

**IRON COUNTY COMMISSION MEETING**  
**January 9, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 9, 2006  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Glenn Halterman	Deputy County Attorney
David I. Yardley	County Clerk

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**PLEDGE OF ALLEGIANCE** :

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

**COMMISSION REORGANIZATION** :

Wayne Smith made a motion to appoint Gene Roundy as the Commission Chair for 2006.  
Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith,  
Aye. Commission assignments were reviewed and LEPC Liaison was changed from Wayne  
Smith to Gene Roundy.

**APPROVAL OF MINUTES December 12, 2005** :

Minutes of the Iron County Commission meeting held December 12, 2005 were approved  
as amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene  
Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF MINUTES December 19, 2005** :

Minutes of the Iron County Commission meeting held December 19, 2005 were approved  
as amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene  
Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

Wayne Smith reported that the State is dragging their feet on a plan to upgrade Justice Court software. The County has selected Incode to provide software which will interface all agencies accessing the Justice Court data base.

Dennis Stowell reported that he has received a letter from Matt Wood regarding a tax sale property in which the legal description included a notation that water rights were involved. The tax sale notice has the following disclaimer: It is the responsibility of the bidder to determine the physical aspects of the land, its geographical location, accessibility and availability or validity of water rights. The Commission affirmed their previous action to certify results of the tax sale.

Dennis also discussed the sale of the Iron County portion of the Sharwan Smith Center to Southern Utah University. Representative LaVar Christensen has indicated that with a budget surplus, this may be a time when the Legislature will approve the purchase.

Gene Roundy presented the Commission with a copy of the Annual Independent Audit Report for Southwest Mental Health. He reviewed the management letter and requested that the Commission review the report and ask any questions concerning the operation of the Southwest Center.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval a transfer from the Justice Court to the Sheriff's Office of a full time Sheriff Secretary, Hilaree H. Nelson. Wayne Smith made a motion to approve Hilaree Nelson as a full time Sheriff Secretary. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for approval job descriptions for a Parks and Recreation and Emergency Management Supervisor and a Weed and Signing Specialist road worker. Wayne Smith made a motion to approve the job description for a Parks and Recreation and Emergency Management Supervisor and authorized an advertisement of the open position. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Dennis Stowell requested that the Weed and Signing Specialist job description be reviewed by Chad Reid and Neil Forsyth prior to approval. The matter was tabled until next meeting.

**INTERLOCAL AGREEMENT WITH PAROWAN CITY** :

An interlocal agreement with Parowan City regarding the sharing of resources and court space in the Iron County Courthouse was reviewed and approved on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING MONARCH MEADOWS PHASE 2 PRELIMINARY PLAT APPROVAL** :

Wayne Smith made a motion to open a public hearing to receive comments regarding Monarch Meadows Subdivision Phase 2. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay commented that Phase 2 is a continuation of Phase . The Planning Commission has recommended approval of the preliminary plat.

Justin Wayment explained the scope of the project including open space development and water utilization. The project is proposed to be surrounded by a cinder block fence and each individual lot will be fenced.

After all comments were received, Dennis Stowell made a motion to close the public hearing and approve the preliminary plat of Monarch Meadows, Unit 2. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**KANARRAVILLE TITLE V RIGHT OF WAY APPLICATION :**

Steve Platt, County Engineer, presented a proposed FLIPMA right of way across BLM property South of Kanarraville to the mouth of Spring Creek Canyon. The proposed Right of Way would terminate in a parking lot at the mouth of Spring Creek.

The Commission contacted Ervin Larsen, BLM Right of Way Specialist, requesting clarification of the proposed FLIPMA Right of Way. Because of the proximity to a Wilderness Study Area and attempts by the County to acquire a right of way to SITLA lands within Spring Creek Canyon, the Commission requested that the proposed parking lot be deleted from the right of way at this time and that the right of way continue to connect to Checkshani Cliffs Subdivision. Mr. Larsen stated that the BLM is not opposed to this amendment, however the extension of the right of way will need to be surveyed.

Dennis Stowell made a motion to approve the County Engineer to contract the survey of the extension of the right of way to Checkshani Cliffs and to proceed with the FLIPMA right of way with a reservation of right to the area under RS 2477. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CLASS B ROAD MILEAGE UPDATE :**

Steve Platt reported to the Commission that road maintenance agreements for roads maintained by the County within Municipal boundaries need to be updated and that a new calculation of road mileage needs to be compiled. A review of roads annexed and additional roads accepted within County Subdivision will be conducted an adjustments made. This mileage calculation will be used by the State in calculating Class B road funding to the County.

**ORDINANCE 211 SEWER LINE INSTALLATION REIMBURSEMENT :**

Glenn Halterman introduced Ordinance 211 as follows: Wayne Smith made a motion to adopt Ordinance 211 and to authorize the publication as required. Second by Dennis Stowell.

**IRON COUNTY, UTAH  
ORDINANCE 211**

**AN ORDINANCE OF THE BOARD OF IRON COUNTY  
COMMISSIONERS, PROVIDING FOR THE OPPORTUNITY FOR  
THE REIMBURSEMENT OF COSTS TO DEVELOPERS FOR  
THE CONSTRUCTION OF SEWER INFRASTRUCTURE  
IMPROVEMENTS; SETTING PROVISIONS FOR FEE  
COLLECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners has determined it necessary to establish guidelines and provisions for the opportunity for the reimbursement of costs to developers for the construction of sewer system improvements outside of established subdivisions of Iron County; and

**WHEREAS**, the Board of County Commissioners has determined that it is fair and equitable to allow such reimbursement to developers; and

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interest of the public health, safety, and welfare of Iron County that this Ordinance be adopted and incorporated into the Iron County Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** The document “Sewer Facilities Construction Costs Reimbursement Guidelines and Provisions” attached hereto is hereby adopted and made a part of the Iron County Code, with necessary formatting, grammatical and spelling revisions as required, and be identified as Chapter 13.13 of the Iron County Code.

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 9<sup>th</sup> day of January, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: /s/ Gene E. Roundy  
Gene E. Roundy, Chairman

**ATTEST:**

/s/ David I. Yardley  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy          Aye      
Wayne A. Smith          Aye      
Dennis E. Stowell       Aye    

**CHAPTER 13.13  
SEWER FACILITIES CONSTRUCTION COSTS  
REIMBURSEMENT GUIDELINES AND PROVISIONS  
IRON COUNTY CODE**

SECTION 13.13.010	Purpose and Findings
SECTION 13.13.020	Reimbursement Guidelines and Provisions
SECTION 13.13.030	Calculation of Reimbursement Costs
SECTION 13.13.040	Incorporation into Iron County Code

**SECTION 13.13.010      PURPOSE AND FINDINGS.**

**(A) Purpose.**

It is the purpose of this Chapter to establish guidelines and provisions for the reimbursement of costs to developers for the construction of sewer system improvements within Iron County.

**(B) Findings.**

Based on preliminary information Iron County finds:

- (1) That it is necessary in the interest of the public health, public safety, and general welfare that the County promote to construction of sewer system infrastructure within the unincorporated areas of Iron County; and
- (2) That by allowing for the reimbursement of the costs of the construction of sewer systems the likelihood of developers constructing new sewer facilities is increased.
- (3) That it is fair and equitable for other lot owners or developers to reimburse a previous developer for the costs incurred by the previous developer for the construction of the sewer facility.

**SECTION 13.13.020**

**REIMBURSEMENT GUIDELINES AND PROVISIONS**

- A. In the event that a developer desires to install new sewer infrastructure in Iron County, with an eight (8) inch minimum diameter, he shall be entitled to enter into an agreement with Iron County to provide for the reimbursement of up to one-half (1/2) the actual costs of constructing or extending the sewer infrastructure outside of the developer's subdivision and up to one-hundred percent (100%) of the actual costs of enlargement or up-sizing of the sewer infrastructure installed by developer above the requirements of the subdivision, whether or not the infrastructure is installed inside or outside of the subdivision.
- B. The reimbursement of the costs would be paid by lot owners or developers who thereafter connect to the new sewer infrastructure. The reimbursement agreement would be binding on all current or future lot owners connecting to the new sewer system unless a written agreement is executed between the initial developer and the lot owner waiving the reimbursement requirement.
- C. In order for a reimbursement agreement to be effective, the reimbursement agreement must be executed and construction drawings of the new facilities must have been submitted and approved by the Iron County Engineer prior to the installation of the new sewer infrastructure.
- D. Thereafter, the installation reimbursement costs shall be collected for the provision of new sewer facilities until the initial developer has been reimbursed, without interest, according to the terms of a reimbursement agreement, or for a ten-year period following the execution of the reimbursement agreement.
- E. The County in no way guarantees payment to the initial developer except to the extent that funds are actually collected from lot owners or developers in accordance with the terms of this ordinance.
- F. In addition to the cost of the extension, the lot owner or developer shall pay the physical connection costs and or any other impact fees as required by ordinance.

**SECTION 13.13.030**

**CALCULATION OF REIMBURSEMENT COSTS**

- A. With respect to any reimbursement agreement entered into by Iron County, the county may consider methods of calculating reimbursement costs such as (1) by number of connections; (2) by length of infrastructure fronting a lot; (3) by volume or capacity demand.
- B. Each reimbursement agreement shall specify which method(s) or combination of methods shall be used to calculate reimbursement costs. Which method(s) of calculation are used in each development agreement shall be determined by Iron County, in its sole discretion.

**SECTION 13.13.040**

**INCORPORATION INTO IRON COUNTY CODE**

- A. Effect.  
Upon this Ordinance being adopted by the Board of County Commissioners of Iron

County, Utah, all provisions of this ordinance shall be incorporated into the Iron County Code. All provisions of the Iron County Code that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions of the Iron County Code shall remain in full force and effect as codified.

**PRAIRIE DOG MATTERS** :

Dennis Stowell discussed the development and distribution of a request for qualifications for a firm to prepare and draft a new Habitat Conservation Plan to replace the existing HCP. He reviewed the language and provided a list of possible firms which shall be notified of the RFQ.

Teresa Bonzo presented a list of applicants for Prairie Dog Take for 2006. The current HCP provides that Iron County will have 95 dogs available. 14 are committed to Canyon View High School with the remaining 81.89 available to the public on a first come basis. Take requests in order of application are as follows:

Canyon View HS	14
Maury Abrams	6
Jay Adams (Country Meadows Roads)	14.24
John Dalton (Sunrise Subdivision)	0.25
Sunrock (new Pit)	12.14
Tim Stewart, New Subdivision	16.2
Larry Pendleton Maple Springs	5.9
Sterling Orton	6.19
Rick Lunt	5.6 (total to here 80.52)

The Commission also reviewed requests from Rick Anderson and John Forsyth to purchase 7 dogs for the SITLA bank at \$1,900 each.

Dennis Stowell made a motion to approve the take as presented including the SITLA bank dogs. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**AMBULANCE ACCOUNTS** :

David Yardley reported to the Commission that one account remains outstanding from several years ago when Valley View Medical Center was handling the billing. The accounting system used at that time is on a separate computer in the Clerks Office. The Commission authorized the changing of the account to a current spread sheet program.

**PETITION FOR ANNEXATION NOTICE** :

David Yardley reported that Enoch City, on behalf of Ray Pittman has submitted a notice of proposed annexation located in Sec 22 T35S R11W. The Commission reviewed the map and Wayne Smith made a motion not to oppose the proposed annexation. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**FEDERAL FUNDING REQUEST** :

Dennis Stowell reported that funding requests to be submitted for Federal Funding need to be completed and submitted by March. The County will review projects to determine which will qualify for Federal Funding and grant applications prepared.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:00 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

By: /s/ Gene E. Roundy  
Gene E. Roundy, Chairman

**ATTEST:**

/s/ David I. Yardley  
David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING  
January 23, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 23, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES January 9, 2006** :

Minutes of the Iron County Commission meeting held January 9, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

## ELECTED OFFICIALS REPORTS :

**Dennis Ayers** reported that work on the 2006 assessment roll is progressing. Due to the loss of personnel and the large increases in land values across the county they will be very close in getting the roll completed.

**Geri Norwood** discussed a problem with a property located in Green Valley Acres Unit 1 in which an owner was not identified in the title search due to the property being assigned two separate parcel numbers. The Commission approved contacting the owner that should not have had the property sold and determine if they are willing to trade for another lot in the same subdivision, preferably as close to the lot sold in error as possible.

**Patsy Cutler** reported that the Recorder's Office is in the process of printing plat maps for 2006. Requests from real estate companies to provide a full set of plats is creating a hardship on her staff. In the future full sets of plats will not be provided due to the amount of resources required.

**Erik Jorgensen** reported that an analysis by Incode shows that Spillman and the Court system will interface without problems. The State Court Administrator is not in favor of an interface and are pushing their own system.

Erik also discussed a concern with a land title company installing a scanner/copier/fax and wireless internet hub in the Recorder's vault without proper clearance. The Commission reviewed County policy prohibiting outside connections without approval and the Title Company is to be asked to remove the systems.

**Joe Gubler** presented an overtime report for the Commission information. He also discussed uniform and cell phone allowance reporting to the IRS. IRS regulations require withholding on the allowances.

**Scott Garrett** reported that Gale Grover has transferred from the County Attorney's Office to the Sheriff's Department and that Jeff Slack has resigned to go into private practice. A search is being conducted to replace Mr. Slack.

## PUBLIC HEARING ZONE CHANGE :

Wayne Smith made a motion to convene a public hearing to receive comments on a recommendation from the Planning Commission to approve a zone change from R-5 to R-1 as requested by Dennis & Debra Johnson located within Section 26 T35S R11W at approximately 110 W 3000 North. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that the property is located on 3000 North and West of the bowling alley in Cedar Valley. Surrounding property is zoned R-1 which provides that this will not be a spot zone and the property is located in Tier 2. The Planning Commission has recommended approval of the proposed zone change.

No one spoke in opposition to the proposed zone change.

Dennis Stowell made a motion to close the public hearing and to approve the zone change from R-5 to R-1 on the following parcel description:

Commencing 44 rods North of the Southwest Corner of the Southeast Quarter of the

Northwest Quarter of Section 26, Township 35 South, Range 11 West, SLB&M; thence North 20 rods; thence East 40 rods; thence South 20 rods; thence West 40 rods to the point of beginning. Containing 5 acres M/L.

as recommended by the Planning Commission. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING TIER CHANGE** \_\_\_\_\_ :

Dennis Stowell made a motion to convene a public hearing to receive comments on a recommendation of the Planning Commission to approve a Tier change from Tier 4 to Tier 2 as requested by Craig Jones on property located within Section 20 T35S R11W SLB&M at approximately 4000 N Lund Hwy. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that this proposed change is located along Lund Highway in an area which will eventually be served by the West trunk line of the Cedar City sewer system. It is adjacent to existing Tier 2 land and is also in an area which can be served by the Central Iron County Water Conservancy District. The Planning Commission has recommended approval of the Tier change.

No comments were received in opposition to the proposed Tier change.

Wayne Smith made a motion to close the public hearing and approve the amendment to the General Plan Tier map from a Tier 4 to a Tier 2 designation on the following parcel:

ALL OF SECTION 20, T35S, R11W, SLB&M LYING WEST OF LUND HWY.

as recommended by the Planning Commission. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**IRON COUNTY ENGINEER** \_\_\_\_\_ :

Steve Platt met with the Commission to recommend approval of a Title V Right-of-Way application on the road South of Kanarraville which has a turn around designation near the mouth of Spring Creek Canyon. The road continues South to connect with Checkshani Cliffs Subdivision. Kanarraville has submitted a RP&P application for property adjacent to the road and the right of way will allow upgrading the road for access to the RP&P property.

Dennis Stowell made a motion to approve the Title V (FLIPMA) right of way application to the BLM. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**IRON COUNTY ENGINEER REPORT 3200 Subdivision Roads** \_\_\_\_\_ :

Art Tait and Steve Platt discussed 3200 Subdivision land exchange between DWR & SITLA to accommodate access from the Summit frontage road to the subdivision. Developers of 3200 Phase 2 would like to widen the road past the Cinder pit south of Summit and Frank Nichols would like to develop and realign a road near Enoch to access the top of the mountain. Since this is designated by DWR as critical deer habitat arrangements will need further negotiations. The County will continue to monitor the development of this area.

**PUBLIC HEARING PRELIMINARY AND FINAL PLAT APPROVAL** \_\_\_\_\_ :

Wayne Smith made a motion to open a public hearing to receive comments on a

recommendation from the Planning Commission to approve the preliminary plat and the final plat for Harmony Mountain Ranches, Phase 3. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Steve Platt reported on development within Phase 1 and Phase 2. He also reported that a bond of 1.135 Million would be required for completion of Phase 3 infrastructure. The Planning Commission has recommended approval of both the preliminary and final plat.

Bill Tillett, Developer, stated that the bond will be a cash bond placed in escrow with a title company in Cedar City. As soon as approval is given, roads and infrastructure will begin to be installed.

After all public comments were received, Dennis Stowell made a motion to close the public hearing and to approve the preliminary and final plat of Harmony Mountain Ranches, Phase 3 as recommended by the Planning Commission. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval the hiring of Chelsea Hunt as an ITS Office Technician Full Time and Charlie Morris as Emergency Manager/Parks and Recreation Manager Full Time. Dennis Stowell made a motion to approve the hiring of Chelsea Hunt and Charlie Morris as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for approval a job description for a Weed Supervisor/ Road Worker position. Dennis Stowell made a motion to approve the job description with the addition of requirement to have a pesticide applicators license. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Representatives of the County Employee Insurance Committee met with the Commission to discuss the Dental/Vision insurance benefit provider. It has come to the Committee's attention that Dental Select does not have preferred providers in Iron County and that for vision, there is only one provider in St. George. All other providers are located on the Wasatch front. By changing our coverage to Blue Cross/Blue Shield an additional annual premium of \$50,000 would be required.

The Commission explained that funding of this benefit would come from the same fund as any salary increase. After discussion by the Commission, the Insurance Committee polled members by telephone and made a recommendation to leave the provider as Dental Select and apply the difference, \$50,000, toward salary increases. Dennis Stowell made a motion to take no action to change carriers. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SEWER REIMBURSEMENT AGREEMENT APPROVAL** :

A sewer reimbursement agreement between Iron County and developers of Rancho Bonita Subdivision was presented for approval. There was a question concerning who would collect the reimbursement for the subdivisions that will be subject to the fee. It was determined that as part of the approval process, the County will assess the fee and collect as a condition of

final plat approval. Dennis Stowell made a motion to approve the development agreement with the collection of fee clarification. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**WEED SPRAYING TRUCK PURCHASE** :

Chad Reid requested approval Purchase of vehicle for the Weed Department to use as a spray vehicle. He reported that he is having trouble getting the dealership holding the state contract to respond.. The Commission authorized Mr. Reid to solicit local bids to determine if they are comparable with the State Bid contract and to purchase locally if comparable.

**AMBULANCE RECRUITMENT OPTIONS DISCUSSION** :

Ron Johnson met with the Commission to discuss recruiting of EMT's in the Northern Iron County area. He said that a class for EMT's is scheduled to begin however not enough people have paid for the class in advance to proceed. He requested that the policy be changed to allow for the County to pay the training fee up front with a provision that the students sign a commitment that if they are hired by Iron County, the fee will be waived if they stay as an active EMT for twenty four months.

Dennis Stowell made a motion to approve participation in the EMT class to anyone willing to commit to the Iron County Ambulance in the Parowan area for twenty four months. This is necessary for the public health, safety and welfare of Iron County residents and the shortage of active EMT's in Northern Iron County. Also participation in the class is not a guarantee of employment with Iron County. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PRAIRIE DOG MATTERS** :

Teresa Bonzo reported to the Commission that applications have been received for SITLA Mitigation bank prairie dogs from Watts Construction for two dogs and for development at the Providence Center in Cedar City for two dogs. Dennis Stowell made a motion to approve the purchase of the prairie dogs as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**MARREEN CASPER REPRESENTING SENATOR ORRIN HATCH** :

Marreen Casper introduced Sahra Ludwig as the person staffing the Cedar City office of Senator Hatch. She also discussed items of interest being pushed in Washington at this time. Justice Alito hearings nearly complete and a final vote on his confirmation to the Supreme Court is expected soon.

A land exchange between the Boy Scouts of America and the Forest Service is under way on property at Thunder Ridge.

Marreen also discussed appropriations from Federal sources for projects in Iron County. She suggested that all applications need to be submitted by mid March and that it is preferable to involve all of the Utah delegation. The funding of a sewer trunk line in Cedar valley was discussed as a priority project to seek funding.

**VOLUNTEER AWARDS** :

Andrea Bostick with the volunteer center of Iron County made a presentation of

Presidential Student Service Awards & Iron County Student Service Awards to the following students: Whitney Benson, Jackelyn Van Buren, Daniel Robinson, Ammie Fackrell, Johnny Gallis, Sarah Stapley, and Katie McLintock. The Commission congratulated those students present for the work they have volunteered and encouraged them to keep up the spirit of volunteer work among their peers. The Commission then posed for pictures with the group.

**WILSON & COMPANY ACCOUNTING ISSUES** \_\_\_\_\_ :

Scott Wilson met with the Commission to discuss billing issues with the 2004 independent audit. Joe Gubler explained that the billing included \$4,657 in cost over runs that were not pre-approved as specified in the contract.

Scott stated that the cost over runs were due to the lack of work by Iron County in the fixed asset report required under GASBY 34. He stated that Wilson & Company only billed about half of the actual time spent in preparing th audit report.

Dennis Lowder, former Auditor read a statement in which he requested that the audit be completed before he left office in June. Wilsons never started on the audit work until mid May.

After the matter was thoroughly discussed, Wayne Smith made a motion to approve the payment of the cost overrun of \$4,657 for the 2004 report with instructions to keep better track of time accounting and to approve any cost overrun as prescribed in the agreement. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**MOTO CROSS TRACK DISCUSSION** \_\_\_\_\_ :

The Commission reviewed a letter from a concerned citizen with the development of moto cross tracks in the Kanarrville area. It was noted that several tracks appear to have been developed as a personal family track but have grown to a point that they are causing a nuisance. The matter was referred to Chad Nay to investigate.

**SALARY ADJUSTMENT LEPC** \_\_\_\_\_ :

It was brought to the attention of the Commission that the approved budget for the operation of the LEPC was short \$500 from an error at the final budget review. Dennis Stowell made a motion to approve and additional \$500 for the LEPC budget for 2006. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SOUTHWEST BEHAVIORAL HEALTH AUDIT REPORT** \_\_\_\_\_ :

Gene Roundy presented a copy of the Southwest Behavioral Health Audit report for FY 2004-2005. He noted that the audit shows that accounts are in compliance with recognized standards and no major deficiencies were found. One concerns is the deposit of funds within three business days.

Dennis Stowell made a motion to accept the audit report as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**HUMAN SERVICES COUNCIL APPOINTMENTS** \_\_\_\_\_ :

Wayne Smith made a motion to appoint Cindy Shrum and Marsha Perkins were appointed to terms on the Human Services Council to replace Dennis Moser and Carrie Reynolds. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye;

Wayne Smith, Aye.

**ENOCH CITY ANNEXATION** \_\_\_\_\_ :

A notice of an annexation petition know as the Dixon Addition located in the SE COR OF SEC 11, 35S, R11W, SLB&M was presented. The Commission reviewed the proposal and Wayne Smith made a motion not to oppose the annexation. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN** \_\_\_\_\_ :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:30 p.m. on a motion by Wayne Smith. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

---

Signed: Gene Roundy, Chairman

---

Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
February 13, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 13, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

Neil Forsyth	County Road Supervisor
Ron Johnson	Ambulance Director
Charlie Morris	LEPC/Parks
Alan Wade	Landfill Supervisor
Colette Eppley	Human Resource Director
Steve Platt	County Engineer
Chad Nay	Zoning Administrator
Erik Jorgensen	Data Processing

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Steve Platt.

**APPROVAL OF MINUTES January 23, 2006** :

Minutes of the Iron County Commission meeting held January 23, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**DEPARTMENT SUPERVISOR REPORTS** :

**Neil Forsyth** reported on work on 200 South in Parowan valley. The road is being built up and culverts installed to prevent flooding of the road in the future.

**Ron Johnson** reported that the Ambulance service experienced a 24% growth in service calls during 2005. The first six weeks of 2006 show the same growth trend. Due to the unavailability of EMT's, Brian Head and Parowan are short coverage on 18 shifts during February. There are students in EMT training at the present time which should help with the problem.

**Charlie Morris** reported that flooding during 2005 depleted the supply of sandbags available for emergencies. The Commission authorized the purchase of 10,000 additional bags.

Charlie also asked for better signing and enforcement of regulations at Three Peaks. He also requested a trailer to transport tools and supplies and a camper shell for the pickup he uses. The Commission approved the purchase of a trailer up to \$3,500.00. Bids are to be solicited from at least three different sources.

**Alan Wade** reported that scales have been installed at the Parowan landfill and that the software on the landfill computers has been upgraded.

**Colette Eppley** reported that data for a salary survey is being collected. She requested Department Supervisors to give her a list of agencies they would like to have included in the data collection effort to be used as comparable agencies.

Colette also discussed problems with compliance with sick leave policy. She reminded Department Supervisors that employees are to furnish a Doctor certificate if absent for more than three consecutive days and that all extended sick leave must be approved by the Commission.

**Steve Platt** reported that mileage of Class B roads is being updated to reflect the addition of new roads within subdivisions and deleting the roads that have been annexed into the municipalities.

**Erik Jorgensen** reported that Incode representatives will be coming to Iron County this week to discuss the progress in converting from Tiberon to the Eagle software systems. In particular the Incode portion will be discussed which will affect the Clerk, Recorder, Auditor Courts and Treasurer.

**Chad Nay** presented a report on building permits issued and valuation of buildings being

permitted. The results show that 2005 was one of the highest years for value and number of permits issued.

**IRON MISSION STATE PARK MUSEUM** :

Todd Prince met with the Commission to request annual funding for Iron Mission State Park museum operations. The funding will be offset by permitting a 50% reduction in admission to Iron County residents. It is hoped that through participation by the County, visitors to the museum can be increased and it will allow County residents to become more involved in the operation of the museum.

The Commission took the request under advisement and will refer the matter to the Restaurant Tax Board for their approval.

**PUBLIC HEARING RE ZONE CHANGE REQUEST** :

Wayne Smith made a motion to open a public hearing to receive comments on a proposed zone change from A-20 to R-1 submitted by Leon Platt. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that the Iron County Planning Commission recommended approval of the proposed Zone Change from A-20 Agricultural to R-1 Residential on the following described parcel:

Beginning at a point on the South boundary of Castle Townsite Survey, which point is North 88° 49'25" East 41.25 feet and North 0° 00'25" East 296.40 feet and South 89° 59'35" East 278.75 feet from the Southwest corner of Section 16, Township 36 South, Range 15 West, SLB&M; thence South 89° 59'35" East 874.5 feet along said South line to the Southeast corner of said survey; thence North 272 feet, more or less, along the East line of Castle Townsite survey to the South line of existing roadway; thence Southerly along said roadway to a point 1971.25 feet East of the Southwest corner of Section 16; thence West 1622 feet, more or less, along the South line of Section 16 to the Southeast corner of property described in Book 373/64; thence North along the East line of said property 137.25 feet to the Northeast corner thereof; thence West 29.19 feet along the North line of said property to the Southeast corner of property described in book 548/906; thence North 0° 00'25" East 153.39 feet to point of beginning. Containing 13.99 acres more or less.

The Zoning Commission voted unanimously to recommend approval of the proposed change.

No comments were received in opposition to the proposed zone change.

Dennis Stowell made a motion to close the hearing and to approve the zone change from A-20 to R-1 as recommended by the Planning Commission. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**FINAL PLAT APPROVAL SUNRISE MEADOWS SUBDIVISION PHASE 2** :

Chad Nay presented a recommendation from the Iron County Planning Commission to approve the final plat of Sunrise Meadows Subdivision Phase 2. Chad also explained that

Ordinance 205 provides that the perimeter of the subdivision must include fencing. The subdivision will have sewer included with an agreement to reimburse the developers of Ranch Bonita \$87,851.40 to connect into their sewer line. A right of way has been acquired across Bauer property to place the sewer line.

Developers question the requirement that a note be placed on the Plat notifying owners that they may be subject to and agree to participate in Special Districts in the future. After discussing this requirement Wayne Smith made a motion to approve Sunrise Meadows Subdivision Phase 2 with the addition of Special Service wording added to the plat and all appropriate signatures attached to the plat. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PORT 15 UTAH** :

Dale Brinkerhoff Representing Quantum Development Group presented a request to consider the realignment of Iron Springs Road to run North & South along 5700 West to intersect with SR 56 at 5700 West. The proposed realignment will aid in the development of Port 15, a proposed rail terminal development area.

The matter was taken under advisement and referred to the County Engineer, Steve Platt, to determine alignment and drainage issues and to develop a cost estimate.

**PRAIRIE DOG MATTERS** :

Teresa Bonzo met with the Commission to discuss applications for take from the SITLA bank dogs purchase by Iron County. Nate Brockbank has requested 16 dogs for Cedar Willows Subdivision Phase 3; Joe Burgess has requested 2 dogs for a subdivision road project; and Don Dalley and Roland Denmark requested 1 dog for roadways Cedar Lund Subdivision. This will bring the total approved from the SITLA Bank to 73 of 77 available.

Dennis Stowell made a motion to approve the purchase of SITLA Bank dogs for Nate Brockbank, Joe Burgess and Don Dalley and Roland Denmark as requested. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

A request for funding operations at the Parowan Valley habitat site (Dalley Farm) was presented and discussed. Funding is authorized up to \$5,500 annually from the Prairie Dog Mitigation fund. Funding of operations for 2005 have not been approved at this time. DWR is requesting the funds for 2005 and 2006 be combined to allow for replacement of the Diesel pump with an electric pump and to fund reseeding of a portion of the area.

Dennis Stowell made a motion to approve combining 2005 and 2006 funding up to \$11,000 for the operation of the Parowan Valley Habitat Site. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RFQ FOR HABITAT CONSERVATION PLAN FOR UTAH PRAIRIE DOGS OPENING:**

Requests for Qualifications were opened and reviewed by the Commission. Three companies submitted RFQ's. These included JONES & STOKES; SWAC; and ENTRIX.

Dennis Stowell made a motion to appoint a committee consisting of the Commissioners, Teresa Bonzo, Elise Boke, and Becky Bonebrake to interview the three company representatives

submitting RFQ's. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

The matter is to be placed on the next agenda to conduct the interviews.

**PERSONNEL MATTERS** \_\_\_\_\_ :

Colette Eppley presented for approval the following new employees: Cynthia Roberts as a Part Time Center Director COA in Parowan; Jonathon Keel as a full time Deputy Sheriff; and Robert Cosson as a full time Deputy County Attorney. Dennis Stowell made a motion to approve the hiring of the employees as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for approval a job description for Weed & Pest Control Sprayer / Road Worker. Dennis Stowell made a motion to approve the job description as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also discussed employee review dates being used differently throughout the County. Employees have been assigned review dates based on hire date, full time hire date for former part time employees, and promotion date. Colette recommended using either the hire dated or promotion date. She recommended that the Personnel policy be amended to clarify which date to use. The Commission requested that the policy be drafted and presented for approval.

**EXECUTIVE SESSION PERSONNEL MATTER** \_\_\_\_\_ :

Wayne Smith made a motion to convene in executive session to the character, professional competence, or physical or mental health of an individual in compliance with Utah Code 52-4. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 13<sup>th</sup> day of February, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

After reconvening in open session, the Commission reported that action on additional personnel matters is tabled for action to the next Commission meeting.

**TRUCK BID OPENING** :

Bids were opened for the purchase of a Road Department Truck. Two bids were received. Kenworth bid \$95,412 with options. Peterbilt bid \$91,987.64 with options. Dennis Stowell made a motion to refer the bids to Neil Forsyth to review for specification compliance and to authorize the purchase of the lower bid vehicle if all is in order. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**BID OPENING GRAVEL CRUSHING** :

Bids were opened for crushing and stockpiling 14,000 tons of untreated base course aggregate at the Parowan pit. Two bids were received. Quality Crushing bid \$4.80 per cubic yard and Cindy Taylor Trucking bid \$8.69 per Cubic Yard.

Wayne Smith made a motion to accept the low bid of Quality Crushing. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Dennis Stowell also made a motion to purchase some roto mill material located north of Paragonah for \$ 2.25 per ton. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Steve Platt also presented quotes for a transport trailer to move equipment. Wayne Smith made a motion to refer the quotes to Neil Forsyth and Steve for review. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**WATER CONSERVANCY DISTRICT AGREEMENT** :

Scott Wilson representing CICWCD and Kelly Crane representing Nolte Engineering met with the Commission to discuss the project to provide water to the Three Peaks area. An agreement presented previously was discussed and recommended for approval.

R.L. Gardner recommended that the Water Conservancy District deposit funds into an account with County oversight to guarantee that the full amount dedicated to the County project is used for that purpose. Mr. Wilson indicated that their books were open and that they were willing to show the agreed upon \$200,000 as a separate line item. He also explained that funding would need to be acquired as current development is already funded.

After reviewing the agreement, Wayne Smith made a motion to approve the agreement with minor amendments and authorize the Commission Chair to sign. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**LEASE AGREEMENT WATER CONSERVANCY DISTRICT** :

Scott Wilson also requested signatures on the lease agreement for office space at the Fiddlers Canyon Office Building. Dennis Stowell made a motion to approve the agreement and authorize the Chair to sign in behalf of the County. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ORDINANCE 213 ALPINE CREEK DEVELOPMENT AGREEMENT** :

Glenn Halterman introduced Ordinance 213 Approving the Development Agreement for Alpine Creek which was previously presented and approved. After discussing the Ordinance and reviewing its provisions, Dennis Stowell made a motion to adopt Ordinance 213. Second by Wayne Smith.

**IRON COUNTY, UTAH**  
**ORDINANCE 213**

**AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS,  
APPROVING THE DEVELOPMENT AGREEMENT FOR ALPINE CREEK;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

PREAMBLE

A. In order to provide for the health, safety and general welfare of the citizens of Iron County, Utah, the County Commission is committed to establish and keep current a General Plan that specifies goals relating to land use, housing, the environment, transportation and public facilities and services and policies that facilitate those goals.

B. On October 10, 1995, the County Commission adopted the General Plan of Iron County, Utah (as presently existing and as previously amended, the "General Plan") as Ordinance 137 in accordance with the provisions of Utah Code Annotated relating to the adoption and content of General Plans in the State of Utah.

C. On April 13, 1998, the County Commission full revised and readopted the Iron County Zoning Ordinance (as presently existing and as previously amended, the "Zoning Ordinance") in accordance with the provisions of Utah Code Annotated relating to the adoption of Zoning Ordinances in the State of Utah.

D. On May 9, 2005, the County Commission adopted Ordinance 205, which amended the General Plan to make provision for the development within Tier III of new resorts, villages and communities on the condition that each approved resort, village or community demonstrate the ability to provide water, sewer and other traditional public services.

E. As contemplated by Ordinance 205 and in connection with the adoption thereof, the County Commission adopted an amendment to the Zoning Ordinance to create a new Specially Planned Area (SPA) Zoning District that is to be applied to areas classified as Tier III under the General Plan and regulated by the terms of a development agreement approved contemporaneously with the reclassification of the subject property to Tier III and the rezoning of such property to the SPA Zoning District.

F. Pursuant to the policies in Ordinance 205, Brian Head Resorts, Ltd. applied for the reclassification to Tier III of certain real property more particularly described in Exhibit A attached hereto (the "Property") in connection with applications for the change of zoning applicable to the Property to a SPA Zoning District and the approval of a Development Agreement for Alpine Creek, authorizing the creation of a new resort known as Alpine Creek ("Alpine Creek" or the "Resort"). Such applications for tier reclassification, rezoning and development agreement approval are referred to as the "Alpine Creek Applications."

G. The Planning Commission of Iron County held a duly advertised and noticed public hearing on the Alpine Creek Applications including the proposed reclassification of the Property to Tier III for the purpose of receiving public comment regarding the

content of the Alpine Creek Applications and the appropriate terms and conditions of any approvals and forwarded a recommendation to the County Commission that the Applications be adopted with such modifications as were recommended by the Planning Commission and incorporated into the Development Agreement for Alpine Creek.

H. The County Commission of Iron County has held a duly advertised and noticed public hearing on the Alpine Creek Applications for the purpose of receiving public comment regarding the content of the Alpine Creek Applications and the appropriate terms and conditions of approvals and, on November 28, 2005, approved the reclassification of the Property to Tier III and the rezoning of the Property to the Specially Planned Area (SPA) Zoning District and approved the Development Agreement for Alpine Creek on the terms and conditions set forth in the Development Agreement for Alpine Creek with such modifications as were specified in the approval motion to be incorporated into the Development Agreement.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1. ADOPTING ALPINE CREEK DEVELOPMENT AGREEMENT**

The Development Agreement for Alpine Creek dated November 28, 2005 together with all Exhibits thereto affecting and regulating the development of the Property described in Exhibit A hereto is hereby adopted as an amendment to the Iron County Zoning Ordinance. The Development Agreement for Alpine Creek shall be deemed printed by the authority of the County Commission of Iron County, Utah, and is hereby adopted by reference to the three copies thereof that are on file in the Office of the County Clerk for use and examination by the public.

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect on March 1, 2006 upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 13<sup>th</sup> day of February, 2006.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy	<u>    Aye    </u>
Wayne A. Smith	<u>    Aye    </u>
Dennis E. Stowell	<u>    Aye    </u>

**ORDINANCE 212 REPEALING ORDINANCE 37 :**

Ordinance 212 was introduced and reviewed by the Commission whereupon Wayne Smith made a motion to adopt the ordinance as presented. Second by Dennis Stowell.

**IRON COUNTY, UTAH  
ORDINANCE 212**

**AN ORDINANCE OF THE BOARD OF IRON COUNTY  
COMMISSIONERS, REPEALING IRON COUNTY ORDINANCE  
37 DATED FEBRUARY 13, 1962, AN ORDINANCE  
ESTABLISHING RULES AND REGULATIONS FOR THE USE OF  
COUNTY AIRPORT AT BERYL, IRON COUNTY, UTAH; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interest of the citizens of Iron County to dispose of the airport property at Beryl, Utah, and to allow the airport operation to be under private control; and

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interest of the public health, safety, and welfare of Iron County that this Ordinance be adopted and incorporated into the Iron County Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** Iron County Ordinance 37 adopted February 13, 1962 establishing rules and regulations for the use of County airport at Beryl, Iron County, Utah is hereby repealed.



**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 13<sup>th</sup> day of February, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy       Aye    
Wayne A. Smith      Aye    
Dennis E. Stowell   Aye  

**APPOINTMENT TO TAXING ENTITY COMMITTEE \_\_\_\_\_ :**

A letter requesting the County appoint two members to the Cedar City Redevelopment Agency Taxing Entity Committee was reviewed and the following resolution was adopted on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**IRON COUNTY**  
**RESOLUTION NO. 2006-1**

**A RESOLUTION OF APPOINTMENT OF IRON COUNTY  
REPRESENTATIVES TO THE TAXING ENTITY COMMITTEE OF  
THE CEDAR CITY REDEVELOPMENT AGENCY PURSUANT TO  
THE REDEVELOPMENT AGENCIES ACT, UCA 17B-4-1002 (2) (a)  
(I) (B) (I), APPOINTING TWO REPRESENTATIVES TO THE  
TAXING ENTITY COMMITTEE ESTABLISHED FOR ALL  
REDEVELOPMENT, ECONOMIC DEVELOPMENT, AND  
EDUCATION HOUSING DEVELOPMENT PROJECT AREAS IN  
CEDAR CITY, UTAH**

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, is the proper authority to appoint two qualified persons to act as the official representatives for Iron County on the Taxing Entity Committee of the Cedar City Redevelopment Agency; and

**WHEREAS**, The Redevelopment Agencies Act as codified in Utah Code Annotated 17B-4-101 et. seq. 1953 as amended which became effective on June 1, 2001 and in particular Section 17B-4-1002 (B) (I) provides that in Counties of the second, third, fourth, fifth, or sixth class, two representatives appointed by resolution of the legislative body of the county in which the agency is located ; and

**WHEREAS**, the Cedar City Redevelopment Agency has given notice of the creation of a Taxing Entity Committee and has requested that the County Commission of Iron County appoint two representatives to the Taxing Entity Committee.

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of Iron County, Utah, pursuant to Section 17B-4-1002 (2) (a) (i) (B) (I) Utah Code Annotated, as amended as the legislative body of Iron County, Utah hereby appoints Wayne A. Smith and Joseph H. Gubler as Iron County 's two representatives for Iron County on the Taxing Entity Committee for all redevelopment, economic development, and education housing development project areas within Cedar City, Utah and appoints Gene E. Roundy as an alternate representative to act in case of absence of either of the two regular representatives, and authorizes them to attend meetings of the Taxing Entity Committee and to vote on behalf of Iron County on all matters coming before the Taxing Entity Committee. The mailing addresses of the two representatives and alternate are:

Wayne A. Smith  
785 S. St. James Pl.  
Cedar City, UT 84720

Joseph H Gubler  
333 S. 1840 West  
Cedar City, UT 84720

Gene E. Roundy  
440 E. 200 South  
Cedar City, UT 84720

Each of the above-named Taxing Entity Committee representatives shall serve until their respective successors are appointed and notice of the subsequent appointment is received by the Cedar City Redevelopment Agency.

These appointments become effective immediately upon adoption of this resolution.

**RESOLVED ADOPTED AND ORDERED** this 13<sup>th</sup> Day of February, 2006.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

\_\_\_\_\_  
Gene E. Roundy, Chair

\_\_\_\_\_  
Wayne A. Smith, Commissioner

\_\_\_\_\_  
Dennis E. Stowell, Commissioner

ATTEST:  
David I. Yardley, Iron County Clerk

By:\_\_\_\_\_

**ENOCH CITY ANNEXATION NOTICE** :

A notice submitted by Enoch City notified the Commission of a proposed annexation located at Bulldog Road and 3600 North was reviewed whereupon Dennis Stowell made a motion not to oppose the annexation. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

**SITLA LAND SALE NOTICE** :

A proposed sale by SITLA of property formerly know as the Upland Game Farm located on Midvalley Road and near 2300 West in Cedar was reviewed. The land trade between SITLA and DWR was not conducted in accordance with State law and therefore, Dennis Stowell made a motion that if the trade between SITLA and DWR could not be undone, to authorize a letter not opposing the sale by SITLA. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

**COOPERATIVE AGREEMENT WITH UTAH STATE UNIVERSITY** :

Dennis Stowell made a motion to approve an agreement with Utah State University Extension Service for operations in Iron County for 2006. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

**RIGHT OF WAY ACQUISITION DISCUSSION :**

Dennis Stowell discussed a fee of up to \$10.00 which could be added to vehicle registrations within the County to help in acquiring road and trail rights of way. This would provide a dedicated funding mechanism as development increases and the need to acquire additional rights of way along arterial routes increases. The matter will be discussed with mayors in the Coordinating Council meeting.

**BUILDING INSPECTION FEES DISCUSSION :**

Chad Nay met with the Commission to discuss building permits for agricultural buildings. Utah Code Section 58-56-4 provides for exemption from building permits for agricultural buildings not intended for human occupancy. Unless otherwise exempted, plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

Wayne Smith made a motion to exempt agricultural buildings from inspection requirements provided property owners sign a form to be drafted waiving inspections and liability issues. Second by Dennis Stowell. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

**SURPLUS COMPUTER POLICY DISCUSSION :**

Erik Jorgensen discussed disposal of surplus computer equipment. Some of the machines are broken, or are so outdated that they are unuseable. The Commission instructed Erik to authorize sale without a minimum bid for machines provided hard drives have been removed.

**CEDAR CITY SIDEWALK FUNDING REQUEST :**

Cedar City is requesting Iron County participate in a Special Improvement Area on property located Southwest of the Cedar City Cemetery. The property is surplus and consists of irrigation and coal creek structures and ditches. Action was tabled to allow for inspection and location of the parcel to see if it is of value for development.

**REQUEST TO PURCHASE SURPLUS PROPERTY GALE GROVER :**

Gale Grover has requested authorization to purchase her service weapon she used while on duty with the County Attorney's Office. As a Sheriff Deputy, she has been issued a different type of weapon. The value of the weapon has been placed at \$225.00

Wayne Smith made a motion to authorize Ms. Grover to purchase her outdated weapon for \$225.00. Second by Dennis Stowell. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

**APPROVAL OF CHANGE ORDER # 1, SENIOR CITIZEN REMODEL PROJECT :**

A change order for work on the Senior Citizen Remodel project was reviewed and tabled to allow for an inspection of the proposed changes by Commissioners Smith and Roundy.

**APPROVAL OF SIGNATURES ON DFCM LEASE AGREEMENT WATER RIGHTS :**

Wayne Smith made a motion to approve a lease of office space at Fiddlers Canyon to DFCM to house Kerry Carpenter as a water resource investigator. Second by Dennis Stowell. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 6:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Gene Roundy, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
February 27, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 27, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Wayne Smith.

**APPROVAL OF MINUTES February 13, 2006** :

Minutes of the Iron County Commission meeting held February 13, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the annual task of copying plats has been completed. Several

companies requested an additional copy of the plats. Final cost for the extra copies is \$9,500. Because of the size of the task, in the future additional full copies will not be processed.

**Geri Norwood** reported that work is beginning on advertising delinquent parcels for the Annual Tax Sale. Currently there are 288 delinquent parcels including 23 with buildings of some type.

**Erik Jorgensen** reported that Incode representatives have met with Court personnel in preparation for changing from Cassel to Incode. Eagle software representatives are scheduled to be in Iron County in April to plan for migration for their software pieces.

**Wayne Smith** reported that Senate Bill 54 sponsored by Bill Hickman had passed in the Senate and was currently in the House Rules committee. It appears that the bill will not pass during this session.

**David Yardley** reported that Diebold training in the GEMS election system is scheduled for three days this week. The Clerk's are also meeting in Provo on Friday to review progress in preparing for the first year of voting with a touch screen voting system as mandated by the Help America Vote Act of 2002.

David also reported that filing for County, State, School Board and Federal positions begins on March 7 and ends March 17 at 5:00 p.m.

**PUBLIC HEARING AMENDING THE GENERAL PLAN :**

Wayne Smith made a motion to open a public hearing to receive comments on a recommendation of the Planning Commission to Create Special Service Districts within unincorporated Iron County. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Reed Erickson presented a draft resolution for consideration to establish unincorporated area service districts as a method of funding municipal type services in unincorporated areas. The services now provided are funded through the general fund and have a tendency to develop outside of annexed areas. By allowing for taxes to be assessed to the property owners using the services, the County can provide essential services County wide.

After all comments were received and discussed, Wayne Smith made a motion to approve the adoption of a resolution to proceed with the creation of Unincorporated County area Special Service Districts. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING ZONE CHANGE :**

Wayne Smith made a motion to open a public hearing to receive comments on a requested zone change from R-5 to R-1/2 submitted by Festival Development on property located within Sec16 T35S R11W. Along 4000 North Between 2300 West and Lund Hwy. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay commented that the proposed zone change is for property within the Derby Ranchetts subdivision. The property is subject to flooding and proper flood control has not been constructed. Due to the area and the flooding issue, the Planning Commission recommended

that the Zone Change be denied until proper flood control is in place.

Wayne Reese, representing Festival Development requested that the Commission approve the zone change and then, through the subdivision plan, limit construction and provide the flood control as a provision of the subdivision.

Reed Erickson discussed "Contract Zoning" which would allow for this type of approval. He recommended the Commission approve the proposed zone change and provide the flood control at a later time.

After all public comments, Wayne Smith made a motion to close the hearing and refer the matter back to the Planning Commission for further work and to discuss alternatives for the zone change. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**EVAN VICKERS TOWNSHIP PROFESSIONAL PHARMACY :**

Evan Vickers, owner of Township Professional Pharmacy, met with the Commission to request an amendment to the current pharmacy contract for the Jail. He explained that changing to a cost plus a fee of \$15.00 per prescription could save the County up to \$16,000 annually under the current use. He stated that he is willing to amend the contract provided the current contract is extended an additional two years.

The Commission discussed the legality of extending or modifying the contract without going through the bid process. Since Township Pharmacy was the only firm bidding on the original RFP, it was determined that the contract could be modified without a new bid process.

Dennis Stowell made a motion to amend the original contract to cost plus \$15.00 per prescription and to extend the term for an additional two years. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ROAD MATTER ROBERT E. (BOB) RAY JR. :**

Bob Ray met with the Commission to discuss repairs and improvements of the County Road 200 South, and West of I-15 Exit 75 in Parowan Valley. He explained that this area was flooded last summer and that the road department is in the process of building it up an additional three or four feet without providing additional culverts or a bridge. The effect of these road improvements will mean that high water will be forced around his home and shop causing significant damage. He requested that a low spot be provided or additional culverts to prevent his property from flooding.

Denis Stowell explained that it is the plan to get the road up to grad and then install additional culverts. The matter is to be referred to Dennis Stowell, Steve Platt and Neil Forsyth to design a solution to prevent flooding to the Ray property.

**NEWCASTLE FIRE DEPARTMENT FUNDING REQUEST :**

Wayne Peterson met with the Commission to request an additional \$10,250 to purchase a new truck. He explained that the Department approved budget included \$24,000 for a truck. The bid for the vehicle came in at \$34,250. Wayne also explained that he felt funds could be generated this summer by the department to cover the additional cost.

Dennis Stowell made a motion to approve the additional \$10,500 to be repaid from fire runs contracted for fighting wildland fires through State Land and Forestry. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.



**PRAIRIE DOG MATTERS** :

Brad Bryan met with the Commission requesting approval for an extension of time to start construction . He explained that the fees have been paid for 7 dogs through the SITLA mitigation bank. Darro Thuet sold the property to Mr. Bryan and they have been unable to start construction.

Teresa Bonzo explained that under the HCP, one 60 day extension may be granted. Wayne Smith made a motion to grant a 60 day extension as provided in the HCP. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS EXECUTIVE SESSION** :

Wayne Smith made a motion to convene in Executive Session in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 27<sup>th</sup> day of February, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

After reconvening in open session, Dennis Stowell made a motion to approve Melanie Merrill as a full time employee. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RESTAURANT TAX BOARD** :

Dennis Stowell made a motion to convene a meeting of the Restaurant Tax Board to discuss and approve funding of projects from unappropriated funds. Second by Maria Twitchell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye; Maria Twitchell; Aye and Rusty Aiken, Aye.

Several projects were considered including \$25,000 for fairgrounds restroom upgrades, funding of a partnership with Iron Mission State Park up to \$10,000, a more visible message sign for the Visitor Center, \$50,000 and an addition to the Tourism and Marketing budget, \$15,000.

Wayne Smith made a motion to approve the additional expenditures from the Restaurant Tax Fund. Second Rusty Aiken. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye; Maria Twitchell; Aye and Rusty Aiken, Aye.

The meeting of the Restaurant tax Board was then adjourned.

**ART TAIT :**

Art Tait met with the Commission to discuss a proposed Memorandum of Understanding Regarding access to areas within the 3200 Subdivision and areas South which are proposed for future development. The BLM is requesting that the agreements make it clear that access to adjacent BLM will not be limited by development if rights of ways are granted. The MOU will be between Iron County, private property owners, BLM, and DWR.

**THREE PEAKS RECREATION AREA :**

Art also discussed concerns as the Three Peaks Recreation Area is developing. The area is popular for shooting and there are no speed limits posted in the area. Because of the increased use of the recreation area, he suggested that the area be posted as a no shooting area except in the designated shooting range.

Speed limits on interior roads was also discussed. Since it is the County option to set speed limits to provide a safe environment for all users, options were presented to reduce all speeds to 25 mph or as an alternative to keep the two main roads at 45 mph and all internal roads at 25mph. This will apply to all vehicles including recreation vehicles.

Dennis Stowell made a motion to set the speed limits within Three Peaks at 45 mph for the two main roads and 25 mph for all other roads. Also to designate Three Peaks as a no shooting area except within the designated shooting range. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**EXECUTIVE SESSION :**

Wayne Smith made a motion to convene in Executive Session In Accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation..

Dated this 27<sup>th</sup> day of February, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

After reconvening in open session, the Commission reported that no action was necessary at this time.

**PRAIRIE HCP CONSULTANT INTERVIEWS :**

The Commission met as an interview committee with three firms to review RFQ's to draft a new HCP for Iron County. The three firms included: JONES & STOKES, SWAC; and ENTRIX. Joining the Commission in the interviews was Teresa Bonzo, Elise Boke, and Becky Bonebrake.

**UTAH SHAKESPEAREAN FESTIVAL :**

Dennis Stowell made a motion to authorize signatures on a Letter of Support for the Utah Shakespearian Festival. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye. The Commissioners each then signed the letter.

**CIB LOAN AUTHORIZATION :**

Dennis Stowell discussed funding of improvements on the Lund Highway from the end of the existing oil to Lund. The road is currently used by employees of Circle 4 Farms living in the Cedar City area. Circle 4 Farms has agreed to improve the road from the end of the oil on the Beaver County side to meet with the County project at Lund. Dennis made a motion to approve submitting a loan request to CIB for the project with repayment to be made from Class "B" road funds. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CEDAR CITY SENIOR CITIZEN CENTER PARKING LOT :**

A funding request submitted to Cedar City to help with the paving project at the remodeled Senior Citizen center in Cedar City. The City Council has placed the item on the proposed FY 2006/2007 budget. Since the project cannot be completed until the ground warms, the County will only proceed with leveling and preparing the parking lot for paving at a later date.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 6:00 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**March 13, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 13, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott Garrett	County Attorney
Glenn Halterman	Deputy County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Wayne Smith.

**APPROVAL OF MINUTES February 27, 2006** :

Minutes of the Iron County Commission meeting held February 27, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Colette Eppley** reported on progress with the salary study authorized by the Commission in December. Department Supervisors are being interviewed and job descriptions are being reviewed to insure they are current. A memo will be distributed to all departments outlining progress on the survey.

Colette also discussed a proposal to change pay dates from twice monthly to bi-weekly.

This will result in a smaller paycheck but with two additional pay periods per year. Total salary will not be reduced. This plan will eliminate a problem with paying employees in advance of days worked. This proposal will be studied further.

**Scott Garrett** reviewed an agenda item that will be discussed later in the meeting. He reported that interlocal agreements with Brian Head and Enoch are being presented for approval. This is in response to recommendations from the State Court Administrator's Office.

**Dennis Stowell** reported that the annual UDOT Regional meeting is scheduled for the 21<sup>st</sup> in the Commission Chambers. He invited all Commissioners to attend.

The Commission discussed the NACo Prescription Drug program. Dennis reported that he met with NACo officials in Washington DC and they stated that local pharmacies will be charged a fee for using the program. Dennis submitted a brochure and asked that it be distributed to all pharmacies within the County.

**IRON COUNTY RECORDER STAFFING REQUEST** :

Patsy Cutler met with the Commission to request approval to hire an additional part time employee to help with the additional workload and to fill in while staff members are on leave.

Wayne Smith made a motion to approve the hiring of a part time employee in the Recorders Office as requested. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**IRON COUNTY JAIL PHYSICIAN SERVICES** :

Requests for Proposals for physician services at the Jail were opened as advertised. One proposal was submitted by Dr. Jarid Gray to provide service for \$53,000 annually. Wayne Smith made a motion to accept the proposal and to request the Attorney's Office to draft a contract for signatures. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PRAIRIE DOG MATTERS** :

Joe and Jim Burgess met with the Commission to request approval of SITLA Prairie dogs to clear the Cedar Park Town Homes project for development. The take would include 0.495 for roadways, 3 dogs and town home unit 1 footprint, 0.66 acres, 5 dogs for a total of eight. Dennis Stowell made a motion to approve the take as requested from SITLA Bank dogs at \$1,900 per dog. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

The Commission also discussed continued interest by Fish and Wildlife to purchase the Prince property near Enoch for a prairie dog preserve. A grant request was authorized to provide funding if an agreement can be reached. The Commission was unwilling to proceed with negotiations at this time without all of the interested parties at the table.

**SOUTHWEST UTAH PUBLIC HEALTH DEPARTMENT** :

Dr. David W. Blodgett met with the Commission to report on public health issues and funding. Dr. Blodgett stated that the tax code allows for up to a 0.0004 tax rate may be assessed for public health operations. Currently Iron County funds \$4.56 per person at a tax rate of

0.000077. The increase to 0.0004 would generate \$25.00 per person. This would allow the health department to provide the type of service a public health department is designed to provide without the direction required by current grant programs for which funding is drying up.

Dr. Blodgett also discussed concerns and preparations for an outbreak of Bird Flu, should the virus mutate to transmit readily from human to human. Current estimates are that one in four persons on the earth could die from the flu.

**METALCRAFT TECHNOLOGY TAX MATTER :**

Paul Bittmenn, Cedar City Attorney met with the Commission to request a partial tax lien release on parcels sold to Cedar City by Metalcraft Technology. Glenn Halterman, Deputy County Attorney advised that it is improper to release a portion of a parcel without collecting the delinquent tax.

The Commission referred the matter to the County Attorney's Office and to Commissioner Smith to negotiate with Metalcraft Technology and Cedar City, a satisfactory payment of delinquent taxes before a partial release could be considered.

**KRIS LOUNSBURY :**

Candidate for Utah's 2<sup>nd</sup> Congressional District, Kris Lounsbury, met with the Commission to introduce himself and to discuss issues he deems important in his bid for election to the 2<sup>nd</sup> Congressional District.

**CEDAR BREAKS EXPANSION DISCUSSION :**

Commissioner Dennis Stowell stated that he has a conflict of interest in this item and will not participate in any action on the matter.

Paul Roelandt with Cedar Breaks National Monument, and the National Park Service, Staff Member's from Senator Bennett's Office and Senator Hatch's Office, Staff Member's from Congressman Matheson's Office, and Staff Member's from Dixie National Forest met with the Commission to discuss a proposal to increase Cedar Breaks National Monument to include the Ashdown Gorge Wilderness Area and to acquire Flanigan's Arch, and to seek designation of Cedar Breaks as a National Park.

The Commission expressed several concerns including how the additional land would be acquired and how management would be done. They noted inholdings of private land within the existing Ashdown Gorge wilderness and the use of adjacent lands for livestock grazing and hunting. The Commission suggested that a proposal be drafted and presented to the comprehensive land use committee for further consideration.

**PERSONNEL MATTERS :**

Colette Eppley presented a new employee, Melanie Hall as a full time Deputy Treasurer for approval. She noted that Ms. Hall has been working at USU Extension and funded by Iron County.

Wayne Smith made a motion to approve the hiring of Melanie Hall at a Step 6 to reflect her employment funded by Iron County at USU Extension. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**LUND HIGHWAY PROJECT FUNDING :**

Dennis Stowell discussed a proposed project to widen and oil the Lund Highway from the end of the existing oil to Lund. Circle 4 Farms has previously indicated they were willing to oil the road from Lund to their hog farming operation, approximately 7 miles north of Lund. Dennis explained that the County could apply to the Community Impact Board for a loan at 3.5%. Funding would be available up to five million for the project. The need for this project is justified by the number of County residents working at Circle 4 Farms.

Steve Platt stated that with the necessary grade and width improvements, this would do approximately half of the remaining project to Lund.

Circle 4 Farms personnel could not commit to improve the entire road or to surface the road from the existing oil to Lund. They will review the request and submit a plan they feel they can provide.

Wayne Smith made a motion to authorize an application be submitted to the CIB for funding of a portion of this project. Second by Dennis Stowell. . Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**HIGH DESERT TRAIL PROPOSAL :**

Art Tait and Jared Wilson made a presentation for designating routes for the High Desert Trail project from the Beaver County line through Iron County to the Washington County line. Art made several suggestions to alter the original proposal to provide a better and more enjoyable ride. The trail would designate routes to connect Parowan, Summit, Cedar City and Newcastle to the trail.

After the presentation the Commission recommended the route proposed by Art Tait be adopted as the designated trail system within Iron County.

**FINAL PLAT APPROVAL WEST VIEW ESTATES PHASE 4 :**

Chad Nay presented the final plat of West View Estates Phase 4 for approval. The preliminary plat has been previously approved and the developers have complied with all of the requirements for final plat approval.

Dennis Stowell made a motion to approve the final plat of West View Estates Phase 4 as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SURPLUS PLAT MAP BID OPENING :**

Bids were opened for the purchase of two sets of surplus 2005 plat maps. Three bids were received as follows:

Velocity Development	\$5,025.00
Cedar Mountain Real Estate	\$2,200.00
New Horizon Development	\$1,301.00

Wayne Smith made a motion to accept the two high bids allowing Velocity their choice of the available sets. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**INTERLOCAL AGREEMENT JUSTICE COURT BRIAN HEAD :**

The County Attorney’s Office presented for approval an interlocal agreement between Iron County and Brian Head Town to handle Justice Court cases. The agreement is patterned after the Cedar City and SUU agreements.

Wayne Smith made a motion to approve the interlocal agreements as written and presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**INTERLOCAL AGREEMENT JUSTICE COURT ENOCH :**

The County Attorney’s Office presented for approval an interlocal agreement between Iron County and Enoch to handle Justice Court cases. The agreement is patterned after the Cedar City and SUU agreements.

Wayne Smith made a motion to approve the interlocal agreements as written and presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CEDAR CITY AND ENOCH ANNEXATION NOTICES :**

Annexation notices from Cedar City and Enoch were reviewed. The proposed annexations do not appear to contain any conflicts and the Commission voted to not oppose the annexations on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING**  
**March 27, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 27, 2006  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Scott Garrett.

**APPROVAL OF MINUTES February 27, 2006** :

Minutes of the Iron County Commission meeting held February 27, 2006 were approved

as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Joe Gubler** discussed payment of the County employee health insurance premium in a timely manner. The premium comes due before the Commission meets and therefore he requested permission to pay before the due date. The Commission suggested that the payment request be moved ahead to be in an earlier meeting for approval.

**Geri Norwood** reported that the tax sale of delinquent properties is starting into the title search phase. This will include an added fee for administrative costs. There are still seventeen parcels with buildings of some kind. Five are considered high value properties. There are still 215 delinquent parcels subject to the tax sale scheduled for May 25.

**Patsy Cutler** reported that a scanner has been installed in the Recorder's office large enough to scan plat maps. In the future maps will be able to be printed from scanned files.

**David Yardley** reported on progress toward implementation of touch screen voting. The Legislature passed bills which will provide early voting for two weeks prior to election day. Registration deadlines were moved back to 30 days prior to an election.

**Erik Jorgensen** reported on migration to new software schedules. Financial programs should transfer between June and August and Tax programs should transfer between September and January. Additional modules will be added in the Clerk's Office and Court Offices with dates to be announced later.

**Scott Garrett** reported that a Victim's Advocate has been offered employment. She will be presented at the next Commission meeting for approval.

**WESTERN COUNTIES ALLIANCE** :

Mark Walsh and Ken Brown discussed with the Commission Iron County's Participation in Western Counties Alliance, a group involved with lobbying efforts in Washington regarding western land issues, RS 2477 Road issues, and PILT payments. They also discussed secure rural schools funding and the effect funding this program may have on PILT. Mr. Walsh requested that Iron County to continue to participate in the Western Counties Alliance at a rate of \$7,500 per year. The County Commission took no action on the request at this time.

**PERSONAL PROPERTY TAX MATTER** :

Geri Norwood Iron County Treasurer discussed the sale and removal of delinquent personal property by the owner, Evan Anderson. A rock crusher Mr. Anderson which had been attached for unpaid taxes has been moved and sold. The matter was referred to the County Attorney and Commissioner Smith.

**LEPC MATTERS** :

Charlie Morris met with the Commission to request funding clarification on his budget. He has been successful in applying for a \$9,500 grant and would like to add it to his budget for the LEPC. The matter was referred to the Auditor and Commissioner Roundy to bring a recommendation back to the Commission. All expenditures are to be approved on an item by item basis by the Commission.

**SUNRISE MEADOWS SUBDIVISION PHASE 3 :**

Chad Nay presented a preliminary plat of Sunrise Meadows Subdivision Phase 3 to the Commission. He reported that the Planning Commission has recommended approval of the plat subject to the inclusion of irrigation easements which also serve as flood control and for sewer easements. The plat also needs to be amended to include wording stating that if a Special District is created in the future that property owners will not oppose the District.

Dennis Stowell made a motion to approve the preliminary plat of Sunrise Meadows Subdivision Phase 3 subject to Special Service District wording and addition of rights of way designation. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**FLOOD CONTROL MATTER :**

Steve Platt discussed a diversion structure needed on the north Coal Creek flood channel in Cedar Valley. He estimated that the proposed improvements and diversions would cost approximately 1.2 million. Due to the time constraints, he recommended that a temporary diversion structure be constructed to allow time to design and install a permanent structure. The temporary installation should contain any flood waters during the 2006 season.

**UTAH ASSOCIATION OF COUNTIES BUILDING REFINANCING :**

The following resolution was introduced in written form and fully discussed and pursuant to a motion duly made by Commissioner Wayne Smith and duly seconded by Commissioner Dennis Stowell, was put to a vote and carried, the vote being as follows:

AYE:

Gene E. Roundy  
Wayne A. Smith  
Dennis E. Stowell

NAY:

None

RESOLUTION NO. 2006-3

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH (THE "COUNTY"), APPROVING THE EXECUTION AND DELIVERY OF A LEASE/PURCHASE AGREEMENT, DATED AS OF APRIL 1, 2006 (THE "LEASE"), BY AND BETWEEN THE UTAH ASSOCIATION OF COUNTIES (THE "ASSOCIATION"), AS LESSEE, AND ZIONS FIRST NATIONAL BANK, AS LESSOR (THE "TRUSTEE"); APPROVING AND RATIFYING THE EXECUTION, SALE AND DELIVERY BY THE TRUSTEE OF REFUNDING CERTIFICATES OF PARTICIPATION, SERIES 2006, IN THE TOTAL PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,250,000,

REPRESENTING PROPORTIONATE INTERESTS IN THE ASSOCIATION'S LEASE PAYMENTS UNDER THE LEASE; APPROVING THE EXECUTION AND DELIVERY BY THE ASSOCIATION OF AN INDENTURE OF TRUST AND PLEDGE, A GROUND LEASE AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; APPROVING THE TERMS AND CONDITIONS OF SAID CERTIFICATES; AUTHORIZING THE REFINANCING OF (I) THE ACQUISITION OF CERTAIN REAL PROPERTY AND (II) THE CONSTRUCTION, ACQUISITION, EQUIPPING, AND FURNISHING OF A FACILITY AND CERTAIN IMPROVEMENTS ON SAID REAL PROPERTY; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION AND RELATED MATTERS.

WHEREAS, the Utah Association of Counties (the "Association") has been duly and regularly created, established and is organized and validly existing under and by virtue of the provisions of the Constitution and laws of the State of Utah, including, in particular, the provisions of the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6, Utah Code Annotated 1953, as amended (the "Nonprofit Corporation Act"); and

WHEREAS, the Association is a nonprofit organization operated exclusively for the benefit of its membership, which membership is comprised solely of counties of the State of Utah (the "Members"); and

WHEREAS, under the Articles of Incorporation of the Association (the "Articles") the objects and purposes for which the Association has been founded and incorporated are to provide services to its Members within the constraints of the Association's budget and available resources in order to promote better county government through cooperative and mutual efforts; and

WHEREAS, pursuant to i) a Lease/Purchase Agreement dated as of May 15, 1997 (the "1997 Lease"), between the Association and Zions First National Bank, as lessor, and ii) an Indenture of Trust and Pledge dated as of May 15, 1997 (the "1997 Indenture"), between the Association and Zions First National Bank, as trustee (the "Trustee"), the Association has financed by lease purchase (A) the acquisition of a parcel of real property (the "Property") and (B) the construction, acquisition, equipping, and furnishing on the Property of a building and related improvements (the "Facility," and together with the Property, the "1997 Project"); and

WHEREAS, in order to finance the 1997 Project, the Association leased, as lessor, the Property to the Trustee, as lessee, pursuant to the terms and provisions of that certain Ground Lease (the "1997 Ground Lease"), dated as of May 15, 1997; and

WHEREAS, the Association has leased the 1997 Project, as lessee, on an annually renewable basis from the Trustee, as lessor, pursuant to the terms of the 1997 Lease; and

WHEREAS, pursuant to the 1997 Indenture, the Trustee issued the Certificates of Participation, Series 1997 (the "Series 1997 Certificates") in the original aggregate principal

amount of \$1,710,000, representing a proportionate interest in the right to receive payments made by the Association under the 1997 Lease; and

WHEREAS, consistent with its objects and purposes, the Association desires to refinance the 1997 Project and refund all of its outstanding Series 1997 Certificates; and

WHEREAS, in order to refinance the 1997 Project (hereinafter referred to as the "Project") the Association desires to lease the Property to Zions First National Bank (the "Trustee"), as lessee, pursuant to the terms and provisions of that certain Ground Lease (the "Ground Lease") to be dated as of April 1, 2006, in substantially the form presented to this meeting and attached hereto as Exhibit B and herein authorized and approved; and

WHEREAS, the Project is to be leased to the Association, as lessee, on an annually renewable basis by the Trustee, as lessor, pursuant to the terms and provisions of that certain Lease/Purchase Agreement to be dated as of April 1, 2006, in substantially the form presented to this meeting and attached hereto as Exhibit C (the "Lease") herein authorized and approved; and

WHEREAS, the Association desires to authorize the execution, sale, and delivery by the Trustee of Certificates of Participation, Series 2006, in the total principal amount of not to exceed \$1,250,000 (the "Series 2006 Refunding Certificates") for the purposes of refunding the Series 1997 Certificates and paying costs of issuance of said Certificates; and

WHEREAS, the Association desires to approve the execution and delivery of an Indenture of Trust and Pledge to be dated as of April 1, 2006 (the "Indenture"), by and between the Association and the Trustee, pursuant to which the Series 2006 Refunding Certificates are authorized for issuance, in substantially the form presented to the meeting and attached hereto as Exhibit D and herein authorized and approved; and

WHEREAS, the Series 2006 Refunding Certificates shall evidence assignments of proportionate interests in rights to receive Base Rentals (as defined in the Lease/Purchase Agreement) and certain other payments, shall be payable solely from the sources provided in the Indenture, and shall not constitute or give rise to a general obligation or other indebtedness of the Members within the meaning of any constitutional or statutory debt limitation or a mandatory charge or requirement against the Members in any ensuing budget year beyond the current budget year; and

WHEREAS, the Association will negotiate the purchase of the Series 2006 Refunding Certificates pursuant to that certain Certificate Purchase Agreement, attached hereto as Exhibit E; and

WHEREAS, Iron County, Utah (the "County"), is a body corporate and politic duly and regularly created, established, organized and existing under and by virtue of the Constitution and laws of the State of Utah; and

WHEREAS, the County, as a Member of the Association, desires to authorize certain actions to be taken by the Association, in acting on behalf of the County, in connection with the transactions contemplated by the Lease/Purchase Agreement, the Indenture, and the Series 2006 Refunding Certificates;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF IRON COUNTY, UTAH, AS FOLLOWS:

Section 1. All action heretofore taken, not inconsistent with the provisions of this Resolution, by the Board and by the officers of the County directed toward the refunding of the Series 1997 Certificates by the Association are hereby ratified, approved, and confirmed.

Section 2. The Board hereby finds and determines that it is in the best interest of the Association to refund the Series 1997 Certificates and to lease the Property to the Trustee.

Section 3. The Board hereby finds and determines that in order to facilitate the foregoing, it is in the best interest of the Association to enter into the Ground Lease, the Lease/Purchase Agreement, and the Indenture in substantially the forms presented to this meeting and attached hereto as Exhibits B, C, and D, respectively, for and on behalf of the Association and in the forms approved by the final resolution; and the President and the Secretary-Treasurer of the Association are authorized to execute and deliver said Lease/Purchase Agreement, Indenture, and Ground Lease for and on behalf of the Association.

Section 4. The Board hereby finds and determines that it is in the best interest of the Association for the Trustee to issue not to exceed \$1,250,000 aggregate principal amount of the Series 2006 Refunding Certificates for the purposes of iii) refunding the 1997 Certificates and iv) paying costs of issuance of the Series 2006 Refunding Certificates. The Board authorizes the execution and delivery of the Series 2006 Refunding Certificates by the President of the Association, and the sale of the Series 2006 Refunding Certificates upon the terms and conditions of the Certificate Purchase Agreement. The signature of the President may be by facsimile or manual execution. The Series 2006 Refunding Certificates shall bear interest at the rate or rates and shall mature as described in the Indenture. Interest shall be payable in semiannual installments on May 15 and November 15 of each year, commencing November 15, 2006. The principal amount of the Series 2006 Refunding Certificates shall be due and payable and shall be subject to prior call in accordance with the Indenture. The President is hereby authorized to execute the Certificate Purchase Agreement attached hereto as Exhibit E for and on behalf of the Association.

Section 5. The form, terms, and provisions of the Series 2006 Refunding Certificates and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture.

Section 6. The Board hereby agrees to pay its building assessment to the Association directly to the Trustee at such time and in such manner as shall be directed by the Association.

THE BOARD HEREBY ACKNOWLEDGES AND AGREES THAT IN THE EVENT THE BOARD FAILS TO PAY TO THE ASSOCIATION ITS ANNUAL BUILDING ASSESSMENT WHICH WILL BE APPLIED BY THE ASSOCIATION TO THE PAYMENT OF ITS LEASE PAYMENT OBLIGATION UNDER THE LEASE, THE BOARD WILL FORFEIT ANY RIGHT, TITLE OR INTEREST IT MAY HAVE IN THE PROJECT BY VIRTUE OF IT BEING A MEMBER OF THE ASSOCIATION, AND THAT THE ASSOCIATION MAY, IF THE BOARD FAILS TO PAY ITS ANNUAL BUILDING ASSESSMENT TO THE ASSOCIATION, REALLOCATE THE EQUITY INTEREST OF THE BOARD TO THE

OTHER MEMBERS OF THE ASSOCIATION WHO HAVE PAID THEIR ANNUAL BUILDING ASSESSMENT IN A TIMELY MANNER, SUCH THAT UPON RETIREMENT OF THE CERTIFICATES, ONLY THOSE MEMBERS OF THE ASSOCIATION WHO HAVE PAID ALL OF THEIR ANNUAL BUILDING ASSESSMENT IN A TIMELY MANNER SHALL BE DEEMED TO HAVE AN EQUITY INTEREST IN THE PROJECT.

Section 7. The Board further acknowledges and agrees that in the event a member of the Association fails to pay its building assessment in full, the Association shall adjust pro rata the building assessments of the remaining members in such amounts as shall be necessary to assure the Association that it will receive sufficient building assessments to pay its lease payment obligation under the Lease.

Section 8. The President of the Association is hereby authorized to execute and deliver to the Trustee a written order of the Association for authentication and delivery of the Series 2006 Refunding Certificates by the Trustee in accordance with the provisions of the Indenture.

Section 9. The appropriate officials of the Association are authorized to take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated thereby and are authorized to take all action necessary to refinance the Project, to lease the Property to the Trustee pursuant to the Ground Lease and to lease the Project from the Trustee pursuant to the Lease/Purchase Agreement, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the sale and delivery of the Series 2006 Refunding Certificates.

Section 10. The appropriate officials of the County are authorized to take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by the Indenture, the Lease/Purchase Agreement and the Ground Lease and are authorized to take all action necessary to finance the acquisition of the Project, including without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the sale and delivery of the Series 2006 Refunding Certificates.

Section 11. No provision of this Resolution, the Lease/Purchase Agreement, the Indenture, the Series 2006 Refunding Certificates, the Ground Lease, or any other instrument, shall be construed as creating a general obligation of the Members, or as incurring or creating a charge upon the general credit of the Members or against their taxing powers.

Section 12. The Board hereby authorizes the President of the Association to appoint Zions First National Bank, a banking corporation organized under the laws of the State of Utah possessed of full and complete corporate trust powers, to act as trustee, paying agent and registrar under the terms of the Indenture.

Section 13. The appropriate officials of the Association are hereby authorized to make any alterations, changes or additions in the Indenture, the Lease/Purchase Agreement, the Ground Lease, or any related documents herein approved and authorized necessary to correct errors or omissions therein, to remove ambiguities therefrom, or to conform the same to other provisions of such instruments, to the provisions of this Resolution or the provisions of the laws of the State

of Utah or the United States.

Section 14. The Secretary-Treasurer of the Association is hereby authorized to attest to all signatures and acts of any proper official of the Association, and to place the seal of the Association on the Lease/Purchase Agreement, the Ground Lease, the Indenture, and related documents. The President of the Association and other proper officials of the Association and each of them are hereby authorized to execute and deliver for and on behalf of the Association any and all additional certificates, documents and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

Section 15. If any provisions of this Resolution (including the exhibits attached hereto) should be held invalid, the invalidity of such provisions shall not affect any of the other provisions of this Resolution or the Exhibits.

Section 16. All bylaws and resolutions of the County or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 17. This Resolution shall become effective immediately upon adoption by the Board.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY,  
UTAH, THIS 27<sup>th</sup> Day of March, 2006.

By: \_\_\_\_\_

Chair

ATTEST:

By: \_\_\_\_\_

County Clerk

**911 FUNDING INCREASE REQUEST** :

Linda Petty came before the Commission to request an increase in funding Dispatch Services from 911 funds in the 2006/2007 FY. She requested an increase from \$85,000 to \$125,000. The increase will cover expenses for salary and benefit increases authorized for State employees.

Linda explained that funding could partially come from a grant for equipment the County has already purchased. It is anticipated that the County will receive \$116,000 to reimburse the cost of Phase 2 compliance requirements.

Wayne Smith made a motion to authorize the grant application and to authorize the funding increase form \$85,000 to \$125,000 from the 911 fund. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval new employees Dan Evans as a Road Department worker and Jordan Smith as a Road / Weed Department worker. Wayne Smith made a motion to



approve the hiring of Dan Evans and Jordan Smith. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for consideration the promotion of Marc Bowman to Paramedic in the Ambulance Department. She explained that he was hired as a paramedic but in paper work and approval, was only placed in a position of EMT Intermediate. She recommended the promotion be retroactive to October 17, 2005. Wayne Smith made a motion to approve the promotion retroactive to October 17, 2005. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented a request to promote Richard Evans to Undersheriff and to move his time from Part Time to Full Time effective April 1, 2006. The Lieutenant position now held by Mr. Evans will remain vacant and Mr. Evans will be an "at will" employee. Dennis Stowell made a motion to approve the promotion of Richard Evans. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**EXECUTIVE SESSION PERSONNEL** :

Wayne Smith made a motion to convene in executive session to discuss personnel matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 27<sup>th</sup> day of March, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

After reconvening in open session Commissioner Roundy reported that no action was needed by the Commission at this time.

**PRAIRIE DOG MATTERS** :

David Yardley reported that due to a mixup in accounting for SITLA prairie dogs are all committed unless Maury Abrams does not use the 12 he is allotted.

The Commission then conducted a telephone conference with Elise Boke to discuss the

selection of a firm to draft a new HCP plan. Two proposals, Entrix and Jones & Stokes were reviewed in detail. Action was tabled for further review and to allow Rebecca Bonebrake and Teresa Bonzo to be present for action.

**VOLUNTEER SERVICE AWARDS** :

Andrea Bostick representing the Volunteer Center of Iron County presented two Presidential Volunteer Service Awards. Amy Decker from Parowan was not present to receive her award. Rebecca Rowley was presented her award for 100 hours of service. The Commission congratulated her and thanked her for her service to the community.

**FAIR MATTERS** :

Art Walunas representing Iron County Fair, Scott Snow representing UDOT, Neal Smith, Wayne Clark, Cheri Hansen and Kathy Johnson, Cedar Rotary Club, Mary Halterman, Parowan City Council, and Mark Gower, Sheriff reviewed UDOT's parade regulations regarding throwing candy from vehicles and floats during the parade. Mr. Snow explained that due to liability issues UDOT is not willing to issue parade permits on State Highways where candy and other items are allowed to be thrown from vehicles. He stated that a child was run over in a homecoming parade in Cedar City running out to collect such items. Neal Smith stated the Rotary Club is willing to arrange and manage the parade but are not comfortable in policing actions that violate policy. Sheriff Gower stated the Sheriff and Parowan City police would coordinate enforcement of rules. Vehicles that are in violation of the policy are to be removed from the parade route.

**SURPLUS PROPERTY BERYL TOWNSITE LOTS** :

David Yardley reported that the County still owns some surplus tax sale lots in Beryl Townsite and other Beryl area subdivisions. He requested authorization to list them as surplus and advertise them for sale. Dennis Stowell made a motion to authorize the sale of the surplus lots at the assessed value. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**UNIVERSITY OF UTAH SCHOOL ON ALCOHOLISM & DRUGS** :

David Yardley reported that the University of Utah has offered matching scholarships to attend the School on Alcoholism and Drugs scheduled for June. Wayne Smith made a motion to approve participation in the program and authorize applications to be submitted to participate. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CREDIT CARD LIMIT INCREASE APPROVAL** :

David Yardley presented a request to increase the credit limit on the Iron County credit card account through VISA to \$45,000.00. He explained that the Landfill Supervisor needs a card and that the credit limit is such that an additional card is not available. He also explained that the Ambulance Department has exceeded the limit and needs to be adjusted. Wayne Smith made a motion to approve the increase to \$45,000.00 effective as soon as possible and to authorize a credit card for the Landfill Supervisor. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PHARMACEUTICAL CONTRACT FOR JAIL DISCUSSION :**

Glenn Halterman discussed with the Commission the contract for pharmacy services currently being written for signatures to provide necessary medications for the jail. A question has been raised about the packaging and dispensing of over the counter medications. Wayne Smith made a motion to authorized an amendment to the contract to allow reasonable and customary charges plus \$1.00 or in the alternative to not be bound to purchase over the counter medications at the pharmacy. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SURPLUS PROPERTY REQUEST :**

Newcastle Fire Department requested permission to remove a truck flat bed from a weed truck currently housed at the Road Department yard in Cedar City. Commissioner Stowell reported that the Weed Department is considering whether to repair the truck and continue to use it as a spray vehicle. Therefore no action on the Newcastle request was made at this time.

**PAVING OF LUND HIGHWAY REPORT AND NECESSARY ACTIONS :**

Steve Platt and John Williams met with the Commission to discuss the road improvement project to Lund. There are currently 22 miles of unpaved road between Cedar Valley and Lund. Steve estimated it would cost five million to improve the road and chip seal. A loan from the CIB at 3.5% interest would have an annual payment of \$601,000. By extending the payment to twenty years, the payment would be about \$351,000 annually.

Carl Maples presented a letter form Circle 4 Farms stating that they were willing to do some road work on the road from Lund to the Circle 4 facilities, however they could not commit to improve and oil the entire road at this time.

After discussing several options, Dennis Stowell made a motion to authorize an application to the Community Impact Board for four million and to authorize signatures on the application. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 10, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 10, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

APPROVAL CHANGE ORDER 2 SENIOR CITIZEN CENTER .....	4
APPROVAL OF MINUTES March 17, 2006 .....	1
APPROVAL OF WARRANTS & ADJOURN .....	4
ELECTED OFFICIALS REPORTS .....	1
IRON COUNTY ENGINEER .....	3
PERSONNEL MATTERS .....	2
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG MATTERS .....	3
ROAD OIL MATERIAL BID APPROVAL .....	4
SEWER MATTERS .....	3
TAX MATTER EVAN ANDERSON .....	2

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES March 17, 2006** :

Minutes of the Iron County Commission meeting held March 27, 2006 were approved as amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Steve Platt** discussed with the Commission the moving and use of the track Hoe in flood control. The machine has been in Parowan valley and will be moved to the Kanarraville area to clean some debris and flood channels.

Steve discussed the location of a flood channel in the Parowan valley through the LDS Church Farm. Negotiations are continuing on a route prior to construction of a permanent flood channel.

Steve also discussed installation of sewer lines in Cedar valley from the Three Peaks Elementary school to the Enoch City sewer line. The proposed route would be along 1700 West, a private road in "Eagle Valley" ranchetts the road is a private road and is owned and maintained jointly by the property owners. Discussions are in progress with the property owners to dedicate the road and form an SID to improve the roads. No action by the County is needed at this time.

Steve also discussed amending the contract with Quality Contractors for crushing two years worth of gravel at the Parowan pit. Since this is not an agenda item, no action was taken at this time.

**PERSONNEL MATTERS** \_\_\_\_\_ :

Colette Eppley and Ron Johnson discussed a restructure of the Ambulance Department personnel procedures. Ron requested that EMT's be moved from "on call" to "part time". This would result in eighteen positions being permanent part time. This would result in eligibility for pay raises in compliance with step and grade procedures. Structure of the ambulance department personnel will result in six full time Paramedics and eighteen part time EMT's.

Dennis Stowell made a motion to approve migrating from "on call, at will" positions to "part time, at will" positions as requested. A note that all part time positions serve "at will". Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Margaret Miller requested hiring two (In-house) Full Time Clerks and two Part Time Clerks to replace two part time clerk's that have resigned. She explained that in July 2005 three full time positions were approved. These were filled with part time positions. Wayne Smith made a motion to approve two full time and two part time position. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye. .

Margaret also requested a job description review of the Senior Court Clerk and the Assistant Court Clerk. This was referred to Colette Eppley for review and grading.

Colette Eppley presented the following people for approval as new employees: Laura Lee as a Full Time Victims Coordinator; Tim Long as a Full Time Sanitation Technician; Cassandra Akins as a Part Time Deputy Recorder; Michelle Hagfeldt as a Seasonal Prairie Dog Worker; and Blaine Cox as a Seasonal Prairie Dog Worker. Wayne Smith made a motion to approve all of the new employees as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette Eppley discussed with the Commission entities to include in the salary survey. The following entities were to be included: all third class Counties; Beaver County; Sevier County; Cedar City; St. George; Hurricane City; Parowan City; Enoch City; and Brian Head.

Chad Nay requested approval of a new position as Zoning Administrator and Building Inspector with the main function as Zoning Administration. The position was approved in the budget. Chad also requested authorization to advertise the position. Dennis Stowell made a motion to approve the position and advertise for candidates as requested. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**TAX MATTER EVAN ANDERSON** \_\_\_\_\_ :

Geri Norwood Iron County Treasurer met with the Commission regarding a personal property tax matter involving a crusher formerly owned by Evan Anderson. Mr. Anderson sold the crusher after it had been seized by the County for delinquent taxes. The equipment has been moved out of state and is no longer available. Mr. Anderson has been contacted in an attempt to collect the delinquent taxes. Action was tabled to allow Mr. Anderson to make a tax payment.

**IRON COUNTY ENGINEER :**

Steve Platt presented for approval a letter from the Federal Highway Administration regarding a record of decision on the 5700 West Belt Route alignment. Dennis Stowell made a motion to approve the decision and proceed with acquisition of the rights of way. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Steve also discussed a proposed sign improvement project administered through Local Technical Assistance Program with a request from G. Stewart Thompson Associate Director Utah LTAP for Iron County to participate. The project will survey, inventory and sign all roads in Iron County with a 6.7% local match. Cost to the County would be approximately \$12,693 with LTAP funding \$183,000. Dennis Stowell made a motion to approve participation in the program with LTAP as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SEWER MATTERS :**

Kit Wareham and Scott Hacking met with the Commission to discuss future expansion of the Cedar City Sewer Plant. Kit explained that at the present use is between 2.3 and 2.4 million gallons per day. The plant is designed for 4.4 million gallons per day. Iron County use is estimated at about 5,000 gallons per day at the present time.

Future expansion will be determined by projected growth but is estimated to be needed by 2016. Iron County will be expected to fund their proportionate share of the expansion through impact fees. The Commission was urged to do an impact fee study to determine an appropriate fee to charge to future customers.

**PRAIRIE DOG MATTERS :**

Elise Boke, Teresa Bonzo, and Becky Bonebrake met with the Commission to discuss and approve a consultant to write a new Habitat Conservation Plan (HCP) for the Utah Prairie Dog in Iron County.

The Commission discussed with Elise the funding of the project through federal grants. She explained that the County needs to obligate funds prior to July 1. The Commission also questioned a scenario in which the work is not completed or an acceptable HCP cannot be completed. Elise explained that expended funds would not be required to be refunded to grantors.

The Commission then discussed whether we want to proceed at this time with the HCP project. Both pro and con were discussed whereupon Dennis Stowell made a motion to proceed with the project. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Consultants were then discussed. Elise Boke stated that USFWS recommended Jones & Stokes as the firm to select. Teresa Bonzo stated that DWR was in favor of either firm but leaned to Enterix for cost purposes. Becky Bonebrake stated that in reviewing references, the BLM found that both companies came well recommended.

Wayne Smith made a motion to select Enterix as our consultant. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

The group then discussed how to proceed. A contract with Enterix is to be prepared, a scope of work to be outlined and a time line for development of the HCP is to be developed. Purchase of a parcel in Enoch was discussed. Elise recommended the parcel be purchased at this time to preserve the habitat and to preserve grant funding for the purchase. Enoch City needs to be a cooperating agency before the purchase can proceed.

**APPROVAL CHANGE ORDER 2 SENIOR CITIZEN CENTER :**

A change order for the construction project at the Senior Citizen Center in Cedar City was approved on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ROAD OIL MATERIAL BID APPROVAL :**

Bids for purchase of oil have been reviewed as approved in a previous meeting. Steve Platt and Neil Forsyth recommended the bid of SEMM for the material. Dennis Stowell made a motion to approve the bid. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 24, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 24, 2006, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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CELL PHONE POLICY	5
CONTRACT AMENDMENT	5
ELECTED OFFICIALS REPORTS	1
EXECUTIVE SESSION PERSONNEL MATTER	2
LOADER BID OPENING	4
MIDDLE RIDGE ROAD AGREEMENT	5
MINOR LOT SUBDIVISION ASHDOWN FAMILY TRUST	3
PERSONNEL MATTERS	2
PLEDGE OF ALLEGIANCE	1
PRELIMINARY PLAT RANCHO BONITA SUBDIVISION PHASE 2	4
PRELIMINARY PLAT SKY BLUE MINOR LOT SUBDIVISION	3
TAX MATTER	3
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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dennis Stowell.

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the new map plotter is working well. The only drawback is that it prints slowly which will require an increase in fees to cover the time involved in printing.

**Geri Norwood** reported that there are still over 100 properties with delinquent taxes that are scheduled to be sold at the annual tax sale. There are a few that pose problems with owners that have purchased on contract and the former owner refuses to pay the taxes.

**Dennis Ayers** discussed the increase in valuation of properties in Iron County over the



past year. The effect will be felt in the tax rate which will be adjusted downward. New growth has been significant during the past year and will result in a net gain in taxes.

**Erik Jorgensen** discussed timelines for implementing software migration to Eagle and Incode software systems in the County Offices. Both companies are under the Tyler Technology umbrella and all of the County offices should be up and running during the 2006-2007 time frame.

**Joe Gubler** discussed a change in state code allowing for an increase in the Transient Room Tax Rate by 1.25%. The increased collections use covers a broader area including buildings . An ordinance is required to be adopted to take advantage of the increase in TRT.

**PERSONNEL MATTERS** :

Mark Gower Iron County Sheriff requested the approval of two new positions as Sergeant and Corporal within the patrol division. He explained that this will not result in hiring additional personnel but will provide senior officers on every shift as the Officer in Charge. Dennis Stowell made a motion to approve the positions and to authorize the selection process to proceed.

Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette Eppley presented for approval the following proposed new employees: Jason Prickett as an On-Call EMT-Basic; Shalene Zingleman as an On-Call EMT-Basic; and Paul Cunningham as an On-Call EMT-Intermediate. Dennis Stowell made a motion to approve the hiring as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**EXECUTIVE SESSION PERSONNEL MATTER** :

Wayne Smith made a motion to convene in Executive Session to discuss Personnel Matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 24<sup>th</sup> day of April, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

**TAX MATTER** \_\_\_\_\_ :

Geri Norwood reported that Evan Anderson has made a partial payment of \$1,000 on personal property sold to an out of state group. Mr. Anderson does not own additional equipment which can be attached and sold. She suggested that the account be adjusted as uncollectible \$7,225.50. Wayne Smith made a motion to adjust the account of Evan Anderson for delinquent personal property tax by \$7,225.50 as uncollectible. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**WELLHEAD PROTECTION AREA** \_\_\_\_\_ :

Brian Jensen representing Leslie and Associates and Central Iron County Water Conservancy District requested approval of a Land Use Agreements on a portion of a County Road Within the 100 foot' Well Protection Zone located at 4000 North and 4500 West.

Wayne Smith stated that he has a conflict of interest and abstained from action in this matter as he is the seller of the well in question.

Dennis Stowell made a motion to approve a wellhead protection area agreement as requested effective upon signature of Commission Chair. Second by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Abstain.

**MINOR LOT SUBDIVISION ASHDOWN FAMILY TRUST** \_\_\_\_\_ :

Chad Nay presented a plat for a minor lot subdivision on the following parcel.

Parcel Description:

BEG AT PT N00°00'00"E 726.00 FT & N90°00'00"E 22.33 FT FR SW COR SE1/4NW1/4 SEC 26,T35S,R11W, SLB&M; SAID PT BE ON EXIST N-S FENCE LINE; ALONG SAID FENCE LINE FOLLOW COURSES:

N00°00'00"E 47.04 FT; N67°19'09"W 13.80 FT; N00°36'26"E 312.51 FT TO PT ON EXIST E-W FENCE LINE, SAID PT ALSO BE R/W FOR 3000 N; DEPART SD N-S FENCE LINE N89°48'15"E ALONG SAID R/W 647.10 FT; DEPART SAID R/W S00°00'00"W 367.06 FT; N90°00'00"W 637.67 FT TO POB. Containing 5.3 Acres.

The purpose of the subdivision is to allow an additional house on a 5 acre parcel. The current zoning is R-1. The Planning commission has recommended approval.

Dennis Stowell made a motion to approve the minor lot subdivision as presented. Second

**PRELIMINARY PLAT SKY BLUE MINOR LOT SUBDIVISION** \_\_\_\_\_ :

Don Dalley representing Watson Engineering met with the Commission to request approval of a minor lot subdivision described as follows:

The East ½ of the Southwest ¼ of Section 1, Township 34 South, Range 10 West, SLB&M. Containing 61.34 Acres.

The purpose is to subdivide a 20 Acre building lot from the parcel. The Planning Commission has recommended approval.

The Commission reviewed the proposed plat and requested a small strip of land on the south east side be included in the road right of way.

Wayne Smith made a motion to approve the minor lot subdivision of Sky Blue

Subdivision upon inclusion of the strip of land adjacent to the roadway leading to the larger parcel. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PRELIMINARY PLAT RANCHO BONITA SUBDIVISION PHASE 2 :**

Chad Nay presented a recommendation for approval of Phase 2 of Ranch Bonita Subdivision described as follows:

Beginning N00°21'44"E, 785.03 Ft along the 1/4 Sec Line from the S1/4 Cor Sec 9, T35S, R11W, SLM; Thence N00°21'44" 598.97 ft along said 1/4 line; Thence S89°44'33" 1273.32 ft; thence S00°07'42" E 715.02 ft along the westerly R/W line of 2300 West street; thence along the northerly boundary of Rancho Bonita Subdivision Phase 1, N89°44'33"W1080.24 ft; thence along said boundary N00°17'23"E, 116 ft; thence N89°44'03" W, 199.06 ft to the POB. Containing 20.42 Acres M/L.

Mark Meisner and Brian Peterson Bulloch Brothers Engineering discussed curb and gutter issues on 2300 West. They have agreed to install the curb and gutter as requested on Phase 2 and will install curb and gutter along 2300 West past Phase 1 provided the County agrees to pave the area between the curb and the existing pavement.

Wayne Smith made a motion to approve the preliminary plat of Rancho Bonita Phase 2 with pavement and gutter adjacent to 2300 West. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ZONE CHANGE REQUEST :**

A request for a zone change which had been returned to the Planning Commission for reconsideration of zone change recommendation from R-5 to R-1/2 for Festival Development was again presented to the Commission.

Wayne Reaves representing Festival Development discussed a flood control structure to be constructed on Coal Creek which will help control flooding in the north end of the Coal Creek drainage. Festival Development and additional property owners have agreed to install the structure prior to development and as soon as a suitable structure is designed. Mr. Reaves explained that the structure has been through several revisions and is awaiting final approval by Coal Creek Irrigation president, Raymon Prestwich.

After reviewing options, Wayne Smith made a motion to approve the zone change subject to the drafting and approval of a development agreement and the installation of the flood structure. The motion died for lack of a second.

Options for approval were discussed including a contract to rezone conditioned on the installation of the flood control structure. After discussion, action was tabled to allow time to draft a development agreement and present it for approval.

**LOADER BID OPENING :**

Bids were opened for the purchase of an articulated front end loader. Three bids were received as follows:

Scott Machinery on a John Deere Model JD 724J \$182,798.00

Century Equipment on a Hundai Model 760-7	\$151,907.00
Wheeler Machinery on a Cat Model 962 H	\$190,611.00

The bids were referred to Neil Forsyth to review the bid packages for compliance with specifications.

**MIDDLE RIDGE ROAD AGREEMENT :**

Art Tait, Steve Platt and Neil Forsyth met with the Commission to discuss a proposed Memorandum of Understanding agreement between property owners, BLM, State DWR and SITLA, and Iron County for access to 3200 Subdivision Phase 2 and adjacent private property owners. The agreement defines procedure for improving access to Summit mountain properties through development of access on Middle Ridge and an additional access East of Enoch. Road grade construction standards and winter maintenance are issues of concern.

Dennis Stowell made a motion to approve the MOU subject to the County Attorney review and approval and with the provision that it does not require the County to provide any maintenance or construction costs or to provide ongoing maintenance or winter access. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**BOARD OF EQUALIZATION :**

\_\_\_\_\_ Wayne Smith made a motion to convene as the Board of Equalization to consider Religious, Charitable & Educational tax exemption requests for Tax Year 2006. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Religious exemptions applied for in the past with the addition of two LDS meetinghouses and a Catholic Center Thrift Store were approved on a motion by Wayne Smith. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Educational exemptions as previously submitted with the addition of Diamond Z English Shire Foundation as a 501 (c) (3) organization requesting exemption of personal property taxes on trailers, 4 wheelers and Freighliner truck were approved on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Charitable exemptions with the addition of a request by Iron County Care & Share for exemption on a minivan and property was approved on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CONTRACT AMENDMENT :**

Steve Plat presented an amendment to a contract for crushing aggregate for roads in Parowan Valley with Quality Crushing. The amended contract will authorize crushing two years of gravel thus avoiding the cost of setting up and moving the crusher. Dennis Stowell made a motion to approve the amendment and authorize the Commission Chair to sign the contract. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CELL PHONE POLICY :**

A policy for Road Department employees which are required to have cell phones was discussed. It was determined that the Weed/Sign worker is to be issued a County funded cell phone.

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**May 8, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 8, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Absent:

Dennis E. Stowell	Commissioner
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**SYNOPSIS** :

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NEW CASTLE WATER COMPANY IMPROVEMENT .....	5
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PUBLIC HEARING TIER CHANGE REQUEST .....	2
RELEASE BLM RIGHT OF WAY BABOON PEAK COMMUNICATION SITE .....	3
THREE PEAKS ROAD COMMENTS TO BLM .....	4
TRANSPORTATION CORRIDOR STUDY .....	4
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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES April 10, 2006** :

Minutes of the Iron County Commission meeting held April 10, 2006 were approved as amended on a motion by Wayne Smith. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**APPROVAL OF MINUTES April 24, 2006** :

Minutes of the Iron County Commission meeting held April 24, 2006 were approved as amended on a motion by Wayne Smith. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**ELECTED OFFICIALS REPORTS** :

**Wayne Smith** discussed flooding issues in Cedar Valley. The flow from Kanarra Creek West of Old Hwy 91 can go either North or South depending on ditches. Due to flooding of some farm ground, the matter will be referred to the County Engineer for review.

Wayne also discussed Quichapa flooding. He asked the County Attorney to contact George Vandenburg and get a deposition regarding historic flooding of Quichapa. Mr. Vandenburg has stated that in his lifetime he has seen water levels higher than they were during 2006.

Wayne discussed transplanting of prairie dogs onto private property in the Beryl area. This is outside of historic prairie dog areas and is against policy and the HCP. The matter will be investigated and appropriate action taken.

**Scott Garrett** discussed landscaping and a permanent sign for the Justice Center building in Cedar City. He offered to contact sign companies and landscaping contractors for some estimates and proposals.

**LOADER BID APPROVAL** :

Neil Forsyth reviewed bids for a new loader and recommended purchasing the John Deere Model JD 724J for \$182,798.00. The Hundai machine which was submitted at a lower bid did not meet the specifications.

Wayne Smith made a motion to approve the bid of Scott Machinery for a John Deere Model JD 724J for \$182,798.00. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**PUBLIC HEARING TIER CHANGE REQUEST** :

Wayne Smith made a motion to open a public hearing to receive comments on a proposed tier change. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

Chad Nay commented that Brent Stratton and Noel DeGaetano have requested a change from Tier IV to Tier II in Sections 17, 18, & 19, Township 35 South Range 11 West, SLM. The Planning Commission has recommended approval as it squares up the Tier II along Midvalley Road to 4100 West.

A question from an adjoining property owner asked about the effect of a tier change on their property.

Reed Erickson responded that the tier change allows for development of the property into residential subdivisions. It does not require additional services or improvements on existing properties.

After all public comments were received and questions answered, Wayne Smith made a motion to close the public hearing. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

Wayne Smith then made a motion to approve the Tier change from Tier IV to Tier II in Sections 17, 18, & 19, Township 35 South Range 11 West, SLM. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**PERSONNEL MATTERS** :

Brad Spencer requested reclassification of a Jail Secretary position by adding an advanced level i.e. Secretary 1 and Secretary 2 with the secretary 2 position being graded higher

because of added job responsibilities. Colette Eppley explained that the differences in the job responsibilities warrant the increase.

Wayne Smith made a motion to approve the addition of a Secretary 2 position at the Jail effective upon the completion of a salary survey being conducted. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

Steve Platt requested approval of a Construction Inspector Job Description for a part time position, up to 32 hours per week. Wayne Smith made a motion to approve the job description and to include the position in the salary survey. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

Colette Eppley presented a proposed policy amendment defining Part-Time, On Call, Temporary, and Seasonal positions. Part time is defined as up to 32 hours per week and will be classed as "at will" which means they may be dismissed at any time with or without cause. The policy still needs some work and will be presented at the next commission meeting for approval.

Colette presented the following for approval as new employees: Chris Deardon as an EMT-Basic and On Call; and Wendy Evans as a seasonal Fair secretary. Wayne Smith made a motion to approve the hiring as presented. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

Ron Johnson requested approval of a Full Time Paramedic Position with an OB-GYN specialty to help with transfers to critical care facilities. A question was also raised as to whether this position could be filled without advertising. The policy is unclear on this and so no action was taken regarding this procedure.

Wayne Smith made a motion to approve the position of full time paramedic with an OB-GYN specialty. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**RELEASE BLM RIGHT OF WAY BABOON PEAK COMMUNICATION SITE :**

Steve Platt discussed with the Commission a request from BLM to relinquish a right of way to the Baboon Peak communication site. The right of way will not affect RS-2477 claims to the road and other users also hold rights of way to the site. Iron County does not have equipment or facilities at the site, nor is there future plans to utilize the site.

Wayne Smith made a motion to authorize the relinquishment of the FLIPMA right of way to Baboon Peak, retaining a valid RS-2477 claim to the road. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**ZONE CHANGE REQUEST DERBY RANCH SUBDIVISION :**

Festival Development appeared to continue a discussion of a Zone Change from R-5 to R1/2 on Derby Ranch Subdivision. The matter was previously tabled to allow for design and approval of a flood control structure on Coal Creek. Glenn Halterman presented a proposed development agreement stating that the structure must be installed prior to a revised subdivision plat could be submitted.

After reviewing the issues of flooding in this area, the owners requested that the matter be



withdrawn until the appropriate flood structure is completed.

Wayne Smith made a motion to deny the zone change at this time with a stipulation that upon completion of the flood structure on Coal Creek, the property owners may re-apply for a zone change. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**TRANSPORTATION CORRIDOR STUDY** \_\_\_\_\_ :

Steve Platt discussed the possibility of issuing a RFP to update the County General Plan for transportation needs. The proposal should include coordination of corridors with Enoch and Cedar City master plans and the development of a belt route through the Cedar Valley.

Reed Erickson commented that he did not feel this is the right time as the County is working on a spacial growth model. He suggested the issue be tabled until the study is complete and then start to design roads and acquire rights of way.

Art Tait suggested that the plan also look at a trail system including biking, hiking and ATV use. Flood issues should also be addressed in the study.

The matter was referred to Steve Platt and Reed Erickson to meet with Cedar City and Enoch to identify issues and corridors.

**THREE PEAKS ROAD COMMENTS TO BLM** \_\_\_\_\_ :

Dennis Stowell joined the Commission by phone at this time.

Ervin Larsen, Frank Nichols, Scott Truman, Art Tait, and Steve Platt discussed RS-2477 road claims on property proposed for exchange between BLM, SITLA, and private owners. Ervin explained that due to a recent ruling by the Tenth Circuit Court of Appeals any RS-2477 claim must be adjudicated by the Courts. By asserting a claim to existing RS-2477 claims on property being exchanged, it precludes the exchange from going forward.

The State and BLM are willing to grant rights of way on exchanged lands after the exchange is complete. After discussing options, Wayne Smith made a motion to refer the matter to Art Tait and Ervin Larsen to work out details of wording on a comment letter on the proposed exchange, to authorize the current letter to be withdrawn, and to authorize the Commission Chair to sign the new letter. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Aye.

**ENTRIX PRAIRIE DOG HCP PROCESS** \_\_\_\_\_ :

Bruce Palmer, Lori Hendrix, Elise Boke, Becky Bonebrake, and Keith Day met with the Commission to discuss a direction to proceed with a proposed drafting of a new HCP for prairie dogs. The Commission requested ENTRIX to meet with the municipalities within the current HCP including Cedar City, Enoch, Parowan, Paragonah, and Kanarraville to seek their support and for each city to appoint a member of their Council with authority to speak for the City to work with a steering Committee in drafting a new HCP. Cities will have the option of opting out of the plan and would then be required to develop their own plan.

The Commission also asked that the steering committee include other stake holders including Homebuilders, Realtors, Farm Bureau, and technical support from appropriate biologists.

Mr. Palmer estimated the first phase of the plan should be completed in approximately ten weeks. He also requested that a contract be drafted outlining the procedure and responsibilities of each of the participants.

Wayne Smith made a motion to authorize ENTRIX to proceed with the first phase of the program. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Aye.

At this time, Dennis Stowell left the meeting.

**ENOCH ANNEXATION NOTICE** :

Notices of annexation submitted by Enoch City were reviewed and the Commission and Wayne Smith made a motion not to oppose the proposed annexations. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

**NEW CASTLE WATER COMPANY IMPROVEMENT** :

A notice of a proposed project funded through a grant from the Rural Water Users Association was reviewed for the Newcastle Water Company. The purpose of the grant is to improve the infrastructure of their system. No action was needed by the Commission.

**DELINQUENT TAX REVIEW** :

Geri Norwood met with the Commission to discuss progress on a cleanup of the Gale Dorrity property in Beryl. She explained that she has been approached by someone willing to purchase the property.

The Commission requested the County Attorney and Building Inspector to review the matter and invite Dorrity's to a Commission meeting to report on the cleaning up of the property.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:00 p.m. on a motion by Wayne Smith. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye; Dennis Stowell, Absent.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
May 22, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 22, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Glenn Halterman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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PAROWAN CITY REQUEST TO LEASE HOLDING CELLS .....	6
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PERSONNEL POLICY AMENDMENT .....	3
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PUBLIC HEARING VACATE & AMEND ALLARD RANCH SUBDIVISION .....	2
SHARWAN SMITH CONVENTION FACILITY .....	2
SHERIFF REQUEST FOR PURCHASE OF DRUG DOG .....	3
SOUTHERN UTAH TOWING ASSOCIATION .....	4
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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Geri Norwood.

**APPROVAL OF MINUTES May 8, 2006** :

Minutes of the Iron County Commission meeting held May 8, 2006 were approved as amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Geri Norwood** reported that the annual tax sale is scheduled for Thursday the 25<sup>th</sup> of May at 10:00 a.m. There are still 89 parcels on the list to be sold including one with a home.

**Glenn Halterman** reported that the Dorrity property in Beryl has not been completely

cleaned of junk cars and mobile homes. There has been some interest in purchasing the property and he recommended that Dorrity's be given sixty days to complete clean up or ordered to vacate the property.

**Dennis Ayers** reported that the assessment roll is due to be submitted to the Auditor today. The assessment totals have increased nearly two billion dollars in market value county wide with approximately 1/3 due to new growth.

**Erik Jorgensen** reported that the computer servers in the Sheriff's department need to be relocated to an area that is more secure and has adequate battery backup. Locations will be studied to determine where the best location will be. Erik also discussed the migration to a new system in the Courthouse with the addition of several servers to provide the necessary service for all of the County departments.

**David Yardley** reported that early voting will begin on June 13 at the Courthouse. Early voting will also be conducted in Enoch and Cedar City on June 22 and 23. Satellite voter registration will be conducted on June 9 and 12.

**PUBLIC HEARING VACATE & AMEND ALLARD RANCH SUBDIVISION :**

Wayne Smith made a motion to open a public hearing to receive comments on a proposed lot line adjustment and plat amendment to Allard Ranch Subdivision, Amended. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that a lot line on Lot 8 needs to be amended to place the lot lines on the plat in compliance with what exists on the ground. The Planning Commission has reviewed the change and have submitted a recommendation to approve the change.

No further public comments were submitted.

Wayne Smith made a motion to close the public hearing and to approve the amendment to Lot lines on Lot 8, Allard Ranch Subdivision, Amended. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**BLACK MOUNTAIN DEBRIS FLOW DISCUSSION \_\_\_\_\_ :**

Bill Lund of the Utah Geologic Survey reported on the Black Mountain slide area that closed SR 14 during the spring of 2005. The landslide area is unstable and it appears will at some point give way again causing a debris flow that will cover SR 14. Possible solutions were discussed which include an early warning system and a remote monitoring station to record movement of the slide. Because of the angle and location of the slide, there does not appear to be a way to mechanically stabilize the slide area. The problem will continue to be monitored to determine if there is a feasible solution to the problem.

**SHARWAN SMITH CONVENTION FACILITY \_\_\_\_\_ :**

Steve Bennion and Michael Carter, representing SUU presented an agreement to purchase the Iron County portion of the Sharwan Smith Convention Center and cancellation of the County use agreement with Southern Utah University. Funding of the buyout was approved by the Legislature and funds will be available July 1, 2006.

Wayne Smith made a motion to approve a waiver of the one year notice requirement and

to authorize the execution of the purchase agreement between SUU and Iron County Municipal Building Authority. Second by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SHERIFF REQUEST FOR PURCHASE OF DRUG DOG** :

Mark Gower requested the purchase of a new drug dog for the Sheriff's department. The current dog is starting to show signs of hip displacia, a common ailment of German Shepherds. The new dog would be funded half by a grant from the Bud Garfield family and half from County funds. Total purchase price would be \$5,500 for a British Labrador passive alert trained dog.

Dennis Stowell made a motion to approve the purchase of the dog as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Mark Gower requested the authority to hire an additional Bailiff to provide security at the Justice Center. Currently the part time Bailiff's are working up to 50 hours per week. In order to comply with County policy, we either need to reduce security or add personnel. Currently we are funding the positions so it would not require a budget adjustment.

Dennis Stowell made a motion to approve an additional part time position as Bailiff. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette Eppley discussed the need to re-evaluate grades for County positions prior to completing the salary survey. She explained that some grades currently assigned do not seem to match the work and experience within the salary plan. The Commission instructed Colette to proceed with the grade review and salary survey as quickly as practical.

**ASSESSOR MATTER :**

Dennis Ayers discussed the Reclassification of a Deputy Assessor Position in the Cedar City Motor Vehicle area. He recommended approval of an Office Manager position to reflect the way the office currently operates. The position would go into effect upon completion and adoption of the salary survey.

Dennis Stowell made a motion to approve the position with an effective date upon adoption of the salary survey. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL POLICY AMENDMENT** :

Colette Eppley presented a Personnel Policy amendment which brings the County into compliance with State code regarding probationary period for new employees which is set at six months. The proposed policy also defined part time and full time positions. Part time is defined as up to an average of 32 hours per week. Full time would be anything above an average of 32 hours per week.

Wayne Smith made a motion to adopt the proposed policy effective immediately and to distribute the amendment to all Departments. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**EXECUTIVE SESSION PERSONNEL MATTER :**

Wayne Smith made a motion to convene in Executive Session to discuss a Personnel Matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 22<sup>nd</sup> day of May, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

**TAX MATTER :**

Parcels purchased by the State of Utah Division Facilities Management adjacent to the Court building in Cedar City were presented for a tax exemption effective on the date of the deed being recorded. Wayne Smith made a motion to approve a tax exemption on Parcel B-0802-0001 effective July 1, 2005, Parcel B-0803 effective July 1, 2005 and Parcel B-0779-0001 effective February 4, 2005. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SOUTHERN UTAH TOWING ASSOCIATION :**

Mike Sherratt representing Southern Utah Towers Association met with the Commission to discuss abandoned vehicles, storage cost, and disposal. He asked about having a central place to store abandoned vehicles until it is feasible to get a crusher to come in. He also explained that wrecking yards are not interested in the vehicles and it actually costs towers to store and dispose of a number of vehicles. Mike also requested the Commission lobby the Legislature to change title options so that owners of vehicles can be located and charged towing and disposal fees. The matter was taken under advisement to determine what the County could do to help with the problem.

**ORDNANCE 214 TRANSIENT ROOM TAX INCREASE APPROVAL :**

Rusty Aiken and Maria Twitchell met with the Commission to discuss proposed ordinance 214 which increases the Transient Room Tax Rate. They reported that most motel

operators and owners are not opposed to the increase which will be used to boost tourism within Iron County.

Wayne Smith made a motion to adopt Ordinance 214 as follows with a second by Dennis Stowell.

**IRON COUNTY, UTAH**

**ORDINANCE NO. 214**

May 22, 2006

**AN ORDINANCE OF IRON COUNTY, UTAH ADOPTING AMENDMENTS TO THE IRON COUNTY CODE RELATING TO THE TRANSIENT ROOM TAX; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Iron County desires additional funding for the continued establishment, financing, and promotion of tourism, recreation, and convention bureaus and such other purposes as are authorized by law for the expenditure of the transient room tax;

**NOW, THEREFORE, BE IT ORDAINED** by the County Commission of Iron County, Utah that the following amendments to the Iron County Code are hereby approved.

**SECTION 1.**

Paragraph C. of **Section 3.12.020** of the Iron County Code is amended, as follows:

- C. To adopt a transient room tax ordinance that imposes a tax not to exceed four and one-quarter percent (4.25%), and provide a measure therefor that can be administered and collected by the county in a manner that adapts itself as fully as practical to the existing statutory and administrative procedures followed by the state tax commission in administering and collecting the sales and use taxes of the state.

Paragraph A. of **Section 3.12.050** of the Iron County Code is amended, as follows:

- A. There is levied on all persons, companies, corporations, or other like and similar persons, groups, or organizations doing business in the county as motor courts, motels, inns, or like and similar public accommodations a transient room tax at the rate of four and one-quarter percent (4.25%) of the rent for every occupancy of a suite, room or rooms by a transient.

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208 on the 1<sup>st</sup> day of October, 2006.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 22<sup>nd</sup> day of May, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy       Aye    
Wayne A. Smith      Aye    
Dennis E. Stowell   Aye  

**RESTAURANT TAX FUND REQUEST :**

Wayne Smith made a motion to convene as a Restaurant Tax Board to discuss the following funding request. Second By Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye; Rusty Aiken, Aye; Maria Twitchell, Aye.

A request for a donation to the Triple Deuce Readiness Group of \$15,000 wad discussed and approved on a motion of the Restaurant Tax Board provided the group recognize the donation coming from the Restaurant Tax Fund. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye; Rusty Aiken, Aye; Maria Twitchell, Aye.

**PAROWAN CITY REQUEST TO LEASE HOLDING CELLS :**

Parowan City has requested the County to review a request to lease space in the Courthouse consisting of two holding cells and a small office for use of the Parowan PD. The matter was taken under advisement for further study.



**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**June 12, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 12, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dennis Stowell.

**APPROVAL OF MINUTES May 22, 2006** :

Minutes of the Iron County Commission meeting held May 22, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**David Yardley** reported that early voting will commence on June 13 at the Clerk's Office.

The public is invited to vote during regular business hours through June 23. Early voting will also be conducted in Enoch and Cedar City on June 22 and 23.

**Dennis Stowell** discussed proposed CDBG funded projects. Due to growth of County offices and the need to expand the Data Processing Department, it was suggested that a multi year grant for a Senior Citizen Center in Parowan be pursued.

Dennis also discussed the proposed budget for the Cedar City fire department. It is proposed that the Department add two full time positions which would bring the County funding level to \$350,000 for FY 2006/2007.

The Commission discussed the local option vehicle registration fund to be used to purchase rights of way and other transportation projects. The County has an option to impose a \$10.00 per year fee on all vehicle registrations. Brian Head Town and Kanarraville Town have stated they would oppose the addition of the fee. All other municipalities have expressed support of the fee.

**AGRICULTURE PROTECTION AREA REMOVAL :**

Dennis & Misty Cheek and Ron & Ann Barnson. Submitted a letter requesting that their property located in Maxwell Mini Farms be removed from the Agricultural Protection Area designation. Their properties are described as follows:

Parcel 1: Dennis Cheek and Misty Cheek

Serial Number D-0636-0015-0000 Account Number 137288 4.18 Acres

Beginning at a point S89°21'40"West 1198.29 FT Along Section Line and S0°15'47"West 79.81 feet along the East right of way line of Utah Highway 130 from the Northeast Corner of Section 26, T35S, R11W, SLM, South 89°44'13" East 435.6 Feet, thence South 0°15'47" West 100 feet, thence South 89°44'13" East 205.57 feet, thence North 0°11'06"East 352 feet, thence North 89°44'13"West 640.69 feet to the East right of way line of said highway, thence South 0°15'47"West 252 feet to point of beginning. Subject to a 12 foot right of way.

Parcel 2: Robert Garn Barnson and Ann Marie Barnson

Serial Number D-0636-0017-0000 Account Number 137304 3.94 Acres

Beginning at a point South 89°21'40"West 1198.29 feet along Section line and S0°15'47" West 279.81 feet along the East right of way line of Utah Highway Number 130, from Section Corner Section 23, T35S, R11W, SLM; thence South 0°15'47" West 252.0 feet along said highway right of way line; thence S89°44'13"East 641.65 feet; thence N0°11'06" East 352.00 feet along existing concrete irrigation ditch and underground water line; thence North 89°44'13" West 205.57 feet; thence South 0°15'47"W 100.0 feet; thence North 89°44'13" West 435.6 feet to point of beginning. Located in Section 26, T35S, R11W, SLM; Together with right of way and subject to easement described in Record Book 790/846; Together with water rights.

Dennis Stowell made a motion to remove the Agricultural Protection designation on the above referenced properties. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PANDEMIC PREPARATION** :

Charlie Morris discussed with the Commission a plan to purchase M 95 dust masks for use by emergency and first response personnel in case a flu pandemic occurs. He suggested that the cost would be approximately \$5,000 for the masks. The Commission requested more information on use and effectiveness of masks.

Charlie also reported that the emergency broadcast system which interrupts radio or TV broadcasts to relay emergency information is unavailable at this time. A new system is estimated to cost \$5,000. The Commission requested that this be placed in the next budget cycle for consideration.

**PARKS AND RECREATION MATTERS** :

Charlie Morris met with the Commission to request signs and regulations for speed on roads, use of paintball and ATV's in unmarked areas and other management issues. He also requested additional rest room facilities at the overnight camping area at Three Peaks. The Commission referred this to the Three Peaks Committee for their recommendation.

Charlie also requested a full time worker to help with maintenance at Three Peaks and at Woods Ranch. Wayne Smith made a motion to approve a full time seasonal employee from July through October to provide daily coverage of the recreation areas for maintenance and clean up. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Chad Nay discussed a new Zoning Administrator and Building Inspector position. The current job advertisement did not yield the qualified inspectors the job would require. Because the job requirements have been modified Wayne Smith made a motion to readvertise the position. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette Eppley presented for approval the following new employees for approval: Josefa Robins, EMT-Basic, Cedar City, On Call; Justin Leavitt, EMT-Basic, Cedar City, On Call; Lacey Anderson, , EMT-Basic, Cedar City, On Call; Farrah Shumway, , EMT-Basic, Cedar City, On Call; Kenna Wright, EMT-Basic, Cedar City, On Call; Marilyn Hehuschik, EMT-Basic, Cedar City, On Call; Spencer Thomas, EMT-Basic, Cedar City, On Call; Kathryn Valencia, , EMT-Basic, Cedar City, On Call; Greg Tobler, Paramedic - Cedar City, On Call; Aliela Humphries, Paramedic - Cedar City, On Call; Josh Proctor, Paramedic - Cedar City, On Call; Ann Crowther, EMT-Basic, Cedar City, On Call; Roberta Henderson, EMT-Basic, Kanarraville, On Call; Ashley Robinson, EMT-Basic, Parowan, On Call; Jeff Humphries EMT-Basic, Parowan, On Call; Judy Schiers, EMT-Basic, Parowan, On Call; Korby Fraughton EMT-Basic, Parowan, On Call; Craig Christiansen , EMT-Basic, Parowan, On Call; Daniel Jenson EMT-Basic, Parowan, On Call.

Dennis Stowell made a motion to approve the Ambulance personnel as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented promotions for Roberta Blake as a Full Time Court Clerk;

Michelle Madsen as a Full Time Court Clerk; and Charla Sorensen as a Part Time Children's Justice Center worker. Wayne Smith made a motion to approve the promotions and hiring as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette presented for approval job descriptions and grade adjustments for the Chief Court Clerk at grade 13 and an Assistant Chief Court Clerk at grade 11. Wayne Smith made a motion to approve the amended job descriptions and grade adjustments. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**OLD SPANISH TRAIL DESIGNATION AWARENESS AND FUNDING :**

Leon Matheson representing the Old Spanish Trail Association met with the Commission to discuss and request designation of the Old Spanish Trail route through Iron County. The trail enters Iron County near Bear Valley and exits Iron County near Enterprise. There are federal funds available for maintenance and preservation of the trail. The County needs to designate the trail by resolution.

The matter was referred to the County Attorney's office to draft a resolution for presentation and adoption by the Commission.

**IRON COUNTY BOARD OF EQUALIZATION :**

Dennis Stowell made a motion to convene as the Board of Equalization to consider appeals by Paul & Anna Xavier of personal property assessment on a mobile home and Equestrian Pointe Land Co LLC of FAA Roll-Back. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

A representative of Equestrian Pointe Land Co LLC requested review of a proposed roll back on 20 acres located on 1600 North. The parcel has been used in the past as a feed yard and farm storage area. It was used one time to unload and store fencing material for Equestrian Pointe Subdivision. It has been cleaned up and is still being used as part of the farming operation.

Dennis Ayers explained that upon change of use, the area is required to be rolled back. He agreed that 20 acres is excessive and he recommended the roll back apply to 5 acres. Wayne Smith made a motion to adopt the recommendation of the Assessor, Dennis Ayers and roll back taxes on 5 acres leaving 15 acres in FAA (Greenbelt). Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Paul & Anna Xavier did not appear to protest the valuation of their mobile home located in Country Aire Estates mobile home park. The mobile home is valued at \$19,300. Mr. Xavier stated in his request for adjustment that he paid \$18,500 two years ago. He felt his value had been reduced by modifications in the street by the mobile park owners.

Dennis Ayers recommended that the value remain as assessed in line with current values of mobile homes selling in comparable sites.

Wayne Smith made a motion to leave the value as assessed. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SURPLUS VEHICLE SEALED BID OPENING :**

Bids were opened as advertised for surplus vehicles from various departments. Wayne Smith made a motion to take the matter under advisement to allow a breakdown by vehicle of bids received because of the number of vehicles and the number of bids received. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CERTIFICATION OF 2006 TAX SALE :**

County Auditor Joe Gubler reported on the results of the annual tax sale conducted May 24 on the front steps of the Courthouse. All parcels offered were sold excluding campsites which were struck off to the County.

Wayne Smith made a motion to certify the results of the tax sale and to authorize tax deeds to be issued to successful bidders. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**OPPOSITION TO MOTOCROSS TRACK :**

Kevin Matheson met with the Commission to complain about the development of a motocross track that encroaches on his property and that the track was constructed without permits by Tracy Davis, a land owner living in Las Vegas. Mr. Matheson stated that Mr. Davis threatened his life and proceed with construction after a cease and desist order was posted on the property by the Sheriff's Office. The matter was referred to the Sheriff's Office, Chad nay, Zoning Administrator and the County Attorney's Office for review and further action.

**SEWAGE TREATMENT FOR DEVELOPMENT SOUTH OF KANARRAVILLE :**

Kelly Crane with Nolte Associates representing JAS Development Company made a presentation for a sewage treatment plant to be located near the County line South of Kanarraville. Mr. Crane explained that the plant could treat sewage for up to 400 households and would treat the water to a class 1 standard. A similar plant is in operation at Oakley in Summit County.

The proposed development was referred to Planning and Zoning and the County Attorney to look at the procedure to develop and operate the treatment facility.

**ENTRIX REPORT ON HCP PROGRESS :**

In a telephone conference, Entrix personnel reported on meetings and progress with the development of a new HCP for Iron County. All of the Cities need to be contacted to determine if they will participate and if they will appoint someone with authority to act for the City to be on a task force to help in developing the plan. Entrix will take the lead and contact the cities and meet with their council to explain the process. Entrix will report on progress at the July 12 meeting.

**PURCHASE OF COUNTY PROPERTY :**

Larry Adams met with the Commission with a proposal to purchase a parcel of County owned property near Country Meadows Subdivision in Cedar City located at 1475 North Northfield Rd. Property Serial #B-1180-0000-0000 Account #82534. Mr. Adams explained that the survey shows a ten foot strip of County land is included within existing fence lines. The area is not designated as a street but does contain an irrigation ditch.

The Commission tabled the matter to gather additional information about the parcel in question.

**IRON/GARFIELD COUNTIES NARCOTICS TASK FORCE :**

Keith Millett, representing the Iron/Garfield County Drug Task Force made a request too relinquish an abandoned Coin Collection to the task force for sale with the proceeds going to fund ongoing investigations and operations of the task force. Mr. Millett explained the collection was seized in a drug arrest in 1994. All attempts to contact owners and possible theft victims have proved fruitless. The collection contains several hundred valuable coins, some dating to the 1700's. The value has not been determined.

Wayne Smith made a motion to approve the forfeiture and disposal of the collection upon an appraisal by a reputable rare coin dealer. The forfeiture determined to be in the best public interest. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SENIOR CITIZENS PAVING OF PARKING LOT :**

Connie Lloyd met with the Commission to request approval to proceed with the paving of the parking lot at the Cedar City Senior Center. Cedar City has committed \$7,500 to the project which is estimate to be half of the cost. The request was referred to Commissioner Smith to contact local contractors to get bids and proposals for the paving project.

**WESTERN E-Z BLOCK :**

Nathan Eames, John Eames, Aaron Eames, and Scott Neil with Western E-Z Block met with the Commission to request a waiver of County policy for use of their lightweight insulated concrete form block which is not yet ICC approved. They stated their block is being used in several localities and they have submitted their system to the ICC for approval. They feel that denying them to proceed will essentially prevent them from entering the Iron County market this building season.

Chad Nay explained that County policy dictates that builders only use approved building materials in County building approvals. It has not been the practice to authorize any experimental or unapproved systems to this time.

Scott Garrett also stated that the County should stick with their policy and authorize our Chief Building Official the right to interpret the building codes for uniformity.

The Commission tabled action on the matter and referred the Western E-Z Block representatives to the County Attorney and to the Building Department.

**MINOR LOT SUBDIVISION APPROVAL :**

Chad Nay reported that the County Planning Commission has recommended approval of a proposed minor lot subdivision to be known as Love's Rail Facility located within the NW 1/4 Sec 18, T35South, R 12W, SLB&M. Chad noted however that development of the parcel commenced without permits and inspections on the apparent advice of real estate sales persons. Loves have since proceeded to get the proper permits.

Wayne Smith made a motion to approve the Loves Rail Facility minor lot subdivision as recommended by the Planning Commission. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SUMMIT TO CEDAR CITY EAST FRONTAGE ROAD :**

Dennis Stowell reported that he has been contacted by the developers of the 3200 subdivision, Phase 2 with a proposal to fund the chip sealing of the East side frontage road from Summit to the road leading to the access to the 3200 subdivision. The road will not need a lot of preparation and would be substituted for the 2200 West from the Gap Road to 2200 North in Parowan Valley. This project will be placed on hold for another year to allow Parowan to complete installation of a sewer main line along 2200 West.

Dennis Stowell made a motion to approve the chip sealing of a portion of the East frontage road from Summit to the access to the 3200 Subdivision with the Developer paying for all material. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**COURTHOUSE FIRE SPRINKLER SYSTEM :**

Dennis Stowell discussed the retrofit installation of a fire sprinkler system and fire alarm in the County Courthouse. In light of the recent fire causing extensive damage to the Sevier County Courthouse, it became apparent that a sprinkler system could prevent major damage in case of a fire.

Dennis made a motion to contact an architect to design a retrofit sprinkler and water piping system within the Courthouse. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CEDAR BREAKS NATIONAL PARK STEERING COMMITTEE DISCUSSION :**

Reid Erickson discussed with the Commission the proposal to expand Cedar Breaks National Monument to include a portion of a Forest Service proposed wilderness area and Flanigan's Arch. The proposal would also designate the area as a National Park. Inholdings of private property would be traded for property outside the proposed boundaries.

It was determined that the matter should be referred to the Lands Planning group for their consideration.

**CEDAR CITY/IRON COUNTY ECONOMIC DEVELOPMENT :**

Wayne Smith reported that the director of the Cedar City/Iron County Economic Development Department was recently replaced by Cedar City without contact or consultation with Iron County. Mayor Sherratt apologized for the oversight and has pledged to include a Commission representative in all future management decisions.

Wayne Smith made a motion to ratify the hiring of Brian Dangerfield as the Economic Development Director. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PICKUP TRUCK FOR LANDFILL :**

Gene Roundy presented a request from Alan Wade to purchase a pickup truck locally for \$600.00 above State bid pricing. Parkway Ford has a similarly equipped vehicle available at this time for the higher price. State bid trucks can take up to eight to ten weeks to order them in. Wayne Smith made a motion to approve the purchase of the truck from Parkway as presented.



Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**NATIONAL GUARD FUEL REQUEST** :

A request from the Utah national Guard for the County and Paragonah Town to purchase fuel for construction of a flood control catchment pond at the mouth of Red Creek was presented. The Guard has stated that they cannot work on local projects without funding of fuel. Estimated cost is between \$15,000 and \$20,000 for the fuel for the project.

Dennis Stowell made a motion to approve the County portion of the fuel purchase with Paragonah contributing what they can. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, not present; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**June 26, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 26, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
Cynthia Robinson	Deputy County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

Absent:

Gene E. Roundy	Commission Chairman
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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Joe Gubler.

**APPROVAL OF MINUTES - June 12, 2006** :

Minutes of the Iron County Commission meeting held June 12, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**CHAIRMAN PRO TEM** :

Dennis Stowell made a motion to appoint Wayne Smith as Chairman Pro Tem. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

## ELECTED OFFICIALS REPORTS :

**Dennis Ayers** reported that his office will be seeking an appraiser to replace the position formerly held by Cindy Bulloch. He also reported that Glenn Halterman is scheduled to speak to Assessors about trespass rights as it involves appraisers.

**Geri Norwood** reported that Iron County will be hosting the County Treasurers summer workshop. Guest speaker will be Representative Mike Noel.

**Joe Gubler** reported that his office will be interviewing for a Deputy position to work with payroll. He also discussed the procedure implemented by his office in paying bills weekly instead of every two weeks. The Commission stated that it appears to be working well.

**Erik Jorgensen** reported that Encode has been working with some offices in preparing to do data conversion and the migration to the Encode software. Law enforcement is now all on the Spillman system. Courts are moving ahead with conversion to the Encode system. There are some issues to be worked out with State reports on the new system.

**Scott Garrett** reported that he has received a quote for a sign at the Justice Center from rainbow Sign and Banner for \$7,500. It will be installed as landscaping is completed along with the installation of a new flag pole. David Yardley is working on obtaining a flag pole.

**Wayne Smith** reported that he will be attending a meeting on Friday regarding land issues. He also reported that UAC is making some personnel changes and some of the new people will be hired as part time.

**Dennis Stowell** reported that the Utah National Guard Lehi Engineer Unit is working on a flood control dike in Paragonah. Iron County will furnish lunch on Wednesday and Paragonah will furnish lunch of Thursday. The project is scheduled to be completed by Friday.

**Cindy Robinson** reported that early voting has been a success and that voting machines were being delivered and set up today for the election on Tuesday. Poll workers have been trained and we have some "rovers" trained that will be helping poll workers get the machines up and running on Tuesday morning.

**Mark Gower** reported that there was a plane crash in Braffits Creek area with four people on board. The people all survived with minor injuries. There is a concern that the Sheriff's office was not notified by the FAA for three hours after the crash.

The 2/222 FA Battalion has returned from Iraq and that will return three officers to the Sheriff's office. The Battalion has not been released from active duty yet so it will be about a month before they are back in County service.

## FINAL PLAT APPROVAL SUNRISE MEADOWS SUBDIVISION PHASE 3 :

Final plat for Sunrise Meadows Subdivision Phase 3 was presented for approval. All of the requirements placed on approval by the Planning Commission have been met and they have recommended approval. David Yardley was asked to contact UP&L to relocate the power line so that curb and gutter can be installed along Midvalley Road.

Dennis Stowell made a motion to approve the final plat of Sunrise Meadows Phase 3. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**FINAL PLAT APPROVAL RANCHO BONITA SUBDIVISION PHASE 2 :**

Final plat for Rancho Bonita Subdivision Phase 2 was presented for approval. All of the requirement placed on approval by the Planning Commission have been met and they have recommended approval.

Dennis Stowell made a motion to approve the final plat of Rancho Bonita Phase 2. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**IRON COUNTY CARE & SHARE REQUEST :**

Donna McNabb met with the Commission to request mine tailings for fill dirt for the foundation of the new food pantry located at 142 W 900 N, Cedar City. The Commission agreed to furnish pit run fill material for the site and culverts if needed. The Commission recommended that a work day be designated in which private companies could volunteer to help haul the fill.

**IRON COUNTY AMBULANCE BILLING :**

Ron Johnson reported that the County has been using Gold Cross to do billing since 1998. We have increased in the number of calls for service and the current billing procedure is not working as efficiently as it should. The current contract with Gold Cross expires on August 1 and Ron requested that a new contract be bid.

Dennis Stowell made a motion to authorize Joe Gubler and Ron to work on an RFP for a billing agency. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval two new employees; Julie Hinton as a Part-Time Court Clerk and Betsy Cummings as a Part-Time Court Clerk. Dennis Stowell made a motion to approve the hiring of Julie Hinton and Betsy Cummings. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for approval the promotion of Ryan Vincent as an on-call EMT Intermediate and Michael Armstrong as an on-call EMT Intermediate. Dennis Stowell made a motion to approve the promotions as presented. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL EXECUTIVE SESSION :**

Dennis Stowell made a motion to convene an executive session to discuss Personnel matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Wayne A. Smith , Chairman Pro Tem of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 26<sup>th</sup> day of June, 2006.

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Signed: Wayne A. Smith, Chairman Pro Tem

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Attest: David I. Yardley  
County Clerk

After reconvening in open session Commission Chair Wayne Smith reported that no official action was needed at this time.

**NUISANCE/JUNK COMPLAINT** :

Terry Marten complained to the County Attorney's office that Paul Clint has moved junk and other material onto his property near Summit. He requested that the County nuisance ordinance be used to require clean up of the area by Mr. Clint. This has been referred to the Building Department and Jim Hignite has contacted Mr. Clint about non compliance with current zoning.

The problem with Mr. Clint moving material onto Mr. Marten's property is a civil matter and should be handled between Mr. Marten and Mr. Clint.

**MEETING DATE CHANGE JULY 25, 2006** :

At the request of the Commission, Dennis Stowell made a motion to cancel the July 25 Commission Meeting. Second by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

David Yardley will publish a notice of the meeting cancellation .

**SURPLUS PROPERTY MATTER JAY & LARRY ADAMS** :

A request from Jay and Larry Adams to purchase a small piece of ground in Cedar City adjacent to a Subdivision they are developing was tabled to allow more time to gather information on the purpose and location of the parcel.

**SUMMIT FRONTAGE ROAD IMPROVEMENT AGREEMENT** :

A request for authorization to improve and chip seal the East frontage road from Summit South to where the road starts to access the Cinder Pit and the 3200 Subdivision was approved in a previous meeting. A draft agreement was presented and reviewed. The agreement was referred back to the County Attorney to include a provision that the County will provide a culvert and that the developer will have access to County gravel pits for fill material in improving the existing roadway. Also a provision that once the project is started, it must be completed this year or any expense incurred by the County will be reimbursed by the developer. Action was tabled to next meeting to allow the agreement to be modified.

**CEDAR CITY ANNEXATION NOTICE** :

Notice of Annexation Petitions filed by Betty Matthews, Terri Flynn, Robert Clark, Charles Blackburn, Idalee Singleton, and Legacy Realty in Section 28, T 35 S, R 11 W, SLB&M

and a request from Forrest Q. Bauer and Ruby R. Bauer to annex a parcel within the West ½ of Section 30, T 36 S, R 11 W, SLB&M were reviewed.

Dennis Stowell made a motion not to oppose the annexations. Second by Wayne Smith.  
Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 12:30 p.m. on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**July 10, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 10, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dennis E. Stowell	Commission Chair Pro Tem
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Absent:

Gene E. Roundy	Commission Chairman
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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Bryce Haderlie.

**APPROVAL OF MINUTES June 26, 2006** :

Minutes of the Iron County Commission meeting held June 26, 2006 were approved as amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Wayne Smith** discussed action taken by the Planning Commission on a request by Falcon Ridge Academy located in Parowan Valley and formerly known as Shiloh Ranch. They requested a conditional use permit to house up to 36 youth in a group home setting. The Planning Commission denied their request for the permit stating the Zoning Ordinance limits the size of group homes. The owners have vowed to sue the County.

**Art Walunas** discussed upcoming fair issues including the dinner hosted by the Fair for elected officials and the invited guest speaker, Senator Bob Bennett.

**REQUEST TO GATE A PUBLIC ROAD :**

James Fales with Braffits Creek Estates LLC came before the Commission with a request to install a guard house and gate at the entrance to the 3200 Subdivision Unit 2. He stated that they would fund guards at the gatehouse and would not restrict public access to the area. The purpose of the guards would be to monitor the subdivision and keep a record of who is entering and leaving the area.

Wayne Smith made a motion to deny the request at this time and to refer Mr. Fales to the Planning Commission for their review and recommendation. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS :**

Colette Eppley met with the Commission to recommend approval of the following promotions: Katie Tu'ivai from EMT- Basic to EMT-Intermediate; Heather Cunningham from EMT- Basic to EMT-Intermediate; Carrie Christensen, Department transfer from Justice Court to Deputy Auditor Payroll Technician; Del Schlosser from Corporal to Sargent in the Patrol Division of the Sheriff's Office; Jobe Peterson from Patrol Deputy to Corporal in the Patrol Division of the Sheriff's Office; Jeff Malcolm from Patrol Deputy to Corporal in the Patrol Division of the Sheriff's Office. Wayne Smith made a motion to approve the promotions and Department Transfer as presented. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for approval the following new employees; Jessica Bess as a Temporary file clerk in the Assessor's Office and Tom Wiley as a seasonal park maintenance worker. Wayne Smith made a motion to approve the hiring as presented. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL POLICY AMENDMENT :**

Colette Eppley presented a proposed revision to the Personnel Policy defining dual employment. Purpose of the policy was discussed which included pay considerations under the Fair Labor Standards Act. Currently there is only one employee affected by the new policy.

The policy is as follows:

**SECTION 11 DUAL EMPLOYMENT AND OUTSIDE EMPLOYMENT**

**A. DUAL EMPLOYMENT**

Due to overtime compensation requirements imposed by the Fair Labor Standards Act, which covers employees having more than one job with the same agency, and due to requirements imposed by the Utah State Retirement System, Iron County will not hire or maintain employment of a current Full-time employee for an additional position within the County, unless it is on a temporary basis and is approved by the Commission. If a full-time employee is approved for a temporary position the employing department must work with the Human Resource Division to determine how the situation should be handled in order to comply with Fair Labor Standards Act. If two departments are affected by the joint employment situation, they must also determine how compensation for the additional work will be handled, i.e., payment for overtime or granting of comp-time. All situations of County employees having two jobs with the County must receive prior approval by the Commission.



**B. OUTSIDE EMPLOYMENT**

No employee may engage in additional employment which in any manner interferes with the proper and effective performance of official duties or which results in conflict of interest. It is the employee's responsibility to notify the County of any outside employment so the County can determine if the employment is deemed a conflict of interest. This notification should be given to the employee's supervisor and the Human Resource Division. It is necessary that an employee give priority to his/her job with Iron County. The County shall not be held liable to grant sick leave in any cases of injury that resulted from other employment.

**NEW RETIREMENT RATES APPROVAL :**

Colette presented State retirement rate changes effective July 1, 2006 as follows:

PUBLIC DIVISION Contribution from 9.65% to 10.15%

PUBLIC SAFETY Contribution from 19.34% to 22.38%

Wayne Smith made a motion to approve the rate changes effective July 1, 2006. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL EXECUTIVE SESSION :**

Wayne Smith made a motion to convene in Executive Session to discuss a personnel matter in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Dennis E. Stowell, Chairman Pro Tem of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 10<sup>th</sup> day of July, 2006.

\_\_\_\_\_  
Signed: Dennis E. Stowell, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

**CANVASS JUNE 27, 2006 PRIMARY ELECTION :**

Wayne Smith made a motion to convene as the Board of Canvassers for Iron County to review results of the Primary Election held June 27, 2006 and to appoint Geri Norwood as the third member of the Board of Canvassers to replace Gene Roundy as required by Utah Code 20A-4-301 (1)(c)(I). Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

After reviewing the results of the returns and being assured that all votes cast have been accounted for and results tallied, the Board certified that H. Eugene Adams is the candidate to advance to the November General Election and in School Board precinct # 5, LynAnn F. Ellsworth and Curtis Crawford are the candidates to advance to the November General Election. On a motion by Wayne A. Smith. Second by Geri Norwood. Voting: Dennis Stowell, Aye; Wayne Smith, Aye; Geri Norwood; Aye.

A complete list of the election results will be attached as an amendment to the minutes.

**RIGHT OF WAY ACQUISITION AGENT APPOINTMENT :**

Steve Platt came before the Commission with a request to appoint a right of way acquisition agent in compliance with Federal Highway Policy to acquire the 5700 West right of way. He recommended Dennis Browning as he is a local representative and is pre qualified as an agent

Wayne Smith made a motion to appoint Dennis Browning as our right of ay acquisition agent for the 5700 West project. Second by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**SIGN & FLAG POLE FOR JUSTICE CENTER UPDATE :**

The Commission discussed the location of a sign and new flagpole at the Justice Center in Cedar City. Scott Garrett reported that a bid has been received from Rainbow Sign for \$7,500. Wayne Smith made a motion to approve the purchase of the sign. Second by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

David Yardley will continue with the purchase of a new flag pole. Both items will be installed at the same time if possible.

**WEST FRONTAGE ROAD PARAGONAH TO SR 20 :**

The Commission discussed the condition of the frontage road from the Paragonah exit north to the overpass near the Dutch Cowboy Dairy. Dennis Stowell explained that UDOT has some roto mill material they are willing to sell which would make an excellent road base. Dennis requested authorization to purchase the material and place on the frontage road starting at the Paragonah exit and continuing as far as possible. Wayne Smith made a motion to approve the purchase of the material. Second by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**SURPLUS PROPERTY MATTER :**

A request to purchase a small parcel of property Jay & Larry Adams in Cedar City owned by Iron County was discussed. It was determined that the parcel needs to be advertised for sale because of adjacent property owner interest. Wayne Smith made a motion to declare the parcel as surplus and to advertise the parcel for sale. Second by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**PRAIRIE DOG MATTERS :**

Scott Munson, District UDOT Engineer met with the Commission to request SITLA prairie dog take for a road widening project on 200 South in Parowan. He explained that for safety, a

new merge lane and turn lane were being installed from the I-15 interchange to Parowan. He was unsure of the number of dogs needed but a preliminary report from Keith Day indicated it could be up to five. Wayne Smith made a motion to approve up to five dogs from the SITLA bank dogs for the 200 South SR 143 widening project. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**INTERLOCAL SEWER AGREEMENT / BRIAN HEAD :**

An interlocal agreement between Iron County and Brian Head for sewer service was presented and approved subject to minor changes and approval of the County Attorney and Brian Head Town Council on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:00 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**August 14, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 14, 2006  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES July 10, 2006** :

Minutes of the Iron County Commission meeting held July 10, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Stowell** discussed a proposal by Las Vegas to build a pipeline from Snake Valley NV to Las Vegas to mine water for residential use. There is a possibility that such a project could affect water tables and rights in Western Utah Counties. Dennis will make a written comment on the project.

**Art Walunas** met with the Commission to discuss work crews for the Fair. The prison work crew will be available for preparation and cleanup during regular hours during the week preceding the fair and the week of fair activities.

**Scott Garrett** reported that Glenn Halterman has submitted notification that he will be leaving to go into private practice. The search for a new Deputy Attorney will begin shortly.

Scott also reported that a favorable ruling by the Supreme Court reinstated the aggravated murder charge against Sean Graham in the Anson Arnett murder. The case will now be set for trial and can proceed.

**VOCA GRANT** :

Troy Little discussed with the Commission an ongoing VOCA grant which has funded the Victims Advocate as mandated by State Code. A year ago a decision was made by the State to reduce grant funding. The County is eligible to receive \$18,000 this year down from \$37,000 a year ago. Next year it will again be cut in half. Dennis Stowell made a motion to phase out of the VOCA grant program when it becomes economically unfeasible. The Victims Advocate will be funded through County funds. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**TAX MATTER SITLA TAX EXEMPTION REQUEST** :

Geri Norwood presented a request from SITLA to reduce the tax on parcel B-1656-5 effective August 10, 2005 and to place the parcel in tax exempt status. Dennis Stowell made a motion to approve the tax reduction of \$319.45 and to place parcel B-1656-5 in tax exempt status as requested. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**FINAL PLAT APPROVAL SKY BLUE SUBDIVISION** :

A final plat of a minor lot subdivision known as Sky Blue Subdivision located within the E1/2 SW1/4 SECTION 1, T34S, R10W was presented for approval. The Planning Commission has recommended approval and the development has met all of the requirements within the ordinance. Wayne Smith made a motion to approve the subdivision plat and authorize signatures. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SIGN APPROVAL** :

An Off Premises Advertising Sign to be located near the South Kanarraville Exit - Within Section 17, T38S, R12W. was presented for approval. The Planning Commission has reviewed the application and has recommended approval. Wayne Smith made a motion to approve the sign. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SHILOE FARMS REQUEST** :

A request for a reasonable accommodation appeal from the Planning Commission denial of allowing additional residents in a group home was discussed. The matter will be placed on the agenda for the second meeting in September. Wayne Smith made a motion to obtain outside counsel through UCIP if needed. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING ZONE CHANGE FROM A 20 TO R 5** :

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed zone change. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported on the proposed zone change for a parcel of property located Approximately 900 South and 900 West , Kanarrville Within Section 4, T38S, R12W. The Planning Commission has recommended approval.

Raymond Prestwich commented that the proposed property is within the historic flood drainage of Spring Creek. He also expressed concern with ground water contamination from additional septic systems. Raymond also requested that the Commission require that proposed zone changes be posted in conspicuous places near the proposed zone change parcels as part of the advertising process

The Commission responded that these would be issues discussed with the Planning Commission during the subdivision process. Chad Nay also responded stating that in the future zone changes will be posted in the area of the parcels involved.

Mike Carpenter, Kanarrville, asked about adequate water rights associated with the development of a subdivision. The Commission responded that this would be an issue to be determined in the subdivision process. Mr Hafen also stated that this is the first step in the process. He did not want to purchase water at considerable expense if he could not get the zone change.

Dennis Stowell made a motion to close the public hearing and to approve the zone change as recommended by the Planning Commission. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**FINAL PLAT APPROVAL OF MONARCH MEADOWS PHASE 2** :

Chad Nay presented the final plat of Monarch Meadows Phase 2 for approval. The plat is in compliance with requirements imposed by the Planning Commission. The Planning Commission has recommended approval.

Wayne Smith made a motion to approve the final plat of Monarch Meadows Subdivision Phase 2 as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING ZONE CHANGE FROM A 20 TO R ½** :

Dennis Stowell made a motion to open a public hearing on a proposed zone change from A-20 to R-½ on 120 acres located on the West side of Lund Highway near 4000 North within Sec 18, T35S, R11W. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that this area is outside of existing flood areas of Cedar Valley and that the Planning Commission has recommended approval of the proposed change.

Reed Erickson discussed the proposed development in this area, an area that will be served by sewer with the extension of the main west outfall line. It will also be served by the CICWCD water distribution system.

After all public comments were received, Dennis Stowell made a motion to close the public hearing and to approve the zone change from A-20 to R-½ . Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**IRON COUNTY JUSTICE COURT MATTERS :**

Judge Ken Adams submitted a letter of resignation as a Justice Court Judge effective July 27. The Commission accepted his resignation and authorized the process to begin to select a new Justice Court Judge to fill the unexpired term of Judge Adams.

Judge Margaret Miller proposed that she step up and take Judge Adams' cases until a new judge can be selected and qualified. For conflict cases, Dick Carr, a Senior Judge from Hurricane and Ken Armstrong, a Senior judge from Santa Clara have agreed to hear these cases.

Wayne Smith made a motion to authorize advertising for the vacant part time Justice Court Judge position and to authorize the salary currently paid to Judge Ken Adams be added to Judge Margaret Miller's salary during the interim. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CEDAR CITY LIBRARY ANNUAL REPORT PRESENTATION :**

Steve Decker, Cedar City Librarian presented a report on the operation of the Cedar City Library. He reported that the Veterans oral history for the Second World War is nearing completion. Funding will all be used within the year. He also reported on the use of the library and the number of customers served. The library assists with internet access for the public and has available books and study guides for standard tests such as the SAT and ACT.

**ENTRIX HCP PROGRESS REPORT AND RELATED MATTERS :**

Lori Hendrix along with Elise Boke USFWS and Keith Day, Utah DWR met with the Commission to discuss progress with the prairie dog HCP revision. The next step is establishing a working committee and to design a work plan and time table. A Committee kick off meeting will be set with representatives from each involved municipality. Wayne Smith requested that June Sewing, representing Southern Utah Home Builders Association be included on the Committee.

A the first Monday of each month was selected as a day for the Committee to meet on a regular basis. The first Committee meeting will be scheduled for Thursday, August 31 at 1:00 p.m. at the Festival hall in Cedar City because of a conflict with Labor Day.

A memorandum of Understanding between Iron County, Utah Division of Wildlife Resources and US Fish and Wildlife Service was presented and reviewed. Wayne Smith made a motion to approve the agreement and authorize Iron County signatures. Second by Dennis Stowell. Commissioner Roundy signed the agreement which was then given to Keith Day to acquire DWR signatures and forward to USFWS.

**VOLUNTEER CENTER OF IRON COUNTY** :

Andrea Bostick reported to the Commission that the following students have earned the Presidential Student Service Awards: John Gallis, Daniel Robinson, Amanda Nufer, and Meghan O'Hanlon. Each of the students were asked to report on their volunteer activities whereupon the Commission congratulated them and presented their Presidential Service Award.

**IRON COUNTY LANDFILL** :

Alan Wade, Landfill Supervisor discussed with the Commission dump fees for Landfill and Asbestos waste. He reported that Salt Lake County charges \$500.00 per ton for in County waste only. They do not accept out of county waste. Alan suggested that Iron County establish a two tier fee schedule with \$500 per ton for in County waste and at least \$750 per ton for out of County waste with a \$300 minimum charge.

**IRON COUNTY EMERGENCY MANAGEMENT** :

Charlie Morris met with the Commission to request permission to purchase-95 dust mask's for use of emergency personnel in case of a pandemic outbreak. He recommended purchasing 150 boxes of masks at a cost of \$3,469. The Commission explained that in discussing the matter with the Health Department it was recommended that no action be taken at this time.

Charlie also requested that funds collected for participating in CERT training be returned to the program for the purchase of supplies and materials to operate the program. Dennis Stowell made a motion to approve the return of the money collected for participation in CERT to be returned to the program as requested. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PARKS AND RECREATION AREA ISSUES** :

Charlie Morris reported that vandalism is occurring at the Three Peaks area. He requested that the summer worker be allowed to go to the area to obtain information on persons damaging the facilities. A report would then be forwarded to the Sheriffs Office for further action. Vandalism includes breaking down walls to allow a vehicle to be parked inside of pavilions.

Charlie also reported that some facilities were damaged by lightning. The prison work crew will repair the damage after the Fair.

**CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT** :

Members of the Board of the Central Iron County Water Conservancy District met with the Commission to request funding of repairs performed on work on installing water lines on 2300 West in Cedar Valley. They explained that they felt they were required to add extra width to the road to pass County requirements. David Yardley explained that in measuring 2300 West, the oiled surface was 28 feet wide. The Water Conservancy District was required to return the road to the 28 foot width. No additional work was required or requested. State code requires that encroachment fees are not collected but the District is required to repair any damage to the road.



Steve Platt reported that the costs quoted for asphalt appear to be inflated for the repair. He recommended that the matter be studied further to determine what is a reasonable cost.

The Commission also discussed a proposed tax increase by the District. The District initially submitted a tax increase from .000650 to .001, a 1300% increase. In the first public hearing, this was reduced to .00078. A second hearing is scheduled to take comments on the increase.

**BID OPENING LANDSCAPING FOR THE IRON COUNTY JUSTICE CENTER :**

Bids were opened for re-landscaping the Justice Center in Cedar City. Two bids were received: Cedar Creek Landscaping bid \$24,755 and Red Hills Landscaping bid \$26,830. Wayne Smith made a motion to take the bids under advisement and to determine if funds were available in the Construction budget for the landscaping. Second by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Absent for this vote; Wayne Smith, Aye.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval the following new employees: April Harwood as a full time Deputy Assessor in the DMV office in Cedar City; Mary Stevens as a part time Outreach Worker in Senior Citizens; Adam Richins as a full time Building Inspector; and Julie Laird as a full time Justice Court Clerk. Wayne Smith made a motion to approve the new employees as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented the following promotions for approval: Charles Triplett as a Detective; Ray Trujillo as an EMT Intermediate; Christine Deardon as an EMT Intermediate; Quinn Campbell as an EMT Intermediate; Jason Prickett; Sam Taylor as an EMT Intermediate; Stephanie Perrin as an EMT Intermediate. Dennis made a motion to approve the promotions as presented with the Charles Triplett appointment effective July 16, 2006. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**EXECUTIVE SESSION :**

Wayne Smith made a motion to convene in Executive Session to discuss Personnel Matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 14<sup>th</sup> day of August, 2006.

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Signed: Gene E. Roundy, Chairman

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Attest: David I. Yardley

County Clerk

**ANNEXATION'S** :

Proposed annexation to Cedar City, Paragonah and Enoch were reviewed. Dennis Stowell made a motion not to oppose the proposed annexations. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ENCROACHMENT FEE WAIVER REQUEST** :

Newcastle Water Company representative Steve Christensen met with the Commission to request a waiver of encroachment fees to replace the culinary water distribution system in Newcastle. He explained that the existing lines are too small to provide fire flow and there are not fire hydrants to serve the area. The existing pipe is transite which will be left in place. The upgrade would increase sizes to 8" mains and fire hydrants will be installed to fire codes. Dennis Stowell made a motion to waive the encroachment fees. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ORDINANCE REQUEST ILLEGAL IMMIGRATION** :

A proposed ordinance from a citizen requesting the County adopt an ordinance prohibiting illegal aliens from residing or holding jobs in Iron County was discussed. It was determined that it was not in the County's jurisdiction to adopt such an ordinance and enforcement would be impossible. The request to consider and adopt the ordinance was denied.

**FLOOD ISSUES** :

Steve Platt discussed damage from recent rains on two bridges in Parowan Valley. The Commission approved the purchase of two 12' X 5' box culverts to replace smaller culverts at a cost of \$50,500 on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**JAIL CONTRACT FOR PHYSICIANS'S SERVICES** :

Glenn Halterman presented a revised contract for physician services at the Jail which address areas not addressed in the original contract, including the delivery of a baby by a prisoner.

Wayne Smith made a motion to approve the contract as amended and recommended by the Attorney's Office. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RESOLUTION 2006 4 UCIP INTERLOCAL COOPERATION AGREEMENT**

**APPROVAL :**

Resolution 2006-4 which authorizes an amendment to the interlocal agreement for participation in the Utah Counties Insurance Pool was introduced and discussed whereupon

Wayne Smith made a motion to adopt Resolution 2006-4 as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RESOLUTION NO. 2006-4**

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INSURANCE POOL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH COUNTIES INSURANCE POOL**

WHEREAS, pursuant to the provision of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, and the Utah Insurance Code, Title 31A, Chapter 1, et seq, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements to provide services and facilities; and

WHEREAS, the Board of County Commission of Iron County, Utah, has determined that the interests and welfare of the public within Iron County's jurisdiction will best be served by an Amended Interlocal Cooperation Agreement with other members of Utah Counties Insurance Pool relating to the establishment, funding and operation of Utah Counties Insurance Pool.

NOW, THEREFORE, be it resolved by the Board of County Commission of Iron County, Utah, that Iron County approve and authorize the Commission Chair to execute an Amended Interlocal Cooperation Agreement with other members of Utah Counties Insurance Pool relating to the establishment, funding and operation of Utah Counties Insurance Pool.

**RESOLVED ADOPTED AND ORDERED** this 14<sup>th</sup> Day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

\_\_\_\_\_  
Gene E. Roundy, Chair

\_\_\_\_\_  
Wayne A. Smith, Commissioner

\_\_\_\_\_  
Dennis E. Stowell, Commissioner

ATTEST:  
David I. Yardley, Iron County Clerk

By:\_\_\_\_\_

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
August 28, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 28, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Glenn Halterman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Patsy Cutler.

**APPROVAL OF MINUTES August 14, 2006** :

Minutes of the Iron County Commission meeting held August 14, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the Recorder's Office is gearing up for training in September

with the new Eagle software. They are scheduled to go live in October on the Eagle system.

**Geri Norwood** reported on the investment process of County funds. Currently funds are deposited in a Zions Bank money market account and in the PTIF fund.

**Joe Gubler** reported on challenges with the payroll system since converting to Incode in that YTD figures do not match. It will take additional time to locate the discrepancies.

**Dennis Ayers** reported that he has been to meetings with UAC regarding recodification changes in State Code in reference to Assessing and Collecting taxes.

**Erik Jorgensen** reported that Eagle personnel were scheduled to be in Iron County this week to install software and help in converting the Building Inspection data.

**David Yardley** reported that the Clerk's office have been in training on software for programming election information. This will be required as State funding of Diebold support dries up and counties are required to program all ballot information for elections. It will also be required to program Municipal elections as Diebold has not contracted for this support.

David also reported that the Insurance Pool conducted training in risk management at the Hunter Conference Center in Cedar City.

**Gene Roundy** reported on a new "Sheep Festival" scheduled for September 13 and 14 in Cedar City. Activities will include a dutch oven cookoff and related activities.

**Mark Gower** reported that the Search and Rescue unit was called out to locate a lost bow hunter. The hunter was located and was found to be unharmed.

Sheriff Gower also reported on a home invasion where one of the victims escaped from the duct tape holding him and stabbed the assailant. The case is still being screened by the County Attorney's office but at this time no charges are anticipated.

**Dennis Stowell** reported that this is fair week and activities are scheduled for most days through Labor Day. He requested the Sheriff assign deputies to evening events for crowd control. The Sheriff responded that this has been planned and the events will have coverage.

#### **5700 WEST RIGHT OF WAY ACQUISITION** :

Steve Platt introduced Dennis Browning, the right of way specialist selected by Iron County for the 5700 West project. Tammy Maxwell, UDOT representative is to provide contracts but was not present.

Reed Erickson discussed the acquisition process to determine if property owners could be requested to donate a portion of their property, up to 33 feet on each side of the center line with the additional 32 feet to be purchased. This is a typical action of Cedar City on road improvement projects.

Mr. Browning explained that where Federal funds are involved, the County is required to pay fair market value for the right of way acquisition. However the matter will be discussed with UDOT to determine what methods are available and funding availability for the project. Approval of Contract with Dennis Browning on the 5700 West Right-of-Way Acquisition.

The matter was tabled to allow for review of the proposed contract and to further discuss acquisition procedure with UDOT.

**FLOOD ISSUES** :

Steve Platt discussed with the Commission the progress on the acquisition and placement of concrete box culverts in Parowan Valley at Eagle Rock Subdivision and on 200 South, west of the I-15 on ramp. The culverts have been ordered and should be delivered within three weeks. The roads will remain closed until the culverts are in place.

Steve also reported that Cedar City is replacing a bridge on Airport Road and the contractor had built a dam to divert all water away from the area. Due to the threat of flooding from summer rains, they have been instructed to place a temporary dam, no higher than 12 inches, which could be breached in a flood to allow the water to be split to minimize damage.

The Commission also discussed a concern voiced by York Jones regarding the flood channel leading to Quichapa. The flood of 2005 greatly enlarged the channel which Mr. Jones has requested be stabilized and rip rapped to prevent further erosion.

**DISCUSSION OF PROPOSED ORDINANCE** :

Dennis Stowell discussed a proposed ordinance adopting the International Urban Wildland Interface Code. The results would impact building permits in interface areas and the vegetative management within the interface zones. The purpose is to minimize losses in wildfire management.

Dennis Stowell made a motion to start the public hearing process required prior to adopting the code. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**VISITOR CENTER OFFICE BUILDING** :

The State of Utah, Division of Natural Resources has requested permission to purchase the Office building at the Visitor Center complex. The Commission determined that since this is a new proposal, the matter needs to be studied in depth. Issues include the existing bond, division of parking lots, relocation of the Extension Service, and the fair market value of the building. The matter was tabled to allow for the further study.

**IRON COUNTY LANDS BILL** :

Randy Johnson met with the Commission to report on progress with the drafting of a Lands bill for the US Congress. Currently the Washington County and White Pine, Nevada bills have been introduced and should be heard in September. The final draft probably will not be completed until November. Since it takes up to two years to get a bill completed and passed, we are looking at the possibility of combining Iron, Beaver, Millard and Piute Counties in a regional bill. It should be ready by mid 2007 with anticipated introduction in early 2008.

Issues still needing consideration include proposed BLM lands to designate for sale and regional wilderness and prairie dog issues.

The Commission also discussed the Cedar Breaks expansion and redesignation as a National Park. Randy Johnson reported that sub committees are meeting to discuss concerns and review the proposal. There is a question about the legal descriptions covering Flanigans Arch. Some records seem to show it on HA Adams property and some show it on SUU property. It is

imperative to have the arch included in the Cedar Breaks National Park designation.

There is also a question about access through the SUU property. Art Tait was asked to review this road to determine if it is a public right of way or if it is a private road, serving only local property owners.

**RESOLUTION 2006 5 OLD SPANISH TRAIL DESIGNATION** :

Leon Matheson met with the Commission to present a proposed resolution designating the route of the Old Spanish Trail through Iron County as a historic byway. The route was designated as starting near Bear Valley and following Little creek to near Paragonah, then following the foothills to Parowan, Enoch, Three Peaks, Iron Springs, Antelope Springs, Newcastle and then South to the County line along the Bench Road.

The Commission requested that the resolution be amended to add wording that it will not impede the future activity of road maintenance, development of new roads, or widening or improvements to existing roads.

Dennis Stowell made a motion to adopt Resolution 2006-5 as amended. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RESOLUTION NO. 2006-5**

**A RESOLUTION DESIGNATING THE  
OLD SPANISH TRAIL AS A HISTORIC BYWAY**

**WHEREAS**, the state of Utah is uniquely situated to encompass the western and southern barrier regions of the Great Basin of the United States, and Iron County, Utah lies across the southern extremity of the Great Basin in the State of Utah, geographically on the southern rim of that basin, and precisely across the effluence channels of prehistoric Lake Bonneville; and

**WHEREAS**, Native American residents residing in the southwestern regions of the continental United States have used the natural corridors and canyons of Iron County for centuries as their primary, if not sole, access for trading between interior peoples and those of the Pacific Ocean, creating trails much in evidence throughout Iron County today; and

**WHEREAS**, the earliest of the Spanish explorers sought to find and use Indian trails for trade between missions in California, entering the unknown regions in search of Christian converts, fame and treasure, leaving evidence of their passing in mines and artifacts found throughout Iron County since the mid 1500s; and

**WHEREAS**, the first known European explorers searching for a route between Santa Fe, New Mexico and Monterey, California, the Dominguez and Escalante Expedition of 1776, explored, mapped, and documented the first entry of Spanish visitors to the Great Basin in general, and Utah in particular, and were also the first persons who are known to have documented their explorations of Iron County and chronicled their journey from the northern reaches of Iron County to Cedar Valley of Iron County via Blue Knoll to Rush Lake, the City of Enoch, Utah, Cedar City, Utah, and Kanarrville, Utah, naming the region of Iron County the “Valley Río del Señor San José,” on October 12, 1776; and



**WHEREAS**, Spanish missionaries and traders, including slave trading parties, coursed through the State of Utah following the Old Spanish Trail from Green River to Bear Valley in Iron County, thence through Bear Valley to Little Creek, thence from Little Creek to Red Creek, direct to Parowan, Wynn Canyon, Elk Springs (Johnson Springs today), Iron Springs, Antelope Springs, Newcastle, Holt Canyon, Hamblin, to Mugotsu Canyon, the exit of the Great Basin, and maintained an active trade route with caravans of more than 4,000 animals between 1820 and 1851 when the first permanent settlers arrived in Iron County; and

**WHEREAS**, mountain men, fur trappers, adventurers and traders exploited the discoveries of the Dominguez-Escalante party and Spanish traders to establish their own traffic along natural trails through Iron County, bringing such great men as Jedediah S. Smith, John C. Fremont, Nuñez Corvalho, William Wolfskill, George C. Yount, Orville Pratt, Pegleg Smith, and others through Iron County following the Old Spanish Trail, eventually establishing a formal trail through Iron County that endured until well after the arrival of the earliest white settlers of Iron County in 1851, and whose observations included the discovery of iron ore along the Old Spanish Trail in what was soon to become Iron County, home of the first iron smelter west of the Mississippi River; and

**WHEREAS**, the general east to west roads of Iron County were constructed on top of the original Old Spanish Trail, and still follow the historic Old Spanish Trail through Iron County, now being known as Forest Service Road 077 from Bear Valley to Paragonah, Highway 91 from Paragonah to Parowan and thence to Summit and Wynn Canyon, Interstate 15 to Enoch, Utah, Iron County “Mid Valley Road” west to the Iron County Three Peaks Regional Recreation Area, Iron Springs Road through Iron Springs to the Escalante Valley, and on to Antelope Springs, Newcastle, Holt, Hamblin and Highway 31 South—in total nearly 150 miles of existing Iron County roads, the majority of which coursing either exactly on or in immediate proximity to the Historic Old Spanish Trail corridor; and

**WHEREAS**, the Congress of the United States of America has designated the Old Spanish Trail as a National Historic Trail, recognizing the importance of this historical trail through Iron County in the context of our national heritage represented by the trail, and its contribution to the expansion and development of the nation toward the Pacific Ocean and California;

**NOW, THEREFORE, BE IT RESOLVED** that the Iron County Board of Commissioners adopt this resolution designating the above named county roads and highway routes within reasonable proximity to the National Historic Old Spanish Trail, and within the jurisdiction of the Iron County Commission, as the “Spanish Trail Highway.” The Spanish Trail Highway through Iron County, Utah shall, therefore, be established, marked, signed, interpreted and otherwise identified as being subject to promotion, preservation, and protection by the residents of Iron County in perpetuity as a Historic Byway, in association with the National Historic Trail designation by the Congress of the United States of America, and in company with the national Old Spanish Trail Association, for the benefit and enjoyment of the citizens of Iron County in perpetuity.

Nothing in this resolution shall prohibit Iron County from maintaining, improving, or altering any existing or proposed roads or other developments within the designated area.

This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 28<sup>h</sup> day of August, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy     Aye  
Wayne A. Smith     Aye  
Dennis E. Stowell     Aye

**SITLA PRAIRIE DOG TAKE REQUESTS :**

The Commission discussed the distribution of SITLA Bank prairie dog permits still available. The Commissioner reviewed the waiting list and following procedure, approved the following take on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye. :

Barton S. Gillespie Representing Alliance Consulting & Iron Mt. Sub ( Deloss Hammond) 3 dogs.

Brad Bryan for a sewer easement across Darro Thuet property 2 dogs, provided that Keith Day will not approve non-permanent take.

Other projects were referred back to Keith Day to obtain minimum counts for their minimum project.

**PROPERTY PURCHASE REQUEST** :

\_\_\_\_\_ Doug Vincent and Lexis Tanner representing the Parowan Stake of the Church of Jesus Christ of Latter-Day Saints, met with the Commission to request authorization to purchase the property the County owns adjacent to the Summit Chapel. Mr. Tanner explained that due to growth in the Summit area, they were quickly outgrowing the present building. In order to expand, additional property would be required.

The parcel the County owns has been utilized on a limited basis by residents in the Summit area as a park, however there is not water available for irrigation and the area quickly turns into a weed patch.

The Commission explained that they would like to maintain public access as a small park for Summit area residents, if the Church could agree to maintain and develop until needed, the Commission was not opposed to a transfer. The matter was referred to the County Attorney's Office to determine a procedure to follow in disposing of this parcel.

**PERSONNEL MATTERS** :

Colette Eppley presented a proposed job description addition for the Recorder's Office. The new job description requires additional skills above a deputy recorder. It will be designated as an Abstract Specialist. Dennis Stowell made a motion to approve the job description and to approve the promotion of Amber Evans to this position effective this pay period. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Gene Roundy discussed the need to hire a new position as a Deputy in the Human Resource office to act as receptionist and to provide coverage of the office upon the absence or unavailability of the Human Resource Director. The position would be on a part time basis and would be considered for full time during the budget process. Wayne Smith made a motion to approve a part time position up to 20 hours per week through December 31, 2006 as requested. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also discussed a concern with scheduling of shifts for Sheriff's Patrol Deputies in not working a full 80 hours per pay period. Because of their current scheduling they do not work a full 2080 hours per year which would reduce them to part time employees for retirement and other benefits. The matter will be discussed with the Sheriff and scheduling personnel to work out an appropriate solution.

**ENTRIX CONTRACT APPROVAL** :

Glenn Halterman presented a proposed contract with Entrix for the development of a new HCP for prairie dogs in Iron County. A work timeline and work plan are to be added as an addendum as they are developed. The basis of the contract is based on the RFQ submitted for consideration by Entrix.

Dennis Stowell made a motion to approve the contract and to submit to Entrix for their signatures. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**HARMONY VALLEY ANNEXATION OR CREATION OF NEW TOWN :**

The County has received notice that a group of residents in Washington County are pursuing a request to annex into New Harmony with an option if this fails to establish a new municipality that would cover a significant area of Iron County. Because of the lack of information and issues with split jurisdictions, the matter was tabled for further study.

**LABOR COMMISSION OFFICE \_\_\_\_\_ :**

The Labor Commission has reviewed office space occupied by the District Court and have requested a few modifications. They are requesting that an additional door be placed in the hallway to allow for security with public access to the office reception area.

The matter was referred to David Yardley and the Custodial staff to make the changes requested.

**ROAD MATTERS \_\_\_\_\_ :**

Steve Platt met with the Commission to request review of several road issues. Bill Tillett has requested a variance on road standards in Harmony Mountain Ranches Unit 3 to allow a grade of 11% for a short distance to make it possible to install the road without major grade cuts and fills into hillsides. Aesthetically the end result would be better than requiring the road be built to the current 10% grade standard.

Wayne Smith made a motion to grant a variance to existing road standards to allow a 11% grade in Harmony Mountain Ranches Unit 3 for a short distance. All other standards are to remain. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

The issue of grades within the 3200 subdivisions and on access roads was also discussed. Since there has not been a request for a waiver, no action was taken at this time. A review of existing standards will be looked at and determined if they should be set by ordinance.

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
September 11, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 11, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES August 25, 2006** :

Minutes of the Iron County Commission meeting held August 25, 2006 were approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**David Yardley** reported that he and Connie Lloyd have attended a “How To Apply” workshop for CDBG grants for the 2007 FY. It is also time to update the Capital Improvement List for the County for 2007. The Commission suggested that a Senior Citizen Center for Parowan and an Extension Service Office Building be added to the list.

**Dennis Stowell** reported that a Prairie Dog Committee meeting is scheduled for Friday, September 15 at 10:00 a.m.

Dennis also reported that he had met with NRCS which had earmarked 1.25 million in flood control money for Iron County. A brief discussion of possible projects followed.

**Wayne Smith** reported that he attended a Road meeting. Concerns with funding and

planning for projects was discussed. Costs have been increasing an average of 17% per year over the past five years. This has made major over runs in construction projects from the time of application to the completion of the projects. Wayne also reported that bridge repair and replacement money has dried up and will not be available.

**Scott Garrett** reported that the public defender contract needs to be re-negotiated to add a third public defender. It is anticipated that the contract will increase to \$190,000 in 2007 with the additional attorney.

**Gene Roundy** presented a copy of the Southwest Public Health financial report. The copy is to remain in the County Clerk's Office for public inspection.

**PUBLIC HEARING ZONE CHANGE FROM R 5 TO R 1/2 :**

Wayne Smith made a motion to open a public hearing to receive comments on a proposed zone change. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay discussed the proposed zone change from R-5 to R-1/2 on property near 4600 North and 2300 West, Cedar City, within Sections 16 and 21, Township 35 South, Range 11 West, SLB&M. The original proposal was amended to remove two adjacent parcels at this time. The parcel is adjacent R-1/2 zoning and the Planning Commission recommended approval.

No other public comments were received whereupon Dennis Stowell made a motion to close the public hearing and to approve the requested zone change from R-5 to R-1/2 as recommended by the Planning Commission. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**TIER CHANGE FROM TIER 4 TO TIER 2 :**

Wayne Smith made a motion to convene a public hearing to receive comments on a proposed tier change located within Sec 18 T35S R11W as requested by Cedar Pointe, LLC, represented by Bryson Bennett. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that the property is located near 4000 North in Cedar Valley and the proposed change will square adjacent tier lines on surrounding properties and to section lines. The Planning Commission has recommended approval.

No other public comments were received whereupon Dennis Stowell made a motion to close the public hearing and to approve the requested tier change from tier 4 to tier 2 as recommended by the Planning Commission. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CURT HUTCHINGS WITH FIVE COUNTY ASSOCIATION OF GOVERNMENTS :**

Curt Hutchings made a presentation to the Commission on a planning process for a region-wide "community wildfire protection plan". A core team of fire officials have been designated with representatives from each of the five association counties. Ryan Riddle has been designated as the Iron County representative. The group will seek active public participation in the planning process.

No action was needed by the Commission at this time.

**ORDINANCE 216 SHOOTING REGULATIONS IN 3 PEAKS RECREATION AREA:**

Scott Garrett presented a proposed ordinance to control shooting of weapons within the Three Peaks Recreation Area. After review, Wayne Smith made a motion to adopt Ordinance 216 as follows. Second by Dennis Stowell.

**IRON COUNTY, UTAH**

**ORDINANCE NO. 216**

September 11, 2006

**AN ORDINANCE OF IRON COUNTY, UTAH ESTABLISHING RULES  
REGULATING THE DISCHARGE OF FIREARMS OR OTHER WEAPONS  
WITHIN THE IRON COUNTY THREE PEAKS RECREATION AREA;  
REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, Iron County desires to promote the safety and welfare of persons utilizing the Iron County Three Peaks Recreation Area;

**NOW, THEREFORE, BE IT ORDAINED** by the County Commission of Iron County, Utah that the following amendments to the Iron County Code are hereby approved.

**SECTION 1. SUBSTANTIVE PROVISIONS**

**Section 9.08.015** of the Iron County Code is added to the county code, to read as follows:

It shall be unlawful for any person to discharge a firearm or weapon within or into the boundaries of the Iron County Three Peaks Recreation Area, except in those portions of the Area specifically designated for the use of firearms or other weapons. Propelling an arrow by a bow shall be considered a discharge of a weapon for purposes of this section. Any device or instrument loaded with powder or other explosive, or a gun or pistol actuated by compressed air, shall be considered a firearm.

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code Annotated § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 11<sup>th</sup> day of September, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy       Aye    
Wayne A. Smith       Aye    
Dennis E. Stowell     Aye  

**FLOOD WATER MANAGEMENT IN PAROWAN VALLEY :**

A group of Parowan Valley residents with Bernie Ratcliff as spokesman came before the Commission to request a solution to flooding in Parowan Valley west and north of Parowan. Mr. Ratcliff explained the problems with flooding during the summer and the development of a flood channel which has different size culverts which will not allow the full flood stream to pass.

Scott Holyoak requested that he be allowed to discuss concerns with channel maintenance through his property before a permanent solution is reached. He explained that when flooding occurs, his fences are cut and he is not notified, allowing his sheep to wander onto neighboring farms.

Bob Ray commented that with the installation of sprinkler systems, landowners are not



able to divert and use the flood water as in the past. This will continue to influence the use of the flood channel in getting the flood water to the little salt lake.

Commissioner Stowell explained that two concrete box culverts have been ordered, one for 200 North, West of the freeway and one for 2200 West, near Eagle Rock Subdivision. These will be installed as soon as they are manufactured this fall. The problem near Mr. Ratcliff's home was caused by adjacent property owners filling the channel to access their hay fields. Dennis also explained that in order to correct the problem, a permanent easement needs to be obtained from all property owners along the channel. The LDS Church Farm and the lessee, Don Roberts have not been willing to designate an easement at this time.

Mr. Ratcliff stated that he would work with property owners to designate and deed an easement for the channel to help get water past existing homes.

**PERSONNEL MATTERS** :

Colette Eppley presented Jesse Barker to be promoted from a part time paramedic to a full time paramedic. Dennis Stowell made a motion to approve the promotion as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also discussed the promotion process for County employees. She suggested that an employee receiving a promotion receive a 6% minimum pay increase or move to the bottom end of the pay scale for that position, whichever is greater.

Colette also discussed performance appraisal date adjustments. She recommended that all appraisals be done at the end of the year with changes to take effect January 1 of each year. This will help in the budgeting process by helping Department Supervisors know what their budget will be for the year. Since no salaries have been adjusted since July, it is proposed that in 2007 salaries be adjusted on a one time basis to reflect the change in performance appraisal dates.

Colette also requested clarification on how members of the Insurance Committee are selected and appointed. The process was explained that the Personnel committee, comprised of both employees elected by their peers and appointed by the Commission has served as the Insurance Committee. The purpose is to make a recommendation to the Commission for employee health insurance. The Committee selects their own chair.

**EXECUTIVE SESSION** :

Wayne Smith made a motion to convene in Executive Session to discuss personnel matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with

Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 11<sup>th</sup> day of September, 2006.

---

Signed: Gene E. Roundy, Chairman

---

Attest: David I. Yardley

County Clerk

After reconvening in open session the Commission reported that they received a report on an employee which had employment terminated. No action was required of the Commission.

**PRAIRIE DOG MATTERS** :

The Commission discussed available prairie dog take requests from individuals on the list of applicants. The Commission approved .40 dogs for Lavae Smith to complete the road into Stillwater Subdivision in Parowan and 4 dogs for Mark Meisner for Sycamore Trails Subdivision roads on a motion by Wayne Smith. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ROAD MATTER CURB AND GUTTER** :

The Commission reviewed a request to asphalt 2300 West and Midvalley Road along Ranch Bonita Subdivision Unit 1 provided the developers installed curb and gutter along the frontage. Since the subdivision has been approved and developed it would help with children walking in the area to the new Three Peaks elementary school. Mr. Meisner explained that Rocky Mountain Power had some questions about when power lines were installed in the right of way. Until this question is cleared and the power lines relocated, the curb and gutter will be placed on hold. The Commission agreed to asphalt the road between existing oil and the curb.

**AMENDMENT TO CONSTRUCTION AND DESIGN STANDARDS** :

Chad Nay and Reed Ericksen presented proposed amendments to Iron County Subdivision Construction and Design Standards. Resolution 2006-6 amending Section 104, Guarantee of Performance was approved on a motion by Wayne Smith. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RESOLUTION NO. 2006-6**

**A RESOLUTION AMENDING THE IRON COUNTY**

**SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS**

**WHEREAS**, the Iron County Commission finds it shall promote the general welfare of the citizens of Iron County to amend the Iron County Subdivision Construction and Design Standards to further the orderly and efficient construction of subdivisions in Iron County;

**NOW, THEREFORE, BE IT RESOLVED** that the Iron County Subdivision Construction and Design Standards, as adopted November 28, 2005 by the Iron County Commission, be amended as follows:

**Section 104, Guarantee of Performance** shall be amended as follows:

**(2) Type of Bond:**

(B) An irrevocable letter of credit from a bank chartered under the law of the State of Utah or the United States of America and having an office in the State of Utah containing at least the following:

1. Separate itemization of each type of improvement with the estimated cost thereof.
2. A statement that no more than 80% of the face or estimated amount for any given improvement may be released prior to final acceptance.
3. A statement that the developer certifies that he has or will notify all subcontractors working under him that Iron County may release no more than eighty (80%) percent of the bond as aforesaid prior to final acceptance.
4. A statement that, notwithstanding the itemization of type and cost of improvement, any sum available pursuant to the bond may be used by the County for any other improvement covered by the bond as well as the specified improvement.
5. A statement that before more than sixty (60%) percent of any item shall be released there shall be filed with the Engineer a statement that no materialman's liens or mechanic's liens exist with regard to the improvements related to any part of the bond.
6. A statement that the guarantor shall certify to the County Engineer every two months the amount existing on the letter of credit, item by item, noting the current amount available on the letter of credit and the amounts released and the dates of such releases.

**(3) Terms and Duration:**

(A) Every bond or guarantee authorized by this Ordinance shall have an express term of at least two (2) years from the date of approval of the final plat of the Subdivision to which it applies. Further, such bond shall contain language guaranteeing the performance of the developer/subdivider and a provision for unconditional payment of the face amount of the bond within thirty (30) days from any declaration of default thereof on the part of the County.

**(4) Final Inspection, Release, and Second Bond:**

(B) No partial release of any bond shall be made prior to the final acceptance of the improvements in the said subdivision, except for escrow bonds and letters of credit. Immediately prior to final acceptance of the improvement of the subdivision, except in the case of escrow bonds or letters of credit, the County shall require and receive from the developer/subdivider a second bond in the form authorized above having a term of one (1) year and a face value of ten (10%) percent of the original bond. In the case of escrow bonds or letters of credit, the guarantor shall extend the escrow or duration of the letter of credit for the required time by way of amendment to the original letter. Such second bond may be released at any time after the expiration of one year and, in the opinion of the County Engineer, sufficient time has elapsed to prove the satisfactory nature of the improvement and be thus so approved.

**Section 106, Variations** shall have the following language added:

As the Iron County Engineer reviews the improvement drawings for a subdivision, if in his opinion, a provision of these general requirements and design standards would cause unnecessary difficulties if strictly adhered to and where, because of unique or other special conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the Iron County Engineer may recommend variation in the standards, and if approved by the County Commission, said variation so authorized shall be in writing on the improvement drawings.

This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 11<sup>h</sup> day of September, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy     Aye  
Wayne A. Smith     Aye  
Dennis E. Stowell   Aye

**ROAD MATTERS** \_\_\_\_\_ :

Steve Platt reviewed a contract for the acquisition of right of way on 5700 West in Cedar City. The procedure for donating right of way was discussed as a question from previous meetings. The cooperative agreement with UDOT was presented by Tammy Maxwell. Iron County share of the contract will be \$72,682.45. Dennis Stowell made a motion to approve the cooperative agreement as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Steve then presented a contract with Dennis Browning as our right of way specialist. Mr. Browning is on the UDOT approved list of acquisition specialists and has been previously approved by the Commission. Wayne Smith made a motion to approve the contract as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN** \_\_\_\_\_ :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

\_\_\_\_\_  
Signed: Gene Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
September 25, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 25, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Wayne Smith.

**APPROVAL OF MINUTES - September 11, 2006** :

Minutes of the Iron County Commission meeting held September 11, 2006 were

approved as amended on a motion by Dennis Stowell. Second was by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Geri Norwood** reported that the tax notice and collection cycle is starting. She is planning on outsourcing the printing and mailing of tax notices to a company in Salt Lake City. Shortly after tax notices are mailed, temporary part time help will be hired through the tax season.

**Erik Jorgensen** reported that the Recorder, Assessor and Clerk are scheduled to go “live” this week on Eagle software. It appears that through the training that most of the problems have been worked out. Data conversion has taken place and the programs seem to be working well.

**Patsy Cutler** reported that document recording was halted at 12:00 on Friday to allow for data conversion. All recording information is current and should transfer seamlessly into the new Eagle Software programs.

**Dennis Ayers** reported that the Assessor’s Office is looking forward to the new software program in their department. He also reported that Board of Equalization filings are up this year.

**David Yardley** reported that plans for the general election are proceeding. Since conversion to touch screen voting systems in the State, there is an increase in work for the Clerk’s office in preparing the ballots. There has been a concern with State School Board candidates not filing financial documents on time in the State Elections Office. Four candidates which were removed from the ballot, are now suing to have their names reinstated.

**Dennis Stowell** reported that the West Cedar Valley belt route project has been approved by the Federal Highway Administration. The project is moving forward with right of way acquisition.

**Mark Gower** reported that the Sheriff’s Department was behind in serving outstanding warrants and therefore they have reassigned two officers to serve warrants full time to get caught up. To date they have been very successful in locating individuals and collecting unpaid fines.

**TRAINING ON OPEN & PUBLIC MEETING LAW** :

Scott Garrett conducted training with the County Commission on changes in the open and public meeting law as amended by the 2006 legislature. Highlights include a requirement to record all open meetings including executive sessions. Executive session recordings are protected and cannot be accessed without a court order. Written minutes become the formal record of meetings. Training on the open and public meeting law is to be conducted on an annual basis.

**DELINQUENT TAXES FOR ENRON 2004 COMMUNICATIONS** :

Geri Norwood reported that Enron Communications has a delinquent tax bill for 2004 of \$24.02. Enron Communications has been removed from the State Assessed tax roll because they have been in bankruptcy and have been dissolved as a company. Wayne Smith made a motion to waive the 2004 tax of \$24.02 as uncollectible. Second by Dennis Stowell. Voting: Gene

Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING SHILOH RANCH** \_\_\_\_\_ :

Wayne Smith made a motion to open a public hearing to receive comments on an appeal of action by the Planning Commission in denying a request of Reasonable accommodation for a group home with 48 students located in an A-20 zone in Parowan Valley. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Jim Bradshaw Attorney representing Shiloh Ranch commented that Shiloh Ranch is designed to be an equestrian based group home for up to 48 boys. The plan is to construct ponds, barns and an indoor arena for year round use. He indicated that the program is similar to a girls facility in Washington County. Mr. Bradshaw also requested that the matter be referred to a committee to study their proposal.

Glenn Halterman, Deputy County Attorney, explained to the Commission the process to follow as outlined in the Land management Code. Iron County Ordinance 196 adopted as an amendment to the Land management Code on April 12, 2004.

Commissioner Stowell asked Mr. Bradshaw what he felt was a reasonable accommodation. Mr. Bradshaw responded that the facility would require a minimum of 16 youth but work better with three pods of 16 for a total of 48 youth. No documentation was presented to back up the request.

Public comments were given as follows:

Jeff Wood stated as a neighbor he has a concern with a deterioration of the quality and way of life in a rural agricultural area. The area residents have vehicles, equipment and firearms which could be readily available to youth leaving the facility unsupervised. There can also be a threat to families living in the area as youth would try to leave the facility.

Jim Shulton stated he has a concern with the level of offenders which come with these residential treatment facilities. He stated that in some cases these could be hard core offenders from inner city backgrounds which would do anything to escape authority into rural neighborhoods.

Tracy VonCannon stated that she as a near neighbor with ailing parents is particularly concerned with walk away's and attempt to obtain a vehicle or guns from surrounding neighbors. Elderly residents would become extremely vulnerable to such an attack.

Richard Biasi stated his concern with being able to operate an outdoor program in winter months due to the extremes of weather especially the cold when temperatures can fall to -20° F sometimes for several weeks.

Carolyn Ray stated that the A-20 zone is not suitable for residential treatment facilities of this size due to the impacts of the unavailability of sewer, culinary water or fire suppression.

Kristen Orton spoke in opposition because of the increased traffic on County roads which could produce hazards due to adjoining agricultural operations and equipment movement. She also questioned the number of staff that would be required to operate a facility of this size.

Rocky Palimsano commented that he is opposed to a treatment facility with this number



of youth in a rural agricultural setting.

Larry Bradley also spoke in opposition as a neighbor in close proximity and will ailing older neighbors.

Brian Peterson a representative of Shiloh Farms stated that the facility would be a four season facility with an indoor arena to accommodate winter conditions. The facility would have approximately thirty staff members for the 48 students. The type of students they plan on taking include substance abuse, truancy, opposition defiance, depression and similar disabilities. They do plan to have court mandated students. The students would be ranked in the normal IQ range. There would be no violent offenders or conduct disorder diagnosed students.

Glenn Halterman recommended to the Commission that they adopt the packet submitted to the Planning Commission as part of the record.

Commissioner Stowell asked about numbers to operate the program. The current ordinance provides “no residential facility for persons with a disability shall exceed four (4) residents, not including staff, or the family that owns the residence.”

Melanie Habibian responded by submitting a brochure on the operation of “Falcon Ridge” facility in Virgin, Utah, a similar treatment center for girls. She invited anyone to come and observe the operation of that facility. Ms. Habibian further stated that the facility would need a minimum of 9 students to operate a group therapy equestrian program.

Carolyn Ray responded that many equestrian programs can work with one or two students in research she has conducted.

Gayle Wood asked about firearms at the facility citing an incident this summer where a worker at the facility shot a neighbors sheep that wandered onto the premises.

Dennis Stowell asked about sufficient water as required by the State Engineer to fill proposed ponds and irrigate their designed farming operation. Currently they do not have sufficient water right to irrigate the proposed 20 acres of alfalfa.

Mr. Bradshaw responded that water has been secured through leases to accommodate proposed needs.

After all public comments were received, Dennis Stowell made a motion to close the hearing and to allow up to 30 days to submit written documentation for the record. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**MINOR LOT SUBDIVISION KANARRAVILLE SOUTH EXIT :**

Chad Nay presented a proposed minor lot subdivision located within Section 16, Township 28 South Range 12 West, SLB&M. The area is zoned Commercial and the proposed minor lot subdivision would allow for commercial development in the area which is adjacent to Washington County residential areas. The developer has not posted a development bond to cover estimates of constructing an adequate water system. The Planing Commission has recommended approval.

No comments were received in opposition to the proposed minor lot subdivision.

Dennis Stowell made a motion to approve the recommended minor lot subdivision within

Section 16, Township 28 South Range 12 West, SLB&M subject to the recommendations suggested by the Zoning Administrator. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RENTAL POLICIES FOR THE CEDAR CITY SENIOR CITIZENS CENTER :**

Connie Lloyd presented a proposed use agreement for the Senior Citizen Center in Cedar City. She explained that several groups were using the facility on a regular basis including the Hey Cedars square dance group, Denim and Diamond Dancers, and the Cedar City Quilt Guild. Many members of these groups are senior citizens so a senior service is being provided.

Because these are for profit groups, our insurance carrier UCIP asks that such groups provide proof of insurance with Iron County listed as an additional insured and that use agreements have a “Hold Harmless” clause for guests of the using groups.

After review Wayne Smith made a motion to approve the agreement as to form. Second by Dennis Stowell. The matter was then discussed with Dennis Stowell stating that he is concerned with the provision that the groups must provide insurance coverage. David Yardley explained that this is a protection to the County and that our insurance carrier is concerned with non county activities in County facilities and the liability this can create.

The matter was then called for a vote which is as follows: Voting: Gene Roundy, Aye; Dennis Stowell, No; Wayne Smith, Aye.

**BOARD OF EQUALIZATION MATTER \_\_\_\_\_ :**

Carrie Christiansen presented for approval proposed Assessor adjustments and stipulations as Board of Equalization adjustments. After review, Dennis Stowell made a motion to approve the proposed adjustments as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SPECIAL TAX ABATEMENT APPROVAL \_\_\_\_\_ :**

Christene Keene presented for approval special tax abatements. She reviewed new applications and prior year approvals. The category of abatements included individuals with extreme hardship or a disability.

Dennis Stowell made a motion to approve the Special Tax Abatements as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ADOPTION OF ORDINANCE 215 RESTAURANT TAX FOR 2007 \_\_\_\_\_ :**

The Commission reviewed and adopted the following ordinance on a motion by Dennis Stowell. Second by Wayne Smith.

**IRON COUNTY, UTAH  
ORDINANCE NO. 215**

**AN ORDINANCE IMPOSING A TOURISM, RECREATION,  
CULTURAL, AND CONVENTION TAX AND PROVIDING FOR  
COLLECTION THEREOF**

As authorized by the provisions of Utah Code Annotated, Title 59, Chapter 12, Section 601, et seq., (59-12-603 (5a)) the Board of Commissioners of Iron County ordains as follows:

1. **PURPOSE:** This ordinance is enacted to provide a source of revenue specifically for financing, in whole or in part, the development, operation, and maintenance of tourism, recreation, cultural, and convention facilities within Iron County. The provisions of this ordinance shall be interpreted and construed to accomplish such purpose.

2. **DEFINITIONS:** As used in this ordinance:

(1) "Convention Facility" means any publicly owned or operated convention center, sports arena, or other facility used primarily for public or private conventions, conferences, events, and other gatherings.

(2) "Recreational facility" or "tourism facility" means any publicly owned or operated park, campground, marina, golf course, water park, historic park, monument, planetarium, zoo, bicycle trail, or other recreation or tourism-related structure or facility.

(3) "Cultural facility" means an publicly owned or operated museum, theater, art center, music hall, or other similar facility.

(4) "Restaurant" means any facility where food is prepared for immediate service and consumption including, but not limited to, coffee shops, cafeterias, restaurants, luncheonettes, soda fountains, fast food service outlets, and all other similar facilities, but does not include retail establishments whose primary business or function is the sale of fuel and/or food items for off-premise consumption.

3. **IMPOSITION OF TAX AND AMOUNT OF TAX:** There are hereby levied tourism, recreation, cultural, and convention taxes as follows:

One percent (1%) on all restaurant sales of food and beverages made within Iron County or within any city or town located within Iron County.

4. **USE OF REVENUES:** The revenues received from the taxes herein levied shall be used solely for financing, in whole or in part, tourism promotion or the development, operation, and maintenance of tourism, recreation, cultural, and convention facilities, and for no other purpose.

5. **COLLECTION:** Taxes imposed under this ordinance shall be levied and collected at the same time and in the same manner as provided for general sales taxes in Utah Code Annotated, Section 59-12-201, et seq., except that the revenue derived shall not be subject to the distribution provisions of Utah Code Annotated, Section 56-12-205 (2).

6. **LICENSE REQUIRED:** All persons, companies, corporations, or other similar persons or organization required under the terms of this ordinance to collect the taxes imposed

herein shall obtain from the State Tax Commission a Tourism, Recreation, Cultural, and Convention Tax License. No additional license is required if said persons, company, group, corporation, or organization has obtained a license pursuant to the provisions of Utah Code Annotated, Section 59-12-106.

7. **PENALTIES:** Any person, company, corporation, or other organization subject to the terms of this act which shall fail to obtain the required license or fail to collect the tax imposed by this ordinance shall be guilty of a class B misdemeanor.

8. **EFFECTIVE DATE:** This ordinance shall become effective upon the 1<sup>st</sup> day of October, 2006.

**APPROVED, ADOPTED, and PASSED** by the Iron County Board of Commissioners this 25<sup>th</sup> day of September, 2006.

IRON COUNTY BOARD OF COMMISSIONERS:

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Gene E. Roundy, Chair  
Iron County Commission

ATTEST:

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David I. Yardley  
Iron County Clerk

Voting:

Dennis E. Stowell	<u>Aye</u>
Gene E. Roundy	<u>Aye</u>
<u>Wayne A. Smith</u>	<u>Aye</u>

**ROAD GRADE VARIANCE** :

Steve Platt presented two proposed grade variances for approved subdivisions. First was a variance for Harmony Mountain Ranches Unit III to allow a grade of not to exceed 11% for approximately 1,000 feet and the second was for Northridge at Cross Hollows Phase 3 for approximately 1,000 feet.

Wayne Smith made a motion to approve the variances. Second by Dennis Stowell.

Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**MANAGED BENEFITS ADMINISTRATORS** :

Don Merrill and Clark Merrill, Insurance brokers met with the Commission and requested permission to represent the County in negotiating a health insurance package. They explained that they managed the Iron County account while the County was self insured. They felt they

could save the County money by being an intermediary in billing questions.

The Commission referred their proposal to Colette Eppley.

**BUILDING PURCHASE REQUEST** :

Darin Bird and Robin Pearson, State Department of Natural Resources, met with the Commission to request permission to purchase the office building located in Cedar City adjacent to the visitor center and Iron Mission State Park. They explained that they currently lease all of the first floor of the building with the second floor occupied by the USU Extension Service.

The Commission discussed several alternatives and concerns including the need to relocate the Extension Service and the parking for customers both at the Visitor Center and the Office building. The Commission took the matter under advisement.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval the name of Jacqueline Bulloch as a new employee at the Cedar City Assessor's Office, Caramen Cheny, On Call EMT-B, Ben Hewitt, On Call EMT-B, Stephanie Orton, On Call EMT-B, Nancy Robinson, On Call EMT-B, Brian Johnson, On Call EMT-B, Jolene Neilson On Call EMT-B, Derek Liston, On Call Paramedic, Abby Holmgren, On Call Paramedic, Joan DeGraffenried, On Call EMT-I, Shane Yardley, On Call EMT-I, Jason Hawks, On Call Paramedic, Josh Kern, On Call Paramedic. Dennis Stowell made a motion to approve the hiring. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for approval a recommendation that employees receiving a promotion be given a 5% minimum pay increase or be raised to the bottom of the promotion grade, whichever is more. Wayne Smith made a motion to approve the recommendation as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented for approval a personnel policy outlining the merit review procedure for employees. The proposed policy was reviewed and approved on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**USDA NATURAL RESOURCE CONSERVATION SERVICE** :

Vane Campbell discussed with the Commission an Emergency Watershed Grant approval of \$934,000 with a 25% local match making a total of \$1,250,000. For flood improvement projects identified in Iron County. Funding is from hurricane Katrina funds appropriated by Congress in 2005. A contract will be drafted for Commission approval and signatures.

**WESTERN LAND SERVICE SEISMIC LINES** :

Gordon Bell representing Western Land Services met with the Commission to explain a project to lay seismographic lines in Parowan Valley and the North hills. The project will entail drilling and exploding charges to locate oil and gas deposits. Recently there has been activity in leasing oil and gas rights on BLM and private lands.

Mr. Bell also requested approval to use the County gravel pit at the Gap to use as a

staging area to land helicopters and equipment used in the drilling process. The Commission stated that upon approval of the County Road Supervisor, there would be no problem with the use of the pit.

**NORTHRIDGE AT CROSS HOLLOWES PHASE III WAIVER REQUEST :**

Rett Shakespeare and David Taylor met with the Commission to request a waiver to allow construction of roads within Northridge at Cross Hollowes Phase III prior to final plat approval. Mr. Shakespeare explained that due to weather concerns, it is necessary to construct the roads quickly before temperatures drop to low to pave the roads this fall.

Wayne Smith made a motion to approve the waiver and allow developers to start road construction prior to final plat approval. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ROAD AFFIDAVITS & SURVEYING :**

Gene Roundy discussed with the Commission the need to obtain affidavits documenting use by the public of RS-2477 road rights of way claims. Art Tait is working with people familiar with local roads to document their use and maintenance. Mr. Tait is also working on developing center line descriptions of the roads.

Steve Platt discussed establishing control points, survey points, for State AGRC. The State is contracting to establish between 104 and 170 points County wide. Contracts are in the process of being signed and as soon as that is completed work will begin.

**PRAIRIE DOG MATTERS :**

Dennis Stowell discussed language the Prairie Dog HCP Committee would like drafted into the current HCP. The proposed language would make the County responsible for policing compliance with the HCP and would place additional requirements on the County. After reviewing the proposed language, the Commission took no action.

**PUBLIC DEFENDER CONTRACT 2007 APPROVAL :**

Scott Garrett made a presentation to authorize an increase in the public defender contract for 2007 by setting two attorney at \$70,000 for criminal cases and a new attorney at between \$45,00 and \$50,000 to cover Juvenile Court. Dennis Stowell made a motion to approve the contract prices as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**CRITICAL LANDS PLANNING GRANT CONTRACT APPROVAL :**

a critical lands planning grant was reviewed by the Commission and approved on a motion by Dennis Stowell. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING IRON COUNTY SPECIAL SERVICE DISTRICT # 1 :**

Wayne Smith made a motion to convene a public hearing to receive comments on a proposed rate schedule for dumping asbestos waste at the Iron County Landfill. Second by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Absent; Wayne Smith, Aye.

Alan Wade presented a proposed rate schedule for asbestos waste as follows:

Friable Asbestos: \$500 per ton for Iron County waste and \$750 per ton for non county waste and a \$300 minimum charge for any amount.

Non-friable asbestos: \$ 65 for Iron County waste and \$100.00 for non county waste with a \$50 minim charge for any load.

Demolition debris containing asbestos: \$500 per ton for Iron County waste and \$750 for non County waste.

All asbestos waste is to have a certificate of origin and an inspection certificate. Two week prior notification is required to prepare a site.

No other public comments were received whereupon the public hearing was closed and the rate scale was adopted on a motion by Wayne Smith. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 6:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**October 9, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 9, 2006  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES September 25, 2006** :

Minutes of the Iron County Commission meeting held September 25, 2006 were approved as amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Stowell** reported that the Five County AOG meeting is scheduled for Wednesday October 11 at Parowan Library. Since he will not be able to attend, Wayne Smith volunteered to be present.

Dennis also discussed the employment of Eugene Adams after the November election. As Mr. Adams is the only candidate for auditor on the ballot, he will be elected. Current auditor Joe Gubler has indicated a willingness to work with Mr. Adams to make a smooth transition.



The Commission approved hiring Mr. Adams as soon as possible to allow him to participate in the budget process.

Dennis also discussed concerns with obtaining documentation from the Forest Service regarding unclassified roads in inventoried roadless areas within Iron County. A letter was approved to be sent to the Regional Forester with copies to the congressional delegation requesting information on the unclassified roads.

**Gene Roundy** reported that he attended an RS 2477 road meeting in which affidavits were discussed. It appears the affidavits collected to this point are not sufficient in pursuing claims. A revised form will be forwarded to the County Engineer who is in charge of collecting affidavits.

Gene also discussed a request from the Cedar City Dispatch Center for an additional three dispatchers in 2007 due to the increase in call volume.

**PUBLIC HEARING ZONE CHANGE FROM A 20 TO R 2 :**

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed zone change. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that the proposed zone change was located on 1600 North in Cedar City, adjacent to Equestrian Point subdivision and West Valley subdivision and consisted of 26 acres. The proposed change is in compliance with surrounding zoning and the Planning Commission has recommended approval.

No other comments were given whereupon Dennis Stowell made a motion to close the public hearing and to adopt the recommendation of the Planning Commission and grant the zone change from A-20 to R-2. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PROPERTY DESCRIPTION**

All of Lot 3 and 4, the North half of Lot 5, Section 6, Township 36 South, Range 11 West, Salt Lake Base and Meridian. Excepting therefrom West Valley Subdivision and excepting therefrom that portion lying within 1600 North Street.

**PILT PAYMENT FROM DIVISION OF WILDLIFE RESOURCES :**

Douglas Messerly, Regional Supervisor of the Division of Wildlife Resources presented the Commission with a check for \$2,505.35 as payment in lieu of taxes for DWR property in Iron County.

**RAPID WATERSHED ASSESSMENT REPORT & DISCUSSION :**

Norm Evenstad with USDA-Natural Resources Conservation Service discussed with the Commission a project to define concerns and issues on a watershed boundary covering a portion of Iron County. This is one of five regions in Utah being studied. The process will include a scoping and public comment process to determine issues and to address issues in an in depth report. This will be an instrument to help mediate hydrological concerns into the future.

**RENTAL POLICIES FOR CEDAR CITY SENIOR CENTER :**

Connie Lloyd met with the Commission to address concerns with the policy approved for rental of the Senior Citizen Center in Cedar City. A requirement that commercial groups using the facility provide a proof of insurance naming Iron County and the Council on Aging as additional insured and a hold harmless clause designating that Iron County is not assuming responsibility for the groups action was presented to the groups currently using the facility.

The two dance groups headed by Robert Linford stated that they do not have a problem with this requirement. A third group, Diamonds and Denim, currently do not have the required insurance. Ms. Lloyd has not been able to determine if they have attempted to acquire insurance.

**BOE HEARING OFFICER DECISION APPROVAL :**

Carrie Christiansen, Iron County Auditor's Office presented results of BOE hearings conducted by the hearing officers. After reviewing tax and revenue implication of the recommended adjustments Wayne Smith made a motion to approve the BOE adjustments as recommended. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ORDINANCE 217 WILDLAND FIRE INTERFACE CODE ADOPTION :**

A proposed ordinance adopting the international urban wildland interface code, as amended by Utah Administrative Rules was presented by Ryan Riddle. Ryan pointed out that to continue to participate in the State Wildland Fire Fund program, the County must implement the ordinance and enforce the code.

Chad Nay reported that the proposed ordinance has been presented to the Planning Commission which recommended approval. Dennis Stowell made a motion to adopt Ordinance 217 as presented. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**IRON COUNTY  
ORDINANCE NUMBER 217  
Adopted October 9, 2006**

**AN ORDINANCE ADOPTING THE INTERNATIONAL URBAN WILDLAND  
INTERFACE CODE, AS AMENDED BY UTAH ADMINISTRATIVE RULES,  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Utah Code Annotated §65A-8-6(3)(a) requires the adoption of a wildland fire ordinance based upon minimum standards established by the Division of Forestry, Fire, and State Lands of the State Department of Natural Resources for the County to be eligible to enter into a cooperative agreement with the Division to receive financial and supervisory cooperation and assistance; and

**WHEREAS**, the State of Utah through the Division of Forestry, Fire, and State Lands has adopted administrative rule, R652-122, entitled "County Cooperative Agreements with State for Fire Protection;" and,

**WHEREAS**, Rule R652-122 establishes minimum standards that counties must adopt pertaining to development in wildland-urban interface areas, wildland fire training and certification and wildland fire suppression equipment; and

**WHEREAS**, Iron County desires to continue receiving assistance from the Division of Forestry, Fire, and State Lands in suppression of wildfires; and

**WHEREAS**, Iron County further desires to comply with Utah Code Annotated §65A-8-6(3)(a) by adopting the minimum standards set forth in Utah Administrative Code R652-122 as described therein,

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF IRON COUNTY COMMISSIONERS THAT:**

**SECTION 1: ADOPTION OF MINIMUM STANDARDS**

Iron County hereby adopts the International Urban Wildland Interface Code, with the amendments identified in R652-122 of the Utah Administrative Code as currently set forth or as amended in the future by the Division of Forestry, Fire, and State Lands , unless specifically excepted by amendment to this ordinance.

**SECTION 2: SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3: REPEAL OF CONFLICTING ORDINANCES**

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION 4: EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 9<sup>th</sup> day of October, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy     Aye  
Wayne A. Smith     Aye  
Dennis E. Stowell     Aye

**PRAIRIE DOG MATTERS :**

Brent Judd representing Turning Point Family Care requested approval of the take of three prairie dogs on property adjacent to I-15 near the Cedar middle interchange. The property has been selected to construct a treatment center for adolescent sexual offenders. Currently the program is housed in a residential area in Cedar City.

The Commission stated that currently the County HCP limit of dogs has been used and that under current policy, dogs are not available. The stated however that if dogs can be purchase from the SITLA bank, an effort would be made to allow this much needed facility to be built.

Upon questioning, Keith Day, DWR, stated that currently there is not a way to clear the property to allow construction to proceed. Lynn Drake commented that he as a citizen is concerned with the subjective nature of the determination one or two individuals as to which are active prairie dog burrows.

Keith Day requested approval of the extension of Temporary Prairie Dog Employees length of employment to allow technicians to complete surveys. The extended employment would not exceed six weeks.

Wayne Smith made a motion to approve the extension of employment for up to one month to complete prairie dog surveys. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval new employees Angelique Pittser and Denice Heaton as part time Justice Court Clerks. Wayne Smith made a motion to approve the employees. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also requested clarification regarding Commission appointment to the employee insurance committee. Wayne Smith made a motion to appoint Colette as the County Commission representative. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also presented a request for additional sick leave for Hank Armbruster. Mr. Armbruster has sufficient sick leave accrued but County Personnel Policy require Commission approval of leave over eight days in a calender year. Wayne Smith made a motion to allow Hank Armbruster to use addition sick leave as requested. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**EXECUTIVE SESSION** :

Wayne Smith made a motion to convene in Executive Session to discuss a Personnel Matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 9<sup>th</sup> day of October, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

After reconvening in open session the Commission reported that no action was required at this time.

**WESTON TULLIS CONDITIONAL USE PERMIT ISSUE** :

Weston and Christy Tullis came before the Commission to express concerns with a building permit which was recalled after it was issued due to a notification of adjacent property owners in an A 20 zone. Robert Holt protested the issuing of a conditional use permit on the

Tullis property near Newcastle stating that the proposed residence may result in the closing of an existing road which may be used in the future. Mr. Tullis presented a survey map showing that their property line does not encroach on any existing roads.

The Commission referred the matter back to the Planning Commission for clarification of the process outlined including notification and response to the proposed CUP.

**PAYOFF OF SHARWAN SMITH CENTER** \_\_\_\_\_ :

Glenn Halterman reported that SUU has paid the Sharwan Smith center agreement in full and has requested a deed be issued to them. Since the bond was issued in the name of the Iron County Municipal Building Authority, Wayne Smith made a motion to convene as the board of the Municipal Building authority. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY, UTAH** \_\_\_\_\_ :

Wayne Smith made a motion to approve the payment of SUU for payment in full of the bond for the MBA portion of the Sharwan Smith Center on the campus of SUU and to issue deeds as determined by the bonding documents. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Wayne Smith then made a motion to reconvene as the Iron County Commission. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PAYOFF OF SHARWAN SMITH CENTER** \_\_\_\_\_ :

After reconvening as the County Commission, Wayne Smith made a motion to approve Iron County issuing a deed to SUU for the County portion of the Sharwan Smith Center. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**BOARD APPOINTMENTS** \_\_\_\_\_ :

Appointments to the Board of Adjustments and the Central Iron County Water Conservancy District were discussed and tabled to allow more information and recommendations from the community.

**ANNEXATION NOTICE PARAGONAH TOWN** \_\_\_\_\_ :

a proposed annexation into Paragonah Town was reviewed and discussed. The original proposal was to leave the existing road as a peninsula under County control.

Dennis Stowell made a motion not to oppose the proposed annexation provided that the existing road is included in the annexation and that no peninsula's or islands of County property remain within the annexation area. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**SITLA ROAD ISSUES** \_\_\_\_\_ :

Kevin Carter, SITLA Director, met with the Commission to request support of SITLA to access land in the Little Hole area of Daggett County. The DWR has constructed a gate near the property line to prohibit access to the SITLA parcel designated for disposal. It appears this is an attempt by DWR to acquire the parcel at a lower than market value.

The Commission commented that it would support efforts by SITLA to clarify the right of way issue and to work with UAC to clarify road right of way issues.

The Commission also discussed the possibility of acquiring additional SITLA prairie dog bank dogs. Mr. Carter responded that they were working to designate areas suitable to be declared as bank areas. This will be a process approved through the Fish and Wildlife Service.

**APPROVAL OF WARRANTS & ADJOURN** \_\_\_\_\_ :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**October 23, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 23, 2006  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Glenn Halterman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Ann Gurr	Deputy County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**MOMENT OF REVERENCE** :

\_\_\_\_\_A moment of reverence was presented by Reverend Joseph Carroll.

**APPROVAL OF MINUTES October 9, 2006** :

Minutes of the Iron County Commission meeting held October 9, 2006 were approved as



amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Geri Norwood** reported that the Treasurer's Office is gearing up for tax season. Tax notices are at the printers and will be mailed as soon as the files can be generated. She also reported that she will be hiring two part time employees to help through tax season.

Geri also requested a clarification of County policy stating that nominal amounts of delinquent taxes on uncollectible accounts may be abated without Commission approval. The matter was discussed and a maximum amount the Treasurer is allowed to abate is \$200.00 without Commission approval.

**Ann Gurr** reported that Dennis Ayers was out of the office for a few days. The Assessor's office is working with the new software program and are very pleased with the functionality of the system.

**David Yardley** reported on progress toward the 2006 General election. Early voting will begin on October 24 and continue until November 3. Poll workers will begin training this week and will be required to attend training before they can work at the polls. The voting machines are in the process of being programmed for the election and since this is the first time on a General election the touch screen system has been used, extra training is being given on how to help voters through the process.

**Dennis Stowell** discussed a report from the Assessor which indicates a County wide taxable value increase of 51%. This will result in lower tax rates to compensate. Entities with tax increases include the Central Iron County Water Conservancy District and Parowan City.

**Mark Gower** reported that William Bradfield has resigned as a member of the Merit Service Commission. He suggested possible replacements of David Excell and Jim Green. Remaining members of the Board include Don Blanchard and James Manwell.

**Scott Wilson**, Manager of the Central Iron County Water Conservancy District met with the Commission to request the reappointment of the current board members whose terms are expiring. The matter was taken under advisement.

**UTAH NETWORK OF CARE** :

David Eves with Southwest Behavioral Health Center met with the Commission to discuss the Utah Network of Care program. There is a web site in which people can get information on services available. The web site address is [www.utah.networkofcare.org](http://www.utah.networkofcare.org) Information will also be available at health fairs and other public gatherings.

**APPROVAL OF COMMENTS ON ROADLESS AREAS** :

Art Tait met with the Commission to discuss proposed comments to be submitted to the Forest Service regarding proposed roadless areas on the iron County portion of the Dixie National Forest. Some of the proposed areas include historic roads and can limit access to natural resources in the roadless areas. After review, Dennis Stowell made a motion to approve the proposed comments. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**TAX MATTER** :

Geri Norwood presented for approval a request for abatement of 2005 taxes that are no longer on state rolls for Dynergy Connect, centrally assessed account #9011633 . Dynergy Connect is no longer in business and the account is uncollectible. Amount of delinquent tax is \$104.85. Wayne Smith made a motion to approve the abatement of the Dynergy Connect tax on account 9011633 in the amount of \$104.85. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ARCHERY CLUB REQUEST FOR NO SHOOTING AREA** :

Mark Gower explained a concern with shooting at an unofficial target area in the vicinity of the lower archery range in Cedar Canyon. The archery range is located on BLM property.

Jim Murdock, President of the archery club stated that several members have experienced near misses at the range with stray bullets coming over the hill from the shooting area. His concern is that shooters do not know archery personnel are in the area and with the soil and rocks in the area ricochet bullets can easily enter the archery range.

Bill McConnell commented that shooting occurs in a different draw and that the archery range is over a hill from the archery area. This is an area close to Cedar City that has been used for many years and is close enough to make it practical to target shoot without traveling 20 miles round trip to the County shooting range at Three Peaks.

Jim McConnell also stated that he is in favor of leaving the area open to shooting.

Ervin Larsen, BLM, reported that the archery club has a valid permit for their range. Shooting in the area is not a permitted use, however the BLM does not limit shooting on public lands.

Todd Christensen, BLM Supervisor, stated that the BLM supports efforts to manage the areas and to leave the access available with the safety of participants at the archery range.

Wayne Smith encouraged the two groups, archery club and shooters to work together to make the area safe and accessible. A committee consisting of the Sheriff, Ervin Larsen, Bill McConnell and a representative of the archery club will meet to see if a reasonable solution can be found.

**CONDITIONAL USE PERMIT APPEAL** :

Wayne Smith made a motion to open a public hearing to receive comments on an appeal of a conditional use permit approved by Planning Commission for electric substation and electric transmission lines by a group called North Three Peaks Citizens. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Because of the number of people present, the Commission moved to the large courtroom.

Chris Dallen, Planning Commission Chair commented on the process used by the Planning Commission regarding the issuing of the CUP. He also stated that as the Chair he did not vote on the issue which was approved on a vote of four in favor and one opposed. Had he been able to vote, he stated that he would have voted in opposition. He also stated that as a professional land appraiser that locating a substation of this size in this area could seriously impact property values.

Gary Goodsell, Planning Commission Member, stated that he was the opposing vote. He felt that this location was not the most suitable to place a substation of this size.

Forrest Norlin, area resident, stated that he is not opposed to a substation but questions the location in an A-20 zone with residences in the area. He also stated that CC&R's of the local area stated that this type of facility could not be built in this area.

William Platt, area resident, presented a power point presentation opposing the siting of the substation in this area citing noise levels, light pollution and increased traffic in the area.

David Thayer, General Manager at AMPAC, stated that AMPAC has no problem with citing the substation in the area near WECCO.

Richard Bontadelli, area resident, commented that he is opposed to the issuing of the CUP because of the decrease in property values and the general undesirability of a substation near a rural residential area.

Matt Ence, an Attorney representing some property owners, presented a copy of amended declaration of CC&R's filed in the Iron County Records Office on October 18, 2006 which prohibit the construction of a substation in the area.

Mike Platt commented that he is opposed to the location of the substation due to the diminished values of adjacent properties.

Mark Parsons, a former electrical lineman, commented in opposition to this location stating that there were other sites available in the area that may provide the same service at a lower cost to the power company.

Mark Cox, area manager for RMP responded to area resident concerns stating that noise level will be as the ambient noise level currently exists at the property boundaries. The substation is proposed to have inward shining security lights to minimize impact on the surrounding properties. He also presented the Commission with a packet showing the target area considered by RMP and stated that this appears to provide the least impact of any property within the target area. He also explained the need for the substation to continue to provide electrical service to the area for current and future growth. This is a requirement under their franchise and oversight by the Public Service Commission. He requested that the Commission ratify the action taken by the Planning Commission in granting the CUP.

A second portion of the public hearing was opened in which Rocky Mountain Power, formerly Pacific Power, requested a clarification of the Conditions within the CUP.

Russell Mitchell, RMP Attorney, stated that Utah Code Annotated 54-14-101 provides that the power company must use best practice and cost effective analysis in siting electrical facilities. He pointed out that CC & R's cannot be considered by the County in land use decisions.

Mr. Mitchell requested that the Commission clarify item # 9 of the CUP to state that insurance must be maintained under best practice principals governed by the Public Service Commission.

Mr. Mitchell also requested a clarification of item # 10 on the required cut and fill for the project stating that a balanced cut and fill is the standard best practice used in this type of

construction. Any additional costs for excavation beyond this best practice standard must be borne by the County and a plan and funding must be in place to cover the costs of the additional work.

Mr. Mitchell also requested clarification that the required setbacks on the property will be 100 feet to the security fence on the North, South, and East sides and 60 feet on the West side which abuts BLM property. The security fence will have slats on the sides which face private property.

Glenn Halterman clarified the Planning and Zoning request to have additional cut and fill on item # 10 stating that at the time they were not aware of the requirement for the County to fund the excavation costs above the standard best practice. The CUP states that the County Engineer will be the judge of best practice costs.

Dennis Stowell requested information on the cost of relocating the site to the area near WECCO and also on the costs of additional cut and fill required to lower the site in two foot increments.

Glenn Halterman explained to the Commission that under the appeal, the Commission can only vote yea or nay on this site, they cannot request locating to another site.

Representatives of RMP estimated that the County portion of excavating an additional eight feet as requested by Planning commission would cost the County approximately 2.7 million.

After all public comments were received, Dennis Stowell made a motion to table action on the two items to allow for additional information from RMP regarding costs for the additional excavation of eight feet and to study alternative sites. The motion died for lack of a second.

Wayne Smith made a motion to close the public hearings and adopt the recommendation of the Planning Commission in approving the Conditional Use Permit of Rocky Mountain Power to locate a substation at the requested site. Second by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Nay; Wayne Smith, Aye.

Dennis Stowell then made a motion to table action on the RMP appeal on the cut and fill issue to allow RMP to provide additional information on the costs of cut and fill that the County would be required to fund. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye. RMP is to provide cost estimates within 14 days and final action on this matter will be taken at the Commission meeting on November 27, 2006.

#### **COMMUNITY DEVELOPMENT BLOCK GRANT 2007 FUNDING YEAR :**

Commissioner Roundy opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2007 grant year for the Community Development Block Grant Program. It was explained that the grant money needed to be spent on projects benefitting primarily low and moderate income persons. The Five County Association of Governments in which Iron County is a member, is expecting to receive approximately \$727,317 in this new program year. All eligible activities which can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Commissioner Roundy then read several

of the eligible activities listed including: Construction of public works and facilities, ie: water and sewer lines, fire stations, acquisition of real property, provision of public services like food shelters, also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons.

Commissioner Roundy indicated that in the past Iron County has received grants to construct ambulance garages in Cedar City and Parowan, a senior Citizen Center in Cedar City and for handicapped accessibility upgrades to the Beryl Community Center. Iron County has also received grants to construct and expand a fire station in Newcastle and Beryl. In addition grants have been received to remodel and upgrade facilities at the Cedar City Senior Citizen Center.

The County has handed out its capital investment plan as part of the regional “Consolidated Plan”. The list shows which projects the County has identified as being needed in the community. It was asked that anyone with questions, comments or suggestions throughout the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

Commissioner Roundy then opened the meeting up to further suggestions from the audience. **Ms. Connie Lloyd**, requested the County to consider the building of a Senior Citizen Facility in Parowan similar to the one in Cedar City. She explained that the current senior center located in the basement of the Iron County Courthouse is very small and does not provide adequate space to implement all of the programs available to the Senior program. She also stated that the current facility does not have an adequate kitchen area and food storage area which could be built into the new facility. The new center could be sited adjacent to the existing ambulance garage in Parowan with property donated by Parowan City and which could utilize improved parking by the ambulance garage.

Commissioner Roundy responded that the building of a Senior Center in Parowan to serve Senior Citizens in Northern Iron County has been added to the capital improvement project list and given a high priority.

Commissioner Roundy recognized **David Yardley** who represented Iron County. Mr. Yardley explained that Iron County has two parcels of property which reverted to County Ownership through a tax sale which appear to be eligible for slum and blight clean up under CDBG guidelines. The properties formerly owned by Gale Dorrity include multiple abandoned or unsuitable for habitation mobile homes and debris and the Liahona Farms site includes a partially demolished home and hundreds of old tires and debris.

Commissioner Roundy responded that the County would support the application Iron County. This is a targeted project for CDBG and should be given a priority.

Commissioner Roundy then asked if there were any other suggestions? There being no additional suggestions and all present allowed to speak, the hearing was adjourned at 2:00 p.m.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval temporary new employees to work in the

Treasurers Office, Nancy Fiduccia and Nina Keester were approved on a motion by Wayne Smith. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**INSURANCE COMMITTEE REPORT** :

Colette Eppley reported that the County Insurance Committee has reviewed health care programs and our current providers, Select Health and Dental Select have proposed no increase in premium for 2007. The Committee recommended that the County stay with the current program for 2007.

Wayne Smith made a motion to accept the recommendation of the Insurance Committee and stay with the current providers for 2007. Second by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Absent; Wayne Smith, Aye.

**LOT SALES INVESTIGATION** :

Chad Nay reported to the Commission that several projects where it appears that property is being sold before completing the subdivision process has been investigated and it has been determined that what is being sold is an undivided interest in the property. No individual lots have been sold and therefore under our current code, no laws have been broken.

**RESOLUTION 2006-7 RECERTIFICATION OF IRON COUNTY JUSTICE COURT:**

Wayne Smith made a motion to adopt Resolution 2006-7 recertifying the Iron County Justice Court. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RESOLUTION 2006-7**

**A RESOLUTION REQUESTING THE RECERTIFICATION  
OF THE IRON COUNTY PRECINCT JUSTICE COURT**

WHEREAS, the provisions of U.C.A. 78-5-139(3) require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 1<sup>st</sup> day of February, 2007; and

WHEREAS, the members of the Iron County Commission have received an opinion letter from the Iron County Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Iron County Commission have determined that it is to the best interests of Iron County to continue to provide for a Justice Court;

NOW THEREFORE BE IT RESOLVED, the Iron County Commission hereby requests Recertification of the Iron County Precinct Justice Court by the Justice Courts Standards

Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Iron County Commission of Iron County hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for the continued operation of the Iron County Precinct Justice Court for the next four-year term of court, except as to any requirements waived by the Utah judicial Council.

APPROVED and signed this 23<sup>rd</sup> day of October, 2006.

IRON COUNTY BOARD OF COMMISSIONERS

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Gene E. Roundy, Chairman

ATTEST:

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David I. Yardley, County Clerk

**RESOLUTION 2006-8 UAC VOTING REPRESENTATIVE :**

Wayne Smith made a motion to adopt Resolution 2006-8 as follows. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**RESOLUTION NO. 2006-8**

**RESOLUTION OF APPOINTMENT OF A IRON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL MEMBERSHIP MEETING**

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Iron County at the Utah Counties Insurance Pool Membership Meeting to be held on November 30, 2006; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, has been informed that the By-laws of the Utah Counties Insurance Pool require that the official representative and an alternate representative for Iron county be elected or appointed officers or employees of a member county and be appointed by majority vote of the governing body and designated in writing,

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of Iron County, Utah, hereby appoints David Yardley as the official Iron County representative for the Utah Counties Insurance Pool Membership Meeting to be held on November 30, 2006, with Gene Roundy as an alternate representative.

**RESOLVED ADOPTED AND ORDERED** this 23<sup>rd</sup> Day of October, 2006.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

\_\_\_\_\_  
Gene E. Roundy, Chair

\_\_\_\_\_  
Wayne A. Smith, Commissioner

\_\_\_\_\_  
Dennis E. Stowell, Commissioner

ATTEST:  
David I. Yardley, Iron County Clerk

By:\_\_\_\_\_

APPROVED AS TO FORM:  
Scott F. Garrett, Iron County Attorney

By:\_\_\_\_\_

**ANNEXATION NOTICE PARAGONAH** :

A notice of proposed annexation was received from Paragonah Town. The proposed annexation left the existing County road out of the proposal. The Commission did not oppose the annexation provided that the road was included within the annexation, not leaving a small roadway as County

**CONDITIONAL USE PERMIT APPROVAL REPORT** :

Chad Nay reported that Weston Tullis has proceeded with a Conditional Use Permit to build a home within an A-20 zone. It appears that concerns expressed by neighbors about possible closure of a road will not be a problem as Mr. Tullis' property does not include the road.

**QUESTAR GAS RATES WESTERN IRON COUNTY** :

Dennis Stowell discussed a concern with a difference in gas rates for small rural areas which are served by Questar gas. The problem affects many areas of the state including Brian Head and Western Iron County. He requested approval of a petition submitted by Beaver County to petition the Public Service Commission to equalize the expansion costs of these rural areas over the whole state. Dennis made a motion to approve participation. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**COOPERATIVE WEED MANAGEMENT AGREEMENT** :

Dennis Stowell made a motion to approve a cooperative weed agreement with the Bureau of Land Management. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**DEPARTMENTAL BUDGET INTERVIEWS** :

The Commission adjourned to conduct departmental budget interviews.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:30



p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**November 13, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 13, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

APPROVAL OF MINOR LOT SUBDIVISION .....	3
APPROVAL OF MINUTES October 23, 2006 .....	1
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COAL CREEK DIVERSION PROJECT AGREEMENT .....	3
CONTRACT APPROVAL BOOKMOBILE .....	16
CONTRACT APPROVAL FOR CHILDREN'S JUSTICE CENTER .....	2
COUNTY CREDIT CARD REPORT AND REQUEST TO INCREASE LIMITS .....	4
DEPARTMENTAL BUDGET INTERVIEWS .....	16
ELECTED OFFICIALS REPORTS .....	1
EXECUTIVE SESSION PERSONNEL MATTERS .....	5
FINAL PLAT APPROVAL NORTH RIDGE AT CROSS HOLLOW HILLS .....	3
FIVE COUNTY ASSOCIATION OF GOVERNMENTS .....	4
PERSONNEL MATTERS .....	4
PLEDGE OF ALLEGIANCE .....	1
PUBLIC HEARING ROAD REALIGNMENT REQUEST .....	2
PUBLIC HEARING ZONE CHANGE A 20 TO C AND LI .....	2
SHILOH RANCH APPEAL OF CONDITIONAL USE PERMIT .....	5

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES October 23, 2006** :

Minutes of the Iron County Commission meeting held October 23, 2006 were approved as amended on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**ELECTED OFFICIALS REPORTS** :

**Scott Garrett** introduced Kevin Thurman as a new employee replacing Glenn Halterman.

**David Yardley** reported that the election is complete and the process of verifying provisional ballots has begun. The canvass of the election was scheduled for Monday, November 20 at 12:00 noon.

**Dennis Stowell** reported that due to his election as Senator of Senate District 28 and the resignation of current Senator Thomas Hatch, he will be resigning his position on the County Commission to assume the unexpired term of Senator Hatch effective the Wednesday, November 22. The Republican party is to be contacted to submit three names as possible replacements on the Board of County Commissioners.

Wayne Smith discussed a report being studied by the Court Administrator's Office to assume jurisdiction over Justice Courts.

**CONTRACT APPROVAL FOR CHILDREN'S JUSTICE CENTER :**

Scott Garrett presented for approval a contract for 2007 to operate the Children's Justice Center. The contract is for \$94,720. This is the same contract format as has been used in the past. Wayne Smith made a motion to approve the contract and authorize the Chair to sign. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING ROAD REALIGNMENT REQUEST :**

Wayne Smith made a motion to open a public hearing to receive comments on a request to vacate and amend the road within the SW 1/4 S36, T34S, R12W, SLB&M as requested by Pacific Corp. (Rocky Mountain Power). Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Mark Cox, Rocky Mountain Power, explained the request to realign the road between two parcels they intend to use as a power substation site. The proposed realignment will be built to County standards and will be a 66 foot right of way.

Chad Nay reported that the proposed change was presented to the Planning Commission and they recommended approval of the proposed road realignment.

The Commission requested review of the curve data for two corners. They requested that the description be modified to provide a more gradual curve for safety reasons. Mr. Cox stated that this should not be a problem.

After all public comments were received, Wayne Smith made a motion to close the hearing and to approve the road realignment in the SW 1/4 S36, T34S, R12W, SLB&M. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PUBLIC HEARING ZONE CHANGE A 20 TO C AND LI :**

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed zone change along the I-15 Corridor At Exit 82 In Paragonah Within Sections 20, 21, & 29, T33S, R8W, SLB. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Chad Nay reported that the Planning Commission reviewed the proposed zone changes from A-20 to Commercial and Light Industrial. The proposed change is on property surrounding the Paragonah exit of I-15 and does not include a proposed development at this time. The Planning Commission recommended denying the proposed change until a construction project is proposed.

Tim Tennis stated that there are sales pending which would develop a gas station facility and a trucking terminal on two of the parcels. He also stated that the proposal would allow for the development of billboard zoning to allow the development of advertising along the freeway.

John Ford, an adjacent property owner, spoke in opposition to the proposed zone change. He explained that without a project in mind to review that the proposed change would be given to increase property values in the area, driving up taxes. He also stated that the proposed zone

changes do not address problems with drainage and flood control. The area is prone to flooding from Red Creek and Little Creek drainages. If flooding is not addressed, it will cause flood water to pond onto his property causing damage to improvements. Mr. Ford also expressed concerns with erecting billboards in the corridor proposed which will destroy views.

After all comments were received, Dennis Stowell made a motion to close the public hearing and to adopt the recommendation of the Planning Commission to deny the zone change. He also motioned to refer the matter back to the Planning and Zoning Staff to review flooding issues and plans to address flood problems and to consider zoning on a parcel by parcel basis as specific improvement projects are proposed. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**FINAL PLAT APPROVAL NORTH RIDGE AT CROSS HOLLOW HILLS :**

The final plat of North Ridge At Cross Hollow Hills Subdivision, Phase III was presented for approval. Chad Nay reported that all of the conditions of final plat approval have been met except for bonding and funding of improvements. Mr. Nay recommended approval of the final plat subject to proof of bonding being submitted.

Wayne Smith made a motion to approve the final plat of North Ridge At Cross Hollow Hills Phase III subject to the bonding and funding of improvements being in place. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**COAL CREEK DIVERSION PROJECT AGREEMENT \_\_\_\_\_ :**

Festival Development met with the Commission to present a plan to construct a diversion structure on the North Branch of Coal Creek. The Coal Creek Irrigation Company and the County Engineer have signed off on the specifications for the structure. With the development of the structure, the parcel described as Derby Ranchetts may proceed with a zone change request. The developers still will be required to acquire the appropriate rights of way to construct the structure from the BLM.

The developers requested that the County participate in a reimbursement agreement which will help to reimburse the costs of constructing the structure. The area impacted by the structure which will receive benefit will need to be defined and a formal agreement drafted for Commission approval. Developers have requested a 20 year sunset agreement. This matter was referred to staff for their review and drafting of an agreement with no commitment of County funding.

The zone change request by Festival Development was recalled from a prior meeting to consider a rezone from R-5 to R-1 along 4000 North between 2300 West and Lund Highway, and within Sec 16, T35S, R11W. Wayne Smith made a motion to approve the zone change subject to a development agreement being signed and with a stipulation that no building permits are to be issued until all agreements are in place and the flood structure on Coal Creek has been constructed and is in operation. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**APPROVAL OF MINOR LOT SUBDIVISION \_\_\_\_\_ :**

Byron and Rebecca Adams requested a minor lot subdivision on their property at Center

and Main Streets in Summit, Utah. They also requested a waiver of subdivision requirements for curb and gutter, fencing and street lighting to comply with existing streets and neighborhoods.

Wayne Smith made a motion to approve the minor lot subdivision as requested with a waiver of the curb and gutter, fencing and street lighting requirements. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**FIVE COUNTY ASSOCIATION OF GOVERNMENTS** :

Ken Sizemore FCAOG Director presented for prioritization a capital improvements list for Community Impact Board consideration for the 2007 year. Projects on the list were graded A, B, C, and D priorities. A priorities included Cedar City water rights acquisition, Brian Head Town trails and sky bridge over SR 143, and Paragonah Town improvements to flood channels. B priorities included Iron County Jail improvement and cell block expansion projects, Cedar City aquatic and recreation center, and CICWCD Interconnect project. C priority included CICWCD secondary water system and consolidation of regional and small water systems and Iron County Courthouse improvement project. D projects included Mountain View SSD water tank and well project.

**COUNTY CREDIT CARD REPORT AND REQUEST TO INCREASE LIMITS** :

Pauline Applegate reported to the Commission that the County limit on credit cards needs to be increased to \$110,000 to accommodate the additional cards issued to departments and to increase limits on several cards. She presented a list of all credit cards and limits along with requested increases for the Commission information. Dennis Stowell made a motion to approve the increase of the County credit limit to \$110,000 as requested. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval new employees Kevin Thurman as a Deputy Attorney, and Adam Burton as a Corrections Officer. Wayne Smith made a motion to approve the hiring as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also reported that Caleb Anderson has been transferred as a lateral transfer from the Jail to the patrol side of the Sheriff's Department. Mr. Anderson will replace Gale Grover.

Colette presented for approval a promotion of Emily Isham as an Ambulance Supervisor from a Crew Chief position. The position is a full time position. Wayne Smith made a motion to approve the promotion. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette discussed the need to appoint a Safety Coordinator and to establish a safety committee. This will function as a risk management tool in helping to coordinate safety procedure for County employees. Dennis Stowell made a motion to appoint Colette Eppley as the Safety Coordinator. Second by Wayne Smith. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

Colette also reported that she is working with Charlie Morris, LEPC Coordinator in the development of an emergency action plan for each County facility.

**EXECUTIVE SESSION PERSONNEL MATTERS :**

Wayne Smith made a motion to convene in executive session to discuss personnel matters and a strategy session to discuss pending or reasonably imminent litigation in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual and a strategy session to discuss pending or reasonably imminent litigation. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

STATE OF UTAH )

) s.s.

COUNTY OF IRON )

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 13<sup>th</sup> day of November, 2006.

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Signed: Gene E. Roundy, Chairman

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Attest: David I. Yardley

County Clerk

**SHILOH RANCH APPEAL OF CONDITIONAL USE PERMIT :**

The Commission recalled the Shiloh Ranch appeal of a conditional use permit request for reasonable accommodation for up to 48 individuals in a group home located in Parowan valley. Shiloh Ranch was given thirty days to supplement the record of their original appeal heard on September 25, 2006.

Reed Erickson, County Planner, was asked to present finding relating to an affidavit faxed to the County Clerk on October 25, 2006 from Dr. Robert H. Gemmill, a licensed clinical social worker, regarding the number of patients to effectively operate a therapy group for teens. Mr. Erickson presented a document outlining recommendations from sources quoted by Dr. Gemmill which state that the optimal group size that allows members to share experiences with one another ranges from a minimum of 4 or 5 to a maximum of 12; groups of 6 to 8 offer the greatest opportunity for verbal exchange among all patients.

Mr. Erickson also quoted from Theory and Practice of Group Counseling, 6<sup>th</sup> Edition page 85 which stated: "for ongoing groups with adults, about eight members with one leader seems to be a good size. Groups with children may be as small as three or four. In general, the group should have enough people to afford ample interaction so that it doesn't drag and yet be

small enough to give a chance to participate frequently without, however, losing the sense of “group”.”

Mr. Erickson reported also that Starley Heady, Clinical Program Director of Equine Assisted Growth and Learning Association (EGALA) has described an ideal “Treatment Team” at a Teen Residential Treatment Facility to include: 1 equine professional, 1 therapist, 5 to 7 teens and 5 to 7 horses. She also explained that any more than 8 is a lot of information to process, she would break more than 8 into two groups.

A complete copy of Mr. Erickson’s findings will be attached to the minutes.

The Commission then received comments from members of the audience with the following concerns:

A representative of Shiloh Ranch stated that they would stand by the affidavit submitted by Dr. Gemmill that in order to operate the facility as it should be, the permit should authorize the full 48 bed request. This will allow for groups to be in different phases of treatment and allow the facility to be economically viable.

Traci Von Kaenel stated that her family has lost a sale of a parcel of property in the immediate area of the proposed school and they are concerned with the loss of value of surrounding properties.

Larry Bradley commented on the number of beds available for troubled teens in Iron County. He asked that this be taken into consideration before granting additional troubled teen facilities in the County.

Carolyn Ray commented on the services which will be required of the County in additional police, ambulance, roads and other services.

The Commission then ceased public comments and the matter was discussed whereupon Dennis Stowell made a motion to approve a reasonable accommodation of 6 beds. The motion died for lack of a second. Wayne Smith made a motion to grant a reasonable accommodation of 8 beds. Second by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Nay; Wayne Smith, Aye.

## **IRON COUNTY COMMISSION**

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING SHILOH RANCH REQUEST FOR REASONABLE ACCOMMODATION**

The Iron County Commission submits the following findings of fact and conclusions of law related to the Shiloh Ranch reasonable accommodation request:

#### Findings of Fact

1. Pursuant to consideration of a duly filed application, on July 6, 2006, during a regular meeting of the Iron County Planning Commission (hereinafter “Planning Commission”), Shiloh Ranch requested that the Planning Commission grant a reasonable accommodation of a zoning ordinance to Shiloh Ranch based on the federal law commonly referred to as

the Fair Housing Act (FHA).

2. Shiloh Ranch desires to establish a residential facility located in the Parowan Valley in Iron County, Utah where it could provide treatment programs to youth facing various problems. The programs at the facility would be focused on equine-assisted therapy. The facility would also function as a working ranch.
3. The address of the proposed facility is 2616 North 2000 West, Parowan, Utah 84761. The property is zoned A-20 and, according to Shiloh Ranch's application, the size of the property is 40 acres. The legal description of the property is: The South Half of the Southeast Quarter of the Northeast Quarter of Section 33, Township 33 South, Range 9 West, Salt Lake Base and Meridian.
4. The purpose of the A-20 zone is to "protect and preserve lands suited for farming and the production of food and fiber . . . and the protection of the economic base of the county." *Iron County Zoning Ordinance* at § 502. Other purposes include "protection of environmentally sensitive lands[.]" *Id.* Iron County "discourages intense uses due to a lack of required services and the potential cost to Iron County residents of providing the services necessary to support more intense development and activities." *Id.*
5. Uses allowed in the A-20 zone include Accessory Agricultural Retail Sales, Accessory Structure, Accessory Uses, Accessory Outside Storage, Commercial Plant Nursery, Single Family Dwelling, Farm, Fish Farm, Home Occupation, Residential Facility for Persons with Disabilities, Residential Facility for Elderly Persons, Temporary Construction or Sales Office, Temporary Dwelling Unit, Temporary Use, and Utility Service Facility. *Iron County Zoning Ordinance* at § 503. "In all residential zones (R-1/2, R-1, R-2, R-5 Zones) and the A-20 agricultural zone, no residential facility for persons with a disability shall exceed four (4) residents, not including staff, or the family that owns the residence." *Iron County Ordinance No. 196 Congregate Living and Treatment Facilities* at § 1703(C)(6) (hereinafter "Congregate Living Ordinance").
6. Shiloh Ranch states that the group home ("Facility") would be for boys between 11 and 15 years of age. Shiloh Ranch also asserts that the types of problems the Facility would address include depression, substance abuse, and attention deficit disorder which qualify as disabilities under the FHA. Shiloh Ranch indicates that the residents of the Facility will receive professional help from certified teachers, therapists, psychiatrists, psychologists, doctors, and nurses.
7. Shiloh Ranch has requested a reasonable accommodation allowing up to 48 residents at a time at the Facility.
8. The Planning Commission voted unanimously to deny the reasonable accommodation of Shiloh Ranch based upon *Iron County Planning Commission Findings and Conclusions Regarding Shiloh Ranch Request for Reasonable Accommodation* (available at Iron County Building & Zoning Department, 82 N. 100 E. Suite 102, Cedar City, UT 84720).



9. Shiloh Ranch timely appealed the decision of the Planning Commission to the Iron County Commission (hereinafter “County Commission”). On September 25, 2006, Shiloh Ranch appeared before the County Commission at a Public Hearing.
10. At the Public Hearing, Shiloh Ranch, through its attorney, Jim Bradshaw, requested a reasonable accommodation to allow 3 groups of 16 for a total of 48 youth. Shiloh Ranch offered no evidence, authority, or documentation to support their request.
11. Public comments, expressed during the Public Hearing, included concern over safety and theft, feasibility of operating an outdoor facility in extreme weather conditions common during the winter months, suitability of the facility in an A-20 zone due to unavailability of sewer, culinary water, or fire suppression, and hazards to agricultural operations and equipment movement.
12. During the Public Hearing, the County Commission considered Congregate Living Ordinance provisions stating that no residential facility for persons with a disability shall exceed four residents, not including staff or the family that owns the residence. Melanie Habibian, who works for the “Falcon Ridge” facility in Virgin, Utah, a similar treatment facility for girls, responded by submitting a brochure on the operation of the Falcon Ridge. Ms. Habibian opined that the facility in Parowan would need a minimum of 9 students to operate a group therapy equestrian program. County resident Carolyn Ray responded that, according to research she had conducted, many equestrian programs can work with one or two students. Commissioner Stowell then inquired whether Shiloh Ranch would be able to acquire sufficient water rights to support their operation, as they currently do not have sufficient rights. Mr. Bradshaw stated that sufficient rights had been secured through leases. No other comments were made by the applicant or public.
13. After all public comment was received, the County Commission closed the Public Hearing and allowed Shiloh Ranch up to 30 days to submit written documentation supporting its reasonable accommodation request.
14. The County Commission has considered the affidavit of Dr. Robert Gemmill, sent to the Commission on October 25, 2006. In the affidavit, Dr. Gemmill states: [E]xcessively restricting the number of participants will render [group psychotherapy] ineffective.” “Restricting the number of residents [sic] Shiloh Ranch to four will render the project therapeutically ineffective and nullify its purpose and function.” “In order to effectively accomplish the goals of positively changing the lives of program participants an adolescent group should be at least 48 individuals organized into 3 groups of 16. Adolescents learn from play, competition and interaction between separate groups. Under this scenario curative factors will be achieved which will result in therapeutic behavioral changes necessary for Shiloh Ranch to be effective and viable.” Dr. Gemmill’s affidavit states his opinion is based on his own experience and the text entitled, The Theory and Practice of Group Psychotherapy (Yalon, 1975).

15. The affidavit of Dr. Gemmill is the only written documentation Shiloh Ranch has submitted for the record.
16. On November 13, 2006, the County Commission considered the Shiloh Ranch matter in a Public Meeting.
17. The County Commission has reviewed a document entitled, "Considerations for Discussion," presented by Reed Erickson, Community Planner, summarizing group psychotherapy literature and information gathered from group psychotherapy experts.
18. A reasonable accommodation is a provision within the Congregate Living Ordinance and a requirement of the Fair Housing Act for Residential Treatment facilities in order to provide for a "change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling." Furthermore,
  - A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.'
  - B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.'
  - C. "Equal opportunity" means achieving equal results as between a person with a disability and a non-disabled person.'
19. In considering whether or not to grant a reasonable accommodation the Ordinance requires the following factors to be considered:
  - a. The zoning regulations applicable to the property;
  - b. The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
  - c. Whether or not the accommodation will be an undue burden or expense to the County;
  - d. The extent to which the accommodation will or will not benefit the applicant;
  - e. The extent to which the accommodation will or will not benefit the community;
  - f. Whether or not the accommodation fundamentally alters the County wide Zoning Ordinance and General Plan;
  - g. Has the applicant demonstrated that the accommodation will affirmatively enhance the applicant's use of his property, or ameliorate the effects of the applicant's disability;
  - h. Without the accommodation, is similar housing available in Iron County

for the applicant or group of applicants; and

- i. Given the scope of the accommodation requested, what is the impact on the immediate neighborhood;

20. The County Commission has been presented with research conducted by Reed Erickson regarding group psychotherapy and counseling. The following is a synopsis of the literature considered by the Commission:

A. Summary of therapy types, *available* at: [www.psychnet-uk.com](http://www.psychnet-uk.com) (last visited November 9, 2006).

1. Group psychotherapy is effective and appeals to many patients and doctors. The same number of doctors can treat more patients, and it may be combined with individual psychotherapy. In some countries, the group psychotherapeutic approach has exceeded the individual approach. As the nuclear family and religion have become diverse, and in some instances, fragmented, the psychotherapy group may meet the strong need to belong, affiliate, and assist others. Many doctors see a group size of 8 to 10 patients as optimal, but groups may vary in size from 3 to 15. Weekly or twice monthly sessions of 1-2 (1½ most common) hours seems to be the average. Groups of differing ("heterogenous") patient needs may be helpful, but there are some groups where all share the same expressed need or disorder. In some instances, the group is thought of as a doctor who is expressed through other group members: as each group member grows stronger, he/she provides assistance in interpretation, insight, and decision-making to other group members.

B. SOPHIA VINOGRADOV, M.D. & IRVIN YALOM, M.D., A CONCISE GUIDE TO GROUP PSYCHOTHERAPY 34-35 (1989).

1. The ideal size for a prototypic interpersonally-oriented interactional group is 7 or 8 members, and certainly no more than 10. Too few members will not provide the necessary critical mass of interpersonal interactions. A group of three members will not provide enough opportunities for broad consensual validation of different viewpoints, and patients will tend to interact one at a time with the therapist rather than with one another. An enterprise with only two or three patients will be unproductive. In a group with more than 10 members, there may be ample fruitful interaction, but some members will be left out as there will be insufficient time to examine and understand all of the interactions of each of the members.
2. When working with inpatients, or when leading specialized outpatient groups, the focus will not be as explicitly interpersonally-oriented as in the prototypic interaction group – but the therapist must still aim for a lively

and engaging group, one that encourages active participation by as many members as possible. The optimal group size that allows members to share experiences with one another ranges from a minimum of 4 or 5 to a maximum of 12; groups of 6 to 8 offer the greatest opportunity for verbal exchange among all patients.

C. GERALD COREY, *THEORY & PRACTICE OF GROUP COUNSELING* 85 (6th ed. 2003).

1. The desirable size of a group depends on factors such as the age of the clients, the type of group, the experience of the group counselors, and the type of problems explored. Another element to be taken into consideration is whether the group has one leader or more. For ongoing groups with adults, about eight members with one leader seems to be a good size. Groups with children may be as small as three or four. In general, the group should have enough members to afford ample interaction and yet be small enough to give members a chance to participate frequently without losing the sense of group.

21. The County Commission has determined that Dr. Gemmill's statement regarding the appropriate group size of Shiloh Ranch varies significantly from the literature referenced in Dr. Gemmill's affidavit.

22. The County Commission also considered information gathered from interviews Reed Erickson conducted with professionals in equine therapy. The following is a synopsis of the information:

A. Starlee Heady, Clinical Program Director, EAGALA – Equine Assisted Growth and Learning Association.

1. Ms. Heady lives in Florida and travels around the country working in her capacity as an equine-assisted therapy professional. She described an ideal "Treatment Team" at a Teen Residential Treatment Facility to include:
  - a. 1 equine professional
  - b. 1 therapist
  - c. 5 - 7 teens
  - d. 5 - 7 horses
2. She explained that working with group sizes larger than 8 creates too much information to process. She stated that group size is structured around the goals of the group, but she would break any group of 16 into two groups of 8 and work with them separately. With regards to competition among groups, she had not experienced equine-assisted

treatment where “play, competition and interaction between separate groups” was a part of the group psychotherapy treatment program. Her experience has led her to believe that competition is counterproductive and she cautioned against working with groups larger than 8.

B. Mark Lytle, EAGALA Equine Professional Level III - Trainer/Instructor.

1. Mr. Lytle runs a adolescent treatment facility for sex offenders in Marion, North Carolina. He described a treatment team as:

- a. 6-10 horses
- b. 6-10 adolescents
- c. 2-3 line staff (youth counselors)
- d. 1 therapist
- e. 1 equine specialist

2. Mr. Lytle’s facility is licensed for 28 beds located on 50 acres and ½ mile from any neighbor. It has some unique features with public school contracts in the local school district to provide educational experiences for public school children at his facility and integrating his kids into the public schools. He does not utilize equine-assisted therapy as a component of interaction or competition between separate treatment groups.

23. During the November 13, 2006 meeting, the County Commission afforded representatives from Shiloh Ranch an opportunity to comment on their reasonable accommodation request. Without presenting any additional information or documentation, Shiloh Ranch stated that it would stand by the affidavit submitted by Dr. Gemmill. Shiloh Ranch asserted that a facility with 48 individuals would be appropriate, allowing for groups to be in different phases of treatment and enabling the facility to be economically viable. Shiloh Ranch has provided limited documentation and evidence to support their reasonable accommodation request.

#### Conclusions of Law

24. The interpretation and application of the zoning ordinance must be consistent with the 1998 Amendments to the Federal Fair Housing Act (the “FHAA”), which requires equal access to residential housing opportunities for persons with disabilities. 42 U.S.C. § 3601 et seq. The ordinance must not be interpreted or applied to intentionally (discriminatory intent) or inadvertently (disparate impact) discriminate against persons with disabilities. We also acknowledge our obligation to provide reasonable accommodation when necessary to afford a disabled person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604ff(3)(B).

25. Public clamor or generalized “neighborhood opposition and expressions of concern for public safety and welfare” are not a proper basis for this decision. *Davis County v.*

*Clearfield City*, 756 P.2d 704, 711-712 (Utah App. 1988). Moreover, we cannot act in furtherance of misguided or discriminatory notions nor can we allow such notions to influence our decision-making process. *Association of Relatives and Friends of Aids Patients v. Regulations and Permits Administration*, 740 F. Supp. 95, 104 (D.P.R. 1990). We thus disavow any reliance upon generalized statements or opinions of members of the public or governmental officials expressed during this or prior proceedings. We reach our decision solely upon the findings of fact stated herein and our interpretation of the applicable law.

26. Under the FHA, it is discriminatory to refuse to make “reasonable accommodations in rules, policies, practices, or services, when such accommodation may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling . . . .” 42 U.S.C. § 3604(f)(3)(B). This requirement applies to the enforcement of zoning ordinances. *The Corporation of the Episcopal Church in Utah v. West Valley City*, 119 F. Supp.2d 1215, 1220 (D. Utah 2000). Therefore, the FHA requires Iron County to provide an accommodation if it is “(1) reasonable and (2) necessary (3) to afford handicapped persons equal opportunity to use and enjoy housing.” *Id.*
27. An accommodation is “reasonable” if it neither imposes “undue financial and administrative burdens [on the government]” nor requires a “fundamental alterations in the nature of [a governmental] program.” *Id.* at 1221 (quoting *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 604 (4th Cir. 1997)); see also *Southeastern Community College v. Davis*, 442 U.S. 397, 410, 412 (1979). Thus, if the proposed accommodation neither imposes undue financial or administrative burdens on the County nor requires a fundamental alteration in the A-20 zone, it is “reasonable.”
28. An accommodation is “necessary” if there is “a direct linkage between the proposed accommodation and the ‘equal opportunity’ to be provided to the handicapped person.” This requirement has attributes of a causation requirement. If the proposed accommodation provides no direct amelioration of a disability’s effect, it cannot be said to be ‘necessary.’” *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 604 (4th Cir. 1997) (emphasis added).
29. Finally, if an accommodation is both “reasonable” and “necessary,” it must provide “equal opportunity.” The “equal opportunity” requirement:

Mandates not only the level of benefit that must be sought by a reasonable accommodation but also provides a limitation on what is required. The FHA does not require accommodations that increase a benefit to a handicapped person above that provided to a non-handicapped person with respect to matters unrelated to the handicap. As the Court in *Davis* noted, the requirement of even-handed treatment of handicapped persons does not include

affirmative action by which handicapped persons would have a greater opportunity than non-handicapped persons. Congress only prescribed an equal opportunity. *Id.* (citations omitted).

30. Shiloh Ranch's counsel requested a "reasonable accommodation" at the July 6, 2006 Planning Commission meeting to allow 48 youth at the Facility, which exceeds by 44 the number allowed for a residential treatment facility for persons with a disability under the Iron County Code. Consequently, we consider whether a reasonable accommodation is appropriate to allow 48 persons to reside at the Facility.
31. In conducting this analysis, the duty to make reasonable accommodation must be balanced with the County's "right to control land uses through neutral regulation." *West Valley City*, 119 F. Supp.2d at 1220-1221. "Land use planning and the adoption of land use restrictions constitute one of the most important functions performed by local government and that in enacting the [FHA], Congress did not contemplate abandoning the deference that courts have traditionally shown to local zoning codes." *Id.* at 1221 (citations omitted). See *Hemisphere Building Co. Inc. v. Village of Richton Park*, 171 F.3d 437, 440 (7<sup>th</sup> Cir. 1999) (noting that "[z]oning may be good or bad, but the FHAA is not the charter of its abolition.>").
32. Because four persons are the most that can be housed in a residential facility for persons with a disability in the A-20 zone, consideration must be given as to whether allowing forty-eight unrelated persons is both reasonable and necessary to give the proposed disabled persons who would reside at the Facility equal opportunity to enjoy a dwelling.
33. We first consider whether forty-eight residents are "necessary." Shiloh Ranch's sole evidence that forty-eight total residents are necessary to operate the program is the affidavit of Dr. Gemmill. Other group home treatment providers, cited by Mr. Erickson, state that as few as eight residents can constitute an optimal treatment group. Even if it is less profitable for Shiloh Ranch to house fewer than forty-eight youths, the restriction would not hurt disabled people as a result of their disability. Rather, the limitation would affect them "solely by virtue of what they have in common with other people, such as a limited amount of money to spend on housing." *Hemisphere Building Co., Inc.*, 171 F.3d at 440 (holding that "a zoning ordinance that merely raises the cost of housing hurts everyone who would prefer to pay less and forgo whatever benefits the higher cost confers, so need not be waived for the handicapped.>"). Therefore, economic expense to Shiloh Ranch does not make forty-eight youths necessary.
34. We next consider if Shiloh Ranch's request is "reasonable." Shiloh Ranch indicates that multiple youth are needed as part of its treatment plan; thus, limiting Shiloh Ranch to only four youths may be unduly restrictive. What constitutes a reasonable degree of accommodation must be determined in light of the A-20 zone and Shiloh Ranch's proposed operations. An accommodation is "reasonable" if it does not require "undue

financial and administrative burdens,” *Davis*, 442 U.S. at 412, or “changes, adjustments or modifications to existing programs that would be substantial, or that would constitute fundamental alterations in the nature of a program.” *Alexander v. Choate*, 469 U.S. 287, 301 n. 20 (1985) (citations and internal quotations omitted). Utah Code Ann. § 10-9a-520(4)(b) provides that “a residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from a zone.”

35. In *Bryant Woods Inn, Inc. v. Howard County*, 911 F. Supp 918, 940 (D. Md. 1996), *aff’d*, No. 96-1244 (4th Cir. 1997), the court held that a denial of a special use permit was not a failure to make a reasonable accommodation, where the permit would have allowed a facility for the disabled to house fifteen individuals instead of eight. The court reasoned that allowing such a facility would change the character of the residential neighborhood and would set a precedent that would undermine residential planning.
36. Under the Congregate Living Ordinance, only four persons, not including staff or the family that owns the residence, may reside in a residential facility for persons with a disability in an A-20 zone. The purpose of the A-20 zone is to “protect and preserve lands suited for farming and the production of food and fiber . . . and the protection of the economic base of the county.” *Iron County Zoning Ordinance* at § 502. Other purposes include “protection of environmentally sensitive lands[.]” *Id.* No other use in the zone allows occupancy of property to the extent requested by Shiloh Ranch. *See id.* at § 503.
37. Allowing four more youth would not substantially change or fundamentally alter what is already allowed in the A-20 zone. Therefore, we conclude that allowing eight youth to reside at the Shiloh Ranch facility is a reasonable accommodation that does not constitute a fundamental alteration in the nature of the Agricultural zone nor a substantial change to existing circumstances. In addition, eight residents is consistent with other programs licensed for persons with disabilities operating in Iron County. We believe that going beyond eight total residents would constitute a fundamental alteration of the zone in light of the agricultural (non-residential) purpose of the A-20 zone.
38. We grant Shiloh Ranch a reasonable accommodation to house up to eight youth at Shiloh Ranch’s property. This conclusion is limited solely to the property located at 2616 North 2000 West, Parowan, Utah. The approved accommodation is based upon our belief that allowing eight youth to reside at the Facility would not substantially change what is already permitted in the A-20 zone. However, we believe that more than eight youth would fundamentally alter the character of the zone in light of its agricultural purpose.
39. Shiloh Ranch must comply with all applicable licensing requirements of the Ordinance and the State of Utah and all county, state, federal, and health department regulations, laws, rules, and ordinances.



40. Shiloh Ranch's proposed Facility for forty-eight youth is not a permitted use in the A-20 zone because a residential treatment facility for persons with a disability is limited to four unrelated persons.
41. The Iron County Commission, based upon the evidence before it, hereby approves the reasonable accommodation request of Shiloh Ranch, with the condition that the number of beds at the Facility not exceed eight (8). This decision is based upon Shiloh Ranch's application for a reasonable accommodation and the foregoing findings of fact and conclusions of law.

Dated this 13<sup>th</sup> day of November, 2006.

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Gene Roundy, Iron County Commission Chair

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Wayne A. Smith, Commissioner

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Dennis E. Stowell, Commissioner

**CONTRACT APPROVAL BOOKMOBILE** :

A contract for bookmobile services for 2007 was reviewed and tabled to allow for additional information and consideration as a budget request.

**DEPARTMENTAL BUDGET INTERVIEWS** :

The Commission meeting then adjourned to conduct departmental budget interviews.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:30 p.m. on a motion by Wayne Smith. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**November 27, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 27, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Wayne A. Smith	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

APPROVAL OF WARRANTS & ADJOURN .....	13
COMPREHENSIVE LAND USE PLAN REPORT .....	2
DEPARTMENTAL BUDGET INTERVIEWS .....	13
ELECTED OFFICIALS REPORTS .....	1
ENOCH ANIMAL SHELTER USE ISSUES .....	13
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PERSONNEL MATTERS .....	12
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PUBLIC HEARING DENSITY ALTERNATIVES .....	2
ROCKY MOUNTAIN POWER Decision On Conditional Use Permit Modific .....	12
TAX MATTER .....	12

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by David Yardley. \_\_

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the new software is now operational in the Recorder's Office and is working well.

**Geri Norwood** reported that tax payments are coming in very well. With the temporary employees, their office is to keep up with the volume of tax payments and data input is going well.

**Joe Gubler** reported that Auditor elect, Gene Adams, started work on November 20 to allow for a smooth transition and to allow him to become familiar with the budget process. A final budget hearing was scheduled for December 15 to accommodate a scheduling conflict with Commissioner Roundy who will be absent on December 21.

**Dennis Ayers** reported that the Courthouse Christmas party is scheduled for December 14 at 12:00 Noon. Offices will be closed for one hour for this event. Dennis also discussed a meeting with UAC Officials regarding Assessing and Collecting issues. This issue will be discussed by the Legislature in the 2007 session.

**Erik Jorgensen** reported that conversion to the new computer programs is progressing. Issues in the Justice Court system are being addressed and training continues with other departments.

**COMPREHENSIVE LAND USE PLAN REPORT** :

Randy Johnson reported on progress in Congress with the Washington County Comprehensive Land Use Bill. Currently the bill has been heard in Committee and is waiting to be scheduled for full Senate debate. Because of the nearness to the end of the session, it may be attached to a spending bill or to the White Pine, Nevada bill.

Randy reported on the Cedar Breaks National park Task Force. The next meeting of the task force is scheduled for January 29. The Commission requested a meeting at 8:00 a.m. on that date to acquaint the new Commissioners of the process and progress to this point.

**PUBLIC HEARING DENSITY ALTERNATIVES** :

Wayne Smith made a motion to open a public hearing to receive public comments regarding an amendment to the Land Management Code. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

Reed Erickson presented for Considerations of Higher Density and Smaller Lots- Establish Criteria For Consideration In Tier II and Tier III.. The proposed ordinance will allow smaller lots and provide open space alternatives. He reported that developers are in favor of the proposed amendment because it allows higher density in Tier II and also provides parks for residents.

Chris Herrod and Brandon Hooker were present and stated that they were in favor of the proposed ordinance and that it would provide enhancements to future development, allowing for more economical development of real estate.

Chad Nay voiced a concern with maintenance of the parks and open space. The ordinance provides that the open space and parks will be dedicated to the public but provides for no maintenance. The development of this type will require consideration of the establishment and funding of a parks department within the County.

After all public comments were received and questions answered, Wayne Smith made a motion to close the public hearing and to adopt Ordinance 218. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**ORDINANCE 218** :

**IRON COUNTY, UTAH ORDINANCE 218**

**AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS,  
PROVIDING FOR AMENDMENTS TO THE SUBDIVISION ORDINANCE,  
ORDINANCE NUMBER 167 OF IRON COUNTY, UTAH (the “Subdivision**

**Ordinance”) ADOPTED AUGUST 14, 2000 AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** in order to provide for the health, safety and general welfare of the citizens of Iron County, Utah, the County commission is committed to establish and keep current a Subdivision Ordinance that specifies development regulations and standards; and

**WHEREAS,** on August 14, 2000, the County Commission adopted the Subdivision Ordinance of Iron County, Utah as Ordinance 167 in accordance with the provisions of Utah Code Annotated relating to the adoption and content of Subdivision Ordinances in the State of Utah; and

**WHEREAS,** since the adoption of the Subdivision Ordinance, changes have occurred in the land use patterns, demand for and potential supply of high quality real estate development located in the unincorporated areas of the County, the availability of alternatives for the provision of sewer and water and other public services, the state and local laws and policies related to annexation and development of lands outside of incorporated cities and towns; and

**WHEREAS,** the County has determined that it needs to make provision for the development of higher density subdivision developments on the condition that those developments demonstrate the ability to provide water, sewer and other traditional public services; and

**WHEREAS,** the County has also determined that changes are required in the density of residential developments and availability of certain land uses for development occurring in certain portions of the County; and

**WHEREAS,** the County Commission has also established a number of policies that should be implemented over the next several years in order to more fully achieve the goals and policies of the General Plan; and

**WHEREAS,** the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Subdivision Ordinance of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments and has forwarded a recommendation to the County Commission that the Performance Subdivision Ordinance Amendment to the Subdivision Ordinance of Iron County, Utah be adopted; and

**WHEREAS,** the County Commission of Iron County has held a duly advertised and noticed public hearing on the proposed Performance Subdivision Ordinance Amendment to the

Subdivision Ordinance of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** The document “Performance Subdivision Ordinance Amendment of Iron County, Utah” attached hereto is hereby adopted, with necessary formatting, grammatical and spelling revisions as required.

**SECTION 2.** All ordinances adopted subsequent to the Performance Subdivision Ordinance Amendment shall comply with the goals and policies of the General Plan of Iron County, Utah, as amended, and the Iron County Zoning Ordinance, as amended.

**SECTION 3. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 4. REPEALER**

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**EFFECTIVE DATE:** This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 27<sup>th</sup> day of November, 2006.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Gene E. Roundy, Chairman

**ATTEST:**

\_\_\_\_\_  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy       Aye    
Wayne A. Smith       Aye  

**Performance Subdivision Ordinance Amendment of Iron County, Utah**

**SECTION 800.           PERFORMANCE SUBDIVISION OPTION.**

**Section 800-1.                   Purpose and Intent.**

The Performance Subdivision option is provided and designed to encourage flexibility and creativity in subdivision design and layout and to preserve and protect the natural features and amenities of Iron County; to strengthen and preserve farming and ranching activities; and to protect and enhance the amenities and qualities of quality communities. To this end, the proposed Performance subdivision should be planned as a unified development rather than an aggregation of individual unrelated buildings located on separate unrelated lots. Full compliance with all the provisions of this Ordinance, the Iron County Zoning Ordinance and all other applicable requirements of Local, State and Federal laws is required.

**Section 800-2.                   Use Regulations.**

The performance subdivision option may be allowed in the Residential R-1/2 zoning district, with approval of the County Commission, following the receipt of a Planning Commission recommendation. An application for a performance subdivision shall be considered concurrently with a preliminary subdivision application. All use requirements of the R 1/2 zoning district shall apply.

**Section 800-3.                   General Requirements.**

- (1) The number of subdivision lots allowed in a performance subdivision shall be determined by qualifying for density bonus points identified in section 800-4, and as follows:

Level	Density (unit /GDA*)	Performance Requirements
A	2 units / acre	10% open space + 10 performance points
B	3 units / acre	10% open space + 15 performance points
C	4 units / acre	15 % open space + 20 performance points
D	5 units / acre	20 % open space + 25 performance points

Land to be used for schools, churches, and other public facilities / buildings and uses may be included in the area for determining the number of allowable lots. The determination of the number of lots allowed shall also recognize any critical area requirements that may be applicable to the subdivision site, as identified in §1102(9), Iron County Zoning Ordinance.

\* Gross Developable Acre means land which is capable of being improved with landscaping, recreational facilities, buildings, or parking (subject to the provisions of the

Iron County Land Management Code.)

- (2) Properties must contain at least 20 acres of contiguous land in order to qualify for the Performance Subdivision Option
- (3) Projects with phased planning must adopt an overall development plan with the approval of the first phase, describing open space and other values to qualify the entire project as a Performance Subdivision. Each phase must contain at least 10 acres.
- (4) Performance subdivisions must be served by central water and central sewer, and be located within an Iron County Tier II or Tier III area.
- (5) The area and location of the property to be preserved and maintained as open space through the performance subdivision option shall be of a size and location sufficient to achieve the purposes of the area preserved and the purposes of the performance subdivision option and held as common area to the subdivision.
- (6) The development shall be in a single or corporate ownership or the subdivision application filed jointly by the owners of all the property.
- (7) The property adjacent to the performance subdivision shall not be adversely affected and to this end, the Planning Commission and County Commission may require, that uses of least intensity or greatest compatibility be arranged around the boundaries of the performance subdivision area.

**Section 800-4. Development Standards.**

- (1) Minimum Lot Area - A Performance Subdivision must provide for the following lot area configuration:
  - 10 % of total lots must be less than 7,000 sq. ft.
  - 10 % of total lots must be greater than 15,000 sq. ft.
  - Remainder of lots can be of any size equal to, or larger than, 5,000 sq. ft.
- (2) Minimum Lot Width and Yard Setback - The minimum lot width and yard requirements may be reduced below the width and yard normally required by the R ½ zoning district in which the performance subdivision is located, as prescribed below and as recommended by the Planning Commission, and approved by the County Commission.

Setbacks - based on lot sizes

Lot size	Min Lot Width	Front		Side Min	Side Corner Min.	Rear Min	Bldg. Separation Min.	Height Max
		Min	Max					
	50	15	20	6	15	10	5	25
7001 - 12,000 sq. ft	75	20	30	8	20	10	10	25
12,001 and above	100	25	30	10	20	15	15	30
Accessory Building Setbacks – Unless determined otherwise by the County Commission, accessory building setbacks shall be 5 feet minimum for rear and side yard setbacks. Front yard is the same as the principle building. Accessory buildings may not be located in utility easements.								

- (3) The proposed Performance Subdivision shall comply with the application and approval requirements for preliminary subdivision applications, and final subdivision applications.
- (4) Performance Criteria and Bonus Densities - Performance points can be earned by qualification of established values as described below. Interpretation is given to the Iron

County Zoning Administrator for the purpose of processing the application and later approved by the Iron County Commission after receiving a recommendation from the Planning Commission. See Performance Criteria Description for Evaluation and Qualification, Section 800-8.

Value		Scoring	Points Possible
1.	Maintenance of natural features	✓	1
2.	Landscaping improvements		3
	Extra Large Trees (on Lots)	✓	
	Extra Large Trees (in common area)	✓	
	Soften Fence Appearance	✓	
3.	Water conservation measures		11
	Secondary irrigation	✓✓✓	
	w/ drainage or surface water		
	Mandated planting restricts (CICWCD)	✓✓✓	
	Incorporate reuse system	✓✓✓✓✓	
4.	Public Facilities (Church, school, fire station, etc)		3
	Facilities/property planned	✓	
	Facilities planned - property conveyed	✓✓✓	
5.	Public Streets	✓✓	2
6.	Design Theme		4
	Installed Landscaping	✓	
	Theme Lighting	✓	
	Fencing	✓	
	Special Features	✓	
7.	Building Design		2
	Facade Materials	✓	
	Roof Materials	✓	
8.	Theme Design Drainage	✓	1
9.	Open space used as buffer)	✓	1
10.	Mixed Use Area - Commercial)	✓	1
11.	Common parking/storage areas for recreational vehicles	✓	1
12.	Open space/preservation lands	<u>15 %</u> <u>20 %</u> <u>30+ %</u>	
	(Private)	✓ ✓✓ ✓✓✓	3
	(Public access)	✓✓ ✓✓✓ ✓✓✓✓	4
	or, Production agriculture lands	✓ ✓✓ ✓✓✓	
13.	Prairie Dog Habitat Preservation	✓✓ ✓✓✓ ✓✓✓✓	4
	May be in conjunction with open space and/or Agriculture lands (additional points)		
		<u>private</u> <u>public access</u>	
14.	Recreational amenities		✓✓✓ 3
	Parks / Playgrounds	✓	✓✓✓ 3
	Trails system & connectivity	✓	✓✓✓ 3
			<b>TOTAL 50</b>

(5) Improvements - The improvement requirements set forth in the Iron County Design and Construction Standards may be altered for the following improvements, when recommended by the Iron County Planning Commission and approved by the Iron County Commission.

(A) Sidewalks - May not be required in front of lots when an improved trail system provides for access to the trail for each lot.

(B) Drainage (curbs and gutters) - May be eliminated when storm drainage system utilizes swales and road-side drainage systems with minimal collection of drainage waters and no off-site discharge in excess of historical run-off.



(C) Off-Street Parking - When no on-street parking is allowed or provided (streets narrower than 28 feet width - improved surface), four off-street parking spaces shall be required outside of a garage. Otherwise, two off-street parking spaces shall be required.

(D) Signage and Fencing - Monument / Entrance signs shall be considered as part of the theme design and incorporated into the fencing plan. Height and setbacks shall be considered in plan approval. Fencing shall be in accordance with the project design theme and the Iron County Design and Construction Standards and the "Subdivision Entrance Signs Ordinance Amendment of Iron County, Utah".

(E) Lighting - Theme lighting may be varied from Iron County Design and Construction standards when approved with the theme design by the County Commission and recommended by the Planning Commission.

(F) Street Design - Minimum improved street surface and right-of-way width shall be in accordance with Iron County Design and Construction Standards, unless private streets are proposed and recommended by the Iron County Planning Commission and approved by the Iron County Commission. In no case shall street width of the improved surface (paving including curb, face to face) be less than 24 feet.

(6) Additional Considerations / Special Conditions - Discretion shall be provided to the Iron County Planning Commission and Board of County Commission when evaluating other considerations on an individual basis. Such areas where individual consideration may warrant special conditions includes, but is not limited to, the following:

Mountain Developments

Gated Communities where emergency access is required

Phasing of a project in relation to open space improvements and recreational amenities being provided.

Use of development agreements when the scope of the project is beyond the structure provided by a performance subdivision in this Section.

#### **Section 800-5. Open Space Provision and Maintenance.**

Open space means a planned open area, not part of a development lot, suitable for relaxation, recreation or landscaping which may be held in common or private ownership that is unoccupied and unobstructed by buildings and hard surface, such as asphalt or cement, except that such open spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed fifteen percent (15%) of the established open space. Open space approved as such with a performance subdivision must be held and maintained in perpetuity with the subdivision.

The design of an open space area should encourage the following:

- (a) Interconnection with designated open space and trails on abutting properties;
- (b) The preservation of important site features, such as rare or unusual stands of trees, unique geological features, or important wildlife habitat;
- (c) Direct access from as many lots as possible within the development;
- (d) Minimizing the fragmentation of the open space areas. To the greatest extent possible, the designated open space should be located in large, undivided areas;
- (e) A curvilinear roadway design which minimizes the visual impact of houses as may be seen from the exterior of the site.

All areas to be preserved for open space areas through the performance subdivision option shall be preserved, improved and maintained as common area, owned by owners of the subdivision lots, and in accordance with a plan, presented by the subdivider, outlining anticipated maintenance costs and schedules, reviewed and recommended by the Planning Commission, and approved by the Board of County Commissioners.

The applicant for performance subdivision approval may be required to provide a financial guarantee,

such as a surety or cash bond, escrow, or bank letter of credit in an amount determined by the County Commission guaranteeing the completion of any required improvements of the open space areas and/or landscaping improvements approved in the required landscape plan for private or common areas. When completed in accordance with the approved plan, the financial guarantee shall be released. If uncompleted at the end of two (2) years, the County will review the progress and may proceed to use the financial guarantee funds to make the required improvements to the open space areas.

**Section 800-6. Submission of Application.**

An application for a performance subdivision shall be submitted to the County in accordance with this Ordinance and shall be accompanied by a preliminary subdivision plat application as required herein.

**Section 800-7. County Commission Approval.**

A preliminary and final plat of the performance subdivision showing the areas to be permanently reserved for farm uses and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the County Commission, consistent with all requirements of this Ordinance, the Iron County Zoning Ordinance and other applicable Local, State and Federal laws.

**Section 800-8. Performance Criteria Description for Evaluation and Qualification.**

(1) Maintenance of Natural Features

Preservation of existing physical/natural features that are special or unique to the site and will be protected and incorporated and/or enhanced as a part of the development project. Such features may include unusual rock formations, established mature stands of trees, particularly interesting vegetation growths, water bodies or corridors, unusual topography, unique geological features, important wildlife habitat, etc.

(2) Landscaping Improvements

(a) LARGE TREES (on lots) Design and planting of two or more trees larger than 2 ½ inch in diameter at four feet from the base for deciduas trees and greater than 10 feet in height for conifers to be planted in the front yards of private residential lots.

(b) LARGE TREES (in common areas) Design and planting of trees larger than 2 ½ inch in diameter at four feet from the base for deciduas trees and greater than 10 feet in height for conifers to be planted in accordance with an approved landscape plan for the common area within the subdivision. Such landscape plan would also include the necessary irrigation for the establishment of said trees.

(c) SOFTEN FENCE APPEARANCE Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs, or trees, as prescribed in an approved landscape plan.

(3) Water Conservation Measures

(a) MANDATED PLANTING RESTRICTIONS. Incorporation of Central Iron County Water Conservancy District water conservation standards for plant species/type, sizes, and amounts into the CC&R's for the development.

(b) INCORPORATE SEWER EFFLUENT REUSE SYSTEM. Design and install a water reuse system that captures wastewater effluent for reuse in irrigation within the development.

(c) SECONDARY IRRIGATION SYSTEM WITH SURFACE WATER. Design and install a secondary (separate from primary culinary water system) water irrigation system that utilizes

appropriated surface water rights for the primary source of irrigation water for private lot irrigation and common area irrigation.

(d) **SECONDARY IRRIGATION SYSTEM WITH DRAINAGE WATER.** Design and install a secondary water irrigation system (separate from primary culinary water system) that utilizes captured and collected drainage water as a supplemental source of irrigation water for private lot and common area irrigation.

(4) **Public/Community Facilities**

(a) **FACILITIES/PROPERTY PLANNED.** Facilities are planned and specific areas or land parcels are identified and prescribed for uses such as schools, churches, fire stations, libraries, community meeting halls or recreational facilities, etc., and are not to be used for residential or commercial development at the present time or for conversion at a later time.

(b) **FACILITIES PLANNED - PROPERTY CONVEYED.** Facilities are planned for specific land parcels as described in (a) above, and the lot(s) or parcel(s) are dedicated or title conveyed to the appropriate public or private entity as part of the subdivision process. Written willingness to accept such dedication or conveyance by the identified entity must accompany the subdivision application.

(5) **Public Streets.**

All streets within the development are built to Iron County street standards and dedicated to Iron County as part of the subdivision process.

(6) **Design Theme.**

(a) **INSTALLED LANDSCAPING.** Landscaping is designed and installed along all streets of the development according to an architectural or project theme which provides character and interest.

(b) **THEME LIGHTING.** Theme lighting is used throughout the development for street lighting, lighting of walkways, parking areas, entrances, and building exteriors based on project theme.

(c) **FENCING.** Perimeter fencing is used throughout the project that matches the building design, i.e., masonry columns or piers using the same brick or stone as the buildings (project theme continuity).

(d) **SPECIAL FEATURES.** Special features such as fountains, streams, ponds, sculptures, buildings or other elements which reflect the project/design theme for the development and are utilized in highly visible locations in the development.

(7) **Building Design.**

(a) **FACADE MATERIALS.** Three facades of each dwelling structure (front and two adjacent sides), exclusive of windows or doors, have a minimum coverage of 50% of the exterior surface in either brick or stone (including cultured or manufactured rock or brick products).

(b) **ROOF MATERIALS.** All roofs of main buildings are clad with wood shake, tile, or slate shingles

(8) **Theme Design Drainage.**

Incorporation of a master drainage plan (utilizes swales, holding facilities and other drainage features) that is designed to capture storm-drain water and retain said runoff within the development with not net discharge from the subdivision and utilizes design elements that portray the character and interest of the project design theme.

(9) **Open Space Buffer.**

The designated open space should include areas that provide a perimeter buffer between this subdivision and the adjacent developments or properties that help to screen and separate the impacts of this development from existing adjacent projects and/or incompatible land uses from properties in the immediate surrounding area.

(10) Mixed Use Area - Commercial.

The subdivision would include an area for mixed-use commercial/residential that facilitates the integration of diverse but compatible uses into a single development and provides residents of the subdivision and the immediate neighborhood with some commercial retail and business services resulting in reduced vehicle trips to more distant retail and commercial centers, as well as employment opportunities closer to home – “Live, work and play” opportunities within convenient distance from each other.

(11) Common Parking / Storage for Recreational Vehicles.

Provision of one or more combined paved/graveled surface area(s) for the storage of operable and licensed recreational vehicles. Combined recreational vehicle storage areas in excess of 1000 square feet shall be enclosed in a six foot high site obscuring fence.

(12) Open Space. (15%, 20%, 30+%)

DESIGNED PLAN. Open space is designed (not left over space between buildings) and flows uninterrupted through the entire development linking dwellings and recreation amenities and trails in accordance with design concepts described in Section 800-5.

(13) Prairie Dog Habitat Preservation.

Identification and preservation of an established existing prairie dog habitat that will not result in “take” as defined in the Iron County Habitat Conservation Plan (HCP) and incorporated into the development project so as not to jeopardize the prairie dogs ability to sustain themselves at the identified location. Said habitat area must therefor provide appropriate connecting corridors and buffer zones. Any proposed prairie dog habitat preservation effort must be approved by the Utah Division of Wildlife Resources.

(14) Recreational Amenities – Parks and Playgrounds – Trail System and Connectivity.

(a) PRIVATE. The subdivision includes a recreational amenity primarily for the use of the residents of the development. Amenities, may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the Planning Commission. Parks, and Trail Systems may include playgrounds, play fields, playground equipment, exercise and health stations, etc. designed primarily for use by residents of the subdivision development.

(b) PUBLIC ACCESS. The subdivision includes a recreational amenity for the use of the residents of Iron County. Construction of a park or trail according to County standards of trail or park and has been dedicated to the County. Dedication of land for public park, public access along a stream, or public access along a planned trail. The County must be willing to accept the proposed dedication(s).

**Section 800-9. Provisions for Amendments of Certain Sections by Resolution.**

Section 800-3 (General Requirements) and Section 800-4 (Development Standards) of this ordinance are hereby adopted by Resolution and may be amended by Resolution of the Iron County Commission, from time to time, if needed to better accomplish the purposes of this ordinance. The tables and point matrix provided in these sections were developed through evaluation of existing subdivision development in Iron County and similar areas around the region and may need to be modified from time to time, because of lessons learned through the implementation of this ordinance, in order to achieve the goals of Iron County in striving for higher quality development projects and subdivisions in Iron County.

**PUBLIC HEARING ZONE CHANGE FROM A 20 TO R ½ :**

Wayne Smith made a motion to open a public hearing to receive comments on a proposed zone change from A-20 to R ½ as requested by Bryson Bennett. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

Chad Nay presented to proposed zone change as approved by the Planning Commission and

he recommended approval. There were no comments in opposition whereupon Wayne Smith made a motion to close the hearing and to approve the zone change from A-20 to R- ½ as recommended by the Planning Commission. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

Legal Description:

The East ½ of the Southeast ¼ of the Northeast ¼ of Section 18, Township 35 South, range 11 West, Salt Lake Base & Meridian. Containing 20 Acres M/L.

**TAX MATTER** :

Kent Corry and Joye Corry representing Iris W. Corry met with the Commission to request approval to file for circuit breaker tax relief for Iris W. Corry. Mr. Corry explained that his mother, Iris Corry has been ill and confined in a care center for a few months. She has been very independent and has not allowed her children to manage her affairs. Because of her illness, the deadline for filing passed.

The Commission requested an opinion from the Deputy County Attorney. Brian stated that Utah Code provides that the County Commission may allow filing for the circuit breaker exemption up to December 31. Wayne Smith made a motion to authorize Iris Corry to file an application for circuit breaker tax relief for 2006 and to authorize an exemption of \$305 upon filing of an application. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented a request to promote Jared Burton from EMT Basic to EMT Intermediate. Wayne Smith made a motion to approve the promotion. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**ROCKY MOUNTAIN POWER Decision On Conditional Use Permit Modification :**

The matter of Rocky Mountain Power request for modification of Conditional Use permit requirements was called for a report of findings referred to the County Engineer. Steve Platt reported that he has reviewed the site grading plan furnished by Rocky Mountain Power. From the highest elevation in the NW corner of the 40± acres is at 5688 ft above sea level. Rocky Mountain proposes a 22 foot cut to a pad elevation of 5666 ft. This would basically balance the cut and fill material on site with a 3:1 cut and fill slopes with not import or export of material.

Cost to excavate from 5666.32 ft to 5665.32 ft would be \$228,850. This figure increases as the cut goes deeper and export of material becomes a significant factor.

Rocky Mountain Power has offered to increase the cut by three feet, at a cost of \$228,850., an expense normally borne by the County. Reed Erickson suggested that the cut only be required an additional 2 feet with the excess \$103,571 being used for landscaping the site. After reviewing all alternatives, Steve recommended a cut to 5664 feet elevation and \$200,000 for landscaping.

Mark Cox of Rocky Mountain Power stated they were willing to provide the landscaping and cut as recommended.

Wayne Smith made a motion to approve the amendments to the Conditional Use permit as requested and recommended and also to increase setbacks to 80 feet from property lines. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS EXECUTIVE SESSION :**

\_\_\_\_\_ Wayne Smith made a motion to convene in executive session to discuss a personnel matter. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 27<sup>th</sup> day of November, 2006.

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Signed: Gene E. Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**DEPARTMENTAL BUDGET INTERVIEWS :**

The Commission adjourned at 2:30 to allow for budget interviews and work in preparing a proposed budget for 2007.

**ENOCH ANIMAL SHELTER USE ISSUES :**

A letter received from Enoch City stating that fees for services at the Enoch animal Shelter were increasing significantly and could affect budgets for 2007 was reviewed and taken under advisement to get more information from Enoch City officials.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:30 p.m. on a motion by Wayne Smith. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 11, 2006**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 11, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

APPROVAL OF MINUTES November 13, 2006 .....	1
APPROVAL OF PUBLIC DEFENDER CONTRACTS .....	3
APPROVAL OF WARRANTS & ADJOURN .....	3
CLEAN OUR CANYONS .....	1
COMMISSION REORGANIZATION AND ASSIGNMENTS .....	3
EMERGENCY MANAGEMENT .....	2
EXECUTIVE SESSION .....	2
MENTAL HEALTH FACILITY .....	3
MULTI COUNTY SETTLEMENT AGREEMENT WITH IPA .....	3
PARKS AND RECREATION .....	2
PERSONNEL MATTERS .....	3
PLEDGE OF ALLEGIANCE .....	1

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES November 13, 2006** :

Minutes of the Iron County Commission meeting held November 13, 2006 to include findings of fact regarding a request for reasonable accommodation for Shiloh Ranch prepared by the County Attorney's Office were approved as amended on a motion by Wayne Smith. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**CLEAN OUR CANYONS** :

Carin Miller and Elizabeth Martins met with the Commission to request help with garbage removal from some of their clean up sites. They explained that they are a non profit group that is attempting to remove garbage from illegal dump sites in the County. They also expressed thanks to the County for furnishing garbage bags to assist their group in cleanup projects.

They requested that the County furnish a vehicle so that they could haul collected waste to the landfill. They also requested that dumpsters be provided along canyon highways for people to dispose of trash.

The Commission stated that no vehicles were available at this time and that because they were not a County entity, we could not provide insurance coverage for their activities. David

Yardley will provide information on the TULIP insurance option for a planned concert in February. Their request for dumpsters was taken under review to look at locations.

**EXECUTIVE SESSION** :

Wayne Smith made a motion to convene in executive session in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.

Dated this 11<sup>th</sup> day of December, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

**EMERGENCY MANAGEMENT** :

Charlie Morris met with the Commission to request appointment of two members to the Regional Hazmat Team. Currently Paul Irons and Charlie Morris represent Iron County. Wayne Smith made a motion to appoint Charlie Morris and Paul Irons to the Regional Hazmat Team. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**PARKS AND RECREATION** :

Charlie Morris as Parks Manager requested a procedure to regulate events at Three Peaks Recreation Area, mainly rock crawl events. He explained there are concerns with scheduling events and the number of events being requested. The Commission explained that the policy was established to limit rock crawl events to three per year. The promoters are to provide a contract with a hold harmless clause in favor of Iron County and to name Iron County as an additional insured. Insurance coverage is to be a minimum of \$1,000,000. The promoters are also to provide law enforcement and emergency medical coverage during their events.

The matter was referred to the County Attorney and Charlie to coordinate contract language and control of the events.

The Commission also discussed a use fee for large events to ensure that the area is cleaned afterward. The Commission stated they were in favor of a percentage of gate receipts instead of an impact fee.



**PERSONNEL MATTERS** \_\_\_\_\_ :

Colette Eppley presented for approval new employees Randall McConnell who is a certified Corrections Officer who qualifies to be placed 6% into the pay range and Steve Hunt as a Corrections Officer.

Colette also requested approval of a transfer from the Jail to Patrol for Jeremy Holm who will replace Gale Grover.

Wayne Smith made a motion to approve the two new hires and the transfer as presented. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

Colette also discussed the process for selecting a new Justice Court Judge. Applications have been received and reviewed. Interviews are to be conducted on December 20. A member of the County Attorney's office and Lois Bulloch will be asked to sit on the selection panel.

**MULTI COUNTY SETTLEMENT AGREEMENT WITH IPA** \_\_\_\_\_ :

A proposed settlement agreement with Intermountain Power Agency was reviewed and approved as recommended by the County Attorney and adjacent Counties on a motion by Wayne Smith. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**COMMISSION REORGANIZATION AND ASSIGNMENTS** \_\_\_\_\_ :

Due to the resignation of Dennis Stowell, Commission assignments were adjusted on a temporary basis until a new Commission is in place in January. Wayne Smith made a motion to assign the Roads Department and the Five County AOG to Wayne Smith. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**MENTAL HEALTH FACILITY** \_\_\_\_\_ :

Southwest Mental Health has requested that the County transfer title to the residential facility located on 300 East in Cedar City. Wayne Smith made a motion to approve the transfer of title to Southwest Mental Health provided the contract has been paid in full. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**APPROVAL OF PUBLIC DEFENDER CONTRACTS** \_\_\_\_\_ :

Scott Garrett reported that Jeff Slack and Jack Burns have agreed to accept a contract to provide indigent defense in District Court for 2007. There is a question on providing service in the Juvenile Court so this contract will be readvertised for proposals.

Wayne Smith made a motion to approve the contract for District Court indigent defense attorneys for 2007. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:30 p.m. on a motion by Wayne Smith. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

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Signed: Gene E. Roundy, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 15, 2006**

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m.  
December 15, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Wayne A. Smith	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

Joseph H. Gubler	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

ADJOURN .....	5
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COMMISSION MEETING SCHEDULE FOR 2007 .....	4
ELECTED OFFICIALS REPORTS .....	1
OATH OF OFFICE .....	5
PERSONNEL MATTERS .....	4
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG TAKE EXTENSION OF TIME MARK MEISNER .....	3
PUBLIC HEARING 2006 BUDGET AMENDMENT .....	2
PUBLIC HEARING 2007 FINAL BUDGET .....	2
RECONVENE .....	5
RESOLUTION 2006-10 ADJUSTING 2006 BUDGET .....	2
SEWER LINE CONTRACT WITH CEDAR CITY .....	3
SOUTHWEST BEHAVIORAL HEALTH CENTER AUDIT REPORT .....	5

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Joe Gubler. \_\_\_\_\_

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the Recorder’s Office is preparing to copy plat maps as required starting in January. Copies will be completed for the Assessor, and Building Inspector along with a counter copy for their office.

**Geri Norwood** reported on tax collections this year. \$26,800,000 is being prepared for distribution to taxing entities. With the addition of personal property tax, total collections will approach 27 million this year.

**Joe Gubler** reported that major work on the proposed 2007 is complete. There will be a few areas that still need minor adjustments.

**Wayne Smith** reported that the Republican Central Committee has submitted three names for consideration as a Commissioner to replace Dennis Stowell, who resigned on November 14. Because Commissioner Roundy will be unavailable after today, a special meeting has been called and set for 3:00 p.m. today to interview and select a replacement. The public and elected officials were invited to attend. Commissioner Roundy will be leaving the County to visit family and will not be available for the remainder of the year.

**Dennis Ayers** reported that the Assessor's Office is conducting software training in the new Eagle system.

**Alan Wade** presented results of bids for new trucks which need to be ordered prior to January 1 in order to avoid a price increase of several thousand dollars per vehicle. The Commission explained that the item is not on the agenda and no action could be taken. Alan was asked to place it on the next agenda for action.

**PUBLIC HEARING 2007 FINAL BUDGET** \_\_\_\_\_ :

Wayne Smith made a motion to open a public hearing to receive comments on the proposed 2007 budget. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

Joe Gubler presented the proposed budget for 2007. He explained that because of recent changes in the proposed budget and notice advertisement procedural errors, an additional budget hearing should be scheduled. The Commission selected December 28 to schedule a special meeting to adopt the 2007 budget. This will allow for proper notice to be published.

No additional public comments were received at this time whereupon Wayne Smith made a motion to close the hearing at this time and recall the matter on the advertised date of December 21 at 10:00 a.m.. Final action on the budget to be completed on December 28 to allow for advertising as required by State Code. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**PUBLIC HEARING 2006 BUDGET AMENDMENT** \_\_\_\_\_ :

Wayne Smith made a motion to open a public hearing to receive comments regarding amendments to the 2006 budget. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

Joe Gubler presented recommendations for budget adjustments to reflect actual and approved expenditures for 2006. He reviewed overtime expenditures for each county department. He explained that overtime is not budgeted because actual overtime requirements are not known at budget time.

No other public comments were made whereupon Wayne Smith made a motion to close the public hearing and to approve Resolution 2006-8 as follows. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**RESOLUTION 2006-10 ADJUSTING 2006 BUDGET** \_\_\_\_\_ :

**RESOLUTION 2006-10**

**A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING  
ADJUSTMENTS IN THE 2006 DEPARTMENT BUDGETS.**

**WHEREAS**, Iron County Departments have requested adjustments to their budgets for 2006 to cover expenses incurred over time, increases in under budgeted areas, purchases of unbudgeted but approved equipment, and

**WHEREAS**, adjustments must be made to authorize unexpected or approved expenditures above those appropriated in the original budget, now therefore:

**BE IT RESOLVED** that the 2006 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2006 budget to actual expenditures as calculated and filed in the office of the Iron County Auditor.

**BY ORDER OF** the Board of Iron County Commissioners this 15<sup>th</sup> day of December, 2006.

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Signed: Gene E. Roundy, Chair

Attest:

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David I. Yardley, County Clerk

Voting:

Gene E. Roundy	Aye
Wayne A. Smith	Aye

**PRAIRIE DOG TAKE EXTENSION OF TIME MARK MEISNER :**

Mark Meisner met with the Commission to request an extension of time for prairie dog take of SITLA approved dogs. He explained that on a project in Cedar City, he received approval to take four prairie dogs. Cedar City has changed policy and now require a prairie dog clearance prior to beginning the subdivision process. This results in a time lag to begin work within the time allowed under the HCP.

Wayne Smith made a motion to grant an extension of time to begin work on the Meisner project in Cedar City beginning December 24, 2006. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**SEWER LINE CONTRACT WITH CEDAR CITY :**

Les Whitmore of Bulloch Brothers Engineering presented an agreement on behalf of Cedar City to extend the west outfall line from the existing sewer plant for up to five miles. This will extend the line Southwest to Lund Highway and then continuing to Midvalley Road. It will then continue along the westerly route toward Parkwest Subdivision.

Wayne Smith made a motion to approve the agreement for the extension for the first 5 miles of main line. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**PERSONNEL MATTERS** :

Colette Eppley requested approval of Susan Miller as an Outreach Worker in the Parowan Senior citizen Center. Wayne Smith made a motion to approve the hiring as presented. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

Colette also presented for approval the promotion of Abby Holmgren and Kathy Valencia from EMT Intermediate to Paramedic. Wayne Smith made a motion to approve the promotions. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**COMMISSION MEETING SCHEDULE FOR 2007** :

Wayne Smith made a motion to adopt the following Commission Meeting Schedule for 2007. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**PUBLIC NOTICE**

**2007 IRON COUNTY COMMISSION MEETING SCHEDULE**

NOTICE IS HEREBY GIVEN that the regular Iron County Commission meetings for 2007 have been scheduled on the following dates:

January 2 (Noon) Swearing in of Elected Officials	
January 8	January 22
February 12	February 26
March 12	March 26
April 9	April 23
May 14	May 29 (Tuesday)
June 11	June 25
July 9	July 23
August 13	August 27
September 10	September 24
October 8	October 22
November 13 (TUESDAY)	November 26
December 10	
December 20 (THURSDAY)	(Final Budget Hearing 10:00 A.M.)

Meetings will be held in the Iron County Commission Chambers, 68 South 100 East, Parowan, UT beginning at 9:00 A.M.

Persons or groups wishing to address the Commission must make an appointment with the Iron County Clerk, 68 S. 100 E. P.O. Box 429, Parowan, UT 84761 by the **Monday preceding the scheduled meeting. Agenda is closed at 5:00 p.m. Monday preceding scheduled meeting.**

By Order of the Iron County Commission.

David I. Yardley  
Iron County Clerk

**SOUTHWEST BEHAVIORAL HEALTH CENTER AUDIT REPORT :**

Gene Roundy presented a copy of the Independent Audit Report for Southwest Behavioral Health Center for FY 2005/2006. He reviewed key points of the audit report and the recommendations of the independent auditors. Wayne Smith made a motion to approve the audit report and to authorize Commissioner Roundy to sign the report form. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**ADJOURN TO TIME CERTAIN :**

Wayne Smith made a motion to adjourn until 3:00 p.m. as noticed to newspapers and other media in compliance with Utah Open Meeting Law. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**RECONVENE :**

At 3:00 p.m. the meeting reconvened to select a replacement for Commissioner Dennis Stowell. Three applicants submitted by the Republican Central Committee were present; Alma Adams, LaDel Laub and Rick Bonzo were introduced and interviewed by the Commission. They cited their availability to serve and willingness to work as a County Commissioner to fill the unexpired term of Commissioner Stowell.

After interviews and a question answer period, Wayne Smith made a motion to convene in Executive Session to discuss Personnel matters. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

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

I, Gene E. Roundy, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 15<sup>th</sup> day of December, 2006.

\_\_\_\_\_  
Signed: Gene E. Roundy, Chairman

\_\_\_\_\_  
Attest: David I. Yardley  
County Clerk

After reconvening in open session, Wayne Smith made a motion to appoint Alma Adams to fill the unexpired term of former Commissioner Dennis Stowell effective immediately. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

**OATH OF OFFICE :**

The Oath of Office was administered to Alma L Adams by County Clerk, David Yardley.

**ADJOURN** \_\_\_\_\_ :

The meeting was adjourned at 4:30 p.m. on a motion by Wayne Smith. Second by Gene Roundy. Voting: Gene Roundy, Aye; Wayne Smith, Aye.

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Signed: Gene Roundy, Chairman

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Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING  
December 21, 2006**

Minutes of the Iron County Commission meeting convened at 10:00 a.m. December 21, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chair Pro Tem
Alma L. Adams	Commissioner
David I. Yardley	County Clerk

Absent:

Gene E. Roundy	Commission Chairman
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<b><u>SYNOPSIS</u></b> .....	:
ADJOURN .....	2
APPROVAL OF MINUTES November 27, 2006 .....	1
BUDGET HEARING .....	1
LANDFILL VEHICLE BID APPROVAL .....	1
PERSONNEL MATTERS .....	2

**APPOINTMENT OF CHAIRMAN PRO TEM** .....

Alma Adams made a motion to appoint Wayne Smith as chairman Pro Tem. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES November 27, 2006** .....

Minutes of the Iron County Commission meeting held November 27, 2006 were approved as amended on a motion by Alma Adams. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**BUDGET HEARING** .....

Alma Adams made a motion to open a public hearing to receive comments on the proposed 2007 budget. Second by Wayne Smith. Voting: Alma Adams, Aye; Wayne Smith, Aye.

Linda Petty, Dispatch Manager, met with the Commission and requested that additional funding sources for dispatch service be explored. She suggested that a fee be placed on utility bills which would then be dedicated to dispatch. The Commission reviewed the proposed budget and found that sufficient funds have been allocated to fund dispatch for 2007.

After all public comments were received, the public hearing was closed.

**LANDFILL VEHICLE BID APPROVAL** .....

Alan Wade presented bid results for the purchase of two vehicles. The first, a rolloff transport vehicle came in with a low bid of \$136,900 for a Sterling truck from National Environmental Waste Systems. Other bids were from Kenworth for \$154,000 and Warner Truck Sales for a Freightliner at \$145,470. Alma Adams made a motion to accept the low bid of \$136,500. Second by Wayne Smith. Voting: Alma Adams, Aye; Wayne Smith, Aye.

The second vehicle, a waste collection truck, received two bids, Warner Truck Center bid \$193,460 for a Freightliner and National Environmental Waste Systems bid \$189,500 for a Sterling Condor. Alma Adams made a motion to accept the bid of NEWS for \$189,500. Second by Wayne Smith. Voting: Alma Adams, Aye; Wayne Smith, Aye.

Alan also presented bids on a front end loader. Because of some problems with the bid specifications, the matter was tabled to allow a re draft of the specifications and rebidding the equipment.

**PERSONNEL MATTERS** :

\_\_\_\_\_ Colette Eppley presented the name of Brent Dunlap to be a part time Justice Court Judge to replace Kenneth Adams. Alma Adams made a motion to approve the hiring of Brent Dunlap as presented with the appointment to become effective January 1, 2007. Second by Wayne Smith. Voting: Alma Adams, Aye; Wayne Smith, Aye.

**ADJOURN** :

The meeting was adjourned at 11:00 a.m. on a motion by Alma Adams. Second by Wayne Smith. Voting: Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Wayne A. Smith, Chairman Pro Tem

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 28, 2006**

Minutes of the Iron County Commission meeting convened at 10:00 a.m. December 28, 2006 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chair Pro Tem
Alma L. Adams	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Absent:

Gene E. Roundy	Commission Chairman
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<b><u>SYNOPSIS</u></b> .....	:	
ADJOURN .....		2
APPOINTMENT OF CHAIRMAN PRO TEM .....		1
PLEDGE OF ALLEGIANCE .....		1
PUBLIC HEARING 2007 FINAL BUDGET .....		1
RESOLUTION 2006-9 ADOPTING 2007 BUDGET .....		1

**PLEDGE OF ALLEGIANCE** .....

Those assembled were led in the pledge of allegiance by Wayne Smith. \_\_\_\_

**APPOINTMENT OF CHAIRMAN PRO TEM** .....

Alma Adams made a motion to appoint Wayne Smith as chairman Pro Tem. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**PUBLIC HEARING 2007 FINAL BUDGET** .....

Alma Adams made a motion to open a public hearing to receive comments on the proposed 2007 budget. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

Joe Gubler reported that \$6,000 has been inadvertently left out of the Woods Ranch budget for part time temporary help.

Geri Norwood questioned why a cost of living increase was not included in the budget. Commissioner Smith responded that it was included in the wage adjustment granted in July 2006.

After all comments were received and discussed, Alma Adams made a motion to close the hearing and to approve Resolution 2006-10 adopting the 2007 budget. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**RESOLUTION 2006-9 ADOPTING 2007 BUDGET :**

**RESOLUTION 2006-9**

**A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2007 BUDGET.**

**WHEREAS**, Iron County is required by Utah State Law to adopt a budget (UCA 17-36-15) on or before the last day of each fiscal period, the governing body by resolution shall adopt the budget which, subject to further amendment, shall thereafter be in effect for the next fiscal period. A copy of the final budget, and of any subsequent amendment thereof, shall be certified by the budget officer and filed with the state auditor not later than 30 days after its adoption. A copy, similarly certified, shall be filed in the office of the budget officer for inspection by the public during business hours; and

**WHEREAS**, a tentative budget has been adopted and has been made available for inspection at the office of the County Auditor for at least ten (10) days prior to the public hearing; and

**WHEREAS**, December 28, 2006 at the hour of 10:00 a.m. in the Iron County Courthouse Commission Chambers has been designated as the time and place of a public hearing where all interested persons shall have an opportunity to be heard for or against the estimates of revenue and expenditures and performance data on any item in any fund; and

**WHEREAS**, notice of the public hearing has been published at least seven days before the hearing in one newspaper, Daily Spectrum, a newspaper of general circulation within the County; now therefore

**BE IT RESOLVED** by the Board of Iron County Commissioners that the budget as presented and filed in the Iron County Auditor's Office is hereby adopted for calender year 2007.

**BY ORDER OF** the Board of Iron County Commissioners this 28<sup>th</sup> day of December 2006.

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Signed: Wayne A. Smith, Chairman Pro Tem

Attest:

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David I. Yardley, County Clerk

Voting:

Wayne A. Smith	Aye
Alma L. Adams	Aye
Gene E. Roundy	Absent

**ADJOURN** \_\_\_\_\_ :

The meeting was adjourned at 11:00 a.m. on a motion by Alma Adams. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

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Signed: Wayne Smith, Chairman Pro Tem

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Attest: David I. Yardley  
County Clerk