IRON COUNTY COMMISSION MEETING
December 14, 2015

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 14th, 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 - Excused
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

H. Eugene Adams	County Auditor
Nicole B. Rosenberg	County Treasurer
Stephen R. Platt	County Engineer
Deborah Johnson	County Recorder
Bruce Anderson	Landfill Supervisor
Chad Nay	Zoning Administrator
Leslie Bishop	HR Director

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Bruce Washburn.

INVOCATION

An invocation was offered by Bruce Anderson.

DEPARTMENTAL REPORTS

Chad Nay, Iron County Zoning Administrator, reported that building in Iron County continued to increase. Chad noted that the building department had issued 35 more building permits from January to October 2015 than the same period in 2014. Chad reported increases in building permits in both Parowan and Brian Head as well. He noted that the total number of building permits for 2015 was 233, reflecting a valuation of $133,542,560.

Chad Nay reflected that interest was ongoing in developing more solar farms, even though 17 solar projects had active land use permits. Chad noted that some challenging requests were concentrated animal feeding operations and treatment facilities for persons with disabilities. No new subdivisions were in the works, but lot line adjustments and efforts to develop the trail system across Iron County were points of focus for his staff.

Chad Nay emphasized the need to follow through on the repairs and renovations to both the Fiddler's Canyon building as well as the Visitor's Center building. Chad and the commissioners then discussed the logistical shuffling of the tenants required to accommodate the renovations.

Chad Nay reported that all of the budgets he oversees were in fine shape. Chad mentioned the ongoing need to balance growing workloads with staffing. He mentioned that some staff had needed time for medical reasons, spreading a burden among other staff. Chad extolled the benefits Lester Ross contributes. Lester has helped train Nathan Dennett, as well as possessing 4 certifications, allowing him to work on his own in the field. He mentioned that Nathan was working out well. Chad concluded by expressing the challenge of covering the workload properly being short staffed.

Stephen Platt, Iron County Engineer, reported that his budget was on track. Steve noted that there would be an $85,000 budget amendment to make the final payment to the contractor for the 5700 West Belt Route. Steve then explained that the 5700 Belt Route project was paved, with some shoulder work still to be done. He reported that the remaining work to do for the Southern half of the Belt Route would be a limited amount of fencing, as well as completing the Highway 91 and Vandenberg Frontage Road, near the Southern terminus of the Belt Route.

Stephen Platt reported on RS-2477 roads, the SUU Mountain Center Road Memorandum of Understanding (MOU), the Cedar Highlands Road right-of-way, improvements on the Kane Springs Road, the North leg of Coal Creek past the wastewater treatment plant, improvements to 2200 North near the Red Hills Renewables Solar Farm in Parowan Valley, cinder pits on the Jim Watson property on Kanarra Mountain, and the Woods Ranch water system.

Robert Twitchell, Assistant Road Supervisor, reported that Neil Forsyth was healing after an accident. Robert explained that Neil would be off until January 5th. Robert reported that the Clark Road gravel project was half done. He noted that the Road Department had been cleaning cattle guards, and had installed a new cattle guard on the Pine Valley Road near the Beaver County line. Robert reported that they had hauled 2,200 yards of cinders, and 1280 tons of salt. They had also worked on signage for the 5700 West Belt Route, shoulder work for the Belt Route, pothole repair, clearing 2 acres for a remote control club at 3 Peaks, and leveling the ground near the Jail building in preparation for the Public Safety Building.

Robert Twitchell reported that the Road Department budget was good overall, but there were a couple of line items that were over. Robert concluded by reporting that their new hire in Beryl, Colby Hulet, was working out very well.

Bruce Anderson, Landfill Supervisor, reported that tonnage of construction and demolition materials continued to increase. Bruce also reported that asbestos had also increased. Dale Brinkerhoff asked where most of the asbestos had been coming from. Bruce Anderson replied that lately, St. George City had been the main customer. They had been replacing old pipe insulation, causing the need to dispose of the asbestos. Bruce clarified that Iron County has one of very few asbestos disposal pits in the area.

Bruce Anderson reported that their Track Loader was down, and that he was appreciative of the Iron County Road Department allowing them to use one of theirs. Bruce expressed

appreciation for the cooperation the two organizations had enjoyed. Bruce concluded his report by discussing the progress of the new scale house under construction and recycling discussions in the community.

PUBLIC HEARING REGARDING AMENDMENTS TO IRON COUNTY ZONING MAP.

Reed Erickson, Iron County Planner, gave a brief overview and history of the proposed rezoning of Agricultural-20 (A-20) to Rural/Agricultural-20 (RA-20) zoning changes. Reed explained that since May of 2014, the Iron County Planning Commission had been discussing these zoning changes. Initially, the thought was to create a Residential-20 (R-20) zone. That process was completed in October of 2014. Creating the R-20 zone precipitated various changes to the A-20 zone table of uses. Reed explained that the desire to expand uses in the A-20 zone was paired with creating an R-20 zone to allow for the types of uses that were already happening within the A-20 zone with neighborhoods and residences.

Reed Erickson then explained that through the public hearing process at the Planning Commission, it became apparent that there were concerns about the name "Residential," because it was not a good fit. Reed noted that in June of 2015, the Iron County Commission held another hearing to make a number of changes to the October, 2014 ordinance. In that June meeting the ordinance was changed to RA-20, as well as changing several of the uses to be more compatible with the uses happening in those neighborhoods. Reed noted that the current RA-20 zone is more similar to the original A-20 zone. The current A-20 zone has a number of uses allowing for more intensive agriculture and a more commercial nature. In October of 2015, the Iron County Planning Commission made a recommendation to the Iron County Commission of which parcels to include in the RA-20 zone.

Reed Erickson discussed 6 specific areas of consideration with the commissioners for inclusion in the RA-20 zone. Areas 1, 2, 3, 5 and 6 were mostly in favor of rezoning to RA-20. Reed noted that Area 4, which is the area west of Quichapa Lake South of Highway 56, has had the most concern and controversy. Reed reported that the Iron County Planning Commission recommended Areas 1, 2, 3, 5 and 6 to be rezoned RA-20 without reservation. He noted that the Planning Commission held some reservations about Area 4, due to the opposition expressed, but would defer to the Iron County Commission.

Public comments were taken 1 area at a time. For Area 1, Paul Longson spoke in favor of the proposed rezone to RA-20.

No comments were offered in regard to Area 2.

No comments were offered in regard to Area 3.

For Area 4, Jon Whittaker began by reading a letter from Bruce Maynard expressing his desire to remain in the A-20 zone.

Bill Pressgrove explained that he was not in any of the areas, but lived in the midst of Area 4, on an R-5 zoned parcel. Bill expressed concern that parcels smaller than 20 acres were being discussed as if they were 20 acre lots. He expressed that if parcels were between 5 and 20 acres, they should be zoned R-5.

Brenda Bybee, a resident of Area 4, spoke against the rezone to RA-20. Brenda expressed that her primary concern was confusion due to the change of direction during the process. She reported speaking with several people who were confused because the designations had change from R-20 to RA-20, and that they did not understand that more comments could be submitted.

Butch Creamer, who reported owning parcels in both Areas 4 and 5, expressed concern that the process was moving forward with so many people opposed to the changes. Butch noted that the public was informed that letters should be submitted during the first meeting, but nothing instructed the owners to submit another letter for the September meeting of the Planning Commission. He was very concerned that the opposition to the zoning changes was not being heard. Butch said that in his conversations with neighbors, they felt like their rights were being taken away. He was concerned about the many commercial and industrial uses added to the A-20 zone. Butch explained that he had invested heavily to be in an agricultural area, but now felt that

a great deal of commercial and industrial was encroaching on him. He concluded by saying these changes greatly diminished the rights and enjoyment of the land owners in these areas.

Roger Sorenson, a resident of Area 4, provided a tabulation of Area 4 parcel owners. Roger noted that he gathered his data from the Building and Zoning department. He explained that 18 owners were against the RA-20 zone in Area 4, while 25 were for it. Roger expressed his desire to be zoned RA-20, and stated that by his calculations a substantial number of people want their parcels to be zoned RA-20 as well.

Larry Life, a resident of Area 4, spoke in favor of the RA-20 zone. Larry stated that being in the A-20 zone would be an imposition on his lifestyle because of the commercial allowances it makes. He noted that anything abutting Highway 56 should probably be A-20 because of the commercial potential. Larry also noted that some of the parcels already had commercial use that would not benefit from the RA-20 zone. He expressed concern at the confusion caused by the changes in the zoning during the process.

Brenda Bybee echoed the concern about confusion by stating that the meeting minutes were not caught up, nor were they in compliance with state code. She stated that much of the confusion could have been cleared up through better communication.

Butch Creamer spoke to his concerns regarding his property in Area 5. Butch described a petition he had circulated and submitted in September wherein 5 to 7 homes he visited were all opposed to the RA-20 rezoning. Butch reiterated his earlier concern that many owners of A-20 land might not be aware that their uses had changed significantly. He also reiterated the concern that owners were not sufficiently notified of the need to write a letter regarding the RA-20 zone after they had written a letter regarding the A-20 zone.

Bill Pressgrove provided a handout to the commissioners explaining his desire to move from property taxes to pay for local government to a sales tax. He cited Article I, Section 2 of the Utah Constitution which states "All political power is inherent in the people." Bill noted that Iron County is subservient to the inherent powers of the people, and that he felt there was a conflict between county zoning laws and table of uses and the citizens' "inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property." He requested that the proposed rezone be postponed until a resolution to the conflict he described be found.

No comments were offered in regard to Area 6.

David Miller expressed the need for Iron County to protect the rights and liberties of its citizens. David explained that zoning is a method through which rights are protected. He noted that it is not a perfect solution, but expressed his commitment that no action by the Iron County Commission would trample citizens' rights.

No action item was listed on the Commission agenda to adopt the proposed zoning changes, so the item was tabled until the regularly scheduled January 11, 2016 Iron County Commission meeting.

PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE 2015 BUDGET

Gene Adams presented the amendments to the 2015 budget. In the General Fund, in the Justice Court, merchant and credit card fees were increased $7,200, these additional fees were passed along to the payers. There was a jury and witness expense increase of $3,300. In the Assessor's Office, there was an increase of $12,000 in overtime. Under Insurance, there was an additional expense of $5,000. Gene explained that in the Children's Justice Center (CJC), an increase of $23,000 for an additional employee and $7,100 in benefits were added. The commissioners noted that the CJC amendments were paid for by a grant. There were items of unplanned income that included: additional Recorder's Office fees, prior years property taxes, IT fees, and interest earned. These additional expenses and credits both totaled $57,800.

Gene Adams explained that under the Municipal Fund, additional expense of $3,000 for Cedar City Fire Department, additional expense of $26,000 paid to forestry, state lands, and an additional $5,000 expense went to a fire truck for the Beryl Fire Department. Building permits helped balance the Municipal Fund with an additional $34,000.

Under the Roads Fund, an additional $85,000 was requested to help finish the 5700 West Belt Route. This was an increase from the listed $75,000. Gene Adams explained that the additional monies for the Belt Loop would be paid out of Special Service District #3, which is funded through a federal program entitled Secure Rural School (SRS).

Gene Adams described the amendments to the Transient Room Tax (TRT) Fund. A grant of $84,575 was an unanticipated income. That was offset by paying for moving an employee from Ambulance for $16,875.

Gene Adams reported the total of amendments to the 2015 budget to be $261,375.

Bruce Washburn, a resident of Cedar City, asked what the Round 15 Coop. listed on the budget amendment report was. David Miller explained that it is a State of Utah grant provided through the Department of Tourism.

RESOLUTION 2015-13 ADOPTING 2015 BUDGET AMENDMENTS

David Miller made a motion to approve Resolution 2015-13 to adopt the 2015 budget amendments as described, with an additional $10,000 in roads as explained. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

IRON COUNTY RESOLUTION 2015-13

A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING ADJUSTMENTS IN THE 2015 DEPARTMENT BUDGETS.

Whereas, Iron County Departments have requested adjustments to their budgets for 2015 to cover expenses incurred over time, increases in under budgeted areas, purchases of unbudgeted but approved equipment, and

Whereas, adjustments must be made to authorize unexpected or approved expenditures above those appropriated in the original budget,

Whereas, the Governing Body of Iron County, Utah, acknowledge that the Bylaws of the Utah Counties Indemnity Pool, requirements of eligibility have been met by the separate county related entity.

Now, Therefore, be it resolved that the 2015 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2015 budget to actual expenditures as calculated and filed in the office of the Iron County Auditor.

DATED this 14th day of December, 2015

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Dale M. Brinkerhoff

ATTEST:

_____
Jonathan T. Whittaker
Iron County Clerk

COUNTY OF IRON COUNTY CLERK STATE OF UTAH

PUBLIC COMMENTS

Bruce Washburn, a resident of Cedar City, commented that the 2016 budget seemed very large. He noted that the average citizen might not appreciate how much it costs to run government. Mr. Washburn did take exception to one particular item, $20,000 was budgeted to be given to the Western Freedom Festival out of the Transient Room Tax (TRT) Fund. He noted that he felt this was a political event. If it were a balanced presentation, then he would not have objections. Mr. Washburn concluded by expressing that tax dollars should not be used for a political event.

TAX MATTER REGARDING PROPERTY OWNED BY DAW FAMILY TRUST, A.P.N. A-1115-3-14-1 #269503

Jon Whittaker explained that Mr. Louis Daw had requested a waiver of his penalty for late payment of taxes. He had a stroke earlier in the year, and when he was able, he became aware that he had not paid his 2015 property tax for A-1115-3-14-1, a property in Brian Head. Jon noted that Mr. Daw's payment had been received by the Iron County Treasurer, and that the only relief requested was for the $33.55 penalty. Mr. Daw had sent medical records showing his hospitalization, and Jon noted that he had been an exemplary payer.

Alma Adams made a motion to waive the penalty of $33.55. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

APPROVAL OF AGREEMENT WITH SCATEC SOLAR REGARDING 2200 NORTH ROAD IMPROVEMENTS IN PAROWAN VALLEY

The commissioners discussed the contract to provide funds to improve 2200 North in Parowan Valley adjacent to the Red Hills Renewables Solar Project. Michael Edwards, Deputy Iron County Attorney, expressed concern that the verbiage on the contract with Scatec compelled Iron County to issue a Certificate of Occupancy. Chad Nay expressed concern that the contract would compel Iron County to issue a Conditional Use Permit within a certain number of days. Michael Edwards explained that the contract could be modified and approved that day. After assuaging the concerns of the Building and Zoning Department and the Iron County Attorney's Office, David Miller made a motion to approve the agreement with Scatec Solar regarding road improvements for 2200 North, with the clarification the bond mentioned in item 23 is the return of the bond for construction of the road only. Also, a caveat that the contract would be held by the Clerk's Office until the check for $34,808 was received. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

RESOLUTION 2015-14, APPROVING FIVE COUNTY A.O.G. PARTICIPATION IN THE UTAH COUNTIES INSURANCE POOL

The commissioners discussed Resolution 2015-14, approving Five County Association of Governments (AOG) participation in the Utah Counties Insurance Pool (UCIP). Dale Brinkerhoff noted that among the advantages to allowing Five County AOG to participate in UCIP, is the $3M per occurrence coverage, a significant improvement from the current $1M. Dale also noted that UCIP is the same insurer that Iron County uses. David Miller asked what the new premium would be. Dale Brinkerhoff replied that it would be $35,000 per year, up from $30,000. Dale added that the coverage provided would be much improved. Alma Adams made a motion to approve Resolution 2015-14, approving Five County AOG participation in UCIP. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

IRON COUNTY RESOLUTION 2015-14

A RESOLUTION OF IRON COUNTY APPROVING PARTICIPATION OF THE FIVE COUNTY ASSOCIATION OF GOVERNMENT IN THE UTAH COUNTIES INDEMNITY POOL AS A SEPARATE COUNTY RELATED ENTITY MEMBER.

Whereas, the Governing Body of Iron County, Utah, a participating Member of the Utah

Counties Indemnity Pool, is the proper authority to sponsor the participation of a separate county related entity; and

Whereas, the Governing Body of Iron County, Utah, has been informed that the Bylaws of the Utah Counties Indemnity Pool require that a separate county related entity must be sponsored by a participating Member County by resolution of the member's governing body;

Whereas, the Governing Body of Iron County, Utah, acknowledge that the Bylaws of the Utah Counties Indemnity Pool, requirements of eligibility have been met by the separate county related entity.

Now, Therefore, be it resolved that the Governing Body of Iron County, Utah, hereby approves Five County Association of Government as a separate county related entity member, eligible to participate in the Utah Counties Indemnity Pool.

DATED this 14th day of December, 2015

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Dale M. Brinkerfhoff

ATTEST:

_____
Jonathan T. Whittaker
Iron County Clerk

COUNTY OF IRON COUNTY CLERK STATE OF UTAH

PERSONNEL

Leslie Bishop presented the name of Patrick Bellamy as a new hire as a Part Time Medical Technician in Corrections. This was a backfill of a vacant position left by Leann Pratt, and would be effective December 2, 2015. Leslie Bishop presented advancement to Deputy II for Anna Teeples as per the deputy retention plan. This would be effective December 6, 2015. Leslie Bishop presented advancement to Deputy II for Pierce Robertson as per the deputy retention plan. This would be effective December 6, 2015.

For the Sheriff's Department, Leslie Bishop presented Bilingual Pay for Devin Lauritzen, who had completed the required testing. This was effective December 6, 2015.

Alma Adams made a motion to approve the new hire of Patrick Bellamy as Part Time Medical Technician, advancement of Anna Teeples to Deputy II, advancement of Pierce Robertson to Deputy II, and Bilingual Pay for Devin Lauritzen. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

DISCUSSION AND ACTION REGARDING EVERBRIDGE MAPPING APPLICATION

David Miller led a discussion regarding the Everbridge mapping application. David noted that Iron County was already using Everbridge for emergency management. The mapping application is an additional, powerful tool that can be incorporated with Everbridge.

Mike Shurtz, Fire Engineer for Cedar City, explained that the mapping application couples with the Geographical Information System (GIS) as well as Everbridge to pull information out of the GIS and push it to the first responders and citizens via cell phone. Justin Grenier, Operations Manager of the Washington County Communications Center, explained that Washington County had incorporated this mapping application at a cost of $10,000 to $15,000. He noted that Washington County was in need of a paging solution. They were using Everbridge for reverse 911 services, allowing them to send emergency communications to individuals in a specific area. The mapping application that they purchased allows the notifications to include links to both map references and GIS information, including parcels and real time updates. Josh

Meredith, Iron County IT, noted that the mapping application would also generate a route for emergency personnel, as well as eliminate 2 other costly IT programs. Josh also noted that the mapping application allows for more control for Iron County personnel. Josh estimated the upfront cost to be roughly $7,500.

David Miller made a motion to approve entering into an agreement with the Cedar City Fire Department and the Cedar Communications Center to be drafted and brought before the Iron County Commission with specific cost sharing and cost information to Iron County. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

APPROVAL OF CONTRACT WITH MESA ENGINEERING FOR REMODEL OF IRON COUNTY OFFICE COMPLEX, 585 NORTH MAIN, CEDAR CITY

Dale Brinkerhoff directed that the contract with Mesa Engineering be moved to the December 17th meeting because it was not available.

APPROVAL OF MINUTES

David Miller made a motion to approve the minutes of the December 7th, 2015 meeting of the Iron County Commission. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

COUNTY OF IRON COUNTY CLERK STATE OF UTAH