

**IRON COUNTY COMMISSION MEETING**  
**January 8, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 8, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES December 28, 2006** :

Minutes of the Iron County Commission meeting held December 28, 2006 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Abstain; Alma Adams, Aye.

**APPROVAL OF MINUTES December 21, 2006** :

Minutes of the Iron County Commission meeting held December 21, 2006 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Abstain; Alma Adams, Aye.

**APPROVAL OF MINUTES December 15, 2006** :

Minutes of the Iron County Commission meeting held December 15, 2006 were approved as amended on a motion by Alma Adams. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Abstain; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Scott Garrett** reported that Jason Thomas, a Cedar City police officer was wounded in a shooting when he stopped to help a vehicle which was stuck in the snow. He was shot twice at close range with a shotgun. His bullet proof vest saved him from serious injury. The shooter has been arrested and is awaiting the filing of criminal charges.

**Lois Bulloch** reported that the Board of Adjustments needs two people appointed to fill vacancies on that board. The matter of board appointments is to be placed on the next agenda for action.

**Alma Adams** reported that the Forest travel plan is open for comments and review. Art Tait is reviewing the plan and will meet with the Commission on February 13 at 8:00 a.m. in the Attorney’s conference room to review the maps and proposed comments.

**Wayne Smith** reported that the next prairie dog HCP committee meeting is scheduled for January 24<sup>th</sup> at 1:00 p.m. at Festival Hall.

**REORGANIZE COMMISSION AND DESIGNATE ASSIGNMENTS** :

Lois Bulloch made a motion to appoint Wayne Smith as the Commission Chair for 2007. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

The Commission then reviewed a draft of proposed Commission assignments whereupon Alma Adams made a motion to approve the assignments as follows:

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

Roads	Neil Forsyth
Solid Waste	Alan Wade
Floods & Water Resources Cedar Valley	Steve Platt & Ken Sizemore
Hospital	Steve Smoot
Auditor Liaison	Eugene Adams
Personnel Liaison	Colette Eppley
Engineer Liaison	Steve Platt
Clerk Liaison	David Yardley
Diamond G Arena	Bob Tate
Water Conservancy Board	Scott Wilson
Volunteer Center	Andrea Bostick
Utah Summer Games	
County Buildings	David Yardley
Industrial Development	Brian Dangerfield
UAC Committees	
Lands & Resources	
Taxation & Revenue	
Transportation	

**Commissioner Lois Bulloch** (586-3925 bullochl@infowest.com )

Public Safety/Emergency Preparedness	Charles Morris
Planning & Zoning	Chad Nay
Senior Citizens	Connie Lloyd
Mental Health	Paul Thorpe
Health & Human Services Council	Carrie Dennis
Public Health	Dr. David Blodgett
Cedar Airport	Gale Waite
5 Co AOG	Ken Sizemore
Liaison Assessor	Dennis Ayers
Liaison Treasurer	Geri Norwood
Tourism/Cedar Chamber/Iron Mission	Maria Twitchell
Parks & Recreation/Shooting Range	Charles Morris
Data Processing	Erik Jorgensen
Floods & Water Resources Escalante Valley	Steve Platt & Ken Sizemore
Library/Bookmobile	Steve Decker/Kristen Robinson/Jeff Lewis
Justice Court	Margaret Miller / Brent Dunlap
UAC Committee	
Human Services	
Intergovernmental Relations	

**Commissioner Alma Adams** (477-3574 or 559-3574 elmer@mountainwest.net)

Law Enforcement	Sheriff Gower
Jail	Sheriff Gower
Weeds	Chad Reid/ Jordan Smith
Fair	Art Walunas
Fire Departments	Ryan Riddle
Ambulance/EMS	Ron Johnson
Parowan Airport	Parowan City Manager
Parowan Gap	Heritage Committee
Extension Service	Kathy Riggs
Television	Dennis Johnson
Natural Resources - BLM, Forest, SUPAC	Scott Truman
Liaison Recorder	Patsy Cutler
Liaison Attorney	Scott Garrett
Liaison Sheriff	Mark Gower
Floods & Water Resources Parowan Valley	Steve Platt & Ken Sizemore
RS 2477 Road Issues	Mark Ward
UAC Committees	

Law Enforcement/Corrections

Lands & Resources

Taxation & Revenue

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

**PUBLIC HEARING ZONE CHANGE** :

Lois Bulloch made a motion to open a public hearing to receive comments on a proposed zone change from A-20 to Commercial & R-1 subject to a joint access agreement between property owners. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Craig Clark, Newcastle and adjacent property owner questioned the designation as an R ½ zone in this area. Chad Nay responded that this zone is adjacent to existing R ½ and development would be through the subdivision process and concerns with access roads and services would be determined at that time.

Chad Nay reported that a condition of granting access and development of a commercial zone is subject to an agreement for joint access between Mr. Jones and Iron County is a requirement of UDOT for access onto SR 56. The properties are adjacent and this is the access used by the Newcastle Fire Department.

Craig Clark requested that the County require a chain link fence to be installed around the Commercial property. The Commission explained that the County cannot require fencing as a condition of a zone change.

After all public comments were received and reviewed, Lois Bulloch made a motion to approve the zone change from A 20 to R ½ and C as requested subject to approval and signing a joint access agreement between Iron County and Rick Jones. The Commission Chair is authorized to sign the agreement upon approval of the County Attorney's Office. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PUBLIC HEARING AGRICULTURAL PROTECTION AREA** :

Lois Bulloch made a motion to open a public hearing to receive comments on the proposed creation of an Agricultural Protection Area filed by Lee Bracken and LKH Farms LLC. Located in Section 21, Township 36 South, Range 16 West, Salt Lake Base and Meridian. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Lee Bracken thanked the Commission for making available the Agricultural Protection afforded by Utah Code. He explained the concern with development in Washington County and the pressure this puts on agriculture.

David Yardley reported that the Agriculture Protection Board has reviewed the application and have recommended approval of the APA. The Planning Commission also reviewed the application and have recommended approval.

Findings concluded that the area is used in an agricultural operation; the land is zoned for agricultural use; the land is viable for agricultural production; the existing or proposed uses are in compliance with standard agricultural practices; and that anticipated trends in agricultural and

technological conditions will be met.

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

Lois then made a motion to approve the agricultural protection area for LKH Farms LLC, Lee Bracken as requested and authorize the filing in the Recorder's Office of the notice covering 233.0 acres. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye. A complete list of legal descriptions will be filed in the Recorder's Office.

**PUBLIC HEARING AGRICULTURAL PROTECTION AREA :**

Lois Bulloch made a motion to open a public hearing to receive comments regarding the creation of an Agricultural Protection Area Filed by Bracken Farms Inc. Located in Sections 19, 20, 28, 29, 30, 31, 33 Township 36 South, Range 16 West, Salt Lake Base and Meridian, and Sections 25 & 36, Township 36 South, Range 17 West, Salt Lake Base and Meridian. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Lee Bracken again renewed his comment on the need to protect agriculture from encroachment of adjoining development and community sprawl.

David Yardley reported that the Agriculture Protection Board has reviewed the application and have recommended approval of the APA. The Planning Commission also reviewed the application and have recommended approval.

Findings concluded that the area is used in an agricultural operation; the land is zoned for agricultural use; the land is viable for agricultural production; the existing or proposed uses are in compliance with standard agricultural practices; and that anticipated trends in agricultural and technological conditions will be met.

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

Alma Adams made a motion to approve the designation of Bracken Farms Inc, Lee Bracken as an agricultural protection area as requested and authorize the filing in the Recorder's Office of the notice covering 3,421.85 acres. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye. A complete list of legal descriptions will be filed in the Recorder's Office.

**PERSONNEL MATTERS :**

Colette Eppley reported that Larry Orton has been selected by the Sheriff's Office as a new employee as a Bailiff. Colette has not had time to review the process of his selection and results of drug screens are not available. The Commission withheld approval of the hiring pending review of the selection process and the results of drug screens. The Commission also requested review of the work schedules of bailiff's currently on the payroll to determine if they were exceeding the 32 hours per pay period limit.

Colette also presented for approval the following lateral transfers within the Sheriff's

Department. Caleb Anderson to move from the Jail to the Patrol side to replace Gale Grover; Jeremy Holm to move from the Jail to the Patrol side to replace Brent Dunlap; Larry Lanier to move from the Jail to Patrol to replace Travis Keel; Charles Triplett to a voluntary reduction from Detective to Patrol. Lois Bulloch made a motion to approve the transfers as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESTAURANT TAX BOARD** :

Lois Bulloch made a motion to convene as a Restaurant Tax Board to consider a funding request by the Utah Shakespearean Festival for an Additional \$40,000.00 to promote the 2007 season. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye; Maria Twitchell, Aye; Rusty Aiken, Aye.

Jyl Schuler and Kami Terry met with the Board to request additional funds to focus on the fall season advertising budget for 2007 targeting the Las Vegas and Southern California markets.

Because of questions about approved budget requests in the 2007 budget from the Transient Room Tax and commitments from the Restaurant Tax, Alma Adams made a motion to table the request to allow further review of the 2007 approved budgets and the status of fund balances. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye; Maria Twitchell, Aye; Rusty Aiken, Aye.

Lois Bulloch made a motion to reconvene as the County Commission. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RECOGNITION AWARDS** :

The Commission recognized Gene Roundy and Joe Gubler as outgoing elected officials. They were each presented a gift as a token of appreciation for the work they have done for the County. Former Commissioner Dennis Stowell was not able to attend but was recognized for his work. A gift will be presented to him when he returns home.

**BLM REPORT AND INTRODUCTIONS** :

Todd Christensen and Pete Wilkins representing the BLM met with the Commission to introduce themselves to the new Commissioners and to explain the items of interest to County Officials. They expressed thanks for the cooperation in land use planning within Iron County and look forward to working with the County on mutual projects. Three Peaks and Prairie Dog issues were discussed.

**ECONOMIC DEVELOPMENT** :

Brian Dangerfield, Economic Development director also introduced himself to the Commission. He reported on the development of Port 15 and the number of businesses interested in locating here. The area is ideal due to land prices, rail road access, freeway access, and the proximity to markets in Nevada and California.

**PRAIRIE DOG MATTERS ENTERIX** :

Lori Hendrix met with the Commission and introduced herself to the new Commissioners. She outlined the phase II timeline for developing a new HCP for prairie dogs. The next steering committee meeting will be held on January 24 at 1:00 at the Festival Hall.

**DONATION OF PROPERTY IN SUMMIT TO THE LDS CHURCH :**

Kevin Thurman explained to the Commission the process of donating property to a non profit organization, in this case, the LDS Church. The County must show just compensation for the property or that an improvement is installed equal to the value of the property. After reviewing the procedure, the Commission determined that it would be cleaner to have the Church purchase the property at fair market value. Kevin Thurman will contact President Doug Vincent to see if the Church is willing to purchase the property.

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:35 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**January 22, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 22, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES January 8, 2007** :

Minutes of the Iron County Commission meeting held January 8, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Ayers** reported the Assessor's Office is working on updating new construction files and establishing values for the 2007 assessment roll. He also reported that appeals on 2006 BOE will be heard by the State about April 1.



**Geri Norwood** reported that the Treasurer's Office has begun the migration to the Eagle software program. She also reported that delinquent tax accounts are now being charged interest plus penalty.

**Patsy Cutler** reported that their office are in the process of printing 2007 plat maps for the Assessor, Building Inspector, and the front desk. They will not be generating extra copies. The copy machine has experienced some mechanical problems and they are waiting for parts to repair.

**Gene Adams** reported that he is trying to become familiar with the computer system and software. They are also completing information for the independent audit report.

**David Yardley** reported on problems with the cold and a power outage causing the heat coils to freeze and shut the heat off to the Courthouse. It has taken about four days to repair the damage.

**Lois Bulloch** reported on meetings she has attended. She is planning on attending the County day at the Legislature and the newly Elected Officials Workshop.

**Alma Adams** reported that he is becoming familiar with the areas he supervises. He has toured the jail and met with the Weed Board, CJC staff, and Ambulance staff. He is also planning on attending the County day at the Legislature and the newly Elected Officials Workshop.

**Kevin Thurman** reported that Shiloh Ranch has filed an appeal on the Request for Accommodation on a conditional use permit for a group home.

**WESTERN COUNTIES ALLIANCE UPDATE :**

Mark Walsh met with the Commission to report on progress with lobbying efforts in Washington working on PILT and RS-2477 road issues. He requested the Commission consider joining the Western Counties Alliance again this year. The Commission thanked him for their work and said they would take the request under advisement.

**RESOLUTION 2007-1 :**

David Yardley presented Resolution 2007-1 which establishes standards and requirements as allowed in Ordinance 218, the performance Subdivision ordinance adopted November 27, 2006.

Lois Bulloch made a motion to adopt Resolution 2007-1 as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESOLUTION 2007-1**

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**A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH, AUTHORIZING AND SPECIFYING THE STANDARDS AND REQUIREMENTS FOR THE PERFORMANCE SUBDIVISION ORDINANCE ESTABLISHED BY ORDINANCE No. 218, AND PRESCRIBING OTHER MATTERS AND DETAILS RELATING TO THE ESTABLISHMENT, AMENDMENT AND IMPLEMENTATION**

**THEREOF.**

**BE IT KNOWN AND REMEMBERED:**

**THAT**, the County Legislative Body of Iron County has heretofore found, determined and declared that the public health, convenience and necessity requires the establishment of standards requirements for a performance subdivision option in the Iron County Subdivision Ordinance, and

**THAT**, in accordance with Ordinance No. 218, Performance Subdivision Ordinance Amendment of Iron County, Utah, passed this same day of November 27 , 2006, the County gave public notice of its intention to establish the Performance Subdivision Ordinance and held a public hearing, at which public hearing, the Board permitted all interested persons to be heard and received all written comments submitted at the time, and

**THAT**, the Board has taken all actions and accomplished all matters required and necessary to implement this Resolution as a part of Ordinance No. 218.

**NOW THEREFORE**, the County Legislative body of the Iron County, Utah  
RESOLVES as follows:

**Section 1.** County Resolution No. 2007-1 is hereby approved and passed to read as provided herein.

**Section 2.** Section 800-3 (General Requirements) and Section 800-4 (Development Standards) of Ordinance No.218, are hereby adopted by Resolution and may be amended by Resolution of the Iron County Commission, from time to time, if needed to better accomplish the purposes of this ordinance. The tables and point matrix provided in these sections were developed through evaluation of existing subdivision development in Iron County and similar areas around the region and may need to be modified from time to time, because of lessons learned through the implementation of this ordinance, in order to achieve the goals of Iron County in striving for higher quality development projects and subdivisions in Iron County.

Section 800-3. General Requirements.

(1) The number of subdivision lots allowed in a performance subdivision shall be determined by qualifying for density bonus points identified in section 800-4, and as follows:

<u>Level</u>	<u>Density (unit /GDA*)</u>	<u>Performance Requirements</u>
A	2 units / acre	10% open space + 10 performance points
B	3 units / acre	10% open space + 15 performance points
C	4 units / acre	15 % open space + 20 performance points
D	5 units / acre	20 % open space + 25 performance points

Land to be used for schools, churches, and other public facilities / buildings and uses may

be included in the area for determining the number of allowable lots. The determination of the number of lots allowed shall also recognize any critical area requirements that may be applicable to the subdivision site, as identified in §1102(9), Iron County Zoning Ordinance.

\* Gross Developable Acre means land which is capable of being improved with landscaping, recreational facilities, buildings, or parking (subject to the provisions of the Iron County Land Management Code.)

- (2) Properties must contain at least 20 acres of contiguous land in order to qualify for the Performance Subdivision Option
- (3) Projects with phased planning must adopt an overall development plan with the approval of the first phase, describing open space and other values to qualify the entire project as a Performance Subdivision. Each phase must contain at least 10 acres.
- (4) Performance subdivisions must be served by central water and central sewer, and be located within an Iron County Tier II or Tier III area.
- (5) The area and location of the property to be preserved and maintained as open space through the performance subdivision option shall be of a size and location sufficient to achieve the purposes of the area preserved and the purposes of the performance subdivision option and held as common area to the subdivision.
- (6) The development shall be in a single or corporate ownership or the subdivision application filed jointly by the owners of all the property.
- (7) The property adjacent to the performance subdivision shall not be adversely affected and to this end, the Planning Commission and County Commission may require, that uses of least intensity or greatest compatibility be arranged around the boundaries of the performance subdivision area.

Section 800-4.                      Development Standards.

- (1) Minimum Lot Area - A Performance Subdivision must provide for the following lot area configuration:
  - 10 % of total lots must be less than 7,000 sq. ft.
  - 10 % of total lots must be greater than 15,000 sq. ft.
  - Remainder of lots can be of any size equal to, or larger than, 5,000 sq. ft.
- (2) Minimum Lot Width and Yard Setback - The minimum lot width and yard requirements may be reduced below the width and yard normally required by the R ½ zoning district in which the performance subdivision is located, as prescribed below and as recommended by the Planning Commission, and approved by the County Commission.

Setbacks - based on lot sizes

Lot size	Min Lot Width	Front		Side Min	Side Corner Min.	Rear Min	Bldg. Separation Min.	Height Max
		Min	Max					
5,000 - 7,000 sq. ft	50	15	20	6	15	10	5	25
7001 - 12,000 sq. ft	75	20	30	8	20	10	10	25
12,001 and above	100	25	30	10	20	15	15	30

Accessory Building Setbacks – Unless determined otherwise by the County Commission, accessory building setbacks shall be 5 feet minimum for rear and side yard setbacks. Front yard is the same as the principle building. Accessory buildings may not be located in utility easements.

- (3) The proposed Performance Subdivision shall comply with the application and approval requirements for preliminary subdivision applications, and final subdivision applications.
- (4) Performance Criteria and Bonus Densities - Performance points can be earned by qualification of established values as described below. Interpretation is given to the Iron County Zoning Administrator for the purpose of processing the application and later approved by the Iron County Commission after receiving a recommendation from the Planning Commission. See Performance Criteria Description for Evaluation and Qualification, Section 800-8.

	<u>Value</u>	<u>Scoring</u>	<u>Points Possible</u>
1.	Maintenance of natural features	✓	1
2.	Landscaping improvements		3
	Extra Large Trees (on Lots)	✓	
	Extra Large Trees (in common area)	✓	
	Soften Fence Appearance	✓	
3.	Water conservation measures		11
	Secondary irrigation	✓✓✓	
	w/ drainage or surface water		
	Mandated planting restricts (CICWCD)	✓✓✓	
	Incorporate reuse system	✓✓✓✓✓	
4.	Public Facilities (Church, school, fire station, etc)		3
	Facilities/property planned	✓	
	Facilities planned - property conveyed	✓✓✓	
5.	Public Streets	✓✓	2
6.	Design Theme		4
	Installed Landscaping	✓	
	Theme Lighting	✓	
	Fencing	✓	
	Special Features	✓	
7.	Building Design		2
	Facade Materials	✓	
	Roof Materials	✓	
8.	Theme Design Drainage	✓	1

9.	Open space used as buffer)		✓		1
10.	Mixed Use Area - Commercial)		✓		1
11.	Common parking/storage areas for recreational vehicles		✓		1
12.	Open space/preservation lands	15 %	20 %	30+ %	
	(Private)	✓	✓✓	✓✓✓	3
	(Public access)	✓✓	✓✓✓	✓✓✓✓	4
	or, Production agriculture lands	✓	✓✓	✓✓✓	
13.	Prairie Dog Habitat Preservation	✓✓	✓✓✓	✓✓✓✓	4
	May be in conjunction with open space and/or Agriculture lands (additional points)				
			<u>private</u>	<u>public access</u>	
14.	Recreational amenities	✓		✓✓✓	3
	Parks / Playgrounds	✓		✓✓✓	3
	Trails system & connectivity	✓		✓✓✓	3
				<b>TOTAL</b>	<b>50</b>

(5) Improvements - The improvement requirements set forth in the Iron County Design and Construction Standards may be altered for the following improvements, when recommended by the Iron County Planning Commission and approved by the Iron County Commission.

(A) Sidewalks - May not be required in front of lots when an improved trail system provides for access to the trail for each lot.

(B) Drainage (curbs and gutters) - May be eliminated when storm drainage system utilizes swales and road-side drainage systems with minimal collection of drainage waters and no off-site discharge in excess of historical run-off.

(C) Off-Street Parking - When no on-street parking is allowed or provided (streets narrower than 28 feet width - improved surface), four off-street parking spaces shall be required outside of a garage. Otherwise, two off-street parking spaces shall be required.

(D) Signage and Fencing - Monument / Entrance signs shall be considered as part of the theme design and incorporated into the fencing plan. Height and setbacks shall be considered in plan approval. Fencing shall be in accordance with the project design theme and the Iron County Design and Construction Standards and the "Subdivision Entrance Signs Ordinance Amendment of Iron County, Utah".

(E) Lighting - Theme lighting may be varied from Iron County Design and Construction standards when approved with the theme design by the County Commission and recommended by the Planning Commission.

(F) Street Design - Minimum improved street surface and right-of-way width shall be in accordance with Iron County Design and Construction Standards, unless private streets are proposed and recommended by the Iron County Planning Commission and approved by the Iron

County Commission. In no case shall street width of the improved surface (paving including curb, face to face) be less than 24 feet.

- (6) Additional Considerations / Special Conditions - Discretion shall be provided to the Iron County Planning Commission and Board of County Commission when evaluating other considerations on an individual basis. Such areas where individual consideration may warrant special conditions includes, but is not limited to, the following:

Mountain Developments

Gated Communities where emergency access is required

Phasing of a project in relation to open space improvements and recreational amenities being provided.

Use of development agreements when the scope of the project is beyond the structure provided by a performance subdivision in this Section.

**Section 3.** All officers and employees of Iron County are hereby authorized and directed to take all actions necessary and appropriate to effectuate the provisions of this Resolution.

**Section 4.** If any one or more sections, sentences, clauses or provisions of this Resolution shall for any reason be held inapplicable or invalid, such holding shall not affect, impair or invalidate the remaining provisions of this Resolution but shall be limited in its operation and effect to the specific sections, sentences, clauses or provisions hereof held inapplicable or invalid. The inapplicability or invalidity of any section, sentence, clause or provision of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability or validity of this Resolution in any other instance.

**Section 5.** All acts, resolutions and regulations of Iron County in conflict with or not consistent with this Resolution are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed so as to revive any act, resolution or regulation, or part thereof, heretofore repealed.

**Section 6.** This Resolution shall take effect immediately upon its approval and passage by the Board of County Commissioners.

**PASSED AND ADOPTED**, this 22<sup>nd</sup> day of January, 2007.

By: \_\_\_\_\_  
Wayne A. Smith, County Commission Chairman

ATTEST:

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

Voting:

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

**PRAIRIE DOG MATTERS** :

The Commission reviewed take requests for 2007 as submitted by DWR. Procedure for allocating take was discussed with those present. Keith Day reported that certified letters were sent to all of the people requesting take during 2006 when sufficient dogs were not available. A copy of the letter and responses were reviewed.

In trying to decipher the spread sheet prepared by DWR, the Commission determined that sufficient information was not available at this time to make the allocations. The matter was tabled and DWR will change the spread sheet to more closely identify current projects and the exact number of take requested for each project. The matter will be placed on the February 12 agenda for further consideration.

**COOPERATIVE AGREEMENT USU EXTENSION SERVICE 2007** :

Lois Bulloch made a motion to approve a cooperative agreement between Iron County and Utah State University Extension Service for 2007. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval the following new employees; Kirk Barney as a Corrections Officer and Victor Almont as a Corrections Officer. Alma Adams made a motion to approve the two new hires. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval a status change from part time to full time for Betsy Cummings as a Justice Court Clerk. She will fill the position vacated upon the retirement of Zora Sorenson. Alma Adams made a motion to approve the status change for Betsy Cummings as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette reported that due to the resignation of a Landfill employee, the position of Mechanic/Assistant Landfill Supervisor is being modified. New descriptions are being drafted for a mechanic position and a lead worker position. The mechanic position will be strictly for mechanic work and the lead worker position will act as supervisor in the absence of the Landfill Supervisor. The lead position will be a one step or 6% increase in pay over the existing salary whichever is greater. It is proposed that the positions be filled internally. Lois Bulloch made a motion to approve the changes and authorize the selection process to proceed for the Mechanic and Lead Worker positions. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESTAURANT TAX BOARD FUNDING REQUEST** :

Lois Bulloch made a motion to convene as a Restaurant Tax Board to consider funding requests. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

With Rusty Aiken and Maria Twitchell present, the Shakespeare Festival request for an additional \$40,000 was discussed.

Jyl Schuler and Scott Phillips clarified their request for additional funding to supplement advertising in the Southern Nevada and Southern California market areas.

Art Walunas also requested \$20,000 for additional items for the fairgrounds. He explained that a list had been prepared and submitted to Dennis Stowell for consideration in the budget process.

Commissioner Smith and Gene Adams explained the budget cycle to those present and requested that in the future budget requests be made in a timely manner. They should be coordinated through Maria Twitchell's Office. Commissioner Smith also explained that funds have been allocated and that any expenditures would dip into fund balances. After discussing the requests, Rusty Aiken made a motion to allocate \$20,000 to Shakespeare from the Fund Balance and to table the Fair request for consideration in the 2008 budget. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye; Rusty Aiken, Aye; Maria Twitchell, Aye.

Upon completion of Restaurant Tax Board business, the Commission reconvened as a County Commission.

#### **FLOOD DISCUSSION AND UPDATE** :

Steve Platt reported to the Commission on the grant from EWP (Emergency Watershed Protection) of one million dollars to repair damage from the 2004 flooding in Cedar Valley. The firm of Bohn Collins Engineering has been hired to do the design work on the repair.

Cedar Valley has 11 sites to repair including a structure across from Rusty's Ranch House, three areas in Right Hand Canyon, SUU diversion structure, Midvalley Road, 3000 North and SR 56.

Additional areas of concern in the County include Red Creek in Paragonah, Parowan Creek, Kanarra Creek, Shoal Creek and Holts Canyon

#### **SURPLUS PROPERTY BIDS** :

Bids for a surplus vehicle, a 1996 Ford Bronco were opened as advertised. Three bids were received, Travis Benson bid \$750.00; Lou Tong bid \$500.00 and Grant Worthen bid \$453.00. Lois Bulloch made a motion to accept the bid of Travis Benson for \$750.00. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

#### **BOARD APPOINTMENTS** :

**Weed Board:** Alma Adams made a motion to appoint Jared Cornelius to replace Ron Williams on the Weed Board with the term to expire February 2011 and to reappoint Craig Clark for a term to expire 2010 and affirm the appointment of Kim Evans to a term to expire 2008. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**Board of Adjustments:** Lois Bulloch made a motion to reappoint Grant Messerly to a five year term to expire 2012, Tom Jett to the unexpired term of Haken Anderson Jr to expire 2009, Mike Slack to the unexpired term of Martha Bayer to expire in 2010, and to reaffirm the terms of Cindy Kirkham term to expire in 2011 and David Millett term to expire 2008. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**Bookmobile Library Board:** Lois Bulloch made a motion to reappoint Tammy Bosshardt to an additional term to expire 2010, Amy Matheson to an additional term to expire 2010, Fay Burns as a



board member representing Kanarraville with term to expire 2011 and Lydia Austin as a board member representing Summit with term to expire 2011. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**Employee Appeal Board:** Lois Bulloch made a motion to reappoint Troy Little with term expiring 2011 and Colette Eppley to replace Christene Keene with term expiring 2010 as the Commission appointments. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye. An election will be held to select three additional members as outlined in the Personnel Policy. Members selected by employees not covered by the Merit Service Commission.

**BOOK MOBILE CONTRACT** :

After a clarification of amounts submitted on the 2007 bookmobile contract with the State, Lois Bulloch made a motion to approve the contract and authorize the Chair to sign. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**FOREST SERVICE MOTORIZED VEHICLE PLAN** :

Art Tait reviewed maps of the proposed Dixie National Forest Motorized Travel Plan. The Commission reviewed a proposed comment regarding roads the Forest Service has designated to be closed. The County is recommending a change by adding a travel corridor from Woods Ranch to the Webster's Flat area. After reviewing the proposed comments and maps, Lois Bulloch made a motion to approve the comments with the ability to amend after review of the plan with Forest Service personnel. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:00 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**SPECIAL IRON COUNTY COMMISSION MEETING**  
**January 29, 2007**

Minutes of a Special Iron County Commission meeting convened at 8:00 a.m. January 29, 2007 in the County Attorney Conference Room, 82 North 100 East, Cedar City, UT.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Reed Erickson	Circuit Planner
Randy Johnson	Land Planning Facilitator
Wesley Curtis	Consultant

**CEDAR BREAKS PARK PROPOSAL** ;

Reed Erickson explained the purpose of this meeting is to brief the new Commissioners on the proposal to expand Cedar Breaks National Monument into a National Park and to expand the borders to include access from SR 14 to the lower area of the existing monument and to include Flanigans Arch.

Wes Curtis explained the involvement of SUU in development plans as they are a major land owner adjacent to the park and it will be necessary to acquire rights of way for trails and parking. The University is interested in developing a visitor center and classroom facility as part of a curriculum choice.

Randy Johnson discussed progress on the Washington County Lands bill before congress. He suggested that Iron County proceed with the development of two bills, one to address the Cedar Breaks National Park proposal and the second to deal with prairie dog issues.

Randy explained the meetings today would be a wrap up of the larger committee looking at the Cedar Breaks proposal. Some sub committees may continue to meet to address concerns but the process should proceed on it's own merits.

The Commission discussed a proposal by the Forest Service to add additional wilderness to the existing Ashdown Gorge wilderness area. The Commission explained that they are united in their opposition to additional wilderness designation.

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

The meeting was adjourned at 9:30 a.m. on a motion by Alma Adams. Second was by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

\_\_\_\_\_  
Signed: Wayne A. Smith, Chairman

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

**IRON COUNTY COMMISSION MEETING**  
**February 12, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 12, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

<b><u>SYNOPSIS</u></b>	<b>:</b>
APPROVAL OF CARNIVAL CONTRACT WITH MIDWAY WEST .....	7
APPROVAL OF WARRANTS & ADJOURN .....	10
AUTHORIZE PARAGONAH TOWN TO ANNEX 300 WEST STREET .....	10
BID OPENING LANDFILL LOADER .....	6
BOARD APPOINTMENT FCAOG HUMAN SERVICES COUNCIL .....	7
CLOSING SHOOTING IN THE CEDAR CANYON NEAR ARCHERY RANGE .....	7
COMMISSION OPINION ON DIVINE STRAKE .....	9
COUNTY POLICY ON TRAVELING DISCUSSION .....	9
ELECTED OFFICIALS REPORTS .....	1
EMERGENCY WATERSHED PROTECTION PROJECT .....	6
FOREST SUPERVISOR INTRODUCTION .....	9
GALE DORRITY PROPERTY UPDATE .....	9
INDEPENDENT AUDIT REPORT 2005 .....	8
IRON COUNTY, UTAH ORDINANCE 2007-1 .....	2
PERSONNEL MATTERS .....	7
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG MATTERS .....	8
PUBLIC HEARING ZONING ORDINANCE AMENDMENT .....	2
RETAINER AGREEMENT WITH ZABRISKIE LAW FIRM .....	7
SIGNING ADDENDUM TO SUBDIVISION AND SECURITY AGREEMENT .....	9
UPDATE FROM SENATOR ORRIN G. HATCH'S OFFICE .....	8

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Kevin Thurman.

**ELECTED OFFICIALS REPORTS** :

**Wayne Smith** reported on the availability of an endangered species mitigation fund grant. The matter will be referred to David Lovell to complete a grant application to help with prairie dog mitigation issues in Iron County.

Wayne also reported that he has been invited to a Board of Directors meeting of UCIP. A replacement Board member is to be selected to replace Gene Roundy.

**Lois Bulloch** reported that the Cedar City Chamber of Commerce has been receiving free rent in addition to using supplies, copy machine, equipment and janitorial service at the Iron County Visitor Center. A rental and use agreement needs to be negotiated.

**Alma Adams** reported that Officer Nik Johnson of the Sheriff's Department has been

recognized for his work in apprehending fugitives. The Federal Marshal's have requested that he also be allowed to help on some of their cases.

**Kevin Thurman** reported on the Shiloh ranch appeal of a request for reasonable accommodation for a facility in Parowan Valley. A lawsuit has been filed and answered in District Court. The Shiloh Ranch group are protesting County procedure in the granting of the reasonable accommodation. No action is needed by the County Commission at this time.

**PUBLIC HEARING ZONING ORDINANCE AMENDMENT :**

Alma Adams made a motion to open a public hearing to receive comments on a proposed Amendment to the Zoning Ordinance regarding Setbacks For Accessory Buildings. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Chad Nay presented the proposed amendment and explained that the Planning Commission has reviewed the ordinance and have unanimously recommended approval.

Arla Rawlinson, a County resident, spoke in favor of the proposed ordinance. She explained that in building a shelter for their horses, current setbacks would leave a large area behind the shed unuseable. Ms. Rawlinson presented a petition list signed by 40 neighbors that have indicated they are in favor of the amendment.

After all comments were received and reviewed, Lois Bulloch made a motion to close the hearing and to adopt the recommendation of the Planning Commission and adopt Ordinance 2007-1 as follows:

**IRON COUNTY, UTAH ORDINANCE 2007-1  
AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS,  
PROVIDING FOR AMENDMENTS TO THE ZONING ORDINANCE OF IRON  
COUNTY, UTAH (the "Zoning Ordinance") REGARDING SETBACKS FOR  
ACCESSORY BUILDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in order to provide for the health, safety and general welfare of the citizens of Iron County, Utah, the County commission is committed to establish and keep current a Zoning Ordinance that specifies land use regulations and standards; and

**WHEREAS**, on April 13, 1998, the County Commission adopted the Zoning Ordinance of Iron County, Utah in accordance with the provisions of Utah Code Annotated relating to the adoption and content of Zoning Ordinances in the State of Utah; and

**WHEREAS**, since the adoption of the Zoning Ordinance, changes have occurred in the land use patterns of the unincorporated areas of the County; and

**WHEREAS**, the County has determined that it needs to make provision for accessory buildings to have reduced setback requirement that demonstrate the ability to meet the purposes and intent of the Iron County Land Management Code; and

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments and has forwarded a recommendation to the County Commission that the Accessory Building Setbacks Ordinance Amendment of Iron County, Utah be adopted; and

**WHEREAS**, the County Commission of Iron County has held a duly advertised and noticed public hearing on the proposed Accessory Building Setbacks Ordinance Amendment of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments.

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

**SECTION 1. ACCESSORY BUILDING SETBACK REQUIREMENTS**

1. The document “Accessory Building Setbacks Ordinance Amendment of Iron County, Utah” attached hereto is hereby adopted, with necessary formatting, grammatical and spelling revisions as required.
2. All ordinances adopted subsequent to the “Accessory Building Setbacks Ordinance Amendment of Iron County, Utah,” shall comply with the goals and policies of the General Plan of Iron County, Utah, as amended, and the Iron County Zoning Ordinance, as amended.

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEALER**

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

**EFFECTIVE DATE:** This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY  
COMMISSIONERS OF IRON COUNTY, UTAH this 12<sup>th</sup> day of February, 2007.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Wayne A. Smith, Chairman

**ATTEST:**

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

**VOTING:**

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

**Accessory Building Setbacks Ordinance Amendment of Iron County, Utah**

**Section 504 Table of Site Development Standards:**

The Table of Site Development Standards accompanies the Table of Uses. 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.

<b>TABLE OF SITE DEVELOPMENT STANDARDS</b>									
	<b>ZONING DISTRICTS</b>								
	<b>A-20</b>	<b>R-5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1/2</b>	<b>C</b>	<b>LI</b>	<b>I</b>	<b>I-A<sup>(1)</sup></b>
Minimum Lot Width	300 Ft.	300 Ft.	165 Ft.	165 Ft.	120 Ft.	90 Ft.	100 Ft.	150 Ft.	1320 Ft.
Minimum Front Yard Setback	60 Ft.	60 Ft.	60 Ft.	30 Ft.	30 Ft.	20 Ft.	25 Ft.	25 Ft.	200 Ft.*

TABLE OF SITE DEVELOPMENT STANDARDS									
	ZONING DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2	C	LI	I	I-A <sup>(1)</sup>
Minimum Rear Yard Setback	60 Ft.	60 Ft.	60 Ft.	40 Ft.	30 Ft.	25 Ft.	30 Ft.	50 Ft.	200 Ft.*
Minimum Side Yard Setback	30 Ft.	30 Ft.	30 Ft.	30 Ft.	10 Ft.	10 Ft.	25 Ft.	40 Ft.	200 Ft.*
Minimum Side Yard Setback (Corner Lot)	30 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft.	NR	NR	NR	200 Ft.*
Minimum Distance Between Buildings	15 Ft.	15 Ft.	15 Ft.	15 Ft.	15 Ft.	NR	NR	NR	15 Ft.
Max./Min. Building Height	NR	30 Ft. or Two (2) Stories/ One (1) Story	30 Ft. or Two (2) Stories/ One (1) Story	30 Ft. or Two (2) Stories/ One (1) Story	30 Ft. or Two (2) Stories/ One (1) Story	Three (3) Stories/ One (1) Story	Three (3) Stories/ One (1) Story	Three (3) Stories/ One (1) Story	NR
Minimum Lot Size (Acres)	20 <sup>(2)</sup>	5 <sup>(2)</sup>	2	1	1/2	NR	NR	NR	80
Maximum Total Lot Coverage (all buildings)	NR	5% (Max. Site Coverage may be >5% for Green-houses)	10%	15%	30%	50%	50%	50%	NR
Accessory Outside Storage Areas						When located adjacent to any Ag. or Res. District must be screened by a solid, non-landscape, fence or wall at least six (6) feet in height.			



TABLE OF SITE DEVELOPMENT STANDARDS									
	ZONING DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2	C	LI	I	I-A <sup>(1)</sup>
Outside and Security Lighting						Must reflect away from adjacent Ag. and Res. District			
<p>Accessory Building Setbacks – Unless determined otherwise by the County Commission, accessory building setbacks shall be 5 feet minimum for rear and side yard setbacks. Front yard is the same as 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.</p>									

<sup>(1)</sup> 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.

<sup>(2)</sup> For the purpose of calculating minimum lot size, one-half (1/2) 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 20% of the minimum lot area.

**EMERGENCY WATERSHED PROTECTION PROJECT :**

Steve Platt, Iron County Engineer, discussed a proposed grant for an emergency watershed protection project after reviewing grant documents, Lois Bulloch made a motion to authorize the County Engineer, Steve Platt to sign documents in behalf of Iron County to move the project along. Steve is to provide regular updates to the commission regarding progress with the project. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**BID OPENING LANDFILL LOADER :**

Bids for a new loader as specified were opened with the following results:

Scott Machinery	John Deere 644J	\$212,980
Wheeler Machinery	Cat 950H	\$204,913
Century Equipment	Case 821E	\$177,945

Alma Adams made a motion to accept the bids and to refer the bid packages to Alan Wade and Wayne Smith for review to determine if the machines met specifications. Also to award the bid for the lowest price machine that meets the bid specifications. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**BOARD APPOINTMENT FCAOG HUMAN SERVICES COUNCIL :**

Lois Bulloch made a motion to appoint Minnie Pittman to represent the low-income population of Iron County at the Five County Association of Government Human Services Council Meetings. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF CARNIVAL CONTRACT WITH MIDWAY WEST :**

A contract between Iron County Fair and Midway West Carnival was reviewed and approved as recommended by Art Walunas and Kevin Thurman. Alma Adams made a motion to approve the contract for a period of five years. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**CLOSING SHOOTING IN THE CEDAR CANYON NEAR ARCHERY RANGE :**

Sheriff Mark Gower reported to the Commission on an ongoing problem with shooting of firearms near the lower archery range in Cedar Canyon near Rusty's Ranch House Restaurant. Because of the location and availability to local shooters, there is no way to control the shooting in an adjacent canyon which has resulted in firearms being discharged into the areas where archery shooters were present.

Todd Christensen, BLM District Supervisor, stated that the BLM is not opposed to the closure for safety concerns. The BLM is also in favor of posting the area as a no shooting area.

Lois Bulloch made a motion to close the canyon adjacent to the existing archery range immediately to the discharge of guns on a temporary basis and to authorize the County Attorney's Office to draft an ordinance permanently closing the area. She also requested that alternative in the area be explored as shooting areas. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS :**

David Yardley presented for approval the following new employees: Kirk Barney as a Corrections Officer; Victor Almont as a Corrections Officer; and Patricia Decker a Council On Aging Center Activities Director.

The promotion of Exilda Serrano as an entry level Appraiser from Deputy Assessor was also presented. This transfer will be at the same grade.

Alma Adams made a motion to approve the new employees and promotion as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RETAINER AGREEMENT WITH ZABRISKIE LAW FIRM :**

Kevin Thurman reported on a proposed agreement with the Zabriski Law Firm regarding proposed Transient Room Tax Litigation to collect TRT collected by online travel agencies such as Travelocity and Hotels.com which charge tax on their booking fees but do not submit the tax collected.

The proposed agreement is not ready for approval at this time. David Yardley was requested to discuss this matter with the Board of Directors of UAC to determine if this is something that should be pursued by all of the Counties through UAC.

**PRAIRIE DOG MATTERS** :

The Commission has requested that people or groups requesting prairie dog take under the Iron County HCP be present to discuss take for 2007. Wayne Smith explained that it is County policy to award no more than 15 dogs to any one developer or individual during a calendar year from the dogs available through the HCP. The County has 71 dogs available during the 2007 calendar year. After discussing policy regarding staying on the list if a project is not ready to proceed, the following take was approved:

Tim Stewart Subdivision west of Valley View Medical Center 14.2 dogs on 3.5 Acres.

Lin Drake on Saddleback Subdivision Phase 4b 2 dogs on 2.29 Acres.

Darro/Craig Thuit Fiddlers between Mini Golf and BLM 2.9 dogs on 0.77 Acres.

Mitch Miller on E side of Airport Rd & North of Coal Creek 11.2 dogs on 3.04 Acres.

Philip Spencer (Trophy Homes) Cedar Springs Sub. Reserved up to 15 dogs to allow for a more accurate acreage and dog count.

Mike Marsenich Aviation Way & SR 56 1.8 dogs on 1.3 Acres.

Richard Mullins North Park Parowan N Interchange 15 dogs on up to 3 acres. Will do actual count on parcel in spring count.

The Commission also approved take of 1.1 SITLA bank dogs for Mel Clark Construction to cover unintentional take in completion of the SR 143 upgrade in 2006. Cost of SITLA dogs is \$2,500 each.

Alma Adams made a motion to approve take to this point. Second by Lois Bulloch.

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

**INDEPENDENT AUDIT REPORT 2005** :

Scott Wilson, Wilson Company, presented the 2005 Independent Audit Report. He explained that due to Computer software upgrades and changes in Personnel in the Auditor's Office, it has been a tedious process in acquiring the appropriate data to complete the report. He reviewed with the Commission the report and recommendations.

Recommendations by the Independent Auditor will be reviewed with each County Department and recommendations implemented as quickly as possible.

After reviewing and discussing the report, Alma Adams made a motion to accept the 2005 independent audit report as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**UPDATE FROM SENATOR ORRIN G. HATCH'S OFFICE** :

Marreen Casper, representing Senator Orrin Hatch, reported that Senator Hatch welcomes the new Commissioners and is looking forward to meeting in person with them as they attend the NACO Legislative Conference in Washington. Items of great concern which Senator Hatch is working on include full funding of PILT; Immigration; gang legislation; and hybrid vehicle legislation. Senator Hatch welcomes comments from the Commission and he encourages County input on issues of concern to Counties.

**FOREST SUPERVISOR INTRODUCTION** :

Rob MacWhorter, Dixie National Forest Supervisor, introduced himself to the Commission. He explained that he has recently been reassigned to the Cedar City office and he is looking forward to working with the County in developing the Motorized travel plan and to further develop a forest plan. He reported on his experience with USDA prior to this assignment and he reported that he is looking forward to working with local officials.

The Commission requested that the SR 14 corridor be looked at to determine if a right of way could be deeded to UDOT to facilitate improvements and maintenance on this route.

**SIGNING ADDENDUM TO SUBDIVISION AND SECURITY AGREEMENT** :

Steve Platt presented an escrow agreement between Iron County and developers of Harmony Mountain Ranches, Phase III. The improvements have been completed in Phases 1 and II. A cash bond will be placed in escrow to guarantee completion of improvements in Phase III.

Lois Bulloch made a motion to approve the agreement and authorize Commissioner Smith to sign. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**COMMISSION OPINION ON DIVINE STRAKE** :

The Commission discussed the Federal Government plan to detonate a large bomb named "Divine Strake" at the Nevada Test Site. Because of concerns with prior nuclear explosions at the site and the effects of radiation exposure in Southern Utah, the Commission asked David Yardley to prepare a press release in opposition to the proposed test until complete environmental studies could be completed.

**COUNTY POLICY ON TRAVELING DISCUSSION** :

Commissioner Smith requested that the travel policy outlined in Section 15 of the Personnel policy be reviewed. David Yardley read the policy to elected officials and Department supervisors including Dennis Ayers, Assessor, Patsy Cutler, Recorder, Geri Norwood, Treasurer, Erik Jorgensen, IT Director and Christene Keene, Deputy Auditor.

Christene Keen stated that as a Deputy Auditor it is their department responsibility to review all of the bills submitted for payment. They had concerns with hotel accommodations for some employees traveling out of state for training.

Elected Officials commented that as Department Supervisors and Elected Officials, it is also their responsibility to monitor their own budgets and to use the most reasonable accommodations in association with access to conference facilities and availability of rooms. No changes were recommended or made by the Commission.

**GALE DORRITY PROPERTY UPDATE** :

The Commission discussed the Gale Dorrity property which was struck off to the County in a tax sale. The property has not been cleared as requested by the County and Mr. Dorrity has left the property. He is now residing in St. George. There are still people living at the property. Mr. Dorrity's son, Michael, was helping to remove the old trailers and vehicles from the property. He was killed in an automobile accident.

Mr. Dorrity will be contacted to determine if they are going to attempt to clear the property or if the County will declare the area as a blighted area and attempt to acquire a grant to clear the area.

**AUTHORIZE PARAGONAH TOWN TO ANNEX 300 WEST STREET :**

David Yardley reported that Paragonah Town has requested that they be allowed to annex 300 West street into their municipal boundaries to clarify maintenance issues. The Commission reviewed the request and Alma Adams made a motion to approve the request of Paragonah Town to annex 300 West Street adjacent to their current municipal boundary. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:20 p.m. on a motion by Alma Adams. Second was by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
February 26, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 26, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Kevin Thurman.

**APPROVAL OF MINUTES January 22, 2007** :

Minutes of the Iron County Commission meeting held January 22, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES January 29,2007** :

Minutes of the Iron County Commission meeting held January 29, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES February 12, 2007** :

Minutes of the Iron County Commission meeting held February 12, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Ayers** reported that Exilda Seranno is nearing completion of course work to become an Appraiser Trainee. Because of guidelines in becoming certified as an appraiser, it is becoming increasingly difficult to train and retain qualified employees.

**Geri Norwood** reported that the Treasurer's Office is being trained on the new Eagle software package with the goal of going live next week.

**Erik Jorgensen** reported that the IT Department has received requests for export of mass digital data. At the present time the County allows access to data but does not do a complete download. The matter is to be placed on the next agenda for consideration of a policy and fee schedule.

Erik also discussed the newly designed web site operated by the county. This matter also needs formal approval and will be considered at the next Commission meeting.

**Gene Adams** reported that the 2005 independent audit was finally completed. Issues have been addressed and Department Supervisors have been contacted with concerns addressed in the management letter. The Auditor's Office is preparing for the 2006 audit which will be due in June.

**Lois Bulloch** reported that she has prepared an appropriation request for Senators Bennett and Hatch and Congressman Matheson to fund the purchase of prairie dog habitat. The requests will be hand carried to Washington during the NACO Legislative Conference.

**UCIP REPORT** :

Lester Nixon, UCIP Director met with the Commission to give a report on the operation of the Insurance Pool. He reported that Wayne Smith has been selected to fill the unexpired term of Gene Roundy on the Board of Directors.

At the present time, twenty eight of twenty nine counties participate in UCIP. Multiline insurance has twenty seven Counties with coverage and Workers Comp covers 25 Counties. The Employee Benefit program currently has seven participating Counties in its second year of operation.

Mr. Nixon suggested the County participate in the best practice program as it can return up to 5% of the premium for full compliance. The County has participated but not to the 100% level in the past.

**REQUEST FOR FUNDS FOR BOOK REPAIR :**

Pasty Cutler, Iron County Recorder, reported that a book repair firm is coming from Texas this year and she has several land record books that need to be repaired. Total cost of repairs has been estimated at \$14,000 over a two year period. Patsy requested that her budget be amended by adding an additional \$5,500 to the \$1,500 already in her budget for 2007. The second phase will be requested in the 2008 budget.

Alma Adams made a motion to approve an amendment to the budget of the Recorder for 2007 by adding an additional \$5,500 and by committing \$7,000 in the 2008 budget for book repair. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**FOREST LEGACY PROJECTS IN THE VIRGIN RIVER HEADWATERS:**

Amanda Smith representing the Nature Conservancy and Patrick Moore, State Lands and Forestry, met with the Commission to request approval of a proposed resolution in support of obtaining a conservation easement on properties on the headwaters of the Virgin River. Currently they are negotiating with three land owners in Iron County.

After reviewing their request for a blanket resolution in support, the Commission tabled action and requested that the resolution be re-drafted to only include the specific properties proposed for immediate action.

**911 FUND APPROPRIATION :**

\_\_\_\_Erik Jorgensen presented a request to purchase GIS software for use with the Spillman Data Systems used in emergency vehicles. The system works with the mapping program to help in locating emergency calls through 911. Cost for the mapping program is \$95,210 with funding to be reimbursed from Homeland Security grant funds. Lois Bulloch made a motion to approve the purchase. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye. \_\_

**COMPUTER POLICY :**

Erik Jorgensen, Iron County IT Department, discussed proposed changes in surplus property procedure for IT equipment. The proposed amendment will allow County employees to purchase used computers. All sensitive data is to be cleaned from hard drives and computers with secure data will require the hard drives be destroyed in compliance with Federal Department of Defense standards.

Lois Bulloch made a motion to approve the changes and adopt the policy as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**SUU STUDY ON PRAIRIE DOGS :**

Dr. Hildebrand and Blaine Cox, SUU Science Department, came before the Commission to discuss a plan for a long term study to increase survivability of transplanted prairie dogs. Mr.



Cox explained that currently survivability is around 10%. It is hoped that by adjusting burrow design prior to transplanting and by evaluating the intermixing of prairie dogs from different colonies, a method can be established to significantly increase the survival rate.

The experiment will be conducted on a 200 acre parcel which will be divided into three sections for evaluation.

They requested help from mitigation funds to supplement payrolls of students involved in the project. Funding would be from May 1 though July 1, the start of a new fiscal year at the University. The matter was tabled to allow additional information to be submitted.

**REQUEST FOR TEMPORARY BEER PERMIT** :

Elizabeth Martens with Clean Our Canyons, requested approval of a single event beer license in conjunction with a fund raising event to be held in March at the Three Peaks Recreation Area. The event will be conducted from 7:00 p.m. to Midnight. Beer would be available in a secure area and served by trained volunteers. She noted that approval must be granted by the County before a permit can be obtained from the State Alcohol Control Board.

Lois Bulloch made a motion to approve the event provided that a release of liability and hold harmless clause in Iron County's favor is submitted, appropriate bonds and insurance are obtained listing Iron County as an additional insured. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**AMBULANCE DISCUSSIONS** :

Ron Johnson, Iron County Ambulance, met with the Commission to report on the status of ambulance service in Brian Head. Due to a shortage of qualified EMT's at Brian Head, the ambulance has been dispatched from Parowan during this ski season. The Public Service personnel at Brian Head have worked as first responders to ambulance calls and it appears to be working well with this coverage. The two active EMT's at Brian Head have not been able to respond as well as expected due to work conflicts and absences.

Ron requested that the Commission support working with Brian Head public safety personnel to provide immediate attention to ambulance calls and to continue to dispatch ambulances from Parowan. The two on call EMT positions would be eliminated at this time and an effort will be made to train and certify sufficient number of residents in Brian Head to provide a local ambulance in the future.

The Commission accepted the recommendation and asked that Mr. Johnson work with the Mayor and Brian Head staff in continued quick response to emergency calls.

**HUMAN RESOURCE MATTERS** :

Colette Eppley presented for approval the following new employees: Cheryl Rosenberg as a part time motor vehicle clerk in the Cedar City Assessor's Office; Jacob Hawkins as a landfill worker; Larry Orton as a part time bailiff; and Amanda Moore as a part time Justice Court clerk. Alma Adams made a motion to approve the new employees as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval a job description for a lead worker in the Parowan

Ambulance office. The position will pay for hours worked and will not be considered a full time position. Alma Adams made a motion to approve the job description. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also explained to the Commission concerns with the Personnel Policy Section 5 which covers disciplinary procedure. She reviewed concerns with the current policy and made suggestions on re writing the policy to make it compliant with Federal and State codes. The matter was taken under advisement and the Commission requested the policy be distributed to Departments for comments.

Colette presented the 2006 Worker's Compensation Report for approval. She explained claims and actions enclosed in the report whereupon Lois Bulloch made a motion to approve the report. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**CLOSED MEETING** :

Lois Bulloch made a motion to convene in a closed meeting to discuss personnel matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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

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

Dated this 26<sup>th</sup> day of February, 2007.

\_\_\_\_\_  
Signed: Wayne A. Smith, Chairman

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

**SAFETY COMMITTEE** :

Colette presented recommendations from Departments for employees to serve on the newly established safety committee. The Commission appointed the following members for two year terms on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette Eppley,	Chair
Kevin Thurman	Attorney's Office
Mark Gower	Sheriff

Ron Johnson	Ambulance Supervisor
Charlie Morris	LEPC Coordinator
Wade Adams	Road Department
Jared Wilson	IT Department
Michelle Madsen	Justice Court

The members of the Committee will determine which members will serve a one year term to provide staggered terms. In the future all terms will be for two years.

**PRAIRIE DOG MATTERS** :

Philip Spencer, Adam Lenhard and Bill Peperone representing Trophy Homes requested that take of prairie dogs tentatively approved of up to 15 dogs be awarded on 3.9 acres for a total take of 12.5 dogs as specified by survey conducted by DWR. This matter was tabled at the last meeting to allow for an exact acreage calculation of the proposed project.

Alma Adams made a motion to approve the take of 12.5 prairie dogs on 3.9 acres be approved from HCP dogs. Second by Lois Bulloch. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

**REQUEST FOR PROPOSAL TO PROVIDE DENTAL SERVICES** :

Requests for Proposals to provide dental service to the Jail inmates were opened as advertised with the proposal of Dr. Brian K. Tavoian being accepted on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye. The County Attorney will draft a contract for signatures.

**APPROVAL OF AUDIT ENGAGEMENT & CONSULTING AGREEMENT** :

Scott Wilson, Wilson & Company, presented a proposal for independent audit services for 2006, 2007 and 2008 to be completed in compliance with government accounting standards and principals. The proposal was discussed whereupon Lois Bulloch made a motion to approve the contract for the 2006 audit and to tentatively approve 2007 and 2008 audits contingent on a review of the County purchasing policy by the Attorney's Office. Second by Alma Adams. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

Scott Wilson also presented for approval a bill for cost over runs in conjunction with the extra hours and work needed to accomplish the 2005 audit. Alma Adams made a motion to approve the additional expenditure as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

**CEDAR CITY ANNEXATIONS NOTICES** :

David Yardley presented two annexation proposals from Cedar City. The first included property Northeast of 3000 North and Minersville Highway. The second was for a portion of Thorley Ranch Estates Unit B and adjacent property located at the junction of SR 56 and 5300 West. The Commission took no action to oppose the proposed annexations however Cedar City will be contacted to request that the lots in Thorley Ranch B be required to pay their Special Improvement District assessment in full to avoid problems in the future.

**BOB WEIDNER CONTRACT DISCUSSION :**

The Commission discussed a concern with the payment of fees to Bob Weidner regarding lobbying efforts in Washington on issues including PILT payments, wilderness designations, and prairie dogs. In 2006 the County paid \$20,000 for his services. He requested \$25,000 for services in 2007 however the Commission only budgeted \$16,000. Due to an error, payment of \$25,000 was sent to Mr. Widener and then payment stopped. The Commission will discuss the matter further with Mr. Weidner while in Washington at the NACO Legislative Conference.

**APPROVAL OF ENTRIX CONTRACT FOR PHASE II :**

Kevin Thurman presented for approval the final draft of the contract with ENTERIX for the completion of a revised HCP Plan for prairie dogs in Iron County. After reviewing the agreement, Lois Bulloch made a motion to approve the contract for Phase II as presented and authorize the Commission Chair to sign. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**DONATION TO TASK FORCE TRUST FUND :**

Kevin Thurman presented a request to donate \$9,000.00 cash seized by UHP on November 24, 2006 to be used for public interest use as required by UCA 77-24-1 Et. Seq. He explained that in a traffic stop cash was found in a vehicle which was transporting illegal substances. The occupants stated that the cash did not belong to them. The UHP attempted to contact the owner of the vehicle, however all attempts to locate the owner have failed. Utah Code allows for the donation of the funds for use as a public interest and he suggested the money be donated to the Drug Task Force.

Alma Adams made a motion to approve the transfer of the funds from the Highway patrol to the Iron/Garfield Drug Task Force as recommended. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**NOTICE OF APPEAL OF A CONDITIONAL USE PERMIT :**

Andrew & Diana Callahan have submitted a notice of appeal of conditions contained in a Conditional Use Permit approved by the Planning Commission. The Commission approved setting the appeal for a public hearing.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:00 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**March 12, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 12, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

**SYNOPSIS** :

APPROVAL OF AUDIT ENGAGEMENT & CONSULTING AGREEMENT ..... 13

APPROVAL OF MINUTES February 26, 2007 ..... 2

APPROVAL OF WARRANTS & ADJOURN ..... 13

BID OPENING BACKHOE ..... 2

BID OPENING FOR AMBULANCE ..... 6

BOARD OF EQUALIZATION ..... 4

DIGITAL DATA EXPORT POLICY ..... 12

ELECTED OFFICIALS REPORTS ..... 2

FOREST LEGACY PROJECTS IN THE VIRGIN RIVER HEADWATERS ..... 4

MERIT SERVICE COMMISSION MEMBER APPOINTMENT ..... 5

ORDINANCE 2007€2 AMENDING THE ADDRESSES IN MONARCH MEADOWS ..... 6

ORDINANCE 2007€3 CLOSING SHOOTING IN CEDAR CANYON AREA ..... 10

PANORAMA LAND RC& D ..... 5

PERSONNEL MATTERS ..... 5

PLEDGE OF ALLEGIANCE ..... 1

PORT 15 SIGN DISCUSSION AND APPROVAL ..... 12

PRAIRIE DOG MATTERS ..... 12

PREDATOR CONTROL CONTRACT EXTENSION APPROVAL ..... 13

PRELIMINARY PLAT FOR THREE PEAKS INDUSTRIAL PARK ..... 6

PUBLIC HEARING ZONE CHANGE ..... 2

SURPLUS PROPERTY BID OPENING ..... 3

VOLUNTEER RECOGNITION AWARDS ..... 4

WATER RIGHTS PRESENTATION PAIUTE TRIBE ..... 3

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES February 26, 2007** :

Minutes of the Iron County Commission meeting held February 26, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported on the meetings with Legislators in Washington during the National Association of Counties Legislative Conference. Applications for funding were presented to help acquire habitat for prairie dogs and to help alleviate the conflicts currently existing between development and private property rights with the preservation of the prairie dog.

**Wayne Smith** discussed agricultural building waivers as they pertain to future development of buildings. Scott Bulloch constructed a shed with a waiver as provided in State Code, however, when he attempted to install electricity in the building, Rocky Mountain Power would not connect because the system has not been inspected. The Building department will be encouraged to explain this to persons requesting a waiver of liability for agricultural buildings. Lois Bulloch suggested that the waiver form be amended to state that without inspections, the building will not be eligible to have electrical service.

**BID OPENING BACKHOE** :

Bids for the purchase of a new backhoe for use in the Road Department were opened as advertised with the following results:

Scott Machinery	\$78,400
Century Equipment	\$86,825
Wheeler Machinery	\$82,000

Alma Adams made a motion to accept the bids and refer them to Neil Forsyth and Commissioner Smith for review to determine if they are in compliance with specifications and to award the bid to the lowest bid meeting all of the specifications. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PUBLIC HEARING ZONE CHANGE** :

Alma Adams made a motion to open a public hearing to receive comments on a proposed zone change from A-20 to R-2. Requested by Arches Development/Gene Beck. Property Is Located 1 Mile South of Kanarraville on Old Hwy 91 Within Sec 3, T38S, R12W, SLM. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Chad Nay explained the location of the proposed zone change South of Kanarraville. The property is within a Tier 2 designation. The Planning Commission has recommended approval with proof that adequate water is available and that a sewer treatment facility is available or that a feasibility study is completed with plans for development.

Reed Erickson explained that water development and sewer development typically come at the time of a subdivision application, a separate action by the Planning Commission.

Barbara Munford, Kanarraville Town Council, stated her opposition to the proposed zone

change and also read letters from several residents of Kanarraville opposed to the zone change.

Jean Capiazano questioned the appropriateness of the application in that Mr. Beck, the applicant is not the owner of record of the property being proposed for rezoning.

David Hatch requested that if the zone change is approved that development standards be established to make sure the development provides adequate infrastructure support.

Peggy Hale stated that if rezoning is allowed that as it develops it complies with the proposed use.

Paul Sterling stated his concern with the ability of Mr. Beck to follow through with development of the necessary water and sewer infrastructure.

Mike Carpenter, Kanarraville Town Council, stated his opposition to the proposed sewer plant south of Kanarraville Town. He also stated that Kanarraville was small and they wished to stay that way.

Ron Archibald expressed concerns with roads and the ability to handle the increased traffic including the additional maintenance that will be required by Kanarraville Town.

Dan Dail stated that he is concerned with issuing a zone change with no plan for development of the infrastructure required to develop the property and no evidence of adequate water and sewer plans.

Reed Erickson stated that the zone change is the first step in the process. Many of the required services are addressed at the subdivision level which is another process through Planning and Zoning.

After all public comments were received and discussed, Lois Bulloch made a motion to close the public hearing and to deny the zone change request due to feasibility studies on a future sewer plant and plan for operation of a sewer system are not in place. Also the applicant has no proof of ownership of the parcel proposed for the zone change and no proof of adequate water right for future development. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

#### **WATER RIGHTS PRESENTATION PAIUTE TRIBE :**

Jeanine Bouchardt, Laura Tom, Jack Sawyer, Brian Jake and Ernestine Sunbear representing the Indian Peaks Band of Paiute Indians, reported to the Commission that the Indian Peaks Band is applying to the State for a water right for 238 acres of reservation property located at the Kanarraville exit of I-15. Kerry Carpenter discussed issues with water rights and the process in determining priority in recognizing water rights. Since the County does not have jurisdiction over water, the Commission took no action but encouraged the tribe to apply for their water rights through the State.

#### **SURPLUS PROPERTY BID OPENING :**

Bids were opened for the following vehicles which have been advertised for sale as surplus property with the following results:

1985 GMC Pickup 1GTEK14H2FS502608 Rick Evans bid \$200.00; Howard Cox bid \$401.00; Clean Our Canyons requested the vehicle be donated without charge to their group.

Lois Bulloch made a motion to accept the bid of Howard Cox for \$401.00. Second by Alma Adams. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

1990 Freightliner Truck 1FV8D0Y96LP376292 Minimum Bid \$9,000 No bids received.

1995 Chevrolet Lumina 2G1WL52M6S1153898 Shawna Galloway bid \$200.00; Justin Worthen bid \$500.00; Christene Keene bid \$578.00 and Rick Evans bid \$925.00. Lois Bulloch made a motion to accept the bid of Rick Evans for \$925.00. Second by Alma Adams. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

2004 Ford Mustang 1FAFP42X74F148498 Minimum Bid \$11,000 no bids received.

**FOREST LEGACY PROJECTS IN THE VIRGIN RIVER HEADWATERS :**

Amanda Smith, Nature Conservancy, and Patrick Moore, State Lands and Forestry, met with the Commission to request Commission support of negotiated conservation easements on parcels owned by Sandy Webster, (Webster Larsen & Ence) and Russell Sevy. Ms. Smith explained that the easements are perpetual and will allow continued use in compliance with the easements. Landowners have latitude in determining best practices use of the land, typically for agricultural operations. Lois Bulloch made a motion to support the applications for conservation easements as negotiated with landowners in the Kanarra Mountain area of Iron County. Second by Alma Adams. Voting: Wayne Smith, Nay: Lois Bulloch, Aye; Alma Adams, Aye.

**BOARD OF EQUALIZATION :**

Lois Bulloch made a motion to convene as a Board of Equalization to review applications for Religious, Charitable and Educational Exemption Requests. Second by Alma Adams. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

Christene Keene presented for approval Religious, Charitable and Educational Exemption Requests for possible Tax Exempt Status in 2007. New Applications included Catholic Center for a 2005 Subaru Impreza; Cedar Housing Authority for six new apartment buildings; Christ the King Catholic Church for a 2003 GMC Truck; Church of Jesus Christ of Latter-Day Saints two vehicles and four land parcels; Cedar City Congregation of Jehovah's Witnesses a building; Las Vegas Rescue Mission fifteen parcels; and Parowan Rod and Gun two Parcels.

Parowan Rod and Gun are not a 501 (c) (3) organization and are not qualified for tax exemption. Church of Christ and Grace Christian Church have not submitted an application.

Alma Adams made a motion to approve the proposed applications for exemption excepting Parowan Rod and Gun application and to send a notice to the Church of Christ and Grace Christian Church allowing one week to submit an application. Second by Lois Bulloch. Voting: Wayne Smith, Aye: Lois Bulloch, Aye; Alma Adams, Aye.

**VOLUNTEER RECOGNITION AWARDS :**

Tracy Garrett met with the Commission to present recognition awards for the top ten volunteers with the Five County Retired & Senior Volunteer Program for the 2005-2006 fiscal year. Awards were made as follows:

1. Charles Cooley 1,829 volunteer hours.
2. Donna Cooley 1,788 volunteer hours.



3. Dottie Klockow 1,148 volunteer hours.
4. Mary Krug 1,128 volunteer hours.
5. John Tews 896 volunteer hours.
6. Marty Davini 796 volunteer hours.
7. Robert Allen 719 volunteer hours.
8. Kenneth Hart 710 volunteer hours.
9. Joy Johnson 696 volunteer hours.
10. James Sheppard 655 volunteer hours.

The Commission congratulated the recipients and thanked them for their service to the community through their volunteer efforts.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval the following new employees: Shan Stilson, EMT-I; Chris Jensen, EMT-I; Travis Fails, EMT-I; Jeanette Hodges, EMT-B; Brandon Franta, EMT-B; Douglas Higgins, EMT-B; Kristi Bruce, EMT-B; David Steed, Paramedic; Jeffrey Hunt, EMT-B; Daniel Abbott, EMT-B; Paul Smith, EMT-B and Aimee Woolsey, Part Time Secretary, Tourism. Lois Bulloch made a motion to approve the new employees as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval the following promotions: Edwin Taylor COA Driver to COA Center Activities director and Exilda Seranno from entry level Appraiser to Appraiser Trainee. Lois Bulloch made a motion to approve the promotions as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette presented a status change request for Cindy Applegate to EMT lead worker in Parowan. Lois Bulloch made a motion to approve the status change. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

A request from Charlie Morris presented by Colette Eppley to bring a part time worker back on for the summer season to allow for repair work to be completed before the visitor season at Three Peaks and Woods Ranch was also approved on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**MERIT SERVICE COMMISSION MEMBER APPOINTMENT :**

William Bradfield has resigned as a member of the Merit Service Commission. David Excell has been suggested as a replacement to fill the unexpired term of Mr. Bradfield. Alma Adams made a motion to accept the recommendation and to appoint David Excell to the unexpired term of William Bradfield. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PANORAMA LAND RC&D :**

Clair Baldwin representing Panorama Land RC&D in Richfield met with the Commission to discuss "Safe Harbor" agreements with private land owners which may assist with stabilizing populations of the Utah Prairie Dog and in turn can lead to delisting as a threatened species. He explained that the Safe Harbor agreements provide habitat which may eventually be counted as

permanent habitat which could then be used in “banking” prairie dogs similar to the SITLA program on Parker Mountain. The Commission expressed support of the program and asked that additional information be forwarded as it becomes available.

**BID OPENING FOR AMBULANCE** :

Bids for a new ambulance were opened as advertised. Ron Johnson, Ambulance Director stated he has a conflict of interest in that Royce Barton, owner of Rocky Mountain Ambulance is a Brother-In-Law.

Two bid packets were returned with results as follows:

American La France submitted “No Bid”.

Rocky Mountain Ambulance submitted a bid of \$117,000.

Lois Bulloch made a motion to accept the bid of Rocky Mountain Ambulance. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PRELIMINARY PLAT FOR THREE PEAKS INDUSTRIAL PARK** :

Kim Bell and John Synder presented a preliminary plat of Three Peaks Industrial Park located at 5700 West & 600 North, Cedar City. Within Sec 11, T36S, R12W, SLM. The proposed subdivision has been before the Planning Commission which recommended approval of the industrial park. The Planning Commission recommended and the developers agreed to supply water through the Water Conservancy District when it becomes available and also to install a dry sewer system for connection when sewer becomes available in the area.

Chad Nay reported that the developers have requested a street light variance because each building will be required to have outdoor security lighting. Planning also recommended a variance for the length of a cul-de-sac. Lois Bulloch made a motion to approve the preliminary plat with recommended variances. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ORDINANCE 2007-2 AMENDING THE ADDRESSES IN MONARCH MEADOWS PHASES I & II** :

A proposed ordinance to correct address numbering in Monarch Meadows Subdivisions phase I and II was presented. Steve Platt explained the need for the correction whereupon Alma Adams made a motion to adopt Ordinance 2007-2. Second by Lois Bulloch.

**IRON COUNTY  
ORDINANCE 2007-2**

**AN ORDINANCE OF IRON COUNTY CORRECTING ADDRESSING ERRORS ON THE PLAT OF MONARCH MEADOWS PHASE I SUBDIVISION AND THE PLAT OF MONARCH MEADOWS PHASE II SUBDIVISION.**

**WHEREAS**, this matter came before the County Legislative Body of Iron County, Utah, wherein an error has been detected in the addresses listed on the plat of Monarch Meadows Phase

I and Monarch Meadows Phase II Subdivisions; and,

**WHEREAS**, the County Legislative Body of Iron County, Utah, having duly considered the application and determined there is good cause proposed for correcting the addresses to conform with the County addressing standard; and

**WHEREAS**, neither the public nor any person will be materially injured by correcting the addresses listed on the original plats of Monarch Meadows Phase I and Monarch Meadows Phase II Subdivisions;

**NOW THEREFORE**, The County Legislative Body of Iron County, Utah ordains as follows:

1. Correct the addresses of Lots 1 through 60 inclusive in Monarch Meadows Unit 1 Subdivision and the addresses of Lots 1 through 69 in Monarch Meadows Unit II Subdivision as described in Exhibit "A".
2. A copy of this ordinance along with Exhibit "A" is to be filed with the original plats of Monarch Meadows Phase I and Monarch Meadows Phase II Subdivisions in the office of the Iron County Recorder.

This Ordinance shall take effect upon publication in the manner provided by §17-53-208, Utah Code Annotated 1953, as amended and all provisions shall be severable so that if any section, clause, or term is held unconstitutional or contrary to law the void character shall not effect any of the remaining portion of this ordinance.

Approved, passed and adopted this 12<sup>th</sup> day of March, 2007 by the County Legislative Body of Iron County, Utah in regular session assembled, in and at their regular place of meeting.

---

Wayne A. Smith  
Chairman, Board of Iron County Commissioners

Attest:

David I. Yardley  
Iron County Clerk

VOTING:	AYE	NAY
Wayne A. Smith	<u>Aye</u>	_____
Lois L. Bulloch	<u>Aye</u>	_____
Alma L. Adams	<u>Aye</u>	_____

**MONARCH MEADOWS PHASE I**

LOT	CORRECT ADDRESS	INCORRECT ADDRESS	LOT	CORRECT ADDRESS	INCORRECT ADDRESS
1	3771 N	3371 N	53	3841 N	3441 N
2	3787 N	3387 N	54	3827 N	3427 N
3	3807 N	3407 N	*55	3813 N or 2152 W	3413 N no change
4	3817 N	3417 N	56	2168 W	no change
5	3827 N	3427 N	57	2188 W	no change
*6	3843 N or 2283 W	3443 N or no change	58	2202 W	no change
*7	3865 N or 2284 W	3465 N or no change	59	2216 W	no change
8	3877 N	3477 N	60	2232 W	no change
9	3891 N	3491 N			
10	3905 N	3505 N			
11	3913 N	3513 N			
*12	3931 N or 3947 N	3531 N or 3547 N			
13	3961 N	3561 N			
14	3967 N	3567 N			
15	3977 N	3577 N			
16	3976 N	3576 N			
17	3962 N	3562 N			
18	3958 N	3558 N			
19	3944 N	3544 N			
20	3930 N	3530 N			
21	3916 N	3516 N			
22	3902 N	3502 N			
23	3890 N	3490 N			
24	3878 N	3478 N			
25	3864 N	3464 N			
26	3848 N	3448 N			
27	3832 N	3432 N			
28	3820 N	3420 N			
29	3806 N	3406 N			
30	3794 N	3394 N			
*31	3789 N or 2149 W	3359 N or no change			
32	2163 W	no change			
33	2177 W	no change			
34	2189 W	no change			
35	2203 W	no change			
36	2217 W	no change			
37	2233 W	no change			
*38	3782 N or 2247 W	3382 N or no change			
*39	3808 N or 2246 W	3408 N or no change			

\* = Corner Lot

40	3818 N	3418 N
41	3834 N	3434 N
42	3848 N	3448 N
43	3862 N	3462 N
44	3878 N	3478 N
45	3894 N	3494 N
46	3904 N	3501 N
*47	3932 N or 3917 N	3532 N or 3571 N
48	3903 N	3503 N
49	3893 N	3493 N
50	3881 N	3481 N
51	3869 N	3469 N
52	3853 N	3453 N

**MONARCH MEADOWS PHASE II**

LOT	CORRECT ADDRESS	INCORRECT ADDRESS	LOT	CORRECT ADDRESS	INCORRECT ADDRESS
1	3761 N	3361 N	47	2233 W	no change
*2	3753 N or 2282 N	3353 N or no change	48	2295 W	no change
*3	3731 N or 2281 W	3331 N or no change	49	2207 W	no change
4	3727 N	3327 N	50	2189 W	no change
5	3695 N	3295 N	51	2167 W	no change
6	3681 N	3281 N	52	2159 W	no change
7	3665 N	3265 N	*53	3699 N or 2143 W	3299 N or no change
8	3651 N	3251 N	54	3685 N	3285 N
9	3633 N	3238 N	55	3673 N	3273 N
10	2271 W	no change	56	3657 N	3257 N
11	2251 W	no change	57	3631 N	3231 N
12	2237 W	no change	58	2158 W	2158 N
13	2221 W	no change	59	2166 W	2166 N
14	2205 W	no change	60	2180 W	2180 N
15	2191 W	no change	61	2196 W	2196 N
16	2177 W	no change	62	2206 W	2206 N
17	2161 W	no change	63	2220 W	2220 N
18	2137 W	no change	64	2234 W	2234 N
19	2129 W	no change	65	2252 W	2252 N
20	3628 N	3228 N	66	3660 N	3260 N
21	3648 N	3248 N	67	3674 N	3274 N
22	3662 N	3262 N	68	3684 N	3284 N
23	3678 N	3278 N	*69	3696 N or 2255 W	3296 N or no change
24	3694 N	3294 N			
25	3708 N	3308 N			
26	3728 N	3328 N			
27	3732 N	3332 N			
28	3748 N	3348 N			
29	3764 N	3364 N			
30	3780 N	3380 N			
31	3777 N	3377 N			
32	3763 N	3363 N			
33	3749 N	3349 N			
34	3733 N	3333 N			
*35	3727 N or 2144 W	3327 N or no change			
36	2156 W	no change			
37	2164 W	no change			
38	2182 W	no change			
39	2194 W	no change			
40	2212 W	no change			
41	2224 W	no change			
42	2238 W	no change			

\* = Corner Lot

*43	3728 N or 2254 W	3328 N or no change
44	3752 N	3352 N
45	3756 N	3556 N
46	3768 N	3368 N

**ORDINANCE 2007-3 CLOSING SHOOTING IN CEDAR CANYON AREA :**

Scott Garrett presented a proposed ordinance prohibiting shooting of firearms near the lower archery range in Cedar Canyon as directed by the Commission. The proposed ordinance will eliminate shooting on a 40 acre parcel of BLM property leased by the Archery Clubs of Cedar City.

Norman Forbush spoke in opposition to closing the area stating that it is near town and allows recreational shooting during short periods of time such as lunch hours whereas a trip to the shooting range at Three Peaks can be several hours. He suggested an alternative by closing a portion of the canyon now used for shooting and limiting the shooting to pistols.

The Commission responded that in previous meetings when this matter was discussed, it was determined that the only reasonable way to control shooting is to close the immediate area. The Sheriff has been instructed to search for another area near town that could be used for small arms target shooting.

Lois Bulloch then made a motion to adopt Ordinance 2007-3 as presented and authorize the Commission Chair to sign the ordinance. Second by Alma Adams.

**IRON COUNTY  
ORDINANCE NO. 2007-3**

**AN ORDINANCE OF IRON COUNTY, UTAH ESTABLISHING RULES REGULATING THE DISCHARGE OF FIREARMS WITHIN THE LOWER ARCHERY RANGE IN CEDAR CANYON; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Iron County desires to promote the safety and welfare of persons utilizing the Lower Archery Range in the Cedar Canyon Area;

**WHEREAS**, the Iron County Sheriff’s Department, in conjunction with the Bureau of Land Management, has recommended closure of the area surrounding the Lower Archery Range to shooters discharging firearms;

**NOW, THEREFORE**, The County Legislative Body of Iron County, Utah ordains as follows: That the following amendments to the Iron County Code are hereby approved:

**SECTION 1. SUBSTANTIVE PROVISIONS**

**Section 9.08.016** is added to the Iron County Code, to read as follows:

- A. It shall be unlawful for any person to discharge a firearm within or into the area surrounding the Lower Archery Range in Cedar Canyon, specifically described as follows: Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 17, Township 36 South, Range 10 West, SLB&M, Containing 40 acres more or less. Propelling an arrow by a bow shall not be considered a discharge of a firearm for purposes of this section. Any device or instrument loaded with powder or other explosive shall be considered a firearm for purposes of this section.
- B. Posting. The Iron County Sheriff's Department, in cooperation with the Bureau of Land Management, shall initially be responsible for posting signs in the restricted areas. Any and all subsequent maintenance, repair, and replacement of signs shall be the responsibility of the Archery Club.
- C. Any person who violates this section shall be guilty of a Class B Misdemeanor, punishable by imprisonment of up to six months in the Iron County Jail and a fine not to exceed one-thousand dollars, or both such imprisonment and fine.

#### **SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

#### **SECTION 3. AMENDMENT OF CONFLICTING ORDINANCES**

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

#### **SECTION 4. EFFECTIVE DATE**

Because this ordinance is necessary for the preservation of the health and safety of Iron County inhabitants, this ordinance shall take effect immediately upon its passage by a majority vote of the Iron County Board of County Commissioners and upon notice and publication as required by Utah Code Annotated § 17-53-208(6).

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this \_\_\_\_ day of \_\_\_\_\_, 2007.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Wayne Smith, Chairman

**ATTEST:**

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

VOTING:	AYE	NAY
Wayne A. Smith	<u>Aye</u>	_____
Lois L. Bulloch	<u>Aye</u>	_____
Alma L. Adams	<u>Aye</u>	_____

**PORT 15 SIGN DISCUSSION AND APPROVAL :**

Dale Brinkerhoff representing Port 15 came before the Commission to request approval of a plan to place a sign adjacent to SR 56 on County owned property.

Wayne Smith declared a conflict of interest because he is on the Board of Directors of Port 15. Alma Adams made a motion to approve leasing the County property for the sign to Port 15 to construct a sign. Second by Lois Bulloch. Voting: Wayne Smith, Abstain: Lois Bulloch, Aye; Alma Adams, Aye.

**DIGITAL DATA EXPORT POLICY :**

Erik Jorgensen met with the Commission to discuss digital data information requests from Land Title Companies and for entities requesting GIS information. He suggested that a price could be set to allow access for an annual fee or that data could be placed onto a disk each month and sold for a fee. Alma Adams made a motion to set the annual fee at \$1,000.00 for access to the web site data base and \$100.00 per disk for a monthly update of all data requested. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS :**

Neil Parry met with the Commission to explain a problem he is encountering with acquiring summer help for prairie dog technicians. SUU is paying more than the County and



qualified technicians are not willing to work for the current wage. He requested authorization to offer \$10.00 per hour for the summer to prospective technicians. Alma Adams made a motion to approve a salary offer for technicians at \$10.00 per hour to compete with the local market.

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

Toni Robinson also attended and requested that the Commission allocate additional prairie dogs so they can build a home on a lot in Parowan. She explained that they are near the top of the list for take.

The Commission took no action at this time, however, the matter will be placed on the next agenda for consideration.

**APPROVAL OF AUDIT ENGAGEMENT & CONSULTING AGREEMENT :**

Scott Garrett reviewed with the Commission a proposed audit engagement and consulting agreement with Wilson and Company. A concern was researched by the Attorney's Office and the engagement letter amended to allow for an annual review for a three year period. The County Attorney's office recommended approval.

Alma Adams made a motion to approve the engagement agreement with Wilson and Company as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PREDATOR CONTROL CONTRACT EXTENSION APPROVAL :**

An extension of the predator control contract for FY 2006-2007 was presented for approval and signatures. Alma Adams made a motion to approve the contract extension and authorize the Chair to sign. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

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

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**March 26, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 26, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

Absent:

Lois L. Bulloch	Commissioner
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**SYNOPSIS** :

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ANNEXATION NOTICE PARAGONAH .....	7
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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES March 12, 2007** :

Minutes of the Iron County Commission meeting held March 12, 2007 were approved as

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

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the book repair firm has been contacted regarding the restoration of books in the Recorder's Office. The covers are being prepared and the repair work will take place on site later this year on half of the books. The remainder will be repaired in 2008.

**Geri Norwood** reported that the Treasurer's Office has been on the Tyler computer program for about a month. There are still a few issues being worked on which results in double entering all transactions.

Geri also reported that the annual tax sale is scheduled for May 24. Currently there are a few parcels with buildings still on the list. The process of title searches and notifications of lien holders will be taking place in the next few weeks.

**Dennis Ayers** reported that the Assessor's Office is preparing for State Tax appeals during the next two weeks. He also reported that the Assessor's Association are reviewing legislation passed during 2007 to determine if key elements were left out or that need to be readdressed in the 2008 legislative session.

**Erik Jorgensen** reported that the Justice Court is now live on the Eagle software system. They are currently working on automatic ticket exchange which should be working within the next two weeks.

**David Yardley** reported that Pallidan Iron has applied for an encroachment permit to construct a power line to their new mill at Iron Mountain. Once the line is installed, work will begin on their new ore processing mill.

David also reported on attending meetings concerning the 2010 census. The LUCA program is an address verification process where residences will be identified so that complete census numbers can be obtained. It will require local participation to determine if all residences have been identified.

**Wayne Smith** reported on the Commissioners attendance at the NACO Legislative Conference. The meetings were very helpful and good progress was made on finding solutions to the prairie dog problems within the County. The Legislators were very receptive to getting a new HCP and preserve process in place.

**Kevin Thurman** discussed a proposed lease for a Port 15 sign along SR 56. The sign will be constructed so that it does not create a traffic hazard and will be in compliance with Cedar City's sign ordinance.

**PUBLIC HEARING ZONE CHANGE** :

Alma Adams made a motion to open a public hearing to receive comments on a proposed Zone Change from R-1 to R-1/2 located within Section 28, T35S, R11W. Requested by Joe and Sally Melling. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

Chad Nay reported that the property is located adjacent to Flying L Subdivision and also on the west side of 2300 West. The property is in a Tier 2. The Planning Commission recommended denial of the zone change because Cedar City has not responded regarding the possibility of annexing this area.

Joe Melling explained the proximity to current Cedar City municipal boundaries. Currently the property is not contiguous but with one proposed annexation Cedar City is considering it could be annexed.

Teresa Harrison, a resident of Flying L Subdivision requested the request be denied and for the property adjacent to Flying L remain R-1.

Milt Chrissman submitted letters from himself and Chapman's requesting that the property remain R-1 to maintain the country atmosphere of the area.

Garth Carter, Flying L Homeowners Association, stated that the Homeowners were not opposed to the zone change on the parcels located on the West side of 2300 West street. They would like the parcel situated between Flying L to remain R-1.

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

Alma Adams then made a motion to table action on the proposed zone change to allow Melling's an opportunity to pursue annexation into Cedar City. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**PUBLIC HEARING ZONE CHANGE :**

Alma Adams made a motion to open a public hearing to receive comments on a proposed Zone Change from R-5 to R-1/2 within Section 15, T35S, R11W. Requested by Six-Man-Development. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

Chad Nay reviewed the proposed zone change map and the proximity to the Stevensville Ditch which is a designated flood channel for Coal Creek. Steps will be taken to maintain the flood channel and to minimize flooding risks to adjacent properties. The Planning Commission has recommended approval of the zone change.

Lonnie Woolf, an adjacent property owner expressed concerns with future roads as outlined on the development plan and also safety concerns with flood channels and irrigation ponds in the area becoming an "attractive nuisance" to small children within the subdivision. He also expressed concern with water issues for existing area residents and dust control during construction of the subdivision.

The Commission responded that several of these issues will be addressed at the Subdivision phase of the process before the Planning Commission. They recommended that he attend those hearings and express concerns at that time.

Alma Adams made a motion to close the public hearing and to approve the zone change as requested. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**REQUEST FOR PRAIRIE DOG NON PERMANENT TAKE :**

Questar Gas represented by Gae Lynn Froyd came before the Commission to request a

non permanent take approval for one prairie dog on a gas line installation project in Cedar City. The project, adjacent to the Iron County School Bus Garage, was installed to upgrade existing service in this area. Because of personnel changes at Questar, a permit was not obtained prior to the installation.

Alma Adams made a motion to approve one non permanent take prairie dog for the Questar project. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**APPEAL OF CONDITIONAL USE PERMIT** :

Andrew and Diana Callahan requested an amendment to a conditional use permit for an Outdoor Recreation (Motor Sports Park) located at 2450 W 800 South, Beryl, UT Within Sec 2, T36S, R 17W. Mr. Callahan requested that all conditions except number 1 be removed. He reviewed each of his concerns with fencing, lighting, hours of operation, rest room facilities, crowd control, dust control and food services.

After listening to his concerns, Alma Adams made a motion to table the matter and refer it back to Zoning Administration Staff for a review of Mr. Callahan's concerns. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**APPEAL OF CONDITIONAL USE PERMIT** :

David W. Benson representing himself and Bret R. Murie requested an amendment to a conditional use permit issued for a Guest Ranch located at 11500 W Hwy 56, Cedar City, UT Within Sections 33 & 34, T 36S, R13W.

Chad Nay reported that all issues have been addressed except requirement number 9 which requires that the premises be owner occupied.

After reviewing the request, Alma Adams made a motion to amend item 9 to not require the premises be owner occupied. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented for approval new employees Scott Willis as a part time custodian at the Senior Center in Cedar City; Blaine Cox as a temporary prairie dog technician; and Adam Kavalunas as a temporary prairie dog technician. Alma Adams made a motion to approve the hires. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

Colette presented Scott Craft for a promotion from EMT Basic to EMT Intermediate. Alma Adams made a motion to approve the promotion. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**CLOSED MEETING** :

Alma Adams made a motion to convene in closed meeting to discuss personnel matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

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

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

Dated this 26<sup>th</sup> day of March, 2007.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**PUBLIC HEARING AGRICULTURAL PROTECTION AREA :**

Alma Adams made a motion to open a public hearing to receive comments regarding a request by T W Jones & Sons for the designation of an agricultural protection zone on 23 parcels located within: Sec 4, 5, 6, 7, 16, T36 S, R15W; Sec 8, 9, 10, 15, 18, 19, 20, 21, 22, 30 T36S, R16W; Sec 24 & 25, T36S, R17W. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

Steve and Mason Jones asked a question regarding the ability to remove specific parcels at a later date without disturbing the remaining APA. They were informed that the law allows for a property owner to request removal of the APA at any time on any parcel.

David Yardley reported that the Agricultural Protection Board and the Planning Commission have submitted letters with findings as follows:

1. the land is currently being used for agriculture production.
2. the land is zoned for agriculture use.
3. the land is viable for agriculture production.
4. the extent and nature of existing or proposed farm improvements or the extent and nature of existing or proposed improvements are in compliance with existing standard agricultural practices and proposed improvements will be to further comply with best agricultural practices
5. anticipated trends in agricultural and technological conditions continue to show this is a viable agricultural operation.

After all comments, both written and oral were heard and discussed, Alma Adams made a motion to approve the agricultural protection area for T W Jones & Sons as requested, and to authorize a notice to be mailed to the Utah Department of Agriculture as required by statute. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**COMMUNITY DEVELOPMENT BLOCK GRANT SECOND PUBLIC HEARING:**

Commissioner Wayne Smith, opened the second public hearing at 2:00 p.m. for the CDBG program. Commissioner Smith stated that this hearing is being called to allow all citizens to provide input concerning the project which was applied for under the 2007/2008 Community Development Block Grant Program. The county has amended its capital investment plan and decided to apply for funds on behalf of the Iron County Council on Aging, Parowan Senior Citizen Center located approximately 715 N 300 East, Parowan, UT. The Commissioner introduced Connie Lloyd from the Iron County Council on Aging, Parowan Senior Citizen Center. The Commissioner explained that the application was successful in the regional rating and ranking process and the Parowan Senior Citizen Center was approved for a Grant Award of \$150,000 for 2007 and an additional grant of award of \$150,000 for 2008. The Commissioner explained the project to those in attendance.

The Commissioner then asked for any comments, questions and concerns from the audience. The only comment came from Mr. Ronald Johnson, who wanted to know if the location of the proposed senior center will interfere with a future expansion of the existing ambulance garage which is located adjacent to the project and was also constructed with CDBG funds. The Commissioner indicated that the site is being reviewed at this time but future expansion of the ambulance garage is one of the considerations being considered in the plot plan. Since the property is being donated by Parowan City a compatible site will be located on the parcel.

The Commissioner stated that copies of the capital investment plan are available if anyone would like a copy. There were no more comments and the hearing was adjourned at 2:30 p.m.

**SITLA RANGE IMPROVEMENT PROJECT #287 :**

A proposed range improvement on a parcel of SITLA owned property where Bracken's will be allowed to drill a well and install a water trough for livestock was reviewed by the Commission. The proposal has been reviewed by Art Tait who reported that he is in favor of the project as long as all parties are aware that there is a four wheeler trail adjacent to the project. Alma Adams made a motion to approve the project. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS :**

Neil Parry met with the Commission to discuss proposed prairie dog take. David Yardley reported that Mike Marsenich, which had been approved for 1.8 permanent take dogs has decided to postpone his project indefinitely and will reapply when he is ready to build or he will sell the property as is.

David Weller was contacted by phone to determine if he is able to proceed with his project immediately. He requested that he be allowed to pass for 2007 but to stay on the take list.

Toni Robinson is next on the list and has requested approval of 4.8 dogs for a home project in Parowan. Alma Adams made a motion to approve take of 4.8 dogs for Toni Robinson. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

Neil Parry requested the Commission consider funding transportation costs to relocate trapped prairie dogs this summer. He explained that DWR has not budgeted sufficient funds to transfer dogs to an area in Garfield County and that there are no suitable sites ready for transplants in Iron County this year. No action was taken on this request at this time.

**FAIR MATTERS** :

The Commission discussed with Art Walunas concerns with the Miss Iron County Pageant. The pageant directors want assurances that the pageant will be covered under the County liability insurance. David Yardley reported that in conversation with UCIP staff, where the County just donates funding with no oversight or controls, that the pageant would not be included in County coverage. In order to be covered it would be required that all activities and funding would be controlled by the County.

Art also discussed additional funding for prior year pageants as the pageant operates on credit and pays prior year expenses with current year funds. The Commission took no action on this budget amendment request.

**LEVAN TV SITE LEASE APPROVAL** :

A site lease for a TV Transmitter system at Levan Peak was approved on a motion by Alma Adams. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye. The site will be constructed this summer and will allow for access control of our TV Transmitter system.

**ANNEXATION NOTICE PARAGONAH** :

A proposed annexation of property West of 300 West in Paragonah was reviewed. Alma Adams made a motion not to oppose the annexation. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**ANNEXATION NOTICE CEDAR CITY** :

A proposed annexation of property along 1600 North and West of Williams Lane was reviewed by the Commission. The Commission was opposed to the annexation as presented because it creates islands and peninsulas. The matter was referred to Chad Nay and Reed Erickson to determine if a solution could be reached with Cedar City.

**SURPLUS PLAT MAP BID APPROVAL** :

Bids for the purchase of surplus 2006 plat maps were opened as advertised. ERA Realty bid \$2,000 for one set. Alma Adams made a motion to approve the bid of ERA Realty for their choice of available sets. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**COUNTY BOARD APPOINTMENTS** :

Names were submitted by Lois Bulloch to replace Larry Brough, Enoch and Tammy Boshardt, Beryl as members of the Bookmobile Library Board. Names submitted for consideration were Jill Schill, Newcastle and Betty Jo White, Enoch. Alma Adams made a motion to appoint Jill Schill to replace Tammy Boshardt and Betty Jo White to replace Larry Brough. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.



**CELL PHONE ALLOWANCE DISCUSSION PART TIME EMPLOYEES :**

Pauline Applegate has requested clarification of County policy for part time employees which receive a cell phone allowance. After the matter was discussed, Alma Adams made a motion to approve up to ½ of the annual allowance for part time employees. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**REVISION OF COUNTY NUISANCE ORDINANCE \_\_\_\_\_ :**

Kevin Thurman presented the Commission with some proposed amendments to the nuisance ordinance which will make the process easier to administer and to allow problems to be remedied. The Commission questioned proposed amendments including not allowing construction equipment to be parked for extended periods on property. They requested this only refer to residential zones. Alma Adams also questioned animal and livestock noise being included in the nuisance ordinance.

Kevin will continue to work on amendments and will present them for review prior to an ordinance is presented for approval.

**BACK UP GENERATOR FOR COURTHOUSE DISCUSSION \_\_\_\_\_ :**

David Yardley reported that a used diesel 200 KW generator is available in Panguitch and has been offered to the County for \$25,000. The generator is large enough to operate the Courthouse in a power outage and would replace the unworkable smaller generator now in place. Commissioner Smith requested that other sources be explored to determine if the generator is adequate or if other generators are available at a lower price.

Erik Jorgensen stated that it would be very helpful to have a back up power source to maintain computer servers in a power outage and to allow courthouse operations to continue uninterrupted.

**REPORT ON TAX EXEMPTIONS \_\_\_\_\_ :**

Christene Keene reported that the two religious charitable organizations that had not submitted applications for tax exemptions have since completed the applications and qualify for exemption. Alma Adams made a motion to approve the exemption for the Church of Christ in Cedar City and Grace Christian Church in Parowan. Second by Wayne Smith. Voting: Wayne Smith, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

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

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 9, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 9, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

<b><u>SYNOPSIS</u></b>	<b>:</b>
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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES March 26, 2007** :

Minutes of the Iron County Commission meeting held March 26, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported that Steve Decker has been selected as Librarian of the Year for the State of Utah. He has also been elected as the president of the State Librarian's Association.

**Alma Adams** reported that he attended the Utah Prairie Dog Research Conference in Salt Lake City. The scientists involved are recommending the standards for recovery be amended to move from stable colonies of 813 to stable colonies of 1,000.

Alma also reported that the Weed Board has recommended that the bull thistle be added to the County noxious weed list to allow for control measures on areas of the Dixie National

Forest which were burned in a forest fire. The matter will be placed on the next agenda for consideration.

**Wayne Smith** reported that he has discussed the prairie dog transplant program with Reed Harris expressing concerns with the lack of support in the transplant program and the lack of development of transfer sites on BLM and Forest Service areas.

**ANTELOPE VALLEY INDUSTRIAL MINOR LOT SUBDIVISION** :

Chad Nay reviewed the proposed Antelope Valley Industrial minor lot subdivision located approximately 10 miles west of Cedar City within Sec 18, T35S, R12W. Improvements and infrastructure are in place and the Planning Commission has recommended approval. The area is zoned industrial and the General Plan encourages this type of development in this zone.

Alma Adams made a motion to approve the preliminary and final plats of Antelope Valley Industrial Minor Lot subdivision as presented and recommended by the Planning Commission. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**IRON COUNTY EMERGENCY SERVICES** :

Charlie Morris met with the Commission to discuss several items regarding parks and recreation. He explained the need for a vehicle for the seasonal worker, who currently uses his own vehicle. He also explained the need for storage space for emergency management material. Currently he is storing the material in the common office area in the Fiddlers building. He suggested that a storage unit may be better suited for storage of the material. Charlie also discussed the need for information signs at Three Peaks and Woods Ranch.

A budget adjustment for a seasonal employee was also discussed. In budget interviews the need for an employee from early spring until the end of the season was discussed. The hiring of a seasonal worker was previously approved, however funding will expire in July. He requested additional funding to keep the part time employee until at least October 1.

The matters were taken under advisement for further research and discussion.

**PRAIRIE DOG TAKE REQUEST** :

David Weller, Nichols Landing Subdivision, met with the Commission with a request to amend his take request from a pass for 2007 to granting the take of 6 prairie dogs for development of 1.4 acres of roads. Dates are critical as April 1 is the deadline when spring counts take effect. The request was submitted March 23 and action on the request was not possible prior to April 1. The DWR reviewed the request after April 1 and found that spring counts would require additional dogs.

Alma Adams made a motion to approve the take of 6 prairie dogs effective March 31 as the request was made in a timely manner. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ORDINANCE 2007-5 TRANSPORTATION CORRIDOR PRESERVATION** :

Kevin Thurman introduced the following ordinance for consideration explaining the purpose of the fund, approval procedure for expenditures from the fund, and timing issues for

adoption. Code allows the ordinance to go into effect only one time per year, July 1. The State Tax Commission requires notification by April 1 that the fee is to be collected which notice has been given contingent upon approval of the Commission.

The Commission requested numbers from the Assessor's Office. Dennis Ayers reported that it appears adopting this ordinance will affect about 45,000 vehicles annually. After reviewing options and concerns, Lois Bulloch made a motion to adopt ordinance 2007-5 as presented. Second by Alma Adams.

**IRON COUNTY  
ORDINANCE NO. 2007-5**

**AN ORDINANCE OF IRON COUNTY, UTAH ADOPTING A LOCAL OPTION  
TRANSPORTATION CORRIDOR PRESERVATION FEE; PROVIDING FOR  
REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, the Utah State Legislature has authorized counties to impose a Local Option Transportation Corridor Preservation Fee of up to Ten Dollars (\$10.00) on each motor vehicle registration within the county; and

**WHEREAS**, the purpose of the tax is to create a Local Option Transportation Corridor Preservation Fund for the purpose of funding to preserve transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the State in a manner that minimizes impact on prime agricultural land; and

**WHEREAS**, the fees should be imposed, collected, and used, pursuant to Sections 72-2-117, 72-2-117. 5, and 41-1a-1222, Utah Code Annotated, 1953, as currently amended; and

**WHEREAS**, the County Commission of Iron County, has determined that it is both necessary and appropriate for the County to impose this fee as prescribed by law.

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

**SECTION I**

**Repealer.** If any provision of the County Code heretofore adopted is inconsistent herewith it is hereby repealed.

**SECTION II**

**Enactment.** Title 3, Chapter 22, of the County Code is hereby enacted as follows:

**Chapter 3.22**

## LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FEE

### Sections:

- 3.22.010 Title of provisions.**
- 3.22.020 Statutory authority.**
- 3.22.030 Purpose.**
- 3.22.040 Local Option Transportation Corridor Preservation Fee.**
  
- 3.22.050 Exemption to the Local Option Transportation Corridor Preservation Fee.**
- 3.22.060 Use of the Local Option Transportation Corridor Preservation Fee.**
- 3.22.070 Notice.**
- 3.22.080 Effective date.**

### **3.22.010 Title of provisions.**

This Chapter shall be known as the “Local Option Transportation Corridor Preservation Fee” ordinance for Iron County.

### **3.22.020 Statutory authority.**

The Utah State Legislature has authorized counties to enact a Local Option Transportation Corridor Preservation Fee that may be collected at the time application is made for registration or renewal of registration of a motor vehicle under assessment and collection of fees pursuant to Sections 72-2-117, 72-2-117.5, and 41-1a-1222, Utah Code Annotated, 1953, as currently amended.

### **3.22.030 Purpose.**

The ordinance codified in this chapter is enacted to provide the county the procedural and fiscal wherewithal to preserve transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner which minimizes impact on prime agricultural land.

### **3.22.040 Local Option Transportation Corridor Preservation Fee.**

There is hereby assessed upon each motor vehicle, at the time application is made for registration or renewal of registration of a motor vehicle, a fee of Ten Dollars (\$10.00).

### **3.22.050 Exemption to the Local Option Transportation Corridor Preservation Fee.**

A motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3), Utah Code Annotated, 1953, as currently amended, is also exempt from this Local Option Transportation Corridor Preservation Fee. A commercial motor vehicle with a portioned registration under Section 41-1a-301, Utah Code Annotated, 1953, as currently amended, is exempt from the Local Option Transportation Corridor Preservation Fee.

### **3.22.060 Use of the Local Option Transportation Corridor Preservation Fee.**

The revenue generated from collection of the fee shall be:

- (1) Deposited in the Local Option Transportation Corridor Preservation Fund created in Sections 72-2-117 and 72-2-117.5, Utah Code Annotated, 1953, as currently amended; and
- (2) Used and distributed in accordance with Section 72-2-117.5, Utah Code Annotated, 1953, as currently amended.
- (3) The Iron County Commission shall, upon finding that the requirements of Section 72-2-117.5, Utah Code Annotated 1953, as amended, are met, approve the expenditure of funds from the Local Option Transportation Corridor Preservation Fund.

**3.22.070 Notice.**

Notice shall be given by the County before a fee is enacted, changed, or repealed. The notice shall include:

- (1) A statement that Iron County will enact, change, or repeal the fee;
- (2) The amount of the enactment or change in the fee; and
- (3) A copy of the ordinance imposing the fee.

**3.22.080 Effective date.**

This Chapter shall become effective as of the 1<sup>st</sup> day of July, 2007.

**SECTION III**

**Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION IV**

**Effective Date.** This Ordinance being necessary for the peace, health, and safety of the County, shall become effective on July 1, 2007.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 9<sup>th</sup> day of April, 2007.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Wayne A. Smith, Chairman

**ATTEST:**

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

**VOTING:**

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

**RESOLUTION 2007-4 IRON COUNTY CONSTRUCTION & DESIGN STANDARDS :**

A resolution to amend the Iron County Subdivision construction and design standards was tabled without action for further refinement and review.

**PORT 15 UTAH LEASE APPROVAL :**

Kevin Thurman reviewed a proposed lease agreement with Port 15 for a site to construct a sign near 5300 West and SR 56. The sign will be constructed in accordance with Cedar City sign ordinance and in compliance with UDOT standards. The property is an abandoned approach to SR 56 which is not suitable for another purpose. Alma Adams made a motion to approve the lease for a five year period with an option to renew for a fee of \$500 annually. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Dale Brinkerhoff, representing Port 15, presented a check for \$2,500 for the lease payment for the full five years.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval new employees Carla Fullerton as an outreach worker for the Council on Aging in Parowan and Porfirio Romero as a driver at the Senior Citizen Center in Cedar City. Lois Bulloch made a motion to approve the hiring as presented and upon a satisfactory result of pre employment drug tests. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval a job description for a Certified Nursing Assistant at the Jail. The position would be a grade 13. Colette also presented for approval Brent Cowley for this position.

Alma Adams made a motion to approve the amendment to the job description which amended the grade for a CNA at the jail and to approve Brent Cowley upon a satisfactory result of a pre employment drug test. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also reported on a meeting of the Employee Safety Committee in which goals were outlined. The included appropriate safety signs and instruction on use of safety equipment; proper MSDS documentation; lock out tag out training; new employee safety handbook; traffic control training; having a first aid kit available in each work area; regular safety meetings; emergency evacuation plans and procedures; fire extinguisher training and availability; and development of a county and department safety manual.

**CLOSED MEETING :**

Alma Adams made a motion to convene in closed session to discuss personnel matters in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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

I, Wayne A. Smith, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Closed Meeting convened was conducted in accordance with Utah

Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Dated this 9<sup>th</sup> day of April, 2007.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**PRAIRIE DOG MITIGATION BANK UPDATES, WATER HOLLOW :**

Lou Brown, Ron Torgerson, and Kim Christie, SITLA representatives; Dennis Stowell, State Senator; and Elise Boke, USFWS (by Phone) discussed a proposed SITLA prairie dog bank at Water Hollow in Beaver County. They also discussed count ratio being required by USFWS to a 2:1 ratio which would increase the costs per dog from SITLA to near \$4,000 per dog. Water Hollow could yield about 12 dogs. Commissioners expressed concern with the ratio change and requested that this position be reviewed to allow for a 1:1 ratio as approved in the past. Ms. Boke explained that this gives a negative impact on the efforts to recover the species because dogs currently exist at both sites. When a bank dog is taken it results in no increase at the bank site but a decrease in the take site.

Mr Brown also explained that review of possible bank sites on the Parker Mountain area could yield additional dogs which could be approved as early as July.

Mr. Brown explained concerns with the methods being used on Parker Mountain by DWR in conducting counts. SITLA technicians surveyed areas and found significant differences in their counts. This raises concerns with counts being conducted through the range of the prairie dog.

**IRON COUNTY FAIR PARADE REGULATIONS :**

Art Walunas, Fair Director and Terri Peterson, UDOT, met with the Commission to discuss UDOT regulations regarding throwing candy from vehicles and floats at the Fair parade. The parade permit prohibits throwing items during the parade. The parade participants may distribute candy etc. along the parade route by walking along the white line. The Sheriff was requested to handle enforcement of this rule during the parade.

**MISS IRON COUNTY PAGEANT :**

Art Walunas, Fair Director, Marijeanne Burgess and Linda Wilson discussed concerns with the operation of the pageant. They requested clarification of insurance coverage by the County. David Yardley explained that since they receive funding separately which is not audited or administered by the County, they do not qualify for coverage. Only directly sponsored events are covered by liability insurance. He also explained that coverage could be obtained through the TULIP program of UCIP. An alternative would be to place the event under the control of the County where all funds are run through the Auditor's office.

Debt from previous pageant's was also discussed. Currently the fund shows a deficit of \$3,135 from expenditures for participation in the various events of Miss Iron County.

**CLOSED MEETING :**

Alma Adams made a motion to convene in closed session in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.



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

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

Dated this 9<sup>th</sup> day of April, 2007.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**CEDAR CITY ANNEXATION REVIEWED BY COUNTY ATTORNEY :**

Kevin Thurman reported that the Cedar City Attorney has been contacted regarding current annexation procedures in which islands and peninsulas are being created through a hopscotch approach. Kevin was requested to draft a letter to Cedar City to request to attempt to eliminate existing islands and to attempt to square boundaries in future annexations.

**U of U SCHOOL ON ALCOHOLISM AND DRUGS SCHOLARSHIP APPROVAL :**

The Commission reviewed applications for approval to attend the University of Utah School on Alcoholism and Drugs training in June. Richard Harris and Linda Harris have submitted applications as they are involved in leading a 12 step program in northern Iron County. Alma Adams made a motion to approve scholarships for Richard and Linda Harris as requested. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

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

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 23, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 23, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES April 9, 2007** :

Minutes of the Iron County Commission meeting held April 9, 2007 were approved as amended on a motion by Lois Bulloch . Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

## ELECTED OFFICIALS REPORTS :

**Gene Adams** reported that the Auditor's Office is working on the fixed asset program in compliance with GASBY 34 regulations. This must be completed in time for the independent audit. They are also preparing for the annual tax sale scheduled for May 24.

**Dennis Ayers** reported that the Assessor is in the process of hiring a part time person for the Cedar City Motor Vehicle office.

**Geri Norwood** discussed the annual tax sale procedure. Title searches have been completed and notices are being prepared for lien holders. Currently there are 113 parcels still on the list to be sold at the tax sale.

**Erik Jorgensen** reported that Incode personnel were in Iron County this week installing upgrades for a paperless solution for some offices and also upgrading the financial program to version 6.0. Erik also discussed a payment on line option available which could be implemented for the payment of fines in the Justice Court and also for the payment of taxes. Implementation of this option will be coordinated with the Treasurer's and Auditor's Offices.

**David Yardley** reported on the election process with municipal elections this year. Cities and Towns will be having a primary and general election which will require coordination through the Clerk's Office. The presidential primary scheduled for March 5 will be funded through the State and may contain a referendum issue on school vouchers.

**Kevin Thurman** reported that Adam Christian has resigned effective April 20 so the Attorney's Office is starting the process of hiring a replacement.

Kevin also discussed a lawsuit filed by Norm Hollingsworth for inverse condemnation of property which was encroached upon by the development of a flood channel in Parowan City but constructed by County workers.

**Lois Bulloch** reported that the Utah State Parks are celebrating their 50<sup>th</sup> anniversary on May 15 at Iron Mission State Park. She also reported that as a member of the Board of Directors of the Utah State Parks, a vote was taken to not allow an office building to be constructed at the "This Is The Place" State Park. This has been an item of controversy for some time in the Salt Lake area.

**Alma Adams** reported that David Burton, a local livestock owner has requested a change of use on his Dixie National Forest allotment from sheep to cattle. He received a letter stating that this is not possible. A meeting has been scheduled for April 24 to discuss the matter with the district forest ranger. He invited the Commission to attend the meeting.

Alma also reported that Cedar City is planning to purchase a new fire truck a portion of which will come from County funds.

**Wayne Smith** thanked the staff and elected officials for the work they do for the County.

## STATE DIRECTOR'S PUBLIC LAND PARTNER AWARD PRESENTATION :

Todd Christensen and Wade Judy representing the BLM presented the Commission a Public Lands Partner award to the County in appreciation of their support and help in developing

the Three Peaks Recreation Area. They also thanked the Sheriff's Office for their support in patrolling the Three Peaks area.

**ORDINANCE 2007-4 SUBDIVISION ENTRANCE SIGNS :**

Reed Erickson presented a proposed ordinance governing the construction and maintenance of subdivision entrance signs. After reviewing the language of the proposed ordinance and making minor language adjustments Lois Bulloch made a motion to adopt Ordinance 2007-4 as amended. Second by Alma Adams.

**IRON COUNTY, UTAH**

**ORDINANCE 2007-4**

**AN ORDINANCE OF IRON COUNTY, UTAH, PROVIDING FOR AMENDMENTS TO THE ZONING ORDINANCE OF IRON COUNTY, UTAH (the "Zoning Ordinance") REGARDING ENTRANCE SIGNS FOR SUBDIVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in order to provide for the health, safety and general welfare of the citizens of Iron County, Utah, the County Commission is committed to establish and keep current a Zoning Ordinance that specifies land use regulations and standards; and

**WHEREAS**, on April 13, 1998, the County Commission adopted the Zoning Ordinance of Iron County, Utah in accordance with the provisions of Utah Code Annotated relating to the adoption and content of Zoning Ordinances in the State of Utah; and

**WHEREAS**, since the adoption of the Zoning Ordinance, changes have occurred in the land use patterns, demand for and potential supply of high quality real estate development located in the unincorporated areas of the County; and

**WHEREAS**, the County has determined that it needs to make provision for subdivision entrance signs and monuments on the condition that those signs and monuments demonstrate the ability to meet the purposes and intent of the Iron County Land Management Code; and

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments and has forwarded a recommendation to the County Commission that the Subdivision Entrance Signs Ordinance Amendment to the Zoning Ordinance of Iron County, Utah be adopted; and

**WHEREAS**, the County Commission of Iron County, Utah has held a duly advertised and noticed public hearing on the proposed Subdivision Entrance Signs Ordinance Amendment

to the Zoning Ordinance of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments.

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

**SECTION 1. SUBSTANTIVE PROVISIONS**

1. The document “Subdivision Entrance Signs Ordinance Amendment of Iron County, Utah” attached hereto is hereby adopted, with necessary formatting, grammatical and spelling revisions as required.
2. The provisions of “Section 1107 - Fences, Walls and Hedges:”, attached hereto are hereby amended and adopted with necessary formatting, grammatical and spelling revisions as required.
3. All ordinances adopted subsequent to the “Subdivision Entrance Signs Ordinance Amendment” and “Section 1107 - Fences, Walls and Hedges:”, shall comply with the goals and policies of the General Plan of Iron County, Utah, as amended, and the Iron County Zoning Ordinance, as amended.

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. AMENDMENT OF CONFLICTING ORDINANCES**

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

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall take effect upon publication in the manner provided by §17-53-208 (6), Utah Code Annotated 1953, as amended.

**PASSED, APPROVED AND ADOPTED BY THE COUNTY LEGISLATIVE BODY OF**

IRON COUNTY, UTAH this 23<sup>rd</sup> day of April, 2007.

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

By: \_\_\_\_\_  
Wayne A. Smith, Chairman

**ATTEST:**

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

**VOTING:**

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

**Subdivision Entrance Sign Ordinance Amendment of Iron County, Utah**

**SECTION 1603. SUBDIVISION ENTRANCE SIGNS.**

**Section 1603-1. Purpose and Intent.**

The subdivision entrance sign provisions are for the design and construction of subdivision entrance signs and monuments; that encourage creativity in subdivision entrance design and layout, and provide for attractive gateways or points of entry into subdivision developments for high quality real estate development. To this end, the proposed subdivision entrance sign or monument should be planned as a unified concept and architectural theme rather than an aggregate of individual styles or unrelated themes. It should be tastefully done to extend the architectural imagery of the development and community into the landscape.

**Section 1603-2. Use Regulations.**

Subdivision entrance signs are allowed in the Residential R-½, R-1, R-2, R-5 and Agricultural A-20 zoning districts. Notwithstanding any other provisions of the Iron County Subdivision and Zoning Ordinances regarding fencing and setbacks, a subdivision entrance sign and landscape materials utilized for any subdivision entrance may exceed fencing height limitations otherwise set forth in the Land Management Code.

**Section 1603-3. General Requirements.**

(A) Subdivision entrance signs must not be visually obtrusive upon adjacent properties or public streets, be incompatible with the character of existing or anticipated surrounding development, or conflict with other goals and policies of the county.

(B) Signs and monuments may be located within yard setbacks, provided the entrance signs are constructed of non-flammable materials and the construction, design and engineering is in accordance with Iron County Building Standards, and all necessary easements from private lots are obtained. Sign structures (free-standing, monuments or fences and walls) shall first obtain a building permit.

(C) All entrance signs shall provide and maintain clear vision of all intersecting traffic (maintain sight triangle of 40 feet by 40 feet along street and driveway, for structures and landscaping). Entrance signs may be considered a free standing sign or monument that is not part of a perimeter fence or may be included within and a part of a decorative wall or fence structure.

(D) Entrance signs and/or sign structures shall not exceed 12 feet in height, measured from natural ground level. Entrance signs or sign structures shall not extend over the entrance road or driveway of the subdivision or extend into the public right-of-way or subdivision entrance street or driveway.

(E) A landscaped area shall be provided surrounding the base of an entrance sign. The minimum size of such area shall be four (4) square feet for each one (1) square foot of sign area. Appropriate landscape groundcover may include any combination of shrubs, vegetative groundcover, other than grass, and/or landscape rock. Landscape areas shall be maintained by the home owners association or other County Commission approved organization or entity.

(F) The height of wall-mounted signs shall be no greater than ten feet above grade. Two freestanding or wall-mounted signs, or one of each, may be allowed per public street entrance, provided the combined area of both signs (symbols, logo and printed text, not including background structure) is not greater than 120 square feet. Signs must be located at the entrance to the subdivision and may not be located off-site.

(G) Only the subdivision name and logo and any symbols indicating compliance with or participation in a governmentally sponsored or mandated fair housing practices program or code may be placed on any entrance sign.

(H) Where such signs are to be illuminated, only external illumination shall be permitted and the size, placement, and number of luminaries, shall be minimal, shall establish directional lighting (shall not extend above the height of the sign, in the spirit of downward directional lighting so as not to pollute the night sky), and shall not shine into oncoming traffic or nearby residences.

(I) Signs must be made from durable materials such as masonry, cultured stone, rock or metal. Wood signs are not permitted. Signs must be designed to minimize the potential for vandalism and to prevent them from falling into disrepair.

(J) There must be provisions for long-term maintenance of entrance signs, fences or walls and landscape areas by a homeowners association or other County Commission approved organization or entity.

**Section 1107 Fences, Walls and Hedges:**

Fences, walls and hedges shall not exceed eight (8) feet in height, unless specifically approved by the Iron County Planning Commission.

END OF ORDINANCE:

**CEDAR HIGHLANDS ROAD MATTERS :**

Gary Rosenfield, Cedar Highlands Homeowners Associates met with the Commission to request a modified Special Improvement District to improve the roads in the Cedar Highlands Subdivision to a County gravel standard. The Commission explained that because of ownership questions on the roads due to wording on the filed subdivision plat, there is a question of how to proceed. There is also a problem with the Greens Lake Road leading to the subdivision. The Commission also discussed the need to realign the Greens Lake road leading to the subdivision to comply with County road standards and also to reduce traffic hazards due to narrow, steep roads. The matter was referred to Steve Platt and Gary Rosenfield to discuss road alignment with the BLM.

**TEMPORARY PRAIRIE DOG PERMIT EXTENSION :**

Adam Lenhard, Trophy Homes representative met with the Commission to request a sixty day extension of the prairie dog permit due to storm drain issues being addressed by Cedar City. The issue was not known at the time the permit was issued and it is expected to be resolved and construction begun within the sixty day extension. Alma Adams made a motion to approve the extension as requested and to authorize a letter to DWR informing them of the extension. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**DEFERRAL OF PROPERTY TAXES :**

Nolan Zuniga requested a deferral of property tax for property in Enoch which he is purchasing from his mother. He has submitted the necessary paper work on the application, however the listed property owner, Mrs. Zuniga has not signed the notice and agreements. Lois Bulloch made a motion to approve the tax deferral provided Mrs. Zuniga signs the appropriate documents and with a finding that it is in the best human interest and that the County will not be harmed by granting the deferral. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**DEFERRAL OF PROPERTY TAXES :**

A tax deferral request submitted by James R. and Dawn R. Ellingson on their home in Parowan Valley was reviewed. Since there is a mortgage company involved, it was determined to table the request to notify the mortgage company and to see if Ellingson's could find outside financing. The matter will be placed on the next agenda for further review.

**IRON COUNTY COUNCIL ON AGING :**

Connie Lloyd and Robert Mercer met with the Commission to discuss plans for the Parowan Senior Citizen Center. The plan is to build the center on property adjacent to the



existing ambulance garage. A proposed site plan was reviewed in which future expansion of both the ambulance garage and the senior center was discussed. Another issue, sewer availability was also discussed. Parowan City is surveying a line to see if it is feasible to run a lateral line to existing sewer trunks.

**RESOLUTION 2007-4** :

Reed Erickson presented Resolution 2007-4 which outlined changes in construction and design standards for subdivisions. The resolution has been recommended for approval by the Planning and Zoning Commission. Lois Bulloch made a motion to adopt Resolution 2007-4 as amended. Second by Alma Adams.

**Resolution No. 2007- 4**

**A Resolution Amending the Iron County Subdivision Construction and Design Standards**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Iron County Subdivision Construction and Design Standards, as adopted November 28, 2005 by the Iron County Commission, be amended as follows:

**Section 104, Guarantee of Performance and Section 108 (3), Inspection of Subdivision Infrastructure**, are hereby repealed and replaced with the following:

**Section 104 Guarantee of Performance:**

Before final plat approval by the County Commission, the developer/subdivider shall guarantee the completion of improvements required under this Chapter within the time frames outlined in this Section and that the improvements will be maintained in a state of good repair and free from defective material or workmanship for the period of time as specified in this Section.

**(1) Type and Amount of Guarantee of Performance:**

(A) All funds for every Guarantee of Performance (“Guarantee”) shall be held by, deposited with, or otherwise guaranteed by a federally-insured financial institution licensed to and doing business in the State of Utah and shall be in one of the following forms:

1. A surety bond from a surety company licensed to and doing business in the State of Utah, or
2. an irrevocable letter of credit from a bank chartered under the laws of the State of Utah or the United States of America and having an office in the State of Utah, or
3. an escrow agreement having as escrow agent thereon a title company that is regulated by the State of Utah Department of Commerce. Escrow agreements consist of a commitment signed by both the escrow agent and

developer/subdivider. Any interest accrued in an escrow account would belong to the developer/subdivider.

- (B) The County Attorney shall approve the form of the Guarantee.
- (C) The Guarantee shall be in an amount not less than 125% of the costs of the required utilities and improvements (the additional 25% is for retainage and inflation) as approved by the County Engineer.
- (D) When approved by the Board of County Commissioners, the developer/subdivider may include part or all of the improvements under a Special Improvement District contract with the County.
- (E) Every Guarantee shall contain at least the following:
  - 1. A separate itemization of each type of improvement with the estimated cost thereof supplied by the developer/subdivider's engineer, and approved by the Iron County Engineer.
  - 2. A statement that distributions of payments, to contractors and suppliers for construction work to be completed upon the subdivision, shall occur only upon written request by both the developer/subdivider and the County Engineer.
  - 3. A statement that no more than 90% of the total amount of the Guarantee (125%) may be released prior to final acceptance.
  - 4. A statement that, notwithstanding the itemization of type and cost of improvement, any sum available pursuant to the Guarantee may be used by the County for any other improvement covered by the guarantee as well as the specified improvement.

(2) **Terms and Duration:**

- (A) Every Guarantee authorized by this Standard shall have an express term of at least two (2) years from the date of approval of the final plat of the Subdivision to which it applies, or until all improvements have been inspected and the guarantee is released by the County as provided in (3) of this Section. Further, such Guarantee shall contain language guaranteeing the performance of the developer/subdivider and a provision for the unconditional payment of the face amount of the Guarantee within ten (10) days from any declaration of default by the County.
- (B) An extension of time may be granted by the Board of County Commissioners upon application by the developer/subdivider provided such application is submitted at least 90 days prior to the expiration of the Guarantee.

(3) **Release Prior to Final Inspection, Final Inspection and Release, and Second Guarantee:**

- (A) Before more than sixty percent (60%) of any item is released, the surety company, bank, or escrow agent, on behalf of the developer/subdivider, shall file with the County Engineer a statement that no material man's lien or mechanic's lien exists with regard to the improvements related to any part of the Guarantee.

- (B) The developer/subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than 30 days prior to the expiration date of the Guarantee, the County Engineer shall make a preliminary inspection of the public service facilities and shall submit a report to the County Commission setting forth the condition of such facilities. If the condition of the facilities is found to be satisfactory, the County Commission shall release the Guarantee. If the condition, material, or workmanship of the facilities shows unusual depreciation or does not comply with the acceptable standards of durability, the Board of County Commissioners may declare the developer/subdivider in default.
- (C) Immediately prior to final acceptance of the improvement of the subdivision, the County shall require and receive from the developer/subdivider a second Guarantee in a form authorized under subsection (1)(A) having a term of one (1) year and a face value of ten (10%) percent of the original Guarantee. Such second Guarantee may be released at any time after the expiration of one year and, in the opinion of the County Engineer, sufficient time has elapsed to prove the satisfactory nature of the improvement and be thus so approved.
- (4) **Default:** In the event the developer/subdivider is in default or fails or neglects to satisfactorily install the required utilities and improvements within one year and nine months from the date of final plat approval by the Board of County Commissioners, the County may declare the project to be in non-compliance with these standards and the County may install or cause the required improvements to be installed using the proceeds from the Guarantee to defray the expenses thereof.
- (5) **Special Improvement Contracts:** In the event that the improvements are installed under a Special Improvement District contract, the planning and execution of the work shall be carried out as prescribed by laws pertaining thereto. (See Utah Code Annotated 17A-2-301 et seq., 17A-2-1301 et seq., or other subsequent applicable sections.)

**Section 108 Fees, Enforcement, Permits, and Penalties:**

- (3) **Inspection of Subdivision Infrastructure:** The Iron County Engineer shall inspect, or cause to be inspected, roads, fire hydrants, and water supply and sewage disposal systems during construction, installation, or repair. Excavations for roads, fire hydrants and water and sewer mains and laterals shall not be paved, covered or backfilled until such installations shall have been approved by the Iron County Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the County Engineer.

Before the Final Plat is recorded, the developer/subdivider shall pay to the County Treasurer an inspection fee of 1% of the County Engineer's estimated amount (the improvement amount, not including the additional 25% for retainage and inflation), to cover the cost of inspections in the subdivision.

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

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 23<sup>rd</sup> day of April, 2007.**

**IRON COUNTY BOARD OF COUNTY COMMISSIONERS**

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Wayne Smith, Chairman

**ATTEST:**

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David I. Yardley, County Clerk

**VOTING:**

Wayne Smith	Aye
Lois Bulloch	Aye
Alma Adams	Aye

**HUMAN RESOURCE MATTERS :**

Colette Eppley presented for approval three new employees, Mona Spillman as a Council on Aging driver, part time; Anna Housekeeper, part time Council on Aging Center Coordinator, Parowan; and Tamara Hoffman, part time Human Resource Assistant. Alma Adams made a motion to approve the hiring of the part time employees as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval the promotion of Rodney Cox from EMT Intermediate to Paramedic. Alma Adams made a motion to approve the promotion of Rodney Cox as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented a request to review benefits for a Deputy Attorney provided the Attorney accepted a part time position. The request is that benefits be paid based on the number of hours worked. No action was taken on this matter.

**IRON COUNTY EMERGENCY MANAGEMENT & PARKS & RECREATION :**

Charlie Morris, Emergency Management and Parks & Recreation, Director met with the Commission to request for storage cabinets to be constructed in his office at the Fiddlers building. He also requested a storage unit to store additional materials he does not use on a regular basis. David Yardley was asked to review the storage unit request and to determine if there is room in the parking area to place a temporary storage unit.

Charlie also requested an additional vehicle for LEPC work which will allow the existing vehicle to be used by part time help to maintain Three Peaks and Woods Ranch. The Commission authorized the transfer of a used vehicle from the Sheriff's office or from Data Processing.

Charlie also requested signs to control activities in the Three Peaks area. He was asked to coordinate traffic signs with Wade Adams of the Road Department to meet MUTCD standards. Other information signs are to be coordinated and approved by the Three Peaks Committee.

**IRON COUNTY SEARCH & RESCUE :**

Drew Lathrop, Iron County Search & Rescue, met with the Commission to explain that the Search and Rescue unit will not be available to participate in fair activities this year. The members of Search and Rescue expressed that they no longer are willing to commit the time required in managing the several events over a two week period.

The Commission requested that Sheriff Gower arrange for security and traffic control as needed for the Fair. Sheriff Gower will coordinate needs with Art Walunas, Fair Chairman.

**CONSIDERATION OF AMENDING IRON COUNTY ATV ORDINANCE 195 :**

Mark Gower, Iron County Sheriff and Bob Allinson, Cedar City Police Chief met with the Commission to discuss Ordinance 195. It was discovered that a map referenced in Ordinance 195 was never completed which designates ATV access on County roads. Cedar City would like to coordinate their map to allow riders from within Cedar City to access County areas outside their boundaries, particularly north to Three Peaks and south into the foothills areas around Cedar.

Rob MacWhorter, Dixie Forest Supervisor, requested that the plan also coordinate with the Forest Service Motorized Vehicle Traffic Plan to allow ATV riders to access trails on the forest.

The Commission reviewed wording of the Ordinance which designates County roads as ATV accessible and determined that no action need be taken at this time. The map referenced in Ordinance 195 will be prepared and presented for adoption.

**IRON COUNTY VOLUNTEER CENTER PRESENTATION OF STUDENT AWARD:**

Tracy Garrett met with the Commission to present a volunteer student award to Daniel Robinson for his work with the Cedar City Fire Department. The Commission recognized Mr. Robinson for the work he has done, commenting that Mr. Robinson has been very active in the volunteer program and has received other awards in the past for his work.

**CLOSED MEETING :**

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

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

I, Wayne A. Smith, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Closed Meeting convened was conducted in accordance with Utah

Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.

Dated this 26<sup>th</sup> day of April, 2007.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley

County Clerk

The commission reported after reconvening in open session that no action was needed by the Commission at this time. The matter is being handled by the Attorney's Office.

**IRON COUNTY/CEDAR CITY ECONOMIC DEVELOPMENT :**

Bryan Dangerfield, Economic Development Director and Bart Arent, Cerro Flow Products met with the Commission to request and approve a three-year performance based tax incentive program on an expansion project at Cerro Flow. Mr. Dangerfield explained that to qualify for the incentive the manufacturer must meet guidelines including wages for employees about 150% of the current average for the County, employee a certain number of employees and make a substantial investment in the expansion project. After receiving and discussing the proposed incentive package, Lois Bulloch made a motion to approve the incentive package for Cerro Flow Products. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**NOXIOUS WEED LIST AMENDMENT BULL THISTLE (*Cirsium vulgare*):**

A request to designate Bull Thistle (*Cirsium vulgare*) as a noxious weed in Iron County was approved on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**DISCUSSION ON REVISED NUISANCE ORDINANCE :**

Kevin Thurman discussed proposed amendments to the nuisance ordinance which will allow for better enforcement of the ordinance and clarify procedure. The matter will be placed on the next agenda for consideration and adoption.

**DISCUSSION ON AMENDMENT TO ZONING ORDINANCE ENFORCEMENT :**

Kevin Thurman also discussed an amendment to the zoning ordinance which defines remedies in pursuing nuisance problems in regard to zoning. Enforcement and penalty, a Class B misdemeanor will be put in place. This matter is being discussed with Planning and Zoning and will be presented with their recommendation for Commission action.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley

County Clerk

**IRON COUNTY COMMISSION MEETING  
May 14, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 14, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Alan Wade	Landfill Supervisor
Ronald Johnson	Ambulance Supervisor
Dennis Johnson	TV Technician
Neil Forsyth	Road Supervisor
Steve Platt	Engineer
Reed Erickson	Planner
Charlie Morris	LEPC Director

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Steve Platt.

**APPROVAL OF MINUTES April 23, 2007** :

Minutes of the Iron County Commission meeting held April 23, 2007 were approved as



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

**DEPARTMENT OFFICIALS REPORTS** :

**Alan Wade** discussed the ability to accept credit card payments at the landfill. The Commission approved the installation of necessary equipment to accept credit card payments at the landfill. Alan also discussed asbestos training for himself and employees to allow for proper handling and disposal at the landfill. It will also provide the necessary training to inspect existing homes or mobile homes for asbestos before authorizing disposal in the landfill.

**Charlie Morris** discussed recreation area and suggested that an additional pavilion be constructed at Woods Ranch to accommodate the increased use of the area. Additional rest room facilities are now in place at Three Peaks and the Three Peaks area is receiving heavy ATV use.

**Ron Johnson** reported that the Safety Committee is requesting that all County employees be trained in first aid and CPR. Training will be conducted in four hour blocks. The Commission approved of the training and authorized all Departments to allow employees to attend the training. Ron also reported that calls for service in the Ambulance Department are running ahead of last year. To this time nearly 1,000 calls for service have been received.

**Dennis Johnson** reported that high definition TV is coming on line on most County TV sites. The County is also in the process of building a TV building and tower to serve southwest Utah at the Levan Peak site. It is anticipated that the building will be complete and service transferred from the existing building being operated by Sevier County by the end of the summer.

**Neil Forsyth** reported that spring road maintenance is about 70% complete and should be fully complete within two weeks. The road department plans to start chip sealing roads about June 11.

**Steve Platt** reported on flooding issues in Kanarraville, Parowan and Cedar City. Flood channel maintenance and bank stabilization are being completed and several structures are being repaired. A grant from NRCS to design flood control in Cedar Valley is nearing completion and construction will be completed with additional grant funds.

**Reed Erickson** discussed impact fees for property owners along proposed transportation corridors. He also discussed issues with property owners not willing to donate right of way compared to donations and costs associated with access to properties.

**PUBLIC HEARING ZONE CHANGE** :

Alma Adams made a motion to open a public hearing to receive comments on a proposed zone change from A-20 to R-5 within Section 3, T35S, R11W. Requested by Jordan & Lana Smith, et al. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Chad Nay reported that the proposed zone change is located on 1700 West in Cedar Valley and is adjacent to an existing R-5 zone in Enoch Valley Ranchos Subdivision. The Planning Commission recommended that the zone change including two additional parcels be approved as an R-5 zone.

After all public comments were received, Lois Bulloch made a motion to close the public hearing and to approve the zone change as requested from A-20 to R-5. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PUBLIC HEARING TIER CHANGE** :

Lois Bulloch made a motion to open a public hearing regarding a proposed tier change from Tier 4 to Tier 3 - located in the Newcastle area within Section 20, T36S, R15W. Requested by Bob Holt. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Chad Nay explained that this proposed change is adjacent to Newcastle, a future municipality and would be developed into a housing area in compliance with the General Plan. The Planning Commission has reviewed the request and has recommended approval by a majority vote.

Mr. Holt explained that this is proposed to allow for affordable housing development within the Newcastle area. Water service will be provided from Newcastle Water Company.

After all public comments were received, Lois Bulloch made a motion to close the hearing and to approve the proposed Tier change from Tier 4 to Tier 3 on 160 acres within Section 20, T36S, R15W. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**GENERAL PLAN AMENDMENT** :

Reed Erickson reviewed proposals for Tier II (Urban Expansion Area) and Tier IV boundary modifications to comply with existing proposed annexation areas surrounding municipalities. Maps of the proposed changes were presented for each municipality showing growth areas and proposed changes. The Planning Commission has reviewed the proposed maps and has recommended approval of the changes.

Lois Bulloch made a motion to approve the Tier change boundary modification as recommended by the Planning Commission. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**VALLEY VIEW MEDICAL CENTER** :

Jason Wilson, Valley View Administrator, Ethan Shumway and Reed Sargent, Valley View Employees, met with the Commission to report on Hospital services and the upcoming expansion project.

Wayne Smith noted that he is on the Board of Directors of Valley View Medical Center and any action by the Commission could be a possible conflict of interest. Wayne also noted that a Commissioner does not sit on the hospital board because of their association with the County Commission.

Mr. Wilson reported that Valley View currently employs 400 people. The Cancer treatment center has now been open nearly one year and currently treats about eight patients per day. Other improvements in service include Level 2 nursery care; ability to accommodate back surgery; an Insta Care facility; and a new CT Scanner. The hospital is planning a two story,

5,000 sf expansion for imaging services and a remodel of the food service area.

The Commission thanked Mr. Wilson, Mr. Shumway and Mr. Sargent for their report and the work Valley View is doing to enhance health care in Iron County.

**PRAIRIE DOG TAKE REQUEST** :

Robert B. Platt, Platt & Platt, Inc. reported to the Commission on a project which was started between Spirit Fitness and Sunbow Subdivision which was cleared of prairie dogs. Because construction on roads was not started before April 1, a new survey was conducted which found prairie dogs on the parcel, located within a proposed roadway. Mr. Platt questioned if there was a way to clear a portion of the property to allow construction to continue on the project.

The developer of Cedar Meadows subdivision also explained a problem with the development of Phase 7 of Cedar Meadows in which the area had prairie dogs, then was cleared, the prairie dogs have now reappeared and are located in an area master planned for a sewer line and road. The installation of the sewer is critical to the project, the road could wait for permanent take at a later date.

The two representatives requested non permanent take to allow construction to proceed on the projects and permanent take would be applied for as it becomes available.

Lois Bulloch made a motion to approve non permanent take of prairie dogs on the two projects provided approval can be gained from all of the administrative agencies of the HCP. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

A meeting was also arranged with Doug Messerly and Keith Day, DWR, to meet with the two developers and Commissioner Smith to see if a resolution can be reached .

**SUPPORT OF ESCALANTE VALLEY WATER MANAGEMENT PLAN** :

LaDel Laub, Bob Holt, and Mike Brown, Escalante Valley Water Users Association met with the Commission to request support of a plan to reduce water use in the Escalante Valley for agriculture from 4.0 acre feet per year to a five year average of 3.2 acre feet. The plan has the unanimous support of all of the agricultural users in the valley. The plan would also reduce acreage use by 10% over a 40 year period with farmers receiving just compensation for withdrawn acreage. A financing plan with local participation was outlined.

Senator Dennis Stowell expressed concern that acreage reduction be done with appropriate soil conservation practices to avoid the creation of a “dust bowl” situation.

Lois Bulloch made a motion to authorize a letter of support for the proposed Escalante Valley Water Users Association to the State Engineer. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESOLUTION 2007-5 UNINCORPORATED COUNTY SERVICE DISTRICT #2** :

Reed Erickson introduced a proposed resolution to authorize initiating proceedings to establish an unincorporated service area to provide funding of municipal type services in the unincorporated areas of the County. The procedure would be that the resolution will be published three times in a local newspaper as prescribed by Utah Code. A public hearing will be scheduled for June 11 to receive comments on the proposed district.

Lois Bulloch made a motion to adopt Iron County Resolution 2007-5 and to authorize publication as required. Second by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**IRON COUNTY RESOLUTION NO. 2007-5**

**Date: May 14, 2007**

**A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH, INITIATING PROCEEDINGS FOR THE CREATION AND ESTABLISHMENT OF AN UNINCORPORATED AREA SERVICES DISTRICT WITHIN IRON COUNTY; DESCRIBING THE BOUNDARIES THEREOF; SPECIFYING THE TYPES OF SERVICES TO BE PROVIDED WITHIN SAID DISTRICT; PROVIDING FOR A NOTICE OF INTENTION OF THE COUNTY TO ESTABLISH SAID DISTRICT; CALLING A PUBLIC HEARING ON THE PROPOSAL TO CREATE THE DISTRICT; AND PRESCRIBING OTHER MATTERS AND DETAILS RELATING TO THE CREATION AND ESTABLISHMENT OF AN UNINCORPORATED AREA SERVICES DISTRICT.**

BE IT KNOWN AND REMEMBERED:

THAT, the Board of County Commissioners of Iron County (the Board), hereby finds, determines and declares that the public health, convenience and necessity requires the establishment of an unincorporated area services district within Iron County (the County) for the purpose of providing essential governmental functions and services to County residents living in the unincorporated area of the County, which functions and services shall be paid for only by the residents of said unincorporated area, and,

THAT, to accomplish the foregoing purpose the Board proposes to create an unincorporated area services district within the County, the territory and jurisdiction of which shall be described herein and which shall be exclusive of the territory of each and all of the incorporated cities and towns in the County, as permitted by and in accordance with the provisions of Title 17, Chapter 34, U.C.A., 1953, entitled "Municipal-Type Services to Unincorporated Areas Act" (the Act),

THEREFORE, the Board of County Commissioners of the County of Iron, RESOLVES as follows:

1. An unincorporated area services district is hereby proposed to be established in the unincorporated area of Iron County, which, upon establishment, shall be named and known as Iron County Unincorporated Area Services District No.2 (herein called the District).

2. The proposed District shall include the territory and area of Iron County as described below and which is not incorporated as a city or town.

There shall be excluded from the foregoing description the territorial areas of each of the incorporated cities and towns of Iron County as the boundaries of such cities and town exist and

are recorded on the date of the adoption of the ordinance or resolution finally establishing the Unincorporated Area Services District No. 2, designated in this Resolution or as the boundaries of such cities and towns may change from time to time.

Description of the boundaries of the proposed District:

Iron County: Beginning at the northwest corner of township 31 south, range 5 west, thence west to the boundary of the state; thence south to the line between townships 36 and 37 south; thence east to the line between ranges 16 and 15 west; thence north to the northwest corner of township 37 south, range 15 west; thence east to the northeast corner of township 37 south, range 15 west; thence south to the southeast corner of township 37 south, range 15 west; thence east to the southeast corner of township 37 south, range 13 west; thence south to the northeast corner of section 24, township 38 south, range 13 west; thence east on the section lines to the intersection of the range line between ranges 12 and 11 west; thence south on that range line to the southwest corner of section 18, township 38 south, range 11 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west; thence north along the range line to the southwest corner of section 18, township 38 south, range 10 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west, at the northeast corner of section 24, township 38 south, range 10 west; thence north to the line separating townships 37 and 38 south; thence east to the line between ranges 8 and 7 west; thence north to the northwest corner of township 35 south, range 7 west; thence east to the northeast corner of said township 35 south, range 7 west; thence north to the northwest corner of township 34 south, range 6 west; thence east to the northeast corner of township 34 south, range 6 west; thence north to the point of beginning.

3. The proposed District shall be empowered to and shall have the authority to provide any or all of the following services within the territory of the District as and to the extent they are deemed necessary or desirable by the governing body thereof, to-wit: any service or function defined as a “municipal service” or “municipal capital project” pursuant to the Uniform Fiscal Procedures Act for Counties (U.C.A. §17-36-1, et seq.). The foregoing services and functions may be provided through facilities or systems acquired for that purpose through construction, purchase, gift, or condemnation or any combination of the foregoing means, or by any other means available to such districts as provided by law. The acquisition of facilities, systems and property may include the appurtenances thereof and may be for partial or joint ownership interests therein.

4. Upon establishment of the District, the governing authority of the County or the governing authority of the District, as appropriate, may levy taxes annually on all taxable property within the District and may impose and collect periodic fees or charges to pay for all or a part of the services, systems, commodities or facilities to be provided by the District. All taxes levied for the District shall be properly authorized in accordance with law and shall be in addition to all other taxes levied by the County or by any other public corporation, district or political subdivision located in the District as proposed. The governing authority of the District

shall have the authority to adopt such regulations as are necessary to assure the proper collection and enforcement of any and all fees and charges imposed and taxes levied.

5. A public hearing is hereby called and set on the creation and establishment of the District. Said public hearing shall be held on June 11, 2007, at the hour of 1:30 o'clock P.M. at the regular meeting place of the Board of County Commissioners of Iron County, Utah. All interested persons may attend this hearing at which time and place the Board will give consideration to all protests which may have been filed and shall hear and consider all interested persons desiring to be heard. The hearing may be continued from time to time.

6. Upon adoption of this Resolution, the County Clerk shall give notice of the intention of the County to establish the District. Said notice shall be given by publication of this Resolution, in its entirety, at least once a week during three (3) consecutive weeks in a newspaper having general circulation in Iron County, the first publication of which shall be not less than twenty one (21) days nor more than thirty five (35) days before the hearing date specified in paragraph 5 above. Upon publication of this Resolution, as provided above, the following heading shall be placed hereon:

NOTICE OF THE INTENTION OF IRON  
COUNTY, UTAH, TO ESTABLISH AN  
UNINCORPORATED AREA SERVICES DISTRICT

When so published, this Resolution, in its entirety, shall be considered to be a public Notice of Intention to create the proposed District containing at least the following information: (1) a description of the boundaries of the District, as set forth in paragraph 2 above, (2) a general description of the types of services proposed to be provided within the District, as set forth in paragraph 3 above, (3) a statement regarding the levying of taxes within the District and the imposition of fees and charges to pay for the services to be provided, as set forth in paragraph 4 above, (4) the designation of a time and place for a public hearing on the establishment of the District, as set forth in paragraph 5 above, and (5) such other information concerning the proposed District as is contained in this Resolution.

7. Upon establishment of the District proposed herein it shall be a separate political and administrative subdivision of the County and shall have the rights, powers and authority granted to the District as set forth herein and in the final resolution establishing the said District.

8. It is proposed that the Board of County Commissioners as it is comprised from time to time shall be and act as the governing authority of the District when created and shall supervise and control all of the activities thereof. The Board may also delegate to designated officers or employees of the County the authority to perform the activities, functions and operations of the District.

9. No part of the proposed District described herein is included within the boundaries of any city or town and no territory of the District is included within the boundaries of any improvement district or special service district of the County which has been established for the purpose of providing the same services proposed to be supplied by this District.

10. At the public hearing, for which provision is made in paragraph 5 above, or prior thereto, protests against the establishment of the District or the furnishing of specified types of services within the District may be made orally or in writing by any interested person. Any protest made may be withdrawn by the protestant any time before the Board of County Commissioners establishes or abandons the proposed District.

11. If persons constituting and consisting of over 50 percent of the qualified voters of the territory proposed to be included within the District file written protests prior to the conclusion of the public hearing specified in paragraph 5 above against the establishment of the District, the Board shall abandon the proposed establishment of the District.

12. After conclusion of the hearing specified herein, the Board shall adopt a resolution either establishing the proposed District or determining that it should be abandoned. A resolution establishing the proposed District may contain any changes from this Resolution the Board determines to be appropriate, including reduction of the boundaries of the District and elimination of one or more of the types of services proposed to be supplied. Any abandonment of this District shall be without prejudice as to whether all or a part of the area proposed herein shall be included in a new unincorporated area services district established in a manner provided by law at a later date. Any resolution finally establishing the District proposed hereby shall specifically set forth the duties and obligations of the District and the rights, powers and authority thereof.

13. The officers and employees of Iron County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

14. If any one or more sections, sentences, clauses or parts of this Resolution shall for any reason be held inapplicable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts hereof held inapplicable or invalid. The inapplicability or invalidity of any section, sentence, clause, or part of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability or validity of this Resolution in any other instance.

15. All resolutions and regulations of the County of Iron that may be inconsistent or in conflict with this Resolution are hereby repealed only with respect to this District and to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any resolution or regulation, or part thereof, heretofore repealed.

APPROVED and PASSED this 14<sup>th</sup> day of May, 2007.

BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY,  
UTAH

By \_\_\_\_\_  
Wayne A. Smith, Chair

ATTEST:

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

Commissioner Wayne A. Smith      voted: Aye  
Commissioner Lois L Bulloch      voted: Aye  
Commissioner Alma L. Adams      voted: Aye

**IRON COUNTY FAIR MISS IRON COUNTY PAGEANT :**

Misty Prisbrey and Mari Burgess met with the Commission to discuss Miss Iron County Pageant issues. Included were requirements for scholarship eligibility for winners. ACT and admissions standards are so high that the winners would need almost an A average to qualify. Insurance questions were also discussed. Alma Adams will meet with SUU officials to get a clarification on scholarship requirements.

Alma Adams made a motion to designate the Miss Iron County Pageant as a Fair activity. Also to bring prior year funding shortages into balance to start this year and to consider an increase in funding for 2008. All funds are to be accounted through the County Auditor's Office as any other County department. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**HUMAN RESOURCE MATTERS :**

Colette Eppley presented for approval the following new employees: William Nicks, Seasonal Parks Worker; Tiffany Chambers, EMT-Basic; Glen Pederson, EMT-Basic; Stephanie Munford, EMT-Basic; Bart Higbee, EMT-Basic; Trisha Harris, EMT-Basic; Clay Allred, EMT-Basic; William Tobler, EMT-Intermediate; Becky Jensen, EMT-Intermediate; Nick Wittwer, EMT-Basic; Lyle Empy, Paramedic; Melinda Richardson, Full Time Deputy Assessor; and Marianne Malong, Part Time Deputy Assessor.

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

**CLOSED MEETING :**

Lois Bulloch made a motion to convene in closed session to discuss a Personnel Matter in accordance with Utah Code 52-4 et. seq. for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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

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



Dated this 14<sup>th</sup> day of May, 2007.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley

County Clerk

After reconvening in open session, Alma Adams made a motion to adjust the salary paid to the County TV Technician to \$30,000 annually and to reimburse documented mileage at the County rate effective June 1, 2007. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**REQUEST TO ABANDON ROAD** :

Steve Platt reported that a small two track road within SE ¼, Sec 36, T34S, R 10W which connects old Highway 91 with the Summit Mountain road has been reviewed and the property owner has requested that it be abandoned to public use. The current alignment of the Summit Mountain road is most commonly used and the public has been fenced out of this right of way for many years.

The Commission authorized the process to vacate this portion of road as outlined in State Code.

**IRON COUNTY DRUG COURT** :

Lesli Riggs-Arnold and Mark Hollingshead, Southwest Behavioral Health Center, and Sheriff Mark Gower met with the Commission seeking support from the County in establishing a Drug Court. The concept of a drug court to treat drug abuse was discussed. Funding would be provided through grants and local funding. Administration of drug tests would be conducted by the Sheriff's Department. Kevin Thurman reported that Scott Garrett is in support of establishing a drug court.

Lois Bulloch made a motion to approve establishing an Iron County Drug Court. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ORDINANCE 2007-6: NUISANCE ORDINANCE** :

Kevin Thurman presented a proposed revised nuisance ordinance which will provide for a more effective enforcement tool in cleaning up nuisance problems within the County. The Ordinance repeals existing nuisance ordinances. Lois Bulloch made a motion to adopt Ordinance 2007-6 as presented. Second by Alma Adams.

**IRON COUNTY COMMISSION**

**ORDINANCE NO. 2007-6**

**AN ORDINANCE OF IRON COUNTY, UTAH REPEALING  
ORDINANCES 114 AND 141 (CHAPTER 8.20 – NUISANCES, TITLE 8 –  
HEALTH AND SAFETY), AND ADOPTING A NEW ORDINANCE**

**RELATING TO THE ABATEMENT OF NUISANCES WITHIN THE BOUNDARIES OF IRON COUNTY, UTAH; PROVIDING DEFINITIONS PERTAINING TO NUISANCES; PROVIDING MEANS FOR THE ABATEMENT OF THE SAME; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the maintenance of nuisances in the unincorporated areas of Iron County, Utah is an increasingly pervasive threat to the health, safety, and general welfare of the inhabitants of Iron County;

**WHEREAS**, Iron County desires to promote the health, safety, and general welfare of Iron County residents;

**WHEREAS**, the previously-enacted Ordinances No. 114 and 141 (Title 8, Chapter 8.20) were inadequate to fully, properly, and expeditiously abate existing nuisances;

**NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS:** That Ordinances No. 114 and 141 (Title 8, Chapter 8.20) is hereby repealed and replaced with the provisions found below in Section 1 – Substantive Provisions.

**SECTION 1 – SUBSTANTIVE PROVISIONS**

**CHAPTER 8.20**

**NUISANCES**

**Sections:**

<b>8.20.010</b>	<b>Definitions.</b>
<b>8.20.020</b>	<b>Nuisance – Definition.</b>
<b>8.20.030</b>	<b>Illustrative Enumeration.</b>
<b>8.20.040</b>	<b>Vehicles.</b>
<b>8.20.050</b>	<b>Noxious Weeds.</b>
<b>8.20.060</b>	<b>Noises.</b>
<b>8.20.070</b>	<b>Exemptions.</b>
<b>8.20.080</b>	<b>Responsibility for Nuisances.</b>
<b>8.20.090</b>	<b>Enforcement Officer(s).</b>
<b>8.20.100</b>	<b>Finding of Nuisance.</b>
<b>8.20.110</b>	<b>Notice to Abate Nuisance.</b>
<b>8.20.120</b>	<b>Voluntary Correction Agreement.</b>
<b>8.20.130</b>	<b>Violation – Criminal Citation/Action.</b>
<b>8.20.140</b>	<b>Violation – Administrative Citation.</b>
<b>8.20.150</b>	<b>Abatement by County.</b>
<b>8.20.160</b>	<b>Monetary Fines.</b>
<b>8.20.170</b>	<b>Civil Actions.</b>
<b>8.20.180</b>	<b>Abatement by Eviction.</b>
<b>8.20.190</b>	<b>Non-exclusive Remedies.</b>
<b>8.20.200</b>	<b>Appeals.</b>

**8.20.210 Severability Clause.**

**8.20.220 Enforcement of nuisances found elsewhere in County Ordinance.**

**8.20.010 Definitions.**

As used in this Chapter:

“**Abatement**” means the repair, replacement, removal, destruction, correction, or other remedy of a condition which constitutes a nuisance by such means, in such a manner, and to such an extent as the Enforcement Officer determines is necessary in the interest of the general health, safety, and welfare of Iron County inhabitants.

“**Agricultural Operations**” means any activity, facility, or operation for the production for commercial purposes of crops, livestock, poultry, livestock products, or poultry products.

“**Completion Date**” means the date by which the Responsible Person must abate a nuisance. The Completion Date is set by the Enforcement Officer in the Notice to Abate Nuisance, Voluntary Correction Agreement, administrative citation, or criminal citation, or in an order by a Hearing Officer or judge.

“**Enforcement Officer**” means the Zoning Officer, building inspector, Sheriff, County Attorney, or some other duly designated officer of the County that is authorized as the agent charged with the enforcement of the provisions of this Chapter. In the case of a violation of Section 8.20.050, the Enforcement Officer shall be the County Weed Control Board or designee.

“**Hearing Officer**” means the person(s) designated to hear appeals pursuant to this ordinance. The Hearing Officer shall be the County Administrative Law Judge or some designee named by the County Commission. The designee need not be a County employee. The County Commission may also appoint a committee to function as the Hearing Officer.

“**Junk**” means any or all worn out, cast off, or discarded item, article, or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

“**Junk car**” means any used car or motor vehicle not in the process of reconditioning, which has been abandoned for the use as a motor vehicle on a public highway and which is in an unsafe operating condition and shall have remained in such condition for a period in excess of thirty days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

“**Responsible Person**” means the person(s) responsible for correcting or abating a nuisance pursuant to this ordinance. The Responsible Person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property in the County, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use, and/or occupy property where a nuisance occurs. In cases where there is more than one Responsible Persons, the County may proceed against one, some, or all of them.

“**Rubbish**” means wire, chips, shavings, boxes, barrels, rags, bottles, broken glass, crockery, tin, cast or wooden ware, Iron, stumps, tree trunks, paper, circular, hand bills, boots, shoes, ashes, trash, or any similar waste material

“**Vehicle**” means a machine propelled by power other than human power designed to travel along the ground or water by use of wheels, treads, runners, propellers, sails, slides, etc. and transport persons or property or pull machinery and shall include, without limitation, automobile, boat, truck, trailer, motorcycle, tractor, buggy, and wagon.

**8.20.020 Nuisance – Definition.**

The purpose of the general definitions listed below is to allow the County to classify an offending situation, conduct, or activity as a nuisance, even though the situation, conduct, or activity may not be listed as a nuisance in the specific examples in this Chapter. Definitions B, C, and D are taken directly from Utah State law. The term “nuisance” under this Chapter shall include both private and public nuisances. Any activity that meets any one or more of the five definitions set forth below shall constitute a nuisance and be declared unlawful if it occurs within Iron County:

- A. **Nuisance** means doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing:
  - 1. injures or endangers the comfort, repose, health, or safety of others;

2. renders soil, air, water, or food impure or unwholesome;
  3. offends decency;
  4. is offensive to the senses;
  5. unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, highway, park, sidewalk, lake, basin, stream, canal, ditch, or drainage;
  6. renders in any way other persons insecure in life or the use of property;
  7. essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
  8. violates the use provision of the Iron County Zoning Ordinance, or the Utah Department of Environmental Quality standards or requirements.
- B. **Nuisance as Defined in U.C.A. § 78-38-1 (1) (as currently amended).** Anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- C. **Nuisance as Defined in U.C.A. § 76-10-801 (as currently amended).** Any item, thing, manner, or condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
- D. **Public Nuisance as Defined in U.C.A. § 76-10-803 (as currently amended).** Unlawfully doing any act or omitting to perform any duty, which act or omission:
1. annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
  2. offends public decency;
  3. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
  4. in any way renders three or more persons insecure in life or the use of property.
- E. **Specific Nuisances Listed in Section 8.20.020.** Anything specifically listed as a nuisance in Section 8.20.020 or any other Section in this Chapter.

### **8.20.030 Illustrative Enumeration.**

Except as specifically allowed in this Chapter, the maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of any of the following items, conditions, or actions are hereby declared to be unlawful and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

1. Accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metals, lumber, or other things.
2. Noxious weeds, as defined in U.C.A. § 4-17-1 et seq. (“Utah Noxious Weeds Act”), as currently amended, and other rank vegetation.
3. Any condition which provides harborage for rats, mice, snakes, or other vermin.
4. Any building or other structure which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb, or property, or cause any hurt, harm, inconvenience, discomfort, damage, or injury to any one or more individuals in the County, except as provided in Section 8.20.070.
5. Any fence, wall, deck, tree, pole, smokestack; or any excavation, hole, pit, sidewalk, subspace, dock, or loading dock; or any lot, land, yard premises, or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb, or property, or cause any hurt, harm, inconvenience, discomfort, damage, or injury to any one or more individuals in the County.
6. All unnecessary or unauthorized noises and annoying vibrations including animal noises in violation of Section 8.20.060 of this Chapter.
7. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches.

8. The carcasses of animals or fowl not disposed of within a reasonable time after death.
9. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substance.
10. Any building, structure, or other place or location where any activity which is in violation of local, state, or federal law is conducted, performed, or maintained.
11. Polluted or stagnant water which constitutes an unhealthy or unsafe condition.
12. Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.
13. The operation of an unlicensed business, or business at variance with the terms and conditions imposed in granting the license.
14. Including Section 8.20.040, the deposit, storage, maintenance, collection, or permitting of the deposit, storage, maintenance, or collection of any junk cars, rubbish, or unregistered vehicles or vehicles with expired license plates, except as specifically provided in Section 8.20.040.
15. Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in U.C.A. § 58-37-1 et seq., (as currently amended) (Utah Controlled Substances Act) occurs.
16. Every building or premises where parties occur twice or more per month which create the conditions of a nuisance as defined in Section 8.20.020 of this Chapter. Some of the factors the County may examine in determining whether a party house exists include:
  - a. An increase in the number of emergency response calls due to parties being held;
  - b. Any pattern of activity that suggests that parties, creating a nuisance as defined by the ordinance, are taking place; and
  - c. Any pattern of activity which diminishes the quiet enjoyment of those buildings and premises around the alleged party house or causes the immediate neighbors to fear for their safety or the safety of their family members due to the party activity.
17. A condition which encourages a fire to start or increases the intensity or severity of a fire.
18. Any “attractive nuisance,” as interpreted in statutory and case law, dangerous to children and other persons including, but not limited to, abandoned foundations or excavations, or improperly maintained or secured pools.
19. Construction Equipment of any type or description parked or stored on property when it is readily visible from the ground level of a public street, alley, or adjoining property, except while excavation, construction, or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property or where the property is zoned for the storage of construction equipment and/or machinery.
20. Allowing trash or debris to spill or be blown by the wind from a construction area or other trash container and/or to cause litter to the property of others or to property of the public.

**8.20.040 Vehicles.**

A. **Violations Declared a Nuisance.** Any violation of this Section shall be declared unlawful and constitute a nuisance and may be abated in accordance with this Chapter. The Responsible Person shall be subject to the fines and penalties outlined in this Chapter and the County shall be entitled to the remedies outlined in this Chapter.

B. **Abandonment.** No person shall abandon any vehicle within the County and no person shall leave any vehicle at any place within the County for such time and under such circumstances as to cause such vehicle to reasonably appear abandoned.

C. **Leaving of Wrecked, Nonoperating Vehicle on Street.** No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the County.

D. **Disposition of Wrecked or Discarded Vehicles.** No Responsible Person shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on any property longer than sixty (60) days; and no person shall leave any such vehicle on any property

within the County for a longer time than sixty (60) days; except that this Section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.

E. Impounding. The Sheriff or any member of the Sheriff's Department designated by the Sheriff is hereby authorized to remove or have removed any vehicle left at any place within the County which reasonably appears to be in violation of this Section or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with State law.

F. Abatement. The Enforcement Officer may abate violations of this Section as provided in this Chapter.

G. Presumption. For purposes of this Section, a vehicle shall be prima facie presumed abandoned if it is not registered and inspected sixty (60) days after the date on which such registration and inspection is required by the state law.

H. Exception – Vehicle in the Process of Reconditioning. Up to 1 vehicle per property in the process of reconditioning shall not be declared a nuisance as long as substantial progress in the reconditioning of the vehicle has occurred within the last thirty (30) days. The limit of 1 vehicle per property does not include a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.

#### **8.20.050 Noxious Weeds.**

Any violation by a Responsible Person of U.C.A. § 4-17-1 et seq. ("Utah Noxious Weeds Act"), as currently amended, or any successive state regulation of noxious weeds, shall be declared unlawful and constitute a nuisance. The designated Enforcement Officer under this Section shall be the County Weed Control Board or designee or some other duly authorized county agency or employee. A nuisance under the Utah Noxious Weeds Act, as currently amended, or any successive state regulation of noxious weeds, may be abated in accordance with this Chapter. The Responsible Person shall be subject to the fines and penalties outlined in this Chapter and the County shall be entitled to the remedies outlined in this Chapter.

#### **8.20.060 Noises.**

A. General Prohibition. It is declared to be a nuisance and unlawful for any person to recklessly make or cause to be made or continued, within the residential portions of the County, any loud or unnecessary or offensive noise or any noise which may reasonably be anticipated to annoy, disturb, injure, or endanger the comfort, slumber, peace, health, or safety of any reasonable person or persons of normal sensitivity, whether due to volume or duration or both. Any violation of this Section shall be declared a nuisance and may be abated in accordance with this Chapter. The Responsible Person shall be subject to the fines and penalties outlined in this Chapter and the County shall be entitled to the remedies outlined in this Chapter.

B. Prohibitions on Use or Operation of Sound Generating Machines or Devices in Residential Areas. The reckless use or operation of any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, stereo, television set, compact disc player, video recorder/player, loud speaker(s), or other similar machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, slumber, or comfort of any reasonable person of normal sensitivity in any residential area of the County is prohibited.

C. Factors to Consider. The characteristics and conditions which should be considered in determining whether a violation of A. or B. exists include, but are not limited to, the following:

1. The level of the noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level of the ambient noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and zoning of the area from which the noise emanates and the area where it is received;
7. The time of day or night the noise occurs;

8. The duration of the noise; and
9. Whether the noise is recurrent, intermittent, or constant.

D. Prima facie evidence of violations. Any of the following shall constitute evidence of a prima facie violation of this Section:

1. The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum set, phonograph, stereo, compact disc player, video recorder/player, loud speaker(s), or similar machines or devices between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of twenty (20) feet from the building structure or vehicle in which it is located.
2. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of twenty (20) feet and when operated in such a manner as to cause a reasonable person to be aware of vibration accompanying the sound at a distance of twenty (20) feet from the source.
3. In a residential zone, performing or causing to be performed any construction work on any construction site between the hours of 10:00 p.m. and 7:00 a.m. in a way to be plainly audible at a distance of twenty (20) feet from the source. The Iron County Board of County Commissioners may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations, or modify or waive the hours for projects in generally isolated areas where the extended hours do not impact adjoining property occupants.
4. The operation of any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of twenty (20) feet from the source.
5. Operating or causing to be operated a motor vehicle (a) with a defective exhaust system that affects sound reduction, (b) without a muffler or other noise dissipative device, and/or (c) equipped with any cut-out, by-pass, or similar device.

E. Exemptions. The following are exempted from compliance with this Section:

1. Sounds generated from any government or emergency vehicle while engaged in necessary public business.
2. Sounds generated from excavations or repairs of bridges, streets, highways, or other public works projects by or on behalf of the city, county, or state, day or at night, when the public welfare and convenience requires such work.
3. Sounds generated from the reasonable use of amplifier(s) or loud speaker(s) in the course of public addresses which are non-commercial in character, and in which amplifiers or loud speaker(s) are not used in connection with any moving vehicle.
4. A parade or public assembly that has obtained a permit.
5. Sounds from any emergency device, early warning system, or civil defense device.
6. A school or county-sponsored sporting event or assembly.
7. Any activity for which a county permit or license was issued.
8. Sounds from equipment used to maintain landscaping on residential property on a periodic basis, including lawnmowers, leaf blowers, edgers, hedge trimmers, and similar types of equipment when used between 7:00 a.m. and sunset.

F. Relief from Restrictions. Requests for relief from the noise restrictions in this Section may be made to the Iron County Board of County Commissioners. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked.

#### **8.20.070 Exemptions.**

A. Lawful Act. No act which is done or maintained under the express authority of a

statute, ordinance, or court ruling shall be declared a nuisance.

B. **Agricultural Operations.** Agricultural Operations that are consistent with sound agricultural practices are presumed to be reasonable and do not constitute a nuisance under this Chapter unless the agricultural operation has a substantial adverse effect on the public health and safety. Agricultural operations undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are presumed to be operating within sound agricultural practices.

C. **Agricultural Buildings.** Except in residential areas, structures used solely in conjunction with agriculture use, and not for human occupancy, may be exempt from this Chapter if the alleged nuisance occurs as a direct result of the relaxed building permit requirements allowed under U.C.A. § 58-56-4(5)(a) & (b) (as currently amended), and the owner has signed an approved “Waiver of Liability Regarding Agriculture Buildings within the Unincorporated Areas of Iron County”. This subsection shall not cover plumbing, electrical, and mechanical work in the structure unless such work is specifically exempted from the permit process and such work is specifically covered by the Waiver of Liability.

#### **8.20.080 Responsibility for Nuisances.**

The Responsible Person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a Responsible Person pursuant to this Chapter. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

#### **8.20.090 Enforcement Officer(s).**

The Zoning Officer, building inspector, County Weed Control Board (in the case of a violation of Section 8.20.050), Sheriff, County Attorney, or some other duly designated officer of the County is charged with the enforcement of the provisions of this Chapter and shall be authorized to make examination and investigation of all real property in the County, as allowed by law, to determine whether the Responsible Person(s) is complying with the provisions of this Chapter. The County Attorney shall enter such actions in court as are necessary. Failure of such county agents to pursue appropriate legal remedies shall not legalize any violation of such provisions.

#### **8.20.100 Finding of Nuisance.**

If an Enforcement Officer has probable cause to believe a nuisance exists, the Enforcement Officer shall attempt to have the Responsible Person abate the nuisance. Although the Enforcement Officer’s first step in correcting or abating the nuisance will always be to obtain a voluntary compliance, the Enforcement Officer may pursue any remedy or combination of remedies available pursuant to this ordinance, State law, or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the County from engaging in its standard prosecution practices. Therefore, the County may prosecute violators of County ordinances or State laws without first having to comply with the provisions of this Chapter, even though the activity or conduct prosecuted may also constitute a nuisance under this ordinance. Nothing in this ordinance shall be interpreted to prevent the County from enforcing applicable County ordinances, building codes, or zoning ordinances without first treating the offending conduct, situation, or activity as a nuisance pursuant to this ordinance.

#### **8.20.110 Notice to Abate Nuisance.**

A. **Notice.** Whenever a nuisance is found to exist within the County, the Enforcement Officer shall serve written notice to the Responsible Person in person or by mailing notice, postage prepaid, addressed to the Responsible Person at the last-known post-office address as shown in the records of the County Assessor.

B. **Contents of Notice.** The notice to abate a nuisance issued under the provisions of this Chapter shall contain:



1. The location of the nuisance, if the same is stationary.
2. A description of what constitutes the nuisance.
3. A statement of acts necessary to abate the nuisance.
4. A statement that abatement must occur within 30 days of service of notice.
- 5.. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the County will take necessary actions, as listed in this Chapter, to abate the nuisance.

C. Service of Notice. The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law. If notice has already been served once during the calendar year directing abatement, no further notice need be served to compel such abatement during such calendar year.

#### **8.20.120 Voluntary Correction Agreement.**

The Enforcement Officer should attempt to obtain voluntary correction from the Responsible Person and by entering into a Voluntary Correction Agreement before other remedies are undertaken. A Voluntary Correction Agreement is a contract between the County and the Responsible Person in which the Responsible Person agrees to abate the nuisance within a specified time and according to specified conditions. The purpose of the Voluntary Correction Agreement is to provide a mechanism for the Responsible Person to abate the nuisance voluntarily before more severe remedies are undertaken by the County. If the Responsible Person complies with the terms of the Agreement, the County shall take no further action against the Responsible Person related to the nuisance(s) described in the Agreement unless the nuisance(s) recurs. Because the maintenance of a nuisance is a criminal violation, this option is a privilege and not a right and the Responsible Person has no entitlement. Thus, the Enforcement Officer may chose to abate the nuisance using one or more of the other procedures set forth in this ordinance, state law, or common law.

- A. The Voluntary Correction Agreement shall include the following:
  1. The name and address of the Responsible Person;
  2. The street address of the nuisance, or a description sufficient to identify the building, structure, premises, or land upon or within which the nuisance is occurring;
  3. A description of the nuisance;
  4. The necessary corrective action to be taken, and a date or time by which correction must be completed (“Completion Date”) – the date or time by which correction must be completed shall not be longer than 6 months;
  5. An agreement by the Responsible Person that the County may inspect the premises as may be necessary to determine compliance with the Voluntary Correction Agreement;
  6. An agreement by the Responsible Person that, if the terms of the Agreement are not met, the County may:
    - a. issue an administrative or criminal citation(s);
    - b. abate the nuisance, recover its costs and expenses, and place a lien on the property;
    - c. issue a monetary fine pursuant to this ordinance; and/or
    - d. pursue any other legal remedy available;
  7. An agreement by the Responsible Person acknowledging that he/she waives the right to appeal the Enforcement Officer’s finding that a nuisance exists and the right to appeal the specific corrective action required by the Voluntary Correction Agreement; and
  8. An agreement by the Responsible Person that failure to comply with the Voluntary Correction Agreement may be grounds for criminal prosecution.
- B. Extension of Time. The Enforcement Officer may grant an extension of time for correcting or abating the nuisance pursuant to the Voluntary Correction Agreement if the Responsible Person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable.
- C. Other Remedies. If the Enforcement Officer and the Responsible Person cannot agree to terms for correcting or abating the nuisance, the Enforcement Officer may abate the nuisance using one or more of the procedures set forth in this ordinance, state law, or common law.

**8.20.130 Violation – Criminal Citation/Action.**

A. Nuisance Declared Criminal Violation and Unlawful. It shall be unlawful for any person to cause, permit, maintain, or allow the creation or maintenance of a nuisance. Whoever violates any provision of Chapter 8.20 shall be guilty of a Class B misdemeanor. Any violation shall constitute a separate offense on each successive day continued. Any person who knowingly obstructs, impedes, or interferes with (1) the County or its agents, (2) the Responsible Person in the performance of duties imposed by this ordinance, (3) a decision and Order issued by the Hearing Officer or judge, or (4) a Voluntary Correction Agreement, is guilty of a Class B misdemeanor. The penalty for a Class B misdemeanor includes a maximum fine of one thousand dollars and/or six months in jail. The Sheriff’s Department or an Enforcement Officer (if a duly commissioned peace officer of the County), may issue a criminal citation for violations of this Chapter.

B. Criminal Citation/Action. Criminal actions may be initiated by the Sheriff’s Department or the Enforcement Officer (if a duly commissioned peace officer of the County) by issuing a criminal citation or by the County Attorney’s Office by filing an Information.

**8.20.140 Violation – Administrative Citation.**

A. Administrative Citation. When the Enforcement Officer has probable cause to believe a nuisance exists, the Enforcement Officer may issue an administrative citation to the Responsible Person. The administrative citation shall include the following:

1. The name and address of the Responsible Person;
2. The location of the nuisance;
3. A description of the nuisance;
4. The amount of the monetary fine, as specified in Section 8.20.160;
5. The date that abatement is required (Completion Date) and a notice that the County may abate the nuisance in accordance with Section 8.20.150;
6. The time for appealing the administrative citation to the Hearing Officer and the procedure for filing an appeal;
7. A statement indicating that no additional monetary fine will be assessed if the Enforcement Officer approves the completed, required corrective action prior to the Completion Date;
8. A statement that the Sheriff’s Department or Enforcement Officer (if a duly commissioned peace officer of the County), may issue a criminal citation if the correction is not completed before the Completion Date; and
9. A statement that the County may pursue any and all other legal remedies, including prosecution, if the correction is not completed before the Completion Date.

B. Service of Administrative Citation. The Sheriff or Enforcement Officer shall serve the administrative citation upon the Responsible Person, either personally or by mailing, certified, return receipt requested, at his/her last known address as shown on the current County records. If the Responsible Person cannot, after due diligence, be personally served within Iron County and if an address for mailed service cannot, after due diligence, be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effectuating the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing that due diligence was used in attempting to serve by person and by mail.

C. No Extension of Time. No extension of the time specified in the administrative citation for correction of the nuisance may be granted, except by order of the Hearing Officer.

**8.20.150 Abatement by County.**

A. Abatement. When a Responsible Person fails to comply with the Notice of Abatement, the terms of a Voluntary Correction Agreement, an administrative citation, an order of the Hearing Officer, criminal citation, or court order, the Enforcement Officer is authorized to employ necessary assistance and cause that such nuisance be destroyed or removed. The Enforcement Officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of the same and shall mail a copy thereof to the Responsible Person demanding payment within sixty (60) days of the date of mailing. Such notice shall be deemed to be delivered when

served upon the Responsible Person or when mailed by registered mail and addressed to the last known address of the Responsible Person.

B. **Emergency Abatement.** Whenever a nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the County may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the Responsible Person as soon as reasonably possible after the abatement.

C. **Entering onto Property.** Using any lawful means, the County may enter upon the subject property and may remove or correct the condition which is subject to abatement. The County may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.

D. **Confiscation of Property.** During an abatement proceeding, any personal property constituting a nuisance, as defined by this Chapter, may be confiscated as part of the abatement process. Any property that has been confiscated by the County as part of an abatement will be held pending the resolution of the nuisance. The owner of the abated property may recover the property upon showing that the nuisance has been corrected or that substantial efforts, as determined by the Enforcement Officer, have been made to correct the nuisance. The property owner shall pay the cost of storage of the property. If, after 90 days of the property being confiscated, the property owner fails to claim the confiscated property, and after the County complies with the requirements of U.C.A. § 77-24a-5 (as currently amended), the County may dispose of the property, including sale at auction, disposal, etc., and seek to collect the cost of storage from the property owner. The County may also pursue any other remedies as provided by law.

E. **Costs Declared Lien.** Any and all costs incurred by the County in the abatement of a nuisance under the provisions of this Chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven, and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

F. **County Not Civilly Liable.** Neither the County, nor its officers or agents or employees, shall be civilly liable to any Responsible Person for the abatement of a nuisance.

#### **8.20.160 Monetary Fines.**

In the case that an administrative citation is issued or a Voluntary Correction Agreement is entered into, the Responsible Person shall pay the County a monetary fine for each day the nuisance continues after the Completion Date. The nuisance shall be considered to continue until the Enforcement Officer approves the Responsible Person's action(s) to correct or abate the nuisance. The amount of the monetary fine shall be as follows:

- A. A fine not to exceed a maximum of One Hundred Dollars (\$100.00) per week for each week that the nuisance remains uncorrected or unabated after the Completion Date as stated in the Voluntary Correction Agreement. The Hearing Officer may set a fine in the amount of zero dollars (\$0);
- B. A fine not to exceed a maximum of Two Hundred Dollars (\$200.00) per week the nuisance is uncorrected or unabated according to the terms set forth in the administrative citation. The Hearing Officer may set a fine in the amount of zero dollars (\$0).
- C. Upon notification by the Responsible Person or his/her designee that the agreed-upon abatement is complete, all fines (if any) shall cease the following day after notification is received. An Enforcement Officer shall inspect and pass it off as completed, and if not completed fines shall continue to accrue in accordance with this Section.
- D. The monetary fine shall be cumulative and may not be waived by the Enforcement Officer. Payment of a monetary fine pursuant to this section does not relieve the Responsible Person from the duty to abate the nuisance as required by the Voluntary Correction Agreement or the administrative citation. The monetary fine constitutes a personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the County within thirty (30) calendar days from the date of mailing of a notice from the County that the fine is due.
- E. The County Attorney's Office is authorized to take appropriate action to negotiate the amount of the monetary fine, collect the monetary fine, determine the time period in which the fine shall be paid, and take any other action necessary to resolve the fine. In determining the time period in which to pay, the County Attorney's Office may

take into consideration the number of days between the required completion date and the actual completion date, the input of the Enforcement Officer, the cooperation of the Responsible Person, etc.

- F. The County may also seek to collect reasonable attorney's fees and costs incurred in collecting the monetary fine where allowed by law.
- G. The incurrence of monetary fines under this Section shall not limit the available remedies of the Enforcement Officer or the County Attorney's Office under this Chapter.

#### **8.20.170 Civil Actions.**

Either the County or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or pursuant to State law.

#### **8.20.180 Abatement by Eviction.**

Pursuant to U.C.A. §§ 78-38-10 and 78-38-11 (as currently amended), whenever there is reason to believe that a nuisance under U.C.A. §§ 78-38-9 through 78-38-16 (as currently amended) is kept, maintained, or exists in Iron County, the County Attorney, any citizen or citizens of the state residing in the County, or any corporation, partnership, or business doing business in the County, in his or her or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant.

#### **8.20.190 Non-exclusive Remedies.**

The County may take any or all of the above mentioned remedies (administrative, civil, or criminal) to abate a nuisance and/or to punish any person or entity that creates, causes, or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the County or any person to recover damages or penalties for its past existence.

#### **8.20.200 Appeals.**

- A. Grounds. Any person receiving an administrative citation may appeal the citation to the Hearing Officer. Only the following issues may be appealed to the Hearing Officer.
  - 1. The person charged in the administrative citation as the Responsible Person, is not the Responsible Person as defined by this ordinance.
  - 2. The condition described as a nuisance in the administrative citation is not a nuisance as defined by this ordinance.
  - 3. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost-effective method of effectively correcting or abating the nuisance.
  - 4. The time period given to abate the nuisance in the administrative citation is unreasonable.
  - 5. The Enforcement Officer refused to approve a corrective action that met the requirements of the administrative citation.
  - 6. The Responsible Person claims that the requirement(s) of the administrative citation violates his/her constitutional rights.
- B. Filing. The person desiring to appeal the administrative citation must file a Notice of Appeal at the County Sheriff's Department within ten (10) days of being served with the administrative citation or within fifteen (15) days of the mailing date if the administrative citation is mailed.
  - 1. The Notice of Appeal shall clearly and concisely set forth all the reasons for the appeal. The Hearing Officer shall examine the Notice of Appeal to determine whether a valid appeal has been stated. If the appellant has not stated a valid cause for appeal as set forth in Section 8.20.200A, or if the appellant has failed to show by a preponderance of the evidence, that he/she has an appealable issue, the appeal shall be denied and no hearing shall be held.

2. If the appellant has not shown due diligence and/or substantial progress in correcting the nuisance or has made no attempt to correct the nuisance, the filing of an appeal will not stop the accrual of the fines.
3. If the appellant has filed an appeal, the filing of such appeal will not prevent law enforcement officers from responding to the property on reports of new nuisance violations.

C. **Hearing.** The hearing before the Hearing Officer shall be informal and proceed according to rules and procedures established by the Hearing Officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the Enforcement Officer may each call witnesses at the hearing. The Hearing Officer may, with or without the parties present, visit the site of the alleged nuisance. If the Hearing Officer allows one party to be present at the site visit, the Hearing Officer must allow the other party to be present. The Hearing Officer shall schedule the hearing within thirty (30) days of when the Notice of Appeal is filed with the County. The County Attorney, or his or her designee, shall be present for the hearing and act as legal adviser for the Hearing Officer.

D. **Burden of Proof.** In appellant's Notice of Appeal, the appellant shall have the initial burden of proof to demonstrate by a preponderance of the evidence that he/she has stated a legitimate grounds for an appeal based upon reasons as set forth in Section 8.20.200A. If the appellant has timely filed his/her appeal and a hearing has been scheduled, the burden then shifts to the County to show by a preponderance of the evidence that the action taken was appropriate.

E. **Authority of Hearing Officer.** The Hearing Officer shall have authority to affirm or vacate the administrative citation or to modify or waive specific provisions of the citation. If the appellant fails to attend the hearing, the Hearing Officer shall affirm the citation. The Hearing Officer shall not vacate the citation unless he/she finds that the County has not met its burden of proof. The Hearing Officer shall modify the administrative citation if he/she finds that a nuisance exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this ordinance. A requirement is inappropriate if the Hearing Officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the Hearing Officer may also consider:

1. Whether the appellant responded to the Enforcement Officer's attempts to contact the appellant and cooperated with efforts to correct the nuisance;
2. Whether the appellant has shown due diligence and/or substantial progress in correcting the nuisance;
3. The financial ability of the appellant and the amount, if any, that the appellant has benefitted financially by maintaining the nuisance; and
4. Any other relevant factors.

If the appellant appeals the Enforcement Officer's refusal to approve appellant's corrective action, the Hearing Officer shall visit the site and determine if the appellant complied with the requirements of the administrative citation.

F. **Factors to Be Considered When Determining Appropriate Fine Amount.** When the Hearing Officer is assessing a monetary penalty pursuant to Section 8.20.160, the Hearing Officer shall consider the following factors:

1. The responsible parties' financial circumstances, as verified to the community officer by the responsible party;
2. The responsible parties physical ability to abate the nuisance as verified by either the community officer or the responsible party.
3. The responsible parties mental ability to comprehend the scope of the nuisance and abate the nuisance.

G. **Order.** The Hearing Officer shall issue a written Order to the appellant and the County notifying them of his/her decision. The Order shall include the Hearing Officer's findings of fact and ultimate decision. If the Hearing Officer modifies or waives provisions of the administrative citation, the Order shall specify which portions are modified and how they are modified. The Hearing Officer shall mail a copy of the Order to the appellant and the County within five (5) working days of the close of the hearing.

A. **Appeal to District Court.** Either the County or the appellant may appeal the Hearing Officer's Order by filing a petition for review of the Order. The petition must be filed in District Court within thirty (30) calendar days from the date the Hearing Officer's Order was

mailed to the appellant. In the petition, the plaintiff may only allege that the Hearing Officer's order was arbitrary, an abuse of discretion, capricious, or illegal. The Hearing Officer shall transmit to the reviewing court the record of its proceedings, including any minutes, findings, orders, and, if available a true and correct transcript of its proceedings. If, in the opinion of the District Court, there is a sufficient record to review the Hearing Officer's Order, the Court's review is limited to the record provided by the Hearing Officer. The District Court may not accept or consider any evidence outside of the Hearing Officer's record unless the evidence was offered to the Hearing Officer and the Court determines that it was improperly excluded by the Hearing Officer. If, in the opinion of the District Court, there is not a sufficient record to review the Hearing Officer's Order, the Court may call witnesses and take evidence. No petition or appeal may be filed in District Court unless the Responsible Person first appeals to the Hearing Officer pursuant to the terms set forth in this ordinance

**8.20.210 Severability Clause.**

Should a court of competent jurisdiction hold any portion of this Chapter or the application of any provision of this Chapter to any person or circumstance invalid, then: (1) the invalid portion or application shall be severed; and (2) the remainder of this Chapter shall remain in effect without the invalid portion or application.

**8.20.220 Enforcement of nuisances found elsewhere in County Ordinance.**

Any activity or condition that is defined as a nuisance anywhere in Iron County ordinances shall be abated in accordance with the procedures set forth in this Chapter.

**SECTION 2 – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3 – AMENDMENT OF CONFLICTING ORDINANCES**

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

**SECTION 4 – EFFECTIVE DATE**

Because this ordinance is necessary for the preservation of the health and safety of Iron County inhabitants, this ordinance shall take effect immediately upon its passage by a majority vote of the Iron County Board of County Commissioners and upon notice and publication as required by Utah Code Annotated § 17-53-208(6).

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14<sup>th</sup> day of May, 2007.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Wayne Smith, Chairman

ATTEST:

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

**VOTING:**

Wayne Smith            Aye  
Lois Bulloch            Aye  
Alma Adams            Aye

**PATROL VEHICLES DIGITAL VIDEO CAMERA PURCHASE :**

Mark Gower, Iron County Sheriff, met with the Commission to request approval to purchase seven digital video cameras for patrol vehicles to replace aging VCR units. Sheriff Gower explained that the digital cameras were more secure and produced a superior recording to the VCR's. He requested that funds generated from Traffic School be directed to the purchase. Estimated cost of the seven cameras is \$34,265.00.

Alma Adams made a motion to approve an amendment to the Sheriff's budget to purchase seven cameras as requested. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**BOARD APPOINTMENTS :**

Central Iron County Water Conservancy Board: Upon recommendations received, the Commission appointed Ronald Chandler and Rick Bonzo to the Central Iron County Water Conservancy Board to replace Steve Platt and Justin Wayment on motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**DORRITY PROPERTY DISCUSSION :**

Progress with cleanup of the Dorrity property was discussed. Because of the time to clean the area and because of vandalism in the area, the Commission requested the County Attorney's Office to draft a letter requesting Dorrity's to vacate the property. The County will proceed with cleanup and place the area into a beneficial use.

**911 GRANT APPLICATION :**

Lois Bulloch made a motion to approve a County 911 grant application to upgrade 911 service into the dispatch center. The Grant will be considered by the State 911 committee. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**May 29, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 29, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Erik Jorgensen	County IT Coordinator

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Kevin Thurman.

**APPROVAL OF MINUTES May 14, 2007** :

Minutes of the Iron County Commission meeting held May 14, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Gene Adams** reported that the annual tax sale went well. All properties received bids except the campsites which were struck off to the County because of undivided interests in the parcels. Gene also reported that the Auditor's Office is working on the depreciation schedule for County properties as required by GASBY 34 auditing standards.



**Erik Jorgensen** reported that the Justice Court is getting caught up on data conversion and data input. The new software system appears to be working well and upon installation of an upgrade scheduled for July 1 most problems should be solved. Credit card swipe devices have been installed at each computer terminal allowing for quicker transactions by customers.

**Patsy Cutler** reported that the book repair company she hired to repair the Recorder's books has completed their work for 2007. They will return in 2008 and complete the needed repairs as needed. She commented on the excellent work the company does in repairing the books on site.

**Geri Norwood** reported that the annual tax sale generated \$367,700 in total sales. Of this amount \$32,977 will accrue to the County and local entities and \$334,723 will be excess collections which will eventually be forwarded to the State Treasurer.

**Dennis Ayers** reported that the Assessor's Office is working on the assessment roll for 2007. Some factoring is being completed to reflect changes in market value in 2006. Work should be completed by the end of this week ready to submit to the Auditor.

**David Yardley** reported on proposed federal legislation which will require an archival quality paper trail for ballots. This would make our existing machines unuseable as there is not a printer that utilizes such paper. The only approved system currently is an optical scan system that would necessitate huge changes nation wide.

**Lois Bulloch** reported that Mesa Airlines has announced their plan to withdraw from serving Iron County and Cedar City. She also reported that due to quality of service, enplanements are down 30% over previous years which in turn results in funding cuts for the airport. It is hoped that Skywest Airlines can pick up the service and return to the level of service offered prior to the change to Mesa Airlines.

Lois also reported that Gene Roundy has been asked to chair the shooting range committee to replace Rick Holman. Rick has been transferred to a different position as Public Works director for Cedar City and no longer has time to serve as chairman on the shooting range committee.

**Alma Adams** reported that the TV department is soliciting bids to construct a communications building and tower base at Levan Peak. This will separate Iron County and Southwest Utah TV service from service managed by Sevier County. This will provide better management of the TV service to our area.

**Mark Gower** reported that because of the memorial day weekend, the Sheriff's Office has been kept busy with calls for service. There was a motorcycle accident at a moto cross track near Iron Springs in which a 13 year old girl from Las Vegas was killed.

**Kevin Thurman** reported on a use agreement between Iron County and Cedar City regarding use of the Festival Hall. The Commissioners requested copies of the agreement for their review.

Kevin also discussed billing procedures from Entrix for development of the HCP for prairie dogs. Complete documentation has not been submitted on past billings. Kevin will contact Entrix to request proper documentation.

**PRELIMINARY PLAT APPROVAL THE PARKS AT DEER HOLLOW :**

Chad Nay presented a preliminary plat entitled Deer Hollow Subdivision Phase 1 located at approximately 1900 West and Mid Valley Road, Cedar City, more particularly located within Sec 15, T35S, R11W. Due to a name conflict with an existing subdivision in Parowan, the final plat will reflect a name change to The Parks at Deer Hollow Subdivision, Phase 1. Chad also discussed a request for a variance on utility easement requirements and for lot # 60 which has an application before the Planning Commission to be zoned commercial. Chad reported that the Planning Commission has recommended approval of the proposed preliminary plat.

Reed Erickson discussed the designated alley ways which will not be dedicated to the public and which will be used for access to the homes. All vehicle access to garages in the subdivision will be from the rear of the lots along with garbage pickup. There will be street parking but will not provide driveways into the front of the lots.

The issue of road maintenance and winter snow removal was discussed. The County will be responsible to plow snow on the dedicated streets but will not plow alleys.

Lois Bulloch made a motion to approve the preliminary plat of The Parks at Deer Hollow Subdivision Phase 1 with a variance on utility right of way widths and eliminating lot 60 from the subdivision plat and subject to the final approval of a development agreement. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PRELIMINARY PLAT APPROVAL CEDAR MOUNTAIN VIEW ESTATES :**

Chad Nay presented for approval a proposed preliminary plat of Cedar Mountain View Estates located approximately 2300 West and 3700 North, Cedar City more particularly located within Sec 21, T35S, R11W. The developer also requested a variance for width of utility easements within the subdivision which will consist of 106 lots. The Planning Commission has recommended approval of the preliminary plat with the requested variance on width of utility easements.

Lois Bulloch made a motion to approve the preliminary plat of Cedar Mountain View Estates with the requested utility easement width. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESOLUTION 2007-6 VOTER CONFIDENCE BILL :**

David Yardley presented Resolution 2007-6 in opposition to HR 811 titled the Voter Confidence and Increased Accessibility Act of 2007. He explained that the current Utah voting system will not meet the standards outlined in the proposed bill and would cost the State of Utah and Iron County a huge amount of money to replace the current election system. It would also cost a large amount of time and training of poll workers to implement a new voting system in such a short time frame.

Lois Bulloch made a motion to adopt the following resolution in opposition of the Proposed "Voter Confidence and Increased Accessibility Act of 2007" (HR811). Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**IRON COUNTY  
RESOLUTION 2007-6**

**A Resolution by the Iron County Board of Commissioners expressing its disapproval of the proposed “Voter Confidence and Increased Accessibility Act of 2007” (HR 811).**

**WHEREAS**, the United States House of Representatives of the 110<sup>th</sup> Congress is considering a bill titled the “Voter Confidence and Increased Accessibility Act of 2007” (HR811); and

**WHEREAS**, the effect of the Bill, if adopted, would be to render the current DRE electronic voting machines used by Iron County, and other counties throughout the State of Utah unlawful, and require a change to a new voting system; and

**WHEREAS**, in an independent election survey of voters in the Utah 3<sup>rd</sup> Congressional District primary election using the DRE voting machines, conducted by the BYU “Center for the Study of Elections and Democracy”, 95% of the respondents surveyed felt somewhat confident, or very confident that their ballot would be counted accurately; and

**WHEREAS**, Iron County currently has 130 DRE electronic voting machines valued at over Four Hundred Fifty Thousand dollars (\$450,000.00), and has invested additional funds to warehouse said machines, revamp election processes to accommodate said machines, and train election personnel on the use of the machines; and

**WHEREAS**, change to a new voting system would actually erode voter confidence in the election process, and burden Iron County with additional expenses associated with a change to another new voting system;

**NOW, THEREFORE, BE IT RESOLVED**, that the Iron County Board of Commissioners does express its opposition to HR811, currently before the 110<sup>th</sup> Congress; and

**BE IT FURTHER RESOLVED**, that the Iron County Board of Commissioners urges the 110<sup>th</sup> Congress, and in particular the Senators and Representatives serving the citizens of Iron County, and the State of Utah to reject HR811.

Adopted this the 28<sup>th</sup> day of May, 2007.

**Iron County Board of Commissioners**

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Wayne A. Smith, Chairman

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Lois L. Bulloch, Commissioner

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Alma L. Adams, Commissioner

Attest:

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David I. Yardley, County Clerk

**NUISANCE ISSUES R.T. MARTIN :**

Kevin Thurman discussed issues associated with the clean up of trash and debris in Winterwood Subdivision near Summit as requested by R.T. Marten. A resident has hauled in some old trailers and mobile homes and stored them on Mr. Marten's property and in adjoining streets. Mr Marten has requested County help in cleaning the area up due to health and safety issues. The offending property owner is scheduled for sentencing on a related charge in Justice Court on June 5.

The matter was referred to the County Attorney and Building Inspector's for follow up through the nuisance ordinance.

**HUMAN RESOURCE MATTERS :**

Colette Eppley presented two transfers within the Sheriff's Department for approval. Nick Barth has been transferred from Patrol to Corrections, a lateral transfer and David Fisher has been transferred from Corrections to Patrol. Mr. Fisher is currently attending POST to become certified.

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

**DISCUSSION ON MUNICIPAL SERVICE FEES :**

Reed Erickson made a power point presentation regarding the proposed Municipal Service fees which will be collected by the Iron County Service District # 2. He explained the purpose of the proposed service area and the services which will be provided by the district. A public hearing is scheduled on the proposed special service area. Services to be provided include fire and law enforcement along with other services as outlined in Utah Code. No action was required by the Commission at this time.

**CORREY VONBERG GRAMA APPEAL** :

Kevin Thurman reported that Correy VonBerg has requested through a GRAMA appeal, information already supplied. He has also requested information not available through the Attorney's office or other County law enforcement agencies. Lois Bulloch made a motion to deny the GRAMA request of Correy VonBerg and to authorize the County Attorney's office to draft a letter to Mr. VonBerg for Commissioner Smith's signature. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS** :

The Commission discussed progress in drafting of a lands bill for Iron County which will provide for the purchase and exchange of lands for a permanent prairie dog habitat. Randy Johnson is preparing the appropriate language. As the draft progresses and is presented to Utah's congressional delegation, it may require additional funds for travel for Mr. Johnson. No action needed by the Commission at this time.

The Commission also discussed with Colette Eppley concerns with over time and supervision of prairie dog technicians and concerns of State Risk Management concerns with County employees driving State vehicles. The Commission will request a stewardship report from Blaine Cox regarding hours worked and procedure for time accounting. The issue with driving of State vehicles will be discussed further with DWR personnel.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**June 11, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 11, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES May 29, 2007** :

Minutes of the Iron County Commission meeting held May 29, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kevin Thurman** discussed issues with cities annexations which result in islands of unincorporated areas within their boundaries. He requested that the County be more diligent in reviewing notices and to oppose those annexations which create islands. He also will contact Cities and request that they not accept annexation proposals creating islands.

**Lois Bulloch** reported on attendance at Girls State. County officials participate on County day and explain their office and responsibilities.

**Wayne Smith** reported that he has received a letter requesting the County's help in obtaining a long term communications site at Iron Mountain. The Commission stated that this is

a private property issue and needs to be negotiated between the property owners.

**Cal Kahler** reported to the Commission on his attendance at the Central Iron County Water Conservancy District meeting. As liaison to the District, Mr. Kahler stated that it appears that Cedar Mountain receives a large amount of water that is not accounted for in runoff figures kept by the State. If this water could be tapped, it could provide additional water resources for the Cedar Valley.

**PUBLIC HEARING ZONE CHANGE** :

Alma Adams made a motion to open a public hearing to receive comments on a proposed zone change from A-20 to R-½ on property located within section 20, Township 35 South, Range 11 West, SLB&M. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Chad Nay reported that the proposed zone change from A-20 to R-½ covers 360 acres located approximately 4000 North & Lund Highway, Cedar City. The property belongs to Craig Jones who declared a conflict of interest in the Planning Commission and did not participate in the Planning Commission discussion and voting. The property is located within Tier 2 and exceeds the minimum acreage requirements for denser zoning. Both sewer and water are available. The Planning Commission recommended approval of the proposed change.

After all comments were received, Lois Bulloch made a motion to close the public hearing and to approve the zone change from A-20 to R- ½ as recommended by the Planning Commission with a finding that the proposed change is in compliance with the Iron County General Plan and the Iron County Land Management Code. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Legal Description: The West ½ of the Northeast quarter, the Norwest Quarter of the Southeast quarter; the Northwest quarter; and the North ½ of the Southwest quarter of Section 20, Township 35 South, Range 11 West, SLB&M. Containing 360 acres M/L.

**CERTIFICATION OF 2007 TAX SALE RESULTS** :

Christene Keene, Chief Deputy Auditor, presented a report of the results of the annual tax sale held May 24, 2007. All parcels except campsites were sold. Excess funds will be held for the statutory period by Iron County. At that time all excess funds will be submitted to the State Treasurer.

Alma Adams made a motion to certify the results of the annual tax sale and authorize the Auditor's Office to proceed with issuing tax deeds to successful bidders. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**JAIL PAY TO STAY PROGRAM** :

Iron County Sheriff, Mark Gower, presented a proposal to implement a pay to stay program for inmates incarcerated at the Iron County Jail. House Bill 263 (2007) modifies Title 76, Utah Criminal Code, and Title 77, Utah Code of Criminal Procedure, regarding reimbursement by defendants of incurred costs. This bill: changes the process for requiring defendants to pay restitution of the costs of incarceration from one requiring action by the court

to one that becomes a requirement unless otherwise ordered by the court; requires the defendant to pay the costs of incarceration to the county correctional facility before and after sentencing, unless the amount is reduced or eliminated by the court; and specifies that the costs of incarceration are to be determined by the county correctional facility, but are not to exceed: the daily core inmate incarceration costs and medical and transportation costs established under Section 64-13c-302; and the costs of transportation services and medical care that exceed the negotiated reimbursement rate established under Subsection 64-13c-302(2).

Alma Adams made a motion to approve the concept of pay to stay and authorized the County Attorney to draft appropriate ordinances or resolutions to implement the program. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**LIVE SCAN FINGERPRINT MACHINE** :

Mark Gower, Iron County Sheriff, presented a request to purchase a live scan fingerprint machine for use in the Sheriff's Office. He reported that the current system of ink and rolling of prints is time consuming and in some cases if prints do not come out clear, the process must be repeated. The live scan system tells immediately if the prints are of the quality required. With the increase in requests for concealed carry permits and for background checks required by the school district for all employees, it would be very helpful to have the new system. Estimated cost of the machine would be \$17,000.00.

Alma Adams made a motion to approve the purchase of the live scan fingerprint machine and to authorize a fee of \$10.00 per print. Fees generated from prints are to be placed in a separate fund for reimbursement of the purchase price of the machine. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PRAIRIE DOG MATTERS** :

Oscar Hulet met with the Commission to request permanent prairie dog take on property along Airport Road and 400 North in Cedar City. He explained that in order to develop this parcel Cedar City is requiring that a road be installed on 400 North. The roadway has one prairie dog. The Commission informed Mr. Hulet that there are not currently prairie dog take permits available. He was referred to Keith Day with DWR to get on the waiting list. Mr. Day was requested to survey the parcel to determine if there is a possibility of clearing this road project.

The Commission also discussed the Wild Pea Hollow prairie dog preserve area. It appears that a mass die off has occurred at this site. The Commission requested that DWR consider this as a transplant site as soon as possible.

**FIELD VISIT TO PROPOSED SENIOR CITIZEN CENTER SITE IN PAROWAN :**

The Commission adjourned from their meeting location to meet with Parowan City officials to discuss the location of a new Senior citizen Center. Two sites were reviewed, the first, located adjacent to the ambulance garage will provide the necessary space and is the site originally proposed in the CDBG grant application. The drawback to this site is the distance to provide sewer service which would be to install an outfall lateral line to connect to the current system on 100 West and 700 North.



The second site reviewed would be located at 500 North, 300 East and backs up to the existing gravel pit. It would require a sewer extension to 200 East. This sewer connection would not serve as many homes as the first site but would be significantly less costly. No action was taken at this time.

**BID PROPOSALS FOR LEVAN COMMUNICATION SITE APPROVAL :**

Bids for the construction of a communications building and tower base at Levan Peak were reviewed by the Commission. Three bids were received as follows:

Dwayne Lyon Construction bid	\$76,800.00
K.T. Anderson Construction bid	\$107,614.64
Icelanders Construction bid	\$157,560.00

Alma Adams made a motion to accept the bid of Dwayne Lyon Construction of \$76,800.00 to construct a communications building and tower base at Levan Peak. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**HUMAN RESOURCE MATTERS :**

Colette Eppley presented for approval a new employee in the Council on Aging. Kimberly West was approved as an employee on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also discussed a proposed pay increase for Justice Court Judge, Margaret Miller. She recommended a 9 % increase from \$66,873.00 per year to \$72,891.00 per year. Because a public hearing must be held in order to increase elected official salaries, no action was taken at this time.

**PUBLIC HEARING UNINCORPORATED AREA SERVICES DISTRICT :**

Lois Bulloch made a motion to open a public hearing to receive comments regarding the creation and establishment of an Unincorporated Area Services District within Iron County. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Wayne Smith explained that this hearing is part of the process in initiating proceedings for the creation and establishment of an Unincorporated Area Services District within Iron County; describing the boundaries thereof; specifying the types of services to be provided within said district; and prescribing other matters and details relating to the creation and establishment of an Unincorporated Area Services District.

The Board of County Commissioners of Iron County (the Board), hereby finds, determines and declares that the public health, convenience and necessity requires the establishment of an Unincorporated Area Services District within Iron County (the County) for the purpose of providing essential governmental functions and services to County residents living in the unincorporated area of the County, which functions and services shall be paid for only by the residents of said unincorporated area.

To accomplish the foregoing purpose the Board proposes to create an Unincorporated Area Services District within the County, the territory and jurisdiction of which shall be described as all of the unincorporated land within the boundaries of Iron County and which shall

be exclusive of the territory of each and all of the incorporated cities and towns in the County, as permitted by and in accordance with the provisions of Title 17, Chapter 34, U.C.A., 1953, entitled "Municipal-Type Services to Unincorporated Areas Act" (the Act).

The matter was then opened for public comments which were received as follows:

Joe Hennessey commented that he was concerned with the published explanation of the proposed Special Service District. He wanted more information regarding the impact on taxes and services provided.

The Commission responded by requesting Reed Erickson, County Planner, to make a power point presentation explaining the reasoning behind the formation of the special district and the effect on tax rates. Since a tax rate has not been set and the exact amount required to fund the municipal type services in unincorporated areas, exact dollar amounts are not available at this time. A tax rate will be set at budget time and following truth in taxation hearings as required by State law.

Craig Spitler asked if additional services were being proposed for unincorporated areas. Commissioner Smith responded that at the present time additional services are not being proposed. The requirement under State law to fund municipal services a municipal services tax are all that are being considered.

Melvin Fish asked why the County could not direct a larger portion of the sales tax to municipal services in the County and why Cedar City collected all of the sales tax for County residents.

The Commission explained that sales tax revenue is distributed on a formula managed by the State Tax Commission and is governed by State law. The County has implemented a ¼ % sales tax which is placed in the general fund and is not available under state law to provide municipal services.

Deneen McCarthy asked why some of the State surplus funds could not be directed to Counties. The Commission responded that the Legislature has control of the State funds and typically do not fund local level services such as fire and police.

Carlisle Johnson questioned the level of service being provided to County residents, especially in remote areas. The Commission responded that the service is available. It may take longer to respond and the County does not have the means to provide the same level of response due to the distances involved.

Craig Spitler stated that services in the County should be funded by County general tax funds. He felt that County residents already pay sufficient taxes to pay for services provided.

The Commission responded that under current State law, residents living in unincorporated areas are required to pay for the services they receive. These services cannot be funded from the General fund or other special funds.

Deneen McCarthy stated that she resented the insinuation that County residents were not paying their fair share for the services provided.

Larry Cooper asked what portion of the County would be involved in the Special District.

The Commission explained that the legal description includes all of Iron County with the areas within the municipal boundaries excluded.

Mr. Cooper also asked if the funding could come from other sources. The Commission explained that funding could be a mixture of fees and taxes. Where a specific services such as solid waste collection is provided, a fee can be used. Where a service is provided such as law enforcement and fire, it is more reasonable to fund with a tax.

Steve McCarthy asked who the governing board of the Service District would be and if the citizens will have an opportunity to vote on board appointments. The Commission responded that it is proposed to designate the County Commission to act as the governing board of the Service District. Elections of Commissioners will be in effect electing Special District board members.

Craig Clark asked about the level of services provided in outlying areas. The Commission explained that currently there are fire departments in Beryl and Newcastle along with funding of municipal fire departments for fires outside municipal boundaries. The Sheriff will continue to provide service in the unincorporated areas. New services are not being proposed.

Nancy Brandstetter asked about how fees for service could be provided. The Commission explained that fire and police protection are not suitable for fees, a call may not come in for a particular property but the equipment and personnel must be available at all times to respond to an emergency.

Tim Hatfield asked who has a say in the formation of the Service District. Is it a call by the Commission or do property owners have a say. The Commission explained that the State law allows registered voters within the unincorporated area to be counted. The number protesting the formation must be at least 50% of the voters.

Joe Hennessey asked about the amount of tax to be collected by the Special District. The Commission responded that the exact amount has not been set and will not be available until budgets are established in November and December.

Nancy Brandstetter asked how citizens could be insured that excess taxes will not be collected in addition to the new taxes for municipal services. The Commission responded that Iron County is operating currently on surplus funds which are intended to allow the County to operate without borrowing money. If the current trend continues, the County will be required to obtain tax anticipation bonds which will increase costs to County taxpayers.

Craig Spittler asked about certified tax rate changes and how this can increase revenue without going through truth in taxation. The Commission explained the operation of the certified tax rate. As property values increase, the certified tax rate decreases so that the County remains whole without collecting additional windfall taxes.

After all comments were received and answered, Alma Adams made a motion to close the public hearing. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye. The Commission explained that they would still receive written comments for the

record until a final decision is made.

**DISCUSSION SITLA EASEMENT** :

A notice of a proposed sale of SITLA property located in Section 2 Township 32 S Range 17 West and Section 11 Township 37 South Range 11 West was reviewed by the Commission. The matter was referred to Iron County Engineer, Steve Platt for review and to submit a claim for existing roads within the proposed sale areas.

**FAMILY DAY PROCLAMATION 2007** :

The following proclamation was presented for approval whereupon Alma Adams made a motion to approve the proclamation. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**IRON COUNTY, UTAH  
PROCLAMATION  
2007 FAMILY DAY**

WHEREAS the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS the correlation between family dinners and reduced risk for teen substance abuse are well documented;

WHEREAS parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS family dinners have long constituted a substantial pillar of family life in America:

Now, therefore, the Iron County Commission, does hereby proclaim the fourth Monday in September as

*Family Day – A Day to Eat Dinner With Your Children*

and urge all citizens of Iron County to recognize and participate in its observance.

ADOPTED this 11<sup>th</sup> Day of June, relinquishing.

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Wayne A. Smith, Chairman

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Lois L. Bulloch, Commissioner

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Alma L. Adams, Commissioner

**BEAVER RIDGE TV SITE RELEASE** :

The Bureau of Land Management has requested a review and release of right of way for a TV Translator site at the Beaver Ridge. The site has not been used for over thirty years by the County. And it does not appear to be a viable site for our present TV system. Alma Adams made a motion to authorize the Commission Chair to sign a form relinquishing Iron County's claim to the Beaver Ridge TV site. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye. Commissioner Smith then signed the BLM form.

**YOUTH CAMP NORTH OF ENTERPRISE** :

The Commission has received information that a youth camp is being established in the Escalante valley about six miles north of Enterprise. The mayor of Enterprise informed the Commission that the group attempted to locate in Washington County but could not meet the licensing requirements. The group has not applied for any permits in Iron County. The matter was referred to the Sheriff and to the Zoning Department for investigation.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:00 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**June 25, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 25, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Scott F. Garrett	County Attorney
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Scott Garrett.

**APPROVAL OF MINUTES June 11, 2007** :

Minutes of the Iron County Commission meeting held June 11, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Erik Jorgensen** reported that data processing is continuing to work with the Justice

Court and Sheriff's office on software changes. The Auditor is preparing to print disclosure notices which should be mailed the end of July.

**Patsy Cutler** reported that the State is planning on recording documentation on RS 2477 road right of way claims for Iron County this week. She also reported that advertisement for a full time cadastral mapper is being published. This will be to replace Robert Dalley who intends to retire later this year.

**Geri Norwood** returned from a medical leave. She reported that the Treasurer's Office is in a slow time and they are working on software changes to be ready for tax season.

**Gene Adams** reported that the Auditor's Office is completing depreciation schedules for the independent auditor. They are also working on several issues with software where funds were credited into the wrong accounts.

Gene also reported that the County certified tax rate for 2007 will be .001450 which is lower than last year's rate of .001543. New growth values are \$5,260,320.00.

**Cal Kahler** reported that the CICWCD was concerned with the certified tax rate being reduced to .000509 from .000555. They feel this will hurt efforts to work with flood and waste water issues. The District is also discussing the possibility of constructing a reservoir on Urie Creek for recreation and water storage.

**Scott Garrett** reported that the Attorney's Office has been less busy since the murder trial ended. He also reported that there was a tragic accident in Cedar City in which a baby drowned in a bathtub when the mother took a phone call.

**Alma Adams** reported that the jail is down to 37 Federal inmates. The County will contact State Corrections to see if State prisoners are available as per our contract.

**Lois Bulloch** reported that Mesa Airlines has decided to withdraw service from the Cedar City Airport. Sky West has indicated that they will bid for the air service in Cedar City and Mesa will be allowed to rebid for a new contract.

**Kevin Thurman** reported that a barn built with straw bales has been located in the Beryl area. It has equipment which requires the building to meet building codes. There has not been a building permit issued and the owner has been informed that the building must be removed.

**Mark Gower** reported that over the weekend several construction sites had equipment stolen. Losses will be in the thousands of dollars.

**Wayne Smith** reported that five SITLA bank prairie dogs have been returned to Iron County because of failure to use in a timely manner. There are two people who desperately need take to finish their roads within their subdivisions. This will be addressed later in the meeting.

**REQUEST TO ESTABLISH AN SID IN MIDVALLEY ACRES :**

Stephen Brown sent in an application to establish a Special Improvement District within Midvalley Acres. The proposed SID would be for a portion of the subdivision and include a request for roads, sewer, water, gas, and telephone. Because Mr. Brown did not appear and the concerns with the location within a flood area, the matter was tabled and referred to Steve Platt to determine what mitigation would be needed for flooding problems and to allow Mr. Brown to

appear to explain the proposed project.

**ANIMAL CONTROL ISSUES** :

Mark Gower, Iron County Sheriff met with the Commission to report on the costs associated with using Enoch and Cedar City animal shelters. Mark proposed that the County consider constructing their own shelter at Iron Springs which would be staffed from within the existing Sheriff's Department. This would provide access to County personnel without trying to locate Cedar City or Enoch personnel. It would also give greater control on costs of operation. The Commission recommended that Sheriff Gower present this proposal at budget time for consideration.

Sheriff Gower also discussed a license program for dogs. He suggested a fee of \$20.00 annually for spayed/neutered dogs and \$50.00 for non spayed/neutered dogs. Working dogs could receive an exemption from licensing but would require identification tags. This was also taken under advisement.

**BUILDING PERMIT FEE WAIVER** :

Kelly Crane, representing the Central Iron County Water Conservancy District, met with the Commission to request a building permit fee waiver for the construction of a pump buildings at well sites in Cedar Valley. Chad Nay responded that it has been the policy in the past to waive permit fees for government agencies. Alma Adams made a motion to waive the building permit fees for the construction of pump building for Central Iron County Water Conservancy District. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**NEWCASTLE CITIZEN REQUEST FOR PARK** :

A request from citizens of Newcastle to own and manage a park with playground equipment on property owned by the LDS Church was tabled without action as the issue is premature. The Church has not agreed to deed the property to Iron County and a plan for maintenance has not been established.

**PAROWAN SENIOR CITIZEN CENTER LOCATION DECISION** :

The Commission reviewed sites for the location of a Senior Citizen Center in Parowan. After reviewing strengths of each site, Alma Adams made a motion to pursue the site adjacent to the Ambulance Garage as the preferred site subject to negotiations with Parowan City regarding costs of a septic system vs a sewer line extension. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye. Commissioner Adams will negotiate with Parowan City regarding the waste water system.

**RESOLUTION 2007-7 ESTABLISHING MUNICIPAL SERVICE DISTRICT** :

The matter of establishing an Iron County Unincorporated Area Services District No 2 to provide municipal services was recalled from the previous meeting for action. Lois Bulloch read two comments submitted.

Nancy Brandstetter commented that she was concerned with the notice given to the public. She requested that the matter be tabled and a notice mailed to all citizens within the unincorporated area. She stated that because many residents in the Beryl area do not receive the



newspaper, they were unaware that a Service District is being proposed.

Lois Bulloch responded that she has received comments from several citizens stating they realize that as County residents, they need to pay for the services they receive. She also explained that State law requires the County establish a Special District to fund municipal services to unincorporated areas.

Lois Bulloch then made a motion to adopt Iron County Resolution 2007-7 establishing the Iron County Unincorporated Area Services District No 2 as required by Utah Code Title 17, Chapter 34, U.C.A., 1953, entitled “Municipal-Type Services to Unincorporated Areas Act” (the Act). Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESOLUTION NO. 2007-7**

**Date: June 25, 2007**

**A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH, CREATING AND ESTABLISHING AN UNINCORPORATED AREA SERVICES DISTRICT WITHIN IRON COUNTY; DESCRIBING THE BOUNDARIES THEREOF, NAMING THE SAID DISTRICT, AUTHORIZING AND SPECIFYING THE SERVICES TO BE PROVIDED, SETTING FORTH THE POWERS, DUTIES AND AUTHORITY, DESIGNATING AND APPOINTING THE GOVERNING AUTHORITY, PROVIDING FOR THE METHOD OR METHODS OF PAYMENT FOR THE SERVICES TO BE FURNISHED AND PRESCRIBING OTHER MATTERS AND DETAILS RELATING TO THE ESTABLISHMENT, OPERATIONS AND FUNCTIONS THEREOF.**

**BE IT KNOWN AND REMEMBERED:**

THAT, the County Legislative Body of Iron County has heretofore found, determined and declared that the public health, convenience and necessity requires the establishment of an unincorporated area district within Iron County for the purpose of providing or continuing the provision of essential governmental functions and services in and to the unincorporated area of the County outside of the boundaries of the cities and towns therein as set forth in the description of said district’s boundaries, which functions and services shall be paid for only by the residents, businesses and inhabitants of said unincorporated area, and

THAT, to accomplish the foregoing purpose the Board has proposed by Resolution No. 2007-5 approved and passed on May 14, 2007, to create an unincorporated area services district within the County, the territory and jurisdiction of which shall be as set forth herein but exclusive

of the territory of each and all of the incorporated cities and towns in the County, as permitted by and in accordance with the provisions of Title 17, Chapter 34, U.C.A., 1953, entitled “Municipal-Type Services to Unincorporated Areas”, and

THAT, in accordance with Resolution No. 2007-5 passed on May 14, 2007, the County gave public notice of its intention to establish the District and it called and held a public hearing on June 11, 2007, on the proposal to establish the District, at which public hearing, the Board permitted all interested persons to be heard and received all written protests submitted at the time, and

THAT, subsequent to the public hearing and within the protest period provided by Resolution No.2007-5, the County has received all written protests made against the establishment of the District or against the specified type or types of services to be furnished by the District, and

THAT, the County has duly considered all protests received and does hereby determine that all residents, businesses and inhabitants and all properties of the area to be included in the proposed district will be directly or indirectly benefitted from the services and functions to be provided therein, and

THAT, the Board has taken all actions and accomplished all matters required and necessary which are preliminary to the creation of the district and, accordingly, does hereby determine that the District shall be created in accordance with this Resolution and the Municipal-Type Services to Unincorporated Areas Act,

NOW, THEREFORE, the County Legislative body of the County of Iron RESOLVES as follows:

Section 1. Iron County Resolution No. 2007-7 is hereby approved and passed to read as provided herein.

Section 2. As used in this Resolution:

- (a) “Board”, “the Board”, means the County Legislative body of Iron County, Utah.
- (b) “Governing Authority” means the board or body designated herein to govern the unincorporated area services district created hereby.
- (c) “County” or “the County” means Iron County, Utah
- (d) “District” or “the District” means the unincorporated area services district created by this Resolution.
- (e) “Act” means Title 17, Chapter 34, U.C.A., 1953, entitled “Municipal-Type Services to Unincorporated Areas”.

Section 3. There is hereby created and established in the County of Iron, State of Utah, an

unincorporated area services district, the area of which is described in Section 5 hereof. Said district is ordered and declared fully formed, organized and established under and by virtue of the provisions of the Act for the purposes specified therein and shall be a distinct and separate taxing district of the County in accordance with and as permitted by the Act.

Section 4. The name of the District created hereby is and shall be hereafter known as “Iron County Unincorporated Area Services District No. 2”, referred to herein as the District.

Section 5. The District shall include all of the territory and area of Iron County that is not incorporated as a city or town the boundaries of which shall coincide with the official boundaries of the County on file with the State of Utah, (that portion of the unincorporated area of the County which is more specifically described as follows:

Description of the boundaries of the proposed District:

Iron County: Beginning at the northwest corner of township 31 south, range 5 west, thence west to the boundary of the state; thence south to the line between townships 36 and 37 south; thence east to the line between ranges 16 and 15 west; thence north to the northwest corner of township 37 south, range 15 west; thence east to the northeast corner of township 37 south, range 15 west; thence south to the southeast corner of township 37 south, range 15 west; thence east to the southeast corner of township 37 south, range 13 west; thence south to the northeast corner of section 24, township 38 south, range 13 west; thence east on the section lines to the intersection of the range line between ranges 12 and 11 west; thence south on that range line to the southwest corner of section 18, township 38 south, range 11 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west; thence north along the range line to the southwest corner of section 18, township 38 south, range 10 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west, at the northeast corner of section 24, township 38 south, range 10 west; thence north to the line separating townships 37 and 38 south; thence east to the line between ranges 8 and 7 west; thence north to the northwest corner of township 35 south, range 7 west; thence east to the northeast corner of said township 35 south, range 7 west; thence north to the northwest corner of township 34 south, range 6 west; thence east to the northeast corner of township 34 south, range 6 west; thence north to the point of beginning.

There shall be excluded from the foregoing description and from the District the territorial areas of each of the incorporated cities and towns in the County as the boundaries of such cities and towns exist and are recorded on the date of the adoption of this Resolution and as those boundaries may change from time to time.

Section 6. The District is hereby empowered to and shall have the authority to provide for or furnish any or all of the services and functions within the territory of the District as and to the extent they are deemed necessary or desirable by the governing authority thereof, to-wit: any service or function defined as a “municipal service” or “municipal capital project” pursuant to the Uniform Fiscal Procedures Act for Counties (U.C.A. §17-36-1, et seq.). The foregoing services and functions may be provided through facilities, systems or property acquired for that purpose through construction, purchase,

lease, rental, gift or condemnation or any combination of the foregoing means, or by any other means available to such districts as provided by law. The acquisition of facilities, systems and property may include the appurtenances thereof and may be for partial or joint ownership interests therein.

Section 7. The Board as it is comprised from time to time, shall be and act as the governing authority of the District and shall supervise and control all of the activities thereof. For this purpose, the governing authority may delegate to certain officers or employees of the County the authority to perform the activities, functions and operations of the District and exercise the rights, powers and authority of the District as permitted by general county law. The governing authority of the District shall have and it is hereby vested with all of the powers, duties and responsibilities conferred upon the governing authority of a taxing district by general law, the Act and all laws amendatory and supplemental thereof, and as implemented by this Resolution.

Section 8. The District shall have and exercise by and through its governing authority all of the rights, powers and authority specifically conferred upon such districts by the Act and those necessarily implied therefrom, together with such other rights, powers and authority as are conferred upon taxing districts which are required or necessary for the proper functioning of the District. All laws which are applicable and pertinent to the governance, functions and operations of the County shall apply to the District except as such laws may have been changed, modified or supplemented by the Act and the provisions of this Resolution implementing the Act.

Section 9.

(a) Any service or function and the systems, properties and facilities related thereto specified herein to be provided by the District shall be paid for by the imposition and collection of ad valorem property taxes levied annually upon all taxable property within the District as described herein, or by the imposition and collection of periodic service charges or fees from the recipients of the services or functions provided or by a combination of both such property taxes and service charges or fees as determined by the governing authority. All taxes levied in and for the District shall be in addition to all other taxes levied by the County or by any other public corporation, district or political subdivision located in the District. The governing authority of the District shall have the authority to adopt such rules and regulations as are necessary to assure the proper collection and enforcement of all fees and charges imposed in the District for the services and functions provided therein.

(b) Initially, the District shall pay for the services specified herein and the functions related thereto by levying annual ad valorem taxes in the District which shall be sufficient to pay for the services and functions furnished and revenues received from the Local Option Sales and Use Tax (U.C.A. § 59-12-201 et seq.) provided, however, the foregoing shall not preclude the governing authority from implementing a service charge or fee system to pay for the services and functions if it is determined to be feasible so to do. All taxes levied in and for the District shall be accomplished at the time and in the manner provided by law for general county taxes.

(c) In accordance with the Act, there is hereby ordered to be created and established a special revenue fund of the County, separate from all other accounts and funds of the County, into which all taxes or service charges or fees shall be deposited as they are levied and collected. Disbursements from said special revenue fund shall be made only for the rendering of the services and functions set forth in this Resolution within the District. The special revenue fund shall be controlled, managed, accounted for, audited and treated as if it was for a separate governmental entity.

Section 10. All officers and employees of Iron County are hereby authorized and directed to take all actions necessary and appropriate to effectuate the provisions of this Resolution.

Section 11. If any one or more sections, sentences, clauses or provisions of this Resolution shall for any reason be held inapplicable or invalid, such holding shall not affect, impair or invalidate the remaining provisions of this Resolution but shall be limited in its operation and effect to the specific sections, sentences, clauses or provisions hereof held inapplicable or invalid. The inapplicability or invalidity of any section, sentence, clause or provision of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability or validity of this Resolution in any other instance.

Section 12. All acts, resolutions and regulations of Iron County in conflict with or not consistent with this Resolution are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed so as to revive any act, resolution or regulation, or part thereof, heretofore repealed.

Section 13. This Resolution shall be published in its entirety in one issue of a newspaper published in and having general circulation in Iron County but such publication shall not be necessary for this Resolution to be or become effective.

Section 14. This Resolution shall take effect immediately upon its approval and passage by the Board of County Commissioners.

APPROVED and PASSED this 25<sup>th</sup> day of June \_\_\_\_\_, 2007.

BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH

By : \_\_\_\_\_  
Wayne A. Smith, Chair

ATTEST:

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

VOTING:

Commissioner Wayne A. Smith                      voted Aye

Commissioner Alma L. Adams  
Commissioner Lois L. Bulloch

voted Aye  
voted Aye

**PUBLIC HEARING PROPOSAL TO ADJUST SALARY OF ELECTED OFFICIAL :**

Lois Bulloch made a motion to open a public hearing in compliance with Utah Code 17-16-14 to adjust the salary of an elected official. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Wayne Smith explained that at the time salaries were adjusted for other elected officials July 16, 2006, the salary of the Justice Court Judge, Margaret Miller was not changed. The Commission at the time felt that due to the resignation of Ken Adams, Judge Miller was allowed to receive both her regular salary plus the salary of Ken Adams because of the increased work load. This agreement was effective through February 1, 2007. Judge Miller received the same cost of living increase January 1, 2007 as all County employees.

Margaret Miller commented that it seemed unfair that all elected officials received a raise except her during July 2006. She requested that the same percentage raise be granted retroactive to July 16, 2006.

After all public comments were received, Lois Bulloch made a motion to close the public hearing and to adjust the salary of Judge Margaret Miller to the same percentage increase as other elected officials effective July 16, 2006. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**CDBG CONTRACT SIGNATURES \_\_\_\_\_ :**

The Commission approved signatures on a CDBG contract for funding a senior citizen center in Parowan on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**TRAP SHOOTING RANGE IN CEDAR CITY \_\_\_\_\_ :**

Bill Engstrom discussed with the Commission a proposal to mine and clean the top six inches of soil at the Trap Club in Cedar City. He explained that over the years the lead shot builds up in the top soil and currently the scrap metal price makes it practical to clean these areas. The Trap Club would receive 20% of the retrieved metal which they could then sell. Since a portion of the downrange fall zone is on County property they would like permission to remove the brush and grass and mine the area.

The Commission explained their concern with removing the vegetation, especially the brush because this would invite prairie dogs to move onto the site. Another concern would be with the screening pulverizing the soil to a point where wind erosion would be a major problem. The Commission tabled the matter for further information.

**NUISANCE/ZONING HEARING OFFICER APPOINTMENT :**

Kevin Thurman discussed the appointment of a hearing officer to hear appeals of nuisance and zoning offences. Several people have been contacted and have declined the opportunity to serve as a hearing officer. The Commission discussed the process leading to appeals and determined that it would be more appropriate to have the Board of Adjustments meet

to hear appeals. Kevin was asked to amend the nuisance ordinance and the zoning ordinance to conform with the Board of Adjustments hearing appeals.

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

Shane Evertson discussed with the Commission the possibility of purchasing habitat to clear a parcel in Cedar City. The Commission explained that it appears this is a possibility in the future however at the present time, habitat is not available for purchase. The Commission further explained that the County has obtained five SITLA Prairie Dog Bank dogs back from a developer that did not start construction on his project. These are available and Mr. Evertson's project would require a take of two dogs. Mr. Evertson expressed a desire to purchase two dogs so that his project can proceed.

The Commission also discussed a request from Mike Ward to purchase three dogs to clear a road for the installation of infrastructure in The Meadows Subdivision Phase 7. Lois Bulloch made a motion to approve the request of Shane Evertson to purchase two SITLA credits at \$2,000.00 per credit and for Mike Ward to purchase three SITLA credits for \$2,000 per credit. Credits must be paid within thirty days. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN** \_\_\_\_\_ :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**July 9, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 9, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Richard Peterson.

**APPROVAL OF MINUTES June 26, 2007** :

Minutes of the Iron County Commission meeting held June 26, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Alma Adams** reported that he has met with the Federal Marshall's Officers concerning



the number of federal prisoners being housed at the jail. The Marshall's office is not sending as many prisoners due to transportation costs. INS will be contacted to determine if there are prisoners available to fill the empty beds at the jail.

**Wayne Smith** reported that Steve Christensen representing Newcastle Water Company has complained that the County is imposing unreasonable requirements for repair of damage to roads in Newcastle due to the installation of a new culinary water pipeline system. David Yardley responded that the construction company is damaging the roads by using track vehicles on the oil and scraping the oil into the trench by backfilling with a trackhoe with teeth on the bucket. It is a requirement of encroachment permits that all damage done to the roads is to be repaired to original standards.

**Lois Bulloch** reported that the County funding match for Southwest Behavioral Center will be \$120,518 for the 2007-2008 FY.

The Commission also discussed the possibility of purchasing SITLA property for prairie dog habitat. David Yardley was asked to write a letter to SITLA requesting additional information on parcels available. The County will also need assurances from USFWS regarding the exchange rate for habitat and the procedure to designate parcels suitable for trade.

**ORDINANCE 2007-7 ZONING ORDINANCE ENFORCEMENT AMENDMENT:**

\_\_\_\_\_Alma Adams made a motion to open a public hearing to receive comments regarding an amendment to the Land Management Code regarding the enforcement of zoning requirements. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

\_\_\_\_\_The Commission reviewed ordinance 2007-7 regarding enforcement of zoning regulations. Kevin Thurman explained that the purpose of the current ordinance is to clarify procedure and to incorporate recommendations regarding hearings by the Board of Adjustments. It also parallels the enforcement of the nuisance ordinance which will be presented as ordinance 2007-8.

Chad Nay reported that the Planning Commission has reviewed the amendments and has recommended that the Commission adopt the ordinance as presented.

Lois Bulloch made a motion to close the public hearing and to adopt Ordinance 2007-7 as recommended by the Planning Commission. Second by Alma Adams.

**IRON COUNTY**

**ORDINANCE NO. 2007-7**

**AN ORDINANCE OF IRON COUNTY, UTAH AMENDING CHAPTERS 17.72 – ENFORCEMENT AND 17.76 – APPEALS, OF TITLE 17 OF THE IRON COUNTY CODE; ADOPTING PROVISIONS RELATING TO THE ENFORCEMENT OF ZONING VIOLATIONS WITHIN THE BOUNDARIES OF IRON COUNTY, UTAH; PROVIDING MEANS FOR THE CORRECTION OF ZONING VIOLATIONS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Iron County has adopted zoning ordinances incorporated within the Iron County Land Management Code, which has been amended from time to time; and

**WHEREAS**, violations of zoning ordinances in the unincorporated areas of Iron County, Utah is a pervasive threat to the health, safety, and general welfare of the inhabitants of Iron County; and

**WHEREAS**, the existing portions of Chapter 17.72 pertaining to enforcement of zoning ordinances are inadequate to fully, properly, and expeditiously enforce existing Iron County zoning ordinances; and

**WHEREAS**, the Iron County Planning Commission and the Iron County Commission have now formulated, reviewed, and considered the proposed amendments to the enforcement provisions of Chapter 17.72; and

**WHEREAS**, the Iron County Planning Commission and the Iron County Commission have held public hearings to receive comment on the proposed amendments as required by §17-27a et. seq. Utah Code Annotated 1953 as amended; and

**WHEREAS**, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Iron County Commission for amendment and revisions to the Iron County Zoning Ordinance; and

**WHEREAS**, on July 9, 2007, the Iron County Board of County Commissioners conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to §17-27a et. seq. Utah Code Annotated 1953 as amended; and

**WHEREAS**, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Iron County Commission has determined that it is in the best interest of the public health, safety, and welfare of Iron County that Chapter 17.72 pertaining to the enforcement of zoning violations be amended.

**NOW, THEREFORE, BE IT ORDAINED** by the County Legislative Body of Iron County, Utah that Title 17 – Zoning, including Chapter 17.72 – Enforcement, and Chapter 17.76 – Appeals, of the Iron County Code is hereby amended as follows.

## **SECTION 1 – SUBSTANTIVE PROVISIONS**

### **Chapter 17.72**

#### **ENFORCEMENT**

**Sections:**

<b>17.72.010</b>	<b>Definitions.</b>
<b>17.72.020</b>	<b>Responsibility for violation of this Chapter</b>
<b>17.72.030</b>	<b>Enforcement Officers.</b>
<b>17.72.040</b>	<b>Finding of zoning violation.</b>
<b>17.72.050</b>	<b>Notice of Zoning Violation.</b>
<b>17.72.060</b>	<b>Voluntary Correction Agreement.</b>
<b>17.72.070</b>	<b>Violation of County zoning ordinances.</b>
<b>17.72.080</b>	<b>Administrative citation.</b>
<b>17.72.090</b>	<b>Abatement by County.</b>
<b>17.72.100</b>	<b>Monetary fines.</b>

- 17.72.110 Civil enforcement.**
- 17.72.120 Non-exclusive remedies.**
- 17.72.130 Withholding of building permits and revocation of permits/approvals etc.**
- 17.72.140 Reconsideration/revocation of approvals, permits and licenses.**
- 17.72.150 Revocation procedures.**
- 17.72.160 Appeal of administrative citation.**
- 17.72.170 Severability clause.**
- 17.72.180 Enforcement of zoning violations found elsewhere in County Ordinance.**

**17.72.010 Definitions.**

As used in this Chapter:

“**Abatement**” means the repair, replacement, removal, destruction, correction, or other remedy of a condition which constitutes a zoning violation by such means, in such a manner, and to such an extent as the Enforcement Officer determines is necessary in the interest of the general health, safety, and welfare of Iron County inhabitants.

“**Completion Date**” means the date by which the Responsible Person must abate or correct a zoning violation. The Completion Date is set by the Enforcement Officer in the Notice of Zoning Violation, Voluntary Correction Agreement, administrative citation, or criminal citation, or by a Hearing Officer or judge in a decision, ruling, or order.

“**Enforcement Officer**” means the Zoning Officer, Building Inspector, Sheriff, County Attorney, or some other duly designated officer of the County that is authorized as the agent charged with the enforcement of the provisions of this Chapter.

“**Hearing Officer**” means the person(s) designated to hear appeals pursuant to this Chapter. The Hearing Officer shall be the County Board of Adjustment or some designee named by the County Commission. The designee need not be a County employee. The County Commission may also appoint a committee to function as the Hearing Officer.

“**Responsible Person**” means the person(s) responsible for correcting or abating a zoning violation pursuant to this Chapter. The Responsible Person includes the property owner and any person who causes or permits a zoning violation to occur or remain upon property in the County, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use, and/or occupy property where a zoning violation occurs. In cases where there is more than one Responsible Persons, the County may proceed against one, some, or all of them.

“**Zoning Violation**” means any violation of the Iron County Zoning Ordinance (codified as Title 17), the Iron County Subdivision Ordinance (codified as Title 16), or any other Iron County zoning ordinance.

**17.72.020 Responsibility for violation of this Chapter.**

The Responsible Person(s) is responsible for abating zoning violations under this Chapter. Any person, whether as owner, agent, or occupant, who commits, aids in committing, or contributes to a zoning violation, or who supports, continues, or retains a zoning violation, is responsible for the zoning violation and is therefore a Responsible Person pursuant to this Chapter. Every successive owner or tenant of a property or premises who fails to correct a zoning violation upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first committed it.

**17.72.030 Enforcement Officers.**

The Zoning Administrator, Building Inspector, County Attorney, County Sheriff or some other duly designated officer of the County is charged with the enforcement of the provisions of this Chapter and shall be authorized to make examination and investigation of all real property in the County, as allowed by law, to determine whether the Responsible Person(s) is complying with the provisions of this Chapter. The County Attorney’s Office shall file such actions in court as are necessary. Failure of such County agents to pursue appropriate legal remedies shall not legalize any violation of such provisions.

**17.72.040 Finding of zoning violation.**

This Title 17, Title 16, or other Iron County zoning ordinances may be enforced by the County by any and all appropriate means authorized by state law and County ordinance. If a zoning violation is found to exist, the County may withhold building permits and revoke development approvals, permits, and licenses. If an Enforcement Officer has probable cause to believe a zoning violation exists, the Enforcement Officer shall attempt to have the Responsible Person correct the zoning violation. Although the Enforcement Officer's first step in correcting the zoning violation will always be to obtain voluntary compliance, the Enforcement Officer may pursue any remedy or combination of remedies available pursuant to this Chapter, state law, or common law in order to correct the zoning violation. Nothing in this section shall be interpreted to prohibit the County from engaging in its standard prosecution practices. Therefore, the County may prosecute violators of County ordinances or State laws without first having to comply with the provisions of this Chapter, even though the activity or conduct prosecuted may also constitute a zoning violation under this Chapter.

**17.72.050 Notice of Zoning Violation.**

- A. **Notice.** Except as otherwise provided by this Chapter or County ordinance, whenever a zoning violation is found to exist within the County, the Enforcement Officer shall serve written notice to the Responsible Person in person or by sending notice by certified mail addressed to the Responsible Person at the last-known address as shown in the records of the County. If notice has already been served once during the calendar year directing correction or abatement, no further notice need be served to compel such correction or abatement during such calendar year.
- B. **Contents of Notice.** The Notice of Zoning Violation issued under the provisions of this Chapter or other zoning ordinance shall contain:
  - 1. The location of the zoning violation, if the same is stationary.
  - 2. A description of what constitutes the zoning violation.
  - 3. A statement of acts necessary to correct the zoning violation.
  - 4. A statement that correction or abatement must occur within 30 days of service of notice.
  - 5.. A statement that if the zoning violation is not corrected as directed, the County will take necessary actions, as listed in this Chapter, to correct the zoning violation.

**17.72.060 Voluntary Correction Agreement.**

The Enforcement Officer, if appropriate, should attempt to obtain voluntary correction from the Responsible Person and enter into a Voluntary Correction Agreement before other remedies are undertaken. A Voluntary Correction Agreement is a contract between the County and the Responsible Person in which the Responsible Person agrees to correct or abate the zoning violation within a specified time and according to specified conditions. The purpose of the Voluntary Correction Agreement is to provide a mechanism for the Responsible Person to correct or abate the zoning violation voluntarily before more severe remedies are undertaken by the County. If the Responsible Person complies with the terms of the Agreement, the County shall take no further action against the Responsible Person related to the zoning violation(s) described in the Agreement unless the zoning violation(s) recurs. Because committing a zoning violation is a criminal violation, this option is a privilege and not a right and the Responsible Person has no entitlement. Thus, the Enforcement Officer may chose to correct the zoning violation using one or more of the other procedures set forth in this Chapter, state law, or common law.

- A. The Voluntary Correction Agreement shall include the following:
  - 1. The name and address of the Responsible Person;
  - 2. The street address of the zoning violation, or a description sufficient to identify the building, structure, premises, or land upon or within which the zoning violation exists;

3. A description of the zoning violation;
  4. The necessary corrective action to be taken, and a date or time by which correction or abatement must be completed (“Completion Date”). The date or time by which correction or abatement must be completed shall not be longer than 6 months;
  5. An agreement by the Responsible Person that the County may inspect the premises as may be necessary to determine compliance with the Voluntary Correction Agreement;
  6. An agreement by the Responsible Person that, if the terms of the Agreement are not met, the County may:
    - a. issue an administrative or criminal citation(s);
    - b. correct the zoning violation, recover its costs and expenses, and place a lien on the property;
    - c. issue a monetary fine pursuant to this Chapter; and/or
    - d. pursue any other legal remedy available;
  7. An agreement by the Responsible Person acknowledging that he/she waives the right to appeal the Enforcement Officer’s finding that a zoning violation exists and the right to appeal the specific corrective action required by the Voluntary Correction Agreement; and
  8. An acknowledgment by the Responsible Person that failure to comply with the Voluntary Correction Agreement may be grounds for criminal prosecution.
- B. **Extension of Time.** The Enforcement Officer may grant an extension of time for abating the zoning violation pursuant to the Voluntary Correction Agreement if the Responsible Person has shown due diligence and/or substantial progress in abating the zoning violation but unforeseen circumstances render correction or abatement under the original conditions unattainable.
- C. **Other Remedies.** If the Enforcement Officer and the Responsible Person cannot agree to terms for correcting the zoning violation, the Enforcement Officer may correct the zoning violation using one or more of the procedures set forth in this Chapter, state law, or common law.

**17.72.070 Violation of County zoning ordinances.**

- A. **Zoning Violation Declared Criminal Violation and Unlawful.** It shall be unlawful for any person to cause, permit, maintain, or allow the creation or maintenance of a zoning violation. Whoever violates any County zoning ordinance shall be guilty of a Class B misdemeanor. Any zoning violation shall constitute a separate offense on each successive day continued. Any person who knowingly obstructs, impedes, or interferes with the County or its agents, the Responsible Person in the performance of duties imposed by this Chapter, a decision and order issued by the Hearing Officer or judge, or a Voluntary Correction Agreement, is guilty of a Class B misdemeanor. The penalty for a Class B misdemeanor includes a maximum fine of one thousand dollars and/or six months in jail. The Sheriff’s Department or an Enforcement Officer (if a duly commissioned peace officer of the County), may issue a criminal citation for violations of this Chapter or other zoning ordinance.
- B. **Criminal Citation/Action.** Criminal actions may be initiated by the Sheriff’s Department or the Enforcement Officer (if a duly commissioned peace officer of the County) by issuing a criminal citation or by the County Attorney’s Office by filing an Information.
- C. **Violation Declared a Public Nuisance.** Any building or structure which has been set up, erected, constructed, altered, enlarged, converted, moved, remodeled, or maintained contrary to the provisions of County zoning ordinances, and any use of land or building or premises established, conducted, maintained, or operated contrary to the provisions of County zoning ordinances are hereby declared to be unlawful and opposed to the orderly development of the County and shall therefore be considered a public nuisance.

**17.72.080 Administrative citation.**

- A. **Administrative Citation.** When the Enforcement Officer has found substantial evidence indicating a zoning violation has been committed, the Enforcement Officer may issue an administrative citation to the Responsible Person. The administrative citation shall include the following:
1. The name and address of the Responsible Person;
  2. The location of the zoning violation;
  3. A description of the zoning violation;
  4. The amount of the monetary fine, as specified in Section 17.72.100;
  5. The date that correction or abatement is required (“Completion Date”) and a notice that the County may correct the zoning violation in accordance with Section 17.72.090 if correction does not occur by that date;
  6. The time for appealing the administrative citation to the Hearing Officer and the procedure for filing an appeal;
  7. A statement that no additional monetary fine will be assessed if the Enforcement Officer approves the completed, required corrective action prior to the Completion Date;
  8. A statement that the Sheriff’s Department or Enforcement Officer (if a duly commissioned peace officer of the County), may issue a criminal citation if the correction or abatement is not completed before the Completion Date; and
  9. A statement that the County may pursue any and all other legal remedies, including prosecution, if the correction or abatement is not completed before the Completion Date.
- B. **Service of Administrative Citation.** The Sheriff or Enforcement Officer shall serve the administrative citation upon the Responsible Person, either personally or by mailing, certified, return receipt requested, at his/her last known address as shown on the current County records. If the Responsible Person cannot, after due diligence, be personally served within Iron County and if an address for mailed service cannot, after due diligence, be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effectuating the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing that due diligence was used in attempting to serve by person and by mail.
- C. **No Extension of Time.** No extension of the time specified in the administrative citation for correction or abatement of the zoning violation may be granted, except by order of the Hearing Officer.

**17.72.090 Abatement by County.**

- A. **Abatement.** When a Responsible Person fails to comply with the Notice of Zoning Violation, the terms of a Voluntary Correction Agreement, an administrative citation, an order of the Hearing Officer, criminal citation, or court order, the Enforcement Officer is authorized to employ necessary assistance and cause that such zoning violation be remedied, when appropriate and feasible, through destruction, removal, or other means. The Enforcement Officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of the same and shall mail a copy thereof to the Responsible Person demanding payment within sixty (60) days of the date of mailing. Such notice shall be deemed to be delivered when served upon the Responsible Person or when mailed by registered mail and addressed to the last known address of the Responsible Person.
- B. **Emergency Abatement.** Whenever a zoning violation is occurring which constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the County, when feasible, may summarily and without prior notice correct or abate the condition. Notice of such abatement,

including the reason for it, shall be given to the Responsible Person as soon as reasonably possible after the correction or abatement.

- C. **Entering onto Property.** Using any lawful means, the County may enter upon the subject property and may remove, correct, or abate the condition which is subject to abatement. The County may seek, but is not required to seek, judicial process as it deems necessary to effect the removal, correction, or abatement of such condition.
- D. **Confiscation of Property.** During an abatement proceeding, any personal property constituting a County zoning violation, may be confiscated as part of the abatement process. Any property that has been confiscated by the County will be held pending the resolution of the zoning violation. The owner may recover the property upon showing that the zoning violation has been corrected or that substantial efforts, as determined by the Enforcement Officer, have been made to correct the zoning violation, provided, however, that the property owner pay the cost of storage of the property. If, after 90 days of the property being confiscated, the property owner fails to claim the confiscated property, and after the County complies with the requirements of U.C.A. § 77-24a-5 (as currently amended), the County may dispose of the property, including sale at auction, disposal, etc., and seek to collect the cost of storage from the property owner. The County may also pursue any other remedy as provided by law.
- E. **Costs Declared Lien.** Any and all costs incurred by the County in the abatement of a zoning violation under the provisions of this Chapter or other County ordinance shall constitute a lien against the property upon which such zoning violation existed, which lien shall be filed, proven, and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.
- F. **County Not Civilly Liable.** Neither the County, nor its officers, agents, or employees, shall be civilly liable to any Responsible Person for the abatement of a zoning violation or to any other person for the failure to abate a zoning violation.

#### **17.72.100 Monetary fines.**

In the event that an administrative citation is issued, the Responsible Person shall pay a monetary fine pursuant to this Section. If the Responsible Person continues a zoning violation after the Completion Date pursuant to an administrative citation or Voluntary Correction Agreement, the Responsible Person shall pay the County a monetary fine for each week, such fine to accrue on the next day following the Completion Date, that the zoning violation continues after the Completion Date. The zoning violation shall be considered to continue until the Enforcement Officer approves the Responsible Person's action(s) to correct or abate the zoning violation. The amount of the monetary fine shall be as follows:

- A. A fine not to exceed a maximum of One Hundred Dollars (\$100.00) per week for each week that the zoning violation remains uncorrected or unabated after the Completion Date as stated in the Voluntary Correction Agreement. The Hearing Officer may set a fine in the amount of zero dollars (\$0). The Enforcement Officer shall serve the Responsible Person in person or by mail notice of the accrual of such fine(s).
- B. A fine not to exceed a maximum of Two Hundred Dollars (\$200.00) initially upon issuance of an administrative citation and a fine not to exceed a maximum of Two Hundred Dollars (\$200.00) for each week the zoning violation is uncorrected or unabated after the Completion Date as stated in the administrative citation. The Hearing Officer may set a fine in the amount of zero dollars (\$0).
- C. Upon notification by the Responsible Person or his/her designee that the agreed-upon abatement is complete, all fines (if any) shall cease the following day after notification is received; however, if the weekly fine has already accrued, the Responsible Person shall not receive credit for remaining days in the week. An Enforcement Officer shall inspect and pass the corrective action off as completed, and, if not completed, fines shall continue to accrue in accordance with this Section.

- D. The monetary fine shall be cumulative and may not be waived by the Enforcement Officer. Payment of a monetary fine pursuant to this section does not relieve the Responsible Person from the duty to abate the zoning violation as required by the Voluntary Correction Agreement or administrative citation. The monetary fine constitutes a personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the County within thirty (30) calendar days from the date the administrative citation or notice is received in person or by mail.
- E. The County Attorney's Office is authorized to take appropriate action to negotiate the amount of the monetary fine, collect the monetary fine, determine the time period in which the fine shall be paid, and take any other action necessary to resolve the fine. In determining the time period in which to pay, the County Attorney's Office may take into consideration the number of days between the required completion date and the actual completion date, the input of the Enforcement Officer, the cooperation of the Responsible Person, etc.
- F. The County may also seek to collect reasonable attorney's fees and costs incurred in collecting the monetary fine where allowed by law.
- G. The incurrence of monetary fines under this Section shall not limit the available remedies of the Enforcement Officer or the County Attorney's Office under this Chapter.

**17.72.110 Civil enforcement.**

Appropriate actions and proceedings may be taken by the county in law or in equity to prevent any violation of this title, to prevent unlawful construction, to recover damages, including the cost, if any, of correcting the zoning violation, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure or premises. (Ord. 158 § 1 (part), 1998).

**17.72.120 Non-exclusive remedies.**

The County may take any or all of the above mentioned remedies (administrative, civil, or criminal) to abate, enjoin, or correct a zoning violation, to punish any person or entity that creates, causes, or allows a zoning violation to exist, and/or to recover damages for violation of this Chapter or other County zoning ordinance. The abatement of a zoning violation does not prejudice the right of the County or any person to recover damages or penalties for its past existence.

**17.72.130 Withholding of building permits and revocation of permits/approvals etc.**

Notwithstanding the procedures outlined in this Chapter, the county may also enforce Title 17, Title 16, and other zoning violations through the withholding of building permits and revocation of development approvals, permits, and licenses. No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of this title, nor shall the county have any obligation to issue certificates of occupancy or to extend roads or other facilities or service to any parcel created in violation of this title.

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

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

**17.72.150 Revocation procedures.**



- A. **Duties of the Zoning Administrator.** If the Zoning Administrator determines, based on inspection by county staff, that there exists reasonable grounds for revocation of a development permit or license authorized by this title, the Zoning Administrator shall set a public hearing before the approving body.
- B. **Notice and Public Hearing.** At least fourteen days notice of a proceeding to reconsider or revoke the development permit or license shall be given to the applicant.
- C. **Required Findings.** The approving body may revoke the development approval, permit or license upon making one or more of the following findings:
  - 1. That the development permit was issued on the basis of erroneous or misleading information or misrepresentation provided by the applicant;
  - 2. That the terms or conditions of approval of the permit relating to establishment or operation of the use, building or structure have been violated or that other laws or regulations of the county applicable to the development have been violated.
- D. **Decision and Notice.** Within ten days of the conclusion of the hearing, the approving body shall render a decision and shall notify the holder of the permit or license of the decision and any other person who has filed a written request for such notice.
- E. **Effect.** A decision to revoke a development permit or license shall become final five days after the date notice of the decision was given. After the effective date, all activities pursuant to such permit shall be deemed in violation of this title. (Ord. 158 § 1 (part), 1998).

**17.72.160 Appeal of administrative citation.**

- A. **Grounds.** Any person receiving an administrative citation may appeal the citation to the Hearing Officer. Only the following issues may be appealed:
  - 1. The person charged in the administrative citation as the Responsible Person is not the Responsible Person as defined by this Chapter.
  - 2. The condition described as a zoning violation in the administrative citation is not a zoning violation as defined by this Chapter or other zoning ordinances.
  - 3. The method required by the administrative citation to abate the zoning violation is inappropriate or not the most cost-effective method of effectively correcting or abating the zoning violation.
  - 4. The time period given to abate the zoning violation in the administrative citation is unreasonable.
  - 5. The Enforcement Officer refused to approve a corrective action that met the requirements of the administrative citation or County ordinances.
  - 6. The Responsible Person claims that the requirements of the administrative citation violate his/her constitutional rights.
- B. **Filing.** The person desiring to appeal the administrative citation must file a Notice of Appeal at the Iron County Building and Zoning Department or Sheriff's Department within 30 days of being served in person or by mail with the administrative citation.
  - 1. The Notice of Appeal shall clearly and concisely set forth all the reasons for the appeal. The Hearing Officer shall examine the Notice of Appeal to determine whether a valid appeal has been stated. If the appellant has not stated a valid cause for appeal as set forth in Section 17.72.160A, or if the appellant has failed to show by a preponderance of the evidence that he/she has an appealable issue, the appeal shall be denied and no hearing shall be held.
  - 2. If the appellant has not shown due diligence and/or substantial progress in abating the zoning violation or has made no attempt to correct the zoning violation, the filing of an appeal will not stop the accrual of the fines.

3. The filing of an appeal will not prevent the Enforcement Officer from responding to the property on reports of new zoning violations.
- C. **Hearing.** The hearing shall be informal and proceed according to rules and procedures established by the Hearing Officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the Enforcement Officer may each call witnesses at the hearing. The Hearing Officer may, with or without the parties present, visit the site of the alleged zoning violation. If the Hearing Officer allows one party to be present at the site visit, the Hearing Officer must allow the other party to be present. The Hearing Officer shall schedule the hearing within thirty (30) days of when the Notice of Appeal is filed with the County. The County Attorney, or his or her designee, shall be present for the hearing and act as legal adviser for the Hearing Officer.
- D. **Burden of Proof.** In appellant's Notice of Appeal, the appellant shall have the initial burden of proof to demonstrate by a preponderance of the evidence that he/she has stated a legitimate ground for appeal as set forth in Section 17.72.160A. If the appellant has stated a legitimate ground for appeal and timely filed his/her appeal, the burden then shifts to the County to show by a preponderance of the evidence that the action taken was appropriate.
- E. **Authority of Hearing Officer.** The Hearing Officer shall have authority to affirm or vacate the administrative citation or to modify or waive specific provisions of the citation. If the appellant fails to attend the hearing, the Hearing Officer shall affirm the citation. The Hearing Officer shall not vacate the citation unless he/she finds that the County has not met its burden of proof. The Hearing Officer shall modify the administrative citation if he/she finds that a zoning violation exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this Chapter. A requirement is inappropriate if the Hearing Officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the Hearing Officer may also consider:
1. Whether the appellant responded to the Enforcement Officer's attempts to contact the appellant and cooperated with efforts to correct the zoning violation;
  2. Whether the appellant has shown due diligence and/or substantial progress in correcting or abating the zoning violation;
  3. The financial ability of the appellant and the amount, if any, that the appellant has benefitted financially by maintaining the zoning violation; and
  4. Any other relevant factor.
- F. **Factors to Be Considered When Determining Appropriate Fine Amount.** When the Hearing Officer is assessing a monetary penalty pursuant to Section 17.72.100, the Hearing Officer shall consider the following factors:
1. The Responsible Person's financial circumstances, as verified to the Enforcement Officer by the Responsible Person;
  2. The Responsible Person's physical ability to correct the zoning violation as verified by either the Enforcement Officer or the Responsible Person; and
  3. The Responsible Person's mental ability to comprehend the scope of the zoning violation and mental ability to abate the zoning violation.
- G. **Order.** The Hearing Officer shall issue a written Order to the appellant and the County notifying them of his/her decision. The Order shall include the Hearing Officer's findings of fact and ultimate decision. If the Hearing Officer modifies or waives provisions of the administrative citation, the Order shall specify which portions are modified and how they are modified. The Hearing Officer shall mail a copy of the Order to the appellant and the County within five (5) working days of the close of the hearing.

**17.72.170 Severability clause.**

Should a court of competent jurisdiction hold any portion of this Chapter or the application of any provision of this Chapter to any person or circumstance invalid, then the invalid portion or

application shall be severed and the remainder of this Chapter shall remain in effect without the invalid portion or application.

**17.72.180 Enforcement of zoning violations found elsewhere in County Ordinance.**

Any activity or condition that is defined as a zoning violation anywhere in Iron County ordinances shall be abated in accordance with the procedures set forth in this Chapter.

**Chapter 17.76**

**APPEALS**

**Sections:**

- 17.76.010 Administrative decisions— Zoning Administrator.**
- 17.76.020 Board of Adjustment decisions.**
- 17.76.030 Planning Commission decisions.**
- 17.76.040 Board of County Commissioners’ decisions.**
- 17.76.050 Judicial review.**
- 17.76.060 Appeal of administrative citation issued pursuant to Chapters 8.20 and 17.72.**

**17.76.010 Administrative Decisions—Zoning Administrator .**

- A. Except as provided in this Chapter or County ordinance, decisions of the Zoning Administrator in applying the provisions of this title, or decisions of the Enforcement Officer in applying Chapters 8.20 and 17.72 by enforcing County zoning and nuisance ordinances, may be appealed to the Board of Adjustment by filing an application and all necessary materials within thirty days of the date of the Zoning Administrator ‘s decision.
- B. Following receipt by the Board of Adjustment of an appeal of a decision by the Zoning Administrator, the Board of Adjustment shall give notice and schedule a public hearing. Following the hearing and the submission of all necessary and relevant information, the Board of Adjustment shall render a decision on the appeal.
- C. The Board of Adjustment shall provide a copy of the board’s decision by mail to all parties to the appeal within fourteen days of the Board of Adjustment’s decision. (Ord. 158 § 1 (part), 1998)

**17.76.020 Board of Adjustment decisions.**

Any person aggrieved by a decision of the Board of Adjustment may, within thirty days after the decision is made, present to the district court a petition specifying the nature of the appeal and the grounds on which they are adversely affected. (Ord. 158 § 1 (part), 1998)

**17.76.030 Planning Commission decisions.**

Any person aggrieved by a decision of the Planning Commission may file an appeal with the appellate body within thirty days of the date of the decision specifying the nature of the appeal. All final decisions of the Planning Commission concerning conditional use applications shall be appealed to the Board of County Commissioners. (Ord. 158 § 1 (part), 1998)

**17.76.040 Board of County Commissioners’ decisions.**

Any person aggrieved by a decision of the Board of County Commissioners may file an appeal to district court within thirty days of the date of the decision pursuant to the provisions of the County Land Management and Development Act, Utah Code. (Ord. 158 § 1 (part), 1998)

**17.76.050 Judicial review.**

No petition for judicial review may be filed unless and until the applicant has exhausted all manner of relief and processes available with Iron County as are provided by this title. (Ord. 158 § 1 (part), 1998.

**17.76.060 Appeal of administrative citation issued pursuant to Chapters 8.20 and 17.72.**

An appeal of an administrative citation issued pursuant to Chapters 8.20 and 17.72 by the Zoning Administrator, Building Inspector, or County Sheriff shall be conducted pursuant to the provisions of Chapters 8.20.200 and 17.72.160.

**SECTION 2 – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3 – AMENDMENT OF CONFLICTING ORDINANCES**

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

**SECTION 4 – EFFECTIVE DATE**

Because this ordinance is necessary for the preservation of the health and safety of Iron County inhabitants, this ordinance shall take effect immediately upon its passage by a majority vote of the Iron County Board of County Commissioners and upon notice and publication as required by Utah Code Annotated § 17-53-208(6).

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 9<sup>th</sup> day of July, 2007.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Wayne A. Smith, Chairman

**ATTEST:**

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

**VOTING:**

Wayne Smith     Aye      
Lois Bulloch     Aye      
Alma Adams     Aye

**CHAIR PRO TEM APPOINTMENT :**

Commissioner Wayne Smith was excused from the meeting to attend a funeral. Alma Adams made a motion to appoint Lois Bulloch as Chair Pro Tem during the absence of Wayne Smith. Second by Lois Bulloch.

**ORDINANCE 2007-8 IRON COUNTY NUISANCE ORDINANCE ENFORCEMENT AMENDMENT:**

Alma Adams made a motion to open a public hearing to receive comments regarding an amendment to the nuisance ordinance. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Kevin Thurman explained that the purpose of the current ordinance is to clarify procedure and to incorporate recommendations regarding hearings by the Board of Adjustments. It also parallels the enforcement of the previous ordinance which governs enforcement of the Zoning ordinances. It is written to parallel State Code and he recommended the Commission adopt the ordinance as written.

After all public comments were received, Alma Adams made a motion to close the hearing and to adopt Ordinance 2007-8 as recommended. Second by Lois Bulloch.

**IRON COUNTY  
ORDINANCE NO. 2007-8**

**AN ORDINANCE OF IRON COUNTY, UTAH AMENDING CHAPTER 8.20 – NUISANCES, TITLE 8 – HEALTH AND SAFETY, OF THE IRON COUNTY CODE RELATING TO THE ABATEMENT OF NUISANCES WITHIN THE BOUNDARIES OF IRON COUNTY, UTAH; AMENDING DEFINITIONS PERTAINING TO NUISANCES; AMENDING PROVISIONS RELATING TO THE ABATEMENT OF NUISANCES; AMENDING ENFORCEMENT PROVISIONS PERTAINING TO NUISANCES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the maintenance of nuisances in the unincorporated areas of Iron County, Utah is pervasive threat to the health, safety, and general welfare of the inhabitants of Iron County;

**WHEREAS**, Iron County desires to promote the health, safety, and general welfare of Iron County residents;

**WHEREAS**, the previous Title 8, Chapter 8.20 contained some ambiguities that affected the abilities of Iron County staff to properly, efficiently, and expeditiously abate nuisances in Iron County;

**WHEREAS**, the following provisions provide clarifications and additional provisions to aid in the proper, efficient, and expeditious abatement of nuisances in Iron County, which nuisances are a pervasive threat to the health, safety, and general welfare of Iron County

inhabitants;

**NOW, THEREFORE, BE IT ORDAINED** by the County Legislative Body of Iron County, Utah, that Title 8, Chapter 8.20 is hereby amended with the following provisions contained in Section 1 – Substantive Provisions.

**SECTION 1 – SUBSTANTIVE PROVISIONS**

**CHAPTER 8.20**

**NUISANCES**

**Sections:**

- 8.20.010**      **Definitions.**
- 8.20.020**      **Nuisance – Definition.**
- 8.20.030**      **Illustrative Enumeration.**
- 8.20.040**      **Vehicles.**
- 8.20.050**      **Noxious Weeds.**
- 8.20.060**      **Noises.**
- 8.20.070**      **Exemptions.**
- 8.20.080**      **Responsibility for Nuisances.**
- 8.20.090**      **Enforcement Officer(s).**
- 8.20.100**      **Finding of Nuisance.**
- 8.20.110**      **Notice to Abate Nuisance.**
- 8.20.120**      **Voluntary Correction Agreement.**
- 8.20.130**      **Violation – Criminal Citation/Action.**
- 8.20.140**      **Violation – Administrative Citation.**
- 8.20.150**      **Abatement by County.**
- 8.20.160**      **Monetary Fines.**
- 8.20.170**      **Civil Actions.**
- 8.20.180**      **Abatement by Eviction.**
- 8.20.190**      **Non-exclusive Remedies.**
- 8.20.200**      **Appeals.**
- 8.20.210**      **Severability Clause.**
- 8.20.220**      **Enforcement of nuisances found elsewhere in County Ordinance.**

**8.20.010**      **Definitions.**

As used in this Chapter:

“**Abatement**” means the repair, replacement, removal, destruction, correction, or other remedy of a condition which constitutes a nuisance by such means, in such a manner, and to such an extent as the Enforcement Officer determines is necessary in the interest of the general health, safety, and welfare of Iron County inhabitants.

“**Agricultural Operations**” means any activity, facility, or operation for the production for commercial purposes of crops, livestock, poultry, livestock products, or poultry products.

“**Completion Date**” means the date by which the Responsible Person must abate a nuisance. The Completion Date is set by the Enforcement Officer in the Notice to Abate Nuisance, Voluntary Correction Agreement, administrative citation, or criminal citation, or in an order by a Hearing Officer or judge.

“**Enforcement Officer**” means the Zoning Officer, Building Inspector, Sheriff, County Attorney, or some other duly designated officer of the County that is authorized as the agent charged with the enforcement of the provisions of this Chapter. In the case of a violation of Section 8.20.050, the Enforcement Officer shall be the County Weed Control Board or designee.

**“Hearing Officer”** means the person(s) designated to hear appeals pursuant to this ordinance. The Hearing Officer shall be the County Board of Adjustment or some designee named by the County Commission. The designee need not be a County employee. The County Commission may also appoint a committee to function as the Hearing Officer.

**“Junk”** means any or all worn out, cast off, or discarded item, article, or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

**“Junk car”** means any used car or motor vehicle not in the process of reconditioning, which has been abandoned for the use as a motor vehicle on a public highway and which is in an unsafe operating condition and shall have remained in such condition for a period in excess of thirty days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

**“Responsible Person”** means the person(s) responsible for correcting or abating a nuisance pursuant to this ordinance. The Responsible Person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property in the County, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use, and/or occupy property where a nuisance occurs. In cases where there is more than one Responsible Persons, the County may proceed against one, some, or all of them.

**“Rubbish”** means wire, chips, shavings, boxes, barrels, rags, bottles, broken glass, crockery, tin, cast or wooden ware, Iron, stumps, tree trunks, paper, circular, hand bills, boots, shoes, ashes, trash, or any similar waste material

**“Vehicle”** means a machine propelled by power other than human power designed to travel along the ground or water by use of wheels, treads, runners, propellers, sails, slides, etc. and transport persons or property or pull machinery and shall include, without limitation, automobile, boat, truck, trailer, motorcycle, tractor, buggy, and wagon.

#### **8.20.020 Nuisance – Definition.**

The purpose of the general definitions listed below is to allow the County to classify an offending situation, conduct, or activity as a nuisance, even though the situation, conduct, or activity may not be listed as a nuisance in the specific examples in this Chapter. Definitions B, C, and D are taken directly from Utah State law. The term “nuisance” under this Chapter shall include both private and public nuisances. Any activity that meets any one or more of the five definitions set forth below shall constitute a nuisance and be declared unlawful if it occurs within Iron County:

- A. **Nuisance** means doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing:
  - 1. injures or endangers the comfort, repose, health, or safety of others;
  - 2. renders soil, air, water, or food impure or unwholesome;
  - 3. offends decency;
  - 4. is offensive to the senses;
  - 5. unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, highway, park, sidewalk, lake, basin, stream, canal, ditch, or drainage;
  - 6. renders in any way other persons insecure in life or the use of property;
  - 7. essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
  - 8. violates the use provision of the Iron County Zoning Ordinance, or the Utah Department of Environmental Quality standards or requirements.
- B. **Nuisance as Defined in U.C.A. § 78-38-1 (1) (as currently amended).** Anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

- C. **Nuisance as Defined in U.C.A. § 76-10-801 (as currently amended).** Any item, thing, manner, or condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
- D. **Public Nuisance as Defined in U.C.A. § 76-10-803 (as currently amended).** Unlawfully doing any act or omitting to perform any duty, which act or omission:
  - 1. annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
  - 2. offends public decency;
  - 3. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
  - 4. in any way renders three or more persons insecure in life or the use of property.
- E. **Specific Nuisances Listed in Section 8.20.030.** Anything specifically listed as a nuisance in Section 8.20.030 or any other Section in this Chapter.

**8.20.030 Illustrative Enumeration.**

Except as specifically allowed in this Chapter, the maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of any of the following items, conditions, or actions are hereby declared to be unlawful and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

- 1. Accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metals, lumber, or other things.
- 2. Noxious weeds, as defined in U.C.A. § 4-17-1 et seq. (“Utah Noxious Weed Act”), as currently amended, and other rank vegetation.
- 3. Any condition which provides harborage for rats, mice, snakes, or other vermin.
- 4. Any building or other structure which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb, or property, or cause any hurt, harm, inconvenience, discomfort, damage, or injury to any one or more individuals in the County, except as provided in Section 8.20.070.
- 5. Any fence, wall, deck, tree, pole, smokestack; or any excavation, hole, pit, sidewalk, subspace, dock, or loading dock; or any lot, land, yard premises, or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb, or property, or cause any hurt, harm, inconvenience, discomfort, damage, or injury to any one or more individuals in the County.
- 6. All unnecessary or unauthorized noises and annoying vibrations, including animal noises, in violation of Section 8.20.060 of this Chapter.
- 7. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches.
- 8. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- 9. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substance.
- 10. Any building, structure, or other place or location where any activity which is in violation of local, state, or federal law is conducted, performed, or maintained.
- 11. Polluted or stagnant water which constitutes an unhealthy or unsafe condition.
- 12. Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.
- 13. The operation of an unlicensed business or business at variance with the terms and conditions imposed in granting the license.
- 14. In addition to violations of Section 8.20.040, the deposit, storage, maintenance,



- collection, or permitting of the deposit, storage, maintenance, or collection of any junk cars, rubbish, or unregistered vehicles or vehicles with expired license plates, except as provided in Section 8.20.040.
15. Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in U.C.A. § 58-37-1 et seq. (as currently amended) (Utah Controlled Substances Act) occurs.
  16. Every building or premises where parties occur twice or more per month which creates the conditions of a nuisance as defined in Section 8.20.020 of this Chapter. Some of the factors the County may examine in determining whether a party house exists include:
    - a. An increase in the number of emergency response calls due to parties being held;
    - b. Any pattern of activity that suggests that parties, creating a nuisance as defined by this ordinance, are taking place; and
    - c. Any pattern of activity which diminishes the quiet enjoyment of those buildings and premises around the alleged party house or causes the immediate neighbors to fear for their safety or the safety of their family members due to the party activity.
  17. A condition which encourages a fire to start or increases the intensity or severity of a fire.
  18. Any “attractive nuisance,” as defined in statutory and/or case law, dangerous to children and other persons including, but not limited to, abandoned foundations or excavations, or improperly maintained or secured pools.
  19. Construction Equipment of any type or description parked or stored on property when it is readily visible from the ground level of a public street, alley, or adjoining property, except while excavation, construction, or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property or where the property is zoned for the storage of construction equipment and/or machinery.
  20. Allowing trash or debris to spill or be blown by the wind from a construction area or other trash container and/or to cause litter to the property of others or to property of the public.

**8.20.040 Vehicles.**

- A. **Violations Declared a Nuisance.** Any violation of this Section shall be declared unlawful and constitute a nuisance and may be abated in accordance with this Chapter. The Responsible Person shall be subject to the fines and penalties outlined in this Chapter and the County shall be entitled to the remedies outlined in this Chapter.
- B. **Abandonment.** No person shall abandon any vehicle within the County and no person shall leave any vehicle at any place within the County for such time and under such circumstances as to cause such vehicle to reasonably appear abandoned.
- C. **Leaving of Wrecked, Nonoperating Vehicle on Street.** No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the County.
- D. **Disposition of Wrecked or Discarded Vehicles.** No Responsible Person shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on any property longer than sixty (60) days; and no person shall leave any such vehicle on any property within the County for a longer time than sixty (60) days; except that this Section shall not apply with regards to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a

vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.

- E. **Impounding.** The Sheriff or any member of the Sheriff's Department designated by the Sheriff is hereby authorized to remove or have removed any vehicle left at any place within the County which reasonably appears to be in violation of this Section or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with State law.
- F. **Presumption.** For purposes of this Section, a vehicle shall be prima facie presumed abandoned if it is not registered and inspected sixty (60) days after the date on which such registration and inspection is required by the state law.
- G. **Exception. Vehicle in the Process of Reconditioning.** Up to 1 vehicle per property in the process of reconditioning shall not be declared a nuisance as long as substantial progress in the reconditioning of the vehicle has occurred within the last thirty (30) days. The limit of 1 vehicle per property does not include a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.

#### **8.20.050 Noxious Weeds.**

Any violation by a Responsible Person of U.C.A. § 4-17-1 et seq. ("Utah Noxious Weed Act"), as currently amended, or any successive state regulation of noxious weeds, shall be declared unlawful and constitute a nuisance. The designated Enforcement Officer under this Section shall be the County Weed Control Board or designee or some other duly authorized county agency or employee. A nuisance under the Utah Noxious Weeds Act, as currently amended, or any successive state regulation of noxious weeds, may be abated in accordance with this Chapter. The Responsible Person shall be subject to the fines and penalties outlined in this Chapter and the County shall be entitled to the remedies outlined in this Chapter.

#### **8.20.060 Noises.**

- A. **General Prohibition.** It is declared to be a nuisance and unlawful for any person to recklessly make or cause to be made or continued, within the residential portions of the County or in close proximity thereof, any loud or unnecessary or offensive noise or any noise which may reasonably be anticipated to annoy, disturb, injure, or endanger the comfort, slumber, peace, health, or safety of any reasonable person or persons of normal sensitivity, whether due to volume or duration or both. Any violation of this Section shall be declared a nuisance and may be abated in accordance with this Chapter. The Responsible Person shall be subject to the fines and penalties outlined in this Chapter and the County shall be entitled to the remedies outlined in this Chapter.
- B. **Prohibitions on Use or Operation of Sound Generating Machines or Devices in Residential Areas.** The reckless use or operation of any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, stereo, television set, compact disc player, video recorder/player, loud speaker(s), or other similar machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, slumber, or comfort of any reasonable person of normal sensitivity in any residential area of the County or in close proximity thereof is prohibited.
- C. **Factors to Consider.** The characteristics and conditions which should be considered in determining whether a violation of A. or B. exists include, but are not limited to, the following:
  - 1. The level of the noise;

2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level of the ambient noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and zoning of the area from which the noise emanates and the area where it is received;
7. The time of day or night the noise occurs;
8. The duration of the noise; and
9. Whether the noise is recurrent, intermittent, or constant.

D. **Prima Facie Evidence of Violations.** Any of the following shall constitute prima facie evidence of a violation of this Section:

1. The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum set, phonograph, stereo, compact disc player, video recorder/player, loud speaker(s), or similar machines or devices between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of twenty (20) feet from the building structure or vehicle in which it is located.
2. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of twenty (20) feet and when operated in such a manner as to cause a reasonable person to be aware of vibration accompanying the sound at a distance of twenty (20) feet from the source.
3. In a residential zone, performing or causing to be performed any construction work on any construction site between the hours of 10:00 p.m. and 7:00 a.m. in a way to be plainly audible at a distance of twenty (20) feet from the source. The Iron County Board of County Commissioners may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations, or modify or waive the hours for projects in generally isolated areas where the extended hours do not impact adjoining property occupants.
4. The operation of any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of twenty (20) feet from the source.
5. Operating or causing to be operated a motor vehicle: (a) with a defective exhaust system that affects sound reduction; (b) without a muffler or other noise dissipative device; and/or (c) equipped with any cut-out, by-pass, or similar device.

E. **Exemptions.** The following are exempted from compliance with this Section:

1. Sounds generated from any government or emergency vehicle while engaged in necessary public business.
2. Sounds generated from excavations or repairs of bridges, streets, highways, or other public works projects by or on behalf of the city, county, or state day or at night when the public welfare and convenience requires such work.
3. Sounds generated from the reasonable use of amplifier(s) or loud speaker(s) in the course of public addresses which are non-commercial in character and in which amplifiers or loud speaker(s) are not used in connection with any moving vehicle.
4. A parade or public assembly that has obtained a permit.
5. Sounds from any emergency device, early warning system, or civil defense device.
6. A school or county-sponsored sporting event or assembly.
7. Any activity for which a county permit or license was issued.
8. Sounds from equipment used to maintain landscaping on residential property

on a periodic basis, including lawnmowers, leaf blowers, edgers, hedge trimmers, and similar types of equipment when used between 7:00 a.m. and sunset.

- F. **Relief from Restrictions.** Requests for relief from the noise restrictions in this Section may be made to the Iron County Board of County Commissioners. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked.
- G. **Enforcement.** This Section may be enforced using any of the provisions of this Chapter. Due to the nature of a noise violation and the immediate need for abatement, the Enforcement Officer need not serve the Responsible Person with a Notice to Abate Nuisance before the Enforcement Officer issues an administrative or criminal citation or otherwise abates a violation.

#### **8.20.070 Exemptions.**

- A. **Lawful Act.** No act which is done or maintained under the express authority of a statute, ordinance, or court ruling shall be declared a nuisance.
- B. **Agricultural Operations.** Agricultural Operations that are consistent with sound agricultural practices are presumed to be reasonable and do not constitute a nuisance under this Chapter unless the agricultural operation has a substantial adverse effect on the public health and safety. Agricultural operations undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are presumed to be operating within sound agricultural practices.
- C. **Agricultural Buildings.** Except in residential areas, structures used solely in conjunction with agriculture use, and not for human occupancy, may be exempt from this Chapter if the alleged nuisance occurs as a direct result of the relaxed building permit requirements allowed under U.C.A. § 58-56-4(5)(a) & (b) (as currently amended), and the owner has signed an approved “Waiver of Liability Regarding Agriculture Buildings within the Unincorporated Areas of Iron County”. This subsection shall not cover plumbing, electrical, and mechanical work in the structure unless such work is specifically exempted from the permit process and such work is specifically covered by the Waiver of Liability.

#### **8.20.080 Responsibility for Nuisances.**

The Responsible Person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a Responsible Person pursuant to this Chapter. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

#### **8.20.090 Enforcement Officer(s).**

The Zoning Officer, Building Inspector, County Weed Control Board (in the case of a violation of Section 8.20.050), Sheriff, County Attorney, or some other duly designated officer of the County is charged with the enforcement of the provisions of this Chapter and shall be authorized to make examination and investigation of all real property in the County, as allowed by law, to determine whether the Responsible Person(s) is complying with the provisions of this Chapter. The County Attorney shall enter such actions in court as are necessary. Failure of such county agents to pursue appropriate legal remedies shall not legalize any violation of such provisions.

#### **8.20.100 Finding of Nuisance.**

If an Enforcement Officer has probable cause to believe a nuisance exists, the Enforcement Officer shall attempt to have the Responsible Person abate the nuisance. Although the Enforcement Officer's first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the Enforcement Officer may pursue any remedy or combination of remedies available pursuant to this ordinance, state law, or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the County from engaging in its standard prosecution practices. Therefore, the County may prosecute violators of County ordinances or state laws without first having to comply with the provisions of this Chapter, even though the activity or conduct prosecuted may also constitute a nuisance under this ordinance. Nothing in this ordinance shall be interpreted to prevent the County from enforcing applicable County ordinances, building codes, or zoning ordinances without first treating the offending conduct, situation, or activity as a nuisance pursuant to this ordinance.

**8.20.110 Notice to Abate Nuisance.**

- A. **Notice.** Except as otherwise provided by this Chapter or County ordinance, whenever a nuisance is found to exist within the County, the Enforcement Officer shall serve written notice to the Responsible Person in person or by mailing notice, postage prepaid, addressed to the Responsible Person at the last-known post-office address as shown in the records of the County Assessor.
- B. **Contents of Notice.** The notice to abate a nuisance issued under the provisions of this Chapter shall contain:
  - 1. The location of the nuisance, if the same is stationary.
  - 2. A description of what constitutes the nuisance.
  - 3. A statement of acts necessary to abate the nuisance.
  - 4. A statement that abatement must occur within 30 days of service of notice.
  - 5. A statement that, if the nuisance is not abated as directed, the County will take necessary actions, as listed in this Chapter, to abate the nuisance.
- C. **Service of Notice.** The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law. If notice has already been served once during the calendar year directing abatement, no further notice need be served to compel such abatement during such calendar year.

**8.20.120 Voluntary Correction Agreement.**

The Enforcement Officer should attempt to obtain voluntary correction from the Responsible Person and to enter into a Voluntary Correction Agreement with the Responsible Person before other remedies are undertaken. A Voluntary Correction Agreement is a contract between the County and the Responsible Person in which the Responsible Person agrees to abate the nuisance within a specified time and according to specified conditions. The purpose of the Voluntary Correction Agreement is to provide a mechanism for the Responsible Person to abate the nuisance voluntarily before more severe remedies are undertaken by the County. If the Responsible Person complies with the terms of the Agreement, the County shall take no further action against the Responsible Person related to the nuisance(s) described in the Agreement unless the nuisance(s) recurs. Because the maintenance of a nuisance is a criminal violation, this option is a privilege and not a right and the Responsible Person has no entitlement. Thus, the Enforcement Officer may choose to abate the nuisance using one or more of the other procedures set forth in this ordinance, state law, or common law.

- A. **The Voluntary Correction Agreement shall include the following:**
  - 1. The name and address of the Responsible Person;
  - 2. The street address of the nuisance, or a description sufficient to identify the building, structure, premises, or land upon or within which the nuisance is occurring;
  - 3. A description of the nuisance;

4. The necessary corrective action to be taken and a date or time by which correction must be completed (“Completion Date”) – the date or time by which correction must be completed shall not be longer than 6 months;
  5. An agreement by the Responsible Person that the County may inspect the premises as may be necessary to determine compliance with the Voluntary Correction Agreement;
  6. An agreement by the Responsible Person that, if the terms of the Agreement are not met, the County may:
    - a. issue an administrative or criminal citation(s);
    - b. abate the nuisance, recover its costs and expenses, and place a lien on the property;
    - c. issue a monetary fine pursuant to this ordinance; and/or
    - d. pursue any other legal remedy available;
  7. An agreement by the Responsible Person acknowledging that he/she waives the right to appeal the Enforcement Officer’s finding that a nuisance exists and the right to appeal the specific corrective action required by the Voluntary Correction Agreement; and
  8. An agreement by the Responsible Person that failure to comply with the Voluntary Correction Agreement may be grounds for criminal prosecution.
- B. **Extension of Time.** The Enforcement Officer may grant an extension of time for correcting or abating the nuisance pursuant to the Voluntary Correction Agreement if the Responsible Person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable.
- C. **Other Remedies.** If the Enforcement Officer and the Responsible Person cannot agree to terms for correcting or abating the nuisance, the Enforcement Officer may abate the nuisance using one or more of the procedures set forth in this ordinance, state law, or common law.

**8.20.130 Violation – Criminal Citation/Action.**

- A. **Nuisance Declared Criminal Violation and Unlawful.** It shall be unlawful for any person to cause, permit, maintain, or allow the creation or maintenance of a nuisance. Whoever violates any provision of Chapter 8.20, or other County ordinance pertaining to nuisances, shall be guilty of a Class B misdemeanor. Any violation shall constitute a separate offense on each successive day continued. Any person who knowingly obstructs, impedes, or interferes with: (1) the County or its agents; (2) the Responsible Person in the performance of duties imposed by this ordinance; (3) a decision and Order issued by the Hearing Officer or judge; or (4) a Voluntary Correction Agreement, is guilty of a Class B misdemeanor. The penalty for a Class B misdemeanor includes a maximum fine of one thousand dollars and/or six months in jail. The Sheriff’s Department or an Enforcement Officer (if a duly commissioned peace officer of the County), may issue a criminal citation for violations of this Chapter.
- B. **Criminal Citation/Action.** Criminal actions may be initiated by the Sheriff’s Department or the Enforcement Officer (if a duly commissioned peace officer of the County) by issuing a criminal citation or by the County Attorney’s Office by filing an Information.

**8.20.140 Violation – Administrative Citation.**

- A. **Administrative Citation.** When the Enforcement Officer has found substantial evidence indicating a nuisance exists, the Enforcement Officer may issue an administrative citation to the Responsible Person. The administrative citation shall

include the following:

1. The name and address of the Responsible Person;
  2. The location of the nuisance;
  3. A description of the nuisance;
  4. The amount of the monetary fine, as specified in Section 8.20.160;
  5. The date that abatement is required (“Completion Date”) and a notice that the County may abate the nuisance in accordance with Section 8.20.150 if abatement does not occur by the Completion Date;
  6. The time for appealing the administrative citation to the Hearing Officer and the procedure for filing an appeal;
  7. A statement stating that no additional monetary fine will be assessed if the Enforcement Officer approves the completed, required corrective action prior to the Completion Date;
  8. A statement that the Sheriff’s Department or Enforcement Officer may issue a criminal citation if the correction is not completed before the Completion Date; and
  9. A statement that the County may pursue any and all other legal remedies, including prosecution, if the correction is not completed before the Completion Date.
- B. **Service of Administrative Citation.** The Sheriff or Enforcement Officer shall serve the administrative citation upon the Responsible Person, either personally or by mailing certified return receipt requested, at his/her last known address as shown on the current County records. If the Responsible Person cannot, after due diligence, be personally served within Iron County and if an address for mailed service cannot, after due diligence, be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effectuating the service declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing that due diligence was used in attempting to serve by person and by mail.
- C. **No Extension of Time.** No extension of the time specified in the administrative citation for correction of the nuisance may be granted, except by order of the Hearing Officer.

**8.20.150 Abatement by County.**

- A. **Abatement.** When a Responsible Person fails to comply with the Notice of Abatement, the terms of a Voluntary Correction Agreement, an administrative citation, an order of the Hearing Officer, a criminal citation, or a court order, the Enforcement Officer is authorized to employ necessary assistance and cause that such nuisance be destroyed or removed. The Enforcement Officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of the same and shall mail a copy thereof to the Responsible Person demanding payment within sixty (60) days of the date of mailing. Such notice shall be deemed to be delivered when served upon the Responsible Person or when mailed by registered mail and addressed to the last known address of the Responsible Person.
- B. **Emergency Abatement.** Whenever a nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the County may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the Responsible Person as soon as reasonably possible after the abatement.
- C. **Entering onto Property.** Using any lawful means, the County may enter upon the

subject property and may remove or correct the condition which is subject to abatement. The County may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.

- D. **Confiscation of Property.** During an abatement proceeding, any personal property constituting a nuisance, as defined by this Chapter, may be confiscated as part of the abatement process. Any property that has been confiscated by the County as part of an abatement will be held pending the resolution of the nuisance. The owner of the abated property may recover the property upon showing that the nuisance has been corrected or that substantial efforts, as determined by the Enforcement Officer, have been made to correct the nuisance. The property owner shall pay the cost of storage of the property. If, after 90 days of the property being confiscated, the property owner fails to claim the confiscated property, and after the County complies with the requirements of U.C.A. § 77-24a-5 (as currently amended), the County may dispose of the property, including sale at auction, disposal, etc., and seek to collect the cost of storage from the property owner. The County may also pursue any other remedies as provided by law.
- E. **Costs Declared Lien.** Any and all costs incurred by the County in the abatement of a nuisance under the provisions of this Chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven, and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.
- F. **County Not Civilly Liable.** Neither the County, nor its officers or agents or employees, shall be civilly liable to any Responsible Person for the abatement of a nuisance.

#### **8.20.160 Monetary Fines.**

In the case that an administrative citation is issued the Responsible Person shall pay the County a monetary fine pursuant to this Section. If the Responsible Person continues a nuisance after the Completion Date pursuant to an administrative citation or Voluntary Correction Agreement, the Responsible Person shall pay the County a monetary fine for each week, such fine to accrue on the next day following the Completion Date, that the zoning violation continues after the Completion Date. The nuisance shall be considered to continue until the Enforcement Officer approves the Responsible Person's action(s) to correct or abate the nuisance. The amount of the monetary fine shall be as follows:

- A. A fine not to exceed a maximum of One Hundred Dollars (\$100.00) per week for each week that the nuisance remains uncorrected or unabated after the Completion Date as stated in the Voluntary Correction Agreement. The Hearing Officer may set a fine in the amount of zero dollars (\$0). The Enforcement Officer shall serve the Responsible Person in person or by mail notice of the accrual of such fine(s).
- B. A fine not to exceed a maximum of Two Hundred Dollars (\$200.00) per week the nuisance is uncorrected or unabated according to the terms set forth in the administrative citation. The Hearing Officer may set a fine in the amount of zero dollars (\$0).
- C. Upon notification by the Responsible Person or his/her designee that the agreed-upon abatement is complete, all fines (if any) shall cease the following day after notification is received; however, if the weekly fine has already accrued, the Responsible Person shall not receive credit for remaining days in the week.. An Enforcement Officer shall inspect and pass it off as completed, and if not completed fines shall continue to accrue in accordance with this Section.
- D. The monetary fine shall be cumulative and may not be waived by the Enforcement Officer. Payment of a monetary fine pursuant to this section does not relieve the Responsible Person from the duty to abate the nuisance as required by the Voluntary Correction Agreement or administrative citation. The monetary fine constitutes a



personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the County within thirty (30) calendar days from the date the administrative citation or notice is received in person or by mail.

- E. The County Attorney's Office is authorized to take appropriate action to negotiate the amount of the monetary fine, collect the monetary fine, determine the time period in which the fine shall be paid, and take any other action necessary to resolve the fine. In determining the time period in which to pay, the County Attorney's Office may take into consideration the number of days between the required completion date and the actual completion date, the input of the Enforcement Officer, the cooperation of the Responsible Person, etc.
- F. The County may also seek to collect reasonable attorney's fees and costs incurred in collecting the monetary fine where allowed by law.
- G. The incurrence of monetary fines under this Section shall not limit the available remedies of the Enforcement Officer or the County Attorney's Office under this Chapter.

#### **8.20.170 Civil Actions.**

Either the County or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or pursuant to State law.

#### **8.20.180 Abatement by Eviction.**

Pursuant to U.C.A. §§ 78-38-10 and 78-38-11 (as currently amended), whenever there is reason to believe that a nuisance under U.C.A. §§ 78-38-9 through 78-38-16 (as currently amended) is kept, maintained, or exists in Iron County, the County Attorney, any citizen or citizens of the state residing in the County, or any corporation, partnership, or business doing business in the County, in his or her or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant.

#### **8.20.190 Non-exclusive Remedies.**

The County may take any or all of the above mentioned remedies (administrative, civil, or criminal) to abate a nuisance and/or to punish any person or entity that creates, causes, or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the County or any person to recover damages or penalties for its past existence.

#### **8.20.200 Appeals.**

- A. **Grounds.** Any person receiving an administrative citation may appeal the citation to the Hearing Officer. Only the following issues may be appealed to the Hearing Officer.
  - 1. The person charged in the administrative citation as the Responsible Person is not the Responsible Person as defined by this ordinance.
  - 2. The condition described as a nuisance in the administrative citation is not a nuisance as defined by this ordinance.
  - 3. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost-effective method of effectively correcting or abating the nuisance.
  - 4. The time period given to abate the nuisance in the administrative citation is unreasonable.

5. The Enforcement Officer refused to approve a corrective action that met the requirements of the administrative citation or this ordinance.
  6. The Responsible Person claims that the requirement(s) of the administrative citation violates his/her constitutional rights.
- B. Filing.** The person desiring to appeal the administrative citation must file a Notice of Appeal at the County Sheriff's Department or Building and Zoning Department within thirty (30) days of being served in person or by mail with the administrative citation.
1. The Notice of Appeal shall clearly and concisely set forth all the reasons for the appeal. The Hearing Officer shall examine the Notice of Appeal to determine whether a valid appeal has been stated. If the appellant has not stated a valid cause for appeal as set forth in Section 8.20.200A, or if the appellant has failed to show by a preponderance of the evidence that he/she has an appealable issue, the appeal shall be denied and no hearing shall be held.
  2. If the appellant has not shown due diligence and/or substantial progress in correcting the nuisance or has made no attempt to correct the nuisance, the filing of an appeal will not stop the accrual of the fines.
  3. If the appellant has filed an appeal, the filing of such appeal will not prevent law enforcement officers from responding to the property on reports of new nuisance violations.
- C. Hearing.** The hearing before the Hearing Officer shall be informal and proceed according to rules and procedures established by the Hearing Officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the Enforcement Officer may each call witnesses at the hearing. The Hearing Officer may, with or without the parties present, visit the site of the alleged nuisance. If the Hearing Officer allows one party to be present at the site visit, the Hearing Officer must allow the other party to be present. The Hearing Officer shall schedule the hearing within thirty (30) days of when the Notice of Appeal is filed with the County. The County Attorney, or his or her designee, shall be present for the hearing and act as legal adviser for the Hearing Officer.
- D. Burden of Proof.** In appellant's Notice of Appeal, the appellant shall have the initial burden of proof to demonstrate by a preponderance of the evidence that he/she has stated a legitimate grounds for an appeal based upon reasons as set forth in Section 8.20.200A. If the appellant timely filed the appeal and a hearing has been scheduled, the burden then shifts to the County to show by a preponderance of the evidence that the action taken was appropriate.
- E. Authority of Hearing Officer.** The Hearing Officer shall have authority to affirm or vacate the administrative citation or to modify or waive specific provisions of the citation. If the appellant fails to attend the hearing, the Hearing Officer shall affirm the citation. The Hearing Officer shall not vacate the citation unless he/she finds that the County has not met its burden of proof. The Hearing Officer shall modify the administrative citation if he/she finds that a nuisance exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this ordinance. A requirement is inappropriate if the Hearing Officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the Hearing Officer may also consider:
1. Whether the appellant responded to the Enforcement Officer's attempts to contact the appellant and cooperated with efforts to correct the nuisance;
  2. Whether the appellant has shown due diligence and/or substantial



**SECTION 4 – EFFECTIVE DATE**

Because this ordinance is necessary for the preservation of the health and safety of Iron County inhabitants, this ordinance shall take effect immediately upon its passage by a majority vote of the Iron County Board of County Commissioners and upon notice and publication as required by Utah Code Annotated § 17-53-208(6).

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 9<sup>th</sup> day of July, 2007.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Wayne A. Smith, Chairman

**ATTEST:**

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

**VOTING:**

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

**DEVELOPMENT AGREEMENT APPROVAL :**

Six-Man Development met with the Commission to request approval of a development agreement for The Parks at Deer Hollow Subdivision located approximately 1900 West & Mid Valley Road, Cedar City, within Sec 15, T35S, R11W. The agreement has been reviewed by the Planning Commission and the County Attorney’s Office and both have recommended approval of the agreement.

Reed Erickson reviewed provisions of the agreement and stated that enforcement will be monitored through the Zoning Administrator’s Office. Mr. Erickson also recommended approval of the agreement.

Alma Adams made a motion to approve the development agreement for The Parks at Deer Hollow Subdivision in its final form and to authorize the Commission Chair to sign in behalf of Iron County. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

**PUBLIC HEARING ZONE CHANGE FROM R ½ TO COMMERCIAL :**

Alma Adams made a motion to open a public hearing to receive comments on a proposed zone change of one parcel located at approximately 1700 West & Midvalley Rd, Cedar City. Within Sec 15, T35S, R11W. Requested by Six-Man Development. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

Chad Nay reported that the proposed change was for one lot within The Parks at Deer Hollow Subdivision which will be developed for a convenience store or similar facility. It is located near the Three Peaks elementary school on Midvalley Road. The Planning Commission has recommended approval of the zone change.

Brandon Hunter commented that the parcel was left small on purpose to allow one business to locate at this site.

After all comments were received, Alma Adams made a motion to close the public hearing and to adopt the Planning Commission recommendation and approve the zone change as requested. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

**REQUEST FOR HELP IN OBTAINING A RIGHT OF WAY ACROSS BLM :**

Carol Caress representing a group of land owners consisting of Van and Phyllis Leavitt, Carol Caress living trust and Bill and Brenda Zubeck met with the Commission to request the County's assistance in obtaining a right of way across BLM property to their parcels located North of Enoch City In Sections 6 and 31, Township 35 South, Range 10 West, SLM. She further explained that historic access has been across property owned by Lorin Jones. This access has been denied recently by locked gates to anyone other than the existing land owners.

Art Tait reviewed with the Commission maps showing current access and proposed road development across BLM.

Tim Scott, Insite Engineering, stated that it is planned to construct the road to County standards and the additional road would be required for this size of development even if the existing road through Jones' property is cleared up.

Spencer Jones reviewed the history of use of this parcel from the Jones family perspective. He explained that they have always dealt with Mr. Leavitt and have been negotiating a permanent right of way.

After comments were received, Commissioner Bulloch explained that the County has not acquired right of way for private developments. This appears to be a civil matter between the Jones family and Ms. Caress and Mr. Zubeck. There is no action the County is willing to provide at this time.

**REQUEST FOR ATV ORDINANCE FOR THREE PEAKS RECREATION AREA :**

Charlie Morris met with the Commission to discuss concerns with traffic management at the Three Peaks Recreation Area. He is especially concerned with ATV traffic and for placing hours of operation of ATV's in camping areas.

The Commission referred the matter to the County Attorney's Office to draft an appropriate ordinance.

**HUMAN RESOURCE MATTERS** :

David Yardley presented for approval the following new volunteers in the Council on Aging program: Leon Hollingshead in Parowan as a vehicle driver and Leone Cox as a meals on wheels worker in Cedar City. Alma Adams made a motion to approve the two volunteers as presented. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

David Yardley also presented the following promotions at the Landfill: K. C. Fiack and Steve Hansen from Solid Waste Technician to Solid Waste Technician/Lead Worker effective July 15, 2007. Alma Adams made a motion to approve the promotions as presented. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

The following promotions within the ambulance department were presented for approval: Nick Wittwer from EMT-Basic to EMT-Intermediate; Spencer Thomas from EMT-Basic to EMT-Intermediate; and Shalene Zingleman from EMT-Basic to EMT-Intermediate. Alma Adams made a motion to approve the promotions as presented. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

**ANNUAL TRAINING ON OPEN AND PUBLIC MEETINGS ACT** :

Kevin Thurman presented annual training on the open and public meetings act in compliance with U.C.A. 52-4-104. He explained significant changes enacted by the Legislature during the 2007 Legislative session and presented an outline of the changes to all present. Changes include clarification of recording in the minutes the vote of each member of the presiding body, names of each person giving testimony to the executive body, allowing items to be discussed which are not on the agenda providing no official action is taken, electronic notice of meeting to be published on a State website which is to be designed and operated by the State Archive.

**PRESENTATION OF STUDENT SERVICE AWARDS:**

Carin Miller presented to the Commission the following individuals who have earned the listed volunteer awards: Daniel Robinson - Presidential award was not present to receive his award; Janelle Johnson - Iron County & Presidential Award for 134 hours of service; Korine Leach - Iron County & Presidential award for over 100 hours of service; Krutika Patel - Iron County & Presidential award for over 100 hours of service; Serene Martens - Iron County & Presidential award for 52 hours of service, Ms. Martens is six years old; Ivy Miller - Iron County & Presidential award for 83 hours of service, Ms. Miller is also six years old; Corey Miller - Iron County & Presidential award for 68 hours of service, Ms. Miller is seven years old; Melanie Thornton - Iron County & Presidential award for 250 hours of service; and Meaghan Burr - Iron County & Presidential award for 521 hours of service.

The Commission congratulated the volunteers for the work they have accomplished in the community and they encouraged them to keep up the good work.

**ENOCH ANNEXATION NOTICE** :

A notice of a proposed annexation of two lots of Little Eden Subdivision by Enoch City was reviewed. The Commission expressed concerns with creating peninsulas and islands. They were also concerned with annexing one or two lots of a subdivision at a time. The Commission requested that Kevin Thurman draft a letter to Enoch City stating these concerns. Commissioner Bulloch will sign the letter.

**SALE OF SURPLUS PARCEL PAROWAN ASPEN COVE SUBDIVISION :**

Robyn Lewis has requested that she be allowed to purchase a 15 foot wide parcel adjacent to her property in the Aspen Cove Subdivision in Parowan. The small County parcel would allow her lot to be fenced in line with the rest of the Aspen Cove Subdivision. A portion of the County parcel is in line with a proposed street extension. Because of the size and location of the parcel, the Commission approved the sale of the portion requested by Ms. Lewis provided she get a surveyors legal description of the portion being transferred and to pay an amount as determined to be fair market value for the portion of the parcel.

**RESOLUTION 2007-8 APPROVING PAY TO STAY PROGRAM AT JAIL :**

Kevin Thurman introduced the following resolution as requested at the previous meeting to establish a pay to stay program at the Iron County Jail. The Commission discussed implementation of the program and the effect it would have on indigent inmates. Kevin explained that the Judge has the ability to adjust the rate for indigent inmates.

After review, Alma Adams made a motion to adopt Resolution 2007-8 as follows:  
Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESOLUTION NO. 2007-8**

**A RESOLUTION ESTABLISHING THE "PAY TO STAY" PROGRAM  
PURSUANT TO U.C.A. § 76-3-201**

**WHEREAS**, the provisions of U.C.A. 76-3-201(6) require that convicted prisoners pay restitution to the county for the costs of incarceration in the county correctional facility; and

**WHEREAS**, the County desires that convicted prisoners bear a portion of the cost of incarceration to help relieve the burden the County and County taxpayers bear for such costs; and

**WHEREAS**, the members of the Iron County Commission have received a recommendation from the Iron County Sheriff and Attorney recommending institution of such a program; and

**WHEREAS**, the members of the Iron County Commission have determined that it is in the best interests of Iron County to require convicted prisoners to pay a \$10.00 charge per day beginning the day they are incarcerated and ending the day they are released from custody; and

**WHEREAS**, such fine is to be assessed upon conviction and charged retroactively to the date of

incarceration including all days in which the convicted prisoner serves time in jail;

**NOW THEREFORE, BE IT RESOLVED** that the Iron County Commission adopts this resolution establishing the Pay to Stay program, in which prisoners convicted of criminal activity resulting in incarceration in the county correctional facility are charged restitution to the county in the amount of \$10.00 per day, provided the prisoner is not a state prisoner and the restitution does not duplicate the reimbursement provided through contract with the Utah Department of Corrections.

Nothing in this resolution shall prohibit the court from reducing the restitution of \$10.00 per day in accordance with the criteria set forth in U.C.A. § 77-38a-302(5)(c)(i) through (iv).

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

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 9th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

\_\_\_\_\_  
Wayne Smith, Chairman

**ATTEST:**

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

**VOTING:**

Wayne Smith              Aye    
Lois Bulloch              Aye    
Alma Adams               Aye



**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley

County Clerk

**IRON COUNTY COMMISSION MEETING  
July 23, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 23, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dennis Ayers.

**APPROVAL OF MINUTES July 9, 2007** :

Minutes of the Iron County Commission meeting held July 9, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Ayers** reported that training was beginning this week on a new software release called Bid Bend. The training will be by teleconference with Iron County as the lead agency and other Counties listening in.

**Jared Wilson** reported that the Eagle software system experienced failure last week. The system was restored from backups but it took a full day to recover data. The software company is trying to determine what caused the program to crash.

**Gene Adams** reported that disclosure notices are ready to print. The software crash mentioned by Jared Wilson caused a delay in compiling data to complete the print process and delayed the final printing and mailing by at least one day.

**Patsy Cutler** reported that new recording standards require documents to be on 8 ½ X 11 paper in no smaller than 10 point font. It also requires land records to include a tax serial number and account number on each description.

**Geri Norwood** reported that the Treasurer's are working with the Eagle software system to make sure the tax notices print in the correct format. The needed changes should be in place in time for printing the notices in October.

**Alma Adams** reported that the Federal prisoner count at the jail is down. In order to keep bed space full, either more Federal or State prisoners need to be secured.

Alma also reported that there are ten candidates this year for Miss Iron County. The pageant is a part of the Iron County Fair.

**Lois Bulloch** reported that training received at UAC meeting indicate that line items within budgets need to be approved to be transferred to another line item. Additional information will become available at future meetings.

Lois also reported that the State is recommending that Justice Court Judges become State Judges with the same benefits as District Court Judges. The requirement to be Law trained would also be phased in. The operation and funding of the Justice Courts would continue to be County or Municipal responsibility.

**David Yardley** reported that the County Clerk's Office will be trained during the next week in the GEMS software used to program elections. Iron County will be assisting Cedar City with their municipal primary election scheduled for September 11. The County will also be responsible for the November 6 election which will be a State wide election on the School Voucher issue and will be conducted in conjunction with Municipal General elections.

David also reported that the Landfill solid waste collection truck caught fire and the cab was destroyed. No injuries were reported.

**Mark Gower** reported on several wild fires in the County over the past month. The Bumble Bee fire and the Hamblin Valley fire were the most significant. Sheriff Gower also reported on an accident in which some girls from a girls camp ran off the Right Hand Canyon road and two people received significant injuries.

**REQUEST TO ESTABLISH A SPECIAL IMPROVEMENT AREA :**

Stephen Brown appeared before the Commission to request the formation of a Special Improvement Area within a portion of Midvalley Acres Subdivision. Mr. Brown explained that as a lot owner along with a few other owners would like their street improved and paved. The Commission explained their concern with this subdivision flooding due to the lack of rights of

way for flood channels and the maintenance of existing irrigation ditches. Currently the Stephenville Ditch ends and this area floods on a regular basis. The matter was tabled to allow the Commissioners to tour the area with the County Engineer to determine what steps would be needed to address flooding problems in the area.

**IRON COUNTY MOBILE RESPONSE TEAM** :

Clint Kelly came before the Commission to request support of the County in establishing a Victim Mobile Response Team. Grant funds of \$39,316 are available from the State. The programs would be limited to the use of these funds and would rely on volunteers for much of the work.

After reviewing the purpose of the Mobile Response Team and receiving support from the Sheriff and County Attorney, the Commission approved the concept of the program on a motion by Lois Bulloch contingent on the County Attorney drafting contracts and agreements stating that the program is limited to funding received from State grants only. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**MOU WITH SOUTH WEST UTAH PUBLIC HEALTH DEPT** :

Charlie Morris presented a Memorandum of Understanding for Commission approval which provides for emergency immunization of County residents and Jail personnel. Charlie then explained that it is intended to only cover County employees and Jail employees, not prisoners.

The Commission was uncomfortable with the wording of the agreement and requested that the County Attorney meet with SWUPH Officials to get clarification of who would be covered in the agreement and under what circumstances immunizations would be administered.

**PROPOSED ORDINANCE DISCUSSION** :

Charlie Morris requested that the Commissioners draft an ordinance to establish regulations for the Iron County parks and recreation areas which will include permitted uses at Three Peaks Recreation Area. He explained that with current regulations, ATV's and party's go on far into the night. He suggested a "quiet time" in which campers and recreationists would not be bothered by loud music or ATV's running near camps.

The matter was referred to the County Attorney's office to draft an ordinance for consideration at a future meeting.

**PRAIRIE DOG MATTERS** :

Richard Mullins and Bruce Lund came before the Commission to request final approval of prairie dog take on lots and roads within the North Park Subdivision in Parowan. DWR has confirmed counts on each of the lots and the County previously approved up to 15 dogs take for 2007. Mr. Lund requested the following parcels be cleared: Roads, 3 dogs; Lot 9, 11 dogs; and Lot 2, 1 dog. Alma Adams made a motion to approve the clearances as requested. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**HUMAN RESOURCE MATTERS** :

Colette Eppley presented for approval the re-hiring of Gale Grover as a Corrections

Officer to start at her former grade and pay . Ms. Grover, a former employee as a Corrections Officer will be returning as a line officer. Lois Bulloch made a motion to approve the hiring of Gale Grover as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval the following promotions: Marc Bowman EMT-Intermediate to Paramedic, Ann Crowther, Judy Schiers, Roberta Henderson, Kellie Carter, and Brian Johnson, all from EMT-Basic to EMT-Intermediate. Lois Bulloch made a motion to approve the promotions. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also requested approval of Marc Bowman as a full time Paramedic. Lois Bulloch also made a motion to approve Mr. Bowman as a full time Paramedic. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Dori McNeery was approved to work as a volunteer for the Council on Aging on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval a Drug Tracker Position which will work with the Iron County Drug Court. Alma Adams made a motion to approve the establishment of a Drug Tracker job description which will be fully funded through grant funds. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**CLOSED MEETING** :

Colette Eppley requested a closed meeting to discuss a personnel issue. Lois Bulloch made a motion to close the meeting to consider a personnel issue. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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

I, Wayne A. Smith, Chairman of the County Commission of Iron County, Utah hereby certify that the purpose of the Executive Session convened was conducted in accordance with Utah Code 52-4 et. seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation.

Dated this 23<sup>rd</sup> day of July, 2007.

\_\_\_\_\_  
Signed: Wayne A. Smith, Chairman

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

After reconvening in open meeting, the Commission reported that a GRAMA request for

personnel sensitive documents has been referred to the County Attorney for an opinion and if the documentation is covered by GRAMA to submit the requested documents to Tribune Publishing.

**PRESENTATION ON PAY FOR STAY PROGRAM** :

Sheriff Gower introduced Gary Lundberg representing CONNEX Information Systems. Mr. Lundberg explained the service CONNEX will provide in tracking bookings and stays at the Iron County Jail for inmates which will be subject to the pay for stay as approved by the Commission. CONNEX will prepare bills which will be given to inmates upon release and will send statements during the collection process. It will also prepare uncollectible accounts to be turned to a collection agency for processing.

All funds will be submitted to the County for processing. CONNEX will receive 20% of collected funds for their service. They propose to operate on a three year agreement which would renew annually. The matter was referred to Commissioner Adams and Sheriff Gower to review the program and make a recommendation to the Commission for approval.

**CHAIR PRO TEM** :

Commissioner Smith was excused to attend a funeral and Alma Adams made a motion to appoint Lois Bulloch as Chair Pro Tem. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

**UDOT ROAD MATTERS** :

Steve Platt met with the Commission to request approval of funding \$250,000 as a County match for a road improvement project to Old Irontown. The County match could be an "In Kind" match with the Road Department doing the work in widening and preparing for an asphalt surface to the Old Irontown site. The project would be funded from State Parks funds. Alma Adams made a motion to approve the project and authorized the Road Department to proceed using County resources. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

Steve also presented a request for additional funds to match a grant to implement a "run off the road" safety sign project. The County portion of the match is 7% and would amount to \$11,461.20. Alma Adams made a motion to approve the \$11,461.20 as requested from the New Construction budget. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

Steve also reviewed a water improvement notice received from SITLA for a well near Adams Well and for a proposed sale of 80 acres of SITLA property near Shurtz Canyon in Cedar Valley. The Commission did not oppose either SITLA proposal.

Upon reconvening after lunch and the return of Commissioner Smith the following action was taken.

**FIREWORKS RESTRICTIONS WITHIN IRON COUNTY :**

Due to the extreme fire danger and the damage done by several large wild fires in Iron County and surrounding Counties, the Commission authorized the following press release to be effective immediately.

**FIREWORKS RESTRICTIONS IN EFFECT FOR IRON COUNTY  
EFFECTIVE IMMEDIATELY**

**July 23, 2007**

Due to the number and intensity of fires we have encountered already this year in the unincorporated areas of Iron County, and the volatility of dry vegetation, the Iron County Commission and the Iron County Fire Marshall have decided to follow the State's recommendations and not allow the discharge of any fireworks in the unincorporated areas of Iron County for the remainder of the 2007 fire season, especially the 24<sup>th</sup> of July celebration.

The Iron County Commission and Iron County Fire Marshall have made this decision for life safety as well as protection of property. Citizens are warned that all costs for extinguishment of fires caused by the illegal discharge of fireworks could be charged to the person or persons illegally discharging them.

Board of Iron County Commissioners

Wayne A. Smith, Chair

Lois L. Bulloch, Commissioner

Alma L. Adams, Commissioner

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

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

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**August 13, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 13, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported on the Rural Summit at SUU. She discussed a Mapserv demonstration. At this time, Iron County does not have the parcel information in this system by choice of the former Commission. She questioned whether Iron County wants to take another



look at this system and determine if we want to join and participate.

Lois also discussed a lease agreement with Cedar City Chamber of Commerce for space in the Visitor Center. The matter was referred to the County Attorney's Office to draft an agreement for presentation to the Chamber of Commerce and County Commission for approval.

**Alma Adams** reported that after reviewing the "pay to stay" program for inmates at the jail, it has been determined that the County can manage the billing system internally. The Jail and Sheriff's office staff will manage the system.

Alma also discussed a concern from the Fire Chiefs regarding fire protection in the Industrial area near Iron Springs. Chief Irons was especially concerned with LOVES petroleum storage facilities storing gasoline in their tanks. The Commission discussed the concern with Chad Nay who stated that gasoline was an approved use within their conditional use permit.

**Cal Kahler** reported on water meetings he attended in Enoch and Enterprise along with a meeting of the CICWCD. He stated that the plan proposed by the water users in the Escalante valley seemed to be a viable use plan that was added to the mix proposed by the State Engineer.

#### **TEMPORARY MASS GATHERINGS :**

Ron Johnson, Ambulance Director, discussed State Administrative Rules regarding emergency services at mass gatherings. The rules are explained in R-392-400 of the State Administrative Rules. Ron was concerned that mass gatherings such as rock crawls, outdoor concerts, and vehicle races were ignoring these rules. The concern was raised earlier this summer when a young girl from Las Vegas was killed and several other serious injuries occurred at a moto cross track west of Cedar City. The matter was referred to Ron and the County Attorney to draft a County policy in compliance with State guidelines.

#### **MUNICIPAL SERVICE TAX COMMENTS :**

Robert and Carolyn Everett requested time to read a statement regarding the implementation of the Municipal Service Tax on County residents. They were opposed to Water Conservancy tax and the School tax. The Commission explained that these are separate government agencies and the County does not control their tax rates. The Commission further explained that the tax would not go into effect until 2008 and would cover only County municipal services such as fire, police, building inspection, and road maintenance as needed. Solid waste and sewer service is billed through a fee system and is already managed by Iron County Special Service District # 1

#### **IRON COUNTY MOBILE RESPONSE TEAM :**

Clint Kelly appeared before the Commission to discuss funding of a Mobile Response Team Supervisor. He explained that grant funding shortfalls will be made up from donations and fund raising activities.

The Commission explained several concerns including insurance coverage for volunteers, coverage at the incident scene and most importantly, interlocal agreements with municipalities to operate in their jurisdictions. The Commission requested that Mr. Kelly get on the agenda of the local Coordinating Council to make a presentation and to get their approval. The matter was tabled without further action.

**DISCUSSION ON PAROWAN SENIOR CENTER :**

Alma Adams discussed negotiations with Parowan City regarding sewer line costs to connect the area near the proposed Senior Citizen Center in Parowan. Cost estimates now are \$40,000 to connect to the 100 West line. Parowan City proposes that the County fund ½ of the line at \$20,000. The City has also agreed to waive building and impact fees for the building. The additional funding needed for construction of the building may be gained from Rural Development Agency which has funds available for such projects.

**PROPERTY TAX EXEMPTION RATES AND SPECIAL ABATEMENTS :**

Christene Keene presented for approval Property Tax Exemption rates for Circuit Breaker and County Indigent authorization rates. Circuit Breaker is set by the State and the County typically uses the same rates for exemptions. Alma Adams made a motion to approve the exemption tax rates as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Christene also presented for approval an exemption request from the Seventh Day Adventist Church for property in Enoch purchased from the Jehovah Witness Church. Lois Bulloch made a motion to approve the exemption request. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**FINAL PLAT THREE PEAKS INDUSTRIAL PARK PHASE 1 :**

Kim Bell and John Snyder of K. T. Investments requested approval of the final plat of Three Peaks Industrial Park Subdivision Phase 1 located within Section 11, T36S, R12W. Chad Nay reviewed the plan with the Commission explaining that the subdivision consists of four lots. Chad reported on concerns with the water source and water quality for the project. The developers have not provided adequate information regarding flows and storage as required for fire flows. Chad also requested developers to provide a document stating that the subdivision will be connected to the CICWCD system as it becomes available.

The Commission requested that Chad Nay draft a letter stating all deficiencies needing correction prior to Planning approval. The matter was tabled to allow the deficiencies to be corrected.

**ROCK MATERIAL FROM LANDFILL AREA :**

Kit Wareham, Cedar City Engineer, met with the Commission to request that rock material at the Landfill be available for use as rip rap material in lining Coal Creek flood channel. He explained that Cedar City has enough material stockpiled to complete the first phase from the main street to I-15. Additional material may be needed to complete future phases.

The Commission explained that they were not willing to sell County material at this time until County flood control projects are surveyed and needs assessed.

**HUMAN RESOURCE MATTERS :**

Colette Eppley discussed issues with overtime for part time Bailiff's assigned to the Court buildings. She reported that some regularly work in excess of the 32 hours authorized as part time employees. Sheriff Mark Gower responded that this will be corrected and that Bailiff's will not be allowed to work over time hours.

**ACCIDENT REVIEW BOARD :**

Colette Eppley requested clarification on appointments to the Accident Review Board. The Commission reaffirmed the names of Colette Eppley, David Yardley, Eugene Adams, Kevin Thurman, Neil Forsyth, Rick Evans, and Ron Johnson as members of the accident review board on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PAROWAN VALLEY CRUSHED AGGREGATE BID OPENING :**

Bids were opened for crushing gravel at the Iron County, Parowan gravel pit. Two bids were received with the following results:

JP Excavating bid \$12.10 per ton for a total of \$151,250.

Quality Crushing bid \$4.80 per ton for a total of \$60,000.

Lois Bulloch made a motion to accept the apparent low bid of Quality Crushing dependant upon review of bid documents to verify compliance with specifications. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**REPAIR OF JAIL PARKING LOT :**

Mark Gower and Brett Allred met with the Commission to request approval to repair the parking lot at the Jail. They explained the project and presented one estimate from Western Rock for \$7,949. The Commission tabled action on the matter with a request that additional cost estimates from competing companies be explored.

**FINAL PLAT APPROVAL THE PARKS AT DEER HOLLOW SUBDIVISION PHASE 1:**

The final plat of The Parks at Deer Hollow Phase #1 was called for final approval. Chad Nay reported that all recommendations and requirements for approval have been met. The Planning Commission has recommended approval with a variance for utility easements. Chad also recommended that the development agreement be re recorded with all exhibits mentioned in the document included.

Lois Bulloch made a motion to approve The Parks at Deer Hollow Phase 1 subdivision as recommended with the variance for utility easements and to authorize the development agreement to be re filed in the Records Office. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ORDINANCE 2007-9 :**

Charlie Morris met with the Commission to discuss the draft Ordinance 2007.9 which establishes regulations pertaining to the use of Iron County parks and recreation areas especially Three Peaks. After reviewing the document, the Commission determined that the Bureau of Land Management has not had an opportunity for input. The matter was tabled to allow time for BLM review and recommendations.

**AGREEMENTS FOR SPECIAL ELECTIONS APPROVAL :**

David Yardley presented two agreements for approval between the State and Iron County

for funding the November 2006 School Voucher special election and the 2007 Presidential Primary to be conducted in February. The State will fund the school voucher election in conjunction with municipal elections. The municipalities will fund the additional cost above State funding. The Presidential Primary will be fully funded from the State grant.

Lois Bulloch made a motion to approve the agreements and authorize the Chair to sign. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PREDATOR CONTROL CONTRACT AMENDMENT APPROVAL :**

\_\_\_\_\_An amendment to the Predator Control Contract which will provide funding for 2007-2008 was approved on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**IRON COUNTY PARADE ENTRY :**

The Commission discussed participation in the 2007 Iron County Fair Parade to be held on Labor Day. It was determined that a vehicle will be used with a portion of the elected officials walking and passing candy to spectators. David Yardley was asked to order some appropriate candy.

**SOUTHWEST PUBLIC HEALTH MEMORANDUM OF AGREEMENT :**

Kevin Thurman reviewed two memorandum of agreement regarding strategic stockpile of medicines in case of a widespread epidemic. He explained that the vaccinations will be made available to all citizens within Iron County at pre determined locations including hospitals and clinics, schools, and churches. There is not a priority for County employees in receiving this service.

Lois Bulloch made a motion to approve the agreements subject to minor revision and approval of the County Attorney. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**DATA PROCESSING ISSUES :**

The Commission reported that the State Court Administrator for Justice Courts represented by Rick Schwermer has requested that the Iron County Justice Court switch to CORIS software system used by all State Courts. The State will provide data conversion and support. Judge Miller and Chief Clerk Johanna Lambeth have requested that they be allowed to convert to the CORIS system. The Commission has agreed and the State will start installing the software as soon as possible.

**PRAIRIE DOG MATTERS :**

The Commission discussed the purchase of prairie dog habitat from SITLA. A 200 acre parcel has been identified and the process started for the purchase. The DWR has submitted a letter requesting several stipulations in approving the purchase including development of suitable habitat, a conservation easement executed by a State or Federal agency and financial guarantees for future maintenance of the site. No action was needed at this time.

The Commission also discussed an extension of a road between Nichols Landing and Saddleback Subdivision. The road would require the take of three prairie dogs on approximately one acre. Lois Bulloch made a motion to authorize the developers to purchase three prairie dogs from the SITLA bank dogs for \$2,000 each. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**LANDFILL EQUIPMENT ISSUES** \_\_\_\_\_ :

Alan Wade met with the Commission to discuss equipment needs at the Landfill. He explained that the water truck broke an oil line while hauling water to a fire in the C & D pit. As soon as it was noticed, the vehicle was shut down and repaired, however it has sustained major engine damage. It would be cheaper to buy another truck than to repair this one. The Commission explained that the Road Department has a surplus truck that could be transferred. A second dump truck is available at State Surplus. Alan was authorized to examine the State truck and purchase it as long as it is within his budget.

**APPROVAL OF WARRANTS & ADJOURN** \_\_\_\_\_ :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Alma Adams. Second was by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley

County Clerk

**IRON COUNTY COMMISSION MEETING**  
**August 27, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 27, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also Present:

H. Eugene Adams	County Auditor
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff
Margaret Miller	Justice Court Judge

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES July 23, 2007** :

Minutes of the Iron County Commission meeting held July 23, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES August 13, 2007** :

Minutes of the Iron County Commission meeting held August 13, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Erik Jorgensen** reported that disclosure notices have been mailed. He also reported that the CORIS program is being installed on the Justice Court computers and the State is training the Clerk's on the program. It is expected to be completely cut over within a week. The

Commission also discussed with Erik the possibility of participating in Mapserv.utah as a tool in planning and in providing information to the public. The matter is to be placed on a future agenda for approval.

**Geri Norwood** reported that the Treasurer's Office is building the tax files for 2007. Results of Board of Equalization will need to be included before the final notices are printed. She also reported that delinquent tax notices are being prepared to mail within the next two weeks.

**Margaret Miller** discussed a proposal for the State to take control of Justice Courts. The plan is to make all Justice Court Judges State employees and to require all positions to become full time positions. The long range plan is to require Justice Court Judges to be law trained.

**Gene Adams** reported that Board of Equalization hearings are being scheduled. Requests for appeal packets are being prepared and mailed as requested. Final hearings will be scheduled as packets are returned. Mr. Adams also discussed the schedule for budget hearings for 2008 budget requests. The Commission requested that interviews be conducted earlier than in previous years to allow for additional time to consider requests.

**Cal Kahler** reported on notes from meetings with the Central Iron County Water Conservancy District and with Enoch City. Enoch City concerns are with dwindling culinary water sources, growth, and a secondary water system to provide irrigation water for residential lots.

**Kiersten Gray**, Miss Iron County for 2007 was introduced to the Commission and elected officials. She discussed her plans for the up coming year as she reins as Miss Iron County. She is willing to participate in County activities or other activities as requested.

**Mark Gower** reported on flooding in Modena Canyon. A heavy rain caused the road to wash out in several places, stranding several hunters and washing away two ATV's. No injuries have been reported.

**Alma Adams** reported that Cedar City is applying for a Federal grant to add five full time positions as fire fighters. The grant will be fully funded for the first year and then will be reduced to zero over the next five years. The City and County will be expected to provide the funding for the positions as the grant is reduced.

**David Yardley** reported that preparations are under way for Municipal Primary elections in Paragonah and Cedar City. Early voting will start tomorrow and will continue until September 7. Primary election date is Tuesday, September 11. The County will conduct the November election because of the school voucher issue.

**PROPOSED ORDINANCE 2007-9 :**

A proposed ordinance establishing regulations pertaining to the use of Iron County Parks and Recreation Areas was discussed by Charlie Morris. The BLM has expressed concerns with wording in the document governing joint managed areas. A separate section of the ordinance needs to address the area transferred to the County regarding noise, hours of use, alcohol use, and speed limits.

John Baker, a resident of the area stated that the 25 MPH speed limit is unreasonably low for much of the area.

The matter was tabled to allow time to draft the changes recommended by the BLM on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**LEASE AGREEMENT WITH CHAMBER OF COMMERCE :**

Lois Bulloch introduced the matter of a lease agreement with the Cedar City Chamber of Commerce for space at the Visitor Center. The Commission recommended that the lease terms be changed to a one year term which can be amended as far as costs and rates as needed.

Donna Brown, Chamber representative stated that the Chamber is willing to approve the proposed changes.

The matter was tabled to allow amendments to the proposed agreement on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Donna also discussed a proposal to install display racks at the Visitor Center. The Commission expressed concern with a private company being allowed to place display racks which will have advertising for local businesses without a written lease agreement.

**FINAL PLAT APPROVAL FOR THREE PEAKS INDUSTRIAL PARK PHASE 1 :**

Chad Nay presented for final approval a proposed industrial subdivision by Kim Bell and John Snyder of K.T. Investments located within Section 11, T36S, R12W. K.T. Investments has met all of the requirements for approval and has received clearances as required. Chad Recommended approval of the final plat.

Lois Bulloch made a motion to approve the final plat as presented and recommended. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**MAINTENANCE ISSUES AT THE IRON COUNTY JUSTICE CENTER. :**

Chad Nay reported on a project to install a new flag pole at the Justice Center in Cedar City. A Boy Scout has taken the installation as an Eagle Scout project. Preliminary work has been done which made removal of one blue spruce tree. The Commission approved removal of the blue spruce and donating it to Chad Nay on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Chad also discussed re striping the parking lot to eliminate traffic flow problems with entrance and exiting vehicles. He also requested a handicapped parking space on the North driveway to accommodate a volunteer in the Justice Court. This matter was referred to the Building Maintenance department.

**HUMAN RESOURCE MATTERS :**

Colette Eppley presented as new employees, Elizabeth Jones as an EMT Intermediate and Adam Beston as a Prairie Dog Technician, full time seasonal. Alma Adams made a motion to approve the hires as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.



Colette also presented a status change request for Charles Triplett from Detective to Drug Tracker in conjunction with the Drug Court. A status change was also presented for Tony Gower and Melissa Fritz, Ms. Fritz will be slotted at grade 19, in duty with the drug task force. Lois Bulloch made a motion to approve the status change. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ANNEXATION NOTICES PARAGONAH & ENOCH :**

Annexation notices were reviewed from Paragonah and Enoch. The Paragonah annexation is located adjacent to 300 West. The Commission did not oppose this annexation.

The Enoch City annexation brought some concerns with creating an island or peninsula which would not be in compliance with Utah Code. The County Attorney's office will draft a letter to Enoch City with the County concerns.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:00 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**September 10, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 10, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Scott F. Garrett	County Attorney
Cynthia Robinson	Deputy County Clerk

**SYNOPSIS** :

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ANNEXATION NOTICE PARAGONAH .....	4
APPROVAL OF WARRANTS & ADJOURN .....	5
DESIGNATION OF BY MAIL VOTING PRECINCTS .....	4
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IRON MISSION STATE PARK REPORT .....	4
MOBILE CRISIS TEAM PROGRAM .....	3
NRCS EMERGENCY WATERSHED PROTECTION PROGRAM .....	2
PAROWAN SENIOR CENTER MOU AGREEMENT .....	3
PERSONNEL MATTERS .....	4
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG MATTERS .....	3
PUBLIC HEARING ZONING MAP AMENDMENTS .....	2

**PLEDGE OF ALLEGIANCE** :

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

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** discussed needs at the shooting range near Three Peaks. Maintenance items include weed control and the need for rest room facilities. A flagpole needs to be erected to allow a red flag to be posted when shooting is occurring. Wayne Smith said he may have a pole he could donate. The proposed ordinance covering the Three Peaks Recreation area should include the area of the shooting range also.

**Alma Adams** reported that the count of Federal prisoners at the jail has increased to 65. The goal is to have 80 prisoners housed in that unit. Alma also discussed a grant being submitted by Cedar City to fund additional full time fire fighters. As the grant funds diminish over time, Iron County will be expected to fund 40% of the \$200,000 annually for the continued service.

**Wayne Smith** reported that the Road Department needs a new road grader. It is anticipated that the funds from a trade in of an old grader and funds dedicated to the Road Department from fire suppression efforts this summer will cover the cost of a new road grader. Alma Adams made a motion to approve the purchase of the new road grader from funds generated from the trade of a used grader and fire suppression work. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

A letter from Matt Bulloch regarding the purchase by the County of a 220 acre parcel of SITLA property for prairie dog habitat was discussed. No action was taken at this time.

Bill Hall met with the Commission regarding damage done to a buried water line in Hamblin Valley by County road crews. He requested a waiver of all County fees in replacing the damaged pipeline and placing it deeper under the area to avoid problems in the future. Alma Adams made a motion to approve the waiver as requested due to the damage being caused by County road crews and to authorize County personnel to repair the damage. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PUBLIC HEARING ZONING MAP AMENDMENTS** :

Lois Bulloch made a motion to open a public hearing to receive comments on proposed zoning map amendments and comprehensive zone changes. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Reed Erickson discussed a recommendation from the Planning Commission to rezone the Tier 2 areas surrounding municipalities to A-20 for properties not currently within a recognized subdivision. In the past a ½ mile area around municipalities have been zoned R-1/2.

After all public comments were received, Alma Adams made a motion to close the public hearing and take the matter under consideration to allow the Data Processing Department to compile a comprehensive zoning map with the proposed changes. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**AGRICULTURAL PROTECTION AREA FINAL HEARING AND ACTION** :

Lois Bulloch made a motion to convene a public hearing to receive final comments on a proposal by Donna Mitchell to designate a parcel as an agricultural protection area. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Cindy Robinson reported that letters have been received from the Planning Commission and the Agricultural Protection Board recommending approval of the Agricultural Protection Area.

Chad Nay reported on recommendations from the Planning Commission that the APA specify that it is to be used in the production of domestic livestock including cattle, sheep, horses, mules, goats, swine, rabbits, geese, ducks, turkeys, chickens including dairy operations, and includes calving, lambing, fouling, reproduction for all animals listed herein. The raising and harvesting of vegetation crops to sustain life for animals and humans.

No negative comments were received whereupon Alma Adams made a motion to close the public hearing and to approve the designation of an Agricultural Protection Area for the Donna Mitchell property. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**NRCS EMERGENCY WATERSHED PROTECTION PROGRAM** :

An agreement providing emergency watershed protection through a grant from NRCS was presented by Steve Platt. He requested approval of the grant which will be used to develop flood control structures and channel development. Lois Bulloch made a motion to authorize the Commission Chair to sign the financial agreement and to authorize Steve Platt to sign changes to

the original agreement upon review of a Commissioner. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**2007 CLASS “B” ROAD MILEAGE UPDATE** :

Steve Platt, Iron County Engineer presented updated maps of Iron County Class B roads on the County maintenance system. Currently there are 214 miles of paved roads, 466 miles of gravel roads, and 305 miles of dirt roads on the system. Alma Adams made a motion to accept the updated mileage figures as presented for 2007. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**MOBILE CRISIS TEAM PROGRAM** :

Clint Kelly again met with the Commission seeking approval of the establishment of a Mobile Crisis Team to be funded through grants and fund raising.

The Commission made the following stipulations on approval of the program:

1. Approval subject to review and approval by the County Attorney.
2. The Mobile Crisis Team is to be established as a 501 (c) 3 non profit organization.
3. All funds are to be routed through the County Auditor’s Office.
4. There is to be no additional cost to the County. When grant funds are expended, the program ends.
5. The County Sheriff will provide office space at no charge at the Sheriff’s Office.
6. The program is to be reviewed annually for continued approval.
7. Volunteers and employees will not be County employees and volunteers. They will be designated as independent contractors and will provide their own liability insurance, equipment, and vehicles.
8. Interlocal agreements are to be prepared for the team to operate within their jurisdiction. The agreements are to contain a hold harmless clause naming Iron County as an additional insured.

Lois Bulloch made a motion to approve the program for one year subject to the listed stipulations and interlocal agreements being signed. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PAROWAN SENIOR CENTER MOU AGREEMENT** :

An agreement & memorandum of understanding between Iron County and Parowan City for the donation and use of a parcel of property to be used for the construction of a Senior Citizen Center in Parowan was reviewed and approved on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

The agreement is to have a corrected signature page prepared and an exhibit with the property description is to be prepared for signatures.

**PRAIRIE DOG MATTERS** :

Parowan City represented by Joe Melling requested non permanent take of Utah Prairie Dogs to install sewer lines on 2200 West from the Gap road South to near Highway 91 in

Parowan and on areas designated near the airport. Parowan will split the project into phases with additional requests for non permanent take as the projects are ready to proceed.

Alma Adams made a motion to grant up to 16 dogs of non permanent take from the current year allocation. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS** :

Colette Eppley presented recommendations for promotions for Polly Johnson from EMT-Intermediate to Lead Worker in Parowan and Kenna Wright from EMT-Basic to EMT-Intermediate. Polly Johnson will not receive a salary increase but will be an hourly worker with additional hours.

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

Colette also reported that each department is requested to conduct Safety Training in compliance with UCIP Best Practices program. The intent is to lower accident rates and injuries in the work place. Colette is to forward a copy of the notice and proposed training to the Commission.

Each Department Supervisor will be allowed to conduct the training that best suits their department. Iron County has had a high rate of workers comp claims this year, one of the highest claim counties this year. The Road Department was recognized as having an excellent training program in place. The Commission agreed that the safety program should be implemented and encourage Departments to stress safety issues affecting their work and equipment.

**IRON MISSION STATE PARK REPORT** :

Todd Prince, Iron Mission State Park, met with the Commission to report on increases in visitors this year and to thank the County for their support in marketing, advertising, and interpretive programs funded in part by Iron County and offered to Iron County Residents. The program has been very successful and during budget time, Iron Mission would again like to request consideration of funding from the Transient Room Tax Board. No action was needed by the Commission at this time.

**ANNEXATION NOTICE PARAGONAH** :

A notice of a petition for annexation from Paragonah for the Dale Robinson property was reviewed. A map was not attached and the matter was tabled and referred to Reid Erickson to bring a more definitive description and location of the proposed annexation. The Commission also requested that the County Attorney make Paragonah Town aware of concerns with creating peninsulas and islands with annexations.

**DESIGNATION OF BY MAIL VOTING PRECINCTS** :

The County Clerk's Office requested approval of a plan to conduct by mail voting in the upcoming November special election. The following precincts are eligible to be designated as by mail precincts: Brian Head; Paragonah, Summit, Kanarraville, Newcastle, Beryl and Modena. Part of the municipalities have already opted to conduct their elections by mail as a cost saving measure. Kanarraville and Paragonah will be contacted for their approval as by mail precincts.

Lois Bulloch made a motion to approve conducting by mail voting in the listed precincts as requested by the County Clerk. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN** \_\_\_\_\_ :

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

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**September 24, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 24, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also Present:

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

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Erik Jorgensen.

**APPROVAL OF MINUTES August 27, 2007** :

Minutes of the Iron County Commission meeting held August 27, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES September 10, 2007** :

Minutes of the Iron County Commission meeting held September 10, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

## ELECTED OFFICIALS REPORTS :

**Dennis Ayers** reported that Board of Equalization hearings are going well. Two days of hearings have been held and an additional two days are scheduled. Dennis also reported that an employee in the Cedar City office has submitted her resignation and the position will be filled as soon as possible.

**Gene Adams** reported that the independent audit report has been completed and will be presented to the Commission later today. He also reminded Department Supervisors that it is time to start on budget requests for 2008.

**Margaret Miller** reported that most tickets are now being e-filed by officers. There are a few officers that have not started to file tickets electronically. The Sheriff was asked to work with deputies to make this transition as quickly as possible.

Margaret also stated that the Justice Court has limited call taking to two people. This has caused some concern because people cannot reach a Clerk in a timely manner.

**Patsy Cutler** reported that things were going well in the Recorder's Office. A new cadastral mapper has been hired and is working out well. Patsy also discussed the need for a new plat printer that is a multi function machine. It is hoped that it will be available by January to print the required plat maps for 2008.

**Geri Norwood** reported that a second delinquent tax notice has been mailed in an attempt to collect delinquent taxes.

**Erik Jorgensen** reported that Data Processing is working on a major upgrade in software for the Public Safety division. The new system will perform Geo Citing which coordinates addresses with streets and GPS coordinates. This will help in locating homes in emergency situations and will be available in all emergency vehicles.

**Mark Gower** reported that the federal prisoner count was up to 71. The Jail will experience a budget shortfall because of the low numbers of federal prisoners for several months.

**Scott Garrett** reported that the Steve Crowther tax appeal case has been scheduled for arbitration before Judge Eves. He also reported that Adam Christen has submitted his resignation effective October 31. A search for a new Deputy Attorney will begin immediately.

**Alma Adams** reported that Art Walunas has submitted a letter of resignation as Fair Manager. He also asked about what information was being given by the Assessor's Office regarding the corridor fee which was added to registration of vehicles. Dennis stated that customers are being told to call the Commissioners because they do not have information on the fee. The Commission asked that Alma draft an explanation of the Corridor fee to be distributed to customers through the Assessor's Office.

**Lois Bulloch** reported that Jim Eardley from Washington County was chosen by the County Commissioners as the outstanding Commissioner for the year. The County Commission group is considering a certification program similar to other affiliate groups in UAC.

**David Yardley** reported on preparations for the Special Election scheduled for November 6. The municipalities will be conducting elections for council members and the state wide referendum regarding school vouchers will be on all ballots. Because of the referendum issue, the County will administer the election.



**BAILIFF CONTRACT APPROVAL & SIGNING :**

Contracts for bailiff service in District Courts were presented for approval. After reviewing the contracts and upon a recommendation for approval by the Sheriff and County Attorney, Lois Bulloch made a motion to approve the contracts for 2008. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**IRON COUNTY ZONING MAP AMENDMENTS :**

Reed Erickson presented an amended Comprehensive Zoning map reflecting recommended changes to comply with existing tiers. The major changes are to remove a current commercial zone near Beryl Junction and place it back into the A 20 zone and to remove some R-1/2 outside of annexation boundaries of municipalities and place it back into the A 20 zone. After reviewing the proposed changes, Lois Bulloch made a motion to approve the zone changes as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**REQUESTING MATCHING FUNDS FOR 50/50 GRANT :**

Jordan Smith, Iron County Weed Department, met with the Commission to request matching funds to purchase a truck for use in weed spraying and mosquito abatement. He explained that State grant funds were available on a 50/50 match. A new truck would cost about \$24,000 so the County portion would be \$12,000.

Alma Adams made a motion to approve the purchase contingent on the availability of County funds. If possible, the purchase could be rolled into 2008 and approved as a budget item. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESOLUTION 2007-9 :**

A resolution approving the execution of a memorandum of understanding between the Department of Public Safety, Division of Homeland Security, and Iron County regarding state use of homeland security grant funding on behalf of the state’s local/regional partners was presented by Charlie Morris. After review and a recommendation for approval, Lois Bulloch made a motion to approve Resolution 2007-9 and the accompanying Memorandum of Understanding. Second by Alma Adams.

**RESOLUTION NO. 2007-9**

**A RESOLUTION APPROVING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY, AND IRON COUNTY REGARDING STATE USE OF HOMELAND SECURITY GRANT FUNDING ON BEHALF OF THE STATE’S LOCAL/REGIONAL PARTNERS**

**WHEREAS**, on August 13, 2007, the United States Department of Homeland Security issued grant number 2007-GE-T7-0016 to Utah (“Grant”); and

**WHEREAS**, under the Grant, the Regions in the State of Utah (Iron County is in Region 4) may authorize DPS HLS to contract for services of a Gap Analysis/Assessment to be done at

the Regional and County levels, provided that the Regions and Counties and DPS HLS enter into an Agreement on the matter; and

**WHEREAS**, the State of Utah, Department of Public Safety, Division of Homeland Security (“DPS HLS”) desires to hold up to \$200,000 of the 2007 Homeland Security Grant Funding for the purposes of hiring a contractor to do a gap analysis on behalf of the Regions, Counties and Cities; and

**WHEREAS**, DPS HLS and Iron County have negotiated a Memorandum of Understanding, setting forth the terms by which DPS HLS shall hold up to \$200,000 of the 2007 Homeland Security Grant Funding for the purposes of hiring a contractor to do a gap analysis on behalf of the Regions, Counties, and Cities within Region 4 (“MOU”), a copy of which is attached hereto as Exhibit “A”; and

**WHEREAS**, the Iron County Commission desires to promote the health, safety, and welfare of Iron County inhabitants;

**WHEREAS**, the Iron County Commission finds that it is in the best interests of Iron County to enter into the MOU with DPS HLS.

**NOW, THEREFORE**, at a regular meeting of the legislative body of Iron County, Utah, duly called, noticed, and held on the 24<sup>th</sup> day of September, 2007, upon motion duly made and seconded, it is unanimously:

**RESOLVED** that the MOU, a copy of which is attached hereto as Exhibit “A”, is hereby approved and adopted. A copy of the MOU is on file in the Office of the Iron County Commission.

VOTED UPON AND PASSED BY THE IRON COUNTY COMMISSION AT A REGULAR MEETING OF THE IRON COUNTY COMMISSION HELD ON THE 24<sup>TH</sup> DAY OF SEPTEMBER, 2007.

IRON COUNTY

\_\_\_\_\_  
WAYNE A. SMITH  
Chair  
Iron County Commission

ATTEST:

\_\_\_\_\_  
County Clerk

Wayne Smith           voted Aye  
Lois Bulloch           voted Aye  
Alma Adams           voted Aye

## MEMORANDUM OF UNDERSTANDING

### **Between the Department of Public Safety, Division of Homeland Security and Iron County (as part of Region 4) Regarding State Use of Homeland Security Grant Funding on Behalf of the State's Local/Regional Partners**

1. **PARTIES.** The parties to this Agreement are the State of Utah, Department of Public Safety, Division of Homeland Security (DPS HLS), and Iron County (as part of Region 4).
  
2. **PURPOSE.** The purpose of this Agreement is to set forth terms by which DPS HLS shall hold up to \$200,000 of the 2007 Homeland Security Grant Funding for the purposes of hiring a contractor to do a gap analysis on behalf of the Regions, Counties, and Cities. On August 13, 2007, date the United States Department of Homeland Security issued grant number 2007-GE-T7-0016 to Utah. Under this grant, the Regions in the State of Utah may authorize DPS HLS to contract for services of a Gap Analysis/Assessment to be done at the Regional and County levels, provided that the Regions and Counties and DPS HLS enter into an Agreement on the matter.
  
3. **RESPONSIBILITIES:**
  - a) **DPS HLS.** The State will work with the contractor to do training for a self-assessment and then oversee the work to completion for analysis' results, which will then be provided to each Region and County.
  
  - b) **Iron County.** Two to three representatives of Iron County will come to the training provided and then do the self-assessment for the County. They will then turn in the results to the state or contractor for the results to be analyzed.
  
4. **POINTS OF CONTACT.**
  - a). **State.** Jerrienne Kolby, HLS Grant Program Section Chief  
1110 State Office Building  
Salt Lake City, UT 84114  
(801) 209-7513  
(801) 538-3755  
[jkolby@utah.gov](mailto:jkolby@utah.gov)
  
  - b). **Iron County.**  
Charlie Morris, Iron County Emergency Manager  
88 E. Fiddlers Canyon Road, Suite F  
Cedar City, UT 84720  
(435) 867-7329 - Phone  
(435) 865-7938 - Fax

5. **OTHER PROVISIONS.** Nothing in this Agreement is intended to conflict with current laws or regulations of DPS HLS or Iron County. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

6. **EFFECTIVE DATE.** The terms of this Agreement will become effective on the date of signature of both parties.

7. **MODIFICATION.** This Agreement may be modified upon the mutual written consent of the parties.

8. **TERMINATION.** The terms of this Agreement, as modified with the consent of both parties, will remain in effect until December 15, 2007. Either party, upon 30 days written notice to the other party, may terminate this agreement.

**IN WITNESS THEREOF**, the following parties have affixed their signatures hereto and join and give effect to this Memorandum of Understanding.

**APPROVED:**

Iron County, Utah:

/s/ Wayne A. Smith  
Wayne A. Smith, Chair  
Iron County Commission

September 24, 2007  
Date

State of Utah:

/s/ Mike Kuehn  
Mike Kuehn  
DPS Commissioner/HLS Director

\_\_\_\_\_  
Date

**PERSONNEL MATTERS :**

Colette Eppley presented for approval new employees Eric Witzke as a full time Landfill Technician and Deanna Volt as a part time Ambulance Secretary. She also presented as seasonal election workers, Douglas Vincent, Karen LeFevre, Leon Hollingshead, Christine Burton, and Nora Robinson. Alma Adams made a motion to approve the new employees as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval a promotion for EMT Intermediate to Paramedic, Nicholas Ervin. Lois Bulloch made a motion to approve the promotion as presented. Second by

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

Colette also requested an additional person be added to the Accident Review Board to include a Jail staff member. She and Sheriff Gower recommended Brad Spencer be appointed to the ARB. Alma Adams made a motion to appoint Brad Spencer to the Accident Review Board as recommended. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Sheriff Gower requested that the Commission review hire and promotion dates for Quinn Averett from 2003. He explained that in 2005 a change in policy made it so that recent hires caught up in pay to people who were hired earlier. The Commission reminded Sheriff Gower that this issue was discussed by a previous Commission and the decision was made at that time to remain with the policy change date due to the domino effect this could have through the entire department. Colette was requested to review Sheriff Personnel to determine how many deputies would be affected and costs involved in correcting the problem.

**ANNEXATION NOTICE PARAGONAH :**

A proposed annexation to Paragonah Town of a parcel known as the Welch Annexation was reviewed. The Commission adopted a position not to oppose the annexation on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**MEMORANDUM OF UNDERSTANDING PAROWAN CITY :**

A Memorandum of Understanding between Parowan City and Iron County for the donation of property to Iron County to construct and operate a Senior Citizen Center in Parowan was approved for signatures on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**UTAH 9-1-1 BILLING AGREEMENT :**

Lois Bulloch made a motion to approve a 911 billing agreement grant as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**INDEPENDENT AUDIT REPORT :**

Scott Wilson, Wilson and Company, presented the independent audit report for 2006. He complimented Gene Adams and the Auditor's Office for the work they have done in preparing for the audit report. He noted the challenges associated with the change in Auditor's on January 1, 2007 and the change in software during the 2006 year. Because of the software change, many items were completed on the old software and did not transfer correctly into the new system. This created a need to re create old data for correction. He also noted a concern which indicated that a budget shortfall of 1.2 million existed. He also noted that this could have been a failure to correctly account for budget amendments by the previous Auditor.

Scott presented the management letter and reviewed recommendations to be addressed by the County.

Lois Bulloch made a motion to accept the Audit Report as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
October 8, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 8, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**CHAIRPERSON PRO TEM** :

Alma Adams made a motion to appoint Lois Bulloch as Chair Pro Tem. Second by Lois Bulloch. Voting: Wayne Smith, Absent; Lois Bulloch, Aye; Alma Adams, Aye.

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dutch Deutschlander.

**APPROVAL OF MINUTES September 24, 2007** :

Minutes of the Iron County Commission meeting held September 24, 2007 were

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

**ELECTED OFFICIALS REPORTS** :

**Kevin Thurman** informed the Commission that he has accepted a position with Wasatch County and will be leaving the County Attorney's Office effective October 30. The Commission thanked Mr. Thurman for his work here in Iron County.

**David Yardley** reported on progress with the November election. Absentee ballots have been received and will be mailed out this week. DRE machines are being programed for the election and poll worker training will begin next week.

**Alma Adams** presented an explanation of the vehicle corridor fee which was established and took effect on July 1, 2007. Copies will be made available at the Assessor's Office.

Alma also discussed issues surrounding water resources in the Escalante Valley. The State Engineer is proposing to cut back water use in this valley to levels which would severely impact local farming operations. The water users have made a proposal to voluntarily cut back a percentage of use over a period of time. Negotiations with the State Engineer are continuing.

**Bryce Haderlie**, Brian Head Town Manager reported on plans to establish a Community Development Area in Brian Head to address infrastructure development to keep pace with increased growth. He explained that 800 condo units have been approved for construction to add to the current 900 units being built. Brian Head will get on the next agenda and make a formal presentation to the Commission.

**Gene Adams** reported on budget issues with the 2007 and 2006 budgets. He will meet with the Commission later to discuss in more detail.

**CHAIR PRO TEM CHANGE** :

\_\_\_\_\_Alma Adams made a motion to return the Chair of the Commission back to Wayne Smith. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PUBLIC HEARING: WATER SOURCE PROTECTION ORDINANCE** :

Alma Adams made a motion to open a public hearing to receive comments regarding a proposed Ordinance regarding culinary water source protection. Second by Lois Bulloch.

A proposed ordinance to establish well protection areas around culinary wells was presented in draft form for consideration. Reed Erickson discussed the need for the ordinance and the effect it would have on existing water systems.

Gerald Whipple commented that small waste water systems can now be engineered to provide adequate waste water treatment to allow development adjacent to wells.

Richard Peterson commented that older water companies do not want development in their areas and can use the ordinance as drafted to limit development in adjacent areas.

Bruce Haderlie stated that Brian Head Town is in favor of the adoption of the proposed ordinance.

After all public comments were received, Lois Bulloch made a motion to close the public



hearing and to adopt Ordinance 2007-10 as follows. Second by Alma Adams.

**IRON COUNTY ORDINANCE NO. 2007-10**

**DRINKING WATER SOURCE PROTECTION**

**AN ORDINANCE OF IRON COUNTY, UTAH, ESTABLISHING  
DEFINITIONS AND REGULATIONS FOR DRINKING WATER SOURCE  
PROTECTION**

**WHEREAS**, Iron County finds that safe and sanitary drinking water resources are limited and essential to protect from possible contamination;

**WHEREAS**, Iron County has determined that it can protect the County's drinking water resources while preserving historic lifestyles and economic values for residential, commercial, industrial and agricultural developments, and that the public health, safety, and general welfare will be protected and promoted by this ordinance;

**WHEREAS**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed Ordinance of Iron County, Utah for the purpose of receiving public comment regarding the content of the ordinance and has forwarded a recommendation to the County Commission that the Drinking Water Source Protection Ordinance of Iron County, Utah be adopted; and

**WHEREAS**, the County Commission of Iron County has held a duly advertised and noticed public hearing on the proposed Drinking Water Source Protection Ordinance for the purpose of receiving public comment regarding the content of the ordinance.

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

**SECTION 1. SHORT TITLE AND PURPOSE.**

- (a) This ordinance shall be known as the "Drinking Water Source Protection Ordinance."
- (b) The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply to the residents of Iron County who receive water for culinary and domestic use from public water systems in the County by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs used by public water systems in the County and by the designation and regulation of property uses and conditions that may be maintained within such zones.

**SECTION 2. DEFINITIONS.** When used in this ordinance the following words and phrases shall have the meanings given in this section:

- (a) "Design standard" means controls implemented to prevent discharges of potential contaminants to the ground water, and which design standard has first been approved by the applicable public water system, taking into consideration generally accepted engineering standards. Spill protection is an example of a design standard.
- (b) "Land Management Strategies" means zoning and non-zoning controls which

include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, optional purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

(c) "Management area" means the area outside of zone one and within a two-mile radius where the Optional Two-mile Radius Delineation Procedure has been used to identify a protection area.

(d) "Optional Two-mile Radius Delineation Procedure" - In place of the Preferred Delineation Procedure, PWSs may choose to use the Optional Two-mile Radius Delineation Procedure to delineate a management area.

(e) "Pollution source" means point source discharge of contaminants to ground water or potential discharges of the liquid forms of extremely hazardous substances which are stored in containers in excess of applicable threshold planning quantities as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, fertilizers, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

(1) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(2) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(3) "Extremely hazardous substances" means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011).

(f) "Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(g) Preferred Delineation Procedure – Method where four zones are delineated for management purposes.

(h) "Regulatory agency" means any governmental agency with jurisdiction over hazardous waste as defined herein.

- (i) “Sanitary landfill” means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- (j) “Septic tank/drain-field systems” means a system which is comprised of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for surface or subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.
- (k) “Wellhead” means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

**SECTION 3. ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION**

**ZONES.** There are hereby established use districts for the preferred delineation procedure to be known as zones one, two, three, and four. There are hereby established use districts for the optional two-mile radius delineation procedure to be known as zone one and a management area. The source protection zones for each delineation procedure are identified and described as follows:

(a) Preferred Delineation Procedure:

- (1) Zone one is the area within a 100 foot radius from a wellhead or margin of the collection area.
- (2) Zone two is the area within a 250 day ground-water time of travel to a wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
- (3) Zone three (waiver criteria zone) is the area within a 3 year ground-water time of travel to a wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
- (4) Zone four is the area within a 15 year ground-water time of travel to a wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(b) Optional Two-Mile Radius Delineation Procedure:

- (1) Zone one is the area within a 100-foot radius from a wellhead or margin of the collection area.
- (2) "Management area" means the area outside of zone one and within a two-mile radius where the Optional Two-mile Radius Delineation Procedure has been used to identify a protection area.

For wells, land may be excluded from the DWSP management area at locations where it is more than 100 feet lower in elevation than the total drilled depth of the well.

For springs and tunnels, the DWSP management area is all land at elevation equal to or higher than, and within a two-mile radius, of the spring or tunnel collection area. The DWSP management area also includes all land lower in elevation than, and within 100

horizontal feet, of the spring or tunnel collection area. The elevation datum to be used is the point of water collection. Land may also be excluded from the DWSP management area at locations where it is separated from the ground-water source by a surface drainage which is lower in elevation than the spring or tunnel collection area.

**SECTION 4. ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONE MAPS.** Maps identified as Exhibit A are hereby established and incorporated into and made a part of this ordinance and identify zones of the “Preferred Delineation” and the “Optional Two-Mile Radius Delineation”. The zone boundaries prescribed within these maps identify general locations and are not intended to establish definitive delineated boundaries on the ground, and are intended for regulation purposes only.

**SECTION 5. PERMITTED USES.** The following uses shall be permitted within drinking water source protection zones:

- (a) In zones one, two, three, four, and management areas each use established before the effective date of this Ordinance, and uses incidental and accessory to such use, may be continued in the same manner thereafter, provided that such use is not determined by any court of competent jurisdiction to be a nuisance under the provisions of federal, state, and/or local laws or regulations.
- (b) In addition to the uses permitted under Paragraph 4(a) herein, existing agricultural, single family residential, multi-family residential and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- (c) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

**SECTION 6. PROHIBITED USES.** The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such uses or conditions may otherwise be ordinarily included as a part of a use permitted under Section 4 of this ordinance.

- (a) Zone one - The location of a potential contamination source unless it is controlled with a design standard(s).
- (b) Zone two - The location of a pollution source unless its contaminated discharges can be controlled with design standards which are in compliance with the State of Utah Environmental Rules and approved by the applicable public water system.
- (c) Zones three and four - The location of a potential contamination source, unless it can be controlled through land management strategies in compliance with the approved source protection plan.

**SECTION 7. OVERLY PROTECTIVE PROTECTION ZONES.** If protection zones appear to be too large because an unscientific or conservative method was possibly used to delineate them, they may be disputed according to the following procedure:

- (a) Submit written comments to the county stating the reasons that the delineations are being disputed.
- (b) If the county concurs, it may authorize a new hydro geologic investigation at the expense of the one disputing the delineations.

(c) The new hydro geologic investigation must then be submitted to the Utah Division of Drinking Water for their review.

(d) If the Division of Drinking Water finds that the new hydro geologic investigation is sufficiently protective according to their rule, the county may enforce this ordinance according to the new hydro geologic investigation.

**SECTION 8. ADMINISTRATION AND ENFORCEMENT.** The policies and procedures for administration and enforcement of any source protection zone established pursuant to this ordinance shall be the responsibility and obligation of the owner of the public water system classified under this ordinance. During the process of application for classification and protection under this ordinance the owner of such public water system shall agree to indemnify and hold Iron County harmless from any and all claims arising out of or in relation to this ordinance. This policy shall not preclude Iron County's officers from administration and enforcement of source protection zone restrictions and other applicable nonconforming uses, exceptions, enforcement and penalties, as provided in Iron County's zoning ordinance, as presently enacted or as amended from time to time as they deem appropriate.

This ordinance shall not be enforced for the management area associated with the optional two-mile radius delineation procedure. It shall be the responsibility of the public water system to accurately define source protection zones two, three and four as described for the preferred delineation procedure to benefit from the protection of this ordinance.

**SECTION 9. AUTHORIZED OFFICERS.** The officers of Iron County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of the ordinance.

**SECTION 10. SURVIVAL CLAUSE.** If any one or more sections, sentences, clauses or parts of this ordinance shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance so held unconstitutional or invalid; and the inapplicability and invalidity of any section, sentence, clause or the part of this ordinance shall not prejudice in any way the applicability and validity of this ordinance in any other instance.

**SECTION 11. EFFECTIVE DATE.** This ordinance shall become effective immediately upon publication.

**ADOPTED this 8<sup>th</sup> day of October, 2007**

\_\_\_\_\_  
Chair, Wayne A. Smith  
Board of Commissioners of Iron County

ATTEST:

\_\_\_\_\_  
Iron County Clerk

**VOTING:**

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

**PUBLIC HEARING: ZONING AMENDMENT WIND ENERGY :**

Lois Bulloch made a motion to open a public hearing on wind energy systems and facilities. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Reed Erickson presented a proposal to amend chapters 5, 6, & 12 of the Iron County Zoning Code - Establishing Definitions and Regulations for Wind Energy Systems and Facilities. The Planning Commission has recommended approval after comments from the State Renewable Energy Coordinator, Jason Berry.

Mr Berry outlined several concerns for the Commission to consider as follows:

1. Wind monitoring towers and equipment ( met towers/equipment | temporary uses?)
2. Assumption of blades (may be vertical axis turbines)
3. kW suggestion of 200 vs. 25 for small/commercial definition
4. Desire for smaller lots with smaller turbines
5. Height too restrictive for small and large systems (address in CUP?)
6. Location too restrictive for small systems (rear yard only)
7. Increase setback to 1.5 vs. 1.1 time total height.
8. Guy wire prohibition is too restrictive | guy wired design more cost
9. Minimum blade height at 30' is too restrictive?
10. Non-reflective finish | Could void warranty if painting required | FAA concern
11. Electrical interconnections above ground prohibited | reword to exempt junction box
12. Small systems generally don't have manual over speed control | currently required
13. Net-metering agreement for proof of grid-tied systems | reword to include
14. Commercial systems on small lots | combination of small properties is no uncommon
15. Commercial separation could go to ½ mile rather than 1320 feet ( ¼ mile)
16. Commercial setback could be 1.5 times height vs. 500 feet
17. Non use provisions ? Are they necessary

Richard Peterson commented that safety wise, a lay down tower would be preferable to a guyed system to allow for routine maintenance.

Tom Jett commented that provisions need to be made for multi residence systems.

Gerald Whipple commented on the ability to use renewable resources. He was concerned with size requirements and a limit on numbers to make larger systems viable.

Lois Bulloch made a motion to close the public hearing and to refer the proposed ordinance back to the Planning Commission to consider the concerns addressed in this public hearing. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**REQUEST FOR COUNTY PARTICIPATION IN OBTAINING A RIGHT OF WAY :**

Carol Caress met with the Commission to renew a request for Iron County to obtain a road right of way across BLM land to access a parcel of private property located North of Enoch City. The matter was originally heard by the Commission at their July 9, 2007 Commission Meeting.

Ms. Caress stated that negotiations with the Lorin Jones family for access over traditional roads extending from Old Enoch Road have been unsuccessful. She requested that an existing road across BLM be extended and a right of way obtained from SITLA to extend the road to their property.

The Commission informed Ms. Caress that this appears to be a civil matter and it is not the policy of Iron County to obtain public right of ways that dead end at a private property line. Alma Adams made a motion to table action on the request to allow the Commission to conduct a field trip to the site and to discuss the matter with the Jones family. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**UNDERGROUND WATER DISCUSSION** :

Richard Petersen met with the Commission to discuss concerns as a well driller with the proposal of the State Engineer to cancel some water rights in the Escalante Valley. He explained that the State Engineer is not computing the return of ground water from irrigation sources, which can be up to 75% of the water pumped. He also explained that current technology allows for mapping of aquifers to determine how much water is available for future use.

**ENTRIX CONTRACT & PROGRESS DISCUSSION** :

The Commission discussed concerns with progress being made by Entrix in developing a new HCP. Billing issues were also discussed in which the County is being billed for internal items which should not be included and for vague explanations of hours worked.

Wayne Smith will meet with Lori Hendrix and with Randy Johnson before further action on their contract.

**IT DEPARTMENT ISSUES** :

Eric Jorgensen and Jared Wilson reviewed with the Commission a GIS program available to County departments which includes ariel photos and parcel information which could be made available to the public. They explained that there is a small margin of error possible with some data but it should be adequate for most work. After reviewing the program, Lois Bulloch made a motion to approve the IT Department to make the program available on the County web site with a disclaimer as to accuracy. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PAROWAN CITY REQUEST FOR WAIVER OF ENCROACHMENT PERMIT FEE** :

A request from Parowan City to waive encroachment fees for a sewer line to be installed along 2200 West from Gap Road South to near Old Highway 91 was approved on a motion by Alma Adams provided the contractor provide a bond to Iron County sufficient to cover road damage issues. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**SOLID WASTE ISSUES** :

Alan Wade met with the Commission to discuss concerns with solid waste collection fees for mountain cabins to include County residents. In the past, County residents have not been charged an additional fee for a mountain cabin. This year the Solid Waste Department placed

bins in locations on the mountain to provide a service to the cabin owners and to alleviate the complaints from Brian Head that County residents were using their solid waste dumpsters.

After reviewing concerns with the way billing has been handled in the past, Alma Adams made a motion to approve all mountain cabins to be billed for solid waste service for six months, May through October, and to terminate exemption for County residents effective January 2008. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Alan also discussed the need for an increase in the collection fee to accommodate the increase in operation expenses. The Landfill side is doing well but the collection side is not covering expenses. A public hearing will be required before a fee increase can be implemented.

**PUBLIC HEARING AGRICULTURE PROTECTION AREA** :

Alma Adams made a motion to open a public hearing on a proposal to establish an Agricultural Protection Area by L&B Farm & Cattle. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

David Yardley reported that the public hearing has been noticed in the Spectrum/Daily News and has been posted in multiple locations in the Escalante Valley, Modena, and Hamblin Valley Area. The Planning Commission has provided a recommendation of approval and the Agricultural Protection Board has recommended approval.

Chad Nay commented that the Planning Commission recommendation included excluding parcels currently zoned R-5 and subdivided in Hamblin Valley. They also recommended the following restriction: that the APA specify that it is to be used in the production of domestic livestock including cattle, sheep, horses, mules, goats, swine, rabbits, geese, ducks, turkeys, chickens including dairy operations, and includes calving, lambing, fowling, reproduction for all animals listed herein. The raising and harvesting of vegetation crops to sustain life for animals and humans.

One comment was received from Mike Huddle expressing concerns with the operation of Bowlers in the Hamblin Valley area by encroaching on neighboring parcels without proper rights of way or approvals.

After all public comments were reviewed, the Commission made the following findings:

1. The land is used for agricultural production.
2. The land is currently zoned for agricultural use excluding parcels in Juniper Pines Subdivision.
3. The land is currently a viable agricultural operation.
4. The land currently has improvements consistent with current husbandry operations.
5. The operation is operating with current trends in agriculture.

Lois Bulloch made a motion to close the public hearing and to approve the establishment of the Agricultural Protection Area excluding parcels within the Juniper Pines Subdivision and



with the recommended restrictions of the Planning Commission. Second by Alma Adams.

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

**HUMAN RESOURCE MATTERS** :

David Yardley presented for approval the following new employees: Melissa Montiano as a part time secretary at the Sheriff's Office and Ralph Button as a part time custodian. He also presented the following transfer: Larry Lanier from Sheriff's patrol division to Corrections. This is a lateral change.

The following promotions were also presented: Joan Degraffenried from EMT Intermediate to Paramedic and Ray Trujillo from EMT Intermediate to Paramedic. Alma Adams made a motion to approve the personnel actions as requested. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**NOTICE OF PUBLIC ACTIONS** :

A notice of proposed action to realign the Webster Flat road on Cedar Mountain by the Forest Service was reviewed. This is a County maintained road and the proposed realignment would provide a gravel source and would shorten considerably the current alignment. The Forest Service is recommending approval.

There were also two proposals to reseed forest fire areas in Hamblin Valley and the Greenville Bench areas that were reviewed. The Commission recommended the projects proceed as proposed.

**TAX MATTERS** :

A settlement agreement between Iron County and Delta Airlines regarding delinquent taxes while Delta was involved with a bankruptcy proceeding was presented and discussed. The agreement would result in a small portion of the tax being waived. After review, Alma Adams made a motion to approve the agreement and authorize signatures. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 4:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**SPECIAL IRON COUNTY COMMISSION MEETING**  
**October 15, 2007**

Minutes of the Special Iron County Commission meeting convened at 2:00 p.m. October 15, 2007 Iron County Courthouse, 68 South 100 East, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chair
Lois L. Bulloch	Commissioner
Kevin Thurman	Deputy County Attorney
David I. Yardley	County Clerk
Christene Keene	Deputy Auditor

Absent:

Alma L. Adams	Commissioner
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**MOBILE CRISIS TEAM AGREEMENT** :

Kevin Thurman presented for approval an agreement between Clint Kelly and Iron County to establish a Mobile Crisis Team to provide crime victim services. Funding will be strictly through grant funds and fund raising activities by the Crisis Team. The County will provide office space at the Sheriff's Office. The program is proposed for a one year approval.

After reviewing the documents, Lois Bulloch made a motion to approve the agreement as written for one year. Second by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Aye.

**PERSONNEL MATTER** :

Scott Garrett discussed a Deputy Attorney position. The person selected has requested to be allowed to work as a part time employee, up to 30 hours per week. The position currently is a full time position with benefits. Scott requested that the position be approved with benefits equal to the amount of time worked. The employee would be 3/4 time and would receive a 3/4 benefit package.

Lois Bulloch made a motion to approve a part time Deputy Attorney as presented. Second by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Aye.

**ADJOURN** :

After the agenda business was completed, the meeting was adjourned on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Wayne Smith, Aye; Lois Bulloch, Aye.

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Signed: Wayne A. Smith, Chair

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**October 22, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 22, 2007  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Wayne A. Smith	Commission Chairman
Lois L. Bulloch	Commissioner
Alma L. Adams	Commissioner
Scott F. Garrett	County Attorney
David I. Yardley	County Clerk
Margaret Miller	Justice Court Judge

Also Present:

H. Eugene Adams	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Mark O. Gower	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Kevin Thurman

**APPROVAL OF MINUTES October 8, 2007** :

Minutes of the Iron County Commission meeting held October 8, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

## ELECTED OFFICIALS REPORTS :

**Geri Norwood** reported that the Treasurer's Office is working on data to balance to finish preparation of tax notices. The process should be completed so notices will go out this week.

**Margaret Miller** reported that the switch to CORIS software is nearly complete. The Justice Court is looking at approximately 5600 warrants that need to be updated or corrected.

**Erik Jorgensen** reported that Data Processing is working with the Treasurer to complete the tax notices and they are also working on addressing on the mapping program for 911. When the map is completed, it will be available to dispatchers and emergency personnel to locate 911 calls.

**Patsy Cutler** reported that the State Archive is studying an archiving machine which would eliminate the need to microfilm records. Iron County has expressed a desire to participate if the technology is approved.

**Dennis Ayers** reported that through the BOE process, property values were adjusted about 17.5 million which resulted in a 0.005% change.

**Cal Kahler** reported that the CICWCD is planning on developing an underground cistern at the Derby 2 well in which water will be stored and then pumped into their distribution system. Work on the Derby well site is progressing.

**Alma Adams** reported on a prairie dog meeting he attended in Salt Lake City. One proposal that was discussed was a "take" approval for a 25 year period. Because of the nature of prairie dogs moving to new locations, participants felt that reserving habitat for 25 years would be more feasible than tying it up in perpetuity.

**Wayne Smith** reported that the appraisal on 220 acres of SITLA property was completed and the total cost to purchase the parcel would be \$140,665.98. This included funds to reimburse the current user for his expense in reseeding and installing range improvements.

**Lois Bulloch** reported that Maria Twitchell has requested approval of a budget request form for restaurant tax funds similar to the form required for requests for TRT funding. This matter will be submitted to the Restaurant Tax Board for approval.

**Mark Gower** reported that the numbers of federal inmates at the jail are holding steady at between 70 and 80. This will help with budget issues but because of low numbers during most of the year, funding of the jail will be short.

## FOREST SERVICE'S WILD & SCENIC RIVER SUITABILITY STUDY :

Val Payne, Public Lands Policy Coordination Office of the Forest Service reported that the comment period has ended with about 3,000 comments received. Of this number about 500 were considered to be substantive. A portion of the North Fork of the Virgin River is still being considered. The portion is located below Cascade Falls to the Forest Service boundary, a distance of approximately 1 mile. This location is within Kane County. There is no proposed wild and scenic river designation within Iron County.

**IRON COUNTY INSURANCE COMMITTEE RECOMMENDATIONS :**

Colette Eppley presented a recommendation from the employee benefits committee to remain with Select Health as the County health insurance provider for 2008. She also recommended that Dental Select be designated as the dental administrator. She recommended that the dental portion be self funded. Vision coverage would stay as it is currently.

Colette also recommended that the life insurance carrier be changed to Lincoln Financial which would provide an increase of coverage for employees to \$100,000 at no increase in premium. Total health care benefit premium would increase 5 ½ % over current levels.

Alma Adams made a motion to tentatively approve the health care proposal as requested pending approval through the budget process. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**HUMAN RESOURCE MATTERS :**

Colette Eppley presented for approval new temporary employees for tax season in the Treasurer's Office, Donnett Vincent, Colleen Adams, Loraine Olsen, Linda Harris, Barbara Batt, and Beverly Landis. Lois Bulloch made a motion to approve the temporary employees as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval Ann Marie Allen as a part time Deputy Attorney, Gary M. Edwards as a full time Deputy Attorney, and Jeffery Humphries as a full time Deputy Sheriff. Lois Bulloch made a motion to approve the new employees as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval Dale Bettridge as a volunteer driver for the Parowan Senior Citizen Center. Lois Bulloch made a motion to approve the volunteer as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette presented a request for a promotion of Shane Yardley from EMT Intermediate to Paramedic and Thomas Putnam from EMT Intermediate to Paramedic. Lois Bulloch made a motion to approve the promotions as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**BOARD OF EQUALIZATION DECISION APPROVAL :**

Carrie Christiansen, Iron County Auditor's Office, presented the results of Board of Equalization. The hearing officer recommended an adjustment downward resulting in a total tax adjustment of \$168,430. Lois Bulloch made a motion to approve the recommendations of the hearing officer with the resulting adjustment. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**MINOR LOT SUBDIVISION Antelope Valley Industrial # 3 :**

A letter from Chad Nay was read concerning a proposed minor lot subdivision within Section 18, Township 35 South, Range 12 West as requested by Frank Nichols and Rich Gillette.

He explained that the proposal is to split off a 27 acre parcel from a larger parcel. The purpose of the proposed split is to construct a facility to store and load trucks with fuel including

gasoline and diesel fuel along a proposed pipeline from Bountiful Utah to Las Vegas, Nevada. The proposed facility is adjacent to the existing Love's fuel facility at Iron Springs. He recommended approval conditioned upon completion of an escrow agreement for guarantee of performance between Mr. Nichols and Mr. Gillette and Iron County.

Lois Bulloch made a motion to approve the proposed final plat and escrow agreement. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**EXPLANATION OF 2006 BUDGET OVERTAGE** :

The Commission discussed with Scott Wilson and newspaper reporter Ryann Rasmussen a concern with a front page story in the Daily News indicating that all County Departments were out of balance in their 2006 budgets by a total of 1.2 million. The Commission requested a clarification be published explaining that it was an error in the reporting that showed the County budgets out of balance. In reality the budgets were in balance. Errors were due to changes in personnel in the Auditor's Office and an oversight in submitting an amended budget to the State Auditor's Office.

Ms. Rasmussen will meet with the Commissioners to work on a clarifying article in the newspaper.

**DISCUSSION FOR FREEWAY ACCESS AT LUNT PARK** :

Steve AND Paul Byl met with the Commission to request help in obtaining an access to frontage roads from Lunt Park along I-15 near their dairy operation. Wayne Smith explained that I-15 is a controlled access Federal Highway and therefore is under Federal regulations regarding access. They were referred to the District Engineer for Utah Department of Transportation for further clarification and options.

**OHV TRAVEL ON CLEAR CREEK ROAD** :

Blake Sartini and Justin Wayment met with the Commission to request County support of a proposal to relocate the existing OHV trail past their property near Panguitch Lake. They explained that their property has been placed in a conservation easement for maintenance of wildlife. The existing use by OHV's disrupts this use. They are not requesting the road be closed to vehicle traffic, just OHV's which would be re-routed through a new proposed trail.

Alan Wade commented that the proposed new trail would route OHV traffic onto neighboring private property with no access to public lands except through a taking.

H.C. "Dutch" Deutschlander commented that the plan should be in compliance with the Forest Service motorized travel plan. He recommended that any changes be coordinated with the Forest Service to keep the trail on Forest Service land and to still provide the protection for the conservation lands.

**COMMUNITY DEVELOPMENT AGENCY PRESENTATION** :

Bryce Haderlie, Brian Head Town Manager and H.C. "Dutch" Deutschlander met with the Commission seeking approval of a proposed CDA for Brian Head. Purpose of the CDA is to provide funding of infrastructure improvements within Brian Head including street lighting, road improvements, trail system, and street signing.

Since this proposal has not been presented to other taxing entities, it is not ready for approval. The matter will be presented to the School Board and Brian Head will return at a later meeting to request County approval of the CDA.

**REVIEW AND APPROVAL OF ABATEMENTS :**

Christene Keene met with the Commission to request approval of low income abatements, homeowners tax credits, Veteran's abatements, Blind Abatements and special abatements. She explained that total proposed abatements for County would result in a reduction of \$102,577.47 and Circuit Breaker reduction would result in \$96,662.07 which will be reimbursed to the County from the State. She also informed the Commission that all of the requests have met the statutory requirements for abatements and she recommended approval.

Alma Adams made a motion to approve the abatements as presented and to authorize signatures on the documentation. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PRAIRIE DOGS, SITLA PROPERTY :**

Wayne Smith reported that the appraisal on 220 acres of SITLA property was completed and the total cost to purchase the parcel would be \$140,665.98. This included funds to reimburse the current user for his expense in reseeding and installing range improvements. No action was taken at this time.

**RESTAURANT TAX ORDINANCE 2007-11 :**

David Yardley presented for approval Ordinance 2007-11, the annual renewal of the Restaurant Tax Ordinance. Alma Adams made a motion to approve the proposed ordinance as presented. Second by Lois Bulloch.

**IRON COUNTY, UTAH  
ORDINANCE NO. 2007-11**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



8. **EFFECTIVE DATE:** This ordinance shall become effective upon the 1<sup>st</sup> day of October, 2007.

**APPROVED, ADOPTED, and PASSED** by the Iron County Board of Commissioners this 22<sup>nd</sup> day of October, 2007.

IRON COUNTY BOARD OF COMMISSIONERS:

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Wayne A. Smith, Chair  
Iron County Commission

ATTEST:

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David I. Yardley  
Iron County Clerk

Voting:

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

**CEDAR CITY CHAMBER OF COMMERCE LEASE AGREEMENT** :

Kevin Thurman reviewed with the Commission a proposed lease agreement with the Cedar City Chamber of Commerce. Because of some amendments, action on the matter was tabled to next Commission meeting to allow the amendments to be implemented into the documents.

**PARKS & RECREATION ORDINANCE 2007-12** :

Kevin Thurman presented three different draft ordinances regarding regulations at County recreation areas. He explained the differences between the proposals which included a prohibition of use of alcohol at recreation areas, use of alcohol with a County issued permit, and no limit on alcohol at recreation areas. After discussion of the three options, Alma Adams made a motion to approve option 2 as follows:

**IRON COUNTY  
ORDINANCE NO. 2007- 12**

**AN ORDINANCE OF IRON COUNTY, UTAH ESTABLISHING REGULATIONS PERTAINING TO THE USE OF IRON COUNTY PARKS AND RECREATION AREAS; PROVIDING DEFINITIONS PERTAINING TO SAID REGULATIONS; PROVIDING PENALTIES FOR THE VIOLATION OF SAID REGULATIONS; ESTABLISHING REGULATIONS PERTAINING TO THE IRON COUNTY PORTION OF THE THREE PEAKS RECREATION AREA; ESTABLISHING SPEED LIMITS WITHIN THE IRON COUNTY PORTION OF THE THREE PEAKS RECREATION AREA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Iron County desires to promote the health, safety, and general welfare of

persons utilizing parks and recreation areas of Iron County and the Iron County portion of the Three Peaks Recreation Area;

**WHEREAS**, Iron County desires to promote the refreshment of strength and spirit through leisure activity that provides physical and mental improvement through training and education, thus creating a richer and fuller life through increased accomplishment in physical, aesthetic, and educational pursuits;

**WHEREAS**, Iron County desires to protect parks and recreation areas in Iron County, to ensure the continued use and enjoyment of such areas by all, and to encourage compatible activities in appropriate areas of Iron County parks and recreation areas;

**WHEREAS**, Iron County desires to facilitate and encourage the use of parks and recreation areas by families, adults, and children, to protect and promote such areas as family-friendly areas, and to ensure the enjoyment of such areas by all Iron County residents and visitors.

**NOW, THEREFORE, BE IT ORDAINED** by the County Legislative Body of Iron County, Utah that the following additions to the Iron County Code are hereby approved.

## **SECTION 1. SUBSTANTIVE PROVISIONS**

**Chapter 12.14** is hereby added to the Iron County Code, to read as follows:

### **Chapter 12.14**

#### **PARKS AND RECREATION**

##### **Sections:**

- 12.14.010**     **Definitions.**
- 12.14.020**     **Applicability.**
- 12.14.030**     **Rules, regulations, and requirements.**
- 12.14.040**     **Control of parks and recreational facilities.**
- 12.14.050**     **Violation – Eviction.**
- 12.14.060**     **Violation B Penalty.**
- 12.14.070**     **Iron County Portion of the Three Peaks Recreation Area.**
- 12.14.080**     **Severability Clause.**

##### **12.14.010**     **Definitions**

As used in this chapter:

“Park” means an enclosed piece of ground, either within the County or that is under the control of the County, that is operated and maintained by the County, special recreation district board, or County service area and set apart for the use of the general public, whether developed, under developed, or undeveloped, and whether or not planted with trees, lawns, and other shrubbery. A park may include within its boundary facilities for sports, entertainment, dancing, recreation, swimming, or trails, or a park may be planned for such future use. A park may consist solely of a single purpose facility, either actual or proposed, such as a golf course, an equestrian park, open air theater, etc.

“Recreation” means refreshment of strength and spirit through leisure activity for the purpose of physical and mental improvement through training and education creating a richer and fuller life through increased accomplishment in physical, aesthetic, and educational pursuits.

“Recreation facilities” means parks, recreation areas, trails, and multipurpose centers belonging to and/or under the control of the County, special recreation district board, or County service area.

“Supervisory Authority” means the appropriate parks and recreation director, County recreation board, department, agency, or entity exercising supervisory and managerial authority, on behalf of the County, over parks and recreation areas. In the case where there is more than one supervisory authority, each supervisory authority shall consult with the other supervisory authority, whenever feasible, in carrying out the provisions of this Chapter 12.14.

**12.14.020 Applicability.**

This chapter shall apply to all publicly dedicated parks and open spaces, trails, multipurpose centers, and recreational facilities within the unincorporated areas of Iron County.

**12.14.030 Rules, Regulations, and Requirements.**

A. The hours of use for the parks of the County shall be set by the County Commission or appropriate supervisory authority. No person shall be permitted in parks, either on foot or in any type of vehicle or conveyance, during the hours prohibited, unless it shall be for the express purpose of traveling directly through the park on a public street. This Section shall also not apply to law enforcement or emergency personnel in the performance of their official duties.

**B. Motor Vehicle Restrictions.**

1. It is unlawful to operate or drive any motor vehicle within any park or recreation area at a speed in excess of that speed designated or posted on the particular road, trail, or pathway within the park.
2. No motor vehicles may be driven within a park, other than in those areas specifically designated or posted for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used within the park by park officers or employees for transportation or that is used for maintenance and service of the park facilities. Emergency vehicles are also exempted from this provision.
3. Motor vehicles shall include, but shall not be limited to, automobiles, trucks, tote goats, motorcycles, motor bikes, snowmobiles, ATVs, OHVs, and any and all other self-propelled mechanical vehicles. No motor vehicle, even though operated within the speed permitted and in or on the places provided for such vehicles, shall be operated in a careless or reckless manner within the park area.

C. **Business Vehicles.** No person shall drive or cause to be driven any dray, truck, wagon, cart, perambulator, motor vehicle, or other traffic vehicle, carrying or being regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, any article of trade or commerce, or any offensive article or material whatsoever upon any road or drive in a park, except as may be specifically provided or designated for such use.

D. **Bicycles Permitted.** Bicycles may be operated and used anywhere within park areas across grassy surfaces or any place where their use will not damage the facilities, plants, or decoration of the park, except in areas where bicycles are prohibited. Bicycles shall not be operated in a careless or reckless manner.

E. **Snowmobiles Permitted in Certain Areas.** Snowmobiles may be permitted to drive within park areas, but only at places which have been specifically designated for such

use and when such use will not cause damage to the plants, shrubbery, or other facilities due to weather or other conditions.

- F. **Paths, Trails, and Roads.** When a trail, path, or road within a park is designated for any specific purpose or purposes, such as an equestrian trail, bicycle path, or other use, then such trail may only be used for the specific purposes designated or for incidental uses in connection therewith that are necessary to accomplish the use permitted, and any person using it for other purposes shall be deemed to have committed a class B misdemeanor.
- G. **Animals Prohibited; Exceptions.**
1. Except as provided in this provision, no person shall lead or let loose any of the bovine species, horse, mule, goat, sheep, swine, dog, or cat, at any time within a park.
  2. This provision shall not prohibit the use of public lands by individuals who historically use those lands for the purpose of raising livestock. This exclusion shall include, but shall not be limited to, cattle and sheep ranching.
  3. This provision shall not prohibit horses that may be led, driven, or ridden on equestrian trails or in equestrian parks.
  4. This provision shall not prohibit the walking of dogs, licensed in accordance with state and County laws, in public parks so long as the dog is leashed or under the control of the owner, and the owner takes responsibility for cleanup of any damage done by the dog, including but not limited to cleanup of dog feces.
  5. The Board of County Commissioners may designate on a case by case basis those times where the provisions of this section shall be suspended for a special event.
- H. **Animal Control.** No person shall ride or drive any horse or animal, permitted within the park in accordance with subsection G of this section, which is not well broken or under the control of the driver or rider within the park areas.
- I. **Tethering Animal to Tree or Structure Prohibited.** No person within a park shall hitch or fasten any horse or other animal to any tree or any other place or structure not especially designated and provided for such purpose.
- J. **Interference With Animals or Fowl Prohibited.** No person shall annoy, injure, release from confinement, or in any manner interfere with any swan, duck, goose, bird or any other animal in a park.
- K. **Hunting and Fishing.** No person shall hunt or fish in any park or recreation facility unless specifically allowed by the County Commission, supervisory authority, or ordinance, statute, or rule.
- L. **Swimming or Wading.** No person within a park shall swim, bathe, or wade in the water of any fountain, pond, lake, or stream not set aside for the purpose of swimming, bathing, or wading.
- M. **Concession Stands.** Before any concessions shall be permitted, a license or permit shall be approved and purchased through the County for the operation thereof.
- N. **Distribution of Advertising Material.** No person shall distribute any handbills or circulars, or post, place or erect any bills, notice, paper, or advertising device or matter of any kind on or at a recreational or park facility, except such advertising as

may be authorized in writing by the County, or materials pertaining to uses, program notifications, schedules, competition results, or other documents deemed appropriate by the supervisory authority.

- O. **Camping Restricted to Designated Areas.** No person shall camp or lodge in any park, playground, or recreation area, except in places specifically designated and set apart for that purpose.
- P. **Littering Prohibited.** No person shall throw or deposit any bottles, tin, tin cans, broken glass, nails, tacks, crockery, wire, paper, clothes, scrap or sheet metal, boxes, boards, lumber, stone, grass clippings, rubbish, or garbage on the property of parks and recreation areas and facilities, except in receptacles set out for that purpose.
- Q. **Fires; Designated Area.** No person shall make or kindle a fire within a park or recreational area for any purpose unless done so in an area that has been designated and set apart for that purpose and the burning of fires has not been specifically restricted in that area.
- R. **Firearms and Explosives Prohibited; Exceptions.** No person within a park or recreation area shall discharge any firearm in violation of Chapter 9.08 of the Iron County Code (Ord. 110 and 216). The County Commission may restrict the discharge of firearms within any park. No person within a park shall discharge any firecrackers, rockets, torpedoes, powder, or any other fireworks or explosives, except persons who have obtained a special permit from the County Commission. This prohibition is inapplicable to law enforcement personnel while they are engaged in the execution of their official duties. This subsection does not apply to paintball-related activities conducted in conformance with statutes, ordinances, or rules.
- S. **Disobeying Signs.** Any person in the park facilities who violates the provisions and instructions on any sign or rule of the park is guilty of a class B misdemeanor.
- T. **Noise Restrictions.** No person may violate Section 8.20.060 (Nuisances – Noises) of the Iron County Code within any park or recreation facility. Camping, sleeping, and lodging areas shall be considered residential areas for the purposes of noise restrictions contained in Section 8.20.060.
- U. **Boisterous Conduct Prohibited.** No person shall engage in fighting or indulge in riotous, boisterous, threatening, or indecent conduct or use any abusive, threatening, profane or indecent language within any park or recreation facility.
- V. **Illegal Drugs Prohibited.** No person shall possess, use, or be under the influence of any illegal drugs within parks and recreation areas.
- W. **Alcohol; Permit Required.** No person shall possess or use alcohol within parks and recreation areas except as allowed by a permit issued by the Iron County Commission.
- X. **Smoking Prohibited.** Due to the fire hazard with which it creates, no smoking shall be allowed within the confines of parks and recreation areas, except in specifically designated areas.
- Y. **Unauthorized Assembly.** No person shall conduct or carry on any celebration, parade, service, or speech making in a park without first obtaining permission from the supervisory authority or County Commission.

- Z. **Defacing or Destruction of Property.** No person shall cut, break, remove, injure, deface, destroy, or disturb any wood, turf, grass, soil, sand, gravel, tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or pluck, pull up, cut, take or remove any shrub, bush, plant, flower, or mark, or write upon any building, monument, fence, bench or other structure of a recreational or park facility.
  
- AA. **Pollution of Waters.** No person shall throw, or otherwise place or cause to be placed in the waters of any fountain, pond, stream, or other body of water in or adjacent to any park, any substance, liquid or solid, which will or may result in the pollution of said waters.

**12.14.040 Control of Parks and Recreational Facilities.**

The Sheriff’s Department and supervisory authority have enforcement authority at parks and recreation areas. The supervisory authority, in consultation with any County recreation board, shall establish rules and regulations for the control of the conduct of the patrons of parks and recreation areas. Rules and regulations shall be made to comply with this Chapter 12.14, County ordinances, and applicable law. The supervisory authority shall do such acts authorized in this Section and Chapter 12.14 in consultation with the Sheriff’s Department and the Attorneys office.

**12.14.050 Violation - Eviction.**

Any person found violating this Chapter or the ordinances, instructions, signs, or rules established by the supervisory authority or County Commission may be forthwith evicted from the park by any employee who has been given the authority to order such eviction, and any person who fails or refuses to leave upon the order of authorized personnel shall be guilty of a class B misdemeanor.

**12.14.060 Violation – Penalty.**

Any person found violating any of the restrictions, rules, or prohibitions as set forth in this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty of a maximum fine of one thousand dollars and/or six months in jail.

**12.14.070 Iron County Portion of the Three Peaks Recreation Area.**

- A. **Speed limits.** No person shall operate a motor vehicle in violation of this subsection. Motor vehicles shall include, but not be limited to, automobiles, trucks, tote goats, motorcycles, motor bikes, snowmobiles, ATVs, OHVs, and any and all other self-propelled mechanical vehicles.
  1. Except as otherwise provided in this section, there is hereby established a 25 MPH maximum speed limit within those areas of the Iron County portion of the Three Peaks Recreation Area where motor vehicle travel is permitted.
  2. There is hereby established a 45 MPH maximum speed limit on the main access routes leading into and out of the Iron County portion of the Three Peaks Recreation Area.
  
- B. **Off-Highway Vehicles (OHVs) and All-Terrain Vehicles (ATVs).**
  1. Designated Areas. No person shall operate an ATV, OHV, or similar vehicle in an area not specifically posted or designated by the supervisory authority for such use. This section shall not apply to the use of such vehicles for ingress and egress to campground and pavilion areas and areas designated for

camping, lodging, eating, meeting, visiting, and picnicking, so long as such vehicles are operated in accordance with this subsection B and so as not to disturb the health, safety, comfort, convenience, and repose of park users.

2. Hours of Use. No person shall operate an ATV, OHV, or similar vehicle between the hours of 10:00 pm and 6:00 am within the boundaries of the Iron County portion of the Three Peaks Recreation Area, except when such vehicle is being utilized by law enforcement or emergency personnel in the performance of their official duties.
3. Speed Limits. No person shall operate an ATV, OHV, or similar vehicle in excess of 10 MPH in campground and pavilion areas and areas designated for camping, lodging, eating, meeting, visiting, and picnicking.

C. **Paintball or Similar Activity.** No person shall engage in paintball activities unless conducted in an area designated or specifically posted by the supervisory authority for such activity. A paintball activity is defined as the propelling of a spherical gelatin capsule containing colored polyethylene glycol or other substance that is shot from a compressed or otherwise-powered gun. For purposes of this Chapter only, paintball equipment shall not be considered a firearm, unless such equipment constitutes a significant threat to the health, safety, limb, or life of park occupants.

D. **Quiet Time.** No person shall create any noise which may be reasonably expected to disturb the sleep, comfort, convenience, or repose of any reasonable person of normal sensitivities between the hours of 10:00 pm and 6:00 am within the Iron County portion of the Three Peaks Recreation Area. This subsection shall not be interpreted to limit the remedies for nuisances in Iron County Code Section 8.20.060.

#### **12.14.080 Severability Clause.**

Should a court of competent jurisdiction hold any portion of this Chapter or the application of any provision of this Chapter to any person or circumstance invalid, then: (1) the invalid portion or application shall be severed; and (2) the remainder of this Chapter shall remain in effect without the invalid portion or application.

### **SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

### **SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

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

### **SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 22<sup>nd</sup> day of October, 2007.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Wayne A. Smith

ATTEST:

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

**VOTING:**

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

Second to the motion was by Lois Bulloch. Vote is recorded above. Lois Bulloch explained that she voted nay because there are already alcohol laws on the books which should cover enforcement issues at recreation areas and the proposed ordinance will be difficult to enforce.

Alma Adams explained his reason for approval as recreation areas are family areas and alcohol should not be a part of family activities, especially if vehicles are involved.

**ORDINANCE ESTABLISH SPEED LIMITS ON COUNTY CLASS B ROADS :**

Kevin Thurman presented a proposed speed limit ordinance for Class B roads within the County as requested by the Sheriff. Upon review, action was tabled to allow further study and clarification of issues.

**IRON COUNTY DEPARTMENT BUDGET INTERVIEWS :**

The Commission adjourned to conduct budget interviews with Departments at 2:00 p.m.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:00 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

\_\_\_\_\_  
Signed: Wayne A. Smith, Chairman

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



**SPECIAL IRON COUNTY COMMISSION MEETING**  
**October 15, 2007**

Minutes of the Special Iron County Commission meeting convened at 2:00 p.m. October 25, 2007 in the County Attorney Conference Room, 82 N 100 East, Cedar City, Utah.

Officers in attendance included:

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

**CLOSED MEETING** :

Alma Adams made a motion to convene in a closed meeting in accordance with Utah Code 52-4 et. seq. is for the purpose of a strategy session to discuss pending or reasonably imminent litigation. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

After reconvening in open session, Lois Bulloch made a motion to approve making a settlement offer on the Shiloh Ranch reasonable accommodation lawsuit of up to 10 youth residents with full staffing requirements. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Nay.

**ADJOURN** :

After the agenda business was completed, the meeting was adjourned on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chair

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Attest: David I. Yardley

County Clerk

**IRON COUNTY COMMISSION MEETING**  
**November 13, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 13, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

**SYNOPSIS** :

APPROVAL OF MINUTES October 22, 2007 .....	1
APPROVAL OF WARRANTS & ADJOURN .....	5
CHILDREN’S JUSTICE CENTER CONTRACT APPROVAL .....	4
DEPARTMENT BUDGET INTERVIEWS .....	5
ELECTED OFFICIALS REPORTS .....	1
FINAL PLAT APPROVAL MOUNTAIN VIEW ESTATES, PHASE 1 .....	4
HUMAN RESOURCE MATTERS .....	4
LEASE AGREEMENT CEDAR CITY CHAMBER OF COMMERCE .....	5
NOTIFICATION OF PROPOSED LAND EXCHANGE SITLA AND BLM .....	5
PLEDGE OF ALLEGIANCE .....	1
PUBLIC HEARING: ZONE CHANGE From A-20 to R-½ .....	2
RESOLUTION 2007-10 Appointment of UCIP Representative .....	3
ROAD WEIGHT RESTRICTION REQUEST .....	4
UPDATE ON WESTERN COUNTIES ALLIANCE .....	2

**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES October 22, 2007** :

Minutes of the Iron County Commission meeting held October 22, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Cal Kahler** reported on water rights issues being pursued by Roosevelt City regarding a determination by the State Engineer to terminate some water rights. The outcome of this issue could affect water rights across the State for municipalities that have acquired water rights for future development and growth.

**Alma Adams** reported that the Coordinating Council is debating a cost sharing proposal to fund a reverse 911 system to notify residents of emergency situations. The cost allocations is being proposed to be funded on a per capita basis.

Alma also discussed a proposal submitted from the Farm Bureau asking that a multi county HCP be developed for the Utah Prairie Dog.

**Lois Bulloch** read a letter from Sheriff Mark Gower commending Deputy Quinn Averett

in his efforts in helping a student pilot land safely. The student pilot could not activate the landing lights on the runway and Deputy Averett, an experienced pilot talked him through the process of activating the lights from the airplane.

**Wayne Smith** reported that Chad Nay will be conducting a Prairie Dog Training meeting with city officials, developers, contractors, and interested public regarding take and development procedure to comply with the current HCP.

**David Yardley** reported on results of the municipal elections and special referendum election held on November 6. Canvass of the election results is scheduled for Monday November 19 at 1:00 p.m.

**PUBLIC HEARING: ZONE CHANGE From A-20 to R-1/2 :**

Lois Bulloch made a motion to open a public hearing to receive comments on a proposed zone change from A-20 to R-1/2 . Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Chad Nay explained the proposed zone change as presented to the Planning Commission. The property is located near 4000 North & 4100 West, Cedar City. Within Section 19, T35S, R11W. It is in a Tier 2 designation and the Planning Commission has recommended approval.

No other public comments were received whereupon Lois Bulloch made a motion to close the public hearing and to approve the zone change from A-20 to R-1/2 as requested. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Property Description (119.73 AC)

BEGINNING N 00°08'08"E, 1324.74 FEET FROM THE SE CORNER OF SECTION 19, T35S, R11W, SLM; THENCE ALONG THE 1/16th SECTION LINE S 89°49'11"W, 1315.00 FEET; THENCE N 00°08'08"E, 662.65 FEET; THENCE N 89°49'55"E, 657.40 FEET; THENCE N 00°08'08"E, 662.51 FEET; THENCE N 00°07'48"E, 663.07 FEET; THENCE S 89°53'46"W, 657.40 FEET; THENCE S 00°07'48"W, 663.67 FEET; THENCE ALONG THE ¼ SECTION LINE S89°50'39"W, 1303.28 FEET; THENCE N 00°21'41"W, 1329.70 FEET; THENCE ALONG THE 1/16th SECTION LINE N 89°56'52"E 1961.41 FEET; THENCE N 00°06'03"E, 1289.85 FEET; THENCE S 89°58'08"E, 668.91 FEET; THENCE ALONG THE SECTION LINE S 00°07'48"W, 2613.83 FEET TO THE EAST ¼ CORNER OF SAID SECTION; THENCE ALONG THE SECTION LINE S 00°08'08"W, 1324.74 FEET TO THE POINT OF BEGINNING.

**UPDATE ON WESTERN COUNTIES ALLIANCE :**

Ken Brown and Mark Walsh met with the Commission to update on activities of the Western Counties Alliance regarding progress in the RS 2477 issues and PILT payments. They explained that Senator Harry Reid from Nevada and Senate President has pledged full funding of PILT this year. This would increase allocations to all counties with BLM administered lands and could increase Iron County's allocation significantly.

Ken Brown encouraged the Commission to join the Western Counties Alliance to help in lobbying efforts by the group on Federal issues. Membership dues are \$7,500 annually. The Commission took the request under advisement and will consider the request in the budget process.

**RESOLUTION 2007-10 Appointment of UCIP Representative :**

A resolution appointing the voting representative for Iron County at the annual meeting of the Utah Counties Insurance Pool (UCIP) was presented and approved as follows on a motion by Alma Adams. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**RESOLUTION NO. 2007-10**

**RESOLUTION OF APPOINTMENT OF A IRON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL MEMBERSHIP MEETING**

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Iron County at the Utah Counties Insurance Pool Membership Meeting to be held on December 6, 2007; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, has been informed that the By-laws of the Utah Counties Insurance Pool require that the official representative and an alternate representative for Iron county be elected or appointed officers or employees of a member county and be appointed by majority vote of the governing body and designated in writing,

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of Iron County, Utah, hereby appoints David Yardley as the official Iron County representative for the Utah Counties Insurance Pool Membership Meeting to be held on, December 6, 2007 with Wayne A. Smith as an alternate representative.

**RESOLVED ADOPTED AND ORDERED** this 13<sup>th</sup> day of November, 2007.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

\_\_\_\_\_  
Wayne A. Smith, Chair

\_\_\_\_\_  
Lois L. Bulloch, Commissioner

\_\_\_\_\_  
Alma L. Adams, Commissioner

ATTEST:  
David I. Yardley, Iron County Clerk

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

APPROVED AS TO FORM:  
Scott F. Garrett, Iron County Attorney

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

**ROAD WEIGHT RESTRICTION REQUEST** :

Julie Meron, president of the Rainbow Ranchos Water Company requested that the Commission establishing weight restrictions on 5100 West and 3200 South, in the Rainbow Ranchos Subdivision. She explained that their culinary well adjacent to the road is experiencing problems with the well casing cracking at about the 200 ft level and they attribute the problem to construction vehicles using this corner which causes vibrations and ultimately cracking the casing.

The Commission was unwilling to establish weight limits on existing roads without further documentation of a problem caused by vehicles using the road. The Commission noted that wells throughout the area are located along county roads without damage to the casing and they felt that the problem existed with the casing or installation procedure.

**FINAL PLAT APPROVAL MOUNTAIN VIEW ESTATES, PHASE 1** :

A request for final plat approval of Mountain View Estates, Phase 1 was withdrawn to allow time to correct issues with water rights and resources at the request of the Developer, Largo, LLC Steve Robinson.

**HUMAN RESOURCE MATTERS** :

Colette Eppley presented several new EMT's for approval. The EMT's have just completed training and will be placed in the rotation schedules in the appropriate areas. The Commission questioned two which were in the New Harmony area which operate through the New Harmony Fire District. A follow up will be conducted to determine if they will be running in the Iron County area. Lois Bulloch made a motion to approve the new EMT's as requested. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval April DeGross as a new part time Deputy Assessor in the Cedar City Assessor's Office as a Motor Vehicle Registration Processor. She also presented a request for a promotion for Jeff Mitchell to an Appraiser in the Assessor's Office. Alma Adams made a motion to approve the hiring and promotion as presented. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette presented for approval a sick leave donation request submitted by Stacy Mitchell. She works at the jail and will require additional time for recovery above what sick leave she has earned. Lois Bulloch made a motion to authorize the voluntary donation of vacation hours to Stacy Mitchell as requested. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

David Colvin met with the Commission to discuss a proposed study of a department within the County. The study would be designed to determine staffing needs and efficiency issues and to make recommendations on changes. The Commission will discuss the study with the Department supervisor to determine if the study would be acceptable.

**CHILDREN'S JUSTICE CENTER CONTRACT APPROVAL** :

Scott Garrett presented for approval a contract for the operation of the Children's Justice Center in Iron County. The contract is a standard contract that is renewed annually. There are no changes from previous contracts. Alma Adams made a motion to approve the CJC contract and

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

**LEASE AGREEMENT CEDAR CITY CHAMBER OF COMMERCE :**

A contract for space at the Visitor Center in Cedar City was called for action after amendments to the original agreement were made. Lois Bulloch made a motion to approve the contract and authorize the Commission Chair to sign the agreement. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**NOTIFICATION OF PROPOSED LAND EXCHANGE SITLA AND BLM :**

A proposed land exchange in the Three Peaks area between SITLA and the BLM was reviewed. The Commission did not oppose the exchange as presented on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**DEPARTMENT BUDGET INTERVIEWS :**

The Commission adjourned the Commission meeting to conduct budget interviews with Department Supervisors.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 1:45 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
November 26, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 26, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also Present:

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

**SYNOPSIS** :

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PUBLIC HEARING PCIB APPLICATION PROPOSAL .....	2

**PLEDGE OF ALLEGIANCE** :

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

**ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that a new scanner/copier is scheduled to be installed in the Recorder's office this week. It will speed the printing of plat maps in January and will be a big help in the daily operations of the office.

**Margaret Miller** reported that the Justice Court is working to get the backlog of tickets into the computer system. Presently there are about 5,000 tickets that have not been entered. The work load is being hindered by Cedar City adding additional officers which issue tickets, thus increasing the daily work load.

**Jared Wilson**, representing the Data Processing Department, reported that Spillman Mobile is now operating in all emergency vehicles. The system allows tracking of vehicles and

provides map points to help emergency personnel respond to incidents.

**Scott Garrett** reported that a double homicide has been discovered in the Beryl area. The suspect, Marty Nelson, is being held on different charges while the crime lab reviews evidence and the investigation is completed. Charges are expected to be filed in the near future.

**Lois Bulloch** reported that a ribbon cutting ceremony will be held at Three Peaks on November 30 for the Central Iron County Water Conservancy District project.

Lois also reported that Forest Guardians have filed a Federal lawsuit against USFWS regarding transplant procedures for prairie dogs. They cite the low survival rate of transplanted dogs as the basis of their suit.

**Wayne Smith** reported that the purchase of a parcel of SITLA property for a prairie dog preserve is awaiting a response from USFWS regarding their approval of the site as a permanent prairie dog site.

**PUBLIC HEARING PCIB APPLICATION PROPOSAL** \_\_\_\_\_ :

Alma Adams made a motion to open a public hearing as noticed to explain the Parowan Senior Citizen Center Project and to receive public comments regarding the project. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

David Yardley, Iron County Clerk explained the project as follows: The majority of our population is located in the Cedar City area while Northern Iron County consisting of Parowan, Paragonah, Summit and Brian Head and associated rural areas are located in Parowan Valley. This is a rapidly growing area with a large increase in the Senior Citizen population moving in from other states.

The current Senior Citizen Center is located in the basement of the Iron County Courthouse in a area that was originally designed as an emergency operations center. The kitchen facility is inadequate and cannot be expanded. The main function of the Center is to provide meals three days per week for participants and meals on wheels. There is little room to conduct programs to benefit seniors. Parowan City will be a participant in this project donating land and helping to provide infrastructure which will be required.

Iron County has received CDBG funding for this project which is in the second year of funding. It is imperative that additional funding be obtained to complete the project in a timely manner. PCIB funding will be used in completing the project.

Iron County has been in a rapid growth mode for several years, more than doubling in population within the past two census years.

This project will construct a new Senior Center which will be on the ground floor, offering a light airy facility with a commercial grade kitchen and adequate space to serve meals and conduct activities to keep Senior Citizens active and involved.

The project will be completed in two phases, phase one will do a soils report for the project, installation of underground utilities, excavation and installation of concrete footings, foundation, and floor slab for a 3,300 sq. ft. building and additional site work.

Phase two will include the construction of the building including all kitchen, plumbing



and finish work, ramps, parking lot, etc. It will also include a sewer line extension project which will attach the new Senior Center to the existing Parowan City sewer system.

Iron County anticipates applying to the Permanent Community Impact Board (PCIB) for funding a loan of \$300,000 to complete the project. Funding will be guaranteed through committing sales tax revenue for the life of the loan, which is anticipated to be for ten years.

The Commission then opened the hearing to public comments. There were no additional public comments received.

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

**NOTIFICATION OF CONDITIONAL USE PERMITS FOR PLANNING & ZONING :**

Chad Nay reported on Conditional Use Permits which have been submitted to the Planning Commission for approval. Gail and Gary Workman have applied for a CUP for a dog kennel and training facility to be located in the Juniper Hills area which is zoned A-20.

Chad also reported that Gary West has requested a CUP for a guest house on his lot located between Parowan and Paragonah.

Jon Hunter has applied for a CUP for a telecommunication site located on Iron Mountain. There is currently a similar facility located at this site and it is located in an Industrial zone.

**CLOSED SESSION :**

Lois Bulloch made a motion to convene in a closed session in accordance with Utah Code 52-4 Et. Seq. for the purpose of a strategy session to discuss pending or reasonably imminent litigation. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**COUNTY RESOURCE MANAGEMENT PLANNING :**

Wes Curtis, Brian Cottam and Reed Erickson met with the Commission to discuss the need to have a person on board to work in resource management planning to be on top of the Federal and State Agency resource planning process. They suggested a partnership with SUU to work on the project through a funding grant. County participation would be between \$40,000 and \$50,000 annually which could be funded through grant funds. The Commission explained that they are in favor of the project and authorized proceeding in applying for funding grants but the Commission did not commit to funding the County portion at this time until reviewed and approved through the budget process.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval the following new employees positions: Jeffrey Sorenson as a Corrections Officer transferring to Sheriff's patrol division; Amy Harding as a Council on Aging worker in Parowan; and Cheryl Mount as a full time temporary employee in the Treasurer's Office. Lois Bulloch made a motion to approve the personnel actions as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette and Ron Johnson also discussed the need for a full time training officer position within the Ambulance Department. Currently John Miller is filling this position. Because salary information was not available on the proposed position, the matter was tabled to allow further study.

**CELL PHONE USAGE POLICY APPROVAL** :

Colette Eppley presented for approval a County cell phone policy to be inserted into Section 30 of the Personnel Policy. The following language was presented:

D. Iron County requires the safe use of cellular phones by employees while conducting business in County owned or personal vehicles. Employees will be expected to stop driving and pull off to a safe area to use a cell phone, or will be expected to use a “hands-free” device to answer or make any calls or send or receive any messaging while driving.

Public Safety personnel, to include Ambulance employees, may use a cell phone while driving County-owned vehicles for emergency responses or operations only. Public Safety personnel are strongly encouraged to use “hands-free” devices whenever possible.

If an employee or volunteer is involved in a vehicle accident while using a cell phone while driving on County business, such employee will be subject to scrutiny by the County’s Accident Review Board and could merit disciplinary action up to and including termination based on the severity of the accident.

Lois Bulloch made a motion to approve the cell phone policy effective immediately. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**CLOSED SESSION** :

Alma Adams made a motion to convene in closed session in accordance with Utah Code 52-4 et. seq. for the purpose of discussing contract negotiations with David Colvan and for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

After reconvening in open meeting, Alma Adams made a motion to approve \$14,900 for a full efficiency study of County Departments. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**COOPERATIVE AGREEMENT WITH MULTI COUNTY APPRAISAL TRUST** :

Action on a proposed cooperative agreement with the Multi County Appraisal Trust was tabled to allow further information on the agreement with the Assessor’s Office.

**PORT 15 COUNTY REPRESENTATIVE** :

Wayne Smith discussed the need to replace a County representative on the Port 15 board. Joe Gubler was appointed as a County representative while he worked as the Auditor. Alma Adams made a motion to appoint Reed Erickson to the Port 15 board as an Iron County

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

**APPROVAL OF WARRANTS & ADJOURN \_\_\_\_\_ :**

After the bills were reviewed and approved or rejected, the meeting was adjourned to work on the 2008 proposed County budget at 1:30 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley

County Clerk

**IRON COUNTY COMMISSION MEETING  
December 10, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 10, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

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QUALITY CRUSHING CONTRACT AMENDMENT .....	2
SOLID WASTE COLLECTION TRUCK PURCHASE .....	2

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Scott Garrett.

**APPROVAL OF MINUTES November 13, 2007** :

Minutes of the Iron County Commission meeting held November 13, 2007 were approved as amended on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF MINUTES November 26, 2007** :

Minutes of the Iron County Commission meeting held November 26, 2007 were approved as amended on a motion by Alma Adams. Second was by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Kal Kahler** reported on water meetings he has attended. Enoch City reviewed their wells. They have five operating wells that the water level has dropped about twenty feet since 2003. Kal also reported that he has met with two geologists to discuss the loss of water from measured snow pack to the amount recorded as received in Cedar valley. He will inform the Commission of any results of geological studies.

**David Yardley** reported on progress with preparing for the Western States Presidential Primary election scheduled for February 5, 2008. Letters have been sent to all residents of precincts voting by mail informing them of the requirements of the Republican party to be registered as a Republican and the Democratic party allowing all unaffiliated voters to receive their ballot. Other recognized parties will not be participating in the election. Party affiliation changes from recognized parties must be made at least 30 days prior to the election.

**Lois Bulloch** reported on a phone call she received from Dianne Force regarding late fees added to the payment of taxes. She claimed that tax notices were sent to the incorrect address and therefore they did not receive the notice in a timely manner.

Lois also discussed a proposed policy being considered by the Planning Commission to track connections to the Cedar City sewer system. The matter will be presented to the Commission for approval at a later date.

**Alma Adams** reported that he is working with other officials in getting SR 143 from Parowan to Panguitch designated as a Federal Scenic Byway. It is anticipated that with this designation additional tourist visits will result.

**Wayne Smith** reported that he attended a ribbon cutting ceremony on a Travel Center to be constructed by the Paiute tribe on tribal land at the Kanarraville/Hamilton Fort exit. Wayne also discussed a proposal to chip seal the west frontage road from the Paragonah exit to the interchange north of the rest area along I-15 to alleviate a dust problem and to accommodate a school bus route to the Dutch Cowboy Dairy area.

**SOLID WASTE COLLECTION TRUCK PURCHASE :**

Alan Wade, Iron County Landfill Supervisor, met with the Commission to consider bids to replace a solid waste collection truck destroyed by fire. Bids were received from four companies with National Environmental Waste Systems submitting the low bid of \$189,900 for an American LaFrance Condor with a Wayne Curbtender 31 yard body.

Alma Adams made a motion to approve the purchase of the truck from NEWS for the American LaFrance as specified to be purchased with insurance loss reimbursement and current budget. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**QUALITY CRUSHING CONTRACT AMENDMENT :**

A contract amendment between Quality Crushing and Iron County which is proposed to crush an additional amount of gravel at the Parowan pit in lieu of posting a performance bond was approved on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**PERSONNEL MATTERS :**

Colette Eppley presented for approval as a new employee Karen Reed as a cook at the Senior Citizen Center in Cedar City. Lois Bulloch made a motion to approve the hiring as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented a proposed promotion for Exilda Serrano to Associate Appraiser in the Assessor's office. She has met all of the practical and classroom work to qualify for this position and has been recommended by Dennis Ayers for the promotion. Lois Bulloch made a motion to approve the promotion as presented. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented a proposal for a salary adjustment for Quinn Averett to reflect his expertise in aviation as a pilot and for his bilingual skills as a patrol officer. Alma Adams made a motion to approve the salary adjustment as recommended by the Sheriff and presented. Secoed by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 10:30 a.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 20, 2007**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 20, 2007 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also Present:

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

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES December 10, 2007** :

Minutes of the Iron County Commission meeting held December 10, 2007 were approved as amended on a motion by Alma Adams. Second was by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Ayers** reported on property tax changes being considered by the Legislature for action in the 2008 session. Changes could include being required to re-value every property annually in Counties of the First and Second Class. The Assessor's will meet in Salt Lake on

December 27 to discuss proposed changes.

**Erik Jorgensen** reported that upgrades to Public Safety software have been completed and the IT Department is currently working on a digital document program to make information available to the public.

**Patsy Cutler** reported that the Recorder's office is moving to a letter size document format on January 1. Non conforming documents will be charged \$2.00 per page extra. Patsy also reported that recording fees are less than a year ago due partly to a reduction in the number of subdivisions being recorded.

**Geri Norwood** reported that the Treasurer's office is preparing a delinquent tax list to be published on December 31 as required by State Code. The list will be published in the Spectrum, a newspaper of general circulation within Iron County.

**Margaret Miller** reported that case load is high in the Justice Court. She also discussed a bill being pushed by the Judicial Council which would make Justice Court Judges State employees and would require future judge appointees to be law trained. Counties and Cities are opposed to the measure but it appears that some Legislators are in favor of the proposal.

**Lois Bulloch** reported that Sky West is returning to service Cedar City on January 8 and the Cedar City Airport is planning an open house to welcome them back. Lois also reported that a meeting with airport officials and USFWS regarding prairie dogs has been scheduled at 10:00 a.m. on January 10, 2008 in the airport terminal board room.

**Alma Adams** reported that he was on a conference call with Bob Weidner in which full funding of PILT was discussed. President Bush threatened a veto of the parent bill if it was left in. It was removed and attached to another bill at a reduced rate.

**2008 FINAL BUDGET PUBLIC HEARING :**

Lois Bulloch made a motion to open a public hearing to receive comments regarding the proposed 2008 County budget. Second by Alma Adams . Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Gene Adams reviewed the proposed budget and explained the funding sources expected. He explained that the proposed budget was in balance and complies with State and Federal standards for Government budgeting processes. The proposed general fund budget is \$15,665,965.

Reed Erickson reviewed the proposed budget for the Municipal Services Fund which will be a new tax which will be required to hold truth in taxation hearings during 2008. The proposed budget will produce \$2,278,529. Services funded through this tax on properties outside municipal boundaries will include road maintenance, law enforcement, and fire protection.

After all public comments were received, Alma Adams made a motion to close the public hearing and to adopt resolution 2008-11 as follows. Second by Lois Bulloch.

**RESOLUTION 2008-11 ADOPTING 2008 BUDGET :**

**RESOLUTION 2007-11**

**A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2008 BUDGET.**



**WHEREAS**, Iron County is required by Utah State Law to adopt a budget (UCA 17-36-15) on or before the last day of each fiscal period, the governing body by resolution shall adopt the budget which, subject to further amendment, shall thereafter be in effect for the next fiscal period. A copy of the final budget, and of any subsequent amendment thereof, shall be certified by the budget officer and filed with the state auditor not later than 30 days after its adoption. A copy, similarly certified, shall be filed in the office of the budget officer for inspection by the public during business hours; and

**WHEREAS**, a tentative budget has been adopted and has been made available for inspection at the office of the County Auditor for at least ten (10) days prior to the public hearing; and

**WHEREAS**, December 20, 2007 at the hour of 10:00 a.m. in the Iron County Courthouse Commission Chambers has been designated as the time and place of a public hearing where all interested persons shall have an opportunity to be heard for or against the estimates of revenue and expenditures and performance data on any item in any fund; and

**WHEREAS**, notice of the public hearing has been published at least seven days before the hearing in one newspaper, Daily Spectrum, a newspaper of general circulation within the County; now therefore

**BE IT RESOLVED** by the Board of Iron County Commissioners that the budget as presented and filed in the Iron County Auditor's Office is hereby adopted for calender year 2008.

**BY ORDER OF** the Board of Iron County Commissioners this 20<sup>th</sup> day of December 2007.

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Signed: Wayne A. Smith, Chairman

Attest:

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David I. Yardley, County Clerk

Voting:

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

**2007 BUDGET AMENDMENT PUBLIC HEARING :**

Alma Adams made a motion to open a public hearing to receive comments on amendments to the 2007 County budget. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Gene Adams reported to the Commission on proposed changes to the budget to bring it into balance. The Departments where overages were incurred were primarily to non budgeted overtime hours. Other non budgeted but approved purchases were also reviewed.

After all public comments were received, Lois Bulloch made a motion to close the public hearing and to adopt resolution 2007-12 as follows. Second by Alma Adams.

**RESOLUTION 2007-12 AMENDING 2007 BUDGET :**

**RESOLUTION 2007-12**

**A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING  
ADJUSTMENTS IN THE 2007 DEPARTMENT BUDGETS.**

**WHEREAS**, Iron County Departments have requested adjustments to their budgets for 2007 to cover expenses incurred over time, increases in under budgeted areas, purchases of unbudgeted but approved equipment, and

**WHEREAS**, adjustments must be made to authorize unexpected or approved expenditures above those appropriated in the original budget, now therefore:

**BE IT RESOLVED** that the 2007 budget of Iron County is hereby amended to reflect changes in the adopted and approved 2007 budget to actual expenditures as calculated and filed in the office of the Iron County Auditor.

**BY ORDER OF** the Board of Iron County Commissioners this 20<sup>th</sup> day of December, 2007.

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Signed: Wayne A. Smith, Chair

Attest:

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David I. Yardley, County Clerk

Voting:

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

**MINOR LOT SUBDIVISION :**

Chad Nay presented a request for approval of a minor lot subdivision located approximately 2.5 Miles North of Newcastle within Section 33, Township 35 South, Range 15 West and requested by Rawlin and Julie Platt/Platt Livestock, LLC. The proposed subdivision will divide the parcel into three smaller parcels that are in compliance with current zoning. The Planning Commission has recommended approval.

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

**HUMAN RESOURCE MATTERS :**

Colette Eppley presented for approval a new employee as a contract driver, Susan De Backer for the Council on Aging in the Beryl area. Lois Bulloch made a motion to approve Ms. De Backer as requested. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

Colette also presented for approval a full time training officer position within the Ambulance Department. She explained that currently John Miller is filling this duty. It is proposed that he will be moved off from the active paramedic schedule and would coordinate all training and records of training for the Department. The change will result in a one grade increase with a 5% annual salary increase.

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

**APPROVAL OF 2008 COMMISSION MEETING SCHEDULE :**

The Commission Meeting schedule for 2008 was reviewed and approved as follows on a motion by Lois Bulloch. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**2008 IRON COUNTY COMMISSION MEETING SCHEDULE**

**NOTICE IS HEREBY GIVEN** that the regular Iron County Commission meetings for 2008 have been scheduled on the following dates:

January 14	January 28
February 11	February 25
February 13	Canvass of election returns for WSP Primary Election at 1:00 P.M.
March 10	March 24
April 14	April 28
May 12	May 27 (TUESDAY)
June 9	June 23
July 7	Canvass of election returns for Primary Election at 1:00 P.M.
July 14	July 28
August 11	August 25
September 8	September 22
October 13	October 27
November 10	November 24
November 17	Canvass of election returns for General Election at 1:00 P.M.
December 8	
December 22	(Final Budget Hearing 10:00 A.M.)

Meetings will be held in the Iron County Commission Chambers, 68 South 100 East, Parowan, UT beginning at 9:00 A.M.

Persons or groups wishing to address the Commission must make an appointment with the Iron County Clerk by the **Monday preceding the scheduled meeting. Agenda is closed at 5:00 p.m. Monday preceding scheduled meeting. No late agenda items will be accepted. All action items must be included on the agenda to be considered.**

BOARD OF IRON COUNTY COMMISSIONERS

David I. Yardley  
Iron County Clerk

**APPROVAL OF FACTUAL ERROR ADJUSTMENT AFTER TAX ROLL :**

Carrie Christiansen, Deputy Auditor, presented a factual error report for Board of Equalization actions. Total adjustments resulted in a net value adjustment of (-\$786,800) and a tax adjustment of (-\$6,590.16). Alma Adams made a motion to approve the adjustments as presented and to authorize signatures. Second by Lois Bulloch. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**SHILOH RANCH SETTLEMENT AGREEMENT :**

Scott Garrett presented a proposed settlement agreement with Shiloh Ranch for a reasonable accommodation which was granted in 2006 and was appealed to the District Court. Terms of the agreement were reviewed with a recommendation that the reasonable accommodation be increased to ten individuals with appropriate staffing. The agreement would also bar Shiloh from future requests for amending the number of students at the group facility and would bar any future litigation regarding numbers or conditions of operation.

Lois Bulloch made a motion to approve the settlement agreement as presented with the following findings of fact and conclusions of law as recommended by the County Attorney. Second by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

**IRON COUNTY COMMISSION  
FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING SHILOH  
RANCH REQUEST FOR REASONABLE ACCOMMODATION**

The Iron County Commission submits the following findings of fact and conclusions of law related to the Shiloh Ranch reasonable accommodation request:

Findings of Fact

1. Pursuant to consideration of a duly filed application, on July 6, 2006, during a regular meeting of the Iron County Planning Commission (hereinafter "Planning Commission"), Shiloh Ranch requested that the Planning Commission grant a reasonable accommodation of a zoning ordinance to Shiloh Ranch based on the federal law commonly referred to as the Fair Housing Act (FHA).
2. Shiloh Ranch desires to establish a residential facility located in the Parowan Valley in Iron County, Utah where it could provide treatment programs to youth facing various problems. The programs at the facility would be focused on equine-assisted therapy. The facility would also function as a working ranch.
3. The address of the proposed facility is 2616 North 2000 West, Parowan, Utah 84761. The property is zoned A-20 and, according to Shiloh Ranch's application, the size of the property is 40 acres. The legal description of the property is: The South Half of the Southeast Quarter of the Northeast Quarter of Section 33, Township 33 South, Range 9 West, Salt Lake Base and Meridian.

4. The purpose of the A-20 zone is to “protect and preserve lands suited for farming and the production of food and fiber . . . and the protection of the economic base of the county.” *Iron County Zoning Ordinance* at § 502. Other purposes include “protection of environmentally sensitive lands[.]” *Id.* Iron County “discourages intense uses due to a lack of required services and the potential cost to Iron County residents of providing the services necessary to support more intense development and activities.” *Id.*
5. Uses allowed in the A-20 zone include Accessory Agricultural Retail Sales, Accessory Structure, Accessory Uses, Accessory Outside Storage, Commercial Plant Nursery, Single Family Dwelling, Farm, Fish Farm, Home Occupation, Residential Facility for Persons with Disabilities, Residential Facility for Elderly Persons, Temporary Construction or Sales Office, Temporary Dwelling Unit, Temporary Use, and Utility Service Facility. *Iron County Zoning Ordinance* at § 503. “In all residential zones (R-1/2, R-1, R-2, R-5 Zones) and the A-20 agricultural zone, no residential facility for persons with a disability shall exceed four (4) residents, not including staff, or the family that owns the residence.” *Iron County Ordinance No. 196 Congregate Living and Treatment Facilities* at § 1703(C)(6) (hereinafter “Congregate Living Ordinance”).
6. Shiloh Ranch states that the group home (“Facility”) would be for boys between 11 and 15 years of age. Shiloh Ranch also asserts that the types of problems the Facility would address include depression, substance abuse, and attention deficit disorder which qualify as disabilities under the FHA. Shiloh Ranch indicates that the residents of the Facility will receive professional help from certified teachers, therapists, psychiatrists, psychologists, doctors, and nurses.
7. Shiloh Ranch has requested a reasonable accommodation allowing up to 48 residents at a time at the Facility.
8. The Planning Commission voted unanimously to deny the reasonable accommodation of Shiloh Ranch based upon *Iron County Planning Commission Findings and Conclusions Regarding Shiloh Ranch Request for Reasonable Accommodation* (available at Iron County Building & Zoning Department, 82 N. 100 E. Suite 102, Cedar City, UT 84720).
9. Shiloh Ranch timely appealed the decision of the Planning Commission to the Iron County Commission (hereinafter “County Commission”). On September 25, 2006, Shiloh Ranch appeared before the County Commission at a Public Hearing.
10. At the Public Hearing, Shiloh Ranch, through its attorney, Jim Bradshaw, requested a reasonable accommodation to allow 3 groups of 16 for a total of 48 youth. Shiloh Ranch offered no evidence, authority, or documentation to support their request.

11. Public comments, expressed during the Public Hearing, included concern over safety and theft, feasibility of operating an outdoor facility in extreme weather conditions common during the winter months, suitability of the facility in an A-20 zone due to unavailability of sewer, culinary water, or fire suppression, and hazards to agricultural operations and equipment movement.
12. During the Public Hearing, the County Commission considered Congregate Living Ordinance provisions stating that no residential facility for persons with a disability shall exceed four residents, not including staff or the family that owns the residence. Melanie Habibian, who works for the “Falcon Ridge” facility in Virgin, Utah, a similar treatment facility for girls, responded by submitting a brochure on the operation of the Falcon Ridge. Ms. Habibian opined that the facility in Parowan would need a minimum of 9 students to operate a group therapy equestrian program. County resident Carolyn Ray responded that, according to research she had conducted, many equestrian programs can work with one or two students. Commissioner Stowell then inquired whether Shiloh Ranch would be able to acquire sufficient water rights to support their operation, as they currently do not have sufficient rights. Mr. Bradshaw stated that sufficient rights had been secured through leases. No other comments were made by the applicant or public.
13. After all public comment was received, the County Commission closed the Public Hearing and allowed Shiloh Ranch up to 30 days to submit written documentation supporting its reasonable accommodation request.
14. The County Commission has considered the affidavit of Dr. Robert Gemmill, sent to the Commission on October 25, 2006. In the affidavit, Dr. Gemmill states: [E]xcessively restricting the number of participants will render [group psychotherapy] ineffective.” “Restricting the number of residents [sic] Shiloh Ranch to four will render the project therapeutically ineffective and nullify its purpose and function.” “In order to effectively accomplish the goals of positively changing the lives of program participants an adolescent group should be at least 48 individuals organized into 3 groups of 16. Adolescents learn from play, competition and interaction between separate groups. Under this scenario curative factors will be achieved which will result in therapeutic behavioral changes necessary for Shiloh Ranch to be effective and viable.” Dr. Gemmill’s affidavit states his opinion is based on his own experience and the text entitled, The Theory and Practice of Group Psychotherapy (Yalon, 1975).
15. The affidavit of Dr. Gemmill is the only written documentation Shiloh Ranch has submitted for the record.
16. On November 13, 2006, the County Commission considered the Shiloh Ranch matter in a Public Meeting.

17. The County Commission has reviewed a document entitled, “Considerations for Discussion,” presented by Reed Erickson, Community Planner, summarizing group psychotherapy literature and information gathered from group psychotherapy experts.
  
18. A reasonable accommodation is a provision within the Congregate Living Ordinance and a requirement of the Fair Housing Act for Residential Treatment facilities in order to provide for a “change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.” Furthermore,
  - A. “Reasonable” means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.’
  
  - B. “Necessary” means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.’
  
  - C. “Equal opportunity” means achieving equal results as between a person with a disability and a non-disabled person.’
  
19. In considering whether or not to grant a reasonable accommodation the Ordinance requires the following factors to be considered:
  - a. The zoning regulations applicable to the property;
  - b. The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
  - c. Whether or not the accommodation will be an undue burden or expense to the County;
  - d. The extent to which the accommodation will or will not benefit the applicant;
  - e. The extent to which the accommodation will or will not benefit the community;
  - f. Whether or not the accommodation fundamentally alters the County wide Zoning Ordinance and General Plan;
  - g. Has the applicant demonstrated that the accommodation will affirmatively enhance the applicant’s use of his property, or ameliorate the effects of the applicant’s disability;
  - h. Without the accommodation, is similar housing available in Iron County for the applicant or group of applicants; and
  - i. Given the scope of the accommodation requested, what is the impact on the immediate neighborhood;

20. The County Commission has been presented with research conducted by Reed Erickson regarding group psychotherapy and counseling. The following is a synopsis of the literature considered by the Commission:

A. Summary of therapy types, *available* at: [www.psychnet-uk.com](http://www.psychnet-uk.com) (last visited November 9, 2006).

1. Group psychotherapy is effective and appeals to many patients and doctors. The same number of doctors can treat more patients, and it may be combined with individual psychotherapy. In some countries, the group psychotherapeutic approach has exceeded the individual approach. As the nuclear family and religion have become diverse, and in some instances, fragmented, the psychotherapy group may meet the strong need to belong, affiliate, and assist others. Many doctors see a group size of 8 to 10 patients as optimal, but groups may vary in size from 3 to 15. Weekly or twice monthly sessions of 1-2 (1½ most common) hours seems to be the average. Groups of differing ("heterogenous") patient needs may be helpful, but there are some groups where all share the same expressed need or disorder. In some instances, the group is thought of as a doctor who is expressed through other group members: as each group member grows stronger, he/she provides assistance in interpretation, insight, and decision-making to other group members.

B. SOPHIA VINOGRADOV, M.D. & IRVIN YALOM, M.D., A CONCISE GUIDE TO GROUP PSYCHOTHERAPY 34-35 (1989).

1. The ideal size for a prototypic interpersonally-oriented interactional group is 7 or 8 members, and certainly no more than 10. Too few members will not provide the necessary critical mass of interpersonal interactions. A group of three members will not provide enough opportunities for broad consensual validation of different viewpoints, and patients will tend to interact one at a time with the therapist rather than with one another. An enterprise with only two or three patients will be unproductive. In a group with more than 10 members, there may be ample fruitful interaction, but some members will be left out as there will be insufficient time to examine and understand all of the interactions of each of the members.

2. When working with inpatients, or when leading specialized outpatient groups, the focus will not be as explicitly interpersonally-oriented as in the prototypic interaction group – but the therapist must still aim for a lively and engaging group, one that encourages active participation by as many



members as possible. The optimal group size that allows members to share experiences with one another ranges from a minimum of 4 or 5 to a maximum of 12; groups of 6 to 8 offer the greatest opportunity for verbal exchange among all patients.

C. GERALD COREY, THEORY & PRACTICE OF GROUP COUNSELING 85 (6th ed. 2003).

1. The desirable size of a group depends on factors such as the age of the clients, the type of group, the experience of the group counselors, and the type of problems explored. Another element to be taken into consideration is whether the group has one leader or more. For ongoing groups with adults, about eight members with one leader seems to be a good size. Groups with children may be as small as three or four. In general, the group should have enough members to afford ample interaction and yet be small enough to give members a chance to participate frequently without losing the sense of group.
21. The County Commission has determined that Dr. Gemmill's statement regarding the appropriate group size of Shiloh Ranch varies significantly from the literature referenced in Dr. Gemmill's affidavit.
  22. The County Commission also considered information gathered from interviews Reed Erickson conducted with professionals in equine therapy. The following is a synopsis of the information:
    - A. Starlee Heady, Clinical Program Director, EAGALA – Equine Assisted Growth and Learning Association.
      1. Ms. Heady lives in Florida and travels around the country working in her capacity as an equine-assisted therapy professional. She described an ideal "Treatment Team" at a Teen Residential Treatment Facility to include:
        - a. 1 equine professional
        - b. 1 therapist
        - c. 5 - 7 teens
        - d. 5 - 7 horses
      2. She explained that working with group sizes larger than 8 creates too much information to process. She stated that group size is structured around the goals of the group, but she would break any group of 16 into two groups of 8 and work with them separately. With regards to competition among groups,

she had not experienced equine-assisted treatment where “play, competition and interaction between separate groups” was a part of the group psychotherapy treatment program. Her experience has led her to believe that competition is counterproductive and she cautioned against working with groups larger than 8.

B. Mark Lytle, EAGALA Equine Professional Level III - Trainer/Instructor.

1. Mr. Lytle runs a adolescent treatment facility for sex offenders in Marion, North Carolina. He described a treatment team as:
  - a. 6-10 horses
  - b. 6-10 adolescents
  - c. 2-3 line staff (youth counselors)
  - d. 1 therapist
  - e. 1 equine specialist
2. Mr. Lytle’s facility is licensed for 28 beds located on 50 acres and ½ mile from any neighbor. It has some unique features with public school contracts in the local school district to provide educational experiences for public school children at his facility and integrating his kids into the public schools. He does not utilize equine-assisted therapy as a component of interaction or competition between separate treatment groups.

23. During the November 13, 2006 meeting, the County Commission afforded representatives from Shiloh Ranch an opportunity to comment on their reasonable accommodation request. Without presenting any additional information or documentation, Shiloh Ranch stated that it would stand by the affidavit submitted by Dr. Gemmill. Shiloh Ranch asserted that a facility with 48 individuals would be appropriate, allowing for groups to be in different phases of treatment and enabling the facility to be economically viable. Shiloh Ranch has provided limited documentation and evidence to support their reasonable accommodation request.

Conclusions of Law

24. The interpretation and application of the zoning ordinance must be consistent with the 1998 Amendments to the Federal Fair Housing Act (the “FHAA”), which requires equal access to residential housing opportunities for persons with disabilities. 42 U.S.C. § 3601 et seq. The ordinance must not be interpreted or applied to intentionally (discriminatory intent) or inadvertently (disparate impact) discriminate against persons with disabilities. We also acknowledge our obligation to provide reasonable accommodation when necessary to

afford a disabled person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604ffl(3)(B).

25. Public clamor or generalized “neighborhood opposition and expressions of concern for public safety and welfare” are not a proper basis for this decision. *Davis County v. Clearfield City*, 756 P.2d 704, 711-712 (Utah App. 1988). Moreover, we cannot act in furtherance of misguided or discriminatory notions nor can we allow such notions to influence our decision-making process. *Association of Relatives and Friends of Aids Patients v. Regulations and Permits Administration*, 740 F. Supp. 95, 104 (D.P.R. 1990). We thus disavow any reliance upon generalized statements or opinions of members of the public or governmental officials expressed during this or prior proceedings. We reach our decision solely upon the findings of fact stated herein and our interpretation of the applicable law.
26. Under the FHA, it is discriminatory to refuse to make “reasonable accommodations in rules, policies, practices, or services, when such accommodation may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling . . . .” 42 U.S.C. § 3604(f)(3)(B). This requirement applies to the enforcement of zoning ordinances. *The Corporation of the Episcopal Church in Utah v. West Valley City*, 119 F. Supp.2d 1215, 1220 (D. Utah 2000). Therefore, the FHA requires Iron County to provide an accommodation if it is “(1) reasonable and (2) necessary (3) to afford handicapped persons equal opportunity to use and enjoy housing.” *Id.*
27. An accommodation is “reasonable” if it neither imposes “undue financial and administrative burdens [on the government]” nor requires a “fundamental alterations in the nature of [a governmental] program.” *Id.* at 1221 (quoting *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 604 (4th Cr. 1997)); see also *Southeastern Community College v. Davis*, 442 U.S. 397, 410, 412 (1979). Thus, if the proposed accommodation neither imposes undue financial or administrative burdens on the County nor requires a fundamental alteration in the A-20 zone, it is “reasonable.”
28. An accommodation is “necessary” if there is “a direct linkage between the proposed accommodation and the ‘equal opportunity’ to be provided to the handicapped person. This requirement has attributes of a causation requirement. If the proposed accommodation provides no direct amelioration of a disability’s effect, it cannot be said to be ‘necessary.’” *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 604 (4th Cir. 1997) (emphasis added).
29. Finally, if an accommodation is both “reasonable” and “necessary,” it must provide “equal opportunity.” The “equal opportunity” requirement:

[M]andates not only the level of benefit that must be sought by a reasonable accommodation but also provides a limitation on what is required. The FHA does not require accommodations that increase a benefit to a handicapped person above that provided to a nonhandicapped person with respect to matters unrelated to the handicap. As the Court in Davis noted, the requirement of even-handed treatment of handicapped persons does not include affirmative action by which handicapped persons would have a greater opportunity than nonhandicapped persons. Congress only prescribed an equal opportunity. *Id.* (citations omitted).

30. Shiloh Ranch' counsel requested a "reasonable accommodation" at the July 6, 2006 Planning Commission meeting to allow 48 youth at the Facility, which exceeds by 44 the number allowed for a residential treatment facility for persons with a disability under the Iron County Code. Consequently, we consider whether a reasonable accommodation is appropriate to allow 48 persons to reside at the Facility.
31. In conducting this analysis, the duty to make reasonable accommodation must be balanced with the County's "right to control land uses through neutral regulation." *West Valley City*, 119 F.Supp.2d at 1220-1221. "[L]and use planning and the adoption of land use restrictions constitute one of the most important functions performed by local government and that in enacting the [FHA], Congress did not contemplate abandoning the deference that courts have traditionally shown to local zoning codes." *Id.* at 1221 (citations omitted). *See Hemisphere Building Co. Inc. v. Village of Richton Park*, 171 F.3d 437, 440 (7<sup>th</sup> Cir. 1999) (noting that "[z]oning may be good or bad, but the FHAA is not the charter of its abolition.>").
32. Because four persons are the most that can be housed in a residential facility for persons with a disability in the A-20 zone, consideration must be given as to whether allowing forty-eight unrelated persons is both reasonable and necessary to give the proposed disabled persons who would reside at the Facility equal opportunity to enjoy a dwelling.
33. We first consider whether forty-eight residents are "necessary." Shiloh Ranch's sole evidence that forty-eight total residents are necessary to operate the program is the affidavit of Dr. Gemmill. Other group home treatment providers, cited by Mr. Erickson, state that as few as eight residents can constitute an optimal treatment group. Even if it is less profitable for Shiloh Ranch to house fewer than forty-eight youths, the restriction would not hurt disabled people as a result of their disability. Rather, the limitation would affect them "solely by virtue of what they have in common with other people, such as a limited amount of money to spend on housing." *Hemisphere Building Co., Inc.*, 171 F.3d at 440 (holding that "a zoning ordinance that merely raises the cost of housing hurts everyone who would

prefer to pay less and forgo whatever benefits the higher cost confers, so need not be waived for the handicapped.”). Therefore, economic expense to Shiloh Ranch does not make forty-eight youths necessary.

34. We next consider if Shiloh Ranch's request is “reasonable.” Shiloh Ranch indicates that multiple youth are needed as part of its treatment plan; thus, limiting Shiloh Ranch to only four youths may be unduly restrictive. What constitutes a reasonable degree of accommodation must be determined in light of the A-20 zone and Shiloh Ranch’s proposed operations. An accommodation is “reasonable” if it does not require “undue financial and administrative burdens,” *Davis*, 442 U.S. at 412, or “changes, adjustments or modifications to existing programs that would be substantial, or that would constitute fundamental alterations in the nature of a program.” *Alexander v. Choate*, 469 U.S. 287, 301 n. 20 (1985) (citations and internal quotations omitted). Utah Code Ann. § 10-9a-520(4)(b) provides that “a residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from a zone.”
35. In *Bryant Woods Inn, Inc. v. Howard County*, 911 F. Supp 918, 940 (D. Md. 1996), *aff’d*, No. 96-1244 (4th Cir. 1997), the court held that a denial of a special use permit was not a failure to make a reasonable accommodation, where the permit would have allowed a facility for the disabled to house fifteen individuals instead of eight. The court reasoned that allowing such a facility would change the character of the residential neighborhood and would set a precedent that would undermine residential planning.
36. Under the Congregate Living Ordinance, only four persons, not including staff or the family that owns the residence, may reside in a residential facility for persons with a disability in an A-20 zone. The purpose of the A-20 zone is to “protect and preserve lands suited for farming and the production of food and fiber . . . and the protection of the economic base of the county.” *Iron County Zoning Ordinance* at § 502. Other purposes include “protection of environmentally sensitive lands[.]” *Id.* No other use in the zone allows occupancy of property to the extent requested by Shiloh Ranch. *See id.* at § 503.
37. Allowing ten youth would not substantially change or fundamentally alter what is already allowed in the A-20 zone. Therefore, we conclude that allowing ten youth to reside at the Shiloh Ranch facility is a reasonable accommodation that does not constitute a fundamental alteration in the nature of the Agricultural zone nor a substantial change to existing circumstances. In addition, ten residents is consistent with other programs licensed for persons with disabilities operating in Iron County. We believe that going beyond ten total residents would constitute a fundamental alteration of the zone in light of the agricultural (non-residential) purpose of the A-20 zone.

38. We grant Shiloh Ranch a reasonable accommodation to house up to ten youth at Shiloh Ranch's property. This conclusion is limited solely to the property located at 2616 North 2000 West, Parowan, Utah. The approved accommodation is based upon our belief that allowing ten youth to reside at the Facility would not substantially change what is already permitted in the A-20 zone. However, we believe that more ten youth would fundamentally alter the character of the zone in light of its agricultural purpose.
39. Shiloh Ranch must comply with all applicable licensing requirements of the Ordinance and the State of Utah and all county, state, federal, and health department regulations, laws, rules, and ordinances.
40. Shiloh Ranch's proposed Facility for forty-eight youth is not a permitted use in the A-20 zone because a residential treatment facility for persons with a disability is limited to four unrelated persons.
41. The Iron County Commission, based upon the evidence before it, hereby approves the reasonable accommodation request of Shiloh Ranch, with the condition that the number of beds at the Facility not exceed ten (10). This decision is based upon Shiloh Ranch's application for a reasonable accommodation and the foregoing findings of fact and conclusions of law.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 12:00 p.m. on a motion by Lois Bulloch. Second was by Alma Adams. Voting: Wayne Smith, Aye; Lois Bulloch, Aye; Alma Adams, Aye.

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Signed: Wayne A. Smith, Chairman

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Attest: David I. Yardley  
County Clerk