IRON COUNTY COMMISSION MEETING
May 9, 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
Scott Garrett	County Attorney
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 Bruce Washburn.

INVOCATION

An invocation was offered by Dale Brinkerhoff.

APPROVAL OF MINUTES

Casey Anderson made a motion to approve the minutes of the Iron County Commission meeting held April 25, 2015. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

DEPARTMENTAL REPORTS

Scott Garrett, Iron County Attorney, reported that the Attorney's Office was at 21% of the 2016 budget and that felony cases were down due to the new Justice Reinvestment Initiative (JRI) program. Scott noted that Chad Dotson had passed the bar and was hired to replace Candace Reed. He reported that Judge Thomas Higbee, of the 5th District Juvenile Court, was concerned with the lack of a substance abuse counseling program available for youth in Iron County. Dale Brinkerhoff replied that the Southwest Health Department (SWHD) had a program in place and suggested the court may want to utilize the services provided there.

Scott reported that the courts have been waiting on more information concerning funding for the JRI program. He explained that the Iron County Critical Incident Task Force would be increasing in size with the addition of Beaver and Garfield Counties.

Stephanie Furnival, Iron County Children's Justice Court Director, reported that there had been 116 child victims served in the first quarter of 2016. She noted that Sharla Sorensen would be retiring in June and would be missed. Stephanie explained that the newly constructed medical room continued to be inadequate and that the Iron County Builders Association came forward to offer services to head the project. She stated that the initial bid was for $53,000 and that after many generous donations the amount owing decreased to $6,000. Stephanie explained that the General Contractors Association of Utah had contacted her and would be donating $10,000 that would then cover the entire expansion. Stephanie reported that studies show that 1 in 3 girls and 1 in 4 boys are abused which affects many families. Dale Brinkerhoff expressed his appreciation for the program that was in place to help those who can't take care of themselves, which were the children,

Lori Starr, Iron County Justice Court Manager, reported that the public defenders were currently submitting monthly case tracking forms, and that in the month of March there were 468.40 hours logged, with approximately 96 of those hours being administrative. Lori reported that a Justice Court Audit Operations Committee (AOC) audit would be coming up and that the Justice Court had been working on updating operational procedures. In particular, a depositary safe had been implemented, as well as locking drawers and improved controls for the keys in use. She reported the justice court had the first Business Continuity Institute audit and had received a "compliant in all areas" report. Lori informed the commissioners that a couple items had been left off the 2016 budget report, which were $10,000 for a lead clerk, and one of two part time positions was excluded. She reported that the lead clerk would be over scanning and getting the aging reports up to date. Alma Adams suggested that Leslie Bishop conduct a study and bring it before the commission for approval at a later date.

Brad Spencer, Iron County Corrections Captain, reported the corrections budget was at 22%, and that there were 455 bookings during the first quarter. Brad explained that the female prisoner population was consistently filling all 28 beds and that female housing continued to be a concern when looking to the future. He reported the jail had 10 state inmates and 16 federal inmates. Brad noted that the jail would be 29 years old in December and plumbing issues had begun to come up.

Alma Adams, Iron County Commissioner, reported that he and Dale Brinkerhoff had been working with Workforce Services concerning intergenerational poverty and that there would be a meeting on June 17, 2016 at 2:00 p.m., a venue was yet to be determined. The meeting would be to discuss ways to help break the cycle of intergenerational poverty.

PUBLIC HEARING AND APPROVAL OF THE OFF HIGHWAY VEHICLE (OHV) TRANSPORTATION TRAIL PLAN FOR THE MARKAGUNT AND PAROWAN GAP TRAIL SEGMENTS IN IRON COUNTY, UTAH

Alma Adams, Iron County Commission Chair, declared a public hearing open regarding the OVH Transportation Plan. No comments were offered.

Mike Worthen, Iron County Natural Resources Director, reported that the trails committee named the trail system "The Color Country Trail." Mike noted that all steps had been completed with Planning and Zoning and was now before the Iron County Commission for final approval for the marking and signing of the trail. He reported that the Forest Service, Bureau of Land Management (BLM) and Iron County held a public meeting/ open house in March and had received all positive comments regarding the trail plan. Mike reported that the next step would be to post the information on www.ironcounty.net with links to the BLM and Forest Service websites.

Mike noted that the committee for the trail plan was composed of Iron County, the Forest Service, BLM, State Parks and Recreation, various OHV groups, School and Institutional Trust Lands Administration (SITLA), Utah Department of Transportation (UDOT), Department of Wildlife Services (DWS), cities and municipalities.

Maria Twitchell, Iron County Tourism, expressed that the trail system would be a great benefit to Iron County and draw many tourists.

Alma Adams declared the public hearing closed.

Dale Brinkerhoff made a motion for approval of the OHV Transportation Trail Plan for the Markagunt and Parowan gap trail segments in Iron County. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

PUBLIC HEARING AND APPROVAL OF THE PRELIMINARY PLAT AND FINAL PLAT OF THE "JL&L SOLAR" SUBDIVISION

Alma Adams, Iron County Commission Chair, declared a public hearing open regarding the "JL&L Solar" subdivision.

Tim Watson, engineer and representative for JL&L Solar, explained that the preliminary plat process had been presented to the Planning Commission and was approved. Tim explained that the final plat was now before the Iron County Commission for approval. He requested that the public hearing be held for the approval of the preliminary plat and final plat, and to table the actual approval of the plat for two weeks when the bonding would be in place.

William Pressgrove, a citizen of Iron County, expressed concern regarding noise that might come from the solar project.

Alma Adams declared the public hearing closed.

Dale Brinkerhoff made a motion to approve the preliminary plat and final plat of the "JL&L Solar" subdivision contingent upon the bond being in place, and contingent upon 11 variations on the conditional permit. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

PUBLIC COMMENTS

Bruce Washburn, a citizen of Iron County, expressed concern regarding funds budgeted for the Western Freedom Festival (WFF). Bruce explained that Iron County had funded and supported the 2015 WFF. He noted that it appeared that the 2016 WFF was to be held in Richfield, Sevier County. Bruce cited UCA § 37-31-2, noting that Transient Room Tax (TRT) monies should be spent within the county where they are collected. He expressed hope that Iron County would keep the public informed on this matter. Alma Adams replied, noting that Iron County was not planning to be involved with the WFF in 2016. Alma also noted that there was $10,000 in residual funds in the WFF account, and that it would need to be determined who those funds belonged to before they could be

transferred due to the many donations that had been given. He reiterated that Iron County would not be using TRT funds in another county.

Enoch Seegmiller, Vice President of the Iron County Lodging Association (ICLA), discussed a letter to the commissioners from said association. Enoch explained that the ICLA was a group of hoteliers, restauranteurs and supporting vendors. The letter was regarding appropriate use and allocation of TRT funds. He explained that a TRT board exists for funding events such as the WFF. Enoch recommended and asked that the TRT board be used in the future, and not be bypassed as it was for the 2015 WFF. He noted that allocating $20,000 without the board's authorization was unprecedented.

APPROVAL OF INTERLOCAL AGREEMENT BETWEEN IRON COUNTY, INTERMOUNTAIN FARMERS ASSOCIATION (IFA) AND CEDAR CITY CORP. PROPERTY PROPOSED FOR ANNEXATION INTO CEDAR CITY LOCATED IN THE VICINITY OF 850 N 2525 WEST, CEDAR CITY, UTAH

Reed Erickson, Iron County Planner, explained that this project by Intermountain Farmers Association (IFA) was to be located near the Cedar City Airport on land that had not yet been annexed into Cedar City. He noted that the annexation would be forthcoming, but that the interlocal agreement being presented to the commissioners was necessary because the 4 to 5 month annexation process would not accommodate construction during the warmer months. Therefore, the interlocal agreement provided that Cedar City would issue the building permit; Cedar City would provide water and sewer services; rail access would be provided; and that the conditional use permit with Iron County would end upon annexation. Reed explained that facility would be similar to the existing IFA facility on Coal Creek Road, but would be larger and have a 75 foot tower. He noted that the original IFA facility had been cut off from rail service when the tracks were removed in recent years. Reed also emphasized that none of the materials would be flammable and that IFA would have to comply with all requests and requirements made by the Cedar City Fire Department.

Casey Anderson made a motion to approve the interlocal agreement between IFA, Cedar City, and Iron County as explained. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

PRESENTATION BY SOUTHWEST WILDLIFE FOUNDATION

Susan Tyner, President of Southwest Wildlife Foundation, discussed her husband Martin Tyner's work over 30 years. Susan explained that Martin had begun providing educational programs and hosting tour groups from around the world. She explained Martin's renown for aiding and rehabilitating wild animals, especially birds of prey. She noted that recently, groups of elementary students from Washington D.C. and Henderson, Nevada had not only enjoyed the tours, but had also raised money to support the Southwest Wildlife Foundation. These groups had also marveled at the Parowan Gap, and its petroglyphs and history. Susan also reported on the progress of the Cedar Canyon Nature Park, which was to have restrooms, informational panels, and provide an educational experience for all who would come. The commissioners thanked both Martin and Susan Tyner for taking the time to meet with the commissioners and for their decades of service to Southern Utah.

REVIEW AND APPROVE CONTRACT WITH THE STATE OF UTAH FOR COURT SECURITY

Michael Edwards explained that the contract for court security was for the period of July 2, 2016 to June 30, 2017. Michael noted that the contract was to provide bailiff security services in state courts within Iron County and that the amount to be paid Iron County was $102,160. He also explained that the Iron County Attorney and Iron County Sheriff had both signed the contract. Sheriff Gower explained that the contract was for bailiff and outside perimeter security for the 5th District Court. Dale Brinkerhoff made a

motion to approve the contract with the State of Utah for court security in the amount of $102,160. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF A ONE DAY EVENT PERMIT FOR A TRIATHLON INVOLVING IRON COUNTY ROADS IN THE PAROWAN VALLEY

Alma Adams explained that the Paragonah Civic Committee would be hosting their 2nd annual triathlon. Alma noted that the approval was for a one day permit to use county roads for the event. He expressed that this had been a positive event, that law enforcement would be on call, and that the Iron County Road Director was aware of the event and had given his approval. Michael Edwards asked whether the group had provided evidence of liability insurance. It was unsure whether such evidence had been given. Cindy Bulloch noted that in 2015, such insurance was purchased for the triathlon. Casey Anderson made a motion to approve the one day triathlon event, contingent upon evidence of liability insurance. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

TAX DEFERRAL REQUEST FOR PROPERTY LOCATED IN BERYL, ASSESSOR'S PARCEL NUMBER E-1360-1-3, ACCOUNT NUMBER 431046

Jon Whittaker explained that the property in question was owned by an elderly couple who had had memory problems and trouble keeping current on their bills. Their son had intervened and arranged for the deferral request. Jon noted that the couple had agreed to make payments of no less than $375 per month to pay the total owing of $4,246.97 on or before May 11, 2017. Also, they agreed to pay the 2016 taxes in the amount of $511.01 by November 30, 2016. Dale Brinkerhoff made a motion to approve the deferral request as explained. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

PERSONNEL

Betsy Cummings, Human Resources (HR) Asssistant, presented a permanent wage increase for Lance Hollerman from $12.50 to $14.00, Seasonal Weed/Pest Sprayer, in the Weed Department. Effective date of April 24, 2016. Alma Adams noted that Lance had shown exceptional proficiency and was a tremendous employee. Dale Brinkerhoff made a motion to approve the wage increase for Lance Hollerman as explained, noting that a probable budget adjustment would be necessary. Commissioner Brinkerhoff also clarified that the word "seasonal," be included his motion. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

Betsy Cummings requested that the scheduled discussion regarding a Workers Compensation Benefit Protection Contract with Utah Retirement Systems be tabled until Leslie Bishop, HR Director, be present. Casey Anderson made a motion to table said Workers Compensation discussion to a future date until Leslie Bishop could be present. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

Michael Edwards explained that the HR Department had been updating the policy regarding Break Periods or Section 28. Michael explained that the impetus was to bring Iron County policy into compliance with federal requirements for Nursing Mothers. Also, the policy governing meal periods, rest periods, use of rest periods, and break time for nursing mothers was defined. Cindy Bulloch, expressed concern regarding a prohibition of banking lunch or break periods to leave early, or other trading of rest/break periods in order to provide flexibility. Cindy noted that she had occasionally allowed such practices and did not want her options to be limited by this policy. Debbie Johnson expressed similar concern. Cindy Bulloch expressed that Department Heads should be given some flexibility in the use of meal and rest periods. Dale Brinkerhoff noted that there were various provisions of the Break Periods policy that needed further thought and

discussion. Dale Brinkerhoff made a motion to defer the discussion regarding the Break Periods policy until further thought and discussion could take place. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

NON-DELEGATED ITEMS

Alma Adams reported that Mike Worthen wanted to keep the Natural Resources Committee as constituted, even though the Iron County Natural Resource Plan was nearing completion.

ADJOURNMENT

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

Signed: Alma Adams, Chairman

Attest: Jonathan T. Whittaker, County Clerk

COUNTY OF IRON
COUNTY CLERK
STATE OF UTAH