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IRON COUNTY COMMISSION MEETING

April 28, 2014

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 28, 2014 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

David J. Miller Commission Chair

Dale M. Brinkerhoff Commissioner

Alma L. Adams Commissioner

G. Michael Edwards Deputy County Attorney

David I. Yardley County Clerk

Also Present:

Cindy W. Bulloch County Assessor

H. Eugene Adams County Auditor

Deborah B. Johnson County Recorder

Geraldine S. Norwood County Treasurer

Blaine Nay Bee Inspector

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by .

APPROVAL OF MINUTES April 14, 2014 :

Minutes of the Iron County Commission meeting held April 14, 2014 were approved on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

REPORTS :

Cindy Bulloch, Assessor, reported that the Assessor's office is finishing the tax roll for 2014. At the present time it appears County wide values have increased about 10% over 2013. She also discussed a tax refund agreement with Holt Dairy regarding excess taxes on personal property, hay cubers, that were taxed as escaped property after a State Tax Commission audit. Next year hay cubers and hay balers are

specifically called out as exempt equipment.

The Commission expressed their sympathy with the Bulloch family in the death of Hazel Bulloch who died in a house fire on April 27.

Gene Adams, Auditor, reported that the budget is in line with projections with a quarter of the year passed. He also reported that the independent auditors are scheduled to start their work starting next week. Gene also reported on progress with the annual tax sale which is scheduled for May 22, 2014.

Geri Norwood, Treasurer, reported that title searches have been completed and notices will be mailed to lien holders on properties scheduled for tax sale in May. Currently there are 315 accounts still scheduled for sale including three properties that received a deferral in 2013. She also reported that Geoff Chestnut, an attorney representing Iron County, is moving forward on getting lots in the 3200 Subdivision (Braffits Creek) released from bankruptcy proceedings filed by James Fales. If approved by the Federal Bankruptcy Court, a tax sale will be scheduled in June to sell these properties that are now delinquent for seven years.

Debbie Johnson, Recorder, presented a document comparison from previous quarters. Notices of default have increased from the prior quarter fifty. Revenue in the office is holding steady. Debbie also reported that the Recorder's office is scanning land surveys that have been stored at the Engineer's office. She also reported that the Recorder's office will need to replace a Cadastral Mapper by the end of the year as the current employee, Jon Whitaker, has filed to run for the County Clerk.

Blain Nay, County bee inspector, reported on his responsibility to inspect every honey bee hive within the County. He has located two hives that have Africanized strains which will be re queened to more gentle strains of European bees.

Alma Adams reported on trespass issues identified by the BLM in which people have encroached onto public lands. There are a few such incidents in Iron County that will be documented and a solution sought.

Alma also discussed a proposed meeting in Cedar City at the Justice Center on May 22 with State personnel interested in office space in a public safety building housing the Highway Patrol, Adult Probation and Parole, and Dispatch offices. Wayne Christensen, representing DFCM will coordinate attendees to see if a plan can be established to move forward.

Dale Brinkerhoff discussed the progress on replacing the boiler in the Courthouse. As the weather warms, the old boiler will be turned off and will be prepared for removal. Rocmont Industries has been approved and they will be contacted to begin the work of removing some asbestos located in the boiler room.

Dale also noted that groundbreaking for the Syberjet production facility in Cedar City is scheduled for May 1. The facility will assemble new personal aircraft which will provide many jobs for the local community.

David Miller reported that the Commission was invited to attend the National Day of Prayer activities scheduled for May 1 at Noon in Cedar City. He also reported on a scheduled Governor's Outdoor Recreation Summit to be held in the Salt Palace in Salt Lake City on May 8. There will be representatives from Iron County attending.

#### PUBLIC COMMENTS :

The meeting was opened to public comments however there were none offered.

#### RESOLUTION 2014-11 SHAKESPEARE FESTIVAL CENTRE FUNDING :

Dorian Page, Southern Utah University vice president for finance and administration explained the progress in the construction of the Shakespeare theater project referred to as the Shakespeare Festival Centre.

Reed Erickson explained the proposed resolution and funding agreement in which the County will finance two million dollars through a bond with a commitment to pay for the bond from revenue generated by the Transient Room Tax and the Restaurant Tax.

Dale Brinkerhoff made a motion to approve the proposed Resolution 2014-11 as presented and explained. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller,

Aye.

RESOLUTION NO. 2014-11

RESOLUTION OF THE COUNTY COMMISSION OF IRON COUNTY, UTAH (THE "COUNTY") APPROVING AN INTERLOCAL AGREEMENT WITH SOUTHERN UTAH UNIVERSITY TO PROVIDE FUNDING FOR THE SHAKESPEARE FESTIVAL CENTRE; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID INTERLOCAL AGREEMENT AND A RELATED PUBLICATION OF A NOTICE; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act (the "Interlocal Cooperation Act"), Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Utah Code"), public agencies, as defined in the Interlocal Cooperation Act ("Public Agencies"), are authorized to enter into contracts and agreements with one another in order to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and to provide the benefit of economies of scale for the overall promotion of the general welfare of the State of Utah (the "State"); and

WHEREAS, Iron County (the "County") has previously authorized the issuance of its Excise Tax Revenue Bonds, Series 2014 (the "Series 2014 Bonds") for the purpose of providing funds to Southern Utah University (the "University") to finance a portion of the costs of the improvements for the Shakespeare Festival Centre and other related improvements; and

WHEREAS, the County and the University desire to enter into an Interlocal Agreement to govern the use of the Shakespeare Festival Centre and the contribution of Series 2014 Bond proceeds; and

WHEREAS, the proposed Interlocal Agreement has been reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party to said agreement, in accordance with the Interlocal Cooperation Act; and

WHEREAS, the Commission now desires to approve the execution of the Interlocal Agreement, attached hereto as Exhibit B, and provide for the required publication of a Notice of Interlocal Agreement, substantially in the form attached hereto as Exhibit C;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF IRON COUNTY, UTAH, AS FOLLOWS:

Section 1. All actions not inconsistent with the provisions of this resolution heretofore taken by the County and the County Commission are hereby ratified, approved and confirmed.

Section 2. The Interlocal Agreement, in substantially the form presented to this meeting and attached hereto as Exhibit B, is hereby approved and the appropriate officers of the County are hereby authorized and directed to execute and deliver the Interlocal Agreement, in substantially the form presented to this meeting, their execution constituting conclusive evidence of the County's approval thereof. The Interlocal Agreement shall take effect upon the later of (i) the execution by the parties thereto, and (ii) publication of the notice as provided in Section 3 hereof.

Section 3. In accordance with the provisions of the Interlocal Cooperation Act and related provisions of State law, the County shall cause a Notice of Interlocal Agreement, in substantially the form attached hereto as Exhibit C, to be published one time in the Spectrum, a newspaper published and of general circulation within the County.

Section 4. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this resolution shall be in full force and effect immediately upon its approval and adoption.

Section 5. If any provision of this resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, in operative or unenforceable to any extent whatever, this resolution and the provisions of this resolution being deemed to be the separate independent and severable act of the governing body of the County.

APPROVED AND ADOPTED this April 28, 2014.

(SEAL)

David J. Miller, Chair

ATTEST:

David I. Yardley, County Clerk

After the resolution was completed, President Scott Wyatt, Southern Utah University was introduced . He took this opportunity to explain the vision of Southern Utah University and plans to continue to offer a quality education for both regional students and out of state students. To this end tuition increases are being held at levels required by the Board of Regents.

NATIVE FISH RESTORATION PROJECTS IN IRON COUNTY :

Richard Hepworth, Division of Wildlife Resources Regional Aquatic Manager met with the Commission to present a plan to redevelop Upper Mammoth Creek and Bear Creek within Iron County as Bonneville cutthroat trout habitat. The plan is to remove non native brown and rainbow trout in these streams and replace them with the Bonneville cutthroat. Barriers will be constructed at key points to prevent the area from being restocked with non native species.

Mr. Hepworth also reported on plans to enhance or replace the dike across Navajo Lake. Engineering has been completed and options are being considered. It appears that the improvements will cost around \$3,000,000 to complete. Alma Adams made a motion to approve the reintroduction of Bonneville cutthroat trout into Mammoth Creek and Bear Creek. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

COOPERATIVE AGREEMENT PRAIRIE DOG TECHNICIANS :

Jessica Van Woeart presented a proposed cooperative agreement for hiring prairie dog technicians for the 2014 season. The agreement provides that Iron County will pay \$30,000 to DWR and DWR will hire and manage the technicians. The Commission questioned the amount of the agreement and Alma Adams made a motion to table action on approving the agreement to the next Commission meeting to allow time to research the dollar amount of the 2013 agreement. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

PRAIRIE DOG NON-PERMANENT TAKE OF ONE PRAIRIE DOG :

A request for non permanent take of one prairie dog Lot 12, Red Canyon Estates Subdivision requested by Velocity Homes was presented for approval. Jessica Van Woeart explained that there is sufficient non permanent take available. Dale Brinkerhoff made a motion to approve non permanent take of one prairie dog on Lot 12, Red Canyon Estates Subdivision. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

BLM WILD HORSE UPDATE :

Juan Palma, State Director of BLM, Elizabeth Berghardt, and Randy Trujillo, local BLM officials, met

with the Commission to provide an update on wild horse capture and planning efforts to reduce wild horse populations in western Iron County. Mr. Palma reported that as of this date no wild horses have been captured or transported due to the availability of water from recent storms. As water sources dry up and feed becomes more scarce it is anticipated that the horses will start to use water traps which will allow for their removal.

Currently there are more than 6,000 horses above carrying capacity that need to be removed from ranges across the west. The Bible Springs complex should carry a maximum of 130 horses and now has an estimated population of more than 1,200. Because of federal funding restrictions and lack of space in permanent holding facilities the BLM is not able to actively gather and remove the excess horses. The BLM is preparing a new NEPA document that will address long term solutions to the wild horse population explosion across the west.

Mike Worthen asked if the NEPA document could include a clause which allows for permanent facilities to be constructed around water sources which would allow for less stressful trapping of excess horses in future gathers when numbers exceed AML limits.

Mike Worthen questioned whether permanent catch facilities could be built around water sources so that future capture plans after the proper AML limit is reached could be done without major expense and stress on the horses. Mr. Palma responded that this suggestion will be considered in the NEPA process.

Kevin Wood questioned why so many horses were being warehoused in holding facilities. Mr. Palma responded that under current rules and regulations there is not a way to dispose of excess horses. There needs to be a viable solution to this problem but there are not plans on the horizon for any changes.

The Commission thanked Mr. Palma and other BLM officials for their attendance and requested that a greater effort by BLM be made to bring horse numbers into compliance with their own regulations and AML numbers. The problem should not be allowed to proceed for ten to twenty years which would do irreparable harm to the vegetation, land, water sources, and other wildlife.

BAILIFF CONTRACT #110323, AMENDMENT #4 :

A contract for Bailiff coverage for Courts in Iron County, contract number 110322 amendment 4 covering July 1, 2014 to June 30, 2015 was presented for approval. Alma Adams made a motion to approve the contract extension. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

UTAH HIGHWAY PATROL DISPATCH CONTRACT #88-0340, AMENDMENT #4:

A proposed amendment to contract number 88-0340 for space leased to DFCM to house the Highway Patrol Dispatch center was presented as submitted by DFCM. After reviewing the proposed contract Alma Adams made a motion to table action on the agreement to allow the State to amend the incomplete amendment and to add dollar amounts into the contract. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

RAP TRAINING :

Leslie Bishop presented RAP training on distracted driving. Distracted driving has become an epidemic in the United States, and its often fatal consequences are a threat to workers, your business and the public.

Because millions of workers' jobs require them to spend part or all of their work day driving — visiting clients and customers, making site visits, or delivering goods and services — the Departments of Labor (DOL) and Transportation (DOT) are joining forces in a campaign to stop distracted driving and save lives.

Year after year, the leading cause of worker fatalities is motor vehicle crashes. There's no question that new communications technologies are helping business work smarter and faster. But getting work done faster does not justify the dramatically increased risk of injury and death that comes with texting while driving. The human toll is tragic. DOT reports that in 2009, more than 5,400 people died in crashes linked to distraction and thousands more were injured. "Texting while driving" has become such a prominent hazard that 30 states now ban text messaging for all drivers.

PERSONNEL MATTERS :

Leslie Bishop presented a request from the Sheriff's Department to approve a pay adjustment for Deputy Jon Bettridge and Deputy Shawn Peterson to have their pay adjusted retroactively to July 2013. They completed required training at that time however required documentation was not submitted until April, 2014. Dale Brinkerhoff made a motion to adjust their pay to the next payroll date after required documentation was submitted, April 13, 2014. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Pay increases for Deputy Kellen Hudson, Deputy Jake Hoyt and Deputy Ron Skeem were approved effective April 27, 2014 on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to adjust the pay of Deputy Del Schlosser effective February 9, 2013 due to a clerical error. Mr. Schlosser was out on Family Medical Leave Act (FMLA) when this pay change should have taken effect. FMLA provides that he is entitled to all benefits while on leave and therefore he should be made whole. Dale Brinkerhoff made a motion to approve the pay adjustment, vacation adjustment and contributions to the State Retirement plan in compliance with FMLA statutes. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Ambulance Division of the Sheriff's Office to approve the status change of Reagan Lindsey as an EMS Corporal and Daniel Abbott as a full time paramedic which are backfill positions. No new positions are being created or filled. Dale Brinkerhoff made a motion to approve the status changes as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie Bishop also presented a request from the Council on Aging to approve the hiring of Curtis Crawford as a Outreach Worker to backfill the position vacated by Elizabeth Houchen. Alma Adams made a motion to approve the hiring of Curtis Crawford as requested. Second by Dale Brinkerhoff.

Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### PERSONAL PROPERTY TAX AGREEMENT HOLT DAIRY LLC:

An agreement between Iron County and Holt Dairy LLC to approve a mediation recommendation based on Senate Bill 231 which exempts haying equipment including cubers starting in 2015 was presented for approval. The agreement will provide a tax refund totaling \$1,722 to Bar V Holdings/Holt Dairy LLC for tax years 2010 through 2013 for cubers used exclusively to process chopped hay. Dale Brinkerhoff made a motion to approve the refund agreement as presented for \$1,722.00. Second by Alma Adams.

Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### USU EXTENSION AGREEMENT APPROVAL FOR 2014 :

An agreement to provide funding and supplies to the Utah State University Extension Service within Iron County for calendar year 2014 was presented for approval. The agreement provides that Iron County will fund support staff, equipment, travel, and office supplies totaling \$150,074. Alma Adams made a motion to approve the Extension Service agreement for 2014 as presented. Second by Dale Brinkerhoff.

Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### ADJOURN :

The meeting was adjourned at 12:15 p.m. on a motion by Alma Adams. Second by Dale Brinkerhoff.

Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Signed: David J. Miller, Chairman

Attest: David I. Yardley  
County Clerk