

**WASHINGTON COUNTY COMMISSION
MEETING MINUTES
OCTOBER 6, 2015**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on October 6, 2015, in the Washington County Commission Chambers, 197 East Tabernacle St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner Victor Iverson, Commissioner Zachary Renstrom, County Administrator Dean Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Nicholle M. Felshaw.

INVOCATION BY: Jimi Kestin, Solomon's Porch (Tom Lamb was unable to attend the meeting)

PLEDGE OF ALLEGIANCE LED BY: Nick Miller, Army Veteran and Purple Heart Recipient

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payments for September 16, 2015 through October 6, 2015
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement: Beatrice Macier, S/N LV-107-A-1; Mary Lou Cluff, A/N SG-VDST-4-75; Rochelle Augustus, A/N 0804830; John Fahey, A/N 0407752; Leon & Mary Hamilton; A/N 0623457; Elias Adorno, S/N LV-ZVES-2-44; Barbara Nelson, A/N 0417256; Alan Ragazzine, S/N H-324-B; Blanch & Eric Barlow, S/N SG-1504; Cindy Benson, S/N SG-ACE-2-24; Gary Buck, A/N 0457617; Sherri Dominguez, S/N SG-SURE-4-67; Denise Jones, A/N 0051402; Joan Kinney, S/N H-SKRG-1-2-A-RD; Shaun & Mitzi Lytle, S/N SG-SM-8-318; Phelan & Siu Butler, A/N 0254816; Carol Chavez, S/N SG-SUR-10-772; Carol Simillion S/N SG-BCC-8-67; Nadine Hurley, S/N SG-BLH-10-138; Margaret Mee, A/N 0725765; Susan Williford, A/N 0140809; Laura Coles, A/N 0593460
- Consideration of Approval of CCJJ Grant #15A190, a Justice Assistance Grant (JAG) Between the State of Utah Commission on Criminal and Juvenile Justice and Washington County
- Consideration of Approval of Beer Tax Funds Annual Report for State Fiscal Year 2015 - Reporting Period: July 1, 2014 to June 30, 2015

- Consideration of Renewal of Memorandum of Agreement Between Washington County and Rural Public Lands County Council (RPLCC): Robert K. Weidner for 2016
- Acknowledgment of Publishing: Notice of Adoption of Ordinance No. 2015-1053-O on Saturday, September 5, 2015 and Notice of Adoption of Ordinance No. 2015-1054-O on Saturday, September 19, 2015

MOTION: Motion by Commissioner Renstrom to Approve the Consent Agenda, with the Exception of Applications for Property Tax Abatement Serial Number SG-BLH-10-138 and Account Numbers 0725765, 0593460 and 0140809, Which Shall be Considered on the Regular Agenda. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

CONSIDERATION OF APPLICATIONS FOR PROPERTY TAX ABATEMENT SERIAL NUMBER SG-BLH-10-138 AND APPLICATIONS FOR PROPERTY TAX ABATEMENT ACCOUNT NUMBERS: 0725765, 0593460 AND 0140809

MOTION: Motion by Commissioner Iverson to Deny Applications for Property Tax Abatement Serial Number SG-BLH-10-138 and Account Numbers: 0725765, 0593460 and 0140809. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

PRESENTATION: RAP ADVISORY BOARD CHAIRMAN GARY SANDERS TO PRESENT RESOLUTION FOR RECOMMENDATIONS TO WASHINGTON COUNTY COMMISSIONERS REGARDING RAP TAX FUNDING AWARD TO THE TUACAHN CENTER FOR THE ARTS

RAP Tax Advisory Board Chairman Gary Sanders stated that the Board fast-tracked Tuacahn's application based upon the deadline that Tuacahn is under to establish a bond in order to enhance their facilities.

Mr. Sanders then presented to the Commission and read aloud the RAP Tax Advisory Board Resolution wherein it stated recommendations, terms and conditions under the pledge to award \$125,000 per year, for ten (10) years, from the RAP Tax Funds to Tuacahn Center for the Arts.

Mr. Sanders stated that this Resolution was not a unanimous decision but out of the seven (7) member Board it passed five (5) to one (1), with one (1) member of the Board absent due to personal reasons.

Mr. Sanders continued by stating that the Board received approximately fifty (50) RAP Tax applications. After the Board reviews and scores them, they will present further recommendations to the Commission.

Commissioner Iverson reminded the public that the RAP Tax Advisory Board is tasked with making recommendations to the Commission for fifteen percent (15%) of the total RAP revenue that was committed to cultural history and arts,.

Tuacahn Center for the Arts Executive Director of Development Jeff Fisher thanked the RAP Board for their recommendation to the Commission. Mr. Fisher also expressed appreciation to the Board for taking a tour of the facility to address the goals outlined in the application while considering the unique opportunity to invest in Tuacahn.

(See attached Washington County RAP Tax Advisory Board Resolution)

PURCHASE REQUESTS: MARK BLANCH

Sheriff's Office, docking stations	(\$23,349.00)
Convention and Tourism Office, LED displays for Zion Nat'l Park.....	(\$45,000.00)
Convention and Tourism Office, feasibility study/Hurricane sports complex..	(\$60,000.00)
Convention and Tourism Office, marketing campaign	(\$34,000.00)
Road Department, oil for chipping/New Harmony & Kolob	(\$12,862.50)
Road Department, oil for chipping/New Harmony & Kolob	(\$77,363.59)
Road Department, oil for chipping/Old Hwy 91 & Home Spun Subdivision .	(\$53,672.62)
Road Department, oil for chipping/Kolob & Old Hwy 91	(\$73,674.61)
Road Department, oil for chipping/Diamond Valley	(\$44,042.46)

Commissioner Renstrom questioned whether Virgin and St. George City would be reimbursing the County for the oil in Diamond Valley. Commissioner Iverson believed that to be the case. Mr. Blanch was unaware of this and thanked the Commissioners for bringing it to his attention.

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Renstrom to Approve the Purchase Requests. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2015-1937, A RESOLUTION APPOINTING MEMBER TO THE SPECIALLY FUNDED TRANSPORTATION SPECIAL SERVICE DISTRICT BOARD

Washington County Administrator Dean Cox mentioned that he had an opportunity to visit with Arthur LeBaron, who works full-time as an Engineer for the City of Hurricane. Mr. LeBaron has expertise and knowledge of roads in the eastern side of the County and Mr. Cox recommended that the Commission consider appointing Mr. LeBaron to the Specially Funded Transportation Special Service District.

Commissioner Renstrom expressed that Mr. LeBaron is also a licensed surveyor.

MOTION: Motion by Commissioner Iverson to Adopt Resolution No. R-2015-1937, a Resolution Appointing Arthur LeBaron to the Specially Funded Transportation Special Service District Board. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2015-1938, A RESOLUTION APPROVING AN AGREEMENT BETWEEN WASHINGTON COUNTY AND THE UTAH DEPARTMENT OF HUMAN SERVICES DIVISION OF OFFICE OF RECOVERY SERVICES REGARDING THE PAYMENT OF COSTS OF LEGAL PROCESS SERVICE TO WASHINGTON COUNTY

Undersheriff Bart Bailey stated that this is a contract regarding the payment of costs of legal process service to Washington County in regards to the efforts of recovery of past child support.

Washington County previously passed a fee schedule ordinance for the Sheriff's Office. However, procedures for the Utah Department of Human Services requires this specific contract.

MOTION: Motion by Commissioner Renstrom to Adopt Resolution No. R-2015-1938, a Resolution Approving an Agreement Between Washington County and The Utah Department of Human Services Division of Office of Recovery Services Regarding the Payment of Costs of legal Process Service to Washington County. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2015-1939, A RESOLUTION APPOINTING ARTHUR CORNEJO AS A DEPUTY COUNTY CONSTABLE

Washington County Constable Andre Brazzle introduced Arthur Cornejo stating that Mr. Cornejo has all of the qualifications required in becoming a Deputy County Constable.

Deputy County Attorney Eric Clarke gave a brief history on Constable services stating that Constables are a tradition that the United States has had, and under Utah law, Constables may still be used and can be appointed by County Commissioners. Constables relieve a burden from the Sheriff's Office, Civil Service Deputies, and provide a service to the community. Before being appointed under the County Ordinance, a Constable needs to provide a certificate of insurance, resume and needs to be POST certified. A Deputy Constable's term runs alongside the Constables term, can also be appointed through the Commission and requires the same qualifications.

MOTION: Motion by Commissioner Iverson to Adopt Resolution No. R-2015-1939, a Resolution Appointing Arthur Cornejo as a Deputy County Constable. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2015-1940, A RESOLUTION APPROVING THE EXECUTION OF THE WASHINGTON COUNTY - NRCS SHORT CREEK EXIGENCY - 2015 EWP AGREEMENT AND CHANGE ORDER TO RELIEVE HAZARDS AND DAMAGES CREATED BY THE FLOOD IN WASHINGTON COUNTY, UTAH

Mr. Clarke explained that the County receives emergency funds from Federal Agencies to aid in repairing damages caused by weather related incidents, such as the recent flash flooding in Hildale. The Federal Agency assisting with this relief effort is the National Resources Conservation Service (NRCS).

This Resolution is in association to the agreement with the contractor for the initial work that was done in Hildale, along with a change order for additional work to be accomplished with remaining funds. The work has already begun, thus, the agreement is now before the Commission for ratification.

MOTION: Motion by Commissioner Renstrom to Adopt Resolution No. R-2015-1940, a Resolution Ratifying and Approving the Execution of the Washington County – NRCS Short Creek Exigency – 2015 EWP Agreement and Change Order to Relieve Hazards and Damages created by the Flood in Washington County, Utah. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2015-1941, A RESOLUTION APPROVING THE EXECUTION OF A COOPERATIVE AGREEMENT AND AMENDMENT BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

AND WASHINGTON COUNTY TO PROVIDE FINANCIAL ASSISTANCE TO RELIEVE HAZARDS AND DAMAGES CREATED BY THE FLOOD IN WASHINGTON COUNTY, UTAH

This agreement is in regards to the NRCS funds that have been granted to Washington County for flood relief in Hildale.

Mr. Clarke reported that when NRCS Emergency Watershed Protection (EWP) funds are received, a fourteen (14) day deadline is stipulated, in which the funds are required to be expended. Due to this, work has already commenced on the project and this agreement has now come before the Commission for ratification.

MOTION: Motion by Commissioner Iverson to Adopt Resolution No. R-2015-1941, a Resolution Ratifying and Approving the Execution of a Cooperative Agreement and Amendment Between the United States Department of Agriculture Natural Resources Conservation Service (NRCS) and Washington County to Provide Financial Assistance to Relieve Hazards and Damages Created by the Flood in Washington County, Utah. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2015-1942, A RESOLUTION OF APPOINTMENT OF A WASHINGTON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING

This Resolution appoints Victor Iverson as the official Washington County representative for the Utah Counties Indemnity Pool (UCIP) Membership Meeting to be held on November 12, 2015, with Zachary Renstrom as an alternate representative.

MOTION: Motion by Commissioner Renstrom to Adopt Resolution No. R-2015-1942, A Resolution of Appointment of Victor Iverson as Washington County Representative and Zachary Renstrom as an Alternate Representative For The Utah Counties Indemnity Pool Annual Membership Meeting. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

COMMISSIONERS' REPORT

Mr. Clarke discussed the Bureau of Land Management (BLM) initiative, stating that October 15, 2015 is the current deadline for public comments on the Resource

Management Plan. An extension on the public comment period has thus far not been granted and the County is not confident that an extension will be granted. The County has concerns with lack of involvement and commitments that the BLM made early on that have not been met in regards to land use.

Those that have had personal experience utilizing the land and would like to continue to have the freedom to do so are encouraged to comment either through the BLM website, the Washington County's website, or a letter can be written and submitted directly to the local BLM St. George Field Office.

Commissioner Iverson mentioned that the Governor is in support of the County and the Commission recently received a letter from all 6 members of our Congressional Delegation encouraging the BLM to reconsider the public comment period and engage the County in their concerns. To date, 2200 comments have been received through the County's website and the Commission is appreciative to the public in supporting this effort.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Washington County Community Development Director Scott Messel reported on a few items, including zone change requests, which the Planning Staff and Planning Commission will be considering at their next meeting.

HCP BUSINESS

Habitat Conservation Plan Administrator Robert Sandberg stated that communication is continuing with US Fish and Wildlife Service (USFW) and Utah Department of Natural Resources on the request for an application for renewal of the HCP and the County's associated incidental take permit. Currently, all requests made for additional information have been responded to by the County.

Mr. Sandberg discussed land acquisitions, mentioning that the County is engaged with the BLM on the Long Valley Exchange. Mr. Clarke clarified that before any land exchange can be completed an environmental study is required to be done on the public property. A statement of work is being prepared for the environmental assessment in order for the County to put it out to bid.

There being nothing further to come before the Commission, the meeting was adjourned at 4:41 p.m.

NICHOLLE M. FELSHAW
DEPUTY CLERK

ALAN D. GARDNER
CHAIRMAN