

**WASHINGTON COUNTY COMMISSION MEETING**  
**MINUTES**  
**OCTOBER 2, 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 October 2, 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 Michele Mitchell, and Deputy County Clerk Kaye Reese.

Katie Oliveri represented *The Spectrum* at the hearing.

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

- Consideration of List of Auditor Approved Claims for Payment for September 19, 2007 through October 2, 2007
- Consideration of Approval of Regular Commission Meeting Minutes for September 4, 2007
- Consideration of Application(s) for Property Tax Abatement (3)  
Terry Chapman, Serial Number SC-VY-7-1; Linda Enloe, Mobile Home Rental Identification Number B006198; Gerald McIntosh, Serial Number LV-P6J2-5
- Consideration of Administrative Adjustments: None
- Acknowledgment of Publishing: Notice of Adoption of Ordinances No. 2007-945-O, 2007-946-O and 2007-947-O on September 22, 2007

**Actions of the Washington County Planning Commission Meeting /09-25-07**

**CONDITIONAL USE PERMIT EXTENSION. Review extension for a gravel crushing operation in the OST-20 zone, Section 1, T40S, R13W, near Pintura. Sunroc/Russell Leslie, applicant. *Planning Commission voted 4 to 0.***

This will be the second (2<sup>nd</sup>) ninety (90) day extension review. There has been some activity at this site, and many complaints by Jesse Smith were received about all the trucks running on the main street through Pintura, creating dust and safety issues. The

applicant is in the process of obtaining a purchase/lease agreement on this property, and signatures have been obtained from the owner, who approves of the permitting process. Access for haul trucks would be from the Browse Exit on I-15 with ingress and egress from an existing County road and a private easement. The following language was requested to be a part of the approval motion:

“ . . . hours of operation from 4:00 a.m. to 10:00 p.m., noting that the applicant will work in concert with the adjoining I-1 zone for sanitary and waste disposal, and other support for employees. Also noting that if the crusher is moved from Phase 1 on the site plan to Phase 2, an additional Conditional Use Permit will be required, and that the property will be properly signed for safety with relationship to access, and that a stop sign will be installed as entering from the property to the frontage road.”

The Planning Commission unanimously recommended approval for a Conditional Use Permit to operate a gravel crushing operation for a period of six (6) months, with the understanding that a southern access road will be in place before there is any activity.

**MOTION: Motion by Commissioner Drake to approve 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:**

**PRESENTATION BY HUNTSMAN WORLD SENIOR GAMES / KATHIE THAYNE AND KYLE CASE**

Kathie Thayne has been the Chief Executive Officer of the Huntsman World Senior Games for many years and said that this will be her last year. Ms. Thayne said that more than ten thousand (10,000) participants have signed up for the games this year, which is an all-time record. She mentioned certain celebrities who will be attending the 2007 Senior Games: golfer Billy Casper and Gold Medal Olympian Eric Heydn. She expressed appreciation to the Commission for its ongoing support through the years and introduced Kyle Case, who will be her successor.

Mr. Case, who previously worked with the Utah Summer Games, said that there are two (2) new events this year: (1) the Second-Week Concert and Celebration, where the Brigham Young University (BYU) Young Ambassadors will be performing; and (2) the Global Cup, an international world championship volleyball tournament. Representative teams from Brazil, China, Russia, Germany, Canada, and the United States will be participating.

Commissioner Gardner asked about the softball tournament, which last year was the biggest in the world. Mr. Case said that this year it will be even bigger: currently approximately three hundred and thirty (330) teams are signed up, but that figure may increase as many of the foreign teams sign up at the last minute when they arrive in town.

Chairman Eardley said that the Senior Games bring in considerable income to the County (in the tens of millions of dollars) and commended Ms. Thayne for her years of dedication and effort.

**VOLUNTEER(S) OF THE MONTH / LINDA SAPPINGTON**

Volunteer Center of Washington County Director Linda Sappington introduced the Top Ten Senior Volunteers in Washington County:

<u>Rank</u>	<u>Name</u>	<u>Hours Volunteered</u>
1	Andrew Barnham	3,157
2	Elma Ogden	2,547
3	Dean Brooks	2,315
4	Jay Eidner	1,520
5	Rae Sorensen	1,455
6	Walter Wren	1,361
7	Norma Groves	1,358
8	Jesse Diamond	1,322
9	Gerald Newton	1,035
10	Sue Matlock	816

In addition to the above people, there are probably another two thousand (2,000) volunteers in the County who donate their time and energy to help others.

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

No items were presented today.

**PRESENTATION / DIXIE STATE COLLEGE BOARD OF TRUSTEES  
RECOMMENDATION TO EXPAND AFFILIATION BETWEEN THE  
UNIVERSITY OF UTAH AND DIXIE STATE COLLEGE / FRANK LOJKO**

Dixie State College Vice President of Student Services Frank Lojko distributed a handout explaining the proposed affiliation between Dixie State College and the University of Utah. He said that the Board of Trustees had met earlier this week and approved a letter that had been sent to the Trustees of the University of Utah entitled "The Petition for Formal Affiliation of the University of Utah and Dixie State College." The Petition requests the name of the school be University of Utah at St. George. The campus would

be called the Dixie Campus. A complete copy of this handout is attached to these Minutes.

The two (2) institutions will be working together to develop a mutually compatible and beneficial system. Additionally, Dixie State College representatives will be visiting sites across the country where other universities have successfully experimented with such an affiliation. A transition team has been formed at both campuses in order to educate the public and provide a question-and-answer forum.

Mr. Lojko asked the Commission for a letter of support for this process, as the affiliation will provide a service to the entire community by making degree programs accessible that were heretofore unavailable.

Commissioner Drake commented that this is an excellent opportunity to offer additional four-year degrees to individuals in the community who previously had to travel elsewhere to obtain them and a great boost to economic development in the County. Currently, there are three (3) masters programs in progress, resulting from DSC's affiliation with the University of Utah. Chairman Eardley said it was important to retain the name "Dixie" in some fashion, as it resonates with many citizens.

**MOTION: Motion by Commissioner Drake to Endorse the Affiliation between Dixie State College and the University of Utah, and to submit a Letter of Support to the Dixie State College Board of Trustees. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PROCLAMATION / DOMESTIC VIOLENCE AWARENESS MONTH / OCTOBER - DOVE CENTER**

Chairman Eardley read the Proclamation in its entirety, a copy of which is attached to these Minutes.

**MOTION: Motion by Commissioner Gardner to Adopt the Proclamation for Domestic Violence Awareness Month – October, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2007-948-O, AN ORDINANCE DESIGNATING CERTAIN STREETS IN THE DIAMOND VALLEY AREA AS OFF-HIGHWAY VEHICLE ROUTES TO ALLOW OFF-HIGHWAY VEHICLE OPERATORS TO GAIN DIRECT ACCESS TO OR FROM A PRIVATE OR PUBLIC AREA OPEN FOR OFF-HIGHWAY VEHICLE USE AND TO DESIGNATE AND REGULATE THE USE OF OFF-HIGHWAY**

**VEHICLES, PURSUANT TO TITLE 41, CHAPTER 22, UTAH CODE ANNOTATED (1953 AS AMENDED)**

Chairman Eardley said that the Commission recently met with many citizens from Diamond Valley to determine the feasibility of adopting an ordinance similar to that recently passed for the Pine Valley area, where all County roads were opened up to ATV usage for transportation of those vehicles to and from recreation areas. Reports on those activities are virtually all positive. This ordinance for Diamond Valley would open up all routes to ATV use with the exception of those routes that would lead directly to SR-18.

Commissioner Drake said that this is an excellent opportunity for the County to police ATV activities in that area, to ensure that they are in accordance with State and local regulations, and would also create an opportunity for enforcement. Commissioner Gardner said that this ordinance has worked well in Pine Valley and should afford the same benefits to Diamond Valley, as well.

**MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2007-948-O, an Ordinance Designating Certain Streets in the Diamond Valley Area as Off-Highway Vehicle Routes to allow Off-Highway Vehicle Operators to gain direct access to or from a private or public area open for off-highway vehicle use and to designate and regulate the use of off-highway vehicles, pursuant to Title 41, Chapter 22, Utah Code Annotated (1953 as Amended), as presented. Motion seconded by Commissioner Gardner 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**

LaVerkin City Manager Ben Reeves said that Hurricane City Manager Clark A. Fawcett was also in attendance at this meeting to lend his support to the establishment of the Hurricane Valley Fire Special Service District (SSD). At the last County Commission meeting, Mr. Reeves made a presentation concerning the formation of this SSD, at which time the Commissioners had two (2) main concerns: a border issue, and ambulance services.

With respect to the border issue, a revised map has been prepared and distributed. There is some overlap between Leeds and Toquerville in the proposed SSD, and Mr. Reeves said that he met with representatives of the Leeds Fire District to address this concern. The overlapping area is the actual municipal boundary of the City of Toquerville, which has the option of joining in the District and thereby maintaining its boundaries. The Leeds Fire District still extends along I-15 all the way up to New Harmony, with the

Washington City limits on the west. The County GIS Department followed the boundaries of Washington City to ensure that it was not encroached upon.

The other issue of ambulance services has been resolved with the assistance of the Washington County Attorney's Office.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2007-1166, a Resolution Proposing the Establishment of the Hurricane Valley Fire Special Service District, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2007-1180, A RESOLUTION APPROVING AN AGREEMENT BETWEEN DUCKIE AND DUCKY LTD. AND WASHINGTON COUNTY REGARDING THE TAX ASSESSMENT AND COLLECTION FOR THEIR PRIVATELY OWNED PROPERTIES IN THE RED CLIFFS DESERT RESERVE**

Washington County Assessor Arthur Partridge said that the Assessor's Office has been working on this agreement for several years. By way of background, Mr. Partridge explained that there is still some private property within the boundaries of the Red Cliffs Desert Reserve, and the taxation of those properties is a difficult process. The Assessor's Office is required to value those properties annually at fair-market value, but the fair-market value is somewhat difficult to ascertain when those properties are still privately owned and the only market for their resale is the federal government. Negotiations as to price have been underway for ten (10) to twelve (12) years. In order to facilitate that process, there has been an agreement among some of the property owners which would allow the County to value those properties at a minimum value of five hundred dollars (\$500.00) per acre, similar to assessment under the Farmland Assessment Act (FAA).

This agreement, then, would set up a mechanism by which the County would currently assess the properties until they are sold and determine the effective tax rate that they would then pay for the taxes in those years. In effect, this becomes like a rollback, for a period of time of ten (10) years. The agreement would set the effective tax rate at .004 percent of the sale price of the property when it occurs times the number of years that the minimal value has been in effect, with a maximum of ten years. That equates to four tenths of one percent (.4%) of the sale price of the property. It is anticipated that the properties will sell in excess of one hundred thousand dollars (\$100,000.00) per acre. The agreement contains a provision to ensure that the acreage calculation is correct, and Mr. Partridge recommended the County approve this agreement.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2007-1180, a Resolution Approving an Agreement between Duckie and Ducky Ltd. And Washington County Regarding the Tax Assessment**

and Collection for their Privately Owned Properties in the Red Cliffs Desert Reserve, 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-2007-1181, A RESOLUTION ADJUSTING THE WASHINGTON COUNTY BUDGET FOR 2007 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF**

Washington County Budget Officer Jerry Rasmussen presented a Summary and Analysis for adjustments to the 2007 Budget, most of which were recommended as a result of the County's recent annual audit. The County has an independent audit every year, and most of these adjustments reflect changes in recent law.

Several of the adjustments are due to fluctuations in revenues and unexpected expenditures.

**MOTION:** Motion by Commissioner Gardner to Adopt Resolution No. R-2007-1181, a Resolution Adjusting the Washington County Budget for 2007 and Adopting by Reference a Summary and Analysis thereof, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF FINAL PLAT APPROVAL FOR WOODY ALBION SUBDIVISION, ONE (1) LOT, LOCATED IN THE NW 1/4, SECTION 19, T39S, R10W, SLB&M, ON KOLOB. LYMAN EVERETT, APPLICANT.**

Washington County Planner Deon Goheen said that the Planning Commission reviewed the applicant's water system. As no utility services are available in the Kolob area, all "will-serve" letters are typically waived. A septic system has been installed and fire protection is being reviewed by the Public Works Director. The Planning Commission unanimously recommended final approval of this subdivision plat.

**MOTION:** Motion by Commissioner Drake to approve Final Plat for Woody Albion Subdivision, One (1) Lot, located in the NW 1/4, Section 19, T39S, R10W, SLB&M, on Kolob, Lyman Everett, Applicant, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**PUBLIC WORKS OR ROAD BUSINESS**

No items were presented today.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

**Request an Executive Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:50 p.m.

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KAYE REESE  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN