

AGENDA
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
October 27, 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:

PRAYER

PLEDGE OF ALLEGIANCE:

WELCOME:

CITIZEN PUBLIC INPUT:

CONSENT AGENDA:

Check Edit Reports:

Approval of October 20, 2014 Commission Meeting Minutes

REGULAR AGENDA:

1. Cedar Mountain Fire Protection's Role in Township Act/ Mike Petullo
2. Kane County Insurance Renewal/ Insurance Committee
3. Renew Agreement for Financial Advisory Services Contract/ Clerk/Auditor Karla Johnson
4. Adopt Resolution 2014-23, a Resolution Amending Chapters 1,2,3, & 6 of the Kane County Resource Management Plan /Deputy Attorney Kent Burggraaf
5. Utah State Senator Ralph Okerlund

Other Business:

- Report
- Schedules
- Assignments

CLOSED SESSION:

- Discussing an individual's character, professional competence, or physical or mental health;
- Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property;
- Discussions regarding security personnel, devices or systems,
- Investigative proceedings regarding allegations of criminal misconduct.

MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS'
October 20, 2014
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH

Present: Commission Chairman Douglas K Heaton, Commissioner Dirk Clayson, Commissioner Jim Matson, Attorney Rob VanDyke, Clerk Auditor Karla Johnson, Deputy Clerk Linda Millett, and Sunews Reporter Carol Sullivan

Also Present: Byard Kershaw, HR Rhonda Gant, LUA Shannon McBride

CALL MEETING TO ORDER: Commissioner Douglas K Heaton

PRAYER: Commissioner Douglas K Heaton

PLEDGE OF ALLEGIANCE: Commissioner Jim Matson

WELCOME: Commissioner Douglas K Heaton

CITIZEN PUBLIC INPUT:

Charlie Saba: Inquired about Recapture Canyon. Also, he commented that he thought the Bylaws for Travel Council seem to have errors.

Hallie Anders: Inquired about the proposed Resolution 2014-22 on the Agenda. She wondered how many citizens would support the Resolution, as she doesn't agree with it.

Connie Ball: Commented on proposed Resolution 2014-22, and she is not in favor either.

CONSENT AGENDA:

Check Edit Reports:

Approval of September 22 Work Meeting & Regular Meeting Minutes; and October 14, 2014 Special Commission Meeting Minutes.

Motion to adopt the Consent Agenda, was made by Commissioner Matson, and the motion carries with all Commissioners present voting in favor.

REGULAR AGENDA:

Approve/ Adopt Revised Number for Resolution 2014-17, a Schedule A-Road Maintenance Agreement between Kane County & Dixie National Forest (mistakenly duplicate-numbered 2014-15)

Motion to change the number of Schedule A- Road Maintenance Agreement from 2014-15 to 2014-17 was made by Commissioner Matson, and the motion carries with all commissioners present voting in favor.

Adopt Resolution 2014-18, a Resolution of Appointment of a Kane County Representative for the Utah Counties Indemnity Pool (UCIP) Annual Membership Meeting

Clerk/Auditor Karla Johnson addressed the need to appoint a Representative and an Alternate for the UCIP Annual Membership Meeting.

Motion to Adopt Resolution 2014-18, a Resolution of Appointment of a Kane County Representative for the UCIP Annual Membership Meeting was made by Commissioner Heaton, with appointments of Karla Johnson as Representative, and Jim Matson as Alternate. The motion carries with all Commissioners present voting in favor with a Roll Call Vote as follows:

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

Adopt Resolution 2014-19, an Approval of Submission of Utah Enterprise Zone Application

Commissioner Clayson presented the Utah Enterprise Zone Application.

Motion to adopt Resolution 2014-19, an Approval of Submission of Utah Enterprise Zone was made by Commissioner Matson, and the motion carries with a Roll call vote as follows:

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

Adopt Resolution 2014-20, a Resolution Amending the Bylaws of the Kane County Tourism Tax Advisory Board

Commissioner Clayson presented the proposed Resolution 2014-20, and explained a few edits/changes made to the Resolution.

Motion to Adopt Resolution 2014-20, a Resolution Amending the Bylaws of the Kane County Tourism Tax Advisory Board, with the 2 changes made as discussed, was made by Commissioner Clayson. Any future input will be welcomed. The motion carries with a Roll Call Vote as follows:

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

Adopt Resolution 2014-21, a Resolution Supporting the Cowboy Express.

Commissioner Heaton reviewed Resolution 2014-21, a Resolution Supporting the Cowboy Express. Commissioner Heaton read the Resolution out loud, and explained that it is an approximately 3000 mile “pony express” type horse ride starting in San Francisco, Ca. and ending with delivery of requests to US Legislature in Washington DC.

Motion was made to Adopt Resolution 2014-21, Supporting the Cowboy Express by Commissioner Heaton, and the motion carries with a Roll Call vote as follows:

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

Adopt Resolution 2014-22, a Resolution & letter of Support for Commissioner Phil Lyman, a Commissioner of San Juan County

Commissioner Matson presented and explained Kane County’s letter of support, joining other counties in support of dropping the conspiracy, and other charges against Commissioner Lyman.

Motion was made by Commissioner Matson to Adopt Resolution 2014-22, a Resolution & letter of support for Commissioner Phil Lyman, a Commissioner of San Juan County, and the motion passes with a Roll Call Vote as follows:

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

Church Wells SSD Board Member Appointment

This item was postponed definitely to October 27th, for further discussion and action.

Approval of the 2015 Medical Plan

This item was also postponed definitely until October 27th. More information and input is needed before any action can be taken.

Revisions to Sections 1, 2, 3 & 6 of the Resource Management Plan.

LUA Shannon McBride presented and reviewed the changes to the Resource Management Plan, explaining additions and edits. This was an informational item, and a discussion ensued.

Other Business:

Commissioners coordinated Schedules & Assignments to assure that all County Issues and Concerns are covered.

CLOSED SESSION:

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

Motion to enter Closed Session for litigation was made by Commissioner Clayson.

- Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property;

Motion to Adjourn was made by Commissioner Matson.

WHEREUPON MEETING ADJOURNED

COMMISSION CHAIRMAN DOUGLAS K HEATON

CLERK/AUDITOR KARLA JOHNSON

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: 10-27-14

Dept. /Business Name: _____

Topic/Re: Cedar Mtn. Fire Protection's
Role in the Township Act

Dept. Head/Owner: _____

Meeting Requested by: Comm. Matson

Contact name & #: Mike Petullo

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: 10-27-14

Dept. /Business Name: Insurance Committee

Topic/Re: Kane County Insurance Renewal

Dept. Head/Owner: _____

Meeting Requested by: Dave Owens

Contact name & #: _____

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: 10-27-14

Dept. /Business Name: Clerk/Auditor

Topic/Re: Renew Agreement for Financial
Advisory Services Contract

Dept. Head/Owner: Karla Johnson

Meeting Requested by: " "

Contact name & #: _____

Agreement for Financial Advisory Services

THIS AGREEMENT, entered into as of 29th day of November, 2012 by and between the MUNICIPAL BUILDING AUTHORITY of KANE COUNTY, UTAH herein called the "Authority," and ZIONS BANK PUBLIC FINANCE, a division of Zions First National Bank, hereinafter called the "Company,"

WITNESSETH

WHEREAS, the Authority desires to avail itself of the experienced financial advisory service of the Company in the financing of improvements to its Orderville Events Center which most likely will involve the sale of municipal securities of the Authority, and the Company desires to furnish such services to the Authority;

NOW, THEREFORE, the Authority and the Company agree as follows:

1. The Company agrees to render the following services on behalf of the Authority:
 - (a) To provide the Authority expert financial advice and assistance on fiscal matters pertaining and preliminary to the issuance and sale of securities of the Authority, including but not limited to lease revenue bonds, or other forms of securities or financings to be designated.
 - (b) To confer with recognized bond attorneys to be selected and employed by the Authority to issue their approving legal opinion in connection with proceedings authorizing the issuance of securities. These attorneys will be paid directly by the Authority through bond proceeds or other means as deemed appropriate by the Authority.
 - (c) To have a representative present at meetings, when requested or notified, on matters concerning securities issues, at the opening of bids and at delivery of the bonds.
 - (d) To advise and assist the Authority in selecting the most advantageous financing structure. In the event that bonds are to be issued and a public sale is deemed most advantageous to the Authority the services enumerated above will be provided. If it is deemed a negotiated sale is the most advantageous to the Authority, the Company will assist, as directed by the Authority, in soliciting and analyzing underwriter proposals. In addition, the Company will analyze purported savings to be made in refunding proposals and will assist in structuring refundings within the context of the Authority's financial plan, philosophy, and directions.
 - (e) To review all bond documents for accuracy and to ensure an appropriate set of terms and structure for the Authority;
 - (f) To coordinate the bond Closing and delivery of funds and to oversee the costs of issuance budget.

2. The Authority agrees that in consideration of the foregoing services to be performed by the Company, the Authority will do the following:

(a) The Authority will cooperate with the Company and will give the Company all information, which is reasonably calculated to enable the Company to market the securities.

(b) The Authority will entertain such ordinances and resolutions and perform such reasonable acts as may be necessary to assure compliance with all applicable laws, ordinances, and constitutional provisions pertaining to the issuance of its securities.

(c) The Authority will furnish to the Company certified copies of all minutes from meetings and proceedings taken, affidavits of publications, etc., in connection with any of the securities issued by the Authority.

(d) The Authority will pay the Company for services herein outlined and other services incidental hereto in accordance with the attached fee schedule or at some other mutually agreed upon fee out of bond proceeds or other means deemed appropriate by the Authority. Out-of-pocket costs including travel shall be at the Authority's request and will be reimbursable at the Company's actual cost.

3. Either party may cancel and terminate this agreement for any reason with written notice delivered within ninety (90) days of the annual anniversary of this agreement. In addition, the Authority shall provide written notice to the Company of any violation of terms of this agreement and the Company will have thirty (30) days to cure such default. If the Company is not able to cure the default to the Authority's satisfaction, the Authority shall have the right to immediately terminate this agreement. At the termination of this agreement, in any such manner, the payment to the Company of compensation earned to the date of the termination shall be in full satisfaction of all claims against the Authority under this agreement.

4. The Company's services consist solely in providing expert and experienced assistance to municipalities as financial advisor and consultant. The Company does not render any legal, accounting, or actuarial advice. The Company is not registered as nor will it perform the services of an "investment advisor" and will not advise "as to the value of securities or as to the advisability of investing in, purchasing, or selling securities" nor will issue "analyses or reports concerning securities".

5. This agreement constitutes the entire agreement between the parties and cannot be altered or assigned by one party without the prior written consent of the other.

6. This agreement shall be interpreted under the laws of and enforced in the courts of the State of Utah.

7. The Company agrees to indemnify, save harmless and defend the Authority from all claims, damages, demands, actions, costs, and charges, including attorney's fees, arising out of or by reason of the Company's negligent performance hereunder as such negligence may be determined by law.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the day and year first above written.

Municipal Building Authority of KANE COUNTY, UTAH

By _____

ATTEST:

ZIONS BANK PUBLIC FINANCE
Zions First National Bank

By  _____
Jon Bronson, Managing Director

ATTACHMENT A

Proposed fees for financial advisory services for the following "generic" financings are as follows:

MINIMUM FINANCIAL ADVISORY FEE SCHEDULE

a.	Special assessment bonds	\$6.50 per \$1,000 of bonds
b.	Tax increment bonds	5.75 per 1,000 of bonds
c.	MBA Lease revenue bonds	5.00 per 1,000 of bonds
d.	Revenue bonds	4.50 per 1,000 of bonds
e.	General obligation bonds ¹	3.75 per 1,000 of bonds
f.	Tax anticipation notes	3.00 per 1,000 of bonds
g.	Lease Purchase Agreement	1% of Par Amount
h.	Studies and analyses	As agreed by the parties

It is understood that in no case will the Company charge less than \$1,000 for the financial advisory services provided in conjunction with the issuance of bonds or notes in any of the above mentioned categories including structuring the issue, marketing the issue, and reviewing legal documents, etc.

We caution the Authority that occasionally a financing may as a result of being very complex require a significant increase in the amount of meetings, public hearings, time and travel. Should such extraordinary complexities arise we would charge a higher fee as would be mutually agreeable.

It is understood that our fee, with the exception of election campaign fees and study fees, will not be payable unless or until bonds are actually approved, issued and sold and the proceeds are available for your disposition.

It is understood that in no event is or will the Authority be under obligation to issue any bonds whatsoever.

¹ In addition, in the case of a general obligation bond issue, Zions Bank Public Finance would charge an election campaign fee of \$5,000 for services rendered in connection with the election campaign regardless of successful passage or not. Our services would include, but are not limited to, the preparation of an election time and responsibility chart, campaign strategy meetings, public information meetings, Taxpayer Association meetings, and the preparation of a voter information pamphlet and related materials.

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: 10-27-14

Dept. /Business Name: LUA

Topic/Re: Adopt Resolution 2014-28, a Resolution Amending Chapters 1, 2, 3, & 6 of the Kane County Resource Management Plan.

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride / Kent

Contact name & #: Burggraaf

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: 10-27-2014

Dept. /Business Name: Commission

Topic/Re: Utah State Senator Ralph
Okerlund

Dept. Head/Owner: _____

Meeting Requested by: Comm. Matson

Contact name & #: _____