

**IRON COUNTY COMMISSION MEETING  
January 14, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 14, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. 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 G. Michael Edwards.

**APPROVAL OF MINUTES December 10, 2012** :

Minutes of the Iron County Commission meeting held December 10, 2012 were approved as amended on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**APPROVAL OF MINUTES December 17, 2012** :

Minutes of the Iron County Commission meeting held December 17, 2012 were approved as amended on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**COMMISSION REORGANIZATION FOR 2013** :

As the first matter of business, David Miller made a motion to appoint Alma Adams as the Commission Chair for calender year 2013. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**IGBCNTF INTERLOCAL AGREEMENT AMENDMENT** :

Michael Edwards reviewed proposed changes to the Iron, Garfield, Beaver Counties

Narcotics Task Force interlocal agreement. David Miller questioned the process in forfeiture of personal property by the Task Force and expressed concern that personal property rights were not infringed upon. Michael Edwards explained the process stating that Utah Code and Court proceedings are very strict in notification and filing procedures. All forfeiture actions are required to go through a Court proceeding before action against an asset can be taken.

David Miller made a motion to approve the Iron, Garfield, Beaver Counties Narcotics Task Force interlocal agreement as presented and explained. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**CICWCD BOARD APPOINTMENT** :

A vacancy in the Central Iron County Water Conservancy Board created by the death of Roy P. "Pug" Urie was brought before the Commission for appointment. Dale Brinkerhoff explained the procedure adopted which allocates seats between municipalities and county within the District. Cedar City has recommended appointing John Black as a Cedar City representative on the Board. Dale Brinkerhoff made a motion to approve the appointment of John Black to fill the unexpired term of Roy P. Urie and to appoint him to a full term effective February 2013. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RAP TRAINING SCHEDULE ADJUSTMENT** :

Leslie Bishop presented a proposal to change the RAP program from a weekly presentation to a every two weeks presentation. She cited several Departments that have requested such a change due to the unavailability of personnel on a weekly basis. After review, the Commission authorized a change to a bi weekly presentation on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Ambulance Department to approve the promotions of Brady Williams and Hannah North to Advanced EMT as they have passed all of the requirements for this advancement. Dale Brinkerhoff made a motion to approve the promotion of Brady Williams and Hannah North to Advanced EMT as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request from the Sheriff Department to promote Jody Edwards from Detective Sergeant to Emergency Services Lieutenant effective December 23, 2012. She also requested approval of the promotion of Nic Johnson from Sheriff Corporal to Sheriff's Sergeant and Jeff Humphries from Sheriff Deputy to Sheriff Corporal effective December 23, 2012. Dale Brinkerhoff made a motion to approve the promotions of Jody Edwards to Emergency Services Lieutenant, Nic Johnson to Sheriff Sergeant, and Jeff Humphries to Sheriff Corporal effective December 23, 2012. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Corrections Department to approve the promotions of Shalon Shaver from Corrections Corporal to Corrections Sergeant to replace Sergeant Sandra

Fox who is retiring January 15, 2013, and the promotion of Michelle Walker from Corrections Deputy to Corrections Corporal to replaces Shalon Shaver due to her promotion. Dale Brinkerhoff made a motion to approve the promotions as explained in the Corrections Department. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**SHERIFF'S DEPARTMENT PAY INCREASE \_\_\_\_\_ :**

Leslie Bishop presented a request from Sheriff Mark Gower to give a \$1.00 per hour pay increase for merit service Deputies within the Sheriff's Department including both patrol and corrections officers. She explained that funding for the pay increases will come from the existing approved budget from vacant positions that have not been filled. She also explained that a salary survey showed that Iron County has the lowest pay scale of counties and agencies in the surrounding area.

Sheriff Gower explained that because Deputies are leaving for higher wages in surrounding Counties the Department is in a constant training cycle. He stated that it is hard to send a new officer into certain situations with little or no training and therefore new Deputies must be accompanied by more experienced officers.

Neil Forsyth questioned why one Department was singled out for salary increases when all Departments have not received any salary increase for over four years. All Departments are in reality suffering a hardship due to increases in living expenses without a compensating salary adjustment.

Dale Brinkerhoff made a motion to approve the salary increase of \$1.00 per hour for Sheriff Department personnel covered under the merit service system including Deputies and Corrections Officers. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC COMMENTS \_\_\_\_\_ :**

Jaren Scott commented on a procedure implemented at his former employer, Circle Four Farms, in which units that were able to cut expenditures in existing budgets by at least 6% were authorized to direct the savings to employee salary increases. He wondered if such a system would be feasible in County departments.

**PRAIRIE DOG MATTERS \_\_\_\_\_ :**

Leslie Bishop commented on the procedure the County uses in hiring animal control officers (prairie dog handlers) which allows them to receive unemployment benefits at County expense during the winter months. Cost of unemployment benefits is \$635.00 per month per employee. She suggested an alternative may be to hire contract personnel which would be for a specific time period.

Dale Brinkerhoff reported that Senator Evan Vickers has opened a bill file for the upcoming legislative session in which it would allow the Counties to manage prairie dogs now covered under the HCP. David Miller added that the bill needs to contain language that current funding levels from State and Federal funds would be directed to the Counties for management of their programs.

**INTERLOCAL AGREEMENT FOR THE WEST HIGHWAY 56 PROJECT :**

The interlocal agreement authorized under Resolution 2012-11 dated November 13, 2012 was approved for signatures on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**UAC COUNTY DAY AT LEGISLATURE :**

The Commission was reminded of the County day at the Legislature on February 8, 2013 sponsored by the Utah Association of Counties. David Yardley was asked to process registration for each of the Commissioners.

**PETPO MEMBERSHIP 2013 :**

A request to subscribe to a membership in PETPO (People for the Ethical Treatment of Property Owners), a locally based organization which is dedicated to the preservation of private property rights vs. Prairie dogs was presented for approval. David Miller stated that he had a conflict in that he was a Board Member of PETPO however he did not receive any monetary benefit as he served as a volunteer only. Cost of membership is \$15.00 per year.

Dale Brinkerhoff made a motion to approve the County joining for a one year term at \$15.00. Citing the conflict of interest, David Miller seconded the motion. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ADJOURN :**

The meeting was adjourned at 11:00 a.m. on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**January 28, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 28, 2013  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

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

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**PLEDGE OF ALLEGIANCE** .....

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

**APPROVAL OF MINUTES January 14, 2013** .....

Minutes of the Iron County Commission meeting held January 14, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** .....

**Cindy Bulloch** reported that an offer of employment has been made to an applicant for the vacant position of Assessor Trainee. She also reported that the State Tax has scheduled appeal hearings in February. There are twenty cases they will hear.

Cindy discussed several bills being considered in the Legislature that are a concern to Assessors. SB0035 creates a tax shift from personal property to real property, HB0067 applies the primary residential exemption to household furnishings, furniture, and equipment used exclusively within a rental primary residential property, HB 0074 removes the Farmland Assessment Act rollback tax requirement under certain conditions related to a mineral rights owner exercising the right to extract minerals, and HB 0242 provides procedures and requirements to obtain a residential exemption for a portion of a calendar year for property that is not residential property on January 1 but becomes residential property after January 1 of a calendar year.

**Gene Adams** presented a report on the Auditor's budget. He also presented an overtime report for all Departments for the third and fourth quarters of 2012. Concerns with overtime hours accrued by animal control, prairie dog workers, who are managed by DWR but on Iron County payroll were noted. It was suggested that DWR hire and manage the employees with Iron County paying on a contract service.

**Geri Norwood** reported on fund distributions from the Treasurer's office through January 1, 2013. She also reported on the status of accounts which have been issued a deferral agreement. There are some that have not attempted to make any payments under their current agreements and in some cases, the same owners have additional properties that will be listed on the tax sale this year. Currently there are over seven hundred parcels that are delinquent and scheduled for the tax sale in May. An additional three hundred parcels under one ownership and currently in bankruptcy proceedings may also be added if the bankruptcy court releases them from the filing.

**Debbie Johnson** explained to the Commission that the Recorder's office continues to see increases in the number of documents filed electronically. Currently approximately 60% of all filings are done through Simplifile. This eliminates a large amount of foot traffic at the counter and is a great benefit to title companies.

Plat maps as of December 31, 2012 have been printed, assembled, and distributed to appropriate offices as required by Utah Code. The mappers are currently working changes from January filings.

**George Mason**, CICWCD general manager reported that a new general manager, Paul Monroe, has been hired and will begin February 4, 2013. Mr. Monroe has been the general manager for the Kane County Water District. He also reported that a new office manager has been hired and will be starting soon. Current staff will continue for a period of time as part time employees to assist in training new personnel.

Mr. Mason also outlined budget information and projects being considered by the District. He pointed out that one Board seat currently held by Rick Bonzo representing Enoch City is set to expire this year.

#### **DIVISION OF WILDLIFE RESOURCES PILT PAYMENT :**

Bruce Bonebrake, Regional Supervisor of DWR met with the Commission to present a

check for \$2,505.23 as payment in lieu of taxes for 2012. The PILT payment is for property acquired for DWR as critical deer habitat and is located along the Parowan front from Enoch north to Paragonah.

Mr. Bonebrake also reported on project the DWR is conducting including transplanting about 100 head of deer from the Parowan area to a unit near Holden. This will be an experimental project headed by BYU personnel.

Mr. Bonebrake also reported on efforts to repair the Navajo Lake dike, the Parowan Canyon hiking trail, and urban fisheries within Iron County.

**UTAH DEPARTMENT OF WORKFORCE SERVICES :**

Shelly Esplin, Department of Workforce Services, explained training programs for youth and adults available through Workforce Services. There are programs that can help with training costs for new employees if agreements are in place with local entities. There are also volunteers available to the County that would be paid from funding through Workforce Services. Youth internship programs are also available for 90 days to help train youth and give them work experience.

Ms. Esplin requested that the County consider participating in these programs which could benefit Iron County and help in providing work experience to unemployed individuals in the County. The contracts were referred to the Human Resource Department, Leslie Bishop, to determine how to best serve County needs.

**MOU INDIAN PEAKS BAND PAIUTE TRIBE OF UTAH :**

Bob McNichols, Project Manager for the Indian Peaks Band of the Paiute Tribe of Utah campground and RV park project came before the Commission to request the County to join in a Memorandum of Understanding for plans review and construction inspections on the project. He explained that the tribe would be using Iron County adopted building codes and personnel in oversight of the project if an agreement can be reached. He presented a proposed agreement that has been used in other jurisdictions for the County to consider.

Michael Edwards requested action to be tabled for two weeks to allow the County Attorney's office to review the proposed MOU. Dale Brinkerhoff made a motion to table action as requested by the County Attorney's office. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOOKMOBILE FUNDING DISCUSSION :**

Commissioner Brinkerhoff explained that the County is out of compliance with Utah Code in fund distribution for libraries. He stated that funds must be distributed back to the entity from which they are collected and are not a County discretionary fund. In order to comply with this requirement, he proposed that the County furnish library cards to all County residents in the Beryl/Newcastle area to access the city library in Enterprise. Cedar City, Enoch, and Parowan libraries have agreed to furnish library access to all County residents at no cost.

Rob Dotson, Enoch City Manager explained that Enoch has budgeted \$42,000 to fund ongoing library services in Enoch. Currently library books and supplies are provided through the

State Library system and acts as a repository for the Bookmobile. This resource would go away with the elimination of the Bookmobile.

Cindy Bulloch commented that it is a County responsibility to provide library access to unincorporated areas of the County. There are many areas served by the Bookmobile that will not be able to access this service due to health or other problems. She encouraged the Commission to continue to fund the Bookmobile service.

Pat Tomkins with the State Library explained that the County will lose \$50,000 in State funding and will lose a significant resource available to County residents. She also requested that the County not take action to eliminate the Bookmobile service.

After receiving public comments, Dale Brinkerhoff made a motion to terminate the Bookmobile contract effective April 1, 2013 pending written approval from Municipalities in favor of the termination within two weeks. Also to use the funds received from the Library tax from unincorporated areas to provide services at existing libraries in Parowan, Cedar City, Enoch and Enterprise. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Sheriff's Department Emergency Services Division for promotions of Marc Bowman and Devin Lauritzen to EMS Corporal. Dale Brinkerhoff made a motion to approve the promotions as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request to approve a revised Public Defender contract which eliminates a requirement to carry malpractice insurance. The revision was at the request of the Public Defenders. Dale Brinkerhoff made a motion to approve the amended contracts as presented with amendments to sections 1.2, 2.6, and 3.11. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented for approval a Professional Service Contract with Arthur Tait as a RS-2477 Consultant not to exceed \$10,000. Dale Brinkerhoff made a motion to approve the contract as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request to approve the hiring of Brady Kelsey as an Apprentice Appraiser, to replace Jeff Mitchell who resigned January 3, 2013. Dale Brinkerhoff made a motion to approve the hiring of Brady Kelsey as an Apprentice Appraiser. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie requested approval of an appraisal apprentice agreement to reimburse costs of training a new appraiser. Dale Brinkerhoff made a motion to adopt the appraisal apprentice reimbursement agreement. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC COMMENTS** :

A commendation of the award of the Medal of Bravery presented to Tony Gower, a

Sheriff Deputy, for conduct above and beyond the call of duty was read and presented to Deputy Gower by Sheriff Mark Gower.

**DEPARTMENT SUPERVISORS BI-ANNUAL MEETING WITH COMMISSIONERS:**

The Commissioners met in a round table discussion with other elected officials and department supervisors. Alma Adams explained a discussion item in which fleet maintenance would be transferred to the Landfill because of service space and trained personnel. Because the Landfill Supervisor, Jaren Scott has resigned to take employment in Summit County this proposal has been placed on hold.

Leslie Bishop reported that RAP training is being reduced to two times per month which will allow Departments to better serve their needs, especially in Departments that are not always together.

David Yardley reported that the County will be contracting with a collection agency to collect delinquent accounts that cannot be attached to taxes. This includes commercial landfill accounts, personal property accounts in the Assessor's office and Ambulance accounts. Margaret Miller questioned whether Justice Court accounts could be turned over for collection as they are already Court cases and have judgements and warrants attached.

**PRAIRIE DOG MATTERS \_\_\_\_\_ :**

Commissioners Dale Brinkerhoff and David Miller will be attending a hearing at the Legislature on a proposal to transfer management of the recovery of the prairie dogs to Iron County for a period of five years. This will allow for more local participation in recovery efforts. If the trial is not successful, management would revert to USFWS.

**MILEAGE REIMBURSEMENT RATE FOR 2013 \_\_\_\_\_ :**

David Yardley explained to the Commission that our personnel policy requires the Commission to set the reimbursement rate for use of private vehicles for County business. The IRS rate is \$0.56.5 per mile. After reviewing the current County rate Dale Brinkerhoff made a motion to increase the reimbursement rate to \$0.55 per mile effective today. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PARKS/RECREATION DEPARTMENT RE-ORGANIZATION \_\_\_\_\_ :**

The Parks and Recreation Department and Emergency Management department were divided and reorganized on a motion by David Miller. Charlie Morris, Emergency Management Coordinator was consolidated under the Sheriff's Department, Emergency Services with Lt. Jody Edwards as supervisor. Mr. Morris will continue as Emergency Management Coordinator.

Parks and Recreation were transferred to Tourism with Marie Brooks as the Parks and Recreation Coordinator. The changes will become effective March 1. Second to the motion was by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 3:55 on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

\_\_\_\_\_  
Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
February 11, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 11, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Mark O. Gower	County Sheriff
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 January 28, 2013** :

Minutes of the Iron County Commission meeting held January 28, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Scott Garrett** presented Attorney Department budget totals for 2012. He also reported on the case load in the Attorney’s office which included 492 felonies filed, 39 domestic violence cases and 92 drug task force cases. Contract negotiations for public defenders was transferred from the Attorney’s office to Human Resources to avoid conflict of interest concerns.

**Margaret Miller** reviewed the Justice Court budget for 2012. She also reported on the

work load at the Justice Court. Currently jury trials are being scheduled as far out as July because of the number of cases to be heard. She discussed courtroom space needs and the possibility of utilizing the Courtroom at the Iron County Courthouse to conduct additional trials to allow for more timely court dates.

**Mark Gower** reported that new patrol vehicles have been ordered and should be delivered in March. The Sheriff's Department is also proceeding with upgrading dash cameras and personal protective gear for patrol deputies.

Sheriff Gower also reported that Angie Smith, Rick Dickinson and Charlie Young have announced their retirement. He also reported that Deputy Tom Bird has been recognized as the Utah Peace Officer of the Year. A formal presentation will be scheduled for a future Commission meeting.

**Brett Allred** reported on updated security at the Jail. He also reported that the Jail operated under budget for 2012. Bookings are up over 2011 numbers and 2013 is starting off with higher booking numbers, mostly from outstanding warrants. The Jail is currently understaffed by two deputies with a new roster being prepared, the positions will be filled as soon as possible. He also reported that Hank Armbruster and Connie King have announced their retirement later this year.

**David Miller** reported that Cedar City has been selected as a host city for the Tour of Utah bicycle race for 2012. The race is one of the largest in the United States and will bring many participants and spectators to the County. He also reported on a plan by the Water Conservancy District to recharge waste water at Quichapa lake into the aquifer. Commissioner Miller also reported that he and Commissioner Brinkerhoff testified in support of a Senate resolution regarding prairie dog management. The hearing went very well and the Senate Committee recommended approval by the entire Senate.

**Alma Adams** reported on County day at the Legislature sponsored by the Utah Association of Counties and held on February 8. He also reported that the pilot project to transfer title to RS-2477 roads in Iron County is still moving forward. It is anticipated that the project can be completed in the near future without litigation.

**PUBLIC HEARING CREATION OF AGRICULTURAL PROTECTION AREA:**

Dale Brinkerhoff made a motion to open a public hearing to receive comments regarding a proposal to create an agricultural protection area (APA). Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

David Yardley reported that A. Leon Matheson and Barbara Matheson Living Trust, submitted a request to designate two parcels described as Parcel 1: SW1/4SE1/4 SEC 30, T36S, R12W, SLM; INCL EASE FOR RD 33 FT WIDE ON N BDRY and Parcel 2: W 80 ACRES OF N 120 ACRES OF E1/2 SEC31, T36S, R12W, SLM. Containing 120 acres M/L as an agricultural protection area. A notice of the proposal was published in the Spectrum/Daily News allowing for a comment period. Notice was then sent to the Planning Commission and the Agricultural Protection Board notifying them of the application.

The Planning Commission and the Agricultural Protection Board submitted a recommendation in favor of the proposed APA and a second notice was published and posted notifying adjoining property owners and residents of this public hearing.

Glen Halterman, a member of the Agricultural Protection Board, reported that their Board found that the project is a viable agricultural operation and that it meets all of the criteria for designation as an APA.

After all public comments the public hearing was closed on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The Commission then listed the following findings:

1. The property is used for an agricultural purpose, an orchard and livestock grazing.
2. The property is correctly zoned for agricultural use, Agricultural-20.
3. The current use is a viable agricultural use, orchard and livestock grazing.
4. Anticipated trends in agriculture will continue to be useful as an agricultural use.

David Miller then made a motion to approve the designation of the parcels described as an agricultural protection area and to direct the County Clerk to record such notice in the County Recorder's office and provide notice to the Utah Department of Agriculture. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRESENTATION OF THE IRON COUNTY RESOURCE ASSESSMENT:**

Tyce Palmer, Utah Association of Conservation Districts, and Glen Halterman, a member of the local Soil Conservation District, met with the Commission to present the results of a resource assessment study. The Enterprise and Iron Conservation District developed the resource assessment with the goal that conservation efforts in the County address the most important local resource needs. The report identified natural and social resources present in Iron County and detailed specific areas of concern.

The five natural resource areas of concern included: 1. Water Conservation. 2. Grazing and public land issues. 3. Noxious weed issues. 4. Conservation education. And 5. Forestry lands and management.

**TAX MATTER - River Road Investments LLC Tax Deferral Request:**

River Road Investments LLC, Dorothy Sheffield, submitted an application for a tax deferral on property described as Lot 4 in the Ridge View Estates, 292 W Ridge View Dr, Brian Head, Utah, Property Serial #A-1191-0004-0000, Account #430907. Property Taxable Value for 2012 is \$723,115; Total Taxes, Interest, Penalty Due as of March 1, 2013 totaled \$17,678.95 with the total Taxes, Interest, and Penalty, requested for deferral \$17,678.95. After reviewing the requested tax deferral Dale Brinkerhoff made a motion to defer the delinquent taxes, interest, and penalty as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS :**

Leslie Bishop presented a request from the Sheriff's Department Emergency Services

Division to hire Ty March as the EMS Sergeant, due to the restructure of the Emergency Services Division. Dale Brinkerhoff made a motion to approve the hiring of Ty March as an EMS Sergeant as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RAP TRAINING :**

Leslie Bishop presented RAP training regarding work related injury reporting. She explained that this has become a problem in some instances with needle sticks or other work related body fluid exposures. In some cases reporting has jeopardized reporting requirements with Workers Comp Fund and with OSHA. Departments are reminded to report injuries or exposures as soon as possible.

**PUBLIC COMMENTS :**

George Mason, Central Iron County Water Conservancy District, introduced Paul Monroe as the new general manager of the CICWCD. They explained a project they are working on in recharging the aquifer from the Quichapa lake area. They requested help from Iron County with the donation of personnel and equipment in this project to help keep costs at a minimum.

Lynn Elliott met with the Commission to discuss progress on the Beryl Fire Station project. Issues include a right of entry from SITLA, relocating the power line over the project, collapsible soils identified in soils tests. Lynn was asked to arrange a meeting with Chad Nay, Joe Myers, and Dale Brinkerhoff to discuss the soils issue.

**PRAIRIE DOG MATTERS :**

Mark Woodbury representing Color Country Housing came before the Commission to request prairie dog take in behalf of low income customers. Take as calculated by DWR for three lots in Enoch as follows:

Karina Reyes, Lot 67 Saddleback Views 4B, 3.6 dogs on 0.46 acres.

Ryan Morrill, Lot 54 Saddleback Views 4B, 3.6 dogs on 0.42 acres.

Wade Johnson, Lot 64 Saddleback Views 4B, 3.6 dogs on 0.45 acres.

Dale Brinkerhoff made a motion to approve the permanent take of 10.8 prairie dogs as authorized under the habitat conservation plan. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOARD APPOINTMENTS :**

Board appointments needed were reviewed. Council on Aging need to replace Roy P. "Pug" Urie and Vern Kupfer. Four name were submitted as a recommendation. The names were referred back with a request to narrow the choices to appoint.

**Accident Review Board:** Ron Johnson, former Ambulance Supervisor was replaced with Jody Edwards, Emergency Management Lieutenant on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**FINAL ACTION ON MOU WITH THE PAIUTE TRIBE RE BUILDING INSPECTIONS:**

A request to join in a Memorandum of Understanding (MOU) with the Paiute tribe for building inspection services on the construction of a proposed campground near the Kanarraville

I-15 exit was recalled for action. David Miller made a motion to approve the MOU as approved by the County Attorney's office. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 12:15 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

\_\_\_\_\_  
Signed: Alma L. Adams, Chairman

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

**IRON COUNTY COMMISSION MEETING**  
**February 25, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 25, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES February 11, 2013** :

Minutes of the Iron County Commission meeting held February 11, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**David Yardley** reported on progress with a replacement Deputy for Shawna Higgins that resigned and moved out of state. He also reported that in posting for the open position it was discovered that job descriptions for Deputy Clerk's were not in the personnel system. New job descriptions will be submitted for approval after review and updating of information.

**Leslie Bishop** reviewed the workload for Human Resource Department. She discussed a number of issues including the reorganization of the Ambulance Department and the restructure of Emergency Management and the Parks and Recreation Departments. Another issue she

discussed was the effect that the Affordable Healthcare Act (Obama Care) would have on time accounting and hours part time workers can be on the job. Employees working more than 25 hours per week will be required to have County benefits.

**Dale Brinkerhoff** reported that here is a need to contract for HVAC maintenance and repairs which were formally included in the contracts with Honeywell. He also asked about progress in getting bids for asbestos abatement in the Courthouse in preparation for the installation of new boilers. David Yardley will contact R & R Environmental who performed the asbestos survey for recommendations on contractors performing this type of work.

**David Miller** reported that the Woods Ranch water system would require an upgrade due to contamination concerns. The Central Iron County Water Conservancy District has been requested to review the system and make recommendations on improvements and operations. They will also take over testing and maintenance of the water system.

**Alma Adams** reported on a meeting with UAC that he attended last week. UAC is pushing a proposal for a local option fuel tax of up to \$0.10 per gallon to help with road maintenance costs. With more fuel efficient vehicles and conversions to natural gas which is not taxed, the funds generated by fuel taxes are shrinking.

Alma also reported on RS-2477 road litigation that is being pursued by UAC and the State of Utah. Attorneys will be gathering depositions on historic road use from older citizens and people with information that may be leaving the State.

**Cindy Bulloch** discussed bills in the Legislature that are intended to change the process for handling funds collected as assessing and collecting taxes. The State prefers that the funds go directly to the County instead of being transmitted to the State which would then return the funds back to the Counties.

**ROAD MATTER - PAYMENT OF ROLL BACK TAX** :

A request to adjust or pay for roll back taxes on two parcels consisting of portions of Tipple Road near Cedar City was requested by Steve Platt. The two parcels dissect parcels owned by Forrest Q. Bauer and Ruby Bauer and would be transferred to Iron County through warranty deeds. After review, Dale Brinkerhoff made a motion to approve County payment of the roll back tax on parcels deeded to Iron County for County road rights of way. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**CONDITIONAL USE PERMIT - RV PARK ON IRON SPRINGS RD :**

Reed Erickson presented a notification of conditional use permit for development of an RV Park located at 3031 N Iron Springs Rd, Cedar City. The property is owned by Frank Nichols and is planned to be a major development. The present CUP will cover 97.6 acres and will be a destination RV resort with a convenience store. The proposed use will require a zone change from Industrial to Commercial which will be presented to the Planning Commission for their recommendation to the Commission. The proposal is the first phase of a three phase project that will become a Special Planned Area (SPA). The CUP will be handled by the Planning Commission.

Commissioner Brinkerhoff requested that the Planning Commission add a condition noting the location of the Iron County Landfill and the Iron County Animal Shelter on adjacent County property. No action was required of the Commission at this time.

**RESOLUTION 2013-1 PERSONNEL POLICY AMENDMENTS :**

David Yardley presented Resolution 2013-1 which corrects several errors in the Iron County Personnel Policy. The policy currently lists the Auditor's office as the contact point for reports and personnel actions. The contact was changed when the County approved a Human Resource Department but the policy was not updated. David Miller made a motion to approve Resolution 2013-1 as presented. Second by Dale Brinkerhoff.

**IRON COUNTY, UTAH  
RESOLUTION 2013-1**

**A RESOLUTION APPROVING CLERICAL CHANGES IN IRON COUNTY PERSONNEL POLICIES, CHANGING REPORT DESIGNATION TO HUMAN RESOURCE DEPARTMENT, AUTHORIZING CLERICAL CHANGES, AND RELATED MATTERS.**

**WHEREAS**, the Iron County Personnel Policy, hereinafter referred to as the Policy, is a dynamic document that changes from time to time with changes in personnel and reporting responsibility; and

**WHEREAS**, the Policy has experienced changes that have not been reflected in changing the Human Resource responsibilities from the Auditor's Office to the Human Resource Department; and

**WHEREAS**, the policy contains minor grammatical errors that have not been corrected in the current edition; and

**WHEREAS**, it is the intent of the Iron County Commission to bring the Policy into compliance with current practice; now therefore

**BE IT RESOLVED BY THE BOARD OF IRON COUNTY COMMISSIONERS** as follows:

1. References to the Reporting Department as Iron County Auditor are hereby corrected to read Iron County Human Resource Department.
2. Typographic errors such as double spaces, incorrect symbols, and incorrect punctuation are hereby approved for correction.

**BY ORDER OF** the Board of Iron County Commissioners this 11<sup>th</sup> day of February 2013.

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Signed: Alma L. Adams, Chairman

Attest:

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David I. Yardley, County Clerk

Voting:

Alma L. Adams      Aye  
Dale M. Brinkerhoff   Aye  
David J. Miller        Aye

**RESOLUTION 2013-2 SUPPORT OF TRANSFER OF FEDERAL LANDS TO STATE:**

A resolution in support of the transfer of public land to State control was presented and discussed whereupon David Miller made a motion to approve Resolution 2013-2 as presented. Second by Dale Brinkerhoff.

**IRON COUNTY  
RESOLUTION 2013-2**

**A RESOLUTION SUPPORTING THE FULL AND PRESENT  
IMPLEMENTATION OF THE TRANSFER OF PUBLIC LANDS ACT  
(HB148 2012).**

WHEREAS, at statehood, the federal government promised all states that it would transfer title to the public lands within the newly created states; and

WHEREAS, the U.S. Supreme Court has called these promises "solemn compacts," "bilateral agreements," and "trusts" that must be performed "in a timely fashion"; and

WHEREAS, Utah and the other western states are still waiting for the federal government to keep the same promise to them that it made and kept with all states east of Colorado; and

WHEREAS, states like Illinois, Missouri, Indiana, Florida, Louisiana, Arkansas, Alabama, Mississippi were once as much as 90% federally controlled for decades; and

WHEREAS, these "western states" (as they called themselves at the time) succeeded in compelling the federal government to transfer their public lands because they understood the history of the public lands and the duty of the federal government to dispose of the same, and they banded together and refused to take "No" for an answer because federally controlled public lands prevented them from (i) generating tax revenues to educate their children, (ii) growing their economies, and (iii) responsibly managing their abundant natural resources. (See, [www.AmericanLandsCouncil.org](http://www.AmericanLandsCouncil.org) for more information); and

WHEREAS, despite the fact that the promise is the same to dispose of the public lands upon being admitted as states, states east of Colorado have less than 5% federally controlled lands, while the Western States (excluding Hawaii) have more than 50% federally controlled lands; and

WHEREAS, in Utah, the federal government controls nearly 65% of our lands; and

WHEREAS, withdrawals of public lands from use and economic activity, through such federal action as monuments and wilderness designations, constricts the value of Utah's School Trust Lands and reduces the funds available for educating our children; and

WHEREAS, state and local government officials have a crucial responsibility to manage our abundant lands and resources strategically and prudently for the health, safety and welfare of our citizens; and

WHEREAS, in the 2012 session, the Utah House and Senate passed by supermajorities the Transfer of Public Lands Act and Joint Resolution on Federal Transfer of Public to establish the framework and a deadline for the orderly transfer of federal public lands to the State; and

WHEREAS, under the Transfer of Public Lands Act, federal public lands will become state public lands to be managed through local planning for the multiple-use (including traditional uses like hunting, fishing, recreation, grazing, open space, economic activity, etc.) and the sustained yield of our abundant natural resources on state public lands; and

WHEREAS, the Transfer of Public Lands Act has received broad support from the governor, attorney general, state legislators, members of Utah's congressional delegation and other public officials, and private individuals and organizations within the state and in our neighboring western states; and

WHEREAS, our neighboring western states are looking to Utah to lead out on the persistent and relentless implementation of the Transfer of Public Lands Act as they prepare legislation to join with Utah; and

WHEREAS, the implementation of the Transfer of Public Lands Act will require the persistent and relentless efforts of Utah's governor, attorney general, legislature along with the unwavering support of local governments and public and private individuals and organizations.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF IRON COUNTY, UTAH wholeheartedly supports the passage of the Transfer of Public Lands Act in order hold the federal government to its long-overdue promise to transfer title to public lands to the State, to protect the State's public education system and economic vitality, and to preserve the important historical and cultural contribution that our public lands provide to the State of Utah, the nation and world; and

BE IT FURTHER RESOLVED THAT the IRON COUNTY, UTAH calls upon its Fellow Towns, Cities, and Counties to do all in their power and influence to support Utah's elected including particularly Utah's Governor, Attorney General, Legislature, Congressional Delegation and County Commissioners to exert their utmost abilities, influence and authority to fully implement the Transfer of Public Lands Act and secure the transfer of our public lands to the State, with time being of the essence.

BE IT FURTHER RESOLVED THAT copies of this resolution be sent to the Governor, Attorney General, Senate President, Speaker of the House, each member of Utah's congressional delegation, the Utah Association of Counties, the Utah League of Cities and Towns,

Superintendent of Utah State Office of Education and State School Board, State School Boards Association, State Superintendents Association, Utah PTA, Director of the School and Institutional Trust Lands Administration (SITLA), Utah State Chamber of Commerce, the Iron County School District Board, and the Cedar City Chamber of Commerce.

PASSED, APPROVED AND ADOPTED this the 25<sup>th</sup> day of February, 2013.

Board of Iron County Commissioners

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By: Alma L. Adams, Chair

SEAL

ATTEST:

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David I. Yardley, County Clerk

Voting:

Alma L. Adams     Aye  
Dale M. Brinkerhoff Aye  
David J. Miller     Aye

**RESOLUTION 2013-3 SUPPORT OF THE 2<sup>nd</sup> AMENDMENT :**

A proposed Resolution in support of the 2<sup>nd</sup> amendment, a resolution to prevent federal infringement on the right to keep and bear arms; to render null and void certain acts, laws, orders, executive orders, rules, or regulations regarding firearms, ammunition, and accessories violating the 2nd amendment of the constitution of the united states of America, that have been or may be enacted by the congress of the United States and/or the president of the United States was discussed and action tabled to allow for further review by the County Attorney on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**TAX DEFERRAL MATTERS :**

**TerryAnn Andersen:** A request from TerryAnn Andersen requesting deferral of taxes on two parcels was approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye. identified as follows:

PARCEL 1:

Account Number 0276276

Parcel Number E-0231-0018-0000

Acres 5.00

Situs 1925 S 8100 W , CEDAR CITY

Legal: LOT 10, GOLDEN WEST SUBDIVISION, UNIT 1.

Property Taxable Value for 2012: \$217,839.00

Total Taxes, Interest, Penalty Due as of March 15, 2013: \$11,072.15

Taxes, Interest, Penalty, Deferred: \$11,072.15

and:

PARCEL 2:

Account Number 0276151

Parcel Number E-0231-0017-0000

Acres 5.54

Situs 7988 W 2000 S , CEDAR CITY

Legal: LOT 9, GOLDEN WEST SUBDIVISION, UNIT 1.

Property Taxable Value for 2012: \$39,841

Total Taxes, Interest, Penalty Due as of March 15, 2013: \$3,004.62

Taxes, Interest, Penalty, Deferred: \$3,004.62

**Maria Landon:** A request from Maria Landon requesting deferral of taxes on a parcel was approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye. identified as follows:

Account Number 0417037

Parcel Number D-1193-000C-0007

Acres 1.24

Situs 2630 N 2200 W , CEDAR CITY

Legal: LOT 7, BLK C, FLYING L RANCH UNIT 2 AMENDED, DESC AS FOLLOWS; BEG AT SW COR LOT 7, BLK C, FLYING L RANCH SUBD, UNIT 2 AMENDED, SD PT ON E R/W 2200 W ST; SD PT ALSO ON W LN SD LOT 7; N00°20'42"E ALG SD E R/W & SD W LN 104.30 FT TO PC OF CURV TO RT; CURVE DATA; RADIUS 20.00 FT, DELTA 89°54'16", CHORD 28.26 FT; COURSE N45°17'50"E RADIUS PT BEAR S89°39'18"E; ALG SD CURV 31.38 FT TO PT ON S R/W 2650 N ST; SD PT ON N LN OF SD LOT; S89°45'02"E ALG SD S R/W & SD N LN 216.94 FT; DEPART SD LOT LN & SD S R/W S08°24'38"W 144.49 FT; S75°13'02"E 116.15 FT; S07°50'12"W 97.36 FT; N80°52'18"W 172.27 FT; N16°42'19"W 47.29 FT; N60°58'33"W 150.80 FT TO POB.

Property Taxable Value for 2012: \$165,544

Total Taxes, Interest, Penalty Due as of March 15, 2013: \$2,015.92

Taxes, Interest, Penalty, Deferred: \$2,015.92

**Steve Brown:** Came before the Commission to request an additional year to defer taxes on fifty six parcels covered under a deferral agreement executed in 2012. Mr. Brown was reminded that no payments were made during 2012 and therefore he is in default of the agreement. Mr. Brown stated that no sales were made in 2012 and therefore he was unable to make a payment. He offered \$35,000 as a good faith payment with the remainder of the delinquency to be paid from sales in 2013. Current taxes interest, and penalty due as of February 25, 2013 is \$117,649.30.

The Commission informed Mr. Brown that due to the failure to honor the agreement executed in 2012 that they were unwilling to take action on the request unless a payment of at least \$59,000 was paid by May 1, 2013. The matter was tabled to allow Mr. Brown to pursue financing of the delinquent taxes on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**DEPUTY THOMAS BIRD RECOGNITION AS PEACE OFFICER OF THE YEAR:**

Deputy Sheriff Thomas Bird met with the Commission at their request to display the recognition he received as peace officer of the year awarded by the Utah Peace Officer Association. Deputy Bird read the commendation received. The Commission congratulated Deputy Bird on the outstanding work he is doing.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Assessor to Hire Tara Marsh as a Part Time DMV Clerk in the Cedar City Office. The position is vacant at the present time due to the resignation of a former employee. Dale Brinkerhoff made a motion to approve the hire of Tara Marsh as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for approval of revised Appraiser Apprentice, Appraiser Certified General, Appraiser Certified Residential and Licensed Appraiser Job descriptions and wage restructure due to licensing requirements was tabled to the March 11 meeting on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie submitted a request from the Council on Aging to approve the hire of Camille Heaton as a part time cook at Cedar City to fill a vacancy created by the resignation of Martha Ming. David Miller made a motion to approve the hire of Camille Heaton as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie submitted a request from her department, Human Resources to approve the transfer of Jane Shaffer from Emergency Management to Human Resources due to the restructure of the Emergency Management department. Dale Brinkerhoff made a motion to approve the transfer as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve a 2013 contract for Fifth District Court Public Defender Indigent Defendant Appeals. The County is responsible to provide the defense as outlined in the contract. The proposed contract allows for \$100 per hour with a cap of \$5,000 for each appeal of a multi day trial and \$100 per hour with a cap of \$2,500 for a single day trial. Dale Brinkerhoff made a motion to approve the contract language as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie then requested approval of Matthew Carling as an Independent Contractor for Public Defender to represent indigent defendant appeals. David Miller made a motion to approve

Matthew Carling as an independent contractor for Public Defender. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC COMMENTS** :

Don Young commented on the County Library tax and bookmobile service. He recommended that the County eliminate the tax on all residents. This would encourage Cities with libraries to impose their own library tax. He also stated that libraries should not be supported from taxes collected in the unincorporated areas of the County.

The Commission explained that County funds are used to support libraries and to make the libraries available to all County residents, whether within municipal boundaries or in the unincorporated areas.

**COUNTY BOARD APPOINTMENTS** :

**Planning and Zoning Board:** Chris Dahlin has reached the end of his term on the Planning and Zoning Commission and with a vote of thanks was succeeded by Phil Schmidt on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Council on Aging:** Roy Urie and Vern Kupfer who have passed away were replaced on the Council on Aging by Lois Bulloch and Earl Paddock on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Career Service Council:** Alma Adams made a motion to reappoint Sandra Benson to an additional term on the Career Service Council. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**SUMA FUNDING COMMITMENT AMENDMENT APPROVAL** :

The Commission discussed the possibility of changing the County funding commitment to the Southern Utah Museum of Art since the proposed facility presented has changed dramatically. Instead of a stand alone museum, it is now proposed to be down sized and included as a part of the Shakespeare complex. Commissioner Brinkerhoff suggested that the \$1,000,000 commitment be reduced to \$750,000 to be funded from revenue collected from the Restaurant and Transient Room Tax.

David Yardley was asked to check with bond counsel to determine if a revenue bond that for any reason went into default could then become a general fund obligation. No action was taken at this time.

**LANDFILL POLICY DISCUSSION** :

Alma Adams presented for discussion the policy regarding out of county waste being brought to the County landfill. It was determined that it would be in the best interest of the County to accept clean fill that may be contaminated with petroleum products at a rate of \$26.50 per ton. The fill then can be used as cover material. Dale Brinkerhoff made a motion to accept clean fill from a tanker spill near New Harmony at the rate of \$26.50 per ton with 2,600 tons being delivered to the landfill. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 3:35 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

\_\_\_\_\_  
Signed: Alma L. Adams, Chairman

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

**SPECIAL IRON COUNTY COMMISSION MEETING**  
**February 28, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 28, 2013 in the conference room at the Iron County Justice Center, Cedar City, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resource Director
Charles Morris	Emergency Management Supervisor

**SYNOPSIS** :

ADJOURN ..... 2

CLOSED MEETING ..... 1

PERSONNEL MATTERS ..... 1

**CLOSED MEETING** :

David Miller made a motion to convene in a closed 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 Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

After reconvening in open session, David Miller made a motion to terminate the employment of Charles Morris effective immediately due to a lack of performance of essential job duties. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

David Miller then made a motion to appoint Marie Brooks as interim Emergency Management Director. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS** :

Leslie Bishop presented for approval the hiring of Bruce Anderson as Landfill Supervisor to replace Jaren Scott. Dale Brinkerhoff made a motion to approve the hiring of Bruce Anderson as Landfill Supervisor with an annual salary of \$59,000. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

David Yardley presented a request to approve the hiring of G'Ne Bartholomew as a full time Deputy Clerk to replace Shawna Higgins. Dale Brinkerhoff made a motion to approve the hiring as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 12:45 a.m. on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

\_\_\_\_\_  
Signed: Alma L. Adams, Chairman

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

**IRON COUNTY COMMISSION MEETING**  
**March 11, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 11, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Maria Twitchell	Tourism Director
Jane Shaffer	Parks and Recreation
Marie Brooks	Interim Emergency Management Supervisor
Jared Wilson	IT Director

**SYNOPSIS** :

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BUILDING MAINTENANCE & REPAIR SERVICE CONTRACT DISCUSSION .....	8
DISCUSSION ON CONGRESSMAN ROB BISHOPS PROPOSALS .....	8
DISCUSSION ON EMERGENCY BUTTONS IN COUNTY OFFICES .....	4
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TAX MATTERS - TAX DEFERRAL REQUESTS .....	5

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES February 25, 2013** :

Minutes of the Iron County Commission meeting held February 25, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Maria Twitchell** Tourism Director, reported that transient room tax collections for 2012 were the highest ever at \$908,439. 2013 numbers are down slightly due to Brian Head ski resort being not fully operational in November and December. She also reported on plans for the Tour of Utah Bike Race scheduled for August. The race is similar to the Tour De France and is one of

the largest in the United States. Other events scheduled for this year include American College Dance Festival in March, Utah Summer Games Water Polo in April, National High School Archery Championships in May, WE Rock in May, Fire Road (Leadville qualifier) in July.

Brian Head and the Hilton Double Tree were featured on the Price Is Right TV show and there was a winner. A video clip is available on the Tourism face book page.

**Jane Shaffer** Parks and Recreation, reported that the transition from a combined department to Tourism has been completed.

There are concerns with the water system at Woods Ranch and the Water Conservancy District is helping with a solution and recommendation for replacing the water tank. They will also help in managing and testing the water system.

**Marie Brooks** Emergency Management, reported that grant existing grants are nearing completion. She reported that a new grant for State Homeland Security Grant Programs appropriation will be cut in half for the next year with twenty five percent of the program being directed to terrorism training.

She also reported on plans for the annual preparedness expo which was a huge success last year. Sponsors are being solicited for this years event which will be scheduled later in the year. CERT training will continue with a course being planned train trainers to help distribute the program to more community volunteers.

**Jared Wilson** IT Department, reported on the data processing budget. It appears some items are nearly expended for the year but this is due to licensing that comes due early in the year so it is not anticipated to exceed the annual budget appropriation. He reported on projects being upgraded including the fingerprint system at the Jail and Sheriff Office, camera system at the Jail, voice over IP phone upgrade, website updates, new servers, Spillman upgrades and wi fi upgrades.

The Commission asked for an update on their request to go paperless for Commission meetings. They stated that they prefer tablets for receiving documents.

**David Miller** reported that Senate Concurrent Resolution 3 (SCR 003) which recommends transferring management of the Utah Prairie Dog from Federal jurisdiction to Iron County jurisdiction to manage recovery efforts for a five year period has passed both the Senate and House. It is now awaiting the Governor's signature.

**Alma Adams** reported that the fire in the C and D pit at the landfill has reignited. He also reported that there has been some contamination appear in one of the test wells apparently from fire fighting efforts last summer in controlling the landfill fire.

#### **BOARD OF EQUALIZATION - TAX EXEMPTION REQUESTS :**

David Miller made a motion to convene as the Iron County Board of Equalization to review applications for tax exemptions and tax credits. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Christene Lowder presented for approval Veteran application(s) submitted for property tax credit(s) for the 2011 and 2012 tax year applications submitted between December 10, 2012

and March 1, 2013. She also reviewed the annual statement for continued property tax exemption applications submitted by Religious, Charitable And/or Educational organizations for the 2013 tax year for personal and/or real property. Christene noted several prior exemptions that did not have paper work submitted on time. The Commission reviewed the procedure that has been followed in the past which allowed the Auditor's office to mail a certified letter allowing for an application to be filed within ten days.

The Commission tabled action on the proposed exemptions to allow time to notify those entities that were delinquent in filing tax exemption requests. The matter will be placed on the next agenda for final action.

The Commission then reconvened as County Commission.

**PROPOSED AMENDMENT TO IRON COUNTY ORDINANCE 2011-4 :**

Christene Lowder presented a request to amend Ordinance 2011-4 to make minor language changes. She also presented a request to adopt the method, rules, and procedures of conducting the annual tax sale and allocating administrative costs to delinquent properties.

After reviewing the proposed changes, the matter was referred to the County Attorney and Christene to refine language and re submit for approval.

**BOOKMOBILE DISCUSSION AND ACTION :**

The Commission reported that upon further review that the contract for Bookmobile service will be extended through the end of the State fiscal year ending June 30, 2013. It is the intent of the County to continue to fund the service through the State Library to the extent that tax funds collected through the Library tax on the unincorporated areas will be used to fund library services to the unincorporated areas. There is also more research that needs to be done by Cities having libraries responsibility to assess the library tax on their entity.

**PRAIRIE DOG PERMANENT TAKE REQUEST :**

A request for permanent take of 3.6 Utah Prairie Dogs for property located in Mountain Shadows Subdivision Lot 32 requested by Gary Jones Construction was presented for approval. Dale Brinkerhoff made a motion to approve the requested take. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RESOLUTION 2013-3 2<sup>nd</sup> AMENDMENT PRESERVATION RESOLUTION :**

Commissioner Miller introduced the following resolution which as been reviewed and approved by the County Attorney. He then made a motion to amend the resolution to add Iron County instead of the County and to adopt the Resolution with the amendment. Second by Dale Brinkerhoff.

**IRON COUNTY  
RESOLUTION 2013-3**

**“2<sup>ND</sup> AMENDMENT PRESERVATION RESOLUTION”**

**A RESOLUTION TO PREVENT FEDERAL INFRINGEMENT ON THE RIGHT  
TO KEEP AND BEAR ARMS; TO RENDER NULL AND VOID CERTAIN ACTS,**

**LAWS, ORDERS, EXECUTIVE ORDERS, RULES, OR REGULATIONS REGARDING FIREARMS, AMMUNITION, AND ACCESSORIES VIOLATING THE 2ND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, THAT HAVE BEEN OR MAY BE ENACTED BY THE CONGRESS OF THE UNITED STATES AND/OR THE PRESIDENT OF THE UNITED STATES**

WHEREAS, The 2<sup>nd</sup> Amendment to the Constitution of the United States reads as follows, “A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”

WHEREAS, All federal acts, laws, orders, executive orders, rules, or regulations regarding firearms are a violation and infringement on and of the 2<sup>nd</sup> Amendment.

NOW THEREFORE BE IT RESOLVED by the Governing Board of Iron County, Utah the Iron County Board of Commissioners declares that any federal act, law, order, executive order, rule, or regulation regarding firearms that is a violation and infringement of the 2<sup>nd</sup> Amendment of the Constitution of the United States, passed by the Congress, and/or signed by the President, violating the true meaning and intent of the 2<sup>nd</sup> Amendment of the Constitution of the United States as given by the Founders and Ratifiers of the Constitution, is invalid in Iron County, shall not be recognized by Iron County, is specifically rejected by Iron County, and shall be considered null and void and of no effect in Iron County.

BE IT FURTHER RESOLVED that it shall be the duty of the Sheriff of Iron County to take all measures as may be necessary to prevent the enforcement of any federal acts, laws, orders, rules, or regulations in violation of the 2<sup>nd</sup> Amendment to the Constitution of the United States.

PASSED, APPROVED AND ADOPTED this the 11<sup>th</sup> day of March, 2013.

Board of Iron County Commissioners

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By: Alma L. Adams, Chair

(SEAL)

ATTEST:

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David I. Yardley, County Clerk

Voting:

Alma L. Adams	Aye
Dale M. Brinkerhoff	Aye
David J. Miller	Aye

**DISCUSSION ON EMERGENCY BUTTONS IN COUNTY OFFICES:**

Jared Wilson, IT Director, met with the Commission to report bid results for the installation and monitoring of emergency buttons in County offices. Titan Alarm bid \$4,855 for

installation plus a \$20.00 per month per building monitoring charge. Southern Utah Alarm bid \$4,076 for installation plus \$25.00 per month per building monitoring charge. Mountain Alarm bid \$6,315 for installation plus \$25.00 per month per building monitoring charge. All bids included an additional installation fee for the cost of emergency buttons.

Dale Brinkerhoff made a motion to approve the bid of Titan Alarm with the provision that individual office needs for emergency buttons be reviewed before purchase. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**TAX MATTERS - TAX DEFERRAL REQUESTS** :

**Stephen Brown:** appeared to request an additional deferral of taxes on 56 properties within Iron County. Mr. Brown entered into an agreement for the same properties in 2011 in which he failed to make any payments including 2012 taxes. The Commission debated the precedent this would set by issuing a new deferral agreement when the prior agreement was completely in default. Commissioner Dale Brinkerhoff stated that he is not interested in foreclosing on personal property through tax sales and that he is in favor of allowing successive agreements provided a substantial payment toward the delinquency is paid.

David Yardley commented that it is not fair to the County tax payers to ignore State Code and to issue successive deferral agreements when no effort is made by the delinquent tax payer to bring the taxes current. The delinquencies then are apportioned to other County tax payers. He also stated that it signifies that agreements entered into by the County Commission have no force or intent to comply, that the Commission is willing to ignore their own agreements and re issue agreements in serious default.

Don Young also commented that it is a dangerous precedent to allow extending deferrals in default past the terms of current agreements. It is also not good practice to allow deferrals on investment properties above primary residences.

Commissioner Adams commented that he is opposed to extending the agreement because of the precedent this sets especially where the taxpayer has made no effort to pay the delinquencies under existing agreements.

After discussing the matter Dale Brinkerhoff made a motion to authorize a successive agreement to defer taxes on 56 parcels of property owned by Stephen Brown with the provision that a payment of 50% of the delinquency be paid to the Iron County Treasurer by April 15, 2013 and that equal monthly payments be made on the remainder of the delinquency by March 1, 2014. The agreement also states that 2014 taxes will be paid by November 30, 2013. Second by David Miller. Voting: Alma Adams, Nay; Dale Brinkerhoff, Aye; David Miller, Aye.

A copy of the agreement along with a list of properties is available in the County Clerk's office. Information included on the public notice is as follows:

Stephen R. Brown  
1276 N Parkside Dr  
Cedar City, UT 84721

SEE ATTACHED EXHIBIT "A" PAGES 2 THROUGH 21

Total Property Taxable Value for 2012: \$1,060,635.00  
Total Taxes, Interest, Penalty Due as of March 1, 2013: \$118,231.28  
Taxes, Interest, Penalty, Requested to be Deferred: \$118,231.28

**Jesse Brown:** requested a deferral of taxes on one parcel of property owned by Brown Dirt, Inc., Jesse Brown President identified as Lot 2, Blk G, Thorley Ranch Estates, Unit B; less E-185-28-1-RD. He explained that there are additional properties scheduled for tax sale this year but he has made arrangements to bring their accounts current prior to the tax sale.

David Miller stated that for investment properties it is his intent to require a minimum of 1/2 of the delinquency as a down payment in order to be considered for a tax deferral. He then made a motion to approve the tax deferral agreement provided that 1/2 of delinquency be paid prior to April 15, 2013 and the remainder paid in monthly installments due no later than March 1, 2014. The motion died for lack of a second.

Dale Brinkerhoff then made a motion to approve a deferral agreement with monthly payments to be completed by March 1, 2014 and 2013 taxes to be paid by November 30, 2013. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Nay.

Jesse Brown, President, Brown Dirt Inc.  
1276 N Parkside Dr  
Cedar City, UT 84721  
Account Number 0428372  
Parcel Number E-0185-0028-0001  
Acres 8.52  
Legal: LOT 2, BLK G, THORLEY RANCH ESTATES, UNIT B; LESS E-185-28-1-RD.  
Property Taxable Value for 2012: \$51,273  
Total Taxes, Interest, Penalty Due as of March 15, 2013: \$13,276.27  
Taxes, Interest, Penalty, Deferred: \$13,276.27

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

Assessor Department: Leslie Bishop presented a request from the Assessor Department for approval of Revised Appraiser Apprentice, Appraiser Certified General, Appraiser Certified Residential and Licensed Appraiser job descriptions and wage restructure due to State and Federal licensing requirements. Cindy Bulloch explained that requirements have changed and it is not possible to hire certified appraisers at wages offered by the County. She also explained that new employees are required to sign a reimbursement agreement that they will continue to work for the county or reimburse schooling and training costs which can amount to almost \$100,000.

Dale Brinkerhoff made a motion to approve the job descriptions and wage restructure as presented with the salary adjustments to be made within the Department budget by transferring funds from capital purchases, vehicle, to the operating budget. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Corrections: Leslie also presented a request from Corrections to hire Cassandra Hulet as a Corrections Deputy to replace Donaven Hayden effective March 28, 2013. David Miller made a motion to approve the hiring as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for approval to hire Evan Miller to replace Sandra Fox effective on March 28, 2013 was also presented by Leslie Bishop and approved on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Public Defender: Leslie presented a request for approval of a contract to hire Matt Munson as a Public Defender as an independent contractor until December 31, 2013. Dale Brinkerhoff made a motion to approve the contract as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Sheriff Department: Leslie presented a request to promote Rebecca Heaton as ICSO Office Manager to replace Angie Smith who is retiring effective April 15, 2013. David Miller made a motion to approve the promotion of Rebecca Heaton as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Weed Department: Leslie Bishop submitted a request for approval of a wage increase for Lance Hollerman, as a seasonal weed control technician. The requested pay increase was from \$12.00 per hour to \$15.00 per hour to be funded from grant funds. The request was tabled to allow for verification of fund availability and to review in compliance with current County policy regarding salary changes.

Clerk's Office: David Yardley presented a request to approve the hire of Shaneal Bess as a Part-Time Clerk to fill a vacant position created by the promotion of G'Ne Bartholomew to a full time Deputy Clerk. Dale Brinkerhoff made a motion to approve the hiring as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC COMMENTS** :

Don Young commented on the action taken by the Commission in issuing an additional tax deferral agreement to Stephen Brown stating that it is unfair to County residents to support real estate investments that have not been profitable to investors. He suggested that the County follow State Code in the tax sale procedure for investment properties which allows for sale after more than four years delinquency.

Craig Spittler commented that it was his understanding that the Cedar City Library loaned books to the Bookmobile and he wondered if this should be taken into consideration when funding the Bookmobile service. The Commission responded that the Cedar City Library does not loan books to the Bookmobile. All of their books and publication are handled through the State Library system.

Tom Jett commented on bookmobile service providing movie videos at no charge in competition to video stores or vending machines. The Commission responded that videos are available at all County libraries. They are typically not first releases but are available to the public.

Pat Tomkins commented on the service provided by the Bookmobile. It has access to books and other materials through the State Library system. She also requested clarification on the long term commitment to the Bookmobile by the County. The Commission responded that the funding of the Bookmobile will be based on the availability of funds.

**DISCUSSION ON CONGRESSMAN ROB BISHOPS PROPOSALS :**

Congressman Rob Bishop sent a letter explaining his vision for a statewide Congressional lands bill. The County Commission expressed their appreciation how he reached out to Iron County and other counties for input into this important bill.

After careful consideration, the Iron County Commission decided it has nothing to propose at this time by way of addition to his proposed legislation. However, they expressed that they fully support the goals and proposals submitted by our fellow counties, and we wish him every success with this legislation. A letter is to be drafted to Representative Bishop stating Iron County's support.

**BUILDING MAINTENANCE & REPAIR SERVICE CONTRACT DISCUSSION:**

The Commission reviewed the need to contract for building maintenance and repair services with a qualified HVAC contractor for County Buildings. Currently the County has contracted with TRANE to perform quarterly inspections and recommended repairs. The contract will cover the recommended repairs. It was suggested that the contractor furnish their own tools and equipment and bill the County at a rate of \$40.00 per hour plus parts for needed repairs. Human Resource was asked to prepare a RFQ for the contract.

**SHAKESPEARE CENTER FOR THE ARTS FUNDING COMMITMENT:**

The County Commission approved the following commitment to the Southern Utah University Center for the Arts on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

“Iron County is pleased to be a participant in the funding of the Southern Utah University Center for the Arts in the amount of two million seven hundred fifty thousand (\$2,750,000.00) dollars as follows:

“Two million (\$2,000,000.00) dollars toward the construction of the new Shakespearean Theater complex funded from revenue bonds pledging TRCC and TRT tax to be provided as soon as a loan from the Permanent Community Impact Board (PCIB) is completed (funds availability anticipated in October 2013).

Seven Hundred Fifty Thousand (\$750,000.00) dollars is committed to fund the Southern Utah Museum of Art the payment will be over a four year period starting in 2014 and will be funded at \$187,500 per year.”

**ADJOURN :**

The meeting was adjourned at 3:50 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
March 25, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 25, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Steve Platt	County Engineer
Chad Nay	Buildings/Planning/Zoning
Neil Forsyth	Road Supervisor
Bruce Anderson	Landfill Supervisor

**SYNOPSIS** :

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BID OPENING - ROAD OIL 2013 ..... 2

BOARD APPOINTMENTS ..... 4

NOTICE OF PETITION TO ANNEX INTO PAROWAN CITY ..... 3

ORDINANCE 2013-1 AMENDING ORDINANCE 2011-4 TAX SALE PROCEDURE ..... 3

PERSONNEL MATTERS ..... 4

PLEDGE OF ALLEGIANCE ..... 1

PRAIRIE DOG MATTERS ..... 4

RAP TRAINING ..... 3

SURPLUS AMBULANCE VEHICLES ..... 4

TAX EXEMPTION REQUESTS ..... 4

TAX INCENTIVE APPLICATION - MSC AEROSPACE ..... 3

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Bruce Anderson.

**APPROVAL OF MINUTES March 11, 2013** :

Minutes of the Iron County Commission meeting held March 11, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Steve Platt** reported that bids for crushing gravel at the Parowan pit are being circulated. So far there have been eight firms that have requested bid packets. He also reported that an additional \$50,000 grant has been received to complete the Yankee Meadow road project.

**Chad Nay** reported that building permits were up significantly over this time last year. Work load is increasing and last week thirty one requests for building inspections were received

in one day. Chad also discussed concerns with drainage in some new subdivisions which in some cases could cause a water backup from rain or snow melt to flood some basements.

Chad also expressed concern with building maintenance which is falling behind with only one person working in regular building maintenance.

**Neil Forsyth** reported that the Road Department is behind schedule on the frontage road project north of Paragonah due to weather related problems. He also reported that a road grinding project in Modena canyon was scheduled to begin this week. The project will grind the rocks into road base which will be used to make the road safer and less rocky. If this project is successful, future projects could include the Summit Mountain road and other rocky roads where hauling crushed gravel as cover is not practical.

**Bruce Anderson** reported that the fire in the landfill has started again after seven months of no sign of smoke. The crew will begin to excavate the fire area to remove all hot spots and douse the fire. The pit will be left open to make sure the fire does not reignite. The landfill is also preparing bid packets for metal recycling and wood chip grinding. He also reported that the landfill is being accessed on the northwest side through Frank Nichols property. This area will need to be fenced to be in compliance with State Code.

**David Miller** reported that US Senate Bill 445 which proposed to reduce funding for USFWS funding of prairie dog programs failed. PILT and SRS funding was protected in the bill.

**Alma Adams** reported that Utah Counties Indemnity Pool (UCIP) will be looking into providing cyber security coverage as part of their plan. This is becoming a larger problem and there is a move nationally to provide this coverage to pool members.

Alma also reported that in meeting with UDOT that the focus is on major highways and smaller feeder highways like SR 56 and SR 130 will continue to be maintained but not improved.

**BID OPENING - ROAD OIL 2013** \_\_\_\_\_ :

Neil Forsyth, Iron County Road Supervisor, met with the Commission to open bids for oil products for chip sealing during the 2013 season. Three firms submitted bids with the following results:

Paramount Industries

MC 3000	\$690.45 Per Ton
LMCRS2	\$530.45 Per Ton
CQS1H	\$285.45 Per Ton

Ergon

MC 3000	No Bid
LMCRS2	\$449.00 Per Ton
CQS1H	\$260.00 Per Ton

Mountain States Asphalt

MC 3000	\$700.00 Per Ton
LMCRS2	\$434.00 Per Ton
CQS1H	\$280.00 Per Ton

Dale Brinkerhoff made a motion to take the bids under advisement and to authorize Neil Forsyth and Commissioner Adams to review and award bids for the different types of oil to the low bid including delivery charges etc. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**TAX INCENTIVE APPLICATION - MSC AEROSPACE** :

Brennan Wood, Iron County Economic Development met with the Commission to present for approval a draft of a Community Development Project Area Plan for Metalcraft Technologies, Inc., SyberJet Aircraft; and Cedar Building Associates which are combined as MSC Aerospace to locate an aircraft manufacturing facility in Cedar City. The plan includes five parcels in three areas within Cedar City limits. The proposed incentive includes a 100% tax increment for 15 years provided that the jobs created will pay 25% above the County average wage. The benchmark value will use 2012 assessment information. It is anticipated that at full production the project will employ an additional 1,200 people.

After review, Dale Brinkerhoff made a motion to support the project and to approve the tax incentive package as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**NOTICE OF PETITION TO ANNEX INTO PAROWAN CITY** :

A notice of a petition to annex property located with Parowan City limits and owned by Mark and Joyce Evans was presented as notification by David Yardley. The property is identified as Property Account # 260429 and # 97557, located within Section 14, Township 34 South, Range 9 West, SLB&M. It was noted that the parcels are completely surrounded within Parowan City boundaries making an illegal island.

Commissioner Adams explained a conflict of interest in this action as Mark and Joyce Evans are brother in law and sister in law.

Dale Brinkerhoff made a motion to not oppose the annexation as has been the procedure by the Commission in past annexations. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ORDINANCE 2013-1 AMENDING ORDINANCE 2011-4 TAX SALE PROCEDURE:**

Ordinance 2013-1 was recalled from a previous meeting for action. Michael Edwards reported that due to illness and court hearings the amendment was not completed. Dale Brinkerhoff made a motion to again table the matter to allow additional time to review proposed amendments. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RAP TRAINING** :

Leslie Bishop presented RAP training on professionalism and integrity within offices. Leslie noted that as County employees we represent the County in day to day business activity with the public. It is very important to be responsive to the public needs and to help people conduct their business in a timely and pleasant atmosphere.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Council on Aging to hire Rebecca S. Niznik as a part time driver for the Council On Aging to fill a vacant position. David Miller made a motion to approve the hiring of Rebecca S. Niznik as a part time driver for the Council on Aging. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request from the Sheriff's Office, Corrections Division to promote Kerrie Turrill, to the rank of Corporal in the Iron County Sheriff's Office. Officer Turrill will be replacing Corporal Fielding who has moved to the culinary supervisor position as a Corporal. Dale Brinkerhoff made a motion to approve the promotion of Kerrie Turrill to Corporal as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A wage increase request for a part time temporary weed sprayer position has been reviewed and the request was denied on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**TAX EXEMPTION REQUESTS** :

Christene Lowder presented a report on the annual statement for continued property tax exemption applications submitted by Religious, Charitable and/or Educational Organizations for the 2013 tax year for personal and/or real property. She reported that the Ashdown Forest Ward did not submit a request for a utility trailer and the Corporation of the Presiding Elder did not submit a request on property serial number D-0767-0004-0000.

All other delinquent filing have replied to the certified letter requesting a response. After reviewing the list of tax exemption qualifying requests, David Miller made a motion to approve the requests and authorize signatures. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG MATTERS** :

Skip Sasser representing GenPac Corp came before the Commission to request an extension for non permanent take of prairie dogs on property between the two GenPac plants in Cedar City. Dale Brinkerhoff made a motion to approve the non permanent take of prairie dogs as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**SURPLUS AMBULANCE VEHICLES** :

The Ambulance Department submitted a request to designate four older ambulances as surplus and authorize their sale. The vehicles are identified as 1. 1988 Ford Cargo Van. 2. Ford Cargo Van. 3. 1993 Ford 350 Van. 4. 1994 Ford 350 Van. David Miller made a motion to approve listing the ambulances as surplus and authorizing their sale. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOARD APPOINTMENTS** :

**Accident Review Board:** Jody Edwards was appointed to take Ron Johnson's place as

Ambulance Representative and Leslie Bishop was appointed to take Vicki Nelson's position as HR representative on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**LEPC:** David Miller was appointed to replace Dale Brinkerhoff as Commission representative on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Central Iron County Water Conservancy District:** on a recommendation from Enoch City, Rick Bonzo was appointed to another four year term on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Weed Board:** Paul Nelson was appointed to an additional four year term on the Weed Board on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 12:25 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 8, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 8, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Marie Brooks	Emergency Management Coordinator Pro Tem
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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 March 25, 2013** :

Minutes of the Iron County Commission meeting held March 25, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**David Miller** reported that Kevin Bunnell has been hired by the State Department of Natural Resources as the wildlife specialist for the Southwest Region. He will be stationed in Cedar City.

**Dale Brinkerhoff** discussed the fire engine located at Kanarraville. The Kanarraville fire

department has reported that the engine needs major repairs and would be more expensive than the vehicle is worth. The Commission approved placing the fire engine on the surplus list and to request that Ryan Riddle look at the vehicle to determine if there are parts such as pumps etc that could be used on other vehicles.

**Marie Brooks** reported that the emergency operations center is now functional. There are still some minor improvements and adjustments that need to be made but in an emergency it would be operational. She also reported that a hazardous material emergency planning grant for \$3,200 has been obtained for 2013.

**APPROVAL OF EXTENSION SERVICE COOPERATIVE AGREEMENT FOR 2013:**

Chad Reid presented the proposed amendment to the Utah State University Extension Service agreement for 2013. He explained the budget changes from the 2012 budget and after review, recommended approval. David Miller made a motion to approve the agreement and authorize the Commission Chair to sign. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

Leslie Bishop presented a request from the Sheriff's Department to request approval of a promotion of Corporal Charles Triplett to Sergeant. The promotion fills a vacancy created when Sergeant Wayne Peterson was transferred to the Bailiff Division. David Miller made a motion to approve the promotion of Charles Triplett to Sargent in the Sheriff's Office. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request approval of promotion Deputy Adam Burton to Corporal to fill the vacancy created by the promotion of Corporal Charles Triplett to Sergeant. David Miller made a motion to approve the promotion of Adam Burton to Corporal as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve the promotion of Deputy Thomas Byrd to Deputy I upon his completion of all required field training. Dale Brinkerhoff made a motion to approve the promotion of Thomas Byrd to Deputy I with a pay increase of 3%. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve two (2) new full time Bailiff positions. These full time positions replace loss of part time workforce hours due to the affordable healthcare act mandate which requires part time employees working over 30 hours per week to be counted as full time employees. Dale Brinkerhoff made a motion to approve the two full time positions but place the positions on hold until budget adjustments can be made in part time positions. It is anticipated that the change will require a \$50,000 annual budget adjustment. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Iron County Justice Court for the approval of two (2) new full time Court Clerk positions. These full time positions replace loss of part time workforce hours due to the affordable healthcare act mandate which requires part time employees

working over 30 hours per week to be counted as full time employees. Dale Brinkerhoff made a motion to approve the two full time positions but place the positions on hold until budget adjustments can be made in part time positions. It is anticipated that the change will require a \$53,400 annual budget adjustment. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request from the Engineering Department to approve the hiring of Curtis DeMille as the heavy equipment operator/engineer technician effective April 8, 2013 to replace Bruce Anderson who transferred to Landfill Supervisor. Dale Brinkerhoff made a motion to approve the hiring of Curtis DeMille as a heavy equipment operator/engineer technician effective April 8, 2013. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The Building Department requested approval of an independent contract for a HVAC technician and the appointment of Dwayne Alger as the contract technician effective April 8, 2013. The contract would be on an "as needed" basis. Dale Brinkerhoff made a motion to approve the contract position and approve the selection of Dwayne Alger as the contract HVAC technician. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Corrections submitted a request to approve the promotion of Syonja Gustafson to secretary 11 to replace Hilaree Nelson. Dale Brinkerhoff made a motion to approve the promotion of Syonja Gustafson as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie Bishop presented for approval position descriptions for the Emergency Management Coordinator and Outdoor Recreation Technician. David Miller made a motion to approve the position descriptions as presented and authorize advertising to fill the positions. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The Commission recognized Blaine Nay as an applicant to serve as the county bee inspector. Mr. Nay explained that Utah Code 4-11-5. Provides for a county bee inspector as follows: (1) The county executive upon the petition of five or more persons who raise bees within the respective county shall, with the approval of the commissioner, appoint a qualified person to act as a bee inspector within the county. (2) A county bee inspector shall be employed at the pleasure of the county executive and the commissioner, and is subject to termination of employment, with or without cause, at the instance of either. (3) Compensation for the county bee inspector shall be fixed by the county legislative body. (4) To be appointed a county bee inspector, a person shall demonstrate adequate training and knowledge related to this chapter, bee diseases, and pests.

Mr. Nay also explained that currently there are nineteen registered bee keepers in Iron County with an additional four bee keepers that have their registration expired.

David Miller made a motion to table action on the request to appoint a county bee

inspector to allow for more time to gather information on what other counties are doing and to draft a plan to designate a County bee keeper. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC HEARINGS - ZONE CHANGES** :

Dale Brinkerhoff made a motion to open two announced public hearings to receive comments on proposed zone changes recommended by the Planning Commission. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PROPOSED ZONE CHANGE FROM INDUSTRIAL TO COMMERCIAL** :

After opening the public hearing Reed Erickson explained the proposal submitted by Frank Nichols to develop 96.86 acres as the first phase of a three phase project to develop property located in the north central portion of Section 28, Township 36 South, Range 12 West, SLM. The project will include a travel trailer park, convenience store and other amenities. The area will be service with water from the CICWCD and sewer through the Cedar City sewer system. The Planning Commission recommended changing the zoning from Industrial to Commercial.

Frank Nichols commented that the project would include a high end recreation area near the Iron Springs area. The first phase will include 40 pull through stalls.

Dale Brinkerhoff made a motion to close the public hearing on this project and to approve the zone change from Industrial to Commercial on 96.86 acres as recommended by the Planning Commission. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PROPOSED ZONE CHANGE FROM COMMERCIAL TO RESIDENTIAL R-5:**

Reed Erickson reported that the Planning Commission has recommended that property owned by Bradley Robbins described as: Beginning 49.50 Feet South and 1301.03 Feet West of the North 1/4 Corner of Section 21, Township 34 South, Range 9 West, SLM; thence South 960 feet to the northerly right of way of I-15, thence northeasterly along the I-15 right of way line 270 feet; thence North 830 feet to the south line of a county road; thence west 245 feet to the point of beginning. Parowan City has been approached about annexing the parcel and they are not willing at this time to annex property in this area on the west side of the freeway.

Dale Brinkerhoff made a motion to close the public hearing on this project and to approve the zone change from Commercial to Residential 5 (R-5) on the described parcel as recommended by the Planning Commission. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**TAX MATTERS - TAX DEFERRAL REQUESTS** :

**Tiffany B. Thomson:** presented a request for a tax deferral on a home in Cedar Valley. She explained her health issues which resulted from an accident which left her disabled. She had two accounts delinquent but was able to bring one current. Dale Brinkerhoff made a motion to approve a tax deferral agreement for Tiffany Thomson as follows:

Account Number: 276383

Parcel Serial Number: D-0504-0001-0003

Situs Address: 2384 W 5900 North, Cedar City, UT

Legal Description: Lot 20, Block A, Big Meadows Ranchos Subdivision.

Property Taxable Value for 2012: \$52,170.00

Total Taxes, Interest, Penalty Due as of April 8, 2013: \$5,021.70

Taxes, Interest, Penalty, Deferred: \$5,021.70.

Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Brian Head A-305 LLC, Diane Adams:** through Attorney Jenny T. Jones presented a request for a tax deferral on a condominium in Brian Head that they just cleared title through a foreclosure action. Dale Brinkerhoff made a motion to approve a tax deferral for Brian Head A-305 LLC as follows:

Account Number 470275

Parcel Number A-1197-000A-0305

Tax District 12 - BRIAN HEAD SSD

Situs 223 Hunter Ridge Road # A305, Brian Head, UT

UNIT 305, BLDG A, BRIAN HEAD NORTH CONDOMINIUMS, 3RD AMENDED;  
TOGETHER WITH AN UND INT IN COMMON AREA; SEC 2 & 3, T36S, R9W, SLM

Property Taxable Value for 2012: \$723,115

Total Taxes, Interest, Penalty Due as of April 8, 2013: \$3,728.68

Taxes, Interest, Penalty, Deferred: \$3,728.68

Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Charlotte Beatty:** presented a request for a tax deferral on a home in Cedar City. She is attempting to sell the home but due to family issues has not been able to pay the taxes. Dale Brinkerhoff made a motion to approve a tax deferral for Charlotte Beatty as follows:

Account Number 0149242

Parcel Number E-0171-0001-0044-02

Tax District 10 - COUNTY WCD

Acres 1.00

Situs 6624 W 1000 N , CEDAR CITY

Legal ALL LOT 72, MONTE VISTA ACRES, UNIT 2

Property Taxable Value for 2012: \$77,865.00

Total Taxes, Interest, Penalty Due as of April 8, 2013: 6,905.16

Taxes, Interest, Penalty, Deferred: \$6,905.16

Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**GRAVEL CRUSHING CONTRACT APPROVAL :**

Steve Platt, Iron County Engineer submitted a request for approval to award a contract to Progressive Contracting for crushing 9,000 cubic yards of untreated base course aggregate for a total of \$51,570. Other bids submitted included Schmidt Construction; \$81,000. Susan Martin Construction; \$86,580.

Dale Brinkerhoff made a motion to accept the bid of Progressive Contracting. Second by

David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ORDINANCE 2013-1 AMENDING ORDINANCE 2011-4, TAX SALE PROCEDURE:**

Michael Edwards presented Ordinance 2013-1 which amends the tax sale procedure to comply with State Code. Geri Norwood explained her concern with a provision to allow 90 minutes after the sale to make the final payment. She explained that the Treasurer's Office attempts to close the book on the sale as soon as possible after the sale so that all transactions can be recorded on the day of the sale. Allowing 90 minutes to pay could make closing impossible on a large tax sale. The Commission asked if 60 minutes would be more appropriate. Geri responded that they could function with a provision for the 60 minutes.

Section 9 was also recommended to be amended to allow a bidder that defaults on paying for the parcel in a timely manner to be offered to the second high bid. If that bidder has decided not to purchase, the parcel would be struck off to the County.

Dale Brinkerhoff made a motion to adopt Ordinance 2013-1 as amended. Second by David Miller.

**IRON COUNTY ORDINANCE NO. 2013-1**

**AN ORDINANCE OF IRON COUNTY, UTAH, ESTABLISHING THE METHOD, RULES AND PROCEDURES FOR CONDUCTING THE ANNUAL TAX SALE, ESTABLISHING AN EFFECTIVE DATE, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND RELATED MATTERS.**

**WHEREAS**, §59-2-1351.1, Utah Code Annotated, authorizes the Iron County Commission to establish procedures, by ordinance, for the sale of properties which have delinquent property taxes due, in a manner which best protects the financial interests of the delinquent property owner and meets the needs of the County to collect delinquent property taxes due; and

**WHEREAS**, the Iron County Commission finds a public auction with the following defined rules and procedures, provides a fair opportunity for individuals to buy property with delinquent taxes, provides for a mechanism whereby multiple properties may be sold in one day, and protects the financial interests of the owner of property by selling a property to the highest bidder.

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

**SECTION 1. DEFINITIONS.**

1. As used in this ordinance:
  - a. "Administrative cost" means expenses incurred by Iron County in preparation of the tax sale.
  - b. "Bid" means an offer of a purchase price of property.

- c. “Bidder” means a natural person, husband and wife, or license business entity.
- d. “Collusive bidding” means any agreement or understanding reached by two or more parties that in any way alters the bids the parties would otherwise offer absent the agreement or understanding.
- e. “Public employee” means a person who is not a public officer who is employed on a full-time, part-time, or contract basis by the County.
- f. “Public officer” means all elected or appointed officers of the County who occupy policy making posts.
- g. “Substantial interest” means the ownership, either legally or equitably, by an individual, the individual’s spouse, or the individual’s minor children, of at least 10% of the outstanding capital stock of a corporation or 10% interest in any other business entity.
- h. “Tax sale” means the sale of properties with delinquent property tax due as authorized in Utah Code Ann. § 59-2-1351 et. seq.

**SECTION 2. BIDDER REGISTRATION PROCEDURES.**

In order to be eligible to bid and purchase a property at the Iron County Tax Sale, each bidder must pre-register on line at [www.ironcounty.net/taxsale](http://www.ironcounty.net/taxsale), and enter the information required. When registering, the bidder must clearly identify the name and address of the bidder which will be used for issuance of a Tax Deed. This registration must be completed no earlier than May 1 of the year of the tax sale, and no later than 5:00 p.m. of the day prior to the tax sale. No late preregistration will be accepted. After preregistering, a bidder must receive an assigned bidder number from the office of the Iron County Auditor. The bidder number may be received one day prior to the tax sale and up to 9:45 A.M. on the day of the sale.

**SECTION 3. REDEMPTION RIGHTS AND PROCEDURES.**

A property may be redeemed in behalf of the record owner, by any person, at any time prior to the start of the tax sale. Property is redeemed by paying to the County Treasurer, all delinquent taxes, interest, penalties, and administrative costs that have accrued on the property.

**SECTION 4. PROHIBITED CONDUCT.**

Collusive bidding is not permitted and is punishable as a Class C misdemeanor. Talking and yelling, other than when making a bid, is limited in order to allow for an orderly proceeding and accurate records of the sale may be obtained.

Any person engaging in prohibited conduct, or otherwise disturbing the tax sale, may be required, at the discretion of the auctioneer, to leave the tax sale and will no longer be permitted to bid on properties at that tax sale.

**SECTION 5. CONFLICT OF INTEREST PROHIBITIONS AND DISCLOSURE REQUIREMENTS.**

Every County official or employee who purchases or has a substantial interest in any business entity which purchases property at the tax sale must disclose said interest in a sworn statement filed with the Iron County Clerk and a copy provided to the Iron County Commission, Iron County Attorney’s Office, and their immediate supervisor. These disclosures are public information and shall be available to the public for inspection.

No official or employee may have a personal investment in a business entity which will create a substantial conflict between his private interests and his public duties related to the tax sale.

**SECTION 6. CRITERIA FOR ACCEPTING OR REJECTING BIDS.**

The tax sale shall be conducted by the Iron County Auditor, or designee. The auctioneer will state the delinquent amount of the parcel being offered for sale. Upon a receipt of a bid equal to or in excess of the delinquent amount, higher bids may be received. Bids will advance in increments of at least \$100 on all parcels, but may be increased on any given parcel at the auctioneer's discretion.

Only a bid recognized by the auctioneer is valid. The bid received in the highest dollar amount, when no higher bids are tendered upon request by the Auditor, shall be the final bid accepted (if such bid is otherwise acceptable under these rules).

The final bid amount announced by the Auditor is the official sale and the registered name and address will be the name listed on the deed.

All bids shall be considered conditional, whether or not the bid is contested, until reviewed and accepted by the Board of County Commissioners acting at a regularly scheduled Commission meeting.

The County reserves the right to reject any and/or all bids.

**SECTION 7. SALE RATIFICATION PROCEDURES.**

The Iron County Auditor, or assigned Deputy, shall present the results of the May Tax Sale no later than two regularly scheduled County Commission meetings after the sale. The County Auditor, or assigned Deputy, will inform the commission regarding the number of properties sold, the number of properties that were struck off to the County, and the high bid amount for each property offered for sale at the tax sale.

The County Commission may ratify the results of the tax sale after hearing the details offered by the Iron County Auditor or assigned Deputy.

**SECTION 8. CRITERIA FOR GRANTING BIDDER PREFERENCE.**

A bid will be recognized only when an individual raises their assigned bidder number in the air and states an acceptable bid amount.

The first bid recognized by the auctioneer will be the standing bid.

It is the responsibility of a bidder to ensure that the auctioneer is able to see and hear a bid.

**SECTION 9. METHOD AND PROCEDURE OF PAYMENT.**

Payment for property purchased during the tax sale shall be made to the Iron County Treasurer. Payment may be made during, but no later than 60 minutes following the completion of the tax sale.

Only cash, certified funds or credit card (one card per transaction) will be accepted in payment for property. No personal checks will be accepted.

Properties which have not been paid in full within 60 minutes after the end of the tax sale shall be offered to the bidder which offered the second highest bid, in the amount of the second highest bid. If the second highest bidder declines that offer, the property shall be struck off to Iron County.

Any person wishing to contest any action taken in connection with the Iron County Tax Sale must present such protest to the Iron County Commission, through the Iron County Clerk's Office in writing, within ten (10) calendar days of the sale.

#### **SECTION 11. CRITERIA FOR STRIKING PROPERTIES TO THE COUNTY**

Any parcel which does not receive a minimum bid shall be struck off to Iron County. Parcels struck off to the County may be available for sale through the Iron County Clerk's Office when approved by the Iron County Commission.

Upon any final bid being rejected, the parcel may be offered to a bidder who offered the second highest bid in the amount of that bid. If the second highest bidder rejects the offer, the property shall be struck off to Iron County.

#### **SECTION 12. PROCEDURES FOR DISCLOSING PROPERTIES WITHDRAWN FROM THE SALE FOR REASONS OTHER THAN REDEMPTION**

After the commencement of the tax sale, prior to offering the first property for sale, the Auctioneer shall disclose the properties, if any, which have been withdrawn from the tax sale for reasons other than redemption.

#### **SECTION 13. DISCLAIMER BY COUNTY WITH RESPECT TO TAX SALE PROCEDURES**

Properties sold during the Iron County Tax Sale shall be conveyed by Tax Deed. This form of deed is not a warranty deed. No warranty or guarantee is made, expressed or implied, relative to the title, location, or condition of properties for sale. In addition, the County assumes no responsibility, implied or otherwise, that tax sale properties are in compliance with zoning ordinances, mining and reclamation regulations, building codes and permits, and/or any other applicable regulations or permits. In addition, Iron County makes no warranties or representations as to whether the property is buildable or developable.

Any property sold pursuant to the Tax Sale is without guarantee or warranty whatsoever as to existence, correctness of ownership, size, boundaries, location, structures or lack of structures upon the land, liens, titles, or any other matter or thing whatsoever. Iron County does not warrant or represent that any property purchased during the Tax Sale is habitable or in any particular condition.

Iron County also makes no warranties or representations regarding the accuracy of the assessment of the property or accuracy of the legal description of the real estate or improvements thereon. It is the responsibility of the bidder to determine the physical aspects of the property, its geographical location, and accessibility. Iron County makes no warranties regarding the

availability, validity, or existence of water rights associated with any of the properties sold during the tax sale.

It is the bidder's responsibility to determine the liabilities, including other liens and encumbrances, that exist on each property before and after the sale. The properties are sold "as is." Additionally, Iron County is not liable in any way whatsoever for damages sustained to property purchased from the time of sale until the recordation of the tax deed to a purchaser.

All properties sold at the Iron County Tax Sale are under the rule of caveat emptor, or "let the buyer beware", and all purchasers are accordingly hereby so notified.

**SECTION 14. 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 15. REPEAL OF CONFLICTING ORDINANCES.**

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

**SECTION 16. EFFECTIVE DATE.**

This Ordinance, Iron County Ordinance No. 2013-1, shall become effective immediately after the required publication thereof, as set forth in Utah Code § 17-53-208(6).

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 8<sup>th</sup> day of April, 2013.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Alma Adams, Chair

**ATTEST:**

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

**VOTING:**

Alma L. Adams	<u>    Aye    </u>
Dale Brinkerhoff	<u>    Aye    </u>
David Miller	<u>    Aye    </u>

**PUBLIC COMMENTS** :

Chester Stites thanked the Commission for the work they do and the careful consideration of items presented for discussion or action.

**LIBRARY TAX DISCUSSION WITH MAYORS AND CITY ATTORNEYS :**

The Commission met with mayors, representatives and attorneys from Parowan, Cedar City and Enoch City to discuss options for collecting and distributing library taxes. Michael Edwards explained that Utah Code requires that municipalities with libraries either need to adopt an ordinance and assess a tax or enter into an interlocal agreement with the County to collect the tax. Mayor Joe Burgess, Cedar City and Mayor Don Landis, Parowan City stated that they were in favor of entering an interlocal agreement and continue collecting the tax as is currently set. Cities with libraries would receive the tax collected from their municipality while the remainder would be allocated by the County.

The County and City attorney's were requested to draft an interlocal agreement for adoption by the municipalities and the County memorializing the library agreement. The matter will be place on the agenda for action upon completion of the MOU.

**PRAIRIE DOG MATTERS** :

David Miller reported that Pacific Legal Foundation representing a group of Iron County property owners known as People for the Ethical Treatment of Property Owners (PEPO) is ready to file a lawsuit challenging the Federal Government, US Fish and Wildlife Services authority to list and manage prairie dogs under the endangered species act. The lawsuit will be filed within the next two weeks.

**BOOKMOBILE UTAH STATE LIBRARY MEMORANDUM OF AGREEMENT:**

An agreement to fund the bookmobile service for the remainder of the State Fiscal Year ending June 30, 2013 was approved on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The Commission explained that continuation of the operation of the bookmobile depends on the level of funding provided through the County library tax on the unincorporated area of the County and a funding stream from Enoch City.

**BERYL FIRE STATION UPGRADE CHANGE ORDER # 1 APPROVAL:**

A request for approval of change order # 1 to eliminate the asphalt approach pad to the new portion of the Beryl Fires Station project to be replace with over excavation of the building pad as recommended by the soils engineers was tabled at the request of Commissioner Brinkerhoff to allow the Architect to provide additional information about cost breakdowns. Motion to table was made by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**SITLA RIGHT OF ENTRY # 5862 APPROVAL BERYL FIRE STATION PROPERTY:**

A right of entry issued by the State Institutional Trust Lands (SITLA) to allow construction of the Beryl Fire project to proceed was presented for approval. David Miller made a motion to authorize the Commission Chair to execute the right of entry agreement # 5862.

Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Commissioner Brinkerhoff expressed concern with proceeding without a firm figure on the final purchase price of the property. David Yardley was asked to check with Lou Brown to see if a price has been established.

**BOARD APPOINTMENTS** \_\_\_\_\_ :

**Tax Appeal Board:** Dale Brinkerhoff made a motion to appoint David Bentley to replace Roy Urie on the Tax Appeal Board. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 4:30 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**

**April 22, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 22, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

**Officers in attendance included:**

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. 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 Geri Norwood.

**APPROVAL OF MINUTES April 8, 2013** :

Minutes of the Iron County Commission meeting held April 8, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Cindy Bulloch** reported that the Assessor’s office is busy preparing the tax roll to be submitted to the Auditor prior to May 22. Preliminary figures show that commercial values are increasing while residential units are steady. Some high end properties have decreased in market value because of the continued slump in the housing market.

Cindy also reported that green belt applications are due by May 1. She discussed the Lowman Nelson property that was given a conditional exemption last year to allow the parcels to be brought into compliance with State Statute. She also discussed a green belt application for Terry Porter on property near his home in Cedar Highlands subdivision. These two items will be placed on a future agenda for consideration.

**Gene Adams** reported that the Auditor's office is preparing for the annual tax sale scheduled for May 23. He also reported that the independent auditors are completing their work. It is on schedule to be completed by June.

**Geri Norwood** reported that currently there are 418 parcels still listed on the tax sale. People have until the time of the sale to redeem their property by paying all taxes, interest, penalty, and fees assessed. Title searches have been completed on all parcels listed on the sale and notices have been mailed to lien holders of record.

**Debbie Johnson** reported that the Recorder's office is in the process of scanning all survey maps into the system. This will make them more accessible to the public and will finally comply with State law that the survey maps be filed in the Recorder's office. She also reported on the numbers of documents being filed. She discussed concerns voiced at the UAC Conference with huge data dumps where companies are purchasing data at little or no cost and then charging high fees for access to the data.

**David Miller** reported that he had traveled to Wood Cross to look at a replacement culinary water tank for Woods Ranch. The tank will be a 5,000 gallon poly tank that will be filled from existing water sources. The Water Conservancy District has agreed to manage the system and the collection system will be surveyed when the snow melts to make sure the water source is safe.

**Alma Adams** discussed items from the UAC Conference including trading acreage in oil rich Counties including royalty payments in exchange for wilderness acres within other Counties. This will be an ongoing discussion to see if there is interest in such an exchange. There is also a question as to whether this would qualify Counties to receive mineral lease funds for exchanged acreage.

**RESOLUTION 2013-4 BOND PARAMETERS RESOLUTION :**

The County Commission of Iron County, Utah (the "Commission"), met in regular public session at the regular meeting place of the Commission in Parowan, Utah, on April 22, 2013, at the hour of 9:00 a.m., with the following members of the Commission being present:

Alma L. Adams	Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner

Also present:

David Yardley	County Clerk
Troy Little	Deputy County Attorney

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Commission a Certificate of Compliance with Open Meeting Law with respect to this April 22, 2013, meeting.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Commissioner David Miller and seconded by Commissioner Dale Brinkerhoff adopted by the following vote:

AYE: Alma Adams  
Dale Brinkerhoff  
David Miller

NAY: None

The resolution was then signed by the Chair in open meeting and recorded by the County Clerk in the official records of Iron County, Utah. The resolution is as follows:

**RESOLUTION NO. 2013-4**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF EXCISE TAX REVENUE BONDS SERIES 2013 OF IRON COUNTY, UTAH, FOR THE PURPOSE OF FINANCING A PORTION OF A THEATER AND OTHER RELATED IMPROVEMENTS FOR THE BEVERLY TAYLOR SORENSON CENTER FOR THE ARTS LOCATED AT SOUTHERN UTAH UNIVERSITY; CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF CERTAIN EXCISE TAX REVENUES FOR REPAYMENT OF THE BONDS; 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; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.**

**WHEREAS**, Iron County, Utah (the “Issuer”), desires to provide funds to finance a portion of a theater and other related improvements for the Beverly Taylor Sorenson Center for the Arts located at Southern Utah University (the “Project”); and

**WHEREAS**, pursuant to the provisions of the Local Government Bonding Act, Title 11,

Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), the County Commission (the “Commission”) of the Issuer has authority to issue its Excise Tax Revenue Bonds, Series 2013 (the “Series 2013 Bonds”) for the purposes set forth in the first recital above; and

**WHEREAS**, the Act provides that prior to issuing bonds pursuant to the Act, an issuing entity must a) give notice of its intent to issue such bonds and b) hold a public hearing to receive input from the public with respect to the issuance of the bonds; and

**WHEREAS**, the Issuer proposes to pledge all or any portion of the excise tax funds received by the Issuer pursuant to Title 59, Chapter 12, Parts 2, 3, 6, 11 and 12, respectively, Utah Code Annotated 1953, as amended, for repayment of the Bonds; and

**WHEREAS**, in order to allow for flexibility in setting the financial terms of the Series 2013 Bonds once costs of the Project can be finalized and to optimize debt service costs to the Issuer, the Commission desires to grant to the Chair and County Clerk of the Issuer (collectively the “Designated Officers”), in accordance with state law, the authority to select a purchaser and approve the interest rates, principal amounts, terms, maturities, redemption features, and purchase price at which the Series 2013 Bonds shall be sold and any changes with respect thereto from those terms which were before the Commission at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in this Resolution (the “Parameters”); and

**WHEREAS**, the Issuer desires to hold a public hearing for this purpose and to publish a notice of such hearing, including a notice of bonds to be issued, in compliance with the Act with respect to the Series 2013 Bonds;

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

Section 1. The Commission of the Issuer hereby finds and determines that it is in the best interests of the Issuer and its residents for the Issuer to issue not more than Two Million Five Hundred Thousand Dollars (\$2,500,000), aggregate principal amount of its Excise Tax Revenue Bonds, Series 2013, to bear interest at a net effective rate of not to exceed five percent (5.0%) per annum, to mature in not more than twenty-seven (27) years from their date or dates of issuance, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, for the purpose of 2. financing the costs of the Project, 3. funding a debt service reserve fund, if necessary and 4. paying costs of issuance of the Series 2013 Bonds, all as shall be approved by the Designated Officers within the parameters set forth herein so long as the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in this Section 1. The issuance of the Series 2013 Bonds shall be subject to the final approval of Bond Counsel and to the approval of the Attorney for the Issuer.

Section 2. The final interest rate or rates for the Series 2013 Bonds shall be set by the

Designated Officers, at the rate or rates which, taking into account the purchase price offered by the purchaser of the Series 2013 Bonds, will in the opinion of the Designated Officers may result in the lowest cost of funding reasonably achievable given the manner of offering the Series 2013 Bonds at the time of the sale of the Series 2013 Bonds. The issuance of the Series 2013 Bonds shall be subject to the final approval of Bond Counsel and to the approval of the Attorney for the Issuer.

Section 3. The Series 2013 Bonds will be issued pursuant to this Resolution, a Bond Resolution dated as of February 24, 2003, and a Supplemental Resolution, to be entered into at the time of issuance of the Series 2013 Bonds in substantially the forms attached hereto as Exhibit B (collectively, the “Master Resolution”) and is in all respects hereby authorized and approved, and the Chair and Clerk or authorized deputy thereof, are hereby authorized and directed to execute and deliver the same on behalf of the Issuer. Such execution and delivery of the Master Resolution shall memorialize the approval of the Designated Officers.

Section 4. The Issuer shall pledge all or any portion of the excise tax funds received by the Issuer pursuant to Title 59, Chapter 12, Parts 2, 3, 6, 11 and 12, respectively, Utah Code Annotated 1953, as amended, for repayment of the Series 2013 Bonds.

Section 5. The appropriate officials of the Issuer are authorized to make any alterations, changes or additions to the Master Resolution and the Series 2013 Bonds or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2013 Bonds (within the Parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States.

Section 6. The form, terms, and provisions of the Series 2013 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Master Resolution. The Chair and Clerk or authorized deputy thereof are hereby authorized and directed to execute and seal the Series 2013 Bonds and to deliver said Series 2013 Bonds to the bond registrar for authentication. The signatures of the Chair and the Clerk or authorized deputy thereof may be by facsimile or manual execution.

Section 7. Upon their issuance, the Series 2013 Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2013 Bonds, and the Master Resolution. No provision of this Resolution, the Master

Resolution, the Series 2013 Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its taxing powers.

Section 8. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents and other papers (including, without limitation, a tax compliance policy) and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 9. The Issuer will hold a public hearing on May 13, 2013, to receive input from the public with respect to 5. the issuance of the Series 2013 Bonds, and 6. the potential economic impact that the Project will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first published 7. once a week for two consecutive weeks in the Spectrum, a newspaper of general circulation in the Issuer, 8. on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended and (iii) on the Utah Legal Notices website ([www.utahlegals.com](http://www.utahlegals.com)) created under Section 45-1-101, Utah Code Annotated 1953, as amended, no less than fourteen (14) days before the public hearing date. The County Clerk shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the County Clerk's office in Parowan, Utah, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of publication thereof. The Issuer directs its officers and staff to publish a "Notice of Public Hearing and Bonds to be Issued" in substantially the following form:

NOTICE OF PUBLIC HEARING  
AND BONDS TO BE ISSUED

PUBLIC NOTICE IS HEREBY GIVEN that on April 22, 2013, the County Commission (the "Commission") of Iron County, Utah (the "Issuer"), adopted a resolution (the "Resolution") declaring its intention to issue Excise Tax Revenue Bonds, Series 2013 (the "Series 2013 Bonds") pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and to hold a public hearing to receive input from the public with respect to the issuance of the Series 2013 Bonds.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer will hold a public hearing on May 13, 2013, at the hour of 10:15 a.m. in the Iron County Courthouse, County Commission Chambers, 68 South 100 East, Parowan, Utah. The purpose of the hearing is to receive input from the public with respect to a) the issuance of the Series

2013 Bonds and b) any potential economic impact that the improvements financed with the proceeds of the Series 2013 Bonds may have on the private sector. All members of the public are invited to attend and participate.

#### PURPOSE FOR ISSUING BONDS

The Issuer intends to issue the Series 2013 Bonds for the purpose of c) provide funds to finance a portion of a theater and other related improvements for the Beverly Taylor Sorenson Center for the Arts located at Southern Utah University; d) funding a debt service reserve fund, if necessary, and e) paying issuance expenses to be incurred in connection with the issuance and sale of the Series 2013 Bonds.

#### PARAMETERS OF THE BONDS

The Issuer intends to issue the Series 2013 Bonds in the principal amount of not to exceed Two Million Five Hundred Dollars (\$2,500,000), to bear interest at a net effective rate of not to exceed five percent (5.0%) per annum, to mature in not more than twenty-seven (27) years from their date or dates of issuance, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, plus accrued interest to the date of delivery.

#### TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge all or any portion of the excise tax funds received by the Issuer pursuant to Title 59, Chapter 12, Parts 2, 3, 6, 11 and 12, respectively, Utah Code Annotated 1953, as amended, for repayment of the Series 2013 Bonds.

#### OUTSTANDING BONDS SECURED BY REVENUES

Other than the proposed Series 2013 Bonds, the Issuer currently has \$2,800,000 of bonds outstanding secured by the revenues proposed to be pledged.

#### OTHER OUTSTANDING BONDS OF THE ISSUER

Information regarding all of the Issuer's outstanding bonds may be found in the Issuer's audited financial report (the "Financial Report") at: <http://auditor.utah.gov/lgReports.html>. For additional information more recent than as of the date of the Financial Report please contact H. Eugene Adams (phone: 435-477-8331).

#### TOTAL ESTIMATED COST

Based on an estimate of the current interest rate and financing plan, the estimated total debt service cost of the Series 2013 Bonds, if held until maturity is \$3,200,000.

The Series 2013 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a Bond Resolution dated as of February 24, 2003, and a Supplemental Resolution, to be entered into at the time of issuance of the Series 2013 Bonds in substantially the forms attached hereto as Exhibit B (collectively, the “Master Resolution”) which were before the Commission and attached to the Resolution in substantially final form at the time of the adoption of the Resolution, and said Master Resolution is to be adopted and executed by the Commission, in such form and with such changes thereto as shall be approved by the Commission upon the adoption thereof; provided that the principal amount, interest rate or rates, maturity, and discount of the Series 2013 Bonds will not exceed the maximums set forth above.

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

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the last date of the publication of this notice is provided by law during which f) any person in interest shall have the right to contest the legality of the Resolution, the Final Resolution or any provision made for the security and payment of the Series 2013 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever; and g) registered voters within Iron County, Utah, may sign a written petition requesting an election to authorize the issuance of the Series 2013 Bonds. If written petitions which have been signed by at least twenty percent (20%) of the registered voters of Iron County, Utah, are filed with the Issuer during said 30-day period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Series 2013 Bonds. If fewer than twenty percent (20%) of the registered voters of Iron County, Utah, file a written petition during said 30-day period, the Issuer may proceed to issue the Series 2013 Bonds without an election.

/s/David Yardley

County Clerk

Section 10. The Commission hereby declares its intention and reasonable expectation to use proceeds of tax-exempt bonds to reimburse itself for initial expenditures for costs of the Project up to \$2,500,000. The Series 2013 Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the museum portion of the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid.

Section 11. For purposes of and in accordance with Section 265 of the Code, the Issuer hereby designates the Series 2013 Bonds as an issue qualifying for the exception for certain qualified tax-exempt obligations to the rule denying banks and other financial institutions 100%

of the deduction for interest expenses which is allocable to tax-exempt interest. The Issuer reasonably anticipates that the total amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by the Issuer and by any aggregated issuer during calendar year 2013 will not exceed \$10,000,000. For purposes of this section, “aggregated issuer” means any entity which (I) issues obligations on behalf of the Issuer, (ii) derives its issuing authority from the Issuer, or (iii) is subject to direct or indirect control by the Issuer within the meaning of Treasury Regulatory Section 1.150-1(e). The Issuer hereby represents that (a) it has not created and does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 265(b)(3)(C) or (D) of the Code and (b) the total amount of obligations so designated by the Issuer, and all aggregated issuers for calendar year 2013 does not exceed \$10,000,000.

Section 12. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this April 22, 2013.

(SEAL)

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

ATTEST:

By: \_\_\_\_\_  
County Clerk

**RESOLUTION 2013-5 SAGE GROUSE GENERAL PLAN UPDATE :**

Michael Worthen met with the Commission to discuss progress in updating the general plan to include a resource management plan for the greater sage-grouse in Iron County. Iron County developed, in cooperation with federal land managers, the Iron County Resource Management Plan (ICRMP) that outlines how Iron County and the public land agencies will cooperate, coordinate, and review federal land use plans for consistency with local plans, and under said ICRMP, the County will develop County Resource Plans that provide desired management direction for management of habitat for the sage-grouse.

Dale Brinkerhoff made a motion to adopt Resolution 2013-5 as recommended by Michael Worthen. Second by David Miller.

**IRON COUNTY UTAH  
RESOLUTION 2013-5  
April 22, 2013**

**A RESOLUTION GIVING DIRECTION TO UPDATE THE IRON COUNTY GENERAL PLAN THROUGH AMENDMENT WITH REGARDS TO PUBLIC LAND PLANNING BY INCORPORATING A RESOURCE MANAGEMENT PLAN FOR THE GREATER SAGE-GROUSE IN IRON COUNTY, AND DECLARING POLICY REGARDING MANAGEMENT OF THE GREATER SAGE-GROUSE IN IRON COUNTY.**

**WHEREAS**, Iron County, Utah adopted Ordinance 137, Iron County Utah General Plan, in 1995, giving general direction to planning within the County, and

**WHEREAS**, in 2009, Iron County developed, in cooperation with federal land managers, the Iron County Resource Management Plan (ICRMP) that outlines how Iron County and the public land agencies will cooperate, coordinate, and review federal land use plans for consistency with local plans, and under said ICRMP, the County may develop County Resource Plans that provide desired management direction for specific resources, and

**WHEREAS**, Iron County adopted the ICRMP and subsequent appendices and resource specific plans into the Iron County General Plan by amendment, and

**WHEREAS**, the draft Iron County Greater Sage-Grouse Resource Management Plan was prepared accordingly, and is intended to identify desired management policies and direction of the greater sage-grouse in Iron County for adoption into the Iron County General Plan.

**NOW THEREFORE BE IT RESOLVED**, Iron County proposes to immediately initiate the statutory county general plan amendment process to consider amending the general plan to include the Interim Iron County Greater Sage-Grouse Resource Management Plan, subject to and conditioned upon careful review and consideration of public comment after public notice and due opportunity to be heard, and after planning and zoning commission input and recommendation in accordance with statutory plan amendment process.

Passed and adopted by the Board of County Commissioners of Iron County, Utah this the 22<sup>nd</sup> day of April, 2013.

IRON COUNTY BOARD OF COMMISSIONERS

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Alma L. Adams, Chairman

ATTEST:

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David I. Yardley, Iron County Clerk

VOTING:

Alma L. Adams      Aye

David J. Miller      Aye

Dale M. Brinkerhoff Aye

**PRAIRIE DOG TAKE** :

A request submitted by Michael McHugh for lots 10 C and 20 D, Aviation Way, Cedar City UT with permanent take for development of this property 3.6 Utah prairie dogs and 2 acres of habitat. David Miller made a motion to approve the take of 3.6 prairie dogs on lots 10 C and 20 D, Aviation Way, Cedar City. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request submitted by Parowan City for take of 7.2 Utah prairie dogs for 0.10 acres located near I-15 exit 75 in Parowan for the construction of an entrance sign and kiosk for information on the SR 143 Scenic Byway. The Commission questioned the number of prairie dogs on this small parcel. Jessica Van Woeart, Wildlife Biologist with DWR explained that there were two prairie dogs on this small parcel observed in spring counts. By applying the multiplier in the HCP the actual take was adjusted for young not yet out of the burrows resulting in the 7.2 count. Dale Brinkerhoff made a motion to approve 7.2 permanent take of prairie dogs on 0.10 acres of land in Parowan for construction of an entrance sign and information kiosk. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**INDIGENT CAPITAL DEFENSE FUND - THAD DOUGLAS ROBERTSON** :

An agreement to provide defense attorneys for Thad Douglas Robertson in a capital murder case was presented for approval. Attorney's representing Mr. Robertson are Douglas D. Terry and Keith C. Barnes as approved by the Fifth District Court. Dale Brinkerhoff made a motion to approve the contract and authorize the Commission Chair to sign in behalf of the County. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BERYL FIRE STATION CHANGE ORDER # 1 APPROVAL** :

Change order # 1 for the Beryl Fire Station project was reviewed. The change order provides for the elimination of the asphalt wash pad in front of the building and approving the over excavation and re-compaction of the building pad as recommended by the soils engineer. Dale Brinkerhoff made a motion to approve the change order as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**MISS IRON COUNTY ISSUES** :

Marijeanne Burgess as the Miss Iron County Pageant director introduced Shawnee Pulsipher as the new Miss Iron County Pageant director effective this year. Ms. Burgess explained that due to work on a non profit organization she has founded that has gone national.

The directors explained they are requesting to move the pageant date from before the Iron County Fair to a date near October 1. This year they requested October 5 as the date. They also requested that the financial accounting continue to be under the Fair due to the change in leadership this year.

Joyce Evans explained her concern with retaining a secretary to handle the pageant issues from the Fair to October, especially with issues dealing with temporary and part time employees under the Affordable Health Care Act.

After reviewing all of the issues, Dale Brinkerhoff made a motion to approve leaving financial accounting under the direction of the County Fair and to authorize

**RAP TRAINING** :

Leslie Bishop presented RAP training on facility security. Most of us haven't given much thought to workplace security. If someone were to vandalize a building, steal company property, or should a citizen cause an argument at the counter, no big deal, right. Wrong, in today's society the amount of crime, particularly violent crime occurring at work is phenomenal and increasing at an alarming rate. We can no longer take our security for granted.

Virtually, all types of crime are committed in the workplace. Governmental organizations typically experience crimes, such as, murder, robbery, rape, assault, theft, fraud, arson, property damage, vandalism, bomb threats, and domestic violence, to name a few. Things offices and facilities should be aware of.

**BE ATTENTIVE:** We need to be attentive to colleagues, visitors, and suppliers entering our buildings and work areas. Be particularly attentive to individuals that make threats or tries to intimidate you or others, or displays unreasonable anger. If something doesn't look right, report the suspicious people or activity to a supervisor.

**LOCK DOORS:** Keep all security doors closed and locked at all times.

**CASH HANDLING PROCEDURES:** Every department should have formal cash handling procedures. Cash should be handled away from the public and immediately placed in a safe. Do not accumulate cash; money should be deposited in a bank on a frequent basis. Employees working in offices with large sums of cash should not discuss cash handling procedures with anyone outside the office.

**REPORT POTENTIAL DOMESTIC PROBLEMS:** Employee's involved in serious domestic conflicts should report the issue to a supervisor, if they believe it could cause potential problems at work.

**COMMUNICATION SIGNALS:** Arrange a "danger signal" to use with coworkers in the office. If communicated, a co-worker(s) can summon security or law enforcement, or may be able to ease the situation.

**PERSONNEL POLICY AMENDMENT - SECTION 7 EMPLOYMENT STATUS :**

Leslie Bishop presented for approval an amendment to the Personnel Policy and Procedure Section 7 titled Employment Status. This amendment brings our policy into compliance with current State Code. It will be distributed to each department upon adoption and will require all employees to sign off that they have received a copy. After reviewing the proposed amendment Dale Brinkerhoff made a motion to adopt the amendment to Section 7 of the County Personnel Policy and Procedure manual effective immediately. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The policy follows:

## **SECTION 7 EMPLOYEE STATUS**

An employee's classification determines the benefits for which the employee is eligible. Classification and benefits are based principally on position, hours worked, career service status, and provisional status.

### **FULL-TIME EMPLOYEES:**

**Full-time** employees are regularly scheduled to work 40 hours per week, or a sworn law enforcement officer regularly scheduled to work 86 hours in a 14-consecutive day period, for 52 weeks of a budget year.

Full-Time employees are either career service or career service exempt depending on position. A career service exempt employee may be terminated at any time for any reason other than age, race, sex, religion, national origin, disability, or genetic information, except where these are bona fide occupational qualifications.

Full-Time employees are eligible to participate in and receive fringe benefits of county employment.

Full-Time employees are subject to the County Classification Policy.

### **PART-TIME REGULAR EMPLOYEES:**

**Part-time** employees regularly scheduled to work up to 25 hours per week; not to exceed 1300 hours in a 52 week period of a budget year, and not temporary/provisional, not time limited, not emergency, or not on-call employees.

Part-Time regular employees are career service exempt and may not be transferred or promoted to a status which provides fringe benefits without going through a prior competitive recruitment process.

Part-Time regular employees are continually in probationary status and may be terminated at any time, for any reason other than age, race, sex, religion, national origin, disability, or genetic information, except where these are bona fide occupational qualifications.

Part-Time regular employees are ineligible to participate in or receive fringe benefits of county employment.

Part-Time regular employees are subject to the County Classification Policy.

### **TEMPORARY/PROVISIONAL, TIME LIMITED AND EMERGENCY EMPLOYEES:**

Temporary/Provisional, Time Limited, and Emergency Employees are employees working on a short-term basis, usually to perform a specific piece of work. These employees must meet the position minimum qualifications. Elected officials and department/division directors may appoint temporary/provisional, time limited or emergency employees. The elected official or department/division director shall inform the Human Resource Director before any appointment is made and verify with the County Auditor the monies are available to fund the position. The County Commission must approve funding for such positions not allocated in the department's salary and wages annual budget before an appointment is made.

Temporary/Provisional, Time Limited and Emergency employees may not work more than 720 hours in a 26 week period in a budget year and may not be hired for more than 26 weeks in any one budget year.

Temporary/Provisional Time Limited and Emergency employees are career service exempt, remain in probationary status and may be terminated without notice at the will of the County.

Temporary/Provisional, Time Limited or Emergency employees are ineligible to participate in or receive County fringe benefits.

**ON-CALL EMPLOYEES:**

On-Call employees' work as the department needs dictate, in the discretion of the department head, but have no regular working schedule. Such employees may not exceed 720 hours in a 26 week period of a budget year and are not subject to the regular hiring process.

On-call employees may not be transferred or promoted to a status which provides fringe benefits without competing in a regular hiring process.

On-call employees are ineligible for County fringe benefits.

On-call employees may be terminated without notice at the will of the County.

**INDEPENDENT CONTRACTORS:**

Independent Contractors are hired to perform professional or other specialized services for the County. Independent Contracts are customarily engaged in an independent trade, occupation, profession or business. Independent Contractors are not employees of the County and are free from the County's control or direction in the performance of their work.

Independent Contractors are ineligible for County fringe benefits and career service exempt. If required by Workers Compensation Fund, Independent Contractors must provide proof of workers compensation coverage or a waiver as part of the contract with the County.

**VOLUNTEERS:**

A Volunteer is any person who donates service without pay or compensation. Services rendered by a volunteer may not be the same type of service which the person is otherwise employed to perform for the County.

Volunteers must complete and sign the County's Volunteer Application and Service Agreement. The County requires volunteers submit to a criminal background screening and may require the volunteer pass a drug screen test. The County reserves the right to refuse the services of the volunteer for any reason, including the results of the drug screen test and or criminal background screening.

A volunteer shall not donate any service to Iron County unless the volunteer's services are approved by the County Commission or the elected official that oversees the department/division to which the volunteer service is donated. The Human Resource Department shall be notified and

receive required documentation of a volunteer before the volunteer can donate service to the County.

Volunteers are not covered by any other provisions under the personnel policies except they may be entitled to receive workers' compensation medical benefits. (Reference: Utah Code Annotated § 67-20-1 et seq.)

**APPOINTED STATUS:**

Unless state law defines otherwise, employees serving in appointed positions pursuant to Utah Code Annotated § 17-33-8, 1953, as amended, serve at the discretion of the Commission or appointing authority. Appointed employees may be selected outside a competitive recruitment process and may be terminated at any time for any reason other than age, race, sex, religion, national origin, disability, or genetic testing, except where these are bona fide occupational qualifications.

The County Commissioners or elected officials, may effect employee appointments to a number of positions exempt from the career service. Such appointments include, but are not limited to: (a) chief deputies and members of elected officials' personal staff; (b) members of policy, advisory, review, and appeals boards or similar bodies who do not perform administrative duties as individuals; (c) time-limited or contract positions established for the purpose of conducting special projects and programs; (d) department directors, or others so identified, charged with the responsibility of assisting in the formulation and carrying out of matters of policy; (e) temporary, seasonal, on-call, and emergency employees.

Appointed employees may not become career service employees unless they have previously earned career service status. They must have been selected for a career service position through a competitive recruitment process, or occupy a position which moved from an appointed to career service position by decision of the County Commission, as recommended by the Director.

**CAREER SERVICE STATUS:**

Final appointment to a career service status is contingent upon satisfactory performance during a six (6) month probationary period. The probationary period may be extended for good cause, as determined by the County Commission, for up to an additional six (6) months. During a probationary period, the supervisor monitors the employee and notes any area of concern. An employee on probation may be terminated at any time, without department hearings, Career Service Council hearings, or appeals.

Employees who voluntarily change career service position, in either the same or to another County department, must complete a six (6) month orientation period in the new career service position. Employees who successfully complete a probationary period in a career service position, as supported by a satisfactory employee performance evaluation filed with the Human Resource Department and are eligible for career service status.

An appointed employee selected for a career service position, who participated in a competitive recruitment process, may acquire career service status after the successful completion of a probationary period, which begins upon movement into the career service position.

**CAREER SERVICE EXEMPT:**

The following positions are established by the County Personnel Management Act, Utah Code Annotated § 17-33-8, 1953, as amended, as career service exempt positions:

- Elected officials and major department directors
- A confidential secretary for elected officials and major department directors, if a confidential secretary is assigned.
- An elected official's administrative assistant.
- Chief Deputies and division directors for elected officials.
- Temporary investigators for the County Commission.
- Temporary, seasonal, on-call and emergency employees.
- Part-Time regular employees.
- Appointments with limited funding or duration.
- Confidential or key policy-determining positions.

The County Commission determines hiring, recruitment, compensation and benefit policies for career service exempt employees. career service positions, other than elected officials, serve at the will of the appointing official, and may be terminated at any time for any reason other than age, race, sex, religion, national origin, disability, or genetic testing, except where these are bona fide occupational qualifications.

If a career service employee accepts a career service exempt position and is not retained, that employee will be given, unless discharged for cause, (a) a career service position for which the employee qualifies in a pay grade comparable to the employee's last career service position if an opening exists; or (b) a lesser career service position for which the employee qualifies, pending the opening of a comparable position. The Human Resource Director maintains a reappointment register that takes precedence over other registers.

**PERSONNEL MATTERS :**

Leslie Bishop submitted a request from the Sheriff's office for approval to hire Melissa Montiano as a full-time secretary for the Sheriff's Office effective April 15, 2013 to replace Rebecca Heaton's full time position vacated by her promotion. Dale Brinkerhoff made a motion to approve the promotion of Melissa Montiano to a full time secretary in the Sheriff's office. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request for final approval for two full-time Bailiff positions tabled from the previous meeting. The positions are required to be in compliance with the affordable health care act (Obamacare). Dale Brinkerhoff made a motion to approve the two Bailiff positions along with appropriate salary and benefit adjustments. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request for final approval for two full-time Court Clerk positions in the Justice Court tabled from the previous meeting. The positions are required to be in compliance with the affordable health care act (Obamacare). Dale Brinkerhoff made a motion to approve the two full time Court Clerk positions along with appropriate salary and benefit adjustments. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request from Cindy Bulloch, Assessor, for approval of vacation hour donations to Carolyn Felker, a Deputy in the Cedar City office for extended sick leave was presented by Leslie Bishop. Dale Brinkerhoff made a motion to approve County employees donating vacation hours to Carolyn Felker as sick leave while under the Family Medical Leave Act. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**FAIR MANAGER POSITION DISCUSSION** :

The Commission discussed with Joyce Evans and Leslie Bishop the Fair Chair position. It was determined that to be in compliance with the Affordable Health Care Act. It was determined that the position needs to be a part time exempt position with a maximum of 1,300 hours of employment per year. The personnel policy was reviewed concerning part time employees.

Joyce had a concern with time accounting. The Commission instructed her to stay within the parameters of maximum hours.

Joyce presented a request to have access to a take home vehicle during the two months preceding the Fair. The Commission authorized a take home vehicle for the Fair Chairperson on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**EMERGENCY SERVICES DIVISION POSITION DISCUSSION** :

Leslie Bishop discussed positions in the Emergency Service Division of the Sheriff's office. Because of the Affordable Health Care Act, the time accounting for EMT's and on call personnel will need to be changed to be in compliance. On call hours cannot be counted as time on the job. EMT's and other personnel will be trained in the new procedure for accounting for time on the job. While waiting for a call, they will be classified as a volunteer. No additional benefits will be provided for volunteers and on call personnel. Hour maximums will be strictly enforced.

**APPROVAL OF RIGHT OF ENTRY ON BERYL FIRE HOUSE PROJECT** :

David Yardley reported that the right of entry has been received and fully approved to proceed with the Beryl Fire House expansion project. Lou Brown, SITLA land specialist in telephone conversation estimated the land cost to be between \$400 and \$600 per acre. The Commission gave their approval with the project to proceed.

**ADJOURN** :

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

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING**  
**May 13, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 13, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Stephanie Furnival	Children’s Justice Center Director
Margaret Miller	Justice Court Judge
Scott F. Garrett	County Attorney
Brett Allred	Jail Commander

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES April 22, 2013** :

Minutes of the Iron County Commission meeting held April 22, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

\_\_\_\_\_ **Stephanie Furnival**, Children Justice Center, discussed funding for the center. The

support group is sponsoring a one half marathon this weekend to help fund the center and to provide materials not covered under grant funds. She also discussed case load and services provided. The center will be providing more services in the form of anger management classes; substance abuse; and parenting skills classes.

**Margaret Miller**, Justice Court Judge, reported on budget for the current year to date. Every thing is in line with projections. She reported that as of July 1, 2013 a new rule will take effect in which the Court will not be allowed to enter data on citations. All cases will be required to submit citations through e filing system.

Judge Miller requested that Deputy Sheriff's be given access through their key cards to Justice Court doors to allow them to respond to emergency situations. David Yardley was asked to make the change on access.

**Scott Garrett**, County Attorney, reported on major cases occurring in Iron County this year so far. Included are a double homicide; an attempted murder; and a bank robbery. There is however not a large increase in the number of felony cases filed for the year. Scott also reported that indigent defense is being studied in Utah. Utah County and either Cache or Tooele county will be the study areas. In Iron County so far this year there have been eight jury trials of which six were represented by public defenders.

**Brett Allred**, Corrections Lieutenant, reported that the new security camera system in the Jail is nearly completely installed. A new 15 passenger transport van has also been acquired and fitted and is now in use. Staffing levels and inmate population was also discussed.

**David Miller** reported that Southern Utah University personnel have approached him with the possibility of having interns work for the County during the summer. Individual departments will be contacted to see if using interns will work.

**Alma Adams** reported that the Bookmobile will be reducing stops in Cedar City and concentrating more on the unincorporated areas of the County along with Enoch as the primary financial support of the Bookmobile.

Alma also reported that the State DFCM, Cheryl Searle, has recently contacted him about the possibility of moving forward with the construction of an office complex for APP, Highway Patrol, Public Safety and Dispatch. No firm plans have been submitted to date.

**PUBLIC HEARING ORDINANCE AMENDMENT** \_\_\_\_\_ :

Dale Brinkerhoff made a motion to open a public hearing to receive comments regarding a proposed amendment to the County Land Management Code, Chapter 17 to provide additional options for non conforming lots in the A-20 zone. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Reed Erickson explained the purpose of the proposed amendment which would allow listed uses within the A-20 on parcels larger than ten acres and to allow a home on the smaller parcels.

James Bayer commented that some uses in the A-20 do not fit on smaller parcels. He pointed out that a hog farm or a kennel with barking dogs all day and night were not a good fit.

He requested that kennels not be allowed and that numbers of farm animals be limited on the smaller parcels.

Martha Bayer also commented on the size of lots with a change of use. She suggested that a minimum of 15 acres should be considered as presented in the ordinance.

Doyle Hyde commented that he has a 10.1 acre parcels he is considering constructing a crop drying facility and therefore he is in favor of the change which will allow for the construction of agricultural buildings. He was also in favor of limiting kennels and hog operations on small parcels.

Justin Wayment commented that under the current County code that property owners are restricted in the use of the majority of their property on smaller than 20 acre parcels. He also stated that illegal or restricted uses would not change.

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

**ORDINANCE 2013-2 AMENDMENT TO LAND MANAGEMENT CODE :**

Dale Brinkerhoff made a motion to adopt Ordinance 2013-2 allowing for the redefinition of uses allowed in the A-20 zone for non conforming lots larger than 10 acres. Also disallowing kennels to be located on a lot smaller than 20 acres within the A-20 zone. Second by David Miller.

**ORDINANCE NO. 2013 -2**

**AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND MODIFYING CERTAIN CHAPTERS AND SECTIONS OF TITLE 17, ZONING; DEFINING TERMS; ESTABLISHING USES FOR LOTS IN THE A-20 ZONE WITH INSUFFICIENT SIZE; MODIFYING FRONT SETBACK IN COMMERCIAL ZONE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Iron County has the desire to adopt an ordinance to establish the permitted and conditional uses of real property located in an A-20 zone wherein the real property lacks the minimum area requirements and which lots are legal lots of record; and

**WHEREAS**, the County Commission finds that the modification to the following Ordinances serves and advances the following public purposes:

- (1) Preserve and enhance the existing natural features of Iron County that attract people to this community without adversely affecting the surrounding area.
- (2) Establish consistency with the goals and policies of the general plan.
- (3) Define reasonable measures for use of real property in a rural setting.
- (4) Enhance the economy while preserving open areas.
- (5) Increase property values and encourage and promote commercial growth by improving the aesthetic qualities of the local environment by incorporating uses currently anticipated in an A-20 Zone; and

**WHEREAS**, the proposed ordinance is designed to implement the objectives of the County to promote options for property while reasonably regulating the same to serve the purposes of the Iron County Zoning Ordinance; and

**WHEREAS**, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah 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 LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS:**

**SECTION 1.** Section 17.16.020 (A) of the Iron County Code is hereby amended to read as follows:

The agriculture (A-20) district is provided and designed to protect and preserve lands suited for farming, ranching, the production of food and fiber, open recreational parks, services or related purposes and services providing rural lodges and rural estate living, and to encourage open areas for the protection from encroachment of incompatible uses. Other purposes of this district include 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. The permitted and conditional uses identified in the "Table of Uses" (Section 17.16.030) for the A-20 zone are intended to be compatible with agricultural uses while encouraging economic growth and reasonable options for the use of private property. The district discourages intense uses due to lack of required services and the potential cost to Iron County residents of providing the services necessary to support higher density or more intense development and activities.

**SECTION 2.** Section 17.36.020 (A)(3) and (B) of the Iron County Code is hereby amended to read as follows:

§17-36-020 (A)(3), Subject to the provisions of Title §17, all uses, buildings and structures located in the county must comply with the intensity, bulk requirements, site coverage standards and other requirements for uses identified in table of site development standards.

§17-36-020 (B), Nothing in this title or the land management code requiring minimum lot

area or lot width shall be construed to prevent the use for one single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zoning district which permits single-family dwellings and was a legally divided lot and existed at the time such lot area and lot width requirements became effective, either by adoption of the ordinance codified in this title, the land management code or prior enactments, and provided further that all proposed construction can qualify for the issuance of a building permit as required by other provisions of the land management code and the county's building codes.

Additionally, for properties in the A-20 zone with less than twenty (20) acres, but at least ten (10) or more acres, other uses identified in the table of uses (Section 17.16.030) specific to the A-20 zone, identified as permitted or conditional uses, except for kennels, may be authorized as described in the Table of Site Development Standards (Section 17.16.040 (3)).

**SECTION 3.** Section 17.84.010 (definition of “Lot”) of the Iron County Code is hereby amended to read as follows:

§17-84-010 "Lot" means a parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width as are required by this title, and which has the minimum lot area, except as otherwise provided under §17-16-040, having frontage upon a street or upon a right-of-way not less than sixteen feet wide. Except for group dwellings and guest houses and dwellings associated with agricultural uses and lands, not more than one dwelling structure shall occupy any one lot.

**SECTION 4.** Section 17.16.040 (Table of Site Development Standards) of the Iron County Code is hereby amended to read as follows:

§17-16-040 The table of site development standards accompanies the table of uses set forth in §17-16-030. With the exception of the minimum lot size in an A-20 zone and in accordance with the conditions §17-16-040(3), this table identifies the lot requirements, required setback and yard standards, building height standards, site coverage standards and other requirements for the uses allowed within each zoning district. The values identified in the following table are the minimum standards that apply in the zones indicated. However, more restrictive or additional development standards may also apply, as set forth in other applicable sections of the Iron County Code. A thorough review of the Iron County zoning ordinance is required to ensure that all applicable development standards are identified.

**TABLE OF SITE DEVELOPMENT STANDARDS**

	ZONING DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2 <sup>(2)</sup>	C	LI	I	I-A
Minimum lot width	300 ft.	300 ft.	165 ft.	165 ft.	120 ft.	90 ft.	100 ft.	150 ft.	1,320 ft.
Minimum front yard setback	60 ft.	60 ft.	60 ft.	30 ft.	30 ft.	25 ft.	25 ft.	25 ft.	200 ft. <sup>(1)</sup>
Minimum rear yard setback	60 ft.	60 ft.	60 ft.	40 ft.	30 ft.	25 ft.	30 ft.	50 ft.	200 ft. <sup>(1)</sup>
Minimum side yard setback	30 ft.	30 ft.	30 ft.	30 ft.	10 ft.	10 ft.	25 ft.	40 ft.	200 ft. <sup>(1)</sup>
Minimum side yard setback	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	NR	NR	NR	200 ft. <sup>(1)</sup>

(corner lot)									
Minimum distance between buildings	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	NR	NR	NR	15 ft.
Maximum/minimum building height	NR	30 ft. or two (2) stories/ one (1) story	30 ft. or two (2) stories/ one (1) story	30 ft. or two (2) stories/ one (1) story	30 ft. or two (2) stories/ one (1) story	Three (3) stories/ one (1) story	Three (3) stories/ one (1) story	Three (3) stories/ one (1) story	NR
Minimum lot size (acres)	20 * (See note 3 below)	5	2	1	½	NR	NR	NR	80
Maximum total lot coverage (all buildings)	NR	5% (max. site coverage may be >5% for green-houses)	10%	15%	30%	50%	50%	50%	NR
Accessory outside storage areas						When located adjacent to any agricultural or residential district must be screened by a solid, non-landscape, fence or wall at least six (6) feet in height.			
Outside and security lighting						Must reflect away from adjacent agricultural and residential district.			

(1) All uses and buildings located within the I-A zoning district, except for dwellings and accessory uses for dwellings, shall meet the minimum setbacks required for the I-A zoning district. Accessory uses and buildings in the I-A zoning district shall meet the minimum setbacks of the A-20 zoning district.

(2) The R-1/2 zone, where a "Performance Subdivision Option" is approved, shall incorporate minimum and/or maximum values for setbacks, lot sizes and widths, building separation and heights, and maximum building coverage as prescribed in Section 16.23.040 (Development standards).

(3) If a lot or parcel of property is located within an A-20 zone and is less than 20 acres but at least ten (10) or more acres, and provided that the lot was legally created or existed prior to August 14, 2000, the lot or parcel shall be considered suitable for uses identified as permitted or

conditional as set forth in the A-20 zone; provided that all listed uses (permitted and/or conditional) in the A-20 zone shall be considered conditional uses for lots or parcels in the A-20 zone and smaller than 20 acres, but at least ten (10) or more acres, subject to the following provisions:

- a. The requested use is allowed in the A-20 zone as a permitted or conditional use;
- b. The requested use complies with the requirements for the A-20 Zone with respect to yard requirements, setback requirements, height, buffer and landscape standards, and all other requirements applicable to the district are sufficient to permit the requested use, other than the minimum area requirement; and
- c. The requested use will not substantially impair or adversely impact the neighboring property owners, but if so asserted, or the planning commission believes that the requested use will negatively impact or impair a neighboring property owner, then the planning commission may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest.

If the proposed use requested does not comply with the requirements of this title, or cannot be reasonably mitigated by the property owner, the planning commission shall deny the application.

Upon finding that the proposed use, building or structure complies with the standards and requirements of this title, the requirements of the land management code, can be adequately serviced by the existing or proposed infrastructure, and the negative impacts can be reasonably mitigated, the planning commission shall authorize the conditional use permit.

**SECTION 5.**           General Provision.

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of allowing legal lots of record in the A-20 zoning district that are less than 20 acres, but at least ten (10) or more acres, to be considered for uses identified in the Table of Uses (Section §17.16.030) as permitted uses or conditional uses, all to be considered and processed as conditional uses (See Chapter §17.28) in accordance with Utah State code and Iron County code.

**SECTION 6.**           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 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 13<sup>th</sup> day of May, 2013.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Alma L. Adams, Chair

ATTEST:

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

VOTING:

Alma L. Adams          Aye      
Dale M. Brinkerhoff     Aye      
David J. Miller          Aye    

**PUBLIC HEARING BOND PROPOSAL** :

Dale Brinkerhoff made a motion to open a public hearing to receive input for the public with respect to a) the issuance of the series 2013 bonds and b) any potential economic impact that the improvements financed with the proceeds of the series 2013 bonds may have on the private sector. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Reed Erickson introduced the purpose of the bond which is to help in financing improvements to the Beverly Taylor Sorenson Center for the Arts located at Southern Utah University (the "Project"). The Issuer shall pledge all or any portion of the excise tax funds received by the Issuer pursuant to Title 59, Chapter 12, Parts 2, 3, 6, 11 and 12, respectively, Utah Code Annotated 1953, as amended, for repayment of the Series 2013 Bonds.

Dorian Page commented on the positive influence the Shakespear Festival has on the tourism industry and Southern Utah University. He stated this is an excellent project and will be very beneficial to the future growth of the Festival.

Scott Phillips commented that fund raising is nearing completion and it is anticipated to break ground on the project in early 2014.

After receiving all public comments, Dale Brinkerhoff made a motion to close the public hearing. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC HEARING APPLICATION TO PCIB FOR GRANT/LOAN** :

David Miller made a motion to open a public hearing to receive comments pertaining an application to the Permanent Community Impact Fund Board (PCIB) for a bond/loan of two million five hundred thousand dollars(\$2,500,000) to fund the county contribution from Transient Room Tax (TRT) and Tourism, Recreation, Culture and Convention Facilities Tax (TRCC) toward the development of the Utah Shakespeare Theater. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Reed Erickson commented that a loan or grant application was being prepared to submit

to the PCIB for \$2,500,000 to fund the County commitment to the Beverly Taylor Sorenson Center for the Arts located at Southern Utah University as explained in the previous public hearing. Funding would be from the Transient Room Tax (TRT) and Tourism, Recreation, Culture and Convention Facilities Tax (TRCC) with no commitment to fund shortfalls in revenue from the County general fund.

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

David Miller then made a motion to approve the County submitting an application for funding as explained to the Permanent Community Impact Fund Board. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOARD OF EQUALIZATION** :

Dale Brinkerhoff made a motion to convene as a Board of Equalization to review green belt issues. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Porter and Porter, LTD:**

Terry Porter representing Porter & Porter LTD. requested green belt status on lots in Cedar Highlands Subdivision identified as Tax Serial Numbers's D-1024-2-12-5, D-1024-2-12-6, D-1024-2-12-8, D-1024-2-12-9, D-1024-2-12-13, D-1024-2-12-14, D-1024-2-12-15. He state he has two leases with individuals for grazing animals on the lots and that livestock trails across the lots on their way to and from the mountains.

Cindy Bulloch reported that as the Assessor she has walked the lots in question and could find no sign of livestock use. There are no fences and the lots consist of mainly pinion juniper and oak brush. The property is required to be a viable agricultural use to qualify. Also the CC & R's of the Cedar Highlands Subdivision do not allow animals without corrals and fences along with approval of the Home Owners Association.

Michael Edwards explained that Iron County is a "fence out" county for range land but within a subdivision it changes to a "fence in" requirement for livestock. Without fences the parcels would not qualify for green belt.

Alma Adams made a motion to allow Mr. Porter to provide proof of fencing of the parcels and a letter from the Homeowners Association stating that the use as pasture is permitted under the Subdivision CC&R's. Also to require lessees to appear to verify agricultural use as described in Utah Code. The application for green belt is denied at this time. Allow Mr. Porter to submit as a regular BOE matter. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Lowman Nelson and Ryan / Summer Cornelius:**

Cindy Bulloch also presented review greenbelt status for Lowman Nelson, Property Serial #B-1492-0004 and Ryan / Summer Cornelius, Property Serial #B-1492-0003 as a Follow up on agreement from May 14, 2012 Commission meeting. She explained that between the two parcels

there is enough acreage to qualify for greenbelt however separate parcels do not comply. Cindy reported that she has explained this to Mr. Nelson and the Cornelius'. She recommended that they combine the parcels with quit claim deeds to one ownership to allow for greenbelt on qualifying acreage. Dale Brinkerhoff made a motion to approve greenbelt status on the qualifying 7.023 acres of the combined parcels and removing 5 acres considered as a gravel pit, subject to filing quit claim deeds in the County Recorders office. Also to approve no roll back on the gravel pit portion as use has not changed. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**VALLEY VIEW MEDICAL CENTER TAX EXEMPTION & ANNUAL REPORT :**

Jason Wilson, Administrator of Valley View Medical Center along with Steve Vance, Regional Finance Officer, Wayne Clark, Board Chair, Becky Bronson, Public Relations Representative, and Reed Sargent, Valley View Financial Officer reported on the care provided and uses of facilities at Valley View Medical Center in Cedar City. Currently there are 500 employees with an annual payroll of twenty three million. Valley View provided 2.8 million in charity care and wrote off another 2.7 million as bad or uncollectible debt.

The hospital provided expanded cancer and cardiology centers and added a new cardiologist to staff. Also added a new wound clinic adjacent to the hospital campus. IHC has purchased property in Parowan and will be constructing a new clinic. Services provided included 883 babies delivered, 15,400 emergency room visits, 3,100 surgeries, and 2,800 admissions.

**COUNTY BEE INSPECTOR :**

Blaine Nay met with the Commission to discuss the appointment of a bee inspector for Iron County. After reviewing contracts other Counties have with bee inspectors, it was determined that in most cases they serve as a volunteer and use their own vehicle. Counties generally reimburse inspectors for the mileage they use in inspecting bee hives within the County. David Miller made a motion to approve drafting a contract for an Iron County Bee Inspector with the understanding that this is a volunteer position and that the County assumes no liability for the actions of the bee inspector. Also that the County will reimburse at the County mileage reimbursement rate the miles traveled in inspecting bee hives within the County. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RESOLUTION 2013-6 SOUTHWEST REGIONAL RESPONSE TEAM :**

Because a voting member representing Iron County on the Southwest Regional Response Team, Charles Morris is no longer an Iron County employee, Resolution 2013-6 designating a new voting member was introduced. Dale Brinkerhoff made a motion to adopt the following resolution as presented. Second by David Miller.

**IRON COUNTY, UTAH  
RESOLUTION NUMBER 2013-6  
May 13, 2013**

**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. Marie Brooks 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 13<sup>th</sup> day of May 2013.

### IRON COUNTY BOARD OF COUNTY COMMISSIONERS

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Alma L. Adams, Chairman

#### ATTEST:

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David I. Yardley, Iron County Clerk

#### VOTING:

Alma L. Adams       Aye  

Dale M. Brinkerhoff   Aye  

David J. Miller       Aye  

#### **FRONTIER HOMESTEAD STATE PARK** :

Todd Prince, manager of Frontier Homestead State Park met with the Commission to outline the celebration of the designation of the park as a State Park. This year with the support of the County and Gilbert Development an ore shovel was moved to the park along with a caboose from Southern Pacific Railroad. A Commissioner was invited to speak about the donation at a program to be held later this year. Dale Brinkerhoff volunteered to be the County representative as he has been instrumental in arranging the move of the ore shovel and the caboose.

#### **TAX MATTERS - TAX DEFERRAL REQUESTS** :

**Steven R. Price** representing himself and his mother came before the Commission to request a tax deferral agreement stating that because of extreme hardship and health problems they have been unable to bring the taxes current. Dale Brinkerhoff made a motion to approve the tax deferral agreement for Connie E and Steven Ricky Price J/T on the following parcels. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### PARCEL 1:

Account Number 0280583

Parcel Number D-0502-0011-0000

Acres 3.12

Situs 2503 W 5500 N , CEDAR CITY, UT

Legal Description: BEG AT PT S0\*23'02"W 1329.60 FT; S89\*50'12"E 2614.75 FT & N0\*23'02"E 189.60 FT NW COR SEC 9,T35S,R11W, SLM; N0\*23'02"E 314.40 FT; N89\*50'12"W 432.14 FT; S0\*23'02"W 314.40 FT; S89\*50'12"E 432.14 FT TO POB. SUBJ TO 33 FT EASE ALG E'LY BNDRY & ANY OTHER EASE & R/W.

Property Taxable Value for 2012: \$42,045.00

Total Taxes, Interest, Penalty Due as of May 15, 2013: \$5,308.85

Taxes, Interest, Penalty, Deferred: \$5,308.85

PARCEL 2:

Account Number 0301280

Parcel Number D-0502-0011-0001

Acres 1.88

Legal Description: BEG AT PT WH IS S0\*23'02"W 1329.60 FT & S89\*50'12"E 2614.75 FT FR NW COR SEC 9,T35S,R11W, SLM, N0\*23'02"E 189.60 FT, N89\*50'12"W 432.14 FT, S0\*23'02"W 189.60 FT, S89\*50'12"E 432.14 FT TO POB.

Property Taxable Value for 2012: \$6,500

Total Taxes, Interest, Penalty Due as of March 15, 2013: \$993.98

Taxes, Interest, Penalty, Deferred: \$993.98

**Larell and Marlene Roundy** applied for a tax deferral on their property described as follows:

Account Number 0023694

Parcel Number A-0840-0007-0018

Acres 0.43

Situs 4577 N 1230 E, ENOCH, UT

Legal ALL LOT 18, BLK 7, WESTERN HOMESTEAD SUBDIVISION.:

Property Taxable Value for 2012: \$56,030.00

Total Taxes, Interest, Penalty Due as of May 15, 2013: \$4,106.38

Taxes, Interest, Penalty, Deferred: 4,106.38

The Roundy's anticipate that the taxes will be paid by their mortgage lender but in case this is later than the tax sale they requested an additional month to bring their taxes current. Dale Brinkerhoff made a motion to approve a tax deferral agreement with the option that Roundy's could redeem the property prior to the tax sale. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**Gateway Holdings LLC/Pinon Property** applied for a tax deferral on properties in the Parkview Subdivision in Enoch. They explained in their application that they received the

property as a portion of a larger land deal with ANB Holding LLC. The taxes were not brought current on the land transfer and they have not had sufficient time to bring all of the delinquencies current. They offered \$50,000 down and the remainder to be paid in monthly payments to be completely on or before March 1, 2014. The deferral covers over 130 parcels with the following tax information:

Property Taxable Value for 2012: \$1,260,525

Total Taxes, Interest, Penalty Due as of May 14, 2013: \$243,377.66

Taxes, Interest, Penalty, Deferred: \$243,377.66

Dale Brinkerhoff made a motion to approve the tax deferral provided that the owners submitted a payment of \$50,000 and execute an agreement prior to the tax sale. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG TAKE** :

A request for take on Lot 39 of Mountain Shadows Subdivision Phase III, Cedar City, UT for 7.2 Utah Prairie Dogs and .25 acres of habitat was approved after an explanation by Jessica Van Woeart that there are active burrows and observed prairie dogs on the parcel. By incorporating the formula outlined in the HCP the total take is 7.2. David Miller made a motion to table the take of 7.2 Utah Prairie Dogs on Lot 39, Mountain Shadows Subdivision, Phase III to allow for a new count in June. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for permanent take on Lot 38 of Mountain Shadows Subdivision Phase III, Cedar City, UT. Take for development of the property will be 3.6 Utah Prairie Dogs and .25 acres of habitat. David Miller made a motion to approve the take of 3.6 Utah Prairie Dogs on Lot 38, Mountain Shadows Subdivision, Phase III. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for permanent take on Lot 42 of Mountain Shadows Subdivision Phase III, Cedar City, UT. Take for development of the property will be 3.6 Utah Prairie Dogs and .25 acres of habitat. David Miller made a motion to approve the take of 3.6 Utah Prairie Dogs on Lot 42, Mountain Shadows Subdivision, Phase III. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for permanent take on Lot 43 of Mountain Shadows Subdivision Phase III, Cedar City, UT. Take for development of the property will be 3.6 Utah Prairie Dogs and .25 acres of habitat. David Miller made a motion to approve the take of 3.6 Utah Prairie Dogs on Lot 43, Mountain Shadows Subdivision, Phase III. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for take by Cedar City Corporation for proposed development of upgrades at the Waste Water Treatment Plant located at 2300 W 7200 N, Cedar City UT with take for development of this property will be 3.6 Utah Prairie Dogs and 1.6 acres of habitat. Dale Brinkerhoff made a motion to approve the take of 3.6 prairie dogs on 1.6 acres of habitat as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request for permanent take on Lot 33 of Mountain Shadows Subdivision Phase III, Cedar City, UT. Take for development of the property will be 7.2 Utah Prairie Dogs and .23 acres of habitat. Dale Brinkerhoff made a motion to approve the take of 7.2 Utah Prairie Dogs on Lot 33, Mountain Shadows Subdivision, Phase III. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PANIC BUTTONS FOR COUNTY BUILDINGS** :

Jared Wilson presented panic button contract for the Iron County Courthouse and the Iron County Justice Center. He recommended the bid of Titan Security for installation and monitoring services. Dale Brinkerhoff made a motion to accept the bid of Titan Security as presented and recommended. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**COURTHOUSE ASBESTOS REMOVAL** :

Bids for removal of asbestos removal in the broiler room of the Iron County Courthouse were reviewed. Rockmont Industries submitted a bid based on other work in the St. George area and where the County could not move forward within the time frame outlined in the bid, David Yardley was asked to contact Rockmont Industries to determine if their bid is still valid. The matter will be placed on an agenda for action when firm figures are received.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Sheriff's Office for approval of a Proclamation for Nation EMS Week May 19 through 25, 2013. David Miller made a motion to approve the proclamation as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request for approval to hire Shelby Thurgood as a part time secretary, maximum 25 hours per week, in the Sheriff's Office effective May 13, 2013 to replace Melissa Montiano. Dale Brinkerhoff made a motion to approve the hiring of Shelby Thurgood as a part time secretary in the Sheriff's Office. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request for approval of a status change for Amy Jo Reeves from part time to full time Paramedic in the Emergency Services Division effective April 13, 2013 as a replacement for Sonia Holt who resigned. Dale Brinkerhoff made a motion to approve the status change for Amy Jo Reeves from part time to full time effective April 13, 2013 as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request for approval to hire Marie Brooks as the Emergency Management Coordinator in the Emergency Services Division effective April 13, 2013. David Miller made a motion to approve Marie Brooks as the Emergency Management Coordinator as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request for approval to hire a full time Paramedic From current hiring roster to replace two part time Paramedics who recently resigned. Dale Brinkerhoff made a

motion to approve the hiring of a full time Paramedic from the existing roster as requested.  
Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Tourism/Parks and Recreation Department to hire Douglas Thompson as a part time outdoor maintenance technician effective May 6, 2013. David Miller made a motion to approve Douglas Thompson as a part time outdoor maintenance technician with a strict 25 hour per week limit. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 3:40 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**May 28, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 28, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resource Director
Connie Lloyd	Council On Aging Director

**SYNOPSIS** :

ADJOURN .....	15
APPROVAL OF INTERLOCAL AGREEMENT FOR MSC AEROSPACE, LLC .....	12
APPROVAL OF MINUTES May 13, 2013 .....	1
BIDS FOR WATER TANK PROJECT AT WOODS RANCH .....	13
FESTIVAL HALL COUNTY USE FEE AGREEMENT 2013 .....	14
MEMORANDUM OF AGREEMENT MOBILE LIBRARY (BOOKMOBILE) SERVICE ...	13
MEMORANDUM OF UNDERSTANDING CRITICAL INCIDENT TASK FORCE .....	12
ORDINANCE 2013-3 AMENDMENT TO LAND MANAGEMENT CODE .....	3
PERSONNEL MATTERS .....	13
PLEDGE OF ALLEGIANCE .....	1
PUBLIC HEARING ORDINANCE AMENDMENT .....	2
REPORTS .....	1
SOUTHERN UTAH COLLEGE OF OSTEOPATHIC MEDICINE (SUCOM) .....	12
TAX MATTER FAD TRUST .....	14

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES May 13, 2013** :

Minutes of the Iron County Commission meeting held May 13, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**David Yardley**, County Clerk, discussed budget items for 2013. Currently all line items are within the expected expenditures. He also discussed upcoming municipal elections which will be programed through the Clerk's office to allow for the use of voting equipment.

**Leslie Bishop**, Human Resource Director, discussed public defender contracts. Currently all contract attorneys are performing well and by moving from any association with the County Attorney's office, the perception of a conflict of interest has been reduced or eliminated. She

also reported that GRAMA officers need to complete on line training before the end of the year. This will help in responding to records requests.

**Connie Lloyd**, Council on Aging Director, thanked the Commissioners for participating as volunteers in delivering meals on wheels during May which has been designated as Senior's Month. The focus of the Senior Citizen program is to keep seniors active and healthy.

**David Miller** reported on the NACo sponsored Western Interstate Regional conference held in Flagstaff Arizona. Because of the large wild fires experienced during the past few years, this was a major topic of discussion. Commissioners from Arizona reported that the Schultz fire near Flagstaff cost \$135,000,000 to fight and control while fire prevention actions could have reduced or prevented the fire for under \$10,000,000. The Federal land managers are unwilling however to manage the public lands to reduce fire hazards. This is a reason western states are seeking title to federal lands to allow for reasonable and sustainable management.

**Dale Brinkerhoff** discussed access to Kanarra Falls which adjacent property owners are attempting to control or close. It was noted that this is a public right of way and access is not to be limited by fencing, gates or tolls.

**Alma Adams** reported that the BLM is making upgrades at the Parowan Gap by upgrading signs, kiosks, pedestrian trails and rest room facilities. He also said that the County is considering a new logo for letterhead and other County functions.

#### **PUBLIC HEARING ORDINANCE AMENDMENT :**

Dale Brinkerhoff made a motion to open a public hearing to receive comment concerning a proposed ordinance of Iron County, Utah, adopting and modifying certain chapters and sections of Title 17, Zoning; defining terms; establishing administrative land use permits; removing the conditional use permit requirement for a guest house; providing for guest houses and expanded home occupations as administrative land use permits; and providing an effective date. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Reed Erickson explained that the Planning Commission has recommended approval of the ordinance amendment. He explained the changes the ordinance would allow routine matters to receive informal streamlined review and action if the application is uncontested; and shall protect the right of each party to require formal consideration of any application if it is contested. The ordinance would remove the requirement for a guest house to obtain a conditional use permit and to provide an 'Administrative Land Use Permit' to authorize a guest house. The ordinance would also establish a process to expand home occupation opportunities and to utilize property more effectively while reasonably regulating the same to mitigate the reasonably anticipated detrimental effects of a proposed home occupation.

David Yardley commented that the ordinance places undue burden on home occupations by increasing costs of obtaining a business license from the current \$50.00 minimum to \$170.00 for a single employee and \$210.00 for two employees. It also increases day care limitations from the current eight per supervisor to thirteen. There is a concern with the level of care one person could provide for thirteen children by one supervisor.

After concerns were discussed Dale Brinkerhoff made a motion to close the public hearing and table action on the ordinance until issues of number of children in a day care center can be addressed as a home occupation under State licensing guidelines, the time period within which investigations should be completed, and the number of employees allowed to work in a home occupation.

**ORDINANCE 2013-3 AMENDMENT TO LAND MANAGEMENT CODE :**

After recalling the proposed ordinance for clarification and action, Reed Erickson explained that day care center can be licensed for up to 18 children with two supervisors provided there are no more than two infants per worker.

Dale Brinkerhoff made a motion to approve the ordinance with the following amendments: the time to appeal action by the Zoning Department was synchronized to ten (10) days, the number of children allowed in a day care is to be consistent with State of Utah regulations and appropriately licensed by the State to not include more than sixteen (16) children. Second by David Miller.

**IRON COUNTY, UTAH  
ORDINANCE NO. 2013-3**

**AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND MODIFYING CERTAIN CHAPTERS AND SECTIONS OF TITLE 17, ZONING; DEFINING TERMS; ESTABLISHING ADMINISTRATIVE LAND USE PERMITS; REMOVING THE CONDITIONAL USE PERMIT REQUIREMENT FOR A GUEST HOUSE; PROVIDING FOR GUEST HOUSES AND EXPANDED HOME OCCUPATIONS AS ADMINISTRATIVE LAND USE PERMITS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Iron County has determined in accordance with Utah Code 17-27a-302 and Iron County Code 17.64.080, that routine matters may receive informal streamlined review and action if the application is uncontested; and shall protect the right of each party to require formal consideration of any application if it is contested;

**WHEREAS**, Iron County has the desire to remove the requirement for a guest house to obtain a conditional use permit and to provide an ‘Administrative Land Use Permit’ to authorize a guest house; and

**WHEREAS**, Iron County desires to establish a process to expand home occupation opportunities and to utilize property more effectively while reasonably regulating the same to mitigate the reasonably anticipated detrimental effects of a proposed home occupation; and

**WHEREAS**, the proposed ordinance is designed to implement the objectives of the County to promote options for property use while reasonably regulating the same to serve the purposes of the Iron County Zoning Ordinance; and

**WHEREAS**, the County Commission finds that it is in the best interest of the County

after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah 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 LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS:**

**SECTION 1.** Within **Section 17.20.010 – Definitions**, of the Iron County, shall be, and hereby is, identified and amended to include the new definition of 'Expanded Home Occupation' and amends the definition of 'Guest House' and reads as follows (*all other existing definitions to remain un-amended*):

#### **Chapter 17.20 - USE DEFINITIONS**

##### **17.20.010 - Definitions.**

"Expanded Home Occupation" means an accessory use consisting of a vocational activity that extends beyond the limitations of 'home occupation' but can be conducted in residential neighborhoods without undue detrimental impacts to surrounding properties; is required to obtain an administrative land use permit as described in Chapter 17.38, and is regulated in Section 17.36.280, Iron County Code. Expanded home occupation includes any use where an employee does not reside inside the dwelling unit, where outside storage, use of an accessory building on the same property, or use of an attached garage is anticipated or requested in conjunction with a home occupation.

"Guest house" means a separate dwelling unit located on the same lot as the principle dwelling and used for housing guests. Guest houses shall be considered an accessory building as is regulated in 17.36.270 A guest house must also meet the requirements of a "Dwelling, Single-family" or "Manufactured home" as defined in the Iron County zoning ordinance.

**SECTION 2. Chapter 17.38 – Administrative Land Use Permits, of the Iron County Code , shall be, and hereby is, identified and added to reads as follows:**

#### **Chapter 17.38 – ADMINISTRATIVE LAND USE PERMITS**

##### **Sections:**

17.38.010. - Authority and purpose.

17.38.020 – Application requirements.

17.38.030 – Procedures for review and determination.

17.38.040 – Contested applications.

17.38.060 - Revocation or modification.

**17.38.010 - Authority and purpose.**

Pursuant to Utah Code Annotated, County Land Use, Development and Management Act, Section 17-27a-302, the Iron County Commission may enact land use ordinances establishing processes for the purposes of streamlining routine and uncontested land use matters, by following the provisions of this section, and by establishing standards for certain land uses which, because of their unique characteristics or potential impacts in surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain measures are required which mitigate or eliminate the reasonably anticipated detrimental impacts. The standards for the issuance of a Administrative Land Use Permit are established to insure compatibility with surrounding land uses, conformity with the Iron County General Plan, and the protection, preservation, and promotion of the public interest, health, safety, convenience, comfort, prosperity, and general welfare.

The Iron County Zoning Administrator is authorized to render a final decision on the issuance of an administrative land use permit following appropriate review and consultation with County staff.

**17.38.020 - Application requirements.**

**Application.** All requests for an administrative land use permit shall be submitted to the zoning administrator on the application form provided by the county detailing the nature of the administrative land use request and shall be made in accordance with the provisions of this title. The applicant shall also provide the necessary information identified for the submission and review of a business license, and/or building permit, whichever is applicable.

**Adjacent property owner notification.** All applications for an administrative land use permit shall be the subject of notification to each property owner of record for all properties surrounding and adjacent to the subject property. This required notification shall be in form approved/provided by the county and sent by first class mail to the owner of record of adjacent properties, as identified in the records of the Iron County Recorder. Said notification shall provide fourteen (14) calendar days for a notified property owner to protest or inform the zoning administrator, in writing, of reasonably anticipated detrimental effects.

**17.38.030 - Procedures for Review and Determination.**

A. Review. The Zoning Administrator may grant an administrative land use permit in compliance with this title and the land management code if, from the application and the facts gathered from notified surrounding property owners, it finds:

- (1) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;
- (2) The proposed use will comply with the regulations and conditions in this Title for such use;

- (3) The proposed use will conform to the goals, policies, and governing principles of the Iron County Land Management Code;
- (4) The proposed use will be compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;
- (5) Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and
- (6) Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

A proposed use shall be considered detrimental:

- (a) If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
- (b) If it will unreasonably interfere with the lawful use of surrounding property; or
- (c) If it will create a need for essential municipal services which cannot be reasonably met.

- (7) If the zoning administrator determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the zoning administrator may deny the request for an administrative land use permit.

**B. Mitigation Measures.** The Zoning Administrator, in approving an administrative land use permit application, may impose such requirements and mitigation measures with respect to location, construction, maintenance, operation, site planning, traffic control and time limits, and other items to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the neighborhood, for the protection of adjacent properties and the public interest.

These measures may include:

- 1. That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the neighborhood;
- 2. That all buildings or other structures are designed to add to the quality of the area;
- 3. Provision of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to appropriate standards;
- 4. The provision of required and adequate water supply, sewage disposal and fire protection;
- 5. The acceptable mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electro-magnetic disturbances and radiation;
- 6. The regulation of operating hours for activities affecting normal schedules and functions;

7. Such other measures determined necessary by the Zoning Administrator to allow the establishment and operation of the proposed use in an orderly and efficient manner and in compliance with the intent and purposes of the land management code.

**17.38.040 Contested Applications.**

In the event that one or more of the notified adjacent property owners contests the application and the reasons for said protest(s) are not resolved with mitigation measures required by the zoning administrator, to the satisfaction of the protester(s), the zoning administrator shall refer the application to the Iron County planning commission for a decision. The zoning administrator may only issue administrative land use permits on applications that remain uncontested.

**17.38.050 – Appeals.**

Any person or entity aggrieved by a decision in the determination of an administrative land use permit shall have the right to appeal such decision to the appeals hearing officer if a written request for an appeal is made to the zoning administrator within ten (10) of the decision. 17.38.060 – Revocation or modification, and enforcement.

A. If there is cause to believe that grounds exist for revocation or modification of an approved administrative land use permit, the zoning administrator shall review the circumstances of the permit under the terms and the provisions of this title. Notice of such administrative review shall be the same as would be required for consideration of a new administrative land use permit application.

B. An administrative land use permit may be modified or revoked if the Zoning Administrator finds that one or more of the following conditions exist:

1. The administrative land use permit was obtained in a fraudulent manner.
2. The use for which the administrative land use permit was granted has now ceased for at least twelve (12) consecutive calendar months.
3. One or more of the mitigation measures required for the permit have not been met.

C. Additionally, the mitigation measures under which an administrative land use permit was originally approved may be modified by the Zoning Administrator without the consent of the property owner or operator, if the Zoning Administrator finds that the use or related impacts constitutes or is creating a demonstrated nuisance.

D. Enforcement of the provisions for Administrative Land Use permits shall be the same as for other sections in this Title (17) and as described in Chapter 17.72 – Enforcement.

**SECTION 3. Within Chapter 17.76 - APPEALS, Section 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, including administrative land use permits in Chapter 17.38, 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 ten (10) 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 his/her decision by mail to all parties to the appeal within twenty-one (21) days of the appeal hearing officer's decision.

**SECTION 4. Within Chapter 15.08 - CONSTRUCTION CODES ADOPTED, Section 15.08.010 - Codes adopted (E) Fee Schedule, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows (*the remainder of Fee Schedule shall remain un-amended*):**

Home Occupation Permit– Fee \$130.00

Expanded Home Occupation Permit – Fee \$180.00

**SECTION 5. Within Chapter 17.32 - DEVELOPMENT APPLICATIONS AND PROCEDURES, Section 15.32.030 – Application Forms., of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:**

**17.32.030 - Application forms.**

The county shall identify submittal requirements, instructions for completing forms and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications. The county shall provide the following forms for the administration, interpretation and enforcement of this title:

- A. Application for general plan amendment, including text and map amendments;
- B. Application for amendment to the land management code, including this title (and including the zoning ordinance and zoning district map);
- C. Application for temporary uses;
- D. Application for preliminary/final site plan approval;
- E. Application for preliminary/final subdivision plat approval;
- F. Application for final subdivision plat approval;
- G. Application for conditional use permit approval;
- H. Application for administrative land use permit;
- I. Application for permitted use approval/change in permitted use approval;
- J. Application to the appeals hearing officer;
- K. Application for home occupation permit;
- L. Application for expanded home occupation permit
- M. Application for appeal;
- N. Application for a sign permit;
- O. Application for building permit.

**SECTION 6. Within Chapter 17.08 - ADMINISTRATION, Section 15.08.055 – Administrative Determination for Uses Not Listed., of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:**

**17.08.055 Administrative Determination for Uses Not Listed.**

Determination as to the classification of uses not specifically listed in Sections 17.16.030

- Table of uses and 17.20.010 - Definitions, may be made by the Zoning Administrator:
  - (a) An application requesting such determination shall be filed with the Zoning Administrator. The application shall include a detailed description of the use and other such information as may be required.
  - (b) The Zoning Administrator shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title, that are similar in nature and are anticipated to have similar or lesser impacts, and shall make a determination of its classification based on his investigations. The determination shall state the zone classification(s) in which the use will be allowed and whether the use will be a permitted use or a conditional use in the zone(s).
  - (c) The determination and all information pertaining to it shall be identified as an administrative determination and shall be filed as a permanent public record in the office of the Building and Zoning Department.

**SECTION 7. Within Chapter 17.36 - GENERAL REQUIREMENTS AND PROPERTY DEVELOPMENT STANDARDS, Section 17.36.270 – Guest House, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:**

**17.36.270 GUEST HOUSE.**

Guest houses may be authorized as an administrative land use permit by the zoning administrator in zones established in Section 17.16.030 – Table of Uses, and in accordance with the provisions of Chapter 17.38 – Administrative Land Use Permits. Regulations.

On receipt of a complete application, the Zoning Administrator shall grant a permit for a guest house if the Zoning Administrator finds that all of the following requirements are met.

The proposed guest house:

1. shall not be recorded under a separate deed from the principal dwelling and shall not be sold separately from the principal dwelling;
2. may be rented separately or as part of the principal dwelling;
3. if attached to the principle dwelling will be considered a duplex, which is not permitted in any zone;
4. shall be subject to the setbacks and separations established in the respective zone for accessory structures;
5. must be consistent with the principal dwelling in building type, i.e., architectural style, color, etc.;
6. must provide adequate water and sewer resources and facilities (quantity and quality), including but not limited to, certification by the appropriate water and sewer authority or public health authority that the water and sewer services are adequate for the projected number of residents;
7. must be situated and oriented on the property to reduce the potential to invade the privacy of adjoining dwellings (on the same lot and surrounding properties) and maintain the aesthetics of the neighborhood, considering the physical characteristics surrounding the guest house, including landscape screening, fencing and window and door placement;
8. must provide for two off-street parking spaces particular to the guest house;

9. must share the same access to a public right-of-way as the principal dwelling;
10. dwellings meeting the definition of a "mobile home" are prohibited; and,
11. must comply with all required federal and state licensing/permitting requirements.

**SECTION 8. Within Chapter 17.36 - GENERAL REQUIREMENTS AND PROPERTY DEVELOPMENT STANDARDS, Section 17.36.280 – Expanded Home Occupation, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:**

**17.36.280 Expanded Home Occupations.**

Expanded home occupations may be authorized as an administrative land use permit by the Zoning Administrator in zones established in Section 17.16.030 – Table of Uses, and in accordance with the provisions of Chapter 17.38 – Administrative Land Use Permits.

**Regulations.**

On receipt of a complete application, the Zoning Administrator shall grant a permit for a home occupation if the Zoning Administrator finds that all of the following conditions and requirements are met.

**The expanded home occupation:**

1. shall not employ more than one individual that does not reside full-time (not less than 9 months per year) in a dwelling unit on the property;
2. may establish child care consistent with State of Utah regulations and appropriately licensed by the State to include not more than sixteen (16) children;
3. business must be compatible with, and incidental and secondary to, the residential use of the property;
4. retail sales shall be limited to items which are incidental to the service provided;
5. may utilize only one (1) motorized vehicle in association with the home occupation and it shall not exceed one (1) ton rated capacity and one (1) trailer which does not exceed twenty (20) feet in length, with adequate off-street parking provided for such business vehicle and any visiting clientele. No commercial vehicles shall be used in the business. Permitted trailers with advertising on them may not be stored or parked on the street or in the front yard of the dwelling;
6. dwelling and accessory structures must retain architecture and outside appearance as a residence and residential neighborhood;
7. does not result in abnormal levels of noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line or create radio interference or television interference which are not commonly created by residential use;
8. has signage limited to a non-illuminated identification sign two square feet or less in size;
9. does not produce traffic volumes exceeding that produced by the dwelling unit by more than twenty (20) average daily trips or a maximum of thirty-six (36) trips during any twenty-four-hour period;
10. does not include nursing homes, restaurants, boarding houses; the storage or sale of flammable, explosive, or hazardous materials; junk or salvage yards; sexually oriented businesses; automotive repair or body work or painting, towing operations, or vehicle

sales or rentals; and complies with all required federal and state licensing/permitting requirements; and

11. the principle dwelling on the property must be occupied by the owner and proprietor of the expanded home occupation.

**SECTION 9. Within Chapter 17.16 - ESTABLISHMENT OF ZONING DISTRICTS, Section 17.16.030 – Table of Uses, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows (for uses identify herein only, all others remain unchanged):**

TABLE OF USES									
USES	ZONE DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2	C	LI	I	IA
Accessory dwelling	A	X	X	X	X	A	A	A	A
Accessory outside storage	P	X	X	X	X	A	P	P	P
Expanded Home Occupation	A	A	A	A	A	X	X	X	A
Farm	P	X	X	X	X	X	A	P	P
Guest house	A	A	A	X	X	X	X	X	A
Hobby Farm	P	P	P	P	P	X	A	P	P
Home occupation	P	P	P	P	P	X	X	X	P
Permanent farm worker dwelling units, on farm	X	X	X	X	X	X	X	X	A
Temporary dwelling unit	A	P	P	P	P	X	X	X	A

Table of Uses Notes:

A = Administrative Land Use

P = Permitted Use

C = Conditional Use

X = Prohibited Use

**SECTION 10. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of allowing administrative land use permits to be issued by the zoning administrator for uses such as guest houses and expanded home occupations in accordance with Utah State code and Iron County code.

**SECTION 11. 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 12. 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 28<sup>th</sup> day of May, 2013.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Alma L. Adams, Chair

ATTEST:

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

VOTING:

Alma L. Adams          Aye    

Dale M. Brinkerhoff     Aye    

David J. Miller          Aye    

**SOUTHERN UTAH COLLEGE OF OSTEOPATHIC MEDICINE (SUCOM) :**

Brennan Wood, Iron County Economic Development Director and Dr. Tom Told Southern Utah College of Osteopathy, met with the Commission to request a letter of support for the construction and operation of a new College of Osteopathy to be located adjacent to Southern Utah University. Dr. Told explained that the proposed college would allow 150 students per class for a total of 600 students for the four year program. There will be two campuses, one in Cedar City and one in St. George to utilize Valley View Medical Center and Dixie Regional Medical Center as teaching tools.

The Commission expressed concern with on street parking which is currently a problem around the University. Dr. Told explained that students and teachers will utilize existing parking at SUU.

The Commission authorized a letter of support be written to the Commission on Osteopathic College Accreditation requesting approval of the school on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**APPROVAL OF INTERLOCAL AGREEMENT FOR MSC AEROSPACE, LLC :**

Brennan Wood presented an interlocal agreement between Iron County, Cedar City, Iron County School District, Central Iron County Water Conservancy District and MSC Aerospace for a fifteen year tax incentive to build and operate an aircraft development and assembly operation in Cedar City was presented for final approval. The proposed project will produce business class airliners know as SyberJet. The company will be required to meet certain standards in employee numbers and wages to qualify for the incentive. 2012 will be the base year for the tax information.

Dale Brinkerhoff made a motion to approve the interlocal agreement as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**MEMORANDUM OF UNDERSTANDING CRITICAL INCIDENT TASK FORCE :**

The County Attorney's office presented a memorandum of understanding (MOU) regarding the development of a critical incident task force. The agreement would involve law enforcement agencies operating within Iron County. It would establish protocols for response to incidents that need to be investigated by another agency such as an officer involved shooting incident. It would be coordinated through the County Attorney's office. David Miller made a

motion to approve the MOU provided that a new signature page is attached for Commission signatures. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**MEMORANDUM OF AGREEMENT STATE LIBRARY BOOKMOBILE SERVICE:**

A memorandum of Agreement for Bookmobile service in Iron County for FY 2013-14, July 1, 2013 to June 30, 2014 between Iron County and the Utah State Library was presented for approval. The agreement provides for a payment of \$122,544 for the term of the agreement. After reviewing funding commitments, Dale Brinkerhoff made a motion to approve the agreement. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BIDS FOR WATER TANK PROJECT AT WOODS RANCH :**

Bids were opened for the installation of water storage tanks at the Woods Ranch Recreation Area. Three bids were received with the following results:

Orton Excavating:	1,700 gallon tanks (2 tanks)	\$9,500
	5,000 gallon tanks (2 tanks)	\$12,400
Blackburn Associates	3,000 gallon tank	\$8,800
	5,000 gallon tank	\$12,400
ProBuild Construction	2,500 gallon tank	\$11,000
	3,500 gallon tank (2 tanks)	\$14,200
	5,000 gallon tanks (3 tanks)	\$19,200

Because all bids were above estimates, the bids were referred to the Tourism/ Parks Department for review and to determine if the bids meet specifications and park requirements on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS :**

Leslie Bishop presented requests from the Sheriff's Department to approve the promotion of Deputy Tony Gower to Deputy II effective May 26, 2013; to approve the promotion of Deputy Shawn Peterson to Deputy I effective May 26, 2013; to approve the hiring of Pedro Garcia as a Sheriff Deputy I effective May 26, 2013 as a replacement of Patrol Deputy Adam Burton who has been promoted to Corporal. Dale Brinkerhoff made a motion to approve the grade changes and hiring within the Sheriff Patrol Division. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request for approval to hire Chris Berry as a full-time Paramedic and to move Regan Lindsey from part-time to full-time Paramedic within the Sheriff's Department Emergency Services Division effective May 28, 2013. The hiring and change in status will fill vacant positions. Dale Brinkerhoff made a motion to approve the change in status and hiring within the Sheriff's Department Emergency Services Division. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve the status change of Kellen Hudson from part-time to full-time status as a Sheriff's Department Corrections Deputy effective May 26, 2013. Deputy Hudson replaces Deputy Tom Cook who transferred to a full-time Bailiff position; to approve the hiring of Jana Lynn Mitchell as a part-time secretary in the Correction Office effective May 28, 2013 to fill a vacant full-time position. Dale Brinkerhoff made a motion to approve the personnel changes in the Sheriff's Department, Correction Division as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request for approval of the Sheriff's Department Emergency Services Division proposal to restructure the on-call pay schedule for EMT's and Paramedics to provide that they report to the ambulance garage for an hour at the beginning of a shift to perform duties

as assigned. They will be paid for the one hour of service but do not receive compensation for on call time. After reviewing the request and reasoning for the change David Miller made a motion to approve the change in on call service hours change as requested to conform with the affordable health care act. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request from the County Attorney's Office requesting approval of promotion a for Gary M. Edwards from Deputy Attorney IV to Deputy Attorney V effective May 28, 2013.. Mr. Edwards has completed all the requirements outlined within the attorney promotional standards. Dale Brinkerhoff made a motion to approve the promotion with a vote of thanks for Gary M. Edwards effective May 28, 2013. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request from the Landfill Department to hire Lowman Nelson effective June 3, 2013 as the solid waste master mechanic to fill a vacancy created by the resignation of Benjamin Marshall. Dale Brinkerhoff made a motion to approve the hiring of Lowman Nelson as a master mechanic at the landfill. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Sheriff Mark Gower presented a request to approve a revision to the Deputy I, II, III policy by removing the requirement that to be advanced to a Deputy II the applicant must complete SWAT Certification. He also requested that active members of the SWAT team be compensated at 2.5% salary increase due to the extra training and time requirements. The SWAT team will be limited to a maximum of fourteen members. David Miller made a motion to table the request and refer the matter to Human Resources to study and report back on salary and budget implications. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**TAX MATTER FAD TRUST :**

FAD Trust applied for a tax deferral shortly before the annual tax sale for which a telephone approval from each Commissioner was obtained. The matter was called for ratification of the deferral agreement. Dale Brinkerhoff made a motion to ratify the tax deferral agreement for the following parcels. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

FAD Trust

1711 Whitney Mesa Dr #100

Henderson, NV 89014

Account Number 0077856

Parcel Number B-1152-0002-0006-10

Acres 0.23

Legal Description: LOT 10, BLK 6, SUNRISE SUBDIVISION.

Property Taxable Value for 2012: \$18,935.00

Total Taxes, Interest, Penalty Due as of May 22, 2013: \$2,118.49

Taxes, Interest, Penalty, Deferred: \$2,118.49

**FESTIVAL HALL COUNTY USE FEE AGREEMENT 2013 :**

Cedar City has requested clarification of the phrase in the Memorandum of Understanding for operation of Festival Hall in Cedar City. The agreement states that the County reserves the right to use the facility for a nominal fee. Cedar City agreed to maintain and manage the facility. Cedar City has suggested that the County contribute \$1,000.00 per month as the nominal fee for unlimited County use. Dale Brinkerhoff made a motion to approve the contribution of \$1,000.00 per month for a total of \$12,000.00 annually for use of Festival Hall by County entities and beginning January 2014. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

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

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
June 10, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 10, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Maria Twitchell	Tourism, Conventions, Parks, Recreation
Marie Brooks	Emergency Management
Jody Edwards	Emergency Service Lieutenant

**SYNOPSIS** :

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PERSONNEL POLICY SECTION 8 AMENDMENT .....	3
PRAIRIE DOG MATTERS .....	3
PUBLIC COMMENTS .....	3
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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES May 28, 2013** :

Minutes of the Iron County Commission meeting held May 28, 2013 were approved as amended on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Maria Twitchell** reported that transient room tax collections were up over 11% from the same period in 2012. A new advertising campaign on Pandora, a satellite radio network which allow targeting of audiences is proving very successful. Another impact will be the Tour of Utah bicycle race in August. It is anticipated that it will generate over \$100,000 in housing revenue just for participants. Adding spectators it should be a huge event.

Maria reported that water tanks are being installed at Woods Ranch. The project will have two 1,700 gallon tanks connected for a total of 3,400 gallons of storage. She also reported

on the need to increase a safety berm at the shooting range to prevent stray bullets from injuring people on adjacent ranges. They are also considering a fee for overnight camping at the Three Peaks area to help defray some of the maintenance costs.

**Marie Brooks** reviewed grant funding and the status of current grants in Emergency Management. CERT groups are incorporating new policies and will be required to be “deployable” in emergencies to qualify for FEMA grants. Her Department is still working to secure a back up generator for the emergency management center at the Ambulance garage.

**Jody Edwards** reported that the Emergency Services has started a new procedure for on call employees today in compliance with the affordable health care act (Obamacare). On call employees will be required to report for one hour at the start of their shift to perform assigned tasks for about one hour. Jody also reported that the changes implemented in the management structure of the Department seem to be going well. Problems are being handled and personnel seem to be reacting in a positive way to the changes.

**CERTIFICATION OF ANNUAL TAX SALE RESULTS :**

Christene Lowder reported on the results of the annual tax sale held May 23, 2013. Ninety parcels were struck off to the County because no bids were offered with a total taxes interest penalty and fees of \$71,467.74. After reporting on sale procedure and results the Auditor’s office recommended that the tax sale results be certified and become final. David Miller made a motion to certify the tax sale results and to allow parcels to be declared surplus with the exception of parcels within Beryl Townsite Subdivision and campsites located within Section 2, T31S, R20W, SLB&M. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**DISCUSSION ON A HAZARDOUS MATERIAL COST RECOVERY ORDINANCE:**

Paul Irons, Cedar City Fire Chief met with the Commission to explain the need for an ordinance to allow for legal action to collect for costs incurred in hazard material accident responses. He explained that in some cases trucking companies or insurance carriers are unwilling to pay for cleanup costs stating that it is not their responsibility to pay for emergency responses.

David Miller made a motion to authorize the County Attorney’s office to draft an ordinance patterned after the Cedar City ordinance to authorize collection for response for hazardous material accidents. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS :**

Leslie Bishop presented a request from the Sheriff’s Department, Corrections Division for approval of a promotion for Dwayne Heirtzler, Randall McConnell, Cameron Neil, and Jason Slack from Deputy I to Deputy II, effective June 9, 2013. Dale Brinkerhoff made a motion to approve the promotions as requested noting that all of the requirement for Deputy II have been satisfied. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request to approve a revision to the Deputy I, II, III Retention Policy and SWAT certification additional compensation of 2.5% increase in salary while actively serving as a member of SWAT. Dale Brinkerhoff made a motion to table the request indefinitely to assess budget implications and funding availability. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Justice Court to change employee status from part time to full time for Onjulee Pittser and Lacey Mitchell effective June 9, 2013. The positions previously approved due to affordable healthcare act mandate. Dale Brinkerhoff made a motion to approve the status change as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**UTAH RETIREMENT SYSTEM RECERTIFICATION :**

Leslie Bishop presented a report on the annual adjustment of contribution rates required for participation in the Utah Retirement System. The expected rate changes were included in the annual budget and therefore were anticipated and will not require a budget. David Miller made a motion to approve the contribution rate adjustment for FY 2013-2014. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL POLICY SECTION 8 AMENDMENT :**

Leslie Bishop presented a request to approve a revision of Section 8, grievance and appeals procedures to bring our policy into compliance with current State codes and fair labor standards. The policy has not been updated for several years and is not in compliance with current law.

The Commission discussed an amendment to Section B definitions to define a grievable action as “an involuntary downward demotion with a pay decrease.” Dale Brinkerhoff made a motion to approve the amendment to the Iron County Personnel Policy, Section 8 grievance and appeal procedures as amended and to authorize distribution to all County employees and Departments. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC COMMENTS :**

Gene Adams requested clarification of the disposition of parcels struck to Iron County in the annual tax sale. The Commission responded that campsites and Beryl Townsite Subdivision will be retained by Iron County due to size and access issues. All other parcels have been declared as surplus and will be offered for sale.

**BOARD APPOINTMENTS :**

**Central Iron County Water Conservancy District:** David Miller presented a request from Enoch City to appoint Spencer Jones as the Enoch City representative to replace Robert Rasmussen who has resigned. David Miller then made a motion to approve the appointment of Spencer Jones to the Central Iron County Water Conservancy District Board. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG MATTERS :**

Nathan Brown, US Fish and Wildlife reported on results of DNA comparisons from one sample of two prairie dogs from diverse populations. Of 17,000 base pair length of mitochondrial DNA compared, there was a 2.4% divergence between the test subjects. 2% divergence is typically used as the break point for species differentiation. There is a need to gather additional DNA samples for comparison from both the local populations and other designated groups from eastern Utah and surrounding states.

**ADJOURN** :

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

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
June 24, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 24, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also Present:

Chad Nay	Zoning Building Inspector
Steven Platt	County Engineer
Bruce Anderson	Landfill Supervisor

Absent and Excused:

David J. Miller	Commissioner
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**SYNOPSIS** :

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ORDINANCE 2013-4 VACATING AND AMENDING CASTLE TOWNSITE PLAT .....	2
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PRAIRIE DOG PERMITTED TAKE .....	5
PUBLIC HEARING VACATE AND AMEND AVENUES IN NEWCASTLE .....	2
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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Bruce Anderson.

**APPROVAL OF MINUTES June 10, 2013** : Minutes of the Iron County Commission meeting held June 10, 2013 were approved on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**REPORTS** :

**Chad Nay** reported that building permits were up significantly over 2012 which indicates that in the building trades, the local economy is showing improvements. Because of the increase in work load in building inspection zoning enforcement is suffering. There is not enough man power or time to investigate zoning complaints. The Building Department has completed improvement projects at the Justice Center including a heavy duty cement pad for the waste dumpster, a utility shed for miscellaneous equipment and supplies and a bicycle rack.

**Steve Platt** reported that the County has received three title V rights of way for the following roads, 1. Hamblin Valley Road. 2. Stateline Road. 3. Johnny Canyon Road. He

reviewed a list of projects the Engineer department is working on. He also reported that negotiations on transfer of RS 2477 roads seems to be stalled. The Commission will contact Mark Ward to see if the project can get back on track with the transfer from BLM to the County.

**Bruce Anderson** reported that he has received his certification as a Landfill Manager. He also reported that asbestos disposal training has been presented to the Homebuilders Association. The Landfill is working on the problem with uncovered loads. A new enforcement policy will be implemented where a \$10.00 charge will be made on uncovered or unsecured loads.

**Dale Brinkerhoff** reported that he met with Brian Steed from Representative Stewart's office regarding renewable energy. Representative Stewart is concerned with the cost to value for developing the natural resources.

**Alma Adams** reported that the SUU presidential search committee is seeking applications for a replacement for Jim Johnson who has accepted a position in another University. He also thanked the IT Department for the work they have done in restoring programs after a major server crash. The Commission requested that Jared Wilson report on efforts to provide redundant servers and backup procedures.

**PUBLIC HEARING VACATE AND AMEND AVENUES IN NEWCASTLE :**

Dale Brinkerhoff made a motion to open a public hearing to receive comments concerning a proposal to vacate a portion of Castle Townsite Subdivision also known as (AKA) Newcastle Town, defined as the avenues through block 9 and block 16 and lot lines between lots 5, 6, 7, 8, 9, 10, 11 and 12, block 9 B; lots 5, 6, 7, 8, 9, 10, 11 and 12, block 9 C; lots 1 through 16, block 16 B inclusive; and lots 1 through 16, block 16 C inclusive be vacated and returned to meets and bounds descriptions. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

Steve Platt explained that the purpose of the proposed plat amendment is to eliminate the sixteen foot avenues in the two blocks, blocks 9 and 16, Castle Townsite Subdivision. In order to mitigate access problems with small lots and only an 8 foot wide access to lots 9, 10, 11, and 12, lot lines between lots 5, 6, 7, 8, 9, 10, 11, and 12 will be eliminated and the lot redrawn into lot 5 in each half block.

David Yardley reported that the notice of the proposed change has been published two times in the Spectrum/Daily News and has been posted in locations adjacent to and in the area around Newcastle. No comments or objections to the proposed change have been received.

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

**ORDINANCE 2013-4 VACATING AND AMENDING CASTLE TOWNSITE PLAT:**

After finding that no person or public interest would be materially affected by the proposed changes and that it would benefit the County by creating lots that are accessible by standard County road rights of way, Dale Brinkerhoff made a motion to adopt Ordinance 2013-4 vacating and amending the Castle Townsite Subdivision plat recorded September 7, 1915 as

requested. Second by Alma Adams.

**IRON COUNTY  
ORDINANCE 2013-4**

**AN ORDINANCE AUTHORIZING A PORTION OF THE ORIGINAL  
PLAT OF CASTLE TOWNSITE SUBDIVISION AKA NEWCASTLE  
TOWN RECORDED SEPTEMBER 7, 1915 TO BE VACATED AND  
AMENDED, AND RELATED MATTERS.**

**Whereas**, the owners of a portion of Castle Townsite Subdivision, also know as (AKA) Newcastle Town a recorded subdivision in Iron County, Utah approached the Iron County Commissioners on August 27, 2012 with a request to vacate a portion of the original plat of said subdivision; and,

**Whereas**, Marilyn Lee, Manager of Utah Family Homestead, LLC, representing the owners of lots within Block 9 and Block 16 of Castle Townsite Subdivision, AKA Newcastle Town a recorded subdivision addressed the Board of County Commissioners for Iron County, Utah requesting the vacation of a portion of said plat, and the matter having been placed on the regular agenda for the regular Iron County Commission meeting; and,

**Whereas**, the Iron County Commission recommended that the portion of Castle Townsite Subdivision AKA Newcastle Town defined as the avenues through Block 9 and Block 16 and lot lines between Lots 5, 6, 7, 8, 9, 10, 11 and 12, Block 9 B be vacated and combined into Lot 5, Block 9 B; Lots 5, 6, 7, 8, 9, 10, 11 and 12, Block 9 C be vacated and combined into Lot 5, Block 9 C; Lots 5, 6, 7, 8, 9, 10, 11 and 12, Block 16 B be vacated and combined into Lot 5, Block 16 B; and Lots 5, 6, 7, 8, 9, 10, 11 and 12, Block 16 C be vacated and combined into Lot 5, Block 16 C; and,

**Whereas**, the Board of County Commissioners for Iron County, Utah, found that property owners of said subdivision within 300 feet have been notified of the proposed area to be vacated by mail and by publication in the Spectrum Newspaper, a newspaper of general circulation within Iron County and that none of the property owners have objected to the proposed vacation of a portion of the plat; and,

**Whereas**, the Board of County Commissioners for Iron County, Utah, found that there are no owners of land contiguous to any street, alley, or avenue within said subdivision which would be denied access; and,

**Whereas**, The Board of County Commissioners for Iron County, Utah, found and were satisfied that neither the public nor any person would be materially injured by the vacation of a portion of the Castle Townsite Subdivision AKA Newcastle Town , and that good cause exists for such an order; now therefore

**NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS;** that the petition for the vacation of a portion of Castle Townsite Subdivision AKA Newcastle Town recorded on September 7, 1915 and more



David J. Miller	Absent and not voting
Dale M. Brinkerhoff	<u>Aye</u> _____

**KANARRAVILLE TV TOWER PROJECT BID APPROVAL :**

Dennis Johnson presented results of bids submitted to install a tower base at Grasshopper Knoll, the Kanarraville TV site. Four bids were received as follows:

Blackburn Associates	\$17,400	Adjusted	\$17,400
Duane Lyon Construction	\$14,750	Adjusted	\$14,750
Pendleton Construction	\$10,956	Adjusted	\$12,566
FavCom	\$9,825	Adjusted	\$12,430

Dale Brinkerhoff made a motion to approve a local contractor bid submitted by Pendleton Construction upon the condition that Vector Engineering certified engineering design for the base. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**PRAIRIE DOG PERMITTED TAKE :**

Requests for permanent take of prairie dogs and habitat were presented for approval as follows:

a) Nate Thayer, Iron Gate Builders, surveyed property at Mountain Shadows Subdivision, Lot 26, Cedar City. The take for development of the property will be 1 Utah Prairie Dog and .23 acres of habitat.

b) Andrew Blake, Infinity Builders, surveyed property at The Fields Subdivision, Lot 36, Enoch. The take for development of the property will be 2 Utah Prairie Dogs and .41 acres of habitat.

c) Jeff Burgess, Joe Burgess Construction, surveyed property at The Villas at Sunset Canyon P.U.D., Amended, Lot 2, Cedar City. The Take for development of the property will be 2 Utah Prairie Dogs and .35 acres of habitat.

d) Jeff Burgess, Joe Burgess Construction, surveyed property at The Villas at Sunset Canyon P.U.D., Amended, Lot 38, Cedar City. The take for development of the property will be 3.6 Utah Prairie Dogs and .16 acres of habitat.

e) Jeff Burgess, Joe Burgess Construction, surveyed property at The Villas at Sunset Canyon P.U.D., Amended, Lot 1, Cedar City. The take for development of the property will be 3.6 Utah Prairie Dogs and .16 acres of habitat.

Dale Brinkerhoff made a motion to approve the take on the above listed parcels as requested. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

**RAP TRAINING :**

Leslie Bishop presented RAP training on harassment in the work place. 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 organization. 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.

This training will be presented to each County Department in staff meetings over the next few weeks.

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

The meeting was adjourned at 11:30 a.m. on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**July 8, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 8, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

David J. Miller	Commission Chair Pro Tem
Dale M. Brinkerhoff	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis Johnson	County TV Technician
Ryan Riddle	County Fire Warden
Jared Wilson	Information Technology Director

Absent:

Alma L. Adams	Commission Chair
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**SYNOPSIS** :

ADJOURN .....	5
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APPROVAL OF MINUTES June 24, 2013 .....	1
ASBESTOS REMOVAL AND BOILER INSTALLATION AT COURTHOUSE .....	5
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**APPOINTMENT OF CHAIRMAN PRO TEM** :

Dale Brinkerhoff made a motion to excuse Alma Adams and to appoint David Miller as Chairman Pro Tem. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Ryan Riddle.

**APPROVAL OF MINUTES June 24, 2013** :

Minutes of the Iron County Commission meeting held June 24, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**David Miller** read a quote from John Adams dated 1781 as follows:

“This immortal declaration, of the 4<sup>th</sup> of July, 1776...was not the effect of any sudden passion or enthusiasm, but a measure which had been long in deliberation among the people, maturely discussed in some hundreds of popular assemblies, and by public writings in all the States; it was a measure which congress [continental] did not adopt, until they unanimously adopted by congress, subscribed by all its member, transmitted to the assemblies of the several States, and by them respectively accepted, ratified and recorded among their ever made with more solemnity, or with more unanimity or cordiality adopted, as the act and consent of the whole people, than this; and it has been held sacred to this day by every State, with such unshaken firmness, that not even the smallest has ever been induced to depart from it, although the English have wasted many millions, and vast fleets and armies, in the vain attempt to invalidate it.” John Adams 1781"

**Dennis Johnson** reported on progress with installing a new tower at the Kanarrville TV site. Engineering has been examined and found adequate for the used tower being installed. The tower was started but never completed by a cable company in Parowan. They agreed to sell the tower for \$1,000 which is far below the regular purchase price of \$35,000 for a similar tower. Dennis also reported that the FCC is proposing to reduce the broadcast spectrum from channel 52 to channel 30 and to allocate the bandwidth to phone and internet services.

**Ryan Riddle** presented several written reports to the Commission including a budget report, fuels reduction activity report, training report, fire prevention education report, and a fire cause summary report. He also explained that fire fighters observed a moment of silence for 19 hot shot fire fighters that lost their life in an Arizona wildfire near Prescott. Ryan also presented a request that the Commission help Parowan City with the purchase of a used type 4 fire engine being declared surplus and offered for sale. He explained that the Parowan fleet is in extreme need of upgrades due to the age and unreliability of their equipment.

**Jared Wilson** reported that the IT Department budget is where it should be for this time of year. There are some line items that show they are over however this is because license payments are due during the first quarter. There is a later agenda item where concerns with a server failure will be discussed.

#### **FAIRGROUNDS BUILDING CONSTRUCTION CONTRACT APPROVAL :**

Dale Brinkerhoff made a motion to formally approve the bid to construct a building between the Fairgrounds Exhibit building and the County storage building at the Iron County Fairgrounds for \$15,800.00 to Jake Hulet Construction. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

#### **SURPLUS VEHICLE DISPOSAL APPROVAL :**

A list of surplus vehicles from various Departments was presented for approval to start the disposal process. The list of vehicles will be distributed to County Departments to determine if there is a County use for any vehicle. They will then be placed on the Public Auction website. A notice will also be published in the Spectrum/Daily News. Dale Brinkerhoff made a motion to approve moving forward with disposing of Iron County surplus vehicles. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

**STEPHEN BROWN TAX MATTERS UPDATE** :

Stephen R. Brown met with the Commission at their invitation to report on his failure to meet his obligation of monthly payments on a tax deferral agreement dated March 11, 2013. Mr. Brown is now three months delinquent in payments. Mr. Brown explained that he has anticipated sales of real estate that have not closed to bring his payments current. He has scheduled a closing this week and should be able to bring his payments current by July 16.

Geri Norwood commented that Mr. Brown has made no attempt to contact the Treasurer's office to inform them of the status of payments. It is like Mr. Brown is ignoring his obligation to make monthly payments.

David Yardley commented that by ignoring the delinquencies without consequence is sending a message to the public that the County Commission does not take seriously the agreements they sign by ignoring delinquencies and then reissuing new agreements that are not honored.

Commissioner Brinkerhoff explained that he is concerned with taking property for non payment of taxes during hard economic times. The matter was tabled to the August 12 Commission meeting to allow Mr. Brown to bring the contracted payments current.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Sheriff's Department, Corrections Division to hire Joshua Winder as a full-time Corrections Deputy effective July 8, 2013 to replace Hank Armbruster who retired April 20, 2013.

Leslie also presented a request from the Sheriff's Department, Emergency Services Division for a change of employment status from on call-part time to full time Paramedic for David Cameron effective July 9, 2013. Dale Brinkerhoff made a motion to approve the hiring of Joshua Winder as a Corrections Officer and the promotion of David Cameron from part time to full time Paramedic. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORT ON INFORMATION TECHNOLOGY ISSUES** :

Jared Wilson reported to the Commission on IT issues of concern. In reviewing a request to find a backup generator system for computer equipment and the Courthouse, it has been determined that a diesel generator of sufficient size to operate the whole Courthouse would cost approximately \$600,000 while a natural gas fueled generator to operate data systems would cost approximately \$30,000.

Jared reported that panic buttons discussed and approved for installation by Titan Security have been ordered and are ready for installation. They should be in offices within the next few weeks.

Jared reported that due to the server failure and some issues that have surfaced from the restoration of the program, the proposal to live with a new version has been moved up to March 2014. This is a complete re write of the program and will require re-training employees in the new procedures.

Jared explained backup procedures which includes daily, weekly and monthly backups of all data. He explained that data can be replicated. There are incidents however when there may be a glitch in the process that does not restore data in the right order which can cause a delay in recreating files.

**RESOLUTION 2013-7 ACCEPTANCE OF 2013 CERTIFIED TAX RATE :**

Gene Adams presented Resolution 2013-7 to adopt certified tax rates for 2013. Dale Brinkerhoff made a motion to adopt Resolution 2013-7 as presented. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

**RESOLUTION 2013-7  
Resolution Adopting Final Tax Rates and Budgets**

County: IRON

Tax Year: 2013

It is hereby resolved that the governing body of: Iron County approves the following property tax rate(s) and revenue(s) for the year: 2013

1. Fund/Budget Type	2. Revenue	3. Tax Rate
10 General Operations	\$2,583,793	0.003076
30 Library	\$209,244	0.000086
190 Discharge of Judgement		0.000000
540 Health	\$214,110	0.000088
950 State Assessing & Collecting	\$384,424	0.000158
955 Local Assessing and Collecting	\$1,206,800	0.000496
Totals	\$5,759,065	0.002367

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.

Date: July 8, 2013

\_\_\_\_\_  
Signature of Governing Chair  
Title: Commission Chair

**RESOLUTION 2013-8 ACCEPTANCE OF 2013 CERTIFIED TAX RATE MSD :**

Gene Adams presented Resolution 2013-8 to adopt certified tax rates for the Iron County Municipal Type Service District # 2 for 2013. Dale Brinkerhoff made a motion to adopt Resolution 2013-8 as presented. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

**RESOLUTION 2013-8  
Resolution Adopting Final Tax Rates and Budgets**

County: IRON COUNTY MUNICIPAL TYPE SERVICE DISTRICT # 2

Tax Year: 2013

It is hereby resolved that the governing body of: Iron County Municipal Type Service District #

approves the following property tax rate(s) and revenue(s) for the year: 2013

1. Fund/Budget Type	2. Revenue	3. Tax Rate
10 General Operations	\$2,583,793	0.003076
Totals	\$2,538,793	0.003076

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.

Date: July 8, 2013

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Signature of Governing Chair  
Title: Commission Chair

**PART TIME POLICY COMPLIANCE MATTERS :**

Leslie Bishop review of Departments compliance with part time policy revision due to patient protection and affordable care act (Obama Care). She explained that this week the Obama administration took action to move compliance penalty back one year. This has prompted some Departments to ignore overtime mandates some employees receiving 35 to 52 hours per week overtime. Because of implications of overtime penalties, a personnel policy is to be drafted stating that if part time employees exceed hours limit the will be disciplined and can result in termination of employment. The policy will be presented for approval at the next Commission meeting.

**ASBESTOS REMOVAL AND BOILER INSTALLATION AT COURTHOUSE :**

Bids for asbestos removal at the Courthouse were reviewed and the bid of Rockmont Industries for \$2,600 was approved on a motion by Dale Brinkerhoff Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

**ADJOURN :**

The meeting was adjourned at 11:30 a.m. on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**July 22, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 22, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Eugene H. Adams	County Auditor
Cindy W. Bulloch	County Assessor
Geraldine S. Norwood	County Treasurer
Deborah B. Johnson	County Recorder
Paul Monroe	Central Iron County Water Conservancy District

**SYNOPSIS** :

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COUNTY SEAT PROGRAM UPDATE .....	4
PER DIEM REIMBURSEMENT RATES .....	5
PERSONNEL MATTERS .....	4
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG MATTERS .....	5
PRAIRIE DOG PERMANENT TAKE REQUEST .....	4
RAP TRAINING .....	5
REPORTS .....	1
RESOLUTION 2013-9 RAP TAX MATTER .....	2

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES July 8, 2013** :

Minutes of the Iron County Commission meeting held July 8, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Gene Adams**, County Auditor, reported that valuation notices have been approved and should be in the mail this week. Tax rates for all entities have been set. Two entities, the Iron County School District and Enoch City are planning on tax increases and have set truth in taxation hearings in August. County revenue for the same period as 2012 is down about 3%.

**Cindy Bulloch**, County Assessor, reported that State Board of Equalization hearings have been completed. Rulings should be issued within the next few weeks. Cindy also expressed concern with the Assessor fuel budget and travel budget due to training and higher than anticipated fuel costs.

Cindy explained that businesses that failed to report personal property were sent tax notices with estimated equipment values plus a penalty. Under State Code there is no appeal and no way to reduce the assessment. County assessed values are down about 1.4% with Brian Head value down 4% and Parowan value down 4%. Centrally assessed values are up over last year.

**Geri Norwood**, County Treasurer, presented a tax distribution comparison for 2012 and 2013 to the same time period. She also reported that payments on tax deferral agreements issued by the County Commission have five current with payments and two delinquent. She also reported that the Treasurer's budget is within projections.

**Debbie Johnson**, County Recorder, presented a document filing comparison with the same period last year. She also reported that loan default filings are down from 115 in 2012 to 67 to the same time this year. The Recorder's office is busy scanning survey plats that have been filed in the Engineer's office. This project is nearing the half way completion mark.

**Paul Monroe**, Central Iron County Water Conservancy District, reported that the snow pack recorded in 2012/13 was 69% of normal and that soil moisture is at 10% which is an all time low recording. Aquifers throughout the County continue to decline in all areas except near the Cedar City sewer plant where the water table is increasing.

Mr. Monroe also reported on continuing efforts to secure 27,000 acre feet of water rights in Wah Wah and Pine valleys. There are test wells that can be pumped that are in place. Static water level stands at 650 feet below the surface. The District is also working on updating their policy and procedure manuals, especially trying to establish a purchasing policy.

**Dale Brinkerhoff** reported that a meeting is scheduled with Dixie National Forest today at 2:30 p.m. in Cedar City. The Commission has been invited to attend.

**David Miller** reported that he attended the patchwork parkway ribbon cutting ceremony at Parowan and Panguitch. He also reported that the Woods Ranch water tank project has been completed and is operational.

Commissioner Miller also reported that there continues to be a problem with prairie dogs in the Cedar City Cemetery and with a commitment to fence the area, a lethal take permit can be issued to eliminate the remaining prairie dogs within the cemetery. There has also been a survey of the golf course to determine how much fencing would be required to make it so that all of the prairie dogs could be removed.

**RESOLUTION 2013-9 RAP TAX MATTER :**

Resolution 2013-8 which resolves that Iron County does not intend to assess a RAP tax for botanical, cultural, recreational, and zoological organizations or facilities for ten years was presented by Paul Bittmenn, Cedar City Attorney. He explained that Cedar City imposed the tax in 2006 and the authorization is now expiring. If the County adopts this resolution the matter

will be placed on the November ballot for residents to vote to continue to assess the tax.

Dale Brinkerhoff made a motion to adopt Resolution 2013-9 as follows. Second by David Miller.

**IRON COUNTY RESOLUTION NO. 2013 - 9**

**A RESOLUTION OF THE BOARD OF IRON COUNTY COMMISSIONERS  
STATING THAT IRON COUNTY IS NOT SEEKING TO IMPOSE A TAX  
UNDER UTAH CODE ANNOTATED TITLE 59, CHAPTER 12, PART 7,  
COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL,  
RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES.**

**WHEREAS**, in 2006 Cedar City imposed a 1/10<sup>th</sup> of one percent local option sales tax pursuant to the provisions of Utah Code Annotated, Title 59, Chapter 12, Part 14; and

**WHEREAS**, this local option sales tax became known as the Recreation, Arts, and Parks Tax, or RAP tax for short; and

**WHEREAS**, over the past eight (8) years the RAP tax has generated over two million dollars (\$2,000,000.00) that have been spent to construct recreational facilities in Cedar City and support arts groups such as the Utah Shakespeare Festival, the Orchestra of Southern Utah, Cedar City Music Arts, and many others; and

**WHEREAS**, the ability of Cedar City to support recreation, arts, and parks is a benefit to the Citizens of Iron County; and

**WHEREAS**, the original authority under which Cedar City passed the RAP tax only allowed the tax to be imposed for eight (8) years; and

**WHEREAS**, Cedar City intends to submit the opinion question to the residents of Cedar City on the November 5, 2013, municipal election ballot to renew the RAP tax for an additional ten (10) years; and

**WHEREAS**, pursuant to the provisions of Utah Code Annotated Title 59, Chapter 12, Section 1402(6), prior to submitting the issue on the ballot a municipality must inform the county in which the municipality is located of the municipality's intent to place the issue on the ballot. Also, the municipality must receive from the County a written resolution passed by the county legislative body stating that the county legislative body is not seeking to impose a tax under Utah Code Annotated Title 59, Chapter 12, Part 7, county option funding for botanical, cultural, recreational, and zoological organizations or facilities.

**NOW THEREFORE BE IT RESOLVED** by Iron County, State of Utah, that Iron County formally notifies Cedar City that Iron County is not seeking to impose a tax under the provisions of Utah Code Annotated, Title 59, Chapter 12, Part 7, County option funding for botanical, cultural, recreational, and zoological organizations or facilities.

Dated this 22<sup>nd</sup> day of July, 2013.

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Alma L. Adams  
Commission Chair

[SEAL]

ATTEST:

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David I. Yardley  
Iron County Clerk

Voting:

Alma L. Adams        Aye  

Dale M. Brinkerhoff   Aye  

David J. Miller        Aye  

**COUNTY SEAT PROGRAM UPDATE :**

Chad Booth, reported on topics covered on the County Seat TV program. Some suggestions for future programs included water issues, fire prevention to avoid large and devastating wild fires, power generation including wind solar and geothermal production. Also the construction of large transmission lines to wheel the generated power from Wyoming to California.

Chad also displayed a “Telly Award” received by the program for the excellence in covering local issues, especially in rural areas.

**CONDITIONAL USE PERMIT NOTIFICATION FOR RESORT LODGE :**

Reed Erickson presented a notification of a proposed conditional use permit for a resort lodge to be located at 3542 S Bumblebee Road, west of Cedar City and requested by Dawn Prendes, property owner. It will be operated as Henry’s Place and will be a 501 C (3) non profit corporation. The plan is to operate the area as a youth summer camp area with a permanent caretaker living on the property. The matter will be presented to the Planning Commission for their approval on August 1.

**PRAIRIE DOG PERMANENT TAKE REQUEST :**

A prairie dog permanent take request for Lot 39 Mountain Shadows Subdivision Phase III requested by Alex Meisner Construction LLC which was tabled earlier for better counts was recalled for action. The request is for four dogs on 0.25 acres. David Miller made a motion to approve the take as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request to amend the County vehicle operation policy, section 30 to bring it into compliance with State Code by eliminating the section referring to the carrying of fire arms in County vehicles. It was also noted that the numbering format was amended to comply with other Code sections by changing the numbering from alphabetical to numeric with roman numeral numbering of sections. David Miller made a motion to amend Section 30 of the Iron County Personnel Policy as presented and to approve formatting changes as recommended and that the amended policy be distributed to all County Departments. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Council on Aging for approval to hire Ruby Barton as a part-time Out Reach Worker to replace Kortnie Carter. Dale Brinkerhoff made a motion to approve hiring Ruby Barton as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request from the Sheriff Department/EMS Division to approve the promotion of Jared Gardner and Nathan Jessop to Advanced EMT. The certification is required for compliance with State of Utah Advanced Life Support (ALS) EMS licensure for the Iron County Ambulance Service with a retroactive approval date of January 6, 2013. Dale Brinkerhoff made a motion to approve the requested action. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RAP TRAINING** :

Leslie Bishop explained that Departments are continuing to receive sexual harassment and hostile work environment training. There are continuing concerns that there are opportunities to improve work conditions to avoid problems and to make the work place safe for all employees.

**PRAIRIE DOG MATTERS** :

A request to approve an extension to September 24, 2013 of the development period for new construction at the Cedar City sewer facility was approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PER DIEM REIMBURSEMENT RATES** :

Leslie Bishop presented a proposal to adjust per diem meal rates and reimbursement for staying with a relative while on County business. It was suggested that meal rates be adjusted to Breakfast, \$8.00; Lunch, \$10.00 and Dinner, \$18.00. It was also suggested that an allowance of \$25.00 per night be given to employees that choose to stay with a relative instead of a hotel while on County business. Dale Brinkerhoff made a motion to approve the higher per diem rates and to request a formal policy be drafted and presented at the next Commission meeting for approval. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 11:30 a.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**August 12, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 12, 2013  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
Troy Little	Deputy County Attorney
Cynthia K. Robinson	Deputy County Clerk

Also Present:

Geri Norwood	County Treasurer
Cindy Bulloch	County Assessor
Mark Gower	County Sheriff
Margaret Miller	Justice Court Judge
Scott Garrett	County Attorney
Eugene Adams	County Auditor
Brad Spencer	Correctional Facility Lieutenant
Stephanie Furnival	Children's Justice Center Director

**SYNOPSIS** :

ADJOURN .....	5
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BOILER REPLACEMENT IN THE IRON COUNTY COURTHOUSE .....	4
CONSOLIDATED DISPATCH SERVICES AGREEMENT .....	4
FIVE COUNTY ASSOCIATION OF GOVERNMENTS .....	4
HUMAN RESOURCE SUPERVISOR SALARY ADJUSTMENT DISCUSSION .....	5
PERSONNEL MATTERS .....	5
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG PERMANENT TAKE APPROVAL .....	4
REPORTS .....	1
TAX MATTER - REPORT ON STEVE BROWN TAX DEFERRAL .....	4
YOUTH CENTER FUNDING BY LOCAL GOVERNMENTS .....	3

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES July 22, 2013** :

Minutes of the Iron County Commission meeting held July 22, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Stephanie Furnival** reported that the summer months are usually the quiet time at the center, but this summer the CJC has remained busy. Funding from the State is on a fiscal year

beginning July 1, 2013 through June 30, 2014. The Center will receive increased funding this fiscal year due to an increase in cases from last year. Stephanie reported she was able to write a grant to replace the sidewalk and driveway at the Center.

The turnout with this years fun run fund raiser increased. Their were approximately 150 people that came out for the run/walk. The event started and ended at the Center and they held an open house in conjunction with the run. Due to the fund raiser, an LDS Ward in Cedar, and SUU Leadership Conference, the CJC has been able to stock their shelves with much needed supplies.

**Scott Garrett** reported that the Attorney's budget through the end of June was at 48.5% of anticipated expenditures. Prosecution costs are increasing across the board. The County Attorney's office has tried nine jury cases so far this year. Jury trials are above the average in Iron County compared to other Counties our size.

Scott Garrett introduced the new Deputy Attorney II, Candace Reid. Candace comes from Emery County then moved to Cedar and graduated from Cedar High School. She went to law school at Phoenix University. Candace worked with Washington County for a time before coming to Iron County. She will be handling the Justice Court Cases and Class A Misdemeanors.

**Mark Gower** reported on the Sheriff's Department budget. He is currently over budget due to equipment purchases made at the first of the year. He also reported that the Mobile Command Center is now equipped and ready for use. The Sheriff's office recently used the command center for the Tour of Utah and it was well received by the public. They will take the unit to the County Fair for people to view.

The Sheriff reported on the departments under his jurisdiction. The Investigations Division carry approximately twelve open cases each. The Patrol Division continues to work hard providing law enforcement services to the County. The Sheriff's Department has one deputy in field training who will start the academy in September and graduate from the Law Enforcement block in December of 2013. Currently a part-time secretary position is open due to Shelly Thurgood leaving the county to start a new career in Washington DC as an intern for Representative Chris Stewart. One Deputy is on extended sick leave due to knee surgery. The department is working to improve Tactical Training. They will also work on lowering overtime costs as well as fuel costs. The department has noticed an increase in summer events that draw tourist and competitors to Iron County.

The Drug Task Force has not located any large scale marijuana grows in Iron County this year. The VIPS program is continuing to be a huge success their help with the Tour of Utah this month was appreciated. The Emergency Medical Services Division continue to work on command structure within the ambulance staff.

**Judge Margaret Miller** reported they have a great number of jury trials scheduled and a significant number of bench trails set that will require witnesses to be subpoenaed which will require witness fees to be paid. Currently they are scheduling trials into October and November.

They are scheduling status hearings prior to a trial setting to hopefully settle some cases prior to trial to prevent some of the witness fees. Traffic cases filed this year are up compared to 2012, criminal misdemeanor and infraction cases for the same time period have gone down, and small claims filings have increased this year.

The court received a grant from the Technology, Security and Training Account through the State Court Administrator's office for the purpose of purchasing a 47" TV, stand, and a DVD player. The grant amount was \$973.00 and the county's cost was \$27.00. E-filing has started officially as of July 2013. Some kinks still need to be worked out with the agencies on submitting their tickets through e-file. Joanna Lambeth and Virginia Douglas will attend a BCI training as well as an advanced auditing training. Three clerks will also be attending the fall Clerk Conference.

**Brad Spencer** reported on the Correction Facility budget. Overtime is in excess of the budget due to five staffing vacancies at the beginning of the year. Training budget is also over budget due to sending four new deputies to the academy. The facility is changing from purchasing prepared food and will now start cooking from scratch which will save the County approximately \$30,000.00 a year. Two Deputies have returned from POST and are completing their field training. One person is currently attending POST and another will start in September. They have one Deputy Position that is still vacant and is not being filled at this time. The facility is in the process of hiring a full-time secretary and a part-time EMT.

The video recording system installation in the housing units which was started at the beginning of the year is now nearing completion. The facility will be receiving bids for the re-sealing of the parking lots. The inmate Telephone and Video Visitation System is being installed by a private contractor at no cost to the County. The County will receive a commission rate of 65% compared to the commission they now receive at 25%. The Correction Facility personnel would like to thank the Commission for the additional office space they have acquired due to AP&P moving to another facility.

**Commissioner Adams** reported on the CIB Grant funding for the Shakespeare Theater. The County received approval of a loan at 1.5% interest to be funded from the Restaurant Tax and the Transient Room Tax.

#### **YOUTH CENTER FUNDING BY LOCAL GOVERNMENTS :**

Representing the Iron County Youth center, Jill McKinley, Program Administrator II, also in attendance was Robert Jones Iron County Youth Services Supervisor, Cedar City Police Chief Allison, and Iron County Sheriff Mark Gower.

Jill McKinley reported on Senate Bill 218 sponsored by Daniel Thatcher and the impact it has on funding for our rural local Receiving Center, Iron County Youth Center, as well as the help it provides for local families, youth and law enforcement. The Center serves youth ten to seventeen years old from Beaver, Iron, and some of Washington County. The youth center serves as an emergency care/crisis drop off point and intake service for youth who do not meet admission guidelines for detention.

Cedar City and Blanding City were allotted \$750,000.00 to split between the two centers for operating costs. Due to cut in funds the Cedar Center has lost a full time employee and must close Sunday morning at 6:00 a.m. until Monday at 6:00 a.m. Any youth that are in the facility during these hours must be transported by a police agency to the Washington County facility and then picked up again on Monday morning and brought back to Cedar City.

Ms. McKinley is in the process of contacting Cities within the service area and to the School Board as well as Counties served to explain the position this bill's lack of funding is causing the rural communities. The Commission thanked Ms McKinley for bringing this to their attention and may consider this as a budget item for the year 2014.

**CONSOLIDATED DISPATCH SERVICES AGREEMENT :**

A motion was made by Dale Brinkerhoff to table the Cooperative Agreement for Consolidated Dispatch Service until the next Commission Meeting to give the Commission more time to study the agreement and request Linda Petty, Dispatch Director to attend. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG PERMANENT TAKE APPROVAL :**

A request for permanent take of four prairie dogs on Lot 15, Equestrian Pointe Subdivision Phase II was presented for action. David Miller made a motion to approve the take of four prairie dogs on Lot 15, Equestrian Pointe Subdivision Phase II. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye

**TAX MATTER - REPORT ON STEVE BROWN TAX DEFERRAL :**

Geri Norwood, Iron County Treasurer reported she has received payments from Steve Brown on his tax deferral property. He is now current with the payment's for the months of May, June, and July. Geri has also received two hundred dollars toward the August payment which becomes delinquent August 31.

**FIVE COUNTY ASSOCIATION OF GOVERNMENTS :**

Contract amendments for the Senior Citizen 2013/2014 fiscal year for aging and nutrition services provided through the Five County AOG along with a cash match report and a contract to provide services funded through the Five County AOG were presented for approval. Dale Brinkerhoff made a motion to table the signing of the Five County AOG Contract Amendment with Iron County until such time as Connie Lloyd, Senior Citizen Director could be present to explain the contracts. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

After a lunch break and time for Connie Lloyd to attend and explain the contracts, Dale Brinkerhoff made a motion to approve the FY 2013 Contract Amendments for Aging and Nutrition Services, also accept the Cash Match Report and to Approve the FY 2014 Contract as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOILER REPLACEMENT IN THE IRON COUNTY COURTHOUSE :**

A proposal to provide design of replacement boilers in the Courthouse was tabled to

allow County Clerk David Yardley to be present as he has worked closely with heating issues in the Courthouse for several years.

**PERSONNEL MATTERS** :

Leslie Bishop presented a proposed amendment to the County Personnel Policy to change per diem reimbursement for out of County travel as discussed in a previous Commission meeting. The proposed reimbursement rate would be increased to \$8.00 for breakfast; \$10.00 for lunch; and \$18.00 for dinner. When an employee opts to stay with family while away it was recommended that a reimbursement of \$25.00 be made instead of paying for a hotel room. After discussing the proposal, Dale Brinkerhoff made a motion to approve the increase of per diem rates as follows: \$8.00 for breakfast, \$10.00 for lunch, and \$18.00 for dinner. Also to approve lodging as follows: Overnight travel: If traveler stays with friends or relatives rather than hotel/motel or uses a personal camper or travel trailer, the traveler will be reimbursed at the rate of \$20 per day without receipts or up to \$30 per day with receipts for campers or travel trailer parking. To be eligible for reimbursement the traveler must stay within a 30 mile radius from the event /training they attend. Second by Dave Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request to approve Candace Reid as a Deputy County Attorney II was presented by Scott Garrett. David Miller made a motion to hire Candace Reid as a Deputy Attorney II starting date of August 5, 2013 to replace Ann Marie Allen. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye. Candace Reid was then sworn in as a Deputy Attorney II by Cindy Robinson, Chief Deputy Clerk.

**HUMAN RESOURCE SUPERVISOR SALARY ADJUSTMENT DISCUSSION** :

The Commission discussed an increase in the Human Resource Supervisor, Leslie Bishop. Because of the extra hours of work and since Ms. Bishop is an exempt employee she does not qualify for over time pay. Cindy Bulloch Iron County Assessor commented about how Ms. Bishop is able to look keep the County interest as her primary focus and at the same time is also concerned about the best interest of employees.

David Miller made a motion to increase the Human Resource Director salary \$500.00 per month or \$6,000.00 per year effective September 1, 2013. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ADJOURN** :

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

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**August 26, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 26, 2013  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resource Director
Eugene Adams	County Auditor

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES August 12, 2013**

Minutes of the Iron County Commission meeting held August 12, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS**

**Alma Adams** recognized that County Treasurer Geri Norwood's mother, Claralice J. Stubbs, passed away and they were holding a service for her today at the Parowan Cemetery.

**David Yardley** reported that the municipal primary election went well. The average turnout in Cedar City was 21.79%; Enoch was 22.55%; and Parowan was 26.53%. Paragonah, Brian Head, and Kanarraville did not have primaries. The Clerk's office is now preparing for the November municipal general election.

**Leslie Bishop** reported on the Human Resource Department. She said that the Department is within budget for this time of year. She also reported that Workers Comp Fund of Utah has recognized Iron County as one of twelve out of 20,000 employees for excellence in safety.

**David Miller** reported on a catastrophic fire prevention program that is being tested. Brian Head has been selected as a target area due to the high amounts of dead fuel from the spruce beetle killed trees in the area.

**Dale Brinkerhoff** reported that a meeting has been scheduled in Salt Lake City on August 29 to discuss jail expansion. Commissioner Brinkerhoff and Sheriff Gower will plan on attending.

**COOPERATIVE DISPATCH SERVICE AGREEMENT** :

Linda Petty met with the Commission to request county approval of cooperative agreement providing for consolidated dispatch service in Iron County. Iron County commitment will be for an additional \$2,849.00 for the fiscal year 2013/14. \$185,000 of operating expenses will be funded from 911 funds which are dedicated to operating the 911 system. Other participating entities will need to approve the agreement whereupon a completed signed agreement will be returned to the County for their records. David Miller made a motion to approve the agreement as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BUDGET REVIEW YEAR TO DATE** :

Gene Adams presented a budget of revenue and expenditures for the year to date. He compared budgets between 2012 and 2013 which show that the budgets are running comparable. Four Departments have budgets above expectations; the Sheriff is over at 55%; non departmental budget is over at 81%; Information Technology is over at 52% which can be accounted to licenses coming due early in the year; public defender budget is over due to increased appeals for criminal cases; and the Commission budget is slightly over at 50.2%

The Commission noted that the interlocal library agreement for collection of library tax has not been completed and signed. They requested that this matter be placed on the October 14 Commission agenda for final action.

**NOTIFICATION OF CONDITIONAL USE PERMITS** :

Chad Nay reported to the Commission that there are two conditional use permit applications scheduled for a public hearing at the Planning Commission meeting on September 5. The applications were:

A. An outdoor recreation request for a shooting range to be located within the West ½ Section 25, Township 34 South, Range 14 West, SLM. Property owner is Brown Dirt, Inc with the request being submitted by Jason Hanson. and;

B. An agricultural product and storage facility to be located on a parcel described as follows: Beginning at a point South 82°46'40" East 264.48 Feet from the northwest corner of section 20, Township 36 South, Range 15 West, SLM. Property owner listed as Speranto Real Estate, LLC. and the request is being submitted by David Uri LeBaron.

The Commission was requested to review the proposed conditions and to submit any comments or proposed changes to be considered to the Planning Commission.

**PRAIRIE DOG PERMANENT TAKE REQUESTS** :

Jessica Van Woert presented two prairie dog take requests as follows: A. For two Utah

Prairie dogs and 0.24 acres of habitat located in the Mountain Shadows Subdivision, Phase III, Lot 21, requested by Son Builders, Inc, Brian Peterson, President. and; B. For 1 Utah prairie dogs and 0.24 acres of habitat located in the Mountain Shadows Subdivision, Phase III, Lot 22, requested by Son Builders, Inc, Brian Peterson, President. David Miller made a motion to approve the take of two prairie dogs on lot 21 and one prairie dog on lot 22 of Mountain Shadows Subdivision, Phase III as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Assessor's office to change the status of Carolyn Felker from Full Time to Part Time and Tara Marsh from Part Time to Full Time in the Assessor/Department of Motor Vehicles, Cedar City Office. Dale Brinkerhoff made a motion to approve the changes as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request for approval of a revised job description for clerical Deputy Assessor/Appraiser Assistant to require a valid Utah driver license since the job entails driving while doing appraisal work. Dale Brinkerhoff made a motion to approve the changes as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Sheriff's office, Emergency Service Division to approve the promotion of Dan Robinson from EMT to Paramedic with an effective date August 16, 2013. Dale Brinkerhoff made a motion to approve the promotion as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The Sheriff's office, Emergence Service Division has also requested Approval of an open continuous recruitment process for on-call positions noting the need to continually recruit for open positions as people move in and out of the program. Dale Brinkerhoff made a motion to approve the open roster system for EMT on call recruitment. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RAP TRAINING** :

Leslie Bishop presented RAP training on two major injury concerns, slip, trip, and fall which can occur when rugs, runners, cords etc are not properly secured. The second concern is with material handling by improper lifting. She cautioned that the concerns need to be observed both while on duty and while off duty.

**APPROVAL OF DESIGN AGREEMENT FOR BOILER REPLACEMENT** :

Rick Robinson, Robinson Engineering, met with the Commission to discuss a proposal to design changes in the heating system in the Courthouse to accommodate replacement of the current boiler with redundant boilers. It was determined that the design would be around RayPac boilers with an 84% efficiency rating.

The proposed engineering agreement contained a paragraph regarding liability transfer from the Engineering firm to the County which was unacceptable. Mr. Robinson agreed to re write the agreement leaving out that paragraph.

Dale Brinkerhoff made a motion to approve the agreement with the deleted paragraph and to authorize Mr. Robinson to begin on the design plans. The County will purchase the boilers to be installed by the mechanical contractors. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE (PCORI) :**

Leslie Bishop explained the Patient-Centered Outcomes Research Institute (PCORI) established through the affordable health care act (Obamacare) which assesses a fee for Health Reimbursement Account participants under the County health care plan. A \$17.00 fee per employee who is covered by a health reimbursement plan has been established and assessed to cover the first year of operation of PCORI. The fee may increase in future years and may be expanded to include additional employees.

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

The meeting was adjourned at 121:25 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
September 9, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 9, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Maria Twitchell	Tourism/Outdoor Recreation Director
Marie Brooks	Emergency Management Director
Jared Wilson	Information Technology
Jody Edwards	Emergency Service Director
Brennan Wood	Economic Development Director

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES August 26, 2013** :

Minutes of the Iron County Commission meeting held August 26, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Maria Twitchell** reported that the Transient Room Tax is up over previous years. So far it is the best year on record. She reported that the Tour of Utah was broadcast 152 million households world wide and that the Tour of Utah had approximately 12,000 people in attendance at the finish line. The race was very well supported and sponsors have said they would like to return again for a leg of the race.

The large mine shovel and rail road caboose display at Frontier Homestead State Park

was dedicated on September 7. The event was well attended and honored former Commissioner Dan Webster.

Maria reported that the water tanks at Wood Ranch have been installed however there are some details that need to be finished before the system is approved as a culinary water system. She also reported that the parks have experienced an increase in vandalism especially of signs at Three Peaks and near the shooting range. Signs are being repaired by the Road Department.

**Marie Brooks** reported on planning grants received by the Emergency Management Department and on training being performed. The Paiute tribe is hosting CERT training to be restarted in the fall. It will be conducted at the tribal building. Emergency Management is gearing up for an airport exercise within the next few days. This will be a “no notice” exercise.

**Jared Wilson** reported that the IT Department is concerned with overtime expenditures due to the computer crash the County experienced and with the upgrade of Sheriff/Jail software. The IT Department also developed a program for the Iron County Fair to log in exhibits and track premium money due to exhibitors.

**Jody Edwards** reported that the Ambulance Department is experiencing concerns with scheduling shifts due to hour restrictions imposed by the affordable health care act (Obamacare) which limits part time employees to not more than twenty five hours per week. The Ambulance Department is also looking at ways to reduce costs. Transport to out of county facilities from Valley View Medical Center is also being looked at to determine if it is cost effective to transport since Medicare patients are reimbursed as a significantly lower rate.

**Brennan Wood** reported that GAF is now hiring key people as the plant is gearing up for production. Most of the new hires are coming from the local work force. MSC Inc. has hired an additional thirty employees this year as they prepare to begin construction of additional facilities. Solar generating companies are showing renewed interest in the County with one company securing a sales agreement with Rocky Mountain Power.

**PUBLIC HEARING BUDGET ADJUSTMENT :**

David Miller made a motion to open a public hearing to receive comments relating to a proposed amendment to the 2013 County budget. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Gene Adams, Iron County Auditor, explained proposed changes in the current year budget including a change to reflect an agreement with Cedar City regarding the distribution of Library tax funds. The Fair budget also was adjusted to reflect the building addition approved to enclose the open area between the main building and the storage area. Other items where adjustments were proposed included the municipal service fund and the general fund.

The Commission requested additional comments of which none were given. Whereupon Dale Brinkerhoff made a motion to close the public hearing. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RESOLUTION 2013-10 APPROVAL OF BUDGET ADJUSTMENT :**

After closing the Public Hearing, Dale Brinkerhoff made a motion to adopt Resolution

2013-10 amending the 2013 County budget. Second by David Miller.

**RESOLUTION 2013-10**

**A RESOLUTION OF THE IRON COUNTY COMMISSION APPROVING AN AMENDMENT TO THE 2013 IRON COUNTY BUDGET**

**WHEREAS**, the Iron County Commission has approved expenditures which were not included in the budget adopted December 17, 2012; and

**WHEREAS**, Iron County has received funds from sources including grants which were not anticipated in the original 2013 budget; now therefore

**BE IT RESOLVED** that the 2013 budget of Iron County hereby amended the following funds by the amount indicated:

	2013 Approved Budget	Proposed Amendment	Increase
General Fund	\$14,404,992	\$14,583,536	\$178,544
Municipal Service Fund	\$ 5,532,446	\$ 5,624,282	\$ 91,836
Library	\$ 292,624	\$ 295,019	\$ 2,395
Fair	\$ 160,020	\$ 175,820	\$ 15,800
<b>Total Change</b>			<b><u>\$288,575</u></b>

**BY ORDER OF** the Board of Iron County Commissioners this 9<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Signed: Alma L. Adams, Chair

Attest: \_\_\_\_\_

David I. Yardley, Clerk

Voting:

Alma L. Adams      Aye

Dale M. Brinkerhoff      Aye

David J. Miller      Aye

**INDEPENDENT AUDIT REPORT FOR 2012 :**

Mike Spilker, Hinton, Burdick, PLLC presented the results of the independent audit report for the year ending December 31, 2012. A copy of the report was presented to the

Commissioners and a copy was filed in the County Clerk's office. The report indicated that the County was in compliance with audit standards and no items of concern were noted. In summary he stated that the County spent less than anticipated and took in more than anticipated leaving the County in sound financial condition.

Dale Brinkerhoff made a motion to approve and accept the audit report for 2012. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS** :

Jane Shaffer, representing the Human Resource Department presented for approval the following items: Sheriff/Corrections Office/EMS Ambulance, 1. Requested approval to hire Charla Pearson as a Part-time secretary in the Sheriff's Office effective August 23, 2013 to replace Shelly Thurgood who resigned. 2. Requested approval to hire Gary Blake Overson, as an Advanced EMT, EMS, Ambulance, effective April 25, 2013, in an on call position. 3. Request promotion approval for Corporal. Monty Fielding to be promoted to Correction Sergeant effective September 1, 2013. 4. Request approval of the promotion of Deputy Stacy Mitchell to Correction Corporal effective September 1, 2013. 5. Request approval of the promotion of Rosemary Brinkerhoff from Advanced EMT to Paramedic effective September 1, 2013 as an on-call position. 6. Requested approval of the promotion of Daniel Abbott, from Advanced EMT to Paramedic effective September 1, 2013 as an on-call position.

Dale Brinkerhoff made a motion to approve the personnel changes in the Sheriff's office as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Jane Shaffer also presented a request from the Council On Aging to approve the hiring of Ashlee Moffitt, as kitchen help in Parowan effective September 3, 2013. David Miller made a motion to approve the hiring of Ashlee Moffitt as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request to hire as an independent contractor Shane Esplin, as a HVAC technician for facilities maintenance with an effective date of September 9, 2013 was approved on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG MATTERS** :

The Commission noted that a notice regarding a prairie dog HCP has been published in the Federal Register and the comment period has begun. The public comment period ends October 4, 2013. The proposal would allow Counties to manage the recovery efforts of prairie dogs within their jurisdiction.

David Miller also discussed a fence around the Cedar City golf course to help in the removal and management of prairie dogs. Estimated costs are significantly less than what was required at the Parowan airport.

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

The meeting was adjourned at 11:30 a.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

\_\_\_\_\_  
Signed: Alma L. Adams, Chairman

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

**IRON COUNTY COMMISSION MEETING  
September 23, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 23, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. 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
Bruce Anderson	Landfill Supervisor

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of sympathy by Bruce Anderson.

**APPROVAL OF MINUTES September 9, 2013** :

Minutes of the Iron County Commission meeting held September 9, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

\_\_\_\_\_ **Alma Adams** noted the passing of Maureen Casper, an aid to Senator Orrin Hatch, that

was the liaison in Southern Utah. He expressed sympathy from the elected officials and employees of Iron County.

**Chad Nay** reported that building permits have increased this year and construction appears to be rebounding from the recession which is putting a strain on the Building Department to keep up with required inspections. Chad also discussed adding an additional staff person as custodian at the Visitor Center to maintain the two buildings.

Chad reported that the Central Iron County Water Conservancy District is working on a draft wellhead protection agreement near wells on 4000 North and 4500 North in Cedar valley.

**Steve Platt** reported that reservoirs in Iron County have been inspected by Utah Dam Inspectors and found to be in compliance with safety standards. Steve also reviewed items on the Engineer's to do list.

**Neil Forsyth** reported that 200 South in Parowan from 2200 West to 4800 West has been chip sealed. This has been an ongoing project over several years to get the road to grade and ready to surface. The road department is working on the Comstock road to prepare it for chip seal during the 2014 summer season.

**Bruce Anderson** reported that water sampling has been completed at the landfill and State inspectors have been at the facilities. There were no violations cited during the inspection. Bruce reported that scrap metal prices have increased and the scrap metal will be sold and recycled at the higher prices. Budget concerns with fuel price increases are an ongoing problem in the collection side. This budget may need to be adjusted at the end of the year and next years budget will show increases.

**David Miller** reported on a town hall meeting held to discuss the transfer of public lands from Federal to State control. Studies have shown that the States can manage the lands significantly more efficiently than the Federal Government and it would add additional funds into State funds.

**Dale Brinkerhoff** reported that a hot water heating line had broken at the Jail. It is in the process of being replaced and repairs should be completed this week.

**Alma Adams** reported that HR 1526 which provides for sustainable use of forests has passed congress and is ready to be implemented upon the Presidents signature.

**CONDITIONAL USE PERMIT FOR A HELIPORT :**

Chad Nay reported that a proposed conditional use permit for a helicopter flight instruction school proposed to be located at 553 N Iron Springs Road in a light industrial zone is scheduled to be heard by the Planning Commission on October 3. The school operated by Upper Limit Aviation plan to enroll up to three hundred students per year. Hours of operation would be between 6:00 a.m. and 9:00 p.m. Monday through Saturday. The operation would have approximately thirty full time employees.

The Commission expressed concerns with the noise and proximity to existing home which are located within a few hundred feet of the proposed operation. Chad said that he would set up a meeting prior to the Planning Commission meeting to see the impacts of the take off and landing noise levels near the heliport.

**KANARRAVILLE TV PROJECT** :

Dennis Johnson met with the Commission to seek approval of a part time labor contract to complete installation of the TV tower at Kanarraville. He explained the need for a tower technician that has experience with tower construction. Dale Brinkerhoff made a motion to approve contracting at an hourly rate for a tower construction laborer to help complete the tower project as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**SCENIC BYWAY REPORT ON UTAH'S PATCHWORK PARKWAY** :

Nancy Dalton and Dutch Deutschlander met with the Commission to report on activity on the Scenic Byway Patchwork Parkway between Parowan, Cedar Breaks and Panguitch, State Route 143. Three information kiosks have been erected and three entrance signs installed this year. Brian Head is completing their signing project and the Paiute tribe has been contacted to receive their input on Significant Native American historical sites.

The patchwork parkway project is requesting \$4,000 in funding from Iron County for the 2014 year to help in completing interpretive signing projects. David Miller made a motion to refer their request to the TRT Board and the Restaurant Tax Board for funding consideration. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOE MATTER GATEWAY PREPARATORY ACADEMY TAX EXEMPTION** :

Commissioner Miller stated he has a conflict of interest on this matter as he has been a Board Member for Gateway Preparatory Academy.

Dale Brinkerhoff made a motion to convene as a Board of Equalization to review a tax exemption request. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Abstain.

Christene Lowder presented a request from Gateway Preparatory Academy to include the 400 square feet previously taxed space and change it to a tax exempt status effective June 1, 2013. She explained that the space was previously rented to a for profit pre school. The lease was terminated as of June 1, 2013 and the facility qualifies for tax exemption. Dale Brinkerhoff made a motion to approve the tax exemption as requested. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Abstained.

**EMERGENCY OPERATING PLAN APPROVAL** :

Marie Brooks presented a request for approval of the basic plan portion of the emergency operations center plan. She explained that there were details to add in the future but the EOC could operate with the basic plan. After reviewing the plan, David Miller made a motion to adopt the basic plan as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REQUEST FOR LEPC PLANNING COMMITTEE** :

Marie Brooks presented a request to establish an Iron County Local Emergency Planning Board. She explained that she was unfamiliar with the process and the process to establish the Board needs more work before it is finished.

David Miller made a motion to table action on establish the requested Board to allow time to draft guidelines, terms of office, method of appointment etc. and to establish the Board by Ordinance. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**DOMESTIC VIOLENCE AWARENESS MONTH** :

Georgia Beth Thompson made a update and brief presentation to spread the word on the plans for domestic violence awareness month, October 2013 with a calendar of events. The Commissioners were invited to attend all of their events. Bailey Bruce, working with the mobile crisis team reported on the number of women and children served by their group during the past year.

The Women's Crisis center has a capacity to shelter 28 people and is near capacity all of the time. It has recorded over 3,000 volunteer hours served during the past year. Victims may stay up to three months and the facility is available to people from Beaver and Garfield Counties as well as Iron County.

Marilyn Sexton from the Sego Lily Foundation explained special problems experienced by deaf or hard of hearing victims. Some have had hearing aids broken, hands broken and TTY devices destroyed to prevent reporting abuse. The foundation is working with law enforcement to make them aware of these possible problems in domestic situations.

**CML METALS OPEN HOUSE FOR NEW MILL** :

David W. "Dude" Benson presented an invitation to Commissioners, Elected Officials, and Department Heads, to attend the state of the art mill and mine West of Cedar City and see the incredible things they are doing in Iron County. An open house will be arranged at a time convenient to the Commission. Dude explained that the new mill is now in production and the mine is processing 1.5 million tons of finished product for export annually.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Sheriff's office to request approval of a full time Bailiff position. She explained that the pool of part time Bailiff's has dried up and because of restrictions on retirement benefits former category I peace officers are unavailable for the positions. Dale Brinkerhoff made a motion to approve the full time position to fulfill Bailiff contract requirements with a note that the ability to hire part time Bailiffs is restricted because of the Utah Retirement System and the restrictions of the affordable health care act. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve the transfer of Doug Seirup to a full time Bailiff to fill the new position. Dale Brinkerhoff made a motion to approve the transfer of Doug Seirup to a full time Bailiff position. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie then presented a request to approve the transfer of Kellen Hudson from full time Corrections Deputy to full time Patrol Deputy to replace Doug Seirup. Dale Brinkerhoff made a motion to approve the transfer of Kellen Hudson as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request to approve the promotion of Ronald Skeem to Deputy II. Effective September 15, 2013. Dale Brinkerhoff made a motion to approve the promotion of Ronald Skeem to Deputy II. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request from the Corrections Department to hire Jo McNatt as a part time medical tech in the jail. She reported however that Ms. McNatt reported to work and stayed one hour and then quit. David Miller made a motion to approve the hiring of Jo McNatt of a period of one hour as a medical technician at the jail. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve the hire of Pierce Robertson and Chad Kolepfer as Full Time Corrections Deputies to replace Kellen Hudson that was moved to Patrol Deputy and Hank Armbruster who has retired. Dale Brinkerhoff made a motion to approve the hiring of Pierce Robertson and Chad Kolepfer as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RAP TRAINING** :

Leslie Bishop presented training on slip trip and fall accidents both in the work place and away from the job. Slips, trips, and 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 workplace fatalities. In 2003, work-related slips, trips, & falls accounted for: 696 fatalities and 257,100 injuries.

**REQUEST TO AMEND COUNTY ORDINANCE 201** :

Michael Fletcher, a resident of Parowan valley came before the Commission to request an amendment to Iron County Ordinance 201 which provides that no excavation can be done on a building until a prairie dog clearance has been obtained. He explained that in his case it could has sped up his building of a farm shed by two to three weeks.

The Commission explained that changes to the land management code, of which this is a portion, are required to be submitted to the Planning Commission for their consideration and recommendation. David Miller made a motion to refer the matter back to the Planning Commission for their action and recommendation. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**DEPARTMENT SUPERVISOR ROUND TABLE** :

Alma Adams introduced and welcomed elected and appointed Department Supervisors to the round table discussion. He thanked each for the efforts they have made in controlling budgets and for their willingness to work together.

David Miller discussed Federal issues including the transfer of Federal lands to State ownership. There are major concerns with forest management and fire control issues on Federal lands.

Steve Platt stated that there is a concern that the emergency operations center (EOC) does not have a backup power supply. This could be a major failing in a full blown emergency. It should be considered in the next budget year.

Leslie Bishop reported that health insurance costs will sustain zero increase for 2014 due to the good history this year. She discussed salary issues being considered as budget issues.

Neil Forsyth explained concerns with the lack of salary increases over the past several years and the effect this is having on morale among County workers.

Jody Edwards reported that November will be one year since major changes in the Ambulance department were made. There is still issues with implementation of Obamacare and the hourly restriction on part time employees.

Maria Twitchell reported that Tourism has experienced great coverage this year. The Tour of Utah was viewed by and estimated 183 million homes world wide and there were approximately 15,000 spectators at the end of the stage in Cedar City.

Bruce Anderson reported that commercial landfill volume has increased over 25% over the previous year. This is an indication that the economy is improving and more building is being started. He also expressed concerns with morale and the ability to retain quality employees if no advancement or pay increases are available.

The group discussed holiday paid leave days during the Christmas holiday week. The Commission approved closing County offices at noon on Christmas eve and to approve two days of paid leave during the holiday. Departments can set schedules to allow employees to take the leave time.

**EMERGENCY SERVICES REQUEST FOR ADDITIONAL FULL TIME PARAMEDIC:**

Jody Edwards submitted a request for an additional full time paramedic however he requested that the request be tabled to allow for further options to utilize part time paramedics to fill time requirements.

**PRAIRIE DOG MATTERS \_\_\_\_\_ :**

By telephone conference call, Tim Robinson with Congressman Stewart's Washington office discussed with the Commission progress in legislation to require counting all of a species within their range toward recovery and de listing as endangered or threatened species.

A second option could be to designate parcels of BLM properties to develop as habitat preserves and acquire the parcels under a RP&P process. This could be up to 6,400 acres and would allow the development of water sources for irrigation to produce the feed for the prairie dogs. He suggested that two or three parcels be located to develop as habitat. He also suggested that annual cost to manage the sites be developed including treatment to control insect vectors that carry diseases to the prairie dogs i.e. dusting of holes.

The Commission will attempt to locate parcels which would be suitable to develop as prairie dog sites.

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

The meeting was adjourned at 3:30 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**October 14, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 14, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Chad Reid	USU Extension Service
Kathy Riggs	USU Extension Service
Stephanie Furnival	Children’s Justice Center
Joyce Evans	Fair Chair

**SYNOPSIS** :

ADJOURN .....	4
APPROVAL OF MINUTES September 23 14, 2013 .....	1
BLM LIVESTOCK GRAZING REDUCTION DUE TO WILD HORSES .....	3
BOARD OF EQUALIZATION .....	3
BOARD OF EQUALIZATION HEARING OFFICER RECOMMENDATIONS .....	3
EMPLOYEE HEALTH INSURANCE RENEWAL PROPOSAL FOR THE YEAR 2014 .....	2
GREATER SAGE GROUSE RESOURCE MANAGEMENT PLAN .....	3
INCREASE IN ADMINISTRATIVE FEE FOR LATE PAYMENTS .....	4
PERSONNEL MATTERS .....	3
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG TAKE .....	2
REPORTS .....	1
TAX ABATEMENT APPROVALS .....	4

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES September 23 14, 2013** :

Minutes of the Iron County Commission meeting held September 23, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Chad Reid** reported that the Extension Service budget is in line with predictions. He pointed out the importance of agriculture in Iron County. The County is home to over 10,000 dairy cows and 42,000 mother pigs. The Heritage Festival will be conducted on October 26 and 27 with a parade of over 1,000 sheep being trailed down Cedar City main street. Last year this event attracted over 12,500 spectators.

**Kathy Riggs** reported on the 4-H mentoring program. Iron County has been selected as one of ten programs nation wide to work with a new mentor program.

**Stephanie Furnival** reported that number of clients served at the Children's Justice Center is consistent with previous years however cases are more complex. The Center serves Iron Garfield and Beaver Counties. The Center has been able to replace sidewalks and driveway with donations and grants which has helped with safety issues at the Center.

**Joyce Evans** reported that numbers were down at the Fair this year, partly due to rain and other weather issues. The new building between the storage and exhibit hall was very helpful.

The Miss Iron County pageant was held last weekend. Six girls competed and the program was a great success. Joyce discussed the timing of the pageant and issues of contest winners leaving the County before their reign is completed. The question of scholarships was discussed and will be studied further in the context of Miss Utah pageant rules.

**David Miller** commented on the handling of an economic emergency declaration regarding the closing of National Parks due to the Federal Government shutdown over budget issues. Utah and some other states stepped up and provided funding to re open the parks which caused severe economic impact of businesses depending on the tourist trade.

**Alma Adams** requested that a letter be drafted to Governor Herbert thanking him for the support of the State in getting National Parks reopened as quickly as possible. He noted the need to have a state wide contingency plan in place to address future shutdowns of National Parks, Monuments, and other Federal facilities.

**EMPLOYEE HEALTH INSURANCE RENEWAL PROPOSAL FOR THE YEAR 2014:**

Doug Peterson with Gallagher Benefit Services met with the County Insurance Committee to present a proposal for employee health insurance for 2014. Select Health has offered the current plan with no increase in cost. Vision and dental coverage will increase and life insurance will be changed and increased.

Mr. Peterson also explained the wellness program which has voluntary participation and can help employees to adopt a healthy lifestyle. After listening to the presentation, David Miller made a motion to accept the proposal as presented for a total cost of \$2,068,728 for calendar year 2014. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG TAKE :**

Jessica Van Woeart presented a prairie dog take request for four lots in the Mountain Shadows Subdivision in Cedar City requested by Jerry Ritzman, Unlimited Construction. Jessica noted that the total take requested was for 22 permanent take prairie dogs. The County has available this year 20.2 permanent take including 1.1 from the SITLA prairie dog bank. The following is a list of the take requested:

- A) Mountain Shadows Subdivision Lot 27 with 4 Utah Prairie Dogs and .23 Acres of Habitat.
- B) Mountain Shadows Subdivision Lot 28 with 5 Utah Prairie Dogs and .23 Acres of Habitat.
- C) Mountain Shadows Subdivision Lot 29 with 7 Utah Prairie Dogs and .23 Acres of Habitat.

D) Mountain Shadows Subdivision Lot 30 with 6 Utah Prairie Dogs and .23 Acres of Habitat.

After discussing the requests David Miller made a motion to approve the requested take to include the 1.1 SITLA dog and 1.8 which will roll over from the 2014 take allotment. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**GREATER SAGE GROUSE RESOURCE MANAGEMENT PLAN :**

A proposal to formally adopt the greater sage grouse resource management plan into the Iron County General Plan was tabled to allow time to publish a notice of public hearing and to receive a formal recommendation from the Planning Commission on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BLM LIVESTOCK GRAZING REDUCTION DUE TO WILD HORSES :**

Matt Wood, a rancher in western Iron County, discussed with the Commission a request from the BLM to reduce livestock permitted by half on several allotments to compensate for the BLM failure to reduce horse populations to sustainable levels. Matt explained that the range was designed to support about twenty horses and in recent counts the population was near two hundred. Because horses are not seasonal residents like livestock they continue to graze and can significantly damage the area due to grazing habits. The BLM refuses to follow their own rules to maintain the horses at a sustainable level.

Mike Worthen pointed out that the BLM is required to coordinate with the County on changes in management strategy through agreements and through requirements of the County general plan. Commissioner Miller made a motion to request Mr. Worthen to draft a letter to the BLM pointing out that they are not following their own standards and request that they come up with a viable solution to remove the excess horses that are located within the County. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS :**

Leslie Bishop presented a request from the Sheriff's Department for approval to hire Joy Meyer as a part time secretary effective October 14, 2013 to backfill a vacant position. Also a request from the Corrections Division to hire Dustin J. Benoit as a part time medical tech in the jail effective October 14, 2013 to backfill a vacant position and to hire Teresa Capobianco as a full time secretary in the corrections office effective October 14, 2013 to backfill a vacant position. Dale Brinkerhoff made a motion to approve the hiring as requested in the Sheriff's Department. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOARD OF EQUALIZATION :**

Dale Brinkerhoff made a motion to convene as the Iron County Board of Equalization to hear tax issues. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**BOARD OF EQUALIZATION HEARING OFFICER RECOMMENDATIONS :**

Carrie Christiansen, Iron County Deputy Auditor, presented recommendations from

Board of Equalization hearing officers regarding proposed value adjustments on parcels that were appealed. There were 870 values appealed this year. The total recommended value adjustment is \$20,675,496.00 for a total tax adjustment of \$85,279.93. After reviewing all of the proposed adjustments, David Miller made a motion to accept the BOE hearing officer recommendations for property value adjustments with the resulting tax shift. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**TAX ABATEMENT APPROVALS** :

Christene Lowder presented for approval applications for low income, homeowners tax credits, blind and veterans abatements for the 2013 tax year submitted as of October 10, 2013. She explained that all of the applicants meet the statutory requirements to be granted the tax abatements. The total number of applicants is 1,029 for total tax relief of \$497,482.13 on a taxable value of \$34,264,643.00. Christene noted that the State will reimburse the County \$137,825.33 for qualifying circuit breaker tax relief. After reviewing the classes of tax relief, Dale Brinkerhoff made a motion to approve the tax abatements as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**INCREASE IN ADMINISTRATIVE FEE FOR LATE PAYMENTS:**

David Yardley reported that after attaching delinquent solid waste bills to the tax accounts for 2013 it became apparent that there is a need to increase late fees on accounts to encourage people to pay on a timely manner. A notice was included in the last billing that explained late fees will be increased to \$5.00 per billing cycle and \$25.00 for accounts that require being attached to taxes. The increase will cover costs for personnel to attach accounts and for internal costs. Cindy Bulloch also noted that personal property delinquent accounts are charged the higher fees for attaching to tax notices when possible.

**ADJOURN** :

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

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**October 28, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 28, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

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

**SYNOPSIS** :

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RAP TRAINING .....	3
REPORTS .....	1
RESOLUTION 2011-5 AMENDMENT PROPOSAL .....	2

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES October 14, 2013** :

Minutes of the Iron County Commission meeting held October 14, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Cindy Bulloch** reported that Board of Equalization decisions have been mailed to taxpayers that challenged the values on parcels. This starts the clock on time to file appeals to the State Tax Commission. Brian Head Resort and Summit at Brian Head have each indicated that they plan to appeal decisions of the BOE.

**Gene Adams** reported that the budget is within projections and there do not appear to be any red flags at this time. He reported that work is proceeding on the 2014 budget with interviews with departments scheduled for the first week in November. Gene discussed concerns with overtime in some departments. It appears that supervisors are approving excess overtime

without approval from department head approval. It was pointed out that any overtime above five hours must be approved by the department head.

**Debbie Johnson** presented a report of document filing activity in the Recorder's office. She pointed out that loan default are down which is a good sign that the economy is turning around and that people are now able to make their home payments.

**Geri Norwood** reported that tax notices were mailed Friday. People should be receiving them in the mail this week. She also reported on the status of tax deferral agreements which have been issued. There are six agreements that are seriously delinquent in their payments. These include Stephen R. Brown; Brian Head A305LLC; FAD Trust; Gateway Holdings; Steven R. Price; and Charlotte Beatty. David Yardley was asked to send a collection letter to each of the delinquent property owners.

**Dale Brinkerhoff** discussed how Departments can provide an additional two days of vacation time during the holiday season for staff. The additional leave may be used between Thanksgiving and January 31. It was also noted that offices are authorized to close at Noon on Christmas eve.

**David Miller** discussed issues with funding of the Shakespeare complex commitment. There needs to be written into the agreement that if the project is sold or control shifted that the County will be reimbursed the entire amount of our bond commitment.

**Alma Adams** reported that the Planning Commission has been requested to consider ways to subdivide mountain properties without going through current subdivision standards and approvals. This will be discussed at the Planning and Zoning meeting on November 7. Some issues to be addressed will be how to determine "mountain property" designation and is this a method to avoid current standards.

#### **PREDATOR CONTROL CONTRACT APPROVAL- FY2014 :**

A predator control agreement between the State and Iron County for FY 2014 was presented for approval. The contract is the same as in past years and provides a method to fund livestock predation reduction within the County. David Miller made a motion to approve the contract as presented. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### **DISCUSSION ON IRON COUNTY COURTHOUSE BOILER :**

Dale Brinkerhoff discussed the progress on plans to replace the aging boiler in the County Courthouse with two new boilers and to add duplex circulation pumps to update the entire system. The plan is to purchase the replacement boilers and pumps from the 2013 budget and to bid out replacement work in the spring of 2014. David Miller made a motion to approve the boiler and pump purchase from the 2013 budget with a projected installation after heating season in the spring of 2014. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### **RESOLUTION 2011-5 AMENDMENT PROPOSAL :**

The Commission reviewed Iron County Resolution 2011-5, establishing a planning and

coordination policy with Federal and State agencies in regard to land management issues. David Miller requested that the language in the resolution be amended to reflect specific code sections that require Federal agencies to coordinate with local leaders on land issues. Action to amend was tabled to allow Mike Worthen to review the proposed changes and submit amendments for approval.

**RAP TRAINING**

Kathleen Luizzi, Risk Management Coordinator with Utah Counties Indemnity Pool (UCIP) met with elected officials and department supervisors to present annual training on the Utah Open and Public Meeting Law. She explained meetings that must be open to the public and noticed on the State Public Notice Website and to a local newspaper with general circulation within the County. She also reviewed when a meeting could be closed and specific reasons for closing a meeting.

**ADJOURN** :

The meeting was adjourned at 11:20 a.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**November 12, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 12, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Margaret Miller	Justice Court Judge
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**SYNOPSIS** :

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PERSONNEL MATTERS .....	12
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PUBLIC HEARING ORDINANCE 2013-5 .....	4
PUBLIC HEARING ORDINANCE 2013-6 .....	2
REPORTS .....	1
RESOLUTION 2013-12 COORDINATION POLICY FEDERAL AND STATE AGENCIE ...	9
RESOLUTION 2013-13 UCIP VOTING REPRESENTATIVE 2013 .....	10

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES October 28, 2013** :

Minutes of the Iron County Commission meeting held October 28, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**David Miller** reported that he has been contacted by Southern Utah University personnel regarding the funding of the Shakespeare theater and art museum projects. A further report will be provided after meeting with SUU officials.

Commissioner Miller also reported that he would like to request a more definitive breakdown of funding allocation from the Municipal Service Fund to verify that the funding stream is appropriate under Utah Code and can be verified by County Departments utilizing the funds.

**Alma Adams** reported that the Special Service District in charge of solid waste collection

is in need of a fee increase of \$0.50 per month per household to cover the increase in fuel and maintenance costs. He noted that the fee has remained at \$7.50 since 1977 while fuel and other supplies have increased in price significantly. A public hearing will be scheduled to allow approval of the fee increase to be included as of January 1, 2014.

**Margaret Miller** presented case load statistics for the Justice Court. She explained concerns with the e-file system that is managed by the State that requires cases to be dismissed if they are not submitted within five days of the incident. Brian Head and the UHP are having difficulty in submitting their files in a timely manner.

**PRAIRIE DOG TAKE REQUESTS** :

David Miller reported that the low impact prairie dog HCP has been approved and is now in effect which should allow for a more orderly development procedure for private property.

Jessica Van Woeart presented take requests from two individuals. Mike Nelson requested take of 2.7 Utah Prairie Dogs and 0.43 acres of habitat on property located at 1918 E Katie Court, Lot 55 Saddleback Subdivision, Enoch and Joseph Atkin requested take of 1 Utah Prairie Dog and 0.5 acres of habitat on property located at 850 N 2350 W, Lot 7, Phase IV of Coal Creek Industrial Subdivision.

David Miller made a motion to approve the take for Mike Nelson of 2.7 dogs on 0.43 acres of habitat and to tentatively approve the take of Joseph Atkin for 1 prairie dog on 0.50 acres of habitat. Mr. Atkin is to contact Connell Gower to determine if this take can be charged to the HCP that covers development of the Coal Creek Industrial Subdivision. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC HEARING ORDINANCE 2013-6** :

Dale Brinkerhoff made a motion to open a public hearing to receive comments regarding a proposed Ordinance Number 2013-6 amending the Iron County General Plan by adopting and modifying the Greater Sage-grouse Resource Management Plan. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Michael Worthen explained the purpose of adding the proposed ordinance amendment to the General Plan to take into consideration any future development within the County in areas where the Greater Sage Grouse nests and reproduces. The plan is to help keep the grouse from being listed as an endangered species by the US Fish and Wildlife Service. Similar plans are being considered by other Counties within Utah and surrounding states.

No additional public comments were received whereupon David Miller made a motion to close the public hearing on Ordinance Number 2013-6. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ORDINANCE 2013-6 GREATER SAGE GROUSE RESOURCE MGT. PLAN:**

Dale Brinkerhoff made a motion to adopt Ordinance 2013-6 as presented and explained. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ORDINANCE NO. 2013 -6**

**AN ORDINANCE OF IRON COUNTY, UTAH, AMENDING THE IRON COUNTY GENERAL PLAN, ADOPTING AND MODIFYING THE COUNTY RESOURCE MANAGEMENT PLAN; SETTING POLICY FOR GREATER SAGE-GROUSE RESOURCE MANAGEMENT IN IRON COUNTY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on April 22, 2013 the Iron County Legislative Body adopted a Resolution to initiate the statutory county general plan amendment process to consider amending the general plan to include the Interim Iron County Greater Sage-Grouse Resource Management Plan into the Iron County General Plan through the prescribed planning process; and

**WHEREAS**, Iron County has the desire to adopt a plan to help eliminate threats to the Greater Sage-grouse and negate the need for the listing of the species under the provisions of the federal Endangered Species Act (ESA); and

**WHEREAS**, the County Commission finds that the adoption of the Greater Sage-grouse Resource Management Plan serves and advances the following public purposes:

- (1) Preserve and enhance the existing natural resources of Iron County that attract people to this community without adversely affecting the surrounding area.
- (2) Establish consistency with the goals and policies of the Resource Management Plan and the General Plan.
- (3) Define reasonable incentive-based programs for private, county, and SITLA lands.
- (4) Encourage reasonable and cooperative regulatory programs on other State and Federally managed lands.
- (5) Balance the economic and social needs of the residents of Iron County through coordinated programs with the State and Federal officials; and

**WHEREAS**, the Iron County Board of Commissioners approved the Iron County Resource Management Plan (ICRMP) in 2009, and amended it into the Iron County General Plan in 2010. The ICRMP provides a basis for county cooperation, coordination, and communication with state and federal land management agencies when developing natural resource plans that impact the county; and

**WHEREAS**, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen's health, safety and welfare, to adopt the Greater Sage-grouse Resource Management Plan; and

**WHEREAS**, on August 1, 2013 the Planning Commission of Iron County held a duly advertised and noticed public hearing on the proposed plan and has carefully and thoroughly reviewed and considered the comments received, and on September 5, 2013 voted to forward the proposed plan 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 County Resource management Plan; and the Iron County General Plan.

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

**SECTION 1.**

The Greater Sage-Grouse Resource Management Plan of the Iron County Code is hereby adopted as Exhibit "A" to this ordinance.

**SECTION 2. Severability.**

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

**SECTION 3. Effective Date.**

This ordinance and adoption of the Greater Sage-Grouse Resource Management Plan shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

**PASSED AND ADOPTED BY THE LEGISLATIVE BODY OF IRON COUNTY, UTAH this 12<sup>th</sup> day of November, 2013.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Alma L. Adams, Chair

ATTEST:

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

VOTING:

Alma L. Adams       Aye    
Dale M. Brinkerhoff   Aye    
David J. Miller       Aye  

**PUBLIC HEARING ORDINANCE 2013-5 :**

Dale Brinkerhoff made a motion open a public hearing on proposed Ordinance Number 2013-5 adopting and Modifying Section 17.16.040 of Title 17, Zoning; modifying minimum lot size requirements in the A-20 zone to include rights-of-way; modifying accessory building setbacks; and, providing an effective date. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Reed Erickson explained that this ordinance is to correct an error in an ordinance adopted in 2008 that left out language and tables of uses specifying lots sizes, rights of way, accessory building setbacks and other minor amendments.

Courtney Brinkerhoff commented that as an intern and attending the Planning meetings where this was discussed, she felt that it was in the best interest of the County to adopt the Ordinance as presented.

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

**ORDINANCE 2013-5 AMENDING ZONING CODE SECTION 17.16.040 :**

**IRON COUNTY  
ORDINANCE NUMBER 2013 -5**

**AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND MODIFYING SECTION 17.16.040 OF TITLE 17, ZONING; MODIFYING MINIMUM LOT SIZE REQUIREMENTS IN THE A-20 ZONES TO INCLUDE RIGHTS-OF-WAY; MODIFYING ACCESSORY BUILDING SETBACKS; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Iron County has the desire to adopt an ordinance to allow real property located in an A-20 zone to include a portion of rights-of-way where the otherwise legal lot of record lacks the minimum size requirement; and

**WHEREAS**, the County Commission finds that the modification to the following Ordinances serves and advances the following public purposes:

- (1) Preserve and enhance the existing natural features of Iron County that attract people to this community without adversely affecting the surrounding area.
- (2) Establish consistency with the goals and policies of the general plan.
- (3) Define reasonable measures for use of real property in a rural setting.
- (4) Increase property values and encourage and promote commercial growth by improving the aesthetic qualities of the local environment by providing for more uses of real property in Iron County; and

**WHEREAS**, the County hereby determines that accessory buildings can be placed closer to property lines than principle buildings in the side and rear yards without compromising the intent of the setbacks for property protection and fire safety; and

**WHEREAS**, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen’s health, safety and welfare, to amend the following ordinances; and

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah 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. Section 17.16.040 (Table of Site Development Standards) of the Iron County Code is hereby amended to read as follows:**

§17-16-040 The table of site development standards accompanies the table of uses set forth in §17-16-030. With the exception of the minimum lot size in an A-20 zone and in accordance with the conditions §17-16-040(3), this table identifies the lot requirements, required setback and yard standards, building height standards, site coverage standards and other requirements for the uses allowed within each zoning district. The values identified in the following table are the minimum standards that apply in the zones indicated. However, more restrictive or additional development standards may also apply, as set forth in other applicable sections of the Iron County Code. A thorough review of the Iron County zoning ordinance is required to ensure that all applicable development standards are identified.

**TABLE OF SITE DEVELOPMENT STANDARDS**

	ZONING DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2 <sup>(2)</sup>	C	LI	I	I-A
Minimum lot width	300 ft.	300 ft.	165 ft.	165 ft.	120 ft.	90 ft.	100 ft.	150 ft.	1,320 ft.
Minimum front yard setback	60 ft.	60 ft.	60 ft.	30 ft.	30 ft.	25 ft.	25 ft.	25 ft.	200 ft. <sup>(1)</sup>
Minimum rear yard	60 ft.	60 ft.	60 ft.	40 ft.	30 ft.	25 ft.	30 ft.	50 ft.	200

setback									ft. <sup>(1)</sup>
Minimum side yard setback	30 ft.	30 ft.	30 ft.	30 ft.	10 ft.	10 ft.	25 ft.	40 ft.	200 ft. <sup>(1)</sup>
Minimum side yard setback (corner lot)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	NR	NR	NR	200 ft. <sup>(1)</sup>
Minimum distance between buildings	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	NR	NR	NR	15 ft.
Maximum/minimum building height	NR	30 ft. or two (2) stories/ one (1) story	30 ft. or two (2) stories/ one (1) story	30 ft. or two (2) stories/ one (1) story	30 ft. or two (2) stories/ one (1) story	Three (3) stories/ one (1) story	Three (3) stories / one (1) story	Three (3) stories/ one (1) story	NR
Minimum lot size (acres)	20 * (See notes 3 & 5 below)	5	2	1	½	NR	NR	NR	80
Maximum total lot coverage (all buildings)	NR	5% (max. site coverage may be >5% for green-houses)	10%	15%	30%	50%	50%	50%	NR
Accessory outside storage areas						When located adjacent to any agricultural or residential district must be screened by a solid, non-landscape, fence or wall at least six (6) feet in height.			
Outside and security lighting						Must reflect away from adjacent agricultural and residential district.			

(1) All uses and buildings located within the I-A zoning district, except for dwellings and accessory uses for dwellings, shall meet the minimum setbacks required for the I-A zoning district. Accessory uses and buildings in the I-A zoning district shall meet the minimum setbacks of the A-20 zoning district.

(2) The R-1/2 zone, where a "Performance Subdivision Option" is approved, shall incorporate minimum and/or maximum values for setbacks, lot sizes and widths, building separation and heights, and maximum building coverage as prescribed in Section 16.23.040 (Development standards).

(3) If a lot or parcel of property is located within an A-20 zone and is less than 20 acres but at least ten (10) or more acres, and provided that the lot was legally created or existed prior to August 14, 2000, the lot or parcel shall be considered suitable for uses identified as permitted or conditional as set forth in the A-20 zone, except for kennels; provided that all listed uses (permitted and/or conditional) in the A-20 zone shall be considered conditional uses for lots or parcels in the A-20

zone and smaller than twenty (20) acres, but at least ten (10) or more acres, subject to the following provisions:

- a. The requested use is allowed in the A-20 zone as a permitted or conditional use;
- b. The requested use complies with the requirements for the A-20 Zone with respect to yard requirements, setback requirements, height, buffer and landscape standards, and all other requirements applicable to the district are sufficient to permit the requested use, other than the minimum area requirement; and
- c. The requested use will not substantially impair or adversely impact the neighboring property owners, but if so asserted, or the planning commission believes that the requested use will negatively impact or impair a neighboring property owner, then the planning commission may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest.
- d. Conditional use permit applications for a kennel in the A-20 zone shall only be considered eligible for lots with twenty (20) or more acres.

If the proposed use requested does not comply with the requirements of this title, or cannot be reasonably mitigated by the property owner, the planning commission shall deny the application.

Upon finding that the proposed use, building or structure complies with the standards and requirements of this title, the requirements of the land management code, can be adequately serviced by the existing or proposed infrastructure, and the negative impacts can be reasonably mitigated, the planning commission shall authorize the conditional use permit.

(4) Accessory Building Setbacks. Unless determined otherwise by the county commission, accessory building setbacks shall be five feet minimum for rear and side yard setbacks. Front yard setbacks are the same as for the principle building and accessory buildings may not be set closer to the front property line than the principle building. Accessory buildings may not be located in utility easements.

(5) For the purpose of calculating minimum lot size, one-half the width of public streets or rights-of-way along not more than two sides of the lot may be included if that public street or right-of-way is established in conformance with the Iron County transportation plan or the Iron County addressing coordinate grid system (i.e., along section lines, quarter section lines, etc. as commonly done with aliquot parts divisions). Such area of public streets and rights-of-way shall not exceed two (2) acres of the minimum twenty (20) acres required.

## **SECTION 2. 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 3. Repeal of Conflicting Ordinances.**

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

**SECTION 4. Effective Date.**

This Ordinance shall take effect upon publication in the manner provided by §17-53-208, Utah Code Annotated 1953, as amended.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 12<sup>th</sup> day of November, 2013.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Alma L. Adams, Chair

ATTEST:

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

VOTING:

Alma L. Adams        Aye  

Dale M. Brinkerhoff   Aye  

David J. Miller        Aye  

**RESOLUTION 2013-12 COORDINATION POLICY FEDERAL AND STATE AGENCIES:**

A proposal to amend Iron County Resolution 2011-5 adopted February 28, 2011 by specifying specific US Code references which require Federal and State Agencies to coordinate with the County in land use issues was presented for approval. David Miller made a motion to adopt Resolution 2013-12. Second by Dale Brinkerhoff.

**IRON COUNTY UTAH  
RESOLUTION 2013-12  
November 12, 2013**

**A RESOLUTION TO ESTABLISH A COORDINATION POLICY WITH  
RESPECT TO FEDERAL AND STATE AGENCIES.**

**WHEREAS,** Iron County is a unit of local government in the State of Utah; and

**WHEREAS,** Iron County is therefore entitled to engage in the coordination process with all federal agencies as mandated by Congress; and

**WHEREAS,** Iron County exercises the local police powers to protect public health,

safety and welfare reserved to the States and to the people under the Tenth Amendment to the United States Constitution; and

**WHEREAS**, the proper exercise of those reserved powers requires that all federal agencies engage in the coordination process with this County; and

**WHEREAS**, the statutes of Utah State require that state agencies engage in coordination with Iron County, and the protection of the public health, safety and welfare of the people of Iron County requires engagement in such coordination;

**WHEREAS**, the U.S. Congress defined the coordination process in the Federal Land Policy Management Act, 43 U.S.C. 1712, and the National Environmental Policy Act, 42 U.S.C. Section 4331 et seq., and the United States Supreme Court has ruled that when Congress defines a term, the term means the same in any statute that is in pari materia;

**NOW THEREFORE BE IT RESOLVED** that Iron County establishes the policy that it will engage in the coordination process with all federal agencies and with all state agencies; and

**BE IT FURTHER RESOLVED** that since Congress defined the coordination process in the Federal Land Policy Management Act, and other pertinent enabling legislation, it is the policy of this County that it will engage in the coordination process as defined by Congress in FLPMA.

**PASSED AND ADOPTED by the Board of County Commissioners of Iron County, Utah this 12<sup>th</sup> day of November, 2013.**

**IRON COUNTY BOARD OF COUNTY COMMISSIONERS**

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Alma L. Adams, Chairman

**ATTEST:**

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David I. Yardley, Iron County Clerk

**VOTING:**

Alma L. Adams	<u>Aye</u>
Dale M. Brinkerhoff	<u>Aye</u>
David J. Miller	<u>Aye</u>

**RESOLUTION 2013-13 UCIP VOTING REPRESENTATIVE 2013 :**

David Yardley presented Resolution Number 2013-13 appointment of voting representative to the UCIP annual meeting. The bylaws of UCIP require the County Commission to designate a voting representative by resolution annually. Dale Brinkerhoff made a motion to adopt Resolution 2013-13 as follows. Second by David Miller.

**RESOLUTION NO. 2013-13**

**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 5, 2013; 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 5, 2013 with Alma L. Adams as an alternate representative.

**RESOLVED ADOPTED AND ORDERED** this 12<sup>th</sup> day of November, 2013.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

\_\_\_\_\_  
Alma L. Adams, Chair

\_\_\_\_\_  
Dale M. Brinkerhoff, 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:\_\_\_\_\_

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

Leslie Bishop presented requests from the Sheriff's Office, Corrections Division to hire Brenda Pires as a Corrections Deputy to replace Dwayne Heirtzler and to approve the hire of Orlas DeMaster as the inmate work crew Deputy to backfill a vacant position previously held by Ron Decker.

Leslie also presented a request from the Council on Aging to Hire Devon Orton as janitor in Parowan Senior Center replacing James Rasmussen.

Leslie also presented a request from the Sheriff's Office, Emergency Services Division for the approval of a promotion for Michael Ross from part-time Paramedic to a full-time Paramedic.

Dale Brinkerhoff made a motion to approve the personnel items as requested and presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**COURTHOUSE CHRISTMAS TREE DECORATIONS** \_\_\_\_\_ :

Cindy Bulloch came before the Commission to request funding for Christmas Tree decorations for the Courthouse. She explained that Parowan school children will be making the decorations and the teachers have asked for funds to cover the cost of materials the students use. Dale Brinkerhoff made a motion to approve the funding up to \$200.00 which will come from personal funds donated by each Commissioner. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

The meeting was adjourned at 10:37 a.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**November 25, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 25, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resource Director
Dr. David Blodgett	Southwest Utah Public Health

<b><u>SYNOPSIS</u></b> :	
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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES November 12, 2013** :

Minutes of the Iron County Commission meeting held November 12, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye. \_\_\_\_\_

**REPORTS** :

\_\_\_\_\_ **David Yardley** reported that the municipal election went smoothly. There were questions about write in candidates in Enoch and Paragonah which did not qualify and therefore the write in votes were not counted in compliance with Utah Code. Mail in precincts did very well with voter turnout. The Clerk's office is beginning the election process for 2014 with candidate filing scheduled for March 14 through 21.

**Leslie Bishop** reviewed activity within the Human Resource Department during the past quarter. She explained the need for each County Department to have a certified GRAMA records officer to respond to GRAMA requests. There also needs to be a County GRAMA officer, typically a member of the governing board. Another issue is the call by the Governor to employ veterans. In order to qualify for additional consideration, a job applicant must supply a copy of his DD 214 form with the application.

**Dr. David Blodgett**, Director of Southwest Utah Public Health, reported to the Commission on public health issues. He reported an increase in MERSA infections and other drug resistant infections. There are cases of resistant TB and STD's that do not respond to any of the current treatments. He reported on the spread of whooping cough in the state. Our area is the highest in the State not receiving vaccinations for this disease.

Dr. Blodgett also reported that SWUPHD is working on an emergency response plan with alternate service sites in case of a disaster.

**BOARD APPOINTMENT** :

Dr. Blodgett discussed the resignation of Gene Roundy as a member of the governing board of Southwest Utah Public Health. He thanked Mr. Roundy for his service. The Commission recommended and approved Clayton Petty to an appointment on the board on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC HEARING CDBG FIRST PUBLIC HEARING :**

David Miller made a motion to open a public hearing to explain the CDBG program and to receive public comments about proposed projects. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Commissioner Alma Adams, 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 2014 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 Adams read several of the eligible activities listed including, (Examples such as: Construction of public works and facilities, ie: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.)

Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons). Commissioner Adams 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. Paul Monroe, Central Iron County Water Conservancy District Manager, asked if upgrade of the water distribution system in Old Meadow Ranches, an unplatted subdivision consisting of twenty lots, could qualify for a grant to install new water distribution lines and fire protection. The project is anticipated to cost approximately \$217,000.00 Commissioner Adams responded to the suggestion by stating that the County would support efforts to upgrade the system and the County would be willing to sponsor the CICWCD application.

Commissioner Adams then opened the meeting up to further suggestions from the audience. No additional comments were offered whereupon the hearing was adjourned at 10:20 a.m.

**PUBLIC COMMENTS :**

A public comment period was opened and Commissioner Adams explained the rules for offering public comments as follows: Three (3) minute time limitation per speaker & for Public Comment participants. Should not repeat others comments. Only for items not on the agenda.

No items related to Commission's role as an appeal board. Comments should be directed to the Commission and no attacks on other peoples character.

No one present offered a public comment.

**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 to consider a request to designate proposed solar community development project areas. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Brennan Wood, Iron County/Cedar City Economic Development Director, presented the Commission with a proposed resolution designating three project areas within Iron County. These were identified as the Beryl Solar Community Development Project Area, the Cedar Valley Community Development Project Area, and the Buckhorn Community Development Project Area. Each project area covers approximately thirty acres and are projected to produce three megawatts of electricity each. A copy of the proposed resolution was distributed to the Board.

**RESOLUTION NO. ICCD&RA 2013-1** :

David Miller made a motion to adopt Resolution Number ICCD&RA 2013-1 designating the proposed Beryl Solar Community Development Project Area, the Cedar Valley Community Development Project Area, and the Buckhorn Community Development Project Area, Authorizing the Preparation of Draft Community Development Project Area Plans and Budgets, and Authorizing and Directing All Necessary Action by the Agency, Staff, and Counsel. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**

**Resolution No. ICCD&RA 2013-1**

**A RESOLUTION DESIGNATING THE PROPOSED BERYL SOLAR COMMUNITY DEVELOPMENT PROJECT AREA, THE CEDAR VALLEY COMMUNITY DEVELOPMENT PROJECT AREA, AND THE BUCKHORN COMMUNITY DEVELOPMENT PROJECT AREA, AUTHORIZING THE PREPARATION OF DRAFT COMMUNITY DEVELOPMENT PROJECT AREA PLANS AND BUDGETS, AND AUTHORIZING AND DIRECTING ALL NECESSARY ACTION BY THE AGENCY, STAFF, AND COUNSEL.**

**Whereas** Iron County, Utah (the “**County**”), created the Iron County Community Development and Renewal Agency (the “**Agency**”) pursuant to the provisions of, and the Agency continues to operate under, what is now Title 17C of the Utah Code, the Limited Purpose Local Government Entities-Community Development and Renewal Agencies Act (the “**Act**”) for the purposes of conducting urban renewal, economic development, and community development activities within the County, as contemplated by the Act; and

**Whereas** the Agency, having made a preliminary investigation and conducted initial

studies and inquiries, desires now to conduct community development activities in the areas depicted on the maps attached hereto as **Exhibits A, B, and C** and incorporated herein by this reference (the “**Proposed Project Areas**”), pursuant to UCA § 17C-4-102(1)(a); and

**Whereas** the Agency desires to begin the process of adopting project area plans for the Proposed Project Areas by adopting this Resolution authorizing the preparation of a Draft Project Area Plans, pursuant to UCA § 17C-4-101(1).

**Therefore, Be it Resolved by the Governing Board of the Iron County Community Development and Renewal Agency as follows:**

1. That the Agency hereby designates the Proposed Project Areas as the proposed Beryl Solar Community Development Project Area, the Cedar Valley Community Development Project Area, and the Buckhorn Community Development Project Area, the proposed boundaries of which are depicted on the maps attached hereto as **Exhibits A, B, and C**;
2. That the Agency counsel, Smith Hartvigsen, PLLC, and staff, be and are hereby authorized and directed:
  - a. to prepare Draft Community Development Project Area Plans as required by UCA § 17C-4-102(1)(a);
  - b. to prepare, if necessary, Draft Community Development Project Area Budgets as provided in UCA § 17C-4-204(1);
  - c. to undertake all such actions as may be required by the Act, or which may otherwise be necessary or desirable to the successful establishment of the proposed community development project areas, including, without limitation, the negotiation of agreements with taxing entities and participants, the preparation for all necessary hearings and the preparation, publication, and/or mailing of statutorily required notices; and
3. This Resolution shall take effect upon adoption by the governing board of the Iron County Community Development and Renewal Agency.

APPROVED AND ADOPTED this 25<sup>th</sup> day of November, 2013.

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Chair, Iron County  
Community Development and Renewal Agency

Attest:

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Secretary

**RECONVENE AS COUNTY COMMISSION :**

David Miller then made a motion to adjourn as the Iron County Community Development and Renewal Agency and reconvene as the Iron County Commission. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**IRON COUNTY ANIMAL SHELTER RECOGNITION :**

Barbara Williamson, representing Best Friends Animal Sanctuary presented the Iron County Animal Shelter a plaque recognizing the animal shelter as a “no kill” facility. In order to achieve this designation at least 94% of animal must be adopted out. The award was presented to Tom Byrd, Shelter Manager.

Awards were also presented to several groups that are involved in animal welfare and rescue operations within Iron County.

**TAX MATTER - KANARRAVILLE TOWN PROPERTY PURCHASE :**

Geri Norwood presented a request from Kanarraville Town for tax exemption status for tax account number 18074 parcel number A-0714-0000-0000. Kanarraville purchased the property in September 2013 and the apportioned taxes were paid. The balance assessed to Kanarraville is \$560.78. The parcel will automatically become tax exempt for the 2014 year.

David Miller made a motion to approve the exemption effective the date the deed was recorded for a total exemption of \$560.78. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG MATTERS :**

Brian Peterson, Son Builders, came before the Commission to request an extension of time to start construction on Lot 21 and Lot 22, Mountain Shadows Subdivision Phase III due to unexpected delays in getting financing to complete the homes. David Miller made a motion to authorize a one time extension of sixty days as allowed in the HCP. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RAP TRAINING :**

Leslie Bishop presented information on the Health Fair as RAP training. The Health Fair is scheduled for December 4 from 12:00 p.m. to 4:00 p.m. at Festival Hall in Cedar City. All County employees and families are invited and encouraged to attend.

**PERSONNEL :**

Leslie Bishop presented a proposed amendment to Section 2 of the Iron County Personnel Policy titled Compensation and Overtime. The proposed policy would require Department Supervisors and Department Heads to each sign overtime approval and would require written notification by the Department Head to the County Commissioners of any overtime over five hours per pay period per individual. Leslie was asked to prepare a final draft for approval after receiving Commission approval of the concept.

Leslie also presented a proposed amendment to employee performance review process to eliminate the current double entry system. There is a module available in the Incode software package the County uses that would allow for employee evaluations. The current system does

not work well and requires information in two different data bases that do not interact. Leslie discussed the differences between a performance based review and a merit based review. She will continue to work on a proposal but she suggested that evaluations not be required until a new programs has been approved. Probationary employees however will need an evaluation at the end of their probationary period.

**ENOCH CITY PETITION FOR ANNEXATION :**

A notice of proposed annexation by Enoch City for property located within the Village Green subdivision and adjacent to Old Highway 91 was reviewed by the Commission. Dale Brinkerhoff made a motion not to oppose the annexation. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ADJOURN :**

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

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY SPECIAL SERVICE DISTRICT # 1  
PUBLIC HEARING  
December 4, 2013**

Minutes of the Iron County Special Service District # 1 convened at 6:00 p.m. December 4, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Board Chair
Dale M. Brinkerhoff	Board Member
David J. Miller	Board Member
David I. Yardley	County Clerk

Also Present:

Bruce Anderson	Landfill Supervisor
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**PUBLIC HEARING RATE INCREASE \_\_\_\_\_ :**

A public hearing convened as advertised and published regarding a rate change for solid waste collection fees on all habitable residences within the unincorporated areas of Iron County on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Chairman Alma Adams introduced the subject and outlined the current fee structure for solid waste collection which was set at \$7.50 per household in 1997. Due to increases in equipment costs, maintenance costs and especially fuel costs which have risen from \$1.80 per gallon to near \$4.00 per gallon, the collection side of the Service District is not generating enough revenue to support the collection. After careful study it has been determined that a fee increase of \$0.50 per household per month would generate the needed revenue to cover the increases in costs.

The hearing was then opened to receive public comments. Bruce Anderson commented on the operation of the solid waste collections including repair costs for parts, tires, and especially fuel. He also explained that the collection trucks travel approximately 3,000 miles per month for collecting. The District has placed large roll of cans where practical to serve multiple homes which has resulted in savings by collecting the roll offs with a lighter truck that is more fuel efficient..

There were no additional comments from the public whereupon David Miller made a motion to close the public hearing. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

David Miller then made a motion to approve the proposed rate hike from \$7.50 per month to \$8.00 per month effective January 1, 2013 and to authorize a Resolution to be drafted for final approval reflecting Special Service District # 1 fee schedule. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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

Dale Brinkerhoff made a motion to adjourn the public hearing and meeting at 6:20 p.m.  
Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 9, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 9, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Maria Twitchell	Tourism/Parks/Recreation
Marie Brooks	Emergency Management
Jody Edwards	Emergency Services/Ambulance
Jared Wilson	Information Technology

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Mark Gower.

**APPROVAL OF MINUTES November 25, 2013** :

Minutes of the Iron County Commission meeting held November 25, 2013 were approved on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**REPORTS** :

**Maria Twitchell** reported that tourism taxes have increased 11% over the same period in 2012. She anticipated that revenue will exceed one million for 2013 which will help with expanding advertising in 2014. She reported that expenditures in the Tourism department are at 99%, partially due to costs associated with the Tour of Utah bicycle race which was not approved in the budget but received approval before expenditures were made.

Maria reported that the Recreation department has expended 82% of their budget and will be within their budget for the year. She also reported that fees for camping will go into effect on January 1, 2014 and are set at \$10.00 per night with a 14 night per month maximum. She reported that the water system at Woods Ranch as received approval from the State for culinary use. Damaged signs at recreation areas are in the process of being repaired or replaced.

**Marie Brooks** reported that the Emergency Management budget is within predictions and should meet budget goals by the end of the year. She reported on grants used to fund the Emergency Management program and explained funding of grants in 2014 are predicated on funding from the Federal Government. Marie also reported on training attended and conducted including a full scale exercise at the Cedar City airport. She reported that the preparedness expo this year will focus on children with a theme of “Ready Our Kids”. The preparedness expo is scheduled for May 3 from 9:00 a.m. to 4:00 p.m. at Cedar High School.

**Jody Edwards** reported that calls for service in the Ambulance Department exceed the same time period of 2012. He reported on budget issues especially with over time issues. Currently the Ambulance Department has over \$1,000,000 in uncollected billings. Part of this will be written off because of Medicare and Medicaid. Emphasis will be placed on collecting delinquent accounts.

**Jared Wilson** reported that the IT Department should be within budget for the year. Areas over budget include overtime due to the system crash and the installation of the Spillman system at the Sheriff’s office. The IT Department processes approximately 350 work orders per month which is a strain on resources. Jared updated the Commission on software and system upgrades that will go into effect during the next few months.

**BOARD OF EQUALIZATION** \_\_\_\_\_ :

Christene Lowder presented late applications for low income, homeowners tax credits, blind and veterans abatement for the 2013 tax year submitted between October 10, 2013 and the closing date of December 2, 2013. Late applications totaled \$35,318.08 in tax abatements. After reviewing the adjustments, David Miller made a motion to approve the tax abatements from late applications totaling \$35,318.08. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PUBLIC HEARING - 2014 FINAL BUDGET HEARING** \_\_\_\_\_ :

Dale Brinkerhoff made a motion to open a public hearing as advertised to receive public comments on the draft 2014 County budget. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Gene Adams presented the proposed budget with a fund breakdown. The total proposed budget is \$28,880,378.00.

Alma Adams commented on the road budget which is proposed to include funding of major road improvements for the West frontage road from the Paragonah exit to the Dutch Cowboy Dairy. The road base is not sufficient to handle the traffic generated by the dairy. The road budget will also include funds to chip seal roads currently on the system to prevent further break down.

Tracie Sullivan questioned transfers from the County general fund to the ambulance department which appears to be operating in the red. The Commission responded that the County general fund cannot be used to supplement the ambulance by a direct fund transfer since the ambulance is an enterprise fund. The County can, however make a loan to the ambulance which is required to balance their books. The ambulance department is not allowed to operate in the red under State laws.

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

**PUBLIC HEARING - 2013 BUDGET AMENDMENT HEARING :**

Dale Brinkerhoff made a motion to open a public hearing as advertised to receive public comments on amendments to the 2013 County budget. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Gene Adams reviewed proposed amendments to the 2013 budget. The total budget adjustment for all Departments total \$28,880,378.00, an increase of \$222,615. After all adjustments were reviewed and explained, the meeting was opened to additional public comments. No additional comments were offered.

Dale Brinkerhoff made a motion to close the public hearing and return to regular County Commission meeting. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS :**

Leslie Bishop presented a request from the Building Department for approval of William Lester Ross as a full time lead maintenance worker to replace Jim Hignite.

She also presented a request from the Council on Aging to approve Elizabeth Houchen as a part-time outreach worker to back fill an open position. The A

Leslie also presented a request from the Assessor's office to approve Melissa Dalton as a part time Deputy Assessor in the DMV Division in Cedar City.

David Miller made a motion to approve the three position replacements as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**HVAC MAINTENANCE CONTRACTS FOR 2014 :**

Proposed contracts for HVAC maintenance at five County buildings was discussed. The Commission determined that with the hiring of a trained boiler and HVAC employee with significant maintenance skills the County will allow the contracts with TRANE to expire at the end of their term and keep maintenance in house.

David Miller made a motion to allow the TRANE contracts to lapse as discussed and transfer maintenance to County personnel. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**EMERGENCY SERVICES DISCUSSION** :

Mark Gower, Jody Edwards, and Ty Marsh, Iron County Sheriff Office Emergency Services Division, met with the Commission to discuss and review the emergency services division employee run configurations and schedules. The Commission explained that there is a huge concern with the amount of overtime that is being accrued and that it appears that there are selected individuals accruing the majority of the overtime.

Carrie Christiansen commented that as a payroll officer the results of changes in leadership has resulted in a jump in overtime costs from \$18,000 in 2012 to over \$80,000 in 2013. With Obamacare going into effect in January 2014, the part time employees working overtime can result in fines and requirements to provide health insurance coverage to part time workers.

Mr. Marsh discussed some proposed options which would allow for flex scheduling vs. straight eight hour shifts. They explained the problem with transports to out of County hospitals. Since these are critical care cases, it requires additional paramedics.

Commissioner Brinkerhoff suggested that a meeting with hospital personnel be arranged to request that IHC provide their own critical care transport or to arrange schedules to reduce over time for County employees.

Commissioner Adams questioned the cost for expendable supplies which appear to be very high. He questioned whether the costs were being billed to patients using them and if the County is being reimbursed. He was assured that the supplies were being billed, however Medicare reimbursement does not cover all of the billed costs.

**PRAIRIE DOG MATTERS** :

David Miller reported that he is working on a press release regarding the low impact HCP for prairie dogs that is scheduled to take effect January 1, 2014. He explained that he would distribute to the Commission for their review and comments before it is released.

**2014 COMMISSION MEETING SCHEDULE APPROVAL** :

After reviewing a draft of the proposed meeting schedule for 2013, Dale Brinkerhoff made a motion to adopt the proposed schedule and authorize its publication. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The meeting schedule is as follows:

**2014 IRON COUNTY COMMISSION MEETING SCHEDULE**

**NOTICE IS HEREBY GIVEN** that the regular Iron County Commission meetings for 2014 have been scheduled on the following dates:

- |             |                  |
|-------------|------------------|
| January 13  | January 27       |
| February 10 | February 24      |
| March 10    | March 24         |
| April 14    | April 28         |
| May 12      | May 27 (Tuesday) |

June 9	June 23
July 14	July 28
August 11	August 25
September 8	September 22
October 13	October 27
November 10	November 24
December 8 (Final Budget Hearing 10:30 A.M.)	
December 15 (Adopt Final Budget for 2015)	

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.**

**GRAMA RECORD OFFICER TRAINING DISCUSSION :**

Leslie Bishop explained to the Commission the necessity of appointing a hearing officer to review appeals of GRAMA requests. She also pointed out the need to have a designated Records Officer which must complete a certification with the State Archives prior to December 31, 2013. There are certified records officers in the Jail, the County Attorney’s office and the County Clerk’s office.

David Miller made a motion to designate the Commission Chair as the GRAMA hearing officer and to have a certified and trained records officer within each Department to respond to GRAMA requests. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ADJOURN :**

The meeting was adjourned at 3:35 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 16, 2013**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 16, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Chad Nay	Zoning Administrator
Steven Platt	County Engineer
Neil Forsyth	Road Supervisor
Bruce Anderson	Landfill Supervisor

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**REPORTS** :

**Steve Platt** reported on progress with development of the belt route highway between the Kanarraville exit and SR 56. Road base will be installed by the Road Department. The Central Iron County Water Conservancy District has approved a water delivery agreement to provide for compaction of the road base. Steve also reported that the Holt Canyon flood control system is moving forward and planning for a realignment project for the Greens Lake road is also moving

forward. The Woods Ranch well project has not begin and if completed it is expected in the summer of 2014.

**Chad Nay** reported that the construction business appears to be rebounding from the recession. New building permits have doubled over the same period last year. Renewable energy projects appear to be moving forward. Currently there are three solar farms and one wind farm in the planning stages. Chad reported that an air handler motor in the Visitor center went out and has been replaced. He also reported that the Building/Planning/Buildings departments did not accrue any overtime costs during 2013 and that they are all within budget.

**Neil Forsyth** reported that due to recent storms, the salt budget for deicing roads will be over approximately \$5,000 for the year. This could increase if we receive additional storms before the new budget year. Fuel costs over the past year have also created cost over runs in that portion of the budget of about 2%.

Neil discussed concerns with mowing weed within residential subdivisions with the weeds hiding rocks and debris which can be picked up and thrown with great force by the mowing machine. He suggested that the County look at ordinances to require property owners to maintain the weeds in front of homes to the edge of the roadway similar to what is required in cities.

**Bruce Anderson** reported that the collection side of the solid waste is operating in the red this year due to fuel costs and maintenance issues. The \$0.50 per month per household should bring the fund back into positive cash flow by next year. He also reported that monitoring of test wells has been completed and samples submitted.

**PUBLIC COMMENTS** :

Public comments were called for however none were offered.

**ADOPT RESOLUTION 2013-15 ADOPTING 2014 FINAL BUDGET :**

A resolution adopting the proposed 2014 budget for Iron County was presented and recommended for approval. David Miller made a motion to adopt Resolution 2013-15 as presented and as follows. Second by Dale Brinkerhoff.

**RESOLUTION 2013-15**

**A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2014 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 9, 2013 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 calender year 2014.

**BY ORDER OF** the Board of Iron County Commissioners this 16<sup>th</sup> day of December 2013.

\_\_\_\_\_  
Signed: Alma L. Adams, 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>	_____

**ADOPT RESOLUTION 2013-16 AMENDING 2013 BUDGET :**

Resolution 2013-16 amending the 2013 County budget was presented for action. After reviewing the proposed changes to the budget, Dale Brinkerhoff made a motion to adopt Resolution 2013-16 as follows. Second by David Miller.

**RESOLUTION 2013-16**

**A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING ADJUSTMENTS IN THE 2013 DEPARTMENT BUDGETS.**

**WHEREAS**, Iron County Departments have requested adjustments to their budgets for 2013 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 2013 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2013 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 16<sup>th</sup> day of December 2013.

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Signed: Alma L. Adams, Chairman

Attest:

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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>	

**IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY:**

David Miller made a motion to convene as the Board of Directors of the Iron County Community Development and Renewal Agency. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ICCD&RA RESOLUTION 2013-2 DEVELOPMENT PLAN CEDAR VALLEY :**

Brennan Wood presented a resolution authorizing the drafting of a development plan for SunEdison Phase 1 solar farms to be located in the Cedar Valley. After reviewing the purpose and proposed development of a series of solar farms in Cedar Valley, Dale Brinkerhoff made a motion to adopt resolution number ICCD&RA 2013-2. Second by David Miller.

**IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**

**RESOLUTION NO. ICCD&RA 2013-2**

**DATE: December 16, 2013**

**RESOLUTION OF THE GOVERNING BOARD OF THE IRON COUNTY  
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AUTHORIZING  
THE PREPARATION OF A DRAFT COMMUNITY DEVELOPMENT PROJECT  
AREA PLAN AND RELATED MATTERS**

**WHEREAS**, the Iron County Community Development and Renewal Agency (the

“Agency”) was created to transact the business and exercise all of the powers provided for in the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated, 1953, as amended (the “Act”), and any preceding, subsequent, replacement or amended law or act; and

**WHEREAS**, pursuant to Section 17C-4-101 of the Act, the governing body of the Agency (the “Board”) is duly empowered to authorize by resolution the preparation of a draft community development project area plan; and

**WHEREAS**, the Board desires to authorize the preparation of a draft community development project area plan for a proposed community development project area known as the SunEdison Phase I Project Area.

**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 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 shown on the map attached hereto as Exhibit B.

**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, including, but not limited to, obtaining whatever information is needed, and hiring or contracting with consultants and others as necessary for the preparation of the draft community development project area plan.

**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 16<sup>th</sup> day of December, 2013.

(SEAL)

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By: Alma L. Adams  
Chair

ATTEST:

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By: David I. Yardley, Clerk

Voting:	Aye	Nay
Alma L. Adams	<u>  X  </u>	
Dale M. Brinkerhoff	<u>  X  </u>	
David J. Miller	<u>  X  </u>	

**DRAFT DEVELOPMENT PLAN PRESENTATIONS :**

Brennan Wood presented draft development plans for Beryl Solar, Buckhorn Solar, and Cedar Valley Solar. The draft plans will be available for public inspection at the Iron County Clerk's office for a thirty day comment period. The public is invited to review the plans and make any suggestions or recommendations about the proposed solar farms.

**RECONVENE AS COUNTY COMMISSION :**

David Miller made a motion to reconvene as the County Commission. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**NOTIFICATION OF CONDITIONAL USE APPLICATION REQUESTS :**

Reed Erickson presented a notification that First Wind has applied for conditional use permits for three solar power plants within Iron County. Beryl Solar LLC, Buckhorn Solar LLC, and Cedar Valley Solar LLC. He explained the proposed conditions for the solar farms which will be panels anchored to cement pillars. The Commission questioned if there is a need to include a reclamation bond. Mr. Erickson explained that First Wind has a fifty year lease on the parcels and that the panels are fixed tilt so they are not expected to require the amount of maintenance and reclamation as a sun tracking system would require.

The Commission took no action on this item. Final approval will be through the Planning Commission.

**RESOLUTION 2013-14 UCIP INTERLOCAL AGREEMENT AMENDMENT :**

A sixth amended interlocal agreement for the operation of the Utah Counties Indemnity Pool was presented for approval. The agreement is necessary to clarify coverage and completion of coverage for claims outstanding if a County opts to leave the pool. All participating Counties are required to adopt the resolution in order for the proposed changes to take effect. Dale Brinkerhoff made a motion to approve and adopt Iron County Resolution 2013-14 authorizing a sixth amended interlocal agreement with other members of the Utah Counties Indemnity Pool. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**IRON COUNTY**  
**Resolution No. 2013 - 14**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A  
SIXTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH  
OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL, RELATING  
TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH  
COUNTIES INDEMNITY POOL**

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, and the Utah Insurance Code, Title 31A, Chapter 1, et seq, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements to provide services and facilities; and

WHEREAS, the County Commission of Iron County, Utah, has determined that the interests and welfare of the public within Iron County's jurisdiction will best be served by a Sixth Amended Interlocal Cooperation Agreement with other members of Utah Counties Indemnity Pool relating to the establishment, funding and operation of Utah Counties Indemnity Pool.

NOW, THEREFORE, be it resolved by the County Commission of Iron County, Utah, that Iron County approve and authorize the Commission Chair to execute a Sixth Amended Interlocal Cooperation Agreement with other members of Utah Counties Indemnity Pool relating to the establishment, funding and operation of Utah Counties Indemnity Pool.

APPROVED AND ADOPTED this 16<sup>th</sup> day December of , 2013 .

IRON COUNTY COMMISSION

\_\_\_\_\_  
By: Alma L. Adams  
Iron County Commission Chair

ATTEST:

\_\_\_\_\_  
By: David I. Yardley  
Iron County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
By: G. Michael Edwards  
Deputy Iron County Attorney

**INTERLOCAL WATER SERVICE AGREEMENT** :

An interlocal water service agreement between Iron County and the Central Iron County Water Conservancy District to provide water for road construction projects was presented for approval. After reviewing the agreement, Dale Brinkerhoff made a motion to approve Iron County participation in the interlocal agreement. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG TAKE REQUESTS** :

The Commission reviewed request for permanent take for two parcels. Alex Meisner requested 2.9 Utah Prairie Dogs and 0.44 acres of habitat for property located at 1904 Katie Court, Lot 54 Saddleback Subdivision, Enoch. David Miller made a motion to approve the take of 2.8 dogs from existing annual take allowance and 0.1 dog from the Prairie dog bank. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

They also approved the take of one prairie dog from the prairie dog bank for Andrew Blake. The take completes all of the take available from the prairie dog bank. Motion to approve was made by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PERSONNEL MATTERS** :

Leslie Bishop presented a request from the Human Resource Department to approve the transfer of Betsy Cummings from a full-time Justice Court Clerk to a full-time Human Resource Assistant effective December 16, 2013. Dale Brinkerhoff made a motion to approve the transfer as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request to approve a contract between Iron County and Arthur Tait as a RS 2477 road consultant for 2014. David Miller made a motion to approve the contract as written. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**IRON COUNTY SSD # 1** :

Dale Brinkerhoff made a motion to convene as the Governing Board of Iron County Special Service District #1 to consider adopting a rate increase for solid waste collection. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**RESOLUTION SSD # 1 2013-1 ADOPTING SOLID WASTE FEES** :

After conducting a public hearing on December 4, 2013 as properly noticed by publication in a newspaper of general circulation and on the State Public Notice Website the results of which produced no comments opposing a rate hike for solid waste collection, Dale Brinkerhoff made a motion to adopt Resolution SSD # 1 2013-1 Setting solid waste collection and landfill rates Effective January 1, 2014. Second by David Miller.

**RESOLUTION SSD # 1 - 2013-1**

**SOLID WASTE RATES**

**December 16, 2013**

**A RESOLUTION OF THE IRON COUNTY COMMISSION AND GOVERNING BOARD OF IRON COUNTY SPECIAL SERVICE DISTRICT NUMBER 1 SETTING COLLECTION RATES EFFECTIVE JANUARY 1, 2014.**

WHEREAS, Iron County has adopted Iron County Ordinance 122 which establishes Iron County Special Service District Number 1; and

WHEREAS, Iron County Ordinance 122 established that for public health, convenience, and necessity that solid waste collection must be provided; and

WHEREAS, the Iron County Commission and the Governing Board of Iron County Special Service District Number 1 have determined that the current collection rates are not sufficient to cover the costs of the service provided; and

WHEREAS, the Iron County Commission and the Governing Board of Iron County Special Service District Number 1 have determined that the initial cost of a garbage container and the replacement of containers destroyed by negligence must be paid by the customer receiving the service; and

WHEREAS, it has been determined that the collection side of the services provided by Iron County Special Service District Number 1 must collect sufficient funds to pay for the service provided; now therefore

BE IT RESOLVED that the rates for collection are set as follows effective January 1, 2014:

- |    |  |                   |
|----|--|-------------------|
| 1. | For Door to Door Service (90 gallon can)                   | \$8.00 per month  |
| 2. | Multiple family service (300 gallon can)                   | \$8.00 per month  |
| 3. | Commercial service (300 gallon can each)                   | \$25.00 per month |
| 4. | New service container charge                               | \$100.00          |
| 5. | Replacement container charge (90 gallon can)               | \$100.00          |
| 6. | Used service container charge (90 gallon can) if available | \$50.00           |

BE IT FURTHER RESOLVED that landfill charges will remain as currently established as follows:

- |    |                               |                  |
|----|-------------------------------|------------------|
| 1. | Each habitable residence unit | \$4.00 per month |
| 2. | Commercial clean C & D waste  | \$17.00 per ton  |

- |     |  |                  |
|-----|--|------------------|
| 3.  | Commercial Household waste                                     | \$22.00 per ton  |
| 4.  | Non-Friable Asbestos waste generated within Iron County        | \$65.00 per ton  |
| 5.  | Non-Friable Asbestos waste generated outside of Iron County    | \$100.00 per ton |
| 6.  | Friable Asbestos waste generated within Iron County            | \$500.00 per ton |
| 7.  | Friable Asbestos waste generated outside Iron County           | \$750.00 per ton |
| 8.  | Demolition waste containing asbestos (County generated)        | \$500.00 per ton |
| 9.  | Demolition waste containing asbestos (out of County generated) | \$750.00 per ton |
| 10. | Friable Asbestos minimum handling fee                          | \$300.00         |
| 11. | Freon disposal   | \$10.00 per unit |
| 11. | Asbestos loads minimum handling fee.                           | \$50.00          |
| 12. | All out of County waste disposal fees are double County fees.  |                  |

BE IT FURTHER RESOLVED that delinquent accounts and miscellaneous requests will be charged as follows:

- |    |   |         |
|----|---|---------|
| 1. | Accounts delinquent on first day of billing cycle.    | \$ 5.00 |
| 2. | Accounts attached to taxes (delinquent as of July 31) | \$25.00 |
| 3. | Processing of a duplicate bill or billing detail      | \$ 5.00 |

BE IT FURTHER RESOLVED that all resolutions and rates in conflict with this resolution are hereby repealed.

BY ORDER of the Governing Board of Iron County and Iron County Special Service District Number 1 this 16<sup>th</sup> day of December, 2013.

(Seal)

\_\_\_\_\_  
Alma L. Adams, Chairman

Attest:

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

Voting:

Alma L. Adams	<u>    Aye    </u>
Dale M. Brinkerhoff	<u>    Aye    </u>
David J. Miller	<u>    Aye    </u>

**RECONVENE AS COUNTY COMMISSION :**

David Miller made a motion to reconvene as the County Commission. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**PRAIRIE DOG MATTERS :**

David Miller presented a press release announcing the implementation of a low effect habitat conservation plan (LEHCP) effective January 1, 2014. The LEHCP is intended to allow the development of private property while insuring the recovery and viability of the Utah Prairie Dog. The LEHCP will provide additional take without all of the drawbacks of obtaining take permits and will allow approximately twenty times more take annually.

**CONTRACT EXTENSION MICHAEL V. WORTHEN :**

A contract between Michael V. Worthen, Wildlife Mitigation Technologies, was approved for an extension of one year with a contract adjustment to reflect a cost of living increase was approved on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

**ADJOURN :**

The meeting was adjourned at 12:15 p.m. on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

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Signed: Alma L. Adams, Chairman

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Attest: David I. Yardley  
County Clerk