

**COMMISSION MEETING  
PACKET**

**DATE:**

**January 26, 2021**

# CONSENT AGENDA

Minutes of:

Commission Meeting January 12, 2021 and January 14,  
2021

**MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
January 12, 2021  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH**

Present: Chairman Andy Gant, Commissioner Brent Chamberlain, Commissioner Wade Heaton, Attorney Rob Van Dyke, Treasurer Kevin Blomquist, Clerk/Auditor Karla Johnson and, Deputy Clerk/Auditor Candice Brown

Also Present: Rhonda Gant, John Livingston, Ryan Maddux, Tracy Glover, Camille Taylor, Hal Johnson, Shannon McBride, Wendy Allan, Kresta Blomquist, Craig Hansen, Lou Pratt, Dave Owens, Stacy Owens, Tanya Meeks

**CALL MEETING TO ORDER:** Commissioner Andy Gant

**INVOCATION:** Commissioner Wade Heaton

**PLEDGE OF ALLEGIANCE:** Commissioner Brent Chamberlain

**WELCOME:** Commissioner Andy Gant

**CONSENT AGENDA:**

Check Edit Report

Approval of Commission Meeting Minutes for December 15, 2020 and January 5, 2021 for the Swearing In of Elected Officials and the Public Hearing.

**Motion** to approve the Check Edit Report and the minutes for December 15, 2020 and January 5, 2021 made by Commissioner Chamberlain and motion carried with all Commissioners present and voting in favor.

## **REGULAR SESSION:**

### **1. Recognition of Retired Kane County Employees; Dave Owens, Stacy Owens, Lou Pratt, and Tanya Meeks/ Commissioner Gant**

Commissioner Gant recognized Dave Owens, Stacey Owens, Lou Pratt and Tanya Meeks for all that they did for the County and how many years they put in. Dave and Stacey Owens both put in around 30 ½ years. Lou Pratt put in 34 ½ years with the County and Tanya put in 4 years.

Commissioner Heaton stated he remembered taking an EMT class about 15 years ago and Dave was the administrator and one of the instructors. He said he made sure not to miss the classes Dave was teaching because he was very involved in the EMS side. He learned to value Dave's opinion and really respects his wisdom. We will definitely miss Dave and we appreciate all that he has done for the County.

Commissioner Gant stated that we appreciate all that Lou has done and we are really going to have a hole to fill with all Lou's Contract Management and Project Management. Everybody had some impact by the stuff Lou worked on as well.

Ryan Maddux said how good of an employee Stacy was and how she will be greatly missed. Ryan said that they really miss her fun and joyful atmosphere that she would bring with her to the office every day. He said Stacy is one of those that we can fill the position but we could never replace Stacy. She was a fantastic employee for the County that will be greatly missed.

Sherriff Glover said he got to work with Stacy for quite a while in the Sheriff's office and when he was a police officer with Kanab City. She was always a super-efficient dispatcher and she kept really good track of the officers. He also said that he did a lot of projects with Dave Owens, and he really appreciates the effort that Dave put into his job.

Karla stated Tanya may have only been here for four years but she gave it all of her heart. During Tanya's time they had found a lot of leakage in our vacation rentals, and out of the 200 that they estimated that we had, she had tracked down 190 of them. It brought in

\$750,000 a year more income into the County. She gave it her all just like the other three gave their all.

The Commission handed out plaques to Dave Owens, Stacy Owens, Lou Pratt, and Tanya Meeks.

## **2. Update on the East Zion Visitor Center status/ Commissioner Chamberlain**

Commissioner Chamberlain gave an update for everyone with where they are at with the East Zion Visitor Center and the Transportation piece. We are working with the developer to see where they are at with developing the Grand Lodge, which is the anchor of the basis that allows us to pay for the funding. They have got at least one funding option in there that would pull it together by this summer. They met with UDOT on Monday with the concept that we would go after hotspot funding. We are going to be working with the legislature this year for seeking 30 million dollars in hotspot funding for the shuttle service and the road work that needs to be done by UDOT on the east side of the park. If that happens it means we will have money fairly soon and can get everything moving along.

Commissioner Heaton stated that with some of the discussions he has had with some of the outside groups that are working with this East Zion issue. From a timing standpoint, it feels like we are still ok, even with the hotspot funding and the legislature.

Commissioner Chamberlain stated that there is more than adequate money that would be generated through the TIFF to pay the debt that the County would incur. It would be a portion of new tax money that's generated from the development up there in that area that's been created by the RDA. It wouldn't impact anyone's rates. No rates would increase. There is a real push to get it off the ground this year. The Governor is very supportive of the concept.

Commissioner Gant says it really has been a group effort, and we need to thank Steve Neeleman he has put a lot of work into this.

## **3. Approval of Renewable Contract with Auditor firm, starting 2021 Year Commissioner Heaton/ John Livingston**

Commissioner Heaton stated our contract with our audits for the County ends in the fiscal year 2020. He stated they did an RFP for the year 2021-2025 they had several bids come in. John put a committee together, and there was half a dozen of us that reviewed all the contracts. We are recommending Kimball and Roberts to the Commission. He said we need to accept that recommendation or come up with another one and approve that so we can award that contract.

John stated the two things that our committee considered and agreed on was: #1 definite price advantages up to \$16,000 in savings and the other thing is we got a lot of feedback from people that knew clients that Kimball and Roberts had work with locally, and it was all positive.

Commissioner Gant said they are well regarded, and that they really respect their work, and that they do a good job.

**Motion** to award Kimball and Roberts the auditing contract for the year starting 2021-2025 made by Commissioner Heaton and motion carried with all Commissioners present and voting in favor.

**4. BOE Item Factual Error- Primary Change on Parcel 120-9 for the 2020 tax year  
Commissioner Chamberlain / Ryan Maddux**

**Motion** to go into BOE made by Commissioner Gant and motion carried with all Commissioners present and voting in favor.

Ryan stated he has a late file primary application they got in December and this would be the first Commission Meeting he could get in to get that change made for them. They submitted their application that was used as a full time rental so they qualify for the 2020 tax year.

**Motion** to approve the Factual Error- Primary Change on Parcel 120-9 for the 2020 tax year made by Commissioner Chamberlain and motion carried with all Commissioners present and voting in favor.

**Motion** to take us out of BOE made by Commissioner Gant.

**5. Approval of Utah Association of Counties (UAC) Kane County's 2021 Appointment to the Board of Directors/ Commissioner Heaton**

Commissioner Heaton said we have Utah's Association of Counties that has their board of directors and we just need to make our appointment to that board for 2021. He said Commissioner Gant is the Commissioner who has the assignment of UAC and thinks we should make him our representative or appoint him to the board of directors of UAC.

Attorney Van Dyke asked if they have reached out or considered any of your other elected officials for that?

Commissioner Gant said that they have not.

Attorney Van Dyke stated that UAC has encouraged the County Commissioners to appoint Non Commissioners so that they have more of a variety. They transitioned recently to the current structure, which is just one person per county.

Commissioner Heaton said that he is not opposed to the idea. His thought is Commissioner Gant is fairly well connected and has been on there and he has a bit of influence. He feels like Commissioner Gant could do some good. Just with the limited exposure Commissioner Heaton has had with UAC, he doesn't know if he would want to give that up, unless Commissioner Gant felt like he wanted to.

Attorney Van Dyke said participating with UAC is different then being on the board of UAC. They have quarterly board meeting that they really are discussing the organizational structure of UAC. Karla and Attorney Van Dyke both have served on the board. He stated a lot of the board member either don't show up or participate, it really requires someone who is willing to do it.

Commissioner Chamberlain says that it doesn't hurt to give it until the next meeting, that way we can put it out there and see if anyone is interested.

Commissioner Gant said they will postpone this item until the January 26, 2021 Commission Meeting all Commissioners present voted in favor.

**6. Approval of Kane County Ordinance No. 2021-4 An Ordinance Amending the Kane County Real Property Taxes Code Commissioner Gant/ Attorney Van Dyke**

Attorney Van Dyke Stated we have discussed this in a previous meeting this is just for your approval as an ordinance. This does two things, it allows this item and other similar items that are considered factual errors under State Code and under the rules for the tax Commission, instead of requiring it to come to a full Commission Meeting and enter in the BOE. The County Assessor if he determines that it is a factual error he can simply present it to the chair of the BOE for approval, and then similarly for the primary residency exemption it typically requires that an application be filed and from time to time people fail to do that and then that causes problems. Ryan has suggested that if his office has independent information to show that they qualify for the primary exemption, that he could submit the application and that the chair of the BOE could grant the change.

Ryan said the one part we will do is address the factual errors, it makes it more efficient and time friendly for the tax payer. The second one is they have a property where the owner is the original owner and built a house. The process now is we send out a new application on any name changes or address changes. If the owner put the property in a family trust they would be sent a new application and if we never receive it back we remove the exemption, which causes issues.

Commissioner Chamberlain said it will make the process a lot simpler for the home owner and the County.

**Motion** to approve Kane County Ordinance 2021-4 Amending the Kane County Real Property Tax Code made by Commissioner Heaton and motion carried with all Commissioners voting in favor.

## **DISCUSSION ITEMS:**

### **7. 11:30 am Kevin Wright Forest Supervisor for Dixie National Forest**

Kevin Wright introduced himself and thanked the Commissioners for allowing him to come. He said their vision is to build a strong relationship for a resilient forest. They know they can't do the work they need to do without these strong relationships and that includes County Commissioners. He said 2020 was an unprecedented year for them on Cedar Mountain. He stated there was such an influx of visitors and they really struggled to know how to manage all those folks. Kevin said they are constructing a new supervisor office in Cedar City. They should be done moving in by the end of May. On the Powell

Ranger District they are going to start working on the NEPA for large scale fuels reduction and Aspen Regeneration on the Paunsaugunt Plateau it going to be 10,000 + acres. Kevin stated looking forward to 2021 as far as the range permittees goes, its going to be tough if you look at the snow pack numbers it's not looking good. Thing could change if we have a wet spring, but they are telling their permittees to get ready for adjustments. He really wanted to thank the Commissioners for the Spruces Campground reconstruction it is one of three campgrounds around the lake. The County contributed money to apply for a grant through the State of Utah. He said Kelly Stowell was great to work with. They have the campground about 70% done they should be able to finish it up before spring.

Kevin wanted to know how the Commissioners wanted him to inform them of what is going on, on the Dixie and what are the opportunities to partner with Kane County.

Commissioner Gant stated we have Hal Johnson who is under Shannon McBride with Planning and Zoning, and that they do a great job of bringing concerns to the Commission.

Hal Johnson said they received an email from Chris a couple months ago saying we would love to get together on the Robinson Canyon Project. Hal asked Kevin what his perspective was on the Robinson Canyon Project.

Kevin Wright said that the Robinson Canyon issue was lumped in with the revision of a lot of the Garfield County routes and there is some strategic goal with it. He stated no one is doing travel management anymore it is to controversial. They still can do the Robinson Canyon project, but the forest has concerns with stuff like the maintenance and construction. Kevin stated that it is a very difficult road to maintain. He gets that there is important access issues for the County, so his perception of where they are at with the Robinson Canyon project is they need a solid proposal, it doesn't need to come from the county but they need some clear direction from the county on how it will be maintained and constructed. The forest does not have all the resources to do all of it. We can do things like we have done on the road around Navajo Lake and Strawberry Road, where we give an easement or special ease permit. They are trying to figure out what will be best. After they get that all worked out he thinks they would be able to move forward.

Commissioner Heaton stated really appreciates Kevin coming and getting involved, it means a lot that Kevin reached out to us. He mentioned that the grazing permits for 2021 is going to be a challenge. He said that they recognize that the permittees will take a cut this year, and we would recommend there be a cut in total wildlife numbers on these

units. He thinks that it would mean a lot to the permittees if there would be a commonsense approach.

Bert Harris stated that recently in the past year the forest service has deeded over Navajo Lake road. He has had questions about the gate being locked. In the past the forest service has locked that gate. Bert was wanting to know if that responsibility had been turned over to the County. Kevin was not sure but said he would find out about that. Bert said they would not plow the road so it would be smart to close it. Bert said that there is not a padlock on the gate, and if it were up to them they would but a lock on it.

Commissioner Gant told Kevin that they really do appreciate him coming and meeting with them.

## **Reports:**

### **Commissioner's-**

#### **Assessor's Office-**

**Attorney's Office-** Attorney Van Dyke reported he has been working on the Bail issues. They have been working closely with Sheriff's Office, they have set up their own pre-trial services. The bill has several issues that need to be addressed. The Sheriffs would like to re appeal the Legislation. He has got over 20 open projects he is working on right now. Attorney Van Dyke wants to find more of a consistent place for the drug court people.

**Budget Office-** John showed them three invoices on 2021 budget that need to be paid, so he needs someone to approve them. John handed out a summary for current 2020 Capital Improvement List. We need to set our one-year list. If we don't try and get the \$960,000 roof repair on the one year list for 2021 it's not going to happen. Kresta thought that sometime in March, Gary usually has a meeting and then the one-year list is compiled. Kresta was going to make sure of when he was going to have a meeting. John also gave a grant update.

**Clerk/ Auditor Office-** Karla said she had two things to talk about with the Legislature this year. There is two bills: One is the hopper, it is not numbered yet but it is the Senior Citizens Property Tax Deferral and that allows anybody that's considered a senior citizen to defer their property tax in perpetuity until they die. The second one is a two part its HB-75 and its Municipal Alternative Owning Methods Pilot Project Amendments: The first is Rank Choice

voting which we are opposing this because it's a way for cities, towns, and districts to come in and start dictating to the County how they are going to manage things. The second is approval voting, which is similar to rank choice voting. Approval voting is much easier for the voters to understand, and our current equipment can do it.

#### **Human Resource-**

#### **Justice Court-**

**Land Use Authority-** Shannon stated that East Zion met with Kevin and there is some issues with the land and legal descriptions that were recorded, Iron Rock agreed to work for Kevin. Amangiri will be doing their 5<sup>th</sup> amended and extended. Shannon has a development meeting with Iron Rock Engineering who is working in their behalf. Hal said starting on January 25<sup>th</sup> week long meeting at the BLM for TMA2. They go through a road by road and give a designation. TMA1 did scoping and we are waiting for the alternatives to come back. Hal and Shannon will keep the Commission updated on the roads. Hal said on Eric's road there have been complaints of human waste around all the bushes and trees, and has turned into a giant parking lot. Would like to work with the BLM to put up a couple signs and see about putting some outdoor toilets in.

#### **Recorder's Office-**

**Road's Dept.-** Bert said he had a discussion Mr. Jensen about a grant for some improvements with the park. He said Mr. Jensen got bids back asked if Bert had any material sources and Bert told him not close by. Bert offered to help while they are not so busy. John stated back in March of 2020 the Mr. Jensen said he didn't have material or funding but he had a crew.

**Senior Center-** Craig introduced Tina Hardy she will be the department head when Craig leaves. She has been with the center for about 7 years. Craig thinks that with the new wave increase they might have an issue with parking. Commissioner Chamberlain does not think it will impact the parking lot. Craig said that the last few months they have had an increase in numbers for seniors and he does not see that number going down.

**Treasurer's Office-** Kevin stated everything went well for the tax season. He handed out a spreadsheet on the tax collection and said we are going to be up some from last year. He said he is eventually wanting to try and go paperless.

**Technical-** Devin went ahead and ordered equipment to update Commission Chambers. Ordered first phase of locks to change. They added 2<sup>nd</sup> video court room at the jail. They have

got some software upgrades ongoing. The state has changed the requirement on the system. Currently having data looked at to switch. Looks like it will be a really good program for the county. Working on upgrading security system, the main obstacle is storage. Almost to point to have 60 day's worth of retention.

**Sheriff's Office-** Tracy said the strategy for 2021 on the law enforcement side that they moved one of the deputy's into the drug investigation task force position, so they have a vacancy on the patrol side. He is working with Garfield County to possibly put together an agreement for a Bi-County Deputy that will work and live in Bullfrog through the summer. He said on the jail side they have had no COVID exposure and have been super lucky. They have been running about 180 average inmates total, and 163 State inmates. The State contract is for 166. The way that works is they have a base contract which is just renting the bed it's \$54.46 per day. They are hoping through the Legislature this year to get that up significantly. They are opening a Core Sex Offender Treatment Program as requested by the Utah Department of Corrections and are hoping to have it up and running by the end of March. Kanab city police department is wanting to potentially lease some space in the old Search and Rescue building. On the Building and Grounds side they are involved in several projects. He has been working with Devin to help fund a prox reader so sometime in the future every employee will have an ID card that is also a prox reader that will get them in the main door. At the Kaneplex they will be putting up 60 new stalls.

**Visitor Center-** Camille asked the Commissioners if it would be helpful to create a tourism at a glance sheet, they all agreed that would be very helpful. Camille will represent the DMO (Destination Marketing Organization) directors this year for the state.

With the East Zion Shuttle they are working through the branding process right now.

They are increasing permit numbers from 20-64 for the wave lottery.

Erica will be leaving for maternity soon so Camille thought Nicole who they hired for the wave lottery will step in for Erica.

They are working on the indoor arena and golf course.

Camille handed out a graph to show to show our hotels and the rooms they rent out, it just goes off of the hotels not vacation rentals. There is a new data source that will analyze same information for rentals.

Camille gave a report on TRT numbers.

### **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**

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Andy Gant Chairman

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Karla Johnson Clerk/Auditor

**MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
January 14, 2021  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH**

**Present:** Chairman Andy Gant, Commissioner Brent Chamberlain, Commissioner Wade Heaton, Clerk/Auditor Karla Johnson, Deputy Clerk/Auditor Candice Brown

**Also Present:** Kresta Blomquist, Rhonda Gant, Ryan Maddux, Shannon McBride

**CALL MEETING TO ORDER:** Commissioner Andy Gant

**REGULAR SESSION:**

**1. Structural Changes to Various County Offices and Departments**

**Motion** to enter Closed Session for Discussing an individual's character, professional competence, or physical or mental health made by Commissioner Gant and motion carried with all Commissioners present and voting in favor.

Entered Closed Session

Exited Closed Session

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

**WHERE UPON MEETING WAS ADJOURNED**

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Andy Gant Chairman

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Karla Johnson Clerk/Auditor

# AGENDA ITEMS

# ITEM # 1

Appointment for the Utah Association of Counties Board  
of Directors

# ITEM # 2

Approve/ Deny Kane County Ordinance No.  
O 2021-01 an Ordinance Amending the Kane County  
Zoning Map

**KANE COUNTY ORDINANCE NO. O 2021-01**

**AN ORDINANCE AMENDING THE KANE COUNTY ZONING MAP**

**WHEREAS**, the purpose of this ordinance is to update the Kane County Zoning Map with all the lot joinders, lot line adjustments, rezones and subdivisions and changes since 2014;

**WHEREAS**, the Kane County Board of Commissioners finds that said zoning map is in accordance with the Kane County Land Use Ordinance 9-1-7 which states: Zoning Map: A map, adopted as part of a Land Use Ordinance that depicts land use zones, overlays, or districts;

**WHEREAS**, the Kane County Board of Commissioners desires to implement the recommended zone mapping updates; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone mapping updates and desires to enact the following recommendations;

**WHEREAS**, the Kane County Land Use Ordinance states: 9-4-2: Boundaries of Zones: The boundaries of each of the said zones are hereby established as herein described, as shown on the map entitled "zoning map of Kane County, Utah", which map is attached to the ordinance codified herein and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as if fully described and detailed herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013) and 9-4-3: Filing of Ordinance and Map: The land use ordinance and map shall be held in custody by the land use authority administrator and may be examined by the public during normal business hours or at other times by special arrangement. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

**WHEREAS**, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-501-503 & 505;

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

All lands within Kane County unincorporated areas hereby are zoned as designated on the Kane County Zoning Map.

**LEGAL DESCRIPTION:** Map Attached

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a)

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 \_\_\_\_\_, 2021.

ATTEST:

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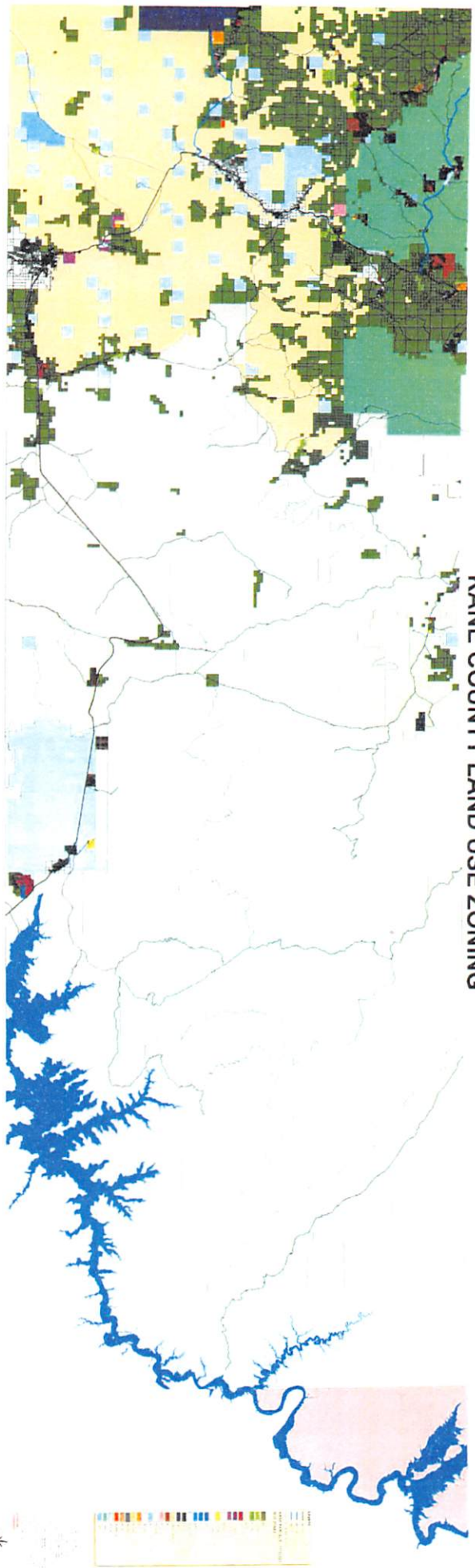
KARLA JOHNSON  
Kane County Clerk

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Andy Gant, Chair  
Board of Commissioners  
Kane County

Commissioner Heaton voted  
Commissioner Gant voted  
Commissioner Chamberlain voted

KANE COUNTY LAND USE ZONING



# ITEM # 3

**Approve/ Deny Kane County Ordinance No. O-2021-02  
an Ordinance Amending the Zoning of Parcel  
3-4.5-31-1A from Agricultural to Commercial 1**

**KANE COUNTY ORDINANCE NO. O 2021-02**

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 3-4.5-31-1A FROM AGRICULTURAL TO COMMERCIAL 1**

**WHEREAS**, the purpose of this ordinance is to rezone parcel 3-4.5-31-1A from Agricultural to Commercial 1, on behalf of Boavida LLC., the recorded owner; consisting of a total of 11 +/- acres;

**WHEREAS**, the above parcels located in Township 43S, Section 31, Range 4.5W, SLB & M., UT meets the minimum acreage required to be zoned Commercial 1;

**WHEREAS**, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance which states the purposes of properties in the Commercial 1 Zone is to provide for light commercial areas located in or near Residential Zones to meet the day to day needs of area residences. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 3-4.5-31-1A from Agricultural to Commercial 1;

**WHEREAS**, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

**WHEREAS**, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-505;

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

Parcel 3-4.5-31-1A, more fully described by the respective legal description as given below is hereby rezoned from Agricultural to Commercial 1 and shall from here forth be zoned Commercial 1.

**LEGAL DESCRIPTION:** Township 43, Section 31, Range 4.5W, SLB & M., PARCEL 3-4.5-34-1A. BEG AT THE NE COR OF SEC 31 T43S R4 1/2W SLB&M; TH S 0°24'34" W ALG THE E'LY BOUNDARY OF SAID SEC 31, 700.00 FT; TH S 89°22'51" W 700.0 FT; TH N 0°24'34" E 700.00 FT, SAID PT BEING ON THE N'LY BOUNDARY OF SAID SEC 31; TH N 89°22'51" E ALG SAID N'LY BOUNDARY LINE 700.00 FT TO THE PT OF BEG. CONT 11.2470 AC, M/L

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a)

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 \_\_\_\_\_, 2021.

ATTEST:

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

\_\_\_\_\_  
Andy Gant, Chair  
Board of Commissioners  
Kane County

Commissioner Heaton voted  
Commissioner Gant voted  
Commissioner Chamberlain voted

P&Z recommends  
**DENIAL**  
of the zone change application from  
AG to C-1 for parcel 3-4.5-31-1A  
and Ordinance 2021-02.

# ITEM # 4

Approve/ Deny A Memorandum of Understanding  
between Jacobs Construction, Utah Department of  
Transportation and Kane County

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between **JACOBS CONSTRUCTION**, hereinafter referred to as "**DEVELOPER**", the Utah Department of Transportation, hereinafter referred to as the "**UDOT**", and Kane County, hereinafter referred to as "**COUNTY**".

Whereas, the parties have agreed to the need for installation of a left turn pocket and deceleration lane at the intersection of SR-14 & Roosevelt Lane, in Kane County, Utah. This improvement has become apparent as part of the proposed construction of Unit 5 of the Elk Ridge Subdivision.

**THIS MEMORANDUM** is made to set out the terms and conditions where under said work (or agreements) shall be performed (or entered into).

1. The **DEVELOPER** shall:

- a. Pay for all costs to construct a left turn pocket and deceleration lane for the eastbound to northbound movement at the subject intersection as recommended by the Elk Ridge Development TIS dated October 2019 and meeting the criteria listed in section d below.
- b. Design and construct turn pocket/deceleration lane in accordance with UDOT standards. Drawings will be submitted and approved by UDOT prior to commencement of work.
- c. Encroachment Permit shall be obtained by UDOT prior to any construction.
- d. Act on construction of the turn pocket/deceleration lane after the 37<sup>th</sup> residential single use lot has been developed as part of Unit 5 of the subdivision. There are a total of 78 residential single use lots that have been previously developed that use this access. An additional 37 lots from Unit 5 will trigger the need for the improvements mentioned above.

2. **UDOT** shall:

- a. Approve the submitted plans and issue a permit for the work to be completed.
- b. Agree that the turn pocket/deceleration lane need not be constructed until the 37<sup>th</sup> lot of the development has been developed. The 38<sup>th</sup> lot would trigger the need for the turn lane to be in place.

**Agreement is acknowledged by affixing of signatures below:**

**Developer**

**Utah Department of Transportation**

By: \_\_\_\_\_

\_\_\_\_\_  
Rick Torgerson  
Region Four Director

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Kane County**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# ITEM # 5

Approve/ Deny Cooperative Agreement for Utah State  
University Extension Services- Kane County

**COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY  
EXTENSION SERVICES - KANE COUNTY**

This Cooperative Agreement ("**Agreement**") is dated as of the last dated signature below ("**Effective Date**") and is between Kane County ("**County**") and Utah State University ("**USU**"), via its Cooperative Extension Service, to promote and provide cooperative extension services within the County ("**Extension Services**").

Whereas, USU is the land-grant university in the state of Utah, as authorized by the federal Morrill Acts of 1862 and 1890 (7 U.S.C. §§301-308 and U.S.C. §§321-329), and

Whereas, the federal Smith-Lever Act of 1914 (7 U.S.C. §§341-349) established extension services, a collaboration of the U.S. Department of Agriculture and the land-grant universities, and

Whereas, the Utah Legislature has established an extension service at USU (U.C.A. §53B-18-201) and has enabled Utah's various counties to become a cooperative collaborator in promoting extension services, specifically:

USU "may enter into cooperative contracts with the United States Department of Agriculture, county or city officers, private or public organizations, corporations, and individuals, to share the expense of establishing and maintaining an agricultural extension service. The county legislative body of each county may provide sufficient funds to ensure that the agricultural extension service functions properly in its county" (U.C.A. §53B-18-202); and

Whereas, USU has organized its extension service as follows:

(a) Extension faculty and staff, who directly serve specific counties; (b) extension county directors, who coordinate the extension services within a specific county; (c) extension administrators, who coordinate and supervise extension services related to (i) Agriculture and Natural Resources, (ii) Home and Community, and (iii) Youth Development; (d) on-campus extension faculty, who provide extension content expertise; and (e) the USU Vice President for Extension, who oversees and administers extension services for the state of Utah.

Whereas, the Utah Interlocal Cooperation Act as found in U.C.A. §11-13-101 *et. seq.* sets for the mechanism for entering into cooperative agreements with other governmental agencies as contemplated by U.C.A. §53B-18-202; and

Whereas, inasmuch as it is contemplated that an appropriation under the County's budget is required for each year of the Agreement (U.C.A. §11-13-202.5(1)(b)) the Legislative Body of the County has approved by Resolution this Agreement; and

Whereas, the Resolution adopting this Agreement has set forth the effective date of this Agreement consistent with the terms contained herein (U.C.A. §11-13-205.5(2)(a));

Therefore, USU and the County agree as follows:

**1. Term and Termination.**

a. Term. This Agreement shall be for the period beginning on the Effective Date and continue until mutually terminated in writing by the County and USU ("Term") but in no event shall exceed 50 years. USU and the County have had a long-standing relationship concerning Extension Services and anticipate that this Agreement or a version thereof shall exist so long as State and Federal government support persists.

b. Review and Amendment. At any time during the Term, USU and the County may review specific program objectives for Extension Services in the future and evaluate past accomplishments. USU and the County may periodically amend or replace this Agreement to reflect updates and changes that arise relating to Extension Services. Any such amendments must be made in writing.

c. Termination. Either party may terminate this Agreement if the other party breaches any term of this Agreement. Termination will be effective upon notice being received by the breaching party.

**2. Extension Services.** USU shall provide and administer Extension Services, which are directed at improving the quality of life for people in the County, enhancing economic opportunity within the County, and sustaining the natural resources of the County. Extension Services shall be designed to render effective educational service and to stay within the total dollar amount of each accepted annual operating budget. The Extension County Director ("**Director**"), with the advice and consent of USU's extension administrators, shall directly coordinate all Extension Services and manage the operating budget for Extensions Services.

**3. Operating Budget.**

a. Proposed Annual Budget. In the months preceding the end of each calendar year, the County and USU will work together during the County's annual budget planning period to develop a draft proposed annual operating budget of County funds dedicated to Extension Services for the upcoming year. As soon as available, but no later than January 1 of each year, the County shall provide USU with a proposed annual operating budget. Each annual operating budget proposed by the County will be in a form similar to that of the exemplary form set forth in Appendix A and shall be executed by the proper County officials, as required by the County.

b. Accepted Annual Budget. As soon as practicable, but within thirty (30) days of receiving a proposed annual operating budget, USU will either (i) accept the proposed budget by executing it or (ii) provide County with feedback and proposed changes, whereupon the parties will expeditiously cooperate to generate a mutually accepted annual operating budget. Each accepted annual operating budget executed by both parties will be incorporated by reference in its entirety and made part of this Agreement. The parties recognize that annual operating budgets may vary from year to year. The County agrees to provide USU with access to all of the funds set forth in each accepted annual operating budget. USU agrees not to exceed any given accepted annual operating budget without the prior written consent of the County.

c. Management. The Director shall manage each accepted annual operating budget in accordance with generally accepted accounting principles and consistent with the provisions of the Interlocal Cooperation Act's fiscal procedures. Flexibility between budget categories is allowed and adjustments may be made at USU's discretion within budget categories for efficient program emphasis and financial management. Reimbursement or purchasing requests for budgeted

expenditures shall be submitted to the County in accordance with County procedures. Extension employees shall keep accurate and detailed records of expenses incurred.

**4. Extension Services Personnel.**

a. Funding of Extension Services Personnel. USU shall appoint and employ the Director, who shall be considered the joint administrator under U.C.A. §11-13-207. USU employees may be funded by USU, the County, or a combination of USU and the County, as may be mutually agreed upon in the accepted annual operating budgets.

b. Support Staff. The County agrees to provide support staff for Extension Services, which may be provided by (i) allocating funds in the accepted annual operating budget for USU to employ support staff personnel or (ii) employing support staff personnel as County Employees.

c. Applicable Policies, Procedures, and Supervision. All Extension Services personnel employed by USU shall be (i) governed by USU policies and procedures and (ii) supervised by USU and its administrators. Any Extension Services support staff employed by the County shall be (i) governed by the County Office of Personnel Management Rules and Regulations and other administrative County policies, and (ii) supervised by the County and its administrators. The Parties agree to work together to provide a positive and safe work environment for co-located USU and County employees. If a complaint arises, the parties will coordinate in investigating and addressing such a complaint in keeping with the law and each party's respective policies and procedures.

**5. Facilities, Equipment, and Property.**

a. Facilities and Equipment. The County shall provide adequate facilities, including office space, furnishings, and other necessary equipment, for Extension Services personnel (both USU and County employees, as applicable). The County shall provide the facilities listed in Appendix A. The County will permit USU to implement reasonable security measures for both physical and data security within the provided facilities and with respect to any County equipment (e.g. computers, etc.) and utilities (internet service) used by Extension Services personnel.

b. Property. Any furnishings, equipment, or other property purchased by the County, shall remain as the property of the County. Any equipment or other property purchased by USU, shall remain as the property of USU. Each of USU and the County will be responsible for the care, maintenance, storage, security, and insurance of its property.

c. Inventory. By March 31 of each year, each of USU and the County agree to provide the other party with a current inventory of its property used in conjunction with Extension Services.

**6. No Discrimination and Compliance with the Law.** USU and the County shall provide Extension Services to all segments of the County's population without discrimination based on race, color, sex, age, disability, religion, or national origin. In performing and supporting the Extension Services, each party will comply with all applicable laws.

**7. Liability.** USU and County are governmental entities under the "Utah Governmental Immunity Act." Consistent with the terms of that Act, USU and County agree that each party is responsible and liable for its own wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. Neither party waives or intends to waive any defenses or limits of liability otherwise available under the Utah Governmental Immunity Act.

**8. Miscellaneous.** In assuming and performing the obligations of this Agreement, the Parties are each acting as independent parties and neither shall be considered or represent itself as a joint venture, partner, agent, or employee of the other. This Agreement embodies the entire understanding of the Parties and supersedes all previous communications, representations, or understandings, either oral or written, between the Parties relating to the subject matter thereof.

IN WITNESS THEREOF the parties hereto have caused this Agreement to be duly executed on their behalf by a duly authorized representative as of the Effective Date set forth above.

<b>County:</b>  By: _____ Print Name: Title: Date: _____	<b>Utah State University:</b>  By: _____ Kenneth White Vice President for Extension Date: _____
By: _____ Print Name: Title: Date: _____	
By: _____ Print Name: Title: Date: _____	

**Approved as to Form:**

<b>County:</b>  By: _____ Print Name: County Attorney Date: _____	<b>Utah State University:</b>  By: _____ Print Name: Title: Date: _____
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By signing below, the parties hereby agree that the above operating budget and facility list is accepted and hereby incorporated into the Dec 31, 2020 Cooperative Agreement for Utah State University Extension Services - Kane County.

<b>County:</b>	<b>Utah State University:</b>
By: _____	By: _____
Print Name:	Print Name:
Title:	Title:
Date: _____	Date: _____

# ITEM # 6

Approve/ Deny American Land Council

# ITEM # 7

Approve/ Deny RFP for General Engineering for  
Kane County

# ITEM # 8

## Kane County Position Regarding Bills and Issues before the Utah State Legislature 2021 General Session:

- A. SB44 Payment In Lieu of Taxes Funds for Counties
- B. HB122 Property Redemption Amendments
- C. East Zion Initiative Shuttle Funding
- D. HB220 Pretrial Detention Amendments
- E. HB207 Bail Amendments
- F. HB47 DUI Revisions
- G. Pretrial Amendments (Rep. Pitcher unnumbered bill)
- H. HB75 Municipal Alternative Voting Methods Pilot Project Amendments
- I. HB122 Property Redemption Amendments
- J. SB52 Property Tax Deferral Modifications
- K. Transient Room Tax Amendments (Unnumbered)
- L. Other Currently Pending Legislation



## JOINT STATEMENT OF COUNTY CLERK/AUDITORS ON ELECTORAL REFORM

January 13, 2021

We the Clerk/Auditor Association of the State of Utah, provide this joint statement regarding the consideration of Electoral Reform within the State of Utah.

Electoral Reform within the State of Utah has been most recently centered in the subject of alternative voting methods, specifically Ranked Choice Voting (RCV), and has been the focus of several pieces of legislation over the past several years. Other voting methods have also been brought forward, including Approval Voting, Star Voting, and Runoff Elections, among others. These various methods of voting propose a fundamental reformation to the way our elected representatives are chosen.

Electoral Reform is not new to the State, as is evident in its transition to a primarily vote-by-mail state. During this transition the greatest lesson that was learned, was the importance in consistency in voting methods, and here lies our primary concern with the current Electoral Reform proposals.

All current considerations currently being discussed, provide for only occasional, or conditional implementation of an alternative voting method. This approach is problematic as it creates different rules for different elections, it creates different processes and procedures, and changes voter's expectations from election to election.

We recognize that each alternative voting method may have its strengths and weaknesses. This group has taken public positions on some of these methods, but regardless of this, if the Legislature believes an alternative voting method is needed, it is our desire that a thorough, independent, study of all alternative voting methods be conducted. That specific goals and objectives be formulated, that the best voting method be selected to meet these goals and objectives and that the selected method be fully implemented for all elections in order to instill consistency and confidence in the election process.

If change is needed to our current process, then change should be made, but let's make sure the correct change is made and that the process be consistent throughout the state and throughout every election.

As the Public Officials charged with administering our State's elections we are committed to providing fair, transparent and secure elections. We offer our support, our knowledge and expertise in this effort.

# ITEM # 9

Bruce Johnson with Utah Division of Wildlife Resources

My name is Bruce Johnson. I am a Lieutenant with the Utah Division of Wildlife Resources (UDWR). I am working in the Aquatic Invasive Species Program (AIS). I am in charge of AIS Field Operations with the Utah Division of Wildlife Resources. This program focuses on preventing quagga mussels and other invasive species from spreading throughout the state.

One of our most effective prevention strategies includes contacting watercraft off-water and conducting inspections to verify their mussel-free status. When mussels are found or the vessel doesn't meet clean, drain, dry standards, we provide a cost-free hot water wash inside and outside of the vessel. This program has ensured our beautiful waters in the state remain clean and mussel-free. Due to the hard work and determination of UDWR staff, we've successfully kept mussels out of all waterbodies in the state except Lake Powell, which was infested around 2013.

We want to make sure quagga mussels do not spread to additional waterbodies because they 1) potentially damage essential drinking water sources by leaving a foul taste and smell 2) Infiltrate and clog up water filtration pipes 3) Clean healthy bio-nutrients out of the water and remove fish food supply 4) Cause potentially millions of dollars of damage and mitigation work. Worst of all- there is no current way to remove mussels so once they have infiltrated a waterbody, they are likely there to stay.

Just this year, we've seen an estimated 25% increase in boaters travelling through Utah, many from surrounding states such as Arizona, Colorado, and California. Jackson Flat Reservoir is an excellent example of a waterbody receiving increased use. If boaters didn't follow proper protocols after leaving Lake Powell or any other infested water, they pose a very large threat to potentially spreading quagga mussels into Jackson Flat. Gas powered motors are not the only vector for quagga mussels. Ballast tanks, live wells, the boat hull itself are other methods of transmittal of quagga mussels. Canoes and kayaks have also been found with quagga mussels.

Due to an overwhelming increase in boating throughout the state, UDWR recognizes the need for additional locations for our mandatory inspection stations (MIS). A Mandatory Inspection Station located at the east end of the town will provide a layer of protection against infestation of your favorite local water. Also, by providing a MIS nearby, local boaters in the Kanab area will have a convenient location for decontamination of their boats.

The MIS would be staffed robustly from April to October and minimal staffing during the off season, around November through March. Between 15-20 staff would be needed during the busy season for full and part time work. We would hire locally to help provide job opportunities to residents. Having a MIS nearby might entice visitors to stop, and likely increase business locally.

We look forward to building partnerships with the City of Kanab and Kane County to make this plan become a reality. Thank you for your time and consideration.