



NOTICE AND AGENDA OF A MEETING OF THE KANE COUNTY COMMISSION

PUBLIC NOTICE IS HEREBY GIVEN that the Commissioners of Kane County, State of Utah, will hold a Public Meeting in Commission Chambers at the Kane County Courthouse, 76 N Main St., Kanab Utah on **MONDAY, the 25th Day of January, 2016** at the hour of 10:00 o'clock a.m.

The Commission meeting will begin at **10:00 am**, and then Recess until after the GOP Caucus convenes. The Commission will act on item 9.

CALL MEETING TO ORDER:

PRAYER:

PLEDGE OF ALLEGIANCE:

WELCOME:

Approve the Consent Agenda:

Check Edit Reports

Approval of Commission Meeting Minutes January 11, 2016

10:00 am

REGULAR SESSION:

- 1 Vacating County Roads KCR #1044, #1044A thru Parcels 35-342, 4.5.3.4, 4.5.3.4A, 4.5.3.2E/ LUA Shannon McBride**
- 2 Sustain Carrie Smith to the Kane County Tourism Tax Advisory Board (representing Best Friends)/TC Ken Gotzenburg**
- 3 Western Rock temporary relocation of hot plant on Lake Shore Dr (Jeremy Leonard)/Commissioner Matson**
- 4 Adopt Ordinance O-2016-1,Oderkerken Agreement, Abandon County Roads #K2860, K2855, K2865, K2845/ Attorney Rob VanDyke**
- 5 "Disposition of Parcel 1-82-1" to Jens & Inge Axelgaard/ Attorney Rob VanDyke**
- 6 Adopt/Approve the Second Amendment to the Canyon Land Development Agreement/ Attorney Rob VanDyke**
- 7 "Open Public Meetings Act Annual Training"/ Attorney Rob VanDyke**

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

Commission recess until after the GOP meeting of Kane County Delegates

Reconvene at the Kane County Search and Rescue building located at 30 W. Airport Dr., Kanab Utah 84741, to appoint Commission Seat C

- 8 Commission will appoint the Republican replacement in Commission Seat C which was recently vacated by Commissioner Douglas K Heaton

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Karla Johnson at (435) 644-2458 or Keiren Chatterley at (435) 644-4959.

Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate.

MINUTES

Kane County Board of Commissioners'
Regular Session held on
January 11, 2016
In the Kane County Commission Chambers
76 North Main, Kanab, Utah

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

CALL MEETING TO ORDER: Commissioner Dirk Clayson

PRAYER: Commissioner Dirk Clayson

PLEDGE OF ALLEGIANCE: Commissioner Jim Matson

WELCOME: Commissioner Dirk Clayson

Approve the Consent Agenda:

Check Edit Reports

Approval of Commission Meeting Minutes December 14, 2015

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

10:00 am

REGULAR SESSION:

Presentation to Daniel (Boone) Hulet family

Commissioner Dirk Clayson called the Hulet family to the front of the room for presentation of a plack in Commemoration and Appreciation of the Previous Commissioner Daniel (Boone) Hulet's years of service to the county.

Extra Miler Awards

Commissioner Jim Matson called Shannon McBride and Mary Reynolds of Kane Planning & Zoning to the front of the room. They were presented with extra-miler awards for their hard work, and for going the extra mile in their successful efforts in the Planning & Zoning of Kane County.

Approval of Resolution R 2016-1, the Vermilion Communication Site Agreement-Kane County and BLM

IT Dave Owens presented Resolution R 2016-1, the Vermilion Communication Site Agreement-Kane County and BLM, for approval. Other agreements and arrangements are working well between Western Kane County, State of Utah, Verizon, BLM, and Kane County. Application for the Vermilion Site Agreement was reviewed and recommended by Dave Owens. A discussion ensued

Motion to Adopt Resolution R 2016-1, the Vermilion Communication Site Agreement was made by Commissioner Jim Matson, and the Motion carries with a Roll Call vote as follows:
Commissioner Dirk Clayson.....Aye
Commissioner Jim Matson.....Aye

Sustain New Tourism Board Member: Lorraine Chamberlain, representing Outlying communities

TC Ken Gotzen-berg submitted for approval, the name of Lorraine Chamberlain, to replace a board member who is no longer able to serve on the Board. This position is for 2 years, and represents the outlying communities.

Motion to Appoint Lorraine Chamberlain to the Tourism Board, representing outlying communities, for a 2 year term was made by Commissioner Jim Matson, and the **Motion** carries with both Commissioners present voting in favor.

2015 Kane County Jail Contracting Review

Sheriff Tracy Glover addressed the Commission with a review of the 2015 Jail Contract and Activities. He updated the Commission on a recent report sent by the State of Utah, evaluating and stating the good work at the Kane County Jail, and it's running of programs and financial reports. Tracy also stated that the previous contract funded 160 beds, and has now been legislatively modified to fund 166 beds. Inmate placement: contracted beds 166, funded acct. 160, but this will be adjusted. The jail currently houses 154 inmates. Tracy was commended by the Commissioners for his excellent work in running the Kane County Jail and it's program.

Support of UDOT US Bike Route

GIS Lou Pratt and Commissioner Dirk Clayson addressed a proposed US Bike Route. This route will enter and cross Kane County in several locations. A letter of support for the Bike Route has been written, and approval is requested.

Motion to Approve the a Letter of Support for the US Bike Route was made by Commissioner Jim Matson, and the Motion carries with both Commissioners present voting in favor.

Other Business:

- Reports- the Lake Powell Pipeline Meeting was announced; some of the Commission replacement process was explained: a meeting will be held on Jan. 25. Approximately 72 Republican delegates will vote on the candidates. A majority vote is needed. A special meeting will be held tentatively after the election on Jan. 25th; NACO, SUPAC and other reports of interest were announced; the CIB meeting was attended, and a presentation was given on the Kanab Civic Center Project. This is a 3 phase project that will be done over 3 years. Approval for a grant of 2.2 Million dollars with 2% interest for phases 1 & 2 was awarded to Kane County.
- Schedules and assignments were coordinated.

Motion to enter Closed Session was made by Commissioner Jim Matson.

Closed Session:

- Discussing an individual's character, professional competence, or physical or mental health.

Whereupon Meeting Was Dismissed.

Commissioner Dirk Clayson

Clerk/Auditor Karla Johnson

KANE COUNTY ORDINANCE NO. O 2016 - 1

**AN ORDINANCE VACATING COUNTY ROADS
K2845 IN FULL, K2855 IN PART, K2860 IN FULL, AND K2865 IN FULL**

WHEREAS, Kane County has been working with certain private property owners regarding county roads K2845, K2855, K2860, and K2865 and issues that arise due to the fact that these county roads cross their private property; and

WHEREAS, the private property owners have dedicate public easements which allow for the construction of new roads on their land that will reroute the county roads that cross through their property; and

WHEREAS, the County Commission now desires to vacate and abandon the county roads that are now no longer necessary due to the rerouting;

WHEREAS, the a duly noticed public hearing was held after the notices required by Utah Code 72-3-108 and 17-27a-609.5; and

WHEREAS, the County Commission finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the proposed vacation.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

The following Kane County Roads are hereby vacated:

K2845 in full, located in Township 41 South, Range 7 West, Section 13 and Township 41 South, Range 6 West, Section 18; K2860 in full, located in Township 41 South, Range 7 West, Sections 23 and 24; K2865 in full, located in Township 41 South, Range 7 West, Sections 24, 25, and 26; and K2855 in part, from the point of beginning in the Southwest corner of the Northeast Quarter of Township 41 South, Range 7 West, Section 23, continuing south into Section 26 and ending on the southern border of the Northeast Quarter of Section 26.

The vacating of the above County Roads are set forth more fully on the maps attached as Exhibits A and B.

This Ordinance shall be recorded in the Kane County Recorder's Office, deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the resolution

is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this 25th day of January, 2016.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Dirk Clayson, Chair
Board of Commissioners
Kane County

Commissioner Clayson voted _____
Commissioner Matson voted _____
Open Commission Seat - no vote

Exhibit A

Map of Vacated Kane County Road 2845

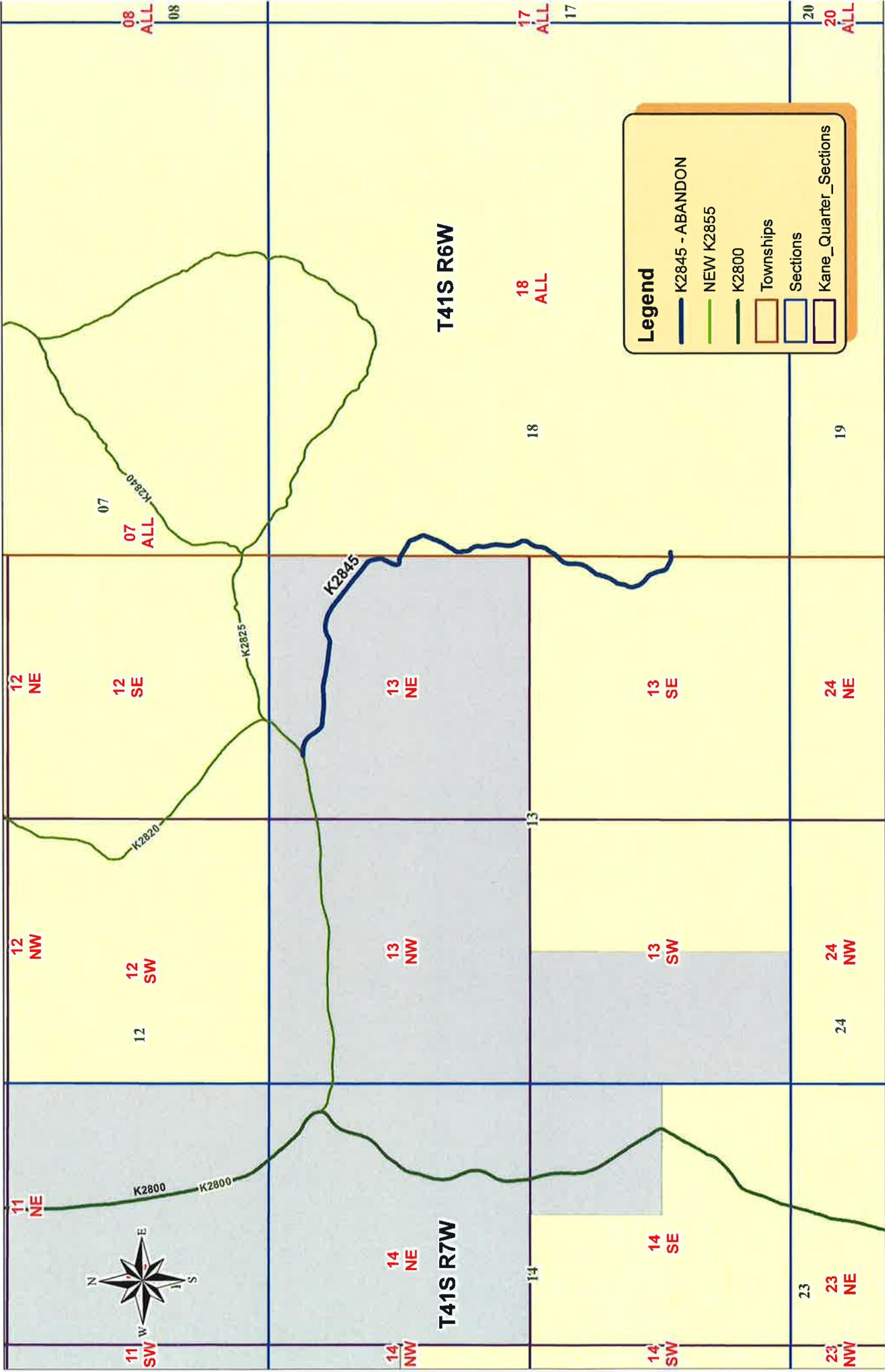
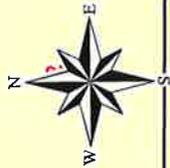
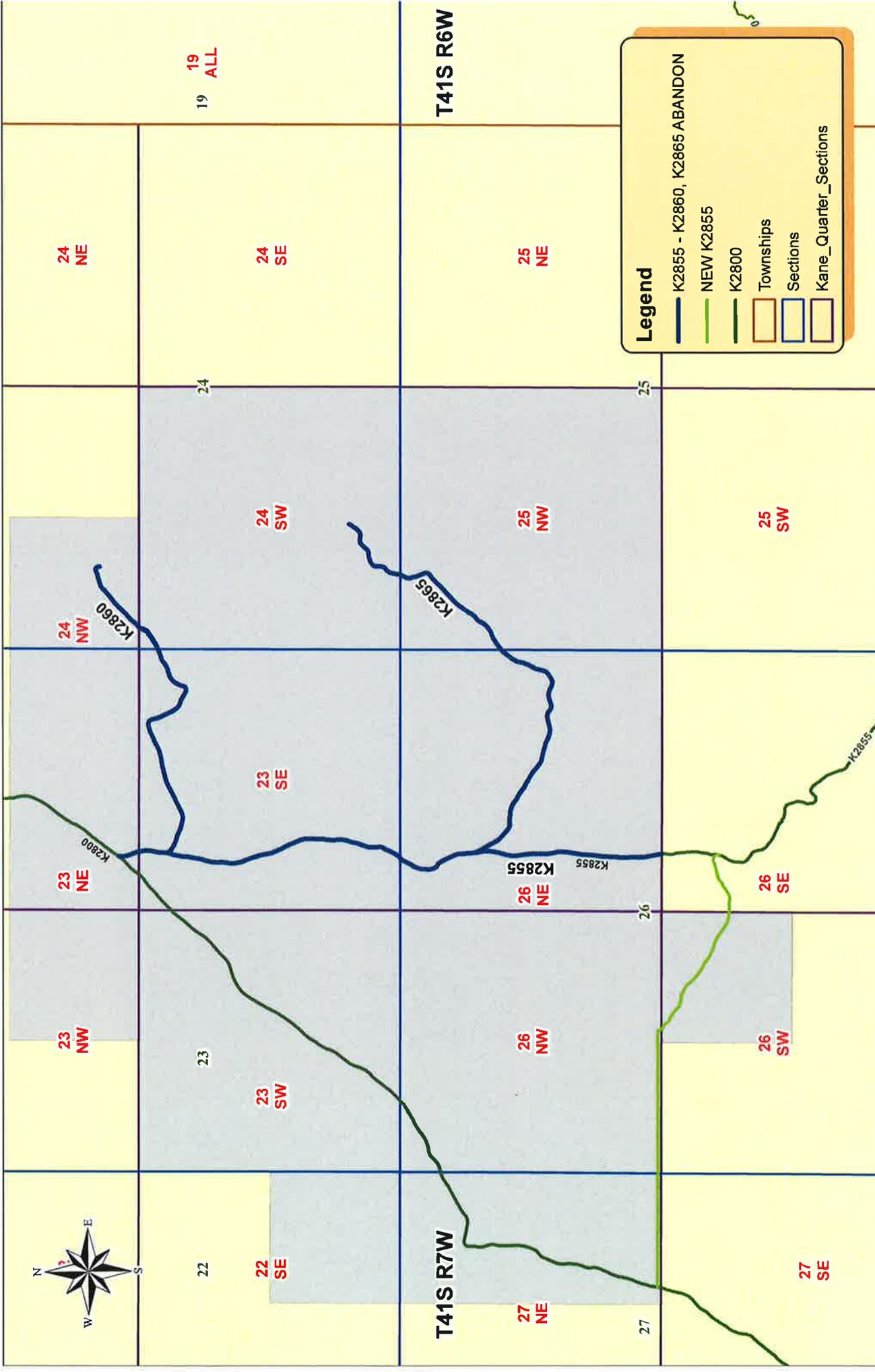


Exhibit B

Map of Vacated Kane County Roads 2855, 2860, and 2865



Legend

- K2855 - K2860, K2865 ABANDON
- NEW K2855
- K2800
- Townships
- Sections
- Kane_Quarter_Sections

T41S R6W

T41S R7W

24 NE

24 SE

25 NE

19 ALL

24

25

24 NW

24 SW

25 NW

25 SW

23 NE

23 SE

26 NE

26 SE

23 NW

23

26

23 SW

26 NW

26 SW

22

22 SE

27 NE

27

27 SE

Karla Johnson

From: Leonard, Jeremy (Western Rock) [Jeremy.Leonard@stakerparson.com]
Sent: Friday, January 22, 2016 3:11 PM
To: clerkkj@kane.utah.gov
Subject: Fwd: Commission Agenda Request

See my forwarded message thread below to request to be on the agenda for the commission meeting on Monday. Please let me know of any issues. Thanks.

Jeremy Leonard
Operations

Begin forwarded message:

From: Keiren Chatterley <kchatterley@kane.utah.gov>
Date: December 21, 2015 at 8:06:47 AM MST
To: "'Leonard, Jeremy (Western Rock)'" <Jeremy.Leonard@stakerparson.com>
Subject: RE: Commission Agenda Request
Reply-To: <kchatterley@kane.utah.gov>

yes

From: Leonard, Jeremy (Western Rock) [<mailto:Jeremy.Leonard@stakerparson.com>]
Sent: Friday, December 18, 2015 3:27 PM
To: kchatterley@kane.utah.gov
Subject: Fwd: Commission Agenda Request

Hi Karen,

I need to shift my request to be on the agenda from January 11 to the next meeting. Is that possible?

Jeremy Leonard
Operations

Begin forwarded message:

From: "Leonard, Jeremy (Western Rock)" <Jeremy.Leonard@stakerparson.com>
Date: December 15, 2015 at 3:54:37 PM MST
To: "kchatterley@kane.utah.gov" <kchatterley@kane.utah.gov>
Subject: FW: Commission Agenda Request

Hi Karen, I had the email incorrect. Lets try this...

From: Leonard, Jeremy (Western Rock)
Sent: Tuesday, December 15, 2015 3:23 PM
To: 'kchatterley@kane.utah.gov' <kchatterley@kane.utah.gov>
Cc: 'Pack, Derrick (Western Rock)' (Derrick.Pack@oldcastlematerials.com)' <Derrick.Pack@oldcastlematerials.com>
Subject: Commission Agenda Request

Hello Kay,

As per our phone conversation, I would like to request some time on the agenda at the next Commission meeting on January 11th to discuss a relocation permit moving in our Portable Hot Plant into the Kane County section of our Big Water Pit. The Hot Plant has been moved into this same location a few times before. The move coincides with the asphalt paving that we are contracted to do with the Federal Highways on Lake Shore Drive in about March. I have enclosed a picture for reference. I look forward to being able to discuss this with the commission. Thanks for your help! Have a Merry Christmas. JL



Jeremy Leonard
Operations | Western Rock Products
(435) 669 - 8478

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is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this 25th day of January, 2016.

ATTEST:

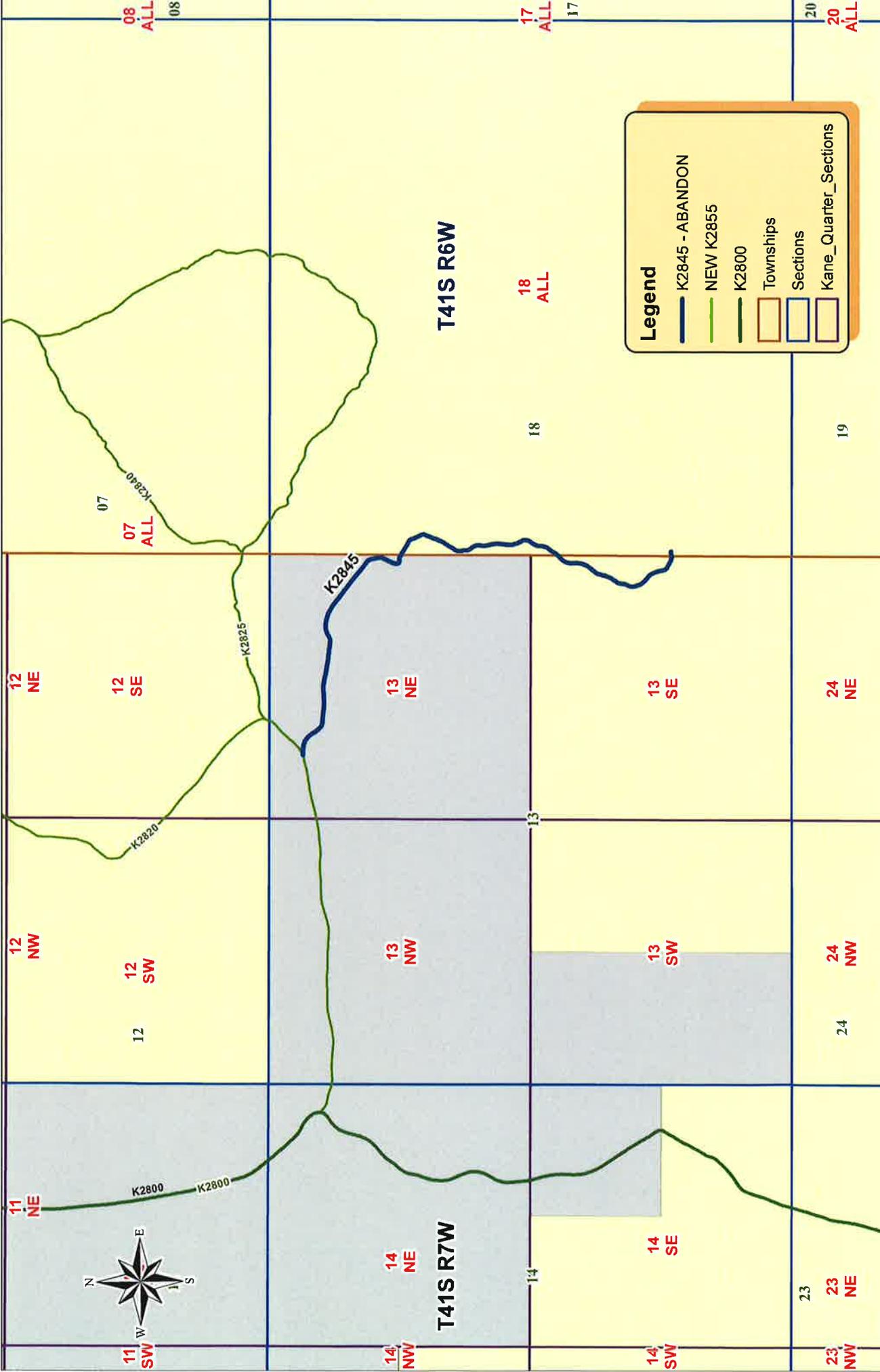
KARLA JOHNSON
Kane County Clerk

Dirk Clayson, Chair
Board of Commissioners
Kane County

Commissioner Clayson voted ____
Commissioner Matson voted ____
Open Commission Seat - no vote

Exhibit A

Map of Vacated Kane County Road 2845



08
ALL
08

17
ALL
17

20
20
ALL

T41S R6W

Legend

- K2845 - ABANDON
- NEW K2855
- K2800
- Townships
- Sections
- Kane_Quarter_Sections

07
07
ALL

18
ALL

18

19

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NE

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SE

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NE

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SE

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T41S R7W

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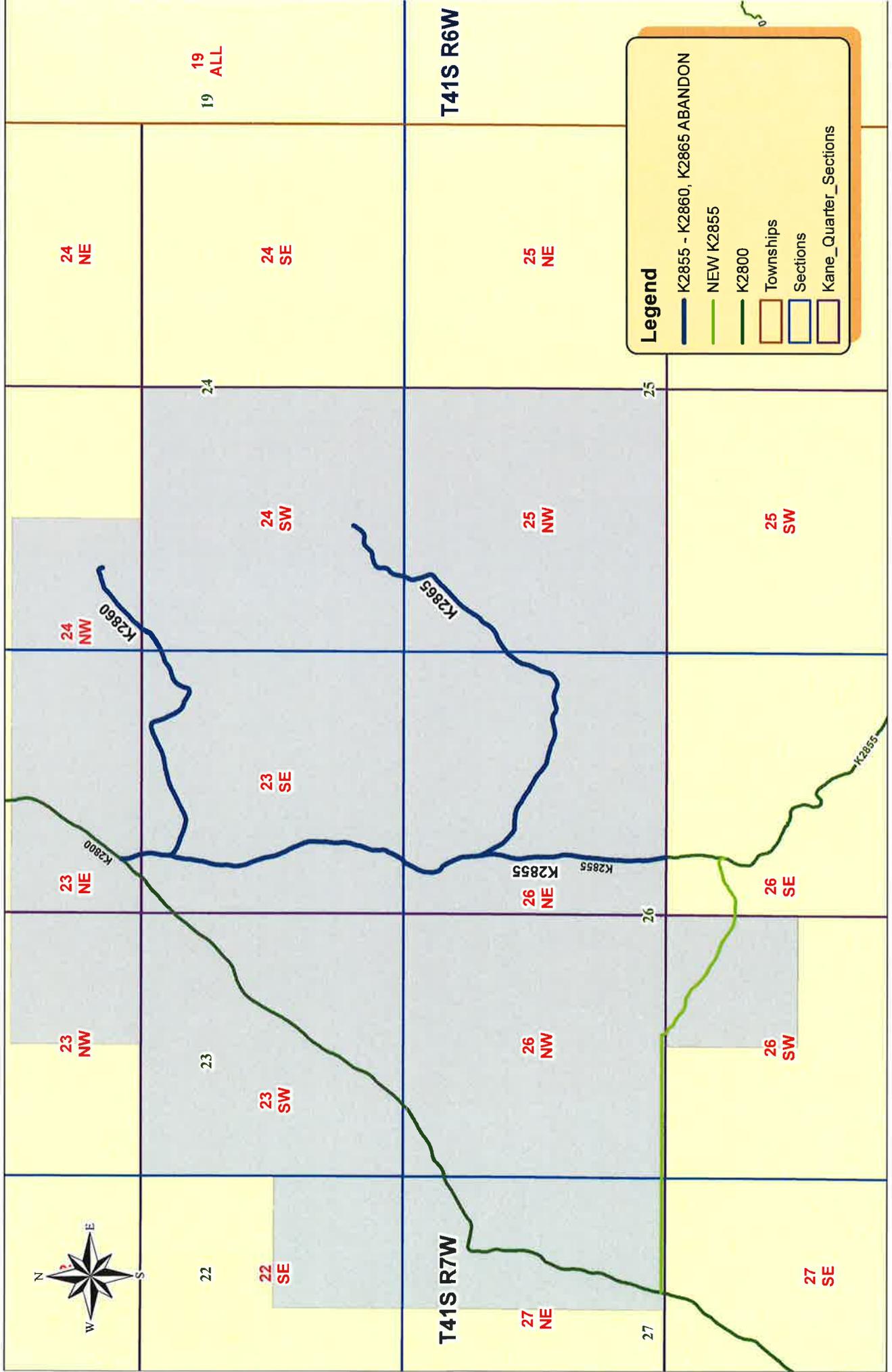
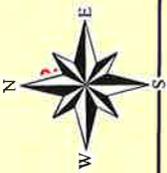
14
NW

14
SW

23
23
NW

Exhibit B

Map of Vacated Kane County Roads 2855, 2860, and 2865



19
19 ALL

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NE

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SE

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22

22
SE

T41S R7W

27
NE

27

27
SE

T41S R6W

Legend

- K2855 - K2860, K2865 ABANDON
- NEW K2855
- K2800
- Townships
- Sections
- Kane_Quarter_Sections

When Recorded return to:
J. Craig Smith
175 South Main Street, #300
Salt Lake City, UT 84111

**SECOND AMENDMENT TO
DEVELOPMENT AGREEMENT
FOR THE CANYON LAND RESORT PROJECT
KANE COUNTY, UTAH
Dated February 13, 2006**

This Second Amendment To The “Development Agreement For The Canyon Land Resort Project, Kane County, Utah dated February 13, 2006” (“**Amendment**”) is made this of _____, 2016 by and between Canyon Land Development, LLC a Utah Limited Liability Company (“**Master Developer**”) and KANE COUNTY a county and political subdivision of the State of Utah, (the “**County**”), (collectively, the “**Parties**”)

RECITALS:

- A. Master Developer and the County entered into a written Development Agreement on February 13, 2006 (“**2006 Development Agreement**”) a copy of which is attached hereto as **Exhibit 1** and is incorporated herein by reference and made a part hereof, under which the parties agreed on certain zoning and entitlements concerning properties owned by Master Developer; and
- B. Master Developer and the County entered into a First Amendment to the 2006 Development Agreement on September 9, 2013 (“**First Amendment**”) a copy of which is attached hereto as **Exhibit 2** and is incorporated herein by reference and made a part hereof, under which the parties agreed to amend the 2006 Development Agreement; and
- C. The Parties wish to clarify the approved uses of Common Area of the Project for support, accessory and recreational activities such as camping for guests of the Amangiri Resort; and
- D. The Parties desire to explicitly permit development for such accessory, support and recreational uses and subject that development to the benefits and burdens of the 2006 Development Agreement; and
- E. The Parties find it necessary and beneficial to amend the 2006 Development Agreement to facilitate the foregoing,

NOW, THEREFORE, in consideration of their mutual covenants, conditions and terms as more fully set forth below, Master Developer and the County agree to amend the 2006 Development Agreement as follows:

1. **Amendment of Paragraph 9.2 (Recreational and Accessory Uses in Common Areas)**. Paragraph 9.2 is amended in its entirety to read as follows:

9.2 Recreational, Wellness, Support and Accessory Buildings, Facilities, Structures and Allowed Uses in Common Areas. The Parties agree that Master Developer, or its successors and assigns, may utilize the common areas to construct, maintain and operate recreational, wellness, support, accessory facilities, buildings and structures, including but not limited to, permanent and temporary facilities, buildings, and structures to facilitate the use of the common areas for wellness and spa facilities, camping type activities, and related uses consistent with the amenities, luxury, level of service, and overall experience provided at the Amangiri Hotel and Spa. Also, the common areas may be utilized for permanent and temporary buildings, facilities, and structures to provide gathering areas, meeting rooms, restrooms, lounges, kitchens, dining facilities, equestrian, mountain biking, hiking, climbing, treatment and spa facilities, and other recreational and wellness activities, as well as support, accessory, and storage buildings, structures and facilities for the Hotel and Spa, its guests, employees and others. Such buildings, structures and facilities, including those providing overnight accommodations in the common areas, shall not be included in calculating the residential density allowed in this Agreement. The Master Developer, or its successors and assigns, shall comply with all applicable building and land use regulations to obtain construction approval for such recreational, wellness, support, and accessory buildings, facilities, and structures, including the submission and approval of a site plan and building permits for such building facilities, and structures. However, at least 80% of the common areas will remain open space and will not have recreational, wellness, support, or accessory facilities, buildings and structures constructed thereon.

2. **Continuing Force and Effect of Development Agreement**: Except as specifically provided in this Amendment, all terms, conditions and provisions of the 2006 Development Agreement and the First Amendment thereto shall remain the same and of continuing force and effect.

3. **Binding Effect**: This Amendment shall be binding on the respective successors and assigns of the parties in the same manner as the 2006 Development Agreement and the First Amendment thereto.

4. **Construction**: This Amendment and its provisions shall be deemed as having been prepared jointly by both parties and shall not be construed for or against either.

IN WITNESS WHEREOF, this Amendment to the 2006 Development Agreement shall be deemed as executed and effective on the date first written above.

[Signatures on following page.]

KANE COUNTY

CANYON LAND DEVELOPMENT, LLC
a Utah limited liability company

By _____
Dirk Clayson, Chair
Kane County Commission

By _____
Homi Vazifdar, CEO and Director

Attest:

By _____
Karla Johnson, County Clerk