

**IRON COUNTY COMMISSION MEETING**  
**January 14, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 14, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Wayne A. Smith   | Commission Chairman    |
| Lois L. Bulloch  | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Scott F. Garrett | County Attorney        |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

**SYNOPSIS** :

|   |      |
|---|------|
| APPROVAL OF MINUTES December 20, 2007 .....                   | 1    |
| APPROVAL OF WARRANTS & ADJOURN .....                          | 5    |
| BID OPENING FOR IRON COUNTY VISITOR CENTER STORAGE SHED ..... | 2    |
| CLOSED SESSION .....  | 2, 3 |
| COMPREHENSIVE LAND USE PLANNING DISCUSSION .....              | 4    |
| ELECTED OFFICIALS REPORTS .....                               | 1    |
| EMERGENCY SICK LEAVE REQUEST .....                            | 4    |
| GREENBELT ROLLBACK BILLING .....                              | 3    |
| PLEDGE OF ALLEGIANCE .....                                    | 1    |
| PREDATOR CONTROL DISCUSSION .....                             | 4    |
| REORGANIZE COMMISSION AND DESIGNATE ASSIGNMENTS .....         | 2    |
| UNEV PIPELINE PROJECT UPDATE .....                            | 2    |
| WITHDRAWAL FROM CICWCD INFORMATION .....                      | 2    |

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES December 20, 2007** :

Minutes of the Iron County Commission meeting held December 20, 2007 were approved on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** presented the other Commissioners copies of the independent audit report for FY 2006-2007 for Southwest Behavioral Center. She also reported that Cedar City Mayor, Gerald Sherratt has requested that Iron County sponsor Santa Land at the Christmas Festival. This will allow this event to use the Festival Hall facility at no charge. The Commission determined that this item needs further clarification of the request from Cedar City.

**Wayne Smith** discussed the reasoning behind a review of prairie dog policy prior to opening the allocation of take procedure. The number of dogs per project, how to authorize passing for the current year and how to remove inactive requests will be discussed later in the meeting.

**Alma Adams** reported on the progress with the Cedar City District of BLM work on the updated Range Management Plans. He also noted a meeting in Salt Lake City with UAC to discuss pending legislation which will affect Counties. Wayne Smith volunteered to attend this meeting.

**REORGANIZE COMMISSION AND DESIGNATE ASSIGNMENTS :**

Alma Adams made a motion to appoint Lois Bulloch as Commission Chair for 2008 effective following this meeting. Second by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

The Commission also approved keeping current assignments subject to future reallocation as needs may arise.

**CLOSED SESSION :**

Lois Bulloch made a motion to convene a closed 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 Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**UNEV PIPELINE PROJECT UPDATE :**

Jim Townsend, representing Holly Corp, the company proposing to construct a fuel pipeline between Salt Lake City and Las Vegas with a loading and storage facility in Iron County met with the Commission to discuss the pipeline project and terminal. Holly Corp is in the process of purchasing private rights of way for the construction project and are purchasing the storage facility in the Industrial zone near Iron Springs. Rights of way being acquired are 75' in width for construction and a 50' perpetual right of way.

Holly Corp has submitting a request for a conditional use permit with the Planning Commission for Iron County facilities. They are also in the process of obtaining permits and right of way across BLM lands through Utah and Nevada.

**WITHDRAWAL FROM CICWCD INFORMATION :**

Carlyle Johnson met with the Commission to discuss his frustration with the Central Iron County Water Conservancy District (CICWCD) for their negligence in considering a petition which was submitted to Water Conservancy District. Carlyle said he was representing petitioners from Comstock Road, Far West, Williams Sub, Old Iron Town Sub, and Pinto Creek who feel that they can gain no benefit from the CICWCD. They feel they have been ignored even though they have met every criteria required under State statute.

Roger Sanders, Counsel for CICWCD responded that their petition is scheduled to be considered by the District at their regular meeting on February 7. No action was required of the County Commission.

**BID OPENING FOR IRON COUNTY VISITOR CENTER STORAGE SHED :**

Bids were opened as advertised for the completion of a storage shed located adjacent to

the Visitor Center in Cedar City. Two bids were received with Velocity Construction submitting the low bid of \$14,212.47 which included all electrical work as specified. Lois Bulloch made a motion to accept the bid of Velocity Construction and authorize a contract for completion of the work. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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

Colette Eppley presented for approval Kyle Adams as a full time Deputy Assessor effective January 1, 2008. Lois Bulloch made a motion to approve the hiring of Kyle as requested. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented a request for approval of a promotion for Iosepha Robbins from EMT Basic to Paramedic. She will be in “on call” status. Alma Adams made a motion to approve the promotion of Iosepha Robbins as requested. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette presented a recommendation for a contract employee as Fair Manager to replace Art Walunas. The selection committee recommended Joyce Evans. Alma Adams declared a conflict of interest in this matter as Joyce Evans is his sister-in-law. Alma did not participate in the discussion.

Colette explained that the part time Fair Secretary last year was Wendy Evans, Joyce’s daughter. The selection committee recommended keeping Wendy on as secretary for the 2008 year to provide continuity in the office. After reviewing options, Lois Bulloch made a motion to appoint Joyce Evans as Fair Manager for 2008 and to authorize Wendy Evans to serve as Secretary of the Fair. Second by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Abstain.

**CLOSED SESSION** \_\_\_\_\_ :

Lois Bulloch made a motion to convene in closed 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 Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

After reconvening in open session Alma Adams made a motion to approve the terminations of employment of Tiffany Bull and Elaine Paulson. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**GREENBELT ROLLBACK BILLING** \_\_\_\_\_ :

Alma Adams made a motion to waive rollback fees for a parcel of property donated by Brent Hunter to Iron County for a road right of way. The donation clarifies the boundary of Bulldog Road in Cedar Valley. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS** :

With Blaine Cox present, Wayne Smith presented for discussion the procedure to allocate prairie dog take under the guidelines of the HCP. It was determined that the maximum allocation would be 10 dogs per year per individual or project but with the option to appeal take approval on an individual basis. Approved take may be taken at approval in January or they may have an option to allow for spring counts before final approval. This process may allow for less prairie dog take depending on spring counts.

Because people are continuing to stay on the proposed take list without moving forward with development, the policy was also changed to allow an individual to pass three times before being dropped from the “take list”. Those individuals who have opted to pass for 2008 which have made their third pass this year will be given one more year to complete the take request and begin construction or be dropped from the list. All individuals that do not respond to letters regarding take will be dropped from the list and must start the process over.

Blaine Cox reported that Iron County may allocate 65.3 total permanent take dogs for 2008. Blaine also requested that Technicians be hired at the same wage rate as DWR temporary workers, currently \$10.47 per hour. The Commission authorized the wage rate at \$10.50 with a \$0.50 per hour increase per year of experience as requested on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**EMERGENCY SICK LEAVE REQUEST** :

David Yardley requested permission for employees to donate vacation time to Shawna Galloway for sick leave. Shawna received emergency surgery and does not have sufficient sick leave and vacation to cover her absence. Lois Bulloch made a motion to authorize donation of vacation hours by County employees for Shawna Galloway as requested. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PREDATOR CONTROL DISCUSSION** :

Gene Adams discussed with the Commission the accounting of funds designated for predator control. It was reported that the process has been that before APHIS officials fly, a Commissioner must be notified and approve the use. Funding is paid by the livestock producer receiving the benefit of the helicopter flight, the County and State funding. Livestock producers are to be billed for their share of the cost and the state is to be billed for reimbursement of costs.

The coyote bounty has been set at \$20.00 per coyote up to a maximum of 20 coyotes per individual per calendar year. The bounty is for Iron County residents or property owners only.

**COMPREHENSIVE LAND USE PLANNING DISCUSSION** :

The Commission discussed funding of lobbyists for land use planning issues. It was determined that Bob Wiedner will be compensated \$16,000 annually provided a monthly billing statement is submitted with a report of lobbying efforts in behalf of the County.

Randy Johnson will be compensated \$1,500 per month plus additional travel costs capped

at a total of \$30,000 in efforts to submit and pass a comprehensive lands bill for Iron County. Travel costs are to be reviewed and approved by the Commission.

The involvement of joint planning efforts involving a matching grant through SUU to monitor and respond to BLM management plans was also approved. Beaver County may opt to participate in this effort.

**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 Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
January 28, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 28, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|  |    |
|--|----|
| 2008 MILEAGE REIMBURSEMENT & PER DIEM RATE .....           | 12 |
| ANNEXATION NOTICES .....                                   | 12 |
| APPROVAL OF MINUTES January 14, 2008 .....                 | 1  |
| APPROVAL OF WARRANTS & ADJOURN .....                       | 12 |
| BRIAN HEAD REDEVELOPMENT AGENCY .....                      | 3  |
| CLOSED SESSION .....                                       | 4  |
| CONDITIONAL USE PERMIT NOTIFICATION .....                  | 3  |
| DISCUSSION OF NEW AMBULANCE BIDDING PROCESS .....          | 3  |
| ELECTED OFFICIALS REPORTS .....                            | 2  |
| INDEPENDENT AUDITOR REPLACEMENT .....                      | 5  |
| IRON COUNTY 4500 WEST SEWER TRANSMISSION LINE POLICY ..... | 9  |
| IRON COUNTY REZONING POLICY DISCUSSION .....               | 5  |
| ORDINANCE 2008-1 VOTING PRECINCT BOUNDARY CHANGES .....    | 4  |
| PARKS & RECREATION .....                                   | 3  |
| PERSONNEL MATTERS .....                                    | 4  |
| PLEDGE OF ALLEGIANCE .....                                 | 1  |
| PRAIRIE DOG MATTERS .....                                  | 5  |
| REQUEST FOR STREET NAME CHANGE .....                       | 12 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Eugene Adams.

**APPROVAL OF MINUTES January 14, 2008** :

Minutes of the Iron County Commission meeting held January 14, 2008 were approved as amended on a motion by Wayne Smith Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

## ELECTED OFFICIALS REPORTS :

**Dennis Ayers** reported on bills being considered by the Legislature which affect assessing practices especially regarding personal property. The proposed legislation changes notice procedures and filing deadlines for taxpayers.

**Patsy Cutler** reported that plat maps effective January 1, 2008 had been completed and that allows copies used during 2007 as surplus. The Commission authorized the 2007 plat maps to be listed as surplus and advertise for bids.

Patsy also discussed a program to allow electronic recording of documents. This should be installed this year at no cost to Iron County. This will allow documents to be filed from remote locations and should reduce the amount of counter traffic in the Recorder's office.

**Margaret Miller** reported that David Colvin has been to her office to observe work load in conjunction with the work load study being conducted for the County. She also discussed Senate Bill 72 introduced by Senator Hilliard in which Justice Court Judges will become State Court Judges. Counties and municipalities will have no control over appointments which will be made and approved by Judicial Council appointees.

**Geri Norwood** reported that the Treasurer's office is beginning to send certified letters to property owners whose properties are subject to sale in the 2008 annual tax sale. Currently there are 203 delinquent accounts subject to sale.

**Mark Gower** reported that search and rescue personnel were currently trying to locate some snowmobilers which are over due and believed to be on Kanarra mountain.

**Erik Jorgensen** reported that the State has sent notice that they are abandoning the 700 MHz emergency system effective this spring. This leaves major concerns for data transmission from emergency vehicles during an emergency where voice transmissions over existing cell services would be a priority. Iron County has equipped emergency vehicles with the 700 MHz system under assurances from the State that it would continue to operate. This item will be discussed with State personnel to determine if options are available and to encourage them to continue to maintain the 700 MHz system.

**Kal Kahler** reported on water issues from meetings he has attended. These included a meeting in Enterprise and with Enoch City officials regarding underground water resources.

**David Yardley** reported that early voting will begin tomorrow for the Western States Presidential Primary election. Early voting will also be conducted at Enoch City offices and Cedar City offices next week.

**Alma Adams** reported that the predator control budget has been clarified. \$10,000 has been earmarked for bounty payments and the remainder of the fund will be used in helicopter use for specific problem areas.

**Lois Bulloch** reported that she had attended a meeting with UAC and UBHN management to clarify and resolve issues related to the merger of UBHN into UAC.

**Wayne Smith** reported on his participation in UAC legislative briefings through conference calls which are conducted each Thursday. Wayne also intends to attend the NACO Legislative Conference in March which will be held in Washington DC.

**BRIAN HEAD REDEVELOPMENT AGENCY :**

Bryce Haderlie, Brian Head Town Manager and HC Dutch Deutschlander, Mayor, met with the Commission to review a proposed interlocal agreement requesting County participation in a commercial development agency to install infrastructure improvements. The proposed improvements include street signs, sewer and water upgrades, SR 143 upgrades, lighting, and shuttle system upgrades.

The County Commission questioned the need for County participation in upgrades and why the improvements could not be funded by the Town. They also expressed concern with the clause which guarantees a minimum amount to be funded from County tax revenue. Mr. Haderlie explained that this could be amended to reflect only new growth above base year with no requirement to fund from existing County tax base.

The Commission also requested that Brian Head consider making this a ten year instead of a fifteen year plan. They also requested the County Attorney to review the documents and to provide recommendations. The interlocal agreements will be re-worked to include suggested parameters and submitted to the County Attorney for review.

**CONDITIONAL USE PERMIT NOTIFICATION :**

Chad Nay reviewed with the Commission applications for conditional use permits. The first is for a guest house to be built in Red Canyon Subdivision. Staff will recommend this application be approved by the Planning Commission with typical CUP restrictions.

The second request was from UNEV pipeline for the construction of a 12 inch fuel pipeline through Iron County as a portion of a project to build a pipeline from North Salt Lake to Las Vegas. This CUP does not include the fuel loading facility at Iron Springs.

**DISCUSSION OF NEW AMBULANCE BIDDING PROCESS :**

Ron Johnson, Ambulance Supervisor, stated that there is a potential conflict of interest in this item due to the sales representative of Wheeled Coach Ambulance is his Brother in Law. Mr. Johnson then explained an opportunity to purchase another approved ambulance under 2007 specifications with an increase only in the 2007 four wheel drive chassis. Bids were approved in early 2007.

Scott Garrett, County Attorney recommended to the Commission that new bid specifications with current year requirements be drafted and advertised as this is a major purchase and clearly falls under the bid requirements of the County purchasing procedure policy.

Alma Adams made a motion to follow the County Attorney recommendation and to place the ambulance out for competitive bid in compliance with County policy. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PARKS & RECREATION :**

Charlie Morris met with the Commission to discuss issuing alcohol permits for single events such as family outings at Three Peaks in compliance with County Ordinance 2007-12. This would not affect business license requirements if alcohol is to be sold. After discussing the problem, Scott Garrett was requested to draft policy language to deal with this situation. Commissioner Adams will be the Commission contact in drafting this policy.

**ORDINANCE 2008-1 VOTING PRECINCT BOUNDARY CHANGES :**

David Yardley presented a proposed ordinance to divide large voting precincts in compliance with Utah Code. After review of the proposed ordinance, Wayne Smith made a motion to adopt Iron County Ordinance 2008-1 as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Because of the length of legal descriptions, the complete ordinance will be attached at the end of the minutes.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval new hires Ellen Berger, EMT- Intermediate; Jade Askeroth, EMT-Basic; Deborah Scholes, EMT-Basic; Jennifer Packwood, EMT-Basic; McKenzie Lister, EMT-Basic; Danny Stubbs, EMT-Basic; Dane Askeroth, EMT-Basic; Tom Scholes, EMT-Basic; Craig Christiansen, EMT-Basic; Todd Gale, EMT-Basic; Steven Applegate, EMT-Basic; Jeffrey Curtis, EMT-Basic; and Paul Christensen, EMT-Intermediate. Also Ge'Ne Bartholomew as a temporary election worker in the Clerk's Office. Alma Adams made a motion to approve the new employees as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also recommended approval of the promotion of Jon Whittaker to Cadastral Mapper Supervisor in the Records Office. Wayne Smith made a motion to approve the promotion as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette explained a proposed position change within the Sheriff's Office for an Evidence Technician/Lead Worker with a proposed grade of 10. After review, Wayne Smith made a motion to approve the position. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette recommended approval of Susan DeBacker as a contract driver with the Senior Citizen program in the Beryl area. Alma Adams made a motion to approve the contract with Susan DeBacker as a COA driver in Beryl. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

The position of Fair Manager, Joyce Evans was discussed. Alma Adams declared a conflict of interest and did not participate in the discussion.

Scott Garrett pointed out that Commissioner Adams, being Joyce Evans' Brother in Law could not be the Commission Liaison for the Fair under the County nepotism policy. After review, Commission assignments were adjusted with David Yardley, County Clerk to be the direct contact for Joyce Evans and Commissioner Bulloch to be the Commission liaison for Fair matters on a motion by Wayne Smith. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Abstained.

**CLOSED SESSION :**

Alma Adams made a motion to convene a closed 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: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS** :

Lois Bulloch explained to interested developers, the process and procedure adopted by the Commission in allocating permanent take approvals for prairie dogs. The maximum allowed to one developer in one year is ten. The project must be ready to proceed with possible extension for approval by City Engineers. Projects will be removed from the proposed take list after three years of passing. An allowance will be made for projects that are in their third year and they will be allowed one additional year to be ready to proceed.

Lois also explained that the County is allowed up to 65.3 total permanent take dogs for 2008. The Commission will allocate up to ½ of the available dogs today. The remainder will be allocated at a later date when spring counts are available.

Blaine Cox then explained letters have been sent to people on the list with several opting to pass for this year. People not responding to the mailing will be dropped from the list and must reapply for consideration.

The following take was approved:

Wade Davenport: 3 dogs on .33 acres, Lot 15, Phase 3, Maple Springs Subdivision.

Cole Orton: 5.3 dogs on 0.5 acres, Lot 20, The Fields Subdivision.

Tim Stewart: up to 10 dogs on 3.4 acres located at 1225 N Northfield Road. Project to be modified to comply with take.

Jeff Stiffler: Asked to pass until spring count figures are available on Cedar Meadows, Phase 7.

Rocky Mountain Power: up to 6 dogs on West Cedar substation upgrade.

Dave Carter: up to 10 dogs on roads only, Crescent Hills Subdivision.

Wayne Smith made a motion to approve the allocation at this time of 34.3 dogs as described above. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**INDEPENDENT AUDITOR REPLACEMENT** :

Gene Adams reported that requests for proposals have been sent to CPA agencies and a notice has been published in the Daily News requesting independent auditor services to replace Wilson & Company as the County independent auditor.

**IRON COUNTY REZONING POLICY DISCUSSION** :

Reed Erickson presented for approval a policy recommended by the Planning Commission for consideration of re-zoning property. He explained that this has been the administrative policy of the Zoning Coordinator for some time. It is proposed to make it a written County policy.

Wayne Smith made a motion to adopt the policy as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**Iron County Policy 2008-1**

**Evaluation Considerations for Re-Zoning Property**

**Policy:**

Before a property in the unincorporated county (Tier II, III, IV) is re-zoned, the County

Commission, after receiving a recommendation from the Planning Commission, may give consideration to the following:

- (1) That the application for re-zone contain **submittal requirements** described below;
- (2) That the proposed property is **consistent with the General Plan** (Ord. 205);
  - a. The property consists of at least 40 contiguous acres, or
  - b. adjacent to other existing property of the same zone being requested, and
  - c. within the proper Tier to allow density/use requested;
- (3) That there is (will be) **centralized water and sewer services** available to serve the requirements of the proposed development;
- (4) That there is (will be) **fire flow, storage** and other facilities relating to fire safety as may be required by generally applicable standards of the County;
- (5) That the applicant has considered **on and off-site drainage ways and facilities** to adequately discharge surface run-off generated or increased by the project;
- (6) That there is an **adequate transportation system**, including efficient vehicular circulation to, from and within the development, and that the needs for pedestrian and bicycle trails and ways within the development have been considered;
- (7) That the proposed development is reasonably likely to provide to Iron County and its residents benefits that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the existing zone district, considering (without limitation) an **analysis of the costs and benefits** of the proposed development that are likely to be incurred or received by governmental agencies;
- (8) That the proposed development (considering such mitigating conditions as may be imposed) will **not have a material adverse impact** on other property in the immediate vicinity of the development;
- (9) That approving a zone change will not adversely affect the **general public health, safety, and welfare**;
- (10) That adequate consideration and preparation has been given to other necessary **utility connections / corridors** such as power, gas, communications, etc.;
- (11) That provisions have been explored for the possibility and proximity of **commercial/service (office or retail) centers**;

(12) That if the request is for R ½ , the proposed re-zone is described in a conceptual **master development plan (multi-phased projects)** showing:

- a. General configuration of the project,
- b. General location of development areas,
- c. Types of uses contemplated within each development area,
- d. Major community roads (on and off site),
- e. Recreational and open space amenities/areas reasonably anticipated to meet the needs of the residents,
- f. Any public facilities and other features of the project; and,

(13) **Any other issue or consideration** that may be applicable in assisting the County in determining if this application ‘could promote the general welfare’ of the County, given the legislative nature of this decision.

**Note:** Zone changes are legislative land use decisions made by the County Legislative Body (County Commission) with broad governmental discretion and must advance some legitimate public interest. The standard of review to grant or deny a zone change can be described as ‘reasonably debatable’ and in addition to items 1-13 listed above, public concern/input can be seen as an acceptable factor in considering public interest. This list of evaluation criteria shall not be deemed as a checklist with any regulatory implications or to qualify any particular application or property to be granted a zone change.

**Policy recommended** on the 7<sup>th</sup> day of June, 2007 by the Iron County Planning Commission

**Policy established** this 28<sup>th</sup> day of January, 2008 by the Board of Iron County Commissioners

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

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

Lois L. Bulloch, Chair

**ATTEST:**

\_\_\_\_\_

David I. Yardley,  
County Clerk

**VOTING:**

|                 |            |
|-----------------|------------|
| Lois L. Bulloch | <u>Aye</u> |
| Alma L. Adams   | <u>Aye</u> |
| Wayne A. Smith  | <u>Aye</u> |

Re-zone Application - Submittal Requirements

The Iron County Commission requires the following information to be submitted to the Planning & Building Department for every application for re-zone. Applications for re-zone will not be accepted without all of the submittal requirements listed below.

- 1. Completed application, including signature of applicant.
  
- 2. Submittal requirements list.
  
- 3. Detailed letter of explanation or justification for the proposed re-zone/project.
  
- 4. Affidavit of Legal Interest (attached). Form must be completed by the legal owner of record.
  
- 5. Current Vicinity Map.  
(8½" x 11") at 1" = 300' scale, showing location of the property. Map must be dated. Map must contain the following information.
  - A. Current zoning of the property
  - B. Cross-hatched area showing the subject property
  - C. Street names
  - D. Address grid
  - E. Names of surrounding subdivisions and prominent land features
  - F. The subject property area shall be located as close to the center of the map as possible
  
- 6. Land Description and copy of property deed.  
Attach a description of the actual property which you wish to have rezoned on a separate page. All land descriptions must be certified by a land surveyor registered to the State of Utah.
  - A. All property descriptions shall be labeled as "Exhibit A."
  - B. The property description shall have a narrative paragraph, which names the section, township, range and meridian in which the property is located. The narrative shall also contain a rough description of the property. For example, "An area of land located in the southwest quarter of the northwest quarter of section \_\_\_\_\_, more particularly described as follows: ..."

- C. The commencing point must be a government-surveyed corner, such as a section corner or a quarter corner.
- D. The commencing point can be the point of beginning if the point is a section or quarter corner.
- E. All descriptions must have a Point of Beginning.
- F. Bearings and distances shall continuously define an area boundary with a closure accuracy of at least one part in five thousand.
- G. The property description shall clearly define where the property is located by calling out known points or courses such as subdivision, lot corners, streets, canals and water courses.
- H. The all-property description shall state a return to the Point of Beginning.
- I. The all-property description shall state the number of acres to be re-zoned to one-hundredth of an acre.

7. Photographs.

Photographs of existing site conditions, indicating building(s) and use(s).

8. Letter(s) from Municipality regarding annexation position, if property is within the Tier II, if

applicable (see Ord. 205, Exhibit A).

9. Letter(s) of feasibility from Iron County Water Conservancy District or applicable water provider (see Ord. 205, Exhibit A).

10. Letter(s) of feasibility from sewer provider, if applicable (see Ord. 205, Exhibit A).

11. Map showing layout of adjoining property owners in relationship to the subject property.

12. Names and mailing addresses of surrounding property owners.

**IRON COUNTY 4500 WEST SEWER TRANSMISSION LINE POLICY :**

Reed Erickson also presented a proposed sewer connection policy on the 4500 West sewer transmission line in Cedar Valley. After reviewing the proposed policy, Alma Adams made a motion to adopt the policy as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**Iron County Policy 2008-2**

**Sewer Connections on 4500 West Transmission Line**

**Policy:**

The limited number of sewer connections made to the 4500 West Sewer Transmission Line are to be committed/allocated according to the following criteria:

(1) For new subdivided lots, Iron County will commit the appropriate number of available sewer connections to an anticipated project at the time that each phase of a Preliminary Subdivision Plat is approved.

a. The County's commitment to sewer connections recognizes a one year preliminary plat and one year final plat expiration. In either case the connections commitment will be rescinded by the County.

b. Final Plat approval requires approved "design and construction drawings" from Cedar City Corporation for sewer infrastructure connecting to the 4500 West line.

(2) Existing lots and/or subdivisions receive a commitment to connections when they obtain approved "design and construction drawings" from Cedar City Corporation, for their needed infrastructure.

a. A financial guarantee for needed infrastructure improvements must be accepted by Iron County just as in a subdivision process at Final Plat, to insure installation / construction.

(3) Iron County maintains a "No Ownership Policy" on sewer connections. Sewer connections to the 4500 West line are not a commodity and may not be bought, sold, or transferred to other property. They are controlled by Iron County and obtained only as provided in 1 and/or 2 above.

(4) Iron County recognizes the need to Plan for increased sewer infrastructure capacity. Planning is anticipated in the following ways:

a. Encourage the establishment of a sewer district (possibly for Central Iron County Water Conservancy District to include sewer) that can plan and build infrastructure for anticipated development.

b. County get into the sewer business and develop main line/transmission capacity.

c. Require developer to provide the capacity needed to accommodate sewer need.

d. Require annexation into Cedar City when the 2000 allotment is reached.

e. Negotiate with Cedar City to increase allotment beyond 2000 and/or give back upon annexation.

f. Promote "Innovative Systems" to be reviewed and approved by State of Utah Department of Environmental Quality and Southwest Utah Public Health Department.

(5) Zone change approvals for property in the service area of the 4500 West Sewer line should be granted only after demonstrated project feasibility and a well prepared development plan

that provides sufficient finding to show the projects ability to meet anticipated sewer needs.

- (6) Granting a zone change in the 4500 West Sewer line service area does not imply or attempt to create any expectation for the applicant / developer / property owner that there will be sewer connections available in the 4500 West line at the time a preliminary subdivision plat is

submitted / approved. The County will issue a statement (provide this policy) at the time of zone change for any property that may anticipate connecting to the 4500 West line declaring that there is no implied right to connections in the existing sewer capacity / infrastructure as part of zone change approval.

- (7) Any other issue or consideration that may be applicable in assisting the County in determining if the requested sewer connections ‘could promote the general welfare’ of the County, given the limited capacity of the line and the need to be consistent and fair to all anticipated development and property owners in the sewer line service area.

**Notes:**

1. Nothing in this policy establishes or implies any policy or regulation for sewer connections in any part of Iron County, outside of the 4500 West Sewer Transmission Line service area.
2. This policy shall not be deemed as a checklist with any regulatory implications or to qualify or guarantee any particular application or property to be granted sewer connections.

**Policy recommended** on the 3<sup>rd</sup> day of January, 200 by the Iron County Planning Commission

**Policy established** this 21<sup>st</sup> day of January, 2008 by the Board of Iron County Commissioners

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

Lois L. Bulloch      Aye  
Alma L. Adams      Aye  
Wayne A. Smith      Aye

**REQUEST FOR STREET NAME CHANGE :**

A request to rename Bear Flats Rd and Ridge Top Drive to Steam Engine Meadows Drive was tabled to allow for proper notification of affected property owners and to advertise a public hearing. Petitioners are to furnish a list of all County property owners within 300 feet along these two sections of road near Brian Head. Upon receipt of this information, proper notice will be mailed and the public hearing advertised.

**2008 MILEAGE REIMBURSEMENT & PER DIEM RATE :**

The Commission reviewed the mileage and per diem rates for County personnel. Travel rate on personal vehicles was set at the IRS rate of \$0.505 per mile for 2008 in compliance with previous County policy.

Per Diem rates remain unchanged. Out of state travel per diem rate may be reimbursed at actual expense upon submitting a receipt.

**ANNEXATION NOTICES :**

Annexation notices from Paragonah, Parowan and Enoch were reviewed. Alma Adams made a motion not to oppose the annexations with a recommendation to Enoch City to annex complete subdivisions. This annexation in Village Green Farms leaves two lots in the County along with frontage of Old Highway 91. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:30 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**ORDINANCE 2008-1**

**AN ORDINANCE OF DESIGNATING THE BOUNDARIES OF ELECTION  
PRECINCTS IN IRON COUNTY, STATE OF UTAH AND REPEALING ALL  
ORDINANCES IN CONFLICT THEREWITH.**

\* \* \* \* \*

THE BOARD OF COUNTY COMMISSION OF THE COUNTY OF IRON ORDAINS  
AS FOLLOWS:

**SECTION I**

That the following election precincts in Iron County are established as provided in Utah Code 20A-5-303, 1953 Annotated as amended (See attached sheets for descriptions of all election precincts in Iron County).

- Brian Head
- Paragonah
- Parowan North
- Parowan South
- Summit
- Enoch 1
- Enoch 2
- Enoch 3
- Midvalley 1
- Cedar City 1
- Cedar City 2
- Cedar City 3
- Cedar City 4
- Cedar City 5
- Cedar City 6
- Cedar City 7
- Cedar City 8
- Cedar City 9
- Cedar City 10
- Cedar City 11
- Cedar City 12
- Cedar City 13
- Cedar City 14
- Cedar City 15
- Cedar City 16
- Cedar City 17
- Cedar City 18
- Cedar City 19
- Cedar City 20
- Cedar City 21
- Cedar City 22
- Cedar City 23
- Cedar City 24
- Cedar City 25
- Kanarraville
- Newcastle
- Beryl
- Modena

**SECTION II**

If any section, subsection, sentence, clause or paragraph of this Ordinance shall for any reasons are held to be unconstitutional or unlawful, such decision shall not affect the remaining

portions of this Ordinance.

### SECTION III

It being the opinion of the Board of County Commissioners of Iron County, Utah that it is necessary for the preservation of the peace, health and safety of Iron County and its inhabitants that this ordinance shall take affect immediately upon posting and publication of a notice of ordinance in a newspaper having general circulation in Iron County as prescribed in Title 17 Chapter 53 Section 208 Utah Code Annotated 1953 as amended.

### SECTION IV

All acts, resolutions, and regulations of Iron County in conflict with this Ordinance or not consistent with this ordinance are hereby repealed as of the effective date of this ordinance to the extent of such conflict or inconsistency. This repealer shall not be construed so as to revive any resolution, act, or regulation, or part thereof, heretofore repealed. This ordinance specifically amends Iron County Ordinance 177 dated January 30, 2002.

SECTION V

Passed and adopted by the Board of County Commissioners of Iron County, Utah this 28<sup>th</sup> day of January, 2008.

/s/ Lois L. Bulloch

Lois L. Bulloch, Commission Chair

ATTEST:

/s/ David I. Yardley

David I. Yardley, Iron County Clerk

|                 |                  |
|-----------------|------------------|
| Lois L. Bulloch | voted <u>Aye</u> |
| Alma L. Adams   | voted <u>Aye</u> |
| Wayne A. Smith  | voted <u>Aye</u> |

Brian Head Election Precinct:

Commencing at the southeast corner of Section 36, Township 37 South, Range 8 West, SLB&M; thence West to the southeast corner of Section 32 Township 37 South, Range 9 West, SLB&M; thence North to the northwest corner of Section 28, Township 35 South, Range 9 West, SLB&M; thence East to the northeast corner of Section 25, Township 35 South, Range 9 West, SLB&M; thence South to the northwest corner of Section 31, Township 35 South, Range 8 West, SLB&M; thence East to the northeast corner of Section 36, Township 35 South, Range 8 West, SLB&M; thence South along the section line to the southeast corner of Section 36, Township 37 South, Range 8 West, SLB&M, the point of beginning.

Paragonah Election Precinct:

Commencing at the northeast corner of Section 1, Township 31 South, R6W, SLB&M; thence South to the northwest corner of Section 1, Township 33 South, R6W, SLB&M; thence East to the northeast corner of Section 1, Township 33 South, R6W, SLB&M; thence South to the southeast corner of Section 36, Township 33 South, R6W, SLB&M; thence West to the Southwest corner of Section 36, Township 33 South, R61/2W, SLB&M; thence South to he southeast corner of Section 36, Township 33 South, Range 7 West, SLB&M; thence West to the northwest corner of Section 6, Township 34 South, Range 7 West, SLB&M; thence South to the southeast corner of Section 1, Township 34 South, Range 8 West, SLB&M; thence West to the southeast corner of Section 6, Township 34 South, Range 8 West, SLB&M; thence North to the northeast corner of said Section 6; thence West to the northwest corner of said Section 6; thence North to the northwest corner of Section 6, Township 31 South, Range 8 West, SLB&M; thence East to the northeast corner of Section 1, Township 31 South, R6W, SLB&M, the point of beginning.

Parowan North Election Precinct:

Commencing at the northeast corner of Section 28, Township 34 South, Range 9 West, SLB&M; thence West to the northwest corner of Section 30, Township 34 South, Range 9 West, SLB&M; thence North to the south boundary line of the Gap Road; thence northwesterly along the south boundary line to the intersection of a point of the East boundary section line of Section 28, Township 33 South, Range 10 West, SLB&M; thence North along the section line to the northeast corner of Section 4, Township 31 South, Range 10 West, SLB&M; thence East to the northeast corner of Section 1, Township 31 South, Range 9 West, SLB&M; thence South to the southeast corner of Section 36, Township 33 South, Range 9 West, SLB&M; thence East to the northeast corner of Section 6, Township 34 South, Range 8 West, SLB&M; thence South to the northeast corner of the southeast of the southeast (SE1/4SE1/4) of Section 18, Township 34 South, Range 8 West, SLB&M; thence West on a direct line with and along the North line of Center Street, Parowan City,

to the northwest corner of the Southwest of the Southwest (SW1/4SW1/4) of Section 15, Township 34 South, Range 9 West, SLB&M; thence South to the northeast corner of Section 28, Township 34 South, Range 9 West, SLB&M, the point of beginning.

Parowan South Election Precinct:

Commencing at the northeast corner of Section 1, Township 34 South, Range 7 West, SLB&M; thence South to the southeast corner of Section 36, Township 34 South, Range 7 West, SLB&M; thence West to the northeast corner of Section 1, Township 35 South, Range 8 West, SLB&M; thence South to the northeast corner of Section 36, Township 35 South, Range 8 West, SLB&M; thence West to the northwest corner of Section 31, Township 35 South, Range 8 West, SLB&M; thence North to the northeast corner of Section 25, Township 35 South, Range 9 West, SLB&M; thence West to the northwest corner of Section 28, Township 35 South, Range 9 West, SLB&M; thence North to the northwest corner of Section 9, Township 35 South, Range 9 West, SLB&M; thence East to the northeast corner of said Section 9; thence North to the northwest corner of the Southwest of the Southwest (SW1/4SW1/4) of Section 15, Township 34 South, Range 9 West, SLB&M; thence East on a direct line with and along the North line of Center Street, Parowan City, to the northeast corner of the southeast of the southeast (SE1/4SE1/4) of Section 18, Township 34 South, Range 8 West, SLB&M; thence North to the northwest corner of Section 8, Township 34 South, Range 8 West, SLB&M; thence East to the northeast corner of Section 12, Township 34 South, Range 8 West, SLB&M; thence North to the northeast corner of Section 1, Township 34 South, Range 8 West, SLB&M; thence East along the section line to the northeast corner of Section 1, Township 34 South, Range 7 West, SLB&M, the point of beginning.

Summit Election Precinct:

Commencing at the Southeast corner Section 4, Township 35 South, Range 9 West, SLB&M; running thence North to the Northeast corner of Section 28, Township 34 South, Range 9 West, SLB&M; thence West to the Northwest corner of Section 30, Township 34 South, Range 9 West, SLB&M; thence North to the South Boundary line of Gap Road, thence Northwesterly along the South Boundary line of the said road to the East Boundary line of Section 28, Township 33 South, Range 10 West, SLB&M; thence South to the Southwest corner of Section 3, Township 35 South, Range 10 West, SLB&M; thence East to the point of beginning.

Enoch Election Precinct # 1:

Commencing at a point in the centerline of the intersection of Half Mile Road and the easterly right-of-way line of I-15; thence northerly along the easterly right-of-way line of I-15 to the intersection of a point at the centerline of Midvalley Road, thence East along the centerline of Midvalley Road to the East right of way line of I-15; thence South along the East right of way line of I-15 to the intersection of an extension of the center line of Half Mile Road and I-15, the point of beginning

Enoch Election Precinct # 2:

Commencing at a point in the centerline of the intersection of Minersville Road and the easterly right-of-way line of I-15; thence northerly along the centerline of Minersville Road to the centerline of the intersection of the continuation of a line of 3200 North; thence West along said line to the centerline of Bulldog Road; thence North along the continuation of said centerline to the intersection of the centerline of Midvalley Road; thence East along the center line of Midvalley Road to the centerline of Half Mile Road; thence South along said centerline to the intersection of the easterly right-of-way line of I-15; thence southerly along the easterly right-of-way line of I-15 to the intersection of the centerline of Minersville Road, the point of beginning.

Enoch Election Precinct # 3:

Beginning at a point at the center lines of the intersection of Bulldog Road and Midvalley Road; thence North along an extension of Bulldog Road to the intersection of the center line of a point of the North boundary section line of Section 3, Township 35 South, Range 11 West, SLB & M; thence East along said section line to the centerline of Minersville Highway; thence North along the centerline of Minersville Highway to the intersection of the East section line of Section 4 Township 35 South, Range 10 West, SLB&M; thence South along said section line to the intersection of the East right of way boundary line of I-15; thence southwesterly along the East right of way line of I-15 to the intersection of an extension of the centerline of Midvalley Road; thence West along the center line of Midvalley Road to the point of beginning.

Midvalley Election Precinct:

Commencing at the intersection of the centerline of 2400 North Street and Lund Highway, as platted in the official map of Iron County, Utah; thence westerly along the centerline of 2400 North Street to the intersection of the center line of Iron Springs Road; thence South along the center line of Iron Springs Road to the center line of State Route 56, thence Southwesterly along the center line of State Route 56 to the West boundary section line of Section 6, Township 37 South, Range 13 West, SLB&M; thence North to the northwest corner of Section 6, Township 33 South, Range 13 West, SLB&M; thence West along the section line to the Southwest corner of Section 31, Township 32 South, Range 14 West, SLB&M; thence North along the section line to the northwest corner of Section 6, Township 31 South, Range 14 West, SLB&M; thence East to the northeast corner of Section 4, Township 31 South, Range 10 West, SLB&M; thence South along the section line of the intersection of the centerline of Minersville Road; thence southerly along said centerline to the intersection of a point on the North boundary section line of Section 2, Township 35 South, Range 11 West, SLB&M; thence West to the intersection of the centerline of Bulldog Road, as a continuation of the line; thence South along the continuation of the line of the centerline of Bulldog Road to the centerline to Midvalley Road; thence West along said centerline to the centerline of Lund Highway; thence South along said centerline to the intersection of the centerline of Lund Highway and the centerline of 2400 North Street, the point of beginning.

Cedar City Election Precinct # 1:

Commencing at the centerline of Fiddlers Canyon Road and the centerline of North Main Street, (U.S. Highway No.91) as platted on the official map of plat B, Cedar City Town Survey, said survey filed in the office of the County Recorder of Iron County, Utah; Thence Northerly along said centerline of North Main Street (U.S. Highway No.91) and continuation of said line, Northerly through the centerline of U.S. Highway No.91 to a point of intersection with the East right-of-way line of I-15; thence a continuation of said line northeasterly along said right-of-way line to a point in the East line of Section of Section 24, Township 34 South, Range 11 West, SLB&M, thence South along said Section line of Section 24 to the Southeast corner of Section 24, Township 34 South, Range 11 West, SLB&M, thence West along the South Section line of Section 24, Township 34 South, Range 11 West, SLB&M to the intersection of the center line of the extension of Cottontail Drive; thence South along the center line of Cottontail to the intersection of the centerline of Fiddlers Canyon Road; thence Westerly along the centerline of Fiddlers Canyon Road to the point of beginning.

Cedar City Election Precinct # 2:

Commencing at a point three (3) rods west of a point three (3) rods south of the Southwest corner of Block 37, Cedar City Town Survey, as platted in the official map of said Survey; said survey filed in the office of the County Recorder of Iron County, Utah, said place of beginning approximately 16 rods south of a point 23 rods west of the north 1/4 corner of Section 14, Township 36 South, Range 11 West, SLB & M, which point is the centerline of intersection of Main Street and Center Street. Running thence northerly along the centerline of Main Street (U.S. Highway No.91), continuation of said line northerly to the

intersection and centerline of Fiddlers Canyon Road, thence easterly along the centerline of Fiddlers Canyon Road to the intersection of a point on the west line of the Southwest quarter of the northeast quarter (SW1/4NE1/4) of Section 36, Township 35 South, Range 11 West, SLB & M. Thence easterly along the 1/16 section line to the northeast corner of the southeast quarter of the southeast quarter (SE1/4SE1/4) of Section 32, Township 35 South, Range 9 West, SLB & M. Thence south to the southeast corner of Section 32, Township 35 South, Range 9 West, SLB & M. Thence easterly to the northeast corner of Section 5, Township 36 South, Range 9 West, SLB & M. Thence south to the centerline of Cedar Long Valley Federal Forest Road also known as U.S. Highway No. 14, continuing westerly along said centerline to the centerline of Center Street of said Cedar City Town Survey to the intersection of the centerline of Main Street, the point of beginning.

Cedar City Election Precinct # 3:

Commencing at a point in the centerline of the intersection of Main Street and Center Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah. Thence easterly along the centerline of Center Street (also known as Highway No.14) to the East boundary line of Section 17, Township 37 South, Range 9 West, SLB&M; thence South to the southeast corner of Section 32, Township 37 South, Range 9 West, SLB&M; thence West to the northeast corner of Section 1, Township 38 South, Range 10 West, SLB&M; thence South to the southeast corner of Section 13, Township 38 South, Range 10 West, SLB&M; thence West to the Southwest corner of Section 18, Township 38 South, Range 10 West, SLB&M; North along the Section line to the northwest corner of Section 6, Township 38 South, Range 10 West, SLB&M; thence East to the Southwest corner of Section 31, Township 37 South, Range 10 West, SLB&M; thence North along the Section line to the northeast corner of Section 24, Township 36 South, Range 11 West, SLB&M; thence West to the centerline of 300 East Street; thence North along said centerline to the centerline of Altamira Avenue; thence westerly along said centerline to the centerline of 75 East Street; thence North along said centerline to the centerline of Monterey Drive; thence westerly along said centerline to the intersection of the centerline of Main Street, Cedar City Town Survey; thence northerly along said centerline to the point of beginning.

Cedar City Election Precinct # 4:

Commencing at a point in the centerline of the intersection of Main Street and Monterey Drive, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence easterly along said centerline to the centerline of 75 East Street; thence South along said centerline to the centerline of Altamira Avenue; thence easterly along said centerline to the centerline of 300 East Street; thence South along said centerline to a point on the south Section line of Section 14, Township 36 South, Range 11 West, SLB&M; thence East along Section line to the northeast corner of Section 24, Township 36 South, Range 11 West, SLB&M; thence South along Section line to a point 140.00 feet north of the southeast corner of the northeast of the northeast (NE1/4 NE1/4) of Section 24, Township 36 South, Range 11 West, SLB&M; thence continuation of said line westerly through the centerline of Green Street; thence westerly along said centerline to the centerline of Pine Street; thence northerly along said centerline to the centerline of Main Street; thence along the centerline of Main Street to the intersection of Monterey Drive, the point of beginning.

Cedar City Election Precinct # 5:

Commencing at a point in the centerline of the intersection of Main Street and Pine Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence southeasterly along said centerline to the centerline of Green Street; thence continuation of said line easterly through the centerline of Green Street to a point 140.00 feet north of the southeast corner of the northeast of the northeast (NE1/4 NE1/4) of Section 24, Township 36 South, Range 11 West, SLB&M; thence South along the Section line to the Southwest corner of Section 31, Township 37

South, Range 10 West, SLB&M; thence West along Section line to the northwest corner of Section 6, Township 38 South, Range 10 West, SLB&M; thence South along the Section line to the Southwest corner of Section 18, Township 38 South, Range 10 West, SLB&M; thence South along the Section line to the southeast corner of Section 13, Township 38 South, Range 11 West, SLB&M; thence West along the Section line to the Southwest corner of Section 16, Township 38 South, Range 11 West, SLB&M; thence North along the Section line northwest corner of Section 4, Township 37 South, Range 11 West, SLB&M; thence West to the easterly right-of-way line of I-15; thence northerly along said right-of-way line to the centerline of South Main Street; thence northerly along said centerline to the intersection of Pine Street, the point of beginning.

Cedar City Election Precinct # 6:

Commencing at a point in the centerline of the intersection of Main Street and 1045 North Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence northerly along said centerline of Main Street to the intersection of 1600 North Street; thence westerly along 1600 North Street to the intersection of North Cedar Boulevard; thence north to the northeast corner of Castle Gate Subdivision, Phase 2; thence west along the north line of Castle Gate Subdivision, Phase 2 to the intersection of the right-of-way line of Interstate 15; thence Southwesterly along the east side of the right-of-way line of Interstate 15 to the intersection and said centerline of Coal Creek Road; thence easterly along said centerline to the centerline of 1045 North Street; thence easterly along said centerline to the intersection of the centerline of Main Street, the point of beginning.

Cedar City Election Precinct # 7:

Commencing at a point in the centerline of the intersection of Main Street and 400 North Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence northerly along said centerline of Main Street to the intersection of the centerline of 1045 North Street; thence westerly along said centerline to the centerline of Coal Creek Road; thence westerly along said centerline to the intersection of the east right-of-way line of I-15; thence Southwesterly along said right-of-way-line to the intersection of the right-of-way line of I-15 and the centerline of 400 North Street; thence easterly along said centerline of 400 North Street to the intersection of the centerline of Main Street, the point of beginning.

Cedar City Election Precinct # 8:

Commencing at a point in the centerline of the intersection of Main Street and 200 North Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence northerly along said centerline of Main Street to the intersection of the centerline of 400 North Street; thence westerly along said centerline to the intersection of the easterly right-of-way line of I-15 and the centerline of 400 North Street; thence Southwesterly along said right-of-way-line of I-15 to the intersection of the centerline of 200 North Street; thence easterly along said centerline to the intersection of the centerline of Main Street, the point of beginning.

Cedar City Election Precinct # 9:

Commencing at a point in the centerline of the intersection of Main Street and Center Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence northerly along said centerline of Main Street to the intersection of the centerline of 200 North Street; thence westerly along said centerline to the intersection of the easterly right-of-way line of I-15 and the centerline of 200 North Street; thence Southwesterly along said right-of-way-line of I-15 to the intersection of the centerline of Center Street; thence easterly along said centerline to the intersection of the centerline of Main Street, the point of beginning.

Cedar City Election Precinct # 10:

Commencing at a point in the centerline of the intersection of 600 West Street and Center Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence westerly along said centerline of Center Street to the intersection of the easterly right-of-way line of I-15; thence Southwesterly along said right-of-way-line of I-15 to the intersection of the centerline of 400 South Street; thence easterly along said centerline to the intersection of the centerline of 600 West Street; thence North along said centerline, continuation of said line to the intersection of the centerline of 600 West Street and the centerline of Center Street, the point of beginning.

Cedar City Election Precinct # 11:

Commencing at a point in the centerline of the intersection of 300 West Street and Center Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence westerly along said centerline of Center Street to the intersection of the centerline of 600 West Street; thence South along a continuation of the line to the centerline of 600 West Street and the centerline of 400 South Street; thence East along said centerline to the centerline of 300 West Street; thence North along said centerline to the intersection of 300 West Street and Center Street, the point of beginning.

Cedar City Election Precinct # 12:

Commencing at a point in the centerline of the intersection of Main Street and Center Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence westerly along said centerline of Center Street to the intersection of the centerline of 300 West Street; thence South along said centerline to the intersection of the centerline of 400 South Street; thence East along said centerline to the centerline of Main Street; thence North along said centerline of Main Street to the intersection of Main Street and Center Street, the point of beginning.

Cedar City Election Precinct # 13:

Commencing at a point in the centerline of the intersection of Main Street and 400 South Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence westerly along said centerline of 400 South Street to the centerline of 700 West Street; thence South along said centerline to the centerline of 600 West Street; thence East along said centerline to the centerline of 300 West Street; thence southeasterly along said centerline to the intersection of the centerline of Main Street; thence North along said centerline of Main Street to the intersection of Main Street and 400 South Street, the point of beginning.

Cedar City Election Precinct # 14:

Commencing at a point in the centerline of the intersection of 400 South Street and the easterly right-of-way line of I-15, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence southerly along said easterly right-of-way line of I-15 to the centerline of 800 South Street; thence along said centerline to the intersection of the centerline of Main Street; thence northeasterly along said centerline of Main Street to the intersection of the centerline of 300 West Street; thence northwesterly along said centerline to the centerline of 600 South Street; thence West along said centerline to the centerline of 700 West Street; thence North along said centerline to the centerline of 400 South Street; thence West along said centerline to the intersection of 400 South Street and the easterly right-of way line of I-15, the point of beginning.

Cedar City Election Precinct # 15:

Commencing at a point in the centerline of the intersection of Main Street and 800 South Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence westerly along said centerline of 800 South Street to the intersection of the easterly right-of-way line of I-15; thence southerly along the easterly right-of-way line of I-15 to the intersection of the centerline of South Main Street; thence northeasterly along the centerline of South Main Street to the centerline of 800 South Street, the point of beginning.

Cedar City Election Precinct # 16:

Commencing at a point in the centerline of the intersection of 200 North Street/State Route 56 and the easterly right-of-way line of I-15, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence West along said centerline of 200 North Street/State Route 56 to the intersection of the centerline of Lund Highway; thence North along said centerline to the centerline of Midvalley Road; thence East along said centerline to the centerline of Bulldog Road; thence South along said centerline to the intersection of the continuation of a line of 3200 North; thence East along said line to the intersection of the centerline of Minersville Road; thence southerly along said centerline to the intersection of the easterly right-of-way line of I-15; thence Southwesterly along the easterly right-of-way line of I-15 to the intersection of the centerline of 200 North Street/State Route 56, the point of beginning.

Cedar City Election Precinct # 17:

Commencing at a point in the centerline of the intersection of 200 North Street (U-56) and the westerly right-of-way line of I-15, Cedar City Town Survey, as platted in the official map of said survey filled in the office of the County Recorder of Iron county, Utah; thence westerly along the centerline of said 200 North Street (U-56) to a point on the West section line of Section 10, Township 36 South, Range 11 West, SLB&M and intersection of said centerline of 200 North Street (U-56); thence southerly along the said section line to the intersection of the centerline of 265 South Street; thence easterly along the said 265 South Street to the centerline of Ridge Road; thence southerly along said centerline to the intersection and centerline of Sage Drive; thence along the centerline of Sage Drive to the intersection of and centerline of 600 South Street; thence easterly along the centerline of 600 South Street to the intersection of the west right-of-way line of I-15; thence northerly along the said west right-of-way line to the intersection and centerline of 200 North Street, the point of beginning.

Cedar City Election Precinct # 18:

Commencing at a point in the centerline of the intersection State Route 56 and the West boundary Section line of Section 10, Township 36 South, Range 11 West, SLB&M; Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence South along the Section line to the south boundary line of Cedar Hills formerly known as Rancho Vista Estates and the north boundary line of Mesa Hills Subdivision, Unit 2 Amended; thence along a course as follows: S80°00'00"w 250.24 ft; S51°00'00"W 290.00 ft; S70°00'00"W 190.00 ft; S46°00'00"W 500.00 ft; S45°25'48"W 444.90 ft; thence West along said centerline of 265 South Street, a continuation of said line to the West boundary Section line of Section 16, Township 36 South, Range 11 West, SLB&M; thence North along the Section line to intersection of the centerline of Westview Drive; thence Northeasterly along the center line of Westview Drive to the centerline of State Route 56 at the intersection of State Route 56 and Westview Drive; thence East along the centerline of 200 North Street/State Route 56 to the intersection of the West boundary Section line of Section 10, Township 36 South, Range 11 West, SLB&M; the point of beginning.

Cedar City Election Precinct # 19:

Commencing at a point in the centerline of 600 South Street and the intersection of the easterly right-of-way line of I-15, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence West along said centerline of 600 South Street to the intersection of the centerline of Sage Drive northwesterly along said centerline to the centerline of 1500 West Street/Ridge Road; thence along said centerline to a point of a continuation of a line which is the centerline of 265 South Street; thence along said centerline to the intersection of the center line of Cove Drive; thence Southerly along the center line of Cove Drive to the South Section line of Section, Township 36 South, Range 11 West, SLB&M; thence East along said section line to the East right of way line of I-15; thence Northerly along the East right of way line of I-15 to the point of beginning.

Cedar City Election Precinct # 20:

Commencing at a point on the West boundary line of Section 7, Township 36 South, Range 11 West, SLB&M and the centerline of State Route 56, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence South along said Section line to the intersection of the continuation of a line of the centerline of 200 South Street; thence East along said centerline to the boundary line of Section 16, Township 36 South, Range 11 West, SLB&M; thence South along the Section line to the intersection of the easterly right-of-way line of I-15; thence southerly along the said easterly right-of-way of I-15 to the intersection of a point on the north boundary line of Section 22, Township 37 South, Range 12 West, SLB&M; thence West along the Section line to the northwest corner of Section 22, Township 37 South, Range 13 West, SLB&M; thence South along the Section line to the Southwest corner of Section 34, Township 37 South, Range 13 West, SLB&M; thence West along the Section line to the Southwest corner of Section 31, Township 37 South, Range 13 West, SLB&M; thence North along the Section line to the intersection of the centerline of State Route 56; thence along the centerline of State Route 56 to a point on the West boundary line of Section 7, Township 36 South, Range 11 West, SLB&M; the point of beginning.

Cedar City Election Precinct # 21:

Commencing at a point in the centerline of the intersection of Main Street and 1600 North Street, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence northerly along said centerline of Main Street to the intersection of the northerly right-of-way line of Interstate-15 and North Main Street (old Highway 91); thence southwesterly along the east side of the right-of-way line of Interstate 15 to the northwest corner of Castle Gate Subdivision, Phase 2; thence easterly along said subdivision line to the intersection and centerline of North Cedar Boulevard; thence southerly along said centerline to the intersection and centerline of 1600 North Street; thence easterly along said centerline to the intersection of the centerline of Main Street, the point of beginning.

Cedar City Election Precinct # 22:

Beginning at the intersection of the East Right of Way line of I-15 and the East line of Section of Section 24, Township 34 South, Range 11 West, SLB&M; thence Northeasterly along the East right of way line of I-15 to the North Section line of Section 9, Township 35 South, Range 10 West, SLB & M; thence East to the Northeast corner of Section 8, Township 35 South, Range 9 West, SLB & M; thence South to the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 32, Township 35 South, Range 9 West, SLB & M; thence Westerly along said 1/16 section line, continuation of said line Westerly to the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 36, Township 35 South, Range 11 West, SLB & M; thence Westerly to the intersection of the extension of Nichols Canyon Road; thence Northwesterly along the centerline of Nichols Canyon Road to the intersection of the centerline of Fiddlers Canyon Road; thence Westerly along the centerline of Fiddlers Canyon Road to the intersection of Cottontail Drive; thence North along the center line of

Cottontail Drive to the South line of Section 24, Township 34 South, Range 11 West SLB & M; thence East along the South line Section 24 to the Southeast corner of said Section 24; thence North along the East Section line of Section 24, Township 34 South, Range 11 West SLB & M to the intersection of the East right of way line of I-15, the point of beginning.

Cedar City Election Precinct # 23:

Beginning at the intersection of 200 South street and the centerline of Westview Drive; thence West along the continuation of said centerline to the intersection of the West boundary line of Section 7, Township 36 South, Range 11 West, SLB&M; thence North along Section line to the intersection of the centerline of State Route 56; thence East along the centerline of State Route 56 to the intersection of the centerline of the intersection of State Route 56 and Westview Drive; thence Southwesterly along the center line of Westview Drive to the point of beginning.

Cedar City Election Precinct # 24:

Beginning at the center line of Cove Drive and a point which is the continuation of the centerline of 265 South Street; thence West to the boundary Section line of Section 10, Township 36 South, Range 11 West, SLB&M; thence north to the boundary line of Cedar Hills formerly known as Rancho Vista Estates and the north boundary line of Mesa Hills Subdivision, Unit 2 Amended; thence along a course as follows: S80°00'00"W 250.24 ft; S51°00'00"W 290.00 ft; S70°00'00"W 190.00 ft; S46°00'00"W 500.00 ft; S45°25'48"W 444.90 ft; thence West along said centerline to a point of a continuation of a line which is the centerline of 265 South Street to the West boundary Section line of Section 16, Township 36 South, Range 11 West, SLB&M; thence South along the Section line to intersection of the easterly right-of-way line of I-15; thence northeasterly along the easterly right-of-way line of I-15 to the intersection of the North section line of Section 22, Township 36 South, Range 11 West, SLB&M; thence west along said section line to the intersection of the center line of Cove Drive, thence northerly along the center line of Cove Drive to the point of beginning.

Cedar City Election Precinct # 25:

Beginning at the center line of State Road 56 and the center line of Lund Highway; thence North along the center line of Lund Highway to the center line of 2400 North street; thence West along the center line of 2400 North street to the centerline intersection of Iron Springs Road; thence Southerly along the center line of Iron Springs Road to the intersection of the center line of State Route 56; thence Easterly along the center line of State Road 56 to the point of beginning.

Kanarraville Election Precinct:

Commencing at the Southwest corner of Section 4, Township 37 South, Range 11 West, SLB&M, Cedar City Town Survey, as platted in the official map of said survey filed in the office of the County Recorder of Iron county, Utah; thence West along the Section line the easterly right-of-way line of I-15; thence southerly along the said right-of-way to the intersection of a point on the north boundary line of Section 22, Township 37 South, Range 12 West, SLB&M; thence West along the Section line to the northwest corner of Section 22, Township 37 South, Range 13 West, SLB&M; thence South along the Section line to the Southwest corner of Section 34, Township 37 South, Range 13 West, SLB&M; thence East along the Section line to the southeast corner of Section 36, Township 37 South, Range 13 West, SLB&M; thence South along the Section line to the Southwest corner of Section 18, Township 38 South, Range 12 West, SLB&M; thence East along the Section line to the southeast corner of Section 13, Township 38 South, Range 12 West, SLB&M; thence South along the Section line to the southeast corner of Section 18, Township 38 South, Range 11 West, SLB&M; thence East along the Section line to the Southwest corner of Section 16, Township 38 South, Range 12 West, SLB&M; thence North along the

Section line to the northwest corner of Section 4, Township 37 South, Range 11 West, SLB&M; to the point of beginning.

Newcastle Election Precinct:

Commencing at the Southwest corner of Section 35, Township 36 South, Range 16 West, SLB&M; thence North to the Northwest corner of Section 2, Township 36 South, Range 16 West, SLB&M; thence East to the Southeast corner of Section 36, Township 35 South, Range 16 West, SLB&M; thence North to the Northwest corner of Section 6, Township 34 South, Range 15 West, SLB&M; thence East to the Southeast corner of Section 36, Township 33 South, Range 14 West, SLB&M; thence South to the Southeast corner of Section 36, Township 37 South, Range 14 West, SLB&M; thence West to the Southwest corner of Section 31, Township 37 South, Range 14 West, SLB&M; thence North to the Southeast corner of Section 36, Township 36 South, Range 15 West, SLB&M; thence West to the Southwest corner of Section 31, Township 36 South, Range 15 West, SLB&M; thence South to the Southeast corner of Section 36, Township 36 South, Range 16 West, SLB&M; thence West to point of beginning.

Beryl Election Precinct:

Commencing at the Southwest corner of Section 31, Township 36 South, Range 17 West, SLB&M; thence North to the Northwest corner of Section 6, Township 31 South, Range 17 West, SLB&M; thence East to the Northeast corner of Section 1, Township 31 South, Range 15 West, SLB&M; thence South to the Southeast corner of Section 36, Township 32 South, Range 15 West, SLB&M; thence East to the Northeast corner of Section 1, Township 33 South, Range 14 West, SLB&M; thence South to the SE Cor of Section 36, Township 33 South, Range 14 West, SLB&M; thence West to the Northwest corner of Section 6, Township 34 South, Range 15 West, SLB&M; thence South to the Southeast corner of Section 36, Township 35 South, Range 16 West, SLB&M; thence West to the Northwest corner of Section 2, Township 36 South, Range 16 West, SLB&M; thence South to the Southwest corner of Section 35, Township 36 South, Range 11 West, SLB&M; thence West to point of beginning.

Modena Election Precinct:

Commencing at the Southwest corner of Section 35, Township 36 South, Range 20 West, SLB&M running thence North on the Utah-Nevada line to the Northwest corner of Section 2, Township 31 South, Range 20 West, SLB&M; thence East to the Northeast corner of Section 1, Township 31 South, Range 18 West, SLB&M; thence South to the Southeast corner of Section 36, Township 36 South, Range 18 West, thence West to point of beginning.

**IRON COUNTY COMMISSION MEETING**  
**February 11, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 11, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

**SYNOPSIS** :

|  |   |
|--|---|
| APPEAL OF PLANNING & ZONING ACTION .....                       | 2 |
| APPROVAL OF MINUTES January 28, 2008 .....                     | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                           | 3 |
| CENTRAL IRON COUNTY WATER CONSERVANCY 2008 BUDGET REVIEW ..... | 2 |
| COUNTY BOARDS APPOINTMENTS .....                               | 3 |
| ELECTED OFFICIALS REPORTS .....                                | 1 |
| PERSONNEL MATTERS .....  | 3 |
| PLEDGE OF ALLEGIANCE .....                                     | 1 |
| PRAIRIE DOG MATTERS .....                                      | 3 |
| RIGHT HAND CANYON RANCH ROAD ENCROACHMENT .....                | 2 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Kal Kahler.

**APPROVAL OF MINUTES January 28, 2008** :

Minutes of the Iron County Commission meeting held January 28, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Scott Garrett** reported that homicide charges are being prepared to be filed against Martin C. Nelson after an investigation of two murders at his residence in Beryl. Mr. Nelson allegedly killed and buried two people from Washington County.

**Kal Kahler** reported that the petition spearheaded by Carlyle Johnson to be removed from the Central Iron County Water Conservancy District was turned down by the Board at their regular meeting held February 6. Mr. Johnson was told he has 45 days to correct deficiencies in the petition.

**Wayne Smith** reported that road workers opening roads in Hamblin Valley located a

couple that had been missing for nearly two weeks. The couple were found walking down the road near the County line. Their vehicle had become stuck in a snow drift and additional snow had made search by air difficult. Search and rescue personnel had not been able to locate the couple even though a large search had been conducted by air and on snow machines.

**Alma Adams** reported that a meeting has been arranged with Cedar City to work out differences between Ryan Riddle and Paul Irons in supervising fire suppression efforts.

**Lois Bulloch** reported that she has been participating in conference calls with UAC regarding a proposed bill that would impact Justice Courts. This will be a topic of discussion at the County day at the Legislature scheduled for February 22.

**CENTRAL IRON COUNTY WATER CONSERVANCY 2008 BUDGET REVIEW:**

R. Scott Wilson, manager of the Central Iron County Water Conservancy District presented a summary of the budget approval report of the CICWCD. He also discussed proposed projects that are being explored including a possible reservoir site on Urie Creek.

Mr. Wilson also reported on the progress in development of a water distribution system in Cedar Valley. The line on Midvalley road and 2300 West is completed and preparations are being made to begin their Phase 2 project. Fife Town, Monarch Meadows and Angus Water Company are currently connected to the system. More subdivisions and water companies will be served in the future as needs arise.

**RIGHT HAND CANYON RANCH ROAD ENCROACHMENT :**

Fred Smith representing Red Z Inc. came before the Commission to request authorization to open and maintain a portion of Right Hand Canyon Road during winter months. He explained that they have men working on their property clearing and upgrading roads. He explained that their company is willing to provide insurance and a hold harmless agreement to allow them to access their property by vehicles.

Linford Nelson also requested permission to open 0.6 miles of road above Cedar Highlands subdivision to access his property during winter months.

The Commission explained that it is a concern to have a road posted as closed and then allow the road to be opened and maintained. Steve Platt pointed to an agreement between developers of Steam Engine Meadows subdivision in Brian Head to maintain a portion of County road leading to their development.

Mr. Smith and Mr. Nelson were referred to the County Attorney's office to discuss the issue. Mr. Smith was cautioned to refrain from constructing roads in an area before a subdivision approval is obtained. Mr. Smith stated that their work consisted of maintaining existing roads on their property with no plans to subdivide at the current time.

No action was taken by the Commission at this time.

**APPEAL OF PLANNING & ZONING ACTION :**

Derek Riddle came before the Commission to appeal action by the Planning Commission in which the Planning Commission recommended the rezoning from R-1 To C- Commercial within Escalante Valley Ranchos, Unit 1, Blk C be denied. The Commission explained to Mr.

Riddle that the matter has not been presented to the Commission for final action and that this appeal is not timely and no action can be taken.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval the name of Mikel Quintenella as a Deputy Evidence Clerk in the Sheriff's Office. Alma Adams made a motion to approve the new employee as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Sheriff Mark Gower requested that an additional person be funded in the Fugitive Unit within the Sheriff Department. This would allow an additional guard to be hired in the Corrections side to replace Nic Gibson who is on "loan" from the Correction side to the Patrol side. The Commission questioned why this request was not included in the budget process which was approved just over one month ago since Mr. Gibson has been functioning in this position for several months. This request was tabled without action at this time to allow further study of the position and staffing need.

Closed Session If Needed

**COUNTY BOARDS APPOINTMENTS** :

A list of County Board positions with terms expiring was reviewed. Positions will be checked and individuals contacted to determine if they will be willing to serve. Appointments will be made at a later time.

**PRAIRIE DOG MATTERS** :

Wayne Smith made a motion to proceed with the purchase of 220 acres of SITLA property which will be available for exchange of permanent take acres under the HCP. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, 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 Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
February 25, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 25, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|   |    |
|---|----|
| APPROVAL OF MINUTES February 11, 2008 .....                   | 1  |
| APPROVAL OF WARRANTS & ADJOURN .....                          | 19 |
| BRIAN HEAD TOWN CDA INTERLOCAL AGREEMENT .....                | 3  |
| CLOSED SESSION .....  | 2  |
| COUNTY BOARDS .....   | 19 |
| ELECTED OFFICIALS REPORTS .....                               | 2  |
| EMERGENCY WATERSHED PROJECTS BID OPENING .....                | 3  |
| FLOOD ISSUES IN PAROWAN VALLEY .....                          | 3  |
| INDEPENDENT AUDITOR SELECTION .....                           | 19 |
| ORDINANCE 2008-2 AMENDMENT IRON COUNTY ZONING ORDINANCE ..... | 7  |
| PERSONNEL MATTERS .....                                       | 7  |
| PLEDGE OF ALLEGIANCE .....                                    | 1  |
| RESOLUTION 2001 SENIOR CENTER FUNDING AUTHORIZATION .....     | 4  |
| RESOLUTION 2008-1 SENIOR CENTER FUNDING AUTHORIZATION .....   | 4  |
| SOUTHWEST UTAH PUBLIC HEALTH .....                            | 3  |
| USU COOPERATIVE AGREEMENT APPROVAL .....                      | 3  |
| WASHINGTON UPDATE FROM SENATOR HATCH'S OFFICE .....           | 7  |
| WORLD WAR II VETERANS MEMORIAL CEDAR CITY .....               | 3  |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Patsy Cutler.

**APPROVAL OF MINUTES February 11, 2008** :

Minutes of the Iron County Commission meeting held February 11, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the process to produce digital copies of plat maps has been completed and the first compact disk has been sold. This will allow title companies and other businesses the opportunity to have in house access to County records.

**Erik Jorgensen** explained the Simplifile program which could be implemented in the Recorder's Office. The free part of the program will make it easier for title companies to file documents but would increase the work load in the Recorder's office. A second interface would cost about \$17,000 to implement to help with the work in the Recorder's office. Patsy Cutler, Alma Adams and Erik will meet with Simplifile representatives to determine if there is a solution to the second interface.

**Margaret Miller** reported on proposed legislation affecting the Justice Courts. An amended bill is being considered that can be supported by Counties and Cities. It is expected that the bill will pass with the current amendments.

**Scott Garrett** reported that capital homicide charges have been filed against Martin Nelson. Mr. Nelson is charged with killing two people in late 2007 and burying their remains in a shed in the Beryl area.

**Alma Adams** reported that due to snow melt and runoff, the gap road was breached at 4200 West in Parowan valley to alleviate flooding of residences in that area.

**Lois Bulloch** reported that Enoch has scheduled a public hearing to consider a community development agency to fund the construction of a retail establishment at the corner of Midvalley Road and Minersville Highway. The hearing will be held March 11.

The UAC Management Conference is scheduled for April 16-18 in Salt Lake City.

**CLOSED SESSION** :

Wayne Smith made a motion to convene in closed 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 Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PRELIMINARY PLAT APPROVAL IRON SPRINGS INDUSTRIAL** :

Wayne Smith made a motion to open a public hearing to receive comments on a proposed preliminary plat approval for Iron Springs Industrial Park, Phase I and II. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Chad Nay reported that the Iron Springs Industrial Park, Phase I and Phase II located within Section 11, T36S, R12W, SLM and requested by Richard Petersen has been before the Planning Commission and all recommendations have been met. The Planning Commission has recommended approval of the two plats.

No other public comments were received whereupon, Alma Adams made a motion to close the public hearing and to approve the preliminary plats of Iron Springs Industrial Park, Phase I and Phase II. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**USU COOPERATIVE AGREEMENT APPROVAL :**

Chad Reid presented a proposed agreement between Utah State University Extension Service and Iron County. This is an annual agreement which is the same as the 2007 agreement. Alma Adams made a motion to approve the agreement and authorize signatures. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**WORLD WAR II VETERANS MEMORIAL CEDAR CITY :**

Jay Overson, Roy Urie, Ed Hahne and Donnie Hunter representing the Second World War Memorial Committee in Cedar City requested a donation of County funds to help with the construction of a veterans memorial adjacent to the current memorial on 200 North and 200 East. The Commission discussed funding options and determined that the best way to fund the project would be through an allocation of the TRT. The matter was referred Maria Twitchell to present a funding request to the TRT Board.

**SOUTHWEST UTAH PUBLIC HEALTH :**

Paulette Valentine and Charlie Morris made a presentation to the Commission to explain the probable consequences of a pandemic outbreak of the flu. Tamiflu antiviral medication is available to purchase for County employees at \$20 per dose and employees could purchase enough doses for their family if the County will sponsor them. The Tamiflu could be stockpiled in case of an emergency. Shelf life of Tamiflu is seven years.

After reviewing the costs involved, the Commission tabled action to allow additional information to be gathered. The matter is to be placed on the next agenda.

**BRIAN HEAD TOWN CDA INTERLOCAL AGREEMENT :**

Bryce Haderlie and Dutch Deutschlander met with the Commission to discuss recent changes to a proposed interlocal agreement in anticipation of a future approval of a Community Development Area in Brian Head. The scope of work and estimated tax benefits were reviewed and Commissioners were given documents to study and make comments. No action was taken by the Commission at this time.

**FLOOD ISSUES IN PAROWAN VALLEY :**

Bernie Ratcliff acting as spokesperson for a number of property and homeowners of Parowan Valley read a statement regarding flooding in Parowan Valley. The Commission explained that recent flooding is not coming from mountain snow pack but is related to snow melt in the valley. Gap road was breached last night to allow water to cross and an additional culvert will be installed. The County Engineer and Road Supervisor will review the problem and determine what County action can be done to alleviate future problems.

**EMERGENCY WATERSHED PROJECTS BID OPENING :**

Bids were opened for emergency watershed protection projects in Cedar Valley. Nine bids were received ranging from a low bid of \$55,770 to \$1,493,319. It appeared that all bidders

were not competing for the entire project. Because there are several phases or sub projects, the bids were referred to Steve Platt to review and return with a recommendation.

**RESOLUTION 2008-1 SENIOR CENTER FUNDING AUTHORIZATION :**

The following resolution was presented by Jonathan Ward, Zions Bank Public Finance representative and he explained that this is the first step in completing a loan approved by the Permanent Community Impact Board to fund a portion of the Senior Center in Parowan. Alma Adams made a motion to approve and adopt Resolution 2008-1 as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**IRON COUNTY, UTAH  
PARAMETERS RESOLUTION  
February 25, 2007  
RESOLUTION NO. 2008-1**

**RESOLUTION AUTHORIZING NOT MORE THAN \$350,000 PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2008 OF IRON COUNTY, UTAH, FOR THE PURPOSE OF FINANCING A PORTION OF A SENIOR CENTER AND RELATED IMPROVEMENTS; CALLING A PUBLIC HEARING; PROPOSING PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF LOCAL SALES AND USE TAX REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.**

WHEREAS, Iron County, Utah (the “Issuer”), desires to finance a portion of the costs of constructing a senior center and related improvements; and

WHEREAS, pursuant to the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), the Board of County Commissioners (the “Commission”) of the Issuer has authority to issue its Sales Tax Revenue Bonds, Series 2008 (the “Bonds”) in an amount not to exceed \$350,000 for the purposes set forth in the first whereas clause; and

WHEREAS, the Act provides that prior to issuing bonds secured by excise tax moneys, an issuing entity must (I) give notice of its intent to issue such bonds, and (ii) hold a public hearing to receive input from the public with respect to the issuance of such bonds; and

WHEREAS, the Issuer desires to call a public hearing for this purpose and to publish a notice of such hearing, including a notice of bonds to be issued, in compliance with the Act with respect to the Bonds:

NOW, THEREFORE, it is hereby resolved by the Board of County Commissioners of Iron County, Utah, as follows:

Section 1. The Commission of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$350,000

aggregate principal amount of its Bonds to bear interest at a rate not to exceed three and one-half percent (3.5%) per annum, to mature in not more than fifteen (15) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof, the Bonds to be issued for the purpose of financing a portion of the costs of constructing a senior center and related improvements, all pursuant to this Resolution and a resolution to be adopted by the Commission authorizing and confirming the issuance and sale of the Bonds (herein referred to as the “Final Bond Resolution”), and the Commission hereby declares its intention to issue the Bonds according to the provisions of this Section and the Final Bond Resolution, when adopted.

Section 2. The Issuer proposes to pledge the Local Sales and Use Tax funds received by Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended, for repayment of the Bonds.

Section 3. The Issuer hereby authorizes and approves the issuance of the Bonds pursuant to the provisions of this Resolution and the Final Bond Resolution to be adopted by the Commission authorizing and confirming the issuance and sale of the Bonds, with such changes thereto as shall be approved by the Commission upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 4. In accordance with Section 11-14-307 of the Act, the Issuer shall hold a public hearing on March 24, 2008, at 2:00 p.m., or as soon thereafter is feasible, to receive input from the public with respect to the issuance of the Bonds, which hearing date shall be not less than fourteen (14) days after notice of the public hearing is first published once each week for two consecutive weeks in the Spectrum, a newspaper of general circulation in the Issuer, which is hereby designated as the Issuer’s official newspaper pursuant to the Act. The County Clerk shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer’s principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the last date of publication thereof. The Issuer directs its officers and staff to publish a Notice of Public Hearing and Bonds to be Issued in substantially the following form:

NOTICE OF PUBLIC HEARING  
AND BONDS TO BE ISSUED

PUBLIC NOTICE IS HEREBY GIVEN that on February 25, 2008, the Board of County Commissioners (the “Commission”) of Iron County, Utah (the “Issuer”), adopted a resolution (the “Resolution”) declaring its intention to issue its Sales Tax Revenue Bonds, Series 2008 (the “Bonds”) pursuant to the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and to call a public hearing to receive input from the public with respect to the issuance of the Bonds.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on Monday, March 24, 2008, at the hour of 2:00 p.m. The location of the public hearing is at the Iron County Offices at 68 South 100 East in Parowan, Utah. The purpose of the meeting is to receive input from the public with respect to the issuance of the Bonds. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING BONDS

The Issuer intends to issue the Bonds for the purpose of financing a portion of the costs of

(I) constructing a senior center and related improvements, and (ii) paying costs of issuing the Bonds.

#### PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the principal amount of not to exceed Three Hundred and Fifty Thousand Dollars (\$350,000), to bear interest at a rate not to exceed three and one-half percent (3.5%) per annum, to mature in not more than fifteen (15) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof, plus accrued interest to the date of delivery.

#### EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge all the Local Sales and Use Tax funds received by Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended, for repayment of the Bonds.

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution the draft of a Final Bond Resolution (the "Final Bond Resolution") which was before the Commission and attached to the Resolution in substantially final form at the time of the adoption of the Resolution and said Final Bond Resolution is to be approved by the Commission in such form and with such changes thereto as shall be authorized by the Commission upon the adoption of the Final Bond Resolution.

A copy of the Resolution and the form of the Final Bond Resolution are on file in the office of the County Clerk of the Issuer in Parowan, Utah, where they may be examined during regular business hours of the County Clerk from 8:00 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the last date of publication of this notice.

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the last date of the publication of this notice is provided by law during which (I) any person in interest shall have the right to contest the legality of the Resolution, the Final Bond Resolution or the Bonds, or any provision made for the security and payment of the Bonds by filing a written complain in the district court of the county in which he resides, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever, and (ii) registered voters within Iron County, Utah, may sign a written petition requesting an election to authorize the issuance of the Bonds. If written petitions which have been signed by at least 20% of the registered voters of Iron County, Utah, are filed with the Issuer during said 30-day period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Bonds. If fewer than 20% of the registered voters of Iron County, Utah, file a written petition during said 30-day period, the Issuer may proceed to issue the Bonds without an election.

/s/David Yardley

County Clerk

Published in the Spectrum.

Publication Dates: March 2 and 9, 2008.

Section 1. The Board of County Commissioners hereby officially declares its intention under Treasury Regulation Section 1.150-2 to finance the Project with proceeds of tax exempt bonds.

Section 2. The Issuer hereby retains Smith Hartvigsen, PLLC as its bond counsel and Zions Bank Public Finance as its financial advisor and directs its officials to assist said professionals in the issuance of the Bonds.

Section 3. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this February 25, 2008.

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Chair

ATTEST:

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County Clerk

**WASHINGTON UPDATE FROM SENATOR HATCH'S OFFICE** :

Marreen Casper, Director Southern Utah Office of Senator Orrin Hatch met with the Commission to explain issues being considered in Washington DC. Items of importance included an Indian Health bill, Home Mortgage bailout, and House and Senate energy bills.

Marreen also reported that Jace Johnson is Senator Hatch's new Chief of Staff, and Chris Campbell is the new Legislative Director.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval new employees Donovan Neil Hayden as a Corrections Officer with prior experience; and Bonnie Char Oldroyd as a part time employee at Tourism. Alma Adams made a motion to approve the new employees as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented Marie Shaffer as a volunteer worker at the Cedar City Senior Center. Wayne Smith made a motion to approve Marie as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented status change proposals for Denise Heaton to be moved from part time Justice Court Clerk to full time Attorney secretary and Rick Perkins to an EMT Lead Worker in New Harmony. Alma Adams made a motion to approve the status changes as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ORDINANCE 2008-2 AMENDMENT IRON COUNTY ZONING ORDINANCE:**

Ordinance 2008-2 was presented to the Commission by Reed Erickson after being amended and incorporating changes suggested by wind energy groups and State agencies to make

the ordinance workable and in compliance with State and Federal regulations. After review, Wayne Smith made a motion to adopt Ordinance 2008-2 as presented and recommended by the Planning Commission. Second by Alma Adams.

**IRON COUNTY ORDINANCE NO. 2008-2**

**WIND ENERGY SYSTEMS AND FACILITIES**

**AN ORDINANCE OF IRON COUNTY, UTAH, AMENDING PORTIONS OF TITLE 17, CHAPTERS 17.16, 17.20, & 17.34, IRON COUNTY CODE; ESTABLISHING DEFINITIONS AND REGULATIONS FOR WIND ENERGY SYSTEMS AND FACILITIES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Iron County finds that wind energy is an abundant, renewable and non-polluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that may result from the use of conventional energy sources;

**WHEREAS**, Wind energy systems can enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the area's energy supply portfolio;

**WHEREAS**, It is the policy of the state of Utah to encourage the development of small power production and co-generation facilities, to promote a diverse array of economical and permanently sustainable energy resources in an environmentally acceptable manner, and to conserve our finite and expensive energy resources and provide for their most efficient and economic utilization. §54-12-1, Utah Code annotated;

**WHEREAS**, the State of Utah has provided for Renewable Energy System Tax Credits (§5 9-7-614) and the Iron County Commission desires to remove unnecessary barriers to energy transactions involving independent energy producers and electrical corporations as encouraged by the State of Utah;

**WHEREAS**, Iron County has determined that it can develop the County's wind power resources while preserving farmlands and agricultural enterprises and adjoining residential and commercial developments as compatible adjoining uses, and that the public health, safety, and general welfare will be protected and promoted by this ordinance;

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning 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 Wind Energy Systems and Facilities amendment to the Zoning 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 Wind Energy Systems and Facilities Ordinance for the purpose of receiving public comment regarding the content of the ordinance.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE LEGISLATIVE BODY OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1. SECTION 17.16.030, TABLE OF USES, IRON COUNTY CODE IS AMENDED BY ESTABLISHING OR AMENDING THE FOLLOWING USES TO READ AND PROVIDE AS FOLLOWS:**

**Use Table**

| USES                              | ZONE DISTRICTS |                 |     |     |       |   |    |   |    |
|-----------------------------------|----------------|-----------------|-----|-----|-------|---|----|---|----|
|                                   | A-20           | R-5             | R-2 | R-1 | R-1/2 | C | LI | I | IA |
| Wind Energy System, Commercial    | X              | X               | X   | X   | X     | X | X  | C | X  |
| Wind Energy System, Small         | P <sup>‡</sup> | P <sup>‡</sup>  | X   | X   | X     | P | P  | P | P  |
| Wind Monitoring Tower & Equipment | C              | C <sup>‡‡</sup> | X   | X   | X     | C | C  | C | C  |

<sup>‡</sup> A small wind energy system is not permitted within a subdivision recorded with the Iron County Recorder unless a private occupied residence exists on the same lot.

<sup>‡‡</sup> A wind monitoring tower may be permitted in the R-5 zoning district when the height and setback provision are in compliance with small wind energy systems identified in Sections 17.34.030 (C), and 17.34.030 (F) 1-9, of this ordinance.

**SECTION 2. TITLE 17, CHAPTER 17.34, IRON COUNTY CODE IS ENACTED, AMENDED, ADDED, OR ALTERED TO READ AS FOLLOWS:**

**CHAPTER 17.34 Wind Energy Systems and Facilities**

**17.34.010 Purpose:**

The purpose of this Chapter (17.34) is to establish minimum requirements and regulations for the placement, construction and modification of small wind energy systems, commercial wind energy systems, and wind metering towers and equipment, as defined herein, while promoting the safe, effective and efficient use of such systems.

**17.34.020 Definitions:**

**A. Total Height** means the distance measured from ground level to the blade extended at its highest point (Tower and Turbine combined).

**B. Tower** means the supporting structure on which the turbine and accessory equipment are mounted.

**C. Turbine** means that portion of the wind system which includes the blades, generator and tail.

**D. Wind Energy System, Commercial** means a wind energy conversion system consisting of one or more wind turbine(s) and tower(s), with associated control or conversion electronics which will be used for on-site and/or off-site consumption of power with a rated capacity in excess of 100 kW.

**E. Wind Energy System, Small** means a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics with a rated capacity appropriate to the on-site electric usage of the end-use and which will be used primarily to reduce on-site consumption of utility power (limited to one per lot or parcel, or up to four on agricultural properties with 20 acres or more - systems with multiple towers may cluster towers/facilities together) . A small wind energy system shall not exceed a rated capacity of 100 kW.

**F. Wind Monitoring Tower and Equipment (Met Tower)** means a temporary tower housing or supporting wind measuring equipment such as an anemometer for the purpose of establishing the viability of wind generated energy by measuring and monitoring wind velocity, duration, intensity, regularity, etc...

#### **17.34.030 Requirements - Wind Energy System, Small**

**A. Permitted Locations.** A small wind energy system is permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance. A small wind energy system is not permitted in a subdivision recorded with the Iron County Recorder and zoned R-5 or A-20 unless a private occupied residence exists on the same lot.

**B. Minimum Lot Size.** No wind energy system shall be erected on any lot less than five acres in size.

**C. Total Height.** For property sizes of five acres or less, the total height shall not exceed 75 feet. For property sizes of greater than five acres but less than twenty acres, the total height shall not exceed 100 feet. For property sizes of twenty acres or greater, the total height shall not exceed 125 feet.

**D. Location.** No small wind energy system shall be located in any front or side yard.

**E. Setbacks.**

**1. Property lines.** A small wind energy system tower shall be set back from the nearest property line, public road right-of-way, tanks containing combustible/flammable liquids, other wind energy towers, and above ground communication or electrical line not less than 1.5 times its total height.

**2. Inhabitable or Public Structures.** A small wind energy system shall be set back from the nearest inhabitable structure (residence) or public building or gathering place (i.e. church, hospital, school, library, park, playground, etc.), not less than 1.5 times its total height.

**F. Design Standards.**

**1. Pole or Tower Design.** The design of the small wind energy system shall be of a monopole or freestanding design or guy wired tower.

**2. Minimum Blade Height.** The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 15 feet above any structure or obstacle within the fall zone of the tower.

**3. Safety / Access.**

a. No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked.

b. Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances.

**4. Noise.** No small wind energy system shall exceed 60 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building. All small wind energy systems must have a manufacturers' maximum RPM (revolutions per minute) rating of less than 500.

**5. Visual Appearance.**

a. Small wind energy systems shall be finished and maintained as manufactured.

b. No small wind energy system shall be lighted unless required by the Federal Aviation Administration (FAA).

c. No advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system.

d. The design of any buildings or related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

e. Appropriate landscaping shall be provided to screen accessory structures from

roads and adjacent residences.

**6. Electrical Interconnections.** All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.

**7. Signal Interference.** Efforts shall be made to site small wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system shall cause permanent and material interference with television or other communication signals.

**8. Overspeed Controls.** Every small wind energy system shall be equipped with an automatic overspeed control and a manual brake.

**9. Fire Protection.** All wind energy systems shall have a defensible space for fire protection in accordance with the Iron County Wildland-Urban Interface Code.

**G. Permit Applications.** Application for a wind energy system shall include the following information.

**1. Site plan** to scale showing the location of the proposed wind energy system and the locations of all existing buildings, structures and property lines along with distances, including, a drawing depicting the area and procedure required for raising and lowering the tower, and identifying the fall zone for the total height of the tower and equipment.

**2. Elevations** of the site to scale showing the height, design and configuration of the wind energy system and the height and distance to all existing structures, buildings, electrical lines and property lines.

**3. Standard drawings** and an engineering analysis of the systems tower including weight capacity.

**4. A standard foundation** and anchor design along with soil conditions and specifications for the soil conditions at the site.

**5. Specific information** on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system including the name and address of the manufacturer, model.

**6. Emergency and normal shutdown procedures** including the operation of a manual brake.

**7. A line drawing** of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.

**8. Evidence** that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator, unless the system will not be connected to the electricity grid. If applicable, prior to final approval, the applicant shall provide evidence that the net-metering interconnection application has been applied for, or:

- a. a work order number from the utility company has been acquired (for net-metering); and/or
- b. proof that an application for tax credit or rebate has been submitted to the State of Utah or applicable utility.

#### **17.34.040 Requirements - Wind Energy System, Commercial**

**A. Permissible Locations.** A commercial wind energy system may be permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance.

**B. Minimum Parcel Size.** No commercial wind energy system shall be erected on any parcel smaller in size than is required to contain the entire fall zone of the tower and equipment on the same parcel, unless applicable adjacent parcels are also a part of the wind energy system (adequate to provide for the entire fall zone - total height times 1.5 - required by the established setbacks).

**C. Total Height.** The total height of a commercial wind energy system shall not exceed the height prescribed in the conditions established in the required conditional use permit.

**D. Setbacks.**

**1. Project Boundary Lines.** A commercial wind energy system tower shall be set back from the nearest project boundary line, public road right-of-way, tanks containing combustible / flammable liquids, other wind energy towers, and above ground communication or electrical lines, not less than 1.5 times its total height. All property within the project boundary must be included in a recorded easement(s) or consent agreement(s) specifying the applicable uses for the duration of the project.

**2. Other uses.** No commercial wind energy system shall be located within ½ mile (one-half of a mile) of a platted subdivision, park, church, hospital, school or playground.

**E. Design Standards.** A commercial wind energy system shall comply with the design standards set forth below. A commercial wind energy system shall demonstrate that structure

location and siting will not result in undesirable shadow flicker on an adjacent property / structure.

**1. Pole or Tower Design.** The design of the commercial wind energy system shall be of monopole or freestanding design with no guy wired towers.

**2. Minimum Blade Height.** The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 15 feet above any structure or obstacle within the fall zone of the tower.

**3. Safety / Access.**

- a. No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked.
- b. Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances.

**4. Noise.** No commercial wind energy system shall exceed the manufacturers rated dBA as measured at the property line or as measured at the nearest neighboring inhabitable building. Manufacturers' specifications for both RPM (Revolutions Per Minute) ratings and maximum noise levels shall be used to evaluate the noise level maximum requirements as a condition established in the required conditional use permit.

**5. Visual Appearance.**

- a. Commercial wind energy systems shall be finished and maintained in color and material as manufactured.
- b. No commercial wind energy system shall be lighted unless required by the Federal Aviation Administration (FAA).
- c. No advertising signs of any kind or nature whatsoever shall be permitted on any commercial wind energy system.
- d. The design of any buildings or related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- e. Appropriate landscaping shall be provided to screen accessory structures from roads and adjacent residences.

**6. Electrical Interconnections.** All electrical interconnection or distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of unusual site conditions, and comply with all applicable codes and public utility requirements. Overhead transmission lines may be permitted as they come to a common area such as a substation and/or leave the location of the towers and energy generation system/equipment to off-site destinations.

**7. Signal Interference.** Efforts shall be made to site commercial wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the commercial wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No commercial wind energy system shall cause permanent and material interference with television or other communication signals.

**8. Fire Protection.** All wind energy systems shall have a defensible space for fire protection in accordance with the Iron County Wildland-Urban Interface Code.

**F. Permit Applications.** A commercial wind energy system shall comply with the permit application requirements set forth in section 17.34.030 (G) Permit Application, 1 through 8, and provide information specified in Section 17.34.040 (G) Conditional Use Permit, items 1 through 16.

**G. Conditional Use Permit.** Following the provisions of Chapter 17.28, Iron County Code, additional or more thorough consideration shall be given to the following:

1. **Project Rationale** (time frame, project life, development phases, likely markets for the generated energy, and possible future expansions)
2. **Siting Considerations** (avoid areas/locations with a large potential for biological conflict such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat; avoid visual corridors that are essential view sheds or scenic areas designated by the County after analyzing the applicant's wind energy system and considering public hearing comments; avoid areas of erodible slopes and soils, where concerns for water quality and high storm runoff potential have been identified, and known sensitive historical, cultural or archeological resources and public safety concerns mentioned herein can best be avoided)
3. **Site and Development Plans** (drawn to scale; locating all structures existing and proposed, setbacks, access, project boundary, existing structures outside project boundary within ½ mile of project boundary, existing utilities / pipelines / transmission lines, proposed utility lines / structures, existing topography; map of proposed drainage / grading and natural vegetation removal plan; map of wind characteristics and dominant wind direction; map of flood plains or wetlands, and other items identified by county staff or planning commission)
4. **Economic Analysis** (economic cost/benefit analysis describing generated property taxes, sales taxes, other taxes, construction dollars spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on roads and other County

infrastructure in the area

5. **Visual impacts, appearance and scenic view sheds** (Visual simulations providing vantage points considering a 360 degree view of the project site)
6. **Wildlife habitat areas and migration patterns, including avian impacts** (including endangered or threatened species, on the site and in a biologically significant area surrounding the site,
7. **Environmental Analysis** in the absence of required State or Federal Agency review (impact analysis on historic, cultural and archaeological resources, soil erosion, flora in the project area, water quality and water supply in the area, dust from project activities, and cumulative impacts of other adjacent wind energy projects)
8. **Solid waste or hazardous waste** generated by the project
9. **Lighting** and FAA height restrictions, including airport overlay proximity (air traffic safety)
10. **Transportation Plan** for Construction and Operation Phases (showing proposed project service road ingress and egress access onto the State or County road system, layout of wind energy system service road system and degree of upgrade plan to new and existing roads, anticipated volume and route for traffic including oversized and heavy equipment needed for construction, maintenance and repairs, methodology of repairs and maintenance of roads and bridges used for the project, and related public pedestrian and vehicular access and associated fencing)
11. **Public Safety** (potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created)
12. **Noise limitations** (noise levels at the property line of the project boundary)
13. **Shadow flicker and strobe effects** (an evaluation of where and when any shadow flicker or strobing effects may impact property within the project area and any adjacent properties potentially affected.
14. **Telecommunications interference** (electromagnetic fields and communications interference generated by the project)

**15. Life of the project and final reclamation** (describing the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final reclamation of the wind energy project)

**16. Others**, as applicable

**17.34.050 Requirements of Wind Monitoring Tower and Equipment (Met Tower)**

**A. Permissible Locations.** A wind monitoring tower may be located as described in Section 17.16.030, Table of Uses, Iron County Code

**B. Permit application.** A temporary Wind Monitoring Tower with associated equipment may be permitted and in accordance with Sections 17.34.030 (C), and 17.34.030 (F) 1-9, of this ordinance, subject to the following:

- 1. Owner Consent:** Evidence that the applicant is the owner of the property or has written permission of the owner(s) to make such application;
- 2. Use Duration:** Permitted for a maximum of 3-5 years as specified in the Conditional Use Permit and as determined by evidence given at the time of application regarding known wind source data;
- 3. Height:** The height of the facility will be established in the Conditional Use Permit, unless it is located in an R-5 zone on, wherein the met tower may not exceed 100 feet total height;
- 4. Setbacks:** The setbacks for a met tower from the closest property lines, public road right-of-way and above ground communication or electrical line shall be at least 1.5 times total height. The met tower shall also maintain a clear fall zone from any occupiable building/structure and tanks containing combustible/flammable liquids, of 1.5 times the total height;
- 5. Tower Security:** Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet. The tower is recommended to be enclosed with an appropriate fence with OHV or livestock use in the area; and
- 6. Other:** As determined by County Staff and/or Planning Commission.

**17.34.060 Non Use**

**A.** Any small wind energy system or commercial wind energy system which complies with the terms of this ordinance which is not used for two years, excluding repairs, shall be removed within the following six months. Failure to remove the system shall be deemed a violation of this ordinance.

**B.** Any small wind energy system or commercial wind energy system which is non-

conforming and which is not operable for one year shall be removed within the following six months. Failure to remove the system shall be deemed a violation of this ordinance.

#### **17.34.070 Applicability**

The requirements of this ordinance shall apply to all small wind energy systems and commercial wind energy systems proposed after the effective date of this ordinance. Wind energy systems for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such system shall be installed and functioning within 24 months of the date of the permit. Any system that has been installed but not used for two consecutive years may not be subsequently used without meeting the requirements of this ordinance. No preexisting system shall be altered in any manner that would increase the degree of nonconformity with the requirements of this ordinance and no alterations shall be made to a nonconforming preexisting system during its life which exceed 50% of its fair market value. If such system is destroyed or damaged to the extent of more than 50 % of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this ordinance.

### **SECTION 3. SECTION 17.20.010, USE DEFINITIONS, IRON COUNTY CODE IS AMENDED BY ESTABLISHING OR AMENDING THE FOLLOWING DEFINITIONS TO READ AND PROVIDE AS FOLLOWS:**

**“Wind Energy System, Commercial”** means a wind energy conversion system consisting of one or more wind turbine(s) and tower(s), with associated control or conversion electronics which will be used for on-site and/or off-site consumption of power with a rated capacity in excess of 100 kW.

**“Wind Energy System, Small”** means a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics with a rated capacity appropriate to the on-site electric usage of the end-use and which will be used primarily to reduce on-site consumption of utility power (limited to one per lot or parcel, or up to four on agricultural properties with 20 acres or more - systems with multiple towers may cluster towers/facilities together) . A small wind energy system shall not exceed a rated capacity of 100 kW.

**“Wind Monitoring Tower and Equipment (Met Tower)”** means a temporary tower housing or supporting wind measuring equipment such as an anemometer for the purpose of establishing the viability of wind generated energy by measuring and monitoring wind velocity, duration, intensity, regularity, etc...

### **SECTION 4. SEVERABILITY**

Should any portion of this ordinance be found for any reason unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**EFFECTIVE DATE:** This Ordinance, Iron County Ordinance No. 2008-2 shall become effective immediately after publication as set forth in Utah Code § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 25<sup>th</sup> day of February, 2008.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

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

Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

|                 |            |
|-----------------|------------|
| Alma L. Adams   | <u>Aye</u> |
| Lois L. Bulloch | <u>Aye</u> |
| Wayne A. Smith  | <u>Aye</u> |

**INDEPENDENT AUDITOR SELECTION :**

Gene Adams met with the Commission to review Qualification statements and bids to perform the independent audit for the 2007 year. Two firms submitted bids. Hafen Bruckner Everett & Graff LC bid \$18,430 and Hinton Burdick Hall & Spickler PLLC bid \$24,000. Wayne Smith made a motion to approve the bid of Hafen Bruckner Everett & Graff for the 2008 year with a provision that the contract could be extended for up to three years. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**COUNTY BOARDS :**

After reviewing State and County code, the Commission voted to eliminate the Employee Appeal Board because the duties assigned to this board are performed by the Career Service Council as specified in State Code on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**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 was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley

County Clerk



**IRON COUNTY COMMISSION MEETING**  
**March 10, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 10, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

**SYNOPSIS** :

|   |   |
|---|---|
| ACTION ON SOUTHWEST PUBLIC HEALTH TAMIFLU PURCHASE .....    | 6 |
| APPROVAL OF MINUTES February 25, 2008 .....                 | 1 |
| APPROVAL OF WARRANTS AND ADJOURN .....                      | 6 |
| BRIAN HEAD TOWN CDA INTERLOCAL AGREEMENT .....              | 5 |
| COUNTY BOARD APPOINTMENTS .....                             | 5 |
| COUNTY RESOURCE MANAGEMENT SPECIALIST AND GOPB GRANTS ..... | 4 |
| DISPOSITION OF PROPERTY \$1,900 CASH .....                  | 4 |
| ELECTED OFFICIALS REPORTS .....                             | 1 |
| EMERGENCY WATER PROJECTS CONTRACT AWARD .....               | 5 |
| FUTURE SPECIAL IMPROVEMENT DISTRICTS .....                  | 4 |
| IRON COUNTY PROVIDING SERVICES IN WASHINGTON COUNTY .....   | 4 |
| PERSONNEL MATTERS .....                                     | 4 |
| PLEDGE OF ALLEGIANCE .....                                  | 1 |
| PRAIRIE DOG MATTERS .....                                   | 6 |
| PUBLIC HEARING ZONE CHANGE FROM A-20 TO R-½ .....           | 2 |
| PUBLIC HEARING ZONE CHANGE R-5 to R-½ .....                 | 2 |
| ROAD MAINTENANCE ISSUES .....                               | 3 |
| ROAD MATERIAL BIDS .....                                    | 5 |
| VOLUNTEER CENTER OF IRON COUNTY SERVICE AWARDS .....        | 5 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Mike Edwards.

**APPROVAL OF MINUTES February 25, 2008** :

Minutes of the Iron County Commission meeting held February 25, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reported on attendance at the Central Iron County Water Conservancy District meeting. The District has been asked to examine the possibility of expanding their service area to include the Rainbow Meadows Ranchos area near Brian Head. The subdivision has summer cabins and their current water system consists of plastic pipe lying on top of the ground. It is doubtful if the District can provide service since the subdivision is not within their boundaries.



Chad Nay explained the proposed zone change on 80 acres located about 5575 N 2300 West in Cedar Valley. The flood channel known as the Stephenville Ditch borders the property on the East boundary and provisions will need to be made to provide access and right of way for flood channel maintenance. The parcel meets the criteria for the proposed zone change and the Planning Commission has recommended approval.

Steven Alzugaray a neighboring property owner on a parcel zoned R-5 spoke in opposition to the zone change citing concerns with increased traffic in the area, increased housing density and a concern with access for vehicles into a subdivision with only one access. The Commission explained that these are issues at the time of subdivision and not at a zone change.

Mr. Alzugaray also expressed concern about the intersection alignment at 2300 West and Midvalley Road. The Commission explained that this is not an issue with a zone change but will be addressed at the time of Subdivision review.

Cheryl Kleinschmidt commented as a neighbor that this is a rural area and that it was bought with the purpose of having animals on the properties. With R ½ zoning this will change the neighborhood and reduce the rural setting. The Commission commented that as property owners they have certain rights including the right to have animals. The applicants also have property rights and as such, meeting all requirements, have the right to rezone their property.

After all comments were received, Wayne Smith made a motion to close the hearing and to approve the zone change as recommended by the Planning Commission and requested by Vanguard Properties LLC.

Property Description (80.82 ac)

E ½ NE ¼ SEC 9, T35S, R11W, SLM more particularly described as follows: Beginning at the NE corner of section 9, T35S, R11W, SLM; thence along the section line S0°23'56"W, 2685.50 feet; thence along the ¼ section line N89°37'18"W, 1313.69 feet; thence along the 1/16 section line N0°29'12"E, 2682.88 feet; thence along the section line S89°44'12"E, 1309.58 feet to the point of beginning.

Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Nay. Commissioner Adams explained that he was concerned with the location of the zone change and the effect on the rural atmosphere, flood control issues, and traffic issues. Commissioner Bulloch stated that she was in favor in support of County ordinances governing zone changes and in support of the recommendation of the Planning Commission.

#### **ROAD MAINTENANCE ISSUES** :

Jill Wilks requested County help in maintenance of a private road which is being used by adjacent property owners. The use during the winter months has destroyed the road base and the offending property owners from an adjacent development will not honor their private property rights.

Mike Edwards explained to the Commission and to Ms. Wilks that this is a private property issue and he suggested that Ms. Wilks consult a private attorney. The County cannot get involved in private property disputes.

The Commission agreed to have County personnel and Commissioner Smith inspect the road to determine if minor maintenance by a grader could be done on a one time basis to repair major damage. County trucks or material would not be available to haul or spread road base.

**IRON COUNTY PROVIDING SERVICES IN WASHINGTON COUNTY :**

Mike Edwards reported to the Commission on services being provided to areas of Washington County, particularly in the New Harmony area. Ambulance service is provided and funding is from services provided. Law enforcement is provided on a limited basis as needed for backup or first response until a Washington County deputy can arrive. 911 is provided through the State Dispatch center in Cedar City and is funded from telephone surcharge. No action was taken by the County Commission.

**DISPOSITION OF PROPERTY \$1,900 CASH :**

Mike Edwards presented a request pursuant to Utah Code 77-24-4 to appropriate \$1,900 cash to public use. The cash was evidence seized in a search warrant issued in a drug case. Notice has been mailed to the defendant in the case at his last known address. It has also been advertised in a newspaper as required. No claimants have come forward and the notice period has been completed.

Alma Adams made a motion to appropriate \$1,900 cash to public use and designate that advertising and related notice expenses be reimbursed to the County. The remainder of the funds are to be designated for use by the Drug Task Force. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval new employees Adam Kavalunas and Matthew Worth as prairie dog technicians, full time temporary. Wayne Smith made a motion to approve the new employees as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also recommended approval of the promotion of Cassie Edwards from a part time court clerk to a full time court clerk. Motion to approve the promotion was made by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**COUNTY RESOURCE MANAGEMENT SPECIALIST AND GOPB GRANTS :**

Wes Curtis and Brian Cottam met with the Commission to discuss a County Natural Resource Management Planning employee. The County has budgeted \$40,000 to be matched by a \$40,000 grant through Southern Utah University, Regional Services. The employee would be a County employee and will be involved in planning and implementation of BLM and Forest Service management plans as they are developed.

**FUTURE SPECIAL IMPROVEMENT DISTRICTS :**

Steve Platt reviewed with the Commission several Special Improvement District projects that need engineering estimates finished before the projects can proceed. Because of workloads, outside engineering firms will be used. Under County purchasing policy, projects are to be bid or

a request for qualifications can be submitted and evaluated. Steve was asked to proceed with the appropriate action to select engineering firms for the projects.

**ROAD MATERIAL BIDS** :

Bids were opened for the purchase of asphalt chip seal material for the 2008 year. Bids were broken down by type of material and two bids were submitted.

Simm Material and Paramount Inc. submitted bids. Because of the various categories of material, the bids were referred to Neil Forsyth for comparison and Wayne Smith made a motion to award the bid to the overall lowest bidder. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**EMERGENCY WATER PROJECTS CONTRACT AWARD** :

Steve Platt, County Engineer, and Craig Bagley, Bohn Collins & Associates, met to report on the results of bidding on EWP projects. Bids were opened in a previous meeting. Mr. Bagley recommended that Precision Excavating be awarded Schedule 4 with a total bid of \$347,247.25 and that Feller Enterprises be awarded Schedules 1 and 3 for a total bid of \$190,670. Wayne Smith made a motion to accept the bids of Precision Excavating and Feller Enterprises as recommended. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**VOLUNTEER CENTER OF IRON COUNTY SERVICE AWARDS** :

Mary Matheson was presented with a Student Service Award for over 50 hours of volunteer work during the past year and her sister, Sarah Matheson was presented with a Student Service Award and Bronze Level of the Presidents's Volunteer Service Award for over 100 hour of volunteer service during the past year. The Commission recognized their work and congratulated them on their efforts.

**BRIAN HEAD TOWN CDA INTERLOCAL AGREEMENT** :

Bryce Haderlie met with the Commission to again discuss changes in a proposed interlocal agreement for a Community Development Agency to fund infrastructure improvements within Brian Head. Mr. Haderlie explained that the project would be scaled back to take into consideration the rejection of the proposal by the Iron County School Board.

Brian Dangerfield commented that the project seems to make good sense in that the town is growing and infrastructure improvements will fund the CDA.

Reed Erickson pointed out that the County would not be losing current tax rates, just on the increase of value for the CDA area during the life of the agreement.

After reviewing developments, the Commission requested that a time be set aside for the Commission, Brian Head Town Council and the School Board to discuss the project to determine if an agreement can be reached.

**COUNTY BOARD APPOINTMENTS** :

**SSD # 3:** Wayne Smith was appointed to take the place of Dennis Stowell on the board of Iron County Special Service District # 3 on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**Tourism Board:** Alma Adams made a motion to appoint Kathy Johnson to the Tourism and Travel Board to replace Rusty Aiken whose term has expired. Second by Wayne Smith.

Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS** :

The Commission reviewed the purchase of 220 acres of prairie dog habitat from SITLA. After reviewing the costs involved, the Commission set the price to purchase habitat at \$1,000 per acre. Under agreement with DWR and US Fish & Wildlife, habitat can be exchanged on a 10/1 ratio. Motion was made by Wayne Smith. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**ACTION ON SOUTHWEST PUBLIC HEALTH TAMIFLU PURCHASE** :

After reviewing options for the purchase of Tamiflu and with shelf life concerns, Wayne Smith made a motion not to proceed with the purchase at this time. Second by Alma Adams.

Voting: Lois Bulloch, Nay; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS AND 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 was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
March 24, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 24, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Also Present:

|                      |                     |
|----------------------|---------------------|
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|  |   |
|--|---|
| APPROVAL OF MINUTES March 10, 2008 .....                         | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                             | 4 |
| BRIAN HEAD CDA DISCUSSION .....                                  | 3 |
| CONDITIONAL USE PERMIT REPORT .....                              | 4 |
| COUNTY BOARD MATTERS .....                                       | 4 |
| ELECTED OFFICIALS REPORTS .....                                  | 1 |
| PAROWAN SENIOR CITIZEN MATTERS .....                             | 4 |
| PERSONNEL MATTERS .....  | 2 |
| PLEDGE OF ALLEGIANCE .....                                       | 1 |
| PRAIRIE DOG LIST PLACING .....                                   | 2 |
| REQUEST TO VACATE WEST VIEW ESTATES, LOT 1, BLK B, PHASE 1 ..... | 3 |
| THREE PEAKS COMMITTEE ISSUES .....                               | 4 |
| VOLUNTEER IN POLICE SERVICE PROGRAM .....                        | 2 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Margaret Miller.

**APPROVAL OF MINUTES March 10, 2008** :

Minutes of the Iron County Commission meeting held March 10, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported on the selection by Utah State Archives of a vendor to provide microfilm services. Electronic documents will be forwarded to the State and then processed into microfilm. A copy will then be returned to the County and a duplicate copy will be retained by State Archives.

**Margaret Miller** reported that Cedar City has performed a personnel study of the Justice Court using 2002 to current data. This is in addition to the work study being performed by the County.

**Geri Norwood** reported that delinquent tax billings have been mailed and that work will begin on properties which are scheduled to be auctioned at the annual tax sale. Lien searches will be performed and lien holders will be notified of the pending tax sale.

**Erik Jorgensen** reported that Tyler Technology had a representative on site to work with the Auditor's office. Problems are being addressed with reports due to the State Auditors office from local entities. The Data Processing department also has the 2007 tax roll information ready to be made available on the internet. This will be addressed for authorization after additional information regarding privacy issues has been addressed.

**Scott Garrett** reported that the State Indigent Defense Homicide Fund has been contacted and will be used to provide defense counsel for the Martin Nelson case.

Scott also reported that Robert Cosson has submitted his letter of resignation to take employment in St George.

**PRAIRIE DOG LIST PLACING** :

Marc Beynon met with the Commission to request that his take request be re-evaluated. He explained that his position on the take priority list at # 35 listed as Shane Adair was mistakenly removed as not responding to the DWR letter. In reality he had responded and Blaine cox verified that his response was timely and was proper. Wayne Smith made a motion to reinstate Mr. Beynon on the priority list at # 35. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**VOLUNTEER IN POLICE SERVICE PROGRAM** :

Mark Gower, Iron County Sheriff and Charlie Morris, Search and Rescue, met with the Commission to present a proposal to sponsor a Volunteer in Police Service (VIPS) program. The program would allow volunteers to observe and report activities which may require police intervention. The volunteers would be in VIPS marked vehicles but would not be authorized to exercise any police authority such as stops or arrests. The volunteers would not be riding along with officers or be actively involved in investigations. The County would be required to furnish vehicles and fuel for the program.

The Commission took the request under advisement to gather more information on the program.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval the following status change requests: Chris Dearden, Spencer Thomas and Nick Wittwer from on call EMT to Part Time EMT and Sonia Holt from Part Time Paramedic to Full Time Paramedic within the Ambulance Department. Pay rates would remain the same. Alma Adams made a motion to approve the status changes as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented for approval a promotion request for Matias Quintanilla from On Call EMT Intermediate to On Call Paramedic. Alma Adams made a motion to approve the promotion with an appropriate pay rate change. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

A grade change was approved for the Drug Court Tracker position within the Sheriff's office from Grade 15 to Grade 17 for the temporary assignment. Once the Tracker reverts to their old position their pay rate will be adjusted back to the appropriate Grade 15. Motion to approve was made by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

A volunteer Intern at the Children's Justice Center, April Fields, was approved on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye. Ms. Fields will be paid through a program administered by Workforce Services.

The transfer of Officer Nick Gibson from the Jail to the Fugitive Unit on the Patrol side in the Sheriff's Office was approved on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye. The position on the Jail side is not to be filled until the workforce study is completed and the hiring approved by the Commission.

Colette also presented a request from the Accident Review Board that a section of the Personnel Policy be temporarily suspended to allow for an amendment. Currently the policy requires any preventable accident in a vehicle, no matter how minor to place the driver on probation for nine months. If a second accident occurs during that time period, the employee is to be terminated. The Commission authorized the policy to be suspended until the next Commission meeting to provide some flexibility in the policy. Motion was by Wayne Smith. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**REQUEST TO VACATE WEST VIEW ESTATES, LOT 1, BLK B, PHASE 1:**

A request to vacate Westview Estates Lot 1 Block B Phase 1 was presented by Chad Nay. The request was considered by the Planning Commission which voted 2 in favor and 2 opposed to the request. Since the Planning Commission action requires a vote either for or against by a majority of the full Commission, the matter was remanded to the Planning Commission for further consideration.

**BRIAN HEAD CDA DISCUSSION** :

The Commission discussed recent changes to the Interlocal Agreement in anticipation of a future approval. Due to the decision of the Iron County School District not to participate, the request was reduced to provide for only the County and Brian Head participating. The Commission request that the sky bridge be removed from the plan since it is a nearly completed project which was funded from other sources. Funding term and limits on the proposed agreement were reviewed and concerns addressed.

The quorum of the Board of the CDA were present and voted to remove the sky bridge project from the proposal.

Alma Adams made a motion to table action on the approval to allow for proper notice on the next Commission agenda and to allow changes to be drafted into the interlocal agreement. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CONDITIONAL USE PERMIT REPORT** :

Chad Nay reported that Travis L Cronen has requested a CUP for a Telecommunication site to be located at Iron Mountain. The matter will be considered at the next Planning Commission meeting. The Commission was not opposed to the CUP provided appropriate conditions are recommended and approved.

**THREE PEAKS COMMITTEE ISSUES** :

Members of the Three Peaks Committees including Gene Roundy, R L Gardner, Charlie Morris and Reed Erickson met to discuss issues at Three Peaks. Rules and regulation enforcement is an issue with limited staff and resources. Garbage and trash disposal is also a concern. People are dumping waste at campsites and other areas. It was determined that placing a collection bin may be a better option to provide an easy place to dispose of garbage. Vigorous enforcement will also be required.

ATV activities continue to be a concern in camping areas. The County may enforce speed limits and restrictions in the original area. The larger, jointly managed area will be harder to police.

The road from the Three Peaks area to the shooting range needs to be included on the improvement plan. Other issues with the shooting range included the Western Shooters placing a lock on the access to that portion of the range and the police 1,000 yard range having no safety berm on the East side.

The Commission requested that they be included in the planning process and that projects be coordinated and approved. Charlie Morris is to be involved in meetings with the Three Peaks committee.

**COUNTY BOARD MATTERS** :

Lois Bulloch suggested Cindy Mitchell be appointed to the Career Service Council for a term to be determined later. Alma Adams made a motion to appoint Cindy Mitchell as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

The Summit Special Service District has requested that Wade Davenport be appointed to their management board. Wayne Smith made a motion to approve Wade Davenport. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PAROWAN SENIOR CITIZEN MATTERS** :

The Commission was reminded that the groundbreaking ceremony for the Parowan Senior Citizen Center is scheduled for 11:00 A.M. on April 14. Bid opening for the project will be on March 31. Approval of the bid is scheduled for next Commission meeting.

**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 Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**SPECIAL IRON COUNTY COMMISSION MEETING**  
**March 27, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 27, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Absent:

|               |              |
|---------------|--------------|
| Alma L. Adams | Commissioner |
|---------------|--------------|

Commissioner Adams was excused from the meeting due to a conflicting Prairie Dog Meeting.

**PUBLIC HEARING ISSUANCE OF BONDS** \_\_\_\_\_ :

Lois Bulloch called the meeting to order and explained that the purpose of the meeting is to receive input from the public with respect to the issuance of the bonds authorizing not more than \$350,000 principal amount of sales tax revenue bonds, series 2008 of Iron County, Utah, for the purpose of financing a portion of a senior center and related improvements; providing for a pledge of local sales and use tax revenues for repayment of the bonds; fixing the maximum amount, maturity, interest rate, and discount of the bonds; providing for the running of a contest period; and related matters.

There were no public comments from the floor or which have been received by mail. Hearing no comments the public hearing was closed on a motion by Wayne Smith. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

**ADJOURN** \_\_\_\_\_ :

The meeting was adjourned at 2:30 p.m. on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 14, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 14, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

**SYNOPSIS** :

|   |    |
|---|----|
| APPROVAL OF CDA INTERLOCAL AGREEMENT BRIAN HEAD .....                 | 3  |
| APPROVAL OF MINUTES March 24, 2008 .....                              | 1  |
| APPROVAL OF WARRANTS AND ADJOURN .....                                | 21 |
| BID APPROVAL FOR SENIOR CITIZEN CENTER IN PAROWAN .....               | 4  |
| CLOSED SESSION .....  | 4  |
| CONDITIONAL USE PERMIT NOTIFICATION .....                             | 20 |
| COUNTY BOARD APPOINTMENTS .....                                       | 20 |
| ELECTED OFFICIALS REPORTS .....                                       | 1  |
| OPERATION AND MAINTENANCE AGREEMENT APPROVAL .....                    | 21 |
| PAROWAN SENIOR CITIZEN CENTER GROUND BREAKING CEREMONY .....          | 4  |
| PERSONNEL MATTERS .....   | 3  |
| PLEDGE OF ALLEGIANCE .....  | 1  |
| PRELIMINARY PLAT APPROVAL CASTLE VALLEY RANCH ESTATES PHASE 1 . . . . | 20 |
| PROPERTY TAX EXEMPTION APPROVALS FOR 2008 .....                       | 4  |
| PUBLIC HEARING AND FINAL ACTION AGRICULTURAL PROTECTION AREA .....    | 2  |
| REQUEST FOR THREE NEW RADAR UNITS .....                               | 2  |
| RESOLUTION 2008-2 RESOLUTION AUTHORIZING BONDS .....                  | 5  |
| TAMIFLU DISCUSSION .....  | 21 |
| WILDLAND AMBULANCE SERVICE CONTRACT .....                             | 20 |

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES March 24, 2008** :

Minutes of the Iron County Commission meeting held March 24, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Scott Garrett** reported that he has received a letter from Southern Utah University notifying Iron County that they are withdrawing their Notice Of Claim for flood damage to the University farm located west of Cedar City.

**Kal Kahler** presented a revised report on his findings on flooding issues in Parowan valley. A copy of the report will be forwarded to Steve Platt.

**Alma Adams** reported that he has met with Randy Johnson and Leo Lentch regarding

movement in the preparation of a prairie dog HCP. Senator Bennett will visit Iron County in May to review the situation and to determine if a solution can be reached to the problem with prairie dog recovery through legislation. It has been suggested that Garfield and Wayne counties participate in the discussion and tour. The Commissioners from these two counties will be invited to participate. Mike Styler and Reed Harris from Utah State Department of Natural Resources will also be invited to participate.

**Lois Bulloch** reported that Valley View Medical Center has approached Southwest Public Health to take over operation of the free clinic in Cedar City. The Board of Directors of Southwest Public Health have voted to support the request provided conditions outlined by IHC can be met. More information is needed for the County to take a position.

**PUBLIC HEARING AND FINAL ACTION AGRICULTURAL PROTECTION AREA :**

Wayne Smith made a motion to open a public hearing to receive comments on a proposed agricultural protection area requested by Robert Holt, Robert Holt Farms Company, and Escalante Farms Company. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

David Yardley reported that the request for designation as an APA has been forwarded to the Agricultural Protection Board and to the Planning Commission for their recommendation. Both the Agricultural Protection Board and Planning Commission found that the proposed area qualifies as an APA. Notice has been posted and published in compliance with County and State Codes. No written comments have been received either in favor or in opposition to the creation of the APA.

Reed Erickson presented the Commission a map showing the proposed protection areas along with a map showing all of the land covered under an APA in the County.

After all public comments were reviewed, the Commission made the following findings:

1. The land is used for agricultural production.
2. The land is currently zoned for agricultural use.
3. The land is currently a viable agricultural operation.
4. The land currently has improvements consistent with current husbandry operations.
5. The operation is operating with current trends in agriculture.

Wayne Smith made a motion to close the public hearing and approve the Agricultural Protection Area as applied for by Robert Holt, Robert Holt Farms Company, and Escalante Farms Company. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**REQUEST FOR THREE NEW RADAR UNITS :**

Sargent Ryan Bauer, Utah Highway Patrol, met with the Commission to request the County purchase three new radar units for use of troopers within Iron County. The older radar units now in use will be removed from vehicles and returned to Iron County Sheriff's Department for use by County Deputies as has been the practice in the past. Total cost of the

new radar units requested is \$8,040. Alma Adams made a motion to approve the purchase pending review of the budget to make sure they were included. Second by Wayne Smith.

Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF CDA INTERLOCAL AGREEMENT BRIAN HEAD** \_\_\_\_\_ :

Mayor Dutch Deutschlander and Bryce Haderlie along with other members of the Brian Head Town Council met with the Commission to request approval of the interlocal agreement for participation in the Community Development Agency. Mayor Deutschlander commented on the necessity of investing in improvements before growth in any business can be expected. Bryce Haderlie reviewed again the request for participation and the need for the CDA. The interlocal agreement as drafted has been reviewed by Iron County Attorney's Office and the requested language changes have been made.

After reviewing the documents and discussing changes recommended in previous meetings, Wayne Smith made a motion to approve the interlocal agreement due to the unique circumstances a resort community faces and the infusion of outside dollars into the growth of Brian Head. The agreement is for a ten year period and is capped at \$1,163,000. The motion also recommended that a representative of the County be present at all CDA Board meetings and that the size of the CDA area not be modified. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

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

Colette Eppley and Brian Cottam discussed the Planning position for help with Federal lands issues. The position would require office space and appropriate furniture and equipment, a computer, travel budget, training budget, vehicle and operating expenses. The position appears to be graded at a rate consistent with a planner or senior planner position which would place the salary in the mid to high \$40,000 range to as high as the \$60,000 range. They also recommended that the position be funded for an 18 month period to allow for adequate review of the position. No action was taken by the Commission at this time.

Colette also presented for approval new hires in the Justice Court, Geronimo Abraho, Brittany Sorenson, and LaCee Mitchell as part time Court Clerks. Colette also presented Brent Burr for approval as a Corrections Office. Mr. Burr will be required to attend POST training. Wayne Smith made a motion to approve the new hires as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette presented for approval Malinda Sizemore as a volunteer vehicle driver in the Cedar City Senior Citizen Center. Wayne Smith made a motion to approve Malinda Sizemore as a volunteer as requested. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette presented for approval a position transfer of Howard Cox to light duty at the Landfill from the Engineering Department and Steve Hansen to the Engineering Department as a heavy equipment operator. The transfers are temporary to accommodate the light duty status of Mr. Cox. Wayne Smith made a motion to approve the transfer as requested. Second by Alma

Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented status changes for Nick Ervine, Ray Trujillo, Abby Holmgren, and Derek Liston from on call to part time regular Paramedics. Wayne Smith made a motion to approve the status changes as requested. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CLOSED SESSION \_\_\_\_\_ :**

Wayne Smith made a motion to convene in closed 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 Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

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

**PAROWAN SENIOR CITIZEN CENTER GROUND BREAKING CEREMONY :**

The Commission traveled to the site of the new Parowan Senior Citizen Center for a groundbreaking ceremony . Speakers at the ceremony included Parowan Mayor, James Robinson; Architect Robert Mercer and Commissioner Alma Adams. Commissioner Adams then gave a prayer dedicating the area as the future Senior Center. Elected Officials, Five County representatives, City Officials and Council on Aging Board Members then participated in the groundbreaking ceremony. Refreshments were served to all attending the ceremony.

**BID APPROVAL FOR SENIOR CITIZEN CENTER IN PAROWAN :**

Robert Mercer presented results of the bid opening for the Senior Center in Parowan. Brian Nichols Construction submitted the low bid of \$518,898.00. Mr. Mercer recommended approval of the bid and to approve the contract for construction. The project is to be completed within 140 days.

Commissioner Smith questioned the contract not including a liquidated damage clause. Mr. Mercer explained that the purpose of the bonding requirement is to guarantee the completion of the contract. If the project is not completed in a timely manner, the bond proceeds can be used to complete the project.

After review by the Attorney and the recommendation from the Architect, Wayne Smith made a motion to approve the contract with Brian Nichols Construction. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PROPERTY TAX EXEMPTION APPROVALS FOR 2008 \_\_\_\_\_ :**

Christene Keene met with the Commission to review exemption requests for Religious, Charitable and Educational organization for the 2008 year. Ms. Keene explained that in 2007 the Church of Christ in Cedar City missed the filing deadline. They were given a notice that there would be a one time only exception to the filing deadline. This year the Church of Christ was again delinquent in filing along with the Westview Christian and the First Baptist Churches. The Four Square Church has requested an exemption on some suites within their center on which they failed to submit the appropriate application.

Wayne Smith made a motion to approve all of the Religious, Charitable, and Educational exemption applications which were filed on time and deny exemption status to the Church of Christ for 2008 due to delinquent filing, to approve a one time filing extension for the Westview Christian and First Baptist Churches, and to deny the addition of additional area requested by the Four Square Church. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**RESOLUTION 2008-2 RESOLUTION AUTHORIZING BONDS :**

The following resolution was presented to the Commission by Bond Counsel, Eric Johnson, to complete the authorization of a loan from the Permanent Community Impact Board Fund to help finance the Senior Citizen Center. After reviewing the Resolution and a recommendation of the County Attorney's office for adoption, Wayne Smith made a motion to approve Resolution 2008-2 as follows. Second by Alma Adams.

**IRON COUNTY, UTAH  
FINAL BOND RESOLUTION  
April 14, 2008**

RESOLUTION NO. 2008-2

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$300,000 SALES TAX REVENUE BONDS, SERIES 2008 (THE "SERIES 2008 BONDS") TO FINANCE A PORTION OF A SENIOR CENTER AND RELATED IMPROVEMENTS; PRESCRIBING THE FORM, TERMS, AND CONDITIONS AND SECURITY THEREFOR; PLEDGING CERTAIN SALES TAX REVENUES; AND RELATED MATTERS.

WHEREAS, the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, authorizes the issuance of nonvoted excise tax revenue bonds payable solely from the excise tax revenues of cities, towns or counties, levied and collected by that government entity or levied by the State of Utah and rebated pursuant to law; and

WHEREAS, the Board of Commissioners (the "Commission") of Iron County, Utah (the "Issuer"), desires to construct a senior center and related improvements (the "Project"), the cost thereof to be paid, in part, through the issuance of its Sales Tax Revenue Bonds, Series 2008 (the "Series 2008 Bonds"); and

WHEREAS, on February 25, 2008, the Commission adopted a resolution providing notice of its intention to issue bonds, which at that time it designated as the Sale Tax Revenue Bonds, Series 2008, which are the same bonds the Issuer desires to issue and sell at this time as the Series 2008 Bonds for the same purposes; and

WHEREAS, based upon the information available to the Issuer, the excise taxes of the Issuer to be pledged will produce sufficient Revenues (as defined in this Bond Resolution) to pay the debt service on the Series 2008 Bonds; and

WHEREAS, the County Clerk notified the Commission that pursuant to the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, the Notice of Public Hearing and Bonds to Be Issued calling a public hearing on March 27, 2008, at 1:30 p.m. at the Iron County offices in Iron County, Utah, to receive input from the public with respect to the issuance by the Issuer of its Sales Tax Revenue Bonds, Series 2008 in an amount not to exceed \$350,000 (the "Series 2008 Bonds"), had been published in a newspaper of general circulation in the Issuer, said notice having been published two times, once during each week for two consecutive weeks, the first publication being not less than 14 days before March 27, 2008, and that the affidavits of publishing the Notice with a copy of the Notice as published were duly filed in the County Clerk's office; and that a copy of the resolution authorizing the Notices has been on file in the County Clerk's office during all regular office hours from February 25, 2008, for the examination of any interested parties; and

WHEREAS, the Commission held the public hearing on March 27, 2008, which was open to all members of the public desiring to give input with respect to the issuance by the Issuer of its Series 2008 Bonds and the Commission received all written and oral comments, if any, and after giving full consideration to all such comments and input from the public, if any, the Commission closed the public hearing; and

WHEREAS, the Series 2008 Bonds and all bonds issued on a parity therewith, including the Outstanding Bonds (as defined herein), will not at any one time exceed an amount for which the average annual installments of principal and interest will exceed 80% of the Issuer's Revenues (as defined in this Bond Resolution) from the collection or rebate of such Revenues received by the Issuer during its fiscal year immediately preceding the fiscal year in which this Bond Resolution is adopted; and

WHEREAS, the State of Utah Permanent Community Impact Fund Board (the "Community Impact Board") has offered to purchase the Series 2008 Bonds at par in the total principal amount of \$300,000, and bearing interest at the rate of 3.5% per annum on the unpaid principal amount therein; and

WHEREAS, the Issuer desires to accept the offer of the Community Impact Board and to confirm the sale of the Series 2008 Bonds to the Community Impact Board; and

WHEREAS, the Series 2008 Bonds will be issued on a parity with the Issuer's Outstanding Bonds (as defined herein) such that the Series 2008 Bonds and the Outstanding Bonds will enjoy an equal lien pledge on the Revenues (as defined herein):

NOW, THEREFORE, be it resolved by the Board of Commissioners of Iron County, Utah, as follows:

## ARTICLE I

### DEFINITIONS

Section 1.1 Definitions. As used in this Bond Resolution, the following terms have the following meanings unless the context otherwise clearly indicates:

“Annual Debt Service” means the total requirement of principal, interest and premium payments, if any, to be paid by the Issuer during any Sinking Fund Year on the Issuer's outstanding Series 2008 Bonds or other forms of indebtedness issued on a parity with the Series 2008 Bonds.

“Average Annual Debt Service” means the sum total of the Annual Debt Service for all Sinking Fund Years divided by the total number of Sinking Fund Years during which any of the Series 2008 Bonds will remain outstanding.

“Bondholder,” “Registered Owner” or “Owner” means the registered owner of any bonds herein authorized.

“Business Day” means a day on which banking business is transacted, but not including any day on which banks are authorized to be closed within the boundaries of the Issuer.

“Community Impact Board” means the State of Utah Permanent Community Impact Fund Board, or any successor thereof.

“Code” means the Internal Revenue Code of 1986, as amended.

“Dated Date” means the initial delivery date of the Series 2008 Bonds.

“Default” and “Event of Default” mean with respect to any default or event of default under this Bond Resolution any occurrence or event specified in and defined by Section 5.1 of this Bond Resolution.

“Depository Bank” means a “Qualified Depository” as defined in the State Money Management Act of 1974, Title 51, Chapter 7, Utah Code Annotated, 1953, as amended, selected by the Issuer to receive deposits for the Revenue Fund as herein described, the deposits of which Bank will be insured by the Federal Deposit Insurance Corporation.

“Escrow Account” means an account to be held in escrow by the Escrow Agent pursuant to the Escrow Agreement, said account to be used for the purpose of depositing the proceeds of the sale of the Series 2008 Bonds and accounting for said proceeds pursuant to the terms of the Escrow Agreement.

“Escrow Agent” means the Utah State Treasurer, Salt Lake City, Utah, who will so act pursuant to the terms of the Escrow Agreement.

“Escrow Agreement” means the agreement entered into among the Issuer, the Utah State Treasurer and the Escrow Agent on the date of delivery of the Series 2008 Bonds.

“Exchange Bonds” means the fully registered Series 2008 Bonds issued in substantially the form set forth in Exhibit “C”, in exchange for the State Bonds representing the Series 2008 Bonds or in exchange for other Exchange Bonds, in the denomination of \$1,000 or any integral multiple therein.

“Fully Registered Bond” means any single Fully Registered Bond in the denomination(s) equal to the aggregate principal amount of the applicable Series 2008 Bonds authorized herein.

“Governing Body” means the Commission of the Issuer.

“Issuer” means Iron County, Utah, or any successor entity.

“Outstanding Bonds” means the Issuer’s outstanding Sales Tax Revenue Bonds, Series 2001 issued in the original principal amount of \$678,000.

“Paying Agent” means the person or persons authorized by the Issuer to pay the principal of and interest on the Series 2008 Bonds on behalf of the Issuer. The initial paying agent for the Series 2008 Bonds is the County Clerk of the Issuer.

“Project” means the construction of a senior center and related improvements.

“Registrar” means the person or persons authorized by the Issuer to maintain the registration books with respect to the Series 2008 Bonds on behalf of the Issuer. The initial Registrar for the Series 2008 Bonds is the County Clerk of the Issuer.

“Resolution” means collectively this Bond Resolution adopted by the Issuer on April 14, 2008, authorizing the sale and issuance of Series 2008 Bonds, as from time to time amended and supplemented, and the parameters resolution adopted by the Issuer on February 25, 2008.

“Revenues” means 100% of the Local Sales and Use Taxes received by the Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended.

“Series 2008 Bonds” means Issuer’s Sales Tax Revenue Bonds, Series 2008 in the total principal amount of \$300,000 bearing interest at 3.5% per annum on the unpaid principal amount.

“Sinking Fund Year” means the 12-month period beginning January 1 of each year and ending December 31 of the following year, except that the first Sinking Fund Year will begin on the delivery date of the Series 2008 Bonds and will end on the following December 31.

“State” means the State of Utah.

“State Bonds” means the fully registered Series 2008 Bonds issued in substantially the form set forth in Exhibit “B” in the denominations equal to the aggregate principal amount of the Series 2008 Bonds.

## ARTICLE II

### ISSUANCE OF SERIES 2008 BONDS

Section 2.1 Principal Amount, Designation, Series and Interest Rate. The Series 2008 Bonds are authorized for issuance for the purpose of providing funds to (i) finance, in part, the costs of the Project, and (ii) pay issuance costs. The Series 2008 Bonds are limited to \$300,000 in aggregate principal amount, will be issued (i) if issued as a State Bond(s), in the form set forth in Exhibit “B” and (ii) if issued as Exchange Bonds, in the form set forth in Exhibit “C”, in fully registered form and will bear interest from January 1, 2009, at the rate of 3.5% on the unpaid balance of the principal sum. If issued as Exchange Bonds, the Series 2008 Bonds will be in the denomination of \$1,000 or any integral multiple therein. The Series 2008 Bonds will be numbered from one consecutively upward in order of delivery by the Registrar. The Series 2008 Bonds are designated as, and are distinguished from the bonds of all other series by the title, “Iron County, Utah Sales Tax Revenue Bonds, Series 2008”.

The Series 2008 Bonds will be issued on a parity with the Issuer’s Outstanding Bonds such that the Series 2008 Bonds and the Outstanding Bonds shall have an equal lien pledge on the Revenues.

Section 2.2 Date and Maturities. The Series 2008 Bonds will be dated as of their date of delivery, will be in the denomination of \$1,000 or any integral multiple therein and will be paid as provided in this Section 2.2. The Series 2008 Bonds will be initially issued as a single fully registered State Bond.

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, will be payable upon presentation of the applicable Series 2008 Bond at the offices of the Paying Agent for endorsement or surrender, or of any successor Paying Agent. Payment of interest will be made to the Registered Owner therein and will be paid by check or draft mailed to the Registered Owner thereof at his address as it appears on the registration books of the Issuer maintained by the Registrar or at such other address as is furnished to the Registrar in writing by such Registered Owner. All payments will be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America.

So long as the Community Impact Board is the Registered Owner of the Series 2008 Bonds, payments of principal and interest will be made by check or draft and mailed to the Community Impact Board as the Registered Owner at the address shown on the registration books maintained by the Registrar.

The Issuer will make the principal payments stated for each year, together with accrued but unpaid interest, if any, on the total principal sum outstanding with interest accruing from April 1, 2009, payable beginning April 1, 2010, and on each succeeding April 1 until the total principal sum is paid in full, as follows:

| <u>April 1</u> | Principal Maturing |
|----------------|--------------------|
| 2010           | \$26,000           |
| 2011           | 26,000             |
| 2012           | 27,000             |
| 2013           | 28,000             |
| 2014           | 29,000             |
| 2015           | 30,000             |
| 2016           | 31,000             |
| 2017           | 32,000             |
| 2018           | 34,000             |
| 2019           | 37,000             |

Section 2.3 Optional Redemption and Redemption Prices. Each principal payment of the Series 2008 Bond is subject to prepayment and redemption at any time, in whole or in part (if in part, in integral multiples of \$1,000), at the election of the Issuer, in inverse order of the due dates therein, and by lot selected by the Issuer if less than all of the Series 2008 Bonds of a particular due date are to be redeemed, upon notice as provided in Section 2.4 of this Bond Resolution with respect to Exchange Bonds, and upon at least 30 days' prior written notice of the amount of prepayment and the date scheduled for prepayment to the Community Impact Board with respect to the Series 2008 Bonds, and at a redemption price equal to 100% of the principal amount to be prepaid or redeemed, plus accrued interest, if any, to the date of redemption.

Section 2.4 Notice of Redemption for Exchange Bonds.

(a) If any of the Exchange Bonds are to be redeemed, the Registrar will cause notice to be given as provided in this Section 2.4. Notice of redemption will be mailed by first class mail, postage prepaid, to all Registered owners of Exchange Bonds to be redeemed at their addresses as they appear on the registration books of the Registrar at least 30 days but not more than 45 days before the date fixed for redemption. Such notice must state the following information:

(i) the complete official name of the Exchange Bonds, including series, to be redeemed, the identification numbers of the Exchange Bonds being redeemed;

(ii) any other descriptive information needed to identify accurately the Exchange Bonds being redeemed, including, but not limited to, the original issue date of such Exchange Bonds;

(iii) in the case of partial redemption of any Exchange Bonds, the respective principal amounts therein to be redeemed;

(iv) the date of mailing of redemption notices and the redemption date;

(v) the redemption price;

(vi) that on the redemption date the redemption price will become due and payable upon each such Exchange Bond or portion therein called for redemption; and

(vii) the place where such Exchange Bonds are to be surrendered for payment of the redemption price, designating the name and address of the redemption agent with the name of a contact person and telephone number.

(b) Upon the payment of the redemption price of Exchange Bonds being redeemed, each check or other transfer of funds issued for such purpose will identify the Exchange Bonds being redeemed with the proceeds of such check or other transfer.

(c) The Registrar may not give notice of a redemption until there are on deposit with the Paying Agent sufficient funds for the payment of the redemption price.

Notice of redemption must be given, not more than 45 days nor less than 30 days before the redemption date, to registered owners of the Exchange Bonds, or portions therein, to be redeemed. A second notice of redemption will be given, not later than 90 days subsequent to the redemption date, to registered owners of Exchange Bonds or portions therein redeemed but who failed to deliver Series 2008 Bonds for redemption prior to the 60th day following such redemption date. Any notice mailed will be conclusively presumed to have been duly given, whether or not the Registered Owner of such Series 2008 Bonds receives the notice. Receipt of such notice is not a condition precedent to redemption, and failure so to receive notice by a registered owner will not affect the validity of the proceedings for the redemption of the Series 2008 Bonds.

If any Exchange Bond is to be redeemed in part only, the notice of redemption which relates to that Exchange Bond must state also that on or after the redemption date, upon surrender of such Series 2008 Bond, a new Series 2008 Bond in principal amount equal to the unredeemed portion of such Series 2008 Bond will be issued.

Section 2.5 Execution and Delivery of the Series 2008 Bonds. The Chair is authorized to execute by manual or facsimile signature the Series 2008 Bonds and the County Clerk to countersign by manual or facsimile signature the Series 2008 Bonds and to have imprinted, stamped or otherwise placed on the Series 2008 Bonds the official seal of the Issuer. The County Clerk is authorized to deliver to the Community Impact Board the Series 2008 Bonds upon payment to the Issuer of the proceeds of the Series 2008 Bonds.

Section 2.6 Delinquent Payment. Payments of principal and interest, if any, on the Series 2008 Bonds which are delinquent from their due date will draw interest at the rate of eighteen percent (18%) per annum on the delinquent payment from the due date until paid in full.

Section 2.7 Exchange of Series 2008 Bonds. As long as the Community Impact Board is the sole Registered Owner of the Series 2008 Bonds, the Series 2008 Bonds will be issued only as the Series 2008 Bonds in the form prescribed in Exhibit "B". It is recognized that the Community

Impact Board may sell or otherwise transfer the Series 2008 Bonds pursuant to the provisions of the State Financing Consolidation Act, Title 63, Chapter 65, Utah Code Annotated 1953, as amended, or otherwise. In the event the Community Impact Board determines to sell or otherwise transfer all or a portion of the Series 2008 Bonds pursuant to the State Financing Consolidation Act, or otherwise, the Series 2008 Bonds will be exchanged at the office of the Paying Agent for a like aggregate principal amount of Exchange Bonds in accordance with the provisions of this Section 2.7 and Section 3.1 of this Bond Resolution. Exchange Bonds may thereafter be exchanged from time to time for other Exchange Bonds in accordance with Section 3.1 of this Bond Resolution. Any Series 2008 Bond, or any portion therein, which is sold or otherwise transferred or liquidated by the Community Impact Board pursuant to the State Financing Consolidation Act, or otherwise, will be in the form of an Exchange Bond prescribed in Exhibit "C", and will be executed pursuant to authorization contained in Section 2.5 of this Bond Resolution. Each principal payment on the Series 2008 Bonds not previously paid or cancelled will be represented by an equivalent principal amount of Exchange Bonds, in authorized denominations, and of like maturity. The Issuer and its officers will execute and deliver such documents and perform such acts as may reasonably be required by the Issuer to accomplish the exchange of the Series 2008 Bonds for Exchange Bonds, provided that the Community Impact Board will pay or cause to be paid all costs and other charges incident to such exchange and the Issuer will have no obligation to pay any such costs or charges.

### ARTICLE III

#### REGISTRATION, PAYMENT, AND FLOW OF FUNDS

Section 3.1 Execution of and Registration of Series 2008 Bonds; Persons Treated as Owners. The Series 2008 Bonds will be signed by the Issuer and the Issuer will cause books for the registration and for the transfer of the Series 2008 Bonds to be kept by the County Clerk who is appointed the Registrar of the Issuer with respect to the Series 2008 Bonds. Any Series 2008 Bond may, in accordance with its terms, be transferred only upon the registration books kept by the Registrar, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Series 2008 Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Registrar, duly executed. No transfer will be effective until entered on the registration books kept by the Registrar. Upon surrender for transfer of any Series 2008 Bond duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Registrar and duly executed by, the Registered Owner or his attorney duly authorized in writing, the Issuer will execute and deliver in the name of the transferee or transferees, a new Series 2008 Bond or Bonds of the same maturity and series for a like aggregate principal amount as the Series 2008 Bond surrendered for transfer. Series 2008 Bonds may be exchanged at the office of the Registrar for a like aggregate principal amount of Series 2008 Bonds of the same series or other authorized denominations and the same maturity. The execution by the Issuer of any Series 2008 Bond of any authorized denomination will constitute full and due authorization of such denomination, and the Registrar will then be authorized to deliver that Series 2008 Bond. The Registrar will not be required to transfer or exchange any Exchange Bond at any time following the mailing of notice calling a Series 2008 Bond for redemption.

Series 2008 Bonds surrendered for payment, redemption or exchange, will be promptly cancelled and destroyed by the Issuer.

The Issuer, the Registrar and the Paying Agent may treat and consider the person in whose name each Series 2008 Bond is registered on the registration books kept by the Registrar as the holder and absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and for all other purposes whatsoever, and neither the Issuer, nor the Registrar nor the Paying Agent will be affected by any notice to the contrary. Payment of any Series 2008 Bond will be made only to or upon order of the Registered Owner thereof or his legal representative, but such registration may be changed as hereinabove provided. All such payments will be valid and effectual to satisfy and discharge the liability upon such Series 2008 Bond to the extent of the sum or sums so paid.

The Issuer may require the payment by the Registered Owner requesting exchange or transfer of Series 2008 Bonds of any tax or other governmental charge and any service charge which are

required to be paid with respect to such exchange or transfer and such charges will be paid before the new Series 2008 Bond will be delivered.

Section 3.2 Deposit of Bond Proceeds. The proceeds from the sale of the Series 2008 Bonds will be deposited upon delivery in the Escrow Account and will be disbursed under the provisions of the Escrow Agreement. All money deposited in the Escrow Account will be used solely for the purpose of defraying all or a portion of the costs of the Project including the payment of costs of issuance of the Series 2008 Bonds. Any unexpended balance of the proceeds from the sale of the Series 2008 Bonds remaining in the Escrow Account after completion of the Project will be paid immediately into the “Iron, Utah Sales Tax Revenue Bond Sinking Fund Account,” referred to in this Bond Resolution as the “Sinking Fund”, and will be used only for the prepayment of the Series 2008 Bonds. Principal and interest last to become due will be prepaid first, and in the event less than all of the principal amount of the Series 2008 Bonds maturing on the last due date are to be redeemed, the Issuer will by lot select those Series 2008 Bonds to be prepaid. Proceeds from the sale of the Series 2008 Bonds on deposit in the Escrow Account may, at the discretion of the Issuer, be invested by the Escrow Agent as provided in the Escrow Agreement. Following the transfer of unexpended funds from the Escrow Account to the Bond Account, the Escrow Account will be closed.

Section 3.3 The Series 2008 Bonds Constitute Special Limited Obligations. Notwithstanding anything else in this Bond Resolution, the principal and interest on the Series 2008 Bonds will be payable out of 100% of the Revenues, and in no event will the Series 2008 Bonds be deemed or construed to be a general indebtedness of the Issuer or payable from any funds of the Issuer other than Revenues. The Issuer pledges the Revenues to pay the principal and interest on the Series 2008 Bonds.

The Issuer may, in its sole discretion, but without obligation and subject to the Constitution, laws, and budgetary requirements of the State of Utah, make available properly budgeted and legally available funds to defray any insufficiency of Revenues to pay the Series 2008 Bonds; however, the Issuer has not covenanted and cannot covenant to make those funds available and has not pledged any of those funds for that purpose.

Section 3.4 Flow of Funds for the Series 2008 Bonds. From and after the delivery date of the Series 2008 Bonds, and until all the Series 2008 Bonds have been fully paid, the Revenues will be set aside into the Iron Sales Tax Revenue Fund (the “Revenue Fund”), to be held by the Depository Bank. The Issuer will then make accounting allocations of the funds deposited in the Revenue Fund for the following purposes and in the following priority:

(a) Revenues in the Revenue Fund will be allocated to the Sinking Fund:

(i) Of the amounts allocated to the Sinking Fund there will be allocated the following amounts to a subaccount established on the books of the Issuer known as the “Bond Account” such amounts as will assure, to the extent of the availability of Revenues, the prompt payment of the principal and interest on the Series 2008 Bonds and Outstanding Bonds as will become due. The amount to be so set aside with respect to the Series 2008 Bonds will, as nearly as may be practicable, be set aside and allocated to the Bond Account monthly, on or before the tenth day of each month, beginning April 1, 2009, and will equal 1/12 of the interest next falling due on the Series 2008 Bonds and 1/12 of the amount of the principal on the payment next due on the Series 2008 Bonds; and

(ii) Of the amounts allocated to the Sinking Fund after there will have been allocated the amounts required to be allocated under (i) above, there will be allocated monthly on or before the tenth day of each month, beginning April 1, 2009, (a) to the debt service reserve fund with respect to the Outstanding Bonds, the amount required, if any, under the resolution authorizing the Outstanding Bonds, and (b) to the “Reserve Account – Series 2008” established on the books of the Issuer the sum of \$415, plus such additional amount as may be required to meet any monthly installment to the Reserve Account – Series 2008 not theretofore made in whole or in part, such allocation will continue until there will have been accumulated in the

Reserve Account – Series 2008 an amount equal to \$30,000. Amounts allocated to the Reserve Account - Series 2008 will be used to pay the principal and interest falling due on the Series 2008 Bonds at any time when there are not sufficient funds in the Bond Account to pay the same, but pending such use may be invested as provided in this Bond Resolution. When the Reserve Account - Series 2008 has been accumulated as in this paragraph provided, no further allocations to the Reserve Account need be made unless payments from the Reserve Account have reduced below the amounts required by this paragraph, in which event allocations will be resumed until such deficiency has been remedied; and

(b) All remaining funds, if any, in the Revenue Fund after all of the payments required to be made into the Bond Account and Reserve Account - Series 2008 referenced in this Bond Resolution have been made, may be used by the Issuer (a) to prepay or redeem the Series 2008 Bonds in whole or in part, or (b) to be applied to any other lawful purpose as determined by the Issuer.

(c) If at any time, the Revenues of the Issuer will be insufficient to make any payment to any of the above funds or accounts on the date or dates specified, the Issuer will make good the amount of such deficiency by making additional payments out of the first available Revenues thereafter received by the Issuer.

Section 3.5 Investment of Funds. Any funds allocated to the Bond Account and the Reserve Account – Series 2008 may, at the discretion of the Issuer, be invested in accordance with the State Money Management Act. All income derived from the investment of the funds of the Bond Account will be maintained in those funds and disbursed along with the other moneys on deposit therein as provided in this Bond Resolution. All income derived from the investment of the Reserve Account – Series 2008 will at the end of each Sinking Fund Year be transferred by the Issuer to the Bond Account so long as the Reserve Account – Series 2008 after said transfer has funds equaling \$30,000. Should the Reserve Account – Series 2008 have less than \$30,000, then that income will be maintained in the Reserve Account – Series 2008 until total deposits in the Accounts equals \$30,000. There will not be required to be in the Bond Account and the Reserve Account – Series 2008 at any time more than the total amount required to pay the total principal outstanding of the Series 2008 Bonds. Whenever the money in the Bond Account and the Reserve Account – Series 2008 equals the total principal amount of the Series 2008 Bonds, the money in those Accounts will be used to prepay all of such Bonds.

## ARTICLE IV

### GENERAL COVENANTS

Section 4.1 General Covenants. The Issuer covenants and agrees with each and every holder of the Series 2008 Bonds the following:

(a) While any of the Series 2008 Bonds remain outstanding and unpaid, any resolution or other enactment of the Governing Body of the Issuer, applying the Revenues for the payment of the Series 2008 Bonds will be irrevocable until the Series 2008 Bonds have been paid in full, and will not be subject to amendment or modification in any manner which would impair the rights of the holders of the Series 2008 Bonds or which would in any way jeopardize the timely payment of principal when due.

(b) The average annual installments of principal and interest on the Series 2008 Bonds and any bonds issued on a parity will not at any one time exceed 80% of the total amount of the Revenues received by the Issuer during the Sinking Fund Year immediately preceding the Sinking Fund Year in which this Bond Resolution is adopted.

(c) So long as any Series 2008 Bonds remain outstanding, proper books of record and account will be kept by the Issuer separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the receipt and use of the

Revenues. Each Bondholder or any duly authorized agent or agents of such holder will have the right at all reasonable times to inspect all records, accounts and data relating thereto. Except as otherwise provided in this Bond Resolution, the Issuer further agrees that it will within 180 days following the close of each Sinking Fund Year cause an audit of such books and accounts to be made by an independent firm of certified public accountants, showing the receipts and disbursements for account of Revenues, and that such audit will be available for inspection by the Bondholder; provided, however, during such periods of time as the Community Impact Board is the Registered Owner of the State Bonds, each such audit will be supplied to the Community Impact Board as soon as completed without prior request therefor by the Community Impact Board. Each such audit, in addition to whatever matters may be thought proper by the accountant to be included therein, will include the following:

- (i) A statement in detail of the income and expenditures of Revenues for such Sinking Fund Year;
- (ii) A balance sheet as of the end of such Sinking Fund Year;
- (iii) The accountant's comments regarding the manner in which the Issuer has carried out the requirements of this Bond Resolution, and the accountant's recommendations for any change or improvement; and
- (iv) An analysis of all funds and accounts created in this Bond Resolution, setting out all deposits and disbursements made during the Sinking Fund Year and the amount in each fund or account at the end of the Sinking Fund Year.

The Bondholder may, upon written request from the Issuer setting forth the reasons why a certified audit is not necessary or is impractical, waive the audit requirements for any particular Sinking Fund Year set forth in this Subsection 4.1(c), provided, however, that such waiver will not apply to the reporting requirements of the Issuer set forth in Subsection 4.1(d) herein.

(d) In addition to the reporting requirements set forth in Subsection 4.1(c) above, the Issuer will submit to the Community Impact Board within 180 days following the close of each Sinking Fund Year, a summary report substantially in the form as provided by the Community Impact Board to the Issuer upon purchase of the Series 2008 Bonds.

If a Bondholder is other than the Community Impact Board, the Issuer agrees to furnish a copy of such information to such Bondholder at its request after the close of each Sinking Fund Year. Any Bondholder will have the right to discuss with the accountant compiling such information the contents therein and to ask for such additional information as it may reasonably require.

(e) Upon request, the Issuer will furnish to the Bondholder financial statements and other information relating to the Issuer and its Revenues as it may from time to time reasonably require.

(f) The Issuer will carry insurance, including, but not limited to, workmen's compensation insurance and public liability insurance, in such amounts and to such extent as is normally carried by similar governmental entities.

(g) The Bondholder will have the right at all reasonable times to inspect the Project, and all records, accounts and data of the Issuer relating thereto, and upon request, the Issuer will furnish to it financial statements and other information relating to the Issuer and the Project as it may from time to time reasonably require.

(h) The Issuer will commence and complete the acquisition and construction of the Project with all practical dispatch and will cause all construction to be effected in a sound and economical manner.

(i) The Issuer will from time to time duly pay and discharge or cause to be paid all taxes, assessments and other governmental charges, if any, lawfully imposed upon the Project or any part therein or upon the Revenues, as well as any lawful claims for labor, materials or supplies which if unpaid might by law become a lien or charge upon the Project or the Revenues or any part therein or which might impair the security of the Series 2008 Bonds, except when the Issuer in good faith contests its liability to pay the same.

(j) All payments falling due on the Series 2008 Bonds will be made to the Bondholder therein at par and all charges made by the Depository Bank for its services will be paid by the Issuer.

(k) The Issuer will maintain its corporate identity, will make no attempt to cause its corporate existence to be abolished and will resist all attempts by other municipal corporations to annex all or any part of the territory now or hereafter in the Issuer or served by the Project.

(l) The Issuer will file or cause to be filed with the Internal Revenue Service Center, Ogden, UT 84201, on or before the fifteenth day of the second calendar month after the close of the calendar quarter in which the Series 2008 Bonds are issued, a Form 8038-G, Information Return for Tax-Exempt Governmental Bond Issues, with respect to the Series 2008 Bonds.

(m) The Issuer further covenants and agrees to and for the benefit of the registered owners of the Series 2008 Bonds that the Issuer (i) will not take any action that would cause interest on the Series 2008 Bonds to become includible in gross income for purposes of federal income taxation, (ii) will not omit to take or cause to be taken, in timely manner, any action, which omission would cause the interest on the Series 2008 Bonds to become includible in gross income for purposes of federal income taxation and (iii) will, to the extent possible, comply with any other requirements of federal tax law applicable to the Series 2008 Bonds in order to preserve the exclusion from gross income for purposes of federal income taxation of interest on such Series 2008 Bonds.

(n) The Chair and County Clerk of the Issuer are hereby authorized and directed to execute such certificates as will be necessary to establish that the Series 2008 Bond is not an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations promulgated or proposed in relation thereto. The Issuer covenants and certifies to and for the benefit of the Registered Owners of the Series 2008 Bonds that no use will be made of the proceeds from the issue and sale of the Series 2008 Bonds, or any funds or accounts of the Issuer which may be deemed to be gross proceeds of the Series 2008 Bonds, pursuant to Section 148 of the Code and applicable regulations (proposed or promulgated) which use, if it had been reasonably expected on the date of issuance of the Series 2008 Bonds, would have caused the Series 2008 Bonds to be classified as "arbitrage bonds" within the meaning of Section 148 of the Code. Pursuant to this covenant, the Issuer obligates itself to comply throughout the term of the Series 2008 Bonds with the requirements of Section 148 of the Code and the regulations proposed or promulgated with respect thereto.

Section 4.2 Covenant of State of Utah. In accordance with Section 11-14-307(3), Utah Code Annotated 1953, as amended, the State of Utah hereby pledges and agrees with the owners of the Series 2008 Bonds that it will not alter, impair or limit the Revenues in a manner that reduces the amounts to be rebated to the Issuer which are devoted or pledged herein until the Series 2008 Bonds, together with applicable interest, are fully met and discharged; provided, however, that nothing will preclude such alteration, impairment or limitation if and when adequate provision will be made by law for the protection of the holders of the Series 2008 Bonds.

Section 4.3 Additional Indebtedness Series 2008 Bonds. No additional indebtedness, bonds or notes of the Issuer payable on a priority superior to the Series 2008 Bonds out of the Revenues will be created or incurred by the Issuer without the prior written consent of all holders

of the Series 2008 Bonds. Furthermore, the Series 2008 Bonds will not be entitled to any priority one over the other in application of the Revenues, regardless of the time or times of their issuance, it being the intention of the Issuer that there will be no priority among the Series 2008 Bonds authorized to be issued pursuant to this Bond Resolution regardless of the fact that they may be actually issued and delivered at different times. It is expressly agreed and covenanted that the Issuer will not hereafter issue any bonds or obligations payable from the Revenues, or any part therein, or which constitutes a lien on such Revenues until all Series 2008 Bonds have been paid in full unless such additional bonds are issued in such manner that they are in all respects subordinate to the Series 2008 Bonds.

The provisions of the foregoing paragraph are subject to the following two exceptions:

(1) The Series 2008 Bonds or any part therein may be refunded. The refunding bonds so issued will enjoy a lien on the Revenues on a parity with the Series 2008 Bonds except that if fewer than all of the Series 2008 Bonds outstanding at the time are so refunded, no refunding bonds will bear interest at a rate higher or mature at a date earlier than the corresponding Series 2008 Bond refunded thereby without the consent of the owners and holders of all of the unrefunded Series 2008 Bonds. In all other respects, refunding bonds may be secured in such manner and may be payable from such sources and be subject to other terms and provisions that may be provided in the resolution authorizing their issuance. Refunding bonds may be exchanged with the consent of the Bondholder for not less than a like principal amount of the Series 2008 Bonds authorized to be refunded, may be sold or may be exchanged in part or sold in part. If sold, the proceeds of the sale not required for the payment of expenses will be used to refund that portion of the Series 2008 Bonds refunded.

(2) Additional bonds may be issued on a parity with the Series 2008 Bonds herein authorized if all of the following conditions are met at the time of the issuance of such additional bonds (herein referred to as "Parity Bonds"):

(i) The Issuer's Revenues in the Sinking Fund Year preceding the year in which the Parity Bonds are to be issued were 125% of the average Annual Debt Service on all of the Series 2008 Bonds and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued.

(ii) All payments required by this Bond Resolution to be made into the Sinking Fund must have been made in full and there must be in the Reserve Account – Series 2008 the full amount required by this Bond Resolution to be accumulated therein.

(iv) The Parity Bonds must be payable as to principal on April 1 of each year in which principal falls due.

(v) The proceedings authorizing such Parity Bonds must raise the amount to which the reserve funds will be accumulated to an amount no less than the highest future Annual Debt Service of all Series 2008 Bonds and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued and must require the accumulation of such amount in the reserve account to be accomplished within six years after delivery of such Parity Bonds.

Section 4.4 Arbitrage Rebate Exemption for Small Issuer. The Issuer certifies for the purpose of qualifying for the exception contained in Section 148(f)(4)(D) of the Code from the requirement to rebate arbitrage earnings from investment of proceeds of the Series 2008 Bonds (the "Rebate Exemption") as follows:

(a) The Series 2008 Bonds are issued by the Issuer which has general taxing powers.

(b) Neither the Series 2008 Bonds, nor any portion therein is a private activity bond as defined in Section 141 of the Code ("Private Activity Bond").

(c) 95% or more of the net proceeds of the Series 2008 Bonds are to be used for local government activities of the Issuer (or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Issuer).

(d) Neither the Issuer nor any aggregated issuer has issued or is reasonably expected to issue any tax-exempt bonds exceeding \$5,000,000 other than Private Activity Bonds (as those terms are used in Section 148(f)(4)(D) of the Code) during calendar year 2008.

For purposes of this Section 4.4, “aggregated issuer” means any entity which (a) issues obligations on behalf of the Issuer, (b) derives its issuing authority from the Issuer, or (c) is subject to substantial control by the Issuer.

The Issuer hereby represents that it has not created, does not intend to create, and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 148(f)(4)(D)(IV) of the Code.

Accordingly, the Issuer will qualify for the Rebate Exemption granted to small governmental units under Section 148(f)(4)(D) of the Code, and the Issuer will be treated as meeting the requirements of Paragraphs (2) and (3) of Section 148(f) of the Code relating to the required rebate of arbitrage earnings to the United States with respect to the Series 2008 Bonds.

Section 4.5 Bank Designation. For purposes of and in accordance with Section 265 of the Code, the Issuer has designated the Series 2008 Bonds, as an issue qualifying for the exception for certain qualified tax-exempt obligations to the rule denying banks and other financial institutions 100% of the deduction for interest expenses which is allocable to tax-exempt interest. The Issuer reasonably anticipates that the total amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by the Issuer and by any aggregated issuer during the current calendar year will not exceed \$10,000,000. For purposes of this Section, “aggregated issuer” means any entity which, (i) issues obligations on behalf of the Issuer, (ii) derives its issuing authority from the Issuer, or (iii) is directly or indirectly controlled by the Issuer within the meaning of Treasury Regulation Section 1.150-1(e). The Issuer hereby represents that (a) it has not created and does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 265(b)(3)(C) or (D) of the Code and (b) the total amount of obligations so designated by the Issuer and all aggregated issuers for the current calendar year does not exceed \$10,000,000.

## ARTICLE V

### MISCELLANEOUS

Section 5.1 Default and Remedies. Failure of the Issuer to perform any covenant or requirement of the Issuer under this Bond Resolution within 30 days after having been notified in writing by a Bondholder of such failure, will constitute an event of default hereunder and will allow each Bondholder to take the following enforcement remedies:

(a) The Bondholder may require the Issuer to pay an interest penalty equal to 18% per annum of the outstanding principal amount on the Series 2008 Bonds, said interest penalty to accrue from the date of the notice of the Bondholder to the Issuer referenced hereinabove until the default is cured by the Issuer. Said interest penalty will be paid on each succeeding payment date until the default is cured by the Issuer.

(b) The Bondholder may appoint a trustee bank to act as a receiver of the Revenues for purposes of applying said Revenues toward the Revenue allocations required in Sections 3.4 herein and in general, protecting and enforcing each Bondholder's rights thereto, in which case, all administrative costs of the trustee bank in performing said function will be paid by the Issuer.

No remedy conferred herein is intended to be exclusive of any other remedy, but each and every such remedy will be cumulative and will be in addition to any other remedy given to each Bondholder hereunder or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right, power or remedy accruing upon a default will impair any such right, power or remedy or will be construed to be a waiver of any default or acquiescence therein; and every such right, power or remedy may be exercised from time to time as may be deemed expedient.

Section 5.2 Amendments to Bond Resolution. Provisions of this Bond Resolution will constitute a contract between the Issuer and the Bondholder; and after the issuance of the Series 2008 Bonds, no change, variation or alteration of any kind in the provisions of this Bond Resolution will be made in any manner until such time as all of the Series 2008 Bonds have been paid in full except as hereinafter provided.

The Bondholders will have the right from time to time to consent to and approve the adoption by the Issuer of resolutions modifying or amending any of the terms or provisions contained in this Bond Resolution in the manner and to the extent set out below.

Whenever the Issuer will propose to amend or modify this Bond Resolution under the provisions of this section, it will cause notice of the proposed amendment to be sent to all Bondholders of all Series 2008 Bonds then outstanding. Such notice will briefly set forth the nature of the proposed amendment and will state that a copy of the proposed amendatory resolution is on file in the office of the County Clerk for public inspection. Should a Bondholder consent to the proposed amendment to this Bond Resolution, it will submit to the Issuer a written instrument which will refer to the proposed amendatory resolution described in said notice and will specifically consent to and approve the adoption therein. Upon receipt of Bondholder consents representing at least 75% of the principal of Series 2008 Bonds outstanding, the governing body of the Issuer may adopt said amendatory resolution, and it will become effective, provided, however, that nothing in this Section 5.2 will permit or be construed as permitting (a) an extension of the stated maturity or reduction in the principal amount of, or reduction in the rate of or extension of the time of paying of interest, without the consent of the Bondholder of such Series 2008 Bonds, or (b) a reduction in the amount or extension of the time of any payment required by any Fund or account established hereunder without the consent of the Bondholders of all the Series 2008 Bonds which would be affected by the action to be taken, or (c) a reduction in the aforesaid aggregate principal amount of Series 2008 Bonds, the Bondholders of which are required to consent to any such waiver or amendatory resolution, or (d) an affect on the rights of the Bondholders of less than all Series 2008 Bonds then outstanding, without the consent of the Bondholders of all the Series 2008 Bonds at the time outstanding which would be affected by the action to be taken.

If a Bondholder at the time of the adoption of such amendatory resolution will have consented to and approved the adoption therein as herein provided, said Bondholder will not have any right or interest to object to the adoption of such amendatory resolution or to object to any of the terms or provision therein contained or to the operation therein or to enjoin or restrain the Issuer from taking any action pursuant to the provisions therein. Any consent given by a Bondholder pursuant to the provisions of this section will be conclusive and binding upon all successive Bondholders.

The fact and date of the execution of any instrument under the provisions of this section may be proved by the certificate of any officer in any jurisdiction who by the laws therein is authorized to take acknowledgments of deeds within such jurisdiction, that the person signing such instrument acknowledged before him the execution therein, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

Section 5.3 Maintenance of Proceedings. A certified copy of this Bond Resolution and every amendatory or supplemental ordinance or resolution will be kept on file in the office of the County Clerk where it will be made available for inspection by any Bondholder or his agent. Upon payment of the reasonable cost of preparing the same, a certified copy of this Bond Resolution, any amendatory or supplemental ordinance or resolution will be furnished to any Bondholder. The Bondholders may, by suit, action, mandamus, injunction or other proceedings, either at law or in equity, enforce or compel performance of all duties and obligations required by this Bond Resolution

to be done or performed by the Issuer. Nothing contained herein, however, will be construed as imposing on the Issuer any duty or obligation to levy any tax, other than the tax imposed for the Revenues, either to pay the principal of or interest on the Series 2008 Bonds authorized herein or to meet any obligation contained herein concerning the Series 2008 Bonds.

Section 5.4 Defeasance of the Series 2008 Bonds. If the Issuer will pay or cause to be paid, or there will be otherwise paid or provision for payment made to the Registered Owner of the Series 2008 Bonds for the payments due or to become due thereon at the times and in the manner stipulated therein, then the first lien pledge of the Revenues under this Bond Resolution and any and all estate, right, title and interest in and to any of the funds and accounts created hereunder (except moneys or securities held by a Depository Bank for the payment of the Series 2008 Bonds) will be cancelled and discharged.

Any Series 2008 Bond will be deemed to be paid within the meaning of this section when payment of the Series 2008 Bonds (whether such due date be by reason of maturity or upon prepayment or redemption as provided herein) will have been made in accordance with the terms therein. At such time as the Series 2008 Bonds will be deemed to be paid hereunder, they will no longer be secured by or entitled to the benefits of this Bond Resolution (except with respect to the moneys and securities held by a Depository Bank for the payment of the Series 2008 Bonds).

Section 5.5 Sale of Series 2008 Bonds Approved. The sale of the Series 2008 Bonds to the Community Impact Board is ratified, confirmed and approved.

Section 5.6 Bondholders not Responsible. The Bondholders will not be responsible for any liabilities incurred by the Issuer in the acquisition or construction of the Project.

Section 5.7 Notice of Series 2008 Bonds to be Issued. In accordance with the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended, the Issuer has designated the Spectrum as the official newspaper of the Issuer authorized to publish legal notices for the Issuer, and in accordance with Title 11, Chapter 14, Utah Code Annotated, 1953, as amended, the County Clerk has caused a “Notice of Public Hearing and Bonds to be Issued” calling a public hearing to receive input from the public with respect to the issuance of the Series 2008 Bonds and providing notice of bonds to be issued to be published once a week for two consecutive weeks in the Spectrum, a newspaper having general circulation in the Issuer with the first publication being not less than 14 days before the public hearing and has caused a copy of this Bond Resolution to be kept on file in the office of the County Clerk of the Issuer for public examination during regular business hours for at least 30 days from and after the last publication therein. Such notice is hereby reaffirmed and approved. The public hearing was held on March 27, 2008, and was open to all members of the public desiring to give input with respect to the issuance by the Issuer of its Series 2008 Bonds.

Section 5.8 Additional Certificates, Documents, and Other Papers. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents, and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Bond Resolution and the documents authorized and approved herein.

Section 5.9 Severability. If any section, paragraph, clause or provision of this Bond Resolution will be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision will not affect any of the remaining provisions of this Bond Resolution. It is declared by the governing body of the Issuer that it is the intention of the Issuer by the adoption of this Bond Resolution to comply in all respects with the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended.

Section 5.10 Resolutions in Conflict. All resolutions or parts therein in conflict with the provisions of this Bond Resolution are, to the extent of such conflict, hereby repealed.

Section 5.11 Effective Date of Resolution. This Bond Resolution will take effect immediately upon its approval and adoption.

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Chair

ATTEST:

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County Clerk

( S E A L )

**WILDLAND AMBULANCE SERVICE CONTRACT :**

Ron Johnson reviewed with the Commission a proposed ambulance contract for wildland fire support. He presented a rate schedule and explained that the ambulance would be on standby at the fire command center during a fire emergency. The contract would cover fires within the Five County AOG area. The Commission tabled action on the matter to allow additional time to review the contract and to propose modification to provide service more in the local area.

**PRELIMINARY PLAT APPROVAL CASTLE VALLEY RANCH ESTATES PHASE 1:**

Chad Nay reviewed with the Commission a proposed subdivision to be known as Castle Valley Ranch Estates, Phase 1 which has been reviewed and recommended by the Iron County Planning & Zoning Commission. Items the Planning Commission recommended approval provided adequate fire suppression ability, a waste collection area 25'X100' as requested by the Landfill Supervisor, including on the plat a remainder parcel legal description, removal of a requirement to rely on solar energy, and require that existing roads continue to be open to public use in accessing adjacent public lands. Chad reported that all of the recommendations of the Planning Commission have been met and therefore approval is recommended.

Wayne Smith made a motion to approve the preliminary plat of Castle Valley Ranch Estates, Phase 1. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CONDITIONAL USE PERMIT NOTIFICATION :**

Chad Nay reported to the Commission that property owners have requested a conditional use permit to construct a guest house on Lot 42, Harmony Mountain Ranches. Chad reviewed the proposed conditions to be recommended to the Planning Commission at the next scheduled meeting. No action was required of the Commission at this time.

**COUNTY BOARD APPOINTMENTS :**

Council on Aging: Alma Adams made a motion to approve the recommendation from the Council on Aging to appoint Hazel Jean Robinson and Gene Graham to an additional term on the Board and Peggy Hale to replace Francis Gallian. Also to appoint Francis Gallian as an honorary

member of the Board. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye. Francis Gallian is being replaced due to health issues.

Planning and Zoning: The Commission received recommendations for appointment to the Planning and Zoning Commission whereupon Wayne Smith made a motion to appoint Calvin Robinson to replace Garry Goodsell for a four year term and Jim Guymon to replace Randy Peck for a four year term. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**TAMIFLU DISCUSSION** \_\_\_\_\_ :

The Commission recalled from a previous meeting a discussion on the purchase of Tamiflu for use by first responders in the event of a pandemic flu outbreak. Previously the Commission voted not to participate in the stockpile of Tamiflu. Upon reconsideration, Wayne Smith made a motion to purchase 150 doses of Tamiflu with distribution to be determined by the County Commission at the time of required use. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**OPERATION AND MAINTENANCE AGREEMENT APPROVAL** \_\_\_\_\_ :

Steve Platt presented an Operation and Maintenance Agreement for the Emergency watershed protection projects funded through grants to improve the Coal Creek projects. After reviewing the agreement, Wayne Smith made a motion to approve the agreement upon review and approval by the County Attorney. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS AND 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 Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 28, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 28, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|   |   |
|---|---|
| AGREEMENT WITH UDOT ON OLD IRON TOWN ROAD IMPROVEMENTS  | 3 |
| APPROVAL OF MINUTES April 14, 2008                      | 1 |
| APPROVAL OF WARRANTS & ADJOURN                          | 5 |
| BOARD OF EQUALIZATION TAX EXEMPT REQUEST REPORT         | 2 |
| CLOSED SESSION  | 5 |
| CONTRACT FOR INDIGENT DEFENSE COUNSEL SERVICE           | 5 |
| ELECTED OFFICIALS REPORTS                               | 2 |
| EMERGENCY WATER PROJECT CONTRACTS/O&M PLAN              | 3 |
| PERSONNEL MATTERS                                       | 4 |
| PLEDGE OF ALLEGIANCE                                    | 1 |
| PRAIRIE DOG MATTERS                                     | 5 |
| PUBLIC HEARING REQUESTED ROAD NAME CHANGE               | 4 |
| REQUEST FOR CONDITIONAL USE PERMIT KENNEL               | 3 |
| REQUEST TO VACATE AND AMEND A LOT LINE                  | 3 |
| SPECIAL USE LEASE AGREEMENT FOR TELECOMMUNICATIONS SITE | 3 |
| SPRINT/NEXTEL EQUIPMENT REPLACEMENT AGREEMENTS          | 3 |
| THREE PEAKS ALCOHOL PERMIT PROCESS DISCUSSION           | 5 |
| WORKLOAD AND MANPOWER STUDY REPORT                      | 4 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Michael Edwards.

**APPROVAL OF MINUTES April 14, 2008** :

Minutes of the Iron County Commission meeting held April 14, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

## ELECTED OFFICIALS REPORTS :

**Margaret Miller** reported that there are three new employees in the Justice Court office. The Commission discussed with Judge Miller case load and case processing. She explained that current cases are being processed. There is a lag on processing older active cases. Having tickets forwarded from troopers has helped with data input.

**Geri Norwood** reported that the tax sale is scheduled for May 22. Currently there are 131 parcels which will be auctioned. This includes two homes and a total of 7 parcels with buildings.

**Gene Adams** discussed with the Commission the steps in implementing the Municipal Service Fund tax. He also presented the Commission with audit reports of expenditures for the first quarter.

**Patsy Cutler** reported that the book repair company has scheduled a visit to Iron County during the summer. They come to the County and repair record books on site. Patsy also reported that land records back to 1997 have now been scanned into the computer for easier access.

**Dennis Ayers** reported that the Assessment roll for 2008 is scheduled to be completed by the May 22 deadline established by Utah Code. He also reported that State Tax Appeals have been scheduled for May 8 and 9 here at the Courthouse.

**Alma Adams** reported that in a meeting with UDOT Engineers, a provision to allow a street cut of Main Street and Old Highway 91 for installation of a sewer line to the Senior Citizen Center was approved. This will help in cost savings by not requiring drilling the lines under the roads.

**Wayne Smith** discussed the agreement to purchase SITLA property for a prairie dog preserve. Documentation has been received authorizing the transfer. A patent on the property will be prepared for recording upon return of documentation to SITLA.

**David Yardley** reported on departments that have not submitted current safety inspections. He also reported that elected officials have again been invited to attend Girls State on June 4 at 9:00 a.m.

## BOARD OF EQUALIZATION TAX EXEMPT REQUEST REPORT :

Wayne Smith made a motion to convene as a Board of Equalization to receive a report from Valley View Medical Center regarding tax exemption status. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Valley View, represented by Jason Wilson, Reed Sargent, and Wayne Clark met with the Commission to report on their eligibility for tax exemption status for 2008. They explained that Valley View provided more than \$3,000,000 in charity care during 2007. This does not include an additional \$1,900,000 in bad debt which was written off.

They also reported on an expansion project at the hospital where a new radiology department and full service kitchen are being constructed. A new parking lot is also being added. Valley View also shares a PET scan system in partnership with McKay Dee Hospital and

American Fork Hospital. This is a benefit to cancer treatment patients which would otherwise be required to travel to other hospitals to receive these scans.

After reconvening in Commission meeting to following items were presented.

**REQUEST FOR CONDITIONAL USE PERMIT KENNEL :**

Chad Nay reported that a request to build and operate a kennel in the Beryl area will be on the Planning Commission agenda for a conditional use permit. He reviewed the Staff suggestions for conditions and requested the Commission to add additional items they deem appropriate.

**AGREEMENT WITH UDOT ON OLD IRON TOWN ROAD IMPROVEMENTS :**

Agreements with UDOT for the road improvement project to widen and oil the road leading to Old Irontown was presented by Steve Platt. After review of the documents and a recommendation to approve from the County Attorney, Wayne Smith made a motion to approve the agreement and authorize signatures. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**REQUEST TO VACATE AND AMEND A LOT LINE :**

A request to vacate and amend the subdivision plat of Lots 1 & 2, Blk B, Ski View Estates Subdivision, Unit B to make one lot was forwarded to the Planning Commission on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**SPRINT/NEXTEL EQUIPMENT REPLACEMENT AGREEMENTS :**

Dennis Johnson, Iron County TV Department, presented two agreements for TV equipment with Sprint/Nextel Communications. He explained that the equipment being replaced will be for our equipment which operates on frequencies Sprint/Nextel would like to use. Alma Adams made a motion to approve the agreements and to designate County contacts as Dennis Johnson, David Yardley and Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**EMERGENCY WATER PROJECT CONTRACTS/O&M PLAN :**

Steve Platt, Iron County Engineer presented for approval contracts for construction of flood control projects authorized under Emergency Watershed Project grants. Wayne Smith made a motion to approve the contracts with Precision Excavating and Feller Stone for construction of the EWP projects. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Wayne Smith also made a motion to approve the Operating and Maintenance plan for the EWP projects. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**SPECIAL USE LEASE AGREEMENT FOR TELECOMMUNICATIONS SITE:**

A proposed twenty year lease for the TV site located at Locust Hill near Kanarrville was approved upon the recommendation of Deputy Attorney Michael Edwards. The site has operated without a lease for nearly a year. The cost of the lease will be \$1,200 annually. Wayne Smith

made a motion to approve the contract. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PUBLIC HEARING REQUESTED ROAD NAME CHANGE :**

Wayne Smith made a motion to open a public hearing to receive comments regarding a request to change the name of roads in subdivisions near Brian Head from Bear Flat Road to Steam Engine Meadows Road. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

David Yardley reported that notice has been mailed to all property owners along the Bear Flat Road with responses being received opposed to the change. The majority of property owners did not respond to the notice.

Bryce Haderlie explained that the road as it leaves SR 143 is designated as Bear Flat Road and has been known by this name since development of the area. Brian Head Town is not opposed to the name change as requested by Developers of Steam Engine Meadows but will follow the recommendation of the County Commission to avoid additional confusion.

Gayle Snyder, County address authority, stated that it is not good policy to rename streets within existing subdivision due to confusion created with filed plats and continuity with addressing systems. She also stated that this sets a precedent for other similar requests.

Daniel Kemp, representing Griffin Development, the developers of Steam Engine Meadows stated their request is to clarify addresses in the area so that there are not name changes on the same street through different jurisdictions.

Lois Bulloch commented on issues with changing street names experienced by Enoch City several years ago. She also expressed concerns with costs associated with the name change.

After all public comments were received, Wayne Smith made a motion to close the hearing and to table action on the request to allow the County Attorney to issue an opinion on requirements for name changes on existing streets. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval a new hire in the Justice Court of Alice Staheli as a part time court clerk. Alma Adams made a motion to approve the hiring. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also discussed the resource management position and associated costs. A job description is being developed for the position and will be presented for approval at a later meeting.

**WORKLOAD AND MANPOWER STUDY REPORT :**

David Colvin presented results of the workload and manpower study conducted on all departments. Written reports were given to each department supervisor and reviewed with explanations where appropriate. Several minor changes were noted by Department Supervisors. The report gives some benchmarks to judge efficiency in offices and to give direction on where additional personnel may be needed in comparison with similar size counties.

David also presented a separate more detailed report on the Justice Court. He explained that it may require additional staff to process the backlog of cases. Options to add additional staff included adding a second part time shift with a trained shift supervisor to work evenings to process old cases. David also recommended that senior management staff need additional training in management. He suggested a course of Certified Public Management through SUU or the State of Utah.

Departments are to review findings of the study and schedule meetings with the Commission to discuss staffing needs within their departments.

**CLOSED SESSION** :

Wayne Smith made a motion to convene in closed 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 Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PRAIRIE DOG MATTERS** :

Reed Erickson discussed with the Commission the development of a video with the help of SUU students and staff to show to Senator Bennett to explain the problems with prairie dog management in Iron County. Areas considered for inclusion in the video included the Cedar City golf course, Cedar and Paragonah Cemetery's, Kolob Regional Care Center expansion limits, Paiute Tribal area, Holyoak Lane expansion, Livestock concerns with injury, health issues with the prairie dog as a disease vector, and problems at airports. People to consider for use in the video were also discussed with several names to consider.

**THREE PEAKS ALCOHOL PERMIT PROCESS DISCUSSION** :

Michael Edwards discussed with the Commission development of a permit process for use of alcohol at functions at Three Peaks. Development of the application and permit will be managed by the Park Director except where sale is permitted and then appropriate State licenses and County Business Licenses will be required.

**CONTRACT FOR INDIGENT DEFENSE COUNSEL SERVICE** :

Scott Garrett presented for approval a contract for indigent defense counsel for the Nelson murder case. Since this is a capital case, special counsel is required. Costs of defense will be reimbursed through the State indigent defense fund. Alma Adams made a motion to approve the contract and authorize signatures. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

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

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:15 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**May 12, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 12, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

|  |   |
|--|---|
| <b><u>SYNOPSIS</u></b> :                                     |   |
| 2004 SUU PARTIAL TAX EXEMPTION .....                         | 2 |
| AMBULANCE BID OPENING .....                                  | 4 |
| APPROVAL OF MINUTES April 24, 2008 .....                     | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                         | 5 |
| BID AWARD SENIOR CITIZEN SEWER LINE EXTENSION PROJECT .....  | 5 |
| CEDAR CITY CORPORATION EASEMENT REQUEST .....                | 5 |
| CEDAR COMMUNICATIONS CENTER FY2009 BUDGET REQUEST .....      | 2 |
| COUNTY BOARD APPOINTMENTS .....                              | 5 |
| ELECTED OFFICIALS REPORTS .....                              | 1 |
| IRON COUNTY DEPARTMENTS INCREASE FUEL COST DISCUSSION .....  | 3 |
| IRON COUNTY LANDFILL .....                                   | 4 |
| PERSONNEL MATTERS .....                                      | 3 |
| PETITION TO WITHDRAW FROM CICWCD .....                       | 2 |
| PLEDGE OF ALLEGIANCE .....                                   | 1 |
| PRAIRIE DOG MATTERS ALLOCATE PERMANENT TAKE .....            | 4 |
| ROAD MATERIAL STORAGE HOLD HARMLESS AGREEMENT APPROVAL ..... | 5 |
| VIPS DISCUSSION .....  | 2 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Kal Kahler.

**APPROVAL OF MINUTES April 24, 2008** :

Minutes of the Iron County Commission meeting held April 24, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reported that the Water Conservancy District is considering a request from two water companies to upgrade their water systems. These are the Sky View Subdivision and the Rainbow Meadows Ranchos Subdivision near Brian Head. The Commission noted that Rainbow Meadows Ranchos is outside of the boundaries of the Water Conservancy District. The Commission suggested that the Water Conservancy District establish Special Improvement Areas to replace inadequate infrastructure in subdivisions.

Kal also reported that the Derby Well # 2 did not produce as much water as expected. It

will only produce about 100 gpm which may render it uneconomical to use.

**Alma Adams** reported that he attended a meeting with Brian Head CDA Board where prioritization of projects from CDA funding were discussed.

**Wayne Smith** reported that the developer of Harmony Mountain Ranches has asked for information to remove roads within the subdivision from County maintenance. The developer is concerned with winter maintenance and snow plows turning in cul de sacs.

**Lois Bulloch** reported that Jane Shafer has been recognized as the Vista Volunteer for State of Utah. The Commission commented on the volunteer work she has performed.

**CEDAR COMMUNICATIONS CENTER FY2009 BUDGET REQUEST :**

Linda Petty, Cedar Communications Center Manager, met with the Commission to request ongoing funding from 911 funds an additional \$35,000 annually to help fund dispatch service. After reviewing the request, Alma Adams made a motion to approve the additional funding from 911 funds for FY 2009. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PETITION TO WITHDRAW FROM CICWCD \_\_\_\_\_ :**

Carlyle Johnson returned to the Commission to express concerns with perceived problems with the CICWCD refusal to consider and approve residents and property owner request to be removed from the Conservancy District. The Commission explained that this appears to be a civil matter between property owners and the CICWCD. They recommended that Mr. Johnson contact an attorney to pursue the issue further.

**VIPS DISCUSSION \_\_\_\_\_ :**

Mark Gower, Iron County Sheriff and Charlie Morris, Emergency Management, discussed with the Commission the Volunteers in Police Service (VIPS) program. Cedar City police chief, Bob Allinson explained that the Cedar City program expects a commitment of 4 hours per week from each volunteer. They help with traffic control at accident scenes and other selected jobs. They are provided a vehicle marked as a volunteer while on duty and fuel is provided. They are not allowed weapons and do not participate as law enforcement officers.

Sheriff Gower stated that there would not be additional budget requirements for 2008 as there is sufficient funding in his operating budget to fund the operation.

The Commission discussed concerns with County liability and with increasing fuel costs. There is also a concern with the number of volunteers and vehicles which would be involved. Wayne Smith made a motion to table action on the establishment of the VIPS program to allow additional information on the number of volunteers, vehicles and liability issues so they can be solidified. Second by Alma Adams. Voting: Lois Bulloch, Nay; Wayne Smith, Aye; Alma Adams, Aye.

**2004 SUU PARTIAL TAX EXEMPTION \_\_\_\_\_ :**

Geri Norwood, Iron County Treasurer presented a request for tax exemption for 2004 taxes on a parcel purchased by Southern Utah University. The parcel, identified as Account Number 0049079 Parcel Number B-0212-0000-0000. Total tax requested for exemption was

\$1,067 for year 2004. Alma Adams made a motion to grant a tax exemption for the requested parcel. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**IRON COUNTY DEPARTMENTS INCREASE FUEL COST DISCUSSION :**

The Commission discussed with the following Department Supervisors the rising cost of fuel in County vehicles. Ambulance, Ron Johnson; Roads, Neil Forsyth; Landfill, Alan Wade; Sheriff, Mark Gower; Assessor, Dennis Ayers; and IT, Erik Jorgensen.

Alan Wade reported that the Landfill is combining trips and stockpiling service parts to avoid extra trips into Cedar City. The Landfill is also using a synthetic oil and testing to avoid extra oil changes. They are also limiting idle time on equipment.

Mark Gower reported that the Sheriff's Department is limiting personal use of County vehicles and consolidating trips to the County Courthouse where possible. The Commission questioned take home vehicles for Bailiffs and other non essential personnel.

Neil Forsyth reported that the Road Department has experienced a significant increase in cost of fuel. They are also limiting idle time and shut down time to avoid damage to vehicles and to provide fuel economy. They are also slowing trucks on hauls five to ten MPH which can save fuel on longer hauls.

The Commission recommended a memo be circulated explaining ways that County employees can reduce fuel consumption and request suggestions from employees on ways the County can lower fuel consumption. The memo will be distributed to all departments.

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

Colette Eppley presented for approval the following new employees: Shachell Robinson as a Medical Technician at the jail; Anna Teeple as a Corrections Deputy; Mark Hulet, EMT Basic; Devin Lauritzen, EMT Basic; Angelee Arnold, EMT Basic; Courtney Scholes, EMT Basic; and Ashley Roberts, EMT Basic.

Alma Adams made a motion to approve the new employees as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented for approval the promotion of Rosa Alldredge from a part time to full time certified culinary worker at the jail. Alma Adams also made a motion to approve the promotion of Rosa Alldredge as requested. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

The Commission discussed with SUU personnel and Colette the Natural Resource Management position being considered. Costs involved with a vehicle, office furniture and equipment were addressed whereupon the Commission voted to advertise the position on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette presented for approval revised job descriptions for the Building Inspectors. After reviewing the changes, Alma Adams made a motion to approve the job description amendments as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette presented an amendment to the County personnel policy Section 30 Vehicle Operations. After reviewing the proposed policy, Wayne Smith made a motion to approve the policy except for subsection I-3 which will be amended and presented for approval at the next Commission meeting. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**IRON COUNTY LANDFILL \_\_\_\_\_ :**

Bids were opened for the purchase of a mechanic truck for use by the Landfill and Solid Waste Department. Bids were received on fifteen vehicles from six vendors.

Wayne Smith made a motion to accept the bids and to refer them to the Landfill Supervisor to analyze and to authorize the purchase of a vehicle within budget that meets the requirements of the landfill operation. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Alan Wade also discussed relocating the Parowan Landfill to a new site in Parowan valley. He discussed several possibilities. The Commission took no action on this matter.

**PRAIRIE DOG MATTERS ALLOCATE PERMANENT TAKE \_\_\_\_\_ :**

The matter of allocating prairie dog take for 2008 was called for action as noticed to interested citizens which have requested take. Spring counts are complete and permanent take is required to move forward with projects. In reviewing the lists and following County policy the following permanent take was approved:

|                   |           |
|-------------------|-----------|
| Shane Adams       | 4 dogs    |
| Jay Adams         | 10 dogs   |
| Jim Burgess       | 10 dogs   |
| Phil Schmidt      | 10 dogs   |
| Becky DeMille     | 5.2 dogs  |
| Phillip Spencer   | 10 dogs   |
| Kim Rindlesbacher | 10 dogs   |
| total             | 59.2 dogs |

Wayne Smith made a motion to approve the take as noted for a total of 59.2 dogs. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**AMBULANCE BID OPENING \_\_\_\_\_ :**

Ron Johnson, Ambulance Supervisor, stated that he has a conflict of interest in this matter as the owner of Rocky Mountain Ambulance, one of the bidders, is his brother in law and therefore he requested to not participate in the selection of the ambulance.

Bids were opened as advertised for the purchase of a new ambulance. Three bids were received as follows:

|  |              |
|--|--------------|
| Professional Sales and Service for a Horton Ambulance  | \$132,813.00 |
| Rocky Mountain Ambulance for a Wheeled Coach Ambulance | \$119,000.00 |
| Ross Equipment for a Medtec Ambulance                  | \$136,087.00 |

Alma Adams made a motion to accept the bids and to refer them to Commissioner Adams and David Yardley, County Clerk to analyze the bids for conformity to the specifications. Also

to authorize the acceptance of the low bid meeting the specifications. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CEDAR CITY CORPORATION EASEMENT REQUEST :**

Kit Wareham, Cedar City Engineer met with the Commission to request a right of way across a County owned parcel to construct and maintain the Coal Creek Trail. The property is located approximately 250 W Coal Creek Rd, Cedar City. Wayne Smith made a motion to approve the right of way across the parcel as requested. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**COUNTY BOARD APPOINTMENTS :**

Career Service Council: Alma Adams made a motion to appoint Sandra Benson to a term to be determined on the Career Service Council. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**BID AWARD SENIOR CITIZEN SEWER LINE EXTENSION PROJECT :**

Steve Platt presented results of the bid opening for the sewer line extension project in Parowan City. The project will provide service to the Senior Citizen Center. Thirteen bids were received with the low bid submitted by Nolan Anderson Excavating at \$80,484.16. Wayne Smith made a motion to accept the low bid of Anderson Excavating. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Since this is a joint project with shared participation, Parowan City must also approve the bid before a contract is executed.

**ROAD MATERIAL STORAGE HOLD HARMLESS AGREEMENT APPROVAL :**

A hold harmless agreement from Iron County to Upper Koyote LLC for a parcel identified as Account Number: 0086212 Parcel Number: C-0197-0000-0000 for use in storing rock chip material for a chip seal project on the frontage road north of Paragonah was approved on a motion by Wayne Smith. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, 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 Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
May 27, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 27, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Also Present:

|                      |                  |
|----------------------|------------------|
| H. Eugene Adams      | County Auditor   |
| Dennis W. Ayers      | County Assessor  |
| Patsy T. Cutler      | County Recorder  |
| Geraldine S. Norwood | County Treasurer |
| Mark O. Gower        | County Sheriff   |

**SYNOPSIS** :

|   |   |
|---|---|
| ANIMAL SHELTER BID APPROVAL .....                   | 4 |
| APPEAL OF EXEMPTION DENIAL FOUR SQUARE CHURCH ..... | 5 |
| APPROVAL OF MINUTES May 12, 2008 .....              | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                | 5 |
| CLOSED MEETING .....                                | 4 |
| ELECTED OFFICIALS REPORTS .....                     | 1 |
| GRAMA DOCUMENT CLASSIFICATION .....                 | 4 |
| IRON COUNTY PLANNING COMMISSION REPORTS .....       | 3 |
| IRON COUNTY SHERIFF .....                           | 3 |
| ITS DEPARTMENT INTERNET PUBLICATION .....           | 2 |
| OFF PREMISES ADVERTISING SIGN .....                 | 3 |
| PERSONNEL MATTERS .....                             | 4 |
| PERSONNEL POLICY UPDATE APPROVAL .....              | 4 |
| PLAT MAP BIDS .....                                 | 4 |
| PLEDGE OF ALLEGIANCE .....                          | 1 |
| REQUEST TO VACATE AND AMEND SUBDIVISION LOT .....   | 3 |

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES May 12, 2008** :

Minutes of the Iron County Commission meeting held May 12, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Gene Adams** reported that the annual tax sale was conducted on May 24. The majority of the parcels were sold to individuals. However, there were a few parcels that were struck off to the County. Sale prices were not as high as in past sales.

**Patsy Cutler** reported that she had attended a meeting with the National Association of County Recorders and Clerks held in St George in conjunction with the Western Interstate Regional Conference of NACO.

**Dennis Ayers** reported that the tax roll for 2008 is nearing completion. It should be ready to turn to the Auditor by the end of the week. Dennis also discussed a concern with how to value properties with a prairie dog infestation. The lots are selling at fair market value but cannot be developed because of prairie dog conflicts which makes the property less valuable as an investment.

**Eric Jorgensen** discussed the posting of information on the internet. The consensus of elected officials appears to be if the record is public and does not contain personal information then there is no problem with making the records available on the internet. Lois Bulloch read a letter received from the Sheriff's Department thanking and commending the IT Department for the work they have done and the support provided to law enforcement agencies.

**Kal Kahler** reported that the Water Conservancy District discussed providing service to the Rainbow Meadows Ranchos subdivision near Brian Head. This subdivision is out of their jurisdiction and it is doubtful that they can provide service to the area. Kal also reported that the District was discussing septic tank usage in the County. The Commission commented that this is outside the scope of their jurisdiction and the matter may be discussed with CICWCD personnel.

**Scott Garrett** reported that Tyler Romeril has been offered employment as a Deputy County Attorney pending Commission approval.

**Alma Adams** reported that there has been discussion of the fire warden position being trained as a law enforcement officer through POST. No action has been taken on this issue at this time.

**Wayne Smith** discussed the need to set up a meeting with the Sheriff, Bob Holt and the Wood family in Beryl to work out a compromise to a road issue including stop signs and speed limits on rural roads. This has been an issue for several years and some reasonable compromise needs to be found.

**David Yardley** reported that the primary election is nearing. There will be a state wide Republican primary for State Treasurer along with a non partisan race in Local School Board District 1 and a County wide school bond issue. The election is scheduled for June 24.

#### **IT DEPARTMENT INTERNET PUBLICATION :**

Erik Jorgensen explained to the Commission the publication of information on internet. It is proposed to limit information on law enforcement officers, judges, and other public officials. Copies of actual documents will not be available.

Scott Garrett commented that public information on public records is acceptable as long as any personal information is not made available.

Alma Adams made a motion to authorize the IT Department to publish to the internet public record documents provided no personal information is included and also to authorize the removal of all law enforcement personnel, judges, and other public official information. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**IRON COUNTY SHERIFF :**

Brett Allred, Jail Commander, discussed the need to update jail policy and procedure manuals. Gary DeLand has submitted a bid to update policy to current standards over a three-year period for \$48,000. Scott Garrett explained that policies need to be kept current with updated standards reflecting current case law.

Wayne Smith questioned if there is policy available from other sources for a reduced cost. This may be in the form of policy from other jail facilities which could be adapted to our facility at little or no cost. He suggested that the insurance company, UCIP, be contacted to see if they have any policy available.

Alma Adams made a motion to table action on this request to allow additional information to be gathered regarding available public policies which may be available for adaptation to our facility. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**IRON COUNTY PLANNING COMMISSION REPORTS :**

A letter from Chad Nay and discussion by Reed Erickson reporting on a Conditional Use Permit request by Frances Bolton for construction of a Guest Home on their lot in Meadows Ranch Subdivision on a 20 acre parcel was presented to the Commission. A concern with access on 5700 West, a proposed major connector road was discussed. This item will be on the next Planning Commission agenda for approval.

Reed also reported that Wasatch Wind has requested a Conditional Use Permit to construct three MET towers to measure and record wind conditions to determine if the selected areas are suitable for construction of a wind energy farm. The towers are 228 feet high and will be a guy wired for support similar to a radio transmit tower. The monitoring will be conducted for a period of three to five years.

**OFF PREMISES ADVERTISING SIGN :**

A request to allow construction of an advertising sign on property near the Kanarrville exit located at 4195 S Graff Farm Frontage Road within Section 11, Township 37 South, Range 12 West SLB&M was presented for approval. The Planning Commission has reviewed the request and has recommended approval provided State approval can be obtained. Wayne Smith made a motion to approve the construction as recommended by the Planning Commission provided that required State permits can be obtained. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**REQUEST TO VACATE AND AMEND SUBDIVISION LOT :**

A request by Dirk Van Amen to subdivide a subdivision lot into two parcels was referred to the Planning Commission for a recommendation on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye. Mr. Van Amen is to submit the appropriate application and documentation for Planning Commission action.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval new employees' Tyler Romeril as a Deputy Attorney and Lawrence Pailes as a Council on Aging driver in Cedar City. Alma Adams made a motion to approve the new employees as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented a position transfer request for Adam Burton to transfer from Corrections to Patrol in the Sheriff's Department. This is a lateral transfer with no change in pay status. Alma Adams made a motion to approve the transfer as requested. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented for approval promotion of the following people from EMT Basic to EMT Intermediate in the Ambulance Department: Rick Perkins, Kristi Bruce, Brandon Franta, Douglas Higgins, Amanda Kuypers, Jared Malone, Nancy Robinson, Daniel Abbott, Thomas DeMille, and Stephanie Munford. Alma Adams made a motion to approve the promotions as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PERSONNEL POLICY UPDATE APPROVAL** :

The Commission recalled from the previous meeting, consideration of Section 30 I (3) of the Personnel Policy regarding post accident drug testing requirements. The section has been reviewed by Department Supervisors and all appear to be in favor of the policy. Alma Adams made a motion to approve Section 30 I (3) of the Personnel Policy as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**GRAMA DOCUMENT CLASSIFICATION** :

Scott Garrett, County Attorney, reported a GRAMA request submitted by a State Convict for personnel and/or medical records of certain County employees. Under GRAMA the Commission may designate certain records with personal information as protected or controlled. He explained that releasing these records could result in harm to the employees.

Wayne Smith made a motion to designate personnel records as protected and medical records as controlled under GRAMA regulations. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CLOSED MEETING** :

Alma Adams made a motion to convene in a closed session in accordance with Utah Code 52-4-205 et. Seq. for the purpose of discussing pending or reasonably imminent litigation. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

After reconvening in open session the Commission reported that pending legal action was discussed which needed no action by the Commission at this time.

**PLAT MAP BIDS** :

David Yardley reported that no bids have been received for old sets of plat maps which have been declared surplus.

**ANIMAL SHELTER BID APPROVAL** :

Bids were opened for construction of several elements of an animal shelter to be

constructed at Iron Springs. After reviewing the bids, and a recommendation of the architect, to reject key elements of the project, Wayne Smith made a motion to reject all bids on the project at this time to allow for review of the plans and project. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPEAL OF EXEMPTION DENIAL FOUR SQUARE CHURCH :**

Christene Keene reported that the Four Square Church has requested reconsideration of their request for tax exemption on portions of a building they have purchased in Cedar City. Christene explained that the request for exemption was filed more than a month late even after sending certified letters and phone conversations with the Pastor informing them of the deadlines as required by State Code.

A representative of the church asked that the Commission consider their situation and make an exception to the code and grant their exemption request. The Commission explained that requirements are dictated by State Code and all churches are required to abide by the same rules. Alma Adams made a motion to deny the appeal to grant an exception to the filing deadline as required in State Code. The previous action to deny a tax exemption will stand for 2008. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:00 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**June 9, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 9, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

**SYNOPSIS** :

|  |   |
|--|---|
| APPROVAL OF MINUTES May 27, 2008 .....                     | 1 |
| APPROVAL OF USDA RURAL DEVELOPMENT GRANT APPLICATION ..... | 2 |
| APPROVAL OF WARRANTS & ADJOURN .....                       | 5 |
| CERTIFICATION OF ANNUAL TAX SALE .....                     | 2 |
| CONSERVATION EASEMENT APPROVAL WILD PEA HOLLOW .....       | 2 |
| COUNTY BOARD APPOINTMENTS .....                            | 4 |
| CRUSHING BID OPENING .....                                 | 3 |
| ELECTED OFFICIALS REPORTS .....                            | 1 |
| NEW CASTLE POST OFFICE ADDRESSING ISSUES .....             | 4 |
| OFFICE SPACE REQUEST STATE OFFICES .....                   | 3 |
| PAROWAN POWER OUTAGE THURSDAY JUNE 12 .....                | 4 |
| PERSONNEL MATTERS .....                                    | 3 |
| PLEDGE OF ALLEGIANCE .....                                 | 1 |
| PRAIRIE DOG ALLOCATION .....                               | 4 |
| PRAIRIE DOG MATTERS .....                                  | 4 |
| WILDLAND FIRE AMBULANCE DECISION .....                     | 3 |
| ZONE CHANGE From A-20 to R-1/2 .....                       | 2 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Michael Edwards.

**APPROVAL OF MINUTES May 27, 2008** :

Minutes of the Iron County Commission meeting held May 27, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reminded the Commission of a meeting to discuss the proposed Colorado River pipeline project which is scheduled for June 12 at the Heritage Center.

**Alma Adams** reported that a letter from Leonard Blackham, State Department of Agriculture, encouraging support of hiring five range extension agents statewide. In reviewing their proposed duties it appears that it would overlap the Natural Resource Specialist the County is in the process of hiring.

**Lois Bulloch** reported that bids to install rest rooms at the shooting range came in over budget. Through negotiations, and with the County doing some of the work, the price has been

reduced to \$28,000. Cedar City has pledged \$2,000 which still leaves the project \$1,000 over the budgeted amount of \$25,000.

**Wayne Smith** reported on meetings in Washington, D.C. with members of Senator Bennett's staff and other Federal agencies to discuss concerns with the prairie dog problem. Dr. Jim Mosier will be coming to Iron County sometime later this summer to see firsthand the problems caused by prairie dogs.

**ZONE CHANGE From A-20 to R-1/2 :**

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed zone change on property located approximately 2400 North & 4500 West, Cedar City. Within Sec 36, T35S, R12W, SLB&M. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Chad Nay commented that this property is located on a parcel located North of and contiguous to Park West Subdivision. It is in a Tier 2 area and has been evaluated by the Planning Commission to determine if it meets the zone change requirements. The Planning Commission voted to recommend approval of the zone change request.

Mark Brown, representing property owner C2 Holdings stated that the CICWCD has committed to make water available to the area for development. Sewer would be provided but would require a lift station to get to the outfall line on 4500 West.

After all public comments were received, Wayne Smith made a motion to close the public hearing and to adopt the recommendation of the Planning Commission to approve the zone change as requested from A-20 to R-1/2. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye. The property is described as follows:

Account Number 0460292 Parcel Number E-0151-0001-0000 Acres 100.00  
NW1/4NE1/4 & W1/2NE1/4NE1/4SEC 36,T35S,R12W, SLM; TOG W/ EASE FOR  
ING/EGR & UTIL OVER S 33 FT OF E1/2NE1/4NE1/4 SEC 36,T35S,R12W, SLM.

**CERTIFICATION OF ANNUAL TAX SALE :**

Christene Keene, Chief Deputy Auditor reported on results of the annual tax sale. Parcels receiving no minimum bid were struck off to the County. Parcels struck to the County included Beryl Townsite lots and Campsites. Alma Adams made a motion to certify the tax sale results and to declare parcels struck off to the County as surplus property with the County Clerk authorized to advertise and sell at the Assessor's appraised value as the minimum acceptable bid. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CONSERVATION EASEMENT APPROVAL WILD PEA HOLLOW :**

A conservation easement between Iron County and the State Department of Natural Resources for County property known as Wild Pea Hollow was reviewed and approved on a motion by Wayne Smith. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF USDA RURAL DEVELOPMENT GRANT APPLICATION :**

Connie Lloyd presented a request for approval of a grant application to USDA Rural Development for \$50,000 to be used on the Parowan Senior Citizen Center Project. Alma

Adams made a motion to approve the grant application. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**OFFICE SPACE REQUEST STATE OFFICES** :

Alma Adams reported that the State DFCM has requested the County finance the construction of office space to house the UHP office, Adult Probation & Parole, Drivers License, and Dispatch. Lt Esplin reported that current space being leased is inadequate and the UHP and Drivers License will be relocating as soon as their current lease expires. Cheryl Searle will come and meet with the Commission at a future meeting to discuss the State needs and lease terms.

**WILDLAND FIRE AMBULANCE DECISION** :

Ron Johnson, David Storow, Ryan Riddle and Emily Hall met with the Commission to discuss using the ambulance service as a wildland fire resource. Ryan Riddle explained that the use would be similar to commitments by the Road Department and Fire Departments. If the ambulance or crews are needed locally, they can be pulled from the fire. The ambulance can be restricted to County fires or may be expanded to cover the Five County area. Currently there are sixteen EMT's trained for wildland fire response which could manage the response required by fire crews.

Alma Adams made a motion to approve a one year trial agreement as requested by the Ambulance Supervisor. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented as a new hire Deanna Volk as an EMT-Basic to work in the Parowan area. She explained that as a part time secretary in the Ambulance Department that schedules can be worked to avoid a conflict of interest and to avoid interfering with hours as a part time secretary. There is a concern that other Departments may view this as a precedent in hiring of part time personnel to a second position within their Departments. After review, Alma Adams made a motion to approve as a trial policy and position. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented for approval a lateral transfer of Aaron Palleson from Patrol Deputy to Resource Officer. Alma Adams made a motion to approve the transfer as requested. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented a request for a pay adjustment for Wendy Evans as Fair Secretary to \$10.50 per hour. Wayne Smith made a motion to approve the pay adjustment as requested effective on her 2008 hire date. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Abstain from this matter citing a conflict of interest.

**CRUSHING BID OPENING** :

Bids were opened as advertised for crushing 12,000 cubic yards of gravel at the tailings pile at Iron Springs. The apparent low bid was submitted by Nichols Construction for \$55,680 at \$4.64 per yard. Wayne Smith made a motion to refer the bids to Steve Platt for review to determine if they meet all of the specifications and to authorize acceptance of the low bid if

everything is in order. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PRAIRIE DOG ALLOCATION** :

The Commission allocated take from previously awarded take requests which have opted to pass for the 2008 year. Thirty dogs have been returned and were reallocated as follows:

Shane Evertsen approved for 7.2 dogs on the Meadow Crest project.

Mike Hake approved for 10.0 dogs on the McComic Ranch project.

Brandon Shank approved for 10.0 dogs on the Saddleback View Unit 4B project.

Wayne Smith made a motion to approve the take as approved. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**COUNTY BOARD APPOINTMENTS** :

Wayne Smith made a motion to appoint Wayne Clark as a member of the Career Service Council Board. Terms are to be determined at a later date. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS** :

Reed Erickson reported to the Commission that the draft HCP for prairie dogs is nearing completion. Enterix employees will be invited to the June 23 meeting if schedules permit to discuss progress on the HCP. Reed will arrange the meeting.

Keith Day discussed the Dalley Farm operation and requested funding from previous years to replace the existing diesel pump motor with an electric motor. There are issues to be worked out with Dalley's regarding their use of water from the well. Keith is to contact them before approval can be given.

The Commission expressed concern with the way the farm has been operated in the past. The original agreement has not been followed as far as operation and the prairie dog counts on the farm have gone down since the purchase as a prairie dog habitat. To this point, no permanent grasses and feed have been established forcing prairie dogs to migrate to surrounding farms to survive.

**NEW CASTLE POST OFFICE ADDRESSING ISSUES** :

Steve Platt reported that the Newcastle post office has requested that trailers at a compound between Modena and Beryl Junction be addressed. Janet Bowler, Postmaster in Newcastle, and Gail Snyder have volunteered to go and assign addresses to the trailers at the compound. The Commission requested that the two women not go alone but take a Deputy Sheriff with them as this area has been known to threaten County employees in the past.

**PAROWAN POWER OUTAGE THURSDAY JUNE 12** :

David Yardley reported that Parowan City has informed the Courthouse staff that the power will be out in Parowan on June 12 from 1:00 p.m. until sometime in the evening. The outage is to allow Rocky Mountain Power to upgrade a substation serving Parowan City. The Commission authorized offices to be closed during the power outage on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

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

After the bills were reviewed and approved or rejected, the meeting was adjourned at p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
June 23, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 23, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                     |                        |
|---------------------|------------------------|
| Lois L. Bulloch     | Commission Chair       |
| Wayne A. Smith      | Commissioner           |
| Alma L. Adams       | Commissioner           |
| Michael Edwards     | Deputy County Attorney |
| Cynthia K. Robinson | Deputy County Clerk    |

Also Present:

|                      |                      |
|----------------------|----------------------|
| H. Eugene Adams      | County Auditor       |
| Dennis W. Ayers      | County Assessor      |
| Patsy T. Cutler      | County Recorder      |
| Geraldine S. Norwood | County Treasurer     |
| Mark O. Gower        | County Sheriff       |
| Margaret Miller      | Justice Court Judge  |
| Jared K. Wilson      | County IT Department |

**SYNOPSIS** :

|   |   |
|---|---|
| APPROVAL OF CERTIFIED TAX RATES .....                                 | 5 |
| APPROVAL OF MINUTES June 9, 2008 .....                                | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                                  | 6 |
| BID OPENING FAIRGROUNDS AIR CONDITIONING PROJECT .....                | 5 |
| BID OPENING FOR LANDFILL MAINTENANCE SHOP .....                       | 5 |
| CEDAR HIGHLANDS ROAD IMPROVEMENT PROPOSAL .....                       | 3 |
| CLOSED SESSION .....  | 5 |
| CROSS CONNECTION CONTROL POLICY, WOODS RANCH SPRING .....             | 3 |
| DIXIE NATIONAL FOREST MOTORIZED TRAVEL PLAN COMMENTS .....            | 3 |
| DRAINAGE AND WATER WAY AGREEMENT, UNION PACIFIC .....                 | 5 |
| ELECTED OFFICIALS REPORTS .....                                       | 1 |
| PERSONNEL MATTERS .....   | 4 |
| PLEDGE OF ALLEGIANCE .....  | 1 |
| PRESENTATION ON THE IRON WORKS HOMESTEAD .....                        | 2 |
| RECONSIDER BIDS ON ANIMAL SHELTER .....                               | 5 |
| REQUEST FOR IRON COUNTY TO BUILD OFFICE SPACE FOR STATE OFFICES ..... | 3 |
| S.A.F.E.R. GRANT INFORMATION .....                                    | 2 |
| VACATE LOT LINE, LOTS 1 & 2, BLOCK B, SKI VIEW ESTATES .....          | 3 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Margaret Miller.

**APPROVAL OF MINUTES June 9, 2008** :

Minutes of the Iron County Commission meeting held June 9, 2008 were approved as amended on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Jared Wilson** reported that their department will take over the operation and

maintenance of the phones throughout the county offices . They have submitted ideas on the courthouse basement being converted to an IT Department when the Parowan Sr. Citizen's move into their new facility. They have been working with Charlie Morris on the reverse 911 system. A successful test of the equipment was conducted with Milford City.

**Dennis Ayers** reported \$390,000,000 increase in valuations this year. Even though the economy is seeing a decrease in construction, there is still plenty of construction going on. He stated his concern in assessing property with prairie dogs present. Property owners have expressed that they cannot sell lots with prairie dogs on them, because they are not able to have them cleared when they decide to build. The commissioner's suggested he take it up with the State of Utah.

**Patsy Cutler** reported the Recorder's office now has three additional desk scanner's in place. They are working on scanning older recorded records. Their next project will be to scan the abstract books.

**Margaret Miller** reported the Justice Court is busy. The new employees are working the front window and learning the system. They are still trying to catch up on back tickets. They are also working on different possibilities in answering and distributing the incoming telephone calls.

**Gene Adams** reported the independent audit is coming along and is to be completed on July 1, 2008. He has also been working on the tax rates. He will be setting the dates for public hearings.

**Alma Adams** reported The Prairie Dog Recovery Credit System is moving along. He reported that the Geothermal Power Plant Facilities Ordinance is close to being presented to the Commission for adoption. Alma also reported that a memo explaining a new fuel policy will go out to all departments on conserving fuel to help departments stay within budget.

**Cynthia Robinson** reported that the Iron County Clerk, David I. Yardley, is absent due to distributing equipment for the Primary Election which will be conducted tomorrow. She expressed thanks to the IT Department for their help in working with the Clerk's office on the elections.

**Lois Bulloch** reported that tonight is the Shakespeare Festival's opening night. She also said that The Iron Mission is considering a name change to more fully express their purpose. She presented a letter from the State Water Engineer on the public meeting held at Enterprise High School on January 10, 2008 where the State Engineer presented economic data and discussed the proposed ground-water management plan for the Beryl-Enterprise area.

**PRESENTATION ON THE IRON WORKS HOMESTEAD :**

Todd Prince, Iron Mission State Park Museum Director,. presented a film on the Iron Works Homestead Project. He explained that the Iron Works Homestead is a planned expansion of Iron Mission State Park. He also expressed that they will be sharing this DVD presentation with the community to build awareness and support for the project.

**S.A.F.E.R. GRANT INFORMATION :**

Paul Irons, Cedar City Fire Department Chief, explained the Federal Grant is to hire five

new full time fire people. The grant will be for \$500,000 with a thirty six percent increase, approximately \$180,000, to the county for the first year. The grant needs to be submitted by this week. After reviewing the increase to the fire budget, Alma Adams made a motion to approve going forward with the grant. Seconded by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CROSS CONNECTION CONTROL POLICY, WOODS RANCH SPRING** \_\_\_\_\_ :

Charlie Morris, Iron County Parks & Recreation Department, presented the policy to the Commission for adoption and signing. The policy is required by the State of Utah, Department of Environmental Quality, Division of Drinking Water. The policy relates to the cross connection control and backflow-protection for Iron County Parks and Recreation, Woods Ranch Spring.

Wayne Smith made a motion to approve the policy and authorize signatures. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye

**REQUEST TO VACATE LOT LINE, LOTS 1 & 2, BLOCK B, SKI VIEW ESTATES SUBDIVISION** \_\_\_\_\_ :

Chad Nay, Iron County Zoning Administrator presented the report from the Planning Commission regarding a request from owners, Vern & Dana Jennings, to vacate the lot line between Lots 1 and 2, Block B, Ski View Estates Subdivision which will result in one large lot. The Planning Commission has recommended approval of the request. Alma Adams made a motion to adopt the Planning Commission recommendation and approve the request to vacate the lot line. Seconded by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

An Ordinance will be required along with a meets and bounds legal description of the new lot for filing in the Recorder's office. The Ordinance will be presented at a later meeting.

**REQUEST FOR IRON COUNTY TO BUILD OFFICE SPACE FOR STATE OFFICES** \_\_\_\_\_ :

Cheryl Searle, State of Utah, Division of Facilities, accompanied with Jim Ross, State of Utah, approached the Commissioners with a request to explore the possibility of the county constructing office space to house such state offices as: Driver's License, Highway Patrol, Dispatch Communications Center, AP&P, and the Drug Task Force. One of the possible locations discussed would be behind the current Iron County Jail. Alma Adams made a motion to proceed with a feasibility study for such a building. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**DIXIE NATIONAL FOREST MOTORIZED TRAVEL PLAN COMMENTS** \_\_\_\_\_ :

\_\_\_\_\_ Art Tait, presented maps explaining current motorized travel plan options on the Dixie National Forest. The commission reviewed the different options and recommended the Forest Service adopt option E as the preferred alternative. They requested Mr. Tait to write a letter to the Dixie National Forest stating that the Commission opposes any road closures, and that of the options presented they favor the option "E" with the least closures.

**CEDAR HIGHLANDS ROAD IMPROVEMENT PROPOSAL** \_\_\_\_\_ :

Jacqueline Tully, Cedar Highlands property owner, and others from the same subdivision, presented a request to the commission to allow their homeowner's association to contract with an

independent contractor to widen the county road which runs through BLM property below their subdivision. Iron County Deputy Attorney, Mike Edwards, explained the legal issue of having someone besides the county do the work on widening the road. Commissioner Wayne Smith asked the homeowner's association to meet with Ryan Riddle, the Iron County Fire Warrant, BLM, Steve Platt, the Iron County Engineer, and the Iron County Attorney's Office to discuss the possibilities of widening the road and to review the counties liability in doing such. He asked that they report back to the commission at the next scheduled meeting, on July 14, 2008.

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

Colette Eppley, presented for approval the following promotion Glendon Pederson EMT-Basic to EMT-Intermediate. Alma Adams made a motion to approve the promotion. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Absent; Alma Adams, Aye.

Colette also presented for approval the following contract positions; Council on Aging contract drivers, Paul Jordan, New Harmony; Judith Jordan, New Harmony; and Sandra Nason, New Harmony. They are paid only when they drive. Alma Adams made a motion to approve the new contract employees as presented. Seconded by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Absent; Alma Adams, Aye.

Colette also presented the following volunteers for approval; Linda Pate, as a non driving meals on wheels volunteer. Alma Adams made a motion to approve Linda Pate as a non driving meals on wheels volunteer. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Absent; Alma Adams, Aye.

Colette also requested approval of a wage change for election workers including Trainers and Rovers from \$10.00 to \$12.00 an hour. Alma Adams made a motion to approve the requested increase. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented a proposed job description and grade change in the IT Department for the GIS Specialist position from Grade 15 to Grade 19 which would result in a 5% increase in salary. Wayne Smith made a motion to approve the job description and associated grade change on condition that there are the funds in the current year's budget. If the funds are not presently available, then the pay increase will become effective on January 1, 2009. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Absent; Alma Adams, Aye.

Colette also presented for approval the hiring of Jane Shaffer, Emergency/Parks Management Assistant, Grad 10. Effective date: June 23, 2008. Jane is currently a Vista Employee. Alma Adams made a motion to approve the hiring of Jane Shaffer and also to approve the new job description. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Absent; Alma Adams, Aye.

Colette also requested the Commission to consider the HR assistant position to go from a part time position to a full time position. Wayne Smith made a motion to table this request until the next budget year.

Colette Eppley reported that both the Resource Management Position and the County Administrator Position posting will close on Friday, June 27, 2008.

**CLOSED SESSION** \_\_\_\_\_ :

Wayne Smith made a motion to convene in closed 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 Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**BID OPENING FAIRGROUNDS AIR CONDITIONING PROJECT** \_\_\_\_\_ :

\_\_\_\_\_ Bids were opened as advertised for the installation of an air conditioner system in the Fairgrounds Exhibit Building. Two bids were received as follows: Zion Plumbing bid \$60,430.00. M&M Mechanical bid \$40,300.00.

Because both bids were significantly above the budgeted funds, Alma Adams made a motion to reject all bids and to delay the project for the current budget year. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**DRAINAGE AND WATER WAY AGREEMENT, UNION PACIFIC** \_\_\_\_\_ :

A water way agreement submitted by Union Pacific Railroad was presented for approval however after preliminary review, Wayne Smith made a motion to table action to gather more information from the attorney and the engineer. Seconded by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**BID OPENING FOR LANDFILL MAINTENANCE SHOP** \_\_\_\_\_ :

The engineer's estimate for the Landfill Maintenance Building is \$228,000.00. Accepted bid's are as follows: Blackburn & Associates \$218,014.00, C & A Construction \$339,000.00, Carter Enterprises \$253,400.00, Double T Development \$253,650.00, Ence Commercial \$214,900.00, Forest Line Construction \$327,000.00, Nichols Construction \$233,985.73, Precision Development \$215,900.00, Velocity Construction \$224,719.00, and Wastach West Construction \$343,962.00. A motion was made by Wayne Smith to turn bids over to the County Engineer to see if they were in order. Seconded by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**RECONSIDER BIDS ON ANIMAL SHELTER** \_\_\_\_\_ :

Alma Adams made a motion to have the Attorney and Sheriff to consider bids on the Animal Shelter. Seconded By Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**APPROVAL OF CERTIFIED TAX RATES** \_\_\_\_\_ :

Gene Adams presented the proposed tax rate as .001441 and the unincorporated service district is .001849 Alma Adams made a motion to adopt the tax rate as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, 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 Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

\_\_\_\_\_  
Signed: Lois L. Bulloch, Chair

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

**SPECIAL IRON COUNTY COMMISSION MEETING  
June 30, 2008**

Minutes of a special Iron County Commission meeting convened at 1:30 p.m. June 30, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

|  |   |   |
|--|---|---|
| <b>SYNOPSIS</b> .....                                      | : |   |
| ADJOURN .....  |   | 4 |
| DISCUSS BOND REQUIREMENT FOR ENCROACHMENT PERMIT .....     |   | 3 |
| FAIRGROUNDS EXHIBIT BUILDING ROOF REPAIR DISCUSSION .....  |   | 4 |
| LANDFILL BUILDING BID REVIEW AND APPROPRIATE ACTIONS ..... |   | 3 |
| ORDINANCE 2008-3 FIREWORKS BAN .....                       |   | 1 |
| PRAIRIE DOG MATTER DALLEY FARM WELL REPAIR .....           |   | 4 |

**ORDINANCE 2008-3 FIREWORKS BAN** .....

Michael Edwards presented the following ordinance for consideration whereupon Alma Adams made a motion to adopt Ordinance 2008-3 as presented and to recommend that the County Attorney draft an Ordinance to authorize a fireworks ban upon executive order. Second by Wayne Smith.

**IRON COUNTY COMMISSION  
ORDINANCE NO. 2008-3**

**AN ORDINANCE OF IRON COUNTY, UTAH REGULATING THE  
USE OF FIREWORKS, STATING THE PURPOSE OF THE ACT, AND  
SETTING FORTH DEFINITIONS, PROVIDING FOR SPECIFIC  
PROHIBITIONS, PROVIDING RELIEF THEREFROM, PROVIDING  
FOR ENFORCEMENT, AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Iron County Fire Warden has advised the Iron County Commission that early spring precipitation has increased the amount fuel available for wildland fires, the lack of summer precipitation has dried those fuels, and the volatility of dry vegetation in Iron County; and

**WHEREAS**, due to the existing conditions, the use of fireworks in the unincorporated areas of Iron County, Utah is an increasingly pervasive threat to the health, safety, and general welfare of the inhabitants of Iron County; and

**WHEREAS**, Iron County desires to promote the health, safety, and general welfare of inhabitants in the unincorporated areas of Iron County, Utah;

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

**NOW, THEREFORE, BE IT ORDAINED** by the County Commission of Iron County, Utah that Ordinance 2008-3 be added to the Iron County Code as “Title 8 Chapter 04.110 Firework Restriction” as follows:

**A.** These regulations are intended to establish minimum standards to protect the citizens of Iron County from fires caused by the use of fireworks.

**B.** The use of fireworks in the unincorporated areas of Iron County is prohibited for the remainder of the 2008 fire season.

**C.** For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

“Firework” has the same definition and meaning as in U.C.A. 53-7-202 (11)(a).

“Unincorporated areas” means any area outside the boundaries of an incorporated city or town.

**D.** The Iron County Sheriff’s Office shall be responsible for the enforcement of these rules and regulations. The Iron County Sheriff’s Office may upon discovery or report of a violation or violations of this Ordinance, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the County Attorney for review and issuance of an Information and Summons to court to answer the charges.

**E.** Requests for relief from the restrictions of the rules and regulations of this ordinance may be made to the Iron County Board of County Commissioners. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked. Such requests and grants of relief may be accomplished as part of the express conditions placed upon any Large Public Assembly License issued by the County Commission in accordance with the Ordinance governing such licenses.

**F.** Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class B Misdemeanor punishable by a fine no more than \$1,000.00.

In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the County in dealing with fires associated with the violation of this ordinance.

**G** 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.

**H** 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.

I. Because this ordinance is necessary for the preservation of the health and safety of Iron County inhabitants, this ordinance shall take effect immediately upon its passage by a majority vote of the Iron County Board of County Commissioners and upon notice and publication as required by Utah Code Annotated § 17-53-208(6).

The ordinance, along with the rules and regulations associated with it, shall expire no later than October 31, 2008.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 30<sup>th</sup> day of June, 2008.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Lois Bulloch, Chairperson

**ATTEST:**

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

**VOTING:**

Wayne Smith          Aye    
Lois Bulloch          Aye    
Alma Adams           Aye  

**LANDFILL BUILDING BID REVIEW AND APPROPRIATE ACTIONS :**

Alan Wade and Robert Platt reviewed bid documents submitted by contractors for construction of a building at the landfill. Robert reported that the apparent low bid of Ence Commercial Construction appears to be a non responsive bid due to discrepancies in item totals. After reviewing the complete bid and concerns with the way the package was put together, upon advice of the County Attorney, Wayne Smith made a motion to reject the apparent low bid due to the problems with the bid and to award the bid to the lowest responsive bidder, Premier Construction. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**DISCUSS BOND REQUIREMENT FOR ENCROACHMENT PERMIT :**

Parowan City representatives, Jim Robinson and Joe Melling met with the Commission to request consideration of adding Iron County to the construction bond required for the installation of the sewer line on 2200 West in Parowan valley. Because of the length of the

project the encroachment bond is similar to the construction bond. After review, Alma Adams made a motion to approve adding Iron County as an insured on the construction bond for the project. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**FAIRGROUNDS EXHIBIT BUILDING ROOF REPAIR DISCUSSION :**

The Commission discussed with Parowan City a needed roof repair on the fairgrounds exhibit building. Since the estimate and bids for an air conditioner system for the building was significantly over budget, all bids were rejected. It is proposed that the County and Parowan City participate in the repair as provided in the management agreement and if the funding agency, the Restaurant Tax Board, will authorize the change of use of budgeted funds. The matter was tabled to allow the Restaurant Tax Board to meet to discuss the budget amendment request.

**PRAIRIE DOG MATTER DALLEY FARM WELL REPAIR :**

Keith Day met with the Commission to request approval of the County funding a portion of the repairs on the well at the Dalley Prairie Dog Farm in Parowan valley. Keith reported that he has obtained funding for the purchase of the equipment. The remaining cost to install the pump would be about \$11,000, the total of two years of Iron County contribution pledge from the prairie dog mitigation fund.

The Commission requested more information on use of the well by Dalley's and a work plan for the farm. The matter was tabled until July 7 when Dalley's can be notified and attend to discuss the operation of the well.

**ADJOURN \_\_\_\_\_ :**

The meeting was adjourned at 2:30 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**SPECIAL IRON COUNTY COMMISSION MEETING**  
**July 7, 2008**

Minutes of a special Iron County Commission meeting convened at 1:00 p.m. July 7, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

**SYNOPSIS** :

CANVASS OF PRIMARY ELECTION RESULTS ..... 1

PRAIRIE DOG MATTER DALLEY FARM OPERATION ..... 1

**CANVASS OF PRIMARY ELECTION RESULTS** :

The Commission met as the Board of Canvassers to canvass the results of the Primary Election held June 24, 2008. Results by precinct were reviewed and questions about absentee and provisional ballots were discussed whereupon Wayne Smith made a motion to certify the election results as recorded. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PRAIRIE DOG MATTER DALLEY FARM OPERATION** :

Keith Day and Elf Dalley met with the Commission to discuss operation and history of use at the Dalley Prairie Dog Farm in Parowan valley. Keith reviewed a history of the farm from the purchase to the present. He explained that some of the property has been seeded four times with crop failure each time due to lack of water and the timing of the seedings. The well parts have been purchased and are ready to be installed. Commissioner Smith requested annual count data from the time the area was purchased to the present. Mr. Day did not have that information available at this time.

The Commission requested that Commissioner Adams meet with Keith Day and Allen Dalley to work out details of a work plan and operation of the farm to benefit prairie dogs.

**ADJOURN** :

The meeting was adjourned at 2:00 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

---

Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**July 14, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 14, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Absent:

|               |              |
|---------------|--------------|
| Alma L. Adams | Commissioner |
|---------------|--------------|

**SYNOPSIS** :

|   |    |
|---|----|
| APPROVAL OF WARRANTS & ADJOURN .....                      | 21 |
| CEDAR BAND PAIUTE TRIBAL LAND ACQUISITION REQUEST .....   | 20 |
| CEDAR HIGHLANDS ROAD MATTER .....                         | 11 |
| ELECTED OFFICIALS REPORTS .....                           | 1  |
| FAMILY DAY PROCLAMATION .....                             | 20 |
| IT DEPARTMENT MATTERS .....                               | 21 |
| NOTIFICATION OF CONDITIONAL USE PERMITS .....             | 20 |
| PERSONNEL MATTERS .....                                   | 10 |
| PLEDGE OF ALLEGIANCE .....                                | 1  |
| PRAIRIE DOG MATTERS .....                                 | 20 |
| PUBLIC HEARING ORDINANCE 2008-4 .....                     | 4  |
| PUBLIC HEARING ORDINANCE 2008-5 .....                     | 7  |
| PUBLIC HEARING ORDINANCE 2008-6 .....                     | 11 |
| PUBLIC HEARING AGRICULTURE PROTECTION AREA .....          | 18 |
| PUBLIC HEARING ORDINANCE 2008-4 & RESOLUTION 2008-3 ..... | 2  |
| REQUEST FOR MINOR LOT SUBDIVISION .....                   | 11 |
| REQUEST TO ESTABLISH A SPECIAL IMPROVEMENT DISTRICT ..... | 19 |
| REQUEST TO MODIFY MOTOR VEHICLE HOURS OF OPERATION .....  | 19 |
| RESTAURANT TAX BOARD .....                                | 19 |
| ROAD MAINTENANCE REQUEST .....                            | 10 |
| ROCKY MOUNTAIN POWER UPDATE .....                         | 11 |
| TRANSIENT ROOM TAX BOARD .....                            | 19 |

**PLEDGE OF ALLEGIANCE** :

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

**ELECTED OFFICIALS REPORTS** :

The Commission noted the absence of Commissioner Alma Adams. Commissioner Adams is out of the Country and is excused from the meeting.

**Scott Garrett** reminded the Commission that as part of the open and public meetings law, an annual training needs to be conducted. The Commission requested that the Attorney's Office prepare a training to be presented to elected officials.

**Wayne Smith** reported that he has toured 1700 West in Cedar Valley with Neil Forsyth and Steve Platt to get an idea of the repairs the residents will be requesting in the meeting.

**Lois Bulloch** reported that the Rural Summit is scheduled for August 7 & 8 at SUU. She requested that the Clerk's Office register the Commissioners for these meetings.

**PUBLIC HEARING ORDINANCE 2008-4 & RESOLUTION 2008-3 :**

Wayne Smith made a motion to open a public hearing to receive comments on proposed Ordinance 2008-4 Amendment to Iron County Code Zoning Ordinance Amending Section 17.16.040 Table of Site Development Standards and Resolution 2008-3 Amendment to Performance Subdivision Tables to Allow Greater Lot Coverage in the R-1/2 Higher Density Subdivision. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay explained Resolution 2008-3 amendment to performance subdivision tables to allow greater lot coverage in the R-1/2 higher density subdivision. The Planning Commission has reviewed the proposal and have recommended approval.

No other public comments were received whereupon Wayne Smith made a motion to close the public hearing and to adopt Iron County Resolution 2008-3 as follows:

**RESOLUTION 2008-3**

**A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH, AUTHORIZING AND SPECIFYING THE AMENDMENT OF STANDARDS AND REQUIREMENTS FOR THE PERFORMANCE SUBDIVISION ORDINANCE ESTABLISHED BY ORDINANCE No. 218 AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT KNOWN AND REMEMBERED:**

**THAT**, the County Legislative Body of Iron County has heretofore found, determined and declared that the public health, convenience and necessity requires and amendment to the establishment of standards requirements for a performance subdivision option in the Iron County Subdivision Ordinance, and

**THAT**, in accordance with Ordinance No. 218, Performance Subdivision Ordinance Amendment of Iron County, Utah, passed November 27, 2006, the County gave public notice of its intention to establish the Performance Subdivision Ordinance and held a public hearing, at which public hearing, the Board permitted all interested persons to be heard and received all written comments submitted at the time, and

**THAT**, the Board has taken all actions and accomplished all matters required and necessary to implement this Resolution as a part of Ordinance No. 218.

**NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF THE IRON COUNTY, UTAH RESOLVES AS FOLLOWS:**

**Section 1.** County Resolution No. 2008-3 is hereby approved and passed to read as provided herein.

**Section 2.** Section 16.32.040 (Development Standards) B of the Iron County Zoning Ordinance is hereby amended by this Resolution as provided in Ordinance 218, and may be further amended by Resolution of the Iron County Commission, from time to time, if needed to better accomplish the purposes of Iron County.

**Section 16.32.040 Development Standards.**

B. 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.

**Minimum and/or Maximum standards - based on lot sizes**

| Lot size (square feet) | Min Lot Width | Front |      | Side Min | Side Corner Min. | Rear Min | Bldg. Separation Min. | Height Max | Max. Lot Coverage |
|------------------------|---------------|-------|------|----------|------------------|----------|-----------------------|------------|-------------------|
|                        |               | Min.  | Max. |          |                  |          |                       |            |                   |
| 5,000 - 7,000          | 50            | 20    | 20   | 6        | 20               | 10       | 5                     | 25         | Note *            |
| 7001 - 12,000          | 75            | 20    | 30   | 8        | 20               | 10       | 10                    | 25         | Note *            |
| 12,001 - 21,779        | 100           | 25    | 30   | 10       | 20               | 15       | 15                    | 30         | Note *            |
| 21,780 and above       | 120           | 30    | NA   | 10       | 30               | 30       | 15                    | 30         | 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.

\* The building setback and separation requirements shall be adequate for establishing maximum lot coverage for lots of less than 21, 780 sq. ft. in the R-1/2 zone, when the Performance Subdivision option is approved.

**Section 3.** All officers and employees of Iron County are hereby authorized and directed to take all actions necessary and appropriate to effectuate the provisions of this Resolution.

**Section 4.** If any one or more sections, sentences, clauses or provisions of this Resolution shall for any reason be held inapplicable or invalid, such holding shall not affect, impair or invalidate the remaining provisions of this Resolution but shall be limited in its operation and effect to the specific sections, sentences, clauses or provisions hereof held inapplicable or invalid. The inapplicability or invalidity of any section, sentence, clause or provision of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability or validity of this Resolution in any other instance.

**Section 5.** All acts, resolutions and regulations of Iron County in conflict with or not consistent with this Resolution are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed so as to revive any act, resolution or regulation, or part thereof, heretofore repealed.

**Section 6.** This Resolution shall take effect immediately upon its approval and passage by the Board of County Commissioners.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14<sup>th</sup> day of July, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

Lois L. Bulloch        Aye    
Alma L. Adams       Absent   
Wayne A. Smith       Aye  

**PUBLIC HEARING ORDINANCE 2008-4 :**

Wayne Smith made a motion to open a public hearing to receive comments on a proposed ordinance to Amend the to Iron County Code/Zoning Ordinance - Amending Section 17.16.040 and the Table of Site Development Standards. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay commented that the Planning Commission has reviewed and recommended the revisions in County Code Section 17.16.040. He also explained the purpose of the amendments in amending site development standards for setbacks in performance subdivisions which will allow larger homes on the smaller lots.

No other comments were received either in favor or opposition whereupon Wayne Smith made a motion to close the public hearing and to adopt Ordinance 2008-4 as follows. Second by Lois Bulloch.

**IRON COUNTY, UTAH ORDINANCE 2008-4**

**AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS,  
PROVIDING FOR AMENDMENTS TO SECTION 17.16 040, ZONING ORDINANCE  
OF IRON COUNTY, UTAH REGARDING TABLE OF SITE DEVELOPMENT  
STANDARDS; 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 Land Use Ordinance that specifies land use regulations and standards; and

**WHEREAS,** on April 13, 1998, the County Commission adopted the Zoning Ordinance of Iron

County, Utah in accordance with the provisions of Utah Code Annotated relating to the adoption and content of Zoning Ordinances in the State of Utah; and

**WHEREAS**, since the adoption of the Zoning 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; and

**WHEREAS**, the County has determined that it needs to amend the Table of Site Development Standards and has determined that this ordinance meets the purposes and intent of the Iron County Land Management Code and 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 Zoning 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 this Ordinance Amendment to the Zoning 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 TABLE OF SITE DEVELOPMENT STANDARDS AMENDMENT of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments.

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

1. The document “TABLE OF SITE DEVELOPMENT STANDARDS AMENDMENT of Iron County, Utah” attached hereto is hereby adopted, to amend, modify, replace or alter the sections identified herein, with necessary formatting, grammatical and spelling revisions as required.

2. All ordinances adopted subsequent to the “TABLE OF SITE DEVELOPMENT STANDARDS AMENDMENT of Iron County, Utah :”, 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, as does this ordinance.

3. 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 law.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14<sup>th</sup> day of July, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

Lois L. Bulloch          Aye      
 Alma L. Adams          Absent      
 Wayne A. Smith          Aye    

**Table of Site Development Standards Amendment of Iron County, Utah**

Section 17.16.040      Table of Site Development Standards:

The Table of Site Development Standards accompanies the Table of Uses. This table identifies the lot requirements, required setback and yard standards, building height standards, site coverage standards, and other requirements for the uses allowed within each zoning district.

| <b>TABLE OF SITE DEVELOPMENT STANDARDS</b> |                         |               |               |               |                |           |           |           |            |
|--|-------------------------|---------------|---------------|---------------|----------------|-----------|-----------|-----------|------------|
|  | <b>ZONING DISTRICTS</b> |               |               |               |                |           |           |           |            |
|  | <b>A-20</b>             | <b>R-5</b>    | <b>R-2</b>    | <b>R-1</b>    | <b>R-1/2**</b> | <b>C</b>  | <b>LI</b> | <b>I</b>  | <b>I-A</b> |
| Minimum Lot Width                          | 300 Ft.                 | 300 Ft.       | 165 Ft.       | 165 Ft.       | 120 Ft.        | 90 Ft.    | 100 Ft.   | 150 Ft.   | 1320 Ft.   |
| Minimum Front Yard Setback                 | 60 Ft.                  | 60 Ft.        | 60 Ft.        | 30 Ft.        | 30 Ft.         | 20 Ft.    | 25 Ft.    | 25 Ft.    | 200 Ft.*   |
| Minimum Rear Yard Setback                  | 60 Ft.                  | 60 Ft.        | 60 Ft.        | 40 Ft.        | 30 Ft.         | 25 Ft.    | 30 Ft.    | 50 Ft.    | 200 Ft.*   |
| Minimum Side Yard Setback                  | 30 Ft.                  | 30 Ft.        | 30 Ft.        | 30 Ft.        | 10 Ft.         | 10 Ft.    | 25 Ft.    | 40 Ft.    | 200 Ft.*   |
| Minimum Side Yard Setback (Corner)         | 30 Ft.                  | 30 Ft.        | 30 Ft.        | 30 Ft.        | 30 Ft.         | NR        | NR        | NR        | 200 Ft.*   |
| Minimum Distance Between Buildings         | 15 Ft.                  | 15 Ft.        | 15 Ft.        | 15 Ft.        | 15 Ft.         | NR        | NR        | NR        | 15 Ft.     |
| Max./Min. Building                         | NR                      | 30 Ft. or Two | 30 Ft. or Two | 30 Ft. or Two | 30 Ft. or Two  | Three (3) | Three (3) | Three (3) | NR         |

| TABLE OF SITE DEVELOPMENT STANDARDS        |                  |  |                                     |                                     |                                     |   |                                 |                                 |     |
|--|------------------|--|-------------------------------------|-------------------------------------|-------------------------------------|---|---------------------------------|---------------------------------|-----|
|  | ZONING DISTRICTS |  |                                     |                                     |                                     |   |                                 |                                 |     |
|  | A-20             | R-5  | R-2                                 | R-1                                 | R-1/2**                             | C   | LI                              | I                               | I-A |
| Height                                     |                  | (2)<br>Stories/<br>One (1)<br>Story                    | (2)<br>Stories/<br>One (1)<br>Story | (2)<br>Stories/<br>One (1)<br>Story | (2)<br>Stories/<br>One (1)<br>Story | Stories<br>/One<br>(1)<br>Story   | Stories<br>/One<br>(1)<br>Story | Storie<br>s/One<br>(1)<br>Story |     |
| Minimum Lot Size (Acres)                   | 20               | 5  | 2                                   | 1                                   | 1/2                                 | NR  | NR                              | NR                              | 80  |
| Maximum Total Lot Coverage (all buildings) | NR               | 5%<br>(Max. Site Coverage may be >5% for Green-houses) | 10%                                 | 15%                                 | 30%                                 | 50%   | 50%                             | 50%                             | NR  |
| Accessory Outside Storage Areas            |                  |  |                                     |                                     |                                     | When located adjacent to any Ag. or Res. District must be screened by a solid, non- landscape, fence or wall at least six (6) feet in height. |                                 |                                 |     |
| Outside and Security Lighting              |                  |  |                                     |                                     |                                     | Must reflect away from adjacent Ag. and Res. District   |                                 |                                 |     |

\* All uses and buildings located within the I-A zoning district, except for dwellings and accessory uses for dwellings, shall meet the minimum setbacks required for the I-A zoning district. Accessory uses and buildings in the I-A zoning district shall meet the minimum setbacks of the A-20 zoning district.

\*\* The R-1/2 zone, where a “Performance Subdivision Option” is approved, shall incorporate minimum and/or maximum values for setbacks, lot sizes and widths, building separation and heights, and maximum building coverage as prescribed in Section 16.23.040 (Development Standards).

**PUBLIC HEARING ORDINANCE 2008-5 :**

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed amendment to Iron County Code/Zoning Ordinance Revising Provision of Chapter 17.12. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

Reed Erickson commented that this ordinance is proposed to bring Iron County Code and General Plan into compliance with State Code regarding notice requirements regarding amendments to the county general plan, zoning ordinance and land management code. The Planning Commission has reviewed the proposed amendment and have recommended that the Commission adopt Ordinance 2008-5.

Chad Nay reported that the Planning Commission had voted unanimously to recommend approval of the ordinance.

After all public comments were received, Wayne Smith made a motion to close the public hearing and to adopt the recommendation of the Planning Commission and to approve Ordinance 2008-5 as follows. Second by Lois Bulloch.

**IRON COUNTY, UTAH ORDINANCE 2008-5**

**AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS, PROVIDING FOR AMENDMENTS TO CHAPTER 17.12, ZONING ORDINANCE OF IRON COUNTY, UTAH REGARDING AMENDMENTS TO THE COUNTY GENERAL PLAN, ZONING ORDINANCE AND LAND MANAGEMENT CODE; 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 Land Use Ordinance that specifies land use regulations and standards; and

**WHEREAS**, on April 13, 1998, the County Commission adopted the Zoning Ordinance of Iron County, Utah in accordance with the provisions of Utah Code Annotated relating to the adoption and content of Zoning Ordinances in the State of Utah; and

**WHEREAS**, since the adoption of the Zoning 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; and

**WHEREAS**, the County has determined that it needs to revise the amendment procedures for the land management code and the general plan and has determined that this ordinance meets the purposes and intent of the Iron County Land Management Code and 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 Zoning 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 this Ordinance Amendment to the Zoning 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 General Plan and Land Management Code Amendments - Amending 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 COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH AS FOLLOWS:**

1. The document "General Plan and Land Management Code Amendments - Amending Ordinance of Iron County, Utah" attached hereto is hereby adopted, to amend, modify, replace or alter the sections identified herein, with necessary formatting, grammatical and spelling revisions as required.
2. All ordinances adopted subsequent to the "General Plan and Land Management Code

Amendments - Amending Ordinance of Iron County, Utah:”, 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, as does this ordinance.

3. 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 law.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14<sup>th</sup> day of July, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

Lois L. Bulloch      Aye  
Alma L. Adams      Absent  
Wayne A. Smith      Aye

**General Plan and Land Management Code Amendments - Amending Ordinance of Iron County, Utah**

Section 17.12.020      Procedures for amending the Iron County general plan text and maps.

A. The County Staff shall report to the planning commission indicating whether the proposed amendment is consistent with the general plan, and identify any revisions to this title and the land management code required to implement the proposed amendment.

B. Prior to recommending the adoption, rejection or revision of any general plan amendment, the planning commission shall hold a public hearing in accordance with the procedures of this title and the Utah Code and providing at least ten (10) days notice.

C. Following the general plan amendment recommendation from the planning commission, the county commission shall schedule a public hearing to consider the planning commission recommendation for the proposed general plan amendment. The county commission shall consider the proposed general plan amendment and the recommendation of the planning commission pursuant to the procedures established by this title and the Utah Code and shall schedule a public hearing and provide required notice. The county commission may approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. The county commission shall approve a general plan amendment only upon the affirmative vote of a majority of its membership. If the county commission approves the proposed amendment as submitted or as revised, the county commission shall adopt the general plan amendment by ordinance.

**Section 17.12.050 Procedures for amending the Iron County land management code.**

A. The Iron County land management code, of which the ordinance codified in this Title 17 is a part, may be amended from time to time, consistent with the adopted Iron County general plan.

B. The County Staff shall a report to the planning commission indicating whether the proposed land management code amendment is consistent with the general plan, and identify any other revisions to the land management code that would be needed to implement the proposed amendment. Following the required public hearing(s), the planning commission shall forward a recommendation to the county commission recommending approval, modification or disapproval of the proposed land management code amendment. The county commission shall consider the proposed amendment and the recommendation of the planning commission pursuant to the procedures established by this title and the Utah Code and shall schedule a public hearing and provide required notice. The county commission may approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. The county commission shall approve a land management code amendment only upon the affirmative vote of a majority of its membership. If the county commission approves the proposed amendment as submitted or as revised, the county commission shall adopt the amendment by ordinance and in accordance with all procedures established by law.

C. The planning commission may recommend and the county commission may attach such conditions to the approval of an application for a land management code amendment as are necessary to implement the general plan. All conditions shall be expressly stated in the approving ordinance.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval a volunteer Richard Nielson as a Volunteer Fireman in the Newcastle Fire Department. Wayne Smith made a motion to approve the volunteer as requested. Second by Lois Bulloch. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

Colette Eppley also requested clarification of the pay scale for the Career Service Council. The Commission approved a rate of \$50.00 for each meeting up to four hours and \$100.00 for each full day on a motion by Wayne Smith. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

**ROAD MAINTENANCE REQUEST :**

A group of residents from Eagle Valley Ranches residing on 1700 West north of Midvalley Road requested the County assume maintenance of 1700 West in exchange for their deeding the right of way to the County and to allow the installation of a sewer line from the Three Peaks Elementary School. The School District contracted to have the line installed and promised the residents that all damage would be repaired. To this date, the manhole covers have not been placed correctly and damage done to the oiled surface has not been repaired. There is also a large open ditch that was dug near Midvalley Road which does not drain properly.

Steve Platt reviewed the history of the project and requested that residents approve a Special Improvement District to bring the roads to County standards.

Residents commented that they could not afford an SID considering lot sizes and requested the County repair the road as promised by the School District.

Wayne Smith agreed to contact the School District and request that the necessary repairs be done to the manhole covers and that the School District purchase the oil to repair the road. He also

agreed that if the School District will purchase the oil, the Road Department will do the patching and repair of the road.

**REQUEST FOR MINOR LOT SUBDIVISION** \_\_\_\_\_ :

Frank and Lillian Blackburn have requested approval of a minor lot subdivision on their property located on North Center Street in Summit near the I-15 overpass, Within Sec 35 , T 34S, R 10W, SLB&M. Chad Nay reported that the request has been presented to the Planning Commission and meets all of the requirements to be approved. The Planning Commission has recommended approval of the minor lot subdivision.

Wayne Smith made a motion to approve the minor lot subdivision as requested and recommended by the Planning Commission. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

**CEDAR HIGHLANDS ROAD MATTER** \_\_\_\_\_ :

Jacqueline Tully, a property owner in Cedar Highlands Subdivision met to inquire as to the status of the widening and improvement request for the Greens Lake road. Commissioner Smith explained that the matter has been referred to the County Engineer to follow through with the BLM to determine if sufficient right of way exists to widen the road and make the requested changes. The BLM is in the process of doing an archeological review and at this time they have not responded. The matter may take some time to determine if the improvement can be completed.

**ROCKY MOUNTAIN POWER UPDATE** \_\_\_\_\_ :

Mark Cox, representing Rocky Mountain Power presented a customer performance review for projects being completed by the Company. The substation located adjacent to the College Farm has been realigned within the current footprint and will not require prairie dog take for this project. The new Three Peaks substation has been advertised and a contractor has been selected. Details of the contract are in the negotiation stages at this time. They are currently recording ambient sound readings for the site to determine future sound levels for the substation.

Mr. Cox also reported that the West Cedar and Parowan Valley substations are being upgraded. This should provide ample power supply for several years to come.

**PUBLIC HEARING ORDINANCE 2008-6** \_\_\_\_\_ :

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed ordinance, ordinance 2008-6 which establishes definitions and regulations for geothermal power plant facilities. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay commented that the proposed ordinance is modeled after the wind power generating ordinance and provides guidelines for construction and operation of geothermal power facilities within the County. The Planning Commission has recommended approval.

Reed Erickson explained that there are geothermal sources within the County and that several companies have requested information regarding regulations for this source of energy.

Lane Ashton, Razer Technology, stated that their company is proceeding with leasing land and building a geothermal plant within Iron County.

After all comments were received, Wayne Smith made a motion to close the hearing and to approve ordinance 2008-6 as follows. Second by Lois Bulloch.

## **IRON COUNTY, UTAH ORDINANCE 2008-6**

### **AN ORDINANCE OF IRON COUNTY, UTAH, AMENDING PORTIONS OF TITLE 17, CHAPTERS 17.16 & 17.20, IRON COUNTY CODE; ESTABLISHING CHAPTER 17.35; ESTABLISHING DEFINITIONS AND REGULATIONS FOR A GEOTHERMAL POWER PLANT.**

**WHEREAS**, Iron County finds that geothermal energy is an abundant, renewable and non-polluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that may result from the use of conventional energy sources;

**WHEREAS**, Electricity generated by a geothermal power plant can enhance the reliability and power quality of the power grid by providing baseload power and help diversify the area's energy supply portfolio; and

**WHEREAS**, It is the policy of the state of Utah to encourage the development of small power production and co-generation facilities, to promote a diverse array of economical and permanently sustainable energy resources in an environmentally acceptable manner, and to conserve our finite and expensive energy resources and provide for their most efficient and economic utilization. §54-12-1, Utah Code annotated; and

**WHEREAS**, the State of Utah has provided for Renewable Energy System Tax Credits (§5 9-7-614) and the Iron County Commission desires to remove unnecessary barriers to energy transactions involving independent energy producers and electrical corporations as encouraged by the State of Utah; and

**WHEREAS**, Iron County has determined that it can develop the County's geothermal power resources while preserving farmlands and agricultural enterprises and adjoining residential and commercial developments as compatible adjoining uses, and that the public health, safety, and general welfare will be protected and promoted by this ordinance; and

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning 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 Geothermal Power Plant amendment to the Zoning 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 Geothermal Power Plant Ordinance for the purpose of receiving public comment regarding the content of the ordinance.

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

**SECTION 1. SECTION 17.16.030, TABLE OF USES, IRON COUNTY CODE IS AMENDED BY ESTABLISHING OR AMENDING THE FOLLOWING USES TO READ AND**

**PROVIDE AS FOLLOWS:**

**Use Table**

| USES                   | ZONE DISTRICTS |     |     |     |       |   |    |   |    |
|------------------------|----------------|-----|-----|-----|-------|---|----|---|----|
|                        | A-20           | R-5 | R-2 | R-1 | R-1/2 | C | LI | I | IA |
| Geothermal Power Plant | C              | X   | X   | X   | X     | X | X  | C | C  |

**SECTION 2. TITLE 17, CHAPTER 17.35, IRON COUNTY CODE IS ENACTED, AMENDED, ADDED, OR ALTERED TO READ AS FOLLOWS:**

**CHAPTER 17.35 Geothermal Power Plant**

**Sections:**

**17.35.010 Purpose**

**17.35.020 Definitions**

**17.35.030 Regulations and Design Standards, Geothermal Power Plant**

**17.35.040 Provisions for Conditional Use Permit Review**

**17.35.050 Submission of Application**

**17.35.010 Purpose:**

The purpose of this Chapter (17.35) is to establish minimum requirements and regulations for the placement, construction and modification of geothermal power plants, as defined herein, while promoting the safe, effective and efficient use of such systems.

**17.35.020 Definitions:**

- A. Cooling Tower** means an evaporative or air cooling system designed to augment the -cooling during high ambient temperature conditions.
- B. Generating Unit** means equipment used to convert heat provided by geothermal resources into electricity consisting of an evaporator, condenser, turbine, induction generator, cycle-pump, system controls, control valves, and piping.
- C. Geothermal Power Plant** means a facility that uses geothermal energy, defined as natural heat, hot water and/or steam from within the Earth, to produce electricity.
- D. Switchgear** the term switchgear, used in association with the electric power system, or grid, refers to the combination of electrical disconnects, fuses and/or circuit breakers used to isolate electrical equipment.
- E. Transformers** a device that transfers electrical energy from one circuit to another through inductively coupled electrical conductors.

A geothermal power plant shall comply with the regulations and design standards set forth below.

- A. Permitted Locations.** A geothermal power plant is permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance.
- B. Minimum Lot Size.** No geothermal power plant shall be erected on any lot less than twenty acres in size.
- C. Total Height.** The total height of the tallest cooling tower shall not exceed 50 feet.
- D. Setbacks.**
- a. Property lines. A geothermal power plant shall be set back from the nearest property line, public road right-of-way and tanks containing combustible/flammable liquids not less than 1.5 times the total height of its tallest cooling tower or highest structure.
  - b. Inhabitable or Public Structures/Other Uses. No geothermal power plant shall be located within ½ mile (one-half of a mile) of the nearest existing inhabitable structure (residence), platted subdivision, or public building or gathering place (park, church, hospital, library, school, playground, etc.), unless first obtaining a nuisance impact easement, as described in 17.35.060, from the property owner of such property located within ½ mile (one-half of a mile) of the proposed geothermal power plant.
- E. Safety / Access.**
- a. An 8 foot fence shall be placed around the perimeter of the geothermal power plant and electrical equipment shall be locked.
  - b. Appropriate warning signage shall be placed on towers, electrical equipment and geothermal power plant entrances.
- F. Noise.** No geothermal power plant shall exceed 65 dBA as measured at the property Line or 50 dBA as measured at the nearest neighboring inhabitable building.
- G. Visual Appearance.**
- a. Geothermal power plants shall be finished and maintained as manufactured.
  - b. The design of any buildings or related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
  - c. Appropriate landscaping shall be provided to minimize the visual impact of the commercial geothermal power plant and accessory structures from roads and adjacent residences.
- H. Fire Protection.** All geothermal power plants shall have a defensible space for fire protection in accordance with the Iron County Wildland-Urban Interface Code.
- I. Local, State and Federal Permits.** A geothermal power plant shall be required to obtain all necessary permits from the Utah Department of Environmental Quality,

including the Utah Division of Air Quality and the Utah Division of Water Quality, applicable permits required by Iron County, and applicable Federal permits.

- J. Electrical Interconnections.** All electrical interconnection or distribution lines shall comply with all applicable codes and public utility requirements.

#### **17.35.040 Provisions for Conditional Use Permit Review.**

Following the provisions of Chapter 17.28, Iron County Code, additional or more thorough consideration shall be given to the following:

1. **Project Rationale** (time frame, project life, development phases, likely markets for the generated energy, and possible future expansions).
2. **Siting Considerations** (avoid areas/locations with a large potential for biological conflict such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat; avoid visual corridors that are essential view sheds or scenic areas designated by the County after analyzing the applicant's geothermal power plant and considering public hearing comments; avoid areas of erodible slopes and soils, where concerns for water quality and high storm runoff potential have been identified, and known sensitive historical, cultural or archeological resources and public safety concerns mentioned herein can best be avoided).
3. **Site and Development Plans** (drawn to scale; locating all structures existing and proposed, setbacks, access, project boundary, existing structures outside project boundary within ½ mile of project boundary, existing utilities / pipelines / transmission lines, proposed utility lines / structures, existing topography; map of proposed drainage / grading and natural vegetation removal plan; map of wind characteristics and dominant wind direction; map of flood plains or wetlands, and other items identified by county staff or planning commission).
4. **Economic Analysis** (economic cost/benefit analysis describing generated property taxes, sales taxes, other taxes, construction dollars spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on roads and other County infrastructure in the area).
5. **Visual impacts, appearance and scenic view sheds** (Visual simulations providing vantage points considering a 360 degree view of the project site).
6. **Wildlife habitat areas and migration patterns, including avian impacts** (including endangered or threatened species, on the site and in a biologically significant area surrounding the site).
7. **Environmental Analysis** in the absence of required State or Federal Agency review (impact analysis on historic, cultural and archaeological resources, soil erosion, flora

in the project area, water quality and water supply in the area, dust from project activities, and cumulative impacts of other adjacent geothermal power plant projects).

8. **Solid waste or hazardous waste** generated by the project.
9. **Lighting and FAA height restrictions**, including airport overlay proximity (air traffic safety)
10. **Transportation Plan** for Construction and Operation Phases (showing proposed project service road ingress and egress access onto the State or County road system, layout of wind energy system service road system and degree of upgrade plan to new and existing roads, anticipated volume and route for traffic including oversized and heavy equipment needed for construction, maintenance and repairs, methodology of repairs and maintenance of roads and bridges used for the project, and related public pedestrian and vehicular access and associated fencing).
11. **Public Safety** (potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created).
12. **Noise limitations** (noise levels at the property line of the project boundary).
13. **Telecommunications interference** (electromagnetic fields and communications interference generated by the project).
14. **Life of the project and final reclamation** (describing the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final reclamation of the geothermal power plant project).
15. **Others**, as applicable

#### **17.35.050 Submission of Application**

**Permit Applications.** Application for a geothermal power plant shall include the following information.

1. **Site plan** to scale showing the location of the proposed geothermal power plant and the locations of all existing buildings, structures and property lines along with distances, including a drawing depicting the area.
2. **Elevations** of the site to scale showing the height, design and configuration of the geothermal power plant and the height and distance to all existing structures, buildings, electrical lines and property lines.
3. **Standard drawings** and engineering analysis of the geothermal power plant.

**4. A standard foundation** and anchor design along with soil conditions and specifications for the soil conditions at the site.

**5. Specific information** on the type, size, rated power output, performance, safety and noise characteristics of the system including the name and address of the manufacturer, model.

**6. Emergency and normal shutdown procedures.**

**7. A line drawing** of the electrical components of the geothermal power plant in sufficient detail to establish that the installation conforms to all applicable electrical codes.

**8. Evidence** that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator, unless the system will not be connected to the electricity grid. If applicable, prior to final approval, the applicant shall provide evidence that the net-metering interconnection application has been applied for, or:

- a. a work order number from the utility company has been acquired (for net-metering); and/or
- b. proof that an application for tax credit or rebate has been submitted to the State of Utah or applicable utility.

**9. A conditional use permit application** with response to provisions specified in Section 17.35.040 (1-15) herein.

#### **17.35.060 Nuisance Impact Easements**

The following standards shall apply for all nuisance impact easements within Iron County relating to geothermal power plants.

1. The easement must be recorded with the Iron County Recorder's Office.
2. The easement shall provide that it runs with the land.
3. The easement shall state that the current and subsequent owners are put on notice of the actual proximity of any geothermal power plant and are within the prescribed separation distance area of the proposed geothermal power plant, as well as stating any potential or reasonably anticipated impacts to the property from the proposed geothermal power plant.
4. The easement shall state that it precludes all owners of the property from suing to remove or close the geothermal power plant without proving in the suit that the impacts present a detriment to the health and welfare of the surrounding land owners within the prescribed separation distance area, and is not merely a nuisance to the occupants of an appropriate residence or public gathering place located within a separation distance area.
5. The easement shall be signed and dated by the owner, board of trustees, or governing body of the subject property and shall be in form that can be recorded in the office of the Iron County Recorder.

### **SECTION 3. SECTION 17.20.010, USE DEFINITIONS, IRON COUNTY CODE IS AMENDED BY ESTABLISHING OR AMENDING THE FOLLOWING**

**DEFINITIONS TO READ AND PROVIDE AS FOLLOWS:**

“**Geothermal Power Plant**” means a facility that uses geothermal energy, defined as natural heat, hot water and/or steam from within the Earth, to produce electricity.

**SECTION 4. SEVERABILITY**

Should any portion of this ordinance be found for any reason unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**SECTION 5. EFFECTIVE DATE:**

This Ordinance, Iron County Ordinance No. 2008-6 shall become effective immediately after publication as set forth in Utah Code § 17-53-208.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14<sup>th</sup> day of July, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

Lois L. Bulloch                    aye  
Alma L. Adams                   absent  
Wayne A. Smith                 aye

**PUBLIC HEARING AGRICULTURE PROTECTION AREA :**

Wayne Smith made a motion to open a public hearing to receive comments on a proposed agricultural protection area requested by Bosshardt Farms LC and David and Ginger Bosshardt,. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

David Yardley reported that the request for designation as an APA has been forwarded to the Agricultural Protection Board and to the Planning Commission for their recommendation. Both the Agricultural Protection Board and Planning Commission found that the proposed area qualifies as an APA. Notice has been posted and published in compliance with County and State Codes. No written comments have been received either in favor or in opposition to the creation of the APA.

Chad Nay presented the Commission a map showing the proposed protection areas.

After all public comments were reviewed, the Commission made the following findings:

1. The land is used for agricultural production.
2. The land is currently zoned for agricultural use.
3. The land is currently a viable agricultural operation.
4. The land currently has improvements consistent with current husbandry operations.
5. The operation is operating with current trends in agriculture.

Wayne Smith made a motion to close the public hearing and approve the Agricultural Protection Area as applied for by Bosshardt Farms LC and David and Ginger Bosshardt. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

**RESTAURANT TAX BOARD** :

The Commission met with Maria Twitchell as a Restaurant Tax Board. Member Rusty Aiken was not present. Commissioner Bulloch reported that because of the bids for the air conditioning project being higher than expected and because of leaks in the roof of the fairgrounds exhibit building the County and Parowan City are requesting that funding be transferred from air conditioning to funding Roof repairs. Estimates are being gathered by Parowan City and David Yardley for the County. Wayne Smith made a motion to approve the funding request change. Second by Maria Twitchell. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Maria Twitchell, Aye. Rusty Aiken also had been notified and was in favor of the funding change.

**TRANSIENT ROOM TAX BOARD** :

Maria Twitchell reported that the Cedar City Rotary Club has requested funding the Veterans Park Memorial three phases at \$5,000 per phase. She explained that the Shakespearean Festival has been approved for \$50,000 funding this budget year and they will not be using the funds. Maria also requested approval to use the remainder of the funds to cover a budget shortfall in a vehicle purchase and the remainder in the advertising budget.

Wayne Smith made a motion to approve the budget adjustment as recommended. Second by Maria Twitchell. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Maria Twitchell, Aye.

**REQUEST TO MODIFY MOTOR VEHICLE HOURS OF OPERATION** :

Dennis Ayers requested the Commission consider adjusting office hours for Motor Vehicle offices to conform to the Governor mandated, State of Utah four day work week. He explained that because Iron County would be without State Tax Commission access on Fridays and by other offices throughout the State following the State lead and going to a four day work week, it would be very hard to operate the Motor Vehicle portions of the Assessor's Office.

Because of security concerns at the Cedar Justice Center and the effect the operation hours would be required to change, the Commission tabled action on the matter to allow further study and to find out what other Counties are doing.

**REQUEST TO ESTABLISH A SPECIAL IMPROVEMENT DISTRICT** :

Wade Colby met with the Commission to request the County consider establishing a SID within a minor lot subdivision to include dedication of right of way. The SID would affect four lots located just west of Bulldog Road and 4800 North. The adjacent lot owners have expressed their support of the project.

Wayne Smith made a motion to approve the application and to refer the request to the County Engineer for the necessary estimate of the cost of the project. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

**NOTIFICATION OF CONDITIONAL USE PERMITS** \_\_\_\_\_ :

Chad Nay reported to the Commission that John Brown and Larry Pendleton have each applied to construct a Guest House on their property. The Planning Commission will consider their request at the next Planning Commission meeting. No action was required by the Commission at this time.

**CEDAR BAND PAIUTE TRIBAL LAND ACQUISITION REQUEST** \_\_\_\_\_ :

Mark EchoHawk, attorney for the Cedar Band of Paiutes met with the Commission to review a request the Cedar Band will present to congress to designate an additional amount of BLM land as tribal reservation. The property is located adjacent to existing tribal land near the Kanarrville exit. The land currently has roads established and the tribe intends to continue with public use of roads.

The Cedar Band of Paiutes requested County support of their efforts to secure additional land for the tribe.

**PRAIRIE DOG MATTERS** \_\_\_\_\_ :

Wayne Smith made a motion to approve five non permanent take prairie dogs for Mike Heap and Lloyd LeFevre. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

**FAMILY DAY PROCLAMATION** \_\_\_\_\_ :

Wayne Smith made a motion to approve a family day proclamation as follows:

**IRON COUNTY, UTAH  
PROCLAMATION  
2008 FAMILY DAY**

**WHEREAS** the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

**WHEREAS** surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

**WHEREAS** teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

**WHEREAS** teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes;

**WHEREAS** the correlation between family dinners and reduced risk for teen substance abuse are well documented;

**WHEREAS** parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

**WHEREAS** family dinners have long constituted a substantial pillar of family life in America:

Now, therefore, the Iron County Commission, does hereby proclaim the fourth Monday in September as

***Family Day – A Day to Eat Dinner With Your Children***

and urge all citizens of Iron County to recognize and participate in its observance.

**ADOPTED** this 14<sup>th</sup> Day of July, 2008.

/s/ Lois L. Bulloch  
Lois L. Bulloch, Chairman

/s/ Wayne A. Smith  
Wayne A. Smith, Commissioner

Absent  
Alma L. Adams, Commissioner

**IT DEPARTMENT MATTERS** :

Erik Jorgensen met with the Commission and announced that he is planing on resigning as the IT Department Supervision as soon as a replacement can be located. He explained that an opportunity has come which will allow him to do consulting work in the private sector, which he feels would be an advantageous career choice. The Commission accepted his resignation and wished him well in his future endeavors.

**APPROVE CHANGE ORDER ON SENIOR CENTER** :

David Yardley reported on a requested change order to allow for installation of underground utilities to the new Senior Center in Parowan. The Commission had given verbal approval to allow work to proceed. Wayne Smith made a formal motion to approve the change order as requested. Second by Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye.

**MOTORIZED TRAILS COMMENT APPROVAL** :

Art Tait met with the Commission to request approval of a formal comment to the Dixie National Forest regarding the proposed motorized travel plan for the forest. The Commission again requested that the Forest adopt Option E as the best alternative. Wayne Smith made a motion to approve the comments with the request to adopt Option E. Second by Lois Bulloch. Voting: Lois Bulloch, 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 Lois Bulloch. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Absent.

\_\_\_\_\_  
Signed: Lois L. Bulloch, Chair

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

**IRON COUNTY COMMISSION MEETING  
July 28, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 28, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|   |    |
|---|----|
| APPROVAL OF MINUTES July 14, 2008 .....                 | 2  |
| APPROVAL OF MINUTES July 7, 2008 .....                  | 2  |
| APPROVAL OF MINUTES June 23, 2008 .....                 | 1  |
| APPROVAL OF MINUTES June 30, 2008 .....                 | 1  |
| APPROVAL OF WARRANTS & ADJOURN .....                    | 15 |
| BID RESULTS FOR SURPLUS VEHICLES AND EQUIPMENT .....    | 14 |
| ELECTED OFFICIALS REPORTS .....                         | 2  |
| MILEAGE REIMBURSEMENT RATE INCREASE 58.5 ¢ / MILE ..... | 15 |
| MODIFY MOTOR VEHICLE HOURS OF OPERATION .....           | 14 |
| NOTIFICATION OF CONDITIONAL USE PERMIT .....            | 8  |
| PERSONNEL MATTERS .....                                 | 13 |
| PLEDGE OF ALLEGIANCE .....                              | 1  |
| PRAIRIE DOG TAKE REALLOCATION .....                     | 8  |
| PREDATOR CONTROL CONTRACT AMENDMENT APPROVAL .....      | 15 |
| PUBLIC HEARING ORDINANCE 2008-7 .....                   | 9  |
| PUBLIC HEARING ORDINANCE 2008-8 .....                   | 3  |
| VACATE LOT 12 MOUNTAIN VALLEY SUBDIVISION .....         | 3  |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Jared Wilson.

**APPROVAL OF MINUTES June 23, 2008** :

Minutes of the Iron County Commission meeting held June 23, 2008 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES June 30, 2008** :

Minutes of the Iron County Commission meeting held June 30, 2008 were approved as

amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES July 7, 2008** :

Minutes of the Iron County Commission meeting held July 7, 2008 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES July 14, 2008** :

Minutes of the Iron County Commission meeting held July 14, 2008 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Mark Gower** reported that the Sheriff's Office has noticed an increase in DUI arrests in the County. He attributed the increase to the summer months when people are involved with outdoor activities.

**Dennis Ayers** reported that two employees have resigned from the Assessor's Office. Advertisement of the vacant positions will begin as quickly as possible.

Dennis also reported that an advisory letter has been received from the State Tax Commission stating that valuations of commercial properties have been valued too low for 2008. If this class of property is out of compliance next year, a factoring order will be issued.

**Patsy Cutler** reported on issues discussed at the Recorder's Summer Workshop. Concerns with the State changing to a four day work week and the effect upon other government offices was discussed. Sanpete and Juab counties have decided to change their office hours and work a four day week also. Other counties are considering such a move.

**Gene Adams** reported that tax disclosure notices have been sent to the printer for mailing. The notice of tax increase for the Municipal Special Service Area # 2 was printed in the Spectrum today. It is expected to generate many inquiries regarding the tax. A public hearing will be held August 11 at 6:00 p.m. in compliance with State law.

**Margaret Miller** reported that the Justice Court is having a roller file system installed which will result in several file cabinets being surplus.

**Scott Garrett** reported that Cedar City is preparing a bond election to be associated with the general election in November for construction of a recreation center in Cedar City. The County can commit TRT funds through an interlocal agreement to help fund construction costs.

Scott reported that in reviewing County and State code regarding construction projects by School Districts that he cannot find where they would be exempt from obtaining an encroachment permit to place utilities within road rights of way.

**Alma Adams** reported that a bronze plaque located at the Fairgrounds honoring Byron Thornton for donating the property to Parowan and Iron County for construction of the fairgrounds has been stolen.

**Lois Bulloch** discussed availability of space to house a County Administrator either in

the Courthouse or at the Justice Center. A decision will be made at a later time as needs and availability of space is evaluated.

**VACATE LOT 12 MOUNTAIN VALLEY SUBDIVISION :**

Chad Nay explained a request from owner, Dirk Van Amen to vacate lot 12 within Mountain Valley Subdivision and divide the resulting parcel into two lots. The recommendation from Planning & Zoning is to approve the proposed vacate of lot 12 and to allow the split. The resulting lots will each be approximately 5 acres which corresponds with the adjacent lots in the subdivision.

Alma Adams made a motion to approve the proposed vacate and lot split as recommended by the Planning Commission. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye. An Ordinance is to be drafted for approval to be recorded in the Recorder's office with the legal descriptions of the two new parcels.

**PUBLIC HEARING ORDINANCE 2008-8 :**

Wayne Smith made a motion to open a public hearing to receive comments regarding amendments to Iron County Code / Zoning Ordinance. Amending Title 17, Establishing Definitions and Regulations for Solar Power Plant Facilities. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Reed Erickson reviewed the proposed ordinance which is patterned after the wind energy and geothermal energy ordinances recently passed by the Commission. The ordinance outlines procedures and considerations for required provisional use permits and definitions specific to solar power generation. The Planning Commission has reviewed the proposed ordinance and have recommended approval by the Commission.

After reviewing the proposed ordinance and receiving all public comments, Wayne Smith made a motion to close the public hearing and to adopt Ordinance 2008-8. Second by Alma Adams.

**IRON COUNTY ORDINANCE NO. 2008-8**

**SOLAR POWER PLANTS**

**AN ORDINANCE OF IRON COUNTY, UTAH, AMENDING PORTIONS OF IRON COUNTY CODE TITLE 17, CHAPTERS 17.16 & 17.20; ESTABLISHING IRON COUNTY CODE CHAPTER 17.33; ESTABLISHING DEFINITIONS AND REGULATIONS FOR SOLAR POWER PLANTS.**

**WHEREAS**, Iron County finds that solar energy is an abundant, renewable and non-polluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that may result from the use of conventional energy sources;

**WHEREAS**, Electricity generated by a solar power plant can enhance the reliability and power quality of the power grid by providing baseload power and help diversify the area's energy supply portfolio;

**WHEREAS**, It is the policy of the state of Utah to encourage the development of small power production and co-generation facilities, to promote a diverse array of economical and permanently sustainable energy resources in an environmentally acceptable manner, and to conserve our finite and expensive energy resources and provide for their most efficient and economic utilization. §54-12-1, Utah Code annotated;

**WHEREAS**, the State of Utah has provided for Renewable Energy System Tax Credits (§5 9-7-614) and the Iron County Commission desires to remove unnecessary barriers to energy transactions involving independent energy producers and electrical corporations as encouraged by the State of Utah;

**WHEREAS**, Iron County has determined that it can develop the County’s solar power resources while preserving farmlands and agricultural enterprises and adjoining residential and commercial developments as compatible adjoining uses, and that the public health, safety, and general welfare will be protected and promoted by this ordinance;

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning 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 Solar Power Plant amendment to the Zoning 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 Solar Power Plant Ordinance for the purpose of receiving public comment regarding the content of the ordinance.

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

**SECTION 1. SECTION 17.16.030, TABLE OF USES, IRON COUNTY CODE IS AMENDED BY ESTABLISHING OR AMENDING THE FOLLOWING USES TO READ AND PROVIDE AS FOLLOWS:**

Use Table

| USES              | ZONE DISTRICTS |     |     |     |       |   |    |   |    |
|-------------------|----------------|-----|-----|-----|-------|---|----|---|----|
|                   | A-20           | R-5 | R-2 | R-1 | R-1/2 | C | LI | I | IA |
| Solar Power Plant | C              | X   | X   | X   | X     | X | X  | C | C  |

**SECTION 2. TITLE 17, CHAPTER 17.33, IRON COUNTY CODE IS ENACTED, AMENDED, ADDED, OR ALTERED TO READ AS FOLLOWS:**

**CHAPTER 17.33 Solar Power Plants**

Sections:

- 17.33.010 Purpose
- 17.33.020 Definitions

- 17.33.030 Regulations and Design Standards, Solar Power Plants
- 17.33.040 Provisions for Conditional Use Permit Review
- 17.33.050 Submission of Application

**17.33.010 Purpose:**

The purpose of this Chapter (17.33) is to establish minimum requirements and regulations for the placement, construction and modification of solar power plants, as defined herein, while promoting the safe, effective and efficient use of such energy systems.

**17.33.020 Definitions:**

- A. ‘Concentrating Solar Thermal Devices’ are systems that use lenses or mirrors and tracking systems to focus a large area of sunlight into a small beam. The concentrated light is then used as a heat source for a conventional power plant. Although a wide range of concentrating technologies exist, the most developed are the solar trough, parabolic dish and solar power tower.
- B. ‘Photovoltaics’, or PV for short, is a technology that converts light directly into electricity.
- C. ‘Solar Power Plant’ means a utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity.

**17.33.030 Regulations and Design Standards - Solar Power Plant**

A solar power plant shall comply with the regulations and design standards set forth below.

- A. Permitted Locations. A solar power plant is permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance.
- B. Minimum Lot Size. No solar power plant shall be erected on any lot less than twenty acres in size.
- C. Total Height. The total height of the tallest structure shall be established through the Conditional Use Permit process.
- D. Setbacks.
  - a. Property lines. Any facility of a solar power plant shall be set back from the nearest property line, public road right-of-way and tanks containing combustible/flammable liquids not less than 1.5 times the total height of its tallest structure.
  - b. Inhabitable or Public Structures/Other Uses. No solar power plant shall be located within ½ mile (one-half of a mile) of the nearest inhabitable structure (residence), platted subdivision, or public building or gathering place (park, church, hospital, library, school, playground, etc.).
- E. Safety / Access.
  - a. An appropriate security fence (height and material to be established through the Conditional Use Permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked.
  - b. Appropriate warning signage shall be placed on towers, electrical equipment and solar power plant entrances.
- F. Noise. No solar power plant shall exceed 65 dBA as measured at the property Line or 50 dBA as measured at the nearest neighboring inhabitable building.

- G. Visual Appearance.
  - a. Solar power plants shall be finished and maintained as manufactured.
  - b. The design of any buildings or related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
  - c. Appropriate landscaping shall be provided to minimize the visual impact of the commercial solar power plant and accessory structures from roads and adjacent residences.
  
- H. Fire Protection. All solar power plants shall have a defensible space for fire protection in accordance with the Iron County Wildland-Urban Interface Code.
  
- I. Local, State and Federal Permits. A solar power plant shall be required to obtain all necessary permits from the Utah Department of Environmental Quality, including the Utah Division of Air Quality and the Utah Division of Water Quality, applicable permits required by Iron County, and applicable Federal permits.
  
- J. Electrical Interconnections. All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements.

**17.33.040 Provisions for Conditional Use Permit Review.**

Following the provisions of Chapter 17.28, Iron County Code, additional or more thorough consideration shall be given to the following:

- A. Project Rationale (time frame, project life, development phases, likely markets for the generated energy, and possible future expansions).
  
- B. Siting Considerations (avoid areas/locations with a large potential for biological conflict such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat; avoid visual corridors that are essential view sheds or scenic areas designated by the County after analyzing the applicant's solar power plant and considering public hearing comments; avoid areas of erodible slopes and soils, where concerns for water quality and high storm runoff potential have been identified, and known sensitive historical, cultural or archeological resources and public safety concerns mentioned herein can best be avoided).
  
- C. Site and Development Plans (drawn to scale; locating all structures existing and proposed, setbacks, access, project boundary, existing structures outside project boundary within ½ mile of project boundary, existing utilities / pipelines / transmission lines, proposed utility lines / structures, existing topography; map of proposed drainage / grading and natural vegetation removal plan; map of wind characteristics and dominant wind direction; map of floodplains or wetlands, and other items identified by county staff or planning commission).
  
- D. Economic Analysis (economic cost/benefit analysis describing generated property taxes, sales taxes, other taxes, construction dollars spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on roads and other County infrastructure in the area).
  
- E. Visual impacts, appearance and scenic view sheds (Visual simulations providing vantage points considering a 360 degree view of the project site).
  
- F. Wildlife habitat areas and migration patterns (including endangered or threatened species, on the site and in a biologically significant area surrounding the site).

- G. Environmental Analysis in the absence of required State or Federal Agency review (impact analysis on historic, cultural and archaeological resources, soil erosion, flora in the project area, water quality and water supply in the area, dust from project activities, and cumulative impacts of other adjacent power plant projects).
- H. Solid waste or hazardous waste generated by the project.
- I. Lighting and FAA height restrictions, including airport overlay proximity (air traffic safety)
- J. Transportation Plan for Construction and Operation Phases (showing proposed project service road ingress and egress access onto the State or County road system, layout of the solar power plant service road system and degree of upgrade plan to new and existing roads, anticipated volume and route for traffic including oversized and heavy equipment needed for construction, maintenance and repairs, methodology of repairs and maintenance of roads and bridges used for the project, and related public pedestrian and vehicular access and associated fencing).
- K. Public Safety (potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created).
- L. Noise limitations (noise levels at the property line of the project boundary).
- M. Telecommunications interference (electromagnetic fields and communications interference generated by the project).
- N. Life of the project and final reclamation (describing the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final reclamation of the solar power plant project).
- O. Others, as applicable

### **17.33.050 Submission of Application**

Permit Applications. Application for a solar power plant shall include the following information.

- A. Site plan to scale showing the location of the proposed solar power plant and the locations of all existing buildings, structures and property lines along with distances, including a drawing depicting the area.
- B. Elevations of the site to scale showing the height, design and configuration of the solar power plant and the height and distance to all existing structures, buildings, electric lines and property lines.
- C. Standard drawings and engineering analysis of the solar power plant feasibility.
- D. Specific information on the type, size, rated power output, performance, safety and noise characteristics of the system including the name and address of the manufacturer, model.
- E. Emergency and normal shutdown procedures.
- F. A conditional use permit application with response to provisions specified in Section 17.33.040 (A-O) herein.

**SECTION 3. SECTION 17.20.010, USE DEFINITIONS, IRON COUNTY CODE IS AMENDED BY ESTABLISHING OR AMENDING THE FOLLOWING DEFINITIONS TO READ AND PROVIDE AS FOLLOWS:**

“Solar Power Plant” means a utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, with the primary purpose of wholesale or retail sales of generated electricity.

**SECTION 4. SEVERABILITY**

Should any portion of this ordinance be found for any reason unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**EFFECTIVE DATE:** This Ordinance, Iron County Ordinance No. 2008-8 shall become effective immediately after publication as set forth in Utah Code § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 28<sup>th</sup> day of July, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

|                 |                    |
|-----------------|--------------------|
| Alma L. Adams   | <u>    Aye    </u> |
| Lois L. Bulloch | <u>    Aye    </u> |
| Wayne A. Smith  | <u>    Aye    </u> |

**NOTIFICATION OF CONDITIONAL USE PERMIT :**

Chad Nay reported on a request for a Conditional Use Permit by UNEV Pipeline, LLC for a tank farm and loading facility at Iron Springs. UNEV has purchased the Loves facility and will include this in their tank farm facility. A concern with adequate fire suppression at the facility was noted and will be addressed in the Planning Commission. No action was required of the Commission at this time.

**PRAIRIE DOG TAKE REALLOCATION :**

Blaine Cox presented an updated list of prairie dog take requests. A total of 29.9 take is still available in 2008. The Commission approved the following take requests:

Nichols Landing Phase 2 & 3, Brandon Schank                      10 dogs.

The Fields Lot 39, Chris McGahn 5.5 dogs.  
Equestrian Point, Todd Wilde 3 dogs  
Phil Schmidt, 9 HCP dogs and 1 SITLA dog for total 10 dogs.

Wayne Smith made a motion to approve the take allocation as outlined above. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PUBLIC HEARING ORDINANCE 2008-7 :**

Alma Adams made a motion to open a public hearing to receive comments on a proposed ordinance amending the Iron County Code / Subdivision Ordinance. Amending Title 16, Establishing Regulations for a Maximum Density Subdivision Option. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Reed Erickson explained the effect on future subdivisions by approving this ordinance. It allows for development in a more orderly way, designating open space and allowing for smaller building lots. It clarifies and redefines issues raised in the cluster subdivision ordinance. The proposed ordinance has been reviewed by the Planning Commission and they have recommended approval with the outlined changes.

After all public comments were received, Alma Adams made a motion to close the public hearing and to adopt Ordinance 2008-7 as recommended by the Planning Commission and Zoning Staff. Second by Wayne Smith.

**IRON COUNTY, UTAH ORDINANCE 2008-7**

**MAXIMUM DENSITY SUBDIVISION OPTION**

**AN ORDINANCE OF IRON COUNTY, UTAH, AMENDING PORTIONS OF TITLE 16, BY ADDING IRON COUNTY CODE CHAPTER 16.26; ESTABLISHING REGULATIONS FOR A MAXIMUM DENSITY SUBDIVISION OPTION; AMENDMENT TO IRON COUNTY CODE SECTION 16.24.030, CLUSTER SUBDIVISIONS; REPEAL OF IRON COUNTY CODE SECTION 17.40.010; 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 and development patterns of Iron County; and

**WHEREAS**, the County has also determined that changes are required in the density options of residential developments and availability of certain land uses for development occurring in certain portions of the County; 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 Maximum Density 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 a public hearing on the proposed Maximum Density Subdivision option 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 COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH AS FOLLOWS:**

**Section 1. Maximum Density Subdivision Option**

1. The document “Maximum Density Subdivision Option - Ordinance Amendment of Iron County, Utah” attached hereto is hereby adopted, with necessary formatting, grammatical and spelling revisions as required.
2. All ordinances adopted subsequent to the Maximum Density 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.
3. Should any portion of this ordinance be found for any reason unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**Section 2. Amendment to Cluster Subdivision Option.**

Section 16.24.030 “General Requirements” is hereby amended to read as follows:

Section 16.24.030 General Requirements.

A. The number of subdivision lots allowed in a cluster subdivision shall be the same as the number permitted by the lot area requirements of the zoning district, or districts, in which the cluster subdivision is located. Land used for schools, churches, and other nonresidential buildings and uses shall not be included in the area for determining the number of allowable lots.

**Section 3. Repeal of Supplementary requirements for residential facilities for the elderly and residential facilities for persons with disabilities.**

Section 17.40.010 “Supplementary requirements for residential facilities for the elderly and residential facilities for persons with disabilities” is hereby repealed in its entirety, and has been replaced with the previous amendment of Chapter 17.56, Iron County Code.

**EFFECTIVE DATE:** This Ordinance, Iron County Ordinance No. 2008-7 shall become effective immediately after publication as set forth in Utah Code § 17-53-208.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 28<sup>th</sup> day of July, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

|                 |       |            |
|-----------------|-------|------------|
| Alma L. Adams   | _____ | <u>Aye</u> |
| Lois L. Bulloch | _____ | <u>Aye</u> |
| Wayne A. Smith  | _____ | <u>Aye</u> |

**Chapter 16.26 MAXIMUM DENSITY SUBDIVISION OPTION**

**Sections:**

- 16.26.010 Purpose and Intent**
- 16.26.020 Use Regulations**
- 16.26.030 General Requirements**
- 16.26.040 Development Standards**
- 16.26.050 Open Space Provisions**
- 16.26.060 Submission of Application**
- 16.26.070 County Commission Approval**

**16.26.010 Purpose and Intent.**

The Maximum Density 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 farm and ranch areas and open space. To this end, the proposed maximum density subdivision should be planned as a unified development rather than an aggregation of individual unrelated buildings located on separate unrelated lots. The intent is to allow the entire property to be divided into the number of lots permitted through the zoning of the property and configured without the minimum or maximum lot area requirements normally required in the zoning district. 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.

**16.26.020 Use Regulations.**

The maximum density subdivision option may be allowed in the A-20, R-5, R-2, and R-1 zoning districts, at the discretion of the County Commission, following the receipt of a Planning Commission recommendation. An application for a maximum density subdivision shall be considered concurrently with a preliminary subdivision application or minor subdivision application. All use requirements of the zoning district in which the maximum density subdivision is located shall apply.

**16.26.030 General Requirements.**

- (1) The number of subdivision lots allowed in a maximum density subdivision shall be the same as the number permitted by the lot area requirements of the zoning district, or districts, in which the maximum density subdivision is located. No remaining farm land and/or open space is required as in the cluster subdivision option. Land used for schools, churches, and other nonresidential buildings and uses shall not be included in the area for determining the number of allowable lots.
- (2) The development shall be in a single or corporate ownership or the subdivision application filed jointly by the owners of the property.
- (3) The property adjacent to the maximum density 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 maximum density subdivision area.

**16.26.040 Development Standards.**

- (1) Minimum Lot Area - The minimum lot area for dwellings may be reduced below the area normally required by the zoning district regulations in which the maximum density subdivision is located, as recommended by the Planning Commission, and as approved by the County Commission. The proposed lot size must be sufficient to meet the requirements of the South West Utah Health Department and the Utah Department of Environmental Quality for the provision of culinary water and sanitary sewer services, as applicable. Subdivisions shall not have lots smaller than five acres unless connected to unless the applicant can sufficiently demonstrate that lots smaller than five (5) acres and associated small wastewater treatment systems on less than five acres will not be detrimental to the public health, safety and/or welfare, including specifically, but not limited to, groundwater quality, groundwater hydrology, and soils stability.
- (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 zoning district in which the maximum density subdivision is located, as recommended by the Planning Commission, and as approved by the County Commission. However, no required side yard shall be less than ten (10) feet, no required front or rear yard shall be less than thirty (30) feet, and no corner side yard shall be less than thirty (30) feet. Any variation from the normally required setbacks for the zone shall be specified on the preliminary plat, and the recorded final plat, or record of survey as recorded in the office of the Iron County Recorder.

- (3) Use and Height Regulations - Use and height regulations shall be the same as for the zoning district in which the maximum density subdivision is located.
- (4) Building Envelope - An appropriately sized building envelope shall be designated for each lot where residential structures may be built, leaving the remainder of the lot free of structures.
- (5) Subdivision Improvements - The Iron County Design and Construction Standards shall be required for each zone, as designated, unless there are any lots in the subdivision that are smaller than the normal minimum required lot area of the zoning district in which the subdivision is located. In such case, the Planning Commission shall recommend, and the County Commission shall approve the appropriate (more stringent) required level of on-site and off-site subdivision improvements based on the number of lots and the lot sizes in the subdivision, as well as subdivision location, current and future land use designations of adjacent properties, and all other relevant considerations.

In Tier IV, a maximum density subdivision with any lots sized smaller than 20 acres each shall be regulated by the Design and Construction Standards required in the R-5 zoning district. The minimum lot size in A-20, Tier IV, is five acres.

- (6) The proposed maximum density subdivision shall comply with the application and approval requirements for preliminary subdivision applications, final subdivision applications and minor subdivision applications, as applicable.

**16.26.050 Farm Use and Open Space Provision.**

All areas on each lot outside the designated building envelope are to be designated and preserved for undeveloped farm use and/or open space areas and shall be designated as such on the preliminary plat, and the final plat, or record of survey, and specify that the maintenance and improvement responsibility shall belong to the owner of that lot. The proposed building/structure envelope and resulting preserved undeveloped open space and/or farm land shall be reviewed and recommended by the Planning Commission, and approved by the Board of County Commissioners.

**16.26.060 Submission of Application.**

An application for a maximum density subdivision shall be submitted to the County in accordance with this Ordinance and shall be accompanied by a preliminary subdivision plat application or minor subdivision application, as applicable, and as required herein.

**16.26.070 County Commission Approval.**

A preliminary and final plat or record of survey of the maximum density subdivision showing the lot configuration and building envelope areas and resulting undeveloped areas reserved for farm uses and/or open space, 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.

**PERSONNEL MATTERS :**

David Yardley presented for approval Jane Shaffer as Emergency/Parks Management Assistant and Mike Worthen as Natural Resource Management Specialist. Wayne Smith made a motion to approve the new hires. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

David also presented the name of Devin Lauritzen for a promotion from EMT-Basic to EMT-Intermediate. Wayne Smith made a motion to approve the promotion as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Donald Scholten was approved as a volunteer driver for the meals on wheels program at the Cedar City Senior Center on a motion by Wayne Smith. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

A wage increase for Matthew Wirth and Adam Kavulanas as Prairie Dog Technician, prairie dog technicians for the Coal Creek project only was approved on a motion by Wayne Smith. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

The Commission discussed the State decision to move to a four day work week. It was determined that in order to better serve the public Iron County offices would continue to be open Monday through Friday. Wayne Smith made a motion to amend the personnel policy to allow offices to implement four ten hour shifts per week upon approval of the Commission and if services will not be cut. The motion also authorized the Sheriff's Department to continue on a trial basis four ten hour days for clerical staff. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Mark Gower and Charles Triplett met with the Commission to request an allowance to amend the personnel policy to allow up to 160 hours of comp time accrual. Mr. Triplett explained that employees in the National Guard or Army Reserve are required to take vacation time, comp time, or leave without pay for annual training. The Commission explained that benefits continue to accrue during annual training and that employees are paid by the military during their training. The request to change the policy was denied at this time. Further clarification will be reviewed with the Human Resource Director.

**BID RESULTS FOR SURPLUS VEHICLES AND EQUIPMENT :**

Bids for surplus vehicles were reviewed as advertised. Alma Adams made a motion to accept the high bid for all vehicles and equipment except the Ford Mustang and 10 wheel dump truck. These two vehicles are to be advertised in other areas in an attempt to get a reasonable bid. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**MODIFY MOTOR VEHICLE HOURS OF OPERATION :**

Dennis Ayers, Iron County Assessor, met with the Commission to request approval of moving the Cedar City office of Motor Vehicles to four ten hour days to conform with the State policy. He explained that support for motor vehicle registrations would not be available on

Fridays and that with problems and questions it would be very unproductive to keep the office open. The Parowan office will remain open with the current employees doing other work in the office on Fridays. Office hours at the Cedar Justice Center would be extended and would be from 7:00 a.m. to 6:00 p.m.

The Commission discussed security concerns at the Justice Center whereupon Alma Adams made a motion to approve four ten hour shifts at the Cedar City Assessor's Office with office hours from 7:00 a.m. to 6:00 p.m. Monday through Thursday. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PREDATOR CONTROL CONTRACT AMENDMENT APPROVAL :**

Wayne Smith made a motion to approve an amendment to the predator control contract between Iron County and the State of Utah for an additional year. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**MILEAGE REIMBURSEMENT RATE INCREASE 58.5 ¢ / MILE :**

David Yardley reported that the IRS has set the mileage reimbursement rate at 58.5 ¢ per mile effective July 1, 2008. Since the Commission previously agreed to use the IRS mileage rate, no action was needed at this time.

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

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:00 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**August 11, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 11, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

**SYNOPSIS** :

|  |   |
|--|---|
| 2007 AUDIT REPORT .....  | 7 |
| APPROVAL OF ALCOHOL USAGE FORM FOR COUNTY PARKS .....                | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                                 | 7 |
| CLOSED SESSION .....   | 6 |
| DIVISION OF WILDLIFE RESOURCES .....                                 | 6 |
| ELECTED OFFICIALS REPORTS .....                                      | 1 |
| GREENBELT ROLLBACKS ON COUNTY PROPERTY .....                         | 5 |
| IRON COUNTY RESTAURANT TAX BOARD .....                               | 5 |
| MINOR LOT SUBDIVISION REQUEST .....                                  | 6 |
| PERSONNEL MATTERS .....  | 6 |
| PLEDGE OF ALLEGIANCE .....   | 1 |
| PUBLIC HEARING BUDGET AMENDMENT .....                                | 4 |
| PUBLIC HEARING ORDINANCE 2008-9 .....                                | 2 |
| PUBLIC HEARING PROPOSED TAX INCREASE MUNICIPAL SPECIAL SERVICE D ... | 7 |
| UPDRIP MOU AGREEMENT APPROVAL AND SIGNING .....                      | 7 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Alma Adams.

**ELECTED OFFICIALS REPORTS** :

**Michael Edwards** discussed potential litigation through UAC regarding the State Tax Commission's decision to redistribute sales tax revenue from Counties to Cities. It is UAC's position that if an error occurs, the error is to be corrected and future distributions made in the correct way, there is not a provision to retroactively distribute funds.

**Lois Bulloch** reported on meetings held in Richfield for Commissioners in which methods to deal with public officials not performing their job duties was discussed. She had several handouts which she will pass along to Human Resources to file.

**Alma Adams** reported that he met with parties involved in a road dispute in the Modena area. Robert Holt is accused of creating too much dust in connection with a hay cubing operation at one of his farms. The Wood family pressured a four way stop on the rural road which was done without a traffic study. The County Engineer was asked to perform a traffic study to determine what kind of signage is warranted at the intersection.

**APPROVAL OF ALCOHOL USAGE FORM FOR COUNTY PARKS :**

Charlie Morris, Iron County Parks Department, presented a proposed agreement for alcohol use in County parks. Issuance of a permit does not allow for sale of alcohol at the parks. The permit will be issued through the Parks Department.

Alma Adams made a motion to approve the form as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PUBLIC HEARING ORDINANCE 2008-9 :**

Wayne Smith made a motion to open a public hearing to receive comments on proposed ordinance 2008-9 amending the original plat of Ski View Estates Unit B Subdivision. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

David Yardley explained that an ordinance must be adopted and approved with appropriate legal descriptions to be filed in the Recorder's Office to show a portion of a subdivision being vacated. No other public comments were received.

Wayne Smith made a motion to close the public hearing and to adopt Ordinance 2008-9 as presented. Second by Alma Adams.

**IRON COUNTY  
ORDINANCE 2008-9**

**AN ORDINANCE OF IRON COUNTY AMENDING THE ORIGINAL PLAT OF  
SKI VIEW ESTATES UNIT B SUBDIVISION FILED NOVEMBER 13, 1972.**

**WHEREAS**, this matter came before the Board of County Commissioners of Iron County, Utah upon written application to amend Lots 1 and 2, Block B, Ski View Estates Unit B Subdivision which was filed on November 13, 1972 as entry number 165709 of the Official Records of the Iron County Recorder; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah is authorized by Utah Code Annotated 1953 as amended §17-27a-608 to vacate, alter, or amend a plat, any portion of a plat, or any street or lot; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, upon notice and hearing, having duly considered the application and determined there is good cause proposed for the amendment and that neither the public nor any person will be materially injured by the amendment of Lots 1 and 2, Block B, Ski View Estates Unit B Subdivision ;

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

**SECTION 1.**

1. Lots 1 and 2, Block B, of the original plat of Ski View Estates Unit B Subdivision filed on November 13, 1972 as entry number 165709 of the Official Records of the Iron County Recorder are hereby vacated, and

2. The parcel created shall be described as follows:

BEGINNING AT THE SW CORNER OF LOT 1, SKI VIEW ESTATES SUBDIVISION, UNIT B; RUNNING THENCE N02°59'10"E 81.15 FEET TO THE SW CORNER OF LOT 2, SAID SUBDIVISION; THENCE N03°41'53"E 114.62 FEET TO THE NW CORNER LOT 2, SAID SUBDIVISION; THENCE S84°00'36"E 240.53 FEET TO THE NE CORNER LOT 2, SAID SUBDIVISION AND A POINT ON A NON-TANGENT CURVE TO THE LEFT, SOUTHWESTERLY; CURVE DATA: DELTA=38°44'49", RADIUS=210.96', CHORD BEARING =S23°35'02"W 139.96', THENCE ALONG THE ARC OF SAID CURVE AND THE EASTERLY LINE OF LOTS 1 AND 2, SAID SUBDIVISION, A DISTANCE OF 142.66 FEET TO THE PT; THENCE S04°12'38"W ALONG THE EAST LINE OF LOT 1, SAID SUBDIVISION, 59.53 FEET TO THE SE CORNER OF LOT 1, SAID SUBDIVISION; THENCE N84°48'10"W 191.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.91 ACRES.

as amended by Iron County Ordinance 2008-10 as adopted on the 11<sup>th</sup> day of August 2008 and recorded in the official records of the Iron County Recorder.

## **SECTION 2. SEVERABILITY**

Should any portion of this ordinance be found for any reason unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

## **SECTION 3. EFFECTIVE DATE:**

This Ordinance, Iron County Ordinance No. 2008-9 shall become effective following notice and publication as set forth in Utah Code § 17-53-208.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 11<sup>th</sup> day of August, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

By: \_\_\_\_\_  
Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

Lois L. Bulloch          Aye      
Alma L. Adams            Aye      
Wayne A. Smith          Aye    

**PUBLIC HEARING BUDGET AMENDMENT :**

Alma Adams made a motion to open a public hearing to receive comments on proposed budget amendments to compensate for new growth income not anticipated in 2007. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Gene Adams explained the proposed amendments were the result of a \$260,000 additional revenue to the general fund from new growth. He further explained additional expenditures which have been approved in Commission meetings but have not been amended in the current budgets. Gene answered questions about expenditures and cost over runs due to overtime and increases in fuel prices. He stated that all of these will be considered at the end of the year when total budgets for departments are reviewed.

Alma Adams made a motion to close the hearing and to adopt Resolution 2008-4 as recommended. Second by Wayne Smith.

**RESOLUTION 2008-4**

**A RESOLUTION OF THE IRON COUNTY COMMISSION APPROVING AN AMENDMENT TO THE 2008 IRON COUNTY BUDGET**

**WHEREAS**, Iron County is experiencing changes from growth in new construction and home building; and

**WHEREAS**, said new growth may generate additional tax revenue that was not included in tax revenue calculations; and

**WHEREAS**, this new growth revenue affects the Certified Tax Rate; now therefore

**BE IT RESOLVED** that the 2008 budget of Iron County hereby amended the following funds by the amount indicated:

|                    | 2008 Approved<br>Budget | Proposed<br>Amendment | Increase/Decrease |
|--------------------|-------------------------|-----------------------|-------------------|
| General Fund       | 3,352,000               | 3,509,428             | 157,428           |
| Multi County A & C | 465,000                 | 463,582               | -1,418            |
| County A&C         | 1,050,000               | 1,149,376             | 99,376            |
| <b>Sub Total</b>   | <b>4,867,000</b>        | <b>5,122,386</b>      | <b>255,386</b>    |

|                           |                  |                  |                |
|---------------------------|------------------|------------------|----------------|
| Library                   | 185,000          | 195,394          | 10,394         |
| Public Health             | 190,000          | 203,056          | 13,056         |
|                           | <hr/>            | <hr/>            | <hr/>          |
| <b>Property Tax Total</b> | <b>5,242,000</b> | <b>5,521,286</b> | <b>278,836</b> |

**BY ORDER OF** the Board of Iron County Commissioners this 11<sup>th</sup> day of August, 2008.

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Signed: Lois L. Bulloch, Chair

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

Voting:

|                 |     |
|-----------------|-----|
| Lois L. Bulloch | Aye |
| Wayne A. Smith  | Aye |
| Alma L. Adams   | Aye |

**GREENBELT ROLLBACKS ON COUNTY PROPERTY :**

Geri Norwood, Iron County Treasurer and Dennis Ayers, Iron County Assessor, met with the Commission to get clarification on the procedure for applying roll back taxes to properties donated to the County for road rights of way. Dennis explained that the law is clear that such roll back shall be applied before title can transfer. Currently there are two accounts with roll back due.

The matter was referred to the County Attorney to look at current policy and to recommend a solution to avoid problems in the future.

**IRON COUNTY RESTAURANT TAX BOARD :**

The Commission met as a Restaurant Tax Board along with Rusty Aiken and Maria Twitchell to consider a request from Enoch City for funding a recreation center.

Celesta Lyman, Enoch City Council member met with the Restaurant Tax Board to request funds for a recreation center to be located east of Old Highway 91 and Midvalley Road. The plan is to develop playing fields for soccer, baseball, skate park and walking trails.

Maria Twitchell explained that there are no uncommitted funds in the restaurant tax fund at this time. The Board requested that Enoch make a formal request during budget hearings scheduled for October and November for funding in 2009.

Rusty Aiken reported that the concession stand and restroom facility at the Diamond Z outdoor arena was about \$50,000 short in funding. Cedar City stepped up and provided the funding to complete the project.

**DIVISION OF WILDLIFE RESOURCES** \_\_\_\_\_ :

Doug Messerly, DWR District Manager, met with the Commission to present a check for 2008 payment in lieu of taxes (PILT) payment. This year DWR paid \$2,505.00 for property managed by the Division within Iron County.

The Commission discussed the operation of the Dalley Farm which has not received any maintenance or improvements for several years. Mr. Messerly explained that the motor on the pump was replaced this summer. It is anticipated that a grass mixture will be planted on a portion of the farm later this year. The Commission questioned the seed mixture being used in light of crop failures every time the seed mix has been used.

**MINOR LOT SUBDIVISION REQUEST** \_\_\_\_\_ :

Noel A. DeGaetan and Elfriede Dalley met with the Commission to request a new tax ID number for a parcel located near the Summit exit on the south side of I-15. Mrs. Dalley explained that when I-15 was built it split the parcel making the south parcel a separate piece from the remainder of the farm located on the Northwest side of the freeway. They have an opportunity to sell this isolated piece but would not like to go through the subdivision process since the parcel is already split.

Chad Nay explained that in the eyes of the law, the parcel is still one piece and therefore is subject to current subdivision codes. He also explained that there is a problem with subdividing the parcel because of access to a public road.

The Commission made some suggestions including combining to an adjacent property owner which would clear up access and allow the parcel to be added to a different established tax ID number. The matter was referred to Chad Nay to determine if a solution to the problem could be found.

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

Colette Eppley presented for approval James Mills as a volunteer driver for the Cedar City Senior Citizen Center and David Richardson as a full time culinary worker at the Jail. Alma Adams made a motion to approve the new employee and volunteer as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Colette also requested approval of a grade change for non POST certified culinary workers at the Jail from Grade 11 to Grade 9. She explained that this would reduce the salary in this position about \$2.00 per hour. Alma Adams made a motion to approve the grade change as recommended. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**CLOSED SESSION** \_\_\_\_\_ :

Wayne Smith made a motion to convene in closed 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 Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

After reconvening in open session the Commission reported that no action was needed for matters discussed in closed session.

**2007 AUDIT REPORT** :

Hafen Bruckner Everett & Graff, PC, met with the Commission to report on the independent audit for 2007. He explained the audit and reported that no errors or problems were noted. There is a management letter attached that the Auditor will supply answers whereupon the report will be submitted to the State Auditor for posting in compliance with Utah Code.

Wayne Smith made a motion to accept the draft audit report as presented and to approve the final report when prepared. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**UPDRIP MOU AGREEMENT APPROVAL AND SIGNING** :

Alma Adams presented a proposed agreement for approval. Wayne Smith made a motion to approve the agreement and authorize the Commission Chair to sign. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, 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. To reconvene at 6:00 p.m. for the public hearing regarding the tax rate increase for Iron County Municipal Service District # 2 on a motion by Wayne Smith. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**PUBLIC HEARING PROPOSED TAX INCREASE MUNICIPAL SPECIAL SERVICE DISTRICT # 2**

Upon reconvening at 6:00 p.m. the Commission opted to move the public hearing from the Courthouse to the Fairgrounds exhibit building to accommodate the crowd. Wayne Smith made a motion to open a public hearing to receive comments about a proposed tax increase on the unincorporated portion of Iron County to fund municipal type services provided. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Lois Bulloch explained the purpose of the proposed tax and explained that funding of municipal type services including law enforcement, fire, roads etc. provided outside municipal boundaries cannot be funded from General Fund taxes under Utah Code. Because of dwindling resources and increases in costs to provide services.

Reed Erickson gave a power point presentation explaining the tax purpose and services provided by the tax.

Public comments included the following:

Maggie Hailey, a resident of Midvalley Estates, stated that the tax was too much for the

level of service provided. She asked if a fire house would be built in their neighborhood.

Gilbert Almquist questioned why a handout was not available with information on the proposed tax. He also stated that no municipal type services were available or provided at his residence near Brian Head.

Sue Gross questioned why the fund shift from other sources and the general fund. She asked if general fund taxes were being reduced. The Commission explained that taxes in the general fund are not being reduced and the only option is to cut services or increase the municipal tax as proposed.

DeLynn Barton stated that no municipal type services were being provided in Fife Farms. He also questioned the way properties are assessed on primary residential and non primary land.

Rick Wark stated that he is opposed to the tax because of the level of service he receives.

Bob Anderson, Checkshanie Cliffs, stated that he felt no municipal type services were being received in their area.

Howard Powell stated that as a property owner in the Brian Head area and has a concern with property valuation established by the Assessor. Property values have dropped significantly this year.

Keith Norland requested that the Commission put the tax increase on the ballot for a vote in November.

Kurt Arsnauld questioned what additional services would be provided by funds received in the tax increase.

Craig Morley, Ski View Estates, stated that services were not available in their subdivision near Brian Head. He questioned if taxes are increasing, why are SID's required to bring roads to County standards.

John Peckwell, Modena, stated that Modena is fast becoming a ghost town and no services are provided.

Bob Beacham stated his concern with Sheriff's Deputies using County vehicles paid for and fueled with County funds being used for private use during off duty hours. He also questioned Sheriff's Deputies patrolling on I-15.

Jim Curry stated he is on a fixed income and questioned why an impact fee is not being charged to developers and new residences for the increased cost of services.

Ryan Bundy suggested that the County reduce taxes and reduce the level of service provided in the unincorporated areas.

Evan Turner questioned why assessed values have increased when property values are going down. He also suggested cutting services and taxes. He questioned what specific budget requests were reduced. The Commission explained that all budget requests from Departments were reduced. This action was taken at budget time during November and December 2007.

Lilley Leavitt stated that property values are going down which should be reflected in taxes being reduced.

Zeno Perry commented that he felt no municipal type services were being provided by the County.

Ren Zaphiropoulos complained about the organization of the hearing and the efficiency of County government. He felt services should be reduced to avoid a tax increase.

Kathy Scholten read a letter submitted in written comments opposing the tax increase which requested the general fund tax be reduced to compensate for the increase in the municipal service fund.

Steve Cantonwine commented that the Sheriff is charged under State Code to provide law enforcement in the County especially unincorporated areas. He suggested fees for services provided would be more equitable way to fund services.

Ray Stokes, Escalante Valley resident, commented on costs of building permits in Iron County compared to other jurisdictions, i.e. Las Vegas and Clark County.

David Stanley stated he felt the tax was imposed without representation which would violate the constitution. As a secondary residence homeowner in the Brian Head area, they are not allowed to vote for County officers.

Craig Spitler commented that he felt no municipal type services are being provided. He cited concerns with road repairs within the Sky View subdivision in Cedar Valley.

Gary Bulloch stated that his opinion was that services were not being increased to the level of the tax dollars collected.

Dwayne Alger stated that people need to stop demanding increased service and become more self reliant. He also expressed concern with the County expending funds to support the Three Peaks recreation area for rock crawlers which contribute nothing to the upkeep or maintenance of the park.

Sheldon Barney expressed frustration with the tax increase. He requested the Commission listen to the voice of the people in attendance and cut services and the proposed tax.

John Upton complained about the level of County services to his property located near the rest area on Buckhorn Flat. He also discussed the maintenance and chip sealing of a portion of the frontage road leading to his property.

Jim Scholten, Parowan Valley, also commented that he felt services were not provided for the amount of tax proposed.

A J Reeves, County Paramedic, explained concern with level of ambulance services being provided to rural areas compared to Cedar City.

Mitchell Gitz questioned why the Commission is proposing hiring a County Administrator when they are also proposing a tax increase.

Wallace Smith, a rancher with a permit on Modena bench stated that he felt no additional services were required and opposed a tax to pay for the current level of services provided.

Steve Jewett stated he owns three vacant parcels near Paragonah and he questioned why they are being taxed for municipal type services.

Ernest Van Zile questioned the need for a tax increase. He also suggested the County adopt a tax system similar to California where taxes are based on the value of property at the time of sale or improvement.

Dennis Ohms questioned the level of municipal services provided to rural areas. Mr.

Ohms resides on Midvalley Road.

Randy Carter, Enoch resident, questioned valuation of homes as assessed citing the level of homes in foreclosure. He felt values were too high on properties.

Sam Cravetts, Kanarraville, requested that the method used in establishing property value be addressed to provide a more accurate market value.

Jerry Jensen, Midvalley Estates, complained about the level of service provided for the amount of tax increase.

Illegible McGregor, a resident of Allard Ranch Subdivision, voiced concern with the establishment procedure for the service district. He stated that notice should have been mailed to all property owners in the County. He also stated that impact fees for service should be established so that new residents are paying for the services provided.

Butch Cramer stated he was concerned with the assessed valuations on homes and the level of municipal type services provided.

Veronica Van Buren asked that the Commission consider the wages of County residents before a tax is imposed. She also complained about the level of service provided.

Robert Bolton Meadows Ranch, complained about the level of services provided within the subdivision. He stated that Meadows Ranch East has a SID and their roads are chip sealed. In Meadows Ranch, no such service is provided.

John D. Wright, expressed concern with property valuation. He also asked that the County consider a tax based on value at the time of purchase or improvement similar to California.

After all public comments were heard, the Commission adjourned the hearing at 8:45 p.m.

**IRON COUNTY COMMISSION MEETING  
August 25, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 25, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|  |   |
|--|---|
| ADOPT MUNICIPAL SERVICES TAX RATE .....                          | 3 |
| APPROVAL OF MINUTES August 11, 2008 .....                        | 1 |
| APPROVAL OF MINUTES July 28, 2008 .....                          | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                             | 4 |
| AUTHORIZE PAYMENT OF ROLLBACK TAX .....                          | 4 |
| CLOSED MEETING .....   | 3 |
| DIXIE NATIONAL FOREST OIL & GAS LEASING EIS .....                | 2 |
| ELECTED OFFICIALS REPORTS .....                                  | 2 |
| FIDDLER'S CANYON ROOF REPAIR AND AIR CONDITIONER AGREEMENT ..... | 4 |
| NATURAL RESOURCE PLANNING PRIORITIZATION .....                   | 4 |
| PAROWAN GAP ARCHEOLOGICAL PROJECT .....                          | 2 |
| PERSONNEL MATTERS .....  | 3 |
| PLEDGE OF ALLEGIANCE .....                                       | 1 |
| PRAIRIE DOG MATTERS .....  | 4 |
| SENIOR CITIZENS CENTER CHANGE ORDER NO. 4 .....                  | 4 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Charlie Morris.

**APPROVAL OF MINUTES July 28, 2008** :

Minutes of the Iron County Commission meeting held July 28, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES August 11, 2008** :

Minutes of the Iron County Commission meeting held August 11, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

## **ELECTED OFFICIALS REPORTS** :

Those present observed a moment of silence in honor of ten individuals from Cedar City and surrounding areas who were killed in an airplane accident near Moab. Dr. Ellsworth and his staff had completed a clinic in Moab and were returning to Cedar City when the plane went down and all aboard were killed.

**Michael Edwards** presented training on Notice of Claim requirements for any claim against the County. He explained that Utah Code provides that all claims must comply with UCA 63-30d-401 et.al. By following this policy, lawsuits against the county can be reduced and it allows for better defense options for the County and our insurance carrier.

**Margaret Miller** reported that the lateral file system has been installed at the Justice Court. Staff is in the process of coding and placing files in the new system.

**Jared Wilson** reported that the Tyler software conference is scheduled to begin tomorrow in Park City. There will be people attending from each County Department using Tyler software.

**Dennis Ayers** reported that the Assessor's Office will be reappraising commercial properties within the County this year. The State Tax Commission has determined that the County has under valued Commercial this year and they have issued a letter advising the County to bring appraisals into compliance.

**Patsy Cutler** reported that book repairs have been completed in the Recorder's Office. She stated that the work is excellent and should preserve the records for many years to come.

**Mark Gower** reported on marijuana growing operations that have been located and eradicated in Iron County. They appear to be part of a larger operation which included Washington and Garfield Counties.

**Alan Wade** reported that the new shop building at the Landfill is nearing completion. Framing is completed and metal is being installed on the roof and walls.

## **PAROWAN GAP ARCHEOLOGICAL PROJECT** :

Garth Norman, representing ARCON INC discussed archeological work at the Parowan Gap. He explained that the petroglyphs have been dated to about 5000 years old. It is a premier sacred site for native American tribes and is one of the most important sites in North America.

Mr. Norman requested help from the County in communicating with UDOT to get phase II of the project back on track. He explained his frustration with UDOT in completing Phase I due to changes in personnel and other issues. The Commission referred Mr. Norman to the County Attorney's Office.

## **DIXIE NATIONAL FOREST OIL & GAS LEASING EIS** :

Kenton Call, US Forest Service, presented the Commission a briefing guide on a draft environmental impact statement outlining alternatives for oil and gas leasing on the Dixie National Forest. Five alternatives have been identified with alternative C which would open up 93% of the Dixie to oil and gas leasing Restrictive stipulations would be placed on lands that are identified in the forest plan to have special values for a variety of visual, river, recreation, wildlife, watershed, soil, vegetation and cultural resources. The draft EIS will be released in October 2008 and there will be a 60 day comment period and open houses to accommodate public comments.

**ADOPT MUNICIPAL SERVICES TAX RATE :**

The Commission recalled the issue of the Unincorporated Municipal Service Tax Rate for action. Commissioner Bulloch again explained that it is unfortunate that the truth in taxation hearings are held in August when in fact, the budget was approved in December. At that time public hearings were advertised and held after which budgets were adopted.

Wayne Smith made a motion to adopt the Municipal Service Tax Rate as proposed after a thorough study and due diligence in budgeting tax funds to cover expenses to the County to provide law enforcement, fire protection service, roads, etc. to the unincorporated portions of the County in compliance with requirements set forth in Utah Code and to fund the level of service currently provided in the unincorporated area. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval Russell Burt as a new hire in the Road Department as a Mechanic to replace Kenneth Davis. Wayne Smith made a motion to approve Mr. Burt as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also requested approval of Vicki Nielsen as a part time receptionist in the Human Resource Department. Alma Adams made a motion to approve Ms. Nielsen as requested. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented for approval Reed Erickson as County Administrator. Wayne Smith made a motion to approve. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette reported that the position of IT Director has been posted and applications close today. One person has applied and he is the recommended replacement for Erik Jorgensen. Wayne Smith made a motion to approve the promotion of Jared Wilson to IT Director. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette presented volunteers for approval in the Council on Aging at the Cedar City Center. Merrillyn Nay as a Meals on Wheels worker and William Jueschke as a Meals on Wheels Driver. Alma Adams made a motion to approve the volunteers as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented promotions within the Ambulance Department of Julie Woods, Stephanie Orton, and Bruce Niedrauer from EMT Basic to EMT Intermediate. Alma Adams made a motion to approve the promotions as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**CLOSED MEETING :**

Alma Adams made a motion to convene in closed session to discuss personnel matters in accordance with Utah Code 52-4-205 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**NATURAL RESOURCE PLANNING PRIORITIZATION :**

Mike Worthen, Iron County Natural Resource Department, met with the Commission to request direction on priorities to pursue as Natural Resource Officer. The Commission gave Mr. Worthen information regarding Dixie National Forest Draft EIS on oil and gas leasing. Mr. Worthen was asked to review this as quickly as possible as the comment period will begin in October.

Other projects to consider included: CRMP, prairie dog issues, timber management, grazing, and mining.

**PRAIRIE DOG MATTERS** :

The Commission discussed progress on planning for finalizing a draft HCP for prairie dogs. A meeting has been scheduled for September 4 in Provo to meet with all players in the process.

**AUTHORIZE PAYMENT OF ROLLBACK TAX** :

The matter of people donating road rights of way to the County which, if the property is in green belt, then generates a roll back tax which is forwarded to the property owner was again discussed. The Commission requested that the Assessor, Treasurer, Engineer and Attorney meet at a Commission meeting to discuss options in dealing with this problem. Outstanding roll back charges will be discussed at that time.

**SENIOR CITIZENS CENTER CHANGE ORDER NO. 4** :

Alma Adams made a motion to approve change order # 4 for an increase of \$6,200 to the contract as recommended by the Architect and authorize the Commission Chair to sign. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**FIDDLER'S CANYON ROOF REPAIR AND AIR CONDITIONER AGREEMENT** :

David Yardley presented a proposed contract between Iron County and Honeywell to replace aging air conditioners and to repair the roof on the Fiddlers building. Michael Edwards requested clarification by Honeywell of two items. One was a requirement to insure equipment during shipment to the site and the second was to correct some minor spelling errors.

Wayne Smith made a motion to approve the contract provided changes were made to the satisfaction of the County Attorney. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, 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 was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley

County Clerk

**IRON COUNTY COMMISSION MEETING**  
**September 8, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 8, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

**SYNOPSIS** :

|   |   |
|---|---|
| APPROVAL OF MINUTES August 25, 2008 .....                       | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                            | 4 |
| CAPITAL IMPROVEMENT PROJECT UPDATES .....                       | 4 |
| CLOSED SESSION .....  | 4 |
| ELECTED OFFICIALS REPORTS .....                                 | 1 |
| PERSONNEL MATTERS .....   | 3 |
| PLEDGE OF ALLEGIANCE .....                                      | 1 |
| REQUEST FOR SUPPORT OF BOND ISSUE .....                         | 2 |
| UDOT PROPOSED CLOSURE OF HIGHWAY 143 DURING WINTER SEASON ..... | 4 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Alma Adams.

**APPROVAL OF MINUTES August 25, 2008** :

Minutes of the Iron County Commission meeting held August 25, 2008 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reported that he met with Enoch City Water where the Enoch City group discussed their wells, distribution system upgrades and commercial hookups. He also discussed concerns being voiced about the type of water rights being transferred. The concern is that people are transferring secondary rights as primary rights. The secondary rights do not provide the same level of access to water.

**Scott Garrett** reported that a new contract for operation of the Children's Justice Center has been submitted. It is to be placed on the next agenda for Commission approval.

**Alma Adams** reported on a request by Rocky Mountain Power which asked for the County help in securing a rate increase approval from the Public Service Commission. The Commission determined that at this time it is not appropriate for the County Commission to be involved in this process.

Alma also discussed a proposed solar energy farm near Beryl. There is a request to lease more than 2,000 acres from SITLA to construct a solar farm. The Commission took no action on this matter.

**Lois Bulloch** discussed the UAC tax redistribution case which has been put on hold to allow negotiations on the problem. The State Tax Commission has arbitrarily decided to correct their error and make their action retroactive. This will result in major income losses to Counties. The Counties are not opposed to correcting the error but should not allow to be retroactive.

The Commission also requested a letter of thanks be written to Joyce Evans as Fair Chair to thank her for her work on the Fair.

**Wayne Smith** reported on the prairie dog working group meeting. The group will meet again on September 17 to continue work on a draft recovery plan that will cover the entire prairie dog range.

Wayne also discussed a concern with comic books distributed by the bookmobile that some parents have found offensive for the nudity, blood and gore displayed. Lois will discuss the matter at the next Bookmobile Library Board meeting.

**REQUEST FOR SUPPORT OF BOND ISSUE** \_\_\_\_\_ :

Ron Chandler, Cedar City Manager, explained to the Commission two proposals which have been authorized to be placed on the November ballot. Proposal # 1 authorizes up to 9.3 million in bonds to construct an aquatic center and a multi activity center. Proposal # 2 authorizes up to seven million to construct an aquatic center only. Each proposal must stand on its own and must receive more than 50% of the votes cast in order to pass. Because of confusion on the two options, the City is encouraging citizens to vote yes on both proposals.

Mr. Chandler requested the County adopt a resolution in support of the bond proposals. Berra macGregor commented that the way the bond issues are worded, it is confusing to voters which will influence people to vote no on the proposals.

Alma Adams made a motion to adopt a proposed resolution as follows:

**RESOLUTION NO 2008-5**

**A RESOLUTION BY THE IRON COUNTY COMMISSION ENDORSING CEDAR CITY'S PLANS TO BUILD A COMMUNITY ACTIVITY AND AQUATIC CENTER AND ENCOURAGING CEDAR CITY RESIDENTS TO VOTE YES ON PROPOSITIONS 1 AND 2 ON THE NOVEMBER 4, 2008 BOND ELECTION**

**WHEREAS** the residents of Iron County have benefitted from the Cedar City public pool; and,

**WHEREAS** the Cedar City public pool is owned by the Southern Utah University and leased by Cedar City and the Iron County School District; and,

**WHEREAS** the lease expires in 2010 and SUU plans to tear down the pool; and,

**WHEREAS** the Cedar City Council proposes to replace the existing pool with a Community Activity Center that will consist of an Aquatic Center and Multi-Activity Center; and,

**WHEREAS** the Community Activity Center will benefit all Iron County residents; and,

**WHEREAS** Cedar City has paid \$989,000 for 42 acres of property that will become a recreational complex consisting of a beach, ballfields and the Community Activity Center; and,

**WHEREAS** Iron County has pledged \$1,250,000 and the Iron County School District has pledged \$1,000,000 for the construction of the Community Activity Center; and,

**WHEREAS** Cedar City proposes to finance the remaining cost of the Community Activity Center through a general obligation bond; and,

**WHEREAS** the Cedar City Council voted on July 23, 2008 to place two propositions on the November 4, 2008 ballot; and,

**WHEREAS** Proposition 1 is for the construction of an Aquatic Center and Multi-Activity Center; and,

**WHEREAS** Proposition 2 is for the construction of the Aquatic Center only. Now therefore;

**BE IT RESOLVED** by the Iron County Commission that we support Cedar City's efforts to build a Community Activity Center.

**BE IT FURTHER RESOLVED** that the Iron County Commission encourages Cedar City Residents to vote YES on Propositions 1 & 2 on the November 4, 2008 bond election.

**PASSED AND APPROVED** this 8<sup>th</sup> day of September, 2008 by the Iron County Commission.

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Lois Bulloch, Commission Chair

**ATTEST:**

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David I Yardley, Iron County Clerk

Voting:

|                 |     |
|-----------------|-----|
| Lois L. Bulloch | Aye |
| Alma L. Adams   | Aye |
| Wayne A. Smith  | Aye |

**PERSONNEL MATTERS** :

Colette Eppley presented the following new employees for approval: Corbin Allred, EMT Basic; Aubrey McDonough, EMT Basic; Amber Dalton, EMT Basic; Barry Marshall, EMT Basic; Sterling Brown, EMT Basic; and Chelsea Goddard, EMT Intermediate. Alma Adams made a motion to approve the EMT's as presented in an on call status. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented for approval, Larry Blanchette as a volunteer cook at the Cedar City Senior Citizen Center. Mr. Blanchette will be reimbursed through the Easter Seals

Foundation. Wayne Smith made a motion to approve Larry Blanchette as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

#### Promotions

Reed Erickson met with the Commission to discuss vacation and sick leave accrual as the County Administrator. He requested that accrual rate be commensurate with his years of service in Iron County as County Planner. He has 8 ½ years of service with Five County AOG. Current balances of sick and vacation will not be transferred.

The item was discussed and the Commission requested that Colette draft a policy providing that an Executive position may receive a benefit package which could include credit for tenure with another Government agency.

#### **CLOSED SESSION** :

Alma Adams made a motion to convene in closed 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: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

After reconvening in open session the Commission reported that no action was needed on items discussed in closed session.

#### **CAPITAL IMPROVEMENT PROJECT UPDATES** :

The Commission reviewed a draft of proposed capital improvement projects for a one year and five year plan. The Commission added a planning grant for a Courthouse upgrade of electrical and fire suppression; a new public safety office building to house UHP, Dispatch, and AP&P; and upgrades to the Fair exhibit building to add a new roof and air conditioning.

#### **UDOT PROPOSED CLOSURE OF HIGHWAY 143 DURING WINTER SEASON** :

The Commission received information that UDOT has decided to close SR 143 between Brian Head and Panguitch Lake during the winter months. The Commission requested that a letter in opposition be drafted citing the use by out of state visitors and workers accessing Brian Head during the peak ski season. This will cause a major economic impact on the Brian Head area.

#### **APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 12:00 Noon on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**September 22, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 22, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| Scott F. Garrett | County Attorney  |
| David I. Yardley | County Clerk     |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|  |      |
|--|------|
| APPLICATION FOR PROPERTY TAX EXEMPTION STATUS .....        | 4    |
| APPROVAL OF MINUTES September 8, 2008 .....                | 1    |
| APPROVAL OF WARRANTS & ADJOURN .....                       | 6    |
| CHILDREN’S JUSTICE CENTER CONTRACT APPROVAL .....          | 5    |
| CLOSED SESSION .....                                       | 5    |
| COUNTY CREDIT CARD .....                                   | 5    |
| ELECTED OFFICIALS REPORTS .....                            | 1    |
| FUNDING FOR JAIL POLICY AND PROCEDURES MANUAL .....        | 4    |
| HEARING OFFICER, NUISANCE & ZONING VIOLATION APPEALS ..... | 3    |
| MINOR LOT SUBDIVISION APPROVAL .....                       | 3    |
| PERSONNEL MATTERS .....                                    | 4    |
| PLEDGE OF ALLEGIANCE .....                                 | 1    |
| REQUEST TO REMOVE FROM AGRICULTURE PROTECTION AREA .....   | 2, 4 |
| ROLL BACK TAX DISCUSSION .....                             | 3    |

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES September 8, 2008** :

Minutes of the Iron County Commission meeting held September 8, 2008 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reported that the Central Iron County Water Conservancy District has agreed to provide water to Angus Water Company and to Eagle Valley Ranches. These two water systems were failing and in need of major infrastructure upgrades.

**Mark Gower** reported on large marijuana growing areas discovered in Iron County and Washington County. This was a large very sophisticated growing operation yielding more than seven tons of marijuana with a street value of more than three million dollars.

**Dennis Ayers** reported that the Auditor's office has received more than 1,600 appeals to the Board of Equalization. This is double the number of appeals filed in 2007 and reflects the downturn in the housing and land markets. The Assessor's office is reviewing each of these files in preparation of the BOE hearings. Dennis reported that property values have declined about 2% per month since January.

**Jared Wilson** reported that applications have been received for the GIS position which is currently vacant. A replacement should be selected for approval by the next meeting.

**Gene Adams** reported that expenditure reports are being e mailed to Department Supervisors. This is an effort to get the reports out on a timely basis and to reduce paperwork in the Auditor's office.

**Geri Norwood** reported that the Treasurer's office is advertising for two temporary employees to help during tax season. Geri also reported on the Tyler Technology conference County employees attended in Park City.

**Alma Adams** discussed prairie dog issues being worked on by the Commission and the Prairie Dog Committee. A meeting of the committee will be scheduled in October.

**Lois Bulloch** reported that she has two scholarships to the Women's Conference sponsored by Senator Hatch's office. The conference will be held in Salt Lake City on October 6.

**David Yardley** reported that preparations for the November General Election are proceeding. Ballot formats have been approved and should be submitted to the printer as soon as final data base edits have been completed. Ballots will be mailed to absentee voters starting October 6.

**REQUEST TO REMOVE FROM AGRICULTURE PROTECTION AREA :**

David Yardley reported that Enterprise Farms LLC has requested removal of an Agricultural Protection Area for portions of Parcel 1: Account Number 197316 Serial Number E-1466-0000-0000. Parcel 2: Account Number 252921 Serial Number E-1487-0002-0002.

Legal Description of Parcel to be Removed:

BEGINNING AT THE SOUTH ¼ CORNER OF SECTION 27, T36S, R16W, SLB & M AND RUNNING THENCE N 00°01'29" E ALONG THE ¼ SECTION LINE 1328.34 FEET; THENCE S 89°52'13" E ALONG THE 1/16 SECTION LINE 1893.18 FEET; THENCE N 02°47'15" E 329.93 FEET; THENCE S 89°47'41" E 210.30 FEET; THENCE S 02°47'15" W 79.65 FEET; THENCE 223.98 FEET ALONG THE ARC OF A NONTANGENT CURVE TO THE RIGHT (CHORD BEARS S 48°53'01" E 78.45 FEET) THROUGH A CENTRAL ANGLE OF 256°39'27" AND RADIUS OF 50.00 FEET; THENCE 20.07 FEET ALONG THE ARC OF A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 76°39'27" AND RADIUS OF 15.00 FEET;

THENCE S 02°47'15" W 185.88 FEET; THENCE 399.41 FEET ALONG THE ARC OF A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 76°16'57" AND RADIUS OF 300.00 FEET; THENCE S 79°04'12" W 180.28 FEET; THENCE 279.92 FEET ALONG THE ARC OF A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 75°41'18" AND RADIUS OF 211.90 FEET; THENCE S 03°22'54" W 305.59 FEET; THENCE 222.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 21°02'08" AND RADIUS OF 605.42 FEET; THENCE S 21°55'46" W 317.81 FEET TO THE SOUTH LINE OF SECTION 27; THENCE N 89°54'42" W ALONG SAID LINE 1373.11 FEET TO THE POINT OF BEGINNING AND CONTAINS 52.339 ACRES M/L.

Wayne Smith made a motion to approve the withdrawal of the above described parcel as requested. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ROLL BACK TAX DISCUSSION** :

The Commission called for discussion of a situation in which parcels of land have been donated to the County for road improvements. This triggers a roll back tax on the land which in some cases has been sent to the donating property owner. Currently there are four parcels with a total roll back of \$1,900. The parcels have been donated at the request of the County Engineer, Steve Platt. Because Mr. Platt was not in attendance for the discussion, the matter was tabled until the next meeting.

**MINOR LOT SUBDIVISION APPROVAL** :

The Iron County Planning & Zoning Commission forwarded a recommendation to approve a minor lot subdivision known as the Melling Acquisition located at 2350 W 4000 North, within Section 16, Township 35South, Range 11 West, SLB&M. Currently there are two homes on the parcel and the minor lot subdivision would create a third lot, each more than 1 acre in size and in compliance with current zoning standards.

The Planning Commission also recommended approval of a variance of Subdivision requirements in that no associated improvements are required and that a flood water drainage plan be developed for the area. Wayne Smith made a motion to approve the minor lot subdivision as explained and recommended by the Planning Commission. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**HEARING OFFICER, NUISANCE & ZONING VIOLATION APPEALS** :

A request to designate Iron County Justice Court Judges as hearing officers to hear appeals of nuisance violation citations and zoning violation appeals was presented by the County Zoning Administrator, Chad Nay. He explained that the Board of Adjustments must meet as a board and are very uncomfortable handling such appeals as they are not law trained.

Wayne Smith made a motion to approve the appointment of the Iron County Justice Court Judges to act as hearing officers in nuisance violation citation appeals and zoning violation appeals and to authorize a Resolution to be drafted designating the Judges as hearing officers.

Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**FUNDING FOR JAIL POLICY AND PROCEDURES MANUAL :**

Troy Little, Iron County Deputy Attorney, Brad Spencer, Jail Lt. and Sheriff Gower met with the Commission to request approval of funding of updates of the Jail Operation Manual and Standards. The update is expected to cost approximately \$12,000 this year which could be funded by “pay to stay” collections at the jail.

Alma Adams made a motion to proceed with the policy manual updates to be funded as explained. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**REQUEST TO REMOVE FROM AGRICULTURE PROTECTION AREA :**

David Yardley presented a request by UNEV PIPELINE, LLC. to remove the following parcel in the Iron Springs area from designation as an Agricultural Protection Area. The area is proposed to be converted to an industrial use which is in compliance with current zoning in the area. The parcel is described as follows:

Parcel Number: E-0113-0005-0000                      Acres: 27                      Account Number: 491831

Beginning N89°13'45"E. 1277.28 feet along the ¼ section line and N0°00'00" W, 590.49 feet from the west ¼ corner of Section 18, T35S, R12W, SLM, said point being on the northeasterly right of way line of the county road 1740; thence along said right of way N40° 09'44"W, 128.41 feet to a point of nontangent curvature to the right having a radius of 7484.36 feet and a central angle of 2° 31'41" (radius point bears N49°47'32" E); thence along the arc of said curve 330.23 feet; thence N37°40' 38"W, 1189.09 feet; thence departing said county road right of way line N51°52'06"E, 1001.04 feet to a point on the westerly right of way line of the L.A. and S.L. Railroad; thence S14°24'08"E, 762.07 feet to a point on a nontangent curvature to the left having a radius of 653.69 feet and a central angle of 17°13'33" (radius point bears S23°00'55"E); thence along the arc of said curve 196.53 feet; thence S31°37'41"E, 744.52 feet; thence S49°42'08"W, 559.59 feet to the point of beginning. Containing 27 Acres M/L

Alma Adams made a motion to approve removal of the parcel from Agricultural Protection Area as requested by current owners. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPLICATION FOR PROPERTY TAX EXEMPTION STATUS :**

A Request by the Dixie and Anne Leavitt Foundation to place two parcels of property on tax exempt status was presented by Christene Keene. One parcel is adjacent to the Dixie Leavitt Insurance building on 200 West in Cedar City and the second parcel is a parking lot on the corner of 200 S and 300 West in Cedar City. The matter was discussed and action tabled to allow the Foundation to provide additional information.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval new employees, Carolyn Felker as a part time Assessor in Motor Vehicles at the Cedar City office; William Nathaniel Brown as a Prairie Dog



**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 Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**October 13, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 13, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |
| Reed Erickson    | County Administrator   |

**SYNOPSIS** :

|   |   |
|---|---|
| APPROVAL OF MINUTES September 22, 2008 .....              | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                      | 4 |
| BOARD OF EQUALIZATION TAX EXEMPTION REQUEST .....         | 2 |
| BOE HEARING OFFICER RECOMMENDATION APPROVAL .....         | 3 |
| CICWCD UPDATE ON PROJECTS .....                           | 2 |
| DISCUSSION OF UPCOMING HEALTH INSURANCE RENEWALS .....    | 4 |
| ELECTED OFFICIALS REPORTS .....                           | 1 |
| LANDFILL MAINTENANCE BUILDING CHANGE ORDER APPROVAL ..... | 4 |
| PERSONNEL MATTERS .....                                   | 3 |
| PLEDGE OF ALLEGIANCE .....                                | 1 |
| PROCEDURE FOR ABATEMENT OF NUISANCE PROPERTIES .....      | 3 |
| REVIEW & APPROVAL OF TAX ABATEMENTS .....                 | 3 |
| ROLL BACK TAX DISCUSSION .....                            | 2 |

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES September 22, 2008** :

Minutes of the Iron County Commission meeting held September 22, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reported that he attended a CICWCD meeting in which a petition submitted by Carlyle Johnson was addressed. The meeting was well attended by residents in the Comstock area. No action was taken on the request to withdraw from the Water Conservancy District.

**Alma Adams** reported that a meeting to discuss snow plowing on SR 143 is planned for tomorrow at 9:00 a.m. Alma also reported that the law enforcement Fugitive Unit is doing well

in finding and apprehending people with outstanding warrants or are listed as fugitives from justice.

**David Yardley** reported on the progress in preparing for the General Election. Early voting will start on October 21 and continue through October 31. Absentee ballots have been mailed to overseas requests and to all of the by mail precincts. Approximately 1,600 new voter registrations have been received so far this month, mostly from SUU students.

**Lois Bulloch** reported that she attended the dedication of the Korean War Memorial at Memorial Park in Cedar City. It was well attended and a very moving program.

Lois also reported that she attended Senator Hatch's sponsored Women's Conference in Salt Lake City. She was privileged to introduce the keynote speaker at the conference, Scott Burns, former Iron County Attorney.

**CICWCD UPDATE ON PROJECTS** :

Scott Wilson, representing Central Iron County Water Conservancy District, reported that phase II of the distribution system in Cedar Valley is nearing completion. The District is also nearing completion of a plan to upgrade the water distribution system within Sky View Subdivision. This will require a complete installation of the distribution system within this subdivision.

Cedar Valley Acres has also requested consideration of installing a distribution system. This is a large subdivision with few developed lots, most of which are served with a private water system. No action by the District is planned at this time.

Scott also reported on studies to develop a reservoir site on Urie Creek and the development of a capital facility plan. The Commission thanked him for the report and invited him to return on a regular basis.

**ROLL BACK TAX DISCUSSION** :

Michael Edwards, Deputy County Attorney, discussed the issue of roll back taxes on deeded rights of way involving green belt properties. Currently there are four properties in which the right of way was transferred prior to the roll back being paid. In the future, before title passes to the County, the roll back tax is to be paid. A policy will be drafted by the Attorney's Office outlining the procedure.

Wayne Smith made a motion to approve County payment of the following roll back tax assessments for property deeded to Iron County for road rights of way.

|                |                           |          |
|----------------|---------------------------|----------|
| Dale Robinson  | Serial # C-0391-0002-00RD | \$43.67  |
| Orton Property | Serial # D-0534-0003-00RD | \$751.89 |
| Brent Hunter   | Serial # D-0576-0006-00RD | \$651.73 |
| Bulloch        | Serial # D-1093-0009-00RD | \$138.23 |

Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**BOARD OF EQUALIZATION TAX EXEMPTION REQUEST** :

Alan Jones, representing the Dixie & Anne Leavitt Foundation met with the Commission to request approval of two application's for property tax exemption status which were purchased

by the Foundation. The Dixie & Anne Leavitt Foundation is a 501 (c) 3 foundation supporting the Southern Utah Foundation. It meets all of the requirements for tax exemption under current IRS and Utah State Code.

After reviewing the request and purpose of the Dixie & Anne Leavitt Foundation, Wayne Smith made a motion to approve a tax exemption on both parcels as requested. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**BOE HEARING OFFICER RECOMMENDATION APPROVAL** :

Carrie Christiansen presented recommendations of the hearing officer for Board of Equalization adjustments. After explaining the adjustments and reviewing the number of BOE appeals, Alma Adams made a motion to approve the Hearing Officer recommendations as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**REVIEW & APPROVAL OF TAX ABATEMENTS** :

Christene Keene presented for approval, circuit breaker, County, blind, and Veterans exemptions requests for approval. Total exemption adjustment would be \$351,573.43 if approved as recommended.

Wayne Smith made a motion to approve the tax exemption requests as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PROCEDURE FOR ABATEMENT OF NUISANCE PROPERTIES** :

Michael Edwards, Deputy Iron County Attorney, discussed with the Commission a policy about how to proceed with cleanup of properties which have been found to be a nuisance by the Courts and the Courts have ordered to be cleaned up. It was determined that where possible, County equipment and personnel would be used. Chad Nay reported that he has requested up to \$200,000 in the 2009 to pay for such cleanups and that if approved, the projects could be put out for bid by private contractors. This would allow County personnel to continue with their regular work. The Zoning Administrator and the County Attorney's Office were asked to proceed with the most efficient and cost effective method of cleanup. Costs of cleanup will be assessed back to the property owner as part of their property tax.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval new hires Jan Neth as County Administrator Assistant; Bill Nelson as GIS Specialist/Assistant IT Director; Marki Jones as a Deputy Court Clerk; Suzette Bulloch as a Deputy Assessor; and Tena Day as a Part Time Custodian at the Parowan Senior Citizen Center. Alma Adams made a motion to approve the new hires as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette also presented for approval Lawrence Bell as a volunteer driver in the Cedar City Senior Citizen Center and Ronica Sheller as a volunteer kitchen worker and receptionist at the Parowan Senior Center. Alma Adams made a motion to approve the two volunteers as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma

Adams, Aye.

Colette also requested approval of a promotion for Daniel Abbott as lead worker in the Parowan Ambulance Department. Alma Adams made a motion to approve Daniel Abbott as requested. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette presented a proposal for an enhanced benefit for public safety retirement program which would provide the ability to increase an annual COLA for retirees under this system from 2.5% up to 4%. By approving this plan, County contributions to the retirement system would increase to compensate for the difference. After listening to the presentation, Wayne Smith made a motion to table action to allow for consideration during the budget process. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**DISCUSSION OF UPCOMING HEALTH INSURANCE RENEWALS :**

The County Insurance Committee presented the Commission with their findings regarding health insurance coverage for 2009. Select Health, the current provider proposed a 57% increase over current premiums for 2009. This has been negotiated down to 28% but it appears that this is about where current coverage would be.

The Committee is still looking at options however no other company has been able to match the proposed premium. The Insurance Committee recommended that the Commission act as soon as possible so that open enrollment could be completed in time to take effect January 1, 2009.

**LANDFILL MAINTENANCE BUILDING CHANGE ORDER APPROVAL :**

Change Order # 2 and # 3 were approved on the Landfill Maintenance building as recommended by the Engineer, Robert Platt. Wayne Smith made a motion to approve the change orders as presented and authorize the Commission Chair to sign. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:00 p.m. on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**October 27, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m October 27, 2008  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                  |
|------------------|------------------|
| Lois L. Bulloch  | Commission Chair |
| Wayne A. Smith   | Commissioner     |
| Alma L. Adams    | Commissioner     |
| David I. Yardley | County Clerk     |

Also Present:

|                     |                           |
|---------------------|---------------------------|
| H. Eugene Adams     | County Auditor            |
| Dennis W. Ayers     | County Assessor           |
| Mark O. Gower       | County Sheriff            |
| Margaret Miller     | Justice Court Judge       |
| Reed Erickson       | County Administrator      |
| Jared Wilson        | IT Director               |
| Cynthia K. Robinson | Chief Deputy County Clerk |
| Michael Edwards     | Deputy County Attorney    |

**SYNOPSIS** :

|   |   |
|---|---|
| APPROVAL OF MINUTES October 13, 2008                          | 1 |
| APPROVAL OF NATURAL RESOURCE ADVISORY COUNCIL                 | 9 |
| APPROVAL OF WARRANTS & ADJOURN                                | 9 |
| CDBG FIRST PUBLIC HEARING                                     | 5 |
| ELECTED OFFICIALS REPORTS                                     | 2 |
| INCREASE PAY RATE FOR BOARD OF EQUALIZATION HEARING OFFICER   | 4 |
| NOTIFICATION OF CONDITIONAL USE PERMIT                        | 4 |
| PERSONNEL MATTERS   | 4 |
| PLEDGE OF ALLEGIANCE  | 1 |
| PRAIRIE DOG MATTERS   | 8 |
| PRESENTATION OF APPRECIATION PLAQUES                          | 3 |
| PUBLIC HEARING ORDINANCE 2008-10                              | 6 |
| REQUEST TO VACATE NAVAJO TRAILS ROAD & AMEND SUBDIVISION PLAT | 4 |
| RURAL PUBLIC LANDS BUDGET DISCUSSION                          | 8 |
| YOUTH HOME MANAGEMENT DISCUSSION                              | 3 |
| ZONE CHANGE A-20 to R-½                                       | 3 |
| “EVERY 15 MINUTES” PRESENTATION                               | 3 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Margaret Miller.

**APPROVAL OF MINUTES October 13, 2008** :

Minutes of the Iron County Commission meeting held October 13, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

## ELECTED OFFICIALS REPORTS :

**Reed Erickson** reported his assistant , Jan Neth, will begin her job on November 10, 2008. The departmental budget process starts this week. He will be attending the UAC Annual Convention.

**Dennis Ayers** reported that his new employee, Suzette Bulloch, started today. He will not be attending the UAC Annual Convention. He explained that the Assessor's will be displaying a new assessing program but he is pleased with the program currently being used by Iron County.

**Mark Gower** reported that his office has been busy with calls and a current investigation that started over the weekend.

**Gene Adams** reported that he is working on next year's budget and will be meeting with each Elected Official and Department Head. His deputy, Carrie Christiansen, was very busy with BOE's this year. Next year a part-time person may need to be hired to help with the BOE's.

**Jared Wilson** reported that Bill Nelson, the new GIS Specialist, will be starting on November 3, 2008.

**Margaret Miller** reported that her office is very busy. E-Filing has increased and speeds the ticket process up. They are still working on past warrants.

**Cynthia Robinson** reported that the County Clerk, David I. Yardley, has asked to be excused this morning. He is setting up Early Voting in Enoch and Cedar. Early voting at the Iron County Courthouse is in the second week. Many people have already voted. His office has put on nearly 2,000 new registrations in the last month and many more people have moved just within the county. His office set a record on the 20<sup>th</sup> of October, more than 200 people came in his office to register to vote.

**Mike Edwards** reported that he attended a conference with other attorney's and received good training.

**Alma Adams** reported that he will be attending the Secure Rural School Funding Workshop. This winter, UDOT will not close the road over the mountain, Highway 143, from Brian Head to Panguitch. With help from Brian Head and Parowan they will try to keep it open. Parts of the Coal Creek flood area in Cedar Valley have been down graded from flood zone A to flood zone C because of the work that has been done on the flood channels.

Alma also reported that he attended the ICWCD meeting where the possibility of tapping into a new water source, the Navajo Sandstone was discussed. This new potential source has been researched by Blair Maxfield.

**Lois Bulloch** was impressed with the iron mine opening ceremony. The ore will be loaded onto railcars then taken to Long Beach, CA, where the ore will then be loaded onto China-bound barges. Mike Worthen will be attending the uranium field trip associated with the UAC Annual Conference. She attended the Ras Jones Sheep Shearing opening on Friday where she made a speech.

Lois also reported that the Parowan Senior Citizen center dedication was wonderful. It is

nice to be able to honor our senior citizens with such a nice facility.

Lois attended the State Building Tour on Thursday in St. George. She is still interested in the county building a facility for the highway patrol, driver's license, and other state agencies in Iron county and then leasing the space back to them.

**Wayne Smith** commented that the items he had to discuss have already been discussed. He expressed his concern for the budget and our economy as it is at the present time.

**ZONE CHANGE A-20 to R-½ :**

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed zone change. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Chad Nay reported on a request by Fawn's Future LLC to rezone from A-20 to R-½ , property located about 4000 North & Lund Hwy, and within Sec. 17, T35S, R11W, SLM. Fawn's Future LLC is represented by Iron Ridge Civil Solutions, Inc. The recommendation from Planning and Zoning is to approve with some conditions. After discussion regarding a flood channel and commercial space Wayne Smith made a motion to table until an agreement can be formed on a flood structure on Coal Creek. Seconded by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**YOUTH HOME MANAGEMENT DISCUSSION :**

Mark Gower, Iron County Sheriff discussed concerns with the Sheriff Department's involvement in dealing with youth homes. He spoke of the lack of staffing and training of staff in these homes and questioned who is the agency supervising these facilities to determine if they are following regulations. Melanie Hirschi and other concerned individuals also discussed their concerns. The Commission Chair asked that the County Attorney, the Sheriff, and the home owner's meet to review and possibly make suggestions to update the current ordinance.

**PRESENTATION OF APPRECIATION PLAQUES :**

Recipients Garry M. Goodsell and Randy Peck, past members of the Iron County Planning Commission were recognized for their service on the Planning Commission. Randy Peck was present and received his token of appreciation. Garry Goodsell was not able to attend and has asked to be excused. His recognition will be delivered to him later. The Commission expressed their appreciation for the hard work they have done and for all their years of service.

**"EVERY 15 MINUTES" PRESENTATION :**

Aaron Pallesen, School Resource & Public Relations Officer and Parowan High School Students reported on their "every 15 minutes" project recently completed. This project was funded by the County and is designed to help students realize they have a choice in making good positive decisions in their lives regarding drinking and driving. After viewing a video, a few of the students expressed their feelings about their participation in producing the video and the assembly which was held for the student body. Thanks was given to the Commission for their

support. The Commission also thanked those involved for their presentation and the for the positive effect it has been for the students.

**NOTIFICATION OF CONDITIONAL USE PERMIT :**

Chad Nay reported on a Conditional Use Permit for construction and operation of a kennel requested by Richard and Lori Horst, 23 S 1200 W, Kanarrville. This request is a formal notification to the County Commission before it goes before the Planning & Zoning Commission. No concerns were expressed by the County Commission. It was then referred to the Planning & Zoning Commission for further action.

**REQUEST TO VACATE NAVAJO TRAILS ROAD & AMEND SUBDIVISION PLAT :**

Insite Engineering presented a request to amend the subdivision plat of Monte Vista Unit 5 subdivision by vacating Navajo Trails Road. Action on the item was tabled and the matter was forwarded to the Planning Commission for their recommendation in compliance with Utah Code 17-27a-609.5 and 17-27a-208.

The Commission requested that all future road vacate requests should first be brought before the Planning Commission and then brought before the County Commission.

**INCREASE PAY RATE FOR BOARD OF EQUALIZATION HEARING OFFICER:**

Eugene Adams, Auditor presented a request to increase the rate of pay of the Board of Equalization Hearing Officer from \$50.00 per hour to \$60.00 per hour. After discussion, the Commission tabled action to allow comparable information from other Counties using Hearing Officers to be gathered for a comparison.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval new employees, Stephanie Orton, Tena Day, Colleen Adams, Linda Harris, Beverly Landis, Cheryl Mount, and Donnette Vincent, as seasonal employees in the Treasurer's office; Carlos Oridonez as a Council of Aging Driver; and Christopher Doubek as a Custodian at the Cedar City Senior Citizen Center. Wayne Smith made a motion to approve the new employees as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Colette presented for approval the following Ambulance Department Promotions. Christine Dearden and Nicholas Wittwer from EMT-Intermediate to Paramedic. Alma Adams made a motion to approve the promotions as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Collette presented Jared Gardner as a Volunteer for the Newcastle Fire Department. Alma Adams made a motion to approve the volunteer as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

The Commission received a letter from the State, from Michelle Milbank, asking us to participate in getting the word out on the Utah Children Protection Registry. The letter was given to Colette to distribute.

Colette informed the Commission that employees with more than 320 hours of unused vacation time were given a letter from the Payroll Department stating that they will lose any unused vacation hours over 320 hours per County Personnel Policy. All employees that are over the 320 hour limit will be notified annually.

**CDBG FIRST PUBLIC HEARING** \_\_\_\_\_ :

Wayne Smith made a motion to open a public hearing to consider potential projects for which funding may be applied under the CDBG Small Cities Program for Program Year 2009. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

\_\_\_\_\_ Commissioner Lois Bulloch, 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 2009 Community Development Block Grant Program. It was explained that the grant money must 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 \$800,000 plus/minus in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time.

Commissioner Bulloch 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 such as food banks or homeless 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 Bulloch reported that in the past Iron County has received funding through the CDBG program including the following:

1. Iron Co./Beryl area (\$20,000) 1982 fire project
2. Iron Co./Senior Center (\$100,000) 1985 Cedar Senior Citizens Center
3. Iron Co./Summit SSD (\$20,300) 1986 water project
4. Iron Co./Senior Center (\$30,000) 1986 Cedar Senior Citizens Center
5. Iron Co./Iron Parke, Inc. (\$34,650) 1994 ADA modifications
6. Iron Co./County Council on Aging (\$27,661) 1995 Cedar Senior Citizens Center ADA modifications
7. Iron Co./Beryl-New Castle (\$23,332) 1995 Community Center ADA modifications
8. Iron County (\$150,000) 1995 Ambulance Garage - Cedar
9. Iron Co./New Castle (\$71,000) 1998 Fire Station

10. Iron County (\$150,000) 2002 Ambulance Garage – Parowan
11. Iron County (\$240,000) 2004-05 Cedar Senior Citizens Center Expansion
12. Iron County (\$76,441) 2004 Meals on Wheels Delivery Trucks
13. Iron County (\$300,000) 2007-08 Parowan Senior Citizens Center

The County has handed out its capital investment plan as part of the regional “Consolidated Plan”. This list shows which projects the County has identified as being needed in the community.

It was asked that anyone with questions, comments or suggestions during 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.

Mr. Chester Faulkner asked about what qualified as low income designation and if private projects could be funded. Commissioner Bulloch responded to the question by stating that projects must benefit a group of people and that individuals do not qualify. Low income is defined as meeting Federal low income designation.

Mr. Ronald Johnson asked if a remodel and expansion of the Cedar City Ambulance Garage to add additional bays and office space has been included on the Capital Improvement Plan for 2009. Commissioner Adams responded to the question by stating that the expansion project has not been included for 2009 because of budget constraints on matching funds but can be added to the long range plan.

Commissioner Bulloch then asked if there were any other suggestions? Hearing no further questions or comments, the hearing was adjourned at 2:15 p.m.

**PUBLIC HEARING ORDINANCE 2008-10 :**

Alma Adams made a motion to open a public hearing to receive comments on Ordinance 2008-10, an Ordinance of Iron County amending the original plat of Mountain Valley Ranches Subdivision filed May 30 1996. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

David Yardley explained that the Commission considered the proposal to vacate a ten acre lot in Mountain Valley Ranches earlier in the year. A legal description of the meets and bounds parcel created by vacating the lot was not included and has just recently become available. The Ordinance is required to be recorded.

No further comments were presented whereupon Alma Adams made a motion to close the hearing and adopt Ordinance 2008-10 as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**IRON COUNTY**  
**ORDINANCE 2008-10**

**AN ORDINANCE OF IRON COUNTY AMENDING THE ORIGINAL PLAT OF MOUNTAIN VALLEY RANCHES SUBDIVISION FILED MAY 30 1996.**

**WHEREAS**, this matter came before the Board of County Commissioners of Iron County, Utah upon written application to vacate Lot 12, Mountain Valley Ranches Subdivision which was filed on May 30, 1996 in Book 567, Page 285 as entry number 365067 of the Official Records of the Iron County Recorder; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah is authorized by Utah Code Annotated 1953 as amended §17-27a-608 to vacate, alter, or amend a plat, any portion of a plat, or any street or lot; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, upon notice and hearing, having duly considered the application and determined there is good cause proposed for the amendment and that neither the public nor any person will be materially injured by the vacation of Lot 12, Mountain Valley Ranches Subdivision ;

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

**SECTION 1.**

1. Lot 12 of the original plat of Mountain Valley Ranches Subdivision filed on May 30, 1996 in Book 567, Page 285 as entry number 365067 of the Official Records of the Iron County Recorder is hereby vacated, and
2. The parcel created shall be described as follows:

**BEGINNING AT THE NW CORNER OF LOT 13, MOUNTAIN VALLEY RANCHES SUBDIVISION AND RUNNING THENCE S 01°10'41" W ALONG THE WEST LINE OF SAID LOT A DISTANCE OF 695.30 FEET; THENCE DEPARTING SAID LINE N 89°50'37" W 626.46 FEET TO THE EAST R.O.W. LINE OF 2300 WEST STREET; THENCE N 01°07'59" E ALONG SAID LINE 675.63 FEET TO A POINT OF CURVE; THENCE 31.08 FEET ALONG THE ARC OF A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°01'24" AND RADIUS OF 20.00 FEET TO THE SOUTH R.O.W. LINE OF 5875 NORTH STREET; THENCE S 89°50'37' E ALONG SAID LINE 607.34 FEET TO THE POINT OF BEGINNING LOCATED WITHIN SECTION 4, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SLB&M AND CONTAINS 10.000 ACRES.**

as amended by Iron County Ordinance 2008-10 as adopted on the 27<sup>th</sup> day of October 2008 and recorded in the official records of the Iron County Recorder.

**SECTION 2. SEVERABILITY**

Should any portion of this ordinance be found for any reason unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**SECTION 3. EFFECTIVE DATE:**

This Ordinance, Iron County Ordinance No. 2008-10 shall become effective following notice and publication as set forth in 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 October, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH**

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

Lois L. Bulloch, Chair

**ATTEST:**

\_\_\_\_\_

David I. Yardley,  
County Clerk

**VOTING:**

Lois L. Bulloch      Aye \_\_\_\_\_

Alma L. Adams      Aye \_\_\_\_\_

Wayne A. Smith      Aye \_\_\_\_\_

**PRAIRIE DOG MATTERS :**

The Commission discussed billing for services by Randy Johnson who is working on a Public Lands bill that will address Prairie Dog issues. Action was tabled to allow discussion with Mr. Johnson regarding billing procedure.

**RURAL PUBLIC LANDS BUDGET DISCUSSION :**

Participation level in the Rural Public Lands Council was discussed and action tabled to allow discussion with Commissioners from other Counties at the UAC annual convention.

**APPROVAL OF NATURAL RESOURCE ADVISORY COUNCIL :**

Mike Worthen presented a request to appoint a Natural Resource Advisory Council to make recommendations and to assist in County Resource Management Planning.

The Commission approved the following recommendations to appointments; Craig Laub, Agriculture; Jeff Hunter, Timber; Rick Bonzo, Water; Donnie Hunter, Sportsmen; and Brian Cottam, an ex Officio member. Additional ad hoc partners will be added from other agencies.

Wayne Smith made a motion to establish the Natural Resource Advisory Council and to approve the appointments as recommended. Second by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:00 p.m. on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
November 10, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 10, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                      |
|------------------|----------------------|
| Lois L. Bulloch  | Commission Chair     |
| Wayne A. Smith   | Commissioner         |
| Alma L. Adams    | Commissioner         |
| Scott F. Garrett | County Attorney      |
| David I. Yardley | County Clerk         |
| Reed Erickson    | County Administrator |

**SYNOPSIS** :

|   |   |
|---|---|
| APPROVAL OF WARRANTS & ADJOURN                              | 9 |
| BAILIFF CONTRACT FIFTH DISTRICT AND JUVENILE COURTS         | 2 |
| BOARD APPOINTMENT SOUTHWEST UTAH PUBLIC HEALTH              | 6 |
| BOARD OF EQUALIZATION HEARING OFFICER                       | 5 |
| ELECTED OFFICIALS REPORTS                                   | 1 |
| FEMA/HOMELAND SECURITY EMERGENCY MANAGEMENT CERTIFICATES    | 5 |
| IRON COUNTY SCHOOL DISTRICT REQUEST FOR FEE WAIVER          | 6 |
| PERSONNEL MATTERS   | 5 |
| PLEDGE OF ALLEGIANCE  | 1 |
| PRAIRIE DOG MATTERS   | 6 |
| RESOLUTION 2008-6 SRS FUNDING OPTION SELECTION              | 2 |
| RESOLUTION 2008-7 SRS FUNDING DISTRIBUTION                  | 3 |
| RESOLUTION 2008-8 AUTHORIZING UTAH TAX COMMISSION LAWSUIT   | 7 |
| RESOLUTION 2008-9 UCIP APPOINTMENT OF VOTING REPRESENTATIVE | 8 |
| RESTAURANT TAX BOARD  | 5 |
| WESTERN COUNTIES ALLIANCE UPDATE                            | 5 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Lois Bulloch.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reported that the Lake Powell Pipeline final study plan is set to be release in mid January 2009. A CICWCD master plan for water for Cedar City and Enoch is also expected to be completed by late January 2009.

The CICWCD continues to study a possible reservoir site on Urie Creek.

**Reed Erickson** reported that his secretary, Jan Neth will begin work today. Ms. Neth was present and was introduced to the Commission. The Circuit Planner position is being re-advertised for applicants.

**Scott Garrett** reported that the Brian Featherhat murder trial is set to begin later this month. He reported that he is meeting with Dr. Stultz to gather information on the wound suffered by Officer Thomas when Mr. Featherhat shot him point blank with a shotgun.

**Alma Adams** reported that a funding request was received from the local chapter of the Civil Air Patrol for continued funding. They are requesting \$1,000 for 2009. This request was

forwarded to the Auditor.

Alma also reported that SUPAC toured the new RAZER Tech power plant in Beaver County. The plant will use geothermal water to generate electricity which has been contracted to California. A wind farm located North of Milford was also viewed.

Alma reported that SR 143 is in the process of being designated as a scenic byway which should help with maintenance and funding of improvement projects.

**Lois Bulloch** reported that Mike Worthen is scheduled to attend a uranium mine tour in conjunction with the upcoming UAC Conference in Washington County. She also reported that a traffic study of a four way stop in the Escalante valley has been completed. The study shows that the four way stop is not warranted and she also explained that stop signs are not to be used to control speed on rural roads in compliance with the manual of uniform traffic control devices.

**David Yardley** reported that the turnout for the November 4 General election was high. Preliminary turnout shows 68%. This will increase as provisional ballots are processed. There are still over 1,000 provisional ballots to process which is the highest number Iron County has ever dealt with since provisional ballots became a part of the election process.

**BAILIFF CONTRACT FIFTH DISTRICT AND JUVENILE COURTS :**

Scott Garrett presented for approval Bailiff contracts for the Fifth District Court and the Fifth District Juvenile Court. The contracts cover FY 2008-2009. Wayne Smith made a motion to approve the contracts and authorize the Chair to sign. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**RESOLUTION 2008-6 SRS FUNDING OPTION SELECTION :**

Reed Erickson presented for approval Resolution 2008-6 which ratifies the secure rural schools funding option selection. Alma Adams made a motion to adopt Resolution 2008-6 as follows. Second by Wayne Smith.

**RESOLUTION 2008-6**

**A RESOLUTION RATIFYING IRON COUNTY'S SELECTION OF THE SECURE RURAL SCHOOLS FUNDING OPTION AS THE "FULL SAFETY NET PAYMENT"**

**Whereas** the Congress of the United States has seen fit to pass PL 110-343, which provides a four (4) year safety net whereby counties may either receive the traditional annual payment from the Forest Service (and/or BLM) or select four years of payments based on a formula provided in the legislation; and

**Whereas** PL 110-343 specifies that each forest county has an option to select either: (a) remaining on the traditional 25% Forest Reserve Receipts payment system or (b) selecting the full state payment system set forth in Title I of PL 110-343; and

**Whereas** it is understood that counties which select the PL 110-343 full payment (safety net) option are doing so for the full four (4) year life of the bill; and

**Whereas** it is further understood, that those counties who select to remain on the traditional 25% Forest Reserve Receipt system, are obligating themselves for a two year period, and will have the option of changing to the PL 110-343 safety net system after the second year of the bill.

**Be it therefore** resolved that Iron County hereby selects to receive their forest reserve payments as set forth below:

- ✓ Full Safety Net Payment amount as per PL 110-343; and

**Be it further resolved** that this selection was communicated to the Governor of the State of Utah, in care of the following designee on November 4<sup>th</sup>, 2008:

Karen Hardy,  
Administrative Assistant to the State Planning Coordinator, Mike Mower  
State Capitol Complex, 350 N State St., Ste. 150  
Salt Lake City, UT 84114; and

**Be it further resolved** that all jurisdictions receiving Forest Reserve Funds within Iron County receive a copy of this resolution for their official records as soon as it is officially adopted.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 10<sup>th</sup> day of November, 2008.**

IRON COUNTY BOARD OF COUNTY COMMISSIONERS

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Lois L. Bulloch, Chair

**ATTEST:**

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David I. Yardley, County Clerk

**VOTING:**

|                 |                    |
|-----------------|--------------------|
| Lois L. Bulloch | <u>    Aye    </u> |
| Alma L. Adams   | <u>    Aye    </u> |
| Wayne A. Smith  | <u>    Aye    </u> |

**RESOLUTION 2008-7 SRS FUNDING DISTRIBUTION :**

Reed Erickson also presented Resolution 2008-7 ratifying Iron County's selection of the SRS funding distribution selection. The Commission reviewed the resolution and Wayne Smith made a motion to adopt Resolution 2008-7 as presented. Second by Alma Adams.

**RESOLUTION 2008-7**

**A RESOLUTION RATIFYING IRON COUNTY'S SELECTION**

## **OF THE SECURE RURAL SCHOOLS FUNDING DISTRIBUTION**

**Purpose:** Designating 15% to 20% of the Safety Net Full Payment Amount to be Allocated to Local Projects and specifying the percentage of funding to be allocated to Title II and III Projects.

**Whereas** Congress has passed PL 110-343 – Sect. 601(a), Division C which seeks to reconnect local communities with decisions made on their national forests and invest in improving the health of our forests and watersheds; and

**Whereas** PL 110-343 makes provisions for payments to counties for up to four (4) years with either 15% to 20% of these funds being allocated to projects which would enhance the health and safety of US National Forests.

**Be it therefore resolved** that Iron County, which has elected to receive payments under the provisions of PL 110-343, hereby designates **15 %** of its safety net payments to be allocated to Title II or Title III projects under this legislation; and

**Be it further resolved** that Iron County intends to allocate its' designated project funds in the following proportions:

**Title II funds: 100 %**

**Title III funds: 0 %**

Be it further resolved that this selection was communicated to the Governor of the State of Utah, in care of the following designee on November 4<sup>th</sup>, 2008:

Karen Hardy,  
Administrative Assistant to the State Planning Coordinator, Mike Mower  
State Capitol Complex, 350 N State St., Ste. 150  
Salt Lake City, UT 84114; and

**Be it further resolved** that all jurisdictions receiving Forest Reserve Funds within Iron County receive a copy of this resolution for their official records as soon as it is officially adopted.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF IRON COUNTY, UTAH this 10<sup>th</sup> day of November, 2008.**

IRON COUNTY BOARD OF COUNTY COMMISSIONERS

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Lois L. Bulloch, Chair

**ATTEST:**

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

**VOTING:**

Lois L. Bulloch          Aye      
Alma L. Adams            Aye      
Wayne A. Smith          Aye    

**FEMA/HOMELAND SECURITY EMERGENCY MANAGEMENT CERTIFICATES:**

Dean Cox, Lynn Excell and Ron Moser met with the Commission to present an award to Charlie Morris, Emergency Manager and Jane Shaffer, Emergency Management Assistant for Completion of Professional Development Series Course. The Commission also congratulated Charlie and Jane on the completion of the course and thanked them for their service to Iron County.

**BOARD OF EQUALIZATION HEARING OFFICER :**

Gene Adams reported to the Commission on results of inquiries about pay for BOE hearing officers. He found that \$50.00 per hour was in line with what other third class counties are paying. Washington County, a second class county, pays more per hour and hire more officers.

After reviewing the request for an hourly rate increase for 2008, Wayne Smith made a motion to pay the budgeted and approved rate of \$50.00 per hour and to authorize a request for qualifications be advertised for 2009. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**WESTERN COUNTIES ALLIANCE UPDATE :**

Ken Brown and Mark Walsh met with the Commission to request participation and funding of the Western Counties Alliance. Mr. Walsh reported that for the first time PILT has been fully funded by Congress. He also explained funding options for Secure Rural Schools payments. The Commission commented they have already passed SRS resolutions as required.

Mark also discussed the possibility of diverting funds to Special Service Districts for roads so that SRS payments do not impact PILT payments. No action was taken by the Commission at this time.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval Rosemary Denecke as a part time culinary worker at the Jail to replace Rosa Aldridge. Alma Adams made a motion to approve the new hire as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**RESTAURANT TAX BOARD :**

Wayne Smith made a motion to convene as a Restaurant Tax Board to review requests for funding. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne

Smith, Aye. Member of the Iron County Restaurant Tax Board present included the Commissioners, Rusty Aiken, and Maria Twitchell.

Maria Twitchell presented funding requests for 2009 and the Board approved the following allocation pending final budget approval on December 22, 2008.

|   |  |
|---|--|
| Enoch City, Recreation Area Improvements    | \$20,000   |
| Iron County Fair Building Roof Improvements | \$29,350 ½ to be matched by Parowan  |
| Iron County Fair Building Air Conditioning  | \$28,550 ½ to be matched by Parowan  |
| Brian Head Town Sign Project                | \$7,194  |
| Three Peaks Recreation Shooting Range       | \$15,000   |
| Shakespeare Festival                        | \$70,000   |
| Reserve                                     | \$68,000 to be used in funding Cedar City Recreation Center commitment pending approved interlocal agreement |

Alma Adams made a motion to approve the tentative funding as presented. Second by Rusty Aiken. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye; Rusty Aiken, Aye; Maria Twitchell, Aye.

The Restaurant Tax Board then adjourned on a motion by Alma Adams, Second by Rusty Aiken. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye; Rusty Aiken, Aye; Maria Twitchell, Aye.

**PRAIRIE DOG MATTERS** \_\_\_\_\_ :

Wayne Smith discussed the problem with Prairie Dog encroachment into Equestrian Point Subdivision. When the subdivision was developed, there were no prairie dogs present, there is now an established and thriving colony which has halted development.

**BOARD APPOINTMENT SOUTHWEST UTAH PUBLIC HEALTH :**

Lois Bulloch reported that Russell Anderson's term is completed on the Southwest Utah Public Health Board. He has agreed to serve another term if it is approved by the Commission. Lois reported that he has done an excellent job on the Board and recommended he be reappointed.

Wayne Smith made a motion to reappoint Russell Anderson to another term on the Southwest Utah Public Health Board. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**IRON COUNTY SCHOOL DISTRICT REQUEST FOR FEE WAIVER :**

A request to waive dumping fees for demolition waste generated by the demolition of a portion of Parowan High School was discussed. The School District failed to include dumping fees in their contract negotiations and agreed with the successful contractor to cover the landfill fees.

The Commission denied their request to waive dumping fees because all other entities are required to pay and the expense for handling the waste accrued to the County. Wayne Smith made the motion to deny the request. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**RESOLUTION 2008-8 AUTHORIZING UTAH TAX COMMISSION LAWSUIT:**

Reed Erickson explained the proposed lawsuit being prepared by UAC to file requesting the State Tax Commission to establish clear guidelines for operations regarding tax distributions.

Because of the failure of the State Tax Commission to correct errors or to review their methodology in distributing sales tax revenue appropriately the Counties are left with few options. After reviewing the proposed resolution. Wayne Smith made a motion to adopt Resolution 2008-8. Second by Alma Adams.

**RESOLUTION NO. 2008- 8**

**A RESOLUTION AUTHORIZING IRON COUNTY TO JOIN  
OTHER UTAH COUNTIES IN LITIGATION TO CLARIFY  
UTAH TA X COMMISSION OPERATIONS REGARDING TAX  
DISTRIBUTIONS**

**WHEREAS**, the recent actions of the Tax Commission have sought to make substantial adjustments to tax reimbursements provided during prior fiscal years; and

**WHEREAS**, Counties rely on sales tax revenues to fund county programs, service debt, and maintain financial solvency; and

**WHEREAS**, the annual budget for this county is set each December for the following year; and

**WHEREAS**, Utah's counties must be able to rely on the Tax Commission to correctly calculate and allocate tax proceeds and to scrupulously perform its fiduciary duties; and

**WHEREAS**, the recent efforts to redistributed sales tax revenues to account for improper calculations by telecom providers extend back to 2006; and

**WHEREAS**, there are clear inaccuracies in the calculations of telecom sales tax and inappropriate methodologies used to calculate the amounts counties were overpaid; and

**WHEREAS**, the Utah State Tax Commission has indicated that it has no intention to review, audit or otherwise verify that its reallocation of telecom sales tax proceeds was correct; and

**WHEREAS**, the Tax Commission has inappropriately withheld proceeds from non-telecom sales for the current year and has thereby seriously impacted some counties; and

**WHEREAS**, efforts to settle this matter in a way that is consistent with law, equity, and the fiduciary responsibilities to the Tax Commission have failed.

**NOW, THEREFORE, BE IT RESOLVED** that Iron County enter into litigation to clarify for the Tax Commission both the law under which it is required to operate and the provisions of the fiduciary duty the Tax Commission owes to the several counties of Utah.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 10<sup>th</sup> day of November, 2008.**

IRON COUNTY BOARD OF COUNTY COMMISSIONERS

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Lois L. Bulloch, Chair

**ATTEST:**

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David I. Yardley, County Clerk

**VOTING:**

Lois L. Bulloch      Aye  
Alma L. Adams      Aye  
Wayne A. Smith      Aye

**RESOLUTION 2008-9 UCIP APPOINTMENT OF VOTING REPRESENTATIVE:**

David Yardley, County Liability Insurance Coordinator presented Resolution 2008-9 for approval. Annually, members are required to designate by resolution a voting member for the annual membership meeting.

Wayne Smith made a motion to approve Resolution 2008-9 designating David Yardley as the voting member and Wayne Smith as the alternate voting member. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**RESOLUTION NO. 2008-9**

**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 December 4, 2008; 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, December 4, 2008 with Wayne A. Smith as an alternate representative.

**RESOLVED ADOPTED AND ORDERED** this 10<sup>th</sup> day of November, 2008.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

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Lois L. Bulloch, Chair

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Wayne A. Smith, Commissioner

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Alma L. Adams, Commissioner

ATTEST:  
David I. Yardley, Iron County Clerk

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

APPROVED AS TO FORM:  
Scott F. Garrett, Iron County Attorney

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

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

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:30 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**November 24, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 24, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                        |
|------------------|------------------------|
| Lois L. Bulloch  | Commission Chair       |
| Wayne A. Smith   | Commissioner           |
| Alma L. Adams    | Commissioner           |
| Michael Edwards  | Deputy County Attorney |
| David I. Yardley | County Clerk           |
| Reed Erickson    | County Administrator   |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|  |   |
|--|---|
| APPROVAL OF MINUTES November 10, 2008 .....                      | 1 |
| APPROVAL OF MINUTES October 27, 2008 .....                       | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                             | 5 |
| COUNTY TV UPDATE AND BILL APPROVAL .....                         | 4 |
| ELECTED OFFICIALS REPORTS .....                                  | 2 |
| MILEAGE REIMBURSEMENT RATE DISCUSSION .....                      | 3 |
| PERSONNEL MATTERS .....  | 3 |
| PLEDGE OF ALLEGIANCE .....                                       | 1 |
| PRAIRIE DOG MATTERS .....  | 4 |
| PUBLIC COMMENT PERIOD .....                                      | 4 |
| REQUEST TO AMEND PERSONNEL POLICY RE MAXIMUM VACATION HOURS .... | 3 |
| ROLL BACK TAX PAYMENT APPROVAL .....                             | 4 |
| RURAL PUBLIC LANDS BUDGET DISCUSSION .....                       | 4 |
| SUR TECHNOLOGIES REQUESTING COUNTY FUNDING .....                 | 2 |

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES October 27, 2008** :

Minutes of the Iron County Commission meeting held October 27, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES November 10, 2008** :

Minutes of the Iron County Commission meeting held November 10, 2008 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

## ELECTED OFFICIALS REPORTS :

**Kal Kahler** reported that he has a copy of the Blair Maxfield report on water resources in the Cedar Valley. He will get a copy to Reed Erickson for distribution to the Commissioners. Mr. Kahler also reported that the CICWCD Board voted to deny a citizens request to withdraw from the District. The request was submitted by Carlyle Johnson. With the denial it will allow the citizens group to pursue legal action to remove their area from the District.

The Water Conservancy District will change their meeting schedule beginning in January 2009 to the second and fourth Thursday of each month.

**Reed Erickson** reported that he attended the UAC new elected officials workshop in Salt Lake City on November 21. He stated the training was very helpful. Reed also reported that there will be a meeting on December 11 in Cedar City to discuss an Eastern Iron County Transportation Plan. Commissioner Adams will attend this meeting.

**Geri Norwood** reported that tax collections are very slow so far. Except for two mortgage company payments, collections are well behind 2007 for this far in the tax season.

**Jared Wilson** reported that the basement remodel project for Data Processing offices is progressing. It is anticipated that it will take two days to move the servers to the new location which is anticipated to be after January 1. The IT Department will plan on making the change on a Friday afternoon and Saturday to cause minimal disruption to County operations.

**Margaret Miller** reported on case management concerns regarding cases filed during the time Enoch was sending cases to the Parowan Justice Court. The Court Administrator ruled this was illegal and the cases were transferred to the Iron County Court. These cases needed to be refiled which was not done and now those cases are being dismissed by the Parowan City Attorney.

**Patsy Cutler** reported that the first batch of microfilm submitted through a digital converter has been completed. The system appears to work well and will eliminate hours of labor in microfilming documents to be submitted to the State.

**Dennis Ayers** reported that the four day work week appears to be well received in the Cedar City Motor Vehicle office. Customers like the extended hours so they do not miss work to get their vehicles registered.

**Michael Edwards** reported that the Featherhat trial was completed and Mr. Featherhat was found guilty of attempted murder. Sentencing will be done after recommendations from APP. Mike also reported that he is working on interlocal agreements for the County participation in financing the Cedar City Recreation Center and Reverse 911.

## SUR TECHNOLOGIES REQUESTING COUNTY FUNDING :

Michael Fletcher met with the Commission to present a request for the County to provide funding and a location to construct and operate a plant to convert organic waste to fuel. Mr. Fletcher indicated that SUR was operating one plant capable of handling up to 100 tons per day of waste. The plant he proposed for Iron County would process up to 200 tons and would utilize the waste stream coming into the landfill. Estimated County participation would be twenty million dollars to construct the plant.

The Commission referred Mr. Fletcher to the Iron County Economic Development director and to the Zoning Administrator for future presentations. Firm numbers were not presented for commission consideration. No additional action was required of the Commission at this time.

**MILEAGE REIMBURSEMENT RATE DISCUSSION** :

Alma Adams presented for discussion a proposal to change the County mileage rate from the established IRS rate of \$0.585 per mile to \$0.505 per mile. Commissioner Adams stated that due to a sharp decline from summer gasoline prices the reduction back to the 2007/2008 rate was warranted.

Alma Adams made a motion to reduce the reimbursement rate from \$0.585 per mile to \$0.505 per mile effective December 1, 2008. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye. Reed Erickson was requested to inform Departments of the change.

**PERSONNEL MATTERS** :

Colette Eppley presented a request for a promotion for Exilda Seranno from Associate Appraiser to Licensed Appraiser effective upon her completion of the certification process. Wayne Smith made a motion to approve the promotion as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Colette also presented for approval a status change for Danny Abbott from EMT on call to EMT Part Time. Pay rate would remain the same but Mr Abbott would be able to work additional hours as the lead worker in Parowan. Alma Adams made a motion to approve the change as recommended. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Colette requested approval of an Insurance Committee recommendation that the County fund the health insurance benefit for employees with a \$1,000 annual deductible with the employees having an option to fund a portion of the plan to reduce the deductible to \$500. The Commission approved in principal the proposed plan however this is a budget item and will be approved in the budget for 2009.

**REQUEST TO AMEND PERSONNEL POLICY RE MAXIMUM VACATION HOURS:**

Chad Nay met with the Commission to request an amendment to the County Personnel Policy regarding maximum vacation hours an employee is allowed to carry. Mr. Nay explained that the policy as currently written would result in a major loss of vacation time in his case, much of which accrued prior to a policy change limiting vacation to a maximum of 320 hours. The Commission explained that the County employees were placed on notice several years ago that this policy would be enforced and that excess vacation should be used. Mr. Nay responded that because of the work load in his office and the shortage of manpower, he has been unable to use enough vacation to get his hours in line.

Colette Eppley also strongly disagreed with the proposed change stating that eight years was ample time to use excess vacation time.

The matter was tabled to allow the County Attorney to research whether there are legal implications regarding vacation time accrued prior to a policy change. The Commission at this time is unwilling to change the current policy.

**RURAL PUBLIC LANDS BUDGET DISCUSSION** :

This item was tabled without action as it is a budget item and will be considered within the final budget.

**COUNTY TV UPDATE AND BILL APPROVAL** :

Dennis Johnson met with the Commission to review progress on the development of the Levan Peak TV site. The building is complete and most of the equipment is installed and working. More testing will be completed before the system is cut over to the new equipment.

Dennis reported that he has spent 23 days of his vacation from his full time job along with numerous weekends and holidays installing and testing this equipment. He requested reimbursement for his labor and travel in compliance with the contract between Sprint/Nextel which paid for the equipment and labor to install.

The Commission was reluctant to approve the payment requested by Mr. Johnson until the Sprint/Nextel agreements were reviewed by the County Attorney to determine if the charges will be reimbursed to the County as this is above the budget approved for the TV Department.

**PUBLIC COMMENT PERIOD** :

Wendell Shallenberger commented briefly on the budget process and thanked the Auditor and Mr. Erickson in helping to understand the budget process.

**PRAIRIE DOG MATTERS** :

Reed Erickson reported that the UPDRIP committee would be meeting in Cedar City on November 25<sup>th</sup> at the Heritage Center. The UPDRIP group is pushing for a permanent Director of the group. The Commission stated that the group is too new and a clearly established guideline and work goal needs to be established by the Counties prior to a Director being appointed.

Reed also reported that it appears Bastian Homes is turning back ten approved take of prairie dogs for 2008 on the Nichols Landing project. These will be eligible for allocation to another project if one is ready to move forward.

**ROLL BACK TAX PAYMENT APPROVAL** :

Wayne Smith made a motion to approve the payment of roll back taxes on parcels deeded to the County for roads. Parcels approved included Serial # E-0262-0002-00RD, Account # 491677, \$279.79; Serial # E-0262-0003-00RD, Account # 491678, \$219.21; and Serial # E-0226-0002-00RD, Account # 491819, \$53.60. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, 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 Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 8, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 8, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                      |
|------------------|----------------------|
| Lois L. Bulloch  | Commission Chair     |
| Wayne A. Smith   | Commissioner         |
| Alma L. Adams    | Commissioner         |
| Scott F. Garrett | County Attorney      |
| David I. Yardley | County Clerk         |
| Reed Erickson    | County Administrator |

**SYNOPSIS** :

|  |   |
|--|---|
| APPROVAL OF MINUTES November 24, 2008 .....                | 1 |
| APPROVAL OF WARRANTS & ADJOURN .....                       | 4 |
| BENEFIT CHANGES FOR HEALTH INSURANCE COVERAGE .....        | 2 |
| ELECTED OFFICIALS REPORTS .....                            | 1 |
| INTERVIEW & APPOINT IRON COUNTY RECORDER REPLACEMENT ..... | 2 |
| PERSONNEL MATTERS .....                                    | 2 |
| PUBLIC HEARING TENTATIVE BUDGET PRESENTATION .....         | 2 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Alma Adams.

**APPROVAL OF MINUTES November 24, 2008** :

Minutes of the Iron County Commission meeting held November 24, 2008 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Alma Adams** reported that Musket Terminal is applying to store and load crude oil at their Iron Springs facility. Currently their permit is for storing and loading refined fuel, typically gasoline and diesel fuel with some jet fuel possible. This will be supplied through a proposed pipeline linking Salt Lake City and Las Vegas. The crude will be brought in on tanker trucks and transferred to rail cars for transport to refineries.

**Lois Bulloch** discussed a tax exemption request from a friend of Zeno Parry. Mr Parry is handicapped and has a delinquency on his taxes. Wayne Smith stated that he would contact the person writing the letter and discuss the matter with him. It was also noted that the Parry family had applied for and been granted a low income and circuit breaker tax abatement for 2007 and 2008.

**Wayne Smith** discussed an incident of illegal dumping at Kanarraville. The County will work with Kanarraville residents to see if dumpsters can be provided to help with a cleanup effort.

Wayne also reported that he had attended a meeting with Senator Dennis Stowell and Wendell Shallenburger to discuss the 2009 budget. Mr. Shallenburger and Senator Stowell want a guarantee that PILT payments from the Federal Government will be directed to the Municipal Services Fund. It was noted that these funds are sent to counties based on population and BLM acreage and may be used as the Commission sees fit.

**BENEFIT CHANGES FOR HEALTH INSURANCE COVERAGE :**

Lois Bulloch introduced the history and policy of providing up to five years of insurance benefits to employees that retire with at least fifteen years of service and are not eligible for Medicaid. Currently the County provides this benefit to six former employees, Maydean Petty, Ronald Gardner, Stan Roberts, Robert Dalley, Jim Mitchell, and Vander (Scott) Nelson. Norman Lee Hulet has been a recipient but his eligibility expires Jan 1, 2009.

Upon reviewing the history of the benefit and the lack of records of awarding the benefit in personnel files, Alma Adams made a motion to continue coverage as verbally promised to existing recipients at the same rate as currently offered to County Employees. Recipients must certify annually that they do not have coverage available through other sources. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Wayne Smith made a motion to terminate this benefit policy effective immediately for all future retirees. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**INTERVIEW & APPOINT IRON COUNTY RECORDER REPLACEMENT :**

The Commission interviewed Steve Bryant, Mark A. Hersom, and Deborah B. Johnson as possible appointees to replace Patsy Cutler as County Recorder. The candidates have been recommended by the Republican Party Central Committee in compliance with Utah Code 20A-1-508.

After interviewing the candidates and discussing their qualifications, Alma Adams made a motion to appoint Deborah B. Johnson to the position of County Recorder to fill the unexpired term of Patsy Cutler. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS :**

Colette Eppley presented a request for interdepartmental transfer for Karen Reed from Council on Aging part time culinary worker to Corrections part time culinary worker. Alma Adams made a motion to approve the transfer as requested. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PUBLIC HEARING TENTATIVE BUDGET PRESENTATION :**

The Commission opened a public hearing to receive comments on the proposed 2009 budget on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Lois Bulloch introduced the ground rules for commenting at the hearing. She explained that this is to receive comments only about the proposed budget. It is not the intention of the

County to increase taxes this year. This is the preliminary budget and additional cuts from Departments can be expected.

Reed Erickson explained the proposed budget and handed out a summary of proposed fund budgets. He explained that the main budget will be the General Fund budget and the Municipal Services fund budget. He also explained what functions are provided from these funds.

Wendell Shallenburger questioned the use of PILT funds. He requested that the full PILT payment go to offset the Municipal Services Fund so that the Municipal Service tax could be reduced.

Vicki LeFevre questioned if there were restrictions on the use of PILT funds. Reed Erickson answered and explained that PILT may be used by the County as revenue in the General Fund.

Rick Wark asked if the allocation of PILT is set in stone or if the Federal Government could withdraw funding. Lois Bulloch explained that the current Congress passed full funding of PILT as part of the "bail out" package. Full funding is guaranteed for four years. This is the first time since the establishment of PILT that full funding has been authorized.

Ren Zaphiropoulos asked if the County has increased services in 2008 above 2007 levels including new employees. The Commission responded that Municipal Services have been supplemented from the General Fund for several years. Surpluses in the General Fund have been reduced considerably and can no longer be diverted to the Municipal Service Fund.

Don Young questioned why increases in salary and benefits to employees appears to be offset by the amount assessed in the Municipal Service Fund. The Commission explained that through salary surveys of surrounding Counties and Counties of similar size in the State, the County employee wages were out of range and we were losing employees to surrounding Counties. It had been several years since salary increases had been made and salaries were adjusted to bring Iron County into the average range of similar jobs in other Counties.

Lillie Levitz complained that no County services were provided in her area. Roads were not maintained and no municipal type services were available such as street lights etc. Reed Erickson explained that Sheriff's Departments and Fire Departments must be supplied and staffed for all contingencies. The fund is not to provide street lighting and water systems but is designed to provide essential services. Roads within under developed subdivisions are not maintained until property owners bring them to County road standards. It is not fair to other County residents to provide subdivision improvements they were required to pay for in purchasing their lots.

Sue Gross also expressed concerns with road maintenance in Cedar Valley Acres. She said that emergency vehicles could not travel the roads during inclement weather due to no maintenance and no road base.

Gerald Van Iwarden expressed concern with law enforcement around County parks at Three Peaks and Woods Ranch which are used by all County residents but is funded through the

Municipal Service tax. The Commission answered that costs are allocated by the percentage of time the Sheriff spends in law enforcement in the unincorporated areas.

Rick Wark asked why the Sheriff's officers were patrolling within the municipalities. The Commission responded that the Sheriff is charged under State Code to serve papers and is also the lead law enforcement agency in the County. The Sheriff is also charged with providing bailiff service in Courts

Austin LeFevre asked why we need the number of Deputy Sheriff's to patrol an unincorporated area comparable to Kane County. The Commission responded that population and calls for service require the additional officers.

Don Young commented on concerns with deficits in revenue in some budget projections. He was concerned that the Commission would divert funds from PILT to cover the revenue shortfalls instead of allocating all of PILT to the Municipal Service fund.

Berta Mac Gregor asked if budget revenue shortfalls would result in additional tax increases this year. The Commission responded that no tax increases are proposed for 2009.

Ren Zaphiropoulos asked about property valuation adjustments in 2009. The Commission responded that this was under the Assessor's duties and that valuations are adjusted to January 1 of the current year levels.

Diane Robertson, Rosemary Beals and Michael Fairby asked road questions which were not part of this hearing.

Rick Wark asked about the 911 budget. David Yardley explained that this is funded from phone service and is used to purchase upgrades and equipment and to fund and train some dispatch personnel.

Del Schlosser asked which Department would have the largest budget cuts. The Commission responded that final decisions have not been made at this time but that all Departments will have some cuts.

After all comments were received, the public hearing was closed at 3:50 p.m.

**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 was by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 22, 2008**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 22, 2008 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                  |                      |
|------------------|----------------------|
| Lois L. Bulloch  | Commission Chair     |
| Wayne A. Smith   | Commissioner         |
| Alma L. Adams    | Commissioner         |
| Scott F. Garrett | County Attorney      |
| David I. Yardley | County Clerk         |
| Reed Erickson    | County Administrator |

Also Present:

|                      |                     |
|----------------------|---------------------|
| H. Eugene Adams      | County Auditor      |
| Dennis W. Ayers      | County Assessor     |
| Patsy T. Cutler      | County Recorder     |
| Geraldine S. Norwood | County Treasurer    |
| Mark O. Gower        | County Sheriff      |
| Margaret Miller      | Justice Court Judge |

**SYNOPSIS** :

|  |   |
|--|---|
| APPROVAL OF COMMISSION MEETING SCHEDULE FOR 2009 ..... | 7 |
| APPROVAL OF WARRANTS & ADJOURN .....                   | 9 |
| BOARD OF EQUALIZATION .....                            | 7 |
| BOOKMOBILE CONTRACT APPROVAL AND SIGNATURES .....      | 8 |
| COUNTY OFFICE CHRISTMAS EVE WORK HOURS .....           | 8 |
| ELECTED OFFICIALS REPORTS .....                        | 1 |
| PERSONNEL MATTERS .....                                | 6 |
| PLEDGE OF ALLEGIANCE .....                             | 1 |
| PRAIRIE DOG MATTERS .....                              | 7 |
| PUBLIC HEARING 2009 FINAL BUDGET HEARING .....         | 2 |
| PUBLIC HEARING 2008 BUDGET AMENDMENTS .....            | 5 |

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Jared Wilson.

**APPROVAL OF MINUTES December 8, 2008** :

Minutes of the Iron County Commission meeting held December 8, 2008 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Geri Norwood** reported that the delinquent tax list has been prepared and forwarded to the newspaper for publication. The list included about 8,000 delinquent accounts totaling 5.2 million in delinquent taxes.

**Patsy Cutler** reported that the Recorder's office is keeping busy filing paperwork as people refinance their mortgages to take advantage of very low interest rates. Patsy also noted that this is her last meeting as the Recorder and she thanked the Commission for their support.

The Commission and other elected officials wished Patsy best wishes and happiness in her retirement.

**Dennis Ayers** reported on a concern in the Assessor's office. Property sales numbers are down however home sales are being reported at above appraised market value. This makes assessing fair market value difficult. He will be working through these issues with his staff and with the State Tax Commission.

Dennis also reported that Iron County has been selected as the site of the 2009 Assessor's summer workshop which will be held in July.

**Jared Wilson** reported that the IT Department is working on data conversion for the Reverse 911 system. There is a concern with the format needed for the data with no clear direction from the provider. Testing will continue with plans to have the system operational very soon.

Jared also reported on the remodel of space to move the IT Department within the Courthouse. It is anticipated to be ready to move the servers over the Martin Luther King holiday to minimize disruption of service for data processing.

**Scott Garrett** reported that case filings by his office are increasing. To date approximately 1,500 cases, excluding traffic tickets, have been filed by the Attorney's Office. This is an increase of 200 cases over 2007.

**Lois Bulloch** reported that she had met with Cedar City officials to discuss options for County participation in funding the aquatic center in Cedar City. The County will provide an annual appropriation from the Restaurant Tax until the commitment of \$1,250,000 is met. The City has agreed to provide the same fee schedule for all users regardless of their address, making sure that County residents are not charged more than City residents.

**Wayne Smith** reported on a meeting he attended in Beaver County regarding water rights in Hamblin Valley and other areas of western Beaver County. The filing for water rights by Central Iron County Water Conservancy District has strained relationships with Beaver County Commissioners.

Commissioner Smith also reported that he had met with David Clark, Utah State House Speaker, regarding the Municipal Service Tax. Mr. Clark has looked over the process used by Iron County and found that it is in compliance with requirements of Utah State Code.

**Reed Erickson** reported that interviews for a replacement Planner have been conducted. There were several very good candidates and Five County AOG will make job offers and hiring.

**PUBLIC HEARING 2009 FINAL BUDGET HEARING :**

Wayne Smith made a motion to open a public hearing to review the proposed budget of Iron County being considered for adoption for calendar year 2009. Second by Alma Adams.

Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Lois Bulloch then explained the procedure and purpose of the hearing. Participants were requested to speak up so that all could hear and to state their name for the record.

Reed Erickson then explained the budget and the breakdown by category of each separate fund. He also explained why different items were placed under separate budgets in compliance with Government Accounting Standards.

Don Young questioned why the final budget was not made available earlier. The Commission explained that the preliminary budget was still undergoing changes and that the final budget as presented today was made available in completed form as soon as possible.

Mr. Young also questioned why the budget still contained provisions for additional employees being hired in the face of the downturn in the economy. The Commission responded that positions were being moved from contract employees and part time to full time positions. There are not additional positions being approved. Changes are in response to County growth and workload.

Mr. Young also questioned why PILT was not used entirely in the Municipal Service Fund which would result in the ability to reduce the Municipal Service Tax on the unincorporated area. Commissioner Bulloch responded that PILT is being used in compliance with Federal guidelines which allow for use for any County purpose. Mr. Young also suggested that the County look at transferring other fees into the Municipal Service Fund (MSF) to reduce the tax.

Wendell Shallenburger ask about transfers from the reserve fund. He explained that he could not see in past years where transfers had been made from the reserve fund to cover budget shortfalls. Reed Erickson explained that this is more semantics in that transfers have been made from fund balances, not a separate reserve fund.

Mr. Shallenburger also questioned why the road budget was included in the MSF and why appropriations were made from the MSF tax. Reed Erickson explained that the B and C road fund does not generate enough money to fund all of the requirements of the Road Department, therefore funding of maintenance inside subdivisions in the unincorporated areas are funded from the MSF.

Diane Roberson questioned why building permits were still being issued in unimproved subdivisions and on unimproved roads. Since this is not involved with the public hearing, this question was referred to staff to address at a later date.

Angela Illegible questioned where funding for the Cedar City aquatic center was in the budget. Commissioner Bulloch explained that it is included in the restaurant tax fund which is a specialized fund with limitation on uses. The aquatic center commitment will be paid out of an annual appropriation from that fund.

Don Young questioned why PILT was being used to fund other services besides fire, roads and Sheriff. The Commission responded that they are being used in compliance with guidelines.

Wendell Shallenburger stated that they were working with Senator Stowell to draft

legislation to change the Municipal Service Tax Fund. No action was needed by the Commission on this comment.

After all comments were received, the Commission closed the public hearing at 10:55 a.m. on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

The matter was tabled at this time and recalled at 1:30 p.m. for action. Recommendations and suggestions were considered including moving Parks and Recreation and the Natural Resource Department from the Municipal Service Fund to the General Fund and combining budgets for Woods Ranch and Three Peaks into a Parks and Recreation budget.

Alma Adams made a motion to adopt resolution 2008-11 approving the 2009 budget. Second by Wayne Smith.

### **RESOLUTION 2008-11**

#### **A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2009 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 22, 2008 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 calendar year 2008.

**BY ORDER OF** the Board of Iron County Commissioners this 22<sup>nd</sup> day of December 2008.

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Signed: Lois L. Bulloch, Chair

Attest:

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David I. Yardley, County Clerk

Voting:

|                 |     |
|-----------------|-----|
| Wayne A. Smith  | Aye |
| Alma L. Adams   | Aye |
| Lois L. Bulloch | Aye |

**PUBLIC HEARING 2008 BUDGET AMENDMENTS** :

Alma Adams made a motion to open a public hearing to review amendments to the 2008 budget of Iron County. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Gene Adams explained changes proposed in the 2008 budget to account for cost over runs for overtime in the Sheriff and Road Departments and for fuel expenditures due to higher than expected fuel costs during the year. There is also an adjustment for a payment from FEMA to cover flood control upgrades. There are additional transfers and expenditures approved in prior Commission meetings.

Reed Erickson explained that the proposed changes include a fund transfer from PILT to the MSF to cover revenue shortfall in this budget.

Don Young commented that by transferring funds from PILT to MSF that in future years a tax increase could be anticipated. The Commission responded that no tax increase in the MSF is proposed or anticipated.

After all comments were received, Alma Adams made a motion to close the public hearing. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Wayne Smith, Aye; Alma Adams, Aye.

Alma Adams made a motion to adopt the Auditor's recommendation and amend the 2008 budget and adopt Resolution 2008-10. Second by Wayne Smith.

**RESOLUTION 2008-10**

**A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING  
ADJUSTMENTS IN THE 2008 DEPARTMENT BUDGETS.**

**WHEREAS**, Iron County Departments have requested adjustments to their budgets for 2008 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 2008 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2008 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 22<sup>nd</sup> day of December, 2008.

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Signed: Lois L. Bulloch, Chair

Attest:

---

David I. Yardley, County Clerk

Voting:

|                 |     |
|-----------------|-----|
| Wayne A. Smith  | Aye |
| Lois L. Bulloch | Aye |
| Alma L. Adams   | Aye |

**PERSONNEL MATTERS** :

Colette Eppley presented for approval the following new hires: Casey Collier as a part time Medical Tech at the jail; Preston Gilbert, EMT Basic, Erik Niederahuser, EMT Basic; Nina Biasi, EMT Basic; Betty Gould, EMT Basic; Manuael Hernandez, EMT Basic. Alma Adams made a motion to approve the new hires as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Colette also presented the following promotions or status changes: Jared Malone, On Call to Part Time EMT Intermediate; Quinn Campbell, On Call to Part Time Paramedic; Iosefa Robins, On Call to Part Time Paramedic and Rodney Cox, On Call to Part Time Paramedic. Alma Adams made a motion to approve the status changes as presented. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye

The Commission recalled from the previous meeting the retirement benefit issue of providing health insurance coverage for up to five years after a minimum of fifteen years of service to the County. Wayne Smith made a motion to change the date of the policy change to eliminate this benefit to January 1, 2009. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

The Commission also recalled from a previous meeting the vacation accrual policy which allows employees to accrue no more than 320 hours of vacation that can be carried into a new year. The County Attorney reported that upon researching the matter, the County has allowed up to eight years to use excess vacation hours. As long as employees have not been restricted in the use, this is an acceptable policy. Alma Adams made a motion to enforce the policy as adopted in 2001 and amended in 2003. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Colette Eppley presented a requested change in the County Personnel Policy Section 3 regarding Merit review and merit pay policy. The new policy authorizes a merit pay increase only upon the availability of funds in the budget and upon a favorable merit review. A full copy of the change is to be distributed to all employees. Alma Adams made a motion to approve the proposed changes in the County Personnel Policy. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**BOARD OF EQUALIZATION** :

Christene Keene, Chief Deputy Auditor, presented for approval late applications for Veterans exemptions and Circuit Breaker tax abatements. She explained that under State code, the abatements can be approved at any time during the year. After explaining the exemption requests Wayne Smith made a motion to approve the tax abatements as presented. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

Christene also presented a request for tax exemption submitted by the Dixie and Anne Leavitt Foundation for Parcel Serial Number B-1112-0002 purchased October 31, 2008. After the purchase, the Foundation has thirty days to request a tax exemption for the current year. Wayne Smith made a motion to approve a tax exemption for the Dixie and Ann Leavitt Foundation effective October 31, 2008 on Parcel Serial Number B-1112-0002. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PRAIRIE DOG MATTERS** :

Blaine Cox met with the Commission to present a request from Parowan City for non permanent take of prairie dogs for installation of a water system upgrade. He explained that the take would be of up to ten dogs. Wayne Smith made a motion to approve non permanent take of ten dogs for Parowan City as requested. Second by Alma Adams. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**APPROVAL OF COMMISSION MEETING SCHEDULE FOR 2009** :

Alma Adams made a motion to approve the following meeting schedule for the County Commission meetings for 2009, noting that the December meetings will be held on the first and third Monday. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**PUBLIC NOTICE**  
**2009 IRON COUNTY COMMISSION MEETING SCHEDULE**

**NOTICE IS HEREBY GIVEN** that the regular Iron County Commission meetings for 2009 have been scheduled on the following dates:

|   |                  |
|---|------------------|
| January 12                                    | January 26       |
| February 9                                    | February 23      |
| March 9                                       | March 23         |
| April 13                                      | April 27         |
| May 11  | May 26 (TUESDAY) |
| June 8  | June 22          |
| July 13                                       | July 27          |
| August 10                                     | August 24        |
| September 14                                  | September 28     |
| October 12                                    | October 26       |
| November 9                                    | November 23      |
| December 7                                    |                  |
| December 21 (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 by the **Monday preceding the scheduled meeting. Agenda is closed at 5:00 p.m. Monday preceding scheduled meeting. No late agenda items will be accepted. All action items must be included on the agenda to be considered.**

BOARD OF IRON COUNTY COMMISSIONERS

David I. Yardley  
Iron County Clerk

**COUNTY OFFICE CHRISTMAS EVE WORK HOURS** :

Department Supervisors requested that County offices be closed on Christmas Eve to allow employees to be with family as has been approved in years past. The Commission authorized offices of non essential services to close on December 24 at 1:00 p.m. provided a contact number is posted for emergency contact on a motion by Alma Adams. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

**BOOKMOBILE CONTRACT APPROVAL AND SIGNATURES** :

Alma Adams made a motion to approve the 2009 Bookmobile contract with the State of Utah and authorize the Commission Chair to sign the contract. Second by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, 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 Alma Adams. Second was by Wayne Smith. Voting: Lois Bulloch, Aye; Alma Adams, Aye; Wayne Smith, Aye.

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Signed: Lois L. Bulloch, Chair

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Attest: David I. Yardley  
County Clerk