

**IRON COUNTY COMMISSION MEETING**

**June 27, 2016**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 27, 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
Cindy Bulloch	County Assessor
Debbie Johnson	County Recorder
Nicole Robinson	County Treasurer
Leslie Bishop	Human Resources Director

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

An invocation was offered by Casey Anderson.

## DEPARTMENTAL REPORTS

**Chad Nay, Iron County Building/Zoning/Planner Director**, was excused and Alma Adams gave an overview from Chad Nay's written report. Chad noted that there were 15 more building permits as of May 2016 compared to May of 2015, in the unincorporated areas of Iron County. He reported that the addition of the administrative land use permit has helped to streamline the process for the public and has taken a burden off of the planning commission.

**Steve Platt, Iron County Engineer**, reported that his budget was on track. Steve reported that the Highway 91 to Vandenberg road improvement had begun and was scheduled to be completed during the summer. He noted that the road improvement near the solar farm in Parowan Valley on 2200 North was near completion and that the expense was covered by Scatec, the developer of the Red Hills Renewables solar farm. Steve reported that he attended a meeting held at the State Capitol regarding RS-2477 roads. Steve reported that the Attorney General wanted an additional 300 preservation depositions and Utah District Court Judge Clark Waddoups had only permitted an additional 50. Steve reported that two crushing projects for the Road Department in the Parowan Valley and at the Landfill had been completed. He noted that there were daily requests for new addresses and encroachment permits. Steve reported that surveying would need to be done on the Kane Springs roads before improvements could be started. He noted that by cooperation with the Jim Watson family, there were four exploration holes dug on Kanarra Mountain for cinders. One of the holes seemed promising.

Steve reported that work on the Coal Creek improvement was continuing and the goal was to have the north leg of Coal Creek past the Regional Waste Water Treatment Plant in the Cedar Valley. He noted that Senator Bennett earmarked \$200,000 to the Natural Resources Conservation Service (NRCS) to determine what to do with Coal Creek west of I-15 in the Cedar Valley. NRCS had notified Cedar City that funding is available for Phase 3 of the Parkway Project.

Steve reported that Jones Land & Livestock had given their easement rights on 7700 West in Cedar Valley, but more easements were needed before the chip sealing could begin.

**Bruce Anderson, Iron County Landfill Supervisor**, reported that the 2016 Landfill budget was on track. Bruce stated that the scale house and fencing was completed and that he was appreciative of the work crew for making it look good. Bruce reported that he and Steve Hanson attended the Management of Landfill Operations and that he was certified for another three years. Bruce reported that Jeff Middleton received the wood grinding bid and was about 50% finished, and the metal recycling was about 10-15% finished.

**Neil Forsyth, Iron County Road Department Supervisor**, reported via phone. Neal reported that the mountain roads have been graded and that his crews had done a great deal of patching on the roads. He stated that chip sealing had begun and his workers were working hard to get those completed.

**Alma Adams, Iron County Commissioner**, reported that he met with the Utah Department of Environmental Quality (DEQ) because Iron County was nearing 50,000 in population, a monitoring station was being considered at some point in the future. Alma reported that he met with Zippy Duvall, American Farm Bureau President, and flew him over the bark beetle damage and by car to wild horse areas so that he would have a personal view of the challenges facing Iron County. Alma reported that they traveled to Lund road to the three tower pivots to see the damage from the prairie dogs.

Alma Adams reported that Redge Johnson, Public Lands Policy Coordinating Council, met with allotment owners, and with BLM and Forest Service to continue working on solutions.

**Jon Whittaker, Iron County Clerk**, reported that the Iron County Primary Election was well underway.

**PUBLIC HEARING REGARDING A PROPOSED LOCAL OPTION SALES TAX**

Alma Adams, Iron County Commission Chair, declared a public hearing regarding a proposed local option sales tax.

Alma Adams explained that during the 2015 Utah State Legislature passed a bill (HB 362) for a Local Option Sales Tax to be used strictly for transportation. Alma noted that, if implemented, the bill would add 0.25% to sales taxes (except food). He clarified that the revenues would be distributed in the same manner as the current "B" and "C" road funds. Alma noted that the Iron County Commission decided not to place the Local Option Sales Tax on the ballot in 2015. He explained that in 2015, a larger portion would have gone to transit, which would have been the Cedar Area Transportation Service (CATS). Alma noted that neither the commissioners nor Cedar City was interested in increasing taxes to support CATS at that point. HB 183, passed during the 2016 legislative session had provided discretion to counties to determine what percentage of the Local Option Sales Tax would go to public transportation. He reported having received resolutions from the cities of Parowan, Enoch, and Cedar requesting that the Iron County Commission place the Local Option Sales Tax on the ballot. Alma noted that Brian Head did not pass a resolution in favor of the tax and no official communications had been received from Paragonah or Kanarraville. He explained that no public money would be used to influence voters' decisions. Alma explained that the distribution would likely be: 0.10% of sales tax to cities; 0.05% to Iron County; 0.025% to transit (the minimum allowable); 0.075% to be split 50/50 between cities and Iron County. Alma explained that another portion of the law raised the gasoline tax by 5 cents per gallon, providing an additional \$572,000 throughout Iron County, with \$285,000 to Iron County; \$196,000 to Cedar City; \$8,000 to Brian Head; \$45,000 to Enoch; \$37,000 to Kanarraville; \$64,000 to Paragonah; \$26,000 to Parowan. Alma explained that, if passed, the Local Option Sales Tax would potentially provide \$1,498,000 county wide, with \$437,000 to Iron County; \$9,500 to Brian Head; \$472,000 to Cedar City; \$51,000 to Enoch; \$3,300 to Kanarraville; \$4,800 to Paragonah; \$31,000 to Parowan; and \$489,000 to CATS. Casey Anderson explained that those numbers represented all of the discretionary money going to CATS, and that if passed, the Local Option Sales Tax would represent more money for Iron County and Cedar City and less money for CATS.

Cindy Bulloch asked whether the tax would be applied throughout Iron County, or whether it would be applied by city. Alma Adams replied that the tax would be applied throughout Iron County.

Bret Howser, Brian Head Town Manager, explained that Brian Head Town had passed a resolution regarding the Local Option Sales Tax in 2015, which passed. Bret noted that a similar resolution was brought before the Town Council in 2016, which did not pass. He clarified that Brian Head failed to pass the resolution, which was different than being against it. Bret explained that the distribution formula used to allocate Local Option Sales Tax revenues would have provided Brian Head with only about \$10,000 out of a \$200,000 roads maintenance budget. Because the new tax would have been too insignificant, the Brian Head Town Council did not pass the resolution in favor of asking Iron County to place the opinion question on the ballot. He clarified that Brian Head Town's position on the Local Option Sales Tax was neutral.

William Pressgrove, a citizen of Iron County, noted that the Local Option Sales Tax would be a new revenue source. He asked what the need was and whether the need was already being met. Alma Adams explained that the current road funding was not sufficient. Alma noted that cities have indicated that they have struggled to keep up with their maintenance. He explained that with greater fuel efficiencies, fewer gasoline tax dollars had been collected, even though the wear on the roadways remained the same. Alma explained that the Utah State Legislature considered this action for several years before taking action. William Pressgrove asked rhetorically what percentage of a person's income goes to pay taxes.

Brad Green, noted that the county seemed ambivalent about the Local Option Sales Tax, and that the cities seemed to express that the onus was on the Iron County Commission. He emphasized that the commissioners were elected representatives with the power to stop the additional tax by refusing to place it on the ballot. He explained that the Recreation, Arts, and Parks (RAP) tax added a significant burden to his business because he is subject to it, while his competitor in Hurricane City is not. Brad concluded by expressing his opposition to the tax.

Alma Adams, Iron County Commission Chair, declared the public hearing for Local Option Sales Tax, closed.

**PUBLIC COMMENTS**

No public comments were offered.

**DECISION REGARDING VIDEO STREAMING OF THE IRON COUNTY COMMISSION MEETINGS**

Casey Anderson expressed that streaming the Iron County Commission meetings would provide communication and transparency to the proceedings. In particular, he noted that, by being able to access the video stream, citizens would be empowered to be informed and be able to provide more feedback to the commissioners.

Jared Wilson presented 3 options to the commissioners regarding live video streaming of Iron County Commission meetings. The first was the option Casey Anderson discussed when he brought the concept forward. It was to follow what Kaysville City had done, by installing a camera that would provide a basic web stream via [www.youtube.com](http://www.youtube.com). Jared Wilson explained that there would be some hardware and software to purchase and estimated the first option to cost \$1,500 to \$2,000 to install and bring on line.

The second option Jared Wilson discussed was to use an existing in house solution using a Mobotix camera, which Information Systems (IT) personnel were already familiar with. Jared explained that the cost of the Mobotix system would also be \$1,500 to \$2,000 to install and bring on line.

The third option Jared Wilson presented was to use JCG Technologies. Jared explained that the JCG system was already in use in the Justice Court and Childrens Justice Center. He noted that the JCG system had several advantages, such as better automation and integration. He noted that the cost would be \$15,000 to \$20,000.

Casey Anderson reiterated his emphasis on the live video streaming of Iron County Commission meetings and asked Jared Wilson how many hours the Mobotix system would take to install. Jared replied that it would require 6-8 hours. Casey Anderson advocated approving the streaming set up and setting a budget limit of \$3,000. Dale Brinkerhoff expressed that he was for live streaming, but that he wanted to include the streaming in the needed courthouse renovations and repairs. Dale explained that by doing so, the cost would not come out of the general fund, but be rolled in to the renovation budget. Casey Anderson made a motion to move forward with live video streaming of Iron County Commission meetings, setting a budget limit of \$3,000 for the IT department to bring it about. Second by Alma Adams. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Nay.

**RESOLUTION 2016-3 AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2016 CENTRALLY ASSESSED PROPERTIES**

Mike Edwards explained that Resolution 2016-3, Authorizing the Filing of Cross-Appeals for 2016 Centrally Assessed Properties, dealt with properties that were valued by the Utah State Tax Commission, not the Iron County Assessor. The Cross-Appeals were counter claims to valuation appeals for property that is in multiple counties. The Cross-Appeal process was a combined effort between counties. Alma Adams noted that Salt Lake County had recently left the group, likely causing costs to increase. Cindy Bulloch

noted that the Utah Association of Counties (UAC) had once provided this service, but had stopped because it was difficult to maintain fairness. Dale Brinkerhoff made a motion to approve Resolution 2016-3, Authorizing the Filing of Cross-Appeals for 2016 Centrally Assessed Properties. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

## **IRON COUNTY RESOLUTION 2016-3**

A RESOLUTION OF THE IRON COUNTY COMMISSION APPROVING THE  
FILING OF CROSS-APPEALS TO 2016 APPEALS FILED BY TAXPAYERS  
SUBJECT TO  
CENTRAL ASSESSMENT.

**It is Hereby Resolved** by the Iron County Commission that:

**Whereas**, Utah Code Ann. § 59-2-1007 allows a county to object to an assessment and request a hearing with the Utah State Tax Commission (“cross-appeal”) with thirty days from when an owner of a centrally assessed property objects and requests a hearing (“appeal”); and

**Whereas**, the following owners with centrally assessed property in Iron County have filed an appeal with the Utah State Tax Commission contesting their 2016 assessment: 1. AT&T Mobility LLC; 2. Cellco Partnership d/b/a Verizon Wireless; 3. T-Mobile US Inc.; 4. Sprint Corporation; 5. AT&T Communications; 6. PacifiCorp; 7. Intermountain Power Agency; and 8. Sky West, Inc. and

**Whereas**, it is in the best interest of the County that it file a cross-appeal(s) so that the County can fully participate in the proceedings initiated by the owner(s), including subsequent appeals to the District Court or Utah Supreme Court arising from such proceedings, with the purpose to protect the County’s financial interests and the equality of the tax burdens of taxpayers within its jurisdiction.

**Now Therefore**, the Iron County Commission resolves as follows:

1. That cross-appeals should be filed by legal counsel and pursued in response to the appeals initiated by the following owners: 1. AT&T Mobility LLC; 2. Cellco Partnership d/b/a Verizon Wireless; 3. T-Mobile US Inc.; 4. Sprint Corporation; 5. AT&T Communications; 6. PacifiCorp; 7. Intermountain Power Agency; and 8. Sky West, Inc.
2. That the County Commission direct the prosecution of the cross-appeal(s) under the advice of legal counsel.
3. That in the event an appeal by an owner not identified above is subsequently discovered, legal counsel is authorized to file a cross-appeal using his or her discretion to ensure timeliness, but such cross-appeal must be subsequently brought before the Commission as soon as possible for ratification.

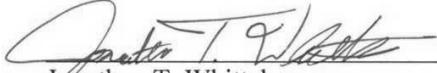
**Approved and Adopted** this 27<sup>th</sup> Day of June, 2016.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_

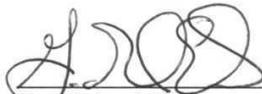
Alma L. Adams

ATTEST:

  
Jonathan T. Whittaker  
Iron County Clerk



APPROVED AS TO FORM:

  
G. Michael Edwards  
Deputy Iron County Attorney

Voting:

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

**RESOLUTION 2016-4 ADOPT CERTIFIED TAX RATES & BUDGETS FOR TAX YEAR 2016**

Gene Adams explained that all of the certified tax rates were set with the exception of Paragonah Town, which would be going through "Truth in Taxation" for a possible tax rate increase. He explained that, because property values had increased, tax rates would be lower for 2016. Gene noted that the tax rate for Iron County general operations was 0.001304, down from 0.001352 in 2015. The library tax rate was 0.000073, down from 0.000076. Southwest Public Health was 0.000074, down from 0.000077. The tax rate for Multi-County Assessing and Collecting was 0.000011, Assessing and Collecting was 0.000528. Dale Brinkerhoff made a motion to approve Resolution 2016-4, Adopting Certified Tax Rates and Budgets for Tax Year 2016. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

**RESOLUTION 2016-5 ADOPT CERTIFIED TAX RATES & BUDGETS FOR MUNICIPAL SERVICES DISTRICT #2 FOR TAX YEAR 2016**

Gene Adams explained that the tax rate for Municipal Services District #2, for the unincorporated areas of Iron County, was 0.002807 for 2016, down from 0.002861 for 2015. Dale Brinkerhoff made a motion to approve Resolution 2016-5, Adopting Certified Tax Rates and Budgets for Municipal Services District #2 for Tax Year 2016. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

**CONVENE AS THE MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY**

Alma Adams, Iron County Commission Chairman, declared the convening of the Municipal Building Authority of Iron County.

**IRON COUNTY MUNICIPAL BUILDING AUTHORITY CONTRACT AWARD-  
CONSTRUCTION CONTRACT FOR THE IRON COUNTY PUBLIC SAFETY  
BUILDING**

Reed Erickson explained that Carter Enterprises, Inc. was the winning bidder for the construction of the Public Safety Building, with a bid of \$3.424 million. Reed noted that the contract award would be contingent upon the pre-construction meeting to be held the following Wednesday. This contingency would allow the state agencies which would be using the Public Safety Building, to have input on the construction plans and specifications. Reed explained that \$3.7 million had been awarded to the Municipal Building Authority (MBA) by the Community Impact Board (CIB) for the construction of the Public Safety Building. He noted that with a small contingency for overages, and for the design fee, any extra cost would need to be borne by the state agencies that would ultimately use the building. Reed noted that the contract had been prepared by Mesa Engineering. He suggested that any motion to approve the contract with Carter Enterprises, Inc. include authorization for the Commission Chairman to sign said contract after the Wednesday meeting with the state agencies. Dale Brinkerhoff explained that the only reason Iron County was moving forward with this project, was that once the bond for the Public Safety Building was paid off in 25 years, Iron County would benefit from rents from the state agencies, amounting to about \$250,000 per year. Dale Brinkerhoff made a motion to award the contract for construction of the Public Safety Building to Carter Enterprises, Inc in the amount of \$3.424 million, plus the planned contingency funds. Also part of the motion was that approval would be contingent upon a successful pre-construction meeting with the state agencies and authorization for the Iron County MBA Chairman to sign the contract after said meeting. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Alma Adams, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**APPROVE BOOKMOBILE MEMORANDUM OF AGREEMENT FROM JULY 1,  
2016 TO JUNE 30, 2017**

Alma Adams explained that the Bookmobile agreement had increased \$616 from the previous year, being \$95,500 for the 2016-17 fiscal year. Dale Brinkerhoff expressed that the Bookmobile funding paid by Iron County be no more than what was collected in the unincorporated areas through the Library Tax. Dale Brinkerhoff made a motion to approve the July 1 2016 to June 30, 2017 Bookmobile agreement in the amount of \$95,500, with a stipulation that said amount does not exceed the unincorporated Library Tax collections. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

**PERSONNEL**

Betsy Cummings, Human Resources (HR) Assistant, asked that Leslie Bishop be excused. Betsy presented the new hire of Kyle Birnbrauer as a Part Time Information Technology (IT) Technician, effective June 13, 2016 for approval. This would be backfill of a vacant position. Betsy also presented the new hire of David Smith as a Part Time Information Technology (IT) Technician, effective June 13, 2016 for approval. This would be a backfill of a vacant position. In the Corrections Department, Betsy presented the new hire of Hailey Carter as a Full Time Corrections Deputy, effective July 3, 2016 for approval. This would be a backfill of a vacant position. Betsy presented the new hire of Danny Christiansen as a Full Time Corrections Deputy, effective July 3, 2016 for approval. This would be a backfill of a vacant position. Dale Brinkerhoff made a motion

to approve the new hires as explained. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

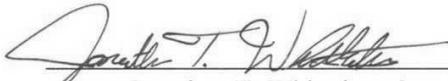
Alma Adams reported that he and Commissioner Anderson attended a translocation meeting recently. Alma observed that there was a new positive feeling in the translocation meetings. He expressed that Jessica Van Woeart does a great job.

**ADJOURNMENT**

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



Signed: Alma L. Adams, Chairman



Attest: Jonathan T. Whittaker, County Clerk

