

IRON COUNTY COMMISSION MEETING
October 12, 2015

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 12, 2015
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

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

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Chad Reid.

INVOCATION

An invocation was offered by Jon Whittaker.

APPROVAL OF MINUTES

David Miller made a motion to approve the minutes of the Commission Meeting held April 27, 2015. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye. Alma Adams made a motion to approve the minutes of the Special Commission meeting held April 29, 2015. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

DEPARTMENTAL REPORTS

Chad Reid, USU Extension, introduced Becky Barton as the new 4H Coordinator. There were 29 4H camps held this summer. He stated that the Extension had a strong Teen Council and was able to rehire Angela Hackwell to help. The Youth and Family program continues to help kids after school, and was able to get more grants to help with the program. Chad reported he is within budget at 66%. He is interested in buying an economy car to help with gas and mileage.

Stefanie Furnival, Children’s Justice Center (CJC), reported the Justice Center is busy since Iron County has included Kane and Beaver Counties. Stefanie stated their caseload went from 190 cases in 2014 to 237 cases in 2015 in Iron County. Beaver County had 52 cases in 2015 when they were brought in, and were currently at 42 cases. Daphne Sullivan, a Nurse Practitioner employed by Primary Children’s Medical Center, is on the medical staff at the CJC. Stefanie stated she was able to obtain two grants and used one for a part-time victim coordinator in Beaver County, and the other to hire a full time Victim’s Advocate, Angelica Judd. She reported that the CJC provided interviews for 138 girls and 99 boys, 288 secondary victims were also served. There were: 70 cases of physical abuse; 27 cases of domestic violence; 20 drug endangerment cases and 1 other abuse case. Of those cases, 66 children were ages 0-6, 68 were ages 7-12, 94 were ages 13-18, and 9 victims were over the age of 18. There were 190 White, 23 Hispanic, 3 Black, 10 Native American, 10 Mixed Ethnic, and 1 Asian. 149 were abused by a parent or stepparent, 7 by the parent’s boyfriend or girlfriend, 51 by another relative, 77 by another known person, and 4 were unknown. Among the 288 perpetrators identified, 192 were males, 96 were females, 14 were under the age of 13, 36 were ages 13-17, and 232 were ages 18 or over, with 6 unknown. She said there are 22 CJC’s throughout Utah. Dale Brinkerhoff expressed that everyone needs to remember that each of those numbers has a face.

Mark Gower, Iron County Sheriff, began his report by stating that morale in his department is the lowest that it has ever been, that deputies feel there is no protection due to the commissioners’ over reaching policies and procedures. Sheriff Gower noted that on July 16, 2015, the revised personnel policy stated that, “it gives the Commission the ability to terminate any exempt employee without cause, with no ability to appeal,” and furthermore gives the commissioners the ability to change policy at “any time for any reason.” He stated that the Iron County Sheriffs’ Office would not be signing off on the new policy and several members of his staff were considering organizing under union representation. Sheriff Gower expressed that his staff were being asked to put their lives in danger for poverty level salaries. He was concerned about the inconsistency of the wage scale. He continued, saying that adjustments needed to be made so everyone would be treated fairly. Sheriff Gower stated he had the desire to work

together with the commissioners to reach a common goal and encouraged the commissioners to look over the charts he made available to them.

Sheriff Gower reported that the Sheriff's Office was about 7% under for that time of year. He reported having to work a bit of overtime to support the Iron County Fair. David Miller asked whether the two vehicles in evidence from the Beidermann shooting were released from being in evidence. Sheriff Gower explained that the case was still pending, and once it was adjudicated, then the vehicles could be released.

David Miller, Iron County Commissioner, reported attending the 10th Circuit Court of Appeals hearing in Denver concerning the Utah Prairie Dog (UPD) The U.S. Fish and Wildlife (USFW) argued that they should continue to have management control of the UPD because of the commercial value the dogs have. When pressed by the judge, the USFW solicitor stated that the adverse effect on the value of the land with UPD causes an economic affect. Because of the economic impact, the UPD has economic value and is therefore subject to interstate commerce. David explained that the case would play out over the next months.

David Miller also attended a meeting on Public Lands through SUU. David addressed the students regarding how public lands issues affect counties. David also attended a meeting of the Western Interstate Region Board, reporting that the Environmental Protection Agency (EPA) published a new rule entitled "Waters of the United States" (WOTUS). David expressed frustration at the over reach of the rule. He explained that the new rule may affect Iron County's ability to mow along highways. David explained that WOTUS would even affect the ability to access roads under RS-2477. David expressed that the EPA did not have the authority to impose this rule on the states.

Alma Adams reported he attended the Utah Anti-bullying Coalition. He expressed that bullying was a growing problem and needed to be addressed.

PUBLIC COMMENTS

Jillynne Stevens, a resident of Parowan City, expressed that she is strongly & urgently opposed to the Iron County Commissioners spending tax payer money in support of the Western Freedom Festival (WFF). The use of tax payer funds to promote any political agenda is not appropriate. She applauded the Iron County School District (ICSD) for pulling out of the event.

Justin Miller, Executive Director and Field Representative for the American Federation of State, County and Municipal Employees, stated the Iron County Sheriffs' Office had started the unprecedented step to unionize. He invited the Commissioners to begin the collective bargaining process under UCA § 34-34-16. Justin explained that the intentions of the Sheriff's Office employees are to become partners with the Iron County Commission, to become engaged employees, and help in ways to save money. He concluded by quoting Ronald Reagan, "When free unions and collective bargaining are forbidden, freedom is lost."

Vicki Tyler, a resident of Cedar City, expressed that she was against the WFF and feels the Iron County Commission was out of line in sponsoring the event. She was opposed to tax monies being spent on the event. Vicky explained Title 3, Section 8 of the Iron County code does not list anywhere that the Transient Room Tax (TRT), could be used for such event. She felt the commissioners were breaking their own code.

Sheriff Mark Gower noted the presence of many Iron County Sheriff employees at the meeting. He expressed that they were a great team. Sheriff Gower noted that his employees would have organized with or without his support. He explained that they have genuine fears and concerns that need to be addressed.

Bruce Washburn expressed concern with the commissioners sponsoring a political event. Bruce noted that on the Facebook page for the WFF, any progressive ideas were scorned. He expressed that the agenda was full of people with a singular perspective. Bruce also objected to the Iron County Commission's support of the American Lands Council.

Jeff Malcom explained that the Sheriff's Office is not looking for a fight but to have a voice and be able to work out this issue. He expressed his pride to wear the uniform.

Mathew Fox stated that he agreed with what Jeff Malcom said. The Sheriff simply desires to make the deputies' jobs better.

Dale Brinkerhoff stated the commissioners have no objection to unionizing. Dale expressed a commitment to be consistent throughout the departments and not give special favors to one department. He affirmed that the Iron County Commission would not enter into collective bargaining.

Justin Miller explained that collective bargaining is not for wages, but rather for improving working conditions and morale of the employees. He encouraged the commissioners to reconsider collective bargaining.

Dale Brinkerhoff explained that the commissioners believe they can deal directly with the Sheriff Department and not involve a third party.

PUBLIC HEARING TO REVIEW RECOMMENDED BUDGET ADJUSTMENTS OF THE ADOPTED IRON COUNTY BUDGET FOR CALENDAR YEAR 2015

Dale Brinkerhoff, Commission Chair, declared the public hearing to review the recommended budget adjustments for the 2015 Iron County budget to be open.

Gene Adams, County Auditor, reported an increase of \$274,740 to the general fund due to additional grants that were awarded. Gene noted that the State of Utah provided \$2.8 million in Corridor Preservation funds, which would be used on the belt route West of Cedar City. \$400,000 of which was budgeted for belt route, plus \$452,000 requested by Cedar City for Coal Creek right of way improvement, leaving \$1.9 million in reserve. Gene reported a \$20,000 transfer out of the TRT fund for the WFF, and adjustments were made to the ambulance fund. Gene Adams reported that the total amendment was \$3,181,232. Gene noted that about \$2 million would remain in reserve for future years.

David Miller explained that the Corridor Preservation Fund came from vehicle registrations and that the State of Utah had accumulated a balance over 10 years, which was remitted to the county in 2015. David also explained that the \$50,000 of the TRT funds went to advertising not related to the WFF. He explained that "Event Revenue," as shown on the amended budget was a projection of revenues from ticket sales, etc., not tax dollars. David noted that the WFF was a multi-county event, with 7 other counties participating. He explained that there was an anonymous donor that donated \$22,000 toward the acquisition of tickets. David explained that Article 1, Section 27 of the Utah State Constitution says it is important to return to fundamental principles in order to maintain a free country. He noted that Representative Ken Ivory would be speaking, as well as an individual from Zion National Park.

Jillynne Stevens expressed that it was a false dichotomy to compare the WFF to the Arts, and believes the event is political.

Vicki Tyler stated that she feels the commission agenda has changed considerably. The money could be used for many other things, not the WFF.

Larry Daniel, Parowan High School Soccer Coach, noted that the Parowan girls' soccer team took 2nd in region and they will be playing St. Joseph in St. George on Wednesday for the start of the playoffs and is hoping for community support. Larry extolled the quality of the pitch in Parowan. He noted that it does not have lights, and TRT monies could provide that, thus being a boon to the area by bringing teams and tournaments in. He expressed frustration at his poor chances for TRT money, because the TRT board is appointed by the commissioners, and commissioners' priorities would take precedent over something like soccer pitch lights in Parowan. Larry expressed that the WFF decision reeked of self-dealing.

David Miller replied that the Commissioners work out many grants and programs around Iron County. Those monies are being used far and wide, with a majority of the money going to the Southern Utah Music & Arts (SUMA), and Shakespeare buildings. David noted that very infrequently do you see an event where the commissioners try to promote this kind of activity where it is initiated at the County level.

Larry Daniel stated that he understood constitutional law, and that an event that promotes one ideology on its web site, brings issues of excessive entanglement. He feels there is a problem when it is funded by a commissioner who appoints the board that recommends the money. Larry questioned whether the County Attorney had passed on this issue. He noted that there were laws against self dealing in the Utah code. Larry stated he feels the real issue is that this event is

founded by a commissioner that has a particular pecuniary interest if there is a loss. He concluded by expressing that the TRT funds would be better spent on something like lights and improvements for the Parowan soccer pitch.

David Miller made a motion to approve the amended budget as explained. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

ADJOURN AS THE IRON COUNTY COMMISSION

CONVENE AS THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Governing Board of the Iron County Community Development and Renewal Agency.

DISCUSSION AND ACTION REGARDING ICCD&RA RESOLUTION 2015-10 APPROVING AND ADOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA PLANS FOR THE FREEMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS AS THE OFFICIAL PLANS FOR THEIR RESPECTIVE PROJECT AREAS

Adam Long, of Smith Hartvigsen, counsel for the ICCD&RA, explained that there were two projects being developed by SunEdison, Fremont Solar and Rush Lake Solar. He reported that the parcel lines matched the engineering, and that the required public notices and hearings were done. 3 projects had previously been adopted and the last 2 projects were put on hold to work on the parcel alignment. He explained that the ICCD&RA may adopt a resolution approving the project area plans and a resolution approving the interlocal agreements. Adam clarified that the interlocal agreements allow the tax increment monies to be diverted from the various taxing entities to the ICCD&RA to be rebated as a tax incentive to the solar developers. He noted that the participation agreements with SunEdison which include the property tax incentive that was offered from the agency to SunEdison to encourage development of these projects. Adam also explained that Iron County may adopt the ordinance, which would be the final approval for these project areas and the approval of the interlocal agreements.

Alma Adams made a motion to approve ICCD&RA Resolution 2015-10 Approving and Adopting the Community Development Project Area Plans for the Fremont Solar and Rush Lake Solar Community Development Project areas as the official plans for their respective project areas. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

ICCD&RA RESOLUTION NO. 2015-10

A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA PLANS FOR THE FREEMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS AS THE OFFICIAL PLANS FOR THE RESPECTIVE PROJECT AREAS.

WHEREAS pursuant to the provisions of the Utah Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act (the “**Act**”), specifically Chapter 4 of Title 17C of the Utah Code Annotated (“**UCA**”), on June 8, 2015, the Iron County Community Development and Renewal Agency (the “**Agency**”) adopted a resolution designating the Fremont Solar and Rush Lake Solar Community Development Project Areas (the “**Project Areas**”) and calling for the preparation of project area plans; and

WHEREAS the Project Area Plans (the “**Draft Plans**”) have been prepared for the Project Areas pursuant to UCA § 17C-4-103; and

WHEREAS the Agency held, on July 27, 2015, a duly noticed public hearing pursuant to UCA § 17C-4-401 to allow public comment on the Draft Plans and whether each should be revised, approved, or rejected; and to receive all written and hear all oral objections to the Draft Plans; and

WHEREAS having received and heard all commentary on and objections to the Draft Plans submitted for its consideration, the Agency has passed upon such objections as it has received and has made such modifications, amendments, and/or emendations to the Draft Plans as it deems appropriate, if any; and

WHEREAS the Agency has made relevant findings concerning the amount of opposition, if any, to the Draft Plans by owners of real property within the Project Areas.

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

SECTION 1 Legal Description.

§ 1.1 The boundaries of the Project Areas are delineated on the Project Area maps included in the Draft Plans attached hereto as **Exhibits A and B**, respectively, and are legally described as set forth in the Draft Plans.

SECTION 2 The Agency's Purposes and Intent with Respect to the Project Area.

The purposes and intents of the Agency with respect to the Project Areas are as follows:

§ 2.1 To satisfy the purposes of the Act, as defined therein, by promoting, creating, and/or retaining jobs through the planning, design, development, construction, rehabilitation, or business relocation within the Project Areas, as well as the provision of office, industrial, manufacturing, warehousing, distribution, parking, public, or other facilities, or other improvements that benefit the state or a community.

§ 2.2 To increase the County's tax base as well as its commercial front so as to improve both opportunity and quality of life for all if its citizens.

§ 2.3 To promote, encourage, and bring to fruition, the development within the Project Areas of a commercial development comprised of large, up-scale, reputable commercial concerns.

§ 2.4 To stimulate the economy of Iron County and the surrounding area.

§ 2.5 To provide for the installation of needed infrastructure, if and as necessary, for development within the Project Areas.

§ 2.6 To take any or all additional steps which may be appropriate or necessary to promote or further the aim of improving the Project Areas (and, indirectly, of surrounding areas).

SECTION 3 Designation, Adoption, and Incorporation of the Plans.

§ 3.1 The Draft Plans for the Fremont Solar and the Rush Lake Solar Community Development Project Areas, as modified to incorporate changes recommended by the Iron County Planning Commission, affected taxing entities, and owners of property within the Project

Areas, if any, are hereby designated the *Fremont Solar and Rush Lake Solar Community Development Project Areas* (the “**Official Plans**”), and are incorporated herein by this reference.

§ 3.2 The Agency hereby officially approves and adopts the Official Plans for the Project Areas.

SECTION 4 Required Findings.

§ 4.1 A need exists to effectuate a public purpose; to wit, the exercise of the statutorily enacted community development mechanism for the benefit of the citizens of Iron County.

§ 4.2 Benefit to the public shall accrue from the execution of the Official Plans, as each project undertaken thereunder shall be subject to the analysis described in Utah Code § 17C-4-103.

§ 4.4 The adoption and carrying out of the Official Plans is economically sound and feasible.

§ 4.5 The Official Plans conform to the Iron County General Plan.

§ 4.6 Carrying out the Official Plans will promote the public peace, health, safety, and welfare of Iron County.

SECTION 5 Submission of the Official Plans to the Iron County Commission for Adoption by Ordinance.

§ 5.1 Pursuant to Utah Code §§ 17C-4-102 & 105, the Agency Board hereby submits the Official Plans to the Iron County Commission for review and adoption.

SECTION 6 Recording and Transmittal.

§ 6.1 Pursuant to Utah Code § 17C-4-107, the Agency Staff is hereby directed and authorized to take the following actions within 30 days after adoption of the Official Plans by the Iron County Commission:

a. to record with the Iron County Recorder a document containing a description of the land within each Project Area, a statement that the Official Plan for the Project Area has been adopted; and the date of its adoption by the County Commission; and

b. to transmit a copy of the description of the land within each Project Area, a copy of the County Commission ordinance adopting the Official Plan, and a map indicating the boundaries of the Project Area to each of the following: (i) the auditor and assessor of the county in which the project area is located; (ii) the officer or officers performing the function of auditor or assessor for each taxing entity, if any, that does not use the county assessment roll or collect its taxes through the county; (iii) the legislative body or governing board of each taxing entity; (iv) the State Tax Commission; and (v) the State Board of Education.

SECTION 7 Execution of the Plans.

§ 7.1 Following adoption of the Official Plans by the Iron County Commission, the Agency shall proceed to carry out the Plans.

SECTION 8 Directions to the Agency Staff.

§ 8.1 The Agency Staff is hereby directed and authorized to take all such actions as necessary to effectuate the purposes and aims of this resolution.

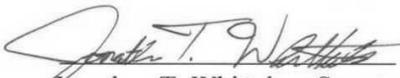
SECTION 9 Effective Date

§ 9.1 This Resolution shall take effect upon its adoption.

APPROVED AND ADOPTED this 12th day of October, 2015.


Dale Brinkerhoff, Chair
Iron County Community Development and Renewal Agency

Attest:


Jonathan T. Whittaker, Secretary



DISCUSSION AND ACTION REGARDING ICCD&RA RESOLUTION 2015-11 APPROVING INTERLOCAL AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY, THE IRON COUNTY SCHOOL DISTRICT, THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT, AND THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 REGARDING THE FREMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS

Danny Stewart, Economic Development Director, explained that Resolution 2015-11 deals with the approval of the interlocal agreement previously discussed and has been discussed with the other Resolution.

Alma Adams made a motion to approve ICCD&RA Resolution 2015-11 approving interlocal agreements between the Iron County Community Development and Renewal Agency and Iron County, the Iron County School District, and the Central Iron County Water Conservancy District, and the Iron County Unincorporated Area Services District #2 regarding the Fremont Solar and Rush Lake Solar Community Development Project Areas. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

ICCD&RA RESOLUTION NO. 2015-11

A RESOLUTION APPROVING INTERLOCAL AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY, THE IRON COUNTY SCHOOL DISTRICT, THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT, AND THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 REGARDING THE FREMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS.

WHEREAS pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Act"), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually

advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS the Iron County Community Development and Renewal Agency (the “**Agency**”) and Iron County, the Iron County School District, the Central Iron County Water Conservancy District, and the Iron County Unincorporated Area Services District #2 (the “**Taxing Entities**”) are “public agencies” for purposes of the Act; and

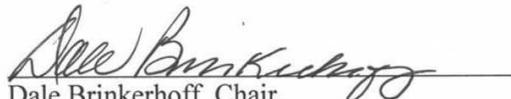
WHEREAS after careful analysis and consideration of relevant information, the Agency desires to enter into interlocal agreements with the Taxing Entities (the “**Interlocal Agreements**”) whereby the Taxing Entities consent to the Agency receiving for an extended period of time a portion of the tax increment produced by the Taxing Entities’ levies on real and personal property within the Fremont Solar and Rush Lake Solar Community Development Project Areas (the “**Project Areas**”); and

WHEREAS Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

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

1. The Interlocal Agreements, each substantially in the form attached hereto as **EXHIBITS A and B** are approved and shall be executed by the Agency.
2. Pursuant to Section 11-13-202.5 of the Act, the Interlocal Agreements have been submitted to legal counsel of the Agency for review and approval as to form and legality.
3. Pursuant to Section 11-13-209 of the Act and upon full execution of each Interlocal Agreement, a duly executed original counterpart thereof shall be filed immediately with the keeper of records of the Agency.
4. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED this 12th day of October, 2015.


Dale Brinkerhoff, Chair
Iron County Community Development and Renewal Agency

Attest:

Jonathan Whittaker, Secretary



DISCUSSION AND POSSIBLE ACTION ON ICCD&RA RESOLUTION 2015-12 APPROVING PARTICIPATION AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND FREMONT SOLAR, LLC AND RUSH LAKE SOLAR, LLC REGARDING THE FREMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS.

Danny Stewart, Economic Development Director, stated Resolution 2015-12 deals with the participation agreements previously discussed.

David Miller made a motion to approve ICCD&RA Resolution 2015-12, Approving Participation Agreements between the Iron County Community Development and Renewal Agency and Fremont Solar, LLC and Rush Lake Solar, LLC regarding the Fremont Solar and Rush Lake Solar Community Development Project Areas. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

ICCD&RA RESOLUTION NO. 2015-12

RESOLUTION APPROVING PARTICIPATION AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND FREMONT SOLAR, LLC AND RUSH LAKE SOLAR, LLC REGARDING THE FREMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS.

WHEREAS the Iron County Community Development and Renewal Agency (the “**Agency**”) has been created and operates pursuant to Utah Code Annotated (“**UCA**”) Title 17C, the Community Development and Renewal Agencies Act (the “**Act**”), for the purpose of promoting urban renewal, economic development, and community development projects undertaken within the Agency boundaries; and

WHEREAS under authority of the Act, the Agency created the Fremont Solar and Rush Lake Solar Community Development Project Areas (the “**Project Areas**”) and adopted a Plan for each project area; and

WHEREAS the Agency is authorized to enter into agreements with property owners, governmental entities, private entities and others;

WHEREAS the Agency finds the participation agreements between the Agency and Fremont Solar, LLC and Rush Lake Solar, LLC (the “**Participation Agreements**”); to be in harmony with and consistent with the Plan for each Project Area and 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:

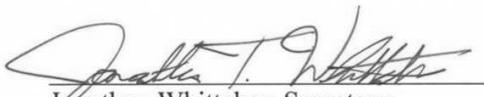
1. The Agency, having reviewed the matter, hereby approves the Participation Agreements substantially in the form attached hereto as **Exhibits A and B**, and authorizes the Chair and Secretary to execute each Participation Agreement on behalf of the Agency. Each Participation Agreement is approved with such additions, modifications, deletions or other changes as may be deemed necessary or appropriate and approved by the Chair of the Agency, whose execution thereof on behalf of the Agency shall conclusively establish such necessity, appropriateness and approval with respect to all such additions, modifications, deletions and/or other changes incorporated therein.

2. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED on this 12th day of October, 2015.


Dale Brinkerhoff, Chair
Iron County Community Development and
Renewal Agency

Attest:


Jonathan Whittaker, Secretary



ADJOURN AS THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

RECONVENE AS THE IRON COUNTY COMMISSION

Dale Brinkerhoff, Iron County Commission Chair, declared the Governing Board of the Iron County Community Development and Renewal Agency closed and reconvened as the Iron County Commission.

ORDINANCE 2015-8 ADOPTING THE PROJECT AREA PLANS FOR THE FREEMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS, AS APPROVED BY THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLANS FOR THE PROJECT AREAS, AND DIRECTING THAT NOTICE OF SUCH ADOPTION BE GIVEN AS REQUIRED BY STATUTE.

Danny Stewart, Economic Development Director, explained Ordinance 2015-8 is to adopt the Project area plans with the property boundaries included.

David Miller made a motion to approve Ordinance 2015-8, Adopting the Project Area Plans for the Fremont Solar and Rush Lake Solar Community Development Project Areas, as approved by the Iron County Community Development and Renewal Agency, as the official Community Development Project areas plans for the project areas, and direction that notice of such adoption be given as required by statute. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

IRON COUNTY

ORDINANCE NO. 2015-8

AN ORDINANCE ADOPTING THE PROJECT AREA PLANS FOR THE FREEMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS, AS APPROVED BY THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLANS FOR THE PROJECT AREAS, AND DIRECTING THAT NOTICE OF SUCH ADOPTION BE GIVEN AS REQUIRED BY STATUTE.

WHEREAS the Iron County Community Development and Renewal Agency (the “**Agency**”), having prepared Project Area Plans (the “**Plans**”) for the Fremont Solar and Rush Lake Solar Community Development Project Areas (the “**Project Areas**”) pursuant to Utah Code Annotated (“**UCA**”) § 17C-4, and having held on July 27, 2015 the required public hearing on the Plans pursuant to UCA § 17C-4-401, has adopted on this same date the Plans as the Official Community Development Project Area Plans for the Project Areas; and

WHEREAS Section 17C-4-105 of the Utah Limited Purposes Local Government Entities – Community Development and Renewal Agencies Act (the “**Act**”) mandates that, before a community development project area plan approved by an agency under UCA § 17C-4

may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency; and

WHEREAS the Act also requires that certain notice is to be given by the community legislative body upon its adoption of a community development project area plan under UCA § 17C-4-107.

NOW, THEREFORE, BE IT ORDAINED BY THE IRON COUNTY COMMISSION AS FOLLOWS:

1. The Iron County Commission hereby adopts and designates the Plans for the Fremont Solar and Rush Lake Solar Community Development Project Areas, as approved by the Agency on this same date, as the official plans (the “**Official Plans**”) for the Project Areas, the respective boundaries of which are shown and described on the legal descriptions and maps attached hereto as **Exhibits A and B** and incorporated herein by this reference.

2. Iron County Commission and Agency staff are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-4-106, substantially in the form attached hereto as **Exhibit C**, whereupon the Official Plans shall become effective under UCA § 17C-4-106.

3. Pursuant to UCA § 17C-4-106, the Agency may proceed to carry out the Official Plans as soon as each becomes effective.

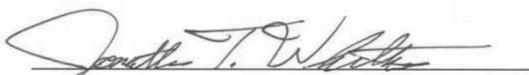
4. This ordinance takes effect immediately upon publication and recording.

DATED this 12th day of October, 2015.

BY THE IRON COUNTY COMMISSION:


Dale Brinkerhoff, Chair

ATTEST:


Jonathan T. Whittaker, County Clerk



Voting:

Alma Adams	Aye
Dale Brinkerhoff	Aye
David Miller	Aye

RESOLUTION 2015-9 APPROVING INTERLOCAL AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY REGARDING THE FREEMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS.

David Miller made a motion to approve Resolution 2015-9, Approving Interlocal Agreements between the Iron County Community Development and Renewal Agency and Iron County regarding the Fremont Solar and Rush Lake Solar Community Development Project Areas. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

IRON COUNTY

RESOLUTION NO. 2015-9

A RESOLUTION APPROVING INTERLOCAL AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY REGARDING THE FREEMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS.

WHEREAS pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “**Act**”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS the Iron County Community Development and Renewal Agency (the “**Agency**”) and Iron County, the Iron County School District, the Central Iron County Water Conservancy District, and the Iron County Unincorporated Area Services District #2 (the “**Taxing Entities**”) are “public agencies” for purposes of the Act; and

WHEREAS after careful analysis and consideration of relevant information, the County desires to enter into interlocal agreements with the Agency (the “**Interlocal Agreements**”) whereby the Taxing Entities consent to the Agency receiving for an extended period of time a portion of the tax increment produced by the Taxing Entities’ levies on real and personal property within the Fremont Solar and Rush Lake Solar Community Development Project Areas (the “**Project Areas**”); and

WHEREAS Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

NOW, THEREFORE, BE IT RESOLVED BY IRON COUNTY AS FOLLOWS:

The Interlocal Agreements, substantially in the form attached hereto as **EXHIBITS A and B** are approved and shall be executed by the County.

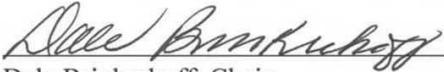
2. Pursuant to Section 11-13-202.5 of the Act, each Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the County for review and approval as to form and legality.

3. Pursuant to Section 11-13-209 of the Act and upon full execution of each Interlocal Agreement, a duly executed original counterpart thereof shall be filed immediately with the keeper of records of the County.

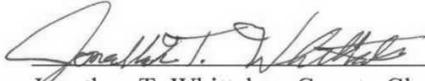
4. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED this 12th day of October, 2015.

BY THE IRON COUNTY COMMISSION:


Dale Brinkerhoff, Chair

ATTEST:


Jonathan T. Whittaker, County Clerk



**REQUEST FOR PROCLAMATION RECOGNIZING OCTOBER AS CHILDHOOD
CANCER AWARENESS MONTH**

David Miller, County Commissioner, read the requested Proclamation “We, the Commissioners Dale Brinkerhoff, Alma Adams, and David Miller, as Commissioners of Iron County, Utah, do hereby recognize the month of October as Childhood Cancer Awareness Month.” David Miller made a motion that the request for Proclamation recognizing October as Childhood Cancer Awareness month be approved. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

**DISCUSSION REGARDING GOVERNMENT RECORDS ACCESS AND
MANAGEMENT ACT (GRAMA) APPEAL REQUEST**

Mike Edwards, County Attorney, explained that in August, Corey Vonberg requested incident field reports related to his criminal case, as well as transcripts from the investigation. Mike reported reviewing the request and found the case files were destroyed by the Iron County Sheriff’s Office and that no field reports or transcripts could be found by the prosecutor on this case. Mike reported that he responded with a letter explaining to Mr. Vonberg that Iron County had sent all the information that was available on his case, and he can appeal to the Iron County Commission. Mr. Vonberg appealed in a letter, dated Sept.22, 2015, requesting the incident field reports, which do not exist. Mike explained they do not send Children’s Justice Court (CJC), reports that are protected by law. He stated that the County has satisfied the entirety of the law with the Government Records Access and Management Act (GRAMA) in this case and that Mr. Vonberg is requesting records that do not exist. Del Schlosser agreed with Mike Edwards. David Miller made a motion that the GRAMA request be denied based on the information given that the records he requested do not exist. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

RESOLUTION 2015-10 REGARDING COLLECTIVE BARGAINING.

Alma Adams read Resolution 2015-10. Alma Adams made a motion to approve Resolution 2015-10 regarding Collective Bargaining. David Miller reiterated that nothing in this Resolution construed that Iron County does not support freedom to assemble. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

GRANT PROPOSAL FOR OLD SPANISH TRAIL SIGNAGE

Mike Worthen, Iron County Natural Resource Specialist, requested permission from the commissioners to apply for a new grant offered by Utah State Parks for signage. Mike explained that the grant would be used for signs along Old Spanish Trail. He noted that the signs would be placed to identify recreational points of interest that auto travelers could go to, and would include

interpretive signs. He explained that the cost of the project was estimated at \$30,000 and was requesting a grant for \$15,000, which would come from a number of sources. Mike mentioned that Al Matheson stated that he could contact several interested parties and organizations to come up with the matching \$15,000. Alma Adams made a motion to approve applying for the signage grant as explained, with the understanding that Al Matheson would collect the matching funds. David Miller added to the motion that this project did not in any way support trampling on any private property owners' rights. Mike Edwards explained that the committee would be working with the private property owners to include them on anything pertaining to their property. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

ADJOURN AS THE IRON COUNTY COMMISSION

CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization.

REQUESTING APPROVAL OF BOARD OF EQUALIZATION HEARING OFFICER RECOMMENDATIONS.

Carrie Christiansen, Iron County Deputy Auditor, presented the 2015 Market Value adjustments, which were \$5,934,259 and the Taxable adjustments were \$6,353,415. Carrie reported there were 322 appeals filed in 2015, which was up from 308 in 2014. She noted the General Fund tax loss after adjustments is \$13,132.51, and the Municipal Service Funds tax loss after adjustments is \$6,031.72. The adjusted total tax loss is \$19,164.23. Alma Adams made a motion to approve the Board of Equalization hearing officer recommendations. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye, David Miller, Aye.

ADJOURN AS BOARD OF EQUALIZATION

RECONVENE AS IRON COUNTY COMMISSION

Dale Brinkerhoff, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

PRIOR YEARS ABATEMENT REQUEST. PROPERTY LOCATION OF 1027 N MAIN, SPACE #72.

Cindy Bulloch reported that the gentleman applying for abatement was five years behind on his taxes, and had some mental challenges. Cindy explained that the park owner was concerned the gentleman would burn his trailer down if someone came to seize it. Cindy stated the he would qualify going forward for help, and that she was requesting an abatement for the past taxes in the amount of \$308.70. He had applied going forward. Cindy noted that seizure notices were placed on about 60 trailers around Iron County and most have made payment arrangements. David Miller made a motion to approve the request to abate the back taxes in the amount of \$308.70, and as recommended by Cindy Bulloch, to send a letter asking him to make his account current, but not as a contingency of the approval. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

SURPLUS VEHICLE BID OPENING

Jon Whittaker, Iron County Clerk, stated that this the third round of bidding on the 5 surplus vehicles that had not previously sold. Alma Adams made a motion to approve the bids with the stipulation that the high bidder does not have to take all 5 vehicles. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

FUNDING DISCUSSION AND ACTION REGARDING RS 2477 ROAD ISSUES.

Dale Brinkerhoff explained the county had been in a pilot project with the State of Utah, and the Bureau of Land Management (BLM) in an attempt to resolve the RS-2477 road issue,

which was a “reserve statute.” The County has been in negotiation with different environmental groups, with a facilitator, and seemed to be at an impasse. The county has a request form the facilitator to come back for one additional meeting. Dale explained that the agenda item was to provide an opportunity to allocate funding that might become necessary. Dale confirmed that Iron County would move forward with one more meeting.

PERSONNEL

Leslie Bishop, HR Director, presented the name of Anna Hernandez as part time Assistant Cook in the Council on Aging. Leslie explained that this was a backfill to replace Elyssa Cunningham. Effective September 28th, 2015.

In the Justice Court, Leslie Bishop presented the name of Lori Neighbors as full time Court Clerk. Leslie explained that this was a backfill to replace Lacey Mitchell. Effective September 28th, 2015. Also, Leslie presented the name of Stephanie Sawyer as part time Court Clerk. Leslie explained that this was a backfill to replace Lisa Lowden. Effective September 28th, 2015.

In Corrections, Leslie Bishop presented the name of Beau Johnson, who had completed Peace Officer Standards and Training (POST) and Field Training Officer (FTO) training. Leslie explained that under the Deputy Retention Policy, Beau was eligible for a 3% wage increase. Effective October 11th, 2015.

Alma Adams made a motion to approve the personnel changes in Council on Aging, Justice Court, and Corrections, as explained. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Proposal of employee benefits for 2016. Leslie reported the recommendations from the County Employee Insurance Committee. The Committee recommended continuing with the high deductible plans with an HSA or HRA. The renewal rate for Select Health was an increase of 17.9%, after being negotiated down from 23%. Leslie noted that Iron County received a refund check from Select Health for \$192,801 and that the Insurance Committee recommended this be applied to 2016 premiums to help cover the cost of the increase. She explained this would reduce the increase from 17.9% to 9.5%. The committee also recommended keeping the Dental Plan, Dental Select, with an increase of 6%, and the Vision Plan, VSP, at an increase of 4%. Leslie noted that Short Term Disability is no longer offered as a voluntary benefit through the County. Dale Brinkerhoff expressed that the commissioners needed to study the options and recommendations further, and that there would be no vote at this time.

Request Approval of Commuter Rule (per IRS Publication 15-B) Addition to Vehicle Policy, Section 30. Leslie Bishop explained that the IRS wanted clarification on the fringe benefits that apply to vehicles. The rule now states: “The Iron County Auditor shall review, interpret, and approve the payroll documentation of fringe benefits provided with the use of take home vehicles according to the Commuter Rule established by the Internal Revenue Service rules and regulations and fair market value of each vehicle. Refer to IRS Publication 15-B, Section 3.” David Miller made a motion to adopt the Commuter Rule as proposed in order to be consistent with IRS policy. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of Iron County Board of Equalization.

DISCUSS AND REVIEW APPLICATIONS FOR LOW INCOME, HOMEOWNERS TAX CREDITS, BLIND AND VETERANS ABATEMENTS FOR THE 2015 TAX YEAR FOR POSSIBLE APPROVAL. SUBMITTED AS OF OCTOBER 9, 2015.

Christene Lowder, Iron County Chief Deputy Auditor, reported there were 1107 abatements, not including mobile homes to be completed by the end of November. The total abated amount overall was \$583,050.13, with one deployed military abatement. Alma Adams made a motion to approve the abatement relief for Low Income, Homeowners Tax Credits, October 12, 2015

Blind, and Veterans for 2015 submitted by the Auditor. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye, David Miller, Aye.

ADJOURN AS BOARD OF EQUALIZATION

RECONVENE AS IRON COUNTY COMMISSION

Dale Brinkerhoff, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

DISCUSSION AND DECISION REGARDING COURTHOUSE REPAIR

Lester Ross, Building Maintenance, stated that two contractors, Carter Brothers and Pendleton Contractors, reported back with evaluations for remodels per square foot, with Carter Brothers quoting \$50-\$150 per square foot. Lester estimated at a \$75/sq.ft. price it would cost approximately \$2,737,500 for the remodel of the Courthouse, which is about 36,500 square feet. He commented that new construction costs about \$200 per square foot. Dale Brinkerhoff requested that Leslie Bishop report back to the commissioners with the expense of the salary adjustment, and for Gene Adams to provide an estimate of how much money the county has to spend. David Miller expressed that the work the county puts into the Courthouse needs to be presentable and to last another 40 years. Dale stated that more discussion was needed on the project.

Lester Ross then discussed the remodel of the Fiddler's Canyon Building with the commissioners. Lester reported that most remodeling there is urgent, due to the updates on the bathrooms and access ramp. He noted the occupancy could be up to 100 persons. Lester estimated the cost to be \$90,000.

Chad Nay discussed the planned construction of the Public Safety Building with the commissioners. Chad reported that his office was still working on the plan check and working with Cedar City's requirements.

ADJOURNMENT

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


Signed: Dale M. Brinkerhoff, Chairman


Attest: Jonathan T. Whittaker, County Clerk



