**IRON COUNTY COMMISSION MEETING**
**January 25, 2016**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 25th, 2016 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

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| Mark O. Gower | County Sheriff |
| Cindy W. Bulloch | County Assessor |
| H. Eugene Adams | County Auditor |
| Debbie B. Johnson | County Recorder |
| Nicole B. Rosenberg | CountyTreasurer |

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Nicole Rosenberg.

**INVOCATION**

An invocation was offered by Jon Whittaker.

**DEPARTMENTAL REPORTS**

**Gene Adams, Iron County Auditor,** reported that his budget was on track, with 87% being used through November, 2015. Gene explained that the number of appeals was up 4½%, while the dollar amount was down 50%. He also reported that the number of employees was down 20%, with a 7% drop in wages paid. Gene noted that most of that reduction was due to the elimination of the Ambulance Department. He concluded by explaining that the 1099 and W-2 forms were being sent out.

**Nicole Rosenberg, Iron County Treasurer,** reported that the Treasurer's Office did well during the tax season, when most owners pay their taxes. Nicole explained that the delinquent billings had already been sent out. She noted that the outstanding taxes owed were down by roughly $900,000, and that several large accounts had paid. Nicole reported a savings of $7,000 in credit card fees due to increased "Instant Pay," and renegotiating credit card fees with State Bank of Southern Utah. She also reported using "Positive Pay," which adds security to transactions. Nicole explained that her budget came in well under in 2015.

David Miller asked Nicole Rosenberg what the amount of outstanding unpaid taxes was. Nicole replied that $6,267,680 was owing. She noted that the two main sources of unpaid taxes were the iron mines and the "Braffit's Creek," or 3200 Subdivision area.

Alma Adams noted that the Treasurer's Office had collected roughly $46,000,000. He asked Nicole Rosenberg to explain where most of that money went. Nicole explained that Iron County collects the taxes, then distributes them to the cities, the School District and other entities. Iron County keeps only a small percentage of collected taxes.

**Cindy Bulloch, Iron County Assessor,** reported that the Assessor's Office finished 2015 under budget overall. Cindy reported that Dan Westwood, their new hire, was doing well. She noted that he was already attending training. Cindy explained that the requirements to be a licensed appraiser had gotten very strict, and that Dan would be working in an apprentice like manner for several years before becoming licensed.

Cindy Bulloch reported that property values had gone up and the number of days properties for sale were on the market went down, indicating a stronger market. Cindy indicated that there were several appeals at various stages of progress. She explained that Rhonda Warren had been working diligently to reduce the number of delinquent mobile homes. Cindy expressed gratitude to the Iron County Sheriff's Office for their support of Rhonda in posting the required seizure notices. She mentioned a business personal property account for an individual who had closed the business and moved to North Dakota, but was delinquent. Cindy asked for an agenda item with the Iron County Commission to be able to take action at a later date.

Cindy Bulloch asked the commissioners for a report on when the courthouse might be remodeled. Dale Brinkerhoff explained that the courthouse renovations were waiting for the Public Safety Building funding to be in place. Dale noted that the commissioners were hoping the project could begin within 12 months, but probably not by the summer of 2016. David Miller explained that the scope of anticipated courthouse renovations would be reduced due to the high cost of the remodel, thereby reducing the length of down time. David explained that no structural improvements would be made, but the mechanical improvements would be completed, with some external cosmetic improvements. David clarified that electrical and data would be improved, but no additional Americans with Disabilities Act (ADA) features would be added.

**Debbie Johnson, Iron County Recorder,** reported that the annual copying and scanning of the plat maps was going very well. Debbie indicated, however, that due to the

recording of the Black Iron Community Development Area (CDA), Bart Bishop had to spend most of the project updating the maps to reflect the CDA. Debbie noted that the Recorder's Office had really made an effort to help bring the copying and scanning to completion. She expressed gratitude for the universal efforts and teamwork exhibited.

Debbie Johnson reported that a new e-file company had been permitted to record in the Recorder's Office, entitled "CSC E-recording." Debbie explained that CSC supported many title companies nationally, and was already affiliated with Tyler Technologies, the company that provides Iron County's recording and abstracting software.

Debbie Johnson noted that recordings were down slightly in all areas. She attributed this to typical seasonal slowness. Debbie reported that overall, the Recorder's Office received roughly $30,000 more in recording fees. She noted that Deeds of Trust had also increased, indicating healthy construction activities. Debbie reported that the Recorder's Office budget was under for 2015. She expressed gratitude to her employees.

**David Miller, Iron County Commissioner,** gave a report on a Congressional Field Hearing held in St. George on January 21st regarding a Resource Management Plan (RMP) released to Washington County. Many dignitaries were in attendance, with most of Utah's congressional delegation present. David noted that said congressional delegation expressed concern about the RMP process, and some of the departures from the Omnibus Public Land Management Act of 2009, passed by the U.S. Congress. Concern was expressed that bureaucrats were setting policy, especially policies that were inconsistent with the law. David expressed the need for bureaucrats to follow the law and to integrate with local RMP's. He explained that Washington County actually hired an attorney to review the nearly 1,200 page federal RMP, which exposed many concerns.

David Miller explained that the 2nd half of the day was a "congressional listening session," where 14 testimonies were offered. David noted that there was a wide range of topics ranging from Bureau of Land Management (BLM) overreach to collusion between the U.S. Forest Service (FS) and Non-Governmental Organizations (NGO's). He noted that a proposed forest service Environmental Impact Statement (EIS) would have adversely affected 15 counties in terms of grazing. David explained that he testified under the November 4, 2014 federal court ruling in which, the federal judge declared there was no authority for congress to regulate take of the Utah Prairie Dog (UPD) on non-federal lands. He explained that, in spite of the ruling, the U.S. Fish and Wildlife Service (FWS) and the Federal Aviation Administration (FAA) tried to claim a federal nexus wherein they would have jurisdiction regarding UPD on the Cedar City Airport. David noted that the Cedar City Airport is wholly owned by Cedar City Corporation, and that the FWS injected itself where it had no authority, the Cedar City Airport being non-federal land. He explained that the dogs had damaged a transformer, and that the FWS was still trying to exert authority. David concluded by expressing encouragement at the responsiveness of the congressional delegation.

**Alma Adams, Iron County Commissioner,** reported on receiving a training regarding communication from Darin Bushman. Alma also reported on meeting with Mike Worthen, Iron County Natural Resource Specialist, regarding wild horses and grazing permitees. Alma explained that Iron County was nearing completion of its RMP, and it was important that the plan contain all of the necessary elements to require the federal agencies to coordinate according to the RMP. Alma expressed appreciation for the State of Utah. He noted that Governor Herbert would be meeting with the 5 County Association of Governments, and that Kathleen Clark, the head of the Public Lands Coordinating Office took time to meet separately with the Iron County commissioners. Alma reiterated his appreciation, noting that there were 6 congressmen at the congressional field hearing.

**APPROVAL OF MINUTES**

David Miller noted that he was excused for the October 15, 2015 Special Iron County Commission meeting. Dale Brinkerhoff made a motion to approve the minutes of the October 15, 2015 Special Iron County Commission meeting. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Abstain.

David Miller made a motion to approve the minutes of the January 11, 2016 Iron County Commission meeting. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC COMMENTS**

No public comments were offered.

**BID PRESENTATION AND AWARD FOR THE IRON COUNTY FAIR PRCA RODEO**

Joyce Evans, Iron County Fair Director, noted that the Iron County Fair had grown, and it was time to bring in a Professional Rodeo Cowboys Association (PRCA) rodeo. Two bids were received, Bar T Rodeo and Diamond G Rodeos. Bar T Rodeo was the apparent low bid at $32,200, while Diamond G Rodeos submitted a bid of $36,780. There was some discussion regarding whether those bids were equivalent in the non-financial aspects of the bids. Dale Brinkerhoff made a motion to accept the apparent low bid of Bar T Rodeo, and remand the final decision to the Iron County Fair chairwoman, authorizing the Iron County Commission Chair to approve and authorize if the decision is to proceed with the apparent low bid submitted by Bar T Rodeo. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PURCHASE OF PAROWAN HIGH SCHOOL BLEACHERS FOR THE IRON COUNTY FAIR**

Joyce Evans, Iron County Fair Director, explained that some excess, raised bleachers owned by the Iron County School District (ICSD) were available for purchase. These bleachers were used, and would be significantly less expensive than new bleachers. Joyce provided comparable prices for new bleachers, which ranged from $19,500 to $26,766. She reported that Roy Matthews, Parowan High School Principal, said the ICSD would accept between $8,000 and $8,500 for the used bleachers. Joyce noted however, that the ICSD had not yet given final approval for the sale of the bleachers. David Miller made a motion to approve the purchase of the Parowan High School used bleachers in question, pending the approval of the ICSD, and not to exceed a purchase price of $8,500. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**NOTICE OF CONDITIONAL USE PERMITS**

Reed Erickson, Iron County Planner, gave notice to the commissioners of 3 Conditional Use Permits (CUP's). The first was for a solar power plant, owned by Dixie Power, and residing on Assessor's Parcel Number (APN): E-1387-6-3. Reed explained that it would be a relatively small solar power plant, with 167 kilowatts to start, with 1 megawatt of production at total build out. He explained that this solar plant would be something members of Dixie Power could buy into, eliminating the need to place panels on individual houses. Reed noted that this approach would provide several advantages, such as better cost effectiveness for the customers, less power transfer hassle, and avoiding problems with the special transfer switches necessary to install grid-connected solar panels on a home. Reed informed the commissioners that the Dixie Power CUP would be on the February 4, 2016 Iron County Planning Commission Agenda.

Reed Erickson then gave notice of a CUP of a feed lot on a parcel owned by Escalante Farms, LLC, APN E-1399-1430-1. Reed explained that the CUP was contingent upon a zone change from A-20 to Intensive Agriculture, thus allowing for a Type 6 animal operation. He explained that 4,000 cows were in place on the Holt Dairy,

and 4,000 more would be on the CUP parcel. The CUP parcel is adjacent to the Holt Dairy. Reed noted that the operation would be 2.3 miles from an existing public gathering place.

Reed Erickson gave notice of a third CUP that would go before Planning and Zoning which was an amendment to an existing resort permit. Henry's Place, a permitted resort lodge, was seeking to expand from 6,000 permitted square feet to approximately 9,000 square feet. The lodge was to be built on APN E-267-1-1. Originally, the permit was for the lodge building with 10 cabins. Under the amended permit, there would be an additional 3,000 square feet, with only 8 cabins. Reed explained that the lodge could house as many as 100 guests over night. Neighbors had expressed concern about guests wandering off of the lodge property and trespassing or loitering. Also, concern was expressed that individuals might access the property via private easements in the area. Reed explained that these concerns were addressed by the CUP. He did note that one concern that would be raised during Planning and Zoning would be the request for the manager to live off site but on an adjacent parcel.

**REQUEST FOR REMOVAL OF TAX PENALTIES FOR PETER VON LUTZOW**

Jon Whittaker presented a request for removal of penalties for Peter Von Lutzow, regarding Assessor Parcel Numbers (APN's): B-1474-25, B-1742-98, B-1381-2-14, B-1135-29-10 and B-1759-5. Alma Adams explained that Mr. Von Lutzow was a veteran that was out of town at a Veteran's Administration (VA) hospital during tax time. Alma added that Mr. Von Lutzow's mail was held for him while in the hospital, and that he did not receive his tax bills until after the due date. Nicole Rosenberg explained that Mr. Von Lutzow was receiving a Veteran's abatement on his residence, and that the other parcels were investment properties. Nicole noted that Mr. Von Lutzow seldom paid on time, and had customarily made payments. David Miller expressed that because the parcels were not Mr. Von Lutzow's residence, he was not comfortable forgiving the tax penalties. David Miller made a motion to decline Peter Von Lutzow's request for removal of tax penalties for APN's: B-1474-25, B-1742-98, B-1381-2-14, B-1135-29-10 and B-1759-5. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PETITION FOR ANNEXATION INTO PARAGONAH TOWN BY JEREMY AND AUGUST FRANKLIN**

Jon Whittaker presented a petition for annexation into Paragonah Town, being part of APN C-422, requested by Jeremy and August Franklin. Jon explained that the parcel was owned by Wayne Rowley, and would be segregated as a parcel later. He noted that the adjacent street, 300 West was maintained by Paragonah Town. David Miller made a motion to approve the annexation of part of APN C-422, as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**APPROVAL OF PUBLIC DEFENDER CONTRACTS FOR THE JUVENILE, JUSTICE, AND DISTRICT COURTS**

Lori Starr, Justice Court Administrator, presented Public Defender Contracts for Jeff Slack, Joseph Farnsworth, Jim Park and Christa Guymon for approval. Lori noted that Candace Reid would be tabled for the time being, and that Christa Guymon would be included under the contract with the Park Firm and would not have an individual contract. David Miller complimented the Justice Court, and HR for the efforts to bring about the Public Defender Contracts, and emphasized the importance of supporting the 6th Amendment. David Miller made a motion to approve the Public Defender Contracts for Jeff Slack, Joseph Farnsworth and the Park Firm, and to table the contract with Candace Reid. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**APPROVAL OF THE 2016 UTAH STATE UNIVERSITY STANDARD COOPERATIVE AGREEMENT FOR EXTENSION EDUCATIONAL WORK**

Gene Adams explained that $161,736 had been budgeted for the 2016 Utah State University Standard Cooperative Agreement for extension educational work. Alma Adams noted that the amount had been approved in the budget, being an increase from the $152,834 in 2015. Dale Brinkerhoff made a motion to approve the 2016 Utah State University Standard Cooperative Agreement for extension educational work in the amount of $161,736. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**APPROVAL OF SOUTH CENTRAL COMMERCIAL ANTENNA SITE LEASE AGREEMENT FOR TOWER LOCATED SOUTHWEST OF THE LANDFILL**

Luke Geddes from South Central Communications presented a lease agreement to temporarily mount communications equipment on a tower owned by Iron County in consideration of $1,200. The tower is located Southwest of the Iron County Landfill. Luke explained that the equipment would service an adjacent parcel which needed cell service during the construction of a solar farm. David Miller suggested such a solution might be possible to support the Iron County Shooting Range. David Miller made a motion to approve the lease agreement with South Central Communications in consideration of $1,200. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**DISCUSSION REGARDING POLICING IN PARAGONAH TOWN**

Mark Barton of the Paragonah Town council explained that representatives from Paragonah Town had met with Parowan City who had agreed to accept $12,500 annually for policing services. Mark asked whether Iron County would accept $12,500 annually. David Miller suggested reviewing the numbers with Reed Erickson, Iron County Planner. Mark Barton expressed a desire to continue to receive policing services from the Iron County Sheriff's Office (ICSO), but that Parowan City had tentatively agreed to provide policing services for $12,500. David Miller replied that it was important that Paragonah pay a similar rate to unincorporated areas of Iron County. Dale Brinkerhoff made a motion to request that Reed Erickson review the numbers with Sheriff Gower and Paragonah Town, and to table the discussion until the February 8th Iron County Commission Meeting. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RESOLUTION 2016-1 APPOINTING TWO REPRESENTATIVES TO THE CEDAR CITY REDEVELOPMENT AGENCY TAXING ENTITY COMMITTEE**

Dale Brinkerhoff explained that Resolution 2016-1 was in regard to the Port 15 Community Development Area (CDA). Dale noted that Port 15 had been created about 10 years previously to spur industrial growth in the "Y" area, West of Cedar City. He explained that Port 15 and the Utah School and Institutional Trust Lands Administration (SITLA) collaborated to create the CDA, investing $6.5 Million just as the economic downturn happened. Dale noted that there was a disagreement between Cedar City and Port 15 regarding the distribution of taxes. Port 15 and SITLA contended that they were shorted roughly $658,000 in tax revenue. Port 15 and SITLA are offering to forgive the unpaid tax revenue in exchange for a 5 year extension of the CDA from the original contract. Iron County Resolution 2016-1 was to designate 2 representatives from Iron County to be on the Cedar City Redevelopment Agency Taxing Committee. Alma Adams made a motion to approve Resolution 2016-1, and put forth the names of Dale Brinkerhoff and David Miller to represent Iron County on said taxing committee. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

# IRON COUNTY RESOLUTION 2016-1

RESOLUTION IRON COUNTY APPOINTING TWO (2) REPRESENTATIVES TO THE CEDAR CITY REDEVELOPMENT AGENCY TAXING ENTITY COMMITTEE.

**Whereas**, pursuant to applicable statutory authority Cedar City has created the Cedar City Redevelopment Agency; and

**Whereas**, pursuant to the terms and conditions of UCA §17C-1-402 the Cedar City Redevelopment Agency has called a meeting of the Taxing Entity Committee; and

**Whereas**, the Taxing Entity Committee has not met for a substantial period of time and it is necessary and appropriate to update its membership; and

**Whereas,** pursuant to the relevant provisions of UCA §17C-1-402 Iron County is authorized to appoint two (2) members to the taxing entity committee; and

**Whereas**, the Iron County Commission has appointed David Miller and Dale Brinkerhoff to serve as the Iron County representatives to the Taxing Entity Committee and UCA §17C-1-402 requires the membership of the taxing entity committee be through the municipal legislative body.

**Now Therefore,** it is hereby resolved by the Iron County Commission, that David Miller and Dale Brinkerhoff are appointed to the Cedar City Redevelopment Taxing Entity Committee.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Alma L. Adams

ATTEST:

_____
Jonathan T. Whittaker
Iron County Clerk

COUNTY OF IRON COUNTY CLERK STATE OF UTAH

Voting:

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

**APPROVAL OF THE COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN FINANCIAL PLAN BETWEEN THE IRON COUNTY SHERIFF'S OFFICE AND THE USDA, FOREST SERVICE DIXIE NATIONAL FOREST**

After a brief discussion, David Miller made a motion to approve the Cooperative Law Enforcement Annual Operating Plan between the Iron County Sheriff's Office and the United States Department of Agriculture (USDA), U.S. Forest Service, Dixie National Forest, contingent upon review by Mike Edwards, Deputy Iron County Attorney for any inconsistencies between the agreement and an agreement that had been approved in December, 2014. Second by Dale Brinkerhoff. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**NON-DELEGATED ITEMS**

David Miller reported discussing a letter regarding the Utah Prairie Dog (UPD) received from U.S. Fish and Wildlife Service (FWS) with Marty Bushman, Utah State Assistant Attorney General. Mr. Bushman recommended that Iron County not respond to the letter in order to preserve the right to appeal. Dave noted that Mr. Bushman would continue to intermediate between Iron County and FWS.

David Miller discussed a grazing allotment on the Bald Hills in Northern Iron County, near a SITLA UPD relocation area. David reported that he had discussed the matter with Tammy Pearson, who runs the allotment and she indicated that the UPD were competing for feed in the area. Another concern was the UPD mounds that impeded growth and posed a risk to livestock and horses. Alma Adams noted that his experience and discussions with fellow ranchers indicated that UPD definitely reduce feed available. David raised a note of caution that the relocation of dogs not adversely affect grazing allotments.

**REQUEST FOR ABATEMENT OF TAXES FROM THE CEDAR RIDGE HOMEOWNERS ASSOCIATION.**

After a discussion among county personnel regarding abating taxes for Assessor's Parcel Number (APN) B-1707-1, it was determined that the attorney for the Cedar Ridge Homeowners Association, Justin Wayment, would not be able to attend. No action was taken.

**ADJOURNMENT**

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

Signed: Alma L. Adams, Chairman

Attest: Jonathan T. Whittaker, County Clerk

COUNTY OF IRON COUNTY CLERK STATE OF UTAH