

IRON COUNTY COMMISSION MEETING
October 12, 2009

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 12, 2009 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Wayne A. Smith	Commissioner
Lois L. Bulloch	Commissioner
Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk
Reed Erickson	County Administrator

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES September 28, 2009 :

Minutes of the Iron County Commission meeting held September 28, 2009 were approved as amended on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

ELECTED OFFICIALS REPORTS :

Reed Erickson discussed natural landscaping on a Cedar City parcel adjacent to the Iron County Visitor Center. The County is pursuing a land exchange for a parcel owned by Iron County near 300 West in Cedar City.

Reed also reported that interviews for an UPDRIP coordinator were completed and a job offer was made which was turned down. The UPDRIP committee is seeking applications to fill the position.

Wayne Smith discussed a request from Brent Turek representing the York Jones family to complete repairs on the flood channel and place a fence on the property line on property near the Ladybug Nursery. This item was referred to Steve Platt, Iron County Engineer.

Wayne also discussed a concern with a road know as the Lower Kanarrville Basin Road which has been maintained by the County from time to time. The property owners have now

placed a gate across the road and have placed an unlocked padlock on the gate. There is a concern with setting a precedent to allow gates to be placed on County roads.

Lois Bulloch discussed a request to fix the roads within Cedar Valley Acres subdivision. Commissioner Smith stated that the Road Department will be filling some bad places on a one time basis. The property owners will be encouraged to do a special assessment area to bring the roads to a County standard.

Lois also reported that the Cedar Livestock Festival is scheduled for October 24. The parade will begin at 9:15 a.m. The Commission will participate in the parade.

Lois reported that the Planning Commission has received several comments from the State regarding the County wind energy ordinance. The Planning Commission is reviewing the comments and implementing only the portion they feel is appropriate.

Alma Adams reported that the Federal Inmate numbers at the jail are very low. Currently there are eighteen Federal, six State, and twenty four Condition of Probation (COP) prisoners housed at the jail.

Because of budget cuts and funding authorization by the State for condition of probation prisoners, UAC is preparing a model ordinance which will limit the number of COP that can be housed in the jail. This should help alleviate the State dumping prisoners on the Counties.

Alma also reported that the public transportation system in Cedar City is planning to expand to serve Brian Head. There is still a move to get a transportation study completed to determine feasibility of public transportation to Brian Head.

The County has been notified that SR 143 from Parowan to Panguitch has been selected to be designated as a National Scenic Byway. Official announcement will be made in Washington DC on October 16.

GRANT APPROVAL FOR MAJOR CRIMES TASK FORCE :

Sheriff Mark Gower and Deputy Mike Burg, Beaver County Deputy Sheriff, made a power point presentation explaining a grant which will fund a joint major crimes task force between Iron and Beaver Counties. The proposal would designate two officers from Beaver County and three officers from Iron County as members of the task force. There would be one new employee, a secretary/analyst. Funding would be administered through the Beaver County Auditor's office.

After discussing management, equipment issues, continued funding, and related issues, Lois Bulloch made a motion to approve participation in the Joint Major Crimes Task Force as presented. Also to approve drafting a formal resolution with a paragraph that limits the Task Force to conditions specified in the funding grant and to specify that the task force would not operate after grant funding ceases. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

PERSONNEL MATTERS :

Colette Eppley presented a position justification for a part time medical technician at the

jail to replace an existing position. Lois Bulloch made a motion to approve the position justification as presented with the stipulation that the job description be updated prior to advertising the position vacancy. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented Jeff Mitchell's name for approval of a promotion as a Certified Residential Appraiser at a Grade 18. She explained that Mr. Mitchell has been near this certification several times but as he was completing work, the standards were changed. Wayne Smith made a motion to approve the promotion of Jeff Mitchell to Certified Residential Appraiser effective immediately. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented promotion requests for Nina Biasi from EMT Basic to EMT Intermediate and Julie Woods to be the on call Lead Worker at New Harmony. Lois Bulloch made a motion to approve the two promotions as presented. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented for approval Kara Burdick as a part time evidence clerk in the Sheriff's office and Bruce Anderson as an equipment operator in the Engineer's office to replace Howard Cox. Wayne Smith made a motion to approve the new employees as presented. Second by Lois Bulloch. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Colette presented the following as volunteer firefighters in the Beryl Fire Department: Layne Anderson, David Bosshardt, Nyal Bosshardt, Vernon Bosshardt, Lorin Bracken, Marvin Bracken, Eric Brinkerhoff, Lex Brinkerhoff, Jaymes Holt, Kim Holt, Klayton Holt, Heber Holt, Jack Petersen, Jon Pratt, Vince Rice, Pike Sorensen, Neil Stowell, Ronny Stringham, Jon Tiquila, Donald Welsch, Sterling Harker and Thomas Cluff. Lois Bulloch made a motion to approve the volunteer fire fighters for the Beryl Fire Department. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

RESOLUTION 2009-7 APPLICATION PROCEDURE FOR ASSESSMENT AREA PROPOSALS :

Todd Stowell, Iron County Circuit Planner, presented the amended version of Resolution 2009-7 which establishes application procedures for Assessment Areas. After changes were reviewed, Lois Bulloch made a motion to adopt Resolution 2009-7 with the addition of Section 170 which will describe that the Assessment Area expires upon full payment of the improvements. Second by Wayne Smith.

IRON COUNTY, UTAH

RESOLUTION NO. 2009-7

A RESOLUTION TO ESTABLISH AN APPLICATION PROCEDURE FOR ASSESSMENT AREA PROPOSALS

Whereas, the Utah State Legislature has established definitions, rules and regulations known as the "Assessment Area Act", as set forth in Chapter 11-42, Utah Code Annotated, 1953, as amended; and,

Whereas, Iron County believes that a preliminary application and review process would allow the County and affected property owners to reach a determination as to whether an assessment area should be pursued, before significant resources and funds are expended through the assessment area process outlined in Chapter 11-42, UCA; and,

Whereas, the Board of County Commissioners of Iron County, Utah, finds that the following resolution is necessary for the efficient provision of services pertaining to the formation of assessment areas; and

Whereas, the Board finds that antiquated subdivisions and areas comprised of legal lots of record often lack adequate public facilities, such as roads, public water and sewer, power, etc., which constitutes a safety concern; and

Whereas, the multiple ownership situation of these pre-existing lots, and the varying financial resources and/or values of those owners, creates a difficult logistical, political, and financial circumstance that is not comparable to installing and financing a new subdivision; and

Whereas, the Board finds that an incremental approach to road improvements can be acceptable in some assessment area situations, as even incremental improvements will improve the safety of the neighborhood; and

Whereas, notice of the following resolution has been provided as required by law.

Now therefore, be it hereby resolved by the Board of County Commissioners of Iron County, Utah, that the following assessment area application policy is established:

Assessment Area Application Policy:

Section 100 Purpose.

The assessment area application policy is enacted to provide an application and review process through which the County Commissioners make a preliminary determination as to whether the formation of an assessment area is in the interest of the County and should be pursued. The procedures outlined herein precede, and are in addition to, those of the "Assessment Area Act", as set forth in Chapter 11-42, Utah Code Annotated, 1953, as amended.

Section 110 Improvements to meet County standards.

Improvements funded through assessment areas shall be constructed to an appropriate County standard, as determined by the County Commissioners. In the case of assessment area road improvements, the road(s) shall be constructed to the minimum County standard specified in the below table, or better. The specifications for each of the road types are available from the County Engineer.

ZONING	LOCATED WITHIN AN ANNEXATION DECLARATION AREA	LOCATED WITHIN A TIER II OR TIER III AREA AND OUTSIDE THE ANNEXATION DECLARATION AREA	LOCATED WITHIN A TIER IV AREA
A-20 & IA	GRAVEL	GRAVEL	GRAVEL
R-5	CHIP SEAL	GRAVEL	GRAVEL
R-2	CHIP SEAL	CHIP SEAL	CHIP SEAL
R-1	PAVED	CHIP SEAL	CHIP SEAL
R-1/2	PAVED	CHIP SEAL	CHIP SEAL
C	PAVED	PAVED	CHIP SEAL
LI	PAVED	PAVED	PAVED
I	PAVED	PAVED	PAVED

Construction of a road to less than the standard required for new development shall not be sufficient to satisfy the subdivision road requirements applicable to any division of the property. In such cases, further improvement, in conformance with the road construction standards for new subdivisions, will be required upon division of the property.

Road improvements to a higher standard than indicated above may be required, when in the judgment of the Board the situation warrants an increased road standard.

Section 120 Application.

Any party or group of property owners wishing to form an Assessment Area must submit an application for their proposal to the County Commissioners for review. The application is to be accompanied by a statement, signed by property owners representing a majority of the properties within the proposed assessment area. The statement shall indicate that the property owners have reviewed the application documents and desire to participate in an assessment area to construct the improvements generally identified. The application must include the following information:

- A. A description and a map of the lots or parcels proposed to be included in the assessment area. Also identify on the map the lots or parcels owned by those that signed the application.
- B. A description of the improvements proposed to be financed through the assessment area process, including:
 - (i) the general nature of the improvements; and
 - (ii) the general location of the improvements.
- C. A rough cost estimate of the contract price of the project, based on a recent similar project, or an estimate by a qualified professional (for estimating purposes include 10% contingency and 15% County overhead).
- D. Whether any parallel facilities (power, phone, gas lines, etc.) would need to be relocated to complete the proposed improvements, as may occur with a road construction project.
- E. Whether adequate rights-of-way or easements exist, or if needed, the likelihood of obtaining necessary right-of-way.
- F. A desired schedule for construction.
- G. A description of any benefits that the County could expect to receive from the proposed improvements.

- H. A description of the benefits that the property owners could expect to receive from the proposed improvements.
- I. Whether the property owners have been able, or may be able, to create a voluntary assessment area (100% voluntary participation). If a voluntary assessment area is proposed, include the information outlined in Section 11-42-104, Utah Code Annotated, regarding the waiver of requirements.
- J. A proposal for how the assessment should be calculated and levied (whether by frontage, area, taxable value, fair market value, lot, number of connections, equivalent residential unit, or any combination of these methods), and the resulting cost per unit, based on the cost estimate provided. Note that assessments cannot be levied against federal land or public agencies, except as provided in Section 11-42-408, Utah Code Annotated.
- K. The desired payment schedule for the assessments (monthly, yearly, other), and the total length of installments (typically not more than ten years).
- L. In the case that 75% or more of the properties are undeveloped, the value of the undeveloped property after the proposed improvements are completed has to be at least three times the value of the assessment area liens placed on the undeveloped property. To help determine if this is a concern, provide figures for the number of undeveloped lots and the total number of lots in the proposed assessment area; and, if the number of undeveloped lots exceed 75% of the total, provide figures for the total current assessed property tax valuation of all undeveloped properties within the proposed assessment area, and the total amount of the proposed assessment area lien for those properties
- M. Whether or not ongoing operation and maintenance costs should be included in the levied assessment. If O&M costs are proposed to be included, include a description of those costs and the initial estimated annual assessment to be levied per unit (amount may change over time). The method of determining a property's proportion of the O&M costs may be different than the method used to determine financing for the improvement. As applicable, identify the proposed maximum number of years over which the assessment for operation and maintenance will be levied.

Section 130 Consideration of Request

After receipt of a complete application, the County Commissioners shall consider whether formation of the proposed assessment area may be further pursued, and if it is further pursued, how the proposal will be defined for purposes of notice under UCA 11-42-202. In making such a determination the County is to consider:

- A. The public benefit received;
- B. Any savings in operation and maintenance costs to the County;
- C. Whether the scope of proposed improvements or size of the assessment area should be reduced or increased;
- D. Whether any water, gas, sewer, or underground electric and telecommunication connections/extensions/relocations should occur prior to any proposed road improvements;
- E. Any impact to the budget, workload, or staffing levels necessary to form the assessment area, provide the improvements, and maintain the improvements on an ongoing basis;

- F. Any opportunity costs that may result, such as other identified projects that may be hindered if resources are limited and can only be applied to this project at the cost of another;
- G. Whether the proposal addresses a significant health or safety issue, such as a failed water system, an area of failing septic systems, an inadequate/ overburdened road system, etc.;
- H. Whether private financing could be utilized, instead of public funds;
- I. Whether the project would cause any significant environmental impacts that should be avoided or mitigated.

Section 140 County not bound.

The County is under no obligation to form an Assessment Area. The above application process shall not preclude the County Commissioners from rejecting a proposal to form an assessment area, with or without reason. The decision of the County Commissioners to not form an assessment area is not appealable.

Section 150 Applications authorized to proceed.

An application that is authorized by the County Commissioners to proceed shall be further considered through the Assessment Area Act provisions of Chapter 11-42, Utah Code Annotated, 1953, as amended. Provided, if an assessment area is not formed within two years of the authorization to proceed, the authorization shall expire.

The County may specify conditions (e.g. dedication of right-of-way, adequate appraisal) that are prerequisites to the formation of the assessment area. If 75% or more of the properties are undeveloped and an appraisal is required pursuant to 11-42-205, Utah Code Annotated, the appraisal shall be completed prior to giving notice under the provisions of the Assessment Area Act.

Section 160 Application Fee.

Assessment area requests that are authorized to proceed shall not be further processed until an application fee is submitted. The application fee shall be in the form of a deposit to cover the full anticipated costs of processing the request through the point of approval of the resolution/ordinance forming the assessment area, plus 20%. Any portion of the deposit that is not used shall be refunded or applied to the appropriate assessment area liens. Costs exceeding the initial deposit may be billed. If the assessment area is formed, the processing costs incurred by the County may be equalized among all participating property owners, such as through credits for those that paid the application fee.

Section 170 Assessment Area to Expire Upon Full Payment of Improvements.

When an Assessment Area resolution is approved, the County shall establish the termination date and the method of disbursement of any “excess funds”. The authority to terminate the assessment area shall be established.

This resolution shall become effective upon its passage by 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 12th day of October, 2009.

Board of County Commissioners, Iron County, Utah

Alma Adams, Chair

ATTEST:

David I. Yardley, County Clerk

VOTING:	Aye	Nay
Alma Adams	<u> X </u>	
Wayne Smith	<u> X </u>	
Lois Bulloch	<u> X </u>	

TRAVEL POLICY REVIEW :

Reed Erickson reviewed the current draft of the proposed travel policy. There were several areas of clarification that were discussed. These included record keeping of travel requests, records retention, County Department and Elected Official Department definitions, rental vehicle coverage, volunteer drivers, and form design. The matter was tabled to allow for further amendments to the draft.

PUBLIC HEARING FOR AN AGRICULTURE PROTECTION AREA :

Lois Bulloch made a motion to open a public hearing to receive public comments regarding a request to establish an Agricultural Protection Area for Whitelaw Inc. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

The proposed Agricultural Protection Area is located 8 parcels located within Section 31, T 35 S, R 16 W, SLM and Sections 25 and 36, T 35 S, R 17 W, SLB& M; Total 614.94 Acres m/l.

David Yardley reported that notices have been published in the newspaper and notices posted at a minimum of five different locations near the proposed APA. No written comments have been received. The notice has been mailed to the Planning Commission and to the Agricultural Protection Area Board who have both submitted favorable recommendations.

Chandler Whitelaw commented that this area has been the Whitelaw family farm since 1946. Because of development near the farm, it is time to establish the APA to let new neighbors know that this will continue to be a family farming operation.

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

The Commission then made the following findings:

1. The land is used for agricultural production.
2. The land is currently zoned for agricultural use.
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 designate the farming operation of Whitelaw Inc. as an Agricultural Protection Area to include eight parcels as listed in the application and authorize appropriate documents to be recorded in the Iron County Recorder's Office. Second by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

CAPITAL FACILITIES PLAN UPDATE :

The Commission reviewed the Capital Facilities one year and five year plans. Projects were modified to reflect completed projects and planned capital improvements which may need funding through the Permanent Community Impact Board or the Community Development Block Grant program. The plans will be updated and submitted to the Five County Association of Governments for their review and ranking.

CALENDER SCHEDULE COORDINATION :

Reed Erickson coordinated calendars with the Commissioners for the next two weeks.

ADJOURN :

The meeting was adjourned at 3:00 p.m. on a motion by Lois Bulloch. Second was by Wayne Smith. Voting: Alma Adams, Aye; Lois Bulloch, Aye; Wayne Smith, Aye.

Signed: Alma L. Adams, Chairman

Attest: David I. Yardley
County Clerk