

[Back to Commission Search](#)

IRON COUNTY COMMISSION MEETING

October 13, 2014

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 13, 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:

Chad Reid USU Extension Agent

Stephanie Furnival Children's Justice Center Director

David Blodgett Southwest Utah Public Health Director

Joyce Evans County Fair Chairperson

SYNOPSIS :

ABATEMENT APPROVALS 10

ADJOURN 11

APPROVAL OF BOE HEARING OFFICER RECOMMENDATIONS 10

APPROVAL OF MINUTES September 22, 2014 1

CONVENE AS BOARD OF EQUALIZATION 10

COUNTY PERSONNEL POLICY AND PROCEDURE SECTION 5 11

COURTROOM USE DISCUSSION 11

ORDINANCE 2014-8 ZONING CHANGES 4

PERSONNEL MATTERS 8

PLEDGE OF ALLEGIANCE 1

PRAIRIE DOG MATTERS 10

PRAIRIE DOG TAKE LOT 4 DERBY RANCHETTES 3

PUBLIC COMMENTS 3

PUBLIC HEARING 4

PUBLIC HEARING 3

RECONVENE AS THE BOARD OF IRON COUNTY COMMISSIONERS 4

REPORTS 1

RESOLUTION 2014-21 JOINT RESOLUTION RE: MOTORIZED TRAVEL PLAN 5

PLEDGE OF ALLEGIANCE :

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

APPROVAL OF MINUTES September 22, 2014 :

Minutes of the Iron County Commission meeting held September 22, 2014 were approved on a motion by Alma Adams. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

REPORTS :

The Commission recognized John Higley and his wife Pat. John has been selected as the new Emergency Management Director to replace Marie Brooks. Mr. Higley will be approved as part of the personnel matters later in the meeting.

Chad Reid, USU Extension Service, reported that their Department was under budget in all areas. He also reported that their work load continues to increase and that this is causing concerns with office space. 4-H programs are increasing and a new 4-H coordinator has been hired. Becky Barton will fill this position.

Stephanie Furnival, Children's Justice Center, reported that their fund year runs from July 1 to June 30 so they have just started into their budget year. The Children's Justice Center is adding satellite offices in Beaver and Kanab. Stephanie will be working to train staff at both facilities. Two new forensic investigators are also being trained to help with workload. Cases are not increasing but are becoming more complex.

David Blodgett, Southwest Public Health Department, reported that funding is flat for this year. The Health Department has restructured nursing departments to be cross trained which has allowed for some staff not being replaced. An area of concern is with the emphasis being placed on ebola at the current time. He said that we already have hantavirus which is endemic in this area and has a similar mortality rate. The Department has noticed an increase in electronic cigarette use in youth. Long term effects are not know at this time but studies lean toward being a major health problem in the future.

Joyce Evans, Fair Chairperson, reported that all arena events were larger this year at the County Fair. Seating is a problem that needs to be addressed. The work crew from the Jail did an excellent job along with work by the IT Department in writing a program to check in and track exhibits. She also reported that the horse shoe pits need concrete poured to comply with contest requirements. Cornel Orton has been contacted to provide a quote on the necessary improvements.

Joyce expressed concern with the Miss Iron County pageant. It will be held next week but is not well advertised this year and appears to be going down hill. The current director has moved to Washington County and may not want to continue next year.

David Miller requested that the County Clerk send an e-mail to all Department Supervisors requesting that each Department prepare a contingency budget with a 40% reduction in preliminary budgets. This reduction to budgets would reflect reductions that would be required if PILT is not funded by the Federal Government. This budget is to be ready at a second meeting to review preliminary budgets before the preliminary budget is released to the public.

David also reported on wild horses in the Bible Springs complex. The BLM has been required to reabsorb about 1,100 horses that were housed at the Utah State Prison at Gunnison. Hunter and livestock men that will be gathering livestock and hunting are encouraged to look for freeze branded horses that may have been released back onto the range.

Alma Adams reported that a coordination meeting with the Forest Service is scheduled for Tuesday at 8:00 a.m. He also reported that an open house will be held at 5:00 p.m. tomorrow at the Gap to introduce enhancements for visitors to the site.

Alma reported that the SCATEC project is nearing construction as financing is now in place.

Dale Brinkerhoff asked about Courthouse boilers. There are some minor changes that need to be completed in wiring of pumps and boiler compound needs to be added. The system is currently working and should be approved by the engineer within the next two weeks.

PUBLIC COMMENTS :

The Commission Chair opened the meeting to public comments of which none were offered.

PRAIRIE DOG TAKE LOT 4 DERBY RANCHETTES :

Spencer Jones, Velocity Builders requested take of 10 prairie dogs on .2 acres of lot 4, Derby Ranchettes.

Jessica Van Woeart reported that the County has 35 permanent take dogs available for 2014. Alma Adams made a motion to approve the take of 10 prairie dogs on 0.2 acres of lot 4, Derby Ranchettes Subdivision. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

PUBLIC HEARING :

A Public Hearing to receive public comment concerning amendments to Iron County Subdivision and Zoning Codes: 1) Creating Chapter 16.25 - Seasonal Subdivisions; 2) Amending Section 17.16.020 -

Zoning Districts Purpose; 3) Amending Section 17.16.030 - Table of Uses; and 4) Amending Section 17.36.270 - Guest House was opened by the Commission Chair.

Reed Erickson explained the proposed changes in chapter 16.25 by adding a new zoning area allowing for seasonal subdivisions which would provide that residences are to be inhabited not more than 165 days per year, would not be considered as primary residences and allowed to have water supplied by a delivery service rather than a live source. Reed also explained a new zoning district, Rural Residential (RR-20), amendments to table of uses, and amendments to the number of guest homes that can be constructed in residential zones.

Steve Platt commented that roads within seasonal subdivision would be private roads and shall not be placed on the County maintenance system. The roads can be gated and locked with locks that provide access by emergency vehicles.

Spencer Jones asked about road right of way width to access new subdivisions. Reed responded that the roads within the subject will be required to be to County standards. Roads outside of the subdivision can remain as they are presently built.

David Yardley asked how 17-27a-607 titled dedication of streets and other public places affected this type of subdivision keeping title to roads. Reed Erickson stated that other code sections allow for the County to accept subdivision plats without accepting the roads as dedicated public roads.

Reed Erickson asked how the County could limit a subdivision to a seasonal subdivision. Steve Platt answered that the majority of these subdivisions will be in mountainous areas with no winter road maintenance to access the lots.

After all public comments were received the hearing was closed by the Commission Chair.

ORDINANCE 2014-8 ZONING CHANGES :

Alma Adams made a motion to adopt Ordinance 2014-9, an ordinance of Iron County, Utah, adopting and modifying certain chapters and sections of Iron County Code Title 16 - Subdivision, and Title 17 - Zoning; establishing provisions for seasonal subdivisions; creating new zoning districts; establishing uses for new zoning districts; providing for maximum number of guest houses for each zoning district; and providing an effective date. Second was by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

A copy of the ordinance will be attached with the minutes.

PUBLIC HEARING :

Alma Adams made a motion to open a public hearing to hear comments on an Item of Business in which the County Proposes to Apply for a Loan and/or Grant from the Utah Permanent Community Impact Fund Board (CIB) to Reconstruct and Realign Greens Lake Road into the Cedar Highlands Area of Unincorporated Iron County, Located Within Sections 28 and 29, Township 36 South, Range 11 West, SLB&M. Second by David Miller. Voting: Alma Adams, Aye; Dale Brinkerhoff, had stepped out and did not vote; David Miller, Aye.

Steve Platt explained that the application to the Community Impact Fund Board would be to upgrade the Greens Lake Road between the Cedar Highlands Subdivision and Cedar City. It would include drainage and realignment of the right of way. The BLM is conducting NEPA work on the proposed realignment at BLM expense.

Manny Mosqueda thanked the Commissioners and County staff for stepping up and helping to come to a possible solution to a huge safety concern with the steep road, especially with winter maintenance issues which have been funded through homeowners dues. It was noted that the subdivision was designed as a seasonal subdivision but has developed into a year round subdivision.

Chad Nay commented that due to geologic features and landslide possibilities it would be good to include sewer drainage to get excess water off from the mountain.

Reed Erickson explained that the CIB application does not include funding for waste water. The application is to be submitted for a grant of \$1,489,238 and a loan of \$3,167,000. It is estimated that another \$425,000 would be needed to add sewer lines to the subdivision boundary. A Special Assessment Area will be required to repay any loan and it is proposed to be financed over a twenty year

period.

After all public comments were received the public hearing was closed on a motion by Alma Adams.

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

RECONVENE AS THE BOARD OF IRON COUNTY COMMISSIONERS :

The Iron County Community Development and Renewal agency special meeting was closed and the County Commission meeting reconvened on a motion by Alma Adams. Second by Dale Brinkerhoff.

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

RESOLUTION 2014-21 JOINT RESOLUTION RE: MOTORIZED TRAVEL PLAN :

A joint resolution of Iron, Garfield Kane and Washington Counties calling on the U.S. Forest Service to stop closing roads and work with local officials to amend the Dixie National Forest Motorized Travel Plan was presented for approval. Dale Brinkerhoff made a motion to approve the resolution. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

IRON COUNTY RESOLUTION 2014-21

A JOINT RESOLUTION OF GARFIELD, IRON, KANE, AND WASHINGTON COUNTIES CALLING ON THE U.S. FOREST SERVICE TO STOP CLOSING ROADS AND WORK WITH LOCAL OFFICIALS TO AMEND THE DIXIE NATIONAL FOREST MOTORIZED TRAVEL PLAN.

Whereas, the continued use of historic roads in Garfield, Kane, Iron, and Washington Counties (“the Counties”) is essential to the protection of health, safety, welfare, prosperity, custom, culture, and commercial opportunities of all people within the Counties; and

Whereas, the continued use of public roads, routes of travel and rights-of-way in the Counties is essential for the use of emergency medical personnel, law enforcement personnel, search and rescue personnel, firefighting activities, commerce, solid waste management, and other public functions tied to the health, safety, and welfare of the Counties; and

Whereas, the continued use of public roads, routes of travel and rights-of-way within the Counties is essential for the preservation and protection of: a) traditional recreation resource values; b) traditional cultural values, interests, resources and activities; c) agricultural livestock and forest products industries; d) movement across public lands; e) commerce; f) conservation/protection of natural resources; and g) other activities vital to the custom, culture and well-being in the area; and

Whereas, the Counties have a compelling interest in protecting natural resources, managing consumptive and non-consumptive uses, and the wise and productive of lands within their respective Counties; and

Whereas, in 2009 the U.S. Forest Service (“Forest Service”) adopted a motorized travel management plan for the Dixie National Forest (“the Forest”) that prohibited cross country motorized travel and proposed the closure of a significant number of previously existing travel routes (“roads”); and

Whereas, since that time the Forest Service has consistently closed roads; and

Whereas, the Forest Service has made multiple verbal commitments to county commissioner that it would not close roads without first notifying the county commission; however, this commitment has not been consistently met; and

Whereas, since 2009 there has been a significant increase in side-by-side ATV use throughout the counties; and

Whereas, side-by-side ATV’s allow disabled and elderly individuals to visit and recreate on public lands

that was not possible previously; and

Whereas, the timber industry has been in decline for decades on the Forest due to a reduction permissible logging and routine lawsuits challenging the issuance of timber permits by the Forest Service; and

Whereas, consequently local economies of cities and towns adjacent to the Forest have come to increasingly rely on tourism as a primary economic engine; and

Whereas, the closure of previously existing roads threatens the economic stability of these communities; and

Whereas, deer hunters are finding themselves unable to travel preexisting routes to access areas that have been hunted for decades; and

Whereas, this can result in hunters traveling across country to access hunting locations; and

Whereas, this results in an increased amount of harm to the environment than if the hunters continued traveling on the preexisting roads; and

Whereas, it is not good public policy to pass regulations taking away travel routes that have been traveled for years as this increases the likelihood that previously law-abiding travelers will continue to travel on administratively closed roads; and

Whereas, federal law requires land management agencies to conduct activities in coordination and cooperation with counties, and in a manner consistent with local and state plans and policies to the maximum extent consistent with federal law and FLPMA's purposes; and

Whereas, the counties desire to work in full coordination and cooperation with the Forest Service, in consistency with local and state plans, and in compliance with federal law; and

Whereas, Section 63J-8-105.1 of the Utah Code designates a State transportation plan for the Dixie National Forest; and

Whereas, Section 63J-8-105.9(7) of the Utah Code requests that federal agencies allow continued maintenance and increased development of roads necessary to achieve the goals, purposes, and policies described in the state code regarding designated timber agricultural commodity zones in the Forest and consistent with multiple use and sustained yield principles; and

Whereas, Section 63J-8-105.9(7) of the Utah Code requests that Forest Service officials to fully cooperate and coordinate the development, amendment and implementation of management plans with state and county officials in a manner that achieves consistency to the maximum extent allowed by law; and

Whereas, amending the motorized travel plan to allow for routes to remain open or be reopened is the only way for the Counties to avoid the economic hardship that will be caused by diminished recreational use by ATV users; and

Whereas, county Sheriff's in the Counties routinely enforce state and local laws throughout their respective counties; and

Whereas, it is in the interest of justice and efficiency for the sheriff's to continue to enforce state and local laws, but to not enforce federal regulations on public lands; and

Now therefore hereby be it resolved, that the Board of County Commissioners of Garfield, Iron, Kane, and Washington Counties call on the Forest Service to honor its commitment to not close a road without having first consulted with the appropriate County Commissioners.

Be it further resolved, that the Board of County Commissioners of Garfield, Iron, Kane, and Washington Counties call on the Forest Service to make amendments to its motorized travel plan in order to significantly decrease the number of roads to be closed under the plan. Each county will prepare a prioritized list of roads that should be reopened or remain open and submit the list to the Dixie National Forest Supervisor.

Be it further resolved, that the Board of County Commissioners of Garfield, Iron, Kane, and Washington Counties declare the policy of their respective counties is for the county sheriff to enforce state and local laws on a county-wide basis, including on lands managed by the Forest Service, and to not enforce federal regulations on federally managed lands.

Be it further resolved, if the Forest Service fails to respond to request made in or in relation to this Resolution, each respective county may seek redress for the economic hardship under Sections 11-51-103 and 104 of the Utah Code.

Be it further resolved, each county signatory to this resolution expressly reserves the authority to take any lawful action to protect the health, safety, and welfare of its residents and taxpayers.

Be it further resolved, that a copy of this resolution be immediately sent to the impacted Forest Supervisors.

/s/ Claire M. Ramsey 9-22-2014

Claire M. Ramsey Date
Garfield County Commission Chair

Attest:

/s/ Camille A. Moore
Garfield County Clerk-Auditor

Approved as to form:

/s/ Barry Huntington
Garfield County Attorney

David J. Miller Date

Iron County Commission Chair

Attest:

Iron County Clerk

Approved as to form:

Iron County Attorney

/s/ Douglas K. Heaton 9/8/2014
Douglas K. Heaton Date
Kane County Commission Chair

Attest:
/s/ Karla Johnson
Kane County Clerk-Auditor

Approved as to form:

Kane County Attorney

James J. Eardley Date
Washington County Commission Chair

Attest:
Washington County Clerk-Auditor

Approved as to form:

Garfield County Attorney

PERSONNEL MATTERS :

Leslie Bishop presented for approval the hiring of Kenna Evans, as a Justice Court Clerk full-time effective October 13, 2014. The hiring is to fill a vacant position. She also requested approval of the hiring of Nicole Bess as a Deputy Treasurer full-time as a replacement for a vacancy that will be created January 1, 2015 due to the retirement of Geri Norwood and the election of Nicole Rosenberg. Hiring date will be effective October 13, 2014. Alma Adams made a motion to approve the hiring of career service positions as requested. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie also requested approval of appointed position/career service exempt for John Higley as Emergency Management Coordinator to fill a vacant position. The position will answer directly to the Commission and will not be managed by the Sheriff's Department. Dale Brinkerhoff made a motion to approve the appointment. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Leslie presented a request to approve promotions for Brett Robinson and Josh Meredith to Computer Systems Administrator Level II. Also to promote Jared Wilson to IT Director Level II. Promotions to be effective July 7, 2014. Dale Brinkerhoff made a motion to approve the promotions. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

RESOLUTION 2014-20 UCIP APPOINTMENT OF VOTING REPRESENTATIVE :

A resolution appointing a voting representative to the annual business meeting of the Utah Counties Indemnity Pool was presented as required by UCIP bylaws. Alma Adams made a motion to approve the resolution appointing David Yardley as the Iron County representative with Alma Adams as the alternate. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

RESOLUTION NO. 2014-20

RESOLUTION OF APPOINTMENT OF A IRON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING

WHEREAS, the Board of County Commissioners of Iron County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Iron County at the Utah Counties Indemnity Pool Membership Meeting to be held on November 13, 2014; and

WHEREAS, the Governing Body of Iron County, Utah, has been informed that the By-laws of the Utah Counties Indemnity Pool require that the official representative and an alternate representative for Iron County must be an elected or appointed officer or employee of a Member and must be appointed by majority vote of the Governing Body of the Member to be the Member's official representative for the purposes of the Pool

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Iron County, Utah, hereby appoints David Yardley as the official Iron County representative for the Utah Counties Indemnity Pool Membership Meeting to be held on, November 13, 2014 with Alma L. Adams as an alternate representative.

RESOLVED ADOPTED AND ORDERED this 13th day of October, 2014.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

David J. Miller, Chair

Dale M. Brinkerhoff, Commissioner

Alma L. Adams, Commissioner

ATTEST:

David I. Yardley, Iron County Clerk

By:

APPROVED AS TO FORM:

Michael G. Edwards, Deputy Iron County Attorney

By:

CONVENE AS BOARD OF EQUALIZATION :

Dale Brinkerhoff made a motion to convene as the Board of Equalization to hear tax matters. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye

APPROVAL OF BOE HEARING OFFICER RECOMMENDATIONS :

Carrie Christiansen, Deputy Auditor, presented recommendation of the Board of Equalization hearing officers. She explained the color codes on a distributed print out and the results of adjustments recommended. After reviewing recommendations, Dale Brinkerhoff made a motion to approve the hearing officer recommendation for value adjustments. Second by Alma Adams. Voting: Alma Adams,

Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

ABATEMENT APPROVALS :

Christene Lowder presented applications for low income, homeowners tax credits, blind and veterans abatements for the 2014 tax year submitted as of October 13, 2014. After reviewing abatement applications, Dale Brinkerhoff made a motion to approve the requested abatements that have filed applications and qualify through October 13, 2014. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

The Commission then adjourned as Board of Equalization and reconvened as County Commission on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

PRAIRIE DOG MATTERS :

Cindy Bulloch discussed appeals in BOE in which requests were made for property value reduction due to prairie dog colonies on properties within the green zone of the low effect HCP. Alma Adams made a motion to make a minimum of 25 acres available to non project areas for calender year 2014 and 2015 within the green zone. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

COURTROOM USE DISCUSSION :

David Yardley reported that Rick Davis representing the 5th District Court has indicated that they would like to discuss the continuing lease and use of District Court space in the Iron County Courthouse.

Currently they only call a calender once per quarter as required by State statute.

COUNTY PERSONNEL POLICY AND PROCEDURE SECTION 5:

Leslie Bishop presented proposed changes which included a word change in Paragraph B changing “findings” to “allegations”. Paragraph D. Pre Disciplinary Meeting was eliminated. The rest of the policy was unchanged. Alma Adams made a motion to adopt County Personnel Policy and Procedure Section 5 as amended. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

ADJOURN :

The meeting was adjourned at 3:00 p.m. on a motion by Dale Brinkerhoff. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye; David Miller, Aye.

Signed: David J. Miller, Chairman

Attest: David I. Yardley
County Clerk