

MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
December 14, 2015
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH

The Commission meeting will begin at **10:00 am**

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

Also Present: LUA Shannon McBride and Mary Reynolds, HR Rhonda Gant, GIS Lou Pratt, C&S Craig Hansen, Volunteers & Events Vickie Hooper, Assessor Linda Little, TC Ken Gotzen-berg and Alan Alldredge.

CALL MEETING TO ORDER: Commissioner Douglas K Heaton

PRAYER: Commissioner Heaton

PLEDGE OF ALLEGIANCE: Commissioner Jim Matson

WELCOME: Commissioner Douglas K Heaton

Public Comment: Commissioner Heaton asked that only 2 citizens supporting each side of the issue give comments. A previous Planning & Zoning meeting addressed Public Comment. Valerie Bermant- Commented that she studied the Zoning laws after attending the Planning and Zoning meeting. Lots over 2 acres qualify for R2 zoning. It should be zoned according to the zoning requirements, not a noise nuisance. She is in favor of the change. Larry Eardman- Stated that Mr. Legler's dogs are a Commercial Kennel business, thus it is a commercial venture. He reviewed the Planning & Zoning's ruling against the zone change. He feels that there should not be a change to R2 because he is running a commercial business, and he should be in a commercial zone. He supports the P & Z's ruling against the zone change.

Charlie Saba- Thanked Commissioner Heaton for his service to the citizens of Kane County. He is neither for nor against the change, but stated that R2 is more liberal. He feels that it poisons the calm residential desire of many property owners.

James Bermant-He believes that not everyone will have more dogs because of a zone change. Land values go up and down. He feels there was an error made years ago, and that all lots there should be R2 zoned. Owners should have the right to govern their own property. He is for the change.

Jerry Foote- Jerry presented the original CCRs of the subdivision. He stated that in 1965, the CCRs stated that lots 1-91 are Commercial lots. This allows for no business or manufacturing traits on the remaining residential lots # 91-240. Most of the residents bought and built homes in the subdivision for the peace and quiet of a rural area. Allowing for a change of R2 will change the flavor of this peaceful residential area. He is against the zone change.

Commissioner Heaton called an end to Public Comment.

Approve the Consent Agenda:

Check Edit Reports

Approval of Commission Meeting Minutes November 9, 2015 and November 16, 2015

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

10:00 am

REGULAR SESSION:

Extra Miler Award

Commissioner Jim Matson presented the Extra Miler award.

This item is postponed until the January 11th Commission Meeting.

Press Release

Commissioner Douglas K Heaton announced that he has accepted a mission call for his church, and will be leaving December 28th. He is announcing the resignation of his Commission Seat. He expressed love towards his fellow commissioners and elected officials on the staff. He is proud of the work the county has done. Commissioner Matson commended Commissioner Heaton for his work on the Commission, and called Byard Kershaw to explain the process of choosing a replacement to fill the remaining 1 year term vacated by Commissioner Heaton. Applicants will submit resumes, which will then go to the Executive Commission and the Republic party for selection of the appointment. Commissioner Clayson thanked Commissioner Heaton for his service and example during his Commission term.

Planning & Zoning: Zone Change Request R-1 to R-2; Parcel #6-148 (all of lot 148, Vermillion Cliffs Estates)

LUA Shannon McBride presented the request of a zone change by Travis Legler. Zone Change Request R-1 to R-2; Parcel #6-148 (all of lot 148, Vermillion Cliffs Estates). She presented a map with the location of this 2.42 acre parcel. Mr. Legler has been red tagged for over limit of dogs. He currently has 14 hound dogs, but would reduce to 12 total dogs, if the zone change is approved. He was advised to request a change to R2 which raised

the limit of 6 allowed dogs to 12 allowed. After it was presented at a planning and zoning meeting, this zoning change was refused. Planning & Zoning Wade Heaton reviewed and explained his views on the zoning issue, and the P & Z Committee's decision to deny the zone change. Attorney VanDyke explained the legal issues and responsibilities addressed in this issue. Mr. Legler approached the table and explained his request for the Zone Change. He has been operating this property for 3 years, and has made improvements to his property to provide for his animals. He provided documents and maps to support his views and zoning request. A lot divider would allow him to split his lot into 2 parcels, thus allowing him to have 12 dogs, but he feels that the R2 zone would be a better fix. Past, present, and future zoning issues were discussed. The nuisance ordinance was also addressed. It is a separate issue from the zoning issue. A discussion ensued.

Motion to accept the zone change was made by Commissioner Heaton, with the reservation to vote against it. The Motion carries with Commissioners Clayson and Matson voting in favor, and Commissioner Heaton voting against the Motion.

Motion to go in and out of Public Hearing at the Call of the Chair was made by Commissioner Matson. The Motion carries with all Commissioners present voting in favor.

Public Hearing:

Present: All of the above named Kane County Employees and Elected Officials, Byard Kershaw, Lamont Smith, Sky Chaney, Gary Hodge, Wade Heaton, Charlie Saba, and Kelly Stowell.

Public Hearing: Regarding 2016 Kane County Budget

Clerk/Auditor Karla Johnson presented the tentative 2016 Kane County Budget to the Commissioners. She explained some of the budget factors for the year, including Medical Coverage, Bond pay-off for the Jail (PSF) and debt reduction for Capital Facilities, the New Gas Tax, Resource Development and Coordination Plans, New Growth Tax Revenue, and other factors which determine the proposed budget. Commissioner Clayson reviewed the new gas tax, which is determined state wide by county- for road maintenance. Commissioner Matson explained Coordination efforts, research on mineral use, forest products use, and other Resource Development Plans and Activities. Road Projects include the Navajo Lake Road- Federal Road Grant, and the Sand Dunes/Hancock Road- State funded

project. The Total Proposed Budget for 2016 is \$34,104,194. General Government costs, Public Safety Costs, Public Health costs, Tourism and Promotional costs, Public Works, Courts/General Government costs, and other expenditures and revenue were explained. A discussion ensued.

Public Hearing: Regarding 2015 Budget Opening

Clerk/Auditor Karla Johnson addressed the 2015 Budget Opening. She presented the accruals, receivables and payables, grants and items as may be needed to accurately present the financial records of the county.

Exit Public Hearing at the Call of the Chair

Resolution R-2015-23, Kane County Budget

Clerk/Auditor Karla Johnson Presented Resolution R-2015-23, Kane County Budget for 2016 to the Commission for Adoption.

Motion to Adopt Resolution R-2015-23, Kane County Budget was made by Commissioner Matson and the Motion carries with a Roll Call Vote as follows:

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

Resolution R-2015-24, Budget Opening

Adoption of Resolution R-2015-24, Budget Opening was presented by Clerk/Auditor Karla Johnson.

Motion to Adopt Resolution R-2015-24, Budget Opening, with the accruals, receivables and payables, grants and items as may be needed to accurately present the financial records of the county, was made by Commissioner Matson, and the Motion carries with a Roll Call Vote as follows:

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

Ordinance O-2015-9, Changes to 9-21B-4 (B); Building permits

Attorney Rob VanDyke Addressed Ordinance O-2015-9, Changes to 9- 21B-4 (B); Building permits, with changes and requests as proposed.

Motion to Adopt Ordinance O-2015-9, Changes to 9-21B-4 (B); Building permits was made by Commissioner Clayson, and the Motion carries with a Roll Call Vote as follows:

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

Public Defender Contract and Administration Process

Attorney Rob Van Dyke presented the Public Defender Contract and Administration Process to the Commission. Current Public Defender cases estimated for Kane County is 18 cases per year. The current guidelines and procedures are working well. Commissioner Clayson recommended a renewal with the current Public Defender William Leigh, instead of putting it up for bid. Clerk/Auditor Johnson suggested moving the Public Defender out of the Attorney's jurisdiction, and stated that Commissioner Matson has been designated to oversee these matters. Attorney VanDyke explained the need for an approved list of conflicting council, with opening and awarding of these Appellate and Conflicting Council contracts. A discussion ensued.

Capital Improvement List Updates

Clerk/Auditor Karla Johnson Updated the Commission on the Capital Improvement List. The only one year contract is the Community Center. Vermillion Cliffs Drainage, Baseball Complex, and KanePlex Improvements are on the Five Year Strategy list. New Meal trucks for Seniors/Council on Aging were taken off of the list for this year. A discussion ensued.

2016 Commission Meeting Schedule

Clerk Karla Johnson presented the 2016 Commission Meeting Schedule for approval by the Commission. The schedule was discussed and reviewed by the Commission.

Motion to Approve/Adopt the 2016 Commission Schedule as presented was made by Commissioner Clayson, and the Motion carries with all Commissioners present voting in favor.

Motion was made by Commissioner Matson to appoint Commissioner Clayson to serve as the Commission Chairman upon Commissioner Heaton's resignation. Commissioner Clayson accepted the appointment. The Motion

carries with Commissioners Matson and Heaton voting in favor, and Commissioner Clayson recusing himself from the vote.

Adopt Kane County Zoning Map (revised)

LUA Shannon McBride addressed the Revised Kane County Zoning Map which is being presented for Adoption by the Commission. GIS Lou Pratt reviewed the new revised map. This map mirrors the legislation and is subject to change and other revisions as needed.

Motion to Adopt the Revised Kane County Zoning Map was made by Commissioner Matson, and the Motion carries with all Commissioners present voting in favor.

Lot Joinder; Douglas & Darlene Crowe, Elk Ridge Estates, Unit 1, Lots 23&24, and vacate a utility easement.

LUA Shannon McBride presented a Lot Joinder request for Douglas & Darlene Crowe, Elk Ridge Estates, Unit 1, Lots 23&24, and vacate a utility easement. Tom Avant presented at the table in representation of the client. He explained the request for Lot Joinder, which will allow building a cabin on the new bigger lot. Transfer of property, title report, and any other documentation and requirements must be done by January 1st, or it is null and void.

Motion to Approve the Lot Joinder, subject to verification of ownership and execution of documentation under the authority of Commissioner Heaton was made by Commissioner Clayson, and the Motion carries with all Commissioners present voting in favor.

Revise the Kane County Resource Management Plan: Adopt "Glen Canyon Region" in Section Two: Regional Resources

LUA Shannon McBride and Mary Reynolds presented the Revised Kane County Resource Management Plan: Adopt "Glen Canyon Region" in Section Two: Regional Resources. This Revision will meet the House Bill 323 requirements recently passed. It divides the county into 7 regions. The "Glen Canyon Region" is being presented today. A discussion ensued.

Motion to Adopt "Glen Canyon Region" in Section Two: Regional Resources, of the Kane County Resource Management Plan was made by Commissioner

Clayson, and the Motion carries with all Commissioners present voting in favor.

Amending the Development Agreement for Canyon Land Resort, parcel # 187-05-3

LUA Shannon McBride addressed an Amendment to the Development Agreement for Canyon Land Resort, parcel # 187-05-3. No agreement has been presented at this time. The Amendment would allow the building and development of certain recreation facilities, described as "tent structures". At least 20% of this parcel has to remain as open space. The Assessor will re-appraise these areas and adjust values and taxes accordingly. A discussion ensued. An agreement needs to be submitted by the Canyon Land Resort before being approved.

Re-Conveyance of Lots 3 & 4, of Bryce Summit Subdivision; Wayne Schwalback, Good Earth Development, LLC

GIS Lou Pratt addressed the Re-Conveyance of Lots 3 & 4, of Bryce Summit Subdivision; Wayne Schwalback, Good Earth Development, LLC. When Bryce Summit was developed, UDOT had the provision that: after 5 lots sold out of 7, the developer would build a turning lane to accommodate the increased traffic onto Hwy 89. Since then, UDOT had built a full lane for coal trucks and they no longer felt that Bryce Summit needed to hold to the standards they had placed on them. They asked for us to release the two parcels that were held from sales.

Motion to allow the re-conveyance of Lots 3 & 4, of Bryce Summit Subdivision; Wayne Schwalback, Good Earth Development, LLC was made by Commissioner Clayson, and the Motion carries with all Commissioners present voting in favor. Commissioner Heaton was authorized to execute said agreement.

Other Business:

- Reports: Commissioner Heaton reported on a meeting he and Commissioner Matson attended, and an RFP analysis on transfer of public land which was presented there.
- Schedules and Assignments were coordinated to assure that all areas of county business are well represented. Commissioner Clayson announced a reimbursement that is forthcoming from Road Litigations.
- There will be no more Commission Meetings held in 2015

Motion to go in and out of Closed Session at the call of the Chair was made by Commissioner Matson, and the Motion carries with all Commissioners voting in favor.

Closed Session:

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

Whereupon Meeting Was Adjourned



Commission Chairman Douglas K Heaton



Clerk/Auditor Karla Johnson