

IRON COUNTY COMMISSION MEETING

May 11, 2015

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 11th, 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
Scott Garrett	County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Cindy W. Bulloch	County Assessor
H. Eugene Adams	County Auditor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer
Leslie Bishop	Human Resources Director
Lori White	Justice Court Administrator

SYNOPSIS

ADJOURNMENT5

BAILIFF SECURITY CONTRACT WITH 5TH DISTRICT COURT.....5

COUNTY LOGO DISCUSSION5

DEPARTMENTAL REPORTS.....2

DISCUSSION OF TAX DEFERRAL FOR GRAND LODGE AT BRIAN HEAD4

DISCUSSION OF SURPLUS AMBULANCE AND AMBULANCE INVENTORY5

INVOCATION.1

NON-DELEGATED ITEMS.....5

PLEDGE OF ALLEGIANCE.....1

PUBLIC COMMENTS3

PUBLIC HEARING FOR ORDINANCE 2015-3 VACATING PART OF SPRING AVE.....4

RESOLUTION 2015-2, LIMITING TAX DEFERRAL REQUESTS TO RESIDENCES5

TAX DEFERRAL REQUEST FOR GERRY D. CAUSEY, JR.....3

UPDATE ON “THE COUNTY SEAT” TELEVISION PROGRAM.....4

VERNAL STRATTON FAMILY LTD ANNEXATION INTO CEDAR CITY4

PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Lori White

INVOCATION

An invocation was offered by Alma Adams.

DEPARTMENTAL REPORTS

Lori White, Iron County Justice Court Administrator, reported that Justice Court personnel had received record keeping training in the spring. Lori noted that in the fall, they were to receive TAC training in St. George. She explained that the Justice Court was working toward being paperless. Lori noted that this was the direction of the industry and may be mandated in the future. She expressed gratitude that Jared Wilson, Iron County IT Director, had installed scanners that had been used by the Recorder's office to help digitize their documents. Lori explained that she had discussed digital security with Judges Miller and Dunlap before moving forward. Dale Brinkerhoff instructed Lori to budget \$3,000 in 2016 for new scanners.

Lori White reported that in the month of April, 2015, the Justice Court balanced. She asked that 2 clerks be able to be paid a "lead" stipend to take charge when Lori might be away. David Miller instructed Lori White to work up the details with Leslie Bishop, Iron County HR Director.

Scott Garrett, Iron County Attorney, reported that the Attorney's office was slightly under budget so far in 2015. Scott noted that vehicle operations exceeded projected spending, coming in at over 84% of the annual budget already. He explained that his department would try to work together for the rest of the year to keep vehicle operation expenses down for the rest of 2015.

Scott Garrett explained that, so far, 2015 did not have any statistics that stood out. Michael Edwards noted that if Driving Under the Influence (DUI) numbers continued at the same pace, that would be higher than previous years.

Scott Garrett expressed regret that long serving secretary Holly Chandler was leaving. Scott noted that this was the first time he had had to replace a secretary. He also noted that Michael Edwards, who serves as the Attorney's Deputy to the county commission was concerned to be working on civil cases. Scott noted that Michael Edwards was doing a great job.

Scott Garrett and the commissioners then discussed HB 348, which reduces penalties for certain offenses. Scott noted that it would take effect in October, 2015. He explained that it would reduce many felony drug and vehicle charges to Class A misdemeanors. Scott expressed that he did not support the bill, because it limited the options given to prosecutors in charging defendants. The bill aims to reduce prison populations and recidivism through enhanced treatment efforts and less prison time for repeat drug offenses. He noted that the bill had received a great deal of momentum and was popular with many. Alma Adams asked whether it would drive up costs for Iron County. Scott Garrett replied that there might be more treatment costs, but grant monies would also be available. He noted that incarceration costs would be reduced overall. Scott explained that under HB 348, a methamphetamine conviction that used to be a 3rd degree felony would now be a Class A misdemeanor. He expressed frustration that, as a prosecutor, his ability to negotiate would now be limited. Scott explained that defendants that were found guilty of their 1st offense would normally not be sent to prison, but were typically sent to treatment. He noted that these individuals would never be sent to prison under HB 348, but instead, would spend time in county jail, thus increasing costs.

Ranon Hulet, Iron County Jail Office Manager, reported for Corrections. Ranon explained that Captain Brett Allred and Lieutenant Brad Spencer were both excused. She reported that the Corrections budget was on track, but that postage was a little over. Ranon also discussed HB 348 with the commissioners. She explained that, in terms of revenues, HB 348 would help prisons, but hurt Iron County Corrections. She explained that instead of receiving revenue for state prisoners, the Jail would be housing them directly, due to the fact that the drug-related convictions would be Class A misdemeanors instead of felonies. By housing them directly, the Jail would not receive any compensation from the State of Utah. Instead, the Jail charges inmates "Pay for Stay," but often inmates do not pay. This results both in a loss of revenue, as well as an

increase in expenses for Corrections. Ranon also noted that courts had been giving more waivers to inmates for the "Pay for Stay" fees.

Another budgetary concern Ranon Hulet brought forth was inmates that were convicted of felonies, but awaiting their hearing in drug court. Michael Edwards noted that many of these inmates are incarcerated during this period without a plea. Ranon Hulet explained that this was a relatively new phenomenon, but a real budget concern. Ranon then discussed jail reimbursement with the commissioners under the COP (Condition of Probation) program. This is a program in which convicted felons are sentenced to prison, but the judge orders them instead to serve up to a year in the county jail. Incarceration expenses for those individuals are subject to a 50% reimbursement from the State of Utah to county jails. Ranon explained that those funds would be paid in December, at which time the amount reimbursed would be better understood.

Ranon Hulet reported that the Jail had replaced the water heater. Ranon explained that Mike Gibbs has performed the installation, saving Iron County a great deal of money. The total cost came to \$27,506.21.

Ranon Hulet noted that the workload in Corrections had remained fairly static. Ranon explained that bookings from the Iron County Sheriff's Office had increased. She also noted that transfers from other facilities were considered bookings, even though no arrest had been made. Ranon explained that shortages in staffing had caused the prison work crew to stop. She explained that Captain Allred and Lieutenant Spencer did not feel that a work crew would be possible until staffing levels were restored. She estimated that it would be 6 months until it would become operational.

In conclusion, Ranon Hulet noted that the budget for training was over. She explained that Corrections personnel had attended over 1,100 hours of training with the goal to become trainers and move more training in house.

Alma Adams, Iron County Commissioner, reported that he was able to confirm that the North end of the Visitors' Center Building was being used by the State of Utah. Alma also discussed a proposal put forth by Bruce Adams with the objective of fairer representation in the Utah Senate, by modeling the national system of one senator for one county. He expressed that he felt a resolution by the Iron County Commission to that effect would be worth pursuing.

David Miller, Iron County Commissioner, reported that an operation entitled "Jade Helm 15" was under way in certain areas of the State of Utah. David explained that Iron County had been considered as a potential location, but fortunately that was no longer the case. He explained that Jade Helm was a military Special Ops. exercise. David expressed concern that it was bringing military operations into civilian areas. He expressed opposition to operations such as Jade Helm and was glad it was elsewhere.

David Miller then discussed Commissioner Phil Lyman of San Juan County. Commissioner Lyman led a protest ATV ride up Recapture Canyon in 2014. David Miller explained that the Utah Association of Counties executive committee would be defending Mr. Lyman. David emphasized the importance of defending access to public lands, health, safety and welfare.

Dale Brinkerhoff, Iron County Commissioner, reminded all gathered about the upcoming "Honor Flight," on June 4-6. Dale encourages the community to support the Honor Flight for veterans to travel to Washington D.C.

PUBLIC COMMENTS

No public comments were offered.

TAX DEFERRAL REQUEST FOR GERRY D. CAUSEY, JR.

Gerry Causey, owner of A.P.N. D-456-837-1, located in the Cedar Valley Acres subdivision, requested a tax deferral due to financial hardship. Mr. Causey explained that due to divorce, he was financially indigent, even though he owned the house with no debt. He continued that he was just overcoming some health problems that had kept him

from working. David Miller asked whether Mr. Causey lived in the home. Mr. Causey replied that it was his primary residence. Mr. Causey explained that he had attempted to remedy the situation through various lenders and family, to no avail. Alma Adams asked whether Mr. Causey felt he could repay the \$5,982.52 owing. Mr. Causey stated that he could repay the debt at a rate of \$500 per month. Alma Adams made a motion to approve the request for deferral by Mr. Causey based upon meeting all the requirements of the deferral application, the home being his primary residence, and Mr. Causey's commitment to pay \$500 per month until the debt is repaid. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

DISCUSSION OF TAX DEFERRAL AGREEMENT WITH GRAND LODGE AT BRIAN HEAD

Michael Edwards, Deputy County Attorney, explained that the Grand Lodge at Brian Head owed \$843,121.31 in taxes. Also, that if the taxes were not brought current, the Lodge would be on the tax sale auction. The commissioners and the other elected officials then discussed the relationship between Zohar Cohen, the developer, and the lender he used to purchase the Lodge. In particular, Mr. Cohen was able to purchase the Lodge with financing, but without the taxes being current. The proposal was put forward to accept \$600,000 immediately and the remainder by May 15. David Miller disclosed that he had made a motion not to consider deferrals for anything but a primary residence. However, David Miller made a motion to accept the proposal of \$600,000, payable by Friday, May 15. Further, that the balance be paid by six months, and that monies be set aside from the monthly payment to prevent further penalties. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

UPDATE ON "THE COUNTY SEAT" TELEVISION PROGRAM

Chad Booth, Executive producer for The County Seat television program gave a report on topics covered and sought input from the commissioners regarding possible future topics. Among the topics reported were: fairer distribution of state senators within Utah, and the Phil Lyman/Recapture Canyon concerns. Chad Booth then reported that The County Seat had won 5 television awards and had attained ratings of 72,000 viewers per week. Among the ideas from the commissioners were: Iron County's county-wide trail system being implemented, concerns over the catastrophic fire conditions that exist in the local forests, the 3 Peaks recreational area, the overpopulation of wild horses on public lands, the commissioners continued support for coal, and the solar boom that is ongoing.

VERNAL STRATTON FAMILY LTD. ANNEXATION INTO CEDAR CITY

Chad Nay, Iron County Building Official and Zoning Administrator, presented a proposed annexation of unincorporated parcel Assessor's Parcel Number A.P.N. D-698-1 into Cedar City. Chad explained that the approval of the Iron County Commission was required because the annexation would create an island of county property. He expressed that the concerns surrounding this annexation were mainly road maintenance and plowing. Chad also recommended that the commissioners approve the annexation. David Miller asked whether anything significant was on the parcel that would be the island. Chad Nay indicated that there were a few residential parcels.

David Miller made a motion to approve the proposed annexation of A.P.N. D-698-1, recognizing that it would create an island of unincorporated land. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

PUBLIC HEARING REGARDING ORDINANCE 2015-3, ROAD VACATION

Dale Brinkerhoff, Iron County Commission Chair, declared a public hearing to consider vacating a portion of Spring Avenue, lying South of Juniper Street and North of

Lund Highway, located in Section 5, Township 35 South, Range 11 West, Salt Lake Base and Meridian, also located in Cedar Valley Acres Subdivision.

Doug Grimshaw, a licensed surveyor, represented Dean Hyde, the adjacent property owner. Doug explained that the portion of Spring Avenue to be vacated was owned by Mr. Hyde on both sides, and that the vacation would not cut off access to any other owners. He also explained that the proposed vacation was very short and by combining it with the adjacent parcels, Mr. Hyde's use of the parcels would be greatly enhanced.

Alma Adams made a motion to approve the vacation of a portion of Spring Avenue, lying South of Juniper Street and North of Lund Highway, located in Section 5, Township 35 South, Range 11 West, Salt Lake Base and Meridian, also located in Cedar Valley Acres Subdivision. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

COUNTY LOGO DISCUSSION AND DECISION

Maria Twitchell, the Executive Director of the Cedar City/Brian Head Tourism Bureau, led a discussion regarding a new logo for Iron County. Maria explained that professional design companies had been engaged. She presented several designs to the commissioners. The commissioners expressed that they wanted simple color schemes with no pastels and a design that represented well the face of Iron County. No decision was made.

RESOLUTION 2015-2, LIMITING TAX DEFERRAL REQUESTS TO RESIDENCES ONLY

After a brief discussion, Alma Adams made a motion to table for the time being Resolution 2015-2 limiting tax deferral requests to residences only. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

BAILIFF SECURITY CONTRACT FOR THE 5TH DISTRICT COURT

After a brief discussion, Alma Adams made a motion to defer for the time being the bailiff security and perimeter security contract provided by the Iron County Sheriff for the 5th District and Juvenile courts. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

DISCUSSION ON 1993 WHEELED COACH SURPLUS AMBULANCE AND POTENTIAL CORRECTIONS TO THE AMBULANCE INVENTORY SOLD TO GOLD CROSS

This item was discussed briefly with no action taken.

NON-DELEGATED ITEMS

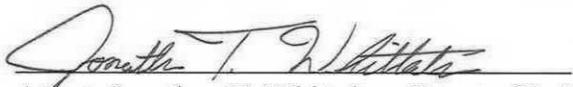
David Miller announced that the new Utah Prairie Dog rules were in place as of May 8.

David Miller presented the names of Brent Hunter, Paul Cozzens, and Spencer Jones to serve on the Central Iron County Water Conservancy District. David noted that this would be the 2nd term for Paul Cozzens and Spencer Jones. He also noted that this would be the 3rd term for Brent Hunter, and that Brent's appointment would be retroactive to February 1, 2015. David Miller made a motion to approve these appointments to the Central Iron County Water Conservancy District as explained. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

