IRON COUNTY COMMISSION MEETING
March 28, 2016

Minutes of the Iron County Commission meeting convened at 9:00 a.m., March 28, 2016 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Deborah B. Johnson	County Recorder
H. Eugene Adams	County Auditor
Cindy W. Bulloch	County Assessor
Leslie Bishop	County HR Director
Stephen R. Platt	County Engineer
Bruce Anderson	Landfill Supervisor
Chad Nay	Building and Zoning Official

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PLEDGE OF ALLEGIANCE

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

INVOCATION

An invocation was offered by Steve Platt.

Alma Adams, Iron County Commission Chairman, noted the March 25, 2016 resignation of Commissioner David Miller to spend more time with his family and pursue opportunities in

Alaska. Alma expressed his appreciation for the fine work Commissioner Miller performed over the course of 3 ½ years. He expressed that Commissioner Miller was exceptional, diligent and eloquent. Alma explained the process appointed to install an interim, then an elected replacement Iron County Commissioner, which is found in Utah Code Annotated (UCA) § 20A-1-508(3)(a).

APPROVAL OF MINUTES

Dale Brinkerhoff made a motion to approve the minutes of March 14, 2016 and December 17, 2015. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

DEPARTMENTAL REPORTS

Chad Nay, Building and Zoning Administrator, reported first on the Building Inspection Department. Chad noted that the total valuation of building permits in 2015 was 3.25 times higher than the next closest year, 2006, with a total valuation of $112.9 million. He explained that this was primarily due to the solar farms under construction. Chad reported that construction was up in all areas, although he did not have historical numbers for Brian Head Town, as his department began performing inspections there again in 2015. He explained that Parowan City had requested to combine building inspection services for city building projects with land fill fees. Chad expressed that those services and any potential fees should be kept separate.

Chad Nay then reported on Planning and Zoning. Chad explained that the Planning Commission had been working on another option for land owners to be able to subdivide parcels entitled, "Road Dedication Subdivision." He noted that details would be forthcoming as the process continued.

Regarding Building Maintenance, Chad Nay reported that the courthouse was still torn up from the wastewater flooding that had been cleaned up, but not subsequently repaired. There was some discussion about the timing of seeking funding from the Community Impact Board (CIB). Chad also noted that his group was seeking direction regarding the Fiddlers Canyon Building, as well as the Office Building, adjacent to the Tourism Building.

Chad Nay concluded by reporting that his budgets were in line, and that his personnel had suffered with health issues, but were on the mend. Chad expressed thanks to the commissioners, especially to the recently resigned David Miller for taking the lead in land management issues.

Steve Platt, Iron County Engineer, reported that there were currently 2 contracts for crushing, one in Iron Springs and one in Parowan. Steve reported that the main line of the 5700 Belt Route in Cedar City was Completed (being the Southern portion). He noted that the project to pave 2200 North in Parowan valley would be completed during the summer of 2016. Steve and the commissioners discussed extending the Coal Creek flood channel, needed surveying for a project on the Kane Springs Road, and that the repairs to the Woods Ranch water system would be completed during the summer of 2016.

Neil Forsyth, Roads Superintendent, reported that his budget was doing well, and looked forward to receiving a report from Gene Adams. Neil extolled the cooperation between the various entities to help prepare a pad for the crushing contracts. Neil discussed several bids with the commissioners, including hot mix asphalt, chip seal oil, and for dump trucks. He explained that because Iron County uses dump trucks for snow plowing, as well as general use, the hoods needed to be lower. The road department had pursued pricing and packages from various vendors. He explained that emissions requirements made the desired configuration difficult to acquire.

Bruce Anderson, Landfill Supervisor, reported that his budget was on track. Bruce discussed the compaction equipment with the commissioners. He explained that the 826H would need new steel cleats at a cost of $30,000. Bruce reported that the new scale house was nearly complete, with cameras and scale software soon to be added. He noted that the grease trap was complete, but still needed fencing. Bruce and the commissioners discussed upcoming training, wood grinding, and metal recycling. Alma noted that the recycling of metals had typically brought around $50,000 per year in revenues.

Alma Adams, Iron County Commission Chairman, reported that he and Neil Forsyth attended a meeting in Beaver with officials from the Utah Department of Transportation (UDOT). At that meeting, the 5 cent per gallon tax increase that began at the beginning of 2016 was discussed. Alma noted that this tax would make more monies available for secondary roads. Steve Platt interjected that the State of Utah would receive 70% of those new revenues.

Alma Adams also reported on a workshop presented by the Department of Utah Workforce Services regarding intergenerational poverty. Alma explained that the aim of the workshop was to raise awareness and work to break the cycle of poverty.

Alma Adams explained that Iron County would be requesting funding from the Community Impact Board (CIB) for repairs and renovations to the Iron County courthouse. Alma noted that the June CIB meeting would be when they would make the request, and hopefully receive funding during the October CIB meeting.

PUBLIC COMMENTS

Bruce Washburn, a resident of Cedar City, expressed concern that the commission minutes were still not caught up. He and Jon Whittaker discussed a faulty internet link to a commission audio recording on the Utah Public Notice Website (pmn.utah.gov).

Cindy Bulloch, Iron County Assessor, asked the commissioners to consider funding the set up fees associated with silk screening and/or embroidery for shirts and jackets bearing the new Iron County logo for employees. She noted that the department heads and individuals would purchase any garments and the embroidery itself, but was asking for the commissioners to bear the cost of the set up only. Dale Brinkerhoff asked for an estimated price and asked that the idea be brought forward as an agenda item at the next meeting.

DISCUSSION REGARDING THE LIBRARY TAX POTENTIALLY BEING COLLECTED BY THE CITIES

Alma Adams explained that Iron County had been collecting a County Library Tax which is distributed to both the county library system (the Bookmobile), as well as to the municipalities. Alma noted that the County Attorney explained that this method was not in compliance with state law. He expressed that the cities needed to be assessing their own library tax, and that such a method would not result in a change to tax rates within cities.

Dale Brinkerhoff explained that the 0.00086% levy would simply be shifted on to the cities' tax where a library exists. He noted that the issue was being brought forward at the time to provide enough notice to the cities whose fiscal year begins on July 1st to be able to go through the process of increasing taxes. This presented a challenge due to Iron County having a fiscal year that begins on January 1st. Dale explained that to be in compliance with state law, the county levy on incorporated areas with a library would need to be eliminated.

Rob Dotson, Enoch City Manager, expressed that Iron County collecting a library tax in municipalities is illegal only in municipalities which pay for a library. Rob clarified that only the cities of Cedar and Parowan pay for a library. He noted that Enoch City and other municipalities in Iron County did not pay for a library. Rob elaborated, saying that if Iron County were to collect the Library Tax in all areas but Cedar City and Parowan, it would be sufficient to fund the county library system, or the Bookmobile. Mike Edwards explained that the statute allows counties to collect a Library Tax in unincorporated areas and outside of cities that maintain a city library.

Later in the meeting, representatives from Cedar City arrived to discuss the county library funding and taxation issue. Paul Bittmenn, Cedar City Attorney, expressed that the current situation would be acceptable if interlocal agreements were established to clarify the relationships between Iron County and the cities in regard to library taxation. Michael Edwards stated that he felt UCA § 9-7 et seq. did not allow for counties to collect taxes on behalf of cities that had a library. Cedar City Mayor Maile Wilson asked how much surplus was in the Iron County Library Fund. Gene Adams was not immediately sure.

Alma Adams called a special, work meeting of the Iron County Commission to be held April 6, 2016 at 1:30 p.m. in the Cedar City council chambers to discuss the matter further.

NOTICE OF CONDITIONAL USE PERMIT FOR A VETERINARY CLINIC

Reed Erickson, Iron County Planner, presented an application for a Conditional Use Permit for a "Veterinary Clinic without Outdoor Holding Facilities." Reed explained that the property had a metal building, which the owners desired to put a pool in for the purpose of rehabilitating and exercising dogs. This specialty was referred to as "dogquatics." He noted that the couple applying for this permit had operated a similar facility in California, and were quite successful. Reed explained that this service best fit under the use category of "Veterinary Clinic."

APPROVAL OF THE PURCHASE OF 2 SHERIFF PATROL PICKUPS AND APPURTENANT EQUIPMENT

Lieutenant Del Schlosser explained that the need to purchase 2 new patrol pickups arose from a shooting case where 2 pickups were damaged and had been held in evidence. Lieutenant Schlosser noted that the trial date had been postponed, and that the need for the vehicles had become acute. Dale Brinkerhoff noted that during the 2015 budget hearings, the commissioners had agreed that if the 2 existing pickups were held in evidence for an extended period, then the commissioners would fund replacements. Dale noted that a 2016 budget adjustment would be required. Gene Adams clarified that, with the necessary equipment, the total additional funding would be $54,000 per pickup. Dale Brinkerhoff made a motion to approve the purchase of 2 new Sheriff pickups with all appurtenant equipment. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ORDINANCE 2016-1 OPEN BURNING OF NATURAL VEGETATION.

Ryan Riddle, Iron County Fire Warden, explained that Ordinance 2016-1, Open Burning of Natural Vegetation was necessary to update Iron County Code § 8.04.100. Ryan noted that there had not been an official ordinance for outdoor burning. He explained that there was a need to identify dates and a process to apply to burn natural vegetation. Ryan noted that currently the open burn period was from April 15 to May 15. He explained that this rule was problematic for several reasons, the weather is often windy in Iron County, causing some fires to become uncontrolled; such a short open burn period condensed the emissions; and Iron County becomes dry during that period, increasing the fire danger. Ryan noted that the intent of Ordinance 2016-1 was to broaden the burn period from April 15 to May 15, to March 1 to May 31. Also, an additional burn period from November 1 to November 15 would be available, adding an extra 44 days for outdoor burning. Ryan explained that there was a clearing index to help fire officials determine when burning could be allowed. The clearing index rated from 0 to 1,000, with a value of 500 or higher being favorable for burning. There were exceptions included in Ordinance 2016-1 for agriculture and industry, also for cooking and heating. Ryan concluded by expressing a desire to allow citizens to clear their properties responsibly. He noted that by requiring citizens to contact fire authorities, safety could help be ensured.

After Alma Adams noted a few typographical corrections, Dale Brinkerhoff made a motion to approve Ordinance 2016-1 Open Burning of Natural Vegetation to amend and supersede Iron County Code § 8.04.100 et seq. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

IRON COUNTY ORDINANCE 2016-1

AN ORDINANCE OF IRON COUNTY, UTAH, SUPERSEDING AND AMENDING IRON COUNTY CODE § 8.04.100 et seq., REGARDING THE OPEN BURNING OF NATURAL VEGETATION

WHEREAS, Iron County desires to allow residents, visitors, commercial and agricultural industries to burn materials allowed by state law and when environmental, safety, and regulatory conditions are appropriate.

WHEREAS, Iron County desires to provide fire managers and fire chiefs guidance to regulate the burning of materials.

WHEREAS, Iron County adopted Ordinance 83 on September 21, 1981, and Ordinance 184 on March 24, 2003 creating an Iron County Fire Department and adopting international fire safety standards which have been incorporated into Iron County code.

WHEREAS, Iron County desires to codify rules that are in accordance with UCA § 65a-8-211, and that provide as much safety and flexibility to the citizens of Iron County as possible.

NOW THEREFORE, the County Legislative Body of Iron County, Utah, Ordains that Iron County Code § 8.04.100 et seq. be superseded and amended as follows:

8.04.100 – Closed Fire Season:

A. Burning Prohibited; Exemptions: Subject to exemptions in this chapter, burning is prohibited during the statutorily closed fire season from June 1 through October 31 and the regulatory closed fire season from November 16 through the last day of February. Where state statue permits, from June 1 to October 31, and the person obtains a state issued closed season burning permit prior to burning, persons may burn pursuant to the terms of the state issued permit.

B. Notification Requirement: When a person has obtained a closed season burning permit, the person shall notify the local fire department of the approximate time the burn will occur before the burn takes place.

C. Exemptions: Any local, state, or federal fire official or firefighting forces in the performance of official duty.

D. Misdemeanor: Any violation of this section shall be punishable as a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1.08.010 of this code.

8.04.101 – Open Fire Season:

A. Burning Permit Required: Subject to exceptions in this chapter, persons shall obtain a written county burning permit which shall be filled out completely before starting a fire in the unincorporated areas of the county during the open fire season which is March 1 through May 31 and November 1 through November 15.

B. Burning permits will be issued only when in compliance with the Utah Air Conservation Regulations. The following requirements must be met with each permit issued:
   1. The permit is not valid and operative unless the clearing index is 500 or above. The clearing index is determined daily by the U.S. Weather Bureau and available on the National Weather Service Salt Lake City Weather link.
      http://www.wrh.noaa.gov/slc/projects/ifp/html/webSMF_new.php
      Or by calling the NWS Salt Lake City, (801) 524-5133

2. A permit may be extended one day at a time, without inspection upon request to the issuing officer. The request must be made before expiration of the permit.

C. Burning permits shall not be issued when red flag conditions exist or are forecasted by the National Weather Service. Every permittee is required to contact the National Weather Service to assure that a red flag condition does not exist or is not forecasted. Permits are not valid or operative during declared red flag conditions.

D. During the open fire season, the state fire warden, chief fire officer or official of each fire protection entity that is responsible for providing fire protection services in the unincorporated areas of the county may postpone, revoke or deny burning permits due to environmental conditions, public nuisance, incompetency by the petitioner, or risk to public safety.

E. Misdemeanor: Any violation of this section shall be punishable as a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1.08.010 of this code.

8.04.102 – Exceptions:

The provisions of this chapter are not applicable to:

A. Any local, state, or federal fire official or firefighting forces in the performance of official duty.

B. Devices for the primary purpose of preparing food such as outdoor grills and fireplaces;

C. Campfires and fires used solely for recreational purposes pending the following guidelines are followed.
   1. where such fires are under control of a responsible person the fire is contained in a pit 18 inches deep into mineral soil absent of roots or any other organic materials **or** solid ring made of non-combustible material that is at least 18 inches in height that will contain the fuel wood or coals while shielding the ashes from being blown by the wind.
   2. Maintain 18 inch depth of the pit by removing build up ash and other material; assure disposed materials are completely extinguished.
   3. Campfire must be at least 15 feet away from any combustible vegetation or structures, vertically or horizontally. Fire resistant material as part of the landscaping is excluded.
   4. At least 1 standard size shovel must be dedicated and immediately available on-site for suppression.
   5. 5 gallons of water or a 5 pound "A" rated or above fire extinguisher dedicated and immediately available on-site for suppression.
   6. Campfires must be completely extinguished, cold to the touch, when not attended.
   7. Combustible material used in the campfire is clean dry wood or charcoal.

D. Indoor fireplaces and indoor residential solid fuel burning devices.

E. Exceptions per the State of Utah Department of Environmental Quality, Air Quality Exclusions to the Clearing Index (R307-202-3) Administrative rule:
   1. Except for areas zoned as residential, burning incident to horticultural or agricultural operations of:
      a) Prunings from trees, bushes, and plants; and
      b) Dead or diseased trees, bushes, and plants, including stubble.
   2. Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes;

3. Controlled heating of orchards or other crops during the frost season to lessen the chance of their being frozen so long as the emissions from this heating do not cause or contribute to an exceedance of any national ambient air quality standards and is consistent with the federally approved State Implementation Plan;
4. The controlled burning of not more than two structures per year by an organized and operative fire department for the purpose of training fire service personnel when the National Weather Service Clearing index is above 500.
5. Ceremonial burning is excluded when conducted by a Native American spiritual advisor.

8.04.103 – Procedure for obtaining a Burning Permit:
During the open fire season, the state fire warden, chief fire officer or official of each fire protection entity that is responsible for providing fire protection services in the unincorporated areas of the county shall be responsible for signing and issuing a burn permit, on forms provided by the county.

There are two ways to complete the open burn permit application:

Internet
The open burn permit application can be completed online at:
http://www.airquality.utah.gov/aqp/OpenBurning/form/index.php
Completing this form online is the easiest and fastest way to complete the open burn permit application. An electronic copy of the application is automatically submitted to the county or municipal fire authority upon completion.

Telephone
An applicant can call the DAQ at 801-536-4000 and complete the open burn permit application process over the phone. A DAQ inspector will ask the applicant for the required information and complete the application in just a few minutes.

By: _____
Alma L. Adams, Iron County Commission Chair

ATTEST:
_____
Jonathan T. Whittaker, Iron County Clerk

COUNTY OF IRON COUNTY CLERK STATE OF UTAH

VOTING:
Alma L. Adams Aye
Dale Brinkerhoff Aye
David Miller Aye

TAX DEFERRAL REQUEST FOR APN E-1409-7-7

Jon Whittaker presented a tax deferral request for Assessor's Parcel Number (APN) E-1409-7-7. Jon noted that this request had been brought forward from the March 14, 2016 Iron County Commission meeting pending the discovery of additional information. He explained the the requestor, James D. Pearce, did live on the parcel. Jon also explained that the parcel was a trailer park with 13 spaces, that some of the spaces were being rented, and that Mr. Pearce was ready to make the initial $500 payment as explained in his deferral request letter. Cindy Bulloch interjected that a similar request from the owner of the Cedar City KOA had been denied in 2015. Dale Brinkerhoff made a motion to deny the tax deferral request for APN E-1409-7-7. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

PERSONNEL

Leslie Bishop presented the name of Hayden White as a new hire in the Road Department. Leslie explained that this was a back fill to replace John Williams and would be effective April 11, 2016. Dale Brinkerhoff made a motion to approve the hire of Hayden White as explained. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

Leslie Bishop presented the job description of Personal Property Specialist in the Assessor's Office. Leslie explained that the approval was only for the job description. Dale Brinkerhoff asked what the budget implications would be. Leslie replied that it was not yet known, but that the updated job description was requested by Cindy Bulloch. Dale Brinkerhoff made a motion to approve the job description of Personal Property Specialist. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

Leslie Bishop presented a request to fund a Sheriff's Deputy Patrol position, beginning July 1, 2016. Lieutenant Del Schlosser explained that Lieutenant Jody Edwards had retired leaving a position vacant. Alma Adams expressed that the position serve the West desert area of Iron County. Leslie Bishop explained that the effect on the 2016 budget would be $18,097, and would be a full time position from 2017 onward. Dale Brinkerhoff made a motion to approve the funding of the Deputy Patrol position in the amount of $18,097, being full time from 2017 onward, with the stipulation that with the changes in the Sheriff's Department, that there eventually be a dedicated West desert deputy. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

NON-DELEGATED ITEMS

No Non-Delegated items were discussed.

ADJOURNMENT

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

Signed: Alma L. Adams, Chairman

Attest: Jonathan T. Whittaker, County Clerk

COUNTY OF IRON COUNTY CLERK STATE OF UTAH