IRON COUNTY COMMISSION MEETING
May 28, 2013

Minutes of the Iron County Commission meeting convened at 9:00 a.m. May 28, 2013 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
David J. Miller	Commissioner
G. Michael Edwards	Deputy County Attorney
David I. Yardley	County Clerk

Also Present:

Leslie Bishop	Human Resource Director
Connie Lloyd	Council On Aging Director

SYNOPSIS :

ADJOURN 15
APPROVAL OF INTERLOCAL AGREEMENT FOR MSC AEROSPACE, LLC 12
APPROVAL OF MINUTES May 13, 2013 1
BIDS FOR WATER TANK PROJECT AT WOODS RANCH 13
FESTIVAL HALL COUNTY USE FEE AGREEMENT 2013 14
MEMORANDUM OF AGREEMENT MOBILE LIBRARY (BOOKMOBILE) SERVICE . . . 13
MEMORANDUM OF UNDERSTANDING CRITICAL INCIDENT TASK FORCE 12
ORDINANCE 2013-3 AMENDMENT TO LAND MANAGEMENT CODE 3
PERSONNEL MATTERS 13
PLEDGE OF ALLEGIANCE 1
PUBLIC HEARING ORDINANCE AMENDMENT 2
REPORTS 1
SOUTHERN UTAH COLLEGE OF OSTEOPATHIC MEDICINE (SUCOM) 12
TAX MATTER FAD TRUST 14

PLEDGE OF ALLEGIANCE :

Those assembled were led in the pledge of allegiance by Dale Brinkerhoff.

APPROVAL OF MINUTES May 13, 2013 :

Minutes of the Iron County Commission meeting held May 13, 2013 were approved on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

REPORTS :

David Yardley, County Clerk, discussed budget items for 2013. Currently all line items are within the expected expenditures. He also discussed upcoming municipal elections which will be programed through the Clerk's office to allow for the use of voting equipment.

Leslie Bishop, Human Resource Director, discussed public defender contracts. Currently all contract attorneys are performing well and by moving from any association with the County Attorney's office, the perception of a conflict of interest has been reduced or eliminated. She

also reported that GRAMA officers need to complete on line training before the end of the year. This will help in responding to records requests.

Connie Lloyd, Council on Aging Director, thanked the Commissioners for participating as volunteers in delivering meals on wheels during May which has been designated as Senior's Month. The focus of the Senior Citizen program is to keep seniors active and healthy.

David Miller reported on the NACo sponsored Western Interstate Regional conference held in Flagstaff Arizona. Because of the large wild fires experienced during the past few years, this was a major topic of discussion. Commissioners from Arizona reported that the Schultz fire near Flagstaff cost $135,000,000 to fight and control while fire prevention actions could have reduced or prevented the fire for under $10,000,000. The Federal land managers are unwilling however to manage the public lands to reduce fire hazards. This is a reason western states are seeking title to federal lands to allow for reasonable and sustainable management.

Dale Brinkerhoff discussed access to Kanarra Falls which adjacent property owners are attempting to control or close. It was noted that this is a public right of way and access is not to be limited by fencing, gates or tolls.

Alma Adams reported that the BLM is making upgrades at the Parowan Gap by upgrading signs, kiosks, pedestrian trails and rest room facilities. He also said that the County is considering a new logo for letterhead and other County functions.

PUBLIC HEARING ORDINANCE AMENDMENT :

Dale Brinkerhoff made a motion to open a public hearing to receive comment concerning a proposed ordinance of Iron County, Utah, adopting and modifying certain chapters and sections of Title 17, Zoning; defining terms; establishing administrative land use permits; removing the conditional use permit requirement for a guest house; providing for guest houses and expanded home occupations as administrative land use permits; and providing an effective date. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Reed Erickson explained that the Planning Commission has recommended approval of the ordinance amendment. He explained the changes the ordinance would allow routine matters to receive informal streamlined review and action if the application is uncontested; and shall protect the right of each party to require formal consideration of any application if it is contested. The ordinance would remove the requirement for a guest house to obtain a conditional use permit and to provide an 'Administrative Land Use Permit' to authorize a guest house. The ordinance would also establish a process to expand home occupation opportunities and to utilize property more effectively while reasonably regulating the same to mitigate the reasonably anticipated detrimental effects of a proposed home occupation.

David Yardley commented that the ordinance places undue burden on home occupations by increasing costs of obtaining a business license fro the current $50.00 minimum to $170.00 for a single employee and $210.00 for two employees. It also increases day care limitations from the current eight per supervisor to thirteen. There is a concern with the level of care one person could provide for thirteen children by one supervisor.

After concerns were discussed Dale Brinkerhoff made a motion to close the public hearing and table action on the ordinance until issues of number of children in a day care center can be addressed as a home occupation under State licensing guidelines, the time period within which investigations should be completed, and the number of employees allowed to work in a home occupation.

ORDINANCE 2013-3 AMENDMENT TO LAND MANAGEMENT CODE :

After recalling the proposed ordinance for clarification and action, Reed Erickson explained that day care center can be licensed for up to 18 children with two supervisors provided there are no more than two infants per worker.

Dale Brinkerhoff made a motion to approve the ordinance with the following amendments: the time to appeal action by the Zoning Department was synchronized to ten (10) days, the number of children allowed in a day care is to be consistent with State of Utah regulations and appropriately licensed by the State to not include more than sixteen (16) children. Second by David Miller.

IRON COUNTY, UTAH

ORDINANCE NO. 2013-3

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND MODIFYING CERTAIN CHAPTERS AND SECTIONS OF TITLE 17, ZONING; DEFINING TERMS; ESTABLISHING ADMINISTRATIVE LAND USE PERMITS; REMOVING THE CONDITIONAL USE PERMIT REQUIREMENT FOR A GUEST HOUSE; PROVIDING FOR GUEST HOUSES AND EXPANDED HOME OCCUPATIONS AS ADMINISTRATIVE LAND USE PERMITS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Iron County has determined in accordance with Utah Code 17-27a-302 and Iron County Code 17.64.080, that routine matters may receive informal streamlined review and action if the application is uncontested; and shall protect the right of each party to require formal consideration of any application if it is contested;

WHEREAS, Iron County has the desire to remove the requirement for a guest house to obtain a conditional use permit and to provide an 'Administrative Land Use Permit' to authorize a guest house; and

WHEREAS, Iron County desires to establish a process to expand home occupation opportunities and to utilize property more effectively while reasonably regulating the same to mitigate the reasonably anticipated detrimental effects of a proposed home occupation; and

WHEREAS, the proposed ordinance is designed to implement the objectives of the County to promote options for property use while reasonably regulating the same to serve the purposes of the Iron County Zoning Ordinance; and

WHEREAS, the County Commission finds that it is in the best interest of the County

after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

WHEREAS, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

WHEREAS, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act; the Iron County General Plan; and, the Iron County Zoning Ordinance.

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

SECTION 1. Within **Section 17.20.010 – Definitions**, of the Iron County, shall be, and hereby is, identified and amended to include the new definition of 'Expanded Home Occupation' and amends the definition of 'Guest House' and reads as follows *(all other existing definitions to remain un-amended)*:

Chapter 17.20 - USE DEFINITIONS

17.20.010 - Definitions.

"Expanded Home Occupation" means an accessory use consisting of a vocational activity that extends beyond the limitations of 'home occupation' but can be conducted in residential neighborhoods without undue detrimental impacts to surrounding properties; is required to obtain an administrative land use permit as described in Chapter 17.38, and is regulated in Section 17.36.280, Iron County Code. Expanded home occupation includes any use where an employee does not reside inside the dwelling unit, where outside storage, use of an accessory building on the same property, or use of an attached garage is anticipated or requested in conjunction with a home occupation.

"Guest house" means a separate dwelling unit located on the same lot as the principle dwelling and used for housing guests. Guest houses shall be considered an accessory building as is regulated in 17.36.270 A guest house must also meet the requirements of a "Dwelling, Single-family" or "Manufactured home" as defined in the Iron County zoning ordinance.

SECTION 2. Chapter 17.38 – Administrative Land Use Permits, of the Iron County Code , shall be, and hereby is, identified and added to reads as follows:

Chapter 17.38 – ADMINISTRATIVE LAND USE PERMITS

Sections:

17.38.010. - Authority and purpose.
17.38.020 – Application requirements.
17.38.030 – Procedures for review and determination.
17.38.040 – Contested applications.
17.38.060 - Revocation or modification.

17.38.010 - Authority and purpose.

Pursuant to Utah Code Annotated, County Land Use, Development and Management Act, Section 17-27a-302, the Iron County Commission may enact land use ordinances establishing processes for the purposes of streamlining routine and uncontested land use matters, by following the provisions of this section, and by establishing standards for certain land uses which, because of their unique characteristics or potential impacts in surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain measures are required which mitigate or eliminate the reasonably anticipated detrimental impacts. The standards for the issuance of a Administrative Land Use Permit are established to insure compatibility with surrounding land uses, conformity with the Iron County General Plan, and the protection, preservation, and promotion of the public interest, health, safety, convenience, comfort, prosperity, and general welfare.

The Iron County Zoning Administrator is authorized to render a final decision on the issuance of an administrative land use permit following appropriate review and consultation with County staff.

17.38.020 - Application requirements.

Application. All requests for an administrative land use permit shall be submitted to the zoning administrator on the application form provided by the county detailing the nature of the administrative land use request and shall be made in accordance with the provisions of this title. The applicant shall also provide the necessary information identified for the submission and review of a business license, and/or building permit, whichever is applicable.

Adjacent property owner notification. All applications for an administrative land use permit shall be the subject of notification to each property owner of record for all properties surrounding and adjacent to the subject property. This required notification shall be in form approved/provided by the county and sent by first class mail to the owner of record of adjacent properties, as identified in the records of the Iron County Recorder. Said notification shall provide fourteen (14) calendar days for a notified property owner to protest or inform the zoning administrator, in writing, of reasonably anticipated detrimental effects.

17.38.030 - Procedures for Review and Determination.

A. Review. The Zoning Administrator may grant an administrative land use permit in compliance with this title and the land management code if, from the application and the facts gathered from notified surrounding property owners, it finds:

(1) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;

(2) The proposed use will comply with the regulations and conditions in this Title for such use;

(3) The proposed use will conform to the goals, policies, and governing principles of the Iron County Land Management Code;

(4) The proposed use will be compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;

(5) Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and

(6) Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

A proposed use shall be considered detrimental:

(a) If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

(b) If it will unreasonably interfere with the lawful use of surrounding property; or

(c) If it will create a need for essential municipal services which cannot be reasonably met.

(7) If the zoning administrator determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the zoning administrator may deny the request for an administrative land use permit.

B. Mitigation Measures. The Zoning Administrator, in approving an administrative land use permit application, may impose such requirements and mitigation measures with respect to location, construction, maintenance, operation, site planning, traffic control and time limits, and other items to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the neighborhood, for the protection of adjacent properties and the public interest.

These measures may include:

1. That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the neighborhood;

2. That all buildings or other structures are designed to add to the quality of the area;

3. Provision of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to appropriate standards;

4. The provision of required and adequate water supply, sewage disposal and fire protection;

5. The acceptable mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electro-magnetic disturbances and radiation;

6. The regulation of operating hours for activities affecting normal schedules and functions;

7. Such other measures determined necessary by the Zoning Administrator to allow the establishment and operation of the proposed use in an orderly and efficient manner and in compliance with the intent and purposes of the land management code.

17.38.040 Contested Applications.

In the event that one or more of the notified adjacent property owners contests the application and the reasons for said protest(s) are not resolved with mitigation measures required by the zoning administrator, to the satisfaction of the protester(s), the zoning administrator shall refer the application to the Iron County planning commission for a decision. The zoning administrator may only issue administrative land use permits on applications that remain uncontested.

17.38.050 – Appeals.

Any person or entity aggrieved by a decision in the determination of an administrative land use permit shall have the right to appeal such decision to the appeals hearing officer if a written request for an appeal is made to the zoning administrator within ten (10) of the decision.17.38.060 – Revocation or modification, and enforcement.

A. If there is cause to believe that grounds exist for revocation or modification of an approved administrative land use permit, the zoning administrator shall review the circumstances of the permit under the terms and the provisions of this title. Notice of such administrative review shall be the same as would be required for consideration of a new administrative land use permit application.

B. An administrative land use permit may be modified or revoked if the Zoning Administrator finds that one or more of the following conditions exist:

1. The administrative land use permit was obtained in a fraudulent manner.
2. The use for which the administrative land use permit was granted has now ceased for at least twelve (12) consecutive calendar months.
3. One or more of the mitigation measures required for the permit have not been met.

C. Additionally, the mitigation measures under which an administrative land use permit was originally approved may be modified by the Zoning Administrator without the consent of the property owner or operator, if the Zoning Administrator finds that the use or related impacts constitutes or is creating a demonstrated nuisance.

D. Enforcement of the provisions for Administrative Land Use permits shall be the same as for other sections in this Title (17) and as described in Chapter 17.72 – Enforcement.

SECTION 3. Within Chapter 17.76 - APPEALS, Section Administrative Decisions – Zoning Administrator, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.76.010 - Administrative decisions—Zoning Administrator.

A. Except as provided in this chapter or county ordinance, decisions of the zoning administrator in applying the provisions of this title, including administrative land use permits in Chapter 17.38, or decisions of the enforcement officer in applying Chapters 8.20 and 17.72 by enforcing county zoning and nuisance ordinances, may be appealed to the appeals hearing officer by filing an application and all necessary materials within ten (10) days of the date of the zoning administrator's decision.

B. Following receipt by the appeals hearing officer of an appeal of a decision by the

zoning administrator, the appeals hearing officer shall give notice and schedule a public hearing. Following the hearing and the submission of all necessary and relevant information, the appeals hearing officer shall render a decision on the appeal.

C. The appeals hearing officer shall provide a copy of his/her decision by mail to all parties to the appeal within twenty-one (21) days of the appeal hearing officer's decision.

SECTION 4. Within Chapter 15.08 - CONSTRUCTION CODES ADOPTED, Section 15.08.010 - Codes adopted (E) Fee Schedule, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows *(the remainder of Fee Schedule shall remain un-amended)*:

Home Occupation Permit– Fee $130.00
Expanded Home Occupation Permit – Fee $180.00

SECTION 5. Within Chapter 17.32 - DEVELOPMENT APPLICATIONS AND PROCEDURES, Section 15.32.030 – Application Forms., of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.32.030 - Application forms.

The county shall identify submittal requirements, instructions for completing forms and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications. The county shall provide the following forms for the administration, interpretation and enforcement of this title:

A. Application for general plan amendment, including text and map amendments;
B. Application for amendment to the land management code, including this title (and including the zoning ordinance and zoning district map);
C. Application for temporary uses;
D. Application for preliminary/final site plan approval;
E. Application for preliminary/final subdivision plat approval;
F. Application for final subdivision plat approval;
G. Application for conditional use permit approval;
H Application for administrative land use permit;
I. Application for permitted use approval/change in permitted use approval;
J. Application to the appeals hearing officer;
K. Application for home occupation permit;
L. Application for expanded home occupation permit
M. Application for appeal;
N. Application for a sign permit;
O. Application for building permit.

SECTION 6. Within Chapter 17.08 - ADMINISTRATION, Section 15.08.055 – Administrative Determination for Uses Not Listed., of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.08.055 **Administrative Determination for Uses Not Listed.**

Determination as to the classification of uses not specifically listed in Sections 17.16.030

- Table of uses and 17.20.010 - Definitions, may be made by the Zoning Administrator:

(a) An application requesting such determination shall be filed with the Zoning Administrator. The application shall include a detailed description of the use and other such information as may be required.

(b) The Zoning Administrator shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title, that are similar in nature and are anticipated to have similar or lesser impacts, and shall make a determination of its classification based on his investigations. The determination shall state the zone classification(s) in which the use will be allowed and whether the use will be a permitted use or a conditional use in the zone(s).

(c) The determination and all information pertaining to it shall be identified as an administrative determination and shall be filed as a permanent public record in the office of the Building and Zoning Department.

SECTION 7. Within Chapter 17.36 - GENERAL REQUIREMENTS AND PROPERTY DEVELOPMENT STANDARDS, Section 17.36.270 – Guest House, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.36.270 GUEST HOUSE.

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

Regulations.

On receipt of a complete application, the Zoning Administrator shall grant a permit for a guest house if the Zoning Administrator finds that all of the following requirements are met.

The proposed guest house:

1. shall not be recorded under a separate deed from the principal dwelling and shall not be sold separately from the principal dwelling;
2. may be rented separately or as part of the principal dwelling;
3. if attached to the principle dwelling will be considered a duplex, which is not permitted in any zone;
4. shall be subject to the setbacks and separations established in the respective zone for accessory structures;
5. must be consistent with the principal dwelling in building type, i.e., architectural style, color, etc.;
6. must provide adequate water and sewer resources and facilities (quantity and quality), including but not limited to, certification by the appropriate water and sewer authority or public health authority that the water and sewer services are adequate for the projected number of residents;
7. must be situated and oriented on the property to reduce the potential to invade the privacy of adjoining dwellings (on the same lot and surrounding properties) and maintain the aesthetics of the neighborhood, considering the physical characteristics surrounding the guest house, including landscape screening, fencing and window and door placement;
8. must provide for two off-street parking spaces particular to the guest house;

9. must share the same access to a public right-of-way as the principal dwelling;
10. dwellings meeting the definition of a "mobile home" are prohibited; and,
11. must comply with all required federal and state licensing/permitting requirements.

SECTION 8. Within Chapter 17.36 - GENERAL REQUIREMENTS AND PROPERTY DEVELOPMENT STANDARDS, Section 17.36.280 – Expanded Home Occupation, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.36.280 Expanded Home Occupations.

Expanded home occupations may be authorized as an administrative land use permit by the Zoning Administrator in zones established in Section 17.16.030 – Table of Uses, and in accordance with the provisions of Chapter 17.38 – Administrative Land Use Permits.

Regulations.

On receipt of a complete application, the Zoning Administrator shall grant a permit for a home occupation if the Zoning Administrator finds that all of the following conditions and requirements are met.

The expanded home occupation:

1. shall not employ more than one individual that does not reside full-time (not less than 9 months per year) in a dwelling unit on the property;
2. may establish child care consistent with State of Utah regulations and appropriately licensed by the State to include not more than sixteen (16) children;
3. business must be compatible with, and incidental and secondary to, the residential use of the property;
4. retail sales shall be limited to items which are incidental to the service provided;
5. may utilize only one (1) motorized vehicle in association with the home occupation and it shall not exceed one (1) ton rated capacity and one (1) trailer which does not exceed twenty (20) feet in length, with adequate off-street parking provided for such business vehicle and any visiting clientele. No commercial vehicles shall be used in the business. Permitted trailers with advertising on them may not be stored or parked on the street or in the front yard of the dwelling;
6. dwelling and accessory structures must retain architecture and outside appearance as a residence and residential neighborhood;
7. does not result in abnormal levels of noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line or create radio interference or television interference which are not commonly created by residential use;
8. has signage limited to a non-illuminated identification sign two square feet or less in size;
9. does not produce traffic volumes exceeding that produced by the dwelling unit by more than twenty (20) average daily trips or a maximum of thirty-six (36) trips during any twenty-four-hour period;
10. does not include nursing homes, restaurants, boarding houses; the storage or sale of flammable, explosive, or hazardous materials; junk or salvage yards; sexually oriented businesses; automotive repair or body work or painting, towing operations, or vehicle

sales or rentals; and complies with all required federal and state licensing/permitting requirements; and

11. the principle dwelling on the property must be occupied by the owner and proprietor of the expanded home occupation.

SECTION 9. **Within Chapter 17.16 - ESTABLISHMENT OF ZONING DISTRICTS, Section 17.16.030 – Table of Uses, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows *(for uses identify herein only, all others remain unchanged)*:**

TABLE OF USES									
USES	ZONE DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2	C	LI	I	IA
Accessory dwelling	A	X	X	X	X	A	A	A	A
Accessory outside storage	P	X	X	X	X	A	P	P	P
Expanded Home Occupation	A	A	A	A	A	X	X	X	A
Farm	P	X	X	X	X	X	A	P	P
Guest house	A	A	A	X	X	X	X	X	A
Hobby Farm	P	P	P	P	P	X	A	P	P
Home occupation	P	P	P	P	P	X	X	X	P
Permanent farm worker dwelling units, on farm	X	X	X	X	X	X	X	X	A
Temporary dwelling unit	A	P	P	P	P	X	X	X	A

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

SECTION 10. **General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of allowing administrative land use permits to be issued by the zoning administrator for uses such as guest houses and expanded home occupations in accordance with Utah State code and Iron County code.

SECTION 11. **Severability.**

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

SECTION 12. **Effective Date.**

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

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 28th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By:_____
Alma L. Adams, Chair

ATTEST:

_____
David I. Yardley,
County Clerk

VOTING:
Alma L. Adams Aye
Dale M. Brinkerhoff Aye
David J. Miller Aye

SOUTHERN UTAH COLLEGE OF OSTEOPATHIC MEDICINE (SUCOM) :

Brennan Wood, Iron County Economic Development Director and Dr. Tom Told Southern Utah College of Osteopathy, met with the Commission to request a letter of support for the construction and operation of a new College of Osteopathy to be located adjacent to Southern Utah University. Dr. Told explained that the proposed college would allow 150 students per class for a total of 600 students for the four year program. There will be two campuses, one in Cedar City and one in St. George to utilize Valley View Medical Center and Dixie Regional Medical Center as teaching tools.

The Commission expressed concern with on street parking which is currently a problem around the University. Dr. Told explained that students and teachers will utilize existing parking at SUU.

The Commission authorized a letter of support be written to the Commission on Osteopathic College Accreditation requesting approval of the school on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

APPROVAL OF INTERLOCAL AGREEMENT FOR MSC AEROSPACE, LLC :

Brennan Wood presented an interlocal agreement between Iron County, Cedar City, Iron County School District, Central Iron County Water Conservancy District and MSC Aerospace for a fifteen year tax incentive to build and operate an aircraft development and assembly operation in Cedar City was presented for final approval. The proposed project will produce business class airliners know as SyberJet. The company will be required to meet certain standards in employee numbers and wages to qualify for the incentive. 2012 will be the base year for the tax information.

Dale Brinkerhoff made a motion to approve the interlocal agreement as presented. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

MEMORANDUM OF UNDERSTANDING CRITICAL INCIDENT TASK FORCE :

The County Attorney's office presented a memorandum of understanding (MOU) regarding the development of a critical incident task force. The agreement would involve law enforcement agencies operating within Iron County. It would establish protocols for response to incidents that need to be investigated by another agency such as an officer involved shooting incident. It would be coordinated through the County Attorney's office. David Miller made a

motion to approve the MOU provided that a new signature page is attached for Commission signatures. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

MEMORANDUM OF AGREEMENT STATE LIBRARY BOOKMOBILE SERVICE:

A memorandum of Agreement for Bookmobile service in Iron County for FY 2013-14, July 1, 2013 to June 30, 2014 between Iron County and the Utah State Library was presented for approval. The agreement provides for a payment of $122,544 for the term of the agreement. After reviewing funding commitments, Dale Brinkerhoff made a motion to approve the agreement. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

BIDS FOR WATER TANK PROJECT AT WOODS RANCH :

Bids were opened for the installation of water storage tanks at the Woods Ranch Recreation Area. Three bids were received with the following results:

Orton Excavating:	1,700 gallon tanks (2 tanks)	$9,500
	5,000 gallon tanks (2 tanks)	$12,400
Blackburn Associates	3,000 gallon tank	$8,800
	5,000 gallon tank	$12,400
ProBuild Construction	2,500 gallon tank	$11,000
	3,500 gallon tank (2 tanks)	$14,200
	5,000 gallon tanks (3 tanks)	$19,200

Because all bids were above estimates, the bids were referred to the Tourism/ Parks Department for review and to determine if the bids meet specifications and park requirements on a motion by Dale Brinkerhoff. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

PERSONNEL MATTERS :

Leslie Bishop presented requests from the Sheriff's Department to approve the promotion of Deputy Tony Gower to Deputy II effective May 26, 2013; to approve the promotion of Deputy Shawn Peterson to Deputy I effective May 26, 2013; to approve the hiring of Pedro Garcia as a Sheriff Deputy I effective May 26, 2013 as a replacement of Patrol Deputy Adam Burton who has been promoted to Corporal. Dale Brinkerhoff made a motion to approve the grade changes and hiring within the Sheriff Patrol Division. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request for approval to hire Chris Berry as a full-time Paramedic and to move Regan Lindsey from part-time to full-time Paramedic within the Sheriff's Department Emergency Services Division effective May 28, 2013. The hiring and change in status will fill vacant positions. Dale Brinkerhoff made a motion to approve the change in status and hiring within the Sheriff's Department Emergency Services Division. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve the status change of Kellen Hudson from part-time to full-time status as a Sheriff's Department Corrections Deputy effective May 26, 2013. Deputy Hudson replaces Deputy Tom Cook who transferred to a full-time Bailiff position; to approve the hiring of Jana Lynn Mitchell as a part-time secretary in the Correction Office effective May 28, 2013 to fill a vacant full-time position. Dale Brinkerhoff made a motion to approve the personnel changes in the Sheriff's Department, Correction Division as requested. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request for approval of the Sheriff's Department Emergency Services Division proposal to restructure the on-call pay schedule for EMT's and Paramedics to provide that they report to the ambulance garage for an hour at the beginning of a shift to perform duties

as assigned. They will be paid for the one hour of service but do not receive compensation for on call time. After reviewing the request and reasoning for the change David Miller made a motion to approve the change in on call service hours change as requested to conform with the affordable health care act. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request from the County Attorney's Office requesting approval of promotion a for Gary M. Edwards from Deputy Attorney IV to Deputy Attorney V effective May 28, 2013.. Mr. Edwards has completed all the requirements outlined within the attorney promotional standards. Dale Brinkerhoff made a motion to approve the promotion with a vote of thanks for Gary M. Edwards effective May 28, 2013. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A request from the Landfill Department to hire Lowman Nelson effective June 3, 2013 as the solid waste master mechanic to fill a vacancy created by the resignation of Benjamin Marshall. Dale Brinkerhoff made a motion to approve the hiring of Lowman Nelson as a master mechanic at the landfill. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Sheriff Mark Gower presented a request to approve a revision to the Deputy I, II, III policy by removing the requirement that to be advanced to a Deputy II the applicant must complete SWAT Certification. He also requested that active members of the SWAT team be compensated at 2.5% salary increase due to the extra training and time requirements. The SWAT team will be limited to a maximum of fourteen members. David Miller made a motion to table the request and refer the matter to Human Resources to study and report back on salary and budget implications. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

TAX MATTER FAD TRUST :

FAD Trust applied for a tax deferral shortly before the annual tax sale for which a telephone approval from each Commissioner was obtained. The matter was called for ratification of the deferral agreement. Dale Brinkerhoff made a motion to ratify the tax deferral agreement for the following parcels. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

FAD Trust
1711 Whitney Mesa Dr #100
Henderson, NV 89014
Account Number 0077856
Parcel Number B-1152-0002-0006-10
Acres 0.23
Legal Description: LOT 10, BLK 6, SUNRISE SUBDIVISION.
Property Taxable Value for 2012: $18,935.00
Total Taxes, Interest, Penalty Due as of May 22, 2013: $2,118.49
Taxes, Interest, Penalty, Deferred: $2,118.49

FESTIVAL HALL COUNTY USE FEE AGREEMENT 2013 :

Cedar City has requested clarification of the phrase in the Memorandum of Understanding for operation of Festival Hall in Cedar City. The agreement states that the County reserves the right to use the facility for a nominal fee. Cedar City agreed to maintain and manage the facility. Cedar City has suggested that the County contribute $1,000.00 per month as the nominal fee for unlimited County use. Dale Brinkerhoff made a motion to approve the contribution of $1,000.00 per month for a total of $12,000.00 annually for use of Festival Hall by County entities and beginning January 2014. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

ADJOURN :

The meeting was adjourned at 2:00 p.m. on a motion by David Miller. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Signed: Alma L. Adams, Chairman

Attest: David I. Yardley
County Clerk