

MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
**June 23, 2014**  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH

The items listed under Consent Agenda will be considered as a group and acted upon by one motion with no separate discussion of said items, unless the Commission so requests. In that event, the item will be removed from the Consent Agenda for separate discussion.  
The Commission meeting will begin at 10:00 am..

CALL MEETING TO ORDER: Commission Chairman Douglas K Heaton

PRAYER: Commissioner Douglas K Heaton

PLEDGE OF ALLEGIANCE: Commissioner Jim Matson

WELCOME: Commissioner Douglas K Heaton

CITIZEN PUBLIC INPUT:

Charlie Saba - Commented on a documentary he had seen on Wolves. He mentioned the life cycles of coyotes, rabbits, and ravens.

CONSENT AGENDA:

Check Edit Reports:

Approval of: June 9, 2014 Commission Meeting Minutes, June 16, 2014 Work Meeting Minutes, and June 17, 2014 Special Meeting Minutes.

Land Use: None

**Motion** to approve the Consent Agenda was made by Commissioner Matson and the Motion carries with all commissioners present voting in favor.

REGULAR AGENDA:

**Reserve the Highway 89 Shooting Range for the Western Legends Roundup August 21-23, 2014- requested by the North Rim Regulators**

Don Kramer, representing the North Rim Regulators, requested that the Hwy 89 Rifle Range be reserved for the Cowboy Shooting Competition from August 21-23, 2014. This is a yearly event, and the Insurance Certificate of Liability is in place.

**Motion** was made by Commissioner Clayson to allow the North Rim Regulators to reserve the Hwy 89 Shooting Range for August 21-23, 2014, and the Motion carries with all Commissioners present voting in favor.

**Johnson Valley Rural Unimproved Subdivision name change to "Miner Ranch" Rural Unimproved Subdivision**

LUA Shannon McBride presented the desired name change from Johnson Valley to "Miner Ranch."

**Motion** to accept the Johnson Valley Rural Unimproved Subdivision name change to the Miner Ranch Rural Unimproved Subdivision as per Land Use recommendation was made by Commissioner Heaton, and the Motion carries with all commissioners present voting in favor.

**Adopt Ordinance # 2014-11, An Ordinance Amending the Kane County General Plan**

LUA Shannon McBride & Attorney Rob VanDyke reviewed the Ordinance and the added verbiage was approved.

**Motion** was made to adopt Kane County Ordinance #2014-11, an Ordinance amending the Kane County General Plan by Commissioner Heaton, and the Motion carries with a Roll Call Vote as follows:

- Commissioner Matson .....Aye
- Commissioner Heaton.....Aye
- Commissioner Clayson..... Aye

**Adopt Ordinance # 2014-12, An Ordinance Amending the Kane County Resource Management Plan**

LUA Shannon McBride presented Ordinance 2014-12 to the commission for adoption.

**Motion** was made to adopt Kane County Ordinance #2014-12, an ordinance amending the Kane County Resource Management Plan by Commissioner Matson, and the Motion carries with a Roll Call Vote as follows:

- Commissioner Matson.....Aye
- Commissioner Clayson..... Aye
- Commissioner Heaton..... Aye

**Adopt Ordinance # 2014-13, An Ordinance Amending the Kane County Nuisance Ordinance**

Attorney Rob VanDyke briefly reviewed the changes made amending chiefly awarding LUA the ability to enforce) the Nuisance Ordinance up for adoption.

**Motion** was made to adopt Kane County Ordinance # 2014-13, an ordinance amending the Kane County Nuisance Ordinance by Commissioner Dirk Clayson, and the Motion carries with a Roll Call Vote as follows:

- Commissioner Matson..... Aye
- Commissioner Heaton..... Aye
- Commissioner Clayson..... Aye

**Meadow Canyon Road MOU/Powell District Roads**

Commissioner Clayson invited Roads Dept/ Bert Harris, and Deer Springs Ranch representatives/ residents Robert Allen & Brent Fullmer to the table. Commissioner Clayson reviewed the position of the Forest Service on the roads. A discussion ensued. Bert Harris addressed some of the maintenance and upkeep issues to the main access roads. GIS/ Lou Pratt and Bert Harris will review the roads, and road hazard signs will be looked into to warn drivers of hazardous road conditions. The MOU passed in parts as follows:

**Motion** to add the Powell District Roads to the Kane County Existing Forest Service Roads MOU was made by Commissioner Clayson, and the Motion passes with all commissioners present voting in favor.

An MOU draft agreement with Deer Springs Ranch on the Meadow Canyon Road, addressing the topic of Public Access and Maintenance was presented by Commissioner Clayson. This MOU would allow public access and allow but not obligate the voluntary upkeep of this road by Kane County. Attorney VanDyke clarified, and a brief discussion ensued.

The Deer Springs Ranch Owner’s Association Board presented an MOU for approval. They will allow public access on the main road through Deer Springs Ranch if the County will help maintain the road. A 90 day cancellation policy is desired by DSROA. A discussion ensued with input from DSROA board members present.

**Motion** to authorize Attorney Rob Van Dyke to finish the draft and to provide it to Robert Allen for presentation at the next DSROA Board Meeting on July 12 for execution or modification, and to authorize Commissioner

Clayson to sign that agreement on behalf of the county was made by Commissioner Clayson, and the motion carries with all commissioners present voting in favor.

**2014 RAC Funding- Strawberry Valley Entrance Road**

Commissioner Clayson and Attorney VanDyke addressed and reviewed the 2014-2015 RAC funding agreement. There were no concerns with this item.

**Motion** to approve the RAC Funding Agreement and to authorize Commissioner Heaton to sign the agreement was made by Commissioner Clayson, and the Motion passes with all commissioners present voting in favor.

**Resolution # 2014-10, A Resolution Ratifying in Part and Refusing in Part the 2014 Kane County Tax Sale**

Attorney Rob VanDyke reviewed the tax sale parcels that were stricken to Kane County at the 2014 Tax Sale.

**Motion** to adopt Resolution# 2014-10, a Resolution Ratifying in Part and Refusing in Part the 2014 Kane County Tax Sale was made by Commissioner Heaton, and the Motion carries with a Roll Call Vote as Follows:

Commissioner Clayson.....Aye  
Commissioner Matson .....Aye  
Commissioner Heaton.....Aye

**Approve Robinson Canyon Letter to Regional Forester Nora Rasure**

Commissioner Matson addressed the issue of motorized access on Forest Service Roads, and read aloud a letter which was drafted by Smith Curry representing Kane County and its views and position on this issue. The letter is requesting that the Forest Service finalize their decision making process on motorized travel on the Robinson Canyon Road.

**Motion** to authorize the execution of this letter was made by Commissioner Matson, and the motion carries with all commissioners present voting in favor.

**Adopt County Employee Per Diem Rates**

Commissioner Matson reviewed the policy concerning the in-state and out-of-state meal Per Diem for Kane County Employees. The Utah State Rates will be used by Kane County Employees.

**Motion** to Adopt the Utah State Rates for In-State and Out-of-State Meal Per Diem Rates as the County Meal Per Diem rates was made by Commissioner Matson, and the motion carries with all commissioners present voting in favor.

**Resolution # 2014-9 and comments regarding the Waters of the USA Federal Rule Making Process**

On an unrelated subject, Byard Kershaw donated an American flag to replace the MIA flag for the county.

M. Kershaw reviewed the letter he has drafted, representing Kane County in regards to the definition of the "Waters of the United States" under the Clean Water Act. Kane County is in opposition to this proposed rule regarding waters of the United States under the Clean Water Act. A discussion ensued. Revisions and changes were suggested, and will be made to this letter as requested.

**Motion** to accept this letter with the changes as discussed, regarding the Waters of the USA Rule Making Process, was made by Commissioner Matson and the Motion carries with all commissioners present voting in favor.

**Motion** to submit this letter was made by Commissioner Heaton, and the Motion carries with all commissioners present voting in favor.

**Motion** to adopt Kane County Resolution # 2014-9, regarding the Waters of the USA Rule Making Process was made by Commissioner Matson, and the Motion carries with a Roll Call Vote as Follows:

Commissioner Matson.....Aye

Commissioner Heaton.....Aye

Commissioner Clayson.....Aye

### **East Zion Special Service District Board appointments**

**Motion** to appoint Lloyd Benson and Michael Kane to the East Zion Special Serviced District was made by Commissioner Heaton, and the Motion carries with all commissioners present voting in favor.

**A Motion** to revoke the previous motion (appointing Lloyd Benson to the EZSSD Board) was made by Commissioner Heaton, and the Motion carries with all commissioners present voting in favor.

**A Motion** to release Lloyd /Benson with a vote of thanks and to Re-Appoint Michael Kane, and also to Appoint John Lee to the EZSSD Board was made by Commissioner Heaton, and the Motion carries with all commissioners present voting aye.

**Lunch 11:30 AM to 1:00 PM** Commissioners will attend the Utah's Own & SWATC Successful Agriculture & Food Entrepreneurship activity at 733 South Cowboy Way Kanab, Utah

### **Financial Report:**

Clerk/Auditor Karla Johnson presented the financial report to the commission. YTD totals sales tax are up from last year in most areas. Room and Restaurant tax are down slightly, possibly from the road closure.

### **1:30 PM Interview Mike Kenner**

The Kane County Commissioners conducted the interview with Mr. Kenner. He is seeking a position on the Cedar Mountain Water Conservancy Board.

### **Appoint Board Member to Water Conservancy Board**

Motion to appoint Mike Kenner to the Water Conservancy Board was made by Commissioner Matson, and the motion carries with all Commissioner present voting in favor.

### **Dixie Regional Medical Center Insurance Claim**

Dixie Regional Medical Center Insurance Claim will be reviewed in Closed Session.

### **Alton Road Issues**

The Kane County Commissioners and Roads Superintendant Bert Harris discussed the Alton Road Issues, and then entered into Closed Session.

### **CLOSED SESSION:**


Present: Commissioner Douglas K Heaton, Commissioner Dirk Clayson, Commissioner Jim Matson, Attorney Rob VanDyke, Clerk/Auditor Karla Johnson.


**Motion** to enter **Closed Session** for the final 2 Agenda items, and Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property was made by Commissioner Clayson, and the motion carries with all Commissioners present voting in favor.

**Regular session resumed:**

**Motion** to pay the Dixie Regional Medical Center only with an Itemized Statement of the billing, in light of the experimental drugs being removed from the billing was made by Commissioner Clayson, and the motion carries with all Commissioners present voting in favor.

**WHEREUPON MEETING WAS ADJOURNED**

  
Commission Chairman Douglas K Heaton

  
Clerk/Auditor Karla Johnson