

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
December 19, 2023
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH**

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

Also Present: Rhonda Gant, Ryan Maddux, Keiren Chatterley, Taylor Glover, Morgan Shakespear, Wendy Allan, Bert Harris, Alan Alldredge

CALL MEETING TO ORDER: Commissioner Heaton

WELCOME: Commissioner Heaton

INVOCATION: Wendy Allan

PLEDGE OF ALLEGIANCE: Commissioner Heaton

PUBLIC COMMENT:

Pat Moffitt is a landowner in Vermillion Cliff Estates Subdivision and wanted to speak about the proposal to convert the Vermillion Cliff Estates SID to an SSD for the purpose of adding structural fire protection. She thanked the Commission and the county attorney for their continuing diligent efforts to resolve this critical issue affecting the unincorporated areas east of the city. The loss of structural fire protection for those areas would be disastrous to homeowners. Pat also stated her support for their efforts, creation of an SSD is the only way they can insure that there is a foundation for the continuation of such services under current Utah laws. Some of her fellow residents have provided comments in objections to the existing proposal and are encouraging the public to protest it so the Commission will be prohibited from proceeding. She submits that, that is not the right course of action. There is a way to negotiate and find solutions to get this done.

Commissioner Kubeja read comments from Joann Rando-Moon that was in reference to the Vermillion Cliff Estates Subdivision saying that she is opposed to the SSD.

Matt Fisher stated that he is opposed to the process going forward as it is. He would like to have negotiations and discussions with the Commission. All that they have been presented is a proposal that they would only be able to protest as opposed to positively affirm that it is a good thing for the community that is out there. He said that there is a whole community out there that want to see the best solution.

CONSENT AGENDA:

Check Edit Report:

Motion to adopt the Consent Agenda, which includes the Check Edit Report as well as the Commission Meeting Minutes from December 6, 2023 and December 12, 2023 made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. 2:05 P.M. Public Hearing for Opening of the 2023 Budget to Make Adjustments

Chameill went over why they were doing a budget opening. She stated that the first thing she had was an EMS Preparedness Grant, so they need to accept the grant for \$1,173. The other two items were a couple of journal entries that she felt like they needed to do in the two different funds. Fund 112 is currently our health services fund that funds our Health Department. Due to some oversight in the budget this year, it was slated to receive a transfer from 110 in the 112 side of the budget, but in the 110 budget that transfer wasn't allocated and so by not having that transfer allocated into 112 it created that fund to go into the negative in the fund balance. Chameill said for the 2024 budget they moved those services back into Fund 110. The second item is in our capital depreciation fund. This fund is also in the negative because we had an extra vehicle purchased this year. The vehicle was intended to be traded in, but we ended up keeping that vehicle. Fund 442 didn't have enough fund balance in that fund to cover that extra vehicle. She wanted to transfer the vehicle expense over into our miscellaneous line item in 110.

Motion to go in and out of public hearing at the call of the chair made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton declared us into public hearing for the purpose of discussing the adjustments for the budget opening for 2023.

No public comment was made.

Commissioner Heaton called us out of public hearing.

2. Kane County Resolution No. R-2023-35 a Resolution Adopting a 2023 Fiscal Year County Budget Adjustment-Chameill Lamb/Commissioner Heaton

Motion to approve Kane County Resolution No. R-2023-35 a Resolution adopting a 2023 Fiscal Year County Budget Adjustment made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

3. Kane County Resolution No. R-2023-36 a Resolution Adopting the 2024 Fiscal Year County Budget-Chameill Lamb/Commissioner Heaton

Chameill said that they had the budget hearing last week and went over all the funds and the different things they will be anticipating for next year. She left it up to the Commission to look it over and see if they had any modifications or changes that they wanted to make prior to the final adoption of that budget. One concern she has is that we are in the process of moving forward with the intent to build the Health and Wellness Center and we needed to come up with funding for that. The finance committee had recommended some places for that funding to come from and she built that into the budget as is. She is not sure if that is where they want to take that funding from or if they want to leave that out of the budget at this point and then when the time comes for us to allocate funding to just do another budget opening.

Commissioner Heaton doesn't have a strong preference one way or the other, but it does artificially inflates the budget having it included.

Commissioner Meyeres would like to keep it in the budget that way it is one less thing to do later.

Chameill mentioned that the only thing she had changed was the expense they had talked about for the Active Living, Fund 272 for the kitchen. They had built in a little more fund in there than they feel like they will need. That overall budget decreased \$78K, she had a big chunk of that coming out of their fund balance, so she just decreased the prior year fund balance appropriation to accommodate for that.

Commissioner Heaton mentioned that the county has historically provided a few social services and as a conservative of a county that we have, he thinks we have been pretty guarded with these social services and their budgets. It does seem over the last ten years some of those have started to creep up, which causes him some concern. He thinks that there are some that they need to take a look at.

Commissioner Meyeres agrees and mentioned that it is always a balance trying to stay between overspending, overtaxing, growing to much, and then also if they are to lean then it can be a detriment on the other hand. Her approach for this year is to stabilize things and look closely at what we do provide and then gradually make refinements.

Commissioner Heaton said one concern he has is Fund 250, this is where all the TRT money comes into the county and then we use a portion that goes back to Fund 275. Fund 250 is a relatively new fund, which doesn't have much fund balance because it is relatively new. They intend on funding some mitigation through this fund and also using it for community improvements. The problem is that Fund 250 has a lot of fingers in it and is getting pulled a lot of different directions. He thinks the money that is in 250 right now probably shouldn't be distributed in the 23 earmarks, because he doesn't think last year's commission understood that those earmarks were in place and that money was being committed. He is hesitant to distribute those to the funds that were earmarked in 23, simply because all that will do is bolster those fund balances because we are at the end of the year and haven't spent that. Commissioner Heaton mentioned that they have some pre built in earmarks for the 2024 budget in Fund 250 and he would like to remove them.

Commissioner Kubeja asked if Fund 275 would have a fund balance going into this next year.

Chameill said that they would have some fund balance. She said at some point in time it was thought to be of value for each fund to have at least enough fund balance to operate for a year.

Commissioner Heaton wanted to address Fund 252, which is the Kanab Center budget. He said the issue he has is that money comes out of Fund 250, the fund that they are trying to save for mitigation. The Kanab Center does bring in some revenue, but it is nowhere near the amount that it is taking to run the facility. Anything that is put into Fund 252, that budget is going to directly take away from a road project, solid waste mitigation, or EMS. He suggested that they adjust the 24 line item budget for Fund 252, back to \$550K.

Commissioner Kubeja mentioned her concern she has, which is specifically with the Search and Rescue. We didn't earmark any coming out of the mitigation based on them getting at least some of what they were "budgeted" for last year. If we are not going to give them anything from the 2023 budget, then we might need to relook at their budget for 2024.

Commissioner Heaton said it is not his intent to not give them that money. It is his intent to just take out that specificity out of the budget.

Commissioner Kubeja said that for 2024, she is fine with not obligating it right now to any specific fund until they hear what the tourism board recommends, but for 2023, she still thinks they should make the transfers that were committed.

Chameill clarified that they were wanting to remove the allocations for Fund 250, other than the Kanab Center and tourism. The Kanab Center would get modified to \$550K in the 250 line as well as the 252 line and then remove all the other pieces that were earmarked into 250.

There was more talk on the budget and a transfer that is made to the Sheriff's budget in the amount of \$480K. They decided to make the transfer amount be \$380K instead. Chameill will also take out all of the funding sources right now that were slated for the rec center. She will take it out of Fund 243 and 250.

Motion to adopt Kane County Resolution No. R-2023-36 a Resolution adopting the 2024 Fiscal Year County Budget with the changes outlined made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

4. Transfer of Funds from 272-4940 to Fund 272-4950 to Cover Overtime and Payroll Expenses Incurred in 272-4950/Full Commission

Chameill said that this year in the Active Living budget at the beginning some of the salaries and wages for the part time was getting taken out of the salary wage line and so it has caused that line (272-4950-110) to be over budget. She said there is enough money within Fund 272 to make some transfers to cover that deficit. Some is coming from the same department and some is coming from a different department, but it is all housed in 272. The result would be a transfer from one department (4940) into the (4950) for \$5K and then a transfer in the same department for \$6,670.13 just to cover the wages.

Motion to approve a transfer of funds from 272-4940 to fund 272-4950 to cover overtime and payroll expensed occurred in 272-4950 as a total of \$11,670.13 made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

5. Kane County Conservation District Annual Report by Tyce Palmer/Commissioner Heaton

Tyce Palmer gave a report on the Kane County Conservation District. He said that they were able to use the No-Till Drill that they purchased on about 300 acres last year. They have also secured a \$34K grant through the Utah Conservation Commission to purchase a Range Drill. It is an 80/20 match grant, 80% is funded through the grant and then they need to come up with the 20%. They are hoping the County will help with that and look forward to another good year working with the County.

- 6. Public Hearing for Appointing/Reappointing as Detailed by the Following Resolutions: R-2023-32, R-2023-34, R-2023-37, R-2023-38, R-2023-39, R-2023-40, R-2023-41, R-2023-42, R-2023-43, R-2023-44, R-2023-45, R-2023-46, and R-2023-47**

Commissioner Heaton called us in public hearing.

No public comments were made.

Commissioner Heaton called us out of public hearing.

Motion to approve Kane County Resolutions R-2023-32, R-2023-34, R-2023-37, R-2023-38, R-2023-39, R-2023-40, R-2023-41, R-2023-42, R-2023-43, R-2023-44, R-2023-45, R-2023-46, and R-2023-47 made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

- 7. Kane County Resolution No. R-2023-32 a Resolution Reappointing John Reese and Jeremy Chamberlain to the Kane County Planning Commission/Commissioner Heaton**

See motion on item #6.

- 8. Kane County Resolution No. R-2023-34 a Resolution Reappointing Kelly Stowell to the Kane County Economic Opportunity Board/Commissioner Meyeres**

See motion on item #6.

- 9. Kane County Resolution No. R-2023-37 a Resolution Reappointing Janette Nielsen to the Church Wells Special Service District Administrative Control Board/Commissioner Kubeja**

See motion on item #6.

- 10. Kane County Resolution No. R-2023-38 a Resolution Reappointing Thomas Griffiths to the Long Valley Sewer Improvement District Administrative Control Board/Commissioner Kubeja**

See motion on item #6.

- 11. Kane County Resolution No. R-2023-39 a Resolution Reappointing Bart Battista and Mike Noel to the Kane County Recreation and Transportation Special Service District Administrative Control Board and the Kane County Resource Development Committee/Commissioner Meyeres**

See motion on item #6.

- 12. Kane County Resolution No. R-2023-40 a Resolution Appointing Kerry Glover and JD Wright to the Kane County Recreation and Transportation Special Service District Administrative Control Board and the Kane County Resource Development Committee/Commissioner Meyeres**

See motion on item #6.

- 13. Kane County Resolution No. R-2023-41 a Resolution Reappointing Kevin McLaws, Steve Neeleman, and Larry Sanders to the East Zion Special Service District Administrative Control Board/Commissioner Kubeja**

See motion on item #6.

- 14. Kane County Resolution No. R-2023-42 a Resolution Appointing Morgan Chrust to the East Zion Special Service District Administrative Control Board/Commissioner Kubeja**

See motion on item #6.

- 15. Kane County Resolution No. R-2023-43 a Resolution Reappointing McKay Chamberlain, Clay Hansen, Ferril Heaton, and David Schmuker to the Kane County Water Conservancy Board of Trustees/Commissioner Kubeja**

See motion on item #6.

- 16. Kane County Resolution No. R-2023-44 a Resolution Reappointing Ben Alderman, Chris Heaton, and Zach Hascall to the Western Kane County Special Service District Administrative Control Board/Commissioner Kubeja**

See motion on item #6.

- 17. Kane County Resolution No. R-2023-45 a Resolution Appointing Trevor Stewart to the Kane County Economic Opportunity Board/Commissioner Meyeres**

See motion on item #6.

- 18. Kane County Resolution No. R-2023-46 a Resolution Reappointing Lance Jackson and Kelly Stowell to the Kane County Resource Development Committee/Commissioner Meyeres**

See motion on item #6.

- 19. Kane County Resolution No. R-2023-47 a Resolution Appointing Pat Guerrero to the Kane County Economic Opportunity Board/Commissioner Meyeres**

See motion on item #6.

- 20. 2024 Wildland Fire Participation Agreement/Commissioner Kubeja**

Commissioner Kubeja mentioned that we enter into an agreement with the State in providing wildland fire protection. We have a full time fire warden (Spencer Rollo) and

an assistant position, which is not filled right now. She said that we have an MOU and a yearly contract that we sign.

Alan said that there are a couple of parts to the budget, this part today is called a participation commitment agreement. This is based on a 10-year fire average, throughout the high and low and average out, and then also a risk assessment based on all the acreage throughout the County is given a high, low, medium rating and then there is a value associated with those. They add the two values together and come up with a total that we have to budget to spend on mitigation projects. This year our requirement is \$71,805.

Motion to approve the 2024 Wildland Fire Participation Agreement with the State of Utah made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

21. User Agreement for Multi-County Appraisal Trust's Paragon Utah Mass Appraisal System-Ryan Maddux/Commissioner Kubeja

Ryan Maddux said that every county is a member of MCAT, each county gets a representative and Ryan is Kane County's representative. He said right now MCAT's only project is the Paragon Utah Mass Appraisal system, which is PUMA insured. About 10 years back the state decided they wanted a statewide mass appraisal system so they started implementing this system. MCAT originally went with a different program, which didn't work out so they have been developing their own. As part of that, we have this agreement we sign that we are agreeing to operate within the parameters that MCAT set forth for this program. The only fee that would come to the county is if we operate outside of the hours that they have outlined. This is a 5-year agreement.

Motion to approve the User Agreement for the Multi-County Appraisal Trust's Paragon Utah Mass Appraisal System as presented by Assessor Ryan Maddux made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye

Commissioner Meyeres-aye

22. Approval/Denial of Municipal Economic Opportunity Infrastructure Development Fund-Kelly Stowell/Commissioner Meyeres

Commissioner Meyeres stated that the County Economic Opportunity Board is a Recommending body that recommends expenditures of annual government office of economic opportunity funds, which are about \$200K a year. It comes into the fund and then gets recommended for expenditure by the CEO board and then the County Commission makes final decisions on whether or not to go along with the recommendations of the board. In the past, the money hasn't always been spent, so it has been accumulating and there is more than \$200K in the fund. They received a proposal to use \$250K of that money, which would leave about \$150K to still be expended. This proposal is for \$100K to be divided equally between each of the five municipalities in the County, to use towards infrastructure that could help bolster the economic activity in each municipality. For the other \$150K of the proposal, it would be divided up between the five municipalities based on the percentage of business licenses that each municipality has.

Motion to approve the Municipal Economic Opportunity Infrastructure Development Fund as presented in the amount of \$250K made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

23. Approval/Denial of Kane County Water Conservancy Jackson Flat Reservoir Infrastructure Development and Improvement Project-Kelly Stowell/Commissioner Meyeres

Kelly said this proposal for infrastructure development and improvements at Jackson Flat Reservoir. He said that Jackson Flat Reservoir is really important to the community and a real asset to both residents and visitors. The proposal is for \$50K.

Mike Noel said that they are working on an overall master plan for the 400 acres at Jackson Flat. He said there are various steps they need to take to get to where they are.

Infrastructure is one of the main ones. They need lighting, so that would be part of this. They also have a proposal for 12 pickle ball courts and they need another bathroom, so part of the infrastructure would be extending their water system, electrical, and lighting.

Commissioner Heaton asked how this fits within one of the five criteria's of the CEO board. He said that this sounds like a great project, but sounds more like a project as opposed to the overall economic development.

Kelly said that this fit in with infrastructure development.

Commissioner Meyeres stated that it is business infrastructure development, right?

Kelly said that it is fairly broad on what it could be used for. Business infrastructure, industrial building development and capital facilities improvements.

Commissioner Heaton asked if it is normal for a government entity to come in and apply for funds like this.

Kelly said it is normal, that is where they have spent most of the CEO money.

Commissioner Meyeres said that she has mixed thoughts about this one. She said that normally the CEO Board gets a proposal, they look at the proposal, and then make a recommendation on the proposal. She does not feel like she has seen an actual proposal and doesn't have a clear picture on how much a \$50K ask would help. She would like to know specifically what they are getting with this money.

Motion to deny until there is a more specific proposal and a very specific business development tie-in of the application of the Kane County Water Conservancy Jackson Flat Reservoir Infrastructure Development and Improvement project made by Commissioner Meyeres and motion carried with Commissioner Meyeres voting aye, Commissioner Heaton voting aye, and Commissioner Kubeja voting nay.

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

24. Approval/Denial for Grand to Grand Ultra Marathon Business Development Funding-Kelly Stowell/Commissioner Meyeres

Kelly said this proposal is from the Grand to Grand-Ultra Marathon. He said that their original proposal was for \$19K and the CEO board recommended \$5K.

Motion to approve the request from Grand to Grand-Ultra Marathon Business Development Funding in the amount of \$5K from the CEO fund made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

25. Approval/Denial IMPACT Utah Leadership Training with Kanab Chamber and Southwest Tech-Kelly Stowell/Commissioner Meyeres

Kelly said this is a funding request that was presented for a training and leadership opportunity with a group called IMPACT Utah with the Kanab Chamber of Commerce and with Southwest Tech. They will be providing matching funds. They are asking for \$4,750.

Motion to approve the request for IMPACT Utah Leadership Training with Kanab Chamber and Southwest Tech as partners made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

26. Zone Change/Ordinance 2023-39: Eller-Shannon McBride/Commissioner Heaton

Wendy said this is a zone change in Vermillion Cliffs and they are asking to go from Residential-1 to Residential-2. They would like to go to Residential-2 because Residential-1 allows a second home, that is 50% of the size of the main home and they want a home that is a little bit bigger than that. They have enough acreage to go to Residential-2 and that would allow them to put a little bit larger guest home. P&Z recommended approval.

Motion to approve Ordinance 2023-39 for the Eller Zone Change from R-1 to R-2 made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

27. Zone Change/Ordinance 2023-40: Willis-Shannon McBride/Commissioner Heaton

Wendy said this Zone Change is in Church Wells and they would like to go from Residential-1 to Commercial-1. To the west of this parcel, it is SITLA land and to the east, it is Residential. They had a couple letters in opposition and P&Z recommended denial.

Commissioner Meyeres said that she has mixed feelings on this one. On one hand, she doesn't feel that people need to come say what exactly they are wanting to do because half the time it changes. On the other hand, she feels like this doesn't exactly fit the general plan. If she were to consider going against the general plan she would want a really good reason and in her opinion there is not a really good reason.

Commissioner Heaton said that in this case they are trying to protect the zone that people are invested in. There were folks that bought and built in an area that was Residential-1 all around them. This would add a host of additional uses that some of them might find impactful.

Motion to deny the Zone Change/Ordinance 2023-40 request made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

28. Lot Joinder: Self-Shannon McBride/Commissioner Heaton

Wendy said with this Lot Joinder they are taking (3) lots and combining them into (1) and vacating the easements between the lots.

Motion to approve Lot Joinder for Self to combine (3) lots into (1) made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

29. Lot Joinder/Lot Line Adjustment: Hackbart-Shannon McBride/Commissioner Heaton

Wendy said this is a Lot Joinder, but it is also amending and extending a subdivision plat. He borders on a parcel he owns. They are taking (3) lots, making (2) lots, and pulling in a portion of that parcel. P&Z recommends approval.

Motion to approve Lot Joinder/Lot Line adjustment for Hackbart as presented made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

30. Lot Joinder: Carpenter-Shannon McBride/Commissioner Heaton

Wendy said this is in Ponderosa Villa and it is joining (2) lots and vacating the easements in between them. P&Z recommends approving.

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

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

31. Discussion/Possible Action on "Seasonal One Way Road on Spring Drive" for Public Safety/Commissioner Heaton

Bert Harris said that the fire district on the mountain in Duck Creek has had some concerns from their contractor that plows the snow up Tanners Cut, which is Spring Drive. It is a very steep road. They are concerned that when the snowplows are plowing the roads, meeting traffic trying to go up the hill. In wintertime, it is a bad situation. They would like us to make it to where we could put something in place so that we could close that for uphill traffic during the winter months. Bert mentioned that there are some citizens that live halfway up the hill so they might pushback, but if there was an accident who would be responsible for that and would the county have some liability?

Commissioner Heaton said that this has been an issue for a while. One suggestion he has, would be to allow the few people that access mid road, snow removal contractors, and emergency vehicles to be able to go up the road, but they would be the only ones. Everyone else would only be authorized to use the road going downhill. He would also suggest leaving this in the hands of the county road supervisor, the sheriff, or the commissioner over roads to be authorized to be able to make the decision on closing the road.

Commissioner Meyeres said that she is not comfortable with saying some users are allowed versus not allowed. She is comfortable with leaving it up to prosecutorial discretion.

There was further talk on this item and signs that they could possibly use.

Motion to authorize the County Road Department to regulate traffic on Spring Drive and to put up a sign only authorizing downhill traffic with the exception of emergency vehicles and maintenance vehicles at the County Road Supervisors discretion as to when the sign was put up and taken down made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

Attorney Van Dyke suggested that Bert go out and find the right sign, but then also come back with that specific sign to have that specific sign approved.

32. Discussion/Possible Action: No Parking on all County Roads/Commissioner Heaton

Bert said the reason he brought this up is because if they have a heavy storm and people parking out on the roads, they have a hard time getting around them and then once they are gone if the snow freezes it is really hard on their equipment to remove the snow after that. He is wanting to know if there is some state code to rely on or if we need to put an ordinance in place so that they have the authority to call the sheriff and have it towed.

Sheriff Glover said that there is a state law that if they are in your way on a county road then they can be towed.

Bert would like to put a sign at the entrance of each subdivision saying "no parking on roadway".

Commissioner Heaton asked if we have the ability to force people to move their property from county roads even if they are not blocking traffic.

Attorney Van Dyke said if it is not a safety issue he doesn't think we have anything in our ordinances that allows it. If we want to be a blanket "no parking on county roads" we would want to put that in our own ordinances.

Commissioner Heaton would like to draft an ordinance for a future meeting.

33. Discussion of Street Light Maintenance Obligations on UDOT Rights of Way/Commissioner Heaton

Bert said that there are five different areas that have street lights on Highway 89 that we are paying the power bill for. One of them is not connected to a county road. Three of the lights are out right now and UDOT contacted Bert saying that he needed to get them fixed. Bert talked to the sheriff and he told Bert that if he doesn't have a contract in place he can't go out and work on it on a state highway. They did find four contracts out of the five that commissioners in the past had signed, so they are our obligation.

Chameill said that the agreements say that the lights were put in by UDOT, but upon completion of it, the lights would become the property of the county and the county would maintain them and pay for the power.

There was more talk and they decided to authorize Bert to continue this discussion and see what options there are and then put it back on a future agenda.

34. Award of RFP Proposal for Construction Management/General Contractor Services for the Kane County Health and Wellness Center/Full Commission

This item was approved in the MBA and will be an MBA project as opposed to a County Commission project.

35. 2024 Commission Meeting Schedule/Full Commission

The Commission decided to stick with the 2nd and 4th Tuesday's at 2pm in the Kane County Commission Chambers. In September they decided to have their meeting on the 17th and 24th because of UAC Conference. They also changed the budget hearing year because it showed 2023 and should be 2024 and the BOE date to September 25, 2024.

Motion to approve the 2024 Commission Meeting Schedule with the suggested changes in September, adding the BOE, and changing the year on the budget hearing made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

36. Review of Legislative Issues/Full Commission

No discussion.

37. Commissioner Report on Assignments/Full Commissioners

No discussion.

38. Discussion/Decision on Proposed Memorandum of Understanding between Kanab City and Kane County Regarding Operation of Future Recreation Facility/Full Commission

Commissioner Heaton said a couple of them met today to discuss this MOU and they do have some concerns, but feel like it is in the best interest of moving forward that we go ahead and address this and get it approved.

Attorney Van Dyke went over some of the concerns they have. Part of it says that we are responsible for the funding of the whole building. Including potential debt service, which if we do have to do some debt service, we will have to own the land during the debt service, but it sets forth that at the end of construction Kanab City would own everything, so that is kind of a conflict. The section that says Kanab City would own it has (in the latest draft) language that says it is their intent but it will be finalized in a later Interlocal Agreement or MOU. There is also one section that provides security to us, as far as the building being used, but it just says that it has to be opened for 120 hours a month. This is not nearly enough, but it is a minimum that the city is agreeing to at this point. He said a lot of these issues would need to be worked out before construction begins.

There was further talk on this and they decided that this is a good place to start. A lot of these issues will need to get worked out at the Interlocal Agreement stage.

Motion to approve the proposed Memorandum of Understanding between Kanab City and Kane County regarding operation of future recreation facility as presented by Kanab City made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

Motion to go in and out of closed session at the call of the chair to discuss real estate purchase made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

Commissioner Heaton declared us back into regular Commission meeting.


Motion to submit a bid for the purchase of property made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

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

WHERE UPON MEETING WAS ADJOURNED


Wade Heaton Chairman


Chameill Lamb Clerk/Auditor