IRON COUNTY COMMISSION MEETING
April 25, 2016

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

Officers in attendance included:

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

Also present:

H. Eugene Adams	County Auditor
Deborah B. Johnson	County Recorder
Nicole B. Rosenberg	County Treasurer
Betsy Cummings	Human Resources Assistant

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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 Alma Adams.

APPROVAL OF MINUTES

Dale Brinkerhoff made a motion to approve the minutes of the Iron County Commission meeting held April 11, 2015 and the Special Iron County Commission meeting held April 19, 2016. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; Casey Anderson, Aye.

DEPARTMENTAL REPORTS

Cindy Bulloch, Iron County Assessor, reported that the business personal property statutory deadline would be May 16, 2016. Cindy reported there were around 4000 returns sent out and approximately 2000 that had yet to be returned; 500 mobile home returns sent out and approximately 370 had yet to be returned. She discussed the disbursement agreements between the solar companies and Iron County, wherein the bulk of the tax would be personal property tax, because the solar panels were taxed as personal property. Cindy explained that the solar companies would have to pay 100% of taxes owed, and then be eligible for a rebate. She noted that the larger companies would pay around 12% of their taxes after local, state and federal incentives. Cindy requested overtime for the employees in the Assessor's Office during assessments. Cindy reported that the delinquent taxes owed by Jared Burger Excavating might need to go to small claims court to be collected.

Gene Adams, Iron County Auditor, reported that the outside auditors would be coming during the next week. Gene reported there had been a few of meetings concerning the library tax and distribution of surplus funds that had accumulated in the Library Fund. He explained that his budget was in line for that time of year.

Nicole Rosenberg, Iron County Treasurer, explained that the Treasurer's Office had separation of duties in place. She reported that after the recent embezzlement by the Kane County Treasurer, she was pleased with the Iron County Auditor following transactions from beginning to end, and having a second set of eyes helps keep theft at bay. Nicole informed the commission that she would host Utah state treasurer workshop in June which would be held in Brian Head. She reported that 107 parcels were currently slated for the May tax sale. Nicole explained that Melanie Hall had been working diligently on the tax sale. Nicole reported that requests for deferrals would be coming in and requested a resolution to limit the deferrals to primary residences and establish guidelines for when a deferral is acceptable.

Debbie Johnson, Iron County Recorder, reported that the cadastral mappers were continuing to redraw old linen and vellum maps. Debbie reported total documents were down, transfer documents were about the same, defaults were down, and the Trustee's Deeds were up for October, 2015 through December, 2015.

Alma Adams, Iron County Commission Chair, reported there was a group that desired to the lease shooting range, privatize it and start charging users. Dale Brinkerhoff expressed the desire to not enter into any lease agreement. Mike Edwards expressed because the shooting range had been maintained by the county, the party interested should be encouraged to open a new private range.

Alma reported that he had attended the bi-monthly Utah Counties Indemnity Pool (UCIP) meeting. He noted that the Utah Association of Counties (UAC) would be hiring a Human Resource director as a resource to all counties and that UCIP would contribute to it. Alma noted a large accumulation of metal at the landfill, and that although the price of metals was depressed, Iron County hoped to receive roughly $50,000 to $60,000 from its sale.

CONVENE AS THE MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY

PUBLIC HEARING

Alma Adams, Iron County Commission Chair, declared the public hearing regarding revenue bonds for the state Public Safety Building open.

Dale Brinkerhoff explained that the hearing was necessary because of an increase in costs for the construction of the Public Safety Building. Dale explained that even with the costs increasing from about $3.3M to $3.7M, there would still be a positive cash flow for Iron County. Alma Adams added that the funds would come from the Community Impact Board (CIB).

William Pressgrove, a citizen of Iron County, expressed reservations that an appearance of impropriety exists because the 3 members of the Municipal Building Authority (MBA) of Iron County are the same individuals as the 3 Iron County Commissioners.

RECONVENE AS THE IRON COUNTY COMMISSION

PUBLIC COMMENTS

Cindy Bulloch questioned the cost of refurbishing the Iron County Courthouse being around $500,000. Dale Brinkerhoff replied that there was a design team working to develop a plan and cost estimates for the Courthouse repairs and/or renovations.

DISCUSSION AND APPROVAL FOR HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS AND (HMEP) GRANT AWARD TO PURCHASE AN ONLINE MATERIAL SAFETY DATA SHEETS (MSDS) PROGRAM.

Alma Adams explained that the HMEP grant award was approved during the April 11, 2016 Iron County Commission meeting and therefore did not need to be addressed.

NOTICE OF CONDITIONAL USE PERMIT FOR AGRICULTURAL FERTILIZER PROCESSING AND STORAGE FACILITY FOR INTERMOUNTAIN FARMERS ASSOCIATION

Reed Erickson, Iron County Planner, presented the details of a conditional use permit for an agricultural fertilizer processing and storage facility. Intermountain Farmers Association (IFA) was the requestor, and the facility would be located at 800 North 2550 West in the Cedar City area. Reed explained that IFA was relocating from their Coal Creek location, and that the new fertilizer facility would have a greater capacity. He noted that the Iron County Planning Commission would review this item during the meeting to be held May 5, 2016. Reed explained the parcel was about 20 acres, and was located on an island of unincorporated land surrounded by Cedar City. He noted that there would be an interlocal agreement with Cedar City, regarding the pending annexation, which would allow Cedar City to issue the building permit.

DISCUSSION AND POSSSIBLE APPROVAL FOR ADDITIONAL CYBER LIABILITY COVERAGE

Alma Adams explained that a Utah Counties Indemnity Pool (UCIP) study suggested Iron County should increase the Cyber Liability coverage from $1M to $5M, which would cost an additional $5563 in premiums annually, and if the additional coverage would begin May 1, 2016 the prorated amount would be $3734.

Casey Anderson made a motion to approve the increase of Cyber Liability coverage through UCIP from $1M to $5M. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

APPROVE CONTRACT FOR INDIGENT CAPITAL DEFENSE, APPEAL IN STATE OF UTAH V. THAD DOUGLAS ROBERTSON, CASE NO. 131500082

Mike Edwards reported that Iron County participates and contributes to the Indigent Capital Fund, which allows the County to tap into the fund if needed. Mike explained the funds would be used for defense council for the Thad Douglas Robertson homicide.

Dale Brinkerhoff made a motion to approve the contract for indigent capital defense, appeal in State of Utah vs Thad Douglas Robertson, Case no. 131500082. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

DISCUSSION AND POSSIBLE ACTION TO AMEND A FREEDOM OF INFORMATION ACT (FOIA) REQUEST BY BLM

Alma Adams explained that the initial FOIA request for documents that "reference the Wild Horse and Burro program, RS2477, Sage Grouse, and energy production," was made because the Bureau of Land Management (BLM) had been having private discussions with non-government organizations that were illegal. Alma reported that Heather Whitman, BLM District Manager, had requested the FOIA be narrowed to pertinent documents versus tens of thousands of pages that may not contain useful information. Alma recommended Iron County confer with the other 4 counties before action is taken.

Dale Brinkerhoff made a motion to direct Mike Worthen to coordinate with the 4 other counties involved to form an agreement to possibly reduce the request, or to request a new FOIA altogether, and to move the issue to a later commission meeting. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

APPROVAL OF PLAT TO VACATE AND AMEND LOTS 4 AND 5, BLOCK C, SKI VIEW ESTATES, UNIT B

Steve Woolsey, on behalf of Kim and Sharia Campbell presented a plat to vacate and amend lots 4 and 5, Block C, Ski View Estates, Unit B subdivision. Steve Woolsey noted that Steve Platt, Iron County Engineer, had reviewed and signed the request.

Dale Brinkerhoff made a motion to approve the plat to vacate and amend Lots 4 and 5, Block C, Ski View Estates, Unit B subdivision. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

DISCUSSION AND POSSIBLE APPROVAL TO APPLY FOR STATE OF UTAH GRANT FOR CATTLE GUARDS, SIGNS, KIOSKS, ETC. FOR THE PAROWAN GAP OHV TRAIL

Mike Worthen, Iron County Natural Resources Specialist, explained he was seeking for approval to apply for an Off-Highway Vehicle (OHV) grant through Utah State Parks to purchase signs, cattle guards and kiosks for the Parowan Gap and Markagunt OHV trails. Mike noted that the entire cost of the project would be $119,172, with the grant providing $59,586. He explained that $35,700 would come from in kind donations, $20,000 from the restaurant tax, and $10,000 from Tourism.

Dale Brinkerhoff made a motion to approve the request to apply for a State of Utah Grant for cattle guards, signs, kiosks, etc. for the Parowan Gap and Markagunt OHV trails in the amount of $59,586. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

DISCUSSION AND POSSIBLE APPROVAL TO PURCHASE E-CIVIS GRANT WRITING APPLICATION

WRITING APPLICATION

Jon Whittaker explained that th

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available, and there had been a discussion regarding the number of users to have. Jon reported that based on the advice from Jared Wilson, Robert Jones from e-Civis, had prepared a contract for 3 users, with a multi-year discount, and an "opt out" option at the end of one year, in the amount of $8,805 per year.

Casey Anderson made a motion to approve the purchase the e-Civis grant writing application with a multi-year discount, and "opt out" option at the end of one year, and the requirement of an accounting at the end of one year. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

DISCUSSION AND POSSIBLE APPROVAL OF A LEASE RENEWAL FOR WILLIAM AND MARY WILSON IN SUMMIT

Jon Whittaker explained that William and Mary Wilson had entered into a lease agreement with Iron County in the amount of $10.00 per year for 10 years, with an option to renew, for land that was adjacent to property owned by them in Summit, Utah, and that said lease expired on April 25, 2015. Jon reported the Wilson's are interested in renewing the lease. He noted that at the April 11, 2016 Iron County Commission meeting, William Rafti, a resident of Summit, was interested in acquiring the same parcel of land. He reported that there had been a discussion regarding "Closed Roads" in Summit as noted on the original plat, and concern was expressed that Iron County would need to follow Utah State code and to convey the parcels correctly and fairly, which had not been completed.

William Rafti asked that the lease renewal not be allowed until all issues had been discussed and legally drafted.

Dale Brinkerhoff made a motion to continue legal review regarding the issue of "Closed Roads," in Summit and to delay the renewal of the lease with William and Mary Wilson, until further information is presented. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

PERSONNEL

Betsy Cummings, Iron County HR Assistant, presented a pay adjustment for Rhonda Warren in the Assessor's Office, due to reclassification to Personal Property Specialist, effective April 10, 2016. Betsy reported that there would be no budget impact. Betsy also presented for approval, a status change for Chad Dotson in the Attorney's Office, to change to Attorney Deputy I, FMLA exempt status, to move from hourly to salary wage, effective date of April 10, 2016.

Dale Brinkerhoff made a motion to approve a pay adjustment for Rhonda Warren in the Assessor's Office, due to reclassification to Personal Property Specialist, effective April 10, 2016 and approval of status change for Chad Dotson in the Attorney's Office, to change to Attorney Deputy I, FMLA exempt status, to move from hourly to salary wage, effective date of April 10, 2016. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

Betsy requested the discussion and possible action on URS Benefit Protection Contract to be moved to the May 9, 2016 Commission meeting, due to the absence of Leslie Bishop, Iron County HR Director.

Dale Brinkerhoff made a motion to table the discussion and possible action on URS Benefit Protection Contract to be moved to the May 9, 2016 Commission meeting. Second by Casey Anderson. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

Betsy requested the approval of the Americans with Disabilities Act (ADA) Policy and Procedure. She explained that the current Iron County Policy states that Iron County follow the ADA Guidelines, however the guidelines had not been outlined. Betsy noted that the new policy updates the outline of the procedures Iron County would follow if an employee requests accommodations under ADA.

Alma Adams explained the definition of disability of the ADA states "an individual is disabled if he/she has a physical or mental impairment which substantially limits one or more of the individual's major life activities; has a record of such an impairment; or is regarded as having such an impairment."

Casey Anderson made a motion to approve the updated ADA Policy and Procedure of Iron County. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye, Casey Anderson, Aye.

NON-DELEGATED ITEMS

No items were presented.

ADJOURNMENT

Alma Adams, Iron County Commission Chair, declared adjournment.

Signed: Alma Adams, Chairman

Attest: Jonathan T. Whittaker, County Clerk