

# **WASHINGTON COUNTY COMMISSION MEETING MINUTES**

**July 12, 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 July 12, 2005, in the Commission

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

were Chairman James J. Eardley, Commissioner Jay Ence, Deputy County Attorney David Patterson,

and Deputy County Clerk Kaye Reese.

Chairman Eardley excused Commissioner Alan D. Gardner who is attending the National Association of Counties Annual Conference.

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 June 28, 2005, through

July 12, 2005

- Consideration of Administrative Adjustments: Personal Property (attached)

- Acknowledgment of Publishing: None

## **ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION MEETING / 06-**

**28-05**

**CONDITIONAL USE PERMIT EXTENSION. Review extension for shooting sports facility located on BLM Land adjacent to the Washington County Regional Park at Purgatory Flats. Paul Landell, applicant. (Tabled June 14, 2005) *Planning***

***Commission***

***voted 4 to 0.***

This is the sixth extension for this Conditional Use Permit. Most of the funding for the Purgatory

Flats has been through other agencies, who have not been able to provide as promised. A paint ball

group built a facility and then went bankrupt. Hurricane has signed an agreement to provide water

and there are other resources available. An \$8,000.00 grant from Friends of NRA has been received

and the National Guard has tentatively promised to lend its help in 2006. When the Guard was

activated, most of the members and equipment were sent elsewhere. Two (2) shooting organizations

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that are currently using other locations have expressed interest in being able to use this facility.

Washington County has leased this land from the Bureau of Land Management (BLM).

The

operating board comprises Washington County and the municipalities of Ivins, St.

George,

Washington, Santa Clara, Hurricane, and LaVerkin. *The Planning Commission*

*unanimously*

*recommended approval of the Conditional Use Permit Extension indefinitely, until there is a change*

*that needs to be reviewed. Approved 4-0.*

**CONDITIONAL USE PERMIT EXTENSION. Review extension to operate safaris jeep tours on County Roads on Smith’s Mesa, Kolob Mountain, Gooseberry Mesa, and**

**the Big Plains Junction Road to Grafton and Rockville. Dustin Spadaro, applicant.**

**(Tabled June 14, 2005) *Planning Commission voted 5 to 0.***

This is the second extension of the initial request for safaris jeep tours. There have been no

complaints received on this permit. The applicant has a web page and is continuing to do business

in Washington County. An additional truck has been added this year, bringing the total to three (3)

trucks. No additional trucks are anticipated for at least two (2) years. There are currently two (2)

tours per day, including a midday tour and a sunset tour. *The Planning Commission unanimously*

*recommended approval of the Conditional Use Permit Extension for the period of one (1) year.*

*Approved 5-0.*

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

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

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**VOLUNTEER OF THE MONTH / LINDA SAPPINGTON**

No presentations were made today.

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

Purchasing Agent Mark Blanch presented the following purchase requests:

Council on Aging: Meals-on-Wheels truck beds (2) . . . . . \$25,900.00

Road Department: 24 Ton Tilt Trailer . . . . . \$30,000.00

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

**MOTION: Motion by Commissioner Ence to approve the above purchase requests as**

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

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**HCAC MOTIONS / BILL MADER**

Habitat Conservation Plan (HCP) Administrator Bill Mader presented three (3) motions from the Habitat Conservation Advisory Committee (HCAC). The first is a proposed minor change to the HCAC regarding Technical Committee (TC) representation. He said this involves the representative from the United States Geological Survey (USGS) department. The USGS budget has been cut and its representative is no longer able to attend the meetings held in St. George. This makes the HCAC one member short when it is called upon to make recommendations. The proposed language for this change is as follows:

Revised “6.2.4 Technical Committee (TC)” page 106:

Members of the TC shall serve at the discretion of the Washington County Commission and will include the HCP biologist; a local biologist; and representatives for the Utah Division of Wildlife Resources (WDWR), BLM, United States Fish and Wildlife (USFWS), Snow Canyon State Park, and the USGS (or a similar entity). The agency representatives will be nominated to the committee by their respective agencies, except for the USGS, or the “Open-entity” position, which will be nominated by the USFWS. TC representatives shall be approved by the Commission. The TC will be available to the HCP Administrator.

Mr. Mader said when the HCP permit was issued to Washington County in 1994, it was with the understanding that USGS would sit on the HCAC permanently. This is a federal position, so the HCAC is going to have USFWS make the appointment to fill the position vacated by the USGS.

**MOTION: Motion by Commissioner Ence to approve the change to Section 6.2.4 of the HCP as presented. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

The following two recommended minor changes involve HCP report requirements. Mr. Mader said

in the first item, the original section was written during a time of mistrust and bureaucracy. The

HCAC has attempted to simplify this information and eliminate any ambiguity that a third party

could use for suit against the HCP. He said they are in compliance with the filing of their annual

reports, but the proposed verbiage changes would make the process easier to follow.

Revised section “6.3.3 Annual Report,” page 108:

Due to the communications review of projects and issues through the HCAC and the quarterly reporting, the HCP County Administration will submit a brief year-end summary report on the status of the year’s goals and tasks set in the previous annual work plan.

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**MOTION: Motion by Commissioner Ence to approve the change to Section “6.3.3 Annual Report” of the HCP as presented. Motion seconded by Chairman Eardley and**

**carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

As a side note, Mr. Mader reported that the recent fire on the Reserve burned approximately ninety (90) acres. He observed two dead and two live tortoises on a short excursion into the burned area this morning, and reported that 30% to 50% (or more) of the tortoises caught in a fire could be killed.

Mr. Mader proposed the following changes in Section 6.3.1 regarding the Annual Work Plan:

Revised "Section 6.3.1 Annual Work Plan," page 106:

The annual work plan, drafted by the HCP County Administration, will be in the form of next year's proposed budget which outlines annual planning and budgeting for the upcoming year. It will discuss proposed major goals and tasks, general target dates for completion, and required funding. Following HCAC review, the annual work plan will be submitted to the Washington County Commission for final approval.

He said this verbiage is shorter than the old version by half and makes it easier to follow.

**MOTION: Motion by Commissioner Ence to approve the changes to Section "6.3.1 Annual Work Plan" of the HCP as presented. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

**PRESENTATION BY BACK COUNTRY HORSEMEN & FOREST SERVICE  
RE: PINE**

**VALLEY TRAILS: CLEANUP AND REPAIR / JOHN REX**

Pine Valley Ranger Station District Ranger Bevan Killpack discussed the damage left by the January

2005 flood in the Pine Valley Wilderness area. Damage in the canyons, on the trails, and in the

campground started with the heavy rains sustained in October of 2004. In January, fourteen (14)

inches of rain fell on the west side of the District in a twenty-four (24) hour period, and this water

again flooded down through the canyons and trails in Pine Valley. He said no funds have been

received this year to hire a seasonal crew to do trail repair and maintenance. The recreation budget

for the Pine Valley Ranger District has been severely cut.

Mr. Killpack said the District has had a partnership with the Back Country Horsemen for several

years. They have worked to open and maintain trails, even when the District did have a crew.

Because of the wilderness status of the area, the Back Country Horsemen have been willing to use

hand tools to clear and repair the trails. Mr. Killpack said this year, Back Country Horsemen are all

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the District has to repair damage to the trails and campground. Mr. Killpack said he is concerned

with the liability involved with the use of the trails. Their condition is such that a horse could break its leg on them. The District wants to keep recreationists on the established trails and prevent the creation of "user" trails. Since most of the trails in the wilderness area are in the bottoms of canyons, they need to be redesigned and in some cases, relocated.

Mr. Killpack said one of the options available to him is to close the wilderness area to public use. He acknowledged that this was not in the best interest of Washington County because of the number of people who use the area. If he did this, however, he would still be faced with the need to hire people to patrol the area, and the trails would still be in no condition to use. He petitioned the Commission to assist the Forest Service by encouraging Congress to do a line item for the Pine Valley Wilderness in Washington County. He noted that there are over one hundred (100) miles of trails on the mountain. He said 50% of these are in a canyon and are damaged. They need a ten (10) person trail crew together with a wilderness Ranger and an engineer to help relocate the trails, plus an equipment list comprising horses, vehicles, and tools. Mr. Killpack noted that they need approximately \$175,000.00 to accomplish this goal. He said the Forest Service has submitted proposals to Congress for the 2006 maintenance and repair of the trails. He noted that they will probably only get one trail funded. They are competing with three other Districts that are doing the same thing. He said the District has tried to obtain flood damage funding, but none of the sites showed over \$5,000.00 in damage and it takes \$75,000.00 of damage to qualify for federal flood relief. He noted that some funds have been approved to repair the roads in the Enterprise area.

Commissioner Ence asked if the Forest Service had approached the various service clubs in the area for assistance. Mr. Killpack said they would work to obtain volunteers through the Back Country Horsemen, but ongoing funding is needed to maintain the trails. Mr. Killpack again noted that in a wilderness area, chain saws and other mechanized equipment cannot be used. Since there is a liability factor involved with the use of cross-cut saws, they cannot send just anyone up to do the work. Volunteer groups would also need engineers and members of the Forest Service to accompany them, and this again involves an expense that they are not able to meet. He noted that this area is unique in that it has a long history of use by horses.

Doug Paddock (representing John Rex of Back Country Horsemen) said the Back Country Horsemen are recommending that Forsyth and Mill Canyon Trails be closed on Pine Valley Mountain due to the damage they have sustained. He said their condition is such that they need to be replaced, not just repaired. He said they do not want equestrians to start making their own trails. Back Country Horsemen want to be involved with the Forest Service in establishing approved trails. He noted that Mill Trail needs dynamite work and this work has to be done by the Forest Service. He said his organization plans to apply for grants next year to obtain funding to assist with this work, but it is too late for this year. He noted that members of Back Country Horsemen have removed over ninety (90) fallen trees on the Whipple Trail alone, not counting the damage done on other trails. He said they would be willing to write a letter to Congress in support of the County's recommendation in an effort to obtain funding.

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Chairman Eardley noted that with the formation of Land Use Bill, the County is looking at more wilderness designations in the area. He said it would be in the best interest of the County to assist the Pine Valley Ranger District in any way the Commission can to provide funding for trail repair and maintenance.

**MINI WHITE HOUSE CONFERENCE ON AGING PUBLIC HEARING  
INFORMATION  
/ BETTY MCCARTY**

Betty McCarty, Executive Director of the Council on Aging, said President Bush plans to hold a

White House Conference on Aging later this year. The conference will be called, "The Booming Dynamics of Aging: From Awareness to Action." Ms. McCarty is one (1) of the eight (8) delegates

chosen from the State of Utah to attend this conference. Twelve hundred (1,200) delegates will be

chosen nationally. Towns and cities across the country are currently holding Mini Conferences to

gather information to take back to Washington. Washington County's Mini Conference will be held

July 26, 2005, from 1:30 p.m. to 3:30 p.m. in the St. George Senior Center, 245 North 200 West, St.

George, Utah. They are advertising the event through newsletters, posters, and meetings. They want

the public to attend.

Ms. McCarty said these conferences were started in 1961 through a law enacted by Congress. The meetings are held every ten (10) years. This year's conference is unique in that it is the first one held in the twenty-first century and will affect the baby boomer generation (those born between 1946 and 1964 — 78 million people).

Ms. McCarty said there will be six (6) discussion items on the conference agenda:

- Life span planning
- Workplace in the future
- Our community
- Health and long-term living
- Social engagement
- The marketplace

She encouraged everyone to attend the Mini Conference and noted that refreshments would be served.

**CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2005-878-O  
REQUIRING A  
COPY OF A SUBDIVISION PLAT OR AN ANNEXATION PLAT, IN  
ELECTRONIC  
FORMAT, BE PROVIDED WHEN RECORDING**

**MOTION: Motion by Commissioner Ence to adopt Ordinance No. 2005-878-O  
Requiring**

**a Copy of a Subdivision Plat or an Annexation Plat, in Electronic Format, be  
Provided When Recording. Motion seconded by Chairman Eardley and carried  
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**by unanimous vote, with Commissioners Eardley and Ence voting aye.**

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-963**

**AMENDING THE  
FEES FOR SERVICES FOR THE WASHINGTON COUNTY JUSTICE COURT,  
THE  
WASHINGTON COUNTY SHERIFF'S OFFICE AND THE WASHINGTON  
COUNTY  
TREASURER'S OFFICE**

Deputy County Clerk Kaye Reese noted that these changes involve fees for credit or debit card

charges in the Justice Court, the Treasurer's Office, and the Sheriff's Office.

**MOTION: Motion by Commissioner Ence to adopt Resolution No. R-2005-963  
Amending**

**the Fees for Services for the Washington County Justice Court, the Washington  
County Sheriff's Office, and the Washington County Treasurer's Office.**

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

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-964**

**APPROVING THE  
EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE  
FEDERAL  
HIGHWAY ADMINISTRATION, U.S. FISH AND WILDLIFE SERVICE, ST.  
GEORGE**

**CITY, UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS  
ADMINISTRATION,  
UTAH DEPARTMENT OF TRANSPORTATION, BUREAU OF LAND  
MANAGEMENT,  
THE NATURE CONSERVANCY, AND WASHINGTON COUNTY, REGARDING  
PREPARING A MANAGEMENT PLAN FOR ESTABLISHMENT OF  
HOLMGREN MILKVETCH  
AND DWARF BEARCLAW POPPY PRESERVES**

Chairman Eardley noted that they are trying to place the route for the Southern Corridor so that it

will not impact the critical habitat of the above noted endangered plants.

**MOTION: Motion by Commissioner Ence to adopt Resolution No. R-2005-964  
Approving**

**the Execution of a Memorandum of Understanding Between the Federal  
Highway Administration, U.S. Fish and Wildlife Service, St. George City, Utah,  
School and Institutional Trust Lands Administration, Utah Department of  
Transportation, Bureau of Land Management, the Nature Conservancy, and  
Washington County, Regarding Preparing a Management Plan for  
Establishment of Holmgren Milk-Vetch and Dwarf Bearclaw Poppy Preserves.**

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

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-965  
APPROVING THE**

**INTERLOCAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE  
TOWN**

**OF APPLE VALLEY GOVERNING THE USE OF THE WASHINGTON  
COUNTY**

**JUSTICE COURT BY THE TOWN OF APPLE VALLEY**

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Deputy County Attorney David Patterson said the Town of Apple Valley is now in a position where

it is passing Ordinances which will require criminal sanctions for violation. They will need a Justice

Court to be able to handle the prosecution of these cases. They are proposing to use the Washington

County Justice Court for this purpose. This Interlocal Agreement outlines the terms of this

arrangement and is similar to the Agreement currently in place with Ivins and St. George. Apple

Valley will be required to provide its own prosecutors and public defenders. David Patterson noted

that this agreement has not been reviewed by the attorney for the Town of Apple Valley and if

approved, should be subject to said review.

**MOTION: Motion by Commissioner Ence to adopt Resolution No. R-2005-965  
Approving**

**the Interlocal Agreement Between Washington County and the Town of Apple  
Valley Governing the Use of the Washington County Justice Court by the Town  
of Apple Valley, subject to review by the attorney for the Town of Apple Valley.**

**Motion seconded by Chairman Eardley and carried by unanimous vote, with**



**Commissioners Eardley and Ence voting aye.**  
**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-966**  
**APPROVING THE**  
**INTERLOCAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE**  
**TOWN**  
**OF APPLE VALLEY REGARDING THE TOWN OF APPLE VALLEY**  
**PROVIDING FIRE**  
**PROTECTION SERVICES IN THE UNINCORPORATED AREA OF**  
**WASHINGTON**  
**COUNTY WHICH WAS FORMERLY WITHIN THE BOUNDARY OF THE**  
**SMITHSONIAN SPECIAL SERVICE DISTRICT**

Chairman Eardley noted that after discussion, it was determined that it would be equitable for the Smithsonian Special Service District (SSD) to donate its fire fighting equipment to the Town of Apple Valley in exchange for nine (9) years of service to the unincorporated areas that were formerly serviced by the SSD. David Patterson again noted that this agreement has not been reviewed by the attorney for the Town of Apple Valley and if approved, should be subject to said review.

**MOTION: Motion by Commissioner Ence to adopt Resolution No. R-2005-966 Approving the Interlocal Agreement Between Washington County and the Town of Apple Valley Regarding the Town of Apple Valley Providing Fire Protection Services in the Unincorporated Area of Washington County Which was Formerly within the Boundary of the Smithsonian Special Service District, subject to review by the attorney for the Town of Apple Valley. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

**CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2005-879-O**  
**CHANGING THE**  
**ZONE OF A PARCEL OF PROPERTY FROM A-20 (AGRICULTURAL 20**  
**ACRES) TO RA**

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**5 (RESIDENTIAL 5 ACRES) IN THE NEW HARMONY AREA**

The purpose of this zone change is to preserve appropriate areas for permanent agricultural use. The parceling meets the guidelines set forth in the New Harmony General Plan.

**MOTION: Motion by Commissioner Ence to adopt Ordinance No. 2005-879-O Changing the Zone of a Parcel of Property From A-20 (Agricultural 20 Acres) to RA-5 (Residential 5 Acres) in the New Harmony Area. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

**CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2005-880 CHANGING THE**  
**ZONE OF A PARCEL OF PROPERTY FROM OST-20 (OPEN SPACE**  
**TRANSITIONAL**  
**20 ACRES) TO RE-40.0 (RESIDENTIAL ESTATES 40,000 SQ. FT.) IN THE**  
**DAMMERON**

## **VALLEY AREA**

The applicant has developed 40,000 square foot lots and is requesting an RE-40.0 zone so that the

lots will be conforming to that zone. The proposed zone is compatible with adjacent phases in the

Pinion Hills development.

**MOTION: Motion by Commissioner Ence to adopt Ordinance No.2005-880 Changing the**

**Zone of a Parcel of Property from OST-20 (Open Space Transitional 20 Acres) to RE-40.0 (Residential Estates 40,000 Sq. Ft.) in the Dammeron Valley Area.**

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

**CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2005-881-O**

**CHANGING THE**

**ZONE OF A PARCEL OF PROPERTY FROM OST-20 (OPEN SPACE TRANSITIONAL**

**20 ACRES) TO RE-40.0 (RESIDENTIAL ESTATES 40,000 SQ. FT.) IN THE WINCHESTER**

**HILLS AREA**

The developer has developed 40,000 square foot lots and is requesting an RE-40.0 zone so that the

lots will conform to that zone. The zone is compatible with the adjacent phases in the Winchester

Hills Development.

**MOTION: Motion by Commissioner Ence to adopt Ordinance 2005-881-O Changing the**

**Zone of a Parcel of Property from OST-20 (Open Space Transitional 20 Acres) to RE-40.0 (Residential Estates 40,000 Sq. Ft.) in the Winchester Hills Area.**

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

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**CONSIDER FINAL APPROVAL ON WINCHESTER HILLS - PHASE 9, 3 LOTS, GENERALLY LOCATED ADJACENT TO WINCHESTER HILLS - PHASE 4 AND PHASE**

**7, SECTIONS 22 & 23, T41S, R16W, SLB&M. KYLE WALTER, APPLICANT AND KEN**

**HAMBLIN, AGENT. *Planning Commission voted 5 to 0.***

County Planner Deon Goheen noted that this is the property that just had a zone change. She said

a public hearing was held and her Department has received the platting containing monumentation,

certifications, location of percolation test pits and data, and all other requirements for final approval.

The letter of the Department of Environmental Quality has been received stating that the water main

necessary to supply the two (2) additional lots (348 and 349) was installed in Sand Hill Road in a

prior phase. *The Planning Commission unanimously recommended final approval.*

Chairman Eardley noted that the Health Department had previously put a moratorium on permits for

the Winchester Hills area. Ms. Goheen said that was the case, but they have now authorized three (3) more permits over that allotment. He expressed concern with this item due to the possible contamination of ground water by the additional septic systems. Ms. Goheen expressed the opinion that satisfactory ground for drainage must have been located. She said these are the last three (3) permits that will be granted. It is the only developable land left. Any further development would have to be placed on a sewer system.

**MOTION: Motion by Commissioner Ence to give final approval to Winchester Hills**

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**Phase 9, 3 lots, generally located adjacent to Winchester Hills, Phase 4 and Phase 7, Sections 22 & 23, T41S, R16W, SLB&M, Kyle Walter, applicant, and Ken Hamblin, agent. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2005-967**

**AUTHORIZING**

**WASHINGTON COUNTY TO EXECUTE AN ENGINEERING SERVICES AGREEMENT**

**BETWEEN WASHINGTON COUNTY AND ROSENBERG ASSOCIATES FOR THE**

**DESIGN AND CONSTRUCTION MANAGEMENT OF THE RESIDENTIAL IMPROVEMENTS IN THE DIXIE SPRINGS SPECIAL IMPROVEMENT DISTRICT,**

**LOCATED NEAR HURRICANE, UTAH**

Chairman Eardley said three (3) competitive bids were received for this project.

Rosenberg

Associates was the low bidder. Action taken today will be subject to legal review by the County

Attorney's Office and approval by the Public Works Department.

**MOTION: Motion by Commissioner Ence to adopt Resolution No. R-2005-967**

**Authorizing**

**Washington County to Execute an Engineering Services Agreement Between Washington County and Rosenberg Associates for the Design and Construction Management of the Residential Improvements in the Dixie Springs Special**

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**Improvement District, Located near Hurricane, Utah, subject to review by the County Attorney's Office and the Public Works Department, as presented.**

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

**CONSIDERATION OF NOTICE TO PROCEED / DIXIE SPRINGS SPECIAL IMPROVEMENT DISTRICT**

David Patterson noted that a motion on this item needs to be subject to the Engineering Service

Agreement with Rosenberg Associates being in place before the project starts.

**MOTION: Motion by Commissioner Ence to proceed with the Dixie Springs Special Improvement District, subject to the Engineering Service Agreement with Rosenberg Associates being in place, as presented. Motion seconded by**

**Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

**PRESENTATION OF 2004 YEAR-END FINANCIAL AUDIT OF INDEPENDENT AUDITOR, KEMP BURDICK / CALVIN ROBISON**

Washington County Clerk/Auditor Calvin Robison said his Department has received the financial statements for the County's annual audit from its independent auditor, Kemp Burdick. Mr. Robison said the statements are public information and are available in the Clerk's Office. He noted that the format has been changed from the previous year due to the Government Accounting Standards Board (GASB)34 program. GASB34 alters the way capital assets are reported. It requires cities and counties to do an inventory and account for the value of all improved assets. Specifically, they must project useful life for all roads, bridges, signage, signals, safety features, and other assets under their jurisdiction, and report asset and asset depreciation by service category. Mr. Robison said GASB34 makes the County's audit report more comprehensible for the general public. Mr. Robison said his Department uses a Management Discussion and Analysis (MD&A) system which helps explain the financial statements. These 2004 reports point out that the population has grown approximately 9% in Washington County during the past year; sales tax has grown almost 13%; transient room and restaurant tax has grown by approximately 15%; and the unemployment rate is low (around 3.2%). Mr. Robison said these trends are continuing in 2005. Mr. Robison said another \$8 million of General Obligation debt has been issued to remodel several libraries in the County. He said the General Fund balanced last year and increased by approximately \$800,000. For 2005, approximately one-half of this amount was used to help balance the budget for 2005. The remaining \$400,000 stayed in the General Fund balance to help maintain the County's financial position.

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Mr. Robison said he has placed a statement in the report indicating that the County has experienced heavy flooding and excessive fires this past year. The financial implications of this are not fully known at this point. Substantial funds have been received from grants and federal funds, and a large loan (\$25 million for flood recovery) has been received from the State of Utah. It has not been determined whether the County will have to repay the State funds at this point, but these are potential

financial impacts that may affect the 2005 budget. Many component units (such as the Water Conservancy District, the Southwest Health Department, and Solid Waste) are included in Mr. Robison's report, although these are independent entities that have their own financial reports and are responsible for their own taxing decisions. In his report he breaks out government activities as well as these component units. Chairman Eardley noted that even though these entities are independent, the County is still required by law to make contributions to each of them (with the exception of the Water Conservancy District, which all residents pay for). Mr. Robison noted that a valuation notice will soon be sent to property owners in the county. The property tax revenues that support the County comprise approximately 15% of the budget (which includes the General Obligation Bonds for the libraries). The General Fund itself received \$4 million, or approximately 8% of the total collected. Mr. Robison said the County has the responsibility to collect all the property taxes and then disburse them to various County entities, including the Washington County School District and each municipality. Last year, \$61 million was collected in property taxes for disbursement: the County received \$9 million overall; the School District \$37 million; Water Conservancy \$5 million; the City of St. George \$6 million; and the rest went to other towns and entities. Washington County's General Fund remains the lowest in revenue collected of Utah's twenty-nine (29) counties. Mr. Robison reported that thanks to the efforts of the various Special Service Districts, the audit was completed on schedule for the first time in many years.

**MOTION: Motion by Commissioner Ence to accept the 2004 Year End Financial Audit of Independent Auditor Kemp Burdick, as presented. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

The Regular Washington County Commission Meeting adjourned at 4:55 p.m.

#### **BOARD OF EQUALIZATION / FAA ROLLBACK**

The Board of Equalization convened at 4:56 p.m.

County Assessor Art Partridge said this meeting has been called to review the tax rollback on a piece of property that was formerly under the Farmland Assessment Act (FAA). The property owner, Building Futures, LLC, Serial No. 7206-A-1-NW, did not meet the statutory dates to apply for FAA status on the property, which resulted in the rollback.

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Appraiser Nancy Adair said she assessed the rollback tax because she did not have the property owner's application by the deadline of May 1, 2005. May 1, 2005, was a Sunday, so the Assessor's Office accepted applications through May 2, 2005, but Building Futures' application did not reach the Assessor's office by that date either. She stated she has tried since November 2004 to obtain an application from this organization. One letter was returned to her and she researched until she found an updated address and resent the notice on March 10, 2005. She received no response. She sent a reminder letter on March 31, 2005, again with no response. On April 21, 2005, Ms. Adair told the applicant what the approximate rollback tax would be if she did not receive the Application prior to the deadline. Nothing was submitted. A representative from Building Futures, LLC, phoned on May 2, 2005, but since the Application did not come in, she assessed the rollback tax on May 3, 2005. She noted that this is a five (5) year rollback. She said Building Futures, LLC, finally submitted an Application dated June 14, 2005, but there was no filing fee with it so she could not file it.

Chairman Eardley said it is landowners' responsibility to keep track of their property tax and not the County's. Ms. Adair said the tax rolls closed on May 22, 2005, and Building Futures' property could not be kept on green belt without an Application.

**MOTION: Motion by Commissioner Ence to deny the Application of Building Futures, LLC, Serial No. 7206-A-1-NW, to retain its property under the FAA tax designation, and that the rollback tax stand as assessed. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

The Board of Equalization adjourned at 5:03 p.m.

The Regular Washington County Commission Meeting reconvened at 5:04 p.m.

#### **PUBLIC WORKS OR ROAD BUSINESS**

##### **Sale of 2005 Dodge Truck - Road Department**

Public Works Director Ron Whitehead said bids have been accepted for a 2005 Dodge truck used by the Road Department. Gary Christensen was the high bidder with a bid of \$30,500.00.

**MOTION: Motion by Commissioner Ence to accept the bid of Gary Christensen in the**

**amount of \$30,500.00 for the 2005 Dodge truck formerly used by the Road Department. Motion seconded by Chairman Eardley and carried by unanimous vote, with Commissioners Eardley and Ence voting aye.**

#### **MPO Technical Advisory Committee**

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Mr. Whitehead said the Technical Advisory Committee for the Metropolitan Planning Organization will meet on July 13, 2005, at 8:00 a.m., at the Five County Association of Governments office. One of the items on the agenda is the discussion of jurisdictional transfer of roads from the Utah Department of Transportation (UDOT) to some of the local entities. Mr. Whitehead invited the Commissioners to attend this meeting. He said they have also invited the local entities that are involved to be present. He noted that the municipalities of Enterprise, St. George, Washington City, Leeds, and Hurricane all have roads in this designation. He said the next Jurisdictional Transfer Meeting will be held next week, but the date may be subject to change.

#### **Bridge Repair**

Mr. Whitehead said demolition has started on the bridges in Gunlock. The first bridge is gone and the crews will work downstream from there. Mr. Whitehead asked the public to avoid the construction areas as much as possible. The bridges are scheduled to be completed by October 2005.

#### **Road Repairs**

Normal road maintenance is still behind schedule due to the repairs necessitated by the recent flooding. Mr. Whitehead said the crews continue to put in long hours in an attempt to open roads that were closed by the flood. He noted that the crews are doing their regular maintenance as rapidly as they can and he asked that County residents exercise patience as this work progresses. Mr. Whitehead said the Natural Resources Conservation Service (NRCS) is working on damage survey reports. As soon as they get their reports done on the rest of the areas that meet their qualifications, Mr. Whitehead will bring the reports back to the Commission for review. He said repair work on the stream in Gunlock has been approved and they are presently preparing the contract documents. When they are ready, they will hold a pre-bid meeting and then the work will be advertised for bid.

#### **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 5:08 p.m.

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KAYE REESE JAMES J. EARDLEY  
DEPUTY CLERK CHAIRMAN