

IRON COUNTY COMMISSION MEETING
JUNE 12, 2023

Minutes of the Special Iron County Commission meeting convened at 9:00 a.m. June 12, 2023 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

| | |
|---------------|--------------------------|
| Karsten Reed | County Assessor |
| Lucas Little | County Auditor |
| Sam Woodall | County Deputy Attorney |
| Shalon Shaver | County Corrections |
| Mike Worthen | County Natural Resources |
| Reed Erickson | County Planner |
| Ken Carpenter | County Sheriff |

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INVOCATION

An invocation was offered by Karsten Reed.

PLEDGE OF ALLEGIANCE

Those assembled were led in the Pledge of Allegiance by Bruce Washburn.

APPROVAL OF MINUTES

Marilyn Wood made a motion to approve the minutes of the Iron County Commission meeting held on May 22, 2023. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

APPROVAL OF CLAIMS FOR PAYMENT

Michael Bleak made a motion to approve Claims for Payment from May 22, 2023 to June 11, 2023. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DEPARTMENTAL REPORTS

Lucas Little, Iron County Auditor, reported that the external auditors Kimball & Roberts had been here in May and were close to completing their audit. He continued to work with them and Kimball & Roberts would be reporting to the Iron County Commission in July. The Annual May Tax Sale was held on May 25th through the Public Surplus Auction website. Property owners that had not paid their taxes for 5 years were listed on the May Tax Sale. Lucas noted that there were 59 parcels and all of them sold, and of those sold, there were only two properties that did not sell above the listed price. He explained the process of the tax sale. Lucas reported that he had been working with the State Tax Commission to get property tax rates set. His office received the assessment roll from the Assessor's Office and he sent the Auditor's Certified Rate to all the entities. Those reports would need to be returned and submitted by the end of June. Lucas reported that Brian Head, Parowan, and Kanarraville would not be going through Truth and Taxation. He noted that his office would be working with the municipal advisor to find the best options to finance the new Sheriff's Complex. The Property Tax Abatement applications were sent out and valuation notices would go out in July. He would be working on mid-year budget adjustments to be presented in August.

Shalon Shaver, Iron County Corrections Commander, reported that the overall budget status was 39% spent. Shalon noted that pre-employment expenses were in the red. There were nine applicants going through the background process, which costs \$816 per applicant, and there was no guarantee of hire eligibility at the conclusion of the background check. Culinary increased from \$1.10 to \$1.23. The population had increased from 155 to 304. Transportation had decreased from the first quarter of 610 to 341. Commander Shaver reported that the Work Crew continued to be busy. Hours worked were down from 873.3 to 698. The work crew had worked at the Iron County Shooting Range, the Animal Shelter, and putting up fencing on 7700 West, in Iron West Subdivision. Paul Cozzens expressed his appreciation to the crew for repairing the fence on 7700 W and the fairground fencing and asked Shalon if she would tell them that they had done a great job. Shalon reported that there were currently four vacancies in Corrections. Officers Buhrman & Tufuga resigned and Officers Ferguson, Nielsen, Nelson, and Kropf (medical) had been hired. Officers Peterson, Ferguson, Nielsen, and Nelson were currently in Police Officer Standards Training (POST).

Kenneth Carpenter, Iron County Sheriff, reported on Current Law Enforcement (LE) Issues: Mental Health Unity (MHU) had taken a setback, but the Tier 2 Deputies were still responding and doing a great job. Metro SWAT had been extremely busy over the past several months with callouts. The Drug Task Force had also been very active. There were many Fentanyl cases currently, with a new type of Fentanyl now hitting the streets (Red Fentanyl; so now they have white, rainbow, and red.). A new drug being was being mixed with Fentanyl called Xylazine (animal tranquilizer; not an opioid, hence does not respond to Naloxone. So

there may be an increase in overdose deaths). Meth was on the rise again, but there was still more Cocaine and Heroin. In the traffic Unit, Wade Lee had had three pipeline drug interdictions in the past year. UHP in Iron County was interdicting drug pipelines monthly if not more often. Border Issues: As mentioned previously, there had been a huge increase in daily activity. The cartels have a pill press in the US now and are able to manufacture Fentanyl pills mixed with Xylazine. He reported on Total Incident Reports since January 1, 2023, which equaled a total of 1603 (last October had 4308). There were: 8 Aggravated Assaults; 3 Aggravated Assaults on LE; 3 Air Support; 118 Agency Assists (vice 122 first half of 2022); 25 Burglaries; 18 Child Abuse/Neglect; 115 Felony Offenses; 13 Fires; 37+2 K-9 in the Jail (three bindles of Fentanyl and 20 grams of Heroin); 6 Mental Health Unit; 438 Misdemeanor Offenses; 631 Other Offences; 6 Public Relations; 4 Search and Rescue, 3 Sex Crimes Against Children, 69 Other Sex Crimes, 19 Welfare Checks, 136 Drug Cases; 29 DUI's; and 199 Animal Problems. Sheriff Carpenter reported that the Animal Shelters were constantly full and they were unable to accept any more animals unless it was a vicious animal. Current Strength of Patrol: Nearly up to strength (One more to hire with detective experience of at least five years), Just completed Field Training Officer (FTO), currently have one new Deputy in FTO today (Detective Mark Zakarian) and one in POST (Jared O'Meally). Future Ops: Personnel-looking to hire one more detective from outside, purchased K9 from Lincoln County Sheriff's Office (Taskforce funded), Animal Shelter-Constantly Full. Sheriff Carpenter noted that Melissa Wiggins, Secretary, would be leaving and they would be looking for a replacement. He noted that the department was finally receiving vehicles once more. Marilyn Wood asked what could be done for the Iron County Animal Shelter. Sheriff Carpenter reported that there were various problems with Animal Shelters. The main problem was it was built poorly. Parvo virus was another issue as it could stay in the soil for up to six months. It spreads from kennel to kennel, and was highly contagious to other animals. Marilyn Wood explained that the new jail was the focal point at this time and maybe a new shelter could be constructed near the new jail, so inmates could help with maintenance.

Michael Bleak, Iron County Commissioner, reported that he had been working on getting the final plan for the new Children's Justice Center. Mike noted that he, Wendy Jessen, CJC Director, and Jackson Ames, Administrative Board Chair, were flying to North Carolina to look at a couple of CJC's there. The National Accredited Body of CJC's suggested that they go look at these centers to use as a baseline for the Iron County CJC. Commissioner Bleak reported that the Big Chamber continued to move forward with the addition of new members. The board was slowly replacing government officials with private businesses. He met with the Cedar City Airport Board and Maria Twitchell, Tourism, to discuss a proposal to rebrand the Airport. The board was looking for an additional Air Carrier and an earlier flight. There was a plan in place to expand the waiting area from 50 to 200 people. They were also working on the flight schedule and better service. Commissioner Bleak closed by reporting that he had attended the Utah Summer Games (USG) Opening Ceremonies and it was a great success.

Marilyn Wood, Iron County Commissioner, reported that on May 31st she attended a meeting with Jon Whittaker, Iron County Clerk, and Shaneal Bess, Chief Deputy Clerk, with a voting group. The group consisted of some good people who were concerned about voting security and reporting results. On June 1st there was a send-off party for Miss Iron County Queen, Talise Mosley, to the Miss Utah Pageant. Although she did not win, she was a great representative for Iron County. Michael Bleak reported that the new Miss Utah was Sarah Sun who was from Cedar City and a former Miss Iron County Outstanding Teen. Commissioner Wood reported that on June 6th she attended a meeting with UDOT, Cedar City, and Iron County regarding the "Y" intersection on Hwy 56. UDOT seems to be moving away from building a roundabout. The goal was to have a better intersection and safety is paramount. On June 7th there was another meeting regarding the new jail. Planning continued to move forward with the kitchen area planning. Everyone was waiting on funding and hoped to begin construction in the fall of 2023. She reported that on June 8th she had the opportunity to judge a 4-H Horse Show for the Extension Office. She was pleased to help with such a great youth program. On June 9th she met with Sam Woodall, Iron County Deputy Attorney, and Bruce Anderson, Public Works

Director, to discuss a property swap with a Geothermal company in Newcastle. The company planned to use geothermal to heat greenhouses. The trade would give Iron County access to gravel for road repair. The Utah Summer Games put on another great Opening Ceremony which she attended.

Paul Cozzens, Iron County Commissioner, reported that McKenna Hansen asked him to report on water issues in Iron County on his radio show. With a successful water year, Iron County had been able to recharge 5400-acre feet of water into the ground, which was equal to 1.7 billion gallons. He hoped that Iron County continued to have high-water years. Paul noted that Ryan Riddle, Iron County Fire Warden, along with a match from Iron County, and the state, was able to purchase a new track hoe that would be shared between the Fire Department and Iron County. It was important to continue partnerships and to develop more in the future. He reported that he had begun to work with Dan Jessen, Parowan City Manager, on water recharge plans. Paul noted that he served on the Community Development Block Grant (CDBG) board and they held an emergency meeting to approve a fire truck for the west desert. He reported that Terry Palmer, Iron County Planning/Building & Zoning Administrative, helped place a shed for Kathy Riggs for use by the Utah State University Extension Services. Commissioner Cozzens closed by reporting that, because of the heavy snowfall and flooding, the road up Right-Hand Canyon has some severe damage. Water had eroded a section under the road and it lost the toe of the hill to hold it in place, and it was close to sliding off the cliff. There was approximately an eight-inch wide crack in the earth for approximately 200 feet. Marilyn Wood reported that the asphalt had to be removed. Curtis DeMille moved large boulders to shore up the hill support to help it settle, which was about a three-week project.

Marilyn Wood, Iron County Commissioner reported that excessive moisture had damaged many roads in Iron County. George Colson, Iron County Emergency Manager, had been visiting with state officials regarding available funds to repair damaged roads. Rich Wilson, Iron County Engineer, and Justin Goodwin, Iron County Road Department, had assessed the damage and the amount of money it would cost to repair them and reported the costs to the state. Marilyn Wood noted that the Hamlin Valley Road was badly damaged. There were plans to chip seal 7700 West but because of other roads with severe damage that needed to be repaired, that chip seal may be pushed back to the fall of 2023 or spring of 2024.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 ACRES (R-5) TO RESIDENTIAL ½ ACRE (R-½) APPROXIMATELY 9.72 ACRES WITHIN THE W½ SW¼ SE¼ SECTION 21, T35S, R11W, SLB&M, IRON COUNTY, UT, LOCATED EAST OF 2500 W AND NORTH OF 3200 N, CEDAR CITY (APN: D-307-12)

Reed Erickson, Iron County Planner, explained that the applicant, Alan Shields requested an Administrative Land Use Permit for a guesthouse, but the current zone did not allow him to meet the setback requirements. Thus, the reason for a zone change from R-5 to R-½. Reed reported on the location and existing legal parcels of record. Reed explained the differences in setbacks in R-5 and R-½ and the process of Administrative Land Use Permits. He reported that a letter was sent to adjacent homeowners and there were no negative comments returned. Reed reported that services available were Water by CICWCD; Sewer would be Septic; Fire flow/suppression by CICWCD; Transportation corridors would be from 2300 W to 3200 N to 2500 W; Drainage to maintain historic flows and locations for entry and exit; and Power, gas, communication were in the area, and the property was surrounded by R-5 and R-½ zones.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open. No comments were offered.

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

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Rezoning and recommended approval of the zone change.

Marilyn Wood made a motion to approve a zone change from Residential 5 Acres (R-5) to Residential ½ (R-½) regarding APN: D-307-12 as presented by Reed Erickson. 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 5 ACRE (R-5) TO COMMERCIAL (C), APPROXIMATELY 10.0 ACRES WITHIN THE SE¼ OF SECTION 33, AND THE SW¼ OF SECTION 34, T35S, R12W, SLB&M, IRON COUNTY, UTAH (LOTS 1 & 2 MONTGOMERY MINOR SUBDIVISION), LOCATED AT APPROXIMATELY 1975 N IRON SPRINGS ROAD, CEDAR CITY (APNS: E-144-1 & E-144-1-2)

Reed Erickson, Iron County Planner, reported that the applicant was Nield Montgomery. Reed reported on the location and that the property had previously been subdivided. Mr. Montgomery was requesting the zone change of the two north lots of 10 acres. Industrial, R-5, and Light Industrial zones surrounded the property. Mr. Montgomery felt it would be better to develop the land as commercial.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open. No comments were offered.

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

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed the Evaluation Considerations for Rezoning and recommended approval of the zone change.

Michael Bleak made a motion to approve a zone change from Residential 5 Acres (R-5) to Commercial (C) regarding APNs: E-144-1 & E-144-1-2 as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED MINOR SUBDIVISION – NEW HARMONY RIDGE MINOR SUBDIVISION (1 LOT), APPROXIMATELY 20.00 ACRES WITHIN THE NE ¼ OF SECTION 9, T38S, R12W, SLB&M, IRON COUNTY, UTAH, LOCATED NEAR 1775 S OLD HWY 91, KANARRAVILLE, UTAH (APN: E-406-3)

Reed Erickson, Iron County Planner, explained the property was located just south of Kanarraville and the immediate north boundary of Chekshani Cliffs Subdivision along Old Hwy 91. The property was surrounded by A-20 and R-1 zoned properties, and transportation corridors were existing Iron County-maintained roads. Public/Private Services available were: Water by CICWCD, Septic, and Fire flow/suppression provided by CICWCD, Access routes via Old Hwy 91 and 1775 South, Drainage to maintain historic flows and locations, and Power, gas, communications were available in the area. Reed reported that that a road ran across the SE bottom of the property had an entrance gate to a Zion National Park Trailhead. The applicant agreed to allow public access to the easement to access the Zion National Park Trailhead. There was another gate and a sign of Private Property, but it was public access to a water tank. Reed noted that there was a variation of no fencing.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open. No comments were offered. Paul Cozzens declared the hearing closed.

Reed Erickson noted that the only comment from neighbors was the use of the Trailhead access. Reed reported that the ICPC reviewed Iron County Code 16.20.130 - Minor Subdivision Approval Procedures and recommended approval of the minor subdivision with a variation of no fencing, contingent on the easement use to the trailhead on the SE corner of the property.

Marilyn Wood made a motion to approve a Minor Subdivision – New Harmony Ridge Minor Subdivision (1 Lot) regarding APN: E-406-3 with the variation of no fencing and contingent on the easement use to the Zion National Park Trailhead on the SE corner of the property. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED PRELIMINARY SUBDIVISION – AVERETT PRELIMINARY SUBDIVISION (4 LOTS) APPROXIMATELY 87.65 ACRES WITHIN SECTIONAL LOTS 5, 6, 11, 12, 13, & 14 OF SECTION 2, T36S, R16W, SLB&M, IRON COUNTY, UTAH, LOCATED NEAR 1400 E HWY 56 (600 S), BERYL, UTAH (APN: E-1401)

Reed Erickson, Iron County Planner, explained that part of the parcel was on the north side of Hwy 56 and the other on the south side of Hwy 56. The parcel located on the south side of Hwy 56 was the parcel that was being split into 4 Lots. Reed reported that the reason for the Preliminary Subdivision was the dedication of a road. A new road would need to be created and dedicated for entrance into the subdivision. Three of the lots were 5 acres each and the other would be 71.8 acres. He explained that Jared Holt was planning to provide housing for their employees' use. Reed reported that the parcel was adjacent to R-2 – Green Valley Acres additional 4: Located near 1400 E Hwy 56 (600 S) Beryl Utah; Public Services available were: Water by well – small water system (4 or fewer lots without fire suppression water): Sewer by Septic; Fire suppression UWUI & Building Code: Transportation Corridors – Hwy 56 and 1400 East; Drainage to maintain historic flows and locations for entry and exit; and Power, gas, communications – in the area. If a road takes off from a paved/chip-sealed road, then the subdivision roads needed to be chip sealed. Variation to not chip seal the road was not necessary because of the low usage of the road and fencing.

Paul Cozzens, Iron County Commission Chair, declared a Public Hearing open. No comments were offered. Paul Cozzens declared the hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) had reviewed Iron County Code 16.26.010 - Maximum Density Subdivision Options and Code 16.12.100 – Preliminary Subdivision Plat Approval – Procedures and recommended approval with the variation of fencing and Chip Seal road (gravel).

Michael Bleak made a motion to approve a Preliminary Subdivision – Averett Preliminary Subdivision (four Lots) regarding APN: E-1401 with a variation of fencing and chip seal requirements. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens expressed his appreciation for the Iron County Planning Commission Board.

Reed Erickson reported that when he attended the Rural Planning Organization (RPO) meeting he became aware of a Safety Streets and Roads for All (SS4A) Grant Funding. There was \$5B available to be spent over 5 years. The grant application deadline was July 10th. Reed explained that the Five-County Association of Governments was willing to help with the application process and there was a 25% match. The first grant application was to request a study to identify any safety issues with transportation in Iron County.

COUNTY BOARDS

Planning Commission:

Reed Erickson explained that Jared Christensen had agreed to serve in the vacancy created with Craig Laub's resignation. Jared worked at Stotz Equipment in Beryl and was the President of the Newcastle Community Water Company. Michelle Tullis would replace Alecia Jones. Michelle worked at the State Bank of Southern Utah as a Commercial Loans Officer, which gave her the ability to understand development.

Marilyn made a motion to appoint Jared Christensen and Michelle Tullis to serve on the Iron County Planning Commission Board. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC COMMENTS

No Public Comments were offered.

**DISCUSSION AND POSSIBLE APPROVAL OF 2 LOCAL CONSENT PERMITS FOR
“EPICUREANS ON THE EDGE” UTAH WINE FESTIVAL AND CEDAR BREAKS
DINNER – UTAH WINE FESTIVAL TO BE HELD ON SEPTEMBER 2, 2023**

Jaden Reardon, Cedar City Winery, LLC, reported that this would be the fifth year for the Utah Wine Festival. Jaden explained that originally the local consent was for two events for the Utah Wine Festival. Cedar Breaks would not allow the dinner at the location, so the venue was moved to Brian Head. The approval for Utah Wine Festival Dinner would not need to be voted on by the Iron County Commission since it would be located in Brian Head Town. The other event would be on Cedar Mountain by the “C” on September 2nd from 6:00 p.m. to 8:00 p.m.

Michael Bleak made a motion to approve a Local Consent for the “Epicureans on the Edge” Utah Wine Festival to be held on September 2nd. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

REVIEW THE CURRENT STATUS OF “VISION IRON COUNTY”

Rob Dotson, Enoch City Manager, explained that Vision Iron County began in 2017. Rob Observed that Vision Iron County “is a fluid process that is meant to reflect community ideals and trends.” Rob explained that Vision Iron County aims to create a space where community members could use collaborative data to help shape the future they want for Iron County, rather than having growth dictate the future for them. Vision Iron County is a volunteer effort dedicated to collecting, tracking, and sharing information among communities and stakeholders within Iron County with the ultimate purpose of promoting long-term planning. The communities, which comprise Iron County, are Cedar City, Enoch, Parowan, Brian Head, Kanarraville, Paragonah, Beryl, Beryl Junction, Hamilton Fort, Hamlin Valley, Old Irontown, Lund, Modena, Newcastle, and Summit. Rob introduced members Shawn Kelly and Diane Stiller, of the Parks and Open Space Committee. Mr. Dotson reported that there were 12 Key Focal Community Priorities:

1. Manage natural resources: conserve, innovate, and plan
2. Preserve area vistas and scenic landscapes
3. Designate areas for industrial growth and agriculture
4. Improve transportation corridors to create a well-connected community
5. Create a land use vision with a “place-making” focus
6. Keep state and federal partners informed of local efforts to avoid duplication of efforts
7. Preserve historic buildings and districts
8. Collaborate with other communities and counties to maximize regional assets
9. Develop walkable and mixed-use neighborhoods
10. Support & strengthen SUU and SWTC local and regional positions
11. Provide zoning for a variety of housing types
12. Avoid “leap-frog” growth

Rob reported that there were nine Working Teams created for each of the Focus Areas. Focus Areas and Facilitators were: Art, Entertainment & Tourism (Kaitlin Eskelson); Community Character (Rob Behunin); Economic Development (Diane Meppin); Education (Tami Pyfer); Healthcare (Eric Packer); Infrastructure (Reed Erickson); Land Use/Housing (Reed Erickson); Parks, Open Space & Recreation Sub-Committee (Shawn Kelly); Transportation Sub-Committee (Scott Phillips); and Technology (recently added). Vision Iron County Timeline: Focus Groups, Balancing Nature & Commerce, and a Public Survey administered by the Kem C. Gardner Policy Institute for Iron County residents. Mr. Dotson reported that they were in the process of creating a 501(c)3 for funding assistance for the Board and potential professionals and a project manager.

Chris McCormick, Vision Iron County, reported that smaller communities in Iron County struggled to find matching funds for grants and this was the main purpose for creating a 501(c)3. The purpose of Vision Iron County was to be a partner and a resource tool. Preserving green space, personal property, and agriculture was very important to residents of Iron County.

Rob Dotson closed by noting that Vision Iron County was moving forward at a good pace, but they needed help to get the word out.

Reed Erickson expressed appreciation for the Vision Iron County Program. Jon Whittaker noted that he had received a letter of support for the vision of green space from Robert Valor. Rob Dotson noted that anyone could go to the website www.visionironcounty.org for additional information.

RESOLUTION 2023-7, A RESOLUTION OF OPPOSING THE DESIGNATION OF THE PROPOSED GRAND CANYON NATIONAL MONUMENT

Paul Cozzens, Iron County Commissioner, explained that the resolution would be available to read on the Iron County website at www.ironcounty.net. Resolution 2023-7 was to oppose a designation of another takeover of our land by the government. The Federal Government owned 61% of the land in Iron County. He noted that the Federal Government owned 93% of land in Garfield County.

Hayden Ballard, Public Lands Policy Coordination Office, reported that he had originally written this Resolution and was very appreciative that other counties were using it to oppose the proposed Grand Canyon National Monument. If this law passed, it would lock up the east side of the Arizona Strip and would be detrimental to mining, ranchers, and farmers. Haden expressed his appreciation to Iron County for their participation in the resolution.

Marilyn Wood made a motion to approve Resolution 2023-7, a resolution opposing the designation of the proposed Grand Canyon National Monument. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood noted that this would be devastating and was a great overreach of the federal government.

IRON COUNTY RESOLUTION 2023-7

A RESOLUTION OF OPPOSING TO THE DESIGNATION OF THE PROPOSED GRAND CANYON NATIONAL MONUMENT

Whereas, the Antiquities Act of 1906 grants the President authority to “*declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.*” 54 U.S.C. §320301(a); and

Whereas, the Antiquities Act of 1906 restricts the President’s authority by stating that “[t]he President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.” 54 U.S.C. §320301(b); and

Whereas, a plain reading of the Antiquities Act of 1906 reveals that the President may only declare national monuments to protect eligible objects which are limited to “historic landmarks,” “historic” or “prehistoric structures,” or “other objects of historic or scientific interest.” 54 U.S.C. §320301(a); and

Whereas, a plain reading of the Antiquities Act of 1906 reveals that the President may only reserve the “smallest area compatible with the proper care and management” of the eligible objects. 54 U.S.C. §320301(b); and

Whereas, the President of the United States has sole authority to designate a national monument, but groups, individuals, tribes, and elected officials may from time to time propose a national monument for the President’s designation; and

Whereas, in April 2023, Arizona Senator Kyrsten Sinema and U.S. Representative Raúl Grijalva (AZ-07), together with a small coalition of tribal nations, unveiled a proposal to encourage President Biden to designate the “Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument” (the “Grand Canyon National Monument”); and

Whereas, if designated, the Grand Canyon National Monument would restrict access to approximately 1.1 million acres of private, state and federal land in Northern Arizona in the remote region of the state known as the “Arizona Strip”; and

Whereas, the Arizona Strip is an extremely unique region consisting of all the land north of the Grand Canyon and south of the Utah border, and provides world class opportunities for ranching, farming, mining, logging, hunting, and recreation; and

Whereas, the residents of Southern Utah and the Arizona Strip currently utilize the Arizona Strip to make a living through ranching, farming, mining, logging and hunting while simultaneously enjoying the beautiful landscape for recreation and sight-seeing; and

Whereas, the residents of Southern Utah and the Arizona Strip are able to access and use the lands within the boundaries of the proposed Grand Canyon National Monument for all “multiple-use” purposes as defined under the Federal Land Policy and Management Act, 43 U.S.C. 1701, *et seq.*; and

Whereas, the coalition of politicians and tribal leaders mentioned *supra* are intent on working with President Biden and the Department of the Interior to permanently designate much of the eastern half of the Arizona Strip as the proposed Grand Canyon National Monument and take those lands out of “multiple-use”; and

Whereas, the Grand Canyon National Monument proposal has failed to indicate any “objects” eligible for designation as a national monument, as defined in the Antiquities Act of 1906; and

Whereas, the Grand Canyon National Monument proposal has failed to indicate why 1.1 million acres is “*the smallest area compatible with the proper care and management of the objects*” as defined in the Antiquities Act of 1906; and

Whereas, in 2021 President Biden designated both the Grand Staircase-Escalante National Monument (“GSENM”) and Bears Ears National Monument (“BENM”), which together locked up approximately 3.23 million acres in Utah; and

Whereas, in the Proclamations for both the GSENM and BENM, President Biden inserted a provision allowing for the permanent retirement of grazing permits and the federal lands covered by said grazing permits within the GSENM and BENM (the “Grazing Retirement Clause”). Presidential Proclamation 10285, Presidential Proclamation 10286; and

Whereas, an Animal Unit Month (AUM) is the metric used to determine the number of livestock that can be grazed on federal land grazing allotments; each AUM equals the amount of forage necessary to sustain a 1,000 lbs. mother cow and her calf for one month; and

Whereas, at least three independent studies have shown that through multiplier effects, each AUM permitted for use in the GSENM region generates approximately \$100 in economic activity, stimulating economic ripple effects within the community. *See* Bureau of Land Management, U.S. Department of the Interior, *Grand Staircase-Escalante National Monument, Livestock Grazing Plan Amendment EIS, Socioeconomic baseline report*. P. 1-2; and

Whereas, the Grazing Retirement Clause threatens the viability of the ranching industry in Southern Utah by eliminating valuable AUMs, and arguably violates both the Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976; and

Whereas, many ranchers in the Utah/Arizona region graze their cattle in both states; and

Whereas, many ranchers in this region graze their cattle during the summer in higher altitudes in Southern Utah, while wintering in the lower elevations found on the Arizona Strip; and

Whereas, if the proposed Grand Canyon National Monument were to contain a Grazing Retirement Clause, then the proposed Grand Canyon National Monument would also threaten the viability of the ranching industry in both Southern Utah and Northern Arizona by making the valuable lower elevation grazing unavailable and eliminating valuable AUMs; and

Whereas, if the proposed Grand Canyon National Monument were to contain a Grazing Retirement Clause, then the proposed Grand Canyon National Monument would arguably violate both the Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976; and

Whereas, uranium mining on the Arizona Strip was a major economic driver in years past; and

Whereas, Arizona news sources indicate one of the main purposes of designating the Grand Canyon National Monument is to extend the current uranium mining moratorium indefinitely; and

Whereas, Arizona news sources indicate that a tribal coalition (including the Kaibab Band of Paiute Indians) will be given co-management of the proposed Grand Canyon National Monument; and

Whereas, the Bureau of Land Management (“BLM”) and the U.S. Department of the Interior (“DOI”) have published internal policy on co-stewardship of national monuments with tribal authorities; and arguably no statutory authority allows the BLM or DOI to abdicate their land management duties in this manner; and

Whereas, the members of the Board of Iron County Commissioners took an oath to support the United States Constitution, the Constitution of Utah and the laws of the State of Utah and today reaffirm our commitment that Iron County supports the United States Constitution, the Constitution of Utah and the laws of the State of Utah.

Now, therefore, be it resolved, that the Iron County Commissioners, by the authority granted by the laws of the State of Utah, and the people of Iron County, Utah, do hereby commit to stand and defend the rights and liberties as guaranteed by the U.S. and Utah Constitution; and

Be it further resolved, that the Iron County Commissioners opposes the designation of the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument; and

Be it further resolved, that the Iron County Commissioners takes the position that the designation of the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument by the President of the United States exceeds his authority under the Antiquities Act of 1906; and

Be it further resolved, that the Iron County Commissioners opposes any attempt to limit grazing within the boundaries of the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument; and

Be it further resolved, that the Iron County Commissioners opposes any attempt to permanently ban uranium mining and exploration on the Arizona Strip, within the boundaries of the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument; and

Be it further resolved, that the Iron County Commissioners opposes any attempt to limit “multiple-use” of the lands within the boundaries of the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument; and

Be it further resolved that the Iron County Commissioners opposes any attempt by the U.S. Department of the Interior to enter into any kind of co-management or co-stewardship agreement with tribal nations (including, but not limited to, the Kaibab Band of Paiute Indians) on the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument; and

Be it further resolved that the Iron County Commissioners hereby urges all elected officials in the State of Utah and the State of Arizona to oppose the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument; and

Be it further resolved that the Iron County Commissioners hereby urges President Joseph R. Biden to not designate the proposed Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument.

This resolution shall be effective upon passage.

June 12, 2023

The provisions contained herein shall be severable; if any provision included herein or application thereof is held invalid, it shall not affect any other provision of this resolution of the application in different circumstances.

PASSED, APPROVED, and ADOPTED this 12th day of June 2023.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: 
Paul Cozzens - Chairman

ATTEST:


Jonathan T. Whittaker – Iron County Clerk



VOTING:

Michael P. Bleak Aye
Paul Cozzens Aye
Marilyn Wood Aye

PROCLAMATION 2023-1, A PROCLAMATION THAT THE WEEK OF JUNE 19-24, 2023 BE DECLARED “CEDAR CITY RAILROAD CENTENNIAL CELEBRATION WEEK”

Scott Phillips, Cedar City Council, reported that Cedar City was planning a celebration for the 100th Anniversary of the Union Pacific Railroad in the area. Scott explained that there were activities planned for every day of the week. On Saturday, June 24th, actors were hired to portray a reenactment of the speech delivered by President Warren G. Harding from a Union Pacific Railroad in Cedar City. There would be free rides on a small trackless CCRR Centennial Train ride through June 24th. On Wednesday, June 21st, a Railroad Scavenger Hunt Kick-off would begin at 11:30 a.m., and would continue through the week; Family Night would be held from 7:00 p.m. to 9:00 p.m. at the Frontier Homestead State Park. Scott reported that there was a “Sing Away Social” at the Depot from 5:30 p.m. to 8:00 p.m. on June 22nd. He noted that the Happy Factory had made a one-of-a-kind train for the 100th Celebration and it would be available to purchase for \$25.00, but there were only 1,500 available. Half of the proceeds would be returned to the Happy Factory. Mr. Phillips requested that the commissioners pass the proclamation and invited everyone to come out and help Cedar City celebrate.

Michael Bleak made a motion to approve Proclamation 2023-1, a Proclamation to declare the week of June 19-24, 2023 “Cedar City Railroad Centennial Celebration Week.” as presented. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

RESOLUTION 2023-8, A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY NOTIFYING PAROWAN CITY THAT THE COUNTY LEGISLATIVE BODY IS NOT SEEKING TO IMPOSE A TAX UNDER CODE §59-12-701, ET. SEQ.

Jon Whittaker explained that this resolution was similar to the resolution that was approved for Brian Head that stated the Iron County Legislative body would not seek to impose a Recreation, Arts, & Parks (RAP) Tax under Chapter 12, Title 59 (Utah Code Annotated §59-12-

701, et. Seq.). Parowan had recently passed an ordinance seeking a RAP tax which residents would vote on this year and requested the Iron County Commission not to impose a RAP tax. Cedar City would be coming to approve their resolution.

Marilyn Wood made a motion to approve Resolution 2023-8, a resolution of the Legislative Body of Iron County notifying Parowan City that the Iron County Legislative Body was not seeking to impose a tax under Code §59-12-701 et. Seq. Second by Michael Bleak. Voting; Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

IRON COUNTY RESOLUTION 2023-8

A RESOLUTION OF THE COUNTY LEGISLATIVE BODY OF IRON COUNTY NOTIFYING PAROWAN CITY THAT THE COUNTY LEGISLATIVE BODY IS NOT SEEKING TO IMPOSE A TAX UNDER UTAH CODE §59-12-701, ET. SEQ.

Whereas, Utah Code Annotated § 59-12-1401, et. seq. Authorizes a city to submit an opinion question to its voters as to whether or not the city should impose a local sales and use tax of 0.1 percent on authorized transactions to fund cultural, recreational, and zoological facilities, and botanical, cultural, and zoological organizations in the city (commonly referred to as a “RAP tax” only if the County will not be seeking to impose a tax under Part 7 of the code; and

Whereas, Parowan City on June 8, 2023, passed a resolution notifying the Iron County Commission of Parowan City’s intent to submit an opinion question to City voters as to whether the City should impose a citywide “RAP” tax.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission legislative body of Iron County as follows:

- 1. The County Legislative Body of Iron County is not seeking to impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, of Chapter 12, Title 59 (Utah Code Annotated §59-12-701, et. Seq.)
- 2. Parowan City is free to submit an opinion question to its voters regarding the imposition of Parowan City “RAP” tax.
- 3. This Resolution shall take effect immediately upon its adoption.

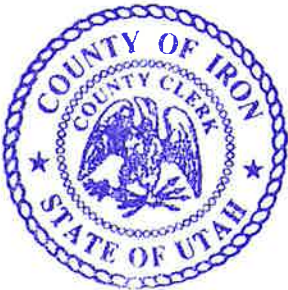
Passed and Adopted by the County Legislative body of Iron County, State of Utah, on this 12th day of June 2023.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: 
Paul Cozzens – Chairman

ATTEST:


Jonathan T. Whittaker – Iron County Clerk



Michael P. Bleak _ Aye _
Paul Cozzens _ Aye _
Marilyn Wood _ Aye _

DISCUSSION AND POSSIBLE APPROVAL OF AN OFF-HIGHWAY VEHICLE (OHV) GRANT CONTRACT FROM UTAH OUTDOOR RECREATION, WHICH WILL INCLUDE TRAIL MAINTENANCE EQUIPMENT AND A GIS PERSON

Mike Worthen, Iron County Natural Resource Management Specialist, explained that the contract application was approved in March and this was a ratification of that approval.

Michael Bleak made a motion to ratify an OHV Grant Contract from Utah Outdoor Recreation, which will include trail maintenance equipment and a GIS person. Second by Marilyn Wood. Voting; Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DISCUSSION AND POSSIBLE APPROVAL OF A GRANT WITH THE BLM ON THE HORSE CHALLENGE COURSE AT THREE PEAKS

Mike Worthen, Iron County Natural Resource Management Specialist, explained that this was a joint grant with BLM to create the Horse Challenge Course.

Marilyn Wood made a motion to approve a grant with the BLM on the Horse Challenge Course at Three Peaks. Second by Michael Bleak. Voting; Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

BID OPENING AND POSSIBLE APPROVAL OF A CONTRACT FOR CIVIL ENGINEERING SERVICES FOR THE NEW SHERIFF'S COMPLEX

Jon Whittaker, Iron County Clerk, explained that the Request for Proposal (RFP) Contract for Civil Engineering Services was mailed to 13-14 firms and he only heard back from two. Paul Cozzens asked if this agenda item could be tabled until the next commission meeting. They had just received the bids and needed time to review them before any action would be taken. Jon Whittaker reported that the commissioners could table the item, or they could choose to hold a special meeting to approve/deny a contract.

Michael Bleak made a motion to table the bid opening until the commissioners had more time to review them. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

NON-DELEGATED ITEMS

County Boards:

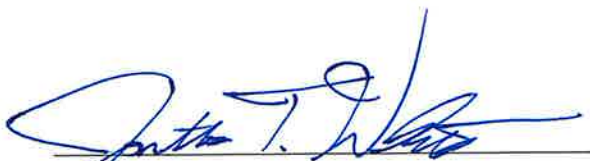
Marilyn Wood made a motion to appoint Jared Christensen to serve on the Special District #3 Board to replace Craig Laub. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

ADJOURNMENT

Paul Cozzens, Iron County Commission Chair, declared adjournment.



Signed: Paul Cozzens, Chair



Attest: Jonathan T. Whittaker, County Clerk

