

WASHINGTON COUNTY COMMISSION MEETING MINUTES

March 1, 2005

The Regular Meeting of the Board of the Washington County Commission was called to order

by Commission Chairman James J. Eardley at 4:00 p.m. on March 1, 2005, in the Commission

Chambers, Washington County Administration Building, St. George, Utah. Those in attendance

were Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Jay Ence,

Administrator to the Commission John Willie, Deputy County Attorney David Patterson, and

Deputy County Clerk Gail Howick.

Also present was reporter Brian Passey from The Spectrum.

Commissioner Jay Ence led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of

the agenda, that item becomes the first order of business on the regular agenda.

§ Consideration of List of Auditor Approved Claims for Payment for February 2, 2005, through March 1, 2005

§ Consideration of Approval of Regular Commission Meeting Minutes for January 18 and

February 1, 2005, and Special Commission Meeting Minutes for February 7, 2005

§ Consideration of Application for Property Tax Abatement

Commissioner Gardner recommended approval of a Property Tax Abatement for Nora J. Nelson, Parcel No. SG-RBE-A-9-D-1.

§ Consideration of Administrative Adjustments: Real and Personal Property (attached)

§ Acknowledgment of Publishing: Notice of Adoption of Ordinance No. 2005-867-O on Sunday, February 20, 2005

ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION MEETING /

02-22-05

CONDITIONAL USE PERMIT EXTENSION. Review progress on an irrigation pipeline from Ivins to Santa Clara along Old Hwy 91 in the unincorporated area of the County. Washington County Water Conservancy District, applicant. *Planning*

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Commission voted 6 to 0.

This is an automatic annual review. The pipelines have been installed. There was a report that

during the recent flooding, some of the Conservancy District lines were washed away or exposed

in the Santa Clara area. The installation is complete on the particular alignment within the unincorporated area of the County. *The Planning Commission unanimously recommended*

approval of this Conditional Use Permit on a permanent basis.

CONDITIONAL USE PERMIT. Request permission to conduct guided ATV trail rides on

County routes as an annual jamboree event to be held on March 10, 11, & 12, 2005. Tri

State OHV Club/Dale Grange, applicant. Planning Commission voted 6 to 0.

This will be an annual event scheduled early in the spring of each year. Hurricane City is the

host for the jamboree, although most of the trails extend beyond its city limits. This three (3) day

event will have guided trail rides on the Bureau of Land Management (BLM) land, and the

applicant is currently going through the permitting process with that agency. The location of

staging areas has been submitted and the applicant has committed to have rest stations with porta

potties at each of those locations.

Public Works Director Ron Whitehead said he has a copy of the map showing the routes the

jamboree plans to use with their staging areas. He expressed concern with two (2) of the areas:

one (1) just below and one (1) just above Gunlock. He noted that they are still repairing flood

damage on those roads. The only access to the area is across culverts in the creek (used by

Gunlock residents only), and he asked that these two staging areas be excluded. He suggested

that they place them somewhere out on the west mountain. Administrator to the Commission

John Willie said several areas have been proposed for trail rides. He said when Dale Grange

appeared before the Planning Commission, he suggested that the trails near Gunlock may be all

right, but that the staging areas would have to be changed.

Mr. Whitehead also voiced concern with the traffic on the County's portion of 1100 West from

Hurricane City to the Sky Ranch Subdivision. This road is heavily traveled by cement trucks,

sand trucks, and all the residents from several different subdivisions in the area. He said traffic

control is needed at that location.

The Planning Commission unanimously recommended approval for this Conditional Use Permit,

subject to Sheriff's notification, ambulance accessibility, communications, BLM and Utah Department of Transportation (UDOT) approvals, sanitary facilities, trash receptacles and

patrol, and the County being named as a beneficiary on the insurance policy required by other

agencies, with a review in one (1) year.

MOTION: Motion by Commissioner Gardner to approve the Consent Agenda as presented, subject to the following regarding the Conditional Use Permit

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Application of the Tri State OHV Club, Dale Grange, applicant: (1) exclusion of the staging areas just above and below Gunlock, (2) traffic control put in place on the County's portion of 1100 West from Hurricane south to the Sky Ranch Subdivision. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

CONDITIONAL USE PERMIT. REQUEST PERMISSION TO CONTINUE THE USE

OF A PREVIOUSLY APPROVED EXCAVATING OPERATION ADJACENT TO THE

LANDFILL IN SECTION 17, T42S, R14W, SLB&M. R & W EXCAVATING INC., APPLICANT. *Planning Commission voted 6 to 0.*

Chairman Eardley noted that this operation is located near Washington City and is currently

being considered as part of the Washington City Annexation Plan. County Planner Deon Goheen said this proposed annexation is under negotiation between Hurricane City and Washington City. Once the negotiations are complete (and if neither Hurricane City nor Washington City annexes it), the operation will come before the Boundary Commission for a

decision. Ms. Goheen said a letter has been received from Washington City asking that the

Planning Commission deny this request due to concerns with the road leading to the operation.

She noted that Conditional Use Permits are reviewed annually, so the permit can be withdrawn

anytime if problems develop. She said excavation has been continuous in that location for the

past four (4) or five (5) years and the impact to the roads has been minimal compared to the

landfill's impact.

Ms. Goheen said Washington City's requirements were unclear and until they have a plan, this

use is compatible with the surrounding area. Ms. Goheen said the excavation has been in continuous use since 2000. They discontinued a gravel crushing operation in 2002. The applicant would like to continue the excavation process. She noted that they may ask for a

gravel crushing permit at a later date.

Ms. Goheen said the Planning Commission has recently decided to review excavation permits.

In the past, they were allowed this use without coming before the Planning Commission. However, the Public Works Director has indicated that if a company even digs into the ground, it

is considered mining and falls under the OST zone.

Deputy County Attorney David Patterson said although the excavation operation has been

functioning, the applicant did not have a permit for the excavation because it was not known that

they needed one. When it was determined that they did need a permit, they applied for both an

excavation and a crushing permit. The Planning Commission was hesitant about the crushing permit, so the applicant withdrew that portion of the application and requested the extraction

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permit only. Public Works Director Ron Whitehead said the County needs to obtain a bond from the applicant so that it can be used to cover repairs to the road caused by the excavation operation. No bonds are in place at the present time by any of the companies that use the road.

He said the road would have to be inspected to determine what portion of the repairs should be

the applicant's responsibility. Besides the landfill operation, Ms. Goheen indicated that Western

Rock and Sunrise Valley also use that road. It was noted that bonding has not been required by other users.

The Planning Commission voted unanimously to recommend approval of this Conditional Use

Permit for the period of one (1) year for extraction only, with consideration being given to water

for dust control, sanitary facilities being on site, and a storage facility and RV being used for an

office (but not living quarters).

MOTION: Motion by Commissioner Gardner to approve the Conditional Use Permit to

continue the use of a previously approved excavation operation adjacent to the Landfill in Section 17, T42S, R14W, SLB&M, R & W Excavating, Inc., applicant. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

VOLUNTEER OF THE MONTH / LINDA SAPPINGTON

Volunteer Center Director Linda Sappington said her Volunteer of the Month did not make it to

the meeting today. She wondered why her volunteers were so shy about being recognized. She

paid tribute in absentia to Tom Lamb, who has served as a member of their board for eight (8)

years and helped the Center develop its long range plans. Ms. Sappington also cited examples of

volunteering that have occurred during the recent flooding. At the present time, six thousand

(6,000) people have volunteered to assist with flood recovery and are continuing to volunteer

their time and effort to assist flood victims.

Ms. Sappington asked if the Commission was ready for any type of disaster that may confront

the County. She displayed a book entitled, *Are You Ready?* that has been prepared by the Federal Emergency Management Agency (FEMA). Page 16 in the book lists all the possible and

potential hazards that can be encountered, and flooding heads the list. She noted that everything on the list could occur in the St. George area with the exception of tsunamis and hurricanes. The book contains a wealth of information, such as the items needed in a 72-hour survival kit, the number to call for flood insurance, and detailed information on what to do during different types of disasters. Ms. Sappington said one interesting piece of information in the book is the amount of rushing water it takes to knock an adult off his or her feet: six (6) inches of water is all that is required. One foot of rushing water can float a vehicle. She said these books are available in her office for those who want them.

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PURCHASE REQUEST(S) / MARK BLANCH

Purchasing Agent Mark Blanch presented the following purchase request:

Emergency Services - Communications repairs

.....\$20,000.00

All County purchases have been previously budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Ence to approve the above purchase as presented.

Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

**CONSIDERATION OF THE ADOPTION OF RESOLUTION NO. R-2005-928
AUTHORIZING WASHINGTON COUNTY TO EXECUTE A CONTRACT
BETWEEN**

**DIXIE STATE COLLEGE - ST. GEORGE, UTAH, AND PURGATORY
CORRECTIONAL FACILITY MEDICAL CLINIC**

John Willie said this contract provides for the Nursing School at Dixie State College to allow

some of its nursing students to gain clinical hours by working at the Purgatory Correctional

Facility under the direction of the prison's nursing staff.

MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-928 Authorizing Washington County to Execute a Contract Between Dixie State College - St. George, Utah, and Purgatory Correctional Facility Medical Clinic. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

**CONSIDERATION OF THE ADOPTION OF RESOLUTION NO. R-2005-930
AUTHORIZING WASHINGTON COUNTY TO EXECUTE AN AGREEMENT
BETWEEN VILLAGE ROCK COMPANY, LLC, AND WASHINGTON COUNTY**

David Patterson said there are still some terms in this Agreement that require clarification. He

said the final draft would be prepared tomorrow.

MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-930 Authorizing Washington County to Execute an Agreement Between Village Rock Company, LLC, and Washington County, subject to the completion of

negotiations, as presented. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

CONSIDERATION OF THE ADOPTION OF RESOLUTION NO. R-2005-931

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AUTHORIZING WASHINGTON COUNTY TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN UTAH STATE UNIVERSITY EXTENSION AND WASHINGTON COUNTY

Chairman Eardley said the County participates financially in the employment of the Utah State

University Extension staff. The other participant is Utah State University Extension. This is an

annual renewal.

MOTION: Motion by Commissioner Ence to adopt Resolution No. R-2005-931

Authorizing Washington County to Execute a Cooperative Agreement Between Utah State University Extension and Washington County. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

CONSIDERATION OF A REVISION TO THE WASHINGTON COUNTY POLICIES &

PROCEDURES MANUAL REGARDING TUITION REIMBURSEMENT / JOHN WILLIE

John Willie said this amendment makes a change in how employees are reimbursed for tuition.

Because different educational institutions charge different amounts for tuition, the amount the

County will reimburse will be standardized by basing reimbursement on the fees charged by

Southern Utah University in Cedar City, Utah.

MOTION: Motion by Commissioner Ence to approve a revision to the Washington County Policies and Procedures Manual regarding tuition reimbursement, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

CONSIDERATION OF AN APPOINTMENT TO THE WASHINGTON COUNTY WEED

BOARD

Chairman Eardley said the name of Scott Hafen has been recommended to fill a position on the

Washington County Weed Board. He noted that this appointment will complete the Board.

MOTION: Motion by Commissioner Gardner to approve the appointment of Scott Hafen to fill a position on the Washington County Weed Board. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

PUBLIC WORKS OR ROAD BUSINESS

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Gunlock Access

Ron Whitehead said the south entrance into Gunlock will be open later today. A culvert has been placed in the creek to form a temporary crossing and allow traffic to flow again. St. George City still needs to place a water line in this area. The road will temporarily be dirt in some areas and will only be open to local traffic. The Utah Department of Transportation (UDOT) has the County's Request for Proposals. The proposals will be submitted to UDOT's Qualified Structures list. He said he would meet with UDOT in a few weeks on site to select a construction team to build the bridges. Estimates are coming in from FEMA on repairs. Mr. Whitehead said this information needs to be reviewed in depth to be sure actual costs are being used. Commissioner Gardner noted that March 4, 2005, is the deadline for the submission of projects to FEMA. Mr. Whitehead said all of the County's projects have been submitted and FEMA is working on cost estimates. He said besides the bridges, there are a lot of roads out in the County that have problems. If outlying dirt roads are passable, they are being left until the major areas of destruction in highly populated areas are repaired. He noted that the Road Department is working as rapidly as possible.

Dixie Springs SID

Mr. Whitehead said bids for the Dixie Springs Special Improvement District were received this morning. They were opened and are now being analyzed. The bid will tentatively be awarded at the April 5, 2005, Commission Meeting.

Santa Clara River

Mr. Whitehead said two contracts are out on the Santa Clara River for armoring work and debris removal to protect existing infrastructure and homes in key areas in the case of additional high water. He said the debris is being ground into chips and either left on site or used elsewhere as mulch. He again requested that the public avoid construction and restoration areas.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

REQUEST AN EXECUTIVE SESSION - None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:30 p.m.

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GAIL HOWICK JAMES J. EARDLEY
DEPUTY CLERK CHAIRMAN