

IRON COUNTY COMMISSION MEETING

February 8, 2016

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 8, 2016 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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:

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

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ASSOC.4

PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Paul Monroe.

INVOCATION

An invocation was offered by Lori Starr.

DEPARTMENTAL REPORTS

Mike Edwards, Iron County Deputy Attorney, reported that the Attorney’s Office was 5% under the 2015 budget. Mike informed the Commission the felony count will begin to decline due to the Justice Reinvestment Initiative (JRI). He reported the law reduces some drug charges from felonies to Class A misdemeanors and if a defendant is found guilty there will be less jail time and more treatment. The Legislature passed the JRI bill but failed to fund any treatment which means the cost will be borne by counties. Mike reported that Iron County Attorney, Scott Garrett was pursuing the concept of a mental health court to help those who commit offenses because of mental health issues. Similar to a drug court, the focus would be getting them the help they need. Alma Adams stated that the county needs to get the state to take over the public defender program. David Miller noted that there needs to be some kind of system set up to track the public defenders hours and cases.

Lori Starr, Justice Court Administrator, reported the first week of public defender contracts had been completed with positive feedback. The contracts stood at \$289,000 for 2016, but there would be a need for an additional \$28,000 increase after contract negotiations. Lori stressed the importance of tracking the public defender contracts and the need for the defenders to return the forms. She reported that the Justice Court came in at 81% for the 2015 budget, and the Justice Court Clerks are working hard on record retention.

Brad Spencer, Iron County Jail Commander, reported the Jail collected a little over \$1,000,000 in revenues. Brad added the new lighting upgrade will save about \$3K per year in power costs. The work crew had completed 512 hours of various projects. Dale Brinkerhoff asked about the occupancy of the women’s area. Brad replied there were 24 beds which were full most of the time. Occasionally, they had to move the men to the special detention area which adds 12 more beds. Brad noted that he would consider using the work release dorm if the women’s population were to grow.

Paul Monroe, Central Iron County Water Conservancy District (CICWD), reported that, as an Enterprise fund, the CICWD had a successful year, and was able to retain about \$500,000 from the 2015 budget for projects in 2016. He reported that the CICWD is continually seeking ways to save money. As an example, they have been installing new, efficient pumps which will save about \$25,000 per year. Paul stated 2016 started off with a Groundwater Management Plan, where the main focus was to continue to provide for the future of Iron County, with population growth projected to be 130% during the next decade. Paul discussed the water rights held by Cedar City Corporation with the commissioners. Cedar City has many junior water rights that might be jeopardized in the future. Paul reported that there was a lot of water flowing to Quichapa Lake and the CICWD is working on ideas to divert out of the channel before it gets to the lake in order to make use of it. The CICWD was also pursuing importing water from Pine Valley. David Miller extended an invitation to Paul to attend the Coordination Meeting with the Forest Service concerning the nuisance threat to the watershed being held March 14, 2016.

Stefanie Furnival, Childrens Justice Center (CJC) Director, explained that the CJC conducted 215 interviews and assisted in 319 cases. Some cases do not include interviews because the children are not yet verbal. Stefanie reported the addition of a new

medical room where the CJC Nurse Practitioner and RN, who are funded through Primary Children's Medical Center, can conduct examinations on those children who have been physically and sexually abused. She reported 60 exams were conducted in Iron County; 51 were conducted at the CJC and 9 at the hospital; Beaver had 3 exams and Kane County had 20. Stefanie explained that the current medical room was too small and were looking into a major expansion by extending the back wall, and adding an additional waiting room to help protect confidentiality. She reported that the Iron County Homebuilders Association has offered to partner with the CJC to help with the expansion. Stefanie explained that when there is a Childs Advocate Center, such as the CJC available, people are more willing to come forward. Stefanie expressed gratitude to the Iron County Attorney's Office for providing forensic interview training, which resulted in a tremendous savings. She concluded by pointing out that unfortunately, almost all the children abused knew their perpetrator.

APPROVAL OF MINUTES

Dale Brinkerhoff, made a motion to approve the minutes of the August 10, 2015 Iron County Commission meeting. Second by David Miller. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

PUBLIC DEFENDER CONTRACT FOR CANDACE REID.

Lori Starr, Justice Court Administrator, reported Candace Reid has been awarded the Juvenile and Justice contract as a Public Defender. Dale Brinkerhoff made a motion to approve the Public Defender Contract for Candace Reid. Second by David Miller. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

PUBLIC COMMENTS

William Pressgrove noted that his concerns were the same as before regarding taxes. He quoted the Utah Constitution , Article 1, Section 1, stating that "all men have an inherit and inalienable right to acquire, possess, and protect property." Article 13 Section 2 on property tax does not stipulate what is to happen to individuals who do not pay those taxes, however the statute that has been added quotes "the individual will be taken to court after five years of delinquent taxes and the property can be taken away and sold in auction." Mr. Pressgrove stated the word "inalienable" means no one can take property away, so when an individuals' property is taken away the county is breaking the law. He expressed that the commission should have someone investigate, and he proposed the county consider using a consumption tax, which he felt would increase the tax base.

APPROVAL OF EASEMENT CORRECTION ON A.P.N. D-528-4, RANCHO BONITA HOLDINGS, INC.

Steve Platt, Iron County Engineer, reported that a sewer line easement had been granted to Iron County, but that the sewer line had been placed incorrectly. Steve asked the commissioners to approve abandoning the incorrect easement. He noted that the land owner, Rancho Bonita Holdings, Inc. had prepared a new Easement Deed that was correct. Dale Brinkerhoff made a motion for the approval of easement correction on A.P.N. D-528-4, Rancho Bonita Holdings, Inc, as explained. Second by David Miller. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

DISCUSSION REGARDING POLICING IN PARAGONAH TOWN

Reed Erickson, Iron County Planner, presented a detailed report which explored the costs to the Sheriff's Office of policing in Paragonah using several formulae. Reed explained that his report was a follow up from the previous meeting. He noted that all the information was in the evaluation and the commission needed to decide which formula to use to determine costs and distribution. Dale Brinkerhoff made a motion to move the

issue to the February 22nd meeting to make a decision on the matter. Second by David Miller. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

REQUEST FOR ABATEMENT OF TAXES FROM THE CEDAR RIDGE HOMEOWNERS ASSOCIATION. ASSESSOR'S PARCEL NUMBER: B-1707-1.

Justin W. Wayment, counsel for the Cedar Ridge Homeowners Association, explained that the subdivision that surrounds the golf course was previously purchased by the School & Institutional Trust Lands Administration (SITLA) which was then subdivided, and for some reason the 130 acres that include "Jeep Hill" was not included in the subdivision plat, but later the developer became aware of the mistake. The Patent from the State of Utah included language that read, "Subject to an express covenant that the conveyed property shall be held and shall not be used for any purposes other than as private open space and for non-motorized, pedestrian and equestrian recreation." Later the developer, NS Canyon Ridge LLC, assigned their interest in the contract to the Homeowners Association with the same restrictions, but deemed it to be only open space. Justin asserted that the taxes have been sent to the wrong P.O. Box, not to the Homeowners Association, which was not aware the property was being taxed separately. He explained that the Homeowners Association was asking Iron County to abate the taxes, because the Homeowners Association was never aware of the taxes. Also, that the property be taxed at \$10.00, similar to other open spaces are taxed or to reduce the taxable value.

Cindy Bulloch, explained that the tax bill was sent to either the developer or the Homeowners Association, as per the recorded Patent, and subsequent deed. Cindy also explained that typically the developer is the Homeowners Association until a critical mass of individual owners exists to constitute a Homeowners Association. Therefore, at all times, either the developer or the Homeowners Association should have been aware of the taxes owing. She expressed that the developer, not Iron County, had the responsibility to communicate the tax liability to the Homeowners Association. Jon Whittaker pointed out that the address to which the tax and valuation notices were sent was the same address that other phases of Canyon Ridge common areas both received and paid taxes at. Therefore, they should have known about the tax bill because their other notices were at the same address. Cindy Bulloch noted that because the "Jeep Hill" parcel was not platted as open space there was a market price attached to it, as the Assessor's Office was not aware of the deed restrictions. The code establishes the Board of Equalization (BOE) for property owners to protest the value with a time limit. Cindy expressed that if the commissioners were to move to abate the tax in this case, they would set a dangerous precedent, and that the Homeowners Association needed to amend the subdivision plat to show the "Jeep Hill" (B-1707-1) as open space.

Justin Wayment stated that the Homeowners Association was established March 22, 2010 the same date as the patent. He reported the county is now aware there is a patent and the commission could do a partial abatement. David Miller made a motion stating this property has been assessed and the commission cannot override the assessment and the request for the abatement of taxes be denied. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

PAYMENT IN LIEU OF TAXES (PILT) PAMENT FROM DWR

Kevin Bunnell, Southern Region Supervisor, Department of Wildlife Resources (DWR), presented a check to the commissioners in the amount of \$2,505.00 for Payment in Lieu of Taxes (PILT) from the DWR. Kevin explained that license dollars from hunters and fishermen are used to make the payment. The commissioners and Kevin discussed a cooperative effort to improve the facilities at Yankee Meadows Reservoir.

Kevin Bunnell introduced Gary Bezzant to the commissioners and asked Gary to give a report on his activities. Gary reported that they had been working in the Summit

area to improve the fences and add a second cattle guard at each freeway entrance. His focus was to mitigate car and deer collisions.

DISCUSSION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN IRON AND BEAVER COUNTIES CHILDREN'S JUSTICE CENTER

Von J. Christiansen, Beaver County Attorney, explained that the Beaver County Commission had requested a Memorandum of Understanding (MOU) to clarify the responsibilities between the two counties regarding the Children's Justice Center (CJC) cooperative efforts. Von thanked Iron County for providing satellite services of the Iron County CJC to Beaver County. David Miller noted that utilities were listed in the MOU as the responsibility of Iron County are ultimately paid through state funds. David Miller made a motion for the approval of the MOU as requested and explained by Von J. Christiansen, Beaver County Attorney, to determine the responsibilities that are shared between Iron and Beaver Counties for operating a satellite branch of the CJC subject to modifying the verbiage clarifying that Iron County was to cover the liability for business operations, while Beaver County would cover the liability relating to the building. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF WAYPOINT GRANT CONTRACT FROM THE STATE OF UTAH FOR PROCUREMENT OF SIGNAGE ALONG THE OLD SPANISH TRAIL

Mike Worthen, Iron County Natural Resource Director, informed the commission that Iron County had been awarded a Waypoint Grant in the amount of \$15,000. Mike noted that additional matching funds would come from the adjacent solar company. He presented the grant to them for signatures. David Miller made a motion to accept the approval of Waypoint Grant contract from the state of Utah for procurement of signage along the Old Spanish Trail. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

PERSONNEL MATTERS

Leslie Bishop, Iron County HR Director, presented the approval of Dustin Roy as a new hire in the Sheriff's Office, as a full-time Patrol Deputy. Leslie explained that this was a backfill of vacant position vacated due to the retirement of Jody Edwards with an effective date of February 14, 2016. Leslie explained that the commission was approving the open full-time position, not the individual, as the Sheriff has the right to appoint someone to the position. Dale Brinkerhoff made a motion to approve the position of a full-time Patrol Deputy as a backfill position in the Sheriff Department effective February 14, 2016. Second by David Miller. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

Leslie Bishop stated Joyce Evans, Iron County Fair Director, had requested the change of Fair Secretary be moved from a seasonal part-time to a regular part-time position. It would be an increase of \$6,405 to the fair budget. Dale Brinkerhoff made a motion to approve the fair secretary from seasonal part-time to regular part-time, with a maximum increase of \$6,400, and a review after the first year for reevaluation. Second by David Miller. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF \$300.00 TO ADVERTISE THE IRON COUNTY LOGO ON TEAM PAGES OF THE 1A STATE BASKETBALL PROGRAMS.

Alma Adams, Iron County Commission Chair, explained that Brian Bremner from Garfield County requested the use of the Iron County logo as Parowan had moved into the 1A Division. David Miller expressed that the \$300 should come from the Transient Room Tax (TRT) fund through marketing. David Miller made a motion to approve supporting the 1A State Basketball programs with the contingent upon participation that

brings value through marketing and subject to approval of the TRT fund. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

DISCUSSION OF PERSONAL PROPERTY BACK TAXES OWED BY JARED BERGER EXCAVATING

Cindy Bulloch, Iron County Assessor, requested there be a deferral contract with Jared Berger Excavating relating to the \$1,453.62 in back taxes. Alma Adams explained that he had spoken with Mr. Berger, who had agreed to draft a letter and mail it to the Clerk's Office. David Miller made a motion that the commission would work with Jared Berger on a binding contract of a deferral payment agreement up to 6 months for his back taxes. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

DISCUSSION AND ACTION REGARDING VOTE BY MAIL ELECTIONS

Jon Whittaker, Iron County Clerk, explained and demonstrated the proposed vote by mail return envelopes. Jon noted that the proposed return envelope would help to ensure ballot secrecy. Each return envelope has an affidavit that must be signed by the voter. He explained that the printer was able to place the voter information and the affidavit in a way that would allow all readily identifiable information to be removed before the envelope is opened and the ballot is removed. Jon explained that most counties in Utah use envelopes that are similar in style to the previous style with no concerns over secrecy. He expressed that the proposed return envelopes would enhance ballot secrecy. Cindy Robinson, Chief Deputy Clerk, explained that when return envelopes arrive, the signature on the voter affidavit must be verified. Jon Whittaker concluded that voter turnout increases significantly with vote by mail elections. David Miller made a motion to approve the vote by mail election in the upcoming year, contingent upon review in a year. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

DISCUSSION OF PENDING OR REASONABLY IMMINENT LITIGATION AND DEPLOYMENT OF DEVICES OR SYSTEMS

David Miller made a motion to close the meeting per UCA §52-4-204 (c) and (f) to discuss pending or reasonably imminent litigation and deployment of devices or systems. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

David Miller made a motion to leave the closed session and to reopen the meeting. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; David Miller, Aye; Dale Brinkerhoff, Aye.

NON-DELEGATED ITEMS

Leslie Bishop, reported that Sandra Benson was reappointed to the Career Service Counsel in 2013, and would be up for reappointment to that board in 2016.

ADJOURN

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


Signed: Alma L. Adams, Chairman


Attest: Jonathan T. Whittaker, County Clerk

