

IRON COUNTY COMMISSION MEETING
January 9, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 9, 2012
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dale Brinkerhoff.

REORGANIZATION OF COMMISSION :

As the first item of business in the new year Dan Webster made a motion to appoint Dale Brinkerhoff as the Commission Chair for 2012 and to reassign the Human Resource Commission Liaison to Commissioner Brinkerhoff from Commissioner Adams. Second by Alma Adams.

Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF MINUTES December 19, 2011 :

Minutes of the Iron County Commission meeting held December 19, 2011 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

REPORTS :

Alma Adams reported that prices have been secured for the purchase of a new excavator for use by the Engineering Department, flood control. Caterpillar has offered a machine for

\$178,661 with a trade in on the current machine of \$50,000 making the total purchase price of 128,661. They also agree to buy the machine back in three years for \$125,000. The proposal also provides full new equipment coverage for the term of the agreement.

Dale Brinkerhoff discussed the Southwest Public Health assessment and budget. The County is assessed \$4.94 on a per capita ratio annually. Southwest Public Health used old population estimates from 2008 and estimated Iron County population at 52,000 when in reality our population is closer to 46,000. Washington County appears to be impacted by the same faulty use of estimates. The current best population figures available are the 2010 census counts. This issue will be further discusses with Health Department personnel.

Dale also discussed the need to provide asbestos handling and disposal training for landfill employees and the public. Jaren Scott later reported that landfill personnel have received this training and he is willing to provide the training to contractors or other interested citizens.

David Yardley reported on progress toward amending voting precincts to conform with State House Districts 71 and 72. There are a few areas of concern that will be submitted to the Legislature to request amending the house boundary lines to prevent very small precincts where ballot secrecy could be compromised especially in Municipal elections. School Board precincts will be realigned and population balanced as required under Utah Code. The maps and proposed changes should be ready for consideration at the next Commission meeting.

MEMORANDUM OF COOPERATION SUPAC :

A memorandum of cooperation with the Southwest Utah Planning Authorities Council (SUPAC) for 2012 was presented for consideration. Alma Adams explained that the group includes many Federal, State and Local entities and involves the five County area. The cost to the County to participate is \$60.00 annually. Alma Adams made a motion to approve the memorandum of cooperation and authorize payment of the annual dues. Second by Dan Webster. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

UTAH STATE UNIVERSITY COOPERATIVE AGREEMENT :

Alma Adams introduced a standard cooperative agreement for Utah State University Extension Educational work for 2012 and recommended approval whereupon he made a motion to approve the agreement. Second was by Dan Webster. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

MEMORANDUM OF UNDERSTANDING CHILDREN'S JUSTICE CENTER:

Dan Webster introduced a Memorandum of Understanding for operating the Children's Justice Center for 2012. He noted that the center is funded from grant funds which are administered through the County. Dan Webster then made a motion to approve the MOU as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

CHILDREN'S JUSTICE CENTER AGREEMENT :

Dan Webster presented a Multidisciplinary Team Linkage Agreement with Southwest Behavioral Health Center (SWBHC). The agreement provides interaction between the CJC and

the Behavioral Health Center and Dan recommended approval. Dan Webster then made a motion to approve the agreement as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

RAP TRAINING :

Vicki Nielsen presented the final three RAP training for the first year. Week 48 covered office hazards. According to the Nation Safety Council (NSC), in 2004 there were 5,601 deaths and 3,700,000 disabling injuries in the workplace at a cost of \$142 billion dollars. In general, offices are safe places to work, but there are plenty of hazards lurking in this environment. Office safety awareness is the best defense against accidents and injuries in the office. She then explained areas of concern including slippery floors, electrical hazards and trip hazards.

Week 49 training covered fire training. Fire in the workplace is one of the most significant hazards to employee. It is a hazard which can potentially strike any workplace, at any time. The effects of workplace fires are devastating to employees and to employers.

Week 50 training was a review of goals set at the start of the program to which was to reduce the number and severity of workers compensation injuries, multi-line claims, and automobile accident claims. Based on evaluations and feedback from staff, RAP has been successful and certainly elevated our risk control awareness.

PERSONNEL MATTERS :

Vicki Nielsen presented a request from the Sheriff's Office, Corrections Division to advertise and fill a hiring roster for up to eighteen months. She explained that the current roster has expired and because the roster process takes some time, it is important to get a new roster started. Dan Webster made a motion to approve establishing a new roster for Corrections. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki presented a request to transfer Larry Lanier from Sheriff's, Patrol Division back to Corrections effective December 29, 2011. Dan Webster made a motion to approve the request and return Larry Lanier to Corrections. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki also presented a request to transfer Duane Hertzler from Patrol back to Corrections. Officer Hertzler initiated the request and both the Sheriff and Corrections are in favor of the transfer. Dan Webster made a motion to approve the transfer of Duane Hertzler back to Corrections. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Dan Webster made a motion to approve the justification to fill the vacant position in Patrol of Duane Hertzler. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki presented a request to transfer Jake Hoyt from a part time Bailiff position to a full time Patrol officer in the Sheriff's Department. Dan Webster made a motion to approve the transfer as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki then presented a request to approve a justification to fill the vacant part time Bailiff position. Dan Webster made a motion to approve the justification and to advertise the part time Bailiff position. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki also presented a justification and request to fill a part time evidence clerk position in the Sheriff's office. Dan Webster made a motion to approve the justification and authorize the posting of the vacant part time evidence clerk position. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki reported that Matthew Bell has resigned as a Landfill Technician and she requested approval of a workforce justification to fill the vacant position from the existing hiring roster. Dan Webster made a motion to approve the justification and to authorize hiring from the existing roster. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

The name of Jeremy Truman was presented for approval to fill the vacant position of Landfill Technician. Dan Webster made a motion to approve the hiring of Jeremy Truman as Landfill Technician. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki presented for approval the hiring of Kourtney LeFevre as an outreach worker to work in the Cedar City and Parowan Senior Citizen Centers. Dan Webster made a motion to approve the hiring of Kourtney LeFevre as an outreach worker for the Council on Aging. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Vicki and Ron Johnson requested approval to transfer John Miller from Full Time Training Officer to Full Time Paramedic with an adjustment in salary downward to reflect the change. Dan Webster made a motion to approve the transfer within the Ambulance Department as presented. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Ron requested approval to fill the Training Officer position within the Ambulance Department. Dan Webster made a motion to approve advertising the Training Officer position within the Ambulance Department. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Ron Johnson requested approval to fill a vacant full time Paramedic position from within the Ambulance Department. Dan Webster made a motion to approve filling the vacant position. The motion received no second and was withdrawn. The matter will be studied and presented at a later meeting.

PUBLIC COMMENTS :

Wendell Shallenberger commented that minutes from previous meetings are not being published on the County website quickly. He requested that they be updated as soon as possible.

Ryan Bundy commented that he was in favor of the County paying public defender costs however he felt the County had too many Deputy County Attorney's that are trying to justify

their jobs by prosecuting minor offenses. He suggested that one or two Deputy Attorney positions be eliminated.

ELECTED AND APPOINTED DEPARTMENT SUPERVISOR DISCUSSION:

The Commission and other Elected Officials and appointed Department Supervisors conducted a semi annual round table discussion. Dale Brinkerhoff introduced the program and explained the purpose of the meeting. Areas of concern within Departments or with County operations were discussed.

Items discussed included accrual of sick leave by employees. Currently the County has no cap on sick leave. There is a proposal under consideration to cap sick leave at 320 or 460 hours as is standard through out government agencies within the State. Chad Nay suggested that accrued hours should be considered for conversion to vacation or insurance coverage at the end of employment.

Cindy Bulloch asked about doing a County vehicle fleet with a maintenance department for management of vehicles. The matter is under discussion but there are no current plans to establish a Department.

E filing of documents was also discussed. The system is currently being used in the Recorder's office. By using e filing the need to keep the volume of paper would be reduced. This option will be studied further.

Department Supervisors thanked the Commission for considering employees and presenting a token of appreciation by awarding an additional \$400.00 and two additional days of leave at Christmas for County employees. The bonus was greatly appreciated by employees that have not had a pay increase for three years.

PRAIRIE DOG MATTERS _____ :

A new prairie dog habitat exchange program is due to be announced today in which permanent take credits may be purchased to permanently clear property for future development. Unlike our current HCP this program will allow credits to be held in perpetuity as cleared. Money collected for the sale of credits will be used to purchase conservation easements as permanent prairie dog habitat. The program covers the full range of the Utah prairie dog.

SURPLUS VEHICLE DEPARTMENT REQUEST :

Ryan Riddle requested transferring one surplus Sheriff vehicle to the County Fire Warden office for use in transporting personnel to fires. The vehicle is to be stationed at the Fiddlers building and will only be used for County fires. Dan Webster made a motion to approve transferring the 2004 Dodge Durango to the Fire Warden office. Second by Alma Adams. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF PUBLIC DEFENDER AGREEMENT FOR 2012 :

An agreement to provide public defender services in conflict and Juvenile cases between Iron County and Brian Jackson was presented for approval. The County Attorney has recommended approval of the contract for 2012. Alma Adams made a motion to approve the contract. Second by Dan Webster. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

BOARD APPOINTMENTS _____ :

CICWCD: Alma Adams made a motion to appoint Paul Cozzens, Cedar City Council representative, to the unexpired term of Steve Wood on the governing board of the Central Iron County Water Conservancy District effective immediately. Second by Dan Webster. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

ADJOURN _____ :

The meeting was adjourned at 3:00 p.m. on a motion by Alma Adams. Second was by Dan Webster. Voting: Alma Adams, Aye; Dan Webster, Aye; Dale Brinkerhoff, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
January 23, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 23, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Cindy Bulloch	County Assessor
Geraldine Norwood	County Treasurer
Deborah Johnson	County Recorder
H. Eugene Adams	County Auditor

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES January 9, 2012 :

Minutes of the Iron County Commission meeting held January 9, 2012 were approved as amended on a motion by Dale Brinkerhoff. Second was by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Cindy Bulloch reported that there are still issues with the Colorado Software used in the

Assessing valuation program. CCI is requesting their annual payment of 1.5 million for the state wide program. The payment is being held until the problems with the program are fixed.

Cindy also discussed bills of concern to Assessor's. Of particular concern is HB 41 which creates a tax shift of over 12 million statewide from businesses to real estate. The bill would tax shift approximately 1 million in Iron County. She also discussed HB 75 which changes an administrative rule to law for valuing low income housing. The bill requires property owners to file certain documents regarding occupancy for the previous year. The Assessor's are supporting this bill.

Gene Adams reported that the County budget for 2011 is at 97% expended. There may be a few expenses that have not been turned in yet. Gene reported that overall payroll decreased in 2011 by \$204,000 over 2010. The number of warrants issued is comparable to 2010 levels.

Geri Norwood presented distribution figures for 2011 to the General, Library, Health, State Assessing/Collection, County Assessing/Collecting and Municipal Service funds. Total distribution was \$10,224,920. She also reported that outstanding tax delinquency as of today is \$9,322,685. This is lower than the same time in 2011 where the delinquency was at \$9,628,770.

Geri also reported that there are currently 650 accounts that are delinquent that will be subject to the tax sale this year. This does not include one bankruptcy that may add additional parcels if the bankruptcy court will release them for sale.

Geri also reported on the status of delinquent tax deferrals issued during 2011. Eight accounts are not current on their monthly payments. If the accounts are not current by March 15, the properties will be scheduled for the annual tax sale and the required title searches will be authorized.

Debbie Johnson reported that recordings were down for the last quarter of 2011. Transferring documents were down and defaults were also down. This is a good trend and may be an indication that the real estate issues have stabilized in the economy. Debbie also reported that the Records office is nearing completion of the annual plat map run. This has required an additional temporary worker and overtime for the mappers in her office.

Dan Webster reported on progress UDOT is making in clearing the landslide and rebuilding SR 14 in Cedar Canyon. It is now anticipated that SR 14 will not be open until July 2012. A request is being submitted to open a temporary detour to allow traffic through the slide area on a gravel surface while reconstruction is in progress.

Alma Adams reported on a meeting in Salt Lake in which RS 2477 road negotiations were discussed. There is agreement on all except 16 claimed RS 2477 roads within the County. The contested roads are all located in the "red rock" wilderness proposed areas.

Alma also discussed a proposal to introduce the mexican wolf into southern Utah. Currently they have been introduced into New Mexico and Arizona. The USFWS is proposing to expand their range into Colorado and Utah.

ADJOURN AS COUNTY COMMISSION AND CONVENE AS MBAIC :

Dan Webster made a motion to adjourn as the County Commission and convene as the

Governing Board of the Municipal Building Authority of Iron County, Utah. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY PUBLIC HEARING:

After convening as the Governing Board of the Municipal Building Authority of Iron County, Utah Dan Webster made a motion to open a public hearing to receive public comments regarding adopting a resolution (the “Resolution”) declaring its intention to issue its Taxable Lease Revenue Bonds, Series 2012 pursuant to the Utah Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended, and the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and related matters. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

David Yardley introduced the proposed Resolution and explained the purpose of the funding to purchase two ambulances, one four wheel drive unit to be housed at Beryl to serve the Escalante Valley area including Newcastle, Beryl, and Modena. The unit has been approved for purchase with grant funds from the Permanent Community Impact Fund Board.

The second unit will be a two wheel drive ambulance to be housed at Cedar City and will be used to transport critical care patients in hospital to hospital transports. This unit will be purchase with a loan from the Permanent Community Impact Fund Board. Both purchases require County matching fund support in the total amount of \$55,000.00 to be included at closing.

The public was then asked to comment whereupon Randall Pratt commented that the County Ambulance Department should be setting money aside in a capital purchase account to purchase new vehicles as the older ones wear out. He also commented that instead of buying new vehicles, the County should consider purchasing used vehicles that have over 100,000 miles. There are many such vehicles on the market nationwide.

The Commission responded that the Ambulance Department is an enterprise fund and that with collection rates and current expenses it has not been feasible to fund the \$250,000 required to purchase two vehicles. The Ambulance Department is also paying a loan from the County General Fund to cover years that the Department operated in the red which has also hindered establishing a capital improvement fund.

Wendell Shallenburger commented that the County Ambulance Department needs current and well stocked equipment to function. There is nothing worse than an ambulance breaking down or unable to respond to an emergency. He said he is in favor of the County purchasing new equipment to operate in the rural areas of the County and to transport critical care patients to major medical facilities.

ADJOURN AS MUNICIPAL BUILDING AUTHORITY :

After all public comments were received, Dan Webster made a motion to close the public hearing and to approve Commission signatures on appropriate documents. Also to reconvene as the County Commission. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC HEARING MINOR LOT SUBDIVISION :

Alma Adams made a motion to open a public hearing to receive comments regarding preliminary plat approval of Iron Springs Industrial Park Phase II located within Section 11, Township 36 South, Range 12 West, SLB&M. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Chad Nay introduced the proposed minor lot subdivision located at SR 56 and Iron Springs Road. The proposed subdivision will receive water from Central Iron County Water Conservancy District and will receive sewer service through the Cedar City sewer lines. Chad also reported that the plat has been reviewed and approval recommended by the Planning Commission.

No additional public comments were received whereupon Alma Adams made a motion to close the public hearing and to approve the proposed minor lot subdivision plat of Iron Springs Industrial Park Phase II. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

NOTIFICATION OF CONDITIONAL USE PERMITS :

Chad Nay notified the Commission of a proposed conditional use permit for Steve Byl to construct a guest house on Lot 1 of the BYL Minor Lot Subdivision. He reviewed proposed conditions. The matter will be on the February 2 Planning Commission agenda for discussion and approval.

Chad also notified the Commission of a proposed conditional use permit for Mike McNett for a Light Industrial use of Lot 2 within the Lincoln Miller Subdivision. The proposal is to expand an existing ammunition loading facility to an outbuilding on the property. Chad noted a concern with large amounts of ammunition being stored near residences.

BUDGET REPORT :

Gene Adams presented an over time report for 2011. Departments with over fifty hours overtime during the year included the Jail, Sheriff, and Ambulance. Gene also explained offices that exceeded their budget. The excess expenditures were accounted for in Departmental transfers and promotions. The Fair was over their budget by \$6,000.00 and the TV Department expended \$300.00 over their budget.

TAX CREDIT/ABATEMENT REQUESTS 2011 :

Christene Lowder present for review and approval adjusted or corrected applications for low income, homeowners tax credits and veterans abatements for the 2011 tax year submitted between December 1, 2011 and January 23, 2012. The fund adjustments on seven accounts included \$701 for Circuit Breaker; \$617.10 for HB 425 adjustment; \$663.29 for Indigent Abatement; \$2,318.50 for Veteran Abatements for a total of \$4,299.89. Alma Adams made a motion to approve the adjustments for the 2011 year as presented. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

HOMELAND SECURITY COMMUNICATIONS GRANT :

Charlie Morris reported that Iron County has been awarded a \$178,999 line item on the

Utah Region Iv 2010 Homeland Security Communication Grant. Grant funds will be used to improve communications in the Sheriff's office and Ambulance departments. The funds will be administered through the County Auditor's office.

DIVISION OF WILDLIFE RESOURCES PILT PAYMENT _____ :

Doug Messerly, Regional Supervisor of the Department of Wildlife Resources, presented a payment in lieu of tax (PILT) payment of \$2,505.23 for property owned by DWR within Iron County. The payment is for the 2011 tax year. The Commission thanked DWR for the payment and authorized the Commission Chair to sign the receipt.

TAX ADJUSTMENT ON BLM OWNED LAND _____ :

Geri Norwood reported that it has been discovered that a parcel scheduled for tax sale in May is in reality owned by the Bureau of Land Management and is therefore tax exempt. Alma Adams made a motion to correct the erroneous assessment and abate the tax, interest, and penalty and remove the account from the tax sale. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

DISPOSING OF FREON CONTAINING APPLIANCES _____ :

Jaren Scott presented a proposal to allow freon containing appliances to be collected for a fee at the landfill. He said that a company from the Salt Lake area that would come and remove the freon for about \$10.00 per unit. Currently the landfill cannot accept the units without a certificate stating that freon has been removed. When customers are turned away at the landfill the units are ending up dumped in rural areas of the County.

Alma Adams made a motion to approve a \$10.00 disposal fee at the landfill and contract with Rapid Recovery to evacuate units. The program is to be tracked for one year to determine if it is cost effective. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

GREENBELT ROLL BACK TAX ADJUSTMENT _____ :

Cindy Bulloch presented a request to waive penalty and interest on greenbelt roll back which was mistakenly applied on property Serial # C-0871-0001-0000, Owner Reyes Carballo. She explained that Mr. Carballo has until May to file due to a change of ownership. He has made application and the parcel qualifies for green belt. Dan Webster made a motion to waive the roll back tax, interest and penalty that were erroneously applied. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING _____ :

Vicki Nielsen presented RAP training for weeks one and two for the second year of the program. Week one presented several studies suggest that for every \$1 paid in direct loss, companies paid \$3-\$53 in indirect loss. What is worse, they accept most losses as an inevitable "cost of doing business." Even fewer managers and employees understand that the same factors, which create losses, are also creating production or service losses as well as performance and budgetary shortcomings.

Week two emphasized that the county is committed to risk control and protecting employees from workplace hazards; therefore, the county is continuing its participation in the

Risk Awareness Program (RAP). The goal of RAP is to establish and to maintain a culture where protecting organizational human, capital, and financial resources are paramount. Efforts will concentrate on organizational commitment, employee empowerment and motivation, and education. This presentation is the second of a fifty-week initiative to develop this risk control culture.

Affirmative risk control outcomes are only achieved when county services and activities are effectively managed. Risk control goals must be a part of this managed process in every department, along with productivity, services, quality, and human performance. The county is not interested in production, services, and safety; we expect safe production and safe services. Once this culture is achieved, risk control will become an integral part of production and services rather than a separate activity to be done “if and when there is time” to do so. The county wants to inspire employees to choose “safe” work activities that develop into habits.

PERSONNEL MATTERS :

Vicki Nielsen presented a request from the Sheriff Department for a status change approval for Charles Triplett from Drug Court Tracker to Patrol Deputy with a reduction in pay from \$21.20 per hour to \$20.20 per hour. Dan Webster made a motion to approve the status change as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented a request from the Ambulance Department for a new hire approval for April Cox as an On-Call EMT-Basic. Dan Webster made a motion to approve the new hire as a replacement for a vacant position as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented a request from the Ambulance Department to transfer Sonia Holt from a Paramedic to full time Training Officer to replace John Miller. Dan Webster made a motion to approve the transfer as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented a request from the Council On Aging to approve a justification to replace the Activities Director position at the Parowan Senior Center. Dan Webster made a motion to approve the justification and authorize posting the position. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC COMMENTS :

Wendell Shallenburger commented that he was concerned that he was not invited to a meeting with Senator Casey Anderson in which SB 95 being sponsored by Senator Anderson was discussed. He also expressed concern that the Commission did not support the bill which would require that PILT payments used to fund municipal services in unincorporated areas.

The Commission responded that the meeting referenced was not a County meeting. It was called by Senator Anderson and he invited the Commissioners. The Commission has no authority to invite attendees to another agency meeting.

Randall Pratt commented that the County should invite more public involvement in management of the County. He recommended that zero overtime should be the goal of the

County Departments and that a hiring freeze should be implemented. The Commission explained that a hiring freeze has been in place for more than a year with no new positions created. They also explained that due to the nature of some departments i.e. law enforcement, roads, jail, ambulance, etc some overtime is unavoidable.

UTAH PRAIRIE DOG MATTERS :

Adam Kavalunas reviewed with the Commission permanent take procedure used to allocate permanent take of Utah prairie dogs. The five year average counts total 455 prairie dogs on Federal and State ground within Iron County. The County is allowed 10% permanent take for a total of 45.5 dogs for 2012. There are 55.7 permanent take dogs from 2011 still available and 1.1 dog from the 2006 SITLA Awapa mitigation bank for a total of 102.3 dogs available.

Adam reported that letters have been sent to thirteen active applicants and six did not reply. Five requested to pass for 2012 but stay on the list and two requested take. Karim Lakhdari, North Park Subdivision in Parowan had requested take on 11.7 acres for a total of 82.8 dogs. He requested that his application be changed to a pass at the current time to determine if the total acreage is to be developed at the current time.

Nate Miller requested take on 0.50 acres on Lot 23, The Fields Subdivision in Enoch. Total take requested is 6.7 dogs. Dan Webster made a motion to approve permanent take of 6.7 dogs on 0.50 acres on Lot 23, The Fields Subdivision as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Adam also presented a request for Lloyd LeFevre for 10 non permanent take to upgrade an irrigation system. Alma Adams made a motion to approve the non permanent take of 10 dogs as requested by Mr. LeFevre. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Adam also presented a request to start the hiring process for County Utah Prairie Dog Technicians for the 2012 season. Dan Webster made a motion to approve hiring two full time seasonal employees as Prairie Dog Technicians at \$10.50 per hour and not to exceed \$45,000 total expense. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Keith Day and Doug Messerly proposed changes in HCP administrative function by the County assuming a greater role in annual counts and translocation efforts. They explained that changes would need to be approved by the HCP committee including USFWS. They explained that the County currently has personnel that could easily be trained to supervise Prairie Dog Technicians and to translocate prairie dogs. It would require the County to provide at least three vehicles and equipment to implement the change.

The Commission indicated that the proposed changes could not be made this year and requested additional time to study the proposal.

ORDINANCE 2012-1 VOTING PRECINCT BOUNDARY AMENDMENTS :

David Yardley presented proposed boundary changes to voting precincts and school board precincts which have be realigned to comply with Utah State House District boundary changes and to equalize populations within the five school board precincts. The changes include

adding two additional precincts and changing boundaries in others to accommodate the State requirements.

After reviewing the proposed maps and changes, Alma Adams made a motion to adopt Ordinance 2012-1 and to approve the voting precinct map and the school board precinct map. Second by Dan Webster.

ORDINANCE 2012-1

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

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

SECTION I

That the following election precincts in Iron County are established as required in Utah Code 20A-5-303, 1953 Annotated, a map of precinct boundaries is attached as Exhibit “A” and School Board Precinct Boundaries as required in Utah Code 20A-14-201, 1953 Annotated attached as Exhibit “B”

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

SECTION II

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

SECTION III

It being the opinion of the Board of County Commissioners of Iron Count, Utah that it is necessary for the preservation of the peace, health and safety of Iron County and its inhabitants that this ordinance shall take affect immediately upon posting and publication hereof in a newspaper having general circulation in Iron County as prescribed in Title 17 Chapter 15 Section 1 Utah Code Annotated 1953 as amended.

SECTION IV

All acts, resolutions, and regulations of Iron County in conflict with this Ordinance or not consistent with this ordinance are hereby repealed as of the effective date of this ordinance to the extent of such conflict or inconsistency. This repealer shall not be construed so as to revive any resolution, act, or regulation, or part thereof, heretofore repealed. This ordinance specifically amends Iron County Ordinance 2008-1 dated January 28, 2008.

SECTION V

Passed and adopted by the Board of County Commissioners of Iron County, Utah this 23rd day of January, 2012.

Dale M. Brinkerhoff, Commission Chairman

ATTEST:

Iron County Clerk

Dale M. Brinkerhoff voted Aye
Alma L. Adams voted Aye
Daniel L. Webster voted Aye

ADJOURN :

The meeting was adjourned at 3:00 p.m. on a motion by Dan Webster. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
February 27, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 27, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Vicki Nielsen	Human Resource
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SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES February 13, 2012 :

Minutes of the Iron County Commission meeting held February 13, 2012 were approved as amended on a motion by Dan Webster. Second was Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

David Yardley reported that preparations for elections were progressing. Filing for offices will open on March 9 and close on March 15. Party caucus meetings are scheduled by the political parties, times, dates and places can be accessed on the internet at vote.utah.gov. Voter cards are being printed and mailed to all active registered voters in the County to inform voters of changes mandated by redistricting.

Vicki Nielsen reported on activity in the Human Resource Department for the past quarter. The report covered new hires, terminations, seasonal workers, position transfers, volunteers, job postings, and position justifications.

Alma Adams discussed issues including legislation exempting airports and cemeteries being a special exemption to the endangered species act which is being held by Senator Barbara Boxer. Lobbying efforts are under way to encourage her to let the proposed legislation proceed.

Comments have been submitted from the County to a hearing in Elko Nevada regarding the Forest Service roadless plan. The comment will be included in Congressional hearing minutes.

Dan Webster reported on a meeting with livestock owners regarding access to Cedar mountain on SR 14 as work to clear the landslide is in progress. The need to have a period of time to allow traffic through the construction zone is critical to livestock owners accessing summer grazing. It is also very important to property owners in Iron and Kane Counties in accessing their property and businesses.

Dan also discussed the annular eclipse scheduled this summer which will provide a prime viewing area of the eclipse at Kanarrville. It is expected to draw between five and fifteen thousand people for the event.

IRON COUNTY INSURANCE COMMITTEE _____ :

Vicki Nielsen presented a proposal from the County Employee Insurance Committee to authorize Colonial Life as the exclusive supplemental insurance carrier for Iron County Employees. Participation would be at no cost to the County and participation by employees would be voluntary. Participation would also be extended to part time employees.

Cindy Bulloch questioned why current supplemental insurance carriers were being “frozen out” by not allowing employees to participate with them. Two carriers, AFLAC and Consecro have a few employees that have a payroll deduction to participate. HR and Payroll have not allowed new employees to enroll with these companies.

After reviewing concerns, Alma Adams made a motion to approve Colonial Life as a supplemental insurance carrier for Iron County. Also to allow current carriers, AFLAC and Consecro to be upgraded to allow employees to participate in these plans. Participation by employees is voluntary and no costs are to accrue to the County. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

The Insurance Committee also presented a proposal to require County employees to participate in a wellness plan with Select Health. Participation would require employees to submit a questionnaire regarding their personal health as a base starting point of the program. The Commission expressed concerns with making the program mandatory to which the Committee explained that if it is not mandatory the healthy employees will submit the questionnaires while those that have health problems will not.

Alma Adams made a motion to authorize a survey to be submitted to employees noting that participation is not mandatory with the purpose of helping employees to be aware of the benefits of a healthy lifestyle. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RESOLUTION 2012-1 OPPOSING INTRODUCTION OF WOLVES IN UTAH :

Mike Worthen presented a proposed resolution to the County Commission supporting the de-listing of the grey wolf and opposing the establishment of mexican wolves into Utah. He explained that results of introduction of wolves in Montana, Wyoming and Idaho have resulted in severe depredation on elk herds and livestock. The introduced wolf population has exploded and exceeds the original population goals of the introduction goals. The areas they were introduced into were generally large wilderness type areas with limited livestock. They have now expanded into surrounding areas where they are creating problems with domestic livestock. There may also be a breeding pair that has migrated into Utah.

Mike also pointed out that a limited number of mexican wolves have been introduced into New Mexico and Arizona. The population are descendants of only five captive wolves. Their population has not grown as expected. There is now a proposal to supplement this population by introducing up to 700 captive raised wolves which have lost their fear of human interaction which could cause significant problems with human/wolf interaction. As part of the proposal, Utah and Colorado would be listed as habitat for the mexican wolf.

Donnie Hunter, Iron County Sportsmen for Fish and Wildlife, commented that elk numbers in areas of introduction of grey wolves have plummeted since wolf introduction which has reduced the ability of the remaining populations to sustain themselves at healthy levels. He expressed the Iron County Sportsmen for Fish and Wildlife support of the proposed resolution.

Rusty Aiken, Iron County Cattlemen Association, also spoke in favor of the proposed resolution stating that livestock operations within Iron County would be severely impacted by the introduction of another predator. He also noted the location of cabins and residences in rural areas that could be impacted with the introduction of wolves.

After comments and recommendations were heard, Alma Adams made a motion to adopt Resolution 2012-1 as presented. Second by Dan Webster.

IRON COUNTY, UTAH

RESOLUTION 2012-1

February 27, 2012

**A RESOLUTION SUPPORTING DE-LISTING OF GRAY WOLVES AND
OPPOSING ESTABLISHMENT OF MEXICAN WOLVES IN UTAH**

WHEREAS, Iron County is a rural county within the State of Utah and enjoys a diverse population of big game that is important for recreations and to the local economy; and

WHEREAS, Iron County also depends on livestock as a major agricultural interest that is also important to the local economy; and

WHEREAS, reintroduction efforts of gray wolves in Idaho, Montana, and Wyoming, and of Mexican wolves in Arizona and New Mexico has resulted in diminished big game herds and

has caused sever hunting limitations in those states and likewise negatively impacted livestock operations; and

WHEREAS, wolves in the surrounding states are steadily moving towards Utah and threatening to negatively impact big game populations and livestock.

NOW THEREFORE BE IT RESOLVED , Iron County supports efforts by the U.S. Congress to de-list Rocky Mountain gray wolves from the Endangered Species Act and place management thereof under the state departments of agriculture and state wildlife agencies; and

BE IT FURTHER RESOLVED, Iron County opposes any and all efforts to establish Mexican wolves in Utah, and supports state management and control of any Mexican wolves that may enter into Utah from surrounding states.

Passed and adopted by the Board of County Commissioners of Iron County, Utah this 27th day of February, 2012

IRON COUNTY BOARD OF COUNTY COMMISSIONERS

Dale M. Brinkerhoff, Chairman

ATTEST:

David I. Yardley, Iron County Clerk

VOTING:

Dale M. Brinkerhoff Aye
Alma L. Adams Aye
Dan L. Webster Aye

ENOCH CITY'S COMMUNITY COVENANT PROGRAM :

Rob Dotson, Enoch City Manager, presented a request for financial and physical support for the Enoch City Covenant Program which is designed to provide community support for military personnel deployed to overseas areas. In particular to support the Utah National Guard and the 2/222 Bn located in Southern Utah. Enoch will host an event on March 24 between 8:00 a.m. and 2:00 p.m. at the Enoch Elementary School. Mr. Dotson requested a donation of \$500.00 from Iron County to help with the costs involved with the event. He also requested a Commissioner to participate in the program.

Alma Adams made a motion to approve a budget amendment to add \$500.00 funding to the Enoch City Covenant Program and to appoint Dan Webster as the County Commission representative. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

SETTLEMENT AGREEMENT DESERET GENERATION & TRANS. COOP:

A proposed settlement agreement has been negotiated Deseret Generation and Transmission Cooperative, Utah State Tax Commission, Property Tax Division of the Utah State Tax Commission, and Uintah, Carbon, Daggett, Duchesne, Emery, Iron, Kane, Millard, Sanpete, Utah, Wasatch Counties. The County Attorney has recommended approval and requested authorization from the Commission to sign the settlement agreement.

Alma Adams voiced concerns with the Centrally Assessed procedure and the effect it has on local property values and taxes. Alma made a motion to approve authorizing the County Attorney to sign the settlement agreement in behalf of Iron County. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

TAX MATTERS - TAX DEFERRAL REQUESTS :

Links Enterprises, Inc. owner Glenn Links requested by mail a tax deferral on Tax Account number 0356144, Serial Number E-0859-0002-0000, All of Sec 16, T31S, R15W, SLB&M. Mr. Links proposed to complete paying the delinquent tax before June 1, 2012 but later than the annual tax sale. Dan Webster made a motion to approve a tax deferral agreement with Links Enterprises, Inc. to allow for the complete payment of \$5,762.34 in taxes, interest and penalty. Also to authorize the County Attorney to draft an agreement for signatures. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Lucy Ricci, also applied for a tax deferral on property account number 0012424, serial number A-0504-0003-0002-25, a mobile home located at 1435 W 200 S # 26, Parowan, Foothills Subdivision, Lot 26, Blk 2. Ms. Ricci indicated that due to medical expenses, fixed income and financial hardship she had not been able to get the total delinquency paid. Dan Webster made a motion to approve a one time tax deferral for Lucy Ricci as requested with payment to be brought current by March 1, 2013 and to authorize the County Attorney to draft an agreement for signatures. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ARTHUR TAIT SERVICE CONTRACT AS AN RS-2477 CONSULTANT :

An agreement for professional services between Iron County and Arthur Tait as an RS-2477 road consultant was presented for approval. Alma Adams made a motion to approve the agreement. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Vicki Nielsen presented RAP training to the Commission regarding worker safety. Employees have a million excuses or reasons for not working safely. None of which are accurate, legitimate, or reasonable. On average 5,000 employees die and over 3.7 million employees suffer disabling injuries every year. Most of these employees or at least the fortunate ones that live offer the poorest excuses.

She reminded employees that there are no legitimate excuses for not following all safety rules and if they believe a rule should be changed or is inappropriate then encourage them to talk to their supervisor.

In previous weeks, we learned that 85-98% of all accidents are caused by the unsafe acts of employees. Based on this fact, the County, as well as, every employee has responsibilities to prevent losses and injuries.

PERSONNEL MATTERS _____ :

Vicki Nielsen presented a Sheriff Department justification request to replace two openings in the patrol division. Dan Webster made a motion to approve the workforce justifications to replace two vacancies in the patrol division. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki also presented a request to transfer Kerrie Turill from Deputy Sheriff's patrol division to Corrections. Dan Webster made a motion to approve the transfer of Kerrie Turill to Corrections as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented for approval a new hire, Tyler Rogers, as a part-time Evidence Technician in the Sheriff's Department to fill an open position. Dan Webster made a motion to approve the hiring of Tyler Rogers as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented a request from the Ambulance Department to fill promote Devin Lauritzen from part time to full time Paramedic, filling an open position. Dan Webster made a motion to approve the promotion of Devin Lauritzen from part time to full time Paramedic. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

A request from the County Attorney to promote Tyler Romeril, Deputy Attorney III to Deputy Attorney IV was approved on a motion by Dan Webster. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

A request from the Weed Department to approve the workforce justification to hire two (2) seasonal workers was approved on a motion by Alma Adams. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented a request from the Road Department to promotion, Dan Evans to lead maintenance worker to fill an open position. Alma Adams made a motion to approve the promotion of Dan Evans as requested. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

CELL PHONE MATTERS _____ :

Jared Wilson came before the Commission to review cell phone issues as a recall item from a previous meeting. He presented cell phone reimbursement requests from Department Supervisors. Two requests were tabled to allow time for more information on needs. Terry Palmer and Stephanie Furnival were requested to provide more detail on the need for a data plan for their phones. Dan Webster made a motion to approve cell phone requests as presented excepting Terry and Stephanie. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

BOARD APPOINTMENTS _____ :

Planning and Zoning Commission: Dan Webster made a motion to appoint Kendall Cripps and Brandon Hunter to a three year term which will expire in 2015 to the Planning Commission Board to replace Ken Esplin and Craig Jones. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Merit Service Commission: Names were suggested for appointment to the Merit Service Commission to replace two members who have resigned. Thomas Biller and Don McGurk were appointed to a term on the Merit Service Commission on a motion by Alma Adams. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN _____ :

The meeting was adjourned at 2:00 p.m. on a motion by Alma Adams. Second was by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
March 12, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 12, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Jared Wilson	IT Director
Charles Morris	Parks Recreation Emergency Services
Maria Twitchell	Tourism Director

SYNOPSIS :

ADJOURN 5

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BOARD OF EQUALIZATION 3

CEDAR CHEST QUILTERS GUILD 2

KANARRAVILLE TOWN REQUEST 3

MATT DOUGDALE 5

PERSONNEL MATTERS 4

PLEDGE OF ALLEGIANCE 1

PROPOSED PERSONNEL POLICY AMENDMENTS 5

PUBLIC HEARING PRELIMINARY & FINAL PLAT SUBDIVISION 2

RAP TRAINING 4

REPORTS 1

TAX MATTERS 3

VALLEY VIEW MEDICAL CENTER 2012 UPDATE 3

WATER SOURCE PROTECTION EVELYN WEBSTER GIRL’S CAMP 4

PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Jared Wilson.

APPROVAL OF MINUTES February 27, 2012 :

Minutes of the Iron County Commission meeting held February 27, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Maria Twitchell reported that the Transient Room Tax (TRT) was up 14% over the same period, January, February 2011. This is a good sign considering the mild winter and the closure of SR 14. She also reported that a change in Utah Summer Games format to bring participants from Idaho, Wyoming and Nevada will result in the season being spread out to accommodate more people. Water polo is scheduled to begin in April in Cedar City.

Maria also reported that a kiosk is being installed at the mouth of Cedar Canyon explaining the road closure and available alternate routes to access Cedar mountain.

Charlie Morris reported that fourteen Iron County representatives attended emergency preparedness training in Emmitsburg, Maryland. The training focused on earthquake response training. A County preparedness exposition will be conducted April 14 from 10:00 a.m. to 4:00 p.m. at Festival Hall in Cedar City. It will be open to the public.

Charlie also requested authorization to purchase twelve new 800 MHZ radios that are out of warranty but never been out of the box. The cost is half of the price of new radios with warranty. The Commission authorized the purchase as recommended.

Jared Wilson reported that the IT budget looks like it is severely in the red due to license fees coming due during the first quarter of the year. This is planned and when spread over the year will equalize and will not go over. Jared also reported that Iron County is beta testing software for Tyler. It will give the County a step up in implementing the new software changes especially with the Assessor's program.

CEDAR CHEST QUILTERS GUILD :

A group from the Cedar Chest Quilters Guild came before the Commission to request a set fee for the use of the Cedar City Senior Center. They explained that the majority of participants are senior citizens and the Guild made a substantial donation to the building of the new addition. At the present time they are not allowed to access or use the space in the new addition. They also pointed out the numbers of quilts donated to the senior citizen center which are stored in the basement of the Cedar Senior Center.

After requesting a set fee for use of the building, the Commission tabled the request to allow time to discuss the matter with the Senior Citizen Coordinator, Connie Lloyd, and to properly notice the proposed action.

PUBLIC HEARING PRELIMINARY & FINAL PLAT SUBDIVISION :

Alma Adams made a motion to open a public hearing to receive comments on the proposed Iron Springs Industrial Park Phase 1 Subdivision. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Steve Platt commented on the proposal submitted by Richard Peterson to develop a five parcel subdivision near the Y at SR 56 and Iron Springs Road. He explained the north portion of the belt way North of SR 56.

Richard Peterson commented on the hold up of the development of his subdivision without a firm decision on the extension of the belt route. The County needs to designate the route so that development can proceed.

Chad Nay commented that this route appears to be the preferred route to avoid turning problems with large trucks accessing SR 56 to Iron Springs Road, especially from the 5700 West belt being developed from the Kanarrville exit.

After all public comments were received the public hearing was closed and Alma Adams made a motion to table action for two weeks to allow time to solidify the preferred route from SR

56 to Iron Springs Road. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

BOARD OF EQUALIZATION :

Alma Adams made a motion to convene as the Board of Equalization to review and accept or deny annual statements for continued property tax exemptions and new applications for property tax exemptions. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene Lowder presented a list of proposed exemptions. She explained that several requests were not returned before the filing deadline and others did not meet the minimum qualifications for exemption. The Board approved the applications for exemptions on a motion by Alma Adams for qualifying applicants and tabled action on those that have filed late giving an additional week to submit an application with all documentation. These will be considered at the next Commission meeting. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

KANARRAVILLE TOWN REQUEST :

Kanarraville Town, David Ence, came before the Commission to request approval to permit and host vendors at the annular eclipse site for a one (1) day event on May 20, 2012. It is anticipated that this event will bring between 2,000 and 5,000 visitors to the area which NASA has designated as the premier viewing site in the United States. After reviewing plans for sanitary services, crowd control, parking, etc. Dan Webster made a motion to approve the request and authorize Kanarraville Town to issue vendor permits for the one day event. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

VALLEY VIEW MEDICAL CENTER 2012 UPDATE :

Jason Wilson, Scott Monroe, and Reed Sargent representing Valley View Medical Center gave the Commission an update on activities and community service provided by Valley View. They reported that the hospital provided. Charity care was up 25% over the previous year. Baby deliveries were down 7% over the previous year. They also reported that the hospital wrote off 3.5 million in bad debt that is not included in the charity care figures.

They reported on Valley view expansions in the Cancer Center which should be completed on the near future. They reported that a new doctor will be assigned to the Parowan clinic starting in July. Dr. Branson will be joining the staff at Valley View

TAX MATTERS :

A tax deferral request from Kent Jensen and Jennifer Hendricks for Canyon Ridge P.U.D., Lot 3 was presented for approval. Mr. Jensen explained that they were in the process of getting their finances in order to clear delinquent accounts but were unable to pay the outstanding amount prior to the May tax sale. Alma Adams made a motion to approve a tax deferral agreement for Kent Jensen and Jennifer Hendricks for Canyon Ridge P.U.D. Lot 3 for not more than one year. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Geri Norwood questioned how often a developer or property owner could come before the Commission requesting a deferral. The Commission stated that no policy has been adopted at this time and each case will be handled separately.

WATER SOURCE PROTECTION EVELYN WEBSTER GIRL'S CAMP:

A request from the Church of Jesus Christ of Latter Day Saints to approve a water source protection area surrounding springs serving the Evelyn Webster Girls Camp was approved on a motion by Alma Adams. Second by Dan Webster with a note of family name but not a relative. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Vicki Nielsen presented RAP training on defensive driving. According to the National Safety Council, on average in the United States:

Approximately 45,800 people are killed in traffic crashes every year (about 125 people every day).

2.4 million people are injured in motor vehicle collisions every year.

Statistically, in your lifetime you will be involved in a collision about every ten years.

Most driving errors are determined by choice. You as the operator of the vehicle make a conscious decision to drive properly or improperly.

The second training explained that safety is no accident. About 10,000 employees are injured every day, 365 days a year. When we hear that a co-worker was injured, we immediately ask, "What happened." 85-95% of the time, the injury resulted from of an unsafe act, a conscious decision to violate a safety rule or work practice.

Safety is no accidents. We make choices every day, these choices often determine whether we are injured or increase our level of safety awareness. Many companies that engage in very hazardous work go millions of man-hours without a single injury. How is this possible? Those companies have instilled the value that safety is no accident; safety is the result of our choices and actions.

PERSONNEL MATTERS :

Vicki Nielsen presented a request from the Assessor's office to approve a promotion for Kyle Adams to Appraiser Trainee. Dan Webster made a motion to approve the promotion of Kyle Adams as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki also presented a request to approve Seasonal Biological Technician's, Jessica Van Woeart and Brent Frankland. They will function as prairie dog technicians for the summer season. Alma Adams made a motion to approve Jessica Van Woeart and Brent Frankland as prairie dog technicians for the 2012 season. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

A Council on Aging request to replace the open Activities Director position with Kelly Cahill, in the Parowan Center was tabled to allow time for a complaint to be investigated on a motion by Dan Webster. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma

Adams, Aye; Dan Webster, Aye.

The Recorder, Deborah Johnson, requested approval of the promotion of Carri Jeffries, to fill the open Office Manager Position. Alma Adams made a motion to approve the promotion of Carri Jeffries as requested. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

The Recorder also requested to fill the open Deputy Recorder position with Adele Lloyd. Alma Adams made a motion to approve the hiring of Adele Lloyd as a Deputy Recorder. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented a request from the Road Department to approve a justification for a replacement Mechanic in the Road Department. The position is vacant due to the resignation of the previous Mechanic. Alma Adams made a motion to approve the justification to fill the vacant Mechanic position in the Road Department. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PROPOSED PERSONNEL POLICY AMENDMENTS :

Vicki Nielsen and Carrie Christiansen presented proposed amendments to the Iron County Personnel Policy Sections 2, 18, and 42. The proposed amendments affect time accounting to avoid paying over time for leave time taken during a single pay period. It has been the practice in some Departments to approve vacation, work and overtime shifts within the same pay period resulting in paying for hours not worked at overtime rates.

The Commission discussed adding a cap on sick leave accrual at 480 hours or the FMLA cap. They were in favor of allowing current employees with more than 480 hours to retain their accrued sick leave hours but to cap them at the current level

After reviewing the proposed changes and making suggestions to clarify the policy, Alma Adams made a motion to tentatively approve the amendments with the provision that the proposed changes be submitted to Departments for comment and then returned to the agenda for final approval. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

MATT DOUGDALE :

Matt Dougdale met with the Commission to explain the progress in funding the new State office building for Public Safety. The financing has been approved by the Permanent Community Impact Fund Board. The next step is to adopt resolution authorizing the Municipal Building Authority of Iron County, Utah to proceed with financing the project. Two resolutions will be presented at the next Commission meeting setting out the parameters of the bond and providing a public comment period.

ADJOURN _____ :

The meeting was adjourned at 2:45 p.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
March 26, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 26, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Chad Nay	Zoning Administrator/Building Inspector
Steve Platt	County Engineer
Neil Forsyth	Road Supervisor
Jaren Scott	Landfill Supervisor

SYNOPSIS :

ADJOURN	7
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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES March 12, 2012 :

Minutes of the Iron County Commission meeting held March 12, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Chad Nay reported that building permit numbers level for the past three years. There are some indications that construction is starting to pick up again. Chad reported on steps taken to

make sure constructions sites are maintained and that trash is put into appropriate containers. Also that sanitation facilities are available on site. The action takes should alleviate concerns with construction site maintenance with neighbors.

Steve Platt reported on progress in addressing concerns with Shoal Creek and Holt's Canyon flooding issues in the Escalante Valley. An agreement has been reached with Washington County and with some of the affected property owners. Steve also reported on progress with the RS 2477 road litigation. The State is proceeding with a notice of intent to sue however negotiations continue in Iron County to resolve the issues surrounding designating County rights of way. Steve discussed additional projects and work schedule for the coming summer season.

Neil Forsyth reported on Road Department activities. He expressed concern with fuel prices as they are near \$4.00 per gallon now with an expected rise this summer to near \$5.00. Prices are also rising for tires and other consumable supplies.

Neil reported that work is progressing on 2200 North in Parowan valley between the Day Lane and 2200 West which is scheduled to be oiled this summer. There is a concern with road width and damage done to existing fences however repairs should be made before the road is ready to oil.

Jaren Scott reported on Landfill and Solid waste collection citing the same concerns with fuel and tire prices. Jaren reported on equipment purchases budgeted this year. A loader is scheduled to be delivered in early May and a pickup should be delivered within two weeks. Jaren also reported that a radio system is being installed at the Landfill to allow employees operating in the pits to have radio access to other employees. Currently there is not a system that allows for communication from the pit areas.

ROAD DEPARTMENT BID OPENINGS :

Bids were opened for the purchase of a 2012 model Road Grader. Two bids were submitted and opened with results as follows:

Honnen Equipment for a John Deere	\$240,901 less \$26,000 Trade	\$214,901
Century Equipment for a Caterpillar	\$241,790 less \$30,000 Trade	\$211,790

Dan Webster made a motion to review the bids to make sure they meet the specifications and to award the bid to the low bidder. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Bids were also opened for chip seal oil for 2012 Season. Two bids were received for multiple oil types. Bids were submitted from Paramount Petroleum Company and Mountain States Asphalt Company. The bids were referred to Neil Forsyth and Alma Adams for review and approval of the low bid for each type oil specified on a motion by Alma Adams. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RESOLUTION 2012-2 DESIGNATING 5700 WEST AS THE BELT ROUTE :

The Commission reviewed the following resolution and explained the need to specify a route from SR 56 to the Iron Springs Road to provide guidance in development of the area.

Steve Platt, County Engineer discussed whether the designation should include a belt route past Iron Springs Road, alternative routes and future development of a northern belt route to connect to I-15 at Cedar North interchange, a future interchange at Enoch, or connect to the Summit exit. After reviewing options, the Commission determined that it would be in the best interest to designate only the route from SR 56 to Iron Springs at the present time.

Resolution 2012-2 was presented and approved on a motion by Dan Webster. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

**IRON COUNTY
RESOLUTION NO. 2012-2**

**A RESOLUTION DESIGNATING 5700 WEST, CEDAR CITY, UTAH AS THE
BELT ROUTE FROM SR 56 TO IRON SPRINGS ROAD, IRON COUNTY, UTAH**

WHEREAS, the Iron County Commission recognizes that long term planning is necessary for the continued development of the Cedar Valley belt route connecting I-15 Kanarrville exit to the Iron Springs Road; and

WHEREAS, the Iron County Commission is aware that citizens are desirous to develop their private property between SR 56 and Iron Springs Road ; and

WHEREAS, the Iron County Commission is aware that without a designated route between SR 56 and Iron Springs Road that final property lines, road access and utility easements cannot be designed and developed; and

WHEREAS, it is in the best interest of Iron County to designate a route to provide for the safe and efficient flow of traffic between SR 56 and Iron Springs Road and to provide property owners with direction on road right of way requirement and setbacks;

NOW THEREFORE, BE IT RESOLVED, by the Iron County Commission that 5700 West, Cedar City is the designated belt route between SR 56 and Iron Springs Road.

APPROVED AND ADOPTED this 26th day of March 2012.

IRON COUNTY COMMISSION

Dale M. Brinkerhoff
Commission Chair, Iron County

ATTEST: _____

David I. Yardley, Iron County Clerk

APPROVED AS TO FORM:

Michael Edwards, Deputy Iron County Attorney

BOARD OF EQUALIZATION :

Dan Webster made a motion to convene as a Board of Equalization to review and approve or deny any annual statements for continued property tax exemptions which were given an extension to file an exemption statement until 5:00 P.M., March 21, 2012 which were not submitted by the March 1, 2012 filing deadline. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene Lowder reported that all delinquent applicants have responded except the Cedar City Congregation of the Jehovah's Witnesses. The application of Advanced Athletics was questioned as to the level of charitable use. It was also noted that the land and building are owned by different entities.

After reviewing the applications and information provided, Alma Adams made a motion to approve the application of Advanced Athletics, Diamond Z English Shire Foundation and the First Baptist Church. The motion also included a denial of the Cedar city Congregation of the Jehovah's Witnesses for the 2012 year. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

The Board of Equalization was adjourned and the Commission meeting reconvened on a motion by Alma Adams. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

COOPERATIVE LAW ENFORCEMENT AGREEMENT US FOREST SVC:

A proposed amendment to an agreement between Iron County and Dixie National Forest for law enforcement on the Dixie National Forest within Iron County identified as agreement number 11-LE-11040700-022 modification number 4 which will add additional funding to Iron County was presented for approval. Dan Webster made a motion to approve the agreement as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Vicki Nielsen presented RAP training pointing out that safety is an every day responsibility. Staff learned the importance of working safely everyday. A worker is injured, suffers a disabling injury or is killed in the workplace every few seconds 365 days a year in the United States. "Will today be the day?" Every day is a beautiful day; it holds promise, opportunity for greatness and success. However, each day in the workplace also holds countless

opportunities to suffer skin ripping, bone crushing, back cracking, and life altering injury. “Will today be the day?”

Don’t let today be the day. Always follow safe work practices, and remember that nothing you do is worth getting hurt. With your attention, care and respect for safety, neither this nor any other day will be the day for you.

The second week training pointed out housekeeping issues in safety. Most accidents result from multiple causes, and one cause involved in many instances of mishap and injury is that the area was messy, slippery, or piled with materials, which prevented normal operations. Cleanliness- good housekeeping- is one of the basic elements of accident prevention.

Good housekeeping doesn’t just make a workplace look nice. It helps prevent accidents. Facilities with poor housekeeping often have the worst OSHA compliance records. Good housekeeping eliminates many accidents, falls, fires, and injuries caused by materials and waste left out or not stored properly. A neat work area is more efficient, easier to move around, and just more productive. Workers need to maintain order in their own work areas; this includes cleaning work surfaces and putting tools and other materials away in their proper storage places.

PERSONNEL MATTERS :

Vicki presented a request from the Road Department for approval of a Master Mechanic Job Description. Alma Adams made a motion to approve the job description for a Road Department Master Mechanic. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki also presented a request to replace an open maintenance position in the Road Department with Walker Corry. Dale Brinkerhoff asked if current employees were given any preference when applying for a job opening in a different department. Vicki answered that no preference is given to current employees. Alma Adams made a motion to approve the hiring of Walker Corry as requested. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki also presented a request from Sheriff’s Department to approve a position justification to replace open Bailiff position. She noted that Dennis Anderson, a current Bailiff is retiring. Dan Webster made a motion to approve the position justification as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented for approval Kellen Hudson to Replace open Bailiff position. This is a part time position which will fill the vacancy left by Dennis Anderson’s retirement. Dan Webster made a motion to approve Kellen Hudson as a part time Bailiff. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

CLOSED SESSION :

Alma Adams made a motion to convene in closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

for adoption of a resolution of the Municipal Building Authority of Iron County, Utah (The “Authority”) establishing the officers of the authority; authorizing the issuance and sale of not more than \$3,500,000 aggregate principal amount of lease revenue bonds; delegating to certain officers of the authority the power to approve the final terms and provisions of the series 2012 bonds within the parameters set forth herein; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period; authorizing the execution by the authority of a master resolution, an annually renewable master lease agreement, and other documents necessary for the issuance of the bonds; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters.

After reviewing Municipal Building Authority of Iron County, Utah Resolution MBA 2012-1, Dan Webster made a motion to adopt the resolution as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN AS MUNICIPAL BUILDING AUTHORITY :

After all business concerning the Municipal Building Authority of Iron County, Utah Dan Webster made a motion to adjourn and reconvene as the Iron County Commission. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PRAIRIE DOG MATTERS :

The Commission reported that a meeting with the Department of Interior, Utah DWR, Paragonah Mayor, Parowan City Mayor, Enoch City Manager, Cedar City Mayor, Garfield County Commission and Wayne County Commission being sponsored by Senator Hatch’s office will be held tomorrow. The purpose of the meeting is to identify problems with managing the Utah prairie dog population in southern Utah, especially in sensitive areas such as cemeteries, airports and other public gathering places. A proposal will be presented to allow Utah DWR to take over management of the prairie dog recovery effort.

BUILDING USE DISCUSSION :

The Commission discussed a proposed use rental rate for County facilities. The rate will be established for use by groups such as the Quilter’s Guild use of the Cedar City Senior Center. The matter will be discussed with Connie Lloyd and other building supervisors to establish a rate.

ADJOURN _____ :

The meeting was adjourned at 2:00 p.m. on a motion by Alma Adams. Second was by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
April 9, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 9, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dale Brinkerhoff.

APPROVAL OF MINUTES March 26, 2012 :

Minutes of the Iron County Commission meeting held March 26, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Reed Erickson introduced Bill Brannon as the newly hired UPDRIP coordinator. Mr. Brannon then spoke of his experience with the US Forest Service as a District Supervisor in the Shasta National Forest in California. He also taught at Shasta college in Redlands California for the past four years.

RAP TRAINING :

Vicki Nielsen presented training on emergency action plans. An emergency action plan (EAP) is a written document required by OSHA establishing instructional procedures for the different types of emergencies likely to occur at work. Emergencies include, but are not limited to fires, bomb threats, civil disturbances, and medical emergencies. The plan describes procedures employees should take for each type of emergency and outline the evacuation procedures when evacuation is required. If history has taught us anything, it has taught us that in

today's society, every employer should plan and be prepared to handle workplace emergencies. In Utah, workplace emergencies have included catastrophic medical incidents, chemical releases, earthquakes, tornados, major fires, and episodes of crime and violence, e.g., employee shootings.

She also presented training on thinking of safety first. Staff was trained to understand that they have taken unnecessary risks; risks they would NOT allow other family members to take

Ever wonder why we don't look out for ourselves in the same vigilant manner that we do our children. As parents, we monitor our children's actions and activities closely. We require our kids to: wear helmets when riding a bike; wear seatbelts in the car; wear sun screen when playing outside; hold our hands when crossing a busy street. If we see our child driving carelessly or in an unsafe manner, don't we immediately correct them? Of course we do, we do it to protect them. Yet, we have a million excuses for not following the same rules that are intended to protect us. Bottom line, if it's right for our children, it's right for us. Safety is not just for kids.

PERSONNEL MATTERS :

Vicki Nielsen and Carrie Christiansen discussed with the Commission amendments to Iron County Personnel Policies & Procedures the following sections; Section 2 - compensation, Section 18 - work hours, and Section 42 - time accounting guidelines. The proposed changes were in response to concerns with pay and time accounting in regards to payroll. Because all County departments were not familiar with the proposed changes, Vicki and Carrie were requested to explain to Department Supervisors the proposed changes prior to adoption by the Commission. The matter was tabled to allow for additional information obtained in the meeting with Department Supervisors.

Vicki reported that the Council on Aging received a funding reduction from the State which has resulted in the loss of two positions. She requested approval of the reduction in force, due to funding cuts of Goldie Pailles, Cook and Charles Lauer, Assistant Cook in the Council on Aging. Dan Webster made a motion to approve the RIF as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki presented a request from the County Attorney's office to approve a promotion for Ann Marie McIff from Deputy Attorney III to Deputy Attorney IV. Ms. McIff has met all of the qualifications for the promotion and the promotion has been included in the budget. Dan Webster made a motion to approve the promotion of Ann Marie McIff from Deputy Attorney III to Deputy Attorney IV. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC HEARING AMENDMENT TO GENERAL PLAN AND ZONE CHANGE:

Dan Webster made a motion to open a public hearing to receive comments concerning a proposed amendment to the Iron County General Plan, a tier change from Tier II and IV to Tier III, a zone change from Industrial and Agricultural 20 to SPA (Specially Planned Areas), and a development agreement on property is located within Township 35 South, Range 12 West, SLB&M. Requested by Three Peaks, LLC. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Chad Nay, Zoning Administrator, introduced the proposed changes and the proposed golf community plan. He introduced Matt Stone as the developer representative and Ray Whitchurch as a representative of IBI Group, the design firm for the development.

Ray Whitchurch introduced the project which he explained involved 854 acres with the development being divided into ten villages. The first phase would include development of the equestrian center and other phases would follow. The project would start development in 2015 if approval is granted.

David Miller commented on water issues. He questioned whether water was available and the amount of water that would be needed to operate the golf course. The developers responded that culinary water would be supplied by the Central Iron County Water Conservancy District and a system was being designed to utilize "gray water" for irrigation purposes on the golf course.

After all public comments were received Dan Webster made a motion to close the hearing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Reed Erickson then explained the procedure in approving the proposed changes after which Dan Webster stated that finding the Three Peaks Golf Community, Iron County, Utah complies with the Iron County General Plan, he moved the Iron County Commission amend the Iron County General Plan and change the Tier from Tier II and Tier IV to Tier III. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Dan Webster then stated that finding the proposed application of the Three Peaks Golf Community, Iron County, Utah complies with the Iron County General Plan and Zoning Ordinances, I move the Iron County Commission change the zone from Industrial and Agriculture 20 to SPA which permits the development of a village within a Tier III. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Dan Webster then stated that finding the proposed application for the Three Peaks Golf Community, Iron County, Utah complies with the Iron County General Plan and Zoning Ordinances, (Section 17.42.040) I move the Iron County Commission adopt the proposed Development Agreement and attached Master Plan and development requirements and regulations and authorize the Commission Chair to sign the development agreement. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC HEARING AMENDING PARKS AT DEER HOLLOW SUBDIVISION :

Dan Webster made a motion to open a public hearing to receive comments on a request to amend the Parks at Deer Hollow Subdivision plat map to include Phase 1A and Phase 1B, requested by Keystone Developers. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Reed Erickson explained the request in behalf of Keystone Developers. The purpose of the change is for tax and letter of credit reasons. Because of the downturn in the housing market the lots have not sold as anticipated. The change will allow for financing to be deferred on the phase 1B until the market turns around. There will not be any change in public rights of way or in streets or lot lines.

After all public comments were received, Alma Adams made a motion to close the public hearing. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Alma Adams then stated that there is good cause to approve the proposed amendment to the plat, that no public street, right of way or utility infrastructure will be affected. He then made a motion to approve the amendment to The Parks At Deer Hollow Subdivision plat to include The Parks At Deer Hollow Phase IA and The Parks At Deer Hollow Phase IB. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

TAX MATTER DEFERRAL REQUEST :

A request for deferral of taxes by Stephen R. Brown on multiple parcels of property scheduled for tax sale this year was presented to the Commission. Alma Adams made a motion to approve the deferral request and to approve the tax deferral agreement as presented. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC COMMENTS _____ :

Deneen Carthy, representing an unnamed citizens group, commented on a report of an elected official saying “they have no boss” when asked who was over them. She said the group is requesting a citizens over site committee to supervise elected officials and to have a board that can respond to complaints about County Department operations. She has spearheaded the group in response to an incident with her son in which he was taken from the home by law enforcement due to a domestic situation. She said that it became very hard to get information about her child and the incident reports.

Dennis Cheek commented that he was also concerned with a “no boss” attitude and felt there needed additional citizen over site of elected officials.

Wayne Hall, Mountain Towing, commented that there had been a citizen committee formed by the Sheriff’s office that operated in 2008 to review concerns with towing rotations. To his knowledge it was not still in operation. He stated that the citizens review board should be independent of any government entity over site.

Jeff Morrell also encouraged the establishment of a citizen review board. He commented that he was in a tax deferral agreement and would most likely loose his home next year because of family issues. He also commented that he received a ticket in Iron County and the arresting officer was not willing to listen to any excuses presented.

Kim Melchior commented that he felt a citizen review board would be helpful in having a voice in County management. Departments are not willing to help with some issues presented by citizens and a committee would be an excellent place to voice concerns.

Jeff Hall also made a comment in support of a citizen committee citing a procedure in Florida where a Citizen Committee reviews law enforcement qualifications and complaints.

BOARD APPOINTMENTS :

Council on Aging: Dan Webster made a motion to approve Roy Urie, Doug Maxwell, and Maree Prince to a three year term on the Board of the Council on Aging. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Tourism Board: Dan Webster made a motion to appoint Julie Semish to the unexpired term of Angie Haderlie on the Tourism Board. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

NOTIFICATION OF ANNEXATION REQUEST KANARRAVILLE TOWN :

An annexation petition submitted to Kanarraville town by Todd Lloyd was reviewed. The Commission stated that they were not opposed to the annexation into Kanarraville.

ADJOURN :

The meeting was adjourned at 11:45 a.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
April 23, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 23, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Geraldine S. Norwood	County Treasurer
Deborah B. Johnson	County Recorder

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES April 9, 2012 :

Minutes of the Iron County Commission meeting held April 9, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Gene Adams reported on the County budget through February. He noted a concern with budget figures showing employee benefit expenditures at 19.48% with only 16.67% of the year past. This will be examined to determine if there is an error in calculations. As a whole the budget is within expectations with some annual payments showing as being near yearly

expenditures. The discrepancy can be attributed to the payment schedule.

Geri Norwood reported on tax distributions to entities through March. She also reported that currently there are 205 parcels that will be listed for sale. Property owners will have until May 23 to bring their taxes current to avoid the parcels being auctioned at the annual tax sale. The current list contains sixteen accounts with a value over \$50,000 and includes one restaurant in Cedar City.

Debbie Johnson reported that document filing in the Recorder's office is up over last year in transfer documents, default filings, and trustee transfers. She also reported that a new employee, Adele Lloyd, has started in the office and is working in well.

MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY, UTAH:

Dan Webster made a motion to convene as the Governing Board of the Municipal Building Authority of Iron County, Utah to conduct a public hearing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC HEARING _____ :

The purpose of the public hearing is to receive comments regarding the issuance and sale of not more than \$3,500,000 aggregate principal amount of lease revenue bonds and any potential economic impact that the improvements, facility or property financed in whole or in part with the proceeds of the bonds may have on the private sector, and related matters.

The Commission explained that the purpose of the proposed bond is to construct an office building that will be leased to the State provided the State DFCM can agree on terms with bond repayment, operating and maintenance and other issues. The contracts are to be firmly in place for the life of the complex. The proposed facility will be on County owned property adjacent to the ambulance garage on D L Sargent Drive in Cedar City and will be designed to house Adult Probation and Parole, Utah Highway Patrol, Consolidated Dispatch and possibly the Driver License offices.

There were no additional public comments whereupon Dan Webster made a motion to close the public hearing of the Municipal Building Authority of Iron County, Utah and to reconvene as the Iron County Commission. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC HEARING NOTICE ZONE CHANGE _____ :

Dan Webster made a motion to open a public hearing to receive comments regarding a proposed zone change from R-5 to R- ½ on property described as parcel number D-0597-0004-0000, East ½ of the Northwest ¼ and the Northeast ¼ of the Southwest ¼ of Section 16, Township 35 South, Range 11 West, SLB&M (excluding the West 100'). Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Chad Nay introduced the proposed zone change explaining that the proposal covers approximately 107 acres located on the South side of Midvalley Road and East of Lund Highway. It is adjacent to existing R- ½ zoning and existing development of Sunrise Meadows and Midvalley Estates. The Planning Commission recommended approval of the proposed zone change.

Property owner Russell Reber, BJRB Holdings, LLC and Robert Platt as Engineer were present but did not comment.

Alma Adams made a motion to close the public hearing and to approve the proposed zone change from R-5 to R- ½ as recommended by the Planning Commission. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

BOARD OF EQUALIZATION _____ :

Dan Webster made a motion to convene as the Board of Equalization to review requests by organizations who were denied exempt status and are seeking reconsideration and make a decision regarding their tax status. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Alan Jones, representing the Dixie and Anne Leavitt Foundation renewed the Foundation request for tax exemption as a charitable or educational organization. He explained that the Dixie and Anne Leavitt Foundation own the property and that Southern Utah University leases the property for use by the University for some of their programs. Because both organizations qualify for exemption the property should be tax exempt.

Christene Lowder, Deputy Auditor, explained that it was her understanding that the property must be used by the Dixie and Anne Leavitt Foundation to qualify. It could not be leased to another party and qualify.

Scott Garrett stated that the State Tax Commission has ruled in the past that this property did not qualify for tax exemption. He requested additional time to gather information and to draft an opinion on the tax exempt status. He requested that the matter be tabled to allow additional time to render an opinion.

The matter was tabled on a motion by Alma Adams. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene reported that the Jehovah's Witness church also submitted a tax exemption request after repeated deadlines for filing had passed. Their request has been referred to the State Tax Commission as an appeal.

PRELIMINARY AND FINAL PLAT APPROVAL _____ :

Action on the request of Richard Peterson for the approval of the Iron Springs Road Industrial Park Phase 1 Subdivision located within Section 11, Township 36 South, Range 12 West, SLB&M was recalled. Mr. Peterson noted that in discussions with Iron County Engineer, Steve Platt, that preliminary designs being considered may or may not require a fifty foot right of way from the property. The Commission agreed that if, in the future, the County determines that the full fifty foot right of way is not required the County will follow Utah Code in abandoning a portion of the right of way. In that case the abandoned portion of the right of way is to be returned to Mr. Peterson or current owners of parcels within the subdivision.

Alma Adams made a motion to approve the preliminary and final plat of the Iron Springs Road Industrial Park Phase 1 Subdivision with a note to include the recision provision with the plat approval. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PRAIRIE DOG TAKE REQUEST :

Shem Mackert representing owner Christopher Reid requested take of 7.2 Utah Prairie Dogs and 0.5 acres of habitat for a parcel identified as Lot 17 Equestrian Point Subdivision Phase 9 located at 3467 W 1375 North, Cedar City. Alma Adams made a motion to approve the permanent take of 7.2 prairie dogs as requested. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Brett Taylor presented a request to acquire 10.8 permanent take prairie dogs on 0.4 acres of Lot 7, Equestrian Point Subdivision, Phase 5. After reviewing the request, Alma Adams made a motion to approve the take of 10.7 dogs as requested. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

TAX MATTER :

Michael Anthony Lucero requested a tax deferral for property described as Lot 71, Monte Vista Acres, Unit 2, located at 6570 West 1000 North, Cedar City. He explained that he has been paying about \$300 per week to bring the taxes current but will not be able to complete payments prior to the scheduled tax sale. Alma Adams made a motion to approve the tax deferral agreement as requested and to authorize a notice of tax lien to be filed in the Recorder's office. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Vicki Nielsen presented RAP training for three weeks. Week one training covered office safety. Offices are safe places to work, but many hazards exist which cause thousands of injuries and health problems each year among office workers. Since about one third of the work force is in offices, even a low rate of work related injuries can have a serious impact on employee's safety.

The second training covered "six deadly sins of unsafe behavior." These included: 1. Irresponsibility, not taking responsibility for what you know you should do e.g. follow safety rules or policies; 2. Cluelessness, doing a task or job you are not trained or qualified to do; 3. Tolerance, looking the other way when you see someone working unsafe; 4. Willingness, knowingly and willingly doing something hazardous or unsafe; 5. Procrastination, we'll fix it later; and 6. Carelessness, not paying attention or not thinking before acting.

The third training covered professionalism. As employees' of the County, each of us is an ambassador of the County and our respective office's. the first impression we give the public and coworkers generally determines their attitude toward the organization, our office and us as individuals.

PERSONNEL MATTERS :

Vicki Nielsen presented a request from the Weed Department for Seasonal weed/pest control worker, Lance Hollerman and approval of seasonal weed/pest control worker, Troy Bunker. Alma Adams made a motion to approve the seasonal weed/pest control workers as presented. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Vicki also presented for approval changes to three Iron County Personnel Policies &

Procedures. Section 2 was reviewed and time accounting for public safety was modified to begin on Sunday at 6:00 a.m. and conclude on Sunday at 6:00 a.m. to coincide with shift changes. Comp time was also increased to allow individuals to carry up to 80 hours.

Section 18 was amended to authorize pay for travel time outside regular business hours. This will provide flexibility to Departments for employees traveling to and from training and meetings.

Section 42 did not have additional changes. Dan Webster made a motion to approve amendments to the Iron County Personnel Policy, Section 2, Section 18 and Section 42 as presented and with noted changes. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Section 29 of the Personnel Policy regarding sick leave was also discussed. After meetings with Department Supervisors and assistants it was recommended to leave the policy as written. Department Supervisors should have the ability to monitor sick leave for abuse and the current policy allows for accrual of sick leave to cover medical conditions.

Vicki presented a request from the Road Department to approve the replacement of the Master Mechanic position with Matthew Carter. Alma Adams made a motion to approve the hiring of Matthew Carter as the Master Mechanic at the Road Department. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Connie Lloyd, Council On Aging supervisor, submitted a request for a merit increase request for Senior Center Cook, Allison Dawson and a merit increase for Assistant Senior Center Cook, Colleen Carson. Because two cook positions were recently eliminated because of budget concerns the matter was tabled to allow Connie to attend and explain her request.

The Commission thanked current interim Human Resource Director, Vicki Nielsen for the work she has done since Colette Eppley resigned. Ms. Nielsen has accepted employment at SUU and will be leaving the County. The appointment of an interim Human Resource Director, Christene Lowder was presented for approval with a \$3.89 per hour increase in wage. Dan Webster made a motion to approve the appointment of Christene Lowder with the requested temporary pay increase effective April 30, 2012. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

DUAL EMPLOYMENT REQUEST FOR REVIEW :

Ron Johnson, Ambulance Director requested the Commission to review County Personnel Policy Section 11 regarding dual employment. He explained that there were Deputy Sheriff's and other Department workers that could cover some shifts in the Ambulance Department, especially in the Parowan and Beryl areas. Carrie Christiansen explained that there could be additional concerns with retirement and benefit payments for the additional hours worked. The matter was referred to the County Attorney's office for a legal opinion before action is taken by the Commission.

CEDAR TRAP CLUB REQUEST :

Frank McNabb appeared before the Commission to request permission to mine lead shot from County property known as the shot field of the Cedar Trap Club on Kitty Hawk Drive,

Cedar City. He explained that brush and vegetation would be removed and replaced after the operation. A rodent barrier will also be constructed to prevent prairie dogs from encroaching onto the shot fields. He also requested approval to expand the shot field to the East for the addition of another trap house on Search and Rescue property. The number 1 trap house will be removed so that the shot field does not fall on to adjacent Forest Service property.

Dan Webster made a motion to approve mining of the lead shot in the existing shot fields and to authorize fencing of the shot field area with rodent proof fencing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC COMMENTS :

Scott Jolley, Cedar Chamber of Commerce, reported on a recruiting trip he attended with Brennan Wood to Orlando, Florida and Atlanta, Georgia. They met with representatives of Osborn Wood Products in Tacona Georgia which is looking to expand to the West. He reported that the trip was very productive and that joint efforts in recruiting new industry to Iron County.

ADJOURN :

The meeting was adjourned at 2:10 p.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
May 14, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 14, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Scott F. Garrett	County Attorney
Margaret Miller	Justice Court Judge
Brett Allred	Jail Commander

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Brett Allred.

APPROVAL OF MINUTES April 23, 2012 :

Minutes of the Iron County Commission meeting held April 23, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Brett Allred, Corrections Supervisor, reported that the average daily inmate population at the Jail is 130. Federal prisoners currently housed at the Jail number 13. Negotiations are on going to contract for more State prisoners which will help fill the empty beds on the cell block formerly owned by the State. He also reported that his budget is in line with projections for this time of year.

Scott Garrett, County Attorney, reported that case load is in line to file five hundred felony cases this year. He also reviewed his budget and reported that the budget is in line with projections.

Margaret Miller, Justice Court Judge, reported that a performance survey is being conducted on the Justice Court by the Utah Court Administrators office. She also reported that the citation count is lower than 2011 at this time of year. She stated she was not aware of which agencies were issuing less citations than last year. Ms. Miller reported on staffing levels in the Justice Court and stated that currently the staff is able to handle the case load. One employee that was working and going to college has been replaced by a part time employee with more hours.

CONVENE AS BOARD OF EQUALIZATION :

Alma Adams made a motion to convene as the Iron County Board of Equalization to review appeals of roll back tax assessment. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

APPEAL OF GREENBELT ROLLBACK TAX :

Jared Lucero representing multiple owners of Parcel D-0406-0003-0000, Account 474988 NW 1/4, Section 14, Township 34 South, Range 11 West, SLB&M. by conference call between Blake Brickman and Ron Hardy reported that the property was leased to Mr. Hardy who used the property as livestock pasture and crops. Mr. Brickman requested that the roll back tax for 2004 to 2008 be waived and the green belt applied to those tax years.

Mark Maxfield, State Tax Commission and Cindy Bulloch, Assessor, explained that upon change of ownership the roll back is triggered. The current owners have not filed a new green belt application. They also explained that all of the property owners would be required to sign the application. Currently there are forty one owners in the parcel.

Mike Edwards, Deputy County Attorney, opined that under current code, the property owners do not qualify to change roll back assessments for previous years. The property owners are able to apply for Green Belt for 2013 tax year.

Alma Adams made a motion to accept the County Attorney's recommendation and to deny the request to remove the roll back assessment for previous years. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Lowman Nelson representing 1. Lowman Nelson, Parcel B-1492-0004-0000, Account 490674; 2. ElRoy Nelson Trust and/or Ryan & Summer Cornelius, Parcel B-1492-0003-0000, Account 490673; and 3. Colby Robinson, Parcel B-1492-0002-0000, Account 490672 and B-1492-0001-0000, Account 496071 came before the Commission to request continued Green Belt status on the above referenced parcels.

Mark Maxfield explained that the State Tax Commission conducts audits each year of Green Belt properties to determine if they qualify. He explained that in order to qualify a parcel must have a minimum of five acres in agricultural use. The above referenced parcels have some corrals on one portion but the majority of the property is a gravel pit which has been used to

dump fill. The parcel was excavated to provide road base for I-15 construction. There has not been an effort to convert parcel 1 and 2 to pasture. Each parcel must have the minimum 5 acre agricultural use.

After review and considering action taken by the Commission in 2009, Alma Adams made a motion to approve a one year extension of Green Belt for parcels 1 and 2 and to remove the roll back tax assessed. The property owners will have the one year to bring the parcels into compliance with Utah Code to qualify for Green Belt. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Alma Adams made a motion to cancel the roll back tax on parcel 3 as it is in compliance with Utah Code and qualifies for Green Belt. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Alma Adams then made a motion to adjourn as the Iron County Board of Equalization and reconvene as the County Commission. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

TAX MATTER _____ :

A request to change property from secondary to primary residential designation was presented by William Haligardia on parcels identified as Serial #A-0504-0003-0005-13, Lot 13, Blk 5, Foothills Sub, Sec 22, T34S, R9W, SLBM and Serial #A-0504-0003-0005-14, Lot 14, Blk 5, Foothills Sub, Sec 22, T34S, R9W, SLBM. He explained that he purchased the property in 2007 and this has been his primary residence even though he has been working in a foreign country.

Cindy Bulloch noted that in order to qualify for a primary residence a property owner must submit an application in compliance with Utah State Code. Mr. Haligardia qualifies for 2012 tax year but a retroactive designation cannot be granted.

Alma Adams made a motion to refund the difference between a primary and secondary residence for tax years 2007 through 2011. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

FRISCO PEAK TOWER BID AWARD _____ :

Dennis Johnson presented results of bids to remove the existing TV tower at Frisco Peak. The tower change is necessary to accommodate changes in the way signals are transmitted on the backbone system from Salt Lake City area TV stations. Dennis recommended that the bid be awarded to FAVCOM as the lowest bid. He also recommended that FAVCOM be awarded the second phase, the construction of a new tower at the site.

After reviewing the bid packages, Dan Webster made a motion to approve the FAVCOM bids for phase one and phase two provided an agreement could be reached with the concrete delivery company regarding tire replacement on delivery trucks. Damage is to be limited to not more than one tire per truck. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

BAILIFF CONTRACT AMENDMENTS _____ :

Dan Webster made a motion to approve the Bailiff contract for 2012-2013 FY for Bailiff services at Courts as presented and recommended by the Sheriff. Second by Alma Adams.

Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

COMMERCIAL BUILDING LEASES IN CEDAR CITY :

Robin D. Haight, Canyon View Professional Plaza, LLC and other local business property owners met with the Commission to express concerns with the State contracting with Iron County to construct office space for public safety offices, i.e. Highway Patrol, Adult Probation and Parole, Consolidated Dispatch, etc. They felt there is sufficient empty office space available that the State could house all of these agencies in existing buildings.

The Commission responded that this is not a County call, the State approached the County with a request to construct the office facility to their specifications. The State will sign lease contracts that will guarantee that Iron County taxpayers will not pay from general tax funds for bond payments and operating expenses in constructing and maintaining the office building. The property owners were referred to the State Department of Facilities Construction and Management, DFCM, that is requesting the County to construct the building.

RAP TRAINING :

Christene Lowder presented RAP training on slips, trips, & falls are among the leading causes of injuries to employees and are the second highest workers' compensation claim filed in the U.S. Falls are the third leading cause of work place fatalities. In 2003, work-related slips, trips, & falls accounted for:

1. 696 fatalities
- 2, 257,100 injuries

OSHA, company policy, and several other federal and state regulations require that aisles, passageways, and walkways be kept clean, clear, and in good condition, to the extent the nature of the work allows. Good housekeeping is the most important factor in preventing slips, trips, & falls, as well as a number of other accident types. Every employee is responsible for keeping their work area clean, walkways clear, and for correcting or immediately reporting slip, trip, & fall hazards to the appropriate person.

Christene also presented training on lifting & material handling safety. Back injuries are a major cause of work-related disability and the second most common cause of lost workdays. According to the National Safety Council, 400,000 workers suffer new back injuries each year. One out of five workers experiencing a disabling injury suffers from a back injury. Generally, these injuries are the result of improper lifting methods. These injuries occur everywhere, not just to maintenance staff.

Preventing back injuries and back pain begins with a good safety attitude and thinking about personal safety before performing a lift. Safe lifting techniques, team lifting, and utilization of lifting devices are all effective methods that keep your back healthy and free from injury.

PERSONNEL MATTERS :

Christene Lowder presented for approval as EMT Basic Ambulance workers in Beryl - Linsie Umana, Nathan Jessop, Eric Brinkerhoff; in Parowan - Tom Scholes, LeAnn Carter, Miquelle Jenson, Kurtis Heidenreich, Karley Orton; in New Harmony/Kanarraville- Tim Turpin, Stephanie Jimmerson, Sandra Jimmerson, Linda Pace, Roxanne Hansen. Dan Webster made a motion to approve the hiring of on call EMT Basic employees as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene also presented for approval part time Paramedics in Cedar City, Anthony Miller, and Reagan Welsh. Dan Webster made a motion to approve the hiring of Anthony Miller and Reagan Welsh as part time Paramedics as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Connie Lloyd, Council On Aging Director, came before the Commission to request a pay increase for Senior Center Cook, Allison Dawson and Assistant Senior Center Cook, Colleen Carson. Ms. Lloyd explained that with reductions in funding, two positions were eliminated resulting in the two remaining persons being given additional responsibility and additional hours. Dan Webster made a motion to approve the pay increase for Allison Dawson from \$9.99 per hour to \$11.99 per hour and Colleen Carson from \$8.51 per hour to \$10.26 per hour. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PRAIRIE DOG MATTERS :

In a conference call with John Tanner, Senator Hatch's office, the option to hold a public hearing regarding a change in the endangered species act 4 D rule was discussed. Mr. Tanner suggested that it might be in the County's best interest to request the public hearing. The proposed change would allow for permanent take of prairie dogs in sensitive areas such as cemeteries and airports.

In a conference call with Seth Williams USFWS Denver Office, Mr. Williams explained that by requiring a public hearing, it would delay approval for at least six months and perhaps as long as a year. After reviewing the public hearing procedure, the Commission opted not to request a public hearing to speed the process.

TAX SALE PROCEDURE :

Gene Adams discussed with the Commission the possibility of the County being fined for not recognizing a bankruptcy filing on tax sale properties, even though the County has not been notified. There are options available such as hiring an outside attorney to search bankruptcy filings the day prior to the sale or by placing a disclaimer on tax sale instructions that in case of a bankruptcy filing the sale will be nullified. As the tax sale nears, the Commission recommended the later option and have this provision announced at the sale.

SOUTHERN UTAH MUSEUM OF ART FUNDING :

Funding of a portion of the Southern Utah Museum of Art by Iron County through the Tourism, Recreation, Convention, and Cultural Tax (TRCC) was discussed with Maria Twitchell. The County has pledged up to \$1,000,000 from the TRCC. SUU is requesting a letter stating Iron County's commitment of funds. David Yardley was asked to draft a letter to SUU

stating that Iron County continues to support the project and that funding would be made available during construction. If SUMA chooses, an annual payment can be pledged from the TRCC tax to avoid bonding. In case the County is required to bond, an interest in the project would be required to meet bond holder requirements.

ADJOURN _____ :

The meeting was adjourned at 2:35 p.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY SPECIAL COMMISSION MEETING
May 24, 2012

Minutes of a Special Iron County Commission meeting convened at 9:00 a.m. May 24, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

TAX MATTERS :

_____ STEVE ALBERT CARRIZOSA: appeared before the Commission to request an extension of the tax deferral agreement signed in 2011 for an additional six weeks to allow the taxes to be brought current. He explained that he has experienced severe health problems during the past year with his knee replacement surgery and complications. He also lost his job due to health issues. He further explained that he could pay \$3,700.00 today and would make weekly payments until the balance is paid.

The Commission pointed out that his record shows that he has not made agreed upon payments during 2011 and 2012. They also expressed concern with the non response to correspondence and phone calls from County Officials appraising them of the problems he has been experiencing.

After reviewing the request, Alma Adams made a motion to extend the tax deferral agreement until July 15 and to authorize the County Auditor to remove the parcel from the annual tax sale scheduled for today upon payment of \$3,700.00 to the Treasurer's office and a commitment to make weekly payments as agreed. He further cited ongoing health issues, that this is Mr. Carrizosa's primary residence and the willingness of Mr. Carrizosa to issue a quit claim deed to Iron County to be filed on July 16, 2012 if taxes are not completely paid. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

DAVID A ARMBRUST AND ARMBRUST CONSTRUCTION LLC: was presented with a request to approve a new tax deferral agreement. Mr. Armbrust explained to the County Attorney's office that due to the down turn in the economy he has not been able to meet his obligation agreed upon in 2011. He requested that he be allowed to pay \$1,500 per month with a balloon payment upon the sale of a parcel of property.

Dale Brinkerhoff pointed out that the Armbrust family donated to Cedar City the parcel where the Diamond Z arena is constructed, they also donated a parcel for a flood retention pond in Cross Hollow and provided the fill to construct the Providence Center in Cedar City. He also pointed out that Cedar City has not fulfilled their commitment to the Armbrust family to reclaim

and reseed areas used by the City for City projects on material etc. donated by Armbrust's.

After reviewing the request, Dan Webster made a motion to deny the request due to Mr. Armbrust's failed attempt at fulfilling his agreement from 2011. No payments were made after the agreement was signed, the properties are investment properties and are not Mr. Armbrust's primary residence and there are no health issues known that would warrant a second extension. Second by Alma Adams. Voting: Dale Brinkerhoff, Nay; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN :

The meeting was adjourned at 9:45 a.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
May 29, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 29, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Christene Lowder	Human Resource Director
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SYNOPSIS :

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PUBLIC COMMENTS	4
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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dan Webster.

APPROVAL OF MINUTES May 14, 2012 :

Minutes of the Iron County Commission meeting held May 14, 2012 were approved as amended on a motion by Alma Adams. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

David Yardley, County Clerk, reported on preparations for the upcoming primary election scheduled for June 26, 2012. Absentee ballots have been mailed and are starting to be returned. The State Republican Party has a drive to get as many people as possible to request absentee ballots. This has increased our absentee count significantly.

Christene Lowder, Human Resource Director, reported that an inmate at the Jail had an active case of Tuberculosis which has prompted TB testing of County employees. Jail personnel have taken steps to reduce the risk of transmission to other personnel and inmates. Christene also reported that at the present time there are no vacant job openings being advertised within County Departments.

Dan Webster reported that a breach of the dike at Navajo Lake which is causing the lake level to lower. Different proposals are being studied by Iron County, Kane County and the Forest Service to determine the best way to fix the problem before the fishery at Navajo is lost. One proposal is to repair the existing break and then build a new dike to replace the existing structure. The dike is required to prevent the lake from completely draining through natural lava pipes located in the eastern section of the natural lake bed.

BOARD OF EQUALIZATION :

The Commission convened as the Board of Equalization on a motion by Dan Webster. To review finding of a tabled matter from April 23, 2012 regarding the request for exempt status for parcel B-1016-0000-0000 by the Dixie and Anne Leavitt Foundation for the 2012 tax year. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene Lowder reviewed the request and pointed to the concern with the Dixie and Anne Leavitt Foundation receiving a tax exemption because they are using the facility as a money generating operation by leasing the space to Southern Utah University Foundation for office use.

Michael Edwards pointed out that Utah Code requires the space to be used for charitable purposes to qualify for tax exemption. In this case the building is leased as an income producing property to the Dixie and Anne Leavitt Foundation. He recommended that tax exempt status be denied.

Alma Adams made a motion to accept the Attorney opinion and deny tax exempt status for parcel B-1016-0000-0000 because the property is used as an income producing property. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) :

Dan Webster 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 2012-2013. The project being considered is the remodel and addition of bays at the Beryl Fire Station. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Commissioner Brinkerhoff then opened the second public hearing at 10:00 a.m. Commissioner Brinkerhoff stated that this hearing is being conducted to allow all citizens the opportunity to provide input concerning the project which was applied for under the 2012-2013 Community Development Block Grant Program. The County has included the remodel / expansion of the Beryl Fire Department project in their capital improvement plan and decided to apply for funds on behalf of the Iron County Beryl Fire Department to remodel and add additional bays to the Beryl Fire Station. The Commissioner explained that the application was successful in the regional rating and ranking process. Grant amount applied for was \$300,000 for 2012-2013 project year.

The Commission explained that CDBG stands 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 Beryl area qualifies as a low to moderate income household service area under CDBG guidelines.

Nyal Bosshardt pointed out the need to have the additional bays in the fire station to house water tender vehicles to support fire fighting apparatus in structure fires. He explained that because of the rural area and distance between residences, a community water system or fire hydrant system is not feasible. On a recent fire, water tenders were dispatched from over fifty miles away to support fire fighting equipment.

Marvin Bracken commented on the CDBG process and the required documentation of the proposed project. He stated he was impressed with the thoroughness of the process. He also stated that by completing this project the fire rating for the entire valley should be improved.

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 10:15 a.m.

RAP TRAINING _____ :

Christene Lowder presented RAP training on nutrition. An employee's health and wellness directly relates to employee injuries. A healthy and fit employee is less likely to get injured or ill on or off the job. A healthy person feeling well can focus on the task at hand and therefore is a safer employee.

More than 90 million Americans are affected by chronic diseases and conditions that comprise their quality of life and well-being. Overweight and obesity, which are risk factors for cardiovascular disease, hypertension, diabetes, certain cancers, and other chronic diseases, are more common than ever before. To correct this problem, we must make significant changes in our nutrition, eating habits and lifestyles.

PERSONNEL MATTERS _____ :

Christene Lowder at the request of the Ambulance department supervisor requested that action taken at the last Commission meeting be rescinded. She requested that hiring approval of part time Cedar City Paramedic's, Anthony Miller and Reagan Welsh, granted on May 14, 2012 be rescinded and that Shane Yardley and Jeremy Schultz be approved for hiring as Cedar City part time Paramedics.

Dan Webster made a motion to approve the request to rescind the hiring approval of Anthony Miller and Reagan Welsh, granted on May 14, 2012 be rescinded and that Shane Yardley and Jeremy Schultz be approved for hiring as Cedar City part time Paramedics. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

COYOTE BOUNTY ADMINISTRATION _____ :

The Commission joined a conference call with Leonard Blackham from the Utah Department of Agriculture and Food to discuss a new program for coyote bounty administration. Mr. Blackham explained that the new program will be administered through the Department of Wildlife Resources (DWR) and will require participants to document the location of the kill

along with either the full coyote or a hide and lower jaw of the coyote. There is also a mandatory training that will be required before applying for the bounty. The current bounty of \$20.00 managed by the County will be terminated as of July 1, 2012

There will be three open houses conducted throughout the state with the first being conducted this evening in Cedar City at the Crystal Inn. The program is scheduled to begin on July 1 with payment to be processed by September. Mr. Blackham suggested that the County focus its resources in ariel control of predators which can concentrate on problem areas.

PUBLIC COMMENTS :

David Miller asked if there was a count of people visiting Iron County to view the solar eclipse on May 20. The Commission responded that it was estimated that between 10,000 and 15,000 people were visitors in the County for this event. A firm count is not available because viewing areas were located throughout the County with the main point being Kanarraville.

PRAIRIE DOG MATTERS :

Mike Worthen reported that the Wild Pea Hollow prairie dog field is proceeding with a plan to treat the area with SPIKE, a herbicide used to control brush and because of the extremely dry winter and spring, to treat for cheat grass control in the fall. This should maximize growth of favorable grasses for the reestablishment of the prairie dog colony at the site. It is also planned to dust the area for fleas to help prevent the spread of disease within the prairie dog colony.

APPLICATIONS FOR DRUG & ALCOHOL SCHOOL :

David Yardley explained to the Commission that applications were being accepted to addend the University of Utah School on Alcohol and Drug Dependencies scheduled to be held June 17 through 22, 2012 at the University. The County has sponsored two people in the past with the program matching scholarships making four slots available to attend the training. It is valuable for people involved with teaching or working with individuals with dependency problems.

INSURANCE DISCUSSION :

David Yardley reported on a proposal from Utah Local Government Trust to provide extended liability insurance coverage to Iron County. They have requested time to present their program to replace Utah Counties Indemnity Pool coverage. A copy of their presentation was distributed to the Commission for their review.

It was determined that the County is not interested in changing insurance liability coverage during the coming year and therefor the presentation would not be helpful. This will be relayed to UTLGT with a thank you for an interest in Iron County.

APPROVAL OF DRUG TASK FORCE INTERLOCAL AGREEMENT :

A proposed interlocal agreement between Iron, Garfield, and Beaver Counties along with Cedar City, Enoch City, Parowan City, and Brian Head Town as participants in the Iron, Garfield, Beaver Drug Task Force was presented for approval. Commissioner Adams pointed out a conflict in language between two different sections of the agreement dealing with the distribution of assets on withdrawal from the task force.

After discussing the conflict, Alma Adams made a motion to approve the interlocal agreement with a clarification of the conflicting sections and authorized the Commission Chair to sign the agreement. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN _____ :

The meeting was adjourned at 11:55 a.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
June 11, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 11, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Maria Twitchell	Tourism Director
Charles Morris	Parks/Rec/Emergency Services
Jared Wilson	Information Technology
Ronald Johnson	Ambulance Supervisor

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES May 29, 2012 :

Minutes of the Iron County Commission meeting held May 29, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Maria Twitchell reported that the Transient Room Tax (TRT) was up over 9% over the same period in 2011. She also reported on an information kiosk which has been installed at the mouth of Cedar Canyon explaining the road closure of SR 14 due to a large landslide. The slide has broken a culinary water pipe which is allowing over a million gallons per day to flow into Coal Creek. Cedar City is studying ways to repair the line.

Maria also reported that the annular eclipse drew over 10,000 visitors to Iron County on May 20. The event was advertised as Kanarraville being the best viewing location in the United States. It was visible from the entire County.

Charles Morris reported that there has been a small wild fire at Three Peaks which was apparently ignited from an unattended fire pit. The burn area was limited to about one acre and was extinguished by local fire suppression resources. Charlie also discussed problems at Woods Ranch with pumping rest rooms. The vault toilets were designed to be self cleaning which has not worked. Because of the design, there is not a good access to pump waste from the vaults. He also noted that as the Parks and Recreation Supervisor he has not been able to keep up with necessary maintenance at the recreation areas. Most regular maintenance of rest rooms and picnic areas are contracted out with damage and more complex maintenance left to him.

Charlie also discussed training being done by the Emergency Management employees. Most of his time is spent in training and attending meetings. He noted that Cedar City owes the County \$11,615.00 for reverse 911 contract charges. It is expected that Cedar City will include it in their FY 2013 budget which takes effect July 1.

Jared Wilson reported on computer upgrades at the Landfill and in the Sheriff's Departments. They are in the process of upgrading the surveillance system in the Jail. Bids have been awarded and work should start in the near future. Jared also reviewed the IT budget. It is within the expected range for this time of year with one concern with overtime due to upgrades in different Departments.

Ron Johnson reported that call volume was higher than 2011 at the same time. He also reported that collections were up for the year. Big concerns are with fuel prices, overtime and vehicle maintenance. Ron also discussed call breakdowns. 26% of call are mental related transports, the majority go to Utah Valley, Salt Lake or Ogden.

Ron also reported that the Ambulance Department would be offering free standby at many Summer Games events. The Commission expressed concern with offering coverage without proper compensation for the time and expense involved.

MOU WITH BLM SAGE GROUSE GUIDELINES :

Mike Worthen, Iron County National Resource Specialist, presented a Memorandum of Understanding with the BLM regarding developing national sage grouse guidelines for the BLM and Forest Service. He explained that the agreement is to become a participating agency which will include the County in the planning process. Because this issue is habitat wide and involves all sage grouse habitat, sage brush areas, it could drastically limit use of public lands in the west if the sage grouse is listed as an endangered species.

Alma Adams made a motion to approve the MOU and listing Iron County as a participating agency. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

FIVE COUNTY AOG CONTRACT AMENDMENT WITH COUNCIL ON AGING :

A contract amendment between the Five County AOG and the Council on Aging, Contract No. Iron FY 2012 was presented for approval. Connie Lloyd has recommended approval. After reviewing the agreement, Dan Webster made a motion to approve the contract amendment as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Christene Lowder presented RAP training on incident/accident reporting. Proper accident and incident reporting is important to all of us. If we fail to report a claim in a timely manner, we may be excluded from certain benefits, reimbursement, or insurance coverage's, and possibly subject to civil and/or disciplinary action.

The County's reporting requirements are intended to improve our claims management efforts. These requirements help to improve our customer satisfaction and also reduce the cost of risk to the organization. As mentioned in previous presentations, the cost of risk significantly affects all of us.

If an employee failed to report an injury or automobile accident in a timely manner, the County would not be certain of its responsibility. Third party claims are frequently filed against the organization. And often, these claims allege the organization harmed them in one manner or another, yet if the organization doesn't have knowledge of the event, claims could be paid in error. Conversely, legitimate claims may be denied.

PERSONNEL MATTERS :

Christene Lowder presented a position justification for on call EMT's in the Ambulance Department. Dan Webster made a motion to approve the workforce justification and approve the posting of the available positions. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene also presented for approval four new hire EMT-Basic employees. Brady William, Jared Wenn, Hannah North, and Chase Chappell. Dan Webster made a motion to approve the hiring of the four EMT-Basic on call employees in the Ambulance Department. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene presented a request for approval of vacation hour donations to Bridget Larsen who is recovering from Methicillin-resistant Staphylococcus aureus (MRSA) infection. Dan Webster made a motion to approve vacation donations from County employees to Bridget Larsen. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

CLOSED SESSION :

Dan Webster made a motion to convene in closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual in accordance with Utah Code 52-4 et. seq. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

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

I, Dale M. Brinkerhoff, 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 11th day of June, 2012.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

After reconvening in open session, the Commission announced that no action was needed by the Commission at this time.

ANNUAL TAX SALE RESULTS CERTIFICATION _____ :

Christene Lowder, Iron County Chief Deputy Auditor, present the results of the annual tax sale conducted May 24, 2012 for certification of any or all properties advertised. She reported that 139 properties received bids and 38 received not bids and were struck off to the County. She also pointed out problems with one parcel listed as number 74 which was purchased by Nancy Collier. The parcel was owned by her husband Hal Collier under the name of Habitat 594 Trust. County policy states that individuals are prohibited from bidding on properties owned by members of the same family.

Alma Adams made a motion to approve and certify the results of the annual tax sale except for parcel number 74. This transfer is denied and the parcel will be struck off to the County. The motion also clarified that all parcels know as campsites and Beryl Townsite Subdivision are to be removed from the surplus property list and will remain as County owned parcels because of lot size and other problems. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN _____ :

The meeting was adjourned at 12:05 p.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
June 25, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 25, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
Cynthia Robinson	Deputy County Clerk

Also Present:

Chad Nay	County Zoning Administrator
Neil Forsyth	County Road Supervisor
Steve Platt	County Engineer
Jaren Scott	County Landfill Supervisor
Joyce Evans	Fair Chairperson

SYNOPSIS :

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<u>PLEDGE OF ALLEGIANCE</u>	:

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

APPROVAL OF MINUTES June 11, 2012 :

Minutes of the Iron County Commission meeting held June 11, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Joyce Evans discussed fair issues including grand marshal candidates for the 2012 parade, demolition derby issues with inspections on participating vehicles. There have been some complaints that some participants are not complying with the rules. Joyce also requested and received approval for \$300.00 from the Commission to help pay for a float in the parade.

Chad Nay reported that value of issued building permits is up over \$900,000 over the same period last year. He also reported that zoning complaints are not being worked due to lack of manpower and the number of inspections being performed.

Building maintenance is a major concern. It is keeping one person busy full time to try to keep up with needs. The Visitor Center buildings will need to be re roofed next year. Each wind storm causes more damage and repairs.

Steve Platt reported that the Yankee Meadow road surfacing project is ready to go to bid in July and August. He also reported on other projects including bridge protection, box culvert on 4000 North Cedar Valley, and extending Coal Creek drainage past the waste water treatment plant.

Steve reported on work at the iron mines. The mine has a problem with their wells going dry. There is talk in connecting with Central Iron County Water Conservancy District to supply water. They will be required to run a water line from Monte Vista 2 to the mine along the desert mound road.

Neil Forsyth reported that fuel price is still a concern with budget. The Yankee Meadow road project took longer than expected and that has put other projects behind. He also discussed other projects being worked. Webster Flat road project still on hold because of work on SR 14. Neil explained that because of the dry conditions mowing of roads is on hold until rain lessens the fire danger.

Jaren Scott discussed the landfill fire which has apparently been burning for several years in the construction waste pit. The problem is that the material is so hot when it is exposed to air it explodes into flame. He explained resources being expended in fighting this fire. It is expected to be at least another month to get the fire completely out.

Jaren discussed collection rates and landfill rates per household and per ton disposal rates. He suggested that the County consider a rate change for landfill services.

Jaren also requested permission to take his vehicle home due to the frequent call outs for emergencies and other calls during off hours. Calls are averaging up to twenty per month. The Commission approve the Landfill Supervisor to take his vehicle home due to frequent call outs.

Alma Adams reported on negotiations with the State of Utah and the Bureau of Land Management on the disposition of RS 2477 road issues in Iron County. Negotiations are continuing and all sides seem to be working together to bring a quick solution to this issue without costly litigation. The BLM is pushing the County to acquire Title V which is not acceptable to Iron County.

PUBLIC HEARING PROPOSED ZONE CHANGE FROM A-20 TO I-A :

Alma Adams made a motion to open a public hearing to receive comments on a proposed zone change submitted by Holt Dairy and Escalante Valley Farms. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Chad Nay reviewed the request to change the zoning of property is located in portion of E-1399-1430-0001, Property Account #0192408, the South ½ of the Southeast Quarter of Section 12, Township 36 South, Range 16 West, SLB&M from A-20 Agricultural, to I-A

Industrial Agriculture. The proposed change covers 80 acres. The proposed change will be to expand their current operation to add dry cow and baby calf nursery operations in conjunction with their current dairy operation. The Planning Commission recommended that the proposed change be approved.

After all public comments were received Alma Adams made a motion to close the public hearing and to approve the requested zone change from A-20 to I-A on 80 acres located on serial number E-1399-1430-0001, Property Account #0192408, the South ½ of the Southeast Quarter of Section 12, Township 36 South, Range 16 West, SLB&M . Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC HEARING ORDINANCE 2012-2 :

Alma Adams made a motion to open a public hearing to receive comments on a proposed ordinance 2012-2 amending the county code various chapters and paragraphs eliminating the Board of Adjustments and replacing the Board of Adjustments with an Appeal Hearing Officer. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Chad Nay presented the proposed amendment to Iron County Code as recommended by the Planning Commission.

Reed Erickson explained that the ordinance would eliminate the Board of Adjustments and establishes an appeal hearing officer, selected by the Commission. It amends twelve different sections of the County Code. The hearing officer would have administrative authority, not legislative authority. Appeals would have findings and would be more professional in preparing for a case that could be appealed to the District Court.

Alma Adams commented on page 6 Section I requested that the wording be amended to allow the Commission to remove the appeal hearing officer for any reason, not just for cause.

After all public comments were received Alma Adams made a motion to close the public hearing and to adopt Ordinance 1012-2 with an amendment to page 6, section 7, I Removal to read that contract hearing officer may be removed without cause by the Commission. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

CONDITIONAL USE PERMIT NOTIFICATION FOR A GUEST HOUSE :

Chad Nay gave notice to the Commission of a proposed conditional use permit for property located at 4405 North Driftwood Lane, Cedar City, within Section 14, Township 35 South, Range 11 West, Account #134954, Assessor Parcel Number D-0570-0002-0001. Mark Stewart White is requesting approval to construct a guest home.

PREDATOR CONTROL CONTRACT WITH UTAH STATE :

Gene Adams and Alma Adams explained an amendment to the Utah Department of Agriculture and Food contract #011359, amendment #12, regarding management work plan for predator control and funding. The County will pay \$23,000.00 to the State and the County will be reimbursed \$11,500.00 to be used in ariel control of predator.

Alma Adams made a motion to approve the predator control contract amendment # 12 and authorize payment of the invoice. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

UTAH ASSOCIATION OF COUNTIES DEBT COLLECTION SERVICES :

Cindy Robinson explained that an e mail has been received from UAC offering debt collection services. There are some County Departments that could benefit from using this service to collect unpaid bills. The Commission recommended that the e mail be distributed by the Clerk's office and the item discussed at the next Commission meeting when all elected officials will be meeting with the Commission.

EXTENSION ON PRAIRIE DOG TAKE :

Dan Webster made a motion to approve extended permanent take previously granted on Lot 7 Equestrian Pointe Phase 5 requested by Brett Taylor for Rich and Monica Wood. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

BOARD OF EQUALIZATION :

Alma Adams made a motion to convene as Board of Equalization to consider BOE matters. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

William Johnson's son representing William Johnson, deceased explained request to Rollback Tax Appeal for Property Owned by William C. Johnson. Property Account #0358132, Parcel Number C-0738-0001-0000, Beg at Pt 9*42'53"E Alg Sec Ln 644.59 Ft Fr Sw Cor Sec 33, T 33s, R9W, SLM; N00*17'28"W 1332.58 Ft to S Ln of Fleming Prop; N89*54'46"e Alg S Ln of Fleming Prop 661.32 Ft; S00*17'05"e 1330.30 Ft to S Ln of Sd Sec 33; S89*42'53"w Alg Sec Ln 661.16 Ft to POB; Subj to & Tog W/ 20 Ft Util Ease Alg Each Prop Ln; Excpt Therefr 1.369 Ac Alg E 33 Ft & S 25 Ft of Sd Parcel for Rdways.

Roccie Palmisano testified that as a neighbor the property has had animals and has been planted into some vegetable crops until his health failed.

Cindy Bulloch reviewed requirements for green belt that the property must be used for commercial agricultural gain. Gardens and pet animals do not qualify as agricultural use. The whole parcel must be used for agriculture to qualify.

Mark from Utah State Tax Commission explained that there is currently no agricultural use on this parcel and it appears that it has not been in production for several years.

Alma Adams made a motion to apply roll back for previous five years and abate the three years the property was in compliance with green belt requirements. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

A request to approve the exempt status of a new vehicle purchased by Christ the King Catholic Church was presented by Christene Lowder. Alma Adams made a motion to close the BOE hearing and approve the tax exempt status for a new vehicle purchased by Christ the King Catholic Church. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Christene presented RAP training on sexual harassment. Everyone has the right to be judged and rewarded for their work based on their accomplishments and abilities, and work in an environment free of intimidating, hostile or offensive comments or gestures of a sexual nature.

Sexual harassment is unwanted sexual attention that harms the victim and often the general morale of the county. Sexual harassment is usually intended to make a person feel uncomfortable or to embarrass that person. Unfortunately, sexual harassment is a common occurrence, and claims are on the rise. The cost of sexual harassment cuts across all aspects of the organization, from employee retention to expensive litigation.

She also presented training on behavior based safety. As supervisors and employees we have become too complacent when it comes to safety. Supervisors and managers are generally satisfied with mediocre safety performance and do little to improve safety. Employees are content and are not attentive to safety because they don't have to be; there have been few consequences. The general belief is that "it won't happen here" or "it won't happen to me".

The only time management or employees demonstrate any interest in safety is after a significant loss and even then, safety is merely given lip service for a brief period. Well, guess what, we must change our attitude and our behavior. "It will happen here and it will happen to you".

PERSONNEL MATTERS _____ :

Christene Lowder presented the following on call Kylie Price, Scott Jensen, Jared Gardner and Christina Brinkerhoff as EMT-Basic. Dan Webster made a motion to approve the hiring of the listed on call EMT-Basic employees. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Margaret Miller, Justice Court Judge, and Christene explained that one part time clerk at the Justice Court has resigned leaving a vacancy for a part time 32 hour per week. Justification of the position was reviewed and approved on a motion by Dan Webster. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene presented the name of Leslie Bishop to fill the Human Resource Director position effective July 9, 2012. The position was vacated by the resignation of Colette Eppley and interim director Vicki Nielsen. Dan Webster made a motion to approve the hiring of Leslie Bishop at a salary of \$48,0640 and to extend interim benefits to Christene Lowder through July to compensate for her service as temporary HR Director.

Christene presented salary discrepancy/justification to adjust wages on employees who were either overlooked in 2006 or did not receive correct grade in 2007. John Englestead received a 4% salary increase in 2008 in error. It is proposed to reduce his current salary by 4% to correct the error. Over pay for the period is about \$0.60 per hour since 2008 which at straight time is \$5,864. Where the employee was unaware of the error due to his military leave and where the error occurred in one pay period.

Debbie Johnson pointed out that Adelle Lloyd had a similar error and she was required to pay back to the County the over payment over a one year period.

Alma Adams made a motion to adjust the salary of John Englestead to the correct rate from \$17.14 per hour to \$16.48 per hour and to table the issue of how to correct the over payment from 2008 due to the payroll error. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene also presented errors from 2007 step and grade increases on anniversary date when anniversary dates were changed to January 1 dates.

Carrie Christiansen and Michelle Madsen were hired full time in the interim period and therefore did not receive their merit increase for two years and one and one half years respectfully. Carrie and Michelle should have received a pro rated increase for the interim time when they went from . Michelle Madsen should receive an adjustment to her pay for the period June 8, 2006 through June 9, 2012 with a total adjustment of \$4,525.62 and Carrie Christensen adjusted from November 22, 2005 through June 9, 2012 with a total adjustment of \$6,426.42.

Alma Adams made a motion to approve adjusting the errors and to change their grade to it's correct level for Carrie \$15.218 to \$15.674 and Michelle from \$12.32 to \$12.69 and to pay Michelle \$4,525.62 in a lump sum and Carrie \$6,426.42 in a lump sum to correct the underpayment errors in salary. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene presented for approval of new Utah Retirement System contribution rates for fiscal year 2012-2013. Dan Webster made a motion to approve the new rates as presented effective July 1, 2012. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

TAX SALE RESULT APPROVAL :

Christene Lowder reviewed findings on four (4) properties which were not approved from the May 24, 2012 tax sale due to a possible conflict of interest. The increase is from 11% to 13% for the next year. After review she recommended that the sale be approved for this year and to amend the ordinance to prohibit such bidding in the future.

Alma Adams made a motion to approve the results of the annual tax sale as presented. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

UTAH DEPARTMENT OF NATURAL RESOURCES LAND PURCHASE :

Utah Department of Natural Resources is requesting approval for purchase of property located at 650 N Main, Cedar City in accordance with state law that requires agencies to solicit the support of the local county and member of the legislature presented by Darin Bird and Robyn Pearson, Deputy Directors of DNR.

Dan Webster made a motion to approve the purchase of the Crawford Motor property at 650 N Main Street, Cedar City for future expansion of the Department of Wildlife Resources. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN _____ :

The meeting was adjourned at 12:20 p.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

Iron County Ordinance No. 2012 -2

An ordinance amending various sections of Chapters 8.20 (Nuisances), 15.12 (Flood Damage Prevention), 17.02 (Applicability), 17.04 (Rules for Interpretation of Zoning District Boundaries), 17.08 (Board of Adjustment), 17.12 (Amendments to Iron County General Plan), 17.32 (Scope of Development Approvals), 17.44 (Appeals of the Zoning Administrator Decision for Change in a Permitted Use), 17.64 (Variances), 17.68 (Expansion of a Nonconforming Use), 17.72 (Enforcement), 17.76 (Appeals), of the Iron County Code to eliminate the Iron County Board of Adjustment and to establish an Appeals Hearing Officer as a land use appeal authority; providing for an effective date; and repealing all ordinances in conflict therewith.

WHEREAS, the Iron County Planning Commission (“Planning Commission”) held a public hearing on June 7, 2012 to consider amending the text of Chapters 8.20, 15.12, 17.02, 17.04, 17.08, 17.12, 17.32, 17.44, 17.64, 17.68, 17.72, and 17.76 of the *Iron County Code* eliminating the Board of Adjustment; and

WHEREAS, at its June 7, 2011 hearing, a majority of members of the Planning Commission voted in favor of recommending this ordinance to the County Commission for consideration; and

WHEREAS, after a public hearing on this matter the County Commission has determined that adopting this ordinance is in Iron County’s best interest.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS:

SECTION 1. Within Chapter 8.20 – NUISANCES, the definition of “Hearing Officer” in Section 8.20.010 – Definitions, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows (*all other definitions in this section remain un-amended*):

"Hearing Officer" means the person(s) designated to hear appeals pursuant to this chapter. The hearing officer shall be the designee named by the County Commission. The designee need not be a county employee. The County Commission may also appoint a committee to function as the Hearing Officer.

SECTION 2. Within Chapter 8.20 – NUISANCES, Section 8.20.200 H – Appeals, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

H. Decisions of Enforcement Officer Administrative in Nature. Other than the issuance of criminal citations and the initiation of criminal actions, decisions of the enforcement officer in applying this chapter and Chapter 17.72 by enforcing county zoning and nuisance ordinances are administrative in nature. Final administrative decisions of the enforcement officer may be appealed to the county Appeals Hearing Officer in accordance with Chapter 17.76.

SECTION 3. Within Chapter 15.12 – FLOOD DAMAGE PREVENTION, Section 15.12.140 - Appeals and variances –Board of Adjustment, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

15.12.140 - Appeals and variances—Appeals Hearing Officer.

A. The Appeals Hearing Officer, as established by Iron County, shall hear and decide appeals and request for variances from the requirements of this chapter.

B. The Appeals Hearing Officer shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the commission chairman in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Appeals Hearing Officer, or any taxpayer, may appeal such decisions to the Fifth Judicial District Court in and for Iron County, State of Utah, as provided in Utah Code Annotated.

D. In passing upon such applications, the Appeals Hearing Officer shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with the existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental service during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

E. Upon consideration of the factors of subsection D of this section and the purposes of this chapter, the Appeals Hearing Officer may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Iron County clerk shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

SECTION 4. Within Chapter 17.02 - TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE, Section 17.02.040 E – Applicability, of the Iron County Code, shall be, and hereby are, identified and amended to read as follows:

E. The provisions of this title shall be held to be the minimum requirements necessary to protect the public health, safety and welfare of the citizens of Iron County. Additional requirements may be imposed by the Zoning Administrator, Appeals Hearing Officer, Planning Commission or County Commission to more fully ensure the goals and policies of the Iron County general plan are achieved, the public health, safety and welfare of the residents of the county protected, and the purposes of the Iron County land management code are achieved.

SECTION 5. Within Chapter 17.04 – INTERPRETATION OF REQUIREMENTS AND PROVISIONS, Section 17.04.020 - Rules for interpretation of zoning district boundaries, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.04.020 - Rules for interpretation of zoning district boundaries.

In the event of the need to resolve a dispute pertaining to the boundary or location of a zoning district, the Appeals Hearing Officer shall have the authority and jurisdiction to render a written determination of the applicable boundary for a zoning district. The Appeals Hearing Officer shall take into consideration the following criteria in rendering such determination:

(sub-sections A, B, C, & D remain unchanged)

SECTION 6. Within Chapter 17.08 – ADMINISTRATION, Section 17.08.020 G & H - Board of County Commissioners, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

The Iron County Board of County Commissioners ("County Commission") shall have the following powers and duties: ...

G. To take such other action not expressly delegated to the Zoning Administrator, Planning Commission or the Appeals Hearing Officer that may be desirable and necessary to implement the provisions of the Iron County General Plan and the Iron County Land Management Code.

SECTION 7. Within Chapter 17.08 – ADMINISTRATION, Section 17.08.040 - Board of Adjustment, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.08.040 -Appeals Hearing Officer.

A. Creation.

The position of Appeals Hearing Officer is created pursuant to the enabling authority granted by the County Land Use, Development, and Management Act, Section 17-27a-701 of the Utah Code Annotated.

B. Jurisdiction and Authority.

The Appeals Hearing Officer shall have the following powers and duties in connection with the implementation of this title:

1. Hear and decide appeals from any administrative decision made by the Zoning Administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in Chapter 17.76, “Appeals”, of this title;
2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in Chapter 17.64, “Variances”, of this title;
3. Hear and decide appeals from decisions made by the Planning Commission regarding conditional uses;
4. Hear and decide interpretations of a zoning district boundary line as provided in Section 17.04.020;
5. Hear and decide requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion or enlargement of a nonconforming building or structure;
6. Hear and decide appeals and request for variances from the requirements of chapter 15.12.140 – Flood Damage Prevention; and,
7. Any and all other duties specifically identified in the Iron County Code to be the responsibility of the Appeals Hearing Officer.

C. Routine and Uncontested Matters.

The Appeals Hearing Officer may determine those matters it considers as routine and uncontested to be heard and decided by the Zoning Administrator as authorized by Section 17.64.080.

D. Recommendations.

The Appeals Hearing Officer may recommend to the County Commission and/or Planning Commission revisions to the Iron County general plan and the Iron County land management code.

E. Conflict of Interest.

The Appeals Hearing Officer shall not participate in any appeal in which the Hearing Officer has a conflict of interest prohibited by law.

F. Limitation of Powers.

The Appeals Hearing Officer shall not have power, jurisdiction or authority to consider any of the following:

1. Variances to any of the standards governing approval of subdivisions, site plans, or conditional use permits; or
2. Amendments to the general plan and any element or map thereof or any provision, requirement or map of the Iron County land management code, including this title.

G. Qualifications: The Appeals Hearing Officer shall be appointed by the County Commission. The commission may appoint more than one (1) Appeals Hearing Officer, but only one Hearing Officer shall consider and decide upon any matter properly presented for Hearing Officer review. The Appeals Hearing Officer shall serve at the discretion of the County Commission. The Appeals Hearing Officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

H. Compensation.

The Appeals Hearing Officer may be compensated on a contract basis, based upon meetings actually attended, work done, and reasonable and necessary expenses, as determined by the County Commission.

I. Removal.

The County Commission, at their discretion, may remove the appeals hearing officer with or without receipt of a written complaint filed against the appeals hearing officer. The county commission may provide the appeals hearing officer with a hearing, if requested.

J. Recording Secretary.

The County Commission shall appoint a Recording Secretary to serve the Appeals Hearing Officer. The Recording Secretary shall keep the minutes of all proceedings of the Appeals Hearing Officer, which minutes shall be the official record of all proceedings before the Appeals Hearing Officer,. The Recording Secretary shall maintain all records of Appeals Hearing Officer meetings, hearings and proceedings and handle the correspondence of the Appeals Hearing Officer.

K. Meetings and Hearings.

Meetings and hearings of the Appeals Hearing Officer shall be held as required.

L. Appeals Procedure.

Appeals of administrative decisions to the Appeals Hearing Officer shall be taken in accordance with the following procedures:

1. Filing of Appeal: An appeal shall be made in writing within ten (10) days of the administrative decision and shall be filed with the Zoning Administrator. The appeal shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court.
2. Fees: Nonrefundable application and hearing fees shown on the Iron County consolidated fee schedule shall accompany the appeal.
3. Stay of Proceedings: An appeal to the Appeals Hearing Officer shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination, or interpretation was made unless the Zoning Administrator certifies in writing to the Appeals Hearing Officer, after the appeal has been filed, that a stay would, in the Zoning Administrator's opinion, be against the best interest of the county.
4. Notice and Hearing: Upon receipt of an appeal, the Appeals Hearing Officer shall give notice and hold a hearing on the appeal. Notice shall be given as follows:
 - a. Providing all of the information necessary for notice of an appeal hearing required under this chapter shall be the responsibility of the appellant and shall be in the form established by the Appeals Hearing Officer pursuant to the standards of this subsection.
 - b. Notice by first class mail shall be provided:
 - i. A minimum of twelve (12) calendar days in advance of the hearing;
 - ii. To all owners and tenants of the land subject to the appeal as shown on Iron County geographic information system records; and
 - iii. Within three hundred feet (300') from the periphery of the land subject to the appeal, inclusive of streets and rights-of-way.
 - iv. Mailing labels shall be generated by the city when an appeal is filed using Iron County geographic information system records.
 - c. The County shall give email notification, or other form of notification chosen by the Appeals Hearing Officer, a minimum of twelve (12)

calendar days in advance of the hearing to any organization entitled to receive notice pursuant to Chapter 17.08 of this code.

d. The notice for any hearing shall generally describe the subject matter of the appeal; the date, time and place of the appeal hearing; and the place where the record of the appeal may be inspected by the public.

e. At least twelve (12) calendar days in advance of the appeal hearing the County shall publish a notice of such hearing in a newspaper of general circulation in Iron County.

f. A hearing pertaining to an appeal from a decision of the Planning Commission shall be limited to the appellant and the respondent who may present legal argument based on evidence in the record.

5. Standard of Review:

a. The standard of review for an appeal, other than as provided in Subsection b of this Subsection 5, shall be de novo. The Appeals Hearing Officer shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the decision below.

b. An appeal from a decision of the Planning Commission shall be based on the record made below.

i. No new evidence shall be heard by the Appeals Hearing Officer unless such evidence was improperly excluded from consideration below.

ii. The Appeals Hearing Officer shall review the decision based upon applicable standards and shall determine its correctness.

iii. The Appeals Hearing Officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.

6. Burden of Proof: The appellant has the burden of proving the decision appealed is incorrect.

7. Action by the Appeals Hearing Officer: The Appeals Hearing Officer shall render a written decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the administrative decision. A decision by the Appeals Hearing Officer shall become effective on the date the decision is rendered.

8. Notification of Decision: Notification of the decision of the Appeals Hearing Officer shall be sent by mail to all parties to the appeal within ten (10) days of the Appeals Hearing Officer's decision.

9. Record of Proceedings: The proceedings of each appeal hearing shall be recorded on audio equipment. The audio recording of each appeal hearing shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the Appeals Hearing Officer. Copies of the tapes of such hearings may be provided, if requested, at the expense of the requesting party. The Appeals Hearing Officer may have the appeal proceedings contemporaneously transcribed by a court reporter.

M. Appeals.

Any person adversely affected by a final decision made by the Appeals Hearing Officer may file a petition for review of the decision with the District Court within thirty (30) days after the decision is rendered.

N. Stay of Decision.

The Appeals Hearing Officer may stay the issuance of any permits, approval, or order

based on its decision for thirty (30) days or until the decision of the District Court in any appeal of the decision.

SECTION 8. Within Chapter 17.08 – ADMINISTRATION, Section 17.08.060 – Staff Support, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.08.060 - Staff support.

The staff of the Iron County department of planning and building shall perform the planning functions of the county and shall provide support on all amendments to the general plan and the land management code and all applications for development approval, permits, licenses and appeals and shall perform all such other functions as may be requested by the County Commission, the Planning Commission and Appeals Hearing Officer, as authorized. Other county offices and staff shall provide additional support and assistance to the board of County Commissioners, Planning Commission and Appeals Hearing Officer, as required.

SECTION 9. Within Chapter 17.08 – ADMINISTRATION, Section 17.08.070 - Meetings and public hearings, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.08.070 - Meetings and public hearings.

All meetings and hearings of the County Commission, Planning Commission and Appeals Hearing Officer shall comply with the provisions of this title and the Utah Code. At least fourteen day notice shall be provided for all public hearings required by this title. The applicant shall be required to pay the cost for the county to provide the required notice to all property owners and public entities.

SECTION 10. Within Chapter 17.12 - AMENDMENTS TO THE COUNTY GENERAL PLAN, ZONING ORDINANCE AND LAND MANAGEMENT CODE,

Section 17.12.010 A (Amendments to Iron County general plan—General procedures), of the Iron County Code, shall be, and hereby are, identified and amended to read as follows:

A. A proposed amendment to the Iron County general plan may be initiated by any property owner, any person residing in the county, any business owner, the County Commission, Planning Commission, Appeals Hearing Officer or the county staff by filing an application for a general plan amendment.

SECTION 11. Within Chapter 17.32 – DEVELOPMENT APPLICATIONS AND PROCEDURES, Section 17.32.030 I (Application forms), of the Iron County Code, shall be, and hereby are, identified and amended to read as follows:

I. Application to the Appeals Hearing Officer;

SECTION 12. Within Chapter 17.32 – DEVELOPMENT APPLICATIONS AND PROCEDURES, Section 17.32.060 - Development application—Initiation, of the Iron County Code shall be, and hereby are, identified and amended to read as follows:

An application for a required development approval, permit or license shall be initiated by submitting the appropriate application(s) to the county. All applications are to be processed in accordance with the provisions of this title. All applications including:

application for general plan amendment, including text and map amendments; application for land management code amendment; application for preliminary and final site plan approval; application for preliminary and final subdivision plat approval; application for conditional use permit approval; application to the Appeals Hearing Officer; and application for appeal shall be presented to the county at least thirty days prior to consideration by the Board of County Commissioners, Planning Commission or Appeals Hearing Officer, whichever is applicable.

SECTION 13. Within Chapter 17.32 – DEVELOPMENT APPLICATIONS AND PROCEDURES, Section 17.32.070 - Determination of application completeness, of the Iron County Code, shall be, and hereby are, identified and amended to read as follows:

17.32.070 - Determination of application completeness.

After the receipt of an application, the Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is incomplete, the Zoning Administrator shall notify the applicant in writing, identifying the deficiencies of the application, including any additional information which must be provided and advising the applicant that no action will be taken by the county until the deficiencies have been corrected. Determinations of completeness made by the Zoning Administrator shall be reviewed by the Appeals Hearing Officer if the applicant considers the determination to be in error.

SECTION 14. Within Chapter 17.32 – DEVELOPMENT APPLICATIONS AND PROCEDURES, Section 17.32.100 A (Scope of development approvals), of the Iron County Code, shall be, and hereby are, identified and amended to read as follows:

A. Except as otherwise provided, the rights conferred by a development permit upon the filing of a complete application and approval by the County Commission, Planning Commission, Appeals Hearing Officer or Zoning Administrator shall be limited to those rights granted in the applicable provisions of this title and the land management code and any conditions attached to the development permit.

SECTION 15. Within Chapter 17.32 – DEVELOPMENT APPLICATIONS AND PROCEDURES, Section 17.32.130 – Inspections, of the Iron County Code, shall be, and hereby are, identified and amended to read as follows:

17.32.130 - Inspections.

In order to review information relevant to an application, permit or license, the Zoning Administrator, Planning Commission, Appeals Hearing Officer or County Commission may, at any reasonable time and for any proper purpose, and upon the permission of the owner, enter upon any public or private premises and make an inspection thereof.

SECTION 16. Within Chapter 17.44 – REVISIONS TO APPROVED DEVELOPMENT PERMITS AND CONSTRUCTION PLANS AND PERMITS FOR A CHANGE IN A PERMITTED USE, Section 17.44.030 - Appeal of Zoning Administrator decision for minor revisions, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.44.030 - Appeal of Zoning Administrator decision for minor revisions.

Any person aggrieved by a decision of the Zoning Administrator concerning a decision for a minor revision may file an appeal of the Zoning Administrator's

decision with the Appeals Hearing Officer, with a minimum of seven days notification provided by the Zoning Administrator to members of the Planning Commission and County Commission. The Zoning Administrator shall forward all materials and records on the matter to the Appeals Hearing Officer.

SECTION 17. Within Chapter 17.44 – REVISIONS TO APPROVED DEVELOPMENT PERMITS AND CONSTRUCTION PLANS AND PERMITS FOR A CHANGE IN A PERMITTED USE, Section 17.44.060 - Appeal of the Zoning Administrator's decision for change in a permitted use, of the Iron County Code, shall be and hereby is, identified and amended to read as follows:

17.44.060 - Appeal of the Zoning Administrator's decision for change in a permitted use.

Any person aggrieved by a decision of the Zoning Administrator in the review and approval of a request for a change in permitted use may file an appeal of the Zoning Administrator's decision with the Appeals Hearing Officer with at least seven days notification provided by the Zoning Administrator to members of the Planning Commission and County Commission prior to BOA consideration. The Zoning Administrator shall forward all materials and records on the matter to the Appeals Hearing Officer.

SECTION 18. Within Chapter 17.44 – REVISIONS TO APPROVED DEVELOPMENT PERMITS AND CONSTRUCTION PLANS AND PERMITS FOR A CHANGE IN A PERMITTED USE, Section 17.44.070 – Standards for use interpretations, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.44.070 – Standards for use interpretations.

The following standards shall govern the Zoning Administrator, and the Appeals Hearing Officer on appeals from the Zoning Administrator, in issuing use interpretations:

- A. Any use defined in Chapters 17.16 and 17.20 of this title, shall be interpreted as defined;
- B. Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;
- C. No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;
- D. No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;
- E. If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to Chapter 17.28 of this title; and

F. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.

SECTION 19. Within, Chapter 17.64 – VARIANCES, Section 17.64.010 - General, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.64.010 - General.

Where the Appeals Hearing Officer finds that an unreasonable hardship may result from strict compliance with the provisions of this title, the Appeals Hearing Officer may approve variances to the requirements of this title so that substantial justice may be done and the public interest secured, provided that the variance shall not have the effect of nullifying in any way the intent and purpose of this title.

SECTION 20. Within, Chapter 17.64 – VARIANCES, Section 17.64.020 - Standards, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.64.020 - Standards.

The Appeals Hearing Officer shall not approve a variance unless, based upon the evidence presented, it finds that all of the following provisions apply:

- A. Literal enforcement of the zoning district provisions of this title would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of the zoning district or this title. The Appeals Hearing Officer shall not render a finding of unreasonable hardship unless the applicant has demonstrated that the hardship is located on or associated with the property for which the variance is sought and is peculiar to the property rather than conditions general to the immediate area. In addition, the alleged hardship must be found to be related to size, shape or topography of the property for which the variance is sought. No finding of unreasonable hardship shall be made if the alleged hardship is self-imposed or economic;
- B. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances shall be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district;
- C. The variance is essential to the enjoyment of a substantial property right possessed by other property in the district;
- D. The granting of the variance will not substantially affect the goals, objectives, policies or standards of the Iron County general plan and will not be contrary to the public interest;
- E. The spirit of the requirements and provisions of this title will be observed and substantial justice done.

SECTION 21. Within, Chapter 17.64 – VARIANCES, Section 17.64.030 - Conditions, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.64.030 - Conditions.

In approving any variance, the Appeals Hearing Officer may require such conditions regarding the location, character and other features of the proposed structure or use as will, in its judgment, mitigate any harmful or negative effects of granting the variance and secure substantially the purposes of this title. The Appeals Hearing Officer may require a guarantee or bond to ensure that the conditions imposed will be followed. These conditions shall be expressly set forth in the Appeals Hearing Officer's order granting the variance. Violation of

any condition or limitation on the grant of a variance shall be a violation of this title and shall constitute grounds for revocation of the variance.

SECTION 22. Within, Chapter 17.64 – VARIANCES, Section 17.64.060 – Use Variance, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.64.060 - Use variance.

The Appeals Hearing Officer and any other person or body may not grant use variances.

SECTION 23. Within, Chapter 17.64 – VARIANCES, Section 17.64.080 – Routine and uncontested matters, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.64.080 - Routine and uncontested matters.

Pursuant to the County Land Use Management and Development Act, Utah Code, this section is provided to enable routine and uncontested matters, as designated by the Appeals Hearing Officer, to be determined administratively by the Zoning Administrator by following the provisions of this section.

A. Designation of routine and uncontested matters. The Appeals Hearing Officer may identify matters brought before it as routine and uncontested and provide guidelines which the Zoning Administrator shall follow in deciding a matter identified as routine and uncontested.

B. Procedures for Review and Determination.

1. An application for a routine and uncontested matter shall be filed with the Zoning Administrator.
2. The application must include the signatures of approval of all abutting property owners in a form provided by the Zoning Administrator.
3. If the signatures of all abutting property owners cannot be obtained by the applicant, the Zoning Administrator shall refer the item to the Appeals Hearing Officer for determination.
4. If the required signatures are provided, the Zoning Administrator may approve, approve with conditions, deny, or refer the item to the Appeals Hearing Officer for a determination.
5. All decisions of the Zoning Administrator will be maintained on file in the office of the Appeals Hearing Officer secretary.

C. Appeals. Any person aggrieved by a decision of the Zoning Administrator in a determination of a routine and uncontested matter may appeal the decision to the Appeals Hearing Officer pursuant to the provisions of this title.

SECTION 24. Within, Chapter 17.68 – NONCONFORMING USES, Section 17.68.020 – Expansion of a nonconforming use, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.68.020 - Expansion of a nonconforming use.

A. A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration and further use of such property conforms to the requirements of this title for the zoning district in which such property is located.

B. A building or structure occupied by a nonconforming use, or a building or structure nonconforming as to height and/or yard requirements, may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the Appeals Hearing Officer which may issue, provided that the Appeals Hearing Officer, after the hearing, shall find:

1. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title and shall be in keeping with the intent of this title;
2. That the proposed change does not impose any unreasonable burden upon the lands and residents located or residing in the vicinity of the nonconforming use or structure.

SECTION 25. Within, Chapter 17.68 – NONCONFORMING USES, Section 17.68.100 – Appeal, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.68.100 – Appeal.

Any person adversely affected by a final decision made by the Zoning Administrator determining the status of a nonconforming use or noncomplying structure may appeal the decision to the Appeals Hearing Officer in accordance with the provisions of Chapter 17.76 of this title.

SECTION 26. Within, Chapter 17.68 – NONCONFORMING USES, Section 17.68.110 – Termination by amortization upon decision of Appeals Hearing Officer, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.68.110 – Termination by amortization upon decision of Appeals Hearing Officer.

The Appeals Hearing Officer may require the termination of a nonconforming use, except billboards, under any plan providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of the owner's investment in the nonconforming use, if any, as determined by the Zoning Administrator. The Appeals Hearing Officer may initiate a review for amortization of nonconforming uses upon a petition filed by the Zoning Administrator, in accordance with the following standards and procedures and consistent with the County Land Use, Development, and Management Act, Title 17, Chapter 27a, of the Utah Code Annotated and shall mail written notice to the owner and occupant of the property:

A. Initiation of Termination Procedure: Appeals Hearing Officer review of a use determined to be nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization plan for termination of the use, shall first require a report from the Zoning Administrator to the Appeals Hearing Officer. The Zoning Administrator's report shall determine the nonconforming use, provide a history of the site and outline the standards for determining an amortization period.

B. Notice to Nonconforming User: Upon receipt of the report of the Zoning Administrator, recommending the establishment of an amortization plan for a nonconforming use, the Appeals Hearing Officer shall mail the report and plan to the owner and occupant(s) of the nonconforming use, giving notice of the

Appeals Hearing Officer's intent to hold a hearing to consider the request in accordance with the standards and procedures set forth in Chapter 17.08 of this title.

C. Appeals Hearing Officer Review: The Appeals Hearing Officer shall hold a noticed hearing within a reasonable time, following the procedures established in chapter 17.08 of this title, on the request for amortization of the nonconforming use. Upon the conclusion of the hearing, the Appeals Hearing Officer shall determine whether the nonconforming use should be amortized within a definite period of time.

D. Standards for Determining Amortization Period: The Appeals Hearing Officer shall determine the appropriate amortization period upon the consideration of evidence presented by the Zoning Administrator and the owner of the nonconforming use that is sufficient to make findings regarding the following factors:

1. The general character of the area surrounding the nonconforming use;
2. The zoning classification and use(s) of nearby property;
3. The extent to which property values are adversely affected by the nonconforming use;
4. The owner's actual amount of investment in the property on the effective date of nonconformance, less any investment required by other applicable laws and regulations;
5. The amount of loss, if any, that would be suffered by the owner upon termination of the use; and
6. The extent to which the amortization period will further the public health, safety and welfare.

E. Appeal: Any person adversely affected by a final decision of the Appeals Hearing Officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

SECTION 27. Within, Chapter 17.72 - ENFORCEMENT, the definition of "Hearing Officer" in Section 17.72.010 – Definitions, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows (*all other definitions in this section remain un-amended*):

"Hearing Officer" means the person(s) designated to hear appeals pursuant to this chapter. The Hearing Officer shall be the designee named by the County Commission. The designee need not be a county employee. The County Commission may also appoint a committee to function as the Hearing Officer.

SECTION 28. Within, Chapter 17.72 – ENFORCEMENT, Section 17.72.140 – Reconsideration/revocation of approvals, permits and licenses, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.72.140 - Reconsideration/revocation of approvals, permits and licenses.

Notwithstanding the procedures outlined in this chapter, an approved development application, permit or license may be reconsidered and revoked by the Zoning Administrator, the Planning Commission, the Appeals Hearing Officer or board of County Commissioners in accordance with the procedures set forth in Section 17.72.150 of this chapter if it is determined that the application, decision, permit or license was based on materially inaccurate or incomplete information.

SECTION 29. Within, Chapter 17.76 – APPEALS, Section 17.76.010 – Administrative decisions – Zoning Administrator, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.76.010 - Administrative decisions—Zoning Administrator.

A. Except as provided in this chapter or county ordinance, decisions of the Zoning Administrator in applying the provisions of this title, or decisions of the enforcement officer in applying Chapters 8.20 and 17.72 by enforcing county zoning and nuisance ordinances, may be appealed to the Appeals Hearing Officer by filing an application and all necessary materials within thirty days of the date of the Zoning Administrator's decision.

B. Following receipt by the Appeals Hearing Officer of an appeal of a decision by the Zoning Administrator, the Appeals Hearing Officer shall give notice and schedule a public hearing. Following the hearing and the submission of all necessary and relevant information, the Appeals Hearing Officer shall render a decision on the appeal.

C. The Appeals Hearing Officer shall provide a copy of the board's decision by mail to all parties to the appeal within fourteen days of the appeal Hearing Officer's decision.

SECTION 30. Within, Chapter 17.76 – APPEALS, Section 17.76.020 –Board of Adjustment decisions, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.76.020 - Appeals Hearing Officer's decisions.

Any person aggrieved by a decision of the Appeals Hearing Officer may, within thirty days after the decision is made, present to the district court a petition specifying the nature of the appeal and the grounds on which they are adversely affected.

SECTION 31. Within, Chapter 17.76 – APPEALS, Section 17.76.030 – Planning Commission decisions, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.76.030 - Planning Commission decisions.

Any person aggrieved by a decision of the Planning Commission may be appealed to the Appeals Hearing Officer within thirty days of the date of the decision specifying the nature of the appeal. All final decisions of the Planning Commission concerning conditional use applications shall be appealed to the Appeals Hearing Officer .

SECTION 32. General Provision.

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent to omit the existence, definition, and use of “BOARD OF ADJUSTMENT”, or “BOA” throughout the Iron County Code and to add and describe the definition, function and purpose of “Appeals Hearing Officer”. Should other provisions of the Iron County Code conflict with these changes, the codifier is instructed to amend the code, such that the existence and title of “BOARD OF ADJUSTMENT” shall no longer appear in any section of the Iron County Code and shall be replaced with “Appeals Hearing Officer”, and remain consistent with this ordinance.

SECTION 33. Repealer.

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

SECTION 34. Severability.

Should any portion of this ordinance be found for any reason to be 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 35. Effective Date. This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code § 17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 25th day of June, 2012.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Dale Brinkerhoff, Chair

ATTEST:

David I. Yardley,
Iron County Clerk

VOTING:
Alma L. Adams Aye
Dale Brinkerhoff Aye
Dan Webster Aye

IRON COUNTY COMMISSION MEETING
July 9, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 9, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis Johnson	TV Technician
Ryan Riddle	Fire Marshal

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dan Webster.

APPROVAL OF MINUTES June 25, 2012 :

June 25, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

_____ **Leslie Bishop** was introduced as the new Human Resource Director and was sworn in as a new employee by David Yardley, County Clerk.

Dennis Johnson TV Technician reported that the work in replacing the outdated tower at Frisco Peak has been completed. There is additional work to be done to install all equipment. He reported that due to the use of County equipment and personnel. The tower base was over excavated which required an additional eight yards of concrete. Dennis thanked all of the County departments that donated time and equipment to complete the project.

Ryan Riddle County fire officer reported that to date Iron County has experienced twenty one wild land fires. Most have been small and have been quickly extinguished. The one fire known as the New Harmony fire will be accounted for in Washington County statistics because of the point of origin. The fire burned into Iron County and destroyed three primary residences and four secondary residences.

There have been several large fires in Utah that have strained resources and with equipment donations from federal sources with associated costs of transporting equipment to Iron County, the County fire budget will be strained.

Ryan also discussed concerns with the shooting range interface with surrounding BLM property. With several fires in Utah started by stray bullets, it is in the County's best interest to clear a defensible space adjoining the range to prevent an accidental fire from spreading.

UCIP PARTICIPATION REVIEW :

Johnnie Miller, UCIP Chief Executive Officer, came before the Commission to review coverage provided through Utah Counties Insurance Mutual. He presented financial information on the Mutual along with current budget information. Johnnie presented equity information which shows Iron County has \$321,263 equity in UCIP.

Johnnie reviewed growth in property value owned by Iron County which shows a 157% increase from 1998 to present, auto value up 127% increase and the budget shows a 232% average increase over the same period. Total insured value has increased from slightly under 1 million in 1998 to 650 million currently. This could be partially due to accounting requirements under federal law. Currently UCIP provides a 2.5 million liability cap under a claims made policy.

BOARD APPOINTMENT COUNCIL ON AGING :

Dan Webster reported that due to the death of COA Board member, Hazel Jean Robinson, a vacancy exists on the Board. A recommendation from the Council on Aging has been received and Dan Webster made a motion to ask Jack N. Webster to fill the unexpired term of Hazel Jean Robinson. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye. The matter will be recalled for formal appointment to the Board after Mr. Webster has been contacted.

UPDATE FROM SENATOR HATCH'S OFFICE :

Marreen Casper, director of the southern Utah office of Senator Hatch met with the Commission to present an update on Senator Hatch's activities in Washington. The Senator is pushing to get administrative relief from requirement under the endangered species act to manage the Utah prairie dog in sensitive areas. It is a concern that if the matter is done with legislation that unintended amendments could be added to make the situation worse.

She also reported that Senator Hatch is sponsoring legislation in the Senate to repeal the health insurance bill known as Obama Care. The issue was recently presented and an opinion issued by the Supreme Court that the statute is legal in that requirements to purchase individual health insurance is a tax and not an individual mandate.

Marreen also reported that PILT and Secure Rural School (SRS) funding have been approved as an amendment to the highway bill recently approved. This will extend payments for at least one more year. A permanent solution to funding these programs is being studied.

PRAIRIE DOG NON PERMANENT TAKE REQUEST :

A request for non permanent take of five prairie dogs by GENPAK to install utilities between their buildings in Cedar City was approved on a motion by Dan Webster. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Because of the change in the Human Resource Department, RAP training was not conducted this meeting.

PERSONNEL MATTERS :

Leslie Bishop and Christene Lowder presented a position justification for an open job position for part-time Court Clerk replacement. Margaret Miller explained that the position was vacated when the former employee left to accept a full time position. Dan Webster made a motion to approve the justification and approve advertising the position. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene Lowder requested that the Council on Aging position justification for a part-time cook replacement in the Cedar City senior center which had received verbal approval for posting the open position be extended to July 18 to accept applications.

She also requested that the position justification which had received verbal approval be formally approved for a part-time custodian replacement for the Parowan senior center. Dan Webster made a motion to approve the two position justifications for the Council on Aging and to extend the filing deadline to July 18 for the part time cook position. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene presented for approval a new hire for the Sheriff's office for Patrol Deputy Replacements, Jonathan N. Bettridge and Shawn Peterson. The justification was presented and approved in February 27, 2012 Commission Meeting. Dan Webster made a motion to approve the hiring of Jonathan Bettridge effective June 26, 2012 and to table the approval of hiring Shawn Peterson until he is accepted and attends POST training. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Christene presented for approval the request for promotion of Charles Triplett from Patrol Deputy to Corporal in the Sheriff's Patrol Division. The promotion replaces Jeff Malcom who has been transferred to the Drug Task Force. Dan Webster made a motion to approve the promotion of Charles Triplett to Corporal. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

The matter of an error by the County where John Englestead was given a 4% salary increase above what he should have received was recalled for a report from the County Attorney's office. Michael Edwards explained that when Mr. Englestead returned from military active duty he received a 4% increase. Four days later an additional 4% increase was added by

the County in error. Because there was not a way Mr. Englestead could recognize the error it went undetected for four years. The County attorney recommended that since this was a County error, the excess 4% increase be reduced with no requirement that the wages paid in error be repaid to the County.

Alma Adams made a motion to approve the recommended reduction in pay of 4% effective July 1, 2012 for John Englestead and to not require repayment of wages paid due to the County error. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC COMMENTS :

David Miller thanked every one involved with the primary election process and he expressed his thanks for the opportunity to be a candidate for Commissioner. He said that this has been a great learning experience and he looks forward to continued interest in County government.

Cindy Bulloch commented on homes lost during the New Harmony/Kanarraville fire in which several structures were lost including homes. Taxes will be pro rated for 2012 on fire damaged homes to reflect the changes. There will be taxes assessed for the first half of the year.

2012 PRIMARY ELECTION CANVASS :

Results of the primary election held June 26, 2012 were reviewed by the County Board of Canvassers. David Yardley explained procedure and final results including all absentee ballots received as of today, provisional ballots cast at the polls and challenged ballots not included in election night totals. After reviewing election results, Dan Webster made a motion to approve the final results of the 2012 primary election conducted in Iron County. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Absent; Dan Webster, Aye. Results of the election will be attached as part of the minutes.

ECONOMIC DEVELOPMENT ECONOMIC GARDENING STRATEGY :

Brennan Wood, Iron County Economic Development Director, and Wes Curtis, SUU Regional Services Director presented information regarding the Utah Cluster Acceleration Partnership (UCAP) which includes six strategies: 1. Develop a certificate program in entrepreneurship and small business management. 2. Provide a region specific economic data service. 3. Sponsor and host entrepreneurship forums. 4. Develop a small business internship program. 5. Implement an economic gardening demonstration project. and 6. UCAP marketing and outreach.

Mr. Curtis explained the economic gardening project which targets existing businesses that have the capacity and desire to expand into new markets. By utilizing this tool additional job growth can occur within existing and established businesses.

IRON COUNTY ELECTED OFFICIAL roundtable :

A semi annual round table discussion with elected officials was conducted with the following officials present: Commissioner Dale Brinkerhoff, Commissioner Dan Webster, County Attorney Scott Garrett, County Treasurer Geri Norwood, County Auditor Eugene Adams,

County Assessor Cindy Bulloch, County Clerk David Yardley, County Justice Court Judge Margaret Miller, County Justice Court Judge Brent Dunlap, Deputy County Attorney Michael Edwards and Deputy County Recorder Carrie Jeffries. Commissioner Alma Adams and Recorder Debbie Johnson were excused for other commitments.

Items of concern to multiple departments included an emergency alarm system. The IT Department will be contacted and asked to prepare a proposal to provide wireless alarm capability to offices in the Courthouse and possibly in the Justice Center. Other items of interest from each department were presented. No action by the Commission was required.

CDBG GRANT ADMINISTRATION CONTRACT :

A contract for administration of a CDBG grant for an addition to the Beryl Fire Station was presented and approved on a motion by Dan Webster. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Absent; Dan Webster, Aye.

ADJOURN :

The meeting was adjourned at 3:55 p.m. on a motion by Dan Webster. Second was by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Absent; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
July 23, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 23, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Cindy Bulloch	County Assessor
Geraldine Norwood	County Treasurer
H. Eugene Adams	County Auditor
Deborah Johnson	County Recorder

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dale Brinkerhoff.

APPROVAL OF MINUTES July 9, 2012 :

Minutes of the Iron County Commission meeting held July 9, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Cindy Bulloch reported that the assessment roll for 2012 has been completed and submitted to the Auditor. She stated that real property values decreased about 10% county wide with a greater drop in value in the Brian Head area where values dropped near 25%. Cindy also

reported that Renee Gates is no longer working in the Assessor's office due to ongoing health problems. Ms. Gates has worked for Iron County for nineteen years.

Gene Adams reported that because of property value decreases in Brian Head, property owners will see a reduction in property taxes. Centrally assessed values have also increased which could result in a reduction in real property taxes.

Geri Norwood presented a tax distribution report for all entities. She also reported on a special tax sale scheduled for August 23 in which 358 parcels are listed as delinquent. The purpose of the sale is to clear properties recently released from a bankruptcy action. To date no payments have been made on any of the delinquent accounts.

Debbie Johnson reported that document filings in the Recorder's office are averaging 60 per day. Foreclosure filings are down which appears to be a sign the economy has stabilized or at least is not getting worse.

Debbie also discussed the requirement that minor lot splits will now require deeds to convey title on the divided lots and will be filed with the subdivision plat.

Alma Adams reported that the fire at the C and D pit at the landfill has been extinguished. The pit excavation will be left open for one to two years to make sure it does not flare up again.

Dan Webster reported on progress with the dike breach at Navajo Lake. Funding has been secured for a temporary fix. It is anticipated that a temporary repair will be completed by mid September. Dixie will continue with NEPA studies to construct a new permanent dike with an estimated cost of three to five million dollars.

Dan also reported that SR 14 will be open for the 24th holiday and should be open full time around the first week in August. There are still some issues with the slide stabilizing but the project will be completed at least a month ahead of schedule.

HUNTER HOUSE DEDICATION :

Todd Prince, Frontier Homestead State Park Director, presented a formal invitation to the Hunter House dedication scheduled for August 3, 2012. Mr. Prince explained that the house was moved from its previous location on 100 East Center to its present location at the park. It has been a five year project and the restoration is now complete. The Commission thanked Mr. Prince for the invitation and said they would make every effort to attend.

APPEALS HEARING OFFICER APPOINTMENT :

In compliance with Iron County Ordinance 2012-2, a request to appoint Paul Bittmenn, Cedar City Attorney, as the Appeals Hearing Officer for appeals on land use issues was presented by Reed Erickson, County Planner. The Hearing Officer will hear and rule on cases previously heard by the Board of Adjustments which was eliminated with adoption of the referenced ordinance. Alma Adams made a motion to approve Paul Bittmenn as Appeal Hearing Officer for appeals on land use issues. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RESOLUTION 2012- 4 COUNTY CERTIFIED TAX RATE :

Gene Adams presented the proposed certified tax rate for Iron County. He reviewed each fund type and the revenue each fund would generate. After reviewing the proposed certified tax rates, Dan Webster made a motion to approve Resolution 2012-4 adopting 2012 County certified tax rates. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

**IRON COUNTY, UTAH
RESOLUTION 2012-4**

Resolution Adopting Final Tax Rates and Budgets

County: IRON

Tax Year: 2012

It is hereby resolved that the governing body of: IRON COUNTY

approves the following property tax rate(s) and revenue(s) for the year: 2012

Fund/Budget Type	Revenue	Tax Rate
10 General Operations	\$3,718,472	0.001546
30 Library .	\$206,849	0.000086
190 Discharge of Judgement		0.000000
540 Health	\$211,659	0.000088
950 State Assessing & Collecting	\$404,077	0.000168
955 Local Assessing and Collecting	\$1,200,205	0.000499
TOTALS	\$5,741,263	0.002387

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-913 and 29-2-920

Signature of Governing Chair

Signature: _____

Title: Commission Chair

Date: July 23, 2012

RESOLUTION 2012- 5 COUNTY MSA CERTIFIED TAX RATE :

Gene Adams presented the proposed certified tax rate for Iron County Municipal Service District. He also reported that there is not a tax increase anticipated or requested from the District. Alma Adams made a motion to approve Iron County Resolution 2012-5 adopting the certified tax rate for Iron County Unincorporated Area Services District # 2 (Municipal Type Services). Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

**IRON COUNTY, UTAH
RESOLUTION 2012-4**

Resolution Adopting Final Tax Rates and Budgets

County: IRON

Tax Year: 2012

It is hereby resolved that the governing body of: IRON COUNTY UNINCORPORATED AREA SERVICES DISTRICT # 2 (MUNICIPAL TYPE SERVICES) approves the following property tax rate(s) and revenue(s) for the year: 2012

Fund/Budget Type	Revenue	Tax Rate
10 General Operations	\$2,534,900	0.003091
TOTALS	\$2,534,900	0.003091

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-913 and 29-2-920.

Signature of Governing Chair

Signature: _____

Title: Commission Chair

Date: July 23, 2012

BUDGET REVIEW :

Gene Adams, County Auditor, reviewed revenue and expenditure reports through the end of June. He explained a reduction in revenue from traffic school and Justice Court due to the way the State mandates fee schedules. Gene also presented over time reports which reflect time spent in fighting fire with Road and Landfill personnel.

RAP TRAINING :

Leslie Bishop presented RAP training on indoor environmental quality. During the last 20 years, concerns associated with Indoor Environmental Quality (IEQ) have escalated in the American workplace. Virtually every company has experienced some form of IEQ problem or complaint. These problems or complaints stemmed from water damage, contaminants, toxic fumes or vapors, and micro-biologicals, such as mold and fungus. The National Institute for Occupational Safety and Health (NIOSH) investigates many IEQ complaints and found that the problems were caused by ventilation system deficiencies, office overcrowding, off gassing from materials in the office and mechanical equipment, smoke, microbiological contamination, and outside air pollutants. If contaminant concentrations are excessive, IEQ problems can arise, even if the HVAC system is properly designed and well-maintained.

PERSONNEL MATTERS :

Leslie Bishop presented a request the approval for the Hiring of James H. Rasmussen Who will fill the vacancy in the Council on Aging as a Custodian Part-time in the Parowan Senior Center. The position justification was to replace the vacant position was approved July 9, 2012.

Dan Webster made a motion to approve the hiring of James Rasmussen as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Leslie also presented a request from the Assessor to approve a position justification and authorize the replacement of a clerical Deputy Assessor. Alma Adams made a motion to approve the position justification and authorize posting the job vacancy. Second by Dan Webster.

Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

CLOSED SESSION _____ :

Dan Webster made a motion to close the meeting in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

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

I, Dale M. Brinkerhoff, 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 July, 2012.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

After reconvening in open session the Commission reported that no action was required regarding individuals discussed.

PRAIRIE DOG MATTERS _____ :

Dale Brinkerhoff reported that a meeting has been scheduled in Salt Lake City on August 16 to discuss issues with prairie dog management with State and Federal officials. A delegation of officials from Washington DC will be present. It is hoped that a solution to the current problems with management of prairie dogs and the removal from private property can be achieved.

INTERLOCAL AGREEMENT NARCOTICS TASK FORCE _____ :

An amendment to the previously approved Iron/Garfield/Beaver Counties Narcotics Task Force Interlocal Agreement was presented for approval upon the recommendation of the County Attorney and the Sheriff’s Departments. Dan Webster made a motion to approve the agreement as amended and authorize appropriate signatures. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

MUTUAL AID AGREEMENT APPROVAL _____ :

A Mutual Aid Agreement with Cedar City, Parowan, Brian Head, Enoch, Southern Utah University, Garfield County, Beaver County and Iron County for law enforcement was presented

for approval upon the recommendation of the Sheriff and the County Attorney. Dan Webster made a motion to approve the Mutual Aid Agreement and authorize the Commission Chair to sign. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN _____ :

The meeting was adjourned at 11:55 a.m. on a motion by Alma Adams. Second was by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
August 13, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 13, 2012
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Scott F. Garrett	County Attorney
Margaret Miller	Justice Court Judge
Mark O. Gower	County Sheriff
Brad Spencer	Correction Lieutenant

SYNOPSIS :

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dan Webster.

APPROVAL OF MINUTES July 23, 2012 :

Minutes of the Iron County Commission meeting held July 23, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

_____ **Alma Adams** reported that a meeting is scheduled in Salt Lake City regarding

negotiations on RS2477 roads. It is anticipated that representatives from our Federal legislators will be in attendance. He also reported that Forest Service RAC money is available and suggestions on projects to be funded need to be submitted by August 29.

Dan Webster reported that this is the week Fair activities start with mud bog races and Miss Iron County both scheduled for Saturday night. There will be activities each week end through Labor Day. A float is being prepared for County officials.

Brad Spencer reported on booking levels at the Jail. There were 788 bookings during the last quarter which is consistent with the previous year. The average inmate population is 144. The Jail is working to secure additional State contract prisoners to supplement the reduction in Federal contract prisoners. Brad also reviewed staffing levels and training personnel are receiving.

Scott Garrett reported on budget issues in the Attorney's office. He reviewed case load compared to the previous five years. Cases are comparable with previous years with increases in property crimes which may be partially caused by the poor economy. Scott also reviewed eight unresolved lawsuits against the County.

Margaret Miller reported that the case load at the Justice Court is steady. The new digital auto recording system is now in place and operational since July 1 as required by the State Court Administrator's office. Margaret also reported that Marki Jones has resigned as a part time Court Clerk and she recommended Austin Bozelli as her replacement. This item will be discussed in personnel matters.

Mark Gower reported on budget concerns within the Sheriff's Department. He reported that sex offenses are increasing. These type of cases are hard to investigate and consume a lot of time by officers in gathering evidence and preparing to present to the County Attorney. He also discussed a large marijuana growing operation which was dismantled in the Pinto area. These type of operations are also time consuming and labor intensive.

ORDINANCE 2012-3 AMENDING LAND MANAGEMENT CODE :

Dan Webster made a motion to open a public hearing to receive comments on proposed Ordinance 2012-3 amending various sections of the Iron County Code chapters 16.20 (minor subdivisions) and 16.04 (general provisions), adding chapter 16.18 (the one hundred acre minor lot subdivision), and general provisions for the adoption and implementation of these sections; providing for an effective date; and repealing all ordinances in conflict therewith. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Reed Erickson explained that the purpose of the ordinance was to clarify a change in State law that allows larger parcels, at least 100 acres, to split one acre into a separate parcel. The provision provides a one time split. This split does not require a hearing before the Planning Commission or approval of the County Commission. The proposed ordinance differentiates between a minor lot subdivision and a minor subdivision and makes technical changes. The Planning Commission has reviewed the proposed ordinance and have recommended approval by a majority vote.

No additional comments were received whereupon Dan Webster made a motion to close the public hearing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Dan Webster then made a motion to adopt Ordinance 2012-3 as recommended by the Planning Commission. Second by Alma Adams.

IRON COUNTY ORDINANCE No. 2012-3

An ordinance amending various sections of Chapters 16.20 (Minor Subdivisions) and 16.04 (General Provisions), adding Chapter 16.18 (The One Hundred Acre Minor Lot Subdivision), and general provisions for the adoption and implementation of these sections; providing for an effective date; and repealing all ordinances in conflict therewith.

WHEREAS, the Iron County Planning Commission (“Planning Commission”) held a public hearing on June 7, 2012 to consider amending the text of Chapters 16.20 and 16.04 and adding Chapter 16.18, of the *Iron County Code* amending provisions for approving minor subdivisions and the one hundred acre minor lot subdivisions; and

WHEREAS, at its July 12, 2012 meeting, a majority of members of the Planning Commission voted in favor of recommending this ordinance to the county commission for consideration; and

WHEREAS, after a public hearing on this matter the county commission has determined that adopting this ordinance is in the county’s best interest.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS:

SECTION 1. Within Chapter 16.20 – MINOR SUBDIVISION.

Section 16.20.050 – Minor Subdivision Application, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

16.20.050 - Minor subdivision application. The following information is required for a complete minor subdivision application:

- A. A minor subdivision application, provided by the zoning administrator, completed and signed by the owner(s), or authorized agent of the owner(s), of the land proposed to be subdivided.
- B. A plat, complying with the requirements of this chapter of the property proposed to be subdivided with a survey of each lot proposed, prepared by a licensed land surveyor. The minor subdivision plat shall be prepared in pen and the sheets shall be numbered in sequence, if more than one sheet is used and shall be of such a size as is acceptable for recordation in the office of the Iron County Recorder. One mylar copy of the minor subdivision plat shall be presented to the zoning administrator, along with fifteen paper copies. The zoning administrator may request additional copies, if required.

The minor subdivision plat shall show the following:

1. The layout of the proposed minor subdivision at a scale of not more than one inch equals to one hundred feet, or as recommended by the county surveyor;
2. Located at the top and center of the minor subdivision plat the proposed distinct name of the minor subdivision and the section, township, range, principal meridian and county of its location;
3. A title block placed on the lower right hand corner of the minor subdivision plat showing:
 - a. Name and address of owner(s) of record and name and address of the licensed land surveyor responsible for preparing the minor subdivision plat,
 - b. Date of preparation of the minor subdivision plat, and any revision dates;
4. Signature blocks prepared, as required and provided by the county, for the dated signatures of all owners of record of real property contained in the minor subdivision, and the county commission's chair, planning commission's chair, county engineer, county attorney and county recorder. The owner's certificate of consent shall be notarized; include language to convey lots in the minor subdivision, and include a reference to any covenants. The certificate of recording shall provide blanks for recording information;
5. North arrow, graphic and written scale, and basis of bearings used;
6. Tabulation of the number of acres in the proposed minor subdivision, showing the total number of proposed new lots, and the areas of each lot. All proposed lots are to be numbered in a system acceptable to the Iron County Engineer;
7. A vicinity map of the site at a minimum scale of one inch equals to two thousand feet;
8. The legal description of the entire minor subdivision site boundary, and the legal description of each lot in the subdivision;
9. Surveyed boundary of the proposed minor subdivision: accurate in scale, dimension and bearing, giving the location of and ties to the nearest existing two government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. A minor subdivision proposing a lot or lots for agricultural purposes (larger than

twenty acres, and not being created for development purposes, as defined by Section 16.04.060 (A) of this title,) may be described by metes and bounds description, but shown on the minor subdivision plat. A note shall be provided on the minor subdivision plat of such restriction. The names of all adjoining property owners of record shall be shown;

10. As required by the zoning administrator, on the minor subdivision plat or separate map, the topographic contour intervals, not greater than ten feet, for the entire subdivision site;
11. Identification and location of known natural features on the minor subdivision site, including but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, water bodies, flood ways and drainage ways, slopes exceeding thirty percent, and any other natural features as required by the zoning administrator, planning commission or county commission, including a tabulation of the acres in each;
12. The location and dimensions of all existing buildings, existing property lines and fence lines;
13. The location of all existing platted lots within, or contiguous to the minor subdivision site;
14. All existing rights-of-way and easements within the minor subdivision with their name, or purpose, shall be shown. The addresses of all lots one acre or smaller shall be shown;
15. Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water, the location of proposed septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities, if proposed, shall be shown;
16. Location and size of existing and proposed irrigation canals, ditches, and easements, as applicable, and existing and proposed storm drainage improvements for both surface and flood water, including, location, size and depth of storm drainage facilities;
17. Location of existing and proposed power lines and power poles, telephone lines and easements, gas lines and easements, other utilities with necessary easements, equestrian, pedestrian and bicycle trails, existing livestock trails, and any farm areas or open space areas, including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation;

18. Location of all existing drinking water source protection zones located on the subdivision site;
 19. As required by the zoning administrator, located on the minor subdivision plat, the identification of the required minimum building set-back lines for each lot.
- C. A title report shall be provided with the minor subdivision application, prepared by a title company within thirty days of the date of submission of the minor subdivision application.
 - D. Names and addresses of all owners of record of real property adjacent to the land parcel(s) proposed for the minor subdivision.
 - E. A tax clearance from the Iron County treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
 - F. Payment of the nonrefundable minor subdivision application fee, as established by resolution by the board of county commissioners.

SECTION 2. Within Chapter 16.20 – MINOR SUBDIVISION.

Section 16.20.060 – Evidence of availability of necessary services, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

16.20.060 - Evidence of availability of necessary services.

In addition to the information required in Section 16.20.050 of this chapter, the following information is required as part of the minor subdivision application, necessary to establish the availability of basic services to the proposed minor subdivision:

- A. Water Requirements. Every effort should be made to secure water system extensions of an existing water system, approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.

The Southwest Utah Public Health Department and the Utah Department of Environmental Quality shall be considered the county's experts in evaluating the proposed culinary water system. It shall be the responsibility of the applicant to provide the information and materials as required by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, necessary to evaluate the proposed culinary water system.

The minor subdivision application materials shall contain:

1. A statement of feasibility, provided by the Southwest Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable. For all public and nonpublic water systems, the minor subdivision application shall include the following information and materials:
 - a. Evidence of sufficient water rights, as issued by the Utah division

of water rights. Such evidence shall identify a minimum of one acre feet of water right per equivalent residential unit, not dedicated to any other use, provided that 0.45 acre feet of water right per equivalent residential unit may be accepted by the county for subdivisions identified for recreational purposes and where each proposed residential unit and lot is voluntarily restricted by the subdivider identifying that the maximum occupancy of each proposed residential unit is limited to a maximum occupancy period of one hundred eighty days, or less, for each calendar year, and a note of such voluntary restriction is provided on the minor subdivision plat.

- b. The minor subdivision plat, as required in this chapter, shall identify the protection zone for the well or spring, as required by the rules of the Southwest Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable.
- c. A chemical analysis of the proposed culinary water source performed by a laboratory certified by the Utah State Department of Health.
- d. A bacteriological sample taken from the proposed water system.
- e. A copy of the "Report of the Well Driller" (well log) or "Firm Yield Report," as applicable, indicating the well or spring was continuously pumped, or is producing at a minimum rate of three gallons per minute per proposed equivalent residential unit for a minimum period of five hours. After five hours of pumping, or continuous flow, the recorded data should show that the well or spring is producing at a minimum rate of three gallons per minute per equivalent residential unit and that the quality of water recovered from the well or spring meets all public health standards for culinary water.
- f. Identified on the minor subdivision plat, as required in this chapter, the location of the well or spring, the established protection zone(s) as required by the Southwest Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable, and the location of any existing devices that could concentrate pollution sources within two hundred feet of the well or spring.
- g. Plans and specifications for the development and construction of the proposed water system. As required by Section 16.20.050(B) of this chapter, the location and size of the proposed culinary water lines and the location of all wells, active and abandoned, and springs used for culinary water shall be shown for review by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable. Prior to minor subdivision approval by the county commission the proposed culinary water system, plans and specifications (improvement drawings), including water quantity and quality, shall be approved by the

Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, identifying compliance with all rules for the provision of culinary water, as adopted by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.

The hauling of water to a proposed minor subdivision to meet the water and fire protection requirements of this chapter is prohibited and shall not be accepted by Iron County as a method of providing any minor subdivision with water and fire protection services.

- B. Sewage Requirements. The Southwest Utah Public Health Department and the Utah Department of Environmental Quality shall be considered the county's experts in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Southwest Utah Public Health Department, the Utah Department of Environmental Quality, as applicable, necessary to evaluate the proposed sewage treatment system.

Connection to an existing central sewer system, with adequate sewer treatment capacity, is required for all subdivisions, if sewer lines are within one hundred fifty feet multiplied by the total number of lots proposed, of any part of the property proposed for minor subdivision approval. If connection to an existing central sewer system is not authorized, the applicant for minor subdivision approval shall be required to present such evidence identifying the reason(s) for not connecting to the existing central sewer system. The planning commission may recommend, and the county commission may require, the installation of a central sewer system or the provision of sewer lines (dry sewer), necessary to facilitate the connection of the proposed minor subdivision to a central sewer system at a later date.

In all cases where a proposed minor subdivision will not be connected to an existing sewer system, approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, approval for the proposed sewage treatment system shall be obtained from the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.

For all proposed minor subdivisions where on-site wastewater disposal systems are proposed the minor subdivision application shall include final percolation test and soil exploration results for each lot proposed, over the signature of an engineer, or other person, qualified to conduct such tests. Larger lots, than allowed by the zoning district in which the proposed minor subdivision is located, may be required by the county to assure that each lot will provide adequate on-site sewer treatment. The location of the approved absorption site shall be shown as a or a similar symbol.

SECTION 3. Within Chapter 16.04 – GENERAL PROVISIONS.

Section 16.04.070 – The one hundred-acre minor lot subdivision, of the Iron County Code, shall be, and hereby is, identified, renumbered as Section 16.18.010, and amended to read as follows:

16.18.010 - The one hundred-acre minor lot subdivision.

- A. 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 one hundred 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 Subdivision" in that legislation [UCA 17.27a.605(4)], it is not to be confused with the minor subdivision regulations found in Iron County Code Chapter 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 one hundred-acre minor lot subdivision". The definitions established herein do not apply outside of this section. As used in this subsection (16.18.010) 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 lot subdivision, as defined in this subsection.
 3. "Land to be divided" means land that is proposed to be divided by a minor lot subdivision, as defined in this subsection.
 4. "Minor lot subdivision" means a division of at least one hundred 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 one hundred or more contiguous acres of agricultural land.
 5. "Minor lot subdivision lot" means a lot created by a minor lot 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 one hundred contiguous acres of agricultural land may make a minor lot 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 lot subdivision lot; and
 2. A notice:
 - a. Indicating that the owner of the land to be divided is making a

- minor lot subdivision;
- b. Referring specifically to UCA 17.27a.605(4) and/or Iron County Code Section 16.04.070 as it is the authority for making the minor lot subdivision; and
- c. Containing the legal description of:
 - i. The land to be divided; and
 - ii. The minor lot subdivision lot.
- C. A minor subdivision lot:
 - 1. May not be less than one acre in size;
 - 2. May not be within one thousand feet of another minor lot subdivision lot; and
 - 3. Is not subject to the subdivision ordinance of the county in which the minor lot subdivision lot is located.
- D. Land to be divided by a minor lot subdivision may not include divided land.
- E. Once the minor lot 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 lot subdivision lot based on the lot's status as a minor lot 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 one hundred-acre minor lot 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 Sections 16.04.040 and 16.04.050.

SECTION 4. General Provision.

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of requiring minor subdivisions to identify and number lots or parcels for sale with appropriate legal descriptions, require conveying language on the plat from the owner of record of the property and establish an approval process for minor subdivisions consistent with subdivision law in accordance with state code and Iron County code.

SECTION 5. Severability.

Should any portion of this ordinance be found for any reason to be 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 6. Repealer.

All acts, resolutions, and regulations of Iron County in conflict with this Ordinance or not consistent with this ordinance are hereby repealed as of the effective date of this ordinance to the extent of such conflict or inconsistency. This repealer shall not be construed so as to revive any

resolution, act, or regulation, or part thereof, heretofore repealed.

SECTION 7. Effective Date.

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code § 17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 13th day of August, 2012.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Dale M. Brinkerhoff, Chair

ATTEST:

David I. Yardley,
Iron County Clerk

VOTING:

Alma L. Adams Aye
Dale Brinkerhoff Aye
Dan Webster Aye

TOM JETT REQUEST TO LEASE COUNTY PARCEL :

Tom Jett came before the Commission to present a request to lease and construct a car wash on county property located at 2132 N Main Street, Cedar City. He proposed a 99 year lease for the Main Street frontage in front of the Sheriff Office and Jail with access to the car wash from DL Sargent Drive. He also proposed rent to be set at \$700.00 per month in car wash credits for County vehicles.

Mr. Jett stated that he has spoken to the Sheriff and the Jail Commander and that they have voiced support of the project.

The Commission tabled action and referred the matter to the County Attorney to determine if the project is in compliance with codes and if a lease can be granted without public input or competitive bidding.

COUNCIL ON AGING CONTRACT :

Connie Lloyd submitted for approval a contract between the Iron County Council on Aging, Iron County, and the Five County Association of Government for participation and support of senior citizens programs for FY2013. Dan Webster made a motion to adopt and approve the agreement as presented to continue the senior’s programs. Second by Alma Adams.

Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

UTAH’S PATCHWORK PARKWAY ANNUAL REPORT :

Nancy Dalton and H C “Dutch” Deutschlander presented an annual report on Utah’s Patchwork Parkway, a scenic byway between Parowan and Panguitch, SR 143. Nancy introduced the new logo approved by the Patchwork Parkway executive committee. She also explained that the group has received approval as a 501(C)3 designation as a tax exempt entity from the Internal Revenue Service. She noted that Rand McNalley has designated this as a “Best of Roads” as a destination in Utah.

Nancy reported that a grant has been secured to mark and sign the byway.

INTERLOCAL AGREEMENT FOR DISPATCH SERVICES :

An interlocal agreement providing for consolidated dispatch service in Iron County was presented for approval. The agreement covers all dispatch services provided through the Cedar City Consolidated Dispatch Center through the Department of Public Safety. Dan Webster made a motion to approve the agreement and authorize signatures. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

INDEPENDENT AUDIT REPORT :

Wayne Everett, CPA from Hafen, Bruckner Everett & Graff, PC presented the financial statements and supplemental information with independent auditor’s report for the year ending December 31, 2011. Mr Everett submitted a management letter which summarized comments and suggestions regarding those matters for consideration. Also, significant deficiencies and material deficiencies, if any, were included in reports dated July 12, 2012.

After the presentation, Dan Webster made a motion to accept the audit report as presented and to request the County Auditor to review the deficiencies and make recommended changes. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

AGRC GRANT APPROVAL :

A request to approve a contract with the State AGRC for grant funds to establish Global Positioning coordinates for County parcels was presented by Bill Nelson. He explained that purpose of establishing geo location codes for all parcels. The work was partially done through the voter registration system in establishing geo points for residences with registered voters. This work will expand on that data base. After reviewing the request, Dan Webster made a motion to approve the contract with AGRC for geo coding Iron County parcels. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Leslie Bishop presented RAP training to the Commission on Toxic Talk. Toxic talk can be very damaging to an organization, the employees and organizational effectiveness. Toxic talk is any communication that becomes damaging to either the employees or the organization. The three most common types of toxic talk are: Gossip; Gripes; and Rumors.

Gossip is conversation of a social nature that is personal, sensational and usually derogatory. Gripes are complaints that are discussed with individuals who can do nothing to change or effect the situation or problem. Rumors are bits of unverified information that circulate through the office grapevine. They are most common in environments that are confronted with uncertainty. Departments are urged to refrain from this type of communication which can be hurtful and can present liability to the County as an organization.

PERSONNEL MATTERS :

Leslie Bishop presented for approval a recommendation for a part time cook in Cedar City. The position was approved on July 9 to fill a vacant slot in the Council on Aging. The name recommended was Martha Ming. Dan Webster made a motion to accept the recommendation and approve Martha Ming as a part time cook at the Cedar City Senior Citizen Center. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Leslie presented for approval a recommendation to hire Austin Bozelli as a part time Justice Court Clerk to replace a vacant position due to a resignation. Dan Webster made a motion to approve Austin Bozelli as a part time Justice Court Clerk. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Leslie also presented a request to fund \$150.00 to update the Health Reimbursement plan of the County medical insurance benefit to cover any out of pocket expenses incurred by employees under the HRA plan.

Dan Webster and Dale Brinkerhoff declared a conflict of interest on this item stating that they each are participants in the HRA plan offered to employees. The item was tabled and will be put on a future agenda for action.

BOARD OF EQUALIZATION :

Christene Lowder presented five applications on homes purchased by Cedar City Housing Authority for a charitable tax exempt status for the 2012 tax year effective from the purchase date of July 1, 2012. Michael Edwards asked about the use of the dwellings which Christene explained would be leased to low/moderate income residents with an opportunity in the future for the residents to purchase the homes. Michael Edwards explained that this request is similar to those received from the Dixie and Anne Leavitt Foundation in that the use is not charitable because the use is for revenue producing properties.

Action was tabled to allow time to gather more information on the charitable use the properties are to be used for.

PUBLIC COMMENTS :

Emma Smith commented on conditions at the Jail. Of particular concern are the charges

for items purchased from the commissary and the ability to add money to the inmate commissary accounts. She also commented on the quality and quantity of food available.

Ms. Smith was requested to put her concerns into writing so they can be submitted to the Sheriff and Jail staff for their input on her concerns.

Wes Payton, owner of Pintura Properties LLC, came to request approval of a retroactive green belt designation on three parcels of agricultural land west of Kanarrville. He explained that through difficult family circumstances, the property was changed to Pintura Properties LLC with no change in use or family ownership. The property was scheduled for tax sale in May 2012 at full market value taxes. He requested that the property be placed in green belt for 2013 but that taxes above the green belt rate be abated for the past five years and including 2012.

Because the matter was not an agenda item, no action was taken and Mr. Payton was requested to submit a request with appropriate documentation for an agenda item where the request could be acted upon.

PRAIRIE DOG MATTERS _____ :

The Commission discussed an upcoming meeting scheduled in Salt Lake City with representatives from US Fish and Wildlife, Senator Lee and Senator Hatch's offices, State Department of Natural Resources and other County Commissioners. Dale Brinkerhoff explained that he is prepared to offer a document requesting that the State and Federal level do not have authority over actions on prairie dogs within the recovery area. He suggested that this is a local issue which should be handled at a local level.

Commissioner Adams expressed his concern that this approach is detrimental to ongoing efforts to adopt a new HCP which will allow more comprehensive recovery efforts on Federal acreage. He stated that if the HCP is not adopted and in place by 2018 the current HCP will expire and any individual wanting to develop their property will be required to have their own HCP approved. This will not only be costly but very time consuming for individual property owners.

The Commission also discussed DNA testing of similar white tail prairie dogs to determine if they are in fact the same species. The proposal to proceed was approved. An agenda item will be placed on the next agenda to approve funding of DNA testing.

PANIC ALARM SYSTEM REPORT _____ :

A proposal for a panic alarm system in the offices of the County Courthouse and the Justice Center was presented for review. The Commission questioned the need to have a monitoring company when the desire is to have panic calls go directly to Dispatch services who could then request officers to respond. No action was taken on this item and additional proposals will be requested.

CHAD BOOTH COUNTY SEAT PROGRAM UPDATE :

Chad Booth reported on the success of the County Seat program and plans for the upcoming season. He explained that the program is aired in the State eleven times on live TV and cable channels. The Legislature reports that 80% of their members regularly watch the program. There are currently twenty five of the twenty nine counties participating. He asked for suggestions for programming of which several were presented. He also expressed his thanks for Iron County support of the program.

ADJOURN :

The meeting was adjourned at 2:35 p.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
August 27, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 27, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resource Director
Brennan Wood	Economic Development

SYNOPSIS :

ADJOURN 7

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PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dan Webster.

APPROVAL OF MINUTES August 13, 2012 :

Minutes of the Iron County Commission meeting held August 13, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

David Yardley reported on Clerk and election budgets. He pointed out concerns in the election budget with supplies and equipment due to increases in the number of optical scan ballots required to serve absentee voters. He also reported that work was progressing on the programming of the November General election ballot. Final certification of State and Federal offices is scheduled to be completed by the Lt. Governor by September 1.

Leslie Bishop reported on a meeting of the accident review board in which it was noted that when the new vehicle policy was adopted last year, the portion dealing with the accident

review board was left out. A new policy is being drafted to correct this error and the new policy will be in a separate section from the vehicle policy so that all injury accidents can be considered.

Brennan Wood reported on work in the economic development area. Project Oak is considering expanding from the east coast to the area and is looking at the Lozier building. Scatec Solar is still pursuing the development of a solar farm in the Parowan valley. Genpac is working on completing remodel of the Gore manufacturing building. They found more problems after they started the project which has slowed progress. Metalcraft Technology is pursuing expanding two hangers at the Cedar City airport to work on aircraft assembly operations. Their goal is to do final assembly of their aircraft at Cedar City.

BUDGET REVIEW :

Gene Adams reviewed revenue comparisons from 2011 and projected revenue for year to date. He explained that tax collections are ahead of 2011 levels and revenue expectations are very close to projected levels for this time of year. He noted areas that were down including jail revenue and fines and forfeitures over 2011 levels. The jail is working with the State to receive more contract prisoners but this may not change until 2013.

BUDGET AMENDMENT HEARING :

Dan Webster made a motion to convene a public hearing to review recommended budget adjustments of the adopted Iron County budget for calendar year 2012. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Gene Adams presented recommended budget adjustments to the general fund and the municipal service fund. New growth accounted for an increase in revenue of \$57,424 in the general fund. Additional adjustments in revenue and expenses were reviewed with a total adjustment to the general fund of \$172,700. Gene also reviewed changes in the municipal service fund which showed an increase of \$234,900 in revenue.

The floor was then opened to the public for comments of which there were none offered, Dan Webster made a motion to close the public hearing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Alma Adams then made a motion to adopt the following resolution approving budget adjustments as presented by the County Auditor. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RESOLUTION 2012-8 BUDGET AMENDMENT :

RESOLUTION 2012-8

A RESOLUTION OF THE IRON COUNTY COMMISSION APPROVING AN AMENDMENT TO THE 2012 IRON COUNTY BUDGET

WHEREAS, the Iron County Commission has approved expenditures which were not included in the budget adopted December 19, 2011; and

WHEREAS, Iron County has received funds from sources including grants which were

not anticipated in the original 2012 budget; now therefore

BE IT RESOLVED that the 2012 budget of Iron County hereby amended the following funds by the amount indicated:

	2012 Approved Budget	Proposed Amendment	Increase
General Fund	\$15,156,737	\$15,329,437	\$172,700
Municipal Service Fund	\$ 5,837,751	\$ 6,072,651	\$234,900
Total Change	_____		<u>\$407,600</u>

BY ORDER OF the Board of Iron County Commissioners this 27th day of August, 2012.

Signed: Dale M Brinkerhoff, Chair

Attest: _____
David I. Yardley, Clerk

Voting:
Alma L. Adams Aye
Dale M. Brinkerhoff Aye
Dan L. Webster Aye

RESOLUTION 2012-6 NATURAL HAZARD MITIGATION PLAN UPDATE:

Resolution 2012-6 a resolution adopting the Five County Association of Governments natural hazard mitigation plan five year plan update was presented for approval. After reviewing the proposed update, Alma Adams made a motion to adopt resolution 2012-6 as explained. Second by Dan Webster.

**IRON COUNTY RESOLUTION 2012-6
August 27, 2012**

**A RESOLUTION ADOPTING THE FIVE COUNTY ASSOCIATION OF
GOVERNMENTS NATURAL HAZARD MITIGATION PLAN FIVE YEAR
PLAN UPDATE.**

WHEREAS, Iron County, Utah recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted Natural Hazard Mitigation Plan is required as a condition of future grant funding of mitigation projects; and

WHEREAS, the Five County Association of Governments was contracted by the State of Utah to complete a five-year update of the Natural Hazard Mitigation Plan which was completed in 2004 by the Association and adopted by every Municipality and County in the Five County region; and

WHEREAS, Iron County, Utah formally participated in a planning process along with every Town, City and County in the Five County Association of Governments region of Utah to prepare an update to the previously completed Natural Hazard Mitigation Plan; and

WHEREAS, the Plan identifies likely hazards, analysis risks and potential losses and identifies possible mitigation measures to limit losses; and

WHEREAS, THE County Commission has determined that it would be in the best interest of the County as a whole to adopt the Natural Hazard Mitigation Plan Update, as it pertains to the County; therefore.

BE IT RESOLVED BY THE IRON COUNTY COMMISSION THAT:
Iron County, Utah hereby adopts the Natural Hazard Mitigation Plan, Five Year Plan Update for the Five County region.

This Resolution shall be effective upon adoption

DATED this 27th day of August, 2012.

Dale M. Brinkerhoff, Chairman

Attest:

David I. Yardley, County Clerk

Voting:

Alma L. Adams	Aye
Dale M. Brinkerhoff	Aye
Dan L. Webster	Aye

RESOLUTION 2012-7 IRS REVENUE RULING 2006-43 :

The independent auditor noted in the management letter that the County should adopt a resolution to comply with IRS rules. Resolution 2012-7 a resolution in compliance with internal revenue service revenue ruling 2006-43 IRS clarified rules governing employer “pick-up”, member contributions paid by employer was introduced in response to this recommendation and was adopted on a motion by Alma Adams. Second by Dan Webster.

RESOLUTION 2012-7

A RESOLUTION IN COMPLIANCE WITH INTERNAL REVENUE SERVICE REVENUE RULING 2006-43 IRS CLARIFIED RULES GOVERNING EMPLOYER “PICK-UP”, MEMBER CONTRIBUTIONS PAID BY EMPLOYER.

WHEREAS, the Internal Revenue Service in Revenue Ruling 2006-43 clarified its rules governing employer “pick-up”, member contributions paid by employer, require a formal action of the governing body to effect its pick-up elections; and

WHEREAS, the Iron County Commission has never completed a formal action to effect its pick-up election; now therefore.

BE IT RESOLVED by the Governing Board of Iron County, Utah formally agrees to pick up 1 % of the required member contribution for all eligible employees required to contribute to the Utah Retirement Systems Contributory Retirement Plan for periods on or after the 1st day of January, 2012.

This Resolution shall be effective upon adoption.

DATED this 27th day of August, 2012.

Dale M. Brinkerhoff, Chairman

Attest:

David I. Yardley, County Clerk

Voting:

Alma L. Adams Aye
Dale M. Brinkerhoff Aye
Dan L. Webster Aye

REQUEST TO VACATE EXISTING AVENUES AND WALKWAYS :

Steve Platt introduced a proposal to vacate an avenue in Newcastle Townsite by Vacating 8' along east second avenue and also vacating 16' between 2 parcels of family property by John J. Lee. Mr. Platt explained he could see no reason to deny the request however it was pointed out that by vacating these avenues, it would leave several internal lots landlocked with no access.

After receiving the request, no action was taken to allow additional information to be gathered on the procedure and effects of the proposed vacation.

RAP TRAINING :

Leslie Bishop presented RAP training on fire extinguishers. Fire in the workplace is one of the most significant hazards to employee's lives and health. It is a hazard which can potentially strike any workplace. The effects of workplace fires are devastating to employees and to employers. Historically, workplace fires have been one of the leading causes of work deaths and injury, exacting a toll of emotional trauma and financial hardship on families. Fires also destroy productive buildings and equipment, disrupt operations, and damage an organization's image.

Even in facilities where the basics of fire prevention are understood and followed, an unexpected fire may occur. When that happens many people may panic because they don't know proper firefighting procedures or equipment. For this reason employees need to know the different types of fires and the appropriate type of portable fire extinguisher necessary.

PERSONNEL MATTERS :

Leslie Bishop presented a request from the Assessor's office for approval of Teresa Caldwell as a new employee filling a vacancy in the County Assessor department as a full time Deputy Assessor/assistant Appraiser. The position justification was approved 7/23/2012. Alma Adams made a motion to approve the hiring of Teresa Caldwell as presented. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PRAIRIE DOG MATTERS :

The Commission discussed funding up to \$10,000 for the University of Utah to completed DNA testing of different varieties of white tailed prairie dogs in Utah and surrounding states to determine if they are in fact different species. The money is to be replaced by a grant from the State of Utah. Alma Adams made a motion to approve the funding of up to \$10,000. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ARCHITECT AGREEMENT APPROVAL FOR THE BERYL FIREHOUSE ADDITION:

An architect agreement for the CDBG project to expand the Beryl Fire station was presented for approval. Color County Architectural Design (CCAD) Lynn Elliott has been selected as the architects. Dan Webster made a motion to approve the agreement as presented and authorize signatures. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN _____ :

The meeting was adjourned at 11:15 a.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
September 10, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 10, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Maria Twitchell	Tourism Convention Advisor
Jane Shaffer	Asst. Parks/Recreation/Emergency Mgt.
Jared Wilson	IT Director

SYNOPSIS :

ADJOURN	4
APPROVAL OF MINUTES August 27, 2012	1
COURTHOUSE BOILER REPLACEMENT	3
GREEN BELT REQUEST PINTURA PROPERTIES LLC	2
LEASE REQUEST TOM JETT	2
PERSONNEL MATTERS	3
PERSONNEL POLICY AMENDMENTS	4
PLEDGE OF ALLEGIANCE	1
RAP TRAINING	3
REPORTS	1
REQUEST TO PURCHASE SURPLUS 1952 STEWART TRAVEL TRAILER	4
TAX DEFERRAL REQUEST	2

PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dan Webster.

APPROVAL OF MINUTES August 27, 2012 :

Minutes of the Iron County Commission meeting held August 27, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Maria Twitchell reported that the transient room tax collections were up over 2011 levels by 30%. This is exceptional in light of SR 14 being closed most of the year which has affected access to Cedar mountain. Maria also pointed out that the Society of American Travel Writer conference sponsored by Iron County was more expensive than anticipated which will require a budget adjustment. She explained that sponsorships and registration fees brought in \$22,172.00 while the conference cost \$62,000.00.

Upcoming events of note include American College Dance Festival in March 2013; National High School Archery Championships in May 2013; and Tour of Utah Bike Race in August 2013.

Jane Shaffer representing Charlie Morris at Parks/Recreation/ Emergency Management, reported on park use. She explained that Woods Ranch has not been used a great deal this summer due to difficulty accessing the area with SR 14 closed due to the landslide. She reported that the budgeted fencing project has not been started and questioned whether it would be completed this budget year. She reported that the water system storage tank at Woods Ranch is not being filled as fast as in past years due to the springs not producing as much water. The drilling project for a test well by Gary Player has also not been started due to access problems.

Jane also reported on Emergency Management has been receiving many requests for manual registration of cell phones and VOIP phones which is in response to the fires this summer near Kanarraville and flooding in the Enoch area from summer thunder storm. Over 100 homes in Enoch were damaged from flooding and eight homes were destroyed or damaged in the New Harmony/Kanarraville area fire.

Jared Wilson, reported on overtime in the IT Department which will be higher due to a new County Fair program written and implemented by Brett Robinson this year. They are also busy installing a new security camera system at the Jail. Jared also reported that they are using a public surplus website with success to dispose of obsolete computer equipment.

LEASE REQUEST TOM JETT :

A request to lease the front lawn of the Sheriff Office Jail complex at 2136 North Main Street, Cedar City, UT to construct a car wash facility by Tom Jett was called for action. Mr. Jett requested additional time to negotiate terms of a proposed lease and he asked that the matter be tabled until September 24 for action. Dan Webster made a motion to table action on the matter until September 24 as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

GREEN BELT REQUEST PINTURA PROPERTIES LLC :

Heath Miller representing Wes Payton owner of Pintura Properties LLC requested that this item be tabled due to Mr. Payton's absence. The Commission noted that the Assessor, Cindy Bulloch and Deputy Assessor, Ann Gurr were also not available. Alma Adams made a motion to table this matter at the request of Mr. Miller to the next Commission meeting. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

TAX DEFERRAL REQUEST :

Jeff Morrell Olson submitted a request for extension of property taxes deferral agreement for property located at 60 S 100 West, Kanarraville, property account number 16862, serial number A-0662-0662-000. Mr. Olson did not appear and David Yardley explained that he has requested additional time to pay his delinquent taxes. Mr. Yardley also explained that no payments have been made since September 2011 as required in the current agreement.

The County Attorney was asked to draft a letter to Mr. Olson and request a payment plan

and to inform him that all delinquent taxes interest and penalty will need to be paid by the day of the tax sale in 2013.

COURTHOUSE BOILER REPLACEMENT :

Wes Becker and Don Erhart representing Honeywell Building Solutions came before the Commission to discuss replacement of the Courthouse boiler. Mr. Erhart explained that the average life of the boiler type is twenty years. This boiler has been in thirty seven years so it is well past its life expectancy. Cost of a new replacement boiler is \$29,000.00. Honeywell is willing to cover the retrofit and installation of a new boiler if the County will purchase the boiler. Mr. Erhart suggested that a four year contract could be negotiated with a \$7,500.00 increase which would cover the purchase price of the new boiler.

Other options were discussed including smaller high efficiency boilers installed in tandem and staged to provide adequate heat in low heat months and increasing in winter months. Water treatment requirements were also discussed. After reviewing several options, Alma Adams made a motion to table action on this matter to the October 8 Commission meeting to allow more information on higher efficiency boilers and natural gas consumption rates. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

RAP TRAINING :

Leslie Bishop presented RAP training on off the job safety. Most employees have been trained to work safely on the job, but these same workers will think nothing of taking shortcuts when working at home. Safety practices learned at work are meant for your protection and the protection of anyone around you. But these same practices should be followed at home or anytime you are working. It really doesn't matter where you lost your hearing, a finger, or an eye. The fact is you lost it, and it will affect your quality of life, and your ability to work and provide for your family. Safe work practices are just exactly that, "safe work practices," and should be followed at all times.

According to the Nation Safety Council, in 2004, the nation experienced 49,052 worker deaths, while 10.5 million workers suffered disabling injuries on and off the job. Ninety percent of all worker deaths and about two thirds of all disabling injuries suffered by workers in 2004 occurred off-the-job.

Production time lost due to off-the-job injuries totaled about 165 million days in 2004, compared with 80 million days lost by workers injured on the job. Production time lost in future years due to off-the-job injuries in 2004 is estimated at 420 million days, more than six times the 65 million days lost in future years from 2004's on-the-job injuries.

PERSONNEL MATTERS :

Leslie Bishop presented a request from the Council on Aging for approval of a position justification for the replacement of a Part-Time Assistant Cook for Parowan and Cedar City. Dan Webster made a motion to approve the position justification and authorize advertising the position. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PERSONNEL POLICY AMENDMENTS :

Leslie Bishop also presented a proposal to amend the Iron County Personnel Policies and Procedures Section 30, County Vehicle Operation, P., 3., Page 11 and Section 31, Requirements for Commercial Driver License Holders, H., 9., Page 7 to conform language between sections. This is to eliminate conflicts within the two aforementioned sections. Alma Adams made a motion to approve the amendments to Section 30 and Section 31 of the Iron County Personnel Policies and Procedures and to authorize distribution to all Departments. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REQUEST TO PURCHASE SURPLUS 1952 STEWART TRAVEL TRAILER:

Fred Parker came before the Commission with a request to purchase a surplus 1952 Stewart travel trailer. The trailer has not been used for several years and is in dire need of repair before it would be useful. Mr. Parker offered \$100.00 for the trailer. Alma Adams made a motion to accept the offer of \$100.00. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN :

The meeting was adjourned at 12:00 p.m. on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
September 24, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 24, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Daniel L. Webster	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Chad Nay	Building / Zoning Administrator
Stephen Platt	County Engineer
Neil Forsyth	Road Supervisor

SYNOPSIS :

ADJOURN	5
APPROVAL OF MINUTES September 10, 2012	1
BOARD APPOINTMENTS	5
DOMESTIC VIOLENCE AWARENESS MONTH OCTOBER	3
PERSONNEL MATTERS	4
PLEDGE OF ALLEGIANCE	1
PUBLIC COMMENTS	5
RAP TRAINING	4
REPORTS	1
RESOLUTION 2012-9 SOUTHWEST REGIONAL RESPONSE TEAM	2

PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES September 10, 2012 :

Minutes of the Iron County Commission meeting held September 10, 2012 were approved as amended on a motion by Dan Webster. Second was by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

REPORTS :

Chad Nay reported that building permits have increased in value by \$1,848,565 in the County over the same period last year. New home construction is in the low to moderate income range type homes. Chad also reported on using an appeal officer to hear a zoning appeal. Paul Bittmenn was the hearing officer appointed and the hearing went very well.

Chad reported that building maintenance is struggling to keep up with one person covering five buildings. He suggested that parking lots be transferred for maintenance from the building department to the road department.

Steve Platt reported that Bruce Anderson has received recognition from Purdue University in the form of a “Green Management Award.” Steve reported that work on the Yankee Meadow Road between Main Canyon and the Five Mile campground is progressing. He also reported that work on the RS 2477 appears to be moving forward. Mark Ward, Art Tait, Bill Nelson and Mike Worthen are moving ahead and track one of the project is completed.

Neil Forsyth reported that the road budget is in line with projections. A big hit has been fuel prices which have doubled over one year ago. Fuel is costing \$3.55 per gallon for County purchases. Chip sealing has been completed for this year with between 28 and 29 miles completed. Flooding during summer storms has damaged the following roads; Bear Valley, Kane Springs, Little Creek Canyon, Scottsville, Dry Lakes, Summit Mountain, Hamblin Valley, Eight Mile Bench, Newcastle Bench, Antelope, Avon and Lost Springs. Crews dispatched to wild fires have also been a factor in overtime and fuel.

RESOLUTION 2012-9 SOUTHWEST REGIONAL RESPONSE TEAM :

Charlie Morris presented Resolution 2012-9 Appointing Executive Committee Members, Charles Morris and Paul Irons to the Southwest Regional Response and Coordinating Team for a two year term effective January 1, 2013 to December 31, 2014. Dan Webster made a motion to adopt Resolution 2012-9 as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

**IRON COUNTY, UTAH
RESOLUTION NUMBER 2012-9
September 24, 2012**

**A RESOLUTION APPOINTING EXECUTIVE COMMITTEE MEMBERS TO
THE SOUTHWEST REGIONAL RESPONSE AND COORDINATING TEAM**

WHEREAS, Iron County participates in the Southwest Regional Response and Coordinating Team, and

WHEREAS, Iron County may appoint two voting members to the Executive Committee for a term of two years,

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

1. Charles Morris is hereby appointed to fill a term of office as a member of the Executive Committee of the Southwest Regional Response Team, which term will expire on December 31, 2014.
2. Paul Irons is hereby appointed to fill a term of office as a member of the Executive Committee of the Southwest Regional Response Team, which term will expire on December 31, 2014.

Passed and adopted by the Board of County Commissioners of Iron County, Utah this 24th day of September, 2012.

IRON COUNTY BOARD OF COUNTY COMMISSIONERS

Dale M. Brinkerhoff, Chairman

ATTEST:

David I. Yardley, Iron County Clerk

DOMESTIC VIOLENCE AWARENESS MONTH OCTOBER:

The Iron County Domestic Violence Coalition represented by Cindy Baldwin, Jessica Roy, Gwen Chadburn and Marie Einfeldt presented a request to designate October as Domestic Violence Awareness Month in Iron County. Ms. Baldwin read the proposed declaration after which Alma Adams made a motion to approve the declaration as presented. Second by Dan Webster. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

DOMESTIC VIOLENCE AWARENESS MONTH, OCTOBER 2012

WHEREAS, the family is the foundation of a safe and healthy community; it is the goal of Iron County to keep our families safe;

WHEREAS, the crime of domestic violence violates members of our community's privacy, dignity, security, and humanity in the form of physical, emotional, sexual, psychological and economic abuse;

WHEREAS, domestic violence is not confined to any specific group or people, but it effects people of all races, backgrounds, economic levels, education levels, family structures, ages and religions;

WHEREAS, 762 women and children were served by Canyon Creek Women's Crisis Center in fiscal year 2011, 92 women and 91 children were housed at the women's shelter and the total shelter nights were 2327; the need to prevent domestic violence in Iron County is evident; and

WHEREAS, government, health care providers, law enforcement, educators, shelter providers, prosecuting agencies, courts, advocates, religious organizations, volunteers and community members will devote the month of October to raising the awareness on the causes, interventions and prevention of this devastating crime:

NOW, THEREFORE WE, Dale Brinkerhoff, Dan Webster, and Alma Adams, as Commissioners of Iron County, Utah do hereby claim the month of October 2012 as

Domestic Violence Awareness Month

And reaffirm this County's commitment to ending domestic violence in our community.

Signed: _____

Dale Brinkerhoff, Commission Chair

Date: September 24, 2012

RAP TRAINING :

Leslie Bishop presented RAP training on emergency action plans. In prior weeks we learned that emergency action plans (EAP) are required by OSHA establishing instructional procedures for the different types of emergencies likely to occur at work. Emergencies include, but are not limited to fires, bomb threats, civil disturbances, and medical emergencies. The plan describes procedures employees should take for each type of emergency and outline the evacuation procedures when evacuation is required.

If history has taught us anything, it has taught us that in today's society, every employer should plan and be prepared to handle workplace emergencies. In New Mexico, workplace emergencies have included catastrophic medical incidents, chemical releases, earthquakes, tornados, major fires, and episodes of crime and violence, e.g., employee shootings.

PERSONNEL MATTERS :

Leslie Bishop presented a request from the County Attorney to transfer management of Public Defender Contracts to the Human Resource Department. Michael Edwards explained that there has been a challenge within the State by the ACLU claiming that the Public Defenders are to closely tied to the County Attorney's offices to represent indigent criminal defendants. Leslie also presented justification to replace four (4) positions contracted Public Defenders effective January 1, 2013. Dan Webster made a motion to approve transferring management of Public Defender contracts from the County Attorney to the Human Resource Department and to approve advertising requests for proposals to provide Public Defender services effective January 1, 2013. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Leslie presented a request from the Sheriff's office for approval of a status change for Tom Byrd From Part Time Animal Control Officer to Full Time Patrol Deputy. The promotion is to fill a vacant position within the Sheriff Patrol Division. Dan Webster made a motion to approve the promotion/status change as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Sheriff Gower presented a request salary compensation survey/workload study to evaluate competitive market compensation and support the retention of Patrol Deputies within the Sheriff's Department. He explained that another Deputy has submitted his resignation to accept a position with higher wages in another jurisdiction. He explained that the Deputies leaving are more experienced and this leaves the Department short of well trained and well experienced Deputies to handle difficult situations. The Commission requested that Leslie Bishop conduct a salary evaluation for the Sheriff's office in comparison with similar size and surrounding Counties and agencies.

Leslie presented a request from the Ambulance Department to approve Hire from current roster for part time secretary. The current roster is still within County personnel guidelines for hiring. Dan Webster made a motion to approve replacing the part time secretary position with another candidate on the current roster as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Leslie presented a request from the Tourism Department for approval of the justification to replace existing part time receptionist for the Visitor Center. The position would be for weekends. Dan Webster made a motion to approve the justification for the part time receptionist and to authorize advertising the job opening. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

PUBLIC COMMENTS :

Cindy Bulloch commented that the County received 766 Board of Equalization appeals this year. She invited the Commissioners to attend the hearings and to observe the proceedings.

BOARD APPOINTMENTS :

Dan Webster made a motion to appoint Todd Prince to replace the unexpired term of Steven Robinson and Julie Ann Saemisch to fill unexpired term of Angie Haderlie on the Tourism Advisory Board. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

ADJOURN :

The meeting was adjourned at 12:00 p.m. on a motion by Dan Webster. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; Dan Webster, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
October 8, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 8, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Troy Little	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Cindy Bulloch	County Assessor
Eugene Adams	County Auditor
Geraldine Norwood	County Treasurer
Deborah Johnson	County Recorder
Jaren Scott	Landfill Supervisor

SYNOPSIS :

ADJOURN 4

APPROVAL OF MINUTES September 24, 2012 1

BID OPENING BERYL FIREHOUSE EXPANSION PROJECT 2

BOILER MAINTENANCE AND REPLACEMENT AT THE COURTHOUSE 2

NOTIFICATION OF CONDITIONAL USE PERMIT 2

PERSONNEL MATTERS 3

PLEDGE OF ALLEGIANCE 1

PRAIRIE DOG MATTERS 4

PUBLIC COMMENTS 3

RAP TRAINING 3

REPORTS 1

REQUEST FOR EXTENSION OF PROPERTY TAXES DEFERRAL AGREEMENT 2

PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dale Brinkerhoff.

APPROVAL OF MINUTES September 24, 2012 :

Minutes of the Iron County Commission meeting held September 24, 2012 were approved as amended on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

REPORTS :

Cindy Bulloch reported that vacant land values in the County continue to go down in response to the continued weak economy. There continues to be many vacant homes available due to foreclosures or repossession which has also slowed the construction of new homes. This continues to put downward pressure on home values for tax purposes.

Gene Adams reported that the County budget continues to be within projections. Budget

interviews for the 2013 budget year will be scheduled to begin on November 13. It is anticipated that it will take two or three days to complete the Department interviews.

Geri Norwood presented a distribution report and a delinquency report. Delinquency is down slightly from a year ago. She also reported on the special tax sale that was scheduled in August in which the owner of the Braffits Creek properties filed for bankruptcy the day before the sale. The Strawberry Holdings properties were brought current and were removed from the sale.

Debbie Johnson reported that total recorded documents are down from the same time a year ago. Default notices and trustee sale notices are lower which is a good sign the economy is stabilizing. She also reported that the majority of documents are now being filed electronically through Simplifile which reduces the foot traffic and counter help required in her office.

Jaren Scott reported that the fire in the class C and D pit has been completely out since July 30. The pit had to be excavated to a level seven years ago and the material watered down and cooled. The hole will remain open for some time to make sure there is not another flare up. The fire will have a large impact on the landfill budget due to the over time and equipment rental required to fight the fire.

BID OPENING BERYL FIREHOUSE EXPANSION PROJECT :

David Yardley reported that due to a late identified problem with electrical specifications and a possible need to add a new transformer, bid opening deadline was extended by the architect to Tuesday. The matter was passed to a later meeting.

REQUEST FOR EXTENSION OF PROPERTY TAXES DEFERRAL AGREEMENT:

A request from Jeff Morrell Olson to extend the tax deferral agreement on property located at 60 S 100 West, Kanarraville, property account number 16862, serial number A-0662-0662-0001 was denied. Mr. Olson was informed that if taxes are not current by tax sale time 2013 the property will be advertised and placed on the sale list. They also informed him that the 2012 taxes will need to be current and that the delinquency will continue to accrue interest and penalty charges as specified in State Code until they are paid.

BOILER MAINTENANCE AND REPLACEMENT AT THE COURTHOUSE:

Honeywell Building Solutions representatives Paul (Wes) Becker and Don Urquhart presented a proposal to replace the existing boiler in the Courthouse with two high efficiency boilers that could result in a net energy savings to the County to offset the increase in the annual maintenance contract by \$2,700.00 per year for a period of five years. Mr. Urquhart explained that the boilers could be staged to provide heat in shoulder months and higher capacity in the extreme cold months. The Commission took the proposal under advisement to determine if other options were available.

NOTIFICATION OF CONDITIONAL USE PERMIT :

Chad Nay informed the Commission of a conditional use permit that will be on the Planning Commission agenda for approval for a request from Pure Power construct and operate a geothermal electrical generation facility on property located at 275 S 200 W, Newcastle, property

account number 169299, serial number E-1102-0003-0000, within Section 20, Township 36 South, Range 15 West, SLB&M. The proposed facility will use hot water from an existing well which will then be used in heating green houses before being injected back into the ground.

One concern noted was the proximity to the Holt Dairy. In Millard County a lawsuit is pending regarding Intermountain Power Project (IPP) in which dairy farmers claim that random power was conducted to dairy operations which has affected milk production and the health of dairy cows by electrifying feed mangers and other metal material. Testing is still continuing on this issue. No action was required by the Commission on this matter.

RAP TRAINING :

Leslie Bishop presented RAP training on hazardous communication standards. Compulsory to OSHA's Haz Com Standard, employers must protect workers from these exposures and provide effective training to employees exposed to hazardous chemicals. OSHA's standard is based on a single concept, employees have a right to know the hazards and the identities of the chemicals they are exposed too while working.

All containers with chemicals must have a label, tag, or marking that indicates any safety or health hazard. All warning labels, tags, etc., must be maintained in a legible condition. The basic source of information about the safety precautions and health affects of working with hazardous chemicals is found on MSDS. Current MSDS must be available to every employee at all times while on the job. MSDS are provided by the chemical manufacture to provide additional information concerning safe use of the product, precautionary measures, and safe handling and disposal procedures.

PERSONNEL MATTERS :

Leslie Bishop presented a request from the Council on Aging for approval to hire a replacement part time Assistant Cook. Camille Heaton has been interviewed and recommended for the position. Alma Adams made a motion to approve the hiring of Camille Heaton as recommended. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Leslie also presented a request from the Ambulance Department for a promotion of Jared Wenn from EMT (formerly EMT-Basic) part time to Advanced EMT (formerly EMT Intermediate). The promotion is required for ICAS as Advanced Life Support Provider. The position will continue to be a part time position. Alma Adams made a motion to approve the advancement of Jared Wenn from EMT to AEMT as recommended. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Leslie presented a request to approve the hiring of a part time secretary in the Ambulance Department. Stephanie Orton has been recommended for the position. Alma Adams made a motion to approve the hiring of Stephanie Orton as a part time secretary in the Ambulance Department. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

PUBLIC COMMENTS :

Cindy Bulloch commented on prairie dog BOE appeals. There were thirty seven appeals filed this year. An average market value reduction of \$6,500 per lot was approved. She noted that property owners now have a method to clear in perpetuity their property by purchasing exchange credits.

PRAIRIE DOG MATTERS _____ :

Skip Sasser representing Genpak met with the Commission to request non-permanent take of five prairie dogs for a road easement between the Genpak plant and the Goer Manufacturing building. Alma Adams made a motion to approve the non-permanent take of five prairie dogs as requested. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

ADJOURN _____ :

The meeting was adjourned at 12:00 p.m. on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

SPECIAL IRON COUNTY COMMISSION MEETING
October 15, 2012

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m. October 15, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

<u>SYNOPSIS</u>	:	
ADJOURN		2
AMERICAN LANDS COUNCIL MEMBERSHIP		2
BERYL FIRE DEPARTMENT ADDITION BIDS		2
CONVENE AS BOARD OF EQUALIZATION		1
PERSONNEL MATTERS		1
PLEDGE OF ALLEGIANCE		1

PLEDGE OF ALLEGIANCE

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

PERSONNEL MATTERS

Leslie Bishop presented a request from Corrections to Hire Aaron Jones to replace Deputy Donovan Hayden who has resigned. Alma Adams made a motion to approve the hiring of Aaron Jones as requested. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

CONVENE AS BOARD OF EQUALIZATION

Alma Adams made a motion to convene as the Iron County Board of Equalization to review recommendations of the BOE Hearing Officer. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Carrie Christensen presented results of the Board of Equalization Hearing Officer recommendations. Thre recommendation totaled a reduction in market value of \$23,632,777.00 with a total tax reduction of \$63,522.04. After reviewing the recommendations, Alma Adams made a motion to accept the recommendations of the Hearing Officer as presented. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Christene Lowder presented abatement totals for tax relief by type including Blind, Circuit Breaker, County Veteran, Mobile Circuit Breaker, Mobile County, Mobile Market C & B. Total exemptions total \$478,194.02 of which \$137,561.01 will be requested from the State for Circuit Breaker reimbursement. Alma Adams made a motion to approve the abatements as presented. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Christene also presented a request from Cedar City Housing Authority for tax exemption on five parcels, Tax Account Numbers B-1482-0013-0000; B-1482-0006-0000; B-1482-0017; B-1482-0034-0000; and B-1482-0035-0000. Alma Adams made a motion to approve the requested exemption effective July 1, 2012 through December 31, 2012. Second by Dale Brinkerhoff.

Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Alma Adams made a motion to adjourn as a Board of Equalization and reconvene as the County Commission. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

BERYL FIRE DEPARTMENT ADDITION BIDS :

Lynn Elliott, Architect, met with the Commission to review bids submitted on the Beryl Fire Station addition. He reported all bids were above the grant amount of \$300,000 but that Precision Development appears to be the low bidder at \$321,500.00. He requested additional time to meet with the low bidder to determine if the bids were in line with estimates and to determine if alternatives include all contingencies. Alma Adams made a motion to table the matter until the next Commission meeting as requested. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

AMERICAN LANDS COUNCIL MEMBERSHIP :

Membership in the American Lands Council was discussed. The American Lands Council is dedicated to attempting take State control of BLM land as was intended in the acceptance into the United States. Alma Adams made a motion to approve \$5,000 as the annual membership fee into the American Lands Council. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

ADJOURN :

The meeting was adjourned at 10:45 a.m. on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
October 22, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 22, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Stephanie Furnival	Children’s Justice Center Director
Joyce Evans	Fair Chairperson

SYNOPSIS :

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BERYL FIRE DEPARTMENT BUILDING ADDITION BID APPROVAL	2
ECONOMIC DEVELOPMENT INCENTIVE - PROJECT OAK	2
PERSONNEL MATTERS	3
PINTURA PROPERTIES REQUEST FOR ADJUSTMENT OF GREEN BELT	2
PLEDGE OF ALLEGIANCE	1
PUBLIC COMMENTS	3
RAP TRAINING	3
REPORTS	1
SELECTION AND APPROVAL OF INDEPENDENT AUDITOR	2

PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES October 10, 2012 :

Minutes of the Iron County Commission meeting held October 10, 2012 were approved as amended on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

REPORTS :

_____ **Stephanie Furnival** reported that the case load at the Children’s Justice Center is increasing which is one of the results of the economy. Unemployment is high and families are being stressed because of financial difficulty. Physical abuse cases are on the rise which is difficult to observe.

Stephanie also reported that the CJC budget is in compliance. The IT Department is working to install new equipment for recording interviews. She also discussed training being conducted for case workers through their Department.

Joyce Evans reported that at the present time the Fair is under budget and looks to be under budget for the year. There are still funds to be collected from some vendors and

advertising. Expenses for the Fair are down because the horse races were cancelled. Joyce reported that the Utah Horse Racing Association would like to try again to sponsor races at the Fair.

Joyce noted the need for additional seating for grand stand events. The mud bogs and demolition derby events do not seat all who would like to attend. Even standing room is not available. She also noted that the Fair needs an additional part time secretary to replace Mary Halterman. A new Miss Iron County pageant director is also needed.

BERYL FIRE DEPARTMENT BUILDING ADDITION BID APPROVAL :

Lynn Elliott, Architect, reviewed bid numbers on the Beryl Fire Department expansion project. He indicated that the low bid submitted by Precision Building appears to be in line with construction costs. He explained that it appears that the Carter Enterprises bid for ground source heating is the best reliable bid. He also suggested that the option be tabled. Final bid for the project is \$321,500.00.

After reviewing funding options, Alma Adams made a motion to accept the bid of Precision Building of \$321,500. For the expansion project with \$300,000.00 to be funded from CDBG grant funds and \$21,500.00 from a budget appropriation in the Beryl Fire Department in 2013. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

ECONOMIC DEVELOPMENT INCENTIVE - PROJECT OAK :

Brennan Wood reported that GAF Corporation is considering Cedar City as a possible site to expand their operation from the East coast. They are considering the Lozier building at 50220 West Hwy 56, Cedar City as their manufacturing facility.

GAF is requesting approval of a basic incentive package which will include a requirement that they hire at least fifty employees at 125% of the average salary in Iron County. They would receive the growth increment for a period of ten years with a benchmark value established on the year prior to the start of remodeling and installation of new equipment.

Alma Adams made a motion to approve the proposed draft agreement with a request to return with a final agreement for final approval. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

SELECTION AND APPROVAL OF INDEPENDENT AUDITOR :

David Yardley presented Gene Adams' recommendation for approval of RFP'S to provide independent auditing for years 2012, 2013, and 2014. Mr. Adams recommended that in comparing work hours, depth of the audit and because of local knowledge of the audit requirements, that the firm of Hinton, Burdick, and Hunter proposal is the best option for the County.

Alma Adams made a motion to accept the recommendation of the Auditor and select the proposal of Hinton, Burdick, and Hunter as the independent audit firm for years 2012 through 2014. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

PINTURA PROPERTIES REQUEST FOR ADJUSTMENT OF GREEN BELT :

A request from Pintura Properties LLC to grant a retroactive green belt exemption for the

prior five years was called for action. Owners or representatives were not present although they requested time on the agenda.

Cindy Bulloch reported that the matter has been researched and the property was never placed in green belt nor was an application filed as far back as 1970. She recommended that the property be left as assessed through 2012. The property owners have applied for exemption for the 2013 year.

Alma Adams made a motion to deny the request to grant retroactive green belt exemptions for prior years where no application has been filed. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

RAP TRAINING :

Leslie Bishop presented RAP training on stress management. Everyone experiences stress from time to time, so it is perfectly normal. However, normal doesn't necessarily mean healthy nor is it inevitable. Believe it or not, you can learn how to largely eliminate stress. I don't mean eliminate the pressures in your life- those will probably persist. Pressure is what is happening to you, but stress is how you react to those pressures. You can keep the pressure and get rid of the stress.

Stress is unavoidable. Whether it's triggered by an attacking tiger in the jungle or by office politics, it is a fact of life. The good news, stress needn't be hazardous to our health. We can learn to manage the stress in our lives and be happy that we did.

We can't expect approval for our every action, because by being human, we sometimes are in the wrong or make mistakes. We need to keep things in perspective. You've heard the old saying, "Don't sweat the small stuff." We can recognize ourselves as basically good people and ordinarily do a good job. Even in the case of real failures, we can refuse to concentrate on the negative but rather accentuate the positive giving ourselves credit for the things we do well.

PERSONNEL MATTERS :

Leslie Bishop presented a request from the IT department for approval of job descriptions for its positions. Job descriptions have been updated to reflect workload adjustment. After review, Alma Adams made a motion to approve the updated job descriptions as presented. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Leslie also presented for approval a Tourism Department request to hire Jane Fell as a part time receptionist at the Visitor Center. Alma Adams made a motion to approve the hiring of Jane Fell as requested. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Leslie presented a request to eliminate workforce assessment and justification policy adopted on June 22, 2009. Alma Adams made a motion to eliminate the policy as recommended. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

PUBLIC COMMENTS :

Craig Spittler stated that as a member of the "Iron County Citizen Review Committee" an unofficial group of citizens concerned with County government, that they were concerned with

the method of selecting public defender attorneys. They feel that it is imperative that the County Attorney not be involved in their selection as this can create undue oversight into public defender handling of cases.

The Commission responded that the public defenders are selected through the Human Resource Department through an application and selection process independent of the County Attorney.

ADJOURN :

The meeting was adjourned at 11:00 a.m. on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County

SPECIAL IRON COUNTY COMMISSION MEETING
October 29, 2012

Minutes of the Special Iron County Commission meeting convened at 10:00 a.m. October 29, 2012 in the Courtroom at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

PLEDGE OF ALLEGIANCE :

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

APPOINTMENT OF REPLACEMENT COUNTY COMMISSIONER :

After reading a letter from Commissioner Daniel Webster's wife. Commissioner Webster passed away unexpectedly on September 27, 2012. The Iron County Republican party was notified and submitted the name of David J. Miller to fill the unexpired term of Daniel Webster.

Alma Adams made a motion to appoint David J. Miller to fill the unexpired term of Daniel Webster. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

David Miller was not available to be sworn in at this time due to prior business commitments.

ADJOURN :

The meeting was adjourned at 10:10 a.m on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
November 8, 2012

Minutes of the Iron County Commission meeting convened at 11:00 a.m. November 8, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
David J. Miller	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resource Director
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PLEDGE OF ALLEGIANCE :

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

EXECUTIVE SESSION :

David Miller made a motion to convene in closed session in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

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

I, Dale M. Brinkerhoff, 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 8th day of November, 2012.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

After reconvening in open session Commission Chair Dale Brinkerhoff announced that no action is being taken at this time.

ADJOURN _____ :

The meeting was adjourned at 12:00 p.m. on a motion by David Miller. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
November 13, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 13, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
David J. Miller	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Brad Spencer	Jail Lieutenant
Margaret Miller	Justice Court Judge

<u>SYNOPSIS</u>	:	
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APPROVAL OF MINUTES November 5, 2012		2
APPROVAL OF MINUTES October 15, 2012		1
APPROVAL OF MINUTES October 22, 2012		1
APPROVAL OF MINUTES October 29, 2012		1
PERSONNEL MATTERS		6
PLEDGE OF ALLEGIANCE		1
PROPOSAL FOR 2013 IRON COUNTY EMPLOYEE HEALTH BENEFITS		6
PUBLIC HEARING VACATE AND AMEND MEADOW LAKE ESTATES SUB		2
RAP TRAINING		6
REORGANIZATION OF COMMISSION ASSIGNMENTS		6
REPORTS		2
RESOLUTION 2012-10 UCIP IRON COUNTY REPRESENTATIVE		3
RESOLUTION 2012-11 INTERLOCAL TAX INCREMENT AGREEMENT		4
SOUTHERN UTAH MORTUARY CONCERNING INDIGENT CASES		3

PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Brennan Wood.

APPROVAL OF MINUTES October 15, 2012

Minutes of the special Iron County Commission meeting held October 15, 2012 were approved as amended on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Absent.

APPROVAL OF MINUTES October 22, 2012

Minutes of the Iron County Commission meeting held October 22, 2012 were approved as amended on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Absent.

APPROVAL OF MINUTES October 29, 2012

Minutes of the special Iron County Commission meeting held October 29, 2012 were

approved as amended on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Absent.

APPROVAL OF MINUTES November 5, 2012 :

Minutes of the special Iron County Commission meeting held November 5, 2012 were approved as amended on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Absent.

REPORTS :

Brad Spencer presented a report from Corrections. He reported that two part time positions in culinary were being eliminated as a cost saving move. They will be replaced with existing personnel from the line officers which will improve overall security in the culinary area. He also reported that the security system cameras were being installed as an upgrade and should be completed shortly after the first of next year. Brad reported on workload with 685 bookings during the past quarter, a decrease of 103 booking over the previous period.

Margaret Miller, Justice Court Judge, presented reports of Justice Court compared to the same period in 2011. Traffic cases filed are down from 2011 levels while misdemeanor and infractions are slightly up. She also reported that the Justice Court will be going to a paperless system in 2013. The District Court will transition in April to a paperless system. Margaret also reported that all full time clerks have completed the necessary training for 2012. She will be checking with the Court Administrator's office to get more information on required part time personnel training requirements.

PUBLIC HEARING VACATE AND AMEND MEADOW LAKE ESTATES SUB:

Alma Adams made a motion to open a public hearing to receive comments on a petition to vacate and amend the subdivision plat of Meadow Lake Estates Subdivision. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Brent Carter representing property owners Austz MIT Irrevocable Trust, Andrew and Patricia Leavitt, Trustees, explained the purpose of the proposal is to allow for four larger lots which can help with siting of a cabin on each of the four parcels. There is not a proposal to change zoning or construction standards on the lots. It will also allow for developing one lot on the lake edge to avoid flooding or other high water concerns.

Lots to be combined include Lots 1 and 2, Block AF to be Lot 1, Block AF; Lots 1, 2, 3, and 4 Block J to be Lot 1, Block J; Lots 10 and 11 Block G to be Lot 10, Block G; and Lots 1 and 3, Block H to be Lot 1, Block G.

No other public comments were received whereupon David Miller made a motion to close the public hearing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

David Miller then made a motion to approve the petition to vacate and amend the plat of Meadow Lake Estates Subdivision as presented and to authorize appropriate signatures on the plat. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller,

Aye.

SOUTHERN UTAH MORTUARY CONCERNING INDIGENT CASES :

Richard Boyer and Jim Graff, Southern Utah Mortuary, discussed concerns with the procedure the County uses in paying for indigent deaths that occur in the County. They also requested an adjustment in the reimbursement amount from \$500.00 to \$1,500.00 to cover the cost of cremation.

The Commission took no action but asked that the matter be placed on the next agenda with a request to have the County Attorney, Sheriff, and local mortuary representatives present to discuss the problem.

RESOLUTION 2012-10 UCIP IRON COUNTY REPRESENTATIVE :

David Yardley introduced Resolution 2012-10 designating a voting representative and alternate to attend the annual membership meeting of UCIP to be held at Thanksgiving Point on December 6. David Miller made a motion to adopt Resolution 2012-10 as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

RESOLUTION NO. 2012-10

**RESOLUTION OF APPOINTMENT OF A IRON COUNTY
REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR
THE UTAH COUNTIES INDEMNITY POOL ANNUAL 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 Indemnity Pool Membership Meeting to be held on December 6, 2012; and

WHEREAS, the Governing Body of Iron County, Utah, has been informed that the By-laws of the Utah Counties Indemnity Pool require that the official representative and an alternate representative for Iron County must be an elected or appointed officer or employee of a Member and must be appointed by majority vote of the Governing Body of the Member to be the Member's official representative for the purposes of the Pool

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 Indemnity Pool Membership Meeting to be held on, December 6, 2012 with Alma L. Adams as an alternate representative.

RESOLVED ADOPTED AND ORDERED this 13th day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

Dale M. Brinkerhoff, Chair

Alma L. Adams, Commissioner

David J. Miller, Commissioner

ATTEST:

David I. Yardley, Iron County Clerk

By: _____

APPROVED AS TO FORM:

Michael G. Edwards, Deputy Iron County Attorney

By: _____

RESOLUTION 2012-11 INTERLOCAL TAX INCREMENT AGREEMENT :

Brennan Wood presented a request to the Commission to adopt Resolution 2012-11 which will provide tax increment financing through a community development project area to provide Building Corporation of America a relocation incentive, said incentive is more particularly defined in the interlocal tax increment authorization. The agreement is contingent upon adoption of the Community Development Project Area Plan.

After reviewing the project Alma Adams made a motion to adopt Resolution 2012-11 as presented. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

BOARD OF IRON COUNTY COMMISSIONERS

RESOLUTION 2012-11

**A RESOLUTION OF THE BOARD OF IRON COUNTY COMMISSIONERS:
ADOPTING THE INTERLOCAL TAX INCREMENT AUTHORIZATION
AGREEMENT BETWEEN CEDAR CITY, IRON COUNTY, THE IRON
COUNTY SCHOOL DISTRICT, THE CENTRAL IRON COUNTY WATER**

CONSERVANCY DISTRICT, AND THE CEDAR CITY REDEVELOPMENT AGENCY; AUTHORIZING THE SIGNING OF SAID AGREEMENT; AND CONDITIONING ACCEPTANCE OF THE AGREEMENT UPON THE ADOPTION OF A FINAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE WEST HIGHWAY 56 PROJECT AREA.

WHEREAS, the Cedar City Redevelopment Agency is an existing redevelopment agency created under the laws of the State of Utah and exercising authority granted under Title 17C, the Limited Purpose Local Government Entities Community Development and Renewal Agencies Act; and

WHEREAS, the various taxing entities desire to provide tax increment financing through a community development project area to provide Building Corporation of America a relocation incentive, said incentive is more particularly defined in the interlocal tax increment authorization agreement which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, pursuant to the provisions of UCA 17C-1-101 through 17C-1-701 and UCA 11-13-215 the various taxing entities may enter into an interlocal agreement providing for the use of tax increment money to provide the desired relocation incentive; and

WHEREAS, the various parties to the interlocal tax increment authorization agreement have been provided a copy of the agreement and had an opportunity to have the form and substance of said agreement reviewed and approved by their respective legal counsel; and

WHEREAS, the parties to the interlocal tax increment authorization agreement desire to enter into the agreement. It is not the intent of the parties to create a separate legal entity by entering into this interlocal agreement.

NOW THEREFORE, be it resolved by the Board of Iron County Commissioners that it hereby authorizes the adoption of the attached and incorporated interlocal tax increment authorization agreement, and the appropriate administrative officers are directed to sign the agreement.

NOW THEREFORE, be it further resolved by the Board of Iron County Commissioners that notice of the interlocal tax increment authorization agreement shall be published in Daily News and on the State of Utah public notice website; and that pursuant to the provisions of UCA 17C-4-202.

NOW THEREFORE, be it further resolved by the Board of Iron County Commissioners that once the applicable thirty (30) day protest period has expired the interlocal tax increment authorization agreement shall be filed with the State Tax Commission, the State Board of Education, the State Auditor, and the Iron County Auditor.

Dated this 13th day of November, 2012.

BOARD OF IRON COUNTY COMMISSIONERS

DALE M. BRINKERHOFF
CHAIRMAN

ATTEST: _____

DAVID I. YARDLEY
IRON COUNTY CLERK

RAP TRAINING :

Leslie Bishop presented RAP training on Sexual Harassment. Sexual harassment is unwanted sexual attention that harms the victim and often the general morale of the county. Sexual harassment is usually intended to make a person feel uncomfortable or to embarrass that person. Unfortunately, sexual harassment is a common occurrence, and claims are on the rise. The cost of sexual harassment cuts across all aspects of the organization, from employee retention to expensive litigation.

The consequences of sexual harassment in the workplace are costly and damaging to staff. Generally, judgments are paid by county, not insurance. The County may have to lay off employees, cut back on work hours, reduce operating budgets, or turn to the public to pay for judgments. It creates bad publicity. And it affects employee morale and productivity.

PROPOSAL FOR 2013 IRON COUNTY EMPLOYEE HEALTH BENEFITS :

Doug Peterson, ABSI & Certified Insurance, and the Iron County Employee Health Insurance Committee for 2012, which included a 4.5% increase in premium due to increased health costs. The increase is about \$78,226 annually. To get this rate the County will increase the deductible to \$1,500 for an individual and \$3,000 for a family with a stop loss at \$6,000.

Alma Adams made a motion to approve the proposed rate and plan approval with a premium increase of \$78,226.00. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

PERSONNEL MATTERS :

Leslie presented a request from the Assessor's office to hire Karen Butler, as a Part Time Deputy Assessor/Motor Vehicle Clerk in the Cedar City Office. The hire fills a vacant position left by Stephanie Orton who has transferred to the Iron County Ambulance as secretary. Alma Adams made a motion to approve the hiring of Karen Butler as a part time Deputy Assessor/Motor Vehicle Clerk in the Cedar City office. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

REORGANIZATION OF COMMISSION ASSIGNMENTS :

The Commission reviewed their Commission assignment chart and approved changes which reflect shifts due to the death of Commissioner Webster and the appointment of Commissioner Miller. Alma Adams made a motion to approve the assignments with the change of the Ambulance to the supervision of the Sheriff. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Absent due to a phone call.

AMBULANCE DEPARTMENT REORGANIZATION :

The Commission explained a Department change in which the Ambulance Department will be transferred to the Sheriff Department with supervision on an interim basis being assigned to Detective Jody Edwards. The change will eliminate the position of Ambulance Supervisor. Alma Adams made a motion to approve the Ambulance Department reorganization as presented. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Absent due to a phone call.

ADJOURN :

The meeting was adjourned at 11:45 a.m. on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Absent due to a phone call.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

IRON COUNTY COMMISSION MEETING
November 26, 2012

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 26, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
David J. Miller	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resources
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SYNOPSIS :

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HVAC MAINTENANCE CONTRACT FOR COUNTY BUILDINGS	19
ORDINANCE 2012-4 WIND ENERGY AMENDMENTS	2
PERSONNEL MATTERS	20
PLEDGE OF ALLEGIANCE	1
PROCEDURE FOR INDIGENT DEATH CASES DISCUSSION	19
PUBLIC COMMENTS	21
PUBLIC HEARING AND ACTION FOR ORDINANCE 2012-4	2
PUBLIC LAND ISSUE UPDATE	21
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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES November 12, 2012 :

Minutes of the Iron County Commission meeting held November 12, 2012 were approved as amended on a motion by Alma Adams. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

REPORTS :

David Yardley reported on results of the 2012 general election held November 6. The County had a 83% turnout of registered voters which is the highest turnout in recent years. There were few problems however due to the large absentee ballot requests and the number of provisional ballots counting took lots of extra time.

Leslie Bishop Human Resource Director reported on employment issues handled by the HR Department during the past quarter. This included three new replacement employees, fifteen new volunteer approvals, and three corrective actions. She also reported that personnel policy review and suggested updates is continuing.

PUBLIC HEARING AND ACTION FOR ORDINANCE 2012-4 :

David Miller made a motion to open a public hearing to receive comments regarding Ordinance 2012-4 which amends the existing County Code. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Reed Erickson discussed the proposed changes to the existing County Code. The proposed changes include noise levels, height restrictions, setbacks and zones in which the wind energy systems will be allowed. It also would eliminate the wind energy overlay zone.

Craig Spittler questioned why the zoning requirement was limited to two acre minimum and not allowed in R-1 and R-1/2 zones. Reed Erickson responded that this is the standard recommended by the Planning Commission and by the wind system installers.

Dwayne Alger commented that there is a concern with soil contamination from the operation of wind mills. He pointed out that the large wind mills near Milford appear to leak significant amounts of oil around the wind mill sites.

David Miller submitted a question about section 17.34.30 which may be in conflict regarding vertical access. Reed Erickson responded that vertical access verses horizontal access is explained and that there is not a conflict.

After all public comments were received and discussed, David Miller made a motion to close the public hearing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

ORDINANCE 2012-4 WIND ENERGY AMENDMENTS :

Alma Adams made a motion to adopt Ordinance number 2012-4 as recommended by the Planning Commission. Second by David Miller.

IRON COUNTY ORDINANCE NUMBER 2012-4

AN ORDINANCE OF IRON COUNTY, UTAH, REPEALING SECTION 17.34.035 – THE WIND ENERGY OVERLAY ZONE; AND AMENDING CHAPTERS 17.16 AND 17.34 OF THE IRON COUNTY CODE, PERTAINING TO WIND ENERGY SYSTEMS AND RELATED FACILITIES.

WHEREAS, Iron County finds that ordinance changes made previously (Ord. No. 2010-1) to Iron County Code pertaining to wind energy systems and related facilities warrants partial repeal and additional modification, primarily to the wind overlay zone, and to noise formulas prescribed in the 2010 ordinance;

WHEREAS, Iron County finds that wind power resources within the County may be developed when appropriate consideration is given to preserving farmlands and agricultural enterprises, safeguarding nearby residential and commercial developments, and otherwise protecting the public health, safety, and general welfare, as promoted by this proposed ordinance;

WHEREAS, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah and has carefully and thoroughly reviewed and considered the comments received, and has

voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

WHEREAS, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act; the Iron County General Plan; and, the Iron County zoning ordinance.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.34 of the Iron County Code is hereby amended to read as follows, including the repeal of the entire Section 17.34.035 (The Wind Energy Overlay Zone) and a large portion of Section 17.34.030 (C)(5. Noise Limitations):

Chapter 17.34 - WIND ENERGY SYSTEMS AND FACILITIES

Sections:

17.34.010 - Purpose.

17.34.020 - Definitions.

17.34.030 - Requirements—Wind energy system, small.

17.34.040 - Requirements—Wind energy system, commercial.

17.34.050 - Requirements of wind monitoring tower and equipment (met tower).

17.34.060 - Nonuse.

17.34.070 - Applicability.

17.34.010 - Purpose.

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

17.34.020 - Definitions.

- A. "Shadow flicker" means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on an object, such as a window.
- B. "Total extended height" means the distance measured from ground level to the tip of the blade, extended at its highest point of travel.
- C. "Tower" means the supporting structure on which the turbine is mounted.
- D. "Turbine" means that portion of the wind system that is used to capture the energy of the wind and transform it into electrical or mechanical energy. The turbine includes a rotor (blades) and nacelle (generator), and on many wind systems, a tail.
- E. "Wind energy system, commercial" means a wind energy conversion system consisting of one or more wind turbine(s) and tower(s), with associated control or

conversion electronics, which will be used for on-site and/or off-site consumption of power with a rated capacity in excess of one hundred kW.

F. "Wind energy system, small" means a wind energy conversion system consisting of a wind turbine, a tower or other support structure, and associated control or conversion electronics with a rated capacity appropriate to the on-site electric usage of the end-use and which will be used primarily to reduce on-site consumption of utility power. A small wind energy system may have a rated capacity of up to one hundred kW.

G. "Wind monitoring tower and equipment-meteorological (met) tower" means a tower that houses or supports wind measuring equipment, such as an anemometer, for the purpose of measuring and monitoring wind velocity, duration, intensity, regularity, air temperature and pressure, etc. Met towers are typically permitted only on a temporary basis (two to five years) to help determine the viability of a wind energy system project; although more permanent met towers may also be considered.

H. "Wind turbine, horizontal-axis (HAWT)" means a wind turbine designed to have the axis of rotation aligned with the direction of the wind, such as with the common propeller-type models.

I. "Wind turbine, vertical-axis (VAWT)" means a wind turbine designed to have the axis of rotation perpendicular to the wind direction.

17.34.030 - Requirements—Wind Energy System, Small.

A. Permitted Locations and Number. A small wind energy system that complies with the provisions of this section is permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance, and in accordance with the following:

1. Only one small wind energy system may be authorized per lot, with the following exceptions:
 - a. Multiple small wind energy systems may be authorized as permitted uses on lots that are twenty acres or larger and zoned A-20, C, LI, I, or I-A.
 - b. In the R-5, and R-2 zones, up to two small wind energy systems may be authorized as permitted uses when the small wind energy systems are vertical-axis wind turbines and do not exceed forty-five feet in height.
 - c. Schools, churches, public service entities, and similar public and non-profit entities located on lots larger than five acres may request additional wind turbines through the conditional use permit review process.
2. Note that multiple small wind energy systems may require greater noise setbacks than single systems, as addressed in subsection (C)(5) below.

B. Minimum Lot Size. A horizontal-axis or vertical-axis small wind energy system may be erected on any lot that meets the minimum lot size requirement for the zone and is capable of meeting the setback and lot size requirements of this section (see A (1)(a) above). C. Design Standards.

1. Pole or Tower Design. The design of the small wind energy system may include a monopole/freestanding design, or a guy-wired tower, whether mounted on the ground or on a building.

2. Total Extended Height. The total extended height of the small wind energy system shall not exceed eighty feet if located on a lot zoned R-2; one hundred feet if located on a lot zoned R-5; or, one hundred twenty-five feet if located on a lot that is zoned A-20, C, LI, I or IA. Sufficient clearance to lower and raise the tower and turbine is to be provided and maintained.

3. Safety.

a. The minimum height of the lowest extent of a turbine blade/rotor shall be fifteen feet above the ground, if on a horizontal axis turbine. There is no minimum rotor height for a vertical-axis turbine, provided the blades/rotor must be located or isolated (e.g., fenced) such that they are not easily accessible to anyone but maintenance personnel.

b. No tower shall have an external climbing apparatus within twelve feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked when not in use.

c. Appropriate warning signage/markings is to be placed on towers, guy wires, and electrical equipment.

d. All small wind energy systems must have a manufacturers' maximum RPM (revolutions per minute) rating of less than five hundred.

4. Setbacks. In determining the required separation of a small wind energy system from the uses listed, all applicable setbacks are to be followed. Where multiple setbacks are applicable, the most restrictive applies.

a. Property Lines. Small wind energy systems must be set back from property lines a distance of at least 110 percent of the systems total extended height.

b. Safety Areas. For safety purposes, a small wind energy system shall be set back from the nearest property line, public road rights-of-way, tanks containing combustible/flammable liquids, and above-ground communication or electrical lines not less than 125 percent of its total extended height if located on a freestanding tower or pole, or if mounted on a building, the distance of the likely fall zone.

Additional setbacks from neighboring residences and residentially zoned lots are set forth in subsection (C)(5) below.

5. Noise Limitations. To reduce noise impacts to neighboring residential properties, no small wind energy system or combination of small wind energy systems shall produce noise that exceeds fifty dB, as measured at the property line

of any neighboring lot not owned by the small wind energy system owner/developer

6. Visual Standards.

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

b. No small wind energy system shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by the FAA, it shall be the red, intermittent, glowing style, rather than the white, strobe style, unless disclosed and justified through the application review process.

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

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

e. The property owner shall reasonably attempt to site the system at a location that minimizes the potential for shadow flicker impacts to their own and neighboring residences.

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

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

9. Overspeed Controls. Every small wind energy system is to be equipped with an automatic overspeed control, braking system, or feathering system.

10. Fire Protection. All small wind energy systems are to be provided with a defensible space for fire protection, in accordance with the Iron County Wildland-Urban Interface Code.

D. Permit Applications. A building permit is required for a small wind energy system. The application is to include the following information.

1. A site plan, drawn to scale, showing the location of the proposed small wind energy system; the locations of all existing buildings and structures, dimensioned

to the property lines; the location of any septic system, well, utility line or easement, access easement, or any tank containing flammable materials on the property; the area required for raising and lowering the tower; the defensible space area required by the Urban-Wildlands Interface Code; and the applicable setbacks for the small wind energy system.

2. Noise compliance documentation. Provide the information necessary to demonstrate that the applicable noise requirements of Section 17.34.030(C)(5) will be met.

3. Standard drawings for Building Permit. Engineered plans and calculations generally provided by the system manufacturer shall be required to obtain a building permit for a small wind energy system. Plans and calculations shall be stamped, dated and signed in accordance with Utah State Codes, ordinances, and laws governing such actions, by the system manufacturer or an engineer licensed and in good standing with the State of Utah. Plans and calculations must verify that the structure is designed and capable of withstanding the conditions of the site, including, but not limited to, wind load, snow load, seismic conditions, and soil conditions, as required by the Iron County Building Department. Soils testing by a qualified soils engineer that is licensed by, and in good standing with, the state of Utah may be required.

4. Specific information on the type, model, size, rotor material, rated power output, rated rotor speed, overspeed safety features, and survival wind speed, as well as the name and address of the manufacturer is to be provided. These items are typically included in a specification sheet available from the manufacturer.

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

6. Net metering agreement. If the system will be connected to the electricity grid the applicant must provide documentation with the building permit that notification has been provided to the appropriate utility company (e.g., work order number status). Where appropriate, a fully-executed net metering permit/agreement must be provided to the building inspector prior to operation of a system that will be connected to the grid.

17.34.040 - Requirements—Wind Energy System, Commercial.

The following standards shall apply to all commercial wind energy systems:

A. Permissible Locations. A commercial wind energy system may be permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance. Notice of a conditional use permit application for a commercial wind energy system, shall include notice through U.S. mail of the date, time and place of the public hearing to owners of all properties within one-quarter mile of any proposed wind turbine location, based on the county assessor's records. The notice shall be mailed by the county at least ten days prior to the hearing, at the applicant's expense.

B. Design Standards. A commercial wind energy system shall comply with the design standards set forth below.

1. Pole or Tower Design. The design of the commercial wind energy system shall be of monopole or freestanding design with no guy-wired towers. No open-lattice style towers are permitted, unless they are entirely clad with a suitable cover, such as an architectural fabric, and engineered to consider the additional forces related to the covering.

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

3. Safety/Access.

a. No tower shall have an exterior climbing apparatus within twelve feet of the ground without preventable access measures. All access doors or access ways to towers and electrical equipment shall be locked.

b. Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances as set forth by industry standards.

4. Setbacks. In determining the required separation of a commercial wind energy system from the uses listed, all applicable setbacks are to be followed. Where multiple setbacks are applicable, the most restrictive applies.

a. Project Boundary Lines.

i. A commercial wind energy system tower shall be set back from all project boundaries as set forth by noise and fall zone restrictions with a minimum distance of 125 percent its total extended height.

ii. A commercial wind energy system tower shall be set back from all existing State Class A, County Class B, and City Class C roads, tanks containing combustible/flammable liquids, and above-ground communication or electrical lines, not less than a distance of 110 percent its total extended height. The County Planning Commission is hereby authorized to grant exception to the setback requirement for a particular tower(s) during the Conditional Use Permit Review process when road duplication or other unique circumstances exist that warrant special consideration.

b. Other uses. No commercial wind energy system shall be located within the decibel limitations section 17.34.040 (B)(5), any potential shadow flicker section 17.34.040 (B)(7), or 125 percent of its total extended height of a park, church, hospital, school, playground, or residentially zoned lot not owned or leased by the wind energy developer/owner.

c. Spacing. Commercial wind energy system towers shall be spaced on center no closer than 110 percent of their individual total extended height.

Additional Setbacks from neighboring residences and residentially zoned lots are set forth in subsequent sections for noise and shadow flicker, subsections (B)(5) and (B)(7)(e).

5. Noise. All commercial wind energy turbines/towers shall be located at the proper distance from the project boundary in so much that the dBA rating shall not exceed a 50dB at those boundaries. A noise study will be required, and shall be reviewed by an independent qualified party, with the associated costs born by the developer/owner. Failure to operate within the noise limits specified constitutes a violation of this ordinance.

6. Setback and Noise Waivers. Voluntary waivers or reductions of the setback and noise limits established by Section 17.34.040(B)(4)(a) and (b), and 17.34.040(B)(5) may be accepted from those neighboring property owners that otherwise would be within a setback required by one or more of these sections. The agreement(s) must specifically state the county setback and/or noise standard(s) being waived or reduced, the extent of the waiver, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the wind energy developer, effective for the life of the project. Notwithstanding any such voluntary agreement between the landowner and the wind energy developer, the agreement shall only be effective and reflected in the county's authorization of the project when it has been reviewed and determined acceptable to the county. Any voluntary waiver or reduction agreement must be submitted with the conditional use permit application and if authorized by the county, must be filed with the county recorder upon issuance of the conditional use permit.

7. Visual Appearance.

a. Commercial wind energy systems shall be finished and maintained in color and material as manufactured.

b. No commercial wind energy system shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by the FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process.

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

d. Accessory buildings or related structures shall, to the extent reasonably possible, use materials, colors, and textures that will appropriately blend the facility into the existing environment, giving consideration to the use and design life of the building or structure.

e. A shadow flicker analysis is required with the application for any commercial wind energy system. The project must be located such that

they will not result in any significant amount of shadow flicker on a major public roadway, or on any inhabitable structures or residentially zoned lots not owned or leased by the wind project developer/lessor, unless an easement to do so is obtained from the affected property owner and presented with the application.

f. Appropriate landscaping or screening materials may be required to help screen accessory structures from major roads and adjacent residences. Lighting of accessory structures and substations shall be limited to the minimum necessary and full cut-off lighting (e.g., dark sky compliant) may be required for accessory structures when determined necessary to mitigate visual impacts.

g. The applicant must provide a view shed analysis of the project, including visual simulations of the wind energy systems and any significant planned structures or improvement, such as new roads on a hillside or substations. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal. More visually sensitive proposals may require analysis from significantly more vantage points, such as different distances and sensitive locations.

8. Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g., wetlands, cliffs, hard bedrock), and except for power lines within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements. Transmission lines (33.5 kV lines and above) coming to or leaving the project may be overhead.

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

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

C. Permit Applications. An application for a conditional use permit to establish a commercial wind energy system shall include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section 17.34.040(B) will be met. Supporting documentation for addressing the review criteria of Sections 17.34.040(D) and 17.28.050(A) is also to be provided. The land use authority may require any information reasonably necessary to determine compliance with this section.

It is preferred that any related conditional use permit applications for substations or transmission lines be considered in conjunction with the conditional use permit application for the commercial wind energy system; however, if the details of those improvements are not available at the time of application for the commercial wind energy system, they may be considered later, through subsequent conditional use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the commercial wind energy system.

Due to the complexity of large-scale commercial wind energy projects, the county may require a development agreement or other appropriate instrument to address taxing, land use, property assessment, and other issues related to the project. For example, the county is interested in preventing large tax shifts that may otherwise be incurred by county residents each year the centrally assessed wind energy project is depreciated; therefore, cooperation to establish an agreement for payment in lieu of taxes (PILT), or other acceptable solutions may be necessary. A development agreement or substitute agreement may be required as a condition of the permit, and must be approved by the board of county commissioners prior to commencing construction.

D. Conditional Use Permit. Following the provisions of Chapter 17.28, Iron County Code, additional or more thorough consideration shall be given to the following as the county determines whether the project needs to be approved, denied, or conditionally approved:

1. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
2. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat; avoiding visual corridors that are essential view sheds or scenic areas designated by the county after analyzing the applicant's wind energy system proposal and considering public hearing comments; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high stormwater runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
3. Site and development plans, which locate and describe the project boundaries, all existing and proposed structures, setbacks, access routes, proposed road improvements, existing inhabitable structures and residentially zoned lots within one mile of the project, existing utilities/pipelines/transmission lines, proposed utility lines / structures, existing topography, existing and proposed drainage ways, proposed grading, natural vegetation removal, re-vegetation actions, dust and erosion control, any floodplains or wetlands, and other relevant items identified by county staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.

4. Analysis of local economic benefits, describing estimated: project cost, generated property taxes and local sales taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs.

5. Visual impacts, appearance and scenic view sheds. Potential visual impacts include, but are not limited to, wind towers, rotors, above-ground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. The applicant must provide a view shed analysis of the project, including visual simulations of the wind energy systems and any significant planned structures or improvements, such as new roads on a hillside or substations. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal. More visually sensitive proposals may require analysis from significantly more vantage points, such as different distances and sensitive locations.

6. Wildlife habitat areas and migration patterns, including avian and bat data for the project area. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist, consultation with USDFW will be necessary. A plan for ongoing monitoring after the project is operational for bird, bat, or other wildlife impacts may be required.

7. Environmental analysis. In the absence of a required state or federal agency environmental review for the project (e.g., NEPA), the planning commission may request an impact analysis on historic, cultural and archaeological resources; soil erosion; and flora in the area of the project. The land use authority is to consider any impacts to such resources when determining whether to approve, condition or deny a project.

8. Solid waste or hazardous waste. The application must include plans for the spill-prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste disposal. Verification that all construction waste generated from the project has been removed from the area will be required before a certificate of occupancy may be issued.

9. Height restrictions and FAA hazard review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.

10. Transportation plan, for construction and operation phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)—remember to identify needed bridges, culverts, livestock fence crossings (gates and cattleguards), etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of

the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. The county may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. To provide a proper reference for restoration, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records.

11. Public safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, radar systems, etc., that may be created by the project.

12. Noise limitations. Submit sufficient information regarding noise, so as to demonstrate compliance with Section 17.34.040(B)(5).

13. Shadow flicker. Identify the potential of any shadow flicker effects from the project and provide sufficient documentation to demonstrate compliance with Section 17.34.040(B)(7)(e).

14. Telecommunications interference. Demonstrate that the potential for adverse electromagnetic fields and communications interference generated by the project has been evaluated and determined unlikely, conduct a Licensed Microwave Search and Worst Case Fresnel Zone (WCFZ) Analysis, including consultations with the National Telecommunications Information Administration (NTIA), Interdepartmental Radio Advisory Committee (IRAC) and the National Weather Service.

15. Agreement/easement for life of the project and final reclamation. All property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project.

Also describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of an agreement or other commitment (i.e., bond and/or sinking fund) with affected parties (county, any lessor or property owner, etc.) that ensures proper final reclamation of the wind energy project, as well as repairing any road impacts associated with the work. All required leases, easements, bonds, or other agreements between the wind development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the conditional use permit.

16. Other probable and significant impacts, as identified through the review process.

17.34.050 - Requirements of Wind Monitoring Tower and Equipment (Met Tower).

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

may be permitted in the, R-2, and R-5 zoning districts only when it is for the purpose of investigating the feasibility of a small wind energy system, and when the monitoring tower complies with the height and setback requirements for small wind energy systems, as identified in Section 17.34.030(C)(2) and (4).

On lands being considered for a commercial wind energy system, a wind monitoring tower located on property zoned A-20, C, LI, I, or IA for three years or less is deemed a permitted use, subject to compliance with Section 17.34.050(B)(1)—(6), provided that no road improvements are necessary, the tower is three hundred twenty-eight feet or less in height, and FAA compliance is demonstrated. If road improvements are necessary, or the tower exceeds three hundred twenty-eight feet in height, or more than three years is desired, a conditional use permit is required.

B. Permit application. A wind monitoring tower and associated equipment may be permitted subject to the following:

1. Owner Consent: Evidence that the applicant is the owner of the property, or has written permission of the owner(s) to make such application.
2. Use Duration: Typically permitted for a maximum of two to five years, as specified in the permit, and as determined by evidence given at the time of application regarding known wind source data.
3. Height: The allowable height of a monitoring tower not otherwise limited by Section 17.34.050(A) will be established through the conditional use permit review.
4. Setbacks: The setbacks for a met tower from the exterior property lines of the project, class A, B, or C road rights-of-way, above-ground communication or electrical lines, and tanks containing combustible/flammable liquids shall be at least 1.1 times its total height.
5. Tower Security: Any climbing apparatus must be located at least twelve feet above the ground and the tower must be designed to prevent climbing within the first twelve feet; or, the tower must be protected by an eight-foot tall security fence. The tower is recommended to be enclosed with an appropriate fence when there is OHV or livestock use in the area.
6. Other: As determined by county staff and/or planning commission, other significant health, safety and general welfare issues may need to be addressed.

17.34.060 - Nonuse.

A. Any wind energy system that has been permitted by this chapter which is not used for two consecutive years, excluding up to six months for repairs, shall be removed within the following six months of a “nonuse” notice. A “nonuse” notice is a formal written notification issued by Iron County recognizing said facilities have not been used for two consecutive years. Failure to remove the system shall be deemed a violation of this chapter.

B. Any small wind energy system or commercial wind energy system which is nonconforming with this chapter and which is not operable for one year shall be removed within the following six months. Failure to remove the system shall be deemed a violation of this chapter.

17.34.070 - Applicability.

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

SECTION 2. Chapter 17.16, (Sections 17.16.010, 17.16.020, and 17.16.030), Iron County Code is hereby amended to read and provide as follows (Sections 17.16.040 and 17.16.050 remains unaltered):

17.16.010 Zoning by Districts.

In accordance with the requirement of the Utah Code that zoning within counties by districts, Iron County, as shown on the Iron County zoning district map, is divided into zoning districts which govern the use, intensity, area and other requirements for the use of land as required by this chapter and the land management code. The map accompanying this chapter and incorporated herein by reference, the Iron County zoning district map, identifies the location and distribution of each district within Iron County. All development, use, activity and authorized permits and licenses shall adhere to all the provisions, standards and requirements of the applicable zoning district.

To meet the purposes of this chapter, Iron County is divided into the following zoning districts:
Base Zoning Districts.

A. Agricultural Districts:

1. Agriculture (A-20);
2. Intensive Agricultural (I-A).

B. Residential Districts:

1. Residential (R-5);
2. Residential (R-2);

3. Residential (R-1);

4. Residential (R-1/2).

C. Commercial Districts:

1. Commercial (C).

D. Industrial Districts:

1. Light Industrial (LI);

2. Industrial (I).

17.16.020 Zoning Districts Purpose.

Consistent with the goals and policies of the Iron County general plan, the zoning districts are formulated to provide and achieve the following purposes:

A. The agriculture (A-20) district is provided and designed to protect and preserve lands suited for farming and the production of food and fiber and open areas protected from the encroachment of incompatible uses. Other purposes of this district include the protection of the economic base of the county and the protection of environmentally sensitive lands, such as areas subject to flooding, wetlands, unstable soils and areas with steep slopes. This district discourages intense uses due to a lack of required services and the potential cost to Iron County residents of providing the services necessary to support more intense development and activities.

B. The intensive agricultural zoning district (I-A) is intended to help preserve existing agricultural land resources, promote the areas suitable for developing agricultural operations that can become or remain competitive by taking advantage of economies of scale, prevent the premature conversion of rural lands to urban use and accommodate animal agricultural uses and other uses that may be more intensive agriculture enterprises than have been historically developed in Iron County. The zone use and development regulations are designed to implement general plan goals by discouraging urban and suburban development on lands that have prime agricultural soils, water and locations that are conducive to agriculture and are not well served by public facilities and services typical of residential development. The I-A zone is generally compatible with the "agriculture" and "open space" land-use designations of the general plan. An I-A zone is intended for more intensive uses than historical agricultural. The I-A zone is not intended to be applied near urbanized areas and is not intended to accommodate residential uses as a principal use. The I-A zone is compatible with, and complimentary to, the A-20 zone and the classification of land into the I-A zone shall not be considered a spot zone when the land is surrounded by property zoned A-20, but is consistent with the intent of the Iron County general plan for agricultural lands. Accordingly, it is inconsistent with the intent of the I-A zone to change land from A-20 zoning district to the I-A zoning district where the intended use of the land is a permitted use in the A-20 zone. It is also inconsistent with the intent of the I-A zone to zone land I-A for more land than is required by the intended use of the land.

C. The residential districts of Iron County (R-5, R-2, R-1 and R-1/2) are formulated to provide single-family housing choices to meet the needs of Iron County residents, to offer a balance of housing types and densities, and to preserve and provide safe and convenient places to live. These districts are intended for well-designed residential uses free from any activity or use that may weaken the residential integrity of these areas. Generally, residential districts shall be located where adequate public services and facilities are available to meet the needs of residents. Typical uses include single-family dwellings, parks and public facilities necessary to meet the needs of residents. Hobby farms are consistent with the residential districts, so long as, the farms meet the requirements of Section 17.36.250 of this title.

D. The commercial (C) district is intended to provide controlled and compatible locations for retail, office and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and to strengthen the county’s tax base. Typical uses allowed in this district include retail sales and services, offices and institutional uses.

E. The purpose of the light industrial (LI) district is to provide locations for industrial uses that produce no appreciable impact on adjacent properties and which provide employment opportunities for residents of Iron County.

F. The industrial (I) district is formulated to recognize existing industrial sites and activities within Iron County, to provide opportunities for heavier industrial activities than allowed in the light industrial district, to provide economic stability and opportunity and to provide employment opportunities for county residents.

17.16.030 Table of Uses.

The table of uses identifies the uses allowed within each zoning district of the county. The purpose of the table of uses is to implement the goals and policies of the Iron County general plan. The table of uses identifies uses allowed as a permitted use (identified as “P” in the table of uses) and uses allowed as a conditional use (identified as “C” in the table of uses). Uses not identified as either a permitted or conditional use are deemed to be a prohibited use (identified as “X” in the table of uses).

TABLE OF USES

(Note: Only the portions of the table relating to amendments are shown.)

USES	ZONE DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2	C	LI	I	IA
Geothermal power plant	C(5)	X	X	X	X	X	X	C(5)	C(5)
Power plant, not otherwise listed	X	X	X	X	X	X	X	C	C
Solar power plant	C(6)	X	X	X	X	X	X	C(6)	C(6)
Wind energy system, commercial	C	X	X	X	X	X	X	C	C
Wind energy system, small	P(3)	P(3)	P(3)	X	X	P(3)	P(3)	P(3)	P(3)
Wind monitoring tower and equipment	P,C(4)	P,C(4)	P,C(4)	X	X	P,C(4)	P,C(4)	P,C(4)	P,C(4)

*(1) See Definition.

***(2) Requires an acknowledgment agreement to be signed and recorded.

****(3) See also 17.34.030

(4) See also 17.34.050.

(5) See also Chapter 17.35.

(6) See also Chapter 17.33.

Table of Uses Notes:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

SECTION 3. General Provision.

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of requiring minor subdivisions to identify and number lots or parcels for sale with appropriate legal descriptions, require conveying language on the plat from the owner of record of the property and establish an approval process for minor subdivisions consistent with subdivision law in accordance with state code and Iron County code.

SECTION 4. Severability.

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

SECTION 5. Effective Date.

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code § 17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 26th day of November, 2012.

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

By: _____
Dale M. Brinkerhoff, Chair

ATTEST:

David I. Yardley,
Iron County Clerk

VOTING:

Alma L. Adams Aye
Dale M. Brinkerhoff Aye
David J. Miller Aye

BOOKMOBILE FUNDING AGREEMENT FY 2012/2013 :

Commissioner Brinkerhoff introduced concerns with distribution of library tax funds between municipal entities and the Bookmobile. Under the current funding level the funds are not being expended in compliance with State Code. He also discussed cost/benefit issues with the number of books distributed.

Cheryl Manson, State Library, explained that the Bookmobile is a partnership between the County and the State. She also presented circulation figures which increased 31% over calendar year 2011. School children at ten schools borrowed 25,906 items between November 1, 2011 and October 31, 2012. She stated that the Bookmobile provides a service to rural areas that cannot be serviced any other way.

Pat Tomkins, Bookmobile librarian, requested to be a part of any process in evaluating the service provided. She also explained the additional stops being made to serve the senior citizens of the County.

After the discussion, David Miller made a motion to adjust the proposed contract to reflect a term from July 1, 2012 to December 31, 2012 and to authorize payment for the service for the contract period. Also to continue to study the matter to determine the level of service the County should participate in. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

PROCEDURE FOR INDIGENT DEATH CASES DISCUSSION :

The procedure to handle indigent death cases was recalled from the previous meeting for a report and recommendation from Mortuaries and the County Attorney's office.

Michael Edwards reported that the agreed upon procedure will be that the Mortuary will report indigent deaths to the Sheriff's office. The Sheriff's office will attempt to locate extended family that are capable to claim the body. The Mortuaries will attempt to contact the extended family members and submit a report to the County outlining their efforts in locating family members when a request for payment for indigent burial is submitted. The fee the County will continue to pay will remain at \$500.00.

The County will also pay to open a grave and vault annually to place cremains collected for the year in the existing vault.

David Miller made a motion to approve the procedure and to request the County Attorney to draft an ordinance outlining the procedure to handle unclaimed indigent remains. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

HVAC MAINTENANCE CONTRACT FOR COUNTY BUILDINGS :

The Commission recalled the matter of contracts for providing HVAC service at County building including the Courthouse, Fiddlers, Visitor Center, Visitor Center Offices, and the Justice Center. Two bids were received, one from Honeywell and one from Trane.

Dwayne Alger was asked to review the proposals and report on his findings. He stated that the two proposals appear to offer the same level of service and he was comfortable in recommending either contract.

The Commission reviewed total costs which for Honeywell totaled \$87,909 annually against Trane at \$25,492.

Myron Urquhart explained that their contract for the Courthouse included installing new boilers with a guarantee that the price would not be increased for five years. Mr. Urquhart also explained that contracts for other buildings were not reviewed and he requested time to review them to determine if significant cost savings could be realized. The Commission agreed with the understanding that Trane would be given the same opportunity. Trane representatives were not present in the meeting.

David Miller made a motion to table action to the December 10 meeting as requested. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

AP&P CONTRACT TERMINATION OF OFFICE SPACE LEASE IN THE JAIL :

Brad Spencer met with the Commission to request approval of a notice of termination of lease for office space at the Jail by the State of Utah, DFCM, to house Adult Probation and Parole. He explained that the purchase contract approved by the County and the State in 2003 provided for a lease term of ten years which term expires on May 14, 2013. The Jail staff is in need of the additional office space for the operation of the jail.

David Miller made a motion to notify the State of Utah, Department of Facilities Construction and Management (DFCM) of Iron County's intent to utilize the current AP& P space beginning May 15, 2013. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

PERSONNEL MATTERS _____ :

Leslie Bishop presented for approval Public Defender contract positions with recommendations to approve of Jack B. Burns and Jeffrey E. Slack to handle all indigent criminal defenses as public defenders in the Fifth District Court and to provide conflict counsel in Juvenile and Justice Court. Also to approve William H. Leigh and J. Bryan Jackson to handle Juvenile Court and represent Juvenile Defendants and Families under the Child Welfare and Reform Act and all criminal matters as public defenders in the Justice Courts.

Alma Adams made a motion to approve the contracts for the Public Defense Counsel as presented. Second by David Miller.

Craig Spittler requested an opportunity to review the contracts before final action is taken by the Commission. He stated that concerns have been raised by citizens that a high level of defense is not always provided.

The Commission tabled action on approving the contracts to the next Commission meeting.

Leslie also presented for approval a request to fund 2013 annual contribution of funds to HRA & HSA for benefit eligible County Employees as requested by the Health Insurance Committee. Alma Adams made a motion to approve the contribution to the HRA and HSA programs at the same level as 2012. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Leslie also requested approval of the 2013 Select Health Employee Assistance Program (EAP) Contract at a rate of approximately \$6,000 annually. After reviewing the program, Alma

Adams made a motion to approve the Select Health Employee Assistance Program as presented. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

PUBLIC LAND ISSUE UPDATE :

Ken Brown, Western Counties Alliance, reported on their efforts in protecting PILT and SRS funding from Congress. The County will receive full funding in 2013 but with the economy and deficit spending in Washington and the President looking for additional funds, there is not a guarantee on future funding levels.

Mr. Brown also discussed the wild horse and burro programs and the sage grouse program. Utah's efforts to help with sage grouse is encouraging and is working well. The goal is to avoid listing as an endangered species.

Mr. Brown encouraged Iron County to become a participating County in the Western Counties Alliance. Membership fees are \$3,000 to \$4,500 annually. Three new Counties and one new State have joined this year. With additional states and counties joining, membership fees can be reduced.

PUBLIC COMMENTS :

Tracie Sullivan introduced herself to the Commission as a freelance reporter. She stated that she would be attending Commission meetings and submitting stories to the Salt Lake Tribune.

Craig Spitler commented that he would like to have access to Commission material being considered as part of the agenda notification posted on the County web site.

COAST TO COAST RX CARD COUNTY MARKETING AGREEMENT APPROVAL :

A marketing agreement with Coast To Coast Rx to provide at no cost to County residents a prescription discount card that can be used when non insured individuals purchase prescriptions was reviewed and approved on a motion by Alma Adams. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

ADJOURN :

The meeting was adjourned at 2:30 p.m. on a motion by Alma Adams. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
December 10, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 10, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
David J. Miller	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Charles Morris	Emergency Management/Parks/Recreation
Jared Wilson	IT Director
Jody Edwards	Interim Ambulance Director

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES November 26, 2012 :

Minutes of the Iron County Commission meeting held November 26, 2012 were approved as amended on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

REPORTS :

Charlie Morris, Supervisor of Parks, Recreation and Emergency Management, reported on project funding still outstanding in the Emergency Management portion of his job. He explained the different projects for which funding has been secured and progress in completing the projects. He also reported that the CERT trailer has been moved from the Visitor Center parking lot as requested and is now located in the Cedar City equipment yard near the Cemetery.

Charlie also reported that the water tank and main shutoff valve are leaking on the water

system at Woods Ranch. The tank has been drained and the system winterized so before it can be started next spring it will require repair. He also reported that the water samples sent in were contaminated with E Coli and Coliform bacteria. It will require additional testing prior to culinary use.

Charlie expressed concern with not having the purchase of radios for the County vehicle used to plow snow and service te Woods Ranch and Three Peaks areas. The Commission explained that this item was cut from the budget request due to lack of available funds.

Jody Edwards, interim Ambulance Director, reported that the Department is in the process of updating and implementing a policy and procedure manual. He also reported on the need to re surface the floor in the Cedar City ambulance garage due to the slick surface. It may entail grinding the surface and applying a non slip epoxy surface. He suggested that the Commission consider a command structure consisting of a Lieutenant, one Sargent, two Corporals, and three crew chiefs. The proposed structure will require testing for the Lieutenant position.

Jared Wilson, Information Technology Department, reported that the overtime budget for his department was above what was planned but was absorbed by other line items. The total Department budget is within projections. He explained Department needs for 2013.

The Commission requested that he move forward in obtaining price quotes for an emergency notification system for County offices. One proposal has been obtained but price comparisons need to be made.

IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY:

David Miller made a motion to convene as The governing board of the Iron County Community Development and Renewal Agency with Board Members Dale Brinkerhoff, Chair, David Miller, Member, Alma Adams, Member, Michael Edwards, Attorney, and David Yardley, Secretary. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Brennan Wood presented a request from CML Metals to enter into an economic development, tax sharing agreement for development of the iron ore processing plant in Iron County. He explained that CML Metals tax assessment for 2011 totaled approximately \$70,000.00. After the addition of the mill in 2011 and 2012, the assessment increased to approximately \$835,000.00. Taxes for 2012 have been paid. CML is requesting that a tax incentive agreement be considered with the base year of 2011. CML is also requesting that the taxes be capped at \$100,000.00 annually to allow the tax increment to be used in improvements to the plant. He further requested approval of the resolution authorizing the preparation of a draft community development project area plan for the project area to be located on parcels owned by CML Metals Corporation in Iron County.

Shon Edwards and Dale Gilbert explained that CML Metals has expended significant money in developing a concentrator plant at Iron Mountain. In order to compete on the world market additional drying facilities need to be installed to remove excess moisture from the concentrate. Currently this is being done by a air drying process.

Because of increased shipping costs on Union Pacific RR and the required purchase of

rolling stock and engines, it has placed the company in a vulnerable position financially. They also explained their request to reimburse 2012 taxes paid above the 2011 levels as part of the incentive agreement.

The Board explained that a tax refund for 2012 could not be made as a request for an incentive agreement would have needed to be approved prior to the assessment. They did, however express support of the business moving forward and for approaching UPRR to determine if freight rate reductions could be considered. The also expressed support for moving forward with an incentive plan with a base year of 2012 which could cover the additional machinery and expansion of the CML Metals operation.

After their presentation, the Board moved to action on the proposed resolution.

IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
RESOLUTION 2012-1 AUTHORIZING PREPARATION OF DRAFT PLAN:

Board Member David Miller made a motion to approve Iron County Community Development and Renewal Agency Resolution No. 2012-1 as presented and authorize appropriate signatures on documents. Second by Board Member Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

RESOLUTION NO. 2012-1

A RESOLUTION OF THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AUTHORIZING THE PREPARATION OF A DRAFT PROJECT AREA PLAN AND RELATED MATTERS.

WHEREAS, the Iron County Community Development and Renewal Agency (the “Agency”), desires to begin the process of adopting a community development project area plan pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies, Title 17C, Utah Code Annotated, 1953, as amended (the “Act”);

NOW, THEREFORE, It Is Hereby Resolved by the Governing Body of the Iron County Community Development and Renewal Agency, as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meaning when used in the body of this Resolution. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the governing board (the “Board”) and by the officers of the Agency directed toward the preparation of a draft project area plan, are hereby ratified, approved, and confirmed.

Section 2. The Board hereby authorizes the preparation of a draft community development project area plan for the project area to be located on parcels owned by CML Metals Corporation in Iron County, Utah.

Section 3. The appropriate officers of the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 4. If any one or more sections, sentences, clauses, or parts of this Resolution shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Resolution in any other instances.

Section 5. All resolutions of the Agency in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution, by-law or regulation, or part thereof, heretofore repealed.

PASSED AND APPROVED this December 10, 2012.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
David I. Yardley, Secretary

David Miller then made a motion to adjourn as the Iron County Community Development and Renewal Agency and reconvene as the County Commission. Second by Alma Adams.

Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

CDBG FIRST PUBLIC HEARING FY 2013 :

Commissioner Dale Brinkerhoff, opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2013 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefitting primarily low and moderate-income persons. The Five County Association of Governments in which Iron County is a member, is expecting to receive approximately \$800,000 in this new program year. Approximately \$300,000 will be available for regional allocation after pre-approved (Five County AOG, program administration and program delivery) and multi-year projects (3 housing projects) are funded.

All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Commissioner Brinkerhoff read several of the eligible activities listed including, (Examples such as:

Construction of public works and facilities, i.e.: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.)

Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons). Commissioner Brinkerhoff indicated that in the past Iron County has received 16 grants for the following projects:

1. Iron Co./Beryl area (\$20,000) 1982 fire project
2. Iron Co./Senior Center (\$100,000) 1985 Cedar Senior Citizens Center
3. Iron Co./Summit SSD (\$20,300) 1986 water project
4. Iron Co./Senior Center (\$30,000) 1986 Cedar Senior Citizens Center
5. Iron Co./Iron Parke, Inc. (\$34,650) 1994 ADA modifications
6. Iron Co./County Council on Aging (\$27,661) 1995 Cedar Senior Citizens Center ADA modifications
7. Iron Co./Beryl-New Castle (\$23,332) 1995 Community Center ADA modifications
8. Iron County (\$150,000) 1995 Ambulance Garage - Cedar
9. Iron Co./New Castle (\$71,000) 1998 Fire Station
10. Iron County (\$150,000) 2002 Ambulance Garage – Parowan
11. Iron County (\$240,000) 2004-05 Cedar Senior Citizens Center Expansion
12. Iron County (\$76,441) 2004 Meals on Wheels Delivery Trucks
13. Iron County (\$300,000) 2007-08 Parowan Senior Citizens Center
14. Iron County/County Council on Aging Public Service (\$ 62,560) 2009 (Two meals-on-wheels trucks)
15. Iron County (\$300,000) 2012 Fire Station Upgrade and Expansion - Beryl.

The County has handed out its capital investment plan as part of the regional “Consolidated Plan”. This list shows which projects the county has identified as being needed in the community.

It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing. Mr. Craig Spittler asked if funds could be used to construct housing units for low income residents and then change to regular rental units. Commissioner Brinkerhoff responded that the residences would be required to be used for low/moderate income residents. If the use were converted, grant fund would be required to be reimbursed.

Commissioner Brinkerhoff then opened the meeting up to further suggestions from the audience. There were no further public comments. Commissioner Brinkerhoff then asked if there were any other suggestions? The hearing was adjourned at 10:45 a.m. on a motion by David Miller. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

PUBLIC HEARING FINAL BUDGET HEARING 2013 :

David Miller made a motion to open a public hearing to receive comments on the proposed 2013 Iron County budget. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Gene Adams presented the proposed budget which reflects a \$314,000 reduction over the 2012 budget. The total proposed budget for 2013 is \$36,004,189.

Jared Wilson requested an additional \$20,000 addition to the Information Technology budget to defray additional costs in implementing voice over IP system in all County offices.

After all public comments were received, Alma Adams made a motion to close the public hearing at 11:00 a.m. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

CONVENE AS BOARD OF EQUALIZATION :

David Miller made a motion to convene as the Iron County Board of Equalization. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Cindy Bulloch explained to the Commission that Middleton Timber experienced a fire in one of the buildings on property at Hamilton Fort. She explained that Utah Code Title 59-2-1004.5 requires a net loss of at least 30% of taxable value in order to grant a value adjustment. In this case the property is in two names, Middleton Timber for the land and B-Raff Development for the shop and equipment. Because of real property value, the damage does not reach the 30% threshold.

After reviewing recommendations, the Commission approved an adjustment to value of personal property on Tax Serial Number D-1046-0003-0000 personal property to \$2,297.20 and real property adjusted to \$524,070.00 on a motion by David Miller. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

SCHOOL BOARD PRESENTATION :

Alan Adams, Iron County School Board Member, presented a video produced by the State Board of Education regarding innovations in education and buildings to reduce costs and further education of students. The presentation pointed out programs and individuals at different schools that are excelling in science and other fields. It also pointed out language immersion classes being taught at many schools. Iron County currently has one English/Spanish immersion program at East Elementary in Cedar City.

HVAC MAINTENANCE CONTRACT FOR COUNTY BUILDINGS :

The proposals to provide maintenance service on HVAC systems at the County Courthouse, Fiddlers Canyon Office Building, Visitor Center, Visitor Center Office Building, and the Justice Center were recalled for action.

Jeff Kaye representing Trane Building Services was present and explained that the Trane proposal is for four scheduled visits per year to each facility. The proposal is not a full service contract. Parts and repair costs will be billed separately.

Don Urquhart representing Honeywell expressed concern that the proposals were not comparable as the Honeywell proposal was for a full service contract in which Honeywell would

provide parts and labor at no additional cost.

The Commission explained that due to Honeywell not honoring the current contract on replacing the boiler at the Courthouse, it was opting to accept the Trane proposal stating that the difference in cost would result in an outright purchase of new boilers and still result in significant savings during the current year. The contracts will be reviewed next year to determine if the County is satisfied with the level of service it receives. David Miller then made a motion to accept the Trane proposal for all buildings for a total annual cost of \$25,092.00. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

TAX ABATEMENT APPROVALS :

Christene Lowder, Deputy Auditor, presented for review and approval applications for low income, homeowners tax credits, blind, and Veterans abatements for the 2012 tax year submitted after October 12, 2012. After reviewing the applications, Alma Adams made a motion to approve the abatements as presented. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

MAMMOTH CREEK FISH HATCHERY MATTER :

Laurel and Jim Snodgrass representing the group, Friends of Mammoth Creek Fish Hatchery, came before the Commission to request Iron County support in keeping the fish hatchery open and continue current use. They explained that a legislative audit suggested that the hatchery should either be closed or used differently. The audit also suggested that fish could then be stocked from larger hatcheries such as Loa or others further north. They also pointed out that Loa is currently quarantined due to a mud snail infestation.

Glen Barker stated that the audit has many weaknesses and appears to have been rushed through with pre conceived results in mind. He also requested Iron County support on maintaining the Mammoth Creek Hatchery.

Mike Worthen said that he has reviewed the audit and feels that it has many flaws that need to be addressed. He suggested that a new audit be performed with clear guidelines to present a much more clear picture of how the hatchery would be utilized.

Richard Hepworth, DWR Fisheries Biologist, explained that there are over 200 lakes, reservoirs, and streams stocked in southern Utah. Over 300,000 pounds of fish from every hatchery in Utah are stocked each year in this area. He also suggested that the Commissioners write a letter of support in efforts to keep the Mammoth Creek Hatchery open.

David Miller made a motion to authorize an Iron County letter of support in keeping the Mammoth Creek Fish Hatchery open and to authorize Mike Worthen to draft the letter for signatures. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

PERSONNEL MATTERS :

The matter of approval of public defender contracts for 2013 was recalled for action from a previous meeting. David Miller made a motion to approve the public defender contracts as presented. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Leslie Bishop presented a request from the Sheriff's Department to approve the hiring of Clinton Kelly as a full-time Bailiff. He is currently working for Iron County as a part-time Bailiff and is on the current Iron County Merit Commission Roster. The position will replace retired part-time Bailiff Dennis Anderson and part-time Bailiff Daniel Raddatz. David Miller made a motion to replace two part time Bailiff positions with one full time position and hire Clinton Kelly to fill the full time position. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Leslie also presented a request to reorganize the Ambulance Department and to approve organizational chart and job descriptions for Sergeant, Corporal, and Crew Chief as part of restructuring the Department. Because the proposed Lieutenant position required testing and because the Commission did not have time to review the job descriptions, Alma Adams made a motion to table action to the next Commission meeting, December 17. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

ADJOURN _____ :

The meeting was adjourned at 3:05 p.m. on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley
County Clerk

**IRON COUNTY COMMISSION MEETING
December 17, 2012**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 17, 2012 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
Alma L. Adams	Commissioner
David J. Miller	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Jaren Scott	Landfill Supervisor
Steve Platt	County Engineer
H. Eugene Adams	County Auditor

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RESOLUTION 2012-13 AMENDING 2012 BUDGET	3
WINN HOLLOW ROAD REALIGNMENT AND USE	4

PLEDGE OF ALLEGIANCE :

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

REPORTS :

Jaren Scott, Landfill Supervisor, reported on operations at the Landfill. He explained that the Department would be over budget and requested a budget adjustment to cover the costs of fire suppression in the C & D pit that had been burning undetected for several years. Fuel costs also contributed to the budget over run. He also reported that a fuel tanker wrecked near the County line and that cleanup was proceeding at this time. It will add significantly to the Landfill revenue which will help with budget concerns.

Jaren also reported that he has passed the Manager of Landfill Operations certification examination and he is now fully certified as a Manager.

Steve Platt, Engineer, reported on projects being worked on in the Engineers office. The RS-2477 pilot project is proceeding. BLM personnel have expressed an interest in moving this program forward as quickly as possible. The 5700 West belt route rights of way have been

obtained and work is planned to proceed this summer. Work proposed includes soils tests, clear the right of way, update prairie dog clearances and install fencing along the right of way. Steve

RESOLUTION 2012-12 ADOPTING 2013 FINAL BUDGET :

A resolution adopting the proposed 2013 budget for Iron County was presented and recommended for approval. David Miller made a motion to adopt Resolution 2012-12 as presented and as follows. Second by Alma Adams.

RESOLUTION 2012-12

A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2013 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 10, 2012 at the hour of 10:30 a.m. in the Iron County Courthouse Commission Chambers has been designated as the time and place of a public hearing where all interested persons shall have an opportunity to be heard for or against the estimates of revenue and expenditures and performance data on any item in any fund; and

WHEREAS, notice of the public hearing has been published at least seven days before the hearing in one newspaper, Daily Spectrum, a newspaper of general circulation within the County; now therefore

BE IT RESOLVED by the Board of Iron County Commissioners that the budget as presented and filed in the Iron County Auditor's Office is hereby adopted for calendar year 2013.

BY ORDER OF the Board of Iron County Commissioners this 17th day of December 2012.

Signed: Dale M. Brinkerhoff, Chairman

Attest:

David I. Yardley, County Clerk

Voting:	Aye	Nay
Alma L. Adams	<u>X</u>	
Dale M. Brinkerhoff	<u>X</u>	
David J. Miller	<u>X</u>	

PUBLIC HEARING ON PROPOSED 2012 BUDGET AMENDMENTS:

Alma Adams made a motion to open a public hearing to receive comments on proposed budget adjustments of the Adopted Iron County budget for calendar year 2012. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Gene Adams, Iron County Auditor, reviewed proposed amendments to the 2012 budget by fund. The total recommended budget adjustment for the year is \$153,000 which is partially due to the Landfill fire during the summer and to unexpected fuel price increases for the year.

There were no other comments whereupon David Miller made a motion to close the public hearing. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

RESOLUTION 2012-13 AMENDING 2012 BUDGET _____ :

Resolution 2012-13 amending the 2012 County budget was presented for action. After reviewing the proposed changes to the budget, Alma Adams made a motion to adopt Resolution 2012-13 as follows. Second by David Miller.

RESOLUTION 2012-13

A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING ADJUSTMENTS IN THE 2012 DEPARTMENT BUDGETS.

WHEREAS, Iron County Departments have requested adjustments to their budgets for 2010 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 2012 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2012 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 17th day of December 2012.

Signed: Dale M. Brinkerhoff, Chairman

Attest:

David I. Yardley, County Clerk

Voting:	Aye	Nay
Alma L. Adams	<u>X</u>	
Dale M. Brinkerhoff	<u>X</u>	
David J. Miller	<u>X</u>	

WINN HOLLOW ROAD REALIGNMENT AND USE :

Scott Holyoak and Doug Grimshaw representing property owners which access their land using the old Winn Hollow Road located approximately 2500 West 200 S, Parowan Valley came before the Commission to request that the current alignment and fence lines be maintained to provide the current level of access to the adjoining parcels. Mr. Grimshaw explained that the current alignment is not described on deeds, however it has been an established road for well over 100 years. With the installation of flood channels and Interstate 15 it limits access to some parcels through this road.

The Commission suggested that the adjoining property owners and those accessed by this road meet together to come to a proposed solution to continued access at current road specifications. It was also suggested that rights of way could be deeded to the County to avoid conflict in the future and to provide some tax adjustment to parcels where the road is located.

OFF ROAD EVENT NOTIFICATION :

Kenneth Freeman met with the Commission to explain a planned off road vehicle race proposed to be conducted on BLM and private land at the Three Peaks Recreation Area on June 7 through June 9, 2013. The race is similar to the Baja race and will feature the same type vehicles. Sponsored by Southern Nevada Off Road Enthusiasts (SNORE). The race is being moved from rural Nevada to provide access to more participants and spectators. The Commission referred Mr. Freeman to the Parks and Recreation Department as they are the County Department which schedules events at the County Three Peaks area.

The matter was recalled when BLM personnel attended, David Jacobson explained that the proposal submitted to the BLM included a route which is located approximately 1/3 on private land. An agreement will need to be submitted showing permission from all private property owners which will be impacted. They also noted that there may be a conflict with Summer Games Moto Trials which are scheduled on the County recreation area.

PERSONNEL MATTERS :

Leslie Bishop presented a proposed organizational chart and job descriptions for Sergeant, Corporal and Crew Chief for the Ambulance Department. The proposed changes are due to restructure within the department. David Miller made a motion to approve the

organization chart and job descriptions for the Ambulance Department, also to approve a name change to Emergency Service Department. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Leslie also presented a request from the Sheriff's Department to approve the of hiring of Daniel Raddatz as a full time Patrol Deputy from a part time Bailiff. David Miller made a motion to approve the hiring as recommended. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Cindy Bulloch met with the Commission and announced that two people in the Assessor's office have submitted their resignation. Jeff Mitchell, an appraiser has accepted employment with the State of Nevada and will be leaving January 4, 2013. Karen Butler, a part time motor vehicle worker in Cedar City submitted a letter of resignation effective immediately. The Commission approved proceeding with advertising the vacant positions on a motion by David Miller. Second by Alma Adams. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

ADOPT 2013 COMMISSION MEETING SCHEDULE :

Alma Adams made a motion to adopt the following Commission meeting schedule for calendar year 2013. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

PUBLIC NOTICE

2013 IRON COUNTY COMMISSION MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the regular Iron County Commission meetings for 2013 have been scheduled on the following dates:

January 14	January 28
February 11	February 25
March 11	March 25
April 8	April 22
May 13	May 28 (Tuesday)
June 10	June 24
July 8	July 22
August 12	August 26
September 9	September 23
October 14	October 28
November 12 (Tuesday)	November 25
December 9 (Final Budget Hearing 10:30 A.M.)	
December 16 (Adopt Final Budget for 2014)	

Meetings will be held in the Iron County Commission Chambers, 68 South 100 East, Parowan, UT

beginning at 9:00 A.M.

Persons or groups wishing to address the Commission must make an appointment and provide all pertinent documentation with the Iron County Clerk by the **Monday preceding the scheduled Commission meeting**. Agenda items must be approved by a Commissioner prior to inclusion on an agenda. Contact information for County Clerk: Iron County Clerk, 68 S 100 East, P.O. Box 429, Parowan, UT 84761 Fax: (435) 477-8847; Phone (435) 477-8340. **Agenda is closed at 5:00 p.m. on the Monday preceding scheduled meeting. No late or incomplete agenda items will be accepted. All action items must be included on the agenda to be considered.**

BOARD OF IRON COUNTY COMMISSIONERS

David I. Yardley
Iron County Clerk

Posted: December 17, 2012

Published: December 23, 2012

CONSIDER USING UAC DEBT COLLECTION SERVICES :

Utah Association of Counties (UAC), through the assistance of the UAC Endorsement Review Committee and Board of Directors has endorsed NCSPlus for County debt collection services. NCSPlus' process is unique from traditional collection agencies. Instead of charging the County 25-40%, they charge a flat fee that starts at \$20/claim and goes DOWN from there. So, for way less than 10% they should be able to collect at least four times more than a traditional agency, and their services are guaranteed.

Alma Adams made a motion to proceed with contacting NCSPlus to determine what the process is in hiring their services. Currently the Departments interested in using their service include the Assessor, Clerk, and Landfill. With the County taking over billing for Ambulance service, they may also use the service. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

APPROVE SITLA ROAD RIGHTS OF WAY :

A proposal from SITLA to grant rights of way to Iron County for roads in the Elliker Basin area, within Lot 4, Section 16, Township 35 South, Range 10 West, SLB&M was approved on a motion by Alma Adams. Second by David Miller. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye. The rights of way will be funded from ATV registration fees.

ADJOURN _____ :

The meeting was adjourned at 12:00 p.m. on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; Alma Adams, Aye; David Miller, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: David I. Yardley

County