

WASHINGTON COUNTY COMMISSION MEETING MINUTES

August 9, 2005

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

Commission Chairman James J. Eardley at 4:12 p.m. on August 9, 2005, in the Commission

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

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

Ence, Deputy County Attorney David Patterson, and Deputy County Clerk Kaye Reese.

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 July 13, 2005, through

August 9, 2005

- Consideration of Approval of Regular Commission Meeting Minutes of June 27, 2005, and

July 12, 2005

- Consideration of Applications for Property Tax Abatement (5)

Commissioner Gardner recommended approval of Property Tax Abatements for Sherry L. Bown, Serial No. H-SYH-6; Karen M.

Frank, Identification. No. B003913; Ann N. Jensen, Serial No. SGCSH-44; Sherry A. Olsen, Serial No. W-HMHE-36; and Henry D.

and Irene Pollock, Serial No. SG-1501-A-2-A-1.

- Consideration of Administrative Adjustments: Real Property

Date Owner Acct. # Serial # Tax

Year

Taxes Due Adjustment

Bal.

Due

Comments

08/09/20

05

Jack Mathis 0030810 SG-1740-A-

1-B-1

2004 682.08 (682.08) 0.00 St. George City

converted

portion of prpt.;

balance exempt.

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Date Owner Acct. # Serial # Tax

Year

Taxes Due Adjustment

Bal.

Due

Comments

08/09/20

05

Wayne Martin &

Theresa Ann Shaw

0604184 W-GSH-12 2004 3,575.15 (1,608.81) 1,966.34 Should have been assessed as

a primary res.

08/09/20

05

David J. & Karen

Hansen

0476831 SG-PKS-1-3 2004 4,038.41 (1,817.29) 2,221.12 Should have been assessed as

a primary res.

08/09/20

05

Cheryl Ann Frassa 0541048 S-CASE-12 2004 3,481.11 (128.00) 3,353.11 Prpt. was

assessed using

wrong acreage

TOTAL 11,776.75 (4,236.18) 7,540.57

- Acknowledgment of Publishing: Notice of Adoption of Ordinances No. 2005-878-O, 2005-

879-O, 2005-880-O and 2005-881-O, published on Sunday, July 24, 2005

- Award of Bid / 2005 Cummins Diesel 3500 4x4 crew cab truck to Gary L. Christensen / \$30,500.00

- Consideration of 2005 Personal Property Abatements / Clerk-Auditor (attached)

ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION

MEETING /

JULY 12 AND 26, 2005

CONDITIONAL USE PERMIT EXTENSION. Review extension for a 4th dwelling for a family member within the OST-20 acre zone near Leeds. Roger New, applicant.

Planning Commission voted 4 to 0.

This is an automatic annual review. The home was approved for final occupancy on June 22, 2005.

It was inspected by Bill Weaver and meets the requirements of the International Construction Code.

The applicant's daughter's family moved into the home after receiving the Certificate of Occupancy.

The Planning Commission unanimously recommended approval of the Conditional Use Permit

Extension, on a permanent basis.

CONDITIONAL USE PERMIT EXTENSION. Review extensions on crushing operation: (1) near Veyo, Utah in Section 11, T40S, R17W, SLB&M; and (2) Frei Pit in Section 36, T41S R17W, SLB&M located south of Ivins. Progressive Contracting Inc., applicant. *Planning Commission voted 4 to 0.*

This is the fifth extension for these two sites, but there has been no activity at these locations.

Progressive Contracting desires to retain the right of use for projects that may become available.

The Planning Commission unanimously recommended approval of the Conditional Use Permit

Extension for another year, subject to previous stipulations being met.

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CONDITIONAL USE PERMIT. Request permission to build a single family dwelling within the A-20 (Agricultural 20 acres) zone, North Valley Ranches, Lot 2, generally located 2 miles east of New Harmony. Ronald Blaquiere, applicant.

Single family dwellings are approved conditionally within the A-20 zone (County Code 10-7-3). The

applicant obtained a septic permit from the Southwest Utah Public Health Department and submitted

documentation from the North Valley Water Company. *The Planning Commission unanimously*

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

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:

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:

- HCP, mural painting \$30,000.00
- Public Works, 2006 GMC truck \$35,642.58
- Road Department, 2006 GMC truck \$35,642.58

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

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

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

4-H YOUTH PRESENTATION / VERNON PARENT

Vernon Parent, 4-H and Agriculture Extension Agent for Utah State University, introduced two

leadership representatives. Susie Gardner, age eighteen (18), has been a member of 4-H for six (6)

years and spoke about the 4-H program in Washington County. Currently, there are one hundred

forty-two (142) clubs with nearly six hundred (600) members, and the outreach programs provide

educational opportunities for an additional seven thousand (7000) youth and adults per year. They

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offer various camps to 4-H members: sewing, baking, robot, theater, agriculture, masonry, carpentry,

leadership, and others. The 4-H program is designed to teach life-skills in a hands-on, safe

environment, including such things as GPS, web design, and video production.

The next speaker was Justin Nuckles, President of the Washington County 4-H Teen Council, who

discussed the purpose of the Teen Council. This organization comprises a group of teens from all over the County, including an elected leader and an adult leader. They give service and leadership to the communities. Washington County's 4-H organization participated in the Utah 4-H State Contest this year and won eleven first-place ribbons. The speakers expressed gratitude to the Commission for its support of the 4-H program in Washington County. Commissioner Gardner congratulated Vernon Parent, who has been the Extension Agent since 2000, for his dedication and service to the 4-H program.

FIRE MARSHALL REPORT / ALAN BRIGGS

While Mr. Briggs was not present, Commissioner Gardner took the opportunity to remind those in attendance that over 225,000 acres have burned so far this year in Washington County, which equates to roughly fifteen percent (15%) of the County. To date, a few outbuildings have been lost, but the County has been fortunate to escape with little damage thanks to the extraordinary efforts of both paid and volunteer firefighters. Chairman Eardley expressed the hope to hear from the Fire Marshall during the next Commission Meeting.

APPOINTMENT OF BOARD OF EQUALIZATION HEARING OFFICERS / ASSESSOR'S OFFICE

County Assessor Art Partridge presented the names of nine (9) appraisers whom he requested the Commission to appoint as Hearing Officers for the 2005 Board of Equalization Hearings. Mr.

Partridge read the Appointment Certificate to the Commission, as follows:

[The Appointee] is hereby appointed as a "Hearing Officer" for the Washington County Board of Equalization for the year of 2005.

This appointment authorizes the above-named Hearing Officer to conduct hearings, accept evidence, and hear testimony on behalf of the Washington County Board of Equalization. The Hearing Officer is further authorized to conduct reviews of market data and review information describing property to assist in determining the facts, as they relate to the valuation of property. The Hearing Officer is authorized to make recommendations to the Washington County Board of Equalization regarding the market value of

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property, as determined during the conduct of assigned hearings. These recommendations must be in accordance with the generally accepted Appraisal Standards and the State Tax Commission Standards of Practice."

Mr. Partridge recommended the appointment of the following appraisers and noted that all of them have served on the Board. They are professional appraisers currently working in the County and are

all state-certified. Many also have professional credentials in private appraisal organizations:

Robert Herpel

Craig Morley, SRA

David Hunter

Steve Porter

Stuart Porter, MAI

Stan McConkie, MAI

Daniel Johnson, MAI, SRA

Richard C. Smith, MAI

Kent Vincent

Chairman Eardley asked for the meanings of the designations "MAI" and "SRA," and Mr. Partridge

explained that MAI stands for Member of the American Institute of Appraisers and SRA stands for

Senior Residential Appraiser (certified by the American Association of Appraisers).

MOTION: Motion by Commissioner Ence to approve the appointment of the Board of

Equalization Hearing Officers for 2005, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

RELOCATION/INSTALLATION OF NEW RIVER GAUGE AT CONFLUENCE PARK /

LORI ROSE

Bill Mader, HCP Administrator, speaking for Lori Rose, HCP biologist, indicated that the river gauge

installed by the Virgin River Program to monitor the volume and flow of the Virgin River is currently

located on private property belonging to Mr. Ken Anderson. The HCP was approached by the Virgin

River Program to determine the feasibility of moving the gauge into the park on County-owned

property on the south side of the Virgin River, east of where LaVerkin Creek joins the river. It will

be painted to blend in with the environment.

Commissioner Ence inquired as to the cost of moving the gauge, and Mr. Mader responded that

Washington County will not be responsible for this minor expense.

MOTION: Motion by Commissioner Gardner to approve the relocation of the USGS

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streamflow gauge No. 09407810 currently situated on the Virgin River below Ash Creek near LaVerkin, Utah, to a site in Confluence Park located upstream of the confluence of LaVerkin Creek and the Virgin River (south side) on property owned by Washington County within a conservation easement held by the Utah Division of Wildlife Resources (UDWR). Motion seconded by Commissioner Ence and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

**CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2005-882-O
ADOPTING RULES**

AND REGULATIONS PERTAINING TO UNAUTHORIZED DUMPING OF SOLID WASTE

Fay E. Reber, Attorney for Washington County Special Service District No. 1, said the County is currently unable to provide curbside waste collection to certain unincorporated areas (such as Enterprise, Central, Pine Valley, Brookside, and Virgin), and that the County has established collection stations in those areas for residents to dispose of their solid waste at no cost to them.

However, these designated sites are being used by commercial businesses to dump their commercial waste, such as logs, poles, and fencing material. As a result, the collection stations are full.

Additionally, “scavengers” often descend upon the landfills, going through the trash and extracting certain items, which creates privacy issues for some residents. The District is also worried about citizens being hurt at these overfilled collection stations. The District hopes that the County will adopt this Ordinance making it a misdemeanor for commercial haulers or other unauthorized persons to dump solid waste at the District’s collection stations. The District is in the process of installing a camera system at the stations to identify license plates of unauthorized vehicles hauling in waste.

MOTION: Motion by Commissioner Ence to adopt Ordinance No. 2005-882-O Adopting

Rules and Regulations Pertaining to Unauthorized Dumping of Solid Waste. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

CONSIDER DECLARING CERTAIN WASHINGTON COUNTY PROPERTIES AS

SURPLUS PROPERTY, SG-BLH-7A-37-A AND T-3-1-2-1341

Commenting that it is in the interest of the County to divest itself of surplus land, Commissioner

Gardner explained that in order for properties to be sold, they must first be declared as surplus and

then advertised for bid. This is the first step in that process. The two properties in question are in

Bloomington Hills and Toquerville.

MOTION: Motion by Commissioner Ence to Declare Washington County Properties No.

SG-BLH-7A-37-A and No. T-3-1-2-1341 as surplus property, as presented.

Motion seconded by Commissioner Gardner and carried by unanimous vote, Commission Minutes

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with Commissioners Eardley, Gardner, and Ence voting aye.

CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2005-883-O CHANGING THE

ZONE OF A PARCEL OF PROPERTY FROM RE-40 (RESIDENTIAL ESTATES 40,000 SQ.

FT.) TO C-1 (CONVENIENCE COMMERCIAL) IN THE BROOKSIDE AREA

MOTION: Motion by Commissioner Gardner to adopt Ordinance No. 2005-883-O

Changing the Zone of a Parcel of Property from RE-40 (Residential Estates

40,000 Sq. Ft.) To C-1 (Convenience Commercial) in the Brookside area. Motion

seconded by Commissioner Ence and carried by unanimous vote, with

Commissioners Eardley, Gardner, and Ence voting aye.

CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2005-884-O

VACATING THE

HALF ROAD WITHIN LOT 226, DIXIE SPRINGS SUBDIVISION

AMENDMENT AND

EXTENSION, PLAT "B"

MOTION: Motion by Commissioner Gardner to adopt Ordinance No. 2005-884-O

Vacating

the Half Road Within Lot 226, Dixie Springs Subdivision Amendment and

Extension, Plat "B." 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-2005-968

APPROVING

WASHINGTON COUNTY'S EXECUTION OF DISASTER LOAN PROGRAM

PROMISSORY NOTE AGREEMENT BETWEEN THE STATE OF UTAH AND

WASHINGTON COUNTY

Chairman Eardley explained that this Resolution allows the County to access the \$25 million loan

that was appropriated by the State Legislature last January for flood relief.

MOTION: Motion by Commissioner Ence to approve the Adoption of Resolution No. R-

2005-968 Approving Washington County's Execution of Disaster Loan Program

Promissory Note Agreement Between the State of Utah and Washington County.

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-2005-969

APPROVING

WASHINGTON COUNTY'S EXECUTION OF DISASTER LOAN PROGRAM

PROMISSORY NOTE AGREEMENT BETWEEN WASHINGTON COUNTY

AND THE

WASHINGTON COUNTY WATER CONSERVANCY DISTRICT

Deputy County Attorney David Patterson noted that this Promissory Note Agreement will allow the

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Water Conservancy District to borrow \$549,410.00, with interest at two percent (2%) per annum,

from the funds Washington County received from the State under Resolution No. R-2005-968.

MOTION: Motion by Commissioner Gardner to approve the Adoption of Resolution No. R-

2005-969 Approving Washington County's Execution of Disaster Loan Program

Promissory Note Agreement Between Washington County and the Washington

County Water Conservancy District. Motion seconded by Commissioner Ence

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

CONSIDERATION OF TWO (2) APPOINTMENTS TO THE ST. GEORGE AREA

CONVENTION AND VISITOR BUREAU MARKETING ADVISORY BOARD FOR TERMS

TO END DECEMBER 31, 2006

Chairman Eardley commented that this Board has been extremely active. Administrative Service

Director Jerry Rasmussen noted that tourism is growing in Washington County and that the Board

has been active in marketing our area. The addition of Brandi Honey from Skywest Airlines,

representing transportation; and Paul Clove, representing the restaurant industry in this area,

increases the membership of the Board to nine (9).

Chairman Eardley reiterated that the Board has been very effective, and that the County has seen a

tremendous increase in tourist activity since its formation approximately four (4) years ago. Tourism

has increased between ten (10) and sixteen (16) percent a year, year after year.

MOTION: Motion by Commissioner Ence to approve the appointments of Brandi Honey

and Paul Clove to the St. George Area Convention and Visitor Bureau Marketing Advisory Board, 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-2005-970 A RESOLUTION

AUTHORIZING AND APPROVING THE EXECUTION BY WASHINGTON COUNTY,

UTAH, OF AN AMENDMENT TO MASTER LEASE AGREEMENT AND AN AMENDMENT TO SUBLEASE AGREEMENT; AUTHORIZING AND APPROVING

CERTAIN ACTIONS TO BE TAKEN BY THE WASHINGTON COUNTY/ST. GEORGE

INTERLOCAL AGENCY, WASHINGTON COUNTY, UTAH (THE "WCIA"), INCLUDING,

AMONG OTHER THINGS, THE EXECUTION AND DELIVERY AND PERFORMANCE

OF A SWAPTION AGREEMENT, A SUPPLEMENTAL INDENTURE, AN AMENDMENT

TO MASTER LEASE AGREEMENT, AND OTHER RELATED DOCUMENTS

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Chairman Eardley said the purpose of this Agreement is to refinance the Washington County/St.

George Interlocal Agency (WCIA) Lease Revenue Bonds, Series 1997A, in order to take advantage

of current low interest rates. The sum generated by said refinancing will be \$2.8 million, and will

allow the Dixie Center to complete its current expansion without requiring additional appropriations.

MOTION: Motion by Commissioner Ence to Adopt Resolution No. R-2005-970 A Resolution

Authorizing and Approving the Execution by Washington County, Utah, of an Amendment to Master Lease Agreement and an Amendment to Sublease Agreement; Authorizing and Approving Certain Actions to be Taken by the Washington County/St. George Interlocal Agency, Washington County, Utah (The "WCIA"), Including, Among Other Things, the Execution and Delivery and Performance of a Swaption Agreement, a Supplemental Indenture, an Amendment to Master Lease Agreement, and Other Related Documents..

Motion is 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

Proposals from different construction firms applying to be the Construction Management Company

overseeing County construction projects (particularly the libraries) and other County projects were

received in the Commission Office during the past week. Jacobsen Construction Company of Salt

Lake City, Utah, is being recommended for selection by the Commission.

MOTION: Motion by Commissioner Ence to approve the selection of Jacobsen Construction Company as the County's Project Manager for County Projects, including the libraries. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Ence voting aye.

REQUEST AN EXECUTIVE SESSION

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:55 p.m.

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KAYE REESE JAMES J. EARDLEY
DEPUTY CLERK CHAIRMAN