

**IRON COUNTY COMMISSION MEETING**  
**January 8, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 8, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Brian Mauldwin.

**REORGANIZATION OF COMMISSION** :

Dennis Stowell made a motion to appoint Gene Roundy as Commission Chairman for 2001. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

The Commission reviewed assignments they now have and determined that no changes were necessary at this time. Gene Roundy was however approved for an appointment to the UAC Indigent Defense Fund Board of Directors which is a new assignment.

**APPROVAL OF MINUTES - December 21, 2000** :

Minutes of the Iron County Commission meeting held December 21, 2000 were approved.

as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OF MINUTES - December 11, 2000** :

Minutes of the Iron County Commission meeting held December 11, 2000 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Abstain; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Gene Roundy** reported on a proposal being considered to remodel space in the basement of the Sheriff's Office into dormitory style cell blocks. The proposal would add beds and alleviate over crowding in the jail, especially on weekends.

Gene also reported that Tom Jett has approached him to request use of the lawn space in front of the jail to construct businesses such as drive in eating establishments. After discussing his proposal, Dennis Stowell made a motion to deny leasing property at the jail facility for business development. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

The Commission discussed the reimbursement rate for use of private vehicles on County business and also the per diem rates being paid by the County. The matter is to be placed on the next Commission agenda for further action.

**Dennis Stowell** reported that he attended the inauguration of Governor Leavitt in Salt Lake City. Dennis will plan on attending the Legislative Conference in Washington D.C. sponsored by NACo.

**Lois Bulloch** reported that a meeting was scheduled for Friday, January 26 at 1:00 p.m. with Senator Garn to discuss the development of the Wah Wah Valley Space Port. She encouraged all of the Commissioners to attend this meeting.

Lois also discussed activities scheduled for the Sesquicentennial Celebration during January. These will include a dinner and program honoring Parley P. Pratt, a wagon train from Paragonah to Parowan honoring Parowan's birthday, a Parowan birthday celebration featuring James E. Faust, 2<sup>nd</sup> Counselor to the LDS Church first presidency, Parowan's birthday ball, a reenactment of the establishment of Iron County and the first election including a cannon salute, unveiling of one of the Sesquicentennial paintings by Spike Ress depicting the Old Rock Church in Parowan, and the unveiling of plaques detailing each of the elected officials from the time of Statehood to the present.

Lois discussed the establishment of a Restaurant Tax Advisory Board to make recommendations to the Commission regarding the use of the Restaurant Tax similar to the Travel Advisory Board. This is in response to concerns raised by the State from an audit of County use of Transient Room Tax and Restaurant Tax funds. The matter is to be placed on the next agenda for action.

**Scott Burns** reported on the work load in the Attorney's office. He also reported on several pending cases which are scheduled for trial in the near future.

**LAND PURCHASE - DAVID ADAMS** :

Robert Platt, representing David Adams came before the Commission to request permission to purchase a strip of land owned by the County in Section 22, Township 36 South, Range 11 West, SLB&M. The parcel contains approximately .96 acres. Lois Bulloch made a motion to approve the sale of the parcel contingent upon notification and approval of the Cedar Livestock Association because it abuts the livestock trail leading to Cedar Mountain and at the same price as being paid to the Leigh family for adjacent property. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**THREE PEAKS DISCUSSION - BLM** :

Jerry Merrideth, regional director of the Bureau of Land Management (BLM) came before the Commission and reported that Art Tait has retired from his position as Resource Manager for the Beaver River Resource Area. Craig Eggerton has been appointed as acting director until a permanent replacement is appointed. Mr. Merrideth also introduced Cornell Christensen as the new Renewable Resource Coordinator for Southern Utah.

Mr. Merrideth and Mr. Eggerton discussed development options for the Three Peaks area. They explained that the current Recreation and Public Purpose lease on the 155 acres could be expanded to include the entire 4,974 acre area. This would eliminate current grazing permits and would also prevent the BLM from helping to finance improvements in the area. It was their suggestion that a cooperative agreement continue to be utilized which would make joint planning and use of the area beneficial to all uses. If in the future the County wished to expand the R&PP agreement to the entire area and place management under County control, a new agreement could be approved at that time.

The BLM also explained that Section 11 of the draft agreement for development and management of the area was in conflict with current use plans as approved by the Bureau. The Commission agreed to the removal of the section in question. The completed draft will be reviewed and amended. It will then be submitted for final approval.

**AGRICULTURAL PROTECTION PROCEDURE DISCUSSION** :

Chad Nay, Reed Erickson, Rich Wilson and other members of the Planning Commission came before the Commission to seek clarification of the time line involved in the Agricultural Protection Area approval process. It was determined that the 45 day approval time line started at the first meeting of the Planning Commission after the application is presented to the Zoning Administrator. This will allow the Planning Commission time to review the proposal and to submit a recommendation back to the Commission.

**PERSONNEL - CHRISTENE KEENE** :

Christene Keene, Human Resource Director, came before the Commission to present proposed personnel actions. The Assessor, Dennis Ayers, has requested that Ann Gurr be appointed as Chief Deputy Assessor effective January 1, 2001. Lois Bulloch made a motion to approve the promotion as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Christene presented a request to promote Marilyn Webster to a full time Deputy Assessor in the Cedar City Assessor's Office. Dennis Stowell made a motion to approve the promotion as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Jeanette Berrett was approved as a part time employee at the Cedar City Assessor's Office on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

A request to promote Christene Keene to Chief Deputy Auditor and Human Resource Director at Grade 13 Step 7 effective January 1, 2001 was approved on a motion by Lois Bulloch. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

A contract between Iron County and Utah State University Extension Service for funding of secretaries at the USU Extension Service Cedar City office was approved subject to review by the Auditor to determine if the contract was within the budget guidelines on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Cell phone use by the Emergency Management Director, Vern Grimshaw, was also discussed. Lois Bulloch made a motion to approve a flat rate for the use of a cell phone the same as now provided to Sheriff's Deputies. The phone will be in the Director's name and he will be responsible for the bill. Additional charges for County business on the phone may be reimbursed provided that a reimbursement form is submitted and approved. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

#### **PRAIRIE DOG TAKE APPROVAL** :

Teresa Bonzo came before the Commission to discuss the changes in prairie dog take numbers for 2001. Sixty-six dogs are authorized for permanent take during 2001 which is an increase of seven from 2000. Westwind Homes has requested a permit to take 4.9 dogs for a lot in Enoch. This lot is located in an active prairie dog colony. Lois Bulloch made a motion to approve the application of Westwind Homes for the requested take. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

#### **DISCLOSURE NOTICES** :

Disclosure notices in compliance with Utah Code 17-16a-6 and 17-16a-7 were completed by the Commission and filed with the County Clerk.

#### **RS-2477 DEPOSITIONS** :

The Commission approved the use of court reporter, Paul McMullin to transcribe tapes of depositions of people familiar with roads included in the RS-2477 lawsuit being pursued by the State and the Association of Counties. The motion to approve was made by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

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

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:30 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
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Signed: Gene E. Roundy, Chairman

  
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Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING  
January 22, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 22, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Patsy T. Cutler	County Recorder
Merna H. Mitchell	County Treasurer

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES - January 5, 2001** :

Minutes of the Iron County Commission meeting held January 5, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

## **ELECTED OFFICIALS REPORTS** :

**Patsy Cutler** reported that the plat maps for 2001 have been printed and that the 2000 plats are now surplus. The County Clerk was asked to place a notice in the paper and accept bids on the 2000 plat maps.

**Merna Mitchell** reported that her office was working on verifying refunds due for overpayment of taxes created by people paying their tax and also having their mortgage company pay. This should be finished in the near future. Merna also reported that the Treasurer's software program was not functioning properly and therefore apportionments are being checked by conventional calculators for accuracy. This should also be corrected in the near future.

**Dennis Stowell** reported that he met with American Pacific Corporation officials regarding power rates being charged by Utah Power & Light Company. Dennis reported that their power rates have sky rocketed over the past few months and this may force WECCO to move their operations back to Henderson Nevada to take advantage of low cost power available to them which cannot be wheeled out of Nevada. Scott Burns was asked to draft a letter to Utah Power in support of American Pacific Corporation being retained in Utah.

**Lois Bulloch** reported that the Cedar City airport reached 10,000 boardings during 2000. This will qualify the airport for additional support from the FAA and will make some grants and other funding available for improvements.

Lois commented on the sesquicentennial celebration activities conducted in Parowan over the past two weeks. The painting of the Parowan Rock Church by Spike Rees was noted and is hanging in the Commission Chambers. Posters of the painting are available at the Iron County Clerk's Office and at the Iron Mission State Park. The celebration will continue throughout the year.

Lois reported that a seminar for local planners is being sponsored by Utah Local Governments Trust in Cedar City. The Commission authorized attendance of members of the County Planning Commission with the County paying registration fees.

## **FOREST SERVICE PLANNING & PROJECTS REPORT** :

Ron Wilson came before the Commission to report on Forest Service projects that have been approved or are in the planning stages. A spruce ecosystem recovery project for the bark beetle infestation in the Cedar Breaks, Brian Head, Sidney Valley area was remanded by the Regional Forester. This now requires several smaller units to be considered for treatment. A decision on the Rhiolite project has been made and the plan will be submitted for final approval. Because of the amount of dead and dying trees, a concern exists with the fuel load and the projects will attempt to reduce the fuel load by logging and in some cases, prescribed burns.

Mr. Wilson suggested that a coordinating meeting quarterly with the County Commission and representatives of the Forest Service, Bureau of Land Management, Division of Wildlife Resources and Utah State Lands and Forestry could work well to coordinate and review actions being done by different agencies. This program has worked well in other Counties. The Commission felt this would be a good tool and will schedule time in a Commission meeting for this group to meet.

**UTAH DWR PILT PAYMENT** :

Nile Sorenson representing the Utah Division of Wildlife Resources (DWR) presented a check for \$2,474.68 as a payment in lieu of taxes (PILT) for property owned by DWR in Iron County which includes about 5,000 acres located mainly along the Cedar City and Parowan front and which is designated as critical winter deer habitat. Funding for PILT payments comes from sportsmen license fees and is not from taxpayer dollars.

**SEARCH & RESCUE REQUEST FOR USE OF ROAD SHED AT PAROWAN :**

The Iron County Search and Rescue came before the Commission to request the use of the old road shed located at Parowan for a storage area for search and rescue snowmobiles. The shed would require some major remodeling and renovation including a new roof. Doors would also need to be relocated to allow for access from the 300 West street side.

Neil Forsyth, Road Supervisor expressed his concern with the plan stating that this road yard is small and the area is needed for storage of road equipment. The Commission tabled the matter to allow time to research other options and to determine if the building is worth salvaging.

**PRAIRIE DOG APPROVALS** :

Teresa Bonzo presented two parcels for approval of Prairie Dog take permits., one for 2.75 dogs and the second for .48 dogs bringing the total for 2001 to 4.95 dogs. Dennis Stowell made a motion to approve the take as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

The Commission also discussed the establishment of a separate fund for mitigation fees for prairie dog habitat. USFWS has requested that funds are not co-mingled with other County funds so that a clear audit trail is established. The matter is to be referred to the County Auditor to establish a separate fund.

**LANDFILL LAND EXCHANGE - FRANK NICHOLS** :

A proposed land exchange at the Landfill was again discussed with Frank Nichols. A tentative agreement was outlined by Steve Platt and Scott Burns. Mr. Nichols stated that he was agreeable to the concept as outlined. Dennis Stowell made a motion to approve the concept as presented and to authorize a final agreement for signatures to be drafted. The agreement is to be finalized within forty five days. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ZONING ORDINANCE AMENDMENT PRESENTATION :**

Planning Commission Chairman Paul Holyoak came before the Commission to formally present an amendment to the Land Management Code which would add a section describing and regulating large confined animal feeding operations to be designated as Industrial Agriculture. Mr. Holyoak thanked Reed Erickson and David Doxey of the Attorney's office for the work in drafting, editing and typing of the final draft. The Planning Commission has recommended that the ordinance amendment be approved as presented.

Scott Burns reviewed with the Commission the options available under Utah Code 17-24-407 which allows the Commission to adopt the recommendation, amend the recommendation, or reject the amendment.

The Commission thanked the Planning Commission, Reed Erickson and County staff that have worked on the ordinance. The matter is to be placed on the next Commission agenda for a public hearing.

**EXTENSION SERVICE - REQUEST FOR INVOLVEMENT IN AG ORDINANCE :**

Dennis Stowell made a motion to request Chad Reid, USU Extension Agent, authorization to review the proposed ordinance and to permit his comments and recommendation to become part of the record in regard to the proposed Land Management Code Amendment. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**JAIL DISCUSSION :**

Gene Roundy discussed the installation of video equipment at the jail which will provide video arraignment capability. This will reduce the need to transport prisoners to District Court appearances which will reduce the risks associated with transporting prisoners.

A Request for Proposals (RFP) is being prepared by Doug Carriger for remodeling space in the basement of the Sheriff's Office into a dormitory area where prisoners could be housed. This should help alleviate bed space concerns, especially on weekends.

**BOARD APPOINTMENTS :**

Planning and Zoning Board: Lois Bulloch made a motion to appoint Clinton Nielson to the Board with his term running from February 2000 to February 2003; to appoint Randy Peck to a three year term from February 2001 to February 2004; to appoint Gary Goodsell to a three year term from February 2001 to February 2004; and to appoint Sophia Hall to the unexpired term of Darwin Hulet. Her term expires February 2003. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Board of Adjustments: Dennis Stowell made a motion to appoint Martha Bayer to another term on the Board of Adjustments with her term to expire Feb 2005. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESTAURANT TAX ADVISORY BOARD APPOINTMENTS :**

Lois Bulloch discussed with the Commission the importance of establishing a separate advisory board for the Restaurant Tax fund. She recommended that the Commission be appointed as that board. Dennis Stowell made a motion to appoint the County Commission as the Restaurant Tax Board with terms to expire at the same time as elected term is complete. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SOUTHWEST CENTER AUDIT :**

Gene Roundy presented and discussed the recently completed audit of the Southwest Center for FY 1999-2000. The independent auditor found that the Southwest Center was in compliance with accounting standards.

**JUSTICE COURT JURISDICTION :**

The Commission discussed an ongoing concern with jurisdictional issues involving the Justice Courts. It was determined that it would be best to invite all of the involved court

personnel and law enforcement entities to the Commission meeting and discuss the matter. No action was taken at this time. The matter will be placed on the agenda for February 26.

**TAX MATTER - LINDA ROBINSON** \_\_\_\_\_ :

A request for tax relief by Ms. Linda Robinson was presented by David Yardley. Ms. Robinson owns a secondary home in Cedar City on which she is five years delinquent in tax payments. Ms. Robinson has requested a waiver of interest and penalty because she has never received a tax notice and was unaware that taxes were due. Tax notices were sent to the address of the home in Cedar City while Ms. Robinson lives in Logan.

The Commission authorized David Yardley to review the deeds filed in the Recorder's office to determine if there was an error on the County's part in providing proper notice. If there is not a clear error by the County, the relief requested is denied.

**MILEAGE - PER DIEM RATE ADJUSTMENT** \_\_\_\_\_ :

The Commission reviewed reimbursement rates for County employees for meals and mileage while on County business. Rates paid by surrounding Counties and Counties of the same class were reviewed.

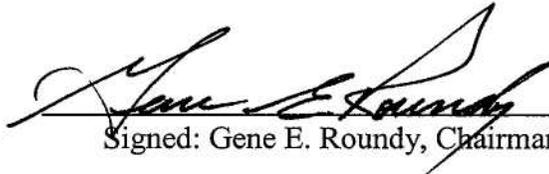
Dennis Stowell made a motion to set rates effective January 1, 2001 as follows:

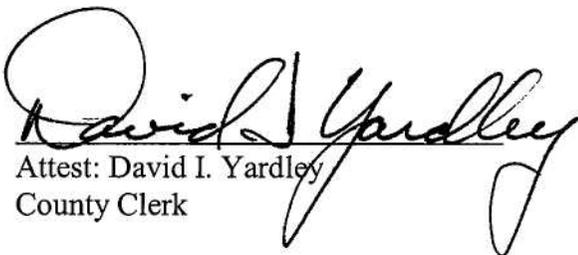
Mileage:	IRS approved rate	\$0.325 per mile which will be indexed annually to the IRS rate.
Meals	Breakfast	\$7.00
	Lunch	\$9.00
	Dinner	\$15.00

Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

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

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:30 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING**  
**February 12, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 12, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	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 Gene Roundy.

**APPROVAL OF MINUTES - January 22, 2001** :

Minutes of the Iron County Commission meeting held January 22, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Stowell** discussed the scheduled meeting with the Prairie Dog Committee. The meeting is to take place at the Visitor Center at 10:00 a.m. on February 14. Due to other meetings that day, the meeting will be limited to two hours.

**Lois Bulloch** reported that she attended a dinner and auction sponsored as a fund raising activity for the new indoor arena in Cedar City. The dinner was hosted by Rusty Aiken and

approximately \$19,000 was raised.

Lois reported that the Wildland Fire Suppression Fund would have an enrollment window open between April 1, 2001 and May 31, 2001. This matter is to be placed on the April 9 agenda for discussion.

**Gene Roundy** discussed procedure for conducting the public hearing later in the day. Since there is so much interest, and it appears that a large crowd will appear at the hearing, the Parowan High School auditorium has been selected as the hearing site. Gene suggested that comments be limited to five minutes with a provision that written comments will be accepted.

**Scott Burns** reported on recent cases his office is working on. The most significant involves a murder of Cynthia Boggs. Two area teens Carl Gary Wilcken, 18, Enoch, and Zachary Russell Beatty, 17, New Harmony, have been arrested in connection with this murder. The capital indigent defense board has been contacted to provide counsel for at least one of the suspects. Scott said both would be charged as adults.

**PERSONNEL MATTERS** :

Christine Keene came before the Commission to request approval of the hiring of Mindy Wright as a legal secretary in the County Attorney's office. Lois Bulloch made a motion to approve the hiring of Mindy Wright at Grade 7 Step 1 effective January 30, 2001. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**MAUREEN CASPER** :

Maureen Casper representing Senator Orrin Hatch's Office was introduced to the Commission and reported on her responsibility. She will be a federal grant specialist working out of Senator Hatch's Salt Lake and Cedar City offices. She offered her services and the support of Senator Hatch in applying for grants. The Commission thanked her for attending the meeting and the willingness of their office to be involved in local issues.

**DEPT. OF CORRECTIONS - FUEL TANKS DISCUSSION :**

Jay Schelin representing the State Department of Corrections came before the Commission to discuss a Notice of Non Compliance for fuel tanks at the Iron County/Utah State Correction Facility. Two tanks are involved, one is an abandoned unleaded gasoline tank and the second is an auxiliary fuel oil tank for generators to operate the jail. Mr. Schelin stated that plans were under way and bid documents have been prepared to remove the tanks and replace the generator fuel oil tank. He stated that it is the position of the State that costs should be split on a 52/48 division as all expenses associated with the jail.

The Commission explained to Mr. Schelin that the gasoline tank should be entirely state responsibility because it was used exclusively to fuel state vehicles and was installed at the request of the state. They also pointed out that the past two corrections administrations have agreed that this is their responsibility and have agreed to remove the tank.

Lois Bulloch made a motion to proceed with the tank removal as soon as possible and to negotiate financial responsibility at a later time if needed. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**FIVE COUNTY HUMAN SERVICE COUNCIL :**

Carie Dennis introduced Irene Batistic to the Commission and requested that she be appointed a the Iron County Low Income Housing Representative on the Five County Human Services Council. This appointment would replace Sharon Downing who has moved from the area.

Dennis Stowell made a motion to appoint Ms. Batistic as recommended. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Scott Burns then requested that the Commission convene in executive session to discuss a personnel matter in compliance with Utah Code 52-4-5 whereupon Dennis Stowell made a motion to convene in executive session. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

After reconvening in open session Lois Bulloch made a motion to set aside the appointment of Irene Patastic. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**RODEO QUEEN PAGEANT :**

Holly Melling and Paula Heil came before the Commission to discuss the Iron County Rodeo Queen Pageant. They requested that due to the level of participation, the pageant be opened up to participants from surrounding counties. They also suggested that the pageant be opened to all Utah residents attending Southern Utah University.

The Commission explained that participants need to be coached in Iron County history and culture so that the contestants know enough to represent the County as royalty. Dennis Stowell made a motion to open the Rodeo Queen competition to the five county AOG area ( Iron, Beaver, Garfield, Kane and Washington) and all Utah residents attending Southern Utah University provided they are given classes and training on Iron County history and culture. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**CH2MHILL - WEST CEDAR VALLEY BELT ROUTE :**

Steve Platt, Iron County Engineer, and Vickie Colton representing CH2MHill came before the Commission to discuss progress on the Environmental Assessment (EA) on the proposed belt route from the Kanarraville exit on I-15 north to SR-56. Because the Utah Department of Transportation (UDOT) has expressed concerns for this project and have indicated that an EA is not a sufficient environmental document, they have recommended that a full Environmental Impact Statement (EIS) be prepared. This will increase the costs associated with this project and will increase the County share of the project to \$11,534. The County participation in the project is 7% of the total cost with the remaining 93% coming from federal sources.

Dennis Stowell made a motion to expand the scope of the project to include a full EIS subject to UDOT approval. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**IRON COUNTY MUNICIPAL BUILDING AUTHORITY :**

Dennis Stowell made a motion to convene as the Iron County Municipal Building Authority Board. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Doug Carriger came before the Board to discuss proposed Request for Proposals (RFP) for design build modifications to the basement of the Sheriff's Office basement to be remodeled and used as a dormitory housing area for County prisoners. He also presented a RFP for a financial consultant in bonding for the improvements.

Scott Burns reviewed the documents and suggested that a non discrimination notice and a right to reject any or all RFP's be added to each document. Lois Bulloch made a motion to approve the RFP's with the modifications and authorize the RFP's to be distributed. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

The Iron County Municipal Building Authority Board meeting was then closed and the Commission reconvened in County Commission meeting.

**THREE PEAKS RESTROOM GRANT CONTRACT SIGNING :**

Reed Erickson presented documentation for a grant to construct rest room facilities at the Three Peaks Recreation Area. The Commission reviewed the documents and the scope of the project whereupon Lois Bulloch made a motion to approve the County participation in the grant and to authorize the Commission Chair to sign the agreements in behalf of Iron County. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**TAX MATTER - LAWRENCE NEWMAN :**

The Commission reviewed two tax matters. Lawrence Neuman requested a waiver of late fees and penalties on Tax Serial # S-0078-(M14055) Account # 9000776 because of a misunderstanding of his bank rules under Ohio law. He submitted his payment on December 4, 2000.

Dennis Stowell made a motion to deny a waiver of late fees and penalties because it was not a County error and the tax payment was tendered after the November 30 deadline. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Linda Robinson requested that the County accept \$3,000 as payment in full of delinquent taxes on Tax Serial # B-0065-0107 Account # 47487 due to extreme hardship. This property has a home on it but is not used by Ms. Robinson as her residence. The parcel is five years delinquent and is scheduled for tax sale in May 2001. This matter was discussed at the last Commission meeting and it was determined that relief could not be granted unless there was a County error. Since tax notices have been mailed to the address filed with the deed and no County error could be found, the request was denied on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**BOARD APPOINTMENTS :**

Lois Bulloch reported that a matter discussed at the County Day at the Legislature indicated the need to increase the Restaurant Tax Board from three to five members to bring it

into compliance with State guidelines. Lois made a motion to appoint Rusty Aiken and LaRee Garfield to the Restaurant Tax Board to serve with the three Commissioners. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**CEDAR CITY ARENA PROJECT - GRAVEL REQUEST** :

The Cedar City Arena Committee has requested that the County provide gravel and equipment to bring the parking areas and road to an all weather condition. Dennis Stowell suggested that a gravel source needed to be located and the scope of the project needed to be reviewed. Since funds were not budgeted for this project, this request was referred to Dennis Stowell who will discuss the request with Neil Forsyth and Rusty Aiken to determine the scope of the project and if County equipment is available for use.

**PRAIRIE DOG - TAKE APPROVALS** :

Theresa Bonzo forwarded a written request for an application for Prairie Dog take by Joe Burgess on lot 76 - .41 acres .48 prairie dogs; lot 80 - .41 acres .48 prairie dogs; and lot 161 - .41 acres .48 prairie dogs; all located in Phase 4, Trails West Subdivision. Total 1.23 acres and 1.44 prairie dogs which brings the running total to 4.39 acres and 9.62 prairie dogs used for 2001.

Lois Bulloch made a motion to approve the take as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PUBLIC HEARING - LAND MANAGEMENT CODE AMENDMENT** :

A public hearing for comments regarding a proposed change in the Land Management Code to add a section defining an Agricultural Industrial (IA) zone was opened at the Parowan High School Auditorium at 1:30 p.m. on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Gene Roundy introduced the proposed ordinance amendment and outlined procedure for making comments in the hearing. The following comments were made:

**Chad Reid**, USU Iron County Extension Agent, made a slide presentation in which he reviewed some concerns with wording in the Ordinance. Of particular concern is the reference to AFO and CAFO, the definition of which is different that the accepted definition in State Code and also in nationally recognized standards. He suggested that an alternative designation be adopted. The presentation was given to the Commission in written form.

**Steve Poleman**, General Manager, Circle 4 Farms, commented that separation distances for CAFO's should be no larger than three miles. He suggested adopting a "No Pig" zone in all populated County areas. This would limit hog production to areas of the County that are sparsely populated. He also stated that Circle 4 Farms is willing to enter development agreements with the County to address any County concerns. Mr. Poleman also stated that he did not want the Circle 4 Farms operations to interfere with other agricultural operations within Iron County.

**Dan Pense**, a professor of Social Science at Southern Utah University, presented results of a survey of 100 County residents which had been conducted by his department. Mr. Pense stated that from the results of this limited sampling that it appears Iron County residents favor the County adopting the ordinance amendment as recommended by the Planning Commission.

**Wayne Smith**, livestock producer, former meat processing facility operator and feed yard operator, commented that provisions governing meat and poultry processing facilities is too restrictive and would prevent even small local meat processing plants from being economically viable. He also expressed concerns with location requirements for livestock feed yard facilities.

**LaDell Laub**, livestock producer and farm operator in the Beryl area, commented that the

proposed ordinance needs to be amended in section 4 (D) Page 12 dealing with Public Health, Safety, Welfare, and Water/Air Quality were too restrictive and should be written to correspond to current state requirements for animal operations. Mr. Laub stated that even though this is written toward animal operations, it affected haying operations by limiting their ability to sell their products locally.

**Jody Gale**, USU Extension Service Livestock Specialist, commented that the proposed ordinance presented economic development concerns because of the message it sends to outside interests looking at Iron County as a possible relocation site. Implementing stricter controls on odor and waste above any other jurisdiction in the Country sends a message that new facilities are not welcome. He recommended that the ordinance be further refined and especially odor provisions be examined closely due to the subjective nature of measuring health and welfare issues dealing with odor.

**William Weida**, The Colorado College, Department of Economics, Colorado Springs, Colorado and The Global Resource Action Center for the Environment Factory Farm Project, presented a paper titled "A Discussion Of The Likely Economic Impacts Of The Proposed Iron County Agricultural Ordinance." The paper outlines concerns with locating CAFO's in Iron County and their impact on County growth. The paper states that where swine CAFO's are located that rural growth is hindered or stopped.. He stated that livestock sales in Iron County are insignificant in the economy of Iron County and that 95% of employment comes from non-agriculture sources. Mr. Weida recommended that the ordinance be adopted to prevent the expansion of large animal feeding operations in the County.

**Gerald Wood**, Wood Livestock and Walking X Ranches, thanked the Planning Commission for the work they have put into the drafting of this ordinance amendment and he requested the Commission to adopt the ordinance as it is written.

**Alma Adams**, Iron County Farm Bureau and local farmer commented that with 40,000 acres of alfalfa being produced in Iron County that local markets need to be developed. Making separation distances so large it would make Iron County undesirable to locate dairies or other operations which would utilize locally produced feed. Mr. Adams suggested that the maximum separation distance on CAFO's be reduced to two miles and that the number of animals required to trigger a zone change from A-20 to the new I-A zone be increased to 2,000 cows. He also recommended that the section dealing with odor control be removed.

**Kendall Thu**, Northern Illinois University, presented a written summary report of occupational health problems related to large scale swine operations. He recommended that strict guidelines be adopted to limit and regulate odor generated by CAFO's. He cited respiratory conditions associated with swine confinement operations which affect approximately 25 to 30 % of workers in such facilities. Mr. Thu recommended a monitoring system be developed to help control odor problems.

**Daphne Dalley**, President of the League of Women Voters for Iron County, read a prepared statement from the League of Women Voters in support of the proposed ordinance as it is written. She stated that concerns with health safety welfare and future economic development of Iron County were at stake in regulating CAFO's.

**Brian Mauldwin**, Circle 4 Farms, commented that Circle 4 Farms is willing to enter into development agreements as presently provided for in the Land Management Code. Circle 4 is concerned that their operation will place restrictions on Iron County Agriculture that will limit future development of dairies or other operations. Mr. Mauldwin suggested that in order to prevent this backlash that a swine specific ordinance be drafted and adopted.

**Scott Daily**, Sierra Club CAFO Action Specialist from Missouri, commented that in his state where CAFO's exist, economic impacts have been negative and have driven smaller family farms out of business. He presented a box full of reports assembled by the Sierra Club to give information on the effects of large swine operations. He suggested that Iron County adopt the ordinance as written to stop the expansion of large swine operations in the County.

**Randy Peck**, dairy operator in Parowan valley, reported that by placing restrictions on expansion of existing farms it is making it impossible to be economically viable in a changing agricultural world. Mr. Peck stated that he would like to install a contract hog feeding operation to supplement his dairy operation however due to delays caused by the hold on expansions and current regulations he is being forced out of business and will be closing his dairy operation.

**Mary Stults**, Cedar City resident commented that she is an active environmentalist and that red flags should go up on any proposed large swine operation. She stated that she is opposed to any more hogs in Iron County and is in favor of the proposed ordinance as written.

**Grant Burns**, Cedar City retired professional planner in Utah and California, commented that he had concerns with the ordinance as drafted. He pointed out some sections that presented particular concerns including the measurement of odor, referring to Smithfield Foods in one section and how the ordinance is to be enforced. He stated he would make a written comment on specific changes he would recommend.

**Jay Overson**, Overson Farm Center owner, Cedar City, rebutted a statement made by Mr. Weida that livestock production is insignificant in Iron County's economy. Mr. Overson noted concerns with Section 7 being too vague. He also recommended that the odor sections be amended or eliminated.

**Dr. Bruce King**, Utah Department of Agriculture Field Veterinarian, commented that in his opinion the ordinance as drafted is too restrictive and would send a negative message to future development of dairies or feeding operations in Iron County. Of particular concern is the odor section. Dr. King stated that there is currently no accurate way to measure odor or to determine which odors create risks to health and welfare.

**Todd Faluns**, Cedar City and Enterprise resident commented that he is in favor of the ordinance as written and is in favor of limiting the expansion of swine operations in Iron County.

**Kaye Ayers**, Enoch resident commented that she is in favor of the ordinance as written and she is opposed to adjusting any distance requirements which would allow livestock operations to locate near residences.

**Connie Robinson** Paragonah Town mayor, commented that she is opposed to the ordinance as written and that of particular concern are the sections dealing with the numbers of animals defined as CAFO's and the odor sections.

**Kathleen Cloward**, Cedar City resident commented on her concern with large scale swine operations and other large scale animal feeding operations. She stated that she is in favor of limiting large CAFO's.

**Trevor Anderson**, Parowan resident commented that he is opposed to the ordinance as written as it appears to undermine agricultural operations as they now exist. He suggested that the ordinance be revised to support current agricultural practices and allow for expansion to compete in today's market.

**Keith James**, Milford resident commented that what Iron County does with its zoning affects Beaver County, especially Milford. He opposes swine operations and has concerns with environment degradation in surrounding areas. He stated his support of the ordinance as drafted.

**Kip Hansen** Cedar City resident and member of the Cedar City Council, expressed his

concern as a private citizen with the ordinance as drafted. He is concerned that references to poultry operation present in previous drafts has been eliminated in the final draft. He recommended that further work be done on the ordinance prior to adoption.

**Kim Christie** representing Utah Farm Bureau commented that the Farm Bureau representing agricultural interests were opposed to the ordinance as drafted. He suggested that acronyms for AFO and CAFO be amended to something else to avoid conflicts with industry standard definitions. He also recommended that dairy numbers be amended to 2,000.

**Richard Biasi**, Parowan resident commented on the odor portion of the ordinance. He stated that as a former dairy operator that such restrictions would place undue hardships on locating new dairy operations.

**Carol Bolsover**, Cedar City resident expressed her opposition to large animal feeding operations and corporate farms. She urged the Commission to adopt the ordinance as written.

**Vern Grimshaw**, Enoch City mayor commented that he is opposed to the ordinance as drafted and he encouraged the Commission to use provisions in the current ordinance to enter into development agreements with new agricultural operations including Circle 4 Farms.

**Neil Bradshaw** Milford City resident commented on the necessity of retaining the odor sections in the ordinance. He explained that the current odor created by Circle 4 operations were harmful to down wind residents in Beaver County. By retaining the odor sections, it would provide a better control mechanism for regulating new CAFO's.

**Craig Laub**, Beryl resident commented on concerns with the ordinance as drafted limiting the ability to expand current operations as economic conditions change. He is in favor of amending the ordinance to eliminate odor restrictions on livestock operations until a method is developed to accurately monitor harmful odors.

**Donna Mitchell**, Parowan resident commented that the ordinance as drafted is not acceptable to established agricultural operators. She suggested that the Commission either amend the draft or reject the Planning Commission proposal.

**Joe Burns**, Cedar City resident commented that he is opposed to confined hog operations and he supports the need to include a section on odor to help control the expansion of CAFO's in Iron County.

**Tim Kretzinger**, Cedar City resident commented that he is in support of the ordinance as written.

**Chris Dallin**, Iron County Board of Realtors commented on their support of the ordinance as written. He said the County should look at ways to help dairy's expand while limiting growth of the swine industry which seems to be of the most concern.

**Dea Burton**, Parowan resident commented that in compliance with the Iron County General Plan, that custom and culture should be considered in drafting of the ordinance. She stated that in her opinion this ordinance did not consider this and that the ordinance as drafted placed added restrictions on an already stressed agricultural economy. Ms. Burton also expressed concern with costs involved in monitoring odor and which as written is too subjective to personal interpretation.

**Paul Holyoak**, Planning Commission Chairman recommended the ordinance be adopted as written. He stated that this would protect traditional family farm agriculture as now established while limiting expansion of CAFO's.

**Laura Cotts**, Cedar City resident voiced her opposition to large swine operations and recommended approval of the ordinance as written.

**Lloyd Limb** Cedar City resident expressed his concern with water quality degradation in

areas around CAFO's. He stated that he sold land to Dutch Cowboy Dairy and therefore is in support of agricultural interests. He property near Dutch Cowboy Dairy and he felt that any additional use of the aquifer would erode water quality in the area.

**David Burton** Parowan resident commented that he is opposed to the odor sections as now drafted due to relying on unscientific methods of measurement. He supports leaving the Land Management Code as now adopted and the use of development agreements to control CAFO growth.

**Warren Peterson**, Delta and legal counsel for Circle 4 Farms commented that he is in support of the provision to require a conditional use permit for residences in A-20. He is opposed to the rest of the ordinance as drafted and recommended that the Commission reject the Planning Commission recommendation.

**Ryan Durfee**, Cedar City resident commented that he supports the ordinance as written and he is opposed to separate development agreements because they allow for too many variables between future Commissions.

**Mike Carpenter** Kanarrville resident commented that he supports the draft as written and he expressed his opposition to the future development of any CAFO's in Iron County.

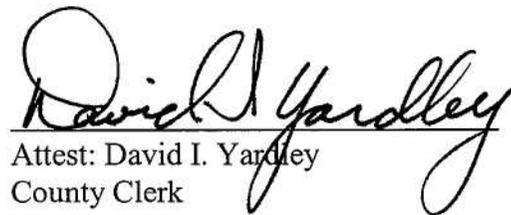
There being no further comments, the Commission closed the hearing at 4:20 p.m. on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

The Commission stated they would continue to receive written comments until the next Commission meeting scheduled for February 26.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING  
February 26, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. February 26, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Merna H. Mitchell	County Treasurer
David W. Benson	County Sheriff

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES - February 12, 2001** :

Minutes of the Iron County Commission meeting held February 12, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene

Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Sheriff Benson** reported that his department has been busy with a homicide investigation. He also reported that he has received notice that Iron County is the recipient of a grant for drug enforcement. The grant can be used to purchase new equipment, especially for working against methamphetamine labs and enforcement of drug laws.

**Patsy Cutler** reported that lower interest rates have prompted many refinancing filings in her office. The transition of First Security Bank to Wells Fargo Bank has also caused a rush of filings.

**Scott Maxwell** reported that the Data Processing department is finishing up the parcel layer of the GIS system. This mapping program should be available to the Assessor's Office and the Planner's office in the near future. Scott also discussed upgrading the internet computer service in the Cedar City Justice Court to a "DSL" service. This will greatly enhance the speed and efficiency of their computer system.

**Dennis Ayers** reported that a lawsuit filed by Steve Crowther is scheduled for trial in April. Mr. Crowther has protested the results of a Board of Equalization decision and the decision by the State Tax Commission in the same case. The matter will be heard in the Fifth District Court.

Dennis also reported that Senate Bill 76 passed the Legislature. This bill will extend the time to September 15 in which an individual may file an appeal on valuation to the Board Of Equalization. If signed by the Governor, this will take effect this year.

**Merna Mitchell** reported that the Treasurer's Office has turned over into a new tax year. She is in the process of advertising for a new Deputy to allow time for training before her retirement. Merna submitted a letter of resignation effective the end of April. Lois Bulloch made a motion to accept Merna's letter of resignation with a vote of thanks for the work she has done as the Treasurer. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**Dennis Lowder** reported that he attended meetings in Provo in which new Auditing standards were discussed. The new standards will require that all County owned infrastructure will need to have values attached. This will include all buildings, lands, roads and equipment. This does not take effect for a few years but the inventory of roads and land parcels needs to be started.

**Scott Burns** reported that an agreement has been reached on the rate issue between WECCO and Utah Power & Light. Scott explained that all entities have worked together on a local and state level to keep WECCO in Utah. The matter is before the Public Service Commission for their final approval.

**David Yardley** reported that his office is changing the billing system for solid waste from a quarterly cycle to a monthly cycle due to problems in the computer software programs. The program will not allocate funds to the proper accounts and therefore cannot be reconciled at

the end of each month. By changing to a monthly billing this problem will be eliminated.

**Lois Bulloch** reported that the Cedar City Library Board is moving ahead with plans to construct a new library. They are preparing a proposal for a library tax increase to help fund the ongoing maintenance and operation of the library.

Lois reported that she attended an open house for a new apartment complex located on 100 East in Cedar City. The project is designed for senior citizens with low income and is sponsored by the Cedar City Housing Authority.

**Dennis Stowell** reported that the State Archives will be microfilming local records at the Southern Utah University library. This will be an opportunity for departments to get records microfilmed in this area.

**Gene Roundy** reported that the NRA Foundation has approved a grant of \$5,000 toward the development and improvement of the new shooting range.

**ALLARD RANCH SUBDIVISION PLAT APPROVAL :**

A request for the final plat approval for the Allard Ranch Subdivision was called for discussion. David Yardley stated that he received a call from the County Engineer, Steve Platt, stating the matter was not ready for final approval.

Since the matter was on the agenda, the Commission asked if anyone would like to comment on the proposal. Carl Evans spoke and expressed that he is opposed to the proposal because the lots would not be hooked to a sewer system and there is not a way to control runoff. He explained that there were some natural drainages which would be altered and could pose a threat to farms and other development lower in the valley.

Kathy Allen, Parowan Planning Commission, stated the opposition of the Parowan Planning Commission because they have not been included in the approval process. She stated that since this is located near Parowan City boundaries, the Subdivision should be designed to Parowan City standards. She requested additional information on the proposed subdivision and sufficient time for the Parowan Planning Commission to issue their recommendations.

No other public comments were made and the matter was tabled without further action.

**911 ADDITIONAL EQUIPMENT REQUEST :**

Linda Petty came before the Commission to request additional equipment to facilitate a third full radio dispatch unit at the dispatch center. A radio IRR unit on the third station is expected to cost about \$8,000.

Linda also requested funding to send three people to Emergency Medical Dispatch training. Cost would be \$195.00 per person for the training. The training will be conducted in Cedar City. Lois Bulloch made a motion to approve the expenditures from the 911 funds as requested. The budget is to be adjusted at the end of the year. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SUPAC MEMORANDUM OF UNDERSTANDING :**

Dennis Stowell presented a Memorandum of Understanding for participation in SUPAC, a coordinating group consisting of local, state, and federal agencies to coordinate planning and

notification actions by the agencies. Dennis explained the County has participated for several years and he has found the group very helpful.

Dennis made a motion to approve the MOU subject to review and approval by the County Attorney. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**AGRICULTURAL ORDINANCE - DISCUSSION & ACTION :**

The Commission opened a discussion on a proposed amendment to the Land Management Code for adding a zone within the Agriculture A-20 designated as Industrial Agriculture I-A. Approximately 175 people were in attendance and therefore the meeting was moved to the larger meeting room downstairs.

Dennis Stowell explained that he possibly has a conflict in this matter in that he is involved in farming and ranching and that product from his operations has been sold through third party's to Circle 4 Farms. He further explained that this is fully disclosed and on file in the County Clerk's office.

Gene Roundy explained that this is not a public hearing and audience participation is not anticipated. The Commission reserved the right to call on people in the audience. The Commission then discussed comments from the public hearings and proposed changes in the ordinance.

Dennis Stowell stated that he is opposed to the ordinance as written and he felt the ordinance should either be rejected or rewritten to include swine operations only. He is not in favor of limiting dairy, sheep or beef operations. Dennis also expressed concern with language regarding odor and separation distances.

Items the Commission agreed to change included the number of animals in the definitions of CAFO and AFO; changing the designation of CAFO and AFO so that it does not create confusion with State and National definitions. It is suggested that Category 1 and Category 2 be substituted.

Since the discussion was skipping around, Lois Bulloch made a motion to go section by section and discuss any differences. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. In the preamble, Dennis suggested that another whereas be added to state a purpose is to protect agriculture.

At noon, Lois Bulloch made a motion to adjourn for lunch. Gene Roundy seconded the motion. Voting: Gene Roundy, Aye; Dennis Stowell, No; Lois Bulloch, Aye. Dennis Stated that since so many people had made an effort to attend, that the discussion should continue.

The matter was recalled after the public hearings regarding applications for Agriculture Protection Areas.

After recalling the matter it is proposed that two more statements in the preamble stating the purpose is to notify the public that large feeding operations require substantial capital expense and that it is the desire of the County to protect animal feeding operations from encroachment by surrounding non compatible development.

The proposed ordinance was then discussed page by page and proposed changes noted until the section on odor regulation. Dennis suggested this section either be deleted or re written to be more friendly to agriculture. Since Commissioner Bulloch and Commissioner Roundy were not in favor of deleting this section no agreement was reached.

Lois Bulloch made a motion to close the discussion at this time and refer the matter back to Planning staff and allow them to amend the items discussed. They were also requested to meet with interested parties and see if a consensus could be reached regarding the odor section. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PUBLIC HEARING APA - JOHN & DIANNE WILLIAMS :**

The final hearing on a request for Agricultural Protection Area designation filed by John and Dianne Williams was opened for public comment.

A favorable report and recommendation for approval was received from the Agricultural Protection Board. A favorable report and recommendation was also received from the Planning Commission with a modification that the area be protected for present operations.

Dennis Stowell made a motion to approve the designation of an Agriculture Protection Area as described in the application and authorize a final notice to be filed in the Recorder's Office. A notice is also to be submitted to the Commissioner of Agriculture as required by statute. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PUBLIC HEARING APA - GERRY WOOD, MARIE WOOD, MCRAY WOOD & WALKING X LIVESTOCK :**

The final hearing on a request for Agricultural Protection Area designation filed by Gerry Wood, Marie Wood, McRay Wood and Walking X Livestock was opened for public comment.

A favorable report and recommendation for approval was received from the Agricultural Protection Board. A favorable report and recommendation was also received from the Planning Commission with a modification that the area be protected for present operations and that mining parcels submitted with the application not be included. Gerry Wood was present and stated that he is in favor of the recommendation.

Dennis Stowell made a motion to approve the designation of an Agriculture Protection Area as described in the application and authorize a final notice to be filed in the Recorder's Office. A notice is also to be submitted to the Commissioner of Agriculture as required by statute. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PUBLIC HEARING APA - RANDY PECK :**

The final hearing on a request for Agricultural Protection Area designation filed by Randy Peck and Peck Enterprises was opened for public comment.

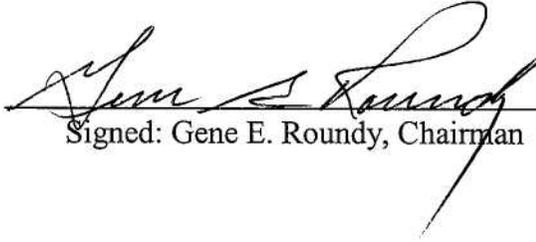
A favorable report and recommendation for approval was received from the Agricultural Protection Board. A favorable report and recommendation was also received from the Planning

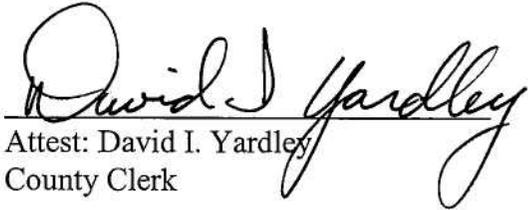
Commission with a modification that the area be protected for present operations. Randy Peck was present and stated he is not opposed to the recommendations.

Dennis Stowell made a motion to approve the designation of an Agriculture Protection Area as described in the application and authorize a final notice to be filed in the Recorder's Office. A notice is also to be submitted to the Commissioner of Agriculture as required by statute. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:23 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**March 12, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 12, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Paul Bittmenn	Deputy County Attorney
David I. Yardley	County Clerk

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES - February 26, 2001** :

Minutes of the Iron County Commission meeting held February 26, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Stowell** reported on meetings he attended in Washington DC in conjunction with the NACO legislative committee meetings. There is a renewed effort to complete the West Desert wilderness plan involving the seven western counties. The Congressional delegation feels that this may be the best chance to get something approved and passed by the President.

Dennis also discussed the property leased by State Surplus located on Kitty Hawk Drive

in Cedar City. An archery club has requested permission to use it as a shooting area. David Yardley was asked to follow up with State Surplus to determine if they are abandoning the lease or if the County can use the property.

**Lois Bulloch** reported that the Cedar City Chamber of Commerce is planning to meet today to select a new director. She also reported that a new company has expressed an interest in locating in Cedar City. An incentive agreement is being drafted between Iron County, Cedar City and the School District.

Lois reported that the Three Peaks Advisory Board have recommended that the County pursue a Recreation and Public Purpose (RPP) no cost purchase of 500 acres and a lease of an additional 2,000 acres at Three Peaks. This would include the 155 acres currently owned by the County. The 500 acre proposal would include all of the areas currently planned for development and would include additional parking areas.

**PRISON WORK CREW DISCUSSION** :

**Gene Roundy** and J. Lowe Barton discussed the use of prisoner work crews. It is becoming harder to find prisoners willing to go out on work details. It has been suggested that the prisoners be paid \$.40 per hour which could be applied to commissary credit, fines or restitution. After a short discussion, Dennis Stowell made a motion to approve paying the prisoners \$.40 per hour for labor on the work crew. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PRAIRIE DOG HABITAT LAND ACQUISITION APPROVAL** :

The Commission discussed the purchase of the Allan Dalley Farm as a prairie dog sanctuary. The Commission has previously approved the purchase, however to clarify the purchase agreement, Dennis Stowell made a motion to pursue acquisition of 180 acres of the Allan Dalley Farm and work toward the acquisition of an additional adjacent 20 acre parcel to make a total of 200 acres to satisfy the requirements of the HCP criteria contingent upon a combination of fencing and/or other methods to protect adjacent land owners from encroachment by the prairie dogs. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SPECIAL IMPROVEMENT DISTRICT UPDATES** :

Joe Melling and Kit Wareham came before the Commission to discuss the final financing procedures for the flood control SSD which includes land adjacent to Cedar City. The Commission must set a BOE hearing on three consecutive days of at least one hour each day. Lois Bulloch made a motion to appoint a Commissioner, Auditor, and Clerk as a Board of Equalization and to set dates and publish notices as required. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Mr. Melling also discussed two new proposed trunk line extensions to the sewer system that could service the area near the Cedar North interchange and the area between Cedar City and Enoch city limits. It was suggested that the State Division of Water Quality be contacted to determine if grant funds were available to help with these projects.

**PERSONNEL - EXECUTIVE SESSION** \_\_\_\_\_ :

Lois Bulloch made a motion to convene in executive session to discuss personnel items. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

After reconvening in open session Christene Keene presented a request from the Weed department to increase the Weed Supervisor and the Weed Assistant wage by 6.4%. Christene also presented a request from the Sheriff to increase Bob Cook's salary from \$13.47 per hour to \$14.00 per hour for work as a bailiff. Dennis Stowell made a motion to approve the salary adjustments for the weed personnel and the bailiff as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**UPDATE IRON COUNTY BUILDING DEPARTMENT - CHAD NAY** :

Chad Nay came before the Commission to present a building permit report. He also discussed work he has done with the ICBO as the president and immediate past president of the Utah Chapter of ICBO. He asked for Commission support in being selected to work on a national level with Building Code development. The Commission thanked Chad for the work he has done and gave their support in this new assignment.

**TAX MATTER - TAMMY NAY** \_\_\_\_\_ :

Tammy Nay, representing the Eastgate Homeowners Association came before the Commission to request an adjustment on taxes on common area now owned by the Homeowners Association. The property was taxed under the developer, Marlow LaFontaine. The property owners paid an assessment for the taxes which was not forwarded to the County. The Commission referred the matter to the Assessor's Office to review the taxing history. The matter is to be placed on the next agenda for further action.

**ZIONS BANK - BOND REFINANCING** \_\_\_\_\_ :

Jon Bronson, representing Zion's Bank, came before the Commission to submit a proposal for refinancing a 1994 Municipal Building Authority Bond. Mr. Bronson explained the refinancing would result in a net savings to the County of about \$25,000 over the life of the bond.

Lois Bulloch made a motion to proceed with refinancing the bond after review and a recommendation by the County Attorney. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Two legal firms were suggested to complete the refinancing, Ballard, Spahr, Andrews & Ingersol Inc. in Salt Lake City and Kent Chamberlain, Esq. in Richfield.

**MUNICIPAL BUILDING AUTHORITY - RFP FINANCIAL ADVISOR SERVICE** :

Dennis Stowell made a motion to convene as the Board of the Iron County Municipal Building Authority. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

One proposal was received from Lewis, Young, Robertson & Burningham, Inc. Marc Edminster represented Lewis Young. Mr. Edminster explained the service they would provide as

financial advisors. Term of the agreement was for one year with the option to extend the agreement on an annual basis up to five years.

Jon Bronson indicated that Zion's Bank would team with Lewis Young on this project, however since financing is proposed through CIB bonds, commercial lenders may not be involved.

The Commission took the RFP under advisement for further review.

**SUBDIVISION LOT LINE ADJUSTMENT - ROAD DEDICATION :**

Steve Platt came before the Commission to present a proposed lot line adjustment and dedication of the adjusted lot within Lot 17 Block A, Cedar Breaks Mountain Homesites Subdivision, Unit A. Steve Platt stated that there may be a conflict of interest because as the County Engineer, he also has an interest in Platt & Platt Inc. the company doing the engineering work. The Commission explained that Mr Platt has a long historical record with this property and the road alignment project and therefore his expertise is needed to present the lot line adjustment.

The proposed lot line adjustment was presented in the regularly scheduled Planning and Zoning meeting held March 1, 2001, the Planning Commission unanimously approved the recommended change.

Lois Bulloch made a motion to approve the proposed lot line adjustment within Lot 17 Block A, Cedar Breaks Mountain Homesites Subdivision, Unit A as presented. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**STATE FORESTRY - WILDLAND FIRE SUPPRESSION FUND :**

Ron Larsen, State Forestry representative, came before the Commission to discuss an opportunity to join the State Wildland Fire Suppression Fund. The fund was established by the Legislature to provide a method to finance wildland fires within participating Counties. There is a window in which to join which will run from April 1, 2001 to May 31, 2001 without a penalty. Mr. Larsen explained the assessment formula which is \$0.01 per acre of private land in the unincorporated area of the County and a 1 mil levy on the value of private land within the unincorporated area. The annual cost to Iron County is estimated to be approximately \$49,000

Dennis Stowell made a motion to join the fund and to request Dennis Lowder, County Auditor, to review the participation formula with State personnel. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**AGRICULTURAL ORDINANCE DISCUSSION \_\_\_\_\_ :**

Reed Erickson, County Planner, came before the Commission to present proposed amendments to the Industrial Agriculture Zone. Reed explained his feelings on adjusting animal numbers too high and why he felt it would be unwise to amend the odor section of the ordinance. Dennis Stowell stated again his concern with the odor section and its effect on existing livestock operations within the County. A consensus was not reached on all of the proposed amendments.

Lois Bulloch made a motion that the proposed changes be drafted into the proposed ordinance and the draft be distributed to the Commissioners for additional review. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Commissioner Stowell requested enough time to review the new draft before it is called for action. The matter is to be placed on the next Commission agenda.

**BOARD APPOINTMENT - EMPLOYEE APPEAL BOARD** :

David Yardley reported that an election has been held among County Employees for selection of an Employee representative on the Personnel Appeal Board. The employees selected Beniti Orton.

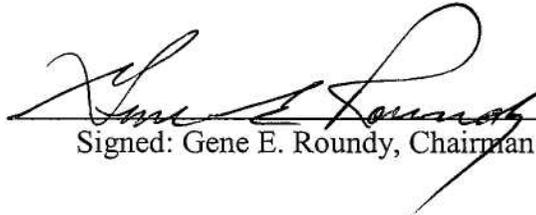
Lois Bulloch made a motion to ratify the selection of Beniti Orton to a term on the Employee Appeal Board. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

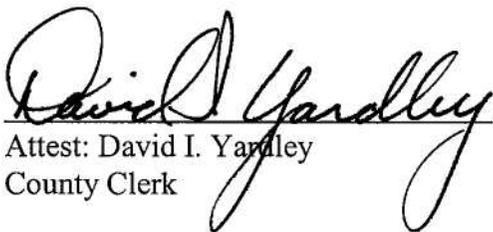
**SUU BASKETBALL TEAM SUCCESS** :

The Commission took note of the success of the Southern Utah University mens basketball team during the 2000-2001 season. The Thunderbirds won the Mid Con Conference championship for the first time in history. They also earned a berth in the NCAA tournament for the first time. This has brought great recognition to the University, Iron County and Cedar City. The Commission wished them well in their appearance in the NCAA Tournament.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:45 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING**  
**March 26, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 26, 2001  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Merna H. Mitchell	County Treasurer
David W. Benson	County Sheriff

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**PLEDGE OF ALLEGIANCE** :

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

**APPROVAL OF MINUTES - February 26, 2001** :

Minutes of the Iron County Commission meeting held February 26, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**David Benson** reported on a grant application for equipment to be placed in each vehicle. The grant would provide for a lap top computer which will aid in reporting and reduce duplicate paper work in the office. Sheriff Benson also discussed surplus vehicles assigned to his department and a request to use one vehicle as a first response vehicle for Search and Rescue.

**Scott Maxwell** reported that a new server for the Courthouse computer has been purchased. Battery backups have also been purchased for each PC computer. These will be installed as soon as possible.

**Merna Mitchell** reported on tax refunds ordered on centrally assessed properties. She also reported that State Tax Form TC 750 has been completed and sent to the State.

**Scott Burns** reported on cases his office is now processing many of which are complicated and two cases could involve the death penalty. This is placing a strain on his personnel in preparing for trials. His office is also working on depositions which can help establish RS2477 road rights of way within the County.

**Lois Bulloch** reported that she has been asked to serve on the Utah Council on Intergovernmental Relations. In order to serve, the County Commission must authorize her participation by adopting a resolution of support. The Commission requested that a resolution of support be placed on the next agenda for approval.

**Dennis Stowell** reported that the UAC Management Conference is scheduled in Cedar City on April 18 through 20. He encouraged all elected officials to participate. Dennis also discussed a snow plowing agreement with UDOT for Woods Ranch. This needs to be formally adopted in Commission meeting and is to be placed on the next agenda for action.

**Gene Roundy** reported that a chain saw and generator had been stolen from the correction facility work crew trailer. The matter was referred to the Sheriff's office for investigation.

**David Yardley** reported that two more applications for Agricultural Protection have been filed. Dutch Cowboy Dairy and Edward Nelson Trust have filed and a notice has been published. As the required response times elapse, the applications will be forwarded to the Planning Commission and the Agriculture Protection Board for their recommendation.

**AMBULANCE DISCUSSION** :

Ron Johnson came before the Commission to report that the application to increase to a Paramedic service has been completed and placed out for public comment. The comment period

has run and no negative responses were received. It is anticipated that the full time Paramedic service will go on line April 16. Ron also discussed staffing needs and training the EMT's are receiving in anticipation of going on line as a Paramedic service.

Lois Bulloch made a motion to convene in executive session to discuss pending litigation matters. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

The Commission discussed uncollected ambulance accounts. After reconvening in open session, Lois Bulloch made a motion to refer the delinquent accounts for collection action. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**CONDITIONAL USE PERMIT - GRAVEL PIT - LINFORD NELSON :**

Chad Nay came before the Commission to report on an application for a conditional use permit submitted by Linford Nelson. The proposed gravel pit will be located in the Fiddlers Canyon area and will be for surface mining of not more than three feet only. The material will be used in road construction in the area. It is anticipated that two to three feet of material will be removed. The request will be presented to the Planning Commission on April 5, 2001 for their approval. No action was needed by the County Commission at this time.

**BLM - TEMPORARY ROAD CLOSURE :**

Craig Eggerton, BLM Area Manager, came before the Commission to present a proposed temporary road closure near the Parowan Gap in Long Hollow. The purpose of the closure is to protect a sage grouse leek (strutting ground). It is proposed that the area would be closed each spring from March 1 to May 15. This should not affect livestock permittee's use of the area as they are typically there before or after this event. The area would be signed to inform the public of the closure.

The Commission expressed concern about any road closures and with the attention this gives to the event. They were also concerned that the closed areas could change from year to year resulting in more area being designated as closed.

**911 DISPATCH SERVICE FUNDING \_\_\_\_\_ :**

Linda Petty, Dispatch Center Coordinator and Sheriff Benson came before the Commission to request additional funding to add two new dispatchers. Linda explained that due to an increase in radio transmissions and calls for service through 911, it is becoming a problem with being able to respond in a timely manner to emergencies. Funding options were discussed which included a tax increase, establishing a Special Service District with taxing authority, or funding out of existing resources. Enoch, Kanarrville, and Paragonah are not currently participating in the funding of the center because law enforcement in these communities is provided through the Sheriff's Office.

Lois Bulloch made a motion to appoint a small committee consisting of Neal Curtis, Dennis Lowder, Gene Roundy, and Rick Holman to make a recommendation for funding additional dispatch personnel. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**IRON COUNTY TREASURER - APPLICANT INTERVIEWS & APPOINTMENT :**

The Commission accepted a letter from the Iron County Republican Central Committee in which three names were submitted for consideration to replace Merna Mitchell as Treasurer. Two of the candidates were present. The third person works out of town and was not able to attend. Interviews were conducted and qualifications reviewed.

Lois Bulloch made a motion to appoint **Geraldine Norwood**, the current Chief Deputy Treasurer to fill the unexpired term of Merna Mitchell as the Iron County Treasurer. The appointment is effective May 1, 2001 and the term expires December 31, 2002. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL - EXECUTIVE SESSION :**

Sheriff Benson introduced Chet Hansen and asked for approval for him as a new Deputy. Sheriff Benson reported that Mr. Hansen is a graduate of the Police Corps which is a more intense training than POST. Mr. Hansen was provided a conditional offer of employment when he entered the Police Corps training. Dennis Stowell made a motion to approve the hiring of Chet Hansen as a Deputy Sheriff at Grade 14 Step 1. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. Mr. Hansen was then sworn in by David Yardley.

Dennis Stowell made a motion to convene in executive session to hear personnel sensitive items. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

After reconvening in open session, Dennis Stowell made a motion to approve extended leave for Rayden Madsen and approve maternity leave for JoAnne Forsyth. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**BOE HEARING - IHC VALLEY VIEW MEDICAL CENTER :**

Dennis Stowell made a motion to convene as a Board of Equalization to hear a request by Intermountain Health Care, Valley View Medical Center for tax exemption as a charitable organization. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Steve Smoot, Richard Skeen and Travis Bradburn represented IHC. Mr. Smoot explained that IHC has submitted appropriate paper work for a tax exemption and requested that Iron County grant the exemption for 2001. Adequate notice was also questioned in that Mr. Smoot and Mr. Skeen did not receive sufficient notice to respond to County concerns.

Scott Burns, Iron County Attorney gave an opinion that due to an ongoing conflict that the following requests for information have not been provided by IHC:

1. A report that the hospital needs of the community are not being met due to the proposed transfer of essential services from Cedar City to Dixie Regional Medical Center upon completion of the new hospital being proposed. These include a full service food facility, a full service lab, and laundry services.
2. Failure to allow a local outside auditor to review their books to determine if funds are being funneled to sister organizations through leasing programs etc.

3. Salary and bonus information was not made available as requested for executives at the hospital.
4. Charity care calculations were questioned in that charity was counted as "billed but not collected" and medicare/medicaid value adjustments were incorrectly calculated.

Mr. Skeen responded that the audit the County requested is proprietary information and therefore is not subject to County review, that through a system wide audit by the IRS, IHC meets the qualifications to comply with a 501(c)3 organization and exemption. He also stated that the Community Needs are established by the Hospital Board, not County Commissioners or Governing Boards. Mr. Skeen again renewed his concern with notice and asked for additional time to allow Mr. Doug Hammer to also be present to discuss County concerns.

Lois Bulloch made a motion to delay action on this BOE request for two weeks to allow IHC to have Mr. Hammer present and to answer questions about access to IHC records. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

#### **RELIGIOUS, CHARITABLE & EDUCATIONAL EXEMPTIONS :**

Christine Keene presented a list of Religious, Charitable and Educational exemption requests for 2001. Christine discussed new applications and reported that a religious group, Tentmakers has changed their name to Cedar Mountain Retreat, Family Support Center of S/W Utah filed as a charitable organization, Iron County Search and Rescue filed on two snowmobiles, Southwest Livestock Show, Inc. filed as an educational organization, and Iron Parke Corp filed on a new vehicle.

Lois Bulloch made a motion to approve all of the exemption requests except Intermountain Health Care, Valley View Medical Center. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

#### **LANDFILL DISCUSSION :**

Alan Wade, Landfill Supervisor, came before the Commission to request a new personnel position of Mechanic at the Landfill. He explained that by trying to place mechanic responsibility on all personnel, that routine maintenance was being missed. By having one person in charge to monitor the maintenance, a better maintenance program could be maintained which can save on down time and repairs.

The Commission approved writing a job description and sending it to Mike Swallow for his review and to establish a grade and step range. The position may then be advertised in compliance with County policy.

Alan also requested that the contract with Klienfelder for water testing and reporting be extended for an additional three years. Scott Burns advised that under County policy, the contract would need to be sent out for bids. The Commission informed Mr. Wade to prepare a RFP to solicit water testing for the next three years.

#### **AGRICULTURE ORDINANCE DISCUSSION & ACTION :**

Due to an error in publishing notice of this item, the matter was tabled without action or

discussion on a motion by Lois Bulloch. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. The matter is to be placed on the next agenda.

**BOND - RE-FINANCING APPROVAL** :

The Commission called a matter from the previous meeting to discuss a bond refinancing proposal from Zions Bank. The matter was referred to the Attorney for his review for procedure. Scott Burns reported that under County policy, the refinancing should be place out for bids using a RFP.

Lois Bulloch made a motion to follow the advice of the County Attorney and use the County Financial Advisor to send the matter out for bids. Second was by Dennis Stowell.

Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**TAX MATTER - EAST GATE HOME OWNERS ASSOCIATION** :

Dennis Ayers reported that in reviewing the taxable value of property now owned by the Eastgate Homeowners Association that in the 1996 tax year the property was double assessed. This resulted in an error in tax of \$257.80. This was a County error and Dennis recommended that an adjustment be made.

Lois Bulloch made a motion to approve a refund of \$257.80 to the Eastgate Homeowners Association for tax year 1996. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL BOARD APPOINTMENT - BOARD OF ADJUSTMENTS** :

David Yardley presented two changes for the Board of Adjustments. First, Martha Bayer was previously approved for a four year term while the Board authorization makes the office a five year term. Second Mr. Charles Esplin's term expires in 2001 and he needs to be reappointed. Lois Bulloch made a motion to extend the term of Martha Bayer to expire in 2005 and to appoint Charles Esplin to a new term to expire in 2006. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL FULL-TIME DEPUTY COUNTY ATTORNEY** :

Scott Burns requested that the part time position now filled by Scott Garrett be changed to a full time position effective July 1, 2001. Scott explained that a full time position vacated by Mary Wolsey has not been filled which has left the office under staffed. There is money approved in the budget for a full time position.

Lois Bulloch made a motion to approve expanding the part time position from half to full time effective July 1 as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

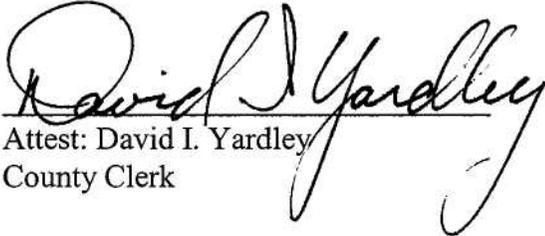
**APPROVAL OF WARRANTS & ADJOURN** \_\_\_\_\_ :

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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.



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Signed: Gene E. Roundy, Chairman



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Attest: David I. Yardley  
County Clerk



**IRON COUNTY COMMISSION MEETING**  
**April 9, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 9, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES - March 26, 2001** :

Minutes of the Iron County Commission meeting held March 26, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**David Yardley** reported that Kristi Bess, daughter of Courthouse custodian Ron Bess, passed away on April 6. Flowers were sent to the family from the County staff. The Commission expressed their condolences to the family at this time.

**Dennis Stowell** discussed the process being followed in selecting prairie dog technicians for summer employment. The County is the lead agency and the people selected are County employees, however selection is made by DWR employees and then presented to the County for approval. The Commission will follow through and in the future will request to be on the selection committee.

Dennis also discussed a meeting held with UAMPS and UP & L to discuss the possibility of a power generating facility in Southwest Utah. UP & L said that it was not economically feasible for them to build a small plant here. UAMPS will study the possibility of building a gas fired facility in the area.

**Lois Bulloch** reported that she had attended the Chamber of Commerce banquet where the new Chamber Director was introduced. Ray Green was selected as the new director and will start immediately. Lois said that he has great ideas and should be a great help in promoting Cedar City.

Lois also reported that the selection committee for the downtown theater has received applications for manager. The field has been narrowed to ten. Further review of the applications will continue and the plan is to interview five finalists.

**Gene Roundy** discussed the possibility of bringing water from Glen Canyon to Washington and Iron County. The Washington County Water Conservancy District is looking at options and the costs involved with such a project. One possibility is to build the system so that coal could be slurried through the system to tap coal reserves in the Kane County area.

The Commission also discussed a request from Jeannine Holt, Iron County liaison for Senator Hatch, requested a letter from the Commission outlining federal level concerns on a federal level that can be forwarded to Senator Hatch. The Commission asked David Yardley to draft a letter to Senator Hatch in response to this request. Items to be included are:

1. Endangered Species Issues - these include the Utah Prairie Dog and the Spotted Owl - also the ability of individuals or groups to sue for designation of an endangered specie, thereby tying up valuable resources.
2. Unfunded Mandates.
3. Establishing a Power Loop to Southern Utah is essential to continued growth in the area. As it is at the present time, electrical service to Cedar City and St. George are on the end of the line and as they grow, it is not possible to provide the energy needs at a level of service to attract new industry.
4. Forest Service & BLM Roadless Designations - We are aware that work is being done to reverse the Forest Service designation. Tying up the public lands to access by an elite group of "environmentalists" limits local growth and potential for future multiple use.
5. Wilderness Study Area Closures and Resolution - this appears to be an excellent opportunity with the President to bring about a reasonable closure to the wilderness debate.

6. Funding of Senior Citizens Programs. Resources are short and because this is a Federal program administered through the Association of Governments, we are having a difficult time in getting wages to a level that is above the Federal minimum wage.
7. BLM Mining Regulations Passed by President Clinton during his last weeks in office need to be revisited and revised to a more workable standard.
8. BLM Spring Creek to Kanarraville Land Exchange - FLIPMA Right of Way - It is imperative for the continued health safety and welfare of the Kanarraville residents that rights-of-way are issued in order for the maintenance of the Kanarraville culinary water system and to also provides access to an area that has historically been used by local residents as a picnic and recreation area.

**COUNTY EMERGENCY PREPAREDNESS PLAN APPROVAL :**

Vern Grimshaw and Sheriff Benson came before the Commission to seek approval of the revised Emergency Preparedness Plan for Iron County. Vern explained that this is a workable plan that addresses known concerns and emergencies. Commissioner Bulloch questioned as to what level of emergency the Commission would get involved. Mr. Grimshaw explained the scenarios are outlined on Page 8 of the plan. After further discussion Lois Bulloch made a motion to approve the plan as presented. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SCHOOL TRUST LANDS :**

Lou Brown, Kevin Carter and David Herbertson representing Utah School Trust Lands came before the Commission to discuss items that affect Iron County.

The Commission has received notice that School Trust Land will be sold on Lone Tree Mountain east of Cedar City and near the County TV Translator site. The state lands are located south and east of the TV site and at the present it is not anticipated that they will be developed as a communications site.

Kevin Carter discussed the development of a prairie dog transplant site being developed on Parker Mountain in Wayne County. As this site is developed, additional dogs may be transferred from Iron or Garfield Counties if there are not requests locally in Wayne County for relocation.

**DIVISION OF WILDLIFE RESOURCES :**

James Guymon, DWR Regional Director, came before the Commission to request approval of the purchase of the Allan Dalley farm in Parowan Valley as habitat for the Utah Prairie Dog. Iron County will provide \$35,000 for the purchase from mitigation fees collected. Additional funding will be provided by DWR, US Fish & Wildlife and Nature Conservancy. Title will be vested in the State of Utah, Division of Wildlife Resources. The County will also provide up to \$6,000 annually for operation of the farm provided funds are available in the mitigation fund.

The Commission had previously approved the purchase and on March 12, 2001 clarified

the purchase agreement to pursue acquisition of 180 acres of the Allan Dalley Farm and work toward the acquisition of an additional adjacent 20 acre parcel to make a total of 200 acres to satisfy the requirements of the HCP criteria contingent upon the US Fish and Wildlife Service providing adequate fencing and/or other methods to protect adjacent land owners from encroachment by the prairie dogs.

Dennis Stowell made a motion to approve County participation in the purchase of the Dalley farm as outlined with the County supplying \$35,000 from the mitigation fund toward the purchase and \$6,000 annually if available for maintenance expenses related to the farm. Also all previously agreed safeguards to adjacent property owners must be met. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Mr. Guymon also presented Amy Warner and Kit Law for approval as temporary summer employees for Prairie Dog biologists. Mr. Law will be paid at \$9.00 per hour and Ms. Warner will be paid \$8.00 per hour. Dennis Stowell made a motion to approve the hiring of Mr. Law and Ms. Warner at the hourly rate specified. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. The Commission also requested periodic updates on activities being done by the technicians, especially in regard to the removal of prairie dogs from the Cedar City golf course. Dogs are to be trapped and relocated to a level of 12 dogs at the golf course.

#### **EMERGENCY DISPATCH FUNDING DISCUSSION** :

The study committee organized to discuss options for funding additional dispatch personnel at the Cedar City dispatch center reported to the Commission. Rick Holman acted as spokesman and he reported that the consensus of the Committee was that in order to be fair, a county wide tax should be collected specifically for emergency dispatch services. At the present time, Cedar City, Parowan, Brian Head and Iron County are contributing to the operation. Enoch, Kanarraville, Paragonah, Enterprise, New Harmony and the unincorporated portion of Washington County being serviced are not participating.

Dennis Lowder reported that some funding would be available from 911 fees being collected however there is not sufficient to fund the ongoing operation. The matter was tabled to allow for additional time to study funding options.

#### **OLD IRONTOWN - ROY URIE** :

Roy Urie, representing the Sons of the Utah Pioneers came before the Commission to request a boundary adjustment of the Old Irontown Historic site. By straightening the boundary, substantial fencing will be saved. He requested that the approved fence still be installed however on the adjusted property lines. This could move the project forward and would reduce the amount of donations to be collected from private individuals.

Lois Bulloch made a motion to approve the boundary change and fencing change as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL - HIRING APPROVALS** :

Christine Keene came before the Commission to present personnel items. She requested approval to hire Jeremy Holm as a Correction Officer at Grade 10 Step 1 effective immediately. Dennis Stowell made a motion to approve the hire as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Christine also presented Shelly Lamoreaux for approval as a part time secretary at the Correction Facility to replace Ms. Schlosser. Dennis Stowell made a motion to approve the hiring of Shelly Lamoreaux as a part time secretary. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL - EXECUTIVE SESSION** :

Lois Bulloch made a motion to convene in executive session to discuss personnel matters regarding individuals. Second was by Dennis Stowell.

After reconvening in open session, Lois Bulloch made a motion to refer a question about hiring a former employee as a Deputy Treasurer to the County Attorney for a legal opinion. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**LEASE TERMINATION - STATE SURPLUS** :

The State of Utah, Surplus Property, has requested that the lease between Iron County and the State of Utah for property located in Cedar City adjacent to the road department be terminated effective January 1, 2000. The State leased the land from Iron County to establish a surplus property yard in southern Utah, however, after signing the lease, the yard was never used.

Dennis Stowell made a motion to approve the termination of the lease and return the yard to the control of the road department. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SNOWPLOW AGREEMENT - WOODS RANCH** :

Dennis Stowell presented an agreement for snow plowing by UDOT at Woods Ranch for the winter of 2000-2001. UDOT has provided service during large snow storms. County personnel have maintained the parking area during light storms. Cost for UDOT services would be \$25.00 per hour for equipment and personnel.

Dennis made a motion to approve the contract for snow plowing. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-01 SOLID WASTE RATES** :

A Resolution amending rates charged for Solid Waste Service provided by Iron County Special Service District # 1 was presented for approval. The Resolution authorizes billing for new waste containers and also provides for late fees on delinquent accounts. Lois Bulloch made a motion to approve the Resolution as presented. Second was by Dennis Stowell. Voting is recorded at the end of the Resolution.

**RESOLUTION 2001-1  
SOLID WASTE RATES  
April 9, 2001**

A RESOLUTION OF THE IRON COUNTY COMMISSION AND GOVERNING BOARD OF IRON COUNTY SPECIAL SERVICE DISTRICT NUMBER 1 SETTING COLLECTION RATES EFFECTIVE MAY 1, 2001.

WHEREAS, Iron County has adopted Iron County Ordinance 122 which establishes Iron County Special Service District Number 1; and

WHEREAS, Iron County Ordinance 122 established that for public health, convenience, and necessity that solid waste collection must be provided; and

WHEREAS, the Iron County Commission and the Governing Board of Iron County Special Service District Number 1 have determined that the current collection rates are not sufficient to cover the costs of the service provided; and

WHEREAS, the Iron County Commission and the Governing Board of Iron County Special Service District Number 1 have determined that the initial cost of a garbage container and the replacement of containers destroyed by negligence must be paid by the customer receiving the service; and

WHEREAS, it has been determined that the collection side of the services provided by Iron County Special Service District Number 1 must collect sufficient funds to pay for the service provided; now therefore

BE IT RESOLVED that the rates for collection are set as follows effective May 1, 2001:

- |    |  |                   |
|----|--|-------------------|
| 1. | For Door to Door Service (90 gallon can)     | \$7.50 per month  |
| 2. | Multiple family service (300 gallon can)     | \$7.50 per month  |
| 3. | Commercial service (300 gallon can each)     | \$21.00 per month |
| 4. | New service container charge                 | \$100.00          |
| 5. | Replacement container charge (90 gallon can) | \$100.00          |

BE IT FURTHER RESOLVED that landfill charges will remain as currently established as follows:

- |    |  |                       |
|----|--|-----------------------|
| 1. | Each habitable residence unit          | \$3.00 per month      |
| 2. | Commercial loads delivered to landfill | \$3.00 per cubic yard |

BE IT FURTHER RESOLVED that delinquent accounts and miscellaneous requests will be charged as follows:

- |    |  |                   |
|----|--|-------------------|
| 1. | Accounts delinquent on the twentieth (20 <sup>th</sup> ) of the month. | \$ 2.00 per month |
| 2. | Accounts attached to taxes (delinquent as of July 31)                  | \$10.00           |
| 3. | Processing of a duplicate bill or billing detail                       | \$ 5.00           |

BY ORDER of the Iron County Commission this 9<sup>th</sup> day of April, 2001.

/s/ Gene E. Roundy  
Gene E. Roundy, Commission Chairman

Attest:

/s/ David I. Yardley  
David I. Yardley, County Clerk

Voting:

Gene E. Roundy	<u>Aye</u>
Lois L. Bulloch	<u>Aye</u>
Dennis E. Stowell	<u>Aye</u>

**REVISION OF CLERKS FEES :**

David Yardley presented a request to adjust the fee charged for Marriage Licenses from \$40.00 to \$50.00 effective May 1, 2001. The increase in fee will include one certified copy to be mailed upon return of the original for filing. Many agencies are now requiring a certified copy for changing records and by including one copy with the original it will provide a couple with the legal documentation of their marriage. Dennis Stowell made a motion to approve the fee change as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**CABLE TV FRANCHISE - WESTCOM BROADBAND :**

Richard Reniewicki representing WestCom Broadband TV came before the Commission to request a franchise to install a cable TV service in Iron County. The franchise would be non exclusive and would cover unincorporated areas of Cedar Valley. They propose to place a fiber optic system from a location near Midvalley Road and Lund Highway to service Enoch and Cedar City. They would provide service to County subdivisions in the area.

The proposed franchise is worded for Cedar City and does not appear to be in compliance with County statutes in that trenching and right of way costs are not included or addressed. The matter was referred to Scott Burns for his review prior to issuing a franchise.

**RESOLUTION 2001-02 - ULGIT BOARD APPOINTMENT :**

A resolution approving the appointment of Lois Bulloch to serve on the Board of Directors of the Utah Local Government Insurance Trust was presented for approval by David Yardley. After due consideration, Dennis Stowell made a motion to approve and adopt the resolution as presented. Second was by Lois Bulloch. Voting is recorded at the end of the Resolution.

**IRON COUNTY, UTAH  
RESOLUTION 2001-2  
April 9, 2001**

**A RESOLUTION OF THE IRON COUNTY COMMISSION, IRON COUNTY, UTAH, APPROVING THE APPOINTMENT AND SERVICE OF LOIS L. BULLOCH AS A MEMBER OF THE UTAH LOCAL GOVERNMENT INSURANCE TRUST BOARD.**

WHEREAS, Commissioner Lois L. Bulloch has been asked to serve a term as a member of the Utah Local Government Insurance Trust Board, and

WHEREAS, the Utah Local Government Insurance Trust has requested a resolution of support for her service as a member of the Utah Advisory Council on Intergovernmental Relations, and

WHEREAS, the Iron County Commission has duly considered this request in a regularly scheduled County Commission meeting, now therefore

BE IT RESOLVED by the Board of Commissioners of Iron County, Utah that Lois L. Bulloch is given whole hearted support of her appointment to a term on the Utah Local Government Insurance Trust Board of Directors.

BY ORDER of the Iron County Commission this 9<sup>th</sup> day of April, 2001.

/s/ Gene E. Roundy  
Gene E. Roundy, Commission Chairman

Attest:

/s/ David I. Yardley  
David I. Yardley, County Clerk

Voting:

Gene E. Roundy	<u>Aye</u>
Lois L. Bulloch	<u>Aye</u>
Dennis E. Stowell	<u>Aye</u>

**AGRICULTURAL ORDINANCE DISCUSSION & ACTION :**

The Commission again called the Agricultural Ordinance up for discussion at 1:40 p.m.. Approximately 45 people were in attendance for the discussion. The Commission accepted some public comments on the current draft of the ordinance after which the Commission closed public comments and proceeded to review the draft line by line.

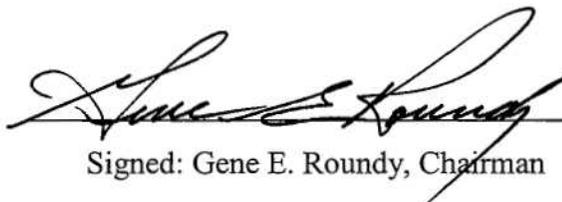
After a lengthy review and wording changes the matter was called for a vote. Dennis Stowell again explained that he may have a conflict of interest in that he operates a farm and is involved in the Livestock business with both sheep and cattle. He also explained that at certain times his produce has gone to Circle 4 Farms through an independent feed dealer.

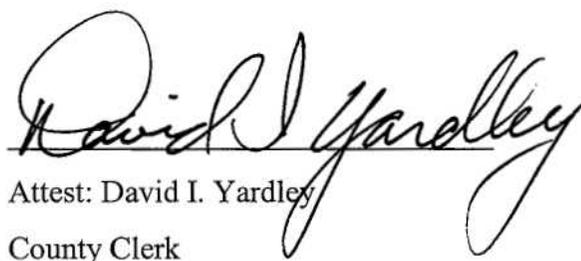
Lois Bulloch then made a motion to tentatively adopt the amendment to the Land Management Code by adding a section which regulates large animal feeding operations as amended in today's meeting. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

The matter was referred to Reed Erickson to make the appropriate changes and to submit drafts for final review and final adoption.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 5:15 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**April 23, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 23, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Merna H. Mitchell	County Treasurer
David W. Benson	County Sheriff
Scott Maxwell	Data Processing Coordinator

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dennis Lowder.

**APPROVAL OF MINUTES - April 9, 2001** :

Minutes of the Iron County Commission meeting held April 9, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**David Benson** reported that 17-year-old Zachary Russell Beatty pleaded guilty to the Cynthia Boggs murder in a plea agreement. In exchange for his plea, Beatty had additional charges of aggravated robbery and aggravated arson dropped.

Sheriff Benson also reported that a grant to acquire a thermal imager costing \$35,000 has been approved by the Army. As a condition of the grant, two officers will be trained on the use of the equipment by Army personnel. This equipment should be very helpful in search and rescue efforts and in general law enforcement activity.

**Scott Maxwell** reported that a new computer server was ready to be installed in the Courthouse. Battery Backup has also been purchased for each computer in the Courthouse to prevent loss of information in the case of a power outage.

The digital camera used in the inventory of RS-2477 roads has broken. Scott asked for approval to purchase a new camera which is built for a GPS system. It needs to be shock resistant and also shielded from dust and moisture. The Commission approved the purchase on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**Dennis Lowder** informed the Commission that the prairie dog mitigation fund was not segregated from the general fund at this time. He will be reviewing deposits into this fund and will establish a dedicated trust fund.

**Dennis Ayers** reported that the Assessor's office is being trained on the new motor vehicle computer program. The program is scheduled to go on line in July. The assessment roll is also on schedule and should be completed by the end of May.

**Patsy Cutler** reported that at the UAC Management Conference she learned that as part of the recodification of Title 17 of the Utah Code, the originals of surveys will be filed and stored in the Recorder's office. This will necessitate moving files from Platt & Platt and the County Engineer's offices in Cedar City.

**Merna Mitchell** reported that she has met with Tiberon in reference to the Infoseal machine used to process tax notices. Infoseal has gone out of business and forms will not be available for future mailings. Treasurer's have decided to stay with Great Western forms which will require the purchase of a new sealing machine. The new machine will cost about \$6,800. The Commission approved the purchase on a motion by Lois Bulloch. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**David Yardley** reported that the County received a refund check for \$2,725 from UACIM, the County Insurance Mutual. This is a rebate on our insurance premium for 2000 for our participation in the risk management program.

**Dennis Stowell** discussed alignment of SR 56 at the Y west of Cedar City. UDOT is preparing to widen the road to four lanes and a turn lane. The County is in the process of planning an extension of a road from the Kanarrville exit to SR 56. It is the suggestion of the County that the alignment be placed so that the Iron Springs road and the Kanarrville extensions intersect at the same place.

**PERSONNEL - EXECUTIVE SESSION** :

Lois Bulloch made a motion to convene in executive session to discuss personnel matters. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

After reconvening in open session, the Commission reported that no official action will be taken at this time.

**BUDGET ADJUSTMENTS** :

Christene Keene came before the Commission to request clarification on the budget from which money is to be paid to the Prisoner Work Crew. The Commission has approved paying the prisoners \$0.40 per hour. The funding should come from the Correction Facility budget and will be reimbursed from the department for which the work is performed. The Corrections budget will be adjusted at the end of the year to reflect the approved change.

**ORDINANCE 170 - CEDAR BREAKS MOUNTAIN HOMESITES :**

Steve Platt, County Engineer and Evan Vickers, land developer came before the Commission to explain a request to vacate and alter a portion of the plat of Cedar Breaks Mountain Homesites Subdivision. The proposed amendment would alter lot lines to reflect "as built" road alignment. The amendment has been presented to the planning commission and they have recommended approval of the change. A notice has been mailed to adjacent property owners within the subdivision and has been advertised as required. There have been no protests received.

Lois Bulloch made a motion to approve the amendment with the provision that the lot lines on the south side of the road be extended to the width of the 50' road right of way. Second was by Dennis Stowell.

**IRON COUNTY  
ORDINANCE 170**

**AN ORDINANCE OF IRON COUNTY VACATING AND AMENDING  
THE ORIGINAL PLAT OF CEDAR BREAKS MOUNTAIN HOMESITES, UNIT A.**

**WHEREAS**, this matter came before the Board of County Commissioners of Iron County, Utah upon Commission action to vacate a portion of the original plat of Cedar Breaks

Mountain Homesites, Unit A; and authorize the filing of amended Cedar Breaks Mountain Homesites, Unit A, and,

**WHEREAS**, the Board of County Commissioners of Iron County, Utah is authorized by Utah Code Annotated 1953 as amended § 17-27-810 to vacate, alter, or amend a plat, any portion of a plat, or any street or lot; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, upon notice and hearing, having duly considered the application and determined there is good cause proposed for the amendment and that neither the public nor any person will be materially injured by the amending of and approving the filing of Amended ; now therefore:

**The Board of Commissioners of the County of Iron, State of Utah ordains as follows:**

1. Vacate and amend the lot lines of Lots 4, 5, 6, 7 and 8 Block B, and vacate that portion of Ridge Top Drive adjacent to the realigned Ridge Top Drive, Cedar Breaks Mountain Homesites, Unit A; and
2. Approve the realignment of the road right of way known as Ridge Top Drive; and
3. Authorize the filing of an Amended Plat of Cedar Breaks Mountain Homesites, Unit A.

This Ordinance shall take effect upon publication in the manner provided by §17-15-1, 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 23<sup>rd</sup> day of April, 2001 by the Board of Iron County Commissioners in regular session assembled, in and at their regular place of meeting.

/s/ Gene E. Roundy

Gene E. Roundy

Chairman, Board of Iron County Commissioners

Attest:

/s/ David I. Yardley

David I. Yardley

Iron County Clerk

VOTING:

	AYE	NAY
Gene E. Roundy	<u>  X  </u>	_____
Lois L. Bulloch	<u>  X  </u>	_____
Dennis E. Stowell	<u>  X  </u>	_____

**PIPELINE REQUEST - SCOTT HOLYOAK :**

Scott Holyoak came before the Commission to request permission to abandon an existing ditch located along 2200 West from 200 South to about 200 North in exchange for a right of way to place an underground pipeline across 2200 West and 200 South. This will allow for future development of irrigation water on property now owned by Mr. Holyoak. The matter was referred to Steve Platt to review the plan for the pipelines.

**GLEN CANYON WATER PERMIT \_\_\_\_\_ :**

The Commission discussed a proposal to divert Colorado River water from Glen Canyon to Washington, Iron and Beaver County. Part of the process would be designating use of the water and building pipelines and a distribution system. The Commission will study the availability of water rights and the feasibility of moving the water from the Colorado River into the area.

**ROAD MATTER - COTTONWOOD RIGHT OF WAY EXCHANGE :**

A proposal to move a road right of way in the Cottonwood Canyon area of Buckhorn flat to straighten the road and to remove the right of way from interfering with agriculture activity in the area was approved on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

The Laub family purchased the new fifty foot right of way from Paul C. Lorentzen and deeded it to the County in exchange for the County abandoning the existing 33 foot right of way. The County will be responsible to fence the new right of way.

**LANDFILL LAND EXCHANGE - FRANK NICHOLS \_\_\_\_\_ :**

Steve Platt and Frank Nichols came before the Commission to finalize a land exchange at the landfill. Mr. Nichols has land within the area the County must secure as a buffer zone around the landfill and to limit public access to the landfill. After reviewing the proposal, Dennis Stowell made a motion to approve the land exchange and to approve the purchase of 109.8 acres for a total purchase price of \$65,879.40. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-03 NOTICE OF INTENT TO ISSUE BONDS :**

A resolution authorizing the issuance and sale of not more than \$1,500,000 aggregate principal amount of limited obligation sales tax revenue refunding bonds, series 2001 of Iron County, Utah for the purpose of defraying all or a portion of the cost of refunding the outstanding (1) lease revenue refunding bonds, series 1993 and (2) lease revenue bonds, series 1994 of the Municipal Building Authority of Iron County, Utah; calling a public hearing and establishing a time, place and location for said public hearing; providing for publication of a notice of public hearing and bonds to be issued; providing for a pledge of sales tax revenues for repayment of the bonds; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount for par at which the bonds may be sold; providing for the running of a contest period; and related matters.

Dennis Stowell made a motion to approve Resolution 2001-03 to refinance outstanding

bonds. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**CIB JAIL FUNDING - KIM YOUNG** :

Kim Young representing Lewis Young Robertson & Burningham, Inc. came before the Commission to discuss an application to the Community Impact Board for funding of the remodel of the basement of the Sheriff's Office for additional bed space at the Jail. Iron County applied to finance \$1,000,000 being split ½ as a low interest loan and ½ grant. Kim reported that there is 18 million available in this funding cycle, however requests far exceed grant funds.

The proposal will be presented to the CIB Board on May 10 at the State Capitol building. Gene Roundy or David Yardley will attend with Kim Young to make the presentation.

**SEWER COLLECTION SYSTEM** :

Reed Erickson came before the Commission to discuss development of future trunk lines for the sewer system in the unincorporated area of Cedar Valley. As development proceeds, the system must be extended to accommodate the growth. The question of how to finance the expansion and how are the improvements to be paid for is an area that needs further study. The Commission will look at options and report at a future meeting.

**IHC BOARD OF EQUALIZATION** :

Lois Bulloch made a motion to convene as a Board of Equalization to hear a request from Intermountain Health Care, Valley View Medical Center for tax exempt status. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Jim Peveler, a member of the Board of Directors of VVMC introduced Stuart Jones as the spokesman for IHC. Mr. Jones then introduced a video presentation which outlined some of the programs and services provided by IHC. Additional comments about the effect on the community were made by Kim Rowland M.D. and Jeff Marchant.

Mr. Jones discussed tax exempt standards and explained how charitable care and indigent care were calculated. Mr. Jones stated that charity care totaled two to three times the taxable amount of the Hospital which exceeds the requirements under federal law.

Merrill Gutmeyer, a member of the IHC Board, explained how bonuses to administrators are calculated. He also stated that such employee information for individuals was unavailable to the County because of privacy concerns. He reiterated that these are not public records and are not subject to review.

Scott Burns explained his position as County Attorney that VVMC was not providing the level of service to the Community that was required to maintain their tax exempt status. Mr. Burns requested two additional weeks to continue negotiations with IHC to see if an agreement could be reached.

Dennis Stowell stated that tax exempt status should be granted for 2001 and that negotiations could continue through the year.

Lois Bulloch made a motion to delay action for two weeks to allow the County Attorney to continue negotiations. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, No; Lois Bulloch, Aye.

**NEWCASTLE FIRE DEPARTMENT GRANT - WAYNE PETERSON :**

Wayne Peterson, Newcastle Fire Chief, came before the Commission to request approval for funding the matching portion of a grant being sought from FEMA for fire fighting equipment. The County match would be a 10% cash match. The Commission approved the request on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. Mr. Peterson was requested to proceed with the grant application.

**INTERLOCAL AGREEMENT - LIBRARY :**

Rick Holman, Doug Bonzo and Steve Decker came before the Commission to request a formalized agreement for disbursing library funds. Rick explained that now an independent board governs the operation of the Cedar City library. Cedar City is pursuing steps to make this a City department. At the present time County funding is split approximately 50% to Cedar City and 25% each to Parowan and the Bookmobile. Cedar City requested that the County increase the library tax and give the increase to Cedar City for operation of the Cedar City library.

Kristen Robinson and Barbara Dystra representing Parowan library and the Bookmobile respectively expressed their concern with not being notified of a proposed interlocal agreement and changing the present funding formula. They suggested that the funding continue on the same splits. The matter was taken under advisement for further study.

**PRAIRIE DOG MATTERS :**

The Commission was notified that the prairie dog training meeting for local officials is scheduled for May 7 at the Visitor Center in Cedar City. The purpose of the training is to make local officials aware of the requirements to be in compliance with the HCP.

The Commission also discussed the purchase of the Dalley farm as a prairie dog preserve. The Governor has requested a letter from the County Commission regarding ownership being vested in the State DWR. David Yardley was asked to draft a letter in support of the purchase as long as certain requirements are met. These include 1. The State to pay PILT payments to the County for the property. 2. Adequate protections are put in place to prevent the encroachment of prairie dogs onto adjacent land owners. 3. The County will maintain some say in the management of the farm. 4. The County will provide up to \$6,000 annually for the management of the farm as funds are available from the Prairie Dog mitigation fund. No County funds will be appropriated from the County general fund.

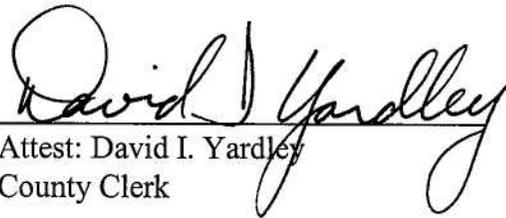
**BOARD APPOINTMENT - BOARD OF ADJUSTMENTS :**

David Yardley reported that Charles Esplin has turned down another term on the Board of Adjustments. The Commission was asked to submit names for consideration in replacing Mr. Esplin.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

IRON COUNTY  
RESOLUTION NO. 2001-3

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF LIMITED OBLIGATION SALES TAX REVENUE REFUNDING BONDS, SERIES 2001 OF IRON COUNTY, UTAH FOR THE PURPOSE OF DEFRAYING ALL OR A PORTION OF THE COST OF REFUNDING THE OUTSTANDING (1) LEASE REVENUE REFUNDING BONDS, SERIES 1993 AND (2) LEASE REVENUE BONDS, SERIES 1994 OF THE MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY, UTAH; CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF SALES TAX REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Municipal Bond Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the County Commission (the "Commission") of Iron County, Utah (the "Issuer"), has authority to issue its \$1,500,000 Limited Obligation Sales Tax Revenue Refunding Bonds, Series 2001 (the "Bonds") for the municipal purposes set forth therein; and

WHEREAS, Issuer desires to refund all or a portion of (1) the outstanding Lease Revenue Refunding Bonds, Series 1993 and (2) the outstanding Lease Revenue Bonds, Series 1994 of the Municipal Building Authority of Iron County, Utah by issuing the Bonds; and

WHEREAS, the Act provides that prior to issuing bonds secured by excise tax moneys, an issuing entity must give notice of its intent to issue such bonds and hold a public hearing to receive input from the public with respect to the issuance of the bonds; and

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

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

Section 1. The Commission of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue (1) not more than \$1,500,000 aggregate principal amount of its Limited Obligation Sales Tax Revenue Refunding Bonds, Series 2001 to bear interest at a rate or rates of not to exceed seven percent (7%) per annum, to mature in not more than fifteen (15) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, the Bonds to be issued for the purpose of refunding all or a portion of (1) the outstanding Lease Revenue Refunding Bonds, Series 1993 and the outstanding Lease Revenue Bonds of the Municipal Building Authority of Iron County, Utah, all pursuant to this Resolution, a resolution to be adopted by the Commission authorizing and confirming the issuance and sale of the Bonds (herein referred to as the "Final Bond Resolution"), and the Commission hereby declares its intention to issue the Bonds according to the provisions of this Section and the Final Bond Resolution, when adopted.

Section 2. The Issuer proposes to pledge all or a portion of the Local Sales and Use Tax funds received by Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended, for repayment of the \$1,500,000 Limited Obligation Sales Tax Revenue Refunding Bonds, Series 2001.

Section 3. The Issuer hereby authorizes and approves the issuance and sale of the Bonds to the purchaser or purchasers to be identified in the Final Bond Resolution, pursuant to the provisions of this Resolution and the Final Bond Resolution to be adopted by the Commission authorizing and confirming the issuance and sale of the Bonds, with such changes thereto as shall be approved by the Commission upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 4. The Issuer shall hold a public hearing on May 21, 2001, to receive input from the public with respect to the issuance of the Bonds, which hearing date shall be not less than fourteen (14) days after notice of the public hearing is published once a week for two consecutive weeks in the Spectrum, a newspaper of general circulation in the Issuer, which is hereby designated as the Issuer's official newspaper pursuant to Section 11-14-21 of the Act. The County Clerk shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of publication thereof. The Issuer directs its officers and staff to publish a Notice of Public Hearing and Bonds to be Issued in substantially the following form:

NOTICE OF PUBLIC HEARING  
AND BONDS TO BE ISSUED

PUBLIC NOTICE IS HEREBY GIVEN that on Monday, April 23, 2001, the County Commission (the "Commission") of Iron County, Utah (the "Issuer") adopted a resolution (the "Resolution") declaring its intention to issue excise tax revenue bonds pursuant to the Utah Municipal Bond Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), and to call a public hearing to receive input from the public with respect to the issuance of the bonds.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on May 29, 2001, at the hour of 11:00 a.m. The location of the public hearing is at the Iron County Offices on 68 South 100 East in Parowan, Utah. The purpose of the meeting is to receive input from the public with respect to the issuance of the excise tax revenue bonds. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING BONDS

The Issuer intends to issue excise tax revenue bonds for the purpose of (i) defraying all or a portion of the cost of refunding outstanding (1) Lease Revenue Refunding Bonds, Series 1993 and (2) Lease Revenue Bonds, 1994 of the Municipal Building Authority of Iron County, Utah, and (ii) paying issuance expenses to be incurred in connection with the issuance and sale of the Bonds.

PARAMETERS OF THE BONDS

The Issuer intends to issue Limited Obligation Sales Tax Revenue Refunding Bonds, Series 2001 in the aggregate principal amount of not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000), to bear interest at a rate or rates of not to exceed seven percent (7%) per annum, to mature in not more than fifteen years (15) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, plus accrued interest to the date of delivery.

EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge all or a portion of the Local Sales and Use Tax funds received by Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended, for repayment of the \$1,500,000 Limited Obligation Sales Tax Revenue Refunding Bonds.

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution the draft of a Final Bond Resolution which was before the Commission and attached to the Resolution in substantially final form at the time of the adoption of the Resolution

(collectively, the "Bond Resolution") and said Final Bond Resolution is to be adopted by the Commission in such form and with such changes thereto as shall be approved by the Commission upon the adoption thereof; provided that the principal amount, interest rate or rates, maturity and discount of the Bonds will not exceed the maximums set forth above.

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

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

/s/                      David I. Yardley

County Clerk

Published in the Spectrum

Publication Dates: May 5 and 12, 2001

Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this 23rd day of April, 2001.

  
Chair

ATTEST:

  
County Clerk

[SEAL]





**IRON COUNTY COMMISSION MEETING  
May 14, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 14, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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Lang Reber .....	9
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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported that Scott Maxwell had contacted her with a problem with the battery backup for the Courthouse computer system server. A replacement has been ordered and should be installed within a few days.

Lois attended a meeting in Salt Lake with the Community Impact Board to request

funding for the remodel of the basement of the Sheriff's office into jail space. The CIB did not approve a grant but tentatively approved a low interest loan for the project. The CIB Board also tentatively approved a low interest loan for Southwest Public Health to build a new facility in Cedar City. The Board turned down a request from Cedar City for funding a new library.

Lois reported that a manager for the Downtown Theater has been hired. He will assume the job as soon as he completes work on a current production in New York.

**Scott Burns** presented a draft of a letter to Representative Jim Hansen which outlines the concerns with the investigation of the prairie dog disappearance at the Cedar City golf course. Of particular concern is the tactics used in interviewing people at odd hours and showing up unannounced at family gatherings with no other reason than a person is a member of the golfing association. The lack of communications with local law enforcement and the failure to bring the investigation to a close after two years does not appear to be in the best interest of the community.

**Gene Roundy** reported that the proposed budget for the Southwest Center (formerly Southwest Mental Health) would result in an increase in funding from Iron County from \$78,249 to \$82,659.

**APPROVAL OF LAW ENFORCEMENT GRANT** :

Scott Burns presented a grant approval request for a law enforcement grant in conjunction with Washington and Garfield Counties. The grant will provide funds to purchase equipment including laptop computers for police vehicles. Dennis Stowell made a motion to approve the grant and to authorize the Chairman to sign the agreement. Second was by Lois Bulloch.

Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PRAIRIE DOG TAKE APPROVALS & RELATED MATTERS** :

Teresa Bonzo came before the Commission to report on permanent take requests for this year. IHC has requested a trap and move permit to remove 10.79 dogs for the new hospital site in Cedar City and Jeff Johnson has requested a permit to trap and move 7.19 dogs. Lots with a request for take include Own Evans Sub, Lot 11; 3.59 dogs; Trails West, Lot 169; 10.79 dogs; Trails West, Lot 171; 7.19 dogs; Trails West, Lot 174; 7.19 dogs; and Trails West, Lot 172; 0 dogs. Dennis Stowell made a motion to approve the permanent take as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ORDINANCE 171 - AMENDMENT TO LAND MANAGEMENT CODE** :

The final amendment to the agricultural amendment to the Land Management Code was presented with all approved changes for final adoption. The Commission invited comments upon which Brian Mauldwin expressed concern that a number of changes have been made in this draft and it has not been available for public review. The Commission explained that the changes were approved at the last meeting and the draft approved for final adoption at this meeting. The only changes made were the changes approved.

There were also comments from the floor that the ordinance does not provide sufficient protection from large hog operations spreading in the County.

The Commission closed public comments and Lois Bulloch made a motion to approve Iron County Ordinance 171 as presented. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**IRON COUNTY ORDINANCE 171**  
**AN ORDINANCE OF IRON COUNTY, UTAH AMENDING THE IRON**  
**COUNTY ZONING ORDINANCE 158 ADOPTED APRIL 13, 1998, A**  
**COMPONENT OF THE IRON COUNTY LAND MANAGEMENT CODE,**  
**ADDING AN INTENSIVE AGRICULTURE ZONE (IA), SETTING STANDARDS**  
**FOR LARGE ANIMAL FEEDING OPERATIONS, AND PROVIDING AN**  
**EFFECTIVE DATE.**

WHEREAS, Iron County has adopted a Zoning Ordinance which is incorporated within the Iron County Land Management Code, and which has been amended from time to time; and

WHEREAS, the Board of County Commissioners and the Iron County Planning Commission have now determined it is in the best interest of Iron County that the Zoning Ordinance now be amended to more fully implement the Iron County General Plan and other County policies; and

WHEREAS, the board of County Commissioners have conducted extensive public hearings and received extensive public comments; and

WHEREAS, the Iron County Planning Commission and Iron County Board of County Commissioners have now formulated, reviewed and considered the proposed amendments to the Iron County Zoning Ordinance; and

WHEREAS, the Iron County Planning Commission have held Public Hearings to receive comment on the proposed amendments to the Zoning Ordinance as required by §17-27 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 Planning Commission recommendation to the Board of County Commissioners for amendment and revisions to the Iron County Zoning Ordinance; and

WHEREAS, on February 12, 2001 the Iron County Board of County Commissioners conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to §17-27 et. seq. Utah Code Annotated 1953 as amended; and

WHEREAS, following the Board of County Commissioners public hearing and the receipt of all comment and input and after careful consideration the Board of County Commissioners have determined that it is in the best interest of the public health, safety, and welfare of Iron County that the Iron County Zoning Ordinance, as incorporated within the Iron County Land Management Code be amended.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

Section 1: The document "Iron County, Utah Intensive Agricultural Ordinance" attached hereto is hereby adopted and made a part of the Iron County Land Management Code, with necessary formatting, grammatical and spelling revisions as required..

Section 2: The Iron County Zoning Map, as amended be incorporated as a part of the Iron County Zoning Ordinance with the following revisions:

A new Zone designated as Intensive Agriculture (IA) is created with attached table of permitted uses and restrictions within the IA zone.

No parcels or areas are designated as IA with this revision.

Section 4: Effect on existing County Ordinances; conflict.

A. Effect.

This Ordinance is intended to amend the existing Iron County Zoning Ordinance, 1998, as amended, as contained and as a part of the Iron County Land Management Code. All other provisions of the Iron County Land Management Code, including the Iron County Subdivision Ordinance, Development Construction and Design Standards, and any other existing County ordinance or regulation shall remain in full force and effect. To the maximum extent possible, the requirements of this Ordinance shall be deemed to be supplemental to, and not in substitution of, these and any other existing County ordinances and regulations. Wherever possible, both shall be given effect.

B. Conflict.

To the extent of any conflict between other County ordinances or regulations and this ordinance, the more restrictive is deemed to be controlling.

Section 5: 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 6: Effective date

This Ordinance shall be published and notice provided as required and shall take effect immediately upon its adoption by a majority of the Iron County Board of County Commissioners.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 14<sup>th</sup> day of May, 2001.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: /s/ Gene E. Roundy  
Gene E. Roundy, Chairman

ATTEST:

/s/ David I. Yardley  
David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy	<u>Aye</u>
Lois L. Bulloch	<u>Aye</u>
Dennis E. Stowell	<u>Aye</u>

The remainder of the text of the ordinance will be attached to the minutes as exhibit "A" and will be filed for public inspection in the Iron County Clerk's Office.

**DISPATCH FUNDING & 911 TRAINING AIDS PURCHASE :**

Linda Petty came before the Commission to request authorization to purchase protocol training and response material for emergency medical dispatch. The current system is outdated and is no longer supported. Lois Bulloch made a motion to approve the purchase of medical protocol training supplies as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Linda also discussed funding options for additional dispatch personnel at the Cedar City Center. The problem seems to be larger than just here in Iron County and the Commission suggested that the Legislature be contacted to authorize a special tax category similar to the Library tax to fund emergency dispatch services. In the interim it was suggested that one more dispatch position be funded from 911 funds and the second position be funded from participating entities.

**AGRICULTURAL PROTECTION AREA - DUTCH COWBOY DAIRY :**

A hearing on a request from Steve and Paul Byl and Dutch Cowboy Dairy for designation of 445 acres as an agricultural protection area was opened for public comment. Chad Nay reported that the Planning Commission recommended approval of the request for operation of a dairy. David Yardley reported that the Agricultural Protection Board also recommended approval of the application. No comments were received in opposition.

Dennis Stowell made a motion to grant the application for Agriculture Protection to Dutch Cowboy Dairy as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**AGRICULTURAL PROTECTION AREA - MBM LIVESTOCK :**

A hearing on a request from Kenneth McKnight, Barbara McKnight, Gordon Bulloch, Gloria Bulloch, Roger Murie, Pat Murie and MBM Livestock for designation of 8,586.82 acres as an agricultural protection area was opened for public comment. Chad Nay reported that the Planning Commission recommended approval of the request for a beef cattle operation excluding properties located within the Industrial Zone and within Cedar City municipal limits. David Yardley reported that the Agricultural Protection Board also recommended approval of the application and that the livestock operation met the criteria as an agriculture protection area. No comments were received in opposition. Dennis Stowell made a motion to grant the application for Agriculture Protection to Kenneth McKnight, Barbara McKnight, Gordon Bulloch, Gloria Bulloch, Roger Murie, Pat Murie and MBM Livestock for designation of 8,586.82 acres excluding areas within Cedar City municipal boundaries and property identified as mining claims. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**AGRICULTURAL PROTECTION AREA - EDWARD NELSON :**

A hearing on a request from Edward Almon Nelson and Vana Darlene O. Nelson Family Trust for designation of 150.38 acres as an agricultural protection area was opened for public comment. Chad Nay reported that the Planning Commission recommended denying the request for a farming and livestock operation because it is located in a residential zone (R-1/2). David Yardley reported that the Agricultural Protection Board recommended approval of the application because of the historic use of the property as a farming and livestock operation. The property was rezoned in 1981 due to its location between Cedar City and Enoch. No other comments were received in favor or opposition.

Lois Bulloch made a motion to deny the request for an APA following the recommendation of the Planning Commission and due to being located in a residential zone. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**INTERLOCAL AGREEMENT - PART-TIME ATTORNEY :**

Scott Burns presented a request from Cedar City to negotiate a new part time attorney agreement with Cedar City. Since Scott Garrett has been selected as a full time attorney for Iron County, the current position will become vacant. The County Attorney's office has been short staffed since the resignation of Mary Wolsey.

Lois Bulloch made a motion to approve negotiating an interlocal agreement with Cedar City to share a part time attorney. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL :**

Christene Keene presented a request to promote Beniti Orton to the position of Chief Deputy Treasurer effective May 1, 2000 and to approve the hiring of Nicole Rosenberg as a Deputy Treasurer effective May 1, 2000. Dennis Stowell made a motion to approve the

promotion and hiring as presented. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**BID OPENING - WOODS RANCH RESTROOMS** \_\_\_\_\_ :

Dennis Stowell made a motion to close bidding and to open the bids received as per the bidding documents and public notice. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Bids were opened for the construction of rest room facilities at Woods Ranch. Four bids were received with the following results:

1 <sup>st</sup> Choice Construction	\$74,760.00
Dobson Construction	\$72,200.00
Dual A. Construction	\$76,000.00
Scott Jenson	\$80,190.00
Engineer Estimate	\$66,000.00

Dennis Stowell made a motion to take the bids under advisement and refer them to the County Engineer to review for completeness. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**BID OPENING - THREE PEAKS RESTROOMS** \_\_\_\_\_ :

Dennis Stowell made a motion to close bidding and to open the bids received as per the bidding documents and public notice. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Bids were opened for the construction of rest room facilities at the Three Peaks Recreation area with the following results:

1 <sup>st</sup> Choice Construction	\$68,130.00
Dobson Construction	\$67,400.00
Dual A. Construction	\$67,000.00
Scott Jenson	\$68,088.00
Engineer Estimate	\$65,000.00

Dennis Stowell made a motion to take the bids under advisement and refer them to the County Engineer to review for completeness. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Reed Erickson discussed with the Commission a comment received from the Hopi Indian Tribe of Arizona concerning the cultural study and environmental evaluation of the rest room facility at Three Peaks.

**IHC - TAX EXEMPTION REQUEST DECISION** \_\_\_\_\_ :

Dennis Stowell made a motion to convene as a Board of Equalization to receive a report from the County Attorney regarding the tax exempt status of Valley View Medical Center. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Scott Burns outlined concerns with the manner in which information has been provided

by IHC and their method of accounting for charity care. His concern is that agreed reimbursement is actually not charity care and should not be counted. It is however standard practice to calculate charity in this manner. Scott also requested that the Commission take into consideration financial statements submitted to Salt Lake County showing excess revenues over expenses for IHC of 126.8 Million for the year 2000.

Jim Peveler and Stuart Jones responded that they were unaware of documents received from Salt Lake County and they were not prepared to respond. Doug Hammer discussed the Salt Lake and Cache County model for charity care and suggested that Iron County follow that model.

Dennis Stowell then made a motion to grant IHC Valley View Medical Center a tax exemption for 2001 contingent upon the following:

1. A dialyses, chemotherapy, and pathology unit be added to the new hospital in compliance with the letter submitted to Scott Burns from Bill Nelson.
2. A joint committee consisting of VVMC and Iron County appointees be set up to
  - (a) audit charity care; and
  - (b) hear and review complaints of persons who allege they were denied charity care. IHC/VVMC is to keep accurate records of complaints and make them available to the review committee.
3. IHC/VVMC and Iron County are to set up a sub committee to work together to develop a "charity care plan" for the next year.

Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

#### **PUBLIC HEARING -AIRPORT OVERLAY ZONE - CEDAR CITY :**

Dennis Stowell made a motion to open a public hearing for comments on a proposed airport overlay zone which is an amendment to the County General Plan and the Zoning Ordinance. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Reed Erickson made a slide presentation about the need for the airport overlay zone and the need to limit residences and building height in the flight path of the Cedar City airport.

Rich Wilson suggested approval of the overlay zone be incorporated into an agreement that sewer expansion into County areas also be included. The Planning Commission has reviewed the request for an overlay zone and has not recommended approval.

Raymond Green, Cedar City Chamber of Commerce, voiced support of the Chamber of Commerce of the overlay zone. He explained it is vital to the continued growth and service available for the zone to be established.

Dennis Stowell made a motion to close the hearing and to establish a committee to review the proposed ordinance and make a recommendation to the Commission. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

#### **COUNTY PUBLIC HEALTH REPORT FOR 2000 :**

Gary Edwards, director of Southwest Public Health, came before the Commission to

report on public health activity for 2000. Iron County services included: Women, Infants and Children (WIC) served 1,163 clients; Baby your Baby had 207 new clients; 4,665 immunizations were given; 41 reportable cases of communicable diseases were confirmed; 46 compliance checks were performed for tobacco prevention and control; two car seat checkpoints were done with 30 car seats distributed; and 63 cancer screens were conducted.

Environmental Health Services provided 142 septic system permits issued with 110 inspections completed; 139 restaurant inspections were completed; six public drinking water system inspections were completed; 19 school inspections were completed; 20 institution inspections completed; and 13 day care inspections completed.

Expenditures totaled \$25.00 per capita with the County providing \$4.14 per capita from taxes.

### **TAX MATTERS** :

**Linda Robinson:** David Yardley reported that Linda Robinson has made a partial payment of delinquent taxes on parcel Serial # B-0065-0107 Account # 47487. She will not be able to clear the entire delinquency before the annual tax sale and she has requested that she be allowed an extension to bring the taxes current. Dennis Stowell made a motion to remove the parcel from the annual tax sale for 2000 with the provision that she bring the account current prior to May 1, 2002. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**Lang Reber:** Lang submitted a letter requesting that a parcel they are purchasing be removed from the tax sale for 2000 due to hardship and unexpected medical expenses. This parcel is identified as Serial # E-1144 Account # 170362. 1999 and 2000 taxes are current, 1996, 1997 and 1998 taxes are delinquent.

Lois Bulloch made a motion to remove the parcel from the annual tax sale for 2000 with the provision that they bring the account current prior to May 1, 2002. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**Timothy and Babette Hart:** Mr. Hart was in an accident and has become disabled. They are in the final stages of an insurance settlement upon which they can bring their taxes current. They have requested a one year extension to bring their account current. The property is identified as Serial # E-1385-1-2-1 Account # 360021.

Dennis Stowell made a motion to remove the parcel from the annual tax sale for 2000 with the provision that they bring the account current prior to May 1, 2002. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**Bill and LaRae Parkinson:** appeared to request an extension of two months to bring taxes current on a 20 acre parcel in cedar valley. The Parkinson's have two parcels scheduled for tax sale this year. They will be able to bring one account current prior to the sale. The other should be paid off within a month. The property is identified as Serial # D-531 Account # 133337.

Lois Bulloch made a motion to remove the parcel from the annual tax sale for 2000 with

the provision that they bring the account current prior to May 1, 2002. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**CHILDREN'S JUSTICE CENTER** :

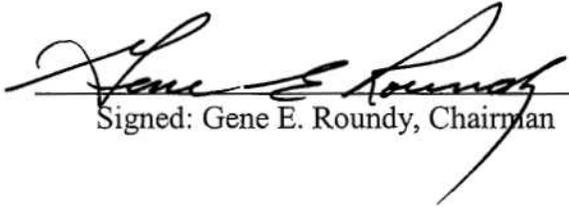
Gene Roundy reported that the Children's Justice Center has obtained a home in Cedar City. Their operation will be funded through State grants with no additional funds required from County sources. They do however need a fiscal agent to administer funds and provide a personnel policy for them to operate under. Lois Bulloch made a motion to approve the County as the fiscal agent subject to approval by the County Auditor. The County Attorney will be the managing department. Iron County is not committed to provide funds for the operation of the Justice Center. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

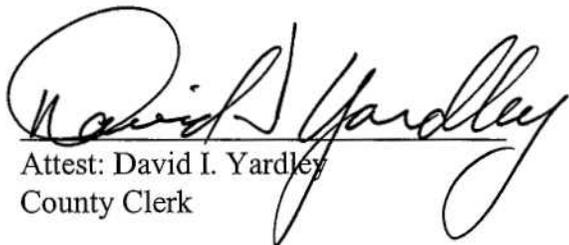
**SUMMER GAMES SPONSORSHIP OF EQUESTRIAN EVENTS** :

Dennis Stowell made a motion to appoint Art Walunas, Iron County Fair Chairman to also chair the equestrian events of the Utah Summer Games. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. This will not have a budget impact on Iron County.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**May 29, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 29, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dennis Ayers.

**APPROVAL OF MINUTES - April 23, 2001** :

Minutes of the Iron County Commission meeting held April 23, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OF MINUTES - May 14, 2001** :

Minutes of the Iron County Commission meeting held May 14, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Ayers** reported that the assessment roll was completed for 2001 and has been submitted to the Auditor. Property valuation has increased about 88 million of which 71 million is new growth. Total taxable value for the County is 1.3 billion.

**Patsy Cutler** reported that changes in State Code now require all originals of surveys to be filed in the Recorder's office. She is working with Platt and Platt Engineering to facilitate the transfer of past surveys to the Recorder's office.

Patsy also reported that several companies have requested that notices of trustee sales be posted in her office instead of in the foyer of the Courthouse. She will coordinate with Ron Bess to see if a suitable location can be found.

**Geri Norwood** reported that collections for the Annual Tax Sale went well. There were about \$52,000 in excess collections that will be available to property owners who lost property. Money not claimed will be remitted to the State Treasurer in accordance with State Code.

**Dennis Lowder** reported on one problem at the tax sale in which Glory Tsai bid and paid a check for a parcel and then stopped payment on the check. The check was for \$1,550. The matter will be referred to the Attorney for collection.

Dennis also discussed the funding of dispatch personnel in Cedar City. Linda Petty has requested two additional people. One will be hired July 2001 and will be funded from 911 funds. The second will be hired January 2002 and cost will be split between Cities and County.

**Lois Bulloch** reported that the SUU Smart Site is up and running. This will be a benefit to Iron County in training residents for high tech jobs and should help in recruiting new businesses to locate here.

**Gene Roundy** reported that two proposals have been submitted for remodeling the basement of the Sheriffs office into jail cells. Carter Enterprises in Cedar City and Sahara Construction will meet with County Officials to discuss their individual proposals and to address questions and suggestions from the County regarding their plans.

**PEAK CABLE VISION FRANCHISE REQUEST :**

Shane Boggs came before the Commission to request a franchise agreement with Peak Cablevision to provide a non-exclusive cable TV into the unincorporated area surrounding Cedar City and Enoch. Mr. Boggs previously submitted a model franchise agreement for County review.

Scott Burns indicated that there were some modifications that need to be completed in order to bring the agreement into compliance with existing County ordinances. The matter was tabled until next meeting to allow time to amend the agreement.

**ZONE CHANGE REQUEST- A PORTION OF SEC.19 T36S R11W, R-1 TO R-1/2 :**

Rett Shakespear came before the Commission to present a request for a zone change from R-1 to R-1/2 on a portion of Section 19, Township 36 South, Range 11 West, Salt Lake Base & Meridian. The property is located adjacent to Meadows Ranch East which is zoned R-1. The Planning Commission has recommended approval of the proposed zone change.

Lois Bulloch made a motion to approve the proposed zone change from R-1 to R-1/2 on the following described parcel:

A Portion of Section 19, Township 36 South, Range 11 West, Salt Lake Base and Meridian Located in Iron County, Utah. More particularly described as follows:  
Beginning at the Northwest Corner of Section 19, Township 36 South, Range 11 West, Salt Lake Base and Meridian; Thence along the West Line of Said Section 19, S00°34'35"E 2661.61 Ft to the West Quarter Corner of Said Section 19; Thence S00°34'35"E 1138.80 Ft along the West Line of Said Section 19 to the Corner of Spring Creek Subdivision, Phase II; Thence along the North Boundary of Said Subdivision N89°47'27"E 2404.12 Ft (Record 2409.44') to the West Boundary of a 66 Ft. Road Right-of-way of West View Drive; Thence along Said West Boundary of the Road Right-of-way as follows: N15°39'48"W 229.27 Ft to the Point of Curve (P.C.) of a Tangent Curve to the Right; Thence along the Arc of a Curve 404.97 Ft with 1320.00 Ft. Radius and Central Angle 17°34'40"; Thence N01°54'52"E 77.41 Ft to the P.C of a Curve to the Right; Thence along the Arc of the Tangent Curve 439.33 Ft with 5729.58 Ft Radius and Central Angle 04°23'36"; Thence N06°18'28"E 2445.69 Ft to the P.C. of a Tangent Curve to the Right; Thence along the Arc of the Curve 206.22 Ft with 1880.00 Ft. Radius and Central Angle 06°17'17"; Thence Leaving the 66 Ft. Road Right-of-way S89°43'50"W 2668.27 Ft. to the Point of Beginning and Contains 212.56 Acres M/L.

Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**VACATE & AMEND A PORTION OF CROSS HOLLOW HILLS PHASE 2 :**

Rett Shakespear came before the Commission to request amendments to Cross Hollow Hills Phase 2, Amended Plat A to vacate and amend the lot lines of Lots 136 and 154, Cross Hollow Hills Subdivision, Phase 2, Amended Plat A and vacate and amend the lot lines of Lots 78, 155, 156, and 157, Cross Hollow Hills Subdivision, Phase 2, Amended Plat B. The request

was also to authorize the filing of amended Plat A and Plat B describing the requested changes.

The Planning Commission has reviewed the proposed changes and has recommended approval. Lois Bulloch made a motion to approve the proposed changes as requested and to approve the following two ordinances authorizing the changes. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ORDINANCE 173 - VACATE AND AMEND A PORTION OF CROSS HOLLOW HILLS PHASE 2 AMENDED PLAT A :**

**IRON COUNTY  
ORDINANCE 173**

**AN ORDINANCE OF IRON COUNTY VACATING AND AMENDING  
THE ORIGINAL PLAT OF CROSS HOLLOW HILLS SUBDIVISION, PHASE 2  
AMENDED PLAT A.**

**WHEREAS**, this matter came before the Board of County Commissioners of Iron County, Utah upon Commission action to vacate a portion of the original plat of Cross Hollow Hills Subdivision, Phase 2 Amended Plat A; and authorize the filing of amended Cross Hollow Hills Subdivision, Phase 2 Amended Plat A; and,

**WHEREAS**, the Board of County Commissioners of Iron County, Utah is authorized by Utah Code Annotated 1953 as amended § 17-27-810 to vacate, alter, or amend a plat, any portion of a plat, or any street or lot; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, upon notice and hearing , having duly considered the application and determined there is good cause proposed for the amendment and that neither the public nor any person will be materially injured by the amending of and approving the filing of Amended ; now therefore:

The Board of Commissioners of the County of Iron, State of Utah ordains as follows:

1. Vacate and amend the lot lines of Lots 136 and 154, Cross Hollow Hills Subdivision, Phase 2, Amended Plat A; and
1. Authorize the filing of an Amended Plat of Cross Hollow Hills Subdivision, Phase 2, Amended Plat A.

This Ordinance shall take effect upon publication in the manner provided by §17-15-1, 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 29<sup>th</sup> day of May , 2001 by the Board of Iron County Commissioners in regular session assembled, in and at their regular place of meeting.

/s/ Gene E. Roundy  
Gene E. Roundy  
Chairman, Board of Iron County Commissioners

Attest:  
/s/ David I. Yardley  
David I. Yardley  
Iron County Clerk

VOTING:	AYE	NAY
Gene E. Roundy	<u>  X  </u>	_____
Lois L. Bulloch	<u>  X  </u>	_____
Dennis E. Stowell	<u>  X  </u>	_____

**ORDINANCE 174 - VACATE AND AMEND A PORTION OF CROSS HOLLOW HILLS PHASE 2 AMENDED PLAT B :**

**IRON COUNTY  
ORDINANCE 174**

**AN ORDINANCE OF IRON COUNTY VACATING AND AMENDING THE ORIGINAL PLAT OF CROSS HOLLOW HILLS SUBDIVISION, PHASE 2 AMENDED PLAT B.**

**WHEREAS**, this matter came before the Board of County Commissioners of Iron County, Utah upon Commission action to vacate a portion of the original plat of Cross Hollow Hills Subdivision, Phase 2 Amended Plat B; and authorize the filing of amended Cross Hollow Hills Subdivision, Phase 2 Amended Plat B; and,

**WHEREAS**, the Board of County Commissioners of Iron County, Utah is authorized by Utah Code Annotated 1953 as amended § 17-27-810 to vacate, alter, or amend a plat, any portion of a plat, or any street or lot; and

**WHEREAS**, the Board of County Commissioners of Iron County, Utah, upon notice and hearing , having duly considered the application and determined there is good cause proposed for the amendment and that neither the public nor any person will be materially injured by the amending of and approving the filing of Amended ; now therefore:

The Board of Commissioners of the County of Iron, State of Utah ordains as follows:

2. Vacate and amend the lot lines of Lots 78, 155, 156, and 157, Cross Hollow Hills Subdivision, Phase 2, Amended Plat B; and
1. Authorize the filing of an Amended Plat of Cross Hollow Hills Subdivision, Phase 2, Amended Plat B.

This Ordinance shall take effect upon publication in the manner provided by §17-15-1, 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 29<sup>th</sup> day of May , 2001 by the Board of Iron County Commissioners in regular session assembled, in and at their regular place of meeting.

/s/ Gene E. Roundy  
Gene E. Roundy  
Chairman, Board of Iron County Commissioners

Attest:  
/s/ David I. Yardley  
David I. Yardley  
Iron County Clerk

VOTING:	AYE	NAY
Gene E. Roundy	<u>  X  </u>	_____
Lois L. Bulloch	<u>  X  </u>	_____
Dennis E. Stowell	<u>  X  </u>	_____

**BRIAN HEAD FIRE DEPT BUDGET REPORT** :

Wade Carpenter, Public Safety Officer for Brian Head Town came before the Commission to report on their 2001-2002 FY budget request. They are requesting that their budget be set at \$56,998 for FY 2001-2002 which will be a decrease from the current year budget of \$60,000. The County pays about 80% of the budget amount in compliance with the funding formula which is based on the history of fire calls from the department.

The matter was taken under advisement and will be considered during the County budget cycle.

**DEAN, & MIKE LEANY - WATER & SEWER REQUEST** :

Scott Truman and Mike Leany came before the Commission to present a request that the County help to fund expansion of the Cedar City sewer system outfall lines to access property they are proposing to develop as a golf course west of Cedar City. Leany's have purchased 785 acre feet of water for use at the development which will be sufficient to irrigate the 100 acres of grass on the proposed course.

The Commission discussed the use of Special Improvement Districts to expand the service to that area of the valley, however, at the present time any expansion is contingent on the County entering an operating agreement with Cedar City for connecting into their outfall system. This is a matter that will be discussed with Cedar City and Enoch at the next Commission meeting on June 11. The Commission indicated that county general funds could not be used in this type of project and that no financial incentives are available for this type of development.

**PERSONNEL POLICY AMENDMENTS** :

Christene Keene presented for approval an amendment to the County Personnel Policy in which Section 2 section B was amended to cap compensation hours at 80. All additional over time will be paid at the time it is earned. The per diem compensation was also amended to reflect that subsistence compensation will follow the 7/7 rule. If an individual leaves on County business before 7 a.m. and does not return before 7 p.m. they are entitled to the full per diem rate for meals for the day. Dennis Stowell made a motion to approve the proposed personnel policy rule changes as presented. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**PERSONNEL - EXECUTIVE SESSION** :

Dennis Stowell made a motion to convene in executive session to discuss personnel matters. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

After reconvening in open session, the Commission reported that no official action was needed at this time.

**UTAH SUMMER GAMES UPDATE** :

Brian Dangerfield, Utah Summer Games coordinator came before the Commission to discuss the upcoming Summer Games. He reported that all motel and hotel rooms in Iron County have been reserved for this event. There are presently 181 soccer teams entered which involves about 3,200 players. There are 42 sports represented in 43 venues and 2,000 medal

events. Each year it is getting larger and may need to be spread out over a longer time in order to accommodate the larger participation.

**AIRPORT OVERLAY ZONE** :

Reed Erickson and Chad Nay reported on the recommendation of the Committee the Commission authorized to review the airport overlay zone amendment. The committee consisted of Chad Nay, Reed Erickson, Lois Bulloch, Paul Holyoak, Steve Farmer and Rick Holman. The proposed changes will affect both the County General Plan and the County Zoning Ordinance. No property will be re-zoned at this time.

After reviewing the proposed amendments to the General Plan and the Zoning Ordinance, Lois Bulloch made a motion to amend the Iron County Land Use Plan as part of the Iron County General Plan to provide that future land uses be compatible with the Cedar City Regional Airport as indicated in the proposed map, which is attached and incorporated herein; that we adopt the airport overlay zoning ordinance, ordinance 172; that we recognize properties within any of the airport overlay zones as they are currently zoned. Upon request for development the owners of property must insure that zoning of their property is compatible with the Iron County Land Use Plan, as amended or they may apply to rezone or request annexation into Cedar City Corporation; that we recommend and encourage that future residential development within the airport approach zone use the cluster subdivision option of the Iron County Subdivision ordinance to locate buildings as far away as practical from the centerline extension of the airport runway, and that all buildings of the development be so located. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**ORDINANCE 172 - AIRPORT OVERLAY ZONE** :

**IRON COUNTY, UTAH  
ORDINANCE 172**

**AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS, PROVIDING FOR A CEDAR CITY REGIONAL AIRPORT COMPATIBLE LAND USE ZONING OVERLAY MAP AND AIRPORT HEIGHT RESTRICTION MAP AND; AMENDING THE IRON COUNTY LAND USE PLAN MAP, A COMPONENT OF THE IRON COUNTY LAND MANAGEMENT CODE; SETTING STANDARDS AND REGULATIONS FOR HEIGHT LIMITATIONS AND COMPATIBLE LAND USES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners has determined it necessary to establish guidelines and requirements for compatible land uses in the vicinity of the Cedar City Regional Airport; and

**WHEREAS**, Iron County has adopted a Zoning Ordinance which is incorporated within the Iron County Land Management Code, and which has been amended from time to time; and

**WHEREAS**, Cedar City Council and Cedar City Planning and Zoning Commission have held public hearings and received comment prior to adopting the Cedar City Regional Airport Height Restriction and Compatible Land Use Overlay Zoning Maps; and

**WHEREAS**, the Iron County Planning Commission has provided a recommendation to the Board of County Commissioners, following a public hearing, prior to the Board of County Commissioners considering standards and regulations for compatible land use overlay zones and height limitations in the vicinity of the Cedar City Regional Airport; and

**WHEREAS**, the Iron County Board of County Commissioners has held a public hearing to receive comment on the proposed amendments to the Zoning Ordinance as required by the laws of the State of Utah; and

**WHEREAS**, the Board of County Commissioners have determined that it is in the best interest of the public health, safety, and welfare of Iron County that the Iron County Zoning Ordinance and General Plan, as incorporated within the Iron County Land Management Code be amended.

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

**SECTION 1.** The document "Airport Overlay Zoning" attached hereto is hereby adopted and made a part of the Iron County Land Management Code, with necessary formatting, grammatical and spelling revisions as required, and be identified as Section 504 of the Iron County Zoning Ordinance.

**SECTION 2.** The Iron County Future Land Use Map, as amended be incorporated as a part of the Iron County Zoning General Plan and the Cedar City Regional Airport Height Restriction and Compatible Land Use Overlay Zoning Maps be incorporated in and made a part of this ordinance and part of the Iron County Zoning Ordinance.

**SECTION 3.** 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 law.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 29<sup>th</sup> day of May, 2001.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: /s/ Gene E. Roundy  
Gene E. Roundy, Chairman

**ATTEST:**

/s/ David I. Yardley

David I. Yardley,  
County Clerk

**VOTING:**

Gene E. Roundy     Aye  
Lois L. Bulloch     Aye  
Dennis E. Stowell   Aye

**PRAIRIE DOGS DISCUSSION** :

Teresa Bonzo requested permission from the Commission to delay trapping of live prairie dogs on the Cedar City golf course until July when both adults and juvenile prairie dogs can be moved. She said that in her opinion it would not look good to follow the guidelines and release captured females and juveniles during June. The Commission agreed and on a motion by Dennis Stowell, trapping will be postponed. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**CEDAR CITY SID ASSESSMENT APPROVAL - VISITOR CENTER** :

The Commission reviewed a notice of assessment for flood control improvements as part of a Special Improvement District involving the Visitor Center in Cedar City. The proposed assessment is \$3,867.07. Lois Bulloch made a motion to approve payment of the assessment. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**NOTICE OF PETITION TO ANNEX - CEDAR CITY** :

David Yardley informed the Commissioners that Cedar City has filed a Notice of Petition to Annex on a parcel of property west of the freeway and contiguous with the City boundaries and between Old Highway 91 and I-15. No action is needed at this time.

**NOTICE OF PETITION TO ANNEX - ENOCH CITY** :

Enoch City has submitted a Notice of Petition to Annex an 80 acre parcel of property located on the Southwest corner of Midvalley Road and the Minersville Highway known as the Halterman property. No action is needed by the County at this time.

**BOARD APPOINTMENTS - COUNCIL ON AGING** :

The Council on Aging has requested that the Commission approve the appointment of Merrill Peterson and Doug Maxwell to fill the unexpired terms of Wilmer Anderson and Wilma Petty. The terms would expire in 2003.

Lois Bulloch made a motion to appoint Merrill Peterson and Doug Maxwell as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**BOARD APPOINTMENT - BOARD OF ADJUSTMENTS** :

Names were discussed to replace Charles Esplin on the Board of Adjustments. Mr. Esplin has requested not to continue following serving on the board for more than 30 years. The Commission recognized his service and authorized a gift to Mr. Esplin recognizing his service. Dennis Stowell made a motion to appoint Cindy Kirkham to a four year term on the Board of Adjustments. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**CONTRACT SIGNATURE AUTHORIZATION - WOODS RANCH REST ROOMS** :

Reed Erickson presented the completed contract documents for construction of rest rooms at Woods Ranch for final approval and signatures. Lois Bulloch made a motion to approve the contract with Dobson Construction for \$72,200 to construct rest rooms at Woods Ranch and to

authorize the Commission Chair to sign the documents. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye. whereupon Commissioner Roundy signed the contracts.

**CONTRACT SIGNATURE AUTHORIZATION - THREE PEAKS REST ROOMS :**

Reed Erickson presented contract documents for the rest room facilities at Three Peaks. He explained that a comment was submitted by the Hopi Indian Tribe of Arizona asking for more documentation on the environmental and archeological impacts of the facility. The contracts cannot be signed until this matter is resolved.

Lois Bulloch made a motion to approve the contract with Dual A Construction for \$67,000 to construct rest rooms at the Three Peaks Recreation Area and authorize signatures by the Commission Chair upon resolution of the Hopi request and approval by the Federal Highway Department. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**CERTIFY ANNUAL TAX SALE RESULTS :**

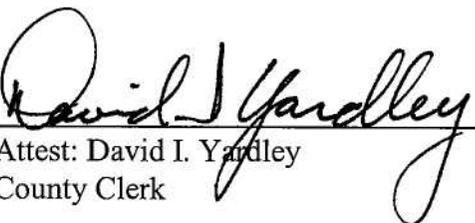
Dennis Lowder presented the final tax sale results and report to the Commission for certification in compliance with Utah Code 59-2-1351. He reported that the sale was conducted in accordance with state law and he recommended that the Commission Certify the results.

Dennis Stowell made a motion to certify the Annual Tax Sale in compliance with Utah Code. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, Aye.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**June 11, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 11, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Bill Hall.

**APPROVAL OF MINUTES - May 29, 2001** :

Minutes of the Iron County Commission meeting held May 29, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**COMMISSION CHAIR PRO TEM** :

Dennis Stowell made a motion to appoint Lois Bulloch as Chair Pro Tem while Commissioner Roundy will be out of the County. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported that the Veterans Administration is looking for a site to build a rest home. Cedar City is on their list of possible sites and the matter was referred to Clark Krause for a follow up through economic development.

Lois reported that she had met with Senator Orin Hatch to discuss items of concern to Iron County. Items discussed included Spring Creek Canyon, endangered species, RS2477 roads and wilderness.

**Gene Roundy** reported that he, Doug Carriger, J. Lowe Barton and Sheriff Benson had met with Carter Enterprises and Sahara Development personnel at the Sheriff's Office to review their separate plans for remodeling the basement of the Sheriff's office. After reviewing plans, options and cost estimates, the committee decided to put the project on hold to allow additional time to explore other options. One of the options being pursued by Doug Carriger is to purchase the state portion of the facility and then lease bed space back to the state.

**Dennis Stowell** reported that he, Steve Platt and Neil Forsyth had met with Circle 4 Farms to discuss the possibility of improving three miles of the Thermo road. There is a crusher set up in the area at the present time which would reduce the cost of hauling from Cedar City. Total cost of the project is estimated at \$152,000 and will be scheduled for chip seal during 2002. The Commission was not opposed to the project as long as planned project proceed on schedule.

Dennis reported that he has been contacted by Bob Weidner regarding PILT payments. The Senate has restored 50 million in funding which had been removed in the proposed budget of President. Bush.

**PERSONNEL - EXECUTIVE SESSION** :

Lois Bulloch made a motion to convene in executive session to discuss personnel matters. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. Upon reconvening in open session the Commission reported that no action was needed at this time.

**WELL HEAD PROTECTION REQUEST** :

Robert Platt came before the Commission to present a request for a wellhead protection approval for Robert De Mille and Richard Prentice that encroaches onto a public road. The property is located in Section 33 township 33 South Range 9 West SLB&M. and is designated as a minor lot subdivision for Robert DeMille. Lois Bulloch made a motion to approve the wellhead protection with the following restrictions:

1. Both culinary wells located in the area are to be designated as wellhead protection areas.
2. Signs are to be placed at both ends of the area designating it as a wellhead protection area.
3. Adjacent property owners are responsible to maintain the road right of way within the wellhead protection area as a weed free zone.

Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ORDINANCE 175 - AGRICULTURAL PROTECTION AMENDMENT :**

David Yardley presented an amendment to Iron County Ordinance 131 which increased the minimum parcel size to qualify for Agriculture Protection from 5 acres to 20 acres. It also designated all of the Residential zones outside of platted subdivisions as agriculture zones for the purpose of Agriculture Protection. This is consistent with the Iron County General Plan which encourages cropland owners, if they desire, to remain on site.

Reed Erickson expressed his concern that by designating the residential zones as approved for agriculture use, it weakened the Residential zoning by encouraging prime development land to remain in agriculture production. The Land Management Code states that the County will not implement changes that will weaken the Residential zones.

The Commission referred the matter to the Planning Commission for a recommendation on how to resolve the apparent conflict of uses.

**FRANCHISE APPROVAL - PEAK CABLEVISION :**

Shane Baggs, representing Peak Cablevision, came before the Commission to discuss a request for a non exclusive cable TV franchise in Iron County. He reviewed a draft copy compiled by the County Attorney's Office and recommended some changes in wording including the legal company name. The matter was tabled to allow the Attorney time to review the recommended changes.

**PARAGONAH FIRE DEPT BUDGET REPORT :**

Royce Barton, representing the Paragonah Fire Department came before the Commission to present their proposed budget for FY 2001-2002. Their budget is proposed to stay at the same funding level as the current year. Paragonah has applied for a grant to purchase a new pumper fire truck through FEMA which will be purchased with matching money from the existing budget. The Commission took their budget request under advisement and will consider it during the County budget cycle.

**COLOR COUNTRY 4-WHEELERS ASSOCIATION :**

David Burling representing the Color County 4-wheelers association came before the Commission to report on a rock crawling competition completed at three peaks over the Memorial Day weekend. He said there was a problem with dust control on the days of the competition even though the road was watered. There were approximately 5,000 spectators attending the event.

The Commission expressed concern with the coordination of the event including garbage disposal, law enforcement, coordinating with the BLM, adequate rest room facilities and parking. Mr. Burling explained that it appeared to be a misunderstanding because it was their understanding that law enforcement was going to contact them. In repeated attempts to contact the Sheriff, calls were not returned and so parking was handled by the Club. He also explained that the Club took care of the garbage by collecting it and taking it to the landfill.

Mr. Burling made a donation of \$800.00 from user fees from this event. This was collected from parking cars and entrance fees. The club then made an additional \$1,200 donation from funds collected from members and other activities. The funds were designated for improvements at Three Peaks. The Commission thanked them for their donation.

**ALEX EVANS EAGLE SCOUT PROJECT - FREMONT CANYON** :

Alex Evans came before the Commission to request permission to place trail markers designating the trail Parley P. Pratt followed in exploring Iron County. The trail is located east of I-15 and continues up Fremont Canyon to the County line. Markers will be 4X4 posts that are painted and engraved. The markers will be placed every two miles.

Dennis Stowell made a motion to approve marking the trail as requested and to waive any fees for placing the markers in the County road rights of way. Second was by Lois Bulloch.

Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**BRUCE RICHESON - SENATOR BENNETT'S OFFICE** :

Bruce Richeson representing Senator Bennett's office came before the Commission to discuss items that concern the County on a federal level. Bruce discussed the prairie dog problem on the Cedar City golf course. The Commission gave Mr. Richeson a copy of correspondence sent to Representative James Hansen regarding the ongoing investigation of prairie dog disappearances at the golf course two years ago.

The Commission also discussed the possibility of having Maureen Casper search for grant funds which may be available to extend sewer outfall lines to areas of Cedar Valley.

**TIER CHANGE - SEC 22 & 23, T35S, R12W** :

Lynn Leany made a request to change the tier designation on the East ½ of Section 22 and the North ½ of Section 23, Township 35 South, Range 12 West, Salt Lake Base and Meridian from a Tier 4 to a Tier 2. The request has been reviewed by the Planning Commission and they have recommended that the Commission approve the tier change.

Dennis Stowell made a motion to approve the tier change as requested with the understanding that this does not include any development of sewer service to this area. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-5 FIDDLERS CANYON FLOOD CONTROL BOE** :

Commissioner Stowell stated that the work with respect to Iron County, Utah Special Improvement District No. 98-2 is substantially complete and that the proposed assessment list has been prepared for action and consideration by the Board of Equalization and Review and by the Board of County Commissioners, which assessment list is on file in the office of the County Clerk and available for inspection by any interested property owner.

Thereupon, Commissioner Stowell introduced the following resolution in writing which was read in full and moved its adoption:

RESOLUTION 2001-5

BE IT RESOLVED by the Board of County Commissioners of Iron County, Utah, that

the Board of Equalization and Review, as required by law, for Iron County, Utah Special Improvement District No. 98-2, be and the same is hereby appointed, consisting of the following, at least two of the Commissioners and a representative of the county engineer's office who can act at the hearings of said Board.

THAT said Board shall sit as a Board of Equalization and Review on the special assessment proposed to be levied and assessed on the property within the Iron County, Utah Special Improvement District No 98-2 at the County Commission Chambers, Parowan, Utah on July 5 and 6, 2001, between the hours of 7:00 p.m. and 8:00 p.m., to hear and consider any objections to and make corrections of any proposed assessments which the said Board may deem unequal or unjust.

THAT the County Clerk be and is hereby authorized and directed to publish and mail, as provided by law, a notice of meeting of said Board of Equalization and Review, said notice to be in substantially the following form:

NOTICE OF MEETING  
OF BOARD OF EQUALIZATION AND REVIEW  
FOR  
IRON COUNTY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 98-2

NOTICE IS HEREBY GIVEN that a three-member board has been duly appointed to act as the Board of Equalization and Review on the assessment proposed to be levied on the property within Iron County, Utah Special Improvement District No. 98-2 (the "District").

NOTICE IS FURTHER GIVEN that:

- (a) The lists of the property in the District subject to said proposed assessment and the various amounts of assessment against said property have been completed and are available for examination at the office of the Iron County Clerk.
- (b) The total cost of the improvements is \$898,875.44.
- (c) The amount to be paid by the County is \$-0-.
- (d) The amount to be assessed to the property owners within the District is \$898,875.44.
- (e) Assessments for the improvements constructed within the District are to be levied against the properties within the District on a per front foot and/or per acre basis

as further described in the Notice of Intention.

(f) The assessment for improvements will be \$-0- per front foot and \$1,635.50 per acre.

(g) The Board of Equalization and Review for the District will meet in the Iron County Courthouse in the County Commission Chambers in Parowan, Utah on July 5, 2001, between the hours of 7:00 p.m. and 8:00 p.m., and on July 6, 2001, between the hours of 7:00 p.m. and 8:00 p.m. The hearings may be adjourned or recessed from time to time provided by law until the work of the Board shall be completed. AT EACH HEARING THE BOARD SHALL HEAR ARGUMENTS FROM ANY PERSON WHO BELIEVES HIMSELF/HERSELF TO BE AGGRIEVED, INCLUDING ARGUMENTS RELATING TO ANY DIRECT OR INDIRECT BENEFITS ACCRUING TO ANY TRACT, BLOCK, LOT OR PARCEL OF PROPERTY IN THE DISTRICT OR RELATING TO THE AMOUNT OF THE PROPOSED ASSESSMENT AGAINST ANY TRACT, BLOCK, LOT OR PARCEL.

After the hearings have been completed, the Board shall consider all facts and arguments presented and shall make such corrections in any proposed assessment as it may consider just and equitable. The corrections may eliminate one or more pieces of property or may decrease the amount of the assessment proposed to be levied against any piece of property. On the dates specified said lists and plats and the amount of the proposed assessment against each parcel of property shall be open to public inspection from 9:00 a.m. to 5:00 p.m. on each day of said days continuously at the office of the County Clerk of Iron County, Utah.

The District includes the following:

The boundaries of the proposed District shall begin at the northeast corner of Section 25, Township 35 South, Range 11 West, SLB&M, thence running south to the existing Cedar City corporate boundary, thence running west to the east right-of-way line of I-15, thence running northeasterly to the north section line of Section 25, Township 35 South, Range 11 West, SLB&M, thence running east to the point of beginning.

/s/ David Yardley  
County Clerk

( S E A L )

After due consideration of said resolution by the Board of County Commissioners, Commissioner Bulloch seconded its adoption and the same, upon being put to a vote, was unanimously carried by the affirmative vote of all members present.

Thereupon, the Board of County Commissioners was ordered and directed to enter the foregoing proceedings upon the records of the Board of County Commissioners of Iron County, Utah, and to cause notice to be published in one issue of The Spectrum, a newspaper published in said County and having general circulation therein, the publication to be at least twenty (20) and not more than thirty-five (35) days prior to the date on which the Board of Equalization and Review will begin hearings.

A copy of such notice shall not later than ten (10) days after the first publication of such notice, be mailed, postage prepaid, to each owner of land to be assessed within the proposed special improvement district at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the county wherein said affected property is located and, in addition, a copy of such notice shall be addressed to "Owner" and shall be so mailed, addressed to the street number of each piece of improved property to be affected by the assessment.

ADOPTED AND APPROVED this June 11, 2001.

/s/ Gene E. Roundy

Chair

ATTEST:

/s/ David I. Yardley

County Clerk

( S E A L )

**SEWER DEVELOPMENT DISCUSSION :**

Reed Erickson and Steve Platt made a slide presentation discussing the need to develop outfall lines for sewer development in the Cedar Valley. The proposed line would extend from the existing sewage treatment plant southwest to intersect with the Lund Highway. From there it would continue south following contour lines to provide natural flow to the Hamilton Fort area. The proposal did not include additional laterals to serve individuals or subdivisions. Estimated cost of installing the main line is 7 million.

The Commission discussed with Cedar City and Enoch officials the options for maintenance and management of an extension into the County area. Joe Melling stated that there is sufficient capacity at the plant to treat the waste from this expanded area. It would also provide a gravity flow hookup to service annexed areas of Cedar City south of the Providence Center area. The proposed line would not impact the current Enoch system.

Maureen Casper was asked by the Commission to research the availability of grants or low interest loans to finance the expansion of the sewer system. The Commission also discussed the best method for managing the County system. Options included establishing a Special Service District or establishing a County Public Works department to manage and maintain the system.

The Commission requested that the different options be explored more in detail and a report and recommendation brought to the Commission in July.

**BOARD TERM ADJUSTMENTS - WATER CONSERVANCY DISTRICT :**

The Commission reviewed a letter from the Central Iron County Water Conservancy District in which a change in terms of service for Board members was outlined. The Commission reviewed the recommendation of the Water Conservancy Board and upon a motion by Lois Bulloch terms were set as follows:

Leon Hyatt	February 2003
Justin Wayment	February 2003
Tom Williams	February 2003
Joe Melling	February 2005
Eldon Schmutz	February 2005
Sheridan Hansen	February 2005
Roy Urie	February 2005

Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**BOARD APPOINTMENT - SUMMIT SSD DISTRICT \_\_\_\_\_ :**

The Board of the Summit Special Service District informed the Commission that Cornell Hollinger has tendered his resignation as a member of the Board. They have recommended that Wade Gale be appointed to fill his unexpired term. Lois Bulloch made a motion to appoint Wade Gale to the unexpired term of Cornell Hollinger as requested. His term expires December 2004. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OF ADJUSTED RETIREMENT RATES \_\_\_\_\_ :**

Christene Keen submitted for approval retirement rates set by the Utah State Retirement Board for FY 2001-2002. Rates are as follows:

PUBLIC DIVISION :

<u>Contributory :</u>	<u>Current</u>	<u>Proposed</u>
Total Contribution	12.31%	10.16%
<u>Noncontributory :</u>	<u>Current</u>	<u>Proposed</u>
Total Contribution	11.32%	9.65%

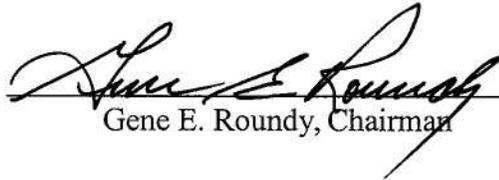
PUBLIC SAFETY DIVISION:

<u>Noncontributory :</u>	<u>Current</u>	<u>Proposed</u>
Total Contribution	17.40%	14.08%

Dennis Stowell made a motion to approve the retirement rates and authorize the Chair to sign the agreement. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Gene E. Roundy, Chairman

ATTEST

  
County Clerk



# IRON COUNTY COMMISSION MEETING

June 25, 2001

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 25, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

## Officers in attendance included:

Lois L. Bulloch	Commission Chair Pro Tem
Dennis E. Stowell	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

## Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
Chuck Mitchell	Deputy Sheriff

## Absent:

Gene E. Roundy	Commissioner
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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Chuck Mitchell.

**APPROVAL OF MINUTES - June 11, 2001** :

Minutes of the Iron County Commission meeting held June 11, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Chuck Mitchell** reported that the Sheriff was involved in investigating and responding to an accident involving Ryan Allgaier, a County Corrections Officer that was injured in a bicycle accident on Saturday. Mr. Allgaier has been transferred to a Salt Lake City Hospital in critical condition with head injuries and a broken back.

**Geri Norwood** reported that Linda Robinson has brought her delinquent tax payment current. Ms. Robinson’s parcel was removed from the annual tax sale with the agreement that she would bring the account current within the year.

Geri also reported that Nita Carter paid her delinquent taxes with a bad check the day before the tax sale. Information has been forwarded to the County Attorney for collection and possible criminal prosecution.

**Dennis Lowder** reported that the independent audit was progressing. A report will be made to the Commission as soon as the audit is completed.

A public hearing on amending the County budget and setting the tax rate is scheduled on the agenda for later in the day.

**Scott Maxwell** reported that the software company Tiberon, which supports the County software programs, has been purchased by Compudine. It is unclear at this time what level of support we can expect from the new company. The computer code base “Lifeworks” has also been purchased by a larger company. Because this is an obsolete computer code, the new company will only support this code for five more years. Scott recommended that the County continue to search for a new software company.

**Scott Burns** reported on upcoming cases the Attorney’s office is handling. A child abuse case is scheduled for trial. The trial of Wilcken on homicide charges in the Cynthia Boggs murder has been set for November.

**Dennis Stowell** reported that he has received word that 200 million was restored into the PILT fund by congress. This will result in an increase to Iron County in funding from PILT.

Dennis also reported that he attended a meeting of the Correction Facility Management Board in which he requested that a new appraisal be completed and the County be allowed to buy the State portion of the jail. The Board appeared favorable to the proposal.

**Lois Bulloch** reported that a redistricting hearing scheduled by the State redistricting committee is scheduled for 6:00 p.m. on June 28 at the Starlight room in the Sharwan Smith

Center on the SUU Campus.

Lois reported that she attended a reception hosted by the USU Extension Service for the new president of Utah State University, Kermit Hall. President Hall presented the County with a map of Iron County with data compiled from satellite photographs. The Commission asked David Yardley to write a letter of appreciation for the gift and to determine if the digital data used in this map is available to the County.

**HUMAN SERVICES COUNCIL REPRESENTATIVE :**

Carrie Dennis, representing the Five County AOG, came before the Commission to introduce Margo Lemmon and Terrie Hale and suggested that Margo be appointed as the Iron County representative on the Human Services Council with Terrie Hale as an alternate.

Dennis Stowell made a motion to appoint Margo Lemmon as the Iron County representative on the Human Services Council with Terrie Hale as an alternate. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**COURT SERVICES & BAILIFF CONTRACT :**

Chuck Mitchell presented a contract for Bailiff Services with the District Court for Commission approval. Sheriff Benson has signed the agreement and recommended approval. The agreement includes an increase in payments to the County for Court Security Officers.

Dennis Stowell made a motion to approve the contract and to authorize Commissioner Bulloch to sign the agreement. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**PUBLIC HEARING - BUDGET AMENDMENT & SETTING 2001 TAX RATES :**

Dennis Stowell made a motion to open a public hearing to receive comments on a proposed budget amendment and to set tax rates for 2001. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

Dennis Lowder explained that the County could impose a judgement levy this year to reimburse the County for adjustments made to state assessed properties, Kern River and WorldCom. Total of the judgements paid this year are \$28,029. This would require hearings and to go through the truth in taxation process. Dennis Stowell made a motion not to impose the judgement levy. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

Dennis Lowder explained that a budget adjustment needed to be implemented to take advantage of the full certified tax rate for 2001. Dennis Stowell made a motion to approve the adjustments to the 2001 budget to take advantage of the certified tax rate. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**RESOLUTION 2001-6 AMENDING 2001 BUDGET :**

**RESOLUTION 2001-6**

**A RESOLUTION OF THE IRON COUNTY COMMISSION APPROVING AN AMENDMENT TO THE 2000 IRON COUNTY BUDGET**

**WHEREAS**, Iron County is experiencing growth in new construction and home building;  
and

**WHEREAS**, said new growth generates additional tax revenue that was not included in tax revenue calculations; and

**WHEREAS**, this new growth revenue affects the Certified Tax Rate; now therefore

**BE IT RESOLVED** that the 2001 budget of Iron County is hereby amended to increase the following funds by the amount indicated:

	2001 Approved Budget	Proposed Amendment	Increase
General Fund	1,674,158	1,765,098	90,940
Multi County A & C	278,573	(Not yet calculated)	
County A&C	237,807	250,502	12,695
<b>Sub Total</b>	<b>2,190,538</b>	<b>2,309,100</b>	<b>118,562</b>
Library	93,764	98,463	4,699
Public Health	100,558	105,703	5,145
<b>Property Tax Total</b>	<b>2,384,860</b>	<b>2,513,266</b>	<b>128,406</b>

**BY ORDER OF** the Board of Iron County Commissioners this 25<sup>th</sup> day of June, 2001.

/s/ Lois L. Bulloch

Signed: Lois L. Bulloch, Chair Pro Tem

Attest: /s/ David I. Yardley  
David I. Yardley, Clerk

Voting:

Lois L. Bulloch	Aye
Dennis E. Stowell	Aye
Gene E. Roundy	Absent

**PERSONNEL - EXECUTIVE SESSION** :

Dennis Stowell made a motion to convene in executive session to discuss personnel matters. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**PERSONNEL MATTERS** :

Dennis Stowell made a motion to approve extended sick leave to Ryan Allgaier in compliance with the Personnel Policy. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**INSURANCE COMMITTEE REPORT** :

Members of the Insurance Committee with Jerry Robinson as spokesman came before the Commission with recommendations for the County to consider. First they recommended that the Insurance Consultant position be opened to bids with the County funding the consultant instead of the insurance carrier. It is anticipated that the consultant would be used a maximum of fifty

hours annually during the health insurance bid process.

Second, Chuck Mitchell, a member of the Committee asked the Commission to consider a plan to allow employees to retire before they become eligible for medicare by continuing to fund health benefits. Mr. Mitchell showed how the retirement of employees at the top of the pay scale could be replaced with new employees at the lower end of the pay scale resulting in a net savings to the County. The Commission agreed to review the proposal and consider it at the August 13 meeting.

Third, the Commission was asked to review the step plan by adding additional steps to reward employees near the top of the scale. The system now caps steps and therefore does not provide additional incentives to seasoned employees at the top of the scale.

Fourth, the Insurance Committee asked to authorize additional appointments to the advisory board to allow representation to departments not currently represented on the Committee. The Commission stated that they were not opposed to adding additional people.

**BUSINESS LICENSE REQUEST - GREENFIELD LOGISTICS :**

Craig Stewart, representing Greenfield Logistics, came before the Commission at the request of the County Attorney and County Clerk to clarify a request for a business license in Iron County. Mr. Stewart explained that the proposed business would include shipping radioactive waste to Iron County by rail road. It would then be transferred to trucks at a point not yet selected in the Beryl area. From there the waste would be shipped by truck to a site at the Nevada Test Site.

The Commission asked why Iron County was chosen and Mr. Stewart responded that Nevada would not allow such a transfer site. The Commission then explained that a business license could not be granted until State and Federal permits for such a project were in place and that all applicable zoning issues and permits have been issued. The matter was referred to Chad Nay for further review.

**SOUTH CENTRAL COMMUNICATIONS - CONDITIONAL USE PERMIT :**

Chad Nay presented a report on an application from South Central Communications to locate a communications tower on Bulldog Road in the newly designated Airport Overlay Zone. This report is in compliance with the Land Management Code. The matter is scheduled to be heard by the Planning Commission at their regular meeting in July.

The Commission expressed their concern with locating a tower in a residential zone and also so near the end of the runways.

**PRAIRIE DOG MATTERS :**

Teresa Bonzo came before the Commission to report on Prairie Dog items. She reported that the sale of the Dalley property was complete and that added 24 more dogs to the permanent take allocation for 2001 bringing the total permanent take to 90. Teresa presented a list of requests for take and also reviewed a request from IHC to trap 11 dogs at the new hospital site and to trap 7 dogs at a construction site owned by Jeff Johnston in Parowan. The Commission approved the take requests presented by Ms. Bonzo.

**IRON MISSION STATE PARK - DISPLAY FUNDING :**

Iron Mission State Park has requested a \$1,200 donation from Iron County to upgrade their display at the park. Funding would be from the TRT fund. Dennis Stowell made a motion to approve the donation of \$1,200 as requested. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**FOREST RESERVE FEE PLAN :**

The choice of fee structure for reimbursement of forest service fees was called for discussion. Since Commissioner Roundy was not present, the matter was tabled to the first meeting in August.

**SUMMIT PARK DISCUSSION :**

Maintenance of the Summit Park was discussed. The citizens in Summit have requested that the County mow the weeds in the park. The road department was previously authorized to furnish the road side mower for this project with prison workers performing the work. The matter was referred to Dennis Stowell to follow up and complete the mowing project.

**WESTERN COUNTIES ALLIANCE :**

A group designated as the Western Counties Alliance with Louise Liston as chair has requested participation by Iron County. Cost to join would be \$25.00. Most of the funding for this group which will lobby for multiple use of public lands will be from private sources. Dennis Stowell made a motion to approve funding \$100.00 to participate in the Western Counties Alliance. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**THREE PEAKS LARGE GROUP USAGE :**

Lois Bulloch discussed the use of the Three Peaks area by groups larger than 500. Ken Wehr has obtained a document outlining the requirements set forth by the Southwest Public Health. The requirements included the number of rest rooms, law enforcement, parking, crowd control, water, and ambulance/emergency medical people to be on site. The Commission took this matter under advisement.

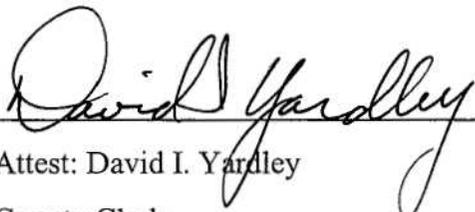
**REQUEST FOR SPONSORSHIP TO GOVERNORS HONOR ACADEMY :**

A request from Bentley Snow to help fund his participation in the Governor's Honor Academy was reviewed. The Commission asked the County Clerk to write Mr. Snow informing him that they complimented him on his accomplishments, however, the County does not have funds available to sponsor individuals for these programs.

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:30 p.m. on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**July 9, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 9, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Lois L. Bulloch	Commission Chair Pro Tem
Dennis E. Stowell	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Absent:

Gene E. Roundy	Commissioner
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**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dennis Stowell.

**APPROVAL OF MINUTES - June 25, 2001** :

Minutes of the Iron County Commission meeting held June 25, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Stowell** reported that there is a new organization called the National Forest, Counties and Schools Coalition. Dennis said that he would get more information on the organization and would find out what it would cost to join.

Dennis reported on the hearing conducted by the Legislative Redistricting Committee.

The hearing was held without any explanation of options. It appears that Iron County will be split between two house districts and that Washington County will have one senator and Iron County will be joined with other areas to create a senate district. This will be discussed at the next coordinating council meeting with city officials.

**Lois Bulloch** reported that trapping has begun on the golf course and at the hospital site. They are having great success in capturing the dogs on the golf course. The golf course is suggesting that an area be set aside on property owned by the City to keep the twelve dogs that will be allowed to stay. This will be a discussion item at the prairie dog meeting to be held August 8.

Lois reported that a national rock crawling competition is scheduled for Three Peaks on July 12, 13 and 14. It is anticipated that up to 10,000 spectators and participants will attend.

**EMERGENCY LAW ENFORCEMENT AGREEMENT- ZION NATIONAL PARK :**

Fred Hoeger and Chuck Passey representing Zion National Park, came before the Commission to request that the County participate in an agreement for emergency law enforcement within Zion Park. Dennis Stowell made a motion to approve the agreement and authorize the Commission Chair to sign the agreement. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**UPDATE ON UTAH SUMMER GAMES :**

Brian Dangerfield came before the Commission to report on the success of the Summer Games. A total of 9,080 athletes participated in 42 sports. The largest sport was soccer with 3,179 participants. Mr. Dangerfield thanked the volunteers that made the games the success they were. Plans are already underway for next year to make the games bigger and better.

**ROADS - WEST CEDAR VALLEY BELT ROUTE ALIGNMENT :**

Steve Platt & CH2MHILL representative, Jodi Ketelsen came before the Commission to discuss the proposed route of a connector road between the Kanarraville exit on I-15 and SR-56 near the Y at 5300 West. Jodi presented several alternatives including alignments on 5300 West, 5500 West, 5700 West and Westview Drive. She explained that the Westview alternative has been ruled out as unfeasible. The 5500 West alternative would require a large right of way acquisition but would create a route that would have limited access resulting in greater safety. The 5700 West alternative has located some archeological sites that are prehistoric and are within the old boundaries of Quichapa lake. The proposals will now be presented for public comment and a final alternative will be selected once the Environmental studies are completed.

**ORDINANCE 175 - FIDDLERS CANYON FLOOD CONTROL SID :**

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the County Commission a Certificate of Compliance With Open Meeting Law with respect to this July 9, 2001, meeting, a copy of which is attached hereto as Exhibit "A".

The Board of Equalization and Review (the "Board") for Iron County, Utah Special Improvement District No. 98-2 (the "District") presented to the County Commission its report and stated that it had reviewed statements, comments and complaints on each property in the District as

listed in the minutes of the hearings of the Board held on July 5 and 6, 2001.

The following Findings, Recommendations and Decisions were then presented to the County Commission by the Board:

#### FINDINGS

It is the finding of the Board that the proposed assessments set forth in the assessment list are just and equitable, that each piece of property will be benefited in an amount not less than the assessment to be levied against it and that no piece of property listed on the assessment list will bear more than its proportionate share of the cost of the improvements.

#### RECOMMENDATION AND DECISION

It is the decision of the Board of Equalization that the proposed assessment list is equitable and that the improvements being financed thereby constitute a benefit to the properties to be assessed. The assessment list is approved without modification.

The Board of Equalization respectfully recommends that the County Commission approve and confirm the assessment list and adopt an ordinance levying the assessment set out in the assessment list.

The County Commission then accepted the Recommendation and Decision of the Board regarding the proposed assessments to be levied within the District.

The County Clerk then noted that the County Commission is now convened in this meeting for the purpose, among other things, to adopt an Assessment Ordinance (the "Ordinance") for the District. The following Ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Commissioner Stowell and seconded by Commissioner Bulloch adopted by the following vote:

YEA:

Lois L. Bulloch  
Dennis E. Stowell

NAY:

None

ABSENT:

Gene E. Roundy

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

#### ORDINANCE NO. 175

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLLS AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN IRON COUNTY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 98-2, FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTION OF

IMPROVEMENTS WITHIN THE DISTRICT CONSISTING OF A DETENTION BASIN, FLOOD CHANNEL, CHANNEL CROSSINGS, A COMMERCIAL ACCESS ROAD AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.

BE IT ORDAINED BY THE COUNTY COMMISSION OF IRON COUNTY, UTAH:

Section 1. Determination of Costs. All costs and expenses for the making of the improvements within the District have been determined, the property price for all property to be acquired to make the improvements has been finally determined and the reasonable cost of any work to be done has been determined.

Section 2. Approval of Assessment List; Findings. The County Commission (the "Commission") of Iron County, Utah (the "Issuer") hereby confirms the assessment list as equalized and approved by the Board of Equalization and Review for the Iron County, Utah Special Improvement District No. 98-2 (the "District"), a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference (the "Assessment List"), and hereby confirms the findings of the Board of Equalization and Review that the Assessment List as equalized and modified by the Board of Equalization and Review for the District is just and equitable; that each piece of property to be assessed within the District will be benefitted in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the assessment list will bear more than its proportionate share of the cost of such improvements.

Section 3. Levy of Assessments. The Commission does hereby levy an assessment to be assessed upon the real property identified in the Assessment List. The assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List.

The assessments hereby levied are for the purpose of financing the costs of construction of improvements within the District consisting of the construction and installation of a detention basin, flood channel, channel crossings, a commercial access road and related improvements, and of completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner.

The assessments are hereby levied and assessed upon each of the parcels of real property described in the Assessment List according to the extent that they are specially benefitted by the improvements acquired or constructed within the District. The assessments are levied upon the parcels of land in the District at equal and uniform rates.

Section 4. Cost of Improvements; Amount of Total Assessments. The total cost of the improvements in the District is \$898,875.44 of which total cost the Issuer's portion is \$0.00. The amount to be assessed against property affected or benefitted by the improvements in the District is \$898,875.44 which amount does not exceed in the aggregate the sum of: (a) the total contract price or prices for the improvements under contract duly let to the lowest and best responsible bidders therefor and a portion of the costs of engineering, designing, and inspection; (b) the reasonable cost of utility services, maintenance, labor, materials or equipment supplied by the Issuer, if any; (c) the property price, if any; (d) connection fees, if any; (e) the interest on any interim warrants issued against the District; (f) overhead costs not to exceed forty percent (40%) of the sum of (a), (b), (c) and (d); and (g) where the assessment is levied prior to the time all of the improvements in the District are entirely completed and accepted, an amount for contingencies of not to exceed 10% of the sum of (a), (b) and (c).

Section 5. Method and Rate. The total assessment for the District is levied in accordance with the following methods and rates:

Improvements	Assessment	Method of Assessment
All Improvements, including, Detention Basin, Flood Channel, Channel Crossings, Commercial Access Road	\$1,635.50	Per acre

Section 6. Payment of Assessments. (a) The whole or any part of the assessments for the District may be paid without interest within fifteen (15) days after this Ordinance becomes effective. Any part of the assessment not paid within such fifteen- (15) day period shall be payable over a period of ten (10) years from the effective date of this Ordinance in ten (10) substantially equal annual installments including interest on the unpaid balance of the assessment at the same rate as the net effective interest rate of the special assessment bonds anticipated to be issued by the Issuer. The assessment payment dates shall be the first anniversary date of the effective date of this Ordinance and each subsequent anniversary date thereafter. Interest shall accrue from the effective date of this Ordinance until paid.

After the above-referenced 15-day period, all unpaid installments of an assessment levied against any piece of property may be paid prior to the dates on which they become due, but any such prepayment must include an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on any special assessment bonds issued in anticipation of the collection of the assessments plus such additional amount as, in the opinion of the County Treasurer, is necessary to assure the availability of money to pay interest on the special assessment bonds as interest becomes due and payable plus any premiums which may be charged and become payable on redeemable bonds which may be called in order to utilize the assessments paid in advance.

(b) If prepayment of an assessment, or any part thereof, arises out of a need of the property owner to clear the assessment lien from a portion (the "Release Parcel") of the parcel now being assessed (the "Assessed Parcel"), the assessment lien upon the Release Parcel may be released by the Issuer, but only if all of the following conditions are met:

(i) Prepayment of the assessment in which the amount of the prepayment shall be calculated by: (a) multiplying the total assessment, including all accrued and unpaid interest, then outstanding on the Assessed Parcel by a fraction, the numerator of which is the total area of the Release Parcel, including a pro rata portion of the undevelopable area of the Assessed Parcel, and the denominator of which is the total area of the Assessed Parcel; and then (b) multiplying such amount by 1.25.

(ii) The County Treasurer or the County Attorney must determine that the partial release of lien upon payment of the prepayment amount determined under (i) above does not diminish the security of the bondholders based upon the amount of the remaining assessment compared with the amount and value of land remaining to secure such debt. For purposes of this subparagraph (ii), security of the bondholders will not be considered diminished if the fair market value of the remaining property subject to the assessment equals or exceeds three times the remaining unpaid assessment on such property. The County Treasurer or County Attorney shall have the right to obtain the opinion of an independent appraiser as to the value of the remaining property, and the cost of obtaining such opinion or appraisal shall be paid by the property owner requesting the release.

(iii) The additional payment for premiums and interest is paid as required above for any prepayment.

For purposes of determining prepayment amounts provided in (i) above, regularly scheduled payments shall not be taken into account. For example, should a property owner desire to clear the assessment lien from a portion of a parcel now being assessed after the lien has been reduced through regularly scheduled payments, he/she would need to prepay a portion of the then outstanding assessment as determined under (i) above. The regularly scheduled assessment payments previously made would not entitle the property owner to a release of a portion of the Assessed Parcel without such prepayment.

Following a prepayment made pursuant to this subsection (b), the County Treasurer shall recalculate the amount of all subsequent assessment installments to be paid on the remaining portion of the Assessed Parcel, after taking into account the reduction in the outstanding principal balance of the assessment resulting from such prepayment.

(c) In the event all or any portion of the property assessed hereunder is subdivided into smaller parcels as evidenced by a subdivision plat approved by the Issuer and recorded at the County Recorder's office of Iron County, Utah the Issuer may elect, at its discretion, to allocate the assessment balance on the previously undivided property based on equivalent residential units allocated to each smaller parcel. The required annual assessment installment payments for each subdivided parcel shall be allocated so that the aggregate total of all of the annual assessment installments for each of the subdivided parcels will equal the total annual assessment installment for the previously undivided property. When an assessment lien is perfected for each of the subdivided parcels, the total assessment levied against the previously undivided property will be released having been replaced by the aggregate of the assessments allocated to each of the subdivided parcels. A release of the new assessment lien for a given subdivided parcel will be delivered by the Issuer at the time the assessment balance for that subdivided parcel is paid in full.

All unpaid installments of an assessment levied against any piece of property may be paid prior to the dates on which they become due, but any such prepayment to release the assessment lien of a Release Parcel must be calculated in accordance with Section 6(b)(ii) above. In addition all prepayments must include (i) an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on any special assessment bonds ("Assessment Bonds") to be issued pursuant to a bond resolution adopted by the Issuer (the "Bond Resolution"); (ii) such additional amount as, in the opinion of the Treasurer, is necessary to assure the availability of money to pay interest on the Assessment Bonds as interest becomes due and payable; and (iii) any premiums which may be charged and become payable on the Assessment Bonds which may be called on a redemption date in order to utilize the assessments paid in advance.

Section 7: Default in Payment. If a default occurs in the payment of any installment of principal or interest, when due, the Treasurer, on behalf of the Commission, may declare the unpaid amount to be immediately due and payable and subject to collection as provided herein. In addition, the Treasurer, on behalf of the Commission, may accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate or rates of interest as are applied to delinquent real property taxes for the year in which the assessment installment becomes delinquent (the "Delinquent Rate"). In addition to interest charges at the Delinquent Rate, costs of collection, as approved by the Treasurer on behalf of the Commission, including, without limitation, attorneys' fees, trustee's fees and court costs, incurred by the Issuer or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable.

Upon any default, the County Treasurer shall give notice, in writing, of the default to the owner of the property in default, as shown by the last available equalized assessment rolls of Iron County. Notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last equalized assessment rolls of Iron County. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing, after which the Treasurer, on behalf of the Issuer, may place in operation the procedure necessary to provide for a tax sale of all delinquent property in the manner provided by Title 59, Chapter 2, Part 13, Utah Code Annotated 1953, as amended, for the sale of property for delinquent general property taxes, or the Treasurer on behalf of the Issuer may accelerate the principal of the assessment and immediately commence foreclosure proceedings in the manner provided for actions to foreclose mortgage liens or trust deeds. In the event the Issuer elects to foreclose in the manner provided for the foreclosure of trust deeds (i.e. non-judicial foreclosure by power of sale), the County Treasurer or the Commission shall be empowered to designate a trustee, and successor trustees if necessary, to carry out such foreclosure, and such trustee(s) shall be deemed to have a power of sale and all other rights, power and authority necessary to legally and lawfully foreclose the lien for delinquent assessments. Any trustee so selected must satisfy the qualifications for a trustee set forth in Utah Code Annotated § 57-1-21, or any successor statute. If at the sale no person or entity shall bid and pay the Issuer the amount due on the assessment plus interest and costs, the property shall be deemed sold to the Issuer for these amounts. The Issuer shall be permitted to bid at the sale.

The remedies provided herein for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the Issuer of the use of any other method or means. The amounts of accrued interest and all costs of collection, including trustee's fees, attorneys' fees and costs, shall be added to the amount of the assessment up to, and including, the date of foreclosure sale.

Section 8. Remedy of Default. If prior to the final date payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the property owner pays the full amount of all unpaid installments of principal and interest which are past due and delinquent with interest on such installments at the rate or rates set forth in Section 7 herein to the payment date, plus all trustee's fees, attorneys' fees and other costs of collection, the assessment of said owner shall be restored and the default removed, and thereafter the owner shall have the right to make the payments in installments as if the default had not occurred. Any payment made to cure a default shall be applied, first, to the payment of attorneys' fees and other costs incurred as a result of such default; second, to interest charged on past due installments, as set forth above; third, to the interest portion of all past due assessments; and last, to the payment of outstanding principal.

Section 9. Lien of Assessment. An assessment or any part or installment of it, any interest accruing and the penalties, trustee's fees, attorneys' fees and other costs of collection shall constitute a lien against the property upon which the assessment is levied on the effective date of this Ordinance. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall continue until the assessment and any interest, penalties and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax or other assessment or the issuance of tax deed, an assignment of interest by the governing entity or a sheriff's certificate of sale or deed.

Section 10. Special Improvement Guaranty Fund. The Issuer does hereby reaffirm the creation of a special improvement guaranty fund (the "Guaranty Fund") and shall annually, so long as any special assessment bonds of the Issuer remain outstanding, transfer to said fund each year such amount as shall equal the amount that a tax levy on all taxable property located within the unincorporated portion of Iron County at the rate of .0002 will produce, either through a levy of a tax of not to exceed .0002 in any one year or by the issuance of general obligation bonds or by appropriation from other available sources. The Guaranty Fund shall include an allocation of ten percent (10%) of the outstanding Bonds of this District, but the entire available balance in the Guaranty Fund shall be for the purpose of guaranteeing to the extent of such fund the payment of special assessment bonds and interest thereon issued against local improvement districts for the payment of local improvements therein, all in the manner and to the extent provided by the laws of the State of Utah.

Section 11. Contestability. No assessment shall be declared void or set aside in whole or in part in consequence of any error or irregularity which does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his objections to same as provided by statute may commence a civil action against the Issuer to enjoin the levy or collection of the assessment or to set aside and declare unlawful this Ordinance.

Such action must be commenced and summons must be served on the Issuer not later than 30 days after the effective date of this Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which the party was authorized to make by statute but did not timely make or any complaint that does not go to the equity or justice of the assessment or proceeding.

After the expiration of the 30-day period provided in this section:

(d) The special assessment bonds issued or to be issued against the District and the assessments levied in the District shall become incontestable as to all persons who have not commenced the action provided for in this section; and

(e) No suit to enjoin the issuance or payment of the bonds, the levy, collection or enforcement of the assessment, or in any other manner attacking or questioning the legality of the bonds or assessments may be instituted in this state, and no court shall have authority to inquire into these matters.

Section 12. Notice to Property Owners. The County Treasurer is hereby authorized and directed to give notice of assessment by mail to the property owners in the District. Said notice shall, among other things, state the amount of the assessment and the terms of payment. A copy of the form of notice of assessment is available for examination upon request at the office of the County Clerk.

Section 13. All Necessary Action Approved. The officials of the Issuer are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 14. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 15. Publication of Ordinances. Immediately after its adoption, this Ordinance shall be signed by the Chair and County Clerk and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in the Spectrum, a newspaper published and having general circulation in the Issuer, and shall take effect immediately upon its passage and approval and publication as required by law.

PASSED AND APPROVED by the County Commission of the Issuer, this 9th day of July, 2001.

/s/ Lois L. Bulloch

Chair Pro Tem

ATTEST:

/s/ David I. Yardley

County Clerk

( S E A L )

Thereupon the County Treasurer was authorized and directed to give notice of assessment by mail to the property owners in the District.

**PERSONNEL - EXECUTIVE SESSION** :

Dennis Stowell made a motion to convene in executive session to discuss personnel items. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

After reconvening in open session the following personnel action was taken.

Dennis Stowell made a motion to ratify a letter to Russell Mardis terminating his employment with Iron County effective immediately. Mr. Mardis has ten days to appeal this personnel action by filing a written request with the County Clerk. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

Dennis Stowell made a motion to recognize the service to Iron County rendered by Ryan Allgaier as a Corrections Officer and also to waive the reimbursement of an outstanding uniform allowance of approximately \$300.00. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye. The Commission was informed this morning that Mr. Allgaier had died from injuries sustained in a mountain biking accident.

Dennis Stowell made a motion to approve a step increase for Ross Drishinski, a Sheriff

Deputy, to recognize previous experience in law enforcement in Montana. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye. A step increase from 14-1 to 14-4 was requested effective on his anniversary date, August 1, 2001.

**RETT SHAKESPEAR - SEWER CONNECTIONS** :

Rett Shakespear came before the Commission to request permission to enter a development agreement to install a 21" sewer line from their proposed subdivision on Westview Drive to SR-56. This is designed to be part of a major collection trunk for future sewer development. Dennis Stowell made a motion to work with the developers in drafting a development agreement for installation of the larger sewer main line. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**INDEPENDENT AUDIT REPORT FOR 2000** :

Scott Wilson presented the audit report for 2000 and discussed the management letter. Mr. Wilson reported that the County was in substantial compliance with State Code and with accounting standards. He recommended that the bond for the Treasurer be increased to comply with standards.

Mr. Wilson also discussed GASB 34 standards that will start to take effect in the next several years. This will require a substantial shift in accounting for County assets including roads, bridges, etc. He suggested that the County adopt GASB 34 standards as soon as possible. The County is in the process of inventorying roads at this time. He suggested an implementation team of the County Auditor, Independent Auditor, a Commissioner, County Engineer, and Road Supervisor to work on the project.

**PETITION FOR ANNEXATION INTO PAROWAN CITY** :

David Yardley reported that Parowan City has submitted a petition to annex property adjacent to the Parowan South I-15 interchange and located on the north side of 200 North. The comment period is running and notice has been published in the newspaper. The Commission reviewed the map and stated that they were not opposed to the annexation.

**CIB LOAN PROCESS - APPROVAL & RELATED MATTERS** :

David Yardley reported that Kimball Young has contacted him to see if the County still wants to pursue the low interest loan from the Community Impact Board for the jail remodel project. The Commission stated that they wished to proceed and as alternatives are studied, the loan application may be amended to reflect actual costs.

**BOARD APPOINTMENT - TRAVEL ADVISORY BOARD** :

The resignation of Jimmy Williamson prompted a request to appoint Susan Tuckett to fill Mr. Williamson's unexpired term on the Travel Advisory Board as the Iron County Lodging Association representative. Dennis Stowell made the motion to honor the request and appoint Susan Tuckett to the unexpired term. The term will end in 2003. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**SR 143 CORRIDOR STUDY** :

Dennis Stowell discussed a corridor study by UDOT for State Road 143 in Parowan Canyon. The study addresses concerns with mountain bicycles but ignores the use by livestock

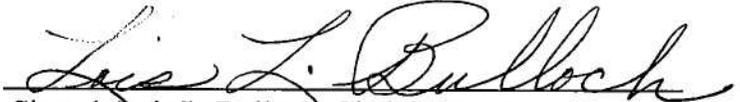
as a traditional livestock trail. This is a main stock trail in the Parowan area used by livestock to access summer range and the only viable route to move livestock. Dennis made a motion to submit a comment on the study requesting that livestock movement be taken into account in the study. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

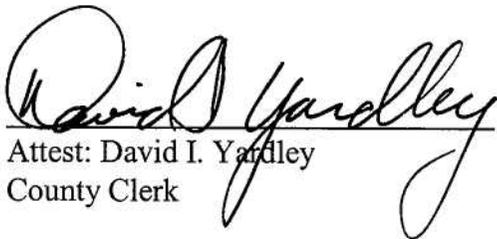
**RUDDS ROOST COMMUNICATION SITE ROAD MAINTENANCE** :

A Memorandum of Understanding with the Forest Service for maintenance of a road to Rudds Roost communication site in which the County would share in the cost of maintaining the access was reviewed and approved on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:30 p.m. on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Dennis Stowell, Aye: Lois Bulloch, Aye.

  
Signed: Lois L. Bulloch, Chair Pro Tem

  
Attest: David I. Yardley  
County Clerk



# IRON COUNTY COMMISSION MEETING

July 23, 2001

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 23, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

## Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

## Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
David W. Benson	County Sheriff

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## PLEDGE OF ALLEGIANCE

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

**APPROVAL OF MINUTES - July 9, 2001** :

Minutes of the Iron County Commission meeting held July 9, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Ayers** reported that new software to handle vehicle administration was installed in the Parowan and Cedar office of the Assessor. There has been someone from the State DMV in the office training County personnel to make sure that the system is working properly.

Dennis also reported that Les Gale has submitted his resignation as an appraiser. The position has been advertised in house.

**Geri Norwood** reported that the Treasurer's Office has received a new check from Glory Tsai for a parcel he purchased at the Annual Tax Sale. Mr. Tsai stopped payment on the original check and was refusing to pay for the parcel he bid on. After correspondence with the County Attorney's office the matter is now closed.

**David Benson** reported that an officer reserve program has been established in the Sheriff's office. Reserve officers will volunteer their time and will ride along with regular duty officers. Reserve officers will purchase their own uniforms, weapons and bullet proof jacket. They also sponsor themselves for training through POST.

Sheriff Benson reported on the Jackson Wash fire in which several hundred acres were burned. It appears that the fire was started from an abandoned campfire which was not properly extinguished. Investigation is continuing through BLM and local offices.

**Dennis Lowder** reported that tax disclosure notices were being printed and should be mailed this week. Brian Head Town is proposing a substantial tax increase and the School District is also proposing a tax increase. Board of equalizations dates were extended by the Legislature to allow for filing valuation protests until September 15. This will place additional pressure on the Assessor's Office, Auditor's Office and the Treasurer's Office in getting tax notices out in a timely way. Iron County will again use a BOE hearing officer to listen to appeals.

**Scott Burns** reported that Cedar City is a proposed site for a Children's Justice Center. This would be a safe house for children interacting with the justice system. Funding will be from grants administered through the County.

**Lois Bulloch** reported that she attended the NACo annual convention in Philadelphia, PA. The conference had much good information that will be useful to Iron County. Of particular interest was the problem with sewer service in rural county areas. Many parts of the country are encouraging small sewer systems to accommodate isolated housing pockets.

Lois also reported that the rock crawl event at Three Peaks attracted up to 10,000 visitors and participants. The event seemed to run very smooth with no major problems reported.

**Dennis Stowell** reported that the sesquicentennial wagon train is scheduled to leave Kanosh on July 24. The final destination will be in Cedar City on July 28. Dennis said that

riders are welcome on the train.

Dennis reported that the bid has been awarded by UDOT for construction of the Cedar North I-15 interchange. The notice to proceed has not been issued but should be sent to the contractor within a few days.

**Gene Roundy** reported that a group of amateur rocketeers are interested in using Wah Wah valley as a launch site to attempt to place a payload into orbit. This would help develop the site and could bring some additional industry into the area.

**MINOR LOT SUBDIVISION - ROBERT DE MILLE** :

Robert Platt representing Robert De Mille came before the Commission to request approval of a minor lot subdivision in Parowan Valley. The proposed subdivision is in an A-20 zone and would consist of dividing a 40 acre parcel into two 20 acre lots. Chad Nay expressed his concern that the access road is not a public right of way. The road was developed to serve the 20 acre lots and an easement was issued to adjoining land owners.

Dennis Stowell made a motion to approve the minor lot subdivision as presented subject to a deeded 66 foot right of way to the property from De Mille . The County Engineer is to contact adjacent land owners to request a deeded public easement. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**OLD MEADOWS RANCH SUBDIVISION ROADS** :

Curt Haycock and other lot owners in Old Meadows Ranchos came before the Commission to request mine tailings to surface the road in their subdivision. He explained that the subdivision is nearly built out and that road base is non existent except for a short area.

The Commission explained that County policy has been to preserve the mine tailings for County projects. The Commission then discussed the use policy upon which Dennis Stowell made a motion to establish a policy that upon 75% build-out of a subdivision, on a case by case basis approved by the County Commission, the County may donate some material to upgrade roads. The motion also approved 22 loads of mine tailings to be used on the roads in Old Meadow Ranchos subdivision. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ALLARD RANCH SUBDIVISION APPROVAL PROCESS** :

Robert Platt and Dennis Allard came before the Commission to get clarification on the process of developing roads and improvements in a new subdivision. Allard Ranch has received preliminary approval from the Planning Commission with the recommendation that the subdivision be approved by the County Commission. Mr. Allard would like to complete the improvements prior to final approval by the Commission, however he was concerned that the County Commission may ask for changes in the plat which would create additional costs.

The Commission assured Mr. Allard that it is not the policy to make that type of change without a legitimate reason and if the County Engineer and the County Planning Commission have given their approval, it was not their intent to change the plan, however, no final approval can be given until improvements are in place.

**HEALTH INSURANCE COORDINATOR** :

Rex Shipp came before the Commission to discuss the position of Health Insurance Coordinator. Mr. Shipp has contracted with the County for this service for the past several years. The Insurance committee has recommended that the contract be limited to a maximum of 50 hours per year. Christene Keene explained that the Committee was under the impression that Mr. Shipp received a payment from Blue Cross/Blue Shield in addition to the money the County paid. Mr. Shipp stated that the only fee he received was from the County.

After the presentation and discussion the Commission thanked Mr. Shipp for his service and they were looking forward to the bid process. They will consider the concerns expressed by Mr. Shipp.

**PERSONNEL MATTERS** :

J. Lowe Barton, IC/USCF Director, came before the Commission to present four officers for advancement to the rank of Corporal. Eric Anderson, Raydon Matheson, and Daniel Wade Lee were introduced and Brad Spencer was not present but recommended for advancement.

Dennis Stowell made a motion to approve the promotion of Brad Spencer, Eric Anderson, Raydon Matheson, and Daniel Wade Lee to the rank of Corporal. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**IHC CHARITABLE CARE REVIEW COMMITTEE** :

Representatives from IHC Valley View Medical Center, came before the Commission with recommendations for formation of a committee to review the charitable care provided by Valley View. It was suggested that the Commission Chair serve on the committee unless the Chairman is serving on the Hospital Board. They also suggested that the director of Southwest Public Health serve on the Committee.

Scott Burns suggested that the County should have an opportunity to select a representative to serve. After reviewing the Committee proposal and agreeing in concept, Dennis Stowell made a motion to approve the selected Committee with the provision that additional representatives from the community that are involved with charity care may be asked to serve on the Committee. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SEWER EXTENSION DISCUSSION** :

Reed Erickson discussed options for operating a sewer collection service in the unincorporated area of Cedar Valley. Option one would be to develop a County Sewer Department serving County areas only and building our own infrastructure. Option two would be to form a Special Service District in the unincorporated area with a separate governing board. The third option is to create a sewer utility which would include Cedar City, County and Enoch. Advantages and disadvantages of each option were discussed. Options will need to be coordinated with Cedar City and Enoch to determine which system they would prefer. No action was taken by the Commission at this time.

**ROAD RIGHT OF WAY - TIPPLE ROAD** :

Dennis Bauer has offered to donate a deeded 66' right of way through his property for the Tipple Road. The road is established but not deeded to Iron County. Lois Bulloch made a motion to accept the deed from Dennis Bauer to Iron County with a vote of thanks. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**THREE PEAKS RESTROOM PROJECT** :

Reed Erickson reported that the Three Peaks restroom project has been approved. The issues with the Hopi tribe have been resolved. The project needs to be re-bid to allow some contractors on the UDOT approved minority contractor list an opportunity to bid. The matter is to be placed on the next agenda for a bid opening.

**PEAK CABLEVISION FRANCHISE AGREEMENT** :

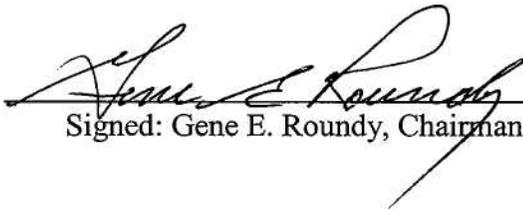
A final franchise agreement with Peak Cablevision for a non-exclusive cable television franchise was approved on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. The agreement was then signed by the Commission Chair.

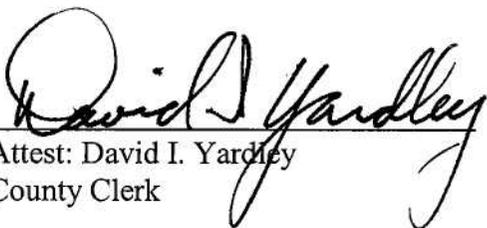
**SURPLUS PROPERTY BIDS** :

Bids for surplus vehicles and equipment were reviewed by the Commission. Two items, a 1957 Caterpillar Dozer and a welder were discussed because of mechanical problems of which the bidders may not have been aware. Lois Bulloch made a motion to accept the high bids submitted on all equipment. High bidders on the welder and Caterpillar Dozer will be contacted and informed of the mechanical problems. If they still want the items they are approved for sale. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:00 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk



# IRON COUNTY COMMISSION MEETING

August 13, 2001

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 13, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

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## **PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

## **APPROVAL OF MINUTES - July 23, 2001** :

Minutes of the Iron County Commission meeting held July 23, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported that the Iron County School District has proposed a tax increase for this year. A public hearing on the increase will be conducted on at 7:00 p.m. August 14 at the School District offices. Gene Roundy will attend the hearing.

Lois also reported on the SUU Rural Honors Awards program. David Yardley was asked to fill out nomination forms for the outstanding business, WECCO, outstanding rural program, Chad Reid and the USU Extension Service for the development of a water use monitoring program in the Beryl area and outstanding individual, Jim Bowns for his work with environmental issues and his research projects.

**Gene Roundy** discussed redistricting proposals being considered by the Legislature. The proposal being considered would place a portion of Iron County in the same senate district as Carbon County, along with a portion of Washington, Kane, San Juan, Grand and Emery County. The Cities, School District, SUU, Republican Party, Democratic Party, and Chambers of Commerce have expressed their concerns with this proposal. A letter will be drafted to the Senate to request that this proposal be changed to include Iron County along with neighbors with similar interests.

**Dennis Stowell** discussed cleanup of the Circle 4 Farms fire. Animals are being buried in lined pits and then covered with lime. Another liner and clay seal are then being placed over the top to prevent spreading of pollution. The work is being approved by the State Department of Environmental Quality. Circle 4 Farms plan to rebuild the facility as soon as possible with modifications in the building to prevent this type of disaster in the future.

**COUNTY ANIMAL CONTROL REQUEST** :

Frank Baretta, Noreen Rogers, Shanna Garrett, and Margaret Hailey, residents of Mid Valley Estates, came before the Commission to request the Commission to establish an animal control program. Each explained how loose and stray dogs were preventing the enjoyment of their property. They also explained that when a problem arises, the Sheriff's Department is often slow to respond.

Sheriff Benson explained that the Deputies are not "dog catchers" and that without a licensing ordinance, it is often impossible to identify dogs that are captured. Other work takes precedent over animal control. A suggestion was made to approve deputies serving papers to also act as animal control officers on a part time basis. The matter will be discussed further in the budget process.

**USU EXTENSION SERVICE** :

Chad Reid introduced Jack Payne, the new Vice President of USU. Mr. Payne presented a CD disc to the Commission with publications on Agriculture, Family Life, Food & Nutrition, Garden & Yard, and Natural Resources. The Commission thanked the Extension Service for the work they do within Iron County.

**RUDDS ROOST COMMUNICATIONS SITE AGREEMENT** :

An agreement with the State of Utah for the development and use of a communications

building at Rudds Roost was presented for approval and signatures. The agreement states that Iron County will contribute \$10,000.00 for the use of the site. Parowan City, Brian Head Town and the Drug Task Force provided the funding for the contract. The purpose of the site is to eliminate the dead zones in Parowan Canyon and the north end of Iron County for emergency radio transmissions.

Dennis Stowell made a motion to approve the agreement for the use of the communications building at Rudds Roost. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**TAX MATTER** \_\_\_\_\_ :

Geri Norwood came before the Commission to present a medical hardship request for exemption for Brenda Fausett on Serial # A-0026-0001-0027; Account # 3836762. Mrs. Fausett's husband has been in a coma for several years and she is the primary care giver for him. Lois Bulloch made a motion to approve tax relief for the year 2000 and to approve an exemption for 2001. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL - EXECUTIVE SESSION** \_\_\_\_\_ :

Lois Bulloch made a motion to convene in executive session pursuant to Utah Code Section 52-4-4 to discuss the character, professional competence, or physical or mental health of an individual. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**STATE LANDS & FORESTRY RE: FIRE SUPPRESSION FUND** \_\_\_\_\_ :

Ron Larsen, State Lands and Fire supervisor, came before the Commission to request use of fire suppression funds to purchase a chipper to use in establishing a fire break around subdivisions. Mr. Larsen explained that this is an approved use of the funds, however each County Commission must give their approval. Cost of the chipper is estimated at \$35,000. The chipper would be used in the five county area.

Dennis Stowell made a motion to approve the use of funds from the fire suppression fund to purchase a chipper as requested and to authorize Iron County issuing a letter of approval for the use of the funds. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**DIXIE NATIONAL FOREST REPORTS** \_\_\_\_\_ :

Ron Wilson, Dixie National Forest District Ranger, came before the Commission to discuss Forest Reserve Fund options. He explained that funding is based on forest wide timber sales, not just sales within Iron County. Options include staying on current funding formula or averaging sales over several years. Mr. Wilson presented summaries of differences in the options. The Commission took the matter under advisement for further study. They also requested a five year summary of timber harvest numbers for the Dixie NF.

Mr. Wilson also reported that the Five Mile campground was again flooded when debris clogged the culvert. The Forest Service does not plan on restoring the campground due to

continuing problems with flooding. Mr. Wilson discussed the problems associated with allowing Parowan City to take the area over for maintenance. Negotiations are continuing with Parowan City. Iron County will participate as needed in the transfer of the Five Mile Park.

**BID OPENING - THREE PEAKS RESTROOMS** :

Steve Platt and Reed Erickson came before the Commission to open bids on the Three Peaks restroom project. The project had to be re-bid to allow disadvantaged business enterprises an opportunity to bid. Two bids were received by the deadline.

Lois Bulloch made a motion to open bids with the right to accept and consider formerly submitted bids. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Bids were as follows:

Dobson Construction	\$66,800.
Blackburn & Associates	\$69,188.

Dennis Stowell made a motion to submit the bids to the County Engineer to review the bids to determine if the bids meet all of the requirements. The motion also included a provision to review the bids with the County Attorney and if everything is proper, to award the bid to the low bidder. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**NORTH INTERCHANGE & SEWER EXTENSION** :

Kit Wareham, Cedar City Engineer, came before the Commission to discuss a sewer line extension project Cedar City is completing. The project would connect properties east of the I-15 North Interchange to the existing outfall lines of Cedar City and Enoch. Since the amount of financing involved is not sufficient to warrant bonding by the County, he requested that the County participate in an interlocal agreement that when County property is developed and connect to the sewer lines, an assessment would be made to recoup the proportional share of the line extension project. He also requested that this be a non-expiring agreement.

The Commission stated that they would support such an agreement and asked that Cedar City prepare the interlocal agreement for review and approval.

**INTERLOCAL AGREEMENT - BULLOCH PIT LANDFILL** :

An interlocal agreement between Cedar City and Iron County to use the Bulloch Pit Class IV Landfill was approved on a motion by Lois Bulloch. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

The pit will be used by Cedar City, Iron County, UDOT, and SUU. This will in turn lengthen the life of the Iron County landfill at Iron Springs.

**BID OPENING - 2002 AMBULANCE** :

Ron Johnson, Iron County Ambulance Supervisor, came before the Commission to open bids for the purchase of a new ambulance. Four bids were received as follows:

Professional Sales & Service (Horton)	\$97,950.07
American LeFrance of Utah	\$96,567.00

Ron Raider (Braun)	\$106,232.00
Rocky Mountain Ambulance (Wheeled Coach)	\$98,600.00

Lois Bulloch made a motion to accept the bids and refer them to Ron Johnson to review to determine if they meet the specifications or a comparable alternative. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SEWER CONNECTION REQUEST - COORDINATING COUNCIL :**

Reed Erickson came before the Commission to present a request from the County Coordinating Council in which the mayors have expressed a desire to require County residents within 300 feet of a sewer line to connect to the service. This would include Parowan, Brian Head, Cedar City and Enoch systems. Utah Code Section 10-8-38 requires municipal residents to connect. No such code language is included in County code sections. The Commission was reluctant to place a blanket requirement on County residents because of terrain and other factors which may make connections unfeasible.

Options the County may consider would include A. Enter into interlocal agreements with municipalities to provide service. B. Create a new County ordinance and Department to provide service. C. Determine feasibility on a case by case basis, or D. Continue as we are at the present.

The Commission took the matter under advisement for further consideration.

**CROSS HOLLOW EVENT CENTER FUNDING REQUEST :**

Rusty Aiken and Delynn Barton came before the Commission to request funding for bleachers to be installed in the new Cross Hollow Event Center. Two sets of bleachers have been bid. One with a seating capacity of 1,167 would cost \$51,187. The second with a seating capacity of 2,577 would cost \$107,392. The Center requested that the County commit funding of \$20,000 per year for six years to finance the purchase of the bleachers. The Commission took the matter under advisement and will consider it with other requests in the budget cycle.

**PERSONNEL - EARLY RETIREMENT DISCUSSION :**

Christene Keen reported that the Personnel Committee has recommended that personnel with over ten years of service, upon retirement may qualify for continuing health benefits for up to five years. It is the position of the Personnel Committee that this could result in a net savings to the County because newer employees would be paid at a lower step and grade than older employees.

The Commission discussed several options, the most favorable of which the age of the individual plus years of service must total 75. This is the system used by SUU. No formal action was taken at this time.

**INSURANCE CONSULTANT :**

Christene Keene reported that two bids were received to serve as insurance consultant. Rex Shipp bid fifty hours of service for a total of \$8,000. Joe Ott bid fifty hours of service at \$30.00 per hour or a total of \$1,500. Upon review of the bids, Mr. Ott did not meet the minimum qualifications as specified in the RFP document and therefore his bid was rejected.

**VEHICLE TRANSFER - BUILDING MAINTENANCE** :

David Yardley requested that the 2000 Chevrolet pickup which was used at Woods Ranch be transferred to the Building Maintenance Department for use by the head custodian. The older pickup would be transferred to Cedar City for use by the custodians at the Fiddlers building and the Visitor Center. Lois Bulloch made a motion to approve the interdepartmental transfer of the vehicles as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SURPLUS PROPERTY - USED SANDERS** :

Dennis Stowell requested permission to bid on two used road sanders which have been declared surplus. The sanders have been advertised and no bids were received. To avoid any appearance of a conflict of interest, the Commission determined that it would be proper to re-advertise the sanders and allow the public to again bid. The County Clerk will advertise the sanders with other surplus vehicles.

**ROADS MAINTENANCE REQUEST - CEDAR HIGHLANDS SUBDIVISION** :

Residents of Cedar Highlands Subdivision citing a rule established by the State for winter maintenance on State Highways, requested that the County provide winter maintenance on the Greens Lake Road. Scott Burns responded to the request by again stating that the Developer specifically requested permission to maintain the roads within the subdivision and that the development was for summer use only. The request was therefore denied.

**IRON COUNTY FLAG** :

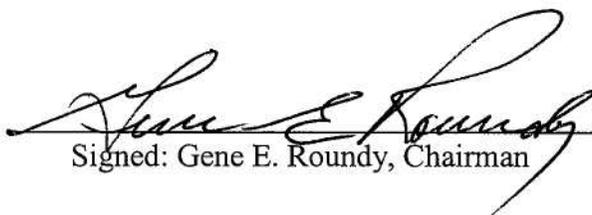
A proposal to submit a new County Flag design was discussed. Quantum Enterprises has agreed to work on a new design that would more closely reflect the nature of Iron County for an estimated fee of \$150.00. Lois Bulloch made a motion to approve spending up to \$200.00 to design a new county flag. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

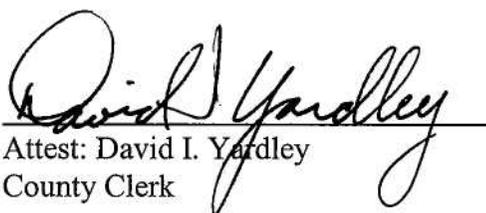
**BOE HEARING OFFICER APPOINTMENT** :

Lois Bulloch made a motion to appoint Dan Johnson as Board of Equalization Hearing Officer for 2001. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, 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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**August 27, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. August 27, 2001  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
David Benson	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 - August 13, 2001 :**

Minutes of the Iron County Commission meeting held August 13, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS :**

**Dennis Ayers** reported that Board of Equalization appeals to this point were very low. At this time only one appeal is scheduled for a formal hearing. Taxpayers have until September 15 to file an appeal.

**Scott Maxwell** reported that some computers within the Courthouse were infected with a virus which could have destroyed the information stored on them. Scott said that he has checked every computer in the courthouse and they are now clean. Safeguards are being reviewed to help prevent such problems in the future.

**Dennis Lowder** reported that budget time is fast approaching and he encouraged department supervisors to start looking at needs for 2002. He also reported that it has been several years since a salary study was completed and he requested funding to proceed with a new salary study.

**David Benson** reported that the Sheriff's Department has purchased a tracking hound to train for police work. The dog is seven months old and will be trained locally. It will be used by the Department in tracking lost individuals or in helping to apprehend suspects attempting to elude capture.

**David Yardley** reported that the bond closing on the Fiddlers Canyon SID is scheduled for August 30. This has been an ongoing project since 1998 and is a joint effort with Cedar City. Cedar City planned and supervised the project.

**Dennis Stowell** reported that LaVell Edwards is scheduled to be the guest speaker at the Fair. Fair events are planned through the week and will be highlighted by the parade on Labor Day.

Dennis also reported that in meetings with UDOT a widening project was outlined on SR 56 from Airport Road in Cedar City to the Y at the Iron Springs turnoff. The highway will be five lanes, two in each direction with a turn lane. Work is progressing in acquiring a right of way for a parallel livestock trail within the Railroad Right of Way.

**Lois Bulloch** reported on proposals for redistricting Iron County by the Senate. Presently the redistricting committee is proposing to split Iron County by placing Cedar City in a strange configuration with Carbon, Emery, Wayne, Kane and a portion of Washington County. The rest of the County would be placed with Beaver, Millard, Sevier, Piute and Sanpete. County officials and Community leaders will meet with the Redistricting Committee to try to convince them to use areas that more realistically include like needs and resources.

**FINAL PLAT APPROVAL - ALTA VISTA SUBDIVISION :**

A final plat of the Alta Vista Subdivision was presented for approval. The Planning Commission has recommended approval of the subdivision.

Lois Bulloch made a motion to approve the final plat of the Alta Vista Subdivision and to authorize the Commission Chair to sign the plat. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-7 BOND SALE APPROVAL SID 98-2 :**

The County Commission of Iron County, Utah, met in regular session at its regular meeting place in said municipality at 10:00 a.m. on Monday, the 27th day of August, 2001, with the following members present:

Gene E. Roundy	Chair
Lois L. Bulloch	Commissioner
Dennis E. Stowell	Commissioner

Also present:

David I. Yardley	County Clerk
Scott M. Burns	County Attorney

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the County Commission a Certificate of Compliance With Open Meeting Law with respect to this August 27, 2001, meeting, a copy of which is attached hereto as Exhibit "A".

The following resolution was then considered by the County Commission:

**RESOLUTION 2001-7**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF \$465,000 IRON COUNTY, UTAH SPECIAL ASSESSMENT BONDS, SERIES 2001 (SPECIAL IMPROVEMENT DISTRICT NO. 98-2) (THE "BONDS"), FIXING THE INTEREST RATES TO BE BORNE THEREBY, PRESCRIBING THE FORM OF BOND AND INTEREST RATES, MATURITY AND DENOMINATION OF SAID BONDS; REAFFIRMING THE CREATION OF A GUARANTY FUND AS PROVIDED BY STATUTE; AND RELATED MATTERS.**

**WHEREAS**, the County Commission of Iron County, Utah (the "Issuer"), has heretofore adopted proceedings for the construction of improvements in Iron County, Utah, Special Improvement District No. 98-2 (the "District"), and has adopted and approved an Assessment Ordinance for the District confirming the assessment roll for such improvements on the 9th day of July, 2001 (the "Assessment Ordinance"); and

**WHEREAS**, the Assessment Ordinance has been published in accordance with the requirements of the laws of the State of Utah, and notice of assessment has been mailed by the County Treasurer to all the owners of property assessed in the District; and

**WHEREAS**, the total cost of the improvements was \$679,412 of which the Issuer's portion was \$205,912 that during the fifteen-day period following the effective date of the Assessment Ordinance, property owners in the District have paid or have committed to pay \$4,186 on the

principal of their assessments, leaving an amount to be paid through the issuance of bonds or from funds provided by the Issuer of \$469,314.; and

**WHEREAS**, Wells Fargo Brokerage Services, LLC, of Salt Lake County, Utah (“Purchaser”), has submitted its offer to purchase the Bonds upon the terms and conditions set forth in a Bond Purchase Agreement, a copy of which is attached hereto as Exhibit ”B” (the “Purchase Contract”); and

**WHEREAS**, the County Commission has determined that it is in the best interest of the Issuer to accept the offer of Purchaser and to award the sale of the Bonds to Purchaser in accordance with the terms of the Purchase Contract:

**NOW, THEREFORE**, Be It Resolved by the County Commission of Iron County, Utah:

## **ARTICLE I**

### **DEFINITIONS; AUTHORITY**

**1.1. Definitions.** As used in this Bond Resolution, unless the context shall otherwise require, the following terms shall have the following meanings:

“Act” means the Utah County Improvement District Act, Title 17A, Chapter 3, Part 2, Utah Code Annotated 1953, as amended.

“Annual Debt Service Requirement” means the total principal, interest, and premium payments due and payable on the Bonds for any one Bond Fund Year, less capitalized interest.

“Assessment Ordinance” means the assessment ordinance of the Issuer adopted on July 9, 2001, wherein the Issuer has assessed the properties benefitted by the improvements constructed within the District.

“Average Annual Debt Service Requirement” means the sum of all Annual Debt Service Requirements of the Bonds, divided by the total number of Bond Fund Years.

“Bond Fund Year” means the 12-month period beginning January 1 of each year and ending December 31 of the following year, except that the first Bond Fund Year shall begin on the date of delivery of the Bonds and shall end on next succeeding December 31.

“Bond Registrar” means each Person appointed by the Issuer as Bond Registrar and agent for the transfer, exchange and authentication of the Bonds. Pursuant to Section 2.5 hereof the initial Bond Registrar is Wells Fargo Bank Northwest, National Association, Salt Lake City, Utah.

“Bond Resolution” means this Resolution of the Issuer adopted on August 27, 2001, authorizing the issuance and sale of the Bonds.

“Bondholder” or “Holder” means the registered owner of any Bond as shown in the registration books of the Issuer kept by the Bond Registrar for such purpose.

“Bonds” means the \$465,000 Iron County, Utah Special Assessment Bonds, Series 2001 (Iron County, Utah Special Improvement District No. 98-2) of the Issuer authorized by this Bond Resolution.

“Code” means the Internal Revenue Code of 1986, as amended.

“Dated Date” means August 15, 2001, the original date of the Bonds.

“District” means Iron County, Utah, Special Improvement District No. 98-2.

“DTC” means the Depository Trust Company and its successors and assigns.

“Guaranty Fund” means the Special Improvement Guaranty Fund established by the Issuer to secure timely payment of all special assessment bonds issued by the Issuer pursuant to the Act.

“Issuer” means Iron County, Utah.

“Paying Agent” means each Person appointed by the Issuer as paying agent with respect to the Bonds. Pursuant to Section 2.5 hereof the initial Paying Agent is Wells Fargo Bank Northwest, National Association, Salt Lake City, Utah, or its successors or assigns.

“Person” means natural persons, firms, partnerships, associations, corporations, trusts, public bodies and other entities.

“Purchaser” means Wells Fargo Brokerage Services, LLC of Salt Lake City, Utah.

“Qualified Investments” means any investments authorized under the Utah State Money Management Act.

“Record Date” means (i) with respect to each interest payment date, the fifteenth day immediately preceding such interest payment date, and (ii) with respect to any redemption of any Bond, such Record Date as shall be specified by the Bond Registrar in the notice of redemption, provided that such Record Date shall not be less than 15 calendar days before the mailing of such notice of redemption.

“Regulations” and all references thereto shall mean and include applicable final, proposed, and temporary United States Treasury Regulations promulgated with respect to Sections 103 and 141 through 150 of the Code, including all amendments thereto made thereafter.

“Warrants” means any interim warrants outstanding issued to the District to temporarily finance the costs of the improvements constructed within the District. The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder,” and any similar terms as used in this Bond Resolution, refer to this Bond Resolution.

**1.2. Authority for Bond Resolution.** This Bond Resolution is adopted pursuant to the provisions of the Act.

## ARTICLE II

### AUTHORIZATION, TERMS AND ISSUANCE OF BONDS

**2.1. Authorization of Bonds, Principal Amount, Designation and Series.** In accordance with and subject to the terms, conditions and limitations established in this Bond Resolution, a series of Special Assessment Bonds of the Issuer is hereby authorized to be issued in the aggregate principal amount of \$465,000. Such series of bonds shall be designated “Iron County, Utah Special Assessment Bonds, Series 2001 (Special Improvement District No. 98-2). The Bonds shall be issued in fully registered form only, without coupons.

**2.2. Purpose.** The Bonds are hereby authorized to be issued for the purpose of (a) financing the costs of constructing improvements on certain streets within the District consisting of the excavation and construction of curb and gutter, sidewalk, asphalt roadway, concrete driveway, removal of existing concrete flatwork or asphalt paving, removal and replacement of sidewalk, and of completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner, (b) retiring certain outstanding Warrants and (c) paying issuance expenses incurred in connection with the issuance of the Bonds.

**2.3. Bond Details.** The Bonds will fall due on September 1, in the years and amounts and shall bear interest as follows:

Maturity Date	Amount Interest
(September 1)	
2002 \$40,000	3.20%

2003 40,000	3.65
2004 40,000	3.95
2005 45,000	4.15
2006 45,000	4.30
2007 45,000	4.60
2008 50,000	4.75
2009 50,000	4.90
2010 55,000	5.10
2011 55,000	5.25

The Bonds shall bear interest payable annually on September 1 of each year beginning September 1, 2002, and shall be paid by check or draft mailed to the registered owners of record of the Bonds.

Each Bond shall accrue interest from the interest payment date next preceding the date on which it is authenticated, unless (a) it is authenticated before the first interest payment date following the initial delivery of Bonds, in which case interest shall accrue from the Dated Date of the Bonds, or (b) if any Bond is authenticated on an interest payment date, in which case interest shall accrue from such interest payment date; provided that if at the time of authentication of any Bond, interest is in default, such Bond shall accrue interest from the date to which interest has been paid. The Bonds shall bear interest on overdue principal at the aforesaid respective rates.

**2.4. Denominations and Numbers.** Subject to the provisions of Section 2.1 hereof, the Bonds shall be issued as fully registered bonds, without coupons, in the denomination of \$5,000, or any integral multiples thereof, not exceeding the amount of each maturity. The Bonds shall be numbered with the letter prefix "R" and shall be numbered from one (1) consecutively upwards in order of issuance.

**2.5. Paying Agent and Bond Registrar.** The Issuer may remove any Paying Agent and any Bond Registrar, and appoint a successor or successors thereto. The Issuer shall submit to the Paying Agent or Bond Registrar, as the case may be, a notice of such removal at least 30 days prior to the effective date of such removal, and shall specify the date on which such removal shall take effect. Such removal shall take effect on the date that each successor Paying Agent and Bond Registrar shall signify its acceptance of the duties and obligations imposed upon it by the Bond Resolution by executing and delivering to the Issuer a written acceptance thereof. The principal of, premium, if any, and interest on the Bonds shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. Principal of and premium, if any, on the Bonds shall be payable when due to the Holder of each Bond upon surrender thereof at the principal office of the Paying Agent. Payment of interest on each Bond shall be made to the person which, as of the Record Date, is the Holder of the Bond and shall be made by check or draft mailed to the Person which, as of the Record Date, is the Holder of the Bond, at the address of such Holder as it appears on the registration books of the Issuer kept by the Bond Registrar, or at such other address as is furnished to the Bond Registrar in writing by such Holder on or prior to the Record Date.

**2.6. Extraordinary Redemption.** The Bonds are subject to extraordinary redemption prior to their respective maturities in whole or in part at a redemption price equal to the principal amount thereof plus accrued interest thereon upon not less than thirty (30) days prior written notice on any Interest Payment Date from prepayments of unpaid installments of an assessment as allowed in the Assessment Ordinance. If fewer than all of the Bonds of any maturity are to be so redeemed, the particular Bonds or portion of Bonds of such maturity to be redeemed shall be selected at random by the Bond Registrar in such manner as the Bond Registrar in its discretion may deem fair and appropriate. The portion of any registered Bond of a denomination of more than \$5,000 to be redeemed will be in the principal amount of \$5,000 or an integral multiple thereof, and in selecting portions of such Bonds for redemption the Bond Registrar will treat each such Bond as representing that number of Bonds of \$5,000 denomination which is obtained by dividing the principal amount of such Bonds by \$5,000. Notice of redemption shall be given by the Bond Registrar by registered or certified mail, not less than thirty nor more than forty-five days prior to the redemption date, to the Holder, as of the Record Date, of each Bond which is

subject to redemption, at the address of such Holder as it appears on the registration books of the Issuer kept by the Bond Registrar, or at such other address as is furnished to the Bond Registrar in writing by such Holder on or prior to the Record Date. Each notice of redemption shall state the Record Date, the redemption date, the place of redemption, the principal amount and, if less than all, the distinctive numbers of the Bonds or portions of Bonds to be redeemed, and shall also state that the interest on the Bonds in such notice designated for redemption shall cease to accrue from and after such redemption date and that on said date there will become due and payable on each of said Bonds the principal of, interest accrued thereon to the redemption date, and premium, if any. Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Bondholder receives such notice. Failure to give such notice or any defect therein with respect to any Bond shall not affect the validity of the proceedings for redemption with respect to any other Bond.

**2.7. Sale of Bonds.** The Bonds are hereby sold to the Purchaser at an aggregate price of \$455,000 (the total principal amount of the Bonds, less a Purchaser's discount of \$10,000) plus accrued interest to the delivery date of the Bonds on the terms and conditions set forth in the Purchase Contract and upon the basis of the representations therein set forth. To evidence the acceptance of the Purchase Contract, the Commission Chair of the Issuer is hereby authorized to execute and deliver, and the County Clerk of the Issuer to seal and attest, the Purchase Contract.

**2.8. Execution of Bonds.** The Bonds shall be executed on behalf of the Issuer by the Commission Chair of the Issuer and attested by the County Clerk of the Issuer (the signatures of said Commission Chair and County Clerk being either manual and/or by facsimile) and the corporate seal of the Issuer or a facsimile thereof shall be impressed or imprinted thereon. The use of such facsimile signatures of said Commission Chair and County Reorder and such facsimile of the seal of the Issuer on the Bonds are hereby authorized, approved and adopted by the Issuer as the authorized and authentic execution, attestation and sealing of the Bonds by said officials.

The Bonds shall then be delivered to the Bond Registrar for manual authentication by it. The Certificate of Authentication shall be substantially in the form provided in Section 5.1 hereof. Only such of the Bonds as shall bear thereon a Certificate of Authentication, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this Bond Resolution, and such certificate of the Bond Registrar shall be conclusive evidence that the Bonds so certified have been duly registered and delivered under, and are entitled to the benefits of, this Bond Resolution and that the Holder thereof is entitled to the benefits of this Bond Resolution. The Certificate of Authentication of the Bond Registrar on any Bond shall be deemed to have been executed by it if (a) such Bond is signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the Certificate of Authentication on all of the Bonds issued hereunder or that all of the Bonds hereunder be certified as registered by the same Bond Registrar, and (b) the date of authentication of the Bond is inserted in the place provided therefor on the Certificate of Authentication.

The Commission Chair and County Clerk of the Issuer are authorized to execute, attest and seal from time to time, in the manner described above, Bonds (the "Exchange Bonds") to be issued and delivered for the purpose of effecting transfers and exchanges of Bonds pursuant to Article III hereof. At the time of the execution, attestation and sealing of the Exchange Bonds by the Issuer, the payee, principal amount, CUSIP number, if any, maturity and interest rate shall be in blank. Upon any transfer or exchange of Bonds pursuant to Article III hereof, the Bond Registrar shall cause to be inserted in appropriate Exchange Bonds the appropriate payee, principal amount, maturity and interest rate.

The Bond Registrar is hereby authorized and directed to hold the Exchange Bonds, and to complete, certify as to registration and authenticate (if applicable) and deliver the Exchange Bonds, for the purpose of effecting transfers and exchanges of Bonds; provided that any Exchange Bonds registered, authenticated (if applicable) and delivered by the Bond Registrar shall bear the same series, maturity and interest rate as Bonds delivered to the Bond Registrar for exchange or transfer, and shall bear the name of such payee as the Bondholder requesting an exchange or transfer shall designate; and provided further that upon the delivery of any Exchange Bonds by the Bond Registrar a like principal amount of Bonds submitted for transfer or exchange, and of like series and having like maturities and interest rates, shall be canceled.

The execution, attestation and sealing by the Issuer and delivery to the Bond Registrar of any Exchange Bond shall constitute full and due authorization of such Bond containing such payee, principal amount, maturity and interest rate as the Bond Registrar shall cause to be inserted, and the Bond Registrar shall thereby be authorized to authenticate and deliver such Exchange Bond in accordance with the provisions hereof. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond (including any Exchange Bond) shall cease to be such officer before the issuance or delivery of such Bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such issuance or delivery, respectively.

**2.9. Delivery of Bonds.** The Bonds shall be delivered to the Purchaser at such time and place as provided in, and subject to, the provisions of the Purchase Contract. The Treasurer of the Issuer is hereby instructed to make delivery of the Bonds to the Purchaser and to receive payment therefor in accordance with the terms of the Purchase Contract.

**2.10. Further Authority.** The Commission Chair and the County Clerk of the Issuer and other officers of the Issuer are, and each of them is, hereby authorized to do or perform all such acts and to execute all such certificates, documents and other instruments as may be necessary or advisable to provide for the issuance, sale, registration and delivery of the Bonds.

**2.11. Book Entry Only System.** DTC will act as securities depository for the Series 2001 Bonds. The Series 2001 Bonds will be issued as fully registered securities, in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully registered Series 2001 Bond certificate will be issued for the Series 2001 Bonds, in the aggregate principal amount of each maturity, and will be deposited with DTC. DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds securities that its participants (the "Direct Participants") deposit with DTC. DTC also facilitates the settlement among Direct Participants of securities transactions, such as transfers and pledges, in deposited securities through electronic computerized book-entry changes in Direct Participants' accounts, thereby eliminating the need of physical movement of securities certificates.

Direct Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is owned by a number of its Direct Participants and by the New York Stock Exchange, Inc., the American Stock Exchange LLC, and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as securities brokers and dealers, banks and trust companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The rules applicable to DTC and its Direct Participants are on file with the Securities and Exchange Commission.

Purchases of interests in the Series 2001 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Series 2001 Bonds on DTC's records. The ownership interest of each actual purchaser of each beneficial interest in a Series 2001 Bond is in turn to be recorded on the Direct and Indirect Participant's records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Series 2001 Bonds are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners.

Beneficial Owners will not receive bond certificates representing their ownership interests in the Series 2001 Bonds, except in the event that use of the book-entry system for the Series 2001 Bonds is discontinued. To facilitate subsequent transfers, all Series 2001 Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Series 2001 Bonds with DTC and their registration in the name of Cede & Co. or such other nominee do not effect a change in beneficial ownership. DTC has no

knowledge of the actual Beneficial Owners of the Series 2001 Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Series 2001 Bonds are credited, which may or may not be Beneficial Owners.

The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers. Conveyance of notices and other communications by DTC to Direct Participants, then by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Redemption notices and all other notices will be sent by the County and the Paying Agent to only Cede & Co., as Registered Owner. If less than all of the Series 2001 Bonds of a single maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in Series 2001 Bonds to be redeemed. Neither DTC nor Cede & Co. (or such other DTC nominee) will consent or vote with respect to Series 2001 Bonds.

Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Series 2001 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy). Principal and interest payments on the Series 2001 Bonds will be made to Cede & Co. or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participant's accounts upon DTC's receipt of funds and corresponding detail information from the County or the Paying Agent on a payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Paying Agent, or the County, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the County or the Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants. DTC may discontinue providing its services as securities depository with respect to the Series 2001 Bonds at any time by giving reasonable notice to the County and the Registrar.

The County may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). Under such circumstances, in the event that a successor securities depository is not obtained, Series 2001 Bond certificates are required to be printed and delivered, as described below under "Procedure in the Event of Revisions of Book-Entry Transfer System."

### **ARTICLE III**

#### **TRANSFER AND EXCHANGE OF BONDS; BOND REGISTRAR**

##### **3.1. Transfer of Bonds.**

(a) Any Bond may, in accordance with its terms, be transferred, upon the registration books kept by the Bond Registrar pursuant to Section 3.3 hereof, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for cancellation at the principal office of the Bond Registrar, accompanied by delivery of a written instrument of transfer in a form approved by the Bond Registrar, duly executed. No transfer shall be effective until entered on the registration books kept by the Bond Registrar. The Issuer and the Bond Registrar may treat and consider the person in whose name each Bond is registered in the registration books kept by the Bond Registrar as the holder and absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and interest due thereon and for all other purposes whatsoever.

(b) Whenever any Bond or Bonds shall be surrendered for transfer, the Bond Registrar shall authenticate and deliver a new fully registered Bond or Bonds (which may be an Exchange Bond or Bonds pursuant to Section 2.8 hereof) of the same series, designation, maturity and interest rate and of authorized denominations duly executed by the Issuer, for a like aggregate principal amount. The Bond Registrar shall require the payment by the Bondholder requesting such transfer of any tax or other governmental charge required to be paid with respect to such transfer.

With respect to each Bond, no such transfer shall be required to be made (i) after the Record Date with respect to any interest payment date to and including such interest payment date, or (ii) after the Record Date with respect to any redemption of such Bond.

(c) The Issuer shall not be required to register the transfer of or exchange any Bond selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. Upon surrender of any Bond redeemed in part only, the Issuer shall execute and the Bond Registrar shall authenticate and deliver to the Bondholder, at the expense of the Issuer, a new Bond or Bonds (which may be an Exchange Bond or Bonds pursuant to Section 2.8 hereof) of the same series, designation, maturity and interest rate and of authorized denominations equal in aggregate principal amount to the unredeemed portion of the Bond surrendered.

**3.2. Exchange of Bonds.** Bonds may be exchanged at the principal corporate trust office of the Bond Registrar for a like aggregate principal amount of fully registered Bonds (which may be an Exchange Bond or Bonds pursuant to Section 2.8 hereof) of the same series, designation, maturity and interest rate of other authorized denominations.

The Bond Registrar shall require the payment by the Bondholder requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange. With respect to each Bond, no such exchange shall be required to be made (i) with respect to any interest payment date after the Record Date to and including such interest payment date, or (ii) with respect to any redemption of any Bond, after such Record Date as shall be specified by the Bond Registrar in the notice of redemption, provided that such Record Date shall not be less than 15 calendar days before the mailing of such notice of redemption.

**3.3. Bond Registration Books.** This Bond Resolution shall constitute a system of registration within the meaning and for all purposes of the Registered Public Obligations Act, Title 15, Chapter 7, Utah Code Annotated 1953. The Bond Registrar shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Bond Registrar shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred, on said books, Bonds as herein provided.

**3.4. List of Bondholders.** The Bond Registrar shall maintain a list of the names and addresses of the Holders of all Bonds and upon any transfer shall add the name and address of the new Bondholder and eliminate the name and address of the transferor Bondholders.

**3.5. Duties of Bond Registrar.** If requested by the Bond Registrar, the Commission Chair and County Clerk of the Issuer are authorized to execute the Bond Registrar's standard form of agreement between the Issuer and the Bond Registrar with respect to the compensation, obligations and duties of the Bond Registrar hereunder which may include the following:

- (a) to act as bond registrar, authenticating agent, paying agent, and transfer agent as provided herein;
- (b) to maintain a list of Bondholders as set forth herein and to furnish such list to the Issuer upon request, but otherwise to keep such list confidential;
- (c) to give notice of redemption of Bonds as provided herein;
- (d) to cancel and/or destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer;
- (e) to furnish the Issuer at least annually a certificate with respect to Bonds canceled and/or destroyed; and
- (f) to furnish the Issuer at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds.

## ARTICLE IV

### COVENANTS AND UNDERTAKINGS

**4.1. Covenants of Issuer.** All covenants, statements, representations and agreements contained in the Bonds, and all recitals and representations in this Bond Resolution are hereby considered and understood and it is hereby resolved that all said covenants, statements, representations and agreements of the Commission Chair, are the covenants, statements, representations and

agreements of the Issuer.

**4.2. Ratification of Prior Proceedings.** All the proceedings heretofore taken and adopted for the creation of the District and for the construction of improvements therein and the assessment of a part of the cost of constructing such improvements on and against the private properties in the District shall be and the same are hereby ratified, approved, and confirmed. No assessment will exceed the benefit to be derived from the improvements by the piece of property assessed, and no parcel of property will bear more than its proportionate share of the cost of the improvements to be made.

**4.3. Levy and Collection of Assessments.** The County Treasurer shall be and is hereby authorized and empowered, and it shall be his/her duty to receive and collect all assessments levied to pay the cost of said improvements of the District, the installments thereon, the interest thereon, and the penalties accrued, including without limiting the generality of the foregoing, the whole of the unpaid principal, interest and penalties accrued which become due and payable immediately because of the failure to pay any installment whether of principal or interest, when due, and to pay and disburse such payments to the person or persons lawfully entitled to receive the same in accordance with the laws of the State of Utah and all the ordinances and resolutions of the Issuer heretofore or to be hereafter adopted. All moneys constituting the payment of principal and interest shall be placed in a regular fund to be designated "Assessment Fund of Iron County, Utah Special Improvement District No. 98-2" ("Assessment Fund"), and shall be used for the purpose of paying the principal of and the interest on the Bonds of the District and for no other purpose whatsoever, and as security for such payment, said fund is hereby pledged.

**4.4. Investment of Funds.** Moneys deposited in the Assessment Fund and the Guaranty Fund may be invested in Qualified Investments, provided, however, that any moneys remaining in the Assessment Fund for more than twelve (12) months may be so invested only upon the County Treasurer obtaining an opinion of nationally recognized municipal bond counsel to the effect that such investment will not adversely affect the exclusion from federal income taxes of interest on and of the Bonds, all in accordance with Section 148 of the Internal Revenue Code and the regulations promulgated thereunder.

**4.5. Guaranty Fund.** The provisions of Section 10 of the Assessment Ordinance in reference to the Guaranty Fund are hereby readopted and the Issuer agrees with the Holders of the Bonds herein authorized that it will, until the payment of the Bonds in full and the interest thereon, if any, has been paid, provide amounts to be transferred to the Guaranty Fund equal each year to such amount as a tax levy of .0002 per dollar of taxable value of taxable property within the Issuer will produce until the Guaranty Fund is equal to not less than ten percent (10%) of the amount of all outstanding special assessment bonds of all special improvement districts issued by the Issuer. The Issuer will transfer to said fund said amounts at least yearly as may be required to maintain or replenish said Fund to said percentage. The Guaranty Fund shall be maintained separate and apart from other funds of the Issuer and shall be used and applied only as provided by the laws of the State of Utah.

**4.6. Insufficiencies in Assessment Fund.** Should there be insufficient money in the Assessment Fund to pay all of the interest falling due at one time and the principal amount thereof due, the interest and principal shall be paid from the Guaranty Fund to the extent that there is sufficient money in the Guaranty Fund for this purpose, and the Bonds are payable exclusively from the regular assessments levied for said purpose and from the Guaranty Fund. In the event there are insufficient moneys on deposit in the Guaranty Fund, the Issuer shall either issue interim warrants drawing interest at the rate or rates determined by the Issuer against the Guaranty Fund as provided in Section 4.9 hereof or fund the Guaranty Fund as provided in Section 4.5 hereof, to meet such deficiencies.

**4.7. Lien of Assessment.** The assessments, any interest accruing on the assessments and the penalties and costs of collection of the assessment shall continue to constitute and are hereby declared to be a lien against the properties upon which the assessment is levied within the District from and after the date on which the Assessment Ordinance became effective. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien, or

other encumbrance, and shall be equal to and on a parity with the lien for general property taxes. Said lien shall apply without interruption, change in priority, or alteration in any manner to any reduced obligations and shall continue until the assessment and any interest, penalties, and costs thereon are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax, other assessment, or the issuance of a tax deed, an assignment of interest by the county, or a sheriff's certificate of sale or deed.

**4.8. Deposit of Funds.** The Funds herein above referred to shall be kept separate and apart from each other and from any other funds of the Issuer and shall, from time to time as they are accumulated, be deposited in such bank or banks as are designated as depositories of public monies for funds of the Issuer under the depository laws of the State of Utah for the deposit of public funds.

**4.9. Default in Payment of Assessments.** In the event a default occurs in the payment of any installment of principal or interest of the assessments levied pursuant to the Assessment Ordinance when due, the County Treasurer on behalf of the County Commission shall take one of two actions within fifteen (15) days after such default:

- (1) declare the unpaid amount to be delinquent and subject to collection, or
- (2) accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and the interest when due to be immediately due and payable. The whole amount of the unpaid principal shall thereafter draw interest at the same rate or rates of interest as are applied to delinquent real property taxes for the year in which the assessment installment becomes delinquent. If the Treasurer fails to determine which action to take within such fifteen (15) days, then all assessments shall be accelerated. The Treasurer shall then give immediate notice of such default to the property owner providing for a period of thirty (30) days in which to remedy the default. If the owner does not remedy the default within the thirty (30) days provided in the notice, the Issuer covenants and agrees that it shall initiate a summary sale pursuant to Section 17A-3-324(2) and related pertinent provisions of the Act, of all delinquent property in the manner provided for actions to foreclose mortgage liens or trust deeds.

If at the sale, no person shall bid and pay the Issuer the amount due on the assessment plus interest and costs, the property shall be deemed sold to the Issuer for these amounts. The Issuer shall bid at the sale as necessary to insure that the property is sold for at least an amount equal to the amount due on the assessment plus interest and costs. If any property is sold to the Issuer at final sale, the Issuer shall, for so long as it retains ownership of the property so sold, pay all annual assessment installments that become due, including interest thereon. The payments shall be made out of the Guaranty Fund and paid into the Assessment Fund. In the event there are insufficient moneys in the Guaranty Fund, the Issuer shall either issue warrants against the Guaranty Fund drawing interest at the rate or rates determined by the County Commission of the Issuer or fund the Guaranty Fund as provided in Section 4.5 hereof to meet any financial liabilities accruing against it.

Should the County Commission issue interim warrants against the Guaranty Fund, it shall, at the time of making its next annual tax levy, provide for the levy of a sum sufficient, with other resources of said Fund, to pay warrants so issued and outstanding, the tax for which may not exceed .0002 per dollar of taxable value of taxable property within the Issuer in any one year.

If the Issuer sells the property it has purchased at a summary sale, the purchase price paid for it shall not be less than an amount sufficient to reimburse the Guaranty Fund for all amounts paid out of said Fund and to reimburse the Issuer for any moneys paid by the Issuer with respect to said property for delinquent assessments or parts or installments of them, plus interest, penalties and costs. The sales price of the property and any interest on it paid in installments shall first be paid into the Guaranty Fund to the extent of the full reimbursement requirement, and shall next be used to reimburse the Issuer for any moneys paid by the Issuer toward the assessments, plus interest, penalties and costs, and the remaining funds will be paid into the Assessment Fund.

The remedies provided in this section for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the Issuer of the use of any other method or means. The proceeds from the sale of any property sold will be placed in the Assessment Fund as required herein and by the Act.

**4.10. Limited Obligation of Issuer.** Notwithstanding anything contained elsewhere herein to the contrary, the Bonds are not a general obligation of the Issuer, but are payable exclusively out of the Assessment Fund, the Guaranty Fund and other funds established under the Bond Resolution. The Issuer shall not be liable for the payment of the Bonds, except to the extent of the funds created and received from the special assessments and to the Guaranty Fund, but the Issuer shall be held responsible for the lawful levy of all assessments, for the creation and maintenance of the Guaranty Fund as provided herein, and for the faithful accounting, collection, settlement, and payment of the assessments and for the moneys of said Fund.

**4.11. Bonds in Registered Form.** The Issuer recognizes that Section 149 of the Code requires the Bonds to be issued and to remain in fully registered form in order that interest thereon is excludible from gross income for federal income tax purposes under laws in force at the time the Bonds are delivered. In this connection, the Issuer agrees that it will not take any action to permit the Bonds to be issued in, or converted into, bearer or coupon form.

**4.12. Tax Covenant.** The Issuer further covenants and agrees to and for the benefit of the Bondholders that the Issuer (i) will not take any action that would cause interest on the Bonds to become subject to federal income taxation, (ii) will not omit to take or cause to be taken, in timely manner, any action, which omission would cause the interest on the Bonds to become subject to federal income taxation, and (iii) will, to the extent possible, comply with any other requirements of federal tax law applicable to the Bonds in order to preserve the exemption from federal income taxation of interest on the Bonds. Pursuant to this covenant, the Issuer obligates itself to comply throughout the term of the Bonds with the requirements of Section 148 of the Code and the regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented or revised. The Issuer further represents and covenants that no bonds or other evidences of indebtedness of the Issuer have been or will be issued, sold or delivered within a period beginning 15 days prior to the date of the Bonds and ending 15 days following the delivery of the Bonds.

**4.13. Designation of Issue for Tax Purposes.** For purposes of and in accordance with Section 265 of the Code, the Issuer hereby designates the Bonds as an issue qualifying for the exception for certain qualified tax-exempt obligations to the rule denying banks and other financial institutions 100% of the deduction for interest expenses which is allocable to tax-exempt interest. The Issuer reasonably anticipates that the total amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code), which will be issued by the Issuer and by any aggregated issuer during the current calendar year will not exceed \$10,000,000. For purposes of this Section 4.13, "aggregated issuer" means any entity which (i) issues obligations on behalf of the Issuer, (ii) derives its issuing authority from the Issuer, or (iii) is subject to direct or indirect control by the Issuer within the meaning of Treasury Regulation Section 1.150-1(e). The Issuer hereby represents that (a) it has not created and does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 265(b)(3)(C) or (D) of the Code and (b) the total amount of obligations so designated by the Issuer and aggregated issuers for the current calendar year does not exceed \$10,000,000.

**4.14. Arbitrage Rebate Exemption for Small Issuer.** The Issuer hereby certifies for the purpose of qualifying for the exception contained in Section 148(f)(4)(C) of the Code from the requirement to rebate arbitrage earnings from investment of proceeds of the Bonds (the "Rebate Exemption") as follows:

- (a) The Bonds are issued by the Issuer which has general taxing powers.
- (b) Neither the Bonds nor any portion thereof is a private activity bond as defined in Section 141 of the Code ("Private Activity Bond").
- (c) Ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local government activities of the Issuer (or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Issuer).
- (d) Neither the Issuer nor any aggregated issuer has issued or is reasonably expected to issue any tax-exempt bonds other than Private Activity Bonds (as those terms are used in Section 148(f)(4)(C) of the Code) during calendar year 2001, other than the Bonds.

For purposes of this Section 4.14, "aggregated issuer" means any entity which (a) issues obligations on behalf of the Issuer, (b) derives its issuing authority from the Issuer, or (c) is

subject to substantial control by the Issuer.

The Issuer hereby represents that it has not created, does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 148(f)(4)(C)(IV) of the Code.

Accordingly, the Issuer will qualify for the Rebate Exemption granted to small governmental units under Section 148(f)(4)(C) of the Code, and the Issuer shall be treated as meeting the requirements of Paragraphs (2) and (3) of Section 148(f) of the Code relating to the required rebate of arbitrage earnings to the United States with respect to the Bonds.

**4.15. Approval of Preliminary Official Statement and Final Official Statement.** The Issuer hereby ratifies and reaffirms the utilization of the Preliminary Official Statement used in the marketing of the Bonds and hereby approves the final Official Statement with respect to the Bonds. The Commission Chair is authorized to execute the final Official Statement evidencing acceptance by the Issuer.

**ARTICLE V**

**FORM OF BONDS**

**5.1. Form of Bonds.** Each fully registered Bond shall be, respectively, in substantially the following form, with such insertions or variations as to any redemption or amortization provisions and such other insertions or omissions, endorsements and variations as may be required:

[FORM OF BOND]

Registered  
UNITED STATES OF AMERICA  
STATE OF UTAH  
IRON COUNTY

Registered

SPECIAL ASSESSMENT BOND SERIES 2001  
(SPECIAL IMPROVEMENT DISTRICT NO. 98-2)

THIS BOND HAS BEEN DESIGNATED BY THE ISSUER FOR PURPOSES OF THE EXCEPTION CONTAINED IN SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986 RELATING TO THE DEDUCTIBILITY OF A FINANCIAL INSTITUTION'S INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT INTEREST.

Number R-\_\_\_\_\_ \$ \_\_\_\_\_  
Interest Rate: Maturity Date: Original Issue Date: CUSIP:  
\_\_\_\_\_ August 15, 2001

REGISTERED OWNER: \_\_\_\_\_  
PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

Iron County, Utah (the "Issuer"), a duly organized and existing political subdivision of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner named above, or registered assigns, on the Maturity Date identified above, upon presentation and surrender hereof, the Principal Amount identified above, and to pay the Registered Owner hereof interest on the balance of said Principal Amount from time to time remaining unpaid at the Interest Rate per annum (calculated on the basis of a year of 360 days and twelve 30-day months) identified above, payable annually beginning on September 1, 2002, and on September 1 of each year thereafter until payment in full of said Principal Amount.

Interest on this Bond shall accrue from the interest payment date next preceding the date on which it is authenticated, unless

- (a) it is authenticated before the first interest payment date following the Original Issue Date identified above, in which case interest shall accrue from the Original Issue Date, or
- (b) if this Bond is authenticated on an interest payment date, in which case interest shall accrue from such interest payment date; provided that if at the time of authentication of this Bond,

interest is in default, interest shall accrue from the date to which interest has been paid.

This Bond shall bear interest on overdue principal at the Interest Rate. Principal of and premium, if any, on this Bond shall be payable upon surrender of this Bond at the principal office of Wells Fargo Bank Northwest, National Association, Salt Lake County, Utah, as Paying Agent; and payment of the annual interest hereon shall be made to the Registered Owner hereof and shall be paid by check or draft mailed to the person who is the Registered Owner of record as of the Bond Registrar's close of business on the fifteenth day immediately preceding each interest payment date at the address of such Registered Owner as it appears on the registration books kept by the hereinafter defined Bond Registrar, or at such other address as is furnished in writing by such Registered Owner to the Bond Registrar as provided in the hereinafter defined Bond Resolution. Principal and interest on this Bond shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the Special Assessment Bonds of the Issuer (the "Bonds") limited to the aggregate principal amount of \$465,000 issued under and by virtue of the Utah County Improvement District Act, Title 17A, Chapter 3, Part 2, Utah Code Annotated 1953, as amended (the "Act"), and under and pursuant to a resolution of the Issuer adopted on August 27, 2001 (the "Bond Resolution"), for the purpose of

- (a) financing the costs of constructing improvements on certain streets within the district consisting of the excavation and construction of curb and gutter, sidewalk, asphalt roadway, concrete driveway, removal of existing concrete flatwork or asphalt paving, removal and replacement of sidewalk, and of completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (the "Improvements"),
- (b) retiring certain outstanding interim warrants, and
- (c) paying issuance expenses incurred in connection with the issuance of the Bonds.

The Bonds are issuable solely in the form of registered Bonds without coupons in the denomination of \$5,000 or any integral multiples thereof, except that one Bond may be in an odd denomination. The Bonds are subject to extraordinary redemption prior to their respective maturities in whole or in part at a redemption price equal to the principal amount thereof plus accrued interest thereon upon not less than thirty (30) days prior written notice on any Interest Payment Date from prepayments of unpaid installments of an assessment as allowed in the Assessment Ordinance.

In the event any of the Bonds are called for redemption as aforesaid, notice thereof identifying the Bonds to be redeemed will be given by the Paying Agent by mailing a copy of the redemption notice by registered or certified mail not less than thirty (30) nor more than forty-five (45) days prior to the date fixed for redemption to the Registered Owner of each Bond to be redeemed at the address shown on the registration books; provided, however, that failure to give such notice by mailing, or any defect therein, shall not affect the validity of any proceeding for the redemption of any Bond with respect to which no such failure has occurred. Any notice mailed as provided in this paragraph shall be conclusively presumed to have been duly given, whether or not the Registered Owner receives the notice. All Bonds so called to redemption will cease to bear interest after the specified redemption date provided funds for their redemption are on deposit at the place of payment at that time.

If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for the payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable.

Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the Registered Owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, registered Bonds of any of the authorized denominations, all as more fully set forth in the Bond Resolution.

Wells Fargo Bank Northwest, National Association is the initial bond registrar and paying agent with respect to the Bonds. Said bond registrar and paying agent, together with any successor bond registrar or paying agent, respectively, is referred to herein as the "Bond Registrar" and the "Paying Agent." Payment of this Bond and the interest thereon shall be made from, and as security for such payment there is pledged the Assessment Fund of Iron County,

Utah Special Improvement District No. 98-2 (the "District"), containing the receipts derived by the Issuer from the special assessments levied upon the property included in the District by the Assessment Ordinance adopted by the Issuer, which ordinance became effective on July 17, 2001, for the purpose of paying the costs of constructing the Improvements under, by virtue of, and in full conformity with the Constitution and laws of the State of Utah and certain ordinances and resolutions of the Issuer duly passed and made law thereof prior to the issuance hereof.

It is hereby certified that a Guaranty Fund has been created by ordinance as authorized by Utah statutes, and the Issuer agrees that at all times during the life of this Bond and until payment thereof in full, said Fund shall be at all times maintained as therein required. This Bond is not a general obligation of the Issuer but is payable exclusively out of said Assessment Fund and said Guaranty Fund. The Issuer shall not be held liable for the payment of this Bond, except to the extent of the funds created and received from said special assessments and to the extent of its Guaranty Fund; but the Issuer shall be held responsible for the lawful levy of all special assessments, for the creation and maintenance of the Guaranty Fund as provided by law, and for faithful accounting, collection, settlement, and payment of the assessments and for the monies of said Fund.

The special assessments made and levied to defray the cost of Improvements, with accruing interest thereon, and the cost of collection of the assessments constitute a lien upon and against the property upon which such assessments were made and levied from and after the date upon which the Assessment Ordinance levying such assessments became effective, which lien is superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien, or other encumbrance. Said lien is equal to and on a parity with the lien for general property taxes and shall continue until the assessments and interest thereon are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax, other assessment, or the issuance of a tax deed, an assignment of interest by the county, or a sheriff's certificate of sale or deed.

This Bond is transferable, as provided in the Bond Resolution, only upon the books of the Issuer kept for that purpose at the principal corporate trust office of the Bond Registrar, by the Registered Owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the Registered Owner or such duly authorized attorney, and thereupon the Issuer shall issue in the name of the transferee a new registered Bond or Bonds of authorized denominations of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered Bond, all as provided in the Bond Resolution and upon the payment of the charges therein prescribed.

No transfer of this Bond shall be effective until entered on the registration books kept by the Bond Registrar. The Issuer, the Bond Registrar and the Paying Agent may treat and consider the person in whose name this Bond is registered on the registration books kept by the Bond Registrar as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever, and neither the Issuer, nor the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary.

Except as otherwise provided herein and unless the context clearly indicates otherwise, words and phrases used herein shall have the same meanings as such words and phrases in the Bond Resolution. This Bond and the issue of which it is a part are issued in conformity with and after full compliance with the Constitution of the State of Utah and pursuant to the provisions of the Act and all other laws applicable thereto. It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Utah and by the Act and the Bond Resolution to exist, to have happened or to have been performed precedent to or in connection with the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds, together with all other indebtedness of the Issuer, is within every debt and other limit prescribed by said Constitution and statutes, and that the aggregate amount of special assessment bonds of the Issuer for the District, including this Bond, does not exceed the amount authorized by law nor the special assessment levied to cover the cost of the Improvements in the District, and that all said special assessments have been lawfully levied. This Bond shall not be valid until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

**IN WITNESS WHEREOF, IRON COUNTY, UTAH,** has caused this Bond to be signed in its

name and on its behalf by its Commission Chair and attested by its County Clerk (the signatures of said Commission Chair and County Clerk being by facsimile signature), and has caused the facsimile of its corporate seal to be printed hereon, and said officials by the execution hereof to adopt as and for their own proper signatures their facsimile signatures appearing on each of the Bonds.

(Do Not Sign)  
Chair

ATTEST:  
(Do Not Sign)  
County Clerk  
[ S E A L ]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within mentioned Bond Resolution and is one of Iron County, Utah Special Assessment Bonds, Series 2001 (Special Improvement District No. 98-2).

Wells Fargo Bank Northwest, National Association, as Bond Registrar

By \_\_\_\_\_

Authorized Officer

Date of authentication: \_\_\_\_\_  
\*\*\*\*\*

The following abbreviations, when used in the inscription on the face of the within Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

- TEN COM - as tenants in common
- TENENT - as tenants by the entireties
- JT TEN - as joint tenants with right of survivorship and not as tenants in common
- UNIF GIFT MIN ACT - \_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust) (Minor)  
under Uniform Gifts to Minors Act \_\_\_\_\_  
(State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns and transfers unto Insert Social Security or Other Identifying Number of Assignee

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Assignee)

the within Bond and hereby irrevocably constitutes and appoints

\_\_\_\_\_  
attorney to register the transfer of said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

SIGNATURE GUARANTEED:

\_\_\_\_\_  
THE SIGNATURE(S) SHOULD BE GUARANTEED BY AN ELIGIBLE GUARANTOR INSTITUTION (BANKS, STOCKBROKERS, SAVINGS AND LOAN ASSOCIATIONS AND

**ARTICLE VI**

**MISCELLANEOUS**

**6.1. Ratification.** All proceedings, resolutions and actions of the Issuer and its officers taken in connection with the sale and issuance of the Bonds are hereby ratified, confirmed and approved.

**6.2. Severability.** It is hereby declared that all parts of this Bond Resolution are severable, and if any section, paragraph, clause or provision of this Bond Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this Bond Resolution.

**6.3. Conflict.** All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict with any of the provisions of this Bond Resolution are, to the extent of such conflict, hereby repealed.

**6.4. Captions.** The table of contents or headings herein are for convenience of reference only and in no way define, limit or describe the scope or intent of any provisions or sections of this Bond Resolution.

**6.5. Effective Date.** This Bond Resolution shall take effect immediately.

ADOPTED AND APPROVED this 27th day of August, 2001.

/s/ Gene E. Roundy  
Chair

ATTEST:  
/s/ David I. Yardley  
County Clerk

[ S E A L ]

After due consideration of said resolution by the County Commission, Dennis Stowell moved to adopt the resolution. The motion was seconded by Lois Bulloch and the same was put to a vote and was unanimously carried by the affirmative vote of all members present, the vote being as follows:

AYE: All

NAY: None

**EXHIBIT "A"**  
**CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW**

I, David Yardley, the undersigned County Clerk of Iron County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the August 27, 2001, public meeting held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "A", to be posted at the County's principal offices on August 24, 2001, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "A", to be

delivered to the Spectrum on August 24, 2001, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 27<sup>th</sup> day of August, 2001.

/s/ David I. Yardley

County Clerk

( S E A L )

**SCHEDULE "A"**

**NOTICE AND AGENDA OF A MEETING OF THE**

**BOARD OF COMMISSIONERS OF THE COUNTY OF IRON  
STATE OF UTAH**

\*\*\*\*\*

PUBLIC NOTICE IS HEREBY GIVEN that the Board of Commissioners of the County of Iron, State of Utah, will hold a Public Meeting at the Commission Room of the Iron County Courthouse, 68 South 100 East, Parowan, Utah on Monday, the 27th day of August, 2001, at the hour of 9:00 o'clock a.m.

**AGENDA**

- 9:00 A.M. Pledge of Allegiance, Commissioner Reports, Approve Minutes, Approve Warrants, Elected Officials Reports, Etc
- 10:00 A.M. FINAL PLAT APPROVAL RE: Alta Vista Subdivision
- 10:15 A.M. RESOLUTION 2001-7 A Resolution Authorizing the Issuance and Providing for the Sale of \$465,000 Iron County Utah Special Assessment Bonds, Series 2001 (Special Improvement District No. 98-2)("The Bonds"), Fixing the Interest Rates, Maturity and Denomination of Said Bonds; Reaffirming the Creation of a Guaranty Fund as provided by Statute; and Related Matters.
- 10:30 A.M. VALENTINE PEAK FUNDING REQUEST -Todd Tripp, Ted Cooke, Jess Askeroth
- 10:45 A.M. INSURANCE COMMITTEE REPORT/EARLY RETIREMENT PROPOSAL
- 11:00 A.M. PENDING RE-DISTRICTING LAWSUIT DISCUSSION
- 11:15 A.M. RON JOHNSON RE: Bid Comparisons and Ambulance Purchase Approval
- 11:30 A.M. BOARD OF EQUALIZATION RE: Indigent Exemptions
- 11:45 A.M. PERSONNEL - Executive Session
- 12:00 P.M. LUNCH

**NON - DELEGATED ITEMS**

- 1. Prairie Dog Discussion
- 2. Salary Study
- 3. Correctional Facility Roof - Replacement
- 4. BOE Matters
- 5. Iron County Wilderness Proposal
- 6. Notice of Loan Authorization & Conditions - CIB

Iron County will make reasonable accommodation for those needing assistance to participate in this meeting. If you require special assistance, please contact the Iron County Clerk (435) 477-8340 at least 48 hours prior to the meeting.

**VALENTINE PEAK FUNDING REQUEST :**

Todd Tripp, and Jess Askeroth came before the Commission to present a budget request to help fund the completion of the Valentine Peak Complex in Parowan including some additional improvements and parking areas. Commissioner Bulloch recommended that the request be submitted through the Restaurant Tax Committee. She also recommended that they





show how the facility will impact County residents in the surrounding area, not just Parowan residents. The request will be forwarded to the Restaurant Tax Board for their recommendation.

**INSURANCE COMMITTEE REPORT** :

Jerry Robinson presented a recommendation that the County not hire a Health Insurance Consultant for 2002. He stated that it was the feeling of the Committee that they have gained sufficient expertise to handle claims questions and that as the County has changed to a self funded program that most claims questions are directed to our carrier, Blue Cross/Blue Shield of Utah. Jerry also said that it was the position of the Committee that the Insurance Consultant be rebid in 2002 and submitted to a wider pool of State Certified Consultants.

Dennis Stowell made a motion to ratify the recommendation of the Committee and to forego a consultant for calendar year 2002. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**EARLY RETIREMENT PROPOSAL** :

Chuck Mitchell, spokesman for the Employee Personnel Committee, presented a proposal to provide health insurance for up to five years to employees with a minimum of ten years of service upon their retirement. The plan would allow employees to take an early retirement and replacement personnel would be hired at the bottom of the pay scale resulting in a net savings to the County. The plan would provide for coverage until the employee qualified for another health plan such as Medicare.

Lois Bulloch made a motion to amend the County Personnel Policy to include a provision for an early retirement option for employees with a minimum of ten years of continuous service and to provide a health benefit for up to five years effective January 1, 2002. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PENDING RE-DISTRICTING LAWSUIT DISCUSSION** :

The Commission discussed the possibility of joining a lawsuit challenging a State Senate redistricting proposal that appears to favor protecting an incumbent Senator to the detriment of Iron County. The current proposal splits the five county area which has similar interests and concerns with economic development and places us with Counties with a different economy and no similar area interests. This appears to protect Senator Dimitrich from Carbon County and Senator Blackham from Sanpete County.

Lois Bulloch made a motion to approve Iron County joining into a lawsuit challenging the redistricting of Senate boundaries if the final plan is adopted as it is now proposed. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**AMBULANCE - BID APPROVAL** :

Ron Johnson came before the Commission to report on the review of bids submitted for the purchase of a 2002 ambulance. Ron declared a conflict of interest, he is a brother-in-law to the owner of Rocky Mountain Ambulance Service, Royce Barton.

Ron then explained to the Commission that the low bid submitted by American LeFrance did not meet the specifications. When the options were added to bring it into compliance with

the specifications, it was the second highest bid.

Horton meets most of the specifications except for cabinet arrangement and the elimination of one outside access storage area. Wheeled Coach meets all of the specifications as this is the ambulance now in service with Iron County upon which the specifications were based.

After reviewing all of the options and added costs, Dennis Stowell made a motion to accept the bid of Wheeled Coach submitted by Rocky Mountain Ambulance for one 2002 ambulance as specified because of local service and because it met all of the specifications. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PROPERTY TAX CREDIT RATES** \_\_\_\_\_ :

Christene Keene presented proposed rates for property tax credits for 2001. Credits are based on income level and correspond to circuit breaker relief through the State. Maximum County Credit ranges from \$308 to \$38 or ½ of the tax balance after Circuit Breaker, whichever is less.

Dennis Stowell made a motion to approve the tax credit rates as presented and to authorize the Commission to sign. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, had stepped out of the room and did not vote, however she later signed the approval document.

**PERSONNEL - EXECUTIVE SESSION** \_\_\_\_\_ :

Dennis Stowell made a motion to convene in executive session to discuss personnel matters. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

After reconvening in open session, Dennis Stowell made a motion to terminate the employment of Robert Andler effective immediately. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Dennis Stowell made a motion to grant extended sick leave under the Family Medical Leave Act to Rick Raymos. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SALARY STUDY** \_\_\_\_\_ :

Christene Keene discussed the need for an updated salary study for County personnel. She suggested that Mike Swallow could complete the study as he has been the consultant for the County for past studies. Dennis Stowell made a motion to approve up to \$2,500 to complete a salary study. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, had stepped out of the room and did not vote.

**CORRECTIONAL FACILITY ROOF REPLACEMENT** \_\_\_\_\_ :

Gene Roundy discussed the need for a new roof on the correction facility. The cost of replacement is estimated at \$150,000. The Commission referred the matter to the Facility Management Board for their recommendation and to place the improvement in the 2002 budget.

**BOE MATTERS** \_\_\_\_\_ :

The Auditor's Office informed the Commission of stipulated adjustments between property owners and the Assessor's Office. After review, Lois Bulloch made a motion to approve the adjustments as presented. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**IRON COUNTY WILDERNESS PROPOSAL** \_\_\_\_\_ :

Dennis Stowell attended a meeting with UAC Officials in which UAC requested a letter from the County regarding proposed wilderness areas. The Spring Creek Wilderness has State land imbedded within its proposed boundaries. Iron County is not opposed to designating this as wilderness provided that provisions are made to continue access in canyon bottoms for recreation in the Spring Creek Canyon and to provide access and protection to the Kanarraville Water system in Kanarraville Canyon.

The proposal to designate Steamboat Mountain as wilderness is not acceptable to Iron County. It fails to meet the criteria for designation and is used for mining, recreation and grazing both of domestic animals and wild horses.

Iron County is opposed to designating Cedar Breaks National Monument and surrounding areas as wilderness because this limits the management options for use of equipment within the area. This is extremely important at the present time due to dead and dying trees and the ability to remove them to prevent or reduce fire hazards.

Dennis Stowell made a motion to write a letter stating Iron County's position regarding the wilderness designation. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, had stepped out of the room and did not vote.

**NOTICE OF LOAN AUTHORIZATION & CONDITIONS - CIB :**

David Yardley reported that documentation has been received from the Community Impact Board approving a low interest loan of one million dollars for a remodeling project at the Jail. No action is needed at this time.

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

After the bills were reviewed and approved or rejected, the meeting was adjourned at 2:30 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
September 10, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 10, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	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 Gene Roundy.

**APPROVAL OF MINUTES - August 27, 2001** :

Minutes of the Iron County Commission meeting held August 27, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported that a Legislative Redistricting meeting was scheduled for today at the State Capitol. At their last meeting the Senate Committee chose the Iron County plan for Southern Utah as a base map. This would not split Iron County into two Senate districts as the original plan provided. The plan will not be final until the Legislature meets in a special session tentatively scheduled for September 25.

Lois also requested that the County Attorney draft a letter to Enoch City inquiring if they would be interested in providing animal control or leasing space in their shelter for animals from unincorporated areas.

**Dennis Stowell** reported that he was planning on attending a meeting of the School and Institutional Trust Lands board on September 13 in Salt Lake. The Board is scheduled to discuss and decide on the sale of land in Spring Creek Canyon to Kanarrville Town. Southern Utah Wilderness Alliance has made a higher bid to purchase the property. Kanarrville and SUWA have met to negotiate differences with this sale however an agreement has not been reached.

**ROADS IMPROVEMENTS WITHIN THORLEY RANCH ESTATES UNIT A :**

Rue Tyler, a resident of Thorley Ranch Estates Unit A came before the Commission to discuss the possibility of upgrading the roads within the Subdivision. The road right of way is thirty-three feet (33') wide on the perimeter roads which would make it unacceptable for maintenance by the County. After reviewing options available for improving the roads within the Subdivision and discussing accessing the Subdivision from Iron Springs Road, the Commission requested that Steve Platt review the proposed improvements and determine if there is a viable way to complete the improvements. The project would be required to be financed through a Special Improvement District.

**ORDINANCE 176: APPROVAL OF RESTAURANT TAX 2001/2002 :**

An ordinance renewing the restaurant tax for 2001-2002 was introduced and read by David Yardley. The Commission then discussed the proposed ordinance after which Lois Bulloch made a motion to approve and adopt Ordinance 176. Second was by Dennis Stowell.

**ORDINANCE NO. 176**

**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., the Board of Commissioners of Iron County 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 1st day of October, 2001.

**APPROVED, ADOPTED, and PASSED** by the Iron County Board of Commissioners this 10<sup>th</sup> day of September, 2001.

IRON COUNTY BOARD OF COMMISSIONERS:

/s/ Gene E. Roundy  
Gene E. Roundy, Chair  
Iron County Commission

ATTEST:

/s/ David I. Yardley  
David I. Yardley  
Iron County Clerk

Voting:	Aye	Nay	Abstain
Lois L. Bulloch	<u>  X  </u>	_____	_____
Gene E. Roundy	<u>  X  </u>	_____	_____
Dennis E. Stowell	<u>  X  </u>	_____	_____

**PERSONNEL - EXECUTIVE SESSION :**

Dennis Stowell made a motion to convene in executive session to discuss personnel matters as authorized by Utah Code 52-4-5. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

After reconvening in open session, Dennis Stowell made a motion to direct the acting Facility Director, J. Lowe Barton, to send a letter to the Merit Service Commission to explain why Charles Tripplett and Sandra Fox were passed over more than three times in the promotion to Corporal as required in the Merit Service Ordinance. The Commission also requested that the Commission be given a copy of the letter. The motion also requested that the Director meet individually with Officer Tripplett and Officer Sandra Fox and explain why they were passed over. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**MONUMENT HONORING ALMA RICHARDS :**

Joe Zaleski came before the Commission to request County Funding of a monument honoring Alma Richards, Utah's first Olympic gold medal winner. Joe has raised \$1,200 for the monument which will be constructed at the Parowan High School football stadium as an eagle scout project.

Mr. Zaleski requested \$250.00 from the County to have a likeness of Mr. Richards placed on the plaque. Lois Bulloch made a motion to approve \$250.00 for this project. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SOUTHWEST PUBLIC HEALTH :**

Gary Edwards reported that Southwest Public Health has received approval of a low interest loan of \$1,243,000.00 for the building or purchase of a building in Cedar City. Since Southwest Public does not have taxing authority, Mr. Edwards requested that Iron County or the Iron County Municipal Building Authority be the sponsoring agency for this project.

Dennis Stowell made a motion to approve Iron County or the Iron County Municipal Building Authority as the lead agency for the CIB loan for Southwest Public Health. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**US FISH & WILDLIFE SERVICE :**

Bonnie Bell, a law enforcement officer for the Department of the Interior, US Fish and Wildlife Service, introduced herself and reported on law enforcement activities they will be pursuing. Ms. Bell explained that she will be located in Cedar City but will be involved in investigations throughout the State. Her main focus will be to address Federal Wildlife issues in wild populations of regulated species.

The Commission welcomed her into the County and asked that she cooperate with local

law enforcement agencies. Scott Burns also welcomed Ms. Bell and invited her to participate in local law enforcement coordinating meetings sponsored by the County Attorney.

**ENOCH CITY ANNEXATION APPROVAL** :

An annexation request by Enoch City was presented for approval. The property is known as the Pearl Jones Halterman Family Partnership property situated within the N ½ of the NE 1/4 of the NW 1/4 of Section 14, Township 35 S. Range 11 West, SLB&M, containing 85 acres more or less.

The petition to annex has been published and posted as required and no comments have been filed in opposition. Lois Bulloch made a motion to write a letter to Enoch City stating the County is not opposed to the proposed annexation. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**CEDAR CITY HOUSING AUTHORITY - INTERLOCAL AGREEMENT** :

An interlocal agreement between Iron County and Cedar City Housing Authority was presented for approval by Scott Burns. The agreement provides for the Housing Authority to operate and provides services in the unincorporated County area. After reviewing the agreement, Lois Bulloch made a motion to approve the interlocal agreement and to authorize the Commission Chair to sign the agreement in behalf of Iron County. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**BOE MATTERS** :

Cindy Bulloch presented a list of Assessor's Adjustments for the 2001 tax year. After reviewing the adjustments, Lois Bulloch made a motion to approve the adjustments. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, stepped out and was not present for the vote.

The Commission also discussed a valuation appeal by Steve Crowther for storage units in Cedar City. Since Dan Johnson was used as an outside appraiser in a pending lawsuit regarding value on these and similar units, Mr. Johnson cannot act as the hearing officer on this matter.

Lois Bulloch made a motion to appoint a separate hearing officer for this appeal pending review by the Auditor and Assessor to determine if this would be acceptable. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, stepped out and was not present for the vote.

**GRANT PROPOSAL APPROVAL - FUNDING GIS PROGRAM** :

Eric Jorgensen came before the Commission to request approval to apply for a grant of \$7,000 to continue work on digitizing parcels in the Geographic Information System (GIS). He also requested approval to submit a grant application for \$20,000 to locate and place Global Positioning Satellite control points in the County. This grant would fund a network of twenty points in the County.

Lois Bulloch made a motion to approve sponsoring the grant applications as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Eric also reported that a grant has been received to fund the continued work of Art Tait and Al Tait in mapping and documenting RS2477 roads. Dennis Stowell made a motion to approve the grant and to authorize the Commission Chair to sign for the County. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**UTAH HIGHWAY PATROL RENTAL CONTRACT DISCUSSION** :

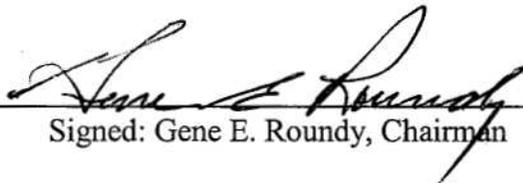
Dennis Stowell discussed with the Commission a rumor that the Highway Patrol was not going to renew the lease for space at the Sheriff Office complex. David Yardley reported that he had been contacted by the State and they are attempting to consolidate all public safety offices into one location. He was instructed that due to ongoing negotiations, he was asked not to discuss this matter.

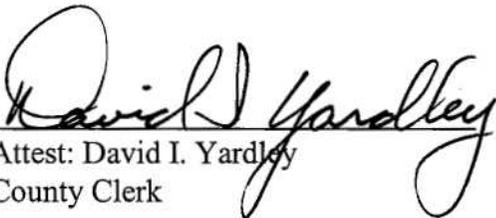
Apparently there is an attempt to lease a building closer to downtown Cedar City in which to locate the Highway Patrol, Drivers License and perhaps other State offices. The lease with the State on the existing offices at the Sheriff's facility expire on October 31, 2001.

The Commission will contact Dispatch and the Highway Patrol to determine if the space will continue to be leased by the State and if so, the amount of space available for use by Adult Probation and Parole.

**APPROVAL OF WARRANTS & ADJOURN** :

After the bills were reviewed and approved or rejected, the meeting was adjourned at 3:00 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**September 24, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. September 24, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
David Benson	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES - September 10, 2001** :

Minutes of the Iron County Commission meeting held September 24, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Dennis Lowder** reported that PILT funds have been received. This year funding increased to \$1,228,801, an increase of \$472,000. Dennis also reminded the Commission and Department Supervisors that budgets are due and that the interview process needs to be scheduled. The Commission scheduled October 9 in the afternoon, October 15 all day and October 22 afternoon as budget interviews.

**Patsy Cutler** discussed with the Commission a move to "privatize" land records. This would require the removal of all addresses from all land records. The Recorder's Association is very much opposed to this legislation.

**Dennis Ayers** discussed the valuation of subsidized housing units within the County. The Tax Commission has recently ruled on the methodology on one project in Moab. Dennis said that his office will follow this model.

**Reed Erickson** reported that he has met with Enoch and Cedar City to discuss expansion of sewer outfall lines in the unincorporated area of the County. A study committee has been formed with representatives from Cedar City and Enoch appointed. The County needs to appoint representatives to serve on this committee.

The Commission appointed Dennis Stowell and Steve Platt as County representatives on the Sewer Study Committee.

**David Yardley** reported that the carpet has been ordered and the offices in the Courthouse will have the carpet replaced in the near future. The Treasurer's office was completed this week. The plan is to do the Recorder's office next and this is scheduled for October 12.

**Scott Burns** reported that Wilcken plead guilty of murder in the Cynthia Boggs case. He faces five years to life in prison and is scheduled for sentencing in November.

Scott also discussed a state policy in which the State has directed Courts to push prisoners toward being placed in County custody. This results in another unfunded mandate by the State to house convicted felons at County expense.

**Scott Maxwell** reported that a virus filter has been placed on the computer network. This should lessen the ability to infect individual computers in the Courthouse. The Data Processing Department is moving toward converting from its current system to InGEO, a system used by Cache County.

**Dennis Stowell** reported that the County Capital Investment Plan needs to be added to qualify for grants and loans sponsored by CDBG and CIB. One item that need to be added to the list is a sewer expansion project.

**Lois Bulloch** reported on the County Commissioner Workshop held in Logan. UAC has

requested that the County discontinue support for the Road School sponsored by the League of Cities and Towns and to support a new road school in conjunction with the UAC Spring Conference. The new road school will concentrate on problems on County roads instead of roads within cities.

Lois also reported that the Senate redistricting plan has been changed and the plan for Southern Utah is now modeled after the presentation by Iron, Beaver, Garfield, Kane, Washington and Millard Counties. The Legislature is scheduled to meet tomorrow in special session to consider the redistricting plans.

**BLM FIRE FUEL REDUCTION ON "C" TRAIL PROJECT :**

Ann Stansworth, Paul Briggs and Esther Benson representing the BLM, came before the Commission to discuss a fuel reduction project scheduled for the area adjacent to Cedar Highlands Subdivision. Purpose of the project is to reduce the fuel load adjacent to urban interfaces to provide fire breaks in case of wild fires.

The Commission requested that this plan be presented to the Planning and Zoning Commission and also to the Coordinating Council. It was suggested that a fire zone can be implemented around future development to reduce the risk of loss in case of a wild fire.

**CLOUD SEEDING ANNUAL REPORT \_\_\_\_\_ :**

Steve Platt reported to the Commission on results of the cloud seeding program. It has been shown that cloud seeding produces 14% more precipitation per storm than non seeded storms. Iron County has been funding about \$9,000 annually for cloud seeding.

Steve suggested that the Water Conservancy District fund \$4,500 and the County match the funding at \$4,500. The Commission agreed to the plan and will consider the funding in the budget process.

**APPROVAL ON GROUND WATER ANALYSIS BID \_\_\_\_\_ :**

Alan Wade, Landfill Supervisor, came before the Commission to present results of a request for proposals for water monitoring analysis and reporting at the landfill. Only one company, Kleinfelder Inc., returned the RFP and propose to provide the service for \$8,250 annually for a three year term. Kleinfelder has provided this service in the past and Alan recommended the County accept their proposal.

Lois Bulloch made a motion to approve the Kleinfelder proposal of \$8,250 annually for water monitoring and analysis at the landfill. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL - LANDFILL MECHANIC POSITION \_\_\_\_\_ :**

Alan Wade requested approval from the Commission to expand the job description of one worker at the Landfill to include Shop Supervisor/Mechanic. The position has been reviewed by Mike Swallow who has recommended that the position be given a grade level of 15 or 16. The new position would be advertised in house.

Lois Bulloch made a motion to approve amending a job description for a landfill worker to include a Shop Supervisor/Mechanic at grade 15. Second was by Dennis Stowell. Voting:

Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**SPECIAL ABATEMENT APPROVALS 2001** :

Christene Keene came before the Commission to present special abatement applications for approval. There is a question concerning one application in which the person owes prior year taxes. In the past, if back taxes were owing, the individual could not qualify for an abatement. After reviewing all applications, Lois Bulloch made a motion to approve all qualifying abatements and to determine if the one individual with prior year taxes would qualify. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL - EXECUTIVE SESSION** :

Dennis Stowell made a motion to convene in executive session to hear an appeal of personnel action by Sandra Fox. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

After reconvening in open session Lois Bulloch made a motion to direct the acting Facility Director, J. Lowe Barton, to send a letter to the Merit Service Commission to explain why Sandra Fox was passed over more than three times in the promotion to Corporal as required in the Merit Service Ordinance. The Commission is also to be given a copy of the letter. The motion also instructed the Director to meet individually with Officer Sandra Fox and Officer Charles Tripplett this week to explain why they were passed over for promotion. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL APPROVALS** :

Christene Keene presented for approval three paramedics that have completed training in the Ambulance Department. Darren Adams, Tiffany Peterson and Jody Johnson have been certified as paramedics.

Christene Keene also presented a request to approve Dana Stubbs as a Deputy Recorder. Dennis Stowell made a motion to approve Dana Stubbs as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PRAIRIE DOG MATTERS** :

Dennis Stowell discussed with the Commission the purchase of 640 acres from State Institutional and Trust Lands (SITLA) for use as prairie dog habitat. The property is located near the Beaver County line and currently has an established prairie dog colony. Funds for the purchase can be obtained through a grant from the State Division of Natural Resources. The property is identified as Sec 2, T32S, R10W, SLB&M.

Dennis Stowell made a motion to seek an option to purchase the property from SITLA and to apply for a grant to purchase the property through the Division of Natural Resources. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OPTION FOR FOREST RECEIPT MONIES** :

After reviewing options for funding from National Forest receipts, Dennis Stowell made a motion to use the current formula for receiving forest reimbursement. The Commission

determined that with the amount of timber infected with bark beetle that the current formula could grow during the next two years.

Dennis Stowell made a motion to approve the option to continue as in the past and to authorize the Commission Chair to sign the agreement. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**NEW HARMONY GIRL SCOUT FUND RAISER** :

Gene Roundy reported that he was contacted by the Girl Scout troop from New Harmony that were conducting a fund raising bake sale to benefit the September 11 disaster victims. The group was conducting a bake sale at Wal Mart in Cedar City.

Lois Bulloch made a motion to approve matching donations of \$300.00 from fund raising efforts in Iron County. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-8 - CONDEMNING TERRORISTS ACTS OF SEPT. 11, 2001** :

The Following resolution was introduced and read by Commission Chair Gene Roundy after which Dennis Stowell made a motion to adopt the resolution as read. Second was by Lois Bulloch.

**RESOLUTION 2001-8**

**A Resolution Condemning Terrorists Acts of Sept. 11, 2001**

**Whereas**, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists, and;

**Whereas**, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, DC, and the fourth into a field in Somerset County, Pennsylvania, and;

**Whereas**, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and;

**Whereas**, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve, and;

**Whereas**, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud,

**THEREFORE BE IT RESOLVED**, that the governing board of Iron County condemns the cowardly and deadly actions of these terrorists, and;

**Be it further resolved**, that the governing board of Iron County supports the President of the

United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice, and;

**Be it still further resolved**, that the governing board of Iron County recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

**BY ORDER OF** the Board of Iron County Commissioners this 24<sup>th</sup> day of September, 2001.

/s/ Gene E. Roundy  
Signed: Gene E. Roundy, Chairman

Attest: /s/ David I. Yardley  
David I. Yardley, Clerk

Voting:

Gene E. Roundy	Aye
Lois L. Bulloch	Aye
Dennis E. Stowell	Aye

**SURPLUS PROPERTY BID APPROVAL** :

Bids were opened for the sale of surplus property which have been advertised according to County policy. One bid was received for a 1990 Dodge. Beniti Orton bid \$150.00. Dennis Stowell made a motion to approve the bid of Beniti Orton. Second was by Lois Bulloch.

Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Dennis Stowell in behalf of HA Farms bid on two used road sanders, one for \$100.00 and the second for \$50.00. Dennis Stowell declared a conflict of interest in that he is the owner of HA Farms and did not participate in this action. Lois Bulloch made a motion to approve the sale of two sanders to HA Farms as bid. Second was by Gene Roundy. Voting: Gene Roundy, Aye; Lois Bulloch, Aye; Dennis Stowell, abstained from voting.

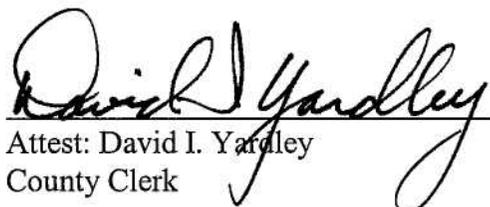
**BOARD OF EQUALIZATION HEARINGS** :

At 1:30 the Commission convened as a Board of Equalization to hear appeals by Steven Crowther and Clinton Hunt. The minutes of these proceedings are maintained by the Auditor's Office.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
October 9, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 9, 2001  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	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 David Yardley.

**APPROVAL OF MINUTES - August 27, 2001** :

Minutes of the Iron County Commission meeting held September 24, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported that plans were proceeding with the reenactment wagon train from Parowan to Cedar City on November 10. This will be a part of the sesquicentennial celebration

for Iron County and will be limited to 11 wagons, the same number as the original group that established Cedar City. They will limit the riders on the complete train to descendants of the original settlers. Commissioner Bulloch requested that Governor Leavitt be invited to ride on the train and to offer short remarks at the conclusion of the train at Iron Mission State Park. Commissioner Bulloch and Commissioner Stowell will participate in the wagon train.

Lois also reported that the BLM made their wildfire protection presentation to the Planning Commission. Chad Nay was asked to draft criteria to help protect future subdivision subject to wildland fires.

**Gene Roundy** reported that Williams Gas Pipeline Company have offered to match any increase in United Way donations in Iron County.

**Dennis Stowell** reported that property may be available for purchase from the State Institutional Trust Lands (SITLA) to substitute habitat for prairie dogs and clear recreation areas in Cedar City and surrounding areas. This is discussed further under the heading of Prairie Dog Matters.

**APPROVAL OF DATA PROCESSING BILLING CHARGES :**

Scott Maxwell came before the Commission to present proposed fee schedule for data processing and maps produced by the Data Processing Department. The Commission questioned the use of the data for commercial resale or for unauthorized uses. After reviewing the rates and options for use, Lois Bulloch made a motion to approve the proposed fee schedule with a provision that fees will cover the cost of reproducing the data and to copyright the material. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-9 JAIL FUNDING \_\_\_\_\_ :**

The following resolution was introduced in writing, was fully discussed, and pursuant to motion duly made by Commissioner Lois Bulloch and seconded by Commissioner Dennis Stowell adopted by the following vote:

Those Voting Aye: Gene E. Roundy  
Lois L. Bulloch  
Dennis E. Stowell

Those voting Nay: None

Those Absent: None

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

**RESOLUTION NO. 2001-9**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION OF AN ANNUALLY RENEWABLE LEASE AGREEMENT, DATED**

**AS OF NOVEMBER 1, 2001, BY AND BETWEEN THE COUNTY AND THE MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY, UTAH (THE "AUTHORITY"); AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LEASE REVENUE BONDS, SERIES 2001 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,000,000; AUTHORIZING THE EXECUTION OF A MASTER RESOLUTION, A GROUND LEASE BY AND BETWEEN THE AUTHORITY AND THE COUNTY, SECURITY DOCUMENTS, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE CONSTRUCTION OF A PUBLIC SAFETY FACILITY FOR MINIMUM SECURITY INMATES AND RELATED IMPROVEMENTS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.**

WHEREAS, Iron County, Utah (the "County") is a body politic duly and regularly created, established, organized, and existing under and by virtue of the Constitution and laws of the State of Utah; and

WHEREAS, the County has previously authorized and directed the creation of the Municipal Building Authority of Iron County, Utah (the "Authority") pursuant to the provisions of a Resolution adopted on April 12, 1982 (the "Creating Resolution"); and

WHEREAS, pursuant to the direction of the Board of County Commissioners contained in the Creating Resolution, the Authority has been duly and regularly created, established, and is organized and existing as a nonprofit corporation under and by virtue of the provisions of the Constitution and laws of the State of Utah, including, in particular, the provisions of the Utah Revised Nonprofit Corporation and Co-operative Association Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended, and the Utah Municipal Building Authority Act, Title 17A, Chapter 3, Part 9, Utah Code Annotated 1953, as amended (collectively, the "Act"); and

WHEREAS, under the Articles of Incorporation of the Authority (the "Articles") the objects and purposes for which the Authority has been founded and incorporated are to acquire, improve or extend one or more projects and to finance their costs on behalf of the County in accordance with the procedures and subject to the limitations of the Act in order to accomplish the public purpose for which the County exists; and

WHEREAS, the County desires to lease, as lessee, on an annually renewable basis, a public safety facility for minimum security inmates, and related improvements (the "Project"); and

WHEREAS, the Authority desires to lease the Project, as lessor, on an annually renewal basis, to the County, as lessee; and

WHEREAS, the Project is to be leased to the County, as lessee, on an annually renewable basis by the Authority, as lessor, pursuant to the terms and provisions of that certain Lease Agreement, to be dated as of November 1, 2001, in substantially the form presented to this meeting and attached hereto as Exhibit "A" (the "Lease") and herein authorized and approved; and

WHEREAS, the Authority desires to lease, as lessee, its interest in the real property upon which the Project will be constructed from the County as lessor, pursuant to the terms and provisions of that certain Ground Lease Agreement (the "Ground Lease") to be dated as of November 1, 2001 in substantially the form presented to this meeting and attached hereto as Exhibit "B" and herein authorized and approved; and

WHEREAS, the estimated costs of construction of the Project, including a certificate of the engineer/architect setting forth the estimated useful life of the Project have been submitted to the County; and

WHEREAS, the County has determined that the cost of construction of the Project is not less than the fair market value of the Project; and

WHEREAS, the Authority proposes to finance the costs of acquiring and constructing the Project, by means of the issuance of its Lease Revenue Bonds, Series 2001 in the aggregate principal amount of \$1,000,000 (the "Series 2001 Bonds") to be issued pursuant to the terms and provisions of a Master Resolution dated as of November 1, 2001 in substantially the form presented to this meeting and attached hereto as Exhibit "C" (the "Master Resolution") and herein authorized and approved; and

WHEREAS, the Authority proposes to issue the Series 2001 Bonds pursuant to the Master Resolution, and to secure its payment obligations under the Series 2001 Bonds by executing a Leasehold Deed of Trust, Assignment of Rents and Security Agreement and financing statements with respect to the Project in substantially the form presented to this meeting and attached hereto as Exhibit "D" (the "Security Documents") for the benefit of the holders of the Series 2001 Bonds; and

WHEREAS, the Authority shall adopt a resolution on October 9, 2001 (the "Authorizing Resolution"), which authorizes and approves the execution of the Lease, the issuance and sale by the Authority of its Series 2001 Bonds, the execution of the Master Resolution, the Ground Lease, Security Documents and other documents required in connection therewith, and the financing of the acquisition and construction of the Project; and

WHEREAS, the Series 2001 Bonds shall be payable solely from the rents, revenues and other income derived by the Authority from the leasing of the Project to the County, on an annually renewable basis, and shall not constitute or give rise to an obligation or liability of the County or constitute a charge against its general credit or taxing powers; and

WHEREAS, the County desires to improve and promote the local health and general welfare of the citizens of the County by entering into the Lease; and

WHEREAS, the State of Utah Permanent Community Impact Fund Board (the "Purchaser") has offered to purchase the Series 2001 Bonds and the Authority desires to sell the Series 2001 Bonds to the Purchaser; and

WHEREAS, under the Articles, the Authority may not exercise any of its powers without prior authorization by the governing body of the County and, therefore, it is necessary that the Board of County Commissioners authorize certain actions by the Authority in connection with the

transactions contemplated by the Lease, the Ground Lease, the Master Resolution, the Series 2001 Bonds and the Security Documents; and

WHEREAS, the Chair and other officials of the County have presented the Lease and Ground Lease to the Board of County Commissioners for the purpose of obtaining the approval of the Board of County Commissioners of the terms and provisions thereof and for the purpose of confirming the execution thereof as the official act of the Board of County Commissioners.

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

Section 1. All action heretofore taken (not inconsistent with the provisions of this Resolution or the Creating Resolution) by the Board of County Commissioners and by the officers of the County directed toward the creation and establishment of the Authority and the leasing of the Project by the County are hereby ratified, approved and confirmed.

Section 2. The Lease in the form presented to this meeting and attached hereto as Exhibit "A" is in all respects approved, authorized and confirmed and the Chair is authorized to approve the final terms thereof and to execute and deliver the Lease in the form and with substantially the same content as set forth in Exhibit "A" for and on behalf of the County. The appropriate officials of the Authority are authorized to approve the final terms and to execute the Lease on behalf of the Authority in the form and with substantially the same content as set forth in Exhibit "A" for and on behalf of the Authority.

Section 3. The Ground Lease in the form presented to this meeting and attached hereto as Exhibit "B" is in all respects approved, authorized and confirmed. The appropriate officials of the Authority are authorized to approve the final terms and to execute and deliver the Ground Lease on behalf of the Authority in the form and with substantially the same content as set forth in Exhibit "B" for and on behalf of the Authority. The appropriate officials of the County are authorized to approve the final terms and to deliver the Ground Lease on behalf of the County.

Section 4. The appropriate officials of the Authority are authorized to execute and deliver the Master Resolution and the Security Documents in the form and with substantially the same content as set forth in Exhibits "C" and "D", respectively, for and on behalf of the Authority.

Section 5. The Authority is authorized to issue the Series 2001 Bonds in the aggregate principal amount of \$1,000,000. The Bonds shall be dated, shall bear interest, shall be issued as fully registered bonds, and shall mature as provided in the Master Resolution.

The Chair of the Authority is hereby authorized, on behalf of the Authority, to award the sale of the Series 2001 Bonds to the Purchaser.

The form, terms and provisions of the Series 2001 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption and number shall be as set forth in the Master Resolution in the form to be executed by the Authority. The Series 2001 Bonds shall mature prior to the expiration of the estimated useful life of the Project. The Chair of the Governing Board of the Authority is hereby authorized to execute the Bonds, to place thereon the seal of the Authority, and to deliver the Series 2001 Bonds to the Purchaser. The Secretary of

the Governing Board of the Authority is authorized to attest to the signature of such Chair of the Board and to affix the seal of the Authority to the Series 2001 Bonds and to authenticate the Series 2001 Bonds. The signatures of the Chair of the Board and of the Secretary of the Governing Board of the Authority may be by facsimile or manual execution.

Section 6. The appropriate officers of the County are authorized to take all action necessary or reasonably required to carry out, give effect to and consummate the transaction contemplated hereby, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the sale and delivery of the Series 2001 Bonds.

Section 7. Upon their issuance, the Series 2001 Bonds will constitute special limited obligations of the Authority payable solely from and to the extent of the sources set forth in the Series 2001 Bonds, Security Documents and the Master Resolution. No provision of this Resolution, the Lease, the Ground Lease, the Master Resolution, the Series 2001 Bonds or the Security Documents, or any other instrument, shall be construed as creating a general obligation of the Authority or of creating a general obligation of the County, or as incurring or creating a charge upon the general credit of the County or against its taxing powers. The County shall have no power to pay out of its funds, revenues, or accounts, or otherwise contribute any part of the cost, or of making any payment in respect of the Series 2001 Bonds, except in connection with the payment of the Base Rentals, Additional Rentals and Purchase Option Price pursuant to the Lease (as those terms are defined in the Lease) which may be terminated by the County on any annual renewal date thereof in accordance with the provisions of such Lease.

Section 8. The Chair is hereby authorized to make any alterations, changes or additions in the Lease and Ground Lease herein approved and authorized necessary to correct errors or omissions therein, to remove ambiguities therefrom, or to conform the same to other provisions of such instruments, to the provisions of this Resolution or the provisions of the laws of the State of Utah or the United States. Execution of said documents shall conclusively establish approval of such changes.

Section 9. The County Clerk is hereby authorized to attest to all signatures and acts of any proper official of the County, and to place the seal of the County Clerk on the Lease and Ground Lease. The Chair and other proper officials of the County and each of them, are hereby authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

Section 10. The appropriate officials of the Authority are authorized to make any alterations, changes or additions in the Lease, the Ground Lease, the Master Resolution and the Security Documents herein authorized and approved which may be necessary to correct errors or omissions therein, to remove ambiguities therefrom, to conform the same to other provisions of said instruments, to the provisions of this Resolution, the Creating Resolution or any resolution adopted by the County or the Authority, or the provisions of the laws of the State of Utah or the United States. Execution of said documents shall conclusively establish approval of such changes.

Section 11. If any provisions of this Resolution (including the exhibits attached hereto) should be held invalid, the invalidity of such provisions shall not affect any of the other provisions of this Resolution or the Exhibits.

Section 12. The Secretary of the Authority is hereby authorized to attest to all signatures and acts of any proper official of the Authority, and to place the seal of the Authority on the Lease, the Ground Lease, the Master Resolution, the Security Documents, and any other documents authorized, necessary or proper pursuant to this Resolution or any Resolution of the Authority. The appropriate officials of the Authority, and each of them, are hereby authorized to execute and deliver for and on behalf of the Authority any or all additional certificates, documents and other papers to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this resolution and any resolution of the Authority.

Section 13. All regulations, orders and resolutions of the County or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any regulation, order, resolution or ordinance or part thereof.

Section 14. This Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH THIS 9TH DAY OF OCTOBER, 2001.

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Chair

ATTEST AND COUNTERSIGN:

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County Clerk

( S E A L )

**RESOLUTION 2001-10 SOUTHWEST PUBLIC HEALTH :**

The following resolution was introduced in writing, was fully discussed, and pursuant to motion duly made by Commissioner Lois Bulloch and seconded by Commissioner Dennis Stowell adopted by the following vote:

YEA:           Gene E. Roundy  
                  Lois L. Bulloch  
                  Dennis E. Stowell  
NAY:           None

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

**RESOLUTION NO. 2001-10**

**A RESOLUTION APPROVING THE ADOPTION BY THE MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY, UTAH OF A PARAMETERS RESOLUTION AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$1,143,750 LEASE REVENUE BONDS, SERIES 2001B; AND RELATED MATTERS**

WHEREAS, the County has created the Municipal Building Authority of Iron County, Utah (the "Building Authority") pursuant to provisions of the Utah Municipal Building Authority Act, Title 17A, Chapter 3, Part 9, Utah Code Annotated 1953, as amended (the "Act"); and

WHEREAS, the County intends to authorize the Building Authority to (i) to finance the acquisition and/or construction of a building to house the offices and treatment facilities of the Southwest Utah Public Health Department ("Southwest Public") and related improvements (the "Project"), to lease the Project to the County which intends to sublease the same to Southwest Public and (ii) to pay costs of issuance; and

WHEREAS, the Commission now desires to authorize the Building Authority to adopt a resolution to establish the parameters for issuance of its Lease Revenue Bonds, Series 2001B for the financing of the Project:

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

Section 1. The Board of Trustees of the Building Authority is hereby authorized to adopt a resolution setting the parameters for the issuance of its Lease Revenue Bonds, Series 2001B pursuant to a parameters resolution, the form of which is attached hereto as Exhibit "B" and made a part hereof by reference.

Section 2. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this 9th day of October, 2001.

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Chair

ATTEST:

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County Clerk

( S E A L )

**ADJOURN COMMISSION MEETING, RECONVENE AS MUNICIPAL BUILDING AUTHORITY OF IRON COUNTY, UTAH :**

Lois Bulloch made a motion to adjourn as a Board of County Commissioners and to reconvene as the Board of the Municipal Building Authority of Iron County, Utah. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**MBA RESOLUTION - MBA 2001-1 :**

A Resolution of the Governing Board of the Municipal Building Authority of Iron County, Utah (the "Authority") Authorizing and Approving the Execution by the Authority of an Annually Renewable Lease Agreement, Dated as of November 1, 2001, by and Between the Authority and Iron County, Utah (the "County"); Authorizing the Issuance and Sale by the Authority of its Lease Revenue Bonds, Series 2001, in the Aggregate Principal Amount of \$1,000, 000; Authorizing the Execution by the Authority of a Master Resolution, Ground Lease, Security Documents, and Other Documents Required in Connection Therewith; Authorizing the Construction of a Public Safety Facility for Minimum Security Inmates and Related Improvements; providing for the Publication of a Notice of Bonds to be Issued: Authorizing the Taking of all Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters.

**MBA RESOLUTION - MBA 2001-2 :**

A Resolution Authorizing the Issuance and Sale of Not More than \$1,143,750 Aggregate Principal Amount of Lease Revenue Bonds, Series 2001B, of the Municipal Building Authority of Iron County, Utah; Fixing the maximum Aggregate Principal Amount of the Bonds, the Maximum Number of years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest period.; and Related Matters.

**ADJOURN AND RECONVENE AS IRON COUNTY COMMISSION MEETING :**

Dennis Stowell made a motion to adjourn as the Board of the Municipal Building Authority of Iron County, Utah and reconvene as the Board of County Commissioners of Iron County. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL TO BID ROAD PROJECTS :**

Steve Platt, County Engineer, came before the Commission to present road projects for approval. The projects include the improvement of the Thermo road from the Beaver County line three miles south into Iron County. Steve asked the Attorney for an opinion on the ability to "piggy back" the Iron County portion of this project with the Beaver County contract.

Paul Bittmenn explained that this was a separate project and could not legally be attached to another County's contract. Dennis Stowell made a motion to approve bidding the Thermo road project to prepare the base and to grade the borrow pit area. The contract would not include two courses of chip seal or striping. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Steve also presented the Three Peaks road improvement project. This project would consist of placing subbase, culverts and preparing the project for chip sealing of three miles of road from the Lund Highway to the Three Peaks Recreation area. Material would either be purchased from a commercial source or it could be available from the Bulloch Pit. Lois Bulloch

made a motion to approve the project and authorize the project being put out to bid. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Steve then presented a proposed road improvement project to access the new Shooting Range. This project would include clearing and grading the road and surface the project with mine tailings. This project may be completed by the National Guard as a summer camp project provided clearance can be obtained. Lois Bulloch made a motion to approve this project subject to the availability of the National Guard to use as a summer camp project. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**FINAL APPROVAL OF BOARD OF EQUALIZATION ACTIONS :**

Cindy Bulloch came before the Commission to present Board of Equalization matters for approval. The Assessor recommended that the property value remain as assessed on properties owned by Benjamin Shirley, Serial # A-0877-0002-0021-01 Account # 4131352 and Serial # A-0877-0002-0021 Account # 283212. The Assessor recommended a decrease in value on Serial # D-0570-0005 Account # 4131270 from \$9,100 to \$1,600. Lois Bulloch made a motion to approve the recommendations of the Assessor's Office. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OF PROPERTY ACQUISITION BY STATE :**

Todd Prince, Iron Mission State Park, came before the Commission to request approval of a purchase by the State of Utah for land at Old Iron Town. Since Iron County has been a sponsor of the expansion of Iron Mission State Park to include the Old Iron Town Ruins, the County formally approved the purchase of additional property at Old Iron Town on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PRAIRIE DOG MATTERS :**

Dennis Stowell discussed the possibility of purchasing a portion of a section of land currently owned by the State Institutional Trust Lands (SITLA) for prairie dog habitat. It appears that Iron County may receive a special permit allowing the exchange of habitat to further the development of permanent prairie dog areas. This property would allow for an exchange of recreational land in Cedar City for the permanent habitat at Wild Pea Hollow.

Properties to be cleared would include the golf course, ball fields and parks in Cedar City and Enoch. The Commission approved proceeding with the purchase by submitting an application for funding with the State Department of Natural Resources and an application to purchase from SITLA, a portion of Section 2, Township 31 South, Range 11 West, SLB & M.

Lois Bulloch made a motion to proceed with the acquisition of this property for permanent prairie dog habitat. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ANNEXATION REQUESTS :**

Paragonah Town has submitted a petition for annexation for property located adjacent to the Paragonah Town limits. The annexation request is for 1.08 acres located in the Southwest

1/4, Section 33, Township 33 South, Range 8 West, SLB & M and was submitted by Val Robb and Trisha Robb. Lois Bulloch made a motion not to oppose the annexation as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Parowan City submitted a notice of proposed annexation containing 14.905 acres located on the North side of 200 South and within Section 15, Township 34 South, Range 9 West, SLB & M. The property owners requesting annexation are the Arlo Holoak family. Lois Bulloch made a motion not to oppose the annexation as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-11 APPOINTMENT OF IRON COUNTY REPRESENTATIVE TO UACIM ANNUAL MEETING** :

**RESOLUTION 2001-11**

**RESOLUTION OF APPOINTMENT OF A IRON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL 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 Association of Counties Insurance Mutual Membership Meeting to be held on November 14, 2001; and

WHEREAS, the Board of County Commissioners of Iron County, Utah, has been informed that the By-laws of the Utah Association of Counties Insurance Mutual require that the official representative and an alternate representative for Iron Count 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 Association of Counties Insurance Mutual Membership Meeting to be held on November 14, 2001, with Gene Roundy as an alternate representative.

RESOLVED ADOPTED AND ORDERED this 9<sup>th</sup> day of October, 2001.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

/s/ Gene E. Roundy  
Gene E. Roundy, Commission Chair

/s/ Lois L. Bulloch  
Lois L. Bulloch, Commissioner

/s/ Dennis E. Stowell  
Dennis E. Stowell, Commissioner

ATTEST:

David I. Yardley, Iron County Clerk

By: /s/ David I. Yardley

APPROVED AS TO FORM

Scott M. Burns, Iron County Attorney

BY: /s/ Scott M. Burns

**PERSONNEL - EXECUTIVE SESSION** :

Dennis Stowell made a motion to convene in Executive Session to discuss personnel matters. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

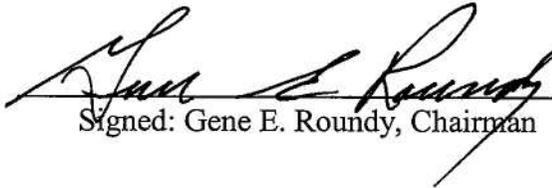
Upon reconvening in open session, the Commission reported that personnel items were discussed. No official action was taken at this time.

**BUDGET INTERVIEWS** :

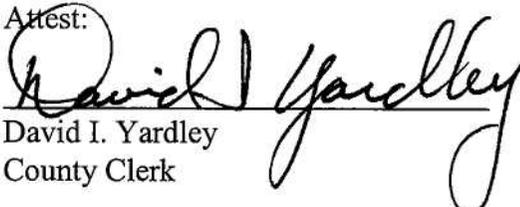
At the conclusion of Commission Business, the meeting adjourned and the Commissioners conducted budget interview with Department Supervisors.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

Attest:

  
David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
October 22, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 22, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer

**SYNOPSIS** :

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Dennis Stowell .....	2
Geri Norwood .....	2
Lois Bulloch .....	2
Patsy Cutler .....	2
HABITAT FOR HUMANITY - SID 98-1 PAYMENT WAIVER REQUEST .....	3
PAIUTE TRIBE LAND PURCHASE PROPOSAL .....	5
PERSONNEL - EXECUTIVE SESSION .....	3
PLEDGE OF ALLEGIANCE .....	1
PRAIRIE DOG DISCUSSION .....	5
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UTAH PUBLIC EMPLOYEES ASSOCIATION DUES .....	4

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Patsy Cutler.

**ELECTED OFFICIALS REPORTS** :

**Dennis Ayers** reported on results of the Revenue and Taxation steering committee meetings in Salt Lake. Salt Lake County is concerned with the way the State Tax Commission collects and distributes tax funds to Counties. By holding tax funds in interest bearing accounts it provides a windfall to the State and costs Counties monies they are legally entitled to. Salt Lake will be pushing to have funds distributed on a daily basis.

Dennis also stated that there is a move to amend the Farmland Assessment Act to reflect

common practice of how this program is administered.

**Patsy Cutler** reported that the Recorder's office is in charge of the Courthouse Christmas tree this year and she requested \$200.00 to purchase decorations. The Commission approved the purchase as requested.

**Geri Norwood** discussed concern with opening mail considering the anthrax that has been sent through the mail to offices in Washington, New York and Florida. The County has purchased gloves for use by the offices and if the Department Supervisor feels additional safety precautions are needed, they should take appropriate action.

**Dennis Stowell** discussed the sesquicentennial wagon train that is scheduled to leave Parowan and arrive in Cedar City on November 10. The wagon train will be limited to 11 wagons, the same number as the original company that settled on Coal Creek and established Cedar City. The celebration will also include a dinner and a gala including a ball. President Gordon B. Hinckley will be the featured speaker for the gala.

**David Yardley** reported that State officials have requested to meet with the County on November 20 at the Highway Patrol office to discuss expansion and remodel of the Dispatch center. The use of the additional space now occupied by the State will also be discussed.

**TIER CHANGE REQUEST - THORLEY DEVELOPMENT, LLC :**

A tier change request from Tier 4 to Tier 2 was presented for approval for all of Sec 31, T36S, R11W, SLB&M lying north of old Highway 91 excluding Middleton Lumber property. The change request has been before the Planning Commission and they have recommended approval.

Dennis Stowell made a motion to approve the tier change as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ROAD PROBLEM - CROSS HOLLOW HILLS SID - KEVIN WRIGHT :**

Kevin Wright came before the Commission to discuss a problem with the road in front of her home located in Cross Hollow Hills Unit 1. The road were placed on existing improved roads and were surfaced through a Special Improvement District. Upon review, it appears the road alignment encroached onto the lot purchase by Ms. Wright. The road was also not completed to the end of the platted road as it was proposed in the SID documents.

Ms. Wright requested that the road be removed, realigned and completed to the end of her property. The Commission discussed options including purchasing the property where the road encroaches and also saw cutting the road to remove the black top on her property. Neither of these options were satisfactory to Ms. Wright. Ms. Wright also requested \$382.00 for costs she has incurred in surveying the lot lines.

The matter was referred to Commissioner Roundy, Steve Platt and Reed Erickson to review the problem and determine which would be the most appropriate action to pursue. No action was taken on the request to reimburse Ms. Wright for survey costs.

**COUNTY INSURANCE COMMITTEE REPORT & RECOMMENDATION :**

The Personnel Insurance Committee came before the Commission to present their

recommendation for health benefits for 2002. Spokesman Jerry Robinson reported that administrative costs have increased 3% and the committee recommended that the claims portion be increased 20% to cover increases in the retirement package previously approved. The Commission questioned the 20% increase in the self funded portion when the present rate is currently covering all costs.

The Committee also recommended that the prescription policy be amended to a four tier system in which it would encourage employees to use generic and comparable drugs to keep costs down. Lois Bulloch made a motion to approve the four tier system as recommended. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Chuck Mitchell discussed the early retirement health insurance benefit scheduled to be implemented on January 1, 2001. The committee recommended that eligibility be increased from 10 years to 15 years of service and to increase eligibility for coverage for elected officials from 8 years of continuous service to 12 years of continuous service. The health insurance benefit would not be available if an employee is eligible to be covered under a spouse's policy or upon obtaining another job where health coverage is available. The benefit will provide up to five years of health insurance coverage for employees retiring before they are eligible for Medicare.

**PERSONNEL - EXECUTIVE SESSION** \_\_\_\_\_ :

Dennis Stowell made a motion to convene in executive session to discuss personnel matters. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

After reconvening in open session, Commissioner Stowell made a motion to accept the resignation of Lloyd Perkins effective October 19, 2001. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Commissioner Bulloch made a motion to approve a reduction in force effective immediately for the Zoning Enforcement position in the Building Inspection Department. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye. Glen Miller is to be given two weeks severance pay upon notification.

**HABITAT FOR HUMANITY - SID 98-1 PAYMENT WAIVER REQUEST** \_\_\_\_\_ :

Carol Bolsover representing the Habitat for Humanity program came before the Commission to request a waiver of annual payments for the Special Improvement District in Midvalley Estates. Ms. Bolsover explained that Rosemary McCalvin has donated two lots to the Habitat for Humanity which relies on donated labor and funds to construct homes for low income families that do not otherwise qualify for housing loans.

The Commission took the request under advisement to determine if they could legally waive the annual payment for one year.

**UTAH PUBLIC EMPLOYEES ASSOCIATION DUES** \_\_\_\_\_ :

Christene Keen came before the Commission to request approval to withhold union dues

for the Utah Public Employees Association as requested by the employees. Currently there are five employees that have joined UPEA and have requested a payroll deduction.

Lois Bulloch made a motion to approve a payroll deduction for County employees that choose to join the Utah Public Employees Association. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch,

**COMMUNITY DEVELOPMENT BLOCK GRANT 2002-2003 FUNDING YEAR :**

Commissioner Roundy opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2002/2003 grant year for the Community Development Block Grant Program. It was explained that the grant money needed to be spent on projects benefitting primarily low and moderate income persons. The Five County Association of Governments in which Iron County is a member, is expecting to receive approximately \$1,051,129 in this new program year. All eligible activities which can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Commissioner Roundy then read several of the eligible activities listed including: Construction of public works and facilities, ie: water and sewer lines, fire stations, acquisition of real property, provision of public services like food shelters, also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons.

Commissioner Roundy indicated that in the past Iron County has received grants to construct an ambulance garage and a senior Citizen Center in Cedar City. Iron County has also received grants to construct and expand a fire station in Newcastle and Beryl. In addition grants have been received to remodel and upgrade facilities at the Beryl Community Center.

The County has handed out its capital investment plan as part of the regional "Consolidated Plan". The list shows which projects the County has identified as being needed in the community. It was asked that anyone with questions, comments or suggestions throughout the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

**Mr. Ronald Johnson** asked if a new ambulance shelter and combined Senior Citizen bus garage in Parowan were still on the Capital Improvement list. The new shelter could also accommodate a first response vehicle for Search and Rescue personnel in northern Iron County. Commissioner Roundy responded to the suggestion by stating that this project is a number one priority for Iron County. Property has been committed by Parowan City and the project would free up additional space in the Parowan City Fire Department for additional equipment.

Commissioner Roundy then opened the meeting up to further suggestions from the audience. **Mr. Wayne Peterson**, said that the Newcastle Fire Department is in need of a newer pumper fire truck. The department currently is operating a 1952 model Coast fire truck that is no longer in production and parts are unavailable for repairs. Estimated cost for replacement and

equipment would be \$70,000 for a Class A pumper truck. Commissioner Roundy responded that the purchase of a fire truck will be added to the capital improvement project list and given a high priority.

Commissioner Roundy recognized **Niles Bosshardt and Sterling Harker** representing the Beryl Fire Department. Mr. Bosshardt suggested that a fire station be constructed at Modena to provide additional fire protection to rural Iron County. An estimate for a steel frame building without rest rooms or septic system is estimated to cost \$16,000 for the building plus concrete and labor to erect the building. Commissioner Roundy responded that at the present time this project is not ripe for funding because no specific site has been selected and the training of enough individuals to operate a viable volunteer fire department in the Modena area. Commissioner Roundy suggested that this project be submitted for funding of a planning grant during this funding cycle and placed on the next CDBG funding cycle for construction. The project is on the County Capital Investment Plan for the two to five year plan.

Commissioner Roundy then asked if there were any other suggestions? There being no additional suggestions and all present allowed to speak, the hearing was adjourned at 12:15 p.m.

**PRAIRIE DOG DISCUSSION** :

The Commission discussed the purchase of 308 acres of Section 2 known as Wild Pea Hollow for prairie dog habitat. In order to facilitate the purchase from SITLA, the parcel must be smaller than 320 acres. An application has been prepared by Steve Platt and submitted to SITLA for approval. A funding application has also been prepared for the Department of Natural Resources to purchase the property. The project will be discussed at the next Prairie Dog Habitat Committee Meeting scheduled for November 6.

**PAIUTE TRIBE LAND PURCHASE PROPOSAL** :

The County has received notice that the Paiute tribe of Utah intends to purchase additional land adjacent to existing tribal land near the Kanarraville exit. After reviewing the proposal, the Commission voted not to oppose the purchase on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

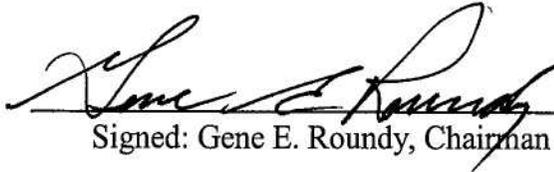
**AGRC MAPPING CONTRACT APPROVAL & SIGNING** :

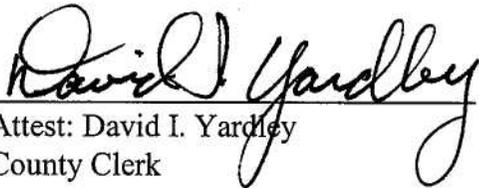
Lois Bulloch made a motion to approve a grant from the State of Utah to fund continued development of a GIS system and to authorize the Commission Chair to sign the contract in behalf of Iron County. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye. Commissioner Roundy then signed the contract.

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

After the bills were reviewed and approved or rejected, the meeting was adjourned into budget interviews at 1:45 p.m. on a motion by Lois Bulloch. Second was by Dennis Stowell.

Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
November 13, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 13, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

**SYNOPSIS** :

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FIVE COUNTY FIVE COUNTIES ASSOCIATION OF GOVERNMENTS .....	2
HIGH DESERT TRAIL COMMITTEE APPOINTMENTS .....	4
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TAX MATTER - BOB CLARK .....	3

**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**APPROVAL OF MINUTES - October 9, 2001** :

Minutes of the Iron County Commission meeting held October 9, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**APPROVAL OF MINUTES - October 22, 2001** :

Minutes of the Iron County Commission meeting held October 22, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** reported that an accident occurred on the Sesquicentennial wagon train involving a runaway team of horses. A wagon tongue broke in one wagon spooking the horses which ran into another wagon and then ran over Dean LeFevre who was riding another horse.

Mr. LeFevre received severe head injuries in the accident and he was life flighted to Salt Lake City.

Lois also reported that the State Tourism Board is looking at local Restaurant Tax funds as a source of funding for their activities. A bill is being prepared and sponsored by Representative Sheryl Allen. LaRee Garfield is following this matter and she has been asked to keep the Commissioners informed of the progress of this bill.

**Gene Roundy** reported the County has received an assessment for the Indigent Capital Defense Fund for 2002. The assessment was referred to Dennis Lowder for inclusion in the 2002 budget.

**PERSONNEL - EXECUTIVE SESSION** :

Dennis Stowell made a motion to convene in executive session to discuss personnel items in compliance with Utah Code 52-4-5. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Upon reconvening in open session Commissioner Roundy reported that a request from Lloyd Perkins to return to work as a Corrections Officer was denied. Mr. Perkins is to be informed that he may apply for re-hire through the regular employment procedure.

Commissioner Roundy also reported that a request for a hearing before the Utah Labor Commission concerning Lura Alger has been referred to the Workers Compensation Department for a response. No further action was taken by the Commission at this time.

**EMERGENCY OPERATION PLAN APPROVAL** :

Vern Grimshaw came before the Commission to present the Local Emergency Operation Plan for final approval and signatures. Vern reported that the plan addresses the needs of the citizens of Iron County in the event of a localized or hazardous material incident, civil disturbance, natural, manmade or technological emergency. The plan involves public safety and emergency personnel and departments along with support from the private sector.

Lois Bulloch made a motion to adopt the Emergency Operation Plan and to authorize signatures by the Commission. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESTAURANT TAX EXPENDITURES** :

Rusty Aiken and LaRee Garfield came before the Commission as the Restaurant Tax Board to discuss budget items for 2002. Due to a family emergency, Dennis Lowder, County Auditor was not in attendance. The Commission and Board tabled any discussion to a time when Dennis could be present.

**FIVE COUNTY FIVE COUNTIES ASSOCIATION OF GOVERNMENTS** :

John Williams, director of the Five Counties Association of Governments, Reed Erickson, Circuit Rider Planner, and Ron Cardon, Volunteer Center Coordinator, came before the Commission to discuss proposed budgets for 2002. John explained that Iron County's matching fund for 2002 is proposed to remain at \$15,000. The Circuit Rider Planner position is requesting a 5% increase in County funding. The County presently funds \$40,000 which would result in a

request of \$42,000 for 2002. The Volunteer Center is requesting funding to remain at the same level in 2002 at \$7,500.

Mr. Williams also discussed a Community Fire Planner position to help with local planning issues relating to wild fire damage reduction. The position would be funded by a grant of \$100,000 for 2002. It is proposed that this position be staffed in Cedar City. Iron County will make available office space for the new staff

The funding request were accepted and will be discussed during budget considerations.

**TAX MATTER - BOB CLARK** :

Bob Clark came before the Commission to request an adjustment on green belt rates for property which has been deeded back to him. Mr. Clark explained that he sold property located on Bulldog Road to David Knudeson for development. Upon completion of the sales contract, Mr. Knudeson paid the rollback tax that was due and did not apply for green belt protection. Mr. Clark continued to farm the property as part of his agricultural operation.

Mr. Knudeson defaulted on the agreement and deeded the property back to Mr. Clark. During the time Mr. Knudeson owned the property he failed to pay taxes which now results in approximately \$15,000 in taxes, interest and penalty. Mr. Clark requested that the tax be adjusted to the green belt rate and the penalties and interest be computed on the resulting green belt tax.

Upon review of previous Commission action in similar cases, Lois Bulloch made a motion to approve adjusting the taxes, interest and penalty to the green belt rate for the past two years. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**TAX ABATEMENT APPROVALS FOR 2001** :

Lois Bulloch made a motion to convene as a Board of Equalization to consider tax abatement approvals for the 2001 tax year. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Christene Keene presented applications for approval for individuals qualifying for Circuit Breaker, Indigent, Blind, Special and Veterans exemptions. New applications were reviewed individually after which Lois Bulloch made a motion to approve the qualifying exemptions and to authorize signatures. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**PERSONNEL MATTERS** :

Christene Keene came before the Commission to present several personnel items for approval. It was proposed that Eric Jorgensen be promoted to Data Processing Supervisor and that Jared Wilson be hired as a full time GIS specialist to fill the position vacated by the promotion of Eric. It was also proposed to sign a contract with Scott Maxwell to continue as a temporary part time as a computer specialist to January 1, 2002.

The landfill technician with mechanic responsibility job description was presented for approval and signatures.

Extended sick leave requests for Garth Jones and Mayedean Petty were presented for approval. Both have sufficient leave time accumulated to accommodate their requested leave.

The promotion of outreach worker, Sarah Penny was also presented for approval along with the approval of Kimberly Hardin as a part time temporary employee at the Cedar Justice Court along with Jill Decker and Colleen Adams as part time temporary employees in the Treasurer's office.

Lois Bulloch made a motion to approve the personnel requests as submitted and to authorize appropriate signatures by the Chair. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**AGRICULTURAL PROTECTION AREA - DAVID BURTON :**

Dennis Stowell made a motion to open a public hearing to consider final action on a request from David Burton and family to designate their agricultural property as an Agricultural Protection Area. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

David Yardley reported that the application has been submitted to the Iron County Planning Commission and to the Iron County Agricultural Protection Board. Both Boards have considered the application and request and have recommended approval. No responses to notices have been received in opposition to the designation.

The proposed Agricultural Protection Area is in 12 parcels located within the following Sections: Sec 30, 31 T 33 S, R 8 W, SLB&M; Sec 5, T 36 S, R 9 W, SLB&M; Sec 13, 24 T 34 S, R 10 W, SLB&M; Total Acres proposed for designation, 914.00

No statements were made from the audience either in favor or against the proposed designation.

After an appropriate time, Dennis Stowell made a motion to close the hearing and to approve the designation of Agricultural Protection Area on land owned and operated by the Burton family as requested and to authorize the Clerk to file the appropriate notices with the Recorder's Office and the State Department of Agriculture. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**TAX EXEMPTION REQUESTS :**

Utah State acquired parcels of land in Iron County during 2001 and they have requested a tax exemption for State owned property. Parcels included Serial # B-0046-3-1-7 and tax amount to adjust \$500.65; Serial # B-1131 tax amount to adjust \$4,222.11.

Iron County School District acquires Serial # B-1400-54 with a tax amount to adjust of \$164.99.

Lois Bulloch made a motion to approve the tax exemption requests as presented. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**HIGH DESERT TRAIL COMMITTEE APPOINTMENTS :**

The Commission discussed appointments to the High Desert Trails Committee. The High Desert Trails project is being spearheaded by the BLM and would involve ATV trails through

Iron County. Two names were presented for approval as Iron County representatives. Bill Hall and Richard Webster were suggested along with a representative from the Brian Head Trails Committee. Lois Bulloch made a motion to approve Bill Hall and Richard Webster contingent upon contacting Mr. Hall and Mr. Webster to determine if they would be willing and able to serve. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**BOND REFUNDING APPROVAL** :

Kimball Young and Marc Edminster, County Financial Advisors informed the Commission by letter that rates were very favorable to refinance (refund) the 1994 series sales tax revenue bonds. This could result in a savings to the County of nearly \$50,000 through the remainder of the bond. Approval of the refunding was approved in a parameters resolution dated April 23, 2001, Resolution 2001-3.

Lois Bulloch made a motion to approve the refunding of the 1994 sales tax revenue bonds to take advantage of lower interest rates. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**BID OPENING - THERMO ROAD PROJECT** :

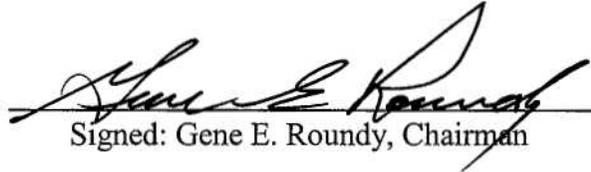
Lois Bulloch made a motion to authorize David Yardley and Steve Platt to open bids at 1:30 p.m. as advertised and to refer the bids to the County Engineer for review and his recommendation. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

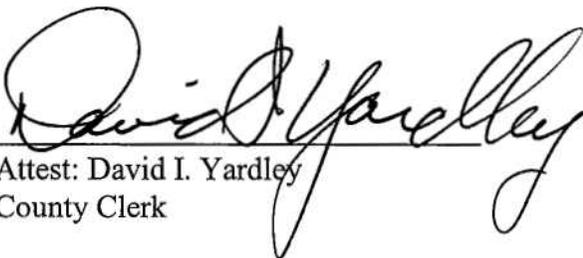
At 1:30 p.m. David Yardley and Steve Platt opened bids on the Thermo Road project with the following results:

Ashdown Construction	\$84,695.00*
A.T. Asphalt Paving, Inc.	\$139,925.00
Curtis DeMille Construction	\$86,740.00
Mel Clark Construction	\$120,525.00
Rollins Construction	\$96,155.00
Schmidt Construction	\$89,455.00
Western Rock Products	\$129,986.00
* low bid.	
The Engineer's estimate was	\$135,975.00

**APPROVAL OF WARRANTS & ADJOURN :**

After the bills were reviewed and approved or rejected, the meeting was adjourned at 12:15 p.m. to allow travel time to St. George to attend a meeting with Utah Association of Counties personnel regarding RS 2477 Road litigation on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING**  
**November 26, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. November 26, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
David Benson	County Sheriff
Erik Jorgensen	Data Processing Supervisor

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Dennis Stowell.

**APPROVAL OF MINUTES - November 13, 2001** :

Minutes of the Iron County Commission meeting held November 13, 2001 were approved as amended on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**David Benson** reported that due to the olympics in February the Utah Highway Patrol will send most of their force to Salt Lake City. This will add to the enforcement responsibility of the Sheriffs department during this time. One Sheriffs deputy, Michael Crouch will also be participating in the security of the Olympic games.

**Erik Jorgensen** discussed the need to upgrade the computer server for the Sheriffs department. This will be accomplished before January 1, 2002. Erik also discussed grants available for work on the GIS system. The Commission encouraged him to pursue grants available to continue and upgrade the GIS capability of the County.

**Dennis Lowder** discussed a tax adjustment by implementing a judgement levy. Due to the advertising and hearing process, it was determined that the cost to return \$4,070.98 was not justified and no judgement levy will be assessed this year.

**Patsy Cutler** requested that the Commission authorize closing the County Offices at noon on Christmas eve to allow employees time to be with their families. Lois Bulloch made a motion to approve closing the County Offices at noon on December 24 as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**Geri Norwood** reported that tax payments were beginning to pick up in the Treasurers Office. Payments are slightly behind last year but are picking up on a daily basis. Geri also discussed problems with the envelope sealing machine during the printing of tax notices. They are continuing to work with the distributor to see what needs to be done to fix the machine.

**David Yardley** reported that there was a glitch in the closing of the Jail Remodeling loan from CIB. There is another bond issue (1993) that caused some security interest concerns with the State. Blaine Carlton, Bond Attorney, is reviewing the problem to determine if the new loan may be added to the existing bond document through some amendments.

**Dennis Stowell** discussed livestock trail access on County roads. The General Plan designates all County roads for use as livestock trails. Hal Mitchell has written a letter to David Burton in which he expressed that Mr. Burton was not allowed to use the Dry Lakes Road which is a County road. The County Attorney was asked to review the matter and issue an opinion on the use of designated County roads as livestock trails.

**Lois Bulloch** discussed a proposed bill before the Legislature which would increase the County Restaurant Tax and the Counties would in turn be required to forward the increase to the State to fund the Travel Council. LaRee Garfield will monitor the progress of this bill which the Counties oppose. Lois also discussed the return of the first Commission minute book covering the time from 1852 to 1874. The County is offering a \$1,000 reward for it's safe return.

**PRESENTATION OF AWARD** :

Ira Schoppmann was invited to the Commission meeting to receive an award as the 2001 Iron County Fair grand marshal. Gene Roundy presented Mr. Schoppmann with a plaque and expressed thanks for the thirty two years of service Mr. Schoppmann served as the elected County Sheriff.

**PRAIRIE DOG TAKE APPROVAL** :

Teresa Bonzo came before the Commission to discuss permanent prairie dog take. Western General Dairy has requested a permanent take of 2.19 dogs which would bring the total take for the County for 2001 to 92 dogs. The County is authorized to remove 90 permanent take dogs in 2001 and may issue permits for up to 10 dogs over the permit to be taken out of the ensuing year allotment as explained in the HCP. Dennis Stowell made a motion to approve the Western General request with the understanding that 2 dogs will be counted against the 2002 permanent take. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Rich Gillett has also requested a permanent take permit however since the limit of permanent take has been reached for 2001, his request was tabled until the December 20 meeting with the understanding that the take would be approved for 2002.

**BUILDING INSPECTION COMPLAINT** :

Teresa Fiack came before the Commission to discuss an encroachment problem with the Parowan Theater where a new roof has been installed that over hangs the Parowan Café. Previously the pitch of the roof drained to the rear of the building. By changing the roof, all water, snow and ice drain onto the roof of the café. Ms. Fiack is requesting that since Iron County contracts with Parowan City to provide building inspections that the project be rejected until a suitable alternative is achieved to keep water and snow from the café.

The Commission explained that this appears to be a problem the Fiack's and Parowan City, however the County Attorney and Chad Nay were asked to review the matter to see if the building was constructed accordance with the plans submitted for approval.

**CONDITIONAL USE PERMITS** :

Chad Nay reported that Charles Sheets has applied for a conditional use permit to construct a Guest House on his property west of Quichapa Lake. Mr. Sheets is located in an A-20 zone and he has two twenty acre parcels.

Chad also reported that Circle 4 Farms has requested a conditional use permit to construct an Accessory Dwelling at their Blue Mountain facility to house security personnel. The dwelling will be located within an agricultural protection area and A-20 zone.

No action was needed from the Commission and no action taken at this time.

**MEMORANDUM OF AGREEMENT** :

Michael Crouch presented an Olympic Law Enforcement Memorandum of Agreement for Commission approval. Under the agreement, the County will pay the base wage for Mr. Crouch, all other expenses will be reimbursed from the Olympic Committee including overtime caused by

the absence of Mr. Crouch. Lois Bulloch made a motion to approve the agreement and authorize the Commission chair to sign in behalf of Iron County and also to express appreciation for Michael's willingness to serve. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**CHILDREN'S JUSTICE CENTER INTERLOCAL AGREEMENT :**

Karla Staheli representing the Children's Justice Center presented an interlocal agreement for approval. Under the agreement, the County would administer the funds for the Center. The County is not obligated to commit additional County funds to the program. Dennis Stowell made a motion to approve the agreement. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION NO. 2001-11 BOND REFINANCING :**

A Resolution Authorizing the Issuance and Confirming the Sale of Iron County, Utah Sales Tax Revenue Refunding Bonds, Series 2001, in an Aggregate Principal Amount of \$678,000 for the Purpose of Defraying the Cost of Refunding a Portion of the Outstanding Lease Revenue Bonds, Series 1994 of the Municipal Building Authority of Iron County, Utah, and Paying the Costs of Issuing Said Bonds; Fixing the Form and Other Details and Confirming the Sale Thereof; Providing for the Collection, Handling and Disposition of Certain Sales Tax Revenues of Iron County, Utah; Approving the Execution and Delivery of Bond Purchase Agreement in Connection with the Issuance of Said Bonds; and Related Matters was introduced in written form, discussed in full, and pursuant to motion made by Commissioner Lois Bulloch and seconded by Commissioner Dennis Stowell, adopted by the following vote: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

A copy of the full resolution will be made available in the transcript of the transaction on file in the County Clerk's Office.

**MANDATORY SEWER HOOKUP REQUIREMENTS :**

Reed Erickson came before the Commission to discuss a proposed ordinance to require hookups to municipal sewer systems where available. Currently lots within new subdivisions and new residences are required to provide sewer hookups where available. Property owners within subdivisions must agree not to oppose sewer service and to agree to connect to the sewer when it becomes available. Under the proposed ordinance, this requirement would become mandatory for existing lots before a building permit could be issued.

Connection fees and early payment options were discussed. It was decided that an interlocal agreement needs to be drafted and approved between the Municipalities and the County to provide sewer service and to set connection fees.

The matter is to be set for a public hearing on January 14, 2002 prior to adopting the ordinance.

**RESTAURANT TAX BOARD BUDGET DISCUSSION :**

Dennis Stowell made a motion to convene as a Restaurant Tax Board with the following members present, Gene Roundy, Lois Bulloch, Dennis Stowell, Rusty Aiken and LaRee Garfield

to discuss the 2002 restaurant tax budget. Second was by Lois Bulloch. All voted in favor.

Proposed budget requests were reviewed and the following decisions were approved:

Fairgrounds parking lot chip seal project	\$30,000
Three Peaks Park Improvements	\$100,000
Indoor Arena Bleachers, Cedar City	\$45,000 annually for three years
Parowan TV Building	\$10,000
Cedar City Heritage Theater Project	\$50,000 one time funding.

The Board also approved carrying a one year fund reserve of \$332,500 for 2002.

Dennis Stowell made a motion to approve the budget requests and fund reserve as discussed.

The Board also is authorized to reconvene and approve additional projects from unappropriated funds. Second was by Rusty Aiken. All voted in favor.

**PERSONNEL MATTERS** :

Christene Keene presented names for approval of extended sick leave as required in the Personnel Policy. Don Campbell, Frank "Joe" Lial, Roberto Madrid from the Landfill and Robert Twitchell from the Road Department will need approval of extended leave due to injury or illness. Lois Bulloch made a motion to approve extended sick leave to the individuals listed above. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Christene also presented for approval Robert W. Miller and Rodney P. Skeem as Corrections Officers. Dennis Stowell made a motion to approve Robert W. Miller and Rodney P. Skeem as County Employees. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**BID OPENING - THREE PEAKS ROAD** :

Bids for the Three Peaks Road Improvement Project were opened at 1:30 p.m. as advertised in bid documents. Bid results were as follows:

Ashdown Construction	\$127,500	Low Bid
Rollins Construction	\$128,300	
Curtis DeMille Construction	\$143,000	
High Gear Grading	\$146,500	
Cindy Taylor Trucking	\$157,570	
Interstate Rock	\$158,400	
Western Rock	\$159,941	
Schmidt Construction	\$164,600	
Mel Clark Construction	\$168,050	
Engineers Estimate	\$165,000	

Dennis Stowell made a motion to take the bids under advisement and authorize the Engineer to review the bid documents to determine if they meet the specifications. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**TAX MATTER** :

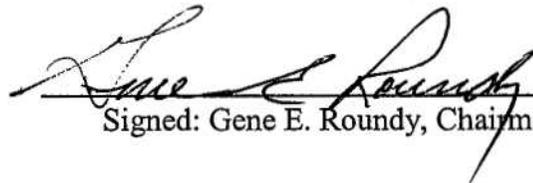
Enoch City purchased a property during 2001 and have requested that it be tax exempt effective June 13, 2001. The parcels are identified as Parcel 1, Serial # A-741-4; Account # 18314; Parcel 2, Serial # D-173-4; Account # 113867. The total tax adjustment for 2001 is \$252.36.

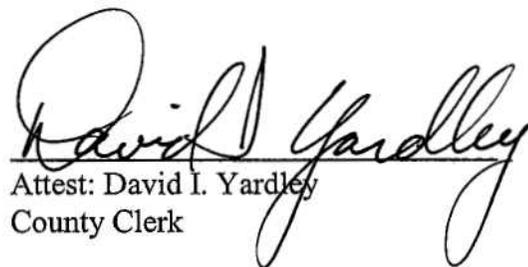
The second tax exemption request is from The Church of Jesus Christ of Latter-Day Saints for a parcel purchased from Thelmer Stratton identified as Serial # B-141; Account # 48642, effective date; January 22, 2001. Tax adjustment for 2001, 291.53.

Lois Bulloch made a motion to approve the tax exemptions as requested. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

**IRON COUNTY COMMISSION MEETING  
December 10, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 10, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Scott M. Burns	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 - November 26, 2001** :

Minutes of the Iron County Commission meeting held November 26, 2001 were approved as amended on a motion by Dennis Stowell. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ELECTED OFFICIALS REPORTS** :

**Lois Bulloch** discussed the formation of an Airport Terminal Building Task Force to work on the Cedar City Airport Terminal. This Task Force will not replace or change the existing Airport Board but will make suggestions regarding the design and improvements to the

terminal. Iron County has been asked to make recommendations for members of the task force. The Commission voted to recommend LaRee Garfield and Steve Platt to serve on this task force on a motion by Lois Bulloch. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Lois also reported that Paul Holyoak has submitted a letter of resignation as a member of the Planning Commission. David Yardley was asked to write a letter of appreciation to Mr. Holyoak for the service rendered on the Planning Commission.

**Gene Roundy** reported that he received a letter from Utah Power & Light Company requesting nominations for an award titled MVP (Most Valuable Person) to be awarded for Community Volunteer Development. Commissioner Roundy will meet with Ron Cardon, Community Volunteer Coordinator, to suggest names for this award.

**Dennis Stowell** discussed a letter received from the Bureau of Land Management regarding access to the Red Hill TV (Summit) site. The BLM stated that access is denied across BLM property until a right of way access across private land is presented for their review. The matter was referred to Steve Platt and Dennis Johnson to acquire the proper right of way deeds across the private land.

#### **SOLID WASTE LANDFILL FEE INCREASE** :

The Commission called for discussion of a proposed increase in landfill dumping fees. Commissioner Roundy explained that the proposal was to increase fees from \$3.00 per cubic yard to \$4.00 per cubic yard and to increase the residential fee from \$3.00 per month to \$4.00 per month. This will result in an annual increase of \$250,000 which would be used to fund the construction of a gate house, capital improvements and equipment purchases.

Greg Mosdell, owner of Mosdell Sanitation stated that he was opposed to the increase. He asked the Commission to consider delaying the purchase of new equipment until the current equipment is paid in full. Then funds now used in those payments could then finance the proposed projects. Mr. Mosdell stated that when the County placed the operation of the landfill out for bid in 1994, the low bid came back to operate the facility for under \$200,000 annually for a ten year contract and now it is costing County residents over \$1,000,000 per year. It was not clear if this bid package included an annual review and increase. Mr. Mosdell admitted that volume figures were not accurate in this bid request.

After all public comments were heard, the matter was tabled for further budget review and a public hearing is to be scheduled in compliance with Special Service District fiscal guidelines.

#### **RESOLUTION 2001- 13 SOUTHWEST PUBLIC HEALTH INTERLOCAL AGREEMENT APPROVAL :**

The following resolution was introduced in writing, read in full and pursuant to motion duly made by Commissioner Lois Bulloch and seconded by Commissioner Dennis Stowell adopted by the following vote: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

RESOLUTION NO. 2001-13

A RESOLUTION OF THE GOVERNING BODY OF IRON COUNTY, UTAH  
("COUNTY") APPROVING THE INTERLOCAL COOPERATIVE AGREEMENT  
RELATED TO THE SOUTHWEST UTAH PUBLIC HEALTH DEPARTMENT;  
AUTHORIZING THE EXECUTION AND DELIVERY OF SAID INTERLOCAL  
COOPERATIVE AGREEMENT; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Interlocal Cooperation Act"), public agencies, as defined in the Interlocal Cooperation Act ("Public Agencies"), are authorized to enter into contracts and agreements with one another in order to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and to provide the benefit of economies of scale for the overall promotion of the general welfare of the State; and

WHEREAS, the Interlocal Cooperation Act provides that any power that may be exercised by any Public Agency may be exercised and enjoyed jointly with other Public Agencies pursuant to an agreement duly approved by resolution of the governing body of each of such Public Agencies; and

WHEREAS, in order to improve local health and the general welfare by affirming the formation and maintenance of a multi-county local health department known as the Southwest Utah Public Health Department, the County desires to enter into an interlocal cooperative agreement by and between Beaver County, Utah; Garfield County, Utah; Iron County, Utah; Kane County, Utah and Washington County, Utah;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY AS FOLLOWS:

Section 1. All actions not inconsistent with the provisions of this resolution heretofore taken by the County are hereby ratified, approved and confirmed.

Section 2. The Interlocal Cooperative Agreement (the "Interlocal Agreement"), in substantially the form presented to this meeting, is hereby approved and attached as Exhibit "C", and the appropriate officers of the County are hereby authorized and directed to execute and deliver the Interlocal Agreement, in the form presented to this meeting, their execution constituting conclusive evidence of the County's approval thereof.

Section 3. All orders, ordinances and resolutions with respect to this transaction heretofore adopted, or parts thereof, which are in conflict with any of the provisions hereof are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 4. If any provision of this resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, in operative or unenforceable to any extent whatever, this resolution and the provisions of this resolution being deemed to be the separate

independent and severable act of the governing body of the County.

Section 5. Immediately after its adoption, this resolution shall be signed by the appropriate officers of the County, shall be recorded in the official records of the County and shall take immediate effect.

PASSED and approved by the governing body of the County, this 10<sup>th</sup> day of December, 2001.

By: /s/ Gene E. Roundy  
Title Commission Chairman

( S E A L )

ATTEST:

By: /s/ David I. Yardley  
David I. Yardley  
Its County Clerk

**RESOLUTION 2001-14 SOUTHWEST PUBLIC HEALTH FINANCING :**

The Commission adopted Iron County, Utah (The "County") Resolution 2001-14 Authorizing and Approving the Execution of an Annually Renewable Lease Agreement, Dated as of November 1, 2001, by and Between the County and the Municipal Building Authority of Iron County, Utah (The "Authority"); Authorizing and Approving the Execution by Said County of a Sublease Agreement Dated as of November 1, 2001, by and Between Said County and the Southwest Utah Public Health Department ("Southwest Public") Authorizing the Issuance and Sale by the Authority of its Lease Revenue Bonds, Series 2001b in the Aggregate Principal Amount of \$1,143,750; Authorizing the Execution of a Master Resolution, Security Documents, and Other Documents Required in Connection Therewith; Authorizing the Acquisition And/or Construction of a Building to House Offices and Treatment Facilities of Southwest Public and Related Improvements; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**RESOLUTION 2001-15 JAIL IMPROVEMENT FUNDING :**

The Commission adopted Resolution 2001-15 which authorized and approved the Execution of an Annually Renewable Lease Agreement as Amended by a Second Amendment to Lease Agreement, Dated as of December 1, 2001, by and Between the County and the Municipal Building Authority of Iron County, Utah (The "Authority"); Authorizing the Issuance and Sale by the Authority of its Lease Revenue Bonds, Series 2001 in the Aggregate Principal Amount of \$1,000,000; Authorizing the Execution of a Second Supplemental Indenture, a First Amendment to Ground Lease by and Between the Authority and the County, Security Documents, and Other Documents Required in Connection Therewith; Authorizing the Acquisition, Construction and

Equipping of a Public Safety Facility for Minimum Security Inmates and Related Improvements; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters on a motion by Lois Bulloch, Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**ADJOURN AS COMMISSION AND CONVENE AS IRON COUNTY, UTAH**

**MUNICIPAL BUILDING AUTHORITY BOARD:**

**RESOLUTION MBA 2001-3 SOUTHWEST PUBLIC HEALTH**

A Resolution of the Governing Board of the Municipal Building Authority of Iron County, Utah (The "Authority") Authorizing and Approving the Execution by the Authority of an Annually Renewable Lease Agreement, Dated as of November 1, 2001, by and Between the Authority and Iron County, Utah (The "County"); Authorizing the Issuance and Sale by the Authority of its Lease Revenue Bonds, Series 2001b, in the Aggregate Principal Amount of \$1,143,750; Authorizing the Execution by the Authority of a Master Resolution, Security Documents, and Other Documents Required in Connection Therewith; Authorizing the Acquisition And/or Construction of a Building to House Offices and Treatment Facilities of the Southwest Utah Public Health Department and Related Improvements; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters was approved by Boardmember Lois Bulloch. Second was by Boardmember Dennis Stowell. Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**RESOLUTION MBA 2001-4 JAIL REMODEL FINANCING**

A Resolution of the Governing Board of the Municipal Building Authority of Iron County, Utah (The "Authority") Authorizing and Approving the Execution by the Authority of a Second Amendment to Lease Agreement, Dated as of December 1, 2001, by and Between the Authority and Iron County, Utah (The "County"); Authorizing the Issuance and Sale by the Authority of its Lease Revenue Bonds, Series 2001, in the Aggregate Principal Amount of \$1,000,000; Authorizing the Execution by the Authority of a Second Supplemental Indenture, First Amendment to Ground Lease, Security Documents, and Other Documents Required in Connection Therewith; Authorizing the Acquisition, Construction and Equipping of a Public Safety Facility for Minimum Security Inmates and Related Improvements; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters was approved by Boardmember Lois Bulloch. Second was by Boardmember Dennis Stowell. Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

At the conclusion of Municipal Building Authority of Iron County, Utah items, Lois Bulloch made a motion to adjourn and reconvene as Iron County Commission. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**RECONVENE AS IRON COUNTY COMMISSION** :

**ROAD MATTER - KEVIN WRIGHT** :

Kevin Wright came before the Commission again to request a change in the road adjacent to her property in Cross Hollow Hills Unit I. Steve Platt reported to the Commission that when the SID was completed, 365 feet of the road was not completed by the developer. Steve estimated that it would cost the developer \$4,000 to bring the road base to county standards. It would cost an additional \$4,500 to complete the oiled surface to compare to existing asphalt.

Ms. Wright also requested reimbursement of \$382 to pay for a survey of her lot line completed to show the encroachment onto her property of the oiled surface of the road. The total encroachment covers about 100 square feet of the Wright lot.

Lois Bulloch made a motion to approve finishing the road with asphalt to the end of the subdivision and to authorize payment of \$382. for the survey. In return Ms. Wright is to adjust the lot line to transfer the existing road to Iron County. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**BOARD OF EQUALIZATION - CERTIFIED MOTEL INVESTMENTS** :

The Commission convened as a Board of Equalization to consider one item that was clearly postmarked prior to the filing deadline on a motion by Lois Bulloch. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

The Board reviewed a request by Certified Motel Investments to reduce the value of sixty-one condominium units located at Village Inn Apartments, 810 South Main, Cedar City. The Assessor stated that the property was sold for 1.8 million and was recently repossessed. The new owner of record, Certified Motel Investments asked that the value be amended to 1.5 million. Since this is a condominium, each unit is valued individually. No justification for a value reduction was submitted for each unit.

Lois Bulloch made a motion to deny a change in value. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**INSURANCE COMMITTEE REPORT** :

The County Employee Insurance Committee came before the Commission to finalize requirements for post retirement insurance benefits. The Committee recommended that to qualify for benefits, an employee must have 15 years of continuous service with the County. Elected Officials qualify after 12 consecutive years of service. Coverage is for a maximum of five years from the date of employee termination or until such time as the terminating employee has insurance benefits available to him/her from subsequent employment, Medicaid or Medicare. Lois Bulloch made a motion to approve the draft policy with an effective date of January 1, 2002. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

The Committee also discussed insurance coverage for National Guard employees. The Commission adopted the policy on a motion by Lois Bulloch that while on active duty with the National Guard or Armed Forces Reserves that the County would continue to provide insurance at the same level of coverage. That is, the County will cover what the Military does not to our

current policy level. The County will also pay any difference between National Guard/Reserve pay and the employee's current salary. Employees may return to their former position upon completion of active duty service. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

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

Christene Keene came before the Commission to present requests for extended sick leave for Ronald Decker and Lee Hulet. Mr. Decker has not been released from doctor care after surgery and Mr. Hulet has had surgery. Extended sick leave was approved for Ronald Decker and Lee Hulet on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Christene also discussed a correction in the grade and step of a Landfill Technician. After reviewing the position in the salary study, Mike Swallow recommended that the Landfill Technician be placed at Grade 14 and the Landfill Technician/Mechanic at Grade 15. Lois Bulloch made a motion to approve the grade recommendations as presented. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Christene reported that some supervisors have asked about independent courses that enhance work qualifications and if time spent studying could qualify as time at work. The Commission determined that this is a decision best left to supervisors.

**PERSONNEL - EXECUTIVE SESSION** \_\_\_\_\_ :

Dennis Stowell made a motion to convene in executive session to discuss personnel matters. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ROAD MATTER - AWARDING OF BID ON THERMO ROAD PROJECT** \_\_\_\_\_ :

After review by the County Engineer of the bid packets submitted on the Thermo Road Project, Steve Platt recommended that the bid be awarded to the low bid of Ashdown Brothers Construction for \$84,695.00

Dennis Stowell made a motion to accept the bid of Ashdown Brothers Construction for \$84,695.00 for the Thermo Road project. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ROAD MATTER - AWARDING OF BID ON THREE PEAKS ROAD PROJECT** \_\_\_\_\_ :

After review by the County Engineer of the bid packets submitted on the Three Peaks Road Project, Steve Platt recommended that the bid be awarded to the low bid of Ashdown Brothers Construction for \$127,500.00

Dennis Stowell made a motion to accept the bid of Ashdown Brothers Construction for \$127,500.00 for the Three Peaks Road project. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**ADC CONTRACT AMENDMENT** \_\_\_\_\_ :

A contract amendment extending funding for an additional year for a matching fund reimbursement grant for costs associated with predator control between Iron County and the

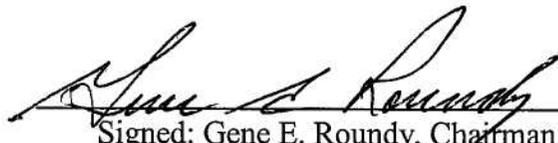
State of Utah was approved on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

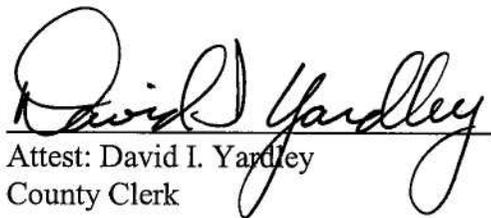
**COURTHOUSE VOICE MAIL SYSTEM APPROVAL** :

David Yardley reported to the Commission that the voice mail system for the Courthouse has failed and that a system compatible with our phones is available through Zephyr Communications for \$3,500.00. Lois Bulloch made a motion to approve the purchase of a new voice mail system as soon as possible. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

## INTERLOCAL COOPERATIVE AGREEMENT

This Interlocal Cooperative Agreement is entered into by and among BEAVER COUNTY, GARFIELD COUNTY, IRON COUNTY, KANE COUNTY and WASHINGTON COUNTY (individually herein, the "County" and collectively herein, the "Counties"), each a political subdivision of the State of Utah, as of the 1st day of December, 2001, for the purpose of formalizing and memorializing the creation of a separate legal entity to more efficiently provide governmental facilities, services and improvements for their citizens.

### RECITALS

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Act"), permits local governmental units including cities, counties, and political subdivisions of the State of Utah to make the most efficient use of their powers by enabling them to cooperate with other public agencies on the basis of mutual advantage and to create a separate legal entity to more efficiently provide governmental facilities, services and improvements to the general public; and

WHEREAS, the Counties are committed to promoting the health and welfare and enhancing the quality of life for their citizens, including all incorporated and unincorporated areas of the Counties; and

WHEREAS, each County within the State of Utah is required to create and maintain a local health department pursuant to the provisions of the Local Health Authorities Act, Title 26A, Chapter 1, Part 1, Utah Code Annotated 1953, as amended (the "Health Authorities Act") and the Health Authorities Act expressly authorizes two or more contiguous counties to unite to create and maintain a local health department; and

WHEREAS, the Counties, which are contiguous, have previously jointly maintained a local health department known as the Southwest Utah Public Health Department ("Southwest Public") under the powers of the Health Authorities Act; and

WHEREAS, Southwest Public has operated and has been maintained by the Counties as a local health department as if created, organized and validly existing pursuant to the Act; and

WHEREAS the Counties desire to confirm, reaffirm and ratify the creation of Southwest Public as the multi-county local health department for the Counties with independent powers as an interlocal cooperative under the Act and to hereby memorialize such creation; and

WHEREAS, the Counties are each committed to maintain Southwest Public as the multi-county local health department within and for the benefit of the Counties; and

WHEREAS, the Board of County Commissioner of each of the Counties has determined that reaffirming, ratifying and memorializing the creation of Southwest Public and maintaining Southwest Public as a multi-county local health department with powers to operate as an interlocal cooperative independent of each individual county will enhance the public health, sanitation, public welfare and economic base of each of the Counties; and

WHEREAS, the Counties desire to enter into this Interlocal Cooperative Agreement to

ratify and reaffirm the creation of Southwest Public as a separate legal entity to provide the functions and services of a multi-county local health department for the benefit of the Counties; and

WHEREAS, this Interlocal Cooperative Agreement shall not become effective until it is first approved by resolution of the Board of County Commissioners of each of the Counties as evidenced by the execution hereof by the appropriate officers of said Counties:

NOW, THEREFORE, the Counties hereby express their commitments and agree as follows:

## ARTICLE I

### DEFINITIONS AND INTERPRETATIONS

Section 1.1 Meanings and Constructions. The terms defined in this section for all purposes of this Interlocal Cooperative Agreement and any amendments hereto, shall have the meanings herein set forth:

(1) "Act" shall mean the Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended.

(2) "Board of County Commissioners" shall mean the Board of County Commissioners of each of the Counties.

(3) "Bonds" shall mean bonds, notes, certificates, debentures, contracts or other evidences of indebtedness or borrowing issued or incurred by Southwest Public pursuant to the Act.

(4) "Counties" shall mean collectively Beaver County, Utah; Garfield County, Utah; Iron County, Utah; Kane County, Utah and Washington County, Utah and their successors.

(5) "Governing Body" shall mean the governing body of Southwest Public.

(6) "Health Authorities Act" shall mean the Local Health Authorities Act, Title 26a, Chapter 1, Part 1, Utah Code Annotated 1953, as amended.

(7) "Interlocal Cooperative Agreement" shall mean this Interlocal Cooperative Agreement and any amendments and supplements hereto.

(8) The term "lease" shall mean any lease or any sublease or any operating or management or similar agreement.

(9) "Southwest Public" shall mean the Southwest Utah Public Health Department, a multi-county local health department whose creation and maintenance is reaffirmed and memorialized by this Interlocal Cooperative Agreement pursuant to the Act and pursuant to the Health Authorities Act. Southwest Public is deemed a separate legal entity and political subdivision of the State of Utah.

Section 1.2 Interpretations. This Interlocal Cooperative Agreement, except where the context by clear implication herein otherwise requires, shall be construed as follows:

(a) definitions include both singular and plural;

(b) pronouns include both singular and plural and cover both genders; and

(c) the captions or headings of this Interlocal Cooperative Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provision, article or section of this Interlocal Cooperative Agreement.

Section 1.3 Successors. Whenever Southwest Public is named or is referred to herein, such provision shall be deemed to include the successors of Southwest Public, whether so expressed or not.

## ARTICLE II

### FORMATION AND POWERS OF SOUTHWEST PUBLIC

Section 1.4 Formation of Southwest Public. The Act provides for the creation of a separate legal entity through the execution and approval by resolution of an agreement among the Counties. This Interlocal Cooperative Agreement creates the Southwest Public, an interlocal agency. Southwest Public is a separate legal entity and political subdivision under the Act and shall have the power to issue Bonds to help the Counties to finance, construct and maintain physical facilities and perform all functions consistent with a multi-county local health authority as described in the Health Authorities Act. Southwest Public shall be a not-for-profit entity. Any net earnings of Southwest Public (other than those required to retire indebtedness of Southwest Public or to implement any program undertaken by it) will not inure to the benefit of any private person.

Section 1.5 Powers of Southwest Public. Southwest Public shall have the power to:

(a) exercise all powers and functions of a multi-county local health department created and maintained under the Health Authorities Act;

(b) own, acquire, construct, lease, operate, maintain and repair or cause to be constructed, operated, leased, maintained and repaired physical facilities for the operation, maintenance or assistance of a multi-county local health authority and any related facility or improvement;

(c) borrow money or incur indebtedness, issue Bonds for the purposes for which it was created, assign, pledge or otherwise convey as security for the payment of any such Bonds the revenues and receipts from or for any physical facilities operated or utilized by a multi-county local health authority, which assignment, pledge or other conveyance may rank prior in right to any other obligation except taxes or payments in lieu thereof payable to the State of Utah or its political subdivisions;

(d) Southwest Public may exercise any power or powers, privileges or authority exercised or capable of exercise by the Counties individually, including the power to lease physical facilities from or to the Counties and to pledge physical facilities as security for the payment of any Bonds issued hereunder.

### ARTICLE III

#### GOVERNANCE OF SOUTHWEST PUBLIC

Southwest Public shall be governed by the Governing Body in accordance with the provisions of the Health Authorities Act. The Governing Body of Southwest Public shall be a board of health. Board members of the board of health shall be appointed by the Board of County Commissioners of the Counties. Each participating County shall appoint two Board members. The board of health shall be nonpartisan. An employee of Southwest Public may not be a Board member. Appointments shall be for terms of five years and shall be made, as possible, so one-fifth of the terms of office of those serving on the board of health expire each year. Board members appointed to fill vacancies shall hold office until expiration of the terms of their predecessors. All Board members shall reside within the area served by Southwest Public. A majority of Board members may not: (i) be primarily engaged in providing health care or in the administration of facilities or institutions in which health care is provided; (ii) hold a fiduciary position or have a fiduciary interest in any entity involved in the provision of health care; (iii) receive either directly or through a spouse more than one-tenth of the Board members gross income from any entity or activity relating to health care; and (iv) be members of one type of business or profession.

The board of health shall elect a chair, a vice-chair, and a secretary. The health officer of Southwest Public appointed pursuant to Utah Code Annotated § 26-1-110 may serve as secretary to the board of health.

Regular meetings of the board of health shall be held not less than once every three months. Special meetings may be called by the chair, or a majority of the Board members at any time by providing three days' notice by mail to each Board member, or in the case of emergency, as soon as possible after all Board members have been notified.

The board of health may adopt and amend bylaws for the transaction of business. A majority of the board of health shall constitute a quorum.

Board members serve without compensation, but shall be reimbursed for actual and necessary traveling and subsistence expenses when absent from their place of residence in attendance at authorized meetings.

### ARTICLE IV

#### LIMITATIONS ON SOUTHWEST PUBLIC

The full faith and credit powers of the Counties shall not be pledged directly for payment of any Bonds issued by Southwest Public. Nonetheless, the Counties shall maintain and fund Southwest Public in accordance with the provisions of the Health Authorities Act.

### ARTICLE V

#### GENERAL REPRESENTATIONS, WARRANTIES AND COVENANTS

Section 1.6 Interlocal Agreement to be Kept on File. Each County covenants that this Interlocal Cooperative Agreement shall be filed with its keeper of records.

Section 1.7 County Representations. Each County represents and warrants that it is a political subdivision of the State of Utah and is authorized to enter into the transactions contemplated by this Interlocal Cooperative Agreement and to carry out its obligations hereunder.

Section 1.8 No Litigation Representation. Each County represents and warrants that there is no litigation or legal or governmental action, proceeding, inquiry or investigation pending or threatened to which said County, as applicable, is a party or to which any of its property is subject which if determined adversely to said County, would individually or in the aggregate (i) affect the validity or the enforceability of this Interlocal Cooperative Agreement, or (ii) otherwise materially adversely affect the ability of the said County to comply with its obligations under this Interlocal Cooperative Agreement or the transactions contemplated by this Interlocal Cooperative Agreement.

## ARTICLE VI

### COMMITMENTS BY COUNTIES

Section 1.9 Determination of Value of Physical Facilities. The Board of County Commissioners for each County shall each determine that the physical facilities of Southwest Public located within such County will prove a valuable asset to their constituents and the development thereof and are fully consistent with the County's institutional mission and the public interest.

Section 1.10 Security for Financings. To facilitate the financing of physical facilities within a County, each County may enter into a lease or other financing arrangement with Southwest Public with respect to the operation and utilization of said physical facilities. Although a County shall not be legally bound beyond its current fiscal year for payments to be made to Southwest Public with respect to the operation and utilization of physical facilities, it nonetheless may fund its annually renewable obligations to Southwest Public from certain taxes and other legally available moneys. In addition, each County may enter into such contracts and agreements as shall be required to provide for the operation, maintenance, and repair of physical facilities and may submit its interest in such physical facilities to the securing of any Bonds issued by Southwest Public.

## ARTICLE VII

### GRANT OF EMINENT DOMAIN POWER

For purposes of establishing Southwest Public as a political subdivision, each County hereby grants to Southwest Public its power of eminent domain to accomplish the purposes for which Southwest Public has been created.

## ARTICLE VIII

### GENERAL PROVISIONS CONCERNING THIS INTERLOCAL COOPERATIVE AGREEMENT

Section 1.11 Operating Budget. The fiscal year of Southwest Public shall end on each December 31. The Governing Body of Southwest Public shall adopt an annual budget for each fiscal year in compliance with the Uniform Fiscal Procedures Act for Counties, Title 17, Chapter 36, Utah Code Annotated 1953, as amended. Prior to final adoption, the budget shall be approved by the Board of County Commissioners for each County, and shall not be effective until so approved.

Section 1.12 Termination of Agreement.

(a) This Interlocal Cooperative Agreement shall be in full force and effect and be legally binding upon the Counties only after its execution and approval by resolution by the Board of County Commissioners of each County. Thereafter this Interlocal Cooperative Agreement shall continue as a binding contract and shall not terminate until

the later of the date thirty (30) years after the effective date hereof or such later date upon which all Bonds of Southwest Public and other contractual obligations have been retired, but in no event later than the date fifty (50) years after the effective date of this Interlocal Cooperative Agreement.

(b) Upon termination of this Interlocal Cooperative Agreement, title to all assets of Southwest Public upon its dissolution shall revert to the Counties in proportion to their commitment to secure payment on any Bonds issued by Southwest Public and to provide funds to maintain Southwest Public. The Governing Body is hereby authorized to take such actions as shall be necessary to effectuate the termination of Southwest Public and to dispose of the property of Southwest Public.

Section 1.13 Assignment. None of the Counties may assign any interest herein without consent of all other parties to this Interlocal Cooperative Agreement and receipt by Southwest Public of an opinion of nationally recognized bond counsel to the effect that such assignment is authorized under the Act and will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds, should the interest on the Bonds be excluded from taxation for federal income tax purposes. The terms of this Interlocal Cooperative Agreement shall inure to the benefit of and be binding upon the respective representatives and successors of the Counties.

Section 1.14 Counterparts. This Interlocal Cooperative Agreement may be executed in several counterparts, any one of which shall be regarded for all purposes as one original. Each County agrees that it will execute any and all deeds, instruments, documents and resolutions or ordinances necessary to give effect to the terms of this Interlocal Cooperative Agreement.

Section 1.15 Entire Contract. This Interlocal Cooperative Agreement merges and supersedes all prior negotiations, representations and agreements between the Counties relating to the subject matter hereof and constitutes the entire contract between the Counties concerning the formation and powers of Southwest Public. Nonetheless, it is the intent and purpose of this Interlocal Cooperative Agreement to memorialize and reaffirm the formation and powers exercised by Southwest Public heretofore, without adding thereto or subtracting therefrom.

Section 1.16 Amendment. This Interlocal Cooperative Agreement shall not be modified or amended except in writing, which shall be signed by the duly authorized representative of the Counties after the adoption of a resolution by the Board of County Commissioners of each County approving the modification or amendment, provided, however, that if Southwest Public has Bonds outstanding, no amendment to this Interlocal Cooperative Agreement may be made which would have a material adverse impact on the bondholders without the prior consent of said bondholders.

Section 1.17 Attorney's Fees. The prevailing party in any litigation to interpret and/or enforce the provisions of this Interlocal Cooperative Agreement shall be entitled to an award of reasonable attorney's fees and costs, in addition to other available relief. Other than is expressly provided in this Interlocal Cooperative Agreement, no breach of this Interlocal Cooperative Agreement shall entitle any party to unilaterally cancel, rescind or terminate this Interlocal Cooperative Agreement; but such limitations shall not affect in any manner any other rights or remedies which either party may have by reason of any such breach.

Section 1.18 Severability. Whenever possible each provision of this Interlocal Cooperative Agreement shall be interpreted in such a manner as to be valid; but, if any provision of this Interlocal Cooperative Agreement shall be held, in a final judicial determination, to be invalid or prohibited under applicable law, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remainder of such provision or the remaining provisions of this Interlocal Cooperative Agreement. Notwithstanding the foregoing, however, should such judicially determined invalidity of any provision of this Interlocal Cooperative Agreement frustrate the intended purpose of the member entities, as expressed herein, such invalidity shall cause this Interlocal Cooperative Agreement to be terminated, with the parties, to the extent possible, to be restored to the status quo as though this Interlocal Cooperative Agreement had not been signed.

Section 1.19 Governing Law. This Agreement shall be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties have caused this Interlocal Cooperative Agreement to be executed by their duly authorized representatives as of the date first written above.

BEAVER COUNTY

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

Chair

Attest: \_\_\_\_\_

County Clerk

Date: \_\_\_\_\_

[S E A L]

Approved as to form and as compatible  
with State law:

By \_\_\_\_\_

Beaver County Attorney

GARFIELD COUNTY

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

Chair

Attest:

\_\_\_\_\_

County Clerk

Date: \_\_\_\_\_

[S E A L]

Approved as to form and as compatible  
with State law:

By \_\_\_\_\_

Garfield County Attorney

IRON COUNTY

By: /s/ Gene E. Roundy \_\_\_\_\_

Gene E. Roundy Chair

Attest:

/s/ David I. Yardley

David I. Yardley, County Clerk

Date: December, 10, 2001

[S E A L]

Approved as to form and as compatible  
with State law:

By: /s/ Scott M. Burns

Scott M. Burns, Iron County Attorney

KANE COUNTY

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

Chair

Attest:

\_\_\_\_\_

County Clerk

Date: \_\_\_\_\_

[S E A L]

Approved as to form and as compatible  
with State law:

By \_\_\_\_\_

Kane County Attorney

WASHINGTON COUNTY

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

Chair

Attest:

\_\_\_\_\_

County Clerk

Date: \_\_\_\_\_

[S E A L]

Approved as to form and as compatible

with State law:

By \_\_\_\_\_

Washington County Attorney



**IRON COUNTY COMMISSION MEETING  
December 20, 2001**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. December 20, 2001 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Gene E. Roundy	Commission Chairman
Dennis E. Stowell	Commissioner
Lois L. Bulloch	Commissioner
Paul Bittmenn	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Dennis A. Lowder	County Auditor
Dennis W. Ayers	County Assessor
Patsy T. Cutler	County Recorder
Geraldine S. Norwood	County Treasurer
David Benson	County Sheriff

**SYNOPSIS** :

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**PLEDGE OF ALLEGIANCE** :

Those assembled were led in the pledge of allegiance by Gene Roundy.

**ELECTED OFFICIALS REPORTS** :

Gene Roundy reported that the assessment for the Capital Indigent Defense Fund has been received. The County must submit payment of the assessment prior to January 15, 2002 in

order to continue to participate.

Gene also discussed plans to remodel the Cedar Dispatch area and to determine if adequate space will be available to relocate the Justice Court. Commissioner Roundy will review the matter with Judge Margaret Miller.

**Lois Bulloch** discussed the purchase of prairie dog habitat from the State Institutional Trust Lands (SITLA). It is proposed that through this purchase, the Cedar golf course and parks in Cedar City may be permanently cleared and all prairie dogs removed.

**Erik Jorgensen** discussed computer problems at the Correction Facility. The State has requested that the Sheriff's Office be removed from the current server. The State has given a deadline of January 1, 2002 to have the system disconnected. The County Attorney was asked to write a letter to the State requesting an extension to February 1 due to the unavailability of a new server for the Sheriff.

**Geri Norwood** reported that the County collected \$15.5 million in taxes this year. The County share of this revenue is \$2.3 million. New growth accounted for \$100,000.

Geri also reported that she is preparing the delinquent tax list for publication. There still remains \$1.9 million in delinquent taxes for 2001.

**Patsy Cutler** discussed the need for a standardized block on all subdivision plats being filed to include a signature from the Treasurer that taxes on the parcels being subdivided have no delinquent taxes owing at the time of filing. Since this provision is included in the County Subdivision ordinance, the municipalities are the only ones not required to have this signature block. This item will be discussed at the County Coordinating meeting with mayors to request that their subdivision requirements include this language.

**Dennis Lowder** discussed a drug enforcement grant to be administered by the County. This will be a pass through grant with the County receiving \$17,000 for administration costs. Since the funds will be used on a multi county level, budget procedure is not clear. Dennis will discuss how to handle this with the State Auditor's Office.

**David Benson** reported that two deputies in the Sheriff's Department have resigned. Carl Callison and Phil Terry submitted letters of resignation effective immediately. The Sheriff also reported that physical fitness standards for deputies were being developed. He asked that some incentive be allowed for deputies continuing to meet POST standards.

**PERSONNEL - EXECUTIVE SESSION** \_\_\_\_\_ :

Lois Bulloch made a motion to convene in emergency executive session to discuss a sexual harassment charge involving a Sheriff's Deputy. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Upon reconvening in open session, the Commission reported that a matter concerning a sexual harassment charge was discussed and would be referred to the Personnel Department and the County Attorney for action consistent with County personnel policy.

**GIS CONTRACT 2002** \_\_\_\_\_ :

A contract between Iron County and State of Utah, Division of Information Technology

Services to fund continued data gathering for the GIS system was approved for signature on a motion by Lois Bulloch. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**FINAL BUDGET HEARING** \_\_\_\_\_ :

Dennis Stowell made a motion to open a public hearing on the proposed budget for 2002. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Vern Grimshaw requested that the Emergency Management Coordinator budget be amended to add additional funds in the part time salary for the Director. Vern estimated that the position is approaching 3/4 time. He also explained that as of January 1, 2002 office space and telephone may not be available since this has been provided by Enoch City at no charge.

This request was taken under advisement and the position will be submitted to Mike Swallow for a job evaluation.

Dennis Ayers requested that the vehicle budget for the Assessor's office be increased to purchase a four wheel drive vehicle. The Sheriff noted that there was a vehicle being taken out of law enforcement

Greg Mosdell appeared and stated that he was opposed to increases proposed in the Landfill operating budget which could result in increasing landfill dumping fees. He requested that a roll off truck be eliminated from the budget and he requested that purchase of new equipment be delayed one year to free up funds from previous purchases which will terminate this year.

The hearing was closed at 10:45 a.m. and action tabled until later in the meeting.

After recalling the matter and further review of budget items, Dennis Stowell made a motion to adopt the Iron County Budget for 2002 as amended. Second was by Lois Bulloch.

**RESOLUTION 2001-16**

**A RESOLUTION OF THE IRON COUNTY COMMISSION ADOPTING AND APPROVING THE 2002 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, 2001 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 following budget is hereby adopted:

	<u>2002 Approved Budget</u>
General Fund	\$8,048,411
Municipal Service Fund	\$2,562,250
Other Funds	
Class "B" Road Fund	\$2,223,276
Library Fund	\$ 154,274
Transient Room Tax Fund	\$ 383,857
Public Health Fund	\$ 147,276
Emergency 911 Fund	\$ 212,067
Restaurant Tax Fund	\$ 494,642
Aging Council Fund	\$ 183,862
Federal P.I.L.T. Fund	\$1,462,243
Iron County Fair Fund	\$ 90,000
Internal Service Funds	\$ 303,000
Solid Waste Fund	
Landfill Service	\$1,042,728
Collection Service	\$ 206,626
Ambulance Service	\$1,202,235
Sewer Service Fund	\$ 9,700
Debt Service Funds	
Visitor Center Complex	\$ 82,210
Highway Patrol Facility	\$ 38,044
Fairgrounds Building Project	\$ 40,100
Convention Center Bond	\$122,000
Cross Hollow Hills SID	\$ 14,655
Mid Valley Estates SID	\$108,279
North Interchange Fire Station	\$ 9,600

BY ORDER OF the Board of Iron County Commissioners this 20<sup>th</sup> day of December 2001.

/s/ Gene E. Roundy  
Signed: Gene E. Roundy, Chair

Attest:

/s/ David I. Yardley  
David I. Yardley, County Clerk

Voting:

Gene E. Roundy	Aye
Dennis E. Stowell	Aye
Lois L. Bulloch	Aye

**RESTAURANT TAX BOARD - BUDGET APPROVAL :**

The County Commission along with members of the Restaurant Tax Board Rusty Aiken and LaRee Garfield discussed amendments to and final approval of the Restaurant Tax Fund. Along with prior approvals the Board agreed to roll over unexpended funds on Three Peaks projects which have not been completed. The Board approved funding \$45,000 per year for three years to purchase grandstands at the Cedar City indoor arena complex. They also approved funding \$17,500 for replacement of the power line to serve the Beryl TV site and \$33,000 to fund chip sealing of the Three Peaks Road. Rusty Aiken made a motion to approve the budget for the Restaurant Tax as presented. Second was by LaRee Garfield. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye; Rusty Aiken, Aye; LaRee Garfield, Aye.

**ALLARD RANCH SUBDIVISION DISCUSSION :**

Robert Platt, representing Allard Ranch Subdivision reported to the Commission that improvements were 70% completed. He inquired as to the procedure to complete the subdivision approval process once the improvements are completed. The request for final plat approval should be submitted to the County Clerk to publish notice and to schedule a hearing.

**2002 PRAIRIE DOG TAKE APPROVAL :**

Teresa Bonzo presented for approval take request for prairie dogs which would become effective January 1, 2002. The following requests were approved on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Rich Gillette	2.7 dogs
Danny Bulloch	7.4 dogs
Joe Burgess	1.5 dogs
2001 approval adjustment	2.0 dogs
TOTAL	13.6 dogs

**EXTENSION SERVICE REQUESTS & CONTRACT APPROVAL :**

Chad Reid & Kathy Riggs presented a contract between USU and Iron County for signatures. The contract is a standard contract for Extension Service for 2002. Dennis Stowell made a motion to approve the contract and authorize signatures. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Chad and Kathy also requested that some adjustments in line items be allowed on their

proposed office budget for 2002. The Commission explained that they could use appropriated funds as they deemed appropriate.

**2001 BUDGET AMENDMENT HEARING :**

The Commission opened a public hearing to amend the 2001 budget on a motion by Dennis Stowell. Second by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

Dennis Lowder noted the Departments that had exceeded their budget. These included the Sheriff and Road Departments. Their budget is affected by overtime that is not included in the approved budget. The Fair was also over budget for the year due to losses in the Livestock show and rental of additional tents for events.

Lois Bulloch made a motion to approve the budget adjustments for 2001 as presented. Second by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye: Lois Bulloch, Aye.

**RESOLUTION 2001-17**

**A RESOLUTION OF THE IRON COUNTY COMMISSION AUTHORIZING ADJUSTMENTS IN THE 2001 DEPARTMENT BUDGETS.**

**WHEREAS**, Iron County Departments have requested adjustments to their budgets for 2001 to cover expenses incurred for 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 2001 budget of Iron County is hereby amended to increase the following funds by the amount indicated:

	2001 Approved Budget	Proposed Amendment	Increase
<b>GENERAL ACCOUNT:</b>	<b>\$8,203,450</b>	<b>\$8,344,383</b>	<b>\$140,933</b>
Commissioners	\$ 124,665	\$ 132,188	\$ 7,523
Cedar Precinct Court	\$ 190,865	\$ 193,476	\$ 2,611
Data Processing	\$ 190,493	\$ 206,251	\$ 15,758
Non Departmental	\$ 269,485	\$ 302,745	\$ 33,260
Visitor Center	\$ 61,809	\$ 67,534	\$ 5,725
Animal Control	\$ 44,533	\$ 71,700	\$ 27,167
Victim Services	\$ 52,244	\$ 57,750	\$ 5,506
Children's Safety Council	\$ 10,574	\$ 11,650	\$ 1,076
Welfare Services	\$ 1,250	\$ 2,250	\$ 1,000
County TV	\$ 69,164	\$ 72,320	\$ 3,156

Frisco Peak TV	\$ 16,000	\$ 19,130	\$ 3,130
Exhibits & Shows	\$ 8,200	\$ 22,700	\$ 14,500
Miscellaneous	\$ 16,500	\$ 21,960	\$ 5,460

	2001 Approved Budget	Proposed Amendment	Increase
<b>MUNICIPAL SERVICES FUND</b>	<b>\$1,593,305</b>	<b>\$1,692,303</b>	<b>\$ 99,249</b>
Sheriff	\$1,500,680	\$1,531,878	\$ 31,198
Woods Ranch	\$ 77,874	\$ 91,850	\$ 13,976
Cooperative Recreation	\$ 14,500	\$ 68,575	\$ 54,075
 <b>OTHER FUNDS</b>	 <b>\$2,696,401</b>	 <b>\$2,881,169</b>	 <b>\$184,768</b>
Class "B" Roads	\$1,568,138	\$1,627,805	\$ 59,667
Emergency 911	\$ 140,293	\$ 162,020	\$ 21,727
Library	\$ 132,716	\$ 133,126	\$ 410
County Fair Funds	\$ 91,406	\$ 105,382	\$ 13,976
Fiddlers Canyon Flood Control SID	\$ -0-	\$ 1,000	\$ 1,000
Fairgrounds Bldg. Debt Service	\$ 38,860	\$ 38,871	\$ 11
Jail Improvements Construction	\$ -0-	\$ 29,045	\$ 29,045
Ambulance Service	\$ 724,988	\$ 783,920	\$ 58,932

BY ORDER OF the Board of Iron County Commissioners this 20<sup>th</sup> day of December, 2001.

/s/ Gene E. Roundy  
Signed: Gene E. Roundy, Chair

Attest:

/s/ David I. Yardley  
David I. Yardley, County Clerk

Voting:

Gene E. Roundy	Aye
Dennis E. Stowell	Aye
Lois L. Bulloch	Aye

**PERSONNEL MATTERS** :

Christene Keene requested authorization for extended sick leave donations for Ron Decker, a Corrections Officer. Mr. Decker has used all of his available leave and he has previously been approved for extended sick leave. Lois Bulloch made a motion to approve donations of vacation time from other employees to Mr. Decker. Second was by Dennis Stowell.

Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Christene also reported that Dennis Ayers has requested that Marilyn Webster be promoted to Office Supervisor at the Cedar City Assessor's Office. This would result in a Grade

increase from Grade 7 Step 3 to Grade 8 Step 3. Dennis Stowell made a motion to approve the promotion as requested. Second was by Lois Bulloch. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

Lloyd Perkins requested permission to return to work at the Correction Facility as a Part time employee. After reviewing the request, Lois Bulloch made a motion to deny part time employment for Mr. Perkins. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**2002 COMMISSION MEETING SCHEDULE** :

The Commission reviewed the proposed Commission meeting schedule for 2002 after which Lois Bulloch made a motion to approve the meeting schedule and authorize publication. Second was by Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

**2002 IRON COUNTY COMMISSION MEETING SCHEDULE**

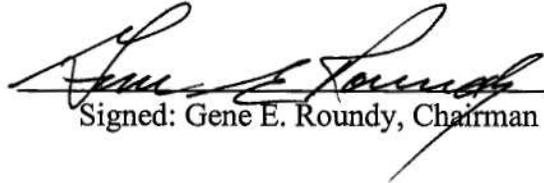
NOTICE IS HEREBY GIVEN that the regular Iron County Commission meetings have been scheduled on the following dates:

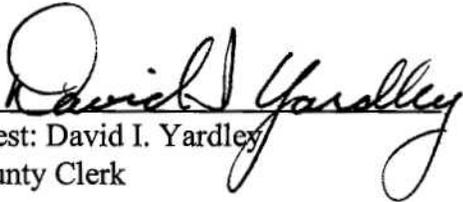
January 14	January 28	
February 11	February 25	
March 11	March 25	
April 8	April 22	
May 13	May 28	(TUESDAY)
June 10	June 24	
July 1 12:00 Noon to Canvass Primary Election Ballots		
July 8	July 22	
August 12	August 26	
September 9	September 23	
October 15 (TUESDAY)	October 28	
November 12 (TUESDAY) Canvass General Election Ballots		
November 25		
December 9		
December 19 (THURSDAY) (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.

**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 Dennis Stowell. Voting: Gene Roundy, Aye; Dennis Stowell, Aye; Lois Bulloch, Aye.

  
Signed: Gene E. Roundy, Chairman

  
Attest: David I. Yardley  
County Clerk

