IRON COUNTY COMMISSION MEETING
September 28, 2015

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 28th, 2015 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
David J. Miller	Commissioner - Excused
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Cindy W. Bulloch	County Assessor
H. Eugene Adams	County Auditor
Nicole B. Rosenberg	County Treasurer
Stephen Platt	Iron County Engineer
Bruce Anderson	Landfill Supervisor
Chad Nay	Zoning Administrator

SYNOPSIS

ADJOURNMENT 6
APPROVAL OF INTERLOCAL WITH BRIAN HEAD FOR INSPECTION SERVICES 6
DEPARTMENTAL REPORTS 1
DISCUSSION REGARDING PENDING OR REASONABLY IMMINENT LITIGATION (CLOSED SESSION PER UCA § 54-4-205-(1c)) 6
INVOCATION 1
NOTIFICATION OF A C.U.P. FOR SOLAR PLANTS 5
NOTIFICATION OF A C.U.P. FOR A TELECOMMUNICATIONS TOWER 4
PERSONAL PROPERTY ITEMS 5
PERSONNEL 6
PLEDGE OF ALLEGIANCE 1
PUBLIC COMMENTS 3
PUBLIC HEARING TO REVIEW 2015 BUDGET AMENDMENTS 3
SURPLUS VEHICLE BID OPENING. 6
UPDATE FROM SOUTHWEST APPLIED TECHNOLOGY COLLEGE 5

PLEDGE OF ALLEGIANCE

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

INVOCATION

An invocation was offered by Steve Platt.

DEPARTMENTAL REPORTS

Chad Nay, Iron County Zoning Administrator, reported that building in Iron County had increased. Chad noted that the building department had issued 150 building permits by the end of August, 17 more building permits than had been issued by the end of August 2014. He also explained that the total valuation of properties at the end of August was $11 million, higher than any other year on record. Chad explained that these figures did not include the last 2 or 3 solar farms under construction.

Chad Nay explained that the building department had issued 14 Conditional Use Permits (CUP's) for solar farms in 2015, and 11 building permits. Chad clarified that 3 more CUP's were still in the process of approval. He then described concerns brought to his attention by Alva Matheson, a resident of Cedar City. Mr. Matheson explained that one of the solar farms may be located on part of the Old Spanish Trail. Chad Nay expressed that Mr. Matheson was very upset, and was trying to force Iron County to enforce antiquity laws over which Iron County had no control. Chad noted that Mr. Matheson had threatened lawsuits. Chad also noted that, as stewards, his department would have brought the potential overlap to the developer's attention if they had known about it. Dale Brinkerhoff asked whether the solar farm would impact the trail. Chad Nay replied that the Trails Act applies only to public lands, and the solar farm in question was located on private property. Dale Brinkerhoff expressed that it was the desire of Iron County to preserve historical landmarks. Chad Nay explained that he and his staff had worked to identify historical trails and potential conflicts in the future. Also, that the solar company had committed money to pay for signage marking the location of the Old Spanish Trail on public rights-of-way near their property.

Chad Nay discussed the hearing to be held on Thursday, October 1st regarding the RA-20 Zoning changes. Chad noted that the public had been very involved during the lengthy process. He expressed appreciation for the public interest and frustration in the zoning change.

Chad Nay described the challenges that had been occurring in the maintenance department. Primarily, the increase in construction had strained the department in trying to meet both the building inspection and facilities maintenance demands. Lester Ross, who had been performing maintenance duties also, had acquired many essential building inspection certifications. Using Lester for building inspection duties had caused maintenance to fall behind. Chad expressed relief for a new hire in maintenance to be discussed later in the meeting.

Chad Nay explained that the Building and Zoning budget was on track and within budget. Chad reported that Brian Head Town had signed the contract for Iron County to provide building inspection services. He noted that even though Iron County had made the least generous offer, Brian Head selected the Iron County Building and Zoning department, reflecting the trust the department had earned.

Stephen R. Platt, Iron County Engineer, reported that his budget was on track. Stephen then explained that the 5700 belt route project would be paved in October by Western Rock. He noted that at the intersection of the belt route and Highway 56, there would be acceleration and deceleration lanes at a cost of $325,000.

Stephen Platt reported that progress had been made in the RS-2477 roads. He explained that the Utah Attorney General's Office wanted to continue to do depositions before the witnesses to the roads pass away. Steve noted that several had recently passed away.

Stephen Platt explained that he would write a reminder letter to President Wyatt of Southern Utah University (SUU) regarding the SUU Mountain Center Road. Iron County had been seeking to confirm legal access for the owners and users of that road.

Stephen Platt reported that the Bureau of Land Management (BLM) was conducting a National Environmental Policy Act (NEPA) assessment on the Cedar Highlands Road. Steve explained that the archeological and realignment concerns were being addressed. Steve also reported on the improvements to the Dutch Cowboy Dairy

Road, The Bowery Creek Road additional pavement, acquiring additional right-of-way on 5700 West with Local Corridor Preservation Fund monies, the successful inspection of the Red Creek and Yankee Meadows Dams, addressing and encroachment permits and parking lot maintenance for the Cedar City Senior Citizens center. Steve concluded by discussing the Jim Watson pit on Kanarra Mountain. He reported that after 4 exploration holes, they found some quality cinders. Steve noted that he was hoping to meet with the Watsons before winter.

Neil Forsyth, Iron County Road Supervisor, reported that the chipping was completed in June, for a total of 27 ½ miles. Neil explained that he and Steve Platt had worked with Sunroc to repair a few deficiencies in the Dutch Cowboy Dairy Road. Neil reported that the flush coating would be completed today (September 28, 2015), and had been postponed due to the rains. Neil concluded by reporting on the various repairs the Road Department had made on Cedar Mountain. He noted that they were seeking more cinders with which to be able to make repairs.

Bruce Anderson, Landfill Supervisor, reported that there were significant increases in tonnage to the landfill thus far in 2014. He noted that the biggest increases were in construction and demolition materials. Bruce noted that much of the asbestos comes from outside of Iron County. St. George city had been the biggest customer, because they were disposing of insulation on a pipe. Bruce explained some of the rules for disposing of asbestos set by the Department of Environmental Quality. He reported that he demolished the old scale house, and would be building a new one. Bruce expressed gratitude to Neil Forsyth for laying asphalt on the road going to the pit. He noted that they had chipped the wood themselves, sold all of their wood chips, and made some profit.

Alma Adams, Iron County Commissioner, reported that the commissioners had attended a Utah State Association of County Commissions and Councils (USACCC) conference in Midway. Alma noted that Neil Kornze, the national director of the Bureau of Land Management spoke. Alma explained that Mark Ward, Senior Policy Analyst and Public Lands Council for the Utah Association of Counties (UAC), asked Neil Kornze about RS-2477 roads and a pilot plan in Iron County. Alma reported that Mr. Kornze hedged on the subject, but that our local officials felt hope and would follow up regarding preserving the important roads on public lands.

Alma Adams reported that the sage grouse not being listed was cause to celebrate. Alma noted that, unfortunately, many regulations will still apply to the species. He noted that Mark Ward would be performing a study of the sage grouse regulations.

PUBLIC COMMENTS

No public comments were offered.

PUBLIC HEARING TO REVIEW BUDGET AMENDMENTS FOR CALENDAR YEAR 2015

Gene Adams, Iron County Auditor, reviewed the budget amendments with the commissioners. In the general fund, there were changes such as Everbridge software, various grants, a salary survey, a state economic conference, and wages and benefits for a Building Maintenance Assistant and Part Time Information Technology (IT). Under roads, corridor preservation funds, special projects and Coal Creek Road right-of-way were among the adjustments. The Transient Room Tax (TRT) had adjustments for the Western Freedom Festival (WFF) and advertising. The 911 account had changes for additional equipment. The WFF also had entries with specific adjustments, such as community sponsors, event revenue, entertainment expense and advertising and promotion. Under Ambulance, there were entries reflecting the termination of the county operated service.

Vicky Tyler, a resident of Cedar City, asked for clarification about $20,000 in donation to the Western Freedom Festival. Dale Brinkerhoff noted that the funds came

from the Transient Room Tax. Vicky Tyler stated that she was in opposition to tax funds going to the WFF. Vicky stated that her reasons for opposing such a transfer were that it was a political event, not representing the general public; that it was said to be supported by the Iron County Commission even though there were no minutes to reflect that; that it is sponsored by the Center of Politics and Government, indicating that it is a political event; that some of the promotional language states the event is in response to the abuse done to Western rural communities from heavy handed government; that it is a point of rally, a chance to stand in the national stage. She stated that all of these comments make the WFF a political event. Vicky expressed that it was deceiving that the Iron County Commission were listed on the website as a sponsor, but that the event is also asking for money. The event has been advertised for 2 months, yet nothing was ever on a commission agenda. She noted that the only way she found out about it was via a newspaper article. Vicky expressed that excess monies in the funds should go toward established events such as the Shakespeare Festival or the Livestock and Heritage Festival. Vicky concluded that it would be very premature to support the WFF. Dale Brinkerhoff noted the TRT money is distributed by the TRT board and not the Iron County Commission. Dale noted that the TRT board felt as though the WFF was, in fact, a cultural event, that speaks to our Western Heritage. He expressed that the WFF was a good opportunity for people from surrounding counties to come, and speak to the heritage they enjoy, and the freedoms they espouse.

Alma Adams noted that other funds for the WFF were: $32,000 from sponsors, $25,000 from surrounding counties, $50,000 from event revenue, $3,000 from miscellaneous receipts, with $20,000 coming from Iron County TRT funds.

Larry Daniels, a resident of Cedar City, noted that he was the coach of the Parowan High School Girls Soccer team. Larry echoed the comments of Vicky Tyler in saying that the Hope of America, and Livestock and Heritage Festival were non-partisan, wonderful events deserving of TRT funds. He also spoke of the Valentine Peak soccer pitch. Larry noted that the pitch, located in Parowan, is an exceptional natural field where even professional teams have practiced. He noted that the sprinkler boxes posed a safety hazard, and could be moved for $3,000. Also, that tournaments can only be played during the daytime because no lights are yet installed. Larry expressed that the TRT monies would be better spent improving existing infrastructure, than on an event. He concluded by imploring the commissioners to make better use of the TRT funds. Dale Brinkerhoff asked whether Mr. Daniels would request funds from the TRT board, to which he replied he would.

Laurel Heap Glidden, a resident of Cedar City, expressed her opposition of using taxpayer dollars for the WFF, even though she did not disagree with the event. Laurel expressed that there were more appropriate uses for the money, such as the Livestock and Heritage Festival. She felt as though the WFF was divisive, and would willingly invite a certain element , such as militia groups, to our community. Laurel cited the example of St. George, where she takes her family to play and spend money. She expressed that TRT monies should be used to draw people to Iron County.

Alma Adams made a motion to postpone any action on the budget amendments until the October 12th meeting for consideration of the comments offered and time to study the budget. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

NOTIFICATION OF C.U.P. FOR A TELECOM. SITE IN PAROWAN

Reed Erickson notified the commissioners of a Conditional Use Permit (CUP) for a telecommunications site at 716 Honey Lane, in Parowan. This request was from Verizon Wireless. Reed explained that it would be a 150 foot, latticed tower. Reed noted that the CUP would be heard by the Iron County Planning Commission and was before the Iron County Commission for notification and to address any potential concerns. He explained that the area was zoned as Light Industrial, which would allow for such a site.

Reed also explained that no letters had been received in response to the notification made. Alma Adams asked whether the proximity to the airport would necessitate a light on the tower.
Reed replied that the Iron County Planning Commission goes by the aviation requirements, in terms of lighting. Reed concluded by noting that Verizon Wireless said the site would greatly enhance service in the Parowan area.

NOTIFICATION OF C.U.P. FOR SOLAR POWER PLANTS

Reed Erickson notified the commissioners of a Conditional Use Permit (CUP) for 3 separate, 3 megawatt solar power plants requested by REUT Origination, LLC. These plants would be located in Sec. 20, T36S, R12W, SLM; Sec. 15, T36S, R12W, SLM, and Sec. 19 and 20, T36S, R12W SLM. Reed explained that these power plants would all be on private property, and would be developed by SunEdison, a major and experienced developer in Iron County. Cindy Bulloch, Iron County Assessor, asked whether the parcels were already configured to match the power plant footprints. Reed Erickson replied that the CUP would require subdividing the land.

UPDATE FROM SOUTHWEST APPLIED TECHNOLOGY COLLEGE

Brennan Wood and Neal Smith gave a report on the progress of the Southwest Applied Technology College's (SWATC) new campus. Brennan explained that most of the students of SWATC come from the four counties of Iron, Beaver, Garfield and Kane. He noted that most stay in the area after graduation. He touted an 87% placement rate. Brennan noted that SWATC provides a quick program with minimal cost. Also, high school students can attend for free. Brennan expressed the need in the workforce for skilled workers.

Brennan Wood noted that applied technology colleges have not historically been fund raisers, but some of the programs are very expensive. For example, the Practical Nursing program at SWATC would cost $400,000 annually. Neal Smith noted that a single simulation mannequin costs $80,000. He expressed the desire to provide state of the art training. He expressed hope in an application for funding to the Restaurant Tax Cooperative. Brennan concluded by stating that they hoped to take possession of the new campus during the last week of November.

PERSONAL PROPERTY ITEMS

Cindy Bulloch, Iron County Assessor, requested approval to attach unpaid business personal property accounts to the real property accounts' November tax bills. Cindy explained that the delinquencies ranged from a very small amount to multiple years of penalties. She explained that there were a few mobile home owners, whose mobile homes are assessed as personal property. Most of these owners do not own the land their mobile home sets on. Cindy noted that only those delinquent mobile home owners that also own the land their mobile home sets on will have the personal property taxes attached to their real property taxes. Alma Adams made a motion to approve the attachment of unpaid business personal property taxes and unpaid mobile home personal property to the real property accounts listed by Cindy Bulloch, Iron County Assessor. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

Cindy Bulloch led a discussion with the commissioners regarding Iron County releasing its claim to certain personal property accounts with minimal resale value. Cindy noted that the expense involved in seizing these minimal value properties would exceed their value. She noted that by releasing the claim to these parcels it might be unfair to other taxpayers whose taxes owing must be paid or risk their property being seized. Chad Nay, Iron County Building Official and Zoning Administrator, echoed this sentiment and expressed concern over the precedent releasing such claims would set. Cindy explained that several Wasatch Front counties have a policy in place that allows them to release the interest in such properties, saving a tremendous amount of time and expense.

Cindy Bulloch led a discussion regarding collection attempts on business personal property accounts. She and the commissioners reviewed the list of businesses that were delinquent in their personal property taxes.

PERSONNEL

Betsy Cummings presented advancement for Shawn Peterson to Deputy II, to be effective September 27, 2015 for approval. Also in the Sheriff's Department, Betsy presented advancement for Jon Bettridge to Deputy II to be effective September 27, 2015. For the Building Department, Betsy presented the name of Nathan Dennett as a new hire in the position of Facilities Maintenance Worker. This was a new, full time position with a start date to be determined. Alma Adams made a motion to approve the advancements of Shawn Peterson and Jon Bettridge to Deputy II, effective September 27, 2015, and to approve the new hire of Nathan Dennett as full time Facilities Maintenance Worker, starting September 28, 2015. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF INTERLOCAL AGREEMENT WITH BRIAN HEAD TOWN FOR BUILDING INSPECTION SERVICES

Chad Nay presented an interlocal agreement with Brian Head Town to provide building inspection services. Alma Adams made a motion to approve the interlocal agreement as presented with Brian Head Town for building inspection services. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

SURPLUS VEHICLE BID OPENING

Jon Whittaker presented the results of the surplus vehicle bidding. He noted that historically, if a bidder is the high bidder, they have been allowed to defer to the next highest bidder if they win multiple vehicles. Alma Adams made a motion to accept the 4 high bids made on the surplus vehicles, allowing the high bidder on multiple vehicles to defer to the next highest bidder if they choose. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

DISCUSSION REGARDING PENDING OR REASONABLY IMMINENT LITIGATION

Alma Adams made a motion to close the meeting per UCA § 52-4-205(1c), for pending or reasonably imminent litigation. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

ADJOURNMENT

After coming out of closed session, Alma Adams made a motion to adjourn. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

Signed: Dale M. Brinkerhoff, Chairman

COUNTY OF IRON COUNTY CLERK STATE OF UTAH

Attest: Jonathan T. Whittaker, County Clerk