

IRON COUNTY COMMISSION MEETING

May 23, 2016

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

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale Brinkerhoff	Commissioner
Casey 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
Mark Gower	County Sheriff
Leslie Bishop	Human Resources Director

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Casey Anderson.

INVOCATION

An invocation was offered by Leslie Bishop.

APPROVAL OF MINUTES

Dale Brinkerhoff made a motion to approve the minutes of the Iron County Commission meeting held November 9, 2015. Second by Casey Anderson. Voting: Alma Adams. Aye; Casey Anderson. Aye; Dale Brinkerhoff. Aye.

Dale Brinkerhoff made a motion to approve the minutes of the Iron County Commission meeting held May 9, 2016. Second by Casey Anderson. Voting: Alma Adams. Aye; Casey Anderson. Aye; Dale Brinkerhoff. Aye.

DEPARTMENTAL REPORTS

Jon Whittaker, Clerk, reported that Lauren Shafer, an intern from Southern Utah University (SUU) was adjusting well and contributing. Jon expressed excitement regarding the upcoming workshop for Clerks and Auditors that Iron County would be hosting in July. He reported an increased level of cross training in the Clerk's Office, and credited Chief Deputy Cindy Robinson for initiating it. Jon noted that the Clerk budget was on track. He expressed concern regarding the Election budget, due to an unprecedented surge in voter registrations, potentially increasing costs. Jon explained that the Clerk's Office was being frugal, and that there was no Western States Primary, as anticipated. Also, elections personnel did not mail an informational mailer to precincts that were already vote by mail. Jon concluded by noting that the sewer budget was over in a couple of areas, which was due to more than double the number of new connections from 2015.

Leslie Bishop, Human Resources (HR) Director, reported that the HR budget was on track. Leslie explained that the HR office was quite busy, and her role as the Utah Counties Indemnity Pool (UCIP) Risk Coordinator added to her workload. Leslie explained that UCIP was performing a periodic property appraisal. She noted that Family and Medical Leave Act (FMLA) Claims were higher than usual. At the time, there were more intermittent FMLA claims than longer term. Leslie noted that the 2016-17 Utah Retirement Systems (URS) contribution rate was unchanged. She explained that while the contribution rate remained the same, the amount contributed would increase due to the increase in salaries in 2016. Leslie explained that UCIP had rolled out a new online training resource for counties to use. She noted that new fair labor and overtime rules were in place which changed who is an exempt employee as far as overtime is concerned. The benchmark for exempt employees had been \$23,660, and had become \$47,476, annual salary. Leslie explained that there were only a couple of positions within Iron County that might be affected. She expressed concern that health insurance premiums would probably rise during the next renewal cycle because of ongoing claims. Leslie concluded by stating that the Affordable Care Act would have an ongoing effect, and that Iron County would need to be strategic moving forward.

John Higley, Emergency Management Coordinator, reported that he had passed a recent audit of grants for which his office had applied. John explained that in tracking volunteer hours, volunteers had logged 301 hours, equivalent to \$6,627.50. In terms of budget, John expressed concern because an emergency manager in Northern Utah had embezzled funds. He expressed a commitment to be judicious in his fiduciary responsibilities, then gave a detailed financial report. John reported attending the annual Southwest Region Citizen Corps Council Conference on April 30th. The conference focused on the following five areas: Volunteers in Police Service (VIPS); Community Emergency Response Team (CERT); Medical Reserve Corps (MRC); and Amateur Radio Emergency Services (ARES). John reported that Iron County would be hosting its annual emergency preparedness exposition, "Preparedness in the Park," on June 4th.

Curtis Crawford, Council on Aging (COA) Director, reported that both the Parowan and Cedar Senior Centers continued to function well, with high levels of satisfaction reported by participating seniors. Curtis noted that during April, volunteers served 429 hours. He explained that the Iron County Today would be running an article

free of charge seeking volunteers to help the COA. Curtis explained that, among other things, volunteers scaled meals; delivered the meals; and conducted activities. Dale Brinkerhoff asked how the volunteers were insured. Leslie Bishop explained that each volunteer was reviewed, passed a criminal background check, and was required to pass a drug screening. Curtis reported having applied for a Social Services Block Grant (SSGB) from the Utah Department of Transportation (UDOT) to help maintain the fleet of 13 COA vehicles. He anticipated the grant would be about \$7,000.

Dale Brinkerhoff, Commissioner, reported having met with Judge Margaret Miller to discuss swapping offices with Lori Starr to facilitate management of Justice Court staff. Dale explained that the minor construction to facilitate the swap had started. He explained that the Public Safety Building bids would be opened on June 8th, with a potential award of contract during the June 13th Iron County Commission meeting. He reported attending the Western Lands Summit in Washington County. Dale noted the meeting was well attended. He reported having reached out to Mike Deal of the Southwest Behavioral Health Center in response to a concern of Judge Thomas Higbee regarding mental health services availability in regard to the Mental Health and Drug courts. Dale had invited Mike Deal to meet with Iron County Attorney Scott Garrett and/or Judge Higbee to discuss coordinating on mental health services for those in the court system.

Casey Anderson, Commissioner, reported attending a meeting of the Central Iron County Water Conservancy District. At the meeting, emphasis was placed on utilizing the water from the west desert. Casey relayed that if more water is not developed, it would likely cost Iron County \$2-8 Billion over 30 to 40 years. He also emphasized the need to use water more wisely.

PUBLIC HEARING REGARDING ADDITIONS TO THE IRON COUNTY NATURAL RESOURCE MANAGEMENT PLAN

Iron County Commission Chair, Alma Adams declared a public hearing to receive comment concerning potential additions to the Iron County Natural Resource Management Plan. In particular, specifying plans to manage wild free-roaming horses and burros and for managing areas of critical concern.

Mike Worthen, Iron County Natural Resource Specialist, explained that UCA §17-27a-401(1) authorizes counties to prepare a comprehensive general plan, including a Resource Management Plan (RMP). Mike explained that HB 323, which was signed into law in 2015 defined the requirement for counties to create a RMP. It also required the coordination and assistance of state agencies and established counties' RMP's as the basis for coordinating with the federal government. Mike emphasized that this process was planning with federal partners to ensure local interests were met. He explained that the two plans for consideration had been presented to the Iron County Planning Commission on April 2, 2016.

Mike Worthen began by discussing the Wild Free-Roaming Horse and Burrow section. Mike explained that there had been one written comment received in favor of the plan. Some grazing permittees had requested an economic analysis be included in the plan. Mike explained that he would include the requested economic analysis in the plan before approval. He noted that the plan would not be adopted at that time, but that the public hearing would suffice regarding the requested economic analysis. Mike explained that the Wild Free-Roaming Horse and Burrow plan outlined herd areas within Iron County and horse management areas. The plan also mandates that appropriate levels of horses be established within each area, as well as when animals can be removed. The plan mandates that those established ranges of animals be maintained. Mike explained that the plan establishes procedures to remove excess animals that involve adoption or destroying them humanely, especially for sick and old animals. He explained that the land management agencies were required to manage herds in a way that maintains a

natural, thriving, ecological balance on public lands. Procedures were outlined to deal with horses that stray from the designated areas.

Mike Worthen explained further that the plan outlines failures of the agencies involved, and the culpability of the U.S. Congress in not allowing those land management agencies to manage the herds properly, particularly in regard to destroying animals. Mike noted that another objective of the Wild Free-Roaming Horse and Burrow plan was to define the herd and horse management areas more definitively and sensibly. He explained that 3 of the herd management areas would be combined into 1, and that Iron County shares 2 areas with Beaver County, and 1 area with Washington County. Mike explained that the Chloride Canyon Area animals would be removed because it is isolated and has a lack of genetic diversity. Interbreeding has even caused blindness and stunted growth in many of the horses. Another problem with the Chloride Canyon Area is that the horses have been coming on the highway. Mike explained that with the plan, Iron County is suggesting that the Chloride Canyon animals be removed. Another part of the plan that Mike described was the removal of horse management areas that do not provide sufficient forage and habitat to sustain healthy populations. Furthermore, the plan mandates keeping wild horses off of non-horse management area public and private lands. Under the plan, unadoptable animals are to be destroyed humanely. Mike noted that the plan requires sound fiscal management practices. He noted that the agencies spend \$40 million each year to feed captured horses in holding facilities. He concluded by noting that no reduction of Animal Management Unit's (AUM's) for rancher would be permissible when such a reduction is due to agency mismanagement.

The plan for managing Areas of Critical Environmental Concern (ACEC) was the next item. Mike Worthen requested that the commissioners consider the ACEC plan for approval at that time. Mike explained that ACEC was a requirement on Bureau of Land Management (BLM) lands but not Forest Service lands. He relayed the definition of an ACEC as follows: "A specific designated area where special management attention is required to protect relevant and important historic, cultural or scenic values of fish and wildlife resources and other resources or processes from irreparable damage or to protect life and safety from natural hazards." Mike explained that ACEC's are considered for designation during the land use plans or resource management plans, which the Cedar City BLM Field Office was in the process of doing at that time. He outlined the objectives of the ACEC portion of the Iron County Resource Management Plan as ensuring that any ACEC designation within Iron County be consistent with the multiple use/sustained yield policies, that they be consistent with the coordination clause of the 1971 Federal Land Policy and Management Act (FLPMA), and that any subjectivity when interpreting the relevant and important values of a nominated ACEC be minimized. Also, that all possible management strategies/designations be considered when an ACEC nomination is put forward. The plan aims to prevent frivolous use of ACEC's for objectives not codified under FLPMA. Mike gave examples of seeking special funding because of an ACEC, or Non-Governmental Organizations (NGO's) seeking to establish an ACEC as a attempted substitute for a wilderness area designation.

After Mike Worthen's presentation, Alma Adams asked for any public comment regarding Iron County's draft management plan for ACEC's. No comments were offered. Alma Adams then closed the public hearing.

Dale Brinkerhoff made a motion to approve the draft management plan for ACEC's as presented. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

PUBLIC COMMENTS

Roger Addington, a resident of Cedar City explained that he had purchased and renovated three homes, moving each time. Mr. Addington expressed frustration at not being considered a legal resident because one of his homes no longer qualified for the primary exemption. He was also frustrated because his tax notice had not arrived at his

home. Alma Adams encouraged Mr. Addington to visit with the Assessor's Office regarding his primary exemption and the Recorder's Office regarding updating his mailing address for tax notices.

Bruce Washburn, a resident of Cedar City, reported having listened to a discussion held regarding a Freedom of Information Act (FOIA) request sent from Iron County to the BLM in December of 2015. He noted that during that meeting Alma Adams reported the reason for the FOIA request was because the BLM has been having private discussions with NGO's that were illegal. Mr. Washburn also relayed that on the audio recording of the meeting, he could hear Mike Worthen say that the FOIA request could be reduced in size by eliminating the requests for personal communications among employees. Bruce also noted hearing on the audio that Commissioner Brinkerhoff stating that the extensive FOIA request made of the BLM was partly in response to the amount of information the BLM had asked of Iron County. Mr. Washburn then noted that various Government Records Access and Management Act (GRAMA) requests had been made by family members of BLM employees regarding the 2015 Western Freedom Festival, but that no GRAMA request had been made by the BLM. Bruce noted that any communications regarding the Western Freedom Festival were requested in the FOIA request. Mr. Washburn concluded that those parts of the FOIA request made by Iron County to the BLM were motivated by private citizen opposition to the 2015 Western Freedom Festival, a political event sponsored by the Iron County Commission. Alma Adams replied that the commissioners had met with the BLM to reduce the scope of said FOIA request.

REQUEST TO REMOVE PARCEL 16 FROM THE 2016 TAX SALE

Gene Adams presented the request to remove parcel number 16, Assessor's Parcel Number (APN) B-1035-1 from the May 2016 tax sale as it may be in the best interest of the public per Utah Code Annotated (UCA) § 59-2-1350(2). Gene explained that it was a small 0.04 acre parcel that is used as a driveway for South Elementary in Cedar City, providing egress. Dale Brinkerhoff made a motion to approve removal of parcel number 16 in the amount of \$525 from the 2016 tax sale as requested. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF RESOLUTION 2016-2, CREATING A SPECIAL REVENUE FUND FOR THE ADMINISTRATION OF CORRIDOR PRESERVATION FUNDS

Gene Adams explained the need to create a special revenue fund for the administration of Corridor Preservation funds. Gene explained that historically, these funds had been administered by the State of Utah and that the responsibility had been transferred to the counties. Dale Brinkerhoff made a motion to approve the creation of a special revenue fund for the administration of Corridor Preservation funds. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

IRON COUNTY RESOLUTION 2016-2

A RESOLUTION OF 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

Voting:

Alma L. Adams Aye
Dale M. Brinkerhoff Aye
Casey O. Anderson Aye

REQUEST TO INCREASE CREDIT LIMITS ON SHERIFF DEPARTMENT CREDIT CARDS

Lieutenant Del Schlosser presented a request to increase the credit limit for some of the credit cards within the Sheriff's Department. Lt. Schlosser explained that for purchasing some gear within the department, staff would often combine as many as 4 credit cards to make a purchase. He noted that increasing limits as requested would help to prevent temporary increases. Lt. Schlosser did not anticipate reaching the new credit limits unless there were a major incident. Mike Edwards expressed concern that the procurement policy be followed. Dale Brinkerhoff noted that, even with the requested increase, the controls wouldn't have changed. Nicole Rosenberg suggested it might be time to switch from State Bank of Southern Utah to U.S. Bank, who gives a percent back. Dale Brinkerhoff made a motion to approve Lieutenant Schlosser's request to increase spending limits for Sheriff's Department credit cards as requested. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

DISCUSSION REGARDING AMENDING SunEdison, PHASE I SOLAR COMMUNITY DEVELOPMENT AREA

Adam Long, Counsel for Iron County Community Development & Renewal Agency, explained that the commissioner had several options regarding the SunEdison, Phase I Solar Community Development Area (CDA). Adam explained that the legal descriptions from the original agreement did not match the actual projects. Also, of the six projects envisioned, Fiddlers Canyon #1, #2, and #3 were built in 2015 while

Quichapa #1, #2, and #3 had not yet been built. The original CDA provided a 50% tax incentive for 10 years to help the projects be feasible. Adam gave detailed explanations of each option and reviewed CDA's generally. The main options presented to the commissioners were to: 1) Do nothing. This would make both the Fiddlers Canyon and Quichapa projects ineligible for any incentive. 2) Allow both the Fiddlers Canyon and Quichapa projects to update their legal descriptions as well as restart their timelines. 3) Exclude Fiddlers Canyon, and allow corrections to the Quichapa projects only. Adam explained that the purpose behind the incentives given under CDA's was to help make possible such projects and to incentivize them to locate in Iron County. He recommended that the commissioners choose to take no action regarding the Fiddlers Canyon projects since they had already been built, but simply did not qualify for incentive under the original agreement. Furthermore, Adam recommended that the commissioners allow a reworking of the Quichapa projects to include corrected and accurate legal descriptions and a restart of the 10 year incentive period.

Alma Adams expressed a desire to clean up both sets of projects, including the Fiddlers Canyon projects because of a land exchange that had taken place in 2015. His suggestion would allow SunEdison or any future owners to have correct legal descriptions and the same 50% incentive for 10 years. Reed Erickson suggested meeting with the Iron County School Board and the Central Iron County Water Conservancy District to be sure they would be in agreement with any changes. Adam Long recommended paring down the Quichapa projects, which would simplify the burdensome process. He also recommended creating a new CDA for the Fiddlers Canyon Projects. No action was taken at that time.

DISCUSSION REGARDING PLACING A "LOCAL OPTION SALES TAX" ON THE BALLOT IN NOVEMBER

Alma Adams explained that Parowan City, Cedar City and Enoch City had passed resolutions requesting that the Iron County Commission place an opinion question regarding "Local Option Sales Tax," for transportation on the ballot for the voters of Iron County to decide. The Local Option Sales Tax (LOST) would be an additional 0.25% sales tax for transportation funding. Alma explained that Iron County would not be advocating for or against said ballot question. He also noted that Brian Head Town did not pass a similar resolution, and that Iron County had not heard from Paragonah or Kanarraville on the matter. Alma explained that he would like Jon Whittaker to prepare a spreadsheet which would outlay all of the options the commissioners would have regarding allocation of LOST revenues. He noted that the option has to do with the transit portion of the tax, which would only affect the Cedar Area Transit System (CATS). He also noted that the law changed in 2016, allowing for less of the LOST tax to be allocated to transit. Alma explained that this change made the LOST more palatable. He explained that LOST revenues are not to supplant other budget items, but to improve roads. No action was taken at that time.

APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND THE FIVE COUNTY ASSOCIATION OF GOVERNMENTS REGARDING TRANSPORTATION PLANNING

Kurt Hutchings from the Five County Association of Governments (Five County), explained that the Rural Planning Organization had been in place for 7 years. Kurt noted that good progress had been made, and the Rural Planning Organization (RPO) helps Iron County to have a voice with the Utah Department of Transportation (UDOT). Reed Erickson clarified that the funding for the RPO was funded with Local Corridor Preservation funds. Casey Anderson made a motion to approve the MOU as presented in the amount of up to \$40,000 from the Local Corridor Preservation Fund. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

PERSONNEL

Sheriff Mark Gower presented the approval of a new Sergeant position due to Sergeant Jeff Malcolm being selected to serve on the interagency Drug Task Force. Leslie Bishop expressed concern that there would be an unnecessary Sergeant if Jeff Malcom were to come back from the Drug Task Force. Leslie noted that the projected budget impact would be around \$19,600. Sheriff Gower replied that this situation was a contingency Iron County agreed to in 1988. Casey Anderson asked if there were other options, and what other affects this change might cause within the Sheriff's Department. Casey asked for more information. Casey Anderson made a motion to postpone the decision regarding the Sergeant position pending more information until the June 13, 2016 Iron County Commission meeting. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

Leslie Bishop presented a revision of Section 17, Workers Compensation Policy. Leslie noted that the changes were to comply with the current Utah Retirement System (URS) contract. Leslie noted that the change was to ensure workers do not miss service credit when taking Workers Compensation leave. Dale Brinkerhoff made a motion to approve the revision to Section 17, Workers Compensation Policy as presented. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

Leslie Bishop presented for approval a revision to Section 28 Break Periods Policy, which would not allow employees to bank break or lunch periods. The revision also addressed allowances for nursing mothers. Cindy Bulloch expressed concern that she had allowed her employees to skip a lunch and leave early on occasion. Leslie Bishop explained that the policy was in response to some abuses that had occurred, but that banking a lunch break within the same work day could be allowed. Dale Brinkerhoff made a motion to approve the revision of Section 28, Break Periods Policy with the amendment specific to multiple day banking of lunch periods as being prohibited, but preserving flexibility for an occasional same day banking of a lunch period. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

NON-DELEGATED ITEMS

Leslie Bishop noted that Sandra Benson's term has expired as a member of the Career Service Council. She also expressed the need to include an Administrative Law Judge when convening the Career Service Council.

ADJOURNMENT

Commission Chair Alma Adams declared adjournment.


Signed: Alma Adams, Chairman


Attest: Jonathan T. Whittaker, County Clerk

