

**IRON COUNTY COMMISSION MEETING  
JANUARY 10, 2021**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. January 10, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Michael P. Bleak	Commission Chair
Paul Cozzens	Commissioner
Marilyn Wood	Commissioner
Sam Woodal	Deputy Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Richard Wilson	County Chief Engineer
Karsten Reed	County Assessor
Ken Carpenter	County Sheriff
George Colson	Emergency Management
Reed Erickson	County Planner
Jennifer Bradbury	County HR Director
Ryan Riddle	County Fire Warden

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**INVOCATION**

An invocation was offered by Jeff Richards.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Jon Whittaker.

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held December 13, 2021. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**OPEN MEETINGS ACT TRAINING**

Sam Woodall, Deputy Iron County Attorney, presented training regarding the Utah Open and Public Meetings Act, found in in Utah Code Annotated (UCA) 52-4.

**COMMISSION REPORTS**

**Marilyn Wood, Iron County Commissioner,** noted that her Father, Paul Petersen, passed away recently and that his funeral was the previous Saturday. He lived to the age of 97 and received military honors during the graveside service. Marilyn expressed her thanks to everyone who showed kindness and compassion during this difficult time.

**Paul Cozzens, Iron County Commissioner,** reported that he had met with Cedar City regarding the maintenance of flood channels in Cedar Valley. Under a 2005 agreement, Iron County had agreed to maintain the channel north of the Woodbury Split. Now, Iron County would maintain from the irrigation diversion east of the tanker base to the north or also known as the Stevensville Ditch. Due to gravel harvesting done by Cedar City from the irrigation diversion near the irrigation diversion by the airport tanker base east to the Woodbury split, Cedar City would perform channel maintenance in that area, as well as occasional maintenance near the Gemini Meadows subdivision due to storm drains in that area. On the western channel, Iron County would now be responsible to maintain the channel south and west of Ladybug Nursery. After the monsoonal flooding in the summer of 2021, the channels had been cleaned, but the channel from the UDOT Paint Shed bridge north to Rocky Ridge Rock, Inc., along Airport Road was in urgent need of cleaning before the spring runoff. Paul estimated that 3 to 4 feet of sediment had been deposited. He had contacted the Central Iron County Water Conservancy District (CICWCD) and suggested that said excess material could be used for CICWCD projects. Paul had spoken with Iron County Road Superintendent, Preston Nelson, to see if they could haul and charge the CICWCD accordingly. At this time, Commissioner Wood noted that Reed Erickson was drafting an Ordinance that clarifies the need for Iron County to be able to access flood channels, and that said channels need to be sufficiently wide and clear to allow dump truck and other access. Commissioner Cozzens noted that the requirement would be 100 feet of clearance from the center of a channel to an adjacent structure. Paul noted that there are instances where block walls of structures rest immediately next to the channel’s edge. Regarding water seeping in the northwest corner of the recently constructed senior citizens center in Cedar City, Paul noted that Carter Enterprises, Inc. had been made aware of the problem and would work to mitigate it. Paul explained that former Utah House of Representatives member, Ken Ivory would be in Cedar City on January 13<sup>th</sup> to discuss a “30 X 30” land grab by the federal government. He noted that this was a serious problem and that former representative Ivory would be at Festival Hall at 5:00 on January 13<sup>th</sup>.

**Michael P. Bleak, Iron County Commissioner,** noted that planning and efforts regarding a proposed new Iron County Correctional Facility were ongoing, and that there would be a public meeting similar in format to a recent CICWCD town hall to explain the process, the

plans, and to answer question regarding said proposed Correctional Facility. The meeting would be on February 8<sup>th</sup> and would be from 6:00 to 8:00 p.m. Mike noted that he had met with all of the Police Chiefs, as well as Sheriff Carpenter regarding the proposed Correctional Facility. Commissioner Wood interjected that Iron County was still considering multiple locations to construct the facility. Commissioner Bleak noted that any comments or inquiries could be directed to [clerk.group@ironcounty.net](mailto:clerk.group@ironcounty.net) He directed that this email address be shared as widely as possible. Regarding wildfire prevention, Mike noted that with a wetter than normal winter, a greater fire hazard was expected in the upcoming summer. Mike explained that a new program entitled, "Fire Sense" was coming online, and that he would request new signs be made by the Road Department to support it. He noted that the Iron County Fire Warden, Ryan Riddle would visit later that day and that there were efforts to secure grant funding for additional fire equipment in the Beryl and Newcastle locations. Mike noted that Danny Stewart, Iron County Economic Development Director, continued to make strides toward a multi-modal train load out facility west of Cedar City.

Both Mike Bleak and Paul Cozzens expressed tributes to Marilyn Wood's Father, Paul Petersen, and how lovely the funeral service was.

#### **REORGANIZATION OF COMMISSION ASSIGNMENTS AND APPOINTMENT OF COMMISSION CHAIR FOR 2022**

Michael Bleak made a motion to appoint Marilyn Wood as Commission Chair for the 2022 year. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Nay.

#### **RECOGNITION OF VERN AND JANET ELDREDGE FOR THEIR MANY YEARS OF SERVICE IN KEEPING IRON SPRINGS ROAD CLEAN**

Marilyn Wood, Iron County Commission Chair, tabled this item for a future time when the Eldredge's could be in attendance.

#### **ORDINANCE 2022-1, DISCUSSION AND APPROVAL OF AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING SECTION 17.16.030 – TABLE OF USES, AND SECTION 17.16.040 – TABLE OF SITE DEVELOPMENT STANDARDS; SECTION 17.36.500 – TOWNHOUSE STANDARDS; SECTION 17.20.010 – USE DEFINITIONS; SECTION 17.84.010 – DEFINITIONS, AND PROVIDING FOR AN EFFECTIVE DATE**

Marilyn Wood, Iron County Commission Chair, expressed her appreciation for the process and the herculean efforts by the Iron County Planning Commission in bringing this ordinance about. Marilyn then asked Reed Erickson, Iron County Planner, to explain the substance of Iron County Ordinance, 2022-1.

Reed Erickson explained that much of the efforts of the Iron County Planning Commission during 2021 had been to try to alleviate the heavy burden associated with housing in Iron County. Reed noted that Iron County had passed an affordable housing ordinance previously that provided more options for Accessory Dwelling Units. Also approved was a Recreational Vehicle Ordinance (RV), which allowed for greater RV use under certain conditions. Furthermore, an ordinance was passed that created the R4K Zone, which created 4000 square foot lot options. Also clarified was an allowance for greater use of guest homes. They cooperated with the CICWCD to reduce the water burden of these smaller units. The water burden had been 1.00-acre foot per dwelling, but with these creative scenarios, the burden was now only 0.35-acre feet per dwelling, greatly reducing the cost of water.

Ordinance 2022-1 provides townhome options in the R ½ and R4K Zones. It sets the standard to allow for maximum size of a cluster of townhomes in a development. While allowing for the development of townhouses, the Ordinance requires that such developments be mixed use, with traditional lots as well as townhomes. Up to 25% of the lots can be developed as townhome lots, with up to 7 townhouses per cluster and 8 units in a building. There are requirements for additional parking, green space, and setbacks. Also required for such

developments is a Homeowners Association. Due to the complexity of the Ordinance, it had been on the Iron County Planning Commission agendas for longer than nearly any other issue in recent memory and had been part of the efforts to help provide affordable housing. Reed explained that the Ordinance sought to provide maximum flexibility in terms of different configurations of lots, clusters, and townhomes. The Iron County Planning Commission recognized that not every eventuality could be foreseen in this regard and understood that the Ordinance might need to be adjusted in the future.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding Iron County Ordinance 2022-1.

Brandon Hunter, a resident of Iron County, expressed his gratitude to Reed Erickson and everyone involved with the Iron County Planning Commission for the hundreds of hours of effort that went into this Ordinance. Mr. Hunter explained that he has a son who will need to buy a home, and the current prices of nearly \$400K for a single family home make it out of reach for him. By providing for more affordable housing opportunities in Iron County his son and others seeking to buy a home will be more likely to be able to acquire housing. Mr. Hunter noted that this Ordinance would allow for growth, but would cause less water to be used per dwelling.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing closed. Reed Erickson explained that Iron County Ordinance 2022-1 represented a departure from the historical limitation of 1 dwelling per footprint. It allowed for more affordable and water-wise growth. The higher densities would allow the CICWCD to provide water more efficiently. The mixed use and higher density of development would also help with annexation transitions into cities.

Paul Cozzens echoed the sentiment that a new home price of \$400K was simply too much. The Ordinance allows for less expensive homes. Paul expressed his appreciation for the many hours that went into the Ordinance. He relayed that, based on research done by Tyler Melling, Cedar City Council, a Single Family Dwelling used 0.91 acre feet per year, while a townhome, including the irrigation of common areas, used only 0.25 acre feet of water per year.

Marilyn Wood noted that the Ordinance limited the height of any structure to 2 stories, or 30 feet. Marilyn noted that she had a conversation with a frustrated citizen regarding unaffordable housing. She was glad to say that Iron County had a solution.

Paul Cozzens made a motion to approve Ordinance 2022-1. Second by Michael Bleak. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

## IRON COUNTY ORDINANCE 2022-1

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING SECTION 17.16.030 – TABLE OF USES, AND SECTION 17.16.040 – TABLE OF SITE DEVELOPMENT STANDARDS; SECTION 17.36.500 – TOWNHOUSE STANDARDS; SECTION 17.20.010 – USE DEFINITIONS; SECTION 17.84.010 – DEFINITIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, Iron County has determined in accordance with need for more affordable and attainable housing options, certain provisions and regulations need to be modified that permit townhouses in some existing zoning districts; and

**Whereas**, the proposed ordinance is designed to implement the objectives of the County to promote options for housing opportunities while reasonably regulating the same to serve the purposes Utah law and 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 January 10, 2022

public hearing on the proposed amendments to the Zoning and Subdivision Ordinances 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, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** Within **Section 17.16.030 – Table of Uses**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.16.030 Table of uses.**

TABLE OF USES												
USES	ZONE DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2	R4K	C	LI	I	IA
Temporary use	P	P	P	P	P	P	P	X	P	P	P	X
<u>Townhouse(s)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P<sup>(8)</sup></u>	<u>P<sup>(8)</sup></u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Travel trailer park * 1-4 spaces ** 5+ spaces	A*, C**	C* X**	C* X**	X	X	X	X	C	C	X	X	X

- (1) See Definition.
- (2) Requires an agricultural acknowledgment to be signed and recorded.
- (3) See also Section 17.34.030
- (4) See also Section 17.34.050
- (5) See also Chapter 17.35
- (6) See also Chapter 17.33
- (7) See also Chapter 16.25
- (8) Permitted when incorporated into a new subdivision, including the provisions in Section 17.36.500

Table of Uses Notes:  
 P = Permitted Use  
 A = Administrative Land Use  
 C = Conditional Use  
 X = Prohibited Use

**SECTION 2.** Within **Section 17.16.020 – Use Definitions**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

**17.16.020 – Use Definitions.**

"Transitional housing facility" means a facility owned, operated or contracted by a governmental entity or a charitable, nonprofit organization, where, for no compensation, temporary housing (for usually three to twenty-four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless. A dwelling unit provided to a family for their exclusive use as part of a transitional housing program, *for more than thirty days, shall not be considered to be a transitional housing facility.*

"Townhouse(s)" means one or more attached, privately owned single-family dwelling unit(s), each situated on an individual lot, which is (are) a part of, and adjacent to, other similarly owned single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

"Travel trailer park" means any parcel of land upon which two or more travel trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

**SECTION 3.** Within **Section 17.84.010 - DEFINITIONS**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

"Substantial modification" means a change which significantly alters the impacts and/or character of a structure, development or use.

"Townhouse" means an attached, privately owned single-family dwelling unit which is a part of, and adjacent to, other similarly owned single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

"Townhouse block" means a group of lots occupied or to be occupied by a townhouse building containing no less than four and no more than eight lots, each with a connected dwelling unit together with such yards, open spaces, parking areas, and size required by this title, having frontage upon a County accepted and maintained street or right-of-way.

"Townhouse building" means a grouping of townhouse units containing no less than four or more than eight townhouse dwelling units contiguous to one another.

"Townhouse cluster" means a cluster or grouping of townhouse lots and buildings containing no less than four (4) or more than thirty-two (32) townhouse dwelling units separated by a distance designate in this title from another townhouse cluster.

"Townhouse lot" means a properly recorded and deeded subdivision lot upon which a townhouse unit is planned or found.

"Treatment" means a method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid or hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable to storage or reduced in volume.

**SECTION 4.** Within **Section 17.36.500 – Townhouse Standards**, of the Iron County Code, shall be, and hereby is, identified and added to read as follow:

**17.36.500 – Townhouse standards.**

**17.36.510 – Purpose and intent.**

The purposes and reasons for creating provisions and regulations for townhouses include the following:

1. Increasing the supply of a more affordable type of housing not requiring government subsidies;
2. Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of housing options, prices, rents and locations;
3. Increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;
4. Providing an opportunity for increased security, home care and companionship for older and other homeowners;
5. Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining minimal infrastructure;
6. Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution; and,
7. Enhancing job opportunities for individuals by providing more housing nearer to employment centers and public transportation.

Townhouse units are, therefore, an essential component of housing choices and supply in Iron County.

**17.36.520 – General requirements.**

1. Townhouse dwelling units/development projects shall:
  - a. provide central water, with fire flow, and central sewer;
  - b. have individual unit connections to utility services for power, gas, communications, and water and sewer;

- c. provide forty-five (45) feet minimum public street widths with curb, gutter (when appropriate) and sidewalks, and comply with the asphalt paving and road requirements described in the Iron County Construction and Design Standards;
- d. provide two off-street parking spaces for each townhouse lot/unit and have additional common parking spaces for use of guests/visitors at a rate of two off-street parking spaces for every four (4) townhouse lots/units, or portion thereof, when the street ROW width is 50 feet. If the street ROW width is 45 feet, three (3) additional off-street parking spaces will be required for every four (4) townhouse lots/units, or portion thereof, and all off-street parking spaces shall be located within 500 feet of any townhouse unit for which the parking spaces are required;
- e. create at least two (2) ingress/egress locations when the project creates more than fifty (50) aggregate dwelling units;
- f. provide at least 4000 square feet of common park space/playground area for each eight (8) townhouse units/lots, or portion thereof, within the project area, with a minimum of 0.25 acres ( $\frac{1}{4}$  acre) for any one park/playground/open space area;
- g. provide a six (6) feet high sight obscuring fence (concrete block, chain link with privacy slats, or solid wood) along any common property boundary where a townhouse unit/lot is shared with property zoned or developed for single-family dwellings;
- h. provide a developer commitment or insure the creation of a community organization such as a home owner's association (HOA) to operate and maintain community improvements such as private community facilities/buildings, public areas of parks and open space, private outdoor storage areas, and additional common parking spaces; and,
- i. include a provision stated on the final plat that by means of a developer commitment or the creation of a community organization, such as a home owners association (HOA), that limits non-owner-occupied rental uses, whether short-term rentals or long-term rentals, to thirty-percent (30%) or fewer units in the subdivision, enforceable by any lot owner's private right of action against the developer or community organization or other enforcement body for failure to enforce. This rental restriction may allow rental exceptions on an individual basis for up to two (2) years to account for sickness, military leave, and other factors, which exemptions must be counted toward the rental limit, but would not trigger a cause of action against the enforcement body.

**17.16.035 – Table of Townhouse (TH) Standards**

<u>Standard/Criteria</u>	<u>R1/2 Zone</u>	<u>R4K Zone</u>
TH Density Calculation	4 TH units per ½ acre lot (base Lot)	2 TH units per 4000 square feet (base lot)
TH minimum per subdivision TH block	4 TH units per TH block (½ acre)	4 TH units per TH block (½ acre)
TH maximum per subdivision TH Block	8 TH units per TH block (1 acre)	8 TH units per TH block (1 acre)
TH units maximum per subdivision	25% of total base lots (a 4 unit TH block is the same as a base lot)	25% of total base lots
Maximum TH cluster size	32 dwelling units	24 dwelling units
Minimum separation between clusters	800 feet	500 feet
Off-street base parking	2 spaces per dwelling	2 spaces per dwelling
Additional off-street parking (guest spaces must be located w/in 500' of any TH unit)	50 Road ROW: 2 additional spaces per 4 unit TH building (8+2=10 spaces per 4 unit building) 45' Road ROW: 3 additional spaces per 4 unit TH building (8+3=11 spaces per 4 unit TH building)	50 Road ROW: 2 additional spaces per 4 unit TH building (8+2=10 spaces per 4 unit building) 45' Road ROW: 3 additional spaces per 4 unit TH building (8+3=11 spaces per 4 unit TH building)
Common Area Open Space	4000 square feet per 8 TH lots (Minimum 0.25 acre per open space area)	4000 square feet per 8 TH lots (Minimum 0.25 acre per open space area)
TH building setbacks	Front Load Parking: Front: 25' Rear: 15' Rear Load Parking: Front: 15' Rear: 25' Side: 10+10 (20)	Front Load Parking: Front: 25' Rear: 15' Rear Load Parking: Front: 15' Rear: 25' Side: 8+12 (20)
Minimum Subdivision size	10 acres	5 acres
Maximum Subdivision size	NA	20 acres
TH Minimum lot size	3000 square feet	3000 square feet
TH minimum lot width	20'	20'
Non-owner occupancy limit	30%	30%
HOA requirement	Yes – minimum 30 members	Yes – minimum 30 members
Maximum building height	30' or 2 stories	30' or 2 stories
Fence (sight obscuring)	Required if TH Unit/Lot is adjacent to existing single-family residential lot/zone (if sharing common property line)	Required if TH Unit/Lot is adjacent to existing single-family residential lot/zone (if sharing common property line)

**SECTION 5.** Within Section 17.16.040 – Table of Site Development Standards, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

**SECTION 6. 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 7. 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 8. Effective Date.**

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

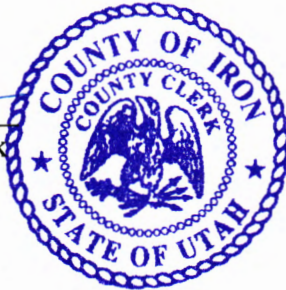
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 10<sup>th</sup> day of January, 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood, Chair

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker - County Clerk



VOTING:

Marilyn Wood              Aye    
Paul Cozzens              Aye    
Michael P. Bleak          Aye  

**ORDINANCE 2022-2, DISCUSSION AND POSSIBLE APPROVAL OF AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING CHAPTER 17.30 – LIVESTOCK REGULATIONS, FOR COMPLIANCE WITH SB 130 (UCA 17-27a-1101 – LARGE CONCENTRATED ANIMAL FEEDING OPERATIONS ACT); CREATING A MAP, AND PROVIDING FOR AN EFFECTIVE DATE**

Reed Erickson, Iron County Planner, explained that Iron County Ordinance 2022-2 was drafted and because of Senate Bill (SB) 130 in the 2021 session of the Utah Legislature. SB 130 requires the adoption by counties of an Ordinance regarding Large Concentrated Animal Feeding Operations (CAFO’s) that designates areas of intent for such operations. The deadline established by SB 130 to approve the Ordinance is February 1, 2022. Iron County Ordinance 2022-2 dovetails with and modifies Iron County Code Section 17.30 Livestock Regulations, last updated in 2001. After evaluating what was needed to comply with SB 130, it was determined that Iron County needed to designate a Geographical Area of Intent for CAFO’s. Reed noted that Iron County had specifically tried to avoid such a geographical limitation previously, relying instead on setbacks based on the size and type of CAFO. 2 Categories of CAFO’s were currently identified, swine and all others. Setbacks were measured from public gathering places including federal monuments and special places, recreational facilities, hospitals, educational facilities, etcetera. The setback distance for swine was 8 miles. For all others the setback ranged from ½

mile to 3 miles. Given those criteria, a map overlay was created by Kendal Allan, Iron County GIS Coordinator. This left an area of roughly 113K acres near the Lund townsite that the Ordinance would designate as Iron County's area of intent for CAFO's. Reed Erickson expressed his appreciation for Kendal Allan and his expertise to help establish said map. These efforts meet the requirements of SB 130, but Reed noted that it was not the intent to limit CAFO's to the area of intent only. If a proposed CAFO met the existing setback requirements, along with all other criteria, then it would be allowable, even if it was not within the new area of intent. In other words, the intent was to establish an area of intent, but not limit CAFO's to only that area.

Marilyn Wood, Iron County Commission Chair, declared a public hearing open regarding Iron County Ordinance 2022-2.

Scott Stubbs, a resident of Parowan, asked how many private acres were in the area of intent as established by the Ordinance. Reed Erickson reported that there were 64,204 acres in the area of intent.

William Pressgrove, a resident of Iron County, noted that he was aware of 2 CAFO's in Iron County. Mr. Pressgrove asked whether those operations would be considered part of the Ordinance. Reed Erickson explained that they would be included, and were grandfathered in because they were already in operation. Mr. Pressgrove asked whether Iron County had re-zoned the areas of those CAFO's to comply. Reed Erickson explained that, in the case of the Dutch Cowboy Dairy, situated on the Buckhorn Flat, adjacent to I-15, its use was based on a "Pre-Existing Non-Conformed" use in the A-20 zone at the time of approval. Reed also noted that there were other CAFO's in Iron County.

Craig Laub, a resident of Iron County, noted that the Holt Dairy near Newcastle in the Escalante Valley, was quite different in its manure handling compared to the Dutch Cowboy Dairy. He noted that there was often an oppressive stench near Newcastle. Mr. Laub asked whether methods of manure handling could be clarified in the Ordinance.

Marilyn Wood, Iron County Commission Chair, declared the public hearing closed. Marilyn noted that regarding swine CAFO's open lagoons were not permitted. Mike Bleak made a motion to approve Iron County Ordinance 2022-2. Second by Paul Cozzens. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

## IRON COUNTY ORDINANCE 2022-2

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING CHAPTER 17.30 – LIVESTOCK REGULATIONS FOR COMPLIANCE WITH SB 130 (UCA 17-27a-1101 – LARGE CONCENTRATED ANIMAL FEEDING OPEATIONS ACT); CREATING A MAP, AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, Iron County has determined that in order to comply with 2021 SB130 the county livestock regulations (County Code Chapter 17.30) should be modified to include a map identifying areas where large concentrated animal feeding operations may be located; and

**Whereas**, the County has considered the criteria required by said "Large CAFO Act," as follows:

1. Distances measured in feet from a) residential zones; b) health care facilities; c) public areas; d) education institutions; e) religious institutions; f) commercial enterprises; g) municipal boundaries; and h) state or county highways or roads;
2. Prevailing winds;
3. Topography;
4. Economic benefits to the County; and
5. Reasonable access to transportation, water and power infrastructure.

**Whereas**, the proposed ordinance is designed to implement the objectives of the County to

promote options for large concentrated animal feeding operations while reasonably regulating the same to serve the purposes of Utah law and 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 ordinance; and

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning and Subdivision Ordinances 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, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** Within **Section 17.30.090 – CAFOs Area of Intent, 2021 SB 130 (§ 17-27a-1101 UCA)**, of the Iron County Code, shall be, and hereby is, identified and added to read as follows:

**17.30.091 Purpose:** Iron County hereby intends to comply with the provisions of Utah Code (§ 17-27a-1101) by regulating Large Concentrated Animal Feeding Operations (CAFOs) and incorporating a map identifying areas where CAFOs may be located in the unincorporated lands of Iron County in compliance with Chapter 17.30, Iron County Code. Furthermore, certain CAFOs and other ‘animal operations’ may continue to be located in other areas of the unincorporated lands of Iron County, in addition to lands identified in the “CAFO Area of Intent” map, as prescribed by Chapter 17.30, Iron County Code.

The Iron County Planning Commission shall recommend approval, and County Commission shall approve, an animal operation or CAFO application if said application satisfies all the requirements of this Ordinance.

**17.30.092 Definitions:** The definitions intended for regulating CAFOs in Utah state code are hereby incorporate in this ordinance by reference to Section § 17-27a-1102.

**17.30.093 Map:** A map titled “CAFO Areas of Intent” is included as Exhibit A to this ordinance and shall be made available on the official County Website “IronCounty.net.” This map identifies geographic areas that CAFOs could be located in accordance with the provisions of this ordinance and Iron County Code, Chapter 17.30, and recognizes that there are additional areas of the county where various sized animal operations may also be located.

**17.30.094 Setbacks/Separations:** In portions of Chapter 17.30, Iron County Code; and in addition to considerations for topography, landownership, prevailing winds, economic benefits and costs to the county, reasonable access to transportation, water and power infrastructure; setbacks/separation distances are established for various types of animal operations to be separated from public gathering places, municipal boundaries, municipal growth areas/annexation declaration areas, county growth tier boundaries, other animal operations, residences, certain roads, water wells, water bodies, commercial enterprises, educational institutions, health care facilities, public areas, and religious institutions as defined in Utah Code and Iron County Code referenced herein. Said separations distances are generally prescribed in miles or portions of a mile. Utah Code prescribes they be described in feet. Therefore, wherever a distance is prescribed in miles or portions of miles, it shall be multiplied or divided by 5,280 feet per mile, or the appropriate portion of a mile, in order to establish separation/setback in feet.

**17.30.095 Inclusion of Multiple Projects:** If a proposed animal operation or CAFO consists of multiple individuals and/or entities, located within close proximity (on adjacent individual parcels), all individuals and/or entities shall be included in one comprehensive animal operation application and appropriate numbers combined for establishing animal operation classification, shall include the entire operation.

**17.30.096 Existing Operations – Nonconforming Uses:** Any animal operation or CAFO permitted or authorized by Iron County prior to adoption of this Ordinance, which has been maintained and operated continuously since its establishment, may continue to operate under the regulations of a pre-existing non-conforming use (Chapter 17.68 Iron County Code).

**SECTION 2. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of compliance with Utah Code Annotated (§ 17-27a-1101) regarding Large Concentrated Animal Feeding Operations and to adopt a map showing the areas of intent for such operations in accordance with Utah State code and other sections of the Iron County code. Other requirements of Part 11, Large Concentrated Animal Feeding Operations Act, such as the establishment of application requirements and procedures, fees, additional requirements and administrative remedies, are encompassed in existing Iron County code, Title 17 - Zoning.

**SECTION 3. 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 4. 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 10th day of January, 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood, Chair



ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker - County Clerk

VOTING:

Marilyn Wood        Aye    
Paul Cozzens        Aye    
Michael P. Bleak     Aye

**PUBLIC COMMENTS**

No Public Comments were offered.

**DISCUSSION REGARDING POSSIBLE IRON COUNTY CONTROL OF FLOOD WATER IN PARAGONAH TO KEEP IT OFF PRIVATE GROUNDS**

Ralph Lister, a resident of Paragonah, noted that he lived at 700 North Main Street. He built his home in 1984. Mr. Lister expressed that his home never needed flood insurance as the floods went through Paragonah. Now, with recent efforts to redirect flood waters away from downtown Paragonah, the waters came toward his house. The latest flood event put 2 plus feet of water through his yard. Several years ago, flooding occurred but missed the Lister home. Since then, he built retaining walls that only had 2 inches remaining before it would have breached during the most recent flooding event. Compounding the problem, the Utah Department of Transportation (UDOT) raised Highway 271, capturing flood waters on Mr. Lister's property. For 2 years, he has not been able to harvest his crops because of floods.

Paul Cozzens noted that there had been recent changes to the flood channel near Ted Cooke and the Abbotts. Paul noted that the efforts had been to straighten 90 degree bends in the channel, not necessarily to widen it. He noted the most recent flood event had been a historical storm, Mother Nature is in charge. Paul asked to be able to meet with Mr. Lister and Richard Wilson, Iron County Engineer. He committed that Iron County would make Curtis DeMille and the track hoe he operates available under the direction of Richard Wilson.

Scott Stubbs, a resident of Parowan, explained that he experienced a similar problem in Parowan Valley. Recent flood channel improvements now caused flood waters to flow into his fields, damaging crops. Marilyn Wood noted that irrigation practices are different now than historically. Mr. Stubbs asked that Iron County recognize the damage caused by the changed flood channels.

**DISCUSSION AND POSSIBLE APPROVAL OF LETTER SUPPORTING THE APPLICATION FOR A PROPOSED CHARTER SCHOOL ENTITLED "AMERICAN PREPARATORY ACADEMY" WITHIN IRON COUNTY**

Casey Anderson explained that American Preparatory Academy (APA) was one of the largest charter schools in Utah, with 6 campuses. Mr. Anderson noted that APA desired to expand to Iron County, to help accommodate growth and to serve. The Iron County School District had given a letter of support for the desired expansion. Mayor Maile Wilson of Cedar City also gave a letter of support. Mr. Anderson explained that the objective was to show as much support for APA expanding into Iron County as possible.

Marilyn Wood noted that a concern had been raised when this topic was discussed at the Iron County School Board meeting. Casey Anderson explained that because of a difference in how APA cares for special needs students, there had been an audit finding. The issue was caused because special needs students at APA are integrated into regular classes as much as possible, the assigned Student Aide was helping other students as well. This posed a problem because additional funding is provided for special needs students. APA was remedying this problem in two ways, first to not accept the higher reimbursement rate and second to repay those additional funds that had already been collected, essentially forfeiting those extra funds for special needs students. Marilyn Wood expressed that, as a parent of a special needs student, it was good for all involved that such students be integrated.

Volney Morin, a resident of Cedar City, gave an anecdotal story about his high school experience in Hollywood, California. Tom Ritter, brother to the famous television actor John Ritter had cerebral palsy. Tom qualified to be a special needs student, but wanted to be a mainstream student. The experience was good for other students as well as for Tom, who learned coping strategies.

Casey Anderson noted that the application to the Utah State Board of Charter Schools was for 600 students. APA applied a curriculum of principled study of the history of America. They have found that it helps enhance academic performance. Paul Cozzens made a motion to approve a letter of support for the application of APA to bring a charter school to Iron County.

Second by Michael Bleak. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

**DISCUSSION AND POSSIBLE UPDATE OF 2022 PER DIEM AND MILEAGE RATES**

Dan Jessen, Iron County Auditor, explained that Iron County had typically mirrored the State of Utah regarding per diem rates, but that the State of Utah had not yet announced its new rates. The federal mileage rate had increased to 58.5¢ per mile. However, due to a new Iron County fleet policy coming on line in 2022, he suggested a change. In a scenario where a county vehicle was available, but an employee needing to travel chose to take their personal vehicle, there was a slightly lower reimbursement rate for that scenario, which would be 43.5¢ per mile in 2022. With a more expansive and available fleet of county vehicles, and to encourage county vehicle use, Dan proposed that only the actual cost per mile be reimbursed when an employee chose to take their own vehicle when a county vehicle was available. He and Wade Adams, Iron County Fleet Manager, had calculated that rate to be 25¢ per mile. Paul Cozzens expressed that employees should be encouraged to use county vehicles whenever possible, noting the personal risk when taking a personal vehicle while on county business. Dan Jessen noted that all such expenditures for travel would still need to come from the departmental travel budget. Jon Whittaker noted that having a more available fleet of vehicles, with more departmental sharing of vehicles would provide greater vehicle access. Dan Jessen noted that he and Wade Adams were working toward installing lock boxes for vehicle keys in buildings and looked forward to the full implementation of the fleet management program. Michael Bleak made a motion to approve per diem rates with no change from 2021 amounts and an authorization for Dan Jessen to apply updated per diem rates once the State of Utah releases them. Further to apply the reimbursement rate of 58.5¢ per mile when no county vehicle is available and 25¢ per mile when a county vehicle is available. The motion also included a strong encouragement to use a county vehicle whenever possible and a definition of “available” to mean a vehicle available where the employee lives or leaves from. Second by Paul Cozzens. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

**DISCUSSION ABOUT COUNTY ANIMAL SHELTER, AND LOCAL ANIMAL ABUSE**

Sheriff Ken Carpenter shared the information the Iron County Sheriff’s Office had regarding this case. Richard Warke, who had requested this item but was not present had complained about the treatment of animals by one of his neighbors. Sheriff Carpenter explained that once the complaint had been lodged, a deputy issued a citation. Now, the matter was in the hands of the court. Regarding the animal shelter, Sheriff Carpenter expressed that the Part Time employee who worked there was a very compassionate person. The Iron County Animal Shelter was a “no kill” shelter.

**DISCUSSION AND POSSIBLE APPROVAL TO FINANCIALLY PARTICIPATE IN A MULTI-COUNTY BIG CHAMBER OF COMMERCE. SAID PARTICIPATION SHALL BE SUBJECT TO AN ANNUAL REVIEW**

Michael Bleak presented a request for Iron County to participate in a “Big Chamber” of commerce, or cooperative effort among neighboring counties in the amount of \$5,000. Michael noted that for cities and towns, there is excellent chamber of commerce support for local businesses, but in outlying and more rural areas there was no such support. This multi-county effort was to create a “Big Chamber” of commerce that would help businesses in more rural areas with support and representation. He expressed that this would be beneficial to the whole region and noted that Beaver and Garfield Counties had already committed \$5,000, along with the Iron County Tourism Bureau. Michael proposed that Iron County also contribute \$5,000 to support the creation of the “Big Chamber.” Marilyn Wood noted that she had asked that an annual review be provided to demonstrate the value of the organization and the contribution made by Iron County. Chris McCormick would provide said annual review. Michael Bleak noted

that the Big Chamber would be most beneficial in areas such Kanarrville, Brian Head, and western areas of Iron County. Mike expressed that the support of the other counties was very important to him.

Volney Morin, a citizen of Cedar City, expressed that government should be limited. He noted that he had not heard a proposed budget amendment nor what would be done with the money. He expressed concern that this government program would grow and waste. He questioned how Iron County taxpayers would benefit from such an expenditure.

Paul Cozzens explained that Cedar City helped fund the Chamber of Commerce there, but that they gradually weaned the Chamber off city funds, encouraging them to find additional members. At first, Paul was not in favor of supporting this expenditure, but after speaking with Chris McCormick he felt this would be beneficial. He expressed that he supports limited time funding with an annual report. The support would be to help the Big Chamber grow, support existing businesses, and grow the tax base.

William Pressgrove, a citizen of Iron County, asked *cui bono?* Who benefits? He noted that the taxpayers were footing the bill for this, but it is a private organization.

Dan Jessen noted that this request was first presented during the 2021 budget adjustment but refused. Now, it would need to be added to the 2022 budget, which was already approved. The 2022 budget would need to be adjusted as no funds were currently allocated.

Paul Cozzens asked how the funds would be spent. Michael Bleak replied that the board would oversee expenses, and that he (Michael Bleak) had been asked to sit on the board.

Volney Morin said he did not know how chambers of commerce work, but expressed concern that an Executive Director would receive a salary. He asked whether anyone on that board would be paid.

Michael Bleak explained that the board was entirely volunteer. Chris McCormick would oversee the Big Chamber and would dedicate 1 to 2 days a month to it. Marilyn Wood suggested that the item be approved but be subject to deep scrutiny. Michael Bleak noted that himself, Tyler Melling, Certified Public Accountants and Southwest Technology College would be on the board, and that the monies would be highly scrutinized. Paul Cozzens made a motion to approve supporting a "Big Chamber" as explained in the amount of \$5,000, with the caveat that real improvements to business support must be shown or the funding could not continue. Second by Michael Bleak. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

## **DISCUSSION AND POSSIBLE APPROVAL OF UPDATED IRON COUNTY PRECINCT MAP**

Jon Whittaker, Iron County Clerk, explained that this map was the result of significant efforts by Kendal Allan, Iron County GIS Coordinator, and that the process was subject to changes to Utah State House of Representatives boundaries, as well as to the Utah State School Board Boundaries. The entire process had been delayed due to a delay in the 2020 census, but Jon was pleased that the map was complete. There were new precincts due to population growth, and some concerns because the new State House boundary had poorly followed the existing annexation line on the north for Cedar City. Some precincts had exceeded the 1250 limit of registered voters and had to be split. Mike Bleak made a motion to approve the updated Iron County Precinct Map. Second by Paul Cozzens. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

## **PERSONNEL**

Jennifer Bradbury presented the new hire of Cory Spencer as a Full Time Deputy I (Patrol). Backfill of a vacant position, effective January 10<sup>th</sup>, 2022; the promotion of Rosa Alldredge from Full-Time Deputy 1 to Full Time Culinary Supervisor. Backfill of a vacant position, effective January 9<sup>th</sup>, 2022. Paul Cozzens made a motion to approve the changes in the Sheriff's Office as described, Second by Michael Bleak. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

Sheriff Ken Carpenter presented a request to use officers from other agencies on a Part Time basis to mitigate overtime hours and expense for Iron County. He noted that said officers

would use the weapon, vest, etc. from the agency where they work Full Time while working for Iron County. Sheriff Carpenter estimated that this change would mitigate overtime by as much as 50%. Michael Bleak made a motion to approve hiring officers from other agencies to help as needed and as they were available to work Part Time for the Iron County Sheriff's Office. Second by Paul Cozzens. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye. Jennifer Bradbury noted that historically, individuals hired under such circumstances were paid at the entry level rate.

Jennifer Bradbury presented the Approval of new hire, Marilu Rapp, as a Part Time Assistant Cook (Cedar City). Backfill of a vacant position, effective January 7th, 2022; and the new hire, Paul Abbiss as a Part Time Assistant Cook (Cedar City). Backfill of a vacant position, effective December 28, 2021. Paul Cozzens made a motion to approve the new hires as presented. Second by Michael Bleak. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

Jennifer Bradbury presented several Personnel requests in the Assessor's Office. First was a request to change the job description for the Personal Property Lead to include the Requirement to become a Certified General Appraiser within 24 months. In the Parowan Department of Motor Vehicles (DMV), there had historically been a Full Time Benefitted DMV Supervisor. It was proposed to change that to a Part Time DMV Technician. Jennifer noted that if the Part Time DMV Technician were hired, they would begin the hiring process that week. In the Cedar City DMV, there was a request to change the status of a Part Time DMV Technician to Full Time beginning in April because a Part Time Technician would be finishing school and leaving for other employment. Paul Cozzens asked whether many people were travelling to the Cedar DMV for service. Karsten Reed answered that there were quite a few that did, and many of them were dealers. Paul Cozzens asked if that resulted in additional revenue for Iron County. Karsten replied that it did not. Registration fees were paid to the state and the local portion went to where the vehicle owner lived, not the office in which it was registered. Karsten then explained that his plan was for Riley, who was cross trained in DMV to help in the mornings, and then coverage would be provided by the to be hired Part Time DMV Technician. These changes in the DMV offices would continue to provide excellent service and not hire another Part Time DMV Technician. Karsten noted that statewide, other Assessor's Offices had been growing to meet demands placed on them. He noted that Washington County had added 5 employees. Karsten explained that while Iron County was growing, there was a need to fill 2 additional positions, but that they would be backfill hires. Next meeting, Riley would be promoted to Personal Property, instead of assisting. Michael Bleak made a motion to approve the Personal Property and DMV changes as explained. Also, to approve the status change for Teresa Caldwell from Full Time Personal Property Lead to Full Time Appraiser, effective January 9<sup>th</sup>; and the promotion of LaTonya Heaton from Full Time DMV Office Manager to Full Time Trainee Appraiser. Backfill of a vacant position, effective January 9<sup>th</sup>, 2022. Second by Paul Cozzens. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

Jennifer Bradbury presented an update to Section 15, Travel Policy. She noted that the lower mileage reimbursement rate was included in the previous discussion but codified here. Also, an updated to the per diem policy due to a change at the academy for Peace Officer Standards and Training not providing meals, therefore a previous exception to per diem would no longer be withheld. Those officers in training would receive regular per diem. Paul Cozzens made a motion to approve the update to Section 15, Travel Policy, as described by Jennifer Bradbury. Second by Michael Bleak. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

Jennifer Bradbury presented a COVID update for employees to follow Centers for Disease Control (CDC) and Southwest Utah Public Health Department recommendations, which were currently to isolate for 5 days and then mask for 5 days. The policy would be to follow the guidelines of the CDC and Southwest Utah Public Health Department. Such COVID absences would count toward 92 hours, but not Family Medical Leave Act (FMLA). Michael Bleak made a motion to follow CDC and Southwest Utah Public Health Department recommendations as



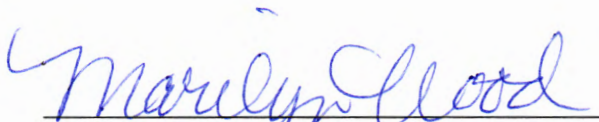
described by Jennifer Bradbury. Second by Paul Cozzens. Voting: Marilyn Wood, Aye; Michael Bleak, Aye; Paul Cozzens, Aye.

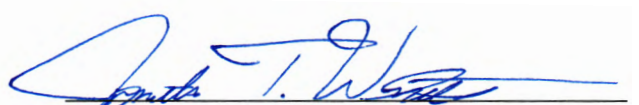
**NON-DELEGATED ITEMS**

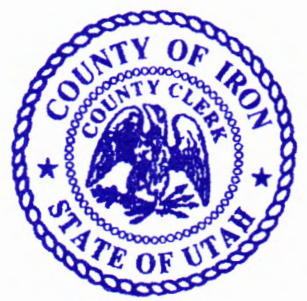
No Non-Delegated items were discussed.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY SPECIAL COMMISSION MEETING  
JANUARY 14, 2022**

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m.  
January 14, 2022, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

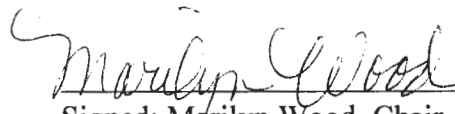
Dan Jessen	County Auditor
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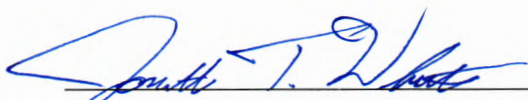
**APPROVAL TO TERMINATE A REAL ESTATE PURCHASE CONTRACT**

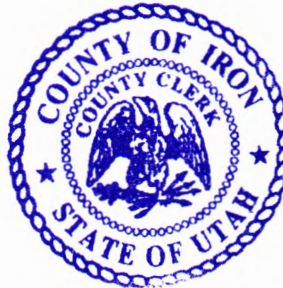
Paul Cozzens made a motion to approve the termination of a real estate purchase contract for land near the Smead facility, west of Lund Highway and north of Highway 56. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
JANUARY 24, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 24, 2022  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair-Via phone
Michael Bleak	Commissioner
Paul Cozzens	Commissioner Chair Pro Tem
Jonathan T. Whittaker	County Clerk

Also present:

Sam Woodall	County Deputy Attorney
Karsten Reed	County Assessor
Dan Jessen	County Auditor
Richard Wilson	County Engineer
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Jared Wilson	County I.T.
Bruce Anderson	County Landfill
Dr. Blodgett	Southwest Health Department
Maria Twitchell	County Tourism/Parks & Rec
Kathy Riggs	USU Extension

**SYNOPSIS**

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APPROVAL OF CLAIMS FOR PAYMENT .....2

APPROVAL OF MINUTES .....2

DEPARTMENTAL REPORTS.....2

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INVOCATION .....2

IRON COUNTY BOARDS AND COMMISSION ASSIGNMENTS REVIEW ..... 11

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NON-DELEGATED ITEMS..... 12

PERSONNEL ..... 11

PETITION TO VACATE PART OF 100 WEST ST IN PAROWAN CITY .....7

PLEDGE OF ALLEGIANCE.....2

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PUBLIC HEARING REGARDING CDBG 2022 PROGRAM, FIRST HEARING.....5

RECOMMENDATION TO DENY ROLL BACK APPEALS.....9

2009 FREIGHTLINER SALE TO CEDAR CITY FROM LANDFILL.....9  
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 UPDATED IRON COUNTY SCHOOL BOARD DISTRICT MAP .....10  
 VEHICLE SALES ON THE SURPLUS WEB SITE.....8  
 VEHICLE TRANSFER BETWEEN IRON COUNTY DEPARTMENTS .....7  
 VETERAN ABATEMENT REGARDING APN: A-3000-15 .....9

Michael Bleak noted that Commissioner Marilyn Wood would be participating in the commission meeting by telephone. Michael Bleak made a motion to appoint Paul Cozzens as Commission Chair Pro Tem in the physical absence of Marilyn Wood. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**INVOCATION**

An invocation was offered by Dr. David Blodgett.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by William Pressgrove.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held January 10, 2022. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Woods made a motion to approve Claims for Payment from January 11, 2022 to January 23, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Jared Wilson, Iron County Information Technology (IT) Director**, presented a review of projects completed in 2021: Converted to a new email server, updated 2 new file servers, migrated to a new financial server, migrated to a new webserver, addition of 4-6 new software programs, 3,416 work orders completed, Geographic Information System (GIS), updated the Iron County website, automated and created new forms and processes county wide. Projects planned for 2022: new Spillman GIS interface, completion of parcel migration to GIS, transition from 4 old servers to new ones (AD and file servers), new ACER’s software possibly in February, continuation of Time Entry software, analysis of new phone system and possible implementation, automate additional agenda forms for commission meetings and public notices, etc., and rebuild the Fair website.

**Karsten Reed, Iron County Assessor**, reported that the State Tax Commission called and reported that the Sales Ratio Representative resigned. There would be a replacement assigned to our area soon. During the State Assessor calls there had been a lot of discussion about Assessor retention. Nine more Assessors in Utah left their jobs in the last month. He explained that the private sector was drawing them out. Some counties in the state had changed to remote working to give employees flexibility and more productivity. Karsten reported that his office would be transitioning to Prism Utility Monitoring & Analysis (PUMA), which was a cloud based software. It had been reported that Utah’s population would grow by 66% and that would result with many challenges to face statewide, in regards to retention and growth. Sales Ratio was the immediate concern. There would be a change of the structure in the Assessors’ Office soon. He noted that they were in the process of hiring someone for the Parowan DMV. Karsten emphasized that the Parowan DMV was NOT closing and was here to stay. There had been a

significant number of changes at the federal level to license more Assessors. The Assessor shortage was a crisis nationwide.

**Carri Jeffries, Iron County Recorder**, expressed her appreciation for support from the IT department for transitioning into the new Geographic Information System (GIS) program. Kendal Allan, Iron County GIS Coordinator, had been in her office every day for an hour to train her office staff in the new GIS program. Carri explained that she was also the Iron County Surveyor and she recently made plat filing available for the public to submit those online. She reported on a 2021 review: Total Recordings were 23,982 (compared to 25K in 2006 and 15K in 2008); 71 total Plats (compared to 74 in 2007); total Revenue was \$957K. There were 1,927 new parcels created (1,100 in 2020). Sunrise had completed 30,788 parcels and approximately 20K to go.

**Nicole Rosenberg, Iron County Treasurer**, presented a recap of 2021: Product sales were \$59,738,781.61; Collections were up; Iron County funds distribution were \$12,224,539.41; Pooled cash \$57,852,063.84 (compared to \$2.5M in 2000, \$4.8M in 2008 and \$24M in 2015); the Public Treasurers Investment Fund (PTIF) rate was at 2.36% and it was predicted to begin increasing. That increase would result in an increase in interest; Moreton Asset Management was handling Iron County investments and they estimated that the Federal Government would increase interest rates 3-4 times this year. Nicole reported that since moving to Moreton, they had earned \$274,022.77 for Iron County. The Data Center that mailed out disclosures and tax notices would begin to email notices. She explained that although the email system would save money, there was no way to verify if the person received the email or if it had been sent. The Data Center was working on solving that issue. Outstanding taxes were at \$6.969M (compared to \$6.913M in 2020). If Black Iron could be eliminated, outstanding taxes would be under \$2M. Nicole expressed her appreciation to her office staff. They had collected \$42M since her last report in October. The part-time employees worked less hours this year during tax collection, and it was mostly handled by the office staff.

**Dr. David Blodgett, Director of Southwest Utah Public Health Department (SWUPHD)**, expressed his appreciation to Commissioner Paul Cozzens for his service on the board and for his leadership. Dr. Blodgett reported that they would be separating out Women, Infants, and Children (WIC) and Nursing Services: scheduling would be by appointment, they would be reopening on Fridays as soon as possible, and staff from Cedar City would cover clinics in Beaver and Garfield Counties as they do for Environmental Health; they would be adding another clerk position, with additional clinical professional staff time to adjust for the changes; they have added an additional Environmental Health staff member to the Cedar City Office, for a total of 3. There had been 130K doses of COVID vaccine administered by the Health Department and 44K delivered by the Cedar City staff. He explained that SWUPHD served Iron, Beaver, Garfield, Kane, and Washington Counties. Dr. Blodgett reported on a COVID-19 update: in the Southwest Region there had been 56,461 total COVID-19 cases, 284,400 total tests reported, 2,725 total COVID-19 hospitalizations, and 531 total COVID-19 deaths. Beaver County had 1,498 cases, 82 hospitalizations, and 15 deaths; Garfield County had 835 cases, 54 hospitalizations, and 12 deaths; Iron County had 13,072 cases, 462 hospitalizations and 80 deaths; Kane County had 1,161 cases, 61 hospitalizations, and 14 deaths; Washington County had 39,722 cases, 2059 hospitalizations and 398 deaths, Unspecified had 173 cases, 7 hospitalizations and 12 deaths. Dr. Blodgett presented several graphs which included 3-day Trajectory; First test report by date; Dated of Admission to hospitals; Daily hospital survey of location in the ICU versus Non-ICU; Hospital admission date by age; Date of death; Date of death by age; SW school hospitalizations; Age adjusted to unvaccinated and vaccinated incidence rates in people eligible for the vaccine since February 1, 2021; Vaccinated verses non-vaccinated by age group; and Vaccinated versus Unvaccinated over time by Report date, hospital admission week, mortality week. He noted that it was best to be vaccinated. Jon Whittaker noted that he was receiving texts, being the meeting was live streamed, for questions for Dr. Blodgett. One being, "How would we know what variant of COVID-19 was since it was not tested in Utah?" Dr. Blodgett replied that it was tested in Utah to identify the variant. Second question: "Do the hospitals receive more money if they claim a death from COVID-19?" Dr. Blodgett

replied that he was not aware of it now. Hospitals did receive extra funding for COVID-19 hospitalizations not by deaths reported. Paul Cozzens expressed his appreciation for Dr. Blodgett.

**Michael Bleak, Iron County Commissioner**, reported that last week George Colson, Iron County Emergency Manager, was able to obtain Narcan, a drug that counter-acts the effects of an overdose of opioids, through a grant program. There was a significant amount to be dispersed to the local Police Departments, Sheriff Departments, and Fire Department this week. They were presently dispersing the Narcan to the outlying Law Enforcements (LE). As a first responder, Commissioner Bleak noted that he had seen many lives saved as a result of Narcan. Unfortunately, there was too much opioid use which resulted in a great need for Narcan. Mike had met with Danny Stewart, Iron County Economic Development Director, and there were 2 new businesses coming to Iron County. Also, work continued on the Inland Port project. He noted that there would be a public meeting regarding a proposed Iron County Jail on February 8<sup>th</sup>. It would be held at the Southern Utah University (SUU) Great Hall Conference Center at 6 P.M. The public meeting was being sponsored by the SUU Leavitt Center for Politics so there would be no cost to the county. Paul Cozzens noted that the newspaper, Iron County Today, did not list the location and they would make that correction in the next issue.

**Paul Cozzens, Iron County Commissioner**, reported that the Cedar City Senior Center had a leak in the basement and was now mitigated. Carter Enterprises poured a slab underneath the stairway for better drainage, and were waiting to relay the flooring. Paul explained that there was a new agreement with Cedar City to maintain flood channels. Curtis DeMille, Iron County Road Department, had been cleaning flood channels from the Utah Department of Transportation (UDOT) bridge to the Western Rock recharge head gate. There was an issue North of Paragonah by the home of Ralph Lister with a high pressure gas line on the East side of the road. The gas line was shallow and had floated during the monsoonal flooding. They were trying to find a way to turn the water north and not disrupt the high pressure gas line. Paul noted there was some excellent recharge happening in the Cedar City Western Rock basin. The water coming down the canyon was clean and was entering the pit to recharge the aquifer. Commissioner Cozzens noted that last year, Iron County Engineer, Richard Wilson, applied for Emergency Flood Mitigation funding and was awarded \$1,146,887. The funding could be used for infrastructure and one project was a bridge that had been repaired on Right Hand Canyon Road. Iron County had a 25% match and when the work was done locally it qualified for the match. He reported that St. George was building a new receiving center for mental health. When law enforcement went out on a call that may be a mental health issue, rather than arrest them they would be given the choice to be taken to the center for help. Iron County did not have a receiving center and there was a need for one. One challenge for the receiving center was that it is difficult to staff. Washington County was very generous in letting Iron County use their center. Another challenge for LE was the time it took to transport a person to the center. He asked Sheriff Carpenter if there was a possibility to use members of the Volunteer in Police Service (VIPS). Sheriff Carpenter replied that they could not be used. Marilyn Wood noted that family members could take them down to the center. Paul noted that families were the ones that cared the most for their family members and it was discussed that LE could turn them over to families to transport them to the center.

**Marilyn Wood, Iron County Commissioner**, reported that on January 11<sup>th</sup>, Troy Forest, Department of Agriculture, came to Iron County and met with agriculture producers and ranchers. There was a work meeting held annually and on the first day of the meeting agriculture producers met to discuss the issues they had. On day 2 all the agencies met and discussed those issues. It was great to discuss Iron County issues with them and was good to challenge the Biden Administration and environmental groups. Commissioner Wood stated that it was important to watch what was happening in the legislature. She had received an email that informed her that there was a committee created to regulate the BLM out of Washington DC, which was a bad idea. The environmental groups continued to push for more wilderness in Utah. On January 13<sup>th</sup>, Representative Ken Ivory, of the Utah House of Representatives, came to Iron County (organized by Paul Cozzens) and held a meeting regarding the overreach of government on January 24, 2022

public lands. Mr. Ivory spoke on federalism and how people need to stand up and not allow the government to take over our lands. Marilyn noted that she had to leave the meeting early to attend the Parowan City Council meeting regarding the transfer of the fairgrounds. The Parowan City Council passed the Fairground Transfer Agreement with some additional language that they were concerned with.

Michael Bleak presented Elaine Espinoza, Council on Aging (COA) Activity Director, with a bouquet of flowers for her 6<sup>th</sup> year working with the Cedar City Senior Center. Commissioner Bleak expressed his appreciation to Elaine for all work she does to make our Senior Citizens feel welcome at the Senior Center. Marilyn Wood noted that Iron County needed more people like Elaine.

**PUBLIC HEARING, REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2022 PROGRAM YEAR, FIRST PUBLIC HEARING NOTICE**

Paul Cozzens, Iron County Commission Chair Pro Tem, declared a Public Hearing open regarding the CDBG program.

**FIRST CDBG PUBLIC HEARING MINUTES**  
**IRON COUNTY, UTAH CDBG PUBLIC HEARING**  
**HEARING HELD AT 68 SOUTH 100 EAST, PAROWAN UTAH**  
**JANUARY 24, 2022 AT 10:00 A.M.**

The Iron County, Utah first CDBG public hearing was held on January 24, 2022 in the Iron County Courthouse, 68 S 100 E, Parowan, UT at 10:00 a.m.

Present:	Paul Cozzens	Chair Pro Tem
	Marilyn Wood	Chair (via Telephone)
	Michael P. Bleak	Commissioner
	Samuel Woodall	Deputy Attorney
	Jonathan T. Whittaker	Clerk
	Carri R. Jeffries	Recorder
	Karsten Reed	Assessor
	Nicole Rosenberg	Treasurer
	Dan Jessen	Auditor
	Jared Wilson	IT Director
	Dr. David Blodgett	SW Public Health
	Kathy Riggs	USU Extension
	Wade Adams	Fleet Manager
	Bruce Anderson	Landfill Director

**Public in Attendance:**

Volney Morin, William Pressgrove, Mollie Halterman, Jeff Richards.

County Recorder: Carri R. Jeffries,

County Clerk: Jonathan T. Whittaker,

County Attorney: Chad E. Dotson.

## **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING:**

Commissioner Paul Cozzens opened the public hearing for the CDBG program and stated that the purpose of the public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible applications for the 2022 funding cycle. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Five County Association of Governments, in which Iron County is a member, is expecting to receive approximately \$907,269 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Commissioner Paul Cozzens read several of the eligible activities listed including examples, such as Construction of public works and facilities, e.g. water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Commissioner Paul Cozzens indicated that in the past Iron County had received 18 CDBG grants. Projects funded include fire stations, meals on wheels trucks, senior centers, water infrastructure, ADA accessibility, and ambulance garages. The county has handed out its capital investment plan as part of the regional "Consolidation 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. Commissioner Michael P. Bleak opened the meeting up to public comments. No comments were offered. The hearing was adjourned at 10:24 a.m.

### **PUBLIC COMMENTS**

William Pressgrove, citizen of Iron County, reported that what he had to say encompassed more than the Iron County Commission meeting. Every Commission meeting the Pledge of allegiance was made. When the pledge was said each person was taking an oath to do the things the pledge says including "Liberty and Justice for all." The State says that you may have a Table of Uses. It does not say you "have" to have a Table of Usage, only you "may" have one. The previous commissions had adopted a Table of Usage. William noted that he had been told numerous times that his authority ends at the commissioners. In other words, he could not tell the commissioners what to do with their property and they should not be able to tell him what to do with his property. The Table of Uses does exactly that. It is a set of rules that tells each individual, sovereign individual, that owns property what they can and cannot do with their property. Because the county represents each sovereign individual and tells them, mostly, what they cannot do. He noted that the Table of Uses says that his neighbor has authority over his property. He asked the commission to consider the oath that they take every time they say the Pledge of Allegiance and how the Table of Usage affects every sovereign citizen in Iron County.

Cindy Bulloch, on behalf of Congressman Chris Stewart, reported that she was the new representative for Congressman Chris Stewart for Southern Utah. Cindy noted that if there were any issues with the federal nexus she would be their point person and would help facilitate what would need to be done. Celeste Malloy, Legal Counsel for Congressman Stewart, would be in town during the February recess. If there were any issues or meetings wanting to be held while Celeste was here to contact Cindy and let her know. She was excited to once again represent Iron County. She was the replacement for Adam Snow. Congressman Stewart would like to make more of an impact in Southern Utah, and had appointed Lauren Cox to represent Washington County and Cindy would be representing Iron, Beaver, Kane, Wayne, Garfield, and Sevier Counties.



**DISCUSSION AND POSSIBLE APPROVAL TO PETITION TO VACATE PART OF 100 WEST STREET IN SUMMIT, UTAH**

Jon Whittaker, Iron County Clerk, explained that this agenda item had been an ongoing discussion with Summit property owners. The Iron County Commissioners held a special meeting toward the end of year 2021 regarding vacating different parts of roads in Summit. Jon noted that there were three primary areas that were a result of that meeting, part of 100 West, which was labeled with the 1869 townsite plat listed as a “closed road.” There was one piece remaining that had not been vacated. He explained that on the suggestion of the Commissioners, Iron County would be the petitioner to vacate the road. Under the Law of Road Vacation either citizens or municipalities could petition to vacate. This item was now coming before the Iron County Commission to have the commission grant Jon the authorization to begin the process, and have Iron County be the petitioner to vacate this section of the roadway. The proposed vacation was part of 100 West, between Main Street and 100 South. Jon noted that under the law the road could only be split down the middle of the adjacent property owners who were Bill Rafti and Brian Hammond as well as a corporate entity on the East. Paul Cozzens asked if there would be different parcel numbers. Carri Jeffries reported that it would be two separate parcels. Jon reported that the vacated road would be performed by an ordinance by the county. There were 2 other parcels, Jack Noble on the East along 100 South and Steve Stevens along 100 East south of 100 South. It was determined that there were parcels behind the Jack Noble occupied roadway that were desirous to be developed. Deputy County Attorney, Sam Woodall, would draft a letter explaining the situation, and that at some point these other adjacent owners might have to vacate the area that they were occupying. The third road on the south end of Center Street was occupied by Steve Stevens on both sides of the road. The commission did not feel comfortable with moving forward on that road. Jon Whittaker explained that in this case, they were moving forward on the road located on 100 West in Summit. Commissioner Bleak noted that there had been a great deal of input from the public and the commissioners spent a lot of time making a decision to do what was best. Michael made motion to approve to petition to vacate part of 100 West Street in Summit, Utah. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens. Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE 2022 ANNUAL COOPERATIVE AGREEMENT BETWEEN UTAH STATE UNIVERSITY (USU) EXTENSION SERVICE AND IRON COUNTY**

Kathy Riggs, USU Extension Service Director, explained that the cooperative agreement allowed USU to house an Extension Office in Iron County to provide services to the public for things related to agriculture. Kathy reported that they were fortunate to receive a budget this year and was grateful for the endorsement from the Iron County Commission. She noted that she completed the agreement according to the budget that was presented by Dan Jessen, Iron County Auditor. She was here today to ask for approval to submit the cooperative agreement to USU. Marilyn Wood expressed her appreciation to Kathy Riggs for all that she does. Marilyn Wood made a motion to approve the 2022 Annual Cooperative Agreement between USU Extension Service and Iron County. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF VEHICLE TRANSFERS BETWEEN DEPARTMENTS. A 2013 FORD EXPLORER FROM EXTENSION TO SHERIFF/VICTIMS ADVOCATE, 2014 IMPALA FROM FLEET POOL TO COUNCIL ON AGING (COA), 2007 IMPALA FROM FLEET POOL TO COA, 2015 CHEVY 1500 FROM SHERIFF DEPARTMENT TO CORRECTIONS, AND A 2011 FORD F150 FROM SHERIFF DEPARTMENT TO TOURISM**

Wade Adams, Iron County Fleet Manager, presented a list of vehicles to be transferred between Iron County departments. He reported that it was still difficult getting new vehicles. He talked with the dealership and one vehicle was built and was sitting waiting for a computer chip. Michael Bleak made a motion to approve the vehicle transfers between Iron County Departments

as presented by Wade Adams. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF VEHICLE SALES ON SURPLUS WEB SITE**

Wade Adams, Iron County Fleet Manager, presented a list of vehicles to be placed on the Vehicle Sales on the Surplus website. Marilyn Wood made a motion to approve the vehicle sales on the surplus website as presented by Wade Adams. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE DONATION OF 2 PATROL PICKUPS FROM THE SHERIFF'S DEPARTMENT TO THE PAROWAN CITY POLICE DEPARTMENT FOR VOLUNTEERS IN POLICE SERVICE (VIPS) FOR VOLUNTEER USE**

Dan Jessen, Iron County Auditor, explained during the discussions regarding the transfer of the Fairground, Parowan Police Chief Michael Berg, had reached out for any used VIPS trucks that he could acquire so he could begin a VIPS program in Parowan. VIPS vehicles were light duty use. Dan reported that when trucks were used full cycle in the Sheriff's Department, there was not much value in them to sell, but there was still life in them for VIPS use. Jon Whittaker noted that he had been working on obtaining the VIN numbers from the trucks. Michael Bleak made a motion to approve the donation of 2 Patrol pickups (2013, 2014 Ford F-150's) from the Sheriff's Department to the Parowan City Police Department for Volunteers in Police Service (VIPS) for volunteer use and listed the License numbers for identification. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN AMENDED AGREEMENT WITH PAROWAN CITY REGARDING THE TRANSFER OF THE FAIRGROUNDS TO IRON COUNTY**

Jon Whittaker, Iron County Clerk, explained that the agenda item was on once again as Parowan City had made an amendment to the agreement on page 5, Subsection B: "No portion of the property described in Exhibit B shall be encumbered, subdivided, carved off, deeded, transferred, sold, or exchanged by Iron County, and shall be held and retained by Iron County Fee Simple Absolute. If at any time in the future, there is the possibility of foreclosure, conveyance, or any claim of interest, or entitlement is made against any portion of the property as described in Exhibit B, the property shall be transferred back to Parowan City by Iron County, unless Parowan City otherwise consents in writing." Marilyn Wood expressed her appreciation to Parowan City and their willingness to work together on the Fairgrounds transfer. Jon Whittaker noted that he was thrilled for the prospect and possibilities this transfer would offer the Iron County Fair down the road. Marilyn Wood made a motion to approve the Amended Agreement with Parowan City regarding the transfer of the Fairgrounds to Iron County as presented by Jon Whittaker. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF SWITCHING THE IRON COUNTY FUEL CARD PROGRAM TO A STATE CONTRACT WITH WEX**

Dan Jessen, Iron County Auditor, presented a brief history of the current Iron County Fuel Card program under the state contract with Fuelman. He reported that as a result of promises not filled and lack of access from Fuelman, the State of Utah left Fuelman and was now in a new contract with WEX, a nationwide fleet fuel program. The question was whether to join under the state contract or deal directly with WEX. Dan noted that he, August Franklin, and Wade Adams had looked into the program. He had spoken with the new state Director of the Utah Division of Fleet Operations, Cory Weeks, and he would be great to work with. Mr. Weeks had done an overhaul of the current system, which changed some things and made it more efficient. Fuel Cards under WEX were accepted at over 95% of retail fueling locations across the state. The sites were managed by Utah Division of Fleet Operations, which offered fuel at a

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significantly lower cost than was available elsewhere. The sites were continually monitored and maintained to insure fuel availability. There was a 0.12 cent per gallon fee. If Iron County switched to WEX, employees would be encouraged to use state fuel sites as much as possible. Iron County had state fuel sites at: Parowan (located at the UDOT shed), Cedar City (at the UDOT shed), at SUU, and one located in Beryl. If the county used the state fuel sites it would save money even with the fee charge. There was further discussion on times the sites would be open and if it would cause congestion at the pumps at the road department. Marilyn Wood made a motion to approve switching the Iron County Fuel Card program to a state contract with WEX. Second by Michael Bleak. Voting: Michael Bleak, Aye; Marilyn Wood, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A 2009 FREIGHTLINER SALE TO CEDAR CITY FROM THE IRON COUNTY LANDFILL**

Bruce Anderson, Iron County Landfill Supervisor, explained this was an old roll-off truck that the Cedar City sewer plant had asked to purchase for \$25K. There was 350K miles on the truck and was on the asset list. Michael Bleak made a motion to approve a 2009 Freightliner sale to Cedar City from the Iron County Landfill in the amount of \$25K. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION (BOE)**

Paul Cozzens, Iron County Commission Chair Pro Tem, declared the convening of the Board of Equalization (BOE).

**DISCUSSION AND POSSIBLE APPROVAL OF THE HEARING OFFICERS RECOMMENDATION TO DENY THE ROLL BACK APPEAL FOR ASSESSOR'S PARCEL NUMBERS (APN'S): C-644-1, C-646, C-646-4, C-646-4-1, C-646-4-2 AND C-646-13**

Carrie Christiansen, Iron County Chief Deputy Auditor, explained that this was a roll back appeal as the owner, NBGS, LLC, became noncompliant in December of 2020. There were multiple notifications sent to the owners. The owners filed an appeal when the roll back was applied. The independent auditor for Iron County denied the appeal. This agenda item was to approve the denied appeal by the independent auditor/hearing officer. Michael Bleak made a motion to approve the recommendation to deny the roll back appeal as presented by Carrie Christiansen. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A VETERAN ABATEMENT FOR APN: A-3000-15, DATED DECEMBER 29, 2021**

Carrie Christiansen, Chief Deputy Auditor, explained that there was no statutory deadline for veteran abatements. The abatement was approved for a total of \$851.03. Marilyn Wood made a motion to approve a Veteran Abatement for APN: A-3000-15 in the amount of \$851.03. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Paul Cozzens, Iron County Commission Chair Pro Tem, declared the reconvening of the Iron County Commission.

## **DISCUSSION AND POSSIBLE APPROVAL OF AN UPDATED IRON COUNTY SCHOOL BOARD DISTRICT MAP**

Paul Cozzens explained that the commissioners had been working on the School Board District Map for some time. There had been meetings and several comments regarding the map. Paul expressed his appreciation to Jon Whittaker and Kendal Allan for their hard work and input. Jon Whittaker realigned the precincts recently and there was an addition of 5 precincts which brought the precincts to 50 from 41. When the population reached 50K, it was required to go from a 5-member board to a 7-member board. He reported that there were three criteria to follow. One-make the number as equal as possible, two-wording be contiguous and compact and three-community of interest. It would be ideal to have all of the criteria but it was nearly impossible. Paul noted that from his perspective it came down to keeping districts as equal as possible or to focus on community of interest. As the numbers in the precincts have been discussed, Parowan, Paragonah, Summit and Brian Head were quite small. When they tried to incorporate parts of Enoch or parts of Fiddlers Canyon, the risk of the community interest portions were affected. If someone from that area won then Brian Head would have no representation and vice versa. Those were some of the factors that were considered.

Jon Whittaker, Iron County Clerk, explained as Commissioner Cozzens reported that on Map #1 there was a challenge with the Eastern part of Cedar City (downtown area) and Fiddlers Canyon area. Enoch and 3 Peaks fell into place well. There was also a challenge in Parowan, Paragonah, Brian Head, Summit, and Midvalley precincts. There were 57,282 residents in Iron County based on the 2020 Census and divided by 7 created the target number for precincts of 8,183. Jon read Utah Code 20A-14-201 Boards of Education-School Board Districts-Creation-Redistricting (1)(b) it says "The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact as practicable." Jon displayed Map #1 and explained how the precincts were divided and the numbers in those precincts. The commission and himself had tried their best to represent parents and students and a member of the School Board representing a particular district. There had been some complaints with split representation and disparity in numbers, which was a challenge. Jon presented a second map with some changes where the precincts would be and the continued challenges. Sam Woodall, Iron County Deputy Attorney, explained that board members need to understand factors of who they would represent. Paul Cozzens reported that the filing date for candidacy was coming up March 7<sup>th</sup> – 11<sup>th</sup>, so a decision could not be put off too long. He suggested that the vote be tabled and wait for citizens to see the maps. Mayor Halterman, Parowan, noted that she would share the information noted in Parowan and gather comments on any concerns. There was discussion regarding if someone were to challenge the maps and sue the county for lack of representation. Commissioner Cozzens asked if the maps could be presented to the state for an opinion. Sam Woodall noted that the state would be glad to weigh in on the maps. After further discussion it was agreed upon to hold a town hall meeting for public comments. Marilyn Wood asked where a meeting could be held that was large enough. Paul Cozzens suggested the Festival Hall. Dan Jessen stated to make sure to stream the meeting.

Marilyn Wood made a motion to table a vote and move forward with a Town Hall meeting to be held on February 1<sup>st</sup> at 6 p.m. in the Festival Hall room 7, regarding the Iron County School Board District Map. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **REVIEW IRON COUNTY BOARDS**

The commissioners reviewed a list of Iron County Boards and Commission Assignments for accuracy and needed changes. Under Commission Assignments: Paul Cozzens was assigned the Assessor Liaison, Floods and Water including Beryl and Parowan Valley, Fleet Manager with Wade Adams as contact. Michael Bleak was assigned the Attorney Liaison and the CJC, Stephanie Ward as contact. Marilyn Wood was assigned Fairgrounds and the newly established Public Works Director with Bruce Anderson contact. The Diamond Z Arena name changed to Cross Hollow Event Center with Scott Christensen contact. Board updates: Accident & Safety Board: Name correction to Karsten Reed; Ag Protection Board-elected by Local Farm Service Agency list; Bookmobile Library Board, Paul Cozzens would follow through with the members and report back; Boundary Commission: Paul Cozzens would be the Iron County Commission contact; Career Service used Administrative Law Judge and would be deleted from the list; Council on Aging: no changes; Health Insurance Committee: Shane Klenk added to represent the Attorney's Office, Angelica Judd was replaced by Stephanie Rainey for CJC, Bart Bishop was replaced by Marcia Smith to represent the Recorder's and Eric Witzke replaced by Jeremy Truman for the Landfill Department; no changes for Iron County Special Service District #3, LEPC/Emergency Preparedness Committee and Mountain View Special Service District: Jon Whittaker noted that this board may be inactive; Natural Resource Advisory Council: Marilyn Wood was added as the Iron County Commission representative, Commissioner Cozzens noted that there was a concern with President Biden's 30x30 Wilderness Plan as it would have a big impact on the West Desert and other areas. He suggested that Mike Worthen work close with Paul Monroe, Central Iron County Water Conservancy District. Marilyn Woods noted that she would meet with Mike Worthen on the expiration dates of those members; Planning Commission: addition of Laine Sutherland replaced Phil Schmidt, Heather Wayman as Secretary replacing G'Ne Bartholomew, Roger Thomas was elected Chair and Craig Laub elected Co-Chair. No changes with Restaurant Tax Board, Southwest Behavioral Health Board, Summit Special Service District, Tourism Advisory Board, Water Conservancy District. Randall Violett replaced Chad Reid in the Weed Control Board.

## **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the rehire of Amanda Buhrman as a Corrections Deputy 3 for the Sheriff's Department, effective February 13<sup>th</sup>. This was a backfill of a vacant position. Michael Bleak made a motion to approve the rehire of Amanda Buhrman as a Corrections Deputy 3, for the Sheriff's Department. effective February 13<sup>th</sup>. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Jennifer Bradbury explained that the 2 Road Department agenda items coincided with each other and she would address them together. Jennifer reported that with the transition of the Road Department Superintendent, it was an appropriate time to evaluate needs of Iron County, factoring in growth and trends in other counties of our size within the state. She reported that it was time to create a Public Works Director to oversee both the Landfill and Road Department. Bruce Anderson was selected by the Iron County Commission for appointment as the Public Works Director, to supervise the Landfill and Road Department, effective January 23<sup>rd</sup>. This position would work with the assistants from the Road Department, and Landfill. Bruce would work with a Road Department Supervisor and the newly created Assistant Landfill Supervisor position. If approved, the Assistant Landfill Supervisor position would be filled internally from one of the two Lead Landfill workers at the next commission meeting. Preston Nelson had elected to voluntarily transfer from a Salaried Roads Superintendent to an hourly Full-time Maintenance Worker, effective January 23<sup>rd</sup>. Marilyn Wood made a motion to approve the new position of Public Service Director, and the status change for Preston Nelson as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Jennifer Bradbury presented for approval a status change for Rylee Carter from Full-time Clerical Assessor to Full-time Personal Property Assessor (DMV) in the Assessor's Office,

effective January 23<sup>rd</sup>. This was a backfill of a vacant position. Jennifer noted that the Parowan DMV would continue to provide service in Parowan. Michael Bleak made a motion to approve the request for the status change of Rylee Carter from Full-time Clerical Assessor to Full-time Personal Property Assessor in the Assessor's Department, effective January 23<sup>rd</sup>. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

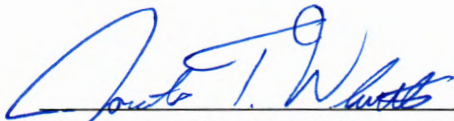
No Non-Delegated items presented.

**ADJOURNMENT**

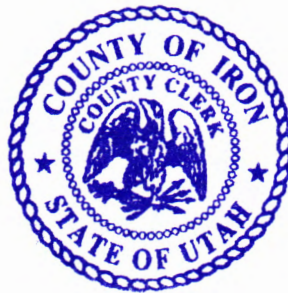
Paul Cozzens, Iron County Commission Chair pro-tem, declared adjournment.



Signed: Paul Cozzens, Chair Pro Tem



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
FEBRUARY 14, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 14, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
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**SYNOPSIS**

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**INVOCATION**

An invocation was offered by Paul Cozzens.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by William Pressgrove.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held January 24, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from January 24, 2022 to February 13, 2022. Second by. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **DEPARTMENTAL REPORTS**

**Stephanie Ward, Iron County Children's Justice Center (CJC)**, presented 2021 CJC statistics. The Iron County CJC had: 315 new cases opened (195 Female, 199 Male, 1 other); 239 Forensic interviews; 53 Medical exams; 1,009 Sessions completed by CJC therapists; 638 other family members served. Stephanie explained that the Iron County CJC serves all types of abuse that involved children (most other state CJC's only cover sexual abuse cases); 142 cases of sexual abuse; 111 cases of physical abuse, 21 cases of domestic violence (both were crimes); 37 drug endangerment & neglect; 33 bullying and 6 sexting. Cases often had more than one abuse type. There were: 74 children ages 0-6, 86 children 7-12, 144 children 13-18 and 11 victims were age 19 or over. Of those children: 242 were White, 24 Hispanic, 8 Black, 9 American Indian, 13 Mixed Ethnic, 5 Pacific Islander, and 2 other/unknown; 166 suspects were parent/stepparent, 12 parent's boy/girlfriend, 11 another relative, 70 another known person, 7 internet acquaintances and 6 unknown/not reported; 304 suspects identified as: 208 Male, 93 Female, 3 Unknown, 19 under the age of 13, 41 ages 13-18, 241 ages 18 or over and 3 unknown/didn't name. She reported that in 2021 Iron County had 242 Interviews, 53 Medical exams; Beaver County had 20 Interviews, 12 Medical exams, Kane County had 38 Interviews, 21 Medical Exams, and Garfield County had 16 Interviews, 1 Medical Exam. 2021 CJC Contracted Therapy – Children seen/Individual Sessions: Iron County 86/353, Beaver County 3/7 (first year CJC opened in Beaver), Kane County 42/209, Garfield County (CJC opened in December) 1/9. Having a CJC locally gave the victims a place to go that was near them. Garfield County still goes to Beaver County for their Medical Exams, and they are located in the old High School. The school was in need of repairs and the use of the High School was limited. Stephanie reported that the Victims of Crimes Act (VOCA) Grant continued to help pay for the Therapists and to be able to provide those services to the families at no cost to them, and she was very grateful for it. The Annual Fun Run would be held in May 2022. Stephanie introduced Jennifer Davis as their CJC Friends Board President. Jennifer reported that it was extremely evident that the CJC was running out of space. As our community grows, so does the need for the CJC. They expanded the current home, which worked for a while. There was going to be a three-story apartment complex built on the property next to them. There were times when four different families needed to use the CJC at the same time. Many of the interviews and exams were time sensitive and there was no room. She noted that there was not a spot to conduct the Friends Board business. Jennifer explained that the Friends Board was requesting any funding that Iron County could donate to help with a new CJC. Other CJC's across the country that had seen the same number of children as Iron Counties CJC had gone from 6,600 sq. ft. to 15k sq. ft. The Iron County CJC was 24 sq. ft. and not handicap assessable. She reported that she had a support letter from the State of Utah Attorney's Office for use of American Rescue Plan Act (ARPA) funding. The community had been very kind to the CJC, and Fund Raisers had been successful enough to have some funds to begin the process of a new CJC. She had been in contact with IHC and had their full support. There were plans to sell the current CJC, and where the CJC was under Iron County they would like the funds from the sale to go towards a new center. Jennifer noted that they had been looking for land that could be donated for the building. They need to find land that was general commercial and trying to retrofit into a neighbor was not a good idea because there was limited parking. Marilyn Wood noted that the commission was willing to investigate it, and know they are running out of space and need the help. Stephanie Ward reported that she was looking into receiving grants from the Eccles and Sorenson Foundations. Jennifer reported that she had been looking into other CJC's within the state for information. They want to do things correctly and not have to come back in five years. She had also been in contact with the Home Builders Association about donating labor. Michael Bleak expressed his appreciation for their service and all the work they do.

**Chad Dotson, Iron County Attorney**, reported that the Attorney's Office was now fully staffed. The newly hired Deputy Attorney was now licensed and able to accept cases. Everyone was working hard on the backlog of cases that was created by COVID-19. There was a jury trial next week on a Burglary/assault case out of Enoch. The following week there was a jury trial on a child sexual abuse case out of Parowan. Goals set for the 2022 year were: Improve and expand



Mental Health Court and Drug Court, which had been a challenge with the Pandemic; Wants to make an effort to minimize panhandling. His office had limited jurisdiction as the City's had most of the control. It was becoming more noticeable and not ideal to let it continue, so he was working on addressing the issue; Training was going to be important this year. There was a training coming up being sponsored by the National District Attorney Association for prosecutors to investigate and prosecuting sexual assaults; training with other Law Enforcements including Special Weapons and Tactics (SWAT). Deputy Attorney Sam Woodall had been training with SWAT and was doing very well. The Attorney Office ended 2021 under budget. He expressed his appreciation to everyone associated with his office for doing such a great job. Chad closed by expressing his appreciation for support from the commission.

**Lori Eichelberger, Iron County Justice Court**, reported that the Justice Court ended 2021 under budget. Lori presented a Justice Court Recap of Major Categories in 2021: There were 153 DUI's, 589 Drivers License Violations, 6,800 Moving Violations, 1,767 Non-moving Violations, 59 Assaults, 87 Thefts, 606 Controlled Substance/Narcotics, 103 Domestic Violence, 470 other miscellaneous Misdemeanors/Infractions for a total of 10,634. Total number of Cases for the 2021 year was 11,093. Revenue collected in 2021 was \$2,055,283, Revenue disbursed \$865,683 and Revenue retained was \$1,189,600. There were 8,585 Citation served. Lori reported that the Justice Court Office was staffed with 6 Clerks, 1 Lead Clerk Supervisor, 2 Judges, and herself. State Legislature passed a statute that now required Clerks to be certified. Administrative Office of the Courts (AOC) created a training system called ELMS (Enterprise Learning Management System). This year training would be in person. Half of the staff would attend the training and the other half would be trained remotely. Every year there would be a certain amount of hours of training to continue to be certified. Lori expressed her appreciation and gratitude for her staff and all the work they do for the county.

**Brionna Garrett, Iron County Victim Advocate Services Program Manager**, reported on statistics for the 4<sup>th</sup> Quarter of 2021: 55 Adult Physical abuse, 13 Adult Sexual abuse, 24 Child Physical abuse, 50 Child Sexual abuse, 48 Domestic Violence, and 20 Stalking/Harassment, for a total of 227 Victims served. One of the important services that the Victim Advocates provide was assisting with protective orders by talking with them, assisting them to fill out legal paperwork. They assisted with 65 protective orders. Brionna read a letter sent to Cedar City Police Chief (then sent to Wendy Jessen) from a father regarding Victim Advocates Wendy Jessen and Jaden Thomas, "Dear Chief, I wanted to take a moment to compliment two members of your staff and applaud the experience my family had with the Cedar City Police. My Wife, Daughter and I came into the lobby to make a report. We were met by a friendly receptionist and filed a report with Officer Petit and your Victim Advocate Wendy Jessen. Words cannot express my appreciation for the way in which they conducted themselves, in the delicate and sensitive matter that they treated my family. Please extend my gratitude to them. They are a tribute to your community and a credit to your organization." Brionna explained that this was a case that Wendy assisted with. She always took time out of her day to make sure the families feel comfortable, heard, and understood throughout the process. She was great talking with the parents and making sure the child was heard and was not afraid to be a voice for the children. Jaden Thomas responded to a suicide last week along with Commissioner Bleak. Jaden sent an email to her and said that the landlord "expressed his gratitude that the Police Department had advocates. He was expecting that once the officers cleared the scene, and basically said good luck and that was the end of their involvement. He was pleasantly surprised that we had an advocate on scene to help with his tenant, but to also handle all the arrangements, to notify the landlord, organize cleaning, and minimize further traumatizing by his tenant by having to make those decisions right after an even like this. Jaden then stayed with the boyfriend for two hours on the scene, organized cleaning between the landlord and Bio-One, a hazmat cleaning company. After the cleaning he returned the key back to the boyfriend." Ms. Garrett reported that when someone was arrested, there was a gap where there was not an understanding if the suspect could contact their victim, so they would call them from jail or by email. She had been working for the last 4-6 months to get a process in place to notify suspects that they were not allowed to contact their victim. She sent out a notice to all the Chiefs of Police informing

them that the suspect could not contact their victim while in jail or between the time when a suspect was released, and had a jail release agreement, and if they did, they would be charged for it. Michael Bleak expressed his appreciation to Jaden Thomas and Wendy Jessen. Jaden was a “rock star” while assisting with the suicide. Jaden not only helped the victim and landlord, but also the officers that were struggling and continued to struggle with the event. Usually, between victim advocates, officers, and mental health it had been an “us and them.” He noted that through the Victim Advocate program, that had been changed in Iron County. Brionna responded that both Wendy and Jaden were great in what they do. She couldn’t ask for better advocates for our community. She noted that they want to be there for the officers as well as the victims. Marilyn Wood expressed her appreciation for the Victim Advocate program.

**Paul Monroe, Central Iron County Water Conservancy District (CICWCD) General Manager,** reported that operations were doing well and ended year 2021 under budget. With the continued growth in Iron County (fastest growing county in the State of Utah) revenue was up. Paul noted that they had put approximately 375-acre feet into the recharge basin. It was going to be an interesting year, with the National Weather Oceanic predicting that this year was going to be El-Nia (dry year). Snowpack on the mountain was at the level now that we ended our snow season last year. He reported that there had been continuous work at the Quichapa Recharge Project. The Wastewater Treatment Plant, in connection with Cedar City, was moving forward. The Chekshani Cliffs project should be operational next week. Paul reported that the large Capital Water Improvement Project was still underway, and he had been working to get funds from the United States Department of Agriculture (USDA). He had received word that, preliminary, they would receive \$4M in a grant and 1.75% would be the interest rate. There was a large water information meeting in December that went well. It focused on water issues and solutions in Cedar Valley and the Pine Valley Water Supply Project. There were outside environmental groups that were promoting their agendas, and he was doing his best to keep the public correctly informed of what the CICWCD was doing. The Capital Water Improvement Project was open for public comments by National Environmental Policy Act (NEPA) through March 11<sup>th</sup>. Mr. Monroe reported that the Utah Legislature had a lot of water bills being presented, but it was difficult to get water bills passed. Because of the drought, there was still American Recovery Plan Act (ARPA) funding available. He noted that he was working with Senator Rex Shipp for a \$4M appropriation to go towards planning of the Pine Valley Water Supply Project. Another Legislature topic was secondary water metering. There was research that showed that water metering was very useful and saved water.

**Michael Bleak, Iron County Commissioner,** reported that the CJC Project, as discussed earlier, was exciting. It had been evident for a while that there was a need for a new CJC. He was approached by a group of citizens who were putting together funding resources that helped to get things going as far as a public/private partnership. It was discovered that there were some legal issues with the current building regarding deed restrictions. The property belonged to Iron County, unless it wasn’t a CJC, then it reverted to the previous owners. That issued had been resolved enough where the county would receive a clear deed on that piece of property. He noted that he and Stephanie Ward had spent some time at Southern Utah University (SUU) promoting the CJC program and recruiting student volunteers through the Elementary Education program and the Nursing Program, educating them on mandatory reporting requirements that would help them move forward in their careers. Commissioner Bleak mentioned that there were some great companies in Cedar City that provided products that were sourced and manufactured locally. There were two companies, Choffee and The Drunken Butcher, that would begin selling their product out of the Cedar City Tourism Center store. Mike reported that he sat on the Airport Board, and they discussed the need to educate people more about the abilities and services that the Cedar City Airport provided. An Airshow was in the works for possibly October 8<sup>th</sup>, with an open house for the Airport, and to showcase the K-9 Units from the Sheriff’s Office. The ultimate goal was to bring awareness to the Cedar City Airport. Marilyn Wood and Michael Bleak attended the groundbreaking for the American Packaging Company last week. He reported that the first Jail Public Meeting was held at SUU on February 8<sup>th</sup>. There were over 150 attendees, three speakers and a six-member panel to answer public questions. Jon Whittaker

February 14, 2022

noted that there was a 2<sup>nd</sup> meeting planned on February 22<sup>nd</sup> in the Cedar City Festival Hall Room 7 at 5 P.M.

**Paul Cozzens, Iron County Commissioner**, reported that the Cedar City Senior Center basement floor had been repaired, relaid, and was back open for use. He met with Utah Department of Transportation (UDOT) and Dominion Energy regarding a high-pressure gas line on property North of Paragonah. There were some flooding issues, and they were trying to mitigate them. Legislature information: HB242-Secondary Water was concerning, and he had talked with Representative Rex Shipp about his concerns. HB253-CAFO (Concentrated Animal Feeding Operations) was wanting to strip county commissions of their zoning authority regarding the locations of swine farms. Paul noted that he had met with Cedar City, a couple of excavators, Engineering Department, and developers regarding improving road construction standards to make our roads last longer. He explained that once a developer developed the roads, the county or municipalities took those roads over, and the burden was then on taxpayers to maintain the roads. The roads need to be laid correctly and last longer, so they were not such a burden on tax payers. Paul reported that he was a member of the Congressional Briefing Committee. There were many Legislators from Washington D.C that had never visited the West and had not experience water issues, government ownership of so much of our land, and how that affected Utah. The committee pooled funds and offered scholarships for some of the staffers to travel out west for a “Field Trip” to show them some of the issues the west was experiencing.

**Marilyn Wood, Iron County Commissioner**, reported that she had attended the Republican Party Lincoln Day Luncheon. Congressman Chris Stewart and Senator Mike Lee both spoke at the dinner. She was also asked to speak at the dinner, which was not her forte, but she honored the request. The attendance was great, and it was a very nice event.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RURAL AGRICULTURE 20 (RA-20) TO RESIDENTIAL 1 ACRE (R-1), 20.28 ACRES LOCATED AT APPROXIMATELY 4077 WEST MIDVALLEY ROAD, CEDAR CITY, UT WITHIN THE NW ¼ NE ¼, SECTION 18, T35S, R11W, SLB&M (APN: D-515-9), APPLICANTS ARE PHILIP AND NICOLE BOZEMAN**

Reed Erickson explained that if a parcel was not at least 40 acres it had to be contiguous to the parcel that was being zoned. If it was not tied to sewer, the lots needed to be 5 acres. The reason for the zone change was, down the road, to build a subdivision. There was available water in the area from the CICWCD, but it was a high-pressure line, and would depend where the pressure reducing station would be, and may require further information to determine if they can tie into it. There was currently fire suppression in the area.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing open regarding the proposed zone change. No comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the proposed zone change met all requirements in Iron County Policy-Evaluation Considerations for Re-Zoning Property, and the Iron County Planning Commission recommended approval by the Iron County Commission. Michael Bleak made a motion to approve the proposed zone change from Rural Agriculture 20 (RA-20) to Residential 1 Acre (R-1), 20.25 acres located at approximately 4077 West Midvalley Road, Cedar City, within the NW¼ NE¼, Section 18, R35S, R11W, SLB&M (APN: D-515-9. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

Margie Holm, a citizen of Iron County, reported that there had been a drone flying over her property and looking through her windows. She had just left her home and a plumber working on her home witnessed it and relayed the information to her. The plumber approached the individual and he reported that individual said that he worked for a county commissioner. Commissioner Bleak noted that the commissioners did not own a drone. Marilyn Wood replied that the Sheriff Department had drones but not the county. Margie noted that her neighbor,

Shannon Darger, called the Iron County Sheriff and he stated that it was against the law and that they were trespassing. She was told that there had to be two different instances before she could file charges. Ms. Holm stated that she was concerned that the individual stated that he was working for a commissioner. Mike Bleak assured her that Iron County did not have a drone and it would be good to have a name. She was told that his name was Bill and he lived down the road from her.

Shannon Darger, owner of above-mentioned property, noted that this was very sensitive for her and hard for her to talk before the commission. She moved here from Oklahoma and bought a home on Lund Hwy. She noted that she feels safe here for herself and her children. Shannon reported that when she saw the drone she got in her car and drive to the mans' home because she was mad. She also felt violated. Marilyn Wood noted that she would hope Iron County welcomed her and that she would feel safe in her home.

Sheriff Carpenter noted that the Sheriff deputies were here to protect the rights of all citizens in Iron County. Drones were becoming more and more prevalent. There were certain restrictions for them. Drones were governed by the Federal Aviation Administration (FAA). For Law Enforcement purposes, they were required to take a license course and be certified to operate drones, but that does not apply to common citizens. If there were problems where the drones were being flown onto personal property and being used to spy on or invade someone's privacy it should be reported to the Sheriff's Office. The Sheriff's would then work with the Attorney's to look at what the appropriate laws were that might be a violation.

#### **CONCERN REGARDING A JUNKYARD ON LUND HIGHWAY IN A RESIDENTIAL ZONE**

Bill Pratt, a citizen of Iron County, explained that he was concerned on zoning laws that were not being enforced on either side of Lund Hwy (Cedar Valley Acres 1 and 2). Bill reported on Building permits regarding hauling of water for culinary requirements prohibited and Sewage-established septic system (either in ground or city); County Codes 17.16.030 – Table of Uses (R-5, R-2, R-1, R-1/2 single family housing choices); 16.36.150 – Storage of commercial vehicles in agriculture and residential district prohibited; 17.36.230.B Location of mobile homes, travel trailers, recreational vehicles, boats, camping trailers, truck campers and motor homes (not permitted in R-2, R-1 and R-1/2; 17.36.234.A.2 – Recreational vehicle seasonal use (17-180 days per year – Building Permit); and 17.36.250 – Keeping of domestic animals. Mr. Pratt also presented a slide show of junk left in the areas. He stated that there was an increase tax revenue when a proper facility was built. Iron County would lose revenue if the problem was not corrected and would have an impact on property value. Something needed to be done with the problem and he recommended that the county enforce the zoning laws.

Michael Bleak noted that as long as he had been a commissioner there had been complaints from that area. The commissioners had worked closely with the County Building & Zoning Department to address the issues. Commissioner Bleak asked Terry Palmer, Iron County Building & Zoning Supervisor to address the issues presented by Mr. Pratt.

Terry Palmer thanked the public for coming in and expressed his appreciation for their passion. He stated that he was blindsided on the issues presented as no one had contacted him or his office. He informed the public that later in the meeting the commissioners would possibly be approving a new Part-time Zoning Officer, Joseph Pulica, who was in attendance, to gain knowledge of what he would be facing. Terry reported that he had been with Iron County for close to 27 years and zoning issues had been a constant problem, especially with the population growth that Iron County was experiencing. He expressed his appreciation for support from the past and present Iron County Commissions. He was aware that there were problems, and a lot of them had been cleaned up, but once the area was cleaned more junk was brought back in. Terry noted that he would be working closely with the new Zoning Officer to address the zoning problems happening in Iron County. There were 3400 square miles to cover in Iron County. Mr. Palmer asked that if there was an issue to please come into the office and let them know. They would keep the public informed of any progress.

Mike Bleak noted that Cedar Valley Acres was one of the top two hot spots with zoning issues. In 2020-21, there was a Zoning Officer approved to work on that specific area, but the position was never implemented because of COVID and personnel issues. During the 2022 budget hearings zoning issues and enforcement was on top of the list to help Terry Palmer within his department. With the approval of a new zoning officer, he would fill that position and work with Terry and the County Attorney regarding zoning laws and enforcement of those laws, specifically in the Cedar Valley Acres area.

Terry Palmer stated that he had worked with Sheriff Carpenter, and he had a lot of the same concerns that he had regarding safety issues and concerns. The Sheriff's Office was having a difficult time with staffing his department but was still willing to help his department when needed. He wanted to assure the public that he did realize the issues within the county and was trying his best to get them cleaned up.

Sam Woodall, Iron County Attorney, reported that if there were specific violations with some ordinances it could result in an infraction or misdemeanor charge. Otherwise, it could be considered a nuisance. There was a civil process that required you to file a complaint and go through the court process, to have the opportunity to be heard in court. Most of the time a person was notified, or a citation would be issued with infractions. It was handled on a case-by-case basis.

Marilyn Wood expressed her appreciation to Terry Palmer for his work and knew that he was overwhelmed because of the growth in Iron County.

Bruce Anderson, Iron County Public Works Director, reported that there was action being taken. He noted that there was also a garbage problem because of many residents not on the landfill billing and cheating the system. Sheriff Carpenter agreed to have one of the large solid waste cans from his department taken out to Lund Hwy to help ease some of the issues. There was work currently being done by the county to help try alleviating the problem. There were approximately 46 squatting units that did not have a building permit to be on the lands. He understood the frustration and how hard it was to keep on top of it.

Robert Houser, a citizen of Iron County, expressed his appreciation to Terry Palmer for the great job that he does. He had lived here for 3.5 years. He had concerns with the area and if there was something he could do to help he would be willing to do so. He was pleased that there would be a new Zoning Officer. There were issues that would be walked into in the area that he would not go into unarmed.

Bob Tuckett, a resident of Midvalley Estates, stated that this had been a long-time issue. The Midvalley Estates community had tried to get this cleared up years ago. There were two issues that came up regarding inoperable vehicles: they had to have a clear title (which was nearly impossible) and all fluids had to be drained. As a result of those issues the cleanup had to be cancelled. Midvalley Estates now had three "junkyards." If this problem wasn't taken care of those junkyards would just remain there and in other areas as well.

Sue Longson, resident on 6600 North, reported that she had spoken about what had been transpiring on Lund Hwy for years. Her initial concern was for those whose life circumstances had forced them to live in a semi-trailer or an old travel trailer. However, the County Commissioners, City Officials, etc., had placed Health Regulations for a reason. She reported that she had seen where one travel trailer that moved onto a lot and the persons living in it had dug a ditch, drilled holes in a piece of pipe where the sewage ran into the pipe and into the ditch that was maybe 12 inches deep. There had been toilet bowls from RV's place into the trash receptacles' and it was becoming a health concern for all in the community. Their wells were 380 feet deep. Down where these trailers were the aquifer was closer to the surface. The waste was not being disposed of properly and that was her main concern.

Paul Cozzens noted that he would contact the Southwest Health Department to see if one of the Health Inspectors could accompany the Zoning Officer.

Larry Flick, a resident of 7000 North, stated that he brought this issue before the commission 16 years ago and there were only 6 violations then. Three years ago it was addressed again and once again he stood before the commissioners. He noted that he did not feel that one-part time Zoning Officer would be sufficient. He realized the commissioners did not want it to

get out of control and that it would be expensive. He expressed that they would like to become more of a priority before it got to the point that it could not be fixed.

Patricia Willis, a resident of Iron County, reported that she had moved to Iron County from Las Vegas because it was beautiful, quiet, and clean. It seemed that within the last two years things had changed that it had begun to affect their quality of living and she hoped it would not get worse. Potential buyers were getting scared off because of the mess. She would love to help in any way she could. Mrs. Willis noted that parts of Lund Hwy were beginning to look like Fremont Street in Las Vegas.

Terry Palmer clarified that it was his office that the complains and concerns needed to come to, not the commissioners. He noted that he grew up in Iron County and understood the concerns and wanted to help as much as he possibly could. Contact Building & Zoning first then contact the Clerks' Office. He would have the new Zoning Officer out driving around Iron County to take notes of everything he noticed, and they would begin there.

Mike Bleak noted that he wished a whole staff of Zoning Officials could be hired, but they could only do what they could.

Terry Palmer noted that if the landowners would not comply there was the choice of putting a lien on the property. He would work with the Attorneys' Office to follow the legal process.

Marilyn Wood expressed her appreciation to all those who came and shared their concerns.

#### **DISCUSSION AND POSSIBLE APPROVAL OF AN UPDATED IRON COUNTY SCHOOL BOARD DISTRICT MAP**

Jon Whittaker, Iron County Clerk, gave a review of a meeting held February 1<sup>st</sup> regarding the Iron County School Board District Map which included Proposition 1, Proposition 2, and Proposition 3. The map detailed in Proposition 1 was his first attempt to define Iron County School Board Districts since the recent census, Utah state redistricting process, and update to the Iron County election precincts. Jon expressed appreciation to Kendal Allan, Iron County GIS Specialist for the many hours he spent helping develop the precincts and school board maps. Proposition 1 sought to maintain "Communities of Interest," such as the Parowan and surrounding areas, Enoch, and areas south and west of Cedar City. Proposition 1 unfortunately had a population deviation between the highest and lowest proposed districts of 38%.

Proposition 2 was a map that was suggested by a constituent seeking to reduce the population deviation. It combined parts of Cedar City with Parowan and reduced the population deviation to around 14%

After some consideration, Proposition 3 was developed by Kendal Allan at Jon Whittaker's request. Proposition 3 ignored "Communities of Interest," and sought only to minimize the population deviation. It forced nearly every district to share urban and rural areas. The population deviation of Proposition 3 was less than 9%.

Over the weekend leading to the commission meeting, a Proposition 4 had been developed that consolidated the Parowan area again, and included parts of Enoch, lying north of Midvalley Road. This map brought the Parowan together but kept the urban and rural sharing in other parts of Iron County. The population deviation for Proposition 4 was 16%. Jon Whittaker explained that the need to minimize the population deviation was punctuated by a 2019 lawsuit by the Navajo Nation against San Juan County in southeastern Utah regarding the way the county commission and school board districts had been divided. San Juan County had been forced to redraw their districts, and eventually the process was taken and given to a 3<sup>rd</sup> party. Samuel Woodall, Deputy Iron County Attorney, explained that a safe population deviation would be anything under 10%.

Jon Whittaker read a letter to the commissioners from the Parowan City Council expressing concern that Parowan had the potential to lose out on representation by the Proposition 3 map, and that community should count for more than numbers. In turn, Mayor Mollie Halterman, Councilman David Burton, and Councilwoman Rochelle Topham expressed

similar concerns and cited the recent cooperative effort made in transferring the Faiground property to Iron County ownership.

Paul Cozzens expressed that he supported Proposition 1 for its preservation of “Communities of Interest,” despite the large population deviation. Once he learned of the San Juan County suit, he supported Proposition 3. After hearing the concerns of those from Parowan and dropping an outlier of eastern Cedar due to anticipated population growth, he felt that Proposition 4 would be acceptable in terms of population deviation and fairness.

Michael Bleak expressed a commitment to not split up the Parowan school areas. He noted that unlike south and west of Cedar, the Parowan schools were more cohesive and provided students a Kindergarten through High School education. Mike expressed support for Proposition 4.

Marilyn Wood expressed that Proposition 4 was defensible. Marilyn had spoken with Mayor Halterman, Samuel Woodall, and Parowan councilmembers about Proposition 4. She expressed concern that these issues were brought up at the last minute.

Paul Cozzens made a motion to approve the map represented by Proposition 4, noting that it was defensible as preserving a “Community of Interest,” that this situation was not the same as San Juan County that had 3 commissioners, not 7 school board members as was being considered at this time. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL USING SEWER IMPACT FEES TO PAY FOR RECENT UPGRADES TO CEDAR CITY WASTEWATER TREATMENT PLANT**

Dan Jessen, Iron County Auditor, review that there was a disagreement between Iron County and Cedar City over a Sewer Agreement that they provide service both in term of outflow lines and treatment. This issue resulted from a bill that was for a lift station that was for approximately \$33K where Iron County had no mechanism to pay, and the agreement needed to be reworked. Iron County met with Cedar City and was able to agree on a plan that would solve the problem. The issue was who would be responsible to take care of Capital Maintenance Expenditures. Iron County paid the \$33K bill, and then received a bill to participate in a clarifier upgrade at the Cedar City Wastewater Treatment Facility. Dan explained that this could be considered an appropriate use of collected impact fees. Such an expenditure must be properly reported. This situation underscored the need for Iron County to develop a “sinking fund,” to be able to pay for repairs that are not appropriate for Impact Fees. Michael Bleak made a motion to approve using sewer impact fees to pay for recent upgrades to the Cedar City Wastewater Treatment Plant. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented: new hire, Tanner Taylor as a Full-time Corrections Deputy 21 for the Sheriff’s Department, effective February 7<sup>th</sup>. This was a backfill of a vacant position; new hire Emilee Campbell as a Full-time Corrections Deputy 21 for the Sheriff’s Department, effective February 20<sup>th</sup>. This was a backfill of a vacant position; a status change of Anna Teeples from Full-time Corrections Corporal to Full-time Deputy 23 for the Sheriff Department, effective February 6<sup>th</sup>; a promotion of Cassandra Palmisano from Full-time Corrections Deputy 1 to Full-time Corrections Corporal for the Sheriff Department, effective February 6<sup>th</sup>; new hire Melissa Wiggins as a Part-time Secretary 1 for the Sheriff’s Office, effective January 31<sup>st</sup>. This is a newly approved position. new hire Joseph Pulica as a Part-time Code Enforcement Officer for Building & Zoning, effective February 14<sup>th</sup>. This is a backfill of a newly approved position, and a promotion of Jeremy Truman from a Full-time Lead Technician to Full-time Assistant Landfill Supervisor for the Landfill, effective February 6<sup>th</sup>. This is a new approved position.

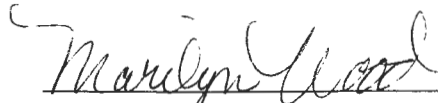
Paul Cozzens made a motion to approve Personnel changes as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

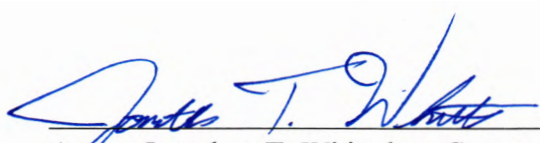
**NON-DELEGATED ITEMS**

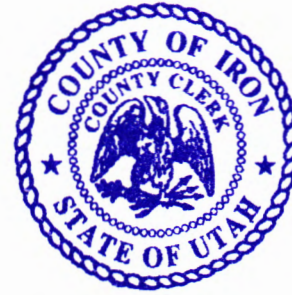
No Non-Delegated items presented.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk





**SPECIAL IRON COUNTY COMMISSION MEETING  
FEBRUARY 22, 2022**

Minutes of the Iron County Commission meeting convened at 5:00 P.M. February 22, 2022 at the Festival Hall, 96 N. Main St, Cedar City, Utah, Room 7.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Shalon Shaver	County Corrections Commander
Sam Woodall	County Deputy Attorney
Reed Erickson	County Planner
Kenneth Carpenter	County Sheriff
Rob Cottle	CEO Babcock Design

**SYNOPSIS**

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**INVOCATION**

An invocation was offered by Reed Erickson.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE PROPOSED CONSTRUCTION OF A CORRECTIONAL FACILITY**

Marilyn Wood, Iron County Commission Chair, thanked everyone for coming out to discuss the proposed Correctional Facility location. Marilyn Wood declared the Public Hearing open regarding a proposed new jail location.

**PUBLIC COMMENTS**

Rhonda Parker-Nagle, a citizen of Iron County, was concerned with the Prison being located in Enoch and the Auto-Mall site. She noted that the Commissioners had a great case for the need of a new jail, but the sites being considered would be better served for environmental purposes. The site chosen would affect Iron County forever, and the design for the prison was not similar to the current jail. She stated that the size and number of inmates estimated looked more like a prison facility, not a county jail. Rhonda reviewed what she understood from previous meetings: Plans were for one pod to be built now and a second pod built later; that the

county planned on backfilling with State Prisoners in order to fund the prison; and reminded them (the county officials) that in their own words they said that “these prisoners were violent and had mental issues”; current visitation was conducted over the internet; and, that there was a daily release of prisoners. Rhonda noted that people picking up prisoners were at times worse than the prisoners. She felt bringing these type of people into the possible sites being considered was the wrong thing to do. She also felt that medical help should be imbedded into the jail and included in the planning.

Mary Morrow, a citizen of Iron County, noted that the Auto-Mall site was the best location for the proposed jail because medical help was a short distance away. Once the jail was built, there would be a tendency to bring in better people to the area. As a tax payer she would like it to be cost effective. She felt it was as safe as most places in the county.

Dan Jessen, Iron County Auditor, explained that the term “Correctional Facility” was a generic term. The State runs a “State Prison.” The proposed jail was not a prison, rather a County Jail and a Correctional Facility. Penitentiaries are Correctional Facilities. The technical term used for the facility should be “County Jail.” Prison has a completely different meaning.

Sheriff Carpenter explained that medical treatment was currently given at the County Jail by a Registered Nurse (RN) and an Advanced EMT. Inmates could not be treated like they would be in a hospital. The hospital would need to be in close proximity to an emergency room so life saving measures could be administered when needed. The medical personnel at the jail could handle basic injuries and sickness, but they were not a hospital. He reported that when someone came to pick up an inmate that had been released, that person(s) was not charged with any criminal offense. They may be involved in criminal activity, but they were already in the community, a free citizen. They could be your neighbor. Once an inmate was released they too were free citizens and no longer an inmate. They had paid their debt to society and released and were free. Everyone needed to keep that in mind. Sheriff Carpenter noted that Federal inmates were short-term (pre-sentence time of 60-90 days). Once they were sentenced they were sent to the State Penitentiary. State inmates were not permanent. The contract stated that the inmate had to follow the rules and maintain good behavior. If this did not happen we could send them back. An inmate was only released in the county to which they were arrested.

Rhonda Parker-Nagle asked Sheriff Carpenter what the ratio was of State versus Federal inmates.

Sheriff Carpenter reported that the county jail currently had 10 State and 45 Federal inmates.

Rhonda stated that in the last meeting Sheriff Carpenter said they were going to backfill with prisoners in order to make the pod more efficient.

Sheriff Carpenter replied that a single pod would house 384 inmates and the current jail bed space was 254. The jail currently used 108 beds because the jail was so old and the design does not facilitate being able to use all of the bed space. As time evolved, inmates had to be classified according to listed classifications, so they could not utilize all the space. The new facility would increase space by 82%. For example: Kane County had 5 county inmates and backfilled the rest with State or Federal inmates, which helped fund the jail so taxes weren't raised. Beaver County funds the entire Sheriff Department's operation because, at the last count, they housed 384 State inmates. Iron County housed 10 State inmates because the jail was full with county inmates. Iron County would accept State or Federal inmates, if space was available, to offset costs.

Rhonda Parker-Nagle stated that Garth Green, Cedar City Mayor, planned to use the Auto-Mall site for commercial businesses. Rhonda stated that the Auto-Mall site was a premium site for commercial use.

Sheriff Carpenter noted that the current Jail was built in 1987 with nothing around it. After it was built, the businesses built around the jail. When the State Prison was approved, but not yet open, businesses and homes began filling the space around it. The new Iron County facility would help stimulate growth and it would create a great opportunity for businesses to be built near it.

Rhonda Parker-Nagle stated that the county was building a jail on a site that was great for new businesses, and felt strongly against building it at the Auto-Mall site.

Paul Cozzens, Iron County Commissioner, noted that he only supported one pod being built. He asked Dan Jessen to give a projection when a second pod might be needed.

Dan Jessen noted that projecting a second pod would be difficult at this time. The key would be trying to project population growth. The Sheriff and Jail personnel were nervous about building just one pod, and the commissioners were nervous building a facility too large. Both were viable concerns. Dan reported that projecting the needs of Iron County in the future for a second pod might be 20+ years.

Paul Cozzens asked why Iron County needed long term, stable, state inmates.

Shalon Shaver, Iron County Corrections Commander, explained that State inmates were only allowed to come to the Iron County facility if they were sentenced to more than one year, and that they had to earn a release to come down. State inmates were not allowed to work outside. They were assigned to work in the kitchen, laundry services and inside maintenance workers for forty cents an hour. If the inmate refused to work, she would call the State and they would come and take them back. They have to earn the classification to come to the Iron County facility. They ask to come here because they learn new skills and a Food Handlers Permit that could be used upon release.

Blaine Nay, a citizen of Iron County, noted that at the first meeting he was all for the Landfill site. After attending the various meetings, he understood the process better and felt the Auto-Mall site was best.

Danny Nelsen, a citizen of Iron County, asked who would decide where the proposed new jail would be. He didn't feel the commissioners were being transparent in the process.

Jon Whittaker noted that a legislative decision would be made by the Commissioners. He also explained that today's meeting had been advertised through email at [clerk.group@ironcounty.net](mailto:clerk.group@ironcounty.net), and posted on the Iron County website. Marilyn Wood noted that the commissioners had looked at various jails throughout the state. It would be a hard decision and that the decision would be made for the whole county not just one or two persons.

Sheriff Carpenter stated that there had been numerous statements made that there had been "no transparency" on the proposed jail. That was ignorance on the part of the citizens. He explained that the proposed new jail was talked about during the Sheriff election campaigns, an issue on each candidate's campaign. Land for a new jail had been looked at for years. This couldn't be more transparent. SUU had done analysis on different land locations for the jail. This had been going on for years, and was still a long way down the road.

Danny Nelson noted that the lack of transparency was more about the different locations mentioned at each meeting. They seemed to be changing each time.

Sheriff Carpenter replied that there had been many locations through the years and now the locations were narrowed to four sites.

Jon Whittaker clarified that the four sites being considered at this time were Enoch, Auto-Mall, Landfill, and Smead. Danny asked if the site would be announced tonight.

Jon Whittaker noted that this meeting was a public hearing for the jail to hear feedback and concerns for or against.

Michael Bleak, Iron County Commissioner, noted that this meeting was not an agenda item tonight and no decision would be made. The topic would be on the March 14<sup>th</sup> Commission Meeting Agenda as a Public Hearing. Mike stated that all the information and concerns would be discussed, and a decision could possibly be made at the March 14<sup>th</sup> open meeting.

Danny Nelson asked if there were surveys done on the sites.

Dan Jessen explained that there were preliminary assessments on the sites. The county did make an offer on the Smead site. After surveyors were out on the site, it was determined that it would cost approximately \$1M to \$2M more to prepare the site. That was part of the due diligence at looking at the different sites. If a site was selected, the county would still need to acquire the land and it could potentially fall through.

Paul Cozzens explained that owners of the Auto-Mall property had asked the commission to entertain purchasing property there. He did not support that idea because it should be reserved

for commercial use. The property that was being looked at was East of that property and set back next to BLM land. Paul noted that even if a site was chosen, it would still need to be presented to the Cedar City Council to approve a General Plan change and zone change before anything could begin. A Conditional Use Permit would have to be obtained by the Planning Commission.

Reed Erickson, Iron County Planner, explained that a public hearing was most useful when it provided constructive information on why one site was better than another. Public comments could also assist the decision based on advantages or disadvantages.

James Ramsey Gibson, resident of Fiddlers Canyon, explained that in 1988 he was a contractor for the Shakespeare Festival. One night he and his wife decided to see a movie at the theater. They had heard that there was a Movie Theater on the north desert of Cedar City. This was a year after the current jail was built. Since then, the city began to build around it. He noted that the commissioners weren't causing problems.

Kathie Gibson, resident of Fiddlers Canyon, noted that she felt very safe knowing there was a jail nearby and was supportive of the Auto-Mall site. Her first thought was the proposed new jail should be built out by the Landfill, but then she attended the last meeting. The meeting was extremely informative, and if anyone hadn't gone they needed to go and listen to it. She gained an understanding that our Elected Officials were fiscally responsible, how important it was for the jail to be centrally located in the county, that the risk for harm to our Law Enforcement Officers was during the time period the inmates were being transported to court (the shorter the transport, the safer our officers were). At the last meeting, someone asked Sheriff Carpenter where he considered the best site location. His answer was the Auto-Mall site. Kathy stated that those who serve us on the "front line" should have the strongest voice to the location. She would live right next to the jail and feel very safe.

Dan Jessen asked Kathy if she had problems with lighting and sirens with the current jail site. Kathy noted that she forgets that it is even there, but does see police presence and that is a good thing.

Mike Bleak explained that anyone could go to [ironcounty.net](http://ironcounty.net) and click on the link for Jail Information. The last meeting held on February 8<sup>th</sup> could be found there, in its entirety, for anyone to watch (along with the power point that was presented).

John Bowler, resident of Enoch, was concerned with the Auto-Mall site as it was uphill from Enoch. Last year's flooding caused extensive damage to some people. John asked the panel to please consider drainage if the Auto-Mall site was chosen.

Paul Cozzens explained that any new construction was required to have a detention basin. The design of the detention basin had to be able to hold the water and release it slowly.

Rob Cottle, CEO of Babcock Design, noted that all facilities, like the potential jail, had to be designed so the area would contain their own water runoff and released in a measured way. Rob explained the different kinds of detention basins that could be used.

Dan Jessen noted that there were multiple parcels around the Auto-Mall site. Some of those parcels belonging to car dealerships were designed with their own drainage system. If the Jail were to be built on the Auto-Mall site, it would be improving the area because a detention basin would be put in.

Michael Bleak noted that Rob Dotson, Enoch City Manager, made sure that Enoch City was well represented. He had discussed the same concerns with Mike as was mentioned by Mr. Bowler regarding flood water. Mr. Dotson had been very involved with the placement of the proposed new jail site.

Ron Morrow, a resident of Cedar City, reported that he had lived in Cedar City for 13 years. He moved into a condominium 2 years ago that was 2½ blocks away from the current jail. He knew the jail was there and never had any issues with it. He said he and his wife felt very safe there knowing that there was always law enforcement personnel present. Mr. Morrow stated that the Auto-Mall site was the cheapest and safest site to choose.

Franklyn Wulle, stated that he wanted to speak up for the Auto-Mall site. It was convenient to the freeway, and would be a deterrent to the drugs coming off the freeway. The best reason to choose this site was for the Sheriff's Department to be centrally located.

Marilyn Wood noted that the Auto-Mall site was beneficial to employees who had to drive to and from the facility, compared to the other sites.

Sheriff Carpenter explained that the reason for looking for a 40-acre parcel was to encourage the state courts to relocate adjacent to the jail when they outgrow their current location. As the case load increases, they will need more space. There were 3 Courtrooms at the 5<sup>th</sup> District Court building. One room was used for jury cases, one for Juvenile Court and the other for Jury sequester. If they built next to the new jail facility it would save dramatically on transportation costs, and would keep the employees safer. He noted that Davis County's design was in a Horseshoe style. The parking was in the middle, the Court building was on one side and the Jail on the other side. They had built a tunnel from the jail to the court specifically for transportation of inmates for trial, which minimized transportation and increased safety for the officers. Another reason for the Auto-Mall site was that it was centrally located for Iron County residents.

Shalon Shaver reported that currently, there were five Deputies that worked solely in transportation of inmates out of 50 Deputies employed.

Randal Cagle, a resident of Iron County, reported that he worked for a very large government in Las Vegas for many years. The City Hall was adjacent to a residential subdivision. When the decision was made to build a new jail facility it was going to be built next to the City Hall. The jail was a street away from his residential area and he never felt unsafe. He noted that he would rather have a jail facility next to his home in a residential area. Having the jail built next to a residential area should not be the discounting factor, but efficiency, the tax payer, and cost effective.

Paul Cozzens reported that while growing up in Moab, they lived next to a cemetery. His Father was frequently asked if it bothered him to live next to a cemetery. He would tell them "No, they were the quietest neighbors he ever had." The area around the jail was very quiet also.

Rob Cottle explained that lighting at the facility was very important for a secure facility. The facility needed to be well lit, but the design would follow the "Dark Sky" standard. The lighting would be facing down and would not shine past the property line. The parking lot lighting would be the same. Babcock Design did not want to contribute to any "light pollution."

Oskar Fakahua, a citizen of Iron County, explained that he worked in a Residential Youth Facility. You should work at a facility to understand how it works. He added that if there were more training for our youth a 2<sup>nd</sup> pod would not have to be built.

Stephanie Hill, a citizen of Iron County, reported that she agreed with comments regarding the previous meeting being so informative. There were 9 competing aspects for selecting a site for the new jail, and it was clear that there were only 2 sites that were viable: The Enoch site and the Auto-Mall site. At that meeting her husband, Chris, asked the Sheriff which site he would choose. With no hesitation he said the Auto-Mall site. The biggest liability in Iron County was the Jail Facility. Stephanie stated that if the Sheriff, that we elected, had clearly stated that his preference for the site was the Auto-Mall site, then we ought to listen to him. This committee was not throwing around our money, because it was not their money to throw. It made sense to house State and Federal inmates to off-set the cost. Mrs. Hill expressed her appreciation to Sheriff Carpenter for representing Iron County well. She was grateful for the committee for all their hard work with this process.

Sheriff Carpenter reported that if he felt that a certain location site was a risk to anyone, he would not do it. He had spent his entire adult life protecting people, and would never do anything that would jeopardize the safety and security of our community. He noted that he used to own a home in Equestrian Point for 10 years and had many close friends. He would never had been on board with the Smead site if he believed it would put the people at Equestrian Point at risk. The same goes for the other sites as well. Sheriff Carpenter noted that he would not hesitate to build a jail facility near his home because he understood the safety and security of a jail, especially with the new designs of jails. The building of a new jail was something that had to be done, we need to have it. We have to look at all the considerations for all of Iron County. He loved this community and he personally believed that the Auto-Mall site was the best location for the jail, and it would help stimulate the economy.

G'Ne Bartholomew, a resident of Sunbow Subdivision, reported that she began working for Iron County in 2008 and the discussion of a new jail had been going on for years, as stated. She commented that our elected officials work very hard at their jobs. G'Ne noted that she wanted to get up at the first public hearing when some who voiced their concerns compared their homes near the Smead site to the ones around the Auto-Mall site. They said the homes near the Auto-Mall site were worth less so having a jail near would not lower the value of them. She knew that this committee did not include the value of someone's property in choosing the site locations. They took into consideration all of Iron County and what was best for all of us, especially the safety of our Law Enforcement (LE) Officers. As Sheriff Carpenter has repeatedly said, he really cares for the citizens of Iron County as do all LE Officers. She shared that when she moved into the Sunbow Subdivision, she was not told there was a jail nearby. She did not know it was there for years. Her family had not experienced any escaped inmates. Her children attended all three schools located by the prison and the schools never had a lockdown because of the jail. G'ne said we need to trust our Elected Officials that they have our best interest at heart and remember they were just doing their job that we elected them to do. She has no qualms about the jail being built at the Auto-Mall site because She trusts Sheriff Carpenter and our Elected Officials.

Steve Miller, a resident of Iron County, reported that he was one of those that voiced his opinion about the jail being built at the Smead site. He had attended last meeting and it was excellent and very informative. Steve stated that we did elect these Elected Officials and we need to count on them. He told the committee that he trusted them, regardless of what site they choose.

Paul Cozzens stated that there had been a few statements made that when inmates were released they would be diseased. Paul explained that he owned a Cabinet Shop and one day a young man came in looking for a job. He told him that he was an ex-con from California and had done some stupid things and no one would give him a chance to work. Paul noted that he did hire him and he was one of the best employees he had ever had. He gave him a substantial raise within his first year of employment. These men and women were in a Correctional Facility and should be accepted back into society and given a second chance.

Shalon Shaver reported that the current jail only had two program rooms and they were open from 8 a.m. to 9 p.m. The rooms were used for religious meetings, fatherhood training, etc. The other classrooms had to be turned into bunk rooms, and there were only 12 bunks available for female inmates. The female inmates had to share two toilets and one shower. If the jail were designed to be more efficient then it would allow a new area for the female inmates and more programs.

Ken Ragsdale, a citizen of Iron County, reported that he lived 3 blocks from the current jail and when he bought his home he didn't know, or care, that it was there. He hadn't known that other sites were being considered until tonight. His concern was if this was the best use of the land and if it was the best tax revenue from the Auto-Mall site.

Sheriff Carpenter said that this land had been available for retail for over 20 years. The South Interchange was clogged and would get worse. Iron County was going to want more retail on the north end of town. The county commission represents Cedar City as well. Please consider the tax base.

Dan Jessen stated that he agreed with Mr. Ragsdale. Everyone would like to see the north end grow. Some feel that the jail would spur growth there. Where ever the jail was going to be built there would be no tax revenue. Commercial business coming in would offset the tax base.

Marilyn Wood reported that when the Purgatory Correctional facility was built in Washington County there was nothing around it. Now there was construction all around it and you couldn't see the jail. We plan to build back towards the mountain at the Auto-Mall site.

Michael Bleak reported that there were several parcels at the Auto-Mall, and as Marilyn noted we plan to set the jail back against the hill.

Dan Jessen explained that he wanted to answer a question that came up at the last meeting regarding water impact. Dan reported that there was an 18" main line that ran along the

Auto-Mall site that Iron County would be able to tie into if that site was selected. The water capacity was there and would be approximately the same usage as a large hotel.

Bob Tuckett, a citizen of Iron County, reported that he had known the last four Sheriffs and knew that this was a difficult decision because it involved a lot of emotions. He stated that whatever was decided the number one factor was to have the jail centrally located. Not everyone would be pleased where ever it was placed. The number two factor was it needed to be cost efficient. Number three was transportation. The Auto-Mall site was the best location as it was centrally located. Number four was that it would need to be a safe environment. The Auto-Mall site met all the listed factors.

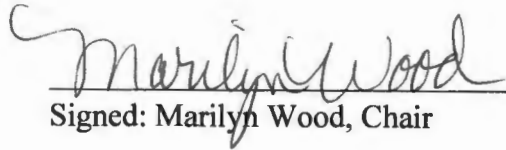
Allison Malloy, a citizen of Iron County, noted that she moved to Iron County from the Point of the Mountain in Draper, Utah. She noted that she favored the Auto-Mall site. She asked clarification as to the location and if it was the SITLA land. Marilyn Wood replied that the SITLA land was South, and BLM land was to the East of the site. She also liked the idea of a tunnel between the jail and courthouse.

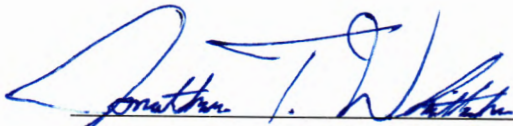
Marilyn Wood reported that there would be another Public Hearing held at the next Iron County Commission meeting on March 14<sup>th</sup> at 10:00 a.m., at the Iron County Courthouse, 68 S 100 East, Parowan, Utah.

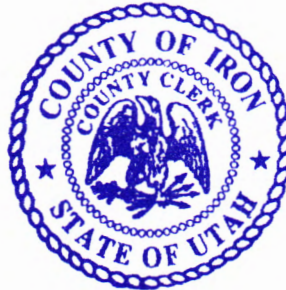
Marilyn Wood, Iron County Commission Chair, declared the Public Hearing closed, and thanked everyone for their attendance.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
FEBRUARY 28, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. February 28, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Shain Manuele	County Defense Attorney
Sam Woodall	County Deputy Attorney
Danny Stewart	County Economic Development
George Colson	County Emergency Management
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Nicole Rosenberg	County Treasurer

**SYNOPSIS**

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## INVOCATION

An invocation was offered by Jon Whittaker.

## PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by George Colson.

## APPROVAL OF MINUTES

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held February 14, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens made a motion to approve minutes of the Special Iron County Commission meeting held January 14, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## APPROVAL OF CLAIMS FOR PAYMENT FROM

Michael Bleak made a motion to approve Claims for Payment for February 14, 2022 to February 27, 2022. Second by . Voting: Paul Cozzens, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## DEPARTMENTAL REPORTS

**Jonathan Whittaker, Iron County Clerk,** reported that there had been an influx of Passport and Marriage License applications. Jon expressed his appreciation to his staff, and for the great customer service they provide. With the current deliberations for the proposed jail site his staff becomes the “clearing house for calls” and were the unsung heroes during calls. During the elections people who call are very thankful to talk with a person. He reported that today was the first day of filing for the upcoming elections. Jon noted that the Clerk’s Office ended 2021 within the budget, and was grateful for budget adjustments for elections. He expressed his appreciation for his relationship with local legislatures. Our representative often reaches out to him versus the other way around. Iron County has great representation in the State Legislature and Senate.

**Jennifer Bradbury, Iron County Human Resource (HR) Director,** reported that HR closed under budget in year 2021. Since the last HR report, she had posted, interviewed, and hired: 6 Full-time Corrections Deputies, 2 Full-time Deputies in the Sheriff’s Office Patrol and 1 Full-time Administrative Assistant in the Engineer’s Office; 2 Part-time Assistant Cooks for Council on Aging (COA)-(1 in Parowan, 1 in Cedar City), 1 Part-time Meals on Wheels Driver in Parowan, 1 Part-time DMV Technician in the Parowan Assessor’s Office, 1 Part-time Building & Zoning Code Enforcement Officer, 1 Part-time Secretary and 1 Part-time Evidence Technician in the Sheriff’s Department-Patrol, 2 Internal Promotions in the Sheriff’s Department-Corrections, 4 Internal Promotions in the Sheriff’s Department-Patrol and 1 Internal Promotion in the Landfill Department. Currently, HR is in the process of hiring for the following positions: 2 Full-time Roads Technician-Maintenance Workers, 1 Part-time Activities Director in the Parowan COA and 1 Part-time Meals on Wheels Driver in Parowan. Jennifer reported on Points of Interest: Employee turnover for the 2021 year was 18.15% or 45 positions. This was the highest turnover rate for Iron County on record. For the first few weeks of 2022, the turnover rate was 2.42% or 6 positions; with help from the I.T. Department, HR was able to obtain new software for employee recruitment which had increased the applicant pool tremendously. She is also looking into including an onboarding tool, from the same software company, to make the onboarding and FMLA tracking transition to a more digital format; the Accident Review Board met a few weeks ago and was able to cover and close out all accident claims for 2021; Dan Arnoldson, Workman’s Compensation (WCF) Insurance, initiated a Safety Culture Assessment Survey for Iron County. Jennifer expressed her appreciation to employees who took part and provided great feedback in the survey. For the 2022 year, Iron County’s WCF Emod increased .006% to .82. She will continue to work with Mr. Arnoldson to formulate a few ideas in attempt to get those numbers down. Jennifer acknowledged Iron County Milestone Anniversaries for this February 28, 2022

Quarter: Stephanie Rainey (Children's Justice Center), Brandon Kennedy (Sheriff's Office-Patrol), Shawn Higgins (Sheriff's Office-Corrections), and Commissioner Mike Bleak celebrated 5 years. Jeremy Truman (Landfill) celebrated 10 years and Mike Gibbs (Sheriff's Office-Corrections) celebrated 25 years.

**George Colson, Iron County Emergency Management Manager**, presented a summary of 2021: the department ended under budget; the volunteer Community Emergency Response Team (CERT) workers put in 865 hours 6 minutes; the CERT trailer had water damage and is currently being remodeled. A Dispatch Center would still be set up in the front of the trailer; Old Iron Town and Beryl now had CERT programs; COVID-19 issues continue but are lessening. He received more than 10K emails since March of 2020. At this time, he continues to provide masks, as required, to the courts; He spent over 30 hours with the train derailment in Lund. Monsoonal flooding happened over 2 to 3 weeks. There were over 100K sandbags filled and many hours spent helping residents that were affected by the flooding. As a result of the flooding, Washington County bought a Crisis Track Application that aided in damage assessment. George noted that he purchased the program for Iron County. He and the Cedar Fire Department have been trained on the program. With assistance from the Assessor's Department, all the information was uploaded into the program regarding home/property values. Iron County was not eligible for help from FEMA, but there were many lessons learned. Enoch City held a Preparedness Fair two weeks ago that was well attended. George reported that Texas A&M was sponsoring a Senior Officials Workshop for All-Hazards Preparedness Training on March 16<sup>th</sup> at the Heritage Center in Cedar City. Texas A&M required 25 to sign up for the training. There will be attendees from Cedar City, Parowan, St. George, Kanab, Virgin, Milford and Texas. Mr. Colson noted that he held a CERT training last weekend and there were 30 volunteers trained from Sevier, Beaver, Kane, and Washington County.

**Shain Manuele, Iron County Defense Attorney Coordinator**, reported that they were in their 3<sup>rd</sup> week of holding in-person trials. The courts are still following COVID-19 guidelines, which are working well. The courts are staying within the budget, but there are still more trials coming up. Shain noted that the new Legal Assistant prepared a spreadsheet that listed all new cases. It was now formatted and up and running. Defense Attorneys are busy and making headway with the backlog cases resulting from COVID-19.

**Wade Adams, Iron County Fleet Manager**, reported the he had established Department Accounts which included purchasing tools and equipment. The roof on the old shop was repaired, and the Hoist that was ordered came last week and would be installed. Wade stated that there had been vandalism on both Cedar City and Iron County vehicle tires last week. There were 60 tires slashed on Cedar City vehicles and only two tires on one county vehicle. Luckily, Terry Lester moved most of the county vehicles out of the parking garage for cleaning prior to the incident. The new State Fuel Network has been activated and is preparing to move forward. New gas cards will be delivered this week. The Motor Pool online program is up and running. Employees will now access the Fleet page on the Iron County web-site to reserve a pooled vehicle. A tab was added to access the Public Surplus Auction. He would be adding other tools as time goes on (Maintenance requests, Fleet information, etc.). Installation of Key boxes are almost complete (one had been installed at the Visitors Center). Wade reported that since the first vehicle order in May 2021, he had received 9 out of 29 vehicles. The company originally told him that the vehicles would be delivered in October 2021, then January 2022 and now it was pushed back to May 2022. He began listing Fire Surplus vehicles last week on the Surplus website, adding more every day. Mr. Adams is trying to help other departments with maintenance issues as time allows, and has used the Road Department mechanics every chance he could to save the county money. For example: The Positive Volume Index (PVI) to strip down a Sheriff Patrol Vehicle (to transfer to the jail) was \$700/not including getting the vehicle there and back, and he did it in less than 9 hours for \$400. Cedar Motor Company wanted \$400 to replace a thermostat in one of the patrol cars and he had it done in less than an hour for less than \$100. He noted that he had to turn a lot of work away just because time wouldn't allow it. He reported that he was keeping track of all work orders and costs, work done in-house or out, so he could compare savings as things moved forward. Paul Cozzens suggested that it might be

safer if County Vehicles were parked on the 3<sup>rd</sup> floor of the parking garage. Marilyn Wood suggested putting cameras in the parking garage. She expressed her appreciation to Wade Adams efforts to save money for the county, and he was the right person to be the Iron County Fleet Manager.

**Danny Stewart, Iron County Economic Development Director**, reported on various project updates: Ground breaking for American Packaging Corporation was held on February 8<sup>th</sup>. The company is based in the Midwest and this is their first venture in the West. Iron County was chosen because of close access to western markets and because of our rail system. The company would create 135 new jobs, and they were already considering a second expansion; Commerce Crossroads Logistics Park was purchased by BZI Steel Investments for their own use for trans-loading and a rail served business park; Utah Inland Port is working on the next steps for a loop track west of Iron Springs for mineral loading of coal, gypsum, etc.; Rural County Grant Program: Iron County Small Business Grant is in the works now for consideration. \$300K was awarded in Part A of the Grant for a Cedar City Historic Downtown Infrastructure Upgrade. A 40% match was required and was matched by private builders. Iron County could reapply in June; Business Recruiting Update: so far this year Danny has had approximately a dozen requests for information on potential sites in Iron County. Two such projects are Project Pop Fly – a large scale data center (low water use), and Project Alps – an aerospace manufacturing project had noted continued interest in Iron County; Retail Recruitment: Iron County does not fall into the traditional commercial retail category, rather it is more of a regional category; Recent Retail Recruitment included Buxton and other analytics tools. Danny noted that he was preparing to attend the International Council of Shopping Centers Convention in Las Vegas in May.

**Michael Bleak, Iron County Commissioner**, expressed his appreciation to Danny Stewart. Mike noted that he was pleased to be on the Economic Development Committee and it was encouraging to see growth and planning for Iron County. He reported that he had been working with Senator Evan Vickers for potential state funding for the trans-load road and infrastructure. Mike attended a couple of meetings with Don Jersey, Shakespeare Festival, who was working to compile statistics from all different markets coming into Iron County. When completed, he would share that data to help with Tourism and Economic Development. Maria Twitchell, Tourism Bureau, SUU, and Don are working together in a coordinated effort for support. Commissioner Bleak reported that the Big Chamber was now incorporated and was creating their monthly meeting schedule. Mike had approached a fund raising group to help with cleanup on 2300 West and 6000 North. This Community Fundraising group had raised funds during the summer floods to help residents with their cleanup. They reported that there were leftover funds available to help with cleanup. Mike noted that he spent time on zoom calls with the Utah State Association of Counties, Commissions, & Councils during Legislature regarding HB12 Law Enforcement Retirement which coincides with his work with the Utah Sheriff's Association regarding HB12. Planning continues for the fall Open House for the Cedar City Airport. A committee has been formed to help manage the open house. The open house should bring awareness to the Cedar City Airport, educate the community on the Airport, and help recruit aeronautic type businesses to Iron County. Mike noted that he had met with Gold Cross Ambulance regarding coverage in Beryl. Some of the issues have been resolved and he plans to meet with Jon Miller, Gold Cross Regional Supervisor. The Beryl Fire Department response is up and managing well. He also continues to meet with Jennifer Davis regarding the new Children's Justice Center (CJC) which continues to move forward. He received a call that there was a broken water line at the current CJC. They were able to place a temporary fix, find the double valve and shut it off, but couldn't find the stop and waste valve. Commissioner Bleak reported that when he got word that the tires had been slashed at the parking garage he checked on the county vehicles and found only one truck had two tires slashed. Dispatch had received a call from a woman who reported that she had dropped her son off at 3 a.m. at the parking garage for a Court date at 9 a.m. Once a search warrant was processed, the police found his backpack left at the Justice Center. There was no evidence of the tire slashing, but found evidence of other crimes. While being arrested the suspect punched two officers in face. And while being led out

February 28, 2022

he yelled “I am glad I slashed your tires.” Mike praised the Cedar City Police for their great work in having the case wrapped up on the same day.

**Paul Cozzens, Iron County Commissioner**, reported that last week he, Commissioner Wood, Mayor Green, Cedar City Councilmen Melling and Riddle, and all their spouses attended the Legislation meetings in Salt Lake City Wednesday through Friday morning. Unfortunately, they left at 5:30 a.m. during the snow storm. Roads were bad, but they all made it safely there. They met with Evan Vickers regarding possible funding for the West Desert Pipeline. Paul noted that he had worked with Senator Vickers and Brian Steed on HB242-Secondary Water Metering which stated that any community that had pressurized secondary water systems would be required to place meters on their systems. Although this would be great to save water, there is a challenge to some of the smaller systems where the water is dirty and not filtered. A lot of meter companies would not offer a warranty on the meters as a result of the dirty water. He was hoping for an opt out so the smaller systems would be exempt from that requirement and provide a voluntary conservation as a city. Mayor Halterman, Parowan, testified before the Legislature and stated that if they were going to require a water use reduction, it could be done out of a Forebay (a post-construction practice consisting of an excavated pit, bermed area designed to slow incoming storm water runoff). The bill would be presented to the Senate soon. Paul reported that Carter Enterprises would be laying the slab for the new Fairground bleachers and hoped to have them installed by May 1<sup>st</sup>. He noted that Iron County purchased a dump truck for Curtis DeMille through an online auction site with help from Dan Jessen. Paul reported that he was concerned with HB476 that was introduced last Thursday evening, which is a local agriculture regulation. HB253 – Concentrated Animal Feeding Operation (CAFO) was fought for, but the bill was killed last night and there was concern that HB476 would replace HB253. The reconstruction of the Newcastle Fire Station would be out for bid starting next week. Commissioner Cozzens reported that he serves on the Human Services Board under 5-County, and there was a need for a representative from Iron County to serve on that board. He proposed that Derek Morton be asked to serve. Jon Whittaker noted that Mr. Morton would need to be approved under Non-Delegated Items.

**Marilyn Wood, Iron County Commissioner**, reported that on the 15<sup>th</sup> she and Paul Cozzens went to Enterprise to attend a meeting with the local farmers regarding the Beryl Groundwater Management Plan. That evening, she and Paul, attended the Parowan City Council Town Hall meeting regarding challenges they were facing for a larger pool facility. Parowan City Council had asked them to present an update on the Iron County Fairgrounds. The race track removal had begun and that would result in a larger parking area, fencing would be going in. The process of finding a new Fair Director and a Part-time Fair Maintenance was open and would close on March 24<sup>th</sup>. Marilyn noted that she had attended the Heritage Festival Lincoln Day Dinner on the 21<sup>st</sup>. Sheriff Carpenter spoke on animal rights and fencing laws for ranchers, which was well received. Commission Wood reported that a Town Hall Meeting regarding the Proposed Jail was held on the 22<sup>nd</sup> and the discussions went well. Cleanup on Hwy 56 would be on April 9<sup>th</sup>. The website [www.justserve.org](http://www.justserve.org) has more information.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A ROAD DEDICATION SUBDIVISION – “SAGE HILL DRIVE (ALSO REFERRED TO AS IRON SPRINGS PROPERTIES) – 3 PARCELS” – LOCATED NEAR IRON SPRINGS ROAD & SAGE HILLS DRIVE, CEDAR CITY, UT, APPROXIMATELY 120 ACRES WITHIN THE E½ SE¼ SECTION 28, T35S, R12W, SLB&M, IRON COUNTY, UT (APN: E-4529)**

Reed Erickson, Iron County Planner, explained that under Iron County Code 16.22.070 (B) known as Development Standards-Road Dedication Subdivision Applications, reads “...road dedication subdivisions may, or may not, be required to provide subdivision improvements typical of subdivisions that are dividing property into multiple lots for sale or to be offered for sale...any such improvement variation and/or deferment shall be noted on the road dedication subdivision plat. Utility improvements will not be a part of the Road Dedication Subdivision and will be deferred until a building permit is pulled for each lot remaining. Water and sewer/septic will be deferred until time of building permit.” Reed reported that this allowed for the lots to be

split and defer the requirements of water and sewer that were typical of a normal subdivision. There were 120 acres divided into three remaining parcels. Parcel 1 is now 85.13 acres, Parcel 2 is now 20.55 acres, and Parcel 3 is now 15.03 acres. The property was surrounded by Industrial (I) zoned property. Public and private services available are: Water by Central Iron County Water Conservancy District (CICWCD) (with a letter of feasibility); Septic; Fire-flow/suppression provided by CICWCD (when connected); Transportation Corridors-Iron Springs Rd/Sage Hills Drive; Drainage to maintain Historic flows and location for entry and exit. Subdivision improvements would be deferred until the time of issuance of a building permit.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing open regarding a Road Dedication Subdivision (APN: E-4529). No public comments offered. Marilyn Wood declared the Public Comments closed.

Reed reported that the road was not paved at this time and would be when a building permit was issued. The Iron County Planning Commission (ICPC) had reviewed and recommended approval of the possible Road Dedication Subdivision. Water, sewer, fencing and fire suppression would be deferred until a building permit was obtained. Paul Cozzens made a motion to approve the Road Dedication Subdivision - "Sage Hill Drive (Iron Springs Properties) - 3 Parcels" (APN: E-4529) with variation/deferments as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Reed Erickson explained that when the subdivision began it was named Iron Springs and there was a name change to Sage Hills Drive, thus the reason for the two names.

**PUBIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A ROAD DEDICATION SUBDIVISION APPLICATION – CHRIS HUNTER SUBDIVISION – 2 PARCELS – LOCATED AT 3945 WEST OLD HWY 91, SUMMIT, UT, APPROXIMATELY 133.79 ACRES WITHIN THE N ½ N ½ SECTION 31 AND S ½ S ½ SECTION 30, T34S, R9W, SLB&M, IRON COUNTY, UT (APN: C-1107-1)**

Reed Erickson, Iron County Planner, explained that there was 133.79 acres that was divided into 2 remaining parcels. Parcel 1 is now 76.06 acres, and Parcel 2 is now 57.73 acres. Surrounding property includes: Utah Department of Natural Resource/Division of Wildlife Resources, Western Manufactured Housing Communities Associations, Utah Prairie Dog Second Mound Conservation Easement, Bureau of Land Management-public land and Allard Ranch Subdivision, R-2 zoned. He reported that the same rules/variations/deferments apply as the previous road dedication application.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing open regarding a Road Dedication Subdivision (APN: C-1107-1). No public comments offered. Marilyn Wood declared the Public Hearing closed. Reed noted that the ICPC recommended approval.

Michael Bleak made a motion to approve the Road Dedication Subdivision application – Chris Hunter Subdivision – 2 Parcels, (APN: C-1107+1), including deferments as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Reed Erickson clarified the following terminology: Deferment is to put off (only for road dedication subdivision); Variation is to allow for exemption of the subdivision standard; Variance is to make changes due to hardship or unique situation to the property, which is seldom granted.

**PUBLIC COMMENTS**

Giani Julander, Frontier Homestead State Park Museum Park Manager, expressed her appreciation to the county commission and elected officials for all their support and partnerships. Giani reported that there was a *H2O Today* touring exhibition created by the Smithsonian Institution, and brought to you by Utah Humanities and the Frontier Homestead State Park. These events are part of *Think Water Utah*, a statewide collaboration and conversation on the critical topic of water. The exhibit will be open from February 11<sup>th</sup> through May 14<sup>th</sup> and is free to the public.

**PRESENTATION OF THE ANNUAL PAYMENT IN LIEU OF TAXES (PILT) FROM THE STATE OF UTAH**

Kevin Bunnell, Regional Supervisor of Division of Wildlife Resources (DWR), presented a letter and PILT check for the year 2021 contractual in-lieu tax payment on land the DWR owns in Iron County. The money used to pay the in-lieu tax was provided largely by hunters and anglers in Iron County and across the State of Utah. Kevin reported that Jay Shirley was the new DWR Division Director and had been on the job for 6 months in his new office. Mr. Bunnell reported on updates on Utah's Watershed Restoration Initiative (WRI). Since the 2006 WRI launch (by the numbers) there had been: 2,450 projects completed; 2,150 stream miles improved; 2.25M acres restored (66% Federal, 63% Proactive, 37% Fire rehab, 19% State, and 15% Private); 603K acres of new Class III Cultural Resource Inventory; 8,500 new Culturally Significant sites added to the Historical Record, and 13,713,275 pounds of seed mixed and applied. \$316M total funding invested (of that \$103M state, \$179M Federal, \$23M conservation groups and \$11M other); 5,500 estimated jobs created; \$771M total Economic Output; and 600 plus funding partners). Paul Cozzens expressed his appreciation for the watershed restoration. Mr. Bunnell noted that the DWR partnered with BLM on a horse gather. He had people in helicopters getting horse and elk counts. There were more elk than horses, but elk numbers were still low. Kevin noted that he would be presenting a document, Utah Conservation Strategy, at the March 28<sup>th</sup> commission meeting. The goal of the document is to have the Utah Prairie Dog delisted from the endangered species list. He would like to have a commitment from the county to sign the document. It would help to have signatures from Iron County and Garfield County to show support and partnership. Unfortunately, this would not take place quickly, but hopefully within 5 years.

**APPROVAL OF VEHICLE SALES ON THE IRON COUNTY SURPLUS WEB SITE**

Wade Adams, Iron County Fleet Manager, the following vehicles were requested to be placed on the public surplus auction website list to be sold: a 2005 Dodge Durango (ID4HB38N15F551527), 2009 Dodge Charger (2B3LA43T89H608933, and three antique fuel pumps (1930-1950). Paul Cozzens made a motion to approve the vehicles and 3 antique fuel pumps to be sold on the public surplus website. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVE OF A VEHICLE TRANSFER FROM THE SHERIFFS' DEPARTMENT TO BUILDING & ZONING, 2011 FORD F150**

Wade Adams, Iron County Fleet Manager, request the transfer of a 2011 Ford F150 (1FTFW1EF9BKD65781) from the Sheriffs' Department to Building & Zoning for use by the Code Enforcement Officer. Michael Bleak made a motion to approve the vehicle transfer of a 2011 Ford F150 as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE DEFERRAL OF TAXES REGARDING APN: A-879-B-4**

Jon Whittaker, Iron County Clerk, explained that this parcel is located in Enoch City and that the owner is behind on paying property taxes. Total taxes owing was \$4,198.37 with the addition of 2021 taxes the total is \$4,627.82. If approved by the commission, the monthly payments would be \$420.71 for 11 months. He reported that the owner was in the process of applying for disability and had not worked since 2018. The packet contained all the necessary forms including a Letter of Denial for a bank loan. Marilyn Wood noted that she knew the applicant and agreed with Jon. Paul Cozzens made a motion to approve the deferral of taxes regarding APN: A-879-B-4 as presented by Jon Whittaker. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented temporary interim pay for Cam Neil from Full-time Patrol Deputy Bailiff to Full-time Interim Bailiff Corporal for the Sheriffs' Department, effective February 20<sup>th</sup>; and new hire, Lindsey Kim as a Part-time Evidence Technician for the Sheriff's Department, effective February 28<sup>th</sup>. This was a backfill of a vacant position; new hire, Taylor Beaumont as a Part-time Parowan DMV Title & Registration Technician, in the Assessors' Office, effective February 28<sup>th</sup>. This was a newly approved position; new hire, Doug Fox as a Part-time Parowan Meals on Wheels Driver for Council on Aging, effective February 28<sup>th</sup>. This was a newly approved position.

Michael Bleak made a motion to approve the personnel changes as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

**BOARDS:**

Paul Cozzens made a motion to appoint Derek Morton to serve on the 5-County Association of Government Human Services Council. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood, Iron County Commission Chair, declared a recess until 1:00 P.M.

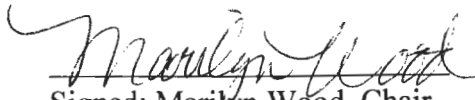
Marilyn Wood, Iron County Commission Chair, declared the resumption of the Iron County Commission meeting.

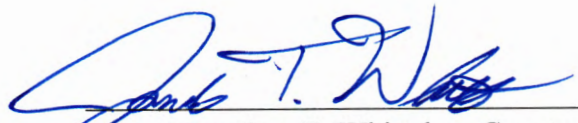
**STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. NOTE: THIS PORTION OF THE MEETING MAY BE CLOSED PER UCA § 52-4-205(c)**

Paul Cozzens, Iron County Commissioner, made a motion to move into a closed session per UCA§52-4-205(c) for the purpose to discuss pending or reasonably imminent litigation. Second by. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Marilyn Wood, Chair of the Iron County Commission, hereby certify that the purpose of the closed session convened was conducted in accordance with UCA§52-4-205(c) for the purpose to discuss pending or reasonably imminent litigation. Second by. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

  
Signed: Marilyn Wood, Chair

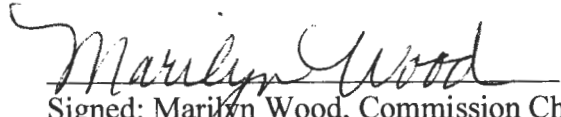
  
Attest: Jonathan T. Whittaker, County Clerk

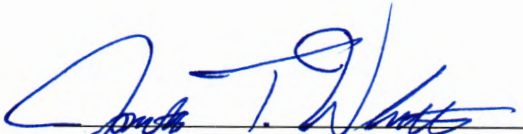


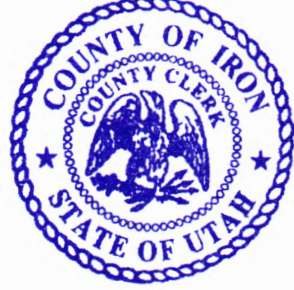
Marilyn Wood, Iron County Commission Chair, declared the adjournment of the closed session and resumption of the Iron County Commission meeting.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
MARCH 14, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 14, 2022  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Sam Woodall	County Deputy Attorney
Shalon Shaver	County Corrections
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Ken Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer
Maria Twitchell	County Tourism/Parks & Rec

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**INVOCATION**

An invocation was offered by Dan Jessen.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Kenneth Carpenter.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held February 28, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from March 1, 2022 to March 13, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **DEPARTMENTAL REPORTS**

**Dan Jessen, Iron County Auditor**, noted that the budget was on track. Dan reported that the May Tax sale, held May 26<sup>th</sup>, would be handled by Public Surplus. Bid for Assets handled the tax sale for the last two years. Public Surplus signed an agreement with Utah Association of Counties that would provide better rates. He noted that he served on the Utah Retirement System (URS) Membership Council and was heavily involved with HB12-Public Safety Retirement Amendments (public safety or firefighter). The bill reduced the length of the period of separation for postretirement of a retiree from a public safety system or a firefighter retirement system lowered to 90 days instead of a year window. The bill passed in House but the Senate slowed the bill, which had made a lot of people unhappy. The Senate wanted to talk about the bill over interim and create a committee. Dan stated that he would be on that committee to represent Iron County. He reported that the Annual Comprehensive Financial Report (ACFR) program was dominating most of his time through 2021 and he was extremely unhappy with Tyler, Iron Counties financial software. He had received next to no support from them. He had been trying since May 2021 to access their software. He had been waiting for training on the software and to implement the software. At this point, he decided to do recreate the software in house on Excel.

**Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, and Parks & Rec**, noted that the 2021 budget ended well. The 2022 budget was at 14% spent. Maria reported that the 2021 Transient Room Tax (TRT) collections increased by 56% and Restaurant tax increased by 30% from 2020. Occupancy actually ended with an increase of 5.5%. Average Daily rate (ADR) averaged \$76.19, an increase of 4.2%. She reported on grant updates: Tourism was once again awarded a Utah Office of Tourism (UOT) Grant for Winter Marketing that, with all partners contributing, equaled \$382K in advertising this winter season: another grant, from UOT for \$101,140 would help with destination marketing. There was a matching grant to produce an episode of Outside TV “Park 2 Park Venturing Out” with Kane and Garfield Counties. Total cost was \$100K, but our match was only \$16,667. Maria reported that she had put in for a grant to help write a Destination Management Plan and would present that grant to the Commission at the next commission meeting. The Iron County Restaurant Tax Board met and recommended the following projects: Cedar Leisure Services-Veterans Ball Field parking lot-\$71,750.92; Cross Hollow Events Center-Heating, roping box & chutes, audio system - \$172,325; Dixie National Forest-Deer Hollow parking lot & snowmobile parking - \$50K; Cedar Breaks National Park-Fee Station, Dark Sky programming & campground improvements - \$100K; SUMA-Marketing - \$37K; Beverley Center-Event Marketing -\$40K; BLM-Enoch Bench Trail - \$40K; Utah Summer Games-Signage - \$20K; Cedar City Airport-Marketing - \$15K; and Utah Shakespeare Festival-Theater upgrades - \$110K. Maria expressed her appreciation to Kayley Pickering, Communication Specialist, for her efforts getting 129 media articles which equaled to \$3.7M in advertising equivalent. Outside TV’s Park 2 Park Venturing Out shot an episode featuring Iron, Kane, and Garfield Counties. Iron County’s segment featured Brian Head Ski Resort. It was the only winter episode they had ever shot. Advertising this year would include: KSL TV, KSL Radio, Las Vegas radio, I-15 billboards (20), OTT (Over the Top) & Pre Roll video (streaming video ads), digital ads. Retargeting, and TripAdvisor. She explained that a good portion of this advertising was paid for through the UOT grants.

Maria reported the current budget for Parks & Recreation was 4% spent. Events planned were: WeRoc Rock Crawling in April (50 participants and approximately 500 spectators);

Intermountain Cup Bike Race in May (100 riders); Utah Summer Games Moto Trials & Shooting in May and June; UFO Festival in August; Legacy OHV Race in September; Cedar City Half Marathon in September (1200 participants), and the High School MTB Region Races (High School & Junior High Teams in August (1,500 participants) (800 participants in September). 2021 Revenue for Park Collections were slightly down from last year at 9%. She reported that there were two new Vault toilets installed at Woods Ranch and Vermillion Castle. Due to contamination, possibly brought on by the heavy rains, resulted in shutting down the water system earlier. The Department of Water Quality came and did a Level 2 Assessment and helped identify some breach areas, which Bryce Williams repaired. Bryce would be installing new snow-load benches and picnic tables at Woods Ranch this spring. Maria expressed her appreciation to Bryce for his hard work and dedication to the Vermillion Castle project, and Curtis DeMille for all he did during the Monsoonal floods. Mile Worthen was working with the Forest Service to move the group site and amphitheater out of the swamp that became worse during the floods. She had ordered tables, fire rings and grills for Vermillion Castle, but there was still a lot of work to be done and she could use some help from the road department with clearing and leveling.

**Kenneth Carpenter, Iron County Sheriff**, reported on current Law Enforcement (LE) issues: Mental Health Unit (MHU) Task Force had taken a set-back as Deputy Pires left to work for Enoch City Police Department; Metro SWAT had been extremely busy over the past several months with 2 call-outs for the county and 20 warrants; Drug Task Force had currently been very active with a lot of Fentanyl cases, with a new type of Fentanyl now hitting the streets. Border issues had seen a huge increase in drug activity as a result of pre-cursors coming from China into Mexico, with new types of Fentanyl and Meth. Human Trafficking involved Cartels going on tick tock to get juveniles to run drugs and people. Legislature Session reported that the Senate killed the LE retirement bill, but provided the Department of Public Safety \$15M! The Utah Retirement System (URS) was a roadblock to LE. There were 2 different options provided and they refused to look either one. The Utah Sheriffs' Association wanted to leave URS. Utah had the worse retirement coverage in the USA for LE. Sheriff Carpenter reported on the Total incident report since January 1<sup>st</sup>: Aggravated Assaults – 1, Air Support – 1, Agency Assaults – 40, Burglaries – 5, Child Abuse/Neglect – 7, Felony Offenses – 35, Fires – 11, K-9 – 8, Mental Health Unit – 2, Misdemeanor Offenses – 193, Other Offenses – 240, Public Relations – 4, Search & Rescue – 3, Sex Crimes against a child – 3, Other Sex crimes – 4, Welfare Checks – 12, Drug Cases – 68, DUI – 6 and animal problems – 65. The Sheriff Department lost three Deputies (moved to another department or retired). There were two new Deputies beginning Field Draining Officer today and two preparing to attend Peace Officer Standards & Training. The Sheriff Department would be down two Deputies on Patrol. Future Ops and Concerns: Personnel: Last year, Sheriff Carpenter had signed off on 9 new or extensions to current subdivisions, and one so far this year. Most averaged 82-86 new single family homes and one subdivision was for 250 new single family homes. This was a significant increase of new move-ins, which resulted in increased calls for service volume. He explained that to keep up with rapid growth in Iron County, he would be looking for a 4-6 Deputy increase. Pay wise, they were well behind other agencies within Iron County. Sheriff Carpenter expressed his appreciation for what the Iron County Commission had done to help replace vehicles over the past two years, but they had not received them. Currently between last years' orders and this years', only three had arrived out of 21 vehicles. He reported that the Patrol Budget was at 13.19% used; Jail Budget was at 6.79% used and Search & Rescue Budget was at 9.77% used.

**Shalon Shaver, Iron County Corrections Commander**, Ranon Hulet reported in behalf of Shalon Shaver. Ranon noted that the budget was at 17% spent for the 1<sup>st</sup> Quarter. Culinary cost per meal was \$1.18 and total bookings were 245. The total daily population of inmates was 168 (25 Female, 143 Male). Current inmate total was 182 (max was 214): State 10, Federal 40, Temporary Release 7. She reported that there was decrease of inmates transported to 51. The decrease was a result of Video Chats: 465 for Fifth District Court, Iron County Justice Court 34, Federal 42 and other 33. Attorney phone visits from booking was 33. Ranon noted that the work crew had put in 868 hours worked. Staff level: 2 going thru background check process, 3 new

hires, 1 long term (military) leave. The J-Block door replacement and Medical Department renovation were pending to find a mason willing to do the work.

**Paul Cozzens, Iron County Commissioner**, reported that Carter Enterprises, LLC was moving forward on the Fairground bleachers pad and planned to have them install them approximately May 1<sup>st</sup>. The company that they were purchased from would do the installation. The Newcastle Fire Station addition would be out to bid this week. Extensive roof repairs to the Road Shed Department building was completed and there was no leaking.

**Michael Bleak, Iron County Commissioner**, reported that a couple of weeks ago, he George Colson, Iron County Emergency Management, attended a table top exercise with Rocky Mountain Power regarding the upcoming fire season. He, along with George Colson and Terry Palmer (Iron County Building & Zoning) attended the Governors Roll-out regarding energy in Beaver. They were able to provide concerns surrounding Iron County. Mike noted that the Commissioner had a lot of discussions on the transfer of fairgrounds. Iron County was in the process to hire a Full-time Fair Director and Maintenance person, and would begin to establish a Fair Committee. He attended his Caucus and it was well attended.

**Marilyn Wood, Iron County Commissioner**, reported was planning to put together, on 100 West, a Youth Futures for youth 12-18 years old. Utah.org. contract. On the 10<sup>th</sup> she attended a Wildlife Board meeting in Farmington, Utah. She explained that there was a bill passed that banned trail cameras to be used during hunting seasons. The trail cameras were a problem with some ranchers because they were over used and some owners of the trail cams would cause vandalism. Marilyn stated that one time she counted 25 cameras placed at one of their water holes. Marilyn reminded everyone to come out and help with the Hwy 56 cleanup on April 9<sup>th</sup>. You could go to [www.justserve.org](http://www.justserve.org) for more information.

## **PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED LOCATION FOR THE CONSTRUCTION OF A CORRECTIONAL FACILITY IN IRON COUNTY**

Reed Erickson, gave a brief review of past jail site discussions. Steps taken previously: Jail deficiencies discussion by Sheriff's & Commission (2008 to present); started setting money aside to fund the new jail (2017 - \$\$5M); Evaluated sites and location options (2018 to present); Visited other jails around Utah for concepts and design ideas (2021-2022); Feasibility study contracted (Babcock Design, Fall 2021); and Developed cost estimates, funding options and growth modeling. Current site selection (Spring 2021 to present): Process: County staff evaluated options for multiple locations around the county. Public Interaction/Discussion: December 2021 - County Commission meeting, February 8, 2022 - SUU Forum presentation, February 22, 2022 - Festival Hall Open House & Public Hearing, and March 14, 2022 - County Commission Public Hearing; Rank location preference - March 14<sup>th</sup>; Determine best site in preferred location - March 14<sup>th</sup>, four site locations: Landfill, North Enoch. Smead, and Auto-mall. Reed presented a Comparative Sites Evaluation chart that compared sites based on Proximity Factors (Medical Facilities, Courts, Law Enforcement for transportation, Existing/Future Development), Zoning, Utilities, Soils, Transportation Infrastructure, and Acquisition Costs. Property Acquisition (March-June 2022) Steps: Appraisal to determine jurisdiction, make an offer, purchase - close on a property. Land use approvals (March - July 2022): Determine Jurisdiction (assume Cedar City), General Plan Amendment (Business/Light Manufacturing), Zoning approval (seeking I&M - 1 zoning district) and Conditional Use Permit (CUP). Project Design (April 2022 - March 2023): Select Architect and Design team (the sooner the better); Prepare design and bid package which must be done prior to closing on bonds (must have a confirmed bid). Funding (June 2022 - April 2023): Sources and steps (attempt to pay without raising taxes or having to hold a bond election); County cash \$5M (being set aside since 2017), Community Impact Board (\$15M - \$20M): Application - June 1<sup>st</sup>, Approval August - 2022, Open Market Bonds (\$20M - \$25M) with help from Financial Advisors. Construction (March 2022 - May 2025): Site Prep (Fall/Winter 2022-23) in house options where possible, grading, utilities, etc.; Select general contractor (June 2022) - involve early to participate in design & materials selection, Design-Assist mode for real-time estimation and most cost

effective approach to each design, Contractor to begin construction (March 2023) mobilization and construction begins. Occupancy (May 2025) Finalize construction, Public open house, and move into new jail facility. Lastly: Old Jail/Property Repurpose: Decision process for use of old building/property: Repurpose - remodel and utilize for county services, Demolish and construct county facility, Sell building/land for other uses, and Demolish building and sell land as an empty building site.

Sheriff Carpenter noted that this had been quite a process. He expressed his appreciation for public support and comments that would help with this decision. Based on his position to serve Iron County, he believed that the Auto-mall site was the best site for the new jail location. He asked that everyone please understand that he would never do anything to harm our community or persons. Sheriff Carpenter explained that he lived in this community and vowed to protect it. He had served our Country for 20 years and this community for 18 years. He understood certain trepidations of the project, but most were about the unknown. Sheriff Carpenter stated that he had worked in Law Enforcement all his adult life and had confidence in his Deputies to protect our community.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing regarding the proposed location and construction of a new Correctional Facility in Iron County open.

**Comments:**

Heather Stonely, a resident of Iron County, noted that she was aware that the Smead site was first considered for the jail and after the residents complained, the site was deleted as a prospect. She asked the commissioners to show the same consideration to those in this area. She stated that the decision felt rushed. Mrs. Stonely suggested that they form a committee with representative from each neighborhood so they could be heard. The North end of town had been waiting for a Parks/Rec to be placed there.

Sheral Whicker, a resident of Fiddlers Canyon for 20 years, stated that she had read in the Spectrum newspaper that the Auto-mall site was a “done deal.” She noted that she had started a Petition, “Stop the Iron County Jail from building on prime commercial property,” (the Auto-mall site) yesterday and had gathered 361 signatures in 18 hours. Her next step would be to present this to the Cedar City Council. It was beyond comprehensible to think a jail would be provided on prime commercial property. Build away from the general population and choose another site.

Chris Uchman, a citizen of Iron County, expressed to the public to make sure they were signed up on the state, as well as the county information email list. This was a great place to keep informed on what was happening in the county, and not be left surprised. At first he was against the Smead site because of the negative impacts that would happen. Safety issues of Law Enforcement Officers needed to be the first concern of where the jail would be built. The jail needed to be within 10 minutes of a medical facility to treat Level 1 triage. Mr. Uchman asked that there be a commitment put into the Conditional Use Permit to limit Federal inmates to 25%.

Anne Sutherland, a resident of Fiddlers Canyon for 6 years, reported that she had a degree in Urban Design and Planning. The current jail was quite small and now the county was asking for 20 acres. Our main idea should be “what were we creating for our children and the future of Cedar City.” Inmates do break out and she wanted her children to feel safe. Please give our residents the same consideration that was given to the residents of Equestrian Point. There were other places to build the jail that wasn’t in their backyards.

Garth Green, Cedar City Mayor, noted that his philosophy had always been “don’t tear down buildings, but remodel them.” Cedar City has many challenges with water, population, lack of city parks, and the necessity of retail being developed on the North end of Cedar City. Mayor Green read letter from the November issue of the Deseret Newspaper regarding building their new Prison. He had looked at the photos of the proposed jail and they were very nice. He stated that he hoped there was a contract for Federal prisoners. There was no guarantee of the number of inmates and if the contract was not written, there would just be massive debt. Mayor Green stated that he would not object the jail being built on the Auto-mall site if certain conditions were met. Those conditions were: the jail must be placed on the back 15 acres, finish the road to Auto Mall Drive, stub out the connections for government and businesses, put in nice

landscaping that was required, bring in 160 feet of water, make all the infrastructure beneficial to retail that needed to come, pay the impact fees, all roads designed with curb and cutter, and collect your own storm sewer.

Markus Green, a citizen of Iron County, noted that it would be unwise to build the jail at the Auto-mall site and lose potential income. He was concerned about the safety of the prison employees and personnel. If there was a need for someone to handle a stage 1 medical concerns, someone should be hired to do that in the prison. There would be plenty of income to cover the cost with the business that would be attracted to the area.

Chris McCormick, a citizen of Iron County, reported that he had reservations of the Auto-Mall site, but then talked with Sheriff Carpenter, looked at the site, and now felt better about it. The renderings of the building were attractive and it was set far back and not would not be an eyesore. He, personally, was in favor of the Auto-mall site.

Rhonda Parker-Nagle, a citizen of Iron County, stated that the location of the jail needed to benefit all Iron County. Why was the Auto-mall site being considered on the most prime land in Cedar City and Iron County? Jails bring in no income. Building the jail on the Smead or Auto-mall site would be detrimental to Iron County. Cedar City was known as the "Festival City" and would now be known as the "City with a jail."

Danny Stewart, Iron County Economic Director, reported that he first heard the Auto-mall was a potential site and was very surprised. For seven plus years he had looked at the site as prime land for commercial retail development, which was desperately needed on the North end of Cedar City. He observed the site with Commissioner Cozzens, and did not think that it would have a negative impact and would not be detrimental for him to promote perspective businesses. He has asked Mike Redford, an architect who had worked on many projects like the jail, what the impact of jails were in a community. He reported that, historically, property values rise when a Correctional Facility was located nearby. With the high presence of LE near, crime rate also decreased. Danny reported that based on studies, jails had either zero impact or very small impact of community development. He noted that he was not as concerned as he was and this was something that could potentially spur growth and development on the north interchange.

Jason Stolworthy, a citizen of Iron County, stated that he was against the Auto-mall site for the jail. The reason correctional facilities were built away from the community was they posed a danger and detriment to neighborhoods and schools. Please look further out for another location.

Anita Bunker, resident of Fiddlers Canyon, stated that when she moved to Iron County 20 years ago, the first requirement to the realtor was she did not want a jail anywhere around her home. Escapes can happen. She had put an offer on property in Enoch and halted that offer. They were now looking from St. George to Idaho and may move. She realized that families want to live near when one of their family members were incarcerated. The county should not end up subsidizing families.

Evan Vickers, resident of Fiddlers Canyon, explained that he came to the meeting to just listen to comments regarding the jail sites. He reported that he was a member of Citizens of Responsible Development (CRD). It was a group from the first residents of Fiddlers Canyon that fought against the current jail facility. Having been through the political arena himself, he realized that this was a very difficult decision. Please consider the feelings of those in the area and to respectfully look at other sites.

Tim Taylor, a resident of Fiddlers Canyon for 10 years, reported that he had observed the growth around the South interchange and had been patiently waiting for development to begin on the North end of town. He felt that businesses had been encouraged to develop on the South end of town by Government agencies and the North end had not been given the same encouragement. Tim stated that he guaranteed if the jail was built on the Auto-mall site, it would be a huge deterrent of any development. The Auto-mall was less than 1 mile from his home and near 5 churches and was not fair to the residents that live there. He and 98% of the residents he had talked with were against the site. He respectfully asked that the jail not be placed at the Auto-mall location.

Sherry Nielsen, resident of Summit for 25 years, reported that she had driven from Summit to Cedar City every day because it was the only place to shop. She did not want to see a prison that close to the freeway. Prisoners escape all the time. Those coming in to visit these inmates may not be the most honest people. She had a daughter that lived in Fiddlers Canyon and wanted them to be safe. She noted that she wanted to see north end grow for the benefit of all Iron County.

Don Holt, a resident of Fiddlers Canyon, noted that he did not envy being one of those making this tough decision. Some people spoke as perceived as experts reporting that there would be no economic impact. Expert opinions count, but he still believed that the jail being placed at the Auto-mall site would be detrimental to commercial growth. He requested that the same consideration be given as it had been in other areas.

William Fox, a resident of Fiddlers Canyon, reported that as he had followed this, he did not see any safety issues. He expressed that Sheriff Carpenter was fully capable of having his Deputies take care of us. He had worked as teacher for 3 years in the current jail. The building was falling apart and was undersized. William noted that he did see the Auto-mall site as prime property for development and potential property and sale taxes coming in, which was not the case in other areas. He asked the commissioners to look at more than the fees, but also the ongoing revenues lost to Cedar City. He had a personal interest to see stores come in, and the selection of the Auto-mall site could take land away for potential businesses. Mr. Fox believed the North end of town had been short changed. Please reconsider the site.

Jim Lunt, a citizen of Iron County, reported that he had gone out and walked the property being considered. He noted that there was a misunderstanding of the name of "Auto-mall" as the property had nothing to do with the Auto Mall, other than it was on Auto Mall Dr. If some of those in attendance did not attend the previous meetings was doing themselves a disservice. Those meetings had answered a lot of concerns and were very informative. He voted to have our Elected Official make decisions regarding Iron County, and he trusted them. He knew that this was not easy or popular decision. A new jail needed to be built as a result of the rapid growth in Iron County. He was in favor of the Auto-mall site.

William Pressgrove, a citizen of Iron County, reported that he lived west of Quichapa Lake and it was sparsely populated and wanted to keep it that way. He agreed that the North part of town needed to grow. The jail did not need to be built in the city. It could also be built in the county.

Dave Nakken, a citizen of Iron County, reported that he owned commercial property on each side of the Auto-mall site. Five years ago, he was on the Downtown Redevelopment Committee. One concern was the stores along Main Street were shutting down, or turning into a less used viable area for retail. This was a problem with smaller towns when development grew around an interchange. Dave explained that the importance of development on the north end of town was vital for travel through Main Street. North development was not just for easy access, but would help keep downtown viable as the course of travel was from the North Interchange through town and out through the South Interchange. Retail development would begin to come in and businesses would be close to the freeway.

Bert Hamilton, resident of Ashdown Forest, reported that he had been told, by a prison worker, that 1/3<sup>rd</sup> of inmates were sent to other facilities because they were not safe in that facility. Bert expressed that if Iron County locked in placing the jail at the Auto-Mall site there would be very small growth. He heard on Sunday night that the jail site was being considered at the Auto-mall site. He asked that it be moved further away from residents and to not make any decisions today.

Craig Laub, a citizen of Iron County, commended the Iron County Commission for all the hard work that had been put in locating jail sites. He expressed his appreciation to the commissioners and realized that this was not an easy decision. Being a commissioner was one of the toughest jobs to hold. Craig stated that he would support any decision that was made.

Shannon Poulson, a resident of Fiddlers Canyon, reported that she had lived in Fiddlers Canyon for 33 years and participated in rejecting the current jail site. There had been two thoughts come to mind as she considered this jail site. One, was during a break-out and the

feelings as a mother of 3 little girls with a criminal running around at night. The fear that came over her knowing the potential of possible danger to her family. There were 2 additional subdivisions being planned for that area with close to 2,000 units by the school. The other thought, there was a reason that towns with jails/prisons near the freeway had signs saying “Do not pick up hitch-hikers, Jail nearby.”

Dan Jessen commented on the concerns of property values. Dan noted that there had been a lot of discussion regarding North development versus South Development. The single motivator of the south development was Walmart. Most businesses use an algorithm to determine where to locate their business. Walmart was that pull to develop on the South end of Cedar. The North end needed a retail anchor to pull in businesses. Although the jail was not a retail anchor it could be a motivator. This was one defining factor in considering the Auto-mall site. He explained that currently, the property was zoned residential. Cedar City would need to grant Iron County a Conditional Use Permit to allow the jail to be built at the Auto-mall location. Only the back 15 acres would require a zone change, the front acres would stay commercial. Iron County could create an “incentive” area for potential growth. Studies had shown that once a jail was built it would spur development around it. Paul Cozzens explained that the location of the jail site would not be as visible from I-15 as many were concerned with. Marilyn Wood noted that if a Courthouse or retail were built on the West side of the site, the jail wouldn’t be visible.

Mayor Green asked Dan if there was a contract in place for state/federal inmates. Dan replied that there was only a Memorandum of Understanding. Contracted inmates would bring in more revenue. The new prison in Salt Lake City was having a hard to staff because of its location and the staffers would rather travel to the Gunnison facility.

Ann Sutherland asked what store would want to be next to jail?

Paul Cozzens, Iron County Commissioner, pointed out the designs of other jails throughout the State of Utah and noted that the only way someone would know it was a jail was the signage place on it.

Sheriff Carpenter reported that the Jail and Sheriff’s Office was built on Main Street in Vernal and was completely developed around it, as with the jail in Davis County. The Spanish Fork Jail was under construction and development was beginning around it. Kane County required their Jail to be built outside of Kanab, and development was happening around it also. The same was happening in Washington County. He explained that the design was for a nice building with brick walls so citizens could not see in. The design was made to keep citizens safe. Sheriff Carpenter reminded those in attendance that this was not a Prison but a Jail, and to keep that in mind.

Mark Tisenero, a citizen of Iron County, stated that he did not believe that there would be no negative impact at the Auto-mall location of the jail.

Sheral Whicker asked why Beaver County could operate their jail on 5 acres and have 400 inmates, but Iron County wanted 30-40 acres of prime land to our jail?

Sheriff Carpenter replied that Beaver County housed less than 30 county inmates and 384 state inmates. He stated that if Sheral were to tour the Beaver facility she would notice that the conditions were terrible. There were many blind corners that demanded more manpower in order to secure it. With the State Contract, those 384 state inmates paid for the entire Sheriffs’ operation. Sheral stated once more that it was on 5 acres. Sheriff Carpenter explained that Beaver County was not the same as Iron County. Iron County had 60K residents and was the fastest growing county in the State. His Sheriffs’ Office was easily triple the size of Beaver County because of the needs here. She needed to understand that this jail was being planned for the future, not just now. Part of the reason for asking for additional space was to correlate with 5<sup>th</sup> District Court in Cedar City when the time came for more space. The number one place where inmates escaped was while they were being transported to court or the hospital. The more that could be done to limit transport the more that was saved to the tax payer for transportation costs, manpower costs and safety. He reported that in Davis County, their design was in a U-shape with a parking located in the middle, the jail on one side, the court on the other with a tunnel that went to each building, which alleviated most of their transport costs.



Dave Nakken noted that Iron County was essentially buying 2 separated properties. If the 5<sup>th</sup> District Court was placed in front of the jail, the jail wouldn't be seen at all. It would not have a negative impact.

Maggie Lewis, a resident of Fiddlers Canyon, expressed her appreciation for all the different angles that had been considered. Maggie noted that her concern was the businesses that would come in around the jail would be mostly industrial. In other towns with jails she had not noticed any grocery stores around any of them.

Sheriff Carpenter explained that if the Landfill site was chosen; the jail would be closer to housing (less than half mile away), a Church was less than a half mile away and a Hotel/RV Park was located across the road. It would cost an addition \$10M just to bring utilities out to the site. It would also take the local LE outside their jurisdiction for at least half of their shift. The jail needed to be centrally located. He reported that there was no in-person visitation at the current jail, it was all executed electronically and vastly from the comfort of families own homes. Sheriff Carpenter noted that Federal inmates were short-term (pre-sentence time of 60-90 days). Once they were sentenced they were sent to the State Penitentiary. State inmates were not permanent. The inmate had to follow the rules and maintain good behavior. If this did not happen we could send them back. Those inmates were usually much more well behaved than local inmates. An inmate was only released in the county to which they were arrested, and once they released they too were free citizens and no longer an inmate. They had paid their debt to society and released and were citizens of Iron County once more. Everyone needed to keep that in mind.

Maggie Lewis stated that she had no problem of the location of the Auto-mall site from a safety standpoint, and it was a great idea to bring in more state and federal inmates to help cover costs. Her concern was simply the location and the type of businesses coming in would not be the type the neighborhood was looking for.

Sheriff Carpenter explained, for understanding, that this discussion had been going on forever. When Dale Brinkerhoff was a member of the Iron County Commission, he had taken him out and shown him 5 sites that could be considered (one being the Landfill site). Mr. Brinkerhoff had asked SUU to conduct a feasibility study and all 5 sites were disqualified. The county had been doing their due diligence in finding a location that was going to be the best location they could possibly find. While looking at possible locations, there were numerous factors to take into consideration. The perception of citizens that the Smead site was backed away from as a result of the outcry from those citizens of that area was not true. The greatest reason was it was in a flood zone and the excavation would be 6-9 feet and would cost millions of dollars more to bring a backhoe in and fill in the area to where it would support the jail facility. The Auto-mall site would save millions on construction. His responsibility as a Sheriff was to be fiscally responsible as well as security responsible. Sheriff Carpenter stated that He cares deeply for our community and would never do anything to put it at risk! The realism was he had to decide which would be the best location based on multiple factors. His opinion was that the Auto-mall site was that location.

Danny Stewart explained that when he was hired as the Economic Development the main task he was given was to help foster environment work for higher payment wage. It was pointed out to him at that time that the North interchange needed commercial development. Commercial and residential development followed the path of least resistance. He had visited with large retail businesses since day one of his position, and continued to do so. It was frustrating to him when he worked with a client and they would choose to locate at the south end of town because that was where the action was and had a better chance to succeed. The recent growth does have an impact on recruiting retail development on the north end interchange. Those developers were looking at a certain number of rooftops within a certain drive time. Part of his job was to educate the public that our market was much larger than a 15-minute drive time. He truly believed that there would be success bringing development to the north interchange. His challenge was to bring in the retailers to Cedar City to show them that the drive from the north interchange and the south interchange was only 10 minutes.

Paul Cozzens explained that there had been discussion regarding the box culvert under I-15 to open it up for giving another option from those driving from Enoch, which would help bring traffic to the location and would be sufficient for businesses.

Reed Erickson noted, that as a planner, it was his responsibility, as was Danny Stewart's, to look at types of zoning categories. He asked Danny if there was adequate zoning for commercial property and if Iron County was doing a disservice at taking potential commercial property, which wasn't currently zoned commercial, and being at risk of taking a current situation that was concerned that there was enough of potential commercial property.

Danny Stewart replied that there was a lot of commercial land from the south interchange and north interchange and through town which was underdeveloped. Commercial Land was not the challenge. If this site were to be developed it would have to be rezoned commercial and would add an additional 35 acres for commercial as proposed.

Dan Jessen stated that opening up the culvert and being able to tie into traffic from the Enoch area would help ease the bottleneck at the Bowling Alley.

Mike Bleak noted that the culvert improvement would fall under Utah Department of Transportation (UDOT). They sat on an Iron County Coordinating Council meeting last week where road infrastructure was discussed. There was a priority list of projects with UDOT, and they were able to bump the culvert expansion project up to the number one priority, to help spur the growth of the area by creating a better corridor.

Jim Lunt asked if the Council had given any insight on the Enoch interchange?

Mike Bleak replied that it wasn't a rumor, but would be further down the road.

Carter Wilkey, a citizen of Iron County, reported that he served on the Cedar City General Plan Revision Steering Committee, and Cedar City recently changed their general plan. Carter explained that the area (from the freeway to the S-road) that was zoned "Low Residential" was now listed in the new Master Plan as Central Commercial.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing closed.

Michael Bleak, Iron County Commissioner, introduced himself, for those who might not know him, as being a lifelong resident of Cedar City. He had spent 26 years as a LE Officer for Iron County. Twenty-three of those years was with the Cedar City Police Department. He had retired and he now works with Enoch City helping fill in as a Part-time Patrol shift and with investigation issues. He had been an Iron County Commissioner for 5 years. He had worked with Sheriff Mark Gower, Corrections Officer Mike Gibbs discussing infrastructure problems in the jail and the growing need for a new facility. Mike reported that he had worked with former Commissioner Brinkerhoff regarding the SUU feasibility study. Many sites were looked at, and those were narrowed down to 5, and as reported, all 5 were denied. When the discussions continued with the new Commissioners, Commissioner Cozzens was not in agreement to build a new facility and with his own studies he was now on the same page. As reported, this process had been going on for many years. Meetings and discussions had included all administration, Police, Sheriff's and staff. The new facility can't be avoided. The reason for the need of 40 acres for the facility was: 1. To meet and exceed the needs; 2. To provide area to expand when needed (addition of 2<sup>nd</sup> and 3<sup>rd</sup> pods); 3. Be able to attract the 5<sup>th</sup> District Court to move there if the time came and be able to accommodate them, and 4. 40 acres was what was for sale. Iron County was mandated to provide a jail and it was not optional, and the Sheriff's Department was mandated to run the jail. Commissioner Bleak stated that he loved Iron County and would not do anything that may bring harm to anyone. The commissioners had been transparent with the discussions and meetings by advertising with ads, personal messages, Facebook, etc. to get word out to the public. They had done their very best to keep the process open to the public to express their concerns. The commission had listened to comments and used information towards the decision for the best site. It was a very hard subject for everyone. The best location at this time was the Auto-mall site, and all but one condition required by Mayor Green had been completed.

Paul Cozzens, Iron County Commissioner, explained that, as Mike brought out, when he was elected as a commissioner he did not want to build a new jail facility. He had always preferred to remodel old buildings. As he talked with several people he discovered that the logistics to even add on to the jail while inmates were still in the facility was not feasible. An

addition/remodel had to be on the current jail CUP Foot print, which it wasn't, so that took the option away. Paul reported that he looked into an Iron Springs location. He went out and found that here were no utilities, not enough efficient water, and no sewer. Just the development of sewer lagoons would take years and be very expensive. Logistical problems for Brian Head, Parowan was an issue for him, along with the Medical situations brought up. The Smead site location concern was the soils. He explained that the soil was not bad for residential, but not for a heavy jail structure. The over excavation would be 8 feet. When the soil was compacted you lose 40% of the soil. More soil would be brought in to augment that. The Smead site was approximately 2 feet below the grade of the road so an additional 3 or 4 feet of more material would have to be brought in. Commissioner Cozzens reported that he talked with the Architect and was told that all designs of jails were based on the land it was being built on. The Auto-mall site had a lot of rocks, which was great for building. Initially there were land owners that approached the commission to purchase Auto Mall Drive, because they were tired of it just sitting there. It was considered, but they wanted commercial retail built there to ease congestion on the south end of town. When the Auto-mall site became available the jail was going to be built on the front of the property. He, personally, felt that it was too close and suggested that it be moved to the back of the property, toward the mountain, which would better suit concerns of the public. This location was the best fit for the jail site, but even if it was chosen the final decision would be up to the Cedar City Council as they would have to approve a zone change. Paul noted that he would be glad to have a field trip at the actual site for anyone that would be interested in going. He took Mayor Green, Danny Stewart, Chris McCormick, and Dave Nakken, who were all opposed, to property and after seeing the site they all agreed it was a good site. The commissioners met with the US Marshall and State Corrections Director and they noted that having contracts in place was highly unlikely. Dan Jessen had done a great job with a cost analysis and reported that having a 2 Pod jail would be good if could be done. Paul stated that he felt that it doesn't make sense to risk what you can't fill. His vote would be to build only one pod. There was still value in stubbing for utilities for a 2<sup>nd</sup> pod during construction to save money down the road. Commissioner Cozzens expressed his appreciation to those that had given input, both for and against the jail sites. The Commissioners were elected to look at Iron County as a whole when making decisions to what was best for everyone. Paul encouraged anyone that still had concerns to listen to the past presentations regarding jail sites that were available on the Iron County website: [www.ironcounty.net/clerk](http://www.ironcounty.net/clerk).

Michael Bleak explained that one of his assignments as an Iron County Commissioner was Economic Development. He had worked side by side with Danny Stewart, Economic Development Director. Mike noted that he had set in on many discussions in the last 5 years desperately trying to bring business, Target, Costco, Harmons, etc., to the north interchange. It had been a constant struggle to try and bring in an anchor store to the north interchange. Economic Development was one of his passions. He took that responsibility very seriously and would continue to do so! If this site was approved, he would continue to support Danny in supporting and strengthening businesses in Iron County. It was a goal of Economic Development to develop the north interchange and make sure it was properly planned and managed.

Marilyn Wood, Iron County Commissioner, gave a booking recap from Sheriff Carpenters report earlier: Arrests-Iron County Sheriff Department 73, Cedar City Police 88, Utah Highway Patrol 35, Enoch 8, Parowan 4, Brian Head 1, Task Force 5, and SUU 3. Most inmates were coming from Cedar City, which was a positive point to having the jail in the City limits. Another concern expressed was having a Park on SITLA property. Marilyn reported that the Washington County fairgrounds were located by the Washington County Jail. There was also a Horse Park that was constantly holding activities there. She noted that the Washington Jail staff informed the commissioners that their facility was not planned very well and they tried cutting corners, and as a result they have had to remodel multiple times. We were making sure to build our jail correctly. Commissioner Wood stated that tax payer's money was very important to her. There were times in her life, as others have, struggled to make payments. She reported that the commission gave a raise to the county employees in 2021. Since being elected as a commissioner she had found the Iron County had the greatest employees. They would like to give the

employees another raise, because of inflation, it was not feasible because the county needed this new jail. As they looked at the various sites, they were watching over their taxes. Her second concern was the safety of the community. The design for the new jail was high tech and the safety of the staff was especially taken into consideration. Safety for jail staff and the community was at the front of the list.

Michael Bleak made a motion to approve to move forward with the process of construction of the Correctional Facility to be built on the Auto-mall site as portrayed on graphics presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood expressed her appreciation to everyone that came and expressed their concerns. This had been a hard process to go through because it was not popular with some communities. This location was the best site under the recommendation of Sheriff Carpenter.

### **PUBLIC COMMENTS**

Jim Shurtleff, a resident of Parowan City, expressed his appreciation for the commissioners support with amending HB242 regarding secondary water metering. Cleave Matheson, Parowan City Manager, asked him to speak on his behalf to express his appreciation for coming to their aid. Mayor Mary Halterman, Senator Evan Vickers, Representative Rex Ship were also beneficial in amending this bill.

### **DISCUSSION AND POSSIBLE APPROVAL OF A SERVICE AGREEMENT AWARDED TO “LA NEAL CONSULTING, LLC” TO CONDUCT A CULTURAL ANALYSES ON THE HIGH DESERT TRAIL IN IRON COUNTY AND BEAVER COUNTY, REQUIRED BY THE BUREAU OF LAND MANAGEMENT (BLM)**

Mike Worthen, explained that this service agreement allowed the required analyses by the BLM before High Desert Trail could be designated as a trail. Funding was through a grant, so there was no cost to the county.

Paul made a motion to approve a service agreement to be awarded to “La Neal Consulting, LLC to conduct a Cultural Analyses on the High Desert Trail in Iron Count and Beaver County, as required by the BLM. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **DISCUSSION AND POSSIBLE APPROVAL OF CONVERTING THE ROAD DEPARTMENTS FUEL SITE TO A STATE FUEL NETWORK SITE**

Dan Jessen, Iron County Auditor, reported that Wade Adams, Iron County Fleet Manager talked with Robert Slade, Utah Division of Fuel Network Manager, and reported that Diesel could be purchased at .80 cheaper than we were paying wholesale from Jenkins Oil. Wade Adams noted that it would be possible to move pumps outside the fence, that way the pumps could be used after hours. Jon Whittaker noted that the Parowan gas pump was located at the State Road Check and it was convenient having it located outside the fence. Dan noted that employee use of the state pumps needed to be encouraged. Wade explained that if there were any maintenance issues with the sites the state was responsible for maintaining them.

Michael Bleak, made a motion to approve converting the Road Departments fuel site to a State Fuel Network site. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **CONVENE AS THE BOARD OF EQUALIZATION (BOE)**

Marilyn Wood, Iron County Commission Chair, declared the convening of the BOE.

**REVIEW FOR APPROVAL, OR DENIAL, APPLICATIONS FOR CONTINUED PROPERTY TAX EXEMPTION AND NEW APPLICATIONS FOR PROPERTY TAX EXEMPTION WHICH HAVE BEEN SUBMITTED BY RELIGIOUS, EDUCATIONAL OR CHARITABLE ORGANIZATIONS REQUESTING TAX EXEMPT STATUS ON PERSONAL OR REAL PROPERTY FOR THE 2022 TAX YEAR**

August Franklin, explained that there was a total of 28 vehicles and 10 new properties listed for tax exemption. After reviewing the applications, August recommended that all the applications be approved.

Paul Cozzens made a motion to approve applications for continued property tax exemption and new application for property tax exemption as presented by August Franklin. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared resumption the of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented, for approval, K-9 pay for Eric Rohmann and Morgan Garrett for the Sheriff's Department, effective March 6<sup>th</sup>; new hires Hayzen Pettit and Joseph Winzenreid as Full-time Technician/Maintenance workers, for the Road Department, effective March 21<sup>st</sup>. These were backfilling of vacant positions; new hire, Gary Thomas as a Part-time Cedar City Meals on Wheels Driver. Effective March 1<sup>st</sup>. This was a fill of a newly approved position.

Michael Bleak made a motion to approve Personnel changes as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

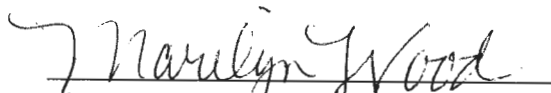
**NON-DELEGATED ITEMS**


**BOARDS**

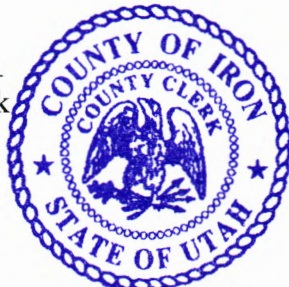
Marilyn Wood reported that Brandon Hunter was asked to serve on the Conservation Board and accepted. Marilyn Wood made a motion to appoint Brandon Hunter to serve on the Conservation Board. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
MARCH 28, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. March 28, 2022  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner-via phone
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Terry Palmer	County Building & Zoning
Sam Woodall	County Deputy Attorney
Danny Stewart	County Economic Director
Richard Wilson	County Chief Engineer
Ryan Riddle	County Fire Marshall
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Kenneth Carpenter	County Sheriff
Maria Twitchell	County Tourism Director
Nicole Rosenberg	County Treasurer

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**INVOCATION**

An invocation was offered by David Burton.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Terry Palmer.

Marilyn Wood, Iron County Commission Chair, excused Commissioner Michael Bleak from personal attendance, noting he would join the meeting later via telephone.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held February 22, 2022. Second by Marilyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT FROM**

Marilyn Wood made a motion to approve Claims for Payment for March 14, 2022 to March 27, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Terry Palmer, Iron County Building & Zoning**, reported that the department continued to be extremely busy. There had been a total 165 permits issued in the first quarter, compared to the 119 in the first quarter of 2021. From March 1<sup>st</sup> to March 25<sup>th</sup> there had been 78 permits issued (45 of those permits were new homes). Building & Zoning had completed and had accepted Plan Reviews on 174 projects so far this year compared to 103 in 2021. There were 1,016 Inspections so far this year, compared to the same date in 2021 of 904. Terry reported on projects that were being worked on: the concrete had been poured for the Fairground bleachers, and all anchor bolts had been placed for the structure. At the Newcastle Fire Station a fence had been taken down between the road shed and the Fire Station. Platt & Platt had surveyed and marked the building corners, and the bid would be sent out in the next couple of weeks. Construction could possibly begin in mid-April. He gave a brief report on the Building Permit Summary Report as of February 2022: Iron County Unincorporated Area-70 permits issued, Parowan City-12, Brian Head-1, Kanarraville-3, and Paragonah 1. On Friday, March 25<sup>th</sup> a Grading Permit was issued for Appaloosa Solar. Appaloosa Solar had begun improvements on Lund Hwy and interior grading on the solar project would begin this week. Terry noted that the Utah Chapter of International Code Council held their conference February 24<sup>th</sup>. Iron County received a Chapter Award of Merit in appreciation for dedication & support to the Chapter Iron County. He explained that the award recognized that the Iron County Commissioners supported the Iron County Inspectors for all their service and time put in. He reported that Brandon Hunter’s time serving on the Iron County Planning Commission had expired after 12 years of service. Eric Cox was asked to serve in his place on the board. He had served as a volunteer firefighter, Westview Homeowners Association, and worked with Utah Department of Transportation (UDOT) and understood road issues. He was very knowledgeable and would be a great asset to the Iron County Planning Commission.

**Richard Wilson, Iron County Engineer**, noted that he had been busy planning and preparing for the summer months. Richard reported on the Iron County Engineer Priorities from 2021-2022: Paragonah: Red Creek flood control cleaning of the ditch from 700 North to Main Street and between Center Street and 200 North had been completed. The Recharge basin was

cleaned at the mouth of Little Creek Canyon. In Parowan, they were currently working on a grade plan with the Road Department for the Fairgrounds parking expansion. They were working with Eric and Jacqueline Hasemeyer regarding a property line issue at the southeast end of the Fairgrounds. In Cedar Valley, they were cleaning the Coal Creek flood control channel from the Jones Diversion to 3000 North and 3000 North to 4800 North. The channel had been cleaned from Midvalley to the Airport. He was ready to work out the details with the shared responsibility agreement as discussed at a meeting with Cedar City Mayor Green. Iron County was seeking to not be responsible for channel maintenance with Cedar City limits. Richard noted that after much research and consultation with consultants and stake holders, the Iron County Road Standards were in the process of being updated. They had not been updated since 1997. Those updates were expected to be ready for recommendation to the Iron County Commissioners in April. Marilyn Wood expressed her appreciation for the work that Richard had put towards the updates. He explained that after extensive research and field work, set-backs for flood channels were being expanded or established. Said easements were expected to be ready for recommendation to the Iron County Commissioners in April. After investigating the existing Cedar Valley irrigation ditch infrastructure for flood prevention planning, Richard had determined that there was minimal benefit to the use of the irrigation system for flood control less than 100-Cubic Feet per Second (CFS) was possible with the current infrastructure. The Quichapa Lake Flood Study and development recommendations were ongoing with recommendations to the commission by July or sooner. He reported on the uses of the Emergency Watershed Protection (EWP) Natural Resources Conservation Service (NRCS) Grant Award: \$1.1M, currently working with Bowen Collins & Associates, Inc.: Quichapa Channel south of Lady Bug Nursery, Right Hand Creek Bridge-downstream head-cut mitigation, 3000 N between 2300 West & Coal Creek, Red Creek/Red Creek Road above the Parowan City Power Plant (in Paragonah), and Kanarrville (south) Detention Basin; East of Old Hwy 91. Right of Way Acquisitions: Lund Hwy: agreement with rPlus Energies for chip sealing 1.4 miles of Lund Hwy starting at 7000 North had begun and rPlus Energies portion should be completed this week. Paul Cozzens reported that Phil Schmidt had some extra material that could be used on the BLM Pyramid Trailhead to help with erosion. Richard expressed appreciation to Phil Schmidt and that he had been a great asset to him.

**Bruce Anderson, Iron County Public Works Director**, congratulated Terry Palmer on the Merit Award and said it was a great recognition for Iron County. He expressed his appreciation to Richard Wilson for his work and assistance. Bruce presented a report on Landfill: The re-permit process for the landfill was getting closer to being completed. It was currently at the 30-day review to be approved or denied and he anticipated approval. All employees were healthy and working hard. He reported that the budget was on track. The Spring water sample was just completed. A roll-off truck was sold to the Cedar City Sewer Plant and would soon begin to haul their waste from sewer plant to the Landfill. Diamond Tree Experts were awarded the tree chipping bid to help create more mulch. The bid was sent out to recycle 700 tons of metal and was due back by April 9<sup>th</sup>. The 826G Compactor was almost complete and the landfill would be back to 2 compactors. Marilyn Wood asked Bruce if he would report on the drone footage he was able to use to measure the landfill. Bruce reported that a company that was part of Wheeler Machinery, called Cytex, had a drone that would build a pattern that was able to report how much trash was put into the landfill each year and the capacity that was left. The Iron County Landfill had 100+ years in the same pit until it would be full, with the re-permit.

Bruce Anderson reported on Roads: finished grubbing on Lund Hwy to widen and started to haul in the sub base. Grubbing was also completed on 4100 West. They continued working with the fairgrounds and Bruce thanked Richard Wilson for his assistance with drainage issues. It would now drain back to the West to a retention pond. A bid was received from Mel Clark for chip oil and he was waiting on one other bid. They had moved the fence on the channel on 800 South.

**Paul Cozzens, Iron County Commissioner**, noted that Carter Enterprises was working at the fairgrounds preparing for the new bleachers. Paul reported that he attended a Community Development Block Grant (CDBG) Board meeting, and he was a member of that board



representing 5 County Association of Governments. The CDBG Board administrated HUD funding for low/mid income projects. The Newcastle Fire Station qualified under the HUD funding and was awarded \$200K, and \$500K funding from the Community Impact Board (CIB). He attended a Water User meeting in St. George discussing water conditions in the State of Utah, snow pack (which was at 90% in the mountains), and state reservoirs. He met with Congressman Chris Stewart and discussed issues that were important to Iron County. Paul noted that he was flying to Colorado Springs today with the Central Iron County Water Conservancy District (CICWCD) to tour a pipeline that was similar to the one the CICWCD was planning to use to bring water in from Pine Valley and to learn from the engineering company to how it operated.

**Marilyn Wood, Iron County Commissioner**, reported that on March 16<sup>th</sup> there was an Emergency Training, coordinated by George Colson (Iron County Emergency Management) for county elected officials. The training was presented by Texas A&M and was very beneficial to all that attended. On March 18<sup>th</sup> she met with Governor Spencer Cox at a Water Users meeting, along with Congressman Stewart. Marilyn noted that she had attended the 2<sup>nd</sup> Annual Women's Conference. It was very informative and looked forward to the 3<sup>rd</sup> meeting in March of 2023. She, Bruce Anderson, and Justin Goodwin attended the Building Utah Conference in Price, Utah on March 24-25<sup>th</sup> hosted by the Utah Association of Counties (UAC). There were a variety of classes offered that discussed infrastructure, Inland port, GIS technology, Flood Control & Storm water management, and Public Works Mutual Aid in times of disaster to name a few. On March 21<sup>st</sup>, elected officials throughout the state attended a Utah Department of Agriculture and Food (UDAF) District 5 meeting in St. George, hosted by Staheli Farms. It was good to discuss issues facing our areas.

**Paul Cozzens, Iron County Commissioner**, reported that there was a comment published last week in the Iron County Today newspaper that said, "The Commissioners did not support the 2<sup>nd</sup> Amendment." Paul stated that that was simply not true. At times, groups had come before the commission to present their own ordinance to protect 2<sup>nd</sup> Amendment rights and request the commissioners to approve it. He explained that while he was on the Cedar City Council in 2013, he had a resolution passed regarding the 2<sup>nd</sup> Amendment and Commissioner Dave Miller, proposed it to the Iron County Commission, and it was approved. In 2021, the Iron County Commission passed Ordinance 2021-4, Constitutional Defense, modeled after Utah's' Constitutional & Federalism Defense Act. The ordinance created a transparent process and created a board including the County Attorney, County Sheriff and the Commissioners. It allowed the board to meet if there were any constitutional overreach and discuss if there was any action to take. Marilyn Wood noted that Iron County Sheriff Ken Carpenter advised the commissioners that such an ordinance would have a greater impact to come together as all 29 counties in Utah, rather than as a single county. Sheriff Carpenter had always provided great information and the commissions agreed with his assessment.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 (A-20) TO LIGHT INDUSTRIAL (LI), LOCATED AT APPROXIMATELY 6352 W 200 SOUTH, CEDAR CITY, UT, APPROXIMATELY 120 ACRES LOCATED WITHIN THE NW¼ N ¼ & N½ NW¼ SECTION 15, T36S, R12W, SLB&M, IRON COUNTY, UT (APN'S: E-211 & E-176-4)**

Reed Erickson, Iron County Planner, explained that the zone change came as a recommendation from the Iron County Planning Commission of approximately 120 acres from Agriculture 20 (A-20) to Light Industrial (LI). The property was located North of Hwy 56 across from 6300 West. The intent was to rezone the property for a subdivision, that would allow small 5-acre Light Industrial lots. The property was surrounded by A-20 and Commercial zoned properties (RA-20 and Light Industrial in the immediate area). Public Services available: Water by well (CICWCD future); Sewer-Septic, no central sewer in the area; Fire flow/suppression determined through the Subdivision/Fire/Building Departments; Transportation corridors-SR 56, 200 South across from 6300 West; Drainage to maintain historic flows and locations for entry and exit; and Power, gas, communication available in the area. Reed explained the differences in Industrial and Light Industrial uses.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding a proposed Zone change regarding APN's: E-211 & E-176-4. No public comments were offered. Marilyn Wood declared the Public Comments closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Re-zoning and recommended approval of the Zone change.

Paul Cozzens made a motion to approve a proposed Zone Change regarding APN's: E-211 & E-176-4, from Agriculture 20 Acres (A-20) to Light Industrial (LI) as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **PUBLIC COMMENTS**

Volney Morin, a citizen of Iron County, offered his unsolicited endorsement of Eric Cox to serve on the Iron County Planning Commission. Mr. Morin noted that he had known Mr. Cox to be an honest man with a charitable heart and willingness to serve and to go beyond what might be expected of him to get the job done. Mr. Morin asked that the commission seriously consider his appointment to serve on the Iron County Planning Commission.

### **PRESENTATION ON PREVENTION FROM SOUTHWEST BEHAVIORAL HEALTH CENTER**

Paul Cozzens, Iron County Commissioner, explained that Logan Reid, Director of Prevention and Education Services, Southwest Prevention Services had given this presentation to the 5 County Behavioral Health Board and he had asked Mr. Reid to share the presentation at the Commission meeting.

Logan Reid reported on the results of the Southwest Utah Student Health & Risk Survey (SHARPs)-2021. Logan explained that the SHARP survey was conducted statewide every two years to 6<sup>th</sup> through 12<sup>th</sup> graders. The survey was conducted in February-March in year 2021. There were 71,179 students (Grades 6<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> & 12<sup>th</sup>) state wide. Iron County had over 3,000 students participate, which was a great response. Although there were hours of information to share, he would first present the data that pertained to trends in Southwest Utah then trends specific to Iron County. Mr. Reid began by showing most students surveyed had been very negatively impacted by COVID-19, primarily by being sick, having difficulty with schoolwork or felt anxious or sad, but more than half didn't have any negative impacts. Even though a lot of children were struggling with the pandemic, not all of our children were. He reported that the trend across all 6<sup>th</sup>-12<sup>th</sup> graders past 30-day use in 2007 were (highest to lowest) Alcohol, RX drugs, Cigarettes, Inhalants, and Marijuana. In 2011: Alcohol, Marijuana, RX drugs, Cigarettes, Inhalants, and (new) E-Cigarettes. In the 2021 survey: E-Cigarettes, Alcohol, Marijuana, Inhalants, RX drugs and Cigarettes. He pointed out that Cigarette use in Parowan was higher than state-wide use, which was common among rural communities. He reported that "First tobacco use" data show that 69% began with a vaporizer, 19% chewing tobacco, 2.6% nicotine pouches, and 2.3% cigarettes. Mr. Reid reported on Mental Health data for Iron County. Iron County students were worried most about (as in the state) Suicide by a student and Students using drugs. Other worries in Iron County included (highest to lowest) Getting bullied, Earthquake/Fire, Gun Violence/active shooter and last Gang activity. High mental health treatment needs by grade was: 10<sup>th</sup>, 12<sup>th</sup>, 8<sup>th</sup> and 6<sup>th</sup>, with 65% of students meeting qualifications for "moderate depression." Depressive symptoms increased significantly from 2017-2021 in all grades. Those seriously considering attempting suicide or purposeful self-harm increased in 8<sup>th</sup> and 10<sup>th</sup> graders. One survey linked depressed or sad days in the past year compared to during a typical week having family dinner at least for one meal-40% depressed or sad at no meals compared to 10% at 7 days spent at meals together. Suicide & Screen time (social media, games, out of school, etc.-other than school work) considered suicide in the last 12 months: less than one hour 5, ones to two hours 13.333, three hours 21.667, four hours 22 and more than 5 hours 30. Suicide & sleep hour also increased for those getting 6 to 4 hours of sleep. Mr. Reid reported that there was a trend of increase in substance use, mental health issues, becoming more common in younger students (6-8<sup>th</sup> graders). Southwest Behavioral Health was doing a lot of work with prevention for these

issues. Most prevention success was being seen as local community coalitions getting together, looking at the data that had been presented, identifying an issue specific to their area that they could focus on. Then Southwest Behavioral Health Center helped find evidence based programs that had been shown to impact those issues and help get them implemented. He asked the commission to consider how we could get more of the community coalitions addressing issues with evidence based programs to help our youth. He reported that Southwest Behavioral Health had been working specifically with Parowan City and had organized a coalition focused specifically on Parowan. The coalition had already begun to implement some great strategies, and he presented at the Parowan High Family Night last week held for parents. He stated that Southwest Behavioral Health would like to see the coalition grow and turn into an established and formalized coalition that could be maintained long term. He noted that there was a lot of funding available to support that, but one requirement of that funding was support of the community by match funds. With funding they were looking for a \$10K match and the state would make a match of \$30K. He noted that he would like to approach the commission at a later date with some possibilities of funding for Iron County's smaller communities. Paul Cozzens expressed his appreciation to Mr. Reid for his presentation.

**DISCUSSION AND POSSIBLE APPROVAL TO ACCEPT A GRANT FROM THE UTAH STATE FIRE MARSHAL'S OFFICE TO PURCHASE EQUIPMENT FOR THE BERYL FIRE DEPARTMENT**

Ryan Riddle, Iron County Fire Marshal, explained that he had applied for and had received funding from the Utah State Fire Marshal's Office for a "License Plate Grant" in the amount of \$3,900 to be used on Thermal-imaging cameras for the Beryl Fire Department. This was a 100% funded grant.

Paul Cozzens made a motion to approve to accept a grant from the Utah State Fire Marshal's Office to purchase equipment for the Beryl Fire Department as presented by Ryan Riddle. Second by Marlyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**POSSIBLE APPROVE OF VEHICLE SALES ON THE SURPLUS WEBSITE**

Wade Adams, Iron County Fleet Manager, requested approval to place a 2021 Peterbilt (INP3LTEX9MD749645), a 2010 Ford F150 (1FTFW1EV3AFB59029), and a 2005 GMC (1GTEK19B95E252155) on the Surplus Website.

Marilyn Wood made a motion to approve the above mentioned vehicles to be placed on the Iron County Surplus Website for sale. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR MATCHING GRANT FROM THE UTAH OFFICE OF TOURISM (UOT), DESTINATION DEVELOPMENT PLANNING GRANT**

Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, explained UOT had a matching grant for counties to work with a Consulting Firm to help develop the Tourism Master Plan for Destination Development and Tourism Economy Expansion. Maria explained that the plan identified goals and strategies to be implemented for the next 5 to 10 years. The current plan was aging out and did not accommodate what had happened as a result of the pandemic. This was a good time to discuss how Iron County wanted to develop the destination planning. The Stake Holders and Community Partners were all part of this process. The plan was developed based on what the community wanted county-wide. She reported that the total cost was \$40K. UOT Grant was \$20K in a match and she had already budgeted \$20K into her 2022 budget.

Paul Cozzens made a motion to approve the matching Grant from the Utah Office of Tourism (UOT) as presented by Maria Twitchell. Second by Marilyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN INCREASING COMPREHENSIVE CREDIT LIMIT WITH STATE BANK OF SOUTHERN UTAH FOR IRON COUNTY CREDIT CARD FOR PROCUREMENT PURPOSES**

Dan Jessen, Iron County Auditor, explained that more employees held county credit cards and those that did not had to be reimbursed. The IRS saw writing a check to an employee as income rather than a reimbursement. Dan reported that there was a total of \$174K credit available. Every card distributed was assigned a credit limit (may be different depending on the department). The cards were typically used when someone was going out of town. Dan reported that the comprehensive credit limit increase was from \$174K to \$275K limit, and was approved by State Bank of Southern Utah.

Marilyn Wood made a motion to approve increasing Comprehensive Credit Limit with State Bank of Southern Utah for Iron County Credit Cards for procurement purposes. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH CEDAR CITY CORPORATION IN REGARDS TO THE REMITTANCE OF PAST LIFT STATION FEES COLLECTED BY IRON COUNTY AND REMITTED TO CEDAR CITY**

Dan Jessen, Iron County Auditor, explained that this MOU had been in the works for some time and this was the final iteration. Cedar City sent him the MOU to document it in writing. Dan noted a couple of points in the MOU: 1. Cedar City would refund, to the county, collected lift station upgrade fees and would no longer collect these fees when a building permit was issued. 2- Iron County and Cedar City had had adequate time to compare their financial records and both agree that the amount of the lift station upgrade fees collected by Iron County and remitted to Cedar City totaled \$67,205.30. Cedar City agreed to pay the fees to Iron County. Dan explained what the commissioners would be agreeing to: Re-affirming our commitments pursuant to the 2004 agreements relative to collection and treatment of wastewater, and no amendments to these agreements were desired. Dan explained that this meant Iron County was good to keep the status quo with the agreement. At this time, Iron County collected (whatever the rate was from Cedar City) from county customers and that (rate amount) was remitted to Cedar City, along with any connection fees. Iron County would no longer remit lift station fees. Those fees collected would be set aside for future capital expenditures, and stayed in the fund balance of the Sewer Company. After discussion on what to do with the lift station fees, Dan recommend the Commission to sign the MOU.

Paul Cozzens made a motion to approve a MOU with Cedar City Corporation in regards to the remittance of past lift station fees collected by Iron County and remitted to Cedar City. Second by Michael Bleak (via telephone). Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONVENE AS THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)**

Marilyn Wood, Iron County Commission Chair, declared the adjournment of the Iron Commission and the convening of the ICCD&RA.

**CONSIDER TAX INCREMENT REIMBURSEMENT FOR IRON SPRINGS SOLAR, GRANITE MOUNTAIN SOLAR EAST, GRANITE MOUNTAIN SOLAR WEST, AND ENTERPRISE SOLAR PROJECT AREAS**

Danny Stewart, Iron County Economic Director, explained that items 9, 10, and 11 were all similar in nature and could be combined for approval. Danny noted that each year he came before the Iron County Commission and submitted Tax Increment Reimbursements for the solar companies who submitted information required, per their Participation Agreements with the ICCD&RA, to qualify for this incentive. He explained that all of the Solar Companies listed in items 9-11 qualify for the Tax Increment Reimbursement.

Paul Cozzens made motion to approve tax increment reimbursement for Granite Mountain Solar East in the amount of \$783,325.25, Granite Mountain Solar East in the amount of \$509,193.23; Enterprise Solar in the amount of \$745,876.45; and Iron Springs Solar in the amount of \$758,570.58. Second by Marilyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDER TAX INCREMENT REIMBURSEMENT FOR SUN EDISON PHASE I (QUICHAPA 1, 2 & 3) SOLAR PROJECT AREAS**

Paul Cozzens made motion to approve tax increment reimbursement to approve tax increment reimbursement for Sun Edison Phase 1 (Quichapa 1, 2, and 3) in the amount of \$74,689.44. Second by Marilyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDER TAX INCREMENT REIMBURSEMENT FOR BERYL SOLAR, BUCKHORN SOLAR, CEDAR VALLEY AND SUNEDISON SOLAR XVII PROJECTS (FIDDLER'S CANYON 1, 2, & 3) SOLAR PROJECT AREAS**

Paul Cozzens made motion to approve tax increment reimbursement for Beryl Solar in the amount of \$25,222.22, Buckhorn solar \$28,096.47, Cedar Valley \$25,947.92, and SunEdison Solar XVII projects (Fiddlers Canyon 1, 2, and 3) \$54,520.04. Second by Marilyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared the adjournment of the ICCD&RA and the reconvening of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the promotion of Ryan Turk from Deputy 1 to interim Deputy 2 effective April 3<sup>rd</sup>; the new hire of Dean Montelecone as a Full-Time Deputy 1 as a backfill of a vacant position, effective April 4<sup>th</sup> in the Sheriff's Office; a request for a reclassification of a job description of Deputy Attorney, Public Information Officer, effective March 28<sup>th</sup>, and a job reclassification for Trajan Evans from a Deputy Attorney 3 to Deputy Attorney 3, Public Information Officer, effective April 3<sup>rd</sup> in the Attorney's Department; the new hire of Sariah Thurston as a Part-Time Parowan Activities Director effective March 28<sup>th</sup>, in the Council on Aging Department. This was a newly approved position; a request from Ryan Riddle, Iron County Fire Marshal, to receive funding for Lexipol to create an Iron County Fire Department Policies & Procedures Manual, for a total of \$3,416 per year to maintain the manual. The request was for funding of the manual for 2022, and the following years would be incorporated into his future budgets.

Jennifer presented an amendment and update to Section 24, Holidays. Jennifer explained that HB238 had been amended to include "Juneteenth National Freedom Day" as a State Holiday. The following amendments were added to the verbiage of the Christmas holiday of "Iron County Offices shall close at noon (12:00 p.m.) on Christmas Eve and employees shall be granted four (4) hours of Administrative Leave pay, only if Christmas Eve falls on Monday-Thursday, effective March 28<sup>th</sup>."

Ryan Riddle, Iron County Fire Marshal, explained that it had been brought to his attention that the Beryl and Newcastle Fire Departments had no Policies & Procedures in place, which puts Iron County at risk. This was the reason behind the request. The Iron County Sheriff Department and the local Fire Departments use the Lexipol program.

Paul Cozzens made a motion to approve the personnel changes as presented by Jennifer Bradbury, and the explanation by Ryan Riddle regarding the Policies & Procedures manual. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

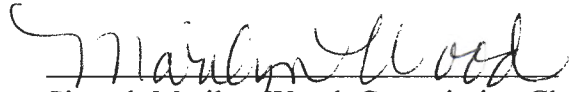
**NON-DELEGATED ITEMS**

**BOARDS**

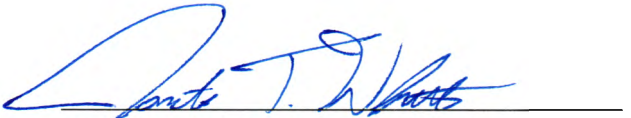
Michael Bleak made a motion to appoint Eric Cox to serve on the Iron County Planning Commission. Mike noted that Mr. Cox was chosen to fill a geographical location that was lacking on the Iron County Planning Commission Board.

**ADJOURNMENT**

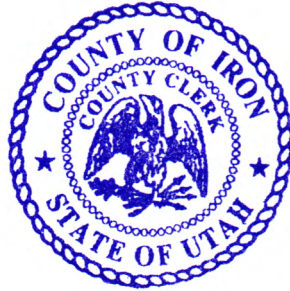
Marilyn Wood, Iron County Commission Chair, declared adjournment.



Signed: Marilyn Wood, Commission Chair



Attest: Jonathan T. Whittaker, County Clerk



**SPECIAL PUBLIC IRON COUNTY COMMISSION MEETING  
MARCH 31, 2022**

Minutes of the Special Public Iron County Commission meeting convened at 9:00 a.m.  
March 31, 2022 at Festival Hall, 96 North Main Street, Cedar City, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner Chair
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Shalon Shaver	County Corrections Commander
Danny Stewart	County Economic Development
Richard Wilson	County Chief Engineer
Reed Erickson	County Planner
Kenneth Carpenter	County Sheriff
Rob Cottle	Babcock Design, CEO

**SYNOPSIS**

ADJOURNMENT .....	10
DESIGN, LAYOUT AND SITE CONSIDERATION OF PROPOSED JAIL.....	2
SITE VISIT .....	2
INVOCATION .....	2
PLEDGE OF ALLEGIANCE.....	2
PUBLIC COMMENTS .....	6

**INVOCATION**

An invocation was offered by Reed Erickson.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by George Colson.

**WELCOME**

Marilyn Wood, Iron County Commission Chair, welcomed everyone to the meeting and introduced Rob Cottle, Principal Architect/CEO, Babcock Design.

**PRESENTATION REGARDING THE DESIGN, LAYOUT AND SITE CONSIDERATIONS FOR A PROPOSED IRON COUNTY JAIL FACILITY. DISCUSSION REGARDING HISTORICAL PROGRESSION, DESIGN CONSIDERATIONS, LOGISTICAL CONSIDERATION OF NEED, AND POTENTIAL TIMELINE OF A PROPOSED IRON COUNTY JAIL FACILITY**

Design Considerations: Rob Cottle of Babcock Design explained that county jails were important and necessary and while they were expensive to build, operate and maintain, it is critical that they be safe for inmates, jail staff, and the surrounding community. Iron County had

asked Babcock Engineering to provide a feasibility study for a new jail to replace the current jail, which was over 30 years old, and in such a state of disrepair and obsolescence that it was no longer feasible to consider a remodel or renovation due to the high cost. Babcock Design had worked with the commissioners of Iron County, along with Sheriff Ken Carpenter and his staff to evaluate site options and building configurations for a new jail facility. He noted that it was important to design housing and inmate functions with clear, unobstructed sightline, so that inmates could be monitored at all times.

Site Considerations: Rob Cottle explained that during the course of the feasibility study, multiple site options were discussed and ranked by Iron County based upon several important criteria. Proximity factors: Medical facilities: hospital or mental health offices; Courts: state, county and municipal court facilities; Law Enforcement: state, county and municipal office locations that transport to and from the correctional facility; Existing/Future Development: current residential and commercial building and expected land uses/densities; Zoning: current zoning, land use designations and permit requirements; Utilities: existing water, sewer, storm drainage, gas, power, fiber availability or cost to provide; Soils: soils type and requirements of site preparations for building; Transportation infrastructure: availability for adequate capacity for increased traffic with multiple route options; and Acquisition cost: property purchase option, availability, price, trade options, etc. Mr. Cottle noted that after weighing these factors, 4 potential sites were identified and known colloquially as: Auto Mall, Landfill, North Enoch, and Smead, it was determined that the Auto Mall site, located by the north Cedar City I-15 interchange was determined by the commissioners to be the best site.

Auto Mall site: This site was approximately a 37-acre site located directly east of I-15. Proximity to freeway access and to medical and other support functions within Cedar City helped rank this site as most favorable. An access road would need to be extended to the new building and would need to loop the site to provide the necessary fire and emergency vehicle access.

Topography: There was a large existing natural pit on the northwest part of the site that would be intended to be used as a natural retention basin for storm water runoff.

Site Utilities: It was anticipated that utilities would be brought in together with the new road access. Water, sewer, power, and natural gas would be required for the new jail facility.

Site Access: The facility would require two access points, which could be achieved by a loop road to the project site. The access road would need to be up to public road standards and would need to accommodate the axle loads of all emergency vehicles, and allow the Sheriff to maintain and control traffic flow.

Pods: Mr. Cottle explained that the typical jail pod was laid out in a circular polygon arrangement. A pod was divided into different dayrooms which were populated by inmates of same classifications, based on their crime and personal history. Each dayroom would hold typically double-occupancy cells with two inmates per cell which shared a common dayroom or community space. Video visitation booths were usually located in the dayroom and inmates with visitation privileges get regular access. All dayrooms were separated with secure walls and security glazing from adjacent dayrooms and the main circulation corridor. He reported that during the study, the current and future needs of the jail had been discussed at length, and there were currently two primary options being considered:

Option 1 was a single pod option. This option would provide approximately 384 beds in a maximum-density configuration but would not allow extra space for medical bays or female inmates. Each pod was stacked two-high, which would allow for some flexibility, but all the functions currently needed would likely not all fit in the pod. Additional programming space for special needs inmates (addiction, psychiatric, etc.) would need to be housed in the Jail Support Building. This was less ideal because it then required additional supervision to control.

Option 2: was a dual pod option. Having 2 pods provided the jail with the largest amount of flexibility to meet current and future needs for both male and female inmates and the full spectrum of inmate classifications and the necessary program space. It would provide a medical bay, minor health issues-all self-contained.

Jail support function: The vehicle sallyport was the primary means by which arrestees arrived at the jail, since most are arrested and brought to the jail by local law enforcement. He



explained that the vehicle sallyport needed to be an enclosed and secure garage where the person under arrest could be safely transferred from the law enforcement vehicle into the booking area, and the decision to book or release was made. Those who were booked into jail would then be taken from the booking/holding area into processing. In processing, arrestees were now inmates and issued jail clothing and assigned to a dayroom based on their classification.

Kitchen & laundry: The kitchen and laundry were primarily staffed by inmates that have shown the proper behavior to be trusted to work in these areas. Inmates could obtain a food handler's permit through their work in the jail kitchen, providing them with an employable skill once they had served their sentence. Jail kitchens were equipped just like a full commercial kitchen in a large restaurant or hotel and all equipment was high-quality and able to produce food in large quantities. Jail laundry utilized industrial-grade washers and dryers and must be able to process enormous quantities of laundry daily.

Jail administration: Mr. Cottle reported that within the secure area of the jail, there would need for office space for jail commanders and sergeants.

Other support: Jails require a secure pharmacy, a medical exam room, and a medical procedure room with a dental chair, so that minor medical and dental examinations and procedures could be performed on-site.

Outdoor recreation yard: He noted that inmates need to be allowed access to natural daylight, and outdoor recreation yards would provide the opportunity to be outside each day. A common strategy was to place the recreation yard between the buildings to reduce fencing costs, but also kept the yard close to the facility and farther away from any road. The yard would be walled in by a solid wall of 12' in height. Razor wire would be necessary at the top of the wall and installed below the top edge of the wall so that it was not visible to neighbors.

Storage: would always be an issue that could be underestimated or overlooked, and it was important that adequate storage be designed into the facility from the beginning.

Design & Construction Process: Mr. Cottle reported that jails had a very specific design and construction. Selecting an architect and design team that was experienced in jail design, combined with a construction manager/general contractor experienced in jail construction was critical to the success of the project. He explained that jail design and construction was a specialty for architects and general contractors and those without that experience should not be considered for the project. A contractor should be hired right after the selection of the architect in a design-assist role and become an integral part of the design process into construction. This provided the whole team with a clear understanding of where the project stood with regard to budget. This meant that a contractor should be selected based on qualifications rather than a bid. This would keep the project on track from start to finish and would maximize the value that Iron County would get from such an approach.

Budget: Mr. Cottle explained that cost estimates were roughly \$50M for one pod and \$72M for 2 pods. The one pod estimate included a 2<sup>nd</sup> pod shell designed to facilitate future construction of the second pod. Construction costs were currently at an all-time high due to the cost of materials and a general uptick in the building economy that was being experienced nationwide. It was likely that any delays in construction would be significantly more expensive than if they were built as soon as practical.

Recommendation: While there were multiple options to be considered, it was clear that a new jail was desperately needed by Iron County to meet their current and future needs. The 2-pod options would be the best solution by providing all the spatial and future growth needs. The 1-pod option would provide Iron County with a new modern jail, Sheriff's Office and potential third-party lease space, but in order to accommodate male and female inmates, medical and special needs housing, not all functions would fit in one pod. A medical bay and inmate programs would need to be located in the jail support building. Mr. Cottle's recommendation was to construct 2 pod Jail.

Marilyn Wood, Iron County Commission Chair, opened the meeting for Public Comments. She noted that this was not a public hearing and no decisions would be made today.

Scott Phillips, Cedar City Council Member, asked what went into a pod support? Rob Cottle reported that they might contain stairs, elevators, or lead as a connector to the outside

yard. Scott asked if there was only a one pod option, where would the female inmates be located? Rob answered that that would be the decision of the Sheriff and Jail Commander. Where the pods were two levels the female inmates might be housed on the top floor.

Sheral Wicker, a resident of Iron County, asked Sheriff Carpenter how many trips a year were made to doctors and courts, and if medical and courts were located in the jail would it save on transport? Sheriff Ken Carpenter explained that the need for a nearby medical facility was to handle critical instances. There was one registered nurse and an advanced EMT in the current jail that dealt with the day to day medical issues. Any serious medical or dental issues had to be transported. There was no funding to have full medical on staff, and that was not going to change. Transportation to court happened every day depending on the court schedule. He explained that because of COVID-19, most hearings were now held online. Courts were opening up for more face-to-face hearings now and transport was back to every day, except on weekends.

Sheral Wicker asked how many critical issues required transport last year? Shalon Shavor, Iron County Corrections Commander, reported that there might have been 10 critical issues last year. There was regular minor medical care offered when needed at the jail, dental work was offered once a week, and a doctor and therapist came to the jail once a week.

Sheral Wicker asked if there could be a courtroom placed in a pod so it would reduce transportation? Sheriff Carpenter noted that it would be up to the Utah State Court. One of the main reasons for the large acreage of property was to encourage the Utah State Court to relocate 5<sup>th</sup> District Court and the Justice Court onto the property in front of the jail. Eliminating transfers was high on the list. Dan Jessen, Iron County Auditor, explained that he had talked with the Utah State Courts and they said that they had a limited budget for expansions. Their mindset was to be as close to the city center as possible and the Auto Mall site fit into that criteria. It would take a community effort to have them relocate.

Sheral Wicker asked how many acres were left for commercial development. Jon Whittaker reported that there was approximately 30 acres in front of the jail property. The land to the south was approximately 80 acres of Utah School Institutional Trust Lands (SITLA) lands.

Sheral Wicker asked the commission to show where the 20 acres was set aside for recreation. Paul Cozzens explained that the land was owned by Cedar City and was southeast of the SITLA property, which was adjacent to the south of the proposed jail. Jon Whittaker explained that the land behind the parcel to the east of the jail property was owned by Bureau of Land Management (BLM), SITLA to the south and Linford Nelson to the southwest, and the land north was private. A park could be located south of BLM/SITLA property which was ¼ mile from the proposed jail.

Dixon Tiffany, a resident of Iron County, asked if the \$50M estimated for the 1 pod option included the cost of the land. Jon Whittaker noted that it was just the cost for construction. Marilyn Wood noted that they had not negotiated the cost of the land and it would be based on pending appraisals.

Paul Cozzens asked with the improvements of curb, gutter, and utilities, when a property owner pulls a building permit how would Iron County recoup those investments? Tyler Romeril, Cedar City Council Attorney, explained that Cedar City would facilitate a reimbursement agreement for 10 years. Any adjacent property owner would be responsible for their share of frontage, based on a final plat. Dan Jessen asked that when it came down to implementation, would Iron County be able to transfer water shares from the current jail to the new jail? Tyler Romeril noted that it would depend on what was planned with the current jail site.

Rob Cottle explained that with the 2 pod design, one pod would house male inmates and the other female inmates. On the upper floor of the female pod, there would be three cells for female inmates, a chapel, and 8 classrooms. The one pod option would need to accommodate both male and female inmates, and would push medical, the chapel, and programs to the jail support area.

Dan Jessen asked Rob Cottle to explain the difference between a 2 story verses 3 story design. Rob explained that the cells were stacked 2-high with the dayroom being on the bottom floor. The ceiling from the dayroom floor was 20' high. With the height there was an equivalent of a 3 story building.

Scott Phillips, Cedar City Councilmember, noted that he had received several emails since the March 14<sup>th</sup> Iron County Commission meeting when the site was selected by the commissioners. Scott asked whether Iron County had investigated other industrial zoned areas in the Cedar City area. Scott explained that was the most asked question by those emailing him and asked the commission to clarify it. Scott also asked if there had been any interest in property owned by SITLA.

Gregg McArthur, SITLA Project Manager Representative over Iron County, reported that they constantly had developers looking and talking with them about the land located by the proposed jail area. In the last 6 months he had been contacted by 4 large developers inquiring whether the land was available. He explained that when SITLA had large areas of land, developers would contact them and SITLA would partner with them to develop land. Mr. McArthur noted that he was only notified last Friday about the potential jail site. The jail would affect the use of the SITLA land. In the early 2000's a master plan was made on the SITLA land in the Auto Mall area. With the amount of growth in Iron County and Cedar City that plan was no longer viable. SITLA would like Iron County to work with them to get the highest use of the property. Any SITLA land that was sold went directly to schools. SITLA would be willing to engage a planner to create a new plan for this land. He noted that another possibility was to trade land with Cedar City that would be better for development with a master plan and then release the deed restriction that limited what the property could be used for.

Rob Cottle noted that studies have shown that jails attract and bring businesses in.

Dan Jessen replied to Scott Phillips question regarding other industrial areas for the jail. Dan reported that, yes, they had looked at areas that were already zoned and were for sale. The only other site that was available and met the requirements was the Smead site.

Terri Hartley, Cedar City Councilmember, inquired about the recreational land and noted that Mr. McArthur noted that they would be able to release deed restrictions with the SITLA land, and wondered if they owned any land that was closer to main street. She asked if SITLA would be willing to trade for something removed from the jail site. Greg McArthur reported that SITLA often worked with municipalities to get the best value to value in a trade. He noted that it was something he would be willing to consider.

Dan Jessen pointed out that there needed to be further discussion regarding the existing jail site of 7 acres and how to best use it. The county was committed to not leave the building to become a blight. It could be utilized for park space, or remodeled for county administration.

Paul Cozzens explained that the Smead site would be extremely expensive to prepare the land to be able hold the weight of a jail. The Auto Mall site was a better location because the soil was better and could accommodate a heavy building.

Phil Schmidt, Schmidt Construction, noted that he had spoken with the county regarding the different potential sites for the jail. The Smead site was in the Airport fly zone and there could not be any overnight stay structures built there. There was also very little drainage and it was very flat in the area. Because of the poor soil, footings would have to be 6 to 8 feet below to support the building. The Auto Mall site had a pit that could be used as a detention pond, had great drainage, a larger sewer capacity, the soil was better, greater access, utilities and fiber were available, and a natural drainage. Phil noted that Cedar City owned property there for a future recreation area, but there were no utilities available. Cedar City could utilize the jail and put a road in which would help get utilities closer to a recreation site. Mr. Schmidt noted that he lived in the Fiddlers Canyon area and he had helped build the Fiddlers Canyon flood control system.

Jon Whittaker presented a visual fly over of the Auto Mall Site that the Sheriff's Department captured with a drone. The two sets of images were taken at 70 and 100 feet above the ground at the proposed jail site. The images gave a perspective of the jail site and surrounding areas, and showed the minimal visibility of the potential jail from the freeway and surrounding areas. Rob Cottle reported the height of the jail would not be higher than 50 to 55 feet and visibility from freeway would not be a concern.

Jennie Hendricks, Cedar City Planning Commission, was concerned with light pollution caused by jail facility on the Auto Mall site. Rob Cottle noted that there would be no issue with light pollution. A "dark sky" design would be used so light would not shine beyond the property

boundaries. The goal was to be community friendly. The facility would be built to blend into the community and to not stand out.

Jennie Hendricks noted there were many entities involved with the jail project and land and there needed to be an open communication with everyone potentially involved.

Marilyn Wood noted that the property had not yet been purchased.

Gary Suiter, a resident of Cedar City, noted that he lived on the north of town. He expressed that it seemed the county was pushing all positive reasons for the jail to be built on the north end of town. The south end of town was to the point of being overwhelmed. He had been listening to everyone stating that building the jail on the north end of town was going to be wonderful because it would bring in all these new businesses. Gary stated that there were too many unknown costs in regards to excavation. He did not see how there would be a positive impact of building the jail on north and housing hundreds of prisoners there. He understood how it could alleviate some of the concerns with LE travel, medical care, and the courts. He asked how many inmates the current jail held. Shalon Shaver noted that the current jail housed 96 inmates in one area where no segregation was possible and total inmates was at 180.

Marilyn Wood suggested that Mr. Suiter review other meetings that had been held which were available on the county website and YouTube. Jon Whittaker noted that many of his concerns had been discussed and answered at the February 22<sup>nd</sup> and March 23<sup>rd</sup> meetings.

Shalon Shaver noted that serious medical issues required transport along with in-person trial and hearings which transfer was mandatory.

Gary Suiter stated that his main concern was with the location of the jail.

Danny Stewart, Iron County Economic Director, explained that parcels in the area of the Auto Mall site had been designed for quite some time and the focus had been on marketing and there had been no takers to build at this site. The reasoning was it didn't meet their demographic requirements. He reported that he had spoken with to his state partners on how the construction of a jail would impact his ability to recruit retail businesses. They replied that it came down to whether retail businesses would make money, and the type of building on the site was not a factor. He had been focused on the north interchange as a result of what was happening at the south interchange. The retail groups only want to be where the "action was." Inquiries about the north I-15 interchange area had increased significantly since the commissioners selected the Auto Mall site. Gary Suiter stated that he would like the Auto Mall site be developed more like the south interchange.

Michael Bleak, Iron County Commissioner, explained that one of his responsibilities as a commissioner was Economic Development and he had worked closely with Danny Stewart. The focus for years was to get anchor stores to realize the demographics of our area. Economic Development had funded a retail analysis study which was being conducted at this time. Hopefully, the study would include solid numbers from shoppers coming to Cedar City to do their shopping from outside areas. They had argued over and over again that Cedar City was not a regional shopping area. Michael noted that Iron County brought shoppers from a 5 County area and also from Nevada. The marketing study was specifically geared to bring shopping into the north interchange area.

Gary Suiter stated that rapid growth in Iron County would need to promote the Auto Mall area for commercial only. He would urge the Cedar City Council to not rezone the site.

Dave Jacobson, Cedar City BLM Office, reported that BLM plans were to create a recreation area with a large trail network on the land they owned near the Auto Mall site. The trail would be similar to the South View Trailhead. Marilyn Wood noted that the trail system would be located in a safe area being next to the Sheriff's Office.

Heather Stonely, a resident of Cedar City, asked the commission to clarify rumors that the current site was bought from the land owner for exchange of land at the landfill, the details on that trade, and if there were any other plans to trade land. Mike Bleak explained that there had been talk of a trade, but only discussion at this point. At this time, the commissioners was getting and appraisals on the Auto Mall site and on property the county owns by Iron Springs. Mr. Nichols owned property at both sites. There had been no agreement on a trade, but it was a possibility. Offers and trades would be based on the appraisal. The process was in the early stage

for the appraisals and there was no information to share at this time. As it now stands, Iron County was prepared to pay fair market value without any trade, but a trade would lower the cost. Paul Cozzens explained that early in the process he wanted the jail to be located at the Smead site, but the soil issues changed his mind. He had asked Frank Nichols if Iron County could trade property that owned across from the Iron Springs site for some of his property on the Iron Springs site. Mr. Nichols told him that Iron County could build it on his land with no trade. Paul explained that he wanted to clarify that any rumors that the county was coerced by Mr. Nichols to build at the Auto Mall site were untrue.

Heather Stonely noted that she would be very interested in the numbers when they became available and taxpayers should have access to that information. Mike Bleak explained that a lot of this information was going around before the process even started. When concrete information was available the county held public meetings to make sure that information was shared with the public. The commission had tried their best to be transparent throughout this process and would continue to do so. Any of the commissioners would be more than happy to talk with, or meet with neighborhoods or groups. Mike stated that Iron County was at a point where they had to build a new jail, it was no longer a choice. Heather noted that she was thankful that the commission was willing to work with them. The main reason those from the area were so concerned about the decision was there was no representation of anyone on the north end of town included. Between those that were included in making these decisions, Iron County Commission, Elected Officials. Cedar City Council, only one lived on the north side of town and not in the Fiddlers Canyon area. Although those making the decisions tell them that this was going to be great for us, it wasn't in any of their backyards and the record had gone well when they asked for a park and nothing was done. Instead the area gets more multi-family units and no park. Those in charge need to put themselves in their shoes to see how it felt to be neglected. Marilyn Wood noted that when she was running for commission she was involved in knocking on many doors and Fiddlers Canyon was her favorite area to go.

Jon Whittaker noted that somehow citizens had the idea that the commissioners were not being transparent when transparency was at the forefront of this process. There were only a few reasons for closed sessions to be meetings held, and one reason was to discuss real estate. This decision was a legislative decision and commissioners had been upfront with any decisions they have made. Many of the decisions had not been made or talked about, so the information that you were asking for was not available.

Mike Bleak noted that they want the north end of town developed just as much as everyone else. They want it to look nice and be successful. The goal was to gather accurate information on the amount of people from other areas coming into Cedar City to shop, and not have companies base their decision whether to build or not based on rooftops.

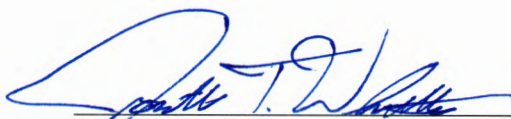
Marilyn Wood explained that the main reason for the possible trade in the Iron Springs area was to save taxpayers' money. Saving Iron County money had always been the number one outcome of any trade. Any decisions being made included making sure those decisions would benefit all Iron County residents, not just a property owner.

Jon Whittaker noted he would ask the IT department to update all new information on the Iron County website, [www.ironcounty.net](http://www.ironcounty.net).

Marilyn Wood, Iron County Commission Chair, thanked everyone for attending and sharing their concerns. She invited anyone that would like to visit the Auto Mall site with the commissioners to join them.

#### **ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Attest: Jonathan T. Whittaker, County Clerk

  
Signed: Marilyn Wood, Chair  


March 31, 2022

**IRON COUNTY COMMISSION MEETING**

**APRIL 25, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 25, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Shain Manuele	County Defense Attorney
Sam Woodall	County Deputy Attorney
Danny Stewart	County Economic Director
Richard Wilson	County Chief Engineer
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Jared Wilson	County I.T. Director
Reed Erickson	County Planner
Mike Worthen	County Resource Manager
Nicole Rosenberg	County Treasurer

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**INVOCATION**

An invocation was offered by Dan Jessen.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Marilyn Wood.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held March 14, 2022 and March 28, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from March 29, 2022 to April 24, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Karsten Reed, Iron County Assessor**, reported that his staff was in the middle of preparing the Assessment Roll. Karsten expressed his appreciation for his office personnel and how valuable each of them are. They each put in a tremendous effort into the work they do. One of the highlights for his office was they were transitioning to PUMA, a cloud based assessment system, right after the Assessment Roll was complete. The transfer would require a tremendous amount of effort and Trevor Mattson had put many hours into the transfer. Karsten expressed his appreciation to Trevor and that he was proud of him for the extra hours he had put in to make sure the transfer was successful. Karsten reported that State Tax Commission staff were in his office working on the Assessment Roll and the Sales Ratio Study. Trevor was over the Sales Ratio Study which was complicated and challenging and handled it well. He noted that he knew how hard it was to be judicious on how money was spent. He sent Kendal Allan, Iron County GIS Coordinator, to a GIS Conference held in New Orleans. Kendal was exceptional at his job and Karsten said it was money well spent. He reported that there would be some changes coming to the GIS system that would directly affect his office that would be very helpful. With the growth in Iron County the office was adding many new parcels and there would be a need to backfill an assistant position within the year. Marilyn Wood noted that she had seen a post on Facebook regarding the DMV workers about how helpful and friendly they were.

**Jared Wilson, Iron County Information Technology (IT) Director**, reported that the budget was on track. Software maintenance would be the only budget concern as it gets used up early in the year. The work load orders averaged 270/month last year compared to 300/month the first quarter of 2022. Projects: They just completed a Spillman update which ran smoothly with the transition. Part of the transition included a secondary update as well, called a GEO Validation. He explained that it tied in all the GIS mapping with 911, and the maps Public Safety used. Jared reported that another large project being worked on was for a new Phone System. He had received 1 soft quote, and would be getting a 2<sup>nd</sup> one soon, and he was trying to find a 3<sup>rd</sup> company. The Iron County phone system was quite old and it had to be either updated or go with

something new. After the soft quotes were in, it would go out to RFP/bid. If the phone system was changed, there would need to be a budget adjustment as it was not included in his 2022 budget. Jared explained that in 2017, Mitel completed the acquisition of ShoreTel and ShoreTel was rebranded as Mitel, and now Mitel was being bought by Ring Central. The two main phone companies would be Ring Central or South Central. Ring Central is an option for cloud base hardware. At this time, Iron County had a device in every building that ran the phone system. The cloud base would eliminate that and the phone system would run through the company's server that routes all phone calls which is an internet/fiber based system. Jared noted that the GIS Conference that Karsten sent Kendal Allan to was beneficial to him. After Kendal reported to him, it opened his eyes to Kendal's performance, and that there would be a need to get him some additional help. He was very busy and the workload was getting pretty deep to handle on his own.

**Nicole Rosenberg, Iron County Treasurer**, reported that her office had been very busy as a result of the rapid growth in Iron County. They were preparing for the May Tax Sale. Nicole reported on: Personal property collection was beginning to have a slight increase and Nichole Bess was responsible for that collection. Her office had been working with the Assessor's and Auditor's offices with Personal Property. Tax distribution to Iron County was approximately \$1.2M for the first quarter. Pooled Cash: Nicole reported that she may be investing more with Moreton Asset Management. The Public Treasurers Investment Fund (PTIF) rate was at .36 and now it was up to .52 and would continue to increase, which was good because Iron County would earn more interest. She noted that she would meet with Dan Jessen before there were any decision to invest additional funds with Moreton. Her employees had continued to work with The Data Center. There was a demonstration presented for the program. This process would have The Data Center send out Tax Notices through email. The Data Center would begin collecting email addresses and the program will verify the acceptance of the email. Using the Data Center would help with county costs because of the difficulty in purchasing paper and because costs were going up due to shortages. The county would save on and paper and postage. Outstanding taxes to date were at approximately \$6M, the same as last year. There continued to be one large outstanding tax payer, and if it were to be paid, outstanding taxes would be slightly over \$1M. State Bank had provided a scanner to scan check deposits, and was located in the Treasurer vault for use. Nicole reported that there were 155 properties listed to be sold at the May tax sale and of those 155, 10 were camp sites, and 3 single wide trailers listed for the May Tax Sale. There were 68 properties from the same person. A property owner could pay off their outstanding taxes up to 10:00 a.m. the day of the sale. She noted that Melanie Hall did a fantastic job handling the tax sale. Her office was only required by law to prove that they had mailed out tax notices, but Nicole's staff used every extreme effort to not sell their property. Melanie worked hard to track the owners down so they could pay the outstanding taxes and not sell the property. Luke Little would have the list ready by May 1<sup>st</sup> to place it online and in the newspaper. Nicole expressed her appreciation for her staff. She closed her report noting the budget was on track.

**Michael Bleak, Iron County Commissioner**, expressed his appreciation for the outpouring support he and his family had received from the county with the passing of his Father. He noted that he had backed off his responsibilities before his father passed to spend as much time as possible with him. He appreciated the understanding he was shown. Mike reported that he met with the Economic Development Advisory Board where they went over all grants and programs to make sure those were progressing. Danny Stewart, Economic Development Director, would report those recommendations to the commission for approval. Mike noted that the Utah Association of Counties (UAC) Conference would be held this week. He would not be attending the conference because he would be leaving Thursday with Economic Development and the Governor's Office to go to Mexico on a trade mission. They would be going South of Mexico City on Friday observing some agricultural operations and be back on Saturday. Plans for the new Jail were moving forward. He had spent a great deal of time answering questions from residents of the Fiddlers Canyon area trying to ease their concerns. Mike reported that Danny Stewart's phone had been ringing constantly with inquires on the property. There had been a follow-up visit with a potential grocery store being built there. He noted that he helped at



the Spring Home and Garden Event hosted by the Builders Association on Thursday and Friday. He helped with a pancake breakfast raffle for a cancer fund raiser, which was a great success.

**Paul Cozzens, Iron County Commissioner**, reported that he flew to Colorado Springs along with Mayor Garth Green of Cedar City and with the Central Iron County Water Conservancy District (CICWCD) Board to tour the SDS Pipeline from Colorado Springs to Pueblo. It was a 62-mile project that was similar to the one proposed in the Iron County West Desert. The training and tours were valuable and it was interesting to see how they were overcoming water challenges there. Paul noted that when he was on the CICWCD Board, they had traveled to Arizona to observe the Central Arizona Project (CAP) that provides water to nearly 1M acres of Indian and Non-Indian irrigated agricultural land areas. Projects with water require a long time and you need to look far ahead. It was a duty of the Iron County Commission to appoint the CICWCD board members and make sure they were planning 50 years out to make sure there would be water available for our children. Commissioner Cozzens reported that Fairground improvements were moving forward. The new building was completed. There was a 6-foot apron on the front, an 8-foot Americans with Disabilities Act (ADA) ramp on west side, and the footings were poured for that the previous Friday. The 6-foot apron on the front would have a 4 foot wall that would drop 3 feet with the grass sloping to the arena. There would be ample room to sit in front on the grass, and it wouldn't impede the view for those on the 1<sup>st</sup> row of bleachers. He noted that he attended the State Republican Convention and was proud to see that Emily Green won the District 14 State School Board position. She would be representing Iron, San Juan, Juab, Sevier, Grant and Carbon Counties.

**Marilyn Wood, Iron County Commissioner**, reported that on April 8<sup>th</sup> she went on a tour with elected officials to Colorado City. The "Bees Grocery Store" was beautiful and they may be interested in expanding to Cedar City on the north end of town. They toured the new schools and observed how they incorporated sports into their program. They were excited about having their 1<sup>st</sup> football game. Marilyn explained that the Iron County Road crew were getting ready to chip seal Lund Hwy. The contractor would do the first mile and a half and Iron County would do up to 3 miles. The road crew were preparing to chip seal in other areas of the county in the next month or so. Eventually the road would be chip sealed out to Horse Hollow. Marilyn noted that the road department had the race track torn out on 300 East in Parowan and that the gravel would be placed for a nice parking lot. Bids were going out for sidewalk, curb and gutter. There would be additional pedestals placed for more available electricity on the fairgrounds. She reported that she attended a celebration for the AmeriCorps Senior Companion Program for Foster Grandparents. They had been serving the 5 County area for 25 years. The volunteers were real superheroes that help children read and senior citizens with light housekeeping and various needs. Joni Lyman, the Program Director, was doing a great job. There was a meeting on the 18<sup>th</sup> at the Five-Mile Campground up Parowan Canyon. Richard Wilson, Maria Twitchell, Bryce Williams and Bruce Anderson also attended the meeting to reassess what needed to be done in the area. She had called Paul Briggs, Cedar City BLM Field Manager, to ask for approval to use red gravel on the roads. There was still a lot of work to be done, and although they were moving forward, the site would not likely be completed during the 2022 season. The goal was to reopen Five Mile in 2023. Marilyn expressed her appreciation to Bryce Williams for working hard to get the campground reopened. On the 20<sup>th</sup>, she attended a Zion Steering Committee meeting in Zion National Park and went on a tour through the park. They reported that there were close to 5 million visitors to the park last year. The buses run every 4 minutes. The park was planning on adding two additional roundabouts, rebuilding one of the campgrounds, and purchasing electric buses. They also reported they were going to develop the eastern side of Zion National Park. The Steering Committee was composed of business owners, elected officials, and the different agencies involved.

**Michael Bleak, Iron County Commissioner**, reported that Saturday night there was a tragic plane crash up Cedar Canyon. Deputy Turk, Detective Berg, and Sergeant Houchen from the Iron County Sheriff's Office had some very unpleasant tasks and completed them very professionally. There was assistance from the Cedar City Police Department, Detective Matt Topham, Officer Heather Danes, David Bulloch from the SUU Police Department, and the Iron

County Search and Rescue (comprised of all volunteers) who turned an unpleasant tragic task into a well-run operation. The plane crashed behind Milts Stake House by the old rodeo arena at the base of the hill. Marilyn Wood expressed that all our hearts went out to the families that lost loved ones. Mike reported that Nick Holt, Cedar City Airport Manager, was extremely helpful as a liaison between the airport and the National Transportation Safety Board (NTSB). The NTSB investigators were in Cedar City yesterday.

**REQUESTING POSSIBLE APPROVAL FOR AN INDIGENT DEFENSE COMMISSION (IDC) GRANT RENEWAL REQUEST**

Shain Manuele, Iron County Defense Attorney, explained that IDC funding came up each year for renewal. He reported that this was the initial request for the current grant funding and any potential additional funding requests. The request would then go back to the IDC where it was voted on based on funding available. The request would then come back to Iron County for approval or denial from the commissioners. Shain reported that the funding request remained the same for the Managing Public Defender and the Legal Assistant. There was a potential additional request for a Social Worker and an Additional Attorney. Mr. Manuele explained that he submitted to the commissioners, a simplified grant cover sheet to be signed and approved.

Paul Cozzens made a motion to approve an IDC Grant renewal request as presented by Shain Manuele. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL 1 ACRE (R-1) TO LIGHT INDUSTRIAL (LI), LOCATED WEST OF 3900 WEST AND NORTH OF SR 56, CEDAR CITY, UT APPROXIMATELY 75.20 ACRES LOCATED WITHIN THE N ½, SECTION 7, T36S, R11W, SLB&M (APN: D-940), APPLICANT: DAVID H. STAHELI**

Reed Erickson, Iron County Planner, explained that this was presented before the Iron County Planning Commission and was recommended for approval with a vote of 5 to 2. Mr. Staheli, prior to the Planning Commission hearing, held a public meeting and open house at his facility to explain to the neighboring landowners and residents what his plans were, and also took those interested on a tour of the area. Reed noted that there was one letter they received after the Planning Commission meeting notice. The property was currently located off Hwy 56 between the Monte Vista and Buena Vista Subdivisions and contained approximately 77.70 acres, but only 75.20 acres were being included in the rezone request. The property was currently zoned Residential 1 (R1), as was the property in the Monte Vista Subdivision and R½ in the Buena Vista Subdivisions, and the request was to rezone to Light Industrial. Reed reported that the property was an island of unincorporated surrounded by property in Cedar City. According to the Cedar City Zoning map, the property located on the north was listed as “Annexed Transition” as a holding area by the owner. On the newly adopted Cedar City Future Land Use map, the property on the north was zoned for single-family low density housing. The property on the South side had some central and general commercial as well as rural estate. The owner had purchased the property for a specific use. Some would remain agriculture and another area would be buildings. A ten-year plan was set to bring in types of businesses such as: Steel Processing, Fabrication, Power Coating, Plastic Rotomolding, Assembly & Testing, and their office building. Reed noted that most of the concerns for the area were traffic and possible rail spur. He reported that Public Services available were: Water by well; Sewer (Central Sewer in 3900 West-Cedar City); Fire flow/suppression determined through Subdivision/Permits-Fire/Building Departments; Transportation corridors-SR 56 & 3900 West; Drainage to maintain historic flows and locations for entry and exit options for drainage into an agriculture production.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed zone change.

Logan Sisam, a resident of Buena Vista, reported that at first, as an individual, he spoke against this proposed development coming in. After becoming more educated he changed his mind. Mr. Sisam noted that the Staheli’s are an amazing business and family and have done well

for this community and state. He had never met a man more concerned and more a part of the community. Mr. Sisam was more concerned about the sale of land to be used for high density housing. He noted that Mr. Staheli wants to be a part of the Buena Vista and Monte Vista communities. He worked hard to talk with each home owner that bordered the property. When he talked with Mr. Staheli and expressed concern, Mr. Staheli would say “let’s see how we can make that work.” Said Mr. Sisam, “I believe he will do what he can to limit the impact of the surrounding community.”

Rod Decker, Buena Vista, was pleased to support Mr. Staheli and to maintain the agriculture area. He was a good community member and did not want to destroy the environment. The advantages that were presented outweighed his concerns.

Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the proposed zone change met all requirements in Iron County Policy-Evaluation Considerations for rezoning Property. He also reviewed the Public Services mentioned previously. Jon Whittaker asked whether this island of unincorporated land would likely be annexed in the future. Reed Erickson noted that it was a difficult question to answer. While water in Buena Vista and Monte Vista were a challenge, there appeared to be opposition to annexation. Reed continued by noting that the probability of annexation really had no bearing on whether to move forward with this proposed zone change. Those residents that voiced concern were that a Light Industrial zone would be in between two residential areas. Luann Judd had written a letter after the Iron County Planning Commission meeting, and her primary concern was that railroad tracks might be close to residences. Reed explained that if the proposed development were to fail to be developed, the property could revert to a residential zone. Paul Cozzens asked whether there was a fencing requirement. Dave Staheli noted that he would be open to fencing and wanted to be a good neighbor. Reed Erickson noted that the Planning Commission recommended approval, 5 to 2.

Mike Bleak noted that he had met with Mr. Staheli and had his concerns, especially about breaking up the neighborhoods, assuaged. Marilyn Wood explained that she had attended the Planning Commission meeting and expressed complete confidence that there would be no problem with the neighborhoods as far as this zone change and proposed development was concerned. Marilyn also expressed that those who knew Dave Staheli, knew that he was a man of integrity. Paul Cozzens expressed that Mr. Staheli runs an excellent business. Jon Whittaker asked Mr. Staheli about use of a proposed rail spur and whether it would run at night or early in the morning. Mr. Staheli replied that if a spur were installed, it would likely only be used twice a month for shipping containers. He noted that for the steel processing part of the operation, he hoped to have flat steel brought in on rail. It was possible that products be shipped overseas. He explained that he anticipated a nice, clean campus and hoped to have part of the facilities accommodating for events such as proms, public forums, community meetings, etc. Mr. Staheli noted that he had floated the idea of a park, but the neighbors were not in favor of a park.

Michael Bleak made a motion to approve the proposed zone change from Residential 1 Acre (R-1), to Light Industrial (LI), as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 (A-20) TO RESIDENTIAL 1 ACRES (R-1), LOCATED AT APPROXIMATELY 2500 N 4500 WEST, CEDAR CITY, UT, APPROXIMATELY 60.04 ACRES LOCATED WITHIN THE SE ¼ SECTION 25, T35S, R12W, SLB&M, IRON COUNTY, UT (APN: E-125-5 & E-125-6) APPLICANT: RAY L. BULLOCH**

Reed Erickson, Iron County Planner, explained that this proposed zone change consisted of 2, 30 acre parcels. It was located north of 4500 West, across from Park View subdivision. If approved, this zone change would not require the subdivision of lots, but the owner is seeking to develop 1 acre lots, which would extend the pavement to the proposed area. The area lies within the Cedar City expansion area, and as low density residential, it conforms with the Cedar City general plan, if it were ever annexed. It is important to consider zoning continuity, especially in

the cities' declared expansion areas. This is especially important in terms of meeting city standards for possible future connection to city water and sewer. On the east side of 4500 west, the land is agricultural. The area is located within the established transportation corridor. Care has been taken to ensure this is a viable area, especially in regard to infrastructure. This area would be convenient to the northern leg of the belt route in Cedar Valley. Currently, much of the area is zoned A-20, but there are more housing opportunities moving south, with recent zoning changes to Residential zones. This is facilitated by the availability of services. There is water along 4500 West with the Central Iron County Water Conservancy District (CICWCD). The westernmost sewer in the valley is along 4500 West. Fire flow and suppression will be available through the CICWCD. Major transportation corridors are planned, but not yet in place. Drainage will be to maintain historic flows. Electricity is in the area, but gas is not yet. Reed and the commissioners discussed transportation opportunities and challenges, particularly, the value that 2400 North would provide as an east-west corridor in Cedar Valley. Marilyn Wood clarified that the developer would need to widen and improve the road to the area and development.

Marilyn Wood declared a Public Hearing open regarding the proposed zone change. No comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the proposed zone change met all requirements in Iron County Policy-Evaluation Considerations for Re-Zoning Property, and the Iron County Planning Commission recommended approval by the Iron County Commission.

Paul Cozzens made a motion to approve the proposed zone change from Agriculture 20 (A-20) to Residential 1 Acre (R-1), as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **PUBLIC COMMENTS**

Rose Clements noted that when watching the live-stream of commission meetings, it was difficult to hear when people spoke that were not at the microphone. Jon Whittaker replied that he had purchased an omnidirectional condenser microphone, but had not perfected the audio levels for it yet. Ms. Clements expressed concern about so much construction and talk of water. She expressed concern about the area, "shooting ourselves in the foot," by allowing too much development and running out of water. Paul Cozzens replied that developers must bring water to the table when subdividing and developing. Paul noted that, when senior, or older, water rights were limited, growth would be limited. The water rights must be dated 1934 or older, when these older water rights were exhausted, the development would be limited. Paul noted that if a moratorium were enacted, it could only last for 6 months and the pent up demand would likely just cause a delayed surge. Paul expressed that free market forces regulating growth would be the mechanism. He noted that the CICWCD and Iron County were working toward solutions. Marilyn Wood noted that water rights were personal property and could not be limited. Developers purchase the water rights from other owners. Marilyn counseled to be patient and note that the housing and water markets ebb and flow. The interplay between scarce water, development, and water rights would always be an issue. Paul Cozzens noted that early in his service on the Cedar City Council, they had purchased water rights for \$2,500 per acre foot, and he knew a recent purchase for \$25,000 per acre foot.

Reed Erickson noted that the CICWCD was progressing in the development of a pipeline from Pine Valley and Wah Wah Valley, where they own significant water rights, to provide water and control prices. Reed noted that private water rights were paramount, but that government should make resources available where possible. Reed noted that when Iron County approves wells for subdivisions, etc. we approve water rights with dates of 1965 or earlier. He expressed that the disparity between dates should be considered. The commissioners agreed. Paul Cozzens noted that in as few as 15 years, those "earlier" water rights could be forfeited. Reed suggest perhaps a water right seniority date of 1950? The commissioners agreed it should be reviewed. Commissioner Wood asked Reed Erikson to move forward with that issue.

Volney Morin, agreed with Rose Clement. There needed to be better amplification when someone was not speaking into the microphone. It is important that everyone who speaks, talk into a microphone.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-1, AMENDING THE IRON COUNTY SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS (SECTION 109-ROAD STANDARDS CROSS SECTIONS AND EXHIBITS)**

Reed Erickson, Iron County Planner, explained that the construction and design standards were adopted in 2005, with several amendments since then. In 2021, it was updated again when Iron County adopted the R4K zone. Recently, Iron County Engineer, Richard Wilson had been updating road construction standards. This was particularly important in new subdivisions, where roads have been deteriorating faster than anticipated. Most of the details of Iron County Resolution 2022-1 dealt with the undergirding of roads when asphalt, chip seal, gravel, or rolled curb and sidewalk were required. Resolution 2022-1 identifies the required material that must undergird the different types of required roads and the requisite thicknesses. As is typically done in this area, road construction involves over-excavating and compacting. One principle that Richard espouses is to require a certain amount of rock to be brought in, thus providing a more firm undergirding for roads and extending their durability. So often the native materials are clay and simply do not hold up to the weight of larger vehicles. Reed made particular note of the standard for a "Shared Access Driveway," which provides a standard in the expansive Wildland Urban Interface (WUI), where often the roads are in disrepair because of poor undergirding. In federal WUI areas, the minimum code is entitled, "Fire Access Road." In the example of "Shared Access Driveway," this will be compatible with the WUI "Fire Access Road" standards. In other settings, a cluster of homes or developments such as group homes can be at the end of 6 miles of road that will never hold up due to a poor foundation. After recent discussions, the need to establish a chip seal standard was identified. This allowed for a standard in between a full asphalt requirement, and a gravel road. It becomes a nuisance to grade a gravel road that is surrounded by either asphalt or chip seal quality roads. Under Resolution 2022-1, a chip seal road would now be required in A-20, RA-20, R-20, and Intensive Agriculture zones. In other words, a continuity of road quality will now be required. A development would have to match the quality of the access road it uses. Critically, the resolution allows that roads that are brought up to this standard and approved will now be part of the roads that are maintained by the road department. Previously, the requirement was that a new subdivision would fall under the county maintenance once it was 50% built out. This had been applied inconsistently and caused various problems, especially when the original roads had fallen into disrepair. The discussion was that it was better to assume maintenance of the roads once they are brought up to Iron County standards. Richard Wilson noted that the incentive for landowners and developers to make this large investment is that once it is done, Iron County will assume the road maintenance. Richard noted that many of these improvements will be done in phases, reducing the financial burden. Marilyn Wood asked whether equipment could be required to mitigate mud on roadways during construction. She had heard some complaints along Iron Springs Road. Richard Wilson noted that, yes it was required, and they had already solved the problem by the time he got there. Richard expressed appreciation to Phil Schmidt, who had brought this to his attention. Also, Joel Myers, with whom Richard consulted to develop Resolution 2022-1. Richard also expressed his appreciation to Commissioner Cozzens, who facilitated meetings with Cedar City and other stakeholders. He noted that this had been a thorough, collaborative process. He noted that a road near his house that after less than 3 years, the asphalt had buckled under the weight of a heavy vehicle, such as a concrete truck. This illustrates the insufficient undergirding. Paul Cozzens noted that another individual that was brought in was Ray Bulloch. Paul noted that Iron County must maintain the roads built by individuals and developers and therefore they must have a strong foundation. When the subdivisions are being built is the time to establish proper undergirding.

Michael Bleak made a motion to approve Resolution 2022-1, amending the Iron County Subdivision Construction and Design Standards (Section 109-Road Standards Cross Sections and Exhibits). Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2022-1

## A RESOLUTION AMENDING THE IRON COUNTY SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS

**WHEREAS**, the Iron County Commission finds it shall promote the general welfare of the citizens of Iron County to amend the Iron County Subdivision Construction and Design Standards to further the orderly and efficient construction of subdivisions in Iron County; and,

**WHEREAS**, the Iron County Planning Commission has reviewed and discussed the proposed standards and has voted to forward the proposed resolution to the Iron County Commission with a recommendation for approval; and,

**WHEREAS**, the Iron County Commission has considered the proposed flood channel setback standards and finds that they appropriately consider and balance 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, BE IT RESOLVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

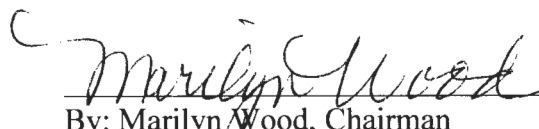
**SECTION 1.** The Iron County Subdivision Construction and Design Standards, as adopted November 28, 2005 by the Iron County Commission, and subsequently amended, be further amended as follows:

**Section 109 Road Standards – Cross Sections & Exhibits:** is repealed and replaced as shown in Exhibit A, herein attached; and **Section 102, Required Improvements:** portions are hereby amended and replaced as shown in Exhibit B, attached – other existing portions remain unaltered and in effect:

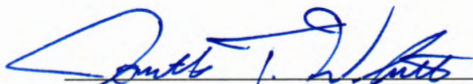
This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time.

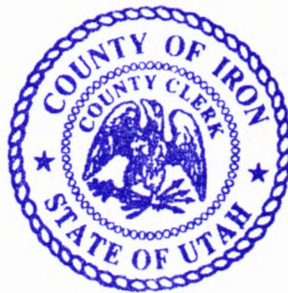
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 25<sup>th</sup> day of April, 2022.**

IRON COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
By: Marilyn Wood, Chairman

**ATTEST:**

  
Jonathan T. Whittaker, County Clerk



**VOTING:**

Michael Bleak      \_Aye\_  
Paul Cozzens       \_Aye\_  
Marilyn Wood       \_Aye\_

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-2, ADOPTING THE IRON COUNTY FLOOD CHANNEL SETBACK STANDARDS – TYPICAL CROSS SECTION, SETBACKS TABLE AND EXHIBITS**

Reed Erickson, Iron County Planner, explained that Iron County Resolution 2022-2 began 8 months prior when discussions began to develop flood channel standards the elevation and construction around Quichapa Lake. The conversation then evolved to the channels leading to Quichapa Lake. After that, the severe monsoonal flooding occurred, and it became very evident that the priority should be the flood channels. Reed noted that Iron County Engineer, Richard Wilson did an excellent job evaluating capacities. Resolution 2022-2 provides a cross-section of the channel and identifies minimum widths, depths and setbacks. Previously, the main guidance was that no structure could be constructed within 100' of the banks of flood channels. Based on flow, federal standards, and historical information available, Resolution 2022-2 establishes cross-sections for portions of Coal Creek, Shurtz Creek, and Quichapa Channel. Reed noted that standards were needed for many other channels in Iron County and those channels would be identified, analyzed, and given standards. Paul Cozzens noted that in the section of Quichapa Channel west of West View Drive to Quichapa Lake, there were houses built with essentially no setback. Paul asked how receptive Cedar City was to adopting similar standards for channels within Cedar City limits. Richard Wilson noted that he had emailed Resolution 2022-2 to Jonathan Stathis, Cedar City Engineer, asked them to consider adopting them. Richard noted that this is punctuated when a channel is annexed into Cedar City, and a common standard would provide continuity. Similarly, the standards outlined in Resolution 2022-2 had been presented to Enoch and Parowan. A broader discussion was needed, with an eye to the future. Some of the features in the Resolution included a 16' area on the top of the channel to allow equipment to access the channel, no fencing nor trees would be allowed within the setback to ensure access, and widths and depths that were variable based on a particular section. The goal was to ensure the channels could handle at least 75% of historical record flow. Richard expressed that Iron County would try to limit any disruption to landowners' gardens, trails, etc. He briefly explained changes in Federal Emergency Management Agency flood zone classifications. The new criteria were based 6 criteria, not just a simple classification.

Paul Cozzens made a motion to approve Resolution 2022-2, adopting the Iron County Flood Channel Setback Standards-Typical Cross Section, Setbacks Table and Exhibits. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2022-2

## A RESOLUTION ADOPTING THE IRON COUNTY FLOOD CHANNEL SETBACK STANDARDS

**WHEREAS**, the Board of Iron County Commissioners has determined that in order to best protect property and respond to flood emergencies there should be established an appropriate setback standard for all buildings and structures along and around established flood channels in the unincorporated lands of Iron County; and

**WHEREAS**, the Iron County Commission finds it promotes the general welfare of the citizens of Iron County by adopting the new Iron County Flood Channel Setback Standards to further the orderly and efficient development of property in Iron County; and

**WHEREAS**, the Iron County Planning Commission has reviewed and discussed the proposed standards and has voted to forward the proposed resolution to the Iron County Commission with a recommendation for approval; and,

**WHEREAS**, the Iron County Commission has considered the proposed flood channel setback standards and finds that they appropriately consider and balance 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, BE IT RESOLVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

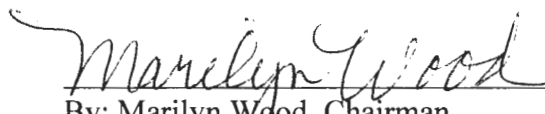
**SECTION 1.** The Iron County Flood Channel Setback Standards, are hereby adopted by the Iron County Commission, as follows:

**Exhibit A, attached hereto:** The Iron County Flood Channel Setback Standards.

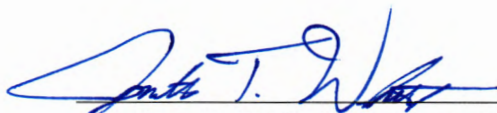
This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time in the future.

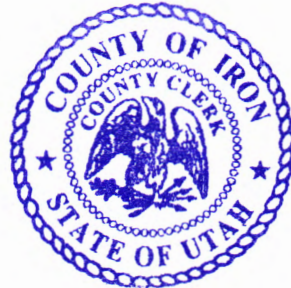
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 25<sup>th</sup> day of April, 2022.**

IRON COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
By: Marilyn Wood, Chairman

**ATTEST:**

  
Jonathan T. Whittaker, County Clerk



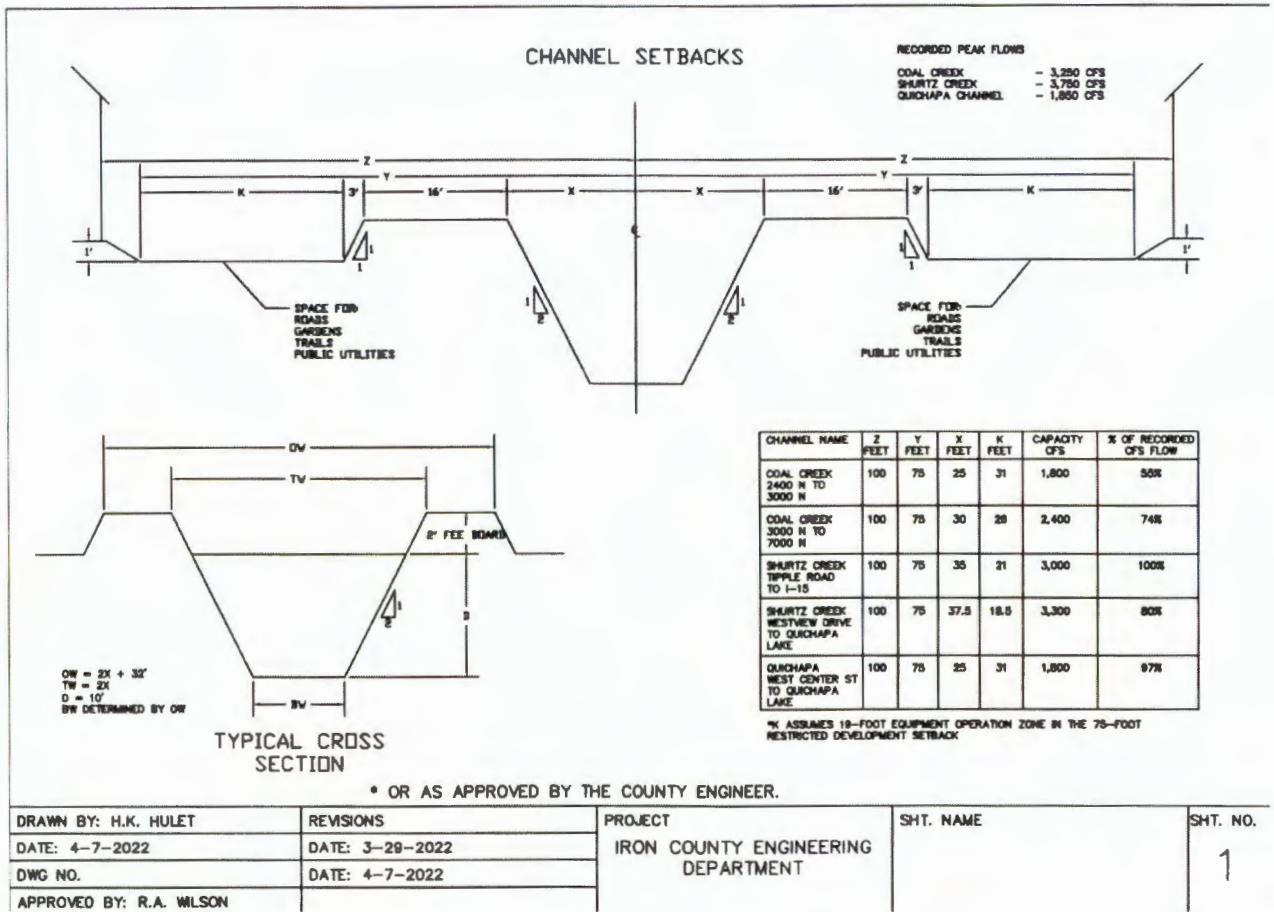
**VOTING:**

Michael Bleak      \_Aye\_  
Paul Cozzens       \_Aye\_  
Marilyn Wood       \_Aye\_



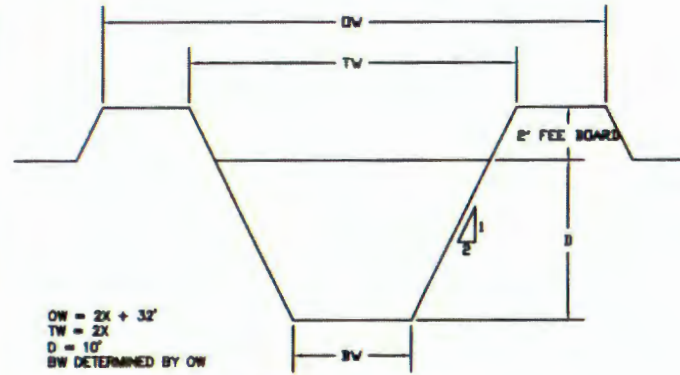
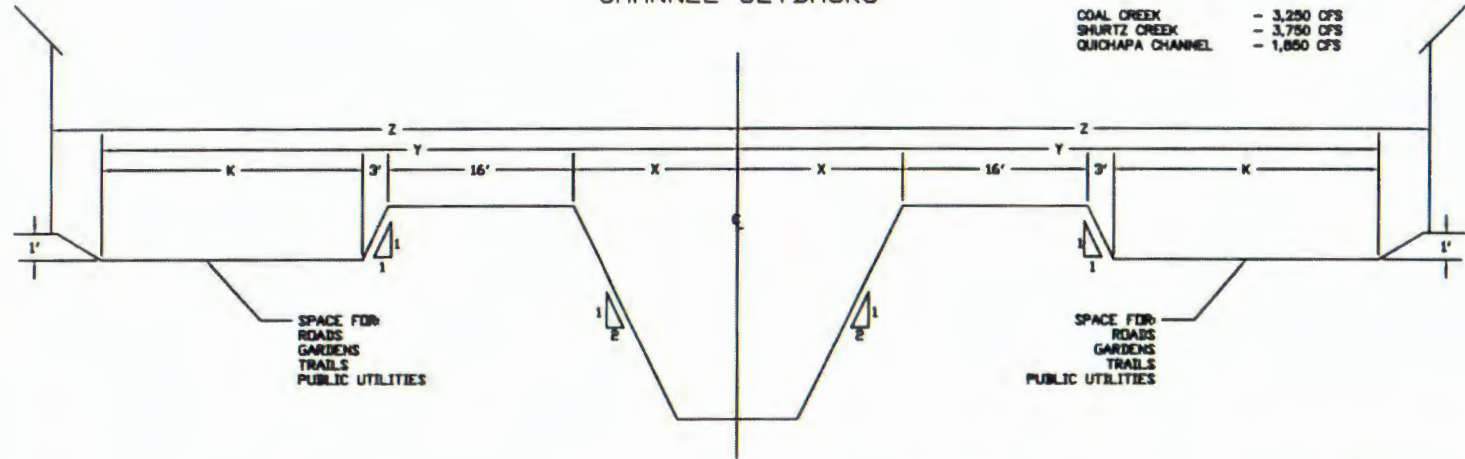
# “EXHIBIT A”

## IRON COUNTY FLOOD CHANNEL SETBACK STANDARDS



### CHANNEL SETBACKS

RECORDED PEAK FLOWS  
 COAL CREEK - 3,250 CFS  
 SHURTZ CREEK - 3,750 CFS  
 QUICHAPA CHANNEL - 1,850 CFS



OW = 2X + 32'  
 TW = 2X  
 D = 10'  
 BW DETERMINED BY OW

TYPICAL CROSS SECTION

CHANNEL NAME	Z FEET	Y FEET	X FEET	K FEET	CAPACITY CFS	% OF RECORDED CFS FLOW
COAL CREEK 2400 N TO 3000 N	100	75	25	31	1,800	55%
COAL CREEK 3000 N TO 7000 N	100	75	30	28	2,400	74%
SHURTZ CREEK TIPPLE ROAD TO I-15	100	75	35	21	3,000	100%
SHURTZ CREEK WESTVIEW DRIVE TO QUICHAPA LAKE	100	75	37.5	18.5	3,300	80%
QUICHAPA WEST CENTER ST TO QUICHAPA LAKE	100	75	25	31	1,800	97%

\*K ASSUMES 10-FOOT EQUIPMENT OPERATION ZONE IN THE 75-FOOT RESTRICTED DEVELOPMENT SETBACK

\* OR AS APPROVED BY THE COUNTY ENGINEER.

DRAWN BY: H.K. HULET	REVISIONS	PROJECT	SHT. NAME	SHT. NO.
DATE: 4-7-2022	DATE: 3-29-2022	IRON COUNTY ENGINEERING DEPARTMENT		1
DWG NO.	DATE: 4-7-2022			
APPROVED BY: R.A. WILSON				

**POSSIBLE RATIFICATION OF A FISCAL INCENTIVE GRANT FROM THE DIVISION OF OUTDOOR RECREATION, FIF FY22 Q3 – JANUARY 31.**

Mike Worthen, Iron County Natural Resources Director, explained that this grant would fund the hire a of a (Geographical Information System) GIS employee for trail maintenance. The quarterly grant was from the State of Utah Division of Outdoor Recreation and had already been signed by Commissioner Wood. It would be used to design and maintain Off Highway Vehicle (OHV) trail systems. GIS takes maps and converts them to a more user-friendly format. These maps would also highlight local businesses. The funds would also be used to purchase a side by side, but the price had increased by 7% or \$2,000. Iron County would have to financially make up the difference. The supplier had suffered a price increase due to inflation but was honoring its state contract. The cost had increase from about \$27K to \$29K.

Michael Bleak made a motion to approve the ratification of a Fiscal Incentive Grant from the Division of Outdoor Recreation, FIF FY22 Q3-Janusry 31, purchase of cost risen 7% and county would make up cost through funds. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A LEASE RENEWAL FOR FIFTH DISTRICT JUVENILE COURTS AND FIFTH DISTRICT GUARDIAN AD LITEM OFFICE WITH THE STATE OF UTAH, ADMINISTRATIVE OFFICE OF COURTS, CONTRACT NO. 90-1817 AMENDMENT NO. 3**

Jon Whittaker, Iron County Clerk, explained that this lease was to the State of Utah, Administrative Office of the Courts, and was an ongoing lease of Iron County property by the Courts for \$10K per year.

Paul Cozzens made a motion to approve a Lease Renewal for Fifth District Juvenile Courts and Fifth District Guardian Ad Litem Office with the State of Utah, Administrative Office of Courts, Contract No. 90-1817 Amendment No. 3. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL TO DISPOSE OF TWO LOTS ACQUIRED FROM THE DISSOLUTION OF CEDAR HIGHLANDS (APN: D-1024-5-1 & D-1024-5-2), ORIGINALLY ACQUIRED WITH CORRIDOR PRESERVATION FUNDS FOR THE INTENT TO REALIGN THE ROAD. NOTE: PART OF THIS DISCUSSION MAY BE CLOSED PER UCA §52-4-205(e)-DISCUSSING PURCHASE OR SALE OF LAND**

Dan Jessen, Iron County Auditor, explained that the lots were purchased using corridor preservation funds with the intent to realign Cedar Highlands Drive to alleviate steep grade issues in the Cedar Highlands subdivision. Since the purchase, Cedar Highlands incorporated as a town and then unincorporated a few years later. This project was initiated by former Iron County Engineer, Steve Platt. The current Iron County Engineer, Richard Wilson reviewed the project and found that the grade problem could be solved but would require millions of dollars of fill to correct the grade, or an estimated 124K cubic yards. Richard suggested instead that a series of switchbacks be added to Cedar Highlands Drive. In the meantime, the Central Iron County Water Conservancy District (CICWCD) and the Cedar Highlands Homeowners association continued to bill Iron County for the two lots which have been duly subdivided. Iron County has no mechanism to pay CICWCD utility bills nor Homeowners Association dues as they were purchased with corridor preservation funds. Richard Wilson noted that they had not discussed the matter with Cedar Highlands. Reed Erickson expressed concern that it would be disrespectful to make a decision on the matter without first discussing the issue with Cedar Highlands. Reed offered to arrange a meeting with Cedar Highlands and bring the matter back before the commissioners. Dan Jessen asked whether the homeowners association had standing to take action against Iron County. Reed noted that the homeowners association collected fees primarily to maintain the roads. Jon Whittaker noted that a restriction was placed on the original plat by the Iron County commission expressly refusing maintenance of the roads due to steepness and the seasonal nature of the high elevation roads. Reed noted that traffic had increased and should be studied. Also, the Bureau of Land Management (BLM) should be included in the discussion.

Michael Bleak made a motion to table the item. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF COST ESTIMATE TO MODIFY THE EXISTING FUEL SYSTEM AT THE IRON COUNTY ROAD DEPARTMENT TO BE COMPATIBLE WITH THE STATE FUEL NETWORK**

Wade Adams, Iron County Fleet Manager, explained that in order to be compatible with the state fuel network and for them to take over the site, electrical and communication lines needed to be brought to the pumps. The state would pay the expense to build a small structure and conduit, but Iron County would need to pay for the lines at an estimated cost of \$11K. The benefit would be the tremendous cost savings of fuel purchased without sales tax on site. The work would be accomplished by a state contractor.

Paul Cozzens made a motion to approve modifying the existing Fuel System at the Iron County Road Department to be compatible with the State Fuel Network at a cost of \$11K. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONVENE AS THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)**

Marilyn Wood, Iron County Commission Chair, declared the convening of the ICCD&RA.

**CONSIDER TAX INCREMENT REIMBURSEMENT FOR UTAH RED HILLS RENEWABLES SOLAR PROJECT AREAS FOR THE YEAR 2021**

Danny Stewart explained items 13 through 16 would be presented together. All of the solar projects meet requirements for reimbursements. Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Utah Red Hills Renewables Solar Project areas for the Year 2021 in the amount of \$567,739.54. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDER TAX INCREMENT REIMBURSEMENT FOR THREE PEAKS SOLAR PROJECT AREAS FOR THE YEAR 2021**

Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Three Peaks Solar Project areas for the Year 2021 in the amount of \$704,460.93. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDER TAX INCREMENT REIMBURSEMENT FOR COVE MOUNTAIN 1 SOLAR PROJECT AREAS FOR THE YEAR 2021**

Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Cove Mountain 1 Solar Project areas for the Year 2021 in the amount of \$222,816. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDER TAX INCREMENT REIMBURSEMENT FOR COVE MOUNTAIN 2 SOLAR PROJECT AREAS FOR THE YEAR 2021**

Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Cove Mountain 2 Solar Project areas for the Year 2021 in the amount of \$440,758.67. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared reconvening of the Iron County Commission

**DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND KANARRAVILLE TOWN REGARDING SOLID WASTE COLLECTIONS AND LANDFILL FEES**

Dan Jessen, Iron County Auditor, explained he and Bruce met with Heidi Loveland and Mayor Gould. Kanarraville had grown enough to have its first audit. One observation was that Kanarraville was not paying Iron County landfill fees for each can. It was determined to look back one year to capture those payments. Dan noted that there was no MOU to outline the details of waste collections and landfill fees. Kanarraville Town had already signed the MOU. Dan expressed that Deputy Attorney Sam Woodall had done an excellent job drafting the MOU. Dan noted that Public Works Director Bruce Anderson recollected that during a town cleanup, Iron County had taken a large dumpster and the dumpster had stayed there ever since. This dumpster was now a drop site for garbage, but the town had not been paying Iron County for the dumpster nor to empty it. The MOU set the annual fee at \$5,200 for the dumpster service. Marilyn Wood noted that Kanarraville town monitored the dumpster very closely so that inappropriate items, such as clippings or refrigerators were not put in. The MOU indicated that Kanarraville would pay \$3.75 per can, consistent with all other residential customers, the \$5,200 would be paid in quarterly installments of \$1,300, the transfer station or dumpster would only be used by Kanarraville town residents, and the town agrees to police the transfer station to prevent illegal dumping.

Michael Bleak made a motion to approve an MOU between Iron County and Kanarraville Town regarding Solid Waste Collections and Landfill Fees. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT PERMIT, OFF-PREMISE BEER LICENSE FOR SILVER PEAK SUPPLY, 21 E HWY 56, NEWCASTLE**

Jon Whittaker, Iron County Clerk, explained that the local consent permit for an off-premise beer license was required by state law. This was for Silver Peak Supply in Newcastle. Paul Cozzens made a motion to approve a Local Consent Permit, off-premise beer license for Silver Peak Supply, 21 E Hwy 56, Newcastle. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Ethan Busse as a Full-Time Corrections Deputy 1 for the Sheriff's Department, effective April 18<sup>th</sup> as a backfill of a vacant position; a request for on-call pay for K-9 Deputies in Sheriff Patrol, effective May 1<sup>st</sup>; a promotion for Joy Meyer from Part-Time Secretary 1 to a Full-Time Secretary 2 in the Sheriff Patrol, effective April 17<sup>th</sup> as a backfill of a vacant position; a promotion for Latonya Heaton from Full-time Trainee Appraiser to Full-time Apprentice Appraiser in the Assessor's Office, effective April 3<sup>rd</sup>; a job description change for Jeri Torsell from Part-Time DMV Technician to Full-Time DMV Technician in the Cedar City DMV Office, effective April 17<sup>th</sup>.

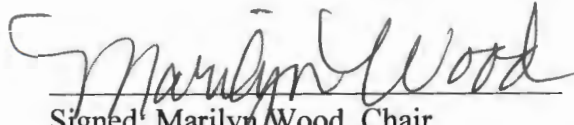
Michael Bleak made a motion to approve Personnel changes as presented by Jennifer Bradbury and to table the On Call pay for K-9 Deputies. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

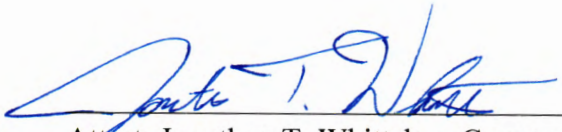
**NON-DELEGATED ITEMS**

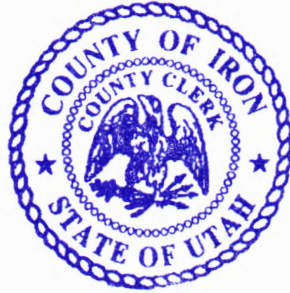
No Non-Delegated items presented.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
MAY 9, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 9, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Stephanie Ward	County CJC
Sam Woodall	County Deputy Attorney
George Colson	County Emergency Management
Wade Adams	County Fleet Director
Jennifer Bradbury	County HR Director
Lori Eichelberger	County Justice Court
Reed Erickson	County Planner
Bruce Anderson	County Public Works
Carri Jeffries	County Recorder
Kenneth Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer
Brionna Garrett	County Victim Advocate

**SYNOPSIS**

ADJOURNMENT .....	9
APPROVAL OF CLAIMS FOR PAYMENT .....	2
APPROVAL OF MINUTES .....	2
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**INVOCATION**

An invocation was offered by Volney Morin.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Lori Eichelberger.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held April 25, 2022. Second Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from April 25, 2022 to May 8, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Stephanie Ward, Iron County Children’s Justice Center (CJC)**, reported that the updated statistics showed a slight decrease in children interviews and medical exams from Iron, Beaver, Kane and Garfield Counties. Statistics do vary month to month. Stephanie noted that the Advisory Board meeting would be held on Wednesday, May 11<sup>th</sup>. The board consists of department heads from the different agencies that the CJC is involved with. The Annual CJC Fun Run is scheduled for Saturday, May 14<sup>th</sup>, and will be the 17<sup>th</sup> Annual Fun Run. She explained that participants could walk or run. A pancake breakfast is planned after the Fun Run, provided by All American Diner. The Fun Run also provides an opportunity for families to tour the CJC facility. They have found that some children are more comfortable coming to the facility for help because they have taken the tour. The Annual CJC Symposium will be held next week. Stephanie reported that she is in the process of completing the National Children Alliance (NCA) Accreditation application. This is required every 5 years. The NCA has very strict standards including 10 “Best Practice Guidelines.” She noted that the Iron County CJC has been NCA Accredited since it opened. It takes close to 2 months to complete and all agencies are highly involved in the application process. The deadline for the application is July. The DCA has scheduled a site review and a review the application in December. She continues looking for land for a new center and has not been very successful. Marilyn Wood suggested that she could possibly find land at the new jail site. Stephanie stated that she needed to have land in place before she could apply for grants. She reported that there were some within the state that expressed concern about the large numbers of child abuse cases in Iron County. Although the count was high, it was the result of Iron County being able to provide amazing services. Marilyn Wood reported that she and the road department had traveled to Price, Utah and she was impressed with their nice CJC building. Stephanie noted that she had been looking at the Dragonfly House in North Carolina for insight on how their CJC was operating. She reported that the Price building housed 2 different agencies (CJC and Family Support Center). Mike Bleak reported that when the NCA heard that Iron County was looking to build another building, they encouraged them to look at the Dragonfly House because it was the number one facility in the country.

**Lori Eichelberger, Iron County Justice Court**, expressed her appreciation for Stephanie Ward and all that the CJC does for Iron County. Lori reported that the budget for the 1<sup>st</sup> Quarter was under budget. Lori presented the Monthly Justice Report for the 1<sup>st</sup> Quarter: 30 DUI compared to 40 in 2021, 155 Drivers License Violations compared to 166, 1,760 Moving Violations compared to 1,804, 418 Non-moving Violations, 30 Assaults compared to 13, 22



Theft was the same count as 2021, 157 Controlled Substance/Narcotics compared to 182,48 Domestic Violence compared to 24, 118 other Miscellaneous Misdemeanors/Infractions compared to 121. All but one showed a slight decrease. Citation Comparisons: Cedar City Police 198 compared to 290 in 2021, Sheriff's Office 313 compared to 478, and Utah Highway Patrol 426 compared to 1,521. Revenue collected was \$526,194, Revenue disbursed was \$224,096 (to the state), and Revenue retained (to Iron County) was \$302,099. Lori reported that they passed the Bureau of Criminal Identification (BCI) audit, which was audited every 3 years.

**Brionna Garrett, Iron County Victim Advocate Services Program Manager**, reported on Iron County Sheriff's Office Victim Services and Statistics for the 1<sup>st</sup> Quarter: 66 Adult Physical Assault, 21 Adult Sexual Assault, 5 Burglary, 17 Child Physical Abuse or Neglect, Child Sexual Abuse (number includes family member/caregiver), 56 Domestic Violence, and 19 Stalking/Harassment. The list did not include all services provided. Most victims were aged 25-59 years, with 50 males and 179 female victims. Brionna noted that Wendy Jessen was awarded the Sexual Assault Awareness of the Month Award by the Utah Coalition Against Sexual Assault. She was recognized due to her collaboration efforts and for going the extra mile to serve victims. Wendy was nominated by the Director of Canyon Creek Services because of their appreciation for her work and how well she worked with others. Brionna reported that the Sheriff's Victim Services had a very unique relationship with Canyon Creek and had been asked several times how they maintain their relationships. Wendy Jessen does not back down and had a long history of knowledge. She continued to work with one family who waited 2 years for their case to go to an in person trial. The accused was found guilty on all charges. Jaden Thomas, Victim Advocate, continues to maintain his work schedule and handles many call outs. He spent 3 hours in the Emergency Room with a victim to insure they had support and was not alone. Ms. Garrett reported that when someone is arrested, there is a time gap where the suspect could contact their victim, so the suspect might contact the victim from jail by phone or by email. She has been working for the last 4-6 months to get a process in place to notify suspects that they were not allowed to contact their victim. She has been working with the jail to implement a "No Contact Order" which is now in place. Training regarding the No Contact Order has been completed in her office and she would be willing to follow up with any other office that needed support for training and implementing the process. Ms. Garrett reported that she had attended a State Wide Advocate Victim Organization (SWAVO) training in Moab, was preparing to attend the CJC Symposium, and just returned from the state wide Crime Victims Conference. Her department had also established peer support teams for the Cedar City Police and Iron County Sheriff's Office. Brionna noted that she had been in contact with Victims of Crime Act (VOCA) regarding funding wage increases. She explained that she was limited on funding during the last grant cycle and had to reduce her Grant funds by 25% over the next 2 years. VOCA did report that they had plans in place and would help with the grant cycle next year. Marilyn Wood expressed her appreciation that others recognize Iron County's great employees for their great work.

**Michael Bleak, Iron County Commissioner**, reported that he had the opportunity to travel to Queretaro, Mexico on a trade mission, that the Governor's Office organized, to observe an agriculture facility. Mike explained that there was an Agriculture group looking at possible operations in Iron County. He noted that Iron County sets at a great elevation to grow lettuce. The group is a large parent company who suggested officials go to Mexico to observe their operation there. Mike reported that it was extremely impressive to see their use of robotics and technology that was used in their operations. Their water conservation resulted in no waste of water. The company would be looking for an already established agricultural area and if they brought their operation to Iron County it would be water neutral, and they would not need any additional resources. During the tours Mike noted that there were many opportunities to discuss other topics of interest with Utah State leaders such as the Inland Port and infrastructure financing, which included Iron Springs and Desert Mound. Mike reported that Danny Stewart, Iron County Economic Director, had been coordinating with Bulkhaul Carriers Inc. (BCI) to get a transloading station up and running and the possibility of road improvements. Commissioner Bleak invited everyone out to a planned CJC "Fun Run" on May 14<sup>th</sup>. He and Paul Cozzens

attended the National Day of Prayer held at SUU last week. It was motivating to see all faiths together. Mike reported on the new jail: plans were moving forward with Requests for Proposal (RFP) for an Architect and Contractor. They might have to reevaluate the current chosen site. He spent an afternoon at the current Jail facility to offer his services to the different offices and to let the staff know the commissioners were there for them. Commissioner Bleak commented on the subject of relationships that Breonna Garrett talked about. Across the board, the commissioners had heard those comments about Iron County's ease of working together over and over, especially regarding Fire services. He was asked to take part in a national poll regarding a study on the local fire department resources from an administration stand point. In the poll he talked about the success with communication between administration and the fire department. The person conducting the poll commented, "No one ever works together, and this just never happens". He told her that it was alive and well in Iron County. The spirit of cooperation and volunteerism is an anomaly, even our bordering jurisdictions do not enjoy the solidarity Iron County does. They may have more money and resources, but do not have the cooperation and ability to get things done like Iron County does. Mike expressed his congratulations to Wendy Jessen being awarded for her commitment to her job. He expressed his condolences to the family of his good friend, mentor, and partner in crime, Officer Dave Holm who passed away. Dave was instrumental in recruiting him into law enforcement (LE). He grew up in Officer Holms' neighborhood and all the kids were terrified of him, but they became best friends later in life, and Dave saved Michael's life on at least one occasion. Dave was the very first detective in Iron County that concentrated on child and sexual abuse. He was a great mentor in LE and the community. Dave enjoyed a life well lived and was a great example. Mike noted that he had the great privilege of laying him to rest with LE and Military honors.

**Paul Cozzens, Iron County Commissioner**, reported that work on the fairground improvements continued to move forward. The shade structure for the new bleachers was complete. The structure was complete, but they still needed to pour a 4' retaining wall in the front that would allow spectators to sit in the grass area in their own lawn chairs. The new bleachers would be assembled by Sunday. He expressed his appreciation to Carter Enterprises for allowing the county to use their lift. The storage building would be complete when the doors were put on. Commissioner Cozzens noted that he was on the Wastewater Plant Board. At the last meeting he found it interesting that with all the growth in Iron County, wastewater effluent had not increased in the last year, which was a positive trend. He expressed his appreciation to the community for being more frugal with water use. He had an opportunity to meet with the Sheriff's Office on May 3<sup>rd</sup> thru 5<sup>th</sup> during their training, and expressed his appreciation for allowing him to speak with them. Paul noted that their concerns were heard and they would discuss those concerns as a commission, especially retention issues.

**Marilyn Wood, Iron County Commissioner**, wished everyone a happy Mother's Day and noted that she enjoyed being able to spend Mother's Day with her 94-year old Mother. Marilyn noted that a new Fair Director, Susan Blackner had been hired. She would work alongside Joyce Evans for one year, then would take over so Joyce could retire. A new Part-Time Fairground Maintenance Worker, Brad Benson, was also hired. The road department was preparing to smooth out a new parking area for gravel to be brought in. Curb, gutter, a fence, and ranch areas were next on the work list. Marilyn noted that she had attended an Iron County Coordinating Council (ICCC) meeting in Parowan, which included the Iron Commission, Mayors, and the Utah Department of Transportation (UDOT). The council discussed the most important needs for our communities regarding roads. It was interesting to meet with the different mayors and visit with them. The ICCC meets every other month. Commissioner Wood reported that on May 18<sup>th</sup> Sheriff Carpenter would give a presentation 7:00 p.m. in the Cedar High School auditorium.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL TO VACATE THE ROAD OF 100 WEST STREET IN SUMMIT, UTAH**

Jon Whittaker, Iron County Clerk, explained that there might be some confusion as to which section was being discussed. As posted, the road for discussion is 100 West in Summit, Utah. He reported that there was a conflict with Utah Code on the required notice time of 10 days versus 4 weeks. He would leave the notices up and place the agenda item on the June 13<sup>th</sup> Commission agenda. Jon recommended that no action be taken today, but would receive comments from those attending the meeting. He then presented a brief explanation of the issue stating that the road vacation had been presented in prior commission meetings. Jon noted that this process began in 2015 when Mr. William Rafti requested the road be vacated, but no action was ever taken. There was a question on the clarification of a “closed road” listed on the map. Jon explained that late last year the request was brought before the commission once again. At that time, a map was presented that had several options for vacating roads which included an understanding of the closed road. There were 3 properties that stood out on the map: William Rafti, Brian Hammond, and Alan Dalley whose properties bordered 100 West Street. Also, the map showed other road segments owned by Steven Stevens, Jack Noble and Virginia Davenport. The commission had chosen not to act on the other road segments at that time. The commission did choose to vote to be the petitioners for the 100 West Street road vacation. Jon reported that he would ask the Iron County Attorney to draft a letter to those who were occupying the said property stating that they might have to move if the land was vacated. Regarding the other road segments, the county had no interest in vacating those properties, but sometime in the future the county may choose to use them as roads so the owners may have to move from those properties. State law requires that when a property is vacated, it be split down the center and each owner adjacent to that property would acquire it. If the road was vacated, Mr. Hammond, Mr. Dalley, and William Rafti would acquire sections of the property.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the road vacation.

Daniel Hulet, a citizen of Iron County, asked if the commission did vacate this property would the owners have to pay for it or would it just be given to them? Marilyn Wood noted that State Statue required that it be given to them. Jon noted that the law had changed and the only option was to vacate and give the owners the property.

Bill Rafti, a resident of Summit, explained that he had spoken with Kathleen Dalley regarding the road because she and her brother-in-law planted a garden and was limited on the space because they could not go any further because of the easement. Mr. Rafti was upset because the law kept changing. Jon Whittaker noted that the law only changed one time. Bill asked why he couldn't put a fence up or become a squatter, and just declare it his own. Jon explained the difference to him and stated that Mr. Rafti would benefit from the road vacation and did not understand why he was upset. Mr. Rafti stated that he wanted the county to have Mr. Dalley get rid of his junk yard. He was no longer interested in getting a small portion of the land and stated that the county should be responsible to clean up the mess on Mr. Dalley's land. Carri Jeffries, Iron County Recorder, reported that a road cannot be vacated if it is someone's main access to their property. Jon Whittaker said that Mr. Rafti's objections and concerns would be noted.

Marilyn Wood declared the Public Hearing closed.

**PUBLIC COMMENTS**

Kyle Wilson, citizen of Enterprise, explained that he was the area representative for Senator Mitt Romney, replacing Scott Albrecht. Mr. Wilson noted that he was available to help in any way he could, and would leave his contact information.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT PERMIT REQUESTED BY WAREHOUSE BAR & KITCHEN FOR THE EVENT “ROOTS AND BOOTS” TO BE HELD AT IRON SPRINGS RESORT ON JUNE 11, 2022**

Payten Crawford, Warehouse Bar & Kitchen, explained that she was coming to the commission to ask approval for the next two items on the agenda, Local Consent Permits. Payten noted that the first Local Consent Permit was for an event “Roots and Boots” planned at Iron Springs Resort on June 11<sup>th</sup>. She had held other events like there but these events would be the first to be held at Iron Springs. Michael Bleak made a motion to approve a Local Consent Permit request for Warehouse Bar & Kitchen for the event “Roots and Boots” to be held at Iron Springs Resort on June 11<sup>th</sup>. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT PERMIT REQUESTED BY WAREHOUSE BAR & KITCHEN FOR THE EVENT “CHRIS PETERSON CONCERT” TO BE HELD AT IRON SPRINGS RESORT ON JULY 23, 2022**

Michael Bleak made a motion to approve a Local Consent Permit request for Warehouse Bar & Kitchen for the event “Chris Peterson Concert” to be held at Iron Springs Resort on July 23<sup>rd</sup>. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE COMMITMENT TO THE PAROWAN PREVENTION COALITION OF \$10,000 PER YEAR FOR 5 YEARS**

BreAnn Veater, Southwest Behavioral Health Prevention Specialist, explained that Logan Reid, Director of Prevention & Education Services for Southwest Prevention Services, presented a report on Prevention at the March 28<sup>th</sup> commission meeting. This was a request based on Ms. Veater’s presentation to create a Prevention Coalition in Parowan City. The Parowan Prevention Coalition would be made up of local community members who use data to focus on local substance abuse and mental health issues for youth. Marilyn Wood asked if Parowan was the only town to show interest in having this coalition. BreAnn noted that Cedar City had a Prevention Coalition in place. This coalition would be specific to the needs of Parowan City which is a smaller community with limited resources citing the city pool had been closed and the fairgrounds had been designated for county use. Paul Cozzens noted that the transfer of the fairgrounds did not end activities there and that it would bring in more events, not less. With the improvements to the fairgrounds it would increase participation. Marilyn Wood noted that the Fair building was used 99% by Parowan residents. BreAnn reported that for the Parowan Prevention Coalition to function properly and be as successful as it could, it was necessary to hire a part-time position that could chair the coalition, push a strategic plan, and be located in Parowan. Southwest Behavioral Health Center was willing to provide training, supervision, and coaching for this position, and the city of Parowan was willing to provide office space and resources. The Utah Division of Substance Use and Mental Health, and the Southwest Behavioral Health Center were willing to contribute funds for training along with an operating budget to the Parowan Coalition if the city and county could come up with initial funds. She explained that to support the coalition’s progress, the city was willing to provide office space, as well as some financial support; in which the Parowan City Council would meet to work out the details. If Iron County was willing to provide \$10K per year for five years, the Utah Division of Substance Use and Mental Health and the Southwest Behavioral Health Center would each match that \$10K per year for five years, for a total operating budget of \$30K (plus what Parowan City would be willing to contribute) a year for five years. BreAnn noted that the Parowan Prevention Coalition was requesting that the Iron County Commission commit to \$10K per year for five years to the coalition. In turn, they would implement the Communities That Care prevention model, (an evidence-based model for developing effective prevention coalitions), establish a strategic action plan targeting identified risk and protective factors, implement the action plan, and evaluate impacts. The coalition group would provide a yearly report to the  
May 9, 2022

commission showing the accomplishment of action items. Marilyn Wood asked what would be the duties of the part-time employee. BreAnn explained that the person would be the Chair of the Parowan Prevention Coalition, run monthly meetings, provide training specific to whatever prevention area they would be working on, plan community events, and supply local data for a priority prevention list. Marilyn Wood asked how they would be able to single out children that needed help. BreAnn explained that the coalition was designed for universal prevention, not to single out any one person. They would choose community events based on the importance of family bonding. Heidi Baxley was the Chair of the Cedar City Coalition. Paul Cozzens noted that he was surprised that this request was on the agenda and would like to table it to get additional information before a decision was made, then bring it back before the commission as an agenda item later. Mike Bleak noted that he had worked with Heidi Baxley and the coalition was a great program and expressed his appreciation to BreAnn for all the work that had gone into this program, for helping to make changes with our youth. Paul Cozzens made a motion to table the Parowan Prevention Coalition and to have it placed on the May 23<sup>rd</sup> commission agenda. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR A MONUMENT REPLACEMENT AND RESTORATION COMMITTEE (MRRC) GRANT**

Carri Jeffries, Iron County Recorder, presented a brief history of the Public Land Service System (PLSS) and why those monuments were important to survey boundaries. A surveyor must be able to find the property on the ground and find the boundaries that separate a property. She explained that the Public Land Grid System begins at a point of 2 lines that intersect (a meridian line and a base line). Where those two lines meet is where the grid system begins. All parcels in Iron County reckon to the Salt Lake Base and Meridian, at the Southeast corner of Temple Square in Salt Lake City. Ranges run East to West from Range 6 West to Range 20 West, and Townships from North to South, Township 31 South to Township 38 South. Each Township has 36 sections. There are approximately 3,200 sections in Iron County. Carri explained that each of those sections have corner markers. Most of the markers were placed in the late 1800's to the early 1900's. The reason for their importance is that all property is tied to these section corners. If someone were to have their property surveyed it would begin at a section corner. Water points of diversion are also connected to the corner markers. Any time dirt is moved, or disasters happen, it could possibly interfere with the section corners. She reported that in 2015 the Utah Geospatial Resource Center (UGRC), seeing a need for counties to maintain the sections corners, went to the Legislature and asked for money to help counties maintain the section corners. Any section corner that is on federal land is maintained by the BLM. Any on state land was maintained by SITLA. The legislature created the MRRC Grant which are available and potentially received every year. Carri reported that in previous years there was \$150K available, but this year the UGRC asked the legislature for an additional \$500K. She explained that she submitted a proposal to restore 74 section corners for a total of \$52,400, which was approved. Carri noted that she budgeted a small amount in her budget for restoration and sent out an RFP in January which no one responded to. She did research and found a company, Zion Engineering, she thought might be willing to do the work for Iron County.

Michael Bleak made a motion to approve a MRRC Grant in the amount of \$52,400 as presented by Carri Jeffries. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A STATEWIDE MEMORANDUM OF UNDERSTANDING FOR THE SPECIAL NEEDS REGISTRY BETWEEN IRON COUNTY AND THE STATE OF UTAH, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AN AGENCY OF THE STATE OF UTAH**

George Colson, Iron County Emergency Management Director, explained that the Special Needs Registry is for any person with a health limitation, and that they could sign up for this register. It is to be strictly used for a plan written that includes their information including special needs and the address for use during a disaster. All signatures and information are voluntary and are not to be shared with the public. Only Emergency Management, local Law Enforcement and Fire Department would have access, under certain conditions, and would have to agree not to divulge any information provided.

Paul Cozzens made a motion to approve a statewide MOU for the Special Needs Registry between Iron County and the State of Utah, Department of Public Safety, Division of Emergency Management (an agency of the State of Utah). Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND APPROVAL OF A VEHICLE TRANSFER FROM THE SHERIFF'S DEPARTMENT TO THE FLEET DEPARTMENT, 2021 FORD F150 1FTFX1EV0A74100**

Wade Adams, Iron County Fleet Manager, explained that the Sheriff's Department had a truck that they were no longer able to use. The truck would be transferred to the Fleet Department for use by the Natural Resource Department.

Michael Bleak made a motion to approve the transfer of a 2021 Ford F150 truck (Vin#1FTFX1EV0A74100). Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Susan Duncan-Blackner as the Full-time Iron County Fair/Event Director, effective May 31st; new hire of Brad Benson as a Part-time Iron County Fairgrounds Maintenance Worker, effective May 16<sup>th</sup>. The 2 previous positions were the filling of newly approved positions. Jennifer also presented a promotion for Cam Neil from a Full-Time Deputy 1 to a Full-Time Corporal, effective May 29, in the Sheriff-Patrol Division to fill an upcoming retirement position; approval of K-9 On-Call pay effective May 1<sup>st</sup> in which the on-call pay was factored by 1.5 hour of the employees hourly pay per on-call day. The first employee in the Sheriff's-Patrol earning On-Call pay would be \$2,808.96 per year, employee number 2 in Sheriff's-Corrections On-Call pay would be \$2,684.64 per year. Jennifer noted that there may be an addition of another K9 Officer next year. Jennifer continued name a new hire of Chauncy Wilson as a Seasonal Outdoor Maintenance Technician in the Natural Resources Department, effective May 2<sup>nd</sup>. This was a fill of a vacant position. Jennifer Bradbury explained that recently Utah House Bill 23 (First Responder Mental Health Services) was amended and approved during the current legislative session to include requirements to provide yearly mental health screening for our public safety employees as well as requirement to provide an employee assistance program for all retired Law Enforcement and their families by July 1, 2022. As a result of HB23 being amended, the current Iron County Assistance Employee Plan was not adequately meeting the current needs of our employees. It had been determined that now was the best time to invest in the mental health needs of our staff. Blomquist Hale provided exceptional mental health services for all benefited employees as well as our LE retirees and their families. They had treatment providers who were specifically trained in LE treatment as well as providing a Phone Web app services, as well as local provider services. The cost for this service was \$4.41 per employee per month, with a total cost of \$5,292 for the remainder of this year. This would be included in the budget next year during the enrollment process. Marilyn Wood noted that there was an issue with employees having to wait 3 to 4 weeks to get in for an appointment, and asked if this company would improve on that wait time. Jennifer reported that Blomquist Hale had 5 to 6 different providers

May 9, 2022

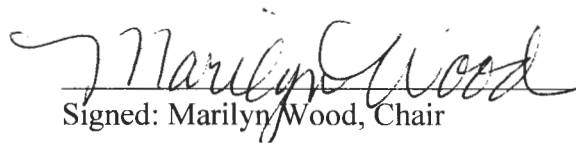
and if an employee was already using another provider that wasn't on their list of providers, they would do their best to have it placed on their list. She also explained that Iron County was in the beginning stages of implementing additional staff in the newly established Fleet Department, to include a fully functioning mechanic station. The first new job description was a "Laborer/Mechanic Assistant." She met with Wade Adams, Iron County Fleet Manager, on Thursday to go over the needs of the department. Jennifer noted that the new proposed mechanic would be under the supervision of the general master mechanic. They would perform skills work related to maintenance of Iron County owned vehicles and equipment, and that they would administer basic maintenance (oil changes, etc.) under the direction of the Master Mechanic once they were trained and would be working under the main supervision of the Fleet Manager. Paul Cozzens noted that Brad Benson would begin working on May 16<sup>th</sup>, and that Joyce Evans was concerned with keeping the grass green because the sprinkler system was taken out during all the construction at the fairgrounds. He reported that he had talked with Lester Ross, Building Supervisor, to put out an RFP for sprinkler work and adding more vender space. Paul suggested that Brad could put the fairgrounds on top of his list of duties. Paul Cozzens made a motion to approve Personnel changes as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

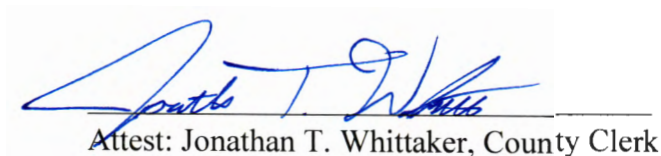
**NON-DELEGATED ITEMS**

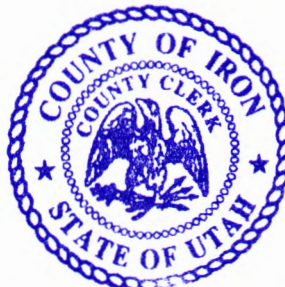
No Non-Delegated items discussed.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
MAY 23, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. May 23, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Curtis Crawford	County COA
Sam Woodall	County Deputy Attorney
George Colson	County Emergency Management
Joyce Evans	County Fair Director
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner

**SYNOPSIS**

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SALE OF CERTAIN FAIRGROUND BLEACHERS .....12

UTAH SHAKESPEARE FESTIVAL PRESENTATION .....10

**INVOCATION**

An invocation was offered by Michael Bleak.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Paul Cozzens.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held, April 25, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT FROM**

Michael Bleak made a motion to approve Claims for Payment from May 9, 2022 to May 22, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Jonathan Whittaker, Iron County Clerk**, reported that there were 3,918 Solid Waste Accounts-up 156 from 2021, 167 Marriage License-up 11, 113 Certified Marriage License-down 4, 294 new Business Licenses-up 28, 180 Passports-up 61, 167 Passport Photos-up 56, 59 Sewer Impact Fees-up 24, 23 Insignificant List of Surplus Property-up 24. Jon noted that there were 28,913 Active Voters-down by 805. He explained that the decrease might be contributed to the required National Change of Address (NCOA) report that helps reduce undeliverable mail. The report cross checks the registered voters to keep the rolls up to date. Iron County processed 917 from the NCOA report. Voter Registration forms received and processed from January 1<sup>st</sup> through May 21<sup>st</sup> was 2,892-up 753. Mr. Whittaker reported that the budget was on track. Unfortunately, Iron County was not immune to the effects of inflation, which might affect the budget later in the year. He explained that the Iron County Primary Election would be held on June 28<sup>th</sup>, and ballots would be mailed out on June 7<sup>th</sup>. Mike Bleak reported that he had heard positive comments and many had faith in the election process in Iron County.

**Jennifer Bradbury, Iron County Human Resource (HR) Director**, noted that the HR budget was on track. She reported that Iron County received a rebate from PEHP Health & Benefits in the amount of \$81,912, which was an increase of \$35,803 from 2021. Since the last HR report, Iron County had posted, interviewed, and hired: 1 Full-Time Corrections Deputy, 1 Full-Time Patrol Deputy, 1 Full-Time Fair/Event Director, 2 Full-Time Road Maintenance Workers, 1 Part-Time COA Parowan Activities Director, 1 Part-Time COA Meals on Wheels Driver, 1 Part-Time Fairground Maintenance Technician and 1 Part-Time Natural Resource Technician. Currently, HR was in the process of recruiting, hiring for the following positions: 1

Full-Time Cadastral Mapper for the Records Office, 1 Full-Time Medical Technician Deputy and 1 Full-Time Deputy 1 for Sheriff-Corrections, 5 Full-Time Deputy 1 and 1 Part-Time Deputy Bailiff for Sheriff-Patrol, 1 Part-Time I.T. Trail Technician, 1 Full-Time Landfill Technician, and 1 Part-Time Secretary for Sheriff Office-Patrol. Jennifer reported on Points of Interest: Employee turnover from January through May was 6.05% or 14 positions, compared to the same time frame of 2021 of 6.64% or 16 positions. With the help of the I.T. Department, she was able to obtain software for employee onboarding, which would help HR tremendously with obtaining new hire documentation. She noted that she was honored to be invited to attend the Boss Lift event held at Dugway Proving Grounds last month, which recognized the valiant effort of our Iron County Employees who serve in our Nations' Military. In June, Don Arnoldson, WCF-Workman's Comp Insurance, would be leading the Department Heads in a training to help identify needs to promote safe workplaces. She had been working towards implementing the new Employee Assistance Program (EAS) services of Blomquist Hale. There would be a Department Head training on the best way to ensure all benefited employees receive these services when needed. She expressed her appreciation to the commissioners for acknowledging the need to get this program started min-year. Jennifer acknowledged Iron County Milestone Anniversaries for this Quarter: Jason Thomas (Sheriff's Office-Patrol), Grant Oxenrider and Trevor Mattson (Road Department), and Jr. Tufuga (Sheriff's Office-Corrections), celebrated 5 years. Adele Lloyd (Records Office) and Matt Carter (Road Department) celebrated 10 years, and Doug Twitchell (Sheriff's Office-Patrol) celebrated 20 years.

**George Colson, Iron County Emergency Management Manager**, noted that the Emergency Management budget was on track. George reported on projects he had been involved with since his last report. He attended a Rocky Mountain Power tabletop exercise with Cedar City. He was able to obtain a Memorandum of Understanding (MOU) with Cedar City and Rocky Mountain Power for use of the Cedar City Heritage Center in case of a long-term power outage. With help from Southern Utah Health Department he was able to acquire 24 backboards for Gold Cross Ambulance. George reported that he submitted his 2022 Emergency Management Preparedness Grant. He attended the Governor's Energy Independence meeting with Commissioner Bleak. During the monsoonal flooding of 2021 he was asked by the Utah Highway Patrol (UHP) to work traffic control. He also attended the Utah National Guard Change of Command, World Situation Report Briefing. He arranged an Incident Command System (ICS) training for all elected officials and expressed his appreciation for those that attended. George reported that he was working with the Federal Government to arrange Law Enforcement (LE) and Fire Departments to have Federal Priority phone systems during an emergency. This allowed LE and Fire Departments use of their cell phones and would bump others off to allow them access to priority calls. The Fire Departments were set up for the program and installation of the program in the Sheriff's Department was almost completed. He attended a Department of Homeland Security (DHS) Extreme Weather briefing, DHS Supply Chain briefing, DHS Telecommunication Security briefing, DHS Public Gathering Workshop, and participated in the DHS National Dam Security Tabletop Exercise. With help from the Southwest Health Department he was able to supply Narcan to local LE and Fire Departments. He received 3 Conex's but was going to discontinue using them. He may begin using a Quonset Hut. He would use the 3 Conex's for base support and placing a Quonset Hut over the top. George noted that he had not been in contact with the company and wanted to meet with Bruce Anderson, Iron County Public Works Director, and Justin Goodwin, Iron County Roads, to go over what he would need. Marilyn Wood noted that she uses Conex Boxes and they get very hot inside, and suggested that George could place a cover over the top to keep them cooler. He attended the Southwest Public Health Table Top exercise and Coalition meeting. George noted that he was working with Cedar Highlands and the Iron County Commission to place a helicopter pad and a firehouse with a fire truck filled with water. He participated in the Cybersecurity & Infrastructure Security Agency (CISA) threat briefing. George reported that he was able to purchase six dosimeters for Iron County to measure radiation levels if it was needed. He attended the Holly Energy Tabletop exercise and registered for the State Special Needs Registry access. The state was changing their WebEOC and he was asked to be a member of the initial committee. He attended a CISA

meeting in the County Clerk's Office regarding election security. His department received a \$6K grant that was being used to build LE a Cyber Security (CS) Training Facility at Chief Phillips training site, and he would be submitted Annex D, Debris Annex to the commission later in the meeting. He would be attending the Utah Counties Indemnity Pool (UCIP) Conference on Thursday in St. George and he continued rebuilding the Cert Trailer to accommodate dispatchers.

**Wade Adams, Iron County Fleet Manager,** reported the Fleet budget was on track. Wade noted that he was still waiting on vehicles that were ordered last year. Ford Dealerships were shutting down through the 4<sup>th</sup> Quarter, and as a result he had been looking at Chevy Vehicles. He knew there were concerns using Chevy Vehicles from Sheriff Carpenter with their performance. Wade noted that he thought the Chevy Diesel vehicles would perform better. The Fleet-Pool was up and running well. Surplus vehicles in Modena had sold along with five vehicles from the Sheriff's Department. The mew lift was installed and working. The Fuel card system was switched over and was working well.

**Curtis Crawford, Iron County Council on Aging (COA) Director,** reported that both Cedar City Senior Center and Parowan Senior Center were doing well. The number of meals served and activities was growing. Presently, in Cedar City, there had been approximately 55 people receiving congregate meals and approximately 155 Meals on Wheels. In Parowan, there had been approximately 30 congregate meals and 50 Meals on Wheels. Attendance for activities continued to grow in both Cedar City and Parowan, especially in Parowan with the help of the new Activity Director. Within the past 2 months, she had started new classes including: Beginning Yoga held once a week, Chair Yoga, Service Craft class, Rock Painting Craft class, Movie Afternoon, as well as the normal Bingo and shopping days in Cedar City. Curtis reported that the COA had received extra funds for equipment from Five County Association of Governments. He explained that at times, around March or April, Five County had money left over in their budget that could be ear-marked for certain items. This year he had requested and received: Meal Trays (\$23K for a 2-year supply), a Dishwasher for the Parowan Senior Center (\$9K), a Hot Food Server for the Cedar City Senior Center (\$2.5K), and a Big Screen TV for the Parowan Senior Center (\$800) for a total of funding in the amount of \$35,300. Curtis reported that he had received \$10K from the Social Services Block Grant in November, which was based on their transportation totals. He was told there were extra funds available, he applied, and received an additional \$9,000 at the first of May. The purchase of a new Kitchen Fan System in the Cedar City Senior Center was on track and would be ready to install this month. Curtis noted that all COA vehicles were in good shape and were in the process of the yearly maintenance. He reported that a few months ago, he changed the part-time Janitor in the Cedar City Senior Center to an outside janitorial company who provided service for most the buildings for Iron County. Unfortunately, they did not work out, and he finally found another company which was doing exceptionally well. The COA was fully staffed and the budget was on track.

**Paul Cozzens, Iron County Commissioner,** reported that the new bleachers were installed at the Iron County Fairgrounds. Carter Enterprises was preparing to pour a 4 foot retaining wall that would slope 3 feet with the grass sloping to the arena on the 30<sup>th</sup>. An RFP would be sent out for new grass and a sprinkler system. Paul noted that he had spoken with former Sheriff Dude Benson who had requested a monument be erected for Officer Ed Dare, whose life was taken in the line of duty 20 years ago. The commissioners agreed and they would discuss a location for the monument. Commissioner Cozzens reported that at the previous commission meeting BreAnn Veater, Southwest Behavioral Health, had presented a request for a commitment of assistance from the commissioners for the Parowan Prevention Coalition. That request was tabled so the commissioners could discuss the request. He noted that he was in a Board meeting and Michael Deal presented a MOU from the Opioid Settlement. Iron County would be receiving approximately \$120K per year for the next 18 years. The MOU had a list of how those funds could be used, and the Parowan Prevention Coalition qualified. BreAnn would be presenting the request later on the agenda and the request could be approved. Paul noted that there had been some talk circulating that Iron County had not updated their General Plan since 1998. He explained that General Plans were constantly evolving and changing. Cedar City had

just spent 2 years updating their General Plan and after 2 weeks of being approved, it needed to be changed. There were long-term items and short-term items included in a General Plan. Long-term items, such as water needs, have to be planned for years ahead and would have to be amended due to needs of Iron County's rapid growth. Other changes and future plans in the General Plan included: Plans for a New Belt route on north Enoch City and I-15, a Septic Density Survey, a new Iron County Jail, a revised Flood Channel Ordinance, new road standards to use better gravel and an R4K Ordinance for affordable housing.

**Michael Bleak, Iron County Commissioner**, reported that he and Dan Jessen participated in an Iron Leaders Academy provided by Southern Utah University (SUU). It was designed as a one-year program on building relationships and leaderships between different entities and local leaders. As a result of COVID it turned into a 2-year program. The program was hosted by SUU and was spearheaded by Stephen Lisonbee. Last week he spent 2 days on a refamiliarization tour with Economic Development in Iron County. Those invited for the tour were: The Governors' Office of Economic Development, World Trade Center Utah, the Economic Development Committee, and the 5 County Association of Governments. These entities had the ability to recruit businesses into Iron County. They toured Manufacturing Plants, Port 15, the Central Iron County Water Conservancy District, Tourism, SUU, Southwest Tech, and various local restaurants. It was a productive meeting and was great to update those that have an impact with what was available in Iron County. Mike reported that he had been meeting with Susan Blackner, the new Fair Director, to bring her up to date on the happenings of the Iron County Fair. As mentioned, the CJC would be holding their 17<sup>th</sup> Fun Run and Mike encouraged everyone to come support the CJC. The CJC continued to move forward to acquire land for a new center and there was a new lead, with the help of Jennifer Davis, that looked promising. Commissioner Bleak reported that he had met several times with Danny Stewart and Stephen Lisonbee to identify funding streams that could be used to upgrade the infrastructure of BZI's proposed Industrial Park off Iron Springs Road. Marilyn Wood reported that Congressman Chris Stewart was on the House appropriations committee and there might be funds available there.

**Marilyn Wood, Iron County Commissioner**, reported that she had attended a BLM/Forest Service meeting with Maria Twitchell, Iron County Tourism Executive Director, and issues with Spring Creek Canyon, south of Kanarraville were brought up. Marilyn noted that Kanarraville had worked hard to have Kanarra Falls under their control with all the tourists, now there were crowd issues with Spring Creek which was on BLM land and in need of a restroom. Kanarraville City was willing to work together with Iron County Tourism for funding the restroom and the BLM would clean and maintain the restroom. Commissioner Wood reported that work on the fairgrounds continued to move forward. Curb and gutter would be placed and she was hoping to plant some trees, but because of power lines that would not be possible. There were plans to put up a wood fence, but after discussions it was decided that an iron fence would be better. Most of the materials for the fence had been donated and she was trying to recruit welders. Because of all the help they provided during the flooding, the Road Department was now behind on regular projects, particularly patching. She noted that last Saturday she attended the Miss Rodeo Pageant which was the kickoff to the Iron County Fair. She was very impressed with the young ladies that participated in the pageant. Alora Cahoon was crowned Queen, Halle Frey Princess, and Liberty Vrska Jr. Princes. Marilyn expressed her appreciation for Kady Donnelly and Debbie Grimm for the work put into the pageant.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL 1 ACRES (R-1) TO COMMERCIAL (C) FOR APPROXIMATELY 37.98 ACRES, WITHIN SECTION 31, R36S, R11W, SLB&M, IRON COUNTY, UT APN: D-1044-4, LOCATED AT APPROXIMATELY 2799 S. OLD HWY 91, BETWEEN I-15 AND OLD HWY 91, SOUTH OF HAMILTON FORT, CEDAR CITY**

Reed Erickson, Iron County Planner, explained that the property was located south of Hamilton Fort between I-15 and Old Hwy 91. The applicant was Lark Property Ventures, LLC, Nathan Janes. The property was surrounded by A-20 and R-1 zoned county properties. It was currently zoned R-1. Reed noted that Cedar City had approved their amended General Plan Map which showed the property as commercial. There was good access from West View Drive. Public Services available were: Water by well-Cedar City master planned distribution line; Sewer-(in Westview Drive at South Mountain Dr.-Cedar City)-Septic; Fire flow suppression determined through Subdivision-Fire-Building Department; Transportation corridors - Old Hwy 91 100' masterplan, New South Cedar Interchange from Westview Dr. may be extended in the future; Drainage to maintain historic flows and locations for entry and exit, Cedar City master planned storm drain through property; Trails: Cedar Master Trail plan along South/East side of property; Power, Gas, Communications in the area.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed zone change. No public comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Iron County Policy-Evaluation Considerations for rezoning property, and recommended approval of the possible zone change. Paul Cozzens made a motion to approve the zone change from Residential 1 Acre (R-1) to Commercial (C) regarding APN: E-4529 with findings, as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 (A-20) TO RESIDENTIAL 2 ACRE (R-2) FOR APPROXIMATELY 36.58 ACRES WITHIN THE E ½ SE ¼ SECTION 8, T35S, R11W, SLB&M, IRON COUNTY, UTAH, APN: D-518-2-8, LOCATED AT THE NE CORNER OF LUND HWY AND MIDVALLEY ROAD, CEDAR CITY**

Reed Erickson, Iron County Planner, explained that items 2, 3, and 4 on the agenda referenced the same property. Agenda item 2 was for a zone change, item 3 would vacate and amend the minor subdivision, and item 4 was for approval of the subdivision. Each item would have to have separate public hearings because they were separate items. Reed noted that the property was located on the NE corner of Midvalley Road and Lund Highway West of Cedar City. The applicants were Garth & Kerry Jensen. The property was surrounded by A-20 zoned properties, and R-1 and R-1/2 were in the proximate area. This was a vacate of Lot 8 from Phase 1. Public Services available were: Water on 4500 W (CICWCD); Sewer in 4500 W (Cedar City) a minimum of 5 acres; Fire Flow/suppression by CICWCD; Transportation corridors: 4500 W from 1600 North and nowhere to go north; Drainage to maintain historic flows and locations for entry and exit; Power, gas, communications-in the area.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing open regarding a proposed zone change.

Bob Tuckett, a resident of Midvalley Estates, was concerned with water and sewer. Midvalley Estates had 253 residents. According to Rural Water, that area had the highest concentration of septic tanks per square mile in the State of Utah. With all the new subdivisions coming in, sewer should be a big concern. He noted that Enoch City obtained a grant to convert Garden Park Subdivision to sewer and each resident had a portion of the grant to pay back. Mr. Tuckett noted that he would like the commission to consider, when approving the zone changes, that some would not be capable of connecting to the sewer system due to elevation. He had heard that the county had the ability to obtain grants, and if they would help them apply for them so they could be put on the sewer system.

Reed Erickson noted that the Community Impact Board (CIB) would help at times. Monte Vista Subdivision went through a similar process recently through their Homeowners Association (HOA). The HOA applied for a grant through the United States Department of Agriculture (USDA) Rural Development to be placed on sewer. The HOA applied directly to USDA and found it was more advantageous to them because it did not put them into an assessment area and the county was not involved. Dennis Cox was the contact person.

Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Iron County Policy-Evaluation Considerations for Re-zoning property, and recommended approval of the proposed zone change, with no variations. Michael Bleak made a motion to approve the zone change regarding APN: D-518-2-8, as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED AMENDED PLAT-PARTIAL VACATED & AMENDED MINOR SUBDIVISION FOR GARTH AND KERRY JENSON, WITHIN THE E½ SE¼, SECTION 8, R35S, R11W, SLB&M, IRON COUNTY, UTAH APN: D-518-2-8, LOCATED AT THE NE CORNER OF CORNER OF LUND HWY AND MIDVALLEY ROAD, CEDAR CITY**

Reed Erickson, Iron County Planner, explained that this item did not require a public hearing. The proposed amended plat of the partial vacation of Lot 8 needed to be approved before the subdivision approval. Reed read from Section 16.28.030-Grounds for Plat or Minor Subdivision Amendments and Recordation that “Consistent and complying with the requirements of Section 17.24.810, Utah Code Annotated, 1953, as amended, and if the county commission is satisfied that neither the public nor person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment.” The Iron County Planning Commission (ICPC) had reviewed Section 17.24.810 recommended approval of the Amended Plat-Partial Vacated & Amended Subdivision regarding APN: D-518-2-8.

Paul Cozzens made a motion to approve an Amended Plat-Partial Vacated & Amended Minor Subdivision for Garth & Kerry Jenson regarding APN: D-518-2-8. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED MINOR SUBDIVISION-“GARTH & KERRY JENSON MINOR SUBDIVISION-PHASE 2-7 LOTS” WITHIN THE E½ SE¼, SECTION 8, R35S, R11W, SLB&M, IRON COUNTY, UTAH APN: D-518-2-8, LOCATED AT THE NE CORNER OF CORNER OF LUND HWY AND MIDVALLEY ROAD**

Reed Erickson, Iron County Planner, reported that this agenda item continued with the last 2 items and was possible approval of platting of the 7 Lots that were previously vacated out of Phase 1. Reed noted that the request was in compliance with Section 16.20.130-Minor Subdivision Application & Procedures. The Iron County Planning Commission had reviewed Section 16.20.130 recommended approval of the Minor Subdivision regarding APN: D-518-2-8, with a variation of street lighting. Michael Bleak made a motion to approve the minor subdivision “Garth & Kerry Jenson Minor Subdivision” Phase 2, (APN: D-518-2-8), with a variation of street lighting, as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED MINOR SUBDIVISION - "DANIEL JENSEN MINOR SUBDIVISION-3 LOTS", APPROXIMATELY 60.6 ACRES WITHIN THE NW¼ NE¼ & N½ SE¼ NE¼ SECTION 8, T35S, R13W, SLB&M, IRON COUNTY, UTAH APN'S: E-619-20-27 & E-619-20-23-7, LOCATED AT APPROXIMATELY 12500 W. ANTELOPE SPRINGS ROAD, CEDAR CITY**

Reed Erickson, Iron County Planner, explained that these were 20 acre parcels but was never a subdivision, just agriculture splits. Daniel Jensen bought a 20-acre piece of land and a 40-acre piece and was creating three 20 acre lots within the 60.6-acres. Mr. Jensen had agreed, as part of this subdivision, to allow 33' on his side of the property as a Right of Way (ROW) for access. The property was surrounded by A-20 zoned properties (some Industrial in the proximate area). Public Services available were: Water-well, Sewer-Septic, Fire flow/suppression-UWUI Code, Transportation Corridors-Antelope Springs Road, Drainage- to maintain historic flows and locations for entry.

Marilyn Wood declared a Public Hearing open regarding the minor subdivision. No comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed Section 16.20.130-Minor Subdivision Application & Procedure and recommended approval of the Minor Subdivision regarding APN: E-619-20-17 & E-619-20-23-7, with no variations. Paul Cozzens made a motion to approve the "Daniel Jensen Minor Subdivision" 3 lots, as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED MINOR SUBDIVISION-PARADISE FIELDS MINOR SUBDIVISION-3 LOTS, APPROXIMATELY 200.26 ACRES WITHIN THE SE¼ & S½ NE¼ SECTION 3, T37S, R12W, SLB&M, IRON COUNTY, UTAH (APN: E-261-0026) LOCATED AT APPROXIMATELY 3800 S 6100 WEST, CEDAR CITY**

Reed Erickson, Iron County Planner, reported that the minor subdivision was located near Vandenberg Road at 3800 S 6100 West. Reed explained that part of the qualification for the minor subdivision was to bring the road up to county standards. It was discovered that the road was never dedicated to the county, and became a public road by use. The application for the subdivision would be allowed a building permit, but no a Certificate of Occupancy (CO) until all the improvements were in and the road was dedicated. The home owner that previously owned the road became defunct in 1988 and there were no owners of the roads on record. Reed recommended that the commission approve the minor subdivision contingent on the road dedication and improvements. Judy Jensen, applicant, had begun the process and the current HOA agreed to convey title to Judy and dedicate a public ROW. Iron County could then do a Quiet Title on the roads. The property was zoned RA-20 and surrounded by RA-20 properties in the proximate area. Public Services available were: Water: currently, there is a well on the property, but a new well was anticipated to be drilled to provide water to the newly created parcels; Sewer-septic; Fire flow/suppression: UWUI Code; Transportation corridors: Vandenberg Road (4000 S) and 6100 West (not currently dedicated); Drainage to maintain the historic flows and locations for entry and exit; Power, gas, communications: Power within the area.

Marilyn Wood declared a Public Hearing open regarding the minor subdivision. No Public Comments were offered. Marilyn Wood declared the Public Hearing Closed.

Reed Erickson reported that the Iron County Planning Commission had reviewed Section 16.20.130-Minor Subdivision Application & Procedure and recommended approval of the Minor Subdivision regarding APN: E-261-0026, with a stipulation that no CO would be issued until road dedications and improvements were completed. Michael Bleak made a motion to approve the Minor Subdivision "Paradise Fields Minor Subdivision", with the stipulation that no CO would be issued until road dedications and improvements were completed, as presented by Reed

Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **CEDAR CITY HOSPITAL ANNUAL REPORT**

Eric Packer, Administrator of the Cedar City Hospital, reported that they had completed the remodel of the Med/Surgery Nurse station and were enhancing the Pharmacy space, and were in the process of remodeling the Nursery area in the hospital. Mr. Packer noted that in 2021, Charity Care was \$5.1M, which amounted to 7,293 individual cases. The hospital was very vigilant to watch and manage their tax exemption standards insuring they were compliant. He explained that the commissioners were sent a power point to review.

### **PUBLIC COMMENTS**

Bob Tuckett, a citizen of Iron County, was concerned with the approval of the Garth and Kerry Jensen Subdivision, that flood control was not addressed. He noted that there was not adequate drainage along Lund Hwy and the water diversion came from the East side of Lund, cut back from the West and back across Lund. The West side of the subdivision would have very poor drainage. Reed Erickson reported that the drainage issue had been addressed. When any subdivision was approved the Planning Commission reviewed the historical flow on the property. The channel was widened which would help with flood control.

Cindy Bulloch, area Representative for Congressman Chris Stewart, gave a brief status update from Congressman Stewart's Office. It was appropriation season and they had received a number of requests which was keeping him very busy. Last year he was able to appropriate \$3M for the Cedar City Industrial Road Project. Congressman Stewart and Senator Lee had a bill ready to present regarding baby formula shortage, but the Speaker of the House did not allow their bill to be heard. The Speaker of the house presented her own bill, and formula was coming in. Congressman Stewart is on the Intelligence Committee and they were continually being updated on the Ukraine crisis.

Kimberly Roman, a citizen of Iron County, reported that her husband works for the Iron County Sheriff's Department. He should only be working 12-hour shifts, but more often than not he works longer shifts. He should have multiple days off during the week but because of a staffing shortage and extra duty, those days often dwindle down to one day off, sometimes none. Iron County was growing rapidly and because of this growth it was becoming dangerous for deputies. Not only due to the type and number of crimes, but because of a lack of backup on each shift while on shift. At night with only 2 Deputies on duty, if one Deputy was called to Beryl, that left one Deputy alone to patrol Iron County. The amount of swat calls and callouts amounted to at least 1 call per week. Between swat training, callouts, operations, and training, his K9, and regular department training amounts to him working 15-18 hour days. Working holidays, birthdays, and anniversaries were required with his job. 100 to 120 hours per week was the normal hours worked for the deputies. Kimberly noted that her husband loves his job and she supported him, but there was no support from the county. It had come to a point where he could not financially support his own family. He had worked with the Iron County Sheriff as a Corrections Officer since 2018 and was paid \$18 per hour, he started on the road in 2020 and was now on SWAT working with K9 making \$22.40. A deputy hired today, with less training and experience, earns \$21.61. She stated that with all her husband's training and years of experience, the county was telling her husband, and other deputies, that their worth was less than \$1.00. The deputies recently received a raise and they were very appreciative of that raise. That \$1.00 raise was the highest raise in Iron County history. Because of his wage, she worked nights as a nurse and most of the deputy's wives worked. These hours had put a strain on their marriage and they have almost no time with each other, and could not afford to do many extra things together as a family. Law Enforcement experienced 400 to 600 traumas. Iron County lost 26 Officers because no one wants to put their lives on the line or exposing themselves to those traumas. Most officers don't make it through FTO training because it was then that they realized the county did not value them. These deputies were good men and women. She stated that she



did not think the commissioners would send their spouse to work for \$21.61 an hour not know if they were coming home. So please don't ask her to.

Marilyn Wood noted that the commissioners very much appreciated the deputies. There was a meeting scheduled later today to discuss those very issues.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED AMENDED PLAT-PARTIAL AMENDED SUBDIVISION PLAT FOR LOTS 60 & 61, CHEKSHANI CLIFFS PHASE 1-AMENDED PLAT, AMENDED WITHIN THE SE¼ SECTION 9. T38S, R12W, SLB&M, IRON COUNTY, UTAH APN'S: E-401-6-60 & E-401-6-61 LOCATED AT 2229 SOUTH & 2207 SOUTH CHEKSHANI CLIFFS LN, KANARRAVILLE**

Reed Erickson, Iron County Planner, reported that the acreage was the same on each lot, the signatures of both property owners was on the amended plat. A letter was sent to adjacent property owners and he had not received any response to that notice. Paul Cozzens made a motion to approve the Amended Plat-Partial Amended Subdivision Plat regarding APN: E-401-6-60 & E-401-6-61, as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A FUNDING REQUEST FROM THE IRON COUNTY RURAL PLANNING ORGANIZATION (RPO) FOR FY 2023, AS RECOMMENDED BY THE IRON COUNTY COUNCIL OF GOVERNMENTS (COG), IN THE AMOUNT OF \$44,000 TO BE PAID FROM THE PLANNING PORTION OF THE IRON COUNTY LOCAL CORRIDOR PRESERVATION FUND**

Reed Erickson, Iron County Planner, explained that this was an annual funding request that was broken into 2 payments, one for every six-month period. He noted that Iron County enjoyed a great working relationship with everyone involved with the RPO. There had been some great projects done through this program and was money well spent. Michael Bleak made a motion to approve the funding request from the Iron County Rural Planning Organization (RPO) for FY 2023 in the amount of \$44K to be paid from the Planning portion of the Iron County Local Corridor Preservation Fund. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF FOR PROPOSED ANNEXATION INTO THE CORPORATE LIMITS OF PARAGONAH TOWN-PROPOSED ANNEXATION LEAVES AN UNANNEXED ISLAND OR PENINSULA AND REQUIRES THE TOWN AND COUNTY TO AGREE. REGARDING APN: C-479-20**

Reed Erickson, Iron County Planner, explained that Utah Code 10.2.402 does not allow an unincorporated area property to be annexed to a municipality unless the annexation did not leave or create an unincorporated island or unincorporated peninsula, and both the municipality and county commission agree. Reed reported that the Iron County Clerk sent the required notice for the "Intent to Annex" to adjacent property owners. He noted that the front portion of the property was in the city, but the back was not. The desire to annex was to have service for water and have the full property in the city. He had sat down with the owner and Paragonah Town and reviewed the Annexation check list and was found to be in compliance. Reed reported that the Iron County Planning Commission reviewed Utah Code Section 10-2-4, Annexation-Limitations and recommended approval by the Iron County Commission. The same owner had both properties and he would help provide access to the road from the south side of the property and connect the road through to 100 South. Paul Cozzens made a motion to approve the annexation into the Corporate Limits of Paragonah Town regarding APN: C-049-20 as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**UTAH SHAKESPEARE FESTIVAL PRESENTATION**

Michael Bleak reported that he had been contacted by the Utah Shakespeare Festival and they asked to be rescheduled on the June 13<sup>th</sup> Agenda.

**DISCUSSION AND POSSIBLE APPROVAL OF TWO LOCAL CONSENT PERMITS REQUESTED BY IG WINERY FOR THE EVENT “EPICUREAN’S ON THE EDGE” TO BE HELD AT APN: D-268-3, NEAR RIGHT HAND CANYON ROAD SEPTEMBER 3<sup>RD</sup>**

Jaden Reardon, I/G Winery, explained that this event would be the 4<sup>th</sup> Annual Wine Festival called “Epicurean’s on the Edge”, and requested the approval of 2 Local Consent Permits to serve wine during the dinners. Michael Bleak made a motion to approve 2 Local Consent Permits requested by IG Winery for the event “Epicurean’s on the Edge” to be held on September 3<sup>rd</sup>. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR BRIAN HEAD TOWN TO ACQUIRE APN: A-1150-1 FROM IRON COUNTY. THIS IS AN UNBUILDABLE PARCEL ALONG THE EAST EDGE OF THE “MEADOW” IN BRIAN HEAD**

Bret Howser, Brian Head Town Manager, explained that Brian Head Town had interest in acquiring parcel number APN: A-1150-1 from Iron County. This was an unbuildable parcel along the east edge of the “Meadow” in Brian Head, upon which Brian Head Town’s OHV Trail currently sits. Brian Head Town currently owns the rest of the parcels in the Meadow. The Town recently completed the Brian Head Commercial Corridor Transportation Study jointly with UDOT and other stakeholders, including Iron County. Bret noted that the study addressed multi-modal transportation needs along the Hwy 143 corridor in Brian Head. One of the resultant recommendations from the study was to expand parking along Village Way (which runs parallel to the county owned parcel in question). He explained that their goal for Village Way was for it to become a strictly pedestrian area of the commercial village. Mr. Howser explained that Brian Head Town intended to proceed with the transportation improvements in this area, which might require expansion of the ROW on Village Way, and acquiring the noted parcel from Iron County may be part of the solution in the long run. The purpose of bringing this before the commission was to begin a conversation with the commissioners. Discussion between the commissioners and Mr. Howser resulted in a possible trade for land to be used by the Iron County Road Department. Commissioner Wood noted that she would speak with Bruce Anderson, Iron County Public Works Director, regarding the trade. No action was taken.

**DISCUSSION AND POSSIBLE COMMITMENT TO THE PAROWAN PREVENTION COALITION OF \$10,000 PER YEAR FOR 5 YEARS**

Paul Cozzens, Iron County Commissioner, explained that as a result of the Opioid Settlement, Iron County would be receiving approximately \$120K per year for 18 years. There was a list of items that could be used with the money and the Prevention Coalition would qualify for funding. He had asked the Garfield County Commissioners how the Panguitch Prevention Coalition was doing and they reported that it was a great program. Paul Cozzens made a motion to commit to the Parowan Prevention Coalition in the amount of \$10K per year for 5 years, to be funded from the opioid settlement. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF DEBRIS PLAN AS ANNEX “D” OF THE IRON COUNTY EMERGENCY OPERATIONS PLAN**

George Colson, Iron County Emergency Management Director, explained that he was responsible to keep the Iron County Emergency Management General Plan updated. As a result of the monsoonal floods in Iron County last year he drafted a Debris Plan listed as Annex D. Michael Bleak made a motion to approve the Debris Plan as Annex D of the Iron County Emergency Operations Plan. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDIUM OF UNDERSTANDING (MOU) WITH UTAH STATE LIBRARY FOR OPERATION OF THE IRON COUNTY BOOKMOBILE FOR 2022-2023 YEAR**

Dan Jessen, Iron County Auditor, explained that this was an extension of the current MOU with Utah State Library for the operation of the Iron County Bookmobile for \$130K per year. There were no changes from prior years and Dan recommended approval. Paul Cozzens made a motion to approve a MOU with Utah State Library for operation of the Iron County Bookmobile for 2022-2023 in the amount of \$130K per year. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT PERMIT REQUEST BY WAREHOUSE BAR & KITCHEN FOR THE EVENT “CHRIS PETERSEN CONCERT” TO BE HELD AT THE IRON SPRINGS RESORT ON JUNE 23<sup>RD</sup>**

Jon Whittaker, Iron County Clerk, explained that this item was approved at a previous commission meeting. Since that approval, there was a change in the date from July to June. Michael Bleak made a motion to approve a Local Consent Permit request by Warehouse Bar & Kitchen for the event “Chris Petersen Concert” to change the date to June 23<sup>rd</sup> to be held at the Iron Springs Resort. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**AWARD OF REQUEST FOR PROPOSAL (RFP) FOR ARCHITECTURAL DESIGN SERVICE OF THE NEW IRON COUNTY JAIL, AND SHERIFF’S COMPLEX**

Dan Jessen, Iron County Auditor, explained that although there had been several public meetings and discussions regarding the proposed new jail, there was no design team on board. A Request for Proposal (RFP) had been sent out to bid and only one bid was submitted by Babcock Design. Dan read a paragraph from the letter submitted by Babcock Design, “Babcock Design is thrilled to provide Iron County with our qualifications for the Architectural/Engineer selection for the new Iron County Jail & Sheriff’s Complex. We have thoroughly enjoyed working with Iron County the past several months, providing consulting services and a Feasibility Study to assist you in determining the scope, site and conceptual layout of your new facility. The dedication of the Commissioners, the Sheriff’s Office and great people of Iron County shows your commitment to the safety of your community and this new facility will be of great benefit to you and your citizens for years to come.” Dan noted that a site for the new jail was chosen and voted on by the commission, and even if that site was not set in stone, it was appropriate to start the design process. The design was needed to be able to move forward, and that process takes months. Dan explained that an Internal Committee needed to be created so they could work with the Designer/Architect down the road. He noted that the RFP was placed on the State Procurement site and there were several firms that seemed interested in the jail, but only one bid had been submitted. The RFP was competitive as there were multiple firms interested. The firm needed to understand the building of correctional facilities as they were had very specific requirements and needs. Paul Cozzens made a motion to approve awarding Babcock Design a contract for architectural design service for an Iron County Jail & Sheriff’s Complex, and noted that the bidding was competitive in nature. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL TO SELL CERTAIN BLEACHERS AT THE IRON COUNTY FAIRGROUNDS**

Marilyn Wood, Iron County Commissioner, explained that with the new bleachers being put in for the Iron County Fair there were older bleachers that could be sold. The older bleachers were deemed uncompliant and could no longer be used for the fair. Michael Bleak made a motion to sell certain bleachers from the Iron County Fairgrounds. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented new hire of Ginny Bettisch as the Part-Time Secretary for the Sheriffs-Patrol Department, effective May 23<sup>rd</sup>. This was a backfill of a vacant position. Jennifer Bradbury presented promotions for Charles Day, Jaren Ford, Tyler Snyder, and Eric Rohmann from Full-Time Deputy 1 to Full-Time Deputy 2, effective May 29<sup>th</sup> in the Sheriff-Patrol Department; the promotion of Ryan Sessions from a Full-Time Medical Technician Deputy 1 to a Full-Time Medical Technician Deputy 2, effective May 29<sup>th</sup> in the Sheriff-Corrections Department.

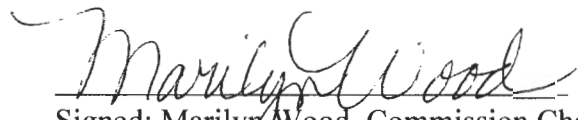
Paul Cozzens made a motion to approve the personnel changes as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

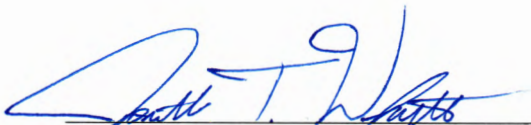
**NON-DELEGATED ITEMS**

No Non-Delegated items were discussed.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY SPECIAL COMMISSION MEETING  
JUNE 14, 2022**

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m. June 14, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Sam Woodall	County Deputy Attorney
Lester Ross	County Building/Zoning
Shalon Shaver	County Corrections
Shain Manuele	County Defense Attorney
Danny Stewart	County Economic Development
Richard Wilson	County Chief Engineer
Jennifer Bradbury	County HR Director
Ken Carpenter	County Sheriff
Maria Twitchell	County Tourism/Parks & Rec

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**Jon Whittaker, Iron County Clerk**, apologized for not having the agenda posted for the required 24-hour notice. As a result, the meeting had been changed to the 14<sup>th</sup> and was now a Special Iron County Commission meeting. He reported that there were issues with the audio today and the meeting would be streaming, but without audio.

**INVOCATION**

An invocation was offered by Jeff Richards.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Lieutenant Jeff Humphries.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held May 9, 2022 & May 23, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from May 23, 2022 to June 12, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Dan Jessen, Iron County Auditor**, reported that the May Tax Sale was just completed and results would be presented by Luke Little later in the agenda. Dan expressed his appreciation for the great job Luke did handling the tax sale, being it was his 1<sup>st</sup> year running the tax sale. He explained that the process was fairly intense and they had to follow state code. It was not an easy task but it was done as efficiently as possible. This year Dan switched users to Public Surplus instead of Bid for Asset. The county had used publics-service.com to dispose of other assets in the past. Public Surplus had reached an agreement with Utah Association of Counties (UAC) that they would give UAC a percentage, and the premium the buyer paid was lower than Bid for Asset. Dan reported that he had been accused by one person that the county was not making enough money with the online auction and should return to the in-person auction. Most buyers complained that they didn't like the fact that it was a large market auction and had out-of-state buyers. Dan noted that anything above and beyond the taxes owed was returned to the original property owner. He reported that the onsite portion of the Annual Audit was just completed by Kimball & Roberts and they would report on the audit at the July 11<sup>th</sup> commission meeting. Dan explained that each year the State Auditor directs any Certified Public Accounting (CPA) Firms that audit local governments to look for certain things beyond the regular audit. This year that item was Fee Schedules. He gave a brief explanation of the Fee Schedule and noted that the auditors found that Iron County did not have the Fee Schedule posted on the internet, and it wasn't being reviewed annually. Dan reported that although he had conducted a fee analysis this year it wasn't posted. Merilee Wilson, Deputy Clerk in the Clerk's Office, had begun an updated copy of all department Fee Schedules, and he would then conduct a fee analysis. The Annual Comprehensive Financial Report (ACFR) was conducted for the first time in-house which would save time and money for the county. He explained that when the Assessor's completed the Tax Rolls they come to his office and he updated all the information given him, and he begins to interact with taxing entities. This was the time that the entities would enter into a Truth in Taxation by saying they need more money than the amount of revenue they get. Parowan City was the only entity to trigger a Truth in Taxation and would have a hearing in August. Dan reported that he had begun work on a midyear Budget Adjustment and it would be a more active adjustment this year. He noted that election season was here and, despite his assurance, it was being rumored that Iron County did not have an active bond rating posted which couldn't be farther from the truth. Dan then explained how bond rating worked to clarify that rumor and to

stop the damage this could do to the reputation of the county. Marilyn Wood expressed her appreciation to Dan for clarifying it on Facebook.

**Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, and Parks & Recreation,** reported that the Tourism budget was at 35% spent and Restaurant Tax was at 36%. Collections to date were: Transient Room Tax (TRT) was up 10% and Restaurant collections are up 15% over 2021. Maria noted that with rising gas prices, lodging occupancy was beginning to fall at 2% down in May, but the average daily rate was up 16% over last year at this time. She reported that she was submitting another Utah Office Tourism grant for winter skiing in Brian Head for 2023. Brian Head reported having a good year, at 230K plus skier days. She would be asking the Utah Office of Tourism for \$192K which would be matched by Tourism, Brian Head Resort and Brian Head Town. Maria reported that the office was busy planning the summer and fall campaigns. Advertising this year would include: KSL TV, KSL Radio, Las Vegas (various radio stations), I-15 billboards (20), Pre Roll Video, Digital ads, Retargeting and TripAdvisor. She recently filmed with Cool Stuff in Utah and would be hosting KSL Outdoors with Adam Eakle in July. The Iron County hospitality partners were still reporting a lack of employees for most open positions. Several businesses were open less days due to the employee shortage. Maria noted that she had been chairing the Iron County Economic Workforce Committee to pursue local solutions. The committee had recently presented some findings at the Chamber of Commerce luncheon, SUU Regional Service and SUU Community Education Engagement department.

Maria Twitchell reported the current budget for Parks & Recreation was at 21% spent for the year. Ryan Riddle, Iron County Fire Warden, had been sharing the Road Department building with them and he would like full use of the building, and she believed the blue shed would be ample for Bryce Williams, Iron County Parks & Rec. Maintenance Supervisor, to begin using after improvements could be made for year-round use, which she would have to budget for. Park Reservations and collections were slightly up through May at \$6,683 as compared to \$6,025 of this time last year. Maria noted that construction of a climbing lane Hwy 14 had begun, which had one lane of traffic next to Wood Ranch. She had advised anyone scheduling the pavilions of the one lane construction and limited access to the park. Signage had been placed at the exits warning that they would need to wait for traffic to pass before entering into the lane, but some were impatient and there had been a few close calls with potential accidents. Water had been turned on and new snow-load benches & picnic tables would be installed later this summer. Work continued at Vermilion Castle with the jail work crew completing the fence. Bryce, Marilyn Wood and Michael Bleak met with the Forest Service regarding the waterline. Mike Bleak reported that he was asked where dirt bike trails were available, and had told them that Three Peaks was the most popular. He asked Maria if there were any trails closer to town up Cedar Canyon. Maria noted that Three Peaks had the most trails, and some utilized trails at Duck Creek. There were not trails much closer because it was mostly private property. The best place to look for trails was the GIS maps on the county website.

**Kenneth Carpenter, Iron County Sheriff,** expressed his condolences to the Cooper family that lost their 14-year old son in a drowning accident over the past weekend. Sheriff Carpenter also expressed his appreciation to everyone who helped with the recovery efforts.

Sheriff Carpenter reported on Current Law Enforcement (LE) issues: Mental Health Unit - Task Force had taken a set-back, but Tier 2 Deputies were still responding and doing good work; Metro SWAT-Search/Arrest Warrants and other high risk calls had been extremely busy over the past several months with: a High Risk Warrant Service for the Veterans Administration, a barricade suspect last Tuesday wanted for carjacking; Wednesday homicide suspect out of SLC and eight call outs to date this year. The interagency Drug Task Force had also been very active. There were many Fentanyl cases currently, with a new type of Fentanyl now hitting the streets. There was a decrease in Meth at higher street value, but more Cocaine and Heroin. Border Issues had seen a huge increase in drug activity with precursors coming from China with new types of Fentanyl and Meth. Human trafficking was increasing with the Cartels using Tik-Tok to recruit juveniles and others for running drugs for them. He reported that the Legislature passed SB 179

which would require a Criminal Justice Coordination Council in counties by January 1, 2023. Sheriff Carpenter reported on the total Incident Reports since January 1<sup>st</sup>: Aggravated Assaults-4, Air Support-4, Agency Assist-122 (vice 40 in March), Burglaries-9, Child Abuse/Neglect-11, Felony Offenses-72, Fires-27, K9-9, Mental Health Unit-4, Misdemeanor Offenses-413, Other Offenses-516, Public Relations-4, Search and Rescue-5, Sex Crimes Against a Child-11 (IXAC-2 arrests and 3 current investigations), Other Sex Crimes-11, Welfare Checks-13, DUI-11, and Animal Problems (combined)-199 for a total of 1,234 incidents. Patrol was still down three deputies and one Part-Time Bailiff even after the hire of two deputies (after their academy start date of July) and one lateral over from corrections, and testing again June 18<sup>th</sup> with seven possible to test. There were two new Deputies in FTO training and three preparing to attend POST Challenge training. Sheriff Carpenter reported that in Future Ops and Concerns: in the last 18 months he had signed off on twelve new or extensions to current subdivisions and two so far this year. Most averaged 82 to 86 new single family homes. One subdivision was for 250 new single family homes. This was a significant increase of new move-ins which would increase call for service volume. He noted that to keep pace with the rapid growth of Iron County, he would be looking for a 4 to 6 deputy increase. Pay wise, the Sheriff Deputies were well behind the other agencies within Iron County. Ford Company had cancelled their truck order, which had been placed last year, on all 18 vehicles. Wade Adams, Iron County Fleet Manager, was working on getting vehicles through Chevrolet, but that was also uncertain. Sheriff Carpenter reported that the Patrol budget was at 35.41% used at the end of April, the Jail budget was at 31.65% used at the end of April, and Search and Recuse budget was at 33.34% used at the end of April. Michael Bleak expressed his appreciation for the coverage of a very tragic event for the Cooper Family.

Volney Morin, a citizen of Iron County, asked Sheriff Carpenter that in light of the latest Texas School shooting, whether there were any county properties that were designated as gun-free zones, not counting schools. Sheriff Carpenter noted that he had been meeting with the School District for the last 15 years on preparation for an active shooting response. He stated that he takes this very serious.

**Shalon Shaver, Iron County Corrections Commander,** reported that the budget was at 32% spent. There was a large expense increase in culinary cost due to inflation and inmate population. The Culinary Supervisor had been trying to buy food in bulk and freeze what she could, but the food was not showing up. Cost was going up to \$1.23 per meal. Bookings were up from 245 in the 1<sup>st</sup> Quarter to 295 in the 2<sup>nd</sup> Quarter. The current inmate population was at the 180 mark, which was at full capacity. Within that 180, there were 9 state inmates and 38 federal inmates. Shalon reported that transportation was up, Video Court continued to increase with Fifth District Court at 607, Iron County Justice Court at 56, Federal at 17 and 33 others. She explained that there were 2 rooms available for Video Court and they were busy all day long. The high standards that were required to qualify for the Work Crew was making it difficult finding those that could work. Projects the Work Crew had been involved with were: Sheriff's Office-54 hours, Jail-272 hours, Fair-45 hours, Road Department-420, Parks & Recreation-756 hours, UDOT-27 hours and Cedar City-90 hours for a total of 1,718 hours worked. Shalon noted that there was a vacancy for a Medical Technician. Ethan Busse was currently in Police Officer Standards & Training (POST). There were four of the corrections staff on Family & Medical Leave Act (FMLA) and one Full-Time active military. She continued searching for a mason to do the J-block door replacement and the Medical Department renovation. Christopher Caro, Emilee Campbell, and Tanner Taylor graduated from POST and were currently in Field Training Officer (FTO).

**Shain Manuele, Iron County Public Defender,** reported that the COVID backlog was moving forward and making good headway. Shain expressed his appreciation to Shalon Shaver and Corrections Staff for being very accommodating with Attorneys' jail visitations to meet with clients. He noted that Juvenile Court would be returning to in-person court hearings in July. There was no date for in-person hearings in Fifth District Court. Shain reported that Candace Reid would be his replacement and would be covering court hearings and presenting the Quarterly Report to the commission. There were two requests out to fill 2 court positions.



Marilyn Wood expressed her appreciation for everything Shain had done for Iron County. Mike Bleak wished Shain good luck in his new endeavors in Nevada.

**Paul Cozzens, Iron County Commissioner**, expressed his appreciation to Commissioner Wood on her initiative to procure a ranch style fence for the entrance to the Iron County Fairgrounds. Frank Nichols had generously donated the material and her husband was “elected” to build the fence. It would be a nice entrance to the fairgrounds. The bleachers were complete, but the walls still had to be poured. Carter Enterprise reported that there was no concrete available, but was able to get Sunroc to provide 80 cubic yards.

## **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented, for approval, the new hire of Scott Smith and Keven “Skylar” Barrett as Full-Time Deputy 1 in the Sheriff’s Patrol, effective July 1st; the transfer of Brandon Rowley from a Full-Time Corrections Deputy 1 to a Full-Time Patrol Deputy in Sheriff, Patrol, effective June 26th; the promotion of Beau Johnson and Ryan Turk from Full-Time Deputy 1 to Full-Time Deputy 2 in the Sheriff, Patrol, effective June 12<sup>th</sup>. These were backfilling vacant positions. Jennifer Bradbury presented the promotion of Clayton Mitchell from a Full-Time Deputy 1 to a Full-Time Medical Technician Deputy 1 in the Sheriff’s-Corrections, effective June 12<sup>th</sup>; and the new hire of Rex Brown as a Full-Time Landfill Technician, effective June 13<sup>th</sup>. This was a filling a vacant position. Jennifer presented the transfer of Kade Beaumont from a Full-Time Road Technician to a Full-Time Fleet Assistant Mechanic, effective July 10<sup>th</sup>. Michael Bleak made a motion to approve Personnel changes as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Jennifer Bradbury presented a “Step-in-Grade” implementation County wide salary adjustments with applicable policy modifications to incorporate Step-in-Grade verbiage. She presented a brief history and perspective of past pay structures that had gotten Iron County to this point to plan for the future of Iron County Employees. The original Step-in-Grade system was dissolved in the mid 2000’s. No consistent yearly raise was given to employee’s thereafter. A salary study was completed without full implementation and no pay structure was put into place. Jennifer explained that the prior HR Director created a pay scale spreadsheet, which was not fully or consistently implemented. In early 2021, the Iron County Commission elected to raise the starting rate of lowest paid employees to \$15.50, with appropriate adjustments made to employees within that structure, placing them within the prior HR pay scale spreadsheet. In June 2021, the County Commission elected to give a mid-year “catch up” Cost of Living Adjustment (COLA) raise of 5-10% to all employees. Knowing the system needed to be implemented, she and the commissioners had begun working on the re-establishment in the Step-in-Grade System using the current pay ranges, with the exception of the most difficult positions to fill in the Sheriff’s Department. Iron County had not been able to recruit and/or retain employees in the Sheriff’s Department, so it was imperative to raise the starting rate of the Iron County Sheriff Staff to match that of the Cedar City Police Department starting rate, which they would begin to implement on July 1, 2022. Jennifer presented the Factors for the new Step-In-Grade Implementation:

1. Each employee has been assigned a Grade based on their job description and current assigned pay scale. Within that grade, every employee has been given a step based on their years of Iron County service.
2. New employees may receive year for year credit up to (10) years for prior job specific, verifiable service.
3. Current employees have been given credit for prior job specific, verifiable service (if documented) and have been adjusted accordingly.
4. Certified Law Enforcement employees have been assigned a grade above current rate for retention and recruitment purposes.
5. This implementation and salary adjustment is being initiated early as it was intended for the 2023 year. Upon approval, new salaries will take effect on June 26, 2022.
6. The next step adjustment is intended to take effect on the first pay period of 2024.

7. If approved, all job description placements past and new are approved at this time and shall remain in effect until year end of 2023. Any new proposals for job description creations and/or requests for change in pay for job descriptions will be discussed at the end of 2023, with implementation at the beginning of year 2024 upon approval.

8. Employees will no longer receive 5% increases for new certifications. They shall remain in their appropriate step-in-grade as assigned, unless they are eligible for promotion to a new job description.

9. Employees on active disciplinary probation shall not receive a raise for that year until they successfully complete and move into a non-probationary status.

10. Any changes to the URS Fiscal 2023 year have been added to the proposal, including an additional 0.32% employee contribution Tier 2 Public Safety increase.

11. Approximate cost of implementation would be \$2.4M per year.

Jennifer Bradbury explained that changes in verbiage and appropriate additions in the Iron County Personnel Policies and Procedures would affect Sections 2, 3 and 5, which had been updated. Each Step-In-Grade chart had 30 Grades with a 5% increase between grades. The Certified Proposal-Sheriff Per Hour Wage Proposal had 23 Steps with a 1.9% increase between each Step. The Non-Certified Iron County Per Hour Wage Proposal had 28 Steps with a 1.5% increase between each step. Marilyn Wood expressed her appreciation to Jennifer and Dan Jessen for all the work and time that had been put into this wage proposal. Mike Bleak noted that when he became a commissioner he had worked with Adrion Walker, previous HR Director, and it was a big priority to remedy the lack of a wage structure. They had tried to put something in place, but it was almost impossible to implement. When Jennifer Bradbury became the HR Director he discussed with her that they had to simplify the structure and show the employees the vision where they were in their career. Mike noted that the most important thing he had fought for was to de-politicalize wages. He was confident that this proposal would give Iron County a roadmap for compensation and not a political discussion and to allow the employees a career path. He expressed his appreciation for all that Jennifer had done and he had enjoyed working closely with her to make sure it was done right. With the work and effort Jennifer had put into this wage policy she had literally saved the county tens of thousands of dollars by her doing the analytics herself and by working with other entities around Utah and building those relationships. Mike stated that this had been a collaborative effort between the department heads, commission, and HR and everyone was very thankful for the hours and time Jennifer had put it. Paul Cozzens expressed his appreciation to Jennifer and Dan Jessen for all their work. Marilyn Wood explained that another reason for this policy was because Iron County had such great employees. Jon Whittaker noted that it was important for employees to understand that this was not about an individual raise, but backing into a system that we can look forward with. Some will have a larger raise than others because they were farther behind in pay. Those individuals had suffered the opportunity cost of not having those raises all those years. He stated that this was ultimately the single hardest decision the commissioners would have to make, besides the jail. It was using up most of the cash flow in the budget and reflected their commitment to the employees.

Sheriff Ken Carpenter expressed that this was something that had been very close to him and it was very evident that the wage system was serious shortcoming in the Sheriff's Department. Over time he had seen Law Enforcement (LE) becoming very competitive within the state and Iron County kept falling further behind. He expressed his deep appreciation to the commissioners and this plan showed the deputies that the county cared about them. The department had lost 22 deputies in the last 10 months because of low wages. They were all very appreciative of this effort that was made by everyone. Mike Bleak noted that it was important to understand that the Sheriff's Office was the "squeaky wheel" because it had to be. This program was being implemented for all county employees, to be fair and equitable, and not just for the sheriff department. Mike expressed how humbled he had become with this process.

Jenny Hendricks, a citizen of Iron County, said she applauded this process and it had been long coming. It had become a public safety issue for many years. As a citizen of Iron County she was pleased that our local LE would be retained and recruited.

Sheral Whicker, a citizen of Iron County, asked for clarification that for the employees who had not been employed as long how it was going to work with them regarding the cost of living.

Jennifer Bradbury explained the Step-In-Grade System and how the cost of living had been considered. She had followed the social security cost of living index because it was very consistent and fair. If a cost of living was afforded to the employees, then that would raise that Step 1 increase and become the new starting wage. It would bump the whole scale across the board with that percentage point.

Jax Jensen, a citizen of Iron County, asked for clarification on using up all the available budget. Jon Whittaker explained that it had used most of the spare cash flow.

Dan Jessen explained that as the Chief Financial Officer (CFO) for Iron County he wanted to let everyone know how well-funded and responsible the county was. Dan clarified that the county budget was divided into many different funds. He noted that not all employee salaries came from the General Fund. There were several different funds that salaries come out of and it would impact each one differently. Generally speaking, the county had had consistency at the end of the year in some of the fund an excess fund balance left over as a result of more revenue than expenses. Leading up to this point, those excess funds had been set aside for the construction of a new jail. He had looked at all the different funds to see what the county could afford without using all of the excess funds. Most of those excess funds that were set aside that was set for the jail was used for this salary increase and now a bond election would have to occur for a new jail.

Jax Jensen reported that he used to work with dispatch and had nothing but respect for the Sheriff. He noted that he had never been in a government position that didn't have Step-In-Grade in place. He did know how important it was to have it put into place in the county. Jax stated that he hoped this was being done so the county employees did not feel effects of increasing gas prices and everything else. The county was creating a caste system where everyone else in the community suffered and making sure the government employees do not suffer and were shielded by the tax payers.

Jennifer Bradbury explained that at the start of this process she was trying to incorporate what the industry standard was and quickly realized that it was not even close to being attainable. She scrapped that model and went to "What can be done? The consensus was to stay with current wage scales. The industry standard was not increasing other than when the \$15.50 beginning wage was implemented. Nothing was increased to compare with what the market industry standard was and Iron County was still far below that standard. Jennifer had been collecting data from other HR Directors throughout the state for a year or so. She had formed a great working relationship with each of them and they all worked together to compare and find solutions. She reported that Iron County was always the lowest county on a starting salary for their employees. This was just a baby step in the process and hopefully down the road Iron County would become comparable to the other entities throughout Utah.

Marilyn Woods reported that, as commissioners, they had to be responsible, and this was how the process began to form. Jennifer Bradbury noted that they all tried very hard to check all the boxes without being irresponsible with tax payers' dollars. Jon Whittaker noted that there was no inflationary component to the process. They were just trying to put the employees on a career path where they should be.

Michelle Tullis, a citizen of Iron County, asked if the commissioners could clarify why it had taken so long to implement a wage policy.

Paul Cozzens noted that these have been unprecedented times regarding inflation. Last year the commissioners approved a historic midyear budget adjustment, which had never happened in Iron County. Typically budget adjustments have to wait until the end of the year. This Step-In-Grade program had taken months to put together and was very complicated. In the private sector if prices rise, businesses can raise their prices, but government can only raise taxes. He noted that they did everything to not raise taxes. It was a very difficult balancing act to make this work

Marilyn Wood noted that we all needed to remember that the new Corrections Facility was another huge item on their plate that still needed to be moved forward. This was one reason that they did not increase wages at budget hearings the end of last year. The Corrections Facility was a large burden for them and she felt as though she was carrying weights on her shoulders. The county began losing employees and something had to be done. The correction facility still had to be built, but they had to take care of employees first.

Dan Jessen expressed his appreciation to the commissioners. He had heard many say that Jennifer Bradbury had one of the hardest jobs in Iron County. The other real hard job was the one held by the three individuals that make up the Iron County Commission. They were the ones that had to make the decisions and would be attacked from every direction. Iron County had some great department heads and some of their needs were critical and others were not. The Commission had to take all the input and answer to the public that may not understand the bulk or impact of the issues. Dan stated that being on a City Council and being a Commissioner were the hardest jobs in politics. Marilyn Wood expressed her appreciation to Dan for his comments and understanding. Paul Cozzens made a motion to approve the Step-In-Grade Implementation/County wide salary adjustments with applicable policy modification to incorporate Step-In-Grade verbiage, as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **PUBLIC COMMENTS**

Sheral Wicker, a citizen of Iron County, expressed her appreciation for all the commissioners do and appreciated all of them. She reported that she was a wife and mother to 6 children and everyone seemed to come to her to be their voice. She had quite a few people reach out to her saying they have nothing and were afraid to speak out in fear of retribution. Sheral wondered if an independent group or board that Iron County Employees could reach out to with their concerns without the fear of retribution could be created. It might be very helpful.

Jax Jensen, Enoch City Council, expressed his appreciation for the explanation on how the Step-In-Grade system worked, and he was still surprised this wasn't in place.

### **DISCUSSION AND POSSIBLE APPROVAL OF THE UTAH INDIGENT DEFENSE GRANT APPLICATION FOR THE 2023 FISCAL YEAR**

Shain Manuele, Iron County Defense Attorney, explained that the Grant Application had been submitted and approved to continue funding for an Administrative Public Defender shared with Beaver and Kane County, a Legal Administrator, and District Court Contracts. The addition of a Regional Social Worker contract to be shared with Beaver and Kane County had been tabled but remained on the list. Michael Bleak made a motion to approve the Utah Indigent Defense Grant Application for the 2023 Fiscal Year. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens expressed his appreciation to Shain for all work he had provided to Iron County and wished him good luck in Nevada.

### **PRESENTATION AND CLARIFYING THE MISSION AND PURPOSE OF CANYON CREEK SERVICES**

Kait Sorensen, Canyon Creek Services (CCS) Executive Director, explained that the CCS was a local nonprofit organization that had been incorporated in Cedar City in 1994. A group of dedicated community members and stakeholders came together to build a shelter for women and children fleeing domestic violence. She invited the commissioners to come to the facility to learn more about what they represent and who they help. Kait noted that on the behalf of the Canyon Creek Board and organization she had come to present a statement. "Canyon Creek Services was a non-profit organization that provides free, confidential and comprehensive services for survivors of domestic violence and sexual assault. Their mission was firmly rooted in creating communities free of domestic violence and/or sexual assault. CCS gratefully acknowledges the support we continually receive from individuals, public and private entities, and community allies who align with their vision in both financial and all other charitable needs. We could not

do this important work without this support. Their staff and volunteers strive daily to keep this vision alive in the valuable front-line work we do. It is an honor to do work that changes lives of others every day. Under Federal Tax Law 501c3 Non-Profit, which CCS qualifies as, cannot endorse or oppose candidates and therefore must remain neutral in this election. We also recognize the importance of civic engagement as well as the 1<sup>st</sup> Amendment Right to free speech. Therefore, we will turn our focus to serving the CCS mission, having already served over 700 survivors in this Fiscal Year. We welcome and appreciate the support from community leaders and candidates dedicated in making our beloved community free of domestic abuse and assault.”.

Mike Bleak noted that with his history of CCS, not only during his LE years, he also worked with the Ambulance Service and often responded to the center. He asked Kate if she could speak about the transformation of the Women’s Crisis Center into what they represent today. Kait explained that the agency was originally named the Canyon Creek Women’s Crisis Center, was a small house with only a couple of rooms and only served women. As the agency had grown through the decades and the needs of the community had evolved and changed, CCS had been able to take on additional responsibility to respond to an increase of different types of victimization. They now provide services to sexual assault victims, child abuse victims, regardless of gender, age, sexual orientation or any other identity. They work closely with the Children’s Justice Center, and deal with human trafficking. They were there to serve anyone that was a victim of violence or abuse. When there was a need in a community either with government or private entities the nonprofit steps up. One of the best programs they provide was their Prevention Program to help stop abuse before it happens.

Mike Bleak noted that it was important for the community to understand how much financial support comes from the county which was \$10K. He asked how that funding helped for leverage and making a difference. Kait reported that the program was funded just under \$2M/year. The \$10K did help leverage other funds. Their state and federal partners require them to report on how much the county and community supports them. They did not want to support a program when their community would not help. Paul Cozzens reported that when he was on the Cedar City Council the center used have to beg for funds. The City Council made a decision to include the center in their budget. He explained that Iron County would be receiving roughly \$120K per year for some time from the Opioid Settlement and some of those funds could be used for the CCS.

Jenny Hendriks, a member of the CCS Board, explained that even though she was a member of the CCS board she was not speaking on behalf of the board, but speaking for herself. Jenny noted that if there were funds available from the Opioid Settlement it would be deeply appreciated. She reported that the CCS was a vital service in Iron County and should have support of elected officials. Recently, even though CCS was strictly a non-political organization (as was also stated in their bylaws), it had been drawn into the political arena. Some of the staff members had been approached, bullied, and intimidated by an elected official, which was not appropriate. These people at the CCR were putting their heart, soul and everything they had into serving those vulnerable people in our community. The County Commission should be supporting them with everything possible. If organizations like this go away it falls to the county and municipalities. Just as a citizen, Jennifer asked if this organization and staff be left out of the political arena. If there was a problem, use the chain of command the organization had in place.

Sheral Wicker, a citizen of Iron County, noted that this problem was why something needed to be put in place to help people feel safe and not afraid of losing their jobs when they had a difference of opinion than the commissioners. These organizations have no room for anything political.

Paul Cozzens thanked everyone for their work in community and as a commission they looked forward to working and helping others.

**REVIEW AND POSSIBLE APPROVAL OF THE TAX SALE HELD ON THURSDAY, MAY 26, 2022**

Lucas Little, Iron County Deputy Auditor, reported that the annual tax sale bidding process handled by a company called Public Surplus. There were some issues with the bidders getting registered. The Auction ran smoothly after registration was complete. There were 68 properties on the tax sale list and, with the exception of one property, all sold for a total of \$571,783. Of that total \$647 surplus was given back to previous owners. Lucas explained that the reason for the one property not being sold was it was listed as “0” acres. That property would be placed on the List of Insignificant Property. Paul Cozzens made a motion to approve the May Tax Sale results held on May 26<sup>th</sup> as presented by Lucas Little. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE UTAH RURAL COUNTY GRANT PROGRAM (RPO) APPLICATION FOR FISCAL YEAR 2023 AS RECOMMENDED BY THE IRON COUNTY ECONOMIC DEVELOPMENT ADVISORY BOARD**

Danny Stewart, Iron County Economic Director, explained that this was a fairly new program that was adopted two years ago. Danny presented a brief history of the Utah Rural County Grant Program and a recap of the FY 2022 program. The Rural Planning Organization (RPO) was created by the Governor’s Office of Economic Opportunity to better address rural county needs in Utah. Prior to this program there were several rural programs but none of them really fit the needs of rural counties. An Iron County Economic Development Advisory Board was formed that met at least quarterly to discuss how best to utilize the grant program. The state was on a July 1 FY budget. Danny explained that the Iron County-Rural County Grant for FY22 had three projects/activity that were awarded for 2022. The grand funds awarded were required to have a 40% matching contribution for every project because Iron County was listed as 3<sup>rd</sup> Class. The first project was the Buxton 12-month subscription. This was an Analytics Program that had been extremely helpful and powerful for not only recruitment, but data available for tourism and airport to track is coming into the county and where they were coming from. In an attempt to recruit retail, it was helping retailers understand that Iron County does not fit the norm and the spending average was coming from 40 miles away. The second project was with the Business & Innovation Center-Operations & Seed Funding. Craig Isom, Economic Development Administration (EDA) Director, was running the next project of the EDA Entrepreneurship Ecosystem which was used to bolster Technology and Entrepreneur programs. This was the first year of a 3-year commitment. The last program was the Cedar City Historic Downtown Improvements for a Grant Fund & Match total of \$447,232K. Danny reported on the Iron County- Rural County Grant FY2023 Request. 1. Continuation of the EDA Entrepreneurship Ecosystem-Year-2, 2. Continuation of the Business & Innovation Center-Operations & Seed Funding, 3. Iron County Small Business Grant Program, and 4. Cedar City Historic Downtown TI Grant Program for a total of Grant Fund & Match of \$356K. Marilyn Wood expressed her appreciation for the Small Business Grant program. Mike Bleak reported that he attended the First of a speaker series held at the Innovation Center. The speaker was Jason Adams, President/CEO of BEX Sunglasses, and he spoke with him after the meeting. Jason noted that if he had had the resources available to him that was being offered at the Innovation Center it could have knocked years off his process. He reported that he could still use some of the resources available. Michael Bleak made a motion to approve the Utah Rural County Grant Program Application for FY 2023 as recommended by the Iron County Economic Development Advisory Board. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH PRECISION DEVELOPMENT FOR CONSTRUCTION OF THE NEWCASTLE FIRE STATION**

Lester Ross, Iron County Deputy Building/Zoning Official, reviewed the bidding process of a Request for Proposal (RFP). Paul Cozzens reported that this was in conjunction with what Dan Jessen reported regarding a lot of accusations during this political environment. Paul explained that he served on the Community Development Block Grant (CDBG) board and some of the criticism was that there had only been one bidder. Unfortunately, the environment now had many planners having to beg for just one bidder. Lester noted that that was his problem for many of the county projects and he was fortunate to get one bid. He explained that this RFP notice was placed on the State Public Notice site, the Iron County website, and sent out to anyone they could think of. An RFP was the most public and open forum for bidders. Lester reported that there were three qualified bids for the Newcastle Fire station: Precision Development Inc., Zwick Construction Company and Bud Mahas Construction Inc. There was a required pre-bidding meeting held for this RFP. Lester recommended the contract be awarded to Precision Development in the amount of \$867,334. He noted that the county had already purchased the building last year and the Corrections Work Crew would replace the fence. Paul Cozzens made a motion to award the contract to Precision Development for construction of the Newcastle Fire Station in the amount of \$867,334. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH GALE'S TOTAL LAWN CARE FOR THE IRON COUNTY FAIR GROUNDS SPRINKLER SYSTEM AND NEW SOD**

Lester Ross, Iron County Deputy Building/Zoning Official, reported that a RFP was sent out and only one bid was received. Lester recommended the contract be awarded to Gale's Total Lawn Care in the amount of \$65,947 for the Iron County Fairgrounds sprinkler system and new sod. Michael Bleak made a motion to award the contract to Gale's Total Lawn Care for the Iron County Fair Grounds sprinkler system and new sod in the amount of \$65,947. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE U.S. DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT (BLM) AND IRON COUNTY, CONCERNING PREPARATION OF AN ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED CEDAR CITY FIELD OFFICE EMERGENCY STABILIZATION AND REHABILITATION PROGRAM (ESRP) IN IRON AND BEAVER COUNTIES**

Paul Briggs, Cedar City BLM Field Manager, explained that part of his work in the Cedar City Field office was conducting activities such as seeding, chaining, weed control, erosion control and various other treatments to achieve emergency stabilization and rehabilitation of BLM administered lands following wildfire events. This MOU was in the spirit of cooperative consultation and collaborative public involvement to invite Iron County to become a Cooperating Agency for the duration of the EA process. Cooperating Agency status provided the opportunity for everyone to work together and to enhance the BLM's planning efforts. Michael Bleak made a motion to approve a MOU with the U.S. Department of Interior BLM and Iron County, concerning preparations of an Environmental Assessment for the proposed Cedar City Field Office ESRP in Iron and Beaver Counties. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PRESENTATION FROM THE UTAH SHAKESPEARE FESTIVAL**

Michael Bleak reported that as a result of the date change of the Commission Meeting, the Utah Shakespeare Festival could not present today and asked to be placed on the June 27<sup>th</sup> Agenda.

**DISCUSSION AND POSSIBLE APPROVAL FOR THE ENGINEER DEPARTMENT TO PURCHASE A NEW EXCAVATOR AND SELL A 2016 CAT EXCAVATOR**

Richard Wilson, Iron County Engineer, explained that he had been looking for a new excavator since October with no success. At this time there were 5 different machines to be considered. Richard reviewed the tabulation quotes with the commission and explained that the prices listed were based on balance due after selling the current excavator. and sale situation. Richard recommend the 2021 Case CX210DT4B and to place the 2016 CAT Excavator for sale on surplus. Paul Cozzens made motion a motion to approve the purchase of a new Century Case CX210DT4B excavator and to place the 2016 CAT Excavator on the surplus list. Second by Michael Bleak. Voting; Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RESOLUTION 2022-3, CLARIFYING THE NAME OF “WOOD RANCH RECREATIONAL AREA”**

Georgia Smith Johnson, representing Wood Ranch, explained that she had worked for 28 years to have the name corrected. Georgia presented a brief history of Wood Ranch. She requested that the name be established correctly as “Wood Ranch Recreational Area.” Marilyn Wood noted that her family was in this same Wood line and was pleased to have the name corrected. Michael Bleak made a motion to approve Resolution 2022-3, Clarifying the name of “Wood Ranch Reactional Area.” Second by Paul Cozzens. Voting; Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



# IRON COUNTY RESOLUTION 2022-3

A RESOLUTION CLARIFYING THE NAME OF “WOOD RANCH RECREATIONAL AREA.

**Whereas**, on August 16, 1956 Wourth and Velyn Wood conveyed certain land located in Section 18, Township 37 South, Range 9 West, Salt Lake Base and Meridian, to Iron County, Utah, a Body Politic. Said deeds were recorded in the office of Iron County Recorder as entries #109285 and #121650; and

**Whereas**, on January 8, 1982, Iron County Engineer, Ralph B. Platt, caused a plat entitled “Wood’s Ranch (and Vicinity)” to be filed in the office of the Iron County Recorder under entry #232653 regarding the same land; and

**Whereas**, Iron County has continuously operated and maintained and operated a recreational facility at said site from 1982 until present day; and

**Whereas**, some confusion as to the surname of the benefactors has arisen in both colloquial and official use of the recreational facility;

**Now Therefore**, be it hereby resolved by the Board of Iron County Commissioners that the name of the recreational facility located in Section 18, Township 37 South, Range 9 West, Salt Lake Base and Meridian henceforth be titled and named “Wood Ranch Recreational Area,” out of respect to the Wood Family and to be more accurate in signage and usage of the name.

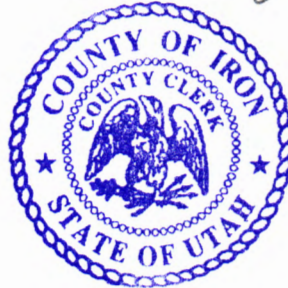
**RESOLVED, ADOPTED, AND ORDERED** this 13<sup>th</sup> day of June, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood, Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak       Aye    
Paul Cozzens         Aye    
Marilyn Wood         Aye  

## NON-DELEGATED ITEMS

No Non-Delegated were offered.

## ADJOURNMENT

Marilyn Wood, Iron County Commission Chair, declared adjournment.

Marilyn Wood  
Signed: Marilyn Wood, Chair

Jonathan T. Whittaker  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
JUNE 27, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. June 27, 2022  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Terry Palmer	County Building & Zoning
Stefanie Ward	County CJC Director
Richard Wilson	County Chief Engineer
Sam Woodall	County Deputy Attorney
Danny Stewart	County Economic Director
George Colson	County Emergency Management
Richard Wilson	County Engineer
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Mike Worthen	County Resource Director

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**INVOCATION**

An invocation was offered by Volney Morin.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by G’Ne Bartholomew.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment for June 13, 2022 to June 26, 2022. Second by Michael Bleak. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Terry Palmer, Iron County Building & Zoning**, reported that as of June 23<sup>rd</sup> there were a total of 333 permits issued; completed and excepted plan review on 368 projects compared to 319 in 2021; and 2,376 inspections completed compared to 1,918 in 2021. Current projects: Newcastle Fire Station, Iron County Fairgrounds landscape, Building Department Office remodel was now complete, Cedar City Senior Citizen Center-Cedar Valley Heating & Air and Marshall & Evans Electric had been working on the duct work for the exhaust fans which was completed on Thursday. Terry reported on the Totals for Unincorporated Area of Iron County as of May 2022: Building Permits-248 compared to 211 in 2021; Single Family Dwelling 129 compared to 84; Additions/Remodels 21 compared to 20; Accessory 48 compared to 60; Solar System 21 compared to 16; Misc./Electrical/Gas piping 26 compared to 29 and Commercial 3 compared to 2. Combined totals for Parowan City, Brian Head Town & Kanarrville Town (excluding Iron County Unincorporated Area’s): Building permits-54 compared to 39 in 2021; Single Family Dwelling 26 compared to 15; Additions/Remodels 3 compared to 9; Accessory 9 compared to 7; Solar system 2 compared to 2; Misc./Electrical/Gas Piping 9 compared to 4 and Commercial 5 compared to 2. Terry expressed his appreciation to the commissioners for the recent wage increase. Everyone in his department were very grateful.

**Richard Wilson, Iron County Engineer**, reported the Engineering Department had been very busy the last three months. Lund Hwy was now chip sealed and Richard expressed his appreciation to the Road Department for completing that work. Richard reported on projects with the Iron County Fairgrounds: waterlines were going in and there was a great coordination effort with the Road Department. Conduit and light poles were also up. He noted that there were two National Resources Conservation Service (NRCS) projects. One was Emergency Funding that had been signed in March. Seven projects were in the planning stages for Iron County which won’t begin until 2023. NRCS required engineered plans for each project that had been approved, and Bowen/Collins were selected for the projects. The kick-off meeting for the lower Coal Creek Study project was held and he was surprised that there were only 35 in attendance. All major channels had been inspected and all were in good order. In the next two weeks he would recheck those channels for buildup of silt, which was a constant concern. Richard noted that he wanted to be prepared for the monsoon season. KSL News reported on the sandbag preparation and featured George Colson and Paul Cozzens. Paul Cozzens explained that he

received a call on Saturday for a request for sandbags and there were not any available. He placed a notice on Facebook and notified his LDS Stake asking for anyone interested in helping. Approximately 30 showed up and they were able to fill 20 pallets with sandbags. Richard noted that as much as the county strives to prevent bank overflows others need to remember to clean out their own gutters where the channels get backed up, especially on driveway covers that got plugged. He reported that the department had all the easements and Rights of Way (ROW) to begin work on 4100 N. The issues were resolved concerning Dan Sherratt's property deed versus the property line. Paul Cozzens asked about work on 800 South Street in Cedar Valley. Richard reported that Bob Platt came to his office that morning and reviewed his proposals for cross-over channels on 800 S and he had not calculated a cost as of yet. Richard noted that making Crosscuts across 800 S, a minimum of 2 and determining if there was a need for two, was the best solution. They would begin west at the pump station and catch water runoff from East of Westview Drive. He would have to ask for special funding to begin the work this year because the cross channels were expensive and would exceed his current emergency flood budget. The Road Department did not have time to help so it would require the project to be performed by a third party. They would have to cut the road and take out the asphalt and replace it with concrete so that it would be sustainable. There was discussion about doing work by the home of Eric Holladay on a temporary basis to help ease the runoff this year. Bruce Anderson noted that it would require at least a 30-foot cross channel because of the severe slope of the road. Richard reported that he had been dealing with public roads by use. He, Reed Erickson, Sam Woodall, and Terry Palmer created a "Road Determination Criteria Check List." He noted that the Bureau of Land Management (BLM) was impressed with it and were going to begin implementing it. At the current time he had at least three feuding property owners who were pressing the issue of what or what was not open and why the roads could not be used. It was hard for the property owners to understand that the roads were public lands. This check list would provide continuity across the board and everyone would be treated the same. He had enjoyed working with the different entities and those with BLM and Forest Service and there was a friendly working relationship. Richard expressed his appreciation to the Commissioners.

**Bruce Anderson, Iron County Public Works Director**, reported on projects with the Road Department. As mentioned, chipping was completed on Lund Hwy, but it was not totally complete as there needed to be some shoulder work and a final coat of asphalt. The department was in the middle of skim patching and hauling chip seal, and continued to work on the Iron County Fairgrounds. They would be starting back with chipping on July 14<sup>th</sup> on the Parowan Gap, 4000 North between 2300 North Lund Hwy, 3900 West (3<sup>rd</sup> coat), Vandenberg Road (3<sup>rd</sup> coat), 7700 West (3<sup>rd</sup> coat), clean up Old Hwy 91 and chip, and the Bob Holt Road (3<sup>rd</sup> coat). All his employees were healthy and working hard. He had interviews on July 8<sup>th</sup> for 2 open positions. Bruce reported that his budget was on track, with the exception of dozers repair costs. The Bureau of Land Management (BLM) gave Iron County permission to stage gravel at the base of Kanarra Mountain. The gravel would be type 2 from the landfill that contained a little more clay and holds well.

Bruce reported on the Landfill. He reported that repermit was closer to being issued. Doug Hansen, Department of Environmental Quality (DEQ) Regulator, came to the landfill site for an inspection and noted that the repermit was sitting on the director's desk waiting to be signed. The landfill employees were all healthy and working hard. The budget was on track with exception of fuel and repairs on the dozer. The inspection of the Iron County, Parowan, Iron Springs and the Bulloch pits all passed. Bruce noted that the Enoch City collection truck broke down and he allowed them use of one of the landfill trucks. There continued to be a shortage of household garbage cans and he hoped they would arrive on Tuesday, as many customers had requested a new or additional can. They were scheduled to be delivered on June 1<sup>st</sup>. Wood chipping had gone well and they were able to resell the mulch. The mulch was \$35 a scoop or ton. Metal recycling was going well and was completed with approximately \$180K in revenue so far. Bruce reported that they were building new roads in both pits for more direct access. The Spring water samples came back good. He reported that the bids for the Loader were \$90K higher than anticipated at \$319K. The landfill had a record 2021 year and they were up again this

year. As an example Class 4 (Construction and Demolition) was 8,976.66 tons in 2021 and 13,374 tons for 2022 from January 1<sup>st</sup> through June 26<sup>th</sup>. Richard Wilson noted that there was a problem with the Hamilton Fort overpass. The expansion joint on the west side had opened up and he was working on a solution. Bruce noted that he was surprised that this was the county's responsibility and the gap was approximately 3" wide. He said that Leif Condie, who works for Sunroc and used to work for UDOT, was going to look at the opening to see what could be done. Richard Wilson reported that Leif was the bridge expert for UDOT. Bruce Anderson noted that it was broken off at the expansion joint but far enough over that it would not affect travel on the overpass. Bruce expressed his appreciation for the recent salary increases and the moral of the employees seemed to be much better and they were all very thankful.

**Michael Bleak, Iron County Commissioner**, expressed his appreciation to George Colson, Iron County Emergency Manager, for being on top of potential flooding and planning ahead for the monsoon season. Volunteers were ready from the communities, churches, and the Interfaith Council and were all on standby. He noted that the Primary Election was tomorrow, June 28<sup>th</sup>, and was glad that it would soon be over.

**Paul Cozzens, Iron County Commissioner**, had met last week with community partners regarding staging proper types of machinery at bridge locations in Cedar Valley to be able to pull debris out of the channels in the event of potential flooding. A spreadsheet was created and shared with the different entities and leaders that indicated the location of each machine if flooding occurred. It was an open spreadsheet and anyone was welcome to add to it. The spreadsheet also included who would operate the equipment at each site.

**Marilyn Wood, Iron County Commissioner**, reported that she attended the Bowen Collins Water Study on June 16<sup>th</sup>. The study reinforced that we were having the same issues as our forefathers had with the debris and silt coming down water channels. She had been invited to the Great American Sanpete Rodeo Royalty Pageant held on the 23<sup>rd</sup>. The pageant was very well ran and she expressed her appreciation to be able to attend representing Iron County. The Queen and her court would reign over the Lions Club Rodeo in September. Work was moving forward on the fairgrounds. Custom fencing panels were being put together for Wagon Wheel fencing at the entrances. Terry Palmer explained that Lester Ross met with the Fair Committee last Thursday to layout electrical pedestals for vendors and water locations on the fairgrounds, and the cost for materials for the fencing.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 (A-20) TO COMMERCIAL (C), LOCATED AT APPROXIMATELY 3100 S OLD HWY 91, BETWEEN I-15 & OLD HWY 91 SOUTH OF HAMILTON FORT, CEDAR CITY, UT, APPROXIMATELY 0.99 ACRES WITHIN THE SE¼ SECTION 36, T36S, R12W, SLB&M, IRON COUNTY, UT (APN: D-242)**

Reed Erickson, Iron County Planner, presented a brief explanation of the location of the property. The property was a continuation of a parcel that was previously approved for a zone change. It was on the Cedar City General Annexation Declaration Area and was slated to be natural open space. It had been determined by the Planning Commission that the parcel would not work well for residential use and commercial was the best use. He reported that there was no water or well infrastructure close, so they would have to be on septic. Reed explained that on commercial property, a water system had to be developed by the owner and that drainage must maintain historic flows and locations for entry and exit. There were concerns with commercial in front of property. There was good access from I-15 and Old Hwy 91.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open for a proposed Zone change regarding APN: D-2424. No Public comments were offered. Marilyn Wood declared the Public Comments closed.

Reed Erickson noted that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Re-zoning and recommended approval of the Zone change.

Michael Bleak made a motion to approve a proposed Zone Change regarding APN: D-0242, from Agriculture 20 Acres (A-20) to Commercial (C) as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO COMMERCIAL (C) LOCATED AT APPROXIMATELY 3586 S OLD HWY 91, BETWEEN 1-15 & OLD HWY 91, SOUTH OF HAMILTON FORT, CEDAR CITY, UT, APPROXIMATELY 1.16 ACRES WITHIN THE NW ¼ SECTION 1, T37D, R12W, SLB&M, IRON COUNTY, UT (APN: E-259-260)**

Reed Erickson, Iron County Planner, explained that this property was located further south on the corner of Rainbow Ranchos, between Rainbow Ranchos and Piute Tribal lands. As noted previously, the parcel would not work well for residential. There were concerns from residents not wanting commercial placed on the parcel because of increased traffic and parking in front of their property. There was an entrance to the subdivision off 3200 West and traffic flowed from 3400 South and the Piute lands. It was surrounded by R½ and A-20 zoned county properties. Public services were: Water by well; Sewage would be on septic; Fire flow/suppression would be determined through the subdivision/fire and Building Department; Transportation corridors would be off Old Hwy 91. Entrance and north side; Drainage must be maintained by historic flows and locations for entry and exit. Marilyn Wood noted that when she attended the planning commission meeting there were residents that were concerned with semis parking along the road in front of their property. She asked if there were any solutions to those concerns or if there was a possibility of using it as a parking lot? Reed reported that a meeting was planned with the sheriff and road department about monitoring the semis parking along the road. He could also ask the Piute Tribe to consider a parking lot while they were working on an extension of their truck stop. Paul Terry, project supervisor, had been good to work with and Reed would contact him with those concerns. Richard Wilson reported that he had received an encroachment permit request from the Piute Tribe to pave across from their facility, West of Hwy 91, for truck parking and the ability to turn in and out. Reed noted that the Piute Tribe could use the property east of the facility for parking also. Richard reported that the Piute Tribe had planned to pave 250 feet on both sides of Hwy 91 to get the trucks out of the road. Reed noted that they needed to keep the trucks out of the Right of Way.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed zone change. No Public Comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Re-zoning, based on review and findings, recommended approval of the Zone change. Paul Cozzens made a motion to approve a proposed zone change from Agriculture 20 acres (A-20) to Commercial (C) regarding APN: E-259-260 as presented by Reed Erickson, and for consideration to include the strip of land owned by the Piute Tribe to keep the change continuous. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED PRELIMINARY PLAT – THE PARKS AT DEER HOLLOW, PHASE 2B SUBDIVISION – 23 LOTS LOCATED NEAR 1700 WEST MIDVALLEY ROAD, CEDAR CITY, UT APPROXIMATELY 8.09 ACRES WITHIN THE NW ¼ NW ¼ SECTION 15, T35S, R11W SLB&M, IRON COUNTY, UTAH (APN: D-582-4)**

Reed Erickson, Iron County Planner, explained that a master plan for the Parks at Deer Hollow Subdivision had been previously presented. The layout of the subdivision was the same as it was proposed to planning commission. Reed noted that based on the concerns brought before the planning commission the applicant, Keystone Developers, Inc., had revised a section along the front. It was previously proposed to be 12 lots and would have 2 Townhouse buildings of 4 units each, which was in conformance with the new Iron County Townhouse Ordinance.

The neighbors did not agree that the townhouses were going to be conducive to their neighborhood. The applicant took those concerns into consideration and revised the application to now be 5 single family lots. The townhouses would be included in the building phase behind the Elementary School. Reed explained that a revision was allowed as a preliminary plat and not on a final plat.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Preliminary Plat (APN: D-582-4). No Public Comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Planning Commission had reviewed 16.12.100 – Preliminary subdivision plat approval – Procedures, and after review and findings, recommended approval for the proposed Preliminary Plat regarding APN: D-582-4. Michael Bleak made a motion to approve proposed Preliminary Plat – The Parks at Deer Hollow, Phase 2B Subdivision - 23 Lots as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONING ORDINANCE AMENDMENT, ORDINANCE 2022-3, IRON COUNTY CODE SECTION 17.40.020-CONSTRUCTION IN FLOOD CHANNELS**

Reed Erickson, Iron County Planner, explained that Iron County Ordinance 2022-3 was an amendment to Section 17.40.020 –Construction in flood channels to update verbiage. Reed explained that it would now read “No building or structure (except those constructed for flood control purposes by a governmental agency) shall be constructed within a flood channel. Structure and building setback along and around established flood channels shall be in accordance with the most currently adopted Iron County Flood Channel Setback Standards, approve by Resolution.”

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding Ordinance 2022-3. No Public Comments were offered. Marilyn declared the Public Hearing closed.

Paul Cozzens made a motion to approve the Zoning Ordinance Amendment, Ordinance 2022-3 Section 17.40.020 - Construction in Flood Channels, as presented. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY ORDINANCE 2022-3**

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING SECTION 17.40.020 – CONSTRUCTION IN FLOOD CHANNELS, AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, the Board of Iron County Commissioners has determined that in order to best protect property and respond to flood emergencies there should be established an appropriate setback standard for all buildings and structures along and around established flood channels in the unincorporated lands of Iron County; and

**Whereas**, the Iron County Commission finds it promotes the general welfare of the citizens of Iron County by adopting the new Iron County Flood Channel Setback Standards to further the orderly and efficient development of property in Iron 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 amend the following ordinances; and

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendment 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, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** Within **Section 17.16.030 – Table of Uses**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.40.020 - Construction in flood channels.**

No building or structure (except those constructed for flood control purposes by a governmental agency) shall be constructed within a flood channel. Structure and building setbacks along and around established flood channels shall be in accordance with the most currently adopted “Iron County Flood Channel Setback Standards, approved by Resolution, or within one hundred feet from the banks of a flood channel.

**SECTION 2. 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 3. 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 4. Effective Date.**

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

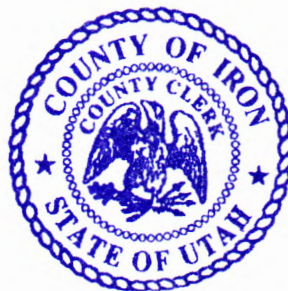
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 27<sup>th</sup> day of June, 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood, Chair

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – County Clerk.



VOTING:

Michael Bleak        Aye    
Paul Cozzens         Aye    
Marilyn Wood         Aye



**DISCUSSION AND POSSIBLE APPROVAL OF A MANAGING PUBLIC DEFENDER POSITION, 2 YEAR PUBLIC DEFENDER POSITION, AND 1 YEAR GRANT FUNDED PUBLIC DEFENDER POSITION, EFFECTIVE JULY 1, 2022**

Jennifer Bradbury, HR Director, spoke on behalf of Shain Manuele due to him being called into court. Jennifer expressed her appreciation for the service that Shain had given Iron County and wished him well. Jennifer Bradbury presented Candace Reid as the new contracted Managing Public Defender effective July 1<sup>st</sup>, noting that her contract was 99% grant funded. Jennifer presented Clifford Garvett as the new 2-year contracted Public Defender, and Peter Stack as the new 1-year grant funded Public Defender contract. Effective dates were pending for either July 1<sup>st</sup> or August 1<sup>st</sup>. Michael Bleak made a motion to approve the personnel changes in the Attorneys Office as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

Volney Morin, a citizen of Iron County, explained that he was the Chairman of the Iron County Republican Party but that his comments today were his own and not sanctioned nor authorized by the Iron County Republican Party. Mr. Morin reported that close to 52 years ago he had taken an oath to defend the U.S. Constitution. He noted that he was concerned with the action recently taken by President Biden with the Bipartisan Safer Communities Act (S2938) signed into law on June 25th. Mr. Morin presented the commissioners with a written “Proposed Resolution regarding such Act and to hereby censure Utah Senator Mitt Romney for supporting S2938.

**DISCUSSION AND POSSIBLE APPROVAL OF A RIGHT-OF-WAY (ROW) EASEMENT FROM IRON COUNTY TO APPALOOSA SOLAR I, LLC FOR AN OVERHEAD POWER LINE ACROSS LUND HIGHWAY ASSOCIATED WITH THE APPALOOSA SOLAR I UTILITY SCALE POWER PLANT**

Reed Erickson, Iron County Planner, gave a brief description of the location of the new Appaloosa Solar plant that included a new substation, and where the power line crossed. There was an Encroachment Permit issued, which would generally handle the ROW. This easement was to provide a written document that assured investors that they did have an easement of record.

Richard Wilson, Iron County Chief Engineer, explained that Appaloosa Solar I was in the same location and the ROW Easement was to satisfy investors that they would not lose the easement right to cross Lund Hwy as explained by Reed Erickson. Paul Cozzens made a motion to approve a ROW Easement from Iron County to Appaloosa solar I, LLC for an overhead power line across Lund Hwy associated with the Appaloosa Solar I Utility Scale Power Plant. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR A UTILITY EASEMENT FROM IRON COUNTY TO PAROWAN CITY FOR A WATER LINE NEAR A GRAVEL PIT NEAR 300 EAST, PAROWAN, SOUTH SIDE OF THE ROAD, LOCATED IN SECTION 13 T34S, R9W, SLB&M, IRON COUNTY UTAH**

Richard Wilson, Iron County Chief Engineer, explained that for Parowan to extend a water line they required an easement. The water line would be placed under the roadway for access and it was being financed by the landowner. Richard reported that there were two easement documents, one for the Parowan City and another granted to Iron County from the landowner for a required fire hydrant. Michael Bleak made a motion to approve a utility easement from Iron County to Parowan City for a water line near a gravel pit near 300 East, Parowan, along the south side of the road as presented by Richard Wilson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A UTAH OUTDOOR RECREATION GRANT FOR CEDAR CITY MOUNTAIN WINTER RECREATION PARKING PROJECT ON HIGHWAY 14**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that the Cedar Mountain Winter Recreation Project was needed to improve recreation visitor safety by providing safe ingress and egress to and from two locations off Scenic Hwy 14. This project would improve access and safe travel with construction of turning lanes, vehicle parking and pedestrian movement in this winter recreation area. The application was a joint grant and funding effort by Iron County, Kane County, Dixie National Forest, Utah Outdoor Recreation Office, and Utah Department of Transportation. Mike noted that Iron County would provide funding through the Tourism Bureau and equipment to assist in turning lane preparations. Paul Cozzens made a motion to approve a Utah Outdoor Recreation Grant for Cedar City Mountain Winter Recreation Parking Project on Highway 14. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A MID-YEAR MODIFICATION TO THE MILEAGE REIMBURSEMENT**

Dan Jessen, Iron County Auditor, (via telephone) explained that due to increased gas prices, the Internal Revenue Service (IRS) had updated and increased their mileage reimbursement by 0.04 cents across the board, to 62.5 cents. Dan proposed a mid-year modification to the Iron County mileage reimbursement to match the IRS increase to 62.5 cents if there was not a county vehicle available and 29 cents if an employee chose to use their own vehicle when a county vehicle was available. Michael Bleak made a motion to approve a mid-year modification to the mileage reimbursement as presented by Dan Jessen. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**REVIEW OF THE IRON COUNTY FEE SCHEDULE**

Dan Jessen, Iron County Auditor, explained that each individual department had their own fees but they were not kept in one place or document, and were not yet posted. External auditors Kimball & Roberts would be reporting at a later date on their findings on the audit report. Iron County fees should be reviewed, approved, and posted by the county commission. Dan would analyze the existing fees to insure that they were reasonable and accurate. The fees should be listed in one document that was available to the public on the Iron County website. His office would show how fees were created and show analysis and logical reasons and justification for fees. Dan expressed his appreciation Jon Whittaker and Merilee Wilson in the Clerk's Office for taking this project on.

Merilee Wilson, Iron County Deputy Clerk, explained that Jon Whittaker had asked her to contact other counties for their fee schedules for comparison and found that not all counties charge fees in the same way. Merilee noted that she recently reached out to each Iron County Department for a list of fees that were currently being charged. The Iron County Fee Schedule presented was the current list as of June 23<sup>rd</sup>. She would send a copy to each department for review.

**RESOLUTION 2022-4, A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY NOTIFYING PAROWAN CITY THAT THE COUNTY LEGISLATIVE BODY IS NOT SEEKING TO IMPOSE A TAX UNDER CODE §59-12-17, ET. SEQ**

Jon Whittaker, Iron County Clerk, explained that on June 23<sup>rd</sup>, Parowan City passed a resolution notifying the Iron County Commission of Parowan City's intent to submit an opinion question to city voters as to whether the city should impose a citywide Recreation, Arts and Parks (RAP) tax. Resolution 2022-4 states that Iron County was not seeking to impose a tax under Part 7, county Option funding for Botanical, Cultural, Recreational, and Zoological Organizations or facilities, of Chapter 12, Title 59. Jon explained that Parowan City would be free to submit an opinion question to its voters regarding the imposition of Parowan City "RAP" tax if Iron County expressed by resolution that they would not pursue a RAP tax. Paul Cozzens

made a motion to approve Resolution 2022-4, a Resolution of the County Legislative Body of Iron County notifying Parowan City that the County Legislative Body is not seeking to impose a tax under Code §59-12-70. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### IRON COUNTY RESOLUTION 2022-4

A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY NOTIFYING PAROWAN CITY THAT THE COUNTY LEGISLATIVE BODY IS NOT SEEKING TO IMPOSE A TAX UNDER UTAH CODE §59-12-701, ET. SEQ.

**Whereas**, Utah Code Annotated § 59-12-1401, et. seq. Authorizes a city to submit an opinion question to its voters as to whether or not the city should impose a local sales and use tax of 0.1 percent on authorized transactions to fund cultural, recreational, and zoological facilities, and botanical, cultural, and zoological organizations in the city (commonly referred to as a “RAP tax” only if the County will not be seeking to impose a tax under Part 7 of the code; and

**Whereas**, Parowan City on June 23, 2022, passed a resolution notifying the Iron County Commission of Parowan City’s intent to submit an opinion question to City voters as to whether the City should impose a citywide “RAP” tax.

**NOW THEREFORE, BE IT RESOLVED**, by the County Commission legislative body of Iron County as follows:

1. The County Legislative Body of Iron County is not seeking to impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, of Chapter 12, Title 59 (Utah Code Annotated §59-12-701, et. Seq.)
2. Parowan City is free to submit an opinion question to its voters regarding the imposition of Parowan City “RAP” tax.
3. This Resolution shall take effect immediately upon its adoption.

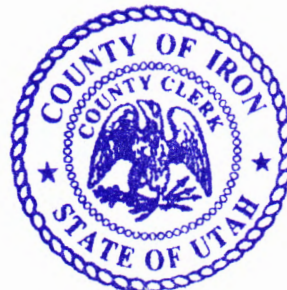
Passed and Adopted by the County Legislative body of Iron County, State of Utah, on this 27<sup>th</sup> day of June, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood – Chair

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak	<u>  Aye  </u>
Paul Cozzens	<u>  Aye  </u>
Marilyn Wood	<u>  Aye  </u>

**RESOLUTION 2022-5, ADOPTION OF A NATURAL HAZARD MITIGATION PLAN**

George Colson, Iron County Emergency Management Manager, explained that every five years, the 5 County Association of Governments (Five County) was required to forward a Natural Hazard Mitigation Plan report to FEMA from the counties in their jurisdiction. This plan was completed and would be for the 2022-2027 years. Pages 369-505 were relevant to Iron County. Once the plan was adopted it would be forwarded to FEMA and Iron County would become eligible for FEMA funds. Michael Bleak made a motion to approve Resolution 2022-5 Adoption of the 2022-2027 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan as presented by George Colson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY RESOLUTION 2022-5**

A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING THE 2022 FIVE COUNTY ASSOCIATION OF GOVERNMENTS MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN.

**Whereas**, the Iron County recognizes the threat that natural hazards pose to people and property within community name; and

**Whereas**, Iron County has prepared a multi-hazard mitigation plan, hereby known as the 2022 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

**Whereas**, the 2022 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Iron County from the impacts of future hazards and disasters; and

**Whereas**, adoption by Iron County demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the 2022 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan.

**Now Therefore**, be it resolved by the Board of Iron County Commissioners, that: In accordance with local rule for adopting resolutions, Iron County adopts the 2022 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan.

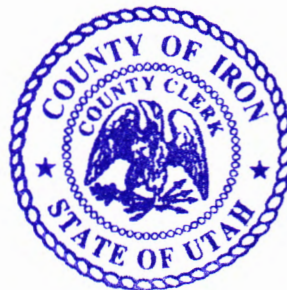
**RESOLVED, ADOPTED, AND ORDERED** this 27<sup>th</sup> day of June, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood - Chair

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker - Iron County Clerk



Michael P. Bleak       Aye    
Paul Cozzens         Aye    
Marilyn Wood         Aye

## **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Caitlyn Lace as a Full-Time Medical Technician Deputy 1 in Corrections effective June 27<sup>th</sup>. This was a backfill of a vacant position; the re-hire of Clayton Smith as a Full-Time Deputy 1 in Corrections, effective date July 10<sup>th</sup>. Paul Cozzens made a motion to approve the personnel changes as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **MISSION STATEMENT AND PURPOSE FROM THE IRON COUNTY CHILDREN'S JUSTICE CENTER (CJC) FRIENDS'S BOARD**

Cheyenne Tullis, Vice President of the Friends of the Iron County CJC Board, read "The Friends Board of the Iron County CJC was established and organized for the purpose of fostering and assisting the Iron County CJC in the implementation of a comprehensive, multi-disciplinary, non-profit, intergovernmental response to sexual abuse and physical abuse of children, including all other types abuse. The purpose of the Friends Board was exclusively charitable and educational in nature. The Friends Board greatly acknowledges the support that they continually receive from individuals, public and private entities, and community allies who align with their vision both financial and all other charitable needs. They could not do this important work without this support. The staff and volunteers strive daily to keep this vision alive in the valuable front-line work we do. It is an honor to do work that changes lives of others every day. The Friends Board was a non-profit corporation that operates under the 501(c)3 tax exemption status and had the right to engage in all lawful transactions to which a non-profit corporation, organized under the laws of the State of Utah that they were entitled to. Under Federal Tax Law 501(c)3 Non-Profit, which CJC qualifies as, cannot endorse or oppose candidates and therefore must remain neutral in this election. We also recognize the importance of civic engagement as well as the 1<sup>st</sup> Amendment Right to free speech. Therefore, we will turn our focus our attention to serving the CJC mission. We welcome and appreciate the support from community leaders and candidates dedicated in making our beloved community free of domestic abuse and assault."

Stephanie Ward, Iron County CJC Director, reported that the CJC had been serving Iron County for 20 years. Stephanie detailed some of the history of the Utah CJC Program and in Iron, Kane, Beaver, and Garfield Counties. The Cedar City CJC was on land donated by IHC near the old hospital on the East side of Cedar City. The structure was donated and moved from Northfield Road. A basement was poured which provided additional space, but now, the structure had become too small. Kane County had had a CJC presence for 8 years and recently opened a new location. The Beaver County CJC had been serving young victims for 8 years also. 2014 was a busy year for Stephanie and her staff, expanding to Kane and Beaver counties. A key part of their mission was to provide the same resources for children in rural areas as are available along the Wasatch Front. These facilities were examples of cooperative efforts and incredible generosity in time, money, and property. Garfield was the last county in Utah to benefit from a CJC, which was remarkable. Other neighboring states have just a handful of Childrens' Advocacy operations statewide. The entire program demonstrates a commitment from legislators, communities, local leaders, and professionals to helping ensure a safe place for children's voices to be heard. CJC's also help meet the needs of families in very difficult times. Stephanie is the Director over all 4 of these counties. She explained that having a CJC was mandated and funded by the State of Utah. It was important to be fiscally responsible with the funding, which came from the State and to the counties. These funds ultimately came from the Victims of Crime Act (VOCA). The Garfield County CJC opened in 2020 at a temporary location. Stephanie continued to serve as parent over the 3 satellite offices as well as Iron County. She noted that the State of Utah chose to set up these rural CJC's in this was to achieve a cost savings by having only one director. This allows the administrative, grant, and coordinating efforts to be consolidated. Funding for CJC's is provided by the State Attorney General's Office (AG's Office) and is distributed to counties. Under Director Tracy Talbot, the AG's Office oversees CJC's in the State of Utah. These appropriations are received each July and is about \$198K. The AG's Office contracts with each of the counties to operate a CJC. No

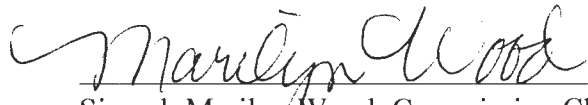
direct Iron County tax dollars are provided to the CJC, but “soft costs” such as telephone, internet, oversight, administration, etc. are provided as “in kind” donations. The operational expenses are paid by the State of Utah as a pass through Iron County. Through grants and partnerships, the CJC was able to provide free mental and medical care. Most grants are part of VOCA and provide for travel and training for advocates. Ultimately, VOCA grants are not funded by taxpayer dollars, but from federal fines paid. Funding also comes from grants from Cities, and the National Childrens Alliance. The Friends of the Iron County CJC Board was a 501(c) 3 charitable organization that helps with needs outside of usual expenses, such as appliance maintenance, new building acquisition, etc. Ultimately the CJC continues to be successful because of the tremendous team that each plays their part. So often, child abuse is not committed at the hands of strangers, it is someone close. Often, a relative. It a recent anonymous study, 46% of children had contemplated suicide. It was critical to provide a safe environment to gather evidence, and help the victims understand that their abuse doesn’t define them. Today, the child victim only has to talk to about 3 people. In the past, it was as many as 15, essentially revictimizing them. The CJC is set up to look and feel like a home.

**NON-DELEGATED ITEMS**


No Non-Delegated items were discussed.

**ADJOURNMENT**

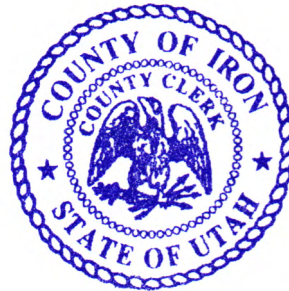
Marilyn Wood, Iron County Commission Chair, declared adjournment.



Signed: Marilyn Wood, Commission Chair



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
JULY 11, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. July 11, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Chad Dotson	County Attorney
Dan Jessen	County Auditor
Lester Ross	County Deputy Building & Zoning
Sam Woodall	County Deputy Attorney
Susan Blackner	County Fair Director
Ryan Riddle	County Fire Marshall
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Kenneth Carpenter	County Sheriff
Dennis Johnson	County Television Specialist
Nicole Rosenberg	County Treasurer

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**INVOCATION**

An invocation was offered by David Burton.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held June 14, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT FROM**

Paul Cozzens made a motion to approve Claims for Payment for June 28, 2022 to July 10, 2022. Second by Michael Bleak. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Susan Blackner, Iron County Fair Director**, reported that she and Joyce Evans had been meeting and discussing all things related to the Iron County Fair. Susan noted that the improvements at the fairgrounds continued to progress. A concert venue was the newest addition to the fair and she was anxious to see how it turns out. She reported that with increasing gas prices she hoped more people would stay closer to home and attend the fair. Sponsorships were the same as 2021 and they were able to lower the cost for the parking lot lights. One concern was the price of seating whether keeping entrance fee at \$12 or increase the price for reserved seating.

**Ryan Riddle, Iron County Fire Warden**, presented an overview of points of interest from July 2021 through July 2022. **Flooding & Fire:** During the 2021 monsoonal flooding that caused so many problems throughout Iron County last year, the Fire Department continued to respond to numerous wildfires, averaging between 3 and 5 small fires caused by lightning each day throughout the county. When there were not working lightning strike fires they assisted where they could with flooding. This included assisting with a derailed train west of Cedar City and also responding and assisting with rescue when flooding surged the I-15 surface and washed cars into the flood channel, pumped basements, storm drains, filled and delivered sandbags. **Fuels reduction/Management:** Ryan reported that the Fire Department completed 10 acres of cut/burn on county owned property in Cedar Highlands; completed 20 acre shaded fuel break/pile burn on private property in Red Canyon; assisted county roads with mowing operations throughout Iron County; coordinated a fall mowing campaign with the Utah Department of Transportation (UDOT) on state rights of way; burned large community piles from Kanarraville and Old Iron Town; completed prescribed fire pile burns on 282 acres of private land throughout the county; coordinated 1,700 acres of prescribed fire on Bureau of Land Management (BLM) administered land in Cedar Highlands; continued work on shaded fuel breaks in Red Canyon and Cedar Highlands; 66 burn permits were issued from October 1<sup>st</sup> through November 15<sup>th</sup> with over 600 acres burned by private landowners; 8 burn permits were issued from November 15<sup>th</sup> through December 31<sup>st</sup> with over 200 acres burned by private landowners; 3 burn permits were issued from January 1<sup>st</sup> through March 1<sup>st</sup> with over 40 acres



burned by private landowners and 2984 burn permits were issued from March 1<sup>st</sup> through May 15<sup>th</sup> with nearly 1,000 acres burned by private land owners. Fire prevention/Education: Ryan reported that the Fire Department continued prevention sign placement in high risk/problem areas. The Iron County sign shop had saved them a tremendous amount of money in signs. Iron County solid waste billings, utilizing Participating Commitment (PC) funding to pay for billing and adding a prevention message to the back of the billing; Utah Summer Games messaging on the mega screen; Iron County School partnership with Life Safety Week with all 2<sup>nd</sup> graders in Iron County; public media points, including websites, social media and news releases; radio ads; electronic message boards placed in seven strategic location countywide and parades and public events when staffing allowed. He reported that the Fire Department had completed training with two basic wildlife classes (23 attendees), 5 wildfire refresher courses (147 attendees), 1 wildfire power-saw course (12 attendees), 1 fire operations in the wildland urban interface course (15 attendees), and 1 basic air operations course (10 attendees). Ryan reported that the Operating budget was at 80% remaining and the PC budget was at 92.42% remaining. Grant update: He requested a \$760,095 from the FEMA Assistance to Firefighter Grant for the Beryl Fire Department Tender/Engine and anticipated hearing from them soon. The \$350K request from the CDBG for the Newcastle Fire Department Fire Engine was denied due to the station funding and would re-apply in the fall. The \$53,045.90 request from the Gary Sinise Foundation for the Newcastle Fire Department Extrication/rescue equipment was denied and they would re-apply in the fall. The \$12,078 requested from Firehouse Subs for the Beryl Fire Department Automated External Defibrillator (AED) was denied because he applied too quickly after the Sheriff's Office received funds and would re-apply at a later date. The \$4,972 requested from the Utah Firefighter License Plate Grant for the Newcastle and Beryl Fire Departments was successful and completed, and \$19,505 requested from the Utah Assistance to Firefighter Grant for Newcastle and Beryl Fire Departments was successful and was in progress. Equipment: Ryan reported that all but three of the excess vehicles in Beryl and Newcastle had been processed and sold through the county bid system. Beryl had a recycled Sheriff's Office pickup that was being utilized as a command/utility vehicle. He expressed his appreciation to the Fleet Department for repairing the front line wildland truck and helping with minor repairs and maintenance. Newcastle was able to purchase their replacement extrication/rescue equipment and was anxiously awaiting the completion of their fire station. Cedar City Fire Department had ordered their tender/engine and planned to take delivery late in 2023 and was seeking funding for an additional station in Cedar City and Enoch. Parowan Fire Department was awaiting the arrival of an excess heavy engine that Ryan was able to acquire through a state/federal program free of charge. Kanarraville was working to start building a new fire station and acquire a newer truck that they could use as a rescue truck to help out on the south end of Iron County. Brian Head had ordered a new water tender and should have it by next summer. Paragonah was working on additional fuels mitigation efforts in their community after a quick moving fire burned a structure in their town a few years ago. He took delivery of an excess state heavy engine that was staffed and in service and the track hoe was delivered and he was waiting for Wheeler Machinery to get it prepped and delivered. Personnel: Ryan reported that they continue to see a sharp decline in firefighter volunteers in the country. Beryl was able to recruit a few new volunteers, but the department was still far below where they need to be. This decline was very serious and Ryan was committed to continue to work with the Iron County Commission for solutions. He had adopted Lexipol as the Policy and Procedure provider for Iron County and was working to get it implemented as soon as possible. Ryan noted that Lucas Twitchell had accepted Career Mobility behind him as the new Iron County Fire Warden. Ryan had accepted the Southwest Area Fire Management Officer position, replacing Mike Melton. Mike Melton had accepted the State Aviation Manager position working for the state office. Fire: Since July 11, 2021 the Fire Department had responded to 81 wildfires that had burned 97.26 acres. Total suppression costs for those fires were currently estimated at \$279K (combined expenses paid by the state and federal agencies). The recent Kanarraville fire was started by an individual using a metal cutting saw. A citation was issued for the act during fire restrictions. Ground and aerial resources were used to prevent the fire from spreading. Lightning was the #1 cause of fire in Iron County. Human caused fires continued to

decline, with equipment floating to the top cause (vehicle fires, dragging chains, etc.). He had been working at the state level to address the trend. Ryan reported that the partnership with UDOT and mowing practices were helping with those ignitions, and definitely reducing the number of resources needed to control those fires along the roadsides, and Iron County was best in the state. Issues: The Fire Department continued to have ongoing issues with equipment storage and maintenance facilities. Maintenance and mechanic services would eventually be turned over to the Fleet Department. The drought continued which resulted in the ongoing extreme fire season. Conditions were the worst they have ever been. He noted that there needed to be a discussion for a creation of fire districts and work to improve fire service capabilities countywide, especially staffing and long term planning. Needs: Ryan reported that he would have to work through the budget to replace a failing air conditioner at the fire building, and to purchase a one-ton or  $\frac{3}{4}$  ton truck to support the track-hoe, fuels projects and fire suppression support.

**Dennis Johnson, Iron County Television Specialist,** reported that things were running smoothly. There was a lightning strike at Frisco Peak that had damaged the generator. Dennis noted that all the television licenses were due to be renewed this year. There were approximately 70 licenses that were renewed. He reported on projects that were in progress. He continued trying to get the snow-cat repaired from last year, and had received the parts last week. He was replacing UHF Filters in Summit and Cedar City. Power was marginal and sites would occasionally lose signal. Dennis noted that he still received calls for new antennas because cable and satellite bills were so high and find that using the free over air television that may be in conjunction with streaming would save them at least \$100 per month.

**Michael Bleak, Iron County Commissioner,** reported that he had worked with fire issues, which Ryan Riddle covered in his report. Mike reported that the recent drowning in the Newcastle Reservoir, as well as some other issues required a dive team the last few years. Brian Head Public Safety has a certified rescue dive team and were looking to expand the dive team with man power and resources. They hoped to collaborate with other safety agencies in Iron County. When the process got further down the road they would be looking to purchase a boat and sonar. He noted that Jeff Morgan, Commander of the Brian Head Dive Team, was one of the best rescue divers in the country. Mike reported that planning for the Cedar City Airport open house and air show was moving forward. There was a poll conducted recently that showed most of the population in Iron County did not realize that they could catch a flight at the Cedar City Airport, so the open house would help bring more recognition to them. Utah Shakespeare Festival was offering half-price tickets on Monday, Tuesday, Wednesday, and Thursdays for local residents. Mike reported that Iron County Commission contributed money to the Big Chamber, a new organization which was a chamber of commerce for unincorporated areas and smaller towns in Iron and surrounding counties. The board for the Big Chamber had been established, and the non-profit 501(c)3 had been submitted and approved. All the paper work had been submitted and the Big Chamber was up and running. Commissioner Jerry Taylor of Garfield County had been a driving force to make the Big Chamber work.

**Paul Cozzens, Iron County Commissioner,** reported that he had been working on water conservation policies. He put in a recirculating pump in his home for hot heater, which provided hot water in only 10 seconds, saving water that would otherwise be wasted while water from the water heater gets to the faucet. Paul had stayed in vacation rentals that 3 or 4 minutes for the hot water to get to the faucet, wasting water. He inquired of Cedar City Mayor Garth Green, who had been in the plumbing business for 30 years, about conservation. This resulted in a meeting being scheduled on July 12<sup>th</sup> at 8:00 a.m. in the Cedar City Council Chambers to discuss water conservation. Paul Cozzens had also spoken with Tyler Melling, who was on the Cedar City council, and who had researched outdoor conservation and xeriscaping. Tyler was scheduled to take about 20 minutes during said meeting. As mentioned, they would discuss water wise fixtures, appliances, and upgrades. Some jurisdictions incentivize water saving measures on new construction, providing discounts on water rates and impact fees. Community leaders and elected officials had been invited to the meeting. Also, Cedar City had been working with a company to drill 9 new, exploratory wells for water, seeking water in yet untapped geology to relieve

pressure on existing aquifers. It had been 10 years since a new well had been drilled in the Cedar basin.

**Marilyn Wood, Iron County Commissioner**, commended Beth and Chris Stephenson and the community for putting together a wonderful, historic, patriotic parade for Cedar City on July 4<sup>th</sup>. Marilyn and her husband Matt had been working to build ranch entrances for the fairgrounds. This was a tremendous effort, which included, custom welded fence made of iron wheels, and beams above the entrances. She and Commissioner Cozzens had attended the Iron County Coordinating Council meeting (ICCC) in Brian Head. The Commissioners, Attorney's Office, Sheriff Carpenter and Clerk's Office staff had met with a group of citizens regarding elections. Marilyn expressed support for and confidence in the Clerk's Office and their execution of elections. However, she noted that if there were any area that could be improved, or that was a concern, it should be addressed. Jon Whittaker noted that concerned citizens could attend the Logic and Accuracy test before each election and the Post-Election Audit held after each election.

**PRESENTATION BY THE JAIL SELECTION COMMITTEE, BIG-D CONSTRUCTION, AND LAYTON CONSTRUCTION REGARDING THE SELECTION OF A CONTRACTOR FOR THE CONSTRUCTION OF A PLANNED IRON COUNTY JAIL**

Dan Jessen, Iron County Auditor, explained that originally 5 bids were submitted, then the Jail Selection Committee reviewed the bids and narrowed the field down to Big-D Construction and Layton Construction. Both companies had vast experience in the construction of correctional facilities. In the meeting, each company would be given 15 minutes to make their presentation to the commissioners, then the Jail Selection Committee will meet at a later date to consider the companies and their presentations. At the next Iron County Commission meeting, the Jail Selection Committee would then make their recommendation to the commissioners. In case the public wondered why Iron County was selecting a contractor for the planned Iron County Jail so early in the process, Dan explained that the contractor would not only build the Jail, but also be integral to the design and sourcing of key parts. In this case the company would be not only the contractor, but what is referred to as the Construction Manager/General Contractor (CM/GC). The CM/GC during the design process to provide constructability input. During the design phase, the construction manager provides input regarding scheduling, pricing, phasing and other input that helps the owner design a more constructible project. Along with the sheriff, commissioners, and architect, the CM/GC will help the construction process move forward with greater predictability in schedule and price. By drawing on the CM/GC's experience, components and hardware can be selected that will provide maximum security and reliability while protecting against cost overruns.

Big-D Construction presented first, with a brief Introduction by John Kemp. Mr Kemp thanked the commissioners for the opportunity to present their team, qualifications, and plan. If selected John Kemp would be the project executive on the project. He would oversee all contractual matters, while bringing to bear his correctional experience. Brandon Eccles would be the project director. His role would be to be the project leader, providing daily material support. John Giles would be the Director of Preconstruction. Mr. Giles would work with a team of estimators to work on the preconstruction process as discussed. Patrick Derieg would be the on-site project manager. He would be the primary point of contact for Iron County and would be responsible to see that the project is completed on time and under budget. Clyde Mullen would be the Senior Superintendent for the project. Mr. Mullen's role would be to ensure safety and to coordinate with the owner, users, and the architect. Mr. Kemp spoke and noted the many contracts and awards received by Big-D Construction. He highlighted the value of Big-D's experience and what it would bring to Iron County. John Giles noted that the first 90 days were critical. A good team was necessary. Mr. Kemp noted that Big-D Construction performed a "lessons learned," analysis after each project, and would bring the insights learned in other projects to bear for Iron County. Clyde Mullen emphasized the importance of constructability reviews. Patrick Derieg discussed flexibility to accommodate the different classes of inmates, as

well as design that would ensure low levels of light emissions. Brandon Eccles emphasized that considerations for staff at a jail is key. The Big-D team ultimately emphasized 5 key reasons they should be selected: 1) They were an experienced, collaborative team. 2) They provided the best-in-class preconstruction services. 3) They possessed a depth of resources and local relationships. 4) They were a proven local community partner. 5) They provided unmatched client satisfaction.

Layton Construction began by noting that it was common for there to be a push and pull between the sheriff and the commissioners on the scope and cost of the jail. David Burton, Vice President and Detention Consultant, explained that Layton Construction provided 4 Key Differentiators: 1) The value of their project team. 2) The vast experience Layton brings to the table. 3) The fact that they have done their homework for this project. 4) They have a plan. Under item 1, the “Detention-Focused Team” consisted of: David Burton, Vice President and Detention Consultant with over 24,000 inmate beds experience; Dave Whimpey, Construction Manager with over 3,700 inmate beds experience; Ed Deffner, Senior Project Manager with over 9,400 beds experience, Brad Marshall, Superintendent with over 2,000 inmate beds experience; and Evan Farnsworth, Senior Estimator with over 5,200 beds experience. Under item 2, Layton Construction had built correctional facilities in Uintah County, Kane County, Redwood City, California, Gunnison, Utah, and the recently constructed Utah State Correctional Facility in Salt Lake County. Layton had constructed 64 detention projects, over 13,000 inmate beds, and over \$2.3 billion in detention construction. If selected, they would be able to leverage their well-established national relationships; they would understand the intricacies of quality assurance; and provide a predictable result. Layton Construction had already collaborated with Babcock Design Group for 22 years, 31 overall projects and 4 jails. Under item 3, Layton Construction understood the community friendly design used in Uintah and Kane Counties and would execute the same in Iron County. They would anticipate properly the growing inmate population and prepare for long-term expansion. Layton understood the need for flexibility of space and multiple use and programming of the space. They knew how to provide for an enhanced staff experience for the safety and efficiency of county employees. Layton was able to be very predictable in cost, schedule, and quality. They understood that the proposed Iron County facility was not a prison, but a county jail. Layton possessed experience in assisting community buy-in. They also discussed the many ways they understood the correctional facility market. Under item 4, Layton Construction highlighted their plan. They emphasized that the preconstruction phase sets the tone. Continuous cost estimating and constructability reviews were key. Schedule and material discussions would be ongoing. Layton knew how to bring about and could demonstrate quality correctional facility construction. They would use local subcontractors where feasible. Layton possessed national relationships they could leverage for the project.

#### **PRESENTATION OF IRON COUNTY 2021 INDEPENDENT AUDIT BY KIMBALL & ROBERTS, CERTIFIED PUBLIC ACCOUNTANTS (CPA'S)**

Gabe Miller, Kimball and Roberts, presented the 2021 independent audit report. Mr. Miller complimented the employees of Iron County who go above and beyond in their duties. He highlighted Dan Jessen who singlehandedly prepared the Comprehensive Annual Financial Report (ACFR). Nicole Rosenberg always balanced to the penny. Mr. Miller noted that many times, the questions that they would pose had already been asked and answered by staff. Kimball and Roberts had noticed and appreciated that staff always sought to be complete and accurate in their functions. Under the Auditor's Report and report on internal control, he read the first paragraph of the report which identified the scope of Kimball and Roberts' audit, their responsibilities and Iron Counties responsibilities. Mr. Miller then read the following statement: “In our opinion, the financial statements referred to above present fully in all material respects the respective financial position of the governmental activities, the business type activities, the aggregate discretely presented component unit. Each major fund in the aggregate remaining fund information of Iron County, Utah as of December 31<sup>st</sup>, 2021 and the respective changes in financial position thereof for the year that ended in accordance with the accounting principles generally accepted in the United States of America.” Mr. Miller noted that this was considered a “clean” or “unmodified” opinion. Pages 5-13 of the report covered management discussion and

analysis. The financial statements begin on page 14 and go through 27. In the back there are supplemental budgetary schedules and non-major and special revenue fund schedules. On pages 93 and 94 is the Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance Based on Financial Statements in Accordance with Government Auditing Standards. Mr. Miller noted that, as the independent auditor, they were not giving an opinion regarding the effectiveness of Iron County's internal controls, only their effectiveness when seeking to determine whether Iron County's financial statements are accurate. They state that they did not identify any deficiencies in internal control that they consider to be material weaknesses. There were no findings in those areas.

Rick Roberts presented the results of the single audit. On page 98, the report notes that if a governmental entity expends more than \$750K of federal monies, a single audit must be performed. The single audit identified no material weaknesses, no non-compliance, and no significant deficiencies. If sufficient controls were not in place or if they weren't followed, that could lead to fraud. Kimball and Roberts audited Iron County's use of \$5.3M in federal COVID monies. The Utah State Auditor's Office had been emphasizing and would require that entities review and establish a fee schedule with fees based on a reasonable accounting method, not just because other entities charge a particular fee. As such there was a finding that Iron County did not have such a fee schedule. However, Merilee Wilson, in the Clerk's Office and Dan Jessen had been developing a fee schedule. Dan Jessen would review each fee and apply a reasonable accounting method to determine the appropriate amount for each fee that Iron County charges. There were no other findings.

#### **PUBLIC COMMENTS**

Rose Clement, a citizen of Iron County, asked about the posting for the post-election audit performed and whether it had been withdrawn. Jon Whittaker answered that it had not been and was posted on [www.pmn.utah.gov](http://www.pmn.utah.gov). It was also posted on the Iron County website. Paul Cozzens suggested that important notices like this be posted on the county Facebook page.

Hayden Ballard, legal counsel for the Utah Public Lands coordinating office, reported that the Public Lands Coordinating Office (PLPCO) was now under the Utah Division of Natural Resources (DNR). Mr. Ballard noted some personnel changes. He discussed a wild horse gather that took place at Bible Springs on July 7<sup>th</sup>. Marilyn Woods noted the urgency of managing wild horses, especially considering the scant feed available due to the ongoing drought. Mr. Ballard noted that the Department of Interior was seeking hard-rock mining reform. He would coordinate with Mike Worthen, Iron County Natural Resource Specialist, on that.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT FOR A SINGLE EVENT BEER PERMIT FOR THE EVENT OF THE LANDSLIDE FESTIVAL TO BE HELD AT THREE PEAKS OASIS, LUND HWY ON SEPTEMBER 3<sup>RD</sup>**

Kali Takau presented a request to approve a Local Consent for a festival to be held at the Three Peaks Oasis on September 3<sup>rd</sup>. Said "Landslide Festival" would be for one day.

Michael Bleak made a motion to approve a Local Consent for a single event Beer Permit for the event of the Landslide Festival to be held at Three Peaks Oasis on September 3<sup>rd</sup>. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **RESOLUTION 2022-6, CONSIDERATION FOR ADOPTING OF A RESOLUTION OF THE COUNTY COMMISSION OF IRON COUNTY, UTAH, AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT, ASSIGNMENT OF LEASE AGREEMENT, AND RELATED MATTERS**

Reed Erickson, Iron County Planner, explained that Iron County Resolution 2022-6 was a requirement for the financing for the construction of a new fire station near Newcastle. This item and the next were related and were required for bonding. This allows the Municipal Building Authority of Iron County to borrow money from the Utah Permanent Community Impact Board (CIB) and not have it be counted against the Payment in Lieu of Taxes (PILT) that Iron County

receives. The resolution allows the property to be leased from the Municipal Building Authority of Iron County to Iron County for use as a fire station.

Paul Cozzens made a motion to approve Resolution 2022-6 authorizing and approving the execution and delivery of a Ground Lease Agreement, assignment of Lease Agreement as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## IRON COUNTY RESOLUTION 2022-6

A RESOLUTION OF THE COUNTY COMMISSION OF IRON COUNTY, UTAH (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT, ASSIGNMENT OF GROUND LEASE AGREEMENT, AND OTHER DOCUMENTS NECESSARY FOR THE ISSUANCE OF THE BONDS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

**Whereas**, Iron County, Utah (the "County") is a political subdivision and body politic duly organized and existing under the Constitution and laws of the State of Utah; and

**Whereas**, the County Commission (the "Commission") of the County has previously authorized and directed the creation of the Municipal Building Authority of Iron County, Utah (the "Authority"); and

**Whereas**, under the Articles of Incorporation of the Authority (the "Articles"), the objects and purposes for which the Authority has been founded and incorporated include to acquire, improve or extend one or more projects and to finance their costs on behalf of the County in accordance with the procedures and subject to the limitations of the Act (defined below) in order to accomplish the public purposes for which the County exists; and

**Whereas**, pursuant to the provisions of the Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1959, as amended, and the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, as amended (collectively, the "Act"), the Governing Board of the Authority has the power to issue its Lease Revenue Bonds, Series 2022 (the "Series 2022 Bonds") (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Authority) for the purpose of (a) financing the construction of a new fire station facility and all related improvements (the "Project") and (b) paying costs of issuance of the Series 2022 Bonds; and

**Whereas**, pursuant to a resolution adopted on October 25, 2021 (the "Bond Resolution"), the Commission authorized the issuance of the Series 2022 Bonds by the Authority, authorized the execution of certain documents in connection therewith, and related matters; and

**Whereas**, in connection with the issuance of the Series 2022 Bonds, Iron County, Utah (the "County") has a fee simple interest on the Project is located and the Authority desires to lease such property from the County pursuant to the terms and provisions of a Ground Lease Agreement ("Ground Lease") in substantially the forms presented to this meeting and attached hereto as Exhibit B and an Assignment of Ground Lease ("Assignment") in substantially the form presented to this meeting and attached hereto as Exhibit C and herein authorized and approved.

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

The Ground Lease, and the Assignment, in substantially the respective forms presented to this meeting and attached hereto as exhibits, are in all respects approved, authorized and confirmed, and the Chair/President or Vice Chair and the Secretary-Treasurer are hereby authorized and directed to execute and deliver the same on behalf of the Authority

The Chair or Chair Pro tem or other appropriate officials of the County are hereby authorized to make any alterations, changes or additions to the Ground Lease and Assignment, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2022 Bonds (within the parameters set by the County 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, the County Resolution, or any resolution adopted by the Commission or to the provisions of the laws of the State of Utah or the United States.

The Chair/President or Vice Chair/President or other appropriate officials of the Authority are hereby authorized to make any alterations, changes or additions to the Ground Lease and the Assignment, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2022 Bonds (within the parameters set by the County 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, the County Resolution, the Authority Resolution (as defined in the County Resolution) or any resolution adopted by the Authority or to the provisions of the laws of the State of Utah or the United States.

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.

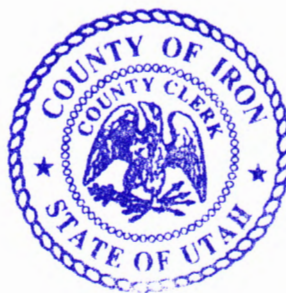
**PASSED BY THE COUNTY COMMISSION OF THE IRON COUNTY, UTAH, this July 11<sup>th</sup>, 2022.**

By: Marilyn Wood  
Marilyn Wood - Chairman

ATTEST AND COUNTERSIGN:

By: Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk

Michael P. Bleak       Aye    
Paul Cozzens          Aye    
Marilyn Wood          Aye  



**CONVENE AS THE MUNICIPAL BUILDING AUTHORITY (MBA) OF IRON COUNTY**

Marilyn Wood, Iron County Commission Chair, declared the adjournment of the Iron Commission and the convening of the Municipal Building Authority (MBA) of Iron County.

**MBA RESOLUTION 2022-1, CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE MUNICIPAL BUILDING AUTHORITY (MBA) OF IRON COUNTY, UTAH, AUTHORIZING AND APPROVING A GROUND LEASE AGREEMENT AND AN ASSIGNMENT OF GROUND LEASE AGREEMENT, AND RELATED MATTERS**

Reed Erickson, Iron County Planner, explained that, like Iron County Resolution 2022-6, this resolution by the Municipal Building Authority of Iron County Allowed for the lease of the fire station to be constructed back to Iron County

Michael Bleak made a motion to approve MBA Resolution 2022-6 authorizing and approving a Ground Lease Agreement and an assignment of Ground Lease Agreement as

presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye

## **MBA RESOLUTION 2022-1**

A RESOLUTION OF THE MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY, UTAH (THE "AUTHORITY") AUTHORIZING AND APPROVING A GROUND LEASE AGREEMENT AND AN ASSIGNMENT OF GROUND LEASE AGREEMENT; AND RELATED MATTERS.

**Whereas**, pursuant to the provisions of the Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1959, as amended, and the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, as amended (collectively, the "Act"), the Governing Board (the "Board") of the Municipal Building Authority of Iron County, Utah (the "Authority"), has the power to issue its Lease Revenue Bonds, Series 2022 (the "Series 2022 Bonds") (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Authority) for the purpose of (a) financing the construction of a new fire station facility and all related improvements (the "Project") and (b) paying costs of issuance of the Series 2022 Bonds; and

**Whereas**, pursuant to a resolution adopted on October 25, 2021 (the "Authorizing Resolution"), the Board authorized the issuance of the Series 2022 Bonds, authorized the execution of certain documents in connection therewith, and related matters; and

**Whereas**, in connection with the issuance of the Series 2022 Bonds, Iron County, Utah (the "County") has a fee simple interest on the Project is located and the Authority desires to lease such property from the County pursuant to the terms and provisions of a Ground Lease Agreement ("Ground Lease") in substantially the forms presented to this meeting and attached hereto as Exhibit B and an Assignment of Ground Lease ("Assignment") in substantially the form presented to this meeting and attached hereto as Exhibit C and herein authorized and approved;

**Now, Therefore**, it is hereby resolved by the Governing Board of the Municipal Building Authority of Iron County, Utah, as follows:

The Ground Lease, and the Assignment, in substantially the respective forms presented to this meeting and attached hereto as exhibits, are in all respects approved, authorized and confirmed, and the Chair/President or Vice Chair and the Secretary-Treasurer are hereby authorized and directed to execute and deliver the same on behalf of the Authority.

The Designated Officers (as defined in the Authorizing Resolution) and other appropriate officials of the Authority are authorized to make any alterations, changes or additions to the Ground Lease or the Assignment, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2022 Bonds (within the Parameters set by the Authorizing 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, the Authorizing Resolution, or any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States.

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 July 11, 2022.



By: Marilyn Wood  
Marilyn Wood - Chairman

ATTEST:

By: [Signature]  
Jonathan T. Whittaker – Secretary



Michael P. Bleak      Aye    
Paul Cozzens         Aye    
Mairlyn Wood        Aye  

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared the reconvening of the Iron Commission.

**DISCUSSION AND POSSIBLE APPROVAL FOR A PROPOSED ANNEXATION INTO THE CORPORATE LIMITS OF CEDAR CITY CORPORATION-PROPOSED ANNEXATION LEAVES AN UN-ANNEXED ISLAND OR PENINSULA AND REQUIRES THE TOWN AND COUNTY TO AGREE. (APN: D-777-78-80)**

Reed Erickson, Iron County Planner, explained that this action was a recommendation of the Iron County Planning Commission from their recent meeting. When property proposed for annexation that creates an island or peninsula, it must be first agreed to by the county commission. This parcel was already part of a peninsula of unincorporated land but did not resolve the peninsula. The Iron County Planning Commission found that the proposed annexation would create no difficulties and recommended annexation.

Paul Cozzens made a motion to approve a proposed annexation into Cedar City, a parcel of land that leave a peninsula of unincorporated land. Assessor’s Parcel Number: D-777-78-80. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 2022-4, AN ORDINANCE ADDING THE IRON COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL TO THE COUNTY CODE**

Sam Woodall, Iron County Deputy Attorney, explained that Utah Code 17-55-201 required the creation of a Criminal Justice Coordinating Council. Iron County Ordinance 2022-4 would create an Iron County Criminal Justice Coordinating Council and add it to the Iron County Code. The new law would go into effect in January 2023, so the Ordinance was timely. Sheriff Ken Carpenter noted that Utah Code allowed for counties to join as a coordinating council, similar to the already functioning drug task force. Sam Woodall pointed out that, by code, the chair of the proposed council would be one of the county commissioners. Other members of the council would be local law enforcement, justice court judges, district court judges, public defenders, county attorneys, local mental health authorities, etc. The purpose of the council would be to improve the criminal justice system overall in Iron County. One task of the council would be to create a strategic plan to map out all resources, systems, assets and services within Iron County. Another objective would be to reduce recidivism and improve community reintegration. Sam expressed that the proposed council would be an excellent way to bring the many shareholders within the criminal justice system together to effect positive change. Sam noted that the Ordinance was still being finalized and requested that it be tabled until the final draft could be complete. No action was taken.

## **CANVASS OF THE JUNE 28, 2020, IRON COUNTY PRIMARY ELECTION**

Jon Whittaker, Iron County Clerk, presented the canvass of the June 28, Iron County Primary Election. Jon spoke of the importance of citizens seeking and learning the processes and safeguards that are employed with elections. Everything went well with the execution of the election, but it was evident that some were believing false narratives about elections generally and election security specifically. Jon expressed that such incorrect beliefs may eventually undermine democracy itself. Michael Bleak made a motion to approve the canvass of the June 28 Iron County Primary Election as presented by Jon Whittaker. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **DISCUSSION AND POSSIBLE APPROVAL OF A LETTER SUPPORTING THE SELECTION OF MINDY BENSON AS PRESIDENT OF SOUTHERN UTAH UNIVERSITY (SUU)**

The commissioners discussed the importance and value of supporting Mindy Benson to become the President of Southern Utah University. Ms. Benson had been acting as the Interim President after Scott Wyatt had left. Many accolades and anecdotes were shared. Michael Bleak made a motion to approve a letter recommending to the Utah State Board of Regents that Mindy Benson be appointed the next president of Southern Utah University. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented new hire, Avery Shumway, as a Full-Time Deputy 1; the re-hire of Kyle Barrett as a Part-Time Deputy 1; the promotion of Sam Smith from a Full-Time Deputy 1 to a Full-Time Deputy 2, in the Sheriff's Office-Corrections, all effective July 10<sup>th</sup>. These were backfilling vacant positions. Jennifer Bradbury presented the promotion of Dave McIntyre from a Full-Time Deputy 1 to a Full-Time Deputy 2 in the Sheriff's Office-Patrol, effective July 10<sup>th</sup>. Jennifer Bradbury presented the promotion of Erin Johnson from a Full-Time Deputy Recorder-Ownership Specialist to a Full-Time Cadastral Mapper in the Recorder's Office, effective July 10<sup>th</sup>.

Jennifer Bradbury presented policy revisions to Section 21 – Employee Retirement: Public Safety contribution verbiage; Section 22 – Annual Leave: include Leave Without Pay accrual language; Section 27 – Military Leave: include URS and Leave Balance verbiage; and Section 29 – Sick Leave – Subsection B, Use of Sick Leave: to include Leave Without Pay accrual language, Subsection D, to incorporate HB449 into Bereavement verbiage, Subsection E-Administrative Leave: include Leave Without Pay accrual language.

Paul Cozzens made a motion to approve personnel changes and policy revisions as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **NON-DELEGATED ITEMS**

No Non-Delegated items were presented.

**DISCUSSION REGARDING THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. NOTE: THIS PART OF THE MEETING MAY BE CLOSED PER UTAH CODE ANNOTATED (UCA) §52-4-205(d)**

Michael Bleak made a motion to move into a closed session to discuss the purchase, exchange, or lease of real property per UCA § 52-4-205(d). Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Marilyn Wood, Chairman of the Iron County Utah Commission, hereby certify that the purpose of the closed session convened was conducted in accordance with UCA § 52-4-205(d) to discuss the purchase, exchange, or lease of real property.

*Marilyn Wood*  
Signed: Marilyn Wood, Chairman

*Jonathan T. Whittaker*  
Attest: Jonathan T. Whittaker, County Clerk

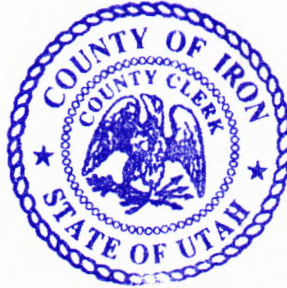


**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

*Marilyn Wood*  
Marilyn Wood, Commission Chair

*Jonathan T. Whittaker*  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
JULY 26, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. June 27, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Chad Dotson	County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Nicole Rosenberg	County Treasurer
Jared Wilson	County IT Director
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner

**SYNOPSIS**

ADJOURNMENT .....	10
AMENDED PLAT OF LOTS 14,15, & 16, BLK. O, MEADOW LAKE ESTATES .....	4
APPROVAL OF CLAIMS FOR PAYMENT .....	2
APPROVAL OF PUBLIC DEFENDER CONTRACTS .....	6
DEPARTMENTAL REPORTS.....	2
INVOCATION .....	1
NON-DELEGATED ITEMS.....	10
ORDINANCE 2022-4, CREATING IC CRIMINAL JUSTICE COORD. COUNCIL .....	6
PERSONNEL .....	10
PLEDGE OF ALLEGIANCE.....	1
PUBLIC COMMENTS .....	3
PUBLIC HEARING, ZONE CHANGE REGARDING APN: E-115-1 .....	3
RESOLUTION 2022-7, DESIGNATING MEMBERS OF CRIMINAL JUSTICE COUNCIL ....	8
RESOLUTION 2022-8, AMENDING CONSTRUCTION STANDARDS, ROADS.....	4
SELECTION OF CONTRACTOR TO BUILD COUNTY JAIL .....	4

**INVOCATION**

An invocation was offered by Michael Bleak.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Samuel Woodall.

## APPROVAL OF MINUTES

Michael Bleak made a motion to approve the minutes of the June 27<sup>th</sup>, 2022 Iron County Commission Meeting. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## APPROVAL OF CLAIMS FOR PAYMENT

Paul Cozzens made a motion to approve Claims for Payment for June 29, 2022 to July 25, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## DEPARTMENTAL REPORTS

**Nicole Rosenberg, Iron County Treasurer**, reported that the Treasurer's Office had collected about \$15.4M since January 1<sup>st</sup>. In 2022, Nichole Bess had been collecting for Personal Property, mobile homes, helping the Assessor's Office. Nicole expressed that a separation of duties in that the Assessor's Office enters values and the Treasurer's Office collected the tax was a positive change. The "Pooled Cash" report reflected receipts from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and Payment in Lieu of Taxes (PILT). The Public Treasurer's Investment Fund (PTIF) rate was up to 1.12% up from 0.52%. Iron County continued to invest with Moreton Asset Management and might move more money under that umbrella, depending on how a new Jail affected balances. Nicole noted that a recently engaged company, Billtrax, to offer e-mailed disclosure notices and tax notices. The Treasurer's Office had sent e-mails in the past from their internal system, but there was no way to track and verify those messages. Billtrax could provide proof that taxpayers had received and opened their emailed tax notices. The hope was that e-mailed tax statements would save Iron County on postage, preparation and paper, which had all increased. Paper was getting more difficult to come by. Younger property owners would rather receive the notices virtually. Outstanding taxes were at roughly \$6.2K, up from \$5.8M last year at this time. State Bank had provided a scanner to allow for deposits to be scanned in. The May tax sale was a success, with only one property going unsold. The Treasurer's Office budget was on track, her major expenditures would come later in the year. Nicole expressed appreciation for her hard-working staff.

**Karsten Reed, Iron County Treasurer**, reported that his office transitioned to PUMA, a cloud-based assessment software after the 2022 tax roll. He had received many calls regarding valuation, especially because real estate values had grown so high. He noted that any concerned citizen could call him directly to express their concerns or to ask questions about their value. Currently, there were for appraiser trainees. Karsten anticipated that his Travel/Training budget would go over. He expressed his gratitude for the recent raises, noting that it was a challenging decision for the Commissioners. Karsten expressed his thankfulness that the commissioners had the courage to do it. Paul Cozzens noted that he, too, had received many calls regarding the increases in value. Paul noted that as property values increase, tax rates decrease. Entities collect the same amount of money over all. Karsten Reed noted that one individual who called to complain about their higher value actually had a lower tax bill. Karsten reiterated that anyone with questions or concerns please call him.

**Jared Wilson, IT Director**, reported that his budget at midyear was at 48%, it was actually a little lower than he anticipated. Jared anticipated that the year would end on track. In an effort to deter illegal dumping at the Landfill, they had installed a security camera. Marilyn Wood mentioned that the gravel parking areas at the Fairgrounds were being damaged by All Terrain Vehicles (ATV's). Marilyn asked whether security cameras could be installed to deter that as well. Jared Wilson noted that there was infrastructure in place and that it could be done. Work were slightly lower with 265 versus 290.

**Michael P. Bleak, Iron County Commissioner**, spoke of the heritage of pioneer ancestors. He had participated in a pioneer trek reenactment at church and noted that it helped to remind him of the struggles our forebears faced. Michael noted that with a monsoonal flow returning, many groups had volunteered to fill sand bags. George Colson was doing an exceptional job organizing

the efforts well. Efforts in fire prevention had gone well. The local fire departments coordinated very well.

**Paul Cozzens, Iron County Commissioner**, mentioned an email from the Deputy Director of the Utah Department of Transportation (UDOT), seeking input regarding long term rural transportation planning. UDOT was hoping for suggestions or comments from the public. Paul noted that he was part of a successful meeting regarding water conservation that included local mayors, city managers, city council members and others. They discussed promoting “water-wise” fixtures in the home, particularly with new construction. Also discussed was water savings in landscaping was discussed including xeriscaping and water wise plants.

**Marilyn Wood, Iron County Commissioner**, expressed her gratitude to Bruce Anderson, Iron County Public Works Director, for his initiative in the permitting process at the landfill, extending the usable life of the current landfill to nearly 100 years. Establishing new landfills is very expensive, and Iron County was very fortunate to be able to continue to use the current location for years to come. Bruce had began the repermitting process to add to the existing site about 18 months previously, and the permit had been granted. Bruce estimated that the savings could be as much as \$280M. This was a huge benefit to Iron County. Marilyn expressed excitement at footings being dug for new ranch entrances to the Fairgrounds. Newly planted lawn in front of the bleachers also looked wonderful. Marilyn also expressed appreciation to the inmate work crew for the work they were doing at the Fairgrounds.

**Cindy Bulloch, Liason for Representative Chris Stewart**, explained the Representative Stewart would be sponsoring a security summit on August 5<sup>th</sup>. On August 8<sup>th</sup>, Washington DC staff would be providing workshops on community project funding in Panguitch and Richfield. On Wednesday the 17<sup>th</sup>, Rep. Stewart would be holding town hall meetings in Kanab and Washington. Even though it was the August Recess, bill regarding baby formula and support for rural Emergency Medical Services (EMS) were in the works.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM INDUSTRIAL (I) TO COMMERCIAL (C) FOR APPROXIMATELY 51.46 ACRES (WITHIN THE NW ¼ SECTION 19, TOWNSHIP 35 SOUTH, RANGE 12 WEST, SLB&M, IRON COUNTY UT (APN: E-115-1). LOCATED AT APPROXIMATELY 9205 W ANTELOPE SPRINGS ROAD, CEDAR CITY, UTAH.**

Reed Erickson, Iron County Planner, explained that this proposed zone change had been recommended by the Iron County Planning Commission (ICPC). This is a triangular piece of property was near the intersection of Iron Springs Road and Antelope Road. It is surrounded by Industrial zone. The owners were seeking to change the zoning to Commercial. They had submitted an application for a travel trailer park, which is would be a Conditional Use Permit (CUP) under Commercial Zone. Said CUP would be on the agenda of the next ICPC meeting if today’s zone change were to be approved. No adjacent property owners made comment during the ICPC meeting when discussed. Sewer would be by septic system. Power is currently on the property.

Marilyn Wood, Iron County Commission Chair, declared a public hearing open. No comments were offered. Marilyn Wood Declared the public hearing closed.

Paul Cozzens asked how water would be supplied. Reed Erickson replied that there was a good well on the property for water. Michael Bleak made a motion to approve the proposed zone change as explained. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

No public comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACTOR TO BUILD A PLANNED COUNTY JAIL**

Dan Jessen, Iron County Auditor, recounted the process of how the Jail Contractor Section Committee narrowed the field of firms down to Big D Construction and Layton Construction. Both firms gave presentations at the July 11<sup>th</sup> Commission meeting. The committee was comprised of Joe Burgess, Phil Schmidt, Tyler Allred, Lester Ross, Terry Palmer, Shalon Shaver, Sheriff Ken Carpenter, and himself. Commissioner Bleak attended the meeting but did not participate in the discussion or voting. The committee reconvened on July 20<sup>th</sup> after reviewing the presentations on Iron County YouTube. There was a robust discussion using the scoring system listed in the Request for Proposal (RFP). After weighing all the criteria, the committee selected Layton Construction for recommendation to be the Construction Manager/General Contractor (CM/GC) for the planned Iron County Jail. Mike Bleak reported that the discussions were robust and the committee was well prepared. They did a great job and the decision was unanimous in the recommendation of Layton Construction. Dan Jessen noted that Sheriff Carpenter was impressed with Layton Construction. Mike Bleak reported that he was impressed with the open mindedness of the committee. Paul Cozzens reported that he would abstain from voting as he had worked with Layton Construction in the past.

Michael Bleak made a motion to award Layton Construction as the CM/GC for the contractor of the planned county jail. Second by Marilyn Wood. Voting: Michael Bleak, Aye, Paul Cozzens, abstained, Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED AMENDED PLAT-PARTIAL VACATED & AMENDED LOTS 14, 15, & 16, BLOCK O, MEADOW LAKE ESTATES FINAL SUBDIVISION-VACATING LOT 15 AND COMBINING INTO LOTS 14 & 16, WITHIN THE NE¼ SECTION 31, T36S, R8W, SLB&M, IRON COUNTY, UT, LOCATED AT 2347 E, 2317 E, AND 2305 E MEADOW LAKE DRIVE, BRIAN HEAD, UT, (APN's: C-645-19, C-645-8, & C-645-44)**

Reed Erickson, Iron County Planner, explained that the property was zoned R-1/2. One owner owns 2 of the lots and another owns the other lot. The owners would like to split lot 15 down the middle giving each of them ½ of lot 15. They were not able to get the property owners signatures on time to have it on the plat but they would bring it in and he would find the commissioners for their signatures. Reed noted that the adjacent property owners were notified and heard back from one who only asked for clarification.

Paul Cozzens made a motion to approve the amended Plat-partial vacated & amended Lots 14, 15, & 16, Block O, Meadow Lake Estates Final Subdivision-Vacating Lot 15 and combining into Lots 14 & 16 (APN's C-645-169, C-645-8, & C-645-44) as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RESOLUTION 2022-8, AMENDING THE IRON COUNTY SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS, SECTION 109-ROAD STANDARDS CROSS SECTIONS AND EXHIBITS**

Reed Erickson, Iron County Planner, explained that in April 2022, the Planning Commission recommended, and the Iron County Commission approved a modification to the Subdivision Construction and Design Standards. Since that time the Planning Commission recognized a few things that needed to be modified specific to private roads on seasonal subdivisions (shared and private driveways and Utah Wildland Urban Interface (WUI) Code. Sheets number 8, 9, 10, 11, and an addition of number 12. The amendment was to clarify that the roads were WUI standard roads (all weather service) and not county standard roads. The WUI Standard Roads were not maintained by Iron County. The addition of number 12 was to inform a customer that came in for a building permit what the width of the driveway needed to be to meet WUI Standard Code.

Michael Bleak made a motion to approve Resolution 2022-8, amending the Iron County Subdivision Construction and Design Standards, Section 109-Road Standards Cross Sections and Exhibits as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **IRON COUNTY RESOLUTION 2022-8**

### **A RESOLUTION AMENDING THE IRON COUNTY SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS**

**Whereas**, the Iron County Commission finds it shall promote the general welfare of the citizens of Iron County to amend the Iron County Subdivision Construction and Design Standards to further the orderly and efficient construction of subdivisions in Iron County; and,

**Whereas**, the Iron County Planning Commission has reviewed and discussed the proposed standards and has voted to forward the proposed resolution to the Iron County Commission with a recommendation for approval; and,

**Whereas**, the Iron County Commission has considered the proposed flood channel setback standards and finds that they appropriately consider and balance 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, BE IT RESOLVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**Section 1.** The Iron County Subdivision Construction and Design Standards, as adopted November 28, 2005 by the Iron County Commission, and subsequently amended, be further amended as follows:

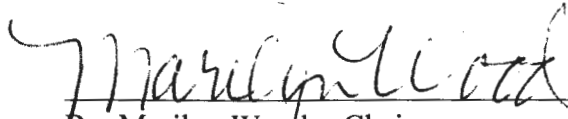
**Section 109 Road Standards – Cross Sections Sheets 8-12, of Exhibit A:** are hereby repealed and replaced as shown in Exhibit A, Sheets 8-12, herein attached – other existing portions remain unaltered and in effect:

This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time.

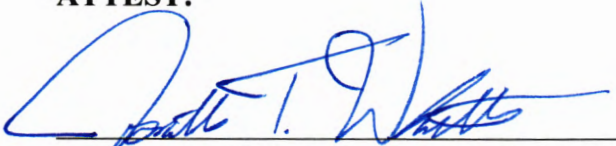
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 26<sup>th</sup> day of July, 2022.**



IRON COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
By: Marilyn Wood, - Chairman

ATTEST:

  
Jonathan T. Whittaker, - Iron County Clerk



VOTING:

Michael Bleak        \_Aye\_  
Paul Cozzens         \_Aye\_  
Marilyn Wood        \_Aye\_

**APPROVAL OF PUBLIC DEFENDER CONTRACTS FOR NEW DISTRICT COURT ATTORNEY’S CLIFFORD GRAVETT AND ROBERT WINTERTON**

Jon Whittaker, Iron County Clerk, spoke on behalf of Candace Reid who was not able to make the meeting. Jon read from Candace Reid’s report, “The District Court was able to hire two new Public Defenders, Clifford Gravett and Robert Winterton. They both began their case assignments for Judge Allen last week. Judge Allen and Judge Barnes were especially pleased with the additional Public Defenders that seemed grateful to help with reinforcement through the 5<sup>th</sup> District Case load. With the addition of more workers, were able to implement some new changes that the Judges had been eager to for a while. Juvenile Court went back to in-person beginning in July, however, they still utilized Webex for virtual hearings on some cases. District Court planed on doing the same, whether they had some cases held in-person and some being held virtually, which would begin in August.”

Paul Cozzens made a motion to approve the Public Defender contracts for new District Court Attorney’s Clifford Gravett and Robert Winterton. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVE OF ORDINANCE 2022-4, AN ORDINANCE ADDING THE IRON COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL TO THE COUNTY CODE**

Chad Dotson, Iron County Attorney, explained that in the last Legislative Session a bill was passed requiring each county to create a Criminal Justice Coordinating Council, which could be found in Utah State Code 17.55.201- Criminal Justice Coordinating Councils. The council was required to be in place by January 1, 2023, but he would like it to be passed as an ordinance so he could begin establishing the council. There were requirements as to who the council shall include as members. Chad explained that the Commission on Criminal and Juvenile Justice (CCJJ) did a listening tour across the State of Utah regarding the Justice Reinvestment Initiative (JRI) and the different reforms that were formed in 2015. There were several issues with JRI funding and treatments. This requirement was a result of that tour. He noted that the council’s main focus would be to coordinate and improve components of the criminal justice system in the county by developing and implementing a strategic plan that would include: mapping of all systems,

resources, assets, and services within the county criminal justice system; a plan for data sharing across the county criminal justice system, recidivism reduction objectives and community reintegration goals. Mr. Dotson reported that it would be wise for the council to make decisions on how the county was going to spend Opioid settlement funds. He presented the commissioners with two forms, Ordinance 2022-4 and Resolution 2022-7. He noted that one of the commissioners was required to be a member of the council and would serve as the Council Vice-Chair.

Michael Bleak made a motion to approve Ordinance 2022-4 adding the Iron County Criminal Justice Coordinating Council to the County Code as presented by Chad Dotson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **IRON COUNTY ORDINANCE 2022-4**

AN ORDINANCE ADDING THE IRON COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL TO THE COUNTY CODE

### **RECITALS AND LEGISLATIVE FINDINGS**

**Whereas**, in its last general session, the Utah Legislature mandated that all counties participate in criminal justice coordinating councils and limited the membership of those councils; and

**Whereas**, due to this new statutory requirement, the Iron County Criminal Justice Coordinating Council needs to be added to the Iron County Code.

**Now, therefore**, the County Legislative Body of Iron County ORDAINS as follows:

**The County Commission adopts the following as an addition to Iron County Code Title 2 Chapter 2.10 – Criminal Justice Coordinating Council:**

**2.10.01 - STATUTORY AUTHORITY:**

The statutory authority for enacting this chapter is Utah Code Sections 17-53-201 et seq. and 17-55-201 (as amended).

**2.10.02 - PURPOSE OF PROVISIONS:**

This Chapter codifies the Iron County Criminal Justice Coordinating Council's establishment, membership, and duties in order to increase collaboration within the criminal justice system.

**2.10.03 - ESTABLISHED:**

The Iron County Criminal Justice Coordinating Council is established to carry out the purposes described in this chapter.

**2.10.04 - MEMBERSHIP:**

- A. The membership of the Council is mandated in Utah Code Annotated Section 17-55-201 (as amended) and shall be specifically appointed by resolutions of the Iron County Commission in compliance with state code.
- B. Each member shall have one vote on all matters Council takes action on.
- C. The Chair may appoint as many ex-officio members as it deems appropriate.

**2.10.05 - DUTIES:**

The Iron County Council of Governments shall:

- A. Review, in a cooperative and comprehensive manner, the criminal justice system in our area, and look proactively at ways the system can be improved;
- B. Comply with the requirements of Utah Code Annotated Section 17-55-201 (as amended).
- C. Create bylaws and appoint officers as it deems appropriate.
- D. Meet at least annually.

**2.10.06 - SUPPORT STAFF**

Administrative support for the Council shall be provided by the Iron County Attorney's Office.

**Effective Date**

This ordinance shall take effect fifteen (15) days after its passage. Following its passage, but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County.

**APPROVED AND ADOPTED this 26th day of July, 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH:

By: Marilyn Wood  
Marilyn Wood, Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – County Clerk



VOTING:

Michael P. Bleak       Aye    
Paul Cozzens          Aye    
Marilyn Wood          Aye  

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-7, A RESOLUTION DESIGNATING MEMBERSHIP FOR THE IRON COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL**

Paul Cozzens made a motion to approve Resolution 2022-7 designating membership for the Iron County Criminal Justice Coordinating Council. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2022-7

## A RESOLUTION DESIGNATING MEMBERSHIP FOR THE IRON COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL

**Whereas**, recently, the Utah Legislature passed and Governor signed SB 170 (2022) that requires the formalization of the Iron County Criminal Justice Coordinating Council (the “Council”);

**Whereas**, the County has adopted **Ordinance 2022-4** which adds the Council to the County Code; and

**Whereas**, pursuant to that Ordinance, the County Commission needs to appoint by resolution the membership of the Council.

**Now, therefore**, be it resolved by the County Commission of Iron County, Utah, that the following are appointed as voting members of the Council:

Iron County Commissioner, who shall chair the Council,  
Iron County Attorney, who shall be the Council vice-chair,  
Iron County Sheriff,  
Lead Public Defender,  
Cedar City Chief of Police,  
Presiding District Court Judge at the Utah 5<sup>th</sup> District Court in Cedar City,  
Justice Court Judge at the Iron County Justice Court,  
Adult Probation and Parole Chief assigned to the office in Cedar City,  
Southwest Behavioral Health Director, and  
Children’s Justice Center Director.

**Be it further resolved** that the Council’s Chair or Vice-Chair may appoint as many ex-officio members as they deem appropriate in order to ensure open communication and collaboration across the criminal justice system.

**Be it further resolved** that the Council may include other counties to form a joint Criminal Justice Coordinating Council, which collaboration shall be approved by majority vote and accompanying memorandum of understanding between Iron County and any joining county.

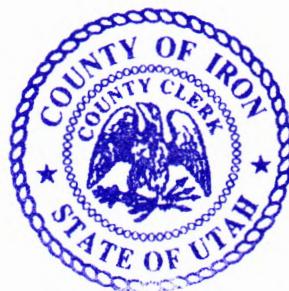
Voted upon and passed by the Iron County Commission at a regular meeting of the Iron County Commission held on the 26<sup>th</sup> day of July, 2022.

IRON COUNTY

By: Marilyn Wood  
Marilyn Wood, Chair  
Iron County Commission

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker - Iron County Clerk



Michael P. Bleak    \_ Aye\_  
Paul Cozzens       \_ Aye\_  
Marilyn Wood       \_ Aye\_

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented new hire Andrew Smart as a Full-time Deputy 1, effective September 4<sup>th</sup>, and a promotion for Josh Winder from a Deputy 1 to Deputy 2, effective July 24<sup>th</sup> in Sheriff-Patrol. These were backfilling of vacant positions. Jennifer Bradbury presented new hires Garrett Bastian and Kennan Imlay as a Full-Time Maintenance Technicians for the Road Department, effective July 26<sup>th</sup>. These were backfilling of vacant positions. Jennifer Bradbury presented a transfer of Merilee Wilson from a Full-Time Deputy Clerk to a Full-Time Engineer Administrative Assistant for the Engineer’s Department, effective August 8<sup>th</sup>.

Michael Bleak made a motion to approve the personnel changes as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

**BOARDS:**

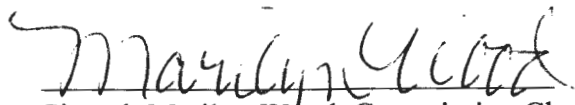
Marilyn Wood explained that a board was being created called the Agriculture Protection Area (APA). The APA would have the same members as the Iron County Soil Conservation Service Board which were: Glen Halterman, Mark Halterman, Nancy Clark, Cody Staheli and Brandon Hunter. Paul Cozzens made a motion to approve the creation of the new Iron County Agriculture Protection Area (APA) Board with board members: Glen Halterman, Mark Halterman, Nancy Clark, Cody Staheli and Brandon Hunter. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Michael Bleak explained that he had spoken with Maria Twitchell, Tourism, who reported that the Tourism Board had recently lost some of its members and needed to find replacements.

Paul Cozzens noted that they also would need to find a new member to serve on the Human Services Council for 5 County.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

\_\_\_\_\_  
Attest: Jonathan T. Whittaker, County Clerk

**IRON COUNTY COMMISSION MEETING**

**August 8, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 8, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Chad Dotson	County Attorney
Dan Jessen	County Auditor
Paul Monroe	CICWCD
Sam Woodall	County Deputy Attorney
Ryan Riddle	County Fire Warden
Lori Eichelberger	County Justice Court
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Brionna Sherratt	County Victim Advocate

**SYNOPSIS**

ACCESS AND USE OF RIP RAP MATERIAL FOR THE EWP PROJECT .....4

ADJOURNMENT .....6

AMENDMENT OR VACATION OF A MOTOR VEHICLE EASEMENT .....6

APPROVAL OF CLAIMS FOR PAYMENT .....2

APPROVAL OF MINUTES .....2

DEPARTMENTAL REPORTS.....2

GRANT AWARDED FOR NEWCASTLE/BERYL FIRE DEPARTMENTS .....5

INVOCATION ..... 1

NON-DELEGATED ITEMS.....6

PAROWAN PREVENTION COALITION .....6

PERSONNEL .....8

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....4

SINGLE LOCAL CONSENT PERMIT “RED ACRE CENTER” .....4

**INVOCATION**

An invocation was offered by Paul Cozzens.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Marilyn Wood.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of Iron County Commission meeting held July 11, 2022. Second Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Michael Bleak made a motion to approve Claims for Payment from July 27, 2022 to August 7, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Chad Dotson, Iron County Attorney**, reported that from January through August there were 668 cases referred for prosecution. There were 27 assault, burglary and violent crimes compared to 44 in 2021. There had been a significant decline in backlog cases from 2020, but there were still 4 open murder cases. Chad noted that Deputy Attorney Sam Woodall was challenged to go through SWAT training and he passed the training. Sam was one of 5 who passed the first day of training. Others that participated in training did not know that he was an attorney until Day 2. Chad reported that the budget was on track. Mr. Dotson noted that there was closure to an 18-year unsolved rape case. It was the 1<sup>st</sup> sexual crime call-out for Mike Bleak after he joined the police force. The suspect was found in Arizona and was convicted to 22 years in prison, and the victim was very happy to have that closure. Mike noted that the composite sketch that was given 18 years ago was a match. Chad reported that the suspects brother had sent his own DNA in for genealogy and they were able to locate the suspect with a DNA match. He had been convicted in Arizona as a serial rapist.

**Lori Eichelberger, Iron County Justice Court**, noted that the budget was on track at 47.44%. Lori reported that there had been 46 DUI's, 301 Drivers License Violations, 3,807 Moving Violations, 923 Non-moving Violations, 46 Assaults, 41 Thefts, 267 Controlled Substance/Narcotics, 71 Domestic Violence, and 254 other miscellaneous Misdemeanor-Infractions for a total of 5,756 compared to 5,681 in 2021. She noted that in June there was a vote to open a bill in the next legislative session regarding Justice Court Reform. One part of that bill was that Justice Courts would only handle Infractions. They want to create a Division Court that would carry A, B, and C misdemeanors, and possibly small claims (Online Dispute Resolution), and District Courts would maintain felonies. Chad Dotson explained that anytime there was a jury trial the recordings were taken and were kept as a record. If there was an appeal that record could be used. Lori reported that the bill might require all Law Trained Judges. If this bill were to pass the time-line would begin in 2024 with the 3<sup>rd</sup> District Courts and other districts would follow per year. They were conducting a Feasibility Study on the financial impact the bill would have. They might have to hire 20 more Judges in the 3<sup>rd</sup> District alone, which would be a tremendous financial impact.

**Brionna Sherratt, Iron County Victim Advocate Services Program Manager**, reported that from their Fiscal Year July 1, 2021 through June 30, 2022 there had been: 718 clients served (206 Males, 503 Females, and 9 Not reported); 144 Adult Physical Assaults, 50 Adult Sexual Assaults, 82 Child Physical Abuse or Neglect (Parents treatment included), 159 Child Sexual Assaults (Parents treatment included), 144 Domestic and/or Family Violence, 15 Suicides, and 166 Individuals with more than one victimization. Ages of victims were: 0-12 (72), 13-17 (95), 18-24 (133), 25-59 (161), and 60+ (49). Emergency Funding spent from the Victim of Crimes Act (VOCA) Grant: \$4,149.66 was utilized to cover things such as hotel rooms, food, clothing, and cleaning of evidence after a homicide case. Brionna noted that there would be an "Out of the Darkness" walk on September 17<sup>th</sup> that would begin at the Cedar City Main St. Park. She had been working with Peer Support Teams in the Sheriff's Department and Cedar City Police Department. She reported that she had been in contact with the Jail and Attorney's Office to August 8, 2022

ensure the Jail Release Program and No Contact notices were being implemented. There was a Law Enforcement Training (Trauma, Domestic Violence, and Stalking) on August 16<sup>th</sup> from 9:00-4:00. She invited the commissioners to attend if they would like to come. Brionna noted that there continued to be positive reports about the support of Victim Advocates Jaden Thomas and Wendy Jessen. Jaden received a text when a case was closed which read, "I seriously appreciate everything you have done for me...I wouldn't have felt comfortable saying anything about what I'd gone through if I hadn't talked to you first. It means so much!" Wendy received a letter that said, "I wanted to say thank you so very much for your support and kind words of encouragement that I so needed to get me thru this situation I found myself in. If I didn't have YOU to reach out to, I'm not sure where I would be, so thank you very much!" These two have been essential to victims when they came in and didn't know what to expect.

**Paul Monroe, Central Iron County Water Conservancy District (CICWCD) General Manager**, reported that with growth in Iron County water revenues continued to increase to 79.88% used. He had budgeted for 105 connections and there had been 109. Capital: Chekshani Water Improvement Project was complete and finalized which gave the community good drinking water. Pine Valley Water Supply Project had a couple of change orders. Water Improvement Project: They just closed on loan after a 2½ year process through the United States Department of Agriculture (USDA) for \$15M at 1.75% interest rate for 40 years and \$4M in grant, and will go out to bid this winter/spring. Paul explained that \$19M would be used for refinancing existing loans. The project entailed putting in a 4M gallon water tank near the intersection of Iron Springs Road and Desert Mound Road. One project beginning soon was an extension of an 18-inch waterline along Iron Springs Road and out past the Iron County Landfill and placing a fire hydrant at the landfill off Iron Springs Road. The CICWCD had partnered with Building Zone Industries (BZI) for placing the waterline. The hydrant would provide a reliable, sustainable water source for any future fires at the landfill. Other Water Improvement Projects included: drilling wells, placing a 1/2M concrete gallon water tank in Cedar Highlands, and looping other waterlines. Paul Cozzens asked if they were planning any wells in the Escalante basin. Mr. Monroe reported that there was a well sited by Willow Stake Well Company and was currently out to bid to conduct a well test at that location west of the landfill in Basin 71. They would like to supply the mine with water rights that were in the area. He reported that he was addressing public comments regarding the Pine Valley Water Project. Last week he dipped some wells and was investigating different wells and springs at and around Marilyn Woods property and other land owners in the area. Part of the plan was to make sure people knew what their water levels were and they could opt into a program that the CICWCD could monitor the levels to make sure they were not affected during the project. He expressed his appreciation to Marilyn Wood for allowing them to test their wells as well as the others. Marilyn Wood noted that it was a protection for them during the project. Paul reported that he would finalize the reports and submit an Environmental Impact Statement (EIS) to the Bureau of Land Management (BLM) in October and hoped to have a record of decision by the first of the year.

**Paul Cozzens, Iron County Commissioner**, reported that he continued working on flood mitigation. He and Dan Jessen cleaned out the channel from West View Drive going west. There was one section of the bank that the residents were concerned about and it might need to be raised up a bit. The Road Department cut a cross channel across 800 S north of West View Subdivision. There was a corner that pooled with water and he was going to clean the channel between the college farm and 800 S making it wider and adding culverts in some areas to help carry the rain water away. He expressed his appreciation to Richard Wilson, Iron County Engineer, and the Road Department for all their efforts. Paul noted that he met Terry Palmer and Lester Ross (Building and Zoning) at the Fairgrounds and worked on the new vendor space.

**Michael Bleak, Iron County Commissioner**, reported that he attended the Miss Iron County/Outstanding Teen Pageant on August 6th. He expressed his appreciation to the outgoing Miss Iron County/Outstanding Teen Royalty and her attendants. Mike noted that the royalty attended so many events during their reign and it was always nice to get to know them. They represent Iron County very well. Andelin Mbaki, Miss Iron County 2021-2022, talked with him after the pageant and said she had his number and would not allow him to leave her out of things



and wanted to continue to be involved. He reported that the new Miss Iron County was Talise Mosley and Jada McCurdy was the new Miss Iron County Outstanding Teen. The Cedar City Airport Open House and Air demonstration to be held on October 15<sup>th</sup> was moving forward. Southern Utah University (SUU), SUU Aviation and tourism have been working together for the program. Mike reported that Shakespeare Festival attendance numbers were down and there had been some difficulties within the organization with COVID, retirement, logistics, etc. He had been helping on the promotional aspect to expand their audience that they were promoting to. The festival had always offered a discount of 50% off tickets on Tuesday, Wednesday and Thursdays to 5-County residents. Last year there were less than 2% of residents that took advantage of the discount. Most did not know of the discount and paid full price. A new promotional commercial was in development to air in Southern California, Southern Nevada and Utah. There was a collaboration from SUU Aviation, Tourism, Southwest Tech and the Festival to produce a video that showcased “William Shakespeare” doing other things in the county other than the plays. Mike noted that he would try to debut the video at the next commission meeting. He reported that Southwest Tech Innovation Center had a new production studio and they had been involved and offered their resources for free. Tourism across Iron County was down 15%. Shakespeare Festival had been in Iron County for over 60 years and we cannot afford to lose them. Mike reported that all three Commissioners had been involved with Inland Port discussions over the last couple of weeks. Inland Port was looking to begin a public/private coalition to include government agencies, Washington County, Commissioners, and local businesses to form an organization. A selection of a new jail site committee was underway and would need to be approved at the next commission meeting. Marilyn Wood reported that she had talked to Mayor Green and he would like to be on the committee and was beginning to look at possible sites. Mike reported that there would be a meeting with Layton Construction in a couple of weeks to begin discussions regarding planning and engineering of the jail.

**Marilyn Wood, Iron County Commissioner**, reported that there would be help from the legislature with lobbying influence to push the Inland Port forward. Mike Worthen, Iron County Resource Director, wrote a letter of opposition to Washington DC, who were adding new language for the Endangered Species Act. He strongly encouraged them to put endangered species in other areas rather than what was in their target areas. Marilyn noted that work on the fairgrounds continued moving forward. The fence along the entrance was almost complete. The Mud Bog would be held August 13<sup>th</sup>. She expressed her appreciation to Paul Cozzens for all the work he had done on the fairground which had given the road crew time to catch up on their projects. Marilyn reported that the Bureau of Land Management (BLM) was beginning a wild horse gather and the public was invited to attend. They were asked to call the BLM for instructions.

#### **PUBLIC COMMENTS**

No Public Comments were offered.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A SINGLE LOCAL CONSENT PERMIT FOR “RED ACRE CENTER” HELD ON SEPTEMBER 3, 2022**

Michael Bleak explained that this was an annual event and wine would be served in conjunction with the winery. Paul Cozzens made a motion to approve a Single Local Consent Permit for “Red Acre Center” to be held on September 3<sup>rd</sup>. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **REQUESTING PERMISSION FOR ACCESS AND USE OF THE RIP RAP MATERIAL AT THE LANDFILL/MINE FOR THE IMPROVEMENTS ON THE COAL CREEK EMERGENCY WATERSHED PROTECTION (EWP) PROJECT**

Christian Bennett, Cedar City Senior Civil Engineer, reported that this project was for the Coal Creek Emergency Watershed Protection (EWP) Project. The site associated with this EWP Project was along the reach of Coal Creek that began near the Southwest Fields Irrigation Diversion near the mouth of Cedar Canyon and extended about 7,000 feet downstream to a point

at approximately 150 N 350 East, adjacent to Veteran's Park. He explained that a rip rap bank armoring was installed in this reach of Coal Creek in 2017 to protect existing infrastructure from lateral erosion hazards. A major flood event occurred along Coal Creek on August 18, 2021 that damaged the rip rap bank armoring and caused some stream bank erosion. Cedar City received a grant from the National Resources Conservation Service (NRCS) in February of 2022 to implement mitigation. After Cedar City received the grant they contracted with Bowen Collins & Associates, Inc. to provide permitting, design, bidding, and limited construction services for the EWP Project. Christian noted that the design objectives for the EWP Project were to install rip rap along the outside of cut-banks, repair areas that were damaged, design the channel to maintain velocity and flow depth by maintaining the bottom width, side slopes, and increase the rip rap size, install rip rap at the toe of the existing grouted areas to repair erosion damage and repair rip rap on channel banks and along the channel bottom downstream of Center Street. Paul Cozzens asked if this material would lock in better. Christian reported that it would. Paul Cozzens asked if they were planning to place fabric under the riprap. Christian noted that the current design had geo-filter fabric underneath. It keys in underneath the walls so water would not get under the rip rap. Current project status: continued working with NRCS and Bowen Collins, collect and review existing information, Coal Creek site reconnaissance and utility investigation, Bowen Collins Design Report, 30% ,60%, and 90 % design drawings review, Technical specification review, put together an O&M plan and Inspection/Quality Assurance plan to makes sure the wall was done correctly and would maintain the channel long term. Mr. Bennett reported that he, Jeff Hunter and Bruce Anderson met at the Iron County Landfill/Mine to determine if there was adequate mine material. Based on that site visit, they felt that sufficient quantity and size for the rip rap was available from the mine. The last steps were to determine what rip rap material was available so he could put together a Permitting and Environmental report (submitted and under review), final design drawings and specifications, and project bidding and construction. Christian reported that in order to complete the Coal Creek EWR Project, suitable rip rap material must be attained. Cedar City was requesting to mine, haul, and install approximately 34,148 cubic yards of rock from the Iron County site. Paul Cozzens enquired if the material was in existing piles or have to be mined. Bruce Anderson noted that most would have to be mined and was in spoil piles to dig out. Paul Cozzens asked what size rip rap would be needed. Christian reported that 2,733 cubic yards of 24" along the north side of Center Street and 31,415 cubic yards of 36" further up into the channel. Marilyn Wood explained that the commissioners would like help as it would benefit Cedar City and Iron County. She reported that she had spoken to Mayor Green and asked for help finding a spot for the new jail in return. Mike Bleak reported that the county did not have a final site for the new jail and was in the process of forming a committee. There might be a need for water down the road and would like some cooperation from Cedar City. Jonathan Stathis, Cedar City Senior Engineer, noted that there were great benefits for Iron County for this project. This would also protect critical infrastructure for the city and county. It might be beneficial to put together a written agreement where the details would be worked out. The City Attorney and County Attorney could meet and create a document. Paul Cozzens noted that the commissioners realized that this project would help Iron County, but so would the jail. Cedar City was the largest customer to use the jail. There was a good relationship between the county and Cedar City and they just needed to work together. Mr. Stathis reported that they hope to go out to bid this fall and that would determine when the start date would be. Marilyn Wood tabled the item until an agreement could be drawn up.

**DISCUSSION AND POSSIBLE APPROVAL OF GRANTS AWARDED TO NEWCASTLE AND BERYL FIRE DEPARTMENT TO PURCHASE PROTECTIVE EQUIPMENT AND RADIO COMMUNICATIONS**

Ryan Riddle, Iron County Fire Warden, reported that he had applied for these grants and was awarded \$10K for Newcastle Fire Department and \$9,505 for Beryl Fire Department for radio communication and protective equipment. Grants could be matched with in-kind services. The item was brought before the commission for approval to use those funds. Marilyn

Wood asked if Ryan was able to obtain the excavator. Ryan reported that a 325 CAT Excavator would be delivered by Wednesday. The Engine that he requested from the BLM for the Parowan Fire Department would be delivered to Parowan later in the week.

Michael Bleak made a motion to approve grants awarded to Newcastle and Beryl Fire Department to purchase protective equipment and radio communications. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN AMENDMENT OF VACATION OF A MOTOR VEHICLE DRIVEWAY EASEMENT ON IRON COUNTY PROPERTY AND ADJOINING PROPERTY IN CONJUNCTION WITH BUILDING THE NEWCASTLE FIRE STATION BUILDING**

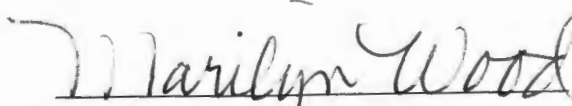
Reed Erickson, Iron County Planner, explained that the new Newcastle Fire Station slab was located on an easement that was discovered on the title report. The easement was 250 feet long and was an ingress/egress for a motor vehicle driveway easement that was granted in conjunction with the property owner to the west of the fire station. The proposal to resolve the problem was to vacate the easement as it currently exists (40 X 290 feet long) and re-grant a 40 X 100 feet long so it would not encumber the Fire Station building in its current location. Reed reported that Jon Whittaker, Iron County Clerk, had been in contact with the current property owner (not the original owner) and he was not aware of the easement. He was told of the oversight and that he would gain in 20 feet use of the property and still had the access off the front. He noted that the item was before the commission to approve the easement and the granting of the 100-foot easement. Jon Whittaker noted that he had met with the current owner and his wife and was unaware of the easement before he met with them. He seemed to be amenable to the situation and Jon explained the he would gain 20 feet of property. Reed noted that Jon had been negotiating with the owners to sign the document so they could move forward. Reed had to cancel a closing last week because this was an outstanding issue. Another issue was they had not received clearance for the contractor based on their System for Award Management (SAM) registration was not approved from early June. The contractor had been trying to go through the Federal Government process to receive a contract number. The State was aware of the difficulty and confirmed that there was an issue with their software and issued a letter of clearance for the contractor to move forward. Since that was resolved they were able to sign off on the Community Impact Board (CIB) Bond and the signing of the easement was the only holdup. Reed reported that if the commissioners could pre-approved the amendment it would allow him to get the signatures and have it recorded for the scheduled closing on the 25<sup>th</sup>. Paul Cozzens made motion to approve an amendment or vacation of a motor vehicle driveway easement on Iron County property and adjoining property in conjunction with building the Newcastle Fire Station building. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

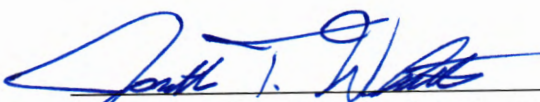
**NON-DELEGATED ITEMS**

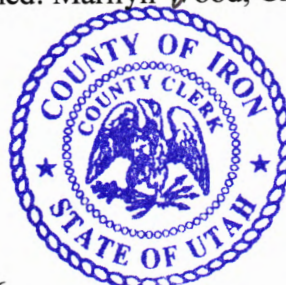
No Non-Delegated items discussed.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
SEPTEMBER 12, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 12, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Shalon Shaver	County Corrections
Richard Wilson	County Chief Engineer
Jennifer Bradbury	County HR Director
Ryan Riddle	County Fire Warden
Mike Worthen	County Resource
Ken Carpenter	County Sheriff
Maria Twitchell	County Tourism/Parks & Rec
Brionna Sherratt	County Victim Advocate

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## **INVOCATION**

An invocation was offered by Jon Whittaker.

## **PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Marilyn Wood.

## **APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held August 22, 2022. Second by Marilyn Wood. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

## **APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve Claims for Payment from August 22, 2022 to September 11, 2022. Second by Paul Cozzens. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

## **DEPARTMENTAL REPORTS**

**Dan Jessen, Iron County Auditor**, announced that he had accepted a position to be the City Manager for Parowan City and would still be working for Iron County for a few more months. Dan explained that he would work through budget meetings and after the November election, he would have a definite date when he would be leaving Iron County. He would be working for Parowan City from 7:00 a.m. to 3:00 p.m. and would be working as the Iron County Auditor after that to help with county issues. Dan noted that he would back off the special projects to allow the new Auditor to work on them. He reported that budget worksheets would be sent out to the Department Heads and were due on October 1<sup>st</sup>. Allie Meisner left the Auditor's Office to work full-time for her father. August Franklin would be doing two jobs until a replacement was found. Interviews would be held on Wednesday, September 14<sup>th</sup> for a replacement of Allie. The Board of Equalization (BOE) was accepting valuation appeal applications and processing them, and the deadline was September 15<sup>th</sup>. At that time, his office would begin working with the Assessor's Office and would hold BOE hearings for those still requesting one. He noted that Carrie Christiansen handles the BOE requests and does a great job. Dan reminded the commissioners that they were the BOE and invited them to attend the hearings to observe the process. He noted that the 2023 budget would be tight as a result of the mid-year salary increases. Dan closed by expressing that he loved working for Iron County and would be sad to be leaving.

**Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, and Parks & Rec**, reported that the Tourism budget was at 54% spent, and Restaurant Tax was at 61% spent. The Transient Room Tax (TRT) was trending the same as last year and Restaurant collections were up 10% over 2021. This might be a result of rising cost of food and restaurant prices. Gas prices and inflation had effected lodging occupancy which had fallen 6%, but the average daily rate was up 11%. Maria noted that she would be presenting a Utah Office of Tourism Grant for the Winter Campaign at the next commission meeting for approval. She reported that Wyatt Ihler, Videographer & Media Manager, was just completing his video series about the history of the Utah Shakespeare Festival, which could be seen on on YouTube. This series was Iron County's contribution to the SUU 125<sup>th</sup> celebration. Wyatt was now working on what Maria called the "Wonder Series." The new series would feature videos about local attraction, told from a first-person perspective. Tourism had been meeting with Destination Development consultant, Corragio Group, this past month to work on a Destination Development Plan, which would guide her office for the next 5-10 years. There was a core committee made up of representatives throughout Iron County to also be part of the process. She invited the commissioners to the Stakeholder meeting to be held via zoom on Monday September 19<sup>th</sup> from 3:00 p.m. to 4:30 p.m.

Maria reported the current budget for Parks & Recreation as of August 31<sup>st</sup> was at 50% spent. She noted that due to statements made at the Iron County Commission meeting held on August 22, 2022 by another department head regarding the "lack" of vetting events taking place September 12, 2022

in the county parks, she felt the need to explain their event permitting process to the commission. “Events in Iron County parks go through a thorough event permit in which they are required to provide detailed information including a site plan, event schedule, sanitation, safety and traffic plan. They also must provide a \$1M liability insurance policy that indemnifies the county before I sign off on their event. Any event that is bigger than 250 people, or is a motorized event, has to provide an EMS level of medical service and their safety and traffic plan must be discussed with Lieutenant Dave Mitchell at the Iron County Sheriff’s Office. I don’t sign the permit until I hear back from him. For any event that might spill over into other areas of the county, event organizers are provided with a contact list of agencies and other county departments including the county clerk, sheriff and road department in which they should contact to discuss their event. Signage is posted a week in advance along Midvalley Road that notifies the public area would be closed for an event; however, we are particularly challenged with Three Peaks because the BLM is the majority land owner and they try to keep as much public land open at all times and only close specific areas for the event. This was problematic at the last mountain bike race as their Rocky Peak Campground remained open during the race but that was not conveyed to the race check point staff. Moving forward, we’ll do better in communicating the open and closed status of the county parks with the public.” She was working with Jon Whittaker and Shaneal Bess to create a county wide event permit process that should help mitigate any issues for the event organizers, county staff and the public.” Maria reported that the Parks & Recreation budget would be over on vehicle maintenance as they’ve had to outfit Bryce Williams, Parks and Recreation/Maintenance Supervisor’s, new truck with a snow plow. She expressed her appreciation for all the work that Bryce Williams does for Iron County, and that he was amazing. Park reservation and collections were slightly up through August at \$9,668 as compared to \$9,581 at this time last year. Work continued at Vermilion Castle (“5 Mile”) and they hoped to open next year with 6 picnic spaces. There was still a lot of work to be done, including the water tank, camp host spot, group area and amphitheater, most of which was contingent upon approval from the National Forest Service. She personally wanted to commend Bryce Williams and Scott Wilson for their hard work on the 5 Mile project, as it had been a massive undertaking for just two people. Maria reported that Bryce attended the State Water Conference last week as part of his requirement to maintain the county parks water system.

**Kenneth Carpenter, Iron County Sheriff**, reported on current Law Enforcement (LE) issues as of January 1, 2022: Mental Health Unit Task Force had taken a set-back, but the Tier 2 Deputies were still responding and doing good work. Metro SWAT-Search/Arrest Warrants, other high risk calls had been extremely busy over the past several months with ten call outs to date this year. The last incident was a shooting in Beryl. Drug Task Force had also been very active. There were many Fentanyl cases at the time, with a new type of Fentanyl (Rainbow Fentanyl) to lure children. Meth was on the rise with more Cocaine and Heroin cases as well. Wade had three pipelines this year. Border Issues: There was a huge increase in drug activity with pre-cursors coming from China, new types of Fentanyl and Meth, Human Trafficking, and using Juveniles with Tic-Tok, for running drugs and people for Cartels. Legislation –SB197 Criminal Justice Coordinating Councils would be required in every county by January 1, 2023. Current LE Issues: There had been 7 Aggravated Assaults, 8 Air Support, 200 Agency Assists, 18 Burglaries, 19 Child Abuse/Neglect, 122 Felonies, 46 Fires, 46 K-9, 6 Mental Health Unit, 662 Misdemeanor Offenses, 908 Other Offenses, 4 Public Relations, 8 Search and Rescue, 13 Sex Crimes against a Child (Internet Crimes Against Children 2 arrests and 3 current investigations), 24 Other Sex Crimes, 29 Welfare Checks, 206 Drug Cases, 17 DUI, and 211 Animal Problems for a total of 4,308 cases. Sheriff Carpenter reported that the current strength of patrol would be up to strength if Kevin (Skyler) Barrett and Scott Smith make it through Peace Officer Standards & Training (POST). Currently two new Deputies, Brandon Rowley and Andrew Smart, were in Field Training Officer. He expressed his appreciation for the salary increase that the Iron County Commissioner’s approved, and couldn’t thank them enough. Future Ops and Concerns: Sheriff Carpenter noted that in the last 24 months he had signed off on 12 new or extensions to current sub-divisions and 2 so far this year. There were 86 new single family homes, one sign-off was for 250 new single family homes. Sheriff Carpenter explained

that this was a significant increase of new move-ins which increased calls for service volume. To keep pace with the rapid growth of Iron County, he would be looking for a 4-6 Deputy increase. Vehicles: the order for 9 Ford vehicles might arrive in 2023. The Chevrolet order did not work out and was cancelled and he had seven long beds coming in. He noted that the new jail was moving forward again. Budget: Sheriff Carpenter reported that as of the end of April, the Patrol budget was at 55.12% used, Jail budget was at 58.92% used, Search and Rescue was at 57% used. Overtime had been the one big exception as personnel had been so short with Patrol at 95.59% and Corrections at 123.27%.

**Shalon Shaver, Iron County Corrections Commander**, reported that the budget was at 59% spent. Culinary cost per meal had increased by three cents to \$1.26. Total Bookings were up from 295 last quarter to 312 now. Average Daily Population was down to 164 compared to 177 last quarter. Of that there were 24 Females and 140 Males. Transportation was up at 264 compared to 82 last quarter as a result of the Courts opening back up for in-person trials. The Work Crew would be under a new supervisor, Deputy Groom. This quarter the Work Crew had put in 1,363.5 hours. Lieutenant Shaver noted that Correction had lost 3 employees, one due to one retirement and 2 transferred. Four Deputies were hired and were currently at POST. She reported that Deputy Ethan Busse graduated from POST at the top of his class. Four deputies were headed up north for training when they were involved in a car accident. One was taken by ambulance to the hospital. All of them were on the mend and recovering well. Shalon noted that they attended the SUU Job Fair last week and it went very well. Corrections was using the new inmate phone/visiting/tablet system.

**Paul Cozzens, Iron County Commissioner**, reported that the road department made a crosscut on 800 S last week and was working great. The Newcastle Fire Station was moving forward. The metal structure was up, concrete floors poured and inside framing had begun. Paul expressed his appreciation to Parowan Rock Products for allowing the county to use concrete pieces to bolster riprap in the flood channel. Curtis DeMille had been working on the flood channel South of Holyoak Lane and installed approximately 1,000 feet of riprap. He noted that the commissioners would like to engage municipalities to adopt the Flood Channel Ordinance that was approved at a prior commission meeting. There needs to be adequate room to maneuver equipment in the flood channel in order for Iron County to maintain them. Paul expressed his appreciation to all the volunteers for their service around Iron County on the National Day of Service that was observed on Saturday, September 10<sup>th</sup>. He noted that he had helped at the Happy Factory and they were able to train volunteers on all the equipment to be able to build toys.

**Michael Bleak, Iron County Commissioner**, reported that the Iron County Fair went well and he had been a ticket taker for the 3<sup>rd</sup> or 4<sup>th</sup> year. He expressed his appreciation for all the volunteers that helped make the fair a success. Southern Utah University (SUU) Aviation did a fly-over to start the parade and also a ping-pong drop. Mike noted that he had the pleasure to dump the ping pong balls out of the helicopter and his glasses fell out of his pocket. Luckily they were found and turned into the lost and found. He and George Colson, Iron County Emergency Management, had met with Gold Cross Ambulance regarding response issues with the west desert. There had been mixed signals with the Washington County side, but it all boiled down to a staffing issue. Gold Cross would be hiring 9-10 additional EMT's for Iron County, and they changed some of their hiring criteria to recruit better employees. George Colson would coordinate with Gold Cross. Gold Cross was asking residents in Beryl to cover shifts. They hoped that through the fire department, and Community Emergency Response Team (CERT) members in Beryl they could train some EMT's for coverage in the Beryl area. Gold Cross would be willing to hold a training class, pay those that attended and then employ them half-time once they completed the class. Mike reported that Danny Stewart, Iron County Economic Development Director, received the Thayne Robson Award for Outstanding Economic Leadership from the Utah Department of Economic Development. He noted that the KSL Television Station contacted him requesting to do a follow up story on the monsoonal floods from last year, and he encouraged them to reach out George Colson. Two news stations came down to Iron County and George Colson gave them a tour of the entire county and made Iron  
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County look great. Mike reported that there would be a meeting with the Jail Site Committee Board next week, and there were two more additions to the board. It had been a challenge getting most of board at the meetings. The Cedar City Chamber of Commerce held their second Annual ATV Ride which he coordinated all the medical coverage required.

**Marilyn Wood, Iron County Commissioner**, expressed her appreciation for the Iron County Fair personnel for doing a fabulous job with the 2022 Fair. She noted that there were many complements on the fairground improvements. Moving forward there was still a need for more bleachers. Marilyn reported that she had attended the Southwest Junior Livestock Show. One family that was very involved with the Livestock Show lost a son just one week prior to the show. One of the kids donated his sheep to be auctioned off with the proceeds going to this family. The sheep was auctioned off twice and they were able to donate \$30K to the family.

#### **PUBLIC COMMENTS**

No Public Comments were offered.

#### **DISCUSSION AND POSSIBLE APPROVAL FOR A LOCAL CONSENT FOR A SINGLE EVENT TO BE HELD ON OCTOBER 31<sup>ST</sup> AT THE THREE PEAKS OASIS**

Rodrigo Grajales and Shawn Laub, Zion Live Entertainment, explained that the event would be a Halloween Festival that included a haunted house and live concert. There would also be pumpkin carving, face painting and much more. He noted that they had planned for approximately 600-800 attendees and would have a security team in place. It would be an open event but there would be an entrance fee to the Haunted Forest and concert for approximately \$15 to \$20. Michael Bleak made a motion to approve a Local Consent for a single event to be held on October 31<sup>st</sup> at the Three Peaks Oasis. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A REVISION OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE BUREAU OF LAND MANAGEMENT (BLM) TO BE A COOPERATING AGENCY IN THE DEVELOPMENT OF AN ENVIRONMENTAL IMPACT STATEMENT REGARDING EVALUATING AMENDMENTS TO THE FEDERAL LIVESTOCK GRAZING REGULATIONS**

Mike Worthen, Iron County Resource Manager, explained that in November 2020, the Bureau of Land Management (BLM) paused the rulemaking process regarding grazing regulations. After briefing with the BLM Director, they had reinitiated the rulemaking process and was ready to reengage with cooperating agencies as it continued the National Environmental Policy Act (NEPA) process. Iron County agreed to a MOU to serve as a cooperating agency for the development of this EIS and was executed September 16, 2020. Bringing this item to the commission was to inform the commissioners of the MOU and have it approved. Paul Cozzens made a motion to approve a revision of a MOU with the BLM to be a Cooperation Agency in the development of an Environmental Impact Statement regarding Evaluating Amendments to the Federal Livestock Grazing Regulation. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A JAG GRANT AWARDED TO IRON COUNTY SHERIFF'S OFFICE TO PURCHASE EQUIPMENT**

Brionna Sherratt, Victim Advocate Coordinator, explained that she had applied for and was awarded Judge Assistance Grant (JAG) for the Iron County Sheriff's Department. The Sheriff's Office would be purchasing night vision equipment with the grant funds. Brionna reported that the grant was awarded by the Commission on Criminal & Juvenile Justice (CCJJ) and they stipulated how and what the grand funds could be used for. The funding would almost cover the cost of 2 Units, which cost \$3,500 for one unit and the grant awarded was for \$5,422. The grant was a reimbursement grant and would have to be paid back. CCJJ would allow them to pay for the Units upfront and then she could apply for reimbursement in January 2023, which were disbursed quarterly. Michael Bleak made a motion to approve a JAG Grant awarded to the



Iron County Sheriff's Office to purchase equipment. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RATIFICATION OF A CONTRACT BETWEEN IRON COUNTY AND KIMBLEY HORN AND ASSOCIATES, INC FOR THE BELT ROUTE ACCESS STUDY**

Richard Wilson, Iron County Engineer, explained that this was regarding the Cedar Valley Bypass Corridor Access Plan. Bids were submitted and Kimberly Horn & Associates, Inc. was awarded the contract. The study would build upon and advance the previously completed Cedar Valley Belt Route Alignment Study (2019). It would include Hwy 56, Iron Springs Road, Utah Pacific Rail Road Crossing, Lund Hwy, Midvalley Road (4800 N), Minersville Hwy and Old U.S. Hwy 91. Marilyn Wood asked if Richard had spoken with Matt Rhodes as Utah Department of Transportation (UDOT) was performing a study on 5600 N. and Iron Springs. Richard noted that the belt route crossed 5600 North and Iron Springs Road. Marilyn Wood noted that the county would have to work with UDOT for the logistics on those intersections. The grant was applied for in 2021 and Iron County was awarded \$100K. Iron County committed to \$7K which would be in the 2023 budget. He explained that the Final GIS Story Map would be completed around April of 2023. Paul Cozzens made a motion to approve the ratification of a contract between Iron County and Kimberly Horn and Associates, Inc. for the Belt Route Access Study. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RATIFICATION OF THE SALE OF A 2016 CAT 323 TRACK HOE TO WHEELER MACHINERY**

Richard Wilson, Iron County Engineer, explained that Iron County had purchased a new Case track hoe for \$217,500. The 2016 Cat 323 track hoe was sold to Wheeler Machinery for \$115K, for a final cost of \$102,500 for the new track hoe. He noted that he had not received a payment from Wheeler Machinery, which had been receipted on August 29<sup>th</sup>, and they had 30 days to make the payment. Richard expressed his appreciation to Bruce Anderson for helping with the sale to Wheeler Machinery. Paul Cozzens made a motion to approve the ratification of the sale of a 2016 CAT Track Hoe to Wheeler Machinery. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye

**RATIFICATION OF A CONTRACT BETWEEN UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS, AND IRON COUNTY TO IMPROVE AND UPGRADE IRON COUNTY PAGING AND COMMUNICATIONS SYSTEM FOR FIRST RESPONDERS**

Ryan Riddle, Iron County Fire Warden, (Mike Bleak spoke in behalf of Ryan Riddle) Marilyn Wood reported that since she had been a member of the Iron County Commission there had been a concern with communication between different agencies. Mike Bleak explained that this was an updated agreement made in year 2020 for funding. At this time there was approximately \$50K left over and Ryan would like to use that to purchase 800 MHz hand held radios for Newcastle and Beryl Fire Departments. Michael Bleak made a motion to approve the ratification of a contract between Utah Division of Forestry, Fire and State lands, and Iron County to improve and upgrade Iron County Paging and Communications System for First Responders. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Bryan Green as a Full-Time Deputy 1 for the Sheriff's Department, effective October 3<sup>rd</sup>. This was a backfill of a vacant position. She presented the transfer of Brent Burr from a Full-Time Corrections Deputy 2 to a Full-Time Patrol Bailiff in the Sheriff's Department, effective October 2<sup>nd</sup>. Jennifer presented the new hire of Aleah Abbott as a Full-Time Deputy Recorder-Ownership Specialist for the Records Office, effective September 19<sup>th</sup>. This was a backfill a vacant  
September 12, 2022

position. Finally, Jennifer Bradbury presented the transfer of Lynda Bishop from a Full-Time Justice Court Clerk to a Part-Time DMV Technician-Parowan in the Assessor's Office, effective September 18<sup>th</sup>. Paul Cozzens made a motion to approve Personnel changes as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood expressed her appreciation to Brent Burr and the work crew for coverage and work at the Iron County Fair.

**NON-DELEGATED ITEMS**

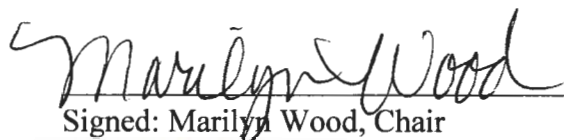
County Boards:


Michael Bleak made a motion to appoint Zach Garfield and Craig Isom to the Jail-Site Committee Board. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

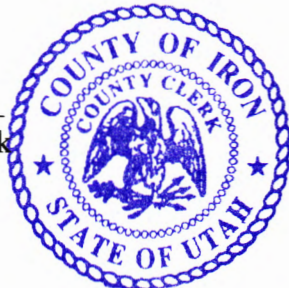
Michael Bleak made a motion to appoint Cedar City Attorney's Office as the Hearing Appeals Officer. Pursuant to Iron County Ordinance 17.08.040-Appeals Hearing Officer. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
SEPTEMBER 26, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. September 26, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Terry Palmer	County Building & Zoning
Sam Woodall	County Deputy Attorney
Richard Wilson	County Chief Engineer
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Ken Carpenter	County Sheriff

**SYNOPSIS**

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**INVOCATION**

An invocation was offered by Karsten Reed.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by G’Ne Bartholomew.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held September 12, 2022. Second by Michael Bleak. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT FROM**

Michael Bleak made a motion to approve Claims for Payment for September 12, 2022 to September 25, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Terry Palmer, Iron County Building & Zoning**, reported that as of August 31<sup>st</sup> there had been \$800,002 in Fees collected compared to \$461,998 in 2021; 398 Building permits issued; 187 Single Family Dwellings; 31 Additions/Remodels; 77 Accessory Buildings, 45 Solar Systems, 52 Misc./Electrical/Gas Piping and 6 Commercial in Unincorporated Iron County. Combined totals for Parowan City, Brian Head, Paragonah, and Kanarraville: 38 Single Family Dwelling; 8 Additions/Remodels; 15 Accessory; 3 Solar Systems; 19 Misc./Electrical/Gas Piping and 8 Commercial. As of January 2022, compared to 2021, Total Building Permits were up by 70, Fees were up by \$362,532, Single Family Dwellings were up by 65, Additions/Remodels were down by 15, Accessory Buildings were down by 4, Solar Systems were up by 15. Terry noted that Appaloosa Solar 1 had their ground breaking a week ago, acquired building permits, and he would begin inspections on the containment pit for a substation today. He would make a site visit and meet with Appaloosa Solar on Thursday, September 29<sup>th</sup> to go over the outline of the inspections process that would be followed up with them throughout the process; Misc./Electrical/Gas Piping was up by 11 and Commercial up by 7. Terry reported that building in Iron County continued to be busy with sub-dividing of properties, industrial going out by Iron Springs, with interest high to bring in businesses and industry into Iron County. He noted that he ordered the fence for the fairgrounds vendor area and was told it would be delivered in 4 to 6 weeks. The Newcastle Fire Station was moving forward. Sheetrock and insulation was being installed on the interior walls. There were still issues with drainage issues, but having the building in place would help with those plans. Paul Cozzens asked if there was going to be a retention basin. Terry noted that a retention basin was planned for the SE corner and a basin between the two building to grate out to the SE corner. Marilyn Wood asked if Terry had spoken to Susan Blackner about the cleaning of the fair building. Terry reported that no one had contacted him about the fair building. He did note that there was a meeting this week with the current cleaning company that was contracted for the Iron County buildings. There had been several concerns from all the Iron County buildings regarding cleaning. He had spoken with Reed Erickson and Lester Ross about the possibility of having to rebid for the cleaning contract, but the price would go up. It had been decided to give the current company until the end of October to see if there were any improvements.

**Richard Wilson, Iron County Chief Engineer**, welcomed his new Engineer Assistant, Merilee Wilson, to the Engineer Department. Richard reported on the 3rd quarter: Iron County purchased a track hoe and sold a track hoe with a \$102K expenditure. Sold the large maintenance truck for a \$25K profit. The Parowan and lower Coal Creek Channels had been cleared of flood debris and stabilized. As a result of improvements made in the channels last year and this spring there had not been any major flooding. They started a cross cut on 800 S in West View Subdivision, and had it bermed up so the neighborhood irrigation systems would stop watering the project as it was exposed to dry out. Richard explained that once the sidewalk was opened up there had been a series of rain storms which kept it from drying out. Overall the design was a success and achieved the lift station from being flooded and had helped the neighborhood. The proposed regulations were finalized for construction around Quichapa Lake. They were scheduling a meeting with the home owners by Quichapa Lake to inform them of plans and to answer any questions they might have. The Road Interference Ordinance was completed for review later in the meeting. He noted that the ordinance mirrored Utah law that stated “the interference of a public road can be pursued by Law Enforcement and local officials to prevent any interference.” Richard noted that the Cedar Valley Bypass Plan kick-off meeting would be held on September 27<sup>th</sup> in the Building Department Conference room from 2:00 p.m. to 3:00 p.m. with discussions regarding access for the Belt Route. Funds awarded by the Natural Resources Conservation Service (NRCS) projects were being used. The Kanarraville Retention Plan was complete and he was waiting for approval from NRCS, to remove sediment from the pond. He was also getting the Memorandum of Understanding (MOU) signatures, for a perpetual easement to maintain it, from everyone involved. All 5 NRCS plans were moving forward. Richard expressed his appreciation to be able to work on the fairgrounds. Marilyn Wood asked Richard if he had started the drainage project at the fairgrounds. Richard noted that he had asked Curtis DeMille to handle that project. At the same time, he would put in a drain basin from the horse area down past soccer fields.

**Bruce Anderson, Iron County Public Works Director**, reported on Roads: They were still skin patching in the Parowan Gap and were working toward Beryl. The road department was working on 7700 W. Richard Wilson was able to have the road surveyed and Bruce would be going out to look at the alignment. He noted that he hoped to get some help from the Corrections work crew removing the fence. There was approximately 3 miles of road that would be built. Marilyn Wood noted that corrections was having a hard time putting a work crew together that was qualified. Bruce reported that there were issues with exterior dirt roads flooding, especially Gold Springs Road. It had flooded several times, and he had a meeting with Paul Riggs, Bureau of Land Management (BLM) Field Manager, to discuss possible solutions. Marilyn Wood reported that 4-Mile Road had washed out 5 times this year. Bruce noted that most flooding had not occurred around residents. He reported that there were a few of his employees out for medical reasons, but new employees were doing a great job. He was working on the budget for 2023 and noted that maintenance and fuel would be over in the 2022 budget. Bruce reported that the road department would be getting a new blade for Colby’s truck. They were working on projects on Kanarra Mountain. He had gone up Kanarra Mountain and looked at the pit and see if there was any extra cinders, but it was mostly dirt underneath. He would talk to the previous owners and hopefully he could go up higher on the mountain where more cinders were available. Bruce reported on the Landfill: After a 2 year process the landfill was re-permitted. With the re-permit there was 16M yards added to municipal solid waste capacity. Employees continued to work hard and remained healthy. He was working in his 2023 budget and vehicle maintenance would also be over on the 2022 budget. Doug Taylor, Division of Environmental Quality (DEQ) came down for an inspection of the landfill, which went very well. Bruce reported that there was a new road to Pit B for easier access. He noted that he hoped to have the side load truck, that he ordered a year ago, by early December. Landfill use from construction was up by 4K tons, and there had been 30,100 customers use the landfill so far this year.

**Brennan Wood, Southwest Applied Technical College (SWATC) President**, reported on what was happening at SWATC. The Business & Innovation Center opened in November of 2021. There had been 43 startup clients and 6 Hive Accelerated Business Launch clients. There

had been success with participants starting their own companies and showing profits. Brennen noted that he would be reporting on the Iron County Intergenerational Poverty Grant. There were 849 students enrolled in SWATC and most of them were from Canyon View and Cedar High School. He reported that SWATC offered Introduction courses (Intro to Welding, Intro to Automation, etc.) where most Tech Schools in Utah did not offer intro courses. Welding Essentials and Medical Clinical Assistant courses were the most popular. SWATC had seen a steady increase of students as a result of an Intergenerational Poverty Grant. Studies show that students in High School graduate at a much higher level if they attended a Tech School, were more engaged, graduate at a higher rate and were excited for school. SWATC brought a whole different dynamic as they partner with the school district. Mr. Wood reported on growth at SWATC from data collected in 2020-2021 to 2021-2022. SWATC had 360 graduates compared to 262 in 2020-2021, 2,101 total headcount compared to 2,104. He explained that "Headcount" in a technical program could refer to many things. SWATC offered short-term courses and all decreases in 2021-2022 were a result of COVID-19 as less short term courses were offered, but student count and certificates granted had since increased. This year the Nursing Assistance course showed an 80% reduction because students in High School don't want to have the COVID 19 vaccine at this time. Another reduction was in Industry at a 150 loss of students as a result of decisions made by Smithfield shuttering their hog operation in Beaver County. Membership hours were 332,386 compared to 267,962, Graduation Rate was 75% compared to 69% and Completion Rate was 86% compared to 82%. Brennen explained that the Graduation Rate was a legislative number. The legislature wanted to see how many students complete 100% and received a certificate. The Completion Rate was an Accreditation number. A Completer was a student who starts the program and gains enough of a skill to achieve a job in that industry. Often, students receive a job offer before they graduate and accept the job. The SWATC mission was to get students into the workforce. Custom Fit numbers were also up. Mr. Wood reported that the SWATC Dual Enrollment program was a model program across the country. He noted that 2,096 students were dually admitted students and approximately \$2.8M credits were awarded to students attending Southern Utah University (SUU), which was not a cost to the students. At SWATC, 81 dual enrollment students had completed their program and enrolled at SUU this academic year and 17 had graduated from SUU this academic year. Mr. Wood reported that at his last reporting he had spoken about a State Audit called Fund Accounting which tracked fees coming into a program and fees that were collected and it had to benefit a student in that certain program. Since the opening of SWATC there had been a general fee for adult students and short-term students. Those fees supplemented the fees for high school students. Moving forward, SWATC would no longer be allowed to offer those general fees. Previously a flat fee of \$20 was charged and students could take as many courses that they wanted in a year. He presented the commissioners with a new Fund Accounting model that they were required to follow. An Advanced EMT Classwork course was \$20 and now it was \$380, a \$360 increase for all raw materials. Brennen noted that the Intergenerational Grant would be very beneficial beginning next year as the grant did not cover the flat fee. Fees were charged and students who needed financial assistance would complete an application for a specific fee for a specific course. The new fees would force the student to look at their financial situation to decide if they needed financial help, and then apply for the Intergenerational Poverty Grant. All but 4 courses went up in fees with the largest being the CDL Courses. Some students only take one course (normal hours was 90) but other take up to 4 courses which now could be very expensive for them to cover raw materials. These rates did not include book or testing fees, only raw materials. He noted that support from Iron County was very important and meant so much to the students. Paul Cozzens asked if there was a large enrollment in the CDL courses since new laws had come out. Brennen reported that there was a long waiting list for the CDL courses. CDL was a 6 week course with 9 students currently registered and 30 on the waiting list. SWATC was applying for a Utah Works Grant to help with costs. He concluded by reported that the CDL Industry was worried about having enough drivers and that it would get worse because most drivers were approaching an age of retirement. He announced that two new courses would begin in January 2023, a Paramedic and Fire Academy course.

**Paul Cozzens, Iron County Commissioner,** reported that he attended a memorial service for Officer Ed Dare, who had passed away 20 years previously in the line of duty, on Saturday, September 24<sup>th</sup> at the Cedar City Cemetery. Paul explained that Dude Benson had approached him last year and asked if there could be a memorial service held for Officer Dare. Del Schlosser spoke and SUU Aviation did a fly over. Hayden Adams did his Eagle Scout project helping with the Memorial. It was a very nice program. He reported that he had attended the Utah State Association of Counties, Commissions & Councils (USACCC) Conference last week in Bryce Canyon and it was one of the best USACCC meetings he had attended. There were many topics covered and was well done. Ruby's Inn hosted the meeting and did a great job.

**Michael Bleak, Iron County Commissioner,** reported that his Father-in-Law, Joe Hart, had passed away two weeks ago and his memorial services were held last week. He expressed his appreciation for the out-pouring of support on behalf of his family. Mike explained that his Father-in-Law was very involved in Arizona and was thought highly of from many. Joe had served in the Legislature in Arizona for 10 years, and then was elected as a State Mine Inspector where he served for 15-years. The Governor of Arizona ordered Flags to be flown at half-staff in honor of Joe. Mike noted that he, Richard Wilson, and George Colson met at Cedar Highlands with a concern of land shifting on a property there. There was a home that had been inspected and they were in the process of reenforcing the property. Richard Wilson assessed the damage as minimal and mostly cosmetic. The owners were taking measures to correct the problem. He reported that he had met with a couple of members from the State Attorney's Office, Tracy Talbot and Heather Stewart, regarding the process of finding a new Children's Justice Center (CJC) Director for Iron County. Mike, Jennifer Bradbury, and Chad Dotson were coordinating closely with the State Attorney's Office through the process. The process was moving forward and there would be interviews next week. Commissioner Bleak reported that he had also attended a FEMA/Utah Emergency Management meeting to review new rules regarding flooding issues. Iron County was very well represented. He had attended the Utah Sheriff's Association Conference on September 22<sup>nd</sup> where the main focus was on mental health care for officers. Mike noted the he had participated in some of the SUU Homecoming activities and the Inauguration of Mindy Benson as the 17<sup>th</sup> President of SUU. Mike reported that in conjunction with the Utah Summit, the newly formed Inland Port Board would be meeting in Iron County. He and Danny Stewart were working together on an agenda. SUU Aviation would be offering a tour of Iron County's infrastructure. SUU Aviation would also be helping Maria Twitchell with a fall color advertisement for tourism.

**Marilyn Wood, Iron County Commissioner,** reported that she attended a ground breaking ceremony for Appaloosa Solar 1 and had shared it on social media. Unfortunately, she had received some backlash about it. She noted that we need to remember that this was private property and the owner's rights needed to allow them to make those decisions. Iron County benefits from solar farms and Iron County had the most solar farms in the State of Utah. Taxable businesses bring in revenues to Iron County. On September 19<sup>th</sup> she attended a zoom Stake Holders meeting regarding an Iron County Destination Plan. There was a lot of discussion on SUU and Shakespeare Festival. Marilyn noted that the program presented was good but felt that there should be more coverage of the culture and western way of life in Iron County. Maria Twitchell had told Marilyn that those subjects came up many times although it wasn't the main focus, but she would make sure they were included in the plan. She reported that she also attended the USACCC meeting. Marilyn enjoyed visiting with other commissioners from around the state and discussed the different challenges they were dealing with. Marilyn noted that she attended the Inauguration of Mindy Benson as the new SUU President. Mindy would be the first local person and the first woman to hold that position. Last Friday she attended the Iron County Sheriff's Award Banquet. Sheriff Carpenter had all the employees in attendance stand and repeat their oath of office and stressed how important our oaths and constitution were. Sheriff Carpenter gave out coins that had the Sheriff logo on one side and the U.S. Flag on the other side. Commissioner Wood expressed her appreciation for the Iron County Sheriff Department and Sheriff Carpenter. She reported that at the USACCC conference there was a First-Time Homebuilder Law Enforcement Grant. This grant would be available to law enforcement officers

in the Sheriff or Correction Departments. They could qualify for up to \$25K from the Utah Housing Corporation.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 (A-20) ACRES TO COMMERCIAL (C), LOCATED AT APPROXIMATELY 5561 W 3600 S, CEDAR CITY, UT, FOR APPROXIMATELY 39.5 ACRES WITHIN THE SE¼ SECTION 2, T37S, R12W, SLB&M, IRON COUNTY, UT (APN: E-259-5 & E-259-2) – VIVIANA MEHNER SUBDIVISION**

Reed Erickson, Iron County Planner, presented a brief explanation of the location of the property. The property was currently two A-20 parcels that the Mehner's would like be changed to Commercial and subdivided into four ten acre lots. It was located on the south end of Cedar City near the Kanarraville exit. Reed noted that no one owned the adjacent access roads and they were not dedicated to Iron County. In order to qualify as a minor subdivision, the roads had to front on a county dedicated, maintained road. The issues with the roads had to be solved before it could be subdivided, which was the reason for the only pursuing the zone change approval today.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open for a proposed Zone change regarding APN: E-259-5 & E-259-2. No Public comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Re-zoning and recommended approval of the zone change. Paul Cozzens made a motion to approve a proposed Zone Change regarding APN: E-259-5 & E-259-2, from Agriculture 20 Acres (A-20) to Commercial (C) as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20), RESIDENTIAL 1 ACRE (R-1) AND INDUSTRIAL (I) TO LIGHT INDUSTRIAL (LI) AND INDUSTRIAL (I) LOCATED AT APPROXIMATELY 1800 N IRON SPRINGS ROAD, CEDAR CITY, UT, APPROXIMATELY 820.90 ACRES WITHIN SECTIONS 33, 34, & 35, T35S, R12W, SLB&M, IRON COUNTY, UT (APN: E-163-1, E-144-4, E-172-1-3, E-172-1, E-172-1-1 & E-172-1-2)**

Reed Erickson, Iron County Planner, explained that Iron Apex LLC & Iron Farms LLC were the applicants and their interests were to develop a trans load station off the rail to receive goods to load onto trucks and vice versa. Apex recognized that there was a residential component near the development so they had planned Light Industrial (LI) in the front which was closer to homes and Industrial (I) along the back closer to the rail. Reed reported that the Iron County Master Plan accounted for the 100-foot Right of Way (ROW), but it did not provide access onto the property. A good access along 3200 N was being reviewed for appropriate alignment to get across the rail. There were good transportation corridors in the area that would not impact the residential properties. The 2400 N sewer line may be extended to 4500 W to service the development.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed zone change. No Public Comments were offered. Marilyn declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Re-zoning, based on review and findings, recommended approval of the Zone change. Michael Bleak made a motion to approve a proposed zone change from Agriculture 20 acres (A-20), Residential 1 acre (R-1) and Industrial (I) to Light Industrial (LI) and Industrial (I) regarding APN's: E-163-1, E-144-4, E-172-1-3, E-172-1, E-172-1-1 & E-172-1-2) as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED MINOR SUBDIVISION – RANDALL S WONG MINOR SUBDIVISION - 2 LOTS LOCATED NEAR 3400 S 7700 W, CEDAR CITY, UT APPROXIMATELY 49.05 ACRES WITHIN THE SOUTH 50 ACRES OF LOTS 3 & 4, SECTION 4, T37S, R12W SLB&M, IRON COUNTY, UTAH (APN: E-261-25)**

Reed Erickson, Iron County Planner, described the location and surrounding areas as being west of Quichapa Lake on 7700 West at the south end of Cedar Valley. The property would front on 7700 W which was an Iron County maintained road. The property was adjacent to RA-20 and A-20. Reed noted that the proposal was to take the 49.50 acres and split it to be approximately two 20-acre parcels. He explained that Richard Wilson was working to acquire the easements and prepare 7700 to be chip sealed. The applicant, Mr. Wong, had drilled a well that met the requirements for both properties, had water rights and the parcels were suitable for septic. The subdivision would be off-grid but Mr. Wong planned to bring in power at a later date.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Minor Subdivision (APN: E-261-25). No Public Comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Planning Commission had reviewed 16.20.130 – Minor Subdivision Application & Procedures, and after review and findings, recommended approval for the proposed Minor Subdivision: Randall S Wong Minor Subdivision, APN: E-261-25. Paul Cozzens made a motion to approve the proposed Minor Subdivision – Randall S Wong Minor Subdivision (APN: E-261-25) as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONING ORDINANCE AMENDMENT, ORDINANCE 2022-5 – IRON COUNTY CODE SECTION 17.40.030-TABLE OF USES, 17.16.040-TABLE OF SITE DEVELOPMENT STANDARDS, AND 17.36.020-GENERAL REQUIREMENTS (WAREHOUSES, A-20 USES WITH SMALLER PARCELS)**

Reed Erickson, Iron County Planner, explained that Ordinance 2022-3 included: Section 17.16.030 – Table of Uses and would allow warehouses in A-20 with a Conditional Use Permit (CUP) as long as it was not a distribution center. In 17.16.040 – Table of Site Development Standards was a clarification of a change made previously for property zoned A-20 which was normally 20-acres, but was actually 18-acres and at least five or more acres. Addition of “Properties in the A-20 or RA-20 zoning districts that are less than eighteen (18) acres seeking uses that are allowed as a permitted, administrative, or conditional use, may be granted the desired use if the same use is also allowed in residential zoning districts requiring a minimum lot size that is the same or smaller than the subject property.” 17.36.020 – General Requirements (Warehouses, A-20 uses with smaller parcels was to fix the code to say 5-acres instead of 10 acres. 17.36.400 – Accessory Dwelling Units (ADU’s) was a residency requirement that the legal owner of record occupy one of the two dwellings of the residential structure in which the ADU was located: “and sign and record an acknowledgement stating that the owner of record understands the requirement and will establish one of the two dwelling units associated with the ADU as their primary dwelling.”

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding Ordinance 2022-5. No Public Comments were offered. Marilyn declared the Public Hearing closed. Michael Bleak made a motion to approve the Zoning Ordinance Amendments to Ordinance 2022-5 as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## IRON COUNTY ORDINANCE 2022-5

AN ORDINANCE OF IRON COUNTY, UTAH, MODIFYING SECTIONS 17.16.040 – TABLE OF SITE DEVELOPMENT STANDARDS, 17.36.020 – GENERAL REQUIREMENTS, 17.16.030 – TABLE OF USES, 17.36.400 – ACCESSORY DWELLING UNITS (ADUs), AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, the Board of Iron County Commissioners has determined that in order to best protect property, to allow for warehouses in the A-20 zoning districts, clarify the regulations and opportunities for smaller than zone properties in the A-20 and RA-20 zoning districts, and require a residency acknowledgement for ADUs, there should be established appropriate updates in the land management code of Iron County; and

**Whereas**, the Iron County Commission finds it promotes the general welfare of the citizens of Iron County by adopting the proposed amendments to further the orderly and efficient development of property in Iron 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 amend the following ordinances; and

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendment 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, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** Within **Section 17.16.040 – Table of site development standards**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.16.040 - Table of site development standards.**

(3) If a lot or parcel of property is located within an RA-20 or A-20 zone and is less than ~~eighteen~~**twenty (18)** acres but at least five 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, ~~administrative~~, or conditional as set forth in the ~~Table of Uses for the RA-20 or A-20 zones~~, except for kennels; provided that all listed uses (permitted, ~~administrative~~, and/or conditional) in the RA-20 or A-20 zone shall be considered ~~conditional~~ uses for lots or parcels in the RA-20 or A-20 zone and smaller than ~~eighteen (18)~~**twenty** acres, but at least five or more acres, subject to the following provisions:

- a. The requested use is allowed in the RA-20 or A-20 zone as a permitted, administrative land use, or conditional use;
- b. The requested use complies with the requirements for the RA-20 or 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 RA-20 or A-20 zone shall only be considered eligible for lots with ~~twenty-eighteen (18)~~ or more acres.

e. Properties in the A-20 or RA-20 zoning districts that are less than eighteen (18) acres seeking uses that are allowed as a permitted, administrative, or conditional use, may be granted the desired use if the same use is also allowed in residential zoning districts requiring a minimum lot size that is the same or smaller than the subject property.

For example, if an allowed use in the RA-20 or A-20 zone is proposed on a two-acre lot/parcel in the RA-20 or A-20 zoning district, and the same use is also allowed in the R-2 zoning district, that use would be allowed as a permitted, administrative, or a conditional use as described in the R-2 zoning district. If said proposed use is not allowed in the smaller zoning district, the use would not be allowed for the same lot/parcel, if it is less than five acres. If the parcel is between five and twenty acres, the use may be allowed as a conditional use, as described in (3) above.

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.

***Remainder of this section remains unchanged***

**SECTION 2.** Within Section 17.36.020 – General Requirements, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.36.020 - General requirements.**

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 acres, but at least ~~ten-five~~ or more acres, other uses identified in the Table of Uses (Section 17.16.030) specific to the A-20 zone, identified as permitted, administrative, 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.** Within Section 17.16.030 – Table of Uses, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.16.030 – Table of Uses.**

USES	ZONE DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2	R4K	C	LI	I	IA
Veterinary clinic, without outdoor holding facilities	P	C	X	C	X	X	X	X	P	P	P	P
Warehouse	<del>X</del> C	X	X	X	X	X	X	X	C	P	P	P
Wind energy system, commercial	C	X	X	X	X	X	X	X	X	X	C	C

***Remainder of this section remains unchanged***

**SECTION 4.** Within Section 17.39.400 – Accessory Dwelling Units (ADUs), of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.36.400 - Accessory dwelling units (ADUs).**

**B. General Requirements.**

1. An accessory dwelling unit (ADU) shall:

- a. Be connected to the same utility connection for water, sewer, power, gas, etc. as the primary dwelling for which the ADU is secondary. If an ADU is proposed to be connected to an existing on-site wastewater treatment system, verification from Southwest Utah Public Health Department must be provided, stating that the wastewater system is of adequate size;
- b. Meet the residency requirement that the legal owner of record occupy one of the two dwellings of the residential structure in which the ADU is located; and sign and record an acknowledgment stating that the owner of record understands the requirement and will establish one of the two dwelling units associated with the ADU as their primary dwelling;
- c. Provide at least one off-street parking space, in addition to those required by the primary dwelling or guesthouse on the same lot;
- d. Replace any parking spaces contained within a garage or carport if the ADU is created within the garage or carport;
- e. Be no greater than eight hundred square feet in size if created as an addition to the existing dwelling and not within the footprint of the primary dwelling structure, prior to the addition;
- f. Be less than fifty percent in size of the primary dwelling when within the same footprint of the primary dwelling;
- g. Comply with all applicable building, health, and fire codes; and
- h. Be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling, while considering privacy concerns with screening, landscaping, and orientation.

***Remainder of this section remains unchanged***

**SECTION 5. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and are hereby amended with the express intent to allow warehouses in the A-20 zoning districts, clarify the regulations and opportunities for smaller than zone properties in the A-20 and RA-20 zoning districts, and require a residency acknowledgement for ADUs, there should be established appropriate updates in the land management code of Iron County, as determined by Iron County and in accordance with Utah State law 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.

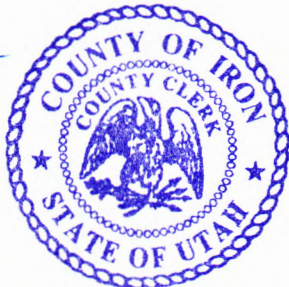
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF IRON COUNTY, UTAH this 26<sup>th</sup> day of September, 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood/Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker,  
County Clerk



VOTING:

Michael Bleak              Aye    
Paul Cozzens              Aye    
Marilyn Wood              Aye  

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED  
ORDINANCE AMENDMENT ORDINANCE 2022-6 MODIFYING SECTIONS 15.06.030  
– WATER, SEWAGE, ROAD, AND GEOLOGIC CONDITIONS REQUIREMENTS,  
16.20.060 – EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES, AND  
16.12.030 – EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES, AND  
PROVIDING FOR AN EFFECTIVE DATE**

Reed Erickson, Iron County Planner, explained that the Proposed Regulation – Unincorporated Iron County would include the amendment in Sections 15.06.030, 16.20.060 and 16.12.030 with in the following language: “Any water right(s) required in this section shall be of a priority date that insures it(them) not to be in jeopardy of suspension or termination according to the applicable Utah Division of Water Rights State Engineers “Groundwater Management Plan” and rules for the water basin wherein the water right(s) is(are) issued for a period of at least fifty (50) years from the date of the issuance of a building permit. A recorded document must also accompany the evidence of water right(s) that states 1) the date of the water right(s); 2) the scheduled date for possible suspension or termination of water right(s), according to the applicable groundwater management plan, if relevant; and 3) that the property owner(s) acknowledge(s) the State Engineers intent to regulate said water rights based on priority dates, regardless of use” and “The required acknowledgement may be included on the final subdivision plat, but must be recorded for the entire subdivision property, but must be recorded for the entire subdivision property as a separate document after the final plat is recorded.” Cedar City & Enoch adopted the Cedar Valley Basin Regulation Schedule. Paul Cozzens asked if the water rights schedule be included on a deed. Reed reported that it would.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding Ordinance 2022-6. No Public Comments were offered. Marilyn declared the Public Hearing closed.

Paul Cozzens made a motion to approve the Ordinance Amendment of Ordinance 2022-6 as presented. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## IRON COUNTY ORDINANCE 2022-6

AN ORDINANCE OF IRON COUNTY, UTAH, MODIFYING SECTIONS 15.06.030 – WATER, SEWAGE, ROAD, AND GEOLOGIC CONDITIONS REQUIREMENTS, 16.20.060 – EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES, AND 16.12.030 – EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, the Board of Iron County Commissioners has determined that in order to best protect property, to ensure groundwater withdrawals do not exceed safe yield, to safeguard the physical integrity of the aquifer, and to protect water quality and respond to ground water management plans with the Utah Division of Water Rights State Engineer, there should be established an appropriate priority date for water rights used in residential and commercial subdivisions/developments and building permits in the unincorporated lands of Iron County; and

**Whereas**, the Iron County Commission finds it promotes the general welfare of the citizens of Iron County by adopting the new water rights priority regulations to further the orderly and efficient development of property in Iron 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 amend the following ordinances; and

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendment 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, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** Within **Section 15.06.030 - Water, sewage, road, and geologic conditions requirements**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**15.06.030 - Water, sewage, road, and geologic conditions requirements.**

All applications for a building permit, excepting agricultural buildings to the extent exempted by the provisions of Section 58-56-4, Utah Code Annotated, 1953, as amended, shall comply with the following:

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

All building permit applications shall identify the proposed source of culinary water. The Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, shall review and approve the proposed source of culinary water and determine compliance with the requirements for: (1) connection to a public water system; (2) connection to an existing nonpublic water system; or (3) provision of culinary water from a well or spring. The Southwest Utah Public Health Department or the Utah Department of Environmental

Quality, as applicable, shall provide its acceptance and approval of the proposed culinary water source to the county building official prior to the approval of a building permit application. Every effort should be made to secure water system extensions of an existing water system, approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.

In addition to the requirements of the Southwest Utah Public Health Department and the Utah Department of Environmental Quality, the following information shall be provided to the county building official, necessary to evaluate the adequacy of the water system intended to serve the proposed building or structure.

1. Evidence of Adequate Water Rights. Evidence shall be provided identifying adequate water rights to serve the proposed building or structure. Such evidence shall identify, as a minimum, the water rights, as required by the county for the approval of the lot proposed for issuance of the building permit, or if no water rights were required for the approval of the lot, a minimum of ~~0.45~~one-acre-feet of water right per equivalent residential unit, not dedicated to any other use, except that ~~0.25~~0.45 acre feet of water right per equivalent residential unit may be accepted by the county building official for buildings and structures identified for seasonal purposes and where each building and structure and its accompanying lot is voluntarily restricted by the applicant, by recording such restriction for the lot proposed for the building permit, identifying that maximum occupancy for the proposed building or structure is limited to a maximum of one hundred eighty days, or less, for each calendar year.

Any water right(s) required in this section shall be of a priority date that insures it(them) not to be in jeopardy of suspension or termination according to the applicable Utah Division of Water Rights State Engineer's "Groundwater Management Plan" and rules for the water basin wherein the water right(s) is(are) issued for a period of at least fifty (50) years from the date of the issuance of a building permit. A recorded document must also accompany the evidence of water right(s) that states 1) the date of the water right(s), 2) the scheduled date for possible suspension or termination of the water right(s), according to the applicable groundwater management plan and 3) that the property owner(s) acknowledge(s) the State Engineer's intent to regulate said water rights based on priority dates, regardless of use.

*Remainder of Section to remain in effect.*

**SECTION 2.** Within **Section 16.20.060 – Evidence of availability of necessary services**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**16.20.060 - Evidence of availability of necessary services.**

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

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

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

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

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

Any water right(s) required in this section shall be of a priority date that insures it(them) not to be in jeopardy of suspension or termination according to the applicable Utah Division of Water Rights State Engineer's "Groundwater Management Plan" and rules for the water basin wherein the water right(s) is(are) issued for a period of at least fifty (50) years from the date of the issuance of a building permit. A recorded document must also accompany the evidence of water right(s) that states 1) the date of the water right(s), 2) the scheduled date for possible suspension or termination of the water right(s), according to the applicable groundwater management plan and 3) that the property owner(s) acknowledge(s) the State Engineer's intent to regulate said water rights based on priority dates, regardless of use. The required acknowledgement may be included on the final subdivision plat, but must be recorded for the entire subdivision property as a separate document after the final plat is recorded.

*Remainder of Section to remain in effect.*

**SECTION 3.** Within **Section 16.12.030 - Evidence of availability of necessary services**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**16.12.030 - Evidence of availability of necessary services.**

In addition to the information required in Section 16.12.010 of this chapter, the following information is required to be presented as part of the preliminary subdivision plat application, necessary to establish the availability of basic services to the proposed subdivision:

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

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

1. A statement of feasibility, provided by the Southwest Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable. For all public and nonpublic water systems, the preliminary subdivision application shall include the following information and materials:
  - a. Evidence of sufficient water rights, as issued by the Utah division of water rights. Such evidence shall identify a minimum of one acre feet of water right per equivalent residential unit, not dedicated to any other use, provided that 0.45 acre feet of water right per equivalent residential unit may be accepted by the county for subdivisions identified for recreational purposes and where each proposed residential unit and lot is voluntarily restricted by the subdivider identifying that the maximum occupancy of each proposed residential unit is limited to a maximum occupancy period of one hundred eighty days, or less, for each calendar year, and a note of such voluntary restriction is provided on the preliminary subdivision plat.

Any water right(s) required in this section shall be of a priority date that insures it(them) not to be in jeopardy of suspension or termination according to the applicable Utah Division of Water Rights State Engineer's "Groundwater Management Plan" and rules



for the water basin wherein the water right(s) is(are) issued for a period of at least fifty (50) years from the date of the issuance of a building permit. A recorded document must also accompany the evidence of water right(s) that states 1) the date of the water right(s) 2) the scheduled date for possible suspension or termination of the water right(s), according to the applicable groundwater management plan and 3) that the property owner(s) acknowledge(s) the State Engineer's intent to regulate said water rights based on priority dates, regardless of use. The required acknowledgement may be included on the minor subdivision plat, but must be recorded for the entire subdivision property as a separate document after the subdivision plat is recorded.

**SECTION 4. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and are hereby amended with the express intent of identifying and notifying parties of the concerns associated with ground water management and "safe yield" determinations by the Utah Water Rights Engineer, and requiring a priority water right sufficient to provide access to water for an established period of time, as determined by Iron County and in accordance with Utah State law and Iron County code.

**SECTION 5. Severability.**

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

**SECTION 6. Effective Date.**

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

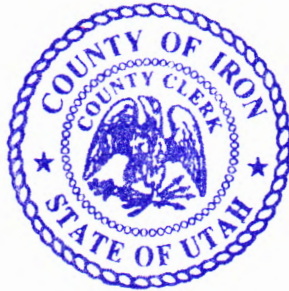
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 26<sup>th</sup> day of September 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood, Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker,  
County Clerk



VOTING:

Michael Bleak        Aye    
Paul Cozzens         Aye    
Marilyn Wood         Aye

**DISCUSSION AND POSSIBLE APPROVAL OF THE PEAK VIEW RANCHETTES SUBDIVISION FINAL PLAT – 13 LOTS, APPROXIMATELY 81.83 ACRES LOCATED WITHIN THE E½ SECTION 8, T35S, R11W, SLB&M, IRON COUNTY, UT (APN’S: D-518-1-1 AND D-525)**

Reed Erickson, Iron County Planner, explained that Peak View Ranchettes’ zone change and subdivision had previously been approved and the final plat was being brought before the commission for approval. Michael Bleak made a motion to approve the Peak View Ranchettes Subdivision Final Plat as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE CASCADE SPRINGS PHASE 2 PRE-ANNEXATION AGREEMENT WITH CEDAR CITY, IRON COUNTY AND CASCADE DEVELOPMENT HOLDINGS LC, LOCATED IN THE VICINITY OF 2530 N 300 W CEDAR CITY, UT –ANNEXATION LEAVING AN ISLAND OR PENINSULA**

Reed Erickson, Iron County Planner, explained that because it took time to go through the annexation process and to develop a project in Cedar City, the developer had requested a pre-annexation agreement. The developer planned to vacate Cascade Springs Phase 2, an old subdivision, and redevelop it. Cedar City was requiring the developer have a 2<sup>nd</sup> access, which would go through Iron County property. The agreement would allow the developer to continue the road using city standards because the county agreed to the annexation. This would allow Cedar City to collect fees, inspect, and approve the development plan to city standards. When the project was completed, if Cedar City did not annex it, Iron County would take responsibility. Reed reported that after review and findings the ICPC recommended approval. Sheriff Carpenter noted that islands caused issues with dispatch regarding who had jurisdiction if an emergency call was made.

Paul Cozzens made a motion to approve the Cascade Springs Phase 2 Pre-annexation agreement between Cascade Springs, Cedar City, and Iron County. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE PARTIAL AMENDED FAR WEST SUBDIVISION, LOT 1, BLOCK 5, FOR WILLIAM HOLM – LOCATED IN SECTION 6, T37S, R13W, SLB&M, IRON COUNTY (APN: E-685-5-1)**

Reed Erickson, Iron County Planner, explained that an amended plat could be approved without being presented before the planning commission. It did not require a public hearing and all the applicants were in agreement and would sign the application. Reed noted that a Public Easement was required to give notice for 3 weeks in a local newspaper, but this was not considered a public easement and the requirement was not needed. He reported that there were easements placed on the property for drainage, but they were not placed where the drainage was. This amendment was to move the easements to the correct drainage and would be mapped correctly according to the drainage. Michael Bleak made a motion to approve the partial amended Far West Subdivision as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

No Public Comments were offered.

**REQUESTING A DONATION FOR THE SENIOR COMPANION AND FOSTER GRANDPARENT PROGRAM**

Joni Lyman, Five County AmeriCorps Seniors Program Coordinator, explained that Senior Companions assist their fellow seniors in the community by providing transportation for essential errands, companionship, light housekeeping, and respite for care givers. Each Senior Companion was assigned 5-10 clients who they visit once a week for 3-4 hours. A Foster Grandparent served in local schools working one-on-one with children who have “exceptional or special needs.” They assist the children with reading and math skills. More importantly, the Foster Grandparent offered support and compassion to the children. The seniors received a small stipend that was raised from \$3 to \$3.15 and were reimbursed for mileage which was raised from .35 cents to .45 cents. Joni reported that to qualify to serve as a Foster Grandparent or Senior Companion a person must be over 55 years old, be income eligible (earn less than \$220 per month) and be willing to serve a minimum of 15 hours per week. Most seniors averaged 20 hours per week. She noted that Iron County does well recruiting volunteers. Joni reported that the grant they received required a match donation. In previous years Iron County had approved a \$1,000 match. Paul Cozzens suggested to raise the donation by \$300. Mike Bleak noted that this request would be good to include as a line item in the Iron County budget so the program did not have to come back every year to request the funding. All the commissioners agreed and asked Jon Whittaker to follow up with Dan Jessen to be added to the budget. Paul Cozzens made a motion to approve a donation for the Senior Companion and Foster Grandparent Program in the amount of \$1,300 and to add it to the budget. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**REQUESTING TO DONATE A 1972 DODGE PICKUP TO THE FAMILY OF BRYNER WOOD, THE FOUNDING FIRE CHIEF OF BERYL (ESCALANTE VALLEY) FIRE DEPARTMENT**

Ryan Riddle, Iron County Fire Warden, explained that when the process of eliminating Iron County vehicles for possible resale began, it took time to locate many of the old vehicles. The 1972 Dodge pickup was located on private property and had been taken over by weeds. It was in very poor condition and not in any type of working condition or to place it on the surplus site. Ryan reported that the Wood family had the ability to restore it. The grandchildren asked to acquire the pickup and restore it to its original state as fire truck. There was no value in the truck for Iron County. Michael Bleak made a motion to approve the donation of a 1972 Dodge Pickup to the family of Bryner Wood as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN INTER-LOCAL INDEMNIFICATION ENCROACHMENT AGREEMENT BETWEEN CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT (CICWCD) AND IRON COUNTY**

Richard Wilson, Iron County Chief Engineer, explained that there had been discussions with the CICWCD, Cedar City, Enoch, and Iron County. Iron County had always required the purchase of an Encroachment Permit in order to work in a county Right-of-Way (ROW) or across county property. It was a two-fold operation which allowed Iron County to be aware of what was being done, make sure Iron County’s interests were maintained, and to make sure the encroachment was not left as an open trench or obstacle. Iron County always bonded the encroachment in case the entity did not put it back to the original state. This bond was present to make sure the county workers were paid for doing the work in the situation where a developer failed to restore the roadway. Municipalities or entities don’t go away after a project. Richard noted that he would like Iron County to show good faith when working with the different entities it would make sense to enter into an Inter-Local Agreement that stated the entity would put the property back to its original state or Iron County could go back to them to have them repair it. This agreement would not make them bond for those repairs. They would still be required to purchase an encroachment permit and the agreement would serve as a legal document as approval of an easement and have them put the easement back to its original state. This Inter-

Local Agreement would be between Iron County & CICWDCD, and Enoch City had sent him a similar agreement. This would protect Iron County from disruption and make sure repairs were done, and at the same time it removed the entities out of the bonding business with Iron County. It would alleviate Iron County from withholding money that would just be returned later. Richard requested that the commissioners approve to enter into the Inter-Local Agreement with the CICWCD. Paul Cozzens made a motion to approve an Inter-Local Indemnification Encroachment Agreement between CICWCD and Iron County. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Richard Wilson requested to have an amendment to the agreement to not just have the agreement with the CICWCD but all the municipalities. Jon Whittaker noted that the approval should be approved with the individual entities and to approve only CICWCD at this time. Richard reported that he would talk to the municipalities and bring the individual signed agreements to approve one at a time.

### **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 2022-7, AN ORDINANCE ADDRESSING PUBLIC ROADS**

Richard Wilson, Iron County Chief Engineer, explained that this item would be for discussion only as there was no public notification given so no action could be taken today. He would put the required notice out and bring it back to the October 24<sup>th</sup> commission meeting for approval. This notice would notify the public that Iron County had an ordinance addressing public roads recitals and legislative findings. The ordinance would include the definition of a County Road, explained that a citizen or property owner did not have the right to block, obstruct, or divert a County Road, that unauthorized signage directing traffic, travel, or use of a County Road was prohibited and violations of the ordinance. If a public road was blocked by the owner of property they would receive a warning that they would have to open the road immediately. No action was taken.

### **PERSONNEL**

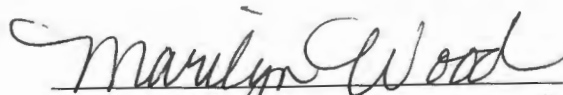
Jennifer Bradbury, HR Director, presented the new hire of Julie Ellis as a Part-Time Deputy Auditor in the Auditor's Office, effective September 26<sup>th</sup>. This was a backfill of a vacant position. Paul Cozzens made a motion to approve the new hire of Julie Ellis as a Part-Time Deputy Auditor in the Auditor's Office, effective September 26<sup>th</sup>. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **NON-DELEGATED ITEMS**

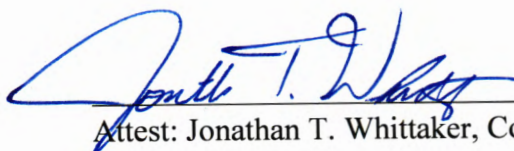
No Non-Delegated items were offered.

### **ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.



Signed: Marilyn Wood, Commission Chair



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
OCTOBER 10, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. October 10, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Carrie Christiansen	County Chief Deputy Auditor
George Colson	County Emergency Management
Richard Wilson	County Chief Engineer
Susan Blackner	County Fair Director
Joyce Evans	County Fair Director (Outgoing)
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Jared Wilson	County I.T. Director
Reed Erickson	County Planner
Carrie Jeffries	County Recorder
Kenneth Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer

**SYNOPSIS**

ADJOURNMENT ..... 10

APPROVAL OF CLAIMS FOR PAYMENT ..... 2

APPROVAL OF MINUTES ..... 2

BOARD OF EQUALIZATION RECOMMENDATIONS FOR APPEALS..... 10

DEPARTMENTAL REPORTS..... 2

INTERDEPARTMENTAL VEHICLE TRANSFER POLICY ..... 6

INVOCATION ..... 2

MATCHING GRANTS REGARDING FUTURE WATER PROJECTS ..... 7

NON-DELEGATED ITEMS..... 10

PERSONNEL ..... 10

PLEDGE OF ALLEGIANCE..... 2

PUBLIC COMMENTS ..... 5

RESOLUTION 2022-10, UCIP REPRESENTATIVE AND ALTERNATE ..... 9

TRANSFER OF HANDHELD 800MHZ TO CEDAR CITY AIRPORT ..... 8  
 VEHICLE SALE ON LIST ON SURPLUS WEBSITE ..... 6

**INVOCATION**

An invocation was offered by Roice Nelson.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by George Colson.

Marilyn Wood, Iron County Commission Chair, excused Sam Woodall, Iron County Deputy Attorney, as he was out of town and unable to attend today’s meeting.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the September 26, 2022 Iron County Commission Meeting. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Michael Bleak made a motion to approve Claims for Payment for September 26, 2022 to October 9, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Karsten Reed, Iron County Assessor**, reported that Brittany Fisher received her 2<sup>nd</sup> Master’s Degree and decided to pursue another opportunity that opened up for her. Karsten expressed his appreciation for all that Brittany contributed to Iron County. With her departure, Joseph Peterson was hired as a Full-Time Trainee Assessor and would begin working next week. Joseph received a Degree from the University of Arizona in Data Analytics which would be a perfect fit for the Assessor’s Office. Karsten noted that the Assessor’s Office would be moving to a hybrid work schedule. A hybrid work schedule was a flexible work model that combined remote and in-office work. It would allow employees to work from home some days and the office on others. Studies showed that working from home with a more flexible schedule resulted in higher productivity and employee retention. He informed his employees that the hybrid schedule would be on a trial basis through the 1<sup>st</sup> Quarter of 2023 and if productivity did not raise they would resume all in-office work. Karsten reported that the budget was on track with the exception of training. The renewal process included intense education through the State of Utah which had to be reimbursed to the state. He noted that the State Assessor’s had discussed increasing the Primary Residential Exemption from 45% to 65% so the homeowner was less burdened with taxation. It was ultimately a legislative decision and he would keep the commissioners updated as information was relayed.

**Joyce Evans, Iron County Outgoing Fair Director**, reported that the 2022 Iron County Fair was a success. The Mud Bog and Demolition Derby was moved up by one week to increase participants in the Demolition Derby. As a result, there was a decrease in participants in the Mud Bog because of the change in weekends. The Demolition Derby was sold out even with the extra bleachers and sitting area in front. Joyce noted that the Carnival numbers were slightly down on Monday as a result of the extreme heat. Most attended the Parade, ate, then went home because it was too hot. The Carnival still brought in \$33K because of the large attendance Saturday evening. She reported that she and her staff worked hard to bring in more sponsorships and had collected approximately \$101K thus far. Joyce expressed her appreciation to the community and hundreds of volunteers for all their support making the Iron County Fair a success. The Rodeo’s continued to grow and attracting more attention from the Professional Rodeo Cowboys Association (PRCA). Several of the Cowboys who participated in the Iron County Rodeos’ would be participating in the National Finals Rodeo (NFR), and for the first time there were

horses that would be headed to the NFR. Bar T Rodeo had brought down a couple of their well-known bucking horses, Titter Bug and Son of Sadie, who would also be headed to the NFR. She noted that there were unrepresented high scores given at the Iron County Rodeo's. The Friday and Saturday rodeos were very well attended with Saturday's rodeo being sold out. The cost of the Rodeo's was approximately \$101K. The \$64,512 collected at the gate and \$36K from sponsors pay for the rodeos to help them break even. Their attendance was higher and the new parking lot was full, plus some, and there were many positive comments regarding the improvements made to the fairgrounds. Joyce expressed her appreciation to the commissioners for being willing to take ownership of the fair and contributing to the improvements. Paul Cozzens asked Joyce how the fair did overall in regard to breaking even. Joyce reported that not all the bills had been paid and not all the income had been recorded. The budget was difficult to separate with all the costs of improvements, which many were unknown to her, but she felt that the fair did break even this year. Marilyn Wood reported that most of the expense of the improvements came from the Transient Room Tax (TRT) from Tourism. Marilyn also expressed her appreciation to Joyce for her many years of service regarding the Iron County Fair and how she had managed to make the fair such a success every year. Joyce replied that it was not her but all the volunteer and the community of Parowan City that made the fair a success, along with the support from the Iron County Commissioners through the years.

**Susan Blackner, Iron County Fair Director**, reported that as she and Joyce reviewed the budget it looked like the fair would break even this year. Susan noted that she had already begun planning next year's fair. Having the Fair Director as a full-time position would help her to look at some different avenues. She reported that the Fairgrounds would be hosting their first Food Truck Roundup on October 15<sup>th</sup>. As word spreads about the Iron County Fair it would continue to grow and be successful. Susan expressed her appreciation to Joyce Evans and all the volunteers that made this year's fair a success.

**Jared Wilson, IT Director**, reported that the IT Department continued to be busy. Justin McDonald decided to find employment elsewhere, and interviews were held to find a new Web Developer. Jaeger Christensen was hired and would begin work next week. Kendal Allen was able to complete the Spillman Integration with Geographic Information System (GIS) to streamline smoothly with dispatch and address points. Kendal had been working in the Recorder's Office with their new parcel plat map print out. Jared reported that he had signed a Request for Proposal (RFP) for the new phone system. There was still work to be done with programing the new system before it could be implemented. Once the system was up and running it would be a great saving for Iron County. Jared closed by reporting the budget was on track.

**Carri Jeffries, Iron County Recorder**, reported that she was excited for the new GIS project and to begin using it. Carri expressed her appreciation to Kendal Allen and Jared Wilson for all their help. She noted that total recordings were down slightly as the end of the year approached and building slowed down. There were approximately 700 less recordings compared to the 3<sup>rd</sup> Quarter of 2021. Plats for the previous quarter were 22 and there were 12 this quarter. Carri reported that the budget was on track. Marilyn Wood expressed her appreciation for Carri Jeffries and all the work she does for Iron County.

**Nicole Rosenberg, Iron County Treasurer**, reported that Product Sales collections were \$16,954,640.30. This quarter was their busy time of the year and Carrie Christiansen would be sending her the tax roll in the next couple of days. Over all pooled cash was doing great at \$61,085,999.57. Nicole noted that the interest rate was at 2.47% up from 1.12% at the last report. She reported that she had invested an additional \$8M with Moreton Investments. Nicole explained that because she had invested the money with Moreton rather than leave it in the Public Treasures Investment Fund (PTIF) the Interest Earned was \$170K higher. On rare occasions, Morten had a 3% interest for an extended period of time. She noted that the 2022 Iron County funds distributed was \$3,036,605.63. Nicole explained that her office would be creating a chart to be included with the tax notices that would display a visual of where tax dollars were being used. Some taxpayers had complained that the county gets too much money and she hoped this would help them understand where the money was distributed. The tax disclosures were sent

out and many did not open it and they might be surprised at their tax values. She reported that she was moving to Bill-Trax to email tax notices. Customers would have the option of having their tax notices emailed or continue with paper noticed. Iron County employees were sent an email with a link signup on Bill Trax. Some had signed up and she hoped that more would sign up. The price of paper and postage continued to increase so using Bill Trax would save Iron County money. Nicole expressed her appreciation to IT for all the help changing to Bill Trax. She also expressed her appreciation for her office personnel. She appreciated all their hard work and that they were happy to serve the community

**Michael P. Bleak, Iron County Commissioner**, reported that the Commissioners, staff, Building & Zoning, County Planner and Engineers attended a Belt Route kickoff meeting. The Belt Route would begin on the western end of Cedar City. Mike noted that he met with Southwest Applied Technical College (SWATC) for discussions regarding the Legislative requirement to split fees and plans for funding. He was asked to speak at the Utah Airport Operators Association (UAOA) Conference held in Cedar City (for the first time) on October 8<sup>th</sup>. Nick Holt, Cedar City Airport Manager, was appointed as the UAOA President. He explained that it was good to have those relationships with all the Airport Operators, Directors, Federal Aviation Administration, and Aerospace industries. Saturday night was the closing of the fall schedule of the Shakespeare Festival. The Shakespeare Festival provided discounted tickets for those attending the UAOA meeting. Mike and Commissioner Wood attended a dinner with Southern Utah University (SUU) International Affairs. SUU International Affairs would be opening a new Chinese Cultural Center named “The Helen Foster Snow Center” for Chinese studies and cultural events. He noted that they attended the Airport Fly-in Breakfast. This was a great event for the community to come and seen what happened at the airport. He attended the Harvest Festival at Nature Hills Farm who helped those who attended to understand the food process from the farm to the store. The Chamber of Commerce held their Fall Pumpkin Festival at the Diamond Z Arena. Mike reported that he spent two full days, October 4<sup>th</sup> and 5<sup>th</sup>, conducting interviews for a new Children’s Justice Center (CJC) Director for Iron County. There were many applicants and some viable candidates. Chad Dotson, Iron County Attorney, would make the final decision on whom to hire. It was a great process and he expressed his appreciation to all those involved in the process. The first Jail Site Selection Committee meeting was held. It was great to hear public comments and they would continue to move forward in the site selection process. Mike noted that he was able to attended the Canyon Creek Masquerade Ball fund raiser. It was a great success. Canyon Creek was a nonprofit organization and survived on grants and fundraisers. If they were not in Iron County taking care of that population, the services would be Iron County’s responsibility.

**Paul Cozzens, Iron County Commissioner**, explained that Fly-in Breakfast had been held for many years. It began as a Boy Scout fundraiser from his church group that would cook breakfast for the pilots flying into the airport. Now it was a fund raiser for the youth of Iron County. There were approximately 1,300 fed. Paul expressed his appreciation to the Leavitt family for the use of their hanger to hold the breakfast. He visited with Randy Bulloch, Bulloch Dirt Works, and Randy mentioned Randy Moore who worked at the Gold Springs Mine in Modena on boarder of Nevada and Utah. He and Marilyn Wood drove out to Modena and toured Gold Springs. Gold Springs was a mining exploration operation mining gold and silver. Paul noted that the workers at Gold Springs would drill about 150 feet apart to see how much silver and gold was each location. They found 900,000 ounces of gold and 1300 ounces of silver. When mining begins it would be the largest gold and silver mining in the world. Commissioner Cozzens announced that there would be a ribbon cutting a 4:00 p.m. today at the BZI/Visco Industrial Park on Iron Springs Road for the On and Off load station Rail spur. He closed by reporting that the Iron County Road Department completed Cross-cut paving the West View 800 South to reduce flooding. He expressed his appreciation to Curtis DeMille and Curtis DeMille Jr. for helping with concrete.

**Marilyn Wood, Iron County Commissioner**, reported that Kimley-Horn, Planning and Design Engineering Consultants, would be the company that would be doing the Belt Route Plan Study. She noted that Kimley-Horn would study every intersection and analyze which would be



the safest to be Belt Route entrances. It would take approximately one year for the in-depth study of the Belt Route. Marilyn noted that on October 1<sup>st</sup> she attended the Zion Regional Collaborative (ZRC) Workshop in LaVerkin. Zion National Park had asked counties to come on board to help eliminate congestion in the Park. LaVerkin and Toquerville had a few large development projects in the future. One of those would be a belt route and development around the area. On September 29<sup>th</sup> she visited Iron Springs for a presentation on artwork. There were eagles placed by statues and it looked beautiful. They would be developing a Veterans Art Museum where veterans with PTSD could go and find some peace. Marilyn noted that the Jail Site Selection Committee had a very productive meeting and great input from the community. She enjoyed the tour out at Gold Springs. She reported that the Gold Springs Road had washed out several times this summer and the Iron County Road Crew had been out several times to repair it. Randy Moore took the group to Deer Lodge on the Nevada side of the boarder to show them how much had been ruined from flooding. Marilyn noted that most mining companies came out of Canada because they were more user friendly in Toronto Stock Exchange. They were hoping to begin mining in 2 years which could bring in 200 plus jobs to Iron county.

**Michael Bleak, Iron County Commissioner,** reported that Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, was inducted into the Utah Tourism Hall of Fame. This award was a great accomplishment and very well deserved.

### **PUBLIC COMMENTS**

Jay Jones, Southwestern Heritage Center Historical Society, explained that there was a grant application that he was pursuing on behalf of said historical center. The grant was administered by the Utah Office of Tourism (UOT) and the funding came from the Federal Government Tourism Incentives due to the COVID-19 impact on tourism. Each state received an allotment from the Federal Government then UOT would administer the grant. Jay reported that there was an opportunity for a \$25K Implementation Grant which the Soutwestern Heritage Center Historical Society would like to use towards signage to direct tourists to the Casting of Lots site from the historical Dominguez-Escalante expedition. Jay then reported on the location of the Casting of Lots site. He explained that there were roads to the site but improvements would need to be made by the Bureau of Land Management (BLM) and Iron County for the signage to be successful. The grant application deadline was October 31<sup>st</sup>. The grant would cover the cost for the fabrication of the signs but not installation. Jay noted that the Casting of Lots was one of the most significant historical sites in the American Southwest. Mr. Jones explained that said historical center was asking for support from the BLM and Iron County for road improvements. Paul Cozzens asked if there was monument placed at the Casting of Lots currently. Jay reported that there was a small sign that gave a brief explanation of the site. He explained that the proposed signs would include QR codes to look up more information on the Casting of Lots. The Southwestern Heritage Center Historical Society could still apply for the grant and if awarded the grant it would be conditional on certain items. The grant funds had to be spent by year 2026. Jon Whittaker asked that Mr. Jones fill out an agenda application and request to be placed on the agenda at next meeting, and to gather details for what kind of commitment they were asking from the commissioners.

Roice Nelson, Southwestern Heritage Center Historical Society, explained that he had been working with Frank Nichols and Al Matheson to form a nonprofit 501(c)3 organization. The Soutwest Center Historical Society had been working with the monuments committee and the Sons of Utah Pioneers. They had completed the required documentation and had submitted them to the National Sons of Utah Pioneer for 84 monuments in Iron County. Roice reported that there were 28 Historical trails that had been identified in the Iron Spring area. Mr. Nelson explained that he was at the meeting to support Jay Jones with all that he had accomplished and was planning. He noted that said Historical Society had a Memorandum of Understanding (MOU) with the Iron County School District and they had committed matching funds of \$50K. They had to have a \$25K match which would be \$75K that was needed and had raised \$11,400 of the matching funds. This money would be used for documentation of stories of happenings in Iron County. Jay Jones had submitted many of the stories to the Iron County Today Newspaper.

Iron County Today had given the Southwest Heritage Center Historical Society permission to use those stories. There had been 63 stories submitted to the database thus far. He encouraged anyone to submit stories that they had of Iron County. Roice reported that said historical society had been awarded a \$50K grant from UOT to use specifically on Off Highway Vehicles. He noted that Frank Nichols had donated 60 miles of OHV trails in the Iron Springs area with the idea that they would transfer to Iron County. He reported that he needed to know how to transfer those rights. The Southwest Heritage Center Historical Society would receive credit towards matching funds once the OHV trails had been donated. Jon Whittaker explained that said historical society would have to complete a survey to identify the center line and have a proper land deed. Roice explained that the \$50K grant application was to prepare to apply for a \$350K grant around the end of January 2023. Jon noted that he was concerned if Iron County would be responsible for road maintenance on the trails. Jon suggested that he submit an application to place on a commission agenda when he could properly inform the commissioners what might be expected and then they could consider the request. Roice explained that Guy Thompson, of Henryville, had spent 4 years developing a concept called "Pumped Hydro Energy Recycling." The main idea was that there were 2 lakes, one higher than the other, use solar power, etc. to pump water to the upper lake and drop down to the other to create a power plant. There had been a study for years to identify a location. One location was owned by BLM and a similar location was on top of the Fiddlers Canyon area to place a lake. Roice reported that there was an Aligning Analysis Project conducted for Cedar City and the results were phenomenal. He believed that it would be beneficial for Iron County to have an Aligning Analysis Project completed.

**DISCUSSION, AND POSSIBLE APPROVAL OF VEHICLES SALE ON THE IRON COUNTY SURPLUS WEB-SITE, 2012 FORD 150 1FTFW1EF2CKD45289, 2000 FORD EXPLORER 1FMZU72E5YUB22317, 2003 GOSHEN BUS 1FDWE35S23SA57194, 2007 CHEVY IMPALA 2G1WU58R279286795, 2002 DODGE INTREPID 2B3AD46R82HI46989, 2006 JEEP CHEROKEE 1J4R48K56C268223, 2004 DODGE 1500 1D7HU18N74J202093, 1971 1¼ TON M561 GAMA GOATS SERIAL #2252S-02449 ABND 2252-3306C**

Wade Adams, Iron County Fleet Manager, presented the list of vehicles requested to be placed on the Iron County Surplus Web-site. Seven vehicles were ready from multiple departments including 2 Sheriff's Search and Rescue Gama Goat vehicles which had been demilitarized and approved by the state to be sold.

Paul Cozzens made a motion to approve the vehicles sale on the Iron County Surplus Web-Site of a 2012 Ford 150 1FTFW1EF2CKD45289, 2000 Ford Explorer 1FMZU72E5YUB22317, 2003 Goshen Bus 1FDWE35S23SA57194, 2007 Chevy Impala 2G1WU58R279286795, 2002 Dodge Intrepid 2B3AD46R82HI46989, 2006 Jeep Cherokee 1J4R48K56C268223, 2004 Dodge 1500 1D7HU18N74F202093, 1971 Ton M561 Gama Goats Serial #2252S-02449 and 2252-3306C. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN INTERDEPARTMENTAL VEHICLE TRANSFER POLICY**

Wade Adams, Iron County Fleet Manager, reported that the Fleet Department had been working with a vehicle supplier to obtain new vehicles for Iron County. Recently, his department had taken delivery of several vehicles, creating the need to move many vehicles from one department to another. Wade explained that vehicle transfers between departments were administrative in nature and did not dispose of county resources. It appeared that transfers did not require action by the commission. He noted that he would propose to implement the following policy, "Vehicles currently owned by Iron County may be transferred between departments as needed under the supervision and recommendation of the Iron County Fleet Operations Supervisor, and in consultation with the Fleet Department commission liaison." "Records of interdepartmental vehicle transfers will be kept and maintained by the Iron County Fleet Department. Additionally, the Fleet Department will provide the same recorded

information to the Iron County Clerks' Office and Auditors' Office, for concurrent recordkeeping.”

Michael Bleak made a motion to approve an Interdepartmental Vehicle Transfer Policy as presented by Wade Adams. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF LOCAL MATCHING GRANTS REGARDING FUTURE WATER PROJECTS IN IRON COUNTY**

Dan Jessen, Iron County Auditor, explained that Iron County had previously submitted an application that included Iron County and surrounding entities to the State of Utah for a local match grant, which was not awarded, for the American Rescue Plan Act (ARPA) funds. The State of Utah assured that there would be another round of funding. After waiting for round two he had found out that the state had switched to a different department within the state government and had completely retooled it and changed the rules. Dan noted that the name of the grant was the Local Match Grant. The state had taken some funds from ARPA, reached out to the local governments and offered to match funding projects that followed the guidelines and were ARPA related. Dan noted that Paul Cozzens had the idea to come up with water projects using some ARPA funds, and to ask local communities to contribute money to the water projects, which would be combined with the state application. If accepted, the state would then match those funds. When the grant was retooled the state then transferred the grant to the Governor's Office of Economic Development (GOED) and they lowered the grant amount and the use. One of the new criteria stated that a local government could not use a significant amount of funds for revenue replacement. Iron County was using 90% for revenue replacement. He noted that this change went from a priority list and now Iron County would have to re-apply from scratch and was now first-come/first served. Dan reported that Iron County decided to forego the grant and not be in a holding pattern. Iron County had set aside \$1.060M and now had to decide how the funds would be used. Paul Cozzens reported that Dan had contacted the commissioners and they discussed to retooling and entities apply and include a list of ideas and needs. Initially, the grant was to be used for water projects but now there were needs for flood mitigation within the entities. Paul Cozzens noted that there was one concern when this grant process began. At the beginning they had looked at a population based metric to allocate funds, but that was not fair to smaller entities. He had heard that there was talk for more recharge projects with the water district. The commissioners were open to ideas and were not prepared to make any decisions at this time. Dan Jessen noted that he would like to know where the existing projects were, if they were viable. Paul Cozzens reported that he knew that Parowan City needed recharge projects and storm drains. Dan agreed that there was a great need for recharge projects.

Mollie Halterman, Parowan City Mayor, reported that she had been very proactive and had several meetings with anyone related with a recharge project to find their options. Mollie noted that although Parowan City needed a pipeline, it might not be the best project at this time. There were very good options and she continued looking to find the most efficient use of the funds. There were several locations that had been reviewed for a recharge project. Parowan City had continued to discuss a 2<sup>nd</sup> holding pond or storage tank. If there was a recharge the meters to measure the recharge would have to be purchased. Funding for said meters would need to be calculated and provided. Meters were needed to measure recharge to receive credit and proper reporting. The good news was Parowan was moving forward and finding the best use of funding. She noted that Parowan had different parameters than Cedar City. Mollie expressed her appreciation that the Iron County Commission was committed to Parowan, Paragonah and Summit.

Rob Dotson, Enoch City Manager, noted that the commissioners need to remember the integrity of the process and the purpose of the funding. Enoch City expressed their gratitude that the county was willing to work together with them to solve some of their issues. The first grant application was negotiated very well. Rob reported that gravity and water had created some issues in Enoch City that needed to be solved. He had been working weekly with multiple projects and were in negotiations with 10 property owners for mitigation projects. Rob reported

that Enoch City had a \$650K grant with the Natural Resources Conservation Service (NRCS) for planning a design for the east bench above Enoch City and another \$350K for projects within Enoch City. The original \$155K requested through the Local Match Grant application would have helped take care of a well issue, but now they would have to revert to storm drain issues. The projects that had been designed were ready to begin with curb and gutter, and underground drainage. Rob reported that last Sunday there was a rain and hail storm in Enoch. No homes were flooded from the rights of way, and hail filled rain gutters which overflowed into basements.

Paul Bittmenn, Cedar City Manager, expressed his appreciation to the commissioners for their willingness to help the cities. Cedar City still had water issues and long term water issues that needed to be dealt with. There were still storm water issues that needed to be funded. Cedar City's storm water issues were also Iron County storm water issues. Storm water issues could take a regional approach. One project through the NRCS was to redesign and rebuild of the Green Lakes dikes that was scheduled for 2024. Another project was to redo the rip rap up Cedar Canyon. Paul noted that funds from the Local Match Grant would help with funding one, or both, of those projects. Paul Cozzens explained that he had heard that there might be more recharge and if would be together with effluent. Mr. Bittmenn reported that Mayor Garth Green had formed a working group that met with him every other week to work on what could be done with waste water.

Mollie Halterman expressed her appreciation to the Iron County Commission for their willingness to help.

Paul Cozzens made a motion to table this item for later date. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A TRANSFER OF HANDHELD 800MHZ RADIO TO CEDAR CITY AIRPORT**

George Colson, Iron County Emergency Management Manager, explained that Utah Communications Agency (UCA) was a Government Agency that administered radio frequency for Public Safety for the State of Utah. UCA had made a commitment that by the 4<sup>th</sup> Quarter of 2023 they would transfer all state radios into a P25 operating system for interoperable emergency communications. If the Iron County radios were not P25 compliant they would be useless by the 4<sup>th</sup> Quarter of 2023. You would be able to listen on them but not talk. Previously the commissioners approved for him to obtain an 800MHZ mobile radio for his vehicle. George noted that the previous radio would be useless within a year and did not want to waste the remaining life of the radio. He reported that he was requesting approval to transfer an 800MHZ handheld radio to the Cedar City Airport which would allow the Airport Manager to contact personnel for any emergency. Dan Jessen noted that Iron County needed to make clear that this was a onetime gift and they were not setting a precedence to buying radios for the cities and that it was their responsibility to fund the radios for their city. Mike Bleak reported that there was a need for the Cedar City Airport to have the radios. During the last disaster drill the airport was not able to communicate with others and there seemed to be no interest from Cedar City to buy radios for the airport. The commissioners agreed that Cedar City officials needed to understand that this was onetime only. Mike Bleak noted that he was on the Airport Board and he would make that clear. George reported that he had highly recommended to Cedar City that they needed to take care of airport. Marilyn Wood expressed to make sure this was documented as a onetime transfer in the commission minutes.

Michael Bleak made a motion to approve a transfer of a handheld 800MHZ Radio to the Cedar City Airport as presented by George Colson, noting that this was absolutely a one time offer. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye. George Colson would make the transfer when the program from UCA was completed and operable.

**RESOLUTION 2022-10, APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE ANNUAL UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEETING, TO BE HELD NOVEMBER 16, 2022**

Jon Whittaker, Iron County Clerk, explained that this resolution was to appoint a representative to the annual voting meeting of UCIP. The representative identified was Jon Whittaker, the alternate being Jennifer Bradbury. Paul Cozzens made a motion to approve Iron County Resolution 2022-10 as explained. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY RESOLUTION 2022-10**

A RESOLUTION OF THE IRON COUNTY COMMISSION APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING.

**Whereas**, the Governing Body 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 November 16, 2022; 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 hereby resolved that the Governing Body of Iron County, Utah, hereby appoints Jonathan T. Whittaker as the official Iron County Representative for the Utah Counties Indemnity Pool Membership Meeting to be held on November 16, 2022, with Jennifer Bradbury as an alternative representative.

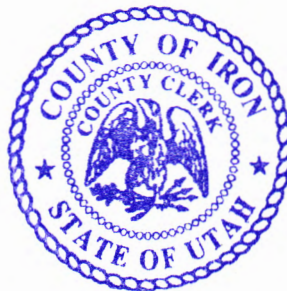
**RESOLVED, ADOPTED, AND ORDERED** this 10<sup>th</sup> day of October, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood, Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak       Aye    
Paul Cozzens          Aye    
Marilyn Wood          Aye

**CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION**

Marilyn Wood, Iron County Commission Chair, declared the adjournment of the Iron County Commission and the convening of the Iron County Board of Equalization.

**APPROVAL OF THE BOARD OF EQUALIZATION HEARING OFFICER RECOMMENDATIONS FOR THE APPEALS FILED FOR 2022**

Carrie Christensen, Iron County Chief Deputy Auditor, presented the results of the 2022 protests, hearings, and hearing officer recommendations. Carrie noted that there were an additional 245 appeals compared to 2021. \$34.3M in market value was adjusted, with \$29.6M in taxable value adjusted. This would result in a reduction of tax revenues to Iron County of \$34,498.03. Dan Jessen noted that this had been a challenging year for Board of Equalization (BOE), and Carrie Christensen had handled the challenge with aplomb.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County HR Director, presented the new hire of Joseph Peterson as a Full-Time Trainee Assessor in the Assessor’s Office, effective October 3<sup>rd</sup>; the new hire of Jaeger Christensen as a Full-Time Web Developer/Technician in IT, effective October 17<sup>th</sup>; and the new hire of Robert Leiva as a Full-Time Deputy 1 in the Sheriff’s Office. These were all backfills of vacant positions. Paul Cozzens made a motion to approve the new hires of Joseph Peterson, Jaeger Christensen, and Robert Leiva as explained. as a Part-Time Deputy Auditor in the Auditor’s Office, effective September 26<sup>th</sup>. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.


Jennifer Bradbury presented the annual insurance renewal to the commissioners. The health insurance provider, PEHP, was applying a 3% increase in 2023 for a total annual expense of \$2,923,590.48. Jennifer noted that the average increase in the industry was 7%. There was also likely to be a rebate later in the year. Vision and Dental plans would be unchanged. Supplemental policies would now be administered und Met Life instead of Aflac. Those employees that were already subscribing to Aflac and wanted to stay on Aflac could be grandfathered in and stay with Aflac. Jennifer expressed that they were looking forward to open enrollment when they could connect with the employees. Michael Bleak made a motion to accept the insurance renewal as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

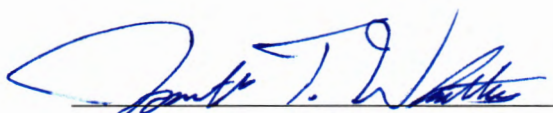
**NON-DELEGATED ITEMS**

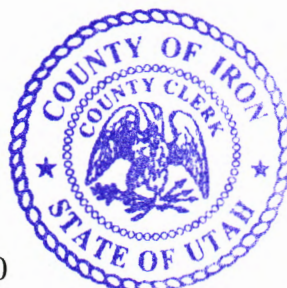
No Non-Delegated items were discussed.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
OCTOBER 24, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 24, 2022  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner
Paul Cozzens	Commissioner-Excused
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Chad Dotson	County Attorney
Wendy Jessen	County CJC
Sam Woodall	County Deputy Attorney
August Franklin	County Deputy Auditor
Richard Wilson	County Chief Engineer
Jennifer Bradbury	County HR Director
Lori Eichelberger	County Justice Court
Reed Erickson	County Planner
Mike Worthen	County Resource Management
Brionna Sherratt	County Victim Advocate

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Marilyn Wood, Iron County Chair, excused Commissioner Paul Cozzens as he was out of town and unable to attend today’s meeting.

**INVOCATION**

An invocation was offered by Michael Bleak.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Marilyn Wood.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held October 10, 2022. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Michael Bleak made a motion to approve Claims for Payment from October 10, 2022 to October 23, 2022. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Chad Dotson, Iron County Attorney**, reported that as of Friday, October 21<sup>st</sup> the Attorney’s Office had received 918 total cases and referrals for prosecution in District Court. There were 71 Juvenile cases and 157 speeding & traffic cases in Justice Court. Chad noted that there had been some great training. Shane Klenk, Chief Deputy Attorney, sits on the Utah State Prosecution Council and was asked to attend a training with the council in Idaho regarding cross-examinations. The Attorneys were implementing some new and inventive ways of prosecuting sexual abuse cases. This was Red Ribbon Week at Iron County High Schools. He and Juvenile Prosecutor, Chase Stratner, would be presenting at Canyon View High School on Friday, October 28<sup>th</sup>. Trajan Evans would be implementing the Sexual Assault Response (SAR) Team, which was a meeting that included Detectives and Investigators in Iron County and staff to strategize on sexual assault cases in Iron County. Sexual assault cases were the most challenging cases to prosecute. Chad reported that the budget was on track. He noted that Wendy Jessen was chosen to be the new Iron County Children’s Justice Center Director. October 17<sup>th</sup> was her first day. There was a lot to learn but Wendy would be a great leader. He reported that he and Wendy were learning together and that there was room for improvement in the CJC process.

**Lori Eichelberger, Iron County Justice Court**, reported that the budget was on track. The department was down one clerk and interviews were going to be held tomorrow to fill that position. Lori noted that Judge Margaret Miller did not want a lot of attention regarding her retirement. Lori expressed her deep appreciation for Judge Miller and her 49 years of service, 46 of those years were as a Judge. She will be missed by many in Iron County. Lori reported that from January through September, citations seemed to be equal to the year 2021. There had been an increase in moving violations from 2021 up by 234 thus far in 2022. Domestic violence had almost doubled from 2021 of 63 to 129 in 2022. Citation comparisons between Cedar City, Iron County Sheriff’s Office and Utah Highway Patrol were consistent with 2021.

**Brionna Sherratt, Iron County Victim Advocate Services Program Manager**, reported from July 1<sup>st</sup> to September 30<sup>th</sup> Victim Advocates had served 251 clients. There were 52 Males, 190 Females, and 9 not reported. The ages of those served were 24 0-12, 36 13-17, 50 18-24, 124 25-59, 13 60 and older, and 4 not reported. There were 45 Adult Physical Assaults, 18 Adult Sexual Assaults, 36 Child Physical Abuse or Neglect, 73 Child Sexual Abuse (count included family served), 71 Domestic and/or Family Violence, 38 Stalking/Violation of a Court Order, and 72 Individuals with more than one victimization. Brionna noted that Jaden Thomas was most



proud of his work in establishing the Jail Release Agreements as well as monitoring and reporting jail call violations when offenders were contacting their victims from custody. Jaden and Cedar City Attorney, Randall McUne, had worked together with the phone monitoring program and they've been able to charge several offenders for violating this simple, yet important statute. She reported that Jaden had helped solidify the concept with the Cedar City Police Department to understand the process. He also introduced the concept to the Southern Utah University (SUU) Police and they were now trained on this information as well. Brionna reported that Wendy Jessen was leaving the Victim Advocate program for her new position as the CJC Director. She expressed her appreciation for the help Wendy Jessen provided to many victims. Jaden Thomas and Wendy Jessen received a Commendation Award at their previous Awards Banquet. She noted that notice was out for filling the position left by Wendy Jessen, which closes on October 28<sup>th</sup>, and interviews would be held on November 4<sup>th</sup>. Brionna reported that November 4<sup>th</sup> would be her last day working for Iron County as she had accepted a position working for the Utah Office for Victims of Crime. She expressed her appreciation to the commissioners for their support during the last four years. Commissioner Wood and Commissioner Bleak expressed their appreciation for all that Brionna Sherratt had contributed to Iron County.

**Wendy Jessen, Iron County Children's Justice Center (CJC) Director**, presented an overview of the CJC report from the 3<sup>rd</sup> Quarter (July-September). There had been 78 interviews of children in Iron County. There were 19 interviews in October for a total of 197 interviews thus far. Beaver county had 14 interviews, Kane County 6, and Garfield County 1. Jennifer reported that in Iron County Contracted Therapy there had been 99 children seen and 532 individual sessions, Beaver County had 15 seen and 97 sessions, Kane County had 39 seen and 219 sessions, and Garfield County had zero. Wendy reported that she had been in contact with Tracy Tabet from the Attorney General's (AG) Office to schedule a time that Wendy could go up for On-Boarding with the AG's Office. She had also been working with Jennifer Davis from the Friends of the Iron County CJC Board regarding a new CJC location and looking at plan designs. The CJC Dancing with the Stars fundraiser would be held on November 15<sup>th</sup> and tickets were now available. Wendy noted that she was working closely with the Iron County Attorney's Office with her new adjustments, possible changes, and needs of the CJC. She noted that there would be grant cuts statewide shortly. Wendy expressed her appreciation to Stephanie Rainey for being willing to help and great to work with. The CJC would not function the way it does without a fantastic multidisciplinary team which included the Department of Children and Family Services (DCFS), Investigators, and other partners that were involved with the CJC process.

**Marilyn Wood, Iron County Commissioner**, reported that she had attended the ribbon cutting of the BZI/Visco Industrial Park on October 10<sup>th</sup>. This was the new site for and On and Off Load Station Rail Spur. On October 11<sup>th</sup> Marilyn attended the open house for Align Precision, formerly Metalcraft. On October 11-13 Marilyn attended the Utah Summit Conference Shawn Bradley and his wife spoke and she was inspired by his outlook on life. Utah Rural Leadership Academy nominated her to be a part of their organization and she looked forward to learning more about leadership skills. She attended the Inland Port Board meeting held at Southern Utah University (SUU). Marilyn noted that the Inland Port organization had been reorganized and was moving forward. Danny Stewart gave a well-prepared presentation at the meeting. After the meeting, she and Paul Cozzens took Irene Hansen, Duchene County Commissioner, on a tour of Iron County and was most impressed with the Landfill. Marilyn reported that she had attended the 2022 Free Roaming Equids and Ecosystem Sustainability Summit held in St. George on October 12-14, regarding wild horse and burro management. Animal rights activists had been brought along to help them understand how herd sizes that exceed the range-carrying capacity were at risk of death from dehydration, starvation, and vehicle collisions. On October 17<sup>th</sup> she and Paul Cozzens traveled to Garfield County and met with the BLM Senior Policy Advisor on Grazing, Errol Rice, who was a rancher that had been helping with the revision of grazing. Marilyn Wood reported that she had attended a zoom call regarding the High Desert Trail. Last year the Legislature allocated \$1M for signage and Mike

Worthen had been involved and active with the signage project. On most Fridays, there was a Natural Resource & Public Lands Committee zoom call. The October 21<sup>st</sup> zoom call discussion was on funding that was available through the National Association of Counties (NACo) as a result of COVID-19. Mark Whitney, President of the Public Lands Council for NACo, had put together some payment in lieu of taxes. Iron County was not informed of the different funds. Marilyn noted that she called Mark Whitney after the zoom call and Iron County may be included in that funding.

**Michael Bleak, Iron County Commissioner**, reported that the potential for the Inland Port Authority in Iron County would be very beneficial. The Inland Port Authority would allow Iron County the opportunity to open markets for transportation and shipping for not only the rail but the airport and the freeway. Mike noted that Iron County had been working with the Port Authority for several years and they recently reorganized with a new director and new board of directors. The commissioners attended the Inland Port Authority Board meeting that was held in Cedar City in conjunction with the Utah Summit Conference. Danny Stewart gave a presentation to the board on the resources and infrastructure in Iron County. After the meeting, Mike and Danny arranged a helicopter tour given by SUU Aviation for the members of the Inland Port Authority Board. Mike was the tour guide on one helicopter and Danny on the other. They were able to show the board in detail the rail access. Many on the board did not realize that the Cedar City Airport runway was long enough to land large airplanes. Jon Whittaker noted that the runway was the 3<sup>rd</sup> longest in the state. Mike noted that they were able to show the board the BZI/Visco trans load site. The meeting resulted in some great conversations with them and moving forward. He reported that there was a designated Inland Port area in the NW quadrant of Salt Lake City that had faced much red tape and opposition. He was pleased to show them that Iron County was already moving forward with public and private partnerships and they had worked as a region to have the Inland Port Authority in Iron County. Businesses in all counties want the rail service. Mike expressed his appreciation to SUU Aviation for being so accommodating with Emergency Management and Economic Development. SUU Aviation had been very helpful and was a great asset to our community, and formed a great relationship between SUU Aviation and Iron County. Mike reported that he was on the Tourism Board and he had attended the State Tourism Board meeting. He had discussed possible hotel projects in Parowan City. There were hotel owners on the Tourism board and he had encouraged them to build in Parowan as there was a need for lodging.

Jon Whittaker, Iron County Clerk, reported that the General Election Ballots had been mailed and had not arrived in mailboxes as of yet. He and Shaneal Bess were checking on the progress of the ballots.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO COMMERCIAL (C) FOR APPROXIMATELY 0.45 ACRES WITHIN THE NW¼ SE¼ SECTION 21, T36S, R10W, SLB&M, IRON COUNTY, UTAH (APN: D-247-5), LOCATED AT APPROXIMATELY 3437 E HWY 14, CEDAR CITY, UTAH**

Reed Erickson, Iron County Planner, presented a brief explanation of the location of the property. He noted that the purpose of the zone change to Commercial was to develop the access off Hwy 14 and build a small convenience store that would include a few parking spaces. The property was surrounded by A-20 with Commercial (C) across Hwy 14. Reed reported that the Planning Commission had held a public hearing and sent notices out and there were no concerns expressed. Public Services available were: Water would be on a private well from owner Jeremy Lewis, who lived adjacent to the property, Sewer-none was planned for septic, but there might be in the future. Southwest Public Health would permit a port-a-potty to be placed on the property, Fire flow/suppression by UWUI and building permits, Transportation corridors by State Hwy 14, Drainage to maintain historic flows and locations for entry and exit, and Power, communications were in the area.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing open regarding a zone change from Agriculture 20 (A-20) to Commercial (C).

Bill Pressgrove, a citizen of Iron County, asked if major consumers of the convenience store would be those staying at the RV park and if there was access from the RV park to the convenience store. Reed Erickson noted that there was no access from the RV park because the RV park already had a small store for those staying there. This store would have access off of Hwy 14.

Marilyn Wood declared the Public Hearing closed. Reed Erickson reported that the Iron County Planning Commission had reviewed the Evaluation Considerations for Re-Zoning Property and recommended approval of the zone change.

Michael Bleak made a motion to approve a proposed zone change from Agriculture 20 acres (A-20) to Commercial (C) for approximately 0.45 acres within the NW ¼ SE ¼ Section 21, T36S, R10W, SLB&M, Iron County Utah regarding APN: D-247-5 as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF ORDINANCE 2022-7, AN ORDINANCE MODIFYING CHAPTER 12.03 – COUNTY ROADS GENERALLY, AND ADDING CHAPTER 12.05 – PUBLIC ROADS BY USE**

Richard Wilson, Iron County Chief Engineer, explained that there had been challenges throughout Iron County with a misunderstanding of public roads by use. Sam Woodall, Iron County Attorney, explained the proposed ordinance included a statute that specifically indicates the criteria to determine whether a road used by the public over a period of time may be abandoned for public use. To address the ongoing issues of misunderstanding, he and Richard Wilson, and Reed Ericson discussed the pervasive nature of roads in Iron County. There was a legal basis for the ordinance and they want to help members of the public understand public roads by use. Sam noted that the Building Department, Engineers Department, and himself had taken progressive steps and all worked together to create the criteria for how roads were reviewed. Marilyn Wood noted that previously, there had been no penalty and now the ordinance allowed for a penalty to enforce the ordinance. Sam reported that the ordinance was not punitive to landowners who were trying to protect their property. The ordinance was for a period of many years. The statute stated, under 12.02.020-Public Road by Use, “A highway, street, or road that is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years.” This ordinance was drafted for the benefit of the public. Jon Whittaker asked if the fundamental purpose of the ordinance was to prevent public roads from being blocked. Richard Wilson noted that Public Roads by Use was open to the public. He reported that this summer there was a property on which the southern boundary owner was advertising their property for sale and was telling potential buyers that they could access the property from the north end of the property. He had reviewed the road and it was considered a driveway and had no abandonment for public use. The neighbor that was advertising that they could access that property from the north was sent a letter that explained to them that that was a driveway controlled by the owner of that property, but they had access on the south side from a public road that had been dedicated. If a person had purchased a piece of property in which there was a two-track road passing through the said property and the owner wanted to fence off the property across the two-track road. Historical data had shown the road had been there for at least 10 years and was an RS2477 road. Jon Whittaker asked Richard to explain what an RS2477 road was. Reed Erickson explained that RS2477 was, under Revised Statute 2477 was legislation passed during the early 1970s. The government said that all the roads that existed on public land were not all public roads. Some roads belong to the public on public land that could still be used, but there was a statute that had to be followed to establish them. Iron County inventoried all the roads in the county and claimed them as public roads on BLM property. The roads which crossed BLM property were listed as RS2477 and the government could not close those roads. Richard reported that Iron County had a large number of publicly traveled roads, whether they be apparent County Roads, or whether they be small roads that are seasonally traversed by various members of the public. In many instances, private landowners encounter publicly traveled roads and seek to restrict, block, or otherwise control a publicly traveled road due to common misunderstandings concerning Utah laws. This ordinance would provide members of Iron

County with a clear understanding regarding publicly traveled roads through the implementation of certain policies and ordinances. There would now be an ordinance to benefit the public. Richard gave a brief explanation of Ordinance 2022-7 Section 12.4: 12.04.090 Definition of a County Road, 12.01.100-Blocking, obstructing, diverting a County Road Prohibited, 12.04.110-Unauthorized signage directing traffic, travel or use of a County Road Prohibited, 12.04.120-Violation-Warning, Infraction, Per Se Nuisance (each day). He then reviewed Section 12.05: 12.05.010-Purpose and Intent, 12.050020-Public Road by Use, 12.05.030-Blocking, obstructing, diverting a Public Road by Use Prohibited, 12.05.040-Unauthorized signage directing traffic, travel or use of a Public Road by Use Prohibited, 12.05.050-Form of Authorized Signs for Public Roads by Use, and 12.05.060-Violation-Warning, Infraction, Per Se Nuisance (per incident, not by per day). Reed Erickson reported that it had been clear that Iron County's position, for years, to the commissions had always said that their interest was in preserving open roads through private and public lands that historically had been there for the benefit of the public. Marilyn Wood expressed that, in regards to 12.05.050, she was glad that the authorized sign verbiage was included. Richard explained that the signs could not be placed any closer than 12 feet from the travel way and should be placed perpendicular to the travel way and would read: "This is a public road that crosses private property. Do not leave the road. Do not trespass on private property on either side of the road."

Jon Whittaker asked if nothing Richard was doing regarding the ordinance supplants existing law. Richard noted that that was correct. Jon asked if the ordinance was not just clarifying existing law but if there was a purpose to deciding what Iron County would do amongst the framework of the existing law. Richard answered that was also correct. Jon was also concerned that if you declare a public road by use, does the ordinance contemplate the procedure to close a road, or do you just defer to state law which would go through the regular road vacation. Sam Woodall replied that that was correct and the commission would be able to indicate their vacation of any public interest in that road, and Iron County as a public had no interest in that road. Jon asked if they had contemplated the interplay between this ordinance and what title companies do. Sam Woodall replied yes. This ordinance was for access only and was advocating for access to the public and keeping that road open. It was strictly where the road runs through a property to the point that it should be left open. Reed Erickson clarified that there was nothing in this ordinance that would allow someone to imply that because of this ordinance now they had legal access to their property access, to access their own property that they did not have before. Jon noted that from a title company perspective, they could say these were public sections of roads and had acquired easements or could assert a prescriptive easement, or the private sections they could now say yes this property had legal access. Richard Wilson reported that he had two instances in which a mortgage company told the owners that they did not have legal access to the property. They were wrong in both instances as one was a dedicated road and the other road had been there for years. This ordinance would help companies understand public road access. Jon Whittaker was also concerned if there was a version of the ordinance that leaves the county liable for the maintenance of the county-claimed said roadways. Marilyn Wood reported that many roads in Iron County were easements but were not maintained. Jon expressed his appreciation for the answers to his questions. Sam Woodall noted that they hoped to keep this fairly limited in scope. There had been nothing that could be used to address the road issues before and now there would be. Richard reported that had been asked many times by private property owners why couldn't they stop the access from the public. His response to them was that their land was private but a public road and that road was regulated by Iron County because the county had a public interest in keeping the access open. Iron County did not own it, did not maintain it, but did have an obligation to regulate it. Sam Woodall reported that one issue they did contemplate was how the property owners felt when the public crossed their private land as far as being liable. That was the reason for including "Do not leave the road & Do not trespass on private property on either side of the road." The public must stay on the road for access only and if they venture off the road onto private property they would be trespassing. Sam noted that he had spoken with Sheriff Carpenter for support in enforcing the no trespassing law. This ordinance was not granting a license to the public to go onto private property. The road was open

for access only. Don't loiter and don't linger. Richard once again pointed out the language of the signage in Section 12.05.050. Jon asked if the trespassing would be under the regular trespassing laws. Richard replied that it would. Reed Erickson reported that the liability on the road was exempt under state law. When a public road crossed private property the owners were not liable for what transpired on that public road. So closing a gate for liability was not needed. Richard Wilson noted that when a gate was closed to access the road the public would be respectful and close it behind them. Marilyn Wood clarified that when there was a gate across the access it could be closed but not be locked or appear to be locked. Some of the gates were up to keep cattle from getting out so it was important to close them behind them. Richard closed by saying that this ordinance was simply saying the public and the landowner need to have respect for each other.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding Ordinance 2022-7.

Bill Pressgrove, a citizen of Iron County, was concerned with an ordinance that Iron County was stating that because the public had been using a road for x amount of time, now the property owner had no jurisdiction over that road on his piece of property. There would be no maintenance by the county on the road and signage would be placed stating that if you went off the road you would be trespassing. Bill noted that he had been up on the mountain and there were designated county roads. In that specific area, the road ruts were so bad that people had been going around the ruts. If no one besides the property owner was responsible for the maintenance, then someone would violate the ordinance if they went around the ruts. He was also concerned about damage to private property because of people leaving trash when they crossed the road. This ordinance did not benefit the landowner because they had to pick up the trash left behind. Mr. Pressgrove stated that Iron County should pay the property owner for the use of the road or go through the process of emanate domain. This ordinance was telling the property owner that "if you do not do it our way on your property" then they would be fined, and that was not right.

Daryl Owen, a citizen of Iron County, stated that he disagreed with the previous speaker. Daryl noted that he was a private property owner with a public easement that goes through his property into the BLM area. The problem was the landowner behind him had blocked the access through his property. Iron County had given the landowner notice to open the access and he had ignored it. When a landowner blocks access the people would just find another way to get through it. This had happened on his property. Ruts are always created and users of the roads just create another way around and it then created another hazard. He now had tacks all around his property because the landowner behind him blocked the access. Having this ordinance would now protect him as a landowner and also protects the public.

Marilyn Wood, Iron County Commission Chair, declared the Public Hearing Closed.

Richard Wilson clarified that they had taken a process to administer state law. This ordinance does not create state law. It gave the county the ability to administer state law. Richard expressed that he did appreciate the concerns about the maintenance of roads. Using the 12 foot setback was a safety issue so there was room enough for people to go around the ruts in the roads. Some people were not happy with state law and placed obstructions on public roads to make it difficult to maneuver. Iron County does not have the funds, or the time, to maintain every road. There were approximately 75% of roads in Iron County were not maintained but Iron County still administered and regulated them. Those that use the road had the right to maintain the road for safe passage. Jon Whittaker noted that the question of maintenance was not contemplated by the ordinance but more with access.

William Pressgrove clarified that he was not making any reference to any road that was blocked off by a gate. He was referencing roads that are ruined by rain and people go around the ruts and damage the property on both sides of the road beyond the 12-foot safety area. He stated that he did not make any reference to anyone bypassing a road and going on somebody else's property and making their own road. He was just referring to the roads that were already open. Reed Erickson replied that the Iron County Road Department considers situations on a case by case basis and will occasionally work with property owners.

Michael Bleak made a motion to approve Ordinance 2022-7 modifying Chapter 12.04 – County Roads Generally and adding Chapter 12.05 – Public Roads by Use. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

## IRON COUNTY ORDINANCE 2022-7

### AN ORDINANCE ADDRESSING PUBLIC ROADS

#### RECITALS AND LEGISLATIVE FINDINGS

**Whereas**, Iron County has a large number of publicly traveled roads, whether they be apparent County roads, or whether they be small roads that are seasonally traversed by various members of the public; and

**Whereas**, in many instances, private land owners encounter publicly traveled roads and seek to restrict, block, or otherwise control a publicly traveled road due to common misunderstanding concerning Utah laws; and

**Whereas**, it would be beneficial for all members of Iron County to have clear understanding regarding publicly traveled roads through the implementation of certain policies and ordinances;

**NOW, THEREFORE**, the County Legislative Body of Iron County ORDAINS as follows:

#### **12.04.090—Definition of a County Road**

County Roads comprise all public highways, roads, and streets within Iron County that:

- a) are situated outside of incorporated municipalities and not designated as state highways;
- b) have been designated as county roads; or
- c) are located on property under the control of a federal agency and constructed or maintained by the county under agreement with the appropriate federal agency.

*U.C.A. Section 72-3-103(1) (As Currently Amended)*

A road is considered “designated as a county road” when identified on maps detailing County Roads—whether the roads be class B, C, or D roads; through plat maps that indicate the dedication of a road to public use; through consultation with the Iron County Engineer, County Roads Department, or other designated staff; or through other open, apparent and notorious means of notice.

#### **12.04.100 –Blocking, obstructing, diverting a County Road Prohibited**

All gates, fences, berms, rocks, logs, mounds, excavation or other impediments are prohibited on County roads and no person shall block, obstruct, divert or intentionally interfere with a County Road, unless otherwise authorized by Iron County, the State of Utah, or unless acting under the authority of emergency or law enforcement powers.

#### **12.04.110 –Unauthorized signage directing traffic, travel or use of a County Road Prohibited**

No signage purporting to direct traffic, travel or use of a County road may be posted by any person on a County road unless otherwise authorized by Iron County, the State of Utah, or unless acting under the authority of emergency or law enforcement powers, except for temporary signs or notices that may advertise specific events, conditions or locations and do not interfere with the flow of traffic.

#### **12.04.120 –Violation—Warning, Infraction, Per Se Nuisance**

Violations of Iron County Ordinances 12.04.100 or 12.04.110 shall be subject to civil or criminal penalties as listed in this section.

A violation of Iron County Ordinance 12.04.100 or 12.04.110 shall be considered each day a person is in violation of these ordinances. Upon notice of the violation, the

offending party shall immediately comply with County Ordinance or be subject to additional incidents and increased civil or criminal penalty.

In addition to Iron County law enforcement officers, the Iron County Engineer and Iron County Code Enforcement Officer shall have authority to issue warnings and citations pursuant to this section.

- a) A first offense shall be noticed by written warning, issued to the offending party and recorded with the Iron County Code Enforcement office;
- b) A second offense of Iron County Ordinance 12.04.100 or 12.04.110 shall be an infraction, subject to a fine of not more than three hundred (\$300) dollars;
- c) A third offense of Iron County Ordinance 12.04.100 or 12.04.110 shall be considered a per se nuisance and the County may initiate nuisance abatement proceedings pursuant to Iron County Ordinances Title 8, Chapter 20.

## **12.05—Public Roads by Use**

### **12.05.010 Purpose and Intent**

It is the purpose and intent of this chapter to assist in identifying and maintaining public roads and public access in Iron County, specifically in instances of historic, obscure, or mislabeled public roads.

### **12.05.020 Public Road by Use**

A “Public Road by Use” means a highway, street, or road that is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years, and may be included as a “County Road” as defined in Iron County Ordinance 12.04.090, in keeping with U.C.A. Section 72-5-104.

A road is considered a public road by use when specifically identified on official Iron County road maps; through court order; upon designation by Iron County; or through other open, apparent and notorious means of notice.

### **12.05.030 Blocking, obstructing, diverting a Public Road by Use Prohibited**

All gates, fences, berms, rocks, logs, mounds, excavation or other impediments are prohibited on public roads by use and no person shall block, obstruct, divert or intentionally interfere with a public road by use unless otherwise authorized by Iron County, the State of Utah, or unless acting under the authority of emergency or law enforcement powers.

Gates, fences or other livestock restraint devices may be appropriately installed on public roads by use based on prior consultation and approval of the Iron County Engineer or Iron County Road Department.

### **12.05.040 Unauthorized signage directing traffic, travel or use of a Public Road by Use Prohibited**

No signage purporting to direct traffic, travel, or use of a public road by use may be posted by any person, unless otherwise authorized by Iron County, the State of Utah, or unless acting under the authority of emergency or law enforcement powers, except for temporary signs or notices that may advertise specific events, conditions or locations and do not interfere with the flow of traffic.

Authorized signs include signs that notify members of the general public that the public road by use crosses over private land.

### **12.05.050 Form of Authorized Signs for Public Roads by Use**

Signs placed on public roads by use that notify members of the general public that a public road by use crosses over private land shall be placed no closer than 12 feet from the travel way and should be perpendicular to the travel way, and shall read as follows:

*“This is a public road that crosses private property. Do not leave the road. Do not trespass on private property on either side of the road.”*

All other signage along the property shall be placed at the discretion of the property owner, but no closer than 12 feet from the travel way; and in instances where a sign is placed near an intersection or corner, the sign shall be placed no

closer than 30 feet from the intersection or the corner of the boundary, whichever distance is greater.

All posted no trespassing signs shall be placed parallel to the road and no closer than 12 feet from the travel way.

**12.05.060 Violation—Warning, Infraction, Per Se Nuisance**

Violations of Iron County Ordinances 12.05.030, 12.05.040, or 12.05.050 shall be subject to civil or criminal penalties as listed in this section.

A violation of Iron County Ordinance 12.05.030, 12.05.040, or 12.05.050 shall be considered per incident, and not per day. Upon notice of the violation, the offending party shall immediately remedy any minor violations and have thirty (30) calendar days to fully comply with County Ordinance or be subject to additional incidents and increased civil or criminal penalty.

In addition to Iron County law enforcement officers, the Iron County Engineer and Iron County Code Enforcement Officer shall have authority to issue warnings and citations pursuant to this section.

- a) A first offense shall be noticed by written warning, issued to the offending party and recorded with the Iron County Code Enforcement office;
- b) A second offense of Iron County Ordinance 12.05.030, 12.05.040, or 12.05.050 shall be an infraction, subject to a fine of not more than three hundred (\$300) dollars;
- c) A third offense of Iron County Ordinance 12.05.030, 12.05.040, or 12.05.050 shall be considered a per se nuisance and the County may initiate nuisance abatement proceedings pursuant to Iron County Ordinances Title 8, Chapter 20.

**Effective Date**

This ordinance shall take effect fifteen (15) days after its passage. Following its passage, but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County.

**APPROVED AND ADOPTED** this 24<sup>th</sup> day of October, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH:

By: Marilyn Wood  
Marilyn Wood, Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker - Iron County Clerk



VOTING:

Michael Bleak	<u>  Aye  </u>
Paul Cozzens	<u> Absent </u>
Marilyn Wood	<u>  Aye  </u>

APPROVED AS TO FORM:

[Signature]  
Iron County Deputy Attorney



**PUBLIC COMMENTS**

Bill Pressgrove, a citizen of Iron County, noted that his comment was not necessarily something that the commission could do, but something had to be done for Iron County to enforce rules and regulations that were right. Not every rule or law was right. The Legislature changed the verbiage of the Utah Constitution, and he did not get to vote on those changes. The Utah Constitution Article 1, Section 1, did say “All men...” but now reads, “All persons have the inherent and inalienable rights to enjoy and defend their lives, liberties; to acquire, possess and protect property.” Bill stated that most of the rules and laws that were put into place violate our inalienable rights. Iron County should stand up and protect the citizens’ inalienable rights.

Daryl Owen, a resident of Iron County, expressed his appreciation to the commissions for stepping forward to protect our public lands and the community and for giving access to public roads. Access to public lands was a step in the right direction.

**DISCUSSION AND POSSIBLE APPROVAL OF AN AMENDED MINOR SUBDIVISION FOR BENJAMIN JESSOP – TO BE RE-TITLED AS “AMENDED LOTS 8A & 8B, MEADOWS RANCH SUBDIVISION” LOCATED IN THE SE¼ SECTION 14, T36S, R12W, SLB&M, IRON COUNTY (APNs: E-209-8A & E-209-8B)**

Reed Erickson, Iron County Planner, explained that this application was only clerical in nature. There would not be any changes on the property, just a title change. The property had been re-subdivided when the title was Amended to Minor Subdivision for Benjamin Jessop. Reed noted that when this went to Meadows Ranch Subdivision the water company told them that they did not belong to the subdivision. The purpose of changing the title to “Amended Lot 8A & 8B Meadows Ranch Subdivision was to allow them to connect to the water.

Michael Bleak made a motion to approve an amended Minor Subdivision for Benjamin Jessop, to be re-titled “Amended Lots 8A & 8B Meadows Ranch Subdivision” regarding APNs: E-209-8A & E-209-8B, as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN OFF-HIGHWAY VEHICLE (OHV) GRANT FROM THE STATE OF UTAH TO PURCHASE A TRAIL DOZER AND OHV TRAIL SUPPLIES & MATERIALS**

Mike Worthen, Iron County Resource Management Specialist, explained that the OHV Grant was awarded through Outdoor Recreation to purchase a trail dozer, supplies, and material for trail maintenance. The amount of the grant was \$131K for the total project. Natural Resource Management was asking for \$90K from that grant to purchase a trail dozer and Tourism had agreed to add \$10K for the matching funds. The other match would come from his work contract.

Michael Bleak made a motion to approve an OHV Grant from the State of Utah to purchase a trail dozer and OHV trail supplies and materials. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**RESOLUTION 2022-11, A RESOLUTION TO SUPPORT AND PARTICIPATE IN THE UTAH SATELLITE PORT COALITION**

Marilyn Wood explained that the resolution was to show support from Iron County with the Utah Satellite Port Coalition. Michael Bleak noted that Iron County had been working closely with surrounding counties and this coalition had been formed to address needs in our region.

Michael Bleak made a motion to approve Resolution 2022-11 to support and participate in the Utah Satellite Port Coalition. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2022-11

## A RESOLUTION TO SUPPORT AND PARTICIPATE IN THE UTAH SATELLITE PORT COALITION

**Whereas**, the Utah Inland Port Authority (“UIPA”) was established to guide statewide logistics and economic development activities to improve Utah’s global trade connections;

**Whereas**, in furtherance of these efforts, the UIPA intends to develop a statewide system of rural connections or “satellite ports” that serve as nodes in the Utah logistics system;

**Whereas**, the Utah Satellite Port Coalition (the “Coalition”) was formed to work with participating members to assist in the development of project areas, proposals, and strategies that align with the statewide key objectives of UIPA;

**Whereas**, the Coalition is committed to working with the UIPA to begin advancing satellite port project areas;

**Whereas**, Iron County would like to participate as a member of the Coalition;

**Whereas**, UIPA believes that counties working together as a region have a greater ability to transport goods and boost their economies;

**Whereas**, it is in the best interest of the citizens of Iron County to coordinate and cooperate with Washington County, Beaver County, and other participating members of the Coalition to enhance transportation options in a way that helps boost their economies;

**Whereas**, Iron County is primarily interested in exploring and developing a satellite port rail connection in western Iron County, which would provide a substantial impact in Iron County, and any other satellite ports that would enhance the economy of the county;

**Whereas**, Iron County supports the Coalition’s engagement of Utah Satellite Port LLC for strategic consulting, government relations, project management; and

**Whereas**, Iron County is willing to provide financial support to help pay for the cost of lobbying efforts on behalf of the county and the Coalition.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF IRON COUNTY, UTAH** that the County hereby joins the Utah Satellite Port Coalition as a participating member and approves the execution of the attached permission form;

**BE IT FURTHER RESOLVED** by the County Commission of Iron County, Utah that the County supports the Coalition’s engagement of Utah Satellite Port LLC for strategic, consulting, government relations, and project management related to satellite ports as part of the Utah logistics system.

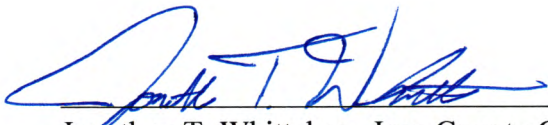
Voted upon and passed by the Iron County Commission at a regular meeting of the Iron County Commission held on the 24<sup>th</sup> day of October 2022.

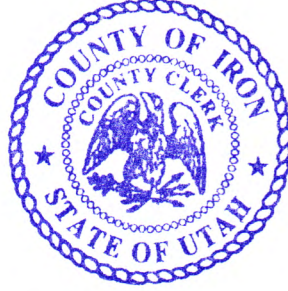
BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

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

Marilyn Wood - Chairman

ATTEST:

  
Jonathan T. Whittaker - Iron County Clerk



VOTING:

Michael Bleak        \_ Aye\_  
Paul Cozzens        \_ Absent\_  
Marilyn Wood        \_ Aye\_

APPROVED AS TO FORM:

  
Deputy Iron County Attorney

**RESOLUTION 2022-12, A RESOLUTION CONCERNING THE ELIMINATION OF A FULL-TIME JUSTICE COURT JUDGE POSITION AND THE AMENDMENT OF A SECOND PART-TIME JUSTICE COURT JUDGE POSITION TO FULL-TIME STATUS**

Jennifer Bradbury, Iron County HR Director, explained that with receiving notice that Judge Margaret Miller would be retiring in the first part of January 2023. Jennifer expressed her congratulations to Judge Miller for her 49 years of service to Iron County. Judge Dunlap would move from Part-Time Justice Court Judge to a Full-Time Justice Court Judge effective January 2023. Jennifer noted that in the future she would be presenting a Part-Time replacement for a Justice Court Judge. Marilyn Wood expressed her appreciation to Judge Miller for years of service for Iron County.

Michael Bleak made a motion to approve the elimination of a Full-Time Justice County Judge position and the Amendment of a second Part-Time Justice Court position to Full-Time status. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

## IRON COUNTY RESOLUTION 2022-12

A RESOLUTION CONCERNING THE ELIMINATION OF A FULL-TIME JUSTICE COURT JUDGE POSITION AND THE AMENDMENT OF A SECOND, PART-TIME JUSTICE COURT JUDGE POSITION TO FULL-TIME STATUS

**Whereas**, the Iron County Justice Court currently has seated one full-time Justice Court Judge and one part-time Justice Court Judge; and

**Whereas**, the Honorable Judge Margaret Miller has announced her retirement beginning in January of 2023, leaving the position of full-time Justice Court Judge vacant; and

**Whereas**, the Iron County Commission has authority under Utah Code Section 78A-7-203 in its discretion to initiate a reduction in force and reduce, lay off, terminate, or eliminate a judge's position in accordance with Iron County policies.

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

1. The full-time Justice Court Judge position shall be eliminated following the retirement of the Honorable Judge Margaret Miller in January 2023.
2. The part-time Justice Court Judge position, held by the Honorable Judge Brent Dunlap, shall be amended to a full-time position with an increase in hours and corresponding payment following the retirement of the Honorable Judge Margaret Miller in January 2023.

This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time.

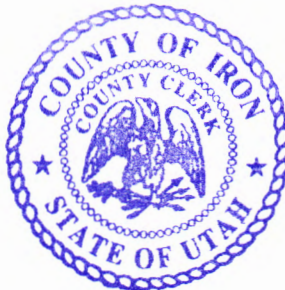
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 24<sup>th</sup> day of October 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood - Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker - Iron County Clerk



VOTING:

Michael Bleak        Aye    
Paul Cozzens       Absent   
Marilyn Wood        Aye

**DISCUSSION AND POSSIBLE APPROVAL OF AN INTERLOCAL INDEMNIFICATION ENCROACHMENT AGREEMENT BETWEEN ENOCH CITY AND IRON COUNTY**

Sam Woodall, Iron County Deputy Attorney, reported that Enoch City had approved an Interlocal Indemnification Encroachment Agreement, changing verbiage from CICWCD to Enoch City. Richard Wilson explained that at the September 26<sup>th</sup> Iron County Commission meeting he had reported that this Interlocal agreement would protect Iron County from disruption and make sure repairs were completed, and at the same time, it no longer required entities to bond with Iron County for encroachment activities. He noted that the agreement would still require the entities to purchase an encroachment permit and the agreement would serve as a legal document for approval of an easement. It was also suggested that each municipality be approved separately. Kanarrville had reviewed the agreement and would be next for approval.

Michael Bleak made a motion to approve Interlocal Indemnification Encroachment Agreement between Enoch City and Iron County. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**CONVENE AS THE BOARD OF EQUALIZATION (BOE)**

Marilyn Wood, Iron County Commission Chair, declared the adjournment of the Iron County Commission and the convening of the Iron County Board of Equalization.

**REVIEW AND POSSIBLE APPROVAL OF VETERAN, CIRCUIT BREAKER, LOW-INCOME, AND BLIND TAX ABATEMENTS FOR THE 2022 TAX YEAR**

August Franklin, Iron County Deputy Auditor, explained that the total tax release for 2022 would be \$1,151,173.99. August reported a breakdown of that total: \$949.89 Blind, \$188,645.50 Circuit Breaker, \$110,823.05, \$126,014.60 Market Circuit Breaker (Iron County portion), \$22.19 Mobile Blind, \$387.98 Mobile Circuit Breaker, \$8.25 Mobile County, \$7.55 Mobile Market C B, \$601.22 Mobile Veteran, and \$723,713.76. She noted that there were 56 new Veterans this year. August reported that she had more late abatements in the last two weeks since the tax notices had been sent out. She noted that she would present again in December with the late abatements. Iron County would be refunded \$189,033.48 from the state. Michael Bleak noted that the pie chart included on the 2022 tax notices was very helpful.

Michael Bleak made a motion to approve Veteran, Circuit Breaker, Low Income, and Blind Tax Abatements for the 2022 Tax Year. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**REVIEW AND POSSIBLE APPROVAL OF ABATEMENTS AND EXEMPTIONS FILED AS OF OCTOBER 10, 2022**

August Franklin, Deputy Auditor, reported that there was only one new exemption from the Iron County School District. August explained that the building adjacent to the District Office had been rented out from time to time. The school district would discontinue renting and using it for school use only, which qualified them for an exemption.

Michael Bleak made a motion to approve Abatements and Exemptions filed as of October 10, 2020, as presented. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the transfer of Wendy Jessen, from a Full-Time Sheriff's Office Victim's Advocate to a Full-Time CJC Director, effective October 16th; the transfer of Devin Lauritzen from a Full-Time Patrol Deputy to Part-Time Bailiff, effective October 30<sup>th</sup>. Both positions were backfilling vacant positions.

Jon Whittaker noted that in response to the hiring of Wendy Jessen as the new CJC Director there had been some lies that he had heard regarding the hiring process. He asked whether the CJC selection process be explained. Michael Bleak reported that the application period was open for one month for getting more quality applicants. There were 23 applications turned in and each of those 23 applications were read through in detail by Chad Dotson, Jennifer Bradbury, and Mike Bleak. There had been a discussion on minimum job requirements. Out of the 23 applicants the selection committee offered an interview to 10 applicants. The interviews lasted for two days and each applicant was given one hour, which gave them time to get to know the applicants and to ask from in depth interview questions. Most questions used in the interviews came from Tracy Tabet from the Utah State Attorney General's Office. Chad Dotson, Jennifer Bradbury, and himself narrowed the applicants down to 10. He noted that some local applicants were not strong, but were afforded an interview because of their local affiliation with the Iron County CJC. Mike reported that the interview panel consisted of himself, Tracy Tabet, Chad Dotson, Jennifer Davis (Friends Board President), Shane Klenk, Susan Carter, and Tom Bert. It was a large and very thought-out committee, and all had worked with the CJC. Over 2 days of interviews with the 10 applicants, each applicant was scored by the same process as any other applicant process. From the 2-day interview process, the board narrowed down the applicants to three. Chad Dotson was the person who made the final decision as the CJC Director would work under his supervision as the department head. Chad Dotson once again interviewed the top three applicants. Extra steps were taken in this interview process that were not taken with other interviews. During the process, he and Chad Dotson communicated with each other continuously about the process, the candidates, and the pros and cons. The panel had identified certain points that they wanted Chad to ask the final three applicants. Chad Dotson took those points from the board and included them with his interviews. Mike noted that this was the most thought-out hiring process he had ever participated in. The CJC was the best asset in Iron County. There were 3 great applicants and any one of them could take on the role of CJC Director. Chad felt that Wendy was the best candidate and Mike had full trust in Wendy. This interview process was not in any way political. Jennifer Bradbury explained that the tallies had been placed on a spreadsheet and were kept at her office. Commissioner Bleak noted that there were some robust conversations among the board. As far as being represented from Iron County there was one member from the public, clerical staff within the county Attorney's Office who were interactive with the CJC. There were board members who knew the inner workings of the CJC and others that did not. He stated that there was not any conspiracy and that he would defend the process 100%. Marilyn Woods asked Jennifer if the scoring was consistent throughout each of the 3 interviews. Jennifer Bradbury said that it was. Even if they used the scoring when you would eliminate the high and low it still came out to the same 3 top applicants. Jon Whittaker expressed his appreciation to Jennifer for the process she followed. The interview process was done fairly and was run exceptionally. Marilyn Wood noted that it was very unfortunate that Wendy was being treated unfairly. Mike Bleak reported that he had been involved with the CJC since its inception and was located in a closet across from him in the police department. He noted that he was the last person that was involved in the beginning. The CJC program meant the world to him. The last 20 years had been a time of growth. He couldn't express enough to Stephanie Ward for the program she built. He also expressed his appreciation to Troy Little who was the Special Victims Prosecutor for many years and who was now a Juvenile Court Judge. All the employees who had come through the CJC over the last 20 years had contributed to the growth of the program. Mike noted that he could not say enough about the program and the fact that Wendy Jessen was chosen as the new director he had full confidence that she would move the program forward. Knowing that filling this position might cause some controversy, they took the interview process seriously and ensured that it was a fair process. The CJC program could not afford to fail as it was too valuable to Iron County. Mike commended

Jennifer Bradbury for her professionalism in the hiring process. Mike reported that there was a similar situation when Jennifer was hired as the HR Director. She moved into a position with Betsy Cummings, well-trained trained, and established in the HR Department for many years, and Jennifer set a model to include Betsy as an equal on her team. We counseled them to use that model moving forward with her team at the CJC. Marilyn Wood noted that it was very unfortunate that there was some backlash against Wendy Jessen.

Michael Bleak made a motion to approve the Personnel changes as presented by Jennifer Bradbury. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

Jennifer Bradbury presented updates to Personnel Policy Section 30 - County Vehicle, Part 13-17, and Authorization Form. Jennifer explained that Iron County currently had a Fleet Manager in place and it was time to update some of the verbiages in the policy. Marilyn Wood noted that the Road Department was still handling its maintenance rather than going through the Fleet Department and wondered with the change in the policy if it would affect that. Jennifer reported that it should not affect them. Sam Woodall explained that the policy "encouraged Department Heads to communicate with the Fleet Supervisor to evaluate the most efficient and current methods of modifications prior to making said modifications." Mike Bleak noted that Wade Adams was very busy and overwhelmed at times assembling the Fleet Department but was doing a great job. Jennifer read the additions to Part 13 - Vehicle Maintenance, Mileage, and On-Call Logs.


Michael Bleak made a motion to approve updated verbiage to the Personnel Policy Section 13-Part 13 through 17 and the Authorization form. Second by Marilyn Wood, Voting: Michael Bleak, Aye; Marilyn Wood, Aye.

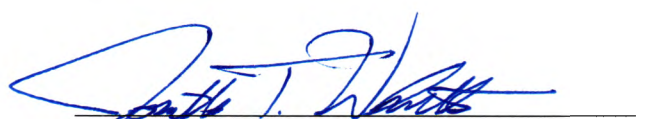
**NON-DELEGATED ITEMS**

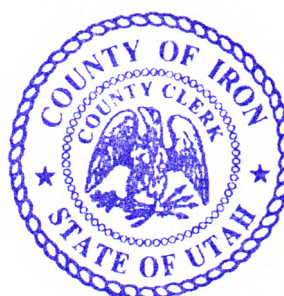
No Non-Delegated items were discussed.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
NOVEMBER 14, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. November 14, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Chad Dotson	County Attorney
Dan Jessen	County Auditor
Sam Woodall	County Deputy Attorney
Danny Stewart	County Economic Development
Richard Wilson	County Chief Engineer
Susan Blackner	County Fair Director
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Mike Worthen	County Natural Resource
Reed Erickson	County Planner
Bruce Anderson	County Public Works
Kenneth Carpenter	County Sheriff
Maria Twitchell	County Tourism
Nicole Rosenberg	County Treasurer
Kathy Riggs	County USU Extension

**SYNOPSIS**

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**INVOCATION**

An invocation was offered by Paul Cozzens.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Sam Woodall.

**APPROVAL OF MINUTES**

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held, October 24, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT FROM**

Paul Cozzens made a motion to approve Claims for Payment from October 24, 2022 to November 13, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Jon Whittaker, Iron County Clerk,** reported that, as of August 31<sup>st</sup> or 66% of the year, the Clerk budget was at 68% spent, and the Election budget was at 46% spent. Jon noted that his staff had responded incredibly to the ongoing crisis of ballots not delivered to voters’ mailboxes. They had worked 18 days in a row and had answered 1690 phone calls from October 28<sup>th</sup> to November 8<sup>th</sup>. He expressed his gratitude for their work, sacrifice, and effort. He then gave an outline of the delay of the ballots as best as could be pieced together from all sources. The database had been sent to Carr Printing on September 19<sup>th</sup>. On October 13<sup>th</sup>, the ballots had been printed, inserted into envelopes, etc. On October 14<sup>th</sup>, Skymail delivered them to Pitney Bowes. October 18<sup>th</sup> was the first day ballots could be mailed. The ballots were not identified, segregated, nor prioritized as they should have been. On October 24<sup>th</sup>, concern was mounting because so few ballots had been delivered to mailboxes. As the level of alarm grew, exact disposition could not be determined. Assurances were given by Pitney Bowes that ballots were coming. On October 29<sup>th</sup>, some ballots were delivered to mailboxes, but no one could say exactly how many. On November 1<sup>st</sup>, a mislabeled pallet of mail that contained Iron County Ballots was delivered to the United States Postal Service (USPS) sort facility in Salt Lake City, Utah, and was correctly rejected. On November 3<sup>rd</sup>, the same pallet was again submitted to the Salt Lake City facility with another pallet of mail, when a USPS employee cut into the pallet and discovered that there were ballots inside. Those ballots were expedited and delivered to mailboxes on November 4<sup>th</sup> and 5<sup>th</sup>. This delivery was still not all the ballots.

In response, Iron County opened early voting at the Courthouse every day from October 28<sup>th</sup> to November 7<sup>th</sup>. Early voting was available at the Enoch City and Cedar City offices nearly every day, starting on November 1<sup>st</sup>. Jon expressed his deep gratitude for Carolyn Jones, and the other Enoch poll workers, Marie Thurston, and the other Cedar poll workers, the Courthouse poll workers, and particularly, the Kane County Clerk/Auditor Karla Johnson, who sent not only additional equipment, but 2 staff members, who performed wonderfully. Iron County also provided “Pop Up” vote centers for a few hours in outlying areas. Said “Pop Up” centers were in Brian Head, Summit, Kanarrville, and Beryl Junction. Jon expressed gratefulness to the community leaders in each of those places that helped get the word out. Each evening from October 29<sup>th</sup> to November 7<sup>th</sup>, Deputy G’Ne Bartholomew, hand-delivered ballots to shut-ins. Because of the crisis, it was important to inform the voters of the changes and opportunities to vote. These mediums included: radio ads, both paid and public service announcements (PSA’s), social media, television, reverse 911, road signs, newsprint, direct email, the Iron County School Districts, word of mouth, the Iron County website ([www.ironcounty.net](http://www.ironcounty.net)) and official notices. Jon expressed his gratitude to Paul Cozzens for helping him to contact a direct text provider, and the local interfaith leader, Greg Powell, to help get the word out over the pulpit.

As a result of these efforts, Iron County had over 60% of votes cast in person on election night, up from the usual 0.5% to 2%. This was remarkable, however they were not 100% successful. One of the advantages of absentee ballots, generally, was that they provide the opportunity to vote to those who cannot or cannot easily leave the home. Through the efforts, the opportunity to vote was provided. Jon expressed his profound gratitude for so many that had participated in this heroic effort. He noted that Pitney Bowes had expressed their willingness to help pay any overages incurred by this ballot delay. Paul Cozzens also expressed his gratitude for the heroic efforts of so many during this election. Paul noted that he always preferred the old method of coming in person to vote, with absentee ballots being available, but not the default method. He expressed that he did not like losing the chain of custody through the USPS. Paul liked being able to drop a ballot directly in a drop box. He mentioned meeting with Senator Mike Lee, along with other elected officials who, after Paul spoke about this, seemed like they wanted to go back to the old system. Utah House Bill 36 passed in 2020, which changed the language regarding vote by mail from “may” to “shall,” forcing counties to use vote by mail. Paul noted that in conversations with constituents, there was an appetite to go back to in person voting. He spoke of a property manager who often ended up with ballots because his tenants had moved. Paul expressed concern that so many ballots be delivered to a transient population. He acknowledged that there were safeguards in place to prevent fraud, but expressed concern, nonetheless. Paul asked how many total ballots were printed and mailed. Jon replied that a little over 29K were. Paul then asked how many ballots were delivered to mailboxes. Jon replied that there were 9K ballots returned, but it was impossible to say exactly how many, but that by extrapolation between 15K and 20K ballots made it to mailboxes. This was a very rough estimate, because it was impossible to know how many voters that voted in person also received a mail in ballot. Paul expressed that this got to his root concern, which was that with a lack of trust in receiving a ballot, how could a voter have trust that it would be returned by mail. Jon noted that the majority of ballots do return through the mail, that voters can check to see when their ballot is received into their county clerk’s office, and that there is not a great influx of ballots that were lost in the mail after election day. Furthermore, the question of whether a returned ballot will count has to do with the cancellation stamp on the envelope, not when it returns to the clerk’s office. Marilyn Wood asked where the missing ballots are. Jon Whittaker replied that no one could provide a solid answer, he surmised that they had not entered the USPS. Paul Cozzens expressed concern that there be ballots somewhere, unaccounted for. Jon Whittaker replied that those ballots have layers of security that would prevent them from being counted. First, there is an Absentee ID that is specific to each voter’s ballot. Second, they must be signed by the voter themselves. And third, they must be returned on time. So, yes, there were ballots out there, but they will never be counted. Jon expressed that much of the common sentiment regarding “stuffing” of ballot boxes was based on fear that was born of ignorance of the process. Paul Cozzens asked how much extra was spent making the election work without all

of the by mail ballots and noted that Jon Whittaker had reported that the number be about \$10K. Paul Cozzens asked whether Carr Printing was responsible for any of the problem. Jon Whittaker replied that the only blame he could assign to Carr was that so much of the work had been outsourced. Jon noted that he had only recently learned that Carr had sold their building and was only renting a portion of the building from the new owners. They were no longer big enough to handle the work in house. Both Carr Printing and Skymail had been told that the ballots were on their way by Pitney. Jon expressed that Lloyd Carr was a longtime supporter of elections in Utah and a dear friend, and that it gave him no pleasure to cut ties with him. Paul Cozzens noted that Iron County had 60% voter turnout in this difficult circumstance. He asked what the turnout would have been if ballots were to be delivered on time. Jon Whittaker replied that it certainly would have been higher. He expressed pride in the fact that Iron County had a 60% turnout, which was in line with other counties. Paul Cozzens noted that the turnout showed that there was a very good in person turn out, especially for being last minute. Paul Cozzens noted that he had conversations where most people expressed a desire to return to in person voting with the option to “opt in” to an absentee ballot. He felt that it would prevent ballots being mailed to people who had moved. Paul noted that many of these people were elected officials, and one who would run a bill to reverse the said HB 36. Paul acknowledged the popularity of by mail ballots but expressed a desire to return to in person voting. He expressed that this emergency shed light on the weaknesses of the process. Jon Whittaker noted that most people he spoke with had not talked about returning to in person voting but were upset that they had not received their ballot. Jon encouraged having the discussion at the Legislature regarding vote by mail. He expressed that vote by mail is more secure than most people imagine, it increases voter participation, and also allows for a more informed electorate, being able to research things like constitutional questions before voting (versus having to take care of it all when in the voting booth). Paul Cozzens expressed that he does not believe that Iron County has a problem with election fraud. Marilyn Wood expressed her appreciation to Jon Whittaker and his staff for their extraordinary efforts to plan and get the word out. He turned a terrible situation around.

**Jennifer Bradbury, Iron County Human Resource (HR) Director**, reported that the budget was on track. Since the last HR report, HR had posted, interviewed, and hired 7 Full-Time positions and 2 Part Time positions; had 6 internal promotions/transfers; currently, HR was in the process of recruiting or hiring 9 Full Time positions. Jennifer noted certain points of interest: Turnover for January through November 2022 was 14.92% or 37 positions. Compared to the same timeframe in 2021, turnover was 15.73% or 39 positions. The insurance open enrollment was held last week with a great turnout. Jennifer expressed her appreciation to Betsy Cummings and Carrie Christiansen for all the hard work they put into getting open enrollment organized and running smoothly. The Accident Review Board hearing would be held next week and would close out all remaining accidents for 2022. She would be attending the Utah Association of Counties (UAC) Convention next week and was looking forward to meeting with other County HR directors throughout the state. Jennifer reported on employee milestone anniversaries this quarter: Celebrating 5 years of employment was August Franklin, celebrating 10 years of employment was Shawn Peterson, celebrating 20 years of employment were Chelsea Boxwell, Ranon Hulet, and Jobe Peterson.

**Candace Reid, Iron County Public Defender**, reported that things were going well for the Public Defenders. The two extra Public Defender positions that were filled during the 3<sup>rd</sup> quarter were working well also and the Judges were pleased with their performance. Candace noted that the Public Defender Office was tasked with handling reimbursements with what was called “Contested Adoptions.” This was not unique to public defense, and it had made budgeting difficult. She reported that those reimbursements must be pursued from the IEC and making sure the invoices were all intact was taking a lot of time in her office.

**Wade Adams, Iron County Fleet Manager**, reported that the budget was on track. The vehicle order from 2021 had been received, excluding any diesels. He had placed the 2023 order before approval, but Iron County was not obligated to follow through with any not approved. Today the order bank opened for the Ford Diesel F-150 trucks. Wade noted that the roof in the shop had been repaired except for a few leaks that still needed to be fixed. There had been over November 14, 2022

250 vehicles serviced or repaired since taking over the vehicle repairs. Paul Cozzens expressed his appreciation to Wade Adams and Kade Beaumont for all the money they had saved Iron County through service and repairs being taken care of in house. Wade reported that Iron County had sold 7 vehicles, 2 Gama Goats, 9 snowmobiles, and approximately 9 fire vehicles. There were 20 vehicles ready to be placed on the Iron County Surplus Vehicle website. Wade expressed his appreciation to Jon Whittaker for his hard work, dedication, and integrity through the General Election.

**Kathy Riggs, Utah State University (USU) Iron County Extension,** Marilyn Wood asked Kathy if she had spoken to Lester Ross regarding the shed she requested. Kathy reported that when she had spoken with Lester he assumed that the shed had been approved during the budget hearings. She noted that concrete was being poured for the shed, but a final decision had not been made on what type of building would be purchased. Lester was in favor of a “Coast-to-Coast” metal building. Paul Cozzens noted that his main concern with a Coast-to-Coast building was there was no guarantee that water would not run under it. Kathy noted that it was also a concern of hers. Marilyn Wood reported that as a commission they had discussed having the shed on a skid to prevent the leakage and it could be moved within Iron County if needed. Kathy reported that the budget was on track. She excused Candace Schaible and Randall Violet as they had prior commitments and were unable to attend. She introduced Jessica Anderson as the new Iron County 4-H Coordinator, Katy Wagner-Staff Assistant, Sarah Dobinski-Youth Service Learning Coordinator, Marla Hoyt-4H Stem Youth Coordinator, and Jamee Joseph-Staff Assistant. Kathy reported that she was most proud of what she called “Human Capital/Return on Investments.” The office was always busy, changing, building knowledge, and improving lives. She noted that after working with Iron County Extension for 4 years, Randall Violet had received an offer to return to Wyoming to be the Extension Assistant Professor/Agriculture & Natural Resources and would be leaving Iron County at the end of November. Randall was an asset to Iron County and wanted to be known as a researcher. Some of the projects/research that he oversaw while working for USU Extension were: Research at the Southern Utah University Farm, Cedar Mountain Initiative (CMI), Bayer Crop Science Juniper trial, Sagebrush reestablishment trial, Youth programming, and the introduction of the Hay Show and Wool show at the Iron County Fair. He will be missed. Candace Schaible had worked for close to 14 years with the USU Extension Iron County Office-Horticulture & Water Conservation. She noted that she did not know of any other Horticulture Faculty that had a “Demonstration Street” in a subdivision. Candace was a very hands-on person and had the ability to calculate research impacts. She worked hard with the 2022 Center for Water-Efficient Landscaping (CWEL) Virtual field Day and was completing a curriculum for an Extension Master Gardener live course at USU Extension. Kathy reported that under the Family Consumer Sciences two programs (Nutrition and Food Preservation Safety) were now under the heading of Create Better Health. The nutrition teachers, Chanelle Richards & Dominique Parke (Spanish speaking), that went out and taught nutrition and safety were now called Ambassadors. They had 6,769 direct and indirect education contacts. The virtual “Preserve the Harvest” live online series that began as a result of COVID has been a success the 375 registered, 237 participants with question and answers, 52 viewers for the class on dehydration of foods-jerky demonstration, and 1,468 who had viewed the recordings of the series. She noted that there had been over 140 lbs. of produce and cooked ground meat preserved with the freeze dryer. Three of the constituents had purchased freeze dryers after using the one offered through the extension program. Kathy reported that the 4H Mentoring & Afterschool program was in its 27<sup>th</sup> year. The funding changes, but what never changed was the number of children who have been impacted by having a safe place after school to go, a sense of belonging, learning life and leadership skills, much-needed help with homework, and team building. Kathy closed by expressing her appreciation for the support of the Iron County Commissioners.

**Michael Bleak, Iron County Commissioner**, reported that he had participated in a tour with other leaders that included representatives from Southwest Tech, and the Chamber of Commerce Board. The Jail Site Selection Committee had met with some potential Jail site owners and Rob Cottle several times to come up with a proposal for those proposed jail sites. He met with Maria Twitchell regarding a vacancy on the Restaurant Tax Board. The Iron County Commission sponsored the “Old Lady in the Shoe” float in the Holiday Cavalcade Parade. Mike noted that he had been working with the Innovation Center at Southwest Tech helping them with some different resources in the community.

**Paul Cozzens, Iron County Commissioner**, reported that the Newcastle Town Hall had had some flood issues. He and Richard Wilson had met and Richard reported that there were some Natural Resources Conservation Service (NRCS) Grant funds available for a detention basin to help with those issues. Paul noted that he had discussed funding with Search & Rescue at Kanarra Falls. Kanarraville had donated funds for Search & Rescue and there was some confusion on how those funds were distributed. Michael Bleak explained that when Kanarraville donated the funds it could not be included under the 501(c)3 but had to be listed under the Sheriff’s Department Search & Rescue budget.

**Marilyn Wood, Iron County Commissioner**, reported that there was a Public Hearing held regarding the Landfill increase on November 1<sup>st</sup> and was approved. Bruce Anderson would pass that information on to construction workers and companies. The Landfill had been re-permitted and there would be a consolidation of collection pits. Marilyn noted that there had been a discussion between the Road Department and Forest Service on November 9<sup>th</sup>. The discussion was regarding a section along the Pinto Road that had not been maintained because no one was getting paid for the service. The Forest Service was supposed to maintain the road but they were low on resources and only maintained the road occasionally. The Iron County Road Department was working on a solution to the problem. Marilyn expressed her appreciation to Kacy Adams, Iron County Weed Supervisor, for all the service he provided making Iron County one of the best counties for weed control.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF A PROPOSED PRELIMINARY SUBDIVISION – CEDAR CITY RAIL TERMINAL (1 LOT) APPROXIMATELY 74.18 ACRES, WITHIN THE W½ SECTION 27, R35S, R12W, SLB&M, IRON COUNTY, UT APN: E-131-12, LOCATED NEAR 6700 WEST SAGE HILL DR, CEDAR CITY. APPLICANT: SAVAGE SERVICES CORP.**

Reed Erickson, Iron County Planner, reported that the property was located near Iron Springs Road on the west side of the proposed belt route location. The property was previously split off another parcel as agriculture and was not eligible for a building permit. The applicant was going through the process to make the lot eligible for a building permit. Reed explained that the area was zoned industrial, except for R-5 on the north side, and the need for a subdivision was due to the rail-to-truck and truck-to-rail transloading station off the rail. The plan was to access the rail from the southwest corner. The Savage Rail-port Preliminary Plat included 4 rail spurs, each 1,700 feet long. Typically, the road in an industrial zone, within a subdivision, required asphalt pavement. What was proposed for approval was a variation that asphalt not be required. The applicant agreed to improve the road and to chip seal the road on the site and out to the rail. Iron County would then chip seal from Iron Springs Road to the rail. Jon Whittaker asked if that would be enough to hold up. Reed noted that the road would be built up and two layers of chip seal would be enough. He reported that the Planning Commission approved the Conditional Use Permit (CUP) contingent upon the approval of the preliminary plat. In the first year, approximately 20 trucks would use the road, and up to 50 within five years. Public services available were: Water from Iron Springs Road (CICWCD), Sewer (Septic) that may be available in the future from 2400 N Extension, Fire flow/suppression by CICWCD, Drainage to maintain historic flows and locations for entry and exit, and Power, gas, communications-in the area.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding a proposed Preliminary Subdivision (APN: E-131-12).

Clara Hart, a citizen of Iron County, explained that she lived on 6400 W off Iron Springs Road. The addition of 40 or so trucks in a few years would just make the traffic worse, and it was already heavily used. The average speed of the trucks currently using the road was 70 mph, and it had become very dangerous to pull out of the subdivision. The childrens bus stop was on Iron Springs Road and even when the flashing lights were turned on the trucks still do not stop. Most of the off-road vehicles come down from Three Peaks Recreation area and she had clocked one OHV at 120mph. Iron Springs Road was very rutted and uneven and was very scary to travel on especially in the winter.

Glen Martinez, a citizen of Iron County, explained that he had lived off Iron Springs Road for over 8 years. There was more traffic and higher speeds on the road. When the trucks get backed up on the road they block his driveway. It was very dangerous.

Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC), with findings and review of Section 16.12.100 – Preliminary subdivision plat approval - Procedures, and the applicant was in compliance. The verbiage was currently being updated on the plat making it unable to be here to sign. He would bring it to the commission to be signed when it was ready. The planning commission recommended approval of the proposed Preliminary Subdivision- Cedar City Savage Rail Terminal. Michael Bleak made a motion to approve the proposed Preliminary Subdivision Cedar City Rail Terminal (1 Lot) regarding APN: E-131-12, with the variation of roads. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **PUBLIC COMMENTS**

No Public Comments were offered.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 6 & 7, BLOCK D, GREEN MEADOWS ACRES SUBDIVISION, UNIT 2, TO COMBINE INTO A SINGLE LOT RENUMBERED 6A – LOCATED IN THE NE ¼ SECTION 33, T35S, R9W, SLB&M, IRON COUNTY, UTAH, APN'S: C-1135-0004-0001-1, C-1135-0004-0003 & C-1135-0004-4. APPLICANT: MILLER FAMILY TRUST**

Reed Erickson, Iron County Planner, explained that this was an existing subdivision consisting of 2 Lots located between Brian Head and Dry Lakes Road, and zoned R-1. Lot 6 had been previously subdivided creating 3 parcel numbers. The amended plat was in conformance with the ordinance and did not require a public hearing. Reed reported that the Iron County Planning Commission (ICPC), after review and findings, had recommended approval. Paul Cozzens made a motion to approve the partial Subdivision Vacate and Amend for Lots 6 & 7, Block D, Green Meadows Acres Subdivision, Unit 2 regarding APNs: C-1135-4-1-1, C-1135-4-3 & C-1135-4-4, as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF ANNEXATION PROPOSAL – CREATING AN ISLAND OR PENINSULA OF UNINCORPORATED LAND, PROPOSED ANNEXATION INTO CEDAR CITY CORPORATION, APPROXIMATELY 3.56 ACRES LOCATED WITHIN THE NE ¼ OF SECTION 26 & THE NW ¼ OF SECTION 25, T35S, R11W, SLB&M APN: D-636-38. APPLICANT CEDAR CITY RV LLC**

Reed Erickson, Iron County Planner, explained that state law required the county to review and possibly approve any annexation that would leave an island or peninsula of unincorporated land left from the annexation. The property was located on the north side of the Bowling Alley. Reed presented a brief explanation of how the parcel qualified as an annexation. Reed reported that the Iron County Planning Commission (ICPC), after review and findings, had recommended approval.

Michael Bleak made a motion to approve the Annexation Proposal, proposed annexation into Cedar City Corporation regarding APN: D-636-38 as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION REGARDING MONTE VISTA ACRES SUBDIVISION, A NON-MAINTENANCE SUBDIVISION AND WOULD LIKE TO MAKE IT A MAINTAINED ROAD SUBDIVISION**

Garrett Beagles, a citizen of Iron County, noted that since the Bridal Path subdivision began development, Monte Vista Acres had several flood issues due to the lack of maintenance to the road which had made it almost unusable, and he would like something to be done to correct it. Richard Wilson, Iron County Chief Engineer, explained that Iron County did allow roads to be brought into the county maintenance system, but they had to be brought up to Iron County Road standards before that happened. There was a process to follow to be accepted into the system. He noted that in years past before a subdivision was created roads were not taken seriously. That had now changed. Previously, subdivisions were developed based on the requirements at that time. Developers were now required to include a plan for road pavement or chip seal before a subdivision is approved. Richard reported that the community of Monte Vista Acres would have to approach Iron County to have those roads brought into the county road maintenance system. Mr. Beagles reported that many of them had tried numerous times to contact the county and no one would answer their phone or respond to messages. Marilyn Wood explained that the Road Department had some issues with their phones not working and IT was currently working on it. Mr. Beagles noted that he had not been able to find a county road maintenance map. Paul Cozzens explained that Sunset Subdivision had similar issues with their roads. The citizens got together and agreed to bring the road up to code, which was assessed to their property taxes. Once the roads were brought up to code then Iron County took over the maintenance of the roads. Marilyn Wood explained to Mr. Beagles that he would have to go through the Clerk's Office to begin the process. Mr. Beagles was concerned that the subdivision above Monte Vista being allowed to have rainwater run into their subdivision. He noted that no one there had any flooding issues before that construction began. Richard Wilson reported that he had no knowledge of those issues because it was before he began working for Iron County. Richard Wilson noted that he would look into the drainage issues in the area. Garrett stated that something needed to be done about the road.

**PROPOSING 2023 OHV/ATV JAMBOREE TO BE HELD AT THE IRON COUNTY FAIR GROUNDS ON SEPTEMBER 27-30, 2023**

Brody Johnson, Cedar City Trailblazers Secretary, reported that the proposed date for the 2023 OHV/ATV Jamboree to be held was September 27<sup>th</sup> through September 30<sup>th</sup> to be held at the Iron County Fairgrounds. He noted that the Chamber of Commerce would not be sponsoring the Jamboree next year, thus the proposal to ask that Iron County take over the sponsorship of the Jamboree. Most Jamborees held in the Southern Region were ran by the respective county or tourism bureau. Brody explained that the counties had more influence over the Bureau of Land Management (BLM) to use their land versus a lone person or club. The approval process and club would be run through Iron County. D&P Performance would be the title sponsor should the Jamboree move forward. They had experience in running successful rallies in various areas which included many hundreds of participants. As a sponsor, they would be able to bring experience, some financial assistance, and possible vendors and prizes. Brody noted that unfortunately, Jamborees were not a money-maker for the counties. Paul Cozzens asked if the county would lose money because his understanding was that the chamber lost a lot of money. Brody agreed that the chamber had lost a lot of money. Paul Cozzens noted that Iron County could not afford to lose money. Phil Bostrom, President of the Tushar ATV Club, explained that the highest benefit for Iron County would be public relations. The High Desert Trail that ran from border to border would bring riders into the Jamboree. Typically, there were three types of people that attended Jamborees which were locals, in-state and out-of-state participants. Those in turn benefit gas stations, hotels, and restaurants. Phil reported that the Paiute Trail Jamboree November 14, 2022

brought in over 165K participants and approximately 105K vehicles. It was estimated that the Paiute Trail brought in approximately \$35M. Mike Worthen had created a nice trail system in Iron County which brought in many riders. Phil noted that no one club would be able to take on a Jamboree, but each county comes to help out. Jamborees bring in a sense of awareness with OHV/ATVs, and an increase in restaurant and hotel sales. Paul Cozzens asked what difference could Iron County make over the chamber. Phil explained that he did not know how the chamber lost so much money, or how they ran the Jamboree so he could not answer that question. He noted that Beaver County gave a \$1000 scholarship to a Senior from the proceeds of the Jamboree held there. Beaver County also provided an application for someone to run the Jamboree. The first year running a Jamboree was harder but it gets easier each year it was held. Marilyn Wood noted that the jamboree would be handled under the Iron County Fair if approved.

After further discussion, Paul Cozzens made a motion to table making a decision until the next commission meeting. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF VEHICLE SALES ON THE PUBLIC SURPLUS WEB PAGE**

Wade Adams, Iron County Fleet Manager, presented for approval the following vehicles to be placed on the Public Surplus website: 2004 GMC 1500 VIN #1GTEK19T64E324534, a 2011 Ford F150 VIN#1FT7X2BT6BEC47848, a 2015 Chevy Silverado 1500 VIN#3GCUKRE5FG270834, a 2016 Ford Taurus VIN#1FAHP2D85GG115985, a 2018 Jeep Wrangler VIN#1C4BJWDG0JL916864, a 2006 Artic Cat M1000-162MM VIN#4UF07SNW37T118808, and a 2007 Artic Cat M1000-162mm snopro VIN#4UF08SNW88T121511.

Michael Bleak made a motion to approve the Vehicle Sales on the Public Surplus website as presented by Wade Adams. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF AN INTERLOCAL INDEMNIFICATION ENCROACHMENT AGREEMENT BETWEEN KANARRAVILLE TOWN AND IRON COUNTY**

Richard Wilson, Iron County Engineer, reported that Kanarrville Town had approved an Interlocal Indemnification Encroachment Agreement, changing verbiage from Enoch City to Kanarrville town. Richard Wilson explained that at the September 26<sup>th</sup> Iron County Commission meeting he had reported that this Interlocal agreement would protect Iron County from disruption and make sure road repairs were completed after disturbance, and at the same time, it no longer required municipal entities to bond with Iron County for encroachment activities. He noted that the agreement would still require the entities to purchase an encroachment permit and the agreement would serve as a legal document for approval of an easement. It was also suggested that each municipality be approved separately.

Paul Cozzens made a motion to approve an Interlocal Indemnification Encroachment Agreement between Kanarrville Town and Iron County. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



**DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF AGREEMENT (MOU) BETWEEN ROBERT K. WEIDNER, WITH OFFICES IN THE WASHINGTON, D.C. AREA AND IRON COUNTY, A MEMBER OF THE RURAL PUBLIC LANDS COUNTY COUNCIL 2023**

Jon Whittaker, Iron County Clerk, explained that Robert Weidner was a lobbyist in Washington D.C., that Iron County had previously paid him and he was now asking for \$15K for the year 2023. Bruce Washburn, a resident of Cedar City, asked what was the name of the organization that Mr. Weidner wanted Iron County to join. Jon answered that it was the Rural Public Lands Council. Mr. Washburn felt that it was just money for Mr. Weidner himself. Paul Cozzens noted that it was a legitimate organization. He asked Heath Hansen (a Representative for Mike Lee) if the Rural Public Lands was an organization that Mr. Weidner created. Mr. Hansen noted that it was not.

Michael Bleak made a motion to table the MOU until more information could be gathered before making a decision. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A UTAH OFFICE OF TOURISM (UOT) CO-OP MARKETING GRANT**

Maria Twitchell, Iron County, Executive Director of the Cedar City /Brian Head Tourism Bureau, explained that each year she applied for a UOT Co-Op Marketing Grant. The purpose of the grant for marketing Brian Head to Southern Nevada, California, and Arizona. The UOT had approved the grant for \$182,400. The matching funds would come from Iron County Tourism - \$70K, Brian Head Resort - \$100K, Brian Head Town \$22K, and, the State of Utah - \$182,400 for a total of \$374,400, also the \$182,400 from the state.

Paul Cozzens made a motion to approve a Utah Office of Tourism (UOT) Co-op Marketing Grant as presented by Maria Twitchell. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR BRIAN HEAD TOWN TO PURCHASE 1.5 ACRES OF LAND FROM IRON COUNTY IN BRIAN HEAD**

Bret Howser, Brian Head City Manager, presented a brief explanation of the history of this parcel. He explained that in 1986, Iron County repossessed this parcel due to unpaid taxes. In the plans, a small section was left out assuming that it was a road. According to the title report, the road belongs to CGC, which does not exist. Brian Head would be taking over the title which would allow them to put a parking area in, but they still need a few extra feet of Right-of-Way (ROW) to be able to have a center lane of parking and expand the parking in the road. Bret reported that he brought this item before the commission several months ago and was told the commissioners would prefer Brian Head to purchase the land rather than make a trade. He noted that the parcel had been appraised at \$8K in value, which was what Brian Head Town was offering. Karsten Reed, Iron County Assessor, reported that the appraisal was accurate for the intended use listed in the report.

Paul Cozzens made a motion to approve for Brian Head Town to purchase 1.5 acres of land located in Brian Head from Iron County in the amount of \$8K. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONVENE AS THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)**

Marilyn Wood, Iron County Commission Chair, declared the adjournment of the Iron County Commission and the convening of the Iron County Community Development and Renewal Agency (ICCS&RA).

**CONSIDER A COST REIMBURSEMENT AGREEMENT BETWEEN IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA) AND IRON APEX HOLDING, LLC, FOR THE CREATION OF A COMMUNITY REINVESTMENT PROJECT AREA FOR THE DEVELOPMENT OF A LARGE OFFICE, WAREHOUSING, MANUFACTURING, AND DISTRIBUTION FACILITY**

Danny Stewart, Iron County Economic Development Director, explained that this agreement was between the ICCD&RA and the developer of Commerce Crossroads Logistic Park who was Iron Apex Holdings, LLC. Danny explained that the agreement was similar to the tax incentive that was given to large solar projects in Iron County. The company, Iron Apex Holdings, LLC, would pay Iron County for the coverage of legal fees associated with the creation of the project area.

Michael Bleak made a motion to approve a Cost Reimbursement Agreement between the ICCD&RA and Iron County Apex Holding, LLC for the creation of a Community Reinvestment Project Area for the Development of a large office warehouse manufacturing, and distribution facility. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**RESOLUTION 2022-13, A RESOLUTION REQUESTING RECERTIFICATION OF THE IRON COUNTY JUSTICE COURT**

Sam Woodall, Iron County Deputy Attorney, explained that there were certain requirements for recertification of the Iron County Justice Court. Chad Dotson drafted a letter to be presented to the Iron County Commission that stated as part of the recertification there needed to be an opinion letter from the Iron County Attorney, a Resolution passed by the Iron County Commission, and an Executed Court Certification Affidavit submitted by the presiding Judge of the Iron County Justice Court. Sam noted that Chad asked that the Iron County Commissioners accept the letter as his opinion that the Iron County Justice Court, with Judge Margaret Miller currently presiding, meets all the requirements for the operation of a Justice Court, and feasibility of continuing to maintain said court.

Paul Cozzens made a motion to approve Resolution 2022-13, a resolution requesting the Recertification of the Iron County Justice Court as presented by Sam Woodall. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2022-13

A RESOLUTION REQUESTING RECERTIFICATION OF THE IRON COUNTY JUSTICE COURT.

**Whereas**, the provisions of Utah Code, Annotated § 78A-7-103 requires that Justice Courts be recertified at the end of each four-year term; and

**Whereas**, the term of the present Court shall expire on the 2nd of December, 2022; and;

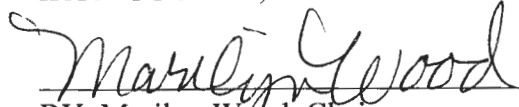
**Whereas**, the members of the Iron County Commission have received an opinion letter from Chad E. Dotson, Iron County Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same.

**Now, therefore**, be it resolved that the Iron County Commission hereby requests the recertification of the Iron County Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

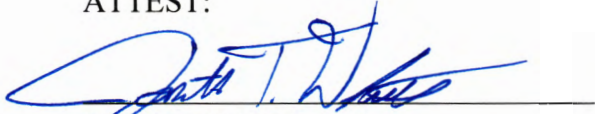
**BE IT FURTHER RESOLVED** that the Iron County Commission hereby affirm their willingness to continue to meet all requirements set forth by Judicial Council for continued operation of the Iron County Justice Court for the next four-year term of the court, except as to any requirements waived by the Utah Judicial Council.

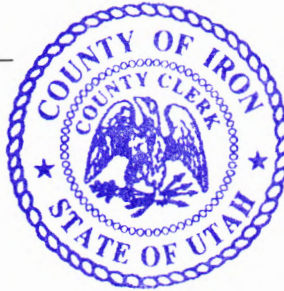
Voted upon and passed by the Iron County Commission at a regular meeting of the Iron County Commission held on the 14<sup>th</sup> day of November, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

  
BY: Marilyn Wood, Chair

ATTEST:

  
Jonathan T. Whitaker  
Iron County Clerk



VOTING:

Marilyn Wood	<u>Aye</u>
Paul Cozzens	<u>Aye</u>
Michael P. Bleak	<u>Aye</u>

## **RESOLUTION 2022-14, A RESOLUTION IMPLEMENTING A TEMPORARY JUDGE IN THE ABSENCE OF A JUDGE BEGINNING JANUARY 2023**

Jennifer Bradbury, Iron County Human Resource (HR) Director, explained that Resolution 2022-14 would allow the Iron County Justice Court to retain the temporary services of any senior Justice Court Judge, or any Justice Court Judge currently holding office within the 5<sup>th</sup> Judicial District or in an adjacent county, including Beaver, Garfield, Kane, and Washington County, to fill in due to the absence or conflict of the Iron County Justice Court Judge. This would be effective January 1, 2023. Michael Bleak made a motion to approve Resolution 2022-14, a resolution implementing a temporary Judge in the absence of a Judge beginning in January of 2023. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2022-14

**Whereas**, from time to time, the Iron County Justice Court requires the services of a temporary Judge to fill in due to conflicts or unavailability of the permanent Justice Court Judge; and

**Whereas**, Utah Code Ann. § 78A-7-208 grants authority to the appointing authority to appoint another Justice Court Judge currently holding office within the same judicial district to serve as a temporary Justice Court Judge when the permanent Judge is absent or disqualified; and

**Whereas**, Iron County vests the appointing authority's power to appoint temporary Justice Court Judges, subject to confirmation by a majority vote of the Iron County Commission;

**Now, therefore, be it resolved** by the Commission of Iron County, State of Utah as follows:

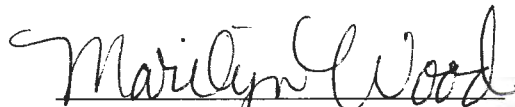
**Section 1. Appointment.** Pursuant to Utah Code Ann. § 78A-7-208, the Iron County Commission hereby nominates and approves any senior justice court judge, or any justice court judge currently holding office within the Fifth Judicial District or in an adjacent county, including Beaver, Garfield, Kane and Washington County, to serve as temporary Judge(s) when their services may be required due to the absence or conflict of the Iron County Justice Court Judge.

**Section 2. Severability.** If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution. All sections, parts, and provisions of this Resolution shall be severable.

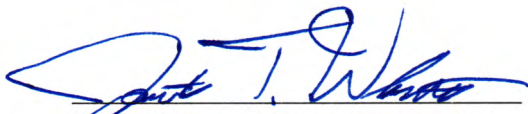
**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

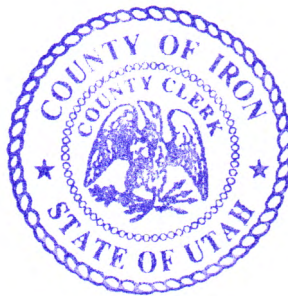
**PASSED AND ADOPTED BY THE IRON COUNTY COMMISSION, STATE OF UTAH, THIS 14<sup>th</sup> DAY OF NOVEMBER, 2022**

IRON COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
By: Marilyn Wood, Chairman

ATTEST:

  
Jonathan Whitaker, County Clerk



VOTING:

Michael Bleak	<u>  Aye  </u>
Paul Cozzens	<u>  Aye  </u>
Marilyn Wood	<u>  Aye  </u>

**PERSONNEL**

Jennifer Bradbury, Iron County HR Director, presented the promotion of Clayton Mitchell from Medical Technician Deputy 1 to Medical Technician Deputy 2, effective November 13th. Jennifer presented the new hire of Christon Cain as a Full-Time Deputy 1, effective November 27<sup>th</sup>. This was a backfill of a vacant position. Jennifer presented the new hire of Steve Smith as a Part-Time Parowan Driver for the Council on Aging, effective October 31<sup>st</sup>. This was a backfill of a vacant position. Jennifer presented the promotion of Trajan Evans from a Public Information Officer (PIO) Deputy 3 to a PIO Deputy 4 in the Attorney’s Office, effective November 13th. Jennifer presented the new hire of Kaylee Morris as a Full-Time Justice Court Clerk, effective November 14th. This was a backfill of a vacant position.

Paul Cozzens made a motion to approve the personnel changes as explained by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**


**Iron County Boards**

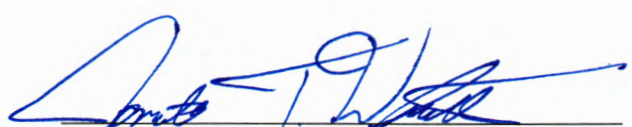
Restaurant Board (TRT)- Michael Bleak made a motion to appoint Julie Padilla, replacing Dolly Ware who retired, to the TRT Board. Julie was employed by Courtyard by Marriott which fulfilled the requirement. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Economic Development Advisory Board – Michael Bleak made a motion to appoint Joni Anderson, replacing Craig Isom, as a representative from the SUU Business Development Center. Craig Isom would remain on the board as the individual with experience or expertise in Economic Development matters; appoint Bret Houser, Brian Head City Manager, replacing Mayor Clayton Calloway, and appoint Scott Leavitt as Chair and Joni Anderson as Vice-Chair. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
NOVEMBER 28, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 28, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael Bleak	Commissioner-Excused
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Dan Jessen	County Auditor
Blaine Nay	County Bee Inspector
Shalon Shaver	County Corrections
Curtis Crawford	County COA Director
George Colson	County Emergency Management
Jennifer Bradbury	County HR Director
Ken Carpenter	County Sheriff
Maria Twitchell	County Tourism/Parks & Rec

**SYNOPSIS**

ADJOURNMENT .....	8
APPROVAL OF CLAIMS FOR PAYMENT .....	2
APPROVAL OF MINUTES .....	2
DEPARTMENTAL REPORTS.....	2
INVOCATION .....	1
NON-DELEGATED ITEMS.....	8
PARTIAL SUBDIVISION VACATE & AMEND-APN: D-0456-0381 .....	8
PARTIAL SUBDIVISION VACATE & AMEND APNS: E-4536-4 & E-4536-5 .....	8
PERSONNEL .....	8
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PUBLIC COMMENTS .....	7
PUBLIC HEARING, IRON COUNTY 2023 PROPOSED FINAL BUDGET .....	6
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**INVOCATION**

An invocation was offered by Curtis Crawford.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Marilyn Wood.

## **APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Special Iron County Commission meeting held November 1, 2022. Second by Marilyn Wood. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

## **APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from November 14, 2022 to November 27, 2022. Second by Marilyn Wood. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood, Iron County Commission Chair, excused Commissioner Michael Bleak from attendance at today's commission meeting.

## **DEPARTMENTAL REPORTS**

**Dan Jessen, Iron County Auditor**, reported that he had officially submitted his resignation to the Iron County Clerk. On December 15<sup>th</sup> the Iron County Republican Party Central Committee would hold a special meeting to vote for a Mid-Term Vacancy and submit that name to the Iron County Commission to approve as an Interim Auditor.

Dan noted that he had spoken with Rick Roberts, Iron County External Auditor, and let him know that he would be leaving. Rick was concerned about the 2023 audit and financial statements. Dan reported that he had created the Iron County Financial Statements in 2021 in-house and from scratch, which was a massive undertaking. There was a lot that went into training and he recommended that the commission not approve any person who had no county auditing experience. Dan asked Mr. Roberts, depending on the experience of the person who was appointed, if their firm would be willing to create the Annual Comprehensive Financial Report (ACFR) for Iron County in association with the audit. Mr. Roberts reported that they could but would need more time than they currently had scheduled as they were very busy. The Iron County Audit had already been scheduled and they would see if they could find extra time. Dan noted that he would make himself available to a limit, and he could not spend a lot of time helping without being compensated for extra time. He was still committed to Iron County regarding the budget. Dan reported that most deadlines had passed regarding the tax process and were close to being completed. Dan stated that he had one of the best office staff in Iron County. He expressed his deep appreciation for how well his staff does their jobs. He believed in empowerment and extreme ownership and he expressed how great his staff was to him. Dan expressed his appreciation for being able to work for Iron County for the past 6 years. He had enjoyed his time here and working with everyone. The public does not realize all that happens behind the scenes. He had struggled with the decision to leave, but he knew that this decision was the correct one for him. Dan expressed his appreciation to the commissioners for all their support. Marilyn Wood expressed her appreciation to Dan for all his hard work. Paul Cozzens also expressed his appreciation to Dan for going above and beyond his job description.

**Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, and Parks & Recreation**, reported on Tourism. Maria reported that the budget as of August 31<sup>st</sup> was 54% for Tourism and Restaurant Tax was 61%. Collections to date were trending with 2021 and Restaurant collections were up 5% over 2021. Gas prices and inflation had affected lodging occupancy which had fallen about 5%, but the average daily rate was up about 8% over 2021. She noted that in 2021, her office formed an Iron County Economic Workforce Committee with partners at Southern Utah University (SUU), Chamber of Commerce, Economic Development, and Workforce Services to strategize a response to the lack of qualified employee applicants in the workforce. This had turned into a regional response. The first phase was to distribute a Southern Utah focused workforce study survey and some employee-oriented focus groups regarding the issue of employee skills gaps and the lack of qualified job candidates. She noted that 192 employees responded to the survey and there was an average of 17 job vacancies per employer. In fact, 88% of respondents reported having unfilled vacancies demonstrating significant opportunities for hiring in the Five County Economic

Development District including Beaver, Garfield, Iron, Kane, and Washington counties. Based on research, funding had been acquired through the state's Learn and Work in Utah grant for a Workplace Ready action response program in tourism and hospitality and computer software. SUU has created a (no-cost enrollment) training and mentorship program which would assist 120 entry-level, unemployed, or underemployed Southern Utah residents. The goal was to support the Tourism (Hospitality) industry. The Workplace Ready cohort would begin in January of 2023. There were 2 phases of the course. The first phase would have 10 1-hour sessions focused on skills training and three industry-led courses that were 10 hours each. Phase 2 would include additional training, learning, and mentoring as well as a professional certificate. Maria reported that thanks to the efforts of Kaylee Pickering, Communication Specialist, there were 152 media articles and references about Iron County destinations and attractions. This equated to nearly \$7.8M in advertising equivalent reaching over an estimated 1 billion desktop and mobile views. The Tourism Office was finalizing the Iron County Destination Development Plan with the Utah Office of Tourism and Coraggio Group. Coraggio Group would like to present the findings to the commission in January. Maria noted that per the budget discussion, she had provided the commission with a copy of the Convention and Meeting Facilities feasibility study that was conducted in 2019. The office was currently working with the Utah Film Commission, Cedar City, and SUU Film Departments to create an Iron County Film Ready Commission to be able to be part of the Rural Film Incentive Program that was created by legislators in 2021. There was grant money available that would help hire an intern to inventory, catalog, and photograph film locations in Iron County which could be ready for possible film and commercial work.

Maria Twitchell reported on Parks & Recreation: the budget was on track at 50%. On behalf of herself and Bryce Williams, she expressed their appreciation for the new truck. It pulled heavy loads and was much better and safer for the work they were doing. Maria reported on the events that were tentatively scheduled at the Iron County Parks for 2023: WeRoc Rock Crawling May 6-7 (50 participants, approximately 500 spectators); Intermountain Cup Bike Race on May 20<sup>th</sup> (100 riders); Utah Summer Games Moto-Trails and Shooting in May and June; Cedar City Half Marathon on September 9<sup>th</sup> (600 participants); High School Mountain Bike Region Races (High School and Junior High teams) in August (600 participants) in September (600 participants), and Iron County may be hosting the State High School Mountain Bike Championship in early November. She noted that park reservations and collections were slightly up through October 2022 at \$11,831 in revenue as compared to \$11,051 this time in 2021. Highway 14 construction was completed for the season and Wood Ranch was winterized. There was one bathroom open at Wood Ranch for those sledding and a garbage can was left there as well. Work on Five Mile had concluded for the season. Critter-proof trash cans had been ordered thanks to Mike Worthen's grant. Bryce Williams hoped to be up at Five Mile with firefighters to burn the slash piles in January. Bryce would be constructing more awnings at the Iron County Shooting Range. Marilyn Wood asked Maria if she had spoken to Bruce about making a berm along the back of the shooting range. Maria noted that it would not be done this year, but was included in next year's budget. She reported that she was thinking of moving the berm to the group area. Maria explained that it had become difficult to close the shooting range and it had gotten combative a few times. There was an issue with two main users of the group area at the Shooting Range and it might be time to limit the number of days they can reserve the group range so that other groups could use the facilities on the weekends. The two users don't exactly get along with each other and have been using the range when they haven't reserved it causing conflicts with events taking place without her knowing about it. She noted that one of the users was extremely upset at Stephanie Orton because she scheduled a group on a day that he was using it without their knowledge. It had become clear that the range was being taken for granted and limits would need to be put in place in the new year.



**Kenneth Carpenter, Iron County Sheriff,** noted that the Sheriff's Office budget was at 76%. The Search & Rescue budget was over as a result of the purchase of the snowmobiles. Sheriff Carpenter reported that there had been several rescues. There was one last night when a gentleman and his two young children had gotten stuck in the snow on the upper basin. Search & Rescue continued to be very active. Last Friday, November 18<sup>th</sup>, there was a county-wide Active Shooting training between Parowan High School and Parowan Elementary. He expressed his appreciation to the Iron County School District for allowing them to use their facilities to conduct the training. All of Iron County was invited to attend and there was great representation from all law enforcement agencies, Adult Probation & Patrol (AP&P), and the Department of Natural Resources (DNR). Sheriff Carpenter reported that his staff was young and there was no one who qualified or was interested, to fill 2 Investigation positions so the job was opened for outside applicants. There were 2 candidates that he was interested in interviewing for those positions. One applicant out of Idaho had been retired for 4 years and would have to go thru POST training once more. The other applicant was a current deputy from another county and had expressed a desire to come work for Iron County. There was a 3<sup>rd</sup> position open in K9 Patrol and there was a Deputy from Lincoln County that was interested in that position. Total reports were at 2,318 calls for the year thus far, not including calls for service. Over the weekend there were 2 SWAT call-outs. One was a swatting (false) call, and the other was stabbing. The suspect had allegedly stabbed his girlfriend in the neck. He explained that while law enforcement was at the scene the suspect's family began to give the officers and deputies grief. Sheriff Carpenter gave a public statement, stating that "This was not California and the law enforcement here was not going to put up with any harassment of his deputies. If you mess with his deputies, then you will go to jail. He would not tolerate that type of conduct. This was a serious crime and his deputies were there for a very serious purpose, and he did not care where you came from and if you mess with any officer, you will be arrested and taken to jail, period." He expressed his appreciation for the support of the Iron County Commission. The Sheriff's Department continued to struggle with vehicles. There were 7 vehicles that were being equipped. He noted that he received word today that Ford was only providing 56 vehicles for the entire state. This continued to be a challenge for the department.

**Shalon Shaver, Iron County Corrections Commander,** reported that the budget was on track at 85%. Unexpected expenses were CPR mannequins and work crew equipment repairs and upgrades. The culinary cost per meal was \$1.22. Shalon noted that the total average daily population was 154 with 30 Female inmates and 124 Male inmates. There were currently a total of 167 inmates which include 9 state inmates, 32 federal inmates, and 4 temporary release. With the courts reopening transportation had increased to 322 compared to 264 in the 3<sup>rd</sup> Quarter. Work crew hours had dropped from 1363.5 in the 3<sup>rd</sup> Quarter to 336 4<sup>th</sup> Quarter as a result of transfers. Shalon reported that there were 3 vacancies, 2 new hires, and 8 on long-term leave. She closed by noting that the Corrections Staff had been involved with the Law Enforcement Trunk-or-treat, Jubilee of Trees, and would help with the Shop with a Cop in December.

**Curtis Crawford, Council on Aging (COA) Director,** reported that the Cedar City and Parowan Senior Center operations were doing well. Parowan Meal-on-Wheels and Congregate Meals had both increased by approximately 30%, and Cedar City Meals-on-Wheels and Congregate Meals had increased by approximately 25%. There were approximately 260-plus meals served each day between each center. In August, the State Building Inspector inspected both the Cedar City and Parowan Senior Centers. With only a couple of suggestions, everything was in compliance. The inspector reported that "the kitchens were the best kitchens that they had inspected." Curtis noted that the Health and Well Being & Recreation Activities continued to grow in participants and activities. The bus service in Parowan had grown and had been a challenge to meet the demand. Both buildings were well maintained, except there was still an issue with a floor leak in the Cedar City Senior Center's new north wing. He reported that the budget was on track and they were meeting all of their obligations and were on time with account payables. There were some concerns with the increasing costs of food, fuel, etc. as a result of inflation. He was keeping a close eye on those items and was cutting back and looking for sales to hold the budget down the best they could.

**George Colson, Iron County Emergency Management Manager,** reported that the budget was on track with the exception of fuel. He explained that part of his job was to pay attention to what was happening throughout the world. Delayed shipping of goods continued to look bad and would only get worse. As a result of the shipping delays in 2020-21 most had turned to rail to deliver their goods. If the railroads go on strike, it could deal a huge economic and supply chain blow nationally. George reported that since his last commission report he had: taken the Local Emergency Planning Commission on a tour of WECCO. He expressed his appreciation to Chief Phillips for arranging the tour; He took KSL News on a tour of Iron County regarding post-flood issues; supported the Iron County Fair with a hand washing trailer, command trailer, light sets, and shelter tents; wrote the 2023 Mass Casualty Plan which was pending approval and any revisions; completed the work on the Community Emergency Response Team (CERT) trailer for dispatch. There was room for two dispatchers and the trailer could be placed anywhere in Iron County. It was equipped with 2 radios, but with the new revisions they would soon be outdated; assisted the Cedar City Alzheimer Association with their fundraiser walk; responded to complaints in Cedar Highlands of homes sliding. He found that it was not because of the hill sliding, but because the homes were built on an incline; supplied Southern Utah University light sets for their homecoming celebration; updated the Iron County Dam Emergency Operation Plans; provided “Need help and We’re safe” signage for older residents in Enoch, Paragonah and Old Iron Town to place in windows when needed; attended the LEPC Conference; updated the Emergency Management Performance Grant and successfully applied for next year; and completed Everbridge billing for the entire County.

**Paul Cozzens, Iron County Commissioner,** reported that the fire station in Newcastle was nearly complete and expressed his appreciation to all that were involved with the project. He attended the Utah Association of Counties (UAC) Fall Convention from November 14<sup>th</sup> through the 18<sup>th</sup>. Paul noted that although it was a cost to attend the convention, it was very beneficial to be able to gather new ideas and suggestions from other counties. He reported that one presentation he attended was given by the Public Lands Policy Coordination Office (PLPCO) regarding travel management of roads that the Bureau of Land Management (BLM) would be looking at soon. They stressed the importance of having an Iron County Travel Management Plan written. He and Commissioner Wood met with Mike Worthen and called Kendal Allen to create a map. Kendal would begin working on the map soon. There was a map hanging on Mike Worthen’s wall, which was very extensive, that the Iron County Commission approved in 2011 consisting mostly of Revised Statute 2477 (RS2477) roads. Kendal found the electronic copy of that map and would be creating a multi-layered map of Iron County Roads. Commissioner Cozzens explained that it would be beneficial for Iron County to have this map with all the roads listed before the BLM completed theirs. The BLM would have to consider those roads if they were listed in our plan. The Legislature had discussed a Justice Court reform and had backed off and was now looking at a phased approach with a potential recession coming. He noted that Lori Eichelberger was working on the Recertification of the Iron County Justice Court. Judge Margaret Millers’ retirement was at the end of December of this year and Judge Brent Dunlap would be her replacement in January of 2023. Paul reported that he had still not received his ballot in the mail. He conducted a poll “What’s Happening in Cedar City and Iron County” on Facebook on Sunday the 27<sup>th</sup> of 169 respondents. The result was that 61% had not received a ballot, 35% received them before the election, and 2% received their ballot on election day. He asked Jon Whittaker if he knew where the ballots were at. Jon reported that he had no solid answer at this time, and to be clear Pitney Boles received the ballots on October 13. Most postal services were still watching for them.

**Marilyn Wood, Iron County Commissioner,** reported that she had attended the UAC Convention and it was always great to visit with other commissioners and to attend the classes offered. Marilyn noted that she had attended the Children’s Justice Court (CJC) Dancing with your Community Stars fundraiser on Tuesday, November 15<sup>th</sup>. They were able to raise \$90K and it was a great and fun night.

## **PUBLIC HEARING REGARDING THE IRON COUNTY 2023 FINAL BUDGET**

Dan Jessen, Iron County Auditor, explained that he was going to divide his presentation into 3 sections: 1) Economy, 2) Inflation, and 3) FY 2023 Iron County Budget. 1 - Economy) Economists cannot agree whether the United States was already in a recession or whether 2023 would even bring a recession or not. The definition of a recession was, "A significant, widespread, and prolonged downturn in economic activity." Dan noted that the United States had 2 consecutive quarters of negative Real Gross Domestic Product (GDP) Growth. Some economists believe that 2 consecutive quarters of negative GDP growth indicated a recession. He explained that an Inverted Treasury Yield Curve was a 3-month treasury bond versus a 30-year treasury bond. Normally, when someone bought a bond a longer term would yield a higher interest rate. Currently, because of inflation pressures, the yield on shorter term bonds was actually higher. Rarely, maybe once in a decade, the Yield Curve inverts which meant that you would be getting more money from a short-term bond. When this happens it was considered a harbinger of a recession, which the Yield Curve was doing currently. Dan explained that the Federal Reserve Bank of New York (NY Fed) calculated a recession probability of 23% that the US would be in a recession in the 3<sup>rd</sup> Quarter of 2023. Utah was in the midst of the lowest unemployment rate in the state's history at 2.0%, which was showing that there were too few unemployed. Iron County employment was at 5.0% and doing well. 2 - Inflation) In one year the Consumer Price Index (CPI) was beginning to moderate and come down. Inflation had run rampant in 2022. The continuance of supply chain problems, skyrocketing housing costs, and labor shortages had been a major challenge for Iron County. As we look at 2023, inflation and a possible recession threaten Iron County and its employees and citizens. Dan reported on a 2022 Economic Outlook from Zions Bank: Interest Rates were increasing, Economic Growth was uncertain, Job Creation was increasing, Unemployment was low, Wage Growth was moderating, Labor Force Participation was increasing, Consumer Confidence was low, Inflation was dropping but still high, Housing Prices were dropping, Mountain West Region was resilient and strong.

### 3 - 2022 Budget highlights):

- Salary & Wages: Mid-year 2022 implementation of Step in Grade; added \$2,421,125 to salaries and benefits; no additional Cost of Living Adjustment for FY 2023
- FY-2023 Budget Revenue: Revenues had been strong but tapering in 2022; it was very difficult to forecast revenues. Kem Gardner Institute expected a 3% growth in Utah's Economy in 2023 as cities were strong and diversified
- 2023 Forecasts: Sales Tax 3% growth, Tourism Taxes-slowing, Building revenues-slowing
- Another American Rescue Plan Act (ARPA) program? As the year draws to a close, he was aware that there may be additional millions in grant funds coming from a different program under ARPA. Dan noted that he was just made aware of another program where Iron County could receive \$5.6M. This was not included in the budget and the budget would have to be amended as needed. Marilyn Wood noted that the \$5.6M was made available by the National Association of Counties (NACo) in association with public lands. Dan Jessen reported that money was close to the Payment in Lieu of Taxes (PILT) except it could not be used to lobby the government. Paul Cozzens reported that since NACo was able to obtain this money they had asked the counties to give 1% to create a long-term goal to go towards PILT.
- Total Budget year over year: in 2022 the budget was \$67,703,006, and the 2023 budget was \$64,413,025.
- Revenue by Type: Property Tax at \$12,257,558, Fees/Fines was \$8,319,819, Sales Tax was \$6,621,686, Tourism Tax was \$3,372,073, Federal Grants was \$2,781,083, Reimbursement/Rents was \$2,421,506, Miscellaneous was \$1,348,937, and State Grants was \$816,748. Paul Cozzens noted that the property tax represented 17% of the total. Dan explained that Iron County collected all property taxes the distributed it out to the schools and cities. Dan then review the Revenue Type by Major Funds.

- Total 2023 Budget by Type \$64,413,025: Capital was \$9,164,068, Operations was \$21,639,949, Personnel was \$23,289,733, and Transfers/Appropriations was \$9,298,641. He then reported on the total budget by Major Fund, Expenses by Type, and Major Department.
- New Fleet Plan: Dan reported that Iron County would be implementing year 3 of the new fleet program which would require some significant capital outlay. Due to supply chain issues, Iron County was behind schedule in this implementation. This might lead to a mid-year budget adjustment if all the outstanding orders come in before the year 2023 was up.
- 2023 Capital-New Corrections Facility: Iron County was currently working on a design and site selection. The commission may have to consider a bond election on the 2023 ballot. Iron County's primary capital spending in 2023 would be a \$1.1M Land Acquisition for a new Correctional Facility site. This project and obtaining a physical site was the first step toward the multi-year construction effort on this overdue project. There was no surplus set aside, but NACo funds could be used towards the building of the Correctional Facility.
- 2023 Capital-Enterprise/Road Fund normal purchases of heavy equipment. The landfill and road departments had to keep ahead of the yellow fleet.

In summary, Iron County was in the enviable position of being financially solid due to prudent management decisions made during the recent growth years in the economy and wise investment of COVID-related government program dollars. Management had maintained control over rising expenses and had used historically high revenues to pay off most of its outstanding debt. Knowing some of the issues with the current economy, and the additional payroll burden, Iron County Management was very prudent with setting the FY 2023 Budget. Iron County was financially strong, was virtually debt free, had strong fund balances, and was financially prepared for 2023.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed final budget. No comments were offered. Marilyn Wood declared the Public Hearing closed.

### **PUBLIC COMMENTS**

No Public Comments were offered.

### **PROPOSING 2023 OHV/ATV JAMBOREE TO BE HELD AT THE IRON COUNTY FAIRGROUNDS ON SEPTEMBER 27-30, 2023.**

Marilyn Wood, Iron County Commission Chair, declared this item stricken from the agenda.

### **PRESENTATION OF THE 2022 ANNUAL BEE INSPECTOR REPORT**

Blaine Nay, Iron County Bee Inspector, explained that the bee-keepers inspection process was to help beekeepers diagnose pests and disease problems in their hives. Under the Utah Bee Inspection Act, each county was required to have an inspector and required all beekeepers to be registered. If upon inspection, Blaine found any diseased, and or, parasitized colonies, he would help the owner of the bees with treatment or have them destroy the colony. Blaine explained that he had inspected 16 beekeepers (some several times) for a total of 32 colonies. He helped the owners manage their swarms so there was no reason for their bees to leave the hives. Blaine noted that while he was inspecting the hives he was looking for parasites and the mite count had to be below 2% to keep the colony healthy. One colony was extremely aggressive and he sent a sample to Salt Lake City to check for Africanized Bees. He reported that the state required him to complete a list of all bee-related outreach that he had done within Iron County for the year 2022. He went to North Elementary on May 10<sup>th</sup> and 12<sup>th</sup> and did a presentation to the student on bees and beekeeping. He offered a free class for beekeepers at Cal Ranch on March 19<sup>th</sup>. He also participated in the Iron Extension's Farm Field Day for 800 4<sup>th</sup> Grade students. Paul Cozzens asked Blaine if he was being paid enough. Blaine noted that his cost was mostly for mileage.

Paul Cozzens noted that Blaine should be compensated for all costs associated with being the Iron County Inspector and made a suggestion that Iron County match what Washington County was paying Blaine. Jon Whittaker noted that he would ask Dan Jessen to include Blaine's pay increase in the 2023 budget and present it at the next commission meeting for approval.

**DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 4 & 5, IRON SPRINGS ROAD INDUSTRIAL SUBDIVISION TO COMBINE INTO A SINGLE RENUMBERED 4A, LOCATED IN THE NW¼ NE1/4 OF SECTION 11, T36S, R12W, SLB&M IRON COUNTY, UTAH, APNs: E-4536-4 & E-4536-5**

Reed Erickson, Iron County Planner, noted that Items #5 and #6 were similar in nature that each had 2 lots to merge into 1 lot. This subdivision was located in the Iron Springs Road Subdivision in the light industrial zone. Reed explained that this was for Commission approval and did not require a public hearing and was ready for approval.

Paul Cozzens made a motion to approve a Partial Subdivision Vacate and Amend regarding Iron Springs Road Industrial Subdivision APNs: E-4536-4 & E-4536-5. Second by Marilyn Wood. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 1 & 2, BLOCK BN, CEDAR VALLEY ACRES SUBDIVISION TO COMBINE INTO A SINGLE LOT RENUMBERED 1A, LOCATED IN THE NW¼ SE¼ OF SECTION 6, T35S, R11W, SLB&M, APN: D-0456-0381**

Reed Erickson, Iron County Planner, explained that this was similar to item number 5. The only difference was that it was located in Cedar Valley Acres Subdivision and met all the criteria, and was ready for approval.

Paul Cozzens made a motion to approve Partial Subdivision Vacate and Amend regarding Cedar Valley Acres Subdivision APN: D-0456-0381. Second by Marilyn Wood. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

Reed reported that Mike Worthen prepared a letter of support for the Utah Prairie Dog Habitat Conservation Plan. This was the 1<sup>st</sup> step to delisting the Utah Prairie Dog. One of the requirements for delisting was to have a Management Plan in place. The Department of Wildlife Resources and the state would take over management.

**PERSONNEL**

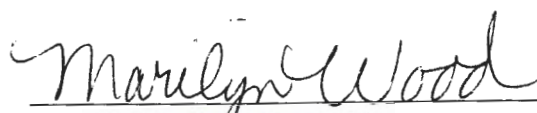
Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Ashley Ross as a Full-Time Deputy 1 for the Sheriff's Department, effective December 11<sup>th</sup>. This was a backfill for a vacant position. She presented the transfer of Anna Teeple from a Full-Time Corrections Culinary Deputy 2 to a Full-Time Patrol Drug Court Deputy 2 in the Sheriff's Department, effective December 11<sup>th</sup>. This was a backfill for a vacant position. Paul Cozzens made a motion to approve Personnel changes as presented by Jennifer Bradbury. Second by Marilyn Wood. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**


No Non-Delegated items were discussed.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Chair



  
Attest: Jonathan T. Whittaker, County Clerk  
November 28, 2022

**IRON COUNTY COMMISSION MEETING  
DECEMBER 12, 2022**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. December 12, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Terry Palmer	County Building & Zoning
Candace Reid	County Defense Attorney
Sam Woodall	County Deputy Attorney
Lucas Little	County Deputy Auditor
Danny Stewart	County Economic Development
Richard Wilson	County Chief Engineer
Susan Blackner	County Fair Director
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Carri Jeffries	County Recorder
Mike Worthen	County Resource Management
Maria Twitchell	County Tourism
Nicole Rosenberg	County Treasurer

**SYNOPSIS**

ADJOURNMENT ..... 19

APPROVAL OF CLAIMS FOR PAYMENT .....2

APPROVAL OF MINUTES .....2

CLOSED SESSION, PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY..... 18

DEPARTMENTAL REPORTS.....2

FEE INCREASE-IRON COUNTY BLM RECREATION SITES .....8

INDEPENDENT CONTRACTOR AGREEMENT, ZION REGIONAL..... 18

INDEPENDENT PRACTITIONER RECOGNITION SOCIAL WORKER .....8

INTERLOCAL AGREEMENT, CEDAR CITY REDEVELOPMENT AGENCY ..... 15

INTERLOCAL INDEMNIFICATION ENCROACHMENT AGREEMENT ..... 11

INVOCATION .....2

IRON COUNTY 2023 COMMISSION MEETING SCHEDULE .....15

IRON COUNTY 2023 COOP AGREEMENT, USU EXTENSION .....10

NON-DELEGATED.....11

PERSONNEL .....19

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....5

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RESOLUTION 2022-15, ADOPTING IRON COUNTY BUDGET AMENDMENTS.....6

RESOLUTION 2022-16, ADOPTING IRON COUNTY 2023 FINAL BUDGET .....7

RESOLUTION 2022-17, ELECTIONS .....12

RESOLUTION 2022-18, INTERLOCAL AGREEMENT CEDAR CITY CRA .....16

ROTARY CLUB EASEMENT REGARDING APN: B-397 .....8

TAX CREDIT ABATEMENT APPLICATIONS & VETERAN’S ABATEMENTS .....18

2022 MODERATE INCOME HOUSING REPORT .....10

2023 OHV/ATV JAMBOREE .....9

VEHICLE ON THE PUBLIC SURPLUS WEBSITE.....17

**INVOCATION**

An invocation was offered by Bruce Anderson.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Terry Palmer.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meetings held, November 14<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup>, 2022. Second by Michael Bleak. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT FROM**

Michael Bleak made a motion to approve Claims for Payment for November 29, 2022 to December 11, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Terry Palmer, Iron County Building & Zoning**, reported that year to date they had issued a total of 645 permits, compared to 595 total permits at this time in 2021. In Building: they had completed and excepted Plan Reviews on 693 projects so far this year compared to the same date in 2021 of 665. They had completed 5,062 Inspections so far this year compared to 3,849 by the same date in 2021(75 Inspections were done just before Thanksgiving 2022). Terry reported on Code Enforcement: 86 Seven-day notices had been sent out since the part-time Code Enforcement Officer had been hired; 11 Thirty-day certified mail notices had been sent out; 14 voluntary Correction Action agreements; 4 currently forwarded to the Attorney’s Office for prosecution; 1 completed court process and 28 properties had been cleaned up and out of violation. Terry reported on Permit Comparisons: Totals for Unincorporated Area of Iron County-Building permits were 528 compared to 477 in 2021, Single Family Dwellings-230 compared to 171, Additions/Remodels-42 compared to 44, Accessory-107 compared to 116, Solar System-72 compared to 54, Misc./Electrical/Gas Piping 69 compared to 78, and December 12, 2022

Commercial was 8 compared to 14 in 2021. Building Maintenance: He was in the process of rebidding snow removal, landscape maintenance, and building cleaning for all Iron County properties and facilities currently under contract. Paul Cozzens asked if Terry had looked into the possibility of the old Fairground restrooms that were turned into storage could be used again for restrooms. Terry noted that he did not know much research Lester Ross had done, but the possibility may exist. Current Projects being worked on: Newcastle Fire Station was 97% complete. Just waiting on appliances and it should be closed out by the end of the year. Marilyn Woods suggested that there should be an open house at the Newcastle Fire Station once it was completed, possibly in the spring. Jon Whittaker noted that he had spoken with Ryan Riddle regarding an open house. Terry Palmer asked that Jon work with Wayne Peterson, Newcastle Fire Chief, on the planning of the open house. Terry was working with a contractor to schedule concrete work at the Iron County Visitor Center, and the retaining wall along the parking lot and impound yard at the Public Safety Building was completed. The shed had been ordered for Kathy Riggs for USU Extension use.

**Bruce Anderson, Iron County Public Works Director**, reported on the Road Department. The bid process opened today for the type 2 gravel crushing. There had been calls showing interest in bidding. Bruce noted that he had been working with Enoch City regarding a trade improving roads for the exchange of land for a new Children's Justice Center (CJC) building. The Road Department was currently placing gravel on 4700 West and 7700 West and had just completed placing type 2 gravel on Hart Road in Newcastle. Interviews were scheduled for tomorrow, December 13<sup>th</sup>, for 2 open positions in the roads department. He reported that the budget was on track with the exception of fuel and maintenance. With the recent snowstorm, the snow plows had been out since 3:00 a.m. this morning. Bruce reported on the Landfill Department. All employees were healthy and working. The 2022 budget was on track with exception of fuel and maintenance. The side-load truck that was ordered a year ago had yet to be delivered but he hoped it would be delivered sometime in January of 2023. Jeff Pasiemiak would be retiring and he would be looking to fill his position. Bruce noted that under Class 4 - Building and Remodel was up approximately 3,000 tons compared to 2021. The landfill continued to stay busy. Everything had been moved down to the new pit and he was waiting on the inspection. Marilyn Wood noted that the fire hydrant had been placed next to the landfill gate. Bruce reported that they would soon have the water hooked up and would no longer have to buy drinking water. The building and the scale house would be hooked up to the water source. The landfill would retain the well and he was just waiting on water rights. The hookup would probably not take place until 2023 as there was a connection fee and an exchange of water rights.

**Richard Wilson, Iron County Chief Engineer**, reported that his department was doing well. He had been busy with a transportation plan and the commissioners would see that plan after the Iron County Planning Commission reviewed it in their next meeting. It had become an interesting process when looking at connecting with what Cedar City and Enoch City had previously adopted. He was looking out for Iron County on what they would want to extend and not to extend in the plan. The planning commission had recently passed Ordinance 2022-7, an ordinance addressing public roads, and it was beginning to get some push-back responses. The nature of the ordinance was to benefit all members of Iron County to have a clear understanding regarding a highway, street, or road that was dedicated and abandoned to the use of the public when it had been continuously used as a public thoroughfare for a period of ten years, and that Iron County had the right to defend it. Richard explained that he had been working with Bowen Collins & Associates regarding their reports on the Coal Creek Flood Channel (or Stevensville Ditch). The channel used to be an irrigation ditch and in certain areas, it was currently 15 to 20 feet deep. The Engineer's Department had been working towards getting dirty culverts around Iron County cleaned out. Bulloch Dirt Works had purchased a bullet jet machine and Iron County had hired them to help unplug various deeply plugged culverts. There was one culvert in Kanarrville that had not operated for over 20 years and when it was dug up it was 10 feet below the top of the road. Richard reported that as development continued in the West and Northwest areas of Iron County, the properties were so flat that they acted like a bowl collecting rainwater because the roads around them were much higher. Currently, the base of the homes was required



to be 18” above the crown of the road, but it was not specific to which road if it was a corner lot. He was working with the planning commission on generating an ordinance to raise that requirement to 24” above the crown of the road. He explained that retention ponds fill so fast and were not able to hold the 2<sup>nd</sup> surge of water, so that water needed a path to make it out to Quichapa. Richard expressed his appreciation for the great work performed by Marilee Wilson. Paul Cozzens informed Richard that during the Utah Association of Counties (UAC) Convention, the Public Lands Policy Coordination Office (PLPCO), stressed the importance of having an Iron County Travel Management Plan written with a multi-layered map of Iron County roads listed before the Bureau of Land Management (BLM) completed theirs. If Iron County had its maps completed first, then BLM had to recognize those roads. Currently, there was an extensive map in Mike Worthen’s office that consisted mostly of Revised Statute 2477 (RS2477) roads. Richard Wilson noted that that layered map would also be used for the transportation plan. Meet with. He reported that there was a great working relationship between the BLM Regional Manager and Iron County.

**David Blodgett, Director of the Southwest Utah Public Health Department (SWUPHD)**, reported on the Iron County 2022 SUPHD. Dr. Blodgett expressed his appreciation for having Commissioner Cozzens as a member of the Southwest Behavioral Health board and for his leadership and support. He noted that the Health Department was adjusting to the realities of a post-COVID world by adjusting the COVID surge of employees which was 13 to 25 and currently back down to 13-15; more statewide exposure/responsibilities; more legislative involvement and more public awareness of the Health Department. The nature of public health was changing. The Department of Health and Human Services and the Utah Department of Health had merged which created opportunities and peril in trying to figure out how it would work with the balance of local entities. COVID had changed the entire landscape of what Public Health and awareness looked like. The remodel of the facility to accommodate the WIC/Nursing split was completed. Nurses were almost impossible to hire in the post-COVID world. Currently, the Health Department was down to only 4 nurses when there previously were 12 to 15. As a result, the nurses traveled a lot more and the Cedar City nurses traveled to Beaver and Garfield Counties, which was a more efficient model but not as resource-rich. Paul Cozzens asked Dr. Blodgett to explain a letter that the SWUPHD sent to the Governor. Dr. Blodgett reported that the SWUPHD Board signed off on a letter sent to the Utah State Governor. He noted that a big push from the Utah State Governor was to place jobs in rural communities. The unforeseen consequence of that push was they placed those that had the skills into the state jobs and left nothing for the other positions. One example was the state came in and those placed were “pretending” to work from home with Telehealth, and nurses noticed that they could make more money this way and work from home, which was a lot easier than what they did in the office. As a result, no one was working in the office and it was making it harder to hire help. The commissioners wanted the Governor to be aware that just bringing jobs into communities doesn’t necessarily create new people to fill those jobs, and there had to be some kind of balance. Dr. Blodgett noted that the Governor replied that he needed to pay employees more. David told them that it was hard when the state did not supply funds to do so. He reported that from May 2020 to the present, the 85+ age group continued to be at a higher risk of dying and being hospitalized from COVID-19. In Utah, .155% of the population had died from COVID-19 within the last three years, which meant that over 99.9% didn’t die from COVID-19. Has COVID-19 gone away-no, were there still individuals vulnerable to COVID-19 – yes and those in the 65+ age group should continue to receive COVID-19 boosters. He explained that the United States was dealing with chronic diseases instead of acute diseases. Dr. Blodgett noted that the flu and Respiratory Syncytial Virus (RSV) were back and eclipsed COVID-19. The advice was always the same “don’t go to work/school sick; be kind to others; always wash your hands, etc.” Everyone get your flu shots this year. He reported on Four Attributes of Health Expenditures: Smoking status: 80% don’t smoke; Exercise 30 min per day-22%. Eat 5 (9) fruits and vegetables a day 21%. Those that do all of the above was 40%. If you won’t do any of the above, you cut out 60 to 70% of the risk factors of dying. Every metric of health problems gets worse if you were not getting enough sleep (less than 7 hours or more than 7 hours). There was a 30% higher

risk of dying over the next five years if you don't get enough sleep. The underlying problem of any type of bad health was not getting enough sleep. Dr. Blodgett expressed his appreciation to the commissions for their support. Paul Cozzens ask if Dr. Blodgett had been involved with the septic study that involved Summit, Newcastle, and Kanarraville. David Blodgett noted that he had not, but it would be good to be included in the study. Richard Wilson noted that the study was being executed because they were worried about nitrogen levels that were being induced into the water through the septic systems. The goal was to insure that the area that had higher dilution through higher concentrations of groundwater. Commissioner Cozzens asked Richard Wilson to send a copy of the study to Dr. Blodgett. Dr. Blodgett reported that Iron County was better than other counties being ahead of the curve and requiring sewer. He noted that at this time Iron County had exceeded those allowances.

**Michael Bleak, Iron County Commissioner**, reported that he was able to take his son back to the area where he had served his mission. When he returned to Cedar City he contracted COVID-19 and was now on the mend. He noted that he had been texting and sending emails to the Jail selection committee regarding the possible Jail property.

**Marilyn Wood, Iron County Commissioner**, noted that there would be an event "Save our Ranchers" at the Festival Hall on Wednesday, December 14<sup>th</sup> from 7:00 P.M. to 9: P.M. Marilyn reported on the various attendees and topics that would be at the event. She encouraged everyone to come to the event. To attend the event, you could get on Facebook and find the links to register, and there would be a zoom link also. She noted that on December 8<sup>th</sup> she had attended an event regarding the Artemis rocket launch that took place on November 16<sup>th</sup>. Some of our local businesses were involved with the rocket: American Pacific Rocket Fuel, Chris McCormick, and Align Metal Craft. The cylinders that were attached to the sides of the rocket come from Iron County. It was a great event and some of the local speakers were: Brennan Wood, Danny Stewart, and Mike Mower. Mr. Mower, Executive Director and Chief flight instructor of Southern Utah University Aviation, reported that 10% of helicopter pilots nationwide were being trained in Cedar City. Marilyn noted that if you would like to see more of that rocket launch you could go to YouTube and look up "Rocket camera from the world's most powerful rocket". Big cylinders on each side come from Iron County.

## **PUBLIC HEARING, REGARDING AMENDMENTS TO THE IRON COUNTY 2022 BUDGET**

Dan Jessen, Iron County Auditor, explained that since the commission meeting held on November 28<sup>th</sup> regarding amendments to the budget, he had displayed the amended budget in the Auditors' Office and had given a copy to each of the Iron County Commissioners to review. Dan presented a summary of the amendments that were made to the Iron County 2022 Budget. He noted that as grants were approved throughout the year they needed to be added to the budget. Dan explained that when money was being set aside for the proposed new jail he was putting those funds into Capital Funds. When Iron County became more serious about building a new jail, he created Fund-45 – Capital Projects, Jail. Capital Funds 44 – General Capital Projects currently had \$4,250,000 that was set aside for the new Jail, which was transferred to Fund 45. Dan continued to report the different highlights of the amendments to the commissioners.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open for amendments to the Iron County 2022 Budget. No Public comments were offered. Marilyn Wood declared the Public Hearing closed.

## **PUBLIC COMMENTS**

Cindy Bulloch, Representative for Congressman Chris Stewart, reported that currently there was no budget passed thus far as they were waiting for a vote from Congress. Hopefully, there would be a vote by Friday before there was no money for a budget. Currently, Congressman Stewart was working on Community Project Funding. Marilyn Wood explained that Iron County needed funding for the Iron Springs Road project and wondered if it could be considered in the Community Project Funding. Mike Bleak noted that he was currently working

on funding for Iron Springs Road. Cindy Bulloch noted that the deadline was in March for those funds. Cindy noted that she would be willing to work with Mike Bleak and/or Marilyn Wood.

Tyler Melling, Cedar City Council member, noted that he was here to speak briefly on the proposed Resolution 2022-17 (item 12 on the agenda) regarding election officials' ability to administer elections through mail-in ballots. After the challenges in the 2022 General Election, he began looking into state law to see when the state changed the law to all mail-in ballots when the county clerk's had that ability stripped away. He found that the law changed in 2020 with HB36. Tyler stated that he was appalled at the bill and referenced it as a "clean-up bill". The bill denied the County Clerks to allow any person to vote in person if they choose to do so. He noted that he was helping out on election day, and one individual wanted to vote in person. This individual did receive his ballot in the mail and wanted to tear it up and vote in person as it was his right to do so. The individual proceeded to vote in person and when his name came up in the system the records were out of date, and he did vote with a provisional ballot. Mr. Melling stated that he did not feel that it was the state's position to tell Mr. Whittaker how he needed to do his job. He should have the discretion to do his job as he pleases. If Jon wanted to run an in-person election from time to time as a way to clean up the roll would be acceptable as long as the election did not infringe on individuals' civil rights to vote. Tyler reported that the local Republican Party wanted to create a resolution stating their support. He closed by expressing his appreciation for the Iron County Commission and the Republican Party to consider this resolution to find ways to restore the election discretion back to the county.

Bill Pressgrove, a citizen of Iron County, presented a letter to the commissioner announcing his renouncing his position as Precinct Chair of precinct 20 and his affiliation with the Republican Party, whose elected officials don't live by the statement of beliefs as they supposedly support.

**RESOLUTION 2022-15, ADOPTING THE IRON COUNTY 2022 BUDGET AMENDMENT**

Paul Cozzens made a motion to adopt the Iron County 2022 Budget amendments as presented by Dan Jessen. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye

**IRON COUNTY RESOLUTION 2022-15**

A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING ADJUSTMENTS TO THE 2022 DEPARTMENTAL BUDGETS.

**Whereas**, Iron County Departments have requested adjustments to their budgets for 2022 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 hereby resolved by the Board of Iron County Commissioners that the 2022 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2022 budget to actual expenditures as calculated and filed in the Iron County Auditor's Office.

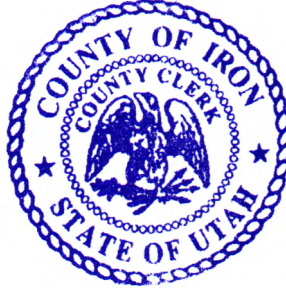
**RESOLVED, ADOPTED, AND ORDERED** this 12<sup>th</sup> day of December, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood - Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak       Aye    
Paul Cozzens           Aye    
Marilyn Wood           Aye  

**RESOLUTION 2022-16, ADOPTING THE IRON COUNTY 2023 FINAL BUDGET**

Michael Bleak made a motion to adopt the Iron County 2023 Final Budget as presented by Dan Jessen. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY RESOLUTION 2022-16**

A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2023 BUDGET.

**Whereas**, Iron County is required by UCA §17-36-15 to adopt a budget 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 12, 2022 at the hour of 10:00 a.m. in Commission Chambers at the Iron County Courthouse 68 South 100 East, Parowan City, was the time and place of a public hearing where all interested persons had 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 was 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 hereby resolved by the Board of Iron County Commissioners that the budget as presented and filed in the Iron County Auditor’s Office is hereby adopted for calendar year 2023.

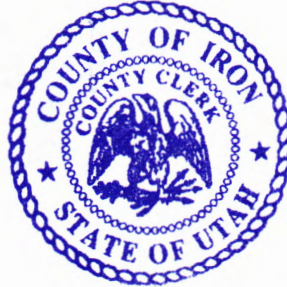
**RESOLVED, ADOPTED, AND ORDERED** this 12<sup>th</sup> day of December, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood, Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak       Aye    
Paul Cozzens          Aye    
Marilyn Wood          Aye  

**REQUEST FOR EASEMENT ON IRON COUNTY PROPERTY APN: B-397. THE CEDAR CITY ROTARY CLUB IS PREPARING A PLAN TO IMPROVE THE CEDAR CITY WEST CANYON PARK, AND REQUESTING AN EASEMENT ON BEHALF OF THE SOUTHWEST IRRIGATION COMPANY FOR THE PROPOSED DITCH ALIGNMENT**

Sue Longson, Cedar City Rotary Club, reported that the Rotary Club had been working on the Canyon Water Park Project for several years. The rotary club was currently in the fundraising phase, and there was enough raised to begin Phase 1 of the project. This would include the process of drafting Phase 1 of the Canyon Water Park Project. During this process, Justin Christensen, Iron County Rotary Club Engineer, had discovered a Nevada Shaped orphaned piece of Iron County property. Sue explained that rerouting of the water play area would cross over that piece of Iron County property. Justin Christensen explained that the Rotary Club was to gain approval for a potential easement. The approval of the easement would help the design process. The intent of this request was to make the ditch more play friendly. Jon Whittaker noted that to be clear, the Rotary Club was asking for a free easement to reroute the ditch. Sue answered yes. Paul Cozzens noted that Iron County owned the Cedar City Senior Citizens Center, but the land was owned by Cedar City and mentioned that maybe there could be a trade of properties between Cedar City and Iron County. After further discussion, Paul Cozzens recommended that the commission approve the easement and work on the land trade at a later date.

Paul Cozzens made a motion to approve an Easement on Iron County Property APN: B-397 as presented by Justin Christensen and Sue Longson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL FOR AN INDEPENDENT PRACTITIONER RECOGNITION (IPR) SOCIAL WORKER, AN INDEPENDENT CONTRACTOR FOR THE IRON COUNTY PUBLIC DEFENDER**

Candace Reid, Iron County Defense Attorney, explained that this position of an IPR Social Worker was approved in June/July of 2022. The position was opened and they were filling that position with Angelica Judd from the Children’s Justice Center. Angelica had been job shadowing and participating in training courses. Candace was requesting a signature for approval. Angelica’s salary would be funded by the state. Mike Bleak noted that Angelica would be a great candidate for the IPR position and that there was no person more dedicated.

Michael Bleak made a motion to approve an IPR Social Worker, an Independent Contractor for the Iron County Public Defender as presented by Candace Reid. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **PRESENTATION OF A PROPOSED FEE INCREASE AT BLM RECREATION SITES WITHIN IRON COUNTY**

David Jacobson, Cedar City Bureau of Land Management (BLM) Representative, reported on the BLM Modified Recreation Site Business Plan of 2022. Developed sites proposed for fee modification and/or increase were Rocky Peak Campground, Pyramid Ridge Campground (formerly Shurtz Canyon Campground), Ranch Canyon Campsite (formerly Carter Cabin Campsite), and Hanging Rock Campground (formerly known as Hanging Rock Recreation Site). The current fee for Rocky Peak Campground and Pyramid Ridge Campground was \$5 and the BLM plan was to raise that fee to \$12. They also planned to change the Group Site at the Rocky Peak Campground to raise the fee to camp there from \$20 to \$40. The full campground reservation would be eliminated as group camping would be accommodated by the development of two group-specific sites. Fees would be raised at the Pyramid Ridge Campground Group site from \$20 to \$40 (there was just one group site). David reported that undeveloped future fee sites proposed for a fee increase were Coal Creek Campground, Bear Rock Campground (former Mineral Mountain Campground), and South Creek Campground. Once those sites were completed they would have the same fee schedule. When the Three Peaks Paintball complex was complete the fee would be \$2 per day, \$25 yearly pass, and \$220 for exclusive use reservations. An individual would be allowed to use their Parks-Pass for free entrance and a discount that the Park Pass and Veterans Pass for a 50% discount for group sites. Marilyn Wood noted that it was warranted with the economic increases. Mike Bleak expressed his appreciation for the relationship that Iron County has with the BLM regional office. Marilyn Wood expressed her appreciation for all the BLM does for recreation in Iron County. Mr. Jacobson explained that the next step in this process was to present the plan at the Resource Advisory Council (RAC) meeting for public comments, which would be held in Vernal, Utah in January.

## **PROPOSING A 2023 OHV/ATV JAMBOREE TO BE HELD AT THE IRON COUNTY FAIRGROUNDS ON SEPTEMBER 27-30, 2023**

Jane Hawkes, Cedar City Trailblazers OHV Club, reported that she was hoping their major event sponsor, D&P Performance, would be at the meeting but they could not make it because of a family emergency. D&P Performance would be one of the business sponsors and would be involved in vehicle recovery during the event. Jane noted that she had been a member of the Trailblazers club for 15 years. The focus of the club was to hold group trail riding events, insure safety and responsibility when riding, and enjoy trails in the area. She was excited to work with Iron County and be able to use the trails that Mike Worthen had set up. Jane explained that the Trailblazer Club would not do the event planning, but would provide manpower for leading the rides during the event. She reported on the preliminary event list and noted that the staging location, parking and start location varied depending on which ride the participant signed up for. There would be 5 rides offered each day for 3 days. Mike Worthen explained that they would meet at the Diamond Z Arena then trailer out to the parking areas. The different staging areas were the Diamond Z Area, Parowan Fairgrounds, and Enoch Sports Complex. Start locations were at Modena, the Newcastle store, Parowan Gap W, Parowan Fairgrounds, Diamond Z Arena, Beryl, the Gravel pit on I-15/SR20, Enoch Sports Complex, and the Midway Junction SR14. Marilyn Wood noted that there was a cost to use the Diamond Z Arena so they would need to make sure the event began in the parking area. Jane reported that the Trailblazers Club had over 100 paying members. Some members were transplants to Iron County and like to go on the rides to get to know the area a little better. She explained the proposed itinerary for the Jamboree if approved. Wednesday, September 27<sup>th</sup> participants would pick up their registration packet. The packets would include a T-Shirt, a lanyard for name tags with their name and assigned rides, information on rides, meeting places and times, maps to the staging area, trail routes, description, possible closing night meal tickets, community information, and coupons from businesses. Most of the registration would be offered online to select a ride ahead of time with only 15 riders maximum on each ride. On Day 1 of the rides (September 28<sup>th</sup>) riders would meet at their designated staging areas and ride their assigned ride. That evening, participants would be on their own for dinner and possibly attend the Shakespeare play "Play that goes Wrong." On Day 2

(September 29<sup>th</sup>) the riders would once again meet at their designated staging area and ride their assigned ride. That evening there would be smores and a night ride provided by D&P Performance. On Day 3 (September 30<sup>th</sup>) participants would follow the itinerary as the previous days. That evening there would be a nice group dinner for participants, prize drawings, and closing ceremonies at the Iron County Fairgrounds. Marilyn Wood commented that all three of the commissioners needed to attend the event. Jane noted that all volunteer guides would use handheld ham radios on authorized channels for communication and generally tracked the trails on GPS and participated in guide training. Volunteers would have volunteered as guides before, and/or helped organize jamborees in surrounding communities.

Susan Blackner, Iron County Fair Director, reported that the jamboree was scheduled to be held on the last weekend of September. The fair would require them to do dry docking and the fairgrounds had up to 20 docks that could supply some electricity. There was the new RV Park in Parowan that would be available for use. Susan noted that she had reached out to the local hotel in Parowan and they were still discussing that possibility. She expressed that Jane Hawkes had put the event itinerary together and presented it very well. As noted, Wednesday would just be a registration day only. Being able to advertise with other entities would work well in bringing in participants. The registration fee would be \$80 per person even if they only sign up for one ride. As Jane reported each participant would receive a T-shirt and the Shakespeare Festival would donate tickets for the play on Thursday night. D&P Performance would supply the guides for the Friday night ride. D&P would set up in the fair building with supplies. The ATV group and Iron County were a good source of funds to be used towards the dinner. Susan explained that Iron County would be the online source for registration. Marilyn Wood noted that Maria Twitchell, Iron County Tourism, would donate \$2K for advertisement.

Paul Cozzens made a motion to approve a 2023 OHV/ATV Jamboree to be held at the Iron County Fairgrounds on September 27<sup>th</sup> – 30<sup>th</sup>. as presented. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF THE 2023 COOPERATIVE AGREEMENT BETWEEN UTAH STATE UNIVERSITY (USU) EXTENSION AND IRON COUNTY**

Jon Whittaker, Iron County Clerk, explained that this was an annual agreement between Iron County and Utah State University (USU) Extension for providing services in Iron County. The total budgeted amount of the agreement was \$209,907.

Michael Bleak made a motion to approve the 2023 Cooperative Agreement between USU Extension and Iron County in the amount of \$209,907 as presented by Jon Whittaker. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF THE 2022 MODERATE INCOME HOUSING REPORT IN COMPLIANCE WITH UCA 17-27A-408, FOR SUBMITTAL TO THE UTAH HOUSING AND COMMUNITY DEVELOPMENT DIVISION**

Reed Erickson, Iron County Planner, explained that Iron County received a letter of non-compliance from the Housing Authority through 5 County. This was an unnecessary unfunded state decision for requirements that had to be done in order to qualify to receive transportation funds (coming out of the Governor's Office of Planning & Budget) which now required municipalities and counties in an unincorporated area of 5,000 to submit a new housing plan. Reed reported that Iron County currently had a Moderate Income Housing Plan and this step was to modify the plan. Under the statute, there were requirements that required the modification of the housing plan to accommodate 3 out of 22 strategies in the statute that had to be used word for word in the local housing plan and that was what was accommodated in the Iron County plan. The idea was to incorporate 3 of the strategies that were identified in the statute. Iron County would write specific benchmarks and deadlines. In the 2023 report, he would evaluate how well Iron County had done. Reed reported that he had sent the plan to the Housing Authority. The Housing Authority had a couple of comments, which he included in the modified plan draft that he presented to the commissioners. This plan was a reflection of what he was proposing, for your  
December 12, 2022

consideration, to include as Iron County’s modification to the current Moderate Income Housing Plan, and then it would be updated online. The Goals & Strategies were geared to identify affordable housing in relation to transportation areas. Reed identified the Goals & Strategies in the 2022 Implementation Plan/report. Goal 1: Increase opportunities for low to moderate-income households to purchase affordable housing by using the following strategies: Strategy 1-Promote affordable housing programs; Strategy 2-Initiate the methods and partnerships to promote programs to create affordable housing options; Strategy 3-Inventory sites to consider for re-zoning that may be appropriate to develop agricultural workforce housing, migrant housing, and higher density housing that is harmonious with the rural portions of the county. Goal 2: Increase affordable rental opportunities for low to moderate-income households by Strategy 1-Support and work with the Cedar City Housing Authority to address affordable housing needs in Iron county; Strategy 2-Explore the options for “accessory dwelling unity,” such as basement apartments and guest houses to increase the supply of affordable rental unity; Strategy 3-Work with the leaders in the agricultural sector to create innovative solutions to build affordable workforce housing new farms for employees. Goal 3: Rehabilitate existing housing to increase rental properties, homeownership, and reinvestment in Iron County by Strategy 1–Promote the use of the Single Family Rehabilitation and Reconstruction Program to extremely low to moderate-income households. This program offers low-interest loans and grants for maintaining and rehabilitating housing; Strategy 2-Help identify moderate to extremely low-income families that need weatherization assistance. Assist these households to contact the Five County Association of Governments Weatherization Program. The Weatherization program lowers monthly utility bills by making housing more energy efficient. Reed noted that affordable housing was difficult to incorporate when rural counties don’t have the tools to work with as larger municipalities have. Reed recommended the approval of the modifications to the 2022 Moderate Income Housing Plan for Unincorporated Iron County to be submitted to the Housing Authority to be in compliance with UCA§17-27A-408.

Paul Cozzens made a motion to approve the 2022 Iron County Moderate Income Housing Report in compliance with UCA§17-27A-408 and to amend the Affordable Housing Plan as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

**COUNTY BOARDS:**

Reed Erickson, Iron County Planner, explained that there was an application for an Industrial Protection Area Advisory Board. The Industrial Protection area was very similar to the Agriculture Protection Area. Under the statute, 17-41-201 Protection area Advisory board, 1(a)(ii) it read, “A county legislative body shall appoint an industrial protection area advisory board.” Currently, Iron County had the Iron County Economic Opportunity Advisory Board and Reed recommended that members of the Economic Opportunity Advisory Board also be members of the Industrial Protection Area Advisory Board.

Michael Bleak made a motion to appoint the Iron County Economic Opportunity Advisory Board to also serve as the Iron County Industrial Protection Area Advisory Board. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens made a motion to appoint Kent Peterson to serve as a member of the 5 County Board of Health. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF AN INTERLOCAL INDEMNIFICATION ENCROACHMENT AGREEMENT BETWEEN THE TOWN OF PARAGONAH AND IRON COUNTY**

Richard Wilson, Iron County Engineer, reported that the town of Paragonah had approved an Interlocal Indemnification Encroachment Agreement, changing verbiage from Kanarraville Town to Paragonah. Richard Wilson explained that at the September 26<sup>th</sup> Iron County Commission meeting he had reported that this Interlocal agreement would protect Iron



County from disruption and make sure road repairs were completed after disturbance, and at the same time, it no longer required municipal entities to bond with Iron County for encroachment activities. He noted that the agreement would still require the entities to purchase an encroachment permit and the agreement would serve as a legal document for approval of an easement. It was also suggested that each municipality be approved separately.

Paul Cozzens made a motion to approve an Interlocal Indemnification Encroachment Agreement between the town of Paragonah and Iron County as presented by Richard Wilson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RESOLUTION 2022-17, A RESOLUTION TO RESTORE THE DISCRETION OF ELECTION OFFICERS TO ADMINISTER ELECTIONS PRIMARILY BY MAIL OR IN PERSON AS LOCAL NEEDS DEMAND**

Paul Cozzens, Iron County Commissioner, explained that this resolution was a joint effort. Cedar City Council Member, Tyler Melling, drafted Resolution 2022-17 as a result of this general election. This was a resolution that the Iron County Republican party had put together and Paul asked them if he could modify it to propose it to the Iron County Commission. Paul Cozzens read Resolution 2022-17 as presented and shown below. He noted this was his proposal. Paul reported that Fox 13 News had called him last night and asked him to comment on the resolution. The news channel edited the interview and quoted him saying the general election was a nightmare. Paul noted that he wanted to be clear regarding his interview. In the interview, he praised the Clerk and volunteers that went above and beyond what was asked of them to make the election a success with a 60% turnout. He stated that he personally believed that some voters were possibly disenfranchised because they expected to receive a ballot in the mail and did not. He knew Iron County gave them every opportunity to go into one of the three vote centers and vote as they wished. Paul believed that losing the chain of custody which we give up when we are doing vote-by-mail ballots, was a serious problem. Paul reported that he held an unscientific poll on social media and approximately 200 participated in the poll. Results from the poll showed that 66% of those that participated never received a ballot, 30% said that they had received their ballot, and 2% said they received their ballot. He noted that 90% of the people that he had spoken to did not receive a ballot. Commissioner Cozzens reported that he would lobby at the Legislature to change HB36 regarding the language. This resolution gave the counties options to run their elections as they see fit to their needs. He had always opposed by mail elections. He would like to see Iron County move to an opt-in program where voters could call the Clerk's Office to receive a mail-in ballot and it would be granted for any reason. He would like to see Iron County go back to early voting so that can't vote on the day of the election, and show a valid ID. Paul stated that he would like to go back to in-person elections and show an ID. Marilyn Wood reported that at the Utah Association of Counties she had asked other commissioners how they felt about mail-in ballots. One was very adamant about vote-by-mail ballots she felt that that gave others the chance to vote especially women who were stay at home mothers. She was not against opting in to be sent a mail-in ballot. Marilyn enjoyed getting her ballot in the mail and she would take her ballot to a drop box. There was also a problem in the Treasurer's Office because of the mail and some didn't get their notice. Marilyn stated that she would support the resolution. Paul Cozzens noted that there was one item he did not mention. We are in a time and age when people were suspicious of elections and the ballot delivery problems could not have happened at a worse time. He reported that the clerk's office does a wonderful job and doing their best to prevent mailing ballots to people that had moved, but it is still happening a lot. As an example, he talked with someone that had rented their basement and the tenant's ballot was sent there and they hadn't lived there for 19 years, so it was still an issue. Mike Bleak expressed that he was concerned with the resolution. Leading up to this meeting, he had spoken to Chad Dotson, Iron County Attorney. Chad told Mike that had he never been asked to review the resolution. Mike noted that Tyler Melling stood before the commission and reported that he drafted the resolution even though it was changed a bit. He stated that he had some real concerns with Tyler Melling drafting resolutions for the county and it did not even

make it to the Iron County Attorney's Office for review. Mike noted that he was concerned that the commissioners were putting themselves out there. Paul Cozzens reported that the Republican Party wrote the resolution. Mike replied that even the Republican Party doesn't dictate the Iron County Commissions' responsibility and/or liability that comes along with it. That is the responsibility of the Iron County Attorney's Office which had an office full of attorneys that were there to help the commissioners and he was concerned that the Attorneys were left out of the loop for this resolution. The main concern for Mike was the County Attorney had not read the resolution and had not been given time to review the resolution before it was presented here. Chad Dotson was going to come to the meeting to share his thoughts, but was tied up with a murder case. Paul Cozzens noted that he thought he had asked Chad Dotson to conduct an investigation on what had happened with the ballots and to send a letter to Pitney Bowes for clarity on what they had found. He pointed out that he thought he had mentioned this to Chad. Paul asked Sam Woodall if it was his right as a commissioner to bring to a resolution to propose to the commission without the County Attorney's blessing. Sam Woodall noted that he could. Commissioner Cozzens reported that he himself as a county commissioner, was taking a resolution that the Iron County Republican Party would consider this resolution on the 15<sup>th</sup> during their meeting to elect a new Auditor. Paul had read the resolution and liked it, and he did change some things in the resolution. He reported that he had not asked Tyler Melling to draft the resolution rather the Republican Party had requested it. He saw the resolution and asked if he could have a copy. Mike Bleak noted that another concern he had was they kept referring to the "nightmare of the election." He expressed to Jon Whittaker that it was not his fault. We're riding a wave back to Jon's Office. Trying to exonerate them and demonize them in the same sentence. Mike believed that this was an issue that was important. This was an issue that was purely legislative, and the commissioners needed to fight this at the legislative level. He was concerned that in the last Republican Party Central Committee meeting sometimes we, as Iron County, poke a stick in the eye of the legislature. He worried that in the end, this resolution was going to minimize Iron County's chances with the legislature to have any positive discussion and forward movement on this issue. Paul Cozzens told Mike that he didn't go into this blind. He reviewed the resolution with Representatives Rex Shipp and Carl Albrecht. He did not view this as poking a stick at them. When you go before your elective representative in the legislature and ask them if they would support the resolution, and when they say they would, it was not sticking at them rather you were lobbying for something. Mike Bleak noted that that was good but felt this issue was a legislative issue. Marilyn Wood reported that a resolution had no teeth in it, but it was giving the county an option. Mike Bleak asked if this was grandstanding at some level when this was something that the commissioners needed to work out with the legislatures, UAC, and other commissioners. Is this something that might need to be a combined effort with other county commissions for a combined resolution? Marilyn Wood reported that when the commissioners pass resolutions they may be shared with another county and it could be passed along and there could be a change of wording to fit that certain county. She felt that this was just a first step and she would like the control of the elections to go back to the counties. Mike Bleak expressed that he did not agree that this was the way to handle the issue. Jon Whittaker, Iron County Clerk, reported that there some things he would like to clear up. Tyler Melling intimated that voting in person equals voter roll cleanup. This was incorrect. The Clerk's Office does voter cleanup almost every day. It was amazing how many times voters move. It was the responsibility of the voter responsibility to let the clerk's office know when they move. On the issue of chain of custody, he believes this issue but not in the way Paul Cozzens does. Jon reported one item that his office was not made aware of was how many hands did handle our ballots. The office would be working on the RFP to have that done entirely in house. One person called the clerk's office and was upset and asked why the county didn't use a local printer. Jon explained that Iron County would now be using a large print house located in another state. He stated that he opposed Resolution 2022-17. This resolution conflates ballot issues and vote-by-mail. Yes, there were ballot issues but that was not the same as issues with vote-by-mail. Jon reported that 9000 ballots were returned and which means that 20k ballots were delivered. It doesn't make it okay, but to keep intimating that only a few ballots were or 90% were not delivered was incorrect. Jon

also expressed that this was not the way to influence the legislature. Senate Majority Leader Evan Vickers reach out to Jon because he had some concerns regarding the resolution. Senator Vickers recommended that the county seek consensus. Jon stated that if he had had a problem with HB36 he would have contacted his representatives. This resolution was trying to fix non-problems, and voters have always been able to vote in person, and an individual does have the option to opt-out. HB36 was not snuck into the legislature, and it was done in consensus with Clerks statewide. Jon reported that he had written dozens of opinion resolutions and they were not usually worth the paper that they were written on, but he did it. Why did he do it? Because he had respect for the commissioners' office and respected their role in the county. This resolution expressly disrespects his discretion from his constitutional role. He noted that his comments may seem harsher than they were meant. Paul Cozzens reported that HB36 was dubbed a "clean up" bill, but in the audio, he did not hear any major change, only changing "may to shall" and it appeared to have been snuck through. Jon Whittaker reported that on the clerks' end HB36 was not a surprise. Paul Cozzens noted that had reached out to Senator Vickers and Paul said that he did not feel Senator Vickers would support the resolution, but our other two representatives would support it. Paul agreed that resolutions don't carry much weight, but they do draw attention to the issue. He noted that he was backing this resolution because his constituents demand it.

Bruce Washburn, a citizen of Iron County, noted that he didn't care what the Republican Party does, but he did care about his view. He thought that the commission should consider what had happened, and we don't know what happened. This was an unusual event and he felt that vote-by-mail was a good thing as it results in a higher voter turnout. He expressed that next year would be a good time to see if vote-by-mail works as it would a municipal vote. Bruce closed by saying this resolution was unwarranted and did not feel Iron County needed a resolution for this purpose.

Paul Cozzens made a motion to approve Resolution 2022-17 as presented. Second by Michael. Voting: Michael Bleak, Nay; Paul Cozzens, Aye; Marilyn Wood, Aye.

## IRON COUNTY RESOLUTION 2022-17

A RESOLUTION TO ADMINISTER ELECTIONS PRIMARILY BY MAIL OR IN-PERSON AS LOCAL NEEDS DEMAND.

**Whereas**, in the year 2020, The Utah State Legislature passed HB 36 titled "Election Amendments," which eliminated an election officer's discretion to administer an election in any manner other than primarily by mail; and

**Whereas**, in the years 2021 and 2022, general elections in Iron County experienced ballot mailing delays due to our reliance on third party vendors, which potentially disenfranchised voters.

**Now Therefore**, be it hereby resolved, to ensure chain of custody, local control of the election process, protecting the rights of the voter, and providing for complete transparency, the Iron County Commission supports a change to Utah Code section 20A-3a-202(1)(a) restoring the discretion of election officers to administer elections primarily by mail or in-person as local needs demand.

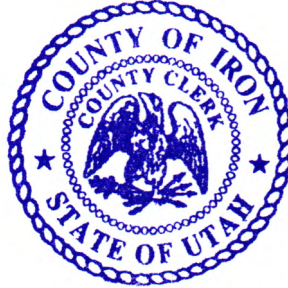
APPROVED AND ADOPTED this 12<sup>th</sup> day of December, 2022

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood - Chair

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Clerk



Voting:

Michael P. Bleak        Nay    
Paul Cozzens            Aye    
Marilyn Wood            Aye  

**DISCUSSION AND POSSIBLE APPROVAL OF THE 2023 IRON COUNTY COMMISSION MEETING SCHEDULE**

There was a brief discussion regarding changing one date on the Commission Meeting list for 2023 from April 10<sup>th</sup> to April 3<sup>rd</sup>, because of conflicts. Michael Bleak made a motion to approve the 2023 Iron County Commission Meeting Schedule with the change of date from April 10, 2023 to April 3, 2023. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF AN INTERLOCAL AGREEMENT WITH THE CEDAR CITY REDEVELOPMENT AGENCY FOR THE CEDAR CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA (CRA)**

Danny Stewart, Iron County Economic Development Director, explained that when the county had created project areas it had been done specifically for solar development projects. Danny reported that Cedar City was looking to define an area surrounding the historic downtown area. He noted that this had already been done and approved by the Cedar City Council last week so the project area was in place. Today there were two items to be discussed. The first item was to consider an Interlocal Agreement and the second item was a resolution approving the Interlocal Agreement. Danny explained what Cedar City wanted to accomplish in the downtown area. This CRA was a tool to promote a vibrant downtown, to promote jobs and economic development in downtown, to generate quality reinvestment in the area, to address existing challenges that were in the historic downtown area, such as aging buildings, decaying infrastructure, and limited parking; to promote quality of life investments, such public art, park amenities, gatherings spaces, etc. Basically, Cedar City has a Downtown Committee and a downtown zone that had been in place for some time. The CRA wanted to create incentives for major investment in the downtown area. There were two things that they wanted to accomplish. Number 1: Renovate old buildings. Danny noted that he realized that this would be a huge undertaking. It costs much more to renovate a building than tearing it down and building something new. They would like to put incentives in to make it pencil out a little better to restore historic buildings, or if the choice was made to build a new building that architecturally would fit in the downtown area. The Cedar City downtown reinvestment area boundary was from 200 N to 200 S, to Center Street, and down to Southern Utah University. This was the area approved by the Redevelopment Agency as recommended by the Downtown Committee. The Interlocal Agreement that was being proposed today allowed for 85 percent of the new tax increment on approved redevelopment projects within the project area. Paul Cozzens asked Danny to clarify that if the Iron County Commission approved this, the current value of the property was set, and an increment was anything that was made above the value of the property and take 85% of that

increase and put it towards this. Danny answered that was true. Paul asked if this was similar to the Lins RDA that was passed when he was on the Cedar City Council. Danny agreed but noted that RDA included increments throughout the whole area and also proposed a fee on the property owners in that project area. They did not look to do that but they were going to evaluate any potential projects. As an example, it has been proposed that a new hotel property be built on Main Street by the Stratford Motel. With something of that magnitude could potentially qualify for an incentive if it was fitting the vision of the downtown area. Danny continued with the Interlocal Agreement: a maximum collection period of 20 years per phase; a maximum of 8 phases allowed; a phase consists of a portion of the project area of at least one parcel, but not more than 10 contiguous parcels, identifiable by an outside boundary that follows existing parcel boundaries; and to be valid from January 1, 2023 to December 31, 2047, which would end 25 years later. He did not see any foreseeable project to merit more than a 15-year incentive on a project. No money comes in until a project happens. Danny reported that the financial benefits were based on a project or a combination of projects so it would equal \$27M invested. Until that money was invested and until they pay the taxes, there was no increment given. Danny reported on the Financial Benefits (based on capital investment of \$27M): \$5.3 million in incremental property tax revenues generated over 15 years; nearly \$1M in incremental property tax revenues to taxing entities over 15 years; more than \$420K (\$2,000) in annual in property tax revenues to taxing entities after 15 years. Other Benefits: 1-Partnership with City and business community to realize the downtown vision; 2-Better connections between SUU and community; 3- Increase economic vitality and diversity of the downtown area, and 4- Improve downtown as a destination for residents and visitors. Danny informed the commission of several projects that they were currently involved in. He noted that the Interlocal Agreement came through his Economic Office and was a stand-alone agreement. Marilyn Wood asked who would be approving the aesthetics. Danny reported that Cedar City already had a vision in their general plan on what they wanted to accomplish. All discussions would be based on the general plan and would be approved by the Redevelopment Agency. Jon Whittaker asked if the increment worked similarly to solar increments. Danny noted that it was. He explained that the item today was for the Interlocal Agreement for participation as these projects when approved by Redevelopment Agency. The increment would be based on the parcels specific to that project.

Paul Cozzens made a motion to approve an Interlocal Agreement with the Cedar City Redevelopment Agency for the Cedar City Downtown Community Reinvestment Project Area as presented. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RESOLUTION 2022-18, A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR THE CEDAR CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA**

Michael Bleak made a motion to approve Resolution 2022-18, a resolution approving an Interlocal Agreement for the Cedar City Downtown Community Reinvestment Project Area as presented by Danny Stewart. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## IRON COUNTY RESOLUTION 2022-18

### A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR THE CEDAR CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA

**Whereas** pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “**Act**”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

**Whereas** Cedar City Redevelopment Agency (the “**Agency**”) and Iron County (the “**County**”) are “public agencies” for purposes of the Act; and

**Whereas** the Agency has adopted a Project Area Plan and Budget (the “**Plan**” and “**Budget**”) for the Cedar City Downtown Community Reinvestment Project Area (the “**Project Area**”); and

**Whereas** after careful analysis and consideration of relevant information, the County desires to enter into an interlocal agreement with the Agency (the “**Interlocal Agreement**”) whereby the County consents to the Agency receiving for an extended period of time a portion of the tax increment produced by the County’s levy on real and personal property within the Project Area; and

**Whereas** Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

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

1. The Interlocal Agreement for the Project Area, substantially in the form attached hereto as **Exhibit A**, is approved and shall be executed by the County.
2. The Commission Chair shall make such minor additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreement.
3. Pursuant to Section 11-13-202.5 of the Act, the Interlocal Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the County for review and approval as to form and legality.
4. Pursuant to Section 11-13-209 of the Act and upon full execution of the Interlocal Agreement, a copy thereof shall be filed immediately with the keeper of records of the County.
5. The Interlocal Agreement shall be effective on the date of the notice required by Section 17C-5-205.
6. This Resolution shall take effect upon adoption.

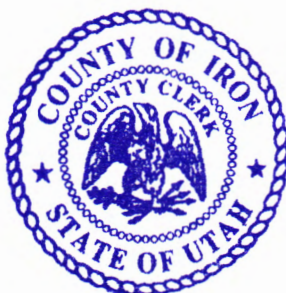
**APPROVED AND ADOPTED** on the 12<sup>th</sup> of December, 2022.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Marilyn Wood  
Marilyn Wood - Chairman

ATTEST:

Jonathan T. Whittaker  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak       Aye    
Paul Cozzens          Aye    
Marilyn Wood          Aye  

**DISCUSSION AND POSSIBLE APPROVAL OF VEHICLES ON THE IRON COUNTY PUBLIC SURPLUS WEBSITE**

Wade Adams, Iron County Fleet Manager, presented for approval the following vehicles to be placed on the Iron County Public Surplus Website: a 1974 Thiokal Snow Cat Vin #1605; a 2007 Ford F150 VIN #1FTRF14WX7NA53943; A 2007 Chevrolet 1500 VIN#1gcek19097z506313; a 2008 Ford F250 Super Duty VIN#1FTSF21R98EB25660; A 2008 Mercury Mariner VIN#4M2CU91178KJ26587; a 2010 Ford F250 VIN#1FTFX1EV0AFA74100; a Ford F150 VIN#1FTFW1EV3AFB59028; and a Chevy Silverado 1500 VIN#3GCUKREC9FG488744.

Paul Cozzens made a motion to approve vehicles to be placed on the Iron County Public Surplus Website as presented by Wade Adams. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens asked if Wade Adams had an update on any vehicle orders. Wade reported that the heavy-duty pickup order was under a state contract with Young Automotive. There was an outstanding order for 13 heavy-duty trucks. The Ford Company was only allowed 25 heavy-duty trucks to the State of Utah and it excluded Iron County. They were inquiring at other dealerships. There were 13 trucks coming for the Sheriff’s Department. Marilyn Wood noted that the Sheriff was really in need of vehicles.

**DISCUSSION AND POSSIBLE APPROVAL OF AN INDEPENDENT CONTRACTOR AGREEMENT WITH ZION REGIONAL COLLABORATIVE COORDINATOR**

Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, reported that the Iron County Tourism Bureau had been participating with entities in regard to what was happening in the Zion Region. Marie explained that this group, Zion Regional Collaborative (ZRC) was formed of municipalities off of Hwy 9 and Iron, and Kane County was included. The ZRC was at a point where they want to be a formalized organization. ZRC hired an independent contractor, Emily Freedman, who helps the group with administrative aspects, grant writing, and communication between all the partners. The group would like Emily Freedman to stay with the group. She reported that the group was asking each county to contribute \$4K to keep Emily as the group’s contractor. The money would come from the Transient Room Tax (TRT) funds for 2023. Maria expressed her appreciation for everyone who was involved with the Zion Regional Collaboration and being involved with solutions for Zion Park.

Michael Bleak made a motion to approve an Independent Contractor Agreement with Zion Regional Collaborative Coordinator as presented by Maria Twitchell. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONVENE AS THE BOARD OF EQUALIZATION**

Marilyn Wood, Iron County Commission Chair, declared the adjournment of the Iron County Commission and the convening of the Iron County Board of Equalization (BOE).

**REVIEW AND POSSIBLE APPROVAL OF LOW-INCOME AND HOMEOWNERS TAX CREDIT ABATEMENT APPLICATIONS AND VETERAN'S ABATEMENT APPLICATIONS RECEIVED BETWEEN OCTOBER 11, 2022,, AND DECEMBER 5, 2022**

Lucas Little, Iron County Deputy Auditor, reported that the Auditor's Office extended the application period from September 1<sup>st</sup> to November 1<sup>st</sup>. Lucas noted that the extension would hopefully help everyone to file their applications in time. Those applications that came in late were denied an abatement. He reported that the total property taxes abated between the Veteran abatement, homeowners tax, and low income was \$72,362.52. The total for properties that were abated in the year 2022 was \$1,682,866.56 between all programs. The reimbursed amount from the State of Utah was \$207,882.32. Nicole Rosenberg, Iron County Treasurer, noted that this was a wonderful program but the state should have a better reimbursement amount.

Paul Cozzens made a motion to approve the Low-income, Homeowners' Tax Credit and Veteran's Abatement as presented by Lucas Little. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Marilyn Wood, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**DISCUSSION REGARDING THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. NOTE: THIS PART OF THE MEETING MAY BE CLOSED PER UTAH CODE ANNOTATED UCA§52-4-205(d)**

Marilyn Wood, Iron County Commission Chair, declared this item stricken from the agenda.

**PERSONNEL**

Jennifer Bradbury, Iron County HR Director, presented the transfer of Dave Avila from a Full-Time Corrections Deputy 3 to a Full-Time Culinary Deputy 3, effective December 4<sup>th</sup>. This was a backfill of a vacant position; a voluntary downward transfer for Ryan Sessions from a Full-Time Medical Deputy 2 to a Full-Time Culinary Deputy 2, effective December 11<sup>th</sup>. This was a backfill of a vacant position; the new hire of Mark Zakarian as a Full-Time Detective Deputy 1 Detective in the Sheriff's Office - Patrol, effective January 9, 2023. This was a backfill of a vacant position; and the rehire of Dustin Roy as a Part-Time Reserve Deputy 1 in the Sheriff's Office - Patrol, effective November 27<sup>th</sup>.

Michael Bleak made a motion to approve the Personnel changes as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Jennifer Bradbury, Iron County HR Director, presented the Iron County Policy Section 47 – Telecommuting. She explained that she wanted to first explain the necessity of this policy. Jennifer reported that historically Iron County did not have a Telework option available. During COVID-19, a decision was made by the Iron County Commission to require all county workers to work within their assigned worksites because we wanted to maintain the stellar customer service that the employees in the county were known for. Since that time, there was one department that had begun to deviate from this, which might cause liabilities to the county if the Telecommuting Policy was not in place. Some of the important sections of this policy cover the potential liabilities for cyber-attacks for those employees who work from their homes without proper internet security checks in place. Another concern covered in this policy involves Workman's Compensation liability. As Iron County had no control over the safety and security of spaces within employees' homes. Jennifer explained that there were 2 options for the



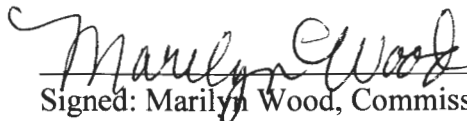
commission to consider. 1-The Iron County Commission was the only approving entity, on a case-by-case basis, for anyone who teleworks would be required to work their regular on-site, in-person workspace not less than 8 hours per week. Option 2 opens the approval process to all Department heads with no less than 2 workdays consisting of no less than 8 hours per day.

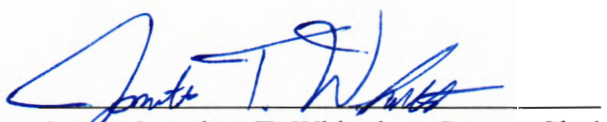
Nicole Rosenberg and Carrie Christiansen expressed their concerns about not having this policy in place. After a brief discussion between Karsten Reed, Nicole Rosenberg, and Jennifer Bradbury, Paul Cozzens and Marilyn Wood suggested that all the Department heads and Commissioners meet together with HR to discuss concerns rather than in a public meeting.

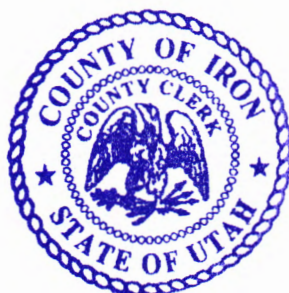
Paul Cozzens made a motion to table this item to hold a meeting for those departments that were impacted by this policy. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY SPECIAL COMMISSION MEETING  
DECEMBER 30, 2022**

Minutes of the Iron County Special Commission meeting convened at 4:00 P.M.  
December 30, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Marilyn Wood	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor

**SYNOPSIS**

ADJOURNMENT ..... 1  
APPOINTMENT OF LUCAS LITTLE AS IRON COUNTY AUDITOR..... 1

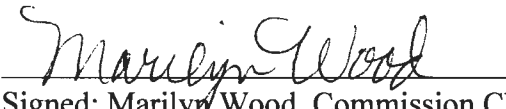
**APPOINTMENT OF LUCAS LITTLE AS IRON COUNTY AUDITOR**

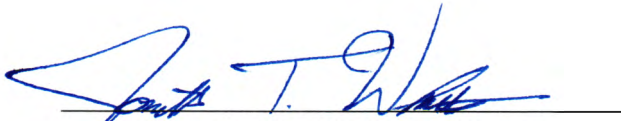
Marilyn Wood called the meeting to order and welcomed everyone. Jon Whittaker explained that Dan Jessen had tendered his resignation as of January 5<sup>th</sup>, and the Republican party had convened a central committee meeting on December 15<sup>th</sup> to select a replacement. Lucas Little won the election held during that meeting with 47 votes compared to Tyler Melling's 39 votes.

Paul Cozzens made a motion to appoint Lucas Little as Iron County Auditor, effective January 5<sup>th</sup>, 2023. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair, declared adjournment.

  
Signed: Marilyn Wood, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk

