

**COMMISSION  
MEETING  
PACKET**

**DATE:**

**February 23, 2017**



# 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 February 13, 2017** at the hour of 10:00 o'clock a.m.

- 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 January 23, 2017, January 30, 2017, February 6<sup>th</sup>, 2017

**REGULAR SESSION**

- 1. Recognition of Kane Counties Sheriff Department for their help, from Coconino County Sheriffs Department / Jim Driscoll**
- 2. Kane County Coalition- Drug Free Communities Application / Rob VanDyke**
- 3. Ordinance O 2017-1 An Ordinance Amending the Large Public Assemblies Ordinance / Rob VanDyke**
- 4. Ordinance O 2017-2 An Ordinance Authorizing the Delegation of Commission Assignments and Authority / Rob VanDyke**

- 5. Resolution R-2017-2 A Resolution Establishing Commission Assignments for 2017 / Rob VanDyke**
- 6. Request to waive interest on Kim Bowers Taxes / Karla Johnson & Kevin Blomquist**
- 7. TRT Grant Litigation Settlement Agreement / Rob VanDyke**
- 8. Jail Security update / Tracy Glover**

**Other Business:**

- Reports
- Schedules
- Assignments
- Financial Report

**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**  
**OF THE KANE COUNTY BOARD OF COMMISSIONERS**  
**MEETING HELD January 23, 2017**  
**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 Deputy Clerk/Auditor Tanya Meeks

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

**PRAYER:** By Commissioner Matson

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Smith

**PUBLIC COMMENT:**

Three (3) Minute Time Limit per Speaker for Public Comment.

Herb Alexander of Vermillion Cliffs complained that his road is not being plowed. Also there was promised a second chip seal on the Vermillion Cliff roads, some were finished but some have not been completed. He paid his assessment all in full when the road assessment was applied. His and some others have not received the third chip seal. Lou was present and said that other priority jobs came up and they had to be finished first. Dirk said he will look into.

**CONSENT AGENDA:**

Check Edit Report approved as signed, Minutes of BOE Minutes Sept 28, 2016 and Commission Minutes of January 9, 2017

**Motion** to approve all items in the consent agenda, made by Commissioner Matson and the motion carried with all commissioners present voting in favor.

**REGULAR SESSION**

**1. Kane County Planning & Zoning Commission opening. Applicants Wade Heaton and Dale Clarkson**

Shannon McBride asked the commission to ratify both applicants, Wade Heaton and Dale Clarkson, to serve another 4 year term.

**Motion** was made to renew Wade Heaton and Dale Clarkson for another 4 year term on the Kane County Planning & Zoning Commission by Commissioner Matson, the motion carried with all commissioners present voting in favor.

**2. Closing North Shooting range for 4-H shooting activity/ Kevin Heaton**

Kevin Heaton asked Bert Reeve to speak to the Commission about closing the shooting range for a 4-H activity. Bert told us that they have started a Shooting Sports Club for 4-H. Last year they hosted their first shoot and they used the Shot Gun Range by the Kaneplex and the Law Enforcement Range for the rifle shoot. They have been advised if they continue the activity every year they should put all shooting in one location. They have asked for the permission to close the North Shooting Range on Saturday April 8<sup>th</sup>, 2017 until 2:00 pm.

**Motion** to approve closing of the North Shooting Range from 7:00 am to 2:00 pm on Saturday April 8<sup>th</sup>, 2017, for a 4-H shooting activity made by Commissioner Smith, the motion carried with all commissioners present voting in favor.

**3. Ratification of Zions National Park Visitor Use Management Plan and Environmental Assessment/ Dirk Clayson**

We have been invited to participate in as a cooperating agency status. We have a memorandum of understanding that needs to be signed. The first meeting is this Wednesday January 25, 2017. Commissioner Clayson and Camille Johnson will be attending as most of the issues relate to our tourism. We need an official documented motion to accept this MOU.

**Motion** to become a participant in the Ratification of Zions National Park Visitor Use Management Plan and Environmental Assessment approving the MOU made by Commissioner Matson, motion carried with all Commissioners present voting in favor.

#### **4. Discussion of cost for Business License's/ Dirk Clayson**

There has been a lot of discussion about Business licenses for home business and VRBO vacation rentals. It's been a lot of years since we have taken a look at the cost for a Business Licenses. The Clerk's office went through and figured how much the cost is to set up a new business including man hours. In 1991 the cost of a business license was \$75.00. In 2006 it was increased to \$100.00. Then in 1993 they established a Home business license, costing \$6.00 which went to \$25.00 in 2006. This license was set up for people who made things in their homes or some kind of manufacturing in the home. A home business should not make more than \$25,000.00 a year.

Shannon reported the 2016 new application file was larger than all the new application files between 2011 and 2015 combined.

Fee's set at \$65.00 new, \$65.00 renewal, \$65.00 + 50.00 late fee

The new costs for Business Licenses need to be adopted by resolution.

Attorney Vandyke was advice to draw up a resolution changing new and renewal business licenses to \$65.00 and a late fee of \$50.00 after January 31, of the year. Attorney Vandyke said there may have to be an ordinance change also. He will prepare the resolution and or an ordinance document if needed for the change.

#### **5. Report of Internal Boards & Commissions/ Karla Johnson**

Appeal of Authority: Bruce C. Jenkins current contract just renewed need to check for contract. It is a new contract that is valid, usually runs for five years.

Kane county Planning Commission

We just replaced the two terms that were up. This Board is a 4 year term

Executive Committee Members to the Southwest Regional Response was just renewed with Alan Alldredge and Joe Decker. This Board is a 2 year term

Kane County Weed Board/ Soil Conservation, These members are elected through Soil Conservation Board, so we do not appoint anyone. The Agriculture Board was replaced by the Soil conservation Board. We have put in a request for a list of who is on the board and who's terms are up. There is an election process for this board. They send out a ballot to all that serve on the Board. Each County is required to have a board member. State over sees this board.

Travel Council, is a 3 year term. There are three seats that's terms are ending, one in June and two in July. The terms were set up to start when they come into the board. We told them we would like to have it go from December to December so everyone rotates at the same time. Camille agreed but did not want to start until the end of this year.

Kane county Resource Committee-Natural & Human Resources. Commissioner Matson is the Commissioner over this board. There are two vacancies on this board. Commissioner Matson said "not to publish the vacancies yet". He will let us know when he wants us to notice it.

Kane County Fair Board. They have no terms. The only changes are Camille Johnson replacing Ken Gotzenberg, from the Travel council. Commissioner Lamont Smith said Camille hasn't been really involved but Elizabeth Davis takes her place.. They need to submit their agendas to Karla, also the dates of their meetings..

Kane County council on aging, is a regional board. No terms, stay until they ask to be released. All members on list are current. We appoint to this board. They report to Craig & Fayanne who report to our Commission. No funds from county are used; the board uses only federal & state funds. Vandyke advised to take Commissioner off as being ex officio, and leave it on the Commission list of assignments. Then this board does not fall under open meetings law.

Kane county Safety Council, Insurance Committee, and 401 K Trustees are all internal and run through Rhonda. All of these are current and up to date. 401 K Trustees should start posting their meetings.

Southwest Utah Pubic Health Department, Rosalind Metcalf is up for re-appointment. She would like to be reappointment. Seat has to be advertised and posted. Karla will take care of the posting.

Kane County Library Board Finally tracked down some one that works with Kathy Peterson, but couldn't get hold of Lyle Talbot. We need to verify it but this board was supposed to be disbanded by the State of Utah and should be on a county level as of 2014 but I have no documentation of that, so we will continue to work on that. We have had an inactive committee for two years. We budget \$65,000 to spend each year. Karla will look into this board more to see what we need to do with it.

## **6. Report of External Boards & Commissions/ John Livingston**



We had a required SSD training meeting on January 12, 2017 given by LaGrand Bitter and Ryan Roberts. One of Ryan's assignments is to work with SSD.

John is over these External Districts SSD  
Public Component Unit PCU

Canyonlands CID LD Local  
Canyonlands SSD are eliminating it. Appointed  
Cedar Mt. Fire Prot. LD Local  
Church Wells SSD  
East Zion SSD  
Glen Canyon SSD will be dissolved when Big Water has created the new special SSD  
Kane County HR-SSD  
Kane County REC and TRANS- SSD  
Kane County Water Cons District  
Long Valley Sewer SID  
Vermillion Cliffs- SSD  
#1 Western Kane County SSD

Vermillion SSD can be dissolved , after 2017  
Commission Matson will set up meeting w/ hospital, to decide to have as SSD or local district.

#### **Other Business:**

##### **•Reports**

Budget/John Livingston, Budget is accurate up to November 2016. He is still working on year end. Dirk ask if John would let him know when deposits come and into what accounts. Start report from January 1<sup>st</sup> and he would like it buy January 15<sup>th</sup>. Commissioners would like to see projection for the next 10 years.

East Zion is having trouble finding Fire Chief, notice has been posted.  
Cedar Mountain fire is having a hard time keeping up with snow removal. They will start have a meetings every month. They also would like to hire 4 more employee.

##### **•Schedules**

Commissioner Matson is attending a meeting on Thursday in Cedar, we are looking at resource planning & working on agendas for the Forestry side.

Scheduled Electronic Commission Meeting for Monday Jan 30, 10:00 am, one item to appoint a member to the Water Conservancy Board

There is a LEPC meeting Wednesday at noon. Dirk has a Zion Park Cooperating Agency meeting at 2:00, which will overlap the LEPC meeting. Commissioner Matson will attend LEPC meeting.

UAC Legislative council meetings begin this Thursday, Commissioner Clayson will try to be there.

CIB meeting on February 2<sup>nd</sup> for Commissioner Matson. Kane County will send Matt Brown to represent Community Center project.

Meeting with Kevin McClaus March 1st

Wednesdays Feb 1<sup>st</sup>. Dirk will meet with Lake Powell & NRA

- Assignments
- Financial Report

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**WHEREUPON MEETING ADJOURNED**

\_\_\_\_\_  
Dirk Clayson Chairman

\_\_\_\_\_  
Karla Johnson Clerk/Auditor

**MINUTES**  
**OF THE KANE COUNTY BOARD OF COMMISSIONERS**  
**MEETING HELD January 30, 2017**  
**IN THE**  
**KANE COUNTY COMMISSION CHAMBERS,**  
**76 NORTH MAIN, KANAB, UTAH**

**Present:** Chairman Dirk Clayson, Commissioner James L. Matson, Commissioner Lamont Smith Electronically, Clerk/Auditor Karla Johnson Electronically and Deputy Clerk/Auditor Tanya Meeks

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

**PRAYER:** By Karla Johnson

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Matson

This is an **ELECTRONIC MEETING**  
**Conference Call Log In: 435-676-9000, participation # 168030**

**REGULAR SESSION**

**1. Appoint Joe B Wright to the Kane County Water Conservancy District**

**Motion to appoint Joe B wright to the Kane count Water Conservancy district made by Commissioner Matson, and the motion carried with all commissioners present voting in favor.**

**WHEREUPON MEETING ADJOURNED**

\_\_\_\_\_  
Dirk Clayson Chairman

\_\_\_\_\_  
Karla Johnson Clerk/Auditor

**MINUTES**  
**OF THE KANE COUNTY BOARD OF COMMISSIONERS**  
**MEETING HELD February 6, 2017**  
**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 Deputy Clerk/Auditor Tanya Meeks

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

**PRAYER:** By Commissioner Smith

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Matson

**PUBLIC COMMENT:**

Three (3) Minute Time Limit per Speaker for Public Comment.

**REGULAR SESSION**

**1. Approval of Kane County Intent to Identify the Minimum Area Necessary of the GSENM, Resolution R-2017-1/ Commissioner Clayson**

Commissioner Clayson read to the audience R-2017-1 that was to be voted on.

A slide presentation on Monumental Values was presented.

Key points:

- What Regulations Govern Monument
- 20-Year Evaluation for the GSENM
- Some General Thoughts for Guidance
- Reasons for Evaluating a Change
- Reasons for Concern
- What Next?

Commissioner Clayson asked for public comments from the audience with a 2 ½ speaking limit.

Comments were made by:

Noel Poe	Lowell Huntington
Deborah Swanson	Jim Walls
Dr. Patricia Lineham	Ron Henderson
Linda Sorensen	Kline Esplin
Tom Carter	Danny Little
Katja Knoll	Bruce Bunting
Joanne Rando-Moon	Charlie Newman
Natalie Button	Susan Hand
Krista Saddler	Emily Shrap
Herb Alexander	Latimer Smith
Walter Thirion	Francis Batista
Martin Hepworth	Jeff Frey
John Hiscock	Shane Stotler
Tim Clark	Marsha Martin
Jim Page	Allen Gilberg
Camille Johnson	

There were comments about the good the GSENM has brought to the area. Concerns were expressed about problems of the monument management. Paleontology Exploration has had much success with the discovery of bones of dinosaurs which is one of the great things of the monument. The ranchers expressed concerns that the GSENM is not allowing proper range care and management. There were also concerns about the coal, oil and mineral rights extraction if the boundaries are changed.

Some of those present expressed concern over the lack of data or what they considered inaccurate data.

Commissioner Clayson mentioned that this resolution is to enable us to explore and gather more accurate data. The County desire is to detect and see what is working, see what isn't working, and make changes that are needed.

Commissioner Smith asked Kane County Sheriff Tracy Glover to give input on some of the concerns he has about the GSENM. Sheriff Glover expressed concern regarding the public safety of our visitors. Our visitors come looking for the Monument and end up in dangerous situations. They do not realize the Monument includes 1.9 million acres not just one item. Ranchers have helped countless people that have gotten lost or stuck on the Monument.

Camille Johnson comes from seven generations of ranchers in Kane County and loves this county. She is also the Head of Tourism. She remarked that tourism is very important to our county welfare, but we cannot sacrifice our lifestyle for tourism.

**Motion** to adopt Resolution R-2017-1 Declaring Kane County's Intent to Identify the Minimum Area Necessary for the Grand Staircase Escalante National Monument made by Commissioner Matson, the motion carried with all commissioners present voting aye.

**2. Letter supporting the Utah Mining Association position of California Carbon Tax/ Commissioner Matson**

**Motion** to support Utah Mining Association position of California Carbon Tax made by Commissioner Matson, the motion carried with all commissioners present voting in aye.

**Closed Session**

**Motion** to go into closed session to discuss pending litigation made by Commissioner Clayson, the motion carried with all Commissioners present voting in favor.

Present: Commissioner Clayson, Commissioner Smith, Commissioner Matson, Attorney Rob Vandyke, Assessor Linda Little, Treasurer Kevin Blomquist, Recorder VerJean Caruso, Sheriff Tracy Glover, Clerk/ Auditor Karla Johnson, Deputy Clerk Auditor/Tanya Meeks

**Regular session resumed**

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**WHEREUPON MEETING ADJOURNED**

\_\_\_\_\_  
Dirk Clayson Chairman

\_\_\_\_\_  
Karla Johnson Clerk/Auditor

# **AGENDA ITEMS**

**ITEM # 1**



**Recognition**

**Of**

**Kane County**

**Sheriff Department**

**ITEM # 2**

**Kane County  
Coalition-Drug Free  
Communities  
Application**

**ITEM # 3**

**KANE COUNTY ORDINANCE NO. O 2017 - 1**

**AN ORDINANCE AMENDING THE LARGE PUBLIC ASSEMBLIES ORDINANCE**

**WHEREAS**, the Kane County Commission desires to protect the health, safety, and welfare of the citizens, residents, and visitors of Kane County regarding large assemblies of people;

**AND WHEREAS**, there are potential hazardous, dangerous, and inconvenient conditions presented by large assemblies of people that gather in the county and alcohol is served and/or the event lasts into the evening;

**AND WHEREAS**, The Kane County Commission, in addition to the large public assemblies ordinance that is already in place, desires to further protect the public from the negative impacts of events that serve alcohol and last into the evening past 10 p.m., while at the same time allowing these events to proceed and provide a benefit to the public;

**AND WHEREAS**, Kane County is in large part a tourist based economy and relies on any event that will attract additional tourist to the area;

**AND WHEREAS**, The Kane County Commission desires to reduce the burden that this ordinance places on events that are open to the public without any admission fee, that are targeted at increasing tourism as opposed to benefiting an individual person or business.

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

Kane County Code Title Nine, Chapter 21 is amended as set forth herein. Additions are indicated with an underline and deletions are indicated with a strike-through. Instructions to the codifiers are italicized in parenthesis.

**Chapter 4  
LARGE PUBLIC ASSEMBLIES**

**3-4-1: PURPOSE:**

It is the purpose of the county to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county, in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected.

**3-4-2: DEFINITIONS:**

As used in this chapter:

**ASSEMBLY:** A company of persons gathered together at any location at any single time for any purpose.

**PERSON:** Any individual natural human being, partnership, corporation, firm, company, association, society or group.

**3-4-3: LICENSE REQUIRED; LICENSING RESTRICTIONS:**

- A. **License Required; Time Limit To Apply:** No person shall permit maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of five hundred (500) or more people which continues or can reasonably be expected to continue for eighteen (18) or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the county commissioners, application for which must be made at least thirty (30) days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
- B. **Separate License Each Location:** A separate license shall be required to be held for each location in which five hundred (500) or more people assemble or can reasonably be anticipated to assemble.
- C. **Fee:** The fee for each license shall be in such amount as established by resolution of the county commission.
- D. **Maximum Number Of Persons:** A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to, nor permit to assemble at the licensed location, more than the maximum permissible number of people.
- E. **Exceptions:**
  - 1. This chapter shall not apply to any regular established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.
  - 2. This chapter shall not apply to government sponsored fairs held on regularly established fairgrounds, nor to assemblies required to be licensed by other ordinances and regulations of the county.

**3-4-4: CONDITIONS OF ISSUING LICENSE:**

- A. **Determination Of Maximum Number:** Before he may be issued a license, the applicant shall first determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly, and provided that where the assembly is to

continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county.

- B. Requirements Of Applicant: Before the applicant may be issued a license, the applicant shall provide proof that he will furnish, at his own expense, before the assembly commences:**
- 1. A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one at or near four (4) opposite points of the compass;**
  - 2. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day;**
  - 3. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred (200) females and at least one toilet for every three hundred (300) males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;**
  - 4. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2 ½) pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly, and sufficient trash cans with tight fitting lids and personnel to perform the task;**
  - 5. Physicians and nurses licensed to practice in the state sufficient to provide services for the maximum number of people to be assembled at the rate of one physician for each one thousand (1,000) people, and at least one nurse for each one thousand five hundred (1,500) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times;**
  - 6. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;**
  - 7. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four (4) persons;**

~~8. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each one thousand (1,000) persons;~~

*(renumbered beginning with the number 8)*

9. If the assembly is to continue overnight, camping facilities in compliance with all federal, state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled;
  10. Security guards, either regularly employed, duly sworn off duty peace officers of the state, or private guards, licensed in the county, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every seven hundred fifty (750) people;
  11. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment;
  12. A bond, filed with the county clerk, either in cash or underwritten by a surety company licensed to do business in the state, at the rate of one dollar (\$1.00) per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless the county, or any of its agents, officers, servants and employees, from any liability or cause of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.
  13. If any music, performance, or other activity that projects sound by use of equipment will occur, or if the assembly will be conducted past 10p.m., a noise permit issued by the Land Use Administrator or County Sheriff. A noise permit will authorize no more than (X decibel level) from a distance of 25 ft. from the outer boundaries of the assembly between the hours of 6 a.m. and 10 p.m. and no more than (X decibel level) from a distance of 25 ft. from the outer boundaries of the assembly between the hours of 10 p.m. and 6 a.m.
  14. If Alcohol will be provided or sold by the applicant or any concessionaire, state and local licenses for selling alcohol at all proposed locations of the event.
  15. If Alcohol is allowed at the assembly, a plan that 1) designates areas where alcohol is allowed to be consumed, 2) ensures that minors under the age of 21 will be prohibited from those areas, 3) ensures that minors under the age of 21 have a restricted view of these areas, and 4) establishes a protocol for dealing with individuals who become intoxicated or otherwise become a danger or risk to themselves or other individuals at the assembly.
- C. Exceptions: Assemblies that are open to the public, do not charge an admission fee, and have a main goal of increasing tourism do not have to comply with subsection B (1), (7) or (12). They will not have to comply with subsection B(5) if the



assembly is located within ten (10) miles of Kanab City, or if they have given notice of the event to the Kane County Hospital and Kane County Emergency Medical Services at least thirty (30) days prior to the assembly. They will not have to comply with subsection B(10) if they submit a safety plan acceptable to the Kane County Sheriff.

**3-4-5: APPLICATION FOR LICENSE:**

- A. **Application In Advance:** Application for a license to hold an actual or anticipated assembly of five hundred (500) or more persons shall be made in writing to the county commission at least thirty (30) days in advance of such assembly.
- B. **Oath Or Affirmation:** The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officials in the case of a corporation, by all partnerships in the case of a partnership, or by all officers of an unincorporated association, society or group, or if there be no officers, by all members of such association, society or group.
- C. **Information Required:** The application shall contain and disclose:
1. The name, age, residence and mailing address of all persons required to sign the application by subsection B of this section and, in the case of a corporation, a certified copy of the articles of incorporation, together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of said corporation;
  2. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owners of all such property;
  3. Proof of ownership of all property upon which the said assembly is to be held or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property for an assembly of one thousand (1,000) or more persons;
  4. The nature or purpose of the assembly;
  5. The total number of days and/or hours during which the assembly is to last;
  6. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight;
  7. The maximum number of tickets to be sold, if any;

8. The plans of the applicant to limit the maximum number of people permitted to assemble;
9. The plans for fencing the location of the assembly and the gates contained in such fence;
10. The plans for supplying potable water, including the source, amount available and location of outlets;
11. The plans for providing toilet and lavatory facilities, including the source, number and location, type and the means of disposing of waste deposited;
12. The plans for holding, collecting and disposing of solid waste material;
13. The plans to provide for medical facilities, including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;
14. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps;
15. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots;
16. The plans for camping facilities, if any, including facilities available and their location;
- ~~17. The plans for telephone service, including the source, number and location of telephones;~~

*(renumbered beginning with the number 17)*

18. The plans for security, including the number of guards, their names, addresses, credentials and hours of availability;
  19. The plans for fire protection, including the number, type, and location of all protective devices, including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;
  20. The plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.
- D. **Bond; Fee:** The application shall include the bond required in subsection 3-4-4B1211 of this chapter and the license fee, unless exempt under 3-4-4C.
- E. **Exceptions:** Assemblies that are open to the public, do not charge an admission fee, and have a main goal of increasing tourism may sign and submit an application under this section through any one individual who is authorized by the applicant entity to submit the application. They are also exempt from submitting items under subsection C that correspond to exemptions under 3-4-4C.

**3-4-6: ISSUANCE:**

The application for a license shall be processed within twenty (20) days of receipt and shall be issued if all conditions are complied with.

**3-4-7: REVOCATION OF LICENSE:**

The license may be revoked by the county commission at any time any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

**3-4-8: ENFORCEMENT:**

A. Injunction: The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

B. Abatement: The holding of any assembly in violation of any provisions or conditions contained in this chapter shall be deemed a public nuisance and may be abated as such.

**3-4-9: PENALTY:**

Any person who violates subsection 3-4-3A of this chapter, or who violates any condition upon which he is granted a license, shall be guilty of a class C misdemeanor and subject to penalty as provided in section 1-4-1 of this code. Each day of violation shall be considered a separate offense.

End of Ordinance

This Ordinance 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 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.

ADOPTED this \_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
KARLA JOHNSON  
Kane County Clerk

\_\_\_\_\_  
Dirk Clayson, Chair  
Board of Commissioners  
Kane County

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

**ITEM # 4**

**KANE COUNTY ORDINANCE NO. O 2017 - 2**

**AN ORDINANCE AUTHORIZING THE DELEGATION OF  
COMMISSION ASSIGNMENTS AND AUTHORITY**

**WHEREAS**, The Kane County Commission is the legislative body of Kane County and given the full legislative authority of the County as a political subdivision of the State of Utah;

**AND WHEREAS**, the Kane County Commission is also an executive body that is delegated specific executive authority of the County, and all general executive authority that is not the statutory duty of another Kane County Elected Official;

**AND WHEREAS**, the Commission desires to enact and transact the business of the County in a method that is open to the public and also efficient and effective for the tax payer;

**AND WHEREAS**, the Commission desires to clarify and establish what actions individual commissioners may take and what actions require the consent of the majority of the board of commissioners in an open meeting;

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

Kane County Code Title One, Chapter 5 is amended as set forth herein. Additions are indicated with an underline and deletions are indicated with a strike-through. Instructions to the codifiers are italicized in parenthesis.

Chapter 5  
COUNTY COMMISSION

//

**1-5-2: LEGISLATIVE POWERS AND ACTIONS:**

- A. Legislative powers, functions, or actions, include but are not limited to discussing and passing ordinances or resolutions whether civil, criminal or other, discussing and creating county wide personnel policies of general applicability or other policies relating to the operation of government, creating and passing a county wide budget, opening the budget, receiving official reports or audits on the budget, appropriating funds in any manner, discussing and passing any rule or regulation, appointing an individual to serve on any board or other county organization, the consent power over deputy county officers, levying taxes, examination and auditing of accounts, setting fees for services, opening the board of equalization, and investigating any matter pertaining to county business.

- B. All legislative powers, functions, and actions are held and retained by the County Commission. Any deliberation or final action on a legislative action must be done in an open public meeting in accordance with the requirements and exemptions of the Utah State Open and Public Meetings Act.
- C. Nothing in this ordinance shall limit or prohibit any individual commissioner from gathering information, receiving comment, or discussing legislative matters with other elected officials, county personnel, or the public, so long as the commission is not convening a meeting. Nothing in this ordinance shall effect the statutory authority of any other county elected official.

**1-5-3: EXECUTIVE POWERS AND ACTIONS:**

- A. Executive powers, functions, or actions, include but are not limited to collective bargaining, personnel, litigation, the purchase, exchange or lease of real property, sale of real property, carrying laws and ordinances into effect and securing their due observance, enforcing the law, reviewing, investigating, approving or denying claims against the county, directing and organizing the management of the county in accordance with established laws, carrying out programs and policies established by legislative actions, ensuring compliance with all applicable laws, supervising all county departments not under another elected official, appointing and removing department heads, exercising administrative and auditing control over all funds and assets, supervising and directing centralized budgeting, accounting, personnel management, purchasing and other service functions of the county, conducting planning studies and making recommendations for legislation regarding financial, administrative, procedural, and operational plans, programs, and improvements in county government, maintaining a continuing review of expenditures and of the effectiveness of departmental budgetary controls, developing systems and procedures, not inconsistent with statute, for planning programming, budgeting, and accounting for all activities of the county, reviewing, negotiating, approving and executing contracts, executing deeds, issuing executive orders to establish an executive policy, implementing an executive practice, and executing a legislative policy or ordinance so long as the executive order is not inconsistent with the law or narrows or expands legislative action.
- B. Executive powers, function, and actions are held and retained by the County Commission except as set forth in section 1-5-4. Any deliberation or final action on an executive action taken by the County Commission must be done in an open public meeting in accordance with the requirements and exemptions of the Utah State Open and Public Meetings Act, except as delegated in section 1-5-4 or exempt under section 1-5-5.
- C. Nothing in this section shall limit or restrict the delegation of authority to the County Budget Officer established under Utah Code title 17 chapters 16, 19a, and 36, or the delegation of the Building Department to the County Assessor, or the statutory authority of any other elected official.

**1-5-4: DELEGATION OF AUTHORITY:**

**The County Commission may by resolution assign and delegate areas of general executive authority to individual commissioners. Individual commissioners may take executive actions unilaterally, without approval of the entire commission, so long as the executive action does not involve the expenditure of funds that are not already appropriated and the action is within the delegation of authority and complies with an already established county ordinance, resolution, policy, or executive order.**

**1-5-5: ADMINISTRATIVE ACTIONS**

**In accordance with the Utah State Open and Public Meetings Act, the County Commission may meet and take executive actions in areas where authority has not been delegated under section 1-5-4 outside of an open public meeting so long as no public funds are appropriated for expenditure during the meeting and the meeting is solely for the discussion or implementation of administrative or operational matters for which no formal action by the commission is required or that would not come before the commission for discussion or action.**

End of Ordinance

This Ordinance 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 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.

ADOPTED this \_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
DIRK CLAYSON, Chair,  
Board of Commissioners,  
Kane County

\_\_\_\_\_  
KARLA JOHNSON  
Kane County Clerk

**ITEM # 5**



**KANE COUNTY RESOLUTION NO. R 2017 - 2**

**A RESOLUTION ESTABLISHING COMMISSION ASSIGNMENTS FOR 2017**

**WHEREAS**, The County Commission has passed an ordinance, codified in Kane County Code Title 1 Chapter 5, that sets forth the authority of the County Commission and also allows the delegation of certain executive authority by resolution; and

**WHEREAS**, the County Commission desires to delegate certain general areas of executive authority as set forth in this resolution, for the calendar year of 2017.

**NOW THEREFORE, BE IT RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:**

The following is a list by individual commissioner of the delegation of assignments and authority as described in Kane County Code Title 1 Chapter 5 Section 4. Each individual Commissioner listed may take unilateral executive action as described in Kane County Code Title 1 Chapter 5 Section 3, within the below listed areas of authority so long as their actions comply with Kane County Code Title 1 Chapter 5 Section 4, Utah State law, and other Kane County Ordinances, Resolutions, and other established procedures or policies, and so long as the executive actions do not spend any funds that are not already appropriated. Nothing in this resolution shall be construed to effect any current delegation of authority to any other county officer or elected official. Nothing in this resolution shall be construed to effect or limit the statutory authority of any other elected official.

**Assignments:**

**Commissioner Dirk Clayson – Seat \_\_\_**

**Liaison with County Attorney  
Public Defender & Law Library  
Center for Education Business and the Arts (Interlocal Agency)  
County & Community Economic Development  
Employees & Human Resources  
FEMA Flood Coordinator  
Film Commission  
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  
Liaison with County Sheriff, Jail, Emergency Services, Dispatch, County Fire & Strike Force  
Southern Utah Policy Advisory Committee  
State Institution Trust Lands Agency  
Travel Council, Tourism  
USU Extension  
Volunteer Center - AOG RSVP & SCP  
Water Conservancy District

Commissioner Jim Matson – Seat \_\_\_\_

Agendas  
Council on Aging - Senior Center  
American Lands Council  
AOG & Steering Committee  
AOG Community Impact Board Representative  
AOG Human Services Council  
Budget & Contributions  
Care and Share  
Church Wells SSD  
Liaison with County Clerk/Auditor  
Budget Officer  
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  
Liaison with Planning Commission and Land Use Authority  
Land Use Administrator  
Recreation & Transportation SSD  
Resource Committee - Natural & Human Resources  
Southwest Behavioral Health Center (Interlocal Agency)  
Southwest Public Health (Interlocal Agency)  
Wild Land Fire

Commissioner Lamont Smith – Seat \_\_\_

Alton Coal Development

Liaison with County Assessor and Building Department

Board of Equalization

Cedar Mountain

Cedar Mountain Fire protection District

Conservation Districts - Weed Board

Liaison with Justice Court and District Courts

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

Liaison with County Recorder

Liaison with County Treasurer

Valley Community Center

Western Kane County SSD

ADOPTED this \_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
KARLA JOHNSON  
Kane County Clerk

\_\_\_\_\_  
Dirk Clayson, Chair  
Board of Commissioners  
Kane County

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

**ITEM # 6**

To: Kane County

RE: REQUEST FOR PENALTY AND INTEREST ABATEMENT

From: Kim BOWERS  
493 So. 500 E. PRYSON, UT 84651  
801-465-4459

2015  
TAX

Nov. 29, 2016

I am requesting an abatement of penalties and interest for the delinquent tax billing dated 9/29/2016. I Kim Bowers did pay the 2012 taxes with 2 separate money orders for each parcel account

~~and now request in writing the phone number and all information needed for the investigator of your previous County treasurer. The amount which I have already paid equals \$1030<sup>00</sup> of the delinquent tax billing dated 9/29/2016. All penalties and interest were abated for Ted Fasset and Jim Moore of Big Water, and on Utah Tax Sale 2016 it stated that parcels redeemed prior to the tax sale may be redeemed at a lower amount.~~

The reason I am filing late is because my disability became much worse and medical expenses became much greater. I had surgery in ~~2013~~ 2013.

I have enclosed payment that covers the amount of the underlying taxes I owe, including the 2012 taxes which I already paid. Please abate these penalties and interest for reasonable cause. I can be reached at 801-465-4459

acct# 0008022

2012 - 423.49

2013 - 435.30

2014 - 443.57

acct# 0009956

2012 - 365.67

2013 - 375.28

2014 - 392.00

check 563078

11/29/16

**Effective 5/10/2016**

**59-2-1346 Redemption -- Time allowed.**

- (1) Property may be redeemed on behalf of the record owner by any person at any time before the tax sale which shall be held in May or June as provided in Section 59-2-1351 following the lapse of four years from the date the property tax became delinquent.
- (2) A person may redeem property by paying to the county treasurer all delinquent taxes, interest, penalties, and administrative costs that have accrued on the property.
- (3)
  - (a) Subject to Subsection (3)(d), a person may redeem a subdivided lot by paying the county treasurer the subdivided lot's proportional share of the delinquent taxes, interest, penalties, and administrative costs accrued on the base parcel, calculated in accordance with Subsection (3)(b).
  - (b) The county treasurer shall calculate the amount described in Subsection (3)(a) by comparing:
    - (i) the amount of the value of the base parcel as described in Subsection (3)(b)(ii) that is attributable to the property that comprises the subdivided lot as the property existed on January 1 of the year in which the delinquent property taxes on the base parcel were assessed; and
    - (ii) the value of the base parcel as it existed on January 1 of the year in which the delinquent property taxes on the base parcel were assessed.
  - (c) If the county treasurer does not have sufficient information to calculate the amount described in Subsection (3)(a)(i), upon request from the county treasurer, the county assessor shall provide the county treasurer any information necessary to calculate the amount described in Subsection (3)(a)(i).
  - (d) A person may redeem a subdivided lot under this Subsection (3) only if the record owner of the subdivided lot is a bona fide purchaser.
- (4) At any time before the expiration of the period of redemption the county treasurer shall accept and credit on account for the redemption of property, payments in amounts of not less than \$10, except for the final payment, which may be in any amount. For the purpose of computing the amount required for redemption and for the purpose of distributing the payments received on account, all payments shall be applied in the following order:
  - (a) against the interest and administrative costs accrued on the delinquent tax for the last year included in the delinquent account at the time of payment;
  - (b) against the penalty charged on the delinquent tax for the last year included in the delinquent account at the time of payment;
  - (c) against the delinquent tax for the last year included in the delinquent account at the time of payment;
  - (d) against the interest and administrative costs accrued on the delinquent tax for the next to last year included in the delinquent account at the time of payment;
  - (e) and so on until the full amount of the delinquent taxes, penalties, administrative costs, and interest on the unpaid balances are paid within the period of redemption.

Amended by Chapter 368, 2016 General Session

**ITEM # 7**

**ITEM # 8**