

IRON COUNTY COMMISSION MEETING
October 27, 2014

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 27, 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 Bulloch	County Assessor
H. Eugene Adams	County Auditor
Deborah B. Johnson	County Recorder
Geraldine Norwood	County Treasurer

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by G. Michael Edwards.

APPROVAL OF MINUTES October 10, 2014 :

Minutes of the Iron County Commission meeting held October 10, 2014 were approved on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

REPORTS :

Cindy Bulloch, County Assessor, reported that the Assessor's office is finishing up year end work. She reported that results of the Board of Equalization resulted in a reduction of taxable value of 1.5 million. She also reported that a vehicle which was ordered is ready for delivery. She asked if any County employees were going to the Salt Lake area if they could pick

the vehicle up from Young Chevrolet.

Cindy also discussed a pictometry program that would incorporate aerial photos with assessment information to give a better view of properties to help in valuation. The program would cost approximately \$60,000 annually for flights and to update data.

Gene Adams, County Auditor, reported that the Auditor budget is in line with approved budget for the year. There were 308 Board of Equalization appeals that were resolved which reduced the property tax by \$38,000. Gene reported that collections from the State on Bailiff services were currently down about 24% to date.

Debbie Johnson, County Recorder, reported on number of filings in the Recorder's office. The budget is in line with approved budget. The plat map scanner quit working and is not serviceable and parts are not available. The office has ordered a new scanner as a replacement which should be in place before the plat map run in January.

Alma Adams reported that an agreement with the BLM in regards to RS 2477 roads. The agreement would be a template for other Counties throughout the West and would help avoid costly litigation on road ownership.

David Miller reported that the Fishlake, LaSal, and Dixie National Forests have been working on an amended forest plan with environmental groups that is very prejudiced against livestock grazing. A meeting has been arranged in Sevier County to discuss concerns and to strongly request input in favor of multiple use principles. He also reported on upgrades at the Parowan Gap to enhance visitor accommodations.

Geri Norwood, County Treasurer, presented a distribution report to the current time. The tax season is just beginning and this is when the majority of taxes are paid. Taxes assessed were \$38,751,000; approved abatements were \$538,000 leaving \$38,213,000 collectable. There have been \$739,000 prepaid.

PUBLIC COMMENTS :

The meeting was opened for public comments. No comments were offered.

RESOLUTION 2014-22 :

A Resolution denouncing the actions of the Bureau of Land Management, BLM State Director Juan Palma, and US Attorney Carlie Christensen with regard to the protest of Recapture Canyon in San Juan County, Utah was presented for consideration. The item was discussed whereupon Dale Brinkerhoff made a motion to approve Resolution 2014-22 as presented.

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

IRON COUNTY, UTAH

RESOLUTION 2014-22

A RESOLUTION OF IRON COUNTY, UTAH DENOUNCING THE ACTIONS OF THE BUREAU OF LAND MANAGEMENT, BLM STATE DIRECTOR JUAN PALMA, US ATTORNEY CARLIE CHRISTENSEN WITH REGARD TO THE PROTEST OF RECAPTURE CANYON IN SAN JUAN COUNTY, UTAH

WHEREAS, Iron County is a political subdivision of the State of Utah;

WHEREAS, over 63% of land in Iron County is managed by the federal government, either the BLM or USFS;

WHEREAS, On May 10th 2014 hundreds of protestors gathered in Blanding Utah and Recapture Canyon near Blanding Utah for a peaceable protest against the BLM's illegal closure of the Recapture Canyon Road / Trail;

WHEREAS, the BLM and the US District Attorney's office have selectively chosen 5 individuals out of hundreds to charge with Conspiracy and riding ATV's on a closed trail;

WHEREAS, no resource damage was done and no charges were filed for resource damage;

WHEREAS, one of those charged, Commissioner Phil Lyman is an elected official who was acting on behalf of his oath of office and on behalf of the citizens of San Juan County;

WHEREAS, BLM State Director Juan Palma, the BLM and US Attorney Carlie Christensen chose to charge an elected official directly vs. challenge San Juan County directly through court proceedings;

WHEREAS, the BLM has had an extremely heavy handed approach to dealing with these types of issues and has been untruthful in many of their claims, findings and dealings with regard to the road closure;

WHEREAS, Iron County believes this is an attempt to squelch the voice of Elected Officials and Citizens who are willing to take a stand against wrongdoing by federal agencies;

WHEREAS, the first amendment of the US Constitution guarantees the right to free speech and the ability to peaceably assemble, and to petition the Government for a redress of grievances;

WHEREAS, the road driven on May 10th is a pipeline maintenance road and right of way was granted to the Water Conservancy District and permission for the protest ride was granted by the Water Conservancy District;

WHEREAS, BLM documents state they do not claim the road, yet the BLM claims they can close a road that they admit is not theirs to close;

WHEREAS, the road driven during the protest is a historic road which has been in use over 100 years and has received the scrutiny of archaeological clearance after clearance;

WHEREAS, the CFR that created the road closure stated it was a temporary and emergency closure and many attempts have been made to negotiate a solution with the BLM yet the temporary and emergency closure has remained in place since September of 2007;

WHEREAS, it appears in the mind of the BLM, Juan Palma and US Attorney Carlie Christensen, Political Resistance to the BLM constitutes Criminal Conspiracy;

WHEREAS, the BLM has issued an order for San Juan County to rescind a resolution asserting their claim that the Recapture Canyon Road is a valid and existing road is liken to the King dictating to the peasants;

WHEREAS, isolating 5 out of hundreds of protestors and criminally charging those 5 individuals rather than a civil suit against the county is wrong, unjustifiable, and an act of intimidation and bullying;

NOW, THEREFORE, the Commission of Iron County calls upon BLM State Director Juan Palma, the BLM, and US Attorney Carlie Christensen to drop all charges against the 4 protestors and Elected Official Phil Lyman.

NOW THEREFORE, the BLM needs to lift the administrative closure of Recapture Canyon immediately; and

NOW THEREFORE, the BLM needs to address internally their heavy handed manner in which they deal with issues like this; and

NOW THEREFORE, the BLM needs to embrace the position of Local Governments as they are the elected officials representing the citizens, unlike the BLM which is an overbearing Bureaucratic agency that acts without respect to the citizens or local governments.

IRON COUNTY COMMISSION

David J. Miller, County Commission Chair
October 27, 2013

ATTEST:

David I. Yardley
Iron County Clerk

RESOLUTION 2014-23 :

A resolution approving the appointment of John S. Higley and Mike Phillips as member's of the Southwest Region Response Team was presented for approval. The resolution appoints John S. Higley to fill the unexpired term of Marie Brooks and appoints John S. Higley and Mike Phillips to a two year appointment to expire December, 2016. Dale Brinkerhoff made a motion to approve the resolution as follows. Second by Alma Adams.

IRON COUNTY, UTAH

RESOLUTION NUMBER 2014-23

October 27, 2014

**A RESOLUTION APPOINTING EXECUTIVE COMMITTEE MEMBERS TO
THE SOUTHWEST REGIONAL RESPONSE AND COORDINATING TEAM**

WHEREAS, Iron County participates in the Southwest Regional Response and Coordinating Team, and

WHEREAS, Iron County may appoint two voting members to the Executive Committee for a term of two years,

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Iron County, Utah, as follows:

1. John S. Higley is hereby appointed as a member of the Executive Committee of the Southwest Regional Response Team to fill the unexpired term of Marie Brooks with term expiring December 31, 2014 and to a term of office, which term will expire on December 31, 2016.
2. Michael A. Phillips is hereby appointed to fill a term of office as a member of the Executive Committee of the Southwest Regional Response Team, which term will expire on December 31, 2016.

Passed and adopted by the Board of County Commissioners of Iron County, Utah this 27th day of October 2014.

IRON COUNTY BOARD OF COUNTY COMMISSIONERS

David J. Miller, Chairman

ATTEST:

David I. Yardley, Iron County Clerk

VOTING:

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

IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY:

Dale Brinkerhoff made a motion to convene as the Iron County Community Development and Renewal Agency. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

RESOLUTION ICCD&RA 2014-30 :

A Resolution approving an amendment to the participation agreement with Enterprise Solar LLC, Dated August 8, 2014 was presented for approval by Danny Stewart, Economic Development Supervisor. Dale Brinkerhoff made a motion to approve the amended participation agreement as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
RESOLUTION NO. ICCD&RA 2014 -30**

**A RESOLUTION APPROVING AN AMENDMENT TO THE PARTICIPATION
AGREEMENT WITH ENTERPRISE SOLAR LLC, DATED AUGUST 8, 2014**

WHEREAS the Agency entered into the Enterprise Solar Community Development Project Area Participation Agreement, dated August 8th, 2014, between the Iron County Community Development and Renewal Agency, a political subdivision of the State of Utah (the “**Agency**”) and Enterprise Solar, LLC, a Delaware limited liability company (the “**Participant**”); and

WHEREAS after executing the Participation Agreement, the parties identified errors contained in the Participation Agreement as executed; and

WHEREAS the Agency and the Participant now desire to correct the errors in the Participation Agreement through an amendment to the Participation Agreement; and

WHEREAS the Agency finds such an amendment to be in the best interests of the Agency and Iron County.

**NOW, THEREFORE, BE IT RESOLVED BY THE IRON COUNTY
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

1. The Agency, having reviewed the matter, hereby approves the Amendment attached hereto as **Exhibit A** and authorizes the Chair and Secretary to execute the Amendment on behalf of the Agency.

2. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Iron County Community Development and Renewal Agency, this 27th day of October, 2014.

David J. Miller, Chair

Attest:

David I. Yardley, Secretary

EXHIBIT “A”

AMENDMENT

FIRST AMENDMENT, dated as of October 27, 2014, to the Enterprise Solar Community Development Project Area Participation Agreement, dated August 8th, 2014, between the Iron County Community Development and Renewal Agency, a political subdivision of the State of Utah (the “**Agency**”) and Enterprise Solar, LLC, a Delaware limited liability company (the “**Participant**”).

Background

- a) The Agency and the Participant entered in to the Enterprise Solar Community Development Project Area Participation Agreement, dated August 8th, 2014 (the “**Existing Agreement**”).
- b) After executing the Existing Agreement, the parties identified errors contained in the Existing Agreement as executed.
- c) The parties desire to amend the Existing Agreement to correct the errors.

Agreement

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- 1. The date set forth in the preamble of the Existing Agreement is hereby amended by deleting “as of the 8th day of August, 2014” and inserting in its place “as of the 8th day of September, 2014”.
- 2.
- 3. Section 2.13, Commencement of Operations, of the Existing Agreement is hereby amended by deleting the first sentence of said Section 2.13 and replacing it with “Such operations as described in Section 2.12 shall begin no later than January 1, 2017.”
- 4.

ENTERED into as of the day and year first above written.

**IRON COUNTY COMMUNITY
DEVELOPMENT AND RENEWAL
AGENCY**

By: _____
David J. Miller, Chair

Attest:

By: _____
David I. Yardley, Secretary

STATE OF UTAH)
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COUNTY OF IRON)

In the County of Iron, State of Utah, on this 27th day of October, 2014, before me, the undersigned notary, personally appeared David J. Miller and David I. Yardley, the Chair and the

Secretary, respectively, of the Iron County Redevelopment Agency, who are personally known to me or who proved to me their identities through documentary evidence to be the persons who signed the preceding document in my presence and who swore or affirmed to me that their signatures are voluntary and on behalf of the Iron County Redevelopment Agency by authority of a Resolution of its Board of Directors.

Notary Signature and Seal

**ADJOURN IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL
AGENCY BOARD AND RECONVENE AS THE IRON COUNTY COMMISSION:**

Alma Adams made a motion to adjourn as the Iron County Community Development and Renewal Agency and reconvene as the Iron County Commission. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

UPDATE ON THE COUNTY SEAT TV PROGRAM :

Chad Booth with the County Seat TV program presented a report on issues covered during 2014. Programs covering wild horse issues and prairie dog problems in Iron County were produced and aired. Also a program on Government Records Management Act (GRAMA) covering issues with private and confidential records was produced and aired. The Recapture Canyon issue in San Juan County was also filmed and documented.

Mr. Booth discussed advertising authorized by Iron County contract. Two programs above the contract were produced for "At Your Leisure" highlighting events in Iron County were aired. They requested that our sponsorship continue for 2015.

The Commission thanked Mr. Booth for the programing and spotlighting of Iron County and the positive effect it has on attracting visitors to the County.

PERSONNEL MATTERS _____ :

Leslie Bishop presented a request from the Sheriff's office for a promotion for Devin Lauritzen who has completed Field Training and a six month probation period and for Kellen Hudson who has completed PTO training. Dale Brinkerhoff made a motion to approve the promotions as presented for Devin Lauritzen and Kellen Hudson. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request from the Council on Aging to approve hiring Josephine Humphries as a Part-Time on call Assistant Cook. Alma Adams made a motion to approve hiring Josephine Humphries as a back fill Part Time Assistant Cook. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Ambulance Department to promote Kim Griffiths EMT to Paramedic. Dale Brinkerhoff made a motion to approve the promotion of Kim Griffiths to Paramedic. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a recommendation for approval proposed employee benefit rates for health care coverage for 2015. The proposed rate is a decrease of 1.9% over 2014 saving the

County \$47,000. Dental will remain at the same rate with vision increasing by 2.4% due to ObamaCare mandates. Dale Brinkerhoff made a motion to approve the rates as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Mike Swallow, Personnel Systems and Services representative made a presentation regarding a proposed classification and compensation study. The study will look at the value of the job and the value of employees. It will review job descriptions and compare to a statewide data base, a regional data base and will include private sector jobs. The study can be tailored to County specifications. The study would take about four months to complete.

Leslie Bishop commented that the current system is out of date being done in 2006 and with a salary freeze in 2008 it needs to be reevaluated.

Dale Brinkerhoff made a motion to table action to next Commission meeting to allow for further evaluation of Mr. Swallow's proposal. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

RAP TRAINING :

Leslie Bishop presented RAP training which is focusing on documenting training received by employees and Departments. Our accident rates indicate that the training is succeeding in keeping safety on employee's mind and making them aware of steps to maintain a safe working environment.

PRAIRIE DOG MATTERS :

David Miller reported that he discussed the prairie dog take allocation with Jessica Van Woeart to determine if take could be rolled into next year. It was her opinion that take does not roll over and unused take is forfeited on December 31.

ADJOURN :

The meeting was adjourned at 11:35 on a motion by Alma Adams. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, stepped out and did not vote; David Miller, Aye.

Signed: David J. Miller, Chairman

Attest: David I. Yardley
County Clerk