

IRON COUNTY COMMISSION MEETING

March 25, 2019

Minutes of the Iron County Commission meeting convened at 9:00 a.m. March 25, 2019 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Michael P. Bleak	Commissioner
Paul Cozzens	Commissioner - Excused
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Cindy W. Bulloch	County Assessor
Dan Jessen	County Auditor
Nicole Rosenberg	County Treasurer
Stephen R. Platt	County Surveyor
Chad Nay	County Zoning Administrator
Bruce Anderson	Landfill Supervisor
Preston Nelson	Road Superintendent

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Bruce Anderson.

INVOCATION

An invocation was offered by Preston Nelson.

APPROVAL OF MINUTES

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held March 11th, 2019. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye.

DEPARTMENTAL REPORTS

Chad Nay, Iron County Building & Zoning Administrator, reported that the online program called “My City” was an online option to submit building permit applications and plans and to apply for building permits. “My City” was being updated with some forms and processes being eliminated. After March 31st the only way Iron County Building Inspections was allowed to accept building permit applications, information and plans would be online via “My City.” Chad reported that the Planning Commission and the Planning and Zoning staff have worked hard on issues such as Short-term Rentals, Urban farming/agriculture and the northern end of the belt route. There was so much happening in building construction that there was neither time nor personnel left for zoning enforcement. He reported that Building Maintenance was trying to get bids to fix the landscaping at the Visitors Center. There was some warranty work at the Courthouse in progress and the roof issues at the Public Safety Building had been fixed. Chad reported that the budget was on track. Overall his department was short staffed. As a result the building maintenance and zoning enforcement really suffers.

Steve Platt, Iron County Engineer, reported that the budget was on track. Steve reported that the Prison crew completed the fencing on 7700 West Lake Road. He reported that Tyler Farling, RS-2477 Roads reports, was working from his home and was no longer requesting an office. Some of the other projects being worked on or planned were: Sunset Subdivision Assessment Area; Alton Coal Mine; Emergency Watershed Protection (EWP) in Paragonah; Parowan Watershed Protection and Flood Prevention Operations; Forest Service efforts on two bridges off Hwy 143 by Yankee Meadow and Second Left Hand; Upper Basin road to Kolob Reservoir locks on gates; Cedar Valley Belt Route alignment recommendation; Shoal Creek; Holt Canyon; 5900 North possible Assessment Area; Willow Bend Subdivision; and Quichapa channel to recharge aquifer.

Preston Nelson, Iron County Road Supervisor, reported that current projects were: working on Vandenburg Road; placed gravel on 1000’s and 1400’s, placed gravel on 7700 W; snow plows working on roads; beginning to patch pot holes; 50,000 yards of gravel crushed at the Vandenburg pit; and grading roads when weather has permitted. Projects ahead: start patching around May 15th; placing chip on roads; cleaning roads to begin chipping; and Iron Wolf Kanarra Mountain road from Corrals to Red Ledges.

Bruce Anderson, Iron County Landfill Supervisor, reported that the budget was on track. Bruce reported that reporting to the state would be quarterly instead of annually. As a result of the change in reporting the total fees paid would increase over \$10,000 a year. He would be attending a training session in Salt Lake City regarding used tires and used oil along with the new reporting requirements. They were looking forward to the end of the muddy season. Bruce noted that he was concerned that he had not heard of a waste management plan for the solar farms.

Alma Adams, Iron County Commissioner, excused Commissioner Paul Cozzens as he was in Washington D.C. attending a Mental Health conference.

PUBLIC COMMENTS

No public comments were offered.

ORDINANCE 2019-1 REGARDING SHORT TERM RENTALS (STR)

Reed Erickson explained that several changes to the ordinance had been implemented according to the request of the commissioners. Reed explained that the modifications to Ordinance 2019-1 included allowing STR in all residential zones, removing a differentiation between incidental and business use, modifying the Table of Uses to allow Bed and Breakfast establishments in the same zones. He noted that there would still be requirements to get a Business License and register for Transient Room Tax. Mike Bleak expressed appreciation for the help during the lengthy process. Mike Bleak made a motion to approve Ordinance 2019-1 Regarding Short Term Rentals. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye.

IRON ORDINANCE 2019-1

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING A NEW SECTION 17.36.290 – SHORT-TERM RENTALS; AMENDING SECTION 3.12.050 – TAX IMPOSED B AMOUNT, SECTION 17.17.030 – TABLE OF USES, AND SECTION 17.20.010 – DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

Whereas, Iron County has determined in accordance with Utah Code and the Iron County Land Management Code, that certain provisions be established that define and regulate “Short-Term Rentals” with greater clarity and understanding; and

Whereas, the proposed ordinance is designed to implement the objectives of the County to promote options for property use while reasonably regulating the same to minimize adverse impacts to surrounding properties and to serve the purposes of the Iron County Zoning Ordinance; and

Whereas, the County Commission finds that it is in the best interest of the County after taking into consideration the citizens’ health, safety and welfare, to add the following ordinance; and

Whereas, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning Ordinance of Iron County, Utah, and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

Whereas, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use Development and Management Act; the Iron County General Plan; and the Iron County Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. Within **Section 3.12.050 - Tax imposed B amount**, of the Iron County Code, A. shall be, and hereby is, identified and amended and reads as follows (*all other existing content to remain un-amended*):

- A. There is levied on all persons, companies, corporations, or other like and similar persons, groups, or organizations doing business in the county as motor courts, motels, inns, bed and breakfasts, or like and similar public accommodations, including “short-term rentals” as defined in Section 17.36.290, a transient room tax at the rate of four and one-quarter percent of the rent for every occupancy of a suite, room or rooms by a transient.

SECTION 2. Section 1 7.36.290 – Short-Term Rentals, of the Iron County Code, shall be, and hereby is, identified and added to read as follows:

Section 17.36.290 Short-Term Rentals

- (A) Title
- (B) Purpose
- (C) Definitions
- (D) Authorized agent or representative
- (E) Short-term rental permit - required
- (F) Application - submittal requirements
- (G) Operational requirements and standard conditions – All short-term rentals
- (H) Violations
- (I) Appeals

(A) Title

This section shall be referred to as the "Short-term Rentals Ordinance."

(B) Purpose

The purpose of this chapter is to establish regulations for the use of privately owned residential dwellings as short-term rentals that ensure basic health and safety to renters and neighbors, assist in the collection and payment of Transient Room Taxes (TRT) and appropriate Sales and Use Taxes, and minimize the negative secondary effects of such use on surrounding residential neighborhoods and/or governmental services.

This chapter is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this chapter.

(C) Definitions

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

"Applicable laws, rules and regulations" means any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a short-term rental.

"Applicant" means the owner of the short-term rental unit or the owner's authorized agent or representative.

"Zoning Administrator" means that person acting in the capacity of the Zoning Administrator of Iron County or designee.

"Local contact person" means the person designated by the owner or the owner's authorized agent or representative, for the purpose of: (1) responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental; and (2) taking remedial action to resolve any such complaints.

"Owner" means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term rental.

"Operator" means the Owner or the designated agent or representative of the Owner who is

responsible for compliance with this chapter with respect to the short-term rental.

"Property" means a residential legal lot of record on which a short term rental is located.

"Rental term" means a separate defined period of time during which the dwelling is rented to a particular occupant, similar to a hotel reservation.

"Short-term rental" means a privately owned residential dwelling, such as, but not limited to, a single-family dwelling or multiple family dwelling, apartment house, guest house, duplex, rented for occupancy for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days, when the owner is not present.

"Short-term Rental Business License" means a county issued business license that allows the use of a privately owned residential dwelling as a short-term rental unit pursuant to the provisions of this section and any other potential licensing required in Iron County or Utah State Code.

"Transient" for purposes of this section means any person who seeks to rent or who does rent a privately owned residential unit for a period less than thirty (30) consecutive days.

(D) Authorized agent or representative

1. An owner may designate an agent or a representative to comply with the requirements of this chapter on behalf of the owner. The owner or designated agent or representative is referred to as "Operator" in this section.
2. Notwithstanding subsection 1, the owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental, regardless of whether such noncompliance was committed by the owner's authorized agent or representative or the occupants of the owner's short-term rental or their guests.

(E) Short-term Rental Business License - Required

The Operator is required to obtain a short-term rental business license from the County, pursuant to the provisions of this Section and Chapter 5.04 respectively, before renting any privately owned residential dwelling to any transient for a period less than a monthly basis. A short-term rental business license shall be required to be renewed on an annual basis according to Section 5.04.060 in order to remain valid.

(F) Application – Submittal Requirements

1. The operator must submit the following information for a short-term rental business license:
 - a. Completed application for a short-term rental business license, signed by the owner or his/her designee, which shall be available for public viewing.
 - b. Proof of ownership of the short-term rental property.
 - c. The name, address, and telephone number of the owner of the subject short-term rental;
 - d. The name, address, and telephone number of the operator;
 - e. The address of the proposed short-term rental;
 - f. The number of bedrooms of the proposed short-term rental;

- g. An acknowledgment that the short-term rental property owner and agent of the owner, if any, have read all regulations, including, but not limited to, the standards set forth in this section, pertaining to the operation of a short-term rental.
 - h. The short-term rental property owner, and operator if any, shall sign and certify the accuracy of the information submitted and agree to comply with all regulations.
 - i. Copies of currently valid County and State sales, use and lodging tax licenses in the name of the short-term rental property owner or operator, including the Utah Tax ID number obtained thru licensing/registration with the State of Utah Tax Commission for the collection and payment of applicable county transient room tax and all state and local sales and use tax.
2. The short-term rental business license application shall be accompanied by an application fee established in Section 5.04.070 - License—Fee—Determination. .
 3. The County Clerk shall issue a County Business License, as provided in Chapter 5.04, which will incorporate the Short-Term Rental Business License, if the applicant also satisfies the requirements of this Section (17.36.290) and Section 3.08.060.
 4. A short-term rental business license application may be denied if the applicant has had a prior short-term rental business license for the same unit revoked within the past six (6) calendar months.
 5. Within thirty (30) days of a change to a different person or entity than that for whom an existing short-term rental business license has been issued, or any other change in material facts pertaining to the information contained in the short-term rental business license, the new owner or operator shall submit an application and requisite application fee for a new short-term rental business license, which must be obtained prior to continuing to rent the subject unit as a short-term rental.

(G) Short-term Rentals, Standard Requirements.

1. Short-term rentals are subject to the following requirements:
 - a. Short-term rental is a permitted use in all zones that permit a residence or residential facility per Section 17.16.030.
 - b. In order to satisfy basic public health and safety standards, each incidental short-term rental must contain:
 - i. One operable fire extinguisher; and
 - ii. One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor).
 - iii. An operable carbon monoxide detector on each floor installed per the manufacture’s specifications, when gas appliances are utilized in the structure;
 - iv. A posted map showing property boundaries, parking spaces, emergency exits and local emergency contact numbers; and
 - v. Parking associated with a short-term rental shall be provided on the subject property. Street parking immediately in the front of the short-term rental property may be considered ‘on the subject property’.

(H) Operational requirements and standard conditions – All short-term rentals

1. **General Practice:** The operator shall use reasonably prudent business practices to ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit, including Chapter 5.04 – Business Regulations Generally, and Chapter 3.12 – Transient

Room Tax.

2. **Noises and Nuisances:** Occupants of the short-term rental shall comply with the standards and regulations of the Iron County Code, Chapter 8.20 – Nuisances, and Section 8.20.060 Noises. No radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment that produces or reproduces any sound shall be used outside or be audible from the outside of any short-term rental between the hours of 10 p.m. and 10 a.m.
3. **Renter Notification:** The operator shall provide the occupant(s) of the short-term rental with the following information prior to occupancy of the rental and/or shall post such information in a prominent location within the rental unit:
 - a. Operator name and local emergency contact information;
 - b. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
 - c. Notification that the occupant and/or owner may be cited or fined by the County if in violation with this section and/or Section 8.20.060 Noises.
4. **Operator Availability.** While a short-term rental unit is rented, the operator shall be reasonably available, in person or electronically, for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental, or their guests.
5. **Operator Responsibility for Guest's Conduct.** The operator and/or the designated local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental.
6. **Operator response to complaint.** The operator and/or the designated local contact person shall upon notification that any occupant and/or guest of the short-term rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, promptly respond to immediately halt or prevent a recurrence of such conduct by the occupant(s) and/or guest(s). Failure of the owner, and/or operator to respond to calls or complaints in a reasonable time regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental, the owner and/or operator may be subject to all administrative, legal and equitable remedies available to the county.
7. **Trash and Refuse.** Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the County's authorized waste hauler on scheduled trash collection days. The operator shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 8.08 – Garbage Collection and Disposal, of the County Code.
8. **License posted.** The operator shall post a copy of the short-term rental business license in a conspicuous place within the short-term rental.
9. **Modification of Standards.** The standard conditions set forth herein may be modified by the Zoning Administrator, or designee, upon request of the operator based on site-specific circumstances for the purpose of allowing reasonable accommodation of a short-term rental. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a short-term rental would not be allowed. Any hardships identified must relate to physical constraints to the subject

site and shall not be self-induced. Any modifications of the standard conditions shall not further exacerbate an already existing problem.

(I) Violations/Enforcement

1. **Permit Modification, Suspension and Revocation.** Three written violations of any provision of this chapter by any of the occupants, owner(s) and/or the operator may constitute grounds for modification, suspension and/or revocation of the short-term rental business license and/or any affiliated licenses or permits pursuant to the provisions set forth in Section 5.04.150 – Violation-Penalty, of the County Code.
 - a. Whenever any operator fails to comply with any provision of this section, the Zoning Administrator or designee, and the County Clerk, or designee, working together, after giving the operator and/or owner thirty (30) day notice in writing and providing for the opportunity to show cause as to why the short-term rental owner or operator should not be issued a written violation, may then issue said written violation.
 - b. The Zoning Administrator, or designee, shall give to the operator and/or owner written notice of the violation. The notices required in this section may be served by certified mail.

2. **Notice of Violation.** The County may issue a written violation to any occupant, owner(s) or operator, pursuant to Chapters 8.20 – Nuisance, Chapter 5.04 Business Regulations Generally, and/or Chapter 3.12 – Transient Room Tax, of the County Code, if there is any violation of these chapters committed, caused or maintained by the any of the above parties. Said written violation shall be served by certified mail.

3. **Public Nuisance.** It shall be a public nuisance for any person to commit, cause or maintain a violation of this section, which shall be subject to the provisions of Chapter 8.20 - Nuisances.

(J) Appeals

1. Any person or entity aggrieved by a decision in the enforcement and/or administration of this Section shall have the right to appeal such decision to the County Commission if a written request for an appeal is filed with the zoning administrator within thirty (30) days of verification that the aggrieved person or entity has been made aware of the decision.

SECTION 3. Within **Section 17.16.030 – Table of Uses**, of the Iron County Code, shall be, and hereby is, identified and amended and reads as follows (*all other existing content in this section to remain un-amended*):

Uses	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2	C	LI	I	IA
Bank	X	X	X	X	X	X	X	P	P	P	X
Bed and breakfast	P	P	P	P	P	P	P	P	X	X	X
Boarding house	P	P	P	P	P	A	A	P	X	X	X
Building material or garden store	C	X	X	X	X	X	X	C	P	P	X
Saw mill	C	X	X	X	X	X	X	X	X	C	C
Seasonal Subdivision ⁽⁷⁾	X	X	P	X	X	X	X	X	X	X	X
Short-Term Rental	P	P	P	P	P	P	P	P	X	X	X
Solar power plant	C ⁽⁶⁾	X	X	X	X	X	X	X	X	C ⁽⁶⁾	C ⁽⁶⁾
Subsurface mining	C	X	X	X	X	X	X	X	X	C	C

SECTION 4. Within **Section 17.20.010 – Definitions**, of the Iron County Code, shall be, and hereby is, identified and amended and reads as follows (*all other existing content in this section to remain un-amended*):

"Sheltered workshop" means an on-site supervised educational or vocational training facility for persons with a disability that does not provide any residential facilities.

"Short-term rental" means a privately owned residential dwelling, such as, but not limited to, a single-family dwelling or multiple family dwelling, apartment house, guest house, duplex, rented for occupancy for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days, when the owner is not present.

"Solar power plant" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal (CST) devices, or various experimental solar technologies, with the primary purpose of wholesale or retail sales of generated electricity.

SECTION 5. General Provision.

Sections of the Iron County Code identified in this ordinance shall be, and hereby are, amended with the express intent of allowing Short-Term Rentals as a permitted use for the zones prescribed herein in accordance with Utah State code and Iron County code.

SECTION 6. Severability.

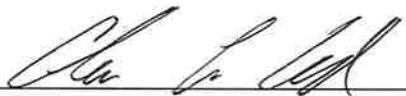
Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

SECTION 7. Effective Date.

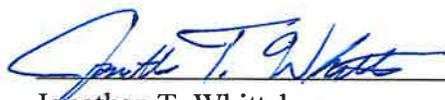
This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 25th day of March, 2019.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: 
Alma L. Adams, Chair

ATTEST:


Jonathan T. Whittaker
County Clerk



VOTING:

Alma L. Adams _Aye_
Michael P. Bleak _Aye_
Paul Cozzens _Absent_

CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION

Alma Adams, Iron County Commission Chair, declared the convening of the Iron County Board of Equalization (BOE)

REVIEW OF ONE APPLICATION FOR PROPERTY TAX EXEMPT STATUS

Christene Lowder presented for possible approval an application for exempt status from the Church of Jesus Christ of Latter Day Saints. The parcel in question was Assessor's Parcel Number (APN): B-2000-TA #494631. After some discussion, including the parcel's value and use, Mike Bleak made a motion to deny the requested exempt status. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye.

RECONVENE AS THE IRON COUNTY COMMISSION

Alma Adams, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

CONSIDER AND POSSIBLY APPROVE CHANGES TO IRON COUNTY PERSONNEL POLICY, SECTION 34, REGARDING RETIREMENT OF LAW ENFORCEMENT OFFICERS

Mike Bleak explained that there was a question if the Iron County Personnel Policy allowed a duty weapon to be purchased or gifted upon the retirement of a law enforcement officer. Mike reported that it was a tradition across the country to present an officer their duty weapon upon retirement. The Iron County Policy currently read: 1. Upon the retirement of an employee with over 10 years meritorious service, or an elected official having served at least one full term, Iron County may provide a memento, and or gathering to service the individual. This memento, and or gathering may not exceed a combined cost of \$200.00. The new policy addition would read: "2. additionally upon the retirement in good standing of a law enforcement employee with over 10 years meritorious service, or the elected Sheriff having served at least one full term, Iron County may provide the duty weapon as a gift to recognize the service of the individual. If the employee choses they may opt not to take the duty weapon and instead purchase their duty rifle for half of the replacement cost. If the employee wants to obtain all their firearm related equipment, they will receive the duty weapon as a retirement gift, and then may purchase equipment at full replacement cost. In no case will the retiring employee be allowed to purchase their duty rifle if it was fully automatic." The addition would bring Iron County up to standard with the rest of the country. Michael Bleak made a motion to approve the changes to the Iron County Personnel Police, Section 34, regarding retirement of Law Enforcement Officers. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye.

REVIEW AND POSSIBLE APPROVAL OF "SURPLUS LIST OF INSIGNIFICANT REAL PROPERTY" TO BE POSTED ON THE IRON COUNTY WEBSITE

Jon Whittaker explained that this was in relation to Ordinance 2019-3. The list that would be posted only included those parcels that Iron County acquired via the tax sale. The updated list of parcels would be presented in 2 weeks at the next commission meeting. Michael Bleak made a motion to approve the "Surplus list of Insignificant Real Property" as presented by Jon Whittaker. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye.

PERSONNEL

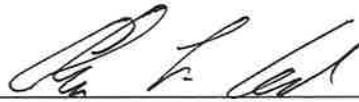
Adrion Walker, Iron County Human Resource (HR) Director, presented new hire James Johnson as a Building Inspector/Zoning Officer, effective date April 8th, and salary beginning at \$26.24 per policy due to his experience. This was a backfill of a vacant position. Michael Bleak made a motion to approve new hire James Johnson as a Building Inspector/Zoning Officer, effective date April 8th, and salary beginning at \$26.24 per policy/per experience. Second by Alma Adams. Voting: Alma Adams, Aye; Michael Bleak, Aye.

NON-DELEGATED ITEMS

No Non-Delegated Items were discussed.

ADJOURNMENT

Alma Adams, Iron County Commission Chair, declared adjournment.



Signed: Alma L. Adams, Chairman



Attest: Jonathan T. Whittaker, County Clerk

