

**IRON COUNTY COMMISSION MEETING**  
**DECEMBER 10, 2018**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 10, 2018 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Dan Jessen	County Auditor
Cindy W. Bulloch	County Assessor
Carri Jefferies	County Recorder
Nicole Rosenberg	County Treasurer
Adrion Walker	Human Resource Director

**SYNOPSIS**

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### **PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by David Evans.

### **INVOCATION**

An invocation was offered by Eric Grimm.

### **APPROVAL OF MINUTES**

Alma Adams made a motion to approve the minutes of the Iron County Commission meetings held October 26, 2015, June 8, 2015, November 26, 2018 and November 26, 2018. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye.

Michael Bleak excused Commissioner Dale Brinkerhoff for health reasons.

### **DEPARTMENTAL REPORTS**

**Chad Nay, Iron County Building/Zoning Administrator**, excused.

**Steve Platt, Iron County Engineer**, reported that the budget was on track. Steve reported that there was a prison crew constructing fences on 7700 W. Lake Rd. He reported that the bids had been submitted for the Iron County crushing and that the contract had been awarded to Susan Martin Construction, low bidder at \$5.38 per cubic yard. Regarding Revised Statute 2477 (RS-2477) Roads, Tyler Farlings would need a temporary office to download the inventory of the Iron County roads. The Parowan Emergency Watershed Protection (EWP) was completed. The Federal Government paid \$2,546,520 for the Parowan EWP. After the EWP was complete Iron County had \$195,408.33 left over. Some of the money may be used to help with the Paragonah EWP. Steve reported that the Forest Service would like to meet January 9<sup>th</sup> from 2:00 – 4:00 in the Justice Center Conference Room in regards to the Upper Basin road to Kolob Reservoir. Mike Edwards explained the property owners would like to meet with the Washington Commissioners after the New Year. He suggested that Iron County Commissioners attend that meeting regarding the road. Mike reported that the road has been maintained by Iron County since the 1960's. The lock on the Iron County side would need to be cut off. Natural Resources Conservation Service money for the North leg of Coal Creek road past the Regional Waste Water Treatment Plant that had been applied for would not be granted. Iron County would need to reapply each year.

**Preston Nelson, Iron County Road Superintendant**, reported that the Road Department was currently placing gravel on 4000 north so chipping could begin. There were 4 miles of subgrade built on Vandenburg Rd and plans for chipping 2 miles of the road would begin in 2019. Preston reported that plans for crushing road base would begin in December and January at the new pit on Vandenburg Rd. The Road Department was ready to plow snow and that they had striped Beryl Hwy, 5700 West, and Hwy 91 between Summit and Parowan City limits. He reported that some of the upcoming projects were: to start the bidding for Chipping oils, Chips and Asphalt, build 7700 West up and place gravel for about 1 ½ miles, place gravel on 1000 West & 1400 West and finish subgrade as far as they could get on Vandenburg Rd.

**Bruce Anderson, Iron County Landfill Supervisor**, reported that the budget was on track. The new garbage truck which had been discussed, had been delivered and already put in use. Bruce reported that the Landfill had received a new 938 CAT Loader and D6 Dozer and both were located at the Parowan Landfill. The new compactor would be delivered this week. He noted that he would be meeting with Betsy Cummings in HR to begin going over applications to replace Wade Brush. Most of the equipment was in good, working order. Bruce reported that the landfill was less 560 tons for household, up 1703 tons for construction and demolition. The total tonnage was up 1140 tons.

**Dr. Blodgett, Iron County Southwest Health Department Supervisor**, not present.

**Jon Whittaker, Iron County Clerk**, reported that there would be a swearing-in of the new Iron County Elected Officials at 12 p.m. on Jan. 2, 2019 at the Iron County Courthouse Commission Chambers.

Dale Brinkerhoff, Iron County Commissioner, joined the Iron County Commission meeting.

#### **PRESENTATION OF THE 2019 IRON COUNTY BUDGET**

Dan Jessen, Iron County Auditor, presented the 2019 Iron County Budget. Dan explained that the budget had been on display in the Auditor's office for the allotted time and the local Newspapers had been sent a copy. Dan reported that there would be no tax bonds, regular bonds or tax rate increases. There was approximately 1.7 M in Capital/fixed assets acquisitions which included vehicles. In the budget there was a 1.5% Cost of Living Adjustment (COLA) The Social Security Administration would have an increase of 2.8% in 2019. He reported that there was a "Standing Pat" on additional employee requests for 2019 with one exception of a New Videographer for the Tourism Department. The Videographer would be funded by a budget cut to the Tourism Advertising Promotion line item. Budgets were mainly driven by salary for employees. In summary, Dan reported that the Iron County Government was financially strong and healthy.

#### **PUBLIC HEARING ON THE 2019 IRON COUNTY BUDGET**

Michael Bleak declared the public hearing on the 2019 Iron County Budget open.

Bruce Washburn, a citizen of Iron County, explained that he was displeased that \$7,500 was going to the American Lands Council with little return for Iron County. Dale Brinkerhoff explained that those funds were appropriated for lobby groups.

No other public comments were offered. Michael Bleak declared the public hearing closed.

#### **RESOLUTION 2018-13 ADOPTING THE 2019 IRON COUNTY BUDGET**

Alma Adams made a motion to approve Resolution 2018-13 adopting the 2019 Iron County Budget as presented by Dan Jessen. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

#### **PRESENTATION OF THE 2018 IRON COUNTY BUDGET AMENDMENTS**

Dan Jessen explained that most of the budget amendments were previously approved by the Iron County Commissioners at earlier meetings. Dan reported that one of the items not talked about was a change with the audit trail on prior year's uncollectable utilities monies that were transferred and attached to property taxes. There was not a "clean" audit trail to follow. He reported that the uncollectable monies were now listed under "bad debt." This would clarify where the money flows from utilities to property tax. In 2018, the Sewer fund had \$9,300 written off to property taxes. Landfill had \$78,000, and Solid Waste Collections had \$1,900. Dan reported that the adjustment to merchant fees in the Treasurer Department was \$10,000.

**PUBLIC HEARING REGARDING AMENDMENTS TO THE 2018 IRON COUNTY BUDGET**

Michael Bleak, Iron County Commission Chair declared the public hearing regarding the amendments to the 2018 Iron County Budget open.

No Comments were offered. Michael Bleak declared the public hearing closed.

**RESOLUTION 2018-14 ADOPTING THE 2018 IRON COUNTY AMENDED BUDGET**

Alma Adams made a motion to approve Iron County Resolution 2018-14 adopting the 2018 Iron County amended budget as presented by Dan Jessen. Second by Michael Bleak. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**PUBLIC COMMENTS**

Bryan Dangerfield, Iron County Events Coordinator, reported that the Tour of Utah held in Iron County was successful. Dan reported that as a result of the Tour of Utah the Haute Route Company would be sponsoring a cycle race in Cedar City Aug 23-25, 2019. Cyclers from around the world would participate in the event. A 50k Ultra run was held in Cedar City for the first time. Dan expressed that community pride was strong.

**CONVENE AS THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)**

Michael Bleak, Iron County Commission Chair, declared the convening of the ICCD&RA.

**ICCD&RA RESOLUTION 2018-4 DISSOLVING THE BLACK IRON COMMUNITY DEVELOPMENT PROJECT AREA AND RENOUNCING ICCD&RA PROJECT AREA PLAN**

Adam Long, Attorney for the ICCD&RA, explained a redevelopment project area was developed for the Iron Mine. The project did not materialize as expected and as a result it was proposed to dissolve the Black Iron Community Development Project Area.

Alma Adams made a motion to approve ICCD&RA Resolution 2018-4 dissolving the Black Iron Community Development Project Area and renouncing the ICCD&RA adoption of the Black Iron Community Development Project Area plan. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

# IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY RESOLUTION 2018-4

## A RESOLUTION DISSOLVING THE BLACK IRON COMMUNITY DEVELOPMENT PROJECT AREA AND RENOUNCING IRON COUNTY COMMUNITY REDEVELOPMENT AND RENEWAL AGENCY'S ADOPTION OF THE BLACK IRON COMMUNITY DEVELOPMENT PROJECT AREA PLAN

**Whereas**, pursuant to the provisions of the Utah Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act (the “Act”), specifically Chapter 4 of Title 17C of the Utah code Annotated (“UCA”), by resolution, the Agency adopted the Black Iron Community Development Project Area Plan (“Project Area Plan”) on November, 23, 2015, thereby creating the Black Iron Community Development Project Area (the “Project Area”); and

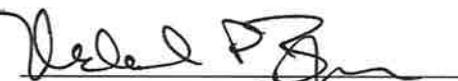
**Whereas**, the Agency has determined that development of the Project Area as contemplated by the Project Area Plan is no longer feasible and/or necessary; and

**Whereas**, the Agency, pursuant to UCA § 17C-1-707(1)(a), desires to dissolve the Project Area and renounce its adoption of the Project Area Plan.

**Now Therefore**, be it resolved by The Iron County Community Development And Renewal Agency as follows:

1. That the Agency hereby dissolves the Black Iron Community Development Project Area.
2. That the Agency hereby renounces its adoption of the Black Iron Community Development Project Area Plan, attached hereto as Exhibit A.
3. That the Agency staff and legal counsel are hereby authorized and directed to take all such actions as necessary to effectuate the purposes and aims of this resolution.
4. This resolution shall take effect upon its adoption.

APPROVED AND ADOPTED on this 10th day of December, 2018.



Michael P. Bleak, Chair  
Iron County Community  
Development and Renewal Agency

Attest:



Jonathan T. Whittaker, Secretary



**DISCUSSION AND POSSIBLE APPROVAL OF COST REIMBURSEMENT AGREEMENTS FOR FREMONT, RUSH LAKE, COVE MOUNTAIN I AND COVE MOUNTAIN II SOLAR PROJECTS**

Adam Long explained the standard approach for a redevelopment solar project was to have the project or the developer absorb legal costs of the setup for the project with a reimbursement agreement in place. The Cove Mountain projects were located west and north of the Enterprise Solar project by Newcastle. Fremont and Rush Lake projects were located in Cedar valley and were existing projects being revived.

Alma Adams made a motion to approve the Cost Reimbursement Agreement for Fremont, Rush Lake, Cove Mountain I, and Cove Mountain II Solar projects. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**ICCD&RA RESOLUTION 2018-5 APPROVING INTERLOCAL AGREEMENTS BETWEEN THE ICCD&RA, IRON COUNTY, IRON COUNTY SCHOOL DISTRICT, IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 (UASD#2) AND THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT (ICCWCD) REGARDING THE FIDDLERS CANYON SOLAR COMMUNITY REINVESTMENT PROJECT AREA**

Adam Long explained that this was for approval of the Interlocal agreements for the Fiddler's Canyon Solar Community Reinvestment Project area. The Fiddler's Canyon Solar Projects were three, three megawatt projects that were not included in the October 22<sup>nd</sup> Iron County Commission agenda.

Alma Adams made a motion to approve the ICCD&RA Resolution 2018-5 approving Interlocal agreements between the ICCD&RA, Iron County, Iron County School District, Iron County UASD#2 and the Central Iron County Water Conservancy District regarding the Fiddler's Canyon Solar Community Reinvestment Project Area. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY RESOLUTION 2018-5**

**A RESOLUTION APPROVING INTERLOCAL AGREEMENTS BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY, THE IRON COUNTY SCHOOL DISTRICT, THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2, AND THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT REGARDING THE FIDDLER'S CANYON SOLAR COMMUNITY REINVESTMENT PROJECT AREA.**

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

**Whereas**, the Agency has adopted a Project Area Plan (the "Plan") for the Fiddler's Canyon Solar Community Reinvestment Project Area (the "Project Area"); and

**Whereas**, after careful analysis and consideration of relevant information, the Agency desires to enter into interlocal agreements with the Taxing Entities (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 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 The Iron County Community Development And Renewal Agency as follows:

1. The Interlocal Agreements with each Taxing Entity, substantially in the form attached hereto as **EXHIBIT A**, are approved and shall be executed by the Agency.
2. The Chair shall make such additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreements.
3. Pursuant to Section 11-13-202.5 of the Act, each Interlocal Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the Agency 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 copy thereof shall be filed immediately with the keeper of records of the Agency.
4. Each Interlocal Agreement shall be effective on the date of publication of the notice required by Section 17C-5-205, Utah Code; such notice shall be published by the Agency on behalf of each Taxing Entity according to the terms of the Interlocal Agreements.
5. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED on this 10th day of December, 2018.



Michael P. Bleak, Chair  
Iron County Community  
Development and Renewal Agency

Attest:



Jonathan T. Whittaker, Secretary



Voting by the Agency Board:

Alma Adams        Aye  
Michael P. Bleak    Aye  
Dale M. Brinkerhoff Aye

**APPROVAL OF THE REBATE OF INCREMENTAL TAXES PAID TOWARD THE RED HILLS RENEWABLES COMMUNITY DEVELOPMENT PROJECT AREA**

Danny Stewart, Iron County Economic Development Director, explained that the company had met all the requirements for the rebate which were: 1. To develop the facilities as agreed upon, 2. Pay fees and taxes and send a letter of proof of payment, and 3. Supply a letter of Compliance.

Dale Brinkerhoff made a motion to approve the rebate of incremental taxes paid toward the Red Hills Renewables Community Development Project Area. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**ADJOURN AS THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**

Michael Bleak, Iron County Commission Chair, declared to adjournment of the ICCD&RA.

**CONVENE AS THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 (UASD#2)**

Michael Bleak, Iron County Commission Chair, declared the convening of the UASD#2.

**UASD#2 RESOLUTION 2018-2 APPROVING AN INTERLOCAL AGREEMENT WITH THE ICCD&RA REGARDING THE FIDDLERS CANYON SOLAR COMMUNITY REINVESTMENT PROJECT AREA**

Alma Adams made a motion to approve UASD#2 Resolution 2018-2 Approving an Interlocal Agreement with the ICCD&RA regarding the Fiddlers Canyon Solar Community Reinvestment Project Area. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 RESOLUTION 2018-2**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2 REGARDING THE FIDDLER'S CANYON SOLAR COMMUNITY REINVESTMENT PROJECT AREA.

**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 the Iron County Unincorporated Area Services District #2 (the "District") are "public agencies" for purposes of the Act; and

**Whereas**, the Agency has adopted a Project Area Plan (the "Plan") for the Fiddler's Canyon Solar Community Reinvestment Project Area (the "Project Area"); and

**Whereas**, after careful analysis and consideration of relevant information, the District desires to enter into an interlocal agreement with the Agency (the "Interlocal Agreement") whereby the District consents to the Agency receiving for an extended

period of time a portion of the tax increment produced by the District's levy on real and personal property within 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, it is hereby resolved by the Governing Board Of The Iron County Unincorporated Area Services District #2 as follows:**

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

4. The Chair shall make such additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreement.

3. Pursuant to Section 11-13-202.5 of the Act, the Interlocal 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.

4. Pursuant to Section 11-13-209 of the Act and upon full execution of the Interlocal Agreement, a copy thereof shall be filed immediately with the keeper of records of the District.

5. The Interlocal Agreement shall be effective on the date of publication of the notice required by Section 17C-5-205, Utah Code; such notice shall be published by the Agency on behalf of the District according to the terms of the Interlocal Agreement.

6. This Resolution shall take effect upon adoption.

Approved and adopted by the Iron County Governing Board of the Iron County Unincorporated Area Services District #2, this 10<sup>th</sup> day of December, 2018.

  
Michael P. Bleak, Chair

Attest:

  
Jonathan T. Whittaker, Secretary

**ADJOURN AS THE IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT #2**

Michael Bleak, Iron County Commission Chair, declared the adjournment of the Iron County UASD#2 and the reconvening of the Iron County Commission.

**DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 2018-6**  
**DISSOLVING THE BLACK IRON COMMUNITY DEVELOPMENT PROJECT**  
**AREA AND RENOUNCING IRON COUNTY'S ADOPTION OF THE BLACK**  
**IRON COMMUNITY PROJECT AREA PLAN**

Alma Adams made a motion to approve the adoption of Iron County Ordinance 2018-6, Dissolving the Black Iron Community Development Project Area and Renouncing Iron County's Adoption of the Black Iron Community Development Project Area Plan. . Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY ORDINANCE 2018-6**

**AN ORDINANCE DISSOLVING THE BLACK IRON COMMUNITY DEVELOPMENT PROJECT AREA AND RENOUNCING IRON COUNTY'S ADOPTION OF THE BLACK IRON COMMUNITY DEVELOPMENT PROJECT AREA PLAN**

**Whereas**, the Iron County Community Development and Renewal Agency (the “Agency”) and the County adopted a Project Area Plan (the “Project Area Plan”) for the Black Iron Community Development Project Area (the “Project Area”) pursuant to Utah Code Annotated (“UCA”) § 17C-4, on November 23, 2015; and

**Whereas**, the Agency has adopted a resolution dissolving the Project Area and renouncing its adoption of the Project Area Plan; and

**Whereas**, UCA § 17C-1-702(1)(b) of the Utah Limited Purposes Local Government Entities – Community Development and Renewal Agencies Act mandates that the Project Area remains in existence until the community legislative body adopts an ordinance dissolving the Project Area; and

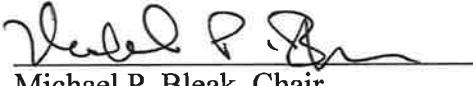
**Whereas**, the Iron County Commission desires to dissolve the Project Area and renounce its adoption of the Project Area Plan.

**Now, Therefore, Be it ordained by the Iron County Commission as follows:**

1. The Iron County Commission hereby dissolves the Black Iron Community Development Project Area, the respective boundaries of which are shown and described on the legal descriptions and map attached hereto as **Exhibit A** and incorporated herein by this reference.
2. The Iron County Commission hereby renounces its adoption of the Black Iron Community Development Project Area Plan, as renounced by the Agency on this same date.
3. County and Agency staff are hereby authorized and directed to take all actions necessary to dissolve the Project Area pursuant to UCA § 17C-1-702.
4. This ordinance takes effect upon its publication and recording, but not sooner than 15 days from this date.

DATED this 10th day of December, 2018.

BY THE IRON COUNTY  
COMMISSION:

  
Michael P. Bleak, Chair

ATTEST:

  
Jonathan T. Whittaker, County Clerk



Voting:

Alma Adams      Aye  
Dale Brinkerhoff    Aye  
Michael Bleak      Aye

**RESOLUTION 2018-15 APPROVAL OF AN INTERLOCAL AGREEMENT  
WITH THE ICCD&RA REGARDING THE FIDDLERS CANYON SOLAR  
COMMUNITY REINVESTMENT PROJECT AREA**

Dale Brinkerhoff made a motion to approve Resolution 2018-15 approving an Interlocal Agreement with the ICCD&RA regarding the Fiddlers Canyon Solar Community Reinvestment Project Area. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**IRON COUNTY RESOLUTION 2018-15**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AND IRON COUNTY REGARDING THE FIDDLER'S CANYON SOLAR COMMUNITY REINVESTMENT PROJECT AREA.

**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 "County") are "public agencies" for purposes of the Act; and

**Whereas**, the Agency has adopted a Project Area Plan (the "Plan") for the Fiddler's Canyon Solar Community Reinvestment Project Area (the "Project Area"); 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 consents 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 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, it is hereby resolved by The Iron County Commission as follows:**

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

6. The Chair shall make such additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreement.

3. Pursuant to Section 11-13-202.5 of the Act, the Interlocal 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 copy thereof shall be filed immediately with the keeper of records of the County.

4. The Interlocal Agreement shall be effective on the date of publication of the notice required by Section 17C-5-205, Utah Code; such notice shall be published by the Agency on behalf of the County according to the terms of the Interlocal Agreement.

5. This Resolution shall take effect upon adoption.

Approved and adopted by the Iron County Commission, this 22<sup>nd</sup> day of October, 2018.

  
Michael P. Bleak, Chair  
Iron County Commission

Attest:

  
Jonathan T. Whittaker, Clerk



Voting:

Alma Adams	<u>Aye</u>
Dale Brinkerhoff	<u>Aye</u>
Michael Bleak	<u>Aye</u>

**SILVER PEAK SUPPLY IN NEWCASTLE REQUEST FOR A LOCAL  
CONSENT FOR AN OFF-PREMISE BEER RETAILER LICENSE**

Mike Edwards explained that there was a change that required an off premise entity to have authorization from the local government entity before they receive a license from the state to operate off premises. Shaneal Bess reported that at the Utah Business License Association (UBLA) training the state would now require a local consent first for off-site premise consumption.

Dale Brinkerhoff made a motion to approve Silver Peak Supply in Newcastle for consent of an off-premise beer retailer license. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONSIDERATION OF AN ABATEMENT OF TAXES FOR A MOUNTAIN CABIN. PROPERTY LOCATED AT 1059 E. MEADOWS DR, BRIAN HEAD IN CEDAR BREAKS MOUNTAIN HOMESITES SUBDIVISION, UNIT B, BLOCK B. LOT 6 REQUESTED BY SHEM AND SUSAN MACKERT**

Shem Mackert explained the property was appraised for \$124,000 at only 75 percent. He reported that he was willing to pay the tax based on what it was worth. Cindy Bulloch explained that the issue should have come to the Bureau of Equalization (BOE) to discuss the valuation. Mr. Mackert reported to her that he did not receive the valuation notice. Cindy reported that the commissioners only had the capacity to abate taxes. In this instance the amount to be abated was not known because of the lack of BOE. Mr. Mackert may appeal to the Utah State Tax Commission and report that they missed deadline and would like consideration. Only the State could reopen the BOE. Cindy explained that she needed to proceed in accordance with the law, which says that he missed the deadline of the BOE. If the abatement were to be denied, Mr. Mackert could appeal to the state to reopen the BOE. She would be willing to work with Mr. Mackert if he applied to the state.

Dale Brinkerhoff made a motion to deny the abatement of taxes for a mountain cabin property located at 1059 E. Meadows Dr., Brian Head in Cedar Breaks Mountain Homesites, Unit B, Block B, Lot 6. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION ON SHORT-TERM RENTALS TO UPDATE THE COMMISSION AND PUBLIC ON THE ORDINANCE RECOMMENDED BY THE IRON COUNTY PLANNING COMMISSION. CONSIDER DATE FOR PUBLIC HEARING AND ORDINANCE ADOPTION**

Reed Erickson, Iron County Planner, explained that this was an update from the Planning Commission. The Planning Commission recommended an ordinance that brings Iron County in compliance with the code which requires the collection of the transient room tax. The ordinance defined short-term rental as "a privately owned residential dwelling such as, but not limiting to, a single family dwelling, a multifamily dwelling, apartment, house, guest house, duplex rented for occupancy, for dwelling, lodging, or sleeping purposes for any period less than 30 consecutive days when the owner is not present." A lot of concern in residential areas was parking, noise issues, and partying. Reed explained that the proposed ordinance was divided into two categories; 1. Incidental, or 25 nights or less for a short period of time. Such a use could occur in any zones where residential is allowed; 2. Business Level, or more than 25 nights a year. Could occur in all zones except R-1/2. The Business Level would require Administrative Land Use Permits, a carbon monoxide detector, a posted map for parking onsite, and a business license would be required. Reed noted that requests would come into his office for short-term information and requirements at least 2 to 3 times a week. Finally, Reed explained that the Short Term Rental ordinance does not affect when a basement is rented out with homeowners upstairs, or other shared use.

**APPROVAL OF A CRUSHING GRAVEL CONTRACT FOR THE IRON COUNTY ROAD DEPARTMENT, 2018 and 2019**

Jon Whittaker explained that Steve Platt reported earlier that Susan Martin Construction had the lowest bid for crushing at \$5.38 cubic yard for a total of \$269,000.

Dale Brinkerhoff made a motion to approve the Crushing Gravel Contract to Susan Martin Construction at unit price of \$5.38 cubic yard for a total of \$269,000. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION (BOE)**

Michael Bleak, Iron County Commission Chair, declared the convening of the BOE.

**REVIEW AND CONSIDER A REQUEST FROM SOUTHERN UTAH UNIVERSITY (SUU) FOR TAX EXEMPT STATUS BEGINNING OCTOBER 23, 2018 THROUGH DECEMBER 31, 2018**

Christene Lowder explained that SUU purchased Assessor's Parcel Number (APN) B-1253-3-BL located at 2265 W. Kittyhawk Dr. in Cedar City on October 23, 2018. The previous owners paid the pro-rated property taxes up to the closing date. Christene reported that SUU was now asking for tax exempt status from October 23 through December 31, 2018 in the amount of \$400.05.

Alma Adams made a motion to approve Southern Utah University tax exempt status beginning October 23 through December 31 as presented by Christene Lowder. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**REVIEW AND CONSIDERATION FOR APPROVAL LOW INCOME ABATEMENT AND HOMEOWNER'S TAX CREDIT APPLICATIONS, MOBILE HOME APPLICATIONS, AND VETERANS APPLICATIONS WHICH WERE RECEIVED AFTER OCTOBER 5, 2018**

Christene explained these were either late applications adjustments or processed incorrectly received after the October 8, 2018 deadline. The adjustments for Circuit breakers, Special Blinds and Veterans were \$27,453.96 and Mobile home applications were \$1358.98.

Dale Brinkerhoff made a motion to approve the Low income abatement and Homeowner's tax credit applications, Mobile home application and Veteran applications as presented by Christene Lowder. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the adjournment of the BOE and to reconvening of the Iron County Commission.

**DISCUSSION AND POSSIBLE ACTION REGARDING DISPOSITION OF THE IRON COUNTY OWNED FIDDLER'S CANYON BUILDING**

Lester Ross, Iron County Lead Building Maintenance/Inspector, reported that an appraisal was made on the Fiddlers Canyon Building. Lester noted that the commissioners would now need to make a decision whether to proceed to sell or to rent the building. The Water Conservancy moved into a larger office in the building. Ensign Engineering had expressed a desire to lease the two North rooms. Cindy Bulloch expressed that the purchase price should be dependent on the appraisal. Alma Adams expressed concern that sale proceeds would go to the jail fund. Dan Jessen explained that any proceeds from the sale of the Fiddlers Building would go to Capital Project funds.

Dale Brinkerhoff suggested that Iron County offer the Fiddlers Building for sale contingent upon current assessment. Advertise self with the proceeds put into capital projects.

**APPROVAL OF THE 2019 IRON COUNTY COMMISSION MEETING SCHEDULE**

Alma Adams made a motion to approve 2019 Iron County Commission Meeting Schedule with a correction to correct the January meeting days to the 14<sup>th</sup> and 28<sup>th</sup>. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **CONSIDERATION OF CLOSING ALL IRON COUNTY OFFICES ON DECEMBER 24, 2018**

Dale Brinkerhoff made a motion to close all Iron County Offices on December 24<sup>th</sup> as an administrative paid day off. Sheriff Officers would have 8 hours of comp to be used by March 31, 2019. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **2018 IRON COUNTY SURPLUS VEHICLES**

Alma Adams made a motion to approve the 1999 Ford Explorer, Extension surplus, swapped to the Sheriff Department for the Victim Advocate, the 2008 Trailblazer, Tourism surplus, swapped to Sheriff Department for the Victim Advocate, and the 2005 GMC pickup returned back to the Building Department fleet. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **DISCUSSION AND POSSIBLE APPROVAL OF THE DISTRICT COURT PUBLIC DEFENDER CONTRACTS**

Adrian Walker reported that the Public Defender contracts for Jeff Slack and Troy Sundquist were up for renewal in the District Court from January 1<sup>st</sup> through December 31, 2019. \$77,500 for Troy Sundquist and \$82,500 Jeff Slack was requested. Jeff Slack was requesting an increase of \$1,500 to \$2,500 because of caseload increasing 30%.

Alma Adams made a motion to approve the Public Defender Contract and a pay increase for Jeff Slack in the amount of \$2000.00. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Nay.

Alma Adams made a motion to approve the Public Defender Contract for Troy Sundquist at the current pay. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

## **PERSONNEL**

Adrian Walker, Iron County Human Resource (HR) Director, presented the new hire of Charles Day as a Patrol Deputy in the Sheriff Department for approval, effective December 31<sup>st</sup>. This would be backfill of vacant position; The new hire of Breann Clark as a DMV Technician in the Assessor's Office, effective December 31<sup>st</sup>. This would be a backfill of a vacant position; The new hire of Erin Johnson as a Deputy Recorder/Ownership Specialist in the Recorder's Office for approval. Effective December 17<sup>th</sup>. This would be a backfill of a vacant position; The promotion of Adele Lloyd from Deputy Recorder/Ownership Specialist to Chief Deputy Recorder for approval with an effective date of December 2<sup>nd</sup>. This would be a backfill of a vacant position; The new hire of Cassie Glazier, as a Part-time Data Entry Clerk in the Council on Aging (COA), effective December 5<sup>th</sup> as a backfill of a vacant position; and the new hire of Bonnie Backus as a Part-time Assistant Cook in the COA, effective December 7<sup>th</sup> as a backfill of a vacant position.

Dale Brinkerhoff made a motion to approve the personnel changes a presented by Adrian Walker. Second by Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

Adrian presented a pay increase for David Nielson, Web Developer in the IT Department. David was hired at a negotiated lower salary than what was originally approved for the position, or \$47,652.80 annually. David has now been with Iron County IT for six months. The increase being proposed was an additional \$1398.43 for a total amount of \$49,051.23 annually.

Alma Adams made a motion to approve a pay increase for David Nielson as presented by Adrian Walker. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**DISCUSSION REGARDING RULES OF ORDER AND PROCEDURE FOR THE  
IRON COUNTY COMMISSION**

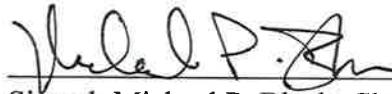
This item was stricken from the agenda by Michael Bleak.

**DISCUSSION REGARDING STRATEGY FOR REASONABLY IMMINENT  
LITIGATION**

Alma Adams made a motion to enter into Closed Session to discuss pending or reasonably imminent litigation in accordance with Utah Code §52-4-205(c). Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

STATE OF UTAH )  
                    ) s.s.  
COUNTY OF IRON )

I, Michael P. Bleak, Chairman of the Iron County, Utah Commission, hereby certify that the purpose of the closed session convened to discuss pending or reasonably imminent litigation in accordance with Utah Code §52-4-205(c).

  
\_\_\_\_\_  
Signed: Michael P. Bleak, Chairman

  
\_\_\_\_\_  
Attest: Jonathan T. Whittaker, County Clerk



After leaving closed session, Alma Adams made a motion regarding the pending or imminent litigation to approve the removal of dead pinion and juniper trees near the roadways in the Cross Hollow Hills Subdivision with a distance from the asphalt to be at the discretion of Preston Nelson, Roads Superintendent. Said removal shall be accomplished by the Road Department by cutting them at ground level to avoid damaging neighboring trees by ripping the dead trees out. Also, not to admit to any fault regarding the spraying of weeds because it is not known, and to have Michael Edwards, Deputy Attorney, draft an agreement with the homeowners for such, with the homeowners agreeing not to file suit against Iron County. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Michael Bleak, Aye; Dale Brinkerhoff, Aye.

**NON-DELEGATED ITEMS**

**BOARDS**

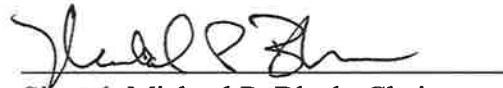
The commissioners discussed advertising for needed board members with Jon Whittaker. In particular, the Central Iron County Water Conservancy District.

**COURTHOUSE**

The commissioners discussed a lit, masonry and stone sign being constructed, as well as a pavilion over a concrete pad that had been poured southwest of the courthouse building.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael P. Bleak, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk

