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IRON COUNTY COMMISSION MEETING

April 14, 2014

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 14, 2014 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

David J. Miller Commission Chair

Dale M. Brinkerhoff Commissioner

Alma L. Adams Commissioner

G. Michael Edwards Deputy County Attorney

David I. Yardley County Clerk

Also Present:

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PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES March 10, 2014 :

Minutes of the Iron County Commission meeting held March 10, 2014 were approved on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

APPROVAL OF MINUTES March 10, 2014 :

Minutes of the Iron County Commission meeting held March 24, 2014 were approved on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

REPORTS :

Alma Adams reported that work is progressing on the RS 2477 road issue in the pilot program to designate all contested roads within Iron County as County road right of ways. Alma also pointed out the need to secure and maintain gravel sources currently being used on BLM managed lands within the

County.

An issues with use of water in Beaver County, Wah Wah valley by Central Iron County Water Conservancy District in a mining project at Potash Ridge. It is proposed to allow the CICWCD claimed water for the mine which would allow them to develop wells etc. In the future as the need becomes more urgent CICWCD can install infrastructure to move the water into the Cedar valley.

David Miller reported on progress with the wild horse over population in western Iron County. One water corral has been erected on private property and another is in the process. It is the plan to have the BLM pick up the horses after gates are shut to allow them to process the horses.

Dale Brinkerhoff reported on access through Southern Utah University mountain property to adjoining property owners who have used the roadway for many years. The University has backed off from their stance to close the road and will allow access to continue. Dale has suggested that a deeded right of way be granted to adjacent property owners to memorialize access. This suggestion is being considered by SUU.

#### PUBLIC COMMENTS :

The Commission took this time to recognize the work of Tracy Sullivan, a reporter for the Spectrum newspaper, on the federal land issues and with her reporting on the concerns with moving feral cattle into Utah while ignoring the BLM wild horse over population. The Commission presented a plaque sponsored by twelve County Commissions in Utah and one from Nevada.

#### RESOLUTION 2014-9 UTAH'S PATCHWORK PARKWAY SIGNING PLAN :

H.C. "Dutch" Deutschlander, Byway Chairman, and Nancy Dalton, Byway Coordinator, presented a copy of Utah's Patchwork Parkway interpretive and signing plan with a recommendation it be adopted by the County Commission resolution. A similar resolution will be presented to the Garfield County Commission for their approval also.

After reviewing the plan Alma Adams made a motion to adopt Resolution 2014-9 as presented and explained. Second by Dale Brinkerhoff.

#### IRON COUNTY

#### RESOLUTION NO. 2014-9

#### A RESOLUTION ADOPTING THE UTAH'S PATCHWORK PARKWAY'S INTERPRETIVE AND SIGNAGE MASTER PLAN.

WHEREAS, Iron County is a member of the Utah Patchwork Parkway Committee, Inc. and has contributed a portion of the local match for a 2010 Federal Highways Administration's Byways Program grant for the purpose of creating an Interpretive and Signage Master Plan for the National Scenic Byway – Utah's Patchwork Parkway on Utah State Highway 143; and

WHEREAS, the purpose of the Interpretive and Signage Master Plan is to guide the interpretive development of Utah's Patchwork Parkway and further accomplish Utah's Patchwork Parkway Committee's mission and byway management objectives; and

WHEREAS, it is the goal to enhance the quality of the visitor's experience by providing information kiosks, brochures and online information to assist visitors in easily locating various sites, as well as provide health safety tips for weather conditions, road conditions, altitude safety issues and transportation issues; and:

WHEREAS, the Utah Patchwork Parkway Committee, Inc. hosted public open houses during the beginning process in 2012 in the three byway communities; Brian Head, Parowan City and Panguitch City where the community residents, businesses, and elected officials, were informed of the proposed plan and were encouraged to give input, and;

WHEREAS, on February 26 and 27, 2014, public open houses were again held where the public had the opportunity to review the theme, sub-themes, messages, future interpretive sites and the completed Interpretive and Signage Master Plan which was followed by a 30 day comment period ending on March 28, 2014; and

WHEREAS, the Iron County has determined that it would be in the best interest, safety and welfare of the community as a whole to adopt the Utah's Patchwork Parkway's Interpretive and Signage Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Legislative body of Iron County, Utah that the Utah's Patchwork Parkway's Interpretive and Signage Master Plan is hereby adopted and attached as Exhibit A.

Section 1. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 2. This Resolution shall be in full force and effect immediately upon its approval and adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Iron County, Utah this 14th day of April, 2014.

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY,

By:  
David J. Miller, Commission Chair

ATTEST:

David I. Yardley,  
Iron County Clerk

VOTING:

Alma L. Adams Aye  
Dale Brinkerhoff Aye  
David Miller Aye

IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY:

Dale Brinkerhoff made a motion to adjourn as County Commission convene as the Iron County Community Development and Renewal Agency. Second by Alma Adams. Voting: David Miller, Aye; Alma Adams, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF INTERLOCAL AGREEMENT WITH SSD # 2 :

The Governing Board of the Iron County Community Development and Renewal Agency reviewed a proposed interlocal agreement. The Interlocal Agreement entered into as of this 14th day of April, 2014, by and between the Iron County Community Development and Renewal Agency (the "Agency") and the Iron County Unincorporated Services District #2 (the "District") (collectively, the "Parties") outlines taxing responsibilities in regard to the SunEdison Phase 1 project in Cedar Valley. Dale Brinkerhoff made a motion to approve the interlocal agreement as explained by Brennan Wood. Second by Alma Adams. Voting: David Miller, Aye; Alma Adams, Aye; Dale Brinkerhoff, Aye.

IRON COUNTY UNINCORPORATED SERVICE DISTRICT # 2 :

Alma Adams made a motion to adjourn as the Iron County Community Development and Renewal Agency and convene as the Iron County Unincorporated Services District #2. Second by Dale Brinkerhoff. Voting: David Miller, Aye; Alma Adams, Aye; Dale Brinkerhoff, Aye.

RESOLUTION SSD # 2 2014-5 APPROVING INTERLOCAL AGREEMENT :

A resolution approving an interlocal agreement between the Iron County Community Development and Renewal Agency and the Iron County Unincorporated Area Services District #2 regarding SunEdison Phase 1 was presented and explained by Brennan Wood. After reviewing the proposed resolution, Dale Brinkerhoff made a motion to adopt Resolution SSD # 2 2014-5. Second by Alma Adams.

RESOLUTION NO. SSD # 2 2014-5

A RESOLUTION OF THE GOVERNING BOARD (THE "BOARD") OF THE IRON COUNTY UNINCORPORATED SERVICES DISTRICT #2 (THE "DISTRICT") APPROVING AN INTERLOCAL AGREEMENT WITH THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY TO SHARE CERTAIN TAX INCREMENT REVENUES TO SUPPORT THE SUN EDISON PHASE I COMMUNITY DEVELOPMENT PROJECT AREA; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID INTERLOCAL AGREEMENT; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act (the "Interlocal Cooperation Act"), Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Utah Code"), 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 of Utah (the "State"); and WHEREAS, the Iron County Community Development and Renewal Agency (the "Agency") has created the SunEdison Phase I Project Area (the "Project Area") and has approved a community development project area plan for the Project Area (the "Project Area Plan"), pursuant to which the Agency desires to provide for the construction of certain solar energy producing facilities (the "Project") in the Project Area; and

WHEREAS, the Agency anticipates providing tax increment (as defined in Utah Code Section 17C-1-102(47) ("Tax Increment")) created by the Project, to assist in the development and completion of the Project as provided in the Project Area Plan; and

WHEREAS, Utah Code Section 17C-4-201(1) authorizes the District to consent to the payment to the Agency of a portion of the District's share of Tax Increment generated from the Project Area for the purposes of providing funds to carry out the Draft Project Area Plan; and

WHEREAS, Section 11-13-215 of the Interlocal Cooperation Act provides that a county, city, town, or other local political subdivision may, at the discretion of the local governing body, share its tax and other revenues with other counties, cities, towns, or local political subdivisions; and

WHEREAS, to facilitate development of the Project, the District desires to authorize the payment to the Agency of a portion of the District's share of Tax Increment generated by the Project Area in accordance with the terms of the Interlocal Agreement; and

WHEREAS, the proposed Interlocal Agreement has been reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party to said agreement, in accordance with the Interlocal Cooperation Act;

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY OF THE IRON COUNTY UNINCORPORATED SERVICES DISTRICT #2 AS FOLLOWS:

Section 1. All actions not inconsistent with the provisions of this resolution heretofore taken by the District and the Board are hereby ratified, approved and confirmed.

Section 2. The Interlocal Agreement, in substantially the form presented to this meeting and attached hereto as Exhibit B, is hereby approved and the appropriate officers of the District are hereby authorized and directed to execute and deliver the Interlocal Agreement, in substantially the form presented to this meeting, their execution constituting conclusive evidence of the District's approval thereof. The Interlocal Agreement shall take effect upon the later of (I) the execution by the parties thereto, and (ii) publication of the notice as provided in Section 3 hereof.

Section 3. In accordance with the provisions of the Interlocal Cooperation Act and related provisions of State law, the Agency shall cause a notice of the Interlocal Agreement to be published one time in the Spectrum/Daily News, a newspaper published and of general circulation within the County.

Section 4. 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.

Section 5. 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 District.

APPROVED AND ADOPTED THIS 14th DAY OF APRIL , 2014.

(SEAL)

By:

David J. Miller, Chairman

ATTEST:

By:

David I. Yardley, Secretary

VOTING:

Alma L. Adams Aye

Dale Brinkerhoff Aye

David Miller Aye

RECONVENE AS IRON COUNTY COMMISSION :

Alma Adams made a motion to adjourn as the Iron County Unincorporated Services District #2 and reconvene as the Iron County Commission. Second by Dale Brinkerhoff. Voting: David Miller, Aye; Alma Adams, Aye; Dale Brinkerhoff, Aye.

RESOLUTION 2014-10 IRON COUNTY LEPC :

A resolution officially forming the Iron County Local Emergency Preparedness Committee (LEPC) was presented for approval. Dale Brinkerhoff made a motion to adopt Resolution formally approving the Iron County Local Emergency Preparedness Committee (LEPC) . Second by Alma Adams.

IRON COUNTY

RESOLUTION 2014-10

A RESOLUTION OF IRON COUNTY CREATING THE IRON COUNTY LOCAL EMERGENCY PREPAREDNESS COMMITTEE

WHEREAS, the federal "Emergency Planning and Community Right-to-Know Act", 42 U. S. C. Sec 11001 et seq., Title III of the Federal "Superfund Amendments and Reauthorization Act of 1986," P.L. 99-499 (hereinafter "SARA Title III"), calls for the establishment of a state emergency response commission and local emergency planning committees; and

WHEREAS, the State Emergency Response Commission has authorized the creation of an Iron County Local Emergency Planning Committee (hereinafter LEPC), pursuant to Utah Code Ann. § 53-2a-702 and Utah Administrative Code R698-5; and

WHEREAS, the purpose of the LEPC is to assist in the development of hazardous material release emergency response plans, mitigation, preparedness, reporting, and notification regarding specified hazardous substances; and

WHEREAS, the Board of Iron County Commissioners (hereinafter “Iron County Commission”) wishes, seeks to establish the relationship of the LEPC to the Iron County government and provide direction and support for the LEPC in the performance of its duties under federal and state law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH, as follows:

Section 1. The Iron County LEPC is hereby created.

Section 2. The Iron County Emergency Management Coordinator shall serve as Executive Director of the LEPC as well as serve as a member of the LEPC Executive Board.

Section 3 The membership of the LEPC shall be consistent with SARA Title III, Utah Code Ann. § 53-2a-702 and Utah Administrative Code R698-5. The LEPC including, among others, persons representing first response agencies (law enforcement, fire, and emergency medical services), emergency management, public health, the environment, media, regulated and unregulated businesses, elected officials (both state and local), schools, hospitals, interested community groups, and citizen, business, and persons with an interest in planning pertaining to hazardous substances in Iron County. Members of the LEPC will be selected by the Executive Director.

Section 4. All LEPC meetings will be open to the public consistent with U.C.A. §52-4-101 et. seq. The purpose of LEPC meetings is to discuss Hazardous Material Spill Plans and hazardous material education. The LEPC will be proactive in reviewing Hazardous Material Spill Plans and how those plans interact with the emergency support functions of the Iron County Emergency Operations Plan.

Section 5. The LEPC will also consist of an Executive Board. The Executive Board will make all decisions in behalf of the LEPC. Members of the Board will consist of five members, including the Executive Director. The remaining four members of the Executive Board will be appointed by the Iron County Commission, based upon recommendations from the Executive Director, and consistent with paragraph 1 above. The LEPC Executive Board may create any subcommittees (consisting of members of the LEPC) it deems prudent and necessary.

Section 6. The Executive Board will elect a chair and vice-chair. No action of the Executive Board shall be final unless approved by the Executive Director. The Executive Board can take no action without a quorum of three members present. A vote of the majority of those present shall be necessary to take action.

Section 7. The LEPC may adopt by-laws and related rules establishing the procedures, organization and operation of the LEPC. All by-laws and rules shall be consistent with this resolution, SARA Title III and the State Act and must be approved by the Iron County Commission annually.

Section 8. The Iron County Office of Emergency Management (OEM) or a designee shall provide administrative support for the LEPC. This includes providing all required notifications, maintaining LEPC records, receiving all public comments and inquiries directed to the LEPC, and handling that correspondence and other paperwork assigned by the Chair of the LEPC Board. The Iron County Attorney's Office may provide advice and guidance to the LEPC. The Iron County Commission does not warrant, by this resolution, that it will provide the funds necessary to finance any duties or other activities of the LEPC that may be mandated by SARA Title III or its implementing regulations. The executive director and Executive Board should pursue a funding from other sources. Whenever possible and appropriate, the LEPC shall make reasonable efforts to obtain federal and/or state grants or other monies to help finance the costs of engaging in activities prescribed under section 9 below. Where the State requires that such funds be deposited into County accounts for expenditure by the LEPC, they must be processed through the Iron County Office of Emergency Management and the County Auditor Department. Whenever the expenditure of such federal or state grants or other monies involves the use of private services or goods, the procurement of such services or goods shall comply with any applicable federal or state regulations or guidelines; however, when appropriate, the services of the County Auditor Department may be utilized.

Section 9 The LEPC shall perform the duties described in SARA Title III and its implementing regulations, including the preparation, updating and public dissemination of a hazardous substance release-related emergency plan. The emergency plan shall be included in the Iron County Emergency Operations Plan as the Hazardous Materials Annex. A separate operating procedure for the handling of all notification, reporting, and public inquiry requirements, in accordance with SARA Title III, shall be prepared and approved by the LEPC consistent with guidance from the Iron County Sheriff and other first response agencies. The LEPC shall coordinate its activities, as needed, with the Iron County Office of Emergency Management, the Utah Division of Emergency Management within the State Department of Public Safety, and other pertinent federal and state agencies.

Section 10. The Executive Director shall report to the Iron County Commission, at least annually, and whenever requested by the Iron County Commission, regarding the LEPC's past year's activities, and planned actions. The report shall include a written accounting of all monies spent.

Section 11. The LEPC may enter into a memorandum of understanding with the Regional Hazardous Materials Team of Utah Region IV (Beaver, Garfield, Iron, Kane and Washington Counties) for the storage, retrieval, and reporting of hazardous materials data and information as required under the State Act or SARA Title III, upon approval of the Iron County Commission.

Section 12. The LEPC may be disbanded, at any time, by the Iron County Commission.

Section 13. The portions of any conflicting and pre-existing resolutions are hereby repealed.

PASSED AND ADOPTED by the Board of County Commissioners of Iron County, Utah this 14th day of April, 2014.

IRON COUNTY BOARD OF COUNTY COMMISSIONERS

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David J. Miller, Chairman

ATTEST:

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David I. Yardley, Iron County Clerk

indefinitely:

Alma L. Adams Aye

Dale Brinkerhoff Aye

David Miller Aye

#### DONATION TO WESTERN RANGE CONSERVATION ASSOCIATION:

A request to donate funds to the Western Range Conservation Association, a newly formed group organized to help in monitoring and possibly litigating against the Bureau of Land Management to maintain the wild and free roaming horses in Utah at sustainable management levels. Michael Edwards explained to the Commission concerns with making a donation to this or similar groups. State law requires that a donation to any agency, group or organization return of value to the County.

David Miller stated that no County funds have been expended to this point. Alma Adams stated that his feeling this is an emergency and that it needs County support, that this group is new and in the process of establishing rules and bylaws to govern their actions. Dale Brinkerhoff commented that it would be in the best interest of the County to participate with other like minded Counties to pursue a lawsuit against the BLM to require the BLM to abide by federal law and their own resource management plans.

Dale Brinkerhoff made a motion to table action indefinitely to allow the County Attorney's office to research further the Utah Code on the County's responsibility in making donations to such groups.

Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### BLM COOPERATION AGREEMENT BIBLE SPRINGS HMA :

A letter of agreement between the Bureau of Land Management and Iron County, Utah was presented for approval.

The activity stated that Iron County and the BLM propose to work together to water and bait trap wild horses, in order to remove them from private lands. Multiple areas adjacent to the Bible Springs HMA complex have been identified where wild horses currently occupy private lands and are interfering with private land operations. Federal code 43 CFR 4720.2 directs the BLM to remove strayed animals as soon as practicable, based on written request from the landowner and permission granted to enter private lands. In order to facilitate recovery of strayed animals, Iron County will assist the BLM with material preparations, trap set up and trap closure. Iron County and volunteers will work at all times under the direction of Chad Hunter, Wild horse and burro specialist, Cedar City Field office. The agreement will be in effect until June 30, 2014.

Alma Adams made a motion to approve the letter of agreement and authorize the Commission Chair to sign in behalf of Iron County. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

#### PERSONNEL MATTERS :

Leslie Bishop presented requests from the Sheriff's office, patrol division, to approve a status change for Devin Lauritzen from Paramedic to Patrol Deputy, and a pay increase for Dan Raddatz, per promotion policy effective March 16, 2014. Also from the Corrections Division a pay increase for Josh Winder who completed Post training and his 6 months anniversary as authorized in policy with an effective date of March 16, 2014. Dale Brinkerhoff made a motion to approve the personnel changes within the Sheriff Department as requested. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request from Justice Court Judge, Margaret Miller to approve Kaitlin Sorensen, as a new part time employee and a status change for Austin Bozzelli from part time to full time status.

The change will not create a new position. Dale Brinkerhoff made a motion to approve the hiring of Kaitlin Sorensen and the status change of Austin Bozzelli as requested. Second by Alma Adams.

Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also presented a request from the Weed Department to hire three seasonal temporary personnel which includes one position for four months and two positions for eight weeks during the weed spraying season. Alma Adams made a motion to approve the three seasonal temporary positions in the Weed Department as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

TAX MATTER HOLT FARMS :

Cindy Bulloch reviewed an issue with taxing Holt Farms hay cubers as processing equipment. She reported that Senate Bill 231 calls out cubers and balers as tax exempt starting in 2015. The State Tax Commission postponed a tax appeal hearing to allow the County to reach an agreement with Holt Farms about previous tax years. Alma Adams made a motion to table action on the matter to allow a formal agreement between Holt Farms and Iron County regarding previous taxes. The matter is to be recalled when the agreement is ready for approval. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

PRAIRIE DOG MATTERS :

David Miller reported that prairie dog barriers are being completed to install around the Cedar City cemetery and after this fence completion, the plan is to start fencing around the Cedar City golf course.

BOARD APPOINTMENTS :

Health and Human Services Board: Dale Brinkerhoff requested that Roberta "Bobby" Castro and Donna McNabb be appointed to the Board of Health and Human Services to represent Iron County. Alma Adams made a motion to approve the appointments as recommended. Second by Dale Brinkerhoff.

Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

WEED CONTROL AGREEMENT WITH BLM FOR 2014 WEED SEASON :

An agreement to participate in weed control on BLM land within Iron County was presented for approval. The agreement is similar to prior years which has been successful in controlling noxious weeds on BLM land adjacent to private lands within the County. Alma Adams made a motion to approve the agreement. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

ADJOURN :

The meeting was adjourned at 11:40 a.m. on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Signed: David J. Miller, Chairman

Attest: David I. Yardley  
County Clerk