

**IRON COUNTY COMMISSION MEETING**

**April 13, 2015**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 13th, 2015 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Cindy W. Bulloch	County Assessor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer
Leslie Bishop	Human Resources Director

**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 David Miller.

**DEPARTMENTAL REPORTS**

**David Miller, Iron County Commissioner**, reported attending the groundbreaking for the Beryl Solar project, one of the “Seven Sisters,” or seven solar power projects located in Iron and Beaver counties. David also reported on the April 1<sup>st</sup> meeting of the Iron County Coordinating Council, wherein they discussed future plans for Iron County, in particular the location of the North end of the belt route in Cedar

Valley. He then reported on the Iron County Republican party convention that had been held the previous Saturday. David noted that nearly all leadership positions changed.

**Alma Adams, Iron County Commissioner**, discussed the possibility of including a prayer on the Iron County Commission agenda, and some of the implications therein. Alma also discussed making a donation to the Western Conservation Range Association with Gene Adams, Iron County Auditor. He then explained that the 25 state inmates that had been promised never materialized. Alma asked the commissioners whether they should ask the state to keep their commitment in person. David Miller noted that it had been three years. Finally, Alma reported that he received a phone call from Scott Stubbs, a local rancher. Scott was concerned because of discussions about big horn sheep in Zion National Park and domesticated sheep grazing near the park. Mr. Stubbs was concerned that additional restrictions may be placed on grazing.

**Gene Adams, Iron County Auditor**, discussed the financial details of the sale of the Iron County Ambulance to Gold Cross in particular, regarding debt service owed to the Community Impact Board (CIB). Gene explained that among debts needing to be repaid were \$65,000 for an ambulance, \$27,000 remaining on the Cedar City ambulance building, and around \$826,000 remaining on the Jail and Cedar City ambulance buildings together. It was agreed that the \$65,000 and the \$27,000 would have to be paid outright. David Miller calculated that of the \$826,000, the ambulance portion would be about \$41,300, bringing the total repayment to \$133,300. At Dale Brinkerhoff's request, David Miller calculated \$3,976 of interest to cover nine months thus bringing the total repayment to \$137,276. Dale Brinkerhoff asked Gene Adams to prepare those three checks by the end of the day.

The commissioners then discussed board appointments. They indicated that Jon Whittaker, as clerk, should replace David Yardley on the Accident Review Board, the Agriculture Protection Board, and all others where David would no longer be serving. Also, Cindy Bulloch was to serve on the Accident Review Board, as the at large member also Del Schlosser representing the Sheriff's Office. Leslie Bishop, HR director, indicated that due to the sensitive nature of some of the accidents, the Accident Review Board would be comprised of 6 members instead of 9, all of whom have administrative duties. On the Career Service Council, commissioners suggested updating the HR Director name to Leslie Bishop.

#### **PUBLIC COMMENTS**

No public comments were offered.

#### **APPROVE CONTRACT FOR GRANULAR BORROW ON 5700 WEST PROJECT**

Steve Platt, Iron County Engineer, presented a contract for granular borrow on the 5700 West project. Steve reported that Russell Limb, of Progressive Contracting had provided insurance certificates, licenses, bonds, and the low bid of \$4.92 per cubic yard. Alma Adams made a motion to approve the contract for granular borrow 5700 West project at a price of \$4.92 per cubic yard, being a total of \$166,788. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Steve Platt also discussed with the commissioners the crushing contract between Iron County and Gilbert Development. Steve explained that the unit price of \$4.21 was an excellent price. He suggested that Iron County hire Gilbert to crush enough material to supply one additional year. David Miller suggested that enough material for multiple years be crushed. Steve replied that doing so would create an unfair bidding situation for other potential suppliers. Alma Adams made a motion to approve the crushing contract with Gilbert Development, including an additional year of crushed material, contingent upon ratification during the next Iron County Commission Meeting. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**VALLEY VIEW MEDICAL CENTER UPDATE**

Jason Wilson, Administrator/CEO of Intermountain Valley View Medical Center (VVMC), gave an update as to the progress of VVMC. Jason noted that it had been a good year for the hospital. He explained further that one aspect of the Affordable Care Act, was that standards have been set across the country for quality, patient satisfaction, service and safety. Jason noted that said data is made public. He explained that the data set for each hospital would be the same, thereby allowing qualitative assessments. Jason explained that originally, VVMC did not score very well. However, Jason was pleased to report that in 2014, VVMC was a top 100 hospital in the nation by Truman Analytics.

Jason Wilson continued his report touching on the VVMC Joint Camp, Learning Center, landscaping, remodeling, and the Live Well campaign. Jason also reported that the ER statistics were up, with staffing increasing from 402 to 404. He also noted that charity care had increased to \$4.67 million in 2014 Jason reported on the challenges of debt collection and explained that VVMC carried about \$3.1 million in debt they were unable to collect.

Jason Wilson also mentioned some of the new doctors at VVMC: Dr. Alan Sanderson, a neurologist, Dr. Holman and Dr. Cox as ER doctors, also Dr. Ben Robinson.

The commissioners thanked Jason Wilson and VVMC for good report and for the excellent service they provide to the community.

**ORDINANCE 2015-1, ALLOWING NIGHT HUNTING, INCLUDING SPOTLIGHTING WITH A WEAPON**

The commissioners discussed adoption of Ordinance 2015-1, Allowing Night Hunting, Including Spotlighting With a Weapon. Alma Adams echoed a concern from the Sheriff's Department, concerning reporting. Alma explained that the requirement to report each night's take might cause an undue burden on the secretarial staff at the Sheriff's office. Alma expressed that perhaps the return and report language could be included on a trial basis. He also noted that the volume of night hunters might be low, and might not play such a heavy burden on the secretarial staff. David Miller expressed that an important component of reporting was the requirement for hunters to report when and where they will be night hunting. David explained that this knowledge would be beneficial to dispatchers and Sheriff personnel if calls were to come in. David also expressed that to have hunters report on their take would probably not be vital nor beneficial. Sheriff Mark Gower also expressed that there would be little need to report on the animals taken, given that none of them are protected species.

David Miller made a motion to adopt Ordinance 2015-1, omitting the language requiring hunters to report on each night's take. Also, that Night Hunting license applications will take at least 5 business days to process. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**IRON COUNTY ORDINANCE 2015-1**

**AN ORDINANCE OF IRON COUNTY, UTAH, ALLOWING NIGHT HUNTING INCLUDING SPOTLIGHTING WITH A WEAPON ENACTED PURSUANT TO U.C.A. §23-13-17**

**WHEREAS**, Iron County desires to adopt an ordinance to allow night hunting, including spotlighting with a weapon.

**DEFINITIONS:**

**Spotlighting** - Throwing or casting the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest while having in possession a weapon by which protected wildlife may be killed.

**Motor Vehicle** - As defined in U.C.A. §41-6a-102

1. Species that may be taken while spotlighting are limited to coyote, red fox, striped skunk, raccoon, and jackrabbit.
2. This ordinance provides that:
  - A. Any artificial light used to spotlight coyote, red fox, striped skunk, raccoon, or jackrabbit must be carried by the hunter.
  - B. A motor vehicle headlight or light attached to a motor vehicle not be used to spotlight prey.
  - C. While hunting with the use of an artificial light, the hunter may not occupy or operate any motor vehicle.
3. Restrictions on spotlighting within Iron County
  - A. Before being able to spotlight, a person must first obtain a spotlighting permit from the Iron County Sheriff's office. There is a \$20.00 fee for each permit, and the Sheriff's Office may restrict the number of permits issued. The cost of the permit is for the administration and enforcement costs of the permit and will be retained by the Iron County Sheriff's Office. Once a hunter has submitted an application and paid the appropriate fee, a permit will be mailed to them at the mailing address provided within about 5 business days. Permits are valid for 365 days from when they are obtained. Those individuals in the field with a weapon are required to possess a spotlighting permit. Hunters are required to have either a Utah Hunter Education Certificate of Completion ("Blue Card"), have a birth date of December 31, 1965 or earlier, or a current Utah (Small Game) license in order to purchase a spotlighting permit. Hunters under the age of 16 may receive a free permit if a legal guardian purchases a permit at full price.
  - B. The spotlighting season in Iron County shall be closed from August 1 through November 30.
  - C. Any weapon may be used for spotlighting. Firearms may not have a caliber larger than .24 and must not be capable of being fired automatically. Expanding bullets must be used. Shotguns and archery tackle are permitted.
  - D. Spotlighting is not allowed within 600 feet of a residence, city, or town boundary.
  - E. Spotlighting is not allowed on private property without written permission from the property owner.
  - F. Hunters are not allowed to trespass on private property while spotlighting.
  - G. Spotlighting may not be done by a person under eighteen years of age, unless accompanied by a person eighteen years of age or more and each person must possess a spotlighting permit.
  - H. Persons hunting with a spotlight must contact the Sheriff's Office each day they are hunting and provide the following information:
    - i. Permit Number
    - ii. Approximate location
    - iii. Approximation of time they will be hunting
    - iv. If hunting with more than one person, the permit number of each hunter must be reported.
4. This ordinance does not apply to:
  - A. A person or his agent who is lawfully acting to protect his crops or domestic animals from predation by those animals: or
  - B. An animal damage control agent acting in his official capacity under a memorandum of agreement with the Division of Wildlife Resources.
5. Property Damages:
  - A. Hunters who are found to have caused damages will be solely responsible for all damages to any and all property damaged.
  - B. If found to be criminal in nature, the hunters will be charged criminally and will face prosecution according to Utah State Law.

6. Any person violating a provision of this ordinance shall be guilty of a Class B Misdemeanor.
7. Any person found in violation of their permit will lose the privilege of holding an Iron County spotlight permit for a minimum of 5 years.
  - A. Violations will be reported to State Wildlife Offices.
8. Effective date:
 

This ordinance shall become effective May 13th, 2015  
 PASSED, APPROVED and ADOPTED this 13th day of April, 2015.

IRON COUNTY

By: *Dale Brinkerhoff*  
 Dale Brinkerhoff Iron County Commission Chair

ATTEST:  
*Jonathan T. Whittaker*  
 Jonathan T. Whittaker, County Clerk



VOTING:

Alma L. Adams	<u>Aye</u>
Dale Brinkerhoff	<u>Aye</u>
David Miller	<u>Aye</u>

**DISCUSSION REGARDING IMPOSITION OF LOCAL OPTION SALES TAX**

David Miller explained that with the passage of HB362 in the Utah Legislature this year, an additional \$.05 per gallon would be charged for gasoline tax. That amount would increase over 5 years to a total of \$.09 per gallon additional gasoline tax. David explained that another component of HB362 would be an option for localities to levy an additional 0.25% in sales tax, or a "Local Option Sales Tax." The revenues generated by HB 362 will be appropriated to funding local transportation infrastructure. David explained that Iron County was 40% behind with road maintenance. However, he expressed concern about increasing sales tax to pay for the shortfall. David also expressed concern regarding the interplay between the new tax revenues and monies already being spent from Iron County's general fund for road maintenance.

Jim Ortler, a Brian Head Town Council Member, expressed that there were several issues in play regarding the Local Option Sales Tax. The first question was whether the Local Option Sales Tax be placed on the ballot for voters to decide whether to accept a 0.25% increase in sales tax. The second question Jim stated that needed to be answered was whether the Local Option Sales Tax be placed on the ballot in 2015 or 2016. Jim expressed that the Local Option Sales Tax would bring \$500,000 to Iron County and nearly \$10,000 to Brian Head. He asked the commissioners to consider the Local Option Sales Tax optimistically. Mr. Ortler and the commissioners discussed multiple topics including: the sales tax rate in Brian Head; different sources of revenue; usage of the general fund to maintain roads; and infrastructure spending shortfalls. Alma

Adams indicated that during a recent meeting with the local cities, everyone present had agreed that road maintenance was sorely behind.

David Miller made a motion to table any further discussion regarding the Local Option Sales Tax, pending answers to several questions, in particular, how much would it cost to administer and how those funds could be used in relation to the general fund. No second was offered, however Dale Brinkerhoff indicated that this issue would be brought back at the appropriate time.

### **DISCUSSION REGARDING THE BRIAN HEAD COMMUNITY DEVELOPMENT AGENCY**

Bret Howser, Brian Head Town Manager, presented various issues regarding the Brian Head Community Development Agency (CDA). Bret explained that the Brian Head CDA was set up as a tax increment financing district. It was to be used for projects to increase value and spur economic growth. Through economic growth, the total taxable value increases, thereby increasing tax revenues. Bret noted that several projects were financed in part with CDA revenues, such as the interconnect skier bridge and Bristlecone Pond. Bret explained that the Brian Head CDA was created in 2008, which unfortunately was also the beginning of a lengthy recession. Because of this, the expected growth never occurred, with no tax increment created. Unfortunately, both Brian Head Town and Iron County have continued to pay about \$170,000 into the CDA from their respective general funds.

Bret Howser proposed that the Brian Head CDA be restructured. Bret suggested that CDA revenues be put toward critical village core development such as parking to support a restaurant or two and store. Bret proposed resetting the base line value of the CDA to allow room for growth. Also, he proposed eliminating the minimum contribution to be made to the fund by both Iron County and Brian Head, as well as extending the life of the CDA and updating the list of projects to be funded by it. The commissioners expressed support for the changes, and directed Bret to finalize the details and bring the proposed changes to the Brian Head CDA back for discussion and approval.

### **PERSONNEL**

Leslie Bishop, Iron County HR Director, presented the Iron County Equal Employment Opportunity Policy to the commissioners for approval. David Miller made a motion to approve the Iron County Equal Employment Opportunity Policy. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie Bishop discussed the Iron County policy regarding Sick Leave. Dale Brinkerhoff explained that the large amount of accumulated sick leave by the employees of Iron County represented a \$1.5 million unfunded liability. Dale noted that he did not find any other municipality that allowed employees to accumulate an unlimited number of sick leave hours. He expressed the desire to revisit the Sick Leave Policy, and to cap the number of hours an employee can accumulate. Dale noted that Iron County, as a whole, was adding 200 sick leave days per month. Cindy Bulloch questioned how the \$1.5 million unfunded liability was calculated. Dale Brinkerhoff replied that the calculation was based on the number of hours accumulated multiplied by the hourly wage for each employee. Cindy expressed that she could not foresee of scenario wherein Iron County would have to pay the \$1.5 million unfunded liability. Dale explained that it could come about through state or federal action. Cindy expressed that upon termination an employee receives compensation for vacation and comp. hours accrued, but not sick leave. In other words, sick leave has no cash value. Dale suggested that employees with a large amount of accrued sick leave be able to bank those hours. Debbie Johnson questioned whether that strategy would actually lower the unfunded liability. Gene Adams explained that the independent auditor require that Iron County show the liability of accrued vacation and comp. time, but not of accrued sick leave.

Leslie Bishop presented a Reduction in Force (RIF) for the Emergency Medical Services division due to closure of the department. Leslie explained that the department closure resulted from the sale of the Ambulance service to Gold Cross. 9 full time and 61 part time positions would be eliminated by this closure. Leslie explained that 2 weeks written notice would be provided to the affected employees. Alma Adams made a motion to take action to RIF 9 full time positions due to the closure of the Emergency Medical Services Department, to take place on the day the sale to Gold Cross is finalized. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie Bishop presented the name of Sharissa Turnbaugh as a new hire in the Justice Court, effective April 5, 2015. This was a backfill of a position left vacant by Kaitlin Sorensen who moved to full time. David Miller made a motion to approve the hire of Sharrissa Turnbaugh. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie Bishop presented a pay increase for Carla Britt, who obtained her Associates degree, as per the Deputy Retention Policy. Leslie also presented a pay increase for Jarod Hansen, who completed 6 months of employment with successful completion of FTO, as per the Deputy Retention Policy. Alma Adams made a motion to approve the pay increases for Carla Britt and Jarod Hansen as explained. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie Bishop presented the name of Jamie Webb to be rehired, effective April 12, 2015. This rehire action is in accordance with Personnel Policy Section 10, which allows an individual to be rehired within 12 months in the same category. Alma Adams made a motion to rehire Jamie Webb as explained. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

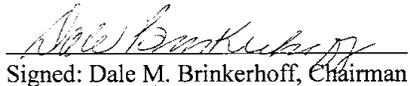
#### **NON-DELEGATED ITEMS**

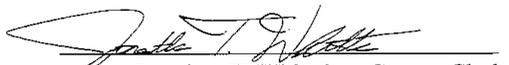
David Miller gave a brief report regarding the progress made regarding the Utah Prairie Dog (UPD). David explained that May 8<sup>th</sup> would be the day when all of the discussed changes in UPD management would take place. He explained that several areas were being considered for UPD preserves. The number of UPD technicians would be increased from 2 to 15. David explained that in some areas, dogs will be able to be taken lethally. He emphasized however, that the UPD should not be considered the enemy. With the new management strategy, the conservation value of each dog should be considered. The overarching goal is to protect private property rights and to that end, the successful translocation of dogs adds to the number of counted dogs, thereby moving closer to the goal of eliminating any restrictions to property owners. Successful management of the UPD is key.

Reed Erickson discussed with the commissioners the need to release the bond on the Cedar City Ambulance building. He explained that it would be necessary to work with Candace Powers and the Community Impact Board (CIB), as well as the lender to bring it about. Dale Brinkerhoff expressed a desire to pay off all debts owing to CIB in relation to the Ambulance properties and equipment.

#### **ADJOURNMENT**

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

  
Signed: Dale M. Brinkerhoff, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk

