

WASHINGTON COUNTY COMMISSION MEETING
MINUTES
DECEMBER 18, 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 December 18, 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 C. Willie, and Deputy County Clerk Kaye Reese.

Patrice St. Germain represented *The Spectrum* at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of List of Auditor Approved Claims for Payment for December 5, 2007 through December 18, 2007
- Consideration of Approval of Regular Commission Meeting Minutes - None
- Consideration of Applications for Property Tax Abatement (6)
Evon Hunt, Serial Number I-ISMH-23; Donald Lounsbury, Serial Number WHS-2-82-SW; Donald Lounsbury, Serial Number WHS-2-82-SW (for 2006); Maurine Moss, Serial Number H-GANN-B-12; Mary Lou White, Serial Number LV-CR-2-5; Daniel Zaragoza, Serial Number SG-1415-A-3.
- Consideration of Administrative Adjustments: Real and Personal Property (attached)
- Consideration of Real Property Abatements as Presented by County Auditor, including Circuit Breaker, Veterans, Blind and County Hardship (attached)
- Consideration of Re-Appointments of Zelma Gardner and Sharon Ruth to the Washington County Council on Aging for terms to end 12-31-2010
- Consideration of Re-Appointment of Tamara Atkinson to the Five County Council on Aging for a term to end December 31, 2010
- Consideration of Renewal for 2008 of Educators Mutual Insurance Association of Utah Administrative Services Agreement for Washington County Self-Funded Medical and Dental Plans

- Consideration of Re-Appointment of Linda Rider to the Southwest Utah Board of Health for a term to end December 31, 2010
- Consideration of Re-Appointment of Commissioner Jim Eardley to the Southwest Utah Board of Health for a term to end December 31, 2010
- Consideration of Renewals for the 2008 Library Transport Agreements for Enterprise/Bret Bowler; Hurricane/Natalie Daniel; New Harmony/Robert Groke; Santa Clara/Violet Clarke; Springdale/Sheralyn Madsen
- Consideration of Renewal of Public Defender Contracts for 2008: Boyack; Christiansen (2); Cramer (2); Lindsay; Rawson; Terry (2) and Whiteley
- Consideration of Renewal of Consulting Agreement with Wendy Sandberg for the 2008 Washington County Fair
- Consideration of Renewal of Custodial Maintenance Agreement between Washington County and Colleen S. Randall for Services at the Enterprise Library for 2008
- Consideration of Renewal of Landscaping Maintenance Agreement between Washington County and Jack Seegmiller, Sun Valley Landscaping for Services at the Hurricane Library for 2008
- Consideration of Renewal of Custodial Maintenance Agreement between Washington County and World Entertainment, Dave Madsen for Services at the Hurricane Library for 2008
- Consideration of Renewal of Custodial Maintenance Agreement between Washington County and World Entertainment, Dave Madsen for Services at the Santa Clara Library for 2008
- Consideration of Renewal of Landscape Maintenance Agreement between Washington County and Dirt Werx, Inc., Mike Seeley for Services at: Santa Clara Library; Administration Building; Courthouse Plaza; Annex #1; Annex #2; Regional Park for 2008
- Consideration of Renewal of Custodial Maintenance Agreement between Washington County and Roger Thomas for Services at the St. George Library for 2008
- Consideration of Renewal of Custodial Maintenance Agreement between Washington County and Roger Thomas for Services at: Administration Building; Boulevard Building; Annex #1; Annex #2 and Courthouse Plaza
- Consideration of Renewal of 2008 Council on Aging Food Service Provider Agreements: William Vincuilla/Enterprise; Scott Ebert/Hurricane; Donalene Brady/St. George
- Acknowledgment of Publishing: Notice of Adoption of Ordinances 2007-950-O and 2007- 951-O on December 15, 2007

**ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION
MEETING / 12-11-07**

CONDITIONAL USE PERMIT. Review use permit on an LDS Chapel within RE-2.5 zone, within the proximity of Diamond Valley Acres and Paradise Estates and consider an exception to height limitations for a steeple. Kim Campbell, agent. Planning Commission voted 4 to 0.

This item has previously been conditionally approved within the RE-2.5 zone. The applicant has an approved water source and storage capacity from the Diamond Valley Water Company. The Southwest Utah Public Health Department submitted a letter of septic feasibility for the one lot subdivision plat and will issue a septic permit prior to the building permit being issued. Dry sewer lines will be installed to the street as a part of the subdivision infrastructure.

MOTION: Motion by Commissioner Gardner to approve the Consent Agenda, as presented. Motion seconded by Commissioner Drake 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 said that there have been six (6) different call-outs for the Search and Rescue Team in the past thirty (30) days: Hurricane Sand Dunes on November 26th; Arizona Strip on December 1st; Hurricane Sand Dunes on the 15th; Kolob Mountain on the 27th; Kolob Mountain again on January 3rd; and a stranded hiker above Tuacahn on Red Mountain on the 4th. All together, four hundred and eight (408) hours of effort were volunteered by the Search and Rescue Team, for which the County is very grateful.

Also, this past week Homeland Security Funding was secured for a microwave link from Webb Hill to Toquerville Peak that will allow Hurricane, LaVerkin, and Washington to have their own separate frequency for law enforcement. That system should be operational by mid-year. Some additional software modules will be added to the law-enforcement computer system that is being used countywide. These grants total just under five hundred thousand dollars (\$500,000).

PURCHASE REQUEST(S) / MARK BLANCH

- HCP, 2008 Toyota Tacoma truck..... \$26,000.00
- Regional Park, second (2nd) payment on John Deere tractor.....\$35,000.00
- Roads (2), rocks and road base.....\$34,430.00
- Sheriff, training room upgrade.....\$24,534.00

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

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

CONSIDERATION OF THE APPOINTMENT OF LINDA BAKER AND BILL WRIGHT TO THE WASHINGTON COUNTY ECONOMIC DEVELOPMENT COUNCIL EXECUTIVE COMMITTEE

Commissioner Drake said that Bill Wright is the Manager of Vericon Glass Company in St. George, and Linda Baker is the Vice President of the Southern Utah Worker's Compensation Fund, and they will both be valuable assets to the Economic Development Council Executive Committee.

MOTION: Motion by Commissioner Drake to appoint Linda Baker and Bill Wright to the Washington County Economic Development Council Executive Committee. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF AWARD OF BID FOR ELEVATOR MAINTENANCE CONTRACT FOR SHERIFF'S DEPARTMENT BUILDING (2); JUSTICE COURT; ST. GEORGE LIBRARY (2) AND COURTHOUSE PLAZA

Administrator to the Commission John Willie said that the County recently solicited bids from the three (3) companies in the area that provide elevator service. Of the three (3) proposals received, he recommends awarding the bid to the Otis Elevator Company. Four (4) of the nine (9) elevators used in County buildings are still under warranty, and others are under building warranty until July 1, 2008. The monthly cost for full maintenance service is ninety-three dollars and seventy-five cents (\$93.75) per elevator. He further recommends that the contract remain in force through 2008 and 2009 because the other elevator maintenance contracts expire at the end of 2009, at which time all nine (9) would be serviced by the same company.

MOTION: Motion by Commissioner Drake to award Bid For Elevator Maintenance Contract For Sheriff's Department Building (2); Justice Court; St. George Library (2) And Courthouse Plaza to Otis Elevator Company. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

UNTABLE / CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2007-1193, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY, UTAH ("COUNTY"), AUTHORIZING AND APPROVING THE EXECUTION BY WCIA AND THE COUNTY OF AN ANNUALLY RENEWABLE MASTER LEASE AGREEMENT BY AND BETWEEN WCIA AND THE COUNTY; AUTHORIZING THE ISSUANCE AND SALE OF ITS VARIABLE RATE LEASE REVENUE REFUNDING BONDS, SERIES 2007, IN THE PRINCIPAL AMOUNT OF \$16,460,000; AUTHORIZING THE EXECUTION BY WCIA OF AN AMENDED AND RESTATED GENERAL INDENTURE OF TRUST, A FOURTH SUPPLEMENTAL INDENTURE OF TRUST, A REIMBURSEMENT AGREEMENT, A 2007 SWAP, SECURITY DOCUMENTS, A BOND PURCHASE CONTRACT PROVIDING FOR THE SALE OF THE SERIES 2007 BONDS HEREIN DESCRIBED, AN OFFICIAL STATEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; APPROVING THE EXECUTION AND DELIVERY BY THE COUNTY OF AN AMENDED AND RESTATED SUBLEASE AGREEMENT; AUTHORIZING THE EXECUTION OF A SUBORDINATION, ATTORNMEN AND NONDISTURBANCE AGREEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

Jason Burningham, representing Lewis, Young, Robertson & Burningham, said that the Washington County Interlocal Agency (WCIA) retained his firm in the original financing of the Dixie Center in 1997. The purpose of Resolution R-2007-1193 is to refund the 1997 A-Bonds that were originally issued to finance the Dixie Center. At that time, it was a transaction of approximately twenty million dollars (\$20,000,000.00). Since that time, four to five million dollars (\$4,000,000.00 - \$5,000,000.00) has been paid down. In 2005 a Swaption Agreement was entered into with a third party (Bank of America) which resulted in the receipt by WCIA of approximately three million dollars (\$3,000,000.00) of benefit which was used for expansion and construction at the facility.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2007-1193 A Resolution Of The Board Of Commissioners Of Washington County, Utah ("County"), Authorizing And Approving The Execution By WCIA And The County Of An Annually Renewable Master Lease Agreement By And Between WCIA And The County; Authorizing The Issuance And Sale Of Its Variable Rate Lease Revenue Refunding Bonds, Series 2007, In The Principal Amount Of \$16,460,000; Authorizing The Execution By WCIA Of An Amended And Restated General Indenture Of Trust, A Fourth Supplemental Indenture Of Trust, A Reimbursement Agreement, A 2007 Swap, Security Documents, A Bond Purchase Contract Providing For The Sale Of The Series 2007 Bonds Herein Described, An Official

Statement And Other Documents Required In Connection Therewith; Approving The Execution And Delivery By The County Of An Amended And Restated Sublease Agreement; Authorizing The Execution Of A Subordination, Attornment And Nondisturbance Agreement; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

UNTABLE / CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2007-1196, A RESOLUTION APPOINTING BOARD MEMBERS TO THE ANGEL SPRINGS SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

MOTION: Motion by Commissioner Gardner to appoint David Burton and Kevin Seegmiller to the Angel Springs Special Service District Administrative Control Board, with terms to expire December 31, 2008. 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-2007-1200, A RESOLUTION RE-APPOINTING AN EXECUTIVE COMMITTEE MEMBER TO THE SOUTHWEST REGIONAL RESPONSE AND COORDINATION TEAM

Dean Cox said that each of the five southwest counties in Utah (Washington, Iron, Kane, Garfield, and Beaver) appoints two (2) members to form a board to represent the counties' interest in the Southwest Regional Response Team. It is his recommendation that the Commission re-appoint Cory Pulsipher to another term on this Board.

MOTION: Motion by Commissioner Drake to adopt Resolution No. R-2007-1200, a Resolution Re-Appointing Cory Pulsipher as an Executive Committee Member of the Southwest Regional Response and Coordination Team, with a term to expire December 31, 2009. 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-2007-1201, A RESOLUTION APPOINTING / RE-APPOINTING BOARD MEMBERS TO THE PINE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

There were three (3) applications for these three (3) vacancies, and Commissioner Gardner recommended appointing those who desire to serve.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2007-1201, a Resolution Appointing/Re-Appointing Johnnie Nichols, Jeff Gardner, and Mary Esther Putnam as Board Members to the Pine Valley Special Service District Administrative Control Board. 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-2007-1202, A RESOLUTION APPROVING THE ADOPTION AND EXECUTION OF AN AGREEMENT BETWEEN PAULETTE VALENTINE AND WASHINGTON COUNTY TO UPDATE WASHINGTON COUNTY'S EMERGENCY OPERATIONS PLAN AND TO ASSIST THE CITIES WITHIN WASHINGTON COUNTY IN UPDATING THEIR PLANS INTO AN EMERGENCY SUPPORT FUNCTION BASED FORMAT

Chairman Eardley said that there is approximately thirteen thousand, five hundred dollars (\$13,500.00) in federal grant money available for updating the County's Emergency Operations Plan.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2007-1202, A Resolution Approving The Adoption And Execution Of An Agreement Between Paulette Valentine And Washington County To Update Washington County's Emergency Operations Plan And To Assist The Cities Within Washington County In Updating Their Plans Into An Emergency Support Function Based Format, 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-2007-1203, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, UTAH, CREATING AND ESTABLISHING A SPECIAL SERVICE DISTRICT WITHIN WASHINGTON COUNTY; DESCRIBING THE BOUNDARIES THEREOF, NAMING THE SAID DISTRICT, AUTHORIZING AND SPECIFYING THE SERVICES TO BE PROVIDED, SETTING FORTH THE POWERS, DUTIES AND AUTHORITY, DESIGNATING AND APPOINTING THE GOVERNING AUTHORITY, PROVIDING FOR THE METHOD OR METHODS OF PAYMENT FOR THE SERVICES TO BE FURNISHED AND PRESCRIBING OTHER MATTERS AND DETAIL

RELATING TO THE ESTABLISHMENT, OPERATIONS AND FUNCTIONS THEREOF

LaVerkin City Manager Ben Reeves again addressed the Commission on this item, which establishes the Hurricane Valley Fire Special Service District. The boundaries have been adjusted to include the Sky Ranch and Kolob areas within the parameters of the Fire District.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2007-1203, A Resolution Of The Board Of County Commissioners Of Washington County, Utah, Creating And Establishing A Special Service District Within Washington County; Describing The Boundaries Thereof, Naming The Said District, Authorizing And Specifying The Services To Be Provided, Setting Forth The Powers, Duties And Authority, Designating And Appointing The Governing Authority, Providing For The Method Or Methods Of Payment For The Services To Be Furnished And Prescribing Other Matters And Detail Relating To The Establishment, Operations And Functions Thereof, 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-2007-1204, A RESOLUTION ADJUSTING THE WASHINGTON COUNTY BUDGET FOR 2007 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF

Washington County Budget Officer Jerry Rasmussen explained that most of the changes are in line items and represent housekeeping adjustments that are typically performed at the end of each year.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2007-1204, 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 ADOPTION OF RESOLUTION NO. R-2007-1205, A RESOLUTION ADOPTING THE WASHINGTON COUNTY BUDGET FOR 2008 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF

Chairman Eardley said that the Commission recently held a public hearing to present the 2008 Budget, along with a Truth in Taxation hearing. At that time, the budget received

preliminary approval by the Commission. The 2008 Budget is now balanced, primarily due to the efforts of Jerry Rasmussen and Calvin Robison in the Clerk-Auditor's Office.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2007-1205, A Resolution Adopting the Washington County Budget for 2008 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 DIAMOND VALLEY CHAPEL SUBDIVISION, ONE (1) LOT, SECTION 2, T41S, R16W, SLB&M, LOCATED ALONG DIAMOND VALLEY DRIVE, WASHINGTON COUNTY. LDS CHURCH, APPLICANT AND BUSH & GUDGELL, INC./TODD EDWARDS, AGENT. PLANNING COMMISSION VOTED 4 TO 0.

Washington County Planner Deon Goheen said that this phase of platting includes monumentation, certifications, description, and all other requirements for final approval. The Public Works Department has had Rosenberg Engineering review the drainage study and plat for necessary changes. All "will-serve" letters from utility companies have been submitted with the preliminary platting. The Department of Environmental Quality has written a letter stating approval for water source and capacity with the distribution system. The Planning Commission unanimously recommended approval for Diamond Valley Chapel Subdivision, subject to all redline corrections being made and reviewed by the Public Works Director.

MOTION: Motion by Commissioner Drake to grant Final Plat Approval For Diamond Valley Chapel Subdivision, One (1) Lot, Section 2, T41s, R16w, Slb&M, Located Along Diamond Valley Drive, Washington County. Lds Church, Applicant And Bush & Gudgell, Inc./Todd Edwards, Agent, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF SELECTION OF COMMISSION CHAIRMAN FOR 2008

MOTION: Motion by Commissioner Drake to Re-appoint current Chairman James J. Eardley as Commission Chairman for 2008. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

Chairman Eardley said that there is one other item on the agenda for today. A pick-up truck was advertised for sale recently, and there was only one (1) bid, which was within

two hundred dollars (\$200.00) of the original purchase price. David Patterson said that a motion by the Commission is required to approve this sale.

MOTION: Motion by Commissioner Drake to approve the sale of the 2007 GMC Truck, VIN 1GTHK23D77F141050 to Doug Whitehead for a total purchase price of thirty four thousand five hundred dollars (\$34,500.00). Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

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 4:52 p.m.

KAYE REESE
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN