

**IRON COUNTY COMMISSION MEETING  
SEPTEMBER 23, 2024**

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m.  
September 23, 2024 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

|                       |                  |
|-----------------------|------------------|
| Michael Bleak         | Commission Chair |
| Paul Cozzens          | Commissioner     |
| Marilyn Wood          | Commissioner     |
| Jonathan T. Whittaker | County Clerk     |

Also present:

|                   |                             |
|-------------------|-----------------------------|
| Lucas Little      | County Auditor              |
| Terry Palmer      | County Building & Zoning    |
| Sam Woodall       | County Deputy Attorney      |
| Richard Wilson    | County Chief Engineer       |
| George Colson     | County Emergency Management |
| Jennifer Bradbury | County HR                   |
| Mike Worthen      | County Natural Resource     |
| Bruce Anderson    | County Public Works         |
| Reed Erickson     | County Planner              |

Others in Attendance:

Brennan Wood

**SYNOPSIS**

ADJOURNMENT ..... 11

APPROVAL OF CLAIMS FOR PAYMENT ..... 2

CLOSED SESSION..... 10

DEPARTMENTAL REPORTS..... 2

INGRESS/EGRESS ACCESS EASEMENT (APN: B-968-4) ..... 8

INVOCATION ..... 2

NON-DELEGATED ITEMS..... 11

OHV RECREATION GRANT FOR MAINTAINING OHV TRAILS..... 7

PERSONNEL ..... 9

PLEDGE OF ALLEGIANCE..... 1

PUBLIC COMMENTS ..... 7

PUBLIC HEARING, PROPOSED MINOR SUBDIVISION (APN: E-256-5)..... 7

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the Pledge of Allegiance by Luke Little.

## **INVOCATION**

An invocation was offered by Terry Palmer.

## **APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meetings held on August 12, 2024, and August 26, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **APPROVAL OF CLAIMS FOR PAYMENT**

Marilyn Wood made a motion to approve Claims for Payment from September 9, 2024 to September 22, 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **DEPARTMENTAL REPORTS**

**Terry Palmer, Iron County Building & Zoning Administrator**, reported that as of September 20, 2024, Building & Zoning had issued a total of 423 permits compared to 378 in 2023, 157 new dwelling permits compared to 113, which the minimum permit price was about \$14,000 to \$15,000 just on houses alone. Terry noted that the department was down 1.5 inspectors from last year and they were understaffed and underpaid. He reported that Nate Dennett had passed the Commercial Building Inspector test, and was working on his Commercial Plumbing Certificate. Chelsea Boxwell passed the Residential Building Inspector test and was working on the Plumbing Certificate. That had lessened the load quite a bit, but that still left a lot for Nate and himself. Terry noted that he was the only one that could do all the commercial inspections. He reported that in building, there had been 451 Plan Reviews projects completed and 2,703 inspections (stops). Some of the projects had 2 or more inspections each. Building inspections were over 5,000 thus far. Terry reported on large projects coming up. There were three different gas stations planned in Parowan. There was one plan submitted that was reviewed and ready to issue the permit. Ace Hardware had started their construction a couple weeks ago in Parowan. Commerce Crossroads Logistic Park, west of Cedar City, had walls up on their first building all walls up and continued to move forward. There were two other large Light Industrial buildings under construction. One was an Injection Molding Company that would be doing injection molding for water tanks and septic tank type one. The Harker's were working on one building now with plans for one or two more that were industrial. He noted that the department was reviewing the grading plans for the new jail. He spoke with Chad Littlewood regarding the jail and hopefully the agreement could be closed and the grading could begin. Terry reported that he had been reviewing grading plans for Battery Energy Supply System (BESS) at the Enterprise Solar Farm. The developer would be submitting four complete plans on that one and three other sites before the end of the year. He reported that Trent Sukowaty had been hired as the new Code Enforcement Officer, from the Road Department. Trent and Thayne Hainsworth, Iron County Building/Facilities Maintenance Supervisor, had helped get the old CJC building cleaned out so Wendy Jessen, CJC Director, could get a realtor in to get pictures and begin to list that for sale. Terry noted that the budget was on track. Terry reported on Planning. Reed Erickson, Iron County Planner, continued to be busy with the Iron County Planning Commission. Terry reported on Building Maintenance. The Iron County Fair Exhibit Building was completed, the Justice Center and the expansion to the CDL driving course at the Public Safety Building parking lots were completed. Discussion continued regarding the Public Safety Building and a Lot-line adjustment on the old jail property and storage options. The fencing Visitor Center Office Building was complete and the shed was built. Maria Twitchell, Iron County Executive Director of the Cedar City/Brian Head Tourism Bureau, was pleased to have it completed. Terry reported that the remodel work on the Utah Highway Patrol (UHP) Building, upstairs, was completed and the Adult Probation & Parole (AP&P) would be completed in the next couple weeks. He explained that the remodel was done by an outside contractor with the State of Utah, and paid all the bills. Discussion continued regarding the remodel. Terry reported that Xeriscaping had been completed on part of the Justice Center on the south triangle part in front. He noted that Thayne September 23, 2024

was working to get the CJC moved into their new building in Enoch and he had spent time at the Council of Aging (COA) in Cedar City, and a lot of time at the fairgrounds to prepare for the Iron County Fair. Terry reported that the part-time maintenance position would have to be re-advertised.

**Richard Wilson, Iron County Engineer**, reported that the National Resource Conservation Service (NRCS) projects had been completed. He worked in conjunction with the Building Department and Children's Justice Center (CJC) on the parking lot at the new CJC Building, and the Justice Center parking lot. Richard noted that the Sign Department was in the process of moving today. Thayne Hainsworth had moved the Weed Department to the old building, which gave the four-wheelers room to park inside. He reported that he would be meeting with the BESA project personnel at the solar plant this week regarding the road to Enterprise and Antelope Road. There were three projects and an agreement needed to be in place on what they need to do for the road improvements. Richard noted that he still had not heard any progress regarding the Iron Springs Road. The engineering had to go through the Utah Department of Transportation (UDOT), which required him to hire a UDOT approved engineer to design what they are going to do. He reported that he had met with BZI regarding road improvements for their turn in and turn outs. We would work together and BZI would pay for their portion for the turn in and turn outs. Richard reported that he had met with a group called Fabian with BZI. He invited his department and several other key partners in the community, to attend the meeting because this was a huge consortium which wanted to purchase 108 acres of the BZI project for their uses. Fabian did not reveal who they were or what they plan on doing, but it would be industrial. They asked a lot of great questions about our ability as a county to support whatever was coming, whether it was power, transportation, or labor force. BZI was chosen, by notice, which they were chosen as one of the finalists sites for this group, out of all the sites they interviewed. Martin Olaya, Iron County Engineer sign Technician, had been doing a great job in the sign department. We have a large number of signs that were faded and knocked over. The sun here in Southern Utah really eats at the southern facing signs. He noted that he met with Commissioner Cousins last week to order a new printer plotter and work table for the Sign Department. Richard reported that work had begun from North to South in Iron County to check the flood channels for next spring and to dredge up some of the debris and other things that have settled in the channels. Bids for crushing road base was sent out and there were two different companies that were awarded contracts. Work had begun on culverts on 800 and he spoke with WL Plastics to put together an invoice on how much it was going to cost. Discussion continued regarding the size and pressure of the pipes. He noted that as soon as he was 100% comfortable with the calculations, he would move forward.

**Bruce Anderson, Iron County Public Works Director**, reported on the Road Department. Bruce reported that 71 lane miles of chipping were completed. It was all flushed and the lines were painted back on the road. They were presently working on finishing up some skim patching. There were some blowouts on dirt roads in Beryl that they were working on as well. He noted that the Road Department was preparing for the winter season. The Deer Hollow project, located on the Iron County/Kane County line on Hwy 14, was completed and it looks nice. Maria Twitchell and the Forest Service had been working on this project for approximately 10 years and was pleased that it was finally completed. The cattle guards along Hwy. 56 on 3900 and 4300, were coming apart. The state put them in not long ago, and they said they were not theirs to repair. Bruce reported that the cattle guards were taken out because when it snowed it made the turns slippery and dangerous. The Road Department continued to work on the road in the Little Eden Subdivision in Enoch that went to the new CJC. He explained that it was Iron County's obligation to either pave or chip the two roads for exchange on the CJC property. The pipe was just under \$20,000, which work would begin this winter. Bruce reported that they were currently working on a BLM trail at the State Line and Hamlin Valley which was partly paid with the Federal Emergency Management Agency (FEMA) funds. The check was approximately \$36K. Bruce expressed his appreciation to George Colson, Iron County Emergency Management, Mike Worthen, Iron County Natural Resource Management, and Justin Goodwin, Iron County Roads Assistant Supervisor, for their help to facilitate the FEMA Grant. He noted

that the Road Department was down three employees. The new Pup Trailers should be delivered by the end of the month. Bruce reported that he and Commissioner Wood attended the Utah Association of Counties (UAC) last week, which was very informative. The state legislature changed some language on how far back you could go on roads and determined that they were still roads, which cleared up issues in Iron County. He noted that the meetings with the different Road Department Supervisors had been valuable. The Road Department had planned to sponsor an Oil Class this Friday. He explained that the roads were chipped with MC oil or CRS oil, and now there were many different varieties and someone would be coming to the class to explain what all the acronyms and numbers meant, so we can understand how to bid it and what kind of product they were actually bidding and receiving. Bruce explained the different additives you can put in road oil to help it get harder faster, stay harder longer, stay more pliable. He reported that the Road Department and the Landfill continuing to work with Layton Construction on the new jail.

Bruce Anderson reported on the Landfill Department. The water samples were completed on Wednesday and sent to Chemtech Ford, and he had not received the results back. Bruce explained that the Landfill Permit required water samples to be turned in twice a year to make sure that no contamination from the landfill was getting into groundwater. Discussion continued regarding the water samples and groundwater. Bruce reported that the Department of Environmental Quality (DEQ) had a new program where they would send a representative from an outside company to visit every landfill to do a materials assessment to determine if the landfill should begin a recycling program. He noted that it had to make sense because it adds cost. He and Jaron Scott attended a meeting a year ago and the residents of Salt Lake County were paying approximately \$580 a ton to recycle that material. Discussion continued regarding the feasibility of a recycling program. All the employees at the landfill were healthy and strong. Jeremy Tillman, Luke Simkins, and Casey had been helping cover for Scott Carter who was on light duty as a result of a shoulder surgery, and were able to get all the mechanic work completed. There were two new employees that were catching on quick. There was a fire at the Landfill the other morning, and everyone pitched in and did a great job. Bruce noted that there was an additional employee that hired for the landfill, and included in the HR report, but he called this weekend and rescinded his willingness to work for Iron County. He reported that Doug Hanson, DEQ Division Director, was working on a tire meeting with Washington County and all rural counties in Southern Utah, regarding accepting tires at the landfills. In March of 2020, even though the permits allowed landfills to accept tires, the state mandated that the landfills could not accept tires anymore, and to recycle these tires. Discussion continued regarding the disposal of tires. Bruce reported that there was a new computer system at the landfill that was a different collection system, which he was still trying to learn.

**Brennan Wood, Southwest Applied Technical College (SWATC) President,** reported that SWATC was currently updating their mission statement, which had been in place for 15 years. Brennan noted that SWATC's service region included Beaver, Garfield, Iron, and Kane Counties. Students come from across Utah including 24 of 29 counties, and 87 students from out-of-state. He reported that SWATC offered 22 programs and we have another one coming online. Approximately 500 students receive a certificate from SWATC. There were over 2,000 students taking certificate or entry level programs that lead to a certificate. In addition to that, we have anywhere from 600 to a thousand that go through our Custom Fit Program. He explained that the Utah State Legislature appropriate funds each year that allowed SWATC to subsidize up to 40% of the cost of training to qualified for-profit companies. Last year, 92 different companies participated in Custom Fit. Brennan reported that most of the students come from Iron County, and 94% of the students that received a job after graduation were in Utah, but as far away as Wisconsin, Atlanta, and Montana. He noted that the Council on Occupational Education (COE) the accrediting agency for SWATC, required that they had a program that would place 70% of those students in Industry. Every one of our programs was above that threshold. Brennan reported that Software Development was 71% and nationally, it was one of the hardest programs to develop a pipeline and also hard to place. He explained Software Development. Brennan reported that in the last 10 years in Dual Enrollment, there were 1,580 STECH students enrolled,

September 23, 2024

783 had earned Southern Utah University (SUU) credits, and 3,516 credits awarded, and a value of credit savings for students was \$1,269,259. He noted that Cedar City, or SWATC, was one of the few institutions in Utah from a tech college that offered intro classes that gave the students the opportunity to the pathway into an adult certificate. Brennen explained the high percent growth and triggered status. He expressed his appreciation to the commissioners for their support for SWATC with \$50,000 in funding. In 2023, 404 students received financial aid. A bulk of financial aid comes from Free Application for Student Aid (FAFSA). Utah was the worst state out of the 50 states in FAFSA applications. They leave more money on the table than any other state. Brennen explained the scholarship process. In FY23, there was \$1,122,599 in Federal Financial Aid, \$153,734 in State Aid, and \$120,583 in County Aid and Scholarships. Discussion continued regarding the need for scholarships and funding for students. Brennen reported that the Pharmacy Technology and Nursing Assistant Programs area had been remodeled. He explained the new programs and Senate Bill 102 funding for a new building and diesel mechanic bay. The new Public Safety Building (2 or so years) would hold the EMT, Advanced EMT, Paramedic, and Firefighter programs. It also allowed them an opportunity for a post program down the road. The SWATC Board met with the Utah National Guard up at Camp Williams last week regarding a Training Affiliation Agreement once the new building was in place. There would be training in rubble and disaster training for all of local agencies and the Utah National Guard which would be held in Iron County. Brennan explained the population of students “demographic cliff” that would hit in the next 10 years, and the location of the new building. Commissioner Bleak noted that his children had benefited from the SWATC programs. I have a daughter that would be in the Medical Assistant program later this year, children in welding, and both his sons went through the EMT programs, and had been employed in that realm. Mike Bleak noted that in his law enforcement role he worked with the EMT’s. There was a paramedic named Sarah that, for whatever reason, we were on many of the same our shifts. Sarah was a phenomenal paramedic and she was a graduate of SWATC. Brennen reported that SWATC began all of their meetings with a student story because sometimes you forget about why we were doing this in the first place.

**Paul Cozzens, Iron County Commissioner**, reported that he attended the Community Development Block Grant (CDBG) board meeting last week. CDBG was a state board where HUD grants were administered to low-income areas. Iron County received a HUD Grant funding for the new Fire Station in Newcastle. Paul reported that he had been working with Sam Woodall, Iron County Deputy Attorney, and Sam had been working with Paul Bittmenn, Cedar City Manager, regarding a Memorandum of Understanding (MOU) regarding a water agreement with the new jail. Paul Bittmenn wanted to expand the agreement to include sewer and aggregate. Iron County was going to mine aggregate in the recharge area just south of the new jail site. Paul explained the aggregate process in the pit on Kitty Hawk in trade with Cedar City. Commissioner Cozzens informed Sam Woodall that he had read through the sections of the MOU and thought it looked fair. Paul Bittmenn was going to try to get the MOU on the Cedar City Council agenda, and Commissioner Cozzens noted that he would attend the meeting and speak if needed. If the Cedar City Council approved the MOU, then it would come before the Iron County Commission for approval. Paul reported that he attended the UAC Board of Directors meeting, and one of the main issues was that the State of Utah had filed a lawsuit against the Federal Government in regards to taking control of some public lands which would not affect the National Parks or existing leases, but it would affect Utah. UAC voted unanimously to support that lawsuit with an Amicus brief. He explained further on the support of the lawsuit. Commissioner Cozzens mentioned that had received a call from Dennis Johnson, Iron County Television Specialist, this last week regarding his concern that a building had been built by AT&T on Red Hill where Iron County transmission towers. He thought it was a cell tower, but it was a salvaged building that SUU had acquired from Canyon Media which had AT&T’s name on it. Iron County transmitted 10 to 20 watts at the Red Hill site and Canyon Media would be transmitting 10 to 20,000 watts. Dennis was worried that it could interfere with some of our communication sites, with the radiation it emits. It also exceeded the licensing requirements that was allowed for that kind of transmission. Dennis had been to the Bureau of

Land Management (BLM) and talked to them about it. Paul quoted Dennis, "I had always understood that the site was designated for low power communications only. I do not have documents to prove that. I do have documents from other sites developed for lower power television, but not Red Hills. They seem to be trying to see how far they can get the signals to spread. Red Hills is not a good place to do it from."

Reed Erickson, Iron County Planner, reported that the Iron County Planning Commission (ICPC) was familiar with the transmission tower. He explained that the ICPC Staff issued an Administrative Land Use (ALU) permit and sent notifications to adjacent property owners and to the BLM. The BLM would coordinate with other leases explaining what the building was. They had an ALU permit to build the building there based on their lease. Commissioner Cozzens read from an email from Dennis, "I am checking in on the cost of having radiation studies done on the Red Hills TV site before and after they finish the two new broadcast stations. So far it sounds like it might cost about \$3,000 to \$5,000. Do you think this is a reasonable thing to do?" George Colson, Iron County Emergency Management Manager, reported that Iron County had been having trouble with public safety transmissions lately. The pages went out, but no voice, especially for Gold Cross and some of the Fire Departments. George noted that he would share Dennis's concern, and would like to see how it was going to affect our public safety. If it were going to affect public safety transmissions in Iron County, then it would be problematic. George reported that he would reach out to Dennis. Paul noted that he did not know if the commission wanted to authorize the cost for a study, before and after, to see what was going to happen and how it would affect Iron County. Discussion continued on placing the issue on a future commission agenda and a budget for the study. Commissioner Cozzens reported that he would get in touch with and let Dennis know that the commissioners supported the study. Paul reported that he attended the Iron County Sheriff's Department Awards Banquet dinner. He expressed his congratulations to all those that received awards and to those that work so hard to keep Iron County safe. The Cornerstone slab had been poured on the new jail property. Subcontractors had been hired to put compressed air lines and electrical in the slab.

**Marilyn Wood, Iron County Commissioner,** reported that the Iron County Fair OHV Jamboree began this week on Wednesday night from the 25th through the 28th. There was still room for riders if anyone would like to come and sign up, and you could still sign up on the Iron County website. Marilyn noted, as Bruce Anderson mentioned, that she attended the UAC round table for Public Works. It was interesting and fun to watch all the road departments and public works personnel on how they interacted together and discussed their issues. It was very productive to be able to discuss what was happening. She reported that she also attended the Iron County Sheriff's Department Awards dinner that was held at SUU. Dan Kidder was named the Iron County Sheriff's Person of the Year and Chris Lindsey was the Outstanding Volunteer.

**Michael Bleak, Iron County Commissioner,** reported that he had the opportunity to attend the annual Payment in Lieu of Taxes (PILT) Fly-In in Washington, D.C. The State of Utah being a Public Lands State, received revenues from the Federal Government to offset losses in property taxes due to its public lands status. Mike explained that the impact to Iron County was about \$4.1M per year, of which 50% goes into the Iron County General Fund and 50% goes into the Iron County Municipal Services fund. There was a separate amount called Secure Rural Schools Fund, and 60% went to the school district, 40% went to Iron County, and that money was dedicated for Iron County roads. Every year that money goes through the Iron County Special Service District #3 (SSD#3). He noted that this was not a permanent program. Every year in the legislature, PILT was on the chopping block. In fact, the Secure Rural Schools program actually ran out September 30, 2023 and if it was not re-appropriated by September 30, 2024, then it goes away. That would be devastating not only to our county but counties across the nation that have federal lands. Mike reported that each year the National Association of Counties (NACo) organized a fly-in for commissioners from those counties that have public lands to meet in Washington D.C. and lobby legislative offices. We met with representatives and senators, and staff that covered 65 meetings that day with seven different groups, and there was overwhelming support in the offices that we met with. Mike explained that several of the offices do not necessarily deal with public lands in their states, so they do not understand how important

September 23, 2024

this was. It was great to take the time to educate these folks and the comments were positive. There were only four attendees from Utah this year, Commissioner Pearson from Beaver County, Commissioner Lytle from Daggett, Commissioner Miles from Duchesne County, and Commissioner Bleak. In our group, there was a county supervisor from Greenlee County, Arizona, two commissioners from Washington State, and a commissioner from Minnesota. The commissioner from Minnesota reported that his county had 98% public lands. PILT funding had a big effect on Law Enforcement (LE) and Search and Rescue. Mike explained how this affected LE and Search and Rescue. He reported that \$4.1 million would be devastating to lose.

**PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED MINOR SUBDIVISION-CUMBERLAND INDUSTRIES, LLC MINOR SUBDIVISION, 3 LOTS WITHIN THE NE¼ NW¼, SECTION 1, T37S, R12W, SLB&M, IRON COUNTY, UTAH, APPROXIMATELY 28.52 ACRES, LOCATED NEAR 3394 S OLD HIGHWAY 91, CEDAR CITY, UT (APN: E-256-5). Applicant: Anna Slingland, C.R. National, LLC, Property owner: Cumberland Industries LLC, c/o Marcel Rodrigues**

Reed Erickson, Iron County Planner, reported that this item was a carryover item that began under the old rules. In January, the approval rules for minor subdivisions was changed. The Iron County Planning Commission (ICPC) approved this subdivision under the old rules, and the ICPC realized that at that time, it had not been brought before the Iron County Commission for approval because the applicant was working on some water rights issues. The property was sold as the whole subdivision and was located off of old Highway 91, surrounded by A-20 and R ½ zoned properties. Reed explained that a Conditional Use Permit on the property, and re-zoned the property to Light Industrial (LI). When the property sold, the agreement was that they would sell the entire property, the new owner would do a subdivision for three lots, and the seller would get back two lots. Reed explained the issue with water rights in the well. He noted that the ICPC agreed to bring this item to the Iron County Commission for approval based on the old rules. He noted that there was a variation on the streetlights because there are no other street lights in that area.

Michael Bleak, Iron County Commission Chair, declared a public hearing open regarding a proposed Minor Subdivision-Cumberland Industries, LLC Minor Subdivision.

No Public Comments were offered.

Michael Bleak, Iron County Commission Chair, declared the public hearing closed.

Reed Erickson Reed reported that the ICPC reviewed Iron County Code 16.20.130 - Minor Subdivision Approval Procedures and recommended approval of the minor subdivision with a variation of no street lighting.

Paul Cozzens made a motion to approve the proposed Minor Subdivision-Cumberland Industries, LLC Minor Subdivision, with a variation of no street lights, as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**PUBLIC COMMENTS**

No Public Comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF AN OFF-HIGHWAY-VEHICLE (OHV) RECREATION GRANT. A GRANT FROM THE UTAH OUTDOOR RECREATION DIVISION TO ASSIST IN MAINTAINING OHV TRAILS IN IRON COUNTY**

Mike Worthen, Iron County Natural Resource Management Specialist, explained that the grant was from the Utah Division of Outdoor Recreation (UDOR) to assist in maintaining Off-Highway Vehicle (OHV) trails. This was a maintenance type grant which required the purchase of a shed for the State Road Department and the State Trail Crew, to be stationed in at the Iron County Fairgrounds, which would allow them to store their equipment and tools. If the State vacated the shed, it would revert back to Iron County. Mike reported that a trailer for a mini-excavator, was purchased with the last grant, and included a map revision for the five trail segments in Iron County. The initial application was for \$29,012 and when he received the grant,



the state added another \$2,700 for a total grant amount of \$31,712. He noted that Commissioner Bleak should have been sent a document to sign through his email from Maureen Casper. When it was signed, it would go through the state and then they would send us a hard copy.

Marilyn Wood made a motion to approve an OHV Recreation Grant from the Utah Outdoor Recreation Division to assist in maintaining OHV Trails in Iron County. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

**DISCUSSION AND POSSIBLE APPROVAL TO GRANT AN INGRESS/EGRESS ACCESS EASEMENT ON APN: B-968-4, LOCATED IN SECTION 9, T36S, R11W, SLB&M**

Paul Cozzens, Iron County Commissioner, explained that this item was on the last commission meeting where no action was taken. Paul reported that he looked at the proportion of the easement, according to the map that they used at closing, showed that the easement and road was on Candor's property, not Iron County. He noted that the drawing that was attached to the closing documents showed the easement on Condor property.

Michael Bleak, Iron County Commissioner, reported that had followed up with Rick Lunt several times. Prior to Candor Development acquiring the property it was farmland and owned by the Lunt family, not Rick Lunt's family, but an uncle and cousins. Before being able to sell the property it was adjudicated by a Fifth District Court Judge. He explained that the property that was presented to the court included the easement as was discussed. There was a judgment from the 5th District Court and was recorded on April 5th, 2023. Mike reported that the closed on the purchase of that property April 6th, 2023. At the time we signed the documents, that easement was already in place as adjudicated by the 5th District Court. This should not be an issue. It was previously recorded after being adjudicated by the court.

Marilyn Wood, Iron County Commissioner, reported that, as she felt at the last commission meeting, the commissioners needed to have a couple of weeks study this issue, and make sure where the easement was. The easement would also be used to access to the jail. Michael Bleak noted that Iron County were the ones that approached the owner of the property to possibly be the site for the new jail, and it was not for sale at that time. He reported that during the initial discussions, that easement was the linchpin for the entire deal, because they retained the 10 acres to the north and without that easement to access that property, they were not willing to sell the other 30 plus acres. Marilyn noted that her question was when we go to do that road, whoever buys that property would have to improve the road. Paul reported that in the last meeting it was decided that Iron County would develop our half of the property and Candor would develop their half of the property. He could not understand why we did not split the property lines and go half and half.

Reed Erickson, Iron County Planner, reported that the ICPC was currently in the process, with Platt & Platt Engineering, of doing a road dedication subdivision. The road to be dedicated comes off from the north that came down through and connected onto the Horse Alley road. Reed said the easement could be included in the road dedication, then it would become a public road and whoever developed that their side of the property would develop their side of the property. It would not be on the Iron County property if we included the easement in the road dedication. Once it becomes a public road, anyone who would develop along the frontage would improve their frontage. This might be something that could be considered, to consider dedicating the easement at the time the ICPC considered the road dedication for the rest of it. It would become a public right-of-way. Discussion continued about the possibility of dedicating the easement.

Jon Whittaker, Iron County Clerk, reported that Steve Woolsey, Woolsey Land Surveying, prepared the Quiet Title and included the descriptions as they would be, even though there were a bunch of gaps and overlaps from the old farmers' deeds. Reed Erickson noted that to prepare the Iron County parcel, the lines had to be cleaned up and without gaps or overlaps. That was the reason the judge claimed it and recognized the lines and the easements and was recorded the day before Iron County closed on the property. The purpose of the survey was to prepare the property for sale to Iron County. Jon Whittaker reported that was the description that

September 23, 2024



ended up in the Quiet Title. Reed Erickson noted that the language on the Record of Survey, at that time, said that “if the easements were dedicated then the easements go away.” Jon explained the when we say “moot point,” what was meant was, here was the description for the remainder piece for Candor, and it was joined together with this easement, and that was of record and signed by Judge Bell, and then this was Iron County’s parcel, and was joined with that easement. Jon read what Reed was referring to: “All the above described easements shall immediately terminate upon the dedication of any public roadway running over and across said easements.” Reed reported that it was intended that way originally, and was in the decree from the judge as well, on the records of survey that were prepared both by Steve Woolsey and Tim Watson, Watson Engineering. Watson prepared the title work for the survey for Iron County to buy the parcel. They all recognized those had been recorded easements. Jon noted that, anecdotally, every bit of information that we found showed that Candor allowed us to draw the line between the pieces and that the easement on our property was part of the deal the whole time. It now comes down to Iron County’s integrity to go ahead and sign. Marilyn noted that she was glad that this was clarified it

Paul Cozzens made a motion to approve to grant an ingress, egress access easement on APN: B-968-4 located in the section described, with the intention to make it a dedicated right-of-way. Second by: Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

## **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, noted that the hire of Cody Ward would be stricken from the agenda as Cody had rescinded his acceptance. Jennifer presented the promotions of Luke Simkins, Kurtis Cox, and Wade Williams from a Full-Time Landfill Technicians 2 to Full-Time Technicians 3 in the Landfill Department, effective September 29<sup>th</sup>; the new hire of Rylee MacKay as a Full-Time Judicial Assistant in the Justice Court, effective September 30. This was a backfill of a vacant position; the new hire of Mika Garrett as a Full-Time Judicial Assistant in the Justice Court, effective October 14<sup>th</sup>. This was a backfill of a vacant position; the new hire of Eileen Coleman as a Full-Time Communications Assistant in the Tourism Department, effective September 30<sup>th</sup>. This was a newly approved position; and the new hire of Diana Felix as a Part-Time Outreach Coordinator in the Council of Aging, effective September 16<sup>th</sup>. This was a backfill of a vacant position.

Marilyn Wood made a motion approve the personnel changes as presented by Jennifer Bradbury. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Jennifer Bradbury reported that in the Sheriff’s Office – Patrol, there had been many discussions with the Iron County School District (ICSD) for several months to determine what was outlined in the newly implemented UCA 53-22-103 Utah Code Chapter 22 - School Security Act and how to implement it within Iron County. Jennifer expressed her appreciation to the Sheriff’s willingness to open these discussions in order to get where we were today. I submitted the documents for your consideration in the Commission packet. Jennifer turned the time over to Zach Tuttle, ICSD.

Zach reported that he was currently the Safety and Security Director for the ICSD. He explained that he was a part-time LE Officer for Parowan Police Department and the Brian Head Marshall's Office. He was also a member of the Utah National Guard as a Human Intelligence Collector and had done a tour overseas in that capacity as well. Zach reported that his role within the ICSD was to identify personality threats as they manifest throughout the district and essentially intervene early and often, to mitigate the possibility of there being a physical threat to our schools, our children specifically. He noted that he had been working for the past year and a half in that capacity for the ICSD.

Sam Woodall, Iron County Deputy Attorney, reported that, as required by statute, it was necessary to have an Iron County Security Chief over the schools and they work under the umbrella of the Sheriff. We are kind of marrying the school district position with this Iron County position. Sam stated that the statute outlined specific requirements of training and

oversight. The Memorandum of Understanding (MOU) contemplates those trainings and oversight by Zach Tuttle. Jennifer Bradbury and I met with the school district and discussed any possible complications associated with the MOU. The main concern was just indemnification because there were two government entities, but we have agreed via this MOU to cover the Iron County people and the ICSD would cover their people. There was a specific clause to that effect, and we were going in with both eyes wide open. If something happened, it was likely that both entities would be drawn into a lawsuit anyway. Sam had spoken with Johnny Miller at UCIP, and he had indicated that insurance would only cover our entity. The school district was aware of that, Iron County was aware of that, and both felt like Zach would do a good job and certainly fulfill all the requirements of the statute. Sam reported that he would recommend approval of the MOU that had been drafted. Sam explained that the MOU had a monetary contribution on the part of Iron County, where Zach would be primarily a school district employee. We were able to calculate an appropriate contribution based on what a volunteer would be paid via a stipend. A person filling this position would be a Sergeant, and with Zach's amount of experience, we were able to calculate the amount of pay at 20% of a Sergeant position, with his experience, was what we had agreed to contribute to the school district and allow him to fulfill the obligation of the statute. Commissioner Bleak reported that this had been a painful process for months, but we had reached a great partnership and he was glad that it worked out to benefit both Iron County and the ICSD. Mike noted that he thought Zach was absolutely the right person for the job to be able to oversee the program. He expressed his appreciation to everyone that worked so hard on this, especially Jennifer, Sam, and Zach. Discussion continued regarding indemnification. If there was an active situation, then we would look to this agreement to figure out what was appropriate under the Iron County umbrella. If that was the case, then again, the coverage would be met by UCIP for his role as an Iron County entity.

Paul Cozzens made a motion to approve Zach Tuttle for a stipend as an Iron County Security Chief position in accordance with UCA 63-22 (amended 53-22-103) School Security Act. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

Commissioner Cozzens reported that he forgot to mention in his report that he had talked with Marcus Keller, Iron County Bond Specialist, regarding the Federal Government dropping the interest rates to 50 basis points, and possible more, which might be announced before the end of the year. Paul noted that he asked Marcus if Iron County would be able to take advantage of the 50 basis point reduction for the new jail. Marcus said because the interest rates would be factored in that main deal when we go out for financing, which was really good news.

### **NON-DELEGATED ITEMS**

Closed Session


### **DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), "STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION"**

Marilyn Wood made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c) – "Strategy Sessions to discuss pending or reasonably imminent litigation." Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Aye.

[illegible]

I, Michael Bleak, Chairman of the Iron County Utah Commission, hereby certify that the purpose of the closed session convened was conducted in accordance with UCA § 52-4-205(c) for discussion regarding ongoing litigation.

Signed: ~~Michael P. Bleak, Chairm~~  
Paul Cozzens, Chair Pro Tempore

  
Attest: Jonathan T. Whittaker, County Clerk



**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

## ADJOURNMENT

Michael Bleak, Iron County Commission Chair, declared adjournment.

Signed: ~~Michael P. Bleak, Chair~~  
Paul Cozzens, Chair Pro Tempore

Attest: Jonathan T. Whittaker, County Clerk

