

**KANE COUNTY  
COMMISSION MEETING  
AGENDA**



# NOTICE AND AGENDA OF A MEETING OF THE KANE COUNTY COMMISSION

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**PUBLIC NOTICE IS HEREBY GIVEN** that the Commissioners of Kane County, State of Utah, will hold a **Commission Meeting** in the Commission Chambers at the Kane County Courthouse, 76 N Main St., Kanab Utah on **MONDAY OCTOBER 24, 2016** at the hour of 10:00 o'clock a.m.

**Conference Call Log In: 310-372-7549, pass code 536301**

**CALL MEETING TO ORDER  
WELCOME  
PRAYER  
PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT:** Three (3) Minute Time Limit per Speaker for Public Comment.

**CONSENT AGENDA:**

Check Edit Report approved as signed, Minutes of October 3, 2016 and October 17, 2016 Meetings.

**REGULAR SESSION:**

- 1 Board Appointment – Recreation & Transportation / Commissioner James Matson**
- 2 HB 159 Line of duty Death Spouse Trust Fund / HR Rhonda Gant**
- 3 Tentative budget / Budget Officer John Livingston**
- 4 Ordinance O-1016-6 correction / Attorney Rob Van Dyke**
- 5 Revisions to Kane Co. General Plan. Chapter One, Preamble / Resource Planner Mary Reynolds**
- 6 Execute State Fire Agreement for Five County Area / Commissioner James Matson**
- 7 Commission Assignment & Responsibility's and Related Authority / Commissioner James Matson**
- 8 Resource Committee Update / Commissioner James Matson**
- 9 Other Business:**
  - Reports
  - Schedules
  - Assignments
  - Financial Report / John Livingston

**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.

**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.

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

All items to be placed on the agenda must be submitted to the Clerk's office by noon Tuesday, prior to the meeting date.

# CONSENT AGENDA

# MINUTES

**MINUTES**  
OF THE KANE COUNTY BOARD OF COMMISSIONERS  
MEETING HELD **OCTOBER 3, 2016**  
IN THE  
KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH

Present: Chairman Dirk Clayson, Commissioner James L. Matson, Commissioner Lamont Smith, Attorney Rob VanDyke, Clerk/Auditor Karla Johnson, and SUN representative Carol Sullivan

**CALL MEETING TO ORDER** Commissioner Clayson called the meeting to order and welcomed everyone

**PRAYER** Clerk/Auditor Johnson

**PLEDGE OF ALLEGIANCE** Led by Commissioner Smith

**PUBLIC COMMENT:** No Public Comment.

**CONSENT AGENDA:**

Check Edit Report approved as signed, Minutes of September 26, 2016 Meeting.

**Motion** to accept the Consent agenda approving the items, made by Commissioner Matson and the motion carries with all Commissioners present voting in favor.

**REGULAR SESSION:**

**1 Beekeeping Inspector**

Commissioner Clayson explained that there is a formal request to have a Beekeeping inspector for Kane County. There is an increase in backyard beekeepers and it is important for them to join the beekeeping organization to help. The position is not a paid position, but they can be reimbursed for mileage and expenses.

Rob Brinkerhoff explained that as a beekeeper, he also markets bees to other beekeepers and that requires an inspector to make sure that the bees are free from disease and safe to transport. Each county can have a bee inspector for every 5 beekeepers. There are 9 registered beekeepers and some unregistered beekeepers in Kane County. The inspector checks the colonies for disease, mites, and Africanized bees. Being a registered beekeeper allows the inspector to come and inspect the hives. Whether the beekeeper is him or someone else, he would like to keep our county disease free.

The Commission discussed the reimbursement process, the position is unpaid, and we would need to work on a job description and policy.

The Commission requested the County Attorney and Human Resources work together to prepare the necessary job description and documentation to facilitate a beekeeping inspector, and post immediately upon the completion of the job description.

Motion to support the structure of the Beekeeping Inspector and to instruct HR to prepare the job description, made by Commissioner Smith and the motion carried with all commissioners present voting in favor.

**2 Ordinance O-2016-13 Adding Pier Design to the Land Use Ordinance 9-1-7  
Manufactured Home Definition**

Deputy Assessor Ryan Maddux and LUA Shannon McBride updated the Commission regarding the state code and definition and the International Residential Code Appendix E definition and code. They also said that a definition section should not include a regulation.

Discussion occurred about the types of piers available; when the different types are used; when crossties are used; when tongue and axle must be removed; what type of skirting is required; footings around the perimeter; and frost line requirements.

Motion to adopt Ordinance O-2016-13 with the amended language of 15A-1-302 (6), made by Commissioner Smith, and the vote is as follows:

Commissioner Clayson	aye
Commissioner Matson	aye
Commissioner Smith	aye

**3 Assessor's Office new position**

Assessor Linda Little, and Deputy Assessor Ryan Maddux updated the commission regarding the need and requirement to hire an Appraiser Trainee. It takes a minimum of two years to become licensed, plus over 2,000 hours of apprentice training. They must become a licensed appraiser within 5 years. The Assessor's Office budgeted to hire the person in 2016.

**Motion** to approve the request for an Appraisal Trainee, made by Commissioner Matson and the motion carried with all Commissioners present voting in favor.

#### 4 **Update on Health Insurance**

John Livingston updated the Commissioners regarding the insurance renewal with United Health Care. UHC can affect a 3% compounded increase for October, November, and December of 2017.

The Commission requested that HR budget an additional 9% for the year overall.

#### 5 **2.0 Coalition - Joint Action Litigation**

Commissioner Matson updated the Joint Action Litigation with Chavez County, New Mexico, Garfield County, Colorado, and Kane County, Utah, will discuss the issues with the other counties as the litigation progresses.

**Motion** to join the 2.0 Coalition with Chavez County New Mexico, and Garfield County Colorado, made by Commissioner Matson and the motion carried with all Commissioners present voting in favor.

#### 6 **Other Business:**

- Reports  
Commissioner Smith reported about the East Zion SSD board and the SSD's request for seven board members.
- Financial Report / John Livingston  
Budget Officer John Livingston presented an August financial report

**Motion** to recess for 5 minutes and then moving directly into closed session for pending or reasonably imminent litigation, made by Commissioner Matson and the motion carried with all Commissioners present voting in favor.

Present: Commissioner Dirk Clayson, Commissioner James L. Matson, Commissioner Lamont Smith, County Attorney Rob VanDyke, Clerk/Auditor Karla Johnson, and GIS Transportation, Lou Pratt.

**WHEREUPON MEETING ADJOURNED**

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Dirk Clayson Chairperson

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Karla Johnson Clerk/Auditor

**MINUTES**  
**OF THE KANE COUNTY BOARD OF COMMISSIONERS**  
**MEETING HELD OCTOBER 17, 2016**  
**IN THE**  
**KANE COUNTY COMMISSION CHAMBERS,**  
**76 NORTH MAIN, KANAB, UTAH**

Present: Commissioner James Matson at the anchor location, and Commissioner Lamont Smith was present electronically, Commissioner Dirk Clayson was excused. Clerk Auditor Karla Johnson, Deputy Clerk Auditor Tanya Meeks, Attorney Rob Van Dyke and SUN Press Representative Carol Sullivan

**REGULAR SESSION:**

**1 Johnson Wash Project Agreement with UDOT / GIS- Transportation Lou Pratt**

Lou Pratt updated the Commission regarding the contract with UDOT for cleaning up the bridge under Johnson Canyon. UDOT has offered \$145,000 to help with the project. This will help with the 25% match for the federal EWP project funding. The rock will likely finish the total of the match.

**Motion** to enter into the agreement with UDOT for the portion of the water project (bridge maintenance) they are involved in for the \$145,000, made by Commissioner Smith and the motion carried with both Commissioners present voting in favor.

**WHEREUPON MEETING ADJOURNED**

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Dirk Clayson Chairperson

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Karla Johnson Clerk/Auditor

# REGULAR AGENDA

**ITEM #1**

**ITEM #2**

**ITEM # 3**

**ITEM # 4**

**KANE COUNTY ORDINANCE NO. O 2016 - 6**

**AN ORDINANCE AMENDING TITLE 1 CHAPTER 8  
OF THE KANE COUNTY TAX SALE RULES**

**WHEREAS**, the Kane County Board of Commissions desire to make changes to Title 1 Chapter 8 of the Kane County Tax Sale Rules.

**WHEREAS**, the purpose of this ordinance is to update the Kane County procedures regarding excess funds from a tax sale and Utah Code Section 59-2-1351.1(2)(b) gives the Kane County Commission authority to establish a tax sale procedure by ordinance upon recommendation by the Kane County Clerk/Auditor; and

**WHEREAS**, Utah State Tax Commission Publication R884-24P-55 requires that Kane County establish an ordinance for tax sale procedures and include in the ordinance criteria for rejecting bids, sale ratification procedures, and payment methods and procedures; and Kane County desires to establish an equitable procedure for the distribution of the excess proceeds; and

**WHEREAS**, the procedure proposed below gives all parties with a recorded interest in the property an opportunity to claim the excess funds and an opportunity to resolve conflicting claims prior to the matter being turned over the Sixth District Court; and

**WHEREAS**, Kane County shall in no way profit from the procedure outlined below, but it shall assess appropriate fees to cover the costs imposed on taxpayers for distributing the excess funds; and

**WHEREAS**, given that under Kane County's current ordinance there is no clear procedure for paying out excess proceeds to parties with a recorded interest in a property other than the previous recorded owner, it is in the best interest of the citizens of Kane County and of individuals and entities with some claim to the excess proceeds that the procedure for paying out excess funds be updated.

**WHEREAS**, The statutory authority for enacting this ordinance is Utah Code Sections 59-2-1351.1(2)(b), 59-2-1351.1(7), 67-4a-201(1)(b), 67-4a-301(3), 17-53-223, 17-53-208.

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

Title 1 Chapter 8 of the Kane County Tax Sale Rules is amended as set forth in the following pages. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

This Ordinance shall take effect fifteen days from the date signed below.

A copy of this ordinance shall be deposited in the Office of the County Clerk.

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

**TITLE 1  
ADMINISTRATION**

**Chapter 8  
TAX SALE RULES**

**1-8-1: METHOD OF SALE:**

The board of county commissioners of Kane County has determined the following method of sale best meets the objectives of protecting the financial interests of the delinquent property owners and collecting delinquent property taxes due:

The parcel will be sold to the bidder with the highest bid amount for the entire parcel of property. However, a bid may not be accepted for an amount which is insufficient to pay the taxes, penalties, interest and administrative costs. Any amount received in excess of the taxes due to all local governments and any administrative costs by the county shall be treated in accordance with section 1-8-3: Excess Payment, of this chapter. ~~as surplus property and paid to the state treasurer.~~ (Ord. O-2015-1, 5-23-2015)

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**1-8-2: TAX SALE RULES ENUMERATED:**

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R. Properties not purchased at the tax sale shall be struck off to the county by the auditor, becoming property of Kane County, subject to approval and acceptance of the board of county commissioners. If a successful bidder fails to tender payment as required, the property may, at the discretion of the board of county commissioners, be struck off to the county. Properties struck off to the county may only be sold for fair market value at a rate which allows the sale of the property within six months of being stricken to the county. All proceeds from the sale of property that had been stricken to the county shall be deposited in the general fund for the general use of Kane County. ~~, not the amount of the tax arrearages, the excess sale proceeds being treated according to state law and unclaimed property requirements.~~

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### **1-8-3: EXCESS PAYMENT:**

The following procedure applies when a purchase amount received is in excess of the taxes, interest, penalties and administrative fee.

- A. The County shall notify those with a recorded interest in the property of the excess funds. Notification shall be made by first class and/or certified mail. For purposes of this subsection, those with a recorded interest in the property are those previously identified as having a recorded interest in the property and previously notified of the tax sale by the Clerk/Auditor. The recipients shall have 90 days from the date the notice is mailed to submit a written claim for a specified amount of the excess proceeds and brief legal justification for the claim.
- B. If only one claim is submitted within the specified time limit, the County shall pay the amount of the claim or all of the excess funds, whichever is less, to the claimant.
- C. If multiple claims are submitted within the specified time limit and the total amount claimed by all claimants is less than or equal to the total amount of the excess funds, then the County shall pay the excess funds to the claimants.
- D. If no claims are submitted within the specified time limit or the claims submitted are less than the total excess funds, then the County shall deposit the remaining excess funds with the State of Utah as unclaimed property in the name of the previous recorded owner.
- E. If multiple claims are submitted within the specified time limit and the total amount claimed by all claimants is greater than the excess proceeds, then the County shall notify each claimant of the other claims and include the name, contact information, amount of claim, and brief description of the legal justification for each claimant. The claimants shall be invited to resolve how the excess funds should be divided amongst themselves. A time limit of 90 days shall be placed on these negotiations. If a resolution is reached and the county is notified of the resolution by all of the claimants, the excess proceeds shall be distributed according to the resolution.
- F. If there are inadequate funds and the multiple claimants are unable to reach an agreement as to the distribution of the excess funds, then the County shall file an action with the Sixth District Court of Utah which will allow the claimants to plead their case to the court. The excess funds shall be distributed as ordered by the court. Alternatively, the County may make an independent determination of how the excess funds should be distributed if the County determines that it is clear which claimants have recorded priority in their claims.
- G. The County shall determine appropriate fees to cover its costs in distributing excess funds and this fee - as established by the Kane County Commission – shall be deducted from the funds prior to distribution.

H. The County may set a minimum amount before the above provisions apply. If the excess funds are less than the minimum amount, then the County may notify only the previous owner of record of the property and pay the funds to that owner if a claim for the funds is made. If no claim is made, the funds shall be deposited with the State of Utah as unclaimed property in the name of the previous owner of record.

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----- End of Ordinance -----

ADOPTED this 8<sup>th</sup> day of August, 2016.

ATTEST:

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KARLA JOHNSON  
Kane County Clerk

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Dirk Clayson, Chair  
Board of Commissioners  
Kane County

Commissioner Clayson voted \_\_\_\_\_  
Commissioner Matson voted \_\_\_\_\_  
Commissioner Smith voted \_\_\_\_\_

**ITEM # 5**

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: October 24, 2016

Dept. /Business Name: Resource Management

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Topic/Re: Revisions to Kane County General Plan:  
Chapter One, Preamble

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Dept. Head/Owner: Mary Reynolds

Meeting Requested by: Kaylea Crosby

Contact name & #: Mary Reynolds 435-644-4951

**ITEM # 6**

**ITEM # 7**

## 2016 Kane County Board of Commissioners

Legal, Technical, Financial
Commissions, Advisory Boards & Committees
Departmental Functions / Organization
Municipal Building Authority
National Association of Counties (NACO)
Utah Association of Counties (UAC)
Omnibus Powers (non-Specified acts & Functions)

Commissioner Dirk Clayson	
Attorney - Public Defender & Law Library	
CEBA	
County & Community Economic Development	
Employees & Human Resources	
Fema Flood Coordinator	
Film Commission	
Fixed Assets - Buildings & Grounds	
Fixed Assets - Buildings & Grounds	
GIS & Project Management	
Grand Staircase Escalante National MAC	
Information - Technology Systems, County Web Site and Telephones	
Joint Highway Committee & Nonurban Subcommittee	
Kanab & Kane County Community Center	
Kaneplex & Shooting Range	
Motor Pool - County Departments Excluding Road Department	
Road Department	
RS2477 Litigation & Utah Client Committee	
Sheriff, Jail, Emergency Services, Dispatch, County Fire & Strike Force	
Southern Utah Policy Advisory Committee	
State Institution Trust Lands Agency	
Tourism - Tax board & TRCC	
USU Extension	
Volunteer Center - AOG RSVP & SCP	
Water Conservancy District	

2016 Legislature Participation	All
PILT - SRS-Mineral Lease Revenue	All
RS2477 Litigation & Utah Client Committee	Comm. Clayson
Kanab - Community Culture Center	Comm. Clayson
American Lands Council	Comm. Matson
Formal Coordination w/ Federal Agencies re: Resources	Comm. Matson
CIB	Comm. Matson

Commissioner Jim Matson	
Agendas	
Aging - Senior enter Services & Meals on Wheels	
American Lands Council	
AOG & Steering Committee	
AOG Community Impact Board Representative	
AOG Human Services Council	
Budget & Contributions	
Care - Share & Nutrition	
Church Wells SSD	
Clerk/Elections - Auditor/ Budget Officer Coordination	
Compensation & Benefits	
Employees - Human Resources & KCEA	
Glen Canyon SSD	
Insurance - Causality, Liability, Health & Fidelity	
Legal, Technical	
Loss Prevention, Accident Review - Workers Compensation & UCIP	
MBA Chair	
Natural Resource Development	
PILT-SRS -Mineral Lease Revenue	
Planning & Zoning - Land Use	
Recreation & Transportation SSD	
Resource Committee - Natural & Human Resources	
Southwest Behavioral Health	
Southwest Public Health	
Wild Land Fire	

Commissioner Lamont Smith	
Alton Coal Development	
Assessor Coordinator & Appeal BOE	
Building Inspector	
Cedar Mountain	
Cedar Mountain Fire protection District	
Conservation Districts - Weed Board	
Courts- Justice & State of Utah	
East Zion SSD	
Insurance - Causality, Liability, Health & Fidelity	
Kane County Fair	
Kane County Library-Book Mobile	
Loss Prevention Accident Review- Workers Compensation & UCIP	
North Event Center	
Predator Control	
Recorder Coordination	
Treasures Office	
Valley Community Center	
Victims Advocate	
Western Kane County Special SD	

**ITEM # 8**