

**IRON COUNTY COMMISSION MEETING
MARCH 27, 2017**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 27, 2017 in the Parowan City Chambers at the Parowan City Offices, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael P. Bleak	Commissioner
Jonathan T. Whittaker	County Clerk
G. Michael Edwards	Deputy County Attorney

Also present:

Dan Jessen	County Auditor
Cindy Bulloch	County Assessor
Nicole Rosenberg	County Treasurer
Deborah Johnson	County Recorder
Stephen R. Platt	County Engineer
Adrion Walker	Human Resource Director
Preston Nelson	Road Department Director

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Grant Oxenrider.

INVOCATION

An invocation was offered by Steve Platt.

APPROVAL OF MINUTES

Mike Bleak made a motion to approve the minutes of the February 27th, 2017 and March 13th, 2017 Iron County Commission meetings. Second by Alma Adams. Voting: Alma Adams, Aye; Mike Bleak, Aye; Dale Brinkerhoff, Aye.

DEPARTMENTAL REPORTS

Steve Platt, Iron County Engineer, reported that the Engineering Department’s budget was on track for the end of March. Steve thanked the commissioners for a new hydraulic excavator and noted that it was running well. He discussed an aquifer recharge project just north of Highway 56 at Quichapa Lake. Iron County was performing the work south of Highway 56, while Cedar City was doing the work north of said highway. Said aquifer recharge project was done in concert with the Central Iron County Water Conservancy District (CICWCD), and was nearing completion. Steve reported successfully passing a recent audit regarding \$1.7M in Utah Department of Transportation (UDOT) funds that were used for the recently constructed southern portion of 5700 West as part of a Belt Route in Cedar valley. Steve reported that another aquifer recharge project north of the Cedar City Airport was successful and was percolating well. The water was being diverted into a pit owned by Western Rock. Regarding Revised Statute 2477 (RS-2477) roads, Steve reported that Tony Rampton from the Utah State Attorney General’s Office had been in Iron County to take depositions from citizens with firsthand knowledge of certain public lands rights of way. He also explained that Iron County had been working with federal agencies to upgrade Cedar Highlands Road. Steve noted that with a recent vote by the residents of Cedar Highlands in favor of incorporation, he had turned the follow up over to the new town. Steve concluded by discussing a site within Cedar City that was being considered for a veterans’ memorial cemetery. He expressed that the site, which was south of the Cedar City Wal-Mart, seemed unsuitable because of the extremely rocky soil and steep slopes.

Preston Nelson, Road Department Director, reported that his crews had either been plowing snow or hauling pit run to the Kane Springs Road since mid-February. Preston also reported that his crews had been working on the Chimney Meadows Road (1500 North), hauling pit run and widening culverts. Two cattle guards on Wecco Road were replaced, and would be moved to Schoppmann Road and the Right Hand Canyon Road. Preston noted that the Road Department had ordered a new 140 M Caterpillar blade and 2 new Warren sanders. He noted that

bids had been returned, with the low bidders being Western Rock for rock chip \$15.75 per ton, and Sunroc for asphalt at \$50.00 per ton.

Bruce Anderson, Landfill Supervisor, reported that the Landfill budget was on track for the months of January through March. Bruce noted that he had hired Grant Oxenrider, who was on the agenda for Commission approval later in the meeting. He reported having sold their roll off truck for \$46,000. Bruce noted that the Landfill would be receiving a \$1,700 rebate for replacing the lighting in the shop with Light Emitting Diode (LED) lighting. Dale Brinkerhoff expressed that said rebate should be deposited directly into the Landfill Fund instead of the General Fund. Bruce Anderson continued, reporting that the Landfill had been receiving bio-solids from the Cedar City Wastewater Plant. Bruce reported that he had attended a load screening training in Moab, as well as an asbestos training in West Valley City. He expressed a need to repair the fence and replace signs at the Parowan landfill pit, as well as establish a water connection and plant some trees. Bruce concluded by reporting that all of the Landfill equipment was working properly.

PUBLIC COMMENTS

No public comments were offered.

REQUEST APPROVAL FOR A IRON COUNTY ROAD ONE LANE CLOSURE ON THE SHOOTING RANGE ROAD FOR A MOUNTAIN BIKE RACE BEING HELD IN SEPTEMBER 2017

Troy Houston, representative of Spingeeks, LLC, explained that the one lane closure would start just north of the Three Peaks entrance and goes clear around to Iron Springs. He noted that there would be around 80-500 mountain bikers. Troy reported that Spingeeks would supply their own EMT's and Ride Marshalls.

Alma Adams made a motion to approve the one lane road closure on the shooting range road to Iron Springs for the Mountain Bike Race being held in September 2017. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

BID OPENING FOR ASBESTOS ABATEMENT IN THE IRON COUNTY COURTHOUSE

Lester Ross reported that no bid had been submitted for the contract for asbestos abatement. He explained that the asbestos abatement was not part of the overall courthouse remodel contract. There were three suggestions given for the bids. First was to rebid, second was to negotiate with Sullivan, the third option was for the Iron County staff to remove the ceiling in the courthouse. Dale Brinkerhoff suggested that the contract for asbestos abatement be postponed for legal review to consider amending the contract to remove the ceilings as part of the contract. He noted that the bidding would be extended indefinitely.

APPROVAL OF ROAD EASEMENT FOR THE BOWERY CREEK-YANKEE MEADOW ROAD, FOREST HIGHWAY NO. 49

Steve Platt recommended the approval of an easement to the United States Forest Service in the Bowery Creek area. Alma Adams made a motion to approve the road easement for the Bowery Creed-Yankee Meadow Road, Forest Highway No. 49 as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

KANE SPRINGS ROAD IMPROVEMENTS INCLUDING FENCING

Steve Platt explained that improvements to the Kane Springs road were being made from 2200 North to 4600 North in Parowan Valley, a 3 mile section of the road. Steve reported that survey work had been done, establishing section corners and describing sliver parcels to be deeded to Iron County. He explained that typically, during major road improvements, Iron County would try to maintain a 66 foot right of way. Often, this would necessitate acquiring slivers of land from adjacent land owners. In exchange for the deeded sliver parcels, Iron County had typically built or rebuilt a fence on the new property line. Another common practice was to

use a prison work crew from the Iron County Correctional Facility. Steve explained that this agenda item and discussion was at the request of Sheriff Gower, who had some concerns about the transparency of the process. Steve explained further that the process of acquiring sliver parcels to properly widen rights of way in exchange for replacement fencing had been the practice since he had been associated with Iron County dating back to the 1960's. He reported that he had recorded deeds from the owners of record along said portion of Kane Springs Road, with the exception of one. Jon Whittaker expressed that, with the recording of the deeds, the names of the land owners were made public. Steve Platt expressed that he would not build any new fencing without a signed deed for the sliver parcel for the right of way. Mike Edwards noted that Iron County was not building new fence, rather replacing existing fence to match the new right of way line. Steve Platt noted that the fence was a net wire fence, with 1 barbed wire and a cedar post every 6 and 10 posts, also, gates were provided. Dale Brinkerhoff made a motion to authorize the Iron County Engineer to make all coordination efforts with the Iron County Sheriff for the inmate work crew to build fence along the new right of way boundaries for property owners as had been the practice. Second by Michael Bleak. Voting: Alma Adams, Abstain; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION

APPROVAL OF AN EDUCATIONAL USE PROPERTY EXEMPTION

Christene Lowder presented a request for an Educational Use Property Exemption for 12.48 Acres north of Paragonah, Assessor's Parcel Numbers (APN): C-208-2 and A-639-46, owned by The Archaeological Conservancy, a non-profit corporation. Christene explained that the land had been discovered to be a Native American (Fremont) archaeological site. She explained that this application had been sent on time, but was not received by the Auditor's Office by the March 1st deadline. However, Christene expressed that, because the post mark was clearly on time, and that the envelope had been delivered to the wrong Iron County department, that the request should be considered. She explained that after several years of ownership, this was the first application to be submitted. Furthermore, Christene explained that typically, raw land does not qualify for educational exemptions and that there had been very little activity on the parcels. She recommended that the commissioners deny the request, so that the owners could appeal to the State of Utah, allowing for further explanation and a final decision by the State of Utah.

Alma Adams made a motion to deny the Educational Use Property Exemption made by The Archaeological Conservancy for APN's: C-208-2 and A-639-46. Second by Mike Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

REVIEW OF APPLICATIONS FOR TAX EXEMPT STATUS PENDING FROM THE MARCH 13, 2017 MEETING

Christene Lowder explained that 200 S 300 West in Cedar City was purchased from SUU to build a new student housing complex. At that time the property was tax exempt because the intent was to build a church on the property. Mike Edwards explained that when a non-profit entity acquires property from a for-profit entity it stops being taxable at the time of purchase. Mike reported that there were proportional tax exemptions and it does not apply to raw land until a building permit was issued. He explained that the intent of the property was not known because there was not a lease agreement between SUU and the Dixie & Leavitt Foundation. He recommended the tax exemption be denied until the terms of the lease agreement were available.

Alma Adams made a motion to deny the application for tax exempt status of APN: B-218-219 until the terms of the lease agreement were available to ascertain the amount eligible for tax exemption. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

RECONVENE AS THE IRON COUNTY COMMISSION

Dale Brinkerhoff, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

CONVENE AS THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)

Dale Brinkerhoff, Iron County Commission Chair, declared the convening of the ICCD&RA.

APPROVAL TO USE ICCD&RA FUNDS TO PAY ATTORNEY'S FEES OWED TO SMITH HARTVIGSEN, PLLC

Danny Stewart, Iron County Economic Development Director, explained that when establishing the various solar projects in Iron County, the agreements between the entities were written up such that there were not administrative fees included. Danny reported that legal fees to Smith Hartvigsen, PLLC were still owed in the amount of \$15,151.37. He reported that about \$9000.00 would be collected on cost reimbursement agreements from the owners of the Quichapa Project in the amount of \$4,226.00, and the Onyx groups in the amount \$4,759.50. That would leave \$6,165.87 still owing.

Dale Brinkerhoff made a motion to make the payment from the ICCD&RA fund in the amount of \$6,165.87. Payment would be on hold until April 1, 2017 at which time all applications for incentive were due. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

ADOPTION OF ICCD&RA RESOLUTION 2017-1 AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY REINVESTMENT DEVELOPMENT PROJECT AREA PLAN FOR APPALOOSA SOLAR I, AND RELATED MATTERS

Danny explained that this would be a new solar project being built north and adjacent to the Three Peaks Solar project by Onyx Solar.

Alma Adams made a motion to approve the adoption of the ICCD&RA Resolution 2017-1 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ICCD&RA RESOLUTION 2017-2 AN AMENDMENT TO THE THREE PEAKS POWER PROJECT AREA PLAN TO CONFORM ITS LEGAL DESCRIPTION TO THE PROJECT CONFIGURATION AND RELATED MATTERS

Danny explained that Three Peaks was an 80 megawatt photovoltaic solar power plant on Lund Hwy, and needed to be amended to reflect the correct boundaries in accordance with the final project configuration.

Alma Adams made a motion to approve the ICCD&RA Resolution 2017-2 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ICCD&RA RESOLUTION 2017-3 AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE THREE PEAKS POWER COMMUNITY DEVELOPMENT AREA (CDA) TO REFLECT THE PROJECT AREA PLAN AMENDMENT

Alma Adams made a motion to approve the ICCD&RA Resolution 2017-3 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ICCD&RA RESOLUTION 2017-4 AN AMENDMENT TO THE PROJECT AREA PLAN FOR THE SUNEDISON PHASE CDA TO REDUCE THE SIZE OF THE PROJECT AREA TO INCLUDE ONLY THE THREE QUICHAPA SOLAR PROJECTS

Danny Stewart explained that the SunEdison, Phase I CDA originally included 6 separate solar plants that were 3 megawatts each. The legal description for the original CDA encompassed far more land than was included in the projects. The individual projects included Fiddlers Canyon 1, Fiddlers Canyon 2, Fiddlers Canyon 3, Quichapa 1, Quichapa 2, and Quichapa 3. Danny explained that the Fiddlers Canyon projects would no longer be included in a CDA, and that the legal description on the amended SunEdison, Phase I CDA would include only the 3 Quichapa projects. Michael Bleak made a motion to approve the adoption of the ICCD&RA Resolution 2017-4 as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ICCD&RA RESOLUTION 2017-5 A NEW INTERLOCAL AGREEMENT WITH THE NEW OWNER OF THE SUN EDISON PHASE I CDA

Michael Bleak made a motion to approve the adoption of the ICCD&RA Resolution 2017-5 as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ICCD&RA RESOLUTION 2017-6 A PARTICIPATION AGREEMENT WITH THE NEW OWNER OF THE QUICHAPA SOLAR PROJECT

Michael Bleak made a motion to approve the adoption of the ICCD&RA Resolution 2017-6 as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

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

Dale Brinkerhoff declared the adjournment of the ICCD&RA and the convening of the Governing Board of the Iron County Unincorporated Area Services District #2.

APPROVAL OF UASD#2 RESOLUTION 2017-1 AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE THREE PEAKS POWER CDA TO REFLECT THE AMENDED PROJECT AREA PLAN

Alma Adams made a motion to approve the UASD#2 Resolution 2017-1 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF UASD#2 RESOLUTION 2017-2 AN INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE SUN EDISON, PHASE I CDA

Alma Adams made a motion to approve the UASD#2 Resolution 2017-2 as presented. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

RECONVENE AS THE IRON COUNTY COMMISSION

Dale Brinkerhoff declared the reconvening as the Iron County Commission

APPROVAL OF ORDINANCE 2017-1 AMENDING THE THREE PEAKS POWER CDA PLAN AS APPROVED BY THE ICCD&RA

Michael Bleak made a motion to approve Ordinance 2017-1, Amending the Three Peaks Power CDA Plan as approved by the ICCD&RA. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ORDINANCE 2017-2 AMENDING THE SUN EDISON PHASE I CDA PLAN AS APPROVED BY THE ICCD&RA

Michael Bleak made a motion to approve Ordinance 2017-2 , Amending the Sun Edison, Phase I CDA Plan as approved by the ICCD&RA. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF RESOLUTION 2017-5 APPROVING AN AMENDED INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE THREE PEAKS POWER CDA

Michael Bleak made a motion to approve Resolution 2017-5 as approved by the ICCD&RA. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF ORDINANCE 2017-6 APPROVING AN INTERLOCAL AGREEMENT WITH THE ICCD&RA FOR THE SUN EDISON PHASE I CDA

Michael Bleak made a motion to approve Ordinance 2017-6. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

APPROVAL TO TRANSFER SURPLUS VEHICLE 1986 WILLIAMSEN PUP, FROM THE ROAD DEPARTMENT TO THE ENGINEER DEPARTMENT

Dale Brinkerhoff made a motion to approve the transfer of a surplus 1986 Williamsen pup trailer, from the Road Department to the Engineer Department. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

DISCUSSION FOR PURCHASE OF PROPERTY EAST OF THE IRON COUNTY FIDDLER'S CANYON BUILDING. ASSESSOR PARCEL NUMBER B-1-9-23-6

Dale Brinkerhoff requested the action of purchase of APN: B-1-9-23-6 be postponed indefinitely.

CONFLICT OF INTEREST POLICY REGARDING A POTENTIAL AMENDMENT TO SECTION 36 OF THE IRON COUNTY PERSONNEL POLICY

Michael Edwards explained that Conflict of Interest Policy had been brought before the commissioners before but there were concerns expressed by those present. Michael explained that in the interim, he had met with many elected officials and department heads to discuss their concerns. He noted that he had been able to address the concerns. Michael Bleak made a motion to approve the Conflict of Interest Policy. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

PERSONNEL

Adrion Walker, Iron County Human Resource (HR) Director, presented new hire Jason Thomas as a Patrol Deputy in the Sheriff Department, effective March 27, 2017, for approval. This would be a backfill of a vacant position left by Shawn Coston.

Adrion Walker presented new hire Grant Oxenrider as a Landfill Technician in the Landfill Department, effective March 27, 2017, for approval.

Adrion Walker presented new hire Jeff McKee as a Facilities Maintenance Technician in Building Maintenance, effective April 10, 2017, for approval.

Adrion Walker presented new hire Hudson Brown as a Justice Court Clerk in the Justice Court, effective date April 10, 2017 for approval. This would be a backfill of a vacant position.

Adrion Walker presented an updated Pay Value and associated Pay Range for the Building Inspector/Zoning Officer in the Building Department for approval.

Adrion presented a possible wage increase for Terry Palmer in association with the pending approval to update the Pay Value and associated Pay Range of the Building Inspector/Zoning Officer position.

Adrion presented new hire Gale Rollo for the newly created/approved position of Part Time temporary data entry clerk in the Assessor's Office that will be working on the scanning of archived information to electronic storage, with an anticipated effective date of April 3, 2017.

Alma Adams made a motion to approve all of the Personnel actions as explained. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

As part of the Personnel discussion, Cindy Bulloch made the commissioners aware that former employee Tammy Melling had expressed a willingness to help with the upcoming tax roll. Cindy Bulloch expressed that Tammy Melling be compensated for her work.

NON-DELEGATED ITEMS

Lester Ross reported that on the Public Safety Building, builders were beginning to put the roof covering on, the basement was framed with electrical and mechanical installed, and that the framing and electrical and mechanical were beginning on the main floor.

ADJOURNMENT

Dale Brinkerhoff, Iron County Commission Chair, declared adjournment.


Signed: Dale M. Brinkerhoff, Chairman


Attest: Jonathan T. Whittaker, County Clerk

