

**MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
March 26, 2024  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH**

**Present:** Chair Patty Kubeja, Commissioner Celeste Meyeres, Commissioner Wade Heaton, Attorney Van Dyke, Sheriff Tracy Glover, Clerk/Auditor Chameill Lamb, Deputy Clerk/Auditor Candice Brown

**Also Present:** Rhonda Gant, Keiren Chatterley, Morgan Shakespear, Janette Peatross, Shannon McBride, Taylor Glover, Bert Harris

**CALL MEETING TO ORDER:** Commissioner Kubeja

**WELCOME:** Commissioner Kubeja

**INVOCATION:** Shannon McBride

**PLEDGE OF ALLEGIANCE:** Eric Baron

**PUBLIC COMMENT:**

Pat Moffitt commented on agenda item #3 and said that she fully supports Mark Habbeshaw's letter and appreciates his comments. She thinks considering making this change would be taking a giant step backwards and overlooks the fact that over time there would be cumulative higher cost related to maintaining unpaved roads because of the speed with which they degrade and the issues they cause. Pat also mentioned "valley fever" saying that having unpaved roads greatly increases the amount of dust in the air.

Dave Jones lives on Palomar Lane and it is on dirt road. He said if the Kanab 600, LLC happens he would have dirt roads in front of him and behind him. The cars go up and down the road, the wind blows, and there is dust blowing everywhere. It is bad for our health.

Bruce Davis from Vermillion Cliffs said that if you let those streets go in without pavement it would be almost the density of Kanab, which would generate a lot of dust. He also mentioned that in the wintertime they would need to run the school bus out there and he doesn't think the school is prepared with 4X4 busses for when these roads get muddy.

Patrick Moran representing the Taxpayers Association of Kane County, commended Chameill and Keiren for answering their persistent and frequent budget questions. He also mentioned that the Taxpayers Association has noted with Chameill's help and their analysis that there is a current surplus of over \$5.5M in TRT funds. TRT funds have many uses and one of them is roads. He thinks the county commissioners should really consider the use of those TRT funds because it is irresponsible to have those TRT funds pile up in surplus as they have. They either need to be expended on roads or cut taxes for the many property owners in Kane County who are experiencing financial hardship.

#### **CONSENT AGENDA:**

Check Edit Report:

**Motion** to adopt the Consent Agenda, which includes the Check Edit Report as well as the Meeting Minutes from February 27, 2024 Public Work Meeting, March 7, 2024 Town Hall Meeting, and March 12, 2024 Commission Meeting made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

The commissioners decided they wanted to have discussion on Ordinance 2024-13, which is an ordinance establishing county policy regarding public acknowledgement of the use of county funds so they took it off the consent agenda. There were a few changes that the commissioners wanted Attorney Van Dyke to make and then they put it back on the next commission agenda.

#### **REGULAR SESSION:**

- 1. Stacey Baron from DOVE Center-Kane County's Rape/Sexual Assault Mobil Advocate/Commissioner Kubeja**

Stacey Baron came and presented information on the DOVE Center, which has moved services to Kane County. DOVE does domestic violence and sexual assault services to both men and women throughout the county. They provide services for anyone with past

or current domestic violence/sexual assault and their services are free. Stacey also mentioned that April is sexual assault awareness month so they try to reach out to commissioners and towns to do a proclamation to support that as an awareness month.

**Motion** to approve the proclamation as presented with the changes of the signature blocks and the name of Kane County be put in the appropriate places and to be put on the consent agenda first meeting in April made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**2. VOCA Grant/Victim Service Update/Commissioner Kubeja**

Devin Shakespear gave an update on the VOCA Grant/Victim Services. She said that last year from January to December, they served 357 clients throughout the year, 31% of them were domestic violence, 20% was child sex abuse and then after that it was stalking and harassment, which was 10%. This year from January 1<sup>st</sup> until today they served 117 clients, 32 of those have been new for the grant year.

**3. Kane County Ordinance No. O-2024-06 an Ordinance Amending Title 9 Chapter 21 Subdivision Regulations Article F. Dedication and Acceptance of Streets and Public Improvements in the Kane County Land Use Ordinance-Shannon McBride/Commissioner Heaton**

Shannon gave a brief description on this ordinance saying that in Planning & Zoning, they had a long discussion on this and in the end they decided that they wanted the asphalt/chip seal requirement on subdivision roads to be removed. What this would do, is when they have their development meeting and the developers ask if they have to do chip seal, they wouldn't be required to, but they still can do the chip seal.

Attorney Van Dyke stated that Shannon and him were hoping the commission would have discussion and then make a decision on what they want to do with this. Whether it is to just accept the recommendation to no longer require asphalt or chip seal, to do nothing on the ordinance and keep the standard in place, or if it is some other mixed option. They would then like a chance to go back and do some additional re-drafting.

There was a lot of conversation on this and they decided to table the item, have Attorney Van Dyke work on it, and then bring it back to a future commission meeting.

**Motion** to table this agenda item and work through our options and determine a path forward, whether it is back through Planning and Zoning or back here in two weeks made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

**4. Zone Change/Ordinance 2024-07: Third Mesa/JT Maxwell-Shannon  
McBride/Commissioner Heaton**

Shannon mentioned that JT had come in two times before and was denied the zone change. He works for Grand Classroom and what they do is go and see the different national parks. He tries to make it clear that it is not for troubled youth, it is just for school kids and their programs. JT is asking to go from AG to RU-10. This would allow him to do up to 70 tents. Planning and Zoning first made a motion to deny it and that didn't go through so then they made a motion to approve it and it passed with (4) ayes and (3) nays.

**Motion** to approve Ordinance 2024-07 changing the zone from AG to Rural 10 made by Commissioner Meyeres and motion carried with Commissioner Heaton and Commissioner Meyeres voting aye and Commissioner Kubeja voting nay.

Commissioner Kubeja-nay  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**5. Zone Change/Ordinance 2024-08: Rogers-Shannon McBride/Commissioner Heaton**

Shannon stated that with this zone change, they are wanting to go from Agricultural FAA to Rural 10. She was not at the meeting, but felt like Commissioner Heaton did a great job explaining that this AG-FAA is a zone that needs to be protected and appreciated that Planning and Zoning recommended to deny this zone change.

**Motion** to accept Planning & Zonings recommendation and deny the Rogers zone change request made by Commissioner Heaton and motion carried with Commissioner Heaton and Commissioner Kubeja voting aye and Commissioner Meyeres voting nay.

Commissioner Kubeja-aye

Commissioner Meyeres-nay  
Commissioner Heaton-aye

**6. Amended Plat/Ordinance 2024-09: Bean/Chournos-Shannon  
McBride/Commissioner Heaton**

Shannon mentioned that this was a lot line amendment and that the Recorder's Office requires it to be like a subdivision even though it is a rural unimproved. P&Z voted unanimously to approve it.

**Motion** to approve Ordinance 2024-09 the amended plat for Bean/Chournos made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**7. Lot Joinder: Guy-Shannon McBride/Commissioner Heaton**

Shannon said this comes to the Commission because they are vacating (2) 7.5' public utility easements when they wanted to do a lot joinder. P&Z voted unanimously to approve it.

**Motion** to approve the Lot Joinder made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**8. Kane County Ordinance No. O-2024-10 an Ordinance Amending Kane County  
Code Title 2 Chapter 7 Kane County Criminal Justice Coordinating  
Council/Commissioner Kubeja**

Commissioner Kubeja stated that they needed to make some adjustments mostly due to legislation. Initially, they were requiring that the commissioner assigned to that was the chair and then last year they changed it where it would rotate between the board members. They also wanted to add the city attorney to their voting membership.

Attorney Van Dyke mentioned that they also added the drug court treatment provider as a voting member as well.

**Motion** to adopt Ordinance 2024-10 as written made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**9. Notice of Changes to UCIP Bylaws Coverage Addendum-Attorney Van Dyke/Commissioner Heaton**

Attorney Van Dyke mentioned there are two changes that they are making. There is one about chemicals and if “we” as a county ever use those chemicals. The second change is whenever, by contract, we agree to indemnify the other party that is now no longer going to be covered. There is also a third change, which is attorney fees and state court.

**10. Approval of Disposal of Surplus County Property/Full Commission**

Sheriff Glover presented the commission with a list of items that will be in a county led surplus sale. It will be held for the public on April 17, 2024. He said that some items could be eliminated because they continue to work with all county entities to see if they could use anything that is on the list. The deadline for them to add anything to the list will be on April 10<sup>th</sup> and the auction will be advertised in the newspaper for a couple of weeks.

**Motion** to approve the disposal of surplus county property at the sheriff’s auction on April 17, 2024 made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**11. Approval of Recommendations from the Kane County Tourism Tax Advisory Board/Commissioner Heaton**

Commissioner Heaton mentioned that Janette has provided the recommendations from the Tourism Tax Advisory Board. He said that by state law they are required to make recommendations to the county commission for ways that TRT/TRCC can be expended. These were there recommendations.

1. EMS
2. Roads
3. Search and Rescue
4. Rec Center
5. Orderville Park
6. Visitor Center Remodel
7. Trails
8. Duck Creek Community Center Engineer
9. Kane Plex Multi-event Center
10. Stellar Vista Observatory
11. Women's Monument

**Motion** to approve the recommendations from the Kane County Tourism Tax Advisory Board as presented made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

## **12. TRT/250 Discussion/Decision on Funding/Full Commission**

Commissioner Kubeja said there was a budget that they approved at the end of last year for TRT and we also have some fund balance of TRT funds that haven't been spent. With TRT, you are guessing how much money is going to be brought in, in the future year based off of history. This year we are planning on bringing in around \$4.75M and then TRCC also brings in funds, but they need to be used for specific things by state code.

Commissioner Heaton stated that around two years ago the commission divided that money up. Prior to that, all the TRT money had gone towards the Office of Tourism's budget. As the amount of tax coming in began to increase, the commission felt like it was wise to pull a portion of that off and use it for mitigation and community projects. They have earmarked that into a separate fund and they have been allocating money out of that fund and into funds such as roads/EMS, some of the services that visitors use. They were

not spending all of it and so that is how the fund got a fund balance. It has taken them awhile to get this process in place, but they finally feel like they are there. They have a complete list of requests and estimated costs for each one of them. It is now up to them to prioritize and work their way down the list and allocate this money. This is on the agenda today so they can share with everyone the first draft of where they have decided to prioritize.

The commission is unanimous in the fact that they will prioritize roads first. They have earmarked a handful of road projects that they are hoping to have done this year. They also earmarked \$400K in the budget to go to EMS. This is something they have been trying to get ahead of so they would like to keep this on the agenda so they can try to have this money allocated in the next 60 days.

**Motion** to approve expenditures from fund 250 in the amount of \$1.5M toward road projects and road improvements made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

### **13. Discussion/Decision for Payment of Electrical Utility Service Installation on the Kanab Center Property/Full Commission**

Commissioner Kubeja stated that we have a project that we are getting closer to getting bonded, which is the Community Outreach Building. We also have committed to building a community health and wellness center/rec center back behind the Kanab Center, which both will require power.

Sheriff Glover said that we paid a fee to have Garkane do an assessment on it. They came back with a cost of \$95,780.65 and their policy is that they will not order parts or begin construction until we pay that bill.

**Motion** to authorize the Building and Grounds to utilize funds from the MBA (LATCF) to pay for the Garkane electrical utility service installation on the Kanab Center property up to \$100K made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye



Commissioner Meyeres-aye  
Commissioner Heaton-aye

**14. Kane County Resolution No. R-2024-11 a Resolution to Petition the Town of Orderville to Vacate Two Platted Streets that Cross Kane County Property/Commissioner Heaton**

Commissioner Heaton stated that this is the Hoyt property on the northern end of Orderville. The county owns several acres right there and there are some existing easements that go from Hwy. 89 across this property over on the west side of the creek to the neighboring property and we have asked the town of Orderville to abandon and relinquish the easements that are not being used. They asked that we petition them through resolution form.

With the resolution presented they would like to add that someone would be authorized to dedicate an easement or some other access to the private property.

**Motion** to approve Kane County Resolution No. R-2024-11 a Resolution to Petition the Town of Orderville to Vacate Two Platted Streets that Cross Kane County Property with the addition that Kane County would grant an access easement to Duke and Shiree Cox made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**15. Easement Through Middle of Hoyt Property Around Well-Orderville/Commissioner Heaton**

Commissioner Heaton mentioned that this was in the same area as the last item, but instead of going east and west, this one goes north and south. The idea is to add an additional entrance into the fairground to alleviate congestion with trucks and trailers. Through the Hoyt property there is an access there, they have worked with UDOT on this, and they have given us preliminary approval to widen the access and we would create a road that came in through that access and then continues north into the new parking lot we are making for the fairgrounds. We roughed the road in as they started doing construction on the parking lot and then the county recorder produced a map that showed we didn't actually own the property. The town of Orderville owns a small section

around a well that they have there. What we need to do is ask for an easement across their property.

**Motion** to authorize Kane County to approach Orderville Town requesting an easement through their well parcel made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton- aye

#### **16. Discussion/Approval of New Kane County Logo/Full Commission**

Taylor Glover said the current county logo is great, but it does present some challenges when it comes to putting it on anything that would be cutout. So putting it on any building, apparel, anything you couldn't use an image for, it creates a problem.

Clayton Cutler presented to the Commission some logos that he had designed.

**Motion** to approve the logo as presented (the shape, design, text, and font) and have Clayton come back with more details later made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

#### **17. Coral Pink Sand Dunes Road Project-Grant Discussion-Update/Full Commission**

Commissioner Meyeres mentioned that Connor Meyers, with Congresswoman Maloy's office, said the timing would probably be another month or two before they had the federal agency reach out to us and start working with us on the actual implementation.

Commissioner Heaton said the idea is to take the federal money from Congresswoman Maloy, combine it with the UDOT money, and add in state parks money. The goal is to get that number up as high as we can so we can do as much on this road as we possibly can.

#### **18. Old Elementary School Discussion/Full Commission**

Commissioner Kubeja said that they were approached by the school district and asked if once they tore down the elementary school if the county was interested in maintaining that property. She talked to the Sheriff and Buildings and Grounds to see if this was something we wanted to discuss and the answer was that maybe we should, but she hasn't found out what the definition of "maintenance" is. They will continue the discussion on this when they get some more input back from the school district.

**19. Acknowledgement and Agreement with Kanab City Resolution 3-1-24 R a Resolution Authorizing Kane County to Use City Property North of Their Property Located at 20 North 100 East to Install Public Parking Stalls/Full Commission**

Commissioner Kubeja stated that this was the area we will be building the Community Outreach building and this was one of the requirements.

Sheriff Glover said that this benefits us in a few ways. The water that comes around and down that road will continue on the city right-of-way and will be their storm drainage. The city has been very good to work with us on improving our storm drainage on the property.

**Motion** to acknowledge and agree with Kanab City Resolution 3-1-24 R authorizing Kane County to use City property north of their property located on 20 North 100 East to install public parking made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye  
Commissioner Meyeres-aye  
Commissioner Heaton-aye

**20. Review of Legislative Issues/Full Commission**

Commissioner Heaton and Commissioner Meyeres attended the Utah Land Use Institute Conference last week and they did an intensive drilldown on quite a few of the new land use ordinances and programs. There will be more to come on this in the future.

**21. Commissioner Report on Assignments/Full Commission**

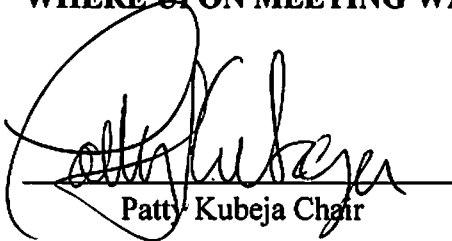
Commissioner Kubeja mentioned that the Active Living Center would be closed as of April 1, 2024 for close to a month. They will still be doing Meals on Wheels and the meals will be available for pick up.

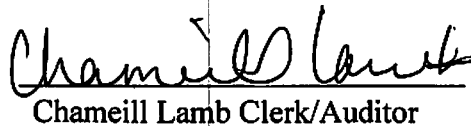
**Motion** to go into closed session to discuss reasonably imminent litigation with the guests of Sheriff Glover, Bert Harris, and Rhonda Gant made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja called the meeting back into regular session on March 26<sup>th</sup> at 6:14 p.m.

**Motion** to adjourn made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

**WHERE UPON MEETING WAS ADJOURNED**

  
Patty Kubeja Chair

  
Chameill Lamb Clerk/Auditor