

**IRON COUNTY COMMISSION MEETING
February 25, 2019**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 25, 2019 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Chad Dotson	County Attorney
Cindy Bulloch	County Assessor
Dan Jessen	County Auditor
Nicole Rosenberg	County Treasurer
Adrion Walker	Human Resource Director

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PLEDGE OF ALLEGIANCE

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

INVOCATION

An invocation was offered by Paul Cozzens.

APPROVAL OF MINUTES

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held February 11, 2019. Second by Paul Cozzens. Voting: Alma Adams, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

DEPARTMENTAL REPORTS

Jon Whittaker, Iron County Clerk, reported that the 2018 Clerk budget ended at 97% and the Election budget at 88%. Both budgets were on track for 2019. Chief Deputy Cindy

Robinson would retire on March 16th after 29 years of service. Jon reported that he had appointed Shaneal Bess as his new Chief Deputy Clerk. Interviews would be held on Thursday the 28th for a Full Time Deputy Clerk. There were 45 applicants for the job and they would be interviewing 7 applicants.

Adrion Walker, Iron County Human Resource (HR) Director, reported that the 2018 budget ended on track. There had been more time was spent on recruiting and hiring. The personnel changes during the last quarter were: a Full-time Victims Advocate in the Sheriff Department, Part-time Data Entry Clerk and Part-time Assistant Cook for Council on Aging (COA), Full-time Deputy Recorder in the Records Office, Full-time DMV Title and Registration Tech in the Assessor's Office, Full-time Landfill Tech for Landfill, Full-time Pet Control Deputy for the Sheriff Department, Full-time Deputy 1 Attorney in the Attorney's Office, 2 Full-time Corrections Deputies in Corrections and a Full-time Communications Specialist in Tourism. Adrion reported that some of the current positions being filled were: A Full-time Videographer/Graphic Designers in Tourism and a Part-time Bailiff in the Sheriff Department, and as Jon Whittaker mentioned they would be interviewing for a new Full-time Deputy Clerk for the Clerks Office. They were also advertising and recruiting for Full-time Correction Deputies and continued building on the Deputy Roster. The two current job openings were for a Part-time Medical Tech in Corrections and a Full-time Building Inspector/Zoning Officer. Adrion reported that the 2018 Employee turnover was at 12.28 percent compared to 10.73 percent in 2017. Even though there was a slight increase it was still in a healthy range. There was only one unemployment claim open. Open enrollment went well. Betsy Cummings in HR and the Auditor's Office worked well with the employees helping with the transition. Performance evaluations had been submitted by all departments and the data had been entered to the new coverage. He reported that he had been working with the Jared in the IT Department for an online application process. Written applications would still be an option. There were just a few adjustments to be made before it will go live. Adrion explained that he was continuing to work with Lori Eichelberger to facilitate the Public Defender reporting. He said that Lori was great to work with and was the best point of contact for him. Adrion reported that he had asked Lori to report the Public Defender part of his department report.

Lori Eichelberger, Iron County Justice Court Administrator, reported that the 2018 budget for the District Court was on track. Lori explained that in December the Supreme Court of Utah made a decision to maintain an Appeals Roster. Any person who wanted to be on that list was invited to apply. Dale Sessions and Matt Carling did apply but no one from this area was chosen. For the southern part of the state only one gentleman from St. George was chosen. It was rumored that he was charging \$15,000 minimum per case. For Iron County the result of that could be a dramatic increase in the budget. Lori reported that she had spoken with Joanna Landau, Director of the Indigent Defense Committee, who informed Lori that one attorney from a county up north was willing to do appellate work for the southern region at \$7000 per appeal case. The process for the appeals roster had been reopened and Dale Sessions reapplied and hopefully he would be added to the roster. She stated that it did not make sense to send funds from our county to pay someone else to cover the case when we had capable attorneys here. Alma Adams asked Lori if there were guidelines or regulation for fees. Lori reported that the low range began at \$4,000 up to a high range of \$12,000. Lori reported applying for an Indigent Defense Grant. She had applied for the grant and it was received by the Indigent Defense Commission. They would review the application and award it in April.

George Colson, Iron County Emergency Management Coordinator, reported that 2018 ended under budget. The 2019 budget was on track. George reported that two major expenses in the future would be to renew the Iron County Emergency app for mobile phones and the Everbridge renewal. He noted that the contractor and Information Technology (IT) were coming to an end with working on the Everbridge interface with mobile devices. MCAD was up and would cost more than estimated because of having to purchase more licenses. This would be a great asset to the Fire Department and law enforcement. Michael Bleak reported that there were not enough licenses and it would not affect the budget to purchase more. George Colson reported that he had been working with various water suppliers and the state geologist locating water

sources, pumping stations, reservoirs and fault lines throughout Iron County to create an overlay map. He was working with Homeland Security to identify and make a list of the critical infrastructure in Iron County. George reported that he was creating an equipment inventory for his department to get everything insured.

Danny Stewart, Cedar City/Iron County Economic Developer Director, reported that he had been working with Patrick Mullen and Stuart Clason of the Utah Association of Counties to define Opportunity Zones in Iron County. Danny reported that he continued to work with Patrick and Stuart to inventory projects that would be most likely to benefit Iron County. Some of the projects were under Industrial projects. Those were: GOEX; Loyal-out of Canada; Steel; Load Trail and Gehl. He explained that he had asked the Utah Inland Port Authority Board to extend some of the distribution infrastructure to Iron County. Iron County would be an ideal spot because of existing rail and the proximity for trucking. Danny reported that some of the Solar Projects in Iron County were: Cove Mountain 1 by Enterprise and the Fremont & Rush Lake projects, owned by Longroad Energy and approved in 2013-2014. He would be attending the International Council of Shopping Centers (ICSC) Retail Convention in Las Vegas May 19-22, with Economic Development Corporation of Utah (EDCU). JR Moore, Community-Based Research and Evaluation out of SLC, was assisting him to define the Iron County market and match up retailers to the area. Danny explained that he was working with several organizations to compile data to accurately define our regional market area. The data numbers needed to include surrounding counties with the market survey along with 2nd homes and cabins. He reported that the St. George Airport would be closing their runway during the summer of 2019, and the Cedar City Airport would be picking up morning flights in May. Danny concluded by listing other areas he was involved with: the Cedar City Historic Downtown Economic Committee, Cedar City Historic District, Utah Dept. of Heritage & Arts, NACo Creative Counties Placemaking, Conservation Leadership Network, Cedar City/Brian Head Tourism Bureau, Cedar City Events, Utah Summer Games, Utah Shakespeare Festival and Cedar Arts Council.

PUBLIC HEARING TO RECEIVE COMMENT ON A GRANT AND/OR LOAN FUNDING APPLICATION TO THE UTAH PERMANENT COMMUNITY IMPACT FUND BOARD (CIB) TO PERFORM A STRUCTURAL UPGRADE ON 10.3 MILES OF THE IRON SPRINGS ROAD

Alma Adams, Iron County Commission Chair, declared the public hearing for the Grant and/or loan funding application to the Utah Permanent CIB to perform a structural upgrade on 10.3 miles of the Iron Springs Road open.

Reed Erickson, Iron County Planner, explained that this was a grant application to the CIB for a total project cost of \$5,402,978. The Iron County contribution would be \$406,978. The purpose of the hearing was to show CIB that two important components were covered at the hearing: 1. What the application was for and 2. To consider a discussion in the event they do not provide the full grant amount if Iron County would consider portion, or the entire amount, in a low interest loan at 2 ½%. The project was a result of Alton Coal acquiring BLM property and lease for coal expansion of their current operation, and their interest to bring coal to Iron County and putting it on a rail load-off station off of Iron Springs Road. The road had been constructed as a chip-seal road, and was not structurally adequate to handle the estimated 360 coal trucks per day. The new load-off Station was estimated to cost \$10M to build that would be on the tax roll for Iron County as Industrial Development. The concern was the road would not handle the weight of the trucks, and they were asking 5” of asphalt be laid on the road to handle the trucks. The minutes from this meeting would need to be presented at the next CIB meeting on April 4. The decision would not be made until June in the funding meeting. Reed explained that the application was not by Iron County but by the Iron County Special Service District (SSD#3).

Chris Dahlin, a citizen of Iron County, asked if the fees and other charges would be made by Iron County to offset the costs of the upgrade. Reed explained that the Load-off Station was anticipated to create 20 jobs. The annual direct impact benefit would be \$1,159,000 and the indirect impact benefit would be roughly \$1.6M. He reported that they had not been able to evaluate revenue to Iron County because the numbers from the coal company was not available.

Steve Platt reported that he had approached the Utah Department of Transportation (UDOT) in making the road a State Highway. Steve said that they were considering it, but he was doubtful that it would happen because the Iron Springs Road does not loop with another road.

Alma Adams, Iron County Commission Chair, declared the public hearing closed.

KEVIN BUNNELL PRESENTED PAYMENT IN LIEU OF TAXES (PILT) PAYMENT FROM THE STATE OF UTAH

Kevin Bunnell presented a PILT payment to Iron County in the amount of \$2,505.35. Kevin expressed his appreciation for the partnership with Iron County. He explained that PILT was a payment made based on property value to collect taxes on state owned property. Kevin reported that there were proposals in the Watershed Restoration Initiative database now to continue the work that was being done. He noted that the funding for the next level of elevation between Cedar City and Highway 20 was not known, and they were ranking those in order of importance.

PUBLIC COMMENTS

Jay N. Webster, a citizen of Iron County, commented that he lived in Cedar City and owned property on the upper basin of Kanarra Mountain. The road had been maintained by the Iron County Road Department for many years. The road extended from the north end of the upper basin to Kolob Reservoir on the south. Last summer Kolob Land & Cattle Company brought property along the stream and put a lock on the gate which ended public access to the road. Mr. Webster was appealing to the commissioners to resolve the problem. Alma Adams reported that they were aware of the lock being put on the fences. The Iron County Road Department did cut the lock and notified the owners that it was off and they put one on again. Once the weather clears up the lock will be removed once more. Washington County was the owner of the other gate and would also remove the lock. Michael Bleak had made contact with Victor Iverson, a Washington County Commissioner, and they are on the same page regarding the gate locks.

Brad Green, a citizen of Iron County, stated that his issue was concerning Short-Term Rentals. The government was getting more involved in controlling human rights. Owners had the right to make money off their property. Mr. Green reported that the majority of homes using the short-term renting had to follow rules governed by Air BNB and were the higher class of homes. There were already laws in existence and if those were be enforced it would lessen the concerns of the citizens. He mentioned two concerns for having to obtain a business license. The first was: as soon as you create a business license it makes it easier to create requirements that have to be followed. Second: there was a state law passed last year that bars counties and cities to acquire a business license or a fee for home based businesses. There were groups that were in process of filing law suits against counties and cities that were violating the law. The Transient Room Tax already exists and should be enforce and collected. Let owners control their own property. You, as commissioners, are the guardians and please protect citizens from those who would break the peace by violating our rights and controlling our lives.

Chris Dahlin reported that he was an appraiser, and measures economic impact, and wanted to present a short but professional presentation on property rights. Chris reported that in law school they teach the concept of property and property rights that were called the "Bundle of Rights." The Bundle of Rights stated that the right of the property owner was: to be able to sell property, to be able to purchase property, to be able to use a property, and to be able to rent a property. Each of those rights was considered sticks within a property right. Mr. Dahlin stated that he wasn't aware of the Short-term Rental had been discussed by the Planning Commission. The concept of the short-term rentals reached an edge of hysteria in Cedar City. Do the short-term rentals impact in any kind material negative way that could be measured as an appraiser? No it was not measurable. Chris reported that the short-term rentals were under obligation of to meet standards through the online sights. Most citizens have only one asset and that was their homes. Just enforce the laws already in place and protect rights of home owners.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 2019-3, DISPOSING OF REAL PROPERTY

Jon Whittaker explained that Ordinance 2019-3 helped define how to dispose of real property. First, the definition of a “Significant Parcel” was defined as have an assessed value by the Iron County Assessor of less than \$10,000 when the parcel was obtained by Iron County. Second, a Significant Parcel would have to be advertised for at least 14 days in a newspaper of general circulation before the commissioners could approve the sale. Jon discussed various aspects of disposing of real property, particularly those found in Chapter 2.36 of the Iron County code. A great deal of discussion ensued regarding “Insignificant Parcels,” and how to dispose of them. Jon Whittaker explained that the discussion was a starting point, and that he would continue to seek input to refine and complete the ordinance. Jon explained that he wanted the ordinance to cover parcels that were obtained in ways other than the May tax sale. Posting a master list of Insignificant Parcels on www.ironcounty.net would constitute a master list from which potential buyers could purchase insignificant parcels.

Jon there were parcels that would be deeded to the county, that group of parcels would not be advertised for. Properly transparent. Published on website be sufficient notice. First come/first served-closed bids, highest bid give would get property, or given five or so days to purchase the property. Paul-Iron County Facebook page. Michael Bleak made a motion to table the discussion. Second by Paul Cozzens. Voting: Alma Adams, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

PERSONNEL

Adrion Walker, Iron County Human Resource (HR) Director, presented new hire, Wyatt Ihler as a Videographer/graphic Designer for the Tourism Office, effective March 4th. This was an approved new position. Adrion presented new hire Jaren Ford as a Part-time Bailiff in the Sheriff Department, effective February 25th. This was a backfill of a vacant position.

Paul Cozzens made a motion to approve the new hires of Wyatt Ihler as a Videographer/Graphic Designer in the Tourism Office, effective March 4th and Jaren Ford as a Part-time Bailiff in the Sheriff Department, effective February 25th. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

NON-DELEGATED ITEMS

No Non-Delegated Items were discussed.

ADJOURNMENT

Alma Adams, Iron County Commission Chair, declared adjournment.



Signed: Alma Adams, Chairman



Attest: Jonathan T. Whittaker, County Clerk