

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
November 12, 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, Bert Harris, Shannon McBride, Ryan Maddux, Janette Peatross, Morgan Shakespear, Judge Gary Johnson

CALL MEETING TO ORDER: Commissioner Kubeja

WELCOME: Commissioner Kubeja

INVOCATION: Commissioner Heaton

PLEDGE OF ALLEGIANCE: Kelly Stowell

PUBLIC COMMENT:

David Schmuker stated that they have been working with AES and hopes that the project can go forward and help their area.

John Reese stated that he owns the grazing permit where AES is proposing to do their project. He said that Johanna and Carter have been great to deal with, but he is 100% against the solar farm. If we do continue to move forward with it, we need to make sure we have all documentation in place.

CONSENT AGENDA:

Check Edit Report:

Motion to approve the Consent Agenda, which includes the check edit report and the meeting minutes for October 22, 2024 made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Public Hearing Regarding the Appointment of Johnny Roundy as a Trustee to the 401K Board of Trustees

Devin Reed stated that the reason this has come up is because Isis Smith has been elected as our recorder for the coming year and it has been their policy to not have elected officials on the 401K Trustee Board. They feel that Johnny Roundy would be a great asset to the board.

Motion to go into public hearing made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

No public comment.

Motion to go out of public hearing made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

2. Kane County Resolution No. R 2024-35 a Resolution Appointing Johnny Roundy as a Trustee to the 401K Board of Trustees/Commissioner Heaton

Motion to approve Kane County Resolution No. R 2024-35 appointing Johnny Roundy as a Trustee to the 401K Board of Trustees made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

3. Recognition of Isis Smith for Her Years of Service on the 401K Committee/Full Commission

Devin Reed stated that Isis has been serving on the trustee board for around eight years and has been a huge asset and done a lot of good for county employees in that role.

4. SITLA Recommendations: Glen Canyon Solar A, LLC-Shannon McBride/Commissioner Heaton

Shannon stated that this is not like a regular conditional use permit because it is on SITLA land and when it is on SITLA land the commissioner over P&Z has the opportunity to decide how it will move forward. She said that there are several different recommendations and feels like with this change it is more important for AES to work with the county. The concerns that John Reese brought up are her concerns also. She would like to have all the agreements handed into the Land

Use office before they can move forward again. Shannon also mentioned that in the new recommendations she put that the first recommendations are still in effect.

Brady Hewitson gave a presentation on how they are wanting to move forward with the Glen Canyon Solar project.

There was a lot of discussion on this and the Commission decided to put this back on the November 26th agenda for a vote.

5. FY 24-25 Rural County Grant Program Contract with Governor's Office of Economic Opportunity/Commissioner Meyeres

Commissioner Meyeres stated that when the county asks for grants that are more than \$50K the the commission needs to approve it. She said that every year we apply for the maximum, which is \$200K and for this year, we have already applied for the grant and received it.

Motion to approve the application for the Rural County Grant Program contract with the Governor's Office of Economic Opportunity with the amount we asked for being \$200K, which was granted to us made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

6. Discuss/Vote on Whether to Submit a Grant Application for FLAP (Federal Land Access Program) Funding/Commissioner Meyeres

Kelly Stowell stated that this is a federal program administered through the Department of Transportation. He said that applications are due this week and that it is very competitive. There is just over \$12M for Utah as a whole. We are going to ask for funding for the Coral Pink Sand Dunes road. Kelly also mentioned that there is a 20% match requirement, which can be in-kind.

Motion to authorize Kelly Stowell to submit a grant application for FLAP money with the maximum being \$5M made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

7. Discuss/Vote on Pursuing Federal Grant Funding Opportunities for Transportation Within Zion, Once Zion Closes to Oversized Vehicle Through-Traffic Mid 2026/Commissioner Meyeres

Commissioner Meyeres stated that they are exploring every funding opportunity to solve the problem of Zion National Park closing to oversized vehicles mid-2026. There is some federal money that they can apply for with the deadline being the end of this year.

Motion to approve pursuing federal grant funding opportunities for transportation within Zion in the amount for this year of up to \$10M made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

8. Discussion/Approval of ALC Amicus Brief Support/Commissioner Heaton

Commissioner Heaton said that American Lands Council has filed an amicus brief, trying to encourage the Supreme Court to take up the lawsuit of Utah versus the U.S. with regard to unappropriated lands. The brief that was prepared and submitted was very expensive so they are asking that the members chip in some.

Motion to support American Lands Council brief, that Kane County is supporting of that brief and that we chip in \$5K to help pay for the drafting of the brief made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

9. Transfer of Funds from Expenditure Lines to Cover Payroll Expenses/Commission Kubeja

A. Justice Court

Motion to deny the transfer for 2024, but authorize the Judge to put it in his 2025 budget as he sees fit made by Commissioner Kubeja and motion carried with Commissioner Kubeja and Commissioner Meyeres voting aye and Commissioner Heaton voting nay.

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

Motion that the Justice Court can move expenditure lines to cover payroll for the buying out the retirement of Nancy to cover the deficits that are in some of the line items made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

B. Assessor's Office

No action needed.

10. Kane County Ordinance No. O 2024-14 an Ordinance Revising Kane County Land Use Ordinance Chapter 21 Subdivision to Become Compliant with Utah Code 17-27a-604.1/Commissioner Heaton

Attorney Van Dyke stated that this is a significant change and there is no rush to get it passed today. He then went over the changes that have been made mentioning that it is the subdivision process that the new law requires us to change, but when they have had this discussion with the Planning Commission they wanted to change any type of administrative step to no longer having to go to the Planning Commission. Essentially making the Planning Commission no longer the Land Use authority and making Shannon the Administrative Land Use authority.

Motion to approve Kane County Ordinance No. O 2024-14 an Ordinance revising Kane County Land Use Ordinance Chapter 21 Subdivision to become compliant with Utah Code 17-27a-604.1 made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

11. Kane County Ordinance No. O 2024-30 an Ordinance Establishing Rules of Order and Procedure for the Kane County Redevelopment Agency/Full Commission

Commissioner Kubeja mentioned that we had an RDA meeting earlier today and approved this. It is updating the RDA Rules of Order so they comply with the new state statute and other changes.

Motion to approve Ordinance No. O 2024-30 establishing Rules of Order and Procedure for Kane County RDA made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

12. Kane County Interlocal Agreement for Fire Mitigation Projects/Full Commission

Attorney Van Dyke stated that the new structure we have is that the county puts forth money and some of the money is to be used for mitigation projects and it is the county now that gets to decide what those projects are. Under the county's procurement policy, a lot of these projects meet the threshold where we would have to do an RFP or things like that. A lot of the entities that are the only ones qualified to do it are the fire departments for districts or municipalities, which makes it awkward to go through that process when you are just working with a district or fire department. This agreement is allowing the county to have an ongoing relationship with the local fire departments to do these mitigation projects.

Motion to approve the Interlocal Agreement for fire mitigation 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

13. Kane County-Orderville Interlocal Agreement for the North Event Center/Commissioner Heaton

Commissioner Heaton stated that Kane County owns the fairgrounds and the North Event Center building and we have had the programming administration of the building itself be handled by the Town of Orderville, which has been policy for decades. As Kane County has made some improvements there, we are trying to decide what makes the most sense.

There will be more conversation on this item on a future agenda.

14. Authorization to File Additional Quiet Title Action Regarding Kane County RS2477 Roads Including the Sand Dunes Road and Other Sand Dunes Area Roads/Full Commission

Motion to authorize additional filing of Quiet Title action regarding Kane County RS2477 roads including the Sand Dunes road and other Sand Dunes area roads made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye

Commissioner Heaton-aye

15. Review of Legislative Issues/Full Commission

Commissioner Meyeres mentioned that one of our local citizens proposed an idea for ballotage.

Sheriff Glover mentioned that the Constitutional Amendment C got passed, which they are super grateful for. He also said that he would be testifying in opposition to an OSHA rule that would be detrimental to volunteer organizations that can be considered employees or technical operators and then on Monday he will fly to Washington DC to testify in favor of a bill that Congressman Stewart started.

16. Commissioner Report on Assignments/Full Commission

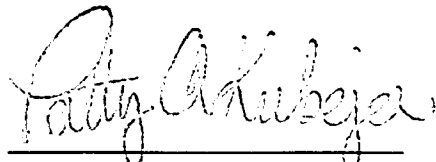
No reports at this time.

Motion to go into closed session for personnel discussion (item #9) made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

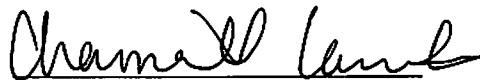
Commissioner Kubeja called us back into regular session. Motions were made regarding item #9.

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

