

MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
November 24, 2020
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH

Present: Chairman Lamont Smith, Commissioner Andy Gant, Commissioner Brent Chamberlain, Attorney Rob Van Dyke, Clerk/Auditor Karla Johnson Telephonically and Deputy Clerk/Auditor Tanya Meeks, Deputy Clerk/Auditor Candice Brown

Also Present: Budget John Livingston, Care & Share Craig Hansen, Kresta Blomquist, Wade Heaton, Assessor Ryan Maddux, Rhonda Gant.

CALL MEETING TO ORDER: Commissioner Lamont Smith

INVOCATION: Commissioner Gant

PLEDGE OF ALLEGIANCE: Commissioner Chamberlain

WELCOME: Commissioner Lamont Smith

CONSENT AGENDA:

Check Edit Reports: Approval of the Commission Minutes for October 16, 2020, November 10, 2020 and November 17, 2020

Motion to approve Commission Minutes for October 16, 2020, November 10, 2020 and November 17, 2020 and Check Edit Reports made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

REGULAR SESSION

1. Appoint Kris Ramsay as a 401k Trustee to Replace Out-Going Lou Pratt/ Devin Reed

Devin stated Lou has served on the 401K Trustees Board and is now retiring. He has done a lot of good we will be sad to see him leave.

Motion to Appoint Kris Ramsay as a 401K Trustee made by Commissioner Gant and motion carried with all Commissioners Present voting in favor.

2. Approval of Kane County Resolution # R-2020-27 Approving the Kane County Emergency Operations Plan/ Alan Alldredge

Alan stated they have had an Emergency Operations Plan in place for quite a few years they just needed to keep it up to date and re-approve it.

Motion to Approve Kane County Resolution # R-2020-27 approving the Kane County Emergency Operations Plan made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

3. Approval of Kane County Resolution # R-2020-28 Appointment of Executive Committee Members to the Southwest Regional Response and Coordinating Team/ Alan Alldredge

Alan Stated we participate along with four other counties with the Southwest Regional Response and Coordinating Team. Kane County are allowed two Members on the Board and we would like to re-approve Alan Alldredge and Joe Decker.

Motion to approve Kane County # R-2020-28 Approving Alan Alldredge and Joe Decker to the Executive Committee for Southwest Regional Response and Coordinating Team made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

4. BOE Item- Approval of Factual/ Inadvertent Errors on Parcel #'s 2-4-35-1 and 2-4-26-1 for Moving the Improvement to the Correct Parcel in Behalf for Vermillion View LLC/ Ryan Maddux

Motion to convene as the BOE made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

Ryan presented a factual/ inadvertent error on parcel #'s 2-4-35-1 and 2-4-26-1. This is to move the improvement, which is a cabin onto the northern parcel. The home sight cannot be included in the greenbelt acreage.

Motion to approve changes to parcels 2-4-35-1 and 2-4-26-1 as recommended by the Assessor Ryan Maddux made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

5. BOE Item- Approval of Factual/ Inadvertent Errors on Parcel #'s G-2-11-5 Annex and G-2-11-4B Annex for Moving the Improvement to the Correct Parcel in Behalf of Sam R Chamberlain and Forrest C & Cassandra L McMahon/ Ryan Maddux

Ryan stated these parcels are in Lydia's Canyon we are just making sure the home sight is on the correct parcel. Ryan showed a map of the parcels showing the correction of where the home sight was located so we are correcting the parcels, this is similar to the above corrections.

Motion to approve the parcel errors on G-2-11-5 and G-2-11-4B moving improvements to the correct parcel made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

6. BOE Item- Approval of Factual/ Inadvertent Errors on Parcel # O-1-7-4-20-3 to Correct the Construction Type from Metal Moment Frame to Galvanized Metal Stud Construction/ Ryan Maddux

Ryan stated this home is in Orderville, it is a metal shop building, the older buildings had big metal type beams, and they have come out with more modern galvanized steel studs. The cost difference is about \$4- \$5 a square foot. This is to correct the improvement to reflect what the actual construction building is. This will be a reduction in price.

Motion to approve the corrections to parcel O-1-7-4-20-3 to correct construction type made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

7. Activate Fund 10 Account Payroll Only for Fund 11 Payroll Only and Allow for Payment of the Balance of 2020 Assessing and Collecting Payroll from Fund 10/ John Livingston

There will not be any transfer of money's until the budget opening at the public hearing, which will be held the last Commission meeting of December.

8. Approval of Kane County Resolution # R-2020-29 a Resolution Giving Notice of Intent to Annex the Towns of Big Water and Alton into the Kane County Human Resources Special Service District/ Attorney Van Dyke

Attorney Van Dyke stated this is from a couple months ago then we had problems with scheduling the public hearing. The public hearing is set now for January 5, 2021. The resolution needs to be passed within 45 days of the public hearing so we just need to re-authorize. There are a couple of these resolutions on here today that have the same issue where they need to be passed within 45 days of the public hearing.

Which are #8, #9, and #10.

You have already made these actions but we need them within 45 days of the public hearing and at this time we are now within 45 days of the scheduled public hearing.

Motion to approve the Kane County Resolution # R-2020-29 giving notice of intent to annex the towns of Big Water and Alton into the Kane County Human Resources SSD made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

9. Approval of Kane County Resolution # R-2020-30 a Resolution Giving Notice of Intent to Convert the Administrative Control Board of the Cedar Mountain Fire Protection District from an Elected Board to an Appointed Board/ Attorney Van Dyke

Motion to approve Kane County Resolution # R-2020-30 notice of intent to convert Cedar Mountain Fire to an appointed board made by Commissioner Gant and motion carried with all Commissioners present all in favor.

10. Approval of Kane County Resolution # R-2020-31 a Resolution Giving Notice of Intent to Include Road Dust Mitigation as a Service of the Cedar Mountain Fire Protection District/ Attorney Van Dyke

Motion to approve Kane County Resolution # R-2020-31 giving notice of intent to include road dust mitigation as a service of the Cedar Mountain Fire Protection District made by Commissioner Chamberlain and motion carried with all Commissioners present all in favor.

11. Approval of Kane County Resolution # R-2020-32 a Resolution Giving Notice of Intent to Create the Kane County EMS SSD/ Attorney Van Dyke

Attorney Van Dyke states that the first step in creating the new Emergency Medical Services District giving notice of intent, this resolution is for that. We also have a public hearing, which is scheduled for January 5, 2021. All of these are going to have to have public hearings on the same date and time at 6:00 pm over at the Kanab Center. Attorney Van Dyke said they really need to decide what you want the name to be if you want it to be Kane County Emergency Medical Services, you can create new districts that have the counties name in them but sometimes it's a good idea to not do that because its technically a separate legal entity and that can get confusing. For example, we often get sued or we get included in the lawsuits with the hospital when it is like a malpractice claim against a doctor, because they are listed as the Kane County Human Resources Special Service District. I don't know if it would be a big issue just with the ambulance services but it's something to discuss. If you want to leave it Kane County Emergency Medical Services, you can do that but today would be the date to change the name if you wanted to do that.

Commissioner Gant said that Emergency Services and Emergency Medical can give different connotations.

Alan stated when you use Emergency Management Services and Emergency Medical Services you it can get kind of confusing.

Wade feels like Emergency Services might be the broadest and simplest.

Attorney Van Dyke states you call it what you want but the legal authority under it needs to be really clear of what they can and cannot do, we will have to go through a process to add services when we are at that point. After lots of discussion Attorney Van Dyke said he can make those changes before it is signed. You can approve it but before it is signed I need to run this language by some medical experts. Dave indicated he would take a look at it for me just to make sure we get that right, because the hospital is still going to be the emergency room/ emergency department and this district is going to be an ambulance that pre hospital ambulatory, so that's what I put in here but I need to make sure I got those industry standard terms correct. Just so its clear on the record we are talking about emergency medical services that's anything up to dclivcry to a hospital but I think we are also talking about transportation services from a hospital to another hospital.

Motion to approve Resolution #R-2020-32 giving notice of intent to create Kane County Emergency Services SSD upon language approved by the county attorney made by Commissioner Gant and motion carried with all Commissioners present all in favor.

12. Approval of Kane County Resolution # R-2020-33 Commission Assignments for 2021/ Attorney Van Dyke

Commissioner Smith stated resolution # R-2020-33 is the commission assignments for 2021 year.

Rhonda said that she would email out a copy of this resolution to all the employees.

Attorney Van Dyke went over all the services under the resolution effective January 1, 2021.

Motion to approve Kane County Resolution # R-2020-33 Commission Assignment for 2021 made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

13. Approval of Kane County Resolution # R-2020-34 a Resolution Amending the Hiring Policy/ Attorney Van Dyke

Attorney Van Dyke stated there was two sections to discuss.

1. Lifts the hiring freeze due to the pandemic.
2. Amending the policy in the handbook.

Attorney Van Dyke continued to state what he thought the Commissioners was looking for in changes in these two sections.

There was discussion between the Commissioners on what they wanted to do, but there were areas that were unclear so this item #13 was tabled until December 8, 2020.

14. Approval of Real Estate Contract for East Zion Initiative / Attorney Van Dyke

Attorney Van Dyke stated that we would use the standard real estate purchase contract for the State of Utah. We need to determine what specific terms that you want to approve in the contract. They valued this land for the East Zion visitor center at \$1,500,000 there are 18.6 acres.

The way that I propose that is it be structured is that they transfer the land with a Right of Entry. There are two ways to do that and these are real estate terms: Right of Entry and Possibility of Reverter, so under both of those you list some conditions and if those conditions are not met then the property can transfer back to the transferer. Under a Right of Entry the previous owner has the obligation to determine that the person that owns the property now has violated the agreement and has to proactively go out and ask for the property back. Under a Possibility of Reverter its automatic if you violate it then it automatically transfers back. So I am suggesting use a Right of Entry. So essentially what they are asking us to do is to build a visitors center and always operate a visitors center there. So first I am suggesting that the term is that a visitors center is constructed on the land and then I am assuming they would want some kind of timeline. I propose that the construction would begin within two years and be completed within four years. The primary purpose of the land would be for the operation of the visitor center. The land has to be used for a visitor's center and the major purpose always has to remain as a visitor's center.

The only other term that needs to be discussed would be “when”. So we could sign this contract as soon as we have that language down in the contract, the contract then sets forth:

1. Is what the deed is going to look like. You are going to be looking at a deed that has a Right of Entry with some conditions on it.
2. Is when the deed is going to be transferred. I’m not quite sure what you wanted to put as the triggering points. So I put 30 days within the county securing the funds or the financing to move forward with the construction. And that the transferer has provided some assurances of moving forward.

Commissioner Chamberlain stated that when it triggers what presumably happens is we present on the 10th of December but presumably we will not have funding until February. If we have funding in February we have to tell them that the deed has to transfer at that point in time. We have to own the land before we can take the money. Before we take the money and actually commit the county it has to be an MBA decision.

If we don’t do anything with the land in the next four years it will revert back to the seller.

Attorney Van Dyke asked if you want Commissioner Chamberlain or Commissioner Smith to be authorized to approve this real estate contract with these real estate terms.

Motion to approve the Real Estate Contract for East Zion Initiative with the County Attorneys amendments included and authorize Commissioner Chamberlain to sign said contract made by Commissioner Gant and motion carried with all Commissioner present voting in favor.

15. Setting a Commission Meeting Time and Date for Timely Consideration for Planning and Zoning Projects to Allow for 2020 Recordation/ Karla Johnson

We need to set another Commission meeting time and date for timely consideration for Planning and Zoning to record all of project recordation’s before the end of the year 2020.

December 8th is to soon because Planning and Zoning wouldn't have had there meeting yet. The other Commission day is December 29th which is to late to record documents for the year 2020.

Commission decided they would have a Commission meeting on the December 15th which would satisfy the need for Planning and Zoning recordation's.

Motion to approve rescheduling of 2nd Commission Meeting in December from December 29th to December 15th made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

16. Approval of Kane County Resolution # R-2020-35 A Joint Resolution of Kane County, Utah and Kanab City Proposing the Creation of the Zion Area Public Transit District Kane County, State of Utah/ Attorney Van Dyke

Commissioner Chamberlain said this needs to be a joint resolution between Kanab City and Kane County. Kanab City will not hear this until the 8th of December when it will be on their agenda. After the resolution is passed you have to have a public hearing within 45 days. If we pass this today we could do a joint public hearing in January with the City. This is scheduled for the 5th of January at 6 pm.

Commissioner Chamberlain stated that Steve Neeleman and he would be at the City Council meeting on December 8th to answer any questions. Assuming they will pass it then they will need to decide if they want to be in a joint public hearing or if they want to do a separate public hearing themselves.

Attorney Van Dyke said that he is rewording this resolution and it also sets forth the boundaries would be the whole county meaning the municipalities just need to consent to join in.

This resolution today clarifies that the county is the appointing authority for the board. Just to clarify the process will need an election so there's a notice of intent, a public hearing, there is a 60 day protest period and after that it is on the next special or general election ballot to be approved by the voters.

Motion to approve Kane County Resolution #R-2020-35 a joint resolution creating Zion Area Public transit made by Commissioner Gant and motion carried by all Commissioners present voting in favor.

17. Transfer of Chairmanship/ Commissioner Smith


Motion to approve the transfer of chairmanship to Commissioner Andy Gant effective as of 5 pm November 24, 2020 made by Commissioner Chamberlain and motion carried by all Commissioners present voting in favor.

- Financial Policy and Internal Control
John reported move fund 250 into fund 275. There will not be any fund 250 expenses in 2021.

Closed Session

Motion to adjourn was made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

WHERE UPON MEETING WAS ADJOURNED


Lamont Smith Chairman


Karla Johnson Clerk/Auditor