

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
August 27, 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 (Excused), Deputy Clerk/Auditor Candice Brown

Also Present: Rhonda Gant, Shannon McBride, Ryan Maddux, Morgan Shakespear, Keiren Chatterley, Taylor Glover, Judge Johnson

CALL MEETING TO ORDER: Commissioner Kubeja

WELCOME: Commissioner Kubeja

INVOCATION: Judge Gary Johnson

PLEDGE OF ALLEGIANCE: Chris Heaton

PUBLIC COMMENT:

Kathy Hackbart commented in regards to item #3 that an airport exists near the property 2,800 feet from the end of the runway, which if approved is in violation of the State of Utah guidelines for airports, which is 5,000 feet. The elevation of over 8,000 feet makes it even more relevant to use the full 5,000 feet because of density altitude, this property falls under this 5,000-foot clear zone. This application is a blanket zone change without consideration for how buildings will affect existing uses or flight paths for the airport. She believes this parcel should not be allowed a blanket zone change as requested, however a development agreement would be a viable option.

Karen Alvey presented information on the Kanab Preservation Foundation request. She said that they are hoping to have the Commission help with the funding on the monument.

Matt Fisher addressed item #12. He feels that it is inadequate and doesn't meet the needs of the residents east of Kanab. Matt also talked about the Kanab 600, LLC, saying that the sewer is an issue for him. He would like to see a special service district set up to handle the sewer.

Sujatha Ramakrishna is also concerned about the sewer on Item #2. When they were doing the PUD they had a whole area reserved for what they wanted to do with some high-tech water conservation reclaiming system. She looked at the map of their plat and didn't see that on there, which is really unclear to her on what their plan is. Sujatha also commented on the fire district stating that she would still prefer that there are more elected board members rather than appointed.

Wayne Vaszil stated that he will be affected if they change the zoning on item #3 to commercial.

CONSENT AGENDA:

Check Edit Report:

Motion to adopt the Consent Agenda as submitted made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Recognition of Nancy Heaton's Retirement from the Justice Court Department/Commissioner Kubeja

The Commission presented Nancy Heaton with a plaque for her many years working in the Justice Court department.

2. Discussion/Approval Kanab 600 LLC/Willow Reserve Estates Preliminary Plat and Development Agreement - Shannon McBride/Commissioner Heaton

The Commission tabled Item #2.

3. Zone Change/Ordinance 2024-21: Base Leg LLC - Shannon McBride/Commissioner Heaton

Shannon stated that with this zone change they are asking to go from AG to Light Commercial. This is a 10-acre piece and it is the closest parcel to the highway. She has received a lot of emails regarding this zone change. There are 40 against the zone change and 6 for it. She has also had a lot of people ask about the general plan, which would be a decision for the commissioners to decide if it is in compliance with the general plan. Shannon said that the light commercial is a zone that hasn't been created for very long, it was another "gap zone" because no one wanted to go to Commercial-1 with all its uses. This zone is more limited to banks and retail, something to help the neighborhood. The applicants have said they would like to do a restaurant.

Motion to approve the Zone Change to Light Commercial and adopt Ordinance O 2024-21 made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

4. Kane County Ordinance No. O 2024-14 an Ordinance Revising Kane County Land Use Ordinance Chapter 21 Subdivision to Become Compliant with Utah Code 12-27a-604.1. - Shannon McBride/Commissioner Heaton

Shannon mentioned that this wasn't in ordinance form, but she wanted it on the agenda so it would give them time to look over some of the changes. She said that it is a requirement from State Code and it needs to be in place by December 2024.

Attorney Van Dyke was going to make a couple of changes and then bring it back to the Commission.

5. Lot Joinder: Tillett - Shannon McBride/Commissioner Heaton

Shannon stated that with this Lot Joinder, everything is in order and it was recommended by the Planning Commission unanimously to approve it.

Motion to approve the Lot Joinder for the Tillett's as presented by our Land Use Administrator Shannon McBride made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

6. Lot Joinder: Stringer-Shannon McBride/Commissioner Heaton

Shannon stated that everything was in order for this Lot Joinder and the Planning Commission recommended approval.

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

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

7. Lot Joinder: Weckesser/Bowler - Shannon McBride/Commissioner Heaton

Shannon stated that everything is in order for this Lot Joinder and that the Planning Commission recommended approval.

Motion to approve the Lot Joinder for the Weckesser's and Bowler's 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

8. Amended Plat: Ence - Shannon McBride/Commissioner Heaton

Shannon said this is amending and extending a subdivision plat. It is at the famous movie ranch where they have commercial. They are taking some of the meadow area from behind and adding it to their lot to help it have more parking. Everything is in order and the Planning Commission voted unanimously to approve.

Motion to approve the Amended Plat with applicant Ence made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

9. County Master Transportation Plan/Commissioner Heaton

Commissioner Heaton said that they attended some training at UAC where they talked about county master transportation plans and how each county needs a current plan. Taylor has been working on this and he has updated our plan. The goal is to see a transportation plan in front of the commission once a year to keep it up to date.

Motion to approve the County Master Transportation Plan as presented, including the map and that we put this on the next consent agenda with forthcoming resolution made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

10. Action on Rural County Grant Funds Recommended by the Kane County Economic Opportunity Board/Commissioner Meyeres

A. Kanab City Airport Fuel Truck and Farm-\$25,000

Kelly Stowell said that the Kane County Economic Opportunity Board favorably recommended this for Kanab City. He said that the city is in dire need of a new fuel truck and this is what they would like to see their economic money go towards. They are asking for \$20,000. It has already been approved, this is just the allocation.

11. Approval of CCJJ Utah Bail Forfeiture Grant for Kane County Pretrial Services for up to \$150,000/Commissioner Kubeja

Attorney Van Dyke stated that the money this grant comes from is asset forfeitures. The money goes to the state and then we are allowed to ask for grants back to our jurisdictions. This is one they just recently opened with their priority currently being for setting up pretrial programs, where defendants are released from jail while their case is pending trial and they have pretrial services established. We have had a pretrial services program established for a couple of years in our county, so we will be applying for funds to support and expand that.

Motion to approve a grant submission for the CCJJ Utah Bail Forfeiture for Kane County Pretrial Services for up to \$150,000 made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

12. Kane County Resolution No. R 2024-27 a Resolution Amending the Proposed Vermillion Cliffs Special Service District Boundaries and Board Composition/Full Commission

Commissioner Kubeja said at the last meeting they had a discussion and changed some of the parameters, which required a new resolution. This does not restart the protest period for this resolution regarding the fire protection out east. They have received emails and have communicated with community members. There is still a contingent that is not happy with having a hybrid board, they would prefer an all elected board and to also reduce the boundaries back to one of the original proposals, which would just be east of town.

Motion to adopt Kane County Resolution No. R 2024-27 as written made by Commissioner Meyeres and motion carried with Commissioner Meyeres voting aye, and Commissioner Heaton and Commissioner Kubeja voting nay. Motion failed.

Motion to approve Kane County Resolution No. R 2024-27 changing that it will be five elected board members with members being appointed until an election can be held and with the boundaries staying the same (with Deer Springs out) made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

13. Review/Approve Donation to the Kanab All Female Council Memorial/Full Commission

Commissioner Kubeja said that Kelly Stowell helped the city get a grant that gave them \$20K for the memorial monument of the All-Female City Council. They are now asking the County to support this effort to keep the memory alive of the All-Female Council.

Motion to donate \$10K to the All-Female Town Council Monument that will be built in Kanab made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

14. Review of Legislative Issues/Full Commission

Commissioner Meyeres talked about a significant decision by Judge Waddoups, who is the federal judge looking at our R.S.2477 roads litigation regarding county ownership and vested rights and title to not only travel the roads in Kane County, but to maintain and access. She also mentioned that next Friday they would be meeting with some of our legislative policy advisors.

15. Commissioner Report on Assignments/Full Commission

Commissioner Heaton mentioned that we have had some great county events as part of the new heritage month. The county fair and western legends turned out great.

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

WHERE UPON MEETING WAS ADJOURNED

Patty Kubeja
Patty Kubeja Chair

Chameill Lamb
Chameill Lamb Clerk/Auditor