

**IRON COUNTY COMMISSION MEETING  
JANUARY 8, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 8, 2024 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
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Blaine Nay	County Bee Inspector
Sam Woodall	County Deputy Attorney
George Colson	County Emergency Management
Jennifer Bradbury	County HR Director
Mike Worthen	County Natural Resource
Reed Erickson	County Planner
Kenneth Carpenter	County Sheriff
Josh Martin	USU Extension

Others in attendance:

Janelle Adams	Ben Anderson	Hayden Ballard
Carol Barker	Cindy Bulloch	David Coates
Gene Davenport	Billy Davis	Cassie Easley
Bruce Ewen	Patrick Larson	Nathan Moses
Cal Robinson	Ken Robinson	Jeff Richards
Susan Sepe	Amanda Stedt	Diana Stiller
Tammy Vogt		

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**INVOCATION**

An invocation was offered by Blaine Nay.

**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 meetings held on December 11, 2023. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve Claims for Payment from December 11, 2023, to January 7, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**REORGANIZATION OF THE IRON COUNTY COMMISSION ASSIGNMENTS, AND APPOINTMENT OF THE IRON COUNTY COMMISSION CHAIR FOR 2024**

The commissioners reviewed the list of the 2024 Iron County Commission Assignments and made no changes at this time.

Marilyn Wood made a motion to appoint Commissioner Michael Bleak as the Iron County Commission Chair for the year 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**OPEN MEETING LAW TRAINING**

Samuel Woodall, Deputy Iron County Attorney, gave the annual Open Meeting Law Training, reviewing the requirements of UCA § 52-4.

**COMMISSION REPORTS**

**Marilyn Wood, Iron County Commissioner**, reported that on January 3<sup>rd</sup> the Iron County Council of Government (ICCOG) met to discuss any community issues. The Utah Department of Transportation (UTOT), 5 County, and City Mayors also attended the meetings that were held every other month. Issues that were discussed were the roads, transportation, and the South Interchange. UDOT had been working on solutions for the South Interchange and would be presenting 3 options soon. Livestock trails were also discussed. Iron County was fortunate to have our predecessors who assigned and mapped livestock trails throughout Iron

County. Marilyn noted that there was a Zoom meeting with the Utah State Association of Counties, Commissions & Councils (USACCC) regarding new legislation being discussed at the upcoming Legislative meeting, with more bills being introduced than ever before. She noted that Representative Rex Shipp opened a Consumption Tax Bill (HB 113) and was hopeful that it would pass. Marilyn expressed her appreciation to everyone who had supported the sales tax bill. Commissioner Wood explained that Iron County was in the process of hiring a Weed Supervisor as the previous supervisor left the position. This would be a full-time position and would be under the direction of Wade Adams. Marilyn reported that Parks and Recreation was excited about an MOU for improvements to parking and trail maintenance. The Trail Maintenance Crew would be housed at the Iron County Fairgrounds.

**Paul Cozzens, Iron County Commissioner**, reported that he and his family traveled to New Zealand to pick up their daughter from a church mission and was glad to be back home. Paul noted that he would be attending the 5 County Behavioral Health meeting on Wednesday, January 10<sup>th</sup> at 10:00 a.m. and the Steering Committee meeting at 12:00. He reported that the meetings were open to the public. He reported that Commissioner Wood had reached out to him regarding the addition of an Equestrian Building at the Iron County Fairgrounds. He noted that he reached out to CO Building Systems to assist with pricing. Commissioner Bleak had also reached out to another company for help. Marilyn Wood reported that funding would come from the Transient Room Tax (TRT) and Tourism, Recreation, Culture, & Convention Tax (TRCC) funds. Marilyn Wood reported that there were currently no facilities to house animals during the Iron County Fair.

**Michael Bleak, Iron County Commissioner**, reported that he attended the BZI Steel end-of-the-year meeting with the Inland Port Authority. The Inland Port Authority had been able to bring over 100 train loads of steel into BZI since July 2023. Plans for an Industrial Park project in that redevelopment area were moving forward that would benefit Iron County.

**PUBLIC HEARING, AND DISCUSSION (NO ACTION) OF PROPOSED IRON COUNTY ORDINANCE AMENDMENT – COUNTY CODE AMENDMENT TO ORDINANCE 2022-6, EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES- WATER RIGHTS PRIORITY DATES (ORDINANCE 2024-1 TITLES 15, 16, & 17) – TO BE CONSIDERED FOR APPROVAL AT THE JANUARY 22, 2024 COMMISSION MEETING**

Michael Bleak, Iron County Commissioner, explained that no action would be taken on this agenda item today due to notification requirements. The item had been presented at the January 4<sup>th</sup> Planning Commission meeting and to meet that notification requirement, action would be taken at the January 22<sup>nd</sup> Iron County Commission meeting. Michael noted that this was an ongoing issue.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding Ordinance 2022-6, Water Rights priority dates.

**Public Comments:**

Tammy Vogt, Equity Real Estate, noted she was here to represent buyers/sellers who were having a difficult time with this issue. Tammy reported that this situation had been very difficult for home buyers who were on a fixed income. Some had purchased land and water rights, placed a well on their property to only find out that they could not build on their land. She noted that she had sellers that had water rights that, overnight, became worthless. No one would buy the property because the water right dates were too junior. The water rights had been on the property since 1935 and because of one year, they were not worth anything. Tammy reported that this had become a hardship having to go out and find more expensive water rights. Older water rights add to the cost of housing and home ownership was already difficult in Iron County.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed regarding Ordinance 2022-6, Water Rights priority dates.

**Discussion:**

Paul Cozzens explained that he had had many discussions and had attended the previous Iron County Planning Commission (ICPC) meeting. There was a great discussion and debate regarding this item. Sometimes when the commission passes ordinances there were unintended consequences that were not considered. Paul reported that when the ordinance was passed it was with the understanding that the 1934 water rights date was to be consistent with other entities when a developer wanted to develop property and sell it with water rights. Unfortunately, individual issues were not considered and he agreed that the ordinance needed to be fixed. He explained that the State of Utah owned all the underground water. Water rights holders had the right to use the water based on the priority dates established. After World War II, many soldiers came home and requested water rights to be able to farm. In many of the basins, the water was over-allocated. They tried to protect the system, but at that time did not understand how much water could be allocated. Commissioner Cozzens explained that he had submitted an 1890 water right to Central Iron County Water Conservancy District (CICWCD) to be allowed to connect to their system. He noted that he had been involved in water discussions for at least 11 years of his public service. Kent Jones, the previous Water Engineer, stated that the state had to manage the basins to ensure they were safe and that we would not run out of water. The Groundwater Management Plan was set to calculate how much Mother Nature put into the underground water supply, which was 21K acre-feet of water in the Cedar Valley, but 28K acre feet of water was being pumped each year. It was the duty of the Water Engineer to enforce water rights to alleviate over-usage. Commissioner Cozzens stated that it would be horrible to have to go and shut someone's water off. The questions were, "Would they turn off the water? Maybe. Can they turn off the water? Yes." Paul noted that when the water level drops, you may still own the water rights but there was no water left. The challenge for the commission was how to let people know about the water rights dates for a person purchasing previously owned property. He gave an example of an individual buying a water right and building a home and living the remainder of their days, and then selling the home, with the Junior water rights to another owner, who may not be aware that their water is in danger due to the Junior water rights and possible curtailment. Another example Paul gave was that of an unscrupulous developer who purchases some Junior water rights, and then develops land with that Junior water, leaving the unsuspecting buyers of lots in danger of eventually losing their water. One solution would be when a person comes in for a building permit to also record a notice that the property is in a groundwater management plan area, and that the water rights in use is a "Junior" or a water right with a later priority date. Paul suggested that such notices be recorded in the Iron County Recorder's Office, when a water right is used for a small system that does not meet the scale of a "water system," being 7 lots or larger. In this case, a building permit would be issued, and a notice would be recorded. For larger systems, Junior water rights would not be allowed. He expressed concern about protecting both those seeking to build a home as well as those who would purchase afterward. Paul noted that this approach would keep the pressure on the developer of a small system of less than 7 lots to provide Senior water rights due to the transparency.

Commissioner Marilyn Wood expressed that she agreed with Paul Cozzens. Transparency was key. Marilyn noted that she had been in many real estate closings, and there was always a stack of disclosures at that time. She noted that a recorded notice would be a permanent reminder to future buyers of the land and accompanying water. Marilyn noted that she was uncomfortable withholding building permits, even when Junior water was being used. She expressed that a recorded document stating the nature of the Junior water right, then future buyers would know.

Paul Cozzens reported that he reached out to a local banker and asked if he was aware of this issue. They could be approving a 30-year loan and the water right might not last that long, which would be a concern for them.

Patrick Larsen, resident of Paragonah, reported that he was self-employed and purchased 2 acres (4 lots) of property to use for rental income. Patrick explained that he was able to share the well but needed to buy another water right. If there were any type of restriction listed on a deed it would affect him being able to get a construction loan. He noted that he grew up in



Phoenix, Arizona and they had the same water issues. Their solution was to drill deeper. They were not telling people to shut off their water. Patrick stated that he felt that this plan was flawed and the experts were wrong. He was pleased that different approaches were being discussed.

Commissioner Cozzens reported that when he was on the Groundwater Management Plan Board had asked the state three different times if they would consider drilling deeper for new water and the answer was no. The reason was because the water could be going to someone else and their rights could be impaired. Iron County was a subdivision of the state and had to abide by their decisions.

Tammy Vogt, Equity Real Estate, noted that the point of concern with developers was valid. Developers were coming into the Cedar Valley and planning large subdivisions. It was not unreasonable to have a priority date requirement for them so it could be put into their business plan. Tammy explained that water rights were "free-floating real estate." Mr. Larsen could put the water rights on the well on his property, then later move those water rights to a different property. A deed restriction on a home was not the solution because the water right could be moved around. Commissioner Wood asked Tammy how the new buyers could be alerted. Tammy replied that disclosure was the key. Real Estate professionals were very aware of disclosures and a large part of what they do. However, it was also the sellers' responsibility to disclose. The sellers Disclosure Document carries a lot of weight. She reported that the disclosure document the realtors provide for potential buyers included all the information that they would want a buyer to know. It was not a required document currently, but maybe someday it should or could be. Unfortunately, there was no sellers' disclosure document.

Nathan Moses, Regional Engineer Division of Water Rights, clarified that the state does not take water rights away, the owner still owned the rights, they were just not divertible because of their priority date. Nathan explained that it was similar to a surface water system. There were more water rights to surface water system than was typically provided. When there was enough water on the system, they could make full use of it. Groundwater was both easier and more difficult because there was a "large bowl of water and everyone had a straw to suck water out of it," so it continued to drop. By statute, no one was guaranteed a static water level, so it was legal to lower that groundwater level. Under Utah Code Section 73.5.15 it was mandated to have a groundwater management plan based on the "safe yield of the water" of the basin. A study was performed by the United States Geological Survey (USGS) to determine the safe yield of the basin. The Water Engineers were required, by law, to regulate water rights through the Groundwater Management Plans to make sure that what was pulled out of the basin was equal to what was being put into the basin. Nathan explained that the Groundwater Management Plan statute allowed the Water Engineers to gradually adopt a plan, which was the Priority Regulation Schedule. They realized that many economies were dependent on water rights so it was a slow implementation, but recognized there was a problem. The longer it took to implement the groundwater management plan the lower the aquifer would be. If there was an earlier water right, you have to drill deeper to get what was previously more shallow. He noted that he recognized that there were difficulties on both sides of the issue, and understood the pain it was causing. Whatever action was taken it would affect the future. Nathan explained that the groundwater management plan was adaptive. If there were improvements being made to the aquifer it could have a positive impact on the plan. He noted that it was not his intention to direct Iron County on how to proceed, but he did like the ideas that were being presented. A softer landing and better messaging was better for the public. Commissioner Cozzens asked Nathan if these water right issues were really dire, and gave an example of drilling wells at Quichapa Lake. When drilling began it was at 32 feet and now it was 100 feet. Nathan replied that in a 40 year period the water level at Quichapa Lake had dropped 80 feet or 2 feet per year. If an aquifer was over-pumped it becomes damaged and would begin to collapse. Nathan reported that the Safe Yield date of July 25, 1934 was for the Cedar City basin. The date was only an estimation and could change. Beryl/Enterprise date was March 1, 1944. The Parowan Groundwater Management Plan was currently being created and had not been adopted, but the drafted date was December 5, 1951.

Billy Davis, ERA Realtor, explained that in the State of Utah, the discovery responsibility when purchasing property falls on the buyer. As a buyer, you need to do your due diligence. By

law, realtors had to supply a Due Diligence Form to a buyer, which they must read through and sign. It required many things for them to do, one of which was water rights. The most important to some was a proper home inspection, but some do not do that. Mr. Davis noted that he had appreciated the meetings and discussions. He expressed his appreciation for the effort that had been made to come up with a solution. Billy read a comment he prepared, "Although better than the original ordinance, which disallowed a building permit to those in possession of a so-called "Junior" water rights, the potential change or amendment brings its own issues and challenges. By recording a deed restriction, the county would potentially be harming the ability of a buyer to purchase property with a private well and a junior water right. Lenders, and more importantly underwriters, might deny loans based on their lack of understanding of this issue. The most likely to be harmed by this would be low-income buyers. As with the original ordinance, the county is effectively harming the rights of property owners and the value of their property. Anytime government hinders the rights of property owners they have overstepped their authority. In most cases that he could think of, government interference with anything regarding property rights and values has always ended badly. He was here today to ask respectfully that you repeal this ordinance and put the solution on hold. At least the portion pertaining to individuals until further discussion and collaboration with partners in the area can yield a better compromise."

Cindy Bulloch, an Appraiser, explained that as an appraiser they were required to disclose water rights. Not all transactions go through a realtor, nor do all transactions require funding. But, if it went through any type of lending institution, and they ask for an appraisal, an appraiser should also do their due diligence and look into the water right. Then report the effect on the potential values. If there were a water right that might possibly expire within a couple of years it would need to be disclosed.

Carri Jeffries, Iron County Recorder, reported that a recorded document was a public record and does show up on a title report. Carri was concerned that having this restriction notice recorded would affect a buyers' ability to obtain a loan and it might affect their value. How would her office receive the payment and who would make sure it was paid? Carri explained that she was required to collect fees at the time of the recording. Another concern was the release of the restriction. Who was going to release it? She explained from the Recorder's standpoint, any person who brought her a recordable document (signed, notarized, legal description, etc.), and paid the fee, she would record it.

Cal Robinson, Security Escrow & Title Company, explained that once the document goes on record with the legal description, it would remain on the parcel until someone rescinds it. There was a form required to rescind a document. Cal reported that Cedar City, Parowan, Enoch, and the CICWCD all sell water. He understood why the commissioners were concerned, but it was not their responsibility.

Nathan Moses reported that the State Water Engineers do not typically allow water rights to be stacked.

Janelle Adams, State Bank of Southern Utah, reported that their biggest concern was loan devalue. The bank had several loans with Junior water rights that were now immensely devalued. Janelle agreed that transparency was important, but it would devalue affordable housing. She explained that the bank would more than likely require a larger deposit. It would be wiser to address the issue upfront rather than later. This would affect all types of loans. Disclosure would be the best way to handle the issue. Janelle noted that this has affected her personally as she had a home under construction in and existing subdivision Cedar City and was not told she had to pay impact fees until the day she went in to pay for her building permit. Fortunately, she could afford it, but many would not be able to at the last minute.

Gene Davenport, a citizen of Iron County, noted that she was greatly affected by this water issue. She reported that she owned a lot with 1955 water rights. She was a former broker and agreed that the ordinance should be rescinded, and that disclosure was the key to resolving the issue. Gene explained that a new broker was under the wing of a senior broker who was very concerned that things were done correctly. Placing a notice on a title was difficult to remove and would require the purchase of another title report.

Jon Whittaker, Iron County Clerk, noted that he was concerned if a building permit was issued without notice, that Iron County would be liable for a lawsuit for being irresponsible.

**DISCUSSION AND POSSIBLE ACTION REGARDING TEMPORARY PROCEDURAL CHANGES TO THE ENFORCEMENT OF IRON COUNTY ORDINANCE 2022-6 AS RECOMMENDED BY THE IRON COUNTY PLANNING COMMISSION WHILE AMENDMENTS ARE BEING CONSIDERED**

Paul Cozzens made a motion that no action be taken at this time. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RURAL AGRICULTURE 20 ACRES (RA-20) TO AGRICULTURE 20 (A-20) FOR APPROXIMATELY 66.02 ACRES (WITHIN THE SE¼ SECTION 34 & SW¼ SECTION 35, T37S R 12W, SLB&M, IRON COUNTY, UT (APN: E-340-6)) – LOCATED AT APPROXIMATELY 563 S. SPRING CREEK DRIVE, KANARRAVILLE, UTAH. Applicant: Glen Knudson.**

Reed Erickson, Iron County Planner, explained that the property was previously approved for a zone change from R-1 to RA-20, and a minor subdivision. The property was split into a 20-acre parcel and a 66-acre parcel. Reed reported that property was located just south of Kanarraville. The applicant, Glen Knudson, requested to move the 66.02-acres back into the A-20 zone. He noted that the Iron County Planning Commission (ICPC) entertained a Light Industrial (LI) zone with a Conditional Use Permit (CUP), which was approved contingent upon the Iron County Commissions approval of rezone to A-20. Services available were: Water-private Well, Fire Suppression-Utah WUI and Building Codes, Sewer-Septic, Transportation corridors-Spring Creek Road, Drainage-to maintain historic flows and locations for entry and exit, Power, Gas, Communication-in the area. Reed reported that this was not a LI zone, but in the A-20 zone, light industrial may also occur if it was inside of a building (i.e. welding, cutting). Some outside storage was allowed, but must be screened. It also limited a maximum of 10 full-time employees. He noted that it was a 60' x 80' barn-dominium steel building (steel building with living quarters inside).

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a zone change.

No Public Comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) after review and findings, confirmed that the applicant was compliant with the Iron County Policy – Evaluation Consideration for Re-Zoning Property, and recommended approval.

Marilyn Wood made a motion to approve a zone change from Rural Agriculture 20 acres (RA-20) to Agriculture 20 (A-20) regarding APN: E-340-6 as presented by Reed Erickson. Second by: Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVE OF A PROPOSED PRELIMINARY SUBDIVISION-“SAGE MEADOWS PRELIMINARY SUBDIVISION, PHASE 1” – 54 LOTS (11.21 ACRES) LOCATED AT APPROXIMATELY 2675 W MIDVALLEY ROAD, CEDAR CITY, UTAH, WITHIN THE NE¼ SECTION 16, T35S, R11W, SLB&M, IRON COUNTY, UTAH (APN: D-597-10. APPROVAL – PEAK VIEW MASTER DEVELOPMENT PLAN – AMENDMENT, SAGE MEADOWS MASTER DEVELOPMENT PLAN ADOPTION, SAGE MEADOWS PRELIMINARY SUBDIVISION, PHASE 1 Applicant: BC Development, c/o Chris Archibald**

Reed Erickson, Iron County Planner, explained that in the Subdivision Approval process, there were also Master Community Development plans. There were three separate actions listed for approval. There was not a separate code that required them or a process of amending them, so they are done under a subdivision approval but approved separately. Reed noted that Phase 1 of the Sage Meadows Subdivision was originally part of the Peak View Subdivision Master Plan.

Reed reported that the first action was to amend the Peak View Master Plan to remove the Sage Meadows area out of the Peak View Master Plan. The second action was to adopt the Sage Meadows Master Plan Development, including Phase 1 and Phase 2. The third action was to approve the Sage Meadows Preliminary Subdivision, Phase 1 – 54 lots. The Sage Meadows property was rezoned in its entirety for the master plan to the R4K zone. Reed reported Public Services available were: Water by CICWCD, Sewer by Cedar City Central Sewer, Fire flow/suppression-CICWCD (hydrants) UWUI Code & Building Code, Transportation corridors – Midvalley Road & 2600 W, Drainage to maintain historic flows and locations for entry and exit (master drainage concerns with newer phases draining into older phases), Power, gas, communications-in the area, Criteria for subdivision: Compliant (open space, parking, storage, etc).

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed Preliminary Subdivision – Sage Meadows (APN: D-597-10).

Cassie Easley, a citizen of Iron County, stated that after listening to previous concerns with water rights, she wondered why the county was allowing more users. Marilyn Wood noted that it was under the older water rights from the CICWCD.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) after review and findings, confirmed that the applicant was compliant with the Iron County Code 16.12.100 – Preliminary subdivision plat approval - Procedures, and recommended approval.

Paul Cozzens made a motion to approve the Peak View Master Development Plan – Amendment removing Sage Meadows from the master plan regarding APN: D:597-10 as presented by Reed Erickson. Second by: Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood made a motion to adopt the Sage Meadows Master Development Plan regarding APN: D: 597-10 as presented by Reed Erickson. Second by: Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens made a motion to approve the Sage Meadows Preliminary, Phase 1 regarding APN: D: 597-10 with a variation of no fencing and street lights, as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, AND DISCUSSION (NO ACTION) OF PROPOSED IRON COUNTY CODE AMENDMENTS – ORDINANCE 2024-1, SUBDIVISION PROCEDURES AND NOTICING REQUIREMENT UPDATES “TITLES 15, 16, & 17, IRON COUNTY CODE”, IN COMPLIANCE WITH STATE CODE CHANGES. TO BE CONSIDERED FOR APPROVAL AT THE JANUARY 22, 2024 COMMISSION MEETING**

Reed Erickson, Iron County Planner, explained that the Legislature passed SB-174 (subdivision requirements) and SB-43 (notice requirements), which required Iron County to have them in place by February 1, 2024 (smaller cities/counties by December 31, 2024).

SB-174 directed updates to Sections 17-27a-604.1 and 604.2:

- Section 604.1:
  - Designate an Administrative Land Use Authority (ALUA), now the Zoning Administrator, has the responsibility to review and approve, specifically to subdivision of one or two-family dwellings and townhouses (Multi-family, Commercial, or Industrial subdivisions may be reviewed otherwise, as designated by County). Pre-application meeting by request within 15 days;
  - The final plat cannot be reviewed by the County Commission, just the ALUA;
  - Final plat cannot be review by Planning Commission or Iron County Commission;
  - ALUA for review & approval on preliminary and final plats;
  - May hold only one public hearing.
- Section 604.2:

- Review by ALUA if subdivision application and construction drawings within 15 days;
- Review of final plat by ALUA complete within 20 days;
- If applicant does not submit revised plan within 20 days, ALUA has additional 20 days to review;
- Maximum of four review cycles;
- Applicant must respond in writing to comments if the applicant disagrees.
- SB-43 directs the county regarding noticing (Defined):
  - Reed suggested adding additional notices that are not covered by Class A or Class B, but that the County does regularly;
  - Class C Notice (10 Days): Mailed notice to adjacent property owners;
  - Class D Notice (4 Weeks): Class B (4 weeks), plus week physical posting, plus mailing to adjacent PO (each parcel that takes access from road & w/in 300' of access), plus public hearing, UDOT notification.
  - Class E Notice (24 Hours): Utah Public Notice Website, Post at Office or Meeting Location, Notice to Newspaper (annual)
- SB-43 (Applied):
  - Class C Notice: ALUP, Subdivision (Minor, Preliminary), CUP plus Class, and Subdivision Plat Amend plus Class A;
  - Class D Notice (4 Weeks): Road/Street Vacations plus Class B;
  - Class E Notice (24 hour notice): PC & CC meetings, Annexation Agreement/Approval, Island or Peninsula Approval, Contested ALUP, and Road Acceptance for Maintenance.

Reed identified all of the land uses and which notice(s) would be used and created two spreadsheets that outline which process of approval is required, which notices to use, who oversees it, and what procedure type it is. He suggested adding more details based on the types of subdivisions and the sizes of subdivisions in Iron County. The two spreadsheets have all the ordinance change information and are broken out based on size rather than type of use. Reed explained that Iron County's ordinance says 14-day notices were required, but would be changed to 10 days to match state code.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding Code Amendment to Iron County Ordinance 2021-1.

Diane Stiller, resident of New Harmony, noted that New Harmony was located in Iron County and Washington County. She attended as many commission meetings as possible in both counties to keep updated on any changes. She expressed concern about the timing and delivery of notifications because there were residents from both counties. This would affect all residents but only a few would be notified.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

## **PUBLIC COMMENTS**

Cassie Easley, a citizen of Iron County, explained that she wanted to list some concerns that had been expressed to her about what was happening in the community. Some of those concerns were:

- Monday morning Commission meeting time. There would be more opportunity for open dialogue;
- New Iron County Jail. She stated that it was not in the Utah Constitution to have a jail, it was legislation. Commissioner Bleak explained that as of the last Legislative Session, the Utah State Constitution was amended to include the Sheriff's Office as a Constitutional Position. Cassie noted that residents agreed that there were issues at the current jail facility and that something needed to be done. However, the disagreement was with a 600-bed jail, and no independent feasibility study was conducted on the current jail. The reason was they did not trust the commissioners and they felt threatened into giving the commissioners what they want. The commissioners need to convince the public that this new jail was the "way to go." No one wants to continue to hear "this is what we are going



to do” or “this is what we have to do and you need to be on board with us.” “Convince then that what you are saying is the truth.”

Commissioner Cozzens reported that the commission did ask the architect take a week and perform a feasibility study to remodel the current jail. The argument could be made that the architect would make money on building a new jail, but he could also make money on a remodel. The architect did a very extensive explanation of the results of the feasibility study at one of the jail meetings. (Cassie reported that she had not attended that meeting) Paul noted that very few attended that meeting but it was recorded and could be watched. Cassie reported that she did not know of the meeting and was told about it at the meeting that was held January 3, 2024. She stated that she did not have the time to check every meeting that the commissioners had. Many did not feel confident that they were being told everything in an honest manner. They did not feel that it would cost \$90M to remodel the current jail. The state reported that Iron County was a Class 3 Rural County and was not projected to change that class until 2062. The state messed up and Iron County did not need to be the one paying for their mistake by taking their prisoners;

- Many did not trust the government on any level.

Commissioner Bleak reported that every concern that was brought up had been addressed and answered at the many meetings that had been held. Every meeting was available to listen to online at [www.ironcounty.net](http://www.ironcounty.net). Most of the meetings were held in the evenings to accommodate those who could not attend the morning meetings.

#### **REVIEW AND RATIFICATION OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND THE UTAH DEPARTMENT OF NATURAL RESOURCES (DNR) FOR PARKING AND TRAIL MAINTENANCE**

Sam Woodall, Iron County Deputy Attorney, explained that this agreement was drafted with the DNR and Parks and Recreation. It was a five-year agreement to use the Iron County Fairgrounds for parking equipment and office space for a computer. Sam reported that the MOU was subject to review annually. After the first 5-year term, a 6-month notice could be given if Iron County wanted to terminate the MOU early.

Marilyn Wood made a motion to approve the Ratification of MOU between Iron County and the Utah Department of Natural Resources for parking and trail maintenance as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL FOR EXTENSION OF A PROFESSIONAL SERVICE CONTRACT FOR WILDLIFE MITIGATION TECHNOLOGIES FOR MIKE WORTHEN**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that this was an extension of his current contract for the 2024 year. Reed Erickson, Iron County Planner, expressed his appreciation for Mike Worthen and how important the work was that he did for Iron County.

Paul Cozzens made a motion to approve the extension of the Professional Service Contract for Wildlife Mitigation Technologies as presented. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **ANNUAL IRON COUNTY BEE INSPECTOR REPORT FOR 2023**

Blaine Nay, Iron County Bee Inspector, explained that this report was in accordance with Title 4, Chapter 11 of the Utah State Code, Utah Bee Inspector Act. Under the Utah Bee Inspector Act, each county was required to have an inspector and required all beekeepers to be registered. The beekeepers' inspection process was to help beekeepers diagnose pest and disease problems in their hives. Blaine reported that he inspected 18 apiaries with a total of 67 colonies. If upon inspection, any diseased, and or, parasitized colonies were found, he would help the owner of the bees with treatment or have them destroy the colony. He noted that while he was inspecting the hives he was looking for parasites and the mite county had to be below 2% to keep the colony healthy. One dead colony had 57 mites in ½ cup of alcohol wash. Proper post-inspection sanitation was completed. Blaine reported that the mite problem could become a

problem and the beekeepers need to be aware of how to count the mites (which he trained them to do) and to keep on top of it.

**DISCUSSION AND POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY SCHOOL DISTRICT AND IRON COUNTY FOR EMERGENCY BUSING SERVICES**

George Colson, Iron County Emergency Management Manager, explained that he was concerned with the evacuation of large parts of Iron County in the event of an earthquake. Public transportation was not available in Iron County which was the reason to enter into a MOU with the Iron County School District. George reported that he prepared a MOU which had been approved by Sam Woodall and the Iron County School District. The MOU required Iron County to reimburse the School District for any damage to any of the school buses during an evacuation. George recommended approval of the MOU by the Iron County Commission.

Marilyn Wood made a motion to approve a MOU between the Iron County School District and Iron County for emergency busing services as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**2024 COOPERATIVE AGREEMENT BETWEEN UTAH STATE UNIVERSITY (USU) EXTENSION SERVICES AND IRON COUNTY**

Josh Martin, USU Extension-Iron County, explained that the annual cooperative agreement allowed USU to house an Extension Office in Iron County to provide services to the public for things related to agriculture. Josh reported that the USU Extension Office was fully staffed. Megan Johnston was hired to replace Kathy Riggs who recently retired.

Paul Cozzens made a motion to approve the 2024 Cooperative Agreement between Utah State University (USU) Extension Services and Iron County. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A GRAZING PERMIT AGREEMENT WITH BALLARD LAND AND CATTLE LIMITED COMPANY (APN: E-241-65)**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that the Grazing Permit Agreement was for 40 acres NW of Beryl Township. Iron County owned a gravel pit and Ballard leased School & Institutional Trust Lands Administration (SITLA) land surrounding the pit and with the approval of the agreement he would not be required to build a fence around it.

Marilyn Wood made a motion to approve a Grazing Permit Agreement with Ballard Land and Cattle Limited Company (APN: E-241-65). 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 Collin Shurtleff as a Full-Time Scale Operator Technician 1 in the Landfill Department, effective January 8<sup>th</sup>. This was a backfill of a vacant position; new hire Kevin Swensen as a Full-Time Appraiser/Data Analyst in the Assessor's Office, effective January 8<sup>th</sup>, new hire TBD as a Part-Time Parowan DMV Technician in the Assessor's Office, effective TBD. This was a backfill of a vacant position; new hire Adam Andresen as a Full-Time Corrections Deputy 1 in the Sheriff's Office – Corrections, effective January 7<sup>th</sup>. This was a backfill of a vacant position; the promotion of Christopher Caro from Deputy 1 to Deputy 2 in the Sheriff's Office – Corrections, effective January 21<sup>st</sup>; and new hire Cami Cox as a Part-Time Marketing/Administrative Assistant for the Iron County Fair Department, effective January.

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

**NON-DELEGATED ITEMS**

No Non-Delegated items were discussed.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: ~~Michael Bleak~~, Chair

*PAUL COZZENS PRO TEM*



Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
JANUARY 22, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 22, 2024  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Luke Little	County Auditor
Terry Palmer	County Building & Zoning
Richard Wilson	County Chief Engineer
Sam Woodall	County Deputy Attorney
Cherisha Lister	County Deputy Auditor
George Colson	County Emergency Management
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Carri Jeffries	County Recorder
Kenneth Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer

Others in Attendance:

Janelle Adams	Ben Anderson	Michael Bahr
Laura Barnowski	Kevin Bunnell	David Burton
Sherri Carlson	Serena Close	David Coates
John DiAntonio	Mrs. English	Bruce Ewen
Jay Grimshaw	Donn Jersey	Kathy Lamoreaux
Patrick Larson	Nate Moses	Mark Owens
Craig Parmley	Carolyn Ray	Jeff Richards
Cal Robinson	Lowry Snow	Amanda Stedt
David Steed	Tammy Steed	Diana Stiller
Patti Truax		

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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 Karsten Reed.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from January 8, 2024 to January 21, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Karsten Reed, Iron County Assessor**, gave an overview of the Department of Motor Vehicles (DMV). Initially, the DMV signed contracts with the smaller counties in Utah to have the county assessor operate the DMV, which covered the cost of the operation, and the state would reimburse the county. Karsten reported that the last negotiation of the reimbursement rates was 23-24 years ago. Since that time, the state had increased the rate by over 1000% while the counties had not seen any change. He noted that Iron County was reimbursed at a rate of around \$100K per year, but it costs around \$500K per year to operate. The original intent of the contract was to not have this as a huge burden to the counties. Karsten reported that Iron County was the last Class 3 County (population between 40K and 175K) where the assessor operated the DMV. Other counties had turned the DMV back to the state because it was no longer a benefit. He noted that Iron County, at some point, needed to decide what was reasonable and whether turning this over to the state was the best course for the taxpayers. The challenge for Iron County to renegotiate the contract was that all the counties were on the contract so every county had to come together to renegotiate the rates. He had contacted the other smaller counties to begin the process of renegotiation. There was no parity and the smaller counties were losing money to the state. Karsten noted that he had talked to the regional office and was planning to speak with Monty Robinson of the Utah State Tax Commission. He reported that Wayne County attempted to renegotiate the rates for 5 years with the State Tax Commission and no one listened. This would only work if all the counties were united. Karsten noted that a county-operated DMV operated 1000 times better than the state. The smaller counties were more efficient and provided person-to-person help. Many customers come from Washington County to the Iron County DMVs, but Iron County does not receive any money from Washington County for providing the services. Marilyn Wood asked if it would be a benefit to get the Utah Association of Counties (UAC) involved. Karsten replied that he had contacted UAC and requested their help. Paul Cozzens suggested that Karsten speak to our legislative representatives to possibly open a bill. Karsten reported that the Assessor’s Office had recently backfilled two positions. Nely Garcia

was hired to backfill Riley Carter's position and Kevin Swensen was hired to backfill an open assessor position. He noted that Kevin Swenson was previously a Dean at LDS Business College and taught Statistics and Regression Analysis. Kevin had an Appraisal License and also taught Broker classes for most of the Brokers in Iron County. Karsten reported that there was an additional requirement from the Utah State Tax Commission. The tax burden had shifted dramatically away from commercial/industrial properties towards residential properties. There was increasing clamor by taxpayers for property tax relief. He noted that the counties were working with the legislature on their audit of the assessor's offices to determine why this was happening. It was becoming clear that county offices need more commercial appraisal support. The legislature was trying to address this with legislation that might assist Assessor Offices with some additional budget, but the representative from the State Tax Commission had also suggested that Iron County in particular, be proactive and try to hire an additional commercial assessor. Karsten reported that Brian Hoffmeier, Iron County Commercial Appraiser, had the highest number of commercial properties per assessor in the state. Brian was swamped and was doing a great job. Karsten noted that there had been some structural changes in the office, but there was still a need for additional support to keep up. Karsten reported that an additional change that his office was facing budget-wise, was that because of the pressure from taxpayers, the Tax Commission was increasing the Educational Requirement for each assessor in the state. Because the state does not offer online or distance education, the staff was required to complete this training in Salt Lake City. Most courses were a week long and the additional hours were going to cost Iron County an additional \$15-\$20K in travel and training. He noted that as an assessor group, they were lobbying the State Tax Commission to begin providing some of this training online, but for this year and next year, the training would be live classes only.

**Carri Jeffries, Iron County Recorder**, reported that Total Documents recorded in 2023 was 12,619 which was down 26.47%. There were 55 Subdivision Plats, down from 64 in 2022, and 869 new accounts for 2023. The total Revenue was \$509,632.45 down from \$687,206.00 in 2022. Iron County currently had 53,817 property accounts. Carri noted that the Recorder's Office ended the 2023 year under budget at 93.53% spent. She reported that the Recorder's Office was currently working on two projects. One project had been ongoing for a few years and would continue to be ongoing. Carri explained that Iron County went on computer in 1983. Any documents recorded before 1983 had been scanned, but would need to be added to the Eagle System, one document at a time. The process for this was that you had to first create a document, scan the image, and type in all the information to be indexed, which allowed it to be searched online. She noted that all the documents were available in her office, but not online. Carri reported that the second project was having Kendal Allan, Iron County Geographic Information Systems (GIS) Coordinator, create a map for surveys (approximately 4000) and link those surveys to the parcels on a map. It was currently online for a Beta-test for people to observe and offer any feedback. There were currently 1,000 surveys on the map, with approximately 3,000 to go. Carri explained that the intent was to have a property owner search their property, see if there was a filed survey, view the image on the map, and see if there were surveys near them.

**Nicole Rosenberg, Iron County Treasurer**, reported on the end of the 2023 year. Product sales collected was \$72,038,696.06. Marilyn Wood asked what the Rail Car Payment was for. Nicole explained that it was a once-a-year payment for how many miles of track that went through Iron County. She reported that 2023 Funds Distribution to Iron County was only \$13,944,709.15 out of the \$72M collected. The Pooled Cash funds were doing well. Nicole reported that the Public Treasurers Investment Fund (PTIF) interest rate was 5.43% at her last report, and was currently at 5.47%. Interest collected was just under \$3M. Outstanding Property Taxes was \$9.836M. Nicole reported that Melanie Hall, Chief Deputy Treasurer, began working on the May Tax Sale last week. Presently, the list was at 99, with 14 of those being campsites (which would not be sold). With those 14 not on the sale, the number subject to sale was at 85, which was the lowest beginning number in memory. Nicole noted that she attributed that low number to Nichole Bess who goes above and beyond searching for other contacts if the tax notice was returned. Her office staff worked very hard to keep someone's property off the tax sale. Nicole explained that when people move, it was their responsibility to notify Iron County

with their most current address. Most assume that when they do a forwarding address with the post office, others would be notified of the change. She noted that this year there had been issues with the mail getting in on time. The Provo Distribution Center closed and the Iron County mail now went to Las Vegas. She did provide a note on the tax notices of the change and urged customers to mail their taxes in early, or encouraged them to pay e-check online. There were still issues with the postal system as some mail was returned with the correct address on the envelope, and her office had to pay postage to send it out again. Nicole reported that the Treasurer's Office ended 2023 under budget. She expressed her appreciation to her staff for working hard and that they were great to work with.

**Paul Cozzens, Iron County Commissioner**, reported that the legislative session had begun and he was tracking many of the bills. Paul encouraged citizens to watch how some of these bills would affect Iron County and their wallets. He noted that it was easy to watch and participate in the meetings with Zoom. Symbria Patterson, Red Acre Farms, held a Utah Farms & Food Conference. Representative Thomas Massie of Kentucky spoke and gave a great presentation. Paul reported that he attended the Behavioral Health Committee meeting last week. It was interesting to note that a gentleman gave a presentation on the success of the Parowan Prevention Coalition. These programs began with the DARE Program and were very effective. Commissioner Cozzens reported that Commissioner Taylor, Garfield County, reported that he had attended a National Conference and they highlighted Utah and 5 County with the results of reduced numbers of substance addiction of our youth. He would be attending a Cedar/Beaver Watershed Council at 2:00 p.m. today. Paul explained that the watershed councils were set up by the legislature throughout the state. They had been involved with the Tooele Watershed Council which dealt with the West Desert. The Cedar/Beaver Watershed Council would discuss water issues that affect the State of Utah.

**Marilyn Wood, Iron County Commissioner**, expressed her appreciation to Michael Bleak, Jon Whittaker, and Sheriff Carpenter for testifying in support of HB 113, sponsored by Representative Rex Shipp regarding the Jail Consumption Tax, which passed out of the House Revenue and Taxation committee unanimously. HB 113 now moved to the House of Representatives, then to the Senate. Marilyn noted that she also attended the Utah Farms & Food Conference and was able to visit with Thomas Massie. She reported that Mr. Massie invented a small scoreboard that he wore on his pocket that tracked the National Debt. When he entered an elevator with other Congressmen he would turn it on the brightest setting. Commissioner Wood reported that on January 16<sup>th</sup>, interviews were held for a new Weed Department Supervisor. Amber Hatch was offered the position and accepted. She had worked with the Utah Department of Agriculture & Food (UDAF) and had experience with grant writing. Marilyn noted that she attended the Weed Board meeting where they discussed White Top and Thistle and the importance of keeping them sprayed and under control.

**Michael Bleak, Iron County Commissioner**, reported that this was Transient Room Tax (TRT) and Restaurant Tax season. Michael explained that the taxes were collected from those who ate at local restaurants and stayed at local hotels and motels. The taxes went into programs to help tourism bring visitors to Iron County. Their grant presentations were held last week. He noted that he attended the Homebuilder's Association luncheon. Governor Cox was in attendance and installed Tyler Allred as the 2024 President of the Iron County Homebuilder's Association. Commissioner Bleak reported that he met with the Veterans of Southern Utah regarding the Veterans Center to be built in Iron County. They were not asking for funding from Iron County, they just wanted to keep Iron County informed of the progress. Last week Michael was able to attend the legislative session and testify to the House Revenue and Taxation committee regarding HB 113, which as previously reported, passed unanimously out of that committee. He was able to speak to other legislators for continued support of the bill. Commissioner Bleak reported that on Thursday, January 18<sup>th</sup>, there were reports of Carbon Monoxide (CO) exposure at Canyon View Middle School (CVMS). On Saturday, the Iron County Emergency Management became involved. A few students and faculty presented to the Cedar City Hospital and at the St. George Hospital for Hyperbaric Chamber therapy with Level 1 exposure. The facility was immediately closed and the Hazmat Team went in and inspected the

January 22, 2024

building. The Cedar City Fire Department, Emergency Management, and the Utah National Guard 85<sup>th</sup>, a premier hazmat team were brought in. Where others might not find anything, the Utah National Guard 85<sup>th</sup> could find what they could not. If there was a point of contamination the 85<sup>th</sup> would find it. He noted that the Iron County School District was doing a great job of keeping on top of this and CVMS would hold online classes on Monday and Tuesday, or when the school was cleared to return. Jeff Richards, Iron County Spectrum, reported that the 85<sup>th</sup> did find a generator as the point of contamination. Commissioner Bleak expressed his appreciation for a great response to this issue.

### **PUBLIC COMMENTS**

Patti Truax, resident of Kanarraville, stated that she wanted to state the fact that she was a resident of Kanarraville. She expressed her appreciation to Commissioner Bleak and Sheriff Carpenter for coming to the different entities to discuss the new Jail. Patti reported that she felt that the unincorporated residents of Kanarraville were not notified of any of meetings that had to do with Kanarraville. Unincorporated residents could not use the dumpster and she had paid municipal taxes for 15 years. There should not be a separation of incorporated and unincorporated Kanarraville. All residents of Kanarraville should be included with all issues that would affect Kanarraville because it would affect everyone, not just those listed in the town.

Mrs. English, a citizen of Iron County, reported that she was Autistic with Sensory Overload. All the heavy fragrances in the Courthouse building made it hard for her to attend the meeting, which was why she had to stand outside the commission chambers to speak. She felt discriminated against. The different smells in the commission room was overwhelming. Jon Whittaker, Iron County Clerk, noted that he noticed the strong fragrance in the building today. Iron County had hired a new cleaning company and whatever they sprayed was strong. He noted that he would visit with them about the issue. Mrs. English noted that body odor was better than perfume to her.

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

Kevin Bunnell, Division of Wildlife Resources (DWR) Regional Supervisor, noted that he was pleased to be here to present the Annual PILT payment to Iron County for \$2,505. Kevin expressed his appreciation for the great working relationship with Iron County. He reported that Commissioner Cozzens might have an email requesting an e-signature regarding the Utah Prairie Dog (UPD) Memorandum of Agreement (MOA). Kevin explained that the DWR had listed in their work plan to perform a Species Status Assessment, which was the first step towards a Delisting Proposal. The process of delisting the UPD might take five-plus years to complete, but this was the first step. The MOA needed to be signed by all participants before the process began. It had been signed by the Forest Service, and Bureau of Land Management (BLM), and was now before the counties. Kevin reported on the Watershed Restoration Initiative. He explained that this was a partnership with the state, counties, and federal agencies. There had been over 150K acres of watershed restoration throughout the State of Utah, with 10K of those acres being in Iron County. Jon Whittaker expressed his appreciation for all the work that had been done with the UPD. Kevin noted that Reed Erickson and Mike Worthen deserved as much of the credit for what had been done in Iron County.

### **DISCUSSION, AND POSSIBLE PERMISSION TO MINE LEAD SHOT FROM SHOT ZONE, WHICH IS LOCATED ON IRON COUNTY PROPERTY**

Douglas Hansen, Cedar City Trap Club, explained that the Trap Club had been in operation since 1978. There had been great cooperation with Iron County and Cedar City. Douglas reported that the shooting occurred on Cedar City property, but the Lead Shot landed on Iron County property. He noted that the trap club had mined the shot fall area two times previously, the last being in 2012. The trap club signed a contract with a contractor to remove the lead shot from the area, with the contractor taking 70% and the gun club getting 30% of the lead of the sales proceeds. The money from the sale of the lead was used to purchase new throwers

and upgrades to the facility. Douglas explained they would be mining 4" of topsoil off and run it through a trammel then sell it. There were approximately 36,000 pounds of lead on Iron County property. After they had mined the property they would level and seed the area.

Marilyn Wood made a motion to approve permission to mine Lead Shot from the Shot Zone located on Iron County property. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens. Aye; Marilyn Wood, Aye.

### **INTRODUCTION OF THE NEW ARTISTIC DIRECTOR FOR THE UTAH SHAKESPEARE FESTIVAL**

Michael Bahr, Executive Managing Director of the Utah Shakespeare Festival (USF), reported that there were three purposes for coming today. First, Michael expressed his appreciation for the support of the Iron County Commission. Second, that there was a change in leadership at the USF, and third, to report on the success of the USF. Michael Bahr introduced the new Artistic Director, John DiAntonio, and turned the time over to him.

John DiAntonio, Artistic Director USF, reported that he had moved to Iron County 3 months ago. John noted that he felt fortunate and honored to be here representing USF as the Artistic Director. He and his family moved from Creed, Colorado, and love Iron County. He explained that Creed, Colorado was a very remote city. For decades Silver Mining was the main economic driver there. When the silver mines closed in the 60s, the Junior Chamber of Commerce decided to turn the old movie house into a theater. They sent letters out to 20 Universities and only heard back from one, the University of Kansas (UK). UK came out and began a theatre. Fifty-eight years later, the Arts were the economic driver in Creed. John noted that he had ran the theater for years and learned the importance of the arts and live storytelling and that it took a village to make a show successful. He expressed his appreciation for the support from Iron County to the USF. The 2024 season included the following shows: In the Engelstad Shakespeare Theatre: Taming of the Shew, The Winter's Tale, and Henry the VIII (had not been shown since the mid 90's). In the Randall L. Jones Theatre: Much Ado About Nothing, and The 39 Steps. In the Eileen and Allen Anes Studio Theatre: Silent Sky, and The Mountaintop (the story of Martin Luther King JR's last day).

Donn Jersey, Director of Development and Communications USF, expressed his appreciation for the support of Iron County since its inception. Iron County was there for them during COVID, the TRT and Tourism, Recreation, Culture & Convention (TRCC) funds were like plasma to the USF. The USF was profoundly grateful. Don noted that USF tickets for local residents were 50% off. A person just needed to call on the day of the play and their ticket was 50% off or by-one-get-one (BOGO). Local attendance was up last year for the first time in five years. He expressed his appreciation to the commissioners for getting the word out to Iron County residents.

Michael Bleak expressed his appreciation for the Utah Shakespeare Festival (USF) organization. Many do not know all the work that happened behind the scenes. The TRT and Economic Development entwine with the USF. He noted that Donn was a nerd, which was very high praise. Donn does things statistically and mathematically. Commissioner Bleak noted that the Statistics and Analysis that Donn developed for the USG was being used by the Homebuilders Association, the Airport Board, and Economic Development. There was a great relationship with USF and it was a real pleasure to work with them.

Michael Bahr reported that he had just returned from Atlanta, Georgia where he attended the Shakespeare Theatre Association. There were 124 Shakespeare Companies in attendance. Fred Adams began the USF 35 years ago. This small county was now meeting with the premier group of Shakespeare Companies due to the foresight of Fred Adams, and Iron County was the largest company. Michael noted that, "Not all roads lead Rome. They lead to Iron County."

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED IRON COUNTY CODE AMENDMENTS – ORDINANCE 2024-1, WATER PRIORITY REQUIREMENT, SUBDIVISION PROCEDURES AND LAND USE, APPLICATION NOTICING REQUIREMENT UPDATES “TITLES 15, 16, & 17, IRON COUNTY CODE” IN COMPLIANCE WITH STATE CODE CHANGES-CONTINUED FROM THE PUBLIC HEARING AND COMMISSION MEETING HELD AT THE JANUARY 8, 2024**

Reed Erickson, Iron County Planner, explained that the ordinance covered 4 different topic items. Titles 15, 16, & 17 all deal with components of this ordinance. Two items in Title 15 were slightly different. Title 15 covered water issues that had been in discussion for the last few meetings. There were changes for individuals who sought a building permit. Modifications were made in 2022 to the water right date requirements. The second item in Title 15 was the addition of a Land Use Disturbance permit requirement. Reed reported that this addition was an opportunity to let everyone know what permits were needed before they began digging. Reed explained that Iron County did not have a prairie dog clearance requirement, but it was necessary before disturbing land. The fee for the permit was proposed to be \$35, which could be applied to any other permit that was needed. Title 16 was for subdivisions, which was being amended to comply with state code. The legislature now required counties to appoint an Administrative Land Use Authority, who would have the authority to approve single-family, two-family and townhome subdivisions. Title 16 also dealt with notification requirements. The legislature streamlined the process for notification requirements for public hearings and public meetings with land use approvals. Reed noted that besides the Class A and Class B notifications, Iron County had amended Class C, D, & E, which would now apply to all of the land use approvals. Title 17 was a provision for zoning code notifications that incorporate notification as well. Paul Cozzens expressed that he was concerned with the land disturbance permit. He noted that if he were going to dig a hole on his property to put up a fence he would not buy a land disturbance permit. This was a little overbearing and recommended that it be removed from the ordinance. Reed replied that as long as Paul made a call for a UPD clearance. Paul noted that he would not do that either because he could tell if there was a prairie dog on his property. Reed replied that there could be ramifications if there were no UPD clearance permit. Discussion continued on the prairie dog issue. Commissioner Bleak asked what was happening with water rights regarding the 50 years from the date of the issuance of a building permit. Reed read the condensed version of the changes, “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 one EDU-Equivalent Resident Unit- as determined and provided for by the Utah Division of Water Rights Office. A recorded document must accompany the evidence of water right(s) that states 1) the date of the water right(s) 1) the date of the water rights(s), 2) reference to the applicable groundwater management plan, and 3) that the property owner(s) acknowledge(s) the State Engineer intent to regulate said water right based on property dates, regardless of use.” Reed noted that this revision removed the 50-year requirement date. Marilyn Wood noted that there was a conflict with the basins and wondered if this would rectify that. Reed replied that the 50 years was not a conflict with the basins. He explained that the reason for using the 50 years was because, regardless of what basin it was in, the water right was not in jeopardy of being curtailed. Section 15 dealt with specific permits on existing lots or wells on existing lots. The language in Title 16 that dealt with subdivisions stayed the same on any existing lots. Reed Erickson further explained the 50-year water right. Paul Cozzens explained how the 2022 ordinance came about and why the amendment was created. He noted that one concern he had was for the second buyer of a property. It would be good to have a notice on the title to inform them about state water rights. This was becoming a large problem in Iron County. The more educated people were the better. Discussion continued on property value, recharge projects, notice being placed on deeds, and ground disturbance. Commissioner Wood reported that she read an article that said Maricopa County, Arizona had stopped the water on a new subdivision. The subdivision was getting its water from Scottsdale, and after the drought,



Scottsdale pulled the water rights. The Governor became involved so others were now paying for their water source. We do not want to be in that position. The Iron County Commissioners did not devalue people's property, the Groundwater Management Plan did. Paul Cozzens reported that Kent Jones, previous Water Engineer, stated that he had to be the bad guy because, by law, he had to go out and check the basins to make sure they were stable with water so Iron County would not run out of water. Mother Nature had put in 21K acre-feet of water in the Cedar Valley, but 28K acre-feet were being taken out. There were 50K acre-feet allocated. Paul noted that when he was on the Groundwater Management plan board, they pushed the curtailments back. This was the reason that Iron County had been working so hard on the recharge projects. Iron County recharged 1.8B gallons of water in 2023. Paul Cozzens noted that Kent Jones had stated that if Iron County could stabilize the aquifers they could readjust. The main crux of this argument was the state could cut off the water. The new water rights were impairing the older water rights. It was a property rights issue on both sides. Paul reported that his main concern was to have a notice filed with a deed at the time of a building permit that protected Iron County from future liability. Paul stated that he did want Title 15.02 Process ground disturbance, stricken from the ordinance, and was strongly opposed to it. Reed noted that it was under a different section that had already been adopted for prairie dog clearance. Under the 4-D rule under prairie dogs the only exemption for agriculture was they do not dig any deeper than 18". Jon Whittaker referred this agenda item to Sam Woodall, Iron County Attorney, because Jon had the understanding that this item was limited in scope based on the actions taken by the Iron County Planning Commission (ICPC). Sam replied yes and no. Reed explained that if the commissioners did not want to adopt Section 15.02 it could be removed. Chapter 15.02 was added as Exhibit A and could be stricken from the ordinance. Reed noted that it was recommended from the ICPC to be adopted as it was presented. Jon Whittaker asked if the notice given for this item was sufficient to do what Commissioner Cozzens was requesting. Reed replied yes and Titles 15, 16, and 17 were properly advertised prior to the meeting. Commissioner Bleak asked what the ramifications were of the UPD clearance from the state. Reed replied that anyone doing work on their land had to have a prairie dog clearance, as was the case before. There would need to be an attempt to educate everyone involved regarding the UPD clearance. Discussion continued regarding the UPD.

Paul Cozzens made a motion to remove Section 1, Chapter 15 Title 15.02. Commissioner Bleak noted that before a motion was made, he would like to open the meeting to public comments.

Richard Wilson, Iron County Chief Engineer, reported that section 15.02 also included a floodway. Meaning if a ground disturbance was going to affect a floodway. Richard explained that a floodway affected those around the area when a ground disturbance displaced water to another location. Marilyn asked if there was another clear avenue that had been used to prevent a floodway. Richard replied that there was not a clear avenue previously and people were allowed to go out and modify a floodway. The provisions included in the ordinance were to update the state and federal regulations.

Janelle Adams, a citizen of Iron County, was concerned that once the water plan was recorded, was there something available for a property owner to remove the notice from the record? From an underwriter's standpoint, would it always show up on a title search? Paul Cozzens replied that his understanding was if the notice showed that the property owner had a newer water right and then filed that they bought an older water right, all was good to go. Janelle noted that it should be a formal process in the amendment of what residents could do to make sure that it gets done. When a person was met with an underwriter challenge, there needed to be a way for them to overcome that challenge. Residents need to have an idea of how to move forward with the groundwater management plan.

Tammy Vogt, Equity Real Estate, noted that she was relieved about the new language in the ordinance. However, she still had some concerns with unintended consequences. What would this mean long-term and how was it going to be received? Tammy noted that the ordinance does not state that these were junior water rights, which might put Iron County in jeopardy down the road. It looked like this applied to any home that had water rights regardless of what the date



was. She wanted to verify that this notice would be applied to every home that gets built. Once the notice was on the title, how it would affect the value, lendability, and any title search in the future? Tammy reported that she appreciated that the new language was friendlier, but what does it mean? Paul Cozzens noted that the language in the ordinance points back to the State Water Rights. The ordinance clearly stated that the 1934 water right was safe. Tammy reported that water rights were free-floating real estate and they attach to a well and those could move about. There was a bit of a gray area in the future of people moving their water rights to older water rights. Commissioner Cozzens noted that we cannot control all variables moving forward. This was becoming a real issue in our basin and we could at least notify the buyer to be aware. Tammy noted that the notice does not deal with homes already built that have junior water rights or have any water rights that were under a water rights management plan. The goal was to notify homeowners that they were under a groundwater management plan. Once again, does this produce consequences for people down the road trying to sell property or land-owned property that we do not know about or understand? Does this address that there were many homes built with water rights that may, or may not be in jeopardy? Would a mandated disclosure for all real estate transactions do what the ordinance requires? Paul Cozzens noted that it was above his pay grade to tell realtors how to do their business. This document, moving forward, protected Iron County. If Iron County issued a building permit and the water rights were going to be curtailed and there was no notice, future owners might sue Iron County. Tammy noted that Iron County could require certain things happen with real estate transactions because the Iron County Recorders' Office records the transaction when there was a transfer of ownership. If there were a mandated disclosure for every transaction, whether you go through a realtor or not, it would be recorded on the deed. Iron County could have a document form for disclosure that was required to be signed. Paul Cozzens noted that the document would need to show up on a title search. Tammy noted that everyone does not read a title search.

Serena Close, Equity Real Estate, noted that she kept hearing that we could not do anything and that it was the state's problem. Yet, there were people who were being denied a building permit from the Iron County Commission. Paul Cozzens reported that it was being fixed in the ordinance, and no one would be denied a building permit.

Cal Robinson, Security Escrow Title, noted that a buyer does sign a policy that they acknowledge that they know the exceptions would be in their title policy. It is buyer beware.

Richard Wilson, Iron County Chief Engineer, reported that on Friday he was looking at water rights south of Cedar City. There were 17 homes that in 11 years the water rights would be curtailed.

Paul Cozzens stated that Section 15.02 was overbearing and most people do not know they have to have a permit to dig a hole in their backyard. Iron County was not going to enforce 15.02 because there was no money or manpower to enforce it. Richard Wilson noted that he understood what Paul was saying. Richard reported that sometimes just trying to keep compliant was a nightmare. That was why he was concerned with the floodway being taken out of the ordinance. This ordinance was being looked at by public safety and the accreditation with the Federal Emergency Management Agency (FEMA). It was not that they were trying to make things more difficult, it was a matter of maintaining compliance with FEMA. If Iron County loses FEMA accreditation, then citizens in unincorporated areas could not purchase insurance. Paul noted that Iron County has had some major catastrophes in the past and FEMA had never helped us out. He explained that FEMA had written the rules based on coastal areas, which were not reflective of the west. Marilyn Wood asked if something could be changed to keep the floodway. Richard replied that there could be. Marilyn noted that she would be willing to review the floodway.

Jay Grimshaw, resident of Iron County, noted that when the state came up with the groundwater management plan it contained many unintended consequences. He understood how the commissioners felt that it was not their responsibility to police what the state had put in place when it would be governed and controlled by the state. Every time a water issue came up it impacted him personally and those around him. With regard to the realtors, he felt it was incumbent upon the realtors to disclose to a potential buyer everything that was involved with a

property. Water could be bought and sold separately from the property. He could sell a senior water right and buy a junior water right and no one would know because it wasn't recorded. Some of these issues fall back on the person who was involved in the transaction to disclose everything to the buyer, and it was not the commissioners' responsibility. Jay noted that his concern was to get this resolved.

Carri Jeffries, Iron County Recorder, explained that the commission could not require a disclosure on all transactions. She was an elected official and her office was governed by state code, so any changes would have to go through legislation. If this would be required to be recorded to obtain a permit, what stops that person from coming in next and releasing it, whether they had a good water right or not. Then it would no longer show up on the title report. There might be many that come in and release it just to get a building permit. The notice and release would be there stating that it was not good anymore. She reported that once something was recorded it was always there, but they could come in and record a release that said their water was fine. Jon Whittaker noted that the state regulates water not a county.

David Burton, Parowan City Council, noted that Parowan City had to address this issue a couple of years ago. Public officials had a responsibility to the citizens to make sure their interests were protected. David reported that the Parowan Groundwater Plan was proposed and he did not know where it would end up, and that was the reason to push the recharge project. Parowan's proposed plan had approximately 1200 acre feet of underground water, which 1000 acre feet was junior water rights. The City Council had a responsibility to its existing citizens. Parowan City passed an ordinance stating that any new lot created, or new annexation, would require them to bring water. A date was set at December 31, 1949 to protect the citizens that reside in Parowan at this time. Parowan did not have a choice but to adopt a groundwater management plan. He hoped to be able to work with the state with the underground water recharge plans. David noted that the city council also had been criticized for setting the date and manipulating the water market. But it comes to a point that we need to realize that these were state-mandated. The State of Utah owned the water. We do have appropriate water rights. He noted that Iron County had to do something and hoped people understood that water was a limited resource. Marilyn Wood expressed her appreciation for David Burton for attending the commission meetings and appreciated David explaining their plan. Paul Cozzens noted that Iron County was not requiring a date, but only getting the public informed, and to beware.

Cal Robinson noted that the commissioners should figure out a form like a re-conveyance to the trustee for release of the proposed notice. If it is released, it should be released with either an older water right or attached to the CICWCD. Sam Woodall reported that more discussion would have to be taken before that could be considered. Cal asked if something could be added to the bottom of the ordinance about what could be done if the water rights were released. Sam replied that it could.

Mrs. English noted that the language being used was overwhelming. She asked what the concern was with groundwater and if this was the purpose of this ordinance? Marilyn Wood replied that it was. Mrs. English asked how we replenish groundwater. Paul Cozzens explained the recharge projects in Iron County and how they worked. Mrs. English asked how developers that were building all these new areas obtained building permits. Marilyn Wood replied that they have the 1934 water that comes with the property. Commissioner Cozzens reported that the State of Utah had set the date of 1934 as safe. Mrs. English said, so people with money were coming in and buying all the old water rights. Marilyn Wood reported that the water could have been on the property they bought. Mrs. English noted that 200 acres was in the middle of farm land and if someone wanted to develop that land, as long as they had the 1934 water right they could build on the land. Paul Cozzens replied that that was correct because it was a property right and the water right was 1934 or older. Mrs. English asked wouldn't the Planning Commission have more control, authority, and vision to conserve water than blatantly allowing anyone to build where ever they want. She noted that she had lived in Cedar City for 57 years and lived on property that had been in her family for 53 years, and her future was being curtailed. Paul Cozzens explained that if a farmer had been farming his land for most of his life and had an old water right, and he decided he was too old to farm and no one in the family wanted to take over, the farmer had

every right to develop his land. Commissioner Wood explained that she attended the Planning Commission meetings on the first Thursday of every month. Mrs. English asked if there was any type of population or growth limit. Anyone can move here and buy whatever they want and build whatever they want. Marilyn Wood replied that they could if they had property rights and water rights. It was personal property rights that our nation was founded on. Mrs. English stated that this nation was founded on biblical principles. People fled England and came to America for religious freedom. She noted that water was not property.

Carolyn Ray, a citizen of Iron County, reported that she was a realtor and was a member of the Parowan City Water Board. Carolyn noted that her questions were directed to Reed Erickson. If this document was inapplicable because of the subject property, was there a non-applicable and was it still recorded or would it not be used. For instance, if it was in a basin that did not have a management plan adopted, this would not be required. Reed replied that it would not. If a person builds with their water rights then later become part of the CICWCD, it could then be released. Paul Cozzens replied that to get hooked on to the CICWCD you need to give the water rights to them. Carolyn asked if, moving forward, would every building permit have this, or only when it was applicable. Marilyn Wood replied that was correct. Carolyn reported that she represents clients that were in the Sevier River aquifer basin that was located in Iron County, so those people would be inapplicable at this point.

David Burton noted that he wanted to clarify that there were different water basins. Cedar City had their basin with a different priority date, along with Parowan, Milford, and Beryl all having different priority dates. David explained that Parowan used the December 31, 1949 because of the water potential mandate by the state.

Marilyn Woods asked Reed Erickson if the commission could pass this Ordinance, then add the notification later. Reed replied that they could because the notification language was not part of the ordinance. It was just a tool used to implement the requirements of the ordinance.

Jon Whittaker, Iron County Clerk, noted that he was not speaking on behalf of the county. Jon stated that spoke with many different people, but we were missing the point. He felt strongly that the regulating agency should be body that gave notice, which was not the Iron County Commission. Jon reported that the wells in the Cedar Valley go down 2 to 3 feet per year. The good Lord only gave so much water to Iron County. We cannot, nor should, not be a regulator for the state. It was a challenge because we were trying to use our regulatory tools to regulate something that was better regulated by the body that would eventually have to curtail those when we run out of water because we were not slowing it down much. Last year was a phenomenal year with over a billion gallons of water put into recharge basins. The last time there was any substantial improvement to the charts was in 1984-1986. He noted that where there was a new diversion, there was a notice from the state that you were in a critical groundwater plan area and the water rights might be called. This notice was not on the notice of transfer that every new water right recipient had. Jon reported that there were two paragraphs on the new diversion document you received from the state water engineer that speak to the groundwater management plan, critical management area, that your rights might be curtailed, and the date of your water. This should be included on the notice of transcript that might not be a new diversion. There was a potential of more problems. The recorder had warned us about challenges. A recording was forever and we need to figure out the release. This should be handled by the State Water Engineer. Iron County should only ask, "Do you have sufficient water?"

Paul Cozzens noted that he did not feel this document was regulating anything, but only a warning to check on your water rights. His goal was to 1) Protect Iron County from law suits, and 2) protect our children down the road.

Terry Palmer, Iron County Planning/Building & Zoning Administrator, reported that Iron County was not regulating water, but only giving notice of water. The state had adopted the building codes and tells us we have to have water in our homes. Notice had to be given that there was water in a house for a house to be lived in, under state law, not county. There has to be a notice of a groundwater plan. The State of Utah had created that plan, and Iron County had been given notice of the state plan. Terry expressed his appreciation to the commission for handling all they had been beat up over. His wife mentioned that last night on Facebook it was stated that

the Building & Zoning Department had done this. This was untrue. They were only giving notice that they need water in their house. There was a Groundwater Management Plan in place. Follow it. Not every lot would have this recorded. He explained that subdivisions that had 1934 water rights or those connected to the CICWCD would not require a notice to be recorded, only homes outside of the subdivisions. The building department would only issue a building permit that had good water to the home.

Marilyn Wood expressed that this had been great to get the word out to our citizens. Transparency was always better. She was still concerned about subsequent owners of lots that do not know about this. The State should make them aware.

Nathan Moses, State Water Rights, reported that the state had no desire to shut off anyone's water. It would be a tremendously hard thing to do. This was a State law and they were only administering it. Nathan clarified that notices were not sent out of the local office. The State Office did send water notices to all the water right holders in the basin and the notice was published in the paper. When, and if, a curtailment happened, a notice would be sent out. It was a little early to be sending notices out at this point. Nathan reported that what they were seeing in the wells was alarming and any effort that could be done to help was great. The recharge projects were front-loaded to keep from having to curtail the rights. He noted that there was no plan to send notices at this time. Marilyn Wood noted that property owners should look to see their water right date. Nathan replied that any time someone came into their office that was information that they would leave with.

Paul Cozzens reported that another section he was concerned about was having public hearings. The state had said if the wording was "you shall" approve this request, then a public hearing was not required. He noted that he knew several entities that were following state law to a "t" because they felt that holding a public hearing just gave false hope. Paul read a statement from the State Ombudsman, "State law does not require a public hearing when considering a Conditional Use Permit (CUP) decision. Nevertheless, local jurisdictions can choose to require them. Consider, however doing so presents some problems. The public often misunderstands the law and expects the Land Use Authority (LAU) to deny the application based on public clamor. In a public hearing the LAU may consider factual information presented by the public, supported by evidence or expert opinion, but may not base a decision on the popularity of a use, or the applicant attacks information not supported by evidence or expert opinion or on emotional appeals." Paul noted that he does see the benefit of holding a public hearing to look at a CUP, but this statement talks about how dangerous it could be. Reed Erickson reported that in Iron County Code 17.28.050 – Findings and Conditions for a CUP, it reads, "The planning commission shall grant a conditional use permit in compliance if, ...from the application and the facts presented at the public hearing, it finds the proposed use would be unduly detrimental or injurious to property or improvements in the vicinity. The proposed use was located and not conducted in compliance with the general, or it was too impactful." This was important because Section B says, "in approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the general plan and land management code, (followed by the 10 types of conditions that could be put in to mitigate an impact that could be detrimental)." Reed explained that without the review process and input, there was no way to determine that unless you simplify the CUP conditions. Paul Cozzens noted that the planning commission had been good about approving CUPs when they met all the requirements. Reed noted that there had been CUPs denied because they would be detrimental. He reported that Iron County's zoning structure was set up to allow many usages in a zone, more than what most ordinances did, and there were more zones.

Paul Cozzens made a motion to approve the Iron County Code Amendments-Ordinance 2024-1, Water Priority requirement, Subdivision Procedures and Land Use, Application Noticing requirement updates "Title 16, & 17 Iron County Code" in compliance with State Code changes, and to strike Title 15.02 from the ordinance, as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul expressed his appreciation to everyone involved in this process.

## IRON COUNTY ORDINANCE 2024-1

AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS, PROVIDING FOR AMENDMENTS TO TITLES 15, 16 & 17 – BUILDING & CONSTRUCTION, SUBDIVISIONS AND ZONING, RELATED PRIMARILY WATER RIGHTS, DEVELOPMENT NOTIFICATION REQUIREMENTS AND SUBDIVISION APPLICATION PROCESSING; AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, the 2023 Utah Legislature adopted SB174 and SB43 that required modifications to the Iron County Land Use Ordinances regarding subdivision application processing and approvals and legal public notification requirements for land use application and decisions; and

**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 Board of Iron County Commissioners has determined that in order to best protect property rights, to provide for prudent review and approval of subdivision applications, and clarify the regulations associated with subdivision applications seeking approval by the administrative land use authority of the County, 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 land management code 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 Subdivision and Zoning Ordinances.

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

**SECTION 1.** Within Title 15 – Building and Construction, Sections of the Iron County Code, shall be, and hereby are, added, amended, and revised, to read as identified in EXHIBIT A, hereto attached.

**SECTION 2.** Within Title 16 – Subdivisions, Zoning, Sections of the Iron County Code, shall be, and hereby are, added, amended, and revised, to read as identified in EXHIBIT B, hereto attached.

**SECTION 3.** Within Title 17 – Zoning, Zoning, Sections of the Iron County Code, shall be, and hereby are, added, amended, and revised, to read as identified in EXHIBIT C, hereto attached.

**SECTION 4. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and are hereby added with the express intent to clarify the process and procedure for review and approval of various land management codes. To comply and align with recent changes in the Utah Land Use Development and Management Act and for the greater public good, there should be established appropriate updates in the land management code of Iron County, as recommended by the Iron County Planning Commission and determined by the Iron County Commission, and in accordance with Utah State law and Iron County ordinances.

**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.

BOARD OF COUNTY COMMISSIONERS IRON  
COUNTY, UTAH



Michael Bleak, Chair

*PAUL COZZENS PRO TEM*

ATTEST



Jonathan T. Whittaker, County Clerk



VOTING:

Michael Bleak: Aye

Paul Cozzens: Aye

Marilyn Wood: Aye

**EXHIBIT A**

SECTION 1. Within **Section 15.06.030 - Water, sewage, road, and geologic conditions requirements**, of the Iron County Code, Chapters and Sections shall be, and hereby are, added, amended and revised 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.
- B. 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.
- C. 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 one EDU (Equivalent Residential Unit) as determined and provided for by the Utah Division of Water Rights Office. A recorded document must accompany the evidence of water right(s) that states 1) the date of the water right(s), 2) reference 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.
  - 2.

**Remainder of Section to remain in effect.**



**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2021-1. PROPOSING THE CREATION OF NEW HARMONY RANCH SPECIAL SERVICE DISTRICT (SSD), APPROXIMATELY 482.86 ACRES LOCATED WITHIN SECTION 17 & 18, T38S, R12W, SLB&M, IRON COUNTY, UTAH (APNs: E-409-4, E-409-10, AND E-0409-11)**  
**Applicant: New Harmony Ranch, LLC**

Reed Erickson, Iron County Planner, explained that this item was a proposed creation of the New Harmony Ranch Special Service District (SSD), which was a requirement of the Land Use regulation for the consideration of a Tier 3 development. There was an application before the Iron County Planning Commission (ICPC) for the February agenda. This was a planned development on 482.86 acres. Located along Hwy 144 on the Washington County line and New Harmony just south of Kanarraville. It was proposing the development of property and usage on the property. There was residential on the planned development, also commercial development, and a hotel. Reed noted that this was a unique opportunity in Iron County that normally does not exist here. Part of the creation of a Tier 3 area was a planned area or new urban development. Reed explained that in this case they were calling it a "Village." Under code if it was under 1,000 units and more than 320 acres it would be called a Village, in order to be approved with this type of density. There would be 547 dwelling units on 482 acres with approximately 40K square feet of commercial space and a hotel (80 rooms), 150 acres of open space for barns, stables, paths, ponds, recreational amenities, etc. This type of development was not allowed without central services. There was an agreement with CICWCD to provide water to the subdivision. Reed reported that this type of development required three things: 1) a development agreement, which was a contract between Iron County and the developers that would outline the structure of the development, 2) a tier change from tier 4 to 3, which would allow this type of master plan community, and 3) a zoning restructure of a Specially Planned Area (SPA) zone. He noted that the application thus far was well done, which the ICPC was reviewing, and would have discussions at the ICPC meeting in February. These three requirements would be presented to the Iron County commissioners for approval of the master plan. The proposal also included mixed housing units (estate lots, medium to low-density lots & townhouses). The developers were required, by law, to prepare and create their own Special Service District (SSD). Reed reported that this agenda item intended to create the SSD in accordance with the Act. The Iron County Commission would give notice that there would be a public hearing on the proposed creation of the SSD on Monday, March 11 at 10:00 a.m. at the Iron County Commission Chambers, located at 68 S 100 E, Parowan, Utah. He noted that this SSD for the sewer was being proposed for this geographic area so they could own and operate a sewer system that was regulated by the State of Utah. They would need a certified operator, etc. Reed visited with the District Engineer, Paul Wright, regarding this project. This would be a several-month process to create the district. Iron County could approve the tier change, the zone change, and the development agreement without the creation of the district. He noted that the ICPC would not accept an application for the subdivision until they took care of the sewer. Paul Cozzens asked about the sewer plan. Reed replied that it would come with the Department of Environmental Quality's (DEQ) approval of the system under state regulations. Iron County does not regulate it. Today, the commission was only considering the resolution. Marilyn Wood asked if the developer was pushing for tax increments. Reed replied that the development agreement had language in it that they could create a Public Infrastructure District (PID) as part of their finance package, which was not discussed or proposed as of yet.

Mark Owens, project member, reported that there were 3 sewage systems they were looking at and he would not consider them portable. They were Orenco, EZ Treat, and Aquatech. All three were proven treatment facilities and would be a permanent structure.

Michael Bleak opened the meeting for comments.

Laurie Barnowski, resident of New Harmony in Washington County, noted that the SSD was very broad and you could do anything you want with it. From what she understood it was strictly for sewer. Reed replied that that was the proposal, but it would be determined later. Laurie had concerns with a sewer treatment facility up against the road. She was not happy that the treatment facility would be located on the road that she traveled on every day. Laurie noted



that at her previous residence, she had to hold her nose when she passed an adjacent sewer treatment plant because of the smell. There was one way in and out of area, which was Hwy 144. She was also concerned that when a SSD was created it could be limited to the sewer, but one could amend it and change it any time. It could change because it was an administrative decision, separate from the Iron County Commission. Ms. Barnowski had many concerns with the complex. She was just beginning to understand what was going on and the commission would be hearing from many more residents. An SSD could do anything but jail people. Commissioner Cozzens asked Laurie for some examples. Laurie replied that they could annex, could take tax, they could change the layout, or whatever they want. The plan says there would be single family homes on 0.6 of an acre minimum and one story. This could change down the road to add 2 or 4 story homes or change the acreage. She noted that an SSD was concerning unless it was done in the correct manner. Laurie closed by noting that the treatment complex had not been approved for a zone change, as it was presently agriculture zoned. February 1<sup>st</sup> was the meeting for zoning, and there would be more talking about their concerns.

Michael Bleak reported that this was just the first preliminary step and was not to establish an SSD. Laurie reported that she read that to create a SSD one requirement was that there must be a public health reason. Please specify the meaning of this when moving forward with the project.

Diana Stiller, a resident of New Harmony, reported that she had been working to collect evidence for about 10 months since she found out about this project by accident. She talked with someone who said they drive a long way to find peace in the New Harmony Valley. People have this assumption that a lot goes on behind the scenes in government because it does. Diana was concerned that this meeting was being held before any of the rest had been done and was telling her that this was a done deal. She did not know how to combat this. From her perspective, she was surprised to see this on the agenda before a zone change had been approved. Public hearings were the only place citizens could be heard. Paul Cozzens noted that he respected her concerns. There were property rights in America and if the owner followed the requirements they had the right to do what they wanted on it.

Craig Parmley, resident of New Harmony, noted that Commissioner Wood mentioned things being built incrementally. The proposed service district had a hotel, a market, treatment facility, etc., but what was going to be built first? Most developments had to wait until a certain amount of lots were sold before anything else was built. Was there a provision for this? His second concern was the access to the freeway. That portion of Hwy 144 was in Washington County. Jon Whittaker noted that the county line was split down the middle of the road. There were agreements in place for Washington County to maintain the road. Craig said that to build structures you need ingress and egress, and you would have to encroach on Washington County. Washington County would need to approve any traffic changes that were made. The New Harmony Valley Master Plan belonged to Washington County. It mentioned that before any considerable development happened in the valley UDOT had to review the effect on the exit 42 interchange. He asked if UDOT or Washington County had been contacted for this project. This Village would increase traffic significantly and what would be the impact?

Mark Owens reported that on SR-9 there was a Marriott Motel east of Virgin, Utah and there was an alternative treatment facility. There had not been any odor complaints. There was also a new truck stop being constructed on the west side of Beaver Dam, Arizona that had an alternative treatment system. Most systems that have an odor were sewer lagoons. Regarding the concern with the height of the structures. The topography slopes to the SE corner and there would not be any 4-story structures, only one story. Everything that they had proposed complied with the Iron County Code, and they were not asking for any exceptions under the Land Use Agreement. Regarding the concern that this was a done deal. He had never met or talked with any of the commissioners before today and it was not a done deal.

Craig Parmley reported that ever since the residents had found out about this project fliers were going around and it had blown up on Facebook, and many contained misinformation.

Mark Owens gave his word that this was not a done deal. He had only spoken with Reed Erickson to make sure that they were following the Iron County Code. Mark noted that Reed had

a very difficult job and only had the best interests of Iron County in mind. Mr. Owens reported that he wanted to create a community that fits in with the harmony of the area. He lived in Pine Valley and was sensitive to small communities and change. This project was so preliminary in the approval process and nothing could be done unless and until they got the approvals.

Craig Parmley was concerned that Mr. Owens's vision for the valley was not the same as those living there. Mark Owens reported that this Village would not have a desert color atmosphere. It might be higher density than residents would like to see, but he believed that Iron County, as well as Washington County, had a requirement from the State of Utah for affordable housing percentages. They were trying to accommodate different levels of people. There had been an outreach to the community to work together. He noted that Commissioner Cozzens example earlier of an 80-year-old man that could no longer farm his land and no one in his family wanted to take it over, so he made other plans. He said that this was the situation of this property. The property owner had been approached to turn the area into a solar farm, and asked Mark not to do that. Mr. Owens made a commitment to this gentleman and planned to abide by that commitment. In regards to the ingress and egress they were aware of it and proper access would be included in the plans.

Laurie Barnowski noted that the number of those who live off exit 42 was approximately 300. With the average of traffic that used the road every day it came to 30K – 40K events on the road every year. There was 500 homes on the plan and if you add 2 cars per home the traffic influx would be between 300K and 500K events. Another concern was if there was an incident and they had to evacuate there would only be one way out. The residents want to be heard on any large issues.

Marilyn Wood made a motion to approve Resolution 2024-1 proposing the creation of New Harmony Ranch Special Service District (SSD) as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2024-1

## A RESOLUTION PROPOSING THE CREATION OF NEW HARMONY RANCH SPECIAL SERVICE DISTRICT; AND OTHER RELATED MATTERS

**Whereas**, the Iron County Commission has determined that the public health, convenience, and necessity require the establishment of a special service district to be named New Harmony Ranch Special Service District (“District”) to provide sewer and transportation services within the boundary of the District, pursuant to the provisions of Article XI, Section 8 of the Utah Constitution and Utah Code Annotated § 17D-1-201, *et seq.* (1953, as amended) (the “Act”); and

**Whereas**, all of the property and the citizens within the proposed boundary of the District will be benefited by the establishment of the District to provide sewer and transportation services.

**Now, Therefore**, at a regular meeting of the legislative body of Iron County, Utah, duly called, noticed, and held on January 22, 2024, upon motion duly made and seconded, it is unanimously resolved that:

**Section 1.** The public health, convenience, and necessity require the establishment of a special service district to provide sewer and transportation services to the property and the citizens within the proposed boundary of the District. The District boundaries are particularly described in Exhibit A and are shown in the map that is attached as Exhibit B.

**Section 2.** The name of the special service district shall be New Harmony Ranch Special Service District.

**Section 3.** The services to be provided by the District are sewer and transportation services.

**Section 4.** Iron County intends to create the District in accordance with the Act. The Iron County Commission will hold a public hearing on the proposed creation of the District on Monday, **March 11, 2024, at 10:00 a.m.**, at the Iron County Commission Chambers, located at 68 South 100 East, Parowan, Utah.

**Section 5.** The County will prepare and publish the notice of the County’s adoption of this Resolution and of the aforementioned public hearing thereon, in accordance with the terms of the Act.

VOTED UPON AND PASSED BY THE IRON COUNTY COMMISSION AT A REGULAR MEETING OF THE IRON COUNTY COMMISSION HELD ON JANUARY 22, 2024.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH



Michael P. Bleak, Chair

PAUL COZZENS Pro tem

ATTEST:



Jonathan T. Whittaker, Iron County Clerk



Michael P. Bleak	Aye
Paul Cozzens	Aye
Marilyn Wood	Aye

**Exhibit "A"**

**Legal Description of New Harmony Ranch Special Service District Parcels**

Includes Tax I.D. No. E-0409-0001-0412, E-0409-0004-0000, E-0409-0010-00, E-0409-0004-0000, E-0409-0010-0000, and E-0409-0011-0000

**Parcel 1:**

Beginning at the Northwest Corner of Section 17, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence North 89°51'16" East along the Section line 1390.30 feet; thence South 2°24'17" East 2657.85 feet; thence South 17.04 feet; thence North 89°45'57" West 1454.46 feet; thence South 0°02'15" West along the Section line 2625.10 feet; thence North 89°15'12" West along the Northerly line of the New Harmony Highway 2652.98 feet; thence North 0°01'01" East along the Quarter Section line 2640.25 feet; thence North 0°00'41" East along the Quarter Section line 1329.88 feet; thence North 0°00'52" East along the Quarter Section line 665.03 feet; thence South 88°57'54" East along the 1/64 Section line 2618.19 feet; thence North 1°01'19" West along the Section line 665.83 feet to the point of beginning.

**Parcel 2:**

Beginning at the Center Quarter Corner of Section 18, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence South 0°01'01" West along the Quarter Section line 2640.25 feet to the Northerly Right-of-Way line of the New Harmony Highway; thence North 89°15'12" West along said Right-of-Way line 277.96 feet; thence North 0°04'44" East 2641.81 feet to the Quarter Section line; thence South 88°55'17" East 275.13 feet to the point of beginning.

**Parcel 3:**

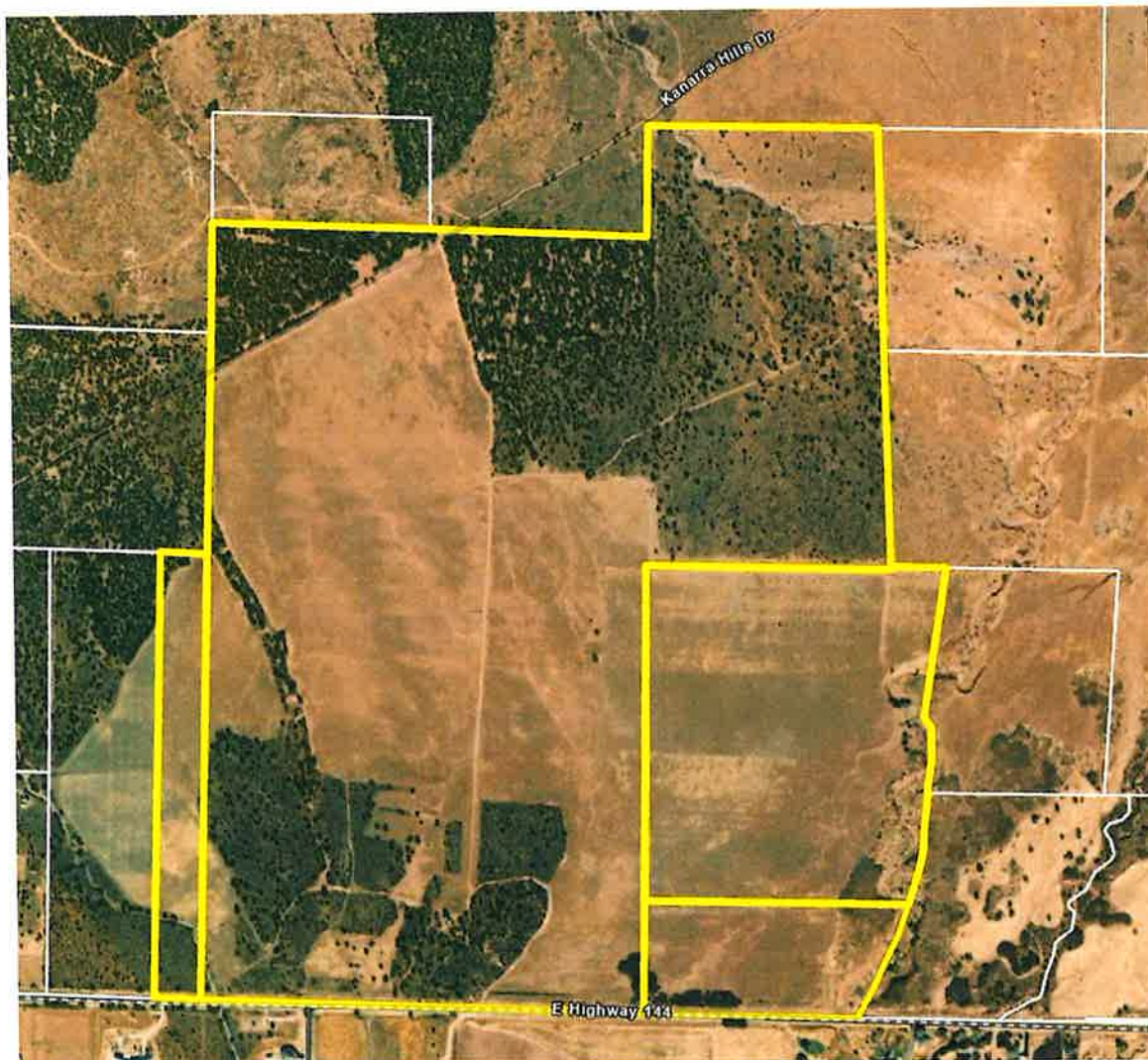
Beginning North 0°02'15" East along the Section line 671.11 feet from the Southwest Corner of Section 17, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence North 0°02'15" East along the Section line 2013.10 feet; thence South 89°45'57" East 1454.46 feet; thence North 17.04 feet; thence North 89°42'33" East 299.94 feet; thence South 7°39'20" West 907.51 feet; thence South 38°54'57" East 64.47 feet; thence South 2°10'39" East 209.59 feet; thence South 8°12'20" West 104.73 feet; thence South 4°33'38" West 99.17 feet; thence South 4°24'31" West 247.70 feet; thence South 4°35'22" West 34.98 feet; thence South 1°28'31" East 40.04 feet; thence South 8°50'36" West 118.41 feet; thence South 16°29'36" West 37.63 feet; thence South 17°27'31" West 192.98 feet; thence South 17°39'06" West 5.40 feet; thence West 1551.20 feet to the point of beginning.

**Parcel 4:**

Beginning at a point on the Northerly line of the New Harmony Highway which is situated North 0°02'15" East along the Section line 59.11 feet from the Southwest Corner of Section 17, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence North 0°02'15" East along the Section line 612.00 feet; thence East 1551.20 feet; thence along an existing fence line as follows: South 17°39'06" West 210.61 feet; thence South 18°32'28" West 34.09 feet; thence South 25°42'31" West 169.39 feet; thence South 20°06'48" West 30.74 feet; thence South 26°08'10" West 199.81 feet; thence South 25°45'27" West 38.01 feet; thence North 89°16'58" West along the Northerly Right-of-Way line of the New Harmony Highway 1288.41 feet to the point of beginning.



**Exhibit "B"**  
Map of New Harmony Ranch SSD  
Included Parcels



Parcels #E-0409-0001-0412, E-0409-0004-0000, E-0409-0010-0000, and E-0409-0011-0000, New Harmony, UT

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

Michael Bleak, Iron County Commission Chair, declared the adjournment of the Iron County Commission and the convening of the Iron County Board of Equalization (BOE).

**DISCUSSION AND POSSIBLE APPROVAL OF ABATEMENT ADJUSTMENTS FOR ELDERLY, LOW-INCOME, INDIGENT, BLIND AND VETERANS**

Cherisha Lister, Iron County Deputy Auditor, explained that one veteran was missed on the last abatements report. His application had previously been approved. The total Veteran Abatement would increase by \$823.53.

Paul Cozzens made a motion to approve the Veteran abatement increase by \$823.53. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Greg Myers as a Full-Time Landfill Technician 1 for the Landfill Department, effective February 5<sup>th</sup>. This was a backfill of a vacant position; new hire of Nicole Hudson as a Full-Time Judicial Assistant for the Justice Court, effective February 5<sup>th</sup>. This was a backfill of a vacant position; new hire of Sharon Garrison as a Seasonal Iron County Fair Assistant, effective April 1<sup>st</sup>. This was a backfill of a vacant position.

Marilyn Wood 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**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Attest: Jonathan T. Whittaker, County Clerk

  
Signed: Michael P. Bleak, Chair  
*Paul Cozzens Pro tem*



**IRON COUNTY COMMISSION MEETING  
FEBRUARY 12, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 12, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Chad Dotson	County Attorney
Lucas Little	County Auditor
Terry Palmer	County Building & Zoning
Richard Wilson	County Chief Engineer
Wendy Jessen	County CJC
George Colson	County Emergency Management
Wade Adams	County Fleet
Jennifer Bradbury	County HR Director
Lori Eichelberger	County Justice Court
Bruce Anderson	County Public Works
Ken Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer
Paul Monroe	CICWCD
Jaden Thomas	County Victim Advocate

Others in Attendance:

J. Royce Barton	Jason Bradshaw	David Burton
Rob Dotson	Mollie Halterman	Dan Jessen
Sue Olsen	Terry Olsen	Jeff Richards
Julie Sanders	Joe Wangler	Carter Wilkey

**SYNOPSIS**

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APPROVAL OF MINUTES .....	2
DEPARTMENTAL REPORTS.....	2
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PAROWAN VALLEY WATER RECHARGE PROJECT .....9  
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PUBLIC COMMENTS ..... 7  
PUBLIC HEARING, FEASIBILITY STUDY IRON COUNTY FIRE DISTRICT .....6  
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**INVOCATION**

An invocation was offered by Chad Dotson.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the Pledge of Allegiance by Wendy Jessen.

Marilyn Wood excused Commissioner Michael Bleak from today’s commission meeting and made a motion to appoint Commissioner Paul Cozzens as Commission Chair Pro-tem. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meetings held January 8, 2023 and January 22, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve Claims for Payment from January 22, 2024 to February 11, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Chad Dotson, Iron County Attorney**, gave a summary of 2023. Chad reported that there were 1,656 Criminal cases referred for prosecution in 2023 which was a 21% increase from 2022. 5 jury trial. Successful. He noted that backlog cases as a result of COVID were caught up. Chad highlighted three recent cases: Robert Garcia was sentenced to 3 years to life for an attempted rape that occurred at the 2021 Landslide Festival in Iron County. Steven Baggs was extradited from Japan and was sentenced to serve two 1-15 year sentences followed by two 0-5 year sentences. Each sentence would run consecutive to one another. Additionally, he was sentenced to two 364 day sentences as well as two 180 day sentences which would run consecutive to each other and to the other sentences. It would be up to the Board of Pardons to determine how long he would serve. He was convicted of charges that stem from Baggs threatening several members in the community including SUU faculty staff and student body, police officers, prosecutors, and his own family members. Much of Mr. Baggs threats were too vile and abhorrent to share. Mr. Dotson noted that the Iron County Attorney’s Office believed the appropriate sentence was issued in this matter. They also echoed Judge Bell’s caution to the Board of Pardons when considering Mr. Baggs for release as he presents a serious public safety concern. Gerardo Cadena and Miguel Cruz were sentenced for their roles in a retaliatory drive-by shooting that took place in February of 2023. Cadena was sentenced to 3-5 years in the Utah State Prison. Cruz was sentenced to 3-15 years and 0-5 years in a separate case for Possession of a Controlled Substance with Intent to Distribute and Possession of a Weapon by a restricted person. His sentences would run consecutive to each other. Chad noted that this type of retaliatory gang activity was foreign to Iron County and it was his goal to ensure that this unacceptable behavior remained uncommon. Chad reported that the Attorney’s Office ended under budget for 2023.



**Wendy Jessen, Iron County Children's Justice Center (CJC)**, reported on year 2023 statistics. Wendy reported that there 234 new cases opened. Of that number, 144 were female and 90 male. There were 227 forensic interviews, 42 medical exams and 341 other family members served. There were 145 cases of sexual abuse, 62 cases of physical abuse, 17 cases of neglect, 20 cases of domestic and/or family violence, 36 drug endangerment, 9 child pornography, and 2 sex trafficking (cases often have more than one abuse type). Wendy reported the breakdown of the ages: 32 children aged 0-6, 84 children aged 7-12, 108 children aged 13-18, and 10 survivors aged 19 or older. There were 179 White victims, 26 Hispanic, 6 Black, 4 American Indian, 18 mixed ethnic, and 1 Asian. She reported on the Offender Demographics: 272 Offenders-197 male, 73 female, and 2 unknown. Age by offenders: 30 under age 13, 69 aged 13-19, 158 aged 19 or older, and 15 unknown/not reported. Offender type was: 94-parent/stepparent, 5-parent's boy/girlfriend, 27-sibling, 28-another relative, 94-another known person, 6-internet only acquaintances, and 9-unknown/not reported. Unfortunately, most abuse was from someone known to the victim. Wendy reported that from January 2024 to date, there had been 23 interviews and 1 medical exam. She noted that under Contracted Therapy from July to December of 2023 there were 50 clients and 120 sessions. Wendy explained that the CJC budget year began in July of 2023, so they were now in the 3<sup>rd</sup> Quarter. The second Quarter of the State budget was at 32.8% spent, which does not include \$250K for the new CJC building. Therapy Funds spent from the Victims of Crimes Act (VOCA) grant was 23.42%. Wendy reported on CJC accomplishments. Hayden Morton began in July as the new CJC Victim Service Specialist and was becoming more confident in her position. Adelyn Abbott, the new Forensic Interviewer, was updating the Multidisciplinary Teams (MDT) protocol and was excited to be in Iron County. One advantage of having a local Forensic Interviewer was Forensic Interview Training could now be held in Southern Utah. Wendy noted that the CJC team attended the Child and Family Maltreatment Conference in San Diego, California. There were members from 26 different countries that attended the conference. Some of the topics included Sextortion, Child Abuse Homicide, Leading Teams through Change, Victim Advocacy, Forensic Interviewing, and the National Children's Alliance (NCA) Centers. She reported that the new CJC building was moving forward. They were attentive while selecting furniture and decor for the interior, making sure it would be a comfortable atmosphere for the clients.

**Lori Eichelberger, Iron County Justice Court**, reported that Nicole Hudson, the new Judicial Assistant, began work last Monday and was doing well. The Justice Court ended 2023 under budget, even with Interpreter expenses going up. Lori expressed her appreciation to Julie Sanders, Senior Judicial Assistant, who had been cross-training to cover for Lori if she had to leave for any reason. Lori reported on the recap of 2023. There were 156 DUIs, up by 33 from 2022, 13 Impaired Driving DUIs reduced-up by 7, 798 Drivers License Violations-up by 139, 7,808 Moving Violations-up by 242, 2,743 Non-moving Violations-up by 900, 64 Assaults-down by 28, 144 Thefts-up by 27, 351 Controlled substance/Narcotics-down by 141, 239 Domestic Violence-up by 56 and 345 other Miscellaneous Misdemeanors/Infractions-down by 109. Revenue collected was \$2,161,411-up by \$56,513, Revenue disbursed was \$906,687-down by \$3,617, and Revenue retained was \$1,254,724-up by \$60,130. Lori reported that citations by the Cedar City Police Department (CCPD) were 2,932 compared to 2,054 in 2022, 3,115 by the Iron County Sheriff's Office (ICSO) compared to 3,366 in 2022, and 3,963 by the Utah Highway Patrol (UPD) compared to 4,002 in 2022. She noted that there was a new "Filing Summary Report" that reported on total cases during the year 2023. There were approximately 870 more cases than year 2022.

**Jaden Thomas, Iron County Victim Advocate Services Program Director**, reported that there were 188 new clients served from October through December (4<sup>th</sup> Quarter) 2023, which was up from 151 the previous quarter. The total number of clients served in 2023 was 633. Jaden reported on Primary Victimization for the 4<sup>th</sup> Quarter. There were 73 Domestic Violence clients compared to 40 in the 3<sup>rd</sup> Quarter, 22 Assault clients, 19 Child Physical Abuse clients, and 31 Child Sexual Abuse clients. This was a significant increase from 13 in the 3<sup>rd</sup> Quarter and there had been at least 4 child abuse cases (physical and sexual in the last month), and there were 23 Adult Sexual Assaults reported. Jaden reported that he passed the Certified Advocate Partners

Program (CAPP) in November, which allowed him to offer legal advice to those seeking protective orders within Iron County alongside Haley Mackelprang, Canyon Creek Service's Victim Services Director. He had been asked to give presentations across the state on the great partnership between the Victim Advocate Program and Canyon Creek Services. Jared noted that Iron County was known in the State of Utah for the great relationship between the community and Law Enforcement. He reported that many high-profile cases have been in the news. Advocates were essential for supporting and educating crime victims about what would be happening and why things happen the way they do. State funds were being added at the beginning of July as a revenue source so they were not only relying on Victims of Crimes Act (VOCA) funds. Jaden expressed his appreciation for the support the Victim Advocates receive from Iron County and the CCPD for their contributions to the program. Officers and Detectives see the value that comes from Victim Services. Aside from serving crime victims, they serve anyone else that deputies felt needed the help. Victim Advocates were most commonly called for responses to suicidal individuals. They were asked to help with a fatal accident and a structure fire as well. There were a total of 14.25 hours spent on these types of cases last year.

**George Colson, Iron County Emergency Management Manager**, explained that Agenda Item 1 was to approve an application for a grant to study the feasibility of a possible Fire District in Iron County and he highly recommended approval. George noted that this was only a study and not for any decisions to be made at this time. It was a starting point to help move forward if, or when, it was time to make decisions. George reported that Federal reimbursement from the Federal Emergency Management Agency (FEMA) had been approved for the 2023 runoff flooding. He had gathered information from Jon Whittaker, Jennifer Bradbury, and the Road Department and submitted it to the FEMA system. A Case Officer had been assigned and a FEMA team would be in Iron County on February 15<sup>th</sup> to go through the reports and onsite inspections. Bruce Anderson, Iron County Public Works, would be accompanying them to help answer the technical questions.

**Paul Monroe, Central Iron County Water Conservancy District (CICWCD) General Director**, reported that, as of 2 days ago, the water pack was at 150% on Webster Flat, which was below 50% at beginning of 2024. We would need to begin discussions on where to put the water depending on how the runoff happened. Quichapa Lake was still full from last year. The Schmidt Pit would be ready by the runoff. Paul reported on upcoming events. The Utah Water Users Conference would be held on March 19<sup>th</sup> and 20<sup>th</sup> in St. George. The 5<sup>th</sup> Grade Water Fair would be held March 5<sup>th</sup> and 6<sup>th</sup> at the Cedar City Festival Hall/Heritage Center. This would be the 9<sup>th</sup> year holding the Water Fair. Jessica Stahlei and Candace Schaible were hosting a Water-Efficient Landscapes Workshop on March 14<sup>th</sup> and 15<sup>th</sup> at 646 N Main Street, Cedar City. Paul reported that the CICWCD ended the year in the negative of a little over \$1M. He explained that the CICWCD had just received a \$19M Loan with a \$4M grant for projects. The terms of the loan were 40 years at 1.25%. There were many infrastructure projects with new tanks, wells, and a pipeline to interconnect the water systems. He noted that the CICWCD refinanced approximately \$4M of their loans to take advantage of lower interest rates. A previous construction loan through Utah Bank allowed any leftover funds to stay in and they would pay the CICWCD at the Public Treasurers Investment Fund (PTIF) interest rate at approximately 5% at this time. The CICWCD was making \$50K per month in interest on that money. Paul explained that rather than draw some of those funds out for the projects they elected to use on-hand cash that was available. That was the reason it looked as though they had spent over \$1M as it was positive interest. Paul reported that the 2021 Water Infrastructure Improvement Project included a large 4M Gallon concrete water tank that would be buried by the Iron County Landfill. There would be a 24" pipeline connected to the existing 24" pipeline from Iron Springs Road that would wrap around to the buried tank. The tie-in would be located close to the Sunrise Church. He noted that another connection would be to regionalize the lower Cedar Valley to a pipeline located on 4000 N and Lund Hwy and go west to 4400 W, thus looping the system. The new concrete tank would serve as a balancing tank so the Cedar Valley would be on one low-pressure zone. This would be a benefit for water storage and water availability in the valley. Another waterline that would be looped was located on 6000 N between 2300 W and 2700 W. At

the wastewater storage tank there were two lines that dead end and they wanted to loop them onto the system so the water would not become stagnant. Cedar Highlands would also be receiving a new concrete tank. Paul reported that they were in the process of drilling a well in Basin 71 West of Bowman's Kitchen. Discussion continued on drilling, possible wells, and water pressure. Commissioner Cozzens asked Paul if there was any movement regarding having a water district that would be the water purveyor and have the municipalities purchase water at a cost-based plus Operation and Maintenance (O&M). Paul replied that there were discussions but nothing further. He noted that he had to remind municipalities that water was regional and not isolated to municipal boundaries. Paul mentioned that with the current legislative actions we need to be represented well on the Watershed Councils, to be aware and to be involved.

**Marilyn Wood, Iron County Commissioner**, reported that on January 23<sup>rd</sup>, the Iron County Sheriff's Annual Award Ceremony was held. It was important to recognize the Deputies for all they do for Iron County. On the 25<sup>th</sup> there was a ribbon cutting for the new Jail Inmate Growth, Naturally and Intentionally through Education (IGNITE) Program. Inmates enrolled in IGNITE would spend a couple of hours each day, five days per week in class, where they could access courses to earn credits toward a GED, receive training for a skilled trade job or take various enrichment courses in a variety of topics. Iron County was the first corrections facility to implement the program in the State of Utah. She noted that this would be a great program for our inmates and more classes would be added when the new jail was built. Marilyn reported that Maria Twitchell, Iron County Tourism, and her staff held a 100-year celebration at the Cedar Hotel for the first major studio feature film (1924) shot in Cedar City. The film was called "The Deadwood Coach," a silent movie starring Tom Mix. Southern Utah University (SUU) also held a short film competition. On February 6<sup>th</sup> Commissioner Wood went with Bruce Anderson, Iron County Public Works Director, to look for any road issues. A new barn for the Iron County Fairgrounds had been flagged with tourism funds. Marilyn noted that she and Jamie Evans, Iron County Fair Director, met with Ron Cooper. Ron was the new Trail Supervisor in Parowan. He would have an office located in the Iron County Courthouse and store equipment at the fairgrounds.

**Paul Cozzens, Iron County Commissioner**, reported that he attended the Iron County Republican Party Lincoln Day "Meet the Candidates" event over the weekend, which was very well attended. Paul noted that he attended the Governor Affairs for the Home Builders Association. He and Commissioner Bleak attended the Iron Leaders Academy hosted by Steven Lisonbee and Southern Utah University (SUU). Commissioner Cozzens expressed his appreciation to the Iron County Sign Department for donating signs for the name change of 2500 West to "Happy Factory Lane." Paul noted that he sat on the Happy Factory Board and the Cedar City Council approved the name change. He attended the Cedar/Beaver Watershed Council meeting and looked forward to attending future meetings. Paul reported that HB 113 regarding the Jail Consumption Tax, passed unanimously out of the House Revenue and Taxation Committee, and the House of Representatives. The bill was circled on the Senate floor for further discussion. He noted that it was brought to Commissioner Bleak's attention that there was another sales tax available for counties to enact. It was a 0.3% sales tax that would not be on the ballot, but be determined by the commission to enact, and HB 113 at 0.4% would be on the ballot to be determined by the voters. The 0.4% would cover the debt payment and the 0.3% would be short and other avenues would have to be taken to cover the debt payment. At the various meetings held, some in attendance expressed that they would rather have a sales tax versus a property tax, so this was the direction it was going. The advantage of a sales tax was that those visiting Iron County would be helping to fund the new jail. Iron County needed a new jail and we need to find a way to pay for it. Paul reported that Representative Rex Shipp opened Bill 158 regarding Criminal Defamation. He explained that if someone were to post on social media the government could go after that person criminally, and Bill 158 was to appeal that law. The bill was passed by the House Committee by 61-11 and moved to the Senate Judicial Committee.

**PUBLIC HEARING REGARDING AN APPLICATION TO THE UTAH PERMANENT COMMUNITY IMPACT BOARD (CIB) FOR FUNDING TO STUDY THE FEASIBILITY OF A POSSIBLE FIRE DISTRICT IN IRON COUNTY**

Commissioner Cozzens asked Jon Whittaker if Iron County had met the requirements to present the Community Impact Board (CIB). Jon replied that the CIB requirement was different from the Community Development Block Grant (CDBG) requirements as the CDBG was a federal program. Iron County applied two weeks ago, and this was for the public hearing and no action would be taken.

George Colson, Iron County Emergency Manager, noted that as he previously stated he would highly recommend approval of this feasibility study. George explained that if Iron County decided to adopt a Fire District, it would be a 5-year process. A feasibility study was a good starting point to help make that decision. Again, this was not in the decision-making phase. George reported that given the growth of Iron County and how far spread it was going, a Fire District would become a taxing district and would provide more fire stations, fire equipment, fire coverage, and firefighters. Marilyn Wood noted that a Fire District would improve ratings for home insurance.

Paul Cozzens, Iron County Commission Chair Pro-tem, declared a Public Hearing open regarding the funding to study the feasibility of a possible Fire District in Iron County.

Royce Barton, Paragonah Fire Chief, noted that there was a lot of money involved in creating a Fire Department but it was something we had to have. Royce reported that he was in favor of a feasibility study for a Fire District. The Paragonah Fire Department (PFD) consisted of 100% volunteers and he wanted to make sure that Paragonah was involved in this process and not left out in any way. Their Fire Department covered the area between Mile Post 80 to Mile Post 101 in Beaver County and over to U20. He noted that any money that the PFD received went 100% toward equipment. Chief Barton stated that PFD had an excellent program and just wanted to make sure they were part of this discussion. They cover structure fires and wildland fires, and 92% of their runs in 2023 were in Iron County. Marilyn Wood expressed her appreciation to Chief Barton and the PFD.

Rob Dotson, Enoch City Manager, expressed that Enoch City was in favor of the feasibility study and that it was a great starting point. Rob explained that Enoch City contracted with the Cedar City Fire Department (CCFD), approximately 30 years ago, through an Interlocal Agreement for fire protection. Up until 5 years ago, Enoch paid their portion of the agreement by calls. If there were 50 calls to Enoch City, they paid a portion of the CCFD equipment and maintenance costs. Iron County and Kanarraville were also participants in the Interlocal Agreement. Rob reported that 5 years ago, Chief Phillips changed the requirement in the agreement and the cost was now based on property value. Cedar City provided a breakdown of the property values in those areas in the Conservancy District. The amount of property values plus the total property values in each entity was broken down in their Operation and Maintenance (O&M). A truck and equipment were included in that portion. In the last Interlocal Agreement signed in December 2023, he added facilities. He noted that if you looked at all the requirements in that agreement, it was exactly what a district was and Iron County, Enoch City, and Kanarraville were acting as a district already, but they did not have any ownership. Mr. Dotson reported that there was a great working relationship with the CCFD and they treated Enoch City, not just as a customer, but as a partner. When the CCFD had their budget meetings they were invited to attend and voice their opinions and concerns. There was not much of a difference except when it came to greater needs. Iron County currently has a great Insurance Services Office (ISO) fire rating. He explained that the ISO ratings calculate how well-equipped fire departments were to put out fires in that community. Enoch City had been discussing a North Fire Station with Cedar City for some years now. It would be located near the North Interchange of Cedar City (referred to as the South Interchange of Enoch). Marilyn Wood asked if there was an existing North Fire Station. Rob replied that there was, but it was located behind the bus garage and it was not built to be manned. It would need to be expanded, which was being discussed, and it was a Cedar City Fire Station. As far as creating a Fire District, he noted that Enoch City has had these conversations with the Cedar City Fire Chief and members of the

Cedar City Council. Last year at the last CIB Priority meeting the discussion came into play. The discussions were regarding how well the Washington County Fire Districts worked when the study came up. Commissioner Wood was in attendance and asked why not have a study performed as it would be beneficial to Iron County. Rob agreed that anecdotally there would be information that could be gathered from other entities because without hard information it would be difficult to begin a Fire District. He noted that, on behalf of Enoch City Mayor Chestnut and City Council, Enoch City was in favor of the feasibility study.

Mollie Halterman, Parowan City Mayor, reported that Parowan City was in favor of the feasibility study.

Dan Jessen, Parowan City Manager, reported that he had thought about this issue previously when he was the Enoch City Treasurer, Iron County Auditor, and now Parowan City Manager. Dan noted that he liked the idea of a feasibility study and collecting good information. One important point was to understand the different regions. The challenges in the West Desert were one set of challenges, and there were different challenges in the Cedar Valley. The Cedar Valley included the CCFD, which does a very good job, but did they accomplish the needs of Enoch City, and Unincorporated Iron County? The Parowan Valley (referred to as North Iron County) had a small fire department as do the other smaller cities, but they were having a hard time finding volunteers. The Paragonah Fire Department does an awesome job, but was there an advantage to having a fire district here as well? Good, concrete information would be great. Dan stated that what was good for northern Iron County might be different than other regions. He suggested that having three districts might be considered and whether to have a district. Marilyn Wood noted that a feasibility study would bring those points out.

Jon Whittaker, Iron County Clerk, noted that these comments would help if, or when, funds were allocated to actually ask these types of questions to please consider the regionality, and various needs between the rural and very rural areas before they began the study. Dan Jessen explained that the Brian Head PD, FD, and medical were all cross-trained and worked as one. Marilyn Wood noted that at this time Brian Head might not be interested in being included in the district plan, but were in favor of the study. Jon Whittaker reported that the CIB Municipal Advisor, Marcus Keller, recommended someone with experience to conduct the study.

Carter Wilkey, Cedar City Council, noted that he was not speaking as a council member rather he was here on his own accord and speaking for himself. Carter asked what the estimated cost for the feasibility study would be. Jon Whittaker replied that the total study was estimated to be \$20K - \$90K. Iron County's portion would be approximately \$20K - \$45K of Iron County funds with a 50/50 split with CIB. He explained that large projects needed to be brought before the CIB board but studies did not and could be approved by staff. Carter asked what the projected timeline would be once the study was approved and funding secured. Jon replied that it was 18 months minimum, but was a 5-year process. Mr. Wilkey asked how long the process for approval for funding took through the CIB. Jon replied that it could be before May.

David Burton, Parowan City Council, noted that the Parowan, Paragonah, and Brian Head Fire Departments work together and all depend on each other. The consensus was that Iron County does need a Fire District on this end of Iron County. All entities respond to calls depending on the need. He asked if the forming of a Special Service District (SSD) might be included. Marilyn Wood replied that it could be included, but this was just the study at this time.

George Colson noted that Brian Head was led by a dynamic Fire Chief. This study was for a long-term solution of creating a Fire District. Brian Head could change their minds down the road about being included.

Paul Cozzens, Iron County Commission Chair Pro-tem, declared the Public Hearing closed.

### **PUBLIC COMMENTS**

Joe Wangler, a citizen of Iron County, reported that he lived at 3147 South 7700 West. He was here to discuss flooding issues on his property. The property that was across from him was owned by Cedar City and work that was done last year blocked the natural water flow. The Cedar City property was flooded and flowed across 7700 W to the east where 20 acres of his



pasture land was under water for 2 months. The other 20 acres where his house was located was flooded from underneath (groundwater). He began working with Richard Wilson, Iron County Engineer because he had done all he could. Mr. Wangler noted that he allowed Richard Wilson to use some of his land to dig a new ditch down to Quichapa Lake. The work stopped and needed to be completed before the spring runoff this year. Paul Cozzens noted that during the heaviest runoff, he and Paul Monroe walked the ditch from Quichapa Creek down and the water had feathered out into the fields and had not crossed 7700 West at that time. Joe explained that since that time the natural flow was filled in and water was diverted to the city property and no longer feathered out like it used to. He noted that Mr. Wilson was aware of the diversion and was working on getting something done. Joe was becoming worried as the spring runoff would begin soon. The ditch that was being dug on his property would be worse for him now if it was not completed.

Bruce Anderson, Iron County Public Works Director, explained that Richard Wilson ordered the pipes and continued working with Cedar City. Bruce noted that the work on the ditch stopped because they ran out of good weather days and there was too much mud. It was still on their agenda. When the pipe comes in, and the weather improves, the work will begin again. He explained that a trench was being dug from Quichapa Creek that crosses under Bumblebee Road to the south side of Sunset Subdivision, working towards the center of Sunset Subdivision down to 7700 West, on the city property. He noted that typically, the water always flowed over 7700 West.

Sue Olsen, resident of the Quichapa area, reported that they bought their property in 2015 and finished building their home in 2019. Sue noted that during the buying process they were issued a letter from the realtor stating that they were not in a flood zone. There was not an issue with flooding until after they finished building their home. Their property flooded in 2019 and 2023. She reported that there was already water on their property and they were concerned that the water level from Quichapa Lake was already high and it would not take much to have flooding issues again. Sue was curious if there were any plans for controlling the water, flood prevention, and water waste in the area. Paul Cozzens asked Sue to explain what she meant by water waste. Sue replied that it was their understanding that water on the south end of Quichapa Lake was so polluted that it was not useable. Commissioner Cozzens replied that the water was not necessarily polluted but had a high level of Total Dissolved Solids (TDS). If the water was used on crops it could kill alfalfa. He explained that he helped build the dyke over Quichapa Lake. There was clean water on the north end that was used to irrigate the pivots, which helped lower the water. Mrs. Olsen stated that with the volume of water this year, the system failed. Her property did not sit next to the dyke or Quichapa Lake, and there was property between them and the lake. She noted that it was her understanding that the type of soil the water was on did not allow it to saturate into the ground. Paul replied that there was 400 feet of clay under Quichapa Lake. Discussion continued regarding what measures Sue and Terry had taken to try and stop flooding in their home.

Richard Wilson, Iron County Engineer, reported that this was concerning to him because of the growth in that area. There had not been much of a reduction in the water level at Quichapa Lake from last year, which does not give much room for the spring runoff. Richard noted that there had been some discussion about putting some type of control on the Woodbury Split. The concern was that if the percentages were redirected then it would just create problems elsewhere. Right now he did not have an answer, but there had been discussions with Cedar City about putting a diversion on the Woodbury Split. Richard explained that the split was a diversion, but as long as water was being supplied, that was guaranteed to the farmers to the west, then moving water to another location such as the recharge basins or out to Rush Lake should not be a complication. If the water comes down so heavily that it cannot be used then it should at least be diverted to the recharge basins. Paul Cozzens asked if there had been any movement with the property owners by the Wastewater Treatment Plant on digging a channel. Paul noted that there was someone willing to dig a channel without affecting any of their properties. Richard replied that there had not, but it would be a real blessing to everyone, especially those in Enoch to have the water diverted to Rush Lake for recharge. We need an effort by all parties to divert the water.



Paul Cozens reported that the commissioners were crucified last year when some of the water was diverted to Rush Lake.

Terry and Sue Olsen showed pictures they had taken on Saturday of the water level and where it was located by their property, and explained the measures they had taken to stop the water.

Richard Wilson noted that he would set up a meeting with homeowners to discuss any solutions. Sue Olsen stated that Rush Lake could recharge, but Quichapa cannot.

### **DISCUSSION AND POSSIBLE UPDATE OF THE 2024 PER DIEM AND MILEAGE RATE**

Lucas Little, Iron County Auditor, explained the new Per Diem rates for Utah. Lucas reported that the current rates were the standard for all of Utah. Some of the larger cities were more expensive on meals and lodging and he suggested that the reimbursement rates be specific for the larger cities. Those cities would be Moab, Park City, Provo, and Salt Lake City. If travel was out-of-state then he would look up the rate for that city and apply those rates. The standard rate was Breakfast \$13, Lunch \$15, and Dinner \$26, and Mileage was \$0.0670 with no pool vehicle available, and \$0.336 personal choice vehicle, Lodging without receipt was \$20 and with receipts \$30. The 2024 pooled vehicle mileage rate (charged to departments) would be: Cars and SUVs \$0.336, and Truck \$0.418. The City Specific rates would be: Moab-Breakfast \$16, Lunch \$17, Dinner \$31, and Mileage and Lodging the same; Park City- Breakfast \$18, Lunch \$20, Dinner \$36, and Mileage and Lodging the same; Provo and Salt Lake City-Breakfast \$14, Lunch \$16, Dinner \$29, and Mileage and Lodging the same. Luke explained that the lodging rates with or without receipts was based on if the employee stayed at a Motel/Hotel or at a relative's home. Staying with a relative was saving Iron County money but the Per Diem rate was lower. He suggested that it be raised.

Marilyn Wood made a motion to approve the update of the 2024 Per Diem and Mileage rate as presented, using the city specific rate, raising the lodging rate to \$50 if an employee was staying some place other than a Motel/Hotel, and the change in mileage rate between Cars and SUVs, and Trucks. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **DISCUSSION AND POSSIBLE CONSIDERATION OF THE DEDICATION, AND/OR USE AGREEMENT OF APN: A-20 TO PAROWAN CITY FOR PAROWAN VALLEY WATER RECHARGE PROJECT**

Dan Jessen, Parowan City Manager, Parowan Valley Water Project, introduced Jason Bradshaw, President of the Parowan Pumpers Association, Mollie Halterman, Parowan City Mayor, and David Burton, Parowan City Council in attendance. Dan reported that Parowan City had been working in earnest to design and construct a new diversion structure at the mouth of the mouth of the canyon (referred to as the Breakwater). The estimated cost of the structure was estimated to be \$1M to \$1.5M, would be similar to Coal Creek in Cedar City, and serve many purposes. It would have a conveyance to the current irrigation system (starting point) and a conveyance to the new recharge location. The reason to move this around was, in priority, the irrigators' water had to be removed first. The Parowan Pumpers had filed a Recharge Permit for the Parowan Valley for water that runs past that point (any high water). Dan reported that this project was first conceived of by former Iron County Engineer Steve Platt, and championed by former Iron County Commissioner Alma Adams. He noted that the actual recharge location of the water project was the depleted 20-acre gravel pit owned by Iron County. Dan explained the new diversion route to the recharge gravel pit. Steve Platt had identified this as an effective recharge site. The original idea was to have the pipeline run down 300 East, but there was a high-pressure gas line that also runs along 300 East and the cost would be many multiples of this current route. It would now run east of the fairgrounds. A Request for Proposal (RFP) was being mailed out today for design engineers to ensure that the diversion was designed correctly so that it would handle a flood very well. Discussion continued on elevation, options to run the pipeline, recharge, and Landfill mining issues. Dan reported that the estimated cost of the project was

approximately \$3.5M which included the diversion. The combined shareholders had worked hard to secure sufficient funds from various grants and cash infusions (\$3M) from all the shareholders to be able to begin the project. He noted that the consensus and the United States Geological Survey (USGS) had reported that this was the best place to recharge water and it was a very sound concept. The benefits of the recharge project were:

- Recharge high water from Parowan Creek
  - Parowan Groundwater Management Plan
  - Avoid loss of water rights
- Better Irrigation Diversion
  - Removal of sand & sediment
- Vital to the feasibility of the Main Street Bridge Project
- Other storm drain opportunities – City drainage - Recharge

Dan reported that the linchpin to the whole project was that Parowan City needed to come to an arrangement with Iron County for the legal use of the pit. Discussion continued regarding a spillway, a secondary gravel mining site, and for creating holding ponds to irrigate from on west side of I-15. He noted that Parowan City needed to file for a recharge permit with the state and needed to have this matter resolved before doing so. Therefore, there were three options to be considered, in order of preference:

- Iron County simply deeds the parcel to Parowan City;
- Iron County deeds the parcel to Parowan City with a use agreement. If the project were ever to be abandoned in the future, the property would revert to Iron County. This would be similar to the Fairgrounds Transfer Agreement; and
- Iron County gives Parowan City a 99-year lease of the parcel for a nominal sum. This lease could provide for negotiated continued use by Iron County, if necessary.

Bruce Anderson reported that this was not new for Parowan City. There were other pits (Lyle's Pit and water from Little Creek) that were being used for irrigation and recharge. Bruce noted that his concern was that he was charged with building and repairing roads. Last year they were crushing gravel from the pit in Cedar City and he was not able to make what he needed because of the abundance of water in the pit, and now he will need to buy gravel from another company to be able to complete the chip seal on 7700 W. If water filled the Parowan pit and he was unable to get gravel out of it, then it would become expensive for Iron County. There were always unintended consequences. Marilyn Wood noted that she understood the concern from Bruce and also how important this project was to Parowan City. There needed to be a resource for gravel for maintaining Iron County roads. Discussion continued regarding the timing of crushing gravel, alternate pits, and the use of the Iron County pit.

Jason Bradshaw, Parowan Valley Pumpers Association, reported that they own the high water rights that come through Parowan Valley after the primary water was consumed by the ditch companies. Parowan Valley stands to lose 12K to 15K acre-feet of water over the lifespan of the Groundwater Management Plan. There were several projects that had been, and were being worked on. Jason expressed his appreciation for the coordinated effort and would appreciate the support of Iron County to allow the use of this pit when it would be feasible for both. He noted that springtime was when there would be the highest impact at the pit. The monsoonal events in August were the ones that would be problematic and hard to guess. Once the fall months were past the monsoonal events, Iron County would not have any issue with getting gravel. Discussion continued regarding the Alex Meisner Subdivision connecting to the pipeline. Commissioner Cozzens suggested to hold off on any decision and to have a meeting to begin a Memorandum of Understanding (MOU) between Iron County and Parowan City.

David Burton mentioned that a 18 acre piece was included as part of the Fairgrounds transfer to Iron County. Marilyn Wood noted that the transfer was a win/win for everyone. Iron County had made improvements and would make more, with Parowan City being one of the primary beneficiaries of said improvements. David Burton apologized and agreed.

**DISCUSSION AND POSSIBLE APPROVAL OF A TAX FORGIVENESS DUE TO INDIGENCE AND FAILURE TO APPLY FOR ABATEMENT (APN: B-45-76)**

Jon Whittaker, Iron County Clerk, explained that this individual had some health issues and was in the hospital when it was time to apply for a circuit breaker abatement. Because the date had passed and the applicant was incapacitated at the application deadline, no other tax abatement was available. Tax forgiveness was the only remedy, the amount owing was \$1,595.24.

Marilyn Wood made a motion to approve a tax forgiveness due to indigence and failure to apply for an abatement (APN: B-45-76) in the amount of \$1,595.24 as presented. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented new hire Peyton McCabe as a Full-Time Custodian/Maintenance Worker for Tourism/Parks, effective February 20<sup>th</sup>. This was a newly approved 2024 position; new hire Joshua Kehl as a Full-Time Corrections Deputy 1 for the Sheriff's Office-Corrections, effective February 18<sup>th</sup>. This was a backfill of a vacant position; new hire Erin Guzman as a Full-Time Corrections Secretary for the Sheriff's Office-Corrections, effective February 5<sup>th</sup>. This was a backfill of a vacant position; Bilingual pay for David Avila in the Sheriff's Office-Corrections; new hire Tyrell Crofts as a Full-time Patrol Detective for the Sheriff's Office-Patrol, effective February 20<sup>th</sup>. This was a backfill of a vacant position; new hire Nathaniel Martinez as a Part-Time Patrol Reserve Officer for the Sheriff's Office-Patrol, effective February 12<sup>th</sup>. This was a backfill of a vacant position; the transfers of Ethan Busse from a Corrections Deputy 1 to a Patrol Deputy 1, and Avery Shumway from a Corrections Deputy 2 to a Patrol Deputy 2 for the Sheriff's Office-Patrol, effective February 18<sup>th</sup>; the promotion of Hazen Pettit from a Technician 2 to an Equipment Operator for the Road Department, effective February 4<sup>th</sup>; new hire Amber Hatch as a Full-Time Weed Supervisor for the Weed Department, effective February 5<sup>th</sup>. This was a newly approved 2024 position; and new hire Kathy Chatwin as a Part-Time Natural Resources/Fleet Administrative Assistant for the Natural Resources/Fleet Departments, effective February 5<sup>th</sup>. This was a newly approved 2024 position.


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


**NON-DELEGATED ITEMS**

No Non-Delegated items were discussed.

**ADJOURNMENT**

Paul Cozzens, Iron County Commission Chair Pro Tem, declared adjournment.

  
Signed: Michael P. Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
FEBRUARY 26, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 26, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Richard Wilson	County Chief Engineer
Sam Woodall	County Deputy Attorney
David Johnson	County Economic Development
George Colson	County Emergency Management
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Candace Reid	County Public Defender
Ken Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer

Others in attendance:

David Ha	Jeff Richards	Ken Robinson
Diana Stiller	Gerald VanIwaarden	Charles Waddell
Bruce Washburn	Joel Zander	

**SYNOPSIS**

ADJOURNMENT .....	8
APPROVAL OF CLAIMS FOR PAYMENT .....	2
APPROVAL OF MINUTES .....	2
DEPARTMENTAL REPORTS.....	3
INVOCATION .....	1
NON-DELEGATED ITEMS.....	7
PERSONNEL .....	7
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**INVOCATION**

An invocation was offered by Gerald VanIwaarden.

## **PLEDGE OF ALLEGIANCE**

Those assembled were led in the Pledge of Allegiance by Chuck Waddell.

## **APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held February 12, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Abstain; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve Claims for Payment from February 12, 2024 to February 25, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **Update on Southern Utah Veterans' Association (SUVA):**

Gerry VanIwaarden, Vice-President of Southern Utah Veterans' Association (SUVA), noted that he felt strongly about helping those experiencing Post-Traumatic Stress Disorder (PTSD). When addressing PTSD, we need to think beyond veterans and include those in our community who suffer from this disorder. Gerry explained that the handout he presented to the commissioners included the following information:

- Effects of PTSD on our citizens;
- Additional information on the "PTS Man" sculpture;
- Southern Utah Veteran's Association history;
- Description of the Veterans Arts Center;
- Map depiction the location of the Veterans Art Center;
- List of board members and their contact emails; and
- Biographical materials of Chuck Waddell, President of SUVA, Inc.

He noted that the SUVA Arts Center will be a positive addition to Iron County and surrounding area. Gerry expressed his appreciation to Commission Cozzens for putting him in contact with Spencer Jones with Velocity Homes. He reported that SUVA had received a grant to purchase 20 acres of property. A Memorandum of Understanding (MOU) was being created with a local developer for the purchase of the property for the center. The location of the Arts Center Building (3,500 Sq. Ft.), a 300 seat Amphitheater, and a full-size replica of the Vietnam Memorial in Washington, DC was along Old Hwy 91 and Ravine Road north of Enoch City. SUVA was currently in the process of obtaining a license to use the names on the replica of the Vietnam Wall. Gerry reported that the purpose of the Veterans' Center would be to provide healing and a social network using arts and other disciplines. SUVA commissioned Jacob Dean, Sculptor, to sculpt a "PTS Man" statute. This sculpture represented the effects of Post-Traumatic Stress (PTS) on human beings. The sculpture was modelled on a local veteran that experienced the life-affecting symptoms of being in combat. The sculpture was currently being displayed in the Ace Hardware lobby in Cedar City. He noted that many first-responders, medical personnel, and others that dealt with frequent traumatic situations also experience the symptoms of PTSD. Mental Health issues were becoming the number one concern across the country. Gerry reported that he had spoken with Benjamin Swank, Major Gift Officer at Intermountain Foundation, who would like to obtain use of the facility on an occasional basis for suicidal pediatric children. He noted that he had been told by Cindy Wallace, former Director of Nursing, that there were children as young as 5 years old contemplating suicide. The Veteran's Center would be a resource to all who had been affected by PTSD. SUVA went to the State Senate and spoke with Senate President Stewart Adams, Senator Evan Vickers, and Representative Rex Shipp. He noted that he dropped off information for Governor Cox and Lieutenant Governor Henderson. Gerry reported that he attended the Installation of the Home Builders Association at SUU and was able to spend some time with Governor Cox, who asked Gerry to keep him informed on the project. The next step would be to begin solicitations for donations and they would have to formulate plans on how to accomplish that. He reported that the total estimated cost was approximately



\$10M. Gerry reported that there was an upcoming meeting related to the construction progress of the Veterans' Cemetery. The SUVA submitted a name change to the Cedar City Council from the Cedar City National Cemetery to the Southern Utah National Cemetery, which was accepted. Gerry reported that Tony Broderick, VA National Cemetery Administration, had asked to meet with those in government and service organizations who wish to attend with himself and Deputy Hugo Caruso at the Marriott Hotel in Cedar City on March 5<sup>th</sup> at 7:00pm.

## **DEPARTMENTAL REPORTS**

**Jon Whittaker, Iron County Clerk**, expressed his appreciation to the SUVA and Gerald VanIwaarden. Jon reported that the Presidential Primary Election was currently underway. There were approximately 2K Democrat ballots mailed, and Republicans would vote on caucus night March 5<sup>th</sup>. The canvas would be held on March 19<sup>th</sup>, and the Clerk's Office was doing well. Jon expressed his appreciation to Commissioner Bleak for including him on the trips to the legislative sessions. Jon noted that when he speaks with his fellow Clerk's he expressed that it was good to build relationships with the legislators, and to be confident and explain what their county needs were. He reported that the 2023 General Funds budget-Clerk ended at 99.45%, Non-Departmental at 98.06%, and Elections at 89.31%. Since January 2024 the General Fund-Clerk was at 12.78% spent, Non-Departmental at 85.86%, and Elections at 5.77%.

**George Colson Iron County Emergency Management Manager**, expressed his appreciation to the SUVA for their work with PTSD. George noted that the 2023 budget ended at 98.16% and was currently at 15.88%. He reported that in December 2023 he attended the Tribal Council meeting and was planning on offering a Community Emergency Response Training (CERT), supplied tourniquets to Southern Utah University (SUU) and Enoch Police Departments (PD), and Sheriff's Office for their Individual First-Aid Kits (IFAK) for their officers. He attended the grand opening for the new Paiute Clinic, sponsored his Annual Volunteer Dinner, served as the evaluator for an Active Shooter exercise for IHC Hospital in St. George, and sponsored a CERT medical training for the newly acquired Starlink. In January he attended the Pipeline Safety Conference, and completed the 2<sup>nd</sup> Quarter Emergency Management Performance Grant (EMPG). George reported that he acquired a mobile Morgue for Iron County which could hold 12 bodies and had its own compressor. He assisted in Canyon View Middle Schools Carbon Monoxide (CO) alert and requested the Utah National Guard 85<sup>th</sup> Civil Support Team (CST) come to Cedar City to assist. He noted that the Cedar City Fire Department went through the building 10 different times and could not find a point of contamination. The 85<sup>th</sup> CST did find that a generator was the point of contamination. There were 80 people who complained of CO symptoms and 55 were treated in a hyperbaric chamber, and he held the Emergency Communications (ECOMM) Winter Field days. In February he attended a Regional Public Information Officer's (PIO) training in St. George. George reported that the Federal Government cut Narcan funding and the state pulled what was left in funds to the state. Narcan was expensive (\$40 - \$80), and hard for local and rural law enforcement to keep on hand. George noted that he had been working with the State Health Department and ordered Narcan for Iron County Law Enforcement. He also spoke with Senator Vickers and the State Director of Emergency Medical Services to make them aware of this issue. George reported that he submitted the initial flood damage report to the Federal Emergency Management Agency (FEMA) on the 21<sup>st</sup> for reimbursement and had an in-person meeting with a FEMA Team on the 23<sup>rd</sup>. He noted that FEMA was very impressed with the report and said, "It was refreshing to receive a report that did not try to gouge them for money." George assured them that Iron County's intent was to be reimbursed for only un-programed money. FEMA sent another stack of papers to fill out and reported that if the reports continued in the same manner, the process could be wrapped up by April and reimbursement might begin to come in earlier, rather than having to wait a year. The next FEMA meeting would be on March 8<sup>th</sup> at the Iron County Courthouse.

**David Johnson, Iron County Economic Development Director**, reported that he was the son of a veteran and it was nice to hear Mr. VanIwaarden speak. David noted that he was married and had four children. Previously, he had been the City Manager in Blanding Utah, Economic Development (ED) Director in Saratoga Springs, and now the ED Director for Cedar City and Iron County. He reported that while he was in Saratoga Springs he was over Events, Public Director, and the PIO Officer for the city, police and fire Departments. David noted that he had the pleasure to work on the Saratoga Springs Patriot Park, a baseball complex, and placed a Veteran's Monument on the site. David expressed his appreciation to the commissioners for the increase from the Iron County contribution to help with ED. He noted that he talked on a regular basis with Danny Stewart, former ED Director, and he was glad to have him around. Savage Company would be having the ribbon-cutting ceremony for the new Transload facility this summer. David reported that because of the increase in funding, ED was able to join the Utah Aerospace and Defense Association (47G). There was a focus in Iron County on aerospace and defense. He noted that there had been businesses in these fields reach out already with interest in Iron County. David reported that the Iron County Development Advisory Board just completed the Iron County Small Business Rural Grant process. This was a multiple step process beginning with pre-applications, being narrowed down to 10 by the advisory board, and last those 10 were narrowed down to 5. This afternoon he would personally call those 5 to award them their grant amount. He explained that last year there were 22 applications, and 46 applications were received this year with \$1.5M in requests, and only \$60K available. David noted that he would be checking into an increase in funding next year. He closed by reporting that great things were happening in Iron County. David expressed his appreciation for the incredible collaboration in Iron County. Commissioner Bleak expressed his appreciation to David and that he was the right guy for the job. Marilyn Wood asked David if there were businesses coming to the north interchange. Dave replied that there were, but he was not ready to disclose that information at this time. He did note that the Fosters store located in Enoch was owned by Associated Foods and there were plans to build a larger grocery store there.

**Jennifer Bradbury, Iron County Human Resource (HR) Director**, reported that the budget was on track. Since the last HR report, HR posted, interviewed, and hired 12 Full-Time positions; 4 internal promotions; and currently, HR was in the process of recruiting/hiring 8 Full-Time positions and 3 Part-Time position. Jennifer noted on points of interest. Turnover for 2023 was 20.56%, or 51 positions. Compared to the same timeframe in 2022, turnover was 117.74% or 44 positions. Present turnover since January 2024 was 1.61% or 4 positions. She reported the Workman's Compensation Experience Modification (E-Mod) rate decreased for the 2024 year to .87 because a large claim was dropped off the Iron County plan, which was good news because E-Mod figures under 1.0 would result in lower costs for Iron County. Jennifer reported that she was currently tracking a few bills in the 2024 Legislative session, particularly Senate Bill (SB) 140, which covered employer coverage to the 2024 fiscal year mandatory employee contribution. Jennifer presented milestone Anniversary's since last Quarter. Celebrating 5 years was Paul Cozzens (Commissioner), Sam Woodall (Attorney Office), Kaylee Pickering (Tourism), Erin Johnson (Recorder's), and Ken Carpenter, Charles Day, and Ryan Session (Sheriff's Office). Celebrating 15 years was Josh Meredith (I.T.). Celebrating 20 years was Jon Whittaker (Clerk), John Englestead and Nathan Houchen (Sheriff's Office), and Travis Benson (Road Department).

**Candace Reid, Iron County Public Defense Attorney**, expressed her appreciation to Jennifer Bradbury for the time she puts into her job. Candace reported that Public Defense had ended 2023 under budget. There were some items that were under-utilized and she expected a similar outcome for 2024. She noted that most resources went toward the Training budget, Defense resources, or District Court resources. Candace explained that the District Court resources were private investigators or witness fees. The reason why some items were under-utilized was the result of trials not moving forward. The trials were always slated and scheduled but do not move forward for many different reasons. She noted that trials were scheduled for 2024 and she worked with the Judges on how to balance them making sure the caseload and backlog could be cured. There was still some backlog from COVID. Attorneys and Public Defenders were doing well. There was a jury trial scheduled for this week with one of the new

Public Defenders handling the trial. Candace reported that the Indigent Defense Commission (IDC), which funded her position, was in the legislative session. She had several meetings with the IDC and they indicated that the program would be continued and her position renewed. Candace reported that one Administrative Assistant had retired and she was in the process of advertising for a replacement for that position.

**Marilyn Wood, Iron County Commissioner**, reported that each Thursday during the legislative session there were Utah Association of Counties (UAC) Zoom meetings. This last meeting was an update on all the bills that UAC was tracking going through the legislative sessions. Marilyn noted that she and Jamie Evans, Iron County Fair Director, had been meeting with Garth Green, Cedar City Mayor, regarding the Storybook Parade. She explained that the Storybook Parade was not held last year due to a lack of volunteers to help with it. The parade was held in November and the Iron County Fair was over by then. Jamie Evans suggested that Iron County might be able to help with the parade. The parade would still be held in Cedar City and the floats, costumes, etc., would continue to be stored there also. Jamie brought the idea to the Cedar City Council and offered to help with the Storybook Parade. Marilyn reported that on the 13<sup>th</sup> she attended a work meeting with the Natural Resources Conservation Service (NRCS) to prioritize projects to work on. Beaver, Washington, and Iron County participated in those discussions. There was a meeting with the Weed Board on the 15<sup>th</sup>, which she attended with Amber Hatch, Weed Supervisor. Amber was working on obtaining grants. Weeds were a challenge and Iron County needed to stay on top of them. She reported that she attended a meeting held on the 20<sup>th</sup> regarding the Parowan Recharge Project, and others that were involved with the project, to discuss the use of the Iron County gravel pit and possible other sites. Commissioner Wood reported that she attended the Annual Lincoln Day event. There was a fundraiser for the Cedar City Heritage and Livestock Festival and Nate Moses, Regional Water Engineer, spoke on water rights, which was beneficial to ranchers and farmers.

**Paul Cozzens, Iron County Commissioner**, reported that he attended the UAC Board meeting held in Salt Lake City. The next day he attended the Yellow Cake Caucus. There was a presentation from a gentleman from Energy Fuels on how they process uranium in Blanding, Utah, which was very interesting. Red Acre Farms from Cedar City was attending the legislative sessions following bills regarding small food producers and provided breakfast to those at the caucus meeting. Paul reported that he was concerned with HB 562 Fairpark Area Investment and Restoration District (U-FAIR). The bill created a new state district to protect the State Fairpark and revitalize the long-neglected Westside of Salt Lake City. Additionally, HB 562 set up a framework to build a Utah owned state-of-the-art baseball stadium should Utah secure a Major League Baseball team by 2032. Part of the funding would be through an increase to the Transient Room Tax (TRT) by 1.6% throughout the state, and 0.1% of that would come back for Emergency Management Services (EMS), Public Safety, and Search and Rescue. Paul noted that Washington County Commissioners contacted him that they were also concerned about the amount of money we would be required to send. He reported that he received a call regarding the speed limit signs on Iron Springs Road. Apparently there were two different speed limits depending on which way you were headed. One direction was one speed and coming back it was a different speed on the same road. There were persons being cited for going the wrong speed and it needed to be consistent going both directions. Garth Green, Cedar City Mayor, sent notices on changing the Wastewater Treatment from a Type 2 effluent to a Type 1 effluent to allow for more use in homes and irrigation. Paul noted that Mayor Green asked for a member to represent the commission to help and he agreed to do so. Commissioner Cozzens reported that he met with Mike Clark last week regarding the Woodbury Split. He explained that during the 2023 runoff water from the Woodbury Split was diverted to Rush Lake to ease flood issues. They were hoping to dig a channel, and possibly build a reservoir for the Clarks to use, and the excess would flow out to Rush Lake. He noted that if too much water was diverted toward the west it became an inconvenience for some of the ranchers and their livestock. There had been discussions in the Cedar City Council meetings regarding the Woodbury Split. There was a great deal of debate on the structure and what to do moving forward regarding placing controls on the structure so it would be easier to control the water. Paul reported that any time someone began

changing a structure that had been around for over 100 years at a 60/40 split, could raise some real concerns.

**Michael Bleak, Iron County Commissioner**, reported that he had attended the National Association of Counties (NACo) Legislative Conference in Washington D.C., where he was a member of the Justice & Public Safety Committee. It was a great opportunity to be able to meet with local legislators to discuss concerns and issues of Iron County. Michael expressed his appreciation to Jon Whittaker for joining him on his trips to the state legislative sessions for the Jail sales tax. He noted that most of the departures were not well planned and they had to get everyone organized for rides and leave fast. They would get notice at 5:00 p.m. and have to be at the Capital by 10:00 a.m. the next morning. Others that came up at the last minute to support Iron County were Sheriff Carpenter, Shalon Shaver, and Marcus Keller. He expressed his appreciation to Senator Vickers and Representative Shipp who were very helpful throughout this process and were always available. They represent Iron County well. Commissioner Bleak reported that he spent a day with David Johnson, Economic Development Director, showing him around Iron County and introduced him to staff and elected officials at the Iron County Courthouse. He took him out to BZI and toured Port 15 with Brent Drew. Michael noted that with all the new development in Port 15 there was a concern that Iron County would not be able to supply the workforce they would need. Port 15 reported that there had not been any issues in filling positions and that they were fully staffed. He reported that he spent time on the Economic Development Advisory Board working through the Small Business Development Grant process. There were so many that need help which made for some very tough decisions. Commissioner Bleak reported that he had the opportunity to meet at Senator Mike Lee's Office regarding relationships between Iron County and Federal Agencies (BLM and Forest Service) and what they could do help to accommodate those types of relationships.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL 2 ACRE (R-2) TO AGRICULTURE 20 ACRE (A-20). LOCATED AT APPROXIMATELY 6000 – 6400 NORTH AND 6300 – 6400 WEST, BERYL, UTAH. APPROXIMATELY 38.06 ACRES, LOTS 1 THROUGH 16, BLOCK H, SANTA ANNA RANCHOS, VALLEY VISION SUBDIVISION UNIT 3, WITHIN THE W ½ NW ¼ SECTION 30, T34S, R17W, SLB&M, IRON COUNTY (APN: E-1578-11) Applicant: Escalante Farms, LLC**

Reed Erickson, Iron County Planner, explained that this was a subdivision that had no development on the 16 Lots located east of Modena and NW of Beryl Junction. Reed reported that the property was adjacent to A-20 and R-20 within Tier IV. The proposed use for the property was a zone change to A-20 and to vacate Lots 1-16 out of the subdivision to allow for a pivot. Services available were: Water by private well for irrigation and there were no other services in the area. Escalante Farms owned all 16 lots.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed zone change (APN: E-1578-11).

No public comment were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that, after review and findings, the Iron County Planning Commission (ICPC) confirmed that the applicant was compliant with Iron county Policy – Evaluation Consideration for Re-Zoning Property, and recommended approval.

Paul Cozzens made a motion to approve the zone change from Residential 2 acre (R-2) to Agriculture 20 acre (A-20) regarding APN: E-1578-11 as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Reed Erickson noted that approximately one year ago, there was a discussion on Iron County establishing a Boundary Commission but no action was taken. He explained that there were two, possibly 3 annexations, one in Parowan, one in Cedar City, and one in Brian Head. There were some residents who were being included in an annexation that did not want to be. Reed reported that state law required that a person had to qualify as a “protester” by being an owner of real rural property. It was hard to define the real rural property, in this instance, for

them to qualify because of the small lots (1500 acres of agriculture production land). The emphasis was to encourage the annexation when they were included with other property that Iron County would not include in services in the future. Reed noted that by recommendation from Sam Woodall, Iron County Deputy Attorney, regarding the requests was to wait to address the requests to see if there might be a qualified protester under the real rural property policy rather than establish a Boundary Commission at this time. Reed requested that if the commissioners received any questions regarding the annexations to please refer them to himself or Sam Woodall.

### **PUBLIC COMMENTS**

Diana Stiller, a resident of New Harmony, noted that she had some concerns regarding the proposed “New Harmony Ranch Village” development in New Harmony Valley. Diana stated that the Specially Planned Area (SPA) zone in a designated Tier III was wide open. There were many good ideas, feasibility, cans, mayes, and areas that had not been used in this fashion in a completely new area in a community that does not want it. She asked the commissioners to please familiarize themselves on this proposed village. Diana was also concerned about the state ordinance regarding a Special Service District (SSD). There was a lot of potential in a SSD but this was a monster in the making because it was a state code and not a county code. Please read through this with a skeptical eye before it was brought before the commissioners.

Reed Erickson replied that the item referred to by Diana Stiller would be on the March 7<sup>th</sup> agenda of the ICPC for discussion, which would be the second public hearing. It was advertised for a public hearing scheduled to come before the Iron County Commission on March 11<sup>th</sup>. He reported that the intent of a SSD would be explained at the public hearing by the developer. Reed explained that the developer had to provide a central sewer system and the only way to do that was through a SSD. It had to be an entity that could own and operate the sewer system, which could not be done privately. Iron County Ordinance required that this be established as part of the Development Agreement. Reed noted the order in which this had to happen. 1) Apply for a General Plan Amendment - Tier III change; 2) Apply for a SPA zone change (Village) from A-20 to SPA; and 3) the Development Agreement that locked in the developer and Iron County to assure that those things would happen in the future.

### **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented new hire Jason Duffy as a Full-Time Corrections Deputy 1 in the Sheriff’s Department-Corrections, effective March 31<sup>st</sup>. This was a backfill of a vacant position; new hire Tanner McIntosh as a Full-Time Corrections Deputy 1 in the Sheriff’s Department-Corrections, effective March 18<sup>th</sup>. This was a backfill of a vacant position; the promotion of Emilee Campbell from Deputy 1 to Deputy 2 for the Sheriff Department-Corrections, effective February 18<sup>th</sup>; new hire Michael Sannar as a Full-Time Patrol Bailiff in the Sheriff’s Department-Patrol, effective February 20<sup>th</sup>. This was a backfill of a vacant position; and new hire Trent Sukowaty as a Full-Time Maintenance Worker in the Road Department, effective March 5<sup>th</sup>. This was a backfill of a vacant position.

Jennifer Bradbury presented the Amendments to Iron County Policy Section 15 – Reimbursement for Travel Expense, effective February. The amendment was to update the 2024 Per Diem rates set by the State of Utah and to add an addendum that Iron County would only cover meals that were not provided during a hotel stay, conference, or training. A second addendum was to “follow the GSA breakdown for meals when traveling out of the State of Utah” which would give the employee a little excess when traveling. This was presented at the February 12, 2024 Commission meeting by Lucas Little, Iron County Auditor. Express concerns for food allergies, and grab and go breakfasts. Picture of place staying to establish meal provided. Repayment of over use of county credit card.

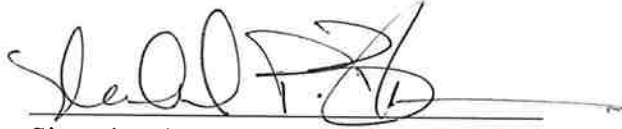
Marilyn Wood made a motion to approve the personnel changes and policy updates as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

No Non-Delegated items were discussed.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: Michael Bleak, Chair



Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
MARCH 11, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 11, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Richard Wilson	County Chief Engineer
Shalon Shaver	County Corrections
Sam Woodall	County Deputy Attorney
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Ken Carpenter	County Sheriff

Others Present:

Natalie Anderson	Carol Barker	Jim Barnowski
Laura Barnowski	David Barton	Carole Cragun
Ron Day	Maile W. Edwards	Karen Ence
Brad Esposito	Christie Frisby	Lorine Hansen
Bryan Harris	Debra Hartman	Jeffrey Hartman
Lise Jenson	Robert Kurth, Jr	Jon Lee
Adam Long	Michael McDonald	Charlie McKnight
Linford Nelson	Jeff Richards	Susan Sepe
Devin Snow	Lowry Snow	Diana Stiller
Jaime Tamraker	Patti Truax	Pat Wall
Laura Wise	Rick Wall	

**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 Marilyn Wood.

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held February 26, 2023. 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 February 26, 2024 to March 10, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Lucas Little, Iron County Auditor**, reported that the Auditor’s Office lost a full-time employee to other employment. McKayla Bess, previous part-time employee, was promoted to be the new full-time employee. Luke noted that McKayla was previously trained in Accounts Payable and worked well with the different departments and the vendors that the Auditor’s Office used. McKayla would be trained to handle the Property Tax process, Extensions, and Property Tax Abatements. Luke reported that the Legislative Session was over and there were many bills that he followed throughout the session. He noted that he was able to fully understand the process that each bill goes through. It made the process clearer to where each bill was and the steps that still had to be taken before it was passed. Luke expressed his appreciation to the employees at the Utah Association of Counties (UAC) for offering training to understand the bill process, and their work throughout the legislative process. He reported that the Auditor’s Office was working to close out the Iron County Financial Records for the 2023 year. He noted that the Iron County Audit was scheduled to begin on May 13<sup>th</sup>. The office was also working on processing Property Tax Exemption application for tax exempt organizations such as religious or charitable organizations. They were also accepting property tax abatement applications for personal property taxes. Luke reported that there were a few bills passed through the legislative March 11, 2024

session that updated the threshold and requirements for low income abatements. There would be training for the new requirements that would help get everything updated for the new standards.

**Kenneth Carpenter, Iron County Sheriff**, reported on current issues:

Metro SWAT – Search/Arrest Warrants, other high-risk calls:

- Four call outs to date this year;
- Using four man teams for TF arrests.

Drug Task force – Very Active:

- Deputy seizure three nights ago on DUI stop;
- 50.67 lbs. Fentanyl;
- 231,540 pills;
- 123.5 lbs. Meth; and
- \$4,558,160 street value

Border Issues: The northern U.S. border was becoming as bad as the southern border.

Huge increase in drug activity:

- Cartels have a pill press in the U.S. now and were manufacturing Fentanyl mixed with Xylazine pills;
- Pre-cursors coming from China;
- New types of Fentanyl and Meth;
- Human Trafficking (more guns being used); and
- Juveniles – Tic Tok, running drugs and people for Cartels.

Sheriff Carpenter reported on Current Law Enforcement (LE) issues.

Total incident reports since January 1, 2024:

- 6 Assault Simple, 2 Air Support, 54 Agency Assists, continued growth in IC growth in LE needed to keep up with growth, 1 Burglary, 5 Child Abuse/Neglect, 17 Felony Offences, 2 Fires, 41 K-9 Unit, 1 Mental Health, 157 Misdemeanor Offenses, 267 Other Offences, 3 Public Relations, 5 Search and Rescue, 1 Sex Crime against a child, 4 Other Sex Crimes, 10 Welfare Checks, 48 Drug Cases, 13 DUI and 45 Animal Problems.
- Legislation –Further enhancement of last year’s bill assigning school security to the Sheriff
  - Required a Sheriff’s Office School Security Liaison Officer
  - May require two full-time SRO’s for elementary schools in the Iron County jurisdiction
- Federal OSHA Rule – Will destroy volunteer programs with no state funding to help
  - Required a physical for every volunteer annually;
  - Additional OSHA Training hours;
  - Very cost prohibitive;
  - Working with Congresswoman Maloy to stop it.

Sheriff Carpenter reported on the current strength of Patrol:

- 2 were currently in the Police Officer Standards & Training (POST) program, and
- May be losing one officer to the St. George Police Department.

Sheriff Carpenter reported on Future Ops and Concerns:

Personnel:

- Filled our last detective from outside from the Cedar City PD (minimum 5 years’ experience);
- K9 from Lincoln County Sheriff’s Office (Task Force funded);
- Possibly a second K9 in the Jail;
- Still looking into an Explosive Detection K9;
- Animal Shelter – Constantly full; and
- Secretary – Hired Meghan Stapley

**Shalon Shaver, Iron County Corrections**, reported that the overall budget for the 1<sup>st</sup> Quarter was at 17%. There was one unexpected expense for the purchase of a tractor for maintenance, which was purchased locally from Beryl. Culinary cost were down to 0.95 cents per meal. Shalon reported that the average daily population total was 152:

- 133 Male, and 19 Female.

The current Inmate total was 179 inmates:

- 128 County inmates;
- 9 State inmates;
- 41 Federal; and
- 1 other county.

Work Crew Projects had 891 total man-hours:

- 163.5 Sheriff's Office;
- 122.5 Jail;
- 38 Building Department-Newcastle Fire Department fencing; and
- 567 Road Department – Fencing on 7700 West.

Shalon reported on Staffing levels:

- There were 6 Vacancies (resignations, transfers, other)
  - 1 clerical and 5 deputies in pre-employment phase;
- Hired 3; and
- 7 were on Long-term leave.

Shalon reported on planned projects and expenditures;

- Increased cost for TASER cartridges in firearm budget; and
- Possible transport van cage for a new all-wheel transport van for inmates, which would cost approximately \$30K.

Shalon reported that the Jail launched the new Inmate Growth, Naturally, Intentionally Through Education (IGNITE) initiative had begun. She explained that this was an initiative that all the programs would be under. Participation was an incentive for inmates to earn rewards. Since the launch of IGNITE other classes have been added such as Financial Literacy taught by State Bank of Southern Utah, a female parenting class (male parenting was previously offered), a proactive skills program, and Edovo. Edovo was an online tablet-based education platform with over 5K classes offered to inmates free of charge. The total inmate reimbursement was \$32,732.98 and total revenue was \$1,654,019.27.

**Paul Cozzens, Iron County Commissioner**, reported that he attended the Iron County Council of Government (ICCOG) meeting. Paul noted that he met with Cedar City Mayor Green regarding changing the Wastewater Treatment from a Type 2 effluent to a Type 1 effluent to be utilized more effectively and different ways to store that water through the winter, possibly pumping the water up to areas where it could be of better use. Mayor Green had received two proposals back from 2 different engineering firms. Paul expressed his appreciation to Mayor Green for his attention to water issues in Iron County. He attended a meeting with Tony Broderick, Veteran's National Cemetery Administration, with the Southern Utah Veteran's Association (SUVA). Paul explained that the Veterans Administration (VA) bought 5 acres of land above and to the south of Home Depot for a National Veteran's Cemetery. The meeting was related to the construction progress of the cemetery. Construction had begun on the cemetery which was a \$34M-36M project. Paul reported that it was explained at the meeting that during construction the rocks were crushed and all the vaults were pre-buried and some were deeper than others with a shell which allowed a veteran's spouse to also be buried there. Commissioner Cozzens reported that there needed to be unanimous agreement from the Veteran's family to move a veteran from a regular cemetery to a veteran's cemetery. He noted that a developer had donated 20 acres north of Enoch for the SUVA to build a VA Arts Center for those suffering from PTSD, a 300 seat Amphitheatre, and a full-size replica of the Vietnam Memorial Wall.

**Marilyn Wood, Iron County Commissioner**, reported that Iron County had applied for a grant through Congresswoman Maloys' office for \$10M to make Iron Springs Road improvements. Congress appropriated Iron County \$7M for the road. The Inland Port now used the road, and Commerce Crossroads with BZI group were building a large complex and would be using the road. The initial plans were to improve Iron Springs Road from Hwy 56 over to the landfill, but that would not be available until bids were returned. Marilyn reported that the road department continued to work on 7700 West, and planned to chip seal the road in June. She

noted at the road would be closed in the coming week to place drainage culverts for heavy rain or runoff. Marilyn reported that she attended the Annual Grazing meeting on February 27<sup>th</sup> with producers from the area, the Bureau of Land Management (BLM), the Forest Service, Department of Wildlife Resources (DWR), and the Department of Natural Resources (DNR). She explained that the meeting was previously sponsored by the Department of Agriculture, but they had decided to not handle the meetings any longer. The local Farm Bureau, American Lands Council, and others put together the meeting and they would continue holding the meetings in Cedar City. It was important to sit and talk about successes and issues facing Iron County. Commissioner Wood reported that there had been issues with keeping the North Iron County (in Parowan) Landfill staffed. Workers from the Cedar City Landfill worked some days at the Parowan Landfill. The hours and days were modified to try and help the Cedar City Landfill workers work their regular 10 hour week, as the hours in Parowan were 8 hours, and the workers had to use comp or vacation hours for the extra 2 hours. Like any change, most residents were great with the new hours, but there had been some who were very unkind. Marilyn noted that she called Parowan City Mayor Halterman and Parowan City Manager Dan Jessen to discuss a solution. Iron County does not want to close the Parowan Landfill. There was an employee at the Parowan Landfill and hoped that everyone would be understanding that Iron County was trying to keep it open. Marilyn reported that there were still issues at the shooting range. She explained that the BLM had put their paintball site northwest of the shooting range and the bullets from the shooting range were ricocheting over to the paintball site. Maria Twitchell, Iron County Parks & Rec, had reported about the issue at her previous departmental report. Marilyn noted that she spoke with the BLM and assumed that they would take care of it. The shooting range was closed and Iron County would have to continue working with the BLM for a solution.

**Michael Bleak, Iron County Commissioner**, reported that he attended the SUVA meeting and was able to put them in touch with Representative Maloy. A breakfast meeting was set and Representative Maloy was excited about the project and said she would do anything she could to help with funding, or whatever they needed. Mike reported that he spent some in-person time with the Federal Emergency Management Agency (FEMA) team regarding the reimbursement of funds for road repairs from past flooding. He noted that they were very complementary to George Colson, Iron County Emergency Manager, for not trying to gouge them for money. George told them that he just wanted reimbursement for the damages. Commissioner Bleak reported that he, Sam Woodall (Iron County Deputy Attorney), and George Colson met to work on an Emergency Medical Services (EMS) agreement. This was an operating agreement between Iron County and Gold Cross to make sure those services were provided in Iron County.

## **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Elliott Matheson as a Full-Time Corrections Deputy 1 for the Sheriff's Office – Corrections, effective March 18<sup>th</sup>. This was a backfill of a vacant position; the promotion of Aaron Wadley from a Deputy 2 to a Deputy 3 in the Sheriff's Department, effective March 31<sup>st</sup>; the promotion of McKayla Bess from a Part-Time Accounts Payable to a Full-Time Accountant 1, effective March 10<sup>th</sup> in the Auditor's Office, effective March 10<sup>th</sup>. This was a backfill of a vacant position.

Marilyn Wood 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.

**PRESENTATION BY MISS IRON COUNTY, NATALIE ANDERSON**

Karen Ence, Miss Iron County Pageant Director, explained that the Miss Iron County that was previously crowned in August 2023 decided to get married. Natalie Anderson, 2<sup>nd</sup> Runner-up, had accepted the role as Miss Iron County, and was doing a fantastic job. Karen turned the time over to Natalie. Natalie reported that she had spent 16 years growing up in Georgia before moving to Cedar City four years ago. She graduated from Cedar High School, and was currently attending Southern Utah University studying Communications with an emphasis in Media and a minor in Political Science. Natalie reported that her Community Service Initiative was “Protect and Prevent” child abuse in Iron County. She had met with the Iron County Children’s Justice Center (CJC) where she brought donations and was currently working on a fundraiser for the new CJC building. Natalie reported that she was able to meet with those involved with the “Policy Project” who worked hard to get SB 205 passed in the Utah Legislature. SB 205 allowed child abuse/prevention education to be implemented in schools in the State of Utah. She noted that she was honored to be included in that process. Miss Anderson reported that the Miss Utah Pageant would be held in June, and she was excited to represent Iron County.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF A PROPOSED GENERAL PLAN TIER CHANGE FROM TIER IV TO TIER III, FOR APPROXIMATELY 482.86 ACRES, WITHIN SECTIONS 17 & 18, T38S, R12W, SLB&M. LOCATED NEAR 2900 EAST HWY 144, NEW HARMONY, UTAH (APNs: E-409-1-412, E-0409-10 & E-0409-11) Applicant: New Harmony Ranch, LLC, c/o Brad Esposito.**

Reed Erickson, Iron County Planner, explained that the location was along Hwy 144 at the southern edge of Iron County along the Washington County line. The site was currently in a Tier IV area which, under current land use policy, would be limited to 20 acre lots. Twenty acre lots were the smallest lot size that were allowed in a Tier IV area. The current zone was A-20, which meant 20 acre minimum lots. On the east side of the interstate, property was a Tier II area in Kanarrville, which allowed 10 acre lots because the lots were not on a central sewer system that was based on the recent Septic Tank Density Study. Commissioner Cozzens asked Reed if the Density Study included the New Harmony Valley. Reed replied that it only included those properties located in Iron County. Reed noted that a zone change would not be eligible for anything less than 20 acres because it was in a Tier IV area. Reed explained that in 1995, Iron County implemented a County General Plan that was revised in 2005, which included 4 types of tiers:

- Tier 1: Urbanized Area – land available for Urban Growth within existing municipal boundaries.
- Tier II: Urban Expansion Area – land available for Urban Growth within a reasonable proximity to existing municipal boundaries with some services available/planned
- Tier III: Urbanizing Area - land that can be developed as a new master planned community, village, or resort project served with central sewer and water infrastructure, and a minimum of 320 acres.
- Tier IV: All other areas in the county – rural with limited or no services

Reed reported that agenda items 2-5 were separate items to be approved, but were related because it was a project. There was a Tier III change that related to the SPA zone, which was required by a Development Agreement. One could not be done without the other. A Tier III could not be done without a Development Agreement, the zone change to a Spa zone could not be done without a Tier Change or a Development Agreement. It was difficult to talk about just one of the item without including the others because they were tied together. A Development Agreement was to ensure everything would be accomplished and to meet the requirement of central sewer. Reed explained that the General Master Plan was a Concept Plan. This was not a Development Plan nor a subdivision. The Development Agreement authorized the developer to take the steps that were required. He noted that this was similar to a Conditional Use Permit (CUP) for a large solar facility, where it specified all the things that needed to be done in order to receive a building permit. The Development Agreement was in place to allow them to divide



property and sell lots, and to construct any type of development. Reed reported that the developer would need to come back through the subdivision process with a financial guarantee and bonding to ensure that the infrastructure was in place. He explained that this plan showed the general layout, concept plan, how the lots would conceptually be divided, the location, where the density were, where the commercial area was, and where the recreation amenities were. These would be discussed when the developer submitted a subdivision application. Reed reported that the SPA zone was an overlay zone that allowed for specific usage that was identified in the Development Agreement. He explained that the developer had created 9 zoning districts that were different from the zoning district that Iron County had, but they allow for the usage that they were articulating in the Development Agreement for low density and medium density housing. The developer had taken the Iron County Table of Uses and incorporated them into their zoning specific. Reed presented the Overview of the Development Proposal for New Harmony Ranch:

- Tier III change from Tier IV
- SPA zone change;
- Development Agreement;
- Sewer treatment facilities – sewer district (Special Service District (SSD));
- Water provided by CICWCD (if all criteria was met);
- 482 acres;
- Less than 600 Dwelling units (including hotel);
- Mixed housing units (Estate lots, medium to low density lots & townhouses);
- Commercial space (40K sq. ft.) and hotel (80 rooms); and
- 100 acres of open space (28%) – barns, stables, paths, ponds, recreational amenities, etc.

Reed reported that the Iron County Planning Commission (ICPC) had been receiving comments regarding the project and had tried to identify what those concerns were. He noted that it was always a challenge when there were projects being proposed and people were concerned with the impacts and how they would be affected by those. The ICPC worked to mitigate those concerns as much as what was reasonable to the ordinances. Sometime people do not feel they were heard when they do not agree with the ICPC or the Iron County Commission. Reed said that, honestly, the ICPC had heard these concerns earnestly and were aware of the concerns. The developer would attest during the discussions through the process that there were some things that could be addressed and some that could not. Some of these things were allowed in the ordinance and there could not be an agreement because people felt that they would be impacted by the project because it was not what they expected to see in that particular area. Reed reported on the Project Evaluation Criteria for Tier III, Section 1, General Provisions, and B. – Village: 320 acres minimum and less than 1000 housing units and not meeting the description of a resort, which was required in the Development Agreement. Commissioner Wood asked about the sewer system that needed to be put in place. Reed replied that the sewer system would be supervised and permitted by the Utah Department of Environmental Quality (DEQ)/Water Quality Division. The DEQ had permitted similar systems in different parts of the state. He noted that he had toured such facilities up in the Kamas/Oakley area. There were different companies that do this type of sewer system in the state and the DEQ was familiar with them, and what they were required to do, and newer technology that was being used. Marilyn Wood asked if Reed might report on Iron County's interaction with Washington County on this project. Reed replied that he met with Washington County's Planner, Scott Messel, a few times regarding this project and the overlay for New Harmony Valley and how it could work for Iron County. They discussed the corridor of Hwy 144 trail and what they wanted to see come out of that, like a trail system, a hike and bike trail on the south side of the highway, and an equestrian trail on the north. Reed noted that he had talked with the developer about the equestrian trail and maintenance along Washington County, and he would continue to cooperate with Washington County. Washington County's attorney spoke at the ICPC meeting and was interested in considering a development agreement with the developers on how the improvements on the roads would actually be done with the acceleration and deceleration lanes on the highway. Reed sent a copy of the proposal to Scott Messel as well.

**Michael Bleak**, Iron County Commission Chair, declared a Public Hearing open regarding the Tier Change only. He noted that a combined time limit of 30 minutes would be given to public comments, which included items 2 – 4, and Jon Whittaker would keep track of that time. Correspondence would come at end of the Public Hearing.

**Diana Stiller**, a resident of New Harmony, reported that Reed did a great job explaining the Tier change criteria that had to be considered before there was a change to the general plan. Diana noted that the “New Harmony area is still rural.” Her group had done a tremendous amount of research and spent a lot of time and money. The group believed that the commission could and should require a demonstration of feasibility and from their research it differed quite a bit, which the ICPC was aware of. She commented that we often hear “where did you come from and how long have you lived here,” which was irrelevant. What should be said was, “why we are here in Harmony Valley.” They live there because of the rural small community environment. Diana explained that she bought property in New Harmony Valley in 2007 to live in a rural, small community. She expected growth to creep up from St. George and down from Cedar City, but not the bombshell of this project being in middle of a rural community. There was a community already there and they did not need an urbanizing zone to establish a pathway establishing its own little city or municipality in their already existing community. Diana noted that she agreed that the owner of this property had property rights, but so did she. But those property rights were limited by our neighbors and those who surround us. The property rights were also limited by county ordinances. None of our rights anywhere or our constitutional rights were unlimited. They were limited by each other and our government puts rules into place to prevent fighting. They do have the right to peacefully protest and petition the government for regress of grievances. The New Harmony is still rural group was comprised of educated and active citizens. Diana stated she appreciated the process that was being done here today. The members of the group were prepared to talk about some of these issues. She noted that there were some concerns that she did not see listed such as grave sites, which was on the list for the property in January and not there now; traffic impact on Hwy 144, and they would like a traffic impact study. They were not trying to close the door to New Harmony. What they did not want was a gated community that would not allow animals. Gated communities belonged in St. George, Las Vegas, and Southern California, not here.

**Christy Frisby**, a resident of New Harmony, noted that she was in opposition to of all the items. She had attended the ICPC meeting and did not have to explain how special New Harmony was. The other Tier III sites previously shown did not have a National Park in their front yard. She stated that a sewage treatment plant, in a septic only community, could be devastating because that was not going to stop urban growth. Growth was import, but it needed to be done in a respective way to the land and the Southern Utah heritage. Her main concern was the egress and emergency exits that were shown earlier during good weather. Christy showed the commissioners pictures of how the road looked on February 12, 2024. Another issue for her was not enough school busses. Her children each spend 2 hours a day for the Elementary school, and 2.5 for Middle school. This influx of 500 homes would only make it worse. The Hwy144 study reported that the road was currently at 3% capacity, with the influx of drivers it would bring it to 33%. The road would need a major upgrade. Christy was also concerned with the sewer plant and that it would be devastating to the area.

**Pat Wall**, a resident of Chekshani Cliffs, reported that during the 2012 fire, three of his neighbors’ homes burnt down because of the lack of fire coverage. The 2022 census reported that the zip code of New Harmony, 84757, had a total population of 1,305, 53.8 sq. miles, 23.3 people per sq. mile, and 675 total housing units. The city of New Harmony in the 2022 census reported 244 residents and this development would add a minimum of 1,800 residents to the zip code, which was approximately seven times the population of New Harmony that would have to drive through this development. Pat noted that he would like Iron County to stay on the master Plan of 5-acre minimum. Just because the development could be approved does not mean that it should be passed.

**Jon Lee**, a citizen of Iron County, noted that in Southern Utah water was always an issue. It had been said that there was enough water but we need to look at the data. Jon reported the

average family in Utah was 3.5 members, and each home would use approximately 12K gallons of water per month. This was 10-times more than what they use on a 5-acre parcel. This development was looking at a 10-times sewer load of discharge that would need to be treated. The Water District would have a 20-times load on its water service. He noted that the water district had to abandon a well because of water quality issues and had another well drilled. The current well feeds agriculture and homes in Chekshani Cliffs. Jon reported that he had tested wells in the area north of the project that dropped 51 feet in water level in 13 years. Water quality changed as water levels changed. He noted that the water company reported that they would have to drill new wells as this development progressed, which would add to the water burden in New Harmony Valley. Jon reported that Harmony Farms Water Company located south, down river from this project, had a Water Well Head Zone Protection Study in 2019. He noted that this project was in the red-zone of the Water Well Head Protection Study. Anything that was discharged from the treatment facility would affect drinking water for those located on 3430 and downstream from Exit 40. Jon reported that he had done a lot of work on Sewer Treatment Plants and there was not one of them that had not had a spill. There were a couple of wells ruined downstream. The potential for a spill was always there. He noted that this project did not fit 98% of Kanarraville and the New Harmony Valley. It should be reconsidered as 5 or 10 acre lots.

**Robert Kurth, Jr.** reported that he was a lawyer in Nevada and Utah and was representing his family that owns property adjacent to this project. Robert went over some specific points. This ordinance changed in 2005 and why was there zoning in the first place? The Home-Owners Association (HOA) was in place to protect property. This was a rural community with 20-acre parcels. He noted that previously Reed Erickson reported that a study might allow 16-acre parcels that was currently zoned for 20 acres. Presently, the ordinance did not allow any parcels under 20-acres unless it was changed to Tier III. Robert submitted that Iron County could change the zoning to 10 acre parcel even though Reed said 16 acres. The 10-acres would be allowed and the developer could develop it without the septic system. When his family purchased the property 30 years ago they did it for a reason. Robert understood that the Iron County Deputy Attorney disapproved the Development Agreement at the March 7<sup>th</sup> ICPC meeting and he would like to see the Development Agreement. He was concerned about the road and it would eventually need a light placed there if there were many residents coming out of a gated community. Robert noted that earlier Sheriff Carpenter reported on the lack of funding and officers. This would also affect New Harmony Valley. Provisions in Exhibit B Subsection 5 reads, "The applicant has demonstrated the feasibility of obtaining police, public safety, and fire services to the reasonable satisfaction of Iron County." He noted that the Development Agreement contained a mechanism to assure the financing of such services. Does this mean they will assess it and charge, or assess the people who buy in? Exhibit B also reads, "It will provide its residents' benefits that significantly outweigh those that would otherwise be derived if development occurred under the current zone." Robert reported that his parents knew that the Davies might sell their farmland for 20 lots, but not a town. This project would triple the population of Kanarraville and New Harmony. Will this project have an adverse impact on other property in the vicinity of the development, and have a reasonable financial plan? He was also concerned on the impact on the wildlife that traveled right through the development, would the BLM allow hunting, why doesn't Iron County start development from Cedar City and move outward, what would be the hours of construction and how long was it going to take, the entire project should be done at the same time and not in phases, will there be lighting, and fencing for livestock?

**Patty Truax**, a resident of Kanarraville, noted that this project would have a negative effect on Kanarraville. In the 1990's, New Harmony Mountain Ranch wanted to change their zone to 5-acre lots from 20-acre lots. The commissioners at that time did not allow the change because they could not provide enough safety precautions to prevent fires and law enforcement. There were reasons why the commissioners should not pass this project. This will affect all property owners.

**Charlie McKnight**, a resident of New Harmony, read from Iron County Code 17.12.030-Criteria for approval of general plan text and map amendments. "In considering a proposed amendment to the Iron County general plan, the applicant shall identify, and the county staff,

planning commission and the county commission may consider the following factors, among others:

- A. The effect of the proposed amendment on the character of the surrounding area;
- B. Consistency of the general plan land use map and the goals and policies of the general plan;
- C. Consistency and compatibility with the general plan uses of nearby and adjoining properties;
- D. The suitability of the properties for the uses requested and their suitability for uses identified by the general plan;
- E. Whether a change in the use proposed for the affected properties will unduly affect the uses or proposed uses for nearby and adjoining properties; and
- F. The overall community benefit of the proposed amendment.

Charlie expressed his appreciation for all the commission had done and that they were very accomplished professionals. Prudence was very important in everything and required that we do not always do things just because we can, but also we do what makes sense. He respectfully suggested that what had been stated here that there be no smaller than 5-acre lots, and to maintain the New Harmony Valley. A village plan does not make sense.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Paul Cozzens made a motion to approve the General Plan Tier change, Tier IV to Tier III regarding APNs: E-0409-1-412, E-0904-4, E-0409-10 and E-0409-11 located near 2900 E Hwy 144, New Harmony, Utah as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

\*Commissioner Bleak explained that since the Public Hearings overlapped, the motions would be made at the end of the public hearings after the public comments were all heard.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO SPECIALLY PLANNED AREA (SPA). FOR APPROXIMATELY 482.86 ACRES. WITHIN SECTIONS 17 & 18, T38S, R12W, SLB&M. LOCATED NEAR 2900 EAST HWY 144, NEW HARMONY, UTAH (APNs: E90409-1-412, E-0409-10 & E-0409-11) Applicant: New Harmony Ranch, LLC, c/o Brad Esposito.**

Reed Erickson, Iron County Planner, explained that a Specially Planned Area (SPA) was a zoning classification, but within that SPA zone overlay, there was an approval for various densities, mixed uses, etc., in which other zoning districts could be created of diversity and flexibility. Reed reported that Exhibit B, Ordinance 205, provided the considerations for a SPA. The SPA zone was intended to:

- Permit innovative consideration in the development of land, to ensure that all development is undertaken in a manner to significantly further the goals and objective of the General plan.
- Allow a creative approach to the development and use of the land and related physical facilities to produce better development, design and construction of quality and aesthetic amenities.
- Allow for a choice in the type and quality of environments, including a mix of land uses, available to residents and the public.
- Better relate residential, commercial, and other development with community facilities and infrastructure location, size and design.

Reed explained that the SPA zone allowed the creation of new zones that may not be in the current zoning, which the developer had opted to do as proposed in their zoning plan, to allow for smaller lots. Even though a R½ zone was allowed in a SPA zone, it also allowed the creation of other zones or densities. He noted that the ICPC was not exceeding what other zone categories allowed for. The provision of a SPA zone allowed the developer to create a zoning structure that provided for the type of development that they were proposing. Reed reported that after the ICPC staff reviewed the proposal with the Table of Uses and the definitions, they found the project was commensurate with the type of zone that Iron County currently had in the zoning

structure that could more easily be enforced. Commissioner Cozzens asked Reed to explain the issue brought up about the road access for emergency purposes. Reed explained that the access road would come out of the north end of the property and run along the base of the hill into Kanarrville. He noted that the requirement for two accesses was met by two exits off Hwy 144. The dirt road to the north was planned for evacuation and was an Iron County Road but not maintained up to standards.

Richard Wilson, Iron County Engineer, reported the mentioned road was a Revised Statute (RS) 2477 road and was typical a dirt road. It would be used in an emergency only, and most in the area would use Hwy 144 for evacuation.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a SPA zone change and reminded the attendees about the time limit.

**Diana Stiller**, a resident of New Harmony, noted that this was a situation where the people who live in New Harmony know better regarding the road. If there was a fire the whole valley would need to evacuate. It would double the population that would need to evacuate and those living there would use Hwy 144 as noted by Richard Wilson, because the other road was not usable. People get stuck on that road even when it was dry. It was not adequate or safe.

**Robert Kurth, Jr.**, a resident of New Harmony, noted that he was concerned that if this was converted to a Tier III it limited the size of parcels. Now that it was a Tier III it could be amended. He reported that he drove the mentioned dirt road yesterday on a side-by-side and it would not be usable by a vehicle.

**Jon Lee**, a resident of New Harmony, noted that he was concerned about moving to a SPA zone and the treatment plant. The treatment plant would need a Level 5 operator and there were only 12 of them located in the State of Utah. He did not believe that any of them would be willing to leave where they currently live and making better wages.

**Patti Truax**, a resident of Kanarrville, reported that if the developers buy property that was zoned 20 acres and thought they could make more money by reducing the acreage just by asking for it, then our ordinances were ineffective.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Marilyn Wood made a motion to approve the zone change from Agriculture 20 acres (A-20) to Specially Planned Area (SPA) regarding APNs: E-409-1-412, E-409-4, E-0409-10 and E-409-11 located near 2900 E Hwy 144, New Harmony, Utah as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

\*Commissioner Bleak explained that since the Public Hearings overlapped, the motions would be made at the end of the public hearings after the public comments were all heard.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED DEVELOPMENT AGREEMENT FOR THE NEW HARMONY RANCH VILLAGE, PLANNED MASTER VILLAGE COMMUNITY WITH OPEN SPACE, RECREATION, A VILLAGE CENTER, WITH SINGLE AND MULTI-FAMILY RESIDENRIAL- APPROXIMATELY 547 DWELLING UNITS. LOCATED NEAR 2900 EAST HWY 144, NEW HARMONY, UTAH WITHIN SECTIONS 17 & 18, T38S, R12W, SLB&M. (APNs: E-409-1-412, E-0409-10 & E-0409-11) Applicant: New Harmony Ranch LLC, c/o Brad Esposito**

Reed Erickson, Iron County Planner, explained that a Development Agreement was a requirement of the Tier III and SPA zone. It was an agreement between Iron County and the developer in following the criteria outlined in Iron County Ordinance 17.42.010 – Development Agreements. The Development Agreement assured projects to advance policies, implement goals, or achieve other desired results not generally available under the other implementation strategies of the Iron County. It was a contract to assure the developer was in compliance with the ordinance. The Development Agreement had been discussed at length between staff, ICPC, the developer, and Iron County Deputy Attorney. It was in its final draft today and ready for adoption. The Development Agreement contained a commitment from the developer to provide central sewer, central water, build the roads to Iron County standards, and build all of the infrastructure according to Iron County standards. The Master Plan, Table of Uses, definitions,

site development standards, and the phasing schedule was included in the agreement. Reed read the purpose of the Development Agreement. "The party desires that the county have reasonable certainty considering the manner in which the New Harmony Ranch Village will be developed, and the developer would have certainty in proceeding with the development of the New Harmony Ranch Village." Discussion continued regard other provisions included in the amendment. Paul Cozzens asked if the treatment plant would be Type 1 or Type 2 effluent. Reed replied that they planned to use a Type 1 effluent.

**Brad Esposito**, New Harmony Ranch, reported that they had contracted two different engineer firms and looking at two wastewater treatment companies, Easy Treat and Aqua Tech. They would to adhere to the standards that need to be met. It was their intention to reutilize the water to put back into the lake and landscapes. They do not want to waste the discharge. Brad noted that they were currently having discussions with the Department of Environmental Quality (DEQ).

Reed Erickson noted that he had spoken with the Southwest Public Health engineer, who was aware of this project, and that the contractors had been in contact with the State of Utah DEQ, through which this project would be permitted. Reed explained that the Phasing Schedule was a concept of how they plan to move through the project. He noted that in regards to Mr. Kurths' comment of how long the project would take. It was difficult to foretell the length of the project and the impacts as the project developed because so much of it was market driven. Any developer would have to phase a project of this scale. The project was currently being presented in 11 phases. There was an equestrian area on the upper right hand corner of the Village. Brad Esposito reported that the equestrian trail had public access from the frontage road and out to the BLM land.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Development Agreement for the New Harmony Ranch Village and reminded the attendees of the time limit.

**Pat Wall**, a resident of Chekshani Cliffs, asked what the length of the Development Agreement was. Was it open-ended, 5, 10, 20, 30 years? Reed replied that the specific term was the time it took to develop the project and have all the requirements in the project fulfilled. If the Village was built out it could be a 10-year agreement. He noted that there was no time specific expiration. There was a provision in the agreement that Iron County could terminate the agreement if they felt the developer was not in compliance and was not committing to the promises made in the agreement.

**Diana Stiller**, a resident of New Harmony, noted that there were many experts here and they had done their own contacting including the state levels for water quality, as she has sent them to the commissioners' emails. Diana stated that she wanted to remind the commissioners that many here did not live in Iron County, except for the Kurth family, but they were your neighbors. She noted that Cedar City, Kanarrville, and New Harmony were extricably linked and had been for approximately 170 year, and asked the commissioners to respect and consider that when voting on this project.

**Robert Kurth, Jr.**, resident of New Harmony, noted that he was concerned with the Development Agreement and hoped the commissioners would table this part of this project. He stated that he did not agree that this was a contract, rather an agreement between the developer and Iron County. If the commissioners approve the current proposed plan, that was putting the half-acre lots which was in violation of Tier III adjacent to their property. The emergency exit would have to be moved by the horses and fence. The road was insufficient and it would need to be moved to the NE corner. If approved it would concern him very much. He noted that the road was on BLM land. Paul Cozzens reported that it was a RS2477 road and could be maintained.

Reed Erickson reported that they were aware of the emergency exit and it came out on the east side of the property by the equestrian area. Currently, if someone came out on the corner they would be on the west side, but were able to come out on the east side. They were working with the BLM to avoid the draw, and working with the developer to make sure there would be a good access for emergency purposes.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.



Commissioner Cozzens asked Reed if it was a legal requirement for them to disclose the Development Agreement. Reed replied that it was a public document and copies would be available. The agreement had not been available previously because it was in negotiations to make changes before it was made public. They needed to be sure that it was the final copy before releasing it to the public. Commissioner Wood asked if the Development Agreement was not approved today could it be moved to the next commission meeting? Reed explained that the Development Agreement was required to approve the Tier III and a SPA zone, so they were tied together. The criteria for the Tier III and SPA zone required the Development Agreement. He noted that it was a contract to ensure that Iron County was comfortable that they were committing the developer to what the ordinance required. It was not a public negotiation, but it was to ensure that the ordinance was being complied with, and getting the commitments from the developer that the ordinance required.

Sam Woodall, Iron County Attorney, reported that his office reviewed the Development Agreement and did not have any concerns with it.

Jon Whittaker read, or gave a synopsis of the comments sent to him through his email.

**Jody Maclee** wrote that, "If the "village" is allowed to proceed as a Tier III, it will impact South Elementary, Cedar Middle School and Cedar High School at approximately \$2M a year just for the Village. She opposed the project and asked that the commission not move forward and not put more burden on an already overcrowded and underfunded school system.

**Carole Cragun** wrote that, "The developer stated that he would build and pay the salaries for a new fire station. The property currently had no fire protection. Where would the sewer runoff go from the sewer treatment plant? She did not want to see and smell sewage and the treatment plant should be at least one-half mile to one-mile north of Hwy 144. A gated community did not fit with the aesthetic of New Harmony. Was Iron County ready for the influx of students? Keep New Harmony rural."

**Laura Barnowski** (summarized) wrote that, "She was opposed to the development because the proposition did not in any way conform to the nature of what was New Harmony Valley: wide open spaces, large presence of agriculture, farming, cattle, and horse ranches. Homes along the valley west of this proposal are on a minimum of 5-acre, most being actually at least 10-acre plots. In between are fields of cows and horses. Directly across the road are fields that feed cattle, horses, and sheep. Iron County Code 17.02.030 Purpose: The purpose of this title is to implement the goals and policies of the Iron County general plan. This title contains standards, provisions and requirements intended to protect the health safety and welfare of the citizens of Iron County by *ensuring that neighbors and adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources*. The effect of the proposed amendment on the character of the surrounding area was not urban. Consistency and compatibility with the general plan uses of nearby and adjoining properties. There was only one adjacent property to this proposed development in Iron County, which is currently agriculture. Regarding the horse ranch to the west of the proposed development, no one has discussed the ramification of this proposed development on his ranch. Whether a change in the use proposed for the affected properties will unduly affect the uses or proposed use for nearby and adjoining properties. There is insufficient water to supply the proposed development. Within this statute, at 17D-1-301, creation of an SSD can only be challenged by "*a registered voter within the SSD*." This means that no one can protest the creation of an SSD on vacant land. I do not believe the legislature intended to deny any resident opposition. Hence, this should not be used when vacant land is the subject. Qualifications of administrative control board means that no one can be on the administrative control board other than a county employee when using this statute based on vacant land. I request you review usage of this statute to allow a SSD on this proposed development. Per discussion I had with the Utah Association for SSD's, they recommended other methods to be explored, such as a Public Infrastructure District, something aimed at providing these services to vacant land."

**Craig Parmley** wrote, "In 37 years in this business, this is the first time I have seen such a serious proposal treated so lightly and with almost no due diligence. We have heard from water, sewer, and flooding experts who have expressed similar concerns. As of March 7, we

have been told, *“Trust us-we’ll made sure the proper stems are eventually taken-but let’s approve this anyway.”* I am not in favor of this development, but if the commission vote to proceed, he will at least feel that all the concerns were professionally addressed. *Despite not wanting this development, I am pragmatic and reasonable enough to accept the results of a thorough feasibility study and an exhaustively outlined and prepared developer agreement.* Sadly, we are far from that point. On March 7, Paul Monroe of the CICWCD informed us last Thursday at the Iron County Planning Commission (ICPC) meeting that they only have water for 250 residents. The current plan calls for twice that number of residents. Where is the water coming from? What will the effect be on nearby wells and water districts? Iron County Planning Commission (ICPC) employees provided differing answers on January 22, February 1, and March 7 regarding who had jurisdiction over Hwy 144. It’s embarrassing and unprofessional and casts a huge shadow on the ICPC staff judgement. None of the ICPC representatives who made the recommendation held recognizable registrations or endorsements as traffic engineers, and none represented an agency with jurisdiction over the road. Despite this, on three occasions, a representative from the ICPC stated that they had reviewed traffic data, most recently in the form of counts, and deemed no improvements were needed.” Jon reported that Craig was told that mitigation was not required. Craig was concerned with the confusion between Washington County and Iron County about jurisdiction. He was concerned that the traffic counts comprised only a tiny slice of data which should have included accident history, accident types, road construction details, sections, etc., where the road is in its maintenance life cycle, seasonal weather conditions impacting site distance, and road layout. Craig was concerned with the lack of coordination between UDOT and ICPC, flooding issues and coordinating with Washington County flood control. “A lawyer retained by New Harmony residents was told by the Iron County Sheriff, one day before the March 7<sup>th</sup> ICPC meeting, that they did not have a development agreement despite asking the ICPC to approve it the next day. Make your ICPC and developer do their due diligence. Make them properly outline the impacts on other jurisdictions. Make them return to the drawing board and provide enough information to assess the feasibility of this development accurately. Once you have that information on hand, make them good partners with your neighbors in local government and come to a reasonable choice backed by accurate data. We only ask that you don’t sacrifice our rights as residents and property owners in favor of the perceived rights of the developer.”

Jon Whittaker reported that he had received an email from **Diana Stiller**, but had expressed most of her concerns today. Jon noted that Diana wrote, “I believe that your Ordinance 205 requires you to consider the impacts of any development on neighboring communities when you make your decisions, and the impact of your decisions on the future residents of Iron County.”

**Brad Esposito**, New Harmony Ranch Village, reported that he wanted to make sure some things were understood. Brad expressed his appreciation to the ICPC, who had been fantastic to work with and the staff should be commended. Brad explained that discussion on this project began 3 years ago and was not just beginning. The Development Agreement had gone back and forth for months to get to the point they were at now and all involved were in agreement. He noted that he had lived in Pine Valley for 6 years and owned property there since 1990. Brad loved this valley and understood the residents’ concerns. This project could have been much larger in a resort situation and force over a 1000 home in there. He was personally committed, and so was his team, to work any way they could with any agency to do the best thing. In regards to the acceleration and deceleration lanes, they agreed to do the lanes, which was not forced on them. They had met with UDOT to do a traffic study, which was not mandatory, and they would adhere to the findings, and would do the same with the sewer or anything that would come up. In the future there would be many hurdles to overcome and he was committed to do what was right. Brad reported that he hoped that this Village would set the standard for how large developments should look like. Extra funds were being used for a gated community and putting in a 10-acre lake to make this a nice place that people could enjoy and the residents and citizens of Iron County could be proud of. He asked that this move forward with a vote of approval. He noted that he did not see any reason for the project to be tabled. If

there was a reason to table the Development Agreement approval, he asked that the commission move forward with the motions subject to the final draft of the Development Agreement. They would continue to work with the DEQ and what was best for Iron County. Commissioner Wood asked if they had enough water rights and what year were the water rights. Brad replied that they currently had 97 acre-feet of water rights that were pre-1935. Upon approval of the motions they had a seller that was holding water rights for them of 1917 water rights. This person was referred to them by the Water Reclamation District and there was an agreement between the three of them. That would make a total of 300 acre-feet of water rights.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Paul Cozzens noted that there were many who assumed that the commissioners do not study all the documents presented to them, they do read them and study them. Paul had talked with Paul Monroe, CICWCD, at length regarding the water situation. He reported that one thing the documents said that the developer would place a water tank. Paul Monroe told Paul that there would not be any connections until the water tank was complete. Commissioner Cozzens explained that when a well was put in in our valleys, the closer you get to the mountains the higher the Total Dissolved Solid (TDS) were. The water district drilled a new well for Chekshani Cliffs by I-15, which was better water for them. Last year they pumped 1,480 of 8760 or 60 out of 365 days. There was plenty of capacity in that well. The Development Agreement stated 200 acre-feet of water was good for 200 homes. When Commissioner Cozzens was on the water board they had a policy that if the development focused more on xeriscape and water-wise landscaping, the water board would require less acre-feet per home. Paul Monroe told Paul Cozzens that if the development had 200 acre-feet of water, that would be enough for up to 400 connections. Paul noted that Chekshani Cliffs was built in 1993 and had taken 30 years to build 57 homes on 70 lots. If this project was approved there would not be 200 homes right away. The CICWCD would not allow the developer to develop more phases if there was not enough water. Regarding property rights. Paul reported that he grew up in Moab and his parents had moved there in 1957. His parents purchased a lot of land in Moab before 1962. He was grateful for property rights. Paul reported that when he was 10 years old his father was paralyzed with encephalitis and could no longer work. Because of the land his father purchased in 1957, they were able to sell the parcels and that was how they supported his family. He was grateful to be able to develop that property and sell it. This had made him very compassionate to private property rights. If someone wanted to develop their land and they were in compliance with the ordinances and regulations that Iron County had in place, then they had the right to do that. Regarding the issue brought up about increase in crimes. Paul reported that the development was within a mile of I-15 and thousands of cars driving past every day. He noted that he had heard this argument on crime for many years. When he was on the Cedar City Council, Interstate Drive was proposed to go through to build the Courtyard Marriott and others developed in the area. The same arguments went on for a year that criminals would drive in and go into the neighborhoods and commit crimes and wreak havoc. This had not happened and people leave I-15 and drive back on. Criminalization was unfounded. Regarding the septic density. Reed Erickson brought up the fact if there were 10-acre lots and wells puncturing the aquifer and septic tanks could have a negative affect with the groundwater with just the septic tanks, whereas the sewer facility would keep the pollutants out of the aquifer. Paul reported that he felt this development was a very wise thing where they would take care of their own sewer with their own treatment plant. He noted that there was a letter from the Iron County School District stating that they could accommodate the development. The sewage would be regulated by the State of Utah. As Paul had listened to some of the minutes and conversations that there were only 5 to 10-acre lots in the New Harmony Valley. He looked at the map over the weekend and he counted 75 one-acre lots on the south side of the road that had been developed. Paul reported that had he read some of the documents that referred to the Iron County Fire Department. Iron County does not have a fire department. There was an agreement with Cedar City Fire Department through an Interlocal Agreement to provide fire service. Paul noted that it was his understanding, regarding the traffic issues, that a traffic study had been done. The development was one mile from the

freeway. If the developer included acceleration and deceleration lanes it would greatly enhance the flow of traffic.

Marilyn Wood noted that the developer was very brave in pursuing this Village. The New Harmony Ranch Village that was proposed was very costly and she could not imagine that Brad Esposito had not planned this project to do well. Brad had done his due diligence trying to go through the process to make sure he was in compliance. Marilyn expressed that she was doubtful that this project would be a success. It was away from the big cities to shop. In our country we all have private property rights and if Brad wanted to pursue this project he had the right to do so. Regarding the gated community that everyone was concerned about. If a property owner wanted to have their own community they could build a wall around it. There were walls up on a few of the subdivisions in Cedar City and she did not think this would be a problem. Commissioner Wood noted that she thought the planned central sewer was a good plan. A year or so when the Sewer Density Study was done it was very concerning. Reed Erickson worked very hard on the study. The 10-acre lots was a result of the study. Washington County had lots that were smaller and there were some in New Harmony. New Harmony residents who lived in Washington County need to encourage Washington County to perform a new study. The sewer treatment plant would help keep the nitrates low. There were several treatment plants all over the country and a few in Utah. She reported that Reed Erickson asked many communities to have a treatment plant placed in their community. Commissioner Wood noted that there that there was no market on scenery and it was free. She was sure that the developer chose that spot for the beautiful view.

**Diana Stiller** reported that Washington County was going to begin a study. They would begin in Pine Valley and circle around.

Paul Cozzens made a motion to approve a proposed Development Agreement for the New Harmony Ranch Village planned Master Village Community regarding APNs: E-0409-1-412, E-409-4, E-0409-10 and E-0409-11 located near 2900 E Hwy 144, New Harmony, Utah as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

\*Commissioner Bleak explained that since the Public Hearings overlapped, the motions were made at the end of the public hearings after the public comments were all heard.

### **PUBLIC HEARING ON THE PROPOSED CREATION OF THE NEW HARMONY RANCH SPECIAL SERVICE DISTRICT (SSD)**

Reed Erickson, Iron County Planner, explained that this was a Public Hearing that was identified for the Special Service District (SSD) for this project to provide sewer and transportation services within the boundary of the district to take care of and accommodate as required by the Development Agreement. The developer had to create this new legal entity. Reed reported that Resolution 2024-1 was approved on January 22<sup>nd</sup> and identified March 11<sup>th</sup> as the public hearing date. This would now begin the 60-day protest period, which anyone could protest, but there was a stipulation of whose protest could actually be used to terminate the project. Those included properties that were within the proposed district. The district boundary that was being proposed was the boundary of the project and does not include anyone else. He explained that there were concerns expressed that the Tier III and the district could be expanded and take in other property. That was not what the SSD was doing. Tier III was specifically limited to the 482 acres that was approved and this district comprised of the same property. The owners of this property have proposed to create the SSD. Reed explained that only owners within the property could go towards the 25% it would take to end the project, if 25% protested. Others could protest and voice their concerns and those concerns could all be heard as the SSD was being considered at the end of the 60-day protest period. At the end of the protest period, the SSD could come back before the commission and they could consider any of those protests and concerns and weigh those out and determine whether it's in the best interest to create the district or not. Only 25% of those within the project area could end the project, but if anyone else protesting made a legitimate argument or a valid concern, then the commissioners could elect to not approve the SSD. The SSD was a requirement in the Development Agreement in order to take care, own, and operate the sewer system. Reed explained that as previously mentioned in

some of the public comments, it took a qualified operator who was in the business and could do the testing, reporting, and maintaining the equipment. Reed reported that after the SSD was approved the commissioners would appoint the SSD Board members. Currently, there were not a multitude of property owners to select from so the commissioners could select anyone with experience and background to serve on the board to help establish the SSD, begin building, making improvements, and begin their operation systems. Reed noted that this public hearing was to establish the 60-day protest period.

**Devin Snow**, New Harmony Ranch in behalf of the developer, Devin explained that it might be helpful to differentiate between the actions the commissions just approved. The previous actions had to do with the uses of land and whether they were appropriate. The SSD public hearing was only about the sewer system and infrastructure to be operated and maintained in the future. It was assure that that infrastructure was taken care of and run well. Devin noted that there was no action to be taken today. Action would be taken on a future date to actually create the SSD. The public hearing today was to hear from members of the public about the creation of the SSD. Devin reported that the SSD would be a public entity, which meant that it would have open meetings and a budget would be approved and adopted by the SSD. The SSD would not affect non-residents. Fees that residents within the development pay would be for sewer service. Residents outside the New Harmony Ranch development would not be required to pay those fees. He noted that one of the public comments suggested that maybe a Public Infrastructure District (PID) might be more appropriate vehicle for this project. PID's were specifically not authorized for operation and maintenance of sewer treatment plants, which was the reason to move forward with a SSD.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the creation of the New Harmony SSD.

**Diana Stiller**, a resident of New Harmony, reported that she heard that perhaps the SSD included the maintenance of the roads, and wondered if that was true. Diana noted that an SSD could be done on vacant land, but the document but talks about persons who were there and needed these services. An SSD was not intended to be created on open land.

**Jim Barnowski**, a resident of New Harmony, noted that he would like a clarification on the protest period. The protest period was restricted to those who reside within the district. Marilyn Wood replied that others could protest. Jim stated that only those with in the district were considered appropriate protests. Only the property owners were appropriate protests. Marilyn noted that if 25% of those within the district could end the project, but anyone was allowed to protest. Jim stated that that was true, but his point was that there was zero population on the property, so only the property owners could effectively protest against the SSD.

**Pat Wall**, a resident of Chekshani Cliffs, reported that at the first ICPC meeting regarding this project, it was stated that no outside builders would be allowed. Pat reported that this entire project was up to the developer to build and develop everything. He would like to hear from the developer what his timetable was to fully build out this project outside. Commissioner Bleak replied that those question were outside the perimeter of this public hearing. Comments were to be specific to the SSD.

**John Lee**, a citizen of Iron County, reported that the amount of water that would be discharged into the wastewater treatment ponds would be wholly inadequate because they would be too small. This was going to cause issues with runoff downstream.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

**PUBLIC COMMENTS**

No Public Comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 14, 15, & 16, WINTERWOOD SUBDIVISION UNIT 1 – TO COMBINE INTO A SINGLE LOT RENUMBERED 14A. LOCATED IN THE NE¼ OF SECTION 35, T34S, R10W, SLB&M, IRON COUNTY, UTAH. (APNs: D-69-4, D-69-9 & D-69-13) Applicant: Brent Dean**

Reed Erickson, Iron County Planner, explained that the lots were located in the Winterwood Subdivision south of Summit on the south side of I-15. The land ownership pattern was all private around this area. Reed explained that the lots were too small to accommodate septic and well and accommodate the setbacks. The owners proposed to amend this currently zone R-½ property on half-acre lots and combine the three lots into one single lot.

Marilyn Wood made a motion to approve a partial subdivision vacate and amend for lots 14, 15, & 16 to combine into a single lot renumbered 14A regarding APNs: D-69-4, D-69-9 and D-69-13. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF THE POTENTIAL SALE OF TWO PROPERTIES OWNED BY IRON COUNTY IN THE CEDAR HIGHLANDS SUBDIVISION (APNs: D-1024-5-1, D-1024-5-2)**

Richard Wilson, Iron County Chief Engineer, explained that these properties had been previously discussed. The court ordered that they be transferred to Iron County when Cedar Highlands City was unincorporated. Richard reported that after discussions between staff and the BLM regarding alternative routes, the two lots would not be part of the rerouting plan for the road that was approved by the BLM. This sale did not suggest or imply that Iron County would be taking over any roads. The two lots were not necessary to be on the roles of Iron County owned properties. This would give him permission to list these properties for sale. He noted that Cedar Highlands and the CICWCD had claims for unpaid bills and would have to be paid by the buyer. It would be made part of the condition that any leans or other encumbrances on the property would be paid by the buyer. The money from the sale would be returned to the Corridor Preservation funds.

Paul Cozzens made a motion to approve the potential sale of two properties owned by Iron County in the Cedar Highland Subdivision (APNs: D-1024-5-1 and D-2024-5-2), as presented by Richard Wilson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF TO RATIFY AN AGREEMENT BETWEEN IRON COUNTY AND SUNROC CORPORATION FOR THE CONSTRUCTION OF THE IRON COUNTY EWP PROJECT, RIGHT HAND CANYON AND RED CREEK**

Richard Wilson, Iron County Chief Engineer, reported that the Emergency Watershed Protection (EWP) projects were previously approved and received permission to move forward for bids. Sunroc Construction was awarded the bid and there was need to ratify the contract between Iron County and Sunroc. Richard noted that he had a pre-build meeting scheduled with Sunroc and Bowen Collins later this week and hopefully get the project started as-soon-as possible. He explained that Ladybug Nursery was included in the project because Iron County had a cost share requirement, and after consideration, he felt that it could be fulfilled within Iron County for the \$20K cost share. Richard reported that he was sensitive to the budget and how to save money, and the road department could do most of the hauling.

Marilyn Wood made a motion to ratify an agreement between Iron County and Sunroc for the construction of the Iron County EWP Project, Right Hand Canyon and Red Creek, as presented by Richard Wilson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



**DISCUSSION AND POSSIBLE APPROVAL TO RATIFY TWO BLM GRANTS FOR FLPMA TITLE V THAT AUTHORIZES IRON COUNTY TO IMPROVE, OPERATE, MAINTAIN, AND TERMINATE WATER FACILITY AND FLOOD CONTROL MITIGATIONS ON BLM ADMINISTERED LAND AND TITLE V RIGHT-OF WAY (ROW) UTU-82051 WHICH AMENDS LEGACY UTU-82051 TO ADD A FLOOD CONTROL STRUCTURE ON PUBLIC LANDS ADMINISTERED BY THE BLM**

Richard Wilson, Iron County Chief Engineer, explained that the BLM gave Iron County permission to do EWP's on BLM land. Both Right Hand Canyon and Red Creek had BLM associated properties. He noted that instead of making this specific to the project in hand of the EWP, Iron County had the rights to go in and manage and maintain Right Hand Canyon and Red Creek for the next 20 years. Rather than it being a single project, it was a 20 year grant to work in that area.

Paul Cozzens made a motion to ratify two BLM grants for FLPMA Title V that authorizes Iron County to improve, operate, maintain, and terminate water facility and flood control mitigations on BLM Administered Land and Title Right-of-Way (ROW) UTU-82051 which amends Legacy UTU-80501 to add a flood control structure on public lands administered by the BLM as presented by Richard Wilson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL TO RATIFY A PROFESSIONAL SERVICE AGREEMENT BETWEEN IRON COUNTY AND GTC CONSULTING, INC**

Marilyn Wood made a motion to ratify a Professional Service Agreement between Iron County and GTC Consulting, Inc. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

Michael Bleak, Iron County Commission Chair, declared the convening of the Iron County Community Development and Renewal Agency (ICCD&RA).

**ICCD&RA RESOLUTION 2024-1, APPROVING AN AMENDMENT TO PARTICIPATION AGREEMENT FOR THE FREMONT SOLAR COMMUNITY DEVELOPMENT PROJECT AREA**

Adam Long, Attorney for the Iron County Community Development & Renewal Agency (ICCD&RA), explained that the next two agenda items could be presented together but have separate actions taken. Adam reported that Fremont and Rush Lake Solar Community initial Interlocal Agreements were approved in 2019 and were amended in 2020. He noted that the requested amendment was regarding the commercial operations date. This date was set that the developer had to have the 2 projects up and running, generating power and selling it to whoever the off-taker was. In the participation agreement that date was a prerequisite to get the project developed. They were requesting to move the date out by 3 years to January 1, 2028. Notably, they were not changing the Interlocal Agreements. The participating tax entities, Iron County School District and water district, signed the Interlocal Agreements that they would participate for a period up to 15 years with a "drop-dead" date of 2039. He explained that meant the agency would have to begin collecting tax increment in 2025, meaning the project would have to be built by 2025. Because of supply chain constraints and other issues that would not happen, which was the reason for the request.

Paul Cozzens made a motion to approve ICCD&RA Resolution 2024-1, approving an amendment to the Participation Agreement for the Rush Lake Solar Community Development Area. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND  
RENEWAL AGENCY RESOLUTION 2024-1**

A RESOLUTION APPROVING AN AMENDMENT TO THE PARTICIPATION AGREEMENT FOR THE FREMONT SOLAR COMMUNITY DEVELOPMENT PROJECT AREA.

**Whereas**, pursuant to the provisions of the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act (the “**Act**”), specifically Utah Code Annotated (“**UCA**”) § 17C-4, the Iron County Community Development and Renewal Agency (the “**Agency**”) has created and adopted a project area plan (the “**Plan**”) for the Fremont Solar Community Development Project Area (“**Project Area**”); and

**Whereas**, the development and construction of the project is expected to be completed by the end of 2027; and

**Whereas**, the Agency and the taxing entities now desire to amend the participation agreement for the Project Area (the “**Participation Agreement**”) in order to reflect the development schedule.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

1. The amendment to the Participation Agreement for the Fremont Solar Community Development Project Area is hereby approved, in substantially the form attached hereto as **Exhibit A**.
2. The Commission Chair is hereby authorized to execute the amendment, with such changes, modifications, and emendations as the Commission Chair deems necessary.
3. This resolution takes effect immediately.

**APPROVED AND ADOPTED** on the 11<sup>th</sup> day of March, 2024.

IRON COUNTY COMMUNITY  
DEVELOPMENT AND RENEWAL  
AGENCY



Michael Bleak, Chairman

ATTEST:



Jonathan T. Whittaker, County Clerk



**VOTING BY THE AGENCY BOARD**

Michael Bleak        Aye    
Paul Cozzens         Aye    
Marilyn Wood         Aye

**ICCD&RA RESOLUTION 2024-2, APPROVING AN AMENDMENT TO THE PARTICIPATION AGREEMENT FOR THE RUSH LAKE SOLAR COMMUNITY DEVELOPMENT PROJECT AREA**

Marilyn Woods made a motion to approve ICCD&RA Resolution 2024-2, an amendment to the Participation Agreement for the Rush Lake Solar Community Development Area. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND  
RENEWAL AGENCY RESOLUTION 2024-2**

A RESOLUTION APPROVING AN AMENDMENT TO THE PARTICIPATION  
AGREEMENT FOR THE RUSH LAKE SOLAR COMMUNITY DEVELOPMENT  
PROJECT AREA.

**Whereas**, pursuant to the provisions of the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act (the “**Act**”), specifically Utah Code Annotated (“**UCA**”) § 17C-4, the Iron County Community Development and Renewal Agency (the “**Agency**”) has created and adopted a project area plan (the “**Plan**”) for the Rush Lake Solar Community Development Project Area (“**Project Area**”); and

**Whereas**, the development and construction of the project is expected to be completed by the end of 2027; and

**Whereas**, the Agency and the taxing entities now desire to amend the participation agreement for the Project Area (the “**Participation Agreement**”) in order to reflect the development schedule.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

1. The amendment to the Participation Agreement for the Rush Lake Solar Community Development Project Area is hereby approved, in substantially the form attached hereto as **Exhibit A**.
2. The Commission Chair is hereby authorized to execute the amendment, with such changes, modifications, and emendations as the Commission Chair deems necessary.
3. This resolution takes effect immediately.

**APPROVED AND ADOPTED** on the 11<sup>th</sup> day of March, 2024.

IRON COUNTY COMMUNITY  
DEVELOPMENT AND RENEWAL AGENCY

  
\_\_\_\_\_  
Michael Bleak, Chairman

ATTEST:

  
Jonathan T. Whittaker, County Clerk



**VOTING BY THE AGENCY BOARD**

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

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the resumption of the Iron County Commission.

**NON-DELEGATED ITEMS**

No Non-Delegated were discussed.


Michael Bleak, Iron County Commission Chair, declared a recess for lunch.


**DISCUSSION REGARDING ONGOING LITIGATION. THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA §52-4-205(1)(C), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIAGATION"**

Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205(c) – Strategy Session to discuss pending or reasonably imminent litigation. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Michael P. Bleak, 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(c) for discussion regarding ongoing litigation.

  
Signed: Michael P. Bleak, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk





**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**SPECIAL IRON COUNTY COMMISSION MEETING  
MARCH 19, 2024**

Minutes of the Special Iron County Commission meeting convened at 10:00 A.M. March 19, 2024 in Commission Chambers, at 68 South 100 East, Parowan, Utah.

Officers in attendance included:

Micheal Bleak	Commission Chair-Excused
Paul Cozzens	Commissioner
Marilyn Wood	Commission Chair Pro Tem
Jonathan T. Whittaker	County Clerk

**SYNOPSIS**

ADJOURNMENT .....2  
APPOINT COMMISSION CHAIR PRO TEM .....1  
CANVASS OF THE MARCH 5, 2024 PRESIDENTIAL PRIMARY ELECTION .....1

**EXCUSE COMMISSIONER BLEAK, APPOINT COMMISSION CHAIR PRO TEM**

Paul Cozzens excused Commissioner Bleak and made a motion to appoint Commissioner Wood Chair Pro Tempore. Second by Paul Cozzens. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye.

**CANVAS OF THE MARCH 5, 2024 PRESIDENTIAL PRIMARY ELECTION**

**Jon Whittaker, Iron County Clerk**, presented the Canvass of the March 5, 2024 Iron Presidential Primary Election. Jon explained this was the Democratic Presidential Primary Election. Only registered Democrats received a mail-in-ballot, and Republicans were referred to their caucus meetings to vote. The Logic & Accuracy test was performed and the turnout was accurate. Election day went smoothly, the ballots were mailed and returned smoothly. Jon reported that total turnout was 35.71% county wide. He noted that a Mid-Election Audit was held which Commissioner Wood participated. Marilyn Wood reported that she learned that there was a new process where a number was printed on each ballot, which made it easier to connect the ballot to the audit paper. Jon explained that the DS450 tabulation machine prints a unique number on each ballot. He reported that when the State of Utah made the change to paper ballots, there was a paper ballot for each vote cast and those paper ballots were kept for the required 22 months. Jon explained that the number placed on the ballot was part of the “cast vote” record. He was allowed to pull that number up to look at the ballot and the number on it to check that the number on it matched the number in the system. Commissioner Wood reported that another thing she found was interesting was the exact ballot was shown and if the voter made a mark other than filling in the oval, that was present on the when pulling the ballot and the record. She noted that the audit was perfect. Jon reported that the audit reflected the computerized cast vote record matched the physical ballots in hand. Jon explained the audit process. He reported that 715 total ballots were cast for a 35.71% turnout. One interesting fact was there were 715 ballots cast, but only 704 votes cast. Eleven ballots were returned with no voting mark in protest of the handling of the Isreal conflict. Joeseph R Biden, Jr received 620 votes or 88.07%. Jon reported that he recommended approval of the 2024 Democratic Presidential Primary Election canvass.

Paul Cozzens reported that there was only a 10% turnout of registered Republicans on caucus night. Paul asked Jon Whittaker if he thought the Republican Party would repeat the caucus night voting. Jon replied that he personally liked to attend his caucus meeting. Jon did express concerns about having no control at the caucus meetings, but he was not worried about fraud. It had been shown that Vote-by-Mail had a higher turnout. Jon reported that the decision



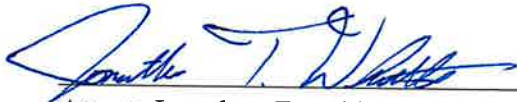
would come down to the Republican Party leadership. Discussion continued on caucus night voting.

Paul Cozzens made a motion to approve the canvass of the March 5, 2024 Iron County Democratic Presidential Primary Election. Second by Marilyn Wood. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ADJOURNMENT**

Marilyn Wood, Iron County Commission Chair Pro Tem, declared adjournment.

  
\_\_\_\_\_  
Signed: Marilyn Wood, Commission Chair Pro Tem

  
\_\_\_\_\_  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING**

**MARCH 25, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 25, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Ken Carpenter	County Sheriff
Lucas Little	County Auditor
Richard Wilson	County Engineer
Shalon Shaver	Jail Commander
Bruce Anderson	Public Works Director
August Franklin	Deputy County Auditor
McKayla Bess	Deputy County Auditor
Terry Palmer	Building & Zoning Administrator
George Colson	Emergency Manager
Ryan Riddle	Fire Warden
Jennifer Bradbury	HR Director
Mike Worthen	Natural Resource
Maria Twitchell	Tourism Director

Also Present:

Andrew	Austin Christensen	Tami Christensen
Maile Wilson Edwards	Jeff Richards	Ken Robinson
Tyler Romeril		

**SYNOPSIS**

ADJOURNMENT ..... 13

APPROVAL OF CLAIMS FOR PAYMENT ..... 2

APPROVAL OF MINUTES ..... 2

CLOSED SESSION..... 13

CROSS HOLLOWS DIAMOND Z EXPANSION PROJECT FUNDING..... 9

DEPARTMENTAL REPORTS..... 2

INVOCATION ..... 2

LOCAL CONSENT EVENT, BOOTS AND BIKINIS ..... 8

MOU-DIAMOND Z EXPANSION .....	9
MOU-EMERGENCY MEDICAL SERVICES.....	10
NON-DELEGATED ITEMS.....	12
PERSONNEL .....	12
PLEDGE OF ALLEGIANCE.....	2
PROPERTY TAX EXEMPTIONS-RELIGIOUS, EDUCATIONAL, CHARITABLE .....	12
PUBLIC COMMENTS .....	8
RESOLUTION 2024-2-REVENUE BONDS .....	8
RESOLUTION 2024-3-LOCAL SALES TAX.....	10

**INVOCATION**

An invocation was offered by Bruce Anderson.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meetings held March 11, 2024, and March 19, 2024. Second by Paul Cozzens. Voting for the March 11, 2024 minutes: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye. Voting for the March 19, 2024 minutes: Michael Bleak, Abstain; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from March 11, 2024 to March 24, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Bruce Anderson, Iron County Public Works Director**, reported on the Landfill. Bruce reported that Keith Imlay left the landfill and he would be having interviews to fill that position this Wednesday. Bruce attended a Solid Waste Association of North America (SWANA) training in Springdale, Utah. He noted that the Department of Environmental Quality (DEQ) required them to attend those meetings. The DEQ would be coming to every landfill to observe where things were going. There would be new regulations due to those visits. Bruce reported that the budget was on track. He finally received the 836 CAT Compactor last Thursday. When he returns to the landfill there will be a training on the compactor and it will be in production today. The compaction rates should go up 300 to 700 pounds per square inch. It will really help extend the lifespan of the landfill. He noted that he and Jeremy Truman, Landfill Assistant Supervisor, would be performing the spring water samples tomorrow. From January 1 to the present the landfill had done 1,301 tons compared to 1,206 tons in 2023. This was a great indicator of where our economy was. Bruce reported that the old Compactor was brought to the Parowan Landfill, which Parowan had never had. Having a compactor in the Parowan Landfill would increase the lifetime of the landfill significantly. Marilyn Wood asked Bruce to explain the open hour change at the Parowan Landfill. Bruce reported that it was a struggle to keep the Parowan Landfill staffed. With fewer employees, the hours were changed to be open from 10:00 a.m. to 6:00 p.m. every day. Employees now worked 4 10-hour days each week and would rotate days off each week. The first week the Parowan Landfill would be open on Monday, Wednesday, and Friday. Week 2 would be Tuesday, Thursday, and Saturday. This schedule would alternate, and the landfill would be open every other Saturday. He noted that this was the best option to retain employees.

Bruce Anderson reported on the Road Department. He and Sam Woodall, Iron County Deputy Attorney, had been working on a Memorandum of Understanding (MOU) for gravel on Cedar Mountain, Newcastle, and the Gold Springs Road. He and Justin Goodwin, Iron County Roads Assistant Supervisor, attended an Asphalt Conference training in Salt Lake City. Bruce was able to get more contacts to bid differently and have more bidding on their projects. Bruce reported that the Road Department continued to work on 7700 West. They were approximately halfway through with Type 2 and all the base was completed. He noted that Curtis DeMille helped place a 5-foot concrete pipe under the road to drain into Quichapa Creek. The bid for the asphalt and chip was awarded to Sunroc. Because of the nature of the type of chip oil and how it was used, the chip oil was awarded to 3 different companies. Bruce reported that he received one of the 10-wheel dump trucks that was on the 2023 budget, and hoped to get the other one in May or June. The economy was still making it difficult to acquire equipment. He noted that the road department continued to work on the realignment of the Iron Springs Road. They would be hauling rip rap to Parowan this week. Bruce closed by reporting that the budget was on track.

**Terry Palmer, Building & Zoning Administrator**, reported that as of March 22<sup>nd</sup>, there was a total of 111 permits issued to date. This compared to 75 total permits at this time in 2023. In new dwellings alone, they had issued 52 permits so far this year compared to 17 at the end of March last year. That was an increase of 35 and it was not the busy time of the year yet. The department has been down two inspectors since this time last year as well. The department was understaffed and underpaid. Terry reported that Nate Dennett had passed one of his Commercial Inspector tests. Chelsea Boxwell would be taking the Residential Building Inspector test in the next two weeks.

**Building:**

Building and Zoning had completed Plan Reviews on 136 projects so far this year, and had performed 694 inspections (which included multiple stops at different houses) this year. He reported on big projects that were upcoming that he was presently aware of:

- 3 different gas stations, 2 were big truck stops, and one was a smaller store. Two were Terrible's truck stops and the other was a Maverick truck stop. He noted that one Terrible's and 1 Maverick were being built in Parowan and they were working through the annexation process to have them built within the city limits. The Maverick would be on the West side of I-15 on 200 South, or Holyoak Lane;
- Ace Hardware: was being built in Parowan. The contract was awarded to Bulloch Construction and it would be a 23,000 sq. ft. building. They hoped to begin grading within the next two weeks.
- Commerce Crossroads Logistics Park was in the "Go stage" and he would be meeting with them on March 28<sup>th</sup> to go over the paperwork. They would like to break ground on two buildings, one within the next two weeks and the other by July;
- 3 other large light industrial-type buildings;
- New Harmony Ranch Subdivision – if approved, infrastructure work would begin this summer, and
- Two possible solar farms near Newcastle and in Parowan Valley

Terry noted that there were two legislative bills that had been passed that would affect his department. Two bills had been signed by the governor. SB 185, was regarding residential inspections. If a inspection was not completed within 3 days, owners could hire a third party to complete the inspection. Terry noted that he had a meeting tomorrow with all the inspectors in the State of Utah to go over all bills affecting inspection to discuss how they would affect his department. He would then meet with local building officials from Iron, Garfield, and Beaver Counties on Thursday or Friday to develop a plan regarding the implementation of SB 185 to not adversely affect their budgets. Terry was hopeful that they could work out some type of agreement to help each other cover this bill. He noted that at this point there had not been any issues with covering the inspections in the time required. If the state had to hire a third party inspector, then the county would have to pay for it. Local inspectors would help each other out. This law went into effect as the result of jurisdictions and municipalities not getting their

inspections done within the time frame required. Terry reported that HB 518 was regarding shipping containers or “conex boxes.” He noted that conex boxes that were at grade level, were non-connected conex boxes less than 350 sq. ft., and were used for storage only would not require a building permit. His question regarding the bill was how many conex boxes were they talking about. Paul Cozzens replied that it did not make a difference of how many just as long as they were unattached. Other concerns were if the conex was placed on the wrong property, or on an easement, or within setbacks. How would he address those issues? Terry reported that he had no problem with not issuing a building permit, but it should include a requirement that the owners check zoning laws. Discussion continued about issues with conex boxes.

**Code Enforcement:**

- there were 27, 7-day notices sent out to date, and
- 6, 30-day certified mail notices sent out.

Terry reported that the budget was on track.

**Planning:**

- Reed Erickson was working on many land projects; and
- Due to new Legislation changes that just went into effect, Reed did not have much time from when we receive an application to when he had to review it and take action.

**Building Maintenance:**

- There were new RFP proposed bids submitted for lawn care for six of the Iron County buildings. He would be bringing the contract to the next commission meeting for approval and to award the contract;
- The leaking roofs on the concession/restroom building of the fairgrounds were repaired;
- He was working with Tiger Grimshaw to get some design ideas for the fairgrounds building;
- The construction of the parking lot at the Justice Center should be starting by the end of April, depending on the weather;
- An RFP to remodel the fair building would be sent out March 19;
- The expansion of the CDL Driving course parking lot at the Public Safety Building would be completed this week;
- A fence was installed around the Newcastle Fire Station;
- The bees had been extracted from the Beryl Fire Station walls;
- They helped remodel the offices for the fleet department; and
- There was a bid to install fencing around the Visitor Center and Office Building.

Terry explained that with Chelsea pursuing her Residential Building Inspector license, an opening would be left for the secretary position. He would like to have a new secretary hired soon so Chelsea could train that person.

**Richard Wilson, Iron County Engineer,** reported that Iron County had received notification of \$7M in funding from Congress with the help of Congresswomen Maloy’s Office for the Iron Springs Road improvements. He had reached out a couple of times to see what the process was to receive the money, but he had not heard back. In conjunction with that, he had spoken with Danny Stewart, of the Utah Inland Port Authority (UIPA), regarding the Inland Port system. Richard reported that there was a grant for infrastructure needs around the Inland Port. He met with Danny and David Johnson, Economic Development Director, and discussed the whole picture with Iron Springs and what would be inclusive. The good news was that perhaps they would be able to study the road profile and some of the \$7M could be spent on a design, and possibly some from the grant that Danny already had. He noted that they wanted to look at the railroad, Sage Hill Road, and future business that might be coming out to Iron Springs. Besides Commerce Park, they expected that Iron Springs was going to become a booming area. He met with Frank Nichols last week regarding his hopes on the west side of Iron Springs Road, particularly for residential. Richard reported that he was working with Cedar City to determine the upsizing of the sewer lines. There was a sewer confluence and Richard was working with BZI. Richard reported that he was working with the Building and Zoning Department on the Commerce Park development, and Cedar City on the sewer upsizing there. The developer of

Commerce Park was considering installing in a 30" pipeline which would go to a lift station which would send it down to 4500. He noted that Silver Hills would also be tied to the sewer line. It would take effluent coming off Iron Springs from the west, and possibly from the east side of Quichapa. Richard was working with Cedar City and did not foresee any development around Quichapa of less than 20-acre lots. Discussion continued regarding the sewer line and roads. He noted that the contractors went to Mr. Lamb for chip sealing. He was committed for the summer to work for Idaho and the Forest Service. That left Iron County without a commercial chip sealer in the Cedar Valley. He spoke with Ray Bulloch about creating a partnership with him to do the prep work on Sage Hill Road Richard and the road department would do the chip seal. Discussion continued regarding Iron Springs Road. Richard reported that property was purchased with funds from the Corridor Preservation Fund for the belt route. The development of the belt route date might have to be rapidly pushed forward because of the growth in Iron County. He noted that he was grateful that Iron County had a plan in place and how to work with developers. Richard reported that the contract for EWP projects was awarded to Sunroc. Sunroc began work on Right-Hand Canyon to stabilize the bridge. He noted that the office had negotiated the Quichapa Creek easement with Cedar City to bring Quichapa Creek through and they were still working with some of the owners to the south to improve the Right-of-Way so Quichapa Creek could continue running, as well as 3200 S to the Sunrise Subdivision. Richard reported Iron County was in a good position for the spring runoff. All the major run flood channels had been cleaned out including Quichapa, and Stevensville Ditch/Coal Creek. Last week Richard met with the BLM, UDOT, Western Rock, and landowners to explain the current plan direction on Stevensville Ditch/Coal Creel. BLM had a 130 Foot Maintenance Agreement with Cedar City which might need to be expanded. Iron County was looking at a larger area than that. UDOT agreed to the same thing and needed to come up with a Maintenance Agreement with them. Western Rock would take the plan up the chain of command. Western Rock knew that Iron County wanted to expand Bulldog Road and Airport Road the width of the channel and conduct improvements for what the long-term plan was further north to 2200 North.

Richard reported that this would be the last week that Curtis DeMille would be working for Iron County. His last day would be April 5<sup>th</sup> as he was offered a new job. He had been a wonderful employee and would be missed.

**Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau**, reported that Transient Room Tax (TRT) collections for 2023 ended being up 4.4% over 2022. However, to date TRT collections were trending slightly lower than last year at -2.3%. She attributed some of that to Brian Head having a slow start to their winter season. Restaurant collections ended in 2023 up 12.8% over 2022. She attributed that increase to last year's outstanding ski season. To date, Restaurant Tax collections were up 5.6%. Occupancy for 2023 ended at 6.7% over the previous year and the Average Daily Rate was up 2.5%. To date, Occupancy was down -4.6% over last year due to the slow start of the ski season this year. Brian Head reported that the season was going well and they had extended the ski season to May 5<sup>th</sup>, Maria reported on Earned Media:

- Thanks to the efforts of Kaylee Pickering, Communication Specialist, there were 37 positive articles to date, resulting in \$4.9M in advertising value equivalent. Major articles appeared in Forbes, Travel & Leisure, and the Toronto Sun.
- Iron County was considered the "Birthplace of film in Utah" and the state was celebrating 100 years of Utah Film in 2024. Tourism hosted a successful kick-off event in Cedar City on February 3<sup>rd</sup> at the Cedar Hotel Lobby and Event Center. They featured a short film shootout with five finalists from Utah-based filmmakers.
- The contract with their advertising agency had come to an end. An RFP was sent out to hire another agency and Maria received 18 proposals and had narrowed the applicants to four. Two agencies were based in Utah, one in Denver, and one in Las Vegas. The final decision would be made later this month after checking references.
- The Iron County Restaurant Tax Board met in January and February to review applications for funding for the 2024 year: The following recommendations were determined:
  - Utah Summer Games awarded \$50K;



- Cedar City Leisure Services: Little League Restroom \$34K, Diamond Z Restroom \$20K, Diamond Z electrical \$27K, Outdoor Arena sound \$9K, Arena heaters \$5.5K, Event Recruitment \$10K, and Iron West Light bases \$110,831.50;
- Utah Shakespeare Festival \$119,200;
- Kanarra Town-Kanarra Falls Ladder \$15K;
- Brian Head Peak overlook restoration \$35K;
- Cedar City Airport marketing/research \$37K;
- Beverley Center Day of the Dead event \$5K;
- Southern Utah Museum of Art \$23,500, and
- Iron County projects, including trail maintenance, International travel development, and Skid steer for parks, for a total of \$606,035.50.

Maria reported that they did receive an application for Phase 3 of the Rotary Canyon Park project, but asked them to come back next year. The board deemed the project worthwhile, however the first 2 phases had not begun yet.

- Maria had been serving on a committee with Cedar City to investigate improving air service and flight times at the Cedar City Airport. A meeting with SkyWest Airlines would take place in Cedar City on March 26<sup>th</sup>.
- Tourism had partnered with the Cedar City/Iron County Economic Development Office on Placer AI software and were currently training on its use. Placer AI aggregate's location data from a mobile app usage of those that spend more than 2 minutes within that point of interest in Iron County/Cedar City. To date, it had recorded 1.6M visitors.

### **Parks and Recreation**

Maria reported that issues with the Shooting Range continued. She had reports that shells from the Shooting Range Pistol Bay were ricocheting into the nearby BLM Air Soft/Paintball Range. Signage was placed at the bays stating that the bays were for pistol only and not to shoot over the berm. It was her understanding that it was witnessed by a Sheriff Deputy that people were shooting at a bowling ball which ricocheted into the nearby paintball range on March 9<sup>th</sup>. The deputy closed 3 bays at the range and they remain closed until this gets resolved. Maria noted that she had a meeting with the BLM today.

New events scheduled at Iron County Parks for 2024:

- Utah Summer Games Mountain Biking on May 3<sup>rd</sup> and 4<sup>th</sup>, anticipating 2,500 participants;
- Utah Summer Games Orienteering (using a compass and map) on May 31<sup>st</sup> and June 1<sup>st</sup>; and
- RC Rock Crawl on October 11<sup>th</sup> through 13<sup>th</sup>, anticipating 100 participants.

She noted that these were all new events offered at the Utah Summer Games.

Work Loads:

- Wood Ranch: was being prepared to open for the season as soon as the snow melted. They would begin cleaning up all the trash and get the water system turned on and tested. There were more benches and picnic tables this year to install around the pond. Three concrete fire pits would be replaced with new metal fire rings and they continued to remove dead trees throughout the park;
- 5 mile: Mike Worthen and Bryce Williams met with Alpha Engineering and had preliminary plans for the new water system. When they were completed, they would be submitted to the state for approval. When the snow melted, they would work on finishing the last of the projects so it could be opened on August 1<sup>st</sup>. Projects that need to be completed were;
  - Install the amphitheater;
  - Remove a large tree, and finish constructing the stairs in the group area;
  - Install signage and maps throughout the park;
  - Grade the slopes on both sides of the creek, and
  - Place more gravel to finish the road and parking area.

Once opened:

- Complete a foot trail from the bathroom to the footbridge,
  - Contract to have the upper bridge installed this summer;
  - The rockwork on the rock oven and drinking fountain; and
  - Add fences and plaques detailing the history.
- Three peaks:

Maria reported that Bryce Williams was able to clear 1.5 acres for the new OHV Trailhead at the front of the park and had completed half of the fence for the OHV Trailhead. Maria noted that the Jail Work Crew helped with the fence. She expressed her appreciation to the work crew for helping with the fence. Maria reported that Lucas was able to burn the slash piles produced from clearing the area. Maria reported that once funding was released from the state for the OHV Trailhead, they would purchase road base and needed to coordinate with the Road Department to haul and grade it sometime in May. Commissioner Wood replied May was the chip seal time. She and Maria need to set an appointment with Bruce Anderson to discuss when the road department could help. There were severely damaged sections of the barbwire fence around the perimeter of the park that needed to be repaired. Maria reported that there was an injury with the new maintenance custodian on March 12<sup>th</sup>. She was hopeful that he would be able to return to work on April 8<sup>th</sup>.

**Marilyn Wood, Iron County Commissioner**, reported that on March 14<sup>th</sup> she attended a meeting regarding the new CJC parking lot. On the 19<sup>th</sup>, the commissioners were asked to speak to the Rotary Club. Commissioner Bleak was out of town, so she and Commissioner Cozzens spoke. She talked about the fairgrounds and the new barn that would be put there, the new CJC Building, chip sealing roads and work on 7700 West. Marilyn reported that on the 22<sup>nd</sup> there was a Zoom meeting with the Public Lands Committee. These meetings were helpful to be able to discuss issues from other counties. Some of the items that were discussed were: the Payment in Lieu of Taxes (PILT) that continued to be a fight to keep, wild horses, road closures and the concern that the Biden administration wanted to close public roads. Many farmers depend on their livestock grazing on public land and had a history of grazing that land, and sage grass. On Saturday she attended the retirement party for Curtis Crawford who retired from being the Council on Aging Director. He was a wonderful employee and was loved by all at the centers.

**Paul Cozzens, Iron County Commissioner**, attended the Community Development Block Grant (CDBG) meeting in Richfield. Paul reported that there was a good presentation on "Brownfields." He explained that the program provided grants and technical assistance to communities, states, tribes, and others to assess, safely clean up trashed property, and sustainably reuse contaminated properties. There was grant funding available for someone to acquire the land and to clean it up so that it could be productive for the community. Paul noted that he attended the Cedar/Beaver Watershed Council meeting held in Enoch, where he was a board member. The members were able to tour the Cedar City recharge projects.

**Michael Bleak, Iron County Commissioner**, had also attended meetings regarding, as Maria previously mentioned, the airport issues and trying to improve flight times. Mike was able to go with the Building/Planning Department to BZI to look at some of their innovations. They discussed building permit issues and looked at some of the new technology for inspections to better understand these technologies. He attended the Founders Board Banquet with Commissioner Cozzens. The banquet was to recognize local people and businesses that contribute to Iron County. Commissioner Bleak reported that he had the opportunity to spend two days Washington D.C. with Southern Utah University (SUU) Aviation. Mike explained that the Veteran's Administration had enacted rules in 2022 that threatened to take all Universities around the county out compliance for the post 911 GI bill eligibility. If this were to happen it would be devastating to all universities and would be a devastation to the Veterans who had served our country. He noted that SUU Aviation felt that it was important for them to take a personal trip and Mike was able to assist them while there. They met in 15 different legislators' offices, on both sides of the aisle, and staff from the Committee of Veterans' Affairs. Mike reported that Iron County had a strong history with our veterans. He noted that 50% of the SUU Aviation program were Veterans. At SUU, 10 to 15% of their total population were veterans. Mike reported that SUU Aviation employed 130 people from our community on a median salary.

Massachusetts Institute of Technology (MIT) had a formula that calculated revenue that came into a community. He noted that the annual revenue generated from SUU Aviation was \$51M/year. With the SUU Aviation veterans program and veterans funding the law would be a major economic blow to Iron County. Being able to speak to those in Washington D.C. about Iron County's economy and the relationship with our veterans was very important. Commissioner Bleak reported on some of the things that SUU Aviation contributes to Iron County.

- Had a partnership with the Iron County Sheriff's Office and assisted them many times. Iron County did assisted SUU Aviation with \$300K to meet the gap in funding to purchase a helicopter specifically for Law Enforcement use, which was gone the first year in just maintenance.
- Economic development: there had been numerous time that Iron County organized flights with the Inland Port Board to show them around Iron County to understand the issues we have.
- Flying developers around Iron County that were interested in industrial mining to help them understand our topography better.
- They were instrumental in making Iron County to have the 1<sup>st</sup> Inland Port project in the State of Utah.
- They had helped our Tourism-during the fall colors last year they took Maria Twitchell and her crew to take footage of the fall colors.
- Help to get inspectors into hard places to inspect properties.
- Building Department had used them to look at the outlying areas the saved time and energy in building inspections.

Mike stated that it was very important to continue to support the SUU Aviation program.

#### **PUBLIC COMMENTS**

Andrea Nelson, a citizen of Iron County, expressed her appreciation to the commissioners for sending a letter to the Iron County School Board for supporting the renaming Cedar High School Reds back to the Cedar High Redman.

#### **DISCUSSION AND POSSIBLE APPROVAL FOR LOCAL CONSENT FOR THE EVENT, BOOTS AND BIKINIS TO BE HELD JUNE 21 AND 22 AT THE THREE PEAKS OASIS**

Austin & Tami Christensen, representing Three Peaks Oasis, reported that they were both new to Three Peaks Oasis organization. Austin explained that this was an annual event held at the Three Peaks Oasis. They would like approval for a local consent permit to have alcohol at the event. The Beer Garden would be in a secured area and fenced off. Beer Garden. ID would be required for those wanting to purchase a drink and would have a wrist band to show that they were allowed to drink.

Marilyn Wood made a motion to approve a Local Consent for the event, Boots and Bikinis, to be held June 21<sup>st</sup> and 22<sup>nd</sup> at the Three Peaks Oasis. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **RESOLUTION 2024-2, CONSIDERATION OF A RESOLUTION DECLARING THE INTENT OF IRON COUNTY TO ISSUE UP TO \$14,450,000 OF REVENUE BONDS UNDER THE UTAH INDUSTRIAL FACILITIES AND DEVELOPMENT ACT FOR THE BENEFIT OF THE DIXIE AND ANNE LEAVITT FAMILY FOUNDATION AND PROVIDING FOR RELATED MATTERS**

Tyler Romeril, counsel for the Leavitt Foundation, expressed frustration that this item had been tabled twice already, in spite of working on this since December to be a smooth process. Michael Bleak reported that the Iron County Municipal Advisor, Marcus Keller had been working on a draft conduit policy that would likely be ready by the next commission meeting. Such a policy would help those applying for such conduit bonds, as well as staff and the

commissioners in weighing such requests. Tyler Romeril expressed concern that the policy not be written so as to cause future delays. Paul Cozzens asked why the Leavitt Foundation had not approached Cedar City Corporation about this since the project was within Cedar City limits. Tyler replied that the Leavitt Foundation had successfully navigated this process with Iron County twice before and felt the process was more established.

Paul Cozzens made a motion to table this item until an Industrial Revenue Bond Conduit Issuance Policy could be enacted. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A RECOMMENDATION FROM THE IRON COUNTY RESTAURANT TAX BOARD FOR FUNDING THE CROSS HOLLOWS DIAMOND Z INDOOR ARENA EXPANSION PROJECT**

Maria Twitchell, Executive Director of the Cedar City/Brian Head Tourism Bureau, explained the Iron County Restaurant Tax Board received a request from Cedar City to help fund an expansion of the Diamond Z indoor arena. The request was for \$1.4 million to help build a 105' X 220' facility to support the main arena. After two meetings, the Restaurant Board approved a \$1 million grant spread over 3 years, so \$333,333 per year. The board felt this expansion project would add to the recruitment of and potential size of projects that could be sought for and supported at Diamond Z. Maria noted that this grant would not fully fund the expansion expense and that additional fund-raising would be required. Marilyn Wood asked about the shortfall. Maria Twitchell noted that there are many other requestors, but that the Restaurant Board felt this was a valuable and deserving project, and by spreading the funds over 3 years, the Restaurant Board could fund other worthy projects as well. Marilyn Wood noted that the Diamond Z Arena was hosting events nearly every weekend, with the current manager, Scott Christensen doing an excellent job. Marilyn was in favor of the expansion project and the Restaurant Board grant. Maria agreed and noted that it was made clear that the grant was for construction, with no grant money to be spent on maintenance. Maintaining the facility would continue to be Cedar City's responsibility. Marilyn Wood noted that the facility clearly brought economic benefit. Marilyn Wood made a motion to approve the recommended grant to Cedar City to help with the construction of an expansion to the arena at the Diamond Z Arena in the amount of \$1 million as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND CEDAR CITY FOR THE DIAMOND Z INDOOR ARENA EXPANSION PROJECT**

Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, explained that Deputy County Attorney, Sam Woodall, prepared the MOU for this meeting. Maria Twitchell noted that the final payment was anticipated to be in 2026, and be based on receipts. Paul Cozzens noted that the payments would be "post-performance."

Paul Cozzens made a motion to approve the MOU between Iron County and Cedar City for the Diamond Z Indoor Arena expansion project. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND MUNICIPAL JURISDICTIONS-ENOCH CITY, PAROWAN CITY, KANARRAVILLE, PARAGONAH, AND THE TOWN OF BRIAN HEAD TO AUTHORIZE IRON COUNTY TO NEGOTIATE WITH EMERGENCY MEDICAL SERVICES PROVIDER FOR 5 YEARS**

George Colson, Iron County Emergency Manager, noted that with the passage of SB 64 counties would be responsible for Emergency Medical Services. These MOU's were to clarify Iron County's responsibility. Iron County would continue to be responsible for contracting with EMS. The municipalities allow Iron County to negotiate with the EMS provider for a period of 5 years. The municipalities were happy to delegate and had signed the MOU's.

Marilyn Wood made a motion to approve of a local MOU between Iron County and Municipal jurisdictions Enoch City, Parowan City, Kanarraville, Paragonah, and the Town of Brian Head to authorize Iron County to negotiate with Emergency Medical Services provider for 5 years, as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RESOLUTION 2024-3, AUTHORIZING THE IMPLEMENTATION OF A 0.03% LOCAL OPTION SALES TAX UNDER UCA 59-12-2216 FOR THE PURPOSES OF PUBLIC SAFETY AND APPROVING ALL RELATED ACTIONS TO IMPLEMENT SAID TAX**

Marilyn Wood explained that this Resolution was a result of what had been worked on in the legislature regarding Iron County's funding of a jail facility. Resolution 2024-3 would authorize a 0.3% Local Option Sales Tax, and was due to HB 487. Marilyn noted that many hours were spent on the phone and in person to bring the legislation about. She expressed appreciation, in particular to Representative Rex Shipp, who put forth HB 113, which was ultimately not voted on in the Senate. Marilyn also expressed appreciation to Senator Evan Vickers for co-sponsoring HB 113, and for his support in these efforts. Michael Bleak noted that it had been a long process with many ups and downs. He expressed his appreciation to Sheriff Ken Carpenter, Jail Commander Shalon Shaver and Jon Whittaker.

Paul Cozzens made a motion to approve Resolution 2024-3, authorizing the implementation of a 0.03% Local Option Sales Tax under UCA 59-12-2216 for the purposes of public safety and approving all related actions to implement said tax. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

# IRON COUNTY RESOLUTION 2024-3

A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZATION OF THE IMPOSITION OF A 0.3% LOCAL OPTION SALES TAX FOR PUBLIC SAFETY UNDER UTAH CODE ANNOTATED (UCA) 59-12-2216.

**Whereas,** Iron County is authorized to impose a Local Option Sales Tax for Public Safety Purposes under UCA 59-12-2216 (3)(b); and

**Whereas,** there is an ongoing and acute need for a Sheriff's Complex and Jail and to fund the requisite bonding for such, as well as other necessary Public Safety Purposes; and

**Whereas,** UCA 59-12-2216 (1) provides for the imposition of up to 0.3% sales and use tax for Public Safety Purposes; and

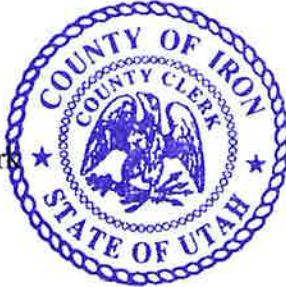
**NOW THEREFORE,** it is hereby resolved by the Iron County Board of Commissioners to impose a 0.3% sales and use tax for Public Safety Purposes as permitted under UCA 59-12-2216. Said sales and use tax will be requested for allocation by the Utah State Tax Commission upon passage of this resolution.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Michael P. Bleak – Commission Chair

ATTEST:

  
Jonathan T. Whittaker – Iron County Clerk



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



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

Michael Bleak, Iron County Commission Chair, declaring the convening as the Board of Equalization (BOE).

**DISCUSSION AND POSSIBLE APPROVAL OF 2024 PROPERTY TAX EXEMPTIONS WHICH HAVE BEEN SUBMITTED BY RELIGIOUS, EDUCATION, OR CHARITABLE ORGANIZATIONS REQUESTING TAX EXEMPT STATUS ON PERSONAL OR REAL PROPERTY FOR THE 2024 TAX YEAR**

McKayla Bess, Iron County Deputy Auditor, reported that there were no new property tax exemptions. Changes addition of new properties.

Marilyn Wood made a motion to approve the 2024 Property Tax Exemptions, which had been submitted by Religious, Educational, or Charitable organizations requesting Tax-Exempt status on Personal or Real Property for the 2024 Tax Year as presented by McKayla Bess. Second by. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the resumption of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented new hire Leah Hatch as a Full-Time Corrections Secretary 1 for the Sheriff's Department - Corrections, effective April 1<sup>st</sup>. This was a backfill of a vacant position; the promotion/transfer Hayden Morton from a Part-Time CJC Victim Service Specialist to a Full-Time Legal Assistant for the Attorney's Office, effective March 18<sup>th</sup>. This was a backfill of a vacant position; the promotion of Ron Morrow from a Part-Time Outreach Worker to a Full-Time Director of Council on Aging, effective March 31<sup>st</sup>. This was a backfill of a vacant position; the new hire Kelton Iverson as a Full-Time Automotive Technician in the Fleet Department, effective April 1<sup>st</sup>. This was a backfill of a vacant position.

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

Jennifer Bradbury presented an update to Iron County Policies and Procedures Manual Section 21 – Employee Retirement, This policy fought fraudulent retirement scams and prohibited companies to enter county buildings to solicit employees.

Marilyn Wood made a motion to approve the update to Iron County Policies and Procedures Manual Section 21 – Employee Retirement. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**


No Non-Delegated were discussed.

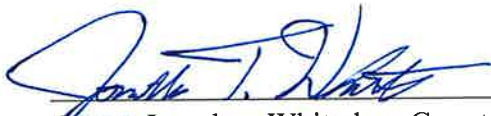
**DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

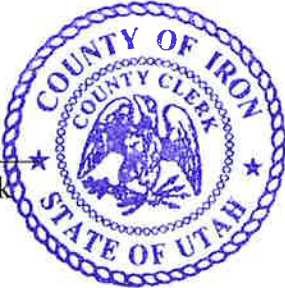
Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c) – “Strategy Sessions to discuss pending or reasonably imminent litigation.” Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Michael Bleak, 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(c) for discussion regarding ongoing litigation.

  
Signed: Michael Bleak, Chairman

  
Attest: Jonathan Whittaker, County Clerk




**END OF CLOSED SESSION**

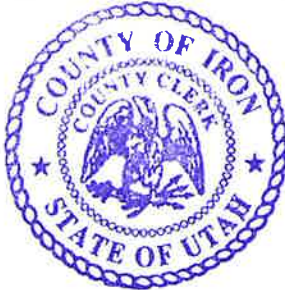
Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
APRIL 8, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 8, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Luke Little	County Auditor
Richard Wilson	County Chief Engineer
Sam Woodall	County Deputy Attorney
George Colson	County Emergency Management
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Mike Worthen	County Natural Resources
Kenneth Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer

Others in attendance:

Carol Barker	Maile Edwards	Rigoberto Favela
Arlo Fawson	Thayne Hainsworth	Lillie Levitz
Tyler Melling	Jeff Richards	Ken Robinson
Tyler Romeril	Tom Jett	Alec Snyder-Fair
Marcie Staudte	Evan Vickers	Vie Lee Walter

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**INVOCATION**

An invocation was offered by Mike Worthen.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held March 25, 2024. 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 25, 2024 to April 7, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**COMMISSION REPORTS**

**Marilyn Wood, Iron County Commissioner**, reported that in March she visited with Babcock Design and Layton Construction regarding the new Jail discussing what plans were in place. On the 28<sup>th</sup> she visited with BZI and there would be a meeting with them regarding plans for Iron Springs Road. The monthly Zoom meeting with the Utah State Association of Counties, Commissions, & Councils (USACC&C) was held on April 5<sup>th</sup>. One of the main discussions was regarding conservation easements for farms and ranches. Marilyn explained that during COVID it became clear how unstable our food sources were. During the discussion it was agreed that there needed to be more stability in the State of Utah. The percentage of fruit needs produced in Utah was only 3%, vegetables was 2%, dairy was at 25%, grains was 95%, and protein was 134%. By year 2050, it was calculated that Utah production would be 1.5%, vegetables 1.1%, dairy 14%, grains 71%, and protein 70% which was very concerning. The Natural Resources Conservation Service (NRCS) helped with conservation easements, and the State Legislature sets aside funding each year for these types of projects.

**Paul Cozzens, Iron County Commissioner**, reported that he also met with BZI and their attorneys from Salt Lake City, and would be meeting with them again after today’s commission meeting. One of the discussions was regarding infrastructure and the need for a sewer line going east to tie into the Cedar City system. He explained that when that begins BZI would pay for the

size they need and the municipality or unincorporated Iron County would upsize those lines for future growth with funding from impact fees. Paul noted that he attended a water meeting last week with Parowan City. Parowan City had received a \$1M Grant and hired an Engineer to conduct a study and to implement a project to take the break water from the mouth of the canyon and move it through the fairground property and into an Iron County pit for recharge. Parowan City was going through a Groundwater Management Plan with the state. He explained that the state was going through these different basins to evaluate the Safe-Yield. In the Cedar Valley, the safe-yield was 21K acre feet and approximately 28K acre feet of water were being used. The State Engineer was charged with making sure these basins were safe, and they might begin to take away some of the newer water rights. Paul reported that the different entities in Iron County were trying to acquire some of the older water rights from 1934-35 to continue to provide water to its residents. He explained that each of the recharge basins (six in the Cedar Valley, one in Enoch) had a Supervisory Control and Data Acquisition (SCADA) Monitoring System, which reported to the state how much water was going into the aquifer and the State Engineer gave credit for that water. Parowan City and Cedar Valley each had a Terminus Lake. Parowan had Little Salt Lake and Cedar Valley had Quichapa Lake. Both of these lakes were captive and do not let any water out which means the water is lost to evaporation. The more water that could be diverted to aquifers was better in the long run. Commissioner Cozzens expressed his appreciation to Bruce Anderson and the Work Crew hauling out rip rap out of the channels. He reported that he would be traveling to St. Louis next week for the National Council for Mental Health Wellbeing (NatCon) convention, which was in relation to his assignment on the Five County Behavior Board. Paul reported that he attended a Construction Management Advisory Board meeting last week. The board wanted to encourage college students to enroll in the different construction courses that were offered.

**Michael Bleak, Iron County Commissioner**, reported that he served on the Airport Board and met with Sky West Airlines. There were continuous discussion on how the Cedar City Airport could improve scheduling and air travel which was not optimal at this time. Cedar City Mayor, Garth Green had a committee (aside from the Airport Board) that consisted of the Economic Director, Tourism, and Business leaders. There was a meeting with the President of Sky West Airlines which was very enlightening. Mike noted that he was assured that Sky West Airlines was committed to Cedar City. There were issues that went to the White House that was holding things up to move forward. Another issue with Sky West Airlines was a pilot shortage. Sky West had over 200 planes sitting in warehouses because there were no pilots to fly them. During COVID, most of the airlines offered their employees (including senior pilots) an early retirement package with the CARES Act money they received. Once individuals completed their pilot training and received their Captain Certification, were leaving smaller airlines and going to the larger airlines for higher pay. Sky West was short 2,000 pilots. Everyone who attended the meeting left feeling encouraged. Commissioner Bleak reported that he and George Colson met with Air Methods as Air Life pulled their base from Iron County. Life Flight was still in Iron County. He noted that in 2019, before COVID, the Tourism, Recreation, Culture & Convention Tax (TRCC) and the transient Room Tax (TRT) Board commissioned a feasibility study for convention space which was presented to the board, then COVID hit and it all stopped. Mike reported that Iron County was losing approximately 4-5 large conventions a year because of lack of space. St. George was running out of convention space and planned to double the size of the Dixie Center. He noted that the convention center had been revisited and there was money set aside in both the TRCC and TRT funds since 2019 to reintroduce the idea of a feasibility study. Discussion continued regarding a convention center.

#### **REPORT FROM SENATOR EVAN VICKERS**

Senator Vickers presented an update on Legislative HB488, which was a tool that Iron County would use to help fund the new jail. This bill was previously authorized for a sales tax option for mass transit. The bill changed the purpose for 3<sup>rd</sup> through 6<sup>th</sup> class counties, who typically could not use the mass transit sales tax. Evan requested that HB488 be placed on the agenda as a topic to address what the parameters could be. The request was approved to be

discussed with one of the committees in the interim session, then in January it would become to the legislative session. Senator Vickers said that he would keep the commissioners updated on the bill.

### **PUBLIC COMMENTS**

Carol Barker, a citizen of Iron County, reported that she met with Senator Vickers last week to discuss the sales tax. She noted that she was in favor of HB113 because of the parameters and guidelines. Carol stated that she was not happy with the language presented in HB488. After speaking with Senator Vickers she was encouraged that HB488 would be good for Iron County if there were parameters and guidelines. She challenged the commissioners to come up with something above and beyond what the state can set, so that it was not so broad that we have fraud, waste, and abuse, but not so narrow that it could only be used for one thing. Carol reported that she would be happy to volunteer to meet to collaborate on language, definitions, and parameters. She noted that she appreciated the way that Maria Twitchell, Iron County Tourism, gave her accounting for the money that was with the hotel and restaurant tax. Carol stated that the commissioner could model their accounting for the jail funds. Including how much was raised, where it was spent, where other agencies might come in and request money for projects that were not covered by their normal budgets, or fundraising efforts or grants. She encouraged the commissioners to set the standard for future commissioners. Future commissions need to have a standard of clear, ethical, and transparent management of the public funds. Carol expressed her appreciation to the commissioners for being flexible and working with them. She noted that she would continue to attend the commission meetings and being involved and helping where she could. She recognized that government of by and for the people required that citizens get involved and not just complain about things.

### **PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO INTENSIVE AGRICULTURE (I-A) FOR APPROXIMATELY 101.32 ACRES LOTS 1, 2, AND 3 LOCATED WITHIN THE N½ N½ SECTION 19, T26S, R15W, SLB&M, NEAR 198 S 1200 W, NEWCASTLE, UTAH (APNs: E-1066-5 & E-1065-1) Applicant: Escalante Farms, LLC**

Reed Erickson, Iron County Planner, explained that the purpose for the zone change was to accommodate the construction of a digester system for the Holt Dairy. In order to achieve the purpose the property needed to be rezoned to Intensive Agriculture (I-A). Reed reported that the property was located west of Newcastle and south of the existing dairy. There were 101 acres in two parcels that were the subject of the rezone. The Iron County Planning Commission (ICPC) granted the Condition Use Permit (CUP) for the digester contingent upon the approval of the zone change. He explained that the facility was an attempt at trying to benefit from the product (manure) at the dairy. This item was proposed a year ago for a digester system to be located just north of the existing lagoon for an electric facility, which was granted as a generator system to put electricity into the grid from the biogas digester system. Jared Holt attended the last ICPC meeting and explained why it did not move forward which had to do with challenges in lawsuits that related to the incentives that were provided by the federal government for these types of systems. He noted that the lawsuit did not affect the ability to generate gas and to put the gas into the system so they were moving forward with this system. Reed reported that rezone that was being discussed today was to rezone 101 acres that was immediately adjacent to the south to the other I-A Zone. He explained that the treatment of the manure would do 2 things: It would help reduce odors, and would generate gas that could be sold and piped into the Kern River Pipeline. A pipeline would need to be constructed to connect to the Kern River pipeline, which was on the south side of Bench Road. He was working with the Iron County Engineer and others to acquire Rights of Way (ROW). Reed explained how the digester worked. The project was within Tier IV. Services available were: Water-Private Well, Dairy Digester to remove gasses for sale in Kern River Pipeline, and other utility services in the area.



Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Zone change.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Jon Whittaker, Iron County Clerk, asked Reed how have the nitrates been and how does something like this affect the nitrates. Reed directed the question to Alec Snyder-Fair.

Alec Snyder-Fair, Permit Manager for Moss Energy Works, explained that nitrates were destructed in the anerobic digestion process. They would see any volatile organic compounds phosphates, sulfates, ammonia, and any other nastier stuff that may also be used a fertilizer. Alec reported that approximately 80% of the suspended solids within the digester then was destructed and turned into gas throughout the process. Jon Whittaker noted that this would be a significant improvement with groundwater. Alec replied that Moss Energy Works recently applied for a groundwater discharge permit. Information could be found in the Nutrient Management Plan. Other benefits included reducing the amount of evaporate coming off these farms so that allowed for more recirculation or irrigation. They had used a citation of about 12.5% or a little bit larger. There was a reduction in evaporate through using a covered anerobic digester. As cited by the California Air Resource Board they reduce the methane emissions of a dairy site by roughly 1/3 of what they could be without their digester.

Reed Erickson reported that after review and finding, the ICPC confirmed that the applicant was compliant with the Iron County Policy – Evaluation Consideration for re-zone and recommended approval.

Marilyn Wood made a motion to approve a zone change from Agriculture 20 Acres (A-20) to Intensive Agriculture (I-A) 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 PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO COMMERCIAL (C) FOR APPROXIMATELY 20.0 ACRES, LOCATED WITHIN THE SW¼ SE¼ SECTION 2, T37S, R12W, SLB&M, NEAR 3600 S AND 5700 W, CEDAR CITY, UT (APN: E-259-15)**  
**Applicants: Thorton, Wilmarth & Lundgren**

Reed Erickson, Iron County Planner, explained that the parcel was located off the south Kanarrville/Hamilton Fort exit. The parcel was split by 5700 west, so without a road it was approximately 17 acres. Reed reported that two properties immediately to the east that were recently re-zoned to commercial. This zone change would help fill in that block between 5700 West and the old frontage road. He noted that because this property falls within the Cedar City potential annexation boundary, the ICPC considers Cedar City's General Plan, commensurate with what their intentions were and give them the opportunity to comment. There were good transportation corridors of 5700 W, a 100 foot ROW, Old Hwy 91, and Vandenberg Road. Reed reported that the issue with this parcel was the separation of the parcel physically by 5700 west, but could be addressed later. Services provided were: Water-private well, Septic for sewer, and other utility services in the area. He noted that the only problem when moving forward was water. There was a private well, but it would not satisfy a public water system requirement or the fire flow requirements with fire hydrants. The Central Iron County Water Conservancy District (CICWCD) would eventually come to this area. He spoke with the CICWCD and they were willing to upsize the pipeline to 12".

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Zone Change.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that after review and findings, the ICPC confirmed that the applicant was compliant with the Iron County Policy – Evaluation Consideration for re-zone and recommended approval.

Paul Cozzens made a motion to approve a zone change from Agriculture 20 Acres (A-20) to Commercial (C) as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 ACRES (R-5) TO COMMERCIAL (C) FOR APPROXIMATELY 9.64 ACRES, LOCATED WITHIN THE NE¼ NE¼ SECTION 27, T35S, R11W, SLB&M, NEAR 3000 N AND BULLDOG ROAD, CEDAR CITY, UT (APN: D-727) Applicant; MHW LC**

Reed Erickson, Iron County Planner, reported that the property was within Tier II and Cedar City's annexation policy plan. It was currently unincorporated and located on the north side of 3000 north and the east side of Bulldog Road. The property was currently zoned Residential 5 acres (R-5) with a 9.64 acre parcel. The applicants originally wanted to rezone just an acre and a half to put some storage sheds on it, which is the purpose of this zone change. He noted that the property was located in the Airport Overlay Zone and the applicants understood that they would be limited in what kind of residential they could do. The east side was in the Instrument Approach zone, which meant that there was some limited capacity for residential. Access would be from 3000 N.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Zone Change.

Dan Jessen, Parowan City Manager, wondered if there had been any consideration to the S-turn, which was just immediately to the west of this property. This was a legislative act and if it would increase the traffic. Eventually, the property would most likely be annexed into Cedar City, and would it be voluntarily done or would it possibly require eminent domain? Dan noted that this might be a good time to maybe work with the property owner to try and figure out a solution during a legislative decision.

Reed Erickson reported that there was no alignment needed on this property because it was clean. He has had meeting with the property owner and the Iron County Engineer for discussion about this just because this was the same property owner we cannot do an exaction or a commitment on the curve.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that after review and finding, the ICPC confirmed that the applicant was compliant with the Iron County Policy – Evaluation Consideration for re-zone and recommended approval.

Marilyn Wood made a motion to approve a zone change from Residential 5 Acres (R-5) to Commercial (C) regarding APN: D-727 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 PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 ACRES (R-5) TO COMMERCIAL (C) FOR APPROXIMATELY 5.62 ACRES, LOCATED WITHIN THE S½ SW¼ SECTION 24, T35S, R11W, SLB&M, NEAR 3280 N (MEADOWLARK LANE) AND OLD HWY 91, CEDAR CITY, UT (A PORTION OF APN: D-636-26-1) Applicant: Hilton Butler**

Reed Erickson, explained that the property was in an unincorporated area between Cedar City and Enoch City along the frontage road of Old Hwy 91. It was 10 acres of a 15 acre parcel that currently was all R-5 zoned. Reed reported that the applicant only wanted to rezone 5 acres that ran along the frontage of Old Hwy 91. It was not usual policy to zone a portion of the property without requiring a subdivision. He noted that the ICPC approved the zone change contingent on the owner submit a minor subdivision. There was good transportation around the parcel. Services available were: Water – Private well, Sewer in the area.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Zone Change.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Paul Cozzens made a motion to approve a zone change from Residential 5 Acres (R-5) to Commercial (C) regarding APN: D-636-26-1, contingent upon the minor subdivision to develop that lot as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 ACRES (R-5) TO RESIDENTIAL ½ ACRE (R-1/2) FOR APPROXIMATELY 19.54 ACRES, LOCATED WITHIN THE E½ SECTION 21, T35S, R11W, SLB&M, NEAR 3570 N AND 2300 W, CEDAR CITY, UT (A PORTION OF APN: D-616-617-2) Applicant: DDJ Development, LLC**

Reed Erickson, Iron County Planner, explained that the proposal was to rezone just the north 19.54 acres of the 66.84 acre parcel under agricultural production, which was all zoned R-5. The applicant could not create 1 acre lots until it was rezoned to R-½. This rezone was also approved by the ICPC contingent upon the subdivision. There was an application turned in and was scheduled to be on the May ICPC meeting. This would be the Estates at Sunrise Ranch Phase 2.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing open regarding the proposed Zone Change.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Marilyn Wood made a motion to approve a zone change from Residential 5 acres (R-5) to Residential ½ acre (R-1/2) regarding APN: D-616-617-2 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 ORDINANCE 2024-2 – PROPOSED COUNTY LAND USE CODE AMENDMENTS MODIFYING SECTIONS 17.16.030 – TABLE OF USES, 17.16.040 – TABLE OF SITE DEVELOPMENT STANDARDS, AND 17.20.010 – USE DEFINITIONS**

Reed Erickson, Iron County Planner, explained that the ordinance was a result of questions and concerns from a particular development. It was related to setbacks in the Light Industrial (L-I) zone as well as some of the other changes that had been considered. Applications for kennels and development on properties that were smaller than what the zoning requirement was in the 20 acre zone classifications, which included RA-20, A-20, and RR-20 zones. Reed reported that the ordinance previously read that you needed at least 10 acres in the A-20 zone to be able to do anything on the property, except a house. It was then changed a few years ago to have a minimum of 5 acres. He noted then he had looked at several projects that fell just below the 5 acre and the type of building they want to put on the property, which would just be a 1 acre area. Reed reported that to provide more opportunities for people to be able to do what they wanted on their property besides having a house in the A-2 zone, which was where a lot of our opportunity was for trying to start up new businesses and things that they could do as an expanded home occupation, small businesses, contractor office, and shops that could begin on a smaller level.

Reed reported on the code amendments for the following codes:

- Section 17.16.030 – Table of Uses,
  - Adding a category of Kennel with and without outdoor holding facilities;
- Section 17.16.040 – Table of Site Development Standards,
  - Changes setbacks in LI, R-5, and R-2 zones
  - Notes 1 and 3 reduces requirement of 5 acres and 20 acres for Kennels;
- Section 17.20.010 – Definitions,
  - Adds definitions for Kennels with and without outdoor holding facilities;
    - “Kennel with outdoor holding facilities, which includes outdoor holding facilities. Holding facility means a cage, structure, or pen made typically of wire, of similar material constructed for the purpose of housing an animal (generally dogs), and provides some shelter from weather.”
    - “Kennel with only indoor holding facilities means any establishment at which four or more dogs and cats are bred or raised for sale, boarded or cared for commercially or on a nonprofit basis exclusive of a veterinary clinic, which has only indoor building facilities”;
- Section 17.36.270 – Guest House,

- Provides an alternative to requiring a shared driveway when approved by the County Engineer.
  - Consideration given to encroachment permit, location, road type, safety, drainage, addressing, etc. “unless an alternative is authorized by the Iron Engineer.’

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding Iron County Ordinance 2024-2.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Richard Wilson, Iron County Engineer, noted that the multiple access becomes an enforcement issue too. Richard reported that he was driving through several subdivisions this last week and there was one home that had three accesses on the lot where they had made three curb cuts. It was less than an acre lot. It was apparent that the property owners did not get the encroachment permits that they should have asked for. He noted that many times he worried about a second access because he wanted to be able to have a discussion about drainage and keeping the borrow ditch open, etc. In the same neighborhood, they had a single curb cut that was the whole front of the yard. Richard wondered when does the county says, “Well you have to have a second access when there was 60 feet of curb cut, but you cannot have more than 25 feet of curb cut.” It becomes a real challenge, particularly in a subdivision that had curb and gutter, which becomes a non-issue because they had already taken care of their drainage, they were in a lower speed limit, and the homes were closer together. He noted that he agreed with the building department that we make it a case-by-case and a county engineer approval.

Paul Cozzens made a motion to approve Ordinance 2024-2 Land Use Code amendments as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## IRON COUNTY ORDINANCE 2024-2

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 17.20.010 – USE DEFINITIONS; SECTION 17.36.270 GUEST HOUSE, AND PROVIDING AN EFFECTIVE DATE.

**Whereas**, Iron County has determined in accordance with the desire to provide more land use opportunities, certain provisions and regulations need to be modified that reduce minimum lot sizes for smaller than zoning districts lots and/or parcels in zoning districts with larger required lot/parcel size and reduces setbacks in some zoning districts;

**Whereas**, the proposed ordinance is designed to implement the objectives of the County to provide options for land use opportunities while reasonably regulating the same to serve the purposes of the Iron County Zoning Ordinance; and

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

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning 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**, a portions of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.16.030 Table of uses.**

*Remainder of this section remains unchanged*

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
Junk yard	X	X	X	X	X	X	X	X	X	X	C	X
Kennel with outdoor holding facilities* 3-8 dogs ** 9+ dogs	A*, C**	C*, X**	X	X	X	X	X	X	X	C	A	C
Kennel with only indoor holding facilities	A	C	X	X	X	X	X	X	X	A	P	A
Landfill	X	X	X	X	X	X	X	X	X	X	C	X

Remainder of this section remains unchanged

**SECTION 2. 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:

**17.16.040 - Table of site development standards.**

The table of site development standards accompanies the table of uses set forth in [Section 17.16.030](#). As set forth herein, this table identifies the lot requirements, required setback and yard standards, building height standards, site coverage standards and other requirements for the uses allowed within each zoning district. The values identified in the following table are the minimum standards that apply in the zones indicated. However, more restrictive or additional development standards may also apply, as set forth in other applicable sections of the Iron County Code. A thorough review of the Iron County zoning ordinance is required to ensure that all applicable development standards are identified.

**TABLE OF SITE DEVELOPMENT STANDARDS**

	ZONING DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2 <sup>(2)</sup>	R4K	C	LI	I	I-A
Minimum lot width (feet)	300	300	200 <sup>(6)</sup>	300	200	165	120	50	90	100	150	1,320
Minimum front yard setback (feet)	60	60	60	45	30	30	25	25	25	25	25	200 <sup>(1)</sup>
Minimum rear yard setback (feet)	60	60	60	45	30	30	25	15	25	25	50	200 <sup>(1)</sup>
Minimum side yard setback (feet)	30	30	30	30	30	20	10	20 combined (8 min. + 12)	10	20	40	200 <sup>(1)</sup>
Minimum side yard setback (corner lot) (feet)	30	30	30	30	30	30	25	25	NR	NR	NR	200 <sup>(1)</sup>
Minimum distance between buildings (feet)	15	15	15	15	15	15	15	10	NR	NR	NR	15
Maximum/minimum building height (feet/stories)	NR	NR	NR	30 ft. or 2 stories / 1 story	30 ft. or 2 stories / 1 story	30 ft. or 2 stories / 1 story	30 ft. or 2 stories / 1 story	30 ft. or 2 stories / 1 story	3 stories / 1 story	3 stories / 1 story	NR	NR
Minimum lot size (acres) <sup>(13)</sup>	20 <sup>(3)(5)</sup>	20 <sup>(3)(5)</sup>	20 <sup>(3)(5)</sup>	5	2	1	1/2	0.0918 (4000 sq. ft.)	NR	NR	NR	80 <sup>(1)</sup>
Maximum total lot coverage (all buildings)	NR	NR	NR	5% <sup>(9)</sup>	10%	15%	30%	75%	50%	50%	50%	NR



	ZONING DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2 <sup>(2)</sup>	R4K	C	LI	I	I-A
Accessory outside storage areas												(7)
Outside and security lighting												(8)

Notes:

(1) All uses and buildings located within the I-A zoning district, except for dwellings and accessory uses for dwellings, shall meet the minimum setbacks required for the I-A zoning district. Accessory uses and buildings in the I-A zoning district shall meet the minimum setbacks of the A-20 zoning district. The minimum lot or parcel size to be zoned I-A must be at least 80 acres, unless said lot or parcel is adjacent to another I-A zoned property that is at least 80 acres.

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

(3) If a lot or parcel of property is located within an A-20 or RA-20 zone and is less than twenty (20) acres, 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 A-20 zone,; and provided that all listed uses (permitted, administrative and/or conditional) in the A-20 or RA-20 zone shall be considered conditional uses for lots or parcels in the A-20 or RA-20 zone and smaller than fifteen (15) acres, , subject to the following provisions:

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

If the proposed use requested does not comply with the requirements of this title, or cannot be reasonably mitigated by the property owner, the planning commission shall deny the application. Upon finding that the proposed use, building or structure complies with the standards and requirements of this title, the requirements of the land management code, can be adequately serviced by the existing or proposed infrastructure, and the negative impacts can be reasonably mitigated, the planning commission shall authorize the conditional use permit.

(4) Accessory Building Setbacks and Separations. Unless determined otherwise by the county commission, accessory building setbacks shall be five (5) feet minimum for rear and side yard setbacks. Front yard setbacks are the same as for the principle building and accessory buildings may not be set closer to the front property line than the principle building. Accessory buildings may not be located in utility easements. Building separation distances for accessory buildings shall be regulated by the building code.

(5) For the purpose of calculating minimum lot size, one-half the width of public streets or rights-of-way along not more than two sides of the lot may be included if that public street or right-of-way is established in conformance with the Iron County transportation plan or the Iron County addressing coordinate grid system (i.e., along section lines, quarter section lines, etc. as commonly done with aliquot parts divisions). Such area of public streets and rights-of-way shall not exceed two (2) acres of the minimum twenty (20) acres required.

(6) Lot width for private lots in the RR-20 zoning district that do not have lot frontage on a public street shall consider the edge of the lot where the driveway enters the lot as the front of the lot.

(7) When located adjacent to any agricultural or residential district must be screened by a solid, non-landscape, fence or wall at least six feet in height.

(8) Lighting must reflect downward and away from adjacent agricultural and residential districts and structures.

(9) 5% (max. site coverage may be >5% for green-houses).

(10) Minimum lot size is used to calculate density and a lot may be less than the minimum acreage specified when various subdivision options are utilized.

(11) When an existing legal nonconforming lot or parcel is located in a zoning district that requires more acreage than the existing size of the nonconforming lot, setback and development standard requirements of the largest zoning district where the lot or parcel size would be conforming for size, may utilize the development standards of that smaller zoning district, unless the lot was created, or otherwise specified, through a performance, cluster, maximum density or similar subdivision option.

For example: if a 0.65 acre legal lot or parcel exists in the A-20 zoning district, setbacks of the R-½ zoning district may be applied, rather than requiring setbacks of the A-20 zoning district.

Development Standards of Zoning District	Applied to lots or parcels as follows:
R4K	< ½ acre
R-1/2	≥½ acre and < 1 acre
R-1	≥1 acre and < 2 acres
R-2	≥2 acres and < 5 acres
R-5	≥5 acres and < 10 acres
RA-20, RR-20, A-20	≥10 acres

**SECTION 3.** Within **Section 17.20.010 – USE DEFINITIONS**, a portion of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

**17.20.010 - Definitions.**

*Remainder of this section remains unchanged*

"Kennel with outdoor holding facilities" means any establishment at which four or more dogs and cats are bred or raised for sale, boarded or cared for commercially or on a nonprofit basis exclusive of a veterinary clinic, which includes outdoor holding facilities. Holding facility means a cage, structure or pen, constructed for the purpose of housing an animal (generally dogs), and provides some shelter from the weather.

"Kennel with only indoor holding facilities" means any establishment at which four or more dogs and cats are bred or raised for sale, boarded or cared for commercially or on a nonprofit basis exclusive of a veterinary clinic, which has only indoor holding facilities.

*Remainder of this section remains unchanged*

**SECTION 4.** Within **Section 17.36.270 – Guest House**, a portion of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

17.36.270 - Guest house.

Guest houses may be authorized as an administrative land use permit by the zoning administrator in zones established in Section 17.16.030, Table of Uses, and in accordance with the provisions of Chapter 17.38, Administrative Land Use Permits.

The maximum number of guest houses allowed (in addition to the primary dwelling) for each legal lot of record shall be as follows:

Zoning District:                      Maximum number of guest houses per lot:

A-20	Three
RA-20	Three
RR-20	Two
R-5	One
R-2	One
R-1	One
R-1/2	One
R4K	None

Note: If legal lots of record within the A-20, RA-20, or RR-20 zoning district are less than ten acres in size, the number of guest houses allowed shall be the same as the R-5 zoning district (one).

Regulations. Upon receipt of a complete application, the zoning administrator shall grant a permit for a guest house if the zoning administrator finds that all of the following requirements are met.

The proposed guest house:

- A. Shall not be recorded under a separate deed from the principal dwelling and shall not be sold separately from the principal dwelling;
- B. May be rented separately or as part of the principal dwelling;
- C. If attached to the principle dwelling, will be considered a duplex, which is not permitted in any zone;
- D. Shall be subject to the setbacks and separations established in the respective zone for dwellings;
- E. Must be consistent with the principal dwelling in building type, i.e., architectural style, color, etc.;
- F. Must provide adequate water and sewer resources and facilities (quantity and quality), including but not limited to, certification by the appropriate water and sewer authority or public health authority that the water and sewer services are adequate for the projected number of residents;
- G. Must be situated and oriented on the property to reduce the potential to invade the privacy of adjoining dwellings (on the same lot and surrounding properties) and maintain the aesthetics of the neighborhood, considering the physical characteristics surrounding the guest house, including landscape screening, fencing and window and door placement;
- H. Must provide for two off-street parking spaces particular to the guest house;
- I. Must share the same access to a public right-of-way as the principal dwelling, unless an alternative access is authorized by the Iron County Engineer;
- J. Dwellings meeting the definition of a "mobile home" are prohibited; and,
- K. Must comply with all required federal and state licensing/permitting requirements.

*Remainder of this section remains unchanged*

**SECTION 5. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of allowing 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 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 8<sup>th</sup> day of April, 2024.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Michael Bleak, Chair

ATTEST:

  
Jonathan T. Whittaker, Clerk



VOTING:

Michael Bleak          Aye    
Paul Cozzens          Aye    
Marilyn Wood          Aye

**DISCUSSION AND POSSIBLE APPROVAL OF A SINGLE EVENT LOCAL CONSENT PERMIT FOR AN ALCOHOL GARDEN AT FAVELA’S RANCH, TO BE HELD ON APRIL 20, 2024 FROM 12:00 A.M. TO 4:00 P.M. LOCATED AT 6353 N 1600 W, BERYL UTAH**

Rigoberto Favela, Favela’s Ranch, reported that he was coming before the commissioners to obtain a Single Event Local Consent permit for an Alcohol Garden. Rigoberto explained that this event was a horse race event. He anticipated at least 200 people in attendance. The 20<sup>th</sup> was their Grand Opening for Favela’s Ranch. There would be 9 or 10 races on a dirt track. Commissioner Bleak asked if Rigoberto had plans in place to make sure those drinking were of age. Rigoberto replied that he did. Jon Whittaker reported that Mr. Favela submitted a sketch of his plans. Rigoberto reported that there would be 4 posts placed around the Alcohol Garden to make sure those drinking were staying in that area. He noted that he had permission to hold this event once month and wondered if he would have to come in each time to request a Single Event Permit. Jon Whittaker reported that this was for a single event, but there was a permanent permit that could be sought through the Division of Alcoholic Beverage Control (DABC).

Marilyn Wood made a motion to approve a Single Event Local Consent Permit for an Alcohol Garden at Favela’s Ranch as presented by Rigoberto Favela. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT FOR COMMERCIAL LANDSCAPING SERVICES FOR THE FOLLOWING PROPERTIES: PAROWAN COURTHOUSE, IRON COUNTY FAIRGROUNDS, VISITORS CENTER, AND JUSTICE COURT**

Thayne Hainsworth, Iron County Building/Facilities Maintenance Supervisor, explained that a Request for Proposal (RFP) for the landscape project went out and there were seven contractors sent in a bid. Thayne reported that the bid was awarded to Everything Exterior for a total of \$25,564.

Paul Cozzens made a motion to approve a contract for commercial landscaping services for the Parowan Courthouse, Iron County Fairgrounds, Visitor Center, and Justice Court awarded to Everything Exterior for a total of \$25,564. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A CONDUIT ISSUANCE POLICY AND APPURTENANT DOCUMENTS AND FEES**

Sam Woodall, Iron County Deputy Attorney, reported that Utah Code allowed the issuance of bonds under the Industrial Facilities and Development Act. Sam explained that pursuant to that law, it allowed the governing body to specify the terms by which they allow the issuance of a conduit bond. He reported that there had been a meeting with Marcus Keller, Municipal Advisor, to develop a policy. This issue was becoming more necessary. This was not the first time Iron County had been approached about issuing a bond on behalf of a nonprofit and it was deemed appropriate to develop a policy. Sam noted that going forward the parameters would be clear. He submitted that the policy was fairly broad. The information required and the fees would be considered and then as well an “Attachment A” which was an application of sorts. It provided much more in-depth and provided a wealth of information from the history of the project, the people who would be involved, and the financing of the entity that was seeking a bond, and allowed the commission to consider its uses and whether or not that would be in the best interest of the public. Sam noted that these were good policies. They were fairly broad, but then again it gave some structure and guidance to those who may be seeking to request bonds from Iron County going forward. Jon Whittaker expressed his appreciation to Marcus Keller for putting the policy together for us. Much of this policy came from Salt Lake County and a few other counties. Jon Whittaker then gave an overview of the policy. Commissioner Bleak noted that this document was a result of an application request from the Dixie & Anne Leavitt Family Foundation (DALFF). This document had been in the works since the end of year 2023, and now it had come to the attention of the commission for the last month. Having this document in



writing was a good thing. His only concern was there was a changing of the rules to the game in the middle of the game. Commissioner Wood noted that her only concern was “Well we’ve done this before, let’s just do it again,” and it seemed as though it was not exactly as before. She explained that the first project that was done was a lease back to SUU, which they needed at that time. The second one was more comparable to this document. Marilyn noted that she and Commissioner Cozzens had not voted on this type of document, which Commissioner Bleak had on the last document. When she delved into the document, there were some things that had come to light especially with other businesses doing the same type of project and receiving a benefit from doing the work. This document clarifies and makes it easier to understand. Having this policy in place would be a good thing. Mike Bleak noted that this policy was not a question about approving the project, it was simply the policy at this time. When reading the policy, he did not necessarily see where it would categorically exclude anyone from applying. Jon Whittaker reported that in his perspective, he liked the idea of having a policy. This particular project had illustrated why that was a challenge. Jon appreciated a policy that helped Iron County as a whole and the commissioners in particular vet projects as they came in. There had been many things said about this particular project, but he liked the idea of some standardization. Maybe a standardized checklist that an applicant could go through the list themselves. This was a form that we could make available. Jon reported that he also liked having some nominal fees, that it would be necessary that they be a 501(c)(3) or a similar organization as a charitable organization and not a for-profit organization. Commissioner Cozzens reported that he had read the policy and liked it. He liked the questions and how it vets the project and how it was moving forward.

Tyler Romeril, Counsel for DALFF, noted that he had as much time as everyone else here to look at the policy. He took notes and it looked like the policy would allow them to at least pass the application phase on a project request. Tyler explained that when it came to paying fees with this there were no issues. His concern was that he came through for the third time and met all of the Iron County requirements for this project. He played by the rules that were told to play by. This was tabled and he had to go through an application process and things were being changed. Tyler requested that he could continue to move through based on the rules that he applied with. He did not know if there were any sort of vesting argument that could be made here. His hope was that he could keep moving through the project. Tyler asked if there was a time frame for this application where it had to be submitted before it could come before the commission. Sam Woodall replied that there was not a time frame, but it had to be complete before it could be considered. Tyler noted that he could stay on the agenda for the next round and had to have a completed application before then. Time was of the essence and he had did the best he could so both parties could feel comfortable in this. He reported that he had heard many things that were not coming to directly. He noted that in the 501(c)(3), DALFF, all profits that come into the company stay in the company then were used for the next charitable project that they do. There were no paid employees, no paid board, and no tax incentives that were not available to anyone else in the community who wanted to make a charitable donation to a 501(c)(3). He explained that the purpose of DALFF was to provide housing for students going to SUU. From his perspective, there had been no negative things that had come about because of the last two projects. Their rent was the highest in Iron County. They were not underpricing anyone. SUU requested the housing that they built, “Travis Towers” and was in line with the nature of the charitable foundation. Commissioner Wood asked Tyler how he was paid. Tyler replied that he was employe bye Leavitt Land & Investment, which was a separate entity. Leavitt Land & Investment dealt with the development of property, managing a farm in Loa, Utah, property rentals, and have an accounting center. DALFF was a separate charitable organization that dealt with student housing and housing in general.

Paul Cozzens reported that this was sold to commissioners just like the other projects. He did not vote for Old Sorrel, and he would not have supported Founders Hall. When Founders Hall was built there was a housing shortage and it was his understanding that rather than the University going to the Department of Facilities Construction Management (DFCM) and asking them to build the facility, it would cost approximately 30% more. DALFF built Founders Hall



and the University leased that from them, which was not happening with this project. Tyler explained that it was their hope that the funding mechanism be the exact same. There would be scholarship housing that goes to SUU to benefit the students, which had been done with all of the DALFF housing projects.

Tyler Melling, Velocity Homes, noted that Velocity Homes had a couple of projects under construction presently that were in the same sector and same space. He was not opposed to this kind of financing. He noticed this item was on the agenda and looked up the code and there were private sector projects, especially along the Wasatch Front that had used this policy as well specifically for railways. While the policy itself contemplates private sector possibilities that were not associated with a nonprofit. If there was a for-profit that wanted to use this policy and apply for financing was that something that was in the works. Sam Woodall replied that only in the sense that we had specifically excluded for-profit at this point. If the policy was adopted at this time it would not contemplate that type of a request for a bond issuance. Tyler noted that if the policy would open for for-profit businesses to qualify, it would ease a lot of concern. Discussion continued on this issue of for-profit.

Commissioner Bleak noted that he had visited with SUU and it was the University that had approached the Leavitt group to construct this project. They also said that they had this housing corridor and moving forward they did not expect DALFF to fill that niche exclusively. They would expect Velocity or other companies to provide the needed housing within that designated corridor. One item that he wanted to be sure of was that no one was categorically excluded.

Tyler Romeril reported that DALFF would not be building any more student housing. A resolution was passed by the board saying the purpose was fulfilled. The purpose originated because SUU approached and asked them to build and asked DALFF to build housing. As Commissioner Cozzens stated, the private sector was taking care of this.

Tom Jett, a citizen of Iron County, reported that he supported that concept of charitable housing. This was a noble gesture by DALFF. However, this really screws up the free market system when this was done. This pencils out the figure of the cost to put the issue of an Issuance of Bonds. If someone wanted build a six-plex they still had to compete. He could not compete with this or afford to get this particular bond. This bond should not be just for nonprofits, and should be for everybody, and some way to bring the cost down.

Marilyn Wood asked if the project had begun. Tyler replied that it was approximately half was done.

Discussion continued regarding who could use the bond.

Marilyn Wood made a motion to approve a Conduit Issuance Policy and Appurtenant Documents and Fees, but removing the requirement to be not-for-profit. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND CONSIDERATION OF A GRANT APPLICATION FOR PHASE 2 OF THE VERMILLION CASTLE PICNIC AREA (5-MILE) RESTORATION PROJECT**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that this grant would aid in the next steps of the Vermillion Castle Picnic Area, also known as "5-Mile."

Paul Cozzens made a motion to approve a grant application for Phase 2 of the Vermillion Castle Picnic area (5-Mile) restoration project. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **DISCUSSION AND POSSIBLE APPROVAL OF AN OHV RECREATION GRANT APPLICATION TO MAINTAIN OHV TRAILS THROUGHOUT IRON COUNTY**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that this item was presented to the commissioners for consideration a couple of times per year and helps to fund Off Highway Vehicle (OHV) trails. This cycle, Mike was proposing to use the funding to help purchase a mini-excavator to help with trail restoration. These funds would be combined with both Federal Emergency Management Administration (FEMA) and Iron County Funds. The

total cost of the excavator would be \$136,585, The State of Utah OHV grant would cover \$103K, Iron County would cover \$23K, with \$6K in kind and the remainder paid by FEMA.

Marilyn Wood made a motion to approve an OHV Recreation Grant application to maintain OHV trails throughout Iron County. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RATIFY AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) FOR THE RESTORATION AND MAINTENANCE OF THE QUICHAPA CREEK FLOOD CHANNEL**

Paul Cozzens made a motion to approve an MOU for the restoration and maintenance of the Quichapa Creek flood channel. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF CHANGES TO THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) BYLAWS OF IRON COUNTY**

George Colson, Iron County Emergency Management Manager, explained that due to some releases of toxic chemicals in the 1970s, it was decided that communities and first responders in particular should know what chemicals were being stored in their communities. This was the genesis of the Local Emergency Planning Committees (LEPCs). In Iron County, the LEPC had ballooned into many participants with a lunch provided. Today's proposed changes to the Iron County LEPC bylaws was to revert back to the original intent of the LEPC, and streamline the meetings and participants to only those necessary. Marilyn Wood asked who would be on the LEPC committee. George Colson replied that it would include emergency responders, operators that used the chemicals, such as American Pacific and Rocky Mountain Power, himself and few others. Marilyn Wood made a motion to approve the proposed changes to the Local Emergency Planning Committee (LEPC) Bylaws of Iron County. 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 following HR changes: the promotion of Roberto Leiva from a Full Time Deputy 2 to a Full Time K9 Deputy 2, effective April 14<sup>th</sup>, 2024 in Corrections; the transfer of Justin Nielsen from a Full Time Corrections Deputy 1 to a Full Time Patrol Deputy 1, Bailiff, effective April 28<sup>th</sup>, 2024 in Patrol; the backfill new hire of Shaquel Benson as a Part Time Deputy Auditor for Accounts Payable, effective April 15<sup>th</sup>, 2024 in the Auditor's Office; the new hire of Don Hickey as a Part Time Seasonal Weed Sprayer as a backfill of a vacant position, effective April 1<sup>st</sup>, 2024 in Weeds; and the backfill new hire of Jerry "Axel" Robinson as a Full Time Landfill Technician 2, effective April 15<sup>th</sup>, 2024 in Landfill. Paul Cozzens made a motion to approve the personnel changes as presented by Jennifer Bradbury. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

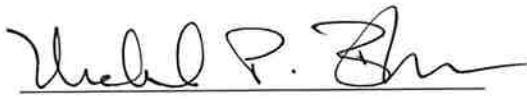
No Non-delegated items were presented.

**DISCUSSION REGARDING ONGOING LITIGATION. THIS PORTION OF THE MEETING MAY BE CLOSED PERSUANT TO UCA §52-4-205 (1)(c), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

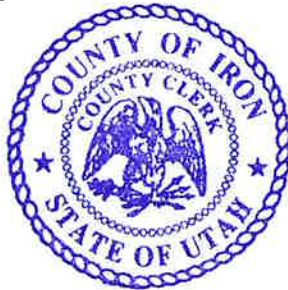
Marilyn Wood made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c), to discuss pending or reasonably imminent litigation. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Michael Bleak, 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(c) for discussion regarding ongoing litigation.



Signed: Michael Bleak, Chairman



Attest: Jonathan Whittaker, County Clerk

**END OF CLOSED SESSION**

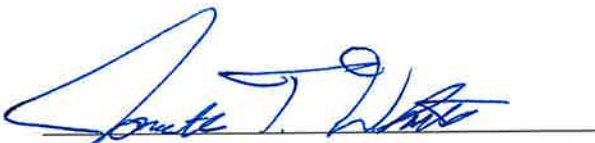
Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: Michael Bleak, Chair



Attest: Jonathan T. Whittaker, County Clerk

**IRON COUNTY COMMISSION MEETING  
APRIL 22, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 22, 2024 in  
Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Luke Little	County Auditor
Terry Palmer	County Building & Zoning
Richard Wilson	County Chief Engineer
Sam Woodall	County Deputy Attorney
Jennifer Bradbury	County HR Director
Jared Wilson	County I.T. Director
Carri Jeffries	County Recorder
Nicole Rosenberg	County Treasurer

Others in attendance:

Carol Barker	Maile Wilson-Edwards	Ken Robinson
Susan Sepe	Bruce Washburn	

**SYNOPSIS**

ADJOURNMENT .....	8
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## 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

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held on April 8, 2024. 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 April 8, 2024 to April 21, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## DEPARTMENTAL REPORTS

**Karsten Reed, Iron County Assessor**, reported that he had originally invited Dr. Evan Johnson for a presentation, but Dr. Johnson could not attend. Karsten noted that one of the challenges his office faced was that the governor received a tremendous amount of pressure from taxpayers because of a tax shift that was transferring tax burden to residential home owners which then became a ripple effect down to county assessors. He reported that Class 3 counties and higher (Iron County is currently a Class 3 County) had to have a Statistical Model. Each county had to create a model and hire a modeling team. This was a financial challenge for rural counties. We want to keep government small and not have to add \$1M just because the governor put pressure on the Utah State Tax Commission (USTC). Karsten reported that the USTC was already adding requirements for Assessor's Offices. Educational requirements had increased and would affect the budget in travel, motels, and class costs. He noted that he had been trying to find a way for Iron County to build this model without spending \$1M. Karsten reported that he contacted Dr. Evan Johnson who was the Director of the Data Science Center in the United States. Dr. Johnson had a degree from Harvard and had received over \$30M in research grants. He had taught at Harvard, Boston University, and recently teaches at Rutgers School of Medicine and was a resident of Enterprise, Utah. Karsten reached out to Dr. Johnson and explained the \$1M model project need and the potential \$1M expense he was facing. Karsten asked Dr. Johnson if he could help Iron County create a model and lend the expertise to build it. Dr. Johnson agreed to build the model for Iron County and to train the Assessor's Office staff on how to apply the model. Dr. Johnson was doing a conference this summer, and he invited students from ivy league universities, as well as Southern Utah University (SUU). They would all assist in building the Iron County Statistical Model during the convention. It was nice to have a local resource that was the leading data modeler in the United States. Karsten expressed his appreciation to Dr. Johnson for helping him with this project. After the model was made, Iron County would have the most effective and accurate model in the state, and fortunately Iron County would not have to pay for it. Karsten reported that his office was restructuring their Policies and Procedures Manual and hoped to have it completed by the end of the summer. He noted that Trevor Mattson, Lead Statistical/Data Services, had been working diligently to clean all the sales and have the tax roll completed by May 22<sup>nd</sup>. Karsten reported that his office had been holding a Public Engagement Series for an assessment overview class open to the public, Real Estate Brokers, and Mortgage Companies. It had been well attended and everyone had been thankful for the opportunity to interact and have discussions to understand their assessments better. Karsten closed by stating his office was still in desperate need of an additional Commercial Appraiser. The State Tax Commission directed him to get another Commercial Appraiser as soon as possible.

**Jared Wilson, Iron County Information Technology (IT) Director**, reported that the IT Department had averaged 352 work orders in the 1<sup>st</sup> quarter of 2024, which was 50 more per month than 2023. The budget was on track at 33% spent. Jared noted that there were 3 major projects that IT was working on. The first was getting the new Children's Justice Center (CJC) building prepared for their IT equipment. He reported that IT had been working on the process to move the email systems to ".gov." Last year the State Legislature mandated that all local governments move to the .gov domain. Iron County would change from ironcounty.net to ironcountyut.gov. The legislature mandated this change to improve security and confidence in local government emails and domains. However, in reality it would now place a bigger target on all of our emails. Employees would need to be more vigilant with what emails were opened and links were clicked on. Jared explained that this change would be done one department at a time and IT would give notice of exactly when that would be. All old emails would stay in employees' account histories. All new emails would be forwarded to the ironcountyut.gov account even if someone used the old ironcounty.net address. The last project was the migration from the Tyler/Eagle server to a new server. They would be pulling new images from the database so it would run a lot quicker. They were approximately three weeks from beginning that project. Marilyn Wood reported that the Fair Department was not listed on the Iron County Website under Departments. Jared replied that he would get that corrected. Commissioner Bleak informed Jared that there was a contract from the Attorney General's Office of an additional \$41K to cover I.T. costs on the CJC building that needed to be signed. Mike explained the CJC program and how the facility benefited victims and their families. He noted that there had been great care taken in the new design to meet the current and future needs of children in Iron County.

**Carri Jeffries, Iron County Recorder**, reported that Total Documents recorded during the 1<sup>st</sup> Quarter were 3,132, 1,220 Transfer Recordings, and 14 Subdivision Plats. Total revenue was \$122,680 and the budget was on track with 21% spent. Carri noted that the Recorder's Office continued to work towards the "Property Watch," program which should be implemented when IT completed the server upgrade in 3-4 weeks. This program would be a great, free service, for the public. She reported that the intent of Property Watch was to allow a property owner to sign up for the program and be notified anytime anything was recorded against their property.

**Nicole Rosenberg, Iron County Treasurer**, reported Product sales collected since January 2024 was \$3,730,316.38. Pooled cash was \$65,831,139.48. Nicole noted that since the beginning of January 2024 interest collected from the Public Treasures Investment Fund (PTIF) was \$635K. The interest was holding steady at 5.44%. Nicole reported that the May Tax Sale would be held next month with 71 properties remaining on the list. There was only one home listed which was a deferral from 2023. The owner was working hard to get it paid. There was \$500 still due and he would have that before the tax sale. She was hoping to talk with the owner to begin making monthly payments to help keep his payments manageable. Nicole reported that the Treasurer's Office was working with IT and the landfill for new software and merchant for credit card payments at the landfill. They were in discussions with Clover Connect to help get it up and running. She noted that Iron County was taking over the Drug Court collections so she was working with IT to get them set up with a merchant to begin collecting payments. Nicole reported that the outside auditor would be at the Parowan Courthouse the week of May 13<sup>th</sup>. She reminded everyone that they might be coming into the different offices to check receipts. She noted that the Treasurer budget was on track. Nicole expressed her appreciation to her staff for all the hard work they do.

**Paul Cozzens, Iron County Commissioner**, reported that 2300 West was renamed "Happy Factory Lane" and he expressed his appreciation to the Iron County Sign Department for donating the signs. He attended the National Council for Mental Health and Wellbeing (NatCon) Convention and was able to listen to some great speakers. Paul reported that the "988" Suicide and Crisis Lifeline was now used nationwide. He noted that suicide was becoming rampant with 10% of the population contemplating suicide. One of the key speakers at NatCon was Kevin Hines, a survivor having attempted to take his own life by jumping off the San Francisco Golden Gate Bridge. Kevin spoke of living in squalor with his twin brother. Both of his parents struggled



with drug addiction and often left him and his brother abandoned. Child Protective Services intervened but could not keep the brothers together. Kevin eventually found a loving adoptive family, but tragedy struck when his brother died from bronchitis. Kevin struggled with depression and battled suicidal thoughts. At the age of 19, he made the worst decision of his life and jumped off the Golden Gate Bridge. During his rapid 4 second descent, Hines recalled an instantaneous feeling of regret as he prayed to himself, "God, I don't want to die. Please help me." As he came out of the water from the fall, a sea lion positioned itself beneath him, keeping him afloat long enough for the Coast Guard to arrive. Meanwhile, on the bridge above, a compassionate woman witnessed the jump and dialed for help. Even in life's darkest moments, there is help available and conversations can bring about meaningful change. Paul reported that another topic that was covered was Mental Health Counselors were beginning to use AI software. This software could listen to an interview then write a report, which would then leave more time for the counselor to spend with patients and less time working on reports. It was a great convention and was well worth the trip.

**Marilyn Wood, Iron County Commissioner**, reported that on the 17<sup>th</sup> she, along with Commissioner Bleak, participated in a video interview for the Utah Inland Port Authority (UIPA) and BZI. Danny Stewart, former Iron County Economic Developer, was working with UIPA and they were thrilled to have him on board. UIPA held an open house that evening at Festival Hall and it was valuable to visit with UIPA personnel. On the afternoon of the 17<sup>th</sup>, she drove to the Iron County Shooting Range for a meeting with Maria Twitchell, Bruce Anderson, Bryce Williams, Sheriff Carpenter, and the Bureau of Land Management (BLM) to discuss solutions regarding the BLM Paintball Range being located next to the shooting range. Marilyn reported that on the 18<sup>th</sup>, meetings resumed regarding the new jail. It was nice to be moving forward once again. On the 18<sup>th</sup> she attended the Weed Board meeting and discussed spraying for the Scotch Thistle to keep them from spreading. She noted that if someone had questions or concerns with weeds on their property they could call the Weed Department and they would come, evaluate the weeds and discuss what could be done. The weed department could spray them for a small fee. Commissioner Wood reported that planning for the Iron County Fair was in full swing. Registration was now open for the Color Country OHV Jamboree being held September 25<sup>th</sup> through the 28<sup>th</sup>.

**Michael Bleak, Iron County Commissioner**, noted that he attended the monthly Cedar City Airport Board meeting. Mike explained that the airport was planning an expansion of the preflight waiting area. This expansion would accommodate larger airlines, larger crowds, and more flights in the future. He reported that there was a Cedar Airport Master Plan public meeting, which was held once a year. Cedar City was in the middle of the Master Plan for the airport. This meeting was to update airport projects. Some of the projects discussed were the runway development, the National Guard's plans to bring in a helicopter base at the airport next year, additional hangars for private use, and enhancing economic development opportunities at the airport, specific to aerospace companies. Mike reported that he attended the ribbon cutting for the Appaloosa Solar project off Lund Hwy. This was the first solar project that was now creating power. He participated in a video shoot with the Inland Port as previously reported by Commissioner Wood. Commissioner Bleak reported that he attended a meeting with Nova-Tech Engineering at BZI with Rob Cottle and Ed Deffner regarding the new jail and using local companies as much as possible.

Paul Cozzens reported that he had texted Rob Cottle, Babcock Design, earlier today regarding a sewer easement from the planned jail project, under the railroad tracks, near the IFA Railroad Easement alignment.

Terry Palmer, Iron County Planning/Building & Zoning Administrator, reported that he had received three bids for a remodel of the Exhibit Hall fair building. The three bids were \$200K-\$233K, \$240K, and \$258K. The funds would come out of the Tourism fund. Terry noted that he wanted to inform the commissioners what the bids were at this time. He would like the commissioners to discuss how they wanted to proceed. Tiger Grimshaw Jr. was the low bid. Tom Braun and Travis Larson were the other bidders. He noted that all three were good contractors, and each of them had done work for Iron County before. Terry noted that he needed direction

from the commission on when they wanted this to be on the commission agenda for action and approval, and there was no budget for the project at this time. Marilyn Wood reported that the funds would come out of Tourism, the same as the barn budget. Jon Whittaker noted that the next commission meeting was May 13<sup>th</sup>. Terry reported that the project should be completed by August 1<sup>st</sup>.

### **PUBLIC COMMENTS**

Carol Barker, a citizen of Iron County, noted that she was curious if any of the commissioners gave any thought to her challenge of a definition of "Public Safety." She re-read HB488 to fund the new jail, and public safety was not included in the tax code. It did address roads and things. Carol stated that she performed an internet search for the definition of public safety. Public safety went beyond "policing and protection of physical personal body and possessions. It encompassed access to food, health care, jobs, education, affordable housing, environmental disasters, and racial and gender issues." She once again challenged the commissioners to come up with a definition because this was a can of worms. We have two candidates who were running for commissioner and one of them would be joining the commission next year. They might not share the same view as the present commission that public safety meant paying for a jail. Carol noted that she was for good, transparent, and accountable government. If there was a definition of public safety, it would protect the county from someone coming in the future and challenged what was public safety and the funds should not be spent on the jail.

Commissioner Michael Bleak reported that the commissioners work with the state on a definition of public safety. We could be a little more restrictive than the state, but not less restrictive. Michael noted that they had spoken with Senator Evan Vickers on this issue. It would be looked at when the legislature met in interim.

### **DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT FOR ASPHALT AT THE IRON COUNTY CHILDRENS JUSTICE CENTER (CJC)**

Richard Wilson, Iron County Chief Engineer, presented a view of the CJC and reported that a Request for Proposal (RFP) was sent out and he received 2 bids back. There was discussion on how to reduce the overall expense to what was proposed, rather than reducing the parking lot area and the driveway. Richard noted that it was a challenge to get a clear response back. There was quite a bit of "A" curbing cut out, which was more expensive than "L" curbing. Richard explained the curb cut and the cross channel. He reported that he did cut L curb on the back side of parking lot on the east, and left all the curbing around the CJC building where people would pull in to park. Richard reported that he received a bid from Sunroc and Mel Clark. He explained that the bids for Curb & Sidewalk were both high, Sunroc was \$75,040 and Mel Clark was \$55,252. There was only approximately 160 feet of sidewalk and 1,100 feet of curb. Richard noted that he cut the curb in half. If he had not cut the curbing it would have been approximately \$150K rather than \$75K or \$55K. Richard reported that Sunroc's bid was \$314,243.65 and Mel Clark was \$229,101.70. Discussion continued on the type of asphalt.

Marilyn Wood made a motion to approve a contract for asphalt at the Iron County CJC parking lot awarded to Mel Clark for \$229,101.70. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens. Aye; Marilyn Wood, Aye.

### **DISCUSSION AND POSSIBLE APPROVAL OF INTERLOCAL AGREEMENTS WITH OTHER ENTITIES FOR RESIDENTIAL BUILDING INSPECTIONS SERVICES DUE TO SB185**

Terry Palmer, Iron County Planning/Building & Zoning Administrator, explained that this Interlocal Agreement typed above was not correct. He received a call from the attorney on Thursday or Friday with changes they wanted to do. Terry reported that this issue goes back to Senate Bill (SB) 185 which he reported on at a March commission meeting, regarding residential billing, and building inspection amendments. He read from SB185 "If a city cannot provide a building inspection within three days after the day on which the city receives the request for

inspection, the building permit applicant may engage a third party inspection firm from the third-party inspection firm list that we have come up with.” Terry noted that he had met with Senator Vickers and Taz Biesinger, liaison for the legislature, last Thursday at the Home Builders Association meeting and asked for more clarification on the bill. He explained that if there was no inspection within 3 days then on the 4<sup>th</sup> day the contractor could hire a third party inspector. Terry reported that with him being the building official, he had to approve the third-party list. This agreement was between Iron County, Enoch City, Garfield County, Brian Head, Beaver County, and Cedar City. As a 3<sup>rd</sup> Class County, Iron County was required to provide a list of three inspectors. Terry also met with the building officials within the area last week. The building officials had not signed the Agreement because he sent the new form to him this morning for them to review the new form. Sam Woodall, Iron County Deputy Attorney, reviewed it, and Justin Wayment, of Wayment and Jones Law. There was one bullet point that said Iron County could charge up to \$80 for the service, but Justin, Sam, and Terry were not comfortable with that bullet point and removed it from the agreement. Sam Woodall explained that Jonny Miller, UCIP, mentioned that there were some changes to insurance issues. As far as indemnification, Jonny gave some verbiage clarifying that it was necessary to call out self-insured and that we would only indemnify those who were statutorily obligated to indemnify. Iron County should submit a claim if it feels one of the parties committed a wrong and then go through the proper process for filing a claim. Terry reported that the five jurisdictions that he previously spoken with were working with their City and Town Councils this week to approve of the Interlocal Agreements. Under SB 185, he had to have something in place and posted by May 1<sup>st</sup>. Terry noted that he would post it in his office. He reported that in his 29 years of service, the building inspections had never taken more than one day from the day of request.

Paul Cozzens made a motion to approve the Interlocal Agreements with other entities for Residential Building Inspection Services due to SB185. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens. Aye; Marilyn Wood, Aye.

#### **REVIEW AND POSSIBLE APPROVAL OF THE 2023 FRAUD RISK ASSESSMENT**

Lucas Little, Iron County Auditor, noted that this was in preparation for the upcoming external audit, three weeks from today. The Fraud Risk Assessment was required by the state auditor to be reviewed and then be uploaded to the State Auditor’s website. Luke explained that there was a question that he was not quite sure of. He discussed the issue with Jennifer Bradbury, HR Director. Luke read from item number 5, “Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior.” He noted that he was unclear if this was something Iron County did. Jennifer explained that Iron County did do this every year when they review with employees was done and she sent it out. Luke reported that Iron County scored 375 out of 395, which was low on the Fraud Risk. He noted that Iron County did have a fraud hotline located on the Iron County website under the Auditor, and that citizens could report fraud there. Luke relayed an explanation regarding the separation of duties. If the building department had an invoice that needed to be paid, Chelsea would have the invoice, Terry Palmer would sign it, and Chelsea would then send it to the Auditor’s Office-Accounts Payable, McKayla, would review it to make sure everything was correct, then prepare the check and send it to the Treasurer’s Office where they print the checks and then Nicole Rosenberg reviews the check. There were 4 to 5 employees who see the invoice and approve a payment, which make a separation of duties. The same goes with mail. Luke reported that this was a yearly assessment and there were a few videos located on the state auditor’s website that he would be reviewing within the next year and possibly send them out to the appropriate personnel to review.

Marilyn Wood made a motion to approve the 2023 Fraud Risk Assessments as presented by Lucas Little. 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 following HR changes. In the Sheriff’s Office – Corrections: the promotions of Roberto Leiva from a Full Time K9 Deputy 2 to a Full Time Deputy 3, effective May 12, 2024; the promotions of Mitchell Quartz and Zakkary Coons from a Full Time Deputy 2 to a Full Time Deputy 3, effective April 28, 2024. In the Sheriff’s Office – Patrol: the promotions of Skyler Davis and Sam Ward from a Full-Time Deputy 1 to a Full-Time Deputy 2, effective April 28, 2024, the backfill new hire of Savannah Gardner as a Full-Time Grant Funded Victim Advocate, effective May 13, 2024. In Council of Aging (COA): the backfill new hire of Cindy Roa-Heaton as a Part-Time Outreach Coordinator, effective April 29, 2024. In the Weed Department: the new hire backfill of Hunter White as a Part-Time Seasonal Weed Sprayer, effective April 22, 2024; and the new hire backfill of Jaden Parkinson as a Full Time Seasonal Weed Sprayer, effective April 29, 2024. In Natural Resources: the new hire backfill of Charlie Stevenson as a Seasonal OHV Trail Maintenance Technician, effective April 22, 2024. Children’s Justice Center: the backfill new hire of Jessica Brindley as a Part-Time Victim Services Specialist, effective April 15, 2024. Fleet Department: Administrative Assistant position to transition from Part-Time to Full-Time benefited status, effective April 28, 2024; the transition of Kathy Chatwin from a Part-Time status to Full-Time status, effective April 28, 2024. Engineer Department: the promotion/transfer for Garrett Bastian from a Road Maintenance 2 Technician to a Full-Time Engineer Excavator Operator/Inspector, effective April 28, 2024.

Paul Cozzens reported that he had spoken with Wade Adams, Iron County Fleet Supervisor. Wade was overloaded right now and he was having to take care of the sign issue because the employee left. He was also helping out in the Weed Department

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

**NON-DELEGATED ITEMS**

No Non-Delegated items were shared.

**DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), “STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION”**

Marilyn Wood made a motion to move into a closed session pursuant to UCA §52-4-205 (1) – “Strategy Sessions to discuss pending or reasonably imminent litigation.” Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Michael Bleak, 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(c) for discussing regarding ongoing litigation.

  
Signed: Michael Bleak, Chairman

  
Attest: Jonathan Whittaker, County Clerk



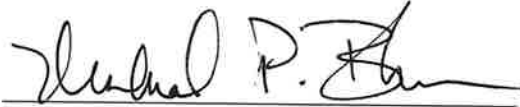
April 22, 2024

**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: Michael P. Bleak, Chair



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
MAY 13, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 13, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Terry Palmer	County Building & Zoning
Shalon Shaver	County Corrections
David Johnson	Economic Development Director
George Colson	Emergency Manager
Jennifer Bradbury	County HR Director
Lori Eichelberger	County Justice Court
Mike Worthen	County Natural Resources
Reed Erickson	County Planner
Kenneth Carpenter	County Sheriff

Others present:

Carol Barker	Laura Barnowski	Darlene Brinkerhoff
Cindy Bulloch	Tom Coverick	Maile Edwards-Wilson
Brad Esposito	Darci Fersch	Terry Hartley
Weston Jessop	Marcus Keller	Mark Owens
Joseph Peterson	Logan Reid	Jeff Richards
Julie Sanders	Susan Sepe	Exilda Serrano
Danny Stewart	Kevin Swenson	Patti Truax
Bruce Washburn		

**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 Marilyn Wood.

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held April 22, 2024. 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 April 22, 2024 to May 12, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## DEPARTMENTAL REPORTS

**Lori Eichelberger, Iron County Justice Court**, noted that the budget was on track. Lori reported that one area that would need scrutiny was interpreter pay. Their salary continued to increase from \$52 per hour to \$54 per hour. She noted that there was one interpreter that assists the courts that speaks French and Arabic and was commanding \$60 per hour. Lori reported that the Justice Court was fully staffed with nine total including the presiding Judge. Lori reported on the first quarter statistics. DUIs were up by 5, Driver's License violations up by 5, Moving violations up by 415, Non-moving violations up by 173, Assaults were down by 3, Theft up by 16, Controlled Substance/Narcotics up by 12, Domestic Violence down by 2, and other miscellaneous Misdemeanors/Infractions up by 32. Revenue collected was up by \$41,382, Revenue disbursed to the state was up by \$15,836, and Revenue retained by Iron County was up by \$25,546. Citation comparisons: Cedar City Police Department (CCPD) down by 19 from 2023, Iron County Sheriff's Office (ICSO) was up by 109, and Utah Highway Patrol (UHP) was up by 250. Lori explained that in 2022, a Court rule was passed that started requiring that Judicial Assistants be certified and continually trained and educated to keep up with the best practices and most current legislative changes. In addition to Clerk (Judicial Assistant) training that she and her staff attend every year, they were now required to complete at least two online courses each month. The Administrative Office of the Courts (AOC) created a Learning Management System (LMS), which all Judicial Assistants were required to access and perform the required training. The court system is intricate and there are many policies and procedures mandated. These courses and offerings help all of them to become truly experts in what they do. Lori noted that with the training there was a job shadowing component that was required and was also time-consuming, within the Iron County Court system and other Courts to learn their practice and vice versa. Additionally, the Court's Certification was tied to all Judicial Assistants keeping up with their training, and always being current. Lori reported that the AOC ruled that if a Judicial Assistant falls behind on their training their Correctional Offender Record Information System (CORIS) access would be suspended until they had completed the training required, which also included maintaining the Court's Certification. She noted that she reached out to Jennifer Bradbury to assist her in preparing a new title/pay structure, based on comparisons from other Justice Courts beginning pay. Based on the survey the average minimum starting pay was \$18.56 per hour. She then broke that average into Court Class, Iron County was a Class 1 Court. Court Class 1 average was \$18.49, Class 1 with a County Class 3 was also \$18.49. Iron County's starting pay was \$17.10 per hour. Lori reported that she would like to recommend a restructuring of Titles and Grades for all Iron County Justice Court positions based on the mentioned information. She noted that it was not her intention to begin this today, but for it to be considered, and if that would have to wait until budget meetings for 2025 she understood. Lori explained that the Justice Court currently had a Justice Court Judge, Court Administer (herself), one Senior Judicial Assistant, a Judicial Assistant 2, and a Judicial Assistant 1. She recommended the following Job titles/grades: Judicial Assistant 1-Trainee (all certification and training complete)-Grade 3; Judicial Assistant 2-after probation/certification-Grade 4; Judicial Assistant 3-after 5 years' service-Grade 5, Senior Judicial Assistant-1 position-Grade 6. Lori noted that she felt that this was the right time to address this issue and the recommendation would build in opportunity and motivation for advancement. It was imperative for Iron County to remain a desirable employer by offering competitive salaries to its employees. Iron County, along with other counties, faces challenges in attracting and retaining top talent. Salaries were falling behind those offered by the State of Utah, neighboring counties, and private sector employers. Over the past 9-plus years, through a lot of hard work and mindful leadership, Iron County had been able to stabilize its workforce to some degree. Lori listed the following importance of competitive salaries:

- Attracting top talent: competitive salaries are crucial for attracting skilled individuals who can contribute significantly to Iron County's development and progress;
- Retention of talent: offering competitive salaries is essential for retaining experienced and knowledgeable employees, reducing overall costs, and maintaining institutional knowledge;
- Motivation and productivity: competitive salaries motivate employees, leading to increased productivity, efficiency, and overall job satisfaction; and
- Maintaining a positive image: by offering competitive salaries, Iron County can enhance its reputation as an employer of choice, which can help attract a diverse pool of talented candidates.

Lori expressed her appreciation for the commission's attention and consideration of the importance of this matter in the next budget discussions and take action to enhance Iron County's competitive edge. Commissioner Bleak expressed his appreciation to Lori and the Justice Court's hard work and professionalism.

**Marilyn Wood, Iron County Commissioner**, reported that she attended the Utah Association of Counties (UAC) Convention in St. George where they discussed the recent Legislative Session's actions and bills. Marilyn noted that UAC was 100 years old. She reported that there had been continued concerns from residents regarding road issues. Marilyn explained that although roads in Iron County were platted county roads, they were not maintained by Iron County. Many years ago, when subdivisions were being created there were no regulations in place for the construction of roads when subdividing. In and around the 1980s's, Iron County adopted a Subdivision Ordinance that required roads within existing subdivisions be brought to an acceptable county maintenance standard. Unfortunately, there were many roads located throughout Iron County, and it was next to impossible for the road department to maintain all of them. There were times when residents of a subdivision decided to maintain their own roads. Marilyn requested that before these subdivisions decide to maintain their road to please come into the Engineer's Office and sign a Memorandum of Understanding (MOU) releasing Iron County from liability when the roads were being worked on. Residents of a subdivision could also apply for a Special Assessment Area where the roads would be upgraded to Iron County standards and then maintained by Iron County. Residents of the subdivision would pay for the upgrade through a bond, administered by Iron County, which could then be paid in lump sum, each year, or with their property taxes. Marilyn reported that the Road Department would begin patch work on the roads today. During approximately the 2<sup>nd</sup> week in June, they would complete the chip seal on 7700, chip seal on Lund Hwy and Beryl. Commissioner Wood reported that the Landfill had a 3-year pile of old tires that finally got picked up by a company, which the Landfill had to pay for. One solution to alleviate the cost of having someone pick up the tires was to begin covering the landfill with shredded tires. To be able to shred the tires, the landfill would have to purchase a ECO Monster single-shaft hydraulic shredder that eats tires and other waste materials into 6" minus shreds. The landfill waste was required to be covered daily and this would be better coverage and more efficient. She noted that there would need to be a legislation change in the law to allow it. Bruce Anderson, Iron County Public Works Director, visited Idaho where they shred tires and use them for landfill coverage. He observed the process and gathered information. Bruce planned to meet with the legislators to address the change.

**Paul Cozzens, Iron County Commissioner**, reported that he had meetings and was in discussions with Cedar City and Jared Platt regarding obtaining water for the new jail. He explained that the Cedar City Ordinance did not supply water outside of the city limits, so a contract was being drafted to allow Cedar City to supply water to the jail (which was to be built on unincorporated land). Paul noted that he attended the 5 County Behavioral Health Board meeting and there would be a slight increase in the amount of Iron County's share to support that program. He was unable to attend the UAC meeting but was able to attend the UAC Board meeting. Paul explained that there was a landscape incentive program provided by the Division of Water Resources (DWR). He noted that residents could qualify for up to \$1.50 per square foot for removing lawn and replacing it with water-efficient landscaping. He had spoken to Terry

Palmer and Reed Erickson about the program. Paul reported that in order for Iron County to qualify for the program there had to be standards passed. Some of those were:

- No lawn in parking strips or areas less than 8' in width, no more than 50% of front and side yard landscaped areas and no new residential development shall be no more than 20% lawn;

- Lawn limitations do not apply to small residential lots with less than 250 square feet of landscape area; and

- New commercial, industrial, institutional, and multi-family development common area landscapes lawn area shall not exceed 20% of the total landscaped area outside of active recreation areas.

Paul reported that he was concerned with signage for persons wanting to start a business in the valley regarding the size and signs on buildings. The current size limit was 10 square feet. He explained that there was an individual that placed a sign on his business that exceeded that size limit. His business was on 20 acres, and it sets so far back that a smaller sign could not be seen. He placed a larger sign and had received some pushback because of it. Paul expressed that the commission should address the restrictive sign size regulations.

**Michael Bleak, Iron County Commissioner**, reported that he had met with Red Acre Farms and Nature Hills Farms regarding issues with land use on their small farms. He encouraged them to work with the building and zoning departments. Mike noted that these small farms were an integral part of our community and need our support. They were families on small acreage that were able to carve out a living helping our community. Commissioner Wood noted that during a Farm Bureau presentation, they reported that it was easier to do this type of small farming in Salt Lake City than in Iron County. The small farmers were not only feeding us, but they were educating people about agriculture. Commissioner Cozzens noted that one day we would be grateful for those people who provide food for us. We are thankful now, but if we fall on hard times we would be even more grateful. Mike noted that this issue was one of the first issued brought to him when he became a commissioner. It had been a pleasure to watch the small farms progress. Commissioner Bleak reported that Southern Utah University (SUU) held a groundbreaking for their new music building. Marilyn Wood noted that it was a very nice groundbreaking. She reported that her church ward had a stained-glass window that SUU had stored and was restoring. It would be located in the new music building. Mike expressed his appreciation to David Johnson, Iron County Economic Development Director, for keeping the Economic Development Board very active. Commissioner Bleak reported on the importance of fostering relationships within our community. He explained that SUU Aviation received a large, non-operational, helicopter that was donated for their maintenance program. When it was delivered, they were unsure how to get it off the truck. Mike contacted BZI and they used their large telehandler to hoist it off the truck. The smallest of relationships could solve large problems. SUU Aviation has elected to place a BZI sign on the helicopter for their help. Mike reported that the new Children's Justice Center (CJC) building was nearing completion. Work on the parking lot would begin once the weather improved. He noted that the health department received a mobile disaster morgue but were unsure of what to do with it. George Colson, Iron County Emergency Manager, raised his hand and told them he would take it. Hopefully, it would not be something we need, but it was here if it was needed. Commissioner Bleak wished all the Mothers a belated Happy Mother's Day.

Marilyn Wood noted that there was a groundbreaking for the Central Iron County Water Conservancy District's (CICWCD) new building on Westview Drive.

### **TRIBUTE TO SGT. BILL HOOSER**

Commissioner Michael Bleak explained that he had been in Law Enforcement (LE) in Iron County for over 28 years. Mike reported that on May 5, 2024, Police Sgt. Bill Hooser was murdered while in the line-of-duty. Mike noted that he had been working that day in Enoch City. Every LE in the State of Utah was mobilized. The Utah Hwy Patrol (UHP) put a call out to every off-duty trooper that could respond. The incident began in Santaquin. The suspect fled and stole a semi-truck, made it to Mt. Pleasant, broke into a home and then stole a firearm. He then

went to the garage of the same home and stole a truck and crashed it through the garage door. At that time the suspect fled once more to an unknown destination of travel. Officers worked and established a time frame for where he might have gone. Mike noted that his assignment was from the roundabout in Enoch to the Parowan Gap. He explained that when something of this nature happened, all LE went to an "Ops Channel," which was one channel throughout Utah. Ultimately, the suspect was apprehended near Vernal, Utah. Commissioner Bleak paid tribute to Sgt. Hooser by reading from his obituary, "Bill Hooser was born on December 18, 1973, to Dayton and Bonnie Reeves Hooser who lived in Cleburne, Texas at the time of his birth. There Bill met his wife Kinda Edwards in 1992. They were married on September 14, 1995. Together they had two beautiful daughters, Shayle in 1997 and Courtney in 1999. Although Bill loved being a girl dad, he welcomed his two sons-in-law, Jake and Karson, with open arms and they became his. He loved his family with everything he was and was so proud of them. His first granddaughter, Paxton, was born recently, and he loved being a grandpa. He had a passion for the outdoors and took every opportunity that he could to be out in the mountains camping, or at the sand dunes riding his side-by-side. He counted his friends as family, and he loved being with them having fun and laughing. Bill's first real job was framing. He gained a passion for building and carpentry. He built furniture pieces to rival master craftsmen. Approximately 10 years ago, while living in New Mexico, Bill decided to join the Volunteer Reserve Deputies for the San Juan County Sheriff's Department. While volunteering, his passion for serving grew into a need to change careers and become a full-time Law Enforcement Officer with San Juan County Sheriff's office. In 2017, Bill and the family moved back to Utah and he began his career with the Santaquin Police Department. His love and passion for the community he served only grew. In a short time, Bill was promoted up the ranks and proudly served as Corporal, Detective, and Sergeant. He was proud of the work that he did and loved the people that he worked with. Bill was the first one to jump in and help when anyone needed it. A real testament to the man that Bill was, is the many lives that he touched. He made everyone feel like they were his best friend, and they were the most important thing in the world." Mike reported that in 2002, Iron County lost one of its own, Deputy Ed Dare. Mike had worked with Deputy Dare and had the opportunity to attend his memorial in Washington, D.C. at the National Officers Memorial, which was one of the greatest honors he had experienced as a peace officer. He explained that Deputy Dare was in route to back up another officer on an impaired driver call. Deputy Dare lost control of his vehicle and crashed into an irrigation canal and could not be found for several hours. Commissioner Bleak noted that as a police officer, he left home many times with body armor and firearms and didn't think that it might be the last time he left his home, but his family did every time. Mike had not left his home this week without thinking he might not return. He noted that this was a senseless crime by a guy who had aggravated murder charges stemming out of Oregon and Colorado. Those justice systems failed him and us. Mike reported that officers throughout Utah were wearing shrouded badges today in respect of Sgt. Hooser. His funeral was today and began at 10 a.m. Please keep his family in your thoughts and prayers. It was also a very difficult day for LE. Commissioner Bleak noted that he would rather be attending the funeral today than commission meeting.

**DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT FOR CONSTRUCTION SERVICES FOR THE IMPROVEMENTS AND CONSTRUCTION AT THE IRON COUNTY FAIRGROUNDS. AWARDED TO LEGENDARY HOME BUILDERS**

Terry Palmer, Iron County Building and Zoning Administrator, reported that after following the bid process, the contract was awarded to Legendary Home Builders for improvements and construction on the Iron County Fair Exhibit Building for the full contracted amount of \$200,233. Terry explained that during the course of the project, Iron County could authorize material changes to the project for up to \$20K.

Marilyn Wood made a motion to approve the contract awarded to Legendary Home Builders for the improvements and construction at the Iron County Fair Exhibit Building for \$220,233. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, REGARDING THE ISSUANCE OF SALES TAX REVENUE BONDS, PURSUANT TO TITLE 11, CHAPTER 14A OF THE UTAH CODE ANNOTATED 1953, AS AMENDED, FOR A JAIL PROJECT THAT WAS PREVIOUSLY REJECTED BY THE VOTERS OF IRON COUNTY DURING A GENERAL ELECTION**

Marcus Keller, Crews & Associates, explained that the Sales Tax Revenue Bond was a result from feedback from voters to have an Excise Tax in place rather than a property tax. Through the commissioners' hard work working with the state legislature, they were able to find a unique option which allows them to implement this additional sales tax to help paying for the bonds. Today's public hearing was the first step of the bonding process.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the issuance of Sales Tax Revenue Bonds.

Carol Barker, a citizen of Iron County, reported that she had the opportunity to tour the Beaver County Jail. Carol stated that her comments were not directly aimed at the current commission as they would all be gone by the time the new jail opened. Her comments were for the new commission and the new Sheriff because Sheriff Carpenter said he would be resigning. Carol reported that there was a significant difference between the Iron County Jail and Beaver County Jail. She was completely impressed by the Beaver County Jail. She noted that she did raise concerns last year regarding the maintenance of the Iron County Jail that she heard during her tour of the jail. She asked, during one town hall meeting, how long the jail had been operating in the red, and jokingly it had been said it had been operating in the red as long as the jail had been open. Carol stated that her current concern was that the new jail, because residents were funding it, would be the best-ran facility in Iron County, the best-ran jail in the State of Utah, and be self-funding and not a burden on the community. She encouraged commission candidates to tour the Beaver County Jail and the Iron County Jail and compare the two, and to set the bar high. As a taxpayer and resident of Iron County, she expected excellence and would hold Iron County accountable.

Darci Fersch, a citizen of Iron County, directed her comment to the reputation of Crews & Associates. Darci reported that she visited their website under disclosures and there were a number of violations with municipal bond tenders. Darci asked Mr. Keller to address those issues and if he could assure that Iron County funds would be protected.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO LIGHT INDUSTRIAL (LI). APPROXIMATELY 13.8 ACRES WITHIN THE NW¼ OF SECTION 1, T37S, R12W, SLB&M, IRON COUNTY, UTAH, LOCATED AT APPROXIMATELY 3402 S OLD HWY 91, CEDAR CITY (APN: E-257-1) Applicant: Ryan Brindley**

Reed Erickson, Iron County Planner, explained that this zone change request was to bring the existing use to be in conformance with the Light Industrial zone, consistent with the property located directly north, Paiute land, which was also recently zoned to Light Industrial as well. The property was within Tier II and the Cedar City annexation declaration boundary. The proposed use was for personal storage facilities. The property was currently being cleared and graveled, with cargo containers on site. Services available were: Water – private well when required (no need at the present with requested use), Sewer by septic when required (no need at the present with requested use), and other utility services in the area. Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed zone change.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Rezoning and recommended approval of the zone change.

Paul Cozzens made a motion to approve a proposed zone change from Agriculture 20 Acres (A-20) to Light Industrial (LI) regarding APN: E-257-1, as presented by Reed Erickson.



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

**PUBLIC HEARING, DISCUSSION, AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 ACRES (R-5) TO RESIDENTIAL ½ ACRE (R-½). APPROXIMATELY 80.47 ACRES WITHIN NE¼ SE¼ & SE¼ SE¼ SECTION 21, T35S, R11W, SLB&M, IRON COUNTY, UTAH, LOCATED AT APPROXIMATELY 2300 W & 3200 N TO 3600 N CEDAR CITY (APNs: D-618, D-620 & D-620-1) Applicant: Onado Investments, LLC**

Reed Erickson, Iron County Planner, explained that the zone change request was to R-½ which was comparable to various other subdivisions along 2300 West. The half-acre density would provide the owner with the ability to develop to a max density of ½ acre per lot, but gave them additional flexibility for larger lots as well. The property was adjacent to R-5, R-½, and Cedar City's higher density. It was within Tier II, but not in Enoch or Cedar City's Annexation Declaration Boundary. Services available were: Water – CICWCD, Sewer – Central Sewer with Cedar City, and other utility services in the area.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed zone change.

Carol Barker, a resident of Iron County, noted that the commissioners approved a zone change for the other side of this road at the last commission meeting. She stated that she found it ironic that during the commission reports there was talk about local farmers and feeding people. Although this would be approved, 2300 W would become house, on house, on house. It would be nice to keep it zoned R-5 so people could have home gardens and more people could show up at farmers' markets. She stated that "you're going to do what you're going to do, because that's what you do!" Maybe consider keeping it zoned R-5 and not have multiple units because the roads were not improving. What was Cedar City doing about their sewer system? How many times do sewers back up because of monsoon rains? The water treatment plant clearly cannot handle that. These were all things that needed to be considered. But, you will do what you are going to do. Paul Cozzens replied that he was on the water treatment plant board and even with all the increased growth, the total volume into the treatment plant had not increased. Carol stated please "pump the breaks for once."

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson noted that, in response to the comment, that when the ICPC looked at prospects for property they consider what were the possible uses of that zoning, what services were available, and what could be provided. It was the evaluation of the planning commission as they work through the process. It was a difficult challenge to evaluate each project and when to "pump the breaks." Property rights, eligibility for projects, and the need for more affordable housing that came with higher density were all taken into consideration. Affordable housing did not come with 5-acre lots. He reported that there was good access and available services on 2300 W that was not available everywhere. That was why developers were choosing these types of corridors where these types of services were available. Paul Cozzens reported that the current Utah Governor had told the Home Builders Association that they will build, and counties will approve smaller lots for affordable housing.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Rezoning and recommended approval of the zone change.

Marilyn Wood made a motion to approve a proposed zone change from Residential 5 acres (R-5) to Residential ½ acre (R-½) regarding APNs: D-618, D-620 & D-620-1 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 IRON COUNTY CODE AMENDMENT, ORDINANCE 2024-3 MODIFYING SECTION 17.42.040 – AMENDING CRITERIA FOR APPROVING DEVELOPMENT AGREEMENTS, AND PROVIDING FOR AN EFFECTIVE DATE**

Reed Erickson, Iron County Planner, explained that this Ordinance was the result of new legislation regarding development agreements. Iron County Code Chapter 17.42 –Development Agreements Section A (4), reads, “The proposed development to which the development agreement pertains is in conformity with the Iron County general plan, zoning ordinance, public improvement requirements, construction standards, and all other applicable requirements.” Under this code, a development could not be approved for anything outside the ordinance. Ordinance 2024-3 amended criteria addition (taken from state law) was “...unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section §17.27a.502 (UCA), including a review and recommendations from the planning commission and a public hearing.” Reed explained the development agreement process.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed Iron County Code Amendment.

No public comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the ICPC recommended approval of the Iron County Code Amendment.

Paul Cozzens made a motion to approve the proposed Iron County Code Amendment, Ordinance 2024-3 as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

Cindy Bulloch, a representative from Celeste Maloy’s office, expressed her appreciation for the recognition given to Officer Houser. Cindy reported that Celeste Maloy was involved with the following:

- The Federal Aviation Administration (FAA) reauthorization bill that aimed to improve aviation safety, enhance passengers and airline workers protection, and invest in airport and air travel infrastructure;
- Co-Sponsored a bill that was introduced by Congressman Stewart to prohibit an assisted suicide kit available online;
- Avian flu had been found in dairy cattle. None had been detected in Utah. The Center for Disease Control (CDC) and the United States Department of Agriculture (USDA) had set new regulations that only lactating cow that cross state borders and were not going to slaughter needed to be tested;
- Electronic tagging of livestock had been implemented, but there was a move to stop funding;
- Watching the Solar Rule. Public comments were still open. This would take a lot of the corridor in Western Iron County. This rule would take this out of multiuse and into a specific use;
- New Public Lands Rule;
- Phase 2 of the National Environmental Policy Act (NEPA),
- Old growth limited logging might affect Pinon and Juniper: and
- Appropriations: 1% of the top line of the budget, was open use. Congresswomen Maloy fighting to keep some of those funds in Utah.

Ken Carpenter, Iron County Sheriff, reported that a previous comment was made that he would be resigning from his office was untrue. He was planning on running again for Iron County Sheriff and had no intention of resigning.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2024-4, CREATING AND ESTABLISHING NEW HARMONY RANCH SPECIAL SERVICE DISTRICT (SSD) WITHIN IRON COUNTY Applicant: New Harmony Ranch**

Reed Erickson, Iron County Planner, explained that the commission had initiated, by Resolution 2024-1, which was approved and passed on January 22<sup>nd</sup>, the statutory process to create a special service district within the boundary of the New Harmony Ranch, and gave public notice and held a public hearing on March 11, 2024 to hear and consider each interested person who desired to be heard. It had been determined that the public health, convenience, and necessity require the establishment of a SSD to be named New Harmony Ranch SSD to provide sewer and transportation services within the boundary. Reed reported that all the property, residents, and inhabitants within the boundary of the SSD would be benefited by the establishment of the SSD to provide sewer and transportation services, which services shall be paid for only by the property owners within the boundary of the district. He explained that there were three components to this SSD:

- Signed copy of the approved final Resolution;
- Submit packet electronically to the lieutenant governor's office for action and approval and an issuance of a certificate of incorporation;
- Submit documents to the Iron County Recorder. After the issuance of a certificate of creation, the Iron County Commission would appoint a 3 member SSD board.

Jon Whittaker asked if this would create a new taxing area. Reed replied that the lieutenant governor's office would create it. Jon asked whether the plat shown was the final plat for SSD. Reed replied that if it was approved it would create the SSD. Jon asked how far-reaching the SSD could be. Reed replied that it was for sewer and transportation only. Jon asked whether the SSD could tax for roads. Reed noted that only when budgeted and if it were approved by the board and only within the development.

Laura Barnowski, a resident of New Harmony, noted that she had become very involved with this proposed development. She had only heard discussion regarding the sewer only and just heard about the transportation. What would that entail? Reed Erickson replied that the original resolution that was approved included both sewer and transportation. It would be for developing private roads only. The SSD or an HOA were options for the roads to be maintained. Marilyn Wood asked if this included the deceleration lane. Reed replied that was outside the SSD and was a part of Washington County.

Marilyn Wood made a motion to approve Resolution 2024-4, creating and establishing New Harmony Ranch SSD within Iron County 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 FUNDING REQUEST FOR THE OPERATIONS OF THE IRON COUNTY RURAL PLANNING ORGANIZATION (ICRPO) AS RECOMMENDED BY RPO-RTEC AND IRON COUNTY COUNCIL OF GOVERNMENTS**

Reed Erickson, Iron County Planner, reported that this was an annual request to provide continued funding for the operations of the Iron County Rural Planning Organization (ICRPO) for FY2025. Reed noted that the Five County Association of Governments (AOG) respectively requested a continuation of the current contract with funding set at \$50K for FY2025. These funds usually came from the planning portion of the Iron County Local Corridor Preservation Funds collected through vehicle registration fees.

Paul Cozzens made a motion to approve the funding request for the operations of the ICRPO as recommended and presented. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION FOR ADOPTION OF RESOLUTION 2024-5, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$95M AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2024, AND RELATED MATTERS**

Marcus Keller, Crews & Associates, explained that the Iron County Commission was taking under consideration up to and not to exceed limitations. The parameter sets several items and the first was the parameter of up to \$95M, with a maximum interest rate of up to 6.5%, for a period not to exceed 40 years, and at a discount of 98%. Marcus explained that the parameters resolution today would allow Iron County to move forward. There would be another Public Hearing on June 10<sup>th</sup> for discussion and public feedback. The Series 2024 Bonds would be issued for the purpose of financing the construction, furnishing, and equipping of a new jail and related improvements, and funding any debt service reserve fund, as required, and paying costs of issuance of the Series 2024 Bond.

Michael Bleak expressed his appreciation to Marcus Keller for keeping the commissioners informed with the process and all the effort he had given to Iron County. Marcus

Tom Coverick, Managing Director for KeyBank Capital Markets Inc., explained the Sales Tax Revenue Bonds and how they worked. Tom gave a brief overview of the municipal bonding market.

Marilyn Wood made a motion to adopt Resolution 2024-4 as presented by Marcus Keller. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT FOR BAR, FRATERNAL, EQUITY LIQUOR LICENSE OF THE BUSINESS OF BOWMAN'S COWBOY KITCHEN AT 3052 IRON SPRINGS ROAD, CEDAR CITY, UT**

Weston Jessop, Bowman's Cowboy Kitchen, reported that he had purchased Bowman's Cowboy Kitchen. Bowman's Cowboy Kitchen previously had an existing Liquor License, but the State required a new license with new ownership. Weston noted that the restaurant would remain the same, but they were investigating ways to be more efficient and handle more customers.

Paul Cozzens made a motion to approve a Local Consent for Bar, Fraternal, Equity Liquor License of the business of Bowman's Cowboy Kitchen as presented. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2024-6, A RESOLUTION SUPPORTING THE AMENDMENT OF PROPERTY INTO THE IRON SPRINGS INLAND PORT PROJECT AREA IN IRON COUNTY**

Danny Stewart, Inland Port Authority, explained that the Iron Springs Inland Port Project Area was created by the Inland Port Authority on April 4, 2023. Iron County desired to include additional property in the Project Area, which fits the economic development vision by encouraging the retention and expansion of existing companies and the recruitment of new companies to create employment opportunities for Iron County residents.

Marilyn Wood made a motion to approve Resolution 2024-6, a resolution supporting the Amendment of property into the Iron Springs Inland Port Project Area in Iron County. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PRESENTATION ABOUT THE 2023 SHARP SURVEY DATA HIGHLIGHTS FOR THE IRON DISTRICT**

Logan Reid, Southwest Behavioral Health Center-Prevention & Education Services Director, explained that the School Health and Risk Prevention (Sharp) survey surveyed students in grades 6, 8, 10, and 12. The results across seven categories were presented: substance abuse, antisocial behavior, community and school climate and safety, social and emotional health, substance-related indicators, physical health and safety, and risk and protective factors. State-identified priority substance use included Alcohol, marijuana, cigarettes, RX drugs, inhalants and e-cigarettes. Logan reported that 1,476 students from grades 6, 8, 10, and 12 took part in the

survey and the results were evaluated. He noted that most students were worried about their fellow classmates committing suicide and substance abuse. In 2007, the identified priority of substance use in Iron County were, in order: alcohol, RX drugs, cigarettes, marijuana, and inhalants. In 2023 those priorities were e-cigarettes, alcohol, marijuana, inhalants, RX drugs, and cigarettes. Use rates were going down with efforts made with prevention. Logan reported that there had been a link between substance abuse and how much time families spent together. A lower amount of family time resulted in a higher substance abuse rates. The amount of screen time after school made a difference also. Suicide rates were higher, or thoughts of committing suicide, when screen time was high. Logan gave other statistics, and closed by expressing just how great the youth of Iron County are.

**CONSIDERATION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND THE BUREAU OF LAND MANAGEMENT (BLM) TO RESTORE FLOOD DAMAGED RECREATION TRAILS IN THE STATELINE AREA**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that the purpose of the Memorandum of Understanding (MOU) was to formalize the restoration of Revised Statute (RS) 2477 roads used as recreational trails in the Hamblin Valley area after the 2022 and 2023 floods, specifically the Johnny Canyon Road (Ofer Basin), Stateline Road, Pine Creek Spur and Road, Rice Canyon Road, and Mormon Gulch Road. Mike reported that this agreement was for roads located on BLM lands. He had work with FEMA in Hamblin Valley. The funding required this agreement. George Colson had been instrumental in working with FEMA. Mike also thanked Representatives Maloy and Stewart for helping move this funding forward. Mike expressed the importance of keeping said roads open.

Paul Cozzens made a motion to approve an MOU between Iron County and the BLM to restore flood-damaged recreation trails in the Stateline area as explained. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

Michael Bleak, Iron County Commission Chair, declared the convening of the ICCD&RA.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE BERYL SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Beryl Solar Project Area for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE BUCKHORN SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Buckhorn Solar Project Area for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE CEDAR VALLEY SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Cedar Valley Solar Project Areas for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE FIDDLER'S CANYON SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Fiddler's Canyon Solar Project Area for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE ENTERPRISE SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Enterprise Solar Project Area for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE GRANITE MOUNTAIN SOLAR EAST AND GRANITE MOUNTAIN SOLAR WEST COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Granite Mountain Solar East and Granite Mountain Solar West Project Areas for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE IRON SPRINGS SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Iron Springs Solar Project Area for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE COVE MOUNTAIN 1 AND COVE MOUNTAIN 2 SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Cove Mountain 1 and Cove Mountain 2 Solar Project Areas for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE RED HILLS RENEWABLES COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Red Hills Renewables Solar Project Area for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE SUN EDISON PHASE 1, 2, AND 3 SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Sun Edison Phase 1, 2, and 3 Solar Project Areas for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



**CONSIDERATION OF TAX INCREMENT REIMBURSEMENT FOR THE THREE PEAKS SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA) FOR THE 2023 YEAR**

Marilyn Wood made a motion to approve a Tax Increment Reimbursement for the Three Peaks Solar Project Area for the year 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

**PRESENTATION TO HELP IRON COUNTY AND THE COMMISSION TO UNDERSTAND THE NEED FOR THE ASSESSORS OFFICE TO ADOPT STATISTICAL MODELING FOR VALUATIONS IN IRON COUNTY**

Karsten Reed, Iron County Assessor, explained that this report was to explain the need and efforts to move the Assessor's Office to statistical modeling to help with valuations for tax purposes. Iron County was the last Class 3 (40,000 to 175,000 population) county in Utah to adopt statistical modeling. This change would represent a monumental shift in process. Karsten wanted the public and the commissioners to know what to expect moving forward. He introduced two of his deputies, Joseph Peterson and Kevin Swenson, who each had backgrounds and education in statistics.

Kevin Swenson explained that this use of statistics would be based on modeling. This practice had been in place for some time, but Iron County was now beginning to use it. Other counties' experience was fewer valuation appeals over time due to more accurate assessed values. Statistical modeling would adapt more quickly to economic changes in the real estate market. Furthermore, the mass-appraising done in the Assessor's Office would be more equitable with stronger support of assessed values. Kevin explained that statistical modeling involves: business understanding, data understanding, data preparation, modeling, evaluation, and deployment. Statistical modeling requires constant evaluation and input of data to remain current and accurate. Jon Whittaker asked about how the system would be used in regard to the annual lien date of January 1<sup>st</sup>. Kevin replied that once operational, the statistical modeling would be able to output values for any requested date. There was also an advantage that statistical modeling would not be affected by sales after January 1, but before the tax roll. Jon Whittaker also asked whether the system would be used for all properties, or mainly residential. Kevin replied that it would just be residential at first, but they hoped to eventually include commercial properties as well. Joseph Peterson explained that the models would be built on several years of data to provide a baseline. With each data point and each year of data, the statistical model would be ever more accurate. Joseph noted that the first year of implementation often results in a spike of valuation appeals, which is difficult but would also provide greater accuracy to the model. One critical advantage of statistical modeling would be that Iron County would be in greater compliance with state requirements of valuation, and that appraised values would be within plus or minus 5% of actual value. The plan was to use the "R Project" or "SVS" for the statistical modeling software, both of which were open-source and free. Paul Cozzens asked about the effect the State of Utah Assessing and Collecting levee being locked for 5 years, and of the recent tax shift away from Centrally Assessed and Commercial properties to Residential. This shift of tax burden had been highlighted during the tax discussions about funding a new jail. Karsten Reed replied that the State Assessing and Collecting levee being locked, and therefore artificially high, along with the shift away from Centrally Assessed and Commercial properties to Residential resulted in a higher tax burden for residential taxpayers. Karsten also discussed the challenges of some of the appraisals moving from the Utah State Tax Commission (USTC) to county assessors, which was an additional burden without additional resources. Karsten concluded by expressing appreciation for the hard-working employees in his office, and that he was glad that the statistical modeling software would not be a financial burden to Iron County.

## **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Brandy Mayo as a Full-Time Legal Assistant for the Attorney's Office, effective May 13<sup>th</sup>. This was a backfill of a vacant position; the new hire of Martin Olaya as a Full-Time Sign Technician for the Engineer's Department, effective April 29<sup>th</sup>. This was a backfill of a vacant position; the new hire of Dream Weaver as a Full-Time Corrections Deputy 1, effective June 9<sup>th</sup>. This was a backfill of a vacant position.

Marilyn Wood 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 presented the Utah Retirement System (URS) anticipated changes. Jennifer explained that the changes were in reference to the FY 2024 changes to the URS employee contributions. Last year the URS had been very transparent about the anticipated changes to employee contributions, which was helpful for HR to be able to factor options into the 2024 calendar year budgets. Jennifer reported that, for historical reference, the Tier 2 Public Safety benefits, back in 2020, URS changed the multiplier from 1.5% to 2% service credit earned after July 1, 2020 which increased the employer funding from 12% to 14% of pay. Because of this change, Public Safety employees were required to contribute 2.27% of their pay to fund the pension benefit beginning July 1, 2020. Iron County elected to contribute the employee portion at that time in order to retain our excellent staff. In 2022, an additional .32% increase was added and covered by Iron County as well.

Tier 2 Public Safety Employee benefit: In 2024, the increase to the Tier 2 Public Safety employee portion was finalized at 2.14% by URS. As mentioned previously, HR was aware of the increase and was able to factor that additional expense into the 2024 budget. Jennifer recommended approval to cover all Tier 2 Public Safety Employee portion additions, with no additional cost to the budget, of 2.14%, effective June 23, 2024.

Tier 2 Non-Public Safety Employees: Under state law, public sector employers were required to pay contributions equal to 10% of a member's salary. If the contribution rate exceeded 10%, the member of the hybrid option was responsible for paying the contributions for the amount over the 10% threshold. Jennifer reported that the FY 2024 contribution rate was finalized by URS at 10.70%. She explained that this meant employees were required to cover .70%. It was brought to legislature last year to allow employers to cover the increase of non-public safety additions but was not heard or approved during the legislative session. Employers were allowed to give a raise to offset the additional increase as long as the contribution was covered by the employee. As mentioned previously, HR was aware of the increase and was able to factor that additional increase into the budget. Jennifer proposed to allow a transfer of the additional funding from each department's benefits line item to the salary line item in order to increase the step-in-grade .70% to offset that increase for all non-public safety employees effective June 23, 2024.

Marilyn Wood made a motion to approve the URS mandated budget changes as presented and proposed 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 presented.



**IRON COUNTY COMMISSION MEETING  
MAY 28, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. May 28, 2024  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Michael Bleak	Commission Chair-Excused
Paul Cozzens	Commission Chair – Pro Tempore
Marilyn Wood	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Lucas Little	County Auditor
Sam Woodall	County Deputy Attorney
George Colson	County Emergency Management
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Candace Reid	County Public Defender
Bruce Anderson	County Public Works

Others in attendance:

Scott Alvord	Maile Wilson Edwards	Victoria Johnson
Patti Truax		

**SYNOPSIS**

ADJOURNMENT .....	6
APPROVAL OF CLAIMS FOR PAYMENT .....	2
APPROVAL OF MINUTES .....	2
DEPARTMENTAL REPORTS.....	2
INVOCATION .....	1
NON-DELEGATED.....	5
PARTIAL SUBDIVISION VACATE AND AMEND, OLD IRONTOWN .....	5
PERSONNEL .....	5
PLEDGE OF ALLEGIANCE.....	1
PUBLIC COMMENTS .....	2

**INVOCATION**

An invocation was offered by Lucas Little.

**PLEDGE OF ALLEGIANCE**

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

Commissioner Wood excused Commissioner Bleak from today's meeting and made a motion to appoint Commissioner Cozzens as Commission Chair Pro-Tem. Second by Paul Cozzens. Voting: Paul Cozzens, Aye; Marilyn Wood, Aye; Michael Bleak, Absent.

### **APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held, May 13, 2024. Second by Paul Cozzens. 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 from May 13, 2024, to May 27, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **DEPARTMENTAL REPORTS**

**Jonathan T. Whittaker, Iron County Clerk**, reported that everything was going well in the Clerk's Office and they were preparing for the upcoming Primary Election. Jon noted that ballots were scheduled to be mailed to all eligible registered voters on June 4<sup>th</sup> and the 2024 Primary Election was on June 25<sup>th</sup>. Jon reported that he had been coordinating with Cedar City and Enoch for outdoor election drop boxes. One drop-box would be in the Cedar City Parking Garage, and Enoch will place their drop-box at the utility building drive-through area, and one drop-box would be at the Iron County Courthouse. Each of these drop boxes were required to have security cameras. The drop boxes would make it easier for voters who work to have a place to drop their ballot. He noted that the drop boxes would be placed for the November general election. Jon reported that there would be poll printing in Cedar City this Election Day. This would improve efficiency and cut down on waste. He noted that Paul Bittmenn, Cedar City Manager, was allowing the November general election to be held in the lobby of the Heritage Center. Paul would list the election as a priority so the elections have 1<sup>st</sup> choice in being scheduled. Jon expressed his appreciation to Thayne Hainsworth, Iron County Building/Facilities Maintenance Supervisor, for all he does on the Iron County buildings. The landscaping company was also doing a great job with the courthouse lawn. Thayne used the jail work crew to clean out the gutters, which had not been done in years. The State had made money available for the drop boxes and other election needs. He explained that the state new required that the County Clerk and one other person from their office attend an election training at Weber State University (WSU). Jon noted that when he became Iron County Clerk in 2015, election conversations were about maintenance, reconciling voter rolls, and best practices on Election Day. At the last meeting at WSU the conversations were regarding crisis de-escalation, personal care and management, and dealing with mental health challenges. The environment had changed so much since 2020 and it was now difficult for an election worker to stay on their job, and clerks were quitting in droves. Jon reported that he would ask George Colson hold a tabletop exercise on Election Day issues that might happen. Marilyn Wood expressed her appreciation to Thayne Hainsworth for helping around Iron County.

**George Colson, Iron County Emergency Management Manager**, introduced Scott Albert, State Emergency Management (EM). George explained that Scott was his liaison between EM and FEMA. Scott expressed his appreciation to be working with George Colson. Scott noted that George was a real asset to 5 County and was extremely knowledgeable. George noted that the EM budget was on track. He reported on his accomplishments since his last report.

- He acquired \$50K and purchased a surveillance system;
- Acquired a portable morgue from the Health Department;
- Acquired \$28K in grant money to update the sheriff's radios.
  - Attended the State Emergency Response Commission Table-top exercise (TTX), held in Salt Lake City;



- Attended the Community Emergency Response Team (CERT) conference and the Emergency Management Performance Grant conference in Salt Lake City;
- Attended the Medical Response and Surge TTX and a FEMA Dam exercise;
- Met with the Congressional Delegation on FEMA/BLM issues;
- Attended an Iron County Public Information Officer (PIO) working group meeting;
  - Attended the Utah Emergency Management Association (UEMA) conference in Salt Lake City. He presented the 2021 flood response;
- Went on an Enoch Ice Rink tour. It will be a great facility and beneficial to Iron County;
- Submitted a Notice of Intent to seek mitigation funding for the 2023 floods;
  - Attended a FEMA 395 Earthquake training for preparation for schools, and identifying schools in danger of collapsing. He was working with Zach Tuttle to list those at-risk schools;
- Attended a full Iron County PIO meeting where he presented on EM awareness for PIO's; and
  - He was currently covering for Washington County as their EM as their manager was on vacation.

**Wade Adams, Iron County Fleet Manager**, reported that the budget was on track. Wade reported that vehicles sales were doing well and it was an ongoing process of selling older vehicles. There was still a wait on getting truck maintenance up north. He and Dave Utley attended a 3-day Blue Print training held in West Valley City and were certified. Now they were able to do diagnostics for the Sheriff's Department. Wade reported that the Fleet Department continued to stay busy with maintenance and fabricating for different departments. He noted that having Kathy Chatwin, Fleet Administrative Assistant, full-time has been very helpful. He hired Kelton Iverson and he was doing well and learning along the way. Wade reported that the Weed Department was going well. Amber Hatch, Iron County Weed Supervisor, was able to obtain one 4-year grant from the Bureau of Land Management (BLM) for \$240K and was able get the money all at once. Kathy was able to obtain grants for Enoch and Cedar City. The Cedar City grant was for properties that were annexed into the city. He noted that there were two new part-time workers who were doing well and learning fast. Martin Olaya was hired as the Sign Technician and had a lot of experience working with signs.

**Jennifer Bradbury, Iron County Human Resource (HR) Director**, reported that the HR department was well below the budget and did not foresee any anticipated budget issues or concerns for the 2024 year. Since the last HR report, they had interviewed and hired 23 positions, 14 internal promotions/transfers, and were in the process of recruiting 6 full-time and 1 part-time positions. Points of interest:

- Turnover for 2023 was 20.56%, or 51 positions, in comparison with 2022 there were 17.74% or 48 positions. Present turnover for year 2024 was 9.27% or 23 positions, which was four positions higher than the first five months of 2023.
- The Workman's Compensation EMOD rate decreased for the 2024 year to 0.87 because a large claim was dropped off our plan, which was great news because EMOD figures under 1.0 would result in lower costs for Iron County.
- There was a productive department head meeting last week. They discussed the URS changes as well as some Fleet issues.
- An Accident Review Board meeting was scheduled for next week and would close all accidents from September 2023 to present.

Jennifer reported on milestone Anniversaries since last quarter. Celebrating 5 years: Merilee Wilson in the Engineers Office and Coty Christensen in the Landfill. Celebrating 10 years was Curtis Crawford in the Council on Aging.

**Candace Reid, Iron County Public Defender**, introduced Victoria Johnson as the new Administrative Assistant. Candace noted that the budget was on track. Reporting was completed in April. The Public Defender's Office does their reporting through IVC and the big reporting was coming up in July which was the beginning of the fiscal year. Victoria's role was to capture data for caseloads, a caseload management process. Candace explained that during the IVC reporting they applied for grants annually to renew those positions that were funded by IVC. In



order to get the renewals they have to prove what the numbers were and what the caseloads looked like. Victoria was the support for supplying that information, in addition to processing invoices, and the other duties she performs. They would have the results of the applications within the next two weeks. Candace would then come before the commission for those contracts to be approved. Commissioner Cozzens asked if there were enough Public Defenders. Candace replied that the only area that was weak was the delinquency side because there had been a large increase in juvenile delinquencies, children under 18 years of age, cases filed. There had been a large influx the last two years of juvenile cases. Washington County was experiencing the same issue, so it was not limited to Iron County, but it was not happening in Northern Utah. She explained that Juvenile cases were time-sensitive and had to be seen frequently. Juvenile cases had to be adjudicated from start to end within 90 days. Juveniles have a detention hearing which was also time-sensitive. It puts a lot of demand that was not there before, but they were functioning well. Victoria reported that she moved here from Jamaica.

**Marilyn Wood, Iron County Commissioner**, reported that on June 13<sup>th</sup> she, Richard Wilson, and Bruce Anderson met with Dan Jessen, Parowan City Manager, and Mollie Halterman, Parowan City Mayor regarding the south end of the fairground regarding the road coming in, the cemetery, and a private road. There was a master plan for a road going through there and some of the property lines were not correct. They met and were trying to work through those issues. There was a developer on the East side who wanted to develop the property. Marilyn noted that they continued moving forward with the new Jail. It was nice to be back on track and have staff members going over the plans. The process of jail personnel meeting with the architects to refine the design was ongoing. She expressed her appreciation to Jennifer Bradbury for holding the Department Head meeting. It was good to meet with the Department Head and go over any issues they were experiencing. Marilyn expressed her appreciation to Sam Woodall and to Bruce Anderson. Ever since becoming a commissioner, they had talked about doing some livestock trails. One interesting note was they had worked a lot with the Utah Department of Transportation (UDOT) with the different roads. UDOT was getting ready to widen I-15 on the South end of Cedar City. There was a culvert placed under I-15 years ago when the freeway was built. The freeway divided a local ranching family's farm in half, which resulted in the culvert to allow livestock to pass through. Marilyn noted that because there was a livestock trail on the Iron County map, UDOT would still keep the culvert. There were several times when a livestock trail was on the Iron County map, and the state would analyze the roads and it would be beneficial for Iron County to have livestock trails identified on the map. Bruce Anderson had visited many farmers to ensure the roads were on the map. This would be presented at the Iron County Planning Commission and then would come back to the Iron County Commission. Sam and Bruce had worked really hard on the trails and she wanted to publicly thank them.

**Paul Cozzens, Iron County Commissioner**, reported that the jail planning was moving forward with scheduling and budgeting. Paul Bittmenn, Cedar City Manager, would be drafting a Memorandum of Understanding (MOU) regarding the arrangement with Iron County to provide water for the jail. Paul noted that he attended the 5-County meeting where the Finance Committee worked on budgeting. He attended the Human Service Council meeting where they reported on many grants that they administer through Housing and Urban Development (HUD). Commissioner Cozzens reported that there was an event today at the Cedar City Airport at 1:00 p.m. in which Cedar City Mayor Green would be speaking about the additions and improvements planned for the airport. He noted that since October of 2023 to date, Iron County had recharged 4,186 acre-feet of water which was the equivalent of 1.3 billion gallons of water recharged. The Western Rock Pit recharged 1,578 acre feet, the Schmidt Pit recharged 856 acre feet, water put into the north end of Quichapa Lake used for irrigation was 1,550, and Horse Alley 202 acre feet recharged. Recharge was moving forward and doing great. Paul explained that he was on the Waste Water Treatment Plant Board and as they look at the numbers, intake to the plant had not increased, even with the growth in Cedar City and Iron County. Iron County was doing great with conservation.

**PUBLIC COMMENTS**

Patti Truax, a resident of Iron County, mentioned the municipal service tax that the unincorporated residents of Iron County pay, and also pay for General Fund tax. What was used to enjoy, or utilized, should come from the general fund. That was how it was before 2008 for 16 years. It was unfair and was time to have it repealed. Patti reported that she felt this was fraudulent for unincorporated residents being taxed and incorporated residents not being taxed. It was very unfair and would like the commission to repeal this tax because it was not fair.

**DISCUSSION AND POSSIBLE APPROVAL OF PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 8, 9, AND 11, BLOCK G, OLD IRON TOWN SUBDIVISION- TO COMBINE THREE LOTS INTO TWO LOTS RENUMBERED 8A AND 9A. LOCATED IN THE NE¼ OF SECTION 8, T37S, R14W, SL&M, IRON COUNTY, UT (APNs: E-843-2-1-078, E-843-2-1-079, E-843,2-1-711) Applicant: Ben Batty**

Reed Erickson, Iron County Planner, explained that this was located in Old Iron Town and the subdivision was surrounded by forests. Mr. Batty requested that the three lots be combined into two lots. It meets all the requirements and was in compliance with the ordinance and was ready for approval by the Iron County Commission.

Marilyn Wood made a motion to approve the partial Subdivision Vacate and Amend for Lots 8, 9, and 11, Block G, Old Iron Town as presented. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

Reed Erickson reported that there was an American Planning Association (APA) conference held in Cedar City last week. There was a presenter, Fred Philpot, who specialized in impact fees and performing impact studies and was the most knowledgeable person he knew regarding impact fees and studies. He invited Fred to come down to a Coordinating Council meeting. Mr. Philpot was willing to come down and meet on a Monday after a Commission meeting, and the other City Managers could be invited to the meeting. Fred would report on what would be best for Iron County and the other municipalities on June 24<sup>th</sup>.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the promotion of Trajan Evans from a Full-Time Public Information Officer (PIO) Deputy Attorney 4 to a Full-Time PIO Deputy Attorney 5, effective May 26<sup>th</sup>; the new hire of Crystal Carrizosa as a Full-Time Administrative Assistant for the Building and Zoning Department, effective May 28<sup>th</sup>. This was a backfill of a vacant position; the new hire of Keith VanHorn as a Full-time Landfill Technician for the Landfill, effective May 28<sup>th</sup>. This was a backfill of a vacant position; the new hire Braxton Wilson as a Full-Time Corrections Deputy 1, for the Sheriff’s Department-Corrections, effective May 27<sup>th</sup>. This was a backfill of a vacant position; and the new hire of Ayden Christensen as a Seasonal Parks Maintenance Technician for Tourism/Parks & Recreation, effective May 28<sup>th</sup>. This was a backfill of a vacant position.

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

**NON-DELEGATED ITEMS**

Not Non-Delegated items were discussed.

**ADJOURNMENT**

Paul Cozzens, Iron County Commission Chair Pro Tem, declared adjournment.



Signed: Paul Cozzens, Commission Chair Pro Tem



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY SPECIAL COMMISSION MEETING  
JUNE 6, 2024**

Minutes of the Iron County Special Commission meeting convened at 3:00 P.M. on June 6th, 2024, in the Second Floor Conference Room at 82 North 100 East, Cedar City, Utah.

Officers in attendance included:

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

Also present:

Sam Woodall	Deputy County Attorney
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Others in attendance:

(None)

**SYNOPSIS**

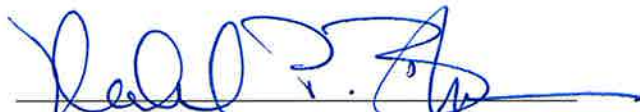
ADJOURNMENT .....2  
CLOSED SESSION.....2

**CLOSED SESSION PURSUANT TO 52-4-205 (1)(c) "STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1)(c) – “Strategy session to discuss pending or reasonably imminent litigation.” Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Michael P. Bleak, 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 (1)(c) for a strategy session to discuss pending or reasonably imminent litigation.

  
Signed: Michael P. Bleak, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk

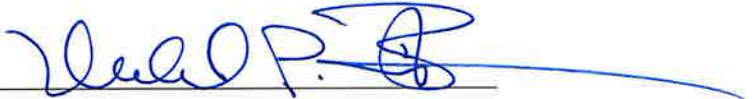



**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael P. Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY SPECIAL COMMISSION MEETING  
JUNE 6, 2024**

Minutes of the Iron County Special Commission meeting convened at 3:00 P.M. on June 6th, 2024, in the Second Floor Conference Room at 82 North 100 East, Cedar City, Utah.

Officers in attendance included:

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

Also present:

Sam Woodall	Deputy County Attorney
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Others in attendance:

(None)

**SYNOPSIS**

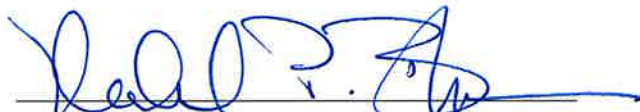
ADJOURNMENT .....2  
CLOSED SESSION.....2

**CLOSED SESSION PURSUANT TO 52-4-205 (1)(c) "STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1)(c) – "Strategy session to discuss pending or reasonably imminent litigation." Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Michael P. Bleak, 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 (1)(c) for a strategy session to discuss pending or reasonably imminent litigation.

  
Signed: Michael P. Bleak, Chairman

  
Attest: Jonathan T. Whittaker, County Clerk



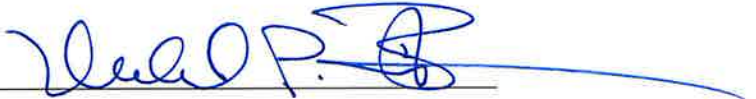



**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael P. Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
JUNE 10, 2024**

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m. June 10, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Sam Woodall	County Deputy Attorney
Richard Wilson	County Chief Engineer
George Colson	County Emergency Management
Ryan Riddle	County Fire Warden
Wade Adams	County Fleet
Jennifer Bradbury	County HR
Mike Worthen	County Natural Resource
Bruce Anderson	County Public Works
Reed Erickson	County Planner
Nicole Rosenberg	County Treasurer
Amber Hatch	County Weeds

Others in Attendance:

Janelle Adams	Keshia Anderson	Hayden Ballard
Carol Barker	Josh Benson	Amber Berry
Darlene Brinkerhoff	Cindy Bulloch	David Busk
Reyes Carballo	Mike Clark	Nancy Clark
Maile Wilson Edwards	Rigoberto Favela	Cammie Gentry
Mollie Halterman	Caroline Howe	Craig Jensen
Craig Jones	Sam Jones	Chris McCormick
Jordan Merrill	Andrea Nelson	Jennifer Nelson
Paul Nelson	Eric Packer	Tyce Palmer
Crystal Rockwood	Richard Rockwood	Paul Roelandt
Ellen Sorensen	Scott Stubbs	Bruce Washburn
Brett Webster	Josh Webster	Sandy Webster
Kardis Woods	Max Woods	Sheri Woods

**SYNOPSIS**

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MUNICIPAL SERVICE TAX EXPLANATION .....16

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**INVOCATION**

An invocation was offered by Chris McCormick.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the Pledge of Allegiance by George Colson.

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Special Iron County Commission meeting held on June 6, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve Claims for Payment from May 28, 2024, to June 9, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Lucas Little, Iron County Auditor**, reported that the Kimball & Roberts audit was performed and they were completing the financial statements that were due at the end of June. When those were finished, Kimball & Roberts would report the results to the commissioners in July. Lucas noted that the 2023 reports were completed and reported on a few specific fund balances.

- **General Fund**
  - From 2022 to 2023 the fund balance increased approximately \$600K. The end of the year balance was \$7,059,542.13.

- Included in the General Fund were reserved accounts for Public Safety Building Reserve, Opioid Settlement Reserves, and Economic Development. Commissioner Wood asked if any of the opioid funds had been used. Luke replied that were not and he had spoken with Chad Dotson, Iron County Attorney, about how and where it could be spent. Marilyn Wood noted that the law was very specific about how the use of opioid settlement funds. Luke reported that it was specified and everything had to be tracked from person to person. Jon Whittaker, Iron County Clerk, suggested that one way the funds could be spent was some of the Outreach programs that 5 County did in the schools. Marilyn reported that the funds were specific to persons who were personally affected by opioid use. She had thought of the 5 County program and the 4-H program, but they were not eligible. Sam Woodall, Iron County Deputy Attorney, reported that there was a specific board that was set up to develop a plan for the funds. The board had met once and they would meet again, but nothing had been planned. Funds would continue to accrue for 18 years.
- **Municipal Services Fund**
  - The Municipal Fund included the Sheriff's Department, Search & Rescue, and Fire Department for coverage of those outside city limits.
  - There was a decrease of approximately \$750K which was lowest it had been since 2018. The decrease could be a result of inflation for the cost of equipment, radios, etc. Luke noted that Sheriff Carpenter was requesting multiple employees for 2025 which would come out of this fund. A tax increase would have to be considered if those additional employees were approved. This would be discussed during budget meetings.
- **Jail Fund**
  - At the end of 2023 there was \$16,606,081.41 set aside for the new jail. There had been some funds used this year for the architect. The Jail Fund continued to earn beneficial interest. Luke reported that he had been working with Shalon Shaver, Iron County Corrections Jail Commander, and Ranon Hulet, Iron County Corrections Office Manager, with an application to request an increase of the federal inmate rate that was received for housing the federal inmates. They filled out the application to request a higher rate per day. He was still waiting for the results of the application. Commissioner Wood asked if there was an application to the State of Utah. Luke replied that the state rate was set by statute and was the same rate for each county. He noted that the application was submitted approximately eight months ago by a paper application. The application system was changed to an online system and there was a lot of information changed so they had to resubmit the application. Commissioner Bleak noted that Iron County had been successful with the legislature and lobbying for those rate increases on the state side.

Lucas reported that this was the time of the year that the Auditor's Office began working on setting tax rates. He explained that the Assessor's Office sets the value of property in Iron County as of January 1<sup>st</sup>. The assessor sends the report to the state for approval, then the state sends the auditor the values. The Assessor's Office began working toward finishing that up last week and moving those values into their software system. Luke hoped to have the information from the assessor's office this week so the office staff could begin working on setting the tax rates. When he completed the tax rates the report would be sent to each entity that had a tax rate. The entity could either certify the auditor's rate or pursue Truth in Taxation to increase the rate. Lucas noted that he would meet with the entities once he had certified the tax rate, then the entities finished it up on their end. Lucas presented an example explaining how property taxes work. Notices would be sent out mid-July and Lucas encouraged everyone to pay attention to those notices.

**Marilyn Wood, Iron County Commissioner,** reported that after the May 27<sup>th</sup> commission meeting, she traveled to Brian Head to witness the approval of Aspen Meadows which was a major terrain extension. There would be 850 new acres of skiable terrain, 1800 acres for a 2K ski in/ski out community. This addition would make Brian Head the 7<sup>th</sup> largest

resort in the state. On June 5<sup>th</sup> there was a Zoom call with the Public Lands Council. The call included many representatives, commissioners, and the Public Lands Policy Coordination Office (PLPCO) from the governor's office regarding the new conservation rule. The new conservation rule allowed special interest groups to come in and buy up conservation on ranchers allotments. This would eventually kick the ranchers off the property. If the Biden administration continued moving forward with plans regarding public lands no one would have access to public lands. Some of the public lands had already been closed in the Moab area. Losing access to public lands would be devastating for the ranching community. She noted that the Bureau of Land Management (BLM) and the Forest Service would have an open comment period. Marilyn reported that on June 7<sup>th</sup> she and Commissioner Bleak attended the ribbon cutting for Savage Cedar City Transload facility. The Savage Company was thrilled to be in Iron County. There were 74 acres with the capacity to have 70 rail car spots with Union Pacific access. Dry and liquid bulk would be able to be stored on the property and Savage would bring many job opportunities to Iron County. Marilyn reported that Commissioner Bleak had invested many hours with the Inland Port Authority as one of the departments he was over as a commissioner and was one of the speakers at the ribbon cutting. Iron County was very lucky to have the rail system. She attended the Utah Summer Games (USG) opening ceremonies which was held on the evening of June 7<sup>th</sup>. County music star, Morgan Evans, was the main performer and gave a great performance. The USG honored Eric Schmutz and Doug Padilla.

**Michael Bleak, Iron County Commissioner**, reported that prior to COVID-19, the Tourism and Hotel & Tax boards were considering investing in convention space in Iron County. Iron County missed out on a lot of revenue because of a lack of space to hold conventions. There had been many requests to hold conventions in Cedar City which had to be turned down. In 2019, there was a study of the feasibility of an event place in Iron County which yielded a very positive report. There had been some updates to that study and the tourism board had elected to move forward with a Convention Center project which was very preliminary. The board members were looking at feasibility of property options. There was money to fund the project in 2019 and had been used for some preliminary designs and preliminary engineering. There were funds set aside for the purchase of property for the center. Mike reported requests for conventions continued and increased. St. George was going to double the size of the Dixie Center because of the high demand. He noted that he and Jennifer Bradbury, Iron County HR Director, met with representatives from the Utah Sheriff's Association (USA) to understand legislation that might affect Iron County regarding school security. Mike reported that he was on the interview panel for a new Council on Aging (COA) Director. Stephanie Rainey was offered the position and she had accepted. Stephanie was previously working for the Children's Justice Center (CJC) and he had no concerns with Stephanie being the COA Director. Mike noted that he was sick the previous week and had conducted meetings via phone. He met with Sheriff Carpenter, Luke Little, Jennifer Bradbury, and representatives from the Iron County School District (ICSD) to discuss new legislation that required a school security officer. This security officer would oversee school security in Iron County Schools from the law enforcement perspective. He noted that the ICSD had a Director of School Security who was hired about a year ago. On that same evening, he was able to address the Cedar City Council in support of the Southern Utah University (SUU) Aviation program. SUU Aviation gave a presentation about the direction they were going and what they had accomplished. He reported that the Cedar City Council asked him to come speak about the Economic Development and Emergency Management impact has had from SUU Aviation. SUU Aviation would be reporting their progress at commission meetings twice a year. Mike met with the American Red Cross Regional Director to build relationships. As Commissioner Wood reported, the Utah Summer Games had begun. The USG had always been a wonderful event and it was beginning to improve once again. The new Executive Director, Jonathan Oglesby, was doing a great job. Mike noted that Jon reported that USG expected a 10 to 15% increase in athletes participating in some events this year, but there was a 30-40% increase in other events. Commissioner Bleak reported that he also attended the Opening Ceremonies which was well attended and was a great show. The USG was a great economic driver for Iron County. A portion of USG funding comes from the Iron County

Restaurant tax and the Cedar City/Brian Head Tourism Bureau. He explained that the Tourism Board made sure they were inserted into the events to make sure the money was being spent well and the contributions given were beneficial to Iron County. It was nice to see a real resurgence of the USG.

**Marilyn Wood** reported that the Road Department was chip-sealing 7700 W. The Road Department was on track with roadwork projects. Marilyn noted that there continued to be issues with vandalism at the Iron County Fairgrounds and it was very disheartening. The parking lot was being damaged by someone going in and flipping didoes in the gravel. Someone also damaged the announcer's booth door when they kicked it in, and there were checks stolen out of the office in the fair building. Checks were collected for stall rental and RV rentals with their horses. Marilyn expressed sadness at the vandalism. The Parowan Police Department were doing their best to investigate the vandalism, but they could not be there all of the time. She asked that if someone was driving by and saw anything suspicious that they please call the police. Marilyn reported that the outside of the fair building was getting a makeover.

Commissioner Bleak excused Commissioner Cozzens from today's meeting.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED IRON COUNTY CODE AMENDMENT, ORDINANCE 2024-5 –REGARDING IRON COUNTY LIVESTOCK TRAILS. THIS ORDINANCE WILL BE INCLUDED IN IRON COUNTY CODE §17.30, AS §17.30.090; AND PROVIDING FOR AN EFFECTIVE DATE**

Commissioner Bleak explained that the Iron County Planning Commission (ICPC) had tabled the approval of the Ordinance amendment for further discussion. Mike noted that the ordinance amendment had to be approved before the Iron County Commission could take action on it. No action would be taken on the ordinance amendment today, but the Public Hearing and discussion would still be held.

Reed Erickson, Iron County Planner, reported that this item was brought before the ICPC at the June 6<sup>th</sup> meeting to consider an ordinance amendment. Sam Woodall, Iron County Deputy Attorney, wrote the ordinance amendment. This had been under discussion for some time as to why Iron County needed an ordinance that designated a livestock trail. Reed noted that there was a Livestock Trail map in the general plan and in Iron County Maps for a long time, and on the Iron County website, but there was not an ordinance in the language that addressed what the trails meant, how they work, and what they were for. He explained that there had been a new map that had been considered and this ordinance language was proposed to simply solidify the need for the livestock trails, the purpose of the trails, and to identify what those trails would be. Reed reported that as the ICPC discussed this, one or two ICPC staff members expressed concern with all of the trails that were identified on the new map as compared to the old map. He noted that the old map that was in the general plan did not have nearly as many designated trails on it. They also expressed some concern with the language in the ordinance that was considered all "historic" trails. This discussion was unanticipated, but was a healthy discussion regarding using correct language. There was concern about how broad the definition was of the Livestock Trail specifically: "Additionally, any paths, trails, or roads historically used for livestock that are maintained as public by use or by public easement or right of way throughout Iron County are hereby designated as livestock trails for the movement of livestock, regardless of whether they are published on the official Iron County Livestock Trails Map."

Ordinance 2024-5:

§17.30.090 – Designated Livestock Trails:

- All paths, trails, including asphalt, gravel, or dirt roads used as public highways that are noted and published on the official Iron County Livestock Trails Map are designated as livestock trails for the movement of livestock. Additionally, any paths, trails, or roads historically used for livestock that are maintained as public by use or by public easement or right of way throughout Iron County are hereby designated as livestock trails for the movement of livestock, regardless of whether they are published on the official Iron County Livestock Trails Map. Owners of



livestock and their accompanying livestock are authorized to cross federal, state, municipal or other roads to access designated livestock trails.

Reed reported that the ICPC realized that there was more to be discussed and that it was an important issue and tabled it for further discussion.

Bruce Anderson, Iron County Public Works Director, reported that he and Commissioner Wood had discussed having this ordinance in place. He understood that the language was broad, but that was why they identified what was there. Bruce noted that the livestock community felt that this was an ongoing issue with the livestock roads throughout Cedar City and Iron County. The section was designed to protect existing paths. It was becoming increasingly difficult to justify the livestock trail rights-of-way. Bruce noted that he reviewed the map with the livestock people, especially the dirt roads and places that they were not sure about, and they approved the map. He and Kendal Allen, Iron County GIS Coordinator cleaned up the map. There was additional input from the livestock folks from around Iron County and they now felt it was a good, clean map. Bruce noted that anything on the west side of the desert that was just dirt and gravel was left to use because of the low impact of housing going up there. He explained that the traditional livestock trails were marked on the map. This was to show ways of getting in and coming from, and it is not a grazing right. Bruce explained that Iron County had tunnels, over passes, designated rights-of-way, and Lund Hwy. He noted that the last time he pushed sheep down Lund Hwy it was quite scary. People yelled at him and used unmentionable language and gestures. Bruce expressed that something needed to get out so people knew that the ranchers had the right to the roads to move their livestock up and down. He explained that many of the trails go up on the Forest Service land and there were issues with the Forest Service not maintaining their trails. The trail going from Little Creek to Panguitch Lake was critical infrastructure if you were a cattleman or sheep herder. If they had to go around, it turned a one-hour day into a five-hour day. There were many places where livestock crossed under I-15 and it was important that the Utah Department of Transportation (UDOT) recognized that these were livestock trails. Marilyn Wood gave a good example of why the livestock trails were important for Iron County. While I-15 was being built, a livestock trail was made under I-15 on Lee Hulet's land that split his property. A large culvert was placed there which allowed him to ride through with a truck/horse and livestock. She noted that during discussions regarding widening I-15 on the south side of Cedar City it was suggested that the culvert be taken out. She told them that it had to stay. They looked for documentation and none was found. Several ranchers in the Kanarrville area used that covert many times. Because the livestock trail was on the map, they did not take it out. Ranchers were slowly being pushed out and it was very important that Iron County have those historic rights.

Kendal Allen, Iron County GIS, reported that the map could be found on the Iron County Website, [www.ironcounty.net](http://www.ironcounty.net) under GIS Maps, then interactive maps under zoning if anyone wanted to look at it.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding amendments to Iron County Ordinance 2024-5.

Scott Stubbs, Iron County Farm Bureau President, noted that he was a 5<sup>th</sup> generation rancher. His family had run livestock in Iron County since the 1800's. Since that time, they had traveled all the roads and trails across the valley. They were now running into issues because people were complaining about the livestock being in the way and blocking the road. He would like people to understand that they had the right to use the roads to move their livestock, and were willing to work with people and to get along with them. Agriculture was not trying to destroy America by any means, they were trying to feed them. Scott reported that the Farm Bureau encouraged the commissioners to approve this Livestock Ordinance.

Commissioner Bleak reported that he had the opportunity to talk to the Cedar City Council about the SUU Aviation program. SUU Aviation presented the economic impact and what they do for Iron County. There were some in attendance that better understood the SUU Aviation program and said they would quit complaining when one of the helicopters fly over. The same message needed to be out about understanding of moving of livestock.

Reyes Carballo, Dry Lakes Ranch, asked if the trails were new trails or existing trails. Marilyn replied that trails that were being used over the years and were not included on the older map, were put on the new map. She asked Reyes if he had trails that were not included on the new map. Reyes replied he wanted some of them taken off. This was a good plan for the livestock people. He asked that when this plan was being created whether they also interviewed all the landowners that that would be affected. Marilyn Wood replied that Bruce Anderson had gone around trying to get all of the different livestock people to see where they were moving their livestock. Reyes noted that he owned the Dry Lakes Ranch and Iron County had the Right-of-Way for approximately 15 feet. He maintained the ranch and worked very hard to keep it nice. Now a livestock rancher would come through there. He explained that he was ok with them coming through, but it needed to be at the right time. The livestock would not need 15 feet, but 200 to 500 feet and that would destroy what he had tried so hard to maintain. Marilyn Wood replied that she did not know if there would be a change to do something different. It was the historic times that they had been taken and if livestock had been hauled on the mountain they would probably still haul them over. Reyes reported that the road was built in the late 1900's and livestock had never crossed through his property. The trail used was Hwy 143 to Brian Head. He asked that ranchers be respectful and not come up whenever they wanted. Make sure that if they planned to cross his property he needed to be aware so he could plan accordingly.

Matt Wood, Iron County rancher, noted that somehow there needed to be a safeguard put in the ordinance so the trails would not become dirt bike and ATV racetracks. He had cattle that were hit by ATV riders.

Paul Nelson, a resident of Iron County, reported that he brought his sheep down Main Street for the Heritage Festival and asked if Cedar City Main Street was listed as a livestock trail. Reed Erickson replied that it was. He reported that they move their sheep down to the Love's Truck stop, through Charles Esplin's property (with permission), and come out underneath the underpass by the farm, and Old Hwy 91.

Hayden Ballard, Attorney with the Utah Public Lands Policy Coordinating Office (PLPCO), noted that he was here to lend his overarching support for the ordinance and the effort it had taken to designate all the miles and miles of trails and roads. Hayden explained that one of the biggest tasks at PLPCO was to ensure access to our federal and state lands for the public at large. To be able to accomplish that a lot of their litigation surrounded the RS-2477 statute that was passed in 1872 which stated that the titles of many of the roads were owned by the state and the counties. The federal government refused to acknowledge those titles. He stated that one of the biggest reasons that PLPCO had pushed so hard to ensure that the state and counties had control of those roads was to maintain access. One of the easiest ways to restrict the use of grazing on federal land was to block access to the roads which would destroy the entire industry. Having this ordinance was related because looking down the road, one of the quickest ways to destroy livestock agriculture was to restrict its ability to get where it needed to be. Hayden reported that at times it might seem superfluous to go through a lot of our travel management planning and those types of efforts with the federal government to ensure that those roads were designated. That designation saved our ranchers in the long run 10 to 20 years from now. When someone tried to restrict our industry and access, that designation was the one thing that would "keep our finger in the dyke."

Jon Whittaker stated that he did not know about "fence-out" until he began working for Iron County. He noted that you sometimes see livestock trails and in terms of outreach, how could we educate people on this? Someone replied that the Sheep Parade was a start. Marilyn Wood explained that the fence-out rule largely pertained to open-range lands. If you had private property and do not want animals to come on your property, it was up to that person to fence the animals out. This was becoming a huge issue with so many people moving in that did not understand that this was the way it worked.

Bruce Anderson reported that when someone built a home or does something along a livestock trail they need to fence-out. There had been some people state that they would not put a fence up and if the animals came on their property they came in. He noted that it was part of the Conditional Use Permit (CUP) or building permit which they sign. The education, or

communication, was set up by Reed Erickson. If someone acquired property and there was a livestock trail, they were required to fence-out.

Reed Erickson reported that that rarely a week went by that the office did not get a call or two asking how they could keep the cows off their property. Reed noted that when reviewing subdivisions, the ordinance required a new subdivision to contact those in the livestock industry. There needed to be a discussion about who would be the best person to talk within this particular area to represent where the trails were. When there was a new permit or subdivision application they could have someone respond in the livestock industry about whether there was a trail there. Communication was vital. This map would be very helpful for times when the ICPC was reviewing an application and could pull up the livestock trail map and see what was there. Reed reported that the new subdivision ordinance required new subdivisions to be fenced. This rule could be waived if there were no livestock in the area.

Paul Nelson noted that an explanation of the fence-out rule needed to be given so people understood. Reed Erickson replied that there was an explanation of the fence-out rule, but some do not always listen or read it.

Reyes Carballo asked why there were no biker regulations. Dry lakes had more issues than others and the Brian Head road was now an ATV raceway. There were many accidents on the Dry Lakes road and he helped those injured in the accidents. There needed to be more policing at Dry Lakes. Marilyn Wood replied that she had spoken to the sheriff many times and it was hard to get patrol there because the lack of patrol officers. Reyes stated that the ATV's were out of control. Commissioner Bleak replied that he would talk with the sheriff.

Sandy Webster, President of the Cedar City Livestock Association (CCLA), reported that the CCLA had been involved with the trails, especially through Cedar since its founding. Since the Walmart fiasco, Iron County created an ordinance for Cedar Valley in which developers had to come before the CCLA to sign a letter that they were putting in a subdivision in Cedar Valley. Sandy noted that each time the developer comes in, the CCLA required that they list all Iron County trails and roads that were designated as livestock trails. He did not sign any letter that did not include those trails and roads. It would not matter if they were designated livestock trails, they say that they were not taking the ranchers rights away, but they were taking a right away because there was so much traffic that the ranchers could not use the road. There were too many cars and too many people. Commissioner Wood reported that she had spoken with the sheriff several times. If a rancher needed to trail their livestock on any of the Iron County roads, the Iron County Sheriff officers (ICSO) would help if there was a couple days' notice given. Sandy expressed his appreciation for all the commissioners were doing and that they had the CCLA's support for the ordinance.

Janelle Adams, Lamoreaux Sheep, mentioned that on the previous comment regarding the ICSO showing up, that they had tried several times and no one had shown up. They have had to stop the traffic themselves. Marilyn Wood asked if they had given the Sheriff at least a two day notice. Janelle replied that they had several times.

Craig Jones, a citizen of Cedar Valley, reported that he was a 4<sup>th</sup> generation livestock rancher in Cedar Valley and his son would be the 5<sup>th</sup> generation. Craig expressed his appreciation for the commissioners for being sensitive and cooperative about the livestock business. In his experience, even though the ICSO was very limited, they had been very responsive when they had called and they appreciated them. Craig noted that there was another issue along with the trails and that was the livestock going out on the roads. Unfortunately, not all cattle and sheep respect fences. The ICSO had been very helpful to them. Education was going to be the key to this issue. Somehow we need to let the public know that the ranching business had been here far before they moved in. It was still a viable contribution to our economy, and a way of life that many of the ranchers were going to try and preserve until their dying day and hopefully be able to pass on to their children. Traffic was a tremendous challenge to ranchers and they trek whenever they could. Over the years, the he had spent approximately \$10K trailing. He had a fleet of 8 trailers and 8 trucks and used semis in addition to those. We need to preserve these livestock trails. If it snowed on the mountain he could not get livestock off. In the fall he would need 7 semis in a day to come off the mountain. Craig noted that he was

troubled by the impatience of people. The last time he came through Cross Hollows he had the Cedar City Police Department (CCPD) there which somewhat helped but did not solve the problem. He suggested that he might need some large signs on the back of their sheep wagons or trucks that said, "Sheep ahead" or "designated trail." His organization planned to put signs on front and back of their vehicles, so people knew ahead that there were livestock on the trail. Craig reported that he had heard that the overpass near Home Depot would be eliminated. Marilyn Wood replied that there was discussion about taking it out. She spoke with Matt Rhodes about the livestock trails and the concerns livestock ranchers were having. They were talking about taking the flyover out, but they were going to have three options. One option was to go straight through by Walmart. Another option was putting in a hiking and biking trail that might be used. The preliminary work was not completed so she did not know what the actual options were going to be. Matt Rhodes did say that they wanted to collaborate with the livestock people. Craig expressed his appreciation to the commissioners for working on this ordinance.

Nancy Clark, Clark Sheep and Cattle, was concerned with the roads being shut down for bikers and races. If they closed the roads for different events, why the road could not be closed for livestock.

Scott Stubbs, a citizen of Iron County, agreed with previous comments from Nancy Clark. The roads could be closed in sections and detour the traffic. If the cars were not in the way they could push the livestock faster.

Cindy Bulloch, Representative for Celeste Maloy and B&G Livestock, reported that she was a 5<sup>th</sup> generation livestock rancher. Cindy expressed her appreciation for the commissioner's effort to bring this ordinance about. It does help. She noted that she prayed that they never have to haul livestock off the mountain and was thankful for being able to use trucks to bring livestock off the mountain. It was going to be very helpful to have designated trails so livestock could be trailed off. As far as the fence-out, she noted that it was the same issue for their livestock, but they use Lund Hwy and livestock were getting hit on the road. Cindy reported that the ICSO had been great to work with B&G Livestock, mostly because they get a call from the person who hit the animal and wanting the ranch to pay for their car damage. The ICSO had been good to inform those who hit animals that they were responsible for the animal they hit and for their car damage. Cindy reported that Congresswoman Celeste Maloy was very supportive of the livestock industry. It helped Celeste in Washington D.C. when there was a good local policy and livestock trails that were already established. Cindy closed by expressing thanks on behalf of Representative Maloy for looking out for the livestock industry.

Bruce Anderson noted that there could be sign boards put up if they knew in advance of the livestock coming through an area or road, so residents could prepare for the livestock. People need to be patient when livestock was being moved. Marilyn Wood reported that Iron County had a sign department and signs could be made that could be borrowed by the ranchers. Bruce suggested that the sign could be built to fit in a receiver hitch and could be checked out to use. Someone asked if all the designated roads would have signs placed on them. Bruce replied that most of them already have signs on them. Some drive the roads so much that they forget that the signs were there. They need to be big enough so that people are aware of them.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Commissioner Bleak explained that no action could be taken at this time, because it still had to be approved by the ICPC. He expressed his appreciation for all those in attendance.

Matt Lister, resident of Paragonah, was concerned with the speed on the trails and dirt roads. The speed on those roads needed to decrease for the safety of livestock and the dogs that help herd. Maybe temporary signs could be put up when livestock were coming through.

Commissioner Bleak noted that it was always helpful to have these discussions and to see everyone being proactive.

Reed Erickson reported that the next ICPC meeting would be on Tuesday, July 2<sup>nd</sup> at 5:30 located at 105 N 100 East, Festival Hall. Access the room by entering the 2<sup>nd</sup> level of the parking structure and connecting skyway at the NW corner.

**PUBLIC HEARING, TO RECEIVE INPUT WITH RESPECT TO (A) THE ISSUANCE OF NOT MORE THAN \$95M OF SALES TAX REVENUE BONDS AND (B) ANY POTENTIAL ECONOMIC IMPACT THAT THE PUBLIC INFRASTRUCTURE TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2024 BONDS MAY HAVE ON THE PRIVATE SECTOR**

Marcus Keller, Managing Director, Crews & Associates, Municipal Advisor to Iron County, reported that this process had been a very long, thoughtful, and at times difficult process that the commissioners had gone through to find the best way to finance the new jail. Meetings were held for public comments on multiple occasions. After listening to the public's feedback it seemed that the public was more comfortable with the Sales Tax, which was the direction Iron County was taking. Marcus reported that this was the final step for the bonds. This allowed Iron County to issue up to the \$94M. He explained that in May, the commission adopted a Parameters Resolution setting those parameters. This month, by state law, it was required to hold a public hearing for input and to make sure Iron County understood any additional concerns and issues pertaining to the bonds. Marcus reported that after the public hearing, if it was intended that if the Iron County Commission wanted to move forward then that was the direction that would be taken, as mentioned up to \$95M of bonding capacity for the new jail.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the Sales Tax Revenue Bonds.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Michael Bleak noted that this project had transformed from public comment and feedback. This was the most difficult issue that this commission had ever tackled, nor has anyone in the area. The one positive thing that the commissioners had done was to listen to public comments during the public hearings and meetings. The way the jail was going to be funded had changed many times and in the end they had come to the best conclusion, and funding mechanism as far as building. The facility that was going to be built would be done with the smallest impact to Iron County taxpayers. They had worked very hard to get to this point. Mike expressed his appreciation to everyone, from our staff, community members that had been engaged from the beginning, and Marcus and his associates at Crews & Associates who had been wonderful helping us through this process.

Marilyn Wood reported that when considering building a facility like the jail, you need to look far into the future which was always difficult. It had to be built correctly and last so this would not have to be brought back and bond again in the middle of a bond, which was difficult to do. There was a lot of input on the location for jail. There was no perfect location and this spot was the best location and was in an area that was not residential. Layton Construction and Babcock Design reported that they had never seen anyone put forth this many public hearings in any of the projects they had done. This process had been very difficult because this was the largest project that Iron County had done. Having to go before the legislature to have the sales tax implemented was also difficult, but it was the best outcome.

Commissioner Bleak reported that this had been very difficult and there had been different groups that wanted to cut the commissioners heads off, and others had yelled and swore at them, but now they were on board. They had been very instrumental in helping find a location and to lobby for legislative change. There had been many partnerships formed with people who started out as adversaries. It had been very inspirational to watch people become involved in the public process. Mike noted that he was excited about the future of this project for many different reasons. He expressed his heartfelt appreciation to everyone, for the input, and to anyone who had been involved with this process. The location of the new jail was approximately 2600 W 600 N in the industrial park located south of the Cedar City Regional Airport.



**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO LIGHT INDUSTRIAL (LI) FOR APPROXIMATELY 13.80 ACRES WITHIN LOT 1, SECTION 4, T36S, R16W, SLB&M, IRON COUNTY, UTAH. LOCATED AT APPROXIMATELY 500 E SR 56, BERYL, UTAH, (APN: E-1406-2-1) Applicant: Nathan Harker**

Reed Erickson, Iron County Planner, reported the property was located off Hwy 56 Southeast of Beryl Junction. The property was surrounded by Residential 2 (R-2) on the south, Commercial (C) on the north, and Agricultural 20 (A-20) on the east and west. This was a 13.80 acre parcel that the owners, Brandon and Damian Harker, wanted to rezone to Light Industrial (LI). Reed explained that the purpose for LI in Iron County was to be able to do light manufacturing and assembly of goods within buildings and structures. Storage could be outside but it had to be screened. The Industrial (I) zone required that those jobs could be done outside. The owners felt that LI would be the best zone for the use of the property. Part of the challenge that was heard at the ICPC meeting was what type of business this was going to be. The owners could do anything that was allowed in the LI zone, but before they could apply for a building permit the property had to be zoned according to what their interest was. As the ICPC evaluates zoning they look at it as a legislative decision, and what could promote the best interest of the general welfare. There was no specific criteria for a zone change. It was based on input that that best suited the area, what the surrounding land uses were, and the possibilities of uses for that property. Services available: Water-by private well when required, Sewer by septic when required, other utility services in the area.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed zone change.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Rezoning and recommended approval of the zone change.

Marilyn Wood made a motion to approve a zone change from Agriculture 20 Acres (A-20) to Light Industrial (LI) regarding APN: E-1406-2-1 as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED IRON COUNTY CODE AMENDMENT, ORDINANCE 2024-4 ADOPTING AND/OR MODIFYING SECTION 17.36.135-WATERWISE LANDSCAPING STANDARDS; SECTION 17.84.010-DEFINITIONS; AND CHAPTER 16.40-LANDSCAPING STANDARDS; AND PROVIDING AN EFFECTIVE DATE**

Reed Erickson, Iron County Planner, explained that the Iron County Planning Commission (ICPC) held an advertised and noticed public hearing on the proposed Ordinance 2024-4 Amendments to the Zoning and Subdivision Ordinances of Iron County. This ordinance had 2 purposes: 1. To help promote water conservation, and 2. Qualify residents in the unincorporated area to be eligible to participate in the Turf Buyback Program on the state level. Reed noted that this was a state regulatory requirement that for someone to participate in the program and to be eligible to be paid to remove their grass, for which state money was available, there had to be an ordinance in place that included the required criteria.

**Section 1.** Within **Section 17.36.135 – Water-wise landscaping standard**, a portion of the Iron County Code was amended and additions were as follows:

**17.35.135 – Water-wise landscaping standards**

**A. Water Conservation:**

- 1. The following water-efficient landscape standards shall apply to all new residential developments and residential construction:
  - a. The area within the public right-of-way between the curb and gutter and the sidewalk, otherwise known as the park strip, shall not be landscaped with lawn;
  - b. Lawn areas shall not be less than eight feet wide at its narrowest point;



- c. Lawn areas shall not exceed 50% of the total landscaped area for front and side yards. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.
- 2. Other developments: In new commercial, industrial, institutional, and multifamily development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

**Section 2.** Within **Section 17.84.010 – Definitions**, a portion of the Iron County Code was amended and additions were as follows:

- “Active Recreation Area” means a dedicated active play area where irrigated grass is used as the playing surface, such as a sports field designed for public use. Active areas shall be:
  - i) A minimum of 1,500 contiguous square feet of grass area;
  - ii) Not less than 30 feet in any direction;
  - iii) Not less than 10 feet from areas dedicated to vehicular use, such as a street or parking lot;
  - iv) Designed and located to be accessible to large populations, such as at a school, daycare, recreation center, senior center, public park, private park, water park, or religious institution; and
  - v) Co-located with amenities, including but not limited to trash bins, benches, tables, walking paths, drinking water, playground equipment and/or other recreational amenities.

Reed explained that since this was applicable only to new subdivision, the restrictions or planting restriction, were for new subdivisions and new development and it would be placed in Chapter 16.40 Landscaping Standards (Subdivisions).

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding amendments to Ordinance 2024-4.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the ordinance was titled Ordinance 2024-4. After review and consideration of the comments received, the ICPC had recommended approval of Ordinance 2024-4.

Marilyn Wood made a motion to approve a proposed Iron County Code Amendment, Ordinance 2024-4 as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

## **PUBLIC COMMENTS**

Cindy Bulloch, representing Congresswomen Celeste Maloy, reported that Representative Maloy was specifically working on the re-authorization of the Radiation Exposure Compensation Act (RECA) which was known as “Down Winders.” Celeste had initially hoped for some amendments that would expand benefits to miners and the geographical area. This had hit some roadblocks, and she was hoping to at least a strict extension (that expired on Friday) and for those who want to apply, today was the deadline. Representative Maloy would continue working to get that deadline expanded. There had been some talk regarding land use policies. There was a 5K that had been held in Salt Lake City for many years, now the Bureau of Land Management (BLM) was not going to allow them to be on BLM land. It was on a county road, but BLM was not allowing it. The BLM was not allowing a permit to pick up trash. Representative Maloy was trying to change some of those rules, or make it easier to get the permits.

Andrea Nelson, Cedar City Daughters of Utah Pioneers Museum, expressed her appreciation for the space they use in the Cedar City Visitor Center. The Visitors Center was safe to be alone, where other museums required 2 women there because of safety reasons. Andrea reported that there was not a lot of storage area, which they were in need of. She had spoken with Commissioner Bleak about possibly using some space in the Iron County Courthouse. She explained that the museum had 500 histories at the museum that were not accessible. They were

Portable Document Format (PDF) and not written very well. Some were written in long handwriting. Darlene Brinkerhoff had just transcribed one document that took her 5 hours to do. There were many who could no longer read long handwriting, but it was valuable information. They were re-doing all the histories to make them word documents and accessible for viewing online, while they do research of their histories in this area. Andrea reported that she was typing a history that was 36 pages long that included seven generations in this family. While she was typing the history she wondered how it compared to Family Search. She logged onto Family Search and found that the history she was working on was more detailed, and there were family members left off Family Search. Andrea encouraged everyone to join the Sons of the Utah Pioneers or Daughters of the Utah Pioneers because if we lose our history, we lose our future.

Paula Mitchell, Cedar City Daughters of Utah Pioneers, reported that she recently joined the Daughters of the Utah Pioneers as the Curator at the museum. She was learning about the many items at the museum. Those items were in a small storage space and she would like rotate some of the collections because there was not enough room to display all that they had. Paula noted that a person in town brought an old pioneer bride doll into the museum and she would like to put it on display rather in storage.

Ellen Sorensen, Director of the Utah Daughters of the Utah Pioneers Museum Board, reported that for the last 3 years, since the previous director, Kay Weber, who had passed away, they had discovered that there were a lot of artifacts scattered all over. Some in were found in Kay's garage, the basement of Mountain West, and in the basement of the Post Office. One of the past commissioners helped gather the artifacts and find a room in the Visitors Center for the museum. As mentioned by Paula Mitchell, there was not enough storage space. They had been able to find storage space at the Frontier Homestead, but was costing \$50 per month which was taking away from their resources. Ellen explained that she had spoken with Commissioner Bleak, who was assigned to the Daughters of the Utah Pioneers. Mike suggested that there might be some storage area in the basement of the Iron County Courthouse they could use.

Commissioner Bleak reported that he had discussed the possibility of using storage space with Jon Whittaker, Iron County Clerk. Mike noted that if she was willing to stay until the meeting was over, they could go down and see what was available.

Andrea Nelson reported that in March the Iron County Commissioners wrote a letter to the Iron County School District (ICSD) board supporting the reinstatement of the name "Redmen" to Cedar High School. The president of the ICSD board made a statement regarding a part of the commission letter that said, "As the authorizer of the School Board", which the president took issue with. He went on to quote from Utah Code Section 53G-3-202 (1) (a), "Each school district shall be controlled by its local school board and shall be independent of municipal and county governments." Andrea noted that this was true because the school board manage the schools and do not come before the commission for approval. However, she wondered what came first, the ICSD or the county. If it was the ICSD then what entity runs Iron County that would then have a school district, and of course it was the county commission. Andrea quoted Utah Code, Section 53G-3-20, "The county legislative body shall within 30 days following the day on which the creation, consolidation, division, or dissolution of a school district occur, file with the lieutenant governor..." She noted that it was up to the county commission to file with the lieutenant governor. Some school districts were located within the boundaries of more than one single county, and all this had to be worked out because of the taxing authority. Section 53G-3-203 (3) (b) (iii), "A school district may not levy or collect property tax or property within the affected area until the county legislative body records the documents listed in Subsection (2). The ICSD board could not collect tax to operate until the county commission authorized it. Andrea reported that she wanted to make it clear that the Iron County Commission was the authorizing agency. She expressed her appreciation to the commissioners for all they do and for their support.

**DISCUSSION AND POSSIBLE APPROVAL OF A SINGLE EVENT LOCAL CONSENT PERMIT HELD AT FAVELA’S RANCH, 6353 N 1600 W. BERYL, UT ON JUNE 29, 2024 AND JULY 20, 2024 FROM 1:00 P.M. TO 9:00 P.M.**

Rigoberto Favela, Favela’s Ranch Racetrack, noted that he had presented this event to the commission in April, but it had to be cancelled because of weather. Rigoberto inquired if it was possible to be approved for the July event one month in advance. Jon Whittaker replied that it could be approved through the commission, but it depended on if the Department of Alcoholic Beverage Control (DABC) would accept it. Mr. Favela reported that he had the dates set for the whole season. Jon noted that it was more expensive to have a permanent permit than the single events. Sam Woodall, Iron County Deputy Attorney, reported that it would be better to approve the 2 events presented in the agenda. Sam noted that he would look to see if there was something that could be done to streamline events in the future. The July event could be submitted as long as there were no changes or issues.

Reed Erickson, Iron County Planner, reported that he asked Sheriff Carpenter, and the Sheriff asked if the permit was for serving alcohol or selling it. Rigoberto replied that they would be providing the alcohol and selling it to customers. Marilyn Wood asked if there would be a conflict. Reed replied that he had notified Sheriff Carpenter of the events because a Conditional Use Permit (CUP) was required for gatherings of over 50 people. It was the law that law enforcement be notified of these type of events. Sam Woodall reported that the Single Event Permit allowed Rigoberto to consume, sell, or provide alcohol.

Marilyn Wood made a motion to approve a Single Event Local Consent Permit held at Favela’s Ranch on June 29<sup>th</sup> and July 20<sup>th</sup>. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

**PRESENTATION ON TAX-EXEMPT STATUS FOR THE CEDAR CITY HOSPITAL**

Eric Packer, Cedar City Hospital President, reported that the Cedar City Hospital mission was “Helping people live the healthiest lives possible.” Eric noted that the hospital was a Not-for-Profit and they help meet the diverse healthcare needs of the community by providing excellent care at the lowest appropriate cost, regardless of the patient’s ability to pay. Erick reported on the Cedar City Hospital 2023 Statistics as listed:

- 492 caregivers;
- Licensed for 48 beds;
- 533 bags of blood;
- 2,852 admissions;
- 7,822 charity cases for \$4,571,108;
- 781 babies delivered;
- 3,302 surgeries performed; and
- 20,469 emergency room visits.

Eric reported that there was a great Board of Trustees that provide insight and information regarding the community. Mr. Packer reported on the Government requirements to maintain Not-for-Profit status/property:

- State Requirements:
  - Six standards, County Board of Equalization conference, Gift to the community, and Charity Plan.
- Federal Requirements:
  - Community health needs assessment, Identification and management of priorities, Hospital activities reported on Form 990, Schedule H, and \$50K excise tax per hospital if requirements not met.

Eric reported that the hospital was implementing AEGIS phone app. AEGIS aim:

- New software to help manage disasters;
- Any caregiver will be able to activate an alert from their phone;
- The hospital could use it to communicate with established groups including their command center and the police; and

- It allowed caregivers to document where they were in the building and if they were safe.

Eric reported projects at the hospital:

- The roof replacement was completed in April of 2024;
- The lab relocation was completed in May of 2024;
- Imaging expansion was currently in the Design/Architecture phase, with construction to begin January 2025 and be completed in March 2025;
- Emergency Department expansion was currently in the Design/Architecture phase, with construction to begin in November 2024 and be completed March 2025;
- Chiller replacement was in the design process, with construction to begin in October 2024 and be completed March 2025;
- Proposals were out for the Cancer Center expansion, Medical Office building, and Ambulatory Surgery Center and approval for the projects were pending.

Jordan Merrill, Community Health Program Manager (serving St. George, Cedar City, and Garfield Hospitals), reported on the Iron County Community Health Needs Assessment. This was the end of the 3<sup>rd</sup> year of this assessment. He noted that data was collected from the Iron County Health Department and local health experts. That data revealed three priorities:

- Improve mental well-being;
- Improve chronic and avoidable health outcomes; and
- Address and invest in social determinants of health.

Jordan reported that only 10% of what could be done to really impact an individual's health was through clinical services and the majority involved the community and to have all community organizations address those health needs. It takes the community to come together to make an impact. He listed the Iron County organizations that they had partnered with to provide funding to work in the three priority areas: Color County RC&D Council, Ten Thousand Beds Inc., Rural Utah Project Education Fund, Project Embrace, Southern Utah University (SUU), Adopt a Native Elder, Southwest Community Health Center and Public Health Department, Friends of the Iron County Sheriff, Iron County Care and Share, and the Family Support Center of Southwestern Utah.

Mike Bleak expressed his appreciation of the level of health care that was provided to Iron County.

Eric Packer reported that the Cedar City Hospital was listed as one of the Top 20 Hospitals in America - listed as #2.

### **REVIEW THE CURRENT STATUS OF "VISION IRON COUNTY" (VIC) AND POSSIBLE APPROVAL OF FINANCIAL INVESTMENTS IN THE FUTURE**

David Busk, Vision Iron County (VIC), reported that VIC was established in 2017 on the principle that every voice in our communities deserved to be heard and valued in the process of shaping our shared future. David noted that anyone associated or affiliated with VIC comprised of volunteers. He expressed his appreciation to the current VIC board members. Each of the board members represents a Focus Area team. When VIC began, they hired Kem C. Gardner Policy Institute to conduct a survey. Out of that survey, 10 Focus areas were created which included Education, Economic Development, Healthcare, Community Character, Arts/Entertainment and Tourism, Infrastructure, Land Use/Housing, Parks/Recreation and Open space, Technology, and Transportation. David reported that at least once a quarter VIC held a mastermind session around a specific topic that was relevant. Last week during a mastermind session regarding housing, there was a panel of community members that participated. Having representation from different areas helped them hear different perspectives about the housing issues. The main point for VIC was to bring people the right people together, for the right discussions on how to move forward. VIC would like to work alongside the commission to educate or help in any way. David reported that the VIC board had visited many of the communities and there had been some great involvement. He noted that VIC had recently

established their 501(c)(3) non-profit status which would help with funding assistance. David reported that VIC needed to conduct another survey. The last survey was conducted pre-COVID-19 and many things had changed since then. Kem C. Gardner had agreed to help once again to conduct another comprehensive survey. The cost for the survey was approximately \$24K. VIC needed to have some technological enhancements and invest in digital infrastructure. Stakeholder engagements to continue hosting community meetings through town halls, panels, special events, and community visits. David reported that VIC did have one paid Full-Time employee, Keisha Anderson, through a grant from the Governor's Office of Economic Opportunity. Keisha was the VIC project coordinator and an AmeriCorps Vista volunteer. He noted that bringing all the projects together requires funding. VIC believed the commitment to empowering communities and fostering sustaining development aligned closely with the mission of the Iron County Board of Commissioners. Therefore, VIC respectfully requested the commissions support VIC with funding in the amount of \$8K to help them move forward. They also planned to go to each of the communities involved with VIC for help. Those communities included Cedar City, Enoch, Parowan, Brian Head, Kanarraville, Paragonah, Beryl, Beryl Junction, Hamilton Fort, Hamlin Valley, Old Iron Town, Lund, Modena, Newcastle, and Summit. The purpose of VIC was to be a partner and a resource tool.

Commissioner Wood asked if the \$8K was needed immediately or could it wait until budget hearings at the end of the year. David replied that they would like to conduct the survey this year, so the sooner the better, but understood there were steps to follow.

Commissioner Bleak reported that VIC was valuable for Iron County moving forward. The commissioners would discuss if there could be a mid-year adjustment or wait until November during budget hearings.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A UTAH DEPARTMENT OF AGRICULTURE AND FOOD GRANT AGREEMENT**

Michael Bleak, Iron County Count Commission Chair, declared agenda item number 10 stricken, as it was a duplicate of item number 11.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A UTAH DEPARTMENT OF AGRICULTURE AND FOOD GRANT FOR INVASIVE SPECIES MITIGATION WEED CONTROL 2024-2025 SEASON**

Amber Hatch, Iron County Weed Supervisor, explained that she was here today to ask approval of the 2 Invasive Species Mitigation (ISM) grants that the State of Utah had approved for Iron County. Amber noted that she submitted one grant application for Iron County being the Fiscal Agent for the I-15 Corridor, which would begin in Kanarraville and be the Historical retreat of that fire and end at the Enoch/Iron County line. Amber reported that the 2<sup>nd</sup> grant was run through the Cooperative Weed Management Areas (CWMA) Fiscal Agent Iron County for Cedar City. She explained that historically, what had previously been treated for ISM was annexed into Cedar City, so the Iron County Weed Department could help them. The CWMA Grant, Cedar City, was for \$21.5K, and the I-15 Corridor Grant was \$42,272, unincorporated areas specific.

Marilyn Wood made a motion to approve a Utah Department of Agriculture and Food Grant Agreement for Invasive Species Mitigation weed control for the 2024-20252 season as presented by Amber Hatch. Second by Michael Bleak. Voting; Michael Bleak, Aye; Paul Cozzens, Absent: Marilyn Wood, Aye.

#### **EXPLANATION AND DISCUSSION REGARDING MUNICIPAL SERVICE TAX**

Jon Whittaker, Iron County Clerk, explained that this item was a result of a public comment regarding the unfairness of the Municipal Service Tax that was implemented in 2008. Jon reported that he asked Luke Little, Iron County Auditor, to explain where the money was dispersed and Reed Erickson, Iron County Planner, to explain the structure and history of the tax.

Luke Little, Iron County Auditor, explained that there was a separate line in the Iron County Budget for the Municipal Service tax. This tax was for anyone who lived outside of city

limits. On the property tax notices there were different line items (Levy's) listed: Iron County School District was 60% of property tax, General Fund was 10%, City was 20%, and Municipal Services was 20% if you were outside the city limits. The Municipal Fund included the: Beryl Community Center, Planning and Zoning Department, Sheriff (not the Jail), Search and Rescue, Iron County, Beryl and Newcastle Fire Departments, Building Inspector, Weed Control, Predator Control, and Cooperative Recreation (paid to city parks).

Reed Erickson, Iron County Planner, explained that in 2005 there were challenges with funding and which direction to go in terms of density. How much it was costing Iron County to provide services to those living in the unincorporated areas and whether it was better to follow higher or lower-density development. There was an extensive evaluation of the costs of service and level of service. It became apparent that the taxing structure was deficient. Reed visited with Joe Melling, Cedar City Manager at that time, and Joe stated that those living in municipalities were being double-taxed (double taxation). It was discovered that services provided within the municipalities were paid for by those living in the municipalities. The services provided in the unincorporated areas were also being paid by those in the municipalities. He noted that services provided within the General Fund Levy were the same for everyone whether they were in the incorporated or unincorporated areas, which were services provided for everyone regardless where they lived. At that time, Salt Lake County was the only county with a Municipal Services Tax. The smaller counties did not have the same tax structure that Iron County did. As a result of this finding the following events happened;

- 2007 – Resolutions were passed to begin the process of creating an Unincorporated Area Services District, which would collect a Municipal Services Tax. An extensive analysis, based on percent, was conducted to determine how much of the crossover department budgets were spent in the incorporated and unincorporated areas.
- 2008 – The tax was put in place to levy a tax for the municipal services, which were defined by state law, to those living in the unincorporated areas of Iron County.

#### **DISCUSSION AND POSSIBLE APPROVAL OF GOLD CROSS EMERGENCY MANAGEMENT SERVICES (EMS) WITHIN IRON COUNTY**

George Colson, Iron County Emergency Manager, explained that during the 2024 Legislative Session, the obligation to provide emergency services was placed back on the counties and incorporated cities. George reported that Iron County had never executed a contract with Gold Cross Services. He noted that he, Commissioner Bleak, and Sam Woodall traveled to Salt Lake City and met with Derek Bushman, State Division Director for the Bureau of EMS, who reported that it was in the best interests of Iron County to have a contract. George reported that he and Sam worked together to create a contract. The contract was approved by Gold Cross Services, Inc. to provide 911 ambulance services for Iron County. He noted that he attended each municipality's council meetings and gave them each the option to individually contract with Gold Cross and each chose to follow the EMS Contract through Iron County.

Marilyn Wood made a motion to approve Gold Cross EMS services within Iron County as presented by George Colson. 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 Tanya Hibler as a Full-Time 4-H Coordinator for the USU Extension Office, effective June 14<sup>th</sup>. This was a backfill of a vacant position; the transfer/promotion/status change of Stephanie Rainey from a Full-Time Career Service hourly Children's Justice Center (CJC) Victim Coordinator 2 to a Salaried Career Service Exempt Council on Aging (COA) Director, effective June 9<sup>th</sup>. This was a backfill of a vacant position.

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

Jennifer Bradbury reported that the State of Utah implemented Utah Code §53-22-103 which states that "Each county sheriff shall identify an individual as the county security chief within the sheriff's office to coordinate security responsibilities, protocols, and required training between the state security chief, the county sheriff's office, and the corresponding police chief's who's jurisdiction includes a public school within the county. The code was to be implemented by July 1, 2024." She noted that Commissioner Bleak, Sheriff Carpenter, Chad Dotson, Iron County Attorney, Lucas Little and herself met with the Iron County School District (ICSD) regarding this new code. The ICSD met after the meeting to discuss the funding for the position. They were still in internal negotiations and discussions this week regarding the code between Roy Matthews, ICSD Secondary Education, and Sheriff Carpenter.

Jennifer reported that Sheriff Carpenter was requesting a new Patrol Deputy 1 position to replace pending transfer of existing employee to cover the Iron County Security Chief position, created in response to the Utah's School Security Act (as outlined in Utah Code §53-22-103) with possible shared funding through the Iron County School District (ICSD). The total cost for one Patrol Deputy 1 position would be \$97,045.59.

Commissioner Bleak noted that during the meeting with the ICSD, it was discussed to have the Iron County Security Chief position be a partnership with the ICSD, as was done with the school Resource Officers, where each pay a portion of the salary. Jennifer reported that she had received an email from the ICSD HR Director which read, "The district would like to work with Sheriff Carpenter and whomever else needs to be involved, and rather than hire a completely new position, they would like to see if that title could be hired by the department to fulfill these duties on the county side. Roy Matthews would be reaching out to the sheriff to work out the details, but has been on vacation and was out today as well and will return tomorrow."

Michael Bleak reported that Zach Tuttle was currently the ICSD Safety & Security Coordinator. Mike stated that this was an unfunded mandate by the State of Utah. This was going to cost \$100K and each county had to have the employee in place by July 1, 2024, which no one budgeted for, and there was no funding from the state. It was a requirement from the State of Utah, but no funding was made available from the state. Jennifer reported that she had reached out to other HR Directors in several counties and only one county could possibly implement the program thus far.

Marilyn Wood made a motion to table this item pending further discussion on shared funding with the Iron County School District. Second by Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

Jennifer presented a change of the Iron County Weed Supervisor position from hourly Career Service status position to a Salary Exempt status Director position; status change for Weed Department Supervisor Amber Hatch, effective June 9<sup>th</sup>.

Marilyn Wood made a motion table this item for further grant clarification. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

## NON-DELEGATED ITEMS

Closed Session



**IRON COUNTY COMMISSION MEETING  
JUNE 24, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 24, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Shalon Shaver	County Corrections
Sam Woodall	County Deputy Attorney
Jennifer Bradbury	County HR Director
Mike Worthen	County Natural Resource
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Carri Jeffries	County Recorder

Others in attendance:

Carol Barker	Maile Wilson-Edwards	Jeff Richards
Susan Sepe	Bruce Washburn	

**SYNOPSIS**

ADJOURNMENT .....9

APPROVAL OF CLAIMS FOR PAYMENT .....2

APPROVAL OF MINUTES .....2

COLOR COUNTRY OHV TRAIL MAINTENANCE, MATERIALS & SUPPLIES GRANT ....4

DEPARTMENTAL REPORTS.....2

INVOCATION .....2

MONUMENT REPLACEMENT AND RESTORATION COMMITTEE GRANT .....8

NON-DELEGATED ITEMS.....8

PERSONNEL .....8

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....4

RATIFICATION, ORDINANCE 2024-4 WATER-WISE LANDSCAPING STANDARDS .....4

## INVOCATION

An invocation was offered by Bruce Anderson.

## PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Sam Woodall.

## APPROVAL OF MINUTES

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held May 28, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Abstain; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held June 10, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Abstain; Marilyn Wood, Aye.

## APPROVAL OF CLAIMS FOR PAYMENT

Paul Cozzens made a motion to approve Claims for Payment from June 10, 2024 to June 23, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## DEPARTMENTAL REPORTS

**Bruce Anderson, Iron County Public Works Director**, reported on the Road Department. Bruce expressed his appreciation to Ryan Riddle and his team for their assistance putting up and taking down the sign boards for the ranchers pushing cattle up Parowan Canyon. Bruce noted that he had received many calls thanking him and saying it was helpful to everyone. There seemed to be an increase of departments working together which had been very beneficial. Marilyn Wood reported that Mike Worthen, Iron County Natural Resource Manager, was working on an agreement with Bureau of Land Management (BLM) on the shooting range issue. Bruce reported the Road Department had completed chipping 7700 West. It still needed to be swept, seal coated, and lines painted. From 7700 West, they went to Beryl Hwy and swept it off on Friday. He noted that the Road Department was presently chipping Bench Road in Newcastle and then would move to 5700 West on the belt route. They still had part of 2300 (Airport Road) to Midvalley from 2400 West and down to do. There was a discussion about using "Slurry Seal" on the roads. Bruce reported that realignment work continued on the Gold Springs Road. He noted that George Colson, Iron County Emergency Manager, was helping with funding from Federal Emergency Management Agency (FEMA). Bruce reported that when chipping was completed they would finish the turn-in/turn-out on Hwy 14. There were plans to have the parking lot paved on July 25<sup>th</sup>. He was in the process of getting bids for Type-2 crushing. Bruce reported that the budget was on track. There was a discussion regarding the water recharge in Parowan and the use of the Iron County gravel pit, the cattle guards on Webster's Flat and Summit, and the pond up right hand. Bruce noted that the John Deer 724 transmission went out and it would need to be fixed which would cost approximately \$20K.

Bruce reported on the Landfill Department. Scott Carter was having shoulder surgery so they would be down one worker in the Landfill. Bruce reported that the landfill continued to be plagued with fires. He noted that most of them were because of batteries. There was a fire on Thursday that was caused by batteries in a hover-board and he heard a snapping noise which was from a smoke detector. All the landfills south of Nephi were having the same issue. The battery issue was a topic at the National Solid Waste Association of North America (SWANA) convention this year. We need the public's help to take the batteries out before bringing the loads to the landfill. It seemed to be the rechargeable batteries that were causing the fires. Bruce reported that the new landfill computer program was moving forward and hoped to have it up and running by the end of July. He noted that the garbage truck that was ordered in 2023 had not been delivered, but hoped it would by the end of July. Bruce reported that from January 1<sup>st</sup> through May 23<sup>rd</sup>, there were 14,753 vehicles that came to the landfill, compared to 14,100 in 2023. Bruce reported that the landfill would need another person to be a spotter down in the pit.

There was so much going on and the person working the compactor had a difficult time doing both. There was 1 vehicle in the pit every 3 minutes. He noted that the new compactor was making a big difference.

**Shalon Shaver, Iron County Corrections**, reported that the overall budget at the end of May was 38%. The overtime budget was doing well. Shalon noted that corrections was down 2 deputies and 2 might be leaving. Culinary cost per meal was \$0.96 per meal. She reported that total bookings were 249 compared to 541 in the first quarter. The average daily population total was 169 compared to 152 first quarter, 22 Female, and 147 men. Federal inmates were at 43. Because of overcrowding, she had asked that the state cut back on the number of federal inmates. Shalon reported that the work crew had worked 251.5 hours in the community. They had done work for the Sheriff's Office, Jail, Building Department, Roads Department, Parks & Recreation, Fair, Landfill, and the Parowan Court. She noted that corrections were able to hire 5 deputies and one clerical. Two of them were in the academy and two had graduated. Planning meetings for the new Sheriff Complex continued to move forward. Marilyn Wood expressed her appreciation for the work crew. They did an excellent job with the fence at the fairgrounds.

**Paul Cozzens, Iron County Commissioner**, reported that he had a meeting with the Cedar City and Enoch regarding water. Cedar City was spending \$5M to \$6M to put in a cloth filter at the Wastewater Treatment Plant to improve from Type 2 affluent to a Type 1 affluent. Cedar City would then pipe it to areas that could use the water for irrigation. Cedar City Mayor Green said that with this change 80% was Cedar City, 10% was Iron County, and 10% Enoch City. Enoch City had planned ahead well with a secondary system in their new subdivisions. Enoch City would use their share of the water for their plan. Paul reported that Cedar City said 10% was Iron County but most of the water belonged to the water district. Those that live outside the city contribute to the Wastewater Treatment Plant and were connected to the Central Iron County Water Conservancy District (CICWCD) system. Paul explained the CICWCD system. He reported that while in the meeting he said that the part that Iron County did own obviously had some value and if Iron County could possibly do some trading with that water for the water shares that were needed for new jail. Jon Whittaker, Iron County Clerk, noted that there might be a fairness issue. The Clerk's Office does the billing and Iron County pays the same monthly as Cedar City. Was Cedar City using the revenue from the monthly bills? Paul replied that he told Cedar City that Iron County was not interested in using any money. Iron County had a jail to build and we do not have the money to give. The challenge with using Type 1 water was it was used in the summer and during the winter the water needed to be stored. There was continued discussion on this issue. Paul reported that he had received comments regarding the construction that was being done by Phil Schmidt just before the new overpass on Coal Creek Road. He noted that it was not the CICWCD's project, it was the Coal Creek Irrigation Company's project. Paul reported that while he was in Alton installing a small cabinet for his son, the owner, John Johnson, began a conversation with him. He explained that John had a company named "Ace K9". John had a system that monitored the temperature in the vehicles. If the temperature got too high it alerts the officer or dispatch. He had placed his system in all of the Law Enforcement vehicles that had a K9 Unit. Paul and John met with Sheriff Carpenter, Darrin Adams, and Clint Pollock informing them of this system. John wanted to be part of the community and would like to work with our LE.

**Marilyn Wood, Iron County Commissioner**, reported that improvements on the Iron County Fair Building was moving forward. The roof of the building had leaking issues and a new roof was being put on. Marilyn noted that she attended the 20<sup>th</sup> USU Extension Agriculture Appreciation Dinner where they spoke about mental health for farmers and ranchers. She encouraged anyone who needed help, or if someone knew a farmer or rancher that needed help, to contact the USU Extension Office and they would help find someone who could help them. USU Extension had grants available to help with payments. Marilyn expressed her love for her family and for surprising her and her husband with a 50<sup>th</sup> Anniversary dinner. Commissioners Michael Bleak and Paul Cozzens congratulated her for their 50<sup>th</sup> Anniversary.



**Michael Bleak, Iron Counter Commissioner**, reported that he had a meeting with Brandon Burke, Cedar City Events Director, and Ryan Paul, Historian at Southern Utah University (SUU), regarding the planning of a Haunted Downtown in Cedar City. Mike explained that two years ago, in Kingman, Arizona, they had a haunted downtown which was put on by a Children's Theatre for a fundraiser. They got the downtown merchants to be included in the event by telling ghost stories. Brandon thought that it was a great idea. They would be working together with the local businesses to get people downtown for the event. They were still in the discussion phase for the event and a date had not been set. Mike reported that the Shakespearean Festival had their opening last week. He noted that the Shakespeare Festival had 3 new programs that were more in depth showing where their patrons were coming from which was a great asset for Economic Development. The Shakespeare Festival had been an excellent partner. Any data information was shared with Maria Twitchell, Iron County Tourism. Maria had used a couple of their programs for the Transient Room Tax (TRT) and the Tourism, Recreation, Culture & Convention Tax (TRCC). There was a great partnership between the Shakespeare Festival and David Johnson, Danny Stewart, and Maria Twitchell. Commissioner Bleak reported that discussions regarding a Conference Center were moving forward. The first step was to identify property for the center. Money had been set aside since COVID-19 to purchase property and they hoped to acquire property soon. Mike, Maria Twitchell, and John Johnson met with Rob Cottle to look at properties. He reported that he attended the 1<sup>st</sup> Annual Kanarraville Fire Department Fundraiser Mutton Fry in Kanarraville. He was cooking potatoes with Tyler Allred, Ben Batty, Cameron Douglas, Robbie Masterson, and Mr. Blackburn. Mike thanked Ray Masterson and Mark Orton for their assistance with preparing and cooking. It was a successful event and they raised just under \$5K. Mutton, brisket, mountain lion, and venison were served. Mike reported that the Children's Justice Center (CJC) held their annual Fun Run fundraiser on Saturday. It was successful and everyone had a great time. He walked through the new CJC building and it was getting closer to completion. Work on the parking lot would begin today. Mike expressed his appreciation to Thayne Hainsworth, Iron County Building/Facilities Maintenance Supervisor. Thayne took over the maintenance for the Council of Aging (COA) and has done a great job with the Iron County buildings and work on the fairgrounds. Marilyn Wood reported that the lawns at the fairgrounds were yellow. Thayne went over and used the water truck to water the lawns and within 2 weeks they looked wonderful. She explained that after the change in maintenance, Thayne noticed that the heads were missing from the sprinklers. Jon Whittaker reported that Thayne was doing great with the courthouse.

#### **PUBLIC COMMENTS**

No Public Comments were offered.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A GRANT FOR COLOR COUNTRY OHV TRAIL MAINTENANCE EQUIPMENT, MATERIALS, AND SUPPLIES**

Mike Worthen, Iron County Natural Resource Management Specialist, explained this grant was from the Utah Outdoor Recreation with the Department of Natural Resources (DNR). Mike reported the grant was for maintenance of the OHV trails and to purchase a Mini Hydraulic Excavator 306 to help maintain the trails. The Mini-Ex would cost \$136,585. The Road Department had agreed to help with the purchase and would use it at times. Mike purchased some tools for a seasonal employee. The grant required an e-signature and Maureen Casper would email the form to Commissioner Bleak.

Marilyn Wood made a motion to approve the grant for Color Country OHV Trail maintenance, equipment, materials, and supplies in the amount of \$126,585. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



**RATIFICATION OF OMISSION FOR APPROVED IRON COUNTY ORDINANCE  
2024-4 – ADOPTING AND/OR MODIFYING SECTION 17.36.135 – WATERWISE  
LANDSCAPING STANDARDS; SECTION 17.84.010 – DEFINITIONS; AND CHAPTER  
16.40 – LANDSCAPING STANDARDS**

Reed Erickson, Iron County Planner, explained that one sentence was omitted from Section 17.34.135 (2) which was “In addition, there shall be no lawn in landscaped areas less than 8 feet wide in width and no lawn in park strips.” Reed explained that it was included in the residential developments but had been omitted from the commercial, industrial, institutional, and multifamily developments. When the state reviewed the ordinance, they said it did not qualify for the turf buyback because the omitted sentence needed to be included in all developments regardless of zoning. He noted that he had received 2 inquiries for the turf buyback and told them that the ordinance had to be approved first. Paul asked for clarification that the language in the ordinance was what the state required. Reed replied that it was. He explained that there was lawn area in the front and back yards. Reed noted that the idea was to have this ordinance in place so people could qualify for the turf buyback. Iron County would be responsible for enforcing that when the Iron County Planning Commission (ICPC) reviewed a site plan. This ordinance was just a minimum that the state required to qualify. Discussion continued on the grass area. Reed reported that he had not received any calls or concerns regarding the landscaping ordinance. This ordinance was a request from the CICWCD. This would benefit those that qualified and gave residents an incentive to remove grass. He explained that this was a water-wise ordinance and not a landscaping ordinance. The intention was not to regulate landscaping, but to have the minimum requirements so residents could qualify. Iron County needed to show they want to be water-wise and do their part. Jon Whittaker asked if there had been any push back from Enoch or Cedar City. Reed replied that there was not.

Paul Cozzens made a motion to approve ratification of omission for the Iron County Ordinance 2024-4, adopting and/or modifying Section 17.36.135 – Water-wise Landscaping Standards; Section 17.84.010 – Definitions; and Chapter 16.40 – Landscaping Standards as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

**IRON COUNTY ORDINANCE 2024-4**

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING SECTION 17.36.135 – WATER-WISE LANDSCAPING STANDARDS; SECTION 17.84.010 – DEFINITIONS; AND CHAPTER 16.40 – LANDSCAPING STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

**Whereas**, Iron County has determined in accordance with the desire to support more water-wise landscaping practices, to allow projects to qualify for various “Turf Removal Incentive Programs” and to promote better water use and conservation in landscaping practices, certain provisions and regulations need to be added and/or modified; and

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

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning 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 17.36.135 – Water-wise landscaping standards**, a portion of the Iron County Code, shall be, and hereby is, added to read as follows:

**17.36.135 – Water-wise landscaping standards.**

A. Water Conservation:

1. The following water-efficient landscape standards shall apply to all new residential developments and residential construction:

- a. The area within the public right of way between the curb and gutter, or road travel way, and the property line or sidewalk, otherwise known as the park strip, shall not be landscaped with lawn.
- b. Lawn areas shall not be less than eight feet wide at their narrowest point.
- c. Lawn areas shall not exceed 50% of the total landscaped area for front and side yards. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.

2. Other Developments: In new commercial, industrial, institutional, and multifamily development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas. In addition, there shall be no lawn in landscaped areas less than 8' in width, and no lawn in park strips.

**SECTION 2.** Within **Section 17.84.010 – Definitions**, a portion of the Iron County Code, shall be, and hereby is, added to read as follows:

**17.84.010 – Definitions.**

“Active Recreation Area” means a dedicated active play area where irrigated grass is used as the playing surface, such as a sports field designed for public use. Active recreation areas shall be:

- i) A minimum of 1,500 contiguous square feet of grass area;
- ii) Not less than 30 feet in any dimension;
- iii) A minimum of 10 feet from areas dedicated to vehicular use, such as a street or parking lot;
- iv) Designed and located to be accessible to large populations, such as at a school, daycare, recreation center, senior center, public park, private park, water park or religious institution; and
- v) Co-located with amenities, including but not limited to trash bins, benches, tables, walking paths, drinking water, playground equipment and/or other recreational amenities.

*Remainder of this Section remains unchanged.*

**SECTION 3.** Within **Chapter 16.40 – Landscaping Standards**, a portion of the Iron County Code, shall be, and hereby is, added to read as follows:

**Chapter 16.40 – Landscaping Standards**

**16.35.010 - Purpose and intent.**

The following water-efficient landscape standards shall apply to all new residential developments and residential construction.

**16.35.020 - Use regulations.**

1. Residential Developments:

- a. The area within the public right of way between the curb and gutter, or road travel way, and the property line or sidewalk, otherwise known as the park strip, shall not be landscaped with lawn.
- b. Lawn areas shall not be less than eight feet wide at their narrowest point.
- c. Lawn areas shall not exceed 50% of the total landscaped area for front and side yards. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.

2. Other Developments:

- a. In new commercial, industrial, institutional, and multifamily development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas. In addition, there shall be no lawn in landscaped areas less than 8' in width, and no lawn in park strips.

**SECTION 4. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of providing for efficient use of water in landscaping and to help qualify interested individuals for the State and local Turf Removal Incentive Program, in accordance with Utah State code and Iron County code.

**SECTION 5. Severability.**

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

**SECTION 6. 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 June, 2024.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Michael P. Bleak, Chair

ATTEST:

  
Jonathan T. Whittaker,  
County Clerk



VOTING:

Paul Cozzens              Aye    
Marilyn Wood           Aye    
Michael Bleak           Aye

**DISCUSSION AND POSSIBLE APPROVAL OF MONUMENT REPLACEMENT AND RESTORATION COMMITTEE GRANT**

Carri Jeffries, Iron County Recorder, reported that the Replacement and Restoration Committee Grant was \$28,230. She explained that this was the same grant that she presented to the commissioner's in 2023. This year the grant was less. Last year the grant was for \$70K and she puts \$10K in the Recorders budget every year. Carri reported that the Auditor's Office used Ensign Engineering to survey. While finding the monuments they had only needed to replace 2. After they find the monuments, Ensign Engineering would send her a Tie Sheet that she had in the office and put it online. It included the exact coordinates and pictures which makes it easier for the surveyor to find the monuments. Kendal Allen, Iron County GIS Coordinator, pulled the Public Lands Survey System (PLSS). The state was pulling the PLSS nor updating the information. Carrie reported that she met with the state about two weeks ago and the state agreed to begin updating the information and would begin with Iron County. She would ask the BLM to become involved so she could update their monuments.

Marilyn Wood made a motion to approve the Monument Replacement and Restoration Committee Grant as presented by Carri Jeffries. 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 Mason Davis as a Full-Time Technician 2 for the Road Department, effective June 24<sup>th</sup>. This was a backfill of a vacant position; the new hire of Kaitlyn Brian as a Part-Time Fair Marketing/Administrative Assistant for the Fair Department, effective June 12<sup>th</sup>. This was a backfill of a vacant position.

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

**NON-DELEGATED ITEMS**

**Boards:**

Michael Bleak reported that Gary Dalman's term on the Restaurant Tax Board had expired. Mike noted that he asked Don Jersey from Parowan to replace Gary Dalman on the Restaurant Tax Board. Don agreed to serve on the Restaurant Tax Board.

Marilyn Wood made a motion to appoint Don Jersey to the Restaurant Tax Board. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye: Marilyn Wood, Aye.


**Closed Session:**

**DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c) – “Strategy Sessions to discuss pending or reasonably imminent litigation.” Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

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

I, Michael Bleak, 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(c) for discussion regarding ongoing litigation.

  
Signed: Michael Bleak, Chairman

  
Attest: Jonathan Whittaker, County Clerk




**END OF CLOSED SESSION**

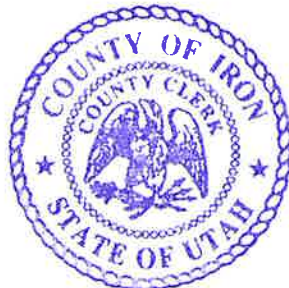
Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk







**IRON COUNTY COMMISSION MEETING**

**JULY 8, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 8, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Shalon Shaver	County Corrections
Sam Woodall	County Deputy Attorney
Jennifer Bradbury	County HR Director
Mike Worthen	County Natural Resource
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Carri Jeffries	County Recorder

Others in attendance:

Carol Barker	Maile Wilson-Edwards	Jeff Richards
Susan Sepe	Bruce Washburn	

**SYNOPSIS**

ADJOURNMENT ..... 13

APPROVAL OF CLAIMS FOR PAYMENT .....2

APPROVAL OF MINUTES .....2

CANVASS OF THE JUNE 25<sup>TH</sup>, 2024 PRIMARY ELECTION.....6

CONTRACT FOR 5<sup>TH</sup> DISTRICT PUBLIC DEFENSE SERVICES, KATSCHKE .....3

CONTRACT FOR ADMINISTRATIVE PUBLIC DEFENSE SVCS., CANDACE REID .....3

CONTRACT FOR CJC MENTAL HEALTH SERVICES.....3

CONTRACT FOR MENTAL HEALTH SERVICES FOR PUBLIC SAFETY .....3

CONTRACT FOR SOCIALWORKER SERVICES, ANGELICA JUDD.....4

DEPARTMENTAL REPORTS.....2

INVOCATION .....2

MOU REGARDING CHILDRENS’ CAVALCADE PARADE.....5

NON-DELEGATED ITEMS.....12

ORDINANCE 2024-5, LIVESTOCK TRAILS .....8

PERSONNEL .....12

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....3

VACATE AND AMEND RAINBOW MEADOWS RANCHOS LOTS 18, 19.....5

VACATE AND AMEND WESTVIEW ESTATES, BLOCK G, LOT 1 .....6

**INVOCATION**

An invocation was offered by Ryan Riddle.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held on June 24, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from June 24, 2024 to July 8, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DEPARTMENTAL REPORTS**

**Jami Evans, Iron County Fair Director**, reported that there had been a great deal of learning and growth with her new position and new hires. They had purchased a new software which should help streamline events. Jami reported that the remodel of the fair building and other upgrades were coming along nicely. The 2024 fair theme would be “Treasure Your Memories.” She discussed upcoming events and mentioned that they had been seeking additional sponsorship for the fair. There had been \$76,600 committed so far, and they had set a goal for \$100,000. Jami mentioned the planned Color Country OHV event in the fall. Marilyn Wood thanked Jami and the fair staff for doing such a great job with minimal resources.

**Ryan Riddle, Iron County Fire Warden**, reported on training, prevention, fuels mitigation, and fire statistics. Interest continued to be low for volunteering. They held several basic and advanced courses for fire resources in the area, primarily providing training to the local fire departments. Our numbers continue to dwindle. He issued 457 permits between January 1st and July 9<sup>th</sup>. Permits allowed for burning of nuisance materials on private property. Ryan was working with various unincorporated communities to develop community wildfire protection plans. They had installed 10 additional permanent signs in the prevention campaign to help inform the public of burn permits when burn-permits are required or if there are fire restrictions. They also use 4 electronic message boards. They treated 170 acres for fuels mitigation, using both slash piles to be burned in winter and wood chipping efforts. Efforts continued regarding the mowing of grasses, brush, and small-diameter growth along roadways. They are seeing a significant reduction in our roadside starts associated with mowing. They applied for \$2.1M in grants and were awarded \$1.2M. In particular, there was a Catastrophic Wildfire project funding request for a fuels mitigation project northwest of Brian Head. From July 1st to current, there had been had a total of 94 fires with 69.89 acres burned. The largest was last year on BLM ground at 37 acres. Cost breakout just over \$226,000 was paid by the federal agencies, the state paid just under \$40,000 and the county's cost was zero. He reported that the operating budget was on track this year. Ryan expressed grave concern due to the very dry conditions with no precipitation in sight. This summer would be a real test for his organization.

**Dennis Johnson, Iron County TV Coordinator**, noted that Iron County had 7 sites, 60 transmitters, and 15 microwave sites. Dennis reviewed the buildings, towers, and generators with the commissioners. They discussed maintenance needs. Paul Cozzens asked whether there were still issues at the Frisco site. Dennis Johnson noted that 2024 was not as heavy a winter as the 2023 winter. If the Frisco site were to go down, all television in Iron County would cease, because it is routed through that site.

**Paul Cozzens, Iron County Commissioner**, reported that he attended a meeting to discuss impact fees. He noted that storm water is now the big challenge regarding impact fees, because so many fields are now gone, with roofs, roads, and other hard surface that cause sheet flow during a flood event. The Central Iron County Water Conservancy District (CICWCD) held their annual Water Festival on June 29<sup>th</sup>. It is a fun event that teaches adults and children alike about water conservation. Paul expressed that the CICWCD does a great job. There would be the groundbreaking of a water park, using the Coal Creek diversion in the Cedar City West Canyon Park. He was continuing to make progress in his work with Cedar City to acquire water services for the new Jail building.

**Michael Bleak, Iron County Commissioner**, reported that had been out of town, but also had the opportunity to attend the meeting regarding impact fees. Michael had participated in the post-election audit with Parowan Police Chief Addison Adams. They performed a hand check of batches of mail ballots as assigned by the Lieutenant Governor's Office. They verified the unique serial number printed on each ballot with the Cast Vote Record in the election software, verified the cast vote record matched, and verified each unique ballot.

#### **PUBLIC COMMENTS**

Patti Truax, a resident of unincorporated Iron County, mentioned UCA 17-34-1 regarding municipal services. She noted that the code allows for 3 methods of funding municipal services, a tax, a fee, or providing funds to a municipal services district. She expressed that some of the unacceptable uses of the Municipal Services Tax in Iron County are roads, new victims advocates, weed control, search and rescue, highway patrol, predator control on Parowan and Cedar Mountain only, and recreational subsidies to Cedar City, Enoch City and Parowan City. Ms. Truax expressed that the tax should only be used for Sherrif and code enforcement. She expressed that the other uses of the Municipal Services Tax should be eliminated.

#### **DISCUSSION AND APPROVAL OF AN AGREEMENT BETWEEN UTAH INDIGENT DEFENSE COMMISSION AND IRON COUNTY TO PROVIDE TITLE IV-E FEDERAL FUNDING**

Candace Reid, Iron County Public Defense Coordinator, explained that this was the annual renewal of the Indigent Defense Commission (IDC) grants. These grants covered Candace's salary, as well the other attorneys, the social worker, and the Title IV-E funding which helps subsidize the juvenile court public defenders. Paul Cozzens made a motion to approve an agreement with the IDC for Title IV-E federal funding. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

#### **DISCUSSION AND APPROVAL OF CONTRACT FOR IRON COUNTY ADMINISTRATIVE PUBLIC DEFENDER SERVICES FOR CANDACE REID**

Paul Cozzens made a motion to approve a contract for administrative public defender services with Candace Reid. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

#### **DISCUSSION AND POSSIBLE APPROVAL OF FIFTH DISTRICT PUBLIC DEFENDER CONTRACT FOR FRANKLIN KATSCHKE**

Paul Cozzens made a motion to approve a public defender contract with Franklin Katsche. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF PARENTAL DEFENSE SERVICES SOCIAL WORKER CONTRACT FOR FIFTH DISTRICT FOR ANGELICA JUDD**

Paul Cozzens made a motion to approve a parental defense services social worker contract for the Fifth District with Angelica Judd. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF RENEWED CONTRACTS FOR MENTAL HEALTH PROVIDERS CONTRACTED WITH THE IRON COUNTY CHILDREN'S JUSTICE CENTER WITH CJC CLIENT SESSIONS COVERED THROUGH THE VOCA GRANT. PROFESSIONAL SERVICE AGREEMENT CONTRACTS FOR MENTAL HEALTH PROFESSIONAL THERAPIST, A MINDFUL LIFE COUNSELING SERVICES AND PEACE, BALANCE & JOY CONSULTING**

Wendy Jessen, Iron County CJC Director, explained that this was a renewal from last year and was primarily unchanged. She noted that she requested a rate increase in those contracts and the Victims of Crime Act (VOCA) approved that rate. So instead of the \$100 an hour, the rate increased to \$117, which is in line with what crime victim reparations through the And also, she negotiated to get a no-show or late cancellation fee. Largely, they are going to try to bill the client for that, so they have an incentive to attend the counseling appointments. Paul Cozzens made a motion to approve the renewed contracts for mental health providers contracted with the Iron County Children's Justice Center with CJC client sessions covered through the VOCA grant. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF GRANT FUNDS FROM DPS PERTAINING TO NEW LEGISLATION REGARDING PROVIDING MENTAL HEALTH FOR FIRST RESPONDERS, WHICH INCLUDES VICTIM ADVOCATES, FORENSIC INTERVIEWERS, PROSECUTORS, AND CIVILIAN EMPLOYEES OF A FIRST RESPONDER AGENCY WHO HAS BEEN AUTHORIZED TO VIEW OR OTHERWISE ACCESS INFORMATION CONCERNING CRIMES, ACCIDENTS, OR OTHER TRAUMATIC EVENTS**

Wendy Jessen, Iron County CJC Director, explained that this item would be is discussion of possible approval of grant funds from DPS pertaining to new legislation regarding providing mental health for first responders which includes victim advocates, forensic interviewers, prosecutors, and civilian employees of a first responder agency who has been authorized to view or otherwise, access information concerning crimes, accidents, or other traumatic events. The grant, in the amount of \$30,600 would be to cover the Children's Justice Center staff and also the county attorney's office. It would cover only one year, roughly one-hour mental health checks on an annual basis. It would also cover one critical incident, wherein a first responder would benefit from a session 12 to 24 hours after an incident. Wendy noted that she would work with Susan Carter to establish the protocols for the sessions. This would be a requirement for Iron County to provide in the future. Paul Cozzens made a motion to approve grant funds from DPS pertaining to new legislation regarding providing mental health for first responders, which includes victim advocates, forensic interviewers, prosecutors, and civilian employees of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED COUNTY CODE AMENDMENT (ORDINANCE 2024-5) AN ORDINANCE REGARDING COUNTY LIVESTOCK TRAILS. THIS ORDINANCE WILL BE INCLUDED IN IRON COUNTY CODE §17.30, AS §17.30.090; AND PROVIDING FOR AN EFFECTIVE DATE. PUBLIC HEARING PREVIOUSLY HELD ON JUNE 10, 2024**

Reed Erickson explained that the amendment to Iron County Ordinance 2024-5 regarding Iron County livestock trails was that reasonable efforts be made to contact and work with law  
July 8, 2024

enforcement to post the signs when they're moving livestock on county roads. Reed noted that Iron County had already made signs for this purpose, which had been used by ranchers. The livestock men and women expressed their appreciation for the support and the signs. Today's agenda item would be for action, but not a public hearing. Because of Ordinance 2024-5, as well as the active map available through Iron County Geographical Information System (GIS), the trails could depend not just on the 1966 Revised Statute 2477 (RS-2477), but have a current, defined by Iron County, map of livestock trails in Iron County. Paul Cozzens made a motion to approve the Amended Iron County Ordinance 2024-5, Regarding County Livestock Trails. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**REVIEW AND POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR THE ADMINISTRATION OF THE CEDAR CITY STORYBOOK CAVALCADE CHILDREN'S PARADE**

Jami Evans discussed a Memorandum of Understanding (MOU) with the commissioners, wherein Iron County would take over the Cedar City Storybook Cavalcade Children's Parade. Jami explained that, due to the theme of the Iron County Fair this year, which was "Treasure the Memories," she had reached out to the Storybook Parade to ask whether they could use their ship float. They replied that they were no longer even doing the Storybook Parade, due to a lack of volunteers. In subsequent discussions with Commissioner Wood, and the Storybook personnel, they determined that it would be a good idea for the Iron County Fair to take over the parade. The Storybook Cavalcade Parade is a benefit to the community, and people were disappointed when it was not held last year. Paul Cozzens asked if the plan was for Iron County to take over the parade. Jami Evans replied that it was and that they had met with Cedar City Mayor Garth Green and everyone agreed it should stay in Cedar City. Cedar City agreed to continue to store the floats used in the parade. Paul Cozzens asked whether the Utah Counties Indemnity Pool (UCIP) would cover Iron County's liability for the parade. Jon Whittaker replied that they likely would, but that he would verify. Traffic control, the length of the commitment, and ownership were also discussed. Paul Cozzens made a motion to table the MOU to give time for additional consideration. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 18 & 19, RAINBOW MEADOWS RANCHOS, UNIT A – TO COMBINE INTO A SINGLE LOT RENUMBERED 19A – LOCATED IN THE NE¼ NW¼ OF SECTION 30, T36S, R8W, SL&M, IRON COUNTY, UT**

Reed Erickson explained that, while the Zoning Administrator or Planner were now authorized to approve subdivision plats because of the ordinance passed last year, these requests to vacate and amend to combine lots now seemed a bit trivial to bring before the commissioners. He suggested that an additional ordinance be drafted and considered to also allow for administrative approval of this type.

Reed Erickson explained that this vacate and amend action was to combine two lots into a single lot in the Rainbow Meadows Ranchos subdivision, near Brian Head Peak. In particular, the challenge for the owner was to stay within the setbacks of both lots. The new lot would be renumbered as 19A. Paul Cozzens made a motion to approve the partial subdivision vacate and amend for Lots 18 and 19 Rainbow Meadows Ranchos, Unit A to be combined into a single lot renumbered 19A as explained. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOT 1, BLOCK G, WESTVIEW ESTATES SUBDIVISION, PHASE 4 – TO COMBINE INTO A SINGLE LOT RENUMBERED 1 – LOCATED IN THE SE¼ NW¼ OF SECTION 19, T36S, R11W, SL&M, IRON COUNTY, UT. (APN: D-1213-6-1)**

Reed Erickson explained that this item was to dedicate Lot 1, Block G, Westview Estates Subdivision, Phase 4, as open space. The lot was owned by the homeowners association, who wanted to have it dedicated as a park and as common area within the subdivision. This change would not obligate Iron County in any way. It would simply be a common area, that the subdivision could convert to a park, and the homeowners association would continue to own and maintain the parcel. Paul Cozzens made a motion to approve the partial subdivision vacate and amend for Lot 1, Block G, Westview Estates Subdivision, Phase 4, Lot 1. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**CANVASS OF THE JUNE 25, 2024 PRIMARY ELECTION**

Jon Whittaker explained, that under Utah Code Annotated (UCA) 20A-4-301(c), it requires that if one of the county legislative body fails to attend the meeting of the Board of County Canvassers, the remaining members shall replace the absent member by appointing in the order named, County Treasurer, County Assessor, County Sheriff. Because the Treasurer and Assessor could not make it, Sheriff Carpenter graciously consented to sit in on today's Canvass. Jon continued, referring to the election code about the board of canvassers: After each election, the county clerk will present the canvas to the legislative body for certification. Each county legislative body is the board of canvassers for the county. The board of canvassers shall meet to canvas the returns at the usual place of the meeting of the county legislative body at a date and time determined by the county clerk that is no sooner than seven days after the election and no later than 14 days after the election. Today is day 13. Before the Board of Canvassers convenes, the election officer shall count the ballots, prepare the summary of all ballots counted and all ballots not counted with an explanation regarding the reason the ballots were not counted and make available to the Board of Canvassers for inspection of all ballots, registers, books, forms, and forms related to the election. The Board of Canvassers shall canvass the election returns by publicly reviewing the summary reports prepared by the election officer and any ballots. The Board of Canvassers shall, once having begun the canvas, continue until it is completed.

Jon Whittaker then reviewed the Summary and Canvass reports with the Board of Canvassers. Jon then discussed the fundamental role of voter roll maintenance in elections. The Clerk's Office works on voter roll maintenance 365 days per year. He then discussed the Logic and Accuracy test performed before each election. In that test, the election equipment is put through its paces, logging in, tabulating test ballots, and making sure the results are correct. As a matter of fact, an error was found, but it was with the hand count we checked the machines against.

Shaneal Bess, Iron County Chief Deputy Clerk, then explained the signature audit that was performed. 100% of the ballots have their signature checked against the signature on file with the voter's registration. Shaneal explained that the signature audit was now something performed during the signature verification process, instead of after. We do a signature audit on 1% of all signatures before the ballots are removed from the envelopes. Before a Clerk Deputy can verify signatures, they must take and pass signature training each year. She then showed the Board of Canvassers her signature verification certificate. Since Shaneal is the one auditing the signatures, she is unable to verify voter signatures. Also, because when a deputy is verifying signatures, they are not permitted to perform any other tasks, we have two dedicated deputies for signature verification. If their phone rings, they are not allowed to pick it up, if someone comes to the counter, they are not allowed to help. If they need to eat lunch, they must wait for a break in verifying signatures. In practice, Shaneal audited far more signatures than 1%, because she would audit about 4 signatures in a batch of 50. She would then audit batches throughout the day. To audit the signatures, she would pull a completed batch, then pull up the voter's registration, and compare the affidavit with the signature on file. If a deputy feels that a signature does not match, it takes two deputies to reject the signature. If there is a concern about a



signature, it is not simply rejected. We are able to review all of the signed registrations on file, any property records that have been recorded, even marriage licenses and other county documents that have been signed.

Jon Whittaker then explained the post-election audit. This was now done before the canvass. This change in the timing of the post-election audit, was a recent change. Mike Bleak, and Addison Adams, the Parowan City Police Chief performed the audit. We are required to audit 1% of tabulated ballots, so the Lieutenant Governor's Office assigned two random batches of 50 ballots to audit. Micheal Bleak explained that they compared the image on the screen to the ballot in their hand, and to the "cast vote record," which is how the software counted the votes. Micheal reported that the audit showed that the image, the cast vote record, and the physical ballot all matched on 100% of the ballots they audited. He then explained that they found an adjudicated ballot, on which the voter had marked 2 ovals and made their intention clear. They were able to verify that the adjudication matched the voter's intent. Finally, Commissioner Bleak explained that, when tabulated, a unique serial number is sprayed on the side of the ballot. That number is the same number as the cast vote record number. He had participated in the audit for years, and he had never seen a discrepancy in all that time.

Jon Whittaker reviewed some of the key statistics with the Board of Commissioners. Of note was that the State School Board Republican Primary was only in the Kanarrville and Beryl precincts, as it was part of a larger district. Ken Robinson won the Iron County Commission Race against Maile Wilson-Edwards. There were 19,928 active voters. There were 9,384 counted ballots by mail or Dropbox, 404 in person. UOCAVA, the overseas or disabled voters, 12 were counted and then there were 38 provisional voters, leading to the total of 9826. Jon noted that the number of votes cast matched the number of voters given voting credit in the statewide election software, yet another safeguard and double-check on the count. The reconciliation happens multiple times each day when verifying signatures, or checking in ballots, to catch and track down any discrepancy sooner. The number of envelopes with a signature not matching was 19, number of unsigned envelopes was 11, number of challenge back batch ballots for any other curable reasons was 9, 3 had no affidavit, 6 were signed by someone else. The total number of challenge ballots not cured was 39. The total number of ballots that were returned after the postmark deadline 491. The total number of rejected by mail ballots that were not counted is 497. The number of provisional ballots was 43, with 38 of those counting, with 5 not counting.

Jon Whittaker then relayed a thought experiment. Erwin Schrödinger in 1935 came up with a hypothesis that if you put a cat in the box with a vial of poison and there's some trigger for the poison that you can assume that the cat is both dead and alive because you don't know if the poison has been triggered or if the cat has died. This was the situation with quite a number of ballots that came back with a postmark that was too late. There were a large number of ballots that were postmarked on June 25<sup>th</sup>, or election day, which is one day too late. However, they were intermixed with ballots that had both the mechanical June 25 postmark *and* a manual stamp from a day or two *before*. In other words, they all came together with the same mechanical postmark, but *some* were able to be counted and the others could be assumed to also be in possession of the United States Postal Service (USPS). In terms of Schrödinger's Cat, the ballots both count and should not be counted. Unfortunately, under the law, they are not allowed to be counted because the law for mailed ballots is that the postmark *must* be before election day.

On Thursday, June 27th, over 400 ballots came in with a late postmark, June 25th and that was a very high number. They were intermixed with hand stamped envelope showing a validate and the mechanical 25th postmark. Jon Whittaker then displayed examples of ballot envelopes with both the late mechanical postmark and the on-time manual, or ball stamp, postmark.

Jon Whittaker then explained that, in addition to the postmark, there is an ultra-violet bar code that is sprayed on the back of mail that, among other things, gives the exact date and time that parcel first entered a USPS machine. In conversations with USPS contacts and other county clerks, Jon learned about the bar code, and that, if a parcel was in Las Vegas to be processed *before* the time when it could have been dropped in a mailbox in Iron County, perhaps he could argue that that ballot should be counted. Lannie Chapman, the Salt Lake County Clerk, was in

possession of an ultra-violet scanner, and was willing to lend it. Therefore, Jon drove to Salt Lake City and back, and he and Chief Deputy Clerk, Shaneal Bess, scanned the ballots. Unfortunately, the earliest time stamp showing on any of the ballot envelopes was June 25 at 6:00 p.m. It was at that point that, under the law, Jon determined that they could not be counted. Ultimately, the decision and responsibility to count or not count such ballots falls upon the county clerk.

Paul Cozzens asked Jon Whittaker if he would be willing to read an email that he wrote to other county clerks whose mail is routed through Las Vegas, the Lieutenant Governor's Office, and to contacts within the USPS. Jon agreed to read the letter, but expressed regret at having written it in anger, and that discretion is the better part of valor.

Chad Dotson explained that as the Iron County Attorney, explained that he is often called upon to advise commissioners, elected officials, and department heads. As the county's attorney, he needs to apply the law to facts, and that's the same with criminal prosecution, and making decisions. In this case, unfortunately, the statute is pretty clear. Those ballots do not have a postmark before election day. Chad noted that there were some voters who reached out and said that they would sign a sworn affidavit that they in fact placed their ballot in the mail prior to Election Day. Chad expressed that there would be value in that in as much as it highlights the scope and the scale of the issue. Because two things can be true at once. There is an issue that needs to be addressed whether that be our process with the USPS in Iron County and how things are received whether they go to Vegas or not whether their hand stamps or not. He expressed that, perhaps, the legislature should make some changes. He noted that it is also true that the law is clear and that those ballots that are not clearly marked before election day, unfortunately, cannot count. And so, if there are affidavits, I think that it helps again highlight the issue, the scope and scale so that we can hopefully address this issue for future elections. He concluded by advising that affidavits do not cure or overcome the burden that the plain language of the statute puts on the clerk for purposes of this election.

There was a question regarding whether the ballot envelopes that had both an earlier postmark as well as the too late Las Vegas postmark counted. Jon Whittaker explained that, because they had evidence of a postmark before election day, those ballots were processed and counted.

Jon Whittaker noted that, out of frustration, he wrote a letter as noted above. He elaborated, saying that since last fall, the mail had been routed through Las Vegas for most of the 847 three-digit zip codes. There had been concern, and the USPS leadership had attended the clerk/auditor meetings in the spring and gave assurances that the postmarks were timely. He was frustrated at not being able to count the questionable ballots and he wrote the letter:

*Good Afternoon.*

*On this email are all of my contacts with the USPS, the Utah Lieutenant Governor's Office key staff, Iron County Attorney staff, and county elections staff and clerks for the 847 three-digit zip codes.*

*I am livid!!*

*In spite of repeated assurances, I once again, have a large number of returned ballots that are not able to be counted by Utah law:*

*In the mail today were 429 by mail Iron County ballots. Of those, 14 will be able to be counted. 415 will not. Utah law requires that a ballot envelope be stamped with a date before the election, so in this case, June 24th. I am upset because nearly all of the ballot envelopes that will not be counted are mechanically stamped June 25th at the Las Vegas sort center. Most damning is that on all of the countable ballot envelopes, there is both the mechanical Las Vegas stamp, plus another stamp with an earlier date. Either a hand stamp at a local post office, or a mechanical stamp from another place.*

*Because both the ballot envelopes that are going to be rejected, as well as those that will count all have the June 25th cancellation stamp, I can only assume that at least some of those that bear the June 25th date were mailed on the 24th and should therefore be counted. However, because of the maddening 340 mile journey all mail must take to the Vegas sort center and back, they were likely stamped after midnight, even though they entered the mail stream on the 24th. This is unacceptable!!*

*Also, even if I felt it were appropriate to violate Utah Election Code (It's not, by the way) and count some or all of the ballots in these envelopes, how would I know which were stamped after midnight due to a system that is too big to care, but also too inefficient to function properly, and those which were actually mailed after the deadline?*

*When I stand before the Board of Commissioners and present the Canvass of the Election Results, it is a sacred thing to me. I stand and present the results, my procedures, the turnout, any problems, and how it went. This time, I feel that over 400 voices were silenced for no good reason.*

*This has been a worry for some time, with similar evidence from earlier elections.*

*I am demanding that this issue be addressed. Not only for ballots and election mail, but for better service for all 847 zip codes. I am talking proper sleeves, I am talking better priority for Utah mail, I am talking more proactive communication from Vegas to 847 postmasters and staff. I have visited with local postmasters who are quietly frustrated at the poor service from the Las Vegas sort center. They might not say it, but I will: You must give equal priority to Utah mail; especially election mail; You must properly staff and equip your teams so that an appropriate level of service can be provided; Local postmasters must have a clear chain of command through which to escalate questions and problems.*

*In this era of distrust in core American institutions, your performance has been sub-par. Utah is an all-by-mail state for elections, and the Lieutenant Governor's Office, as well as clerks' offices around the state regularly defend the USPS. But you must make yourself defensible! My ability and willingness to defend the USPS is waning. Step up! You are failing us in something as simple as a timely postmark.*

*This is not something trite. If confidence is lost for elections, the USPS, and other key institutions, we will eventually tear apart the fabric of our society. Your incompetence in this regard damages both your reputation and ours (as Utah election officials).*

*If I do not see some concrete policy and procedural steps from the USPS on this matter, I will have no choice but to modify my instructions to voters, reflecting a loss in confidence in the USPS's ability to perform its duty. I will also pursue legal action, such as I am able, to compel better performance.*

Jon Whittaker then explained that the remainder of the letter was procedural.

Paul Cozzens thanked Jon Whittaker for reading the letter and noted Jon's emotions and concern for elections and this issue. Paul expressed that the Clerk's office takes elections very seriously and does a wonderful job. He noted that, as deliberations ensue today, in no way were his comments meant to criticize the Clerk's Office, because he feels they do their best and it's really hard. Especially as time goes on, it is becoming more and more difficult for clerks and their offices with the criticism and the microscope that's on them.

Jon Whittaker interjected to finish his initial presentation by discussing the opportunity cost of not certifying the election. There were roughly 400 or so suspect ballots versus 9,826

counted votes being silenced if the certification was not approved. Jon Whittaker expressed that it was a difficult situation, but that it was a very stark contrast to certifying versus not.

Jon Whittaker reported on the planned corrective action regarding delayed postmarks. First, the ballot instructions would include a message to not delay in the mailing of ballots once voted. Also, if he ended up being unable to gain any confidence in the postmark issue, he would instruct voters to either get a hand postmark within 5 days or drop their ballot in a drop box instead of mailing it. Another corrective action would be that he would be installing 24 hour drop boxes around the county. There would be outdoor drop boxes in Cedar City, in the parking garage next to the utility drop box; in Enoch City, at the city offices next to the utility drop box; and in Parowan at the courthouse near the 100 East driveway. He noted that he would be meeting with the USPS to demand correction. Jon expressed that there were many creative and dedicated people that worked for the USPS, some of whom were very helpful when he called. It hurt him that the USPS was receiving such criticism. Finally, he recommended that the commissioners, as the board of canvassers, certify the election. Ultimately, the law requires that ballot envelopes be postmarked before election day. The law does not say anything about when a ballot is mailed. Jon expressed that he hated the situation, and his actions reflect that. He wrote a petulant letter to the USPS, he drove to Salt Lake City and back, hoping to make the ballots be able to count. Jon noted that both he, and the board of canvassers are bound by law. Not certifying would put 9,800 voices in risk in favor of the 400 he was unable to count because of postmark.

Blaine Nay, a citizen of Cedar City, asked that because there were some very close races, if we cannot trust the USPS, then why are we using them?

Brad Green, a resident of Cedar City, noted those individuals that stood and discussed the security of elections, but noted that no one from the USPS spoke. He expressed that the election was interfered with because of the delay in postmark. He did not believe it was not appropriate nor moral to certify this election.

Camille Topham explained that she dropped her ballot in the mail on June 23<sup>rd</sup> as her family was traveling to Colorado in an Enoch City post box. She has been using by mail ballots from the beginning, and though that perhaps her family were the only ones, but she saw Commissioner Cozzens' Facebook posts. She wondered whether the ballots traveling out of state was an opportunity for fraud.

Jon Whittaker replied that there would be 24 hour drop boxes from now on. He agreed that it was a reasonable assumption that there be a timely postmark applied. That is why he wrote the aforementioned letter to the USPS.

Stephanie Hill mentioned this issue would be need to be addressed, but that she was involved with an organization called Take Action for Freedom. She and that organization felt there were some major discrepancies between voter rolls and ballots. As they canvassed voters they discovered that there were differences. They had tried to get Utah to move away from voting by mail and back to in-person voting. Voting is one of the most important things we do in this country, and to have even one vote dismissed would not be acceptable.

Tiffany Matthews, a resident of Cedar City, explained that she was taking a youth group boating and dropped her ballot in the mail on Monday morning before they left. She later got a letter stating the postmark was too late. Integrity in elections is important.

Dixon Tiffany, a resident of Cedar City, expressed that he was completely against by mail voting. Mr. Tiffany expressed that he would like a return to in-person voting. He expressed that there had been too many issues in the last decade that have messed up in this country.

LaJuana Robinson, a resident of Paragonah Town, reported that she dropped her ballot in the blue receptacle on June 23<sup>rd</sup> at about 1:00 p.m., before the 2:50 p.m. pick up time. She assumed that the ballot envelope would be stamped in Parowan and be counted. Mrs. Robinson wished that there would be a 24 hour drop box in Parowan.

Shaneal Bess, Iron County Chief Deputy Clerk, noted that it is important to know the pick-up times for each blue mail receptacle.

Paul Cozzens noted, that when Jon Whittaker explained that there were 429 ballots returned late he was alarmed and very concerned. The next day Paul was in the barber chair, and his barber said he and his wife's ballots did not count. Another individual reported that they

dropped their ballot in the mail on June 24<sup>th</sup>, and their ballot did not count. After this Paul made a Facebook post inquiring about the issue. He then visited folks that reached out to him and presented them with an affidavit saying they mailed their ballots before election day. Paul then noted that he had been a business man for years, and recalled mailing his quarterly sales tax reports, before it was digital, and never had a problem with the postmark.

Quoting Lieutenant Governor Diedre Henderson, saying a canvas is a public meeting conducted by election officials and county commissioners to review the election. He quoted her saying, "Discrepancies are thoroughly evaluated and resolved "to ensure all valid votes are accurately reflected. "The overall purpose of a canvas is to ensure "the accuracy and integrity of each election." Paul then related conversations with Speaker of the House Mike Shultz, invoking Lieutenant Governor Diedre Henderson noting that county clerks might have wiggle room on the late postmark issue.

Paul Cozzens then recalled the 2022 election where many ballots went missing. He noted that it was nearly 20,000 ballots and that nearly half of the voters were not able to get their ballots that election. He brought that issue up in the legislature and nothing happened. He reflected on Dixon Tiffany, who has voted for 55 years. Paul wondered whether the lieutenant governor might be able to postpone the statewide canvass. He hoped it could be delayed until all 415 voters with a possibly delayed postmark might be contacted. Paul expressed that Mrs. Topham's story was very compelling. He expressed, that under these circumstances that he could not see how they could canvass this election.

Sheriff Ken Carpenter explained that he had communicated with Iron County Attorney, Chad Dotson, who explained that the state law is very clear that it has to be postmarked prior to election day. Ken was not sure how to get around that. He asked Jon Whittaker what would happen if the election were not certified today. As it was unprecedented, Jon replied that the law says, "The Board of Canvassers shall, once having begun the canvass, continue until it is completed. Jon explained that if the election were failed to be certified, typically it has been because of obvious fraud or damage to ballots or interference. This is a terrible situation, but it's none of those things. Jon was unsure of what would happen. There have been examples in Arizona where the Board of Canvassers was compelled to certify, but he was unsure how this situation would play out. Likely, the Attorney General's office would sue to enforce and compel the Board of Canvassers to follow the statute and certify the election. Sheriff Carpenter expressed that if there was indeed wiggle room, it might be prudent to pause the canvass. Perhaps the Iron County Attorney's Office could look for any ambiguities or wiggle room under the law.

Sheriff Ken Carpenter expressed sympathy for those voters whose ballots did not count due to a failing of the Federal Government. He mused whether failing to certify the election would do anything to fix the issue. Ken expressed that the value of the affidavits Commissioner Cozzens mentioned would be to use them when discussing the issue with legislators. He expressed that his fear was that by failing to certify we lose out on the other 9384 people that whose votes did count.

Chad Dotson said that his legal opinion was that the right thing to do would be to certify the election.

Mike Bleak noted his background in law enforcement, as well as the many times he has sworn to uphold the constitution. He noted his experience as an officer, an investigator, and as a detective. Mike noted that in the course of that work, you gather evidence, you gather affidavits, you gather information in an effort to put a case together. That process takes time. He expressed that there was a compelling case to be made to the legislature, but that change would not be today. Mike noted that he did not know any way around honoring the law as it stands today, respecting the law and following the law. He noted that Iron County officials have successfully made their case to the legislature in the past. In conversation with Jon Whittaker, he noted that this problem has happened before, and in other counties.

Paul Cozzens made noted that he typically does not allow for Rated R movies in his house, but has made exceptions with the movies *Saving Private Ryan* and *Patriot*. He noted that his daughters, both of whom were adopted from China, would still be living under communism.

He wanted them to appreciate the sacrifices made for the freedoms we enjoy today. Paul invoked the Boston Tea Party, when colonists dumped tea into Boston Harbor in protest of taxation without representation. They broke the law. Commissioner Cozzens then read this statement:

*“As an elected official, I believe there is no duty more sacred than ensuring the security and integrity of our elections. I cannot, in good conscience, vote to certify an election when hundreds of ballots were marked late by the Postal Service. The Utah Election Code states, if it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, the election officer shall correct the omissions and mistakes. Legitimately registered voters acting in good faith with a clear intent to submit their ballots on time, have substantially complied with our voting laws. These voters are willing to sign a sworn, notarized affidavit, and many already have, attesting that they did comply with election law. So when we talk about laws, there's two laws that we're looking at here. The right to vote has been paid for by the blood of hundreds of thousands who have come before us. Silencing these voices dishonors their sacrifices and undermines the democratic process. Therefore, I will not vote to certify this election until we have a clear path forward without silencing the voices of those who did their duty and mailed their ballots on time.”*

Sheriff Ken Carpenter asked whether it would be possible to put this process on hold to have the opportunity to speak with the Lieutenant Governor's office and the Attorney General's office and see if there might be any way forward. Ken also asked if there was one more day to certify the election. Jon Whittaker replied that they could put the process on hold and that they had until 5:00 p.m. on Tuesday, July 9<sup>th</sup>. Sheriff Ken Carpenter (as a member of the Iron County Board of Canvassers replacing Commissioner Marilyn Wood who was away) made a motion to put this process on hold to have the opportunity of talking with the state representatives to see if there would be a path forward to count the 400 votes with late postmarks. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Ken Carpenter, Aye; Paul Cozzens, Aye.

Jon Whittaker noted that he would make public notice for a Special Meeting the next day, and make the other arrangements.

### **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the creation of a new position, Part-Time Law Clerk, effective August 5<sup>th</sup>, the new hire of Dallin Brooks as a Part-Time Law Clerk for the Attorney's Office, effective August 5<sup>th</sup>. The promotion of Charles Day from Full-Time Deputy 2 to Full-Time Deputy 3, Effective July 7<sup>th</sup> in the Sheriff's Office. The promotion of Skyler Davis from Full-Time Deputy 2 to Full-Time Deputy 3, Effective August 4<sup>th</sup> in the Sheriff's Office. Paul Cozzens made a motion to approve these personnel changes as presented. Second by Michael Bleak. Voting; Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

Personnel item C, 1 regarding additional grades within the Clerk's Office was tabled at a request by Jon Whittaker, Iron County Clerk.

### **NON-DELEGATED ITEMS**

#### **Closed Session:**

#### **DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), “STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION”**

Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c) – “Strategy Sessions to discuss pending or reasonably imminent litigation.” Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Absent.

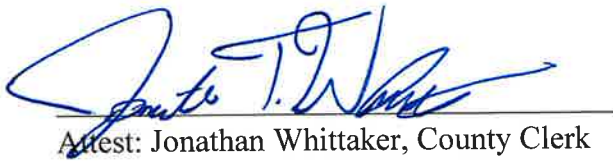


STATE OF UTAH     )  
  ) s.s.  
COUNTY OF IRON    )

I, Michael Bleak, 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(c) for discussion regarding ongoing litigation.



Signed: Michael Bleak, Chairman



Attest: Jonathan Whittaker, County Clerk



**END OF CLOSED SESSION**

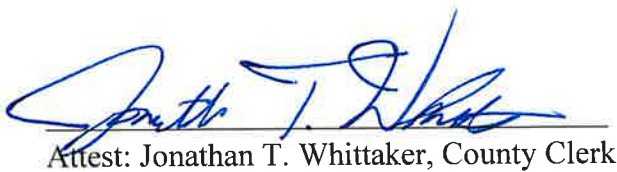
Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: Michael Bleak, Chair



Attest: Jonathan T. Whittaker, County Clerk



**SPECIAL IRON COUNTY COMMISSION MEETING  
JULY 9, 2024**

Minutes of the Special Iron County Commission meeting convened at 4:00 p.m. July 9, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Kenneth Carpenter	County Sheriff
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Others present:

Steve Barton	Wes Barton	Evelyn Jensen
Blaine Nay	Jade Nelson	Susan Sepe
Steve Swann		

**SYNOPSIS**

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CANVASS OF THE IRON COUNTY JUNE 25, 2024 PRIMARY ELECTION.....	2
INVOCATION .....	2
PLEDGE OF ALLEGIANCE.....	6

**INVOCATION**

An invocation was offered by Kenneth Carpenter.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Lieutenant Taylor.

**CANVAS OF THE JUNE 25, 2024 PRIMARY ELECTION**

Jon Whittaker, Iron County Clerk, noted that he would like to recognize the presence of Kenneth Carpenter, Iron County Sheriff. Chad Dotson, Iron County Attorney, was in court today, but Sam Woodall, Deputy Iron County Attorney was here. The election code says that once the canvas has begun, the canvass cannot end until it is completed. Jon explained that Chad Dotson felt that it would be appropriate to have Sheriff Carpenter here for this second day of convening for the canvass.

Sam Woodall, Iron County Deputy Attorney, reported that it could be entered into the record that attempts were made to reach out to representatives of the State of Utah by Jon Whittaker, Sheriff Carpenter, and Commissioner Cozzens.

Jon Whittaker expressed his appreciation to Senator Evan Vickers for summarizing some of the advice he had been receiving from different parties around the state including Speaker Shultz and Tom Vaughn, Legal Council for the legislature. Jon read the letter that Senator Vickers wrote:

*“I wanted to reach out to you with some information that I think will help you in your decision today regarding the certification of the Primary Election in Iron County. I have*

*consulted with Speaker Schultz, President Adams, Lieutenant Governor Henderson, and our legislative legal staff that handles all our election laws. We are all in total agreement as to your options.*

*One, the statute is crystal clear that the ballot must be postmarked or otherwise marked by the Postal Service certifying that the ballot was received before the deadline to be counted.*

*Two, any wiggle room that exists has to be within the law, or in other words certification by the Postal Service that the ballot was received in the proper allotted time. We give the voter ample opportunity to cast their ballot, mailing the ballots out three weeks in advance, allowing for in-person voting, requiring the clerks to have drop boxes in every city and accepting ballots at the clerk's office. When the clerk chooses to accept a ballot to count, he or she has to have ironclad evidence that will stand up in a court of law because the decision will end up in a court for a final interpretation. A voter saying, they put it in the mail would not be considered ironclad and probably wouldn't stand up in court. The question came up as to what would happen if the county chose not to certify the election. The unfortunate fact is that the state would have to take the county to court and the judge would force the county to certify the election. We are elected to govern and do so under the statute. We don't create our own statute, nor do we get to choose what portion of the law we follow and what we don't. The best way to govern is to follow the law, act under the direction of the law, and if we would like to see changes, then work on those changes at a later time. I hope this helps, Evan."*

Kenneth Carpenter, Iron County Sheriff, reported that he reached out to the Attorney General's Office and the Lieutenant Governor's office. He spoke with Ryan Cowley, Election Director, who made it perfectly clear that part of the purpose of the canvassers was to review our County Clerk and the election processes, and to ensure that the county clerk had done everything accurately to the best of his ability. Sheriff Carpenter noted that Ryan Cowley also made it perfectly clear that the law was very concise that any mail-in ballots had to be marked at the designated time, and there was no wiggle room beyond that. Sheriff Carpenter talked with Scott Cheney, Attorney General's Liaison for Voting to the Lieutenant Governor's Office. One of the things that Scott said, that Ken thought was really quite interesting, was the Iron County Attorney was given no wiggle room and was very specific. If the county attorney was given wiggle room to pick and choose whether this vote counted, or that vote counted, the State of Utah would have 29 counties each doing their own thing and there would be no order to the vote. In order to protect the sanctity of the vote, the law has been put in place specifically, with no wiggle room, for the county clerk or the legislative body. Sheriff Carpenter replied that as he reflected upon that, it occurred to him that there was a lot more at stake here than the 400 plus votes of those people, who he believed were very sincere in doing their due diligence to try to get their ballots cast through the United States Postal Service (USPS) in the appropriate time to be marked. But the USPS failed, and that was the bottom line. The postal service failed our citizens. He noted that, unfortunately, the way the state law was written there was no wiggle room. Sheriff Carpenter stated that one of the issues was, as he talked with these gentlemen and others, things that they had also conveyed was that by not certifying this canvas that we also put at risk the other 9,000 plus voters in disenfranchising them. As he really thought and reflected on this, he really felt that as much heartache as it gave him to see 400 ballots, that he thought were legitimately cast, not have the hard fast evidence to be able to support counting them. And as a result, in order to protect the sanctity of the vote in Iron County, we have to approve this canvas. That was the sum total of what he found out in talking with numerous people, including other people who have been involved in state government for a long time. Sheriff Carpenter expressed his appreciation for all of their time and effort to help educate him and help him understand. He stated that he did not like this situation, and there were things that we could do to correct this situation in the future. Unfortunately, at the end of the day the USPS failed Iron County.

Paul Cozzens reported that when it came time to vote on certifying the election, he had a statement that he would like to read. He expressed that he did not blame the Iron County Clerk or his office personnel. They do a wonderful job. Paul reported that approximately 6 years ago, the ballots were late. He did not remember what happened, but thought that the ballots came short of

the deadline. Two elections ago only half of the ballots were delivered and the rest were missing, and now the issue with this election. This has to be fixed and we cannot keep going like this. Every election had been really rough and we cannot keep doing this, and there needed to be some serious changes. Commissioner Cozzens expressed his appreciation to the legislature and having some of them reach out to report that they had already begun some bill files and interim meetings regarding elections and what we need to do to fix some of these problems.

Michael Bleak reported that he had reached out and talked to several people as well, including Senator Vickers who was speaking with Speaker Schultz in conjunction with their conversations, and several other county commissioners. Commissioner Bleak explained that there was an organization, Utah Association of Counties (UAC). Within UAC, there were different affiliate groups. All the elected positions have their own affiliate group within UAC. The one that the commissioners belong to is called the Utah State Association of County Commissioners and Councils (USACCC). He noted that there was a USACCC meeting yesterday and he had several of those members reach out to him. There were 60 people present in that meeting and it was basically unanimous that Iron County must certify this election. They brought up several points. One of them was the state law (he was paraphrasing) reads, "If the information provided by the clerk's office was clear and no evidence of malfeasance or fraud, etc., the Board of Canvassers shall certify that election." Mike reported that with his background as a police officer, there was only one other law that he dealt with that said "shall." The vast majority of laws give a great deal of discretion on how we handle the law. The only other "shall" law that he dealt with was regarding domestic violence. If there was physical evidence of domestic violence, you "shall" arrest that perpetrator, and they go to jail. This was the only other law that he came across, in his own personal dealings, that the legislators had given the "shall" requirement. It does not say we get to pick and choose. It doesn't say that we can pick a part of it. It says that we "shall" approve the canvas if it meets the requirements of the law. Mike noted that he had spent the last, almost 29 years, in public service and had taken several different oaths to support the law, to support the Constitution, and this was no different. The law says "shall", and it meets the code requirements. Now, that being said, it does not mean that board supported the canvas and then walked away. Obviously, there were issues and there were many things that could be done. Commissioner Bleak reported that he was speaking to one of the Beaver County Commissioners today that was interesting. The state actually provided funding for 24-hour secure election drop boxes. He had known about this funding as it came down the pike a year or so ago. The commissioners discussed it during the budget hearings. Mike replied that he was going to take some responsibility and say that we as the Iron County Commission, dropped the ball on that. Had those boxes been in place it would have given people a lot more opportunity not to trust the USPS, and to drop those ballots in a 24-hour secure lock boxes. Talking to other commissioners across the state who have implemented the lock boxes, say that their voting numbers were up and the lock boxes were very secure. This was something that Iron County could do, and he would commit that the lock boxes would be in place before the November election.

Jon Whittaker reported that there would be 24 ballot drop boxes here for the November election.

Michael Bleak noted that this was something that we could do to help mitigate this problem. This was an administrative problem, but we know how to fix it to some degree. We could at least contribute greatly to the fix. The issues with USPS would have to be ironed out, but there were certain things that we could do, as a county, to bring a fix to that problem, and the commission would commit to that. As he reported earlier, he talked with Senator Vickers in conjunction with Speaker Schultz. Mike read speaker Schultz's position, "The law is crystal clear. The ballot must be postmarked or otherwise marked the day before the election. There is a provision that says, "in an issue of controversy effort should be met to meet the will of the voter, and the clerk can make that judgement," but, there has to be ironclad evidence of what that is and a sworn affidavit from the voter isn't enough. Remembering this will ultimately be decided in court by a judge. There would have to be evidence from the USPS that the ballot did get put in the day before the election and that the post marked was the next day. An affidavit alone would

not be enough. We consulted with our legislative legal expert on the election law and he agreed. If the clerk decides to stick their neck out they better have ironclad evidence.”

Sheriff Carpenter reported that one of the things in his conversations last night, was that the ironclad evidence, in this particular case, would have to come from the post office.

Michael Bleak noted that it was the same, that the evidence would have to be provided by the post office because they were the first handler of that mail, and they would have to be the ones to provide that evidence. Anything else would not be admissible in court.

Jon Whittaker reported that he had multiple conversations with USPS about the evidence that he had, and if there were anything that they could show that those ballots were mailed on time and we have not found anything. The post office had been able to answer his questions, but they do not have anything that they could show him that says because of this, we can show that they probably were mailed on time. Jon reported that he went to Salt Lake City to pick up an ultraviolet scanner. He scanned the time stamp on the ballots and all the time stamps were late. Jon noted that he could make a compelling argument, and even going against the law, that it was somehow in a box before election day. Even though he had a lot of anecdotal evidence, he did not have anything concrete between the scanning of the ultraviolet code on the back, to the date stamp itself. Jon stated that there was no one who would rather count these ballots more than himself, but he was bound by the law.

Commissioner Bleak replied that he wanted to point out that there was a provision that said, “in an issue of controversy, effort should be made to meet the will of the voter, and the clerk can make that judgment.” In this instance, Jon hand-sorted ballots, and in fact found several ballots that had a post marked by the post office, but also had a hand stamp from one post office that gave a date that matched, and then another postmark, from Las Vegas that didn't. And those ballots were counted. Jon drove to Salt Lake City and picked up an ultraviolet scanner to come down and individually scan all of those ballots to try and make them valid, but were all late. Jon then took the scanner and drove to Washington County, met with their Clerk Auditor's Office because they had the same issue, and try and validate those ballots in Washington County. Mike reported that once again, our Clerk's Office had gone above and beyond. He noted that this speaks to the very fabric of our nation. At the end of the day, we were a nation of rules that were governed by the rule of law, and in this particular case, the rule of law was very clear and there was no wiggle room.

## **PUBLIC COMMENTS**

Michael Bleak, Iron County Commission Chair, declared to open the meeting for Public Comments.

Steve Swann, a citizen of Iron County, said that he would certainly like to commend the commission and everyone involved. This was a dilemma that he did not think had a good resolution one way or the other, and that there were technicalities. Steve noted that he and his wife placed their ballots in the neighborhood postal box on Sunday before the election, and they trusted in the system. They probably should have taken the ballots to the post office. This was a tragedy. He recommended, that in the future, Iron County, if possible, place a warning label on the ballots saying, “We cannot trust that the postmark will be postmarked on the deadline date.” Steve stated that this issue should be thrown back the USPS and say we don't trust you. Put it in writing and put it on the ballot. If the USPS cannot clearly provide evidence. He understood that it was a federal law that when you put something in a postal box and you try to pull it back out, you were going to be in trouble. He and his wife put the ballots in the postal box, and it was a trust. Once mail was delivered to the post office, there's nothing we can do about it. There has been a huge breach of trust in this whole process. Mr. Swan replied the he stood here today not only as a citizen, but as a voice for others in Iron County who have been stripped of a fundamental right, the right to vote. He was appalled that our governor, and other state leaders, were so willing to dismiss our votes so capriciously. They do have a remedy and could correct this. There were processes, but they were choosing not to use them. Many of us within Iron County, now find ourselves disenfranchised, our voices silenced, our choices dismissed. In a democracy, the ability to cast a ballot was not just a privilege, it was a cornerstone of our

freedom, a beacon of our equality, and a testament to our shared power to shape the future. Steve reported that this was not just about a ballot. It was about dignity, respect, and recognition, and ensuring that every citizen had an equal say in the governance of our society. It was about preserving the integrity of our democracy. Today, he asked each of commissioners to raise their voices and to advocate for legal action to correct this error of legislative ruling and make our votes count.

Evelyn Jensen, a resident of Minersville, stated that she wanted to get this out so all Cedar City and Iron County residents could talk. Evelyn reported that Minersville did have a drop box for them to put their ballot in, which was secured and it was a safe place to drop your ballot. She noted that she used to live in Las Vegas, Nevada and she remembered when the mail went in and the mail went out. She talked to the Postmaster General years ago about this. They have a way to know when that mail arrived at their facility and when it left. That was before they post stamped it and ran it through their machines. Evelyn reported that there were ten counties in 2022 across the nation from Pennsylvania, to New Mexico, and Nevada that chose not to certify their elections because they wanted to make sure everyone's vote counted, and they were able to go back and verify. For example, Esmeralda County in Nevada chose not to certify their election and they were able to go back, there's only about 740 people there, and verify every single one of those votes and then they certified the election. There was precedence to this. In 2020, the same thing happened in multiple counties across the country. Evelyn noted that the residents of Iron County tried to vote. She believed that they put their ballot in on time. There was not a reasonable expectation that when they put their ballots in at the post office, or into a box, that their vote would count and would be postmarked on that day. In Minersville, the postmaster always made sure that every ballot was stamped before it went anywhere. So there was a reasonable expectation from every person here. Not one of them knew that our mail went Las Vegas. She did not even know, and she used to live in Las Vegas. She had no idea that the mail was being shipped from nine counties in Utah down to Las Vegas, a massive city with over a million people and mail going through there like crazy, and that this could happen. A warning was not put on the ballot. She stated that this was not just up to the clerks. It was up to whoever ran the elections up in Salt Lake City. Were there votes that were not counted last year in the special election because they went through Las Vegas, and did not get post marked in time? If this was a possibility in multiple counties, the election officials knew about it and they knew this was an issue.

Jon Whittaker, noted that he did notice more late postmark ballots last year and he became concerned. He invited the Postal Service to the Utah Association of Counties (UAC) meetings this spring, and they pressed the Postal Service on this issue. The Postal Service assured them that all mail got a timely postmark.

Evelyn noted that whoever watches over the elections knew this happened last year. Therefore, because they knew what happened last year, they knew it could happen this year. So why was there not a warning sent out to the nine counties that their mail went to Las Vegas, so that they would have been aware of it. People have their right to vote and their constitutional rights were taken away from them for a fair election.

Susan Sepe, a resident of Parowan, noted, that first, she wanted to say that most of the time when she attended the commission meetings, she was critical of the commission because there was one thing or another that she was not happy with and the decisions that the commissioners made. But, she was very pleased and applauded all the efforts in trying to make sure that this election was full of integrity. Susan reported that her friend, Carol, who was not in attendance here today, was watching the Utah County Canvas and she sent a text saying that there were over 800 returns after the election date in Utah County, and 6% of their ballots were undeliverable. That was a large number. What worried Susan was that you talk about the Constitution, well what about our constitutional rights. Basically, if the commission certified this election with the results not being accurate, you were hindering the candidates, not only the people who vote, and that violated their constitutional rights. She noted that ultimately what we were going to have to do in this country was to go back to voting in person. Voting in person was the most accurate and most secure way vote. A person received an absentee ballot only when



they needed one, so that would be very rare. In the 2020 election Donald Trump requested that the results not be certified because there was discrepancy. She noted that there was a great discrepancy in Iron County, Washington County, and over the state in this election. Susan reported that she overheard a comment from one gentleman to another gentleman in attendance that when you put your mail in the post office box, no matter where it was, it became the property of the United States Post Office. We should be holding the USPS accountable. Not by moving ahead and saying oh they made a mistake and slap their hand and say okay we will certify the election anyway. That that was wrong, absolutely wrong. Utah should take a stance and say we would do everything possible to make sure that our elections were full of integrity and honesty. Susan replied that right now we cannot say that and we cannot say that for the last three elections. She reported that during one of the elections, the ballots never got delivered to her home. Who knows where they went. They were in limbo somewhere. That election was not secure. and we need to take a stance. She also found it very disheartening that the person who oversees elections in this state, was actually on the ballot. That was a conflict of interest. Utah should have a Secretary of State that oversees elections. Most states do. This was the only state in which she had ever lived in that did not have a Secretary of State. So right there, it was bias, and it had no integrity to it. The person on the ballot did not have the privilege to oversee her own election. Thank you very much for your time, and she really appreciated what the commissioners had done here.

Wes Barton, a citizen of Iron County, reported that he would be one of the 9,000 whose vote would not be counted if this election was not certified. He did not think it was fair to throw those votes because of the 400 votes that, unfortunately, could not be counted, Wes wanted to make the point that the commodity being thrown in the harbor was not tea, this was his vote. He would remember if his vote was held as a pawn in someone's political game.

Jade Nelson, a citizen of Iron County, noted that she thought that there was some validation, or valid reasons, to change voting going forward. She did not feel like we could change the rules as they stood. She did not want her vote thrown out. It's not fair or right. It was an ugly situation, but it happened. Throwing out 9,000 votes would not make it right. With what we do forward, let's open that up tomorrow. Jade reported that this election needed to be certified.

Evelyn Jensen reported that in all of the counties that chose not to certify, all the other votes did get counted and certified. All the votes were counted and nothing gets thrown out. The ballots could not be thrown out just because the election was not certified today. Ballots were all certified. They took their time and made sure everything was put together and then they certified in all of those counties across the country.

Sheriff Carpenter reported he was specifically told that we ran the risk of disenfranchising the other 9,000 voters.

Evelyn Jensen stated that of course, they use that as a bully tactic, and a closing deal you close someone. That was absolutely not true. That would not stand up in a federal court of law because the judge would not allow that. They will make sure that those votes get counted. We were just trying to make sure that the other voters that got their ballots in on time were also counted because they have that right too.

Steve Swann replied that this begs a question he had to ask. He knew there was remedy under the law, obviously. This could be done at the county level and it could be done at the state level. He noted that he would really like to know the specific law, section, and article on it because it does not seem correct. It appears like there was some politics going on here with threatening or extortion, and that does not seem right either. He stated that he did not think a county should be extorted in this way.

Michael Bleak noted that he did not think we were going in that direction. It was not a major talking point either. The law was very clear, the statute was very clear, and the language was crystal clear.

Jon Whittaker replied that he did not find any empirical evidence that the suspect ballots were mailed on time. He stated that no one wanted to be able to count those ballots more than himself.

Blaine Ney, a Citizen of Iron County, stated that this was why he never wanted to hold public office. Blaine reported that he really respected all of the commissioners, and the sense of responsibility they gave to this issue. He assured the commissioners that he would give full respect to whatever decision this body made, and equal respect to any dissenting votes.

Paul Cozzens noted that he would like to respond to Mr. Barton's comments. Paul reported that he ran a business for 33 years and he sold it to his son about 6 or 7 years ago. He hated quarterly sales tax with a passion, and he usually put it off until the very last minute. He would hurry and get it done and run it over to the post office and usually made it by 4:45 p.m. on the last day. He always knew, or could count on the fact that the post office would postmark it by 5:00 p.m. That was what he expected for 38 years since the business had been in operation. He would go to the post office and counted on a timely postmark. Chuck Taylor mentioned yesterday that he went to the post office, granted it was late on the 24th at 4 o'clock, deposited his mail and counted on the mail being postmarked. Commissioner Cozzens reported that he truly believed that of the 429 ballots, Jon counted 14 of those ballots that were hand-stamped because those were in a batch. Paul noted that, today, he talked to the mayor of Glendale, who worked for the post office for seven years, said that he thought that batch was ran together and he believed that all of those ballots were legit. Paul reported that based on all the feedback he had received he felt that the ballots were legit, He had no proof, but he did go out on Sunday and he met with five people that voted that said they voted earlier and on time. He reported that he had signed affidavits that were notarized. Paul noted that they would have discussions to try and figure this out to know where people could use a drop box.

Michael Bleak called a short recess to make sure the audio was working for those listening to the live feed online,

Michael Bleak declared the reconvening of the Iron County Commission.

Steve Barton, a resident of Paragonah, reported this was an unfortunate situation and he would not want to be in any of the commissioners' shoes. He commented that the commissioners were champs dealing with this issue. Steve reported that the town of Paragonah did have a drop box located in the Paragonah City Office. He noted that he dropped his ballot into the drop box, and it worked out perfectly. Steve reported that he agreed with Commissioner Cozzens that the postal service should be trusted, but he had not been able to trust the postal service for years. The profession where he worked depended on the USPS and they recently received a check from a customer that was sent six months ago. Unfortunately, those 400 votes did not get counted. He explained that his issue was that we should be able the Postal Service, but it isn't trusted. Those who placed their ballot at the post office thought it was on time and would be counted. He did not feel that this election should be certified on hearsay, as mentioned earlier that there was no evidence. Steve reported to Jon Whittaker that he did reach out to Utah County and they did certify their election and the vote was unanimous.

Paul continued to finish the point that he was trying to make. People trust the post office. He had not known that the mail went to Vegas. Chuck Taylor took his in, 3.45-4:00 p.m. and it should have been postmarked.

Jon Whittaker reported that he certainly felt like there was a reasonable expectation. In his own letter he spoke about that. He believed that there ought to be a reasonable expectation that you would get a timely postmark.

Commissioner Cozzens noted that those ballots got shipped to Las Vegas. He reported that he listened to audio from Commissioner Celeste Myers from Kane County. She said that she went and talked to a Postal Service person that said, "if it was put in the post office past midnight, they account for that." So what happened?

Jon Whittaker shared his frustration. He did find out that they don't roll the date until 7 a.m. because they process mail from all over. Jon noted that he had hoped to show that the ballots went through earlier in the day, but the earliest he found was June 25<sup>th</sup> at 6:00 p.m. He had also hoped to demonstrate with something empirical that the ballots were in possession of the USPS before the 25<sup>th</sup>. Ultimately, he was unsuccessful. So, yes there should be a reasonable expectation of a timely postmark.

Paul Cozzens expressed his appreciation to Sheriff Carpenter. Paul reported that he had reached out to Ryan Cowley, Lieutenant Governor's Officer, and had a good talk with him. Some of the comments sounded a little like a threat. He noted that he asked Ryan Cowley if Iron County did not certify the election what would happen. Ryan noted that the other 9,000 votes could be at risk. Paul noted that he would challenge that because he did not think any judge in the world would do that. Paul read his statement:


*"We still lack the answers needed to ensure the voices of over 400 voters were heard. In our ever-changing world, the law must stay current. The USPS has changed their procedures for processing mail in our area, which we had all talked about and a lot of us did not know about the change. The laws need to be amended to protect and recognize ballots being legitimately mailed so that every vote counts and will continue to count in the future. We want our voters, and future voters, to know that we value their voice in this process. Voting is a right and a privilege. Some argue that we had three weeks to vote, so why were some voters cutting so close? I think we had a good answer to that yesterday from Mrs. Matthews that said, "I don't like to vote early. I like to wait till the last because there's always something that seems to come out about a candidate after I voted early and then I wish I would have changed my vote after. I usually cut it pretty close but I usually use a drop box." Paul noted that Iron County does use drop boxes. There were drop boxes in Cedar City, Enoch, Parowan, Beryl, Paragonah, Brian Head, and Kanarraville, but they were indoors and not 24-7 which was something we need to improve. Paul continued with his written statement. "This highlights the need to reconsider our voting methods. Perhaps returning to opt-in mail voting for those who cannot vote in person and emphasizing in-person voting with a valid ID. Given these concerns, I cannot, in good conscience, vote to certify this election. This does not mean that the votes of 9,000 voters should be discarded. A denial of certification would prompt the Attorney General's Office to force certification in the coming days. What is legal is not always right. Today, it is more important to send a message that elections are crucial and every vote counts, rather than to be a rubber stamp and certify something that is broken. Therefore, I cannot vote to certify this election."*


Sheriff Carpenter reported that he spent 20 years in the Marine Corps, and all but three of those years were outside of the State of Utah. As a result, each time an election came, he voted through an absentee ballot. It was very difficult, because he was serving our country to protect our right to vote and his right to vote. And yet, almost without fail, the absentee ballots were received so late that the elections were already certified. He knew that in those 20 years that his vote was almost never counted. He understood the thoughts and feelings of the people who are in this situation today. Sheriff Carpenter noted that he believed that Jon Whittaker had done his due diligence in trying to do everything that he could to certify these 415 votes. But at the end of the day, there was no ironclad evidence to support that they were put in the mailbox on time. He absolutely accepted the word of the people that have told us that they did so, but it's been made abundantly evident that that's not ironclad evidence and is not acceptable.

Ken Carpenter made a motion to approve the Canvas of the June 25, 2024 Primary Election. Second by Michael Bleak. Voting: Michael Bleak, Aye; Ken Carpenter, Aye; Paul Cozzens, Nay.

#### ADJOURNMENT

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk  
July 9, 2024



**IRON COUNTY COMMISSION MEETING  
JULY 22, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 22, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
George Colson	County Emergency Management
Jennifer Bradbury	County Human Resource
Jared Wilson	County Information Technology
Nicole Rosenberg	County Treasurer
Amber Hatch	County Weed

Others present:

Randon Anderson	David Burton	Rob Dotson
Donald Jackson	Marcus Keller	Gabe Miller
Paul Monroe	Rick Roberts	Jeff Richards

**SYNOPSIS**

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COORIDOR PRESERVATION FUNDS FOR RIGHT OF WAY, 5200 N ENOCH .....	5
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TELECOMMUNICATION FRANCHISE AGREEMENT, DBA INFOWEST .....	6
USE OF IRON COUNTY ANTELOPE ROAD .....	5

**INVOCATION**

An invocation was offered by Bruce Anderson.

**PLEDGE OF ALLEGIANCE**

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

**CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve the claims for payment from July 8, 2024 to July 21, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS,**

**Paul Monroe, Central Iron County Water Conservancy District (CICWCD) General Manager,** reported that the CICWCD’s new facility located on West View Drive was progressing through construction well. They were hoping to be able to move in by the first of the year. There was some concern whether they could get a transformer delivered in time. The CICWCD was installing about \$7M of infrastructure this year. Looping systems at 4000 North, west of Lund Highway and 2300 West and 1700 West. These projects will help to balance the whole central valley. Cedar City was drilling a well and pursuing others near the north end of the Cedar basin. The CICWCD would be able to convey that water and allow them to provide more flow. The overarching plan was to follow the planned belt route on the western side of Cedar Valley with a main transmission line, which would align well with the newly proposed and developed wells. They were planning on a 4 million gallon tank near the Inland Port area. This tank would help balance pressure in the central part of the valley. The CICWCD was hoping to alleviate head pressure at wells near Quichapa Lake the currently must pump up to the tank above Walmart by allowing the water to be pumped to the new, planned tank near Inland Port. They intended to build a booster pump station near the “Y,” where the Cedar City and CICWCD systems could be conjoined. Paul Cozzens asked if there would be any metering between the CICWCD and Cedar City to ensure a fair calculation of flows. Paul Monroe answered that, yes, there would be metering. They then discussed wells in Basin 71, near WECCO. Regarding conservation, the Cedar City Wastewater Plant would be upgraded to produce Type 1 effluent, allowing it to come in contact with humans, so it could be used in parks, golf courses, etc. The economics of this Type 1 upgrade amounted to about \$10,000 per acre foot. This water, plus water out of Quichapa would allow for the idling of wells, conserving the water that would otherwise have been pumped. Paul Monroe discussed with the commissioners their recharge efforts. In many places, the water table was actually going up. They were committed to long term improvement of the aquifer. In Basin 14 or the Pine Valley Water Supply Project, plans continued to move forward, but were still several years out.

**Jared Wilson, Iron County Information Technology (IT) Director,** reported that this had been a very busy time for the IT Department. Jared noted that the budget was on track and the workload was high right now. He noted that the new Children's Justice Center had been demanding and performing server migrations with Eagle were taking a lot of time. Kendal Allan and Josh Meredith were able to attend the Environmental Systems Research Institute (ESRI) conference. Braden from the Assessor's Office is actually down there with them, which was very beneficial. Jared expressed his appreciation for Karsten, who allowed Braden to take the lead in that office doing GIS activities. Jared discussed with the commissioners the transition from .net to .gov. They were going department by department, and it would take a while. The new domain would be: [www.ironcountyut.gov](http://www.ironcountyut.gov). They would complete the process to minimize the extra expense of letterhead, business cards and the like. Marilyn Wood expressed her appreciation to



Kendal Allan for the livestock trails map. Kudos were also given for wiring the Childrens Justice Center (CJC) building.

**Nicole Rosenberg, Iron County Treasurer,** reported that the Treasurer's Office had collected \$16 million since January, with \$2.8 distributed to Iron County. Most tax collections happen in October, November, and December. The Utah Public Treasurer's Investment Fund (PTIF) rate was 5.44% last quarter and was 5.43% currently. In one of Iron County's PTIF accounts, they gained over \$1.2M in interest so far in 2024. In the account that was set aside with Moreton, the rates were between 5% and 6%. With \$20M invested, the Moreton account accrued over \$800,000 in 2023. The May tax sale went well, with everything listed being sold. Only fractional interest in "campsite" parcels near the Nevada border were withheld and retained by Iron County in an ongoing effort to consolidate those parcels. Nicole's deputies were working on several projects, as well as coordinating with Teresa Caldwell on Personal Property, a new merchant system at the landfill,

**Marilyn Wood, Iron County Commissioner,** was helping with the preparations for the Jail groundbreaking, which would be on August 16<sup>th</sup>. Also on August 16<sup>th</sup> would be the ribbon cutting for the new CJC building. Her family held a reunion at Wood Ranch, and it is a beautiful site.

**Paul Cozzens, Iron County Commissioner,** reported that the July Jamboree was successful. He and Mary, Paul's wife, were involved with Rotary Club and she did all the registrations for all the cars she spent a lot of hours doing that. The cars line up clear down to State Bank now, it just keeps going. It's a great event for our area and a lot of people came out and supported that. Paul reported that he attended the Southwest Behavioral Health Board meeting this last week. He also attended the Human Services Council meeting. Paul explained that the Human Service Council manage a lot of the federal grants for different things in the area. He attended a Library Board meeting this last week. They approved a new general plan and policy changes. Plans for the new jail continue to forward and there were weekly meetings about it.

**Michael Bleak, Iron County Commission,** noted that Commissioner Wood mentioned the jail groundbreaking on August 16<sup>th</sup>. It was great to have made it to this point. Mike reported that the Graff Point fire above Kanarraville had burned approximately 600 acres. It was very difficult to get manpower into the area. We to rely on air support to get the fire under control. Ultimately, it was turned over to a Type 2 management team, which they bring in a team that does everything from fighting the fire, the logistics, and the finances. The Type 2 team was very important because it triggered the billing to go to the Federal Government, and the state and federal government pick that up. Ryan Riddle, Iron County Fire Warden, designated that right in the beginning which was always good because the county was not responsible for the millions of dollars that it cost. As of Saturday morning, operations were turned back to local management. There was no longer a need for the Type 2 team. The fire was essentially out. As of Saturday morning, all of the evacuations were lifted, all of the roads were reopened, and there was no loss of property, nor loss of any structures. Mike expressed his thanks to Ryan Riddle and George Colson, who did not get much sleep managing evacuations and road closures. He reiterated that Iron County fire departments work and coordinate very well together. The fire did come close to a hut, which burned within a hundred yards of several structures. There was one. I don't remember which one, but it was significantly closer than that. They dropped a team on there. I remember whose cabin was but they spent a couple of days Basically camped on the front porch to save that structure, and they did. Just the usual folks, I want to thank George Colson, who was up about 24 hours a day managing evacuations and road closures.

Commissioner Bleak memorialized Jill Shuler, who recently passed away. Jill spent 29 years working for the Utah Shakespeare Festival (USF). As chief fundraiser, she raised millions of dollars. She was famous for her bedazzling skills. She was well loved, especially by her partner of 49 years, Scott Phillips.



**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 10 AND 11, CEDAR HIGHLAND SUBDIVISION FOR THE PURPOSE OF ADJUSTING THE COMMON LOT LINE BETWEEN TWO LOTS AND VACATING THE EXISTING ACCESS EASEMENT BETWEEN THE ORIGINAL TWO LOTS LOCATED IN THE S ½ S ½ SECTION 25, AND THE N ½ N ½ SECTION 26, T36S, R11W, SLB&M, IRON COUNTY (D-1024-0011-0011 , D-1024-0011-0010) Applicant: Neal Family Trust**

Reed Erickson, Iron County Planner, reported that the two lots were located in Cedar Highlands. The topography on the lots were high on the south side and low down against the road. The aerial showed what was lot 11, so the one on the top was lot 10 and the one on the bottom was lot 11. The lots had the same owner and built a home up on the top and have access off of the top. Reed explained that the owner was trying to create a buildable lot, and creating the new lot line to be this line between lot 10 and 11. He was not vacating a lot, and not combining them into a single lot, we were ensuring that each lot had frontage on a county dedicated road. Reed reported that he was trying to amend the lot line between those two lots. He noted that there was a five-foot utility easement on each side of the property line that would be vacated, and an additional access easement would also be vacated by part of this process. Reed explained that because they were vacating an easement, it required a public hearing. The Iron County Planning Commission (ICPC) had sent letters to adjacent property owners and posted for a public hearing. when there's a consideration of the vacation of any road. He noted that these were easements, and the ICPC wanted to make sure that they were doing a plat amendment rather than just a lot line adjustment so that we can vacate those easements.

Michael Bleak, Iron County Commission Chair, declare a Public Hearing open regarding vacate and amend of Lots 10 & 11, Cedar Highlands.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed explained that there was an inquiry by the Cedar Highlands Homeowners Association. The HOA came into the office and he explained it to them, and they then understood. The ICPC recommend approval.

Marilyn Wood made a motion to approve the partial subdivision vacate and amend for Lots 11 and 10 located in the Cedar Highlands subdivision for the purpose of adjusting the common lot line between two lots and vacating the existing access easement between the original two lots, including the Public Utility Easement (PUE). Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye. second.

**PUBLIC COMMENTS**

Not public comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT FOR A TEMPORARY BEER EVENT PERMIT TO BE HELD AT THE CEDAR BEACH OASIS LOCATED AT 7896 N LUND HIGHWAY ON AUGUST 30<sup>TH</sup> THROUGH SEPTEMBER 1<sup>ST</sup>**

Jon Whittaker, Iron County Clerk, reported that Cedar Beach Oasis submitted the application and the commissioners had a copy of the local consent. He noted that this was similar to the other events that had previously been held there.

Paul Cozzens made a motion to approve a local consent for a temporary beer event permit to be held at the Cedar Beach Oasis 7896 North Lund Highway on August 30th and September 1st. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE PERMISSION TO USE A PORTION OF ANTELOPE ROAD AND CLOSE COMSTOCK ROAD FOR AN OFF-ROAD EVENT ON AUGUST 3,**

Donald Jackson, Legacy Racing, expressed his pleasure to bring the Dirt Revolution event back again for the fourth year. Donald noted that this had been a really good event. There was a lot of new eyes coming to the Cedar City area from their participants and they had really enjoyed the event held in Cedar City. He reported that they would like to close Comstock Road and use a portion of Antelope Road from the Iron Springs Road down to the motocross track and then return to Comstock Road again for about another two miles. Antelope Road would stay open to the public for those residents getting to and from their homes. They would put a 25-mile per hour speed limit in there and monitor that so that they are not locked out of their facilities. Donald reported that he had spoken with Bruce Anderson, Iron County Public Works Director, and he was fine with the proposal to close Comstock and leave Antelope open for those residents. He explained that the event would be based out of Iron Springs, as during previous events. The Festival would be there on Friday and then the race would be held on Saturday and clean up would be on Sunday. Donald reported that once the event was over Dirt Revolution would go back and fix Antelope Road and Comstock Road put them back to their condition prior to the event. Mr. Jackson explained that there would be two events on the same day. There was a marathon being held in the morning and the Sheriff's Department was helping with that. He had coordinated with Gordon at the Volunteers in Police Service (VIPs), and he been coordinating with Sheriff Carpenter. The coverage for the race would be a little light for them in the morning with the bike and quad race, but in the afternoon when the UTVs race was scheduled, there would be more coverage for that, which is when it gets a little more congested. Jon Whittaker asked, since the event had been held for several years, what lessons had Mr. Jackson learned, and what were changes were they implementing. Mr. Jackson replied that one of the biggest things was they thought Three Peaks was a great idea for the race because it was a recreation area. It turned out that it was a bad place to try and close down because there was so much activity there, and the sheriff also had concerns with the shooting range road. We wanted to keep it open. It got closed one or two times and the sheriff was like we'd rather stay off of the shooting range road. So that basically moved everything to Iron Springs and then west of there so there is nothing east of Iron Springs. That's some of the big learning curves that we we've encountered. The first year we closed Antelope and then somebody had a basketball tournament scheduled out there and it really created a conflict so they figured out they need to leave the antelope open. There had been some growing pains but overall there at the current location they had not had any negative feedback. Mr. Jackson expressed his appreciation for how open and willing to be flexible Iron County had been throughout. He recognized that his organization was fortunate to hold a race once a year, but the local residents were there the other 364 days per year. Legacy Racing always tried to leave an area better than they found it.

Marilyn Wood made a motion to approve the use of Antelope Road and close Comstock Road for an off-road event on August 3rd 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL, ENOCH CITY REQUESTS CORRIDOR PRESERVATION FUNDS OF \$265K FOR THE PURCHASE OF 4 PROPERTIES TO COMPLETE RIGHT OF WAY (ROW) FOR A PORTION OF 5200 N IN ENOCH CITY. RECOMMENDATION COMES FROM THE IRON COUNTY RURAL TRANSPORTATION ORGANIZATION**

Rob Dotson, Enoch City Manager, explained that \$10 of every vehicle registration goes to Corridor Preservation. Those funds are now maintained by counties. It used to be protected by the State of Utah, but now those funds can be put into use. Rob explained that there were 4 parcels, whose owners were willing to sell the portions needed for the right of way at 5200 North. The total amount needed is \$265K. All values were at or below appraised value.

Paul Cozzens made a motion to approve Enoch City to receive Corridor Preservation funds of \$265,000 for the purchase of the four properties to complete right-of-way for the portion of 5200 North in Enoch City. Commissioner Cozzens noted that this recommendation came from

the Iron County Rural Transportation Organization. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF A TELECOMMUNICATION FRANCHISE AGREEMENT BETWEEN IRON COUNTY AND FIFTH STREET, GEORGIA (DBA INFOWEST)**

Randon Anderson, Fiber Operations Manager, InfoWest, expressed excitement about the possibility of working with a county, as he had worked with many towns. Most recently, he had worked with Salina. Fifth Street Georgia, or InfoWest, has the objective to provide fiberoptic internet, especially to underserved areas. They want to make the best use of precious utility easements. They also seek to partner with developers and municipalities to make the best use of when the ground is disturbed to insert conduit to facilitate future use. Randon explained that there was an existing Franchise Agreement that could be modified if Iron County desired. Reed Erickson, Iron County Planner, noted that Iron County had looked at franchise fees before and was not sure if the proposed Franchise Agreement establishes a fee as part of the agreement, but there was some statutory concerns. Reed wondered whether Sam Woodall, Chief Deputy Attorney had reviewed the agreement. There were some statutory concerns between cities and counties and what counties could do with franchise agreements and franchise fees. When they were looking at franchises, this came up in discussions with Rich Wilson and giving encroachment permits and putting utilities in public rights-of-way. Reed expressed concerns about placing easements and encroachments. Mr. Anderson noted that this was not a time sensitive issue.

Paul Cozzens made a motion to table this item until the agreement could be reviewed by the County Attorney. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION, PRESENTATION OF THE IRON COUNTY 2023 INDEPENDENT AUDIT BY KIMBALL & ROBERTS, CERTIFIED PUBLIC ACCOUNTANTS**

Rick Roberts, Director of Kimball and Roberts, presented the 2023 Independent Audit. He noted that the audit was comprised of 4 sections: Management Discussion and Analysis, Fund Financial Statements, the Statement of Net Position, and the Notes and Required Supplementary Information. After reviewing the information with the commissioners, Kimball and Roberts reported that they had an unmodified opinion, they identified no significant deficiencies or material weaknesses. Further, Iron County was in compliance with State Compliance Audit Guide.

**DISCUSSION AND POSSIBLE APPROVAL OF A COOPERATIVE CONTROL OF NOXIOUS WEEDS AND INVADING WEEDS THROUGH THE USDA FOREST SERVICE GRANT MONEY**

Amber Hatch, Iron County Weed Supervisor, reported that she had another grant that she requesting approval from the commission. Amber explained that this grant was through the Utah Weed Supervisor Association in the amount of \$10,000. The grant was for a project in Fremont Canyon on the Iron County/Beaver border. The grant use was specific for chemical, labor, and public education.

Marilyn Wood made a motion for approval of the cooperative control of noxious weeds and invasive weeds through USDA Forest Service grant money. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CONSIDERATION OF A RESOLUTION 2024-7, DECLARING THE INTENTION OF IRON COUNTY, UTAH, TO ISSUE INDUSTRIAL DEVELOPED REVENUE BONDS TO BE USED TO FINANCE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPMENT OF A COVERED LAGOON DAIRY DIGESTER FACILITY, THE PROJECT, AUTHORIZING THE ISSUANCE AND SALE OF SUCH BONDS IN THE PRINCIPLE AMOUNT NOT TO EXCEED \$10M, ESTABLISHING CONDITIONS WHICH MUST BE MET AT OR PRIOR TO THE ISSUANCE OF THE THE BONDS, PROVIDING FOR THE POSTING OF A NOTICE OF PUBLIC HEARING, PROVIDING FOR THE REIMBURSEMENT FROM THE PROCEEDS OF SUCH BONDS OF EXPENDITURES FOR THE PROJECT AND RELATED MATTERS**

Marcus Keller, Iron County Municipal Advisor of Crews and Associates, explained that this Resolution was to declare Iron County's intent to issue Industrial Developed Revenue Bonds to assist Holt Dairy in the construction of a digester that would capture and produce methane, or natural gas. These bonds were conduit bonds and would in no way affect Iron County's ability to borrow, nor its credit rating. Paul Cozzens made a motion to pass the Resolution 2024-7 declaring the intention of Iron County, Utah to issue Industrial Development Revenue Bonds to be used to finance cost of acquiring, constructing, and equipping of a covered lagoon dairy digester facility, the project, authorizing the issuance and sale of such bonds in the principal amount of not to exceed ten million dollars establishing conditions which must be met at or prior to the issuance of the bonds, providing for the posting of a notice of public hearing, providing for the reimbursement from the proceeds of such bonds of expenditures for the project and related vendors. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## IRON COUNTY RESOLUTION 2024-7

DECLARING THE INTENTION OF IRON COUNTY, UTAH, TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS TO BE USED TO FINANCE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING OF A COVERED LAGOON DAIRY DIGESTER FACILITY (THE "PROJECT"); AUTHORIZING THE ISSUANCE AND SALE OF SUCH BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000; ESTABLISHING CONDITIONS WHICH MUST BE MET AT OR PRIOR TO THE ISSUANCE OF THE BONDS; PROVIDING FOR THE POSTING OF A NOTICE OF PUBLIC HEARING; PROVIDING FOR THE REIMBURSEMENT FROM THE PROCEEDS OF SUCH BONDS OF EXPENDITURES FOR THE PROJECT; AND RELATED MATTERS.

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

WHEREAS, there has been presented to the Board at this meeting a request from New Castle Biogas, LLC (and any related parties) (collectively, the "Borrower") asking the Board to adopt a resolution authorizing the issuance and sale of the County's Industrial Development Revenue Bonds, Series 2024 (New Castle Biogas Project) (the "Bonds") (to be issued from time to time as one or more series and with such other series or title designation(s) as may be determined by the Issuer), the proceeds of which will be used to finance the costs of acquiring, constructing, a covered lagoon dairy digester facility to be owned by the Borrower (the "Project"); and

WHEREAS, the Borrower has requested that the County adopt a resolution evidencing an intent to issue revenue bonds to finance the acquisition, construction, or equipping by the Borrower of the Project to be located in the County; and

WHEREAS, the County has determined that it would be in furtherance of the purpose of the County and the Act to issue not more than Ten Million Dollars (\$10,000,000) of the Bonds to finance the Project to be owned by the Borrower; and

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

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

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

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

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

The Board hereby finds and determines that it is in the best interests of the County for the County to issue the Bonds for the purpose of financing the Project to be located in the County. The County declares its intention to issue the Bonds in accordance with a final bond resolution

(“Final Bond Resolution”) to be adopted at or about the time of the sale of the Bonds, and subject to the terms and conditions of related documents and agreements (the “Bond Documents”) which, in the judgment of the Board, adequately protect the interests of the County, as approved by the Board upon the adoption of the Final Bond Resolution.

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

The County hereby declares its intention that it will issue the Bonds and apply the proceeds thereof to reimburse the Borrower for expenditures made for costs of the Project. The Bonds are to be issued, and the reimbursements are to be made (1) by the later of 18 months after the date the original expenditure is paid or after the date the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid, and (2) with respect to an original expenditure paid not earlier than 60 days prior to the date this Resolution is adopted, except in each case as otherwise permitted by Treasury Regulations Section 1.150-2. The maximum principal amount of the Bonds which will be issued to finance the Project is not expected to exceed \$10,000,000. Qualified costs to be reimbursed shall be determined in accordance with the provisions of Treasury Regulations Section 1.150-2.

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

The Final Bond Resolution and the Bond Documents shall obligate the Borrower to use the proceeds of the Bonds for the Project in such a manner that will preserve the tax-exempt status of the Bonds and that will not result in any responsibility for the County to rebate arbitrage earnings to the Internal Revenue Service. Issuance of the Bonds shall be subject to the review and approval by the County of the Bond Documents and satisfaction of the following conditions:

evidence satisfactory to the Board that the Project is eligible to be financed by a “qualified bond” under the Internal Revenue Code of 1986, as amended;

evidence satisfactory to the Board that the Borrower has received an allocation of “volume cap” from the State of Utah for the Project as required by Section 146 of the Internal Revenue Code of 1986, as amended;

evidence satisfactory to the Board that the Borrower has title to the land upon which the Project will be located; and

a legend shall be placed on all of the Bonds that states that the Bonds shall be special, limited obligations of the County payable solely from and secured by revenues, rights, interests, and collections pledged by the Borrower and shall not constitute nor give rise to a general obligation or liability (legal or equitable) of the County or of the State of Utah or of any subdivision thereof or a charge against its general credit or taxing power;

a letter from Gilmore & Bell, P.C., and addressed to the County, which letter states in effect that the Bonds will not give rise to a general obligation or liability of the County or a charge against its general credit or taxing power; and

a letter from the purchaser of the Bonds that states in effect that such purchaser is purchasing the Bonds for its own account and is not looking to sell or distribute the Bonds to other investors and that in the event that a default in the payment arises with respect to the Bonds, such purchaser will only look to the Borrower to remedy or cure such default.

In accordance with provisions of the Act and in order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board hereby authorizes the County Clerk to post at least seven (7) days prior to August 12, 2024, a “Notice of Public Hearing” (the “Notice”) (i) on the County’s official website; (ii) on the Utah Public Notice Website created under Section 63A-16-601 Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website



(www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, and the Board will meet in public session on August 12, 2024, to receive public comment on the proposed issuance of the Bonds. The Notice shall be in substantially the form attached hereto as Exhibit B.

The officers, employees and agents of the County are hereby authorized to work with the Borrower and others to prepare, for submission to the County, all documents necessary to effect the authorization, issuance and sale of the Bonds.

Any costs incurred by the County in the issuance of the Bonds shall be paid by the Borrower.

If any provisions of this Resolution should be held invalid, the invalidity of such provision shall not affect the validity of any of the other provisions of this Resolution.

The appropriate County officials are hereby authorized and directed to execute and deliver on behalf of the County any additional certificates or documents that they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution.

No member of the Council or employee of the County has any interest, direct or indirect, in the transactions contemplated by the County as described herein.

All resolutions of the County or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency.


This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED by the Board of County Commissioners of Iron County, Utah, on this July 22, 2024.

IRON COUNTY, UTAH:

(SEAL)



By:   
Chair

ATTEST:

By:   
County Clerk



**DISCUSSION AND POSSIBLE FORGIVENESS OF DELINQUENT 2023 TAXES REGARDING APN: 133584**

Jon Whittaker explained that the owner of Account #133584 had had a stroke and failed to apply for their annual abatement. Only in extraordinary circumstances would forgiveness be brought before the commissioners. Jon recommended forgiveness of the delinquent 2023 taxes, as well as the late fees in the amount of \$819.63. Marilyn Wood made a motion to forgive the delinquent 2023 taxes for Account #133584 in the amount of \$819.63. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Manager, presented the new hire of Elijah Brown as a Full-Time Technician in the Landfill Department, effective July 22<sup>nd</sup>. This was a backfill of a vacant position; the new hire of Morgan Bess as a Full-Time Technician in the Landfill Department, effective August 5<sup>th</sup>. This was a backfill of a vacant position; the promotion of Caitlin Lacey from a Full-Time Medical Deputy 2 in the Sheriff's Office-Corrections, effective July 7<sup>th</sup>.

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

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY SPECIAL COMMISSION MEETING  
AUGUST 1, 2024**

Minutes of the Iron County Commission meeting convened at 5:20 p.m. August 1, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Shaneal Bess	Chief Deputy Clerk
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Others in attendance:

Jeff Richards

**SYNOPSIS**

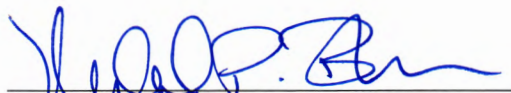
ADJOURNMENT/RECESS..... 1  
CANVASS OF THE RECOUNT OF CD2 IN THE JUNE 25, 2024 PRIMARY ..... 1

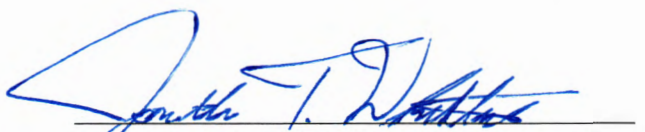
**CANVASS OF THE RECOUNT OF CD2 IN THE JUNE 25, 2024 PRIMARY ELECTION**

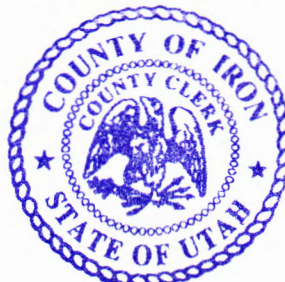
Michael Bleak, Commission Chair, declared the meeting open, noted that it was 20 minutes past the scheduled start time of 5:00 p.m. Jon Whittaker thanked the commissioners for coming and apologized that the Canvass would not be moving forward. Jon explained that there was a database issue that came up for a couple of the other counties in the Congressional District 2 (CD2) recount. The database issue had to do with the adjudication, or human judging of votes that the system flagged as unclear. He noted that they had run some manual checks and did not find any evidence that Iron County was affected. Out of an abundance of caution, and after conferring with both the election vendor Electronic Systems and Software and the Lieutenant Governor's Office, Jon made the decision to allow the vendor to parse the data one additional time. He asked that the commission reconvene another Special Iron County Commission meeting Monday, August 5<sup>th</sup>, at 9:00 a.m.

**ADJOURNMENT/RECESS**

Michael Bleak, Iron County Commission Chair, declared recess until Monday, August 5<sup>th</sup>, at 9:00 a.m.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY SPECIAL COMMISSION MEETING  
AUGUST 5, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 5, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Lucas Little	County Auditor
Nicole Rosenberg	County Treasurer
Shaneal Bess	Chief Deputy Clerk

Others in attendance:

Jeff Richards

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

Those in attendance were lead in the Pledge of Allegiance by Matthew Wood.

**INVOCATION**

An invocation was offered by Amy Bleak.

**CANVASS OF THE RECOUNT OF CD2 IN THE JUNE 25, 2024 PRIMARY ELECTION**

Michael Bleak, Commission Chair, welcomed those in attendance and turned the time over to Jon Whittaker, Iron County Clerk to present the Canvass. Jon explained that today's special meeting was due to a database error found the previous week, which led to delaying the August 1<sup>st</sup> Canvass out of an abundance of caution until today, August 5<sup>th</sup>. The results of the recount for the Congressional District 2 race were as follows: Colby Jenkins, with 4,509 votes increased by one, and that there was one ballot that we adjudicated differently. Celeste Malloy remained unchanged at 5187 votes for a total of 9826. Jon explained that the ballot that was adjudicated differently was very difficult to discern the voter's intent, and was judged an overvote during the election, but a vote for Jenkins during the recount.

Jon Whittaker explained that he had had many conversations with his colleagues, and they were able to get the database issues resolved in Tooele and Washington counties. Iron County, to be clear, never had the problem. The problem was associated with the human adjudication of ballots when the system determines the voter's intent to be unclear. In teams of at least 2, we adjudicate each vote that is flagged by the system. Tracy Shaw, the Tooele County Clerk, noticed that the adjudicated ballots were not correctly represented in the results. Also, there was an error message that was associated with this issue. Essentially, the adjudicated

results were not being completely saved to the results. ES&S had discovered that there was an error that was associated with this problem. So far, only Washington and Tooele counties had the error. Jon reiterated that, not only did Iron County not have the discrepancy in results, there was also no trace of the error message in their database, as reviewed by staff, the Lieutenant Governor's Office, and ES&S.

Another challenge faced that was unique to the recount, was that the ballots are now sprayed with the Cast Vote Record (CVR) number, which was great for comparing an individual ballot with its CVR in the database. Unfortunately, these sprayed numbers fell within the timing marks, and caused many of the ballots to be unreadable by the DS 450 tabulation machine. The solution to this is to replicate the ballot that cannot be read. This process, again, requires 2 staff members to create, then verify the ballot in question, for correct marking and precinct. It is a viable solution, but really slowed down the process.

Commission Chair Michael Bleak asked if there were any comments after Jon's explanation of the recount and associated issues. Paul Cozzens noted that he had a prepared statement, and that nothing he was about to say reflects nothing on our clerk and in his staff, this is simply about the process we're dealing with:

*"The importance of fair and secure elections as a principle, which is actually the foundation of our democratic republic. The Utah Constitution, Article 1, Section 17, states that all elections should be free from interference. This includes interference from the Postal Service. These next three paragraphs I just added this morning after reading this report over the weekend. So, I quote this report. I can give reference to it if somebody wants it. We found that Postal Service personnel did not always comply with policy and procedures regarding all clear certifications, election and political mail logs, and audit checklists. The Postal Service Inspector General warned in a report made public this week. In addition, we identified processes and policies that could pose a risk of delays in the processing and delivery of election and political mail. That means that 2 or 3 percent of ballots gone missing in the mail could add up to tens of thousands or more votes uncounted nationwide in the November election. Other election and political mailings weren't processed on time, about 2.5 percent of the time, according to a chart inside the report. Among the issues flagged in the report were that postal employees didn't keep required logs of processed ballots and election mail and there was a lack of management oversight and monitoring to ensure that election mail and political mail audit checklists were properly completed and accurate information. And that's from that article. If we cannot trust the mail service to postmark or deliver election mail on time, how can we trust them to deliver ballots to voters? In 2021, thousands of ballots in Iron County were never delivered. We still have no explanation as to why the Postal Service disposed of these ballots or at least never delivered them. This year, more than 400 ballots in Iron County were postmarked after the deadline, even though voters claim they mailed them on time. Governor Cox mentioned late postmarks affecting rural Utah voters back in 2018. The legislature renewed discussions earlier this year to changes in mail processing in rural Utah. At the end of the day, we will never see rural Utah represented or protected if we keep acting as a rubber stamp as we certify bad elections. Moving back to in-person voting with an opt-in option is a little more effort but it solves most of the problems we have faced in the last six years of elections in Iron County. And I'll segue, I thought it was interesting this year that in Washington County I think and if I remember correctly about 1,900 ballots were thrown out either due to this curing issue or a postmark issue. I talked to Adam Snow who is a commissioner and there was a hundred and one ballots that were stamped you couldn't read what the postmark even said so there was a hundred and one ballots thrown out those voters were disenfranchised because you couldn't even read what the postmark said it was some kind of weird mark and so they had to throw those out. 24 years ago in the presidential race recounts in Florida the Supreme Court ruled that the government cannot value one person's vote over another by arbitrary treatment. Equal protection applies to the way votes are counted and handled. In the 2020 presidential race, a New York case showed that valid votes delayed by the Postal Service should be counted to avoid*



*disenfranchising voters. I'm worried about this November election, and I've offered to go out and install those boxes to help with at least people being able to drop those into drop boxes and getting them back to us and I applaud that process, and I think that will help a lot. I still worry about getting ballots but as leaders we elected to represent our voters and they trust us to uphold the integrity of our elections and that's what I will do today."*

Marilyn Wood expressed that it was concerning that folks who got their ballots in the mail in time will not have their ballots counted. She noted that, at a family event, one of her relatives expressed that they will never put their ballot in the mail again. During a recent Zoom meeting with UAC staff, they noted that some counties were able to put a note instructing voters to put their ballots into the mail 5 days before the election. Marilyn asked Jon Whittaker if that was something Iron County Could do. Jon explained that, because of economy of scale, they had to purchase their ballot envelopes years in advance, but that they had included direct information regarding mailing early on the ballot instruction sheets. Marilyn noted that Davis County had done such a thing in the past. Jon noted that, in fact, Iron and Washington counties both put a similar warning on their tax bills.

Jon Whittaker explained that they would be installing 24 hour drop boxes with cameras at Cedar City, Enoch, Parowan, Brian Head, Beryl Junction, and Kanarraville. He expressed that they had made it very easy for a voter to get their vote counted.

Paul Cozzens recounted examples of citizens who told him they mailed their ballots before election day. Jon Whittaker replied that the Clerk's Office did an informal test of a timely postmark by mailing election envelopes from the various boxes available. They tested mailboxes in front of their homes, blue receptacles, and mail drop boxes in post offices. The results were that there was no clear issue area, leading Jon to conclude that it was likely a systemic error that caused the suspected delayed postmarks. In addition to their test of the system, Jon asked his deputies to ask voters how and when they mailed their ballots, in case a pattern emerged. No pattern emerged. Jon noted that Utah law does not require substantial compliance, but it requires a post mark before election day.

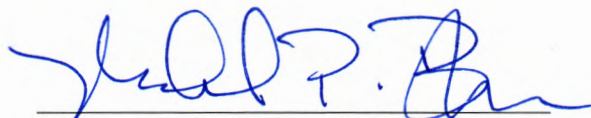
Paul Cozzens asked whether instructions could be included that instruct voters to get a hand stamp at the post office if they are close to the date. Jon Whittaker replied that the ballot instructions already encourage that. Jon also expressed appreciation to George Colson, who had found some federal funding to help purchase cameras for 24 hour ballot drop boxes.

Jon Whittaker noted that, short of some substantial changes, the USPS as is, is what we have to work with, therefore, messaging and 24 hour drop boxes are the best solutions.

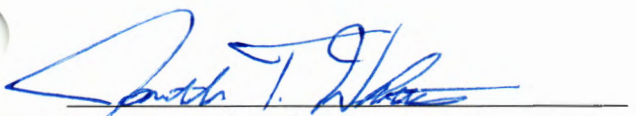
After additional discussion, Marilyn Wood made a motion to accept the Canvass of the Recount of the Congressional District 2 June 25, 2024 Primary Election. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens; Nay; Marilyn Wood, Aye.

#### **ADJOURNMENT**

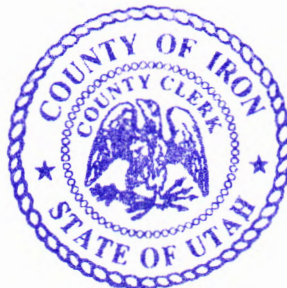
Michael Bleak, Iron County Commission Chair, declared adjournment



Signed: Michael Bleak, Chair



Attest: Jonathan T. Whittaker, County Clerk





**IRON COUNTY COMMISSION MEETING  
AUGUST 12, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 12, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
George Colson	County Emergency Management
Jennifer Bradbury	County Human Resource
Lucas Little	County Auditor
Wendy Jessen	CJC Director
Lori Eichelberger	Justice Court Supervisor
Jaden Reardon	Victims Advocate Coordinator
Bruce Anderson	Public Works Director
Reed Erickson	County Planner

Others present:

Julie Sanders	Brinlie Benson	Kait Sorenson
Larry Zajac	Jennelle Zajac	Linda Smith
David Burton	Patti Truax	Gordon Matheson

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Wendy Jessen.

**INVOCATION**

An invocation was offered by Karsten Reed.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes from the July 8th, 2024 Iron County Commission Meeting. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Abstain.

Paul Cozzens made a motion to approve the minutes from the July 9th, 2024 Iron County Commission Meeting. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Abstain.

**CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve the claims for payment from July 22, 2024 to August 11, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS,**

**Wendy Jessen, Iron County Childrens Justice Center (CJC) Director,** reported that the ribbon cutting for the newly constructed CJC would be Friday, August 16<sup>th</sup>. An open house would follow, along with being featured in the Iron County Parade of Homes, highlighting the layout, design, and purpose of the CJC. They had been awarded \$289K in Victims of Crime Act (VOCA) funding, and \$23K from the State of Utah. Additional state funding also helped fund the new CJC building. They had been very busy with the move from the old building to the new. The CJC now had language interpreters, which were very helpful. The CJC Golf Tournament would be September 13<sup>th</sup>, and the Dancing with the Community Stars would be November 19<sup>th</sup>.

**Lori Eichelberger, Iron County Justice Court Director,** noted that their budget was on track. Interpreter fees had increased to \$57 per hour with a two hour minimum. The Justice Court was fully staffed, with one employee leaving soon. DUI's and domestic violence were down. Theft, assault, and controlled substances were all up, as were revenues.

**Jayden Rearden, Iron County Victims Advocate Coordinator,** reported that his program had served 410 crime victims, with the highest victimizations still being domestic violence and child sexual abuse. Adult physical and sexual abuse were also common. Because of this, Jayden often worked with the CJC. Regardless of whether or not criminal charges are made, the Victims Advocates worked to provide clients with information, referrals to various helpful agencies, and importantly, what the next steps are after an incident. They help victims to know who will be contacting them, what the investigative and court processes will be. In the past, victims services were only offered if charges were filed. All of the Victims Advocates attended the required trainings. There had been some staffing challenges, in particular with the advocate imbedded in Cedar City Police Department (CCPD). Iron County pays for all expenses, and then receives reimbursement through CCPD and VOCA.

**Karsten Reed, Iron County Assessor**, noted that the Utah State Tax Commission (UTSC) changed the structure of their in office representatives, which meant the long standing representative would no longer regularly be in the Assessor's Office. Another challenge was that the Department of Motor Vehicles (DMV) contract was 35 years old, and does not cover the actual expenses. There was a need for an additional assessor, and Karsten was hoping to find a way to pay for that position by making changes to the DMV. Karsten had spoken with State Senator Evan Vickers, and a potential legislative solution was in the works.

Trevor Mattson, Deputy Assessor, explained the transition from RealWare to Puma mass appraisal software. There were some issues with the transition of values into Puma. With 30 factors determining the value, the task was herculean. With 50,000 parcels in Iron County and 7 appraisers, that means that 7,000 parcels fell to each appraiser.

Karsten and the commissioners discussed DMV service in relation to county size, or "class." There was consensus that the contract for DMV services needed to be updated.

**Marilyn Wood, Iron County Commissioner**, reported that the Road Department held a luncheon to celebrate a successful summer of work, especially after being pulled away in 2023 for many repair projects after a heavy winter. Marilyn then responded to a complaint about the chip seal maintenance process. Chip seal is an inexpensive and long-serving method for maintain roads. It involves oil and then gravel. When drivers drive too fast on a recently chip sealed road, they risk picking up gravel which can damage vehicles. It also causes "wash boarding" of the finish. She noted that the Jail groundbreaking would be on September 16<sup>th</sup> at 9:00 a.m. After that, preparations for the concrete walls would begin. With recent rains, the landfill had to be closed for a few hours due to flooding. There was also some debris along Iron Springs and Antelope Roads. She expressed her appreciation to Roads and Landfill staff. She attended a "Fairgrounds Master Plan," meeting on July 29<sup>th</sup>. There have been many improvements, including a facelift for the fair building, a grassy area in front of the bleachers for chairs and blankets. Much of this has been paid for with Tourism money. There would be a Request for Proposals (RFP) for master planning. Marilyn complimented the annual Fair Dinner, as well as the royalty. She and Maria Twitchell had met with the Zion Regional Collaborative at Kanarraville. Tremendous strides had been made at Kanarra Falls in terms of cleanliness, organization and visitation. With Kanarraville taking responsibility for the falls, now 70% of their budget comes from visitors to the site. The Fair events continued with Demolition Derby upcoming.

**Paul Cozzens, Iron County Commissioner**, reported that he was progressing with Cedar City to prepare for the service and billing for water at the new Jail facility. Ultimately, the facility will need a 3 inch meter. Generously, Paul Bittmenn, Cedar City Manager, will allow Iron County to connect for construction, even though the existing Iron County Jail will still be in operation. A Memorandum of Understanding (MOU) was in the works. After the Jail Construction is complete, Iron County will disconnect the 3 inch line at the old facility, and begin service at the new facility. Because of design improvements, the water usage per inmate will be lower. Additionally, no swamp coolers will be in use at the new facility, further reducing water use. Water wise landscaping will also be used. Paul also met with Cedar City and Layton Construction personnel to discuss using an adjacent pit that had excellent gravel for use on the project, thereby reducing costs and adding to aquifer recharge. The idea was well received. Paul also attended a meeting of the Cedar Beaver Watershed Council in Milford. It was important to be involved in the watershed council, because representation was critical, as well as any future appropriations through the legislature that might come to the watershed councils. Paul spoke of the ongoing situation at 800 South in the Westview area. A crosscut from 2023 had been successful for flood mitigation, but the channel had filled with weeds. Also, the water now flowed to an adjacent substation and backed up at the culverts there. He would be meeting with Rocky Mountain Power to find a solution. There would likely be a retention basin. Potentially, in the event of such a basin being filled, Southern Utah University (SUU) could pump the water for their adjacent fields. Paul then discussed ongoing efforts to retain access along the Kolob Basin Road. This was an effort that also included Washington County.

**Michael Bleak, Iron County Commissioner**, reported that the Federal Emergency Management Agency (FEMA) had finally approved monies for the repairs that had taken place

in 2023 along the western edge of Iron County, near Nevada. Mike credited George Colson, Iron County Manager, with helping navigate Iron County through FEMA's process. He met with the Community Impact Board (CIB) and Jon Whittaker regarding funding a potential fire district study, and the CIB awarded funding, at 50% match, for a fire study in Iron County. \$50,000 was allowable for the study, and Iron County will have to pay \$25,000. Mike noted that Jennifer Bradbury had brought her personal vacuum to prepare the CJC building for guests.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 ACRES (R-5) TO RESIDENTIAL 1 ACRE (R-1) FOR APPROXIMATELY 12.77 ACRES (WITHIN THE SW¼ SE¼ & SE¼ SW ¼ SECTION 10, T35S, R11W, SLB&M, IRON COUNTY, UT (APN: D-537-2-4, D-538-538-1, D-538-1, D-534-5 & D-537-2-2)) – LOCATED AT APPROXIMATELY 1150, 1190 W, 1198 W, AND 1316 W MIDVALLEY ROAD, ENOCH, UT**

Reed Erickson, Iron County Planner, noted that the owners of the property, the Mathesons, requested the zone change. Another owner of an adjacent parcel was also in agreement with the zone change and was included in the proposed change. There were 5 parcels in the proposed zone change. Sewer would be provided by the Cedar City sewer system. Water would be provided by the Central Iron County Water Conservancy District (CICWCD). There would likely be a subdivision in the future with 12 1 acre lots. Being connected to sewer allows this higher density.

Michael P. Bleak, Iron County Commission Chair, declared a public hearing open. No comments were offered.

Reed Erickson reviewed the zone change criteria, such as "is it able to be developed in that zone?" or "What uses are allowed?" Also, consideration is given to access, water, sewer, drainage, and transportation. After review the Iron County Planning Commission (ICPC) recommended approval of the zone change. Paul Cozzens made a motion to approve the proposed zone change from residential five acres, R5, to residential one acre, R1, for approximately 12.77 acres within the SW¼ SE¼ & SE¼ SW ¼ Section 10, T35S, R11W, SLB&M, Iron County, UT (APN: D-537-2-4, D-538-538-1, D-538-1, D-534-5 & D-537-2-2)). And as the chair mentioned, it's at 1150, 1190, 1198 West, and 1316 West Mid-Valley Road, Enoch, Utah. Second by Marilyn Wood. 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 RURAL AGRICULTURE 20 ACRE (RA-20) FOR APPROXIMATELY 151.68 ACRES (WITHIN THE NE¼ SECTION 9, T37S, R12W, SLB&M, IRON COUNTY, UT (APN: E-274)) LOCATED AT APPROXIMATELY 7000 W 4000 S, CEDAR CITY, UT**

Reed Erickson explained that this property was current agricultural use with pivots on all sides. Reed noted that no action would be taken today. There would be a public hearing, but the item would be brought back for the September ICPC meeting. The proposed zone change would receive a recommendation and return to the Iron County Commission for consideration. Because of the purposeful limitations of A-20, it would be necessary to rezone to RA-20 in order for the Watson family to do the 7 lot subdivision they desired. There had been some questions regarding water, sewer, and how large the lots would be. Because the envisioned subdivision would have less than 11 lots, no water system would be required. There would be 7 20 to 30 acre lots on these 151 acres, if approved. Fire flow would be provided by having 30,000 gallons available on site. Sewer will be by septic. Because they are coming from a chip sealed road, the roads will be required to be chip sealed as well. Being in a Tier IV area, there could be no subdivision less than 20 acres.

Michael P. Bleak, Iron County Commission Chair, declared a public hearing open. No comments were offered.

Reed Erickson reiterated that this item would be up for review during the September 5<sup>th</sup> ICPC meeting, and then would come back before the commissioners on September 9<sup>th</sup>. No action was taken.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED COUNTY CODE AMENDMENT (ORDINANCE 2024-6), AN ORDINANCE OF IRON COUNTY, UTAH, MODIFYING CHAPTER 16.28 – PLAT AND MINOR SUBDIVISION AMENDMENTS; SECTION 16.04.070 – COUNTY LAND USE AUTHORITY DESIGNATION AND NOTIFICATION REQUIREMENTS, AND PROVIDING AN EFFECTIVE DATE**

Reed Erickson explained that this proposed code amendment came from plat amendments that just combine three lots into two or two lots into one, and do not affect the neighbors or the subdivision, with no reconfiguration of the subdivision. Reed explained that this Ordinance had been reviewed by the ICPC, and received a positive recommendation. The ordinance allows the administrative land use authority to approve subdivisions with less than 11 lots. Typically by statute in our ordinance such a subdivision had to go to the county commission for approval. Since, the Utah State legislature changed that requirement such that, as long as there are no roads being vacated in the subdivision or altered or changed any rights-of-way, then we can make those administrative approvals through the Administrative Land Use Authority without having to schedule and come to the Planning Committee. Paul Cozzens asked if that would simply take place in the office, and whether that would include lot line adjustments. Reed replied that those could now be taken care of in the office. Reed clarified that, to vacate a lot, the process had to include a plat amendment, necessitating legislative approval. Now, it could be approved by staff only. Reed clarified further, that 3 changes were in Ordinance 2024-6; first, the Administrative County Land Use Authority could authorize a plat amendment when there are no roads, rights-of-way, common areas, or public easements that are being proposed to be vacated or amended; second, a plat amendment can be approved; and third, that if roads, rights-of-way, or common areas are affected, the former process applies.

Michael P. Bleak, Iron County Commission Chair, declared a public hearing open regarding Ordinance 2024-6. No comments were offered.

Marilyn Wood made a motion to approve Ordinance 2024-6. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING WITH RESPECT TO THE ISSUANCE BY IRON COUNTY OF NOT TO EXCEED \$10,000,000 IN INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF AN APPROXIMATELY 43,560 SQUARE-FOOT FACILITY TO BE USED BY NEW CASTLE BIOGAS LLC, AS A COVERED LAGOON DAIRY DIGESTER FACILITY AT APPROXIMATELY 198 SOUTH 1200 WEST, NEWCASTLE, UTAH**

Michael P. Bleak, Iron County Commission Chair, declared a public hearing open regarding the issuance of not to exceed \$10M in industrial revenue bonds for a Covered Lagoon Dairy Digester Facility.

Reed Erickson, Iron County Planner, commented. Mr. Erickson noted that this was a project that the ICPC reviewed and issued a Conditional Use Permit (CUP) for, because it is expected to help with the handling of manure and odors and the application of the effluent from the dairy onto the properties there. They would still use the effluent on the fields, but the smell should be greatly reduced, after passing through the digester. He further explained that the original intent of this project was to generate electricity with the methane produced, but now the plan was to inject it into the existing Kern River natural gas pipeline.

Jon Whittaker clarified that this bonding would in no way affect Iron County's bonding ability.

Michael P. Bleak, Iron County Commission Chair, declared the public hearing closed. No action was taken.

**PUBLIC HEARING, REGARDING AMENDMENTS TO THE 2024 BUDGET**

Lucas Little, Iron County Auditor, gave a general overview of the budget, noting that revenues must match expenses. Often, budget adjustments relate to grant monies received. Lucas noted that there was a grant for the Pine Valley Project in the amount of \$400,000; \$250,000 in grants relating to Natural Resources; there was an increase to contributions to the Utah Retirement System (URS) relating to wage increases; electronic door locks for the Council on Aging building; Salary and wage updates for the Iron County Attorney's Office; A Dump Truck for the Engineer's Office after a back-ordered unit finally became available for \$275,000, an increase of \$50,000; a Part-Time Building and Maintenance employee, borne of cost savings by moving some tasks back in house; the parking lot at the Justice Court Center in Cedar City. In the Municipal Services Fund, Lucas noted that garage doors were replaced in the fire building for \$30,000. In Fund 18, the State of Utah granted monies for the new CJC building, an increase from a budgeted \$200,000 to over \$500,000; asphalt expenses for the new CJC building, which will be paid by Iron County; it is anticipated that the sale of the old CJC building will bring in valuable revenue. In the Corridor Preservation Fund, there was a request by Enoch City for \$265,000, which was granted, and is now in the budget. In Fund 27, the Fair Department, there was a transfer of \$100,000 from the Transient Room Tax (TRT), and then \$100,000 from the Restaurant Tax. In Fund 30, Debt Service started receiving payments from the new Sales Tax increase. In Fund 45, the Jail Construction Fund, the interest line item was increased to over \$400,000; and, because of the groundbreaking, construction expenses were increased from \$3M to \$8M, that number may yet change. In Landfill, a new position was added, necessitating a budget adjustment.

Michael P. Bleak, Iron County Commission Chair, declared a public hearing open regarding budget adjustments to the 2024 Iron County Budget. No comments were offered.

**PUBLIC COMMENTS**

Not public comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT PERMIT FOR A SINGLE EVENT PERMIT, MYSTERE A MASQUERADE GALA TO BE HELD ON SEPTEMBER 28, 2024 AT THE IRON SPRINGS RESORT**

Kait Sorenson, Executive Director of Canyon Creek Services, formerly known as Canyon Creek Crisis Women's Crisis Center, explained that the Masquerade Gala would be September 28<sup>th</sup> at the Iron Springs Resort. Paul Cozzens made a motion to approve a local consent permit for a single event permit, Mystere a Masquerade Gala. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PRESENTATION ON 2024 MID-YEAR BUDGET ADJUSTMENTS AND APPROVAL OF RESOLUTION 2024-8 ADOPTING 2024 BUDGET AMENDMENTS**

Marilyn Wood made a motion to approve Resolution 2024-8 Adopting 2024 Budget Amendments. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE PROTEST OF AN ANNEXATION PETITION INTO PAROWAN CITY BY AJM INVESTMENTS, LLC**

Jon Whittaker explained that there had been a request for annexation of a large area into Parowan City by AJM Investments, LLC. There had been some protestors who did not want to be included in this annexation. To exclude them would have created an island of unincorporated Iron County. In Utah Code Annotated (UCA) 10-2-4 it discusses annexations and protests. Sam Woodall noted that the heretofore bona fide protests might not be legitimate, because the protestors were not owners of real, rural property, defined as someone who owns 1,000 contiguous acres. After a brief discussion, Commission Chair Bleak decided to table this item temporarily.



**DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CEDAR CITY REGIONAL WASTEWATER TREATMENT FACILITY, CEDAR CITY, ENOCH CITY AND IRON COUNTY**

Paul Cozzens explained that, of the effluent from the Cedar City Regional Wastewater Treatment Facility, Iron County owns 10%, Enoch City owns 10%, and Cedar City owns 80%. The question was what does Iron County want to do with their share? After a lengthy discussion, Paul Cozzens made a motion to table this Memorandum of Understanding. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**

Jennifer Bradbury presented the new hire of Mia Bowler in the Justice Court as a Full Time Judicial Assistant as a backfill of an upcoming vacant position, effective September 3<sup>rd</sup>, 2024; the new hire of Brenda Valle in the CJC as a Full-Time Victim Services Coordinator as a backfill of a vacant position, effective July 22<sup>nd</sup>, 2024; the promotion of Dean Lain from a Full Time Maintenance Technician 1 to a Full Time Maintenance Technician 2, effective August 18<sup>th</sup>, 2024; the promotion of Jared O’Mealy from a Full Time Deputy 1 to a Full Time Deputy 2, effective August 18<sup>th</sup>, 2024; and the promotion of Jared Cree Carter from a Full Time Deputy 1 to a Full Time Deputy 2, effective August 18<sup>th</sup>, 2024. Marilyn Wood 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.

**DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CEDAR CITY REGIONAL WASTEWATER TREATMENT FACILITY, CEDAR CITY, ENOCH CITY AND IRON COUNTY**

Paul Cozzens explained that, after conferring with Paul Monroe, General Manager of the CICWCD, they have funds and are anxious to work toward water optimization, recharge, and affluent. Therefore, Paul Cozzens made a motion to approve the Memorandum of Understanding between the Cedar City Regional Wastewater Treatment Facility, Cedar City, Enoch City, and Iron County. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE PROTEST OF AN ANNEXATION PETITION INTO PAROWAN CIY BY AJM INVESTMENTS, LLC**

Jon Whittaker explained that, of the two protest letters received, one owner owned 2.08 acres, and the other owned 2.04, well short of the 1,000 acres required to be an “owner of rural real property,” that are under common ownership, and therefore the protests were not legitimate under UCA 10-2-4. Sam Woodall interjected that under UCA 10-2-4 (6) it says if no timely protest is filed, the municipal body may approve this petition, but before that, in subsection 7, it says they have to hold a public hearing. So for those concerned citizens who have filed a protest that may not meet the qualifications of a bona fide protester to force the boundary commission, they can at least convey their concerns to the public body making the decision on the petition in that public hearing.

Dan Jessen, Parowan City Manager, explained that Parowan City has the authority moving forward to either accept the annexation as presented or to deny it. Of course, we have other things that we would put in an annexation agreement and that's where really we have a long road to hoe.

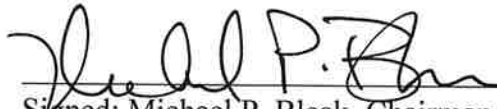
Jon Whittaker explained that, with no valid protest, there was no action for the commissioners to take regarding the protest or the creation of the boundary commission.

**DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

Marilyn Wood made a motion to move into a closed session pursuant to UCA § 52-4-205 (1)(c) – “Strategy Sessions to discuss pending or reasonably imminent litigation.” Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

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

I, Michael P. Bleak, 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(c) for discussion regarding ongoing litigation.

  
Signed: Michael P. Bleak, Chairman

  
Attest: Jonathan Whittaker, County Clerk



**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**DISCUSSION REGARDING CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (a), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

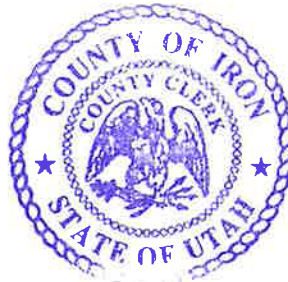
Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (a) – “to discuss the character, professional competence, or physical or mental health of an individual.” Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

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

I, Michael P. Bleak, 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(a) for discussion regarding ongoing litigation.

  
Signed: Michael P. Bleak, Chairman

  
Attest: Jonathan Whittaker, County Clerk

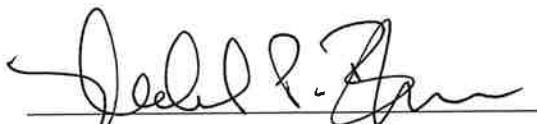


**END OF CLOSED SESSION**


Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: Michael Bleak, Chair



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
AUGUST 26, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 26, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

David Johnson	County Economic Development
George Colson	County Emergency Management
Wade Adams	County Fleet Manager
Jennifer Bradbury	County Human Resource (HR)
	County Public Defender

**SYNOPSIS**

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**INVOCATION**

An invocation was offered by David Johnson.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes from the July 22<sup>nd</sup>, 2024 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 the Claims for Payment from August 12<sup>th</sup> through August 24<sup>th</sup>. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## DEPARTMENTAL REPORTS

**Jon Whittaker, Iron County Clerk**, reported that he was able to secure a hammer drill and the holes had been drilled for 24-hour election drop boxes located at Brian Head, Enoch, Cedar City, and the courthouse. Concrete would be poured at the Parowan Courthouse, Kanarraville and Beryl Junction. Jon noted that he had been having some issues with the placement of the election drop box in Newcastle. He reported that he had acquired the dropboxes, but cameras were required at each dropbox, which would be an additional expense. Marilyn Wood asked if there were cameras at the firehouse? Jon replied that there were and he had considered the firehouse. He spoke with the Newcastle Post Office and was told it was run by the Enterprise Postmaster. He went to visit with the Enterprise Postmaster on Friday, to find that there was no Enterprise Postmaster, but was told that it was run by a person in Milford. He noted that he planned to visit with him. Jon reported that one of his criteria for the placement of the dropbox was you would not have to get out your car, making it a drive-up, drop-off window. Discussion continued regarding the placement of the election drop-boxes and the cameras. Jon reported that he and George Colson attended an election security training in Delta. He then met with Commissioner Blake, Sheriff Carpenter, and the Police Chiefs last week regarding election security. Jon explained that for the November Election, there would be himself and an officer checking the drop boxes. Newcastle and Beryl would not have more than 40 or 50 ballots in there, so we will be strategic about that. Whereas, Cedar City would be getting many more and the drop-box in Cedar was larger to accommodate the ballots being turned in. He noted that there was a logistical part for the Clerk's Office in that we want to have those ballots in hand as soon as we could so they could be Jon explained that each of the ballots had to have a signature verification, and then to begin to build those batches to count the votes. His office would like to have the ballots as early as they could so we can try and stay ahead of the game. He noted that by the time you get to the afternoon on election day, you were getting pretty hammered as far as the number of ballots coming in. Jon reported that he had been working with Jennifer Bradbury and pressing the clerk differentiation. Right now his deputies were at Grade 2, which was half that of some of his colleagues, and there were no other options in the Clerk's Office for advancement. It was either deputy, chief deputy, or clerk. To become the chief deputy or the elected official, you had to give up your career service protections. What he had found, around the state, was that there was a growing demand for, not that there was not before even in counties of our size, to have people who, had a professional track where they have additional education they have to get. The job has gotten significantly more difficult even in the time that he had been the Iron County Clerk. He noted that he was trying to build a career path for people who want to come into the Clerk's Office. The employee would come in at a level two, but have an opportunity to work their way up over time and with the education and duties that was required. It was a demanding job.

**George Colson, Iron County Emergency Manager**, reported that since he last reported, he had been to the Governor's Public Safety Summit, which the Governor always held in St. George; He attended the Federal Emergency Management Agency (FEMA) Region 8 Water Security meeting; The Emergency Communication group held their spring field training day out at Three Peaks over a weekend; He attended the Fire Chiefs Meeting, the Iron County Council of Government (ICCOG) meetings, and the Iron County School District (ICSD) reunification tabletop exercise; He had provided light sets for the July Jamboree, and between July 14<sup>th</sup> and 20<sup>th</sup>, he was on the Graff Point fire; Attended the airport tabletop exercise. George noted that the ICSD was going to hold an exercise in November, and he attended the pre-meeting along with their emergency manager; Had an earthquake meeting with the State Geologist, and the Regional Health Care Coalition meeting; George traveled to Salt Lake to pick up a load of gloves that were needed for the Sheriffs, Police Office's, and detectives. He explained that the state acquired all these gloves during COVID, and they could not hand them all out. He was one of the few people in the state that actually go up and get some of the overstock; He attended the Sinclair Pipeline tabletop exercise; He and Jon Whittaker attended a security training in Fillmore, attended the new Jail Groundbreaking, and the CJC Open House He went to the jail groundbreaking and the CJC open house; He wrote a request for a Regional Portable Morgue,

which he received, as discussed in previous meetings. These Portable Morgue's were needed in the Five County Region. George reported that he wrote a request to seek federal funding for the other counties as well. The cost would be approximately \$96K for four more. This would put a Portable Morgue in every county, and it would more than double our capacity in this region to store human remains; He attended the Mass Care Workshop; Last Thursday, he sent in the administrative costs for the 2023 flood report to FEMA. He began working on that in July of 2023. In November 2023, FEMA said that they were not going to allow us to claim the flood as a disaster. The state fought that until December. FEMA retracted and decided to go ahead and give FEMA funding. Since December of last year, He been reworking the request because he had submitted the initial paperwork in July of 2023, but then had to go back and redo it. It had been over a year in total, and within the last nine months, he was working on getting FEMA all the information that they requested, and he finally completed the paperwork. He signed for the first two installments of the funding. One would go to Mike Worthen, and a little over \$9K would go to Bruce Anderson for the culverts he put in. The third installment should be coming shortly into the state as it could not be sent directly to Iron County. The state had a system set up. George noted that he made a point of saying that the state would not take any of the FEMA funds for administrative costs. The state replied that they would not as FEMA paid separately. The state had a new system that would be going up and running in about two weeks. They would be reaching out to him to find out where he wanted the funds sent. George reported that he spoken to Luke and have it sent directly to him. Then Luke can disperse the funds. Marilyn Wood noted that there had been a lot of work and hours going to that, and she appreciated all that George had done. Bruce Anderson, Justin and Mike Worthen had put in many hours and help. George noted that was telling Luke this morning, that one of the FEMA representatives from Florida was an environmentalist, and he said he wanted to go look at the trails. George told him that they could go out and look at them. The FEMA Rep. stated that he needed to go over every foot what was going to be worked on. George noted that it was pretty rugged country, and the representative insisted on seeing all of it. George then piled all these FEMA representative in his truck and drove them out to Modena. Soon they were asking if they were there yet. George told them that they had not reached Modena where we the side-by-side were taken out of the truck, then it' was another 45 minutes out to where the site was. George explained more to the representatives and after a 3.5-hour drive, the representative said that he did not have to look at all the footage, and had seen enough. Discussion continued regarding the site tour.

**David Johnson, Iron County Economic Development**, reported that there were nine active projects that he was looking at. He did not know all the information on them, but they were large-scale projects that were interested in locating in Iron County. They vary anywhere between plastics and packaging, to aviation manufacturing, and energy projects outside of solar. Although, there were currently 15 solar farms operating, 5 that were permitted, and then another 5 that were looking at Iron County. David reported that the One Utah Summit was coming up in October which would be hosted at Southern Utah University (SUU), which would really be able to showcase Iron County, Cedar City, and drill it in the minds of the state that Southern Utah was not just St. George. Southern Utah was a large-scale region, and the role that we play with our new Trans-load facilities made a significant difference with imports from California.

**Wade Adams, Iron County Fleet Manager**, reported that the Fleet budget was on track. Maintenance had increased. Some of the maintenance work was outsourced. Also, they had begun upfitting vehicles for the Sheriff's Office. 4 vehicles had come in this year, but it was still difficult to get vehicles they had ordered in a timely manner. Efforts continued to replace older vehicles in the fleet. With lower maintenance costs, and often better fuel economy, the turnover vehicles were most lucrative.

**Amber Hatch, Iron County Weed Supervisor**, expressed her appreciation for the support she had received. She mailed out 217 customer letters of people that have private property that have been treated in the past. Of those, they received 77 responses and 60 owners asked them to come treat their property. They continued to work on outreach. She had received a tremendous amount of support in Kanarrville and Parowan, with proactive farmers, ranchers, and citizens. She hoped to also develop a Partnership with Parowan City. They treated 922 acres



with 7,400 gallons of spray. Through UDAF, they received \$42,272 as well as others as part of the larger agreement with the Bureau of Land Management (BLM). \$10,000 from the Forest Service. A Forest Weed Supervisor Grant for \$10,000. Also, there is a grant to treat Fremont Canyon in the Buckhorn area. She was able to do public education, getting into classrooms at USU and SUU, teaching about Scotch Thistle. Paul Cozzens asked about treating the area of 800 South in the Westview Subdivision area that had been cross-cut to aid with flood control. Paul asked whether that area could be treated. Amber Hatch replied that she thought that was a good idea, but did not want to apply anything too strong that might bleed into the agricultural areas on the SUU farm.

**Jennifer Bradbury, Iron County Human Resource (HR) Director**, noted that before her report, she wanted to take the time to express her appreciation to Betsy Cummings, HR Assistant. This year had been tumultuous. The HR budget was in very good shape, because they had not been able to attend their trainings because of how busy they had been. Jennifer also expressed her appreciation to Carrie Christiansen, Chief Deputy Auditor, for doing a tremendous job keeping payroll, leave hours, and sick leave in excellent order. Hiring, promotions, and terminations had all increased this year. Employee turnover had increased to 15.33%, up from 12.1% in 2023. Unfortunately, there would be a 6.1% increase in vision and dental premiums, or about \$9 per month for a family. Jennifer noted employee milestones. Celebrating five years: Jaron Ford in Patrol, Trevor McNeil in Corrections, Curtis Cox in Landfill, and Wendy Jessen in Children's Justice Center (CJC). Celebrating 15 years: Teresa Caldwell Assessor's Office. Celebrating 20 years: Jonathan Groom in Corrections. Celebrating 30 years was Maria Twitchell in Tourism, Parks & Recreation. The rating for Workers Compensation claims (EMOD) continued to be below 1.00 at 0.87, which reflected fewer claims, and a subsequently lower premium for our Workers Comp. Jon Whittaker recognized Jennifer Bradbury for completing a Masters of Public Administration (MPA) at SUU.

**Candace Reid, Iron County Public Defender**, noted that she would make her report brief, and congratulated Jennifer Bradbury for her accomplishment. Candace noted that she, too was an MPA. She actually hired two within the public defense office. It is a great foundation to have, and a great education to have. She reported that the Public Defenders were doing well. They were within budget. They continued to stay busy and were working through the backlog of cases. She noted that they have good working relationships with the prosecutor's office, which helps. Between now and January, they would be working on renewing the four Public Defender contracts that would need to be renewed for 2025.

**Marilyn Wood, Iron County Commissioner**, reported that the jail groundbreaking went really well. It was a positive milestone that took many years to accomplish. The ribbon cutting for the new Children's Justice Center (CJC) went well, and the building is very beautiful. It will be featured in the parade of homes. On August 20th, there was an emergency phone call from the Utah Association of Counties (UAC) regarding the Natural Resource and Public Lands Committee, and Reg Johnson from PLPCO gave us an update before Governor Cox came out. The state had been working for many years with the federal government. They anticipate that this lawsuit could bring back half of the BLM ground to the state, and the state could manage those lands. Public lands had become very difficult for the ranchers and different people with the regulations, with what's going on. They were trying to close roads, and limit access. And the state just said, you know, we need to move on this now to see what we can do that way. It will not be managed by SITLA or the state trust or the DWR or the DNR. It would have its own agency and it would be run like the BLM runs it now as far as public lands but we would be able to use the lands and there would not be lawsuits every other day trying to shut down everything access. There was worry that access to the lands might be lost. They were just going to shut them all down and we would not be able to use the resources from them. On the August 22<sup>nd</sup>, she attended the ribbon cutting for the new Cedar Breaks National Monument Visitor's Center. The Visitor Center was absolutely beautiful. Everyone should visit the new building. Marilyn congratulated Maria Twitchell who had the foresight to be able to help financially 10 years ago. They were able to contribute \$550,000 in seed money for the project. Iron County was recognized several times because we had helped with that. And it does bring economic value to August 26, 2024

Iron County. The old one Visitor's Center was built in the 30s and less than a thousand square feet, and the new one was beautiful and it would serve Iron County for many years. Kathleen needed to be, she's been the champion, She's the ranger and she was so excited. She was able to convince the naysayers early on that this was something that we should invest in. She also attended, along with Commissioner Cozzens, the Grand Opening for the American Preparatory Academy. When we were kids, that was a livestock barn, and we used to roller skate in there. She did not remember the beautiful wooden ceiling, which was the reason it was not torn down and the only thing originally in the building. The contractors did an amazing job. It would be a great place to enroll your children from Kindergarten to Eighth grade. This last Saturday, the Mud Bogs was held at the fair. There were many people that were pretty upset about not having very much mud. Well, the folks that were putting that together and that were running it, the county helped get the grounds ready and that type of thing. But others volunteered to come in and take care of all of that. And they had some of these real fast cars, the nitrous cars, that came this time. And they can't do the mud. It would just break up their cars. And so they were really fun to watch, they were very, very fast. So our locals came in and of course they ran, some of them ran 5 seconds, 6 seconds, 8 seconds some of them. The nitrous cars ran at 2 and 3 seconds, that was the difference. But they were afraid to get too much water in on it so at first it was dusty then they came back in and put a little more. But as far as the grounds, I just have to give Brad and Thane and some of the other road department that went in and helped them, they cleared that complete off. They made two tracks which the folks that were doing the timing, their timers didn't function right. And so that was another issue that we had. And so we're probably going to look for other people to help with that next year. I hate to quit it because there's some people that they live for that. There was not much mud, but it was still fun. When you have volunteer help like that and you put on these events, you do the best you can. And I hope people will realize that. It was so beautiful the way they had it set up. All of the cars came in and were on that east side. So all the cars that were running were all on the same east side. Years before they were all over by the rodeo arena. This way all of them got to watch everybody. You know their families were all set up there with them. I talked to my nephew this morning and he said it was so fun for all of us to hang out together. We got to get new friends and all of that. It wasn't a total failure. For some, the mud wasn't five feet deep or whatever like it is some years. But we'll go at it again next year I'm sure and they'll just get it figured out and do something different. Maybe we'll have one, they made two lanes, we've always had just one lane but because of not having the timers we couldn't, we were going to run them together so that you actually, it was a race and we weren't able to do that. Maybe we'll do a mud one and maybe we'll do a dirt one. There's certain people in the county that just love to come to it. A lot of the kids on the four wheelers and that.

**Paul Cozzens, Iron County Commissioner**, reported that he had been working on some flooding issues. He spoke with Amber about when she reported. The road department did a cross cut there on 800 South by the Holladays. That corner takes drainage from probably a thousand homes in that area. And all that water ended up on that corner. When flash flood events or storm cells that come through and dump a lot of water, it inundates the sewer substation that Cedar City owns there. It also inundated the substation that Rocky Mountain owns and floods their property. The water crosses better now, but it goes down the ditch and it just has two 24-inch culverts to cross those driveways. Mitch Price, our engineer, priced some box culverts, but they were approximately \$60,000 a piece, and we need two of them. Paul spoke to XL Plastics that made the HDPE pipe. They had some second-hand 30-inch pipe and would make a better deal for the pipe. Paul estimated that he had lined up enough of that pipe to do 270 feet 30-inch pipes to take care of SU's driveway and their east driveway and then some 40 or 50 footers take care of their west driveway. I met with Rocky Mountain Power. I think that they're going to help pay for to install those. We might provide the pipe, and they might pay to install. We've got to work that out still, but they're willing to help with the cost of that, which will help. And that way, rather than be a roadblock there with the water pooling up and backing up, that should help tremendously with those flooding issues. He attended the Health Department meeting this week. Dr. Blodgett always does a great job, and does a presentation each time on different health issues. We had our steering committee after that, met with Cedar City. They're building some out

in the new subdivision, Iron West, they're doing some soccer fields. Joe Burgess donated water and some land to do some recreation out there. So they're doing some ballpark diamonds, some soccer fields, and there's just a lot of discussion on how Cedar City can take their surface water rights from Coal Creek, get it out there, build ponds, and water their grass with that water instead of using culinary, which would be a good thing. As Marilyn Wood Reported, the American Heritage Grand Opening which turned out very nice. They should be proud of that and commended on their efforts to get that done in time.

**Michael Bleak, Iron County Commissioner**, noted that the big portion of the Iron County Fair was coming up. On Wednesday there was roping, and on Thursday barrel racing. Friday, Saturday, and Monday were the PRCA rodeos. Everyone get your tickets and come out. And of course, all of the rest of the carnival and all that's this weekend too. The Fair Building, has a lot of fun displays. We always look forward to the fair. They were looking forward to the Sunday evening program.

### **PUBLIC COMMENTS**

No Public Comments were offered.

### **DISCUSSION AND POSSIBLE APROVAL OF A LOCAL CONSENT FOR A SINGLE EVENT PERMIT, OCTOBERFEST FESTIVAL TO BE HELD ON OCTOBER 4<sup>TH</sup> AND 5<sup>TH</sup> AT THE IRON SPRINGS RESORT**

Lauren Denhalter, new General Manager of the Iron Springs Resort, reported that the past Octoberfest Festival had gone well and we want to do it again. It was not held last year as she had barely taken the job. You do food trucks? Yes, food trucks. There would be live music and the wiener dog race. The Festival would be a two-day event, on Friday and Saturday. There would be many activities for families.

Marilyn Wood made a motion to approve the Local Consent for a single event permit, the Octoberfest Festival to be held on October 4<sup>th</sup> and 5<sup>th</sup> at the Iron Springs Resort. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **PERSONNEL**

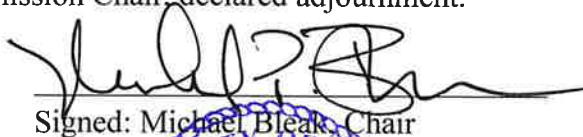
Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Michael Mecham as a Full-Time Deputy 1 in the Sheriff's Office-Corrections, effective September 2<sup>nd</sup>. This was a backfill of a vacant position; the re-hire of Olivia Mechem as a Part-Time Data Entry Clerk for the Council on Aging, effective August 26<sup>th</sup>. This was a backfill of a vacant position; the promotion for Cindy Roa-Heaton from Part-Time Outreach worker to Part-Time Activities Director for the Council of Aging, effective August 18<sup>th</sup>; request to change the Weed supervisor position from Hourly Career Service Status position to a Salary Exempt Status position for the Weed Department; request for a status change for Weed Department Supervisor, Amber Hatch, for the Weed Department, effective September 1<sup>st</sup>. Paul Cozzens made a motion to approve the employee actions as presented by Jeniffer 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**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk  
August 26, 2024



**IRON COUNTY COMMISSION MEETING  
SEPTEMBER 9, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 9, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Maria Twitchell	Tourism/Parks and Recreation
Lucas Little	County Auditor
Jennifer Bradbury	County Human Resource
Shalon Shaver	Jail Commander
Nicole Rosenberg	County Treasurer
Ken Carpenter	County Sheriff
Michael Worthen	County Natural Resources
Reed Erickson	County Planner
Richard Wilson	County Engineer
Bruce Anderson	Public Works Director
George Colson	Emergency Manager

Others present:

Jeff Richards	JA Watson	Carol Barker
Rick Lunt	Karen Ence	Ashton Giles
Nicole Jacobsen	Reagan Reynolds	

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Shalon Shaver.

**INVOCATION**

An invocation was offered by Lucas Little.

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the August 1<sup>st</sup>, 2024 and August 5<sup>th</sup>, 2024 Iron County Commission Meetings. Second by Paul Cozzens, Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve the claims for payment from August 26, 2024 to September 8, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS,**

**Lucas Little, Iron County Auditor,** reported that it was nearly budget season, and that he was working with department heads to begin preparing their budgets. The Auditor’s Office would be accepting property valuation appeals through September 16<sup>th</sup>. The Board of Equalization would be meeting later in September. The Board of Equalization uses an outside hearing officer that will listen to each party review evidence. Property tax abatement applications continued to come in. Lucas had been providing information to Marcus Keller, Iron County Municipal Advisor, from Crews and Associates, in preparation for Iron County seeking a credit rating for the issuance of Bonds to construct the Iron County Jail. The bonds should be issued around the first of October.

**Shalon Shaver, Jail Commander,** reported that Corrections was at 60% spent of their budget, with some unexpected, and higher, inmate costs. Shalon was proud to report that culinary costs remained at about \$1 per meal. The daily inmate population was steady at approximately 170. Transportation costs had increased due to additional court appearances. The work crew remained busy. For a short period of 3 days, the Jail was fully staffed, but then some officers were on leave. Staffing remained a challenge. They were excited that ground had been broken on the new Jail.

**Maria Twitchell, Tourism Parks and Recreation Director,** noted that Tourism had spent 43% of their budget. Collections were very slightly down. Maria supposed that this was, in part, due to owners leaving the short-term rental market, which had become saturated. A weak snow year also may have contributed to the slight decline. She expressed her appreciation to Kaylee Pickering, who helped Iron County gain \$8.9M in “earned media,” or exposure through non-paid means, this was due to 104 articles. Maria was proud to note that Cedar Breaks was listed as “one of the 13 most beautiful places you’ve never heard of.” The other 12 sites were from all over the planet. Also, Brian Head Resort was listed as one of the top seven most scenic ski resorts in the world by Powder Magazine. They hired Max Connect out of Riverton to be

their new advertising agency. She reported that, on August 22nd, the Cedar Breaks Visitor Center opened to the public. Marilyn attended with her staff. Marilyn Wood noted that it was thanks in part to Maria Twitchell's efforts for over ten years that helped bring the visitors center about. Maria had the vision and foresight to use \$300K tourism dollars to help fund a feasibility study for the center. Maria reported that they had teamed up partnering with Cedar City Economic Development and Southwest Tech and creating a podcast called "Explore Local." David Johnson, Economic Development Director, was the host. The podcast is about why Iron County is a special place to live, work, and play. In addition to the bi-monthly podcast, there was a series of videos highlighting impactful businesses in the area. Through non-specific cell phone tracking, they learned that attendance at the Iron County Fair was up, with the average "dwell time," being 66 minutes.

For Parks and Recreation, Maria Twitchell reported that they had spent 56% of their budget so far. They were projected to be over budget on the Maintenance and Shooting Range budgets. Paul Cozzens asked whether the Bureau of Land Management had decided to move a paintball recreation area out of the down-range area of the Iron County shooting range. Maria Twitchell replied that they had not. The plan was to expand the footprint of the shooting range to include a hill that would hopefully provide a barrier. Iron County was working to acquire that land. The part of the range that was close to the paintball area was for pistol shooting and they were considering steps to ensure that no other weapons were fired there, increasing risk to the paintball participants. Unfortunately, it is an unsupervised range. Maria had discussed the possibility of extending the pavement all the way to the shooting range with Bruce Anderson. They had added a QR code for payments at 3 Peaks, and there was a successful log removal project at Wood Ranch. They discussed the water system at Wood Ranch and the opening of 5 Mile recreation area up Parowan Canyon. 3 Peaks once again hosted a regional high school mountain biking competition, with over 5,000 visitors. 3 Peaks would be hosting the state competition in October. Marilyn Wood noted that the local restaurants in Parowan expected a drop in sales after the Iron County Fair on Labor Day weekend, but were happily surprised that their sales remained high.

**Ken Carpenter, Iron County Sheriff**, reported about a "Man Up Crusade," wherein the Professional Rodeo Cowboys Association (PRCA) partners with sheriffs' departments to help raise money for domestic violence shelters. Sheriff Carpenter expressed his appreciation to Cedar City Rotary, and the Fair and Rodeo Committees for their support of selling t-shirts. They were able to earn \$10,800. There had been 19 Special Weapons and Tactics (SWAT) calls, year to date. He expressed concerns about an open border policy in place by the current administration that encouraged cartel activity to cross the border. There had been 19 abandoned vehicles, which Sheriff Carpenter attributed, in part, to the lifting of the requirement for vehicle inspections. He gave various statistics and noted that there had been a total of 4,918 reports, not including calls for service, which do not trigger a written report by a deputy. Sheriff Carpenter explained that recently enacted House Bill (HB) 46, which required a School Security Manager. Zac Tuttle had been filling that role, and Sheriff Carpenter with working with the Iron County School District (ICSD) to enact a Memorandum of Understanding (MOU) to share in the cost of the newly required officer. He then expressed concern regarding a new Occupational Safety and Health Administration (OSHA) rule that increases the training requirements for volunteers, such that it will likely bring an end to the Iron County Search and Rescue (SAR). Another federal issue that Sheriff Carpenter brought up was regarding the Federal Communications Commission (FCC), that would no longer allow recording or monitoring of inmate communications. In coordination with the Utah Attorney General's Office, and with the National Sheriffs Association, they were suing to end the dangerous rule. They were at full strength with patrol, and had purchased an explosive detection dog. He noted that he had recently been shown a graph that showed 5,040 housing units into Cedar City, not including unincorporated areas and other towns. Staffing levels were currently at roughly one deputy or officer per 1,000 people. There was a tremendous need for more deputies. Specifically, Sheriff Carpenter pointed out needs for a training officer that can perform background investigations, a crime scene investigator, a full-time animal control deputy, and at least 2 to 4 patrol deputies, if not 6.



**Marilyn Wood, Iron County Commissioner**, reported that the Fair was a success, that she met with the Iron County Council of Governments (ICOG), and she met to plan the OHV Jamboree, which would be October 25-28. This was the 2<sup>nd</sup> year of the Jamboree, and Michael Worthen made sure they had interesting trails to follow. She also participated in the Iron County Parade of Homes and the Southwest Junior Livestock Show at the Cross Hollow Event Center.

**Paul Cozzens, Iron County Commissioner**, reported that his family enjoyed the Iron County Fair. His grandsons particularly enjoy the Demolition Derby each year. He continued to work on flooding preparedness. Fortunately, 2024 had not been too bad as far as monsoonal flooding so far. In particular, work progressed in the 800 South area near West View Estates.

**Michael Bleak, Iron County Commissioner**, reported that the commissioners, Lucas Little, Nicole Rosenberg and Jon Whittaker traveled to San Francisco to present Iron County's financial position to 2 ratings agencies. Marcus Keller and Trever Kreutzer of Crews and Associates, Iron County's municipal advisor, also traveled to help with the presentation. This was an important step to take, because the credit rating Iron County receives in part determines the ultimate cost of borrowing to construct the Iron County Jail. There were many projects in the works regarding economic development. Michael also discussed the Fair and the Southwest Junior Livestock Show.

#### **INTRODUCTION OF MISS IRON COUNTY AND MISS IRON COUNTY TEEN AND THEIR COMMUNITY SERVICE INITIATIVES**

Karen Ence, Miss Iron County Director, introduced the pageant winners. Ashton Giles, Miss Iron County 2024, explained that her platform, which was "The Happy Heart Program," which aims to provide scholarships to underprivileged youth who wish to participate in extra-curricular activities. Nicole Jacobson, Miss Color Country Teen 2024, noted that her Community Service Initiative (CSI) was to speak out against body-shaming, and to help youth feel comfortable and confident with their appearance. Reagan Reynolds, Miss Iron County Teen 2024, explained that her (CSI) was that physical fitness leads to mental fitness.

#### **PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 ACRES (A-20) TO RURAL AGRICULTURE 20 ACRE (RA-20) FOR APPROXIMATELY 151.68 ACRES (WITHIN THE NE¼ SECTION 9, T37S, R12W, SLB&M, IRON COUNTY, UT (APN: E-274)) LOCATED AT APPROXIMATELY 7000 W 4000 S, CEDAR CITY, UT.**

Reed Erickson, Iron County Planner, explained that this item had had a public hearing before, but was not advertised for long enough for the Iron County Planning Commission (ICPC), and therefore was back before the commissioners once more. In question was a 151 acre parcel that the owners wished to subdivide into 7 parcels. Because the desired subdivision would be less than 11 lots, it would only require approval from the Administrative Land Use Authority, not the ICPC or the Iron County Commission. The parcel is located south of Vandenberghe Road in the southern part of Cedar Valley. Currently, the property is zoned A-20. The reason for the requested zone change is to allow the subdividing as explained under the RA-20 zone. There are RA-20 zoned parcels adjacent. Nothing is currently constructed on the property. Reed noted that on three sides there are hay pivots, agricultural alfalfa fields and there's grazing on the property currently. There is no water or sewer system in place, and the parcel lies in Tier IV. The ICPC recommended approval of the zone change.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a zone change to APN E-274 from A-20 to RA-20.

No comments were offered.

Reed Erickson reviewed the zone change evaluation considerations with the commissioners. Marilyn Wood made a motion to approve a zone change from A-20 to RA-20 located at approximately 7,000 West, 400 South, Cedar City, Utah. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED DEVELOPMENT AGREEMENT BETWEEN IRON COUNTY AND BZI INNOVATION PARK, LLC., (772 Acres) – PROPERTY LOCATED ALONG IRON SPRINGS ROAD BETWEEN APPROXIMATELY 1300 N AND 2400 N, CEDAR CITY, UT. Applicant: BZI Innovation Park, LLC. Presented by Reed Erickson.**

Reed Erickson explained that development agreements, present an opportunity for the county and a developer to enter into a contract for special reasons as outlined in the ordinance. The proposed development agreement allows the developer to move forward with some confidence that Iron County will not change the terms as agreed upon. There were no zoning nor regulatory changes anticipated. Specifically, Iron County would be committing 400 sewer connections from its allotment out of the 4500 West transmission line. Also a special Table of Uses is outlined for the project, allowing for more broad uses. Uses like Ambulance Service, Automobile and Truck Repair, and Truck Designated Parking would also be allowable in the project in the Light Industrial (LI) zone. They would be proposing R½ and R4K zones. Also, Iron County would be committing to install an oversized sewer line to support the future connections. The developer would be installing a sewer lift station. Reed explained, that while development agreements are relatively rare, they are an opportunity for the county to look at a special project and give special consideration to those things that are important to the county and to the developer that require this additional commitment. The purpose of the public hearing was to address that said development agreement allows for provisions that are above what is allowed in the code.

Michael P. Bleak, Iron County Commission Chair, declared a public hearing open regarding a proposed Development Agreement between Iron County and BZI.

Jon Whittaker asked whether there was any consideration to make the ICSD whole, because the housing in the development area would create a demand on schools, but much of the taxes would go to the Utah Inland Port Authority (UIPA). Drake Howell, Project Executive, BZI, explained that the question of increment to UIPA was already contemplated and was not a part of the Development Agreement. Mr. Howell noted that for residential, the increment was actually greater, and would last for 25 years, and would begin with the development of each lot.

Paul Cozzens made a motion to approve the Development Agreement between Iron County and BZI Innovation Park LLC, which is 772 acres on property located along Iron Springs Road between approximately 1300 North and 2400 North Cedar City, Utah. Applicant is BZI Innovation Park LLC. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

Not public comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT TO KIMLEY HORN CONSULTANTS FOR DEVELOPMENT OF A SAFE STREETS FOR ALL (SS4A) COMPREHENSIVE TRANSPORTATION SAFETY ACTION PLAN IN COOPERATION WITH IRON COUNTY AND THE MUNICIPALITIES WITHIN IRON COUNTY (CEDAR CITY, ENOCH CITY, PAROWAN CITY, PARAGONAH TOWN, KANARRAVILLE TOWN & BRIAN HEAD TOWN), IN THE AMOUNT NOT TO EXCEED \$600,000**

Reed Erickson explained that they had applied for funding to do a countywide safety study to evaluate transportation safety concerns throughout the county. Cedar City had already applied for some funding in the amount of \$60K and realized that amount would not suffice. Therefore, Iron County had applied for \$600K under the Safe Streets for All (SS4A) grant and was awarded that with the Federal Highway Administration to do a study, and Cedar City agreed to return their \$60K and be a part of the larger, countywide study. After that, a Request for Proposals (RFP) was extended, and 3 companies submitted proposals. Kimley Horn Consultants was selected because of their expertise, and because they were great partners regarding planning for the belt route in Cedar Valley. Staff was working with Kimley Horn regarding technical

specifications, and also to ensure that the scope of work does not exceed the awarded \$600K. Reed asked that a possible motion to approve include a provision that staff be comfortable with the scope of work. Reed then presented a planned schedule, with elements of the study preceding grant requests that correlate with completed study elements. Reed Erickson also asked that any motion to approve include a caveat that the approval be subject to the procurement process of the grant requirements. Public outreach would be an integral part of the study, they would solicit ideas regarding problem intersections, where statistical data might not bear it out, but where folks agree it is “only a matter of time,” before someone is injured or killed. Richard Wilson explained that, nationally, \$5B had been set aside, but because of the procurement requirements and the multi-step requirements to access the money, they were moving as quickly as feasible. Rich explained that the decision was a close one. He also noted that the nature of SS4A was to be proactive and forward-looking, not just wait to see which intersections or sectors were most deadly. Help with future planning was also a very appealing feature of the SS4A program. For the \$600K, \$480 would come from federal monies, while Iron County would need to pay \$120K, which would be appropriate to be paid from the Corridor Preservation Fund. Marilyn Wood made a motion to approve the contract with Kimley Horn for development of a SS4A comprehensive transportation safety action plan in cooperation with Iron County and the municipalities within Iron County in the amount to not exceed \$600,000, and also the procurement of the grant to comply with the procurement requirements of the Federal Highway Administration, and also the scope of work and additional details to be approved by staff. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NOTICE OF RECENT SETTLEMENT AGREEMENT WITH BLACK IRON LLC, UTAH IRON LLC, THE UTAH STATE TAX COMMISSION, THE CENTRALLY ASSESSED DIVISION OF THE UTAH STATE TAX COMMISSION AND IRON COUNTY**

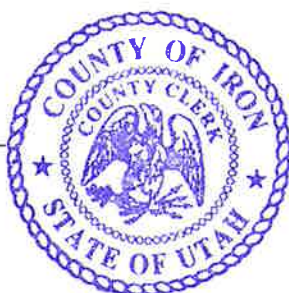
Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c) – “Strategy Sessions to discuss pending or reasonably imminent litigation.” Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Michael Bleak, 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(c) for discussion regarding ongoing litigation.

  
 Signed: Michael Bleak, Chairman

  
 Attest: Jonathan Whittaker, County Clerk



Michael P. Bleak, Iron County Commission Chair, declared the closed session ended. Michael then read a prepared statement:

*“Iron County and its elected officials promote and encourage appropriate public access to government records so that its constituents are informed and apprised of county operations and fiscal decisions. While maintaining an openness to county government operations, Iron County is subject to Utah state law that protects the private and confidential nature of certain information. The primary laws on confidentiality in Utah are the Government Access and Management Act or GRAMA found under Utah Code Annotated 63 G-2-201 and the protection of taxpayer commercial information found under Utah Code Annotated 59-1-404.*

*As you are most likely aware Utah Iron, FKA Black Iron, LLC Utah Iron located in Iron County is consistently one of the larger taxpayers in Iron County as assessed by the centrally assessed division of the Utah State Tax Commission or the division rather than Iron County as provided by state law. Our local Iron County assessor does not value centrally assessed taxpayers for assessment purposes.*

*Throughout the years, it has become important for Iron County to be involved in multiple valuation hearings involving centrally assessed taxpayers. The reason for Iron County's involvement is to ensure that all taxpayers within its jurisdiction are being treated fairly and consistently in having their property centrally assessed by the Division of the Utah Constitutional Mandate of Fair Market Value. Each year multiple centrally assessed taxpayers appeal or challenge the assessments issued by the division. The affected counties including Iron County are allowed the opportunity to participate. Beginning in 2014 and continuing through 2024, with the exception of 2020, each tax year, Utah Iron and its predecessors have filed an appeal with the Utah State Tax Commission disputing the division's assessment placed on its operating properties for its Utah fair market value. In an effort to promote fairness, equality, and uniformity in taxation for all county taxpayers, including Utah Iron, Iron County has been a participant in these administrative and judicial proceedings.*

*Because of the sensitive nature of the taxpayer information that is presented during these hearings, Utah law protects the disclosure of such information. In order to participate in the proceedings, Iron County elected officials are sometimes required to sign confidentiality agreements and agree to protective orders regarding the disclosure of Utah Iron's commercial information and are subject to a statutory confidentiality requirement. Recently, Iron County, the Utah State Tax Commission, the Division, and Utah Iron LLC entered into a settlement agreement resolving approximately nine years of litigation. Tax years 2014 through 2019 were pending before the United States Bankruptcy Court since 2017. In 2023, the Bankruptcy Court granted Iron County's motion that it hand over the 2015 matter. The 2015 matter was dismissed out of the bankruptcy court. Utah Iron then proceeded to file another action, this time in the tax court for the state of Utah. Tax years 2021, 2022, and 2023 were still pending before the tax commission. The tax commission held a trial on the valuation for 2021 during 2023.*

*Two weeks prior to the trial, the division abandoned its original assessment for tax year 2021 and issued a new opinion of value for the trial. The new opinion of value contained significant reductions from the abandoned original assessment and was presented to the Tax Commission. This decision by assessing authority also had potential impacts to the 2022 and 2023 assessments. No decision has ever been issued by the Tax Commission as to its determination of whether the division's revised assessment constituted a fair market value determination. Utah Iron has appealed the order to be able to participate in the matter before the tax commission. Iron County is optimistic that the 2024 valuation proceeding before the tax commission, once decided, will provide stability and a guidepost for future valuation years. While most information is protected by the confidentiality agreements and the protective orders entered by the tax commission and the tax court, the following information is protected from disclosure under Utah*

law. Property tax appraisal worksheets section 63 G-2-305 subsection 22. Property tax utilities appeals. Commercial information section 59-1-401 subsection 1. The definition of commercial information is found in the above reference code section and contains those items of taxpayer information that is 1. of a commercial nature, 2. obtained from a taxpayer, 3. regarding a taxpayer's property, 4. or derived from the from the above. The list does not include information intended for public use. Confidential information includes, but is not limited to, sales price, commercial, financing terms, commercial, capitalization rates, income and expenses, anything not specifically listed as public. Public information includes the following number one assessed value, number two tax rate, number three legal description, number four street address, number five parcel number, number six physical characteristics, number seven size of land and improvements, number eight name and mailing address of taxpayer. 9. Property tax assessed, due, collected, abated, and deferred. 10. Interest and or penalties. 11. Exempt status. 12. Bankruptcy filing. 13. Action or proceeding with limitations set forth in Utah Code Annotated 59-1-402, subsection 2, number 14, tax sale, which is subject to GRAMA.

Iron County recognizes and understands that its constituents may have questions regarding one of Iron County's largest assessed taxpayers operating in its jurisdiction and the pending valuation appeals that have been initiated by Utah Iron and its predecessors challenging the division's initial assessments. In as much as Iron County's elected officials would like to provide further information regarding the status of these appeals and the information gathered during these proceedings, they are precluded from most disclosures by way of standard protective orders which prohibit disclosure of any of the taxpayer's commercial information, confidentiality agreements, and Utah statute. Iron County participated actively in all the proceedings in the three different forums to do what it could in the circumstances, help the tax commission and the courts to reach what is considered to be a fair, equal, and uniform determination of the Utah Fair Market value of Utah Iron's property subject to being centrally assessed under state law by the division.

Being such, assessed value for this taxpayer invariably affects the property tax for each year to be paid by all of our residents by way of county budgeting and operating costs. Iron County can, however, without violating statutory confidentiality requirements, protective order requirements, and confidentiality agreement requirements, refer you to publicly available information on the internet that will give you a great deal of information about Utah Iron and its predecessor Black Iron's bankruptcy case.”

Tom Peters, esq., of Peters and Schofield, then made the following statement:

“I just wanted to follow up on the statement by the Commission and address some additional items I think that the public I understand has some interest in and the commission wanted to have provided to the public. One thing if it hasn't been made clear yet and just for maybe some novices out there, the Iron County Commission does not value Utah iron. It doesn't value centrally assessed property. So, centrally assessed property is valued by the state of Utah. It's property that operates across state or county lines where the value of the taxpayer has to be apportioned amongst more than one taxing jurisdiction or is a utility, a mining property, or an airline. And so, because for a number of reasons, the state of Utah decided that they had the expertise to value these types of properties, as well as the fact that you didn't want, say Pacific Corp. for example, that operates in 28 out of the 29 counties getting 28 separate assessments from the county assessors, plus not every county in the state of Utah may have had the expertise to value a complex electric utility generating property. Therefore, the Utah State Tax Commission and its centrally assessed division is tasked with those valuations. That's the same for mining property, and so they're the ones that do the assessment. They issue the assessment, they make a, they send down the books and records, or they send down the assessment rolls to the county auditor and say, put these assessments on your books and records, and then the auditor sends it over to the treasurer for collection. And that's kind of how, in a nutshell, centrally assessed properties are valued. Well, it's not how they're valued essentially, but that's



how the kind of the day-to-day operations of how the assessment goes out. The treasurer then sends the bill to the taxing, the taxpayer for collection and then once the money comes in the county uses it for budgeting as well as disbursements to provide services to its residents.

Taxpayers are allowed to appeal when they receive the assessment like Iron County would receive the assessment but the taxpayers are allowed to appeal and challenge that assessment and they must do so within 90 days of receiving the assessment or by August 1st. Once the taxpayer appeals the assessment since 2016, Iron County is allowed to participate, but they have to file a cross-appeal in order to participate in the proceeding. And it is important for Iron County, as well as other counties, to participate in these proceedings because then they have a seat at the table, they have an understanding of what's going on with that valuation, and they also have an understanding of what the division has done with the assessment, and if there are going to be any adjustments to those assessments. They also have the opportunity to work with the state of Utah and its division, as well as with the taxpayer, to see if they can come to a resolution”

Now with Utah Iron and its predecessor, Black Iron, and even before that, CML, dating back to 2014, CML had filed an appeal with the Utah State Tax Commission challenging the assessment. Black Iron attempted to file an appeal in 2015, but it was deemed untimely because they had missed the statutory deadline for the appeal. And then they did file an appeal for 2016 through 2019.

And then in 2017, they entered into bankruptcy and so they sought protection under the federal bankruptcy court. So, with the filing of the bankruptcy court in 2017 and then the subsequent valuation years of 2018-2019, Utah Iron and its predecessor Black Iron, they were in bankruptcy and had bankruptcy protection, but they had still filed those appeals because they needed to protect their dispute to the assessments done by the tax commission. During this time period, if you would folks probably know more than I would as far as because you were probably aware of the fact that the mine 2015 and so the division still was valuing the property in 2015, 2016, 2017, 2018, and 2019 consistent with the prior valuations of when the mine was operating or at least their opinion of value may not have necessarily been reflective of a closed mine but those were some of the allegations that were made in the litigation is that the mine was closed.

Now, those were kind of the bankruptcy years. And 2015 was still tied up in the bankruptcy years because the tax commission had deemed that the appeal for 2015 was untimely. And so Iron County and the Utah State Tax Commission also participated over in the bankruptcy and there was a series of motions filed regarding 2015 that said that the bankruptcy court didn't have jurisdiction on that because the Utah State Tax Commission had already decided under its rules that the appeal for 2015 was untimely. And so, the bankruptcy court agreed or made the decision that it would refrain from exercising jurisdiction and it wasn't going to do anything with 2015 and kind of dismissed 2015 out of the bankruptcy. And at that point in the spring of 2024, Utah Iron now filed an action in the tax court regarding the 2015 matter to have that move forward.

I'm just giving you the background in the history because now I'm going to move into some of the other years. So, 2015 was pending over in district court with a filing in the spring. 2014, '16, '17, '18, and '19 were still pending at the federal district court and the parties, the Utah State Tax Commission is a party over there, Iron County was a party as well as Black Iron and Utah Iron, they were parties over in the bankruptcy and we had come up with a schedule to have a valuation hearing for 2014, '16, '17, '18, and '19, meaning that over the next year and a half to two years, the remainder of 2024 and 2025, excuse me, the parties would hire expert witnesses and value the mine for each of those tax years and present those to the judge. We were working on the schedule. We had had prior schedules in place, but the schedule kind of got derailed for various reasons of the litigation and different motions in the 2015. The parties wanted to see what would happen with 2015 first, before we decided to have a full valuation hearing on 2014,



'16 through '19. And so, a schedule was in place, and we were modifying that schedule and so we were looking to have a trial probably towards the later part of 2025 which means that Iron County as well as the other parties would have been involved in litigation for those five, six tax years over the next year and a half. There would have been substantial costs with expert witnesses as well as attorney's fees and court costs and the parties would have moved forward with depositions and things of that nature.

The other thing is we would have had to probably do a valuation for each year in the State of Utah. Each tax year stands on its own so you may see a value like even with your house or your commercial property same with centrally assessed properties, you may have a value one year, say for 2017, and that's not going to be reflective of the value for 2018 because you can have companies, you know, get rid of property, they can add additional property, plant and equipment, there can be depreciation factors, things like that, they can be done on an income approach valuation and their income can be higher. Capitalization rates can swing from one year to the next and so you have each tax year standing on its own so the county would have had to incur the cost of multiple appraisals for 2014 through 2019 with 2015 being accepted out.

Now, moving towards 2021 through 2023 Black Iron, Utah Iron was now out of bankruptcy. Utah Iron was the successor in interest there. And for 2021, we did have a three or four day formal hearing trial basically at the Utah State Tax Commission. Expert witnesses were involved and there were depositions beforehand for that trial. And the parties went forward with that trial. Before we were about two weeks before the trial, the centrally assessed division made a revised assessment. They abandoned the original assessment, which was the one that was sent out to the county as well as the taxpayer for 2021. And when they abandoned the original assessment, they made adjustments to the 2021 tax year and it had a substantial decrease in the impact or substantial decrease in value, which would impact Iron County. And so, they abandoned the original assessment and they were presented a new revised assessment at that hearing in 2023 for the 2021 tax year.

2022 and 2023 were stayed, and so those years would follow after the 2021 was decided. Once a 2021 decision would have been issued, then potentially there may have been some guidance there from the state tax commission regarding 2022 and 2023.

Over the course of these various tribunals, meaning the Utah State Tax Commission, the Federal Bankruptcy Court, as well as the State Tax District Court, the parties continued to engage in settlement discussions and to see if there was any way to bridge the gap between the differences of opinion on the valuation of the mine and how the mine should be valued. Those various proposals that went back and forth. We submitted some, Utah Iron submitted some, the Utah State Tax Commission through its centrally assessed division tried to also facilitate settlement. They also tried to recreate what their assessments might look like differently based upon various court orders from the bankruptcy court. If those were kind of applied retrospectively with a new lens of 2015, 2016, 2017, '18 and '19 with information that was available at the time as well as based on the bankruptcy court judge's orders regarding a determination of reasonably equivalent value. In bankruptcy court, there's a term reasonably equivalent value. not the same as fair market value in our opinion, but there could be some overlap or at least some recognition that some of the things may be similar, but it's not fair market value. However, when you're dealing with a closed mine for those years, it might be something that we would want to consider in looking at whether or not a resolution could be achieved. And so, as the parties were getting ready for an evidentiary hearing, we did have the opportunity to meet and discuss potential settlement and not just settle the bankruptcy years and the tax court year, but settle as well through 2023, which was pending at the tax commission.

And so, the Utah State Tax Commission, the Central Assessed Division, the Utah Iron LLC and Iron County were able at this point to resolve some of their differences and enter into a

*settlement agreement. That settlement agreement resolved basically nine years of pending litigation in three separate tribunals. For each of those years that were at issue except for 2015, the values were different than what was the assessed value from the Utah State Tax Commission, but the Utah State Tax Commission through its centrally assessed division recognized that those assessed values, with the exception of 2015 may not have been accurate under some of the circumstances taking each tax year on its own.*

*And so, we were able to resolve that in a global settlement and if you recall in my discussion earlier, in 2021 the division had abandoned the original assessment that they sent out in May of 2021. And so that needed to be altered. Over the course of the bankruptcy, there were many allegations that were made against Iron County. However, none of those allegations were proven to be true before any court or before the tax commission. No judge had made any findings of misconduct by any elected officials in Iron County, and the taxpayer retracted all of its allegations against Iron County officials with the withdrawal of those offending documents. There were also allegations that Iron County had violated the automatic stay. That's a bankruptcy term where if someone's in bankruptcy, you can't do certain things to try and attempt to collect the debt against a bankrupt entity or someone who sought protection or relief from the automatic stay. And there was never any finding by the Federal Bankruptcy Court judge that there was a violation of the stay. There were also some allegations about the county treasurer's statements during a Planning and Zoning Commission meeting on June 18th, 2020. Those allegations were proven to be false because the public hearing was recorded and the audio of the public hearing was much different than the allegations that had been made by the taxpayer and on social media sites. Another allegation was that at the time, but she had been elected I think. And so, at the time there were some complaints from citizens about the mine closing off access to public roads. And so based on those complaints from citizens, Commissioner Bleak, I believe, and Commissioner Cousins were asked to attend a gathering or to investigate that with the Federal Bureau of Land Management. And so, there was a video made by the Federal Bureau of Land Management showing the commissioners out at the site They were investigating the citizen complaint that access had been blocked and the audio or video I believe proves that some of that access had been blocked on the public lands. I believe you've worked to resolve that is my understanding or in the process of resolving that for the citizens. There were also allegations of perjury but again those allegations have all been withdrawn. There was never any finding that any county official perjured themselves.*

*Many times lawyers file documents and allege certain things but you also have to back it up with evidence and substantiate it to prove it is true and then you also have to have a ruling if you're in the court system to have a ruling by the judge saying so. And none of that took place in this instance. There were the allegations made but all those allegations have been withdrawn.*

*The resolution does resolve the nine years of litigation and it's a confidential settlement agreement which is very common with these types of settlements. But, there is a wealth of information available through the bankruptcy if people want to understand more about the taxpayer in Iron County. And most of, I believe, the information at the Bankruptcy Court for 2014 through 2019 for those tax years is available or publicly available information. Citizens can also reach out to the Tax Court within the Third District Court for the state of Utah. This one may have been up in the second district, but it was still within the tax court because these types of proceedings need a tax court judge.*

*And so, they sit by special designation. And so, if you needed information on 2015, potentially you could reach out there. And then, the Utah State Tax Commission is also another body that would have information relating to 2021 and 2023. Iron County itself is part of that confidential settlement agreement and so those terms as far as Iron County is concerned would have to remain confidential as being a party to that settlement agreement. We still have 2024 pending now that we have 2014 through 2023 behind us, meaning that it's been resolved and settled. And*

*the assessed value has been adjusted accordingly to reflect the settlement agreement. The taxpayer has initiated the 2024 matter, and so that will proceed through its normal course at the Tax Commission where if the parties are unable to resolve their differences, meaning Iron County, the centrally assessed division of the Utah State Tax Commission who did the assessment, and Utah Iron, if those parties can't resolve their differences regarding the value, then we would go to a formal hearing. And I believe a formal hearing would probably be scheduled sometime in 2025, Iron County would perhaps look at doing an appraisal or something like that or supporting the property tax division's assessment and we would see what the Tax Commission says about the value but that's all in the future and that's beyond this discussion here today so is there anything that I can add for the commissioners?"*

Commissioner Bleak thanked Tom Peters for his years-long work on the matter.

**DISCUSSION AND POSSIBLE APPROVAL OF TEMPORARY USE & ACCESS AGREEMENT BETWEEN ROCKY MOUNTAIN POWER AND IRON COUNTY**

Sam Woodall explained that Rocky Mountain Power had reached out and needed a place to stage a good deal of equipment for about 10 months. Originally, the Fairgrounds had been discussed, but Bruce Anderson suggested using the gravel pit in Parowan, adjacent to 300 East. There would be financial compensation, as well as a promise to restore the pit to how it was before. Rocky Mountain Power had always been good to work with, and this action was recommended by the Attorney's Office. Marilyn Wood made a motion to approve temporary use and access by Rocky Mountain Power as explained. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF UDOT PASS-THROUGH FUNDS AGREEMENT FOR CEDAR MOUNTAIN WINTER RECREATION PARKING LANES.**

Michael Worthen explained that this agreement was to allow \$275,000 to be passed through to Iron County for the construction of a winter recreation parking area along SR-14 near the Kane County border. This was in conjunction with a grant received in conjunction with the Utah Department of Transportation (UDOT) and the Forest Service. Work was nearing completion. Paul Cozzens made a motion to approve the pass-through agreement for constructing winter recreation parking lanes in the amount of \$275,000. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL OF COOPERATIVE AGREEMENT WITH THE DIXIE NATIONAL FOREST TO MOVE FUNDS TO IRON COUNTY TO HELP PAY FOR THE CEDAR MOUNTAIN WINTER RECREATION PARKING AREA PARKING LOTS AND TURNING LANES**

Michael Worthen explained that this agreement was to allow the Forest Service to transfer \$61,000 to Iron County, in addition to the initial amount of money that they had committed in the grant. These monies are primarily to pay for the restroom and paving. Marilyn Wood made a motion to approve the cooperative agreement with the Dixie National Forest to move funds to help pay for the Cedar Mountain winter recreation parking area parking lots in the amount of \$61,000. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL TO GRANT AN INGRESS/EGRESS ACCESS EASEMENT ON APN: B-968-4, LOCATED IN SEC. 9, T36S, R11W, SLM.**

Following a thorough discussion regarding the easement, Paul Cozzens made a motion to table an ingress/egress access easement on Assessor's Parcel Number (APN): B-968-4 to allow for further research, in the interest of the taxpayers. Second by Marilyn Wood. Second by Marilyn Wood. Voting: Michael Bleak, Nay; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PERSONNEL**


Jennifer Bradbury, Iron County Human Resource (HR) Manager, presented the new hire of Jaco Borjes as a Full-Time Deputy 1 as a backfill of a vacant position effective Sept 2, 2024; the new hire of Ryan Robison as a Full-Time Deputy 1, backfill of a vacant position, effective Sept. 2, 2024 in Sheriff-Corrections; the transfer of Trent Sukowaty from Full Time Roads Maintenance Technician 1 to a Full-Time Building/Zoning Code Enforcement Officer as a backfill of a vacant position, effective September 15<sup>th</sup>, in Building and Zoning; the new hire of Cheyenne Bentley as a Full-Time Legal Assistant as a backfill of a vacant position effective Sept 3, 2024 in the Attorney's Office; the new hire of Kerry Whitelaw as a Part-Time Parowan DMV Technician as a backfill of a vacant position effective Sept 9, 2024. Marilyn Wood made a motion to approve the personnel changes as explained by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.


**NON-DELEGATED ITEMS**

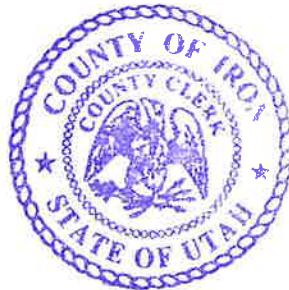
No Non-Delegated Items were discussed.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
SEPTEMBER 23, 2024**

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m.  
September 23, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Lucas Little	County Auditor
Terry Palmer	County Building & Zoning
Sam Woodall	County Deputy Attorney
Richard Wilson	County Chief Engineer
George Colson	County Emergency Management
Jennifer Bradbury	County HR
Mike Worthen	County Natural Resource
Bruce Anderson	County Public Works
Reed Erickson	County Planner

Others in Attendance:

Brennan Wood

**SYNOPSIS**

ADJOURNMENT .....	11
APPROVAL OF CLAIMS FOR PAYMENT .....	2
CLOSED SESSION.....	10
DEPARTMENTAL REPORTS.....	2
INGRESS/EGRESS ACCESS EASEMENT (APN: B-968-4).....	8
INVOCATION .....	2
NON-DELEGATED ITEMS.....	11
OHV RECREATION GRANT FOR MAINTAINING OHV TRAILS.....	7
PERSONNEL .....	9
PLEDGE OF ALLEGIANCE.....	1
PUBLIC COMMENTS .....	7
PUBLIC HEARING, PROPOSED MINOR SUBDIVISION (APN: E-256-5).....	7

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the Pledge of Allegiance by Luke Little.

## INVOCATION

An invocation was offered by Terry Palmer.

## APPROVAL OF MINUTES

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meetings held on August 12, 2024, and August 26, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## APPROVAL OF CLAIMS FOR PAYMENT

Marilyn Wood made a motion to approve Claims for Payment from September 9, 2024 to September 22, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## DEPARTMENTAL REPORTS

**Terry Palmer, Iron County Building & Zoning Administrator**, reported that as of September 20, 2024, Building & Zoning had issued a total of 423 permits compared to 378 in 2023, 157 new dwelling permits compared to 113, which the minimum permit price was about \$14,000 to \$15,000 just on houses alone. Terry noted that the department was down 1.5 inspectors from last year and they were understaffed and underpaid. He reported that Nate Dennett had passed the Commercial Building Inspector test, and was working on his Commercial Plumbing Certificate. Chelsea Boxwell passed the Residential Building Inspector test and was working on the Plumbing Certificate. That had lessened the load quite a bit, but that still left a lot for Nate and himself. Terry noted that he was the only one that could do all the commercial inspections. He reported that in building, there had been 451 Plan Reviews projects completed and 2,703 inspections (stops). Some of the projects had 2 or more inspections each. Building inspections were over 5,000 thus far. Terry reported on large projects coming up. There were three different gas stations planned in Parowan. There was one plan submitted that was reviewed and ready to issue the permit. Ace Hardware had started their construction a couple weeks ago in Parowan. Commerce Crossroads Logistic Park, west of Cedar City, had walls up on their first building all walls up and continued to move forward. There were two other large Light Industrial buildings under construction. One was an Injection Molding Company that would be doing injection molding for water tanks and septic tank type one. The Harker's were working on one building now with plans for one or two more that were industrial. He noted that the department was reviewing the grading plans for the new jail. He spoke with Chad Littlewood regarding the jail and hopefully the agreement could be closed and the grading could begin. Terry reported that he had been reviewing grading plans for Battery Energy Supply System (BESS) at the Enterprise Solar Farm. The developer would be submitting four complete plans on that one and three other sites before the end of the year. He reported that Trent Sukowaty had been hired as the new Code Enforcement Officer, from the Road Department. Trent and Thayne Hainsworth, Iron County Building/Facilities Maintenance Supervisor, had helped get the old CJC building cleaned out so Wendy Jessen, CJC Director, could get a realtor in to get pictures and begin to list that for sale. Terry noted that the budget was on track. Terry reported on Planning. Reed Erickson, Iron County Planner, continued to be busy with the Iron County Planning Commission. Terry reported on Building Maintenance. The Iron County Fair Exhibit Building was completed, the Justice Center and the expansion to the CDL driving course at the Public Safety Building parking lots were completed. Discussion continued regarding the Public Safety Building and a Lot-line adjustment on the old jail property and storage options. The fencing Visitor Center Office Building was complete and the shed was built. Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, was pleased to have it completed. Terry reported that the remodel work on the Utah Highway Patrol (UHP) Building, upstairs, was completed and the Adult Probation & Parole (AP&P) would be completed in the next couple weeks. He explained that the remodel was done by an outside contractor with the State of Utah, and paid all the bills. Discussion continued regarding the remodel. Terry reported that Xeriscaping had been completed on part of the Justice Center on the south triangle part in front. He noted that Thayne

September 23, 2024



was working to get the CJC moved into their new building in Enoch and he had spent time at the Council of Aging (COA) in Cedar City, and a lot of time at the fairgrounds to prepare for the Iron County Fair. Terry reported that the part-time maintenance position would have to be re-advertised.

**Richard Wilson, Iron County Engineer**, reported that the National Resource Conservation Service (NRCS) projects had been completed. He worked in conjunction with the Building Department and Children's Justice Center (CJC) on the parking lot at the new CJC Building, and the Justice Center parking lot. Richard noted that the Sign Department was in the process of moving today. Thayne Hainsworth had moved the Weed Department to the old building, which gave the four-wheelers room to park inside. He reported that he would be meeting with the BESA project personnel at the solar plant this week regarding the road to Enterprise and Antelope Road. There were three projects and an agreement needed to be in place on what they need to do for the road improvements. Richard noted that he still had not heard any progress regarding the Iron Springs Road. The engineering had to go through the Utah Department of Transportation (UDOT), which required him to hire a UDOT approved engineer to design what they are going to do. He reported that he had met with BZI regarding road improvements for their turn in and turn outs. We would work together and BZI would pay for their portion for the turn in and turn outs. Richard reported that he had met with a group called Fabian with BZI. He invited his department and several other key partners in the community, to attend the meeting because this was a huge consortium which wanted to purchase 108 acres of the BZI project for their uses. Fabian did not reveal who they were or what they plan on doing, but it would be industrial. They asked a lot of great questions about our ability as a county to support whatever was coming, whether it was power, transportation, or labor force. BZI was chosen, by notice, which they were chosen as one of the finalists sites for this group, out of all the sites they interviewed. Martin Olaya, Iron County Engineer sign Technician, had been doing a great job in the sign department. We have a large number of signs that were faded and knocked over. The sun here in Southern Utah really eats at the southern facing signs. He noted that he met with Commissioner Cousins last week to order a new printer plotter and work table for the Sign Department. Richard reported that work had begun from North to South in Iron County to check the flood channels for next spring and to dredge up some of the debris and other things that have settled in the channels. Bids for crushing road base was sent out and there were two different companies that were awarded contracts. Work had begun on culverts on 800 and he spoke with WL Plastics to put together an invoice on how much it was going to cost. Discussion continued regarding the size and pressure of the pipes. He noted that as soon as he was 100% comfortable with the calculations, he would move forward.

**Bruce Anderson, Iron County Public Works Director**, reported on the Road Department. Bruce reported that 71 lane miles of chipping were completed. It was all flushed and the lines were painted back on the road. They were presently working on finishing up some skim patching. There were some blowouts on dirt roads in Beryl that they were working on as well. He noted that the Road Department was preparing for the winter season. The Deer Hollow project, located on the Iron County/Kane County line on Hwy 14, was completed and it looks nice. Maria Twitchell and the Forest Service had been working on this project for approximately 10 years and was pleased that it was finally completed. The cattle guards along Hwy. 56 on 3900 and 4300, were coming apart. The state put them in not long ago, and they said they were not theirs to repair. Bruce reported that the cattle guards were taken out because when it snowed it made the turns slippery and dangerous. The Road Department continued to work on the road in the Little Eden Subdivision in Enoch that went to the new CJC. He explained that it was Iron County's obligation to either pave or chip the two roads for exchange on the CJC property. The pipe was just under \$20,000, which work would begin this winter. Bruce reported that they were currently working on a BLM trail at the State Line and Hamlin Valley which was partly paid with the Federal Emergency Management Agency (FEMA) funds. The check was approximately \$36K. Bruce expressed his appreciation to George Colson, Iron County Emergency Management, Mike Worthen, Iron County Natural Resource Management, and Justin Goodwin, Iron County Roads Assistant Supervisor, for their help to facilitate the FEMA Grant. He noted

that the Road Department was down three employees. The new Pup Trailers should be delivered by the end of the month. Bruce reported that he and Commissioner Wood attended the Utah Association of Counties (UAC) last week, which was very informative. The state legislature changed some language on how far back you could go on roads and determined that they were still roads, which cleared up issues in Iron County. He noted that the meetings with the different Road Department Supervisors had been valuable. The Road Department had planned to sponsor an Oil Class this Friday. He explained that the roads were chipped with MC oil or CRS oil, and now there were many different varieties and someone would be coming to the class to explain what all the acronyms and numbers meant, so we can understand how to bid it and what kind of product they were actually bidding and receiving. Bruce explained the different additives you can put in road oil to help it get harder faster, stay harder longer, stay more pliable. He reported that the Road Department and the Landfill continuing to work with Layton Construction on the new jail.

Bruce Anderson reported on the Landfill Department. The water samples were completed on Wednesday and sent to Chemtech Ford, and he had not received the results back. Bruce explained that the Landfill Permit required water samples to be turned in twice a year to make sure that no contamination from the landfill was getting into groundwater. Discussion continued regarding the water samples and groundwater. Bruce reported that the Department of Environmental Quality (DEQ) had a new program where they would send a representative from an outside company to visit every landfill to do a materials assessment to determine if the landfill should begin a recycling program. He noted that it had to make sense because it adds cost. He and Jaron Scott attended a meeting a year ago and the residents of Salt Lake County were paying approximately \$580 a ton to recycle that material. Discussion continued regarding the feasibility of a recycling program. All the employees at the landfill were healthy and strong. Jeremy Tillman, Luke Simkins, and Casey had been helping cover for Scott Carter who was on light duty as a result of a shoulder surgery, and were able to get all the mechanic work completed. There were two new employees that were catching on quick. There was a fire at the Landfill the other morning, and everyone pitched in and did a great job. Bruce noted that there was an additional employee that hired for the landfill, and included in the HR report, but he called this weekend and rescinded his willingness to work for Iron County. He reported that Doug Hanson, DEQ Division Director, was working on a tire meeting with Washington County and all rural counties in Southern Utah, regarding accepting tires at the landfills. In March of 2020, even though the permits allowed landfills to accept tires, the state mandated that the landfills could not accept tires anymore, and to recycle these tires. Discussion continued regarding the disposal of tires. Bruce reported that there was a new computer system at the landfill that was a different collection system, which he was still trying to learn.

**Brennan Wood, Southwest Applied Technical College (SWATC) President,** reported that SWATC was currently updating their mission statement, which had been in place for 15 years. Brennan noted that SWATC's service region included Beaver, Garfield, Iron, and Kane Counties. Students come from across Utah including 24 of 29 counties, and 87 students from out-of-state. He reported that SWATC offered 22 programs and we have another one coming online. Approximately 500 students receive a certificate from SWATC. There were over 2,000 students taking certificate or entry level programs that lead to a certificate. In addition to that, we have anywhere from 600 to a thousand that go through our Custom Fit Program. He explained that the Utah State Legislature appropriate funds each year that allowed SWATC to subsidize up to 40% of the cost of training to qualified for-profit companies. Last year, 92 different companies participated in Custom Fit. Brennan reported that most of the students come from Iron County, and 94% of the students that received a job after graduation were in Utah, but as far away as Wisconsin, Atlanta, and Montana. He noted that the Council on Occupational Education (COE) the accrediting agency for SWATC, required that they had a program that would place 70% of those students in Industry. Every one of our programs was above that threshold. Brennan reported that Software Development was 71% and nationally, it was one of the hardest programs to develop a pipeline and also hard to place. He explained Software Development. Brennan reported that in the last 10 years in Dual Enrollment, there were 1,580 STECH students enrolled,

783 had earned Southern Utah University (SUU) credits, and 3,516 credits awarded, and a value of credit savings for students was \$1,269,259. He noted that Cedar City, or SWATC, was one of the few institutions in Utah from a tech college that offered intro classes that gave the students the opportunity to the pathway into an adult certificate. Brennen explained the high percent growth and triggered status. He expressed his appreciation to the commissioners for their support for SWATC with \$50,000 in funding. In 2023, 404 students received financial aid. A bulk of financial aid comes from Free Application for Student Aid (FAFSA). Utah was the worst state out of the 50 states in FAFSA applications. They leave more money on the table than any other state. Brennen explained the scholarship process. In FY23, there was \$1,122,599 in Federal Financial Aid, \$153,734 in State Aid, and \$120,583 in County Aid and Scholarships. Discussion continued regarding the need for scholarships and funding for students. Brennen reported that the Pharmacy Technology and Nursing Assistant Programs area had been remodeled. He explained the new programs and Senate Bill 102 funding for a new building and diesel mechanic bay. The new Public Safety Building (2 or so years) would hold the EMT, Advanced EMT, Paramedic, and Firefighter programs. It also allowed them an opportunity for a post program down the road. The SWATC Board met with the Utah National Guard up at Camp Williams last week regarding a Training Affiliation Agreement once the new building was in place. There would be training in rubble and disaster training for all of local agencies and the Utah National Guard which would be held in Iron County. Brennan explained the population of students “demographic cliff” that would hit in the next 10 years, and the location of the new building. Commissioner Bleak noted that his children had benefited from the SWATC programs. I have a daughter that would be in the Medical Assistant program later this year, children in welding, and both his sons went through the EMT programs, and had been employed in that realm. Mike Bleak noted that in his law enforcement role he worked with the EMT’s. There was a paramedic named Sarah that, for whatever reason, we were on many of the same our shifts. Sarah was a phenomenal paramedic and she was a graduate of SWATC. Brennen reported that SWATC began all of their meetings with a student story because sometimes you forget about why we were doing this in the first place.

**Paul Cozzens, Iron County Commissioner**, reported that he attended the Community Development Block Grant (CDBG) board meeting last week. CDBG was a state board where HUD grants were administered to low-income areas. Iron County received a HUD Grant funding for the new Fire Station in Newcastle. Paul reported that he had been working with Sam Woodall, Iron County Deputy Attorney, and Sam had been working with Paul Bittmenn, Cedar City Manager, regarding a Memorandum of Understanding (MOU) regarding a water agreement with the new jail. Paul Bittmenn wanted to expand the agreement to include sewer and aggregate. Iron County was going to mine aggregate in the recharge area just south of the new jail site. Paul explained the aggregate process in the pit on Kitty Hawk in trade with Cedar City. Commissioner Cozzens informed Sam Woodall that he had read through the sections of the MOU and thought it looked fair. Paul Bittmenn was going to try to get the MOU on the Cedar City Council agenda, and Commissioner Cozzens noted that he would attend the meeting and speak if needed. If the Cedar City Council approved the MOU, then it would come before the Iron County Commission for approval. Paul reported that he attended the UAC Board of Directors meeting, and one of the main issues was that the State of Utah had filed a lawsuit against the Federal Government in regards to taking control of some public lands which would not affect the National Parks or existing leases, but it would affect Utah. UAC voted unanimously to support that lawsuit with an Amicus brief. He explained further on the support of the lawsuit. Commissioner Cozzens mentioned that had received a call from Dennis Johnson, Iron County Television Specialist, this last week regarding his concern that a building had been built by AT&T on Red Hill where Iron County transmission towers. He thought it was a cell tower, but it was a salvaged building that SUU had acquired from Canyon Media which had AT&T’s name on it. Iron County transmitted 10 to 20 watts at the Red Hill site and Canyon Media would be transmitting 10 to 20,000 watts. Dennis was worried that it could interfere with some of our communication sites, with the radiation it emits. It also exceeded the licensing requirements that was allowed for that kind of transmission. Dennis had been to the Bureau of

Land Management (BLM) and talked to them about it. Paul quoted Dennis, "I had always understood that the site was designated for low power communications only. I do not have documents to prove that. I do have documents from other sites developed for lower power television, but not Red Hills. They seem to be trying to see how far they can get the signals to spread. Red Hills is not a good place to do it from."

Reed Erickson, Iron County Planner, reported that the Iron County Planning Commission (ICPC) was familiar with the transmission tower. He explained that the ICPC Staff issued an Administrative Land Use (ALU) permit and sent notifications to adjacent property owners and to the BLM. The BLM would coordinate with other leases explaining what the building was. They had an ALU permit to build the building there based on their lease. Commissioner Cozzens read from an email from Dennis, "I am checking in on the cost of having radiation studies done on the Red Hills TV site before and after they finish the two new broadcast stations. So far it sounds like it might cost about \$3,000 to \$5,000. Do you think this is a reasonable thing to do?" George Colson, Iron County Emergency Management Manager, reported that Iron County had been having trouble with public safety transmissions lately. The pages went out, but no voice, especially for Gold Cross and some of the Fire Departments. George noted that he would share Dennis's concern, and would like to see how it was going to affect our public safety. If it were going to affect public safety transmissions in Iron County, then it would be problematic. George reported that he would reach out to Dennis. Paul noted that he did not know if the commission wanted to authorize the cost for a study, before and after, to see what was going to happen and how it would affect Iron County Discussion continued on placing the issue on a future commission agenda and a budget for the study. Commissioner Cozzens reported that he would get in touch with and let Dennis know that the commissioners supported the study. Paul reported that he attended the Iron County Sheriff's Department Awards Banquet dinner. He expressed his congratulations to all those that received awards and to those that work so hard to keep Iron County safe. The Cornerstone slab had been poured on the new jail property. Subcontractors had been hired to put compressed air lines and electrical in the slab.

**Marilyn Wood, Iron County Commissioner**, reported that the Iron County Fair OHV Jamboree began this week on Wednesday night from the 25th through the 28th. There was still room for riders if anyone would like to come and sign up, and you could still sign up on the Iron County website. Marilyn noted, as Bruce Anderson mentioned, that she attended the UAC round table for Public Works. It was interesting and fun to watch all the road departments and public works personnel on how they interacted together and discussed their issues. It was very productive to be able to discuss what was happening. She reported that she also attended the Iron County Sheriff's Department Awards dinner that was held at SUU. Dan Kidder was named the Iron County Sheriff's Person of the Year and Chris Lindsey was the Outstanding Volunteer.

**Michael Bleak, Iron County Commissioner**, reported that he had the opportunity to attend the annual Payment in Lieu of Taxes (PILT) Fly-In in Washington, D.C. The State of Utah being a Public Lands State, received revenues from the Federal Government to offset losses in property taxes due to its public lands status. Mike explained that the impact to Iron County was about \$4.1M per year, of which 50% goes into the Iron County General Fund and 50% goes into the Iron County Municipal Services fund. There was a separate amount called Secure Rural Schools Fund, and 60% went to the school district, 40% went to Iron County, and that money was dedicated for Iron County roads. Every year that money goes through the Iron County Special Service District #3 (SSD#3). He noted that this was not a permanent program. Every year in the legislature, PILT was on the chopping block. In fact, the Secure Rural Schools program actually ran out September 30, 2023 and if it was not re-appropriated by September 30, 2024, then it goes away. That would be devastating not only to our county but counties across the nation that have federal lands. Mike reported that each year the National Association of Counties (NACo) organized a fly-in for commissioners from those counties that have public lands to meet in Washington D.C. and lobby legislative offices. We met with representatives and senators, and staff that covered 65 meetings that day with seven different groups, and there was overwhelming support in the offices that we met with. Mike explained that several of the offices do not necessarily deal with public lands in their states, so they do not understand how important

this was. It was great to take the time to educate these folks and the comments were positive. There were only four attendees from Utah this year, Commissioner Pearson from Beaver County, Commissioner Lytle from Daggett, Commissioner Miles from Duchesne County, and Commissioner Bleak. In our group, there was a county supervisor from Greenlee County, Arizona, two commissioners from Washington State, and a commissioner from Minnesota. The commissioner from Minnesota reported that his county had 98% public lands. PILT funding had a big effect on Law Enforcement (LE) and Search and Rescue. Mike explained how this affected LE and Search and Rescue. He reported that \$4.1 million would be devastating to lose.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED MINOR SUBDIVISION-CUMBERLAND INDUSTRIES, LLC MINOR SUBDIVISION, 3 LOTS WITHIN THE NE¼ NW¼, SECTION 1, T37S, R12W, SLB&M, IRON COUNTY, UTAH, APPROXIMATELY 28.52 ACRES, LOCATED NEAR 3394 S OLD HIGHWAY 91, CEDAR CITY, UT (APN: E-256-5). Applicant: Anna Slingland, C.R. National, LLC, Property owner: Cumberland Industries LLC, c/o Marcel Rodrigues**

Reed Erickson, Iron County Planner, reported that this item was a carryover item that began under the old rules. In January, the approval rules for minor subdivisions was changed. The Iron County Planning Commission (ICPC) approved this subdivision under the old rules, and the ICPC realized that at that time, it had not been brought before the Iron County Commission for approval because the applicant was working on some water rights issues. The property was sold as the whole subdivision and was located off of old Highway 91, surrounded by A-20 and R ½ zoned properties. Reed explained that a Conditional Use Permit on the property, and re-zoned the property to Light Industrial (LI). When the property sold, the agreement was that they would sell the entire property, the new owner would do a subdivision for three lots, and the seller would get back two lots. Reed explained the issue with water rights in the well. He noted that the ICPC agreed to bring this item to the Iron County Commission for approval based on the old rules. He noted that there was a variation on the streetlights because there are no other street lights in that area.

Michael Bleak, Iron County Commission Chair, declared a public hearing open regarding a proposed Minor Subdivision-Cumberland Industries, LLC Minor Subdivision.

No Public Comments were offered.

Michael Bleak, Iron County Commission Chair, declared the public hearing closed.

Reed Erickson Reed reported that the ICPC reviewed Iron County Code 16.20.130 - Minor Subdivision Approval Procedures and recommended approval of the minor subdivision with a variation of no street lighting.

Paul Cozzens made a motion to approve the proposed Minor Subdivision-Cumberland Industries, LLC Minor Subdivision, with a variation of no street lights, as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

No Public Comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF AN OFF-HIGHWAY-VEHICLE (OHV) RECREATION GRANT. A GRANT FROM THE UTAH OUTDOOR RECREATION DIVISION TO ASSIST IN MAINTAINING OHV TRAILS IN IRON COUNTY**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that the grant was from the Utah Division of Outdoor Recreation (UDOR) to assist in maintaining Off-Highway Vehicle (OHV) trails. This was a maintenance type grant which required the purchase of a shed for the State Road Department and the State Trail Crew, to be stationed in at the Iron County Fairgrounds, which would allow them to store their equipment and tools. If the State vacated the shed, it would revert back to Iron County. Mike reported that a trailer for a mini-excavator, was purchased with the last grant, and included a map revision for the five trail segments in Iron County. The initial application was for \$29,012 and when he received the grant,

the state added another \$2,700 for a total grant amount of \$31,712. He noted that Commissioner Bleak should have been sent a document to sign through his email from Maureen Casper. When it was signed, it would go through the state and then they would send us a hard copy.

Marilyn Wood made a motion to approve an OHV Recreation Grant from the Utah Outdoor Recreation Division to assist in maintaining OHV Trails in Iron County. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL TO GRANT AN INGRESS/EGRESS ACCESS EASEMENT ON APN: B-968-4, LOCATED IN SECTION 9, T36S, R11W, SLB&M**

Paul Cozzens, Iron County Commissioner, explained that this item was on the last commission meeting where no action was taken. Paul reported that he looked at the proportion of the easement, according to the map that they used at closing, showed that the easement and road was on Candor's property, not Iron County. He noted that the drawing that was attached to the closing documents showed the easement on Condor property.

Michael Bleak, Iron County Commissioner, reported that had followed up with Rick Lunt several times. Prior to Candor Development acquiring the property it was farmland and owned by the Lunt family, not Rick Lunt's family, but an uncle and cousins. Before being able to sell the property it was adjudicated by a Fifth District Court Judge. He explained that the property that was presented to the court included the easement as was discussed. There was a judgment from the 5th District Court and was recorded on April 5th, 2023. Mike reported that the closed on the purchase of that property April 6th, 2023. At the time we signed the documents, that easement was already in place as adjudicated by the 5th District Court. This should not be an issue. It was previously recorded after being adjudicated by the court.

Marilyn Wood, Iron County Commissioner, reported that, as she felt at the last commission meeting, the commissioners needed to have a couple of weeks study this issue, and make sure where the easement was. The easement would also be used to access to the jail. Michael Bleak noted that Iron County were the ones that approached the owner of the property to possibly be the site for the new jail, and it was not for sale at that time. He reported that during the initial discussions, that easement was the linchpin for the entire deal, because they retained the 10 acres to the north and without that easement to access that property, they were not willing to sell the other 30 plus acres. Marilyn noted that her question was when we go to do that road, whoever buys that property would have to improve the road. Paul reported that in the last meeting it was decided that Iron County would develop our half of the property and Candor would develop their half of the property. He could not understand why we did not split the property lines and go half and half.

Reed Erickson, Iron County Planner, reported that the ICPC was currently in the process, with Platt & Platt Engineering, of doing a road dedication subdivision. The road to be dedicated comes off from the north that came down through and connected onto the Horse Alley road. Reed said the easement could be included in the road dedication, then it would become a public road and whoever developed that their side of the property would develop their side of the property. It would not be on the Iron County property if we included the easement in the road dedication. Once it becomes a public road, anyone who would develop along the frontage would improve their frontage. This might be something that could be considered, to consider dedicating the easement at the time the ICPC considered the road dedication for the rest of it. It would become a public right-of-way. Discussion continued about the possibility of dedicating the easement.

Jon Whittaker, Iron County Clerk, reported that Steve Woolsey, Woolsey Land Surveying, prepared the Quiet Title and included the descriptions as they would be, even though there were a bunch of gaps and overlaps from the old farmers' deeds. Reed Erickson noted that to prepare the Iron County parcel, the lines had to be cleaned up and without gaps or overlaps. That was the reason the judge claimed it and recognized the lines and the easements and was recorded the day before Iron County closed on the property. The purpose of the survey was to prepare the property for sale to Iron County. Jon Whittaker reported that was the description that



ended up in the Quiet Title. Reed Erickson noted that the language on the Record of Survey, at that time, said that “if the easements were dedicated then the easements go away.” Jon explained the when we say “moot point,” what was meant was, here was the description for the remainder piece for Candor, and it was joined together with this easement, and that was of record and signed by Judge Bell, and then this was Iron County’s parcel, and was joined with that easement. Jon read what Reed was referring to: “All the above described easements shall immediately terminate upon the dedication of any public roadway running over and across said easements.” Reed reported that it was intended that way originally, and was in the decree from the judge as well, on the records of survey that were prepared both by Steve Woolsey and Tim Watson, Watson Engineering. Watson prepared the title work for the survey for Iron County to buy the parcel. They all recognized those had been recorded easements. Jon noted that, anecdotally, every bit of information that we found showed that Candor allowed us to draw the line between the pieces and that the easement on our property was part of the deal the whole time. It now comes down to Iron County’s integrity to go ahead and sign. Marilyn noted that she was glad that this was clarified it

Paul Cozzens made a motion to approve to grant an ingress, egress access easement on APN: B-968-4 located in the section described, with the intention to make it a dedicated right-of-way. Second by: Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, noted that the hire of Cody Ward would be stricken from the agenda as Cody had rescinded his acceptance. Jennifer presented the promotions of Luke Simkins, Kurtis Cox, and Wade Williams from a Full-Time Landfill Technicians 2 to Full-Time Technicians 3 in the Landfill Department, effective September 29<sup>th</sup>; the new hire of Rylee MacKay as a Full-Time Judicial Assistant in the Justice Court, effective September 30. This was a backfill of a vacant position; the new hire of Mika Garrett as a Full-Time Judicial Assistant in the Justice Court, effective October 14<sup>th</sup>. This was a backfill of a vacant position; the new hire of Eileen Coleman as a Full-Time Communications Assistant in the Tourism Department, effective September 30<sup>th</sup>. This was a newly approved position; and the new hire of Diana Felix as a Part-Time Outreach Coordinator in the Council of Aging, effective September 16<sup>th</sup>. This was a backfill of a vacant position.

Marilyn Wood made a motion 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 reported that in the Sheriff’s Office – Patrol, there had been many discussions with the Iron County School District (ICSD) for several months to determine what was outlined in the newly implemented UCA 53-22-103 Utah Code Chapter 22 - School Security Act and how to implement it within Iron County. Jennifer expressed her appreciation to the Sheriff’s willingness to open these discussions in order to get where we were today. I submitted the documents for your consideration in the Commission packet. Jennifer turned the time over to Zach Tuttle, ICSD.

Zach reported that he was currently the Safety and Security Director for the ICSD. He explained that he was a part-time LE Officer for Parowan Police Department and the Brian Head Marshall's Office. He was also a member of the Utah National Guard as a Human Intelligence Collector and had done a tour overseas in that capacity as well. Zach reported that his role within the ICSD was to identify personality threats as they manifest throughout the district and essentially intervene early and often, to mitigate the possibility of there being a physical threat to our schools, our children specifically. He noted that he had been working for the past year and a half in that capacity for the ICSD.

Sam Woodall, Iron County Deputy Attorney, reported that, as required by statute, it was necessary to have an Iron County Security Chief over the schools and they work under the umbrella of the Sheriff. We are kind of marrying the school district position with this Iron County position. Sam stated that the statute outlined specific requirements of training and

oversight. The Memorandum of Understanding (MOU) contemplates those trainings and oversight by Zach Tuttle. Jennifer Bradbury and I met with the school district and discussed any possible complications associated with the MOU. The main concern was just indemnification because there were two government entities, but we have agreed via this MOU to cover the Iron County people and the ICSD would cover their people. There was a specific clause to that effect, and we were going in with both eyes wide open. If something happened, it was likely that both entities would be drawn into a lawsuit anyway. Sam had spoken with Johnny Miller at UCIP, and he had indicated that insurance would only cover our entity. The school district was aware of that, Iron County was aware of that, and both felt like Zach would do a good job and certainly fulfill all the requirements of the statute. Sam reported that he would recommend approval of the MOU that had been drafted. Sam explained that the MOU had a monetary contribution on the part of Iron County, where Zach would be primarily a school district employee. We were able to calculate an appropriate contribution based on what a volunteer would be paid via a stipend. A person filling this position would be a Sergeant, and with Zach's amount of experience, we were able to calculate the amount of pay at 20% of a Sergeant position, with his experience, was what we had agreed to contribute to the school district and allow him to fulfill the obligation of the statute. Commissioner Bleak reported that this had been a painful process for months, but we had reached a great partnership and he was glad that it worked out to benefit both Iron County and the ICSD. Mike noted that he thought Zach was absolutely the right person for the job to be able to oversee the program. He expressed his appreciation to everyone that worked so hard on this, especially Jennifer, Sam, and Zach. Discussion continued regarding indemnification. If there was an active situation, then we would look to this agreement to figure out what was appropriate under the Iron County umbrella. If that was the case, then again, the coverage would be met by UCIP for his role as an Iron County entity.

Paul Cozzens made a motion to approve Zach Tuttle for a stipend as an Iron County Security Chief position in accordance with UCA 63-22 (amended 53-22-103) School Security Act. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

Commissioner Cozzens reported that he forgot to mention in his report that he had talked with Marcus Keller, Iron County Bond Specialist, regarding the Federal Government dropping the interest rates to 50 basis points, and possible more, which might be announced before the end of the year. Paul noted that he asked Marcus if Iron County would be able to take advantage of the 50 basis point reduction for the new jail. Marcus said because the interest rates would be factored in that main deal when we go out for financing, which was really good news.

### **NON-DELEGATED ITEMS**

Closed Session

### **DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

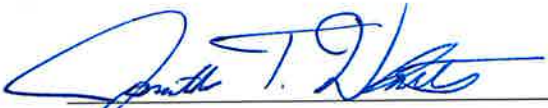
Marilyn Wood made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c) – "Strategy Sessions to discuss pending or reasonably imminent litigation." Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

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

I, Michael Bleak, 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(c) for discussion regarding ongoing litigation.



Signed: ~~Michael P. Bleak, Chair~~  
Paul Cozzens, Chair Pro Tempore



Attest: Jonathan T. Whittaker, County Clerk



**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: ~~Michael P. Bleak, Chair~~  
Paul Cozzens, Chair Pro Tempore



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
OCTOBER 14, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 14, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Chad Dotson	County Attorney
Luke Little	County Auditor
Sam Woodall	County Deputy Attorney
Richard Wilson	County Engineer
Jamie Evans	County Fair
Jennifer Bradbury	County HR Director
Reed Wilson	County Planner
Carri Jeffries	County Recorder
Kent Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer

Others in attendance:

Spencer Bowman	Carol Barker	David Johnson
Adam Long	Tyler Melling	John Oglesby
Toni Robison	Nate Runyan	Ray Sadd
Sharon Sadd	Jed Townsend	Jeremy Truman
Merilee Wilson		

**SYNOPSIS**

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SUBDIVISION CONSTRUCTIONS/FLOOD CHANNEL SETBACK AMENDMENT.....	8

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

An invocation was offered by Sam Woodall.

Michael Bleak, Iron County Commission Chair, excused Commissioner Wood who was attending to a family obligation.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held September 9, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from September 23, 2024 to October 13, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DEPARTMENTAL REPORTS**

**Karsten Reed, Iron County Assessor**, reported that Bradden Beaumont and Kendal Allan attended a Geographic Information Systems (GIS) Conference and learned to develop a photo transfer application that was integrated into greenbelt, which would save thousands of hours. Karsten expressed his appreciation to Kendall for all that he does for Iron County. There would be a presentation of the application during the next commission meeting, and updating the changes regarding the green belt. He also expressed his appreciation to Carrie Christiansen, Iron County Deputy Auditor, for her efforts and hours preparing for the Board of Equalization (BOE) meetings.

**Jamie Evans, Iron County Fair Director**, noted that this was a year of learning and growing as they had 3 new employees that started this year, and they all had been great. Overall, the Iron County Fair was successful and many notes were taken for next year. Jamie reported that she was investigating a new ticket software program that would work more efficiently for the sponsors and event ticketing. The last company had a tendency to double and triple book certain sections of the events for the last 2 years. Jamie reported on the update of the fairgrounds. The exhibit building facelift looked great. The new grass area was nice to have as it increased the blanket seating area. She noted that they were brainstorming on new ideas for the 2025 fair theme. Jamie reported that there was a name for the 2025 Fair Grand Marshal, but they had to reach out to the family members for approval before she made the announcement. There were

three new events this year: Team Sorting, 4D Barrels, and Ranch Rodeo Series, which all turned out well. The Little Buckaroo was switched to a Saturday and added Pony Bronc, Break Away Roping, and Mini Bulls. Jamie reported that she had received the Professional Rodeo Cowboys Association (PRCA) Rodeo review. The best comment in the review was that the sand in arena was great. The stock contractors were also happy with the rodeo. She noted that the Saturday PRCA Rodeo had the highest attendance ever. Search and Rescue reported that was the most cars they had ever parked and some had to be parked back in the Mud Bog area by the end of the night. Jamie expressed her appreciation to the Sheriff's Department, Search and Rescue, and VIPS for the amazing job they did this year. She noted that the Demolition Derby sold out again. Jamie reported that there were 27 new sponsors this year, for a total of 119 sponsors. Those sponsorships brought in \$141,500. She noted that the Color County Jamboree had 70 participants this year, which was smaller in numbers this year. Possibly because the Spanish Trail Rodeo was held the same weekend. The Cowboys liked the rodeo dates, as it was the last qualifying event for them before the Circuit Finals. Jamie reported that she had been working with the advertisers and Maria Twitchell, to get a marketing plan put together for next year to push the use of the fair building and arenas more next year. She noted that she had contracted a 2-day horse show next June. Commissioner Bleak reported that he did not hear any complaints and that the community and volunteers raved about this year's fair. Commissioner Cozzens noted that he enjoyed the grass area where they could set up their own lawn chairs to watch the events. An observation, and concern was with people placing huge blankets on the grass and not using the space, which tied up a lot of space that could have been used..

**Carri Jeffries, Iron County Recorder**, reported that the budget was on track at 57.56% used. There were 3,640 Recordings, 1,412 Transfer Documents, 18 Plats, and Total Revenue from July 1<sup>st</sup> through September 30<sup>th</sup> was \$146,498.40. Carrie reported that the "Fraud Notify Alerts" system was operating. She explained that a person could register their name and when a document was recorded with their name on it, they would be notified via email. This would give the person an early warning of property fraud being committed in their name. To sign up, go to [www.ironcountytut.gov](http://www.ironcountytut.gov) to the home page and scroll down to "Fraud Guard" and follow the instructions. Carrie reported that this was a free service and a notice would be included on the 2024 tax notices.

**Nicole Rosenberg, Iron County Treasurer**, reported that Product Sales as of January 2024 was \$21,550,546.14. Tax Distribution to Iron County was \$4,842,737.50. Nicole reported that collection of property taxes was approaching and money coming in would change the amounts drastically, and Pooled Cash was \$67,887,759.57. She noted that the Public Treasurers Investment Fund (PTIF) interest rate was holding at 5.25% and had collected \$1,850,729 in interest this year. Property tax extracts were sent to the printer and they would be mailed this week. Nicole reported that the Outstanding Taxes were down to \$1,100,000, and they had been working with Anna Teeples, Sheriff's Drug Court Tracker/Deputy 2, in getting her software program and a merchant so they could take credit cards payment for Drug Court. The new merchant for the Landfill seemed to be working well for them and they had not seen any problems. She reported that the budget was on track. Tax notices and postage were the big expenditures. Nicole reported that there had been some changes with seasonal employees and they were in the process of training the new staff. In the next 45-50 days, the Treasurer's Office would be collecting approximately \$50M in property taxes. Nicole expressed her appreciation to Melanie Hall and Nichole Bess, and how well the three of them work so well together.

**Paul Cozzens, Iron County Commissioner**, noted that the Departmental Budget Hearings would be held on October 16<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, and 28<sup>th</sup>. Paul reported that he had the opportunity to speak at the Lions Club meeting. The Lions Club had asked him to speak about water issues in Iron County. He also attended the Iron County Planning Commission meeting on October 3<sup>rd</sup>.



**Michael Bleak, Iron County Commissioner**, reported that one of his commission assignments was to coordinate with Economic Development. He was a member of the Economic Development Committee and they had received Infrastructure Grant funds through the Governor's Office. The Economic Development Committee had discussed potential infrastructure projects that were coming up throughout Iron County, but no decisions had been made as of yet. Mike noted that weekly meetings were still being held regarding the plans for the new jail. He attended a "Meet and Greet" with Representatives Celeste Maloy and John Curtis. Mike reported that the commissioners attended a Sheep Producers meeting at the sheep corrals on Cedar Mountain where they were loading sheep for the market. Representative Maloy was in attendance taking questions from those that were in attendance and being made aware on the local issues that the Sheep industry was facing that she might be able to address on a federal level. He noted that he spoke at the Iron County Republican Women's in a panel discussion regarding progress on the new jail. He attended the Quarterly Fire Chiefs meeting where they discussed communications, equipment, and MOU's between departments, and attended the One Utah Summit that was held at Southern Utah University (SUU) with leaders from over the State of Utah to discuss rural issues. They discussed economic development, infrastructure, and leadership strategies. He had a dinner meeting with Sheriffs from Kane, Paiute, Garfield, and Beaver Counties. Governor Cox and Joel Ferry, Executive of the Department of Natural Resources (DNR), and local legislatures attended. Mike reported that he was on the Cedar City Airport Board and had attended their recent meeting wherein they continued to work towards more favorable flight schedules. He attended a dinner with the Site Selectors Guild members. Mike explained that the Site Selectors provide a location strategy to corporations across the globe for every industry, sector and function who were interested in building facilities. The site selectors never share who they represent or exactly what they were looking for, but it was an opportunity to build relationships with them. Commissioner Bleak reported that Representative Maloy reached out to him and asked if he would assist with a resolution through the National Association of Counties (NACo) for Wildland fires and getting Wildland Firefighters hazard pay for working on prescribed burns that get out of control. He explained that the Federal Government does not recognize prescribed burns that get out of hand as an actual fire, therefore, they do not pay the firefighters. This resolution would go through the legislature to change the law and pay those firefighters. The firefighters work very hard and every year someone loses their life in wildland fires.

**Paul Cozzens, Iron County Commissioner**, reported that he and Richard Wilson, Iron County Engineer, went up Cedar Mountain to a road called the "Upper Basin Road" which goes from Kanarrville to Kolob Reservoir and was maintained by Iron County. He noted that over the years, private landowners sometimes purchased plots of land and placed locks on the gates. This was illegal because it was a prescriptive easement and the public had the right to use those roads. The public must also be respectful of the property on either side of the gate and close the gates behind them. Paul reported that he and Richard took down approximately 20-25 signs that said "No Trespassing" on gates along the Upper Basin Road. Signs that were parallel to the property were left up because they indicated that you could not trespass on the property, which was legal. Paul reached out to Sam Woodall, Iron County Deputy Attorney, and asked if there was an ordinance in place regarding the illegal signs. Sam replied that there was. Paul noted that he would like the ordinance placed on a future commission agenda for discussion.

**Jon Whittaker, Iron County Clerk**, noted that the commissioners might want visit a little more at length, with the Attorney's Office, about other solutions that might be pursued as far as something stronger than a prescriptive easement. We have to be very careful with imminent domain when possibly taking people's property. He wondered about approaching the landowners about dedicating those roads. Jon reported that there was an argument and an obligation that Iron County had to protect that public's right of transit and other legal options could be found to try and secure that a little more firmly. Jon reported that Washington County put up a sign that said, "This road is accessible to the public, please be respectful and close the gates," and Iron County was currently making similar signs. The Iron County Sheriff's had been out there numerous times cutting locks off gates and it needed to be addressed.

**DISCUSSION AND POSSIBLE APPROVAL FOR USE OF THE IRON COUNTY FAIR BUILDING AS AN EMERGENCY REUNIFICATION CENTER FOR THE CAMPUS OF PAROWAN ELEMENTARY AND PAROWAN HIGH SCHOOL**

Jed Townsend, Parowan High School Resource Officer, explained that as part the Iron County School District's (ICSD) Emergency Preparedness, each Iron School had been assigned to have a plan in place for any type of emergency, which each school would follow. If there were an event in which the school students and staff had to evacuate, they would go to a "Reunification Center" where student could be reunited with their parents. The center would need to be an indoor facility and had to be able to hold a large population of youth to meet their parents for pickup. Jed noted that the possible options in Parowan were churches and the Iron County Fair Building. Commissioner Bleak noted that in a natural disaster, or other event, George Colson, Iron County Emergency Management Manger, would have a place that would be utilized for staging for any type of emergency management type operations and Jed could work with George on this type of emergency. George's plan were usually staged outdoors, so it should not be an issue of using the building. An evacuation would be a one, long day process to get the children from the schools and to their parents. Jed reported that the proposal that was being brought before the commission today was essentially a contingency plan for what was previously set in place. This was sensitive information to where they would be relocating and allow the Critical Incident Command Team to make their decisions to determine where the best options for relocating would be. Toni Robison, Parowan Instructional Coach, reported that their goal was to get the students out of the schools and to a safe place. Discussion continued on how students would be transferred and how they were going to access the fair building.

Paul Cozzens made a motion to approve the use of the Iron County Fair Building as an Emergency Reunification Center for the campus of Parowan Elementary and Parowan High School. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL ½ ACRE (R-1/2) TO RESIDENTIAL 4000, SQUARE FEET ( R4K). APPROXIMATELY 16.53 ACRES, WITHIN THE S ½ SE ¼ SE ¼ SECTION 21, T35S, R11W, SLB&M, IRON COUNTY, UT, LOCATED NEAR 3000 N 2300 W, CEDAR CITY (APN: D-620-1) Applicant: DDJ Development LLC, represented by Platt & Platt Engineering**

Reed Erickson, Iron County Planner, explained that the applicants proposed use to change to R4K was to subdivide the property according to the master plan. Development projects/properties zoned R4K must be at least 5 acres, and not more than 20 acres in size, be located at lease 1K feet away from another R4K zoned project/property, and provide central water with fire flow and central sewer. Reed reported that the 16.5 acres met the criteria of the R4K zone of 5 units per 20 Acres and was within the Tier II-outside of Cedar City's Annexation Plan. Services available were: Water-CICWCD, Sewer-Cedar City, other utility services were in the area (Power, Gas, Communications, etc.), Drainage/Flood provisions with the Stevensville Ditch.

Michael Bleak, Iron County Commission Chair, declared a public hearing open regarding a proposed zone change.

Tyler Melling, DDJ Development, expressed his appreciation to Reed Erickson for his work on this item. Tyler explained that DDJ Development had recently completed the process of a Development Agreement with Cedar City. When building was closer to the neighbors and the road, it would be single family detached home rather than twin homes. They could then make up for those units on the interior of the development for townhomes instead of twin homes, with the same density. Tyler explained the acreage and density for Cedar City compared to Iron County that DDJ Development was planning.

Jon Whittaker asked Richard Wilson if there was a plan in place around the intersection of Lund Hwy and 1600 N, where a lot of development had taken place, for placing high density housing and if any thoughts of a walkable area. Richard replied that the area which Jon inquired

about was located in Cedar City. Tyler replied Iron County had incentives to make sure trails and recreational amenities were publicly assessable, where Cedar City does not. He noted that there would be a trail system that would be made accessible to the public throughout the entire development as far as internal recreation and internal traffic flow.

Michael Bleak, Iron County Commission Chair, 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 the approval of the zone change.

Paul Cozzens made a motion to approve zone change from Residential ½ Acre (R½) to Residential 4000 Square Feet (R4K) as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens. Aye; Marilyn Wood, Absent.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL A PROPOSED ZONE CHANGE FROM INDUSTRIAL (I) TO AGRICULTURE 20 ACRE (A-20).**

**APPROXIMATELY 155.57 ACRES, WITHIN THE NE ¼ SECTION 11, T36S, R13W, SLB&M, IRON COUNTY, UT, LOCATED NEAR 530 N BUFFALO ROAM RD, SOUTH OF DESERT MOUND ROAD AT APPROXIMATELY 10300 W, CEDAR CITY**

**Applicant: Spencer Bowman**

Reed Erickson, Iron County Planner, explained that there was Bureau of Land Management (BLM) property on the east and south, and private property on the west and north. The property was surrounded by Industrial zoning. The owner of the property had begun construction of a residential building and was currently in violation with no building permit in an Industrial zone. This was an attempt to bring him into conformance by rezoning the property. Discussion continued regarding the possibility of a minor subdivision in the future. Reed reported that Services available were: Water-private well (non-public water system), Sewer-individual Septic's, and other utility services were unknown. The property could also have a consideration of the Industrial Protection Area.

Michael Bleak, Iron County Commission Chair, declared a public hearing open regarding a proposed zone change.

David Johnson, Iron County Economic Development, noted that he was neither for nor against this zone change. He stated that there should be caution of unintended consequences of Residential (R-20) development along a railroad and an Industrial zone. David explained that he had worked in communities where residential was built in an industrial area and it had caused issues.

Michael Bleak, Iron County Commission Chair, declared the public hearing closed.

Reed Erickson explained that after review of criteria evaluation of consideration of a zone change, the ICPC recommended the approval of the zone change.

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

Commissioner Cozzens reported that others in Iron County, at times, had built residential buildings without a building permit and the owners had criticized Iron County for enforcing the building permit law. Paul wanted to remind the public that the building permit was a law of the State of Utah, not Iron County. Iron County was a subdivision of the State of Utah and they required the municipalities and Iron County to enforce the uniform Building Code. If someone were to build a structure in Iron County they must have a building permit.

**PUBLIC HEARING, DISCUSSION ON A PROPOSED GENERAL PLAN TIER CHANGE (TIER II TO TIER IV) AND ZONING MAP AMENDMENT (R-1, R-2, AND A-20 TO R-5, RA-20, AND A-20) FOR PROPERTIES CURRENTLY IN THE KANARRAVILLE TIER II URBAN EXPANSION AREA. NO ACTION PROPOSED**

Reed Erickson, Iron County Planner, noted that this initiative had been discussed for many years in the Planning and Building & Zoning Departments trying to update and establish proper planning in relation to some of the historical land uses. This was a Kanarraville Tier II Area Planning, General Plan Amendment. Reed reported on the Tier II Historical Review:

Zoning around each municipality by a block of property and zoned it residential in 1980. In 1995, the General Plan was adopted and included the tier system. The Tier System was to identify the municipalities to be Tier 1, and Tier II would be the growth area, called the “Annexation Policy Plan” at that time. Subdivision regulations were revamped in the year 2000. In 2005, there was a major General Plan Amendment that created communities in Tier 3, if they could provide their own infrastructure and urban density level of infrastructure requirements, common public water systems, sewer systems, and road infrastructure. Reed continued to explain the Tier System. He reported that the Kanarrville Tier II boundary was established in 1995. Reed reported that the Planning and Building & Zoning Department agreed to assist Kanarrville to clean up their boundary lines. They had gone around town and identified where the properties were, which ones could come in, and which ones could go out, which would help property owners. Kanarrville was currently working on amending their Annexation Policy to include the new boundary lines. The Central Iron County Water Conservancy District (CICWCD) and Cedar Valley performed a Septic Density Study county wide in 2005. The study recommended 425 septic’s areas based on a density of 12 acres per septic and each groundwater contamination acceptability would go to 3.5 milligrams per liter. Kanarrville had 498 lots, which could utilize 425 septic system before they would reach that unacceptable contamination level. He noted that the CICWCD was established in 2005 to look at the groundwater and developing water systems for the unincorporated areas and help serve and manage the groundwater. Jon Whittaker, Iron County Clerk, asked if the boundary change would affect who got a ballot in a municipal election. Reed replied that with the boundary change some would be in the city and some in the county.

Michael Bleak, Iron County Commission Chair, declared a public hearing open regarding a proposed General Plan Tier change.

No public comments were offered.

Michael Bleak, Iron County Commission Chair, declared the public hearing closed.

Reed explained that there had been discussions with Kanarrville Town, and there was a town meeting set to meet with them, but they canceled their meeting, and rescheduled that for the 24<sup>th</sup>. He would be making sure that the residents were comfortable and understood what was happening and how it would impact them.

### **PUBLIC COMMENTS**

No Public Comments were offered.

### **RECAP OF THE 2024 LARRY H. MILLER SUMMER GAMES AND A PREVIEW OF UPCOMING PROJECTS FOR 2025**

Jonathan Oglesby, Utah Summer Games Director, expressed his appreciation to commissioner and Iron County for the success of the Utah Summer Games (USG). The Annual Report was still being worked on and he would send those out as soon as it was completed. Jonathan noted that his comments today come from a place of gratitude and appreciation for the support from Iron County for the USG. He explained that Maria Twitchell, Executive Director of the Cedar City-Brian Head Tourism Bureau, was actively included on every event discussion. He expressed his appreciation to Maria Twitchell, and could not speak enough about the quality of work Maria and her teams’ great help to the USG. Mr. Oglesby reported that Maria and her team were on virtually every decision made in terms of the calendar, working with local hospitality partners, scheduling events, and the type of events. He reported that the 2024 USG had concluded. There were approximately 10K unique participants (registered in multiple events) and over 12K participants, which was up 13% from 2023. There was growth in team events and over 24% growth in High School Basketball alone. This growth led to approximately a 14% growth in weekend occupancy in hotels. He reported that he had been challenged by Maria and the municipalities to add events in the off-season. He was happy to report that there would be events held from July 2024 to June 2025, with no events being held in October and January. Mr. Oglesby noted that the USG had expanded their relationship with the Utah High School Activities Association (UHSAA) which was allowing the USG to host the State Football and

Basketball games. He reported that if the facility scheduling worked out, the USG would be hosting the State Cheerleading competition under the UHSAA. The USG were hosting a High School Drill Team event in the middle of December which included 28 drill teams across the state. In February, the USG would be working with the UHSAA with basketball through September. New events beginning with the 2025 USG were: 7x7 football, girls' flag football, and youth football. Growth in mid-week events. He noted that they were working on driving growth in midweek (Monday, Tuesday, and Wednesday) events during the USG. This year there was a 10% midweek increase, which was very positive. Jonathan expressed his appreciation for the relationships with Cedar City, Cedar City Council, Cedar City Mayor, City Manager Bittman, Parowan City, Enoch City, Enoch Manager Dotson, and the citizens of Iron County for their continued support. Commissioner Bleak reported that the USG had been a staple of the community since 1980, and it was something that we could not afford to lose. Experiencing the rejuvenation of the last year and a half, under the leadership of Jonathan Oglesby, had been fantastic. Mr. Oglesby thanked Commissioner Bleak and noted that he failed to mention the Summer Games partnership with Utah Special Olympics which was going to yield a great deal over the next couple of years.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSAL FOR SPECIAL INSPECTION AND MATERIALS TESTING PROPOSAL FOR THE NEW IRON COUNTY JAIL FACILITY**

Jon Whittaker, Iron County Clerk, reported that a Request for Proposal (RFP) for a Special Inspection and Materials Testing for the new Iron County Jail was sent out. The RFP was for services beyond what the Iron County Zoning Department was equipped to do. Jon reported that GEM Engineering responded very thoroughly to the RFP, which was very demanding and were offered the contract.

Paul Cozzens made a motion to approve the Proposal for Special Inspection and Materials Testing Proposal Contract be awarded to GEM Engineering, Inc. for the new jail. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens. Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED AMENDMENT TO THE SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS – SHEET NO. 2, FLOOD CHANNEL SETBACK STANDARDS, PAROWAN CREEK**

Richard Wilson, Iron County Engineer, explained that this information comes from past efforts made by the National Resources Conservation Service (NRCS) funding events for any type of flooding that comes out of the channels. Ongoing projects were under way in Cedar City, Parowan, and Summit. This item was particular to Parowan Creek. Richard reported that one question that came up at the Iron County Planning Commission (ICPC) meeting was regarding the amount of water that comes out of Parowan Canyon and had there been an event like this before. He gave an example of the 2021 flood that came out of Coal Creek and into the Stevensville Ditch. The term “100-year floods” had come up many times in discussions. The 100-year flood meant there was a one in a hundred chance (1% chance) that that was going to happen. Richard explained that to determine the water that comes down, for example Cedar Canyon, was a process of calculation of square miles of storm basin. Cedar Canyon had 88 square miles of storm basin and everything that fell into it ended up in Cedar City. He noted that the 1% chance, in any given year, was 5200 cubic feet per second (CFS). The 2021 flood was 2200 CFS, which was less than half of the 100-year event. Richard reported that this information was calculated based on the same possibility of what would come out of Brain Head, down the Parowan Canyon and end in the Parowan Creek. From the edge of the Iron County/Parowan City boundary the Parowan Creek setback was based on the 2023 Flood Prevention channel width recommendations from Bowen Collins, who conducted the study. Until Parowan City adopted the same Iron County Setback Ordinance for the north side of the channel, the burden was on Iron County to require sufficient setback for the protection of habitable dwellings and channel maintenance. Richard continued to explain the type of events that could happen and needed to be



planned and prepared for Parowan Creek. In order to handle and protect Parowan, the top of the channel needed widened to 100 feet. He noted that an ordinance needed to be in place for setbacks. If the channel was built properly, it would save Parowan from catastrophic flooding. Discussion continued regarding types of events, handling the flow capacity by depth or width, widening of the Parowan Creek, and setbacks.

Reed Erickson reported that after review of criteria evaluation of consideration of the Subdivision Construction and Design Standards – Flood Channel Setbacks, the Iron County Planning Commission recommended the approval of the amendment.

Paul Cozzens made a motion to approve the proposed Amendment to the Subdivision Construction and Design Standards as presented by Richard Wilson. Second by Michael Bleak. Voting: Michael Bleak, aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**RESOLUTION 2024-9, APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE ANNUAL UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEETING TO BE HELD NOVEMBER 22, 2024**

Jon Whittaker, Iron County Clerk, explained that there was a Class 3 Representative up for vote this year on the Utah Counties Indemnity Pool (UCIP) board. Jon noted he would be willing to continue as a UCIP Representative and Jennifer Bradbury as an Alternate Representative.

Paul Cozzens made a motion to approve Resolution 2024-9 appointing Jonathan Whittaker as a Representative and Jennifer Bradbury as an Alternate Representative for the UCIP meeting to be held November 22, 2024. Second by Michael Bleak. Voting: Michael Bleak, aye; Paul Cozzens, Aye; Marilyn Wood, Absent.



## IRON COUNTY RESOLUTION 2024-9

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 22, 2024; 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 22, 2024, with Jennifer Bradbury as an alternative representative.

**RESOLVED, ADOPTED, AND ORDERED** this 14<sup>th</sup> day of October, 2024.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Michael Bleak - Chairman

ATTEST:

  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak	<u>  Aye  </u>
Paul Cozzens	<u>  Aye  </u>
Marilyn Wood	<u>  Aye  </u>

**DECLARATION OF INTENT TO INCREASE PROPERTY TAXES ON THE IRON COUNTY GENERAL FUND LEVY, DOLLAR AMOUNT OF INCREASE, EXPRESSED PURPOSE FOR INCREASE, AND APPROXIMATE PERCENTAGE OF THE INCREASE**

Michael Bleak, Iron County Commission Chair, reported that this item was for a Declaration of Intent only. There would be no public comments and no action taken. Commissioner Bleak read Declaration of Intent. “1. Iron County is intending to increase the General Fund Property Tax Rate. 2. The dollar amount of the increase per year will be \$1.2M. 3. The purpose of the proposed increase is due to the growing community and the need to enhance and expand essential services that support the safety, well-being, and quality of life for all residents. First. With our population steadily increasing, there is a greater demand for public services including law enforcement and legal services. Second. Inflation has significantly impacted operational costs across the board, from personnel to equipment and insurance. The last time Iron County did a tax increase in the General Fund was in 2003. In order to maintain and improve the quality of services we provide, it is necessary to adjust this funding source. The approximate percentage of increase on the Iron County General Fund tax rate is estimated to be 19.5 percent. This is only on the county portion of the property taxes. In relation to property taxes as a whole, this is about a 2 percent increase. On the average home in Iron County, this is a \$35.60 increase per year.” Mike reported that there would be more information forthcoming, public hearings, etc. with that moving forward

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

Michael Bleak, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization (BOE).

**REQUESTING REVIEW AND POSSIBLE APPROVAL OF THE BOE HEARING OFFICER RECOMMENDATIONS FOR VALUATION APPEALS FILED FOR THE 2024 TAX YEAR**

Carrie Christiansen, reported on the recommendation for Valuation Appeals filed for the 2024 Tax Year. Carrie noted that there were 818 appeals this year for the BOE board. Of the 818 appeals, there were 777 adjustments for a total of \$35,771,623 in value adjustments. The taxable adjustments for this year, for those appeals, were \$33,952,310 of taxable value adjustments. She reported that for the purposes of the Iron County General Fund, the impact to the General Fund for taxing was \$36,532.69 and Municipal Services was \$5,875.66 for a total adjustment of \$42,408.34 in taxable tax revenue from these appeals. Commissioner Bleak expressed his gratitude to Carrie for amount of work and time that she puts in. Carrie’s efforts had not gone unnoticed.

Paul Cozzens made a motion to approve the BOE Hearing Officer recommendations for Valuation Appeals filed for the 2024 tax year. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

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

Michael Bleak, Iron County Commission Chair, declared the convening of the Iron County Community Development and Renewal Agency (ICCD&RA).

**DISCUSSION AND OF PROPOSED SOLAR AND BATTERY PROJECTS AND POSSIBLE OF APPROVAL OF REIMBURSEMENT AGREEMENTS**

Adam Long, ICCD&RA Counsel, explained that there were a total of five projects that were proposed, and four of them were adding battery storage to the existing solar projects. These 4 solar projects had already been built, were operating, and paying taxes. The proposal here was to add batteries to these projects. The 5<sup>th</sup> project would be a new ground-up project called Antelope Springs and was located approximately 10 miles from Newcastle with solar and potentially battery storage. Adam reported that the first four projects were owned by Clearway Energy, a large renewable developer, and the fifth project was owned by Bright Knight Energy. Three of those projects would be fairly simple by adding batteries within the existing project area boundaries. From a tax identity perspective it added higher taxable value. Adam reported that typically with these, they asked the developers to agree to cover the cost of the setup and expenses for creating these projects, doing these agreements. The goal here was that the ICCD&RA would not bear the initial costs. These agreements have the developers make a deposit to the agency. The agency then pays the expenses, mostly Adam's fees, out of that deposit. The intention was that it covered all the expenses involved. If it did not, the agency would go back to the developer and tell them that they needed to refresh this. Adam introduced David Johnson, Cedar City-Iron County Economic Development Director, and Nathan Runyan, Legal Counsel for Clearway, who were in attendance.

Jon Whittaker asked whether the value of the battery storage systems would be new incremental growth and would that growth be based on the base value when the project was begun or does that reset. Adam Long replied that three of them where the battery storage containers, for lack of a better word, were within existing project area boundaries. That taxable value would get captured by the existing Interlocal Agreements. The preliminary request from Clearway was to collect the incremental value from those battery systems on the same terms as the existing Interlocal Agreements. Discussion continued regarding the battery only proposals and boundary amendments. Adam reported that they would do whatever was easiest for Iron County.

Nicole Rosenberg, Iron County Treasurer, asked if this was not going to change the percentage as far as the reimbursement. Adam Long replied that that was correct. The batteries were great from a tax perspective because they were very value dense. Jon noted that these solar farms covered a handful of acres and three of the projects were looking at a capital investment of approximately \$145M and were they contemplating depreciation. Adam replied that they depreciate on the same schedule as the solar panels for different tax purposes. Nicole asked that when Clearway reported on their personal property would they include that additional value for the battery. Adam Long replied that it would be a separate LLC that owned the batteries and it would still be taxed. Jon Whittaker asked whether any of the tax areas would change. One project would potentially have a boundary trade, or a small additional project tax area, and the fifth project would be a new project. Adam replied that those were all correct.

Paul Cozzens made a motion to approve the Solar and Battery Projects and possible approval of Reimbursement Agreements as presented by Adam Long. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the resumption of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the promotion of Dallin Brooks from a Seasonal Law Clerk to a Full-Time Deputy Attorney 2 in the Attorney’s Office, effective September 29<sup>th</sup>. This was a backfill of a vacant position; the promotion of Brandon Rowley from a Full-Time Deputy 1 to a Full-Time Deputy 2 for the Sheriff’s Office, effective October 13<sup>th</sup>; the re-hire of Hunter White as a Full-Time Landfill Technician, effective October 13<sup>th</sup>. Newly approved position; the new hire of Laurice Ellsworth as a Full-Time USU Extension Assistant, effective October 21<sup>st</sup>. This was a backfill of a vacant position.

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, Absent.

Jennifer presented the Presentation/Proposal for approval of the Employee Insurance Benefits for the 2025 plan year. Jennifer explained that, unfortunately, this was one of those years for an increase in Insurance Premiums. She reported that reasons behind the premium, were the impact of inflation and the high cost illness claims. Unfortunately, the total cost increase for the 2025 year was \$498,939 and it was an additional cost. She explained that part of that previous mentioned cost, was a result of inflationary pressures to the insurance market, as well as high cost from prescriptions and claims from some ill employees in Iron County. Nationwide, inflation continued to increase costs including health care and insurance premiums. Jennifer noted that there was a rise in high cost claims within Iron County due to critical illnesses, as well as high cost insurance claims. These represent a significant impact on the local Insurance Pool. She reported that the Iron County Insurance Committee met twice and after careful consideration and discussion, the committee unanimously agreed to maintain the current insurance plan. This was very important for the well-being of Iron County’s employees and their families. It provided critical coverage, and any reductions could negatively affect both the employees’ health needs. Changing the plan would disrupt the continuity of care and potentially create a confusion or dissatisfaction with employees. Jennifer reported that the brokers had reached out to several insurance companies. There were only two that looked at the plan and both gave an astronomical number, and the others who had been contacted declined to give a quote. Commissioner Bleak reported that Iron County had been very fortunate in years past, and knowing that at some point it was going to have to catch up. Mike expressed his appreciation for Jennifer and the Insurance Committee for all the hard work, and hours that they put in.


Paul Cozzens made a motion to approve the proposal for the Employee Insurance Benefits for the 2025 plan year that had been outlined in Jennifer’s report. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.


**NON-DELEGATED ITEMS**

No Non-Delegated items were offered.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
OCTOBER 28, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 28, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Chad Dotson	County Attorney
Lucas Little	County Auditor
Terry Palmer	County Building & Zoning
Richard Wilson	County Chief Engineer
Wendy Jessen	County CJC
Sam Woodall	County Deputy Attorney
Jennifer Bradbury	County HR Director
Jared Wilson	County I.T.
Lori Eichelberger	County Justice Court
Reed Erickson	County Planner
Kenneth Carpenter	County Sheriff
Jaden Thomas	Victim Advocate

Others present:

Kendal Allan	Jayne Banks	Carol Barker
Bradden Beaumont	Jake Benson	Dennis Cox
Robert Ellertson	Steve Miller	Paul Mitchell
Andrea Nelsen	Jeff Richards	Exilda Serrano
Ellen Sorensen	Bruce Washburn	

**SYNOPSIS**

ADJOURNMENT ..... 12

APPROVAL OF CLAIMS FOR PAYMENT ..... 2

APPROVAL OF MINUTES ..... 2

CLOSED SESSION, LAND ACQUISITION..... 11

CLOSED SESSION, LAND DISPOSAL ..... 12

CONSERVATION DISTRICT PROGRAMS ..... 10

DAUGHTERS OF THE UTAH PIONEERS ..... 7



DEPARTMENTAL REPORTS.....2

GIS PORTAL/QUICK CAPTURE TOOL.....8

INVOCATION .....2

NON-DELEGATED ITEMS.....12

PERSONNEL .....11

PLEDGE OF ALLEGIANCE.....2

PUBLIC COMMENTS .....8

PUBLIC HEARING, VACATE AND AMEND (APN: D-938-941) .....6

RATIFICATION OF AGREEMENT REGARDING THE NEW JAIL .....10

**CHAIR PRO TEMPORE**

Commissioner Wood excused Commissioner Bleak and made a motion to appoint Paul Cozzens as Commission Chair Pro-Temp. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**INVOCATION**

An invocation was offered by Kendal Allan.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held September 23, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve Claims for Payment from October 14, 2024 to October 27, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Chad Dotson, Iron County Attorney**, reported that the Attorney’s Office was fully staffed with the addition of Dallin Brooks. Chad noted that they would be losing David Hill on November 8<sup>th</sup>, which would leave a vacancy. There was an Attorney that had been offered a job, which he accepted, was still in law school and would be taking the bar exam in February 2025. He reported that as of October 28<sup>th</sup>, the caseload had increased 13% from 2023. This did not include the civil responsibilities that Sam Woodall, Iron County Chief Deputy Attorney, handled. Chad reported that in addition to the increased caseload, they had included their Victim Advocate caseload since 2021, which had also continued to increase. Jessica Cramer had been the sole worker with Victims Advocate for 14 years. He was concerned with the burdensome caseload and the ability to continue to provide a level of service needed in their victim advocate cases with only one advocate. He expressed his appreciation to Jessica for the great work she does. Chad reported that they had cleared a majority of their backlog Jury Trial calendar and only one Jury Trial was scheduled for District Court. Chad explained what was involved in the backlog of Jury Trials. He expressed his appreciation for everyone in the Attorney’s Office.

**Wendy Jessen, Children’s Justice Center (CJC) Director**, reported that since January 2024 there had been 185 Interviews (victim and family), 45 Medical Exams, 35 Clients, and 95 Therapy Sessions with CJC Contracted Therapists. She explained that therapy sessions included



secondary victims that might have been included in the sessions. Wendy reported on Victim Statistics. There were 3-child endangerment, 12-child exposures to drugs, and or, alcohol abuse, 2-child neglect abuse, 55-child physical abuse, 67-child sexual, domestic, family violence, emotional or psychological abuse, 2-child labor trafficking, and 3-kidnapping victims. Wendy noted that when she last reported it had been just before the ribbon cutting and open house for the new CJC building. It was well attended and was a great day. She reported that they were all moved into the new building. Wendy expressed her appreciation to everyone from Iron County, local Law Enforcement (LE), DCFS, Community Partners, Alex Meisner and his team, Rotary Club, Chamber of Commerce, Sheriff Investigators, and the Building Department. She expressed her appreciation for the fantastic CJC employees for all the work and hours that had been put in. This was a huge team effort to move the CJC into its new building and move out of the old building. The Friends Board had done a great job with fundraising and their preparation for the open house. This moving process and preparing for the ribbon cutting and open house would not have been possible without all the support and help. Wendy noted that she wanted to give a huge special thank you to Jennifer Bradbury (HR Director) and her husband Steve's willingness to come and help. Jennifer had a minor degree in Interior Design and was very helpful with the interior decisions, and she to give reassurances. She and her husband helped hang pictures and made sure they were level, helped clean, vacuum, mop, and wipe down surfaces. She stayed late nights, helping to make sure that they were ready for the ribbon cutting. She went far beyond her job description because she cared not only about the CJC and the county, but for us as people. Wendy was appreciative to Jennifer as the Iron County HR Director, as a person, and for everything that she did to help. Wendy reported that there was a total of 1,114 people who came through the center, which was a great awareness and educational event. It was great to share that educational information and the beautiful new building that the community essentially helped build with their donations and support. She noted that she has asked the CJC employees' to submit something to her that they were really proud of from this quarter. Adelyn Abbott, CJC Forensic Interviewer, said, "Being able to provide education about the CJC during the Festival of Homes was invaluable. Not only did the majority of people not know about the CJC, but many who had heard of the CJC thought we were a detention center or juvenile court. Widespread understanding of the CJC ultimately aides us being able to better serve the children and families in Iron County. Continually being able to provide forensic interviews to children is an honor. Each child I speak with who entrusts me with their experience and allows us, as the professionals, to carry some of the burden with them is a hero in my book. To see their bravery and resilience despite their fear, anger, reluctance, and anguish is something I am constantly in awe of. No matter how big or small, the case may be, the strength of the child to tell remains the same. I'm happy to be a part of a team that works to amplify the voices of children." Addy had also conducted trainings for community professionals like the school counselors. Brenda Valle, Victim Services Coordinator, said, "When she used the Care Process Model (CPM) Assessment to evaluate where a child is as far as trauma and suicidality goes. The results showed signs of suicide ideation. This child was young, elementary school age. I gave the parent a quick glimpse of the answers, and the parent nodded with remarks of disbelief. The child had such a bubbly and bright personality that it could have been assumed that there was no way they were feeling depressed or suicidal. To address the answers, I began to read the following question out loud. Over the past two weeks, how often have you been bothered by thoughts that you were better off dead or hurting yourself some way? Nearly every day was the answer. This was the moment where the child's demeanor changed. It felt like they were another person, completely serious and heavy. The CSSRS, which is just one of the tools, then gave the parent and I insights of why they felt the way they did. While having those suicidal thoughts, the child had found they were scrolling through social media for hours, and the algorithm was feeding the child more themes on suicide. The child began to compare themselves to others with the same feelings they had. Those people had lists of things worth living for, but the child felt even more depressed because they only had the one thing on their list, their cats. While at the center, we created a safety plan that helped to strengthen communication between parent and child. We found many wonderful things about the child to add to their list. The list kept getting bigger and bigger, and it showed the child

that they truly are a very cool and amazing kid. In the parent follow-up, so we follow up days and weeks later just to check in with things and see if there's anything else they need. So I found that the child had an ongoing list and was planning to create a little trinket box of all their favorite things. This was a moment where I was proud of the work I do at the CJC and it taught me why I do what I do, giving me confidence to bring up these conversations with families.” And finally, Jessica Brindley, Victim Services Specialist, said, “In the short time I have been at the CJC, something I'm proud of is the safe place we have for children. It may not always be sunshine and rainbows, but I feel honored to get to be a part of a child's healing journey and provide them with tools and resources they need to get through a difficult time in their lives. I'm also proud of how passionate I've become in this job. I have so much support at home, it gives me a chance to be the best support I can for kiddos that may not have the best support system. Being a part of the CJC has really opened my eyes, makes me thankful for the job I have and the people I work with to be a voice for children.” Wendy expressed that those were touching statements from our team that the work we do was important. She stated that it had been a privilege to be the CJC Director for the past two years and to do right by these children the best we can.

**Lori Eichelberger, Iron County Justice Court Administrator**, expressed her appreciation to Commissioner Wood and that it had been wonderful working with her. This was Lori's last commission meeting with Marilyn, and she wished her the best moving forward. She noted that the budget was on track at 69.92%. There were three vacancies that had been filled and she expressed her appreciation to her “seasoned staff” that had been there a while, for working extra hard putting in some comp time training the three new employees. Lori reported that under the Justice Court Monthly recap, DUI's, and impaired driving DUI's had reduced, assaults, theft, controlled substance/narcotics, and other miscellaneous misdemeanors/infractions were up from this time in 2023, and Driver's License violations, moving violations, non-moving violations, and domestic violence numbers were down. Citation comparisons from September 2023 to the present for the Cedar City Police Department was down by 944, Iron County Sheriff's Office was down 90, and the Utah Highway Patrol was up 840. Revenue collected was up by \$107,765, Revenue disbursed was up by \$19,285, and Revenue retained was up by \$61,480. There was \$1,042,506 retained thus far. Lori reported that at a recent Task Force meeting, Jim Peters, AOC Administrator, mentioned that it would be approximately \$45M a year to create Justice Court Task Reform that had been discussed, and there had been a little bit of a halt. She noted that was not what they were expecting, which was good news for her because she had a wonderful staff and would be able to continue the work that they do together.

**Jaden Thomas, Iron County Victim Advocate Services Program Manager**, reported that during the 3rd Quarter, the Sheriff's Office program served a total of 131 clients. The main victimization continued to be domestic violence with 51 clients in the 3<sup>rd</sup> Quarter. Jaden noted that there had been an increase in stalking and harassment cases and adult sexual assaults, which was the next highest crime victimization. He reported that the main services that they provide included providing information about the advocate process, victim rights through the process, making sure the victims were notified about what was happening with their cases, Individual and Criminal Justice Advocacy, and connecting them with different resources in the community. They always made sure that their cases were moving as quickly as they could, without sacrificing the integrity of an investigation. Jaden reported that the Victim Advocate Services Program was in year two of their grant cycle and had used \$2K of the \$3K emergency fund budget. He explained the use of the emergency funds and grant funding. Jaden reported on highlights from the Advocate program which included quarterly advocate trainings. He noted that Iron County was no longer providing SUU Police with victim services as SUU hired a part-time victim advocate to work with their own cases. The Intern Partnership with SUU was renewed as some of the students had expressed interest in victim services. Jaden reported and explained the administering of grants through the State Office for Victims of Crime. He had made a request for additional grant funding to help with the emergency funds and was granted an extra thousand dollars.

**Marilyn Wood, Iron County Commissioner**, reported that on October 1<sup>st</sup> she attended a High Desert Trail meeting held in Beaver County. This had been a project that counties from Box Elder to Washington County had been working on for approximately 10 years. She explained that the project received approximately \$1M in 2022 to help with signage along the trail but the Bureau of Land Management (BLM) had some issues with it and those had to be worked through before the signage could be put up. Mike Worthen, Iron County Natural Resource, had been working on this and had all of the Iron County staging areas set up. Some counties were struggling with environmental groups, which made things difficult. Marilyn reported that on October 21<sup>st</sup> there was a zoom meeting with several staff members of the Department of Environmental Quality (DEQ) regarding issues with used tires, especially in rural area landfills. Bruce Anderson, Iron County Public Works Director, had gone to Idaho and the landfills there shred them and then use it for their coverage instead of dirt. In Utah, tires were not allowed to be buried or transported unless you had a special permit from the state. She explained that there was only one person in the State of Utah that did tire shredding and that was with a company up north. Marilyn reported on regulations and recycling tires. Senator Vickers and Representative Chew said that they would take this to interim. This would be something that would be very valuable to Utah if the regulations could be changed. Commissioner Wood reported that she attended the Cedar Livestock Festival on Friday and Saturday, which was very well done. She expressed her appreciation to the Nelsons for bringing the sheep down Main Street. She noted that the commissioners were putting together an Iron County Fair Master Plan and were going to hire a firm to make sure everything was covered for improvements moving forward.

**Paul Cozzens, Iron County Commissioner**, reported that the commissioners had been busy this past week with department budget meetings. He noted that Iron County received notice that the Employee Health Insurance benefits were increasing approximately \$1.5M which was discouraging news. The budget was tight this year and there were many needs. It was a grueling process and they were trying to do the best they could. Paul reported that work continued on the Northwest corner by Westview Subdivision where all of the water from the hillside, clear up to the south, drained to that corner during heavy monsoonal events. Iron County purchased 36 inch High-Density Polyethylene (HDPE) pipe from WL Plastics and Richard Wilson, Iron County Engineer, had been working with Tracy Feltner, Central Iron County Water Conservancy District (CICWCD), to rent a machine from Salt Lake City, to bring down and weld the pipe together. There would be enough pipe to do both the SUU approach, Rocky Mountains' approach, and also the west end of Rocky Mountains Power's approach. The pipe would hopefully be installed this year in preparation for next year's runoff. Paul expressed his appreciation to WL Plastics for their generosity working with Iron County for a great cost for the pipe. Commissioner Cozzens reported that Dennis Johnson, Iron County Television Specialist, had contacted him regarding some possible interference issues with some of the cable stations on Red Hill. He was having a little trouble getting the information he needed from the BLM, and Paul contacted the director and hopefully those issues had been worked through. Paul reported that the Happy Factory Open House was held on Saturday from 10:00 a.m. to 2:00 p.m. and it was a great success. For the fundraiser, they had found that it was better to have people come to the center to see what was done there and to give the children a toy. He noted that he had been the president of that organization for about 16 years, and had been involved since the Happy Factory began in 1998. He was no longer the president, but was still on the board. It was a great event and they raised \$17K which funds the operation. They had made nearly 1.8 million toys that had been distributed to needy kids around the world and made and donated steam shovels for kids in hospitals for rehabilitation. He met early Saturday morning with a couple from New York City and took them over for a tour of the Happy Factor and they were very impressed by what happened there and they both volunteered to come and work at the factory after they retired. Paul reported that weekly jail meetings continued with the architects, engineer, and the contractor, Layton Construction. The construction of the cornerstone was done with molds brought from back east. They poured a huge slab of concrete and they would pour the cell molds right on site and then stack them up, which was cost-effective. It would take about two years to build and complete the

new jail. Paul also spoke at the Lions Club this last week regarding water and recharge projects in the Cedar Valley.

**Jon Whittaker, Iron County Clerk,** reported that as of this morning, there had been verified signatures on 6,850 ballots, which constituted about 21% turnout thus far. More ballots would be coming in this week during early voting. Jon noted that there were some that were concerned that the outdoor drop boxes were somehow not secure. He stated that the drop boxes were bolted to the concrete, had dual locks, and each one was required to have 24-hour camera surveillance, which they did. He reported that he had received one third-hand report of someone intimidating voters at the Cedar City drop box. There had been meetings with law enforcement to try and address that and he would also visit with Chief Adams about making a few more regular patrols there. Law enforcement would be more of a presence at the vote centers. Jon explained that there had to be regular meetings with the FBI to go over threat assessments several times a week. Working elections was a different job than it used to be. He reported that his deputies were working from 7:00 a.m. to 7:00 p.m. trying to stay up with checking the ballots in so that we were not behind by Election Day. Jon explained that there was usually a contingent that voted early and by-mail, but many felt strongly about this election and more had been using the drop boxes. He suggested that voter's use the drop boxes and not put their ballot in the mail to ensure that their ballot was received on time. The Postal Service recommended to mail your ballot at least seven days before the election postmark deadline which was November 4<sup>th</sup> or earlier. Jon explained the ballot pickup process for Election Day. Drop boxes would be located in Beryl Junction-Dixie Power, Brian Head Town Hall (Porch), Cedar City Parking Garage, Iron County Courthouse-Parowan, Enoch City Offices, Kanarraville Town Hall, Paragonah Town Hall, and the SUU Sharwan Smith Student Center. He reported that the registration deadline for the 2024 General Election was Friday, October 25<sup>th</sup>, and explained that voters could register on Election Day and vote a provisional ballot. The provisional ballot would update their voter information. He did recommend that SUU students register from where they were from and request a ballot be sent to them at their SUU mailing address, they could either mail back their ballot or drop it off in one our drop boxes and we would make sure their ballot was mailed to the correct county to be counted. Early voting begins tomorrow, October 29<sup>th</sup> through Friday November 1<sup>st</sup> from 12:00 p.m. to 5:00 p.m. each day at the Iron County Courthouse, 68 S. 100 East in Parowan. Election Day Voting Centers (Polls open at 7:00 a.m. to 8:00 p.m.): Iron County Courthouse, 68 S 100 East, Parowan, UT; Enoch City Offices, 900 E Midvalley Road, Enoch, UT; and Cedar City Heritage Center, 105 N 100 East, Cedar City, UT.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL VACATE AND AMEND SUBDIVISION PLAT FOR A PORTION OF THE MONTE VISTA ACRES UNIT NO. 4 SUBDIVISION (55 LOTS). APPROXIMATELY 65.50 ACRES WITHIN THE NW ¼ SECTION 8, T36S, R11W, SLB&M, IRON COUNTY, UT. (APN: D-938-2-941), INCLUDING THE VACATION OF AVENIDA LPLATA STREET, VIA DE LA REINA STREET, VERDE VIA STREET, LINDA VISTA AVENUE, MONTEVISTA AVENUE AND NOCHES VIA STREET, CEDAR CITY, UT**

Reed Erickson, Iron County Planner, reported that this request application was to vacate and amend the Monte Vista Acres Unit 4 for approximately 65.5 acres. This was what was left of the Monte Vista Unit 4. There was more of this subdivision that extended to the east than what was currently left at the time that it was annexed, in an island of unannexed property off the north side of Highway 56. Reed explained that Cedar City surrounded this property on the north, on the east, and they share in common 3700 west. The Monte Vista Subdivision was currently zoned R½. Part of the interest of this property in the application was to vacate the subdivision in the county, retaining a couple of the county roads that could then be annexed when the property was annexed. The annexation process had already begun through Cedar City. Cedar City was waiting to finalize that until this was vacated. Reed reported that an ordinance was passed that allowed staff to handle vacations of lots and subdivision lots if they did not include roads. If the vacate included roads and rights-of-way, it required a public hearing and required the Iron County Commissions' approval. Reed reported on the current development of property east of

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the Monte Vista Subdivision. There were a number of roads that went through this development where the property to the east of this was also part of this development originally, and as it annexed, they vacated those portions further to the east. Since that became business in light manufacturing, the current developer, or the property owner of the property, was not as interested in seeing a road through the middle and traffic having access to go back through this subdivision and the residential. He wanted to keep those separated so that the residential traffic would not go through the industrial zone, and the industrial traffic would not go through the residential zones. Discussion continued regarding the roads that go through the subdivision, and the area to be annexed, and maintenance responsibility.

Paul Cozzens, Iron County Commission Chair Pro-Tem, declared a public hearing open regarding a partial Vacate and Amend in Monte Vista Subdivision.

Dennis Cox, a resident of Monte Vista, expressed concerns with the vacation because of livestock, increased traffic through the subdivision, residents being able to safely walk around the community, the minimum standard road width, roads need to be upgraded and improved, and who was going to pay for it. Isolating the road that had just a few commercial properties on the main highway could disperse half the traffic out of the subdivision. Having a couple of signs there that said "No commercial traffic: would help. He asked who was going to make these roads safe and upgrade them. Safety ought to be weighed in on this decision that it was the least impactful as possible.

Bob Ellertson noted that he lived with his son in Monte Vista and expressed concern with commercial traffic coming in the subdivision and wondered if there could be a buffer in between them. The other concern with vacating the lot was they did not want to vacate their water company and if a survey had been conducted. The roads could not handle all the extra traffic that would be coming through. The speed limit on 3900 was 25, but nobody obeys it and it would become a safety concern. There could be liability for anyone involved, and he did not want to see anybody hurt, especially financially. Bob wondered how much was it going to cost to improve those roads to make them safe for everybody, and who was going to pay for it. He stated that the residents of the subdivision were not going to vote for streets because they could not afford them as it was a major expense. He did not want to see them driving through his neighborhood because there were goats, dogs, and cats in the neighborhood. It was not safe.

Steve Miller, a citizen of Iron County, noted that he knew that Phil Schmidt dug a massive pond, retention basin, and claimed that it would take the subdivision out of a flood zone, which was great if that was really what it does. The 3700 roads were destroyed. They had been damaged when they came into the sewer. Steve stated that the impact of increased traffic on 800 West would be devastating to the residents of the subdivision. He agreed with everything that the previous gentlemen had brought up and hoped the commissioners would consider talking about this and see if they could come to some resolutions together.

Paul Cozzens, Iron County Commission Chair Pro-Temp, declared the public hearing closed.

Discussion continued regarding flood protection and who was responsible for protecting the easement, a well protection zone, who was responsible for road maintenance, the sewer system, road width, and traffic.

Marilyn Wood made a motion to approve the partial Vacate and Amend Subdivision Plat as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **PRESENTATION BY THE DAUGHTERS OF THE UTAH PIONEERS**

Andrea Nelson, spokesperson for the Daughters of the Utah Pioneers (DUP), noted that as previously reported, the Iron County DUP Museum was greatly out of space and the Iron County Commissioners graciously allowed the DUP to store some of their artifacts in the basement of the Iron County Courthouse. Andrea expressed appreciation to the commissioners in behalf of the DUP staff and presented each of the commissioners, and Jon Whittaker, a thank you gift. Andrea explained that the Sons of Utah Pioneers (SUP) was an organization for the sons of pioneers. The Cedar City DUP & SUP Chapters and the Parowan Chapters had combined and



was the Cedar City Chapter now. They had many treks, raised money, and awarded scholarships. In the last few years, the Cedar City Chapter had documented over 130 documents in Iron County, which were being digitized online with QR codes so people could go find them. The documents were also being refurbished and rebuilt. The Daughters of Utah Pioneers was organized as a company and divided into different camps. There were four or five in Cedar City and one in Parowan that were working hard to restore their old artifacts. The group attending the meeting today were members of the Museum Board for the Cedar City Museum of the Daughters of Utah Pioneers. The Museum Foundation offered a scholarship for women who were attending SUU and had a pioneer heritage. The museum was located at 581 N Main in Cedar City. Andrea read a poem written by Ada Wood Webster, a Parowan Pioneer, which she wrote to celebrate the 81<sup>st</sup> Anniversary of the pioneers' entrance into the Parowan Valley. Andrea noted that if we did not remember our heritage, we would not have it, so these organizations did a lot of work to keep that alive. She encouraged everyone to please join the SUP and the DUP. She reported that this Saturday, November 2<sup>nd</sup>, the SUP was going reenact a trek to honor John C. Fremont, who was the first republican nominee for President of the United States. He lost the election to Abraham Lincoln.

### **PUBLIC COMMENTS**

No Public Comments were offered.

### **PRESENTATION FROM THE ASSESSOR'S OFFICE ON GREENBELT, ASSESSORS OFFICE DATA, AND GIS PORTAL/QUICK CAPTURE TOOL Presented by Karsten Reed, Bradden Beaumont (Assessors Office), and Kendall Allen (IT)**

Karsten Reed, Iron County Assessor, noted that every employee in the Iron County Courthouse were extremely hardworking and diligent people. Karsten reported that Bradden Beaumont took over Greenbelt (a belt of landscaped roads, parks, or farmlands that encircles a community), which was very challenging to manage and was left to him in poor shape and mismanaged, which was a huge component of our tax base. Greenbelt needed to be administered fairly, which was a tall order and a really difficult job to. With a huge effort, Bradden had turned Greenbelt around. He turned the time over to Bradden.

Bradden Beaumont, Iron County Deputy Assessor, noted that this was by no means perfect, but they were doing their best to make it better. He reported that there were approximately 2 million acres in Iron County between public and private-owned land. Private taxed acres by Iron County assessed acres was 779,593. Of that, 479,000 acres were in Greenbelt which was roughly 66% of all land that was valued in Iron County. This information showed just how large agriculture was in Iron County. This Geographic Information System (GIS) Portal/Quick Capture Tool was an extremely helpful program and needed to be administered correctly. Typically, people only look at the parcel count. Iron County had almost 50,000 parcels and 4,700 were in Greenbelt, but there were numerous parcels that were 3,000 acres. In order for it to be administered properly, it was necessary audit the properties in Greenbelt. Bradden explained the FFA. Kendal Allan, Iron County Geographic Information Systems (GIS) Coordinator reported that he and Bradden had been working on this greenbelt map for over a year to get it fine-tuned. Every parcel in the Iron County Greenbelt was represented in a color by different categories and multiple classifications. Bradden explained that the reason they created this Quick Capture tool was to learn how Iron County split Greenbelt properties. This tool allowed them a quick look at people's property. Iron County had a many pivots that had come in in the past five to ten years that were being classified as grazing, which was a lower tax on graze value than irrigated land. This tool had been very helpful in being able to have these pivots classified correctly. Greenbelt had different classifications for what you were tiered at. Bradden presented a slideshow that showed a breakdown of the different grades and the vastness of the greenbelt. Classifications in Iron County ranged from irrigated one. Iron County was one of the few counties that had all 4 irrigated classifications ranging from irrigated 1 to irrigated 4, and included a 1 orchard classification, and a dry tillable 3 and 4 classifications. The lower the classification number the higher yield the land could produce. Bradden explained the new



application requirements, determining classifications, requirements to maintain status, and audits. These need to be done correctly and the stats were telling about how important greenbelt was for Iron County and how much it could affect the regular taxpayer, not just the farmers. Iron County was quite diverse in terms of topography, elevation, vegetation, precipitation, water rights, and temperature. With this diversity many different uses were allowed to qualify for the FAA program.

Commissioner Wood noted that there were many that did not understand the break that ranchers get. Ranchers make a lot of money, but it slides right through their hands and it goes to the feed stores, to the tractor store, etc. The economic value of agriculture was huge in Iron County. She added that most farmers would not be able to pay the high taxes on a regular piece of land, and they would go out of business. It was very important to have a great program to keep our agriculture healthy and in place. This tool had taken a 30 minute job down to 2 to 3 minutes. Commissioner Cozzens asked how long it would take to audit Iron County. Bradden replied that it could be done in a year if he did not work on anything else but the audit. Iron County would have a five or seven year audit cycle. It was not possible to do two or three. The parcel number was not the challenge, it was the acreage.

Karsten Reed expressed his appreciation to Kendal Allan for how valuable he was to Iron County. To have someone like Kendal that could allow us to continue to operate by increasing our efficiency was just really incredible. Karsten was really appreciative of Kendal for his efforts and knowledge.

Bradden reported that in 2018, the total permits were approximately 1,000 throughout all of Iron County with only eight office employees that were averaging about 136 permits. In 2022, we reached a peak of 1,900 permits with only seven appraisers and averaged 275 permits, and 211 permits in 2023. That did not count anything that rolled over from the previous year that was not finished. Each of his employees were taking on vastly more permits than they used to with a larger reappraisal area. Kendal reported that he had worked in local government in assisting the Assessor's Office for the last 17 years between IT and GIS. He thought he understood the scope of what the Assessor's Office did until he started to make this portal and sat at the table with an assessor and then rebuilt, from scratch, something that would be useful. This tool called "Quick Capture," was created to help them go out and reassess their reappraisal areas and to track their day-to-day movement not only for them but for their managers to be able to see what they were doing. Kendal explained the Quick Capture program. The Assessors had gone out the last month to assess Iron County property and they touched almost every part of Iron County in a month and had taken over 5,000 photos for reassessment. He showed what the Quick Capture program could do when a photo was attached to the parcel. What typically took two to three weeks just to get reappraisal photos, could now be done in two or three days. Bradden explained the process of getting a permit for a new construction. Everything that they do was uploaded into their Computer Assisted Mass Appraisal (CAMA) system.

Karsten Reed once again expressed his appreciation to all of his employee for all the hard work they do for Iron County.

John Williams, Iron County Appraiser Apprentice, reported that he previously worked in the Iron County Road Department for 17 years and he had no idea what really went on in the Assessor's Office. Bradden had spent a fair amount of time with Kendal to get this program up and going. He reported that he and Bradden had measured a cabin located in Brian Head. It could have been sketched off the plan, but it was a thousand feet larger than the plans specified. There was so much talent in each of the departments.

Bradden reported that once every five years, the Assessors have something called a "Reappraisal Detailed Review." They go out to every property and take a photo and do a physical inspection and update any data. They then send a letter to the owner of record that gave them the ability to tell us if they made any changes. This was one of the more time-consuming jobs we have, and it was one that you would not even know happened. Bradden explained the review. This program would have all the files scanned and digital.

**DISCUSSION WITH THE ENTERPRISE AND IRON COUNTY CONSERVATION DISTRICT (E&I) REGARDING CONSERVATION DISTRICT PROGRAMS**

Jake Benson, E&I Conservation District, expressed his appreciation for the support that E&I Conservation District gets from Iron County. Jake reported that he was here today to once again ask for financial support to help with what they were doing. He reported on some of their accomplishments in the past year. Jake explained that the E&I Conservation had received several Water Optimization Grants funded for Iron County. They worked hard to strive to do any kind of water conservation project. There was another major grasshopper infestation on Cedar Mountain this summer and the grasshopper program had been extremely successful. He explained that the economic threshold was 8 to 12 grasshoppers per square yard and, according to his field studies, there were between 30 and 40 grasshoppers per square yard. Financially, and economically, that was not good for livestock when they were on the mountain. He explained that E&I was distributing grasshopper bait in Kanarra Valley, Beryl, and Escalante Valley with producers that were having infestations of grasshoppers. Jake reported that E&I received the “no-till drill” and had offered that to ranchers and farmers around Iron County to help reduce soil erosion, wind erosion, improve air quality, and reduce the amount of fuel that farmers were burning. There had been well over 1,000 acres completed this past year with the no-till drill. The drill also helped with water infiltration and irrigation efficiency. Mr. Benson noted that he would like to ask the Iron County Commissioners, in behalf of the E&I Conservation District, if they could continue to receive financial support and partnership for the work they were doing.

Commissioner Wood replied that the commissioners had discussed a donation during budget hearings and would let him know of any decision they make. Discussion continued regarding a Range Seeder.

**DISCUSSION AND RATIFICATION OF AGREEMENT WITH CEDAR CITY RELATING TO THE CONSTRUCTION OF A NEW IRON COUNTY JAIL**

Sam Woodall, Iron County Deputy Attorney, explained that the purpose of this agreement was to clearly identify the roles and responsibilities of the parties as they relate to the infrastructure connections, use of the Cedar City water system, and exchange of gravel resources needed for the construction of the new Correctional Facility, and to have in writing the expectations the parties would have of each other. Cedar City and Iron County were entering into this agreement to further their mutual interest in having a functional correctional facility and maximizing the beneficial use of resources and infrastructure in the area. The agreement was approved by the Cedar City Council on October 11<sup>th</sup> and was now before the commissioners to ratify that approval. This agreement outlined the infrastructure, water, and other items such as aggregate material that might be used during the construction of the new jail and ensured that the water connection at the existing jail carried over to the new jail. Discussion continued regarding water meters, connections, and the exchange of aggregate resources.

Marilyn Wood made a motion to approve the Ratification of Agreement with Cedar City relating to the construction of a new Iron County Jail. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

Reed Erickson, Iron County Planner, reported that, based on the previous conversations regarding the greenbelt and the water, he wanted to bring the idea of establishing a program in Iron County to acquire agricultural preservation water. If agriculture was important in Iron County, and in order to keep agriculture, you had to have water. Reed explained that priority Water had been established for development and requirements for development. As the Groundwater Management Plan was being developed, the state engineer agreed that it was possible to acquire, just like a conservation easement on the land, and preserve water as a portion of the water for agriculture off of a water right. If Iron County could develop a program that could buy and compensate the property owner for the agricultural value of the water, they would be preserving the water for agriculture and the value of that would be much less because Iron County had compensated the owner of the water right for the development portion of the water which had a much higher value. The value would be put back onto the water that was more commensurate with agricultural ability. This would be a program that would essentially give a

greenbelt development benefit to water. A conservation easement could be made on the water and essentially, compensate that property owner or the owner of the water right, then that water could be moved anywhere and be bought and sold and leased for agricultural purposes. The water could be tagged as agricultural only because it no longer had value in development. Discussion continued on how this could be done and the tax benefits it could create.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the promotion of Kyle Daniels from as a Full-Time Worker 1 to a Full-Time Worker 2 in the Road Department, effective October 27<sup>th</sup>. This was a backfill of a vacant position; the new hire of Landon Wall as a Part-Time Maintenance Technician for the Building & Zoning Department, effective October 27<sup>th</sup>. This was a backfill of a vacant position; the promotions of Aaron Hatch and Tanner Taylor from Full-Time Deputy 1 to Full-Time Deputy 2, in the Sheriff’s Office - Corrections, effective October 27<sup>th</sup>.

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


**REVIEW AND POSSIBLE APPROVAL OF LAND ACQUISITION. THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA § 52-4-205(d), STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

Jon Whittaker, Iron County Clerk, explained that agenda item #7 was listed incorrectly. It was listed as UCA §52-4-205 (d) and should have been listed a UCA §52-4-205 (e). Jon recommended that agenda item #7 be listed under “Non-delegated - closed session.” This would give the commissioners the freedom for a closed session because it was listed incorrectly on the agenda. Item #6 was listed correctly and could move forward as a closed session as presented.

Marilyn Wood made a motion to move into a closed session pursuant to UCA §52-4-205 (d) – “Strategy session to discuss the purchase, exchange, or lease of real property.” Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Paul Cozzens, Chairman Pro-Tempore 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 (1) (A) for discussion regarding the purchase, exchange, or lease of real property.

  
Signed: Paul Cozzens, Chairman Pro-Temp

\_\_\_\_\_  
Attest: Jonathan Whittaker, County Clerk

**END OF CLOSED SESSION**

Paul Cozzens, Iron County Commission Chair Pro-Temp, declared the closed session ended and the return to the open Iron County Commission meeting.

**NON-DELEGATED ITEMS**


Closed Session:

**REVIEW AND POSSIBLE APPROVAL OF LAND DISPOSAL. THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA § 52-4-205(e), STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

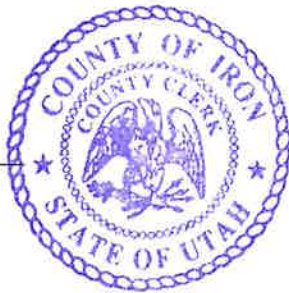
Marilyn Wood made a motion to move into a closed session pursuant to UCA §52-4-205 (e) – “Strategy session to discuss the purchase, exchange, or lease of real property.” Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

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

I, Paul Cozzens, Chairman Pro-Temp 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 (e) – “Strategy session to discuss the purchase, exchange, or lease of real property.”

  
Signed: Paul Cozzens, Chairman Pro-Tempore

  
Attest: Jonathan Whittaker, County Clerk



**END OF CLOSED SESSION**

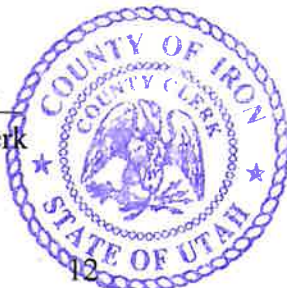
Paul Cozzens, Iron County Commission Chair Pro-Temp, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Paul Cozzens, Iron County Commission Chair Pro Temp, declared adjournment.

  
Signed: Paul Cozzens, Chair Pro Temp

  
Attest: Jonathan T. Whittaker, County Clerk



**SPECIAL IRON COUNTY COMMISSION MEETING  
NOVEMBER 8, 2024**

Minutes of the Special Iron County Commission meeting convened at 6:00 P.M.  
November 8, 2024 at the Festival Hall, 96 N. Main St, Cedar City, Utah.

Officers in attendance included:

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

Also Present:

Lucas Little	County Auditor
Wade Adams	County Fleet Director
Gabe Carlson	County I.T.

Others present:

Carson Barlow	Rich Barlow	Ann Clark
Michael Clark	Robert Comstock	R. Dalton
Bill English	Miriam English	Stephanie Hill
Danette Joe	Keith Joe	Michael King
Elyse Kuehn	Stephen Kuehn	Cathy Klemic
Jodie Lecogue	Tom Lecogue	Berta MacGregor
Blaine Nay	Lisa Pellegrini	Tony Pellegrini
Ray Sadd	Sharon Sadd	Edward Sieman
Kaitlin Solomon	Tyler Solomon	Art Talbot
Ruth K. Warman	David Williams	Ree Zaphiropoulos
Russell		

**SYNOPSIS**

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INVOCATION .....	1
PLEDGE OF ALLEGIANCE.....	1
PUBLIC HEARING, REGARDING IRON COUNTY GENERAL FUND INCREASE .....	2

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Amy Bleak.

**INVOCATION**

An invocation was offered by Lisa Pellegrini.



## PUBLIC HEARING REGARDING IRON COUNTY GENERAL FUND INCREASE

**Michael Bleak, Iron County Commission Chair**, noted that anyone that would like to make a comment needed sign into the laptop that was provided. The names would be pulled from that list for comments. Mike reported that this was only a Public Hearing and there would be no action taken tonight. Once the process was complete, it would become an action item on the regular Iron County Commission meeting held on November 25<sup>th</sup>. Commissioner Bleak read, "Iron County is intending to increase the General Fund property tax rate. The dollar amount of the increase per year will be \$1.2M. The purpose of the proposed increase is due to the growing community and the need to enhance and expand essential services that support safety, well-being, and quality of life for all residents. First: with our population steadily increasing there is a greater demand for public service, including Law Enforcement and legal services. Second: inflation has significantly impacted operational costs across the board, from personnel to equipment and insurance. The last time Iron County did a tax increase in the General Fund was in 2003. In order to maintain and improve the quality of services we provide, it is necessary to adjust this funding source. The approximate percentage of increase on the Iron County General Fund tax rate is estimated to be 19.5%. This is only on the county portion of property taxes. In relation to property taxes as a whole, this is about a 2% increase. The tax on a personal residence valued at \$418,000, which is the county average that's the median house price in Iron County, would increase by \$35.60 per year, or \$2.97 per month."

**Michael Bleak, Iron County Chair**, declared the Public Hearing open regarding the property tax revenue.

Michael Clark, a citizen of Iron County, was concerned with the time the meeting was held, that Iron County was sabotaging the Iron County School District, and the tax increase.

Ann Clark a citizen of Iron County, was concerned with the time the meeting was held, did not want the jail, Iron County was at fault for the failed school bond.

Tyler Solomon, a citizen of Iron County, was concerned with the tax increase, the goal of the commission, inflation and everything going up, and not being able to pay the increase tax.

Luke Little, Iron County Auditor, reported that in government, entities were only allowed to have so much money in savings. There was a limit to how much an entity could have, and we had to stay within that limit. Iron County had a good fund balance every year. He noted that Iron County had that savings to use if something big were to happen

Jodie LeCogue, a citizen of Iron County, was concerned with being on a fixed income and having to pay for the increase,

Michael Bleak replied that there were programs through the Auditor's and Treasurer's Office for those who were unable to make their property tax payments. There were programs to help mitigate that. We do everything we can to work with those cases. The Auditor's office was well versed in helping people mitigate those problems.

Tom LeCque, a citizen of Iron County, was concerned with the tax increase, not being able to pay because of being on a fixed income, and running out of money.

David Williams, complained that he had been harassed since he spoke against the jail. He did not like the rules for public comments, because the commissioners forgot about the Constitution.

Edward Seaman, a citizen of Iron County, was concerned that his taxes had gone up 300% since he moved here, dealing with increased taxes, fuel and so forth, tax increases affected many of the seniors.

Rhonda Gardner, a citizen of Iron County, asked why Iron County needed additional increases when inflation and growth was already built into the system of getting a percentage.

Mike Bleak explained Iron County collected the taxes, but the Iron County portion of property tax was 10%. The rest goes to the School District, Cedar City Municipalities, and Water Conservancy. Iron County was allotted a certain amount of money through taxes. Mike reported on how property values and tax rates work. With the growth in Iron County that \$200,000, to just put that in perspective, would only hire one and a half police officers.

Lucas Little, Iron County Auditor, reported that he had slide presentation to show the history of the tax rate and what happens when values change and how that affects taxes.



Miriam English, a citizen of Iron County, was concerned with the growth in Iron County. Those moving in were the reason for the increasing needs of our community and they should be charged a higher portion upfront. They should have a larger responsibility in providing for the improvements that are needed. This increase would affect Senior Citizens the most.

Luke Little noted that, unfortunately, we cannot charge a higher tax rate for certain people or certain buildings. But when a new building was built, that was when we get the new growth property tax that Mike was referring to. So like you said, this year, our new growth was \$145,000 in our general fund from new properties being built. And so they'll start paying property taxes, but we can't charge them extra in the first year. They pay the same property tax rate as everyone else.

Miriam English noted that she was not talking about charging them higher tax rates, but charging them a rehabilitation fee.

Jon Whittaker, Iron County Clerk, noted that there was a version of that, called an impact fee. Jon explained impact fees. There were some pretty strict rules about how impact fees were used, and Iron County does not get impact fee monies unless it was in an unincorporated area.

Miriam said that when people applied for building permits, these builders, were determining the price of the homes they were going to sell. I just think our elected officials should figure out a way where people who are relocating here are responsible for contributing to the services that need to be added for their funding.

Commissioner Bleak reported that Iron County does have building permit fees. We cannot charge an initial moving in tax, but there were building permit fees that does help offset, and brought revenue into the county which helps us not to be reliant on just property tax. Mike explained the parameters on how property tax money could be spent and those.

Miriam stated that the point she was trying to make was the cost of living in Cedar City was much lower than it was in California, Oregon, and Washington and other large states and communities. People have a lot of money and they want to relocate here and it was increasing the cost of living for people who already live here. Was there not some way we could require them to contribute? Mike replied that legally Iron County could not to that.

Ethan Gale, a citizen of Iron County, was concerned with inflation across the board, truth in taxation, what was the "inside-the-box" thinking to make doing less do more with less, and what was going to be cut in services if this does not get done?

Mike Bleak reported that he had been a commissioner coming up on eight years. They had never discussed a property tax increase until last year. We have cut and cut and scrimped since 2003. It had been 21 years since there was an increase to this fund. The only reason we were here tonight was because they were over a barrel and there was no more to cut. With the growth of Iron County, with our responsibility as government to provide services, we are stretched. There was no where else to cut.

Paul Cozzens reported on the lack of Public Defenders. He explained how the increases had affected prices in different areas. Paul noted that his and Mike Bleak's terms would be up in two years and he would welcome anybody in this room to file and run as a county commissioner. Any one of you can do that. Because I'm telling you right now, it was not fun. This is the worst part of the job. I've been in public service for 14 years, and until we started talking about the jail, I never voted to raise taxes. There was a time when we really struggled keeping sheriff deputies that were hired to stay in Iron County because other counties were offering a higher wage. Paul noted that the commissioners were open to suggestions. This inflation had not been fun for any of us.

Marilyn Wood reported that Iron County took over the Iron County Fairgrounds from Parowan City, which had helped. The events rent the fair building which helped a bit. Parowan was going to close it up, but the commissioners knew it was important to have a fair to come together as a community. We went in and cleaned it up. Marilyn noted that she and her husband, and others, worked on improving the fences, which was all donated. We welded for a month straight and then put the new fence up.

Discussion continued, and included topics that included the jail that was under construction, tax-shifts due to centrally assessed properties, how tax rates and individual tax bills are established, and why they fluctuate, and the hardship of inflation.

Karen Nicholson, a citizen of Iron County, noted that her taxes went up on my property this year, over \$350, and she did not get any services. We've got dirt roads that are so washboardy, it's not even funny. All the new houses around us have got paved roads. Why don't we? That's not fair. We're paying for this. Paul Cozzens explained subdivision development standards, and that they were not properly enforced in Iron County until the year 2000. Today, many roads in older subdivisions would need to be brought up to proper standards before they could be maintained by Iron County.

Sherry Larson, a citizen of Iron County, recalled that the jail bond failed and the school bond failed. She asked whether Iron County got any federal help with any of them.

Jon Whittaker explained that Iron County had saved up money, some of which was COVID money, which was federal money. That money was set aside for the jail capital project. At the behest of the citizens, we actually went to the legislature and Representative Ship and Senator Vickers helped shepherd through HB 488, which allowed for the sales tax. But the short answer is no. Federal dollars don't fund correctional facilities. So jails are interesting in that regard because there is money that happens, but it's on the tail end, and it's when you house prisoners. And so with the federal inmates, Iron County receives a daily stipend.

(Speaker Unknown) "Carson Marlowe and I live in the county out on the west side of Cedar City. And fortunate for me, I have a paved road all the way into my home and so I don't like the taxes. But I for one want to stand up here and give each one of you commissioners a great big thank you for your services for us people in the county. I really do appreciate you listening to all the people and all their complaints. Because me coming and listening to their complaints and then listening to the way you respond helps me to understand the tax issues and the budget problems that the county has. I just want to say thank you."

Wade Adams, a citizen of Enoch City, noted that he was an Iron County employee. He stated, "I get sick and tired of the cut this, cut that. We need to look for better ways to save money, this and that. You guys are doing a great job. You guys are frugal, you guys are conservative, and that was a joke. You have integrity too, and I hear a lot of comments about you guys trying to do things sneakily and behind people's backs, and I don't ever see that. are doing a great job, and we appreciate it."


Michael Bleak, Iron County Commission Chair, declared the end of the Public Hearing.

### ADJOURNMENT

Michael Bleak, Iron County Commission Chair, declared the meeting adjourned.



Signed: Michael Bleak, Commission Chair



Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY COMMISSION MEETING  
NOVEMBER 12, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 A.M. November 12, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Lucas Little	County Auditor
Terry Palmer	County Building & Zoning
Richard Wilson	County Chief Engineer
George Colson	County Emergency Management
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Mike Worthen	County Natural Resource
Reed Erickson	County Planner
Carri Jeffries	County Recorder
Nicole Rosenberg	County Treasurer

Others present:

John Dean	Mollie Halterman	Dan Jessen
Adam Long	Blaine Nay	

**SYNOPSIS**

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AGREEMENT FOR SHARED USE OF THE PAROWAN GRAVEL PIT ..... 13

APPROVAL OF CLAIMS FOR PAYMENT ..... 2

APPROVAL OF MINUTES ..... 2

DEPARTMENTAL REPORTS..... 2

ICCD&RA RESOLUTION 2024-3,GRANITE MTN SOLAR EAST CDA..... 5

ICCD&RA RESOLUTION 2024-4,GRANITE MTN SOLAR WEST CDA..... 7

ICCD&RA RESOLUTION 2024-5,ENTERPRISE SOLAR CDA ..... 8

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PUBLIC HEARING, SALE AND DISPOSAL OF PROPERTY (APN: B-1103-5-9) ..... 5

PUBLIC HEARING, TIER CHANGE (TIER II TO TIER IV) KANARRAVILLE..... 4

PUBLIC HEARING, ZONE CHANGE, KANARRAVILLE EXPANSION AREA..... 4

TAX ABATEMENTS AND EXEMPTIONS ..... 14

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

An invocation was offered by Wade Adams.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held on October 14, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT FROM**

Marilyn Wood made a motion to approve Claims for Payment from October 28, 2024 to November 11, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Jon Whittaker, Iron County Clerk**, reported on the 2024 General Election. Jon expressed his appreciation to George Colson, Iron County Emergency Manager, for all his help on Election Day. He noted that there three reports of voter intimidation at the Cedar City ballot drop box. The ballots that came from the Cedar City Post Office had a Cedar City ball-stamp and not the Las Vegas stamp. The Post Office had been proactive, especially during a major election year. Jon reported that each of the ballot drop-off boxes had video surveillance and regular patrols by law enforcement. The larger ballot boxes were picked up more than once on Election Day. Iron County had an 88.52% turnout, with most of the ballots being put into drop boxes. The last Presidential Election was closer to 90%. There were long lines to vote on Election Day, but most of those were for a Provisional ballot, which were unregistered or moved voters. He noted that Utah allowed same-day registrations. Jon expressed his appreciation to those who volunteered to assist the Cedar City Vote Center with Provisionals on Election Day after work hours. Melanie Hall, Exilda Serrano, LaTonya Heaton, August Franklin, Wade Adams from the Fleet Department and Jon’s wife, Charity also helped. There were a total of 13 working the Provisional line. Jon reported that there were some technical issues, but we got through them thanks to the IT Department. He expressed his appreciation for his full-time deputies, poll workers and those who helped on Election Day. Every ballot that was received was tabulated by Saturday night. Jon explained issues with the scanner.

Michael Bleak acknowledged Jon Whittaker and George Colson for going above and beyond on Election Day, and presented them with a Certificate of Appreciation. When Jon and George were returning from collecting ballots in Beryl, they stopped and assisted in a medical emergency with compassion, and an unwavering commitment to the people they serve. They both assisted with bravery, community spirit, and extraordinary composure.

**George Colson, Iron County Emergency Management Manager**, reported that in August he met with the Salvation Army, attended the Iron County Public Information Officer (PIO) meeting, and the new jail construction meetings. In September, he attended the Iron County Council of Government (ICCOG) meeting, State Division of Emergency Management November 12, 2024

(DEM) call and radio check, Public Lands meeting with the Forest Service, Election Security meeting in Provo, Rocky Mountain Power meeting, Community Emergency Response Team (CERT) Class, chemical compliance workshop, Public Lands meeting with the BLM, DEM flood risk meeting, and the state Voluntary Organizations Active in Disaster meeting. In October, he participated in the Rural Health call, state DEM call and radio check, Fire Chiefs meeting, Southwest Regional Response Team meeting, CERT/Economics meeting, submitted the Firehouse Subs Grant for Automated External Defibrillator (AED's), loaned light sets to SUU, Utah Communications Authority (UCA) radio switchover, worked with Richard Wilson with the Hazard Mitigation Grant Program notice of intent to call, 2023 Flood meeting with FEMA, which was the last call and the money was sitting with the State of Utah and he was waiting for permission for it to be extracted, meeting with the Salvation Army in Provo, and Election duty. In November, he presented a Cyber Security talk at SUU, participated in the state DEM call, and was able to get regional reimbursement for elections and IT Department backup servers and firewalls.

**Wade Adams, Iron County Fleet Manager**, reported that the budget was on track, but was up a little in vehicle operations. He reported that the order of eight trucks, in 2021, from Cedar Motor Company fell through. They were able to find 4 trucks for the Sheriff's Department. Wade reported that there were 682 work orders. He explained the vehicle trade and selling of the vehicles. The auction site was doing well fetching high bluebook. Marilyn Wood asked if the Sheriff's vehicles were going to black vehicles and if that was affecting sales. Wade replied that the color was not an issue with selling vehicles. The most popular colors were white, silver, gray, and then black.

**Jennifer Bradbury, Iron County Human Resource (HR) Director**, noted that the budget was doing well at 73.13%. Jennifer reported that since the last HR report, there had been 16 posted, interviewed, and hired positions, 13 internal promotion/transfers, and in the process of recruiting 7 full-time positions, and 1 part-time positions. She reported that present employee turnover for 2024 was 19.35% which equated to 8 positions. The Iron County Insurance open enrollment was held on November 4<sup>th</sup> and was completed. Jennifer expressed her appreciation to Betsy Cummings and Carrie Christiansen for all the work and hours they put in preparing the open enrollment. She reported on the milestone employee anniversaries: Nichole Bess, Treasurer's Office celebrated - 10 years, Bruce Anderson, Public Works, and Jessica Cramer, Attorney's Office - 15 years, Dave Avila, Sheriff's Office-Corrections - 20 years, and KC Fiack, Landfill - 30 years. Happily, the Workers Compensation Experience Modification (EMOD) decreased for the 2024 year at 0.87, which would result in a lower premium.

**Marilyn Wood, Iron County Commissioner**, expressed appreciation to all Veterans and wished them Happy Veterans Day. Marilyn reported that budget meetings were held in October. On November 6<sup>th</sup> she attended the Iron County Council of Government (ICCOG) meeting which was held in Enoch City. On November 8<sup>th</sup> she attended the dedication of the George Wood statute located in front of the Cedar Depot Antiques & Crafts building on Main Street in Cedar City.

**Paul Cozzens, Iron County Commissioner**, reported that he and Commissioner Wood attended the American Preparatory Academy (APA) Veterans program, which was very well done. The storm drain was installed on 800 south. Paul shared a Veterans story regarding a book called, "A Distant Prayer: Miracles of the 49<sup>th</sup> Combat Mission" by Joseph Banks. Paul noted that he had read the book and it was incredible. Paul was able to ask Joseph Banks if he would come talk to the youth during the women at Stake Youth Conference in Lindon, Utah. Joseph Banks lived in Florida and was about 80 years old. Mr. Banks flew out and he spoke at the Youth Fireside for 3 hours. Amazingly the youth listened intently all three hours. Joseph became a prisoner of war and prayer saved his life. The doctor told Joseph that he would not survive more than a year, yet he lived to be 89 years old.

**Michael Bleak, Iron County Commissioner**, reported that he was also busy with budget hearings. He was able to meet with the Inland Port Authority. Mike noted that he was involved in several site visits with large industries. Everyone who was involved was required to sign a Non-Disclosure Agreement (NDA). There were some exciting potential of clientele looking at property at the BZI Innovation Park. He met with Scott Wolford, Danny Stewart, and David Johnson on Friday with discussions regarding Inland Port goals moving forward, and a more focused recruiting effort. An analysis was planned to show some of the strengths of our community and what type of businesses and industries to recruit for better fits in Iron County.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED GENERAL PLAN AMENDMENT-TIER CHANGE (TIER II TO TIER IV) FOR PROPERTIES CURRENTLY IN THE KANARRAVILLE TIER II URBAN EXPANSION AREA (GENERALLY LOCATED WITHIN SECTIONS 26, 27, 28, 33, 34, 35, & 36 T37S, R12W; SECTIONS 3, 4, 9, 10, 16, 17 T38S, R12W, SLB&M)**

Reed Erickson, Iron County Planner, reported that this was the second Public Hearing held for this item. Reed recounted the history of this effort. In 2005 Iron County Ordinance 205 - Refining Regulations for Tiers. The General Plan Amendment in 2005 said "The County will initiate and consider proposals for the reclassification to Tier IV of land within existing Tier II boundaries that does not evidence the characteristics listed." Reed reported that this Tier change had been an ongoing effort since 2005.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the Proposed Tier Change.

No public comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing Closed.

Reed Erickson reported that after review of Criteria Evaluation of Consideration of a Zone change, the Iron County Planning Commission (ICPC) recommended the approval of the Tier change.

Paul Cozzens made a motion to approve the proposed General Plan Amendment-Tier Change as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE (R-1, R-2 AND A-20 TO R-5, RA-20, AND A-20) FOR PROPERTIES CURRENTLY IN THE KANARRAVILLE TIER II URBAN EXPANSION AREA (GENERALLY LOCATED WITHIN SECTIONS 26, 27, 28, 33, 34, 35, & 36, T37S, R12W; SECTIONS 3, 4, 9, 10, 16, 17 T38S, R12W, SLB&M)**

Reed Erickson, Iron County Planner, explained that a zone change was the next step after the Tier Change. This was to rezone Residential 1 (R-1) acres and Residential 2 (R-2) acres to Residential 5 (R-5) acres. The Septic Density study proposed 10 acres. Reed explained the study of the Nitrate Degradation. This zone change was more appropriate for the lot sizes.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding the proposed Zone Change in the Kanarraville Tier II Urban Expansion Area.

No Public Comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Rezoning and recommended approval of the zone change.

Marilyn Wood made a motion to approve the proposed zone change for properties currently in the Kanarraville Tier II Urban Expansion Area as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Reed reported that the ICPC continued to work with Kanarraville regarding an annexation. He attended the Kanarraville board meeting and they were in favor to move forward of annexation/de-annexation of certain properties in town boundaries and into Iron County boundaries.



**PUBLIC HEARING, REVIEW THE SALE AND DISPOSAL OF CERTAIN PROPERTY OWNED BY IRON COUNTY DESCRIBED AS APN: B-1103-5-9**

Jon Whittaker, noted that this was a follow up item from a previous closed session. Jon explained that the parcel listed for sale was the old CJC building and a full price offer was made, which was the best offer of those received. He reported that since that time, a few developments had occurred. The buyers needed to add a shower in the bathroom to be approved for a mortgage. Jon noted that he authorized them to move forward and the shower was their expense. He reported that he would be getting someone to clean the carpets, which Iron County would pay for. Marilyn Wood explained that the money from the sale would go towards the new CJC parking lot.

Paul Cozzens made a motion to approve the sale and disposal of certain property owned by Iron County described as APN: B-1103-5-9 as presented by Jon Whittaker. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

No Public Comments were offered.

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

Michael Bleak, Iron County Commission Chair, declared the adjournment of the Iron County Commission and to convene as the ICCD&RA.

**ICCD&RA RESOLUTION 2024-3 APPROVAL OF PARTICIPATION AGREEMENT FOR THE GRANITE MOUNTAIN SOLAR EAST SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA)**

Jon Whittaker, Iron County Clerk, noted that items 5-7 could be presented together, but make separate motions on them.

Adam Long, ICCD&RA Counsel, explained that there were 4 existing solar projects listed on the agenda. They were created in 2015 and had been in operation for 5-10 years. Clearway Energy had acquired those projects and were now proposing the addition of battery storage in Granite Mountain East and West and Enterprise. Adam reported that the battery storage was located within the existing project area. The agency captures a portion of the tax increment from that area, which was used to fund the incentives to make these projects happen. He explained the split tax increment. Clearwater was working under the existing Interlocal agreements. Adam noted that this was just adding a significant amount of new capital investment to an existing project area. Three of the projects would bring roughly \$100M in expected taxable value. Each project was \$140M. Reed Erickson reported that Conditional Use Permits (CUP) were granted to the Solar Company and explained the decommissioning and disposal plan, and each Solar Projects listed on the agenda.

Marilyn Wood made a motion to approve ICCD&RA Resolution 2024-3, the Participation Agreement for the Granite Mountain Solar East Solar CDA as presented by Adam Long. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND  
RENEWAL AGENCY RESOLUTION 2024-3**

**RESOLUTION APPROVING A PARTICIPATION AGREEMENT FOR THE  
GRANITE MOUNTAIN SOLAR EAST COMMUNITY DEVELOPMENT  
PROJECT AREA.**

**Whereas**, the Iron County Community Development and Renewal Agency (the “Agency”) has been created and operates pursuant to Utah Code Annotated (“UCA”) Title 17C, the Community Reinvestment Agency Act (the “Act”), for the purpose of promoting project area development within the Agency boundaries; and

**Whereas**, under authority of the Act, the Agency created Granite Mountain Solar East Community Development Project Area (the “Project Area”) and adopted a Plan for the Project Area; and

**Whereas**, the Agency is authorized to enter into agreements with property owners, governmental entities, private entities, and others;

**Whereas**, the Agency has previously entered into a participation agreement with the developer of a utility scale solar project within the Project Area and that solar project has been constructed and is operating within the Project Area;

**Whereas**, the Agency now desires to enter into a similar participation agreement with the developer of a proposed utility scale battery energy storage system (“BESS”) within the Project Area

**Whereas**, the Agency finds the participation agreement between the Agency and the BESS developer (the “Participation Agreement”) to be in harmony with and consistent with the Plan for the Project Area and in the best interests of the Agency and Iron County.

**NOW, THEREFORE, BE IT RESOLVED BY THE IRON COUNTY  
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

1. The Agency, having reviewed the matter, hereby approves the Participation Agreement attached hereto as **Exhibit A** and authorizes the Chair and Secretary to execute the Participation Agreement on behalf of the Agency. The Participation Agreement is approved with such additions, modifications, deletions or other changes as may be deemed necessary or appropriate and approved by the Chair of the Agency in cooperation with Agency legal counsel, whose execution thereof on behalf of the Agency shall conclusively establish such necessity, appropriateness and approval with respect to all such additions, modifications, deletions and/or other changes incorporated therein.

2. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Iron County Community Development and Renewal Agency, this 12<sup>th</sup> day of November 2024.

Attest:

  
Jonathan T. Whittaker, Secretary

November 12, 2024



  
Michael P. Bleak, Chair



**ICCD&RA RESOLUTION 2024-4 APPROVAL OF PARTICIPATION AGREEMENT  
FOR THE GRANITE MOUNTAIN SOLAR WEST SOLAR COMMUNITY  
DEVELOPMENT PROJECT AREA (CDA)**

Paul Cozzens made a motion to approve ICCD&RA Resolution 2024-4, the Participation Agreement for the Granite Mountain Solar West Solar CDA as presented by Adam Long. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND  
RENEWAL AGENCY RESOLUTION 2024-4**

**RESOLUTION APPROVING A PARTICIPATION AGREEMENT FOR THE  
GRANITE MOUNTAIN SOLAR WEST COMMUNITY DEVELOPMENT  
PROJECT AREA**

**Whereas**, the Iron County Community Development and Renewal Agency (the “**Agency**”) has been created and operates pursuant to Utah Code Annotated (“UCA”) Title 17C, the Community Reinvestment Agency Act (the “**Act**”), for the purpose of promoting project area development within the Agency boundaries; and

**Whereas**, under authority of the Act, the Agency created Granite Mountain Solar West Community Development Project Area (the “**Project Area**”) and adopted a Plan for the Project Area; and

**Whereas**, the Agency is authorized to enter into agreements with property owners, governmental entities, private entities, and others;

**Whereas**, the Agency has previously entered into a participation agreement with the developer of a utility scale solar project within the Project Area and that solar project has been constructed and is operating within the Project Area;

**Whereas**, the Agency now desires to enter into a similar participation agreement with the developer of a proposed utility scale battery energy storage system (“**BESS**”) within the Project Area.

**Whereas**, the Agency finds the participation agreement between the Agency and the BESS developer (the “**Participation Agreement**”) to be in harmony with and consistent with the Plan for the Project Area and in the best interests of the Agency and Iron County.

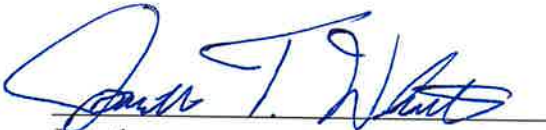
**NOW, THEREFORE, BE IT RESOLVED BY THE IRON COUNTY  
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

1. The Agency, having reviewed the matter, hereby approves the Participation Agreement attached hereto as **Exhibit A** and authorizes the Chair and Secretary to execute the Participation Agreement on behalf of the Agency. The Participation Agreement is approved with such additions, modifications, deletions or other changes as may be deemed necessary or appropriate and approved by the Chair of the Agency in cooperation with Agency legal counsel, whose execution thereof on behalf of the Agency shall conclusively establish such necessity, appropriateness and approval with respect to all such additions, modifications, deletions and/or other changes incorporated therein.

2. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Iron County Community Development and Renewal Agency, this 12<sup>th</sup> day of November 2024.

Attest:

  
Jonathan T. Whittaker, Secretary

  
Michael P. Bleak, Chair



**ICCD&RA RESOLUTION 2024-5 APPROVAL A PARTICIPATION AGREEMENT FOR THE ENTERPRISE SOLAR COMMUNITY DEVELOPMENT PROJECT AREA (CDA)**

Marilyn Wood made a motion to approve ICCD&RA Resolution 2024-5, the Participation Agreement for the Enterprise Solar CDA as presented by Adam Long. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

# IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY RESOLUTION 2024-5

## A RESOLUTION APPROVING A PARTICIPATION AGREEMENT FOR THE ENTERPRISE SOLAR COMMUNITY DEVELOPMENT PROJECT AREA

**Whereas**, the Iron County Community Development and Renewal Agency (the “Agency”) has been created and operates pursuant to Utah Code Annotated (“UCA”) Title 17C, the Community Reinvestment Agency Act (the “Act”), for the purpose of promoting project area development within the Agency boundaries; and

**Whereas**, under authority of the Act, the Agency created the Enterprise Solar Community Development Project Area (the “Project Area”) and adopted a Plan for the Project Area; and

**Whereas**, the Agency is authorized to enter into agreements with property owners, governmental entities, private entities, and others;

**Whereas**, the Agency has previously entered into a participation agreement with the developer of a utility scale solar project within the Project Area and that solar project has been constructed and is operating within the Project Area;

**Whereas**, the Agency now desires to enter into a similar participation agreement with the developer of a proposed utility scale battery energy storage system (“BESS”) within the Project Area.

**Whereas**, the Agency finds the participation agreement between the Agency and the BESS developer (the “Participation Agreement”) to be in harmony with and consistent with the Plan for the Project Area and in the best interests of the Agency and Iron County.

### NOW, THEREFORE, BE IT RESOLVED BY THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:


1. The Agency, having reviewed the matter, hereby approves the Participation Agreement attached hereto as **Exhibit A** and authorizes the Chair and Secretary to execute the Participation Agreement on behalf of the Agency. The Participation Agreement is approved with such additions, modifications, deletions or other changes as may be deemed necessary or appropriate and approved by the Chair of the Agency in cooperation with Agency legal counsel, whose execution thereof on behalf of the Agency shall conclusively establish such necessity, appropriateness and approval with respect to all such additions, modifications, deletions and/or other changes incorporated therein.

2. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Iron County Community Development and Renewal Agency, this 12<sup>th</sup> day of November 2024.

  
Michael P. Bleak, Chair

Attest:

  
Jonathan T. Whittaker, Secretary



November 12, 2024



**DISCUSSION AND POSSIBLE APPROVAL AUTHORIZING THE AGENCY TO SIGN ACKNOWLEDGEMENT LETTERS RELATING TO NEW PARTICIPATION AGREEMENTS FOR BATTERY STORAGE PROJECTS WITHIN THE GRANITE MOUNTAIN EAST, GRANITE MOUNTAIN SOLAR WEST, AND ENTERPRISE SOLAR COMMUNITY DEVELOPMENT PROJECT AREAS (CDA)**

Paul Cozzens made a motion to approve authorizing the Agency to sign Acknowledgement letters relating to new Participation Agreements for Battery Storage Projects within the Granite Mountain Solar East, Granite Mountain Solar West, and Enterprise Solar CDA's owned by Clearway and entities not taking tax increments. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**ICCD&RA RESOLUTION 2024-6 DESIGNATING A SURVEY AREA AS CONTEMPLATED BY UCA § 17C-5-103, AUTHORIZING AN AMENDMENT TO THE EXISTING IRON SPRINGS COMMUNITY DEVELOPMENT PROJECT AREA (CDA)**

Marilyn wood made a motion to approve ICCD&RA Resolution 2024-6, designating a survey area as contemplated by UCA § 17C-5-103, authorizing an amendment to the existing Iron Springs CDA as presented by Adam Long. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**IRON COUNTY COMMUNITY DEVELOPMENT AND  
RENEWAL AGENCY RESOLUTION 2024-6**

**A RESOLUTION DESIGNATING A SURVEY AREA AS CONTEMPLATED BY UTAH CODE § 17C-5-103, OR, ALTERNATELY, AUTHORIZING AN AMENDMENT TO THE EXISTING IRON SPRINGS COMMUNITY DEVELOPMENT PROJECT AREA**

**Whereas**, Iron County (the “**County**”), created the Iron County Community Development and Renewal Agency (the “**Agency**”) pursuant to the provisions of, and the Agency continues to operate under, Title 17C of the Utah Code, the Limited Purpose Local Government Entities-Community Reinvestment Agency Act and its predecessor statutes (the “**Act**”) for the purposes of conducting project area development activities within the County, as contemplated by the Act; and

**Whereas**, the Agency believes that certain property adjacent to the existing Iron Springs Solar Community Development Project Area may be desirable for additional renewable energy development, including potential battery storage facilities; and

**Whereas**, the Agency, having made a preliminary investigation and conducted initial studies and inquiries, desires now to conduct project area development activities in all or a portion of the survey area depicted on the map attached hereto as **Exhibit A** (the “**Survey Area**”) pursuant to Utah Code § 17C-5-103, from which the Agency anticipates potentially creating one or more community reinvestment project areas (the “**Proposed Project Area**”), or possibly expanding the existing Iron Springs Solar Community Development Project Area; and

**Whereas**, the Agency desires to begin the process of adopting a project area plan the “Proposed Project Area” by adopting this Resolution authorizing the preparation of a Project Area Plan, pursuant to Utah Code § 17C-5-103, or, alternately, authorizing an amendment to the existing Iron Springs Community Development Project Area Plan pursuant to Utah Code § 17C-4-108.



**THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:**

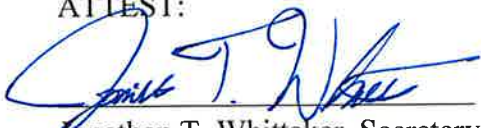
1. That the Agency designates the approximate geographic area as indicated on **Exhibit A** as a Survey Area as contemplated by the Act.
2. That the Survey Area requires study to determine whether project area development is feasible within a Proposed Project Area within the Survey Area, or within an expansion of the existing Iron Springs Solar Community Development Project Area.
3. That Agency legal counsel and staff be and are hereby authorized and directed, as deemed appropriate by the Agency for the Proposed Project Area:
  - a. to prepare a draft Community Reinvestment Project Area Plan and draft Community Reinvestment Project Area Budget; or, alternatively, to prepare and amend Community Development Project Area Plan for an amended and expanded Iron Springs CDA.
  - b. to undertake all such actions as may be required by the Act, or which may otherwise be necessary or desirable to the successful establishment of the Proposed Project Area, or the expansion of the existing Iron Springs CDA, including, without limitation, the negotiation of agreements with taxing entities and participants, the preparation for all necessary hearings and the preparation, publication, and/or mailing of statutorily required notices.
4. That this Resolution shall take effect upon adoption.

**APPROVED AND ADOPTED** on this 12th day of November, 2024.

**IRON COUNTY COMMUNITY  
DEVELOPMENT AND RENEWAL AGENCY**

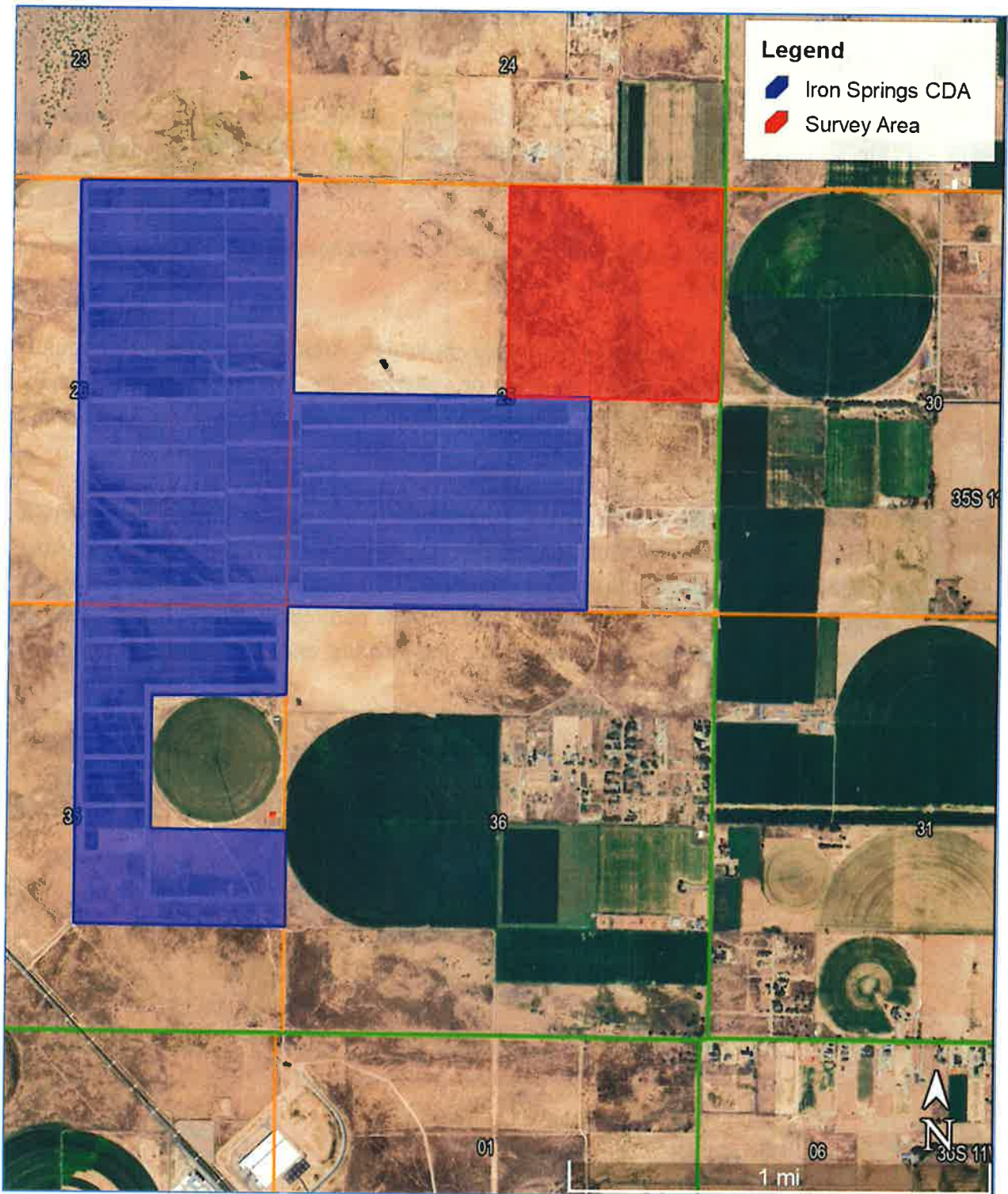
  
Michael P. Bleak, Chair

ATTEST:

  
Jonathan T. Whittaker, Secretary



**Exhibit A**  
*Survey Area Map*



**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the resumption of the Iron County Commission.

**REVIEW AND POSSIBLE APPROVAL OF A LEASE CONTRACT BETWEEN ADMINISTRATIVE OFFICE OF THE COURTS AND IRON COUNTY FOR OFFICE SPACE AT THE IRON COUNTY JUSTICE CENTER (FIFTH DISTRICT JUVENILE PROBATION OFFICES)**

Michael Bleak, wanted clarification if the Attorney Office included the Juvenile Probation Offices or the Guardian ad Litem. Commissioner Bleak called Sam Woodall and Sam explained that this was for the renewal of the Lease Agreement and it removed the Guardian ad Litem space. There would be a \$4,900 reimbursement to the state. The agenda description was correct with the listing Fifth District Juvenile Probation Offices. Mike asked Sam for clarification that this was renewing the lease with Juvenile Probation, but not renewing the lease on the portion where the Guardian ad Litem office was located. Sam replied that that was correct and the Guardian ad Litem would continue to have access to some office space across the hall. This would be located at the NE corner, east of the Iron County Justice Center.

Paul Cozzens made a motion to approve the Lease Contract between the Administrative Office of the Courts and Iron County for office space on the NE corner, east of the Iron County Justice Center (expansion of the Attorney's Office to include Juvenile Probation Offices). This would include a \$4,900 reimbursement to the state and only covered the office space in the NE corner as presented by Michael Bleak and Sam Woodall. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**REVIEW AND POSSIBLE APPROVAL OF AN AGREEMENT FOR SHARED USE OF THE PAROWAN GRAVEL PIT**

Dan Jessen, Parowan City Manager, explained that this item was presented at a previous commission meeting. The engineering was nearly complete. The agreement was to share the pit with Iron County, and allow Parowan City to place water in the pit. Dan reported that the plan included building a Berm for small rain events. He explained that the Geotechnical work had been done on the gravel pit. Discussion continued regarding the path of water to the gravel pits. Dan reported that the idea was to artificially recharge the aquifer. The Parowan Valley Groundwater Management Plan was approved. This agreement allowed Iron County to have the final say in all interactions. The agreement was a 3 way agreement, with the Pumpers, Iron County, and Parowan City. Parowan City would be responsible to keep the pit clean. Commissioner Cozzens explained the stabilization of pit and that Parowan City would have to place a pipe in the bottom of the pit.

Marilyn Wood made a motion to approve an agreement between Iron County and Parowan City for shared use of the Parowan Gravel Pit as presented by Dan Jessen. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PRESENTATION OF THE 2025 TENTATIVE BUDGET**

Lucas Little, Iron County Auditor, explained that this was not a public hearing and only the presentation of the tentative budget. A public hearing would be held at the next Commission meeting on November 25<sup>th</sup> and would be adopted at the December 9<sup>th</sup> Commission meeting. Luke covered some of the budget highlights and explained that there would be a more in-depth presentation during the public hearing in 2 weeks. He reported that the Truth in Taxation public meeting was held November 8<sup>th</sup>, regarding a property tax increase to the General Fund for \$1.2M which would be voted on during the next commission meeting. Luke noted that there was a large increase to Health Insurance at approximately \$500K. The Employee Step-in Grade was included in the tentative budget. There were approximately 32 new employee requests or to move part-time employees to full-time, which was under review. There was also a significant request in operating costs in a few departments. In the coming weeks he would balance and prioritize the budget for Iron County needs.

Paul made a motion to approve the presentation of the Iron County 2025 Tentative Budget as presented by Lucas Little. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



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

Michael Bleak, Iron County Commission Chair, declared to convene as the Iron County BOE.

**REVIEW AND POSSIBLE APPROVAL OF VETERAN, CIRCUIT BREAKER, LOW INCOME, AND BLIND TAX ABATEMENTS FOR THE 2024 TAX YEAR, ALSO REQUESTING APPROVAL OF RELIGIOUS & CHARITABLE TAX EXEMPTIONS SUBMITTED AFTER MARCH 1<sup>ST</sup> DEADLINE**

McKayla Meinhardt, Deputy Auditor, reported on Veteran, Circuit Breaker, Low Income, and Blind Tax Abatements and Religious & Charitable Tax Exemptions submitted after the March 1<sup>st</sup> deadline. McKayla noted that all circuit breakers had been applied and accounted for. The State of Utah would reimburse Iron County \$240,947.68 for the Circuit Breaker relief.

Marilyn Wood made a motion to approve the Veteran, Circuit Breaker, Low Income, and Blind Tax Abatements and Religious & Charitable Tax Exemptions submitted after the March 1<sup>st</sup> deadline for the 2024 tax year. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commission Chair, declared the resumption of the Iron County Commission.

**PERSONNEL**

Jennifer Bradbury, Iron County HR Director, presented the promotion of Trevor Johnson from a Full-Time Technician 1 to a Full-Time Technician 2 in the Road Department, effective November 10<sup>th</sup>, the new hire of Michael Averett as a Full-Time Technician 1 in the Road Department, effective November 12<sup>th</sup>. This was a backfill of a vacant position; the new hire of Antonietta Roach as a Part-Time Outreach Coordinator for Council on Aging, effective November 18<sup>th</sup>. This was a backfill of a vacant position; the promotion of Bryan Green from a Full-Time Deputy 1 to a Full-Time Deputy 2 in the Sheriff's Office - Patrol, effective November 10<sup>th</sup>; the new hire of Christina Becomo as a Full-Time Deputy 1 in the Sheriff's Office - Corrections, effective January 19, 2025. This was a backfill of a vacant position; bi-lingual pay for Matthew Malachowski in the Sheriff's Office - Corrections, effective November 10<sup>th</sup>; and the promotion of Robert Leiva from a Full-Time Deputy 3 to Corporal, for the Sheriff's Office - Corrections, effective November 10<sup>th</sup>.

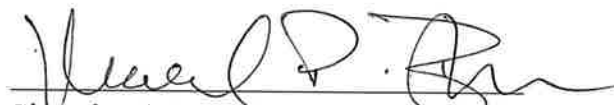
Paul Cozzens made a motion to approve the personnel changes as explained by Jennifer Bradbury. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

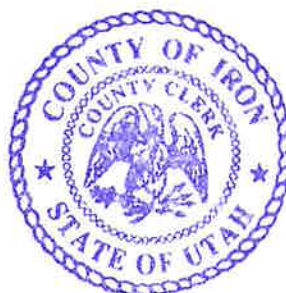
No Non-Delegated items were presented.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY SPECIAL COMMISSION MEETING  
NOVEMBER 18, 2024**

Minutes of the Iron County Special Commission meeting convened at 10:00 a.m.  
November 18, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Lucas Little	County Auditor
Nicole Rosenberg	County Treasurer

Others Present:

Blaine Nay

**SYNOPSIS**

CANVASS OF THE NOVEMBER 5, 2024, GENERAL ELECTION ..... 1  
INVOCATION ..... 1  
PLEDGE OF ALLEGIANCE..... 1

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Nicole Rosenberg.

**INVOCATION**

An invocation was offered by Lucas Little.

**CANVASS OF THE NOVEMBER 5, 2024, GENERAL ELECTION**

Jon Whittaker, Iron County Clerk , presented the Canvass of the November 5<sup>th</sup> General Election. Jon reported that the election ran smoothly. There were a few reports of voter intimidation at the Cedar City drop box, but they could never catch anyone in the act. Chief Darin Adams was great to keep steady surveillance on both the drop box and the vote center. Turnout was impressive at 88.5%. Total registered voters was 32,149, which is more than Iron County ever had. 24,069 ballots were dropped in the mail or a drop box, 3,070 in person, 70 that were returned electronically as overseas folks, and 1,246 votes that were provisional. So those were people that waited in line and either had a new registration or had moved. As part of the outreach campaign, voters were encouraged to use the newly installed 24 drop boxes. When the count of ballots was compared to those given voter credit in the statewide election system, there were 2 more ballots. This was due to 2 provisional voters not receiving voting credit. Jon noted that they would track those two down. Otherwise, everything balanced perfectly. There were 144 envelopes with a signature that did not match the voter's signature, 32 that were unsigned, 12 that were challenged for other curable reasons, and 240 ballots that were challenged and cured and not combined. So in other words, 179 were not cured, so 74% were not cured. There were 45 ballots that were returned after the postmark deadline. And we were pleased because Cedar City, they put a ball stamp on all ballots and they didn't have a Vegas stamp so not only were they stamped here, they

didn't go to Vegas and 45 is closer to what is expected not ten times that like we had in June. 28 ballots were rejected for non-curable reasons despite instructions that voters turn in the ballots in the provided envelope with a signed affidavit. 1,282 provisional ballots were issued, 1,246 were counted, 30 were not counted, three were already voted. Sometimes people do it on purpose but we always assume that they probably just didn't realize they already voted in the election because the ballots come out three weeks before and they want to vote on Election Day. During the entire Canvass period, the Clerk's Office staff made hundreds of calls to reach provisional voters that needed just a bit more for their vote to count. 97% of provisional ballots were counted. Of those 1282 ballots, 532 were same-day registrations. As far as results, Donald Trump won for President, John Curtis won for Senate, in House District 2, Malloy won, Cox-Henderson won. Even though they did not win, Phil Lyman and Natalie Claussen garnered an impressive 4775 write-in votes. For Attorney General, Derek Brown and for Auditor, Tina Cannon. Marlo Oaks won in the Treasurer race, Albrecht for House 70, Shipp for House 71, uncontested Joanne Brinton for School Board won, Ken Robinson won in his uncontested County Commission race, Karsten Reed won uncontested for County Assessor, unopposed Lucas Little won for County Auditor, unopposed Carri Jeffries won for County Recorder, unopposed Nicole Rosenberg won for County Treasurer, John Taylor, won unopposed for School Board. Interestingly, in Iron School Board District 3, Tyrell Eddie won over "withdrawn," but that was because James Johnson got called on a mission and withdrew. Durant, Barnes and Leavitt all won their judicial retention races. Constitutional Amendments A and D were stricken. Constitutional Amendment B won 60% to 40% in Iron County, Constitutional Amendment C won 81% to 13% in Iron County and finally, the school bond failed with a vote of 40.73% for and 51.29% against. Karsten Reed, Joseph Peterson, and Michael Bleak all helped with the post-election audit. This year that took about 3 hours.

Paul Cozzens made the following statement:

*"Everybody knows I had an issue with certifying the primary election. That was a different election. I will certify this one, but that one I still have problems with, for the reasons I stated then. I know there was some, and I know there's still some lawsuits that are pending in the Supreme Court and stuff that, those will play out, right, how they play out. But I mean, we've had people reach out to us from the public, and I want them to know that we looked at their, I'm sure, we all read and listened to them. But I do believe in my heart that changes do need to be made in our elections in Utah. I did talk to some legislators that are running some bills this time. I still believe, and I know you'll disagree with me, Jon, but... I know Tushar's got one that he's working on, planning on running. Yeah, I still believe that opt-in for any reason. If you want an absentee ballot, you can opt-in for any reason. You call and request a ballot, and you can do it for whether you're a missionary, whether you're military, whether you just don't... you're going to maybe be out of town by any chance, you can do that, but then the rest of us go vote in person. I think it solves a myriad of problems and so I know of some bills I know of one bill that's going to be introduced to take the election away from the Lieutenant Governor's Office and move it to a Secretary of State or or a department of elections and I support support that bill."*

Paul Cozzens made a motion to certify the Canvass of the November 5, 2024 General Election. Second by Marilyn Wood. Voting: Michael P. Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

#### **ADJOURNMENT**

Michael P. Bleak, Iron County Commission Chair, declared adjournment.



Attest: Jonathan T. Whittaker, County Clerk



Signed: Michael P. Bleak, Chair

November 18, 2024



**IRON COUNTY COMMISSION MEETING  
NOVEMBER 25, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 25, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Lucas Little	County Auditor
Stephanie Rainey	County COA
Shalon Shaver	County Corrections
Sam Woodall	County Deputy Attorney
Jennifer Bradbury	County HR Director
Ken Carpenter	County Sheriff

Others Present:

Bruce Washburn	Steve Miller	Jeremy Truman
Robert Comstock	Mark Nelson	David Williams
Susan		

**SYNOPSIS**

ADJOURNMENT .....	7
APPROVAL OF CLAIMS FOR PAYMENT .....	2
APPROVAL OF MINUTES .....	2
DEPARTMENTAL REPORTS.....	2
FACILITIES USE APPROVAL .....	5
INVOCATION .....	2
NON-DELEGATED ITEMS.....	7
PERSONNEL .....	6
PLEDGE OF ALLEGIANCE.....	2
PUBLIC COMMENTS .....	5
PUBLIC HEARING, EXECUTIVE COMPENSATION INCREASE.....	5
PUBLIC HEARING, PROPOSED 2025 IRON COUNTY FINAL BUDGET .....	3
RESOLUTION 2024-10, PROPERTY TAX REVENUE FOR 2025.....	5
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### APPOINTMENT OF CHAIR PRO-TEMPORE

Marilyn Wood welcomed everyone and excused Commissioner Bleak, who was away. Marilyn Wood made a motion to appoint as Paul Cozzens as Commission Chair Pro-Tem. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

### INVOCATION

An invocation was offered by G'Ne Bartholomew.

### PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Lucas Little.

### APPROVAL OF MINUTES

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held on October 28<sup>th</sup>, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

### APPROVAL OF CLAIMS FOR PAYMENT

Marilyn Wood made a motion to approve Claims for Payment from November 12, 2024 to November 24, 2024. Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

### DEPARTMENTAL REPORTS

**Lucas Little, Iron County Auditor**, reported had been working on the budget. The budget discussions went well. Carrie Christiansen, Chief Deputy Auditor, took care of the Board of Equalization. There were many appeals this year. Mickayla Meinhardt takes care of Abatements, and that is also wrapped up

**Stephanie Rainey, Council on Aging (COA) Director**, reported that the Cedar City and Parowan Senior Centers were doing well. Approximately 200 meals were provided as part of the Meals on Wheels program, along with 60 congregate meals. She anticipated that those numbers would increase with continued growth in Iron County. There was a need volunteers for Meals on Wheels drivers and a receptionist for the COA. At the start of July, the COA received another Social Services Block Grant (SSBG) through the Five County Association of Governments (AOG) for \$11K. The funds would be used for transportation costs.

**Shalon Shaver, Jail Commander**, reported that the overall budget for the 4th Quarter was at 78%. Culinary cost was \$1.03 cents per meal. Shalon reported that the average daily prisoner population was 152, with 133 male and 19 female. Currently, there were 128 county inmates, 9 state inmates, and 41 federal, with 1 inmate from another county. The work crew had provided 891 hours of service, with the majority of the efforts installing fencing. The Jail now had 6 vacancies, up from 0 at her last report. She discussed new Taser cartridges and a cage for an all-wheel transport for inmates, which was anticipated to cost \$30K.

**Kenneth Carpenter, Iron County Sheriff**, reported that the Special Weapons and Tactics (SWAT) had been called out 25 times so far in 2024. The drug task force remained busy with a recent seizure that netted over 50 lbs. of Fentanyl, 231,540 pills, 123.5 lbs of methamphetamine, and over \$4M in street value. Sheriff Carpenter discussed his concerns regarding both the Mexican and Canadian border. He expressed hope that the incoming Trump administration would do a better job at the borders. Sheriff Carpenter reviewed detailed crime statistics and then discussed legislation. He then discussed growth in Iron County, noting that in Cedar City alone at more than 5,040 homes were being built. Nearly every County Commission meeting had some re-zoning of agricultural to housing or light industrial. This brought with it a significant need for additional deputies. Iron County was not keeping pace with the need for policing. He cited a situation in West Valley City, where an officer would begin their shift 45 calls behind, allowing only for triage of cases. It also creates a situation where criminals know

they will not likely be held accountable because the policing is spread too thin. It was imperative that Iron County not end up in a simply “reactive” state of police protection. Sheriff Carpenter also noted that it was a continued challenge to source new deputy vehicles, and that progress was being made on the construction of the new Jail and Sheriff’s Complex, which should be completed in January of 2026.

**Marilyn Wood, Iron County Commissioner**, reported that she attended Public Lands Council meetings in Bryce Canyon on the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>. There was discussion regarding ranching and farming issues, such as Predator Control and Intensive Grazing. They also discussed Utah’s lawsuit regarding changing certain public lands in Utah to state ownership and control from the federal government. Along Lund Highway, some sheep escaped and were struck and killed by an automobile. Commissioner Wood implored drivers to watch out for livestock and to be aware of their surroundings.

**Paul Cozzens, Iron County Commissioner**, reported interviewing for a new public defender. He mentioned a mental health crisis receiving center in Washington County, under the 5 County Association of Governments (Five County). They had held the Five County Behavioral Health and Steering Committee meetings. Paul then discussed the recent Canvass of the November 5<sup>th</sup> General Election. He noted that turnout was high at 88% out of 30,000 registered voters, but that Iron County had over 60,000 residents.

### **PUBLIC HEARING, REGARDING THE PROPOSED IRON COUNTY 2025 FINAL BUDGET**

Lucas Little, Iron County Auditor, presented the Iron County 2025 Proposed Final budget. He began by giving a macroeconomic snapshot of the economy during 2024.

- **Inflation** was significantly lower than the previous two years and had somewhat stabilized. Utah’s unemployment rate remained low, with many applicants often applying, but for in-demand positions hiring has proven difficult. Iron County had not implemented a property tax increase, but there was an increase on the agenda later during this meeting. 2023 saw an increase to the fund balance in the General Fund. However, in 2023, the Municipal Services fund decreased. The Municipal Services Fund and General Fund are the two largest funds in Iron County. In 2024 the revenue from Building Permits was already higher than all of 2023. Inflation caused goods and services that Iron County had to purchase to be more expensive. Inflation also caused an increase in sales taxes, which was a positive for the budget. Increases in sales tax revenue were smaller in 2024, due to the lower inflation.
- **Sales tax revenues** would be in line with budgeted amounts. Lucas anticipated lower inflation, and therefore, lower sales tax revenues, which was reflected in the 2025 budget with a smaller increase for sales tax revenues. Because of growth and inflation, Iron County has not had to raise Property Tax rates over many years. This lower sales tax projection was, in large part, what necessitated the Truth in Taxation General Fund property tax rate increase. Also, the increased of goods and services. Driving interest rates is the Federal Reserve (Fed). To combat inflation, the Fed increased interest rates, which was successful, as evidenced by lower inflation. They have since lowered interest rates. This affects how much it costs to get a mortgage, as well home values. In Iron County, the average home is \$418K, about \$100 lower than the Utah average home price. This leveling of interest rates has not only affected building permits, but Recorder’s Office fees as well, both seeing an increase.
- In terms of **debt, and debt payments**, the largest was now the Jail. Annual Payments for that will begin in 2025. Iron County sold the bond for the Jail just after the interest rates decreased. The timing was very beneficial for the interest Iron County secured. In terms of Capital expenditures, the largest will also be the Jail project. In the Road Department, they would be replacing some large equipment in 2025. The Road Department also began receiving significant funding from the State of Utah, and additional sales tax revenue.
- **Tourism** receives funding from the Transient Room Tax (TRT), as well as Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax (TRCC). The Tourism

department was proposing \$100K to improve the 3 Peaks, Wood Ranch, and 5 Mile recreation areas.

- One other significant capital expense was the **purchase of a skid steer** to assist the inmate work crew.
- Bruce Anderson requested a one-time transfer of \$450K to upgrade the 3-ton cans in the west desert to 12 ton cans by purchasing a **larger truck**, to improve efficiency. This would be from the Landfill Fund. Jeremy Truman, Landfill Supervisor, calculated the Return on Investment (ROI) to be about 3 years. They were also planning on selling existing trucks and cans to offset the purchase.
- Lucas Little gave a recent history of **salaries and wages**. In July of 2022, the commissioners decided to restore the “Step in Grade” system, and placed each employee where they should be in the system. Because of the large cost of restoring the Step in Grade, a Cost of Living Adjustment (COLA) was foregone until January 2024. Therefore, January of 2025 will be the 2<sup>nd</sup> year of a step increase under the Step in Grade system. Each step is a 1.5% increase. Another change for 2025 will be to increase the lowest paid office workers from Grade 2 to Grade 3. Essentially, anyone who is a full-time employee will now be at least a Grade 3. There would be 3 levels for those administrative employees, Level 1 would be the entry level at Grade 3, then Level 2, would be available after 4 years and would be a Grade 4, then Level 3 would be available after 8 years and would be Grade 5.
- Out of 30 departments at Iron County, there were 33 **new position requests**. This reflected the growth in population and demand for services. It would not be possible to fund all of those positions, so they had to prioritize which positions must be created. Among the new positions, an additional Geographical Information Systems (GIS) Specialist, a change from Part-Time to Full-Time Maintenance employee, an Administrative Sergeant in the Jail, a change from Part-Time to Full-Time Crime Scene Investigator, and lastly, 3 new employees in the Road Department.
- Of **impact to the budget this year**, was a payback of Victims of Crimes Act (VOCA) grant funds relating to the Children’s Justice Center; under Fire, the amount owing to Cedar City increased by \$100K, and the Participation Commitment for Wildland Fire increased by \$350K, although part of this funding can be “In Kind,” such as mowing, fuels mitigation and outreach; lastly, there was an increase of \$500K in employee health insurance. Paul Cozzens noted that this increase was part of each employee’s increase, because they would not have to pay for the insurance increase.
- Lucas Little concluded by relaying a rating by a private group entitled, “The Utah Taxpayers’ Association.” Iron County was listed as the 2<sup>nd</sup> Lowest in County Government Revenue per capita.

Paul Cozzens, Iron County Commission Chair Pro-Tem, declared a public hearing open regarding the Proposed 2025 budget.

Robert Comstock, a citizen of Iron County, noted that his tax bill was \$1,189, and he just got notice of a \$475 decrease in his Social Security. His property tax bill had increased 30% over the course of 3 years. Mr. Comstock noted that the Iron County School District had voted in a \$229 Property Tax increase (for the average home), and combined with the proposed \$36 increase, it felt like a large increase. He wondered about Deputy pay, and raises, tax shift, and Iron County as the Property Tax collector were discussed.

Paul Cozzens, Iron County Commission Chair Pro-Tem, declared the public hearing ended.

**PUBLIC HEARING, REGARDING A COMPENSATION INCREASE FOR EXECUTIVE COUNTY OFFICERS**

Lucas Little explained that under UCA § 17-6-14, a new requirement from the 2024 legislative session was that a public hearing be held whenever Executive County Officers' salary is increased. "Salary" includes salary paid under a contract, a budgeted bonus or budgeted incentive pay, a vehicle allowance, or defined deferred salary. Lucas explained that the executive salaries were increasing by 2.5%, comprised of 1.5% for a step increase, and a 1.0% increase for COLA. The salary for Iron County Commissioners was \$58,843.41 and there would be an increase of 1.0% for the commissioners.

Paul Cozzens, Iron County Commission Chair Pro-Tem, declared a public hearing open regarding a compensation increase for executive county officers.

Steve Miller, a citizen of Iron County, asked why the salary for Iron County Commissioners was shown on a public records site as \$92,788? Luke Little explained that the difference between the two numbers was due to Social Security, benefits, and Medicare taxes. Mr. Miller asked a follow-up question regarding the Children's Justice Center (CJC). He asked whether all grants must be approved by the Commission, and Iron County was paying back \$121K, but that grant was approved by the Commission. Sam Woodall, Chief Deputy Iron County Attorney, noted that what we could say was limited.

Paul Cozzens, Iron County Commission Chair Pro-Tem, declared the public hearing closed regarding a compensation increase for executive county officers.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE USE OF IRON COUNTY FACILITIES BY OTHER PERSONS OR ENTITIES**

Paul Cozzens noted that this issue came up because of various groups using the Senior Center, and other facilities charge for their use. Paul noted that it would be beneficial to standardize a policy for the use of Iron County buildings. He noted that Mark Nelson had reached out to him regarding the use of the Senior Center in Cedar City, and that Stephanie Rainey was new and asked what the best approach would be. He noted that he had discussed the issue with the Iron County Attorney's Office who suggested that a cleaning deposit be charged, and that possibly a use fee be charged for entities that are not nonprofit. Sam Woodall noted that there was a challenge in that each building was unique. Jon Whittaker noted that he had reviewed the issue with the Utah Counties Indemnity Pool (UCIP), and that, as public spaces, the buildings should be available for use, but that policies protecting Iron County were wholly appropriate. There was discussion regarding requiring Certificates of Insurance and/or Indemnification. Jon suggested that any policy enacted be consistent county-wide. Marilyn Wood made a motion to approve the use of Iron County facilities by other people and entities, and that a cleaning deposit be required, fees and schedules be kept and posted by those department heads who have responsibility over facilities, and that Iron County develop a policy to clarify such use. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

No public comments were offered.

**RESOLUTION 2024-10, ADOPTING ADDITIONAL PROPERTY TAX REVENUE FOR 2025 CALENDAR YEAR**

Lucas Little explained the proposed increase to the Iron County General Fund. The Property Tax on a primary residence valued at \$418K would increase by \$35.60 per year. Lucas presented a Slide show to explain the value of Homes compared to the Property Tax rate. He then explained how Property Taxes had shifted from Centrally Assessed payors, such as railroads and utilities to average homeowners. Lucas also explained that the State of Utah locked in the statewide Assessing and Collecting levy, which caused a significant increase in tax burden to property owners. Paul Cozzens noted that inflation hurts everyone. There was no desire to vote for increased taxes, but it was necessary. He spoke to accusations that the meeting time of Friday at 6:00 p.m. was somehow subversive. The law requires that the meeting be no earlier than 6:00

p.m., and that it not be at the same time as another meeting, leaving Friday evening. Marilyn Wood made a motion to approve Resolution 2024-10, adopting additional property tax revenue for 2025 calendar year. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **REVIEW AND POSSIBLE APPROVAL OF A SEWER LINE AGREEMENT AMENDMENT**

Sam Woodall, Iron County Chief Deputy Attorney, explained that this item had already been approved by the Cedar City Council. It noted that the agreement pertained to the 4500 West Transmission Line. This agreement was to help BZI move forward with the assurance of sufficient sewer capacity and availability. The agreement contemplates a “Use it or Lose it,” approach to the 2,000 connections Iron County has available. When he spoke before the City Council, he asked that the original agreement be renewed with the requirement that Iron County notify Cedar City when additional sewer connections are granted. Marilyn Wood made a motion to approve a Sewer Line Agreement Amendment with Cedar City. Second by Paul Cozzens. Voting: Michael Bleak, Absent; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens took some time for personal privilege, clarifying that Iron County was not trying to make the Truth in Taxation hearings untenable for citizens. He addressed the 2023 hearing when he was trying to address the frigid temperature in the room, but was then accused of not paying attention, because he was using his cell phone to do it. Paul also addressed accusations of the commissioners taking bribes in relation to the Jail construction. He noted that he would not even know how to do it. Paul affirmed that the commissioners were trying to be as transparent as possible. Marilyn Wood noted that that was why she did not run for another term as commissioner.

### **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Taryn Schroeder as a Full-Time 4-H Coordinator for USU Extension, effective November 25<sup>th</sup>. This was a backfill of a vacant position.

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

Jon Whittaker noted that, concerning previous agenda items authorizing the sale of the old CJC property, the sale had been finalized for full price, and that a nice young couple had purchased it. Paul Cozzens noted that the proceeds of the sale would go toward the parking lot and landscaping for the new CJC building.

Paul Cozzens asked Jon Whittaker to report regarding his recent attendance of the annual Utah Counties Indemnity Pool (UCIP) meetings. Jon explained that UCIP was Iron County’s insurance or “indemnity” for liability. The private insurance market had gotten difficult regarding premiums and reduced coverage, but, as an indemnity pool, UCIP provided greater coverage and lower rates. For example, indemnifying police officers on duty has become impossible in the open market. Many Law Enforcement (LE) agencies simply do not carry such coverage. Iron County is fortunate to have it under UCIP. Iron County has been with UCIP since its inception 30 years ago. One of the bigger expenses that UCIP incurs is “backstop” insurance or reinsurance to cover beyond the initial claim. This exposes UCIP, and by extension, counties, to insurance costs on the open market for catastrophic coverage. Another advantage of UCIP is the fact that it also includes Cyber coverage, which most insurers have dropped altogether. Jon noted that, unlike in the past, when counties construct or acquire a new building, the additional exposure would need to be accounted for as soon as it was occupied, not just on the next cycle as had been the case. Another advantage of UCIP is that each county has a certain amount of equity in the Pool. In other words, counties are not just customers, but owners of UCIP. Yet another



advantage of UCIP was that it had a superb legal team to help when lawsuits were imminent or pending. Jon concluded that, because of the reinsurance as mentioned and because of an actuarial tightening, Iron County's contribution would increase in 2025.

**NON-DELEGATED ITEMS**


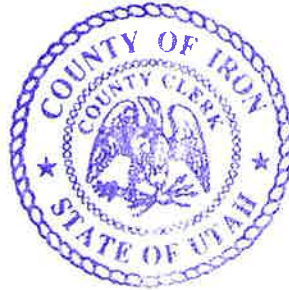
No Non-Delegated Items were discussed.

**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  
DECEMBER 9, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 9, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Terry Palmer	County Building & Zoning
Richard Wilson	County Chief Engineer
Sam Woodall	County Deputy Attorney
Carrie Christiansen	County Deputy Auditor
George Colson	County Emergency Management
Spencer Rollo	County Fire Warden
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Candace Reid	County Public Defender
Bruce Anderson	County Public Works Director
Ken Carpenter	County Sheriff

Others present:

Carol Barker	David Blodgett	June Harmon
Jeff Richards	Patti Truax	Bruce Washburn

**SYNOPSIS**

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**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by Spencer Rollo.

**INVOCATION**

An invocation was offered by Dr. David Blodgett.

**APPROVAL OF MINUTES**

Marilyn Wood made a motion to approve the minutes of the Special Iron County Commission meeting held, on November 8, 2023, and the Iron County Commission meetings held on November 12, 2024 and November 18, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held on November 25, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Abstain; Paul Cozzens, Aye; Marilyn Wood, Aye.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from November 25, 2024 to December 8, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DEPARTMENTAL REPORTS**

**Terry Palmer, Iron County Planning/Building & Zoning Administrator**, reported that as of Friday, December 6<sup>th</sup>, there had been a total of 534 permits issued year to date, compared to 496 permits last year at this time; 188 new dwellings permits issued, compared to 150 last year; 38 house permits. Terry noted that Trent Sukowaty, Code Enforcement Officer, would be changing his job title at the first of the year to Inspector/Code Enforcement. In Building, there had been 581 Plan Reviews projects completed and 3,565 inspections (stops). He reported on large projects coming up with three different gas stations planned in Parowan. Two had been reviewed and were ready to issue permits. One permit was for a Terribles Gas Station that would be on the north interchange in Parowan. He had reviewed the Maverick Gas Station that would be on the south interchange, on the west side of the freeway. Terry noted that he was waiting on the annexation documentation to be cleared up. He explained that discussions between the Utah Department of Transportation (UDOT) and Maverick regarding the interchange on and off ramps. Terry reported on the progress of the buildings at the Commerce Crossroads Logistic Park (BZI) and Thomas Harker in Lakeside Industrial Park off Hwy 56 and 6300 West. There were three permits issued for the Battery Supply System (BESS) systems at the Enterprise solar farms that had begun excavating and grading last week on one of the sites. He noted that the Iron County Courthouse had a leaky roof, and discussion continued regarding what had to be done to repair it as well as the elevator.

Terry reported on maintenance. Thayne Hainsworth had been working with Landon Wall, a new part-time employee. Terry expressed his appreciation for Thayne for being a tremendous asset to the department. He explained the highlights on the spreadsheet he presented to the commissioners. Terry reported that he had visited with Drake Howell at BZI, regarding the Fabian Project. Iron County was 90% plus to be awarded the contract for the project. The building alone was 600,000 square feet. He and Reed Erickson met with a company last week that was looking to build a data center in Iron County. The company was gathering definitions and zoning ordinance information from different jurisdictions where they had previously worked

to help Iron County. There was an issue with the Iron County Zoning Ordinance because it did not define where to build a data center and the requirements for one. Discussion continued regarding the Data Center project. Terry reported that he was waiting on plans from BZI for review regarding their new office building with an expected groundbreaking in mid-summer. Terry expressed his appreciation to Commissioner Wood and that he enjoyed working with her.

**Richard Wilson, Iron County Engineer**, expressed his appreciation to Commissioner Wood and he had enjoyed working with her. Richard reported that Iron County had been approved for the Iron Springs Road Project last April. He submitted a funding request for \$9,925,000 and received a little over \$7M for that project. The Utah Department of Transportation (UDOT) assigned a project manager and as a result of that project manager, Richard could begin the design phase. Work on Iron Springs Road and Hwy 56 was discussed. He spoke with the Regional Engineer in Richfield that the High-T was going in and asked how that was going to work together on Hwy 56 and Iron Springs Road. Richard reported that there was increased interest in the belt route with the increase of activity on Iron Springs Road. There were discussions regarding a roundabout by Industrial Park, Sage Hill Road, the Ashdown gravel pit, a turn lane by Bowman's Kitchen, and culverts. Richard would begin, in January, to come up with a plan for Iron Springs Road and a construction schedule. Clean out for the ditches would begin within the next couple weeks before the spring runoff. He had a conversation with George Colson, Iron County Emergency Manager, on Friday and asked him to buy another 50,000 sandbags. It was good to have them on hand, and to buy them when demand was low. Commissioner Wood asked if Richard would report on the "Safe Streets for All" program. Richard explained that the "Safe Streets and Roads for All (SS4A) program was a federally funded program in which congress had committed \$5B over 5 years for regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. Iron County had been awarded \$600,000 for a study and the Federal Government required that a plan be in place before anything could be fixed. The study was to find out what was happening and where it was happening, and then come up with the next phase which was solutions and implementations. We looked at it geographically and created focus areas in Cedar City, Enoch, Parowan, Newcastle, and Eastern Iron County. We would like the public to go online, [www.ironcountyut.gov](http://www.ironcountyut.gov). We want to hear about the near misses and where you constantly had to be cautious. Law enforcement collects crash data and the areas where there were near misses do not show up on crash data. There was a discussion regarding areas of near misses, and issues with climbing lanes going west. Richard reported that once the study was completed then he could apply to the Federal Highway Administration for an implementation funding and grants.

**Bruce Anderson, Iron County Public Works Director**, began by reporting about the Iron County Landfill. The water samples were completed and was contracted with a company to help finalize that report. Bruce reported that the state visited the Iron County Landfill and separated the waste into paper, plastic, etc. They did find many electronics with batteries in them. The state had a five gallon bucket of vapes and e-cigarettes, which were one of the largest culprits to fires in the landfills. The state was working effectively with landfill managers to figure out a statewide recycling program for vapes and e-cigarettes. There was a discussion regarding recycling and issues with lithium-ion batteries. Bruce reported that the three new employees were catching on well. One of them had partially tested for a CDL license and was close to finishing. The equipment was good, and the budget was on track. He was still working with the DEQ on rural landfills and tires. Fires continue to be a problem in landfills throughout the state. The Ranch Jordan Landfill in Salt Lake County had four fires a week because of the lithium-ion batteries. Jeremy Truman and the crew were doing a great job keeping the landfill clean.

Bruce reported on the Road Department. The Road Department was currently working on paving two roads in the Little Eden subdivision, which was Iron County's part of the CJC Agreement. Issues had come up because Enoch City had a significant amount of storm drainage accumulation in the area. Richard Wilson came up with a plan to pipe the water underneath the road. He explained there was an irrigation line, a gas line, and a culinary water line that would have to be moved, which might require hiring some extra help. Bruce reported that the BLM

trails at Hamblin Valley and State Line were completed with funding from the Federal Emergency Management Agency (FEMA), which they approved, but the whole amount had not been received. He reported that he had rented six bulldozers and used them in Hamblin Valley by the state line for approximately a month to repair the roads. FEMA funds would be used on the Gold Springs as well. Bruce reported that there was a proposed mine site in Modena Canyon. Bruce, Richard Wilson, and Sam Woodall worked on a Memorandum of Understanding (MOU) which had been emailed to PCI on Friday for review. There were discussions regarding a gravel pit, a designated wilderness area, using potash as a concrete additive, and maintenance of the road to the mine. Bruce reported that the Road Department would be down six employees by the following week. It remained difficult to retain staff in the Road Department and in the Landfill. He noted that the department had been working with the BLM on the Schurtz Canyon Road where they plan on putting in a campground. Residents were complaining about the increase of road usage. Bruce reported that they were doing clean up with gravel on the road in Fife Town. Jones Road, between Newcastle and Beryl, from the Bench Road to Hwy 56 had been completed. He noted that there was a new ruling from the state that required any paved road that that was 35 miles per hour (MPH), or faster, had to have striping. Striping only lasts maybe two years, and it would cause an increase in the budget of another twenty to thirty thousand dollars every other year. Bruce expressed his appreciation to Commissioner Wood, and noted that she would be missed. He thanked her for her service, and her attitude about freedom.

**Dr. David Blodgett, Director of Southwest Utah Public Health Department (SWUPHD)**, David reported that the SWUPHD was a five-county organization that served Washington, Iron, Beaver, Kane, and Garfield counties. As the area continued to boom and grow, it was creating a real infrastructure issue. He expressed his gratitude for Commissioner Cozzens for his leadership on the board and all that he had accomplished. He also expressed his gratitude to have known Commissioner Wood and appreciated what she had accomplished for SWUPHD and the community. David reported that most of the staffing had been pulled out of the smaller counties, but those communities were covered from the Cedar City office. There was a benefit for maintaining the structure of their services while covering services out of Beaver and Garfield County from Iron County. Women, Infants, and Children (WIC) numbers were up by about 20% and life expectancy was up 45%. Some of the rhetoric around COVID helped the public forget what exactly public health was all about. Discussions continued regarding a COVID Select Committee in Congress, conclusions of what happened during COVID, and looking at what people were really dying from. He noted that approximately 10% of the country gets the flu every year and many might end up in the in the ER very sick. There were approximately 60 to 100,000 deaths every year from the flu and we do not pay attention to it. Cancer was the second highest rate of deaths and it was not improving. As everything else was coming down cancer still keeps increasing. We need to continue to deal with the growth issues and recognize where we need to be paying attention and making sure that happens. David reported that the Health Magazine continued to be the best venue for getting information out to people and was well received in the community. The SWUPHD Health Magazine won Best of State recently.

**Paul Cozzens, Iron County Commissioner**, reported that he had been working with Layton Construction on an issue regarding a railroad crossing for a 10-inch sewer line underneath the spur that was owned by Cedar City, but Cedar City had an MOU with Union Pacific. During the discussions, Horrocks Engineers were suggested to help with the crossing easement. Horrocks would be sending a proposal. Platt and Platt Engineering was the civil engineer on the project. Paul reported that he had attended the Iron County Planning Commission (ICPC) meeting on December 7<sup>th</sup>. He expressed his appreciation to the members of the ICPC who serve and volunteer their time as it could be a thankless job. He also expressed his appreciation to Reed Erickson for his leadership with the ICPC. Commissioner Cozzens reported that he would be attending the Five County meeting which would be held in St. George this Wednesday to wrap up the year. He also attended the Cedar/Beaver Watershed meetings the last couple of weeks.

**Marilyn Wood, Iron County Commissioner**, reported that she had continued attending the jail meetings and was able to watch the process of putting the cells together. Marilyn noted that she attended a Diamond Z Arena addition planning meeting. Marilyn was on the board while she was a commissioner and Maria Twitchell, Tourism, was able to help them out with funding, along with outside funding from individuals. They would be able to offer larger events at the arena with this addition. In closing, Marilyn commented that “this was a bittersweet day for her. It has been the pleasure of my life to serve here. Some of it had not been fun and it was probably the hardest job she had ever had, but the privilege of her life. If you were thinking about running for commissioner, you really get your hands in the muck and you get to see what was going on in your community. A lot of times when people complain about the commissioners, we would tell them to run for a commission seat. This will be my third time retiring and hopefully the last. My husband does not think I'll ever retire from our ranch. It had been a privilege to serve Iron County and all of the Elected Officials, and the Sheriff. Marilyn expressed her appreciation to Bruce Anderson and that he had been one of her favorite people to serve with. He called her all the time. She did talk daily with other department heads, and she was going to miss that a lot. It was a bittersweet day today and she appreciated everyone and thank you for allowing me this time to serve my community.”

**Paul Cozzens, Iron County Commissioner**, expressed his appreciation and on behalf of everyone, he presented Marilyn with a plaque that said, “Marilyn Wood, in appreciation of your leadership as an Iron County Commissioner from 2020-2024.”

#### **DISCUSSION AND POSSIBLE APPROVAL OF ADOPTING THE PUBLIC DEFENDER CONTRACTS FOR 2025**

Candace Reid, Iron County Defense Attorney (Public Defender), reported that there were some changes in the Public Defender contracts. Two Public Defenders, Shain Manuele and Franklin Katschke had stepped down and Mark Barlow and Cliff Gravett were offered contracts, and accepted, to replace them. Cliff would be under the IDC grant funded contract. Jeff Slack and Ryan Nielson would continue and their contracts had been renewed.

Marilyn Wood made a motion to approve the adoption of the Public Defender Contracts for year 2025 as presented by Candace Reid. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

#### **PUBLIC HEARING, REGARDING AMENDMENTS TO THE IRON COUNTY 2024 BUDGET**

Carrie Christiansen, Iron County Deputy Auditor, explained that most of the adjustments were grant changes, vehicle transfers from department to department, solar rebates and incentive payments. Jon Whittaker explained that the additional expenses for overtime and elections would be reimbursed. Carrie reported the grant adjustments was a result of receiving more money for grants than was originally projected.

Michael Bleak, Iron County Commission Chair, declare a Public Hearing open regarding Amendments to the 2024 Budget.

No comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Paul Cozzens made a motion to approve the Amendments to the Iron County 2024 Budget. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.



**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM INDUSTRIAL (I) TO AGRICULTURE 20 ACRES (A-20) FOR APPROXIMATELY 50.63 ACRES WITHIN THE S½ S½ OF SECTION 27 AND THE N½ N½ OF SECTION 34, T36W, R13W, SLB&M, IRON COUNTY, UTAH, LOCATED NEAR 11100 W HWY 56, CEDAR CITY (APN: E-682-6) Applicant: Zaphiropoulos Foundation**

Reed Erickson, Iron County Planner, reported that the property was located west of Cedar City on the north side of Hwy 56 and was currently zoned Industrial (I). It was adjacent to R-5, Industrial (I), A-20 on the very north east corner, west corner, and along the south side across Hwy. 56, and Bureau of Land Management (BLM) land. Currently, there were no dwellings or structures of any kind other than a little pump house, and it was used as open grazing land. Reed explained that the Zaphiropoulos Foundation was interested in selling the property. The prospective buyers were interested in residential development and want to be able to put a home there. The property was within Tier IV – outside of Cedar City’s Annexation Plan. Services available were: Water – existing well for pivot/agriculture/stock; Sewer- septic required; other utility services in the area (power, gas, communications, etc.) and Drainage/Flood provisions with natural drainage. And so the Planning Commission recommended approval. Because of a zone change there had to be a public hearing.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed zone change from Industrial (I) to Agriculture 20 acres (A-20).

No public comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson, Iron County Planning & Zoning Special Services, reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Re-zoning and recommended approval of the zone change.

Marilyn Wood made a motion to approve the proposal zone change from Industrial (I) to Agriculture 20 acres (A-20), approximately 50.63 acres located near 11100 W Hwy 56, Cedar City, UT (APN: E-682-6) 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 RURAL AGRICULTURE 20 ACRES (RA-20) TO RESIDENTIAL 1 ACRES (R-1) FOR APPROXIMATELY 40.93 ACRES WITHIN THE SE ¼ SE ¼ SECTION 18, T35S, R11W, SLB&M, IRON COUNTY, UT LOCATED NEAR 3750 W 4000 N, CEDAR CITY (APNs: D-601-2 & D-601-4) Applicant: Valley Stratton Family Trust**

Reed Erickson, Iron County Planner, reported that the property was located on the North side of 4000 N at approximately 2750 W, which was close to the Master Plan Belt Route just south of Mid Valley Road. The property was currently zoned RA-20, and 40.93 acres adjacent to R-½ and RA-20 and was within Tier II-outside of Cedar City’s or Enoch City Annexation This property has a sewer line that runs along the south side of the property on 4000 and runs up the east side of the property going north and water was in that area with the Water Conservancy District as well. The reason for the zone change to R-1 was for higher density residential. Services available were: Water-CICWCD, Sewer-Cedar City Central Sewer, other utility services in the area (power, gas, communications, etc.) and Drainage/Flood provisions with natural drainage and retention.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed zone change.

No Public Comments were offered.

Michael Bleak, Iron County Commission Chair, declared the public hearing closed.

Reed Erickson, Iron County Planner, 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 of a proposed zone change from Rural Agriculture 20 acres (RA-20) to Residential one acre (R-1) as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

### **PUBLIC COMMENTS**

Carol Barker, a citizen of Iron County, reported that she came with a statement regarding Karsten Reed's comment in October about the negative perception that the citizens had towards government. She had been attending commissions meetings for 15 months and had seen that Iron County was run pretty well, excluding a communication problem. Citizens want to feel that their voices were heard, that they could make a difference. Not all of us can serve, but we could help in other ways in community involvement and community councils. Carol wished Marilyn Wood well in her future endeavors. She noted that she hoped the new Commissioner was open to building communication, building trust, and moving Iron County forward in a way that the public felt involved.

### **RESOLUTION 2024-12 ADOPTING THE IRON COUNTY 2025 FINAL BUDGET**

Michael Bleak, Iron County Commissioner, read Iron County Resolution 2024-12, a Resolution of the Iron County Commission adopting and approving the Iron County 2025 Final Budget.

Paul Cozzens made a motion to approve Resolution 2024-12, adopting the Iron County 2025 final budget. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **IRON COUNTY RESOLUTION 2024-12**

### **A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2025 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

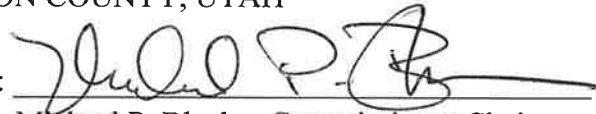
**Whereas**, December 9, 2024 at the hour of 10:00 a.m. in Commission Chambers at the Iron County Courthouse 68 South 100 East, Parowan City, was the time and place of a public hearing where all interested persons had an opportunity to be heard for or against the estimates of revenue and expenditures 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 2025.

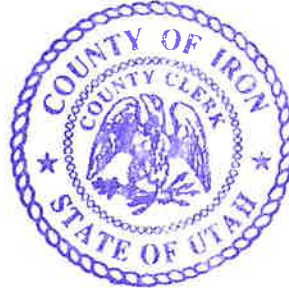
**RESOLVED, ADOPTED, AND ORDERED** this 9<sup>th</sup> day of December, 2024

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By:   
Michael P. Bleak – Commissioner Chair

ATTEST:

  
Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak     \_ Aye \_  
Paul Cozzens        \_ Aye \_  
Marilyn Wood        \_ Aye \_

**RESOLUTION 2024-11 ADOPTING THE IRON COUNTY 2024 BUDGET AMENDMENTS**

Michael Bleak, Iron County Commissioner, read Iron County Resolution 2024-11, a Resolution of the Iron County Commission authorizing adjustments to the Iron County 2024 Departmental budgets.

Marilyn Wood made a motion to approve Resolution 2024-11, adopting the Iron County 2024 budget amendments. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye

**IRON COUNTY RESOLUTION 2024-11**

A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING ADJUSTMENTS TO THE 2024 DEPARTMENTAL BUDGETS.

**Whereas**, Iron County Departments have requested adjustments to their budgets for 2024 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 2024 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2024 budget to actual expenditures as calculated and filed in the Iron County Auditor’s Office.

**RESOLVED, ADOPTED, AND ORDERED** this 9<sup>th</sup> day of December, 2024.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: Michael P. Bleak  
Michael P. Bleak – Commissioner

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 (BOE)**

Michael Bleak, Iron County Commission Chair, declared the adjournment of the Iron County Commission and to convene as the Board of Equalization (BOE)

**REQUESTING APPROVAL OF HEARING OFFICER’S RECOMMENDATION FOR PERSONAL PROPERTY APPEAL FILED BY APPALOOSA SOLAR, LLC ACCOUNT P999263**

Carrie Christiansen, Iron County Deputy Auditor, reported that Greenbacker Renewable Energy/Appaloosa Solar filed a personal property appeal for their valuation for 2024. A BOE hearing was held with Dan Johnson as the hearing officer. The appellant suggested a taxable value of \$150,402,194. The appellant applied a 30% discount for the intangible (Federal Tax Credit) portion. The BOE took the appeal under advisement. The BOE never had an appeal of this nature because a new federal law had become effective. The law was only applied to Wind Farms but now it included Solar Farms. Appaloosa Solar was the first in the state to take advantage of the tax incentive. Dan Johnson, Hearing Officer, recommended reducing the personal property value to \$150,402,194. There was further discussion regarding the appeal.

Paul Cozzens made a motion to approve the BOE Hearing Officer's recommendations for personal property appeal filed by Appaloosa Solar LLC, account number P999 263 as presented by Carrie Christiansen. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye

**RECONVENE AS THE IRON COUNTY COMMISSION**

Michael Bleak, Iron County Commissioner, declared the reconvening of the Iron County Commission.

**INTRODUCTION OF THE NEW IRON COUNTY FIRE WARDEN AND DISCUSSION REGARDING THE STATE OF UTAH’S COOPERATIVE WILDFIRE SYSTEM AND IRON COUNTY’S PARTICIPATION COMMITMENT THEREUNTO**

Spencer Rollo, Iron County Fire Warden, reported that he was born and raised in Cedar City. He graduated from Canyon View High School in 2006, started working for the Division of Forestry, Fire, and State Lands in 2006 right after high school and had worked with the division ever since. He began on the fuels crew running chainsaws and throwing sticks. Spencer reported that he worked with Ryan Riddle helping him build the Iron County program. Throughout his career he moved over to Kane County as an Assistant Fire Warden and then the Kane County Fire Warden for just shy of nine years. He grew up in Enoch and it was great waking up, coming outside again and seeing the Summit Mountain. Spencer shared his phone number and email with the commissioners.

Danon Hulet, Cooperative Wildfire System (CWS), reported that there had been an increase to the Participation Cooperative Agreement (PAC) because the cost of fires were being calculated incorrectly. The state covered costs for private, unincorporated county, municipality when it came to wildfire, excluding federal lands. When they were calculating, they were calculating it all as one of burnt acres. Danon explained the calculating process as it was divided into percentages of coverage and the reason for the increase. Spencer Rollo had a good plan to spread the participation commitment (PC) out to where Iron County could account for the work that was being done and help lessen the blow on that PC increase through "In Kind." Spencer Rollo noted that he had been doing this for the last nine years in Kane County and he does have a pretty good plan. Even though it was budgeting for the hard dollars, we would get with these other departments that were already doing work and get their in-kind hours and those in-kind matches. That works towards our PC without spending that actual hard dollars because we were already doing the work in other departments. We were reducing fuels and so we could use those in-kind hours.

**DISCUSSION AND POSSIBLE APPROVAL OF THE IRON COUNTY 2025 COMMISSION MEETING SCHEDULE**

Paul Cozzens made a motion to approve the 2025 Commission Meeting Schedule. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

**REVIEW AND POSSIBLE APPROVAL OF THE FIRST AMENDMENT TO THE CEDAR CITY AND IRON COUNTY AGREEMENT RELATED TO CONSTRUCTION OF A NEW IRON COUNTY JAIL**

Sam Woodall, Iron County Deputy Attorney, (via-telephone) reported that he just wanted to touch base with the commissioners about this particular agenda item that was submitted. After speaking with Commissioner Cozzens, we decided to propose some revisions to the amendment regarding the sewer system. Those were still being processed, and it would be appropriate for the commission to vote to table this issue until the next commission meeting.

Paul Cozzens made a motion to table this agenda item until the next commission meeting. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

**NON-DELEGATED ITEMS**

No Non-Delegated items were discussed.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Commission Chair

  
Attest: Jonathan T. Whittaker, County Clerk

