

KANARRAVILLE TOWN CORPORATION

40 South Main Street, HC 65 Box 148

Kanarraville UT 84742

(435) 867-1852

Town Board Meeting

February 22, 2024 at 7 pm

GUESTS PRESENT AT THE MEETING: Aaron Brent, Frankie Kent-Zell, Kim Ward, Will Leigh (Town Attorney), Brad and Jen Phelps

1. CALL TO ORDER: Mayor Gould is absent, so Councilor Shugart acted as Mayor Pro Tem. Councilor Shugart called the room to order.

2. PLEDGE OF ALLEGIANCE: Heidi Loveland led the Pledge of Allegiance.

3. ROLL CALL:

Councilor Brandon Jonsson Here

Councilor Tyler Allred Here

Councilor Stoney Shugart Here

Mayor Betty Gould Absent

Councilor Thayne Williams Absent

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

5. PUBLIC FORUM: Councilor Shugart opened the Public Forum and there were no comments.

6. OLD BUSINESS:

a. Dominion Energy - Land sale or lease: Aaron Brent from Dominion Energy said he was last here in October asking for an additional 15x40’ of land to buy at the current Dominion site south of town. He referred to the screen where the Town Clerk projected the lease document. Brent further stated that he has spoken with the owner the town purchased the property from. Brent passed out the proposed agreement and stated that Dominion is offering $5,000 for that 600 square foot piece. Brent said the reason it is needed is they need to beef up the system and add an electrical switch that can’t be too close to the valve site.

Councilor Shugart stated that the Board can only lease the property to Dominion, not sell it. Brent said Dominion is not interested in a lease, only a sale. The Dominion Energy attorney told him they should be able to do that without too much problem. Councilor Jonsson said there were restrictions placed on us when we bought property that won’t allow for a sale. He added that the Dominion attorney said she was

going to change the deed and talk to Suzie Walker, the previous owner, who doesn’t have anything to do with it now. She doesn’t own that property anymore, we do. Our agreement states that we can’t sell you the land, but we can lease it to you. Councilor Jonsson asked Brent why Dominion won’t lease it. Brent said it is a Dominion policy to purchase property rather than lease it. Councilor Jonsson said the email we received from the attorney sounded like Dominion was trying to strong-arming us into getting their way. Brent said the legal department is asking for a sale because leasing sets precedence around the state. Councilor Shugart said our hands are tied. We can’t sell. Brent said his attorney said you could, based on the contract. Councilor Allred said we gave our word to the previous owner that we wouldn’t re-sell the property. Brent said he will take the board’s comments back to their attorney.

Councilor Jonsson said the threatening email from Dominion’s attorney and the fact that they have gone behind the town to talk to the previous owner is a big problem for him. Brent said that wasn’t Dominion’s intention. Councilor Allred said he felt the same way about the email. Eminent domain has also been threatened. However, if Dominion decides to go that route – it’s a lengthy process. Heidi Loveland asked Councilor Allred if the proposed site would affect the ingress/egress of the fire house. Councilor Allred said they no longer plan to enter and exit off highway 91 – so it shouldn’t.

Councilor Shugart stated that the town is not against Dominion expanding their site and reiterated that a lease option was still on the table. Councilor Allred introduced Will Leigh, the town attorney. Will Leigh stated that the town is honoring a previous agreement, and that the town has presented an option to lease the property. He said the town is not willing to budge on this issue, so it’s up to Dominion how they want to proceed. Brent reiterated that it’s not Dominion’s intention to bully anyone, so it looks like it will be up to the attorneys to figure this out. Brent said he understands the town’s position to honor their agreement with the previous owner.

Will Leigh asked if there would be another site that would be suitable. Brent said no. They want to expand what is there already. Leigh said they should be able to work something out that would be amendable for both parties. Councilor Allred said the town’s plan is to put a fire house and potentially other buildings on that property. The plans haven’t been finalized yet and still have a lot of stuff to work through.

Will Leigh asked Aaron Brent to have Claire give him a call. Councilor Allred moved to only entertain a lease on the property. Councilor Jonsson seconded the motion. All were in favor.

b. Kanarra Falls Brochures - Expenditure Approval: Holly Hadley reported that last year and the year before, we spent an average of $1,500 on brochures for the Falls. This year there will be more hikers so we will need more. She is transitioning to a folded map instead of rack cards. The folded map will include other kinds of information that didn’t fit on the rack card. She showed the board an example of the new brochure. To cut back on printing costs, she will pay for the whole years’ worth at once. Councilor Jonsson moved to approve the 2,000 brochures for Kanarra Falls. Councilor Allred seconded the motion. All were in favor.

7. NEW BUSINESS:

a. Remodel bathroom at the Post Office: Councilor Allred said since this bathroom upgrade is not a request of the fire department, it should not come from his budget. Heidi Loveland said it needs to be done because it’s not useable and wouldn’t pass a health inspection. There was a discussion about how bad the bathroom was. Loveland said it was currently being used for storage. She recommended that the bathroom either be decommissioned, or remodeled. Councilor Shugart said one of the recommendations was to make two bathrooms out of the 10x10 space. Councilor Allred talked about the various costs and said it wouldn’t be cheap. Loveland said the money could come out of the general government budget. The board discussed approximate costs. Loveland asked if it should be done in this budget year. Councilor Allred thinks it could be done for $7,000. Councilor Shugart asked if Maintenance could do some of the work. John Batty told Loveland that he might not be able to do some of the work. Councilor Allred said he would cut the concrete for the drains and sink.

Councilor Jonsson moved to allot $7,000 for a bathroom remodel at the fire house and that money should come from the general government budget. Councilor Allred seconded the motion. All were in favor.

8. INVITED GUEST: ERIC KIRBY – MAYOR AND BOARD MEMBER TRAINING: Postponed.

9. OFFICER MEMBER REPORTS:

a. Brandon Jonsson - Water Report: Councilor Jonsson reported that the brass from the old water meters yielded $2,238 in returns.

b. (Heard out of order) Stoney Shugart – Tree Management Program Update: Councilor Shugart rearranged the agenda to accommodate Will Leigh’s schedule. Councilor Shugart said that Heidi Loveland had been talking to Will Leigh about the trees in the easement. Based on new information, the trees in the easement are already owned by the property owner. When they come in and say a limb fell on their house and we are going to sue you - the property owner is responsible, not the town. However, if the town needed to remove a tree in the easement, the town has the right to do that. Councilor Jonsson asked if it is all the way outside the property line, is it us or them. Councilor Shugart said it is them. If it borders their property out to the street, it is their responsibility and their tree. If it is in the easement, it is their tree. If it needs trimming, it is on the property owner. Heidi Loveland suggested putting a note in the water department flyer informing residents about the easement trees. Will Leigh talked about easements and what property owners are responsible for. Councilor Allred asked if that was out to the fence line, or out to the road. Will Leigh said out to the road otherwise it would create a dead zone where no one was responsible. If you go back to look at it, you will see that the owner owns out to the edge of the street. They are obligated to take care of the trees. Leigh stated it is like a sidewalk in Cedar City. Who owns the sidewalk. Councilor Allred said the property line in Cedar City is one foot behind the sidewalk. Leigh said the property owner is responsible for the sidewalk. It is not Cedar City. Loveland said if the owner landscapes the easement, if we must take it out, we don’t have to put it back. Councilor Shugart said if there is a tree blocking the view on a corner or someone plants a tree that blocks the street and creates a hazard, we can remove it. The Town Board thanked Will Leigh for his advice and he left the meeting.

c. Holly Hadley - Replacement of Aluminum Ladder Steps, and Kanarra Falls Kiosk Merchandise Proposal: Holly Hadley said Funder Welding fixed two of the steps on the current ladder and made six extra steps. He might be sending an invoice or roll it into the invoice with the big ladder. Councilor Allred said we should just make it an operating cost to replace the old ladder. Councilor Shugart would like Funder to send an invoice for the old ladder work.

Holly Hadley said Thayne Williams suggested selling a few items at the kiosk at their budget meeting. She checked with Zion’s National Park and Iron County, and they suggested starting with their best-selling items which are postcards and stickers. They are small and people don’t return them. They make $10,000 a month in those items. Our booking system is already set up for selling merchandise. She asked if she could add this item to a future agenda. The board agreed. Councilor Allred moved to put Holly Hadley on the agenda to discuss merchandising at the Kanarra Falls Kiosk. Councilor Jonsson seconded the motion. All were in favor.

d. Heidi Loveland - Raise Town Hall Rental Fee to $75, Change Rental Hours, and Raise Business Licenses to $50 for 2025: Heidi Loveland stated that the mayor suggested raising business licenses from $25 to $50 and raising the Town Hall rental fee. In addition, Councilor Williams would like to raise the Cobble Crest rental fee. They would like to vote on these items next month. The Town Hall rental fee would increase to $70 for residents and non-residents would stay at $250. Loveland also suggested changing the Town Hall rental hours. She suggested the new hours of 1 pm to 9pm on weekdays and on the weekend, it would be 7 am to 12 am. Alternative rental amounts were discussed. Councilor Allred recommended bumping the Town Hall rental fee to $100 for residents and $150 for Cobble Crest. Town Board agreed to put these items on a future agenda. Councilor Allred moved to put the Cobble Crest, Town Hall and Cemetery plots fees on the March agenda. Councilor Jonsson seconded the motion. All were in favor.

10. ANNOUNCEMENTS: Councilor Allred is looking at an 80’x120’ building the water conservancy is building. It costs $180-$200 thousand dollars. By the end of June, we will have $200,000 in our capital fund which would build one like it. He has also talked to State Bank about a loan, and they would be willing to give us a loan. Heidi Loveland asked about the site prep. Councilor Allred said the whole thing would cost about $700,000. It is the same square footage we were wanting but wider and longer. He asked the board if they were okay for him to check on this further. The board agreed that he should continue with his research.

Thayne Williams doesn’t have anything to add.

Heidi Loveland said the Public Hearings on the zoning change will be March 7th for the Planners and March 14th for Town Board.

Councilor Shugart asked about his vote as Mayor Pro Tem and as our ordinance doesn’t cover that issue, he thinks he should be able to vote. So does Councilor Jonsson. The mayor has a vote if there is a tie anyway. It was discussed briefly and decided that they could ask Eric when he came for the mayor and board training.

11. CLOSED MEETING: None.

12. ADJOURN: Councilor Shugart asked for a motion to adjourn. Councilor Jonsson moved to adjourn. Councilor Williams seconded the motion. All were in favor.

The meeting adjourns at 7:23 pm.

Submitted by:

Heidi Loveland/Town Clerk Kanarraville