

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
AUGUST 3, 2010

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 3, 2010, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Dennis Drake, Deputy County Attorney David L. Patterson, County Administrator Dean Cox, and Deputy County Clerk Christine Hall. Commissioner Alan D. Gardner was excused, as he is out of town.

The Spectrum was not represented at the meeting.

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 Auditor Approved Claims for Payment for July 7, 2010, through August 3, 2010

Consideration of Regular Commission Meeting Minutes of July 6, 2010

Consideration of Administrative Adjustments / Real Property (attached)

Consideration of Administrative Adjustments / Personal Property (attached)

Consideration of Applications for Property Tax Abatement:

Carrie Bailey, Account No. 84650; Venece and James Clark, Account No. 0104433; Robin Dittmer, Account No. 312317; Dion Hinton, Account No. 294812; Betina Lindsey, Account No. 0377526; Paula Niesen, Account No. 0114986; Paul Reed, Account No. 548183; and Duane and Barbara Salmonson, Account No. 0408958

Consideration of Appointment of Hearing Officers for 2010 Board of Equalization

Actions of the Washington County Planning Commission: July 13 and July 27, 2010:

Conditional Use Permit Extension: Review extensions on crushing operation: (1) near Veyo Utah, in Section 11, T40S, R17W, SLB and M; and (2) Frei Pit in Section 36, T41S R17W, SLB and M, located south of Ivins. Progressive Contracting, Inc., applicant

Approval of this item was recommended by the Planning Commission by a vote of 5-0.

Conditional Use Permit Extension: Request permission to install a proposed 100-foot lattice tower within the RA-1 zone on one (1) acre of land owned by Theresa Haury, in Veyo. Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant.

Approval of this item was recommended by the Planning Commission by a vote of 5-0.

Conditional Use Permit Extension: Request permission to install a proposed 100-foot lattice tower within the RA-1 zone, located near the water tank on land owned by the Washington County Water Conservancy District in the Cliff Dwellers' subdivision. Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant.

Approval of this item was recommended by the Planning Commission on a permanent status, subject to all conditions being met, by a vote of 5-0.

Conditional Use Permit Extension: Review extension on an Ultra-marathon event, Red Mountain 5k, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then on to the Shivwits Reservation along Old Highway 91 to Ivins, on April 23, 2011. Red Mountain Running LLC/Jeremy Frehner, applicant.

Approval of this item was recommended by the Planning Commission by a vote of 5-0.

Conditional Use Permit: Request permission for 5k, Hurricane Jem one-half and full Marathon Trail on BLM land east of Hurricane and south of the Virgin River. Jeremy Frehner, applicant, and Phil Packard, agent.

Approval of this item was recommended by the Planning Commission by a vote of 5-0.

MOTION: Motion by Commissioner Drake to Approve the Consent Agenda, with the Exception of the Appointment of Hearing Officers for the 2010 Board of Equalization, Which Will Be Considered on the Regular Agenda. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

From the Consent Agenda:

Consideration of Appointment of Hearing Officers for the 2010 Board of Equalization:

Washington County Assessor Arthur L. Partridge asked that the list of fourteen (14) names of local appraisers be approved by the Commission as hearing officers for the 2010 Board of Equalization. A list of those names is attached to these minutes. Mr. Partridge also narrated a PowerPoint presentation entitled "Assessor's Report & Analysis of Washington County's 2010 Assessment Roll," a copy of which is available in the Office of the Washington County Commission.

MOTION: Motion by Commissioner Drake to Approve the List of Hearing Officers for the 2010 Board of Equalization as Presented by the Washington County Assessor's Office. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

VOLUNTEER OF THE MONTH / LINDA SAPPINGTON

Volunteer Center Director Linda Sappington introduced representatives from the approximately thirty (30) Summer of Service Youth members, ages 11 through 13, who are involved in a program called One Hundred Hours in One Hundred Days. The focus of their activities is: Reduce, Re-Use, and Recycle. This summer, these youngsters have been helping Jenifer Harris, Washington County Recycling Coordinator, in her community education/awareness activities. Each young person will receive a five hundred dollar (\$500.00) scholarship to the college or university of his or her choice at any time within the next ten (10) years.

Kayla Shenfield, a Vista Summer Associate working in the Volunteer Center, told the Commission that various Summer of Service members have also created advertising spots that are being aired in Washington County, assisted in stocking shelves for Habitat for Humanity, helped to find furniture for needy families, and participated in green mapping (locating recycling areas) for the County.

PURCHASE REQUESTS / TREVOR COOMBS:

Sheriff's Office: Industrial dishwasher \$ 20,116.00

Chairman Eardley encouraged extending the life of the new dishwasher by ensuring that soft water will be available for use in this appliance.

All purchases are 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 Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

PRESENTATION OF BUSINESS PATRIOT AWARDS TO CITY OF ST. GEORGE AND DANVILLE SERVICES OF UTAH

The presentation to these two businesses will be made at the next Commission meeting, as no representatives were in attendance.

PRESENTATION BY WASHINGTON COUNTY WATER CONSERVANCY DISTRICT / COREY CRAM

Corey Cram with the Washington County Water Conservancy District updated the Commission on the discovery of a quagga mussel at the Sand Hollow Reservoir in May. This is a non-native, invasive, prolific, and highly undesirable bi-valve organism, and the District is endeavoring to eliminate it from all southern Utah locations. This species is thought to have been brought to our county from either the Great Lakes area or Lake Mead, or both. A copy of the PowerPoint is available at the Office of the Washington County Commission.

PRESENTATION BY DON'T WASTE DIXIE / JENIFER HARRIS

Washington County Recycling Coordinator Jenifer Harris said that Don't Waste Dixie participated in the recent Ironman Triathlon event and won an award for the "Cleanest Aid Station." With this award, Don't Waste Dixie raised an additional four hundred dollars (\$400.00) for the Dove Center, its charity of choice, bringing the total for the year to over one thousand one hundred dollars (\$1,100.00). Ms. Harris presented the award to the Commissioners and expressed her gratitude for their support and encouragement for the recycling program in the County.

CONSIDERATION OF ORDINANCE NO. 2010-998-O, AN ORDINANCE ADOPTING A MAXIMUM OPERATING CAPACITY AND INMATE RETENTION GUIDELINES FOR THE PURGATORY CORRECTIONAL FACILITY

MOTION: Motion by Commissioner Drake to Table Ordinance No. 2010-998-O, An Ordinance Adopting a Maximum Operating Capacity and Inmate Retention Guidelines for the Purgatory Correctional Facility. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF ORDINANCE NO. 2010-999-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTERS 10-2 AND 10-4 OF THE WASHINGTON COUNTY CODE, COMMERCIAL ZONES, BY ADDING A

CARETAKERS DWELLING, INCIDENTAL TO A COMMERCIAL USE, AS A PERMITTED USE IN THE C-2 ZONE

Washington County Deputy Attorney David L. Patterson said that the Attorney's Office is in the process of updating and clarifying Washington County ordinances, and this is one that has been reviewed and revised to add a specific use within the C-2 zone.

MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2010-999-O, An Ordinance Amending And Superseding Title 10, Chapters 10-2 And 10-4 Of The Washington County Code, Commercial Zones, By Adding A Caretakers Dwelling, Incidental To A Commercial Use, As A Permitted Use In The C-2 Zone. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF ORDINANCE NO. 2010-1000-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10 CHAPTER 4-1 OF THE WASHINGTON COUNTY CODE, ZONING REGULATIONS - DEFINITIONS, AMENDING THE DEFINITION OF THE TERMS "ACCESSORY BUILDING" AND "ACCESSORY DWELLING UNIT"

MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2010-1000-O, An Ordinance Amending And Superseding Title 10 Chapter 4-1 Of The Washington County Code, Zoning Regulations - Definitions, Amending The Definition Of The Terms "Accessory Building" And "Accessory Dwelling Unit." Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1471, A RESOLUTION OF THE COUNTY COMMISSION OF WASHINGTON COUNTY, UTAH, AUTHORIZING AND APPROVING THE EXECUTION OF A FIRST AMENDMENT TO MASTER LEASE AGREEMENT, BY AND BETWEEN WASHINGTON COUNTY AND THE MUNICIPAL BUILDING AUTHORITY OF WASHINGTON COUNTY, UTAH (THE "AUTHORITY"), AND A BOND PURCHASE AGREEMENT; AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LEASE REVENUE REFUNDING BONDS, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$961,000 FOR THE PURPOSE OF (I) REFUNDING ALL OF THE AUTHORITY'S SERIES 1998 BONDS AND (II) PAYING COSTS ASSOCIATED WITH THE ISSUANCE OF THE SERIES 2010 BONDS; AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF SECOND SUPPLEMENTAL INDENTURE OF TRUST, BY AND BETWEEN THE AUTHORITY AND U.S. BANK,

**NATIONAL ASSOCIATION AS TRUSTEE, AND OTHER DOCUMENTS
REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING
OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE
TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED
MATTERS**

Washington County Financial Advisor Jon Bronson of Zions Bank explained that this represents a refunding opportunity of bonds that the County issued in 1998, when it purchased the Wittwer Furniture Building and issued Municipal Building Authority Lease Revenue Bonds in the amount of one million, one hundred and seventy thousand dollars (\$1,170,000.00) for that purchase. Mr. Bronson distributed copies of a document referring to the Series 2010 Lease Revenue Refunding Bonds in the amount of nine hundred and sixty-one thousand dollars (\$961,000). A copy of that document is available in the Office of the Washington County Commission.

The proceeds of the new bonds will be used to pay off the old bonds. There is, however, a five-day delay; ideally, the Commission will approve the sale of the new bonds, close the sale on August 18, 2010, and then five days later, retire the old bonds.

This bond was bid out, and of the three bids received, the State Bank of Southern Utah was the low bidder by a large margin. To summarize, the new bonds will be in the amount of nine hundred and sixty-one thousand dollars (\$961,000), ranging from one point five percent (1.5%) to four percent (4%). This refinancing represents a gross debt-service savings to the County of three hundred fifty-eight thousand, six-hundred and sixty-five dollars and eighty-one cents (\$358,665.81).

Mr. Bronson recommended approval of this transaction.

Chairman Eardley thanked Mr. Bronson for his work in this matter, and also the efforts of County Administrator Dean Cox.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2010-1471, A Resolution Of The County Commission Of Washington County, Utah, Authorizing And Approving The Execution Of A First Amendment To Master Lease Agreement, By And Between Washington County And The Municipal Building Authority Of Washington County, Utah (The "Authority"), And A Bond Purchase Agreement; Authorizing The Issuance And Sale By The Authority Of Its Lease Revenue Refunding Bonds, Series 2010, In The Aggregate Principal Amount Of \$961,000 For The Purpose Of (I) Refunding All Of The Authority's Series 1998 Bonds And (II) Paying Costs Associated With The Issuance Of The Series 2010 Bonds; Authorizing And Approving The Execution And Delivery Of Second Supplemental

Indenture Of Trust, By And Between The Authority And U.S. Bank, National Association As Trustee, And Other Documents Required In Connection Therewith; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transaction Contemplated By This Resolution; And Related Matters. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

ADJOURN REGULAR COMMISSION MEETING AND CONVENE MUNICIPAL BUILDING AUTHORITY

MOTION: Motion by Commissioner Drake to Adjourn Regular Commission Meeting And Convene Municipal Building Authority. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. MBA 2010-1472, A RESOLUTION OF THE GOVERNING BOARD OF THE MUNICIPAL BUILDING AUTHORITY OF WASHINGTON COUNTY, UTAH (THE "AUTHORITY"), AUTHORIZING AND APPROVING THE EXECUTION OF A FIRST AMENDMENT TO MASTER LEASE AGREEMENT, BY AND BETWEEN THE AUTHORITY AND WASHINGTON COUNTY, UTAH; AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LEASE REVENUE REFUNDING BONDS, SERIES 2010 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$961,000 FOR THE PURPOSES OF (I) REFUNDING ALL OF THE AUTHORITY'S SERIES 1998 BONDS TO EFFECT A DEBT SERVICE SAVINGS AND (II) PAYING COSTS ASSOCIATED WITH THE ISSUANCE OF THE SERIES 2010 BONDS; AUTHORIZING THE EXECUTION BY THE AUTHORITY OF A SECOND SUPPLEMENTAL INDENTURE, A FIRST AMENDMENT TO DEED OF TRUST, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

MOTION: Motion by Member Drake to Adopt Resolution No. MBA 2010-1472, A Resolution Of The Governing Board Of The Municipal Building Authority Of Washington County, Utah (The "Authority"), Authorizing And Approving The Execution Of A First Amendment To Master Lease Agreement, By And Between The Authority And Washington County, Utah; Authorizing The Issuance And Sale By The Authority Of Its Lease Revenue Refunding Bonds, Series 2010 In The Aggregate Principal Amount Of \$961,000 For The Purposes Of (I) Refunding All Of The Authority's Series 1998 Bonds To Effect A

Debt Service Savings And (II) Paying Costs Associated With The Issuance Of The Series 2010 Bonds; Authorizing The Execution By The Authority Of A Second Supplemental Indenture, A First Amendment To Deed Of Trust, And Other Documents Required In Connection Therewith; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transaction Contemplated By This Resolution; And Related Matters. Motion seconded by Chairman Eardley and carried by unanimous vote, with Members Eardley and Drake voting aye.

ADJOURN MUNICIPAL BUILDING AUTHORITY AND RE-CONVENE REGULAR COMMISSION MEETING

MOTION: Motion by Member Drake to Adjourn Municipal Building Authority And Re-Convvene Regular Commission Meeting. Motion seconded by Chairman Eardley and carried by unanimous vote, with Members Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1473, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN PROGRESSIVE CONTRACTING, INC., AND WASHINGTON COUNTY TO PROVIDE FIRE REHABILITATION AND DEBRIS REMOVAL SERVICES RELATED TO DAMAGES CAUSED BY THE NEW HARMONY MILL FLAT FIRE

Washington County Public Works Director Ron Whitehead said that this is the first of two (2) projects in the New Harmony area that concerns funding from the Natural Resource Conservation Service (NRCS) for restoration work done on the Mill Flat Fire. This is the contract for the first part of the work.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2010-1473, A Resolution Approving The Execution Of An Agreement Between Progressive Contracting, Inc., And Washington County To Provide Fire Rehabilitation And Debris Removal Services Related To Damages Caused By The New Harmony Mill Flat Fire. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1474, A RESOLUTION DESIGNATING AND APPOINTING BOARD MEMBERS TO THE NORTH CENTRAL FIRE SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

Six applicants submitted their names for consideration for the four (4) vacancies on this Board: Kurt Gardner, Kyle Preston, Lynn Mitchell, Marlo Reber, Gayle Rhode, and Brady Weaver.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2010-1474, and Appoint Kurt Gardner, Marlo Reber, Gayle Rhode, and Brady Weaver as Board Members To The North Central Fire Special Service District Administrative Control Board. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1475, A RESOLUTION ALLOCATING TO SUNSET CORNER PROPERTIES, LC ("SUNSET CORNER") UP TO \$6,500,000 OF WASHINGTON COUNTY'S RECOVERY ZONE FACILITY BOND ALLOCATION RECEIVED PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE PURPOSE OF ALLOWING WASHINGTON COUNTY TO ISSUE RECOVERY ZONE FACILITY BONDS TO CONSTRUCT A GIANT SCREEN THEATER, AND TO COMPLETE A BUILDING DESIGNED FOR TEN (10) RETAIL AND OFFICE SPACES

Commissioner Drake reiterated that this process allows a private entity to use the County's purchasing authority to get a discount on interest rates.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2010-1475, A Resolution Allocating To Sunset Corner Properties, LC ("Sunset Corner") Up To \$6,500,000 Of Washington County's Recovery Zone Facility Bond Allocation Received Pursuant To The American Recovery And Reinvestment Act Of 2009 For The Purpose Of Allowing Washington County To Issue Recovery Zone Facility Bonds To Construct A Giant Screen Theater, And To Complete A Building Designed For Ten (10) Retail And Office Spaces. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead reported that the Road Department is working on the next phase of New Harmony projects, which will be armoring along some key points to protect certain features, such as the cemetery, historical sites, bridges, and homesteads. He is awaiting clearances from the Forest Service, which considers some of these areas

cultural resources. The clearances are necessary before installing a new irrigation line in the right-of-way that runs alongside the old canal.

Working in conjunction with Washington County/St. George Interlocal Agency (WCIA), the Road Department is assisting with an addition to the parking lot in the northeast corner of the Dixie Center. The new area will replace some of the parking lot that is being removed to accommodate the new interchange being built right below the Dixie Center. We have just received the latest draft of the applicable bonds and will soon be issuing a Notice to Proceed to Sunroc, the lowest bidder on that project. It is hoped that work will be completed before the busy season for the Dixie Center, in the fall.

Additionally, the Road Department has just finished the Old Highway 91 chipping project, which is all re-striped, and Mr. Whitehead is working on getting additional funding for other chip seal projects that are lined up. The delay is the receipt of oil from the petroleum supplier.

Commissioner Drake encouraged all families to attend the Washington County Fair, which begins on August 11 and continues through the 14th. The Fair has many exciting events, such as the Dutton Family from Branson, MO; the demolition derby; and contests and other prizes. The Fair begins Wednesday the 11th at 6:00 p.m. with the kick-off.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Washington County Administrator Dean Cox said that the bid opening for construction of the new Washington County Justice Center will occur on Thursday, August 5, 2010, at 4:00 p.m.

Request an Executive Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 5:34 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN