

**WASHINGTON COUNTY COMMISSION  
MEETING MINUTES  
DECEMBER 17, 2013**

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 17, 2013, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman James J. Eardley, Commissioner Dennis Drake, Commissioner Alan Gardner, Administrator Dean Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine S. Hall.

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 Auditor-Approved Claims for Payment for December 4, 2013, through December 17, 2013
- Consideration of Administrative Adjustments / Personal Property
- Consideration of Administrative Adjustments / Real Property
- Consideration of Applications for Property Tax Abatement: Kenneth Olsen, S/N SG-SUR-4-477; and Ken Mayne, A/N 0673569
- Consideration of Applications for Settlement or Deferral of Property Taxes: Lorena & Larry Walter, S/N H-1-A-3; and Kevin Anderson, S/N H-4141-C-4
- Consideration of Renewal of Consulting Agreement between Washington County and Intermountain Public Land Consultant (Cornell Christensen) for 2014
- Consideration of Renewal of Contract between Washington County and the State of Utah Department of Agriculture for 2014
- Consideration of Renewal of Consulting Agreement between Wendy Sandberg and Washington County for the 2014 Washington County Fair
- Consideration of Amendment to Agreement dated 7-11-2011 Between Pictometry International Corp. ("Pictometry") and Washington County, UT
- Consideration of Renewal of Public Defender Contracts for 2014 Between Washington County and Michael Rawson, Michael Lastowski, Leah Jensen, Lamar J. Winward, Jay Winward, Douglas D. Terry (2), Benjamin Gordon, Aric Cramer (2), Travis Marker, and Gary Kuhlmann

**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 REPORT: SHERIFF CORY PULSIPHER**

Sheriff Pulsipher reported on unusually heavy activity for the volunteer Search and Rescue Team since his last report:

- Missing juvenile in Hurricane (6 man hours)
- Missing person in Apple Valley (31.5 man hours)
- Missing mountain biker in Gooseberry Mesa (28 man hours)
- Missing persons on Utah Hill (96 man hours)
- Stranded motorist on Sheep's Bridge Road (2 man hours)
- Agency assist on I-15, Gorge area (42 man hours)
- Missing hikers in Kayenta area (4 man hours)
- Landslide in Rockville (45 man hours)

**PURCHASE REQUESTS: MARK BLANCH**

IT Department, software upgrade .....	\$20,894.84
IT Department, exchange server and license .....	\$14,545.13

*All purchases are budgeted, bonded, or paid for through grant funds.*

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

**PRESENTATION TO MAYOR KARL WILSON, CHAIRMAN OF THE HABITAT CONSERVATION ADVISORY COMMITTEE**

Commissioner Gardner presented a plaque to Mayor Karl Wilson for his outstanding and dedicated service as Chair of the Habitat Conservation Advisory Committee since 2007.

Mayor Wilson expressed gratitude for the ability to serve in that capacity and also commended the County Commission and Habitat Conservation Plan Administrator Robert Sandberg for all they have done for the City of LaVerkin, the Confluence Park area.

**PUBLIC HEARING/PRESENTATION OF 2014 BUDGET / KIM M. HAFEN**

Chairman Eardley opened the Public Hearing to receive comment on the Final 2014 Budget. Very few changes have been made since the preliminary budget was approved.

Chairman Eardley reminded the public that the federal government has not yet formally funded the County's Payment in Lieu of Taxes (PILT) money for 2014. If it fails to do so, the impact on next year's budget will be devastating, not only for Washington County but for many other counties in the state. The amount of funding in jeopardy is close to two point seven million dollars (\$2,700,000.00) for Washington County.

Administrator Dean Cox mentioned that the Washington County Library Board have reviewed the library portion (Fund 22) of the proposed 2014 budget and unanimously recommend that the library portion of the budget be adopted.

No one else came forward to speak, and Commissioner Eardley closed the budget hearing.

**CONSIDERATION OF RESOLUTION NO. R-2013-1770, A RESOLUTION ADOPTING THE WASHINGTON COUNTY BUDGET FOR 2014 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF**

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2013-1770, a Resolution Adopting the Washington County Budget For 2014 And Adopting By Reference a Summary And Analysis Thereof, including the Library Portion (Fund 22). Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2013-1033-O, AN ORDINANCE AMENDING AND SUPERSEDING WASHINGTON COUNTY CODE TITLE 1, CHAPTER 14, SECTIONS 2, 4, 5, 6, AND 7 IN ORDER TO DEFINE AND DESIGNATE THE BOUNDARIES OF ELECTION PRECINCTS IN WASHINGTON COUNTY, STATE OF UTAH**

Mr. Hafen explained that two (2) precincts in Washington County have exceeded the allowed limit of one thousand two hundred fifty (1,250) registered voters. One is in the Little Valley area (SG40), and it is proposed to divide that into two (2) separate precincts, SG40 with seven hundred sixty-eight (768) registered voters and SG45, with six hundred twenty-nine (629). The second precinct is in the Sun River area and will be divided into precincts SG41 and SG46.

The nomenclature of certain precincts has also been changed to match the rest of the County unincorporated precincts.

Additionally, Mr. Hafen requested five (5) additional precincts be added to the vote-by-mail list in order to facilitate the election process in those areas.

**MOTION:** Motion by Commissioner Gardner to Adopt Ordinance No. 2013-1033-O, An Ordinance Amending And Superseding Washington County Code Title 1, Chapter 14, Sections 2, 4, 5, 6, And 7 In Order To Define And Designate The Boundaries Of Election Precincts In Washington County, State Of Utah. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2013-1767, A RESOLUTION APPOINTING/RE-APPOINTING MEMBERS TO THE PINE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

**MOTION:** Motion by Commissioner Drake to Table Resolution No. R-2013-1767, A Resolution Appointing/Re-Appointing Members To The Pine Valley Special Service District Administrative Control Board. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2013-1768, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SIXTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH COUNTIES INDEMNITY POOL**

Chairman Eardley said that this makes minor changes to the interlocal agreement with the Utah Counties Indemnity Pool.

**MOTION:** Motion by Commissioner Gardner to Adopt Resolution No. R-2013-1768, A Resolution Approving And Authorizing The Execution Of A Sixth Amended Interlocal Cooperation Agreement With Other Members Of Utah Counties Indemnity Pool, Relating To The Establishment, Funding And Operation Of Utah Counties Indemnity Pool. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2013-1769, A RESOLUTION RATIFYING APPROVAL OF THE ROAD SERVICES AGREEMENT BETWEEN**

**THE TOWN OF ROCKVILLE AND WASHINGTON COUNTY REGARDING  
THE EAGLE CRAGS ROAD**

Public Works Director Ron Whitehead said that this agreement requires ratification by the Commission.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2013-1769, A Resolution Ratifying Approval Of The Road Services Agreement Between The Town Of Rockville And Washington County Regarding The Eagle Crags Road. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1771, A RESOLUTION APPROVING A CONTRACT BETWEEN WASHINGTON COUNTY AND TELMATE, LLC, FOR INMATE PHONE AND VIDEO VISITING SYSTEMS AND SERVICES AT PURGATORY CORRECTIONAL FACILITY**

Sheriff Pulsipher said that the current contract for the inmate phone system at the Purgatory Correctional Facility allows outgoing and ingoing calls to and from inmates. Inmates are permitted to purchase phone cards that have specified minutes. That contract has expired, and the County issued a Request for Proposal (RFP). Telmate was awarded the contract. According to the new contract, kiosks will be provided in each cell block which will facilitate electronic access for the inmates and also make it easier for supervision by facility guards. The new contract is also for a lower amount than the previous vendor charged.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2013-1771, A Resolution Approving A Contract Between Washington County And Telmate, LLC, For Inmate Phone And Video Visiting Systems And Services At Purgatory Correctional Facility. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1772, A RESOLUTION AUTHORIZING THE WASHINGTON COUNTY HABITAT CONSERVATION PLAN ADMINISTRATOR TO EXPEND NECESSARY FUNDS FOR APPRAISALS OF BLM LAND TO FACILITATE A POTENTIAL FEDERAL LAND EXCHANGE FOR PROPERTIES WITHIN THE RED CLIFFS DESERT RESERVE**

Deputy County Attorney Eric Clarke said that funding has already been budgeted for the Habitat Conservation Plan (HCP) for the purpose of obtaining appraisals to facilitate land

exchanges. This resolution solidifies the authority of the HCP Administrator to expend those funds.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2013-1772, A Resolution Authorizing The Washington County Habitat Conservation Plan Administrator To Expend Necessary Funds For Appraisals Of BLM Land To Facilitate A Potential Federal Land Exchange For Properties Within The Red Cliffs Desert Reserve. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

#### **CONSIDERATION OF SELECTION OF COMMISSION CHAIRMAN FOR 2014**

Commissioner Gardner recommended the re-appointment of James J. Eardley as Chairman of the Washington County Commission for 2014.

**MOTION: Motion by Commissioner Gardner to Select James J. Eardley as Commission Chairman for 2014. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

#### **COMMISSIONERS' REPORT**

Chairman Eardley requested the Commission to consider the re-appointment of Linda Rider and James J. Eardley to the Southwest Utah Board of Health, for terms to expire December 31, 2016.

**MOTION: Motion by Commissioner Gardner to Re-Appoint Ms. Linda Rider and James J. Eardley to the Southwest Utah Board of Health, with terms to expire 12/31/16. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

#### **TRAINING: OPEN MEETINGS / ERIC CLARKE**

Mr. Clarke conducted a brief training for the Commission on the Open Meetings regulations, in accordance with State Code.

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

Public Works Director Ron Whitehead reported on road projects:

A Notice to Proceed has been issued on the Natural Resources Conservation Service/Virgin River at River Road and Water Conservancy District Regional Pipeline EWP 2012 project for stream bank armoring a portion of the Virgin River near River Road. The site will soon become very busy, and he cautioned the public to avoid that area and drive carefully. It is a fifty (50) day contract and he hopes to be finished as quickly as possible. He asked for ratification of that contract, recently awarded to Progressive Contracting, Inc. (PCI).

Mr. Whitehead also presented Addendum #4 to the USDA/NRCS agreement Number 68-8D43-12-04, extending the time frame for emergency watershed protection work from the county-wide December 2010 flooding to August 17, 2014. Permitting has been obtained for projects on the Virgin River and Santa Clara River along with road rehabilitation work on the Shem Dam Road site (on the Shivwits Reservation).

**MOTION: Motion by Commissioner Drake to Ratify the Contract Awarded to Progressive Contracting, Inc. (PCI) for the River Road Project and Addendum #4 to the NRCS contract for Emergency Watershed Protection along the Virgin and Santa Clara Rivers and Road Rehabilitation on the Shem Dam Road, extending the Agreement to August 17, 2014.**

Mr. Whitehead also said that the Road Department reported to the Virgin River Gorge over the weekend of December 7-8 to assist with opening the roadway with snow plows and sanders to keep traffic moving northbound. There were two to three hundred (200-300) cars stopped through the gorge, along with school buses.

#### **COUNTY DEVELOPMENT AND PLANNING BUSINESS**

Review of Actions of the Planning Commission on December 10, 2013:

Conditional Use Permit Extension, annual review of Zion 50 and 100 Mile Trail Race, held on April 4-5, 2014; Matt Gunn, applicant.

Conditional Use Permit Extension, review of Wind Towers on State Land near Anderson Junction located in Section 22, T40S, R13W, SLBM; Southwest Wind Energy, applicant.

Conditional Use Permit Extension, review of Questar Gas compression station in Central located west of SR-18 on north side of Frontier Rd, Questar Gas/Tim Blackham, applicants.

Public Hearing Road Dedication Plat, 66 foot public road right-of-way for sections of Washington Dam Road, Turf Sod Road, and Warner Valley Road, Washington County, applicant.

County Planner Scott Messel said that the Planning Commission held its regular meeting on December 10, 2013 and considered the items listed above. The Planning Commission voted unanimously to approve all items.

**Request A Closed Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:54 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN