

IRON COUNTY COMMISSION MEETING
APRIL 25, 2022

Minutes of the Iron County Commission meeting convened at 9:00 a.m. April 25, 2022 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Dan Jessen	County Auditor
Shain Manuele	County Defense Attorney
Sam Woodall	County Deputy Attorney
Danny Stewart	County Economic Director
Richard Wilson	County Chief Engineer
Wade Adams	County Fleet Manager
Jennifer Bradbury	County HR Director
Jared Wilson	County I.T. Director
Reed Erickson	County Planner
Mike Worthen	County Resource Manager
Nicole Rosenberg	County Treasurer

SYNOPSIS

ADJOURNMENT	17
APPROVAL OF CLAIMS FOR PAYMENT	2
APPROVAL OF MINUTES	2
DEPARTMENTAL REPORTS.....	2
FICAL INCENTIVE GRANT FOR A NEW GIS EMPLOYEE	14
INDIGENT DEFENSE COMMISSION GRANT RENEWAL.....	2
INVOCATION	2
LEASE RENEWAL-CONTRACT NO. 90-1817 AMENDMENT NO. 3	14
LOCAL CONSENT PERMIT-SILVER PEAK SUPPLY	16
MODIFY EXISTING FUEL SYSTEM	15
MOU REGARDING SOLID WASTE COLLECTIONS & LANDFILL FEES.....	16
NON-DELEGATED ITEMS.....	16
PERSONNEL	16
PLEDGE OF ALLEGIANCE.....	2

POSSIBLE DISPOSAL OF APN: D-1024-5-1 AND APN: D-1024-5-1 14

PUBLIC COMMENTS 7

PUBLIC HEARING, ZONE CHANGE REGARDING APN: D-940 5

PUBLIC HEARING, ZONE CHANGE REGARDING APN: E-125-5 & E-125-6 6

RESOLUTION 2022-1 8

RESOLUTION 2022-2 10

TAX INCREMENT REIMBURSEMENT-SOLAR PROJECTS 5

INVOCATION

An invocation was offered by Dan Jessen.

PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Marilyn Wood.

APPROVAL OF MINUTES

Michael Bleak made a motion to approve the minutes of the Iron County Commission meeting held March 14, 2022 and March 28, 2022. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

APPROVAL OF CLAIMS FOR PAYMENT

Paul Cozzens made a motion to approve Claims for Payment from March 29, 2022 to April 24, 2022. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DEPARTMENTAL REPORTS

Karsten Reed, Iron County Assessor, reported that his staff was in the middle of preparing the Assessment Roll. Karsten expressed his appreciation for his office personnel and how valuable each of them are. They each put in a tremendous effort into the work they do. One of the highlights for his office was they were transitioning to PUMA, a cloud based assessment system, right after the Assessment Roll was complete. The transfer would require a tremendous amount of effort and Trevor Mattson had put many hours into the transfer. Karsten expressed his appreciation to Trevor and that he was proud of him for the extra hours he had put in to make sure the transfer was successful. Karsten reported that State Tax Commission staff were in his office working on the Assessment Roll and the Sales Ratio Study. Trevor was over the Sales Ratio Study which was complicated and challenging and handled it well. He noted that he knew how hard it was to be judicious on how money was spent. He sent Kendal Allan, Iron County GIS Coordinator, to a GIS Conference held in New Orleans. Kendal was exceptional at his job and Karsten said it was money well spent. He reported that there would be some changes coming to the GIS system that would directly affect his office that would be very helpful. With the growth in Iron County the office was adding many new parcels and there would be a need to backfill an assistant position within the year. Marilyn Wood noted that she had seen a post on Facebook regarding the DMV workers about how helpful and friendly they were.

Jared Wilson, Iron County Information Technology (IT) Director, reported that the budget was on track. Software maintenance would be the only budget concern as it gets used up early in the year. The work load orders averaged 270/month last year compared to 300/month the first quarter of 2022. Projects: They just completed a Spillman update which ran smoothly with the transition. Part of the transition included a secondary update as well, called a GEO Validation. He explained that it tied in all the GIS mapping with 911, and the maps Public Safety used. Jared reported that another large project being worked on was for a new Phone System. He had received 1 soft quote, and would be getting a 2nd one soon, and he was trying to find a 3rd company. The Iron County phone system was quite old and it had to be either updated or go with April 25, 2022

something new. After the soft quotes were in, it would go out to RFP/bid. If the phone system was changed, there would need to be a budget adjustment as it was not included in his 2022 budget. Jared explained that in 2017, Mitel completed the acquisition of ShoreTel and ShoreTel was rebranded as Mitel, and now Mitel was being bought by Ring Central. The two main phone companies would be Ring Central or South Central. Ring Central is an option for cloud base hardware. At this time, Iron County had a device in every building that ran the phone system. The cloud base would eliminate that and the phone system would run through the company's server that routes all phone calls which is an internet/fiber based system. Jared noted that the GIS Conference that Karsten sent Kendal Allan to was beneficial to him. After Kendal reported to him, it opened his eyes to Kendal's performance, and that there would be a need to get him some additional help. He was very busy and the workload was getting pretty deep to handle on his own.

Nicole Rosenberg, Iron County Treasurer, reported that her office had been very busy as a result of the rapid growth in Iron County. They were preparing for the May Tax Sale. Nicole reported on: Personal property collection was beginning to have a slight increase and Nichole Bess was responsible for that collection. Her office had been working with the Assessor's and Auditor's offices with Personal Property. Tax distribution to Iron County was approximately \$1.2M for the first quarter. Pooled Cash: Nicole reported that she may be investing more with Moreton Asset Management. The Public Treasurers Investment Fund (PTIF) rate was at .36 and now it was up to .52 and would continue to increase, which was good because Iron County would earn more interest. She noted that she would meet with Dan Jessen before there were any decision to invest additional funds with Moreton. Her employees had continued to work with The Data Center. There was a demonstration presented for the program. This process would have The Data Center send out Tax Notices through email. The Data Center would begin collecting email addresses and the program will verify the acceptance of the email. Using the Data Center would help with county costs because of the difficulty in purchasing paper and because costs were going up due to shortages. The county would save on paper and postage. Outstanding taxes to date were at approximately \$6M, the same as last year. There continued to be one large outstanding tax payer, and if it were to be paid, outstanding taxes would be slightly over \$1M. State Bank had provided a scanner to scan check deposits, and was located in the Treasurer vault for use. Nicole reported that there were 155 properties listed to be sold at the May tax sale and of those 155, 10 were camp sites, and 3 single wide trailers listed for the May Tax Sale. There were 68 properties from the same person. A property owner could pay off their outstanding taxes up to 10:00 a.m. the day of the sale. She noted that Melanie Hall did a fantastic job handling the tax sale. Her office was only required by law to prove that they had mailed out tax notices, but Nicole's staff used every extreme effort to not sell their property. Melanie worked hard to track the owners down so they could pay the outstanding taxes and not sell the property. Luke Little would have the list ready by May 1st to place it online and in the newspaper. Nicole expressed her appreciation for her staff. She closed her report noting the budget was on track.

Michael Bleak, Iron County Commissioner, expressed his appreciation for the outpouring support he and his family had received from the county with the passing of his Father. He noted that he had backed off his responsibilities before his father passed to spend as much time as possible with him. He appreciated the understanding he was shown. Mike reported that he met with the Economic Development Advisory Board where they went over all grants and programs to make sure those were progressing. Danny Stewart, Economic Development Director, would report those recommendations to the commission for approval. Mike noted that the Utah Association of Counties (UAC) Conference would be held this week. He would not be attending the conference because he would be leaving Thursday with Economic Development and the Governor's Office to go to Mexico on a trade mission. They would be going South of Mexico City on Friday observing some agricultural operations and be back on Saturday. Plans for the new Jail were moving forward. He had spent a great deal of time answering questions from residents of the Fiddlers Canyon area trying to ease their concerns. Mike reported that Danny Stewart's phone had been ringing constantly with inquires on the property. There had been a follow-up visit with a potential grocery store being built there. He noted that he helped at

the Spring Home and Garden Event hosted by the Builders Association on Thursday and Friday. He helped with a pancake breakfast raffle for a cancer fund raiser, which was a great success.

Paul Cozzens, Iron County Commissioner, reported that he flew to Colorado Springs along with Mayor Garth Green of Cedar City and with the Central Iron County Water Conservancy District (CICWCD) Board to tour the SDS Pipeline from Colorado Springs to Pueblo. It was a 62-mile project that was similar to the one proposed in the Iron County West Desert. The training and tours were valuable and it was interesting to see how they were overcoming water challenges there. Paul noted that when he was on the CICWCD Board, they had traveled to Arizona to observe the Central Arizona Project (CAP) that provides water to nearly 1M acres of Indian and Non-Indian irrigated agricultural land areas. Projects with water require a long time and you need to look far ahead. It was a duty of the Iron County Commission to appoint the CICWCD board members and make sure they were planning 50 years out to make sure there would be water available for our children. Commissioner Cozzens reported that Fairground improvements were moving forward. The new building was completed. There was a 6-foot apron on the front, an 8-foot Americans with Disabilities Act (ADA) ramp on west side, and the footings were poured for that the previous Friday. The 6-foot apron on the front would have a 4 foot wall that would drop 3 feet with the grass sloping to the arena. There would be ample room to sit in front on the grass, and it wouldn't impede the view for those on the 1st row of bleachers. He noted that he attended the State Republican Convention and was proud to see that Emily Green won the District 14 State School Board position. She would be representing Iron, San Juan, Juab, Sevier, Grant and Carbon Counties.

Marilyn Wood, Iron County Commissioner, reported that on April 8th she went on a tour with elected officials to Colorado City. The "Bees Grocery Store" was beautiful and they may be interested in expanding to Cedar City on the north end of town. They toured the new schools and observed how they incorporated sports into their program. They were excited about having their 1st football game. Marilyn explained that the Iron County Road crew were getting ready to chip seal Lund Hwy. The contractor would do the first mile and a half and Iron County would do up to 3 miles. The road crew were preparing to chip seal in other areas of the county in the next month or so. Eventually the road would be chip sealed out to Horse Hollow. Marilyn noted that the road department had the race track torn out on 300 East in Parowan and that the gravel would be placed for a nice parking lot. Bids were going out for sidewalk, curb and gutter. There would be additional pedestals placed for more available electricity on the fairgrounds. She reported that she attended a celebration for the AmeriCorps Senior Companion Program for Foster Grandparents. They had been serving the 5 County area for 25 years. The volunteers were real superheroes that help children read and senior citizens with light housekeeping and various needs. Joni Lyman, the Program Director, was doing a great job. There was a meeting on the 18th at the Five-Mile Campground up Parowan Canyon. Richard Wilson, Maria Twitchell, Bryce Williams and Bruce Anderson also attended the meeting to reassess what needed to be done in the area. She had called Paul Briggs, Cedar City BLM Field Manager, to ask for approval to use red gravel on the roads. There was still a lot of work to be done, and although they were moving forward, the site would not likely be completed during the 2022 season. The goal was to reopen Five Mile in 2023. Marilyn expressed her appreciation to Bryce Williams for working hard to get the campground reopened. On the 20th, she attended a Zion Steering Committee meeting in Zion National Park and went on a tour through the park. They reported that there were close to 5 million visitors to the park last year. The buses run every 4 minutes. The park was planning on adding two additional roundabouts, rebuilding one of the campgrounds, and purchasing electric buses. They also reported they were going to develop the eastern side of Zion National Park. The Steering Committee was composed of business owners, elected officials, and the different agencies involved.

Michael Bleak, Iron County Commissioner, reported that Saturday night there was a tragic plane crash up Cedar Canyon. Deputy Turk, Detective Berg, and Sergeant Houchen from the Iron County Sheriff's Office had some very unpleasant tasks and completed them very professionally. There was assistance from the Cedar City Police Department, Detective Matt Topham, Officer Heather Danes, David Bulloch from the SUU Police Department, and the Iron

April 25, 2022

County Search and Rescue (comprised of all volunteers) who turned an unpleasant tragic task into a well-run operation. The plane crashed behind Milts Stake House by the old rodeo arena at the base of the hill. Marilyn Wood expressed that all our hearts went out to the families that lost loved ones. Mike reported that Nick Holt, Cedar City Airport Manager, was extremely helpful as a liaison between the airport and the National Transportation Safety Board (NTSB). The NTSB investigators were in Cedar City yesterday.

REQUESTING POSSIBLE APPROVAL FOR AN INDIGENT DEFENSE COMMISSION (IDC) GRANT RENEWAL REQUEST

Shain Manuele, Iron County Defense Attorney, explained that IDC funding came up each year for renewal. He reported that this was the initial request for the current grant funding and any potential additional funding requests. The request would then go back to the IDC where it was voted on based on funding available. The request would then come back to Iron County for approval or denial from the commissioners. Shain reported that the funding request remained the same for the Managing Public Defender and the Legal Assistant. There was a potential additional request for a Social Worker and an Additional Attorney. Mr. Manuele explained that he submitted to the commissioners, a simplified grant cover sheet to be signed and approved.

Paul Cozzens made a motion to approve an IDC Grant renewal request as presented by Shain Manuele. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL 1 ACRE (R-1) TO LIGHT INDUSTRIAL (LI), LOCATED WEST OF 3900 WEST AND NORTH OF SR 56, CEDAR CITY, UT APPROXIMATELY 75.20 ACRES LOCATED WITHIN THE N ½, SECTION 7, T36S, R11W, SLB&M (APN: D-940), APPLICANT: DAVID H. STAHELI

Reed Erickson, Iron County Planner, explained that this was presented before the Iron County Planning Commission and was recommended for approval with a vote of 5 to 2. Mr. Staheli, prior to the Planning Commission hearing, held a public meeting and open house at his facility to explain to the neighboring landowners and residents what his plans were, and also took those interested on a tour of the area. Reed noted that there was one letter they received after the Planning Commission meeting notice. The property was currently located off Hwy 56 between the Monte Vista and Buena Vista Subdivisions and contained approximately 77.70 acres, but only 75.20 acres were being included in the rezone request. The property was currently zoned Residential 1 (R1), as was the property in the Monte Vista Subdivision and R½ in the Buena Vista Subdivisions, and the request was to rezone to Light Industrial. Reed reported that the property was an island of unincorporated surrounded by property in Cedar City. According to the Cedar City Zoning map, the property located on the north was listed as "Annexed Transition" as a holding area by the owner. On the newly adopted Cedar City Future Land Use map, the property on the north was zoned for single-family low density housing. The property on the South side had some central and general commercial as well as rural estate. The owner had purchased the property for a specific use. Some would remain agriculture and another area would be buildings. A ten-year plan was set to bring in types of businesses such as: Steel Processing, Fabrication, Power Coating, Plastic Rotomolding, Assembly & Testing, and their office building. Reed noted that most of the concerns for the area were traffic and possible rail spur. He reported that Public Services available were: Water by well; Sewer (Central Sewer in 3900 West-Cedar City); Fire flow/suppression determined through Subdivision/Permits-Fire/Building Departments; Transportation corridors-SR 56 & 3900 West; Drainage to maintain historic flows and locations for entry and exit options for drainage into an agriculture production.

Marilyn Wood, Iron County Commission Chair, declared a Public Hearing open regarding the proposed zone change.

Logan Sisam, a resident of Buena Vista, reported that at first, as an individual, he spoke against this proposed development coming in. After becoming more educated he changed his mind. Mr. Sisam noted that the Staheli's are an amazing business and family and have done well

for this community and state. He had never met a man more concerned and more a part of the community. Mr. Sisam was more concerned about the sale of land to be used for high density housing. He noted that Mr. Staheli wants to be a part of the Buena Vista and Monte Vista communities. He worked hard to talk with each home owner that bordered the property. When he talked with Mr. Staheli and expressed concern, Mr. Staheli would say “let’s see how we can make that work.” Said Mr. Sisam, “I believe he will do what he can to limit the impact of the surrounding community.”

Rod Decker, Buena Vista, was pleased to support Mr. Staheli and to maintain the agriculture area. He was a good community member and did not want to destroy the environment. The advantages that were presented outweighed his concerns.

Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the proposed zone change met all requirements in Iron County Policy-Evaluation Considerations for rezoning Property. He also reviewed the Public Services mentioned previously. Jon Whittaker asked whether this island of unincorporated land would likely be annexed in the future. Reed Erickson noted that it was a difficult question to answer. While water in Buena Vista and Monte Vista were a challenge, there appeared to be opposition to annexation. Reed continued by noting that the probability of annexation really had no bearing on whether to move forward with this proposed zone change. Those residents that voiced concern were that a Light Industrial zone would be in between two residential areas. Luann Judd had written a letter after the Iron County Planning Commission meeting, and her primary concern was that railroad tracks might be close to residences. Reed explained that if the proposed development were to fail to be developed, the property could revert to a residential zone. Paul Cozzens asked whether there was a fencing requirement. Dave Staheli noted that he would be open to fencing and wanted to be a good neighbor. Reed Erickson noted that the Planning Commission recommended approval, 5 to 2.

Mike Bleak noted that he had met with Mr. Staheli and had his concerns, especially about breaking up the neighborhoods, assuaged. Marilyn Wood explained that she had attended the Planning Commission meeting and expressed complete confidence that there would be no problem with the neighborhoods as far as this zone change and proposed development was concerned. Marilyn also expressed that those who knew Dave Staheli, knew that he was a man of integrity. Paul Cozzens expressed that Mr. Staheli runs an excellent business. Jon Whittaker asked Mr. Staheli about use of a proposed rail spur and whether it would run at night or early in the morning. Mr. Staheli replied that if a spur were installed, it would likely only be used twice a month for shipping containers. He noted that for the steel processing part of the operation, he hoped to have flat steel brought in on rail. It was possible that products be shipped overseas. He explained that he anticipated a nice, clean campus and hoped to have part of the facilities accommodating for events such as proms, public forums, community meetings, etc. Mr. Staheli noted that he had floated the idea of a park, but the neighbors were not in favor of a park.

Michael Bleak made a motion to approve the proposed zone change from Residential 1 Acre (R-1), to Light Industrial (LI), as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM AGRICULTURE 20 (A-20) TO RESIDENTIAL 1 ACRES (R-1), LOCATED AT APPROXIMATELY 2500 N 4500 WEST, CEDAR CITY, UT, APPROXIMATELY 60.04 ACRES LOCATED WITHIN THE SE ¼ SECTION 25, T35S, R12W, SLB&M, IRON COUNTY, UT (APN: E-125-5 & E-125-6) APPLICANT: RAY L. BULLOCH

Reed Erickson, Iron County Planner, explained that this proposed zone change consisted of 2, 30 acre parcels. It was located north of 4500 West, across from Park View subdivision. If approved, this zone change would not require the subdivision of lots, but the owner is seeking to develop 1 acre lots, which would extend the pavement to the proposed area. The area lies within the Cedar City expansion area, and as low density residential, it conforms with the Cedar City general plan, if it were ever annexed. It is important to consider zoning continuity, especially in

the cities' declared expansion areas. This is especially important in terms of meeting city standards for possible future connection to city water and sewer. On the east side of 4500 West, the land is agricultural. The area is located within the established transportation corridor. Care has been taken to ensure this is a viable area, especially in regard to infrastructure. This area would be convenient to the northern leg of the belt route in Cedar Valley. Currently, much of the area is zoned A-20, but there are more housing opportunities moving south, with recent zoning changes to Residential zones. This is facilitated by the availability of services. There is water along 4500 West with the Central Iron County Water Conservancy District (CICWCD). The westernmost sewer in the valley is along 4500 West. Fire flow and suppression will be available through the CICWCD. Major transportation corridors are planned, but not yet in place. Drainage will be to maintain historic flows. Electricity is in the area, but gas is not yet. Reed and the commissioners discussed transportation opportunities and challenges, particularly, the value that 2400 North would provide as an east-west corridor in Cedar Valley. Marilyn Wood clarified that the developer would need to widen and improve the road to the area and development.

Marilyn Wood declared a Public Hearing open regarding the proposed zone change. No comments were offered. Marilyn Wood declared the Public Hearing closed.

Reed Erickson reported that the proposed zone change met all requirements in Iron County Policy-Evaluation Considerations for Re-Zoning Property, and the Iron County Planning Commission recommended approval by the Iron County Commission.

Paul Cozzens made a motion to approve the proposed zone change from Agriculture 20 (A-20) to Residential 1 Acre (R-1), as presented by Reed Erickson. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC COMMENTS

Rose Clements noted that when watching the live-stream of commission meetings, it was difficult to hear when people spoke that were not at the microphone. Jon Whittaker replied that he had purchased an omnidirectional condenser microphone, but had not perfected the audio levels for it yet. Ms. Clements expressed concern about so much construction and talk of water. She expressed concern about the area, "shooting ourselves in the foot," by allowing too much development and running out of water. Paul Cozzens replied that developers must bring water to the table when subdividing and developing. Paul noted that, when senior, or older, water rights were limited, growth would be limited. The water rights must be dated 1934 or older, when these older water rights were exhausted, the development would be limited. Paul noted that if a moratorium were enacted, it could only last for 6 months and the pent up demand would likely just cause a delayed surge. Paul expressed that free market forces regulating growth would be the mechanism. He noted that the CICWCD and Iron County were working toward solutions. Marilyn Wood noted that water rights were personal property and could not be limited. Developers purchase the water rights from other owners. Marilyn counseled to be patient and note that the housing and water markets ebb and flow. The interplay between scarce water, development, and water rights would always be an issue. Paul Cozzens noted that early in his service on the Cedar City Council, they had purchased water rights for \$2,500 per acre foot, and he knew a recent purchase for \$25,000 per acre foot.

Reed Erickson noted that the CICWCD was progressing in the development of a pipeline from Pine Valley and Wah Wah Valley, where they own significant water rights, to provide water and control prices. Reed noted that private water rights were paramount, but that government should make resources available where possible. Reed noted that when Iron County approves wells for subdivisions, etc. we approve water rights with dates of 1965 or earlier. He expressed that the disparity between dates should be considered. The commissioners agreed. Paul Cozzens noted that in as few as 15 years, those "earlier" water rights could be forfeited. Reed suggest perhaps a water right seniority date of 1950? The commissioners agreed it should be reviewed. Commissioner Wood asked Reed Erikson to move forward with that issue.

Volney Morin, agreed with Rose Clement. There needed to be better amplification when someone was not speaking into the microphone. It is important that everyone who speaks, talk into a microphone.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-1, AMENDING THE IRON COUNTY SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS (SECTION 109-ROAD STANDARDS CROSS SECTIONS AND EXHIBITS)

Reed Erickson, Iron County Planner, explained that the construction and design standards were adopted in 2005, with several amendments since then. In 2021, it was updated again when Iron County adopted the R4K zone. Recently, Iron County Engineer, Richard Wilson had been updating road construction standards. This was particularly important in new subdivisions, where roads have been deteriorating faster than anticipated. Most of the details of Iron County Resolution 2022-1 dealt with the undergirding of roads when asphalt, chip seal, gravel, or rolled curb and sidewalk were required. Resolution 2022-1 identifies the required material that must undergird the different types of required roads and the requisite thicknesses. As is typically done in this area, road construction involves over-excavating and compacting. One principle that Richard espouses is to require a certain amount of rock to be brought in, thus providing a more firm undergirding for roads and extending their durability. So often the native materials are clay and simply do not hold up to the weight of larger vehicles. Reed made particular note of the standard for a "Shared Access Driveway," which provides a standard in the expansive Wildland Urban Interface (WUI), where often the roads are in disrepair because of poor undergirding. In federal WUI areas, the minimum code is entitled, "Fire Access Road." In the example of "Shared Access Driveway," this will be compatible with the WUI "Fire Access Road" standards. In other settings, a cluster of homes or developments such as group homes can be at the end of 6 miles of road that will never hold up due to a poor foundation. After recent discussions, the need to establish a chip seal standard was identified. This allowed for a standard in between a full asphalt requirement, and a gravel road. It becomes a nuisance to grade a gravel road that is surrounded by either asphalt or chip seal quality roads. Under Resolution 2022-1, a chip seal road would now be required in A-20, RA-20, R-20, and Intensive Agriculture zones. In other words, a continuity of road quality will now be required. A development would have to match the quality of the access road it uses. Critically, the resolution allows that roads that are brought up to this standard and approved will now be part of the roads that are maintained by the road department. Previously, the requirement was that a new subdivision would fall under the county maintenance once it was 50% built out. This had been applied inconsistently and caused various problems, especially when the original roads had fallen into disrepair. The discussion was that it was better to assume maintenance of the roads once they are brought up to Iron County standards. Richard Wilson noted that the incentive for landowners and developers to make this large investment is that once it is done, Iron County will assume the road maintenance. Richard noted that many of these improvements will be done in phases, reducing the financial burden. Marilyn Wood asked whether equipment could be required to mitigate mud on roadways during construction. She had heard some complaints along Iron Springs Road. Richard Wilson noted that, yes it was required, and they had already solved the problem by the time he got there. Richard expressed appreciation to Phil Schmidt, who had brought this to his attention. Also, Joel Myers, with whom Richard consulted to develop Resolution 2022-1. Richard also expressed his appreciation to Commissioner Cozzens, who facilitated meetings with Cedar City and other stakeholders. He noted that this had been a thorough, collaborative process. He noted that a road near his house that after less than 3 years, the asphalt had buckled under the weight of a heavy vehicle, such as a concrete truck. This illustrates the insufficient undergirding. Paul Cozzens noted that another individual that was brought in was Ray Bulloch. Paul noted that Iron County must maintain the roads built by individuals and developers and therefore they must have a strong foundation. When the subdivisions are being built is the time to establish proper undergirding.

Michael Bleak made a motion to approve Resolution 2022-1, amending the Iron County Subdivision Construction and Design Standards (Section 109-Road Standards Cross Sections and Exhibits). Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

IRON COUNTY RESOLUTION 2022-1

A RESOLUTION AMENDING THE IRON COUNTY
SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS

WHEREAS, the Iron County Commission finds it shall promote the general welfare of the citizens of Iron County to amend the Iron County Subdivision Construction and Design Standards to further the orderly and efficient construction of subdivisions in Iron County; and,

WHEREAS, the Iron County Planning Commission has reviewed and discussed the proposed standards and has voted to forward the proposed resolution to the Iron County Commission with a recommendation for approval; and,

WHEREAS, the Iron County Commission has considered the proposed flood channel setback standards and finds that they appropriately consider and balance 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 RESOLVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. The Iron County Subdivision Construction and Design Standards, as adopted November 28, 2005 by the Iron County Commission, and subsequently amended, be further amended as follows:

Section 109 Road Standards – Cross Sections & Exhibits: is repealed and replaced as shown in Exhibit A, herein attached; and **Section 102, Required Improvements:** portions are hereby amended and replaced as shown in Exhibit B, attached – other existing portions remain unaltered and in effect:

This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this 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 25th day of April, 2022.

IRON COUNTY BOARD OF
COUNTY COMMISSIONERS


By: Marilyn Wood, Chairman

ATTEST:


Jonathan T. Whittaker, County Clerk



VOTING:

Michael Bleak Aye
Paul Cozzens Aye
Marilyn Wood Aye

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-2, ADOPTING THE IRON COUNTY FLOOD CHANNEL SETBACK STANDARDS – TYPICAL CROSS SECTION, SETBACKS TABLE AND EXHIBITS

Reed Erickson, Iron County Planner, explained that Iron County Resolution 2022-2 began 8 months prior when discussions began to develop flood channel standards the elevation and construction around Quichapa Lake. The conversation then evolved to the channels leading to Quichapa Lake. After that, the severe monsoonal flooding occurred, and it became very evident that the priority should be the flood channels. Reed noted that Iron County Engineer, Richard Wilson did an excellent job evaluating capacities. Resolution 2022-2 provides a cross-section of the channel and identifies minimum widths, depths and setbacks. Previously, the main guidance was that no structure could be constructed within 100' of the banks of flood channels. Based on flow, federal standards, and historical information available, Resolution 2022-2 establishes cross-sections for portions of Coal Creek, Shurtz Creek, and Quichapa Channel. Reed noted that standards were needed for many other channels in Iron County and those channels would be identified, analyzed, and given standards. Paul Cozzens noted that in the section of Quichapa Channel west of West View Drive to Quichapa Lake, there were houses built with essentially no setback. Paul asked how receptive Cedar City was to adopting similar standards for channels within Cedar City limits. Richard Wilson noted that he had emailed Resolution 2022-2 to Jonathan Stathis, Cedar City Engineer, asked them to consider adopting them. Richard noted that this is punctuated when a channel is annexed into Cedar City, and a common standard would provide continuity. Similarly, the standards outlined in Resolution 2022-2 had been presented to Enoch and Parowan. A broader discussion was needed, with an eye to the future. Some of the features in the Resolution included a 16' area on the top of the channel to allow equipment to access the channel, no fencing nor trees would be allowed within the setback to ensure access, and widths and depths that were variable based on a particular section. The goal was to ensure the channels could handle at least 75% of historical record flow. Richard expressed that Iron County would try to limit any disruption to landowners' gardens, trails, etc. He briefly explained changes in Federal Emergency Management Agency flood zone classifications. The new criteria were based 6 criteria, not just a simple classification.

Paul Cozzens made a motion to approve Resolution 2022-2, adopting the Iron County Flood Channel Setback Standards-Typical Cross Section, Setbacks Table and Exhibits. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

IRON COUNTY RESOLUTION 2022-2

**A RESOLUTION ADOPTING THE IRON COUNTY
FLOOD CHANNEL SETBACK STANDARDS**

WHEREAS, the Board of Iron County Commissioners has determined that in order to best protect property and respond to flood emergencies there should be established an appropriate setback standard for all buildings and structures along and around established flood channels in the unincorporated lands of Iron County; and

WHEREAS, the Iron County Commission finds it promotes the general welfare of the citizens of Iron County by adopting the new Iron County Flood Channel Setback Standards to further the orderly and efficient development of property in Iron County; and

WHEREAS, the Iron County Planning Commission has reviewed and discussed the proposed standards and has voted to forward the proposed resolution to the Iron County Commission with a recommendation for approval; and,

WHEREAS, the Iron County Commission has considered the proposed flood channel setback standards and finds that they appropriately consider and balance 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 RESOLVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. The Iron County Flood Channel Setback Standards, are hereby adopted by the Iron County Commission, as follows:

Exhibit A, attached hereto: The Iron County Flood Channel Setback Standards.

This resolution shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners. Nothing in this resolution shall preclude the Iron County Commission from modifying or amending this resolution at any time in the future.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 25th day of April, 2022.

IRON COUNTY BOARD OF
COUNTY COMMISSIONERS


By: Marilyn Wood, Chairman

ATTEST:


Jonathan T. Whittaker, County Clerk

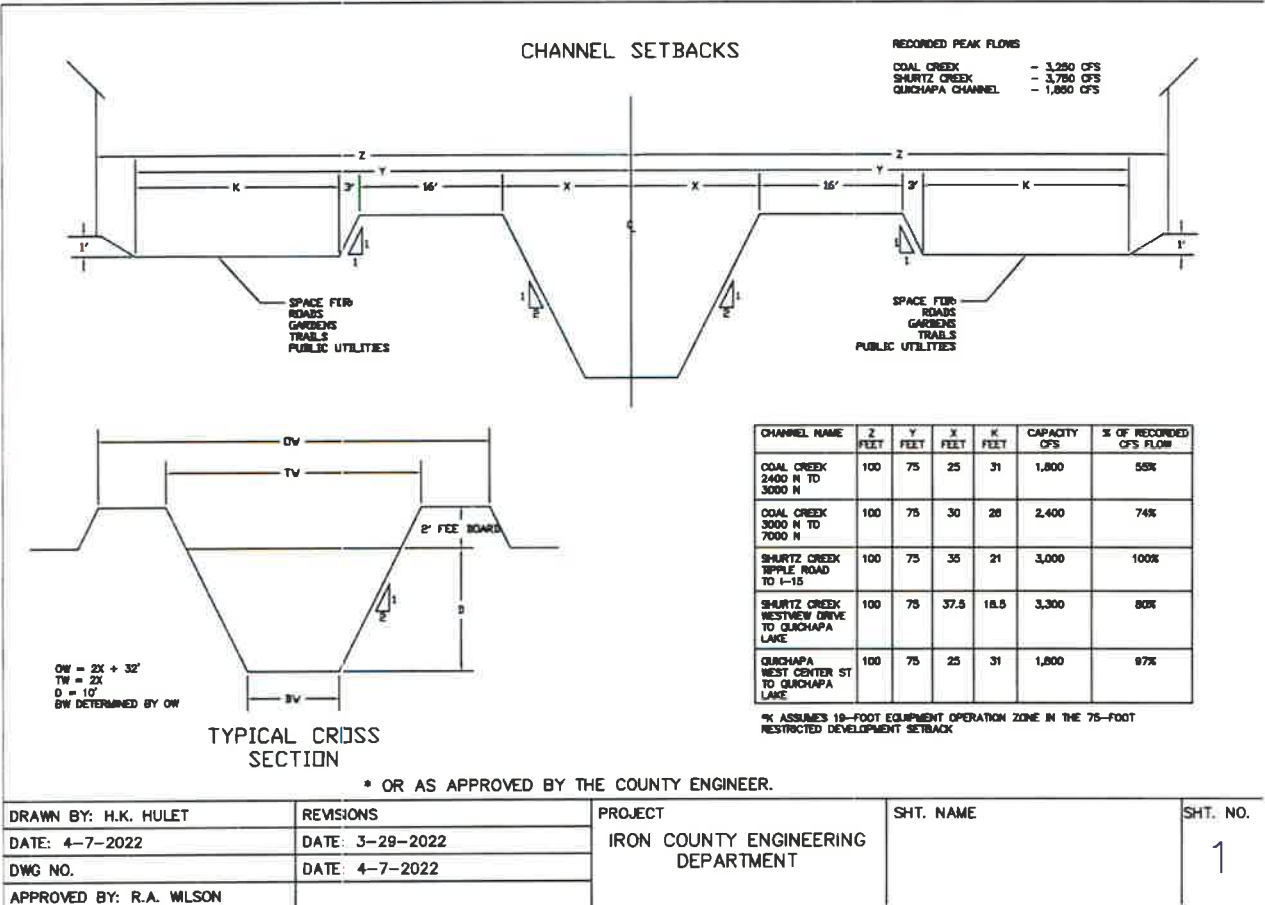


VOTING:

Michael Bleak _Aye_
Paul Cozzens _Aye_
Marilyn Wood _Aye_

“EXHIBIT A”

IRON COUNTY FLOOD CHANNEL SETBACK STANDARDS



RECORDED PEAK FLOWS

- 3,250 CFS
- 3,750 CFS
- 1,850 CFS

CHANNEL SETBACKS

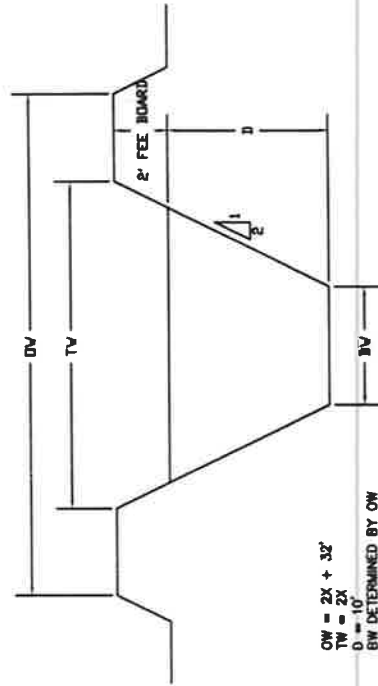
Diagram illustrating channel setbacks for Coal Creek, Shurtz Creek, and Quichapa Channel. The diagram shows a cross-section of the channel with setbacks labeled X, Y, and Z. The setbacks are defined by the following dimensions:

- Setback X: 16'
- Setback Y: 3'
- Setback Z: 1'

The diagram also shows the channel bed profile and the channel walls. The channel bed is labeled "SPACE FOR ROADS, GARDENS, TRAILS, PUBLIC UTILITIES". The channel walls are labeled "SPACE FOR ROADS, GARDENS, TRAILS, PUBLIC UTILITIES".

CHANNEL NAME	Z FEET	Y FEET	X FEET	K FEET	CAPACITY CFS	% OF RECORDED Q'S FLOW
COAL CREEK 2,400 N TO 3,000 N	100	75	25	31	1,800	55%
COAL CREEK 3,000 N TO 7,000 N	100	75	30	26	2,400	74%
SHURTZ CREEK TRIPLE ROAD TO I-16	100	75	36	21	3,000	100%
SHURTZ CREEK WESTVIEW DRIVE TO QUICHAPA LAKE	100	75	37.5	18.5	3,300	80%
QUICHAPA WEST CENTER ST TO QUICHAPA LAKE	100	75	25	31	1,800	97%

*K ASSUMES 19-FOOT EQUIPMENT OPERATION ZONE IN THE 75-FOOT RESTRICTED DEVELOPMENT SETBACK



TYPICAL CROSS
SECTION

* OR AS APPROVED BY THE COUNTY ENGINEER.

PROJECT	IRON COUNTY ENGINEERING DEPARTMENT		SHT. NO.
REVISIONS			1
DATE: 3-29-2022			
DATE: 4-7-2022			
DWG NO.			
APPROVED BY: R.A. WILSON			

POSSIBLE RATIFICATION OF A FISCAL INCENTIVE GRANT FROM THE DIVISION OF OUTDOOR RECREATION, FIF FY22 Q3 – JANUARY 31.

Mike Worthen, Iron County Natural Resources Director, explained that this grant would fund the hire of a (Geographical Information System) GIS employee for trail maintenance. The quarterly grant was from the State of Utah Division of Outdoor Recreation and had already been signed by Commissioner Wood. It would be used to design and maintain Off Highway Vehicle (OHV) trail systems. GIS takes maps and converts them to a more user-friendly format. These maps would also highlight local businesses. The funds would also be used to purchase a side by side, but the price had increased by 7% or \$2,000. Iron County would have to financially make up the difference. The supplier had suffered a price increase due to inflation but was honoring its state contract. The cost had increase from about \$27K to \$29K.

Michael Bleak made a motion to approve the ratification of a Fiscal Incentive Grant from the Division of Outdoor Recreation, FIF FY22 Q3-Janusry 31, purchase of cost risen 7% and county would make up cost through funds. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DISCUSSION AND POSSIBLE APPROVAL OF A LEASE RENEWAL FOR FIFTH DISTRICT JUVENILE COURTS AND FIFTH DISTRICT GUARDIAN AD LITEM OFFICE WITH THE STATE OF UTAH, ADMINISTRATIVE OFFICE OF COURTS, CONTRACT NO. 90-1817 AMENDMENT NO. 3

Jon Whittaker, Iron County Clerk, explained that this lease was to the State of Utah, Administrative Office of the Courts, and was an ongoing lease of Iron County property by the Courts for \$10K per year.

Paul Cozzens made a motion to approve a Lease Renewal for Fifth District Juvenile Courts and Fifth District Guardian Ad Litem Office with the State of Utah, Administrative Office of Courts, Contract No. 90-1817 Amendment No. 3. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DISCUSSION AND POSSIBLE APPROVAL TO DISPOSE OF TWO LOTS ACQUIRED FROM THE DISSOLUTION OF CEDAR HIGHLANDS (APN: D-1024-5-1 & D-1024-5-2), ORIGINALLY ACQUIRED WITH CORRIDOR PRESERVATION FUNDS FOR THE INTENT TO REALIGN THE ROAD. NOTE: PART OF THIS DISCUSSION MAY BE CLOSED PER UCA §52-4-205(e)-DISCUSSING PURCHASE OR SALE OF LAND

Dan Jessen, Iron County Auditor, explained that the lots were purchased using corridor preservation funds with the intent to realign Cedar Highlands Drive to alleviate steep grade issues in the Cedar Highlands subdivision. Since the purchase, Cedar Highlands incorporated as a town and then unincorporated a few years later. This project was initiated by former Iron County Engineer, Steve Platt. The current Iron County Engineer, Richard Wilson reviewed the project and found that the grade problem could be solved but would require millions of dollars of fill to correct the grade, or an estimated 124K cubic yards. Richard suggested instead that a series of switchbacks be added to Cedar Highlands Drive. In the meantime, the Central Iron County Water Conservancy District (CICWCD) and the Cedar Highlands Homeowners association continued to bill Iron County for the two lots which have been duly subdivided. Iron County has no mechanism to pay CICWCD utility bills nor Homeowners Association dues as they were purchased with corridor preservation funds. Richard Wilson noted that they had not discussed the matter with Cedar Highlands. Reed Erickson expressed concern that it would be disrespectful to make a decision on the matter without first discussing the issue with Cedar Highlands. Reed offered to arrange a meeting with Cedar Highlands and bring the matter back before the commissioners. Dan Jessen asked whether the homeowners association had standing to take action against Iron County. Reed noted that the homeowners association collected fees primarily to maintain the roads. Jon Whittaker noted that a restriction was placed on the original plat by the Iron County commission expressly refusing maintenance of the roads due to steepness and the seasonal nature of the high elevation roads. Reed noted that traffic had increased and should be studied. Also, the Bureau of Land Management (BLM) should be included in the discussion.

Michael Bleak made a motion to table the item. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DISCUSSION AND POSSIBLE APPROVAL OF COST ESTIMATE TO MODIFY THE EXISTING FUEL SYSTEM AT THE IRON COUNTY ROAD DEPARTMENT TO BE COMPATIBLE WITH THE STATE FUEL NETWORK

Wade Adams, Iron County Fleet Manager, explained that in order to be compatible with the state fuel network and for them to take over the site, electrical and communication lines needed to be brought to the pumps. The state would pay the expense to build a small structure and conduit, but Iron County would need to pay for the lines at an estimated cost of \$11K. The benefit would be the tremendous cost savings of fuel purchased without sales tax on site. The work would be accomplished by a state contractor.

Paul Cozzens made a motion to approve modifying the existing Fuel System at the Iron County Road Department to be compatible with the State Fuel Network at a cost of \$11K. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

CONVENE AS THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (ICCD&RA)

Marilyn Wood, Iron County Commission Chair, declared the convening of the ICCD&RA.

CONSIDER TAX INCREMENT REIMBURSEMENT FOR UTAH RED HILLS RENEWABLES SOLAR PROJECT AREAS FOR THE YEAR 2021

Danny Stewart explained items 13 through 16 would be presented together. All of the solar projects meet requirements for reimbursements. Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Utah Red Hills Renewables Solar Project areas for the Year 2021 in the amount of \$567,739.54. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

CONSIDER TAX INCREMENT REIMBURSEMENT FOR THREE PEAKS SOLAR PROJECT AREAS FOR THE YEAR 2021

Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Three Peaks Solar Project areas for the Year 2021 in the amount of \$704,460.93. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

CONSIDER TAX INCREMENT REIMBURSEMENT FOR COVE MOUNTAIN 1 SOLAR PROJECT AREAS FOR THE YEAR 2021

Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Cove Mountain 1 Solar Project areas for the Year 2021 in the amount of \$222,816. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

CONSIDER TAX INCREMENT REIMBURSEMENT FOR COVE MOUNTAIN 2 SOLAR PROJECT AREAS FOR THE YEAR 2021

Paul Cozzens made a motion to approve a Tax Increment Reimbursement for Cove Mountain 2 Solar Project areas for the Year 2021 in the amount of \$440,758.67. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

RECONVENE AS THE IRON COUNTY COMMISSION

Marilyn Wood, Iron County Commission Chair, declared reconvening of the Iron County Commission

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND KANARRAVILLE TOWN REGARDING SOLID WASTE COLLECTIONS AND LANDFILL FEES

Dan Jessen, Iron County Auditor, explained he and Bruce met with Heidi Loveland and Mayor Gould. Kanarraville had grown enough to have its first audit. One observation was that Kanarraville was not paying Iron County landfill fees for each can. It was determined to look back one year to capture those payments. Dan noted that there was no MOU to outline the details of waste collections and landfill fees. Kanarraville Town had already signed the MOU. Dan expressed that Deputy Attorney Sam Woodall had done an excellent job drafting the MOU. Dan noted that Public Works Director Bruce Anderson recollected that during a town cleanup, Iron County had taken a large dumpster and the dumpster had stayed there ever since. This dumpster was now a drop site for garbage, but the town had not been paying Iron County for the dumpster nor to empty it. The MOU set the annual fee at \$5,200 for the dumpster service. Marilyn Wood noted that Kanarraville town monitored the dumpster very closely so that inappropriate items, such as clippings or refrigerators were not put in. The MOU indicated that Kanarraville would pay \$3.75 per can, consistent with all other residential customers, the \$5,200 would be paid in quarterly installments of \$1,300, the transfer station or dumpster would only be used by Kanarraville town residents, and the town agrees to police the transfer station to prevent illegal dumping.

Michael Bleak made a motion to approve an MOU between Iron County and Kanarraville Town regarding Solid Waste Collections and Landfill Fees. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DISCUSSION AND POSSIBLE APPROVAL OF A LOCAL CONSENT PERMIT, OFF-PREMISE BEER LICENSE FOR SILVER PEAK SUPPLY, 21 E HWY 56, NEWCASTLE

Jon Whittaker, Iron County Clerk, explained that the local consent permit for an off-premise beer license was required by state law. This was for Silver Peak Supply in Newcastle. Paul Cozzens made a motion to approve a Local Consent Permit, off-premise beer license for Silver Peak Supply, 21 E Hwy 56, Newcastle. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PERSONNEL

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Ethan Busse as a Full-Time Corrections Deputy 1 for the Sheriff's Department, effective April 18th as a backfill of a vacant position; a request for on-call pay for K-9 Deputies in Sheriff Patrol, effective May 1st; a promotion for Joy Meyer from Part-Time Secretary 1 to a Full-Time Secretary 2 in the Sheriff Patrol, effective April 17th as a backfill of a vacant position; a promotion for Latonya Heaton from Full-time Trainee Appraiser to Full-time Apprentice Appraiser in the Assessor's Office, effective April 3rd; a job description change for Jeri Torsell from Part-Time DMV Technician to Full-Time DMV Technician in the Cedar City DMV Office, effective April 17th.


Michael Bleak made a motion to approve Personnel changes as presented by Jennifer Bradbury and to table the On Call pay for K-9 Deputies. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

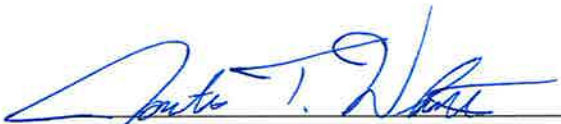
NON-DELEGATED ITEMS

No Non-Delegated items presented.

ADJOURNMENT

Marilyn Wood, Iron County Commission Chair, declared adjournment.


Signed: Marilyn Wood, Chair


Attest: Jonathan T. Whittaker, County Clerk



