

**IRON COUNTY COMMISSION MEETING
JANUARY 13, 2025**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 13, 2025 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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| Paul Cozzens | Commission Chair |
| Michael Bleak | Commissioner |
| Kenneth Robinson | Commissioner |
| Jonathan T. Whittaker | County Clerk |

Also present:

| | |
|--------------------|---------------------------|
| Lucas Little | County Auditor |
| Thayne Hainesworth | County Building & Grounds |
| Richard Wilson | County Chief Engineer |
| Sam Woodall | County Deputy Attorney |
| Jennifer Bradbury | County HR Director |
| Reed Erickson | County Planner |
| Kenneth Carpenter | County Sheriff |
| Josh Martin | USU Extension |
| Amber Hatch | County Weed Control |

Others in attendance:

| | | |
|---------------------|-----------------|------------------|
| Eric Atkin | Mary Gardner | Susanne Garfield |
| Mark Halterman | Eric Hasemeyer | James Harris |
| James T Helsper, Jr | Rachel Hunt | Rebecca Iverson |
| Byron Jenkins | Dan Jessen | Bill Johnson |
| Stepheni Langford | Austin Leavitt | Matthew LeFevre |
| Howard Maize | Kevin McClellan | Paul Nelson |
| Ed Nunes | Terry O’Leary | Jeff Richards |
| Chad Schmaker | Teresa Sehuck | Sierra Stokes |
| Mike Tapocik | | |

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Jon Whittaker.

INVOCATION

An invocation was offered by Michael Bleak.

APPOINTMENT OF THE IRON COUNTY COMMISSION CHAIR FOR 2024

Michael Bleak made a motion to appoint Commissioner Paul Cozzens as the Iron County Commission Chair for 2025. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

APPROVAL OF MINUTES

Kenneth Robinson made a motion to approve the minutes of the Iron County Commission meeting held on December 9, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

APPROVAL OF CLAIMS FOR PAYMENT

Michael Bleak made a motion to approve Claims for Payment from December 9, 2024 to January 12, 2025. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

OPEN MEETING LAW TRAINING

Samuel Woodall, Deputy Iron County Attorney, gave the annual Open Meeting Law Training, reviewing the requirements of UCA § 52-4.

COMMISSIONER REPORTS

Kenneth Robinson, Iron County Commissioner, reported that he had attend several meetings throughout the week. He attended the Iron County Planning Commission (ICPC) meeting on January 9th.and available grants. There was great feedback from many concerned residents. Ken reported that he was able to attend a meeting with BZI discussing their plans for the future and their accomplishments in the past.

Michael Bleak, Iron County Commissioner, reported that commissioners participated in the Iron County Council of Government (ICOG) with discussions on county wide issues last week. Mike noted that he was a member of the Iron County Economic Development Advisory Board (ICEAB). The board was beginning the process of going through applications for the Small Business Grants. He also attended the Governor and Lieutenant Governor's Inauguration ceremony.

Paul Cozzens, Iron County Commissioner, shared financial statements regarding Southwest Utah Public Health. Paul noted that he continued to work with Horrocks Engineers regarding facilitating a utility railroad crossing easement for sewer regarding the new jail. Cedar City owned the spur and guidelines needed to be followed from Union Pacific. Commissioner Cozzens reported that he attended the Farm Bureau meeting held in Richfield.

PUBLIC HEARING, DISCUSSION POSSIBLE APPROVAL OF A REQUEST FOR A "PARTIAL OR ENTIRE VACATION OF ANY ROADS, EASEMENT, OR RIGHT-OF-WAY" LOCATED ON A 1.80 ACRE PARCEL ADDRESSED AS 487 E CITY VIEW DRIVE, PAROWAN, UT WITHIN THE SW¼ SE¼ SE¼ SECTION 13, T34S, R9W, SLB&M, IRON COUNTY, UT (APN: C-933-1) Applicants: Eric & Jacqueline Hasemeyer

Reed Erickson, Iron County Planner, explained the property location for the easement, and after research, he collected all of the deeds and records of what had been previously recorded on the property. An easement ran along the north side of the property that the original owner granted. None of the easements had been changed, abandoned, or vacated. Reed reported that the Iron County Planning Commission (ICPC) recommended that Iron County vacate its interest in City View Drive across from LeFevre's property, as the easement was no longer needed. Reed explained the statutes that were used when vacating Iron County's interest in a public Right-of-Way (ROW), 72-3-108 County Roads-Vacation and Narrowing- Notice requirements states that the notice of the Public Hearing would be published for at least four weeks before the day of the hearing. This was followed to ensure everything complied, and 17-27a-609.5 (4) – Petition to vacate a public street.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open regarding APN: C-0933-1.

Matthew LeFevre, applicant for the road vacation, expressed his appreciation for allowing him the opportunity to speak. He noted that, in Reed Erickson's interests, they were all affected by the vacated easement of City View Drive. He agreed and supported the vacated easement.

Dan Jessen, Parowan City Manager, reported that Parowan City had no official position regarding the vacation of this easement. Mr. Jessen noted that area was located just outside of the Parowan City boundary. It was, however, a part of a proposed annexation into Parowan City. City View Drive was listed as a Master Transportation planned road and would stay on the plan regardless of whether the easement was removed or vacated. Dan explained further about the Master Transportation Plan's function. He requested that the commissioners consider the implications of City View Drive being a master-planned road. If it were to be abandoned, it would either need to be re-established or established to the property to the north upon development. Further discussion and explanation continued regarding ingress and egress with a possible subdivision being developed.

Paul Cozzens, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson explained that, based on Dan Jessen's comments, the ICPC has had discussions regarding City View Drive as it goes out to Hwy 143. Iron County had the ability to work with the developer so that a new alignment could be established. He noted that the ICPC was aware of this and committed that if this was vacated a new ROW would need to be established. Reed explained road vacation and establishing a ROW. He listed five options that the commission could consider if they had an intent to take action on this item. 1- The applicants' request; 2-Vacate City View Drive on Hasemeyer property and any county ROW/easement; 3- Vacate only City View Drive on Hasemeyer property (recommended); 4- No action-Vacate nothing (retain all interest in and ROW/easement) 5- Other - as determined by the

Iron County Commission. Reed noted that the ICPC would be willing to prepare an Ordinance for the next commission meeting that would vacate that portion. He reported that they had been working with Hasemeyers to remove a fence and other items on the Iron County portion of the property. Discussion continued regarding the easement and alignment.

Sam Woodall, Iron County Deputy Attorney, explained that when this issue was previously addressed, the boundary was discovered and there as a need for a fence to be moved. Sam explained that at the time, the question came up whether the county would be willing to dispose of the property that was currently covered by the Hasemeyer's. He and Jon Whittaker researched the issue and found that it would be inappropriate for Iron County to give away the easement and there would have to be some kind of compensation or sale associated with it. They priced that out and it was not feasible for the Hasemeyer's at that time. It had now been presented to the commission as a request to remove the easement, which takes the issue back to the original decision that was made that it would be inappropriate for Iron County to remove their interest without considering the disposal of the land. Sam had spoken with Reed and other staff members and discovered that there was this petition to vacate a public road, which was separate from a request to remove the easement on the east side.

Eric Hasemeyer, owner of 487 E City View Drive, reported that in his most recent conversations with Richard Wilson, Iron County Engineer, on December 18, 2024 and January 3rd, where it was stated that there was no easement to the west or to the north of his property that Iron County was involved in. Eric explained that during a search by his attorney it was found that an easement had never been established, or that Iron County ever held an easement to the west. In response to the question of the feasibility of purchasing the property, he had never been approached with the opportunity to purchase the other property. If approached, at that time, to purchase the property they would have been able to facilitate that purchase.

Richard Wilson, explained that the discussion was internal between himself, Sam Woodall and Jon Whittaker about the purchase of a triangle of property. This was never presented to the Hasemeyer's, but they simply recognized it as being a complication due to the fact that it was in the City's limits and chose not go forward. Rich noted that he did have a discussion with Eric Hasemeyer and Rich clarified that Iron County had no interest in the roadway, but there was in the utility easement. There was a recorded easement of 15-feet along the north and west sides. Sam Woodall reported that he located the letter that was sent to the Hasemeyer's dated January 3, 2022. He then proceeded to read the notice.

Michael Bleak made a motion to vacate only City View Drive and to direct the ICPC to prepare an ordinance to be considered at the next commission meeting as presented by Reed Erickson. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL ONE ACRE (R-1) TO RESIDENTIAL ONE-HALF ACRE (R½) AND RESIDENTIAL 4000 SQUARE FEET (R4K) FOR APPROXIMATELY 19.22 ACRES WITHIN THE SE¼ SW¼ SECTION 9, T35S R 11W, SLB&M, IRON COUNTY, UT (APN: D-531-2) – LOCATED NEAR 4800 N TO 4950 N & 2700 W, CEDAR CITY, UT Applicant: BCN Real Estate, LLC, represented by Platt & Platt Engineering

Reed Erickson, Iron County Planner, explained that the Iron County Planning Commission (ICPC) did not recommend this zone change because there were several challenges with the rezone. The zone change would be placed on the February ICPC meeting for more discussion. A Public hearing had been advertised for today's meeting and it would be good to receive comment, but he clarified that there was no intended action today. Reed noted that it was the applicant's request to continue with ICPC staff for some other options. Reed apologized and reported that he mistakenly advertised the Public Hearing to be held at the Iron County Commission meeting on the 14th rather than the 13th. There would be another opportunity to comment during next month's ICPC meeting. Reed read Iron County Code 17.36.320 (1) R4K General Requirements and Iron County Code 17.16.035 – Table of Townhouse (TH) Standards.

Reed reported on the Project Overview: the property was 19.22 acres, adjacent to R-5, R-1 & R½; located on the North side of Midvalley Road east of Lund Hwy and west of 2300 at approximately 2700 W; it was within Tier II – outside of Cedar City and Enoch Annexation Plan; Proposed use was a zone change to R½ and R4K to allow residential use with Town Houses. Services available: Water-CICWCD, Sewer-Cedar City Central Sewer, Other utility services in the area (Power, Gas, Communications, etc.), and Drainage/Flood provisions with retention basins and burb/gutter.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open regarding a zone change.

Rachel Hunt, a citizen of Iron County, expressed her concerns about putting townhomes in Unincorporated Iron County, residents want to enjoy their own property, light pollution, transient moving into townhomes, air pollution, increased traffic, tax burden on residents, water table and usage, and electrical increase.

Stephanie Langford, a citizen of Iron County, agreed to all of Rachel's concerns. Townhomes should not be allowed in rural areas, there would be too many issues, and there would be no public services available.

Paul Cozzens, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) recommend suspending action and to move forward with discussions at an ICPC meeting to be held on February 6th, ICPC and to be brought before the Iron County Commission at the February 10th meeting.

Kenneth Robinson made a motion to table this item regarding APN: D-531-2 as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVE OF A PROPOSED GENERAL PLAN AMENDMENT – TIER CHANGE (TIER II TO TIER IV AND TIER IV TO TIER II) FOR PROPERTIES CURRENTLY IN THE PAROWAN AND PARAGONAH TIER II URBAN EXPANSION AREAS, PROPERTIES LOCATED WITHIN SECTIONS 7, 18, 30, & 31, T34S, R8W; SECTIONS 8–17, 20-25 & 36, T34S, R9W; SECTION 1, T35S, R9W; SECTIONS 32 & 33, T33S, R8W: & SECTIONS 4 & 5, T34S, R8W, SLB&M Applicant: Iron County

Reed Erickson, Iron County Planner, reported on the historical overview of the Tier II General Plan Amendment, the Hydraulic Gradient, Flow direction, Aquifer test data, and the Septic Tank Density Analysis for Paragonah. There would be a proposed expansion around Paragonah and a reduction around Parowan. Discussions continued regarding the Paragonah and Parowan Tier II areas. Reed noted that most development could occur in Parowan town which would provide water, sewer, etc. He explained that a Public Hearing would be held, but as was done in item #3, the ICPC recommended tabling this item to continue discussions with no action being taken. The Public Hearing was posted on the State Notice website and the Iron County website, but because of the holiday, the signs were not posted. The Public Hearing had been posted on the ICPC meeting to be held on February 6th, and a Public Hearing/Discussion/Recommendation, and possible action, on the February 10th Iron County Commission meeting.

Reed Erickson recommended that the item be tabled at this time. He noted that a Public Hearing could be held together with agenda item #4.

Michael Bleak made a motion to table agenda item #3 regarding the General Plan Amendment Tier Change for a future date. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

PUBLIC HEARING, AND DISCUSSION OF A PROPOSED ZONE CHANGE, PAROWAN: R½, A-20; C & LI TO R-5; R½ & A-20 TO RA 20; PARAGONAH: A-20, R-1 & R½ TO R-5; A-20 TO RA-20 FOR PROPERTIES CURRENTLY IN AND AROUND THE PAROWAN AND PARAGONAH TIER II URBAN EXPANSION AREA LOCATED WITHIN SECTIONS 7, 18, 30 & 31, T34S, R8W; SECTIONS 8-17, 20-25, T34S, R9W; SECTION 1, T35S, R9W; SECTIONS 32 & 33, T33S, R8W: & SECTIONS 4 & 5, T34S, R8W, SLB&M Applicant: Iron County

Reed Erickson, Iron County Planner, reported that he currently had appointments to meet with Paragonah Town to be on their Planning Commission meeting, and would request to be on the Parowan City Planning Commission meeting for them to have a better understanding of the zone changes. There would be a Public Hearing/discussion/recommendation at the February 6th ICPC meeting and at the February 10th Iron County Commission meeting. Reed explained the purpose of the zone changes within the Tier II area in Paragonah Town and Parowan City to R-5 and RA-20. He noted that this zone change had been discussed during the last two ICPC meetings and recommended that this item be tabled until the February 10th commission meeting.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open on agenda items #3 and #4.

Austin Leavitt, a citizen of Iron County, asked Reed Erickson if the color-coded maps were accessible to the public. Reed replied after it was recommended by the ICPC, they would then be available online. He would email the current maps to Mr. Leavitt.

Mike Tapocik, a resident of Paragonah, expressed his concern about taking their properties from A-20 to RA-20 and that it was not fair to those in Tier IV which were 40 acre plus parcels area, cutting them off at the knees while they were trying to advance their businesses, and what was the plan in 5 years. Mike noted that he opposed any change from A-20 to RA-20. Reed replied that he would like to meet with Mike to better understand his concerns, and the area mentioned was not included in this zone change.

Paul Cozzens, Iron County Commission Chair, declared the Public Hearing closed.

Kenneth Robinson made a motion to table agenda item #4 regarding the zone change for properties currently in and around the Parowan and Paragonah Tier II Urban Expansion Areas as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED COUNTY CODE AMENDMENT (ORDINANCE 2025-1) AN ORDINANCE OF IRON COUNTY, UTAH, TO THE IRON COUNTY LAND USE CODE-ORDINANCE 2025-1 AMENDING CHAPTERS 17.16 & 17.20-PROVIDING FOR “SMALL CONTRACTOR SHOP/OFFICE” IN THE RA-20, R-5 & R-2 ZONES AND “CARETAKER DWELLING” IN THE COMMERCIAL (C) AND INDUSTRIAL (I) ZONE DISTRICTS Applicant: Iron County

Reed Erickson explained that the Amendment to Ordinance 2025-1 Chapter 17.16 - Table of Uses would open up more opportunities. Ordinance 2025-1, Contractor’s Shop/Office, Small “means a facility providing for limited employee staging of general building repair, service, and maintenance such as, and including: Installation of plumbing, roofing, electrical, heating & air conditioning, with limited employee staging, according to zoning districts.” Chapter 17.20.010 – Definitions, added under “Caretakers Dwelling” means a building, or portion of a building, used as a dwelling by a person having the care of the building, plant, equipment, or grounds associated with an industry, business, office, or recreation area carried on or existing on the same site.” Reed reported that the ICPC recommended approval of the County Code Amendment – Ordinance 2025-1 for Caretakers, Dwelling & Small Contractor Shop/Office. Read the Standards for operating a “small” contractor shop/office.

Richard Wilson, Iron County Engineer, explained that under “Standards for operating a “small” contractor shop/office” off-street parking must be provided for all business and employee vehicles. No business vehicles, trailers, or heavy equipment may be stored or parked in the required front yard.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open regarding a proposed Iron County Code Amendment.

Howard Maize, a citizen of Iron County, expressed his concerns that there were too many changes in his area in the last 25 years, light pollution, increased traffic, large companies coming in and not taking care of the road, and Iron County not maintaining the roads they were responsible for. He asked the commission to table their decision.

Eric Atkin, a citizen of Iron County, noted that he had not seen the public notice regarding the ordinance change and wondered how he could look at it. Reed Erickson replied that it was presented at the ICPC meeting as a recommendation and he would gladly send him a copy. Eric owned a dump truck and skid steer that he used for personal use and was concerned that this amendment would constrain those for personal use and asked if could be clarified in the ordinance.

Ed Nunes, a citizen of Iron County, expressed his concerns that the area needed to be kept an agricultural area. There were too many construction businesses, construction still impacted the environment and roads, and residents had no say on the issue.

Howard Maize, a resident of Iron County, expressed his concerns with the small change being little nibbles, there was still a property that was a junkyard with trailers, portable pots, and empty vehicles that were supposed to be cleaned up, change requests had been bypassed and ignored and nothing was being done on Lund Road.

Paul Cozzens, Iron County Commission chair, declared the Public Hearing closed. Paul reported that Code Enforcement had been out to the mentioned area by Mr. Maize and they had begun cleaning up and letters had been sent. Howard Maize stated that he heard about the code enforcement and letters, but it had only gotten worse. Letters had been sent and still nothing had been done. Sam Woodall explained the process of the Code Enforcement notices that were sent out. Things were being done to try to effectuate the change.

Reed Erickson explained how the projects were reviewed and what kind of permit would be granted. Ken Robinson asked if passing this amendment would allow Reed Erickson and Sam Woodall to take action on those that were in violation of that. Sam replied that the ordinance to enforce the issues was still there and this would help further regulate ongoing issues associated with that. Reed clarified that this amendment change would not affect the Lund Highway area.

Michael Bleak made a motion to approve the Iron County Code Amendment – Ordinance 2025-1 as presented by Reed Erickson. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

PUBLIC COMMENTS

No Public Comments were offered.

DISCUSSION AND POSSIBLE APPROVAL OF AN ENGINEERING SERVICES AGREEMENT WITH HORROCKS ENGINEERS, LLC. THIS CONTRACT IS TO FACILITATE A UTILITY CROSSING EASEMENT ASSOCIATED WITH THE CONSTRUCTION OF A NEW IRON COUNTY JAIL

Paul Cozzens explained the process of obtaining an easement from Union Pacific Railroad (UPRR) had many regulations and a firm that understood the nuances was needed. Iron County sought to contract with Horrocks Engineers, LLC to facilitate a utility crossing easement. Horrocks had been excellent to work with, and their quote was reasonable. Horrocks would place a sewer line to be constructed under an existing railroad spur near the new jail. Platt and Platt were preparing the design and construction plans for the sewer line, but needed assistance from Horrocks to verify compliance with AREMA and UPRR standards. Jon Whittaker noted that this was critical for the success of the new jail. He explained that sometimes it was difficult to get easements with Union Pacific and Horrocks had a dedicated staff that was familiar with their processes. Paul reported that Horrocks had also looked into creating access for law enforcement only, an access that Cedar City had used for years to cross the railroad. For inmates flown into the airport, such access would be convenient to take them down Aviation Way and to the back

door without going all the way around to the jail. Jon Whittaker noted that Darren Ayer had sent a contract and had been very good to work with thus far.

Kenneth Robinson made a motion to approve the Engineering Services Agreement Contract with Horrocks Engineers, LLC associated with a utility crossing easement associated with the construction of the new Iron County Jail as presented. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

DISCUSSION AND POSSIBLE APPROVAL FOR AN EXTENSION OF A PROFESSIONAL SERVICE CONTRACT FOR WILDLIFE MITIGATION TECHNOLOGIES FOR MICHAEL V. WORTHEN

Jon Whittaker, Iron County Clerk, explained that Michael Worthen was the Natural Resource Management Specialist and that this was the annual extension of his current contract for the 2025 year. Paul Cozzens expressed his appreciation for all Mike Worthen had done for Iron County.

Michael Bleak made a motion to approve the extension of the Professional Service Contract for Wildlife Mitigation Technologies as presented. Second by. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

2024 COOPERATIVE AGREEMENT BETWEEN UTAH STATE UNIVERSITY (USU) EXTENSION SERVICES AND IRON COUNTY

Rebekah Iverson, USU Extension Agriculture & Natural Resource Professor, explained that the annual Cooperative Agreement allowed USU to house an Extension Office in Iron County to provide services to the public for things related to agriculture. Rebekah reported on some of the highlights of their projects done this year. They held a Noxious Weed Camp where kids came out and learned to identify what was a good or bad plant. They also worked closely with IFA and the Enterprise and Iron (E&I) Conservation District. She noted that there had been some turnaround in their office, but they were settling in. Taryn Schroeder was the new 4-H Coordinator and worked with many children. Marla Hoyt was the 4-H Afterschool Program Coordinator. There was a huge afterschool presence and they hired two more employees to help at the Elementary Schools. Rebekah expressed appreciation for the support from the Iron County Commission.

Kenneth Robinson made a motion to approve the 2025 Cooperative Agreement between Utah State University (USU) Extension Services and Iron County. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

DISCUSSION AND POSSIBLE APPROVAL OF AN ADDITIONAL THREE INVASIVE PLANT SPECIES TO THE IRON COUNTY NOXIOUS WEED LIST: BURDOCK (ARCTIUMSPP), COCKLEBURS (XANTHIUM SPP), AND CURLY DOCK (RUMEX CRISPUS)

Amber Hatch, Iron County Weed Supervisor, presented a slide show on the three weeds deemed invasive, harmful, and difficult to control. Cockleburs: the spiny burs contaminate wool, hide, and hair, adhering to equipment and apparel, increasing labor and control costs. The annual plant dominates disturbed sites and displaces beneficial vegetation, further degrading rangelands and open spaces. Toxicity to livestock, particularly young animals, was another high concern. They seemed to be getting worse anywhere where there was flowing water, literally, anywhere there was water. Burdock: the burs from this biennial plant cling to livestock, damaging hides and wool and reducing market value. Its aggressive growth outcompetes native vegetation, reducing biodiversity and inhibits the natural recovery of disturbed areas. Curly Dock: this perennial weed reduced forage quality in pastures and hayfields. Its seeds persist in the soil for years, making control efforts incredibly challenging. It spreads aggressively, reducing the ability of native plants to regenerate and contributing to soil nutrient depletion. Last year there was not one alfalfa field in Summit that did not have the Curly Dock in them. Approving this now would prevent larger, costlier issues in the future.

Michael Bleak made a motion to approve the additional three Invasive Plan Species as presented by Amber Hatch. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

REVIEW AND POSSIBLE APPROVAL OF A FIRST AMENDMENT TO THE CEDAR CITY AND IRON COUNTY AGREEMENT RELATED TO CONSTRUCTION OF A NEW IRON COUNTY JAIL

Sam Woodall reported that on or about October 10, 2024, Cedar City and Iron County entered into an agreement related to the construction of a new Iron County Correctional Facility. This agreement regulated how the jail would interact with City infrastructure and allowed the jail to connect to the City’s culinary water system. The amendment had verbiage changes in Section IV-I paragraph (g) with “Iron County shall be specifically required to install and maintain a grinder Best Available Treatment Technology (BATT).”

Kenneth Robinson made a motion to approve the First Amendment to the Cedar City and Iron County Agreement related to the construction of a new Iron County jail. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

DISCUSSION AND POSSIBLE APPROVAL TO UPDATE IRON COUNTY RESOLUTION 98-1 TO 2025-1, A RESOLUTION OF THE IRON COUNTY COMMISSION DEFINING POLICY FOR ACCEPTING ROADS FOR COUNTY MAINTENANCE

Richard Wilson, Iron County Engineer, explained that this was a cleanup of the methodology used to define the policy for accepting a road for Iron County maintenance. None of the requirements were changed just the application process. Rich explained some of the verbiage used in Resolution 98-1. He noted that the majority of Resolution 2025-1 was to update how the process worked. It was the process of community contribution or benefactors, contribution to upgrading a road to Iron County standards to be considered for the Iron County maintenance schedule. Richard expressed his appreciation to Merilee Wilson who organized and put together a Road Assessment package. He reported that there were nine steps needed to comply to meet the standards. 1) Pre-application, 2) Application submittal & Review, 3) Public Hearing notices, 4) Public Hearing, 5) Protest period, 6) Public meeting determination, 7) Bid Project & Award Contract, 8) Construction, and 9) Adopt Assessment Ordinance & finalize financing. Richard reported that these nine steps were in accordance with Utah State laws.

Kenneth Robinson made a motion to approve the updated Iron County Resolution 98-1 to Iron County Resolution 2025-1, a resolution of the Iron County Commission Defining Policy for accepting roads for Iron County maintenance, as presented by Richard Wilson. Second by Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

IRON COUNTY RESOLUTION 2025-1

A RESOLUTION OF THE IRON COUNTY COMMISSION DEFINING POLICY FOR ACCEPTING ROADS FOR COUNTY MAINTENANCE.

Whereas, Iron county has limited resources with which to maintain County roads; and

Whereas, in some cases it may be years before a sufficient number of residents desire to pay their roads to be improved to county standards.

Whereas, the County desire to follow written procedures in accepting roads for maintenance; now therefore

Be it resolved by the Board of Iron County Commissioners that the following criteria will be followed in accepting roads for maintenance by the Iron County Road Department.

1. Roads may be brought to an acceptable County standard. This may be accomplished by the formation of an Assessment Area.
2. Roads used as school bus routes will be given preference in winter maintenance.
3. Before a road is placed on the maintenance system, it must be accepted by a majority vote of the County Commission in a regular County Commission meeting.
4. Winter maintenance will not be performed on roads with a grade greater than ten percent (10%).
5. The county will assert an underground easement for public utilities when a road becomes a County maintained road.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS DATED THIS
13th day of _January_, 2025.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH



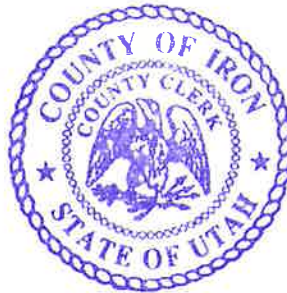
Paul Cozzens - Chairman

Attest:



Jonathan T. Whittaker - Iron County Clerk

Michael P. Bleak _Aye_
Paul Cozzens _Aye_
Kenneth Robinson _Aye_



DISCUSSION AND POSSIBLE APPROVAL TO UPDATE RESOLUTION 2009-7 TO 2025-2, A RESOLUTION TO ESTABLISH AN APPLICATION PROCEDURE FOR ASSESSMENT AREA PROPOSALS

Richard Wilson, Iron County Chief Engineer, noted that this was a continuation of Agenda Item #3. Rich explained that once the applicant was approved to begin the process to be put on the maintenance schedule, they had to go through the Assessment Area Procedure. He reported that this item was simplifying or updating the policy and the proactive of how that Assessment Area was obtained or created.

Michael Bleak made a motion to approve updating Resolution 2009-7 to Iron County Resolution 2025-2, a resolution to establish an Application Procedure for Assessment Area Proposals, as presented by Richard Wilson. Second by: Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Kenneth Robinson, Aye.

IRON COUNTY RESOLUTION 2025-2

A RESOLUTION TO ESTABLISH AN APPLICATION PROCEDURE FOR ASSESSMENT AREA PROPOSALS

Whereas, the Utah State Legislature has established definitions, rules and regulations known as the “Assessment Area Act”, as set forth in Chapter 11-42, Utah Code Annotated, 1953, as amended; and,

Whereas, Iron county believes that the application and review process would allow the County and affected property owners to reach a determination as to whether an assessment area should be pursued, before significant resources and funds are expended through the assessment area process outlined in Chapter 11-42, UCA; and,

Whereas, the Board of County Commissioners of Iron County, Utah, finds that the following resolution is necessary for the efficient provision of services pertaining to the formation of assessment areas; and,

Whereas, the multiple ownership situation of these pre-existing lots, and the varying financial resources and/or values of those owners, creates a difficult logistical, political, and financial circumstance that is not comparable to installing and financing a new subdivision; and,

Whereas, the multiple ownership situation of these pre-existing lots, and the varying financial resources and/or values of those owners, creates a difficult logistical, political, and financial circumstance that is not comparable to installing and financing a subdivision; and,

Whereas, the board finds that an incremental approach to road improvements can be acceptable in some assessment area situations, as even incremental improvements will improve the safety of the neighborhood; and,

Whereas, notice of the following resolution has been provided as required by law.

Now therefore, be it hereby resolved by the Board of County Commissioners of Iron County, Utah, that the following assessment area application policy is established;

ASSESSMENT AREA APPLICATION POLICY:

Section 100 Purpose.

The assessment area application policy is enacted to provide an application and review process through which the County Commissioners make a preliminary determination as to whether the formation of an assessment area is in the interest of the county and should be pursued. The procedures outlined herein precede, and are in addition to, those of the “Assessment Area Act”, as set forth in Chapter 11-42, Utah Code Annotated, 1953, as amended.

Section 110 Improvement to meet County standards.

Improvements funded through assessment areas shall be constructed to an appropriate County standard, as determined by the County Commissioners. In the case of assessment area road improvements, the road(s) shall be constructed to the minimum County standard specified in the below table, or better. The specifications for each of the road types are available from the County Engineer.

| ZONING | LOCATED WITHIN AN ANNEXATION DECLARATION AREA AND A TIER II AREA | LOCATED WITHIN A TIER II OR TIER III AREA AND OUTSIDE THE ANNEXATION DECLARATION AREA | LOCATED WITHIN A TIER IV AREA |
|----------------------|--|---|-------------------------------|
| A-20, RA-20, & RR-20 | *GRAVEL | *GRAVEL | *GRAVEL |
| R-5 | CHIP SEAL | *GRAVEL | *GRAVEL |
| R-2 | CHIP SEAL | *GRAVEL | *GRAVEL |
| R-1 | ASPHALT PAVEMENT | *GRAVEL | *GRAVEL |
| R-1/2 | ASPHALT PAVEMENT | CHIP SEAL | CHIP SEAL |
| R4K | ASPHALT PAVEMENT | ASPHALT PAVEMENT | n/a |
| C | ASPHALT PAVEMENT | ASPHALT PAVEMENT | CHIP SEAL |
| LI | ASPHALT PAVEMENT | ASPHALT PAVEMENT | ASPHALT PAVEMENT |
| I | ASPHALT PAVEMENT | ASPHALT PAVEMENT | *CHIP SEAL |
| IA | n/a | n/a | *GRAVEL |

*When required road improvements are adjacent to an approved/accepted road that is already Asphalt Pavement or Chip Seal, the improvement must be, at a minimum, a Chip Seal surfaced road. Future upgrades will require a new Road Assessment Application (i.e. gravel to asphalt pavement).

Considerations for road type include: Relation to Existing and Planned Roads, Distance from Improved Roads, Proximity to other Similar Lots and their Access, Proximity to Public Lands, Public Convenience & Safety, Drainage, Width, Grade (Topography), Existing Road Conditions, Number of Lots, and Mileage of Road (linear feet).

Construction of a road to less than the standard required for a new development shall not be sufficient to satisfy the subdivision road requirements applicable to any division of the property. In such cases, further improvement, in conformance with the road construction standards for new subdivisions, will be required upon division of the property.

Road improvements to a higher standard than indicated above may be required, when in the judgement of the County Commission the situation warrants an increased road standard.

Section 115 Pre-Application. (Refer to *ironcounty.net* GIS maps for ownership information AND Road Improvement / Assessment Area packet, Attachments E-Signature Spreadsheet #1 & F-Sample Letter, Indication of Interest.)

Any party or group of property owners interested in improving a road to county standard must submit an “Indication of Interest” to the County for review. The County will need the following information before reviewing the project and creating an estimated cost:

- A. Identification of the proposed road(s) and description of requested improvement.
- B. Identification of property owners within the proposed assessment area.
- C. Proof of interest of more than 50% of property owners within assessment area.

Section 120 Application. (Refer to Road Improvement/Assessment Area packet, Attachment J-Application.)

Any party or group of property owners wishing to form an Assessment Area must submit an application for the proposal to the County Commissioners for review. The application is to be accompanied by a statement, signed by property owners representing a majority of the properties within the proposed assessment area. The statement shall indicate that the property owners have reviewed the application documents and desire to participate in an assessment area to construct the improvements generally identified. The application must include the following information:

- A. A description and a map of the lots or parcels proposed to be included in the assessment area. Also, identify on the map the lots or parcels owned by those that signed the application. (See *ironcounty.net* GIS maps for map and ownership details.)
- B. A description of the improvements proposed to be financed through to assessment area process, including:
 - (i) the general nature of the improvements; and
 - (ii) the general location of the improvements.

- C. A rough cost estimate requested from and provided by the County Engineer. *(Refer to Road Improvement/Assessment Area packet, Attachment D-Rough Cost Estimate.)*
- D. Whether any parallel facilities (power, phone, gas line, etc.) would need to be relocated to complete the proposed improvements, as may occur with a road construction project.
- E. Whether adequate rights-of-way or easements exist, or if needed, the likelihood of obtaining necessary right-of-way.
- F. A desired schedule for construction.
- G. A description of any benefits that the County could expect to receive from the proposed improvements.
- H. A description of the benefits that the property owners could expect to receive from the proposed improvements.
- I. Whether the property owners have been able, or may be able, to create a voluntary assessment area (100% voluntary participation). If a voluntary assessment area is proposed, include the information outlined in Section 11-42-104, Utah Code Annotated, regarding the waiver of requirements. *(Refer to Road Improvement/Assessment Area packet, Attachment B1-Utah Code 11-42-104 AND Attachment J-Application, Line I.)*
- J. A proposal for how the assessment should be calculated and levied (whether by frontage, area, taxable value, fair market value, lot, number of connections, equivalent residential unit, or any combination of these methods), and the resulting cost per unit, based on the cost estimate provided. Note that assessments cannot be levied against federal land or public agencies, except as provided in Section 11-42-408, Utah Code Annotated. *(Refer to Road Improvement/Assessment Area packet, Attachment B2-Utah Code 11-42-411 Payments & B3-Utah Code 11-42-408 Assessments against government land prohibited.)*
- K. The property owners desired payment terms and the total length of installments (typically not more than fifteen years).
- L. In the case that 75% or more of the properties are undeveloped, the value of the undeveloped property after the proposed improvements are completed has to be at least three times the value of the assessment area liens placed on the undeveloped property. To help determine if this is a concern, provide figures for the number of undeveloped lots and the total number of lots in the proposed assessment area; and if the number of undeveloped lots exceed 75% of the total, provide figures for the total current assessed property tax valuation of all undeveloped properties within the proposed assessment area, and the total amount of the proposed assessment area lien for those properties. *(To calculate, refer to Road Improvement/Assessment Area packet, Attachment J-Application, Lines I, J, & K.)*

Section 130 Consideration of Request.

After receipt of a complete application, the County Commissioners shall consider whether formation of the proposed assessment area may be further pursued, and if it is further pursued, how the proposal will be defined for purposes of notice under Section 11-42-202, Utah Code Annotated *(Refer to Road Improvement/Assessment Area packet, Attachment B4).*

In making such a determination, the County is to consider:

- A. The public benefit received;
- B. Any savings in operation and maintenance costs to the County;
- C. Whether the scope of proposed improvements or size of the assessment area should be reduced or increased;
- D. Whether any water, gas, sewer, or underground electric and telecommunication connection/extension/relocation should occur prior to any proposed road improvements;
- E. Any impact to the budget, workload, or staffing levels necessary to form the assessment area, provide the improvements, and maintain the improvements on an ongoing basis;
- F. Any opportunity costs that may result, such as, other identified projects that may be hindered if resources are limited and can only be applied to this project at the cost of another;
- G. Whether the proposal addresses a significant health or safety issue, such as a failed water system, an area of failing septic systems, an inadequate/overburdened road system, etc.;
- H. Whether private financing could be utilized, instead of public funds;
- I. Whether the project would cause any significant environmental impacts that should be avoided or mitigated.

Section 140 County not bound.

The county is under no obligation to form an Assessment Area. The above application process shall not preclude the County Commissioners from rejecting a proposal to form an assessment area, with or without reason. The decision of the County Commissioners to not form an assessment area is not appealable.

Section 150 Application authorized to proceed.

An application that is authorized by the County Commissioners to proceed shall be further considered through the Assessment Area Act provisions of Chapter 11-42, Utah Code Annotated, 1953, as amended (*Refer to utah.gov Utah Code 11-42*). Provided, if an assessment area is not formed within two years of the authorization to proceed, the authorization shall expire.

The County may specify conditions (e.g. dedication of right-of-way, adequate appraisal) that are prerequisites to the formation of the assessment area. If 75% or more of the properties are undeveloped and an appraisal is required pursuant to 11-42-205, Utah Code Annotated, the appraisal shall be completed prior to giving notice under the provisions of the Assessment Area Act.

Section 160 Application Fee.

Assessment area requests that are authorized to proceed shall not be further processed until an application fee is submitted. The application fee shall be in the form of a deposit to cover the full anticipated costs or processing the request through the point of approval of the resolution/ordinance forming the assessment area, plus 20%. Any portion of the deposit that is not used shall be refunded or applied to the appropriate assessment area liens. Costs exceeding the initial deposit may be billed. If the assessment area is formed, the processing costs incurred by the County may be equalized among all participating property owners, such as through credits for those that paid the application fee.

Application Fee is based on length of road:

| <u>Task</u> | <u>Cost</u> |
|---|-----------------|
| Current Road Condition Testing (\$700 per test - every 500 feet) | \$ _____ |
| Review of Application and Notification Requirements (including mailings) . . . | \$ 250.00 |
| 20% Application Contingency. | \$ _____ |
| TOTAL FEE. | \$ _____ |

| <i>EXAMPLE of Cost Breakdown for a 2,500 Foot Road:</i> | |
|---|--------------------|
| <u>Task</u> | <u>Cost</u> |
| Current Road Condition Testing (\$700 per test - every 500 feet) | \$ 3,500.00 |
| Review of Application and Notification Requirements (including mailings) . . . | \$ 250.00 |
| 20% Application Contingency. | \$ 750.00 |
| TOTAL FEE. | \$ 4,500.00 |

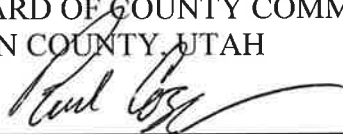
Section 170 Assessment Area to Expire Upon Full Payment of Improvements.

When an Assessment Area resolution is approved, the County shall establish the termination date and the method of disbursement of any “excess funds”. The authority to terminate the assessment area shall be established.

This resolution shall become effective upon its passage by the Iron County Board of County Commissioners. Nothing in the resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time.

Passed and adopted by the Board of County Commissioners of Iron County, Utah, this 13th day of January 2025.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH



Paul Cozzens - Chair

Attest:



Jonathan T. Whittaker - Iron County Clerk

Michael P. Bleak Aye
Paul Cozzens Aye
Kenneth Robinson Aye



DISCUSSION AND POSSIBLE APPROVAL OF THE UDOT FEDERAL AID AGREEMENT FOR THE IRON SPRINGS ROAD RECONSTRUCTION CONTRACT

Richard Wilson, Iron County Chief Engineer, reported that this agreement was with the Utah Department of Transportation (UDOT) to move forward on the Iron Springs Road reconstruction. Iron County received \$7,508,313 from Congresswoman Maloy's office for this project. Commissioner Bleak noted that after the Iron County Council of Governments (ICCOG) meeting how does Iron County move forward for the new grant cycle. Commissioner Cozzens explained that when a grant was awarded, the applicant could move forward and apply for the balance to finish the project during the new grant cycle. He noted that there was a good chance of receiving another grant to finish the project if the applicant had previously been awarded a grant. Richard stated that he would reach out to Congresswoman Maloy's Office to get information on the new grant process.

Jon Whittaker, Iron County Clerk, explained that the agreement was previously signed and the motion would be to ratify the agreement.

Kenneth Robinson made a motion to ratify the UDOT Federal Aid Agreement for the Iron Springs Road Reconstruction Contract for \$7,508,313. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Kenneth Robinson, Aye.

PERSONNEL

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented for approval of the contracted Justice Court Attorney position of Mike Edwards to represent Iron County in Justice Court cases beginning January 16th. Sam Woodall, Iron County Deputy Attorney, explained that the commissioners were handed a drafted contract and that Mike Edwards would sign it at a later date. Sam noted the contract position would be specifically for Justice Court that would immediately give relief, and allow the Attorneys Office to focus on District Court cases. This position was a short-term fix.

Michael Bleak made a motion to approve the Contracted Justice Court position for G. Michael Edwards, effective January 16th. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Kenneth Robinson, Aye.

Jennifer Bradbury presented the new hire of Taylor Lorange as a Part-Time Accounts Payable Clerk, in the Auditor's Office, effective January 6th. This was a backfill of a vacant position; the new hire of Maliah Larsen as a Part-Time Assistant Cook, for the Council on Aging, effective December 30, 2024. This was a backfill of a vacant position; the new hire of Zachary Ford as a Full-Time Road Maintenance Worker, effective January 21st, and the new hire of Eli Bradshaw as a Full-Time Road Maintenance Worker, effective January 6th. These were backfills of vacant positions; the promotion of Dean Lain from a Road Maintenance Worker 2 to a Master Mechanic, effective January 5th; the new hire of Shawn Dunfee and Nicholas Stones as Full-Time Landfill Technicians 2, effective January 20th. These were backfills of vacant positions; the promotion of Greg Myers from a Landfill Technician 1 to a Landfill Technician 2, effective January 19th; and the promotion of Coty Christensen from a Landfill Technician 2 to a Landfill Technician 3, effective January 19th; the promotion of Ashley Ward from a Deputy 1 to a Deputy 2, effective 19th; the promotion of Christopher Caro from a Full-Time Corrections Deputy 2 to a Deputy 3, effective January 19th; and Bilingual Pay for Kaitlyn Lacy, effective January 19th, for the Sheriff's Office-Correction; the new hire of Blake Mathews as a Part-Time Bailiff, in the Sheriff's Office –Patrol, effective December 9th, 2024. This was a backfill of a vacant position.

Kenneth Robinson made a motion to approve the Personnel changes as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

Jennifer presented the Per Diem – Policy Section 15, for updates to travel and meal per diem rates with corresponding updates to Section 15 of the Iron County Personnel Policies and Procedures Manual, effective January 1, 2025. Iron County would follow the State Rates in meals and travel as follows: Breakfast - from \$13 to \$16, Lunch - \$15 to \$19, and Dinner- \$26 to \$28. Jennifer noted that if an employee was traveling to a city where rates were higher, as

outlined in www.gsa.gov/travel, they may receive that rate. It should be noted that going forward, for any cost incurred for meals that exceed the above outline meal per diems, the Auditor's Office would balance the billing of that employee for the overage amount so they could reimburse Iron County and be consistent. Jennifer reported that Mileage rates were as follows: for Iron County vehicles and SUVs used by employees the department changed to billing the departments from \$0.336 to \$0.378 cents per mile, and larger vehicles would change from \$0.418 to \$0.463 cents per mile. She explained that if there was no fleet vehicle available, an employee may use their own vehicle and would be reimbursed from \$0.670 cents to \$0.700 cents per mile. If an employee chooses to use their own vehicle when a Fleet Vehicle was not available, the employee must receive approval from the Fleet Department and send the approval to the Auditor's Office explaining why they were using their own vehicle. If an employee chooses to use their own vehicle and requested a reimbursement for mileage they may receive \$0.378 cents per mile, up from \$0.336. Jennifer read the verbiage of the added paragraph in the Per Diem Policy Section 15.

Michael Bleak made a motion to approve the updated travel and meal Per diem Rates with corresponding updates to the Per Diem-Section 15, Iron County Personnel Policies and Procedures Manual as presented by Jennifer Bradbury. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

NON-DELEGATED ITEMS

County boards:

Paul Cozzens reported that there were three Central Iron County Water Conservancy District (CICWCD) Board members whose terms were ending. Paul noted that he had spoken to the three members, (Tyler Allred, Tyler Melling, and David Harris) and they all agreed to continue to serve on the CICWCD board.

Kenneth Robinson made a motion to approve the renewal of the appointments of Tyler Allred, Tyler Melling, and David Harris on the CICWCD Board. Second by. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

ADJOURNMENT

Paul Cozzens, Iron County Commission Chair, declared adjournment.



Signed: Paul Cozzens, Chair



Attest: Jonathan T. Whittaker, County Clerk

