or regulations in violation of the 2nd Amendment to the Constitution of the United States.

PASSED, APPROVED AND ADOPTED this the 11th day of March, 2013.

Board of Iron County Commissioners

By: Alma L. Adams, Chair

(SEAL)

ATTEST:

David I. Yardley, County Clerk

Voting:

Alma L. Adams	Aye
Dale M. Brinkerhoff	Aye
David J. Miller	Aye

DISCUSSION ON EMERGENCY BUTTONS IN COUNTY OFFICES:

Jared Wilson, IT Director, met with the Commission to report bid results for the installation and monitoring of emergency buttons in County offices. Titan Alarm bid \$4,855 for

installation plus a \$20.00 per month per building monitoring charge. Southern Utah Alarm bid \$4,076 for installation plus \$25.00 per month per building monitoring charge. Mountain Alarm bid \$6,315 for installation plus \$25.00 per month per building monitoring charge. All bids included an additional installation fee for the cost of emergency buttons.

Dale Brinkerhoff made a motion to approve the bid of Titan Alarm with the provision that individual office needs for emergency buttons be reviewed before purchase. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

TAX MATTERS - TAX DEFERRAL REQUESTS :

Stephen Brown: appeared to request an additional deferral of taxes on 56 properties within Iron County. Mr. Brown entered into an agreement for the same properties in 2011 in which he failed to make any payments including 2012 taxes. The Commission debated the precedent this would set by issuing a new deferral agreement when the prior agreement was completely in default. Commissioner Dale Brinkerhoff stated that he is not interested in foreclosing on personal property through tax sales and that he is in favor of allowing successive agreements provided a substantial payment toward the delinquency is paid.

David Yardley commented that it is not fair to the County tax payers to ignore State Code and to issue successive deferral agreements when no effort is made by the delinquent tax payer to bring the taxes current. The delinquencies then are apportioned to other County tax payers. He also stated that it signifies that agreements entered into by the County Commission have no force or intent to comply, that the Commission is willing to ignore their own agreements and re issue agreements in serious default.

Don Young also commented that it is a dangerous precedent to allow extending deferrals in default past the terms of current agreements. It is also not good practice to allow deferrals on investment properties above primary residences.

Commissioner Adams commented that he is opposed to extending the agreement because of the precedent this sets especially where the taxpayer has made no effort to pay the delinquencies under existing agreements.

After discussing the matter Dale Brinkerhoff made a motion to authorize a successive agreement to defer taxes on 56 parcels of property owned by Stephen Brown with the provision that a payment of 50% of the delinquency be paid to the Iron County Treasurer by April 15, 2013 and that equal monthly payments be made on the remainder of the delinquency by March 1, 2014. The agreement also states that 2014 taxes will be paid by November 30, 2013. Second by David Miller. Voting: Alma Adams, Nay; Dale Brinkerhoff, Aye; David Miller, Aye.

A copy of the agreement along with a list of properties is available in the County Clerk's office. Information included on the public notice is as follows:

Stephen R. Brown
1276 N Parkside Dr
Cedar City, UT 84721

SEE ATTACHED EXHIBIT "A" PAGES 2 THROUGH 21

Total Property Taxable Value for 2012: \$1,060,635.00
Total Taxes, Interest, Penalty Due as of March 1, 2013: \$118,231.28
Taxes, Interest, Penalty, Requested to be Deferred: \$118,231.28

Jesse Brown: requested a deferral of taxes on one parcel of property owned by Brown Dirt, Inc., Jesse Brown President identified as Lot 2, Blk G, Thorley Ranch Estates, Unit B; less E-185-28-1-RD. He explained that there are additional properties scheduled for tax sale this year but he has made arrangements to bring their accounts current prior to the tax sale.

David Miller stated that for investment properties it is his intent to require a minimum of 1/2 of the delinquency as a down payment in order to be considered for a tax deferral. He then made a motion to approve the tax deferral agreement provided that 1/2 of delinquency be paid prior to April 15, 2013 and the remainder paid in monthly installments due no later than March 1, 2014. The motion died for lack of a second.

Dale Brinkerhoff then made a motion to approve a deferral agreement with monthly payments to be completed by March 1, 2014 and 2013 taxes to be paid by November 30, 2013. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Nay.

Jesse Brown, President, Brown Dirt Inc.
1276 N Parkside Dr
Cedar City, UT 84721
Account Number 0428372
Parcel Number E-0185-0028-0001
Acres 8.52
Legal: LOT 2, BLK G, THORLEY RANCH ESTATES, UNIT B; LESS E-185-28-1-RD.
Property Taxable Value for 2012: \$51,273
Total Taxes, Interest, Penalty Due as of March 15, 2013: \$13,276.27
Taxes, Interest, Penalty, Deferred: \$13,276.27

PERSONNEL MATTERS _____ :

Assessor Department: Leslie Bishop presented a request from the Assessor Department for approval of Revised Appraiser Apprentice, Appraiser Certified General, Appraiser Certified Residential and Licensed Appraiser job descriptions and wage restructure due to State and Federal licensing requirements. Cindy Bulloch explained that requirements have changed and it is not possible to hire certified appraisers at wages offered by the County. She also explained that new employees are required to sign a reimbursement agreement that they will continue to work for the county or reimburse schooling and training costs which can amount to almost \$100,000.

Dale Brinkerhoff made a motion to approve the job descriptions and wage restructure as presented with the salary adjustments to be made within the Department budget by transferring funds from capital purchases, vehicle, to the operating budget. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Corrections: Leslie also presented a request from Corrections to hire Cassandra Hulet as a Corrections Deputy to replace Donaven Hayden effective March 28, 2013. David Miller made a motion to approve the hiring as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for approval to hire Evan Miller to replace Sandra Fox effective on March 28, 2013 was also presented by Leslie Bishop and approved on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Public Defender: Leslie presented a request for approval of a contract to hire Matt Munson as a Public Defender as an independent contractor until December 31, 2013. Dale Brinkerhoff made a motion to approve the contract as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Sheriff Department: Leslie presented a request to promote Rebecca Heaton as ICSO Office Manager to replace Angie Smith who is retiring effective April 15, 2013. David Miller made a motion to approve the promotion of Rebecca Heaton as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Weed Department: Leslie Bishop submitted a request for approval of a wage increase for Lance Hollerman, as a seasonal weed control technician. The requested pay increase was from \$12.00 per hour to \$15.00 per hour to be funded from grant funds. The request was tabled to allow for verification of fund availability and to review in compliance with current County policy regarding salary changes.

Clerk's Office: David Yardley presented a request to approve the hire of Shaneal Bess as a Part-Time Clerk to fill a vacant position created by the promotion of G'Ne Bartholomew to a full time Deputy Clerk. Dale Brinkerhoff made a motion to approve the hiring as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

PUBLIC COMMENTS :

Don Young commented on the action taken by the Commission in issuing an additional tax deferral agreement to Stephen Brown stating that it is unfair to County residents to support real estate investments that have not been profitable to investors. He suggested that the County follow State Code in the tax sale procedure for investment properties which allows for sale after more than four years delinquency.

Craig Spittler commented that it was his understanding that the Cedar City Library loaned books to the Bookmobile and he wondered if this should be taken into consideration when funding the Bookmobile service. The Commission responded that the Cedar City Library does not loan books to the Bookmobile. All of their books and publication are handled through the State Library system.

Tom Jett commented on bookmobile service providing movie videos at no charge in competition to video stores or vending machines. The Commission responded that videos are available at all County libraries. They are typically not first releases but are available to the public.

Pat Tomkins commented on the service provided by the Bookmobile. It has access to books and other materials through the State Library system. She also requested clarification on the long term commitment to the Bookmobile by the County. The Commission responded that the funding of the Bookmobile will be based on the availability of funds.

DISCUSSION ON CONGRESSMAN ROB BISHOPS PROPOSALS :

Congressman Rob Bishop sent a letter explaining his vision for a statewide Congressional lands bill. The County Commission expressed their appreciation how he reached out to Iron County and other counties for input into this important bill.

After careful consideration, the Iron County Commission decided it has nothing to propose at this time by way of addition to his proposed legislation. However, they expressed that they fully support the goals and proposals submitted by our fellow counties, and we wish him every success with this legislation. A letter is to be drafted to Representative Bishop stating Iron County's support.

BUILDING MAINTENANCE & REPAIR SERVICE CONTRACT DISCUSSION:

The Commission reviewed the need to contract for building maintenance and repair services with a qualified HVAC contractor for County Buildings. Currently the County has contracted with TRANE to perform quarterly inspections and recommended repairs. The contract will cover the recommended repairs. It was suggested that the contractor furnish their own tools and equipment and bill the County at a rate of \$40.00 per hour plus parts for needed repairs. Human Resource was asked to prepare a RFQ for the contract.

SHAKESPEARE CENTER FOR THE ARTS FUNDING COMMITMENT:

The County Commission approved the following commitment to the Southern Utah University Center for the Arts on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

“Iron County is pleased to be a participant in the funding of the Southern Utah University Center for the Arts in the amount of two million seven hundred fifty thousand (\$2,750,000.00) dollars as follows:

“Two million (\$2,000,000.00) dollars toward the construction of the new Shakespearean Theater complex funded from revenue bonds pledging TRCC and TRT tax to be provided as soon as a loan from the Permanent Community Impact Board (PCIB) is completed (funds availability anticipated in October 2013).

Seven Hundred Fifty Thousand (\$750,000.00) dollars is committed to fund the Southern Utah Museum of Art the payment will be over a four year period starting in 2014 and will be funded at \$187,500 per year.”

ADJOURN :

The meeting was adjourned at 3:50 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Signed: Alma L. Adams, Chairman

Attest: David I. Yardley
County Clerk