

KANARRAVILLE TOWN CORPORATION

40 South Main Street, HC 65 Box 148

Kanarraville UT 84742

(435) 867-1852

Town Board Meeting Minutes

December 14, 2023

GUESTS PRESENT AT THE MEETING: Kevin Bechtol, Sheleah Bechtol, Wendy Coulter, Terrance Mitchell, Patti Morris, Brad Phelps, Gen Phelps, Frankie Kent-Zell, Thayne Williams, Brad Christensen, Kim Ward, Jared Blackburn

MAYOR GOULD IS ABSENT AND COUNCILOR STONEY SHUGART IS MAYOR PRO TEM

1. CALL TO ORDER: Councilor Shugart called the room to order.

2. PLEDGE OF ALLEGIANCE: Sheleah Bechtol led the Pledge of Allegiance.

3. ROLL CALL:

 Councilor Brandon Jonsson Present

 Councilor Tyler Allred Present

 Councilor Stoney Shughart Present

 Councilor Mike Humes Absent

 Mayor Betty Gould Absent

4. DISCLOSURES AND DECLARATIONS OF CONFLICT OF INTEREST: None.

5. APPROVAL OF MINUTES. Councilor Shugart asked for a motion to approve the Minutes. Councilor Allred moved to approve the November 9, 2023 Town Board Minutes. Councilor Jonsson seconded the motion, and all were in favor.

6. STANDING COMMITTEE REPORTS: None.

8. PUBLIC FORUM: There were no comments.

9. OLD BUSINESS:

 (a) South Central Communications - Lease Proposal: Terrance Mitchell asked the board if they had any questions about the new proposal. Councilor Allred said he was fine with the lease if it incorporated the changes our attorney suggested. Mitchell said they adjusted the lease to reflect the attorneys’ suggestions. For example, Section 6 was removed. He added the clause regarding maintenance and aesthetics and included that the tenant will keep all areas of the 50’x50’ lease property in a neat, clean, and orderly fashion. In addition, South Central will repair any damage to fencing surrounding the leased

property. Regarding Section 13 on improvements and alterations, Mitchell wonders if he should replace the whole section with the suggested language from the attorney or if he wanted that added to what is already there. He emailed it out to Heidi Loveland. No one could answer that question as Loveland was not present. Councilor Shugart Addressed No. 7 of the contract: Tennant will pay all taxes for the property if the rent stays $500 a year. Terrence Mitchell and David Ence agreed that the town doesn’t pay taxes. Councilor Jonsson asked if leasing that would change the status from tax exempt to taxable property. David Ence was asked to call the county assessor to see if leasing a tax-exempt piece of property would change its status. Terrance Mitchell said he would add language to the lease to address any tax status changes.

Councilor Shugart Addressed No. 10 of the contract – Re: no occupants: Terrence Mitchell said was deleted. Shugart talked about improvements and changes to the property. Mitchell said he didn’t know if the attorney wanted the whole item removed, or the new language added to No. 14 - Improvements and alterations. Mitchell said he would talk to Heidi Loveland about that.

Councilor Shugart asked about the gross misconduct language in the lease. Before Terrence Mitchell addressed that item, he talked about the attorney requesting insurance information, on No. 19. All the changes are in red and South Central agreed to go above and beyond what the town attorney asked for regarding the insurance coverage. Councilor Shugart asked about giving 180 days to vacate the property. Mitchell said when you are talking about vacating a property and taking down a building and finding a new spot, it can take some time. The board members are fine with that.

Terrence Mitchell asked if he could use the Transfer Station to dispose of garbage from the project like co-axial cable. Mitchell was told to stack it next to the limb pile. Mitchell asked if the town would like some excess dirt from the project. The board told him “Yes”.

Councilor Shugart asked for a motion to proceed with the lease with South Central. Councilor Allred moved to proceed with the lease with South Central Communications pending the changes discussed and the town attorney’s okay. Councilor Jonsson seconded the motion, and all were in favor.

Terrance Mitchell said they have contracted with Platt and Platt Surveying for a survey on the property and to get an exact property description.

 (b) Dominion Energy - Lease Proposal: David Ence read the latest email from the Dominion Energy. As no one attended the meeting, the item was tabled. Councilor Jonsson moved to have Dominion Energy present at the next meeting to discuss the lease proposal and if they are not present, they should not be on the agenda. Councilor Allred seconded the motion, and all were in favor.

 (c) Kanarra Falls Ladder Design and Price - Funder Welding: Andy Funder said he emailed the Falls ladder design. He went and looked at the ladder. He has designed a 6’x6’ square tube type stair. The one that is there now was measured as a 12-inch rise between each rung. His main concern is how it will look in the surroundings. It will still go up the right side and there will be a top platform you have to step up to. The ladder will weigh about 7,000 lbs. He made it as heavy as reasonable so it would last a long time. The tread will be bolted on. Funder said he is not an engineer and can’t guarantee that the ladder will stay there forever. He wants to make it secure, strong, and safe. To mount the ladder, he will drill into the rock and epoxy them in and attach the ladder to that. Funder said he put a mid-landing in the stairs because any elevation over 12 feet requires one. The bottom of the ladder will not be resting on the surface of the creek. It will be hanging off the side of the wall. Funder said he could incorporate the town logo or other designs into the tread of the ladder. The handrail will be like what is currently there and will bolt onto the treads every 5 feet or so.

Andy Funder said he would like the town to create a committee to help make the decisions on the ladder. He thinks we can iron out the details as a group and once some of those decisions are made, he will have a better idea as to cost and finishing time. Funder said it will take several days to install. That is why he would like to start a committee to help make some of these decisions, but he can be ready to start when we are ready. Logistics were discussed and blocking out hiker days for ladder installation.

Councilor Shugart suggested the ladder committee meet in the early part of January. Holly Hadley said she will be applying for a grant from the governor’s office which she hopes will pay for 60% of the ladder. The grant is awarded in May and we can’t start building anything until its awarded. Funder said he measured it and once we have the design finalized, we could take our templates up there to make sure it will work. Councilor Shugart told Funder that Hadley needs a preliminary bid to apply for the grant. He asked if we could meet in early January so Hadley has enough time. Hadley said grant applications open on the 15th of January. The Board discussed the matter further and decided on the 4th for the ladder meeting at 6 pm. Councilor Allred moved to proceed with the ladder plans with Funder Welding and to have a meeting on January 4th at 6 pm to work out the details. Councilor Jonsson seconded the motion, and all were in favor.

 (d) Iron County Search and Rescue Donation ($5,000): The board decided to keep the donation to Search and Rescue at $5,000. Councilor Allred moved to donate $5,000 to Iron County Search and Rescue. Councilor Jonsson seconded the motion, and all were in favor.

 (e) Ordinance No. 12-14-23 Establishing an Age Limit to Pay the Hiking Fee and Increase of Kanarra Falls Per Person Hiking Permit Fee, Raise the Number of Hikers Allowed Per Day and Set a Commercial Hiking Fee: David Ence read the ordinance to Town Board. Ence reads the ordinance laying out the new hiking rules. (See attachment to these minutes.) A company charge for groups had been eliminated discussed at the November town board meeting.

Councilor Shugart asked for a motion to approve Ordinance No. 12-14-23. Councilor Allred moved to approve Ordinance No. 12-14-23. Councilor Jonsson seconded the motion, and all were in favor.

Roll Call on Vote:

 Councilor Mike Humes Absent

 Councilor Stoney Shugart Yes

 Councilor Tyler Allred Yes

 Councilor Brandon Jonsson Yes

 (f) Tree Trimming Program - Proposed Management Plan: Councilor Shugart reported that he asked Heidi Loveland to write a motion for the Tree Management Program. David Ence read the motion to the board. This program will layout the management for trees in the town easements and public right-of-ways. Ence read the motion:

This motion addresses the management of trees within the town’s easements and right-of-ways in Kanarraville. The goal is to establish guidelines for tree maintenance while allowing flexibility for property owners. The proposed amendments are as follows:

Section 1 - Purpose: The purpose of this motion is to establish a framework for the maintenance, enforcement, and control of trees within the town’s easements and right of ways. However, it does not preclude the town of Kanarraville from planting trees in these areas.

Section 2 - Tree removal by the Town: All trees within the town’s easements and right of ways may be removed by the town of Kanarraville for any reason deemed necessary.

Section 3 - Property Owner’s Responsibility: Property owners may assume responsibility for the trees to prevent their removal. By doing so, property owners accept all obligations to maintain and control the trees bordering their property. This responsibility does not confer ownership of the trees: rather, it grants the right to maintain them. Liability rests with the property owner, but the town retains the authority to remove the tree at any time. If current property owner transfers ownership, the responsibility for tree maintenance transfers to the new owners.

Section 4 - Removal of Property Owners’ Planted Trees: Any trees planted by property owners in the town’s easements and/or right of ways will be promptly removed by the town of Kanarraville. This includes the removal of non-mature trees planted in recent years.

Section 5 - Implementation Plan: If this motion passes, the town of Kanarraville will enter into a contract with a tree service company to identify and remove the most problematic trees. The remaining tees will be removed as the budget allows.

Councilor Shugart stated that people will be notified before an offending easement tree is removed. Also, the stump will be ground out.

Councilor Shugart asked for a motion. Councilor Allred moved to approve the motion as read above. Councilor Jonsson seconded the motion. All were in favor.

 (g) Town Hall Fix-it Budget: David Ence introduced our newest maintenance employee, Frankie Kent-Zell who has been helping Tom Talbot and John Batty patch and sand the walls in town hall. The board welcomed Kent-Zell. David Ence said that Heidi Loveland was hoping for a budget of $5,000 for the project but nothing has been voted on. Councilor Allred wondered if $5,000 is enough. Councilor Allred moved to give a budget of $7,500. Councilor Jonsson seconded the motion. All were in favor.

10. NEW BUSINESS:

 (a) Brad Christensen with Peterson Plumbing Re: SetFlow Software, Transmitters and Warranty Issues: Brad Christensen stated that SetFlow, the company we got to do the transmitters for our radio read meters, has filed for bankruptcy. That means we have 60 days where the software is being taken care of by another party and at the end, we need to have a game plan as to how to proceed. He has spoken to the company we got the meters from and they said we could use them. They are a safer bet moving forward. The most important part now is to file claims on the bankruptcy. We will be going after the contract we had for 20 years of data collection. The other part we are out is the warranty coverage. Christensen said he and Patti went through the claim forms and what they need to have for the claim. They need a dollar amount for expenditures for the town including risk exposure if the devices need to be replaced. The meters are fine. It is just the transmitter. In the meantime, Christensen said he will credit the town for the 20-year data plan which will be about $104 per transmitter. Regardless of who we go with in the future, it won’t have the 20-year data plan. We shouldn’t have to replace any transmitters. You own the transmitters and the sim card, and we can change those to go with another company who will accept us. Zenner is the meter company we are hoping to work with. Fenix is the company taking over from Smart Earth who has licensed the software. They are looking at charging a monthly fee for each device.

Councilor Shugart asked Brad Christensen what he needs from the town. Christensen said he needs permission to proceed with the bankruptcy claim and work with Peterson Pluming to get a new software company to get the meters read. Councilor Jonsson moved to file a claim for our 20-year data plan for the SetFlow bankruptcy and to work with Peterson Plumbing to find a new data plan. Councilor Allred seconded the motion. All were in favor.

 (b) Move Fire Hydrant at 344 North 325 East (Brandon Jonsson): Councilor Jonsson said the address should be 364 North 325 East. On the north side of that lot, a fire hydrant was put in. It is right in the driveway. He talked to Tony Cornelius who said he could move it for $1,500 to $2,000. Councilor Allred moved to have Valley Underground move the fire hydrant that is in the driveway at 364 North 325 East. Councilor Jonsson seconded the motion. All were in favor.

 (c) Remodel Home Permit at 85 East 200 North - Colton McElyea: Councilor Allred said McElyea bought 85 East 200 North from Russell Nelson. He wants to remodel it, but he doesn’t have to move electrical switches or outlets, the footprint will not change, there are no changes to the plumbing or electrical, but he doesn’t want to be doing it and get turned in later. The board discussed the matter and decided that a building permit is not required. However, as McElyea will be changing the garage into a bedroom, Councilor Shugart said he may need a building permit as he is changing the garage to a living space. Shugart asked for a motion. Councilor Allred moved to give Colton McElyea a building permit if needed. Councilor Jonsson seconded the motion. All were in favor.

11. OFFICER/MEMBER REPORTS:

 (a) Brandon Jonsson - Water Department Report: Councilor Jonsson reported that the water was good. He further reported that he has tried to contact Robie of Cedar City to talk about cross connection and he has not gotten back. He heard from Heidi Loveland about Janelle, with Rural Water of Utah, and she too has not gotten back with him.

Councilor Jonsson said he spoke with John Batty about the tank cleaning. It will cost about $6,000 per tank. They go in and do a video tape of what we have, and then clean out three inches of sand. Anything above that he doesn’t know about it. Councilor Allred said it was cleaned in 2004 and the sand formed dunes in the bottom of the tank. We got a bad water sample and so we started cleaning. Councilor Allred thinks it would be money well spent to know what is going on with the tanks. Councilor Shugart asked if we want to put it on the January agenda. Councilor Jonsson moved to put tank cleaning on the January Agenda. Councilor Allred seconded the motion. All were in favor.

 (b) Holly Hadley - Monthly Falls Report: Holly Hadley asked if there were any questions on the November Falls Financial Report. There were none. Hadley said she did apply for the Iron County Rap Tax grant. It was due 12/15. We will go for the other grant in January. All the changes to the Falls website will be complete and ready to go in January. Councilor Allred recommended that the next time we are doing grants to talk to Jeff Stinquist, he is the legislator Councilor Allred took to the Falls last year and he offered his help. He is over money that goes to Parks and Recreation across the state.

 (c) Heidi Loveland - Cybercrime Management Program, Fraud Risk Assessment, Monthly Expenditures and Budget: David Ence (filled in for Heidi Loveland) reported that we have made Jared Blackburn our new IT guy. His pay is $15 per hour and he will be helping us with the town’s new cyber security program. Jared Blackburn talked about a grant through the State of Utah that will benefit all municipalities with cyber issues like anti-viral software. It is free and will save the town money on cyber packages we already subscribe to. The software the state has available is funded through 2027. During this next session they are hoping to have permanent funding approved through the state. It will also offer IT support.

Councilor Shugart asked for a motion to put the Cybercrime Management Program on next month’s agenda. Councilor Jonsson moves to put the Cybercrime Management Program on January’s Agenda. Councilor Allred seconded the motion. All were in favor.

David Ence said we are required once a year as part of the audit, to fill out a Fraud Risk Assessment for the town. Heidi Loveland emailed a copy of this year’s assessment. We got a score of 290 which is “Moderate Risk”. We have done everything we said we would to separate duties and put other measures in place to help with fraud risk. We need a vote so it can be turned into the auditor’s tomorrow. Councilor Allred moved to approve the Fraud Risk Assessment for the audit. Councilor Jonsson seconded the motion. All were in favor.

David Ence asked if there were any questions on the monthly expenditures and budget. There were none. Councilor Allred moved to approve the expenditures and the budget. Councilor Jonsson seconded the motion. All were in favor.

David Ence reported that we received the funding to have Sunrise Engineering help us with the lead and copper requirements this year. Sunrise Engineering predicts there won’t be anything to find in our system.

(d) Stoney Shugart – has nothing to report.

12. ANNOUNCEMENTS:

Councilor Shugart said that he has heard from Eric Kirby regarding Roberts Rules training. Thayne Williams will be new to the board and Councilor Shugart would like to have another training session. He would like to schedule that for a future Town Board meeting.

Thayne Williams was told to get the newly elected officials training from the Utah League of Cities and Towns.

13. CLOSED MEETING: None.

14. ADJOURN: Councilor Shugart asked for a motion to close the meeting. Councilor Allred moved to close the Town Board meeting. Councilor Jonsson seconded the motion. All were in favor.

The meeting adjourns at 7:52 pm.

Submitted by:

Heidi Loveland/Town Clerk Kanarraville