AGENDA
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' REGULAR MEETING
August 10, 2015
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: July 27, 2015 Regular Commission Meeting Minutes

AGENDA:

1. Consideration of Chip Seal on the Kaneplex Road/ Commission & GIS Lou Pratt

2. Renewal of Appeal Authority Contract/ LUA Shannon McBride

3. District Court Primary Site/ Clerk/Auditor Karla Johnson

4. Community Appreciation Day- Movie Ranch Road Closure August 15, 2015 from 8 pm to 12 am/ Commissioner Heaton

5. Pursue PILT payments shortfall with Smith, Currie & Hancock LLP seeking for Kane County in the amount of $113,322 for FY 2015/ Commissioner Matson

Other Business:

- Reports
- 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
- Contract Negotiations
- Discussions regarding security personnel, devices or systems
- Investigative proceedings regarding allegations of criminal misconduct.

MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' REGULAR MEETING
July 27, 2015
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

Present: Commissioner Douglas K Heaton, Commissioner Jim Matson, Clerk/Auditor Karla Johnson, Attorney Rob VanDyke, and Deputy Clerk Linda Millett. Commissioner Dirk Clayson is excused.

Also Present: HR Rhonda Gant, C&S Craig Hansen, TC Ken Gotzenberg, LUA Shannon McBride & Mary Reynolds, ITS Dave Owens & Jason Kirby, Roads Supervisor Bert Harris, and Chief Deputy Assessor Ryan Maddux

CALL MEETING TO ORDER: Commission Chairman Douglas K Heaton
PRAYER: Clerk/Auditor Karla Johnson
PLEDGE OF ALLEGIANCE: Commissioner Douglas K Heaton
WELCOME: Commissioner Douglas K Heaton
CITIZEN PUBLIC INPUT:
Mary Craven: Ms Craven asked about the Johnson Canyon flooding and progress in this issue.
Charlie Saba: Mr. Saba reported on the BLM Concensus Committee on Grazing and other issues on the Monument. He suggested that Kane County attend a Forage Workshop in August.
Carol Sullivan: Ms Sullivan has recently returned from Idaho, and commented on the 'AbraKanabra' billboard signs and how nice they look along the roads and freeways.

CONSENT AGENDA:

Check Edit Reports
Approval of: July 20, 2015 Regular Commission Meeting Minutes

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

AGENDA:

Adopt Resolution R-2015-12, A Resolution to Adopt Renovo Communications Inc. Vispay Agreement

ITS Dave Owens presented Resolution R-2015-12, A Resolution to Adopt Renovo Communications Inc. Vispay Agreement, He reviewed the existing contract Kane County has with them, and explained that this enables in house video visitation at the jail through the internet.

Motion to Adopt Resolution R-2015-12, A Resolution Adopting Renova Communications Inc. Vispay Agreement, was made by Commissioner Matson, and the Motion carries with a Roll Call Vote as follows:

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

Adopt Resolution R-2015-13, a Resolution Approving the Buckskin Communications MOU with the Bureau of Land Management (BLM)

ITS Dave Owens addressed Resolution R-2015-13, a Resolution Approving the Buckskin Communications MOU with the Bureau of Land Management. This addresses the Kane County/BLM agreement to allow repeaters, etc. on lands owned by each party. This has to do with Public Safety Communications and has been a successful plan. The Resolution formalizes the agreement.

Motion to Adopt Resolution R-2015-13, a Resolution Approving the Buckskin Communications MOU with the Bureau of Land Management (BLM), was made by Commissioner Matson, and the Motion carries with a Roll Call vote as follows:

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

Adopt Resolution R-2015-16, a Resolution Amending Portions of the Kane County General Plan

LUA Shannon McBride presented Resolution R-2015-16, A Resolution Amending Portions of the Kane County General Plan for adoption. This item has been discussed previously.

Motion to Adopt Resolution R-2015-16, a Resolution Amending Portions of the Kane County General Plan was made by Commissioner Matson, and the Motion carries with a Roll Call vote as follows:

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

Adopt Resolution R-2015-17, a Resolution Amending Portions of the Kane County Resource Management Plan, adding "Appendix I" Conservation Plan for Greater Sage Grouse in Utah (State Plan)

LUA Shannon McBride addressed this item. This Resolution adds "Appendix I" to the Resource Management Plan. Appendix I adds the Utah State Plan, which gives reference to the Greater Sage-Grouse in Utah.

Motion to Adopt Resolution R-2015-17, A Resolution Amending Portions of the Kane County Resource Management Plan, adding "Appendix I" was made by Commissioner Matson, and the Motion carries with a Roll Call vote as follows:

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

Adopt Resolution R-2015-18, a Resolution Establishing a Common Polling Place for Kanab City Voting Precincts

Clerk/Auditor Karla Johnson presented a Resolution designating a "one location" polling place for elections. The Kane County Commission Chamber will be used, as it meets ADA guidelines for the election standard. Information on room set up and description was presented. Electrical issues have been discussed to accommodate up to 24 voting machines in this room. A discussion ensued.

Motion to Adopt Resolution R-2015-18, A Resolution Establishing a Common Polling Place for Kanab City Voting Precincts, was made by Commissioner Matson, and the Motion carries with a Roll Call vote as follows:
Commissioner Matson.....Aye
Commissioner Heaton.....Aye
Commissioner Clayson.....Excused

Approve/ Adopt Ordinance O-2015-11, an Ordinance Amending Chapters One and Five of the Kane County Land Use Ordinance

LUA Shannon McBride presented Ordinance O-2015-11, An Ordinance Amending Chapters One and Five of the Kane County Land Use Ordinance for Adoption. This item has been previously discussed and reviewed.

Motion to Adopt Ordinance O-2015-11, an Ordinance Amending Chapters One and Five of the Kane County Land Use Ordinance was made by Commissioner Matson, and the Motion carries with a Roll Call vote as follows:
Commissioner Matson.....Aye
Commissioner Heaton.....Aye
Commissioner Clayson.....Excused

Approve/Adopt Ordinance O-2015-12, An Ordinance Amending Chapter Twenty One of the Kane County Land Use Ordinance, including Modifications to: Approve/ Adopt Final Modifications to: Criminal action for selling property for illegally divided land parcels created prior to 2005

County Deputy Attorney Kent Burgraff and LUA Shannon McBride presented Ordinance O-2015-12, An Ordinance Amending Chapter Twenty One of the Kane County Land Use Ordinance, including Modifications to: Approve/ Adopt Final Modifications to: Criminal action for selling property for illegally divided land parcels created prior to 2005. This has been reviewed and discussed previously.

Motion to Adopt Ordinance O-2015-12, An Ordinance Amending Chapter Twenty One of the Kane County Land Use Ordinance, including Modifications to: Approve/ Adopt Final Modifications to: Criminal action for selling property for illegally divided land

parcels created prior to 2005, was made by Commissioner Heaton, and the Motion carries with a Roll Call vote as follows:

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

Post Office Boxes on Cedar Mountain

Commissioner Douglas Heaton took this item off of the Agenda. He has contacted the post office and hardware store. This problem has been resolved between parties to keep the boxes at the hardware store, where they are at present.

Lost Creek Reconveyance

Clerk/Auditor Karla Johnson, LUA Shannon McBride, and GIS Lou Pratt reported on The Lost Creek Reconveyance. A lot was taken in lieu of a bond. Shannon reviewed this and found no problems, and she called Lou Pratt to verify her findings. Everything was in order, and belief was that this had been taken care of previously.

Motion to execute the Lost Creek Reconveyance as presented was made by Commissioner Matson, and the Motion Carries with all Commissioners present voting in favor.

Other Business:

- Commissioner Matson announced a meeting with Five County Association of Govts. on July 30th in Tropic, Utah at the Heritage Center at 10:00 am. Intermountain Regional Forester Nora Rassure will be in attendance there. He will be in attendance at an Aug 4th meeting with Utah State Fire Policy.
- Commissioner Heaton reported on the East Zion Special Service District, and their Board is working well. He also reported that the American Lands Council has joined ranks with 'Federalism in Action' and this makes the ALC now viable and credible, and meeting with presidential candidates to present Public Land issues and viewpoints.
- Schedules and assignments were reviewed and coordinated.

CLOSED SESSION:

There was no need for a Closed Session at this time.

Whereupon meeting adjourned

Commission Chairman Douglas K Heaton

Clerk/Auditor Karla Johnson

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: 8-10-15

Dept. /Business Name: Commission + GIS

Topic/Re: Consideration of Chip Seal on the Kanepleo Road

Dept. Head/Owner: Lou Pratt, Commission

Meeting Requested by: Comm. Matson + Clayson

Contact name & #:

Notes:

Linda Millett

From: James Matson [j.matson@icloud.com]
Sent: Thursday, August 06, 2015 8:39 PM
To: Dirk Clayson
Cc: Lou Pratt; Linda Millett; Doug Heaton
Subject: Re: SPREADSHEET

Right, what were the Districts %s of the total paving job as basis for this chip sealing portions?

Sent by "iPhone" - Jim

On Aug 6, 2015, at 6:17 PM, Dirk Clayson <dirkclayson@gmail.com> wrote:

Jim is on the landfill board now. Sounds good to me.

Best Regards,

Dirk Clayson
435-616-1234

On Aug 6, 2015, at 4:53 PM, kanerds@kanab.net wrote:

Commissioners
Since we cannot chip seal all of the Alton Road we can have the same contractor move down to Kaneplex a chip seal that road and it works out about the same mileage as the entire Alton Road would have been. We r have to give them a little more for mobilization of the equipment but that's minimal. If Commissioner Clays has the Landfill on board to share those costs that would be a bonus too.
Thanks
Lou

-------Original Message-------

From: James Matson
Date: 8/6/2015 12:30:15 PM
To: Dirk Clayson
Cc: Lou Pratt; Linda Millett; Doug Heaton
Subject: Re: SPREADSHEET

Ok, will do.

Sent by "iPhone" - Jim

On Aug 6, 2015, at 11:34 AM, Dirk Clayson <dirkclayson@gmail.com> wrote:

We don't need voting on this just discussion so a work meeting will work fine. It is already budgete funds.

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: August 10, 2015

Dept. /Business Name: Planning & Zoning

Topic/Re: Renewal of Appeal Authority contract.*

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: 644-4966 or 644-4951

Notes: *Signed contract attached.

AGREEMENT FOR APPEAL AUTHORITY SERVICES

AGREEMENT between Kane County, a political subdivision of the State of Utah, and BRUCE C. JENKINS, Attorney at Law, for the purpose of providing Appeal Authority services on an "as required" basis, to hear and decide (1) requests for variances, (2) appeals from decisions applying the Kane County Land Use Ordinance, or (3) decisions of the Kane County Land Use Authority, from May 6, 2014 through May 6, 2015, with possible renewal in two (2) year increments thereafter.

RECITALS

WHEREAS, the Kane County Land Use Ordinances require the appointment by the Kane County Commission of a Kane County appeal authority;

WHEREAS, the appeal authority is tasked with hearing and deciding (1) requests for variances from the land use ordinance, (2) appeals from decisions applying to the land use ordinances, upon proper grounds, and (3) appeals from any final decision of the land use authority;

WHEREAS, the appeal authority is required to meet on an "as required" basis, act in a quasi-judicial manner, administer oaths, compel witnesses, keep minutes of appeal authority meetings and other official actions; and

WHEREAS, Bruce C. Jenkins, Attorney at Law, is a member of the Utah Bar in good standing and is competent, able and willing to provide Kane County property owners, aggrieved individuals, Kane County officers, departments, boards, and others, with the requisite appellate services, pursuant to Kane County's Land Use Ordinance.

AGREEMENT

NOW THEREFORE, the parties hereby mutually agree as follows:

1. Upon appointment by the Kane County Commission, Bruce C. Jenkins, as the Kane County Appeal Authority, shall hear appeals submitted in accordance with the Kane County Land Use Ordinance.
2. Appeal Authority shall keep all parties informed about the status of pending matters and promptly comply with requests for information.
3. Appeal Authority shall advise parties of all hearings and appearances.
4. Appeal Authority shall make himself available as necessary.
5. Appeal Authority shall appear for appeal hearings and other hearings that are held on an expedited basis, subject to conflicts with Appeal Authority's schedule.
6. Appeal Authority shall fix a reasonable time for the hearing of appeals, give public notice, as well as due notice to the parties in interest.
7. Appeal Authority shall not waive or modify the terms or requirements of the Kane County Land Use Ordinances. The granting of an appropriate variance being the only exception.
8. Appeal Authority shall hold hearings and meetings "as required."
9. Appeal Authority shall act in a quasi-judicial manner, administer oaths, compel attendance of witnesses, keep minutes of its proceedings and keep records of its examinations and other official actions, making those minutes and records available to Kane County and the public in a reasonably prompt manner.

10. Appeal Authority shall issue a written decision within thirty (30) days of the decision being made.

11. Appeal Authority, in making its decision regarding appeals, shall comply, as closely as reasonably possible, with all federal, state, and local laws governing the matter at hand.

12. Appeal Authority shall establish the rules and procedures for an appeal, hearings, and presentation of evidence, where not specified in the Utah State Code or the Kane County Land Use Ordinance.

13. Kane County will hold the Appeal Authority harmless for any reasonable decision made within the parameters of local ordinance, or state law. The Appeal Authority will hold Kane County harmless for any willful or intentional wrongful acts on his part. Kane County will defend Appeal Authority against any and all matters and proceedings arising out of or related to a decision or action of the Appeal Authority made in relation to the ordinances of the County and the laws of the State of Utah and will hold harmless and indemnify Appeal Authority from and against any claim, cause of action, damage, liability, penalty or other form of relief for any action or decision of Appeal Authority, unless the same is deemed arbitrary and capricious by an appellate court in the State of Utah. The Appeal Authority will hold Kane County harmless for any willful or intentional wrongful acts of the Appeal Authority.

CONFLICT

In the event of a conflict of interest between parties and Appeal Authority, the Appeal Authority shall inform all parties and recues himself, unless a written waiver of the conflict is received by all parties to the appeal. Upon recusal, the Kane County Commission shall appoint a conflict appeal authority to hear and decide the matter.

Kane County reserves the right, pursuant to the Kane County Land Use Ordinance, to appoint an interim appeal authority in the event that the Bruce C. Jenkins is temporarily unable to act owing to absence from the county, illness, disability, interest in a case before the appeal authority or other reason deemed appropriate by the Kane County Commission.

FEES FOR APPEAL AUTHORITY SERVICES

Unless modified in writing by all parties, the Appeal Authority fees for legal services will be $180.00 per hour for time spent at or in preparation for a hearing, post hearing review, analysis, drafting of decision and minutes, and travel. Such fees shall be paid within thirty (30) days of an invoice being received for services rendered.

TERMINATION

This Agreement may be terminated at any time for cause or no cause, by either party, within sixty (60) days, upon written notice.

IN WITNESS WHEREOF, the parties have executed this Agreement for Appeal Authority Service this 19th day of May, 2014.

KANE COUNTY:

Doug Heaton, Chair
Kane County Board of Commissioners

APPEAL AUTHORITY:

Bruce C. Jenkins
Attorney at Law

APPROVED BY:

Kent Burggraaf
Deputy Kane County Attorney

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: 8-10-15

Dept. /Business Name: Clerk/Auditor

Topic/Re: District Court Primary Site

Dept. Head/Owner: Karla Johnson

Meeting Requested by: " "

Contact name & #:

Notes:

Linda Millett

From: Karla Johnson [clerkkj@kane.utah.gov]
Sent: Friday, August 07, 2015 10:52 AM
To: ldmillett@kane.utah.gov
Subject: FW: District Court Primary Site
Attachments: District Court analysis.docx; District Court Primary Site Letter..docx

From: Karla Johnson [mailto:clerkkj@kane.utah.gov]
Sent: Tuesday, August 04, 2015 10:27 AM
To: 'Dirk Clayson'; 'jmatson@icloud.com'; 'Doug Heaton'; 'Karla Johnson'
Subject: District Court Primary Site

Commissioners,
Here is a condensed analysis of the District Court Site issue. I have included the letter that will need to be sent to the court Administrative Office.

Karla Johnson
Kane County Clerk/Auditor
76 N Main
Kanab, UT 84741
(435)644-2458

Karla Johnson
Kane County Clerk/Auditor
76 N. Main
Kanab, UT 84741
435-644-2458

August 4, 2015

Commissioner Douglas K. Heaton
Commissioner Dirk Clayson
Commissioner James L. Matson

Dear Commissioners:

The following are reasons for us to seriously consider moving to a primary site for the District Court:

Customer Service: Access to CORIS (the District Court program) is limited to Holly and the 1/4 time person in the Clerk/Auditor's Office. This seriously limits the Clerk/Auditor's Office staff's ability to help our Kane County Citizens. Customer Service is and always will be a primary concern for me and my staff.

Size of the Court Case Load: Kane County Case load makes us the largest secondary site in the state yet we run our site with the same FTE levels as many of the smaller courts. Although the case load changes, we have had as much as five times the case load of Garfield County, the only other fifth class county left with a secondary court site. This puts pressure on the full Clerk / Auditor staff to fill court needs, despite lack of access to the court system. The District Court contract consistently does not cover the full cost of doing business.

It is in the best interest of the District Court to make the change now while we still have Holly Ramsay available to make the change. She is a very knowledgeable and competent District Court Clerk, and is vital to the success of the transfer of the Court. She can legally retire in March of 2016, though she can work beyond this date, it is very important that her remaining time be spent organizing and making the state site operational.

Sincerely,

Karla Johnson
Kane County Clerk Auditor

Kane County Commission
Douglas K. Heaton
James Matson
Dirk Clayson
435-644-2458

August 10, 2015

Judicial Council
450 South State
Salt Lake City, UT 84114

Dear Judicial Council:

The Kane County Commissioners hereby request to transfer responsibility for operations of the District Court to the State. It is our understanding that Rule 4-408.01 will need to be amended by removing Kane County from the list of locations that are not administered directly through the Administrative Office of the Courts.

Kane County will work with the Courts to lease the necessary space in the Courthouse. Kane County will continue to work with the state regarding the IT needs of the Court. It is Kane County's desire to continue a working relationship with the Administrative Office of the Courts to facilitate a smooth transition. It is Kane County's desire that this change be made as soon as possible.

Best regards,

Douglas K. Heaton
Kane County Commission Chairman.

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: 8-10-15

Dept. /Business Name: Commissioners

Topic/Re: Community Appreciation Day - Moore Ranch Road Closure Aug. 15, 2015 - 8 pm to 12 am

Dept. Head/Owner: Comm. Heaton

Meeting Requested by: " "

Contact name & #:

Notes:

Linda Millett

From: Jim Matson [jmatson@kanab.net]
Sent: Friday, August 07, 2015 2:44 PM
To: Linda Millet
Subject: Move Ranch Road Closure

Linda,

For Monday's Commission meeting agenda please add -

Community Appreciation Day - Movie Ranch Road Closure August 15, 2015 8 pm to 12 am (Commissioner Heaton)

Pursue PILT payments shortfall with Smith, Currie & Hancock LLP seeking for Kane County in the amount of $113,322 for FY 2015

Thanks,

Jim

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: 8-10-15

Dept. /Business Name: Commission

Topic/Re: Pursue PILT payments shortfall with Smith, Currie & Hancock LLP seeking for Kane County in the amount of $113,322 for FY 2015

Dept. Head/Owner: Comm. Matson

Meeting Requested by: " "

Contact name & #:

Notes: