

WASHINGTON COUNTY COMMISSION MEETING

MINUTES

August 21, 2007

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on August 21, 2007, 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 Dennis Drake, Deputy County Attorney David L. Patterson, Administrator to the Commission John Willie, and Deputy County Clerk Kaye Reese.

The Spectrum was represented by Katie Oliveri.

Commissioner Drake led the Pledge of Allegiance.

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 August 8, 2007 through August 21, 2007
- Consideration of Approval of Regular Commission Meeting Minutes for July 10, 2007 and Special Commission Meeting Minutes for July 23, 2007
- Consideration of Application(s) for Property Tax Abatement (10)
Pamela Atkinson, Serial Number NEH-4-6-NS; Daniel Atwood, Serial Number AV-AVR-1-20; James Davis, Serial Number H-LB-147-A; Frances Elliott; Serial Number 1-SHMH-10; June Furse, Serial Number H-SCAN-2-C-102; Stuart King, Serial Number SG-RIOU-3-121; Estelle Luck, Serial Number SG-RCST-1-73; Duane Salmonson, Serial Number SG-MCC-4-41; Betty Warburton, Serial Number SG-SFTH-5-107; Alicia Williams, Serial Number SG-SACS-1-6
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of State of Utah, Utah Department of Agriculture and Food Contract Amendment, Contract Period to June 30, 2008
- Acknowledgment of Publishing: None

ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION MEETING

MOTION: Motion by Commissioner Drake to approve the Consent Agenda, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:
EMERGENCY SERVICES UPDATE / DEAN COX

Emergency Services Director Dean Cox reported that the recent fires and floods were handled very well by all emergency response teams. Fire behavior has become more aggressive due in large part to the influx of cheat grass, with flooding a resulting by-product of these fires. Thunderstorm activity has also caused unusually high flows. Mr. Cox recommended that all citizens carefully re-evaluate the necessity of flood insurance, especially residents who live near running water. These citizens should consider obtaining flood insurance and having sand bags on hand as a means of mitigating the effects of flooding on their property.

PURCHASE REQUEST(S) / MARK BLANCH

- Road Department, 2002 Peterbilt Dump Truck.....\$79,000.00

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

MOTION: Motion by Commissioner Drake to approve the above Purchase Request, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

ANNOUNCEMENT / TESORO WILL DONATE TWO (2) CENTS PER EVERY GALLON OF GAS SOLD IN THE ST. GEORGE AREA FROM AUGUST 17 TO 19, 2007 TO THE COUNCIL ON AGING MEALS ON WHEELS PROGRAM. ADDITIONALLY, TESORO PRESENTED \$2,500 IN \$25 INCREMENT TESORO FUEL CARDS TO THE COUNCIL ON AGING AT AN EVENT HELD AT THE SUNSET TESORO STORE AT 929 WEST SUNSET BOULEVARD, ST. GEORGE, UTAH ON AUGUST 17, 2007

Chairman Eardley expressed appreciation to Tesoro for its generous donations to the Washington County Council on Aging, which help make it possible for the Council on Aging to provide services to the elderly within the County.

CONSIDERATION OF APPOINTMENT OF LIBRARY DIRECTOR / JOHN WILLIE

Administrator to the Commission John Willie submitted his resignation as Acting Library Director and, under the direction of the State Library Board, submitted the name of Brenda Brown as Library Director for the Washington County Library System.

Ms. Brown said that she is looking forward to the opportunity to work with both the State Library Board and the County to continue to provide excellent library service to all patrons. She said that Washington County has the fourth (4th) largest library system in the State. She estimated that one thousand five hundred (1,500) to two thousand (2,000) patrons currently visit

the new St. George Library, an increase of approximately fifty percent (50%) of attendance at the old library.

Chairman Eardley said that the twenty million dollar (\$20,000,000) expansion project that is currently underway in Enterprise was approved by the voters of Washington County in 2001.

MOTION: Motion by Commissioner Gardner to accept the resignation of Acting Library Director John Willie and appoint Brenda Brown as Library Director for the Washington County Library System. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2007-943-O, AN ORDINANCE AMENDING THE PD ZONE, GENERALLY LOCATED EAST OF LEEDS, BY AMENDING THE DEVELOPMENT PLAN FROM RESIDENTIAL TO COMMERCIAL TO PERMIT STORAGE UNITS

Chairman Eardley said that the Commission has considered this Ordinance on previous occasions, has taken a field trip to the site, and has heard from counsel for the Applicant and counsel for the homeowners in opposition to the proposed amendment.

Russell Gallian, attorney for the Applicant, said that in the Ordinance there is a set of standards applicable to commercial zoning. The Planning Commission reviewed all of the standards to make sure that the Applicant was in full compliance with each and every standard. Most importantly, the Planning Commission made the specific finding that the use of a storage facility is compatible with a residential area, citing many examples. Additionally, this is a permitted use in that zone.

Deputy County Attorney David Patterson summarized the Planning Commission's findings at its meeting on August 14, 2007:

Findings:

- A. In 2001, the subject property was zoned PD (Planned Development) and the plan that was approved for the PD Zone was Residential Development.
- B. The General Plan indicates that the subject parcel is in an area zoned for Residential. However, the PD Zone has been in existence since 2001. The subject property was first used in a commercial nature by the Homespun Restaurant. Then, in 2001, to accommodate rental residences, the subject property was zoned

PD and a Residential Development Plan was approved. The subject property was OST-20 (Open Space Transition - 20 acres) before it became a PD Zone.

- C. The existing Residential Development Plan in the PD Zone has not come to fruition; in fact, it has deteriorated and has become a nuisance and a hazard.
- D. The PD Zone Development Plan is being amended to provide for storage units and a caretaker's residence. Any changes to the use of the zone will necessitate a zone amendment pursuant to ordinance.
- E. The proposed Commercial Development Plan for storage units is compatible and in harmony with the residential area, as demonstrated by existing sites with storage units next to residential development throughout the unincorporated areas of the county and within the incorporated areas of the county.
- F. Storage units and a caretaker residence on the subject property are in harmony with the permitted uses set forth in 10-9-2 of the Washington County Code.
- G. The Commercial Development Standards set forth in the Washington County Zoning Ordinance (10-9-7) were reviewed and the findings relative thereto are as follows:
 - a. The land coverage by the proposed storage units is 38.52%, which is less than the 50% prescribed by 10-9-7A.
 - b. The setback requirements have been met as reviewed and approved by planning staff.
 - c. The type, size and situation of signage have been reviewed and approved by planning staff.
 - d. The height of the caretaker home and storage structures are in compliance with county height requirements set forth by ordinance.
 - e. Parking is in accordance with and exceeds the ordinance requirements with 7 stalls, including 1 handicapped stall. Temporary parking is also in accordance with county ordinance.
 - f. Fencing is in accordance with county ordinance. The Applicant has agreed to erect a 6 foot solid block wall. The block wall should match the material and look

of the storage unit buildings, not the pre-cast wall already existing on the property line with an adjacent neighbor.

- g. The Applicant's plan provides that there will be no outside storage of material or vehicles.
 - h. Landscaping is adequate and erosion standards have been met.
 - i. Refuse containers will be set on the property adjacent to the caretaker's residence. The refuse containers will be serviced at regular intervals as established by the County's waste provider.
 - j. The owner and caretaker will ensure that the property and facilities are properly maintained.
- H. The applicant, Roberto R. Alvarez, has met the criteria for amending the PD (Planned Development) Zone from residential use to commercial use.

Commissioner Gardner asked for clarification as to the wall that would be constructed. Mr. Patterson indicated that the Planning Commission Staff recommended a block wall, and Mr. Alvarez has consented to that construction.

Attorney Adam Dunn, representing the homeowners residing near the proposed storage units, renewed his clients' opposition to this Ordinance. He holds to the position that the standards as approved by the Planning Commission are inapplicable in this instance.

MOTION: Motion by Commissioner Gardner to adopt the findings of the Planning Commission, specifically A through H, and adopt Ordinance No. 2007-943-O, an Ordinance Amending the PD Zone, Generally located east of Leeds, by Amending the Development Plan from Residential to Commercial to Permit Storage Units, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2007-1166, A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE HURRICANE VALLEY FIRE SPECIAL SERVICE DISTRICT

Chairman Eardley introduced Ben Reeves, LaVerkin City Manager, who presented a proposal from the joint municipalities of Hurricane City, LaVerkin City, Toquerville City, and Virgin

Town, along with a portion of the unincorporated area of Washington County adjacent to these municipalities. As those communities continue to grow, the ability of the Hurricane City Fire Department to respond to emergency situations in the outlying areas is becoming increasingly limited. A new Special Service District would incorporate the existing service areas of the Hurricane City Fire Department (Toquerville, LaVerkin, and Virgin) and also many of the unincorporated areas of the County shown on boundary maps (attached to these minutes). Recently, County and municipal staff have assisted in the creation of this proposed new Special Service District. The benefits will include cost-sharing, impact fee equity, accountability, quality control, and improved services.

Mr. Reeves said that LaVerkin has been working with the Utah Association of Special Districts to create a format that will work in the Hurricane area. The formula resembles that of the Ash Creek Special Service District. The only state-mandated requirements for the creation of the Special Service District are at the County level: (1) a resolution establishing an intent to create the district must be passed; (2) a public hearing must be held; and (3) a second resolution must be passed approving the district. Also, a period for public protest and/or comment must be included. So far, each community has passed its own resolution in support of the Special District, and public hearings will be held in each community. It is hoped that this Special District will be created before the end of the year for financial taxation reasons.

The proposal concerning the makeup of the Board is to have one elected official from each community be appointed to the Board as well as one at-large position that would be elected, giving a voice to unincorporated areas. There would be no expansion of the boundaries of service of this new district within the first year, until it becomes financially self-sufficient from impact fees and the mill levy tax. It is anticipated that all of the fire trucks and equipment currently housed in the various communities would be donated to the new district, with all corresponding liabilities. The buildings themselves would be retained by the communities until such time as the district is financially viable and the buildings can be purchased from the communities.

This matter has been brought before the city councils of Toquerville, LaVerkin, and Hurricane, and will be presented to Virgin Town very soon. All municipalities have expressed support for the new Special Service District. All individual fire departments would be eliminated, and all participating entities would enter into an interlocal and/or mutual aid agreement to share services. No liability would carry over to the County; all liability would be the responsibility of the special service district.

Commissioner Drake requested clarification as to whether the other fire districts also provide ambulance and paramedic services. Mr. Patterson said that some do and some don't, depending on the authority that was granted via the resolution that established them. Commissioner Drake asked whether private enterprise would be infringed upon in competing for ambulance and

paramedic services in the proposed district. His concern was whether a private ambulance service would be permitted to enter the new district to provide services, or whether the new fire district would enjoy an exclusive ambulance/paramedic situation. As the population continues to grow on the east side of the County, private entities may want to enter into competition with the Special Service District, and he would not want to see private enterprise discouraged.

Mr. Patterson said that he has dealt with paramedic service as part of a Special Service District; but he does not have experience in dealing with the issue of ambulance service in conjunction therewith, and would like to research the matter further. He asked Mr. Reeves whether any of the other municipalities have raised questions similar to those of Commissioner Drake in discussing the new fire district, and Mr. Reeves said that no one had. Mr. Patterson reminded the Commission that the resolution before it today is to approve an intent to proceed and set a future date for a public hearing (October 2, 2007, 4:00 p.m.). In the meantime, the County Attorney's Office would have a chance to research the paramedic/ambulance issue and provide additional information to the Commission for its deliberations.

Administrator to the Commission John Willie questioned the boundaries of the proposed fire district, pointing out that the County's Shooting Park should be included in the event a fire threatens that area or ambulance service were required. Mr. Patterson said that if this resolution were approved today, the County would have to repeat the entire process to amend the boundaries to include the Shooting Park area. His recommendation is to make the boundary adjustment first.

MOTION: Motion by Commissioner Drake to table this item, pending a review by the Washington County Attorney's Office and a possible boundary adjustment to the fire district service area. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead provided updates on road repairs throughout the County. In Gunlock, emergency repairs are in place on the bridge over the Moody Wash. Further erosion control will be required around the base of the bridge, but the bridge is currently open. Tobin Wash has a temporary crossing, and two (2) large concrete culverts have been installed while the permanent structure repairs are under review. One lane of the Gunlock Bridge is open at this time for small vehicles while estimates are obtained for permanent repair work. Citizens will be notified when the bridge is closed for repairs, which should take approximately thirty (30) days. The Washington County School District has been notified for purposes of school bus access.

The Road Department has been working on several additional roads that sustained damage during the storms and floods of early August. There are roads on Bureau of Land Management (BLM) property that were washed out, and County personnel has not been able to get to those yet. The bridge west of Enterprise still requires protective rip-rap around the base, after which the asphalt can be applied.

Discussions have been held with the U. S. Army Corps of Engineers, Federal Emergency Management Agency (FEMA), Natural Resource Conservation Service (NRCS) and others in an attempt to obtain funding for the BLM to re-seed and re-vegetate the watersheds in order to mitigate flooding. An early-warning system is also being explored, consisting of rain gauges which can help to predict overflow in the outskirts of the County.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Administrator John Willie presented to the Commission a contract for book transport from the Santa Clara Library to the St. George Library with Ms. Violet Clark.

MOTION: Motion by Commissioner Gardner to approve Library Transport Contract between Washington County and Ms. Violet Clark, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

Request an executive session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 5:02 p.m.

KAYE REESE
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN