

# **WASHINGTON COUNTY COMMISSION MEETING MINUTES**

**June 27, 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 June 27, 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 Kaye Reese.

Also present was reporter Brian Passey from The Spectrum.

Commissioner Alan Gardner 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.

\*Items added to the agenda originally prepared for June 21, 2005.

- Consideration of List of Auditor Approved Claims for Payment for June 8, 2005, through June 27, 2005\*

- Consideration of Approval of Special Commission Meeting Minutes of May 31, 2005, County Commission Board of Equalization Minutes of June 7, 2005, and \*Regular Commission Meeting Minutes of June 7, 2005

- Application(s) for Property Tax Abatement (2)

Commissioner Gardner recommended approval of a Property Tax Abatement for Marilyn B. Tapp, Serial No. I-WHMH-27; and Kenneth J. Whittle, Serial No. H-WWT-14.

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

- Ratify Special Use Permit for UROC Event held on June 17 and 18, 2005

- Acknowledgment of Publishing: Notice of Adoption of Ordinance No. 2005-876-O and No.

2005-877-O, published Sunday, June 12, 2005

## **ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION MEETING / 6-**

**14-05**

Commission Minutes

June 27, 2005

Page 2

**CONDITIONAL USE PERMIT EXTENSION. Review progress on construction of a**

**fire station on BLM Land, OST-20 zone, adjacent to Dammeron Valley Ranches.**

**Lyman Everett. applicant. *Planning Commission voted 4 to 0.***

Final occupancy for this Conditional Use Permit was granted on September 29, 2004.

The fire station was inspected by Building Inspector Bill Weaver and it meets the requirements of the

International Building Code. There should be no problem in recommending approval on a permanent basis. *The Planning Commission unanimously recommended approval for the conditional Use Permit Extension granting permanent status.*

**CONDITIONAL USE PERMIT EXTENSION. Review extension for a logging operation to remove diseased pines on private land, within the OST and SFR zones, on**

**Kolob Mountain. Steve Spackman, applicant. Planning Commission voted 4 to 0.**

This is a second review for this extension. Mr. Spackman has been contracting with landowners and

the Washington County Conservancy District for tree removal on Kolob. There is a road bond in

the amount of \$10,000 set by Kenny Canfield which will need to remain in effect. There is also a

stipulation on the time of hauling (months and time of the day). If the heavy snowfall has created

road problems, the applicant will need to take that into consideration on road travel. *The Planning*

*Commission unanimously recommended approval of the Conditional Use Permit Extension for one*

*(1) year, subject to the above requirements.*

**CONDITIONAL USE PERMIT EXTENSION. Review progress on construction of a**

**single family dwelling within the A-5 (Agricultural 5 acre) zone, near the Washington**

**City Boundary on the north side of the Washington Dam Road. Daemon Basile, applicant. Planning Commission voted 4 to 0.**

This is an automatic annual review. The home was approved for final occupancy on December 16,

2004. It was inspected by Building Inspector Bill Weaver and meets the requirements of the

International Construction Code. There should be no problem in recommending approval, granting

permanent status. *The Planning Commission unanimously recommended approval of the Conditional Use Permit on a permanent basis.*

**CONDITIONAL USE PERMIT. Request permission to build a 3<sup>rd</sup> dwelling for a family member within the OST-20 zone on 165 acres generally located near the Baker**

**Reservoir. Woody Sproul, applicant/Chad Van Cleave, agent. Planning Commission voted 4 to 0.**

Single family dwellings (in this case a third dwelling for family members) are typically approved

conditionally within the OST-20 zone (County Code 10-7-3). The applicant has obtained a septic

permit from the Southwest Utah Public Health Department and submitted documentation on the

quantity and quality of a private well. There should be no problem in recommending approval of

Commission Minutes

June 27, 2005

Page 3

this request. The property is accessed across the Baker Reservoir and has a secondary access north through Central. There is an existing home owned by Mr. Van Cleave, an old ranch house which

was built by his grandfather, Andy Pace. It is currently being used by family members.

The new

home will be built for Jody Van Cleave's father. *The Planning Commission unanimously recommended approval of the Conditional Use Permit for a period of one (1) year.*

**ROAD DEDICATION. Consider approval of a road dedication plat for an extension on Dixie Springs Drive, with the length being 2,564' and the width 80.00'.**

**Washington**

**County Conservancy District, applicant/Steve Layton/Creamer & Noble**

**Engineering,**

**agent. Planning Commission voted 4 to 0.**

The applicant is ready to dedicate a portion of Dixie Springs Drive, which will connect Dixie Springs

Development to 4300 West Street, or what is known as the Sand Hollow Reservoir Access Road.

There are other collector streets north of this development that provide access to SR-9 within the

Hurricane City Limits. *The Planning Commission unanimously recommended approval of the Dixie*

*Springs Drive road dedication.*

**FINAL APPROVAL. Consider final plat approval for Pinion Hills - Phase 6, 25 lots, generally located in the Dammeron Valley area. Brooks Pace, applicant/Paul Blackmore/Rosenberg Associates, agent. Planning Commission voted 4 to 0.**

This plat includes a monumentation, certifications, location of percolation test pits and data,

description, and all other requirements for final approval. All "will serve" letters from utility

companies were submitted with the preliminary platting and a letter has been received from the

Department of Environmental Quality (DEQ) stating that the water system has been approved for

this expansion to the Dammeron Valley Water Company. The developer will asphalt the roads but

asked for a waiver for curb and gutter in order to maintain the rural feel for the area.

Public Works

Director Ron Whitehead has indicated that the road standard agreements with the County Commission still stand as per the other phases. *The Planning Commission unanimously*

*recommended approval of Pinion Hills, Phase 6, subject to staff's recommendation to waive curb*

*and gutter and corrections to the redlined copy of the final subdivision plat approval.*

**MOTION: Motion by Commissioner Gardner to approve the Consent Agenda as presented.**

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

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**EMERGENCY OPERATIONS UPDATE / DEAN COX**

Emergency Services Director Dean Cox reported that Merrill Saleen, Commander of the West

Complex fire, said this fire has burned approximately 68,240 acres but is now under control. Mr.

Commission Minutes

June 27, 2005

Page 4

Cox said it burned to within four (4) miles of Gunlock and occasioned some voluntary evacuations.

They will continue to monitor the hot spots for a few days.

Mr. Saleen has now been retasked to the new Halfway Fire, which has burned into Washington

County from Nevada. Since this fire is burning four (4) miles west of Motoqua, the residents of

Motoqua are currently on a one (1) hour evacuation alert.

The Blue Springs Fire continues to present challenges but recent flare-ups like those that occurred

on Friday have been avoided. This fire is close to New Harmony, but that community is not under

imminent threat and has not received an evacuation alert. Mr. Cox said local County fire resources

are cooperating well in the defense of structures in the New Harmony area. He said they needed five

(5) additional fire engines this morning and five (5) calls produced five (5) engines. One woman was

rescued from this fire by helicopter. Her dog and horse were also safely evacuated. He said if the

weather cooperates, they will be close to containment on the New Harmony fire within two (2) or

three (3) days. Unfortunately, there is a forecast for dry thunderstorms and lightening strikes for

tomorrow afternoon.

Mr. Cox said the Hurricane fire has burned a few hundred acres. Nine engine companies responded

to this fire. He said at one time there was the potential of evacuating three hundred (300) people,

but the firefighters were able to hold the fire down.

Mr. Cox said Search and Rescue has had six (6) incidents this month. He noted that a community

meeting is scheduled in New Harmony this evening at 7:00 p.m. All interested parties are invited.

#### **REPORT FROM SENATOR ORRIN HATCH'S OFFICE / MAUREEN CASPER**

Maureen Casper said Senator Orrin Hatch has had his assignments changed in the Senate. He is no

longer Chairman of the Judiciary Committee, but is still the ranking Republican on both the

Judiciary and the Finance Committees. He will be on the following committees and subcommittees

this year: Chairman of the Healthcare Committee in Finance; the (secret) Intelligence Committee;

and the Health, Education, Labor and Pensions Committee. On the Judiciary Committee he is

chairman of the Intellectual Properties Subcommittee. He is also on the Anti-Trust Committee; the Terrorism, Technology and Homeland Security Committee; the International Trade and Taxation and IRS Oversight Committee; the Retirement, Security and Aging Subcommittees of Health, Education, Labor and Pensions; the Education and Early Childhood Development Committee; the Bioterrorism Committee; and on the Transportation Conference Committee by virtue of his position on the Finance Committee.

Ms. Casper said Senator Hatch has been working diligently on the energy situation (he reintroduced the Clear Act—tax incentives for alternative fuels and hybrid cars) and on price reduction through increased refining capabilities. Ms. Casper said the United States has not constructed a new refinery for more than thirty (30) years. More oil could be imported, but there is not a way to refine it.

Commission Minutes  
June 27, 2005  
Page 5

Senator Hatch is also sponsoring a bill on geothermal and renewable resources with the goal of lifting the ban on the Bureau of Land Management (BLM) land for oil shale and tar sand extraction.

He maintains that the country needs to regulate nuclear storage and waste—that the storage of nuclear waste needs to be either a state or federal government operation, not a private concern.

Further, he maintains that Utah should not be a dumping ground for nuclear waste. Ms. Casper said he is still working hard on full funding for PILT and on the Washington County Land Use Bill.

**PURCHASE REQUEST(S) / MARK BLANCH**

Purchasing Agent Mark Blanch presented the following purchase requests:

- \*Council on Aging  
2005 Ford Trucks (2), for Meals-on-Wheels . . . . . \$24,314.00
- \*HCP Education Center  
Faux Rock for Education Center . . . . . \$13,950.00
- \*Recorder  
GIS Program for Maps . . . . . \$22,639.73

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

**MOTION: Motion by Commissioner Ence to approve the above purchase requests as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**RATIFY MAY TAX SALE / CALVIN ROBISON**

Clerk/Auditor Calvin Robison said the annual tax sale for delinquent property taxes was conducted

on May 26, 2005. After the sale, they waited for a period of twenty (20) days to field questions that arose from the sale. He said the Treasurer initially turned over approximately eighty-five (85) properties to the Clerk's office for sale. After finding correct addresses and contacting the various property owners, lien holders, and parties of interest, nine (9) properties remained unredeemed and were ultimately sold. Mr. Robison said two (2) of these properties have subsequently come to his attention. The first parcel, property No. 60 (Serial No. SC-SB-103-A-N-1 located in Santa Clara), was purchased by Daren K. Cottam for \$12,000.00. Mr. Cottam did not perform on his bid. He looked at the property and felt he had made a mistake in purchasing it. Mr. Robison said the law allows him to do one of two things in this situation: pursue the bidder legally for payment, or strike the property off to the County. His recommendation to the Commission was to rescind the sale and strike the property off to the County.

The second item was property No. 81 (Serial No. SG-SPV-1-6-L680 in Green Valley) purchased by Paul Bunker for \$65,000.00. Mr. Robison introduced Bruce Little and Tom Harward, who were present to address this situation. Mr. Little holds a trust deed on this property and Mr. Harward owns

Commission Minutes

June 27, 2005

Page 6

the property. Mr. Harward said Mr. Little was unaware that the property was going to be sold at tax sale. He owns a second property that has just been refinanced. Mr. Little was paid for the property and Mr. Harward thought all the taxes had been paid, but the title company only paid half of the taxes. Mr. Harward conveyed the property to his daughter, Angela Bair, and they were attempting to refinance the property but did not get it done before the tax sale. In the meantime, Mr. Little agreed to pay the taxes for Mr. Harwood. He went down to the Treasurer's Office, but he inadvertently paid the taxes for the wrong piece of property. He paid on the parcel that should have been paid by the title company. Deputy County Attorney David Patterson said if the Commission does not ratify the sale, the property will go back to be sold next year (unless the taxes are paid in the meantime). Mr. Patterson noted that the County's Ordinance allows the County to enforce the bid on Parcel No. 60 for \$12,000.00. He said if the Commission elects not to do this, he would need to research the

matter to determine whether the property can be struck off to the County. It may be appropriate to not ratify this parcel as well, and allow the property to go back for tax sale next year. Mr. Robison noted that the County does not want individuals to lose their property if it can be prevented. He recommended that the County rescind this sale, refund the \$65,000.00 to the high bidder, and make it possible for the owner to bring the taxes current.

Chairman Eardley noted that these are all vacant properties. No homes are involved.

**MOTION: Motion by Commissioner Ence to ratify the tax sale for the following parcels of property: No. 4, Serial No. 3003-A-1-A-NS; No. 17, Serial No. AV-1315-A; No. 65, Serial No. SG-1420-A-1; No. 69, Serial No. SG-5-3-8-1101; No. 72, Serial No. SG-6-2-27-134; No. 74, Serial No. SG-6-2-36-220; and Parcel No. 82, Serial No. SG-SRV-C-46; and to follow the advice of counsel and strike the following properties: Parcel No. 60, Serial No. SC-SB-103-A-N-1; and Parcel No. 81, Serial No. SG-SPV-1-6-L680, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

Mr. Robison said he would like to redo the County's Ordinance regarding tax sales. He said one item that needs to be considered is whether the County should send excess funds received from these sales to the State Treasurer's Office. The State Treasurer has contacted the Washington County Treasurer and indicated that the funds should go to the property owners if they can be located rather than be sent to the Unclaimed Property Division at the State Treasurer's Office. The current Washington County Ordinance requires that the funds be sent directly to the state. Chairman Eardley noted that when properties go to tax sale, any revenue generated in excess of the taxes owing should ultimately be returned to the property owners if they can be located. The County just retains enough to pay for the past-due taxes.

## **CONSIDERATION OF SALE OF COUNTY PROPERTY, SOUTH OF BLOOMINGTON**

Commission Minutes

June 27, 2005

Page 7

### **GARDENS / JOHN WILLIE**

Administrator to the Commission John Willie said the County was asked to sell a parcel of

undeveloped County property south of Bloomington Gardens (on the south side of the Virgin River

after it curves toward the west, south of Man-O-War Bridge and east of the Sun River Development).

The property was appraised and a minimum value of \$32,000.00 was established. The property was

placed up for bid and one bid in the amount of \$35,000.00 was received. Mr. Willie recommended that the Commission accept the offer and authorize the County Clerk to issue a quit claim deed to the bidder in order to put the property back onto the tax rolls. He said the Virgin River has impacted a portion of this piece of property.

**MOTION: Motion by Commissioner Ence to approve the sale of County property, Serial No. SG-6-3-13-3347, located south of Bloomington Gardens, for the amount of \$35,000.00, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-957  
AUTHORIZING  
WASHINGTON COUNTY TO EXECUTE AGREEMENTS BETWEEN  
WASHINGTON**

**COUNTY AND TYLER TECHNOLOGIES, INC., EAGLE DIVISION**  
Information Technology Services Manager Merle Ireland said this is new software to upgrade the taxation system for the Assessor's, Recorder's, and Auditor's offices. After searching for a year and a half, Ms. Ireland opined that this program will meet the needs of the County. She said our present software provider has notified her that it will no longer provide software for the County after December 2006. Mr. Patterson said these agreements were still under review by the County Attorney's Office.

**MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-957 Authorizing Washington County to Execute Agreements Between Washington County and Tyler Technologies, Inc., Eagle Division, subject to review by the County Attorney's Office, as presented. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-958  
AUTHORIZING  
WASHINGTON COUNTY TO EXECUTE AN AGREEMENT BETWEEN  
WASHINGTON**

**COUNTY AND PCI, LLC**

Chairman Eardley said this is a new software program for the Treasurer's Office.

**MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-958**  
Commission Minutes

June 27, 2005

Page 8

**Authorizing Washington County to Execute an Agreement Between Washington County and PCI, LLC, as presented. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-959  
AUTHORIZING**

**WASHINGTON COUNTY TO EXECUTE AN AGREEMENT BETWEEN WASHINGTON COUNTY AND THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT REGARDING THE PURCHASE OF PROPERTY IN CONNECTION WITH THE DIXIE SPRINGS SUBDIVISION AND THE DEDICATION OF PUBLIC ROADWAYS**

David Patterson said this Resolution involves property that the County will be purchasing for the Dixie Springs Special Improvement District for a detention basin. It also deals with the dedication of two (2) roads for that project. Chairman Eardley noted that approval will be subject to the review of Exhibit "B" by Public Works Director Ron Whitehead. He said this purchase will be funded by the bond for the SID and not by the County.

**MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-959 Authorizing Washington County to Execute an Agreement Between Washington County and the Washington County Water Conservancy District Regarding the Purchase of Property in Connection with the Dixie Springs Subdivision and the Dedication of Public Roadways, subject to review of Exhibit "B" by Public Works Director Ron Whitehead. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**CONSIDER FINAL PLAT APPROVAL FOR NORTH VALLEY RANCHES - PHASE 2, CONTAINING 10 LOTS, SECTION 14, T38S, R13W, SLB&M, GENERALLY LOCATED 1 ½ MILES EAST OF NEW HARMONY. JOE LESLIE/LESLIE & ASSOCIATES, AGENT.**

*Planning Commission Voted 4 to 0.*

Deon Goheen said the Planning Commission reviewed this item at its last meeting. An advertised public hearing was held that met the requirements of the Code and the Requirements of the Subdivision Ordinance regarding platting. A letter from the New Harmony Town Council was received indicating that they preferred the County waive the curb and gutter requirements. New Harmony is in the process of changing its Ordinances in order to waive curb and gutter for the purpose of maintaining a more rural atmosphere in the area. After the Planning Commission reviewed this letter, it recommended that the community of New Harmony should be able to waive the curb and gutter requirement, but it wanted the County Commission to make this decision. The Planning Commission unanimously recommended approval for North Valley Ranches, Phase 2, subject to corrections on the drawings and final plat approval per the recommendations of Public Commission Minutes

June 27, 2005

Page 9

Works Director Ron Whitehead. She said this project is on Highway 144. A map showing this

location was presented to the Commission. The lots are all nine (9) acre lots.

Chairman Eardley cited the County's problems with borrow ditches: property owners fill them in or

obstruct them with landscaping or debris. When heavy rains or flooding occur, the residents then

call complaining of flooded basements and property erosion. As the County continues to grow and

becomes more urbanized, it will have to have more requirements like curb and gutter. He said the

County has to start somewhere. Commissioner Ence commented that curb and gutter is an added

expense for developers, but it also increases the value of the lots in a subdivision.

Dan Fielding, a real estate broker from New Harmony, addressed the following curb and gutter

issues with the Commission:

- The drainage issue is 50/50 regarding the need for curb and gutter in the area. There is a gradual downhill slope from the north end to the south end of the subdivision. Curb and gutter does not appear to be an advantage or a disadvantage.

- There are no other subdivisions in the New Harmony valley that have curb and gutter.

- Kolob Ranch has been getting subdivisions approved in this same time frame and none of

them have been required to put in curb and gutter. Pinion Hills in Dammeron Valley was approved without curb and gutter because they requested a rural setting.

- When the County designed the New Harmony Library, it bypassed curb and gutter.

John Willie said the Kolob Ranch and Pinion Hills subdivisions were ongoing phases of longstanding

older subdivisions. He opined that it was not advantageous to bring a different type of construction into a project that has been going on for a long period of time. As to the

County's

property for the library, the County has not closed yet. Although curb and gutter was waived for the

project, it is possible that curb and gutter will go in on the west side. It will not go down the east

side because that property line abuts private property that will be developed at a future time, and the

developers will do their own curb and gutter.

Mr. Fielding reminded the Commission that this is Phase 2 of the North Valley Ranches. North

Valley Ranch, Phase 1, is to the north and west of Phase 2 and it does not have curb and gutter. This

phase has the same principals, the same water system, and is a continuing phase of the project.

- The New Harmony Town Council has requested that no curb and gutter be put in. They are

removing this requirement from their Ordinances because they do not like the look of it in

the rural New Harmony area.

Commission Minutes

June 27, 2005

Page 10

- This will be the only subdivision in the area with curb and gutter.
- The Conditions, Covenants and Restrictions (CC&R's) for the subdivision could contain the requirement that borrow ditches cannot be landscaped. This would make homeowners more aware of the problem.

- Steve Robinson, a former member of the Planning Commission, and Boyd Fenn, who lives in New Harmony and is on the Planning Commission, are strongly against curb and gutter in this project.

Chairman Eardley noted that the County cannot enforce CC&R's. This has to be done by the homeowners' associations.

David Patterson read the County's Ordinance provision on curb and gutter: "Pavements bounded by curb and gutter shall be required in all subdivisions with lots of twenty (20) acres or less, unless otherwise approved by the County Commission after receiving a recommendation from the Planning Commission." He said this provision has been in effect for approximately ten (10) months. When

the Ordinances were codified, this was part of the changes that were made. Mr. Willie said prior to those changes, curb and gutter was not required in subdivisions with lots containing five (5) acres

or more. Mr. Fielding again noted that the North Valley Ranch, Phase 2, subdivision contains nine

(9) acre lots. He said Kolob Ranch's lots are five (5) acres, half the size of those in North Valley

Ranches, Phase 2, but they were not required to have curb and gutter.

Scott Libbert of Kennewick, Washington, the owner of North Valley Ranches, Phase 2, addressed

the Commission. He said he has family in New Harmony and he is working with his father-in-law,

Hal Torgerson, on this development. He said the project was approved in March/April of 2005 as

a six (6) lot subdivision with each lot containing just over thirteen (13) acres. At that point they had

final approval for the plat without curb and gutter. They are now reapplying for nine (9) acre plus

lots, and are told that they will have a curb and gutter requirement. He presented the following

scenario: "I feel like the guy with an out-of-state license plate [who is] traveling through the rural

highway and the speed trap only pulls him over and doesn't pull over all the guys that have in-state

plates. Maybe I'm just at the wrong place at the wrong time."

Mr. Libbert suggested that if the County is going to implement a new policy, it may need to be

broadcast better so that developers are more aware of the change in requirements. He indicated that where he has been approved once without curb and gutter and sees developers around him who have had their continuations approved without curb and gutter, he should receive the same equitable treatment.

**MOTION: Motion by Commissioner Ence to approve the final plat for North Valley Ranches, Phase 2, containing 10 lots, Section 14, T38S, R13W, SLB&M,**

Commission Minutes

June 27, 2005

Page 11

**generally located 1 ½ miles east of New Harmony, Joe Leslie/Leslie & Associates, Agent, subject to the County Requirement of curb and gutter, as presented. Motion seconded by Commissioner Gardner, with Commissioners Eardley and Ence voting aye and Commissioner Gardner voting nay. The motion carried.**

**\*CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-960**

**APPROVING**

**THE DISSOLUTION OF THE SMITHSONIAN SPECIAL SERVICE DISTRICT**

David Patterson said the Town of Apple Valley incorporated last October. The town has decided

that it would like to have its own fire protection. The boundaries of the Town of Apple Valley

comprise approximately 80%-90% of the Smithsonian Special Service District (SSD).

This

Resolution proposes to dissolve the Smithsonian SSD and have the County contract with the Town

of Apple Valley to provide fire protection service for the unincorporated area.

**MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-960**

**Approving the Dissolution of the Smithsonian Special Service District. Motion**

**seconded by Commissioner Ence and carried by unanimous vote, with**

**Commissioners Eardley, Gardner, and Ence voting aye.**

**\*CONSIDERATION OF UPDATE OF WASHINGTON COUNTY HISTORY**

**BOOK / JOHN**

**WILLIE**

John Willie noted that when the Utah 100 Year Statehood Celebration was held, the state requested

each county in Utah to prepare a history of its development. Washington County's history was

prepared by Doug Alder and Carl Brooks. Their book is currently out of print and no longer

available, but the County continues to have requests for it. Mr. Willie said Doug Alder and Lyman

Hafen (who helped market the first edition) would be willing to review the book, make a few minor

changes to update it, and make it available for publishing. They would do this at no cost to the

County. He said they currently have an offer for a company to print and market the book, also at no

cost to the County. Since the County has the copyright on the material, it is required that the County

Commission authorize Mr. Alder and Mr. Hafen to update this book so that it can be put back on the market.

**MOTION: Motion by Commissioner Gardner to approve the update of the Washington**

**County History Book, as presented. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**\*CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-961  
AUTHORIZING  
WASHINGTON COUNTY TO EXECUTE A MEMORANDUM OF  
AGREEMENT**

Commission Minutes

June 27, 2005

Page 12

**BETWEEN THE SOUTHWEST UTAH PUBLIC HEALTH DEPARTMENT AND  
WASHINGTON COUNTY**

Chairman Eardley said this Resolution involves the County providing a method of moving a trailer

from place to place for the Southwest Utah Public Health Department.

**MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-961 Authorizing Washington County to Execute a Memorandum of Agreement Between the Southwest Utah Public Health Department and Washington County. Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**\*CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-962  
APPROVING**

**THE EXECUTION OF AN AGREEMENT BETWEEN THE UNITED STATES  
DEPARTMENT OF AGRICULTURE NATURAL RESOURCES  
CONSERVATION**

**SERVICE AND WASHINGTON COUNTY REGARDING THE FUNDING AND  
INSTALLATION OF EMERGENCY WATERSHED PROTECTION MEASURES  
TO  
RELIEVE HAZARDS AND DAMAGES CREATED BY THE FLOODING EVENT  
IN**

**WASHINGTON COUNTY IN 2005**

Commissioner Gardner noted that this is the grant money the County has received from the federal

government for its flood mitigation projects. This Resolution ratifies the Agreement the County has

signed with the Natural Resources Conservation Service (NRCS) in the amount of \$67,612,000.00,

with 25% in kind or payment being returned to the NRCS—which amounts to almost \$17,000,000.00.

**MOTION: Motion by Commissioner Gardner to adopt Resolution No. R-2005-962 Approving the Execution of an Agreement Between the United States Department of Agriculture Natural Resources Conservation Service and Washington County Regarding the Funding and Installation of Emergency Watershed Protection Measures to Relieve Hazards and Damages Created by the Flooding Event in Washington County in 2005. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.**

**PUBLIC WORKS OR ROAD BUSINESS**

No items were presented today.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

Commission Minutes

June 27, 2005

Page 13

***REQUEST AN EXECUTIVE SESSION***

None.

There being nothing further to come before the Commission, the meeting was adjourned at 5:05

p.m.

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KAYE REESE JAMES J. EARDLEY  
DEPUTY CLERK CHAIRMAN