IRON COUNTY COMMISSION MEETING
November 9, 2015

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

Officers in attendance included:

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

Also present:

Scott Garrett	County Attorney
Bret Allred	County Corrections
Lori White	Justice Court Administrator
Cindy Bulloch	County Assessor
Gene Adams	County Auditor

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Brett Allred.

INVOCATION

An invocation was offered by David Miller.

DEPARTMENTAL REPORTS

Scott Garrett, County Attorney, reported that this was a big week at the Utah Association of Counties (UAC) meetings, with discussions about Indigent Defense Fund (IDF). Scott reported the courts were in the early stages of implementing the Justice Reinvestment Initiative (JRI), which would reduce a drug possession from a felony to a misdemeanor. He stated the process of implementing a mental court was now pending approval. David Miller complemented the department on the great work they were doing.

Bret Allred, Iron County Corrections Captain, reported that the break room had been remodeled and was being enjoyed by all. Bret reported wood benches in the booking area, primarily in one cell, had been destroyed by an inmate, and plans were in place to replace all of them. He noted repair was needed on some rusty doors, and electrical problems with four cell doors. Bret stated that the total bed count was 146, and with the weekender stays the count increases to 180. He reported the jail was running out of room for female inmates.

Lori White, Justice Court Administrator, reported that Kaitlin Sorensen had finished the standard Operating manual and that the manual would be available to all new hires in the Justice Court as a valuable reference. Dale Brinkerhoff asked if it followed the Iron County Personnel Manual. Lori replied that it did. Dale Brinkerhoff complemented Lori on the great work being done.

Alma Adams, County Commissioner, reported attending the World Trade Center Utah and that Staheli West, based in Cedar City was beginning to do international trade in Australia. Alma reported that the Community Impact Board (CIB) asked that the commission reprioritize the planned remodel of the Courthouse.

PUBLIC COMMENTS

No public comments were offered.

REQUEST FOR RELEASE OF ROLLBACK TAXES

Cindy Bulloch explained that in 2015, there was a name change from ENC Properties to joint tenancy between Tammy Ence and Elaine Winget, which required a new greenbelt application. Cindy noted that because of an existing patent there was a disagreement on whether the Ences' had to pay taxes. She reported that Tammy had signed the greenbelt application, but was not able to get Elaine to sign, which was causing the problem.

David Miller made a motion to release the rollback taxes owed and to grant greenbelt for 2015. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

ADJOURN AS THE IRON COUNTY COMMISSION

CONVENE AS THE GOVERNING BOARD OF THE IRON COUNTY UNINCORPORATED SERVICES AREA DISTRICT #2 (ICUSAD #2)

DISCUSSION AND APPROVAL OF ICUSAD #2 RESOLUTION 2015-3

David Miller made a motion to approve Special Service District #2 Resolution 2015-3 Approving Interlocal agreements between the Iron County Community Development and Renewal Agency and Iron County Unincorporated Area Services #2 regarding the Fremont Solar and Rush Lake Solar Community Development project areas. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2

RESOLUTION NO. 2015-3

A RESOLUTION APPROVING INTERLOCAL AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 REGARDING THE FREMONT SOLAR AND RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS.

WHEREAS pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "**Act**"), public agencies, including

political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS the Iron County Community Development and Renewal Agency (the "**Agency**") and Iron County, the Iron County School District, the Central Iron County Water Conservancy District, and the Iron County Unincorporated Area Services District #2 (the **"Taxing Entities**") are "public agencies" for purposes of the Act; and

WHEREAS after careful analysis and consideration of relevant information, the Iron County Unincorporated Area Services District #2 (the "**District**") desires to enter into interlocal agreements with the Agency (the "**Interlocal Agreements**") whereby the Taxing Entities consent to the Agency receiving for an extended period of time a portion of the tax increment produced by the Taxing Entities' levies on real and personal property within the Fremont Solar and Rush Lake Solar Community Development Project Areas (the "**Project Areas**"); and

WHEREAS Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

NOW, THEREFORE, BE IT RESOLVED BY IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 AS FOLLOWS:

The Interlocal Agreements, substantially in the form attached hereto as **EXHIBITS A and B** are approved and shall be executed by the District.

2. Pursuant to Section 11-13-202.5 of the Act, each Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the District for review and approval as to form and legality.

3. Pursuant to Section 11-13-209 of the Act and upon full execution of each Interlocal Agreement, a duly executed original counterpart thereof shall be filed immediately with the keeper of records of the District.

4. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED this 9th day of November, 2015.

Dale Brinkerhoff, Chair
Iron County Unincorporated Area Services District #2

Attest:

Jonathan T. Whittaker, Secretary

Iron County Unincorporated Services Area #2 CORPORATE SEAL UTAH

ADJOURN AS THE GOVERNING BOARD OF THE ICUSAD #2

RECONVENE AS THE IRON COUNTY COMMISSION

DISCUSSION AND APPROVAL OF RESOLUTION 2015-12

Brett Howser, Brian Head Town Manager, explained that Resolution 2015-12 was to approve an interlocal agreement between the Brian Redevelopment Agency and Iron County regarding the Brian Head Interconnect Community Development Project Area. Brett reported that Brian Head Town wanted to press forward with their Village Core Development plans. Brett requested that the baseline valuation be reset and that the minimum payments paid by both Iron County and Brian Head be eliminated. He also requested that the CDA be reset to start a new 10 year period.

Alma Adams made a motion to approve Resolution 2015-12 an interlocal agreement between the Brian Head Redevelopment Agency and Iron County regarding the Brian Head Interconnect Community Development project area, with the caveat that the Iron County Commissioners be given an annual report. David Miller questioned the difference between a long term and a short term agreement. Brett stated a longer term was easier for the county and gave Brian Head Town a time frame and target of ski days, the years to actually collect increment, and to partner more with the county so both entities have the same understanding. Brett noted that the RDA would be administered by Brian Head. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

IRON COUNTY

RESOLUTION NO. 2015-12

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE BRIAN HEAD REDEVELOPMENT AGENCY AND IRON COUNTY REGARDING THE COMMUNITY DEVELOPMENT PROJECT AREA IN BRIAN HEAD.

WHEREAS pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "**Act**"), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS the Brian Head Redevelopment Agency (the "**Agency**") and Iron County (the "**County**") are "public agencies" for purposes of the Act; and

WHEREAS after careful analysis and consideration of relevant information, the County desires to enter into an interlocal agreement with the Agency (the "**Interlocal Agreement**") whereby the County consent to the Agency receiving for an extended period of time a portion of the tax increment produced by the County's levy on real and personal property within the Brian Head Interconnect Community Development Project Area, which the Agency plans to rename the Brian Head Village Core Community Development Project Area (the "**Project Area**"); and

WHEREAS Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

NOW, THEREFORE, BE IT RESOLVED BY IRON COUNTY AS FOLLOWS:

The Interlocal Agreement, substantially in the form attached hereto as **EXHIBIT A and is** approved and shall be executed by the County.

2. Pursuant to Section 11-13-202.5 of the Act, the Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the County for review and approval as to form and legality.

3. Pursuant to Section 11-13-209 of the Act and upon full execution of the Interlocal Agreement, a duly executed original counterpart thereof shall be filed immediately with the keeper of records of the County.

4. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED this 9th day of November, 2015.

BY THE IRON COUNTY COMMISSION:

Dale Brinkerhoff, Chair

ATTEST:

Jonathan T. Whittaker, County Clerk

NON-DELEGATED ITEMS

Danny Stewart, Economic Development Director, reported on a meeting he had attended the previous week regarding the Port 15 Community Development Area. Danny explained that Port 15 felt that the base year value of the CDA had been calculated incorrectly, and that they might be owed money. However, they did not want additional money, but an extension of the CDA for an additional 5 years.

Adam Long, an attorney with Smith Hartvigsen, reported that a meeting had been set up with potential investors for the Black Iron Project and that a draft project area plan had been created and posted for a CDA on the project. Cindy Bulloch questioned if taxes being current was still one of the main issues for Black Iron. Adam replied that it was. Dale Brinkerhoff noted that the agreement needed to clarify that Iron County would not share the centrally assessed back to the solar company. Adam agreed that this was something that needed to be addressed through amendments to the interlocal agreements with the taxing entities. Alma Adams clarified that Iron County collects the taxes, then distributes them to the agency; the agency distributes to the entities; the entities reimburse back to the agency; and the tax money is held by Iron County until they satisfy the terms of the agreement, at which point the appropriate amount is rebated under the CDA.

ADJOURNMENT

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

Signed: Dale M. Brinkerhoff, Chairman

Attest: Jonathan T. Whittaker, County Clerk