

IRON COUNTY COMMISSION MEETING
January 12, 2009

Minutes of the Iron County Commission meeting convened at 11:00 a.m. January 12, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

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PLEDGE OF ALLEGIANCE :

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

REORGANIZATION OF COMMISSION :

Wayne Smith made a motion to appoint Alma Adams as Commission Chair for 2009. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The Commission also reviewed and adjusted assignments as follows:

Commissioner Wayne Smith (586-9816 or 590-9816 msmith@mountainwest.net)

Roads	Neil Forsyth
Solid Waste	Alan Wade
Floods & Water Resources Cedar Valley	Steve Platt & Ken Sizemore
Hospital	Jason Wilson
Liaison Auditor	Eugene Adams
Engineer	Steve Platt
Liaison Clerk	David Yardley
Diamond G Arena	Bob Tate
Water Conservancy Board	Scott Wilson
Utah Summer Games	
County Buildings	Reed Erickson
Prairie Dogs	

Economic Development

Workforce Service Board

Lori Economy

UCIP Board of Directors

UAC Committees

Lands & Resources

Taxation & Revenue

Transportation

Indigent Defense Board

Commissioner Lois Bulloch (586-3925 bullochl@bresnan.net)

Public Safety / LEPC

Charles Morris

Planning & Zoning

Chad Nay

Senior Citizens

Connie Lloyd

Mental Health

Paul Thorpe

Health & Human Services Council

Beth Cottam

Public Health

Dr. David Blodgett

Cedar Airport

Gale Waite

5 Co AOG

Ken Sizemore

Fair

Joyce Evans

Liaison Assessor

Dennis Ayers

Liaison Treasurer

Geri Norwood

Tourism/Cedar Chamber/Iron Mission

Maria Twitchell

Parks & Recreation

Charles Morris

Shooting Range

R L Gardner

Data Processing

Jared Wilson

Floods & Water Resources Escalante Valley

Steve Platt & Ken Sizemore

Library/Bookmobile

Steve Decker/Kristen Robinson/Jeff Lewis

Volunteer Center

Justice Court

Margaret Miller / Brent Dunlap

UAC Committee

Human Services

Intergovernmental Relations

Commissioner Alma Adams (477-3574 or 559-3574 alma@ironcounty.net)

Law Enforcement

Sheriff Gower

Jail

Sheriff Gower

Weeds

Chad Reid / Jordan Smith

Fire Departments

Ryan Riddle

Ambulance/EMS

Ron Johnson

Human Resources

Colette Eppley

Parowan Airport

Parowan City Manager

Parowan Gap	Heritage Committee
Extension Service	Kathy Riggs
Television	Dennis Johnson
Natural Resources - BLM, Forest, SUPAC	Mike Worthen / Wes Curtis
Liaison Recorder	Patsy Cutler
Liaison Attorney	Scott Garrett
Liaison Sheriff	Mark Gower
Floods & Water Resources Parowan Valley	Steve Platt & Ken Sizemore
RS 2477 Road Issues	Mark Ward
UAC Committees	
Law Enforcement/Corrections	
Lands & Resources	
Taxation & Revenue	

ELECTED OFFICIALS REPORTS :

David Yardley reported that Alma Adams and Deborah Johnson were sworn in as County Commissioner and County Recorder respectively on January 5.

Wayne Smith reported that he, Steve Platt, and Neil Forsyth had met with residents from Cedar Valley Acres subdivision regarding road maintenance within their subdivision. They explained that the County would look at ways to help with their roads, however to bring the roads to County standards, the residents would be required to participate in a Special Improvement District to finance the improvements. This can be done in phases by designating certain roads for improvements.

Lois Bulloch reminded the Commission of the Parowan birthday celebration scheduled for January 13. She asked to be excused as she will be involved with Five County AOG meetings.

Alma Adams reported that at the last SUPAC meeting a tour of the I-15 Exit 2 area and I-15 Exit 13 areas of Washington County. Exit 2 will be a main access to the new St. George Airport. A new port of entry will also be located near this area. Most of the surrounding area is owned by SITLA and will be developed as the area grows.

MINOR LOT SUBDIVISION :

Chad Nay presented a request from Dirk Van Amen to subdivide a ten acre parcel of property formerly know as Lot 12, Mountain Valley Ranches into two five acre parcels. The property is located approximately 5875 North 2300 West, Cedar City and is within Sec 4, T35S, R11W, SLB&M. Chad reported that the proposed minor lot subdivision is consistent with surrounding zoning and lot sizes. The Planning Commission has recommended approval.

Lois Bulloch made a motion to approve the minor lot subdivision as presented and recommended by the Planning Commission. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PERSONNEL MATTERS :

Colette Eppley presented a request to promote Barry Marshall from EMT Basic to EMT Intermediate. Lois Bulloch made a motion to approve the promotion as requested. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a proposal to change the structure of job duties within the Iron County Attorney's office to allow for advancement from a Deputy 1 through Deputy 5 and Chief Deputy which will be based on experience and trial proficiency. After reviewing the Proposal, Lois Bulloch made a motion to approve the Attorney wage schedule and promotional standards. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a personnel policy change outlining retirement benefits for former employees receiving a health care benefit to bring the policy into compliance with the action taken by the Commission. The benefit will continue to be provided to former employees qualifying prior to January 1, 2009. The benefit terminated on that date and will not be available to future retirees. Wayne Smith made a motion to adopt the personnel policy language change as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette and Alan Wade presented a proposal to establish a Landfill Scale House Operator position and to hire two part time operators to replace a former Landfill operator position. The new position will not be required to have a CDL and will not be operating heavy equipment. Action on the request was tabled to the next agenda.

WASHINGTON D.C. UPDATE FROM SENATOR HATCH'S OFFICE :

Marreen Casper representing Senator Hatch, reported to the Commission about priorities of bills and issues of concern being addressed by Senator Hatch. She reported that in a rare Sunday session, the Senate passed a comprehensive lands bill which included a land trade from the Forest Service to the Boy Scouts of America at Camp Thunder Ridge and the Washington County Lands bill. The separate bills have not made it to the floor of the Senate for several years and it is anticipated that the bill will be passed by the full Senate and the House.

Marreen also reported that legislation has been introduced which Senator Hatch strongly opposes which requires a union representative to be present when union members vote. This does away with secret ballots in union elections.

The Commission asked the Senator to push for an accounting of bail out funds which have been expended in the financial bailout. Billions of dollars have been spent with no oversight up to this time. They also asked to follow the global warming debate closely, especially the energy or green credits.

COUNTY BOARD APPOINTMENTS :

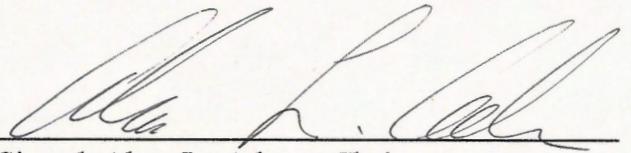
The Commission reviewed a list of County Board appointments set to expire during 2009. Replacements will be selected at future meetings.

DISCUSSION OF CIB LOAN PTIF ACCOUNT 6441 :

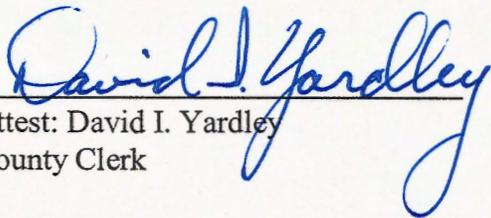
The County has received a notice of inactivity on PTIF Account 6441 which they identified as funding for the Justice Center remodel. David Yardley and Reed Erickson were asked to follow through and determine if funding requests have been submitted.

APPROVAL OF WARRANTS & ADJOURN _____ :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:20 p.m. on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
January 26, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 26, 2009
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Lois L. Bulloch	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk
Reed Erickson	County Administrator

Absent:

Wayne A. Smith	Commissioner
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Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Jared Wilson	IT Supervisor

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES December 22, 2008 :

Minutes of the Iron County Commission meeting held December 22, 2008 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

APPROVAL OF MINUTES January 12, 2009 :

Minutes of the Iron County Commission meeting held January 12, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

ELECTED OFFICIALS REPORTS :

Commissioner Adams excused Commissioner Wayne Smith noting that he has other commitments out of state.

Gene Adams reported that the Auditor's Office is gathering information to do the year end closing for 2008 and to prepare material for the independent auditor.

Dennis Ayers reported that House Bill 246 proposed by Representative Froerer would change primary residential exemption qualifications and allow the primary exemption on up to five acres. The Assessor's association is opposed to the legislation.

Debbie Johnson reported that the Recorder's office is preparing plat map prints for the front counter, the Assessor's office and the Building Inspector's office. She also reported that recording of refinancing documents has increased due to refinancing at lower interest rates. New sales and subdivision filings are down.

Jared Wilson reported that data servers have been moved to the basement and are working. The move went smoothly however there were some unforeseen problems with damaged wiring that had to be replaced which will increase the cost of the move.

Jared also reported that to accommodate on line filing of documents, a software module costing \$20,000 would need to be purchased. This software would allow for on line payments which would benefit the Recorder's office and the Treasurer's office.

Reed Erickson asked if County offices were in need of additional office space in reference to the space currently being utilized by the IT Department. The Assessor and Ambulance departments were mentioned as possibly needing the additional space.

Reed also reported that a Request for Qualifications (RFQ) is being prepared to get proposals for Board of Equalization hearing officers for this year.

Reed discussed a problem with disposing of septic tank waste. The waste requires special handling at the landfill and is too concentrated to dump at the Cedar wastewater treatment facility. A solution is being sought with the State Department of Environmental Quality.

Michael Edwards reported that an interlocal agreement is being drafted for the Reverse 911 calling system. Participants would be all of the municipalities in Iron County, New Harmony, Enterprise, Northern Washington County, Beaver, Minersville, Milford and Beaver County.

Lois Bulloch reported that the Cedar Chamber of Commerce annual banquet is scheduled for February 5. Tickets are available for anyone who would like to attend. Lois also reported that Brian Dangerfield has resigned as Economic Development Administrator to take a position in Mesquite Nevada.

Alma Adams reported that he met with UAC officials to discuss proposed budget cuts proposed by the Legislature. Proposed cuts include funding for programs in the Health Departments, Mental Health, Senior Citizens programs including Meals on Wheels. The cuts will be refined during the Legislative session. The Counties are asking that these programs be left with current funding.

Alma also reported that local land title companies are starting to withdraw their support

of E-Filing of recording documents in the Recorder's office due to a downturn in the economy and shrinking business.

MEMORANDUM OF COOPERATION SUPAC :

Alma Adams presented and discussed a memorandum of cooperation for participation in the Southwest Utah Planning Authorities Council (SUPAC). Iron County has participated for many years and Commissioner Adams recommended that we continue to support SUPAC. Lois Bulloch made a motion to approve the MOC and appoint Alma Adams as Iron County representative. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

IRON COUNTY FIRE PROTECTION STANDARD OPERATING PROCEDURES :

Alma Adams presented a proposed SOP for unincorporated Iron County which sets standards of operation and jurisdiction on fires outside of municipal boundaries. It also sets standards for billing for costs of fire suppression. The MOU will be distributed to Municipalities for signatures by Mayor's and Fire Chief's upon approval by the Commission. Lois Bulloch made a motion to approve and adopt the Fire Protection Standard Operating Procedure as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

APPROVAL OF 2009 WILDLAND FIRE SUPPRESSION BUDGET :

An agreement to participate in the 2009 Wildland Fire Suppression Fund between Iron County and Utah Division of Forestry Fire and State Lands was approved on a motion by Lois Bulloch. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

PERSONNEL MATTERS :

Colette Eppley presented for approval Melissa Byrd as a part time assistant cook at the Cedar City Senior Center. The position is conditional pending justification and workforce assessment by Reed Erickson. Lois Bulloch made a motion to approve the hiring for 60 days pending completion of the justification and workforce assessment. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Colette also presented a transfer and promotion for Amy Harding as a part time head cook at the Cedar City Senior Center. Lois Bulloch made a motion to approve the transfer and promotion upon approval of the justification and workforce assessment. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Colette presented a recommendation that Mike Edwards be promoted to Attorney # 2 with the appropriate standard approved wage increase. Lois Bulloch made a motion to approve the promotion and increase. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

The Commission received reports on justification and workforce assessment for two full time IT workers, Road Department Equipment Operator, Landfill gate house operators, Tourism, Ambulance Paramedic Supervisor and the Recorder Chief Deputy position. Reed Erickson recommended that the Chief Deputy Recorder be replaced with a Recorder Office Manager which would be a merit position. Lois Bulloch made a motion to accept Reed Erickson's recommendation that a Recorder's Office Manager position be created and authorize advertising

to fill this position. A job description has not been approved for this position yet and will be developed for approval. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

The IT worker positions were discussed with Jared Wilson addressing all concerns raised by Reed Erickson in the justification and workforce assessment. Lois Bulloch made a motion to table action on establishing these full time positions. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

After recalling this matter and reviewing bullet points in detail, Lois Bulloch made a motion to approve two full time positions in the IT Department as requested and authorize advertising the positions. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Colette Eppley requested approval of changing the status of a part time position in her office to a full time position after completing the justification and workforce assessment and to hire Vicki Nielsen without advertising the position. Lois Bulloch made a motion to approve the status change as requested. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Alan Wade requested approval of changing one full time position at the Landfill as an operator to two part time gate house operator positions. This would allow a lower wage rate as the part time positions would not be equipment operators and would not require a CDL to apply. Lois Bulloch made a motion to approve the change from Landfill Operator to part time gate house operators. A job description will need to be approved for this position. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Reed Erickson reviewed a justification and workforce assessment for a Road Department equipment operator position and recommended approval of the position. This is to replace a vacancy that occurred on January 1 due to retirement. Lois Bulloch made a motion to approve the justification and workforce assessment and authorize opening the job for applications. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Reed Erickson also discussed the Paramedic Supervisor position vacated by the resignation of April Peterson. Because there needs to be more clarification of the justification and workforce assessment, action on this request was tabled on a motion by Lois Bulloch. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

After recalling this matter with Ron Johnson present. The need for a Paramedic Supervisor was clarified and the position was approved for advertising on a motion by Lois Bulloch. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

The position of part time Public Relations Specialist was also discussed. Reed Erickson recommended that after a justification and workforce assessment, the position should be a full time position with a public relations background. Lois Bulloch made a motion to approve the position as recommended. A job description as a full time position will need to be approved. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Chad Nay discussed with the Commission a request for a modified work schedule for an employee in the Building Department to accommodate his participation in a college course. After reviewing the request Lois Bulloch made a motion to approve the modified work schedule during the spring semester at SUU. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

PRAIRIE DOG MITIGATION MATTERS :

The Commission opened the mitigation review by explaining the procedure adopted by Iron County. Applicants may pass three times if their project is not ready to begin immediately. After three passes, applicants will be dropped from the list and will be required to reapply for take. A maximum of ten permanent take dogs per application will be allowed. Applicants approved for take may opt to wait until spring counts are available to establish correct take numbers.

Blaine Cox reviewed count procedure. Winter count numbers are based on the highest count over the last five years. Spring counts are based on actual counts and can begin after the first of April. Take numbers are based on the formula in the HCP and only include prairie dogs on federal lands and in established colonies. Disease and predation have caused the collapse of several colonies during the past two years. This year Iron County may allocate 76.1 permanent take permits.

Phil Schmidt asked about why golf course and UDOT prairie dogs are not counted in totals. Mr. Cox answered that the golf course is covered under a separate HCP and do not count in the County wide HCP. UDOT highway colonies are not allowed in the permanent counts.

The Commission then went through the list of applicants with the following allocations approved by application list number:

- | | | |
|-------|-----------------|-----------------------------------|
| 6. | Ted Stephenson | 10 dogs |
| 15. | Von Nielson | 10 dogs deferred to spring count. |
| 17. | Lloyd S. Henrie | 6 dogs |
| 18. | Tom Lokowski | 6 dogs |
| 22. | Jay Adams | 10 dogs deferred to spring count. |
| 22 A. | Jim Burgess | 10 dogs |
| 34. | Oscar Hulet | 4 dogs deferred to spring count. |
| 36. | Vision Holding | 10 dogs |
| 55. | Lloyd Woolfe | 10 dogs |

Lois Bulloch made a motion to approve the allocation of 76 prairie dogs for the 2009 season. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye. If any permanent take approvals are not paid for or used as required, an additional allocation may be made at a later time.

LANDFILL COMPACTOR BID OPENING :

Alan Wade met with the Commissioners to open bids as advertised for a landfill compactor. Four bids were received as follows:

Komatsu	\$555,000
Rasmussen Equipment	\$506,389*
Wheeler Machinery	\$549,600
Wheeler Machinery	\$459,600 (a used rebuilt machine)

Lois Bulloch made a motion to accept the bids and refer them to Commissioner Smith, Reed Erickson and Alan Wade to review the bids to determine if they meet the specifications and to bring the matter back to the next Commission meeting for approval. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

BOARD APPOINTMENTS :

The following board appointments were approved on motions by Lois Bulloch. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Merit Review Board: Don Blanchard appointed to a four-year term.

Planning Commission: Ken Esplin appointed to a term to expire Feb 2011. And Lou Tong appointed to a term to expire Feb 2011.

Water Conservancy District: Rick Bonzo appointed to a full term to expire 2013.

Weed Board: Craig Clark and Kim Evans appointed to terms to expire Feb 2011. Paul Nelson appointed to a term to expire 2013. John R. Williams appointed as Kanarrville representative with the term to expire Feb 2010.

The Commission also noted that the Three Peaks Committee needs to be established as a Board with set terms. This matter will be referred to the Attorney to draft guidelines for this Board.

CONTRACT REVIEW & APPROVAL :

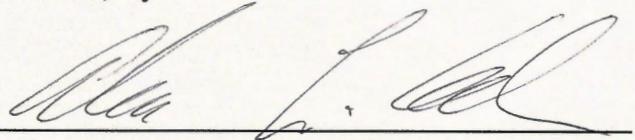
Reed Erickson discussed building maintenance contracts which in the past have been signed by the County Clerk. These included contracts for heating and air conditioning, elevator service, fire alarm monitoring, etc. Since Mr. Erickson is now in charge of buildings, he questioned who should be signing contracts. Lois Bulloch made a motion to authorize the County Administrator as building supervisor to sign for Iron County standard operating and maintenance contracts for services. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

JOB RESPONSIBILITY DISCUSSION :

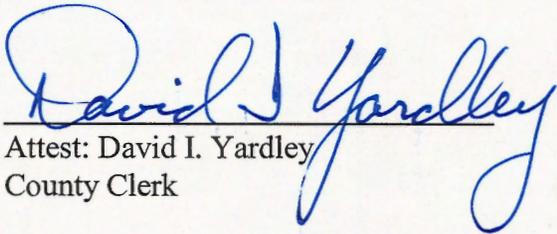
Reed Erickson discussed with the Commission a prioritized policy and task list for his office. Commissioner Bulloch requested that a top priority should be to develop a new employee evaluation form for merit reviews. Other tasks discussed by Mr. Erickson included fleet management, financial management, travel approval and reimbursement, cell phone policy, purchasing, cash flow between funds, workforce assessment and justification, sewage haulers dumping, county road maintenance policy, budget reports, buildings and capital projects, and agenda reports.

ADJOURN _____ :

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



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
February 9, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 9, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES January 26, 2009 :

Minutes of the Iron County Commission meeting held January 26, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Gene Adams reported on overtime used in January by Department. He also reported on line item expenditures within Departments that were over budget. Budget overages have occurred in the following areas: contracted services, fixed assets, office supplies, employee benefits, overtime, Fiddlers building, Visitor Center, Justice Center, TV, buildings and grounds, and Natural Resources.

Reed Erickson reported that invitations have been sent to interested parties regarding the Emerging Transportation Plan for Cedar Valley. An open house has been scheduled at the Festival Hall for February 25 from 4:00 p.m. to 7:00 p.m. The public is invited to attend.

Reed also reported that the Coordinating council discussed a draft agreement for participation in Reverse 911. As the draft is completed, Charlie Morris will mail copies to each participating entity.

Kal Kahler reported on issues raised at the monthly meeting of the Central Iron County Water Conservancy District. Issues discussed included use of gray water from the Cedar City sewer treatment plant in a steam generator system being discussed for Cedar Valley. The Conservancy District is concerned with the volume of water that would be lost to recharge the aquifer.

Scott Garrett reported that he has received a letter from the County independent audit company requesting information on outstanding lawsuits against the County. These include Hollingsworth encroachment, Quichapa flooding, jail suicide, Shiloh Ranch reasonable accommodation, Cedar Storage illegal assessment value, and Alden Smith Drug Task Force action.

Lois Bulloch reported that Cedar City is advertising the Economic Development Director position vacated by Bryan Dangerfield. Reed Erickson suggested that the County offer office space at the Visitor Center for the Economic Development Director.

Wayne Smith reported that he has been appointed to the State Joint Highway Commission.

David Yardley discussed the need to have job descriptions before advertising positions which has been done with positions at the Visitor Center as Public Relations Specialist and Recorder's Office Manager. This is an area that we did not meet minimum requirements in the best practice program through our insurance carrier UCIP.

Alma Adams reported that at a meeting in Richfield with the US Forest Service it was determined that each forest, Dixie, Fishlake, and Manti LaSal will each have their own RAC. He also stated that NEPA documentation will be required on all forest projects.

DELIVERY OF PILT PAYMENT :

Doug Messerly and Scott Dalebout, Division of Wildlife Resources, met with the Commission to present a payment in lieu of taxes payment for properties within Iron County. Amount of the payment for 2009 is \$2,505.34. Mr. Messerly also reported on extended hunting opportunities in Iron County for 2009 and for additional elk permits on the Panguitch Lake and Southwest Desert units.

The Commission discussed with Mr. Messerly concerns with the reduction in counts of prairie dogs in established colonies. The Commission questioned whether dusting or spraying is occurring to protect the colonies from flea infestations that lead to bubonic plague outbreaks causing the colonies population to collapse.

Mr. Messerly responded that currently counts are conducted in compliance with standards outlined in the HCP. He also stated that the population collapse is being studied and options are being studied to stabilize the populations. In the meantime transplants are being done to healthy areas to increase populations. Currently these areas are in Garfield and Wayne Counties.

REGISTRATION PROGRAM FOR COUNTY RESIDENTS WITH SPECIAL NEEDS :

Charlie Morris, Iron County Emergency Services Manager, and Sandy Meissner

Americorp Vista Volunteer, met with the Commission to present a proposal to participate in a notification system which alerts emergency responders to special needs in case of an emergency. Ms. Meissner explained to database access would be limited to three people in the County and could only be accessed for official purposes. The program does not require service or a response by first responders.

Lois Bulloch made a motion to approve the agreement with an emphasis that the County assumes no liability for participation. Second by Wayne Smith. After discussion the motion and second was withdrawn and Wayne Smith made a motion to table action on this agreement until the next Commission meeting to address with the County Attorney's office concerns with liability and future participation in the system. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

IRON COUNTY NATURAL RESOURCE ADVISORY COUNCIL :

Mike Worthen, Iron County Natural Resource Manager presented a draft of the Natural Resource Advisory Council roles and responsibilities for the Commission consideration. The proposed role of NRAC is to provide support and council to the Commission and other appropriate staff. Members will be appointed by the Commission and will represent expertise in one or more of the natural resource areas. A final proposal will be presented at a future meeting for formal approval.

PERSONNEL MATTERS :

Colette Eppley presented for approval new employees Brett Robinson and Joshua Meredith as IT Specialists. The positions have been reviewed and recommended through the justification and workforce assessment process. Lois Bulloch made a motion to approve the hiring of Brett Robinson and Joshua Meredith as recommended. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented for promotion from EMT Basic to EMT Intermediate the following individuals: Corbin Allred; Daniel Stubbs; Deanna Volk; Leann Pointer; Jennifer Packwood; and Amber Dalton. Lois Bulloch made a motion to approve the promotions as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented a promotion request for Bonnie Oldroyd from Secretary 1 to Public Relations Specialist, a part time position, within the Tourism and Convention Department. Lois Bulloch made a motion to approve the promotion. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented volunteer approval requests for Ron Miguel as a meals on wheels worker and kitchen helper in the Cedar City Senior Center and Kay Ayers as a receptionist at the Visitor Center. Lois Bulloch made a motion to approve the two volunteers as requested. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

APPROVE LANDFILL COMPACTOR BIDS :

Alan Wade met with the Commission to review bids submitted for the purchase of a landfill compactor. The low bid submitted by Rasmussen Equipment for a Bomag machine did

not meet the specifications in several areas including air cleaners, radiator cleaning ability, drive train operation, oil life, maintenance periods, parts supplies, etc. The review committee included Alan Wade, Wayne Smith, Michael Edwards and Reed Erickson.

After reviewing bids and recommendations, Wayne Smith made a motion to accept the bid of Wheeler Machinery for a new compactor. Bid price: \$549,600.00 as the low bid meeting specifications. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC COMMENT PERIOD :

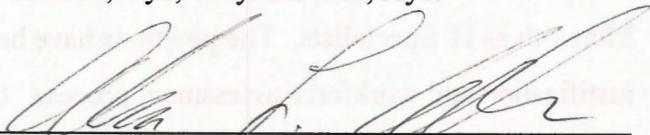
Kerry Hinton commented on the rejection of the landfill compactor bid submitted by Rasmussen Equipment stating that the Bomag machine although not meeting specs was in fact a good machine used in many landfills and that concerns with air cleaners and parts availability were addressed and that in his opinion that the difference in cost should have been the factor to consider in selecting the machines.

BOARD APPOINTMENTS :

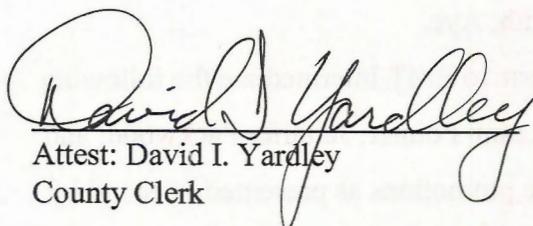
Central Iron County Water Conservancy District: Wayne Smith made a motion to appoint Dale Brinkerhoff to a term on the CICWCD Board to replace Eldon Schmutz. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ADJOURN :

The meeting was adjourned at 2:45 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
February 23, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 23, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

SYNOPSIS :

ADJOURN	7
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CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT	4
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FAMILY DAY PROCLAMATION 2009 APPROVAL	2
IRON COUNTY USU EXTENSION SERVICE	3
PENDING OR THREATENED LITIGATION	6
PERSONNEL MATTERS	4
PLEDGE OF ALLEGIANCE	1
PRAIRIE DOG MATTERS	6
PUBLIC COMMENT PERIOD	5
REGISTRATION PROGRAM FOR CITIZENS WITH SPECIAL NEEDS	4

PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES February 9, 2009 :

Minutes of the Iron County Commission meeting held February 9, 2009 were approved as amended on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Mark Gower reported that Utah Power is requesting \$9,000 to run three poles to bring power to the animal shelter. He requested help in finding a solution to the cost to get power.

Dennis Ayers reported that market value of property in Iron County dropped between 10% and 20% during 2008. This will reflect on tax valuations which in turn may result in a higher tax rate for 2009. Dennis also reported on bills being considered by the Legislature that effect the Assessor's Department.

Geri Norwood reported that there are about 175 parcels which are scheduled to be included in the annual tax sale. There are 15 parcels with buildings and 20 high value properties.

Margaret Miller discussed the merchant fees being assessed on credit card payments to the Justice Court. Currently fees are about \$3,000 per quarter. She said she would like to find a way to assess these fees to the person making the payment.

Reed Erickson reported that in reviewing the establishment documents for Iron County Special Service District # 3 that it is eligible to be designated as the agency to handle Secure Rural School Funding monies. Reed also reported that Cedar City is requesting the County to bond for 1.25 million for the construction of the aquatic center. The Commission explained that they have agreed to pay an annual amount from Restaurant tax and are willing to join an interlocal agreement committing the funds as long as they are available. They are not willing to bond for the money up front.

Wayne Smith reported that Blaine Cox has requested an additional prairie dog technician for 2009 to help with counts and transplanting. It is hoped that with the additional tech that more accurate counts can be obtained.

FAMILY DAY PROCLAMATION 2009 APPROVAL :

David Yardley introduced the request to participate in a nationwide program to recognize the importance of family participation in combating the use of illegal drugs, alcohol, and tobacco products. The program requests that families eat together on the fourth Monday in September as a reminder of the importance of family interaction.

Lois Bulloch made a motion to adopt the family proclamation as presented and to participate in the program to encourage families to eat together on the fourth Monday of September. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

**IRON COUNTY, UTAH
PROCLAMATION
2009 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 23rd Day of February, 2009.



Alma L. Adams, Chairman

Wayne A. Smith, Commissioner

Lois L. Bulloch, Commissioner

IRON COUNTY USU EXTENSION SERVICE :

Chad Reid and Kathy Riggs met with the Commission requesting approval of a cooperative agreement for participation in the USU Extension Service and to approve the annual budget to fund Extension / Iron County operations. They explained that contracts are renewed annually and this agreement is similar to previous agreements except for budget figures.

Lois Bulloch made a motion to approve the agreement subject to approval by the County Attorney's review and approval. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Chad also submitted a request for another phone line into their office. He explained that they have three lines now and with eight employees there are times when people cannot get in or out without a substantial wait. Wayne Smith made a motion to approve the installation of an additional phone line into the Extension Service office. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

REGISTRATION PROGRAM FOR CITIZENS WITH SPECIAL NEEDS :

The Commission recalled the proposed agreement for the implementation of a registration program that notifies first response personnel of special needs during an emergency. It allows citizens to have their name and condition entered into a data base but does not require the emergency personnel to perform any service in an emergency. Commissioner Smith reported that he has reviewed the agreement with the County Attorney's office and is comfortable with adopting the agreement.

Lois Bulloch made a motion to adopt the agreement effective immediately. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT :

Scott Wilson, representing the Central Iron County Water Conservancy District, reported on proposed alternative energy development in southern Utah, particularly Iron County and the impact this energy development will have on water supplies currently available. There is one proposal which would use waste water from the Cedar City sewage treatment plant to generate solar steam powered generation. Also, of concern is the use of water in geothermal plants.

Mr. Wilson requested County support of a request to the State Geological Survey to complete a use study on geothermal resources. Because most of the geothermal is located outside the Water Conservancy District boundary, it cannot fund or conduct the studies, however water use could affect future water purchases for use within the District.

PERSONNEL MATTERS :

Colette Eppley presented for approval new employees within the Ambulance Department as follows: Rosemary Brinkerhoff, EMT Basic, Beryl; Shirley Christensen, EMT Basic, Beryl; Tiffany Hilliard, EMT Basic, Beryl; Nathan Burnham, EMT Basic, Beryl; Jared Gardner, EMT Basic, Beryl; and Tiffany MacLee, EMT Basic, New Harmony. She also presented Coby Matheson as a Road Maintenance Worker. Lois Bulloch made a motion to approve the new employees as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a request for a status change for Bonnie Oldroyd from a part time public relations specialist to a full time public relations specialist. Lois Bulloch made a motion to approve the status change as requested. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette requested approval of the appointment of Amber Evans as Office Manager in the Recorder's Office. Wayne Smith made a motion to approve the appointment as requested. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Mark Gower met with the Commission to request an amendment to the County Workers Comp. policy to allow annual and comp. time restoration for individuals that use their sick leave and/or vacation while on Workers Comp. He explained that a Deputy, injured in the line of duty, opted to use his vacation and sick leave to supplement his Workers Comp. pay. He would now like the vacation and sick leave restored for use again. After receiving the request, the Commission determined that this would result in individuals being paid twice for the same hours and the Commission decided not to disturb the current policy.

CLOSED MEETING :

Lois Bulloch made a motion to convene in closed session to discuss the character, professional competence, or physical or mental health of an individual. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

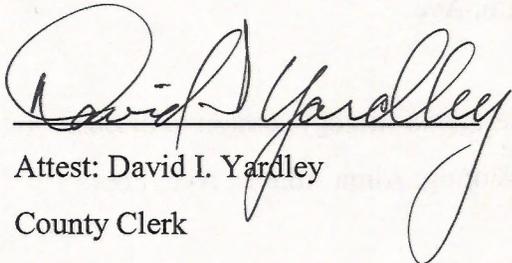
STATE OF UTAH)
) s.s.
COUNTY OF IRON)

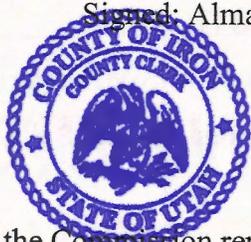
I, Alma L. Adams, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Closed Meeting convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 23rd day of February, 2009.



Signed: Alma L. Adams, Chairman


Attest: David I. Yardley
County Clerk

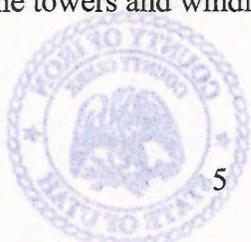


After reconvening in open session, the Commission reported that the matter has been referred to the County Attorney for further action as discussed. Lois Bulloch made a motion to authorize a gag order for a volunteer while on County business. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC COMMENT PERIOD :

Lyn Alder , representing Wasatch Wind, discussed a proposal to establish a wind farm on BLM property located on Harmony Mountain. The area will be above private property and should not be visible from homes being built in Harmony Mountain Ranches. Some of the towers will be visible from Kanarrville and I-15. The proposal is preliminary and it will take some time to get all permits and infrastructure in place for production.

(It was noted at the time of minute approval that the computer photos used at the public demonstration clearly showed the towers and windmills visible from Harmony Mountain Ranches.)



BOARD APPOINTMENTS :

Board of Equalization: Wayne Smith made a motion to appoint Rett Shakespear to the Board of Adjustments to fill the unexpired term of Tom Jett. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CICWCD Board: Wayne Smith made a motion to reappoint Roy P "Pug" Urie and Sheridan Hansen to another term on the Board of Directors of the Central Iron County Water Conservancy District. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PRAIRIE DOG MATTERS :

The Commission discussed prairie dog management and support received from the Department of Wildlife Resources. Due to budget concerns, there is a possibility that funding for the prairie dog technician, Blaine Cox, may be cut by the Legislature. Wayne Smith made a motion to draft letters to DWR personnel requesting that funding be retained for Mr. Cox as he is an excellent resource in the management of the prairie dog HCP. Reed Erickson was asked to draft the requested letters. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CHANGE COMMISSION ASSIGNMENTS :

Wayne Smith made a motion to change Commission assignments for Wayne Smith and Alma Adams. Commissioner Smith will be the Commission contact for the Ambulance Department and Alma Adams will assume the Landfill supervision. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

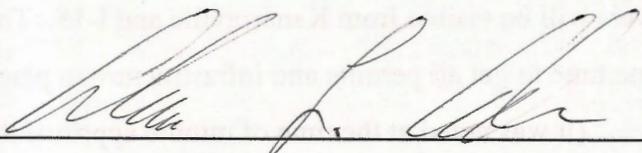
PENDING OR THREATENED LITIGATION :

Wayne Smith made a motion to convene in closed session a strategy session to discuss pending or threatened litigation. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

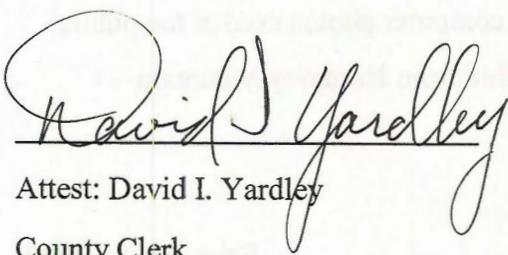
STATE OF UTAH)
) s.s.
COUNTY OF IRON)

I, Alma L. Adams, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Closed Meeting convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.

Dated this 23rd day of February, 2009.



Signed: Alma L. Adams, Chairman

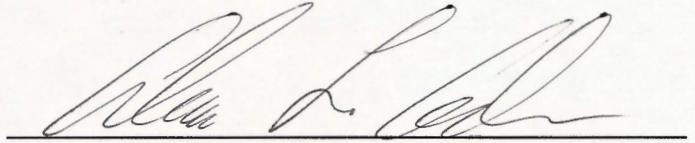

Attest: David I. Yardley
County Clerk



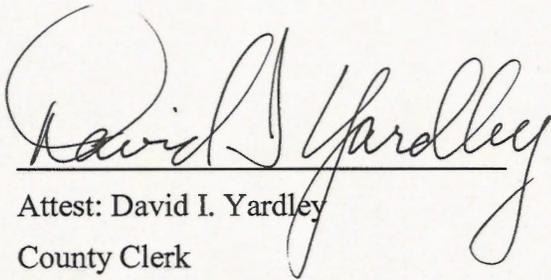
After reconvening in open session Wayne Smith made a motion to approve settlement talks and dollar amounts in the pending case. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ADJOURN :

The meeting was adjourned at 12.30 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
March 9, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 9, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Lois L. Bulloch	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk
Reed Erickson	County Administrator

Absent:

Wayne A. Smith	Commissioner
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SYNOPSIS :

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BRIAN HEAD TOWN ANNEXATION NOTIFICATION	6
DECLARATION OF SRS FUNDING TO SSD # 3 FOR ROADS	6
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PERSONNEL MATTERS	4
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PRAIRIE DOG MATTERS	5
TAX ABATEMENT REQUEST SOUTHWEST APPLIED TECH CENTER	4

PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES February 23, 2009 :

Minutes of the Iron County Commission meeting held February 23, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

ELECTED OFFICIALS REPORTS :

Alma Adams noted that Wayne Smith was absent and excused today because he is attending the National Association of Counties Legislative Conference in Washington DC.

Kal Kahler reported that he has attended three meetings of the CICWCD. He also reported that SUU is moving ahead on a study of the recharge of the Cedar Valley Aquifer from Coal Creek.

Reed Erickson reported that residents from Rainbow Meadows Ranchos near Brian Head are meeting Thursday with the Water Conservancy District to explore the procedure for Iron County or the Water Conservancy District to install and maintain a culinary water system

within the subdivision. The meeting will be held at the conference room in the Justice Center.

Reed also reported that a group has requested permission to serve alcohol at a reception at the Visitor Center. It has been the policy of the County to not allow alcohol to be served in County facilities except at the Fair and with a special permit. Mike Edwards was requested to draft a policy for consideration which would describe circumstances under which alcohol could be available at an event.

2008 CLASS "B" ROAD UPDATE AND APPROVAL :

Iron County Engineer, Steve Platt, reviewed with the Commission a map showing updates to the Class B road system for 2009. He reported an increase of ten miles of maintained paved road bringing this total to 223.28 miles. Maintained gravel roads are listed at 457.28 miles and maintained dirt roads are listed at 304.48 miles. Lois Bulloch made a motion to approve the road designation and mileage as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

ORDINANCE 2008-11 RESTAURANT TAX :

David Yardley reported that an annual renewal of the Restaurant Tax Ordinance has not been adopted for 2009 whereupon Lois Bulloch made a motion to adopt Ordinance 2008-11 effective October 1, 2008 to continue the Restaurant Tax. Second by Alma Adams.

**IRON COUNTY, UTAH
ORDINANCE NO. 2008-11**

**AN ORDINANCE IMPOSING A TOURISM, RECREATION,
CULTURAL, AND CONVENTION TAX AND PROVIDING FOR
COLLECTION THEREOF**

As authorized by the provisions of Utah Code Annotated, Title 59, Chapter 12, Section 601, et seq., (59-12-603 (5a) the County Legislative Body of Iron County, Utah Ordains as follows:

1. **PURPOSE:** This ordinance is enacted to provide a source of revenue specifically for financing, in whole or in part, the development, operation, and maintenance of tourism, recreation, cultural, and convention facilities within Iron County. The provisions of this ordinance shall be interpreted and construed to accomplish such purpose.

2. **DEFINITIONS:** As used in this ordinance:

(1) "Convention Facility" means any publicly owned or operated convention center, sports arena, or other facility used primarily for public or private conventions, conferences, events, and other gatherings.

(2) "Recreational facility" or "tourism facility" means any publicly owned or operated park, campground, marina, golf course, water park, historic park, monument, planetarium, zoo, bicycle trail, or other recreation or tourism-related structure or facility.

(3) "Cultural facility" means an publicly owned or operated museum, theater, art center, music hall, or other similar facility.

(4) "Restaurant" means any facility where food is prepared for immediate service and consumption including, but not limited to, coffee shops, cafeterias, restaurants, luncheonettes, soda fountains, fast food service outlets, and all other similar facilities, but does not include retail establishments whose primary business or function is the sale of fuel and/or food items for off-premise consumption.

3. **IMPOSITION OF TAX AND AMOUNT OF TAX:** There are hereby levied tourism, recreation, cultural, and convention taxes as follows:

One percent (1%) on all restaurant sales of food and beverages made within Iron County or within any city or town located within Iron County.

4. **USE OF REVENUES:** The revenues received from the taxes herein levied shall be used solely for financing, in whole or in part, tourism promotion or the development, operation, and maintenance of tourism, recreation, cultural, and convention facilities, and for no other purpose.

5. **COLLECTION:** Taxes imposed under this ordinance shall be levied and collected at the same time and in the same manner as provided for general sales taxes in Utah Code Annotated, Section 59-12-201, et seq., except that the revenue derived shall not be subject to the distribution provisions of Utah Code Annotated, Section 56-12-205 (2).

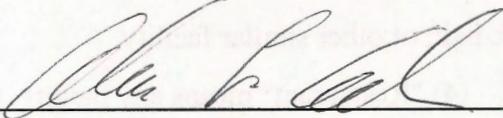
6. **LICENSE REQUIRED:** All persons, companies, corporations, or other similar persons or organization required under the terms of this ordinance to collect the taxes imposed herein shall obtain from the State Tax Commission a Tourism, Recreation, Cultural, and Convention Tax License. No additional license is required if said persons, company, group, corporation, or organization has obtained a license pursuant to the provisions of Utah Code Annotated, Section 59-12-106.

7. **PENALTIES:** Any person, company, corporation, or other organization subject to the terms of this act which shall fail to obtain the required license or fail to collect the tax imposed by this ordinance shall be guilty of a class B misdemeanor.

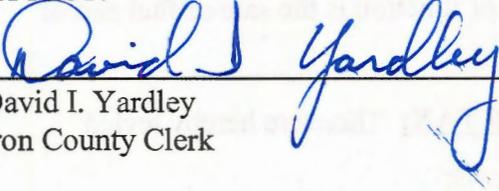
8. **EFFECTIVE DATE:** This ordinance shall become effective upon the 1st day of October, 2008.

APPROVED, ADOPTED, and PASSED by the Iron County Board of Commissioners this 9th day of March, 2009.

IRON COUNTY BOARD OF COMMISSIONERS:


Alma L. Adams, Chairman
Iron County Commission

ATTEST:


David I. Yardley
Iron County Clerk



Voting:

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

TAX ABATEMENT REQUEST SOUTHWEST APPLIED TECH CENTER :

Geri Norwood presented a request to abate taxes from July 14 to December 31, 2007 for Southwest Applied Technology Center. She explained that former managers failed to apply for the requested relief in a timely manner. New management recognized the oversight and requested the tax relief. Scott Garrett reported that the abatement is allowed under Utah Code and is similar to relief granted to SUU in previous requests.

Lois Bulloch made a motion to approve the tax relief requested on parcels B-1135-0093-0000; B-1151-0005-0000; and B-1135-0094-0000 as requested. Total abatement \$3,024.46. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

PERSONNEL MATTERS :

Colette Eppley presented for approval Adam Kavalunas and Cassandra Swisher as Prairie Dog Technicians for 2009. These are full time seasonal positions. Lois Bulloch made a motion to approve the hiring as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

Colette also presented for approval the following promotions: Todd Gale from EMT-Basic to EMT-Intermediate; Aubrey McDonough from EMT-Basic to EMT-Intermediate; and Nick Wittwer from on call Paramedic to Paramedic Supervisor. Lois Bulloch made a motion to approve the promotions as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

Colette presented for approval a grade change for the EMT-Supervisor position from Grade 18 to Grade 20. A position justification and workforce assessment of the position has been completed which indicate the grade change is warranted. Lois Bulloch made a motion to approve the grade change as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

Colette presented a position justification and workforce assessment approval request for a

part time assistant cook in the Parowan Senior Citizen Center. Reed Erickson reported favorably for the position and recommended that the Commission authorize advertising of the opening. Lois Bulloch made a motion to approve the position justification as requested and to authorize the advertisement and filling of the position. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

Colette presented position descriptions for the following Departments: IT, Computer Systems Specialist I; Recorder, Office Manager; Tourism, Public Relations Specialist; Landfill, Scale Operator; Ambulance, EMT Supervisor and Paramedic Supervisor. Lois Bulloch made a motion to approve the position descriptions as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

BOARD OF EQUALIZATION :

Christene Keene presented a list of Religious, Charitable, and Educational Tax Exemption applications for 2009. The following new requests were reviewed:

Cedar Housing Authority on parcel numbers B-1803-0023 and B-1803-0024.

Christ the King Catholic Church on 2008 RAV.

Church of Christ on parcel number B-1135-0079.

T.U.R.N. on 2000 Ford Windstar, 2003 Goshen Bus Paver II, 1997 Ford Supreme Candidate, and 2005 Chevrolet Express Van.

Cedar City Four Square Church on parcels B-1606-0001, B-1606-0002, B-1606-0003, B-1606-0010 and B1606-0011.

Dixie and Anne Leavitt Foundation on parcels B-0637-0001, B0639-0001-0640-641, B-0642-0000, B-0643-0000, and B-1118-0008.

Cedar City Four Square Church also applied for an exemption on Parcel E-843-0002-0001-620 which is vacant land and does not qualify for an exemption.

Lois Bulloch made a motion to approve the requests for Religious, Charitable, and Educational tax exemptions except for the parcel of the Cedar City Four Square Church which does not qualify. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

PRAIRIE DOG MATTERS :

Reed Erickson reported that a draft HCP has been received for review. This will be submitted to Garfield, Piute, and Wayne County Commissioners for review. Reed will set up a meeting with participating entities to discuss the draft document.

Tyler Wangsgard, representing Rocky Mountain Power requested non permanent take of nine (9) prairie dogs to install a fiber optic cable to their headquarters facility on Kitty Hawk Drive from Airport Road. Lois Bulloch made a motion to approve the non permanent take up to nine (9) dogs as requested. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent. Blaine Cox will conduct a study to determine the exact number of take required.

Interlinx has also requested up to ten (10) dogs of non permanent take on Cross Hollow

Road to install a fiber optic cable. Lois Bulloch made a motion to approve the non permanent take of up to ten (10) dogs as requested. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

BOARD APPOINTMENTS :

Board appointments were discussed for Board of Adjustments, Tax Appeal Board, Planning Commission and Central Iron County Water Conservancy District. Because prospective applicants have not been contacted for approval, no action was taken at this time.

BRIAN HEAD TOWN ANNEXATION NOTIFICATION :

David Yardley reported that the County has received a notice from Brian Head Town that an application for annexation of Lot 12, Brian Head Unit 3 Subdivision. Property owners within the subdivision have been notified and to this time no protests have been received by the County.

Lois Bulloch made a motion not to oppose the annexation as noticed. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

DECLARATION OF SRS FUNDING TO SSD # 3 FOR ROADS :

Reed Erickson presented Resolution 2009-1 for approval. He explained that the purpose of designating a different agency to receive Title I monies from the Secure Rural Schools funding is to prevent the distribution from impacting PILT payments in 2010. Iron County SSD # 3 is eligible to receive and expend the funds in compliance with Utah Code. Lois Bulloch made a motion to adopt Resolution 2009-1 as presented. Second by Alma Adams.

RESOLUTION NO. 2009-1

A RESOLUTION DESIGNATING IRON COUNTY SPECIAL SERVICE DISTRICT NUMBER 3 AS THE RECIPIENT OF SECURE RURAL SCHOOLS FUNDS

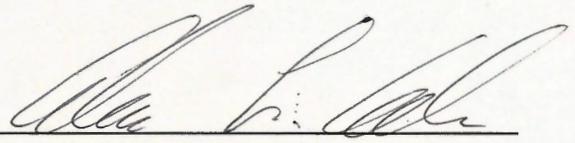
WHEREAS, Iron County Special Service District #3 is a validly existing special service district under Title 17D, Chapter 1; and

WHEREAS, one of the functions of Iron County Special Service District #3 is constructing, improving, repairing, and/or maintaining public roads.

NOW, THEREFORE, at a regular meeting of the Iron County Commission, the legislative body of Iron County, Utah, duly called, noticed, and held on the 9th day of March, 2009, upon motion duly made and seconded, it is unanimously:

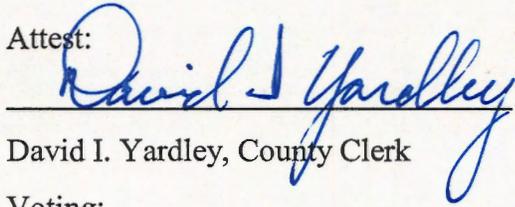
RESOLVED that the Iron County Special Service District #3 is designated as the recipient of Secure Rural Schools funds.

BY ORDER OF the Board of Iron County Commissioners this 9th day of March 2009.



Signed: Alma L. Adams, Chair

Attest:


David I. Yardley, County Clerk



Voting:

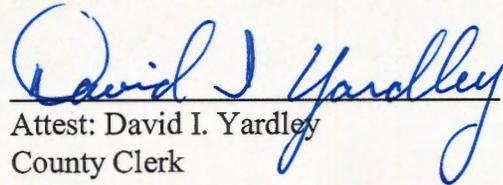
Wayne A. Smith	<u>Absent</u>
Lois L. Bulloch	<u>Aye</u>
Alma L. Adams	<u>Aye</u>

ADJOURN :

The meeting was adjourned at 11:55 a.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.



Signed: Alma L. Adams, Chairman


Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
March 23, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 23, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

SYNOPSIS :

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CEDAR CITY AQUATIC CENTER FUNDING AGREEMENT	6
ELECTED OFFICIALS REPORTS	2
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MEETING OF RESTAURANT TAX BOARD FOR FUNDING REQUEST	3
NOTICE OF BUILDING APPRAISALS	5
NOTICE OF CEDAR CITY ANNEXATIONS	6
NOTIFICATION OF WATER PROJECT	6
PERSONNEL MATTERS	5
PLEDGE OF ALLEGIANCE	1
PREDATOR CONTROL FUNDING	6
PUBLIC COMMENTS	5
PUBLIC HEARING VACATE AND AMEND ROAD EASEMENT	3

PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Reed Erickson.

APPROVAL OF MINUTES March 9, 2009 :

Minutes of the Iron County Commission meeting held March 9, 2009 were approved on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Debbie Johnson reported that trust deed default filings are increasing which reflects the national and local economic problems.

Margaret Miller reported that the economy is also showing in the ability of people to pay fines from traffic tickets. She also reported that she continues to have concerns with the merchant fee being charged against credit card payments. She explained that currently there is not a way to attach it to the fines being assessed.

Gene Adams reported that the Auditor's office is preparing for the independent auditor to start their work. They have requested some material and should be on site within the next two to three weeks.

Jared Wilson reported that the IT Department has completed their move into the offices in the basement of the Courthouse. It has become apparent that there is a number of computers and equipment that is unusable and outdated that needs to be disposed of. They are looking into ways to either recycle or dispose of the old equipment.

Reed Erickson reported that the County has created a Public Relations Specialist position and now the County needs ideas on how to utilize the position. It was suggested that the position be involved in letting the public know of County operations and projects.

Reed also reported that Rainbow Meadow Ranchos Subdivision owner's association is requesting the County to sponsor their request to upgrade their water system. The subdivision is outside of the water conservancy district and therefore creates problems for the district to provide improvements. Issues of concern are water sources which have not been adequately developed and a distribution system that is buried and provides adequate flow rates.

Mark Gower asked if the County had anyone that researched grant availability and filled out applications. He explained that there was stimulus money available if grants were applied for and tracked. The Commission explained that currently there is no one assigned to track grants for the County. It is left to individual Departments to secure grants that will benefit their area.

Mark also reported that the Legislature cut jail reimbursement funding as part of a money saving strategy. This places the burden of funding State prisoners in County jails at County expense.

David Yardley reported that the Legislature passed and the Governor signed H.B. 198 which allows couples applying for a marriage license to pay an additional \$10.00 fee to be forwarded to the State for use in funding domestic violence shelters.

Lois Bulloch reported that the State parks located in our area are doing well. Use is up at all of the five parks and the vision and mission of the Iron Mission State park is being evaluated to see if a name change would enhance the use of the park.

Alma Adams reported that he attended the ribbon cutting for a wind turbine at Three Peaks Elementary school. This is the first commercial size wind generator in the County and will be used to help provide electricity to the school.

PUBLIC HEARING VACATE AND AMEND ROAD EASEMENT :

Lois Bulloch made a motion to open a public hearing to receive comments on a proposal to vacate and amend road easement and amend subdivision plat for Monte Vista Acres Units 2 and 5. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay presented the proposal to vacate the roadway between lots 37 and 62 Monte Vista Acres Unit 2 and lot 1 Monte Vista Acres Unit 5 in Section 3, Township 36 S, Range 12 W, SLB&M. 6550 West will then be relocated and extended to eliminate a right angle curve and align at a better sight angle to Iron Spring road. Lot 1, Monte Vista Acres Unit 5 will donate the road width in exchange for the road way being vacated.

David Yardley reported that the proposed vacate and amend notice has been published for four consecutive weeks in the Spectrum/Daily News and a notice has been mailed by first class mail to all property owners of record in Monte Vista Acres Units 2 and 5.

Thomas Cartwright commented that the roadway proposed to be vacated contains a water main for the Mountain View Special Service Area which serves Monte Vista Unit 2. It is also currently used to access the rear of his and his neighbor's yards for maintenance work. He also expressed concern that Lot 1 of Unit 5 may be zoned commercial which could put a commercial business against his property line. Mr. Cartwright also said there appears to be a survey discrepancy between the two subdivisions that needs to be cleared up before the road is vacated.

Charles Milby, Mountain View water system supervisor, expressed concern with abandoning the roadway where their water main is located. There is also a concern with future maintenance issues on the water line if the roadway is abandoned and the property allowed to develop as a commercial site.

Chad Nay reported that there appears to be a problem with the numbering system on the plat. The street to be amended shows 6550 West and it appears it should be 6525.

Betty Walker presented a petition with 44 signatures opposed to the change along with a note that Kathryn Kaiser and Kirsten Barr have submitted letters in opposition to the proposed change. She reported that the principal concern was with moving an existing used road and with not providing access to existing water system improvements. She also explained that it was an understanding that the zoning was changed on the lots fronting Iron Springs Road in Unit 5.

After all public comments were received, Lois Bulloch made a motion to close the public hearing and to table action on the request to allow appropriate County Departments to research whether the lots in Unit 5 have been zoned Commercial, whether the street address on the proposed amended plat is 6525 or 6550 West; and if provisions have been made on the plat to reserve sufficient utility easement for existing water lines. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The matter will be placed on the next agenda for final action.

MEETING OF RESTAURANT TAX BOARD FOR FUNDING REQUEST :

Lois Bulloch made a motion to adjourn as a Commission Meeting and convene as a

Restaurant Tax Board to act on funding requests from Cedar City Chamber of Commerce Shop Local Program and Dixie National Forest. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye; Maria Twitchell, Aye; Rusty Aiken, Aye.

With the following board members present, Alma Adams, Wayne Smith, Lois Bulloch, Maria Twitchell and Rusty Aiken, Maria Twitchell, Tourism Director presented a request from Cedar City Chamber of Commerce to fund a "Shop Local" campaign aimed at having residents from Iron County and surrounding areas including Beaver, Garfield and Lincoln Counties to shop in Iron County instead of going to Washington County to shop.

Alma Adams questioned why the application is being presented out of the regular budget process. Rusty Aiken responded that it is the intention to spur local sales with immediate response.

Michael Edwards questioned if this is a legitimate use of the funds as approved in Utah Code. It was determined that the Chamber must present expenditure information showing where the Restaurant Tax Funds are used in surrounding Counties. The funds may not be used for local advertising of the campaign.

Wayne Smith made a motion to approve the expenditure of \$5,000 for the Shop Local campaign of the Cedar City Chamber of Commerce with a stipulation that the funds are used in accordance with Utah Code modified to reflect that funds must be used to stimulate tourism. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye; Maria Twitchell, Aye; Rusty Aiken, Aye.

Maria also presented a request from Dixie National Forest for funding of a snowmobile and groomer to be used for grooming cross country ski trails in Deer Valley. The total amount of the request is \$15,661. The Forest Service would maintain and operate the equipment in the non motorized area.

The Board questioned if this equipment would be dedicated to this project or would it be used for other projects. It was also noted that the area is adjacent to Kane County and the equipment would be used in adjacent Counties.

Lois Bulloch made a motion to approve \$7,500 for this project contingent on getting additional funding from other sources and that the equipment is purchased during this budget year. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye; Maria Twitchell, Aye; Rusty Aiken, Aye.

At the conclusion of these items, the Restaurant Tax Board adjourned and the County Commission re convened.

BID OPENING WEED MOWER TRACTOR :

Bids were opened for a Road Department weed mower tractor as advertised. Bids were received with an included bid for a trade in of the current tractor.

Crossroads Equipment	\$58,875.00 for John Deere
Overson Farm Equipment Option # 1	\$61,573.00 for Case International
Option # 2	\$56,451.00 for Case International

Wheeler Machinery

\$45,000.00 for Challenger

Lois Bulloch made a motion to accept the bids and to refer them to the Road Supervisor and Commissioner Smith to review the bids to determine if all bids meet the specs. The motion authorized the awarding of the bid to the firm closest meeting all of the specs and the lowest price. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PERSONNEL MATTERS :

Colette Eppley presented for approval a request for a promotion for Betty Gould from EMT Basic to EMT Intermediate. Wayne Smith made a motion to approve the promotion. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a proposed status change for Alan Wade from Landfill Supervisor to Landfill Technician. Wayne Smith made a motion to approve the status change as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Position justification and workforce assessment approval for Fair Secretary as a part time seasonal employee was approved on a motion by Lois Bulloch. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Position justification and workforce assessment approval for the Landfill Supervisor position was approved on a motion by Lois Bulloch. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Reed Erickson presented a draft County Workforce Policy which will be distributed to County Departments for comments upon approval of the Commission. Lois Bulloch made a motion to distribute the policy for comments. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a request for interim pay for K C Fiack as acting Landfill Supervisor for the time he serves in this position. Pay would be an additional \$125.00 per week. Lois Bulloch made a motion to approve the interim pay as requested. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC COMMENTS :

Craig Spitler commented that a group has held an organizational meeting which has adopted the name ICAT as a tax watchdog group. He suggested that the County could call on this group to lobby the Legislature regarding proposed cuts in jail funding and other issues.

BOARD APPOINTMENTS :

Tax Appeal Board: Lois Bulloch made a motion to appoint Steve Decker to a term on the Tax Appeal Board. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

NOTICE OF BUILDING APPRAISALS :

David Yardley reported that the Utah Counties Insurance Pool (UCIP) have hired an appraisal firm to conduct appraisals of all County owned buildings for insurance purposes. The appraisers will be in Iron County on March 25, 26, and 27 to conduct the appraisals. TV buildings will be appraised at a later date when they are accessible.

PREDATOR CONTROL FUNDING :

Gene Adams reported to the Commission that funds dedicated to coyote bounty have been expended and he suggested that the program be canceled for the foreseeable future. He also reported that funding for helicopter flight has been expended. Wayne Smith made a motion to terminate the bounty on coyotes and to cancel helicopter flights until funds are available. The County will pay the bounty's already submitted and when 2010 funds are available. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

NOTIFICATION OF WATER PROJECT :

The County received notification from the State that the Paragonah Canal Company has received funding to improve the spillway and storage capacity of Red Creek Reservoir. The work should commence during the summer season.

NOTICE OF CEDAR CITY ANNEXATIONS :

Cedar City has notified the County of petitions to annex two parcels. The first is located in Thorley Ranch Estates Unit B and the second is located adjacent to 3000 North and West of the bowling alley. The Commission reviewed the proposed annexations and Lois Bulloch made a motion not to oppose the annexations. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

FIRE SOP AGREEMENT REVIEW :

Alma Adams reported that he met with Cedar City Fire personnel, Paul Irons and Lenore Warby regarding the County Fire SOP. Cedar City is unhappy with the Hold Harmless clause which indemnifies the County for actions by the Fire Departments and the non payment clause included in the SOP. They are requesting that the County remove a hold harmless clause for all actions of Cedar City, the CCFD and firefighters. The matter will be discussed further with the County Attorney and Cedar City Attorney.

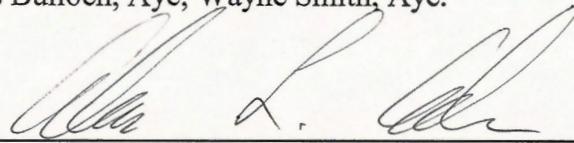
CEDAR CITY AQUATIC CENTER FUNDING AGREEMENT :

Reed Erickson reviewed commitments made by Iron County Commissioners in funding a portion of the Cedar City Aquatic Center. The Commission agreed to fund up to \$1,250,000 in payments from the restaurant tax fund over a period of time. At no time did the Commission agree to bond or borrow funds to help in construction so that the County was obligated to pay out of general fund proceeds. The Commission agreed to fund a portion up front from fund surplus and pay the remainder over time.

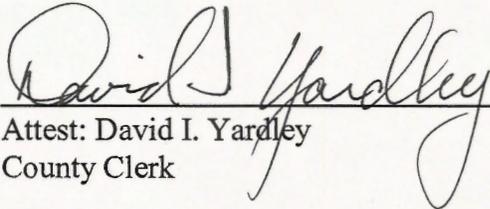
Cedar City is requesting that the County bond for the funds up front to help with construction and to have a clause that the County would then deed the property back to the city when the bond is paid off. The Commission rejected this idea.

ADJOURN _____ :

The meeting was adjourned at 2:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING

April 13, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 13, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Lois Bulloch.

APPROVAL OF MINUTES March 23, 2009 :

Minutes of the Iron County Commission meeting held March 23, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Kal Kahler reported on activities of the Central Iron County Water Conservancy District. The District received a feasibility study regarding a reservoir site on Urie Creek. The report showed the site is well suited to a reservoir with good bedrock foundation and no fault lines detected. The only drawback is the height of the required dam for the amount of water storage available.

Kal also reported that the CICWCD is considering ways to help Rainbow Meadows Ranchos install or develop an approved water system. Since the subdivision is located outside of the district boundaries they cannot directly develop the system. The County has indicated in meeting with residents that they would consider a Special Improvement Area to help with funding development over a period of time.

Reed Erickson reported that Cedar City is requesting the County to establish a trails plan to extend hiking and biking trails through Cedar Valley along Coal Creek drainage. The trails committee would also look at establishing links to the Three Peaks recreation area and Cedar mountain for use by ATV riders.

Reed also reported that at the final meeting of the East Iron County Transportation System steering committee a recommendation was made that the County establish a Rural Planning Organization (RPO) to study transportation issues. The RPO can receive federal and state funding to help defray costs.

Reed discussed a plan being pushed by Brian Head and Cedar City to participate in a sustainable resource (recycling) program. The County needs to determine if there are locations in the County that could participate in the program.

Michael Edwards requested comments on the proposed reverse 911 agreement. He explained that Charlie Morris had requested that liability and late fee language be removed. The Commission requested that this language be added back in. The Commission also recommended that equipment maintenance and service language be added to the agreement.

ASSESSED VALUE ADJUSTMENT RECOMMENDATIONS :

Dennis Ayers, Iron County Assessor, came before the Commission to request a decision regarding an erroneous assessment on Lot 42, Legacy Estates Subdivision, Phase 2; Sec 12, T35S, R11W, SLM, Account # 466687. He explained that the Assessor's office has discovered that this lot is a water catchment area and not a buildable lot. In the past it has been the practice to make adjustments for the previous five years upon discovery of a County error. Total adjustment would be \$1,716.47 in excess tax collected.

Dennis also reported that the home located on Lot 63, Trails West Subdivision, Phase IV, Account # 406485 has been assessed on significantly higher square footage than actually exists.

Lois Bulloch made a motion to approve correcting County errors in assessment values on the two properties for the previous five years. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CONDITIONAL USE PERMIT NOTIFICATION :

Chad Nay, Iron County Zoning Administrator reported that a group has requested a conditional use permit for a surface mine located in Section 36, Township 32 South, Range 6 West, SLB&M, adjacent to the Iron County and Garfield County Line. After reviewing the CUP, the Commission recommended that Garfield County be notified of the request and to ask if they have concerns with the conditions recommended by the Iron County Planning Commission.

SOUTHERN UTAH UNIVERSITY :

Jennifer Hunter, representing Southern Utah University reported on scheduled activities for Earth Day at the campus. These included use of earth friendly products, recycling of plastics, glass and paper products and other activities. She invited the Commission and the public to attend the activity.

Stephanie Summers, a Success Academy student, presented her Science Fair project on waste at a landfill versus waste recycled. She explained that by recycling all renewable

resources, the landfill volume could be reduced dramatically and the resources to manufacture glass, plastic, and paper products could be reduced accordingly. She will be participating in Earth Day activities at SUU explaining and demonstrating recycling techniques.

PERSONNEL MATTERS :

Colette Eppley presented position justification and workforce assessment approval recommendations for a part time seasonal weed/pest control specialist, a part time culinary worker position at the jail to replace a current vacant position, and a part time seasonal position as a Tourism/Convention specialist. All of the positions have received a favorable recommendation from Human Resources and Reed Erickson. Lois Bulloch made a motion to approve the position justifications and workforce assessments as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval Phillip White as a new hire as a seasonal part time weed and pest control specialist. Mr. White worked last summer as the seasonal worker in weed control. Lois Bulloch made a motion to approve the hiring of Phillip White as recommended. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented for approval a volunteer at the Visitor Center. Stevan Payne is a booth volunteer at the Center. Wayne Smith made a motion to approve Stevan Payne as recommended. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette Eppley also made a presentation of an employee innovation award program. The proposed program would reward employees that submitted innovative ideas or procedures that benefit the County. She suggested that it could be named the "Prairie Dog Award" for a doggone good idea.

Craig Spitler suggested that the County not use tax dollars to fund this type of award. He suggested that the County contact local businesses for donations of prizes.

After reviewing the program, Wayne Smith made a motion to table action to allow for additional study of the program. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

VACATE AND AMEND A ROAD EASEMENT AND AMEND SUBDIVISION PLAT :

A request to vacate a road between Lots 37 and 62 Monte Vista Acres Unit 2 and Lot 1 Monte Vista Acres Unit 5 in Section 3, Township 36 S, Range 12 W, SLB&M was recalled for action. Chad Nay reported that at the last Commission meeting three areas of concern were brought up. First, a utility easement for maintenance of the existing water system in Monte Vista Unit 2 was added to the proposed plat. Second, the street address was corrected on the plat to read 6525 West. Third, the zoning was reviewed and the lots that will be impacted are currently zoned R-1. There is a commercial zone nearby but it is located outside of the subdivision boundary.

Findings by the Commission included:

1. The proposed vacation of 1400 North would not materially affect any individual or property owner.

2. The proposed realignment of 6525 West, Navajo Trail, would provide enhanced safety to access Iron Springs Road.
3. Existing infrastructure has been protected with appropriate rights of way.
4. It is in the best public interest to provide a safe access to Iron Springs Road.
5. By adding the vacated road to Lot 1 Monte Vista Acres Unit 5 it maintains appropriate lot size consistent with current zoning.

After reviewing the proposed roadway change, Wayne Smith made a motion to approve vacating 1400 North between Lots 37 and 62 Monte Vista Acres Unit 2 and Lot 1 Monte Vista Acres Unit 5 in Section 3, Township 36 S, Range 12 W, SLB&M. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ORDINANCE 2009-1 VACATING 1400 NORTH MONTE VISTA ACRES UNIT 2:

**IRON COUNTY
ORDINANCE 2009-1**

AN ORDINANCE OF IRON COUNTY AMENDING THE ORIGINAL PLAT OF MONTE VISTA ACRES UNIT 5 SUBDIVISION FILED OCTOBER 24, 1972 AND VACATING 1400 NORTH (PORTION OF NAVAJO TRAIL) MONTE VISTA ACRES UNIT 2 FILED SEPTEMBER 12, 1968.

WHEREAS, this matter came before the Board of County Commissioners of Iron County, Utah upon written application to vacate 1400 North (Portion of Navajo Trail) Monte Vista Acres Unit 2 Subdivision which was filed on September 12, 1968 as entry number 150298 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 1400 North (Portion of Navajo Trail) Monte Vista Acres Unit 2 Subdivision;

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

SECTION 1.

1. 1400 North (Portion of Navajo Trail) Monte Vista Acres Unit 2 Subdivision filed on September 12, 1968 as entry number 150298 of the Official Records of the Iron County Recorder is hereby vacated, and
2. The parcel created shall be approved to be added to Lots 1, 2, and 13, Block L, Monte Vista Acres Unit 5 as recorded October 24, 1972 as entry number 165417

as amended by Iron County Ordinance 2009-1 as adopted on the 13th day of April 2009 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:

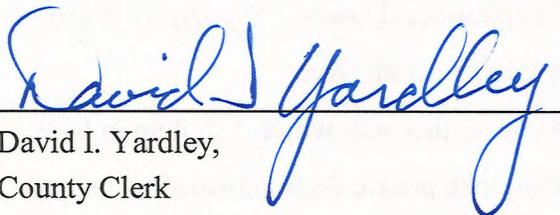
This Ordinance, Iron County Ordinance No. 2009-1 shall become effective following notice and publication as set forth in Utah Code § 17-53-208.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 13th day of April, 2009.

**BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH**

By: 
Alma L. Adams, Commission Chairman

ATTEST:


David I. Yardley,
County Clerk



VOTING:

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

COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING :

Wayne Smith made a motion to open a public hearing to discuss the project determined to be applied for in the CDBG Small Cities Program in Program year 2009-2010. The project being considered is the purchase of two meals on wheels vehicles for use in the meals on wheels program within Iron County administered through the Iron County Council on Aging. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Commissioner Alma Adams then opened the second public hearing at 1:30 p.m. for the CDBG program. Commissioner Adams stated that this hearing is being called to allow all citizens to provide input concerning the project which was applied for under the 2009-2010 Community Development Block Grant Program. The county has included the purchase of meals on wheels vehicles in their capital investment plan and decided to apply for funds on behalf of the Iron County Council on Aging to purchase two four wheel drive meals on wheels vehicles.

The Commissioner introduced Connie Lloyd from the Iron County Council on Aging. The Commissioner explained that the application was successful in the regional rating and ranking process. Grant amount applied for was \$62,560 for 2009/2010.

The Commissioner then asked for any comments, questions and concerns from the audience.

Craig Spittler asked what CDBG stood for and where the funds were coming from. David Yardley explained that CDBG is short for Community Development Block Grant and that funds are allocated from the Federal Government under Title I of the Housing and Community Development Act of 1974 as amended. Locally funds are administered through the State of Utah, Department of Community and Economic Development. Funds are to be used to benefit low to moderate income projects. The Senior Citizens qualify as a targeted group under CDBG guidelines.

The Commissioner stated that copies of the capital investment plan are available if anyone would like a copy. There were no more comments and the hearing was adjourned at 1:45 p.m.

PRAIRIE DOG MATTERS :

Blaine Cox met with the Commission to explain two requests for non permanent take of prairie dogs. Dennis Johnson of South Central Telephone has requested 7 prairie dogs for installation of a fiber optic cable on 2400 in Cedar Valley and Qwest Telephone has requested 10 prairie dogs on Cross Hollow Drive and SR 56 to install a telephone cable. Lois Bulloch made a motion to approve the take requests of South Central Telephone and Qwest. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Blaine Cox reported that spring counts appear to be up this year which will help in take numbers in the future. He also reported that 45 permanent take prairie dogs allocated in January have been returned. A mitigation distribution meeting will be scheduled for a May Commission meeting.

BOARD APPOINTMENTS :

Council on Aging: Lois Bulloch made a motion to reappoint Doug Maxwell, Roy P. "Pug" Urie and Maree Prince to a new term on the Council on Aging as recommended by the COA. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Central Iron County Water Conservancy Board: Wayne Smith made a motion to appoint Laurence Ashdown to fill the unexpired term of Ron Chandler. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Board of Adjustments: Lois Bulloch made a motion to appoint Jay Adams to a term on the Board of Adjustments to replace David Millett. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

GRANT AWARD NOTIFICATION FOR RAED (DEFIBRILLATOR UNITS) :

Colette Eppley reported that the State has sent notification that Iron County has been awarded a grant for the purchase of up to eight defibrillator units. The units would be placed in County facilities such as the Courthouse, Roads, Landfill, Jail etc. One of the requirements is that County personnel would be required to be trained in their use.

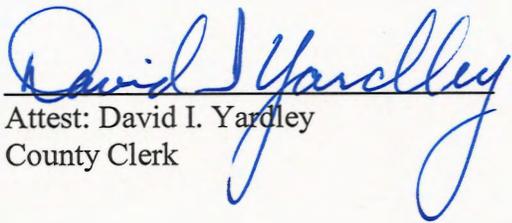
Lois Bulloch made a motion to approve and accept the grant to purchase up to eight defibrillator units and place them in County facilities upon proper training of employees. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ADJOURN :

The meeting was adjourned at 1:45 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING

April 27, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 27, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

Absent:

Lois L. Bulloch	Commissioner
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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES April 13, 2009 :

Minutes of the Iron County Commission meeting held April 13, 2009 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

RULES FOR MEETING :

Wayne Smith made a motion to suspend normal rules and allow the Commission Chair to second motions due to the absence of Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

ELECTED OFFICIALS REPORTS :

Debbie Johnson reported that the Recorder's office is waiting for the simplifile system to be installed and tested to start filing documents electronically.

Dennis Ayers reported that an update from Eagle software is not working properly which will not allow data entry into the assessment roll. Dennis also discussed legislation which requires a statewide mass appraisal system. The State is leaning toward Colorado Software program. Iron County needs to determine when we convert our current data to the statewide system.

Gene Adams reported that the Legislature passed a law requiring the Commission to approve any line item adjustments to Department budgets. The County has an option to pass an ordinance outlining the County accepted procedure which currently allows Departments to adjust line items within their own budgets.

Geri Norwood reported that the annual tax sale scheduled for May 28 at 10:00 still has 115 parcels listed including one home in Cedar City, one recreational vehicle, and one commercial property. There are fifteen properties valued at more than \$50,000. Property owners have until May 27 to redeem their property.

Margaret Miller reported that the Legislature increased fine surcharge by \$8.00 which increased the total fines and penalties for traffic violations less than 10 mph over the posted limit to \$90.00. The Legislature also increased the limits on small claims from \$7,500 to \$10,000 effective May 12.

Mark Gower reported that a Deputy, Adam Burton, was involved with a chase and pit maneuver to stop a fleeing vehicle. The deputy was not injured. However, the driver of the fleeing vehicle was taken to the hospital for her injuries and then released to be booked into jail on multiple charges.

Reed Erickson reported that he has attended training on impact fees. He explained that the training needs to be presented to the Commission and the Planning Commission. Reed also requested time on the next Commission agenda to review and discuss budget and income figures for the first quarter of 2009.

David Yardley reported that County elected officials have again been invited to attend Girls State to explain the functions of their offices. County day is scheduled for June 3 at the Sharwan Smith Center in Cedar City.

Michael Edwards reported that a hearing is scheduled this week in the Shiloh Ranch appeal of a request for reasonable accommodation for operation of a youth facility in Parowan Valley.

Wayne Smith reported that a bridge on the Stevensville Ditch on Midvalley Road has

been installed. Road repair will be completed as weather and material allow.

Alma Adams reported that a meeting regarding wild land fires has been scheduled in Salt Lake City on May 8. He will plan on attending.

GOLD CROSS BILLING CONTRACT :

Ron Johnson and Reed Erickson discussed a proposal for ambulance billing submitted by Gold Cross. The proposal would set rate for first year at \$64,700 after which the rate would be at 4.5% of billed charges. The agreement as presented was for a four-year contract. Commissioner Smith noted that in negotiations with Gold Cross, a three-year contract was discussed and agreed upon. Wayne Smith made a motion to approve the contract subject to the term being adjusted to three years and a review and approval by the County Attorney's office. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

BOARD OF EQUALIZATION REQUEST :

Wayne Smith made a motion to convene as a Board of Equalization to discuss a request for tax exemption submitted by the Dixie and Anne Leavitt Foundation. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

Christene Lowder, Deputy Auditor, presented a request by the Dixie and Anne Leavitt Foundation for tax exemptions on two parcels. The parcels are identified as Account Number 0068079, Parcel Number B-1112-0003-0000 located at 225 South 700 West, Cedar City and Account Number 0071321, Parcel Number B-1118-0014-0000 located at 245 South 800 West, Cedar City. The parcels were purchased by the Dixie and Anne Leavitt Foundation on April 1, 2009.

Wayne Smith made a motion to approve the tax exemption request effective April 1, 2009. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

PERSONNEL MATTERS :

Colette Eppley presented for approval new employee's Colleen Carson as a part time assistant cook in the Parowan Senior Center and Mary Halterman as a part time seasonal secretary for the Fair. Wayne Smith made a motion to approve the hiring requests as presented. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

Colette reported that the IT Department Supervisor, Jared Wilson has requested leave donations to supplement accrued sick leave and vacation of Chelsea Hunt. Employees will be allowed to donate earned vacation only. Wayne Smith made a motion to approve the donation by employees to Chelsea Hunt as requested. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

JAIL PSYCHIATRIST :

A request for qualifications for a psychiatrist at the Jail was advertised and distributed to mental health professionals in Souther Utah. No proposals were returned. The matter was referred to the Jail Commander to seek a professional to provide mental health services at the Jail.

PUBLIC COMMENT PERIOD :

Craig Spitler commented that he would like the County to write and adopt a policy on the way Municipal Services tax funds could be utilized. Commissioner Smith explained that funding use is governed by State Code and the budget process. A local policy regarding tax use is not needed.

BOARD APPOINTMENTS :

Planning and Zoning: Wayne Smith made a motion to appoint Mike Brown to a term on the Planning and Zoning Board to replace Sophia Hall. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

Multi County Appraisal Trust (MCAT) Board: Wayne Smith made a motion to appoint Dennis Ayers as Iron County Assessor and Wayne Smith as Commissioner as Iron County representatives to the MCAT Board. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

A local committee is being established to discuss sustainable resources involving local municipalities. Reed Erickson and Jan Neth were appointed as Iron County representatives on a motion by Wayne Smith. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

CALENDAR COORDINATION :

The Commissioners presented coordinated meeting calenders with Reed Erickson to make sure all meetings are covered.

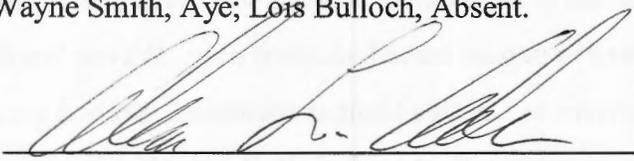
U OF U SCHOOL ON ALCOHOLISM AND OTHER DRUG DEPENDENCIES :

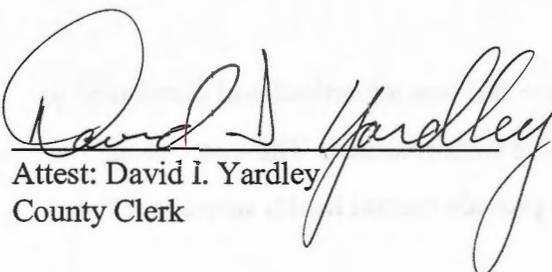
David Yardley reported that the University of Utah is offering a scholarship for attending the annual school on alcoholism and other drug dependencies. Information has been sent to the Jail and Sheriff's Office. Drug dependency workers have also been notified. At this time, Tom and Linda Harris have requested to be considered for participation. Tom and Linda Harris have attended in the past and work in a twelve-step program in Parowan.

Wayne Smith made a motion to approve the applications of Tom and Linda Harris to be sponsored by Iron County. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.

ADJOURN :

The meeting was adjourned at 12:00 noon on a motion by Wayne Smith. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye; Lois Bulloch, Absent.


Signed: Alma L. Adams, Chairman


Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
May 11, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 11, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Lois Bulloch.

APPROVAL OF MINUTES April 27, 2009 :

Minutes of the Iron County Commission meeting held April 27, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Kal Kahler reported that the Central Iron County Water Conservancy District has received a Resolution from Cedar City regarding water hookups outside of the City's jurisdiction. The Board stated that hookups are paid by residents receiving the service. Major infrastructure is paid from proceeds from a tax levy on the whole District.

Kal also reported that the regular meeting schedule has been changed to one meeting per month on the second Thursday.

Reed Erickson reported that a customer service training is being conducted by the Cedar City Chamber of Commerce on Friday, May 15. He requested permission to notice this to all offices and encourage County employees to participate.

Reed reported that an Energy Efficiency grant is being applied for. It will require a building study which Honeywell can provide which will identify areas which can be upgraded for greater energy savings.

Reed also reported that the Permanent Community Impact Board will be meeting at the Parowan Senior Center on June 11. The construction was partially funded through a loan from the PCIB.

Wayne Smith reported that funding of the 5700 West corridor project in Cedar City may have funding available for construction. Right of way acquisition is nearing completion. The route would connect the Kanarraville I-15 exit with a direct route to SR 56.

Lois Bulloch reported that Maria Twitchell will be attending a Transient Room Tax meeting at the Association of Counties building on May 14.

A ribbon cutting ceremony will be held at the Southern Utah University Business Resource Center on May 13 at 11:30 a.m. The Commissioners and Administrator are invited to attend.

Lois also reported that at the present time, the swine flu does not appear to be as virulent or dangerous as first thought. The concern is that it will resurface later this fall and be more destructive than the current strain.

Alma Adams reported that in conversations with Forest Service Officials which have changed the way wild fires are fought on Forests, the Forest Service will no longer fight structure fires. This will be left to local fire crews or the structures allowed to burn.

CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT UPDATE :

Scott Wilson and Kelly Crane representing Central Iron County Water Conservancy District presented a report on activities of the District. Kelly Crane reported on a study projecting growth in central Iron County through the year 2050. At current growth rates within annexation plans, the area will be in a 43,000 acre feet (AF) deficit for water needs. It will take an additional 10,000 acre feet (AF) to develop the industrial corridor along the railroad spur including Port 15.

Scott Wilson reported that the District has purchased a parcel near the college farm and adjacent to Westview Drive which will be developed into a park with water wise landscaping. This will help local residents understand ways to conserve water in installing their own landscaping.

The Commission discussed the proposed cost of further distributing water in the Three Peaks area. Due to the rocky area and the elevations in relationship to the existing water tank, it is estimated that the cost of improvements could run as high as \$60,000.

Scott Wilson reported that the water distribution system has been extended into the Sky View Subdivision just west of Lund Highway on Midvalley Road. There will be a tank party to demolish the old water tank that has had problems for years. The Commission was invited to attend the demolition party.

PRAIRIE DOG MITIGATION BANK DISTRIBUTION OF TAKE:

Blaine Cox, Division of Wildlife Resources Biologist, met with the Commission to allocate permanent take of prairie dogs under the Iron County HCP guidelines. Mr. Cox explained to those present, the procedure the County uses including limiting to ten dogs for any application during the current year. The County has up to 69.73 dogs to allocate from the HCP and 4.1 available from the SITLA Mitigation Bank for a total of 73.83 dogs. Applicants have the option to stay on the list for three years and may elect to pass if their project is not ready to move forward. After take is approved, continuous construction must begin within 90 days.

The following applications were taken in order of application as follows:

List Number	Name	Approved Take	
56:	Phil Schmidt	10 dogs	(Kitty Hawk & Airport Rd)
64:	David Tanner (SUU)	7.2 dogs	(385 S 1275 W)
67:	Monte Stratton	1.2 dogs	(3550 W Hwy 56)
69:	Jim Burgess	10 dogs	(Northfield Rd S of 1425 N)
70:	Les Childs	10 dogs	(Lot 16 Equestrian Point Phase 5)
71:	Les Childs	10 dogs	(Lot 17 Equestrian Point Phase 5)
73:	Heather Richmond	10 dogs	(2017 E Saddleback, Enoch)
75:	Les Childs	10 dogs	(Equestrian Point Phase 14)

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

Phil Schmidt also requested permission to buy the SITLA Bank dogs at a cost of \$2,100 each. Lois Bulloch made a motion to approve the sale of three SITLA Bank dogs to Phil Schmidt. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ESTABLISHING WEIGHT LIMITS ON CHIP SEALED ROADS:

Michael Edwards, Deputy Iron County Attorney, discussed with the Commission a request to establish an ordinance regarding weight limits on certain roads during spring or early summer months when the road base is not stable. Current County ordinances allow for posting weight limits as needed and approved by the Commission. The Attorney's office will continue to review current code to determine if amendments need to be made.

RESOLUTION 2009-2 APPROVING CAFETERIA PLAN FOR 2009 :

Vicki Nielsen, Human Resource Assistant, presented for approval resolution 2009-2 which authorizes National Benefit Services to provide a cafeteria plan for Iron County employees. Plan was presented during budget hearings and verbally approved. A resolution was not presented at that time.

Lois Bulloch made a motion to adopt Resolution 2009-2 approving National Benefit Services to provide County employees a cafeteria plan for calender year 2009. Second by Wayne Smith.

IRON COUNTY, UTAH

RESOLUTION 2009-2

May 11, 2009

**A RESOLUTION OF THE IRON COUNTY, UTAH COMMISSION
AUTHORIZING PARTICIPATION IN A DEPENDENT CARE FLEXIBLE
SPENDING ACCOUNT AND HEALTH FLEXIBLE SPENDING ACCOUNT,
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Iron County, Utah is a governmental entity established under the laws of the State of Utah, and governed by Utah State Code, Annotated 1953 as amended; and

WHEREAS, Iron County, Utah provides salary and benefits to County employees and therefore is designated as Employer; and

WHEREAS, Iron County, Utah has opted to participate in a Cafeteria Plan to offer employees to participate in a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective January 1, 2009;

NOW THEREFOR, BE IT RESOLVED by the Board of County Commissioners of Iron County, Utah that the form of amended Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective January , 2009 presented at this meeting is hereby approved and adopted and that the duly authorized agents of Iron County area hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

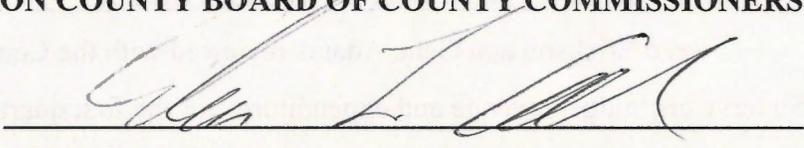
BE IT FURTHER RESOLVED that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the plan and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

BE IT FURTHER RESOLVED that the duly authorized agents of Iron County shall act as soon as possible to notify the employees of Iron County of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

BE IT FURTHER RESOLVED that Exhibit "A" Iron County Government Cafeteria Plan and Exhibit "B" Iron County Government, Cafeteria Plan Summary Plan Description respectively are true copies of the plan descriptions approved and adopted in the foregoing resolutions.

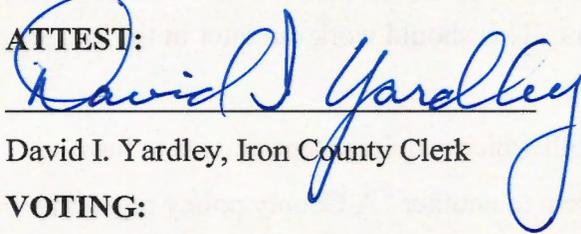
Passed and adopted by the Board of County Commissioners of Iron County, Utah this 11th day of May, 2009.

IRON COUNTY BOARD OF COUNTY COMMISSIONERS



Alma L. Adams, Chairman

ATTEST:



David I. Yardley, Iron County Clerk



VOTING:

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

PERSONNEL MATTERS :

Vicki Nielsen presented for approval a position justification and workforce assessment approval for a part time custodian at the Parowan Senior Citizen Center. This is not a new position which was recently vacated by the resignation of Tena Day. Wayne Smith made a motion to approve the position justification and workforce assessment for a part time custodian. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The Senior Citizen Director has recommended that Carlos Ordonez, a current employee, be hired for the position. The appointment would be in addition to his current job but would not result in more than 30 hours per week. Lois Bulloch made a motion to approve the hiring of Carlos Ordonez as a part time custodian at the Parowan Senior Citizen Center. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Vicki also presented for approval a volunteer Emergency Management / Parks and Recreation worker. The position will be funded through Workforce Service with no expense to the County. Jess Claymore is the proposed volunteer. Lois Bulloch made a motion to approve Jess Claymore as a County Volunteer in the Emergency Management / Parks and Recreation Department. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Reed Erickson discussed temporary positions at the Landfill. He requested that the Commission ratify temporary addition of job duties and wage adjustments for K C Fiack as the temporary Landfill Supervisor effective on the date of his appointment and also the temporary appointment of Alan Wade as the monitoring well technician at the Landfill. This appointment is for up to one year and wells are to be tested quarterly. Wayne Smith made a motion to ratify the temporary personnel changes for K C Fiack and Alan Wade with appropriate wage changes. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC COMMENT PERIOD :

The Commission invited comments from the public. Those present however declined to offer a comment at this time.

BUDGET REVENUE REPORT 1ST QUARTER 2009 :

Reed Erickson and Gene Adams reviewed with the Commission and Department Supervisors budget revenue and expenditures for the first quarter of 2009. Revenue is down slightly from previous years. Gene explained that some line items were created or moved which shows differences in expenditures from previous years. This should work out later in the budget year.

Reed explained that the Legislature passed a bill which requires Departments to have Commission approval to move funds from one line item to another. A County policy regarding the way funds are expended in Department budgets is being prepared.

WORKFORCE ASSESSMENT AND JUSTIFICATION POLICY :

Reed Erickson, Iron County Administrator presented a draft policy regarding workforce assessment and justification. He encouraged Department Supervisors to review the policy and submit any suggested modifications or concerns within the next week for consideration. The policy will be submitted for approval at the next Commission meeting.

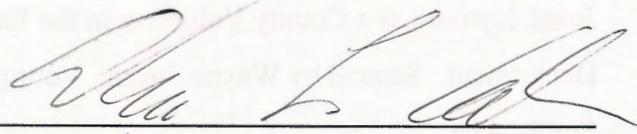
CLOSED SESSION PENDING LITIGATION :

Wayne Smith made a motion to convene in closed session for the purpose of a strategy session to discuss pending or reasonably imminent litigation. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

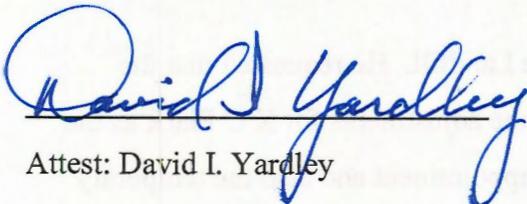
STATE OF UTAH)
) s.s.
COUNTY OF IRON)

I, Alma L. Adams, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Closed Meeting convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.

Dated this 11th day of May, 2009.



Signed Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk

After reconvening in open session, Commissioner Adams reported there was no action required by the Commission at this time.

PRAIRIE DOG MATTERS :

Wayne Smith discussed a concern voiced by Kip Smith regarding the invasion of prairie dogs onto a vacant lot in the Stillwater Estates Subdivision in Parowan. He explained that in order to develop an adjacent lot, some surplus dirt needs to be moved onto the vacant lot. Mr. Smith complained that he cannot get clearance to move the dirt due to prairie dogs on the vacant lot. The matter was referred to Wayne Smith and Blaine Cox to see if a solution can be reached.

BOARD APPOINTMENTS :

Tax Appeal Board: Wayne Smith made a motion to accept the recommendation of Commissioner Bulloch to appoint Glen Barker as a member of the Tax Appeal Board for a four year term to replace Kent Corry. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Planning Commission: Lois Bulloch made a motion to appoint Craig Jones to an additional three year term on the Planning Commission. Term to expire February 2012. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BID FOR SURPLUS 2004 FORD MUSTANG :

David Yardley reported that a bid has been received for a surplus 2004 Ford Mustang that was advertised but not sold last year. Because the Clerk's office is collecting and preparing to publish a list of surplus vehicles within the next few weeks, the Commission rejected the bid and authorized the vehicle to be advertised again on a motion by Lois Bulloch. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

OFFICE SPACE AT THE IRON COUNTY COURTHOUSE AND VISITOR CENTER:

Reed Erickson discussed with the Commission the use of space in the Courthouse and the space in the Visitor Center vacated by the Cedar City Chamber of Commerce. The Commission approved a move by Parks and Recreation and Emergency Management to move from the Fiddlers building to the Visitor Center on a motion by Lois Bulloch. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye. The Commission also approved the use of the basement of the Ambulance building as a command center in case of an emergency.

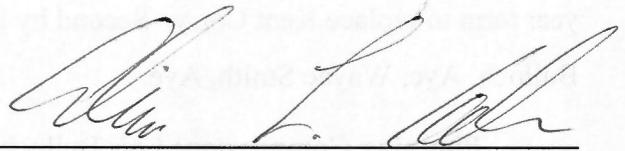
The Commission also approved a request by the Ambulance department to move from their current location in the Courthouse to the space vacated by the move of the IT department. The move is needed to allow for more privacy for interviews by the Ambulance Supervisor and to accommodate additional billing responsibility. Lois Bulloch made a motion to table the request to allow for further assessment of office requirements. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

REVERSE 911 MATTERS :

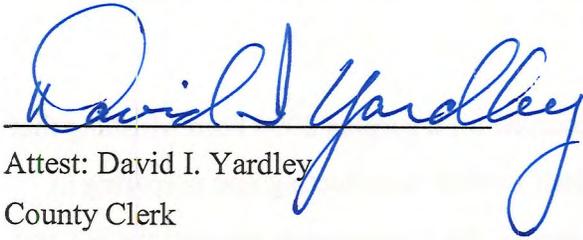
Charlie Morris reported that the Reverse 911 system can only accommodate twelve phone lines instead of the twenty three which would be available with a T1 line. David Yardley was asked to find prices for additional single phone lines to compare with cost of a T1. Charlie also discussed an interlocal agreement with other participating entities for participation in the Reverse 911 system.

ADJOURN :

The meeting was adjourned at 4:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
May 26, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 26, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Debbie Johnson.

APPROVAL OF MINUTES May 11, 2009 :

Minutes of the Iron County Commission meeting held May 11, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Dennis Ayers reported that the assessment roll for 2009 is on schedule to be completed by May 29.

Geri Norwood reported that the annual tax sale is scheduled for May 28th at 10:00. Currently there are 89 parcels still scheduled for the tax sale, however the owners have until Wednesday to pay the delinquency to remove it from the sale.

Debbie Johnson reported that the Recorder's office is receiving inquiries about properties scheduled for sale at the tax sale this week. There is not the traffic so far as in recent years but this will pick up as the week progresses.

Gene Adams reported that the independent auditors are working on the 2008 audit and will be visiting various offices during the next few days. The Auditor's office is also working to prepare for the annual tax sale.

Jared Wilson reported that Eagle Tyler training is scheduled for the end of August at Park City. The conference this year will be sponsored by Summit County.

Reed Erickson reported that a growth model has been created for Iron County and should be available as a planning tool later this summer. This will help in planning growth mainly in the Cedar City and Enoch areas. This is a pilot program in the State and future development will use Iron County as a model.

David Yardley reminded elected officials of Girls State on June 3 at 9:30 a.m. County officials will explain their positions as has been done in past years.

Lois Bulloch recognized the Building Department for the booth they built and staffed at the Iron County Building Fair held recently in Cedar City. She commented on the quality of the display and the response from the public.

Lois also reported that the Cedar City airport would be closing for up to two weeks in August to allow for resurfacing the runway. All air traffic will be diverted to other airports.

Wayne Smith reported that the Road Department is preparing to chip seal shortly after June 1. He also reported that girls camps on Cedar mountain have requested a dumpster during the period when the camps will be in use. This is especially helpful to camps with out of county residents that have no way to dispose of their garbage.

Alma Adams reported that the Children's Justice Center fun run is scheduled for May 30 at 8:00 a.m. The public is invited to participate.

RECOGNITION AWARD PRESENTATIONS :

Troy Little was presented the Attorney General Children's Justice Award for 2008. The award was presented by Stephanie Furnival of the Children's Justice System. The award is given to one person who makes a significant contribution to the CJC during the preceding year. The Commission congratulated Mr. Little and the staff and workers at the CJC.

The **Foley Family** of Cedar City was recognized for an article published in the Family Circle magazine in April 2009. The family was not present but a plaque has been made with the magazine cover and article framed. It will be presented to the family by County representatives.

TAX MATTER RE BACK TAXES ON FORECLOSED PROPERTY :

Doug Lundgren appeared before the Commission to request reinstatement of Green Belt for tax purposes on two parcels of property they sold in Cedar Valley.

Dennis Ayers explained that the purchasers were notified it was going out of green belt and they declined to submit an application. The property went into foreclosure and was returned to the Lundgren's in April 2009. Lundgren's have applied for and received a green belt exemption for 2009.

David Yardley pointed out that in two similar cases, the Commission waived interest and penalty with the current owner responsible to pay the tax provided the tax is paid within a certain time period. Another case involving a large parcel, a settlement agreement was reached with the current owner.

After reviewing the problem, Wayne Smith made a motion to table the matter to June 22 to allow the County Attorney's Office to submit an opinion on options available to the Commission. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BRIAN HEAD COMMUNITY DEVELOPMENT AGENCY :

Bryce Haderlie, Brian Head Town Manager, reported on progress with the Community Development Agency (CDA) after the first year of operation. New street signs have been installed and information Kisok's which direct visitors to areas within Brian Head. The CDA is currently working on a street lighting plan. Bryce also reported that indications point to continued growth and investment in Brian Head with several new condominium projects slated for construction this summer.

PERSONNEL MATTERS :

Colette Eppley presented a recommendation to hire Tony Cottam as a part time culinary worker at the Jail. This is a replacement of an existing position. Wayne Smith made a motion to approve the hire of Tony Cottam as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented the following ambulance workers for approval: Jason Orton, EMT Basic, Parowan; Jake Smith, EMT Basic, Parowan; Mollie Sudweeks, EMT Basic, Parowan; Keith Averett, EMT Basic, New Harmony; Adrian Nielsen, EMT Basic, New Harmony; Lynette Shaw, EMT Basic, New Harmony; Matthew Goodman, EMT Basic, New Harmony; Sarah Gibbs, EMT Basic, Cedar City; Kenna Wright, EMT Intermediate, Cedar City; and Bridget Larsen, EMT Intermediate, Cedar City. Lois Bulloch made a motion to approve the ambulance workers as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval the following volunteer workers: Derek Degay as a Parks and Recreation Maintenance worker. Mr. Degay will be paid through Workforce Services. Bernie Merono was also presented as a Council on Aging Meals on Wheels driver. Wayne Smith made a motion to approve the volunteers as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented a position justification and workforce assessment for approval for an Evidence Technician at the Sheriff's Office. Lois Bulloch made a motion to approve the position

justification and workforce assessment for an Evidence Technician. Second by Wayne Smith.
Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented a position justification and workforce assessment for approval for a Lead Worker at the Ambulance Department in Cedar City. Wayne Smith made a motion to approve a Lead Worker position at the Cedar City ambulance station. Second by Lois Bulloch.
Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Jared Wilson met with the Commission to request a schedule change to four ten hour shifts within the Information Technology Department. The Department would stagger days off so that IT would be covered with a minimum of two staff members each work day. Weeks with a holiday the employees would work standard eight hour days. Reed Erickson suggested a staggered work week designated as 9/80 where employees would work five 9 hour days one week and four the next week for a total of 80 hours per pay period. Wayne Smith made a motion to approve the schedule change as requested. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BOARD OF EQUALIZATION :

Wayne Smith made a motion to convene as a Board of Equalization to hear an exemption request. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Christene Lowder presented a request from the Dixie and Anne Leavitt Foundation for a parcel they recently purchased in Cedar City. Upon the request of the Commission the County Attorney issued an opinion that under State Code, the property does not qualify for an exemption. Utah Code provides that in order to qualify for a tax exemption, the ownership must be in a non profit organization and the property must have a charitable or religious use. Currently this property is used as a rental property where the proceeds are distributed by the Dixie and Anne Leavitt Foundation.

After hearing the County Attorney's letter of opinion, Lois Bulloch made a motion to deny the Dixie and Anne Leavitt Foundation request for a tax exemption on this rental property designated as Tax Serial Number B-1115-0023-0000. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC COMMENT PERIOD :

Craig Spitler commented that the Central Iron County Water Conservancy District has completed improvements to the Sky View Estates water system in Cedar Valley and that the residents of the subdivision are very happy with the Water Conservancy District.

CALENDAR ITEMS :

The Commission and Reed Erickson coordinated calendar items for the next two weeks.

AQUATIC CENTER FUNDING AGREEMENT REVIEW :

Reed Erickson reviewed with the Commission a proposed Aquatic Center funding agreement which will be presented for approval to the Cedar City Council. The agreement will give Iron County a lease hold interest in the facility and will provide that use rates will be equal

for all County and Municipal residents during the life of the facility. The matter will be placed on the next Commission agenda for approval.

SID UPDATE ON 3800 WEST AND WITHIN MONTE VISTA UNIT 2&5 :

Steve Platt presented estimates for road improvements within Monte Vista Units 2 and 5 to bring the roads to a chip seal standard. The estimate was \$991,457.34 for chip seal or \$6,982.09 per lot. Pavement was estimated at \$1,764,908.48 or \$12,428.93 per lot.

Steve also presented an estimate that improvements on 3800 West in Cedar Valley would be \$135,065.00 for chip seal on ½ mile of road or \$15,007.22 per lot. Pavement was estimated at \$257,054.00 or \$28,561.56 per lot.

Since it has been a number of years since the residents submitted an application for an SID and the State Code involving Special Areas has been recodified, the matter was referred to the County Attorney's Office to determine what the procedure should be to notify property owners.

PROPERTY INFORMATION AVAILABLE TO THE PUBLIC ON THE INTERNET :

The Commission discussed with Department supervisors information which can be made public on the internet. Dennis Ayers explained that a major concern is with existing software, it updates to the web work files prior to the final tax roll. It is also a concern that current assessment information would be available for only a portion of the year.

The Commission encouraged public information to be posted on the web as feasible and as accurate as possible in compliance with a motion passed in May 2008.

AMBULANCE DEPARTMENT OFFICE SPACE REQUEST :

The request of the Ambulance Department to move offices to the space vacated by IT was recalled. Reed Erickson presented a floor plan of the proposed space as requested and recommended approval of the move to provide security for ambulance supplies and to provide privacy for the Supervisor to conduct interviews etc. Lois Bulloch made a motion to approve the office change as requested. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

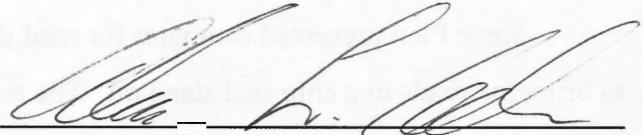
COUNTY TV GRANT DISCUSSION :

Dennis Johnson met with the Commission to discuss grant funds which will be made available to convert analog translators to High Definition (HD). The problem is that the equipment must be purchased and installed before a grant can be applied for. Funding is on a first come first served basis so by waiting, there is a possibility that there would not be funds available. The County currently has 38 channels to upgrade at a cost of \$20,000 each.

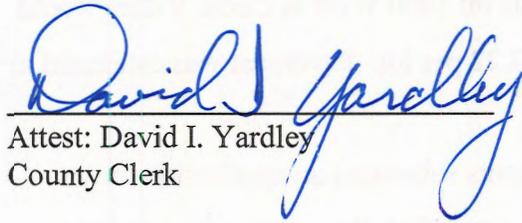
The matter was referred to Commissioner Adams, Dennis Johnson and Reed Erickson to review the grant requirements and to make a recommendation back to the Commission

ADJOURN :

The meeting was adjourned at 3:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING

June 8, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 8, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES May 26, 2009 :

Minutes of the Iron County Commission meeting held May 26, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Kal Kahler reported on the CICWCD meeting in which a report was received stating that the use of water by geothermal electrical generation facilities is not significant. The water used is not potable and therefore not suitable for human consumption.

Kal also reported that a significant subsidence area is located near Enoch. Reasons for the subsidence are being studied to determine how significant the problem is.

Reed Erickson reported that Sumner Swanner from Senator Bennett's office will be visiting Iron County in an attempt to accommodate the prairie dog and provide open space in the County. He will be at the trails meeting on June 23.

David Yardley reported that municipal elections will be held this year. Filing for office will occur in July. Each municipality will be electing a mayor and two members of the city council.

Wayne Smith reported that he met with Tyler Owens with Senator Bennett's office in Washington DC regarding the prairie dog problems. Work is ongoing in getting funding and finding a solution to the problem in private land within Iron County.

Lois Bulloch reported on issues involving the Three Peaks Recreation area including extending a water line to the camp ground, development and distribution of information brochure and shooting range grant fund tracking.

She also reported that public comments regarding pine beetle damage on Cedar mountain are due in Washington this week. This matter was referred to Mike Worthen to draft a comment.

Alma Adams reported that he attended a tour of the "First Wind" electrical generating grid being constructed in Beaver County. The grid will consist of 97 generators upon build out. Generated power will be transferred to the IPP plant near Delta to place on their transmission line for transfer to markets in California.

CERTIFICATION OF TAX SALE RESULTS :

Christene Lowder presented results of the annual tax sale held May 28, 2009. She noted one response from a property owner on parcel # 58 in which the owner mailed a check to the Treasurer's office but used the wrong mailing address and her check was returned to her before the tax sale. The property owner requested that the sale of her parcel be voided.

Wayne Smith made a motion to certify results of the annual tax sale except for parcel # 58 which is referred to the County Attorney to determine if sale of this parcel should be voided. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC HEARING ZONE CHANGE REQUEST FROM A-20 TO INDUSTRIAL :

Wayne Smith made a motion to open a public hearing on a proposed zone change from Agricultural A-20 to Industrial I. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay explained the purpose of the proposed change was at the request of Circle 4 Farms to proceed with an application to construct and operate a landfill on company property located within Sections 4 & 5 of T 31 S, R 13 W, SLB&M. The property is located near the Beaver County line and between existing Circle Four facilities. The Planning and Zoning Commission has reviewed the matter and has recommended approval of the zone change.

Jim Webb, spokesman for Circle Four, explained that Beaver County has placed them in an awkward position in that they will not allow Circle Four waste to be deposited at their landfill

and their concerns with ground water contamination are unfounded since there are many pollution sources closer to Milford. Beaver County is encouraging establishing a landfill north of Milford in the area where the wind farm is located.

A letter from Beaver County Commission voiced opposition to the zone change until alternate sites for a landfill with Beaver County participation could be explored.

A letter from Robert van Bree, an adjacent property owner was read and discussed. Mr van Bree is opposed to the proposed zone change which will result in a property value reduction on his parcel due to the associated smells and waste at the proposed landfill.

Craig Spitler asked if dead animals could be sent to a rendering plant instead of in the landfill. Mr Webb responded that most dead animals are sent to a rendering plant in central Utah. The only animals going into the landfill would be when the rendering plant was down and could not take them.

Chad Nay asked what was proposed to be dumped in the landfill. Mr Webb responded that it would be construction debris, company trash and dead animals. No outside waste would be accepted.

After all public comments were received and questions answered, Lois Bulloch made a motion to close the public hearing. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Lois Bulloch made a motion to table action on the proposed zone change to facilitate a meeting with Beaver County Commission and Circle Four Farms. The matter will be recalled upon completion of negotiations with Beaver County and Circle Four. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC HEARING ZONE CHANGE REQUEST FROM A-20 TO INDUSTRIAL :

Wayne Smith made a motion to open a public hearing to receive comments regarding a proposed zone change from Agricultural A-20 to Industrial I. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay reported that the proposed zone change is in preparation for a request for a conditional use permit to construct a commercial wind energy system within Section 34, T 34 S, R 15 W, SLB&M. The proposal has been considered by the Planning and Zoning Commission and their recommendation is that the zone change be granted.

Craig Spitler questioned where the generated electricity will be used. The response was that it is planned to be sold to Rocky Mountain Power.

Michael Edwards commented that this is a zone change hearing and this type of question can be addressed during the conditional use permit application process but are not a factor in a zone change.

After all public comments were received, Lois Bulloch made a motion to close the public hearing. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The Commission then found as follows:

1. The proposed zone change is consistent with the County General Plan.
2. The proposed zone change will not detrimentally affect the surrounding area.
3. The proposed zone change is compatible with surrounding zoning.
4. The proposed use is a suitable use within the proposed zone change.
5. The proposed use is compatible with surrounding zoning.
6. The proposed zone change and use will result in an economic benefit to the County.

Lois Bulloch then made a motion to approve the proposed zone change on 160 acres from A-20 to I described as the Southwest ¼ of Section 34, Township 34 South, Range 15 West, SLB&M as recommended by the Planning Commission. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ADOPTION OF WORKFORCE ASSESSMENT AND JUSTIFICATION POLICY :

Reed Erickson, Iron County Administrator, presented a proposed workforce assessment and justification policy for adoption. The policy has been distributed to departments for comment. After all comments and suggestions have been addressed, he recommended approval of the policy. Wayne Smith made a motion to adopt the workforce assessment and justification policy as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

REQUEST FOR TAX EXEMPT STATUS FOR SUU FOUNDATION PROPERTIES :

Dorian Page, Vice President for finance and facilities, presented a request for tax exemption on three parcels owned by Southern Utah University Foundation. SUU Foundation is a 501 (c) (3) organization under the IRS code. It is wholly owned and operated by SUU and properties are listed as SUU assets. The request covered three parcels, two vacant parcels and one parcel containing a home which is rented to faculty or staff.

Dennis Ayers responded that different Counties handle these tax exemption requests differently and asked that the request be coordinated with other Counties.

After review, Lois Bulloch made a motion to refer the matter to the County Attorney for a letter of opinion regarding use issues under State Code to qualify for tax exempt status. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

IRON COUNTY RESOURCE MANAGEMENT PLAN :

Mike Worthen, Iron County Natural Resource Management Specialist presented for approval a Resource Management Plan which is a culmination of work over the past years. He explained the different elements of the plan and how the plan is designed to work.

Reed Erickson stated that the plan needs to be site and resource specific which can be developed into a prioritized list.

Lois Bulloch made a motion to adopt the Iron County Resource Management Plan as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PROPOSED MOU PRAIRIE DOG HABITAT USE :

Mike Worthen also discussed a proposed memorandum of agreement between the US Fish and Wildlife Service and Iron County to allow the 220 acres of county owned land in the Little Horse Valley area to be used for Utah prairie dog mitigation. He explained that action needs to be tabled to allow time to execute a deed of conservation easement and to gain approval of inserting this into the approval.

Lois Bulloch made a motion to table the matter as requested to allow for additional information. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PERSONNEL MATTERS _____ :

Vicki Nielsen presented for approval a position justification and workforce assessment for a part time seasonal position in the Tourism department for a receptionist to work weekends at the Visitor Center. Lois Bulloch made a motion to approve the position justification and workforce assessment as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Vicki Nielsen presented for approval the name of Randy Bennett as a part time seasonal receptionist at the Visitor Center. Lois Bulloch made a motion to approve Randy Bennett as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Vicki also presented a workforce assessment for an on call driver for meals on wheels at the Cedar City Senior Citizen Center. Wayne Smith made a motion to approve the workforce assessment as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Vicki presented for approval several volunteers as follows:

Shawna Luttio as an intern through Workforce Services in Parks Maintenance.

Sandra Meisner as a VISTA Volunteer in the Emergency Management Office.

Marie Brooks as a VISTA Volunteer in the Emergency Management Office.

Autumn Charles as an intern through Workforce Services in the Assessor's Office.

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

The following volunteer fire fighters provided they have received appropriate training for the fires they are called to fight were approved on a motion by Lois Bulloch. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Newcastle Fire Department: Jobe Peterson, Kyle Christensen, Todd Tullis, Ryan Christensen and Jared Christensen.

Hamblin Valley Fire Department: Wayne Hunt, Vincent Rice, Carol Rice, Raymond Fester, John Hunt, Joe Slayton, and Patrick Jack Horner.

Vicki presented for approval William Nicks, G'ne Bartholomew and Mark Button for designation as part time employees rather than seasonal employees. Lois Bulloch made a motion to approve the change in designation. Second by Wayne Smith. Voting: Alma Adams, Aye;

Lois Bulloch, Aye; Wayne Smith, Aye.

Vicki discussed with the Commission the upcoming sexual harassment training. She recommended that all employees receive the training as a risk management tool. Lois Bulloch made a motion to require all employees to attend sexual harassment training. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

FAIR MANAGER CONTRACT :

Alma Adams stated a conflict of interest in this item in that the Fair Manager is his sister-in-law.

Vicki Nielsen presented a contract for approval for the Fair Manager position for 2009. Joyce Evans will be designated as the Manager and will be a contract employee. Wayne Smith made a motion to approve the contract for Fair Manager between Iron County and Joyce Evans. Second by Lois Bulloch. Voting: Alma Adams, Abstain; Lois Bulloch, Aye; Wayne Smith, Aye.

MAYOR'S MEMORIAL TREE GROVE :

Mayor Gerald Sherratt and Cedar City Parks and Recreation Leisure Services representative Wally Davis met with the Commission to request permission to establish and maintain a memorial tree grove on a parcel of County property adjacent to Coal Creek and Heritage Park in Cedar City. They explained that the trees will be donated by citizens and will be provided a name plaque designating the donor. The area would be maintained by Cedar City.

The Commission suggested that it may be appropriate to trade a portion of this parcel for the parcel adjacent to the Visitor Center so that the County could provide maintenance of the Visitor Center parcel.

The matter was tabled to allow for more information on the area Cedar City wishes to acquire and the parcel the County would like to acquire.

AGREEMENT FOR THE FUNDING OF CEDAR CITY'S AQUATIC CENTER:

The Commission reviewed the proposed agreement between Cedar City and Iron County for funding a portion of the cost of construction of an aquatic center in Cedar City.

Typographical errors were found and corrected in the draft. After review of conditions, Wayne Smith made a motion to approve the agreement based on correction of typographical errors, clarifying County funding sources, and setting the length of the agreement to twenty years.

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

PUBLIC COMMENT PERIOD :

Phyllis Taylor expressed concern with the tax increase for municipal services which was imposed in 2008 on unincorporated areas. She also expressed concern with budget cuts from proposed budgets in Departments designated for funding from the municipal service tax revenue which included denying a new position as a grant writer in the Sheriff's Office.

The Commission explained the uses of the municipal services tax which is to provide municipal type services to residents in the unincorporated areas. These include law enforcement excluding jail operation, fire services and roads. In the past the County has funded these areas from reserves or the general fund. State law prevents funding from the general fund and the County cannot approve a deficit budget. All items are considered in the budget process and are

approved as a final budget in December.

TV EQUIPMENT UPGRADE GRANT DISCUSSION _____ :

Dennis Johnson met with the Commission to discuss NTIA Grants available for reimbursement of costs associated with upgrading TV Translator equipment from analog to high definition, the same type signal broadcast by TV broadcasters. Dennis explained that funding is on a first come first serve basis and when fund is gone, it is not anticipated that additional funds will be available. Currently Iron County has \$60,000 in equipment which qualify and will be applied for in the first round of funding. Additional equipment estimates to complete the transfer is estimated at \$316,000.

Lois Bulloch made a motion to approve a budget amendment to allow the purchase of equipment and to proceed with upgrading the TV system to HD. Purchase of equipment is to be through the bid process. Dennis Johnson is designated as the contact person for grant purposes. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CALENDAR SCHEDULE _____ :

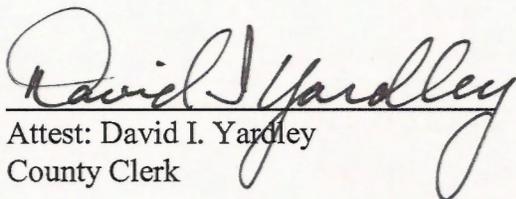
The Commission coordinated calendar appointments with Reed Erickson until the next Commission meeting.

ADJOURN _____ :

The meeting was adjourned at 4:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
June 22, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 22, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES June 8, 2009 :

Minutes of the Iron County Commission meeting held June 8, 2009 were approved as

amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Dennis Ayers reported that state appeals of taxable value will be conducted between June 29th and July 10th here at the Courthouse in Parowan. Dennis also reported that overall property value was down 10.5% county wide from last year. This will result in a higher certified tax rate for 2009.

Debbie Johnson reported that the Recorder's office is being kept busy by filings of trustee sales and foreclosure documents. This is a reflection of the overall economy in the area and the downturn in the housing market.

Geri Norwood reported that the full PILT payment for 2009 has been received by the County.

Gene Adams reported that he is working on certified tax rates at the present time. It appears that the General rate will be .001614 for 2009, up from .001441 in 2008 and the Municipal Service Fund will be .002131, up from .001849 in 2008.

Margaret Miller reported that the small claims limits will increase on July 1 from \$7,000 to \$10,000. Merchant fees on credit cards is still an issue. A software update to remove the fees or charge the customer the merchant fee is being considered.

Reed Erickson reported on a meeting with UDOT representatives and Five County AOG officials, Todd Stowell and Kurt Hutchings to discuss the need for a rural planning organization (RPO). This planning organization should involve municipal officials along with County personnel.

Reed also introduced Bonnie Oldroyd as the County Information Specialist. He outlined her duties to get County information out to the public. He encouraged Departments to utilize her as a resource in public relations.

David Yardley reported that municipal elections will be conducted this year. The filing period starts on July 1 and ends on July 15. The number of candidates filing will determine if a primary election needs to be conducted.

Wayne Smith reported on progress with the development of a new HCP regarding prairie dogs. It appears that Entrix has finally started to proceed after some delays.

Lois Bulloch reported that the State Parks Board is meeting this week to consider a name change for Iron Mission State Park to give tourists a better understanding of the park features.

Lois also discussed the possibility of establishing a County Parks and Recreation Board to oversee development and operation of all County operated parks and recreation areas.

Alma Adams reported that Cedar City has applied for a grant to construct a new fire station at the Cedar City Airport. The County will be asked to provide a portion of the funding for this project.

PUBLIC HEARING ZONE CHANGE A-20 TO I-A INTENSIVE AGRICULTURE:

Lois Bulloch made a motion to open a public hearing to receive comments regarding a proposed zone change from A-20 to I-A Industrial Agriculture within Section 18, Township 36

South Range 15 West, SLB&M. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay, Iron County Zoning Administrator explained that the request by Escalante Farms LLC is to accommodate the construction and operation of a large dairy. The property is located outside of the Newcastle community. One concern was raised by the Planning Commission regarding distances to the Newcastle Church. Siting of the dairy on the property can mitigate this issue.

The Planning Commission held a public hearing on the proposed change and no negative comments were received. The Planning Commission recommended approval of the zone change.

After the issue of separation distances was discussed and clarified, and no further public comments were received, Lois Bulloch made a motion to close the public hearing. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Wayne Smith made a motion to adopt the following findings and to approve the zone change consistent with the recommendation of the Planning Commission:

1. This is an Intensive Agricultural use and is compatible with the surrounding agricultural uses and zoning.
2. The proposed zone change is compatible with goals outlined in the County General Plan.
3. The proposed use is consistent with surrounding land uses.
4. The property is suitable for the proposed use.
5. The proposed zone change will not affect the use of surrounding areas.
6. The proposed zone change will provide an affirmative benefit to the surrounding area.

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

MINOR LOT SUBDIVISION APPROVAL _____ :

Chad Nay presented for approval a minor lot subdivision located within Section 33, Township 37 S, Range 12 West SLB & M as requested by Bart Tanner. Chad explained that because of the location and the number of lots being created that fire flow requirements were recommended to be waived. The proposal will include a road dedication and a recommendation to fence out livestock.

Lois Bulloch made a motion to approve the recommendation of the Planning Commission for approval with the following findings:

1. Fire control to comply with urban interface requirements.
2. The proposal is located in Tier 4 and the proposed subdivision complies with requirements for a minor lot subdivision.
3. Subject property fronts a County Class B road.
4. Adequate culinary water is available to supply subdivided lots.
5. There are no known flood issues in this area.

6. The area will be served by individual septic systems.
7. The lot boundaries border open range. It is the responsibility of property owners to fence out livestock.

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

RESOLUTION 2009-3 ENERGY GRANT APPLICATION APPROVAL :

Reed Erickson explained the purpose of Resolution 2009-3 which is a requirement for applying an energy retrofit grant for the Iron County Courthouse and the Iron County Fiddler's Canyon Building.

After reviewing the proposed Resolution, Wayne Smith made a motion which was seconded by Lois Bulloch to adopt Resolution 2009-3 as follows:

**IRON COUNTY, UTAH
RESOLUTION NO. 2009-3**

**A RESOLUTION APPROVING THE SUBMITTAL OF AN ENERGY GRANT
APPLICATION**

Whereas, the United States Department of Energy, National Energy Technology Laboratory has offered Funding Opportunity Number: DE-FOA-0000013, a formula grant opportunity through the American Reinvestment and Recovery Act stimulus funds package; and,

Whereas, Iron County, a political subdivision of the State of Utah, is eligible for \$187,400.00 in formula grant funds to pursue an energy retrofit project of the Iron County Courthouse and Fiddler's Canyon office building; and,

Whereas, Iron County is not required to match or leverage any funds to complete this project, if awarded the grant; and,

Whereas, the Governing Body deems it in the best interest of this political subdivision and its inhabitants to submit this grant request.

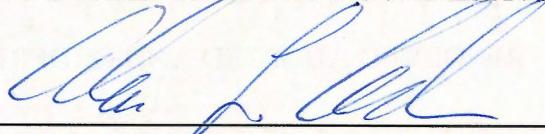
NOW, THEREFORE, be it and it is hereby resolved as follows:

Section 1: The provisions of all documents which constitute the application are approved for submittal to the United States Department of Energy for formula grant funds to conduct the Iron County Courthouse Energy Retrofit in the amount of \$187,400.00 with such changes as may be approved by the authorized officers executing them, the execution thereof being conclusive evidence of such approval. The County Administrator is hereby authorized to sign the application, and the officers and employees of Iron County are authorized and directed to take all actions reasonably required to carry out the transactions contemplated by the application including that the project is in compliance with the Davis Bacon Act.

Section 2: This Resolution shall be effective immediately upon its adoption.

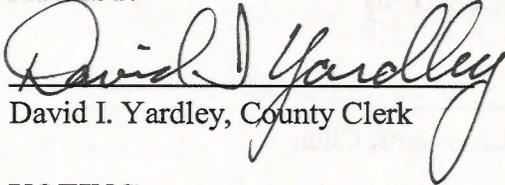
PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF IRON COUNTY, UTAH this 22nd day of June, 2009.

IRON COUNTY BOARD OF COUNTY COMMISSIONERS



Alma L. Adams, Chair

ATTEST:



David I. Yardley, County Clerk



VOTING:

Alma L. Adams

Aye

Lois L. Bulloch

Aye

Wayne A. Smith

Aye

AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT :

Dennis Ayers presented a proposed restated interlocal cooperation agreement to participate in the Multi County Appraisal Trust (MCAT). Iron County has participated in the past and legislation passed in the 2009 session mandates a statewide mass appraisal system. MCAT is the vehicle selected to implement this mandate.

Lois Bulloch made a motion to adopt Resolution 2009-4 and to execute on behalf of Iron County an interlocal agreement to participate in MCAT. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION NO. 2009-4

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH ASSOCIATION OF COUNTIES, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF THE MULTI COUNTY APPRAISAL TRUST.

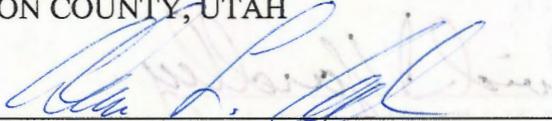
WHEREAS, pursuant to the provision of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements to provide services and facilities; and

WHEREAS, the Board of County Commission of Iron County, Utah, has determined that the interests and welfare of the public within Iron County's jurisdiction will best be served by an Amended Interlocal Cooperation Agreement with other members of Utah Association of Counties relating to the establishment, funding and operation of the Multi County Appraisal Trust.

NOW, THEREFORE, be it resolved by the Board of County Commission of Iron County, Utah, that Iron County approve and authorize the Commission Chair to execute an Amended Interlocal Cooperation Agreement with other members of the Utah Association of Counties relating to the establishment, funding and operation of the Multi County Appraisal Trust.

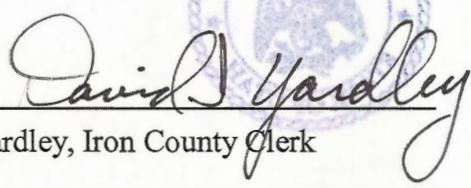
RESOLVED ADOPTED AND ORDERED this 22nd Day of June, 2009.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH



Alma L. Adams, Chair



ATTEST: 
David I. Yardley, Iron County Clerk



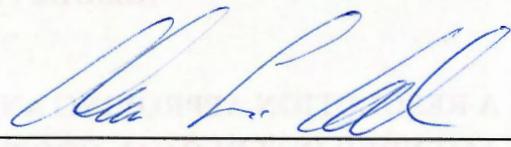
VOTING:

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

IN WITNESS WHEREOF, the parties have signed and executed this Amended Interlocal Cooperation Agreement, after resolutions duly and lawfully passed, on the dates listed below:

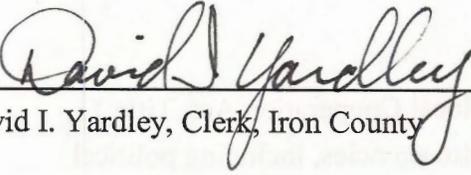
Dated this 22nd Day of June, 2009.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH



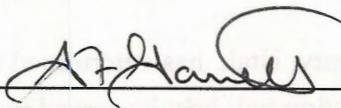
By: _____
Alma L. Adams, Iron County Commission Chair

ATTEST:

By: 
David I. Yardley, Clerk, Iron County



REVIEWED AND FOUND TO BE IN PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW.

By: 
Scott Garrett, Iron County Attorney

PERSONNEL MATTERS _____ :

Colette Eppley discussed with the Commission a proposed amendment to the County Sexual Harassment Personnel Policy. She explained that there were some amendments to the proposed policy that need to be fine tuned. Action was deferred to the next Commission meeting.

CLOSED SESSION PERSONNEL MATTER _____ :

Lois Bulloch made a motion to convene in Closed Session to discuss the character, professional competence, or physical or mental health of an individual. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

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

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

Dated this 22nd day of June, 2009.

Signed: Alma L. Adams, Chairman

Attest: David I. Yardley
County Clerk



SPECIAL ASSESSMENT AREA FUNDING REQUEST _____ :

A request to consider funding a Special Improvement for roads on a cul-de-sac identified as 1100 West Midvalley Road was withdrawn prior to the meeting to obtain additional information from the County Engineer.

The Commission discussed the procedure to establish a special assessment area. This includes publishing in the newspaper a notice of the proposed area four times in four consecutive weeks. The notice is to include estimated costs and protest procedure. Since this is a code change from the former method of implementing a Special Improvement Area, additional information on how to proceed will be researched by the Attorney's office.

BID OPENING FAIR GROUNDS IMPROVEMENTS _____ :

Bids were opened as advertised for the installation of air conditioning and related improvements to the Fairgrounds Exhibit Building. Six bids were received with the following results:

- | | | |
|----|-------------------------------|----------|
| 1. | Premier Heating & Cooling LLC | \$41,800 |
| 2. | Forsyth Heating & Cooling | \$40,000 |
| 3. | L & L Mechanical Contractors | \$47,700 |

- | | | |
|----|----------------------------------|----------|
| 4. | M & M Mechanical | \$44,600 |
| 5. | Davis Heating & Air Conditioning | \$30,400 |
| 6. | Crofts HVAC-R Inc. | \$29,500 |

Lois Bulloch made a motion to award the bid to the lowest responsible bid which meets all of the architect specifications. Bids are to be referred to the architect for review. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESTAURANT TAX BOARD :

Wayne Smith made a motion to convene as a Restaurant Tax Board. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye, Maria Twitchell, Aye; Rusty Aiken, Absent.

The Board discussed with the Commission and Parowan City funding from the Restaurant tax for improvements and repairs to the Fairgrounds Exhibit Building. The Board approved \$29,350 to the Fair for roof repairs and \$28,550 to Parowan City for air conditioning upgrades. The air conditioning upgrade included a roll over of an additional \$20,000 from 2008.

Fair Manager, Joyce Evans, requested approval from the Board to use a portion of the additional appropriated funds to do additional improvements including upgrading the lock system on the building to prevent unauthorized duplication of keys, upgrading the cooling to add heating capability, and to improve the ventilation system in the rest rooms. Parowan City also noted that the sewer service line is in need of repair or replacement.

Maria Twitchell made a motion to approve the roof repairs and air conditioning and to authorize the Fair Chairperson and Parowan City prioritize additional projects for consideration. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye, Maria Twitchell, Aye; Rusty Aiken, Absent.

The Restaurant Tax Board then adjourned and the Commission reconvened in open meeting.

PUBLIC COMMENT PERIOD :

Wayne LeBaron requested the Commission to consider a project to convert household garbage and organic waste including sewer sludge to a process to generate electricity, biodiesel, and clean water. Part of the process would generate carbon dioxide which would then be utilized in greenhouse operations.

The Commission explained that the project sounded interesting, however without costs or an operating plant showing the system would work as explained was premature to commit county participation.

MILEAGE RATES :

The IRS has adjusted the mileage reimbursement rate to \$.54 for 2009. Several years ago the Commission established a policy to adjust County mileage rates to the IRS rate however because of wide fluctuations in fuel prices during the past year, the Commission opted to remain at the current reimbursement rate of \$.505 per mile of personal vehicle use.

ROLL BACK TAXES :

A roll back tax was assessed on a parcel of land donated by Kim Evans to widen the road right of way on 2200 North in the Paragonah fields. Wayne Smith made a motion to pay the roll back tax because the property was transferred to the County at no cost. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

LETTER OF SUPPORT FOR DRY LAKES RANCH :

Reed Erickson presented a request to issue a letter of support for funding through the Utah Quality Growth Commission of a conservation easement funded from the LeRay McAllister Fund for property owned by the Mitchell family designated as the Dry Lakes Ranch. Lois Bulloch made a motion to approve a letter of support of the application as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CALENDER SCHEDULE COORDINATION :

The Commission and Reed Erickson coordinated calender items for the next two weeks.

AMBULANCE BILLING DISCUSSION :

Ron Johnson met with the Commission to discuss billing issues for hardship cases receiving service from the Ambulance department. It was determined that a policy needs to be adopted which outlines procedure rather than looking on an individual case by case basis. The matter was referred to the County Attorney, Reed Erickson and Ron Johnson to draft a policy for review and adoption by the Commission.

FUNDING REQUEST FOR TRANSPORTATION STUDY :

A request by Brian Head Town to fund a transportation study for eastern Iron County which could include public transportation to the Brian Head area was presented. The estimated cost of the study would be \$12,000 divided between entities it would cost each entity \$1,715.

Commissioner Smith was opposed to committing funds to this project stating that a public transportation system in rural areas are not economically viable.

Wayne Smith made a motion to table action on the matter to determine the level of participation by all of the involved municipalities. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ADJOURN :

The meeting was adjourned at 4:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Signed: Alma L. Adams, Chairman

Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
July 13, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 13, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

SYNOPSIS :

ADJOURN 10

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ZONE CHANGE REQUEST FROM A-20 AGRICULTURAL TO I - INDUSTRIAL 2

PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Reed Erickson.

APPROVAL OF MINUTES June 22, 2009 :

Minutes of the Iron County Commission meeting held June 22, 2009 were approved as

amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

ELECTED OFFICIALS REPORTS :

Chuck Heffler and Chet Simpson representing local Veterans of Foreign Wars met with the Commission to request support for the construction of a VA Skilled Nursing Home facility to be constructed in Cedar City. They explained that there are several sites currently available and that Cedar City is more central to southern Utah and eastern Nevada than St George. The Commission stated their support of the proposed VA Skilled Nursing Home facility in Cedar City. Since this item is not an agenda item, no official action can be taken.

Kal Kahler reported on studies being prepared with the CICWCD, Enoch City and Utah State Geologic Survey regarding the subsidence area north of Midvalley Road. The study may be expanded to include all of the Cedar Valley area.

Wayne Smith reported that he is concerned with the speed Enrix has been moving on developing the Prairie Dog HCP. He stated that he has placed calls to Enrix to see if the process can be sped up.

Reed Erickson reported that landfill supervisor position interviews have been completed and the candidates narrowed to the top two or three. Background checks are now being conducted and references are being checked.

Reed also reported that the Cedar City Trails Committee has suggested through Nina Barnes, Cedar City Council, that their committee be expanded to cover County parks and recreation areas. The proposed committee would be adjusted to include subcommittees which would recommend development of trails to connect parks, recreation areas and existing trails on BLM and Forest Service areas.

Lois Bulloch reported that she is meeting with BLM officials to discuss maintenance of restrooms at the Three Peaks area. Currently Iron County is maintaining all of the restrooms on the BLM which is taking more than half of the time of the County maintenance worker.

Lois also reported that the State Parks Board has approved a name change of Iron Mission State Park to Frontier Homestead State Park Museum in an effort to attract tourists and to more closely associate the name to the scope of the operation of the park and museum.

Alma Adams discussed the ability to consider an "in County" contractor in awarding bids. A concern was raised by a local contractor with a bid award to an out of County contractor for work on the Fairgrounds building. Mike Edwards pointed out that there is a provision in the purchasing policy that allows for awarding contracts to local contractors.

Alma also reported on a letter from the State Department of Environmental Quality regarding the Parowan Landfill site. The report found no major violations or suggestions.

ZONE CHANGE REQUEST FROM A-20 AGRICULTURAL TO I - INDUSTRIAL :

A zone change request submitted by Circle 4 Farms on property located within Sections 4 & 5 of T 31 S, R 13 W was called for review. A meeting between Circle 4 and Beaver County was arranged, however Beaver County Commissioners have not informed Iron County of the

results of their negotiations. Wayne Smith made a motion to table action to August 10 to allow Beaver County to submit a recommendation on the proposed zone change. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PRELIMINARY PLAT APPROVAL ENTERPRISE FARMS SUBDIVISION :

Chad Nay presented a proposed preliminary plat for approval of a cluster subdivision located approximately 1000 East Bench Road, Enterprise within Sections 26, 27, and 34, T 36S., R 16 W, SLB&M. The proposed subdivision has thirty buildable lots with sufficient acreage to meet current 20 acre zoning.

The developer, Dodd Hyer, questioned the need to chip seal oil the roads as this is intended as a family subdivision and where road standards in the A-20 zone do not require chip seal or paved roads. The Commission explained that in all new subdivisions for housing development, paved roads are required.

Lois Bulloch made a motion to approve the preliminary plat of Enterprise Farms Subdivision with the following recommendations as submitted by the Planning Commission.

1. Jones Road will continue to be a gravel surfaced road extended South to Bench Road.
2. The interior roads within the subdivision to be chip sealed.
3. Approve a variation in the maximum length of a cul-de-sac.
4. Designate Emergency Service First Response Agencies.
5. Accept Fire Marshall approval of a fire suppression plan.

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

NOTIFICATION OF PROPOSED CONDITIONAL USE PERMIT :

Chad Nay reported that Holt Dairy LLC has applied for a conditional use permit to conduct a Concentrated Animal Feeding Operation. He reviewed proposed conditions for the site which included:

1. Comply with regulations set forth through Utah's DEQ which applies to the requirement of the maximum allowable discharge for water.
2. Comply with all county, state and federal regulations.
3. Adhere to a fire protection plan as outlined by the Iron County Fire Warden.
4. Employee housing located on property will be occupied by full time employees of the Holt Dairy LLC and provide Iron County employees verification upon request.
5. Set up an approved method of disposal of dead animals on at least a weekly basis with a company approved by the state to do such removal.
6. Make reasonable efforts to minimize odor, flies and mosquito populations.
7. Maintain access roads to be dust or mud free within 300 feet before State or County roads.
8. Train employees in first aid and CPR and maintain at least half of employees trained in emergency services.
9. Animal count not to exceed 5,000 head. (7,142 Animal Units).

10. Bond for clean up of contamination and pollution to surrounding property owners.
11. CUP not transferrable to another site.
12. Facility open to inspection by Iron County employees, Health Department employees and DEQ employees.
13. Record in Iron County Records Office original of CUP.
14. Agree to participate in any improvement districts or service districts which may arise without protest.

The Commission had no concerns with the proposed conditions listed in the presented conditional use permit. The matter will be considered by the Planning Commission at their next scheduled meeting on August 6, 2009.

Jason Grubbs, representing Taylor Company, explained a request to participate in an Industrial Development Bond for Holt Dairy LLC. The proposed bond will not bring liability to the County and will not require the County to participate in funding or become liable to pay back bonds in case of default. It allows recipients the opportunity to sell tax exempt bonds to fund economic development.

Since this matter was not an agenda item, Mr Grubbs was asked to get on the next agenda with their proposal for a resolution by Iron County.

APPROVAL OF REVERSE 911 INTERLOCAL AGREEMENT :

Charlie Morris, Iron County Emergency Services Director, presented an interlocal cooperative agreement between Iron County, Beaver County, Cedar City, Parowan, Paragonah, Enoch, Brian Head, Kanarraville, Beaver, Minersville, Milford, Enterprise and New Harmony for operation of a reverse 911 calling system. After reviewing the agreement, Lois Bulloch made a motion to approve the agreement and authorize the Commission Chair to sign for Iron County. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) :

Charlie Morris presented a proclamation in which Iron County participates in the National Incident Management System (NIMS). After reviewing the proclamation, Lois Bulloch made a motion to adopt the following proclamation. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

IRON COUNTY

PROCLAMATION

IMPLEMENTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM

July 13, 2009

WHEREAS, in Homeland Security Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent,

prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualifications standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the county's ability to utilize state funding to enhance local readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the county, including all public safety and emergency response organizations training programs; and

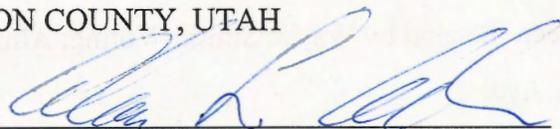
WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW THEREFORE, pursuant to the authority vested in me by the Constitution and the provisions of the Emergency Management Services Code (), We do hereby mandate the National Incident Management System be utilized for all incident management in Iron County.

We further proclaim this to take effect immediately upon adoption by the governing body of Iron County, Utah.

ADOPTED AND ORDERED this 13th Day of July, 2009.

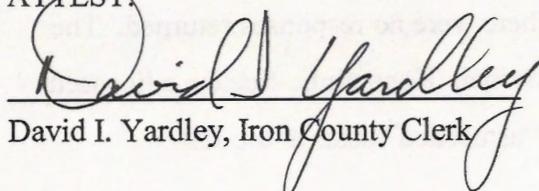
BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH



Alma L. Adams, Chair



ATTEST:



David I. Yardley, Iron County Clerk

REVIEWED AND FOUND TO BE IN PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW.

By:

Michael Edwards, Deputy Iron County Attorney

SPECIAL ASSESSMENT FUNDING FOR 3800 WEST :

Martha Bayer, Iron County Resident, came before the Commission to request an explanation as to why it has taken so long to get estimates on upgrades to 3800 West in Cedar Valley. She explained that it was over six years ago when they made their original application and as of this date, no formal action has been taken.

The Commission explained that the County Engineer that is charged with submitting estimates on construction costs presented his findings in June of this year. In the meantime, the State laws governing the establishment and funding of assessment areas has been changed which included a change in procedure. The County Attorney and Circuit Planner are preparing a procedure outline which will be presented so that the County knows how to proceed under the new statutes. The Commission also gave Ms Bayer the cost estimates for both chip seal and pavement. The Commission emphasized that there still remains a question as to ownership of the road and if the road is dedicated to public use. Ms Bayer then requested an estimate on bringing the road to a gravel standard which could reduce the costs significantly.

The Commission asked Steve Platt to prepare a cost estimate for a gravel standard road for this project.

MAXWELL SUBDIVISION SPECIAL ASSESSMENT AREA :

Steve Platt reported to the Commission that an agreement has been reached on the establishment of a special assessment area which would involve four lots on 1100 West and Midvalley Road. The four lots are located in a minor lot subdivision identified as Maxwell Subdivision. The road currently is not a dedicated road, however the lot owners have prepared a road dedication plat which they have agreed to present for approval. Steve said that he is prepared to go forward with preparing an estimate of the cost of improvements. He recommended that because of the size of the project, that pavement would be the best alternative.

Lois Bulloch made a motion to authorize a cost estimate to be prepared by the County Engineer. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PSYCHIATRIC SERVICES CONTRACT IRON COUNTY JAIL :

Brad Spencer, Jail Lieutenant, came before the Commission to present for approval a contract for psychiatric services at the Jail. He explained that a Request for Qualifications has been distributed to all known Psychiatrists in the area. There were no responses returned. The RFQ was then opened to any qualified Psychiatric professional. Kenneth L. Seeley, a licensed Psychologist has been selected to provide services on an "as needed" basis at the Jail.

Michael Edwards explained that there are some minor errors in wording of the contract and the contract language needs to specify that it is on an "as needed" basis. Lois Bulloch made a motion to approve the contract with grammatical errors corrected and an "as needed" paragraph added and to authorize the Commission Chair to sign the contract. Second by Wayne Smith.

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

PERSONNEL MATTERS _____ :

Colette Eppley presented for approval a status change for Amber Dalton from an on call EMT Intermediate to a part time lead worker/ EMT Intermediate to work at the Cedar City Ambulance station. Wayne Smith made a motion to approve the status change as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval the following volunteers at the Senior Citizens Centers: Tabatha Lund as a custodian at the Parowan Center; Paul Parker as a meals on wheels volunteer in Cedar City; Demetria Parker as a meals on wheels volunteer in Cedar City. Wayne Smith made a motion to approve the Senior Citizen Volunteers as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented for approval two volunteers in the Parks and Recreation Department: Lindsay Bulloch as a Parks Maintenance Worker and Joshua Shaffer as a Parks Maintenance Worker.

Lois Bulloch stated that she has a conflict of interest on this item as Lindsay Bulloch is her Grandson. She did not participate in the discussion or approval.

Colette also explained that Joshua Shaffer is Jane Shaffer's son, Jane is Charlie Morris' full time employee as Parks and Recreation Secretary. Jane would have no direct supervisory responsibility over Joshua. Wayne Smith made a motion to approve the two volunteers as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Abstain; Wayne Smith, Aye.

Colette presented position justification and workforce assessments for approval for a part time custodian and a part time driver for the Parowan Senior Citizen Center. She explained that the positions have been held by one person, Carlos Ordonez who has resigned. Lois Bulloch made a motion to approve the position justification and workforce assessments and to authorize advertising for the positions. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Reed Erickson presented a request to allow an alternate work hour schedule for the Building Department and other employees or Departments on a trial basis. He explained that the Building Department has agreed to try the new work schedule which would flex schedules to allow the office to be open from 7:00 a.m. to 5:00 p.m. daily. Employees would work extra time each day in return for an extra day off each pay period. Lois Bulloch made a motion to authorize the flexible schedule identified as a 9/80 schedule for the Building Department and the Administrator's Office. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

PERSONNEL POLICY AMENDMENTS HARASSMENT :

Colette Eppley presented a revised sexual harassment policy as Section 32 of the Personnel Policy. She also presented a new policy identified as Section 32A titled Employee Romantic, Sexual and Dating Relationships. After reviewing both policies, Lois Bulloch made a motion to adopt Section 32 Harassment, Sexual Harassment, Discrimination, and Retaliation as presented and to table action on Section 32A. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

SURPLUS VEHICLE BID RESULTS AND APPROVAL :

David Yardley presented results of sealed bids received for surplus County vehicles and equipment. After reviewing bids, Wayne Smith made a motion to accept the high bid for all vehicles and equipment except a 2004 Dodge Intrepid which will be kept by the County for miscellaneous use. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

FUNDING REQUEST FOR TRANSPORTATION STUDY :

Bryce Haderlie, Brian Head Town Manager, met with the Commission to request County participation in an eastern Iron County transportation study. He proposed that the County fund \$1,700 toward the study. Bryce stated that Brian Head and Cedar City along with Cedar Breaks National Monument have expressed support for the study.

Wayne Smith stated that he is opposed to funding the study due to the rural nature of the County and no central areas that would be served in the unincorporated areas.

Lois Bulloch stated that there could be some tourism benefit from a transit system where visitors could park at a central location and take buses to Brian Head and Cedar Breaks. The Commission referred the matter to Maria Twitchell to discuss with the Tourism Board for possible funding.

Commissioner Smith was excused at 1:45 p.m. to catch a flight for other duties.

TV TRANSLATOR EQUIPMENT BIDS :

Bids were opened for TV translator equipment to upgrade all County TV translators to digital signals. Three bids were received with totals as follows:

Larcan	\$460,045.00
Technilogic LTD	\$442,500.00
PATS	\$393,800.50

Lois Bulloch made a motion to accept bids and to approve the lowest FCC approved equipment bids from multiple vendors as bid on individual items. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

TAX MATTER LUNDGREN :

Doug Lundgren and Catherine Lundgren returned to the Commission for a decision on a tax matter in which they sold property in Cedar Valley to a developer. The developer defaulted on the purchase agreement and the Lundgren's foreclosed on the agreement. The property

returned to their ownership with taxes owing including interest and penalty. They have requested a tax adjustment for the time they did not own the property to green belt values and tax rates.

After reviewing the request and upon research by the County Attorney's office, the Commission approved a waiver of interest and penalty until August 13, 2009 provided the tax is paid in full. The request to adjust the tax was denied in that the request was for the time the Lundgren's did not own the property and the developers did not request or use the property in compliance with the farmland assessment act. Taxable values were not appealed in a timely manner to the Board of Equalization. Motion was by Lois Bulloch. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

ENDOWMENT TO FUND CONSERVATION EASEMENT MONITORING :

The State Department of Natural Resources has requested a one time endowment of \$7,500 to cover costs associated with monitoring the Little Horse Valley prairie dog conservation area. Lois Bulloch made a motion to approve funding the endowment at \$7,500 from the prairie dog mitigation account. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

FUNDING REQUEST CEDAR CITY AIRPORT FIRE STATION GRANT :

Paul Irons, Cedar City Fire Chief, met with the Commission to request \$120,000.00 over a two year period to fund the construction of a new fire station to be located at the Cedar City airport. He explained that funding for constructing the facility can be secured from Federal grants under President Obama's stimulus plan.

The Commission explained that due to decreases in tax revenue and because of participation in the SAFER grant program which escalates County funding over the next five years, that the County does not have funds they are able to commit at this time. Mr Irons was invited to submit a budget request for the 2010 budget to see if funds could be made available at that time.

BOARD APPOINTMENTS :

Tax Appeal Board: Lois Bulloch made a motion to appoint James C Robinson to the Tax Appeal Board for a four year term to replace Glen Barker. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent. Mr Barker has moved from Iron County and now resides in Garfield County.

Travel Advisory Board: Lois Bulloch made a motion to appoint Dolly Trujillo to the Travel Advisory Board as the lodging representative. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.

RESTAURANT TAX BOARD MEETING FAIRGROUNDS IMPROVEMENTS :

Lois Bulloch made a motion to convene as a Restaurant Tax Board. Second by Maria Twitchell. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Maria Twitchell, Aye; Rusty Aiken, Aye; Wayne Smith, Absent.

The Board discussed the bid process and funding allocation regarding projects at the Fairgrounds. Cost of the air conditioning exceeded the budgeted amount allocated to the Fair by

\$150.00. Parowan City Mayor, Jim Robinson, stated that Parowan City would fund the additional \$150.00. Mayor Robinson then outlined a priority list of projects to be funded from restaurant tax. These included roof repair, upgrading locks, adding heating to air conditioning system, additional gas piping required for heating and other miscellaneous items.

After reviewing the priority list of projects to be completed by Parowan City as requested by the Board, Rusty Aiken made a motion to approve the priority list as presented. Second by Maria Twitchell. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Maria Twitchell, Aye; Rusty Aiken, Aye; Wayne Smith, Absent.

The Restaurant Tax Board then adjourned and the County Commission meeting reconvened.

CALENDAR SCHEDULE :

Reed Erickson coordinated calendars with Commissioner Bulloch and Commissioner Adams for the next two weeks.

CONFERENCE CALL UPDRIP COMMITTEE :

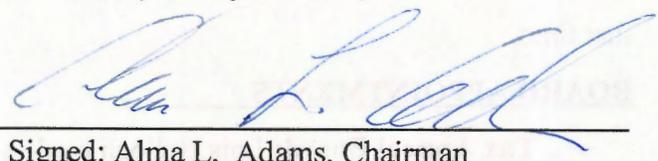
Regular Commission meeting was adjourned at 3:30 p.m. to participate in a conference call with the UPDRIP Committee regarding prairie dog HCP issues involving multiple counties.

PROCEDURE TO ESTABLISH SPECIAL ASSESSMENT AREA :

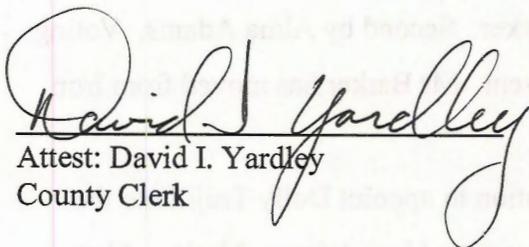
Todd Stowell prepared a procedure outline from current codes for the establishment and funding of Special Assessment Areas formerly known as Special Improvement Areas. Because of time constraints and the absence of Commissioner Smith, the matter was tabled until the next Commission meeting.

ADJOURN :

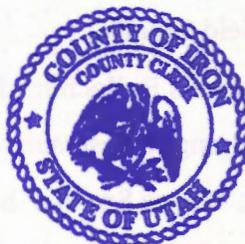
The meeting was adjourned at 4:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
July 27, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 27, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk
Jan Neth	Assistant County Administrator

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES July 13, 2009 :

Minutes of the Iron County Commission meeting held July 13, 2009 were approved as amended on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Gene Adams reported that disclosure notices have been mailed. The Auditor's Office is expecting a large number of contacts as people receive their notice requesting information about Board of Equalization procedure.

Geri Norwood reported that the Treasurer's Office is in the testing phase of scanning archiveable records. Other County Treasurer's and State Archives will be contacted regarding their experience with this process.

Debbie Johnson reported that one of the Deputy Recorder's has taken a medical leave and will be out of the office for a time. This will result in a work load increase for the remainder of the staff. Temporary help will not be required.

Margaret Miller reported that the work load at the Justice Court remains steady. Law enforcement has conducted road blocks to screen for alcohol, drugs and equipment violations. These road blocks create an extra load on the courts as the citations are issued and work through the system.

David Yardley reported that the Clerk's Office is working with the municipalities on the municipal elections. Cedar City, Enoch and Parowan will conduct primary elections on September 15. Ballots are being prepared for proofing as part of the printing process.

Wayne Smith reported that he has attended meetings in Washington DC in which the Utah congressional delegation was contacted regarding prairie dog and farm credit issues. He also reported that he discussed with Senator Bennett's office flood channel issues in Cedar Valley. The County is pursuing lining the drainage channels similar to what Cedar City has done within city limits.

Wayne also reported that he attended a meeting of the UCIP Board of Directors. He reported that volunteers need to be drug tested and approved by the Commission prior to working for a County Department.

Lois Bulloch reported on UACCC meetings held in Logan. One topic of discussion was the State Retirement System. There are some Legislators that are drafting bills to reduce retirement benefits for participants in the retirement system. Utah Association of Counties is opposed to the proposal to reduce benefits.

The Restaurant Tax was also discussed. There is a continued push to confiscate some of the tax collected by the Counties to be used by the State for their programs.

Mark Gower reported that the Sheriff's Association has discussed cuts in jail funding by the Legislature. Gary Herbert as Governor and former County Commissioner, has made it a priority to get a reasonable solution to this problem.

Alma Adams reported that bids for TV Translator equipment have been reviewed and portions have been selected from different vendors depending on price. Translators will be upgraded as soon as equipment is received.

ROLL BACK TAX APPEAL :

Lowman Nelson requested an appeal of a decision by the Assessor to remove a parcel from green belt tax status which resulted in a roll back tax being assessed. Because this is a Board of Equalization matter and was improperly noticed the Commission stated that no action could be taken. The matter will be placed on the next agenda for action.

Dennis Ayers explained that the property in question are two six acre parcels adjacent to each other that have been used as a gravel mining operation and have had recent use as a mining

site. There is also construction type equipment stored on the property and the property is left open so that people can bring fill waste in to eventually fill in the mined area.

The Farmland Assessment Act requires that the property be actively used in an agricultural operation including grazing, however, his observation is that the property is actively being used as a mining site and is not used in conjunction with other livestock operations in the same ownership.

Mr Nelson responded that they use the parcels to pasture horses, typically in the spring and fall and that although their livestock operations are listed under different names, they are all part of an original family operation. He acknowledged that the property is open to the public and that soil fill has been sold from the property within the last three years. As owners, they are encouraging fill to be deposited to bring the property back to its original level. This may take years to accomplish.

No action was taken at this time by the Commission. The matter will be placed on the next agenda for action.

BOARD OF EQUALIZATION APPLICATION FOR PROPERTY TAX EXEMPTION :

Lois Bulloch made a motion to convene as a Board of Equalization to consider a request from the Dixie and Anne Leavitt Foundation for a property tax exemption. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Christene Lowder presented a request for tax exemption for property identified as tax serial number B-1017 covering two buildings, (1) a 1940 vintage home converted to student apartments and (2) a 1975 six unit apartment building used for student housing.

After reviewing the request, Lois Bulloch made a motion to deny the tax exemption based on the use as rental units which are not in compliance with State law concerning charitable uses. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Lois Bulloch made a motion to adjourn as a Board of Equalization and reconvene in Commission meeting. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

NOTIFICATION OF CONDITIONAL USE PERMITS :

Chad Nay reported on Conditional Use Permit applications scheduled to be considered by the Planning Commission at their August 6 meeting.

Kanarraville town has requested a CUP for an outdoor recreation area in a portion of the E ½ NE ¼, Section 3, Township 38 South, Range 12 West, SLB&M. Proposed conditions include:

1. Petitioners shall comply with all federal, state, Iron County, Department of Environmental Quality (DEQ), Southwest Utah Public Health Department laws, rules, and regulations related to the operation of outdoor recreation.
2. Petitioners shall comply with all requirements of BLM lease agreement.
3. Petitioners shall submit an acceptable dust plan to Iron County Zoning Department, DEQ, and Southwest Utah Public Health Department. Petitioners shall be proactive in responding to any potential dust problems.
4. Petitioners shall obtain clearance from the Division of Wildlife Resources prior to the clearing of any ground or the erecting of any structures.

5. The outdoor recreation activities shall be able to operate between 7:00 a.m. and 10:00 p.m. daily. The outdoor recreation activities may also operate during other hours provided the noise, dust and lighting do not unreasonably interfere with the surrounding property owner's quiet enjoyment of their land. The outdoor recreation activities shall be deemed to be unreasonably interfering with surrounding property owner's quiet enjoyment of their land if there is a structure within ¼ mile of the boundary of the outdoor recreation property, and a reasonable noise, dust, or lighting complaint is received by law enforcement or the Iron County Building/Zoning Department. Either party is entitled to a hearing with the Iron County Planning Commission to determine whether the complaint is reasonable. Each party shall follow hearing procedures set forth in the Iron County Land Management Code.
6. All outside and security lighting shall be downward directed and directed away from the highway, and adjacent agricultural and residential districts.
7. Petitioners shall show proof of the quantity of water needed to control dust and for irrigation, sanitation facilities, etc.
8. Petitioners shall obtain building permits from Iron County for structures erected on subject property.
9. Petitioners shall submit a plan to the Iron County Zoning Department for the disposal of solid waste.
10. Petitioners shall obtain a septic system permit for the onsite sanitation facilities from the Southwest Department of Public Health.
11. A letter or plan of approval from the Iron County Fire Warden shall be filed with the Iron County Zoning Department. Petitioner shall adhere to submitted plans.
12. The Petitioner assumes all responsibility for the property, activities, and associated liabilities.
13. All vendors operating on the premises shall be properly licensed in accordance with all federal, state, and county codes, laws, and ordinances.
14. The Petitioner shall improve roads, rights-of-way and easements utilized for ingress and egress from Highway 91 to the site, as well as onsite parking areas to a hard dustless surface (chip sealed or better).
15. The Petitioner shall be responsible for the installation and maintenance of regulation and regulatory signage pertaining to subject property.
16. This Conditional Use Permit runs with the property described herein and is non-transferable to any other location.
17. This Conditional Use Permit shall remain in effect until such time when property is annexed into Kanarrville Town.
18. By signing this Conditional Use Permit, the applicants agree to adhere to the conditions contained herein.
19. All referenced plans and permits to be submitted to, and approved by Iron County Zoning Department prior to commencement of site development.
20. Conditional Use Permit must be recorded with the Iron County Records Office.
21. This Conditional Use Permit is not valid until a signed, notarized and recorded copy is returned to the Iron County Building & Zoning Department.

Chad also presented a Surface Mining Request by Anasazi Gold Reserves on the following described parcel; The East 68 Acres of Section 36, Township 32 South, Range 6 West, SLB&M lies North and East of Highway SR-20. Proposed conditions include:

1. Petitioners shall comply with all federal, state, Iron County, Department of Environmental Quality (DEQ), Southwest Utah Public Health Department laws, rules, and regulations related to the operation of a surface mining operation.
2. Petitioners shall maintain emission regulations and requirements as set forth or recommended by the Department of Environmental Quality (DEQ).
3. Petitioners shall submit an acceptable dust plan to Iron County Zoning Department, DEQ, and Southwest Utah Public Health Department. Petitioners shall be proactive in responding to any potential dust problems.
4. The surface mining operation shall be able to operate between 7:00 a.m. and 10:00 p.m. daily. The surface mining operation may also operate during other hours

- provided the noise, dust and lighting do not unreasonably interfere with the surrounding property owner's quiet enjoyment of their land. The surface mining operation shall be deemed to be unreasonably interfering with surrounding property owner's quiet enjoyment of their land if there is a structure within ¼ mile of the boundary of the surface mining operation property, and a reasonable noise, dust, or lighting complaint is received by law enforcement or the Iron County Building & Zoning Department. Either party is entitled to a hearing with the Iron County Planning Commission to determine whether the complaint is reasonable. Each party shall follow hearing procedures set forth in the Iron County Land Management Code.
5. All outside and security lighting shall be downward directed and directed away from adjacent agricultural and residential districts.
 6. Petitioners shall develop an onsite water source for water needed onsite to control dust and for proper operation of a surface mining operation, crusher, and sanitation facilities, etc. Petitioner shall provide proof of availability and quantity of water necessary to the Iron County Building & Zoning Department. Hauling of water for onsite use is prohibited.
 7. Petitioners shall provide permanent onsite sanitation facilities approved by the Iron County Building & Zoning Department.
 8. Petitioners shall provide a plan of reclamation for the disturbed area to be approved by Iron County. Reclamation plan shall include the plan to establish vegetation upon removal of material.
 9. Petitioners shall maintain surface mining operations an adequate distance from adjacent properties to prevent damage to adjacent properties, which properties include but are not limited to, fences, ditches, irrigation systems, roads, easements, rights-of-way, and utilities. In no case shall the banks, berms, or storage materials be closer than twenty (20) feet from any adjacent properties.
 10. Petitioners shall place a berm around the pit(s) so water will not enter the pit from surrounding properties.
 11. The slopes of banks for pit and storage shall not be steeper than a 2 to 1 slope during mining phase of the operation. After reclamation and restoration, the slope shall not exceed 3 to 1 or as directed by MSHA and OSHA.
 12. The Petitioners must obtain valid permits from the State of Utah's Oil and Gas Division and will be subject to compliance with all requirements of the permits. Petitioners must provide the Zoning Department current copies of the permits.
 13. Petitioners must provide financial guarantee for the operation of surface mining. Petitioners must provide a financial guarantee to the county, in an amount equal to one thousand dollars (\$1,000.00) per acre. A bond in the same amount to the State of Utah's Oil and Gas Division will otherwise satisfy the bonding requirement. For each five acre section that is mined and thereafter reclaimed, Petitioners shall be able to reduce the financial guarantee amount by five thousand dollars (\$5,000.00).
 14. Petitioners must obtain an Impact of the Wildlife Habitat Statement from the Division of Wildlife Resources. Petitioners agree to continue to cooperate with the Division of Wildlife Resources in obtaining all necessary clearances for future expansion of surface mining operations.
 15. Petitioners shall protect the ground water source. All storage tanks shall be located at the original ground level and potentially hazardous materials shall be stored in State approved containers.
 16. By signing this Conditional Use Permit, the applicants agree to adhere to the conditions contained herein.
 17. Fencing shall be installed around the perimeter of property compliant with Iron County design and standards as referenced in the Iron County Code Chapter 6.04 Section 6.04.020.
 18. This Conditional Use Permit is not valid until a signed, notarized and recorded copy is returned to the Iron County Building & Zoning Department.
 19. This Conditional Use Permit runs with the property described herein and is non-transferable to any other location.
 20. Conditional Use Permit must be recorded with the Iron county Recorders Office.

Chad Nay also reported that a CUP will be considered on an application for a wind monitoring tower applied for by Wood Wind Renewable Energy for property described as the South ½ of Section 33, Township 32 South, Range 15 West, SLB&M. Proposed conditions include:

1. Petitioner/Owner shall comply with all county, state, federal, Department of Environmental Quality, and Health Department, regulations, laws, rules, and ordinances.
2. Documentation, maps, and information submitted by the applicant for this conditional use permit shall be deemed part of this conditional use permit.
3. The applicant shall generally follow the site plan as submitted.
4. This conditional use permit is issued as site specific as per legal description and is non-transferable to any other locations.
5. The original conditional use permit shall be recorded at the office of the Iron County Recorder. A recorded copy of the conditional use permit shall be filed with the Iron County Building and Zoning Department.
6. Prior to construction beginning of any buildings, structures, or towers the applicant shall obtain a building permit from the Iron County Building Department. A Building Permit Application will be completed and structural engineered set of plans furnished as approved and accepted by the Iron County Building Department to obtain said building permit.
7. This conditional use permit regulations and conditions herein shall apply to all subsequent future owners of the Wind Monitoring Tower and Equipment.
8. The applicant shall furnish to the Iron County Zoning Department a letter or plan of approval from the Iron County Engineer of the roads, and refurbishment of such they intend to use, and adhere to such plan.
9. A letter or plan of approval from the Iron County Fire Warden shall be filed with the Iron County Zoning Department. The plan shall be adhered with.
10. The total height of the towers and structures shall not exceed 220 feet, including equipment, etc.
11. The towers and equipment shall be constructed with a grounding system to protect the health and safety of all life including human and animals.
12. The area leased and/or owned by the owner of this project and equipment therein shall be maintained in a dust free manner, and be free of all noxious vegetation as outlined within Iron County codes.
13. The minimum amount of property leased/owned shall be sufficient size to be in compliance with the Iron County Code Wind Energy Systems and Facilities concerning placement for the fall zone of 1.5 times the allowed height stated in the conditional use permit, (220 feet total tower height), or the towers, and structures shall be designed and constructed of a collapsible type to fall within the property leased/owned.
14. The duration of this facility and equipment shall be permitted for a total of five years as permitted by the Iron County Code Wind Energy Systems and Facilities. This time frame begins upon issuance of the Building Permit by the Iron County Building Department. At the expiration of said period, all buildings, structures, towers etc., shall be properly and safely removed, and the property restored to a manner acceptable to Iron County Zoning Department; or all equipment, buildings, structures, towers, etc., shall be integrated into an approved and working wind energy system as described and regulated by Iron County Codes, or other accommodations as approved by the Iron County Planning Commission or Iron County Commission.
15. All towers, equipment, buildings, and improvements shall be designed and installed to minimize glare, noise, shadow flicker, and avoid or mitigate telecommunications interference (electromagnetic fields and communications interference generated by the project), as regulated by the Iron County Code Wind Energy Systems and Facilities.
16. If applicable, obtain the approval of DEQ and/or EPA for a SWPPP (Storm Water Pollution Prevention Plan.)

17. All lighting shall be minimal security and safety lighting except for maintenance lighting. Lighting shall be downward directed, shining away from surrounding properties.
18. The issuance of this conditional use permit *does not* grant nor imply any rights-of-way or easements across or on any properties within the boundaries of Iron County. Such rights-of-way or easements shall be secured by other than Iron County through the property owners as listed in the office of the Iron County Recorder.
19. This conditional use permit is for the Wind Monitoring Tower and its equipment only. This conditional use permit *does not* include any equipment, towers, structures, etc., for the purpose of the generation of utilizing energy. (Electricity, etc.)
20. Within 18 months from issuance of a building permit, the applicant/owner shall complete the reclamation of disturbed slopes. Vegetation shall be of a species conducive to or be of the surrounding native plants. Slopes shall be a maximum of 3:1. Any other measures necessary shall be employed to prevent the corrosion of soils.
21. The petitioner/owner shall restore Iron County roads, rights-of-way and easements utilized for transporting materials and equipment to the sites to a condition equal to or greater than Iron County Road Standards, as approved by the Iron County Engineer.
22. It is the responsibility of the owner/applicant to remove the facility and equipment from each site, and to restore each site to their natural state as approved by Iron County Zoning Department. The applicant/owner shall furnish to Iron County a financial guarantee of a sufficient amount, as approved by the Iron County Zoning Department and the Iron County Attorney, for the purpose of removal and clean up of the tower, equipment, and reclamation of property, etc., at the expiration of this conditional use permit. (Five years from the time the building permit is issued.) Should the financial guarantee not be enough to cover the cost to complete this purpose, Iron County reserves the right to exhaust all means to collect the additional costs needed to complete the removal and clean up from the applicant/owner.
23. By the signing of this conditional use permit, the owner of the tower, structures, and equipment agrees to bear all liability and costs in the event of a collapse, electrical shock or any other accident, catastrophic or failure within the scope of this project.
24. Iron County does not guarantee year-round road access, or road maintenance to any of the sites. Therefore, the applicant/owner is responsible to assure their own access and maintenance as approved by the Iron County Engineer, Iron County Commission and Iron County Road Supervisor.
25. Inspections will be requested by the applicant/owner as required by the Iron County Building Department. No work shall be covered nor concealed prior to inspection approval, and permission of the Iron County Building Department's Inspector.
26. The tower, itself, with associated guy wires shall be properly fenced in compliance with Iron County design and standards as referenced in the Iron County Code Chapter 6.04 Section 6.04.020 to prevent the entry of animals or livestock.

RESOLUTION 2009-5 INDUSTRIAL REVENUE BOND ISSUE FOR HOLT DAIRY:

A request by W.R. Taylor and Co, LLC, Jason Grubbs to adopt Resolution 2009-5 to authorize Industrial Revenue Bonds to be issued for Holt Dairy LLC was presented. No representatives from Taylor and Co or Holt Dairy appeared. There were also concerns which the County Attorney's office expressed. The matter was tabled to allow for more information and to allow the County Attorney's office to research questions with the proposed resolution. The matter was to be placed on the next agenda when Jason Grubbs will be available through a conference call.

PERSONNEL MATTERS _____:

Colette Eppley presented for approval Jaren Scott as full time Landfill Manager to replace acting manager, K C Fiack. Lois Bulloch made a motion to approve the hiring of Jaren Scott as

Landfill manager. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a request for promotion of Jake Smith and Courtney Scholes from EMT Basic to EMT Intermediate within the Ambulance Department. Wayne Smith made a motion to approve the promotions. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval a position justification and workforce assessment for a temporary Board of Equalization Clerk in the Auditor's Office. The position was approved during the budget process in 2008. Lois Bulloch made a motion to approve the position justification and workforce assessment and to authorize advertising to fill the position as soon as possible. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval a position justification and workforce assessment for a temporary Drug Court Tracker to replace Charles Triplett, the current Deputy in this position who is leaving for a period of time for full time military service. Lois Bulloch made a motion to approve the position justification and workforce assessment as presented with the understanding that the temporary position will terminate upon the return of Officer Triplett. The three year term to which Officer Triplett was appointed will include the military temporary duty. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The Consensual Employee Relationship Policy. Personnel Policy 32 (A) was recalled from a previous meeting. Colette Eppley explained that the policy was revised with two options.

Option 1 requires individuals to file a form with the Human Resource Department specifying the relationship and informing the applicants that this may have promotion or appointment consequences for a period of time.

Option 2 does not require a form to be filled out by employees however the remainder of the policy is the same.

Commissioner Bulloch expressed concern with the notice requirement and made a motion to adopt option 2 because sufficient notice to Human Resources is included within the policy. The motion died for lack of a second.

Wayne Smith made a motion to adopt option 1 with a written notice requirement to Human Resources. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

PROCEDURE FOR ESTABLISHING A SPECIAL ASSESSMENT AREA :

Todd Stowell, County Planning Consultant, met with the Commission to discuss and outline procedure for establishment of an Assessment Area for improvements as outlined in Utah Code Title 17 B. The procedure was recodified by the Legislature in 2007 which changed procedure and notice requirements. The majority of the procedure remains the same.

After reviewing the procedure, the Commission authorized proceeding with notice requirements for a proposed assessment area for Monte Vista Units 2 and 5 for a chip seal

improvement at an estimated cost of \$991,457.34 on a motion by Wayne Smith. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Projects for 3800 West north of 2800 North and 1100 West north of Midvalley Road were placed on hold to allow for clarification of right of way issues.

PUBLIC COMMENT PERIOD :

Wendell Shallenburger commented that he is planning to attend a seminar regarding wind energy to be held on the campus of Southern Utah University. He stated that he will give Commissioners a copy of the information available at the seminar.

TAX MATTER CERTIFICATION OF TAX SALE PARCEL 58 :

Geri Norwood discussed with the Commission the history of notices and late payment of property tax on parcel 58 of the 2009 annual tax sale. The owner was given notice by certified mail in January that any delinquent tax would need to be paid prior to tax sale to remove the parcel from the sale. The notice clearly stated that the payment should be mailed to P O Box 369, Parowan, UT 84761.

The owner sent payment to the street address and the payment was returned as undeliverable. The owner called after the sale and then forwarded the check to the correct address. The check arrived after the sale had been completed.

Scott Garrett reviewed State Code which clearly outlined the procedure and time frame in which delinquent taxes must be paid. There is not a provision for slow mail delivery or improperly addressed mail. The property was legally called and auctioned in compliance with tax sale rules established by State Code and County adopted procedure.

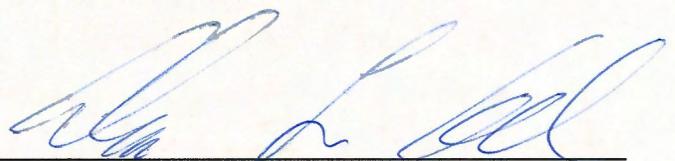
Lois Bulloch made a motion to certify the sale of tax sale parcel 59 in compliance with State Code and upon the opinion of the County Attorney. The uncashed check is to be returned to the former owner. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CALENDER SCHEDULE COORDINATION :

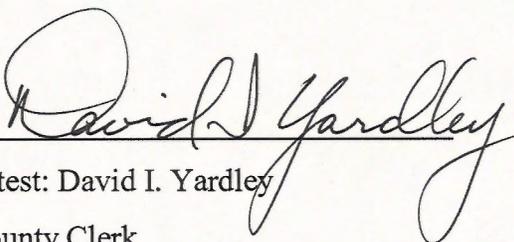
Jan Neth coordinated calendars with the Commissioners for the next two weeks.

ADJOURN :

The meeting was adjourned at 12:15 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
August 10, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 10, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Lois Bulloch.

APPROVAL OF MINUTES July 27, 2009 :

Minutes of the Iron County Commission meeting held July 27, 2009 were approved as amended on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

OFFICIALS REPORTS :

Kal Kahler reported that the Central Iron County Water Conservancy District held a public hearing on July 7, 2009 to receive comments on a proposed hookup for the Midvalley Estates Water Company. The hookup would provide water to the subdivision that is currently experiencing problems with their well. The hookup would be used to supplement the water the current Midvalley system can produce. Estimated cost to complete the installation is \$100,000.

Kal also reported that he has met with several geologists to tour the landslide area known as Greens Lake. It was the conclusion of the group that this area should not be opened to

development due to the possibility of disturbing the slide area. There are homes currently in the area experiencing damage due to landslide movements.

Reed Erickson reported that attendance at the Rural Summit was larger than in previous years. Items discussed included renewable energy, centrally assessed implications on wind energy systems, and local purchasing.

Reed also reported that building inspections are being done to determine projects for inclusion in 2010 budget process.

Wayne Smith reported on a project at Woods Ranch to thin trees and reduce the fuel load near cabins. He also reported on a program being pushed by Congress to encourage urban agriculture.

Lois Bulloch reported that a controlled burn of a lightning caused fire near Lund got out of control due to high winds. The fire burned on BLM and State lands. No private land was involved.

Lois also reported that a suggestion was made at the Rural Summit to distribute disposable cameras to people to take photographs of something they like and something they don't like about the County. This ideal will be forwarded to the Tourism Department.

Colette Eppley introduced Jeran Scott, the recently selected Landfill Supervisor to the Commission. Mr. Scott will start tomorrow at the Landfill.

Alma Adams reported that he recently found out that the Sheriff's Department has secured a trailer from FEMA which will be used as a command center in emergency operations.

PUBLIC HEARING 2009 BUDGET AMENDMENT :

Wayne Smith made a motion to open a public hearing to receive comments regarding proposed amendments to the 2009 adopted budget. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Iron County Auditor, Gene Adams, presented and explained proposed changes in the 2009 budget. The changes result in Commission approved purchases, most notably in the TV Department to purchase TV Translator equipment that will be reimbursed from Federal grants.

Reed Erickson reported that tax revenue typically comes in the second half of the year and at this time of year, about 35% of revenue has been received. This year we are down slightly. However, this may be made up in the second half of the year.

Reed also explained that a grant for energy efficiency improvements for the Courthouse and the Fiddlers building has been approved. This will generate \$185,000 which will be expended for the upgrades.

The Commission then asked for public comments. There were none offered by those assembled.

Lois Bulloch made a motion to close the public hearing. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Lois Bulloch then made a motion to approve the budget amendments as presented by Gene Adams and Reed Erickson including the \$185,000 energy grant expenditure. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ZONE CHANGE A-20 AGRICULTURAL TO I - INDUSTRIAL :

A request for a zone change requested by Circle 4 Farms was recalled for action. Circle 4 Farms has requested a change from A-20 Agricultural to I - Industrial . Circle 4 would then like to apply for a conditional use permit to operate a landfill for Circle 4 Farms operations only. The property is located within Sections 4 and 5 of Township 31 South, Range 13 West, SLB&M.

Reed Erickson reported that the opposition voiced by Beaver County Commissioners with the site which is adjacent to the Beaver County line has not changed. They would prefer a different alternative, however they have not made a viable alternative available within Beaver County. The proposed industrial area is located centrally to Circle 4 operations.

Chad Nay reported that the proposed zone change was considered by the Planning Commission and after their review, they recommended approval of the change.

After reviewing the requested zone change, the Commission made the following findings:

1. The proposed zone change will not affect the character of the surrounding area.
2. The proposed zone change is consistent with the adopted County General Plan.
3. The proposed zone change is compatible with surrounding uses.
4. The proposed zone change and proposed use is suitable to surrounding land uses.
5. The proposed zone change will not affect uses on adjoining properties.
6. The proposed zone change will provide a community benefit by providing a way to dispose of dead animals in emergency situations without dumping in municipal landfills.

Wayne Smith made a motion to approve the proposed zone change from A-20 Agricultural to I Industrial as recommended by the Planning Commission. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PUBLIC COMMENT :

Beverly Pendleton complained about the maintenance of the Courthouse and grounds. She explained that there are unresolved problems within the building and the grounds are in serious need of work. Instead of being a showcase of maintenance, it looks like there is a complete lack of care. She requested that the Courthouse be maintained to at least the same level as County buildings in Cedar City, since this is the County seat.

DISPOSAL OF UNCLAIMED PERSONAL PROPERTY :

Michael Edwards reported that police officers associated with the Iron/Garfield Drug Task Force seized \$830.00 cash in a drug case. The money has been kept as evidence. Since the case is now complete, the evidence is no longer needed for prosecution. There has been attempts to contact the suspect in the case and he has not responded to claim the money.

Lois Bulloch made a motion to approve forfeiting the \$830.00 cash as provided by Utah State law and to authorize the seized funds to be used in the operation of the Iron/Garfield Drug Task Force. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BOARD OF EQUALIZATION ROLL BACK TAX APPEAL :

Lois Bulloch made a motion to convene as a Board of Equalization to act on an appeal of the removal of property from assessment under the Farmland Assessment Act. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Deputy Auditor Carrie Christiansen, explained that Lowman Nelson and ElRoy Nelson Trust own property adjacent to Bulldog Road and I-15. The property has been used as part of a livestock operation for many years. The property was mined for gravel during the construction of I-15 and thereafter was used for livestock feeding during the fall and spring of each year.

Last year, as a move to designate ownership in a family operation, the property was split with Lowman Nelson and ElRoy Nelson Trust each receiving a 6 acre parcel. The parcels they received included the gravel pit area. The Assessor's Office reviewed the parcels and found that the property does not appear to meet the requirements of the FAA and removed the greenbelt designation on May 18, 2009. The Nelson's timely appealed the removal.

Lowman Nelson explained that the use of the property has not changed. The County requested that the gravel pit be used to pond flood water in 2005. In order to accommodate the desired result, any topsoil was pushed into a pile so that gravel was on the surface to allow percolation of the flood water back into the groundwater system. This appears to be mining, however it was done as a convenience to the County. The overall use of the property has not changed and will still be used as part of their family livestock operation.

After reviewing all of the presented facts, Wayne Smith made a motion to approve the return of the two parcels to be assessed under the Farmland Assessment Act. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

Lois Bulloch explained that she voted Nay because of the recent mining of topsoil and the availability of the pit to the general public for dumping of fill material. The property also appears to be used as an equipment storage area for loaders, trucks, etc.

RESOLUTION 2009-5 INDUSTRIAL REVENUE BOND :

Robert Holt, Randall Holt, Holt Dairy LLC, and Sheldon Banks, Zions Bank, appeared in person and Blaine Carlton, Ballard Spahr Andrews & Ingersoll, LLC, and Alan Westenkow, Zions Bank joined by telephone to discuss the County participation in issuing industrial revenue bonds through Zions Bank for Holt Dairy LLC to construct solid waste disposal facilities at the Holt Dairy in Newcastle.

Blaine Carlton explained the purpose of Industrial Revenue Bonds is to provide tax exempt funding for a class of projects authorized under State and Federal laws. Solid waste disposal facilities qualify as a use of the bonds.

Michael Edwards expressed concern with resolution language which does not address County liability in issuing the bonds. He also asked that additional language be inserted in the resolution addressing liability language to be included on the face of the bonds.

After reviewing all of the County Attorney concerns, Lois Bulloch made a motion to approve Resolution 2005-9 with the added language requested by the County Attorney. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

RESOLUTION NO. 2009-5

A RESOLUTION OF THE IRON COUNTY COMMISSION

A RESOLUTION DECLARING THE INTENTION OF IRON COUNTY, UTAH, TO ISSUE INDUSTRIAL REVENUE BONDS TO BE USED TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN SOLID WASTE COMPONENTS OF A DAIRY FACILITY FOR HOLT DAIRY, LLC, OR ANY RELATED COMPANY (THE "PROJECT"); AUTHORIZING THE ISSUANCE AND SALE OF SUCH BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000; ESTABLISHING CONDITIONS WHICH MUST BE MET AT OR PRIOR TO THE ISSUANCE OF THE REVENUE BONDS; PROVIDING FOR THE REIMBURSEMENT FROM THE PROCEEDS OF SUCH BONDS OF EXPENDITURES FOR THE PROJECT; PROVIDING FOR A PUBLIC HEARING AND FOR PUBLICATION OF A NOTICE OF THE PUBLIC HEARING; AND RELATED MATTERS.

WHEREAS, Iron County, Utah (the "County"), is authorized by the Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended, (the "Act") to issue revenue bonds for the purpose of defraying the cost of financing, acquiring, constructing, equipping, and furnishing land, buildings, equipment, facilities, and improvements which are suitable for use for manufacturing or other business purposes; and

WHEREAS, Holt Dairy, LLC (collectively, with any related parties, the "Borrower") has submitted an application to the County for consideration and has satisfied all of the requirements outlined in the "County's Guidelines and Policies related to Consideration of Conduit Issuance" on behalf of Industrial Revenue Bond Applicants; and

WHEREAS, the Borrower has requested that the County adopt a resolution evidencing an intent to issue revenue bonds to finance the acquisition, construction, or equipping by the Borrower of certain solid waste components of a dairy facility and related facilities (the "Project"); and

WHEREAS, the County has determined that it would be in furtherance of the purpose of the County and the Act to issue not more than Six Million Dollars (\$6,000,000) of its Industrial Revenue Bonds, Series 2009 (Holt Dairy Project) (the "Bonds") to finance the Project to be owned by the Borrower; and

WHEREAS, the Bonds i) shall be special limited obligations of the County payable solely from and secured by revenues, rights, interests, and collections pledged by the Borrower and shall not constitute nor give rise to a general obligation or liability (legal or equitable) of the County or of the State of Utah or of any subdivision thereof or a charge against its general credit or taxing power, and ii) are not required to be aggregated by the County for purposes of compliance with the "bank qualification" and small issuer requirements under federal tax law; and

WHEREAS, the County intends to have a public hearing to give interested parties the opportunity to comment on the proposed Project of the Borrower; and

WHEREAS, the Act provides that a municipality or county may issue revenue bonds for the purpose of using substantially all of the proceeds thereof to pay or to reimburse a business for the costs of the acquisition, construction, and purchasing of the equipment and facilities of a project and that title to or in such equipment and facilities may at all times remain in the company and in such case the bonds of the municipality or county shall be secured by a pledge of one or more notes, debentures, bonds, or other secured or unsecured debt obligations of the

company; and

WHEREAS, this resolution is intended to express an official intent to reimburse (the "Official Intent") to satisfy the requirements of the Income Tax Regulations of the United States Treasury Department with respect to the issuance of industrial development bonds and the reimbursement of costs paid by the Borrower with proceeds of tax exempt bonds.

NOW THEREFORE, BE IT RESOLVED by the County Commission of Iron County, Utah as follows:

Section 1. All terms defined in the foregoing recitals hereto shall have the same meanings when used herein.

Section 2. Based on the Borrower's application and compliance with the "Guidelines and Policies related to Consideration of Conduit Issuance," the Commission hereby finds and determines that it is in the best interests of the County for the County to issue the Bonds for the purpose of financing the Project to be located in the County. The County declares its intention to issue the Bonds in accordance with a final bond resolution ("Final Bond Resolution") to be adopted at or about the time of the sale of the Bonds, and subject to the terms and conditions of related documents and agreements (the "Bond Documents") which, in the judgment of the Commission, adequately protect the interests of the County, as approved by the Commission upon the adoption of the Final Bond Resolution.

Section 3. The County will loan the proceeds of the Bonds to the Borrower under terms whereby the Borrower will be obligated, among other things iii) to make payments to the County in amounts and at times sufficient to pay the principal of and premium, if any, and interest on all of the Bonds, and iv) to provide, or cause to be provided collateral or other security to secure payment of the Bonds in such a manner and in such amounts as the purchaser of the Bonds deems appropriate. The County has not authorized the pledge of its credit for the payment of the Bonds or the financing of the Project.

Section 4. Qualified costs to be reimbursed shall be determined in accordance with the provisions of Treasury Regulation Section 1.150-2.

Section 5. Notwithstanding anything herein contained to the contrary, the County shall have no liability to the Borrower for any costs or funds advanced if the Bonds are not issued.

Section 6. A public hearing concerning the Project is hereby scheduled to be held during the meeting of the Commission on September 14, 2009. The County Clerk is hereby authorized to publish in The Spectrum, a "Notice of Public Hearing and Notice of Bonds to Be Issued" at least fourteen (14) days prior to September 14, 2009, the hearing date set forth in said Notice, and the Commission will meet in public session on September 14, 2009, to receive public comments on the proposed issuance of Bonds. The Notice of Public Hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
OF IRON COUNTY, UTAH, AND
NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN that the County Commission (the "Commission") of Iron County, Utah (the "County"), will meet on September 14, 2009, at 68 South 100 East in Parowan, Utah, in the Commission chambers, at 1:30 p.m., or as soon thereafter as the matter may be heard, for the purpose of conducting a public hearing regarding a proposal by the County that pursuant to the provisions of Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act"), the County issue Industrial Revenue Bonds, Series 2009 (Holt Dairy Project) in the aggregate principal amount of not to exceed Six Million Dollars (\$6,000,000) (the "Bonds") and lend the proceeds of the Bonds to Holt Dairy, LLC, or any affiliate thereof (collectively, the "Borrower"), to pay all or a portion of the costs of acquiring, constructing, and equipping certain solid waste components of a dairy facility and related facilities to be located at approximately 1600 West 400 South, Newcastle, Utah 84756 (the "Project") which will be owned and used by the Borrower.

The County is authorized to issue the Bonds pursuant to the Act. The Bonds will be special limited obligations of the County payable solely from amounts provided by the Borrower. The Bonds and the interest thereon will not be a debt of the County or of the State of Utah or any political subdivision of the State, and neither the County nor the State of Utah or any political subdivision of the State will be liable thereon. In no event will the Bonds or the interest thereon be payable out of any funds or properties other than those of the County expressly pledged as security for the Bonds. The Bonds will not constitute an indebtedness of the County within the meaning of any constitutional or statutory debt limitation or restriction.

The public hearing is required by the Tax Reform Act of 1986. Interested individuals are invited to express their views, both orally and in writing, on the proposed issue of Bonds and the location and nature of the Project. Comments at the public hearing are invited. Written comments may be submitted to the County Clerk's office located at 68 South 100 East, PO Box 429, Parowan, Utah 84761 until 5:00 p.m. on September 11, 2009. Additional information may be obtained from the County at its office shown above or by calling (435) 477-8300. Subsequent to the hearing, the Commission will consider approving the issue of the Bonds to finance the Project.

A copy of the proceedings authorizing the issuance of the Bonds, including an authorizing resolution and a loan agreement, are on file in the office of the County Clerk of Iron County at 68 South 100 East, Parowan, Utah 84761 where they may be examined during regular business hours of the County Clerk from 8:30 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the above-referenced resolution, indenture, loan agreement, or the Bonds, or any provision made for the security and payment of the Bonds, 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.

Date: August 10, 2009

/s/ David I. Yardley
County Clerk

Section 7. The Final Bond Resolution and the Bond Documents shall obligate the Borrower to use the proceeds of the Bonds for the project in such a manner that will preserve the tax-exempt status of the Bonds and that will not result in any responsibility for the County to rebate arbitrage earnings to the Internal Revenue Service. Issuance of the Bonds shall be subject to the review and approval by the County of the Bond Documents and satisfaction of the following conditions:

(a.) evidence satisfactory to the Commission that the Project satisfies applicable County, State of Utah, and federal requirements for solid waste disposal facilities that are similar in nature and scope to the Project;

(b.) evidence satisfactory to the Commission that the Borrower has received an allocation of "volume cap" from the State of Utah for the Project as required by Section 146 of the Internal Revenue Code of 1986, as amended;

(c.) evidence satisfactory to the Commission that the Borrower has title to the land upon which the Project will be constructed and that the Borrower has received all necessary approvals from any County, State of Utah or Federal authority to proceed with construction of the Project;

(d.) a legend shall be placed on all of the Bonds that states that the Bonds shall be special limited obligations of the County payable solely from and secured by revenues, rights, interests, and collections pledged by the Borrower and shall not constitute nor give rise to a general obligation or liability (legal or equitable) of the County or of the State of Utah or of any subdivision thereof or a charge against its general credit or taxing power;

(e.) a letter from Zions First National Bank and addressed to the Commission, which letter states in effect that the Bonds will not give rise to a general obligation or liability of the County or a charge against its general credit or taxing power and that the issuance of the Bonds will not adversely impact the ability of the County to issue bonds or incur other obligations; and

(f.) a letter from the purchaser of the Bonds that states in effect that such purchaser is purchasing the Bonds for its own account and is not looking to sell or distribute the Bonds to other investors and that in the event that a default in the payment arises with respect to the Bonds, such purchaser will only look to the Borrower to remedy or cure such default.

Section 8. The officers, employees and agents of the County are hereby authorized to work with the Borrower and others to prepare, for submission to the County, all documents necessary to effect the authorization, issuance and sale of the Bonds.

Section 9. Any costs incurred by the County in the issuance of the Bonds shall be paid by the Borrower.

Section 10. If any provisions of this Resolution should be held invalid, the invalidity of such provision shall not affect the validity of any of the other provisions of this Resolution.

Section 11. The appropriate County officials are hereby authorized and directed to execute and deliver on behalf of the County any additional certificates or documents that they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution.

Section 12. No member of the Commission or employee of the County has any interest, direct or indirect, in the transactions contemplated by the County as described herein.

Section 13. All resolutions of the County or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency.

Section 14. This Resolution shall become effective immediately upon its adoption. APPROVED AND ADOPTED by the County Commission of Iron County, Utah, on this 10th day of August, 2009.

COUNTY COMMISSION OF IRON COUNTY, UTAH:

(SEAL)



By: _____

Alma L. Adams, Chair

ATTEST:

By: _____

David I. Yardley
County Clerk

PERSONNEL MATTERS :

Colette Eppley presented for approval the following new employees: Nick Ervin, on call Paramedic; Justin Topham, on call EMT Intermediate; Joanna Ridgeway, on call EMT Basic; and Aubrey Reynolds, on call EMT Basic. Wayne Smith made a motion to approve the new employees as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

Colette presented the following volunteers for approval; Paul Christensen, Newcastle Fire Dept.; Thomas Cluff, Newcastle Fire Dept.; Sam Taylor, Newcastle Fire Dept.; and Richard Lower, Hamblin Valley Fire Dept. Lois Bulloch made a motion to approve the volunteer fire fighters as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

Colette presented for approval Johnny Young as a Workforce Service Volunteer to be paid by Workforce Service for work in the Parks and Recreation Department. Lois Bulloch made a motion to approve Johnny Young as a volunteer through Workforce Services. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

Colette presented position justifications and workforce assessments for a Lead Evidence Technician at the Sheriff's Office and a Board of Equalization Assistant Clerk in the Auditor's Office. Lois Bulloch made a motion to approve the two position justifications and workforce

assessments as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Nay; Wayne Smith, Aye.

2009 BUDGET REVIEW BY DEPARTMENT :

Iron County Auditor, Gene Adams, reviewed by Department current budget status as of June 30, 2009. He explained that revenue in 2009 is 8.5% less than at this same time in 2008. He pointed out budgets that appear to be over budget for the amount of year left. Some of these apparent problems stem from payments made in January for the entire year.

The Commission requested that Department Supervisors be very careful in expenditures to help the County stay within budget for the current year.

ESTIMATE FOR A PROPOSED ASSESSMENT AREA :

Steve Platt presented an estimate on the cost to bring to a gravel standard, roads on 8100 West; 8900 West; 1800 South; and 2200 South in Cedar Valley. The area is located West of Quichapa lake. He estimated the cost to be \$490,262.00 which would be divided between 35 property owners. Estimated cost per property owner would be \$14,007.

The Commission discussed the procedure for establishment of an assessment area. Because it has been several years since the original request for a Special Improvement District was made, Reed Erickson volunteered to write a letter to current property owners to determine if the interest is still there under current guidelines and estimates to proceed with the assessment area.

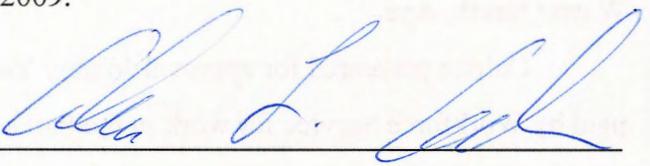
CLOSED SESSION :

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

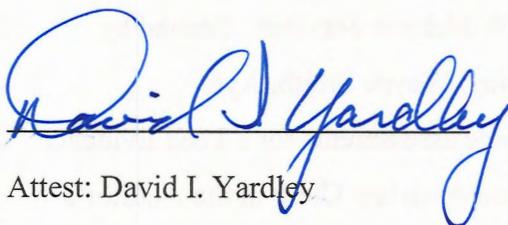
STATE OF UTAH)
) s.s.
COUNTY OF IRON)

I, Alma L. Adams, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Closed Meeting convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.

Dated this 10th day of August, 2009.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley

County Clerk



After reconvening in open session, the Commission reported that negotiations regarding a pending lawsuit were discussed. Negotiations are not for public record at this time.

PRAIRIE DOG MATTERS _____ :

A proposed minor amendment to the prairie dog HCP which explained procedure for dealing with illegal take was discussed and approved on a motion by Wayne Smith. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The amendment has also been approved by US Fish and Wildlife and Utah Division of Wildlife Resources.

LEASE AMENDMENT APPROVALS _____ :

A lease amendment between Iron County and the State Division of Facilities Construction and Management (DFCM) for space at the Visitor Center office complex for the Division of State Parks and Recreation and ratification of lease amendment # 3 with DFCM for space occupied by the Division of Forestry Fire and State Lands were presented for approval. The two State agencies have traded office space due to changes in staffing. They will continue to occupy the total space within the facility.

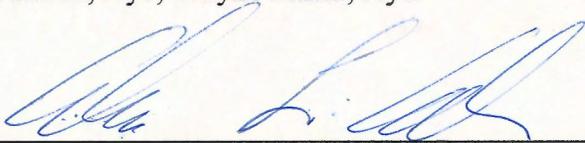
Lois Bulloch made a motion to approve the changes and authorize the Commission Chair to execute the lease amendments. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CEDAR BREAKS PARK PROPOSAL _____ :

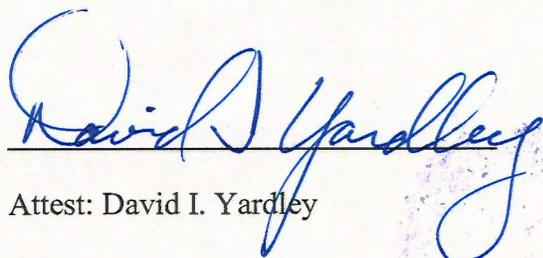
Reed Erickson requested that the Commission schedule a work meeting closed to the public, with property owners which would be affected by a proposal to add additional property to the boundaries of Cedar Breaks National Monument and to designate Cedar Breaks as a National Park. He suggested that the Commission schedule time after the next regular Commission meeting as a meeting time. The public will be invited to a public hearing regarding the proposal at a later date.

ADJOURN _____ :

The meeting was adjourned at 3:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
August 24, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 24, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

SYNOPSIS :

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PRAIRIE DOG MATTERS	4
PREDATOR CONTROL CONTRACT FOR FY 2010 APPROVAL	5
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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES August 10, 2009 :

Minutes of the Iron County Commission meeting held August 10, 2009 were approved as amended on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Dennis Ayers expressed his concerns with Commission action regarding a reversal of his judgement in removing a parcel of property owned by Lowman Nelson from greenbelt. He

explained that the parcel does not qualify for greenbelt under State law and does not qualify as an agricultural use as it has clearly been used as a gravel mining operation. Commissioner Smith explained that as a neighbor for many years, he has been aware of the use in the Nelson family livestock operation and that the recent division of the property into separate parcels was done to clarify ownership only, use was not changed.

Debbie Johnson reported that recording of documents has been picking up. This is due in part to proof of work on mining claims are required to be filed prior to September 1 of each year.

Gene Adams reported that Board of Equalization filings are down from last year. This year two hearing officers will be used which should reduce work loads and allow for work on BOE hearings to be completed in a more timely way.

Margaret Miller reported that small claims filings are increasing in the Justice Court, primarily from an increase in the limit of small claims to \$10,000 and with local attorney Matthew Graff's failure to file or pursue cases. Mr. Graff is currently not authorized to practice law.

Reed Erickson discussed maintenance issues at Three Peaks. Under the current agreement with BLM, the County is responsible to clean and maintain all of the restroom facilities on the recreation area. BLM continues to install additional rest room facilities which has increased the work load significantly for County staff.

Mark Gower reported that the Sheriff's Department is preparing to provide security for Fair activities. Activities to this point have been well attended and there have been no major incidents.

Lois Bulloch reported on proposed changes to the State Retirement System. The Legislature is looking at major changes to the system to reduce costs. Proposals include changing law enforcement and fireman retirement dates to correspond to the public sector. They are also looking at reducing compensation to retirees from 2% per year of service to a lower percentage. This will be a topic of discussion at the Commissioner workshop scheduled for September 23 at Park City.

Lois also discussed a proposal being considered by the State Parks Board to allow hunting of bighorn sheep on Antelope Island. This could bring thousands of dollars into the state parks budget annually.

Lois reported that Paul Thorpe, director of Southwest Mental Health is retiring. Mike Diehl will be appointed to replace Mr Thorpe.

Wayne Smith reported that the Utah Counties Insurance Pool (UCIP) will be increasing rates for workers comp coverage for 2010 to reflect actual costs for coverage. It has been the practice to supplement this from surpluses from the liability pool. A Board decision to make workers comp stand on its own has resulted in the increase. The liability insurance side rate will decrease about 16% for 2010.

Alma Adams presented a request from Commissioner Gardner from Washington County

to consider a resolution in opposition to the Cap and Trade bill being proposed in Congress. He requested this to be placed on the next agenda for action.

Alma also reported that the elected officials are invited to participate in the Fair parade on Labor Day. Either a float or a horse drawn wagon will be provided. The elected officials were also invited to a breakfast prior to the parade to be held in the Commission room.

APPROVAL OF BAILIFF CONTRACTS :

Sheriff Gower presented for approval Bailiff contracts for service within State Courts including Fifth District and Juvenile Courts. The contract is the same as currently in place. Wayne Smith made a motion to approve the contract for Bailiff services for one year. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PERSONNEL MATTERS :

Colette Eppley presented for approval Larry Leigh as a part time driver for the Parowan Senior Citizen Center and James Oaks as a part time custodian at the Parowan Senior Citizen Center. These two positions are replacements for the recent resignation of an employee. Lois Bulloch made a motion to approve the hiring as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval Teresa Caldwell as a part time temporary assistant BOE Clerk in the Auditor's Office. Wayne Smith made a motion to approve the hiring of Teresa Caldwell as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented a request to promote Mickelle Quintanilla from part time Evidence Technician to full time Lead Evidence Technician. Lois Bulloch made a motion to approve the promotion as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented a request to promote Tyler Romeril from Deputy Attorney I to Deputy Attorney II as requested by the County Attorney. Wayne Smith made a motion to approve the promotion as presented effective today. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval a position justification and workforce assessment for a part time Evidence Technician to replace Mickelle Quintanilla in the Sheriff's Department. Lois Bulloch made a motion to approve the position justification and workforce assessment and authorized advertising the position. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval a position justification and workforce assessment for a replacement Engineer Technician/Equipment Operator to replace Howard Cox who recently died in an automobile accident. Wayne Smith made a motion to approve the position justification and workforce assessment and to authorize advertising this position. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a request to adjust the grade for the Drug Court Tracker position.

When the position was created, the intent was to give a two grade increase from a grade 17 to grade 19 as a temporary assignment. The paper work, however mistakenly placed the grade at 17. Lois Bulloch made a motion to correct the error and to approve a grade change from grade 17 to grade 19 as temporary duty of the Drug Court Tracker position. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Chad Nay requested a temporary modification of work schedule for Adam Richins to allow his attendance at a college course. This request was referred to the Human Resource Department and the Commission Liaison to HR for further consideration.

BUDGET MATTERS :

Gene Adams and Reed Erickson passed out budget packets for fiscal year 2010 to Department Supervisors and Elected Officials. They explained that the budget material should be returned by September 11 if possible to allow work to begin on the budget. They reminded Departments that projected revenues for 2010 are either flat or down and requested that budgets not exceed 2009 levels. They also explained that it does not appear that there will be funding for any type of salary increase for County employees for 2010.

PUBLIC COMMENT PERIOD :

Jennifer Weaver thanked the Commission for an invitation for a reporter to attend a tour of the proposed expansion of Cedar Breaks National Monument to National Park status and to include the Ashdown Gorge area. She also thanked the Commission for their willingness to answer questions in interviews with reporters.

BID OPENING FOR GRAVEL CRUSHING :

Bids were opened for crushing gravel at the Parowan pit. The request for bids has been advertised and nine requests for packets were received. Six bids were received as follows:

JP Excavating	\$4.90 per cubic yard	\$68,600.00
Mel Clark, Inc	\$6.35 per cubic yard	\$88,900.00
Progressive Contracting, Inc	\$4.97 per cubic yard	\$69,580.00
Quality Crushing*	\$4.48 per cubic yard	\$62,720.00
Sunroc	\$7.76 per cubic yard	\$108,640.00
Susan Martin Construction	\$7.48 per cubic yard	\$104,720.00

*Apparent Low Bid

Wayne Smith made a motion to refer the bids to the County Engineer to determine if the bid packets were in compliance with the bid request and if all documentation is in order to award the bid to the lowest responsible bidder. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The Commission thanked the contractors that submitted bids for their interest in the job.

PRAIRIE DOG MATTERS :

Operation of the Dalley Farm as a prairie dog preserve was discussed. Alan Dalley has delivered the sprinkler pipe to the farm and concerns with planting of permanent feed was discussed. The project will be coordinated with DWR.

NOTICE OF PETITION FOR ANNEXATION CEDAR CITY :

A notice of a petition for annexation submitted by Cedar City was presented for Commission review. The property is located along Lund Highway and is currently known as the Harl Judd farm. Wayne Smith made a motion not to oppose the proposed annexation to Cedar City as it is adjacent to current Cedar City boundaries and is within their annexation declaration area. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CALENDER SCHEDULE COORDINATION :

Reed Erickson coordinated meeting calenders with the Commission for the next two weeks.

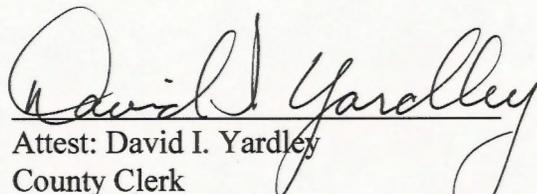
PREDATOR CONTROL CONTRACT FOR FY 2010 APPROVAL :

Gene Adams presented a proposed extension to the Predator Control contract with the State of Utah for FY 2010. He explained that funds have been received from livestock owners and sportsmen groups to continue the coyote bounty program. Lois Bulloch made a motion to approve the contract extension as presented and to continue the coyote bounty programs as long as funds available. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ADJOURN :

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


Signed: Alma L. Adams, Chairman


Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
September 14, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 14, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Lois L. Bulloch	Commissioner
Mike Edwards	Deputy County Attorney
David I. Yardley	County Clerk
Reed Erickson	County Administrator

Absent:

Wayne A. Smith	Commissioner
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SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES August 24, 2009 :

Minutes of the Iron County Commission meeting held August 24, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

ELECTED OFFICIALS REPORTS :

Commissioner Adams noted that Commissioner Wayne Smith would be absent from the meeting due to prior commitments outside of the County.

Kal Kahler presented material regarding the CICWCD's meeting held on August 13th,

2009. He reported that there was discussion regarding the Cedar City water master plan and the CICWCD's representation with respect to Enoch, Cedar City, the Unincorporated County Area, the Industrial Community and Agriculture. It was also reported that there was a discussion of the District's water request in the Hamlin Valley and the Wah Wah Valley. He reported that Scott Wilson, CICWCD Administrator, will be reporting in more detail when he comes to report to the Iron County Commission during his quarterly report.

Kal also reported that the Park West Water Company which provides water for the Park West Subdivision is ready to enter into an agreement with the CICWCD. A majority of the property owners in the subdivision are in favor of joining the Water District.

Cynthia Robinson, Chief Deputy Clerk, filling in for David Yardley, the Iron County Clerk, reported that Mr. Yardley was absent from the meeting in the morning and was out delivering election supplies to the various Voting Center's throughout the County for the Municipal Primary Election scheduled for tomorrow.

Reed Erickson, reported that he had been approached by Jared Wilson, the Iron County IT Director, on the possibility of connecting to the fiber optics which is now available in Parowan and Cedar City. This would give the County "video capability" which would help with court appearances from the jail and many more advantages for the County.

Reed also reported that Commissioner's photos are ready to be picked up and that they will then be displayed at the Iron County Courthouse and the Justice Center.

Reed reported that State Bank of Southern Utah has agreed to waive the annual fee on County credit cards. This will save the County approximately \$800.00 a year and over time this would be a significant amount.

Reed reported that he had received comments from property owners around the proposed Cedar Breaks National Park. Some of the concerns of the property owners included the proposed boundary, parking, and easements across private land and support of the proposal.

Reed also reported on indigent burials and that he felt a policy needs to be adopted regarding the County's participation and the amount to be allocated.

Lois Bulloch reported that the Five County Association of Government workshop's were coming up.

Lois reported that there would be an open house in St. George for Paul Thorp who is retiring from the Southwest Utah Mental Health Department.

Lois reported on the Festival of Homes that was held during the Fair weekend and sponsored by the Building Industry Association and she commented on the beautiful homes being showcased.

Lois recognized Iron County Fair Chairperson, Joyce Evans, and her committee for a great Iron County Fair and she commented that attendance appears to be up.

Lois reported that she recently signed over 100 certificates for volunteer hours of those reporting their hours to the Five County Volunteer Center. She knows that this does not represent all of the many hours of volunteering which goes on in the County but thanked the public for their willingness to volunteer their time.

Lois made mention of the Cedar City Flu Shoot-Out which will take place at the Southwest Utah Public Health Department, on September 26th, 2009. The health department is encouraging residents of the County to get their seasonal flu vaccine.

Alma Adams reported on the fair and it being well attended. He made the suggestion that the County has outgrown its current seating facilities and needed to add additional grandstand seating at the Fairgrounds.

BOARD OF EQUALIZATION APPLICATION FOR PROPERTY TAX EXEMPTION :

Lois Bulloch made a motion to convene as a Board of Equalization to consider a request from the Dixie and Anne Leavitt Foundation for a property tax exemption. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Christene Keene presented a request for tax exemption for property identified as tax serial number B-1118-1 covering a home located at 755 W 200 South, Cedar City.

After reviewing the request, Lois Bulloch made a motion to deny the tax exemption based on the evidence in the application that is not in compliance with State law concerning charitable uses. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Lois Bulloch made a motion to adjourn as a Board of Equalization and reconvene in Commission meeting. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

RESOLUTION 2009-6 OPPOSING CAP AND TRADE :

Resolution 2009-6 was presented and reviewed by the Commission whereupon Lois Bulloch made a motion to approve Resolution 2009-6 as presented and recommended by the National Association of Counties. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

RESOLUTION NO. 2009-6

A RESOLUTION OPPOSING NEW TAXES ON STATE OR LOCAL GOVERNMENTS, EMPLOYERS OR HOUSEHOLD THROUGH FEDERAL CLIMATE REVENUES COLLECTION

WHEREAS, in July 2008, the National Association of Counties (NACO") passed a resolution calling for further studies before Congress passes a law on carbon cap and trade, which states as follows: "NACO supports in-depth study and evaluation of financial and environmental impact of carbon cap and trade program or the lack thereof and its impact on local land use regulatory authority..."; and

WHEREAS, on July 26, 2009, the U.S. House of Representatives passed H.R. 2454, The American Clean Energy and Security Act for 2009, that is currently on the United States Senate calendar, which will create a cap and trade program for green house gasses; and

WHEREAS, carbon tax is being proposed by some because of the theory that man-caused greenhouse gas affects global warming; and

WHEREAS, The Congressional Budget Office ("CBO") estimates that this bill will cost

ten billion dollars (\$10 billion) broken out as eight hundred and ninety dollars (\$890) per household in 2020¹; and

WHEREAS, as fees from the bill increase, estimates put the cost to the average U.S. household close to seven thousand dollars (\$7,000) per year by 2030²; and

WHEREAS, NASA temperature statistics show that temperatures have been decreasing since 2002³; and

WHEREAS, some weather scientists are predicting global cooling is beginning; and

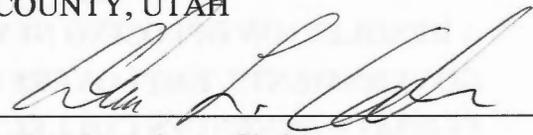
WHEREAS, record cooler spring and summer temperatures occurred in wide areas of the country in 2009.

NOW THEREFORE, at a regular meeting of the legislative body of Iron County, Utah duly called, noticed, and held on the 14th day of September 2009, upon motion duly made and seconded, it is unanimously resolved, as follows:

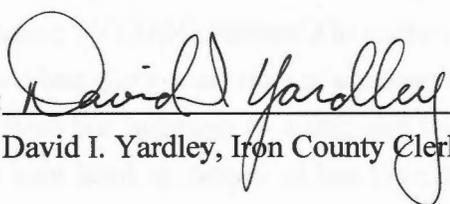
In this time of severe economic recession and rising unemployment, Iron County, Utah, opposes any federal legislation, including cap and trade legalization, if it imposes any new tax, energy cost, or other financial burden on state and local governments, employers and households. Iron County, Utah calls upon Congress to follow the 2008 NACo resolution and further study the issue in light of the NASA temperature statistics.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14th Day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH



Alma L. Adams, Chair

ATTEST: 
David I. Yardley, Iron County Clerk



VOTING:

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

¹ CBO report Waxman-Markey, page 4

² Science Applications International Corporation, which is a contractor with the U.S. Energy Information Administration ("EIA"), reports that EIA's economic models show carbon dioxide restrictions such as those required by Waxman-Markey are likely to cost the average U.S. household close to \$7,000 each year by the year 2030.

³ Dr. Roy Spencer PHD. Climatologist, Form NASA scientist

COOPERATIVE DISPATCH AGREEMENT :

Lois Bulloch made a motion to approve and sign a cooperative agreement providing for consolidated dispatch service in Iron County. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Absent

COUNTY ROADS ON SITLA LANDS :

Kim Christy, Chris Fausett, Nancy Koeber, and Lou Brown came before the Commission to present a map of class "B" roads crossing SITLA property in Iron County. The Commission reviewed the roads and discussed the need for easements and the process for recording easements. The Commission requested that Neil Forsyth, Iron County Road Supervisor, and Steve Platt, Iron County Engineer, and the Iron County Attorney's Office overlay the SITLA map with a County map and determine if any additional roads need to be included as class "B" roads and to determine if additional rights of way need to be identified.

Commissioner Adams thanked SITLA for their help in determining the roads and preparing and recording of the rights of way.

Lois Bulloch made a motion to not oppose SITLA personnel preparing and filing deeds of right of way for roads crossing SITLA property within Iron County. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

PRAIRIE DOG MITIGATION TAKE AUTHORIZATION :

Outgoing HCP Administrator, Blaine Cox, introduced his replacement Adam Kavalunas. The Commission welcomed Adam, and look forward to working with him.

The mitigation request list was presented with 59.93 dogs still available for permanent take to be used during the current year. Any prairie dogs not allocated can be carried over to next year.

The authorization for take requests is as follows:

Brad Seaman	3.4 dogs,	Jones Paint & Glass Property, Cedar City
Monty Stratton	1 dog,	3325 W Hwy 56, Cedar City
Phil Schmidt	10 dogs,	Gravel Pit Kitty Hawk & Airport Rd
Rob Bernhardi	2.7 dogs,	A-0511-0003-0002 Parowan
Rob Bernhardi	2.8 dog,	A-0511-0003-0000 Parowan
Rob Bernhardi	10 dogs,	A-2305-0000-0000 Parowan
Dayle Flanigan	6.7 dogs.	A-0944-0031-0000 Enoch, Lot 31 The Fields Subdivision

The Commission will distribute the additional 23.33 dogs at the next Commission Meeting on October 12, 2009 at 11:00 A.M.

Lois Bulloch made a motion to approve the prairie dog take requests as outlined. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Mark Cox representing Rocky Mountain Power requested two(2) non permanent take prairie dogs. Lois Bulloch made a motion to approve the non permanent take for Rocky Mountain Power. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Qwest Communications requested six (6) non permanent take prairie dogs. Lois Bulloch

made a motion to approve the non permanent take for Qwest. Seconded by Alma Adams.

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

PERSONNEL MATTERS _____ :

Vickie Nielsen, Human Resource Secretary, presented Michelle Hagfeld as a new seasonal employee to replace Adam Kavalunas as HCP Animal Control. Lois Bulloch made a motion to approve Michelle Hagfeld based on an emergency situation where this is a seasonal job with only one month left for the current year. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Vickie presented JoAnn Necochea as a volunteer in the Assessor's Office. She is working under Workforce Services and will be paid by them. Lois Bulloch made a motion to approve Jo Ann Necochea as a volunteer in the Assessor's Office. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Vickie presented Kim Benson for approval as a contract driver for Council on Aging in the Beryl Area. Lois Bulloch made a motion to approve Kim Benson as a driver with the Council on Aging. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Vickie presented for approval a position justification and a workforce assessment for an Outreach Worker replacement for the Council on Aging in Parowan. Lois Bulloch made a motion to approve the position justification and a workforce assessment for an Outreach Worker and to authorize advertising the position. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Vickie presented for approval a position justification and work force assessment for a New Harmony Ambulance Lead Worker replacement and a Deputy Recorder II replacement. Lois Bulloch made a motion to approve the position justifications and work force assessments for a New Harmony Ambulance Lead Worker replacement and a Deputy Recorder II replacement. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Vicki then presented for approval Carri Jeffries to be promoted from a part time Deputy Recorder to a full time Deputy Recorder II. Lois Bulloch made a motion to approve the promotion as presented. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Vickie presented a request to promote Spencer Thomas from EMT Intermediate to Paramedic. Lois Bulloch made a motion to approve the promotion as presented. Seconded by Alma Adams. . Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Vickie presented a position description for approval for a part-time Evidence Technician in the Sheriff's Department and a full time Equipment Operator/Engineering Technician in the Engineering Department. Lois Bulloch made a motion to approve the position descriptions as presented. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

PUBLIC HEARING HOLT DAIRY INDUSTRIAL REVENUE BOND _____ :

Lois Bulloch made a motion to open a public hearing regarding a proposal by the County that pursuant to the provisions of Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act"), the County issue Industrial Revenue Bonds, Series 2009 (Holt Dairy Project) in the

aggregate principal amount of not to exceed Six Million Dollars (\$6,000,000) (the "Bonds") and lend the proceeds of the Bonds to Holt Dairy, LLC, or any affiliate thereof (collectively, the "Borrower"), to pay all or a portion of the costs of acquiring, constructing, and equipping certain solid waste components of a dairy facility and related facilities to be located at approximately 1600 West 400 South, Newcastle, Utah 84756 (the "Project") which will be owned and used by the Borrower. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Allen Nielsen questioned whether the County would be exposed to liability and if taxpayer funds would be used in case of default on the bond payments.

Sheldon Banks, representing Zions Bank, responded that this type of bonding does not expose the County to liability and in no case can the County be liable to pay back any proceeds to the bonding company. This will be a bond held by Zions Bank and in case of default, the Bank can only collect from the borrower, in this case, Holt Dairy LLC.

There were no additional public comments whereupon Lois Bulloch made a motion to close the public hearing. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

PUBLIC HEARING CEDAR BREAKS NATIONAL PARK PROPOSAL :

Lois Bulloch made a motion to open a public hearing to receive public comments concerning a proposal to Congress to change the designation of Cedar Breaks National Monument to National Park status, to be known as Cedar Breaks National Park. The re-designation could include the Ashdown Gorge Wilderness Area and additional property to be included within the National Park boundaries. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

Don Young questioned if this park expansion proposal would include any private property inholdings and what effect this would have on private property rights within park boundaries.

The Commission responded that the proposed boundary would include some private property. Either the property would be purchased or rights of way established across private lands. Currently hikers in the Ashdown Gorge, get to the bottom and cross private land to reach SR 14.

Wendell Shallenburger asked if the proposal would restrict hunting within the park. Reed Erickson, Iron County Administrator, responded that yes it would limit hunting within the park boundaries, however in previous discussions with local wildlife groups, there is support for expanding the park.

Wendell Shallenburger then asked about grazing of livestock within the proposed expansion. Reed responded that currently there are three livestock permittee's of which only one is active. The permits would be grand fathered in and would be allowed to continue.

Paul Roelandt, National Monument Supervisor, commented that a general plan would be developed for the Park. This plan could include some hunting or use by livestock.

Allen Nielsen commented that currently, due to terrain, there is very little hunting

pressure in the proposed park area or in Ashdown Gorge. He further commented that park status would close and eliminate most current uses except for hiking. He requested that the Commission not proceed with a recommendation to expand the current National Monument.

Jim Case commented that the area is currently used by hikers and would continue have the same type of use. Mr Case questioned access across private land at the lower end of Ashdown Gorge. He stated that this issue would need to be resolved.

David Burton, Livestock owner and permittee stated that he is opposed to the plan as this would definitely eliminate grazing within park boundaries.

Paul Roelandt responded that the legislation can be drafted to allow grazing and hunting within the park.

Allen Nielsen asked what advantage changing the designation from National Monument to National Park would have for Iron County residents.

Maria Twitchell, Iron County Tourism Director, responded that studies show that changing the designation from monument to park increases visitors by two to three times. This results in more days spent in local motels and use of restaurants, creating jobs within the County.

Theron "Bud" Bauer commented that as a private property owner, there is continued unauthorized trespass across their property by hikers and mountain bikers. By changing the designation, it would increase use across their property.

H C "Dutch" Deutschlander, Mayor of Brian Head, spoke in support of the proposal. He explained the benefit to Brian Head and the surrounding area with an increase in summer use.

Colby Hunt commented that support of the park proposal does not represent the feelings of the majority of County residents. He expressed opposition to the designation as a National Park.

Brenda Bentley spoke in favor of moving forward with a National Park designation as this will favorably impact many local businesses.

David Burton questioned how designating Cedar Breaks as a National Park would make it any more accessible than it currently is as a National Monument. There does not appear to be a way to change access through Ashdown Gorge because of wilderness designation which limits mechanized access and the Cedar Breaks already has observation areas available.

Rex Rushton commented that hiking trails need additional maintenance to provide better access and he expressed a concern with respect for private property owners. Mr. Rushton also expressed support and mentioned that the development of a Southwest Wildlife Museum near the mouth of Cedar Canyon could be an additional draw for the area.

Wendell Shallenburger commented that it appears not enough planning and public input has been completed prior to submitting a proposal to congress. He suggested a General Plan be developed and approved prior to submitting to congress.

Alma Adams responded that this proposal has been in the works for several years and a lot of work by many people has gone into consideration of this proposal.

Roger Chambers questioned why acreage was being increased outside of current Monument boundaries. The Commission responded that acreage was being increased to include proposed wilderness adjacent to the park.

Don Young questioned whether changing the designation from a National Monument to a National Park would change access to the area as currently designated.

Martin Tyner commented that the issue is growth and that as residents of Iron County, we need to choose the type of growth. We can either grow the tourist industry or pursue growth of heavy industry.

Glen Bauer commented that it comes down to money. He pointed to the designation of the Ashdown Gorge wilderness and the problems this has created with trespass and the ability to utilize private property adjacent to the wilderness area. He stated that he is opposed to the expansion of the National Monument and the designation as a National Park.

(Unnamed) commented that management of the land by the Federal Government is a major issue. He pointed out management of a naturally occurring fire near New Harmony this summer in the Pine Valley wilderness area. The fire was left to burn which resulted in the loss of homes and other buildings in the New Harmony area.

Allen Nielsen commented regarding private property rights. He questioned if County residents were selling their birthright for tourist dollars. He stated that we should quit giving land to the Federal Government.

(Unnamed) commented that the Country has not been built on tourism but on production. By designating this area as a park it takes additional land out of economic production.

David Burton commented that this area is Cedar City's watershed. By designating the area as a park, no action will be allowed to protect or improve the watershed. He also commented on the way the Federal Government managed the Spruce Beetle outbreak which has decimated the forest. If we cannot utilize resources such as timber and water, we lose control of the area. Management needs to be retained at a local level, not from Washington DC.

After all public comments were received, Lois Bulloch made a motion to close the public hearing. Seconded by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

IRON COUNTY INDEPENDENT AUDIT REPORT 2008 :

Representatives of Hafen Buckner Everett and Graff presented the annual independent audit report for 2008. The management letter was reviewed and deficiencies were identified. They noted that most deficiencies were minor problems which in some cases were related to location of offices or the amount of funds collected. There were no major concerns listed in the report.

Lois Bulloch made a motion to accept the independent audit report for 2008 as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

CONDITIONAL USE PERMIT APPLICATION NOTIFICATION :

Chad Nay, Iron County Zoning Administrator, presented a notification of a proposed conditional use permit which will be considered by the Planning Commission at the October 1, 2009 Planning Commission meeting. Circle Four Farms has requested a conditional use permit to operate a landfill adjacent to their hog operation and more specifically located within Sections 4 and 5 of Township 31 South, Range 13 West, SLB&M.

Chad outlined several proposed conditions and he requested the Commission to review the list and get back to him of any additional conditions or changes they would recommend.

REVIEW DRAFT ASSESSMENT AREA POLICY RESOLUTION :

Todd Stowell, Iron County Circuit Planner, presented a draft assessment area policy for review. The Commission reviewed the document and made suggestions on amendments including removing language regarding prevailing wages and suggested that language needs to be included about termination of the assessment area upon completion of the project and payment of associated bonds.

The amendments will be made and the item will be returned for approval.

CONSERVATION EASEMENT FOR UTAH PRAIRIE DOG MITIGATION :

Mike Worthen presented for approval documents involved in a conservation easement between Iron County and the Utah Department of Wildlife Resources for the Little Horse Valley Property which will be used as a mitigation bank for prairie dogs.

An endowment agreement which provides funding for monitoring and enforcing the terms of the conservation easement was presented.

A memorandum of agreement between Iron County and the United States Fish and Wildlife Service for the Little Horse Valley property to allow such property to be placed in mitigation bank was also reviewed..

A livestock grazing permit to graze cattle on the Little Horse Valley property between Iron County and the current permittee, Henry Matheson Bulloch was presented for approval which will allow the current use to continue.

Lois Bulloch made a motion to approve all of the agreements as presented and authorize the Commission Chair to execute the agreements in behalf of Iron County. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

TRAVEL AND CONFERENCE DRAFT POLICY FOR DISCUSSION :

Reed Erickson presented a proposed travel policy for discussion. The policy included a new request form which provided that all out of County travel by employees must be pre approved through Department Supervisors. Supervisors would submit requests for travel through the County Administrator. It also changed reimbursement rates for per diem to match GSA rates for Utah.

Several Departments expressed concerns with the proposed policy requiring outside of Department approval for travel. They explained that due to training availability and needs within the Department, the Department supervisor should be the final authority needed.

The matter was tabled to allow refinement of the proposed policy.

OPERATING AGREEMENT THREE PEAKS AREA :

Lois Bulloch presented a proposed operating agreement between the Bureau of Land Management, Cedar City Field Office and Iron County for the Greater Three Peaks Special Recreation Management Area, Cedar City, Utah.

Concerns were raised with the addition of restroom facilities the County is expected to maintain under the agreement. Currently the County has one part time employee to service the restrooms at Three Peaks including facilities at the shooting range.

The Commission tabled action on the agreement to allow further discussion with the BLM to limit the number of rest rooms and to put a time limit on the operating agreement.

PUBLIC COMMENT PERIOD :

Don Young questioned how special assessments terminate in the proposed special assessment policy. The Commission explained that currently the assessments will end as soon as the project is paid in full. There are, however special assessment areas such as Summit SSD which provides water to the Summit area that are ongoing because of the service provided.

Wendell Shallenburger commented that the County Department supervisors are hired to manage their departments. Travel and training requirements should be left to Department supervisors.

PETITION FOR ANNEXATION :

The County has received a notice from Enoch City that an application for annexation of what is known as the Alger-Richardson Addition. A 51% majority of the owners of the said real property desire to have the property annexed into Enoch City, UT.

Lois Bulloch made a motion not to oppose the annexation as noticed. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.

CAPITAL FACILITIES IMPROVEMENT LIST UPDATE :

Reed Erickson noted that the County Capital Improvement plan for both a 1 year and 5 year plan needs to be completed and submitted to the Five County Association of Governments prior to October. Projects proposed to be funded through grants or loans through the Permanent Community Impact Board must be included on the list. This matter was tabled and will be updated at the next Commission meeting.

CALENDER SCHEDULE COORDINATION :

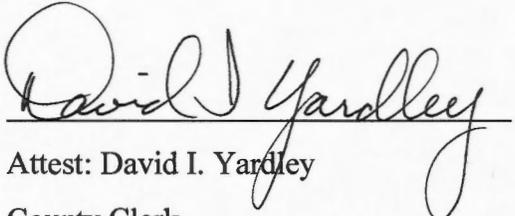
Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

ADJOURN :

The meeting was adjourned at 4:30 p.m. on a motion by Lois Bulloch. Second by Alma Adams. Voting: Alma Adams, Aye; Lois Bulloch, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING
September 28, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 28, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES September 14, 2009 :

Minutes of the Iron County Commission meeting held September 14, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Debbie Johnson reported that Simplifile installation appears to be moving ahead. A contract for service has been prepared which was given to the County Attorney's Office for review.

Dennis Ayers reported that Board of Equalization hearings are continuing this week and next. Prairie dog contaminated properties will be evaluated after a ruling from the State Tax Commission after an appeal ruling has been reviewed for its impact on property values.

Geri Norwood reported that the Treasurer's office is working on tax notice files. Special assessments are being added and final calculation will be processed as soon as Board of Equalization has been completed and approved.

Mark Gower reported that a prisoner went violent and caused about \$250 damage to the jail. The Sheriff's Association also met at the UAC offices in Salt Lake City to discuss "condition of probation" use of the jail. The State is cutting back on funding those prisoners which have been sentenced to prison but spend up to 1 year in the County jails.

Gene Adams reported that the independent audit has been completed with the exception of some grant reviews. The focus of the Auditor's office at this time is Board of Equalization and 2010 budgets.

Jared Wilson reported that Data Processing was working on new software for mapping and that the Commission agenda application is now available on line on the County website.

Margaret Miller reported that the Justice Court is working on their backlog of cases and attempting to keep current on prosecution to avoid dismissal for lack of prosecution.

Reed Erickson reported that bid documents have been prepared and published for replacement of the north Courthouse steps and for upgrades to the HVAC system.

Reed also reported that SR 143 is on the list to be designated as a national scenic byway. This designation has attracted additional use by tourists for other highways with this designation which will help tourism in Iron County.

David Yardley reminded Departments that documentation for agenda items must be submitted with the application so that copies of action requested can be distributed to the Commission prior to the scheduled meeting.

Lois Bulloch discussed the need to cooperate with the 2010 census to get accurate population figures for Iron County. Some federal and state programs are based on population which could impact eligibility to participate for ten years.

Lois also reported on the Public Lands Day celebration at Three Peaks. Participation was excellent and many projects were completed. Illegal dumping is still a problem in the area.

Alma Adams reported on proposed changes in the retirement system to migrate to a contributory system. He also reported that TV equipment was being upgraded through all of the County TV sites to High Definition from analog. This was accomplished through a reimbursement grant.

Wayne Smith reported that a majority of the roads claimed under RS 2477 are not

disputed. There are some Counties still working on documentation of roads existing prior to 1976, the cutoff date for RS 2477.

PROPERTY TAX DISCUSSION :

Allen Nielsen, a property owner, met with the Commission to express concern with property tax rates. He stated that his taxes on his home and property are increasing even though the value is going down. In tough economic times, tax rates and services should be reduced to alleviate the burden on taxpayers.

The Commission explained the tax system which provides that the total tax amount for the County has not been increased, however there may be tax shifts due to reappraisals and reductions in centrally assessed values. The Commission assured Mr. Nielsen that County budgets are being watched very carefully in response to revenue projections and economic conditions.

PURCHASE OF ASPHALT ZIPPER :

Neil Forsyth, Iron County Road Supervisor, met with the Commission to request approval of a line item adjustment to allow for the purchase of an asphalt zipper attachment to be used in road maintenance. He explained that the equipment was not anticipated however there are funds available for the majority of the purchase with a portion coming from the 2010 projected budget to complete the payment.

Wayne Smith made a motion to approve the purchase as presented with \$100,000 coming from the 2009 Road equipment budget and the remainder coming from the 2010 equipment budget. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PURCHASE OF TWO DUMP TRUCKS FOR ROAD DEPARTMENT :

Neil Forsyth, Iron County Road Supervisor, also requested approval to order two ten wheel heavy dump trucks from the 2010 budget. He explained that new Federal regulations which take effect on January 1, 2010 will decrease available horsepower on the trucks and the current engines will not be available. The purchases will not be completed until the next budget year but the vehicles would be ordered now.

Wayne Smith made a motion to approve ordering the two dump trucks requested to be purchased from the 2010 budget. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

TRAVEL POLICY DISCUSSION :

Reed Erickson, County Administrator, presented a draft travel policy for review. The amendments which have been made were reviewed which included travel authorization by Department Supervisors outside of the County to be approved by their respective Commission Liaison. Elected Officials will approve travel for employees in their respective departments.

The Commission stressed that they would like transparency in travel so that the public will be able to know of travel authorized by taxpayer funds. Department supervisors and elected officials stated that they currently provide all of the information in travel reimbursement requests so the new policy would not be a change. The only difference will be in submitting travel

vouchers prior to meetings.

The matter was tabled to allow for further refinement. Mr. Erickson will distribute a new draft for review prior to the next Commission meeting.

PRAIRIE DOG MITIGATION TAKE DISTRIBUTION :

Adam Kavalunas. Representing DWR, HCP Administration, met with the Commission to allocate permanent take for 2009. Two applications for approval were presented:

Phil Schmidt	1 Acre	5 prairie dogs
Rob Bernhardt	1.39 Acres	13.9 prairie dogs

Lois Bulloch made a motion to approve the permanent take as presented and to waive current policy to allow Rob Bernhardt to proceed with his project by granting 3.9 take above the standard limit of 10 dogs per application. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Wayne Smith made a motion to ratify an emergency non permanent take of 1 prairie dog to Rocky Mountain Power to locate an underground short in an electrical service line. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PERSONNEL MATTERS :

Colette Eppley reported that the Victim Services Coordinator, Laura Lee, has resigned her position in the County Attorneys Office. Colette presented for approval a Position Justification and Workforce Assessment for the position of a Victim Services Coordinator. This will be a replacement position at the same grade as a legal secretary. Lois Bulloch made a motion to approve the Position Justification and Workforce Assessment as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a status change for two employees, Larry Lanier was approved to change from Corrections Officer to Temporary Sheriff Detective on a motion by Lois Bulloch. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Shawn Coston was approved to transfer from a Sheriff Patrol Deputy to Drug Court Tracker effective August 17, 2009 with a two grade increase from Grade 17 to Grade 19 on a motion by Wayne Smith. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval volunteers in the Council on Aging organization; Brianne Noyes, Enid Bassett, Carlotta McCarroll, Frances Moxley and Lynnette Chapman. Lois Bulloch made a motion to approve the volunteers in the Council on Aging as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented position descriptions for a Deputy Recorder II/Ownership within the Recorder's office and a Victim Services Coordinator in the Attorney's office. Wayne Smith made a motion to approve the position descriptions as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CLOSED SESSION :

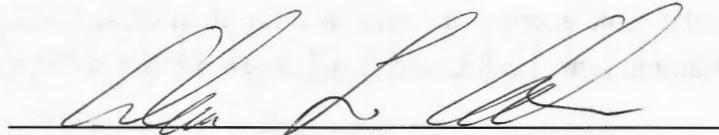
Wayne Smith made a motion to convene in closed session for the purpose of a strategy session to discuss pending or reasonably imminent litigation. Second by Lois Bulloch. Voting:

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

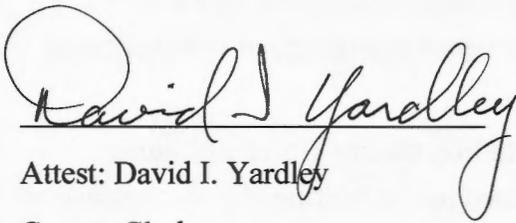
STATE OF UTAH)
) s.s.
COUNTY OF IRON)

I, Alma L. Adams, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Closed Meeting convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.

Dated this 28th day of September, 2009.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



PUBLIC HEARING ZONING ORDINANCE AMENDMENT :

Lois Bulloch made a motion to open a public hearing to receive comments regarding amendments to the Iron County Code Chapter 16.04, the "General Provision" section of the Subdivision Ordinance. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Todd Stowell reported that the 2009 Legislature passed a bill in the first special session which allows a 1 acre per 100 acre minor lot split without meeting all of the County subdivision requirements. Because of the passage of this bill which took effect July 1, 2009, the Iron County Code is in need of amendment to allow this type of minor lot subdivision. By passage of Ordinance 2009-2, the County Code will be in compliance with State law.

There were no additional public comments whereupon Wayne Smith made a motion to close the public hearing. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Lois Bulloch then made a motion to adopt Iron County Ordinance 2009-2 as follows and as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ORDINANCE 2009-2 ZONING ORDINANCE AMENDMENT :

IRON COUNTY, UTAH

ORDINANCE 2009-2

AN ORDINANCE OF IRON COUNTY, UTAH, AMENDING IRON COUNTY CODE SECTION 16.04, GENERAL PROVISIONS; AS HEREIN DESCRIBED.

Whereas, in the first special session of the 2009 legislature, HB1001, was passed and signed into law, which law modifies county land use provisions relating to subdivisions;

Whereas, said law authorizes an owner of at least 100 contiguous acres of agricultural land within a county of the third, fourth, fifth, or sixth class to divide from the land a single lot without complying with subdivision plat requirements or county subdivision ordinances; and

Whereas, said law prohibits a county of the third, fourth, fifth, or sixth class from denying a building permit to an owner of a minor subdivision lot if the lot meets the county's reasonable health, safety, and access standards that the county has established and made public.

Whereas, the Board finds it necessary to define and establish that "reasonable health, safety, and access standards" as set forth in UCA 17-27A-605(4)(e)(2) includes all land use, building, fire, health, safety, and access standards that would be applicable to legal lots of record;

Whereas, several other sections of the Land Use Development and Management Act (UCA 17-27A) subdivision regulations have been amended, which changes need to be reflected in the County Code;

Whereas, the Iron County Planning Commission and Iron County Board of County Commissioners have both held properly advertised and noticed public hearings for the purpose of receiving comment on the proposed amendments;

Whereas, the Planning Commission recommends approval of the amendments, as proposed;

NOW THEREFORE, the County Legislative Body of Iron County ordains as follows:

Section 1. Iron County Code Section 16.04, General Provisions, is hereby amended as depicted in Exhibit "A".

Section 2. Severability.

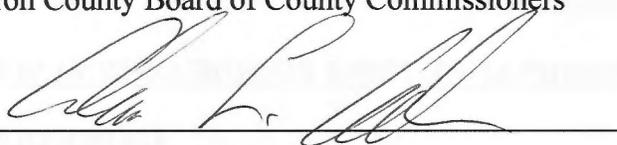
Should any portion of this ordinance be found for any reason unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefore, and shall survive such declaration, remaining in Full force and effect.

Section 3. Effective Date.

This ordinance shall become effective October 1, 2009, or upon its publication in a newspaper of general circulation, whichever is later, as permitted by UCA 17-53-208(6).

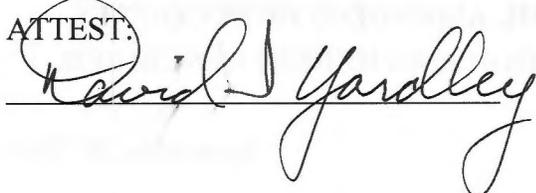
Passed and adopted by the Board of County Commissioners of Iron County, Utah this 28th day of September, 2009.

Iron County Board of County Commissioners



Alma L. Adams, Chair

ATTEST:



David I. Yardley, County Clerk

VOTING:	Yea	Nay
Alma Adams	<u> X </u>	_____
Wayne Smith	<u> X </u>	_____
Lois Bulloch	<u> X </u>	_____

EXHIBIT "A"

Chapter 16.04 GENERAL PROVISIONS

16.04.010 Short title.

16.04.020 Purpose.

16.04.030 Authority.

16.04.040 Jurisdiction and Enforcement.

16.04.050 Penalty.

16.04.060 Definition of subdivision and applicability.

16.04.070 The 100-acre minor lot subdivision.

16.04.010 Short title.

This chapter shall be known and may be cited as the "Iron County Subdivision Ordinance" and may be identified within this document as "the ordinance codified in this chapter," "this chapter," "subdivision ordinance" or "Iron County subdivision ordinance." (Ord. 167 § 2 (part), 2000)

16.04.020 Purpose.

This chapter is established to provide for the orderly division of land within the unincorporated area of Iron County, to secure the provision of necessary private and public infrastructure and services, and to promote the health, safety and welfare of residents of Iron County. (Ord. 167 § 2 (part), 2000)

16.04.030 Authority.

This chapter is enacted and authorized under the provisions of Title 17, Chapter 27a, County Land Use, Development, and Management Act, Utah Code Annotated, 1953, as amended.(Ord. 167 § 2 (part), 2000)

16.04.040 Jurisdiction and Enforcement.

This chapter shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Iron County, Utah.

No person shall subdivide any land, except in compliance with this chapter; the Iron County zoning ordinance; Title 17, Chapter 27a, County Land Use, Development, and Management Act, Utah Code Annotated, 1953, as amended; and other applicable local, state and federal laws. Any plat or survey of a subdivision, filed or recorded without the approvals required by the applicable provisions of this chapter, is void for the purposes of development, or the issuance of a building permit; and a transfer of land pursuant to any such void plat is voidable, as specified by Section 17-27a-601 et seq., Utah Code Annotated, 1953, as amended.

No building permit shall be issued by the county for any lot or parcel of land, located wholly or

in part within the unincorporated area of Iron County, unless such lot or parcel has been legally created, or was a lot of record existing prior to August 14, 2000.

Any owner, or agent of the owner, of any land located in a subdivision, as defined in this title, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, consistent with the requirements of this chapter, is in violation of this chapter, and state law at Section 17-27a-601 et seq., Utah Code Annotated, 1953, as amended, and other applicable local, state and federal laws for each lot or parcel transferred or sold.

A subdivision created by a metes and bounds description in the instrument of transfer, or other documents used in the process of selling or transferring property, does not exempt the transaction from compliance with the applicable provisions of this chapter, nor shall such action be exempt from the penalties or remedies provided by this chapter and other local, state and federal laws if it is in violation thereof.

As provided in Section 17-27a-802, the county, or any adversely affected owner of real estate within the county in which violations of this chapter occur or are about to occur, may, in addition to other remedies provided by law, institute: injunctions, mandamus, abatement, or any other appropriate actions; or, proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act. The county need only establish the violation to obtain the injunction.

(Ord. 167 § 2 (part), 2000)

16.04.050 Penalty.

Any person, organization, corporation, or other entity who violates any provision of this title shall be guilty of a Class C misdemeanor and is punishable by a fine, imprisonment, or both, as determined by a court of competent jurisdiction. (Ord. 167 § 2 (part), 2000)

16.04.060 Definition of subdivision and applicability.

For the purposes of this chapter “subdivision” means:

Any land that is divided, re-subdivided or proposed to be divided into two or more lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.

Subdivision includes: the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and, except as specified below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

A. A bona fide division or partition of agricultural land for agricultural purposes, as defined at Section 59-2-502 et seq., Utah Code Annotated, 1953, as amended, which results in all parcels complying with the lot size requirements of the zoning district in which they are located. Bona fide division for agricultural purposes does not include the division of any lands that are currently used, or will be used, for any nonagricultural purpose, such as any building, structure or improvement used as or associated with a single-family dwelling unit, recreational use, cabin, or other residential, commercial or industrial use. Any lot or parcel created pursuant to this provision shall not qualify for the issuance of a building permit or other development permit to

establish a nonagricultural use; provided, a plat may be completed to create the lot for nonagricultural purposes, pursuant to the applicable platting process of this chapter, when the division complies with zoning and applicable development standards.

B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary, if:

1. No new lot is created; and
2. The adjustment does not result in a violation of applicable land use ordinances.

C. A recorded document, executed by the owner of record:

1. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or,
2. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

D. A bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:

1. An unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or,
2. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

E. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

1. No new dwelling lot or housing unit will result from the adjustment; and,
2. The adjustment will not violate any applicable land use ordinance;

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this subsection, as to the unsubdivided parcel of property or subject the unsubdivided parcel to this chapter.

For the purposes of this chapter, “development” shall be, and shall mean:

Any use or activity proposed for any land, lot, building or structure that requires the issuance of a building or other development permit, as required by the adopted building or land use codes of the county. (Ord. 199 § 1 (part), 2004; Ord. 167 § 2 (part), 2000)

16.04.070 The 100-acre minor lot subdivision.

The State Legislature in the 2009 1st Special Session passed House Bill 1001, which was subsequently signed into law to authorize the owner of at least 100 contiguous acres of agricultural land to divide from the land a single lot without complying with subdivision plat requirements or county subdivision ordinances. Although this provision is referred to as a "Minor Lot Subdivision" in that legislation [UCA 17.27a.605(4)], it is not to be confused with the minor lot subdivision regulations found in Iron County Code 16.20, as the definitions for such, and the related processes and requirements, vary significantly. For purposes of attempting to avoid confusion, the following provisions will be referred to as "The 100-acre minor lot subdivision". The definitions established herein do not apply outside of this section.

A. As used in this Subsection (16.04.070) only:

1. "Agricultural land" is as defined in Section 59-2-502 et seq., Utah Code Annotated, 1953, as amended.
2. "Divided land" means land that:
 - a. is described as the land to be divided in a notice under Subsection (B)(2); and
 - b. has been divided by a minor subdivision, as defined in this subsection.
3. "Land to be divided" means land that is proposed to be divided by a minor subdivision, as defined in this subsection.
4. "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that, after the division, is separate from the remainder of the original 100 or more contiguous acres of agricultural land.
5. "Minor subdivision lot" means a lot created by a minor subdivision, as defined in this subsection.

B. Notwithstanding Sections 17-27a-603 and 17-27a-604, Utah Code Annotated, 1953, as amended, and the corresponding provisions of the Iron County Subdivision Code, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:

1. a recordable deed containing the legal description of the minor subdivision lot; and
2. a notice:
 - a. indicating that the owner of the land to be divided is making a minor subdivision;
 - b. referring specifically to UCA 17.27a.605(4) and/or Iron County Code 16.04.070 as the authority for making the minor subdivision; and
 - c. containing the legal description of:

- i. the land to be divided; and
- ii. the minor subdivision lot.

C. A minor subdivision lot:

- 1. may not be less than one acre in size;
- 2. may not be within 1,000 feet of another minor subdivision lot; and
- 3. is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located.

D. Land to be divided by a minor subdivision may not include divided land.

E. Once the minor subdivision lot is established, it shall be treated as a legal lot of record, and be subject to all land use, building, fire, health, safety, and access standards otherwise applicable to legal lots of record. The requirements are triggered with the development of the lot and issuance of a building permit. The county may not deny a building permit to an owner of a minor subdivision lot based on the lot's status as a minor subdivision lot—only on lack of compliance with adopted land use, building, fire, health, safety and access standards applicable to legal lots of record.

F. Use of the 100-acre minor subdivision provision is not authorized unless the property meets all requirements herein. Lots improperly created through this provision constitute a violation of the subdivision ordinance, subject to enforcement and penalty as set forth in Iron County Code 16.04.040 and 050.

RESOLUTION 2009-7 ASSESSMENT AREA APPLICATION :

Todd Stowell, Iron County Circuit Planner, presented a draft of Resolution 2009-7 which provides guidelines for applying for a special assessment area for improvements within the unincorporated areas of the County. After reviewing the document and suggesting some amendments, the matter was tabled to allow for the amendments to be drafted into the document. The matter will be recalled at a later meeting for approval.

QUALITY CRUSHING CONTRACT APPROVAL :

Steve Platt, Iron County Engineer, presented for approval a contract for crushing road material at the Parowan pit by Quality Crushing. Steve suggested that in negotiations with owners of Quality Crushing, they have requested to crush an extra 1,000 yards of material in exchange for waiving the performance bond requirement. This is a procedure which has been approved in past contracts with Quality Crushing.

Wayne Smith made a motion to approve the amendment to the contract to allow for an extra 1,000 yards of material to be crushed and waive the bonding requirement provided that payment not be made to the contractor until the crushing has been completed and measured to insure that quantities are met as required in the contract. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PRAIRIE DOG MATTERS :

Mike Worthen and Reed Erickson presented to the Commission a preliminary draft of a paper titled "Prairie Dog Issues" in need of resolution prior to adopting the new prairie dog HCP.

The paper will be circulated to organizations involved in approving the HCP for their comments and suggestions.

CEDAR BREAKS PARK PROPOSAL :

The Commission reviewed results of the public hearing and comments received regarding a proposal to request Senator Bennett to push for an expansion of Cedar Breaks National Monument to include the Ashdown Gorge Wilderness Area and Flanigans Arch into a National Park. The Commission noted that there is a major concern with adjacent private ownership parcels which would require easements or purchase, the effect the park designation would have on existing National Forest livestock permits, the ability to manage natural resources, and the economic benefits to Iron County.

Crystal Bundy commented that the County has many natural resources available, by designating the area as a National Park the pattern in the past has been to create a clear area surrounding the park, in effect expanding to boundaries to limit development of the resources available. She questioned if this is in the best interest of the majority of County residents.

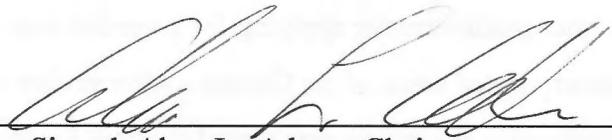
After reviewing concerns, it was determined to not forward a recommendation to proceed with a National Park designation to Senator Bennett.

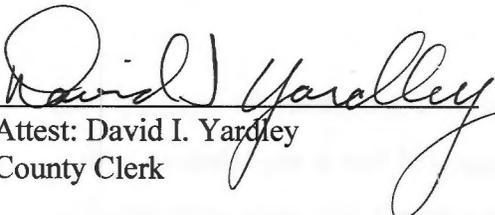
CALENDER SCHEDULE COORDINATION :

Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

ADJOURN :

The meeting was adjourned at 4:10 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.


Signed: Alma L. Adams, Chairman


Attest: David I. Yardley
County Clerk



**IRON COUNTY COMMISSION MEETING
October 12, 2009**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 12, 2009
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES September 28, 2009 :

Minutes of the Iron County Commission meeting held September 28, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Reed Erickson discussed natural landscaping on a Cedar City parcel adjacent to the Iron County Visitor Center. The County is pursuing a land exchange for a parcel owned by Iron County near 300 West in Cedar City.

Reed also reported that interviews for an UPDRIP coordinator were completed and a job offer was made which was turned down. The UPDRIP committee is seeking applications to fill the position.

Wayne Smith discussed a request from Brent Turek representing the York Jones family to complete repairs on the flood channel and place a fence on the property line on property near the Ladybug Nursery. This item was referred to Steve Platt, Iron County Engineer.

Wayne also discussed a concern with a road know as the Lower Kanarrville Basin Road which has been maintained by the County from time to time. The property owners have now

placed a gate across the road and have placed an unlocked padlock on the gate. There is a concern with setting a precedent to allow gates to be placed on County roads.

Lois Bulloch discussed a request to fix the roads within Cedar Valley Acres subdivision. Commissioner Smith stated that the Road Department will be filling some bad places on a one time basis. The property owners will be encouraged to do a special assessment area to bring the roads to a County standard.

Lois also reported that the Cedar Livestock Festival is scheduled for October 24. The parade will begin at 9:15 a.m. The Commission will participate in the parade.

Lois reported that the Planning Commission has received several comments from the State regarding the County wind energy ordinance. The Planning Commission is reviewing the comments and implementing only the portion they feel is appropriate.

Alma Adams reported that the Federal Inmate numbers at the jail are very low: Currently there are eighteen Federal, six State, and twenty four Condition of Probation (COP) prisoners housed at the jail.

Because of budget cuts and funding authorization by the State for condition of probation prisoners, UAC is preparing a model ordinance which will limit the number of COP that can be housed in the jail. This should help alleviate the State dumping prisoners on the Counties.

Alma also reported that the public transportation system in Cedar City is planning to expand to serve Brian Head. There is still a move to get a transportation study completed to determine feasibility of public transportation to Brian Head.

The County has been notified that SR 143 from Parowan to Panguitch has been selected to be designated as a National Scenic Byway. Official announcement will be made in Washington DC on October 16.

GRANT APPROVAL FOR MAJOR CRIMES TASK FORCE :

Sheriff Mark Gower and Deputy Mike Burg, Beaver County Deputy Sheriff, made a power point presentation explaining a grant which will fund a joint major crimes task force between Iron and Beaver Counties. The proposal would designate two officers from Beaver County and three officers from Iron County as members of the task force. There would be one new employee, a secretary/analyst. Funding would be administered through the Beaver County Auditor's office.

After discussing management, equipment issues, continued funding, and related issues, Lois Bulloch made a motion to approve participation in the Joint Major Crimes Task Force as presented. Also to approve drafting a formal resolution with a paragraph that limits the Task Force to conditions specified in the funding grant and to specify that the task force would not operate after grant funding ceases. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PERSONNEL MATTERS :

Colette Eppley presented a position justification for a part time medical technician at the

jail to replace an existing position. Lois Bulloch made a motion to approve the position justification as presented with the stipulation that the job description be updated prior to advertising the position vacancy. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented Jeff Mitchell's name for approval of a promotion as a Certified Residential Appraiser at a Grade 18. She explained that Mr. Mitchell has been near this certification several times but as he was completing work, the standards were changed. Wayne Smith made a motion to approve the promotion of Jeff Mitchell to Certified Residential Appraiser effective immediately. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented promotion requests for Nina Biasi from EMT Basic to EMT Intermediate and Julie Woods to be the on call Lead Worker at New Harmony. Lois Bulloch made a motion to approve the two promotions as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval Kara Burdick as a part time evidence clerk in the Sheriff's office and Bruce Anderson as an equipment operator in the Engineer's office to replace Howard Cox. Wayne Smith made a motion to approve the new employees as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented the following as volunteer firefighters in the Beryl Fire Department: Layne Anderson, David Bosshardt, Nyal Bosshardt, Vernon Bosshardt, Lorin Bracken, Marvin Bracken, Eric Brinkerhoff, Lex Brinkerhoff, Jaymes Holt, Kim Holt, Klayton Holt, Heber Holt, Jack Petersen, Jon Pratt, Vince Rice, Pike Sorensen, Neil Stowell, Ronny Stringham, Jon Tiquila, Donald Welsch, Sterling Harker and Thomas Cluff. Lois Bulloch made a motion to approve the volunteer fire fighters for the Beryl Fire Department. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION 2009-7 APPLICATION PROCEDURE FOR ASSESSMENT AREA PROPOSALS :

Todd Stowell, Iron County Circuit Planner, presented the amended version of Resolution 2009-7 which establishes application procedures for Assessment Areas. After changes were reviewed, Lois Bulloch made a motion to adopt Resolution 2009-7 with the addition of Section 170 which will describe that the Assessment Area expires upon full payment of the improvements. Second by Wayne Smith.

IRON COUNTY, UTAH

RESOLUTION NO. 2009-7

A RESOLUTION TO ESTABLISH AN APPLICATION PROCEDURE FOR ASSESSMENT AREA PROPOSALS

Whereas, the Utah State Legislature has established definitions, rules and regulations known as the "Assessment Area Act", as set forth in Chapter 11-42, Utah Code Annotated, 1953, as amended; and,

Whereas, Iron County believes that a preliminary application and review process would allow the County and affected property owners to reach a determination as to whether an assessment area should be pursued, before significant resources and funds are expended through the assessment area process outlined in Chapter 11-42, UCA; and,

Whereas, the Board of County Commissioners of Iron County, Utah, finds that the following resolution is necessary for the efficient provision of services pertaining to the formation of assessment areas;

Whereas, notice of the following resolution has been provided as required by law;

Now therefore, be it hereby resolved by the Board of County Commissioners of Iron County, Utah, that the following assessment area application policy is established:

ASSESSMENT AREA APPLICATION POLICY:

Section 100 Purpose.

The assessment area application policy is enacted to provide an application and review process through which the County Commissioners make a preliminary determination as to whether the formation of an assessment area is in the interest of the County and should be pursued. The procedures outlined herein precede, and are in addition to, those of the "Assessment Area Act", as set forth in Chapter 11-42, Utah Code Annotated, 1953, as amended.

Section 110 Improvements to meet County standards.

Improvements funded through assessment areas shall be constructed to the County's construction standards currently applicable to development of such improvements for new development/subdivisions. Provided, if the County Commissioners find that a reduced standard is justified and it will not significantly impact the anticipated life, maintenance costs, or safety of the improvement, a reduced construction standard may be authorized.

Section 120 Application.

Any party or group of property owners wishing to form an Assessment Area must submit an application for their proposal to the County Commissioners for review. The application is to be accompanied by a statement, signed by property owners representing a majority of the properties within the proposed assessment area. The statement shall indicate that the property owners have reviewed the application documents and desire to participate in an assessment area to construct the improvements generally identified. The application must include the following information:

- A. A description and a map of the lots or parcels proposed to be included in the assessment area. Also identify on the map the lots or parcels owned by those that signed the application.
- B. A description of the improvements proposed to be financed through the assessment area process, including:
 - (i) the general nature of the improvements; and
 - (ii) the general location of the improvements.
- C. A rough cost estimate of the contract price of the project, based on a recent similar project, or an estimate by a qualified professional (for estimating purposes include 10%

- contingency and 15% County overhead).
- D. Whether any parallel facilities (power, phone, gas lines, etc.) would need to be relocated to complete the proposed improvements, as may occur with a road construction project.
 - E. Whether adequate rights-of-way or easements exist, or if needed, the likelihood of obtaining necessary right-of-way.
 - F. A desired schedule for construction.
 - G. A description of any benefits that the County could expect to receive from the proposed improvements.
 - H. A description of the benefits that the property owners could expect to receive from the proposed improvements.
 - I. Whether the property owners have been able, or may be able, to create a voluntary assessment area (100% voluntary participation). If a voluntary assessment area is proposed, include the information outlined in Section 11-42-104, Utah Code Annotated, regarding the waiver of requirements.
 - J. A proposal for how the assessment should to be calculated and levied (whether by frontage, area, taxable value, fair market value, lot, number of connections, equivalent residential unit, or any combination of these methods), and the resulting cost per unit, based on the cost estimate provided. Note that assessments cannot be levied against federal land or public agencies, except as provided in Section 11-42-408, Utah Code Annotated.
 - K. The desired payment schedule for the assessments (monthly, yearly, other), and the total length of installments (typically not more than ten years).
 - L. In the case that 75% or more of the properties are undeveloped, the value of the undeveloped property after the proposed improvements are completed has to be at least three times the value of the assessment area liens placed on the undeveloped property. To help determine if this is a concern, provide figures for the number of undeveloped lots and the total number of lots in the proposed assessment area; and, if the number of undeveloped lots exceed 75% of the total, provide figures for the total current assessed property tax valuation of all undeveloped properties within the proposed assessment area, and the total amount of the proposed assessment area lien for those properties
 - M. Whether or not ongoing operation and maintenance costs should be included in the levied assessment. If O&M costs are proposed to be included, include a description of those costs and the initial estimated annual assessment to be levied per unit (amount may change over time). The method of determining a property's proportion of the O&M costs may be different than the method used to determine financing for the improvement. As applicable, identify the proposed maximum number of years over which the assessment for operation and maintenance will be levied.

Section 130 Consideration of Request

After receipt of a complete application, the County Commissioners shall consider whether formation of the proposed assessment area may be further pursued, and if it is further pursued, how the proposal will be defined for purposes of notice under UCA 11-42-202. In making such a determination the County is to consider:

- A. The public benefit received;
- B. Any savings in operation and maintenance costs to the County;
- C. Whether the scope of proposed improvements or size of the assessment area should be reduced or increased;

- D. Whether any water, gas, sewer, or underground electric and telecommunication connections/extensions/relocations should occur prior to any proposed road improvements;
- E. Any impact to the budget, workload, or staffing levels necessary to form the assessment area, provide the improvements, and maintain the improvements on an ongoing basis;
- F. Any opportunity costs that may result, such as other identified projects that may be hindered if resources are limited and can only be applied to this project at the cost of another;
- G. Whether the proposal addresses a significant health or safety issue, such as a failed water system, an area of failing septic systems, an inadequate/ overburdened road system, etc.;
- H. Whether private financing could be utilized, instead of public funds;
- I. Whether the project would cause any significant environmental impacts that should be avoided or mitigated.

After considering the above factors, the County Commission may, by written resolution, accept a proposal to create an Assessment Area. The resolution should contain a provision terminating the Assessment Area upon satisfaction of the associated financial obligations.

Section 140 County not bound.

The County is under no obligation to form an Assessment Area. The above application process shall not preclude the County Commissioners from rejecting a proposal to form an assessment area, with or without reason. The decision of the County Commissioners to not form an assessment area is not appealable.

Section 150 Applications authorized to proceed.

An application that is authorized by the County Commissioners to proceed shall be further considered through the Assessment Area Act provisions of Chapter 11-42, Utah Code Annotated, 1953, as amended. Provided, if an assessment area is not formed within two years of the authorization to proceed, the authorization shall expire.

The County may specify conditions (e.g. dedication of right-of-way, adequate appraisal) that are prerequisites to the formation of the assessment area. If 75% or more of the properties are undeveloped and an appraisal is required pursuant to 11-42-205, Utah Code Annotated, the appraisal shall be completed prior to giving notice under the provisions of the Assessment Area Act.

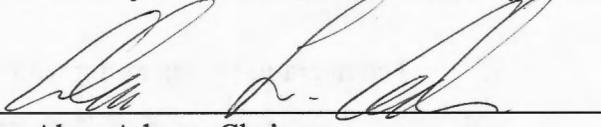
Section 160 Application Fee.

Assessment area requests that are authorized to proceed shall not be further processed until an application fee is submitted. The application fee shall be in the form of a deposit to cover the full anticipated costs of processing the request through the point of approval of the resolution/ordinance forming the assessment area, plus 20%. Any portion of the deposit that is not used shall be refunded or applied to the appropriate assessment area liens. Costs exceeding the initial deposit may be billed. If the assessment area is formed, the processing costs incurred by the County may be equalized among all participating property owners, such as through credits for those that paid the application fee.

This resolution shall become effective upon its passage by the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time.

Passed and adopted by the Board of County Commissioners of Iron County, Utah, this 12th day of October, 2009.

Board of County Commissioners, Iron County, Utah


Alma Adams, Chair

ATTEST:


David I. Yardley, County Clerk



VOTING:	Aye	Nay
Alma Adams	<u> X </u>	_____
Wayne Smith	<u> X </u>	_____
Lois Bulloch	<u> X </u>	_____

TRAVEL POLICY REVIEW :

Reed Erickson reviewed the current draft of the proposed travel policy. There were several areas of clarification that were discussed. These included record keeping of travel requests, records retention, County Department and Elected Official Department definitions, rental vehicle coverage, volunteer drivers, and form design. The matter was tabled to allow for further amendments to the draft.

PUBLIC HEARING FOR AN AGRICULTURE PROTECTION AREA :

Lois Bulloch made a motion to open a public hearing to receive public comments regarding a request to establish an Agricultural Protection Area for Whitelaw Inc. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The proposed Agricultural Protection Area is located 8 parcels located within Section 31, T 35 S, R 16 W, SLM and Sections 25 and 36, T 35 S, R 17 W, SLB& M; Total 614.94 Acres m/l.

David Yardley reported that notices have been published in the newspaper and notices posted at a minimum of five different locations near the proposed APA. No written comments have been received. The notice has been mailed to the Planning Commission and to the Agricultural Protection Area Board who have both submitted favorable recommendations.

Chandler Whitelaw commented that this area has been the Whitelaw family farm since 1946. Because of development near the farm, it is time to establish the APA to let new neighbors know that this will continue to be a family farming operation.

After all public comments were received, Wayne Smith made a motion to close the public hearing. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The Commission then 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.

Lois Bulloch made a motion to designate the farming operation of Whitelaw Inc. as an Agricultural Protection Area to include eight parcels as listed in the application and authorize appropriate documents to be recorded in the Iron County Recorder's Office. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CAPITAL FACILITIES PLAN UPDATE _____ :

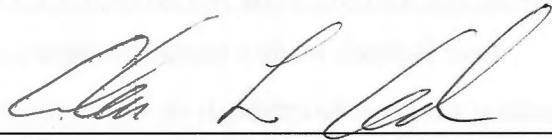
The Commission reviewed the Capital Facilities one year and five year plans. Projects were modified to reflect completed projects and planned capital improvements which may need funding through the Permanent Community Impact Board or the Community Development Block Grant program. The plans will be updated and submitted to the Five County Association of Governments for their review and ranking.

CALENDER SCHEDULE COORDINATION _____ :

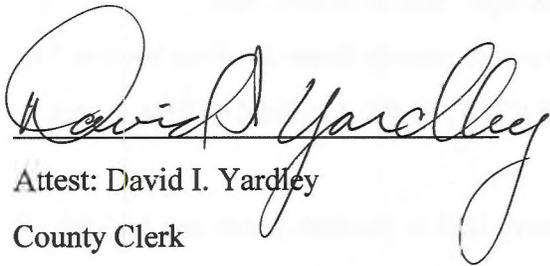
Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

ADJOURN _____ :

The meeting was adjourned at 3:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



SPECIAL IRON COUNTY COMMISSION MEETING
October 14, 2009

Minutes of the special Iron County Commission meeting convened at 11:00 a.m. October 14, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

SYNOPSIS :

ADJOURN	2
BOARD OF EQUALIZATION HEARING OFFICER ADJUSTMENTS	1
BOARD OF EQUALIZATION PROPERTY TAX ABATEMENT ACTION	1
CERTIFIED TAX RATE ADOPTION	1

BOARD OF EQUALIZATION HEARING OFFICER ADJUSTMENTS :

Carrie Christiansen presented recommendations from the Board of Equalization hearing officers regarding tax valuation appeals. She explained that 1209 parcels were recommended for action. Types of action included Stipulation, Withdrawal of appeal, no adjustment, adjustment made, dismissed, assessor's adjustment. Total market value adjustment for all parcels totals \$44,591,018.00 less with a taxable value adjustment established at \$40,344,720.00 less for a total tax los of \$94,190.14.

Lois Bulloch made a motion to approve the BOE hearing officer recommendations as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BOARD OF EQUALIZATION PROPERTY TAX ABATEMENT ACTION :

Christene Lowder presented for approval property tax abatement requests received to date. Total abatements for all tax areas totaled \$365,409.81. Christene explained the different abatement types including Blind, Circuit Breaker, County Abatement, Market Circuit Breaker, Mobile Circuit Breaker, Mobile County, Mobile Market Circuit Breaker, and Veterans Exemptions.

After reviewing all of the requests presented. Lois Bulloch made a motion to approve the abatement requests as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CERTIFIED TAX RATE ADOPTION :

Gene Adams presented information on certified tax rates for Iron County and the Iron County Municipal Services assessment approved by the State Tax Commission for 2009. The

tax rate for Iron County general is 0.007321 and the Municipal Services tax rate is 0.002131.

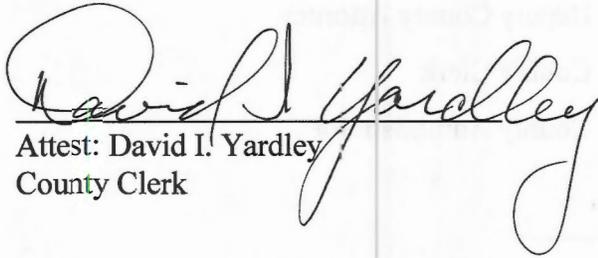
Lois Bulloch made a motion to adopt the certified tax rates as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ADJOURN :

The meeting was adjourned at 11:50 a.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



**IRON COUNTY COMMISSION MEETING
October 26, 2009**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 26, 2009
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

Absent:

Lois L Bulloch	Commissioner
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SYNOPSIS :

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CALENDER SCHEDULE COORDINATION	6
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SUSPENSION OF RULES FOR THIS MEETING	2
UNCLAIMED OR ABANDONED EVIDENCE	6

PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Reed Erickson.

APPROVAL OF MINUTES October 14, 2009 :

Minutes of the Iron County Commission meeting held October 14, 2009 were approved as amended on a motion by Wayne Smith. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

SUSPENSION OF RULES FOR THIS MEETING :

Wayne Smith made a motion to suspend the rules to allow the Chair to make motions during this meeting due to the excused absence of Commissioner Bulloch. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

ELECTED OFFICIAL REPORTS :

Dennis Ayers reported that Board of Equalization has been completed. Residential lot values on lots with known prairie dog problems were reduced by 30% which is a result of a ruling from the State Tax Commission on previous appeals.

Dennis also reported that he has been selected as the outstanding Assessor for 2009 by the UAC Assessor's Association. He will receive recognition at the UAC annual convention in St George.

Gene Adams also reported that Board of Equalization has been completed and forwarded to the Treasurer for completion of the tax notice process. The Auditor's office is currently working on the 2010 budget.

Geri Norwood reported that tax notices have been prepared and were placed in the mail on Friday.

Reed Erickson reported that he has received bids for the replacement of concrete on the north sidewalk and stairs at the Courthouse and for replacement of concrete at the jail. Heating will not be included in the stairs at the Courthouse due to cost. Bids are requested for landscape work at the Visitor Center on Cedar City property adjacent to the building.

David Yardley reported that a notice of claim has been received for an accident occurring in Nov 2008. There is a question as to whether this accident site is in the County or within Cedar City boundaries. The matter has been referred to the insurance carrier.

Wayne Smith reported that he has been asked to serve on a public relations committee for Rocky Mountain Power in their proposal to install a new electrical transmission line from Siggurd to Red Butte in Washington County.

Alma Adams reported that Jordan Smith, Iron County Weed Manager, is resigning to take a position as a full time fire fighter with the Cedar City Fire Department. He also reported on progress with repairs of road damage on 2200 West in Parowan Valley due to the installation of a new sewer line. Parowan City has hired Holbrook Asphalt to complete the repairs.

ORDINANCE 2009-3 RESTAURANT TAX RENEWAL :

Wayne Smith made a motion to adopt Ordinance 2009-3 as follows. Second by Alma Adams.

**IRON COUNTY, UTAH
ORDINANCE NO. 2009-3**

**AN ORDINANCE IMPOSING A TOURISM, RECREATION,
CULTURAL, AND CONVENTION TAX AND PROVIDING FOR
COLLECTION THEREOF**

As authorized by the provisions of Utah Code Annotated, Title 59, Chapter 12, Section 601, et seq., (59-12-603 (5a) the County Legislative Body of Iron County, Utah Ordains as follows:

1. **PURPOSE:** This ordinance is enacted to provide a source of revenue specifically for financing, in whole or in part, the development, operation, and maintenance of tourism, recreation, cultural, and convention facilities within Iron County. The provisions of this ordinance shall be interpreted and construed to accomplish such purpose.

2. **DEFINITIONS:** As used in this ordinance:

(1) "Convention Facility" means any publicly owned or operated convention center, sports arena, or other facility used primarily for public or private conventions, conferences, events, and other gatherings.

(2) "Recreational facility" or "tourism facility" means any publicly owned or operated park, campground, marina, golf course, water park, historic park, monument, planetarium, zoo, bicycle trail, or other recreation or tourism-related structure or facility.

(3) "Cultural facility" means an publicly owned or operated museum, theater, art center, music hall, or other similar facility.

(4) "Restaurant" means any facility where food is prepared for immediate service and consumption including, but not limited to, coffee shops, cafeterias, restaurants, luncheonettes, soda fountains, fast food service outlets, and all other similar facilities, but does not include retail establishments whose primary business or function is the sale of fuel and/or food items for off-premise consumption.

3. **IMPOSITION OF TAX AND AMOUNT OF TAX:** There are hereby levied tourism, recreation, cultural, and convention taxes as follows:

One percent (1%) on all restaurant sales of food and beverages made within Iron County or within any city or town located within Iron County.

4. **USE OF REVENUES:** The revenues received from the taxes herein levied shall be used solely for financing, in whole or in part, tourism promotion or the development, operation, and maintenance of tourism, recreation, cultural, and convention facilities, and for no other purpose.

5. **COLLECTION:** Taxes imposed under this ordinance shall be levied and collected at the same time and in the same manner as provided for general sales taxes in Utah Code Annotated, Section 59-12-201, et seq., except that the revenue derived shall not be subject to the distribution provisions of Utah Code Annotated, Section 56-12-205 (2).

6. **LICENSE REQUIRED:** All persons, companies, corporations, or other similar persons or organization required under the terms of this ordinance to collect the taxes imposed herein shall obtain from the State Tax Commission a Tourism, Recreation, Cultural, and Convention Tax License. No additional license is required if said persons, company, group, corporation, or organization has obtained a license pursuant to the provisions of Utah Code Annotated, Section 59-12-106.

7. **PENALTIES:** Any person, company, corporation, or other organization subject to the terms of this act which shall fail to obtain the required license or fail to collect the tax imposed by this ordinance shall be guilty of a class B misdemeanor.

8. **EFFECTIVE DATE:** This ordinance shall become effective upon the 1st day of October, 2009.

APPROVED, ADOPTED, and PASSED by the Iron County Board of Commissioners this 26th day of October, 2009.

IRON COUNTY BOARD OF COMMISSIONERS:



Alma L. Adams, Chairman
Iron County Commission

ATTEST:

David I. Yardley
Iron County Clerk

Voting:

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

PERSONNEL MATTERS :

Colette Eppley presented a position justification and workforce assessment for approval for a legal secretary in the County Attorney's office. Shelly Lamoreaux has resigned and this position justification is to replace this secretary position. It is proposed to promote Denise Heaton from receptionist to legal secretary as she has been performing in both functions for some time. The County Attorney has also requested that the receptionist position be filled.

Alma Adams made a motion to approve the position justification and workforce assessment for the legal secretary position and to approve the promotion of Denise Heaton to the legal secretary position with a one grade increase. Alma also motioned to table the request to

replace the receptionist position at this time. Second by Wayne Smith. Voting: Alma Adams, Aye; Wayne Smith, Aye.

Colette presented for approval a request for a promotion in the Ambulance Department for Jason Orton from EMT Basic to EMT Intermediate. Wayne Smith made a motion to approve the promotion. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

Colette presented for approval a new employee in the Parowan Senior Citizen Center, Jayci Bash as Outreach Coordinator. Wayne Smith made a motion to approve the hiring of Jayci Bash as requested. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

Colette presented for approval a volunteer in the Sheriff's Department. Tony Taylor would be funded as a trainee through Workforce Services to work in the Sheriff's Office. Wayne Smith made a motion to approve Tony Taylor as a volunteer as explained. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

REQUEST TO APPROVE COST OF LIVING BUY-UP :

Colette Eppley presented a proposal which would allow a higher cost of living increase from a maximum of 2.5% currently to a maximum of 4% for public safety employees. The difference would be paid by the County resulting in a \$79,000 increase in 2010. After reviewing all of the financial impacts on the County and revenue reduction due to recessionary trends, Wayne Smith made a motion to continue with the current rate. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

CHILDREN'S JUSTICE CENTER CONTRACT APPROVAL :

Michael Edwards presented for approval a contract for operation of the Children's Justice Center. The contract is the same as in the past with funding coming from grant funds. Wayne Smith made a motion to approve the contract as presented and recommended. ~~Second by~~ Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

BID OPENING WOOD GRINDING AT LANDFILLS :

Two bids were received for grinding of tree waste collected at the landfill in Cedar City and the Parowan site.

Bobs Tree Service bid \$525.00 per hour and \$6,720 for mobilization cost. Their machine is rated 800 hp and is rated to process 220 yards per hour.

Diamond Tree Service bid \$400.00 per hour and \$1,500 for mobilization cost. Their machine is rated at 500 hp and is rated to process 150 tons per hour.

Wayne Smith made a motion to approve the low bid after review by the Landfill Supervisor and Commissioner to determine which is the lowest actual cost to process the waste. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

JAIL PSYCHOLOGIST CONTRACT AMENDMENT APPROVAL :

Michael Edwards presented a proposed contract amendment for approval for psychologist services at the Jail. Mr. Edwards explained the changes which included changes to the hours of service. The contract more closely covers the needs of the Jail without placing undue burden on the contracting psychologist. Alma Adams made a motion to approve the amended contract as

presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Wayne Smith, Aye.

UNCLAIMED OR ABANDONED EVIDENCE :

Michael Edwards presented a request to approve the donation to a public interest use of unclaimed or abandoned evidence. The evidence in question is cash which was used in the prosecution of several drug cases. Attempts to locate the alleged owners have been unsuccessful and the evidence is no longer needed.

Wayne Smith made a motion to approve the donation of unclaimed or abandoned evidence to a public interest, i.e. Iron County/Garfield Narcotics Drug Task Force with a proper accounting of the donation by the receiving entity. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

INSURANCE COMMITTEE REPORT - 2010 COVERAGE RECOMMENDATION:

The Employee Insurance Committee reported their recommendation to the Commission regarding the employee benefit of health insurance for 2010. The proposal includes a 12.5% increase over 2009 due to rising health care costs and because of our history over the past two years. The proposal included an increase in co-pay for office visits and emergency room visits. Prescription co-pay would remain the same.

After options were discussed, Wayne Smith made a motion to table the matter to allow further study of the proposed budget for 2010. Second by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.

The matter will be placed on the next agenda for further consideration to allow time for preparation for open enrollment and the County sponsored Health Fair.

PRAIRIE DOG MATTERS :

The Commission was informed that prairie dog take granted to Rob Bernhardt for 23.9 prairie dogs has been returned. The take can be allocated if there are contractors ready to proceed with construction.

CALENDER SCHEDULE COORDINATION :

Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

COUNTY BID PROCEDURE DISCUSSION :

Reed Erickson discussed with the Commission the procedure in awarding bids for repairs or services. Current County policy does not specify the procedure. A new procedure will be drafted that will specify the procedure in bidding, approving and awarding bids. The County Attorney and County Administrator will draft the policy for Commission approval.

ROAD CLOSURE MATTERS :

It has come to the attention of the County that some property owners served by the Lower Kanarrville Basin Road have erected a gate across the road to keep travelers out of the area. This road continues into Washington County and has been maintained and improved for many years by the County.

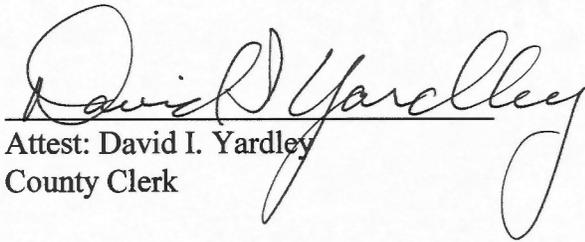
The County Attorney was asked to draft a letter to all property owners on the Lower Kanarrville Basin Road notifying them that the gate must be removed. A gate cannot be erected across a County road without County Commission approval.

ADJOURN :

The meeting was adjourned at 12:15 p.m. on a motion by Wayne Smith. Second was by Alma Adams. Voting: Alma Adams, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



**IRON COUNTY COMMISSION MEETING
November 9, 2009**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 9, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

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PRAIRIE DOG MATTERS	5
RESOLUTION 2009-8 UCIP VOTING REPRESENTATIVE	3
TAMIFLU DISTRIBUTION PROCEDURE	4

PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES October 26, 2009 :

Minutes of the Iron County Commission meeting held October 26, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIAL REPORTS :

Kal Kahler reported on actions taken by the Water Conservancy District. Included was a report of an award received by the District from the EPA for being an outstanding example of what a Water Conservancy District should be. This is one of thirty one such awards presented nationwide.

Reed Erickson reported that Mike Empey representing Congressman Matheson's office, is working with David Burton to determine if a solution can be reached to a grazing permit which would be inside of the proposed Cedar Breaks National Park boundaries.

Reed also discussed County vehicles being taken home by employees. He explained that custodians will no longer be allowed to drive County vehicles to and from work. He urged that

all Departments look at the policies for personal use of County vehicles.

Reed reported that projected revenue for 2009 is running about \$950,000 below expectations. This is due in large part to a reduction in Jail reimbursement revenue and from reduced Building Department fees.

Mike Edwards discussed a proposed letter to property owners served by the Kanarra Lower Basin Road. The road has been gated which limits travel on a maintained County road. The property owners will be told to remove the gate.

Lois Bulloch reported that the Vista grant which has funded help in the LEPC will be eliminated in 2010 and the workers will not be available. There is no plan to replace the positions at this time.

Lois also reported that costs for maintenance and clean up at the shooting range is significant. Cedar City will be asked to fund \$2,000 to match \$2,000 from the County to help with clean up. An option of using prisoners to maintain the shooting range is also being discussed.

Lois reported that due to damage to the pickup used by the Parks Department, the Parks Department will not be plowing snow at Woods Ranch. The Road Department or UDOT will be asked to help with snow removal at the Woods Ranch area.

Wayne Smith reported on complaints he has received regarding furniture in the foyer of the Jail. The furniture along with the worn out carpet is in serious need of replacement. The matter will be discussed with the Sheriff to determine how the appropriate repairs can be made.

Alma Adams reported that Dennis Johnson has submitted letters to the FCC regarding proposed TV licenses at Blow Hard and at Levan Peak which, if allowed, would seriously interfere with current service provided by Iron County. The letters requested that the licenses be denied.

BOARD OF EQUALIZATION REQUEST :

Wayne Smith made a motion to convene as a Board of Equalization to discuss a review request for Veterans Exemption. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Christene Lowder presented an appeal submitted by David Cleve Matheson for a vacant parcel of property in Paragonah where he intends to build a home sometime in the future. Utah Code governing Veterans Exemptions were reviewed which clearly disallow the requested abatement. The code section Mr. Matheson relied upon refers to tangible personal property such as vehicles, not real estate.

Lois Bulloch made a motion to uphold the decision by the Auditor's office denying Veterans Exemption for vacant land. She also motioned to inform Mr. Matheson of other options for exemptions which may be available to him as a veteran. Second by Wayne Smith. Voting: Alma Adams, Abstain; Lois Bulloch, Aye; Wayne Smith, Aye.

Commissioner Adams explained that Mr. Matheson is a relative and therefore he would not participate in the discussion or vote on the matter.

RESOLUTION 2009-8 UCIP VOTING REPRESENTATIVE :

Wayne Smith made a motion to adopt Resolution 2009-8 as follows. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION NO. 2009-8

RESOLUTION OF APPOINTMENT OF A IRON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL MEMBERSHIP MEETING

WHEREAS, the Board of County Commissioners of Iron County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Iron County at the Utah Counties Insurance Pool Membership Meeting to be held on December 3, 2009; 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 3, 2008 with Wayne A. Smith as an alternate representative.

RESOLVED ADOPTED AND ORDERED this 9th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

/s/ Alma L. Adams
Alma L. Adams, Chair

/s/ Wayne A. Smith
Wayne A. Smith, Commissioner

/s/ Lois L. Bulloch
Lois L. Bulloch, Commissioner

ATTEST:
David I. Yardley, Iron County Clerk

By: /s/ David I. Yardley

APPROVED AS TO FORM:
Michael Edwards, Deputy Iron County Attorney

By: /s/ Michael Edwards

TAMIFLU DISTRIBUTION PROCEDURE :

Charlie Morris, LEPC Director, discussed with the Commission the use of the County stockpile of 150 doses of Tamiflu the County purchased in 2008. Washington County has taken the position that "First Responders" would be eligible to receive the Tamiflu with a Doctors prescription. The Commission tabled action to allow time to research the minutes to determine how the purchase was approved and if stipulations were included regarding distribution.

INTERLOCAL COOPERATIVE AGREEMENT :

Reed Erickson presented an interlocal agreement between Cedar City and Iron County for the payment of light detection and ranging topographic and ortho-imagery project. This is an aerial photography project in Cedar City and Cedar Valley to determine flood zones for updates to the FEMA flood maps along the Coal Creek drainage. The agreement spells out that Iron County will pay Cedar City \$29,500 for their portion of the study.

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

BLM COOPERATING AGENCY AGREEMENT :

Mark Cox representing Rocky Mountain Power, reported on two projects that are in the environmental study stage. The first is a 345 KV line from Siggurd to Red Butte in Washington County. The second is identified as the "Energy Gateway South" project which is a 500 KV line which would terminate at Crystal Nevada. Both of these projects would be AC lines which can be tapped for service along the corridor.

A project also in the scoping stage is a 500 KV DC line from Wyoming to Nevada. This line would not be available for local use. This project is not a Rocky Mountain Power project.

Mr. Cox suggested that Iron County become a cooperating agency with the BLM to have access to information and decisions regarding the proposed projects. The matter was tabled to the next meeting for action on the cooperating agency matter. This will allow for appropriate paper work to be submitted by the BLM.

PERSONNEL MATTERS :

Colette Eppley presented for approval Stephanie Orton, Beverly Landes, Colleen Adams, Donnett Vincent and Tena Day as temporary seasonal workers in the Treasurers office. Lois Bulloch made a motion to approve the hires as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented for approval Jessica Roy as a full time Victim Services Coordinator in the County Attorney's office. This is to replace Lora Lee, who recently resigned. Lois Bulloch made a motion to approve the hiring of Jessica Roy as recommended. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented Kenzie Tobler as a Paramedic, Lisa Iler, Tyler Savage, and Jennifer Davis as EMT Basic, and Cindy Applegate as an EMT Intermediate. These would be part time on call positions. Wayne Smith made a motion to approve the ambulance workers as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for consideration the promotion of Nancy Robinson as an on call

Paramedic from an EMT Intermediate. Wayne Smith made a motion to approve the promotion of Nancy Robinson to Paramedic. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented Sean Lindsey as a volunteer fire fighter in the Newcastle Fire Department. Lois Bulloch made a motion to approve Sean Lindsey as a volunteer fire fighter. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented a job description and position justification and workforce assessment for a secretary position to work with the Beaver/Iron County Major Crimes Task Force. The position is specified in the agreement adopted by the Commission at a previous meeting. Funding would be through grant funds and the position would terminate when the grant funds are expended. Lois Bulloch made a motion to approve the position and job description and to move ahead with advertising and filling the position subject to a final contract being executed between Iron and Beaver County. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

INSURANCE COMMITTEE :

The County Employee Insurance Committee met with the Commission to present their recommendation regarding the health insurance benefit supplied by the County. They recommended that the County adopt a wellness plan with a requirement that all employees participate. The employee would be able to opt out of the plan but would then be required to pay a portion of their monthly premium. They requested \$2,000 in 2010 to start the program and to start implementation in 2010. Employee's and spouses would be asked to participate.

The Committee also discussed cases where both partners are employed by the County and the County pays premiums for both people. They suggested that the Commission drop coverage for one individual and fund through the cafeteria plan the deductible which would be lost from the double coverage. This would result in a savings to the County of \$9,000 annually per couple.

Lois Bulloch made a motion to approve the Committee recommended plan with a 12.5% increase over 2009, to fund \$2,000 toward an employee wellness plan, and to evaluate double coverage options as recommended. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PRAIRIE DOG MATTERS :

Reed Erickson reported that in evaluating exchange formulas for prairie dogs on the Little Horse Valley project, the formula will not allow for an exchange. The State and Federal participants realize there is a problem with the implementation of the evaluation procedure and will work to correct the problem and develop a workable procedure to determine exchange rates.

CALENDER SCHEDULE COORDINATION :

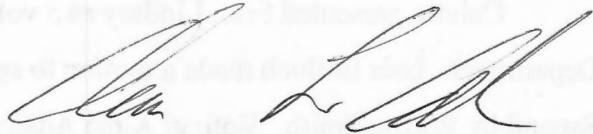
Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

PAROWAN ANNEXATION NOTICE :

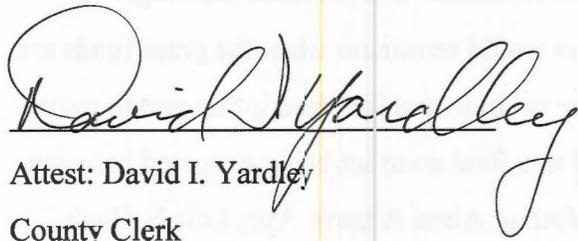
David Yardley reported that Parowan City has submitted a notice of proposed annexation of approximately 50 acres known as the Ward and Judy Gubler Annexation. The property is located on the east side of 600 West and approximately 600 North. The matter was tabled without action to allow time for Parowan to provide a map of the proposed annexation area.

ADJOURN _____ :

The meeting was adjourned at 12:20 p.m. on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



**IRON COUNTY COMMISSION MEETING
November 23, 2009**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 23, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B. Johnson	County Recorder

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES November 9, 2009 :

Minutes of the Iron County Commission meeting held November 9, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIAL REPORTS :

Debbie Johnson reported that the Recorder's office is still waiting for the final installation of the Simplifile program to allow for electronic filing of documents. The office is working on getting all of the data input completed so that plat books can be run in January.

Dennis Ayers reported that the distribution of assessing and collecting tax is being examined to determine the reimbursement rates currently being used. The net result is that Iron County as a recipient County may see a change in the rate we are being funded.

Gene Adams reported that the Legislature is looking at options to change the Restaurant tax currently being used in most Counties. The proposal being drafted would remove the tax completely and the Counties would then be required to adopt an additional general sales tax to replace the lost revenue.

Reed Erickson reported that a group of Federal people will be coming to look at proposed "Prairie Dog Banks" which could be used to alleviate the take restrictions on development due to prairie dog encroachment. He also reported that the UPDRIP group is still attempting to hire a coordinator. The position has been offered to different individuals who have turned down the offer.

Michael Edwards reported that letters have been prepared for landowners along the Kanarra Lower Basin Road informing them that the gate which has been placed across the road must be removed. The letters will be signed by Commissioner Smith and mailed as quickly as possible.

Mike also reported that the Martin Nelson murder trial is scheduled to begin in District Court. Since this is a capital case, with a possible death penalty, the trial preparation is consuming a large portion of the County Attorney office time.

David Yardley reported that the Clerk's office is in charge of the Courthouse Christmas tree this year. It appears that the tree used in previous years has parts missing and therefore a new tree needs to be purchased. The Commission authorized the purchase of a new tree for the Courthouse.

Lois Bulloch reported on meetings she attended at the UFAC annual convention in St George. She also reported on Veterans Day activities she attended.

Lois reported that a new Airport Board Chair has been appointed. Todd Mncchie will assume the chair position effective January 1, 2010.

Wayne Smith reported that the Indigent Defense Council has discussed attacks by the ACLU that Utah does not provide adequate defense of indigents, especially in capital cases. The County participates in the Indigent Defense Fund to help with costs associated with capital cases.

Alma Adams reported that Mike Worthen and John Bentley were working on a proposed credit system for prairie dogs. This will be in conjunction with other Counties in developing a bank which can be used for mitigation of prairie dog issues. He also reported that Erica Wiseman has been selected to replace Clair Baldwin in developing a multi County prairie dog recovery program.

RESOLUTION 2009-9 INDUSTRIAL REVENUE BOND AUTHORIZATION :

The following resolution was introduced in writing, was fully discussed, and pursuant to a motion duly made by Commissioner Lois Bulloch and seconded by Commissioner Wayne Smith, was adopted by the following vote:

AYE:

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

RESOLUTION NO. 2009-9

A RESOLUTION OF THE COUNTY COMMISSION OF IRON COUNTY, UTAH (THE "ISSUER") AUTHORIZING THE ISSUANCE AND SALE BY THE ISSUER OF ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 2009 (HOLT DAIRY PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000, TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN SOLID WASTE COMPONENTS OF A DAIRY FACILITY FOR HOLT DAIRY, INC. AND ROBERT HOLT FARMS, INC. (TOGETHER, THE "BORROWER"), PAYABLE SOLELY FROM REVENUES ARISING FROM THE PLEDGE OF A LOAN AGREEMENT WITH THE BORROWER; AUTHORIZING THE EXECUTION AND DELIVERY BY THE ISSUER OF A LOAN AGREEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, pursuant to the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act"), Iron County, Utah (the "Issuer") is authorized to issue its revenue bonds to finance the costs of any "project" as defined in the Act to the end that the Issuer may be able to promote the general welfare and encourage the increase of industry and commerce within the State of Utah; and

WHEREAS, the Act provides that a municipality or county may issue revenue bonds for the purpose of using substantially all of the proceeds thereof to pay or to reimburse a business for the costs of the acquisition and construction of the facilities of a project and that title to or in such facilities may at all times remain in the company and in such case the bonds of the municipality or county shall be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the company; and

WHEREAS, Holt Dairy, LLC, a limited liability company and Robert Holt Farms, Inc., a corporation, both duly organized under the laws of the State of Utah and authorized to do business in the State of Utah (together, the "Borrower"), have or will enter into contracts for the acquisition, construction, furnishing, equipping and improvement of solid waste disposal facilities for use by the Borrower, to be located in Iron County, Utah (the "Project"); and

WHEREAS, the County Commission of the Issuer (the "Commission") on August 10, 2009, adopted a resolution and made certain findings and determinations with respect to the Project (the "Inducement Resolution"); and

WHEREAS, the Project will be of the character and will accomplish the purposes provided by the Act, and in connection with the financing of the Project the Issuer will issue its \$6,000,000 Industrial Development Revenue Bonds, Series 2009 (Holt Dairy Solid Waste Project) (the "Bonds"); and

WHEREAS, the proceeds of the Bonds will be sufficient to pay the costs of the Project all as set forth in the Loan Agreement (the "Loan Agreement") among the Issuer, Zions First National

Bank, as lender (the "Lender"), and the Borrower, substantially in the form attached hereto as Exhibit B; and

WHEREAS, the Commission deems it necessary and advisable to authorize the issuance and confirm the sale of the Bonds and to authorize the execution and delivery of an escrow agreement (the "Escrow Agreement") among Zions First National Bank as escrow agent (the "Escrow Agent"), the Issuer, the Lender, and the Borrower, in substantially the form attached hereto as Exhibit C, the Loan Agreement, and other related documents required for the sale of the Bonds; and

WHEREAS, pursuant to the provisions of the Loan Agreement, the Borrower will promise to pay amounts sufficient to pay, when due the principal of, premium, if any, and interest on the Bonds, all in accordance with the requirements of the Act; and

WHEREAS, after published notice, a public hearing was held on September 14, 2009, at which any interested party had an opportunity to comment upon the proposed issuance of the Bonds or any other matter relating to the Project; and

WHEREAS, the County has published on August 24 and August 31, 2009, a notice of bonds to be issued with respect to the Bonds in compliance with Section 11-17-16 of the Act; and

WHEREAS, the Act and the documents to be signed by the Issuer provide that the Bonds shall not constitute or give rise to a general obligation or liability of the Issuer or be a charge against its general credit or taxing powers, and that the Bonds will be payable from and secured only by the revenues arising from the pledge and assignment under the Loan Agreement.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Iron County, Utah as follows:

Section 1. All terms defined in the recitals hereto shall have the same meaning when used herein.

Section 2. The Issuer is authorized to finance the costs of the acquisition and construction of the Project by the Borrower with the proceeds of the Bonds, all pursuant to the provisions of the Act. All action heretofore taken by the officers of the Issuer directed toward the issuance of the Bonds is hereby ratified, approved, and confirmed.

Section 3. The Issuer is authorized and directed to issue the Bonds in the aggregate principal amount of \$6,000,000. The Bonds shall bear interest, shall be payable on the dates, shall be subject to redemption prior to maturity, and shall mature all as set forth in the Loan Agreement.

Section 4. The form, terms and provisions of the Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, tender, and number shall be as set forth in the Loan Agreement. The Chair and County Clerk are hereby authorized and directed to execute and seal the Bonds. The signatures of the Chair and County Clerk may be by facsimile or manual execution.

Section 5. The form of Bond is set out in the Loan Agreement, copies of which were before the County Commission at this meeting, which form is incorporated herein by reference and made a part hereof.

Section 6. The Bonds are to be issued in accordance with and pursuant to and the Issuer is authorized and directed to execute and deliver the Loan Agreement in substantially the same form presented to the County Commission at the meeting at which this resolution was adopted. The Loan Agreement provides for the use of the proceeds of the Bonds solely for the purpose of financing the cost of acquiring and constructing the Project and for paying expenses incidental thereto. The Loan Agreement provides for certain representations and warranties by the Issuer and the Borrower, for certain conditions precedent to the purchase of the Bonds, for certain affirmative and negative covenants, and for remedies in connection with the failure to perform certain covenants thereunder. The Loan Agreement specifically provides that the Bonds shall not constitute or give rise to a general obligation or liability of the Issuer or a charge against its general credit or taxing powers. Recourse on the Bonds executed and delivered by the Issuer pursuant to the Loan Agreement may be had only against the security for the Bonds as provided therein and in the Loan Agreement.

Section 7. The Escrow Agreement provides that the Borrower will have the ability to requisition from the Escrow Agent, with approval from the Lender, the proceeds of the Bonds from time to time, all in accordance with the provisions of the Escrow Agreement. The Loan Agreement provides that if the proceeds of the Bonds are not sufficient to defray all costs and expenses of acquiring, constructing, and improving the Project and all expenses incidental thereto, the Borrower will pay all such excess costs and expenses, and will acquire and install the Project without additional cost to the Issuer.

Section 8. The Project will constitute solid waste disposal facilities to be used for the reduction, abatement or the prevention of pollution as contemplated in the Act consisting of certain equipment and related improvements, including any modification thereof, substitutions therefor and amendments thereto.

Section 9. The Loan Agreement and the Escrow Agreement, in substantially the forms presented to the County Commission at this meeting, with such changes as are authorized by Section 10 hereof, are hereby approved in all respects, and the Chair and County Clerk are hereby authorized to execute each of the same on behalf of the Issuer and to affix the seal of the Issuer thereto and the acts of the Chair and County Clerk in so doing are and shall be the act and deed of the Issuer. The Chair and County Clerk or any other proper officers and employees of the Issuer are hereby authorized and directed to take all steps on behalf of the Issuer to perform and discharge the obligations of the Issuer under each of said instruments.

Section 10. The Chair is hereby authorized to make, either prior or subsequent to the execution thereof, any alterations, changes or additions in the Loan Agreement, the Escrow Agreement, and the Bonds which may be necessary to correct any errors or omissions therein, to remove ambiguities therefrom, to conform the same to other provisions of said instruments, to the agreement of the Borrower, the Lender, to the provisions of this resolution, or any other resolution adopted by the Issuer, or the provisions of the laws of the State of Utah or the United States as long as the rights of the Issuer are not materially adversely affected thereby.

Section 11. Pursuant to Section 11-17-13, Utah Code Annotated 1953, as amended, the Issuer includes herein the pledge and undertaking of the State of Utah that the State of Utah will not alter, impair or limit the rights vested hereunder or in the Bonds, the Loan Agreement, the Escrow Agreement or any of the documents contemplated hereby until the Bonds, together with all interest thereon, have been fully paid and discharged and all obligations of the Issuer thereunder and under the Loan Agreement and the Escrow Agreement are fully performed.

Section 12. It is hereby declared that all parts of this resolution are severable and that if any section, paragraph, clause or provision of this resolution shall, for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this resolution.

Section 13. The Chair and County Clerk and any other duly authorized officers of the Issuer are hereby authorized to execute all documents and take such action as they may deem necessary or advisable in order to carry out and perform the purpose of this resolution and the execution or taking of such action shall be conclusive evidence of such necessity or advisability. All action heretofore taken by the Issuer, its officers and employees, with respect to the issuance and sale of the Bonds is hereby ratified and confirmed

Section 14. All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation or part thereof heretofore repealed.

Section 15. This resolution shall take effect immediately upon its approval and adoption.

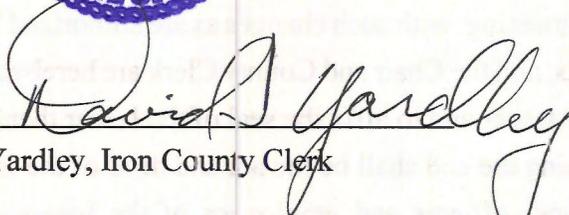
APPROVED AND ADOPTED by the County Commission of Iron County, Utah, on this November 23, 2009.



(Seal)

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

Alma L. Adams, Chair

ATTEST: 
David I. Yardley, Iron County Clerk

BOARD OF EQUALIZATION MATTER :

Dennis Ayers, County Assessor, presented a letter from Margie and Eldon Clothier for property in Meadow Lake Estates, Lot 1, Blk P and Lot 2 Blk P. The two lots are adjacent to each other and have an obvious error in valuation. The Clothier's did not appeal the valuation during the BOE hearing window. Because their request for a BOE hearing is not timely, the Commission requested the County Attorney's Office to review the issue in State Code to determine if an "out of time" BOE request can be granted. The matter will be recalled at the next Commission meeting for action.

PERSONNEL MATTERS :

Colette Eppley presented position justification and workforce assessments for approval for the following positions. Tourism, change a Seasonal/Temporary employee position to a part time Regular Receptionist; Sheriff, Replacement of a full time Deputy Sheriff; and Recorder, Replacement of a part time Deputy Recorder.

Lois Bulloch made a motion to table the Tourism position from a Seasonal/Temporary to a part time Receptionist, to table the Deputy Sheriff full time Deputy replacement, and to table

the part time Recorder Deputy position to allow time to consider with budget implications.
Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a request from Corrections to promote Hillary Nelson from Secretary I to Secretary II. This would result in a budget increase of \$1,300 annually. Ms. Nelson is currently performing the work of a Secretary II. Wayne Smith made a motion to approve the promotion of Hillary Nelson to Secretary II in Corrections. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PAROWAN ANNEXATION REVIEW AND ACTION :

A notice of a proposed annexation was called for action after being tabled at the previous meeting. Parowan City submitted maps showing the proposed annexation area. The area is adjacent to existing City Boundaries. Wayne Smith made a motion not to oppose the annexation but asked that Parowan to be mindful not to create or to eliminate peninsulas or islands with their annexations. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CALENDER SCHEDULE COORDINATION :

Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

BOOKMOBILE AMENDMENT AGREEMENT APPROVAL AND SIGNATURES :

An amendment to the Bookmobile contract was presented for approval. The proposed amendment was reviewed whereupon Wayne Smith made a motion to approve the amendment and to authorize signatures. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

SUU FOUNDATION TAX EXEMPTION REQUEST ACTION :

The request from the Southern Utah University Foundation for a tax exemption on property they own which included two vacant parcels and a home located on 300 West in Cedar City. Mike Edwards reported that in conversation with other Counties and his research, he is of the opinion that the Foundation is not an arm of the State and is established for convenience in fund raising, and therefore does not qualify as a University property.

After additional conversation with Washington County Assessor in which it was determined that Washington County did not grant tax exempt status to SUU Foundation properties, Lois Bulloch made a motion to deny the request for tax exempt status based on the fact that the property is owned by the SUU Foundation, not by the State of Utah. If the Attorney General issues an opinion as requested that the SUU Foundation is actually a subsidiary of the State, the SUU Foundation may reapply for tax exemption. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

TAMIFLU DISTRIBUTION RECOMMENDATION :

The distribution of the County Tamiflu stockpile of 150 doses was recalled for discussion. Reed Erickson and Charlie Morris reported that Washington County had decided to return a portion of their stockpile to Southwest Public Health for storage. Iron County purchased their stockpile to distribute to First Responders in case of a pandemic flu outbreak.

The Swine flu outbreak appears to be decreasing and therefore the need for use at this time is decreasing also. After reviewing options, Lois Bulloch made a motion to return 100 doses of Tamiflu to Southwest Public Health for storage. The County will retain 50 doses for use by First Responders. Recipients will be required to present a prescription to receive a dose of Tamiflu. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PARTICIPATING AGENCY BLM DISCUSSION _____ :

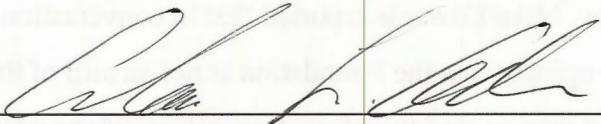
The Commission reviewed a memorandum of understanding between Iron County, Utah and the Bureau of Land Management regarding the development of the environmental impact statement for the Gateway South Transmission Line Project. This project is proposed to construct a power transmission line from Wyoming to Southern Nevada. Wayne Smith made a motion to approve the MOU and to designate Mike Worthen as the Iron County representative in this process. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

AQUATIC CENTER FUNDING AGREEMENT DISCUSSION :

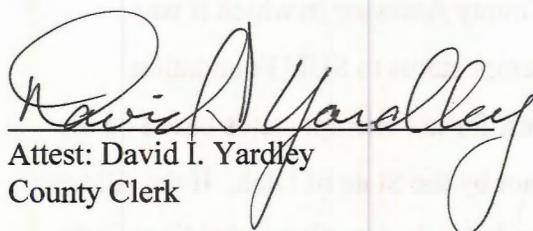
Reed Erickson discussed funding of the County commitment to the Cedar City aquatic center. The County Attorney's office is drafting an agreement that the County Restaurant Tax will reimburse the County General Fund \$750,000 over a twenty year period at a rate of \$50,000 per year. This will be an internal loan between funds and will not affect the County commitment of \$1,250,000 the County will donate to Cedar City for construction of the aquatic center. The matter will be placed on the next agenda for final approval.

ADJOURN _____ :

The meeting was adjourned at 12:30 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk



IRON COUNTY COMMISSION MEETING

December 7, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 7, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

SYNOPSIS :

ADJOURN 8

ADOPT 2010 COMMISSION MEETING SCHEDULE 7

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BOARD OF EQUALIZATION ABATEMENT APPROVALS 6

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RESTAURANT TAX BOARD 4

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES November 23, 2009 :

Minutes of the Iron County Commission meeting held November 23, 2009 were approved as amended on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIAL REPORTS :

Lois Bulloch commented that today is the anniversary of the bombing of Pearl Harbor by the Japanese during the second world war. This event propelled the United States into the fighting and resulted in a huge loss of life including many men from Iron County.

Lois also reported that the Cedar City library will be celebrating their centennial on December 15 with a program between 6:00 p.m. and 8:00 p.m. The public is invited to participate.

Reed Erickson reported that a road in Allard Ranch Subdivision which connects to State Division of Wildlife property is currently a two track road and no attempt has been made to restrict access across this lot. The subdivision plat also provides a platted right of way for perpetual access across the side and back of the existing lot.

Reed also discussed a concern voiced by Brian Head of County residents dumping trash in Brian Head dumpsters. Brian Head is requesting the County reimburse them for the cost of hauling this waste. David Yardley responded that an interlocal agreement was reached in the early 1990's at which time Brian Head officials stated they would rather have waste placed in their dumpsters than left along the side of the road. The County also provides roll off boxes on the mountain during the summer months to collect County waste.

Wayne Smith reported that he has been in Washington DC on business. He noted that Tyler Owens from Senator Bennett's office is no longer available to work on Prairie Dog issues. A replacement on Senator Bennett's staff has not been appointed.

Alma Adams discussed the "County Seat" program which was presented at the UAC annual convention and the request for funding from some Counties. The matter will be referred to Maria Twitchell to determine if this is something which could be funded through the Transient Room Tax.

PUBLIC HEARING - PROPOSED 2010 BUDGET :

Lois Bulloch made a motion to open a public hearing to review the proposed budget of Iron County being considered for adoption for calendar year 2010 and to receive public comments about the proposed budget. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Reed Erickson, County Administrator, explained that the concern for 2010 is to bring expenditures in line with expected revenue. It is anticipated that revenue will be down significantly due to the down turn in the economy and no new growth. Because of budget implications, the County has opted to not fill some positions as they become vacant and to examine all employee requests on a department by department review.

Reed also explained that Payment In Lieu of Taxes (PILT) was fully funded this year, the first time since being adopted in the 1970's. The County is taking this into consideration and not fully committing this fund in future budgets. Capital projects will also be looked at very

carefully, including the purchase of vehicles and building improvements.

Don Young questioned a transfer of revenue from the General Fund to the Municipal Service Fund. The Commission explained that some PILT funds were transferred.

Jennifer Weaver asked what capital improvements were being considered in this budget year. The Commission responded that vehicle purchases and some building maintenance and improvement projects were being considered.

Wendell Shallenburger questioned capital fund expenditures in 2009. The Commission explained that the County vehicle purchase policy was set up to pay for vehicles over a three year period. In 2009 due to full funding of PILT, the vehicles were paid in full which showed an additional expense.

Don Young questioned what he determined was an additional 1.8 million in revenue in 2008 that does not show in the 2009 budget. Reed Erickson explained the reserve fund and that all funds were properly accounted for in previous years.

Mr. Young suggested that the County cut taxes by the 1.8 million from 2008 revenue. The Commission explained that the County is not hiding funds but that all revenues are being used to provide County services to the residents of the County.

Sam Kravetz asked what the County was doing to reduce expenditures. The Commission explained that employees were not given a salary increase or cost of living increase this year and that Departments have been requested to reduce or maintain expenditures at 2009 levels.

Martha Kravetz "thanked the Commission for holding the public hearing during working hours so most people could not attend, for not providing a loudspeaker so people in the back could hear all of the conversation, and for giving Mr. Erickson 45 minutes of the public hearing to explain the County revenue projections."

Wendell Shallenburger questioned why there has not been a reduction in County employees if the County is in such terrible financial condition. Colette Eppley explained that there have been reductions that do not appear on the form Mr. Shallenburger requested from her office. The information he was given was of employees hired in positions that are essential to the operation of the different departments. There are positions where people have been moved or replacements not hired to fill positions.

Don Young requested that the County fund the Volunteers in Police (VIP) program requested by the Sheriff and requested that the Cooperative Recreation Fund be moved from the Municipal Service Fund to the Restaurant Tax Fund or the Transient Room Tax Fund.

The Commission explained that the request by the Sheriff to fund the VIP program was presented without all of the costs being included. The matter was turned back to the Sheriff to gather data on actual costs including uniforms, vehicles, training, fuel, and equipment. At this time this information has not been presented.

The Commission also explained that the Cooperative Recreation Fund is paid so that

unincorporated County residents can be allowed to participate in City sponsored activities and the funds are used for maintenance of facilities. It qualifies as an expense that belongs in the Municipal Service Fund.

Wendell Shallenburger questioned why the Municipal Service Fund was established and why an additional tax was imposed to pay for the costs of the fund. The Commission explained the Legislative reasoning behind establishing the requirement to pay for municipal type services from funds other than general tax funds, stating that this would be unfair taxation of municipal residents that are taxed to pay for the same type of services by the municipalities.

Von Cluff asked what PILT stood for and where it is funded from. Commissioner Adams explained that PILT is payment in lieu of taxes paid by the Federal Government to County with Federal lands i.e. BLM to pay for services such as fire, road maintenance, law enforcement, etc. since the Federal Government is exempt from paying taxes.

Craig Spitler questioned the sufficiency of the notice of the public hearing. David Yardley explained that the notice was published in the Spectrum, a newspaper with general circulation within Iron County and was published on the State public notice website. It was also distributed to all of the known newspapers operating within Iron County and to all of the broadcast outlets. It was also posted at all of the County buildings and was distributed to all of the municipalities within the County.

After all public comments were received, Lois Bulloch made a motion to close the public hearing. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESTAURANT TAX BOARD :

Lois Bulloch made a motion to convene as a Restaurant Tax Board to consider funding requests for 2010 budget year. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye; Rusty Aiken, Aye; Maria Twitchell, Aye.

The following groups and individuals made a funding request for 2010:

Southern Utah University requested \$1,000,000 for construction of a 28,000 sq ft Southern Utah Museum of Art.

Utah Shakespearean Festival requested \$125,000 for completion of Seminar Grove and expansion of storage facility.

Enoch City requested \$10,900 for construction of rest rooms and concession facilities at the Enoch City Recreation Complex.

Southwest Wildlife Federation requested \$7,500 to construct a foot bridge across Coal Creek.

The Cedar Rotary Club requested \$5,000 for completion of the World War I Memorial at Veterans Park in Cedar City.

Parowan City requested \$30,000 for landscaping at Valentine Peak Recreation Area.

Parowan City requested \$105,000 for lighting of one ball field at Valentine Peak Recreation Area.

Parowan City requested \$46,700 to refinish floors and repair insulation at the Fairgrounds Exhibition Building.

Iron County Fair requested \$60,000 for construction of new bleachers at the Iron County Fairgrounds.

Maria Twitchell then reported that the Restaurant tax fund contains \$190,000 of uncommitted funds available for 2010 to fund the above listed requests.

Wayne Smith made a motion to adjourn the Restaurant Tax Board and to take the above requests under advisement. The matter will be placed on the next Commission agenda for final approval. Second by Rusty Aiken. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith; Aye, Rusty Aiken, Aye; Maria Twitchell, Aye.

PERSONNEL MATTERS :

Colette Eppley presented a job description for approval for the Joint Major Crimes Task Force Secretary II. Lois Bulloch made a motion to approve the job description as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented for approval Melissa Montiano for a promotion to the Joint Major Crimes Task Force Secretary II position effective January 1, 2010. The position would be for the life of the grant with no guarantee of a position with the County when funding is completed. Lois Bulloch made a motion to table action on the promotion until a contract with Beaver County is finalized and grant funds guaranteed. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented workforce assessments for approval for a replacement Ambulance EMT Supervisor position; Council on Aging for a replacement driver in Cedar City; Tourism seasonal temporary to part time regular Receptionist; Sheriff replacement of full time Deputy Sheriff; and Recorder replacement of part time Deputy Recorder.

Reed Erickson recommended approval of the change from temporary part time to regular part time Receptionist at the Tourism Bureau. Lois Bulloch made a motion to approve the change as recommended. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Reed also recommended approval of the part time temporary approval of a Deputy Recorder for a period of three months. Wayne Smith made a motion to approve a part time temporary Deputy Recorder for three months. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Lois Bulloch made a motion to table action on the Ambulance EMT Supervisor position and the Council on Aging Driver position to allow additional time to evaluate the position

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

Wayne Smith made a motion to table action on replacing the Deputy Sheriff position until the Major Crimes Task Force grant has been finalized and the position re-evaluated. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BOARD OF EQUALIZATION :

Wayne Smith made a motion to convene as a Board of Equalization to hear three items. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BOARD OF EQUALIZATION TAX EXEMPTION REQUEST :

Dixie & Anne Leavitt Foundation submitted a charitable property tax exemption request for a home located in Cedar City identified as Parcel Tax ID B-1099-0003 located at 236 S 450 West in Cedar City. Wayne Smith made a motion to adopt the Attorney recommendation and deny the tax exemption request due to the property being used as a rental property which does not qualify as a charitable use. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BOARD OF EQUALIZATION ABATEMENT APPROVALS :

Christene Lowder presented for approval late filed Circuit Breaker, Special Abatement, and Veteran Property Tax Abatement Applications. She explained the applications are timely for State programs and Veterans exemptions. Lois Bulloch made a motion to approve the Circuit Breaker, Special Abatement and Veterans Exemption requests as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

BOARD OF EQUALIZATION MATTER - CLOTHIER VALUATION REQUEST :

The request for a value adjustment by Eldon and Margie Clothier on a lot located in Meadow Lake Estates was recalled for action. The parcel is identified as Lot 1, Blk P, Meadow Lake Estates. Account Number 0321395 Parcel Number C-0645-0170-0001.

Michael Edwards reported that in reviewing the Utah Code, the Commission is given the legal authority to correct errors in assessments. After review with the Assessor, Dennis Ayers, Lois Bulloch made a motion to adjust the value on the above identified lot to the value stipulated by the Assessor as being the correct value. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PRAIRIE DOG MATTERS :

Reed Erickson reported that a meeting has tentatively been scheduled in Panguitch on December 10 with Iron, Garfield, Piute, and Wayne County Commission to discuss prairie dog issues and a proposed HCP that would cover the whole range of Utah Prairie Dogs in Southern Utah. The meeting will need to be confirmed with some Commissioners that had a conflict.

Reed also reported that the UPDRIP committee is still seeking a director. A final

interview will be conducted with one candidate who looks promising.

CALENDER SCHEDULE COORDINATION :

Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

ADOPT 2010 COMMISSION MEETING SCHEDULE :

Wayne Smith made a motion to adopt the following meeting schedule for Commission meetings for 2010:

January 11	January 25
February 8	February 22
March 8	March 22
April 12	April 26
May 10	May 24
June 14	June 28
July 2 (Friday) 12:00 Noon Canvass Primary Election Results	
July 12	July 26
August 9	August 23
September 13	September 27
October 11	October 25
November 8	November 22
November 15 12:00 Noon Canvass Election Results	
December 13 (Final Budget Hearing 10:00 A.M.)	
December 20	

Meetings will be held in the Iron County Commission Chambers, 68 South 100 East, Parowan, UT beginning at 9:00 A.M.

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

MULTI-JURISDICTIONAL HAZARD MITIGATION PLANNING :

A letter of commitment to participate in the Five County Association Multi-Jurisdictional Hazard Mitigation Planning was presented for approval. Lois Bulloch made a motion to approve the letter of commitment and to authorize the Commission Chair to sign. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

REVIEW DRAFT AGREEMENT FOR AQUATIC CENTER FUNDING :

Michael Edwards reviewed with the Commission issues with drafting an agreement regarding funding of the \$1.25 million contribution to the Cedar City Aquatic Center. The agreement will be between Iron County and either the Restaurant Tax Board or the Iron County

Municipal Building Authority and will outline that funds are to be committed from the Restaurant Tax for a period of twenty years.

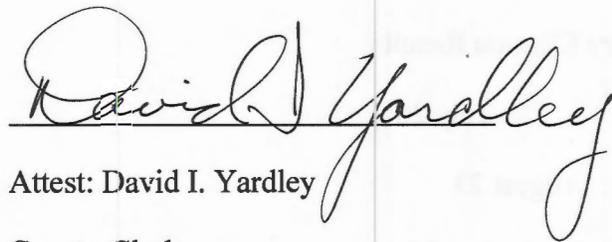
The agreement is to be placed on the next agenda for approval.

ADJOURN _____ :

The meeting was adjourned at 3:00 p.m. on a motion by Wayne Smith. Second was by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley

County Clerk



**IRON COUNTY COMMISSION MEETING
December 21, 2009**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 21, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	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
Deborah B. Johnson	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES December 7, 2009 :

Minutes of the Iron County Commission meeting held December 7, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIAL REPORTS :

Margaret Miller reported that the Justice Court is keeping busy with new cases and hearings.

Gene Adams reported that the 2010 budget is finished and is ready for adoption as an agenda item.

Dennis Ayers reported that an employee in the Assessor's office slipped on the icy walks at the Courthouse. Injuries included a broken foot. He encouraged the custodial staff to keep ice melt on the walks during snow periods.

Debbie Johnson reported that the Recorder's office is preparing for running plat maps for the counter, Assessor's office and the Zoning Administrator. The run will begin in early January.

Lois Bulloch reported that Kal Kahler has been selected as the Cedar City Chamber of Commerce Senior Citizen of the year. Mr Kahler reports to the Commission on a regular basis of actions involving water within Iron County.

Wayne Smith reported that he was re elected to the board of directors of the Utah Counties Insurance Pool as the representative of third class Counties.

Alma Adams reported that in a meeting with Brian Head officials, a trial agreement was reached regarding the collection and deposit at the Landfill. Brian Head will collect household garbage in one load and commercial waste in separate loads. Residential units in complexes under six units will be collected as household. Larger condo units will be collected and billed at the commercial rate.

Reed Erickson reported that Honeywell will be replacing heating and cooling equipment in the Courthouse funded through a grant. The work will be done during the winter to allow for the air system to be turned off. Alternative heat will be available.

Reed also presented a request to close non essential County offices on Christmas Eve starting at 1:00 p.m. Wayne Smith made a motion to authorize closing County offices December 24 starting at 1:00 p.m. as requested. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Reed reported that the proposed "County Seat" TV program is designed to look at issues of concern within the County. The program is designed to go to all 29 Counties and do a two part program. Cost is estimated to be about \$10,000 per County. In order to fund this program through the TRT fund, it is proposed to fund twelve 30 second commercials that the County would own. These commercials could be used in promoting tourism to the County.

Geri Norwood reported that tax collections including delinquency was at \$32,102,000 for 2009. Of this approximately \$31,500,000 is for 2009 taxes. Funds will be distributed to entities as specified in Utah Code.

PUBLIC HEARING - 2010 FINAL BUDGET HEARING :

Alma Adams opened a public hearing to receive comments regarding the proposed 2010 County Budget.

Dr. David Blodgett, Southwest Public Health, commented that the Health Department was grateful for the contribution Iron County makes to the operation of the Department.

Dr. Blodgett also reported on the H1N1 (Swine Flu) outbreak. Immunizations are now available to the general public.

After all comments were received the Commission closed the public hearing whereupon Lois Bulloch made a motion to adopt Resolution 2009-10 adopting the 2010 County budget. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION 2009-10 ADOPTING 2010 BUDGET :

RESOLUTION 2009-10

A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2010 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 21, 2009 at the hour of 10:00 a.m. in the Iron County Courthouse Commission Chambers has been designated as the time and place of a public hearing where all interested persons shall have an opportunity to be heard for or against the estimates of revenue and expenditures and performance data on any item in any fund; and

WHEREAS, notice of the public hearing has been published at least seven days before the hearing in one newspaper, Daily Spectrum, a newspaper of general circulation within the County; now therefore

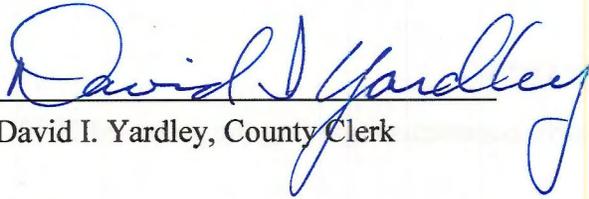
BE IT RESOLVED by the Board of Iron County Commissioners that the budget as presented and filed in the Iron County Auditor's Office is hereby adopted for calender year 2009.

BY ORDER OF the Board of Iron County Commissioners this 21st day of December 2009.



Signed: Alma L. Adams, Chair

Attest:


David I. Yardley, County Clerk



Voting:	Aye	Nay
Wayne A. Smith	<u>X</u>	—
Alma L. Adams	<u>X</u>	—
Lois L. Bulloch	<u>X</u>	—

RESTAURANT TAX BOARD :

A meeting of the Restaurant Tax Board to authorize budget expenditures for 2010 from submitted budget requests. Officers present included Alma Adams, Lois Bulloch, Wayne Smith, Rusty Aiken and Maria Twitchell.

The following items were approved for funding during 2010:

Utah Shakespearean Festival Seminar Grove Improvements	\$62,500
Enoch City Rec Complex Construction of Rest Rooms Etc.	\$30,900
Southwest Wildlife Foundation Swinging Footbridge	\$ 7,500
Frontier Homestead State Park Water Wheel & Flume	\$30,000
Cedar Rotary Club World War 1 Memorial	\$ 5,000
Parowan City Fairground Exhibition Building Improvement	\$15,000
Iron County Fair New Bleacher Sections at Arena/Track	\$30,000

(Allowed to apply for additional funds in 2011)

**Southern Utah Museum of Art committed \$50,000 annually starting in 2011 for up to \$1,000,000 as a funding source only. Not for lump sum payment at time of construction.

Lois Bulloch stated a conflict of interest on the Frontier Homestead request because she is a member of the Utah State Parks Board of Directors.

Wayne Smith and Maria Twitchell also stated a conflict of interest on the Frontier Homestead request stating that they are members of the Park Foundation Board.

After reviewing all of the requests, Rusty Aiken made a motion to recommend to the County Commission, funding the above specified projects at the recommended levels. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye; Rusty Aiken, Aye; Maria Twitchell, Aye.

After reconvening as the County Commission, Lois Bulloch made a motion to accept the recommendation of the Restaurant Tax Board and fund the projects as presented as items within the Iron County budget. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION 2009-13 RESTAURANT TAX PENDING LEGISLATION :

Maria Twitchell reported that the Legislature has pending legislation which would eliminate the County option restaurant tax. The proponents are stating that many restaurants are on the verge of going out of business because of the 1% sales tax on prepared food items. The bill drafted and numbered as HB 48 would allow Counties to impose a general sales tax on all items to replace the revenue generated by the current tax. It also provides that funds will be

equalized so that sales in one County may be distributed to other Counties.

After reviewing the proposed legislation, Lois Bulloch made a motion to adopt the following resolution in opposition to the proposed legislation. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

**IRON COUNTY
RESOLUTION NO. 2009-13**

**A RESOLUTION OPPOSING THE REPEAL OF THE RESTAURANT FOOD
TAX AS AUTHORIZED BY THE TOURISM, RECREATION, CULTURAL,
CONVENTION AND AIRPORT FACILITIES TAX ACT (TRCC).**

WHEREAS, state law allows Utah counties to collect up to 1% tax on restaurant purchases in the form of a restaurant tax through the Tourism, Recreation, Cultural, Convention and Airport Facilities Tax Act (TRCC or restaurant food tax);

WHEREAS, the county controls the utilization of the TRCC revenues under the advisement of an established advisory board;

WHEREAS, state statute requires these revenues to only be used for:

1. Tourism development
2. Development, operation and maintenance of tourist, cultural and convention facilities
3. Pledges as security and reserved bonds to finance tourism, recreation, cultural and convention facilities

WHEREAS, proposed legislation repealing the 1% TRCC (restaurant tax) would allow counties the option to impose a 0.1% county sales tax for TRCC purposes;

WHEREAS, The Iron County Commission believes the proposed legislation will further encumber the Utah Tax Code by complicating tax collection and submission for all retailers, increasing retailer's costs for modification of equipment, accounting practices, and employee training;

WHEREAS, the Iron County Commission further believes that by the legislation creating a "hold harmless" for counties collecting less from a 0.1% sales tax increase than from the restaurant tax, and by distributing a portion of excess revenues from other counties' excess collections, would further encumber the tax system and would be fundamentally unjust to counties required to pay the difference;

WHEREAS, repealing the TRCC will stifle economic development as TRCC funds have been used to develop infrastructure (which is allowed in the statute) to increase tourism spending in Iron County. These facilities have created jobs in several sectors including construction, retail, hospitality and food service, resulting in additional and ongoing sales tax revenues. Recent 2010 projects funded by the TRCC in Iron County include:

1. Enoch City Recreation Complex
2. Three Peaks Recreation Area
3. Iron County Fairgrounds
4. Frontier Homestead State Park Museum
5. Cedar City Veterans park
6. Cross Hollows Events Centers
7. Utah Shakespearean Festival Performing Arts Center

Furthermore, repeal of the TRCC tax will hinder Iron County's ability to invest in worthwhile projects in the future, including the Southern Utah University Museum of Art.

WHEREAS, instability in the county's restaurant tax revenues will leave bonding agencies feeling unprotected. This will jeopardize Iron County's ability to bond in the future.

WHEREAS, the restaurant tax is a discretionary tax that not all citizens pay. According to Wilkstrom and Associates, 44.5% of Iron County restaurant sales are from out of state visitors. If the TRCC tax is abolished, Iron County would be forced into imposing the sales tax to cover their obligations. Currently, 50% of the TRCC funds are obligated for several years through secured bonding. Iron County does not have another form of funding to pay these long term debts.

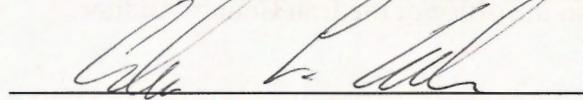
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|---|---------------|
| 1. Cedar City Aquatic Center (Debt retirement 2024) | \$750,000 |
| 2. Cedar City Festival Hall (Debt retirement 2028) | \$2.5 million |
| 3. Iron County Visitor Center (Debt retirement 2018) | \$1 million |
| 4. Cross Hollows Events Center (Debt Retirement 2011) | \$200,000 |

By imposing the county sales tax, all Iron County citizens, including the poor, would pay the tax for tourism promotion and development.

NOW THEREFORE, BE IT RESOLVED, the Iron County Commission is opposed to repealing the TRCC (restaurant) tax.

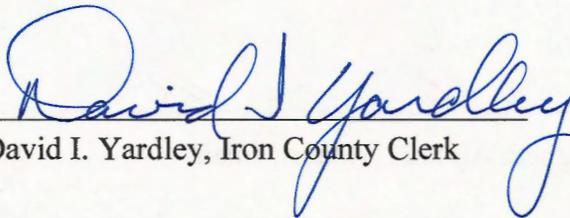
APPROVED AND ADOPTED this 21st day of December, 2009.

IRON COUNTY COMMISSION



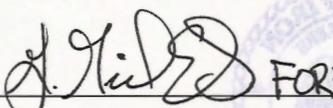
Alma L. Adams
Commission Chair, Iron County

ATTEST:

By: 
David I. Yardley, Iron County Clerk



APPROVED AS TO FORM:

By:  FOR:
Scott F. Garrett, Iron County Attorney

PUBLIC HEARING BUDGET ADJUSTMENT FOR 2009 :

A public hearing was announced as advertised to receive comments regarding adjustments to the 2009 adopted County budget.

Gene Adams, County Auditor, reported on changes to the approved budget. The major change occurred in the Jail budget, inmate housing and transportation, reflecting a loss of revenue from State and Federal prisoners. There was also a reduction in jail expenditures due to a reduction in inmate food purchases. Other Departments needing adjustment included Roads and Municipal Service Fund and small adjustments in several other departments.

After all public comments were received, Wayne Smith made a motion to approve the fund balance appropriation and to adopt resolution 2009-11 as follows. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION 2009-11 ADJUSTING 2009 BUDGET :

RESOLUTION 2009-11

**A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING
ADJUSTMENTS IN THE 2009 DEPARTMENT BUDGETS.**

WHEREAS, Iron County Departments have requested adjustments to their budgets for 2009 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 2009 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2009 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 21st day of December 2009.



Handwritten signature of Alma L. Adams in blue ink.

Signed: Alma L. Adams, Chair

Attest:

Handwritten signature of David I. Yardley in blue ink.

David I. Yardley, County Clerk



Voting:	Aye	Nay
Wayne A. Smith	<u>X</u>	___
Alma L. Adams	<u>X</u>	___
Lois L. Bulloch	<u>X</u>	___

PERSONNEL MATTERS :

Colette Eppley presented for approval the hiring of a temporary full time employee in the Recorder's office. Cheryl Mount was approved as a temporary employee on a motion by Wayne Smith. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a request to replace a Council on Aging driver in Cedar City and a full time patrol deputy in the Sheriff's Department. Reed Erickson reviewed the request and recommended approval in replacing the two positions. Lois Bulloch made a motion to adopt the recommendation of Colette Eppley and Reed Erickson to replace the two positions. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval the name of Melissa Montiano for a promotion from a part time secretary in the Sheriff's Office to a full time temporary secretary assigned to the Major Crimes Task Force for the period of the grant funding. Lois Bulloch made a motion to approve the promotion. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette also presented a request to replace the Ambulance EMT Supervisor position. Reed Erickson recommended that the County establish a hiring freeze and implement a reduction in force to eliminate five full time employees within the first 60 days of 2010. Reductions will be from the following Departments: Ambulance, one; Road Department, one; Sheriff, one patrol

position; Building Department, one; and Attorney, one. Wayne Smith made a motion to approve the reduction in force from the listed Departments. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Lois Bulloch then made a motion to adopt a hiring freeze effective immediately with the ability to replace critical positions as needed. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION 2009-12 UCIP INTERLOCAL AGREEMENT :

IRON COUNTY

RESOLUTION NO. 2009-12

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FOURTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INSURANCE POOL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH COUNTIES INSURANCE POOL.

WHEREAS, pursuant to the provision of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, and the Utah Insurance Code, Title 31A, Chapter 1, et seq, Utah Code Annotated 1953, as amended, public agencies including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements to provide service and facilities; and

WHEREAS, the County Commission of Iron County, Utah, has determined that the interests and welfare of the public within Iron County's jurisdiction will best be served by a Fourth Amended Interlocal Cooperation Agreement with other members of the Utah Counties Insurance Pool relating to the establishment, funding and operation of Utah Counties Insurance Pool.

NOW, THEREFORE, be it resolved by the County Commission of Iron County, Utah, that Iron County approve and authorize the Commission Chair to execute a Fourth Amended Interlocal Cooperation Agreement with other members of Utah Counties Insurance Pool relating to the establishment, funding and operation of Utah Counties Insurance Pool.

APPROVED AND ADOPTED this 21st day of December, 2009.

IRON COUNTY COMMISSION



Alma L. Adams,
Commission Chair, Iron County

ATTEST:

By: David I. Yardley
David I. Yardley, Iron County Clerk



APPROVED AS TO FORM:

By: Scott F. Garrett FOR:
Scott F. Garrett, Iron County Attorney

SOUTHERN UTAH UNIVERSITY TAX EXEMPTION REQUEST :

Gerri Norwood presented a request to adjust 2009 property taxes assessed on the following parcels on Serial #B-1115-0018-0000; Serial #B-0135-0001-0000; Serial # B-1115-0024-0000. The properties were transferred to Southern Utah University with taxes paid current to the time of transfer of title. Each parcel had a remainder amount still owing.

Dennis Ayers stated that by law properties transferred to a State entity become tax exempt upon transfer of title. This designation is handled by the Assessor's office.

Lois Bulloch made a motion to grant the waiver of unpaid tax amounts on the above referenced parcels effective upon title transfer. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

MINOR LOT SUBDIVISION RICK JONES :

Rick Jones requested approval of a Minor Lot Subdivision in the Newcastle area west of the Newcastle Fire Station. The parcel would be divided into two residential building lots and one larger commercial lot. The commercial lot would be accessed from SR 56.

Chad Nay reported that the Planning Commission has recommended approval as presented subject to a financial guarantee being provided to the County for the installation of water connection being stubbed to each lot from the Newcastle culinary water system.

After reviewing the request Wayne Smith made a motion to approve the minor lot subdivision of Rick Jones as recommended by the Planning Commission with the deposit of a \$2004.00 financial guarantee being deposited with the County to cover connection costs to the Newcastle water system. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

WIND ENERGY ORDINANCE DISCUSSION :

Todd Stowell, circuit planner, met with the Commission to present a proposed amendment to the Land Management Code Section regarding wind energy. The proposed ordinance must be acted upon following a public hearing which was scheduled for January 11, 2010

APPROVAL OF THE 2010 PUBLIC DEFENDER AGREEMENT :

Michael Edwards presented for approval public defender contracts for 2010. Public defenders include Jack Burns and Jeff Slack with William Leigh for Juvenile Court. The agreements have no changes from the 2009 contracts.

Lois Bulloch made a motion to approve the public defender contracts for 2010. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

MEMORANDUM OF UNDERSTANDING JMCTF :

Mark Gower and Michael Edwards reviewed a memorandum of understanding (MOU) for the operation of the Joint Major Crimes Task Force (JMCTF) in cooperation with Beaver County. Funding for the task force will be from Federal grant funds and will be administered through the Beaver County Auditor's office. Lois Bulloch made a motion to approve the MOU as presented with the understanding that when grant funds were no longer available the task force would be disbanded. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PRAIRIE DOG MATTERS :

Reed Erickson reported on a proposal to establish a mitigation bank for prairie dogs. The proposal would purchase existing prairie dog habitat and then sell credits as needed to help with future development. The company discussing the feasibility of managing the bank estimate that credits could cost up to \$10,000 per acre.

Reed also reported that a new UPDRIP Coordinator has been hired to start on February 1, 2010. Elissa Black will be the new Coordinator.

CALENDER SCHEDULE COORDINATION :

Reed Erickson coordinated calendars with the Commissioners for the next three weeks.

AQUATIC CENTER FUNDING AGREEMENT :

With members of the Restaurant Tax Board present, the County introduced a resolution authorizing funding from the County General Fund, \$750,000.00 as a loan to pay for construction of the Cedar City aquatic center. The agreement which will repay the loan amount from restaurant food tax at 2.5% interest will be repaid over twenty years. Rusty Aiken made a motion to adopt Restaurant Tax Board Resolution 2009-1 as presented. Second by Lois Bulloch.

RESTAURANT TAX BOARD RESOLUTION 2009-1 :

**IRON COUNTY RESTAURANT TAX BOARD
RESOLUTION NO. 2009-1**

**A RESOLUTION RECOMMENDING THE COMMITTING OF THE
RESTAURANT SALES TAX REVENUE TO REPAY THE IRON COUNTY
GENERAL FUND FOR MONIES CONTRIBUTED TOWARD THE
DEVELOPMENT OF THE CEDAR CITY AQUATIC CENTER**

WHEREAS, the Iron County Restaurant Food Tax Board desires to comply with state law regarding the appropriate distribution of restaurant sales tax funds; and

WHEREAS, Cedar City Corporation, a municipal corporation and political subdivision of the State of Utah, in cooperation with the Iron County School District, operates a swimming pool facility on the campus of Southern Utah University;

WHEREAS, Southern Utah University owns the current swimming pool and has allowed continued community use under a contract with Cedar City Corp. And the Iron County School District, said contract is set to expire in 2010; and

WHEREAS, recognizing the swimming pool is set to be destroyed in 2010, Cedar City planned to construct an aquatic center on property owned by Cedar City, said property is located at approximately 2090 West Royal Hunte Drive; and

WHEREAS, the anticipated cost of the aquatic center is nine million five hundred thousand dollars (\$9,500,000.00), of the anticipated purchase price, the voters of Cedar City have approved a seven million dollar (\$7,000,000.00) general obligation bond; and

WHEREAS, Iron County encouraged Cedar City residents to support the project during the bond election; and

WHEREAS, pursuant to Title 59, Chapter 12, Sections 603, Utah code Annotated, 1953 as amended, Iron County has established a restaurant sales tax; and

WHEREAS, one of the purposes for which the restaurant sales tax revenue may be spent is the development of a recreation facility; and

WHEREAS, Cedar City has requested funding from the transient room tax and revenue may be spent is the development of a recreation facility; and

WHEREAS, Cedar City has requested funding from the transient room tax and restaurant sales tax to assist in the development/construction of the aquatic center as a recreational facility, describing the benefit the facility would be to Iron County by housing aquatic sporting events and recreational activities, thereby attracting visitors to Iron County, strengthening and increasing the tourism economy in Iron County; and

WHEREAS, By Law the use of said funds is limited, Iron County, in consultation with the Transient Room and Restaurant Tax Advisory Boards has determined the aquatic center is an appropriated recreational facility on which transient room and restaurant tax money may be spent, and has appropriated two hundred and fifty thousand dollars (\$250,000.00) from the transient room tax fund and two hundred and fifty thousand dollars from the transient room tax fund and two hundred and fifty thousand dollars (\$250,000.00) from the restaurant sales tax fund for the development/construction of the aquatic center; and

WHEREAS, the availability of restaurant sales tax and transient room tax funds has limited the possible Iron County participation in the construction of the facility to a total of \$500,000.00; and

WHEREAS, Cedar City has indicated that additional "upfront" funds would be necessary to construct the aquatic center; and

WHEREAS, Cedar City has agreed that for useful life of the aquatic center it will charge all

residents of Iron County, whether they live in unincorporated Iron County or in a town or incorporated municipality the same user rates. Furthermore, if Cedar City creates an advisory board specifically for the aquatic center as built or as it may be expanded, Iron County shall have the ability to appoint one (1) representative to that board; and

WHEREAS, in order to facilitate Iron County's participation in the project, Cedar City agreed to lease to Iron County a one tenth (1/10) undivided interest in the aquatic center; and

WHEREAS, ongoing maintenance obligations will be pursuant to other contracts between Cedar City and the Iron County School District; and

WHEREAS, except for the possibility of representation on an advisory board, Iron County will have no rights or obligation under this agreement for the future operation, management, or maintenance of the aquatic center; and

WHEREAS, Iron County has agreed to secure an additional \$750,000.00 for funding for the aquatic center from other sources with the condition that such funds be repaid by the restaurant sales tax.

NOW, THEREFORE, at a regular meeting of the Iron County Restaurant Food Tax Board held on the 21st day of December, 2009, upon motion duly made and seconded, it is unanimously **RESOLVED, AGREED, AND COMMITTED** to recommend the following:

- The restaurant sales tax revenue stream will be used to repay Iron County for the \$750,000.00 Iron County will provide toward the development of the recreational facility described above with interest there on at a rate of 2.5 percent (%) per annum on the unpaid balance with interest to compound annually. The entire amount to be paid within twenty (20) years; and
- In the event any provision of this Resolution is deemed to be void, invalid, or unenforceable, that provision shall be severed from the remainder of this Resolution so as not to cause the invalidity or unenforceability of the remainder of this Resolution. All remaining provisions of this Resolution shall then continue in full force and effect. If any provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope and breadth permitted by law.

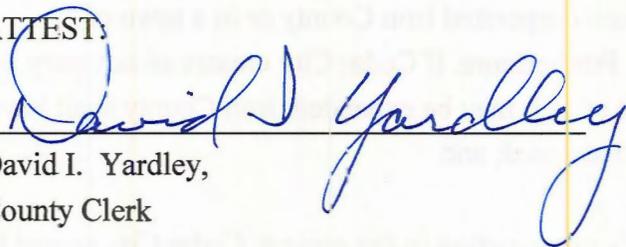
VOTED UPON AND PASSED BY THE IRON COUNTY RESTAURANT FOOD TAX BOARD AT A REGULAR MEETING OF THE IRON COUNTY RESTAURANT FOOD TAX BOARD HELD ON THE 21st DAY OF DECEMBER, 2009.

IRON COUNTY RESTAURANT FOOD TAX BOARD



Iron County Restaurant Food Tax Board Chair

ATTEST:


David I. Yardley,
County Clerk



Voting

Alma L. Adams Aye
Lois L. Bulloch Aye
Wayne A. Smith Aye
Rusty Aiken Aye
Maria Twitchell Aye

RESOLUTION 2009-14 AUTHORIZING REPAYMENT OF FUNDING :

Upon completion of action by the Restaurant Tax Board, the following resolution was presented to the Commission for consideration. After reviewing the terms spelled out in the resolution, Lois Bulloch made a motion to adopt Resolution 2009-14 as presented. Second by Wayne Smith.

RESOLUTION NO. 2009-14

A RESOLUTION COMMITTING THE RESTAURANT SALES TAX REVENUE TO REPAY THE IRON COUNTY GENERAL FUND FOR MONIES CONTRIBUTED TOWARD THE DEVELOPMENT OF THE CEDAR CITY AQUATIC CENTER

WHEREAS, the Iron County Commission desires to promote the health, safety, and welfare of Iron County inhabitants; and

WHEREAS, Cedar City Corporation, a municipal corporation and political subdivision of the State of Utah, in cooperation with the Iron County School District, operates a swimming pool facility on the campus of Southern Utah University;

WHEREAS, Southern Utah University owns the current swimming pool and has allowed continued community use under a contract with Cedar City Corp. and the Iron County School District, said contract is set to expire in 2010; and

WHEREAS, recognizing the swimming pool is set to be destroyed in 2010, Cedar City planned to construct an aquatic center on property owned by Cedar City, said property is located at approximately 2090 West Royal Hunte Drive; and

WHEREAS, the anticipated cost of the aquatic center in nine million five hundred thousand dollars (\$9,500,000.00), of the anticipated purchase price, the voters of Cedar City have approved a seven million dollar (\$7,000,000.00) general obligation bond; and

WHEREAS, Iron County encouraged Cedar City residents to support the project during the bond election; and

WHEREAS, pursuant to Title 59, Chapter 12, Sections 603, Utah Code Annotated, 1953 as amended, Iron County has established a restaurant sales tax; and

WHEREAS, Cedar City has requested funding from the transient room tax and restaurant sales tax to assist in the development/construction of the aquatic center as a recreational facility, describing the benefit the facility would be to Iron County by housing aquatic sporting events and recreational activities, thereby attracting visitors to Iron County, strengthening and increasing the tourism economy in Iron County; and

WHEREAS, by law the use of said funds is limited, Iron County, in consultation with the transient room and restaurant tax advisory boards has determined the aquatic center is an appropriate recreational facility on which transient room and restaurant tax money may be spent, and has appropriated two hundred and fifty thousand dollars (\$250,000.00) from the transient room tax fund and two hundred and fifty thousand dollars (\$250,000.00) from the restaurant sales tax fund for the development/construction of the aquatic center; and

WHEREAS, the availability of restaurant sales tax and transient room tax funds has limited the possible Iron County participation in the construction of the facility to a total of \$500,000.00; and

WHEREAS, Cedar City has indicated that additional "up-front" funds would be necessary to construct the aquatic center; and

WHEREAS, Cedar City has agreed that for useful life of the aquatic center it will charge all residents of Iron County, whether they live in unincorporated Iron County or in a town or incorporated municipality the same user rates. Furthermore, if Cedar City creates an advisory board specifically for the aquatic center as built or as it may be expanded, Iron County shall have the ability to appoint one (1) representative to that board; and

WHEREAS, in order to facilitate Iron County's participation in the project, Cedar City agreed to lease to Iron County a one tenth (1/10) undivided interest in the aquatic center; and

WHEREAS, ongoing maintenance obligations will be pursuant to other contracts between Cedar City and the Iron County School District; and

WHEREAS, except for the possibility of representation on an advisory board, Iron County will have no rights or obligations under this agreement for the future operation, management, or maintenance of the aquatic center; and

WHEREAS, Iron County has agreed to secure an additional \$750,000.00 for funding for the aquatic center from other sources with the condition that such funds be repaid by the restaurant sales tax.

NOW, THEREFORE, at a regular meeting of the Iron County Commission, the legislative body of Iron County, Utah, duly called, noticed, and held on the 21th day of December, 2009, upon motion duly made and seconded, it is unanimously **RESOLVED, AGREED, AND COMMITTED:**

- The restaurant sales tax revenue stream will be used to repay the \$750,000.00 Iron County will provide toward the development of the recreational facility described

above with interest there on at a rate of 2.5 percent (%) per annum on the unpaid balance with interest to compound annually. The entire amount to be paid within twenty (20) years; and

- In the event any provision of this Resolution is deemed to be void, invalid, or unenforceable, that provision shall be severed from the remainder of this Resolution so as not to cause the invalidity or unenforceability of the remainder of this Resolution. All remaining provisions of this Resolution shall then continue in full force and effect. If any provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope and breadth permitted by law.

VOTED UPON AND PASSED BY THE IRON COUNTY COMMISSION AT A REGULAR MEETING OF THE IRON COUNTY COMMISSION HELD ON THE 21ST DAY OF DECEMBER, 2009.

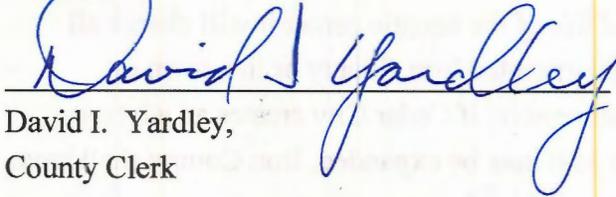
IRON COUNTY



Alma Adams

Iron County Commission Chairman

ATTEST:



David I. Yardley,
County Clerk



Voting

Alma L. Adams Aye

Lois L. Bulloch Aye

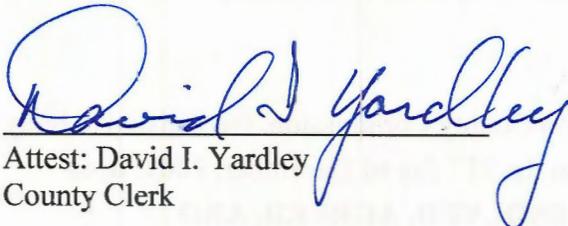
Wayne A. Smith Aye

ADJOURN _____ :

The meeting was adjourned at 4:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.



Signed: Alma L. Adams, Chairman



Attest: David I. Yardley
County Clerk

