

**MINUTES**  
**OF THE KANE COUNTY**  
**BOARD OF COMMISSIONERS MEETING**  
**DECEMBER 9, 2013, At 10:00 AM IN THE**  
**KANE COUNTY COMMISSION CHAMBERS,**  
**76 NORTH MAIN, KANAB, UTAH**

Present: Commissioner Heaton, Commissioner Clayson, Commissioner Matson, Clerk/Auditor Johnson, Chief Deputy Auditor McDonald, Attorney VanDyke, GIS Lou Pratt, COA Fayann Christensen, Care & Share Craig Hansen, Travel Council Director Gotzen-Berg, Assessor Little, HR Director Gant, Road Supervisor Harris, Press Representative Carol Sullivan,

CALL MEETING TO ORDER & WELCOME  
PLEDGE OF ALLEGIANCE: Commissioner Matson  
PRAYER: Commissioner Heaton  
CITIZEN PUBLIC INPUT: None

**CONSENT AGENDA**

**Check Edit reports and purchase orders as signed**  
**Approval of Minutes:** November 25, & December 4th Work Meeting 2013

**MOTION** to adopt the Consent Agenda made by Commissioner Heaton and the motion carries with all Commissioners present voting in favor.

**REGULAR AGENDA:**

**10:00 AM Public Hearing - 2014 Budget – Approval:**

Auditor Johnson presented the 2014 Budget by PowerPoint. She also reviewed the reductions made to the budget.

The Commissioner's expressed appreciation to those who worked to balance the budget and felt it was sustainable.

**MOTION** to enter Public Hearing made by Commissioner Matson, and Commissioners present voted in favor.

**PUBLIC HEARING:**

Charlie Saba – asked what happened with Fund 43-SITLA in 2011?

Commissioner Clayson explained that the funds come from land exchanged from lands in the Escalante National Monument (Kane and Garfield Counties) for lands that produces minerals from other counties, (LEDA). Kane County gets 25% of the mineral lease revenue from the other lands.. We get more if there is more mineral extraction. He discussed the potential for additional jobs and economic development in the counties that received land which would have belonged in

the county the land was traded from and that he believed it would be appropriate for Kane and Garfield to receive a higher percentage of the revenue as a result.

Charlie Saba- said the Strike Force appeared t have a 300% increase.

Auditor Johnson explained that the county is accounting for donations from other entities to cover employees wage and the county's matching funds in one fund to maintain more accuracy in the allocations. The money is the same as what was previously budgeted, but it is now located in one fund.

Attorney VanDyke commented that none of the Strike Force money comes out of the General Fund.

Auditor Johnson informed them that there is General Fund money used as matching funds to the Federal Grant and donations.

Sky Cheney- said that he was impressed at the \$700,000 cut in the Budget. But to call it sustainable budget when a looming gas tax up to 10 cents per gallon isnt possible, doesn't seem accurate. What is the impact on the RS2477 expense and road maintenance?

Commissioner Clayson explained that the cost is less to fight for the roads than to abandon them. The funds are based on mileage. Tourism is likes having these roads. You can abandon all the roads and maintenance would be in a worse position. IE; If we double the amount of roads and double the money based on efficiency, We would not be in a better position giving up ¾ of our roads. ALL the roads are in litigation.

Commissioner Clayson asked Road Supervisor Harris if he got calls from BLM to maintain the roads.

Road Supervisor Harris said "yes".

Commissioner Clayson explained that litigation or not, we cannot change the expectations from our traveling public and residents who expect to drive Johnson Canyon and Cottonwood. The roads we maintain regularly are well known on the Monument and BLM's plans.

Commissioner Clayson said that the Hancock Road needs better maintenance. Issues with the RS2477 is that we have to maintain the road and have to fix the damage, if we did not claim the right to it, we would have to ask before we fix it, and consult on how to fix it. We do not have the time or money to do that for our roads.. Our crew knows what needs to be done within our right of way. We have the ability to take care of and maintain the road.

Commissioner Clayson said that if the 2477's were not in the picture, citizens would still want the road maintained.

Sky Cheney asked if the County got Federal money for road maintenance.

Commissioner Clayson said that Commissioner Habbeshaw said if it is not our road, we don't have to maintain it. With the Hole In The Rock wash out, we asked for Federal assistance. The Forest Service came in and said their budget was being cut and could not maintain it. The Forest Service now wants us to pick up that maintenance, we are negotiating with them. We would like a

portion of their budget to do it. We also have one time projects, Navajo Lake Road, for maintenance.

Navajo Lake Road is a good example of a paved road going back to gravel. The County pays 6.7%, the Federal Government pays the rest. This is Public access to Federal lands. We still have to agree to do future maintenance. It is essential for Federal lands that we know of, is in the National Parks. They have their own Budget for National Park maintenance everywhere else. Not here, they still call us to fix the roads.

Commissioner Clayson said, Sky, without exception, locals are happy we are working and maintaining the roads.

Commissioner Heaton said one thing that is overlooked is the obvious agenda for some to close the roads so we don't have access. All we enjoy to sustain life comes from natural resources. The agenda to close us off from those, denies the fact that we need those resources, official estimate places value of minerals on land at 150 trillion dollars that we don't have access to, due to pressure not extracting minerals. The future depends on our ability of access. We had Kaibab Industries, Arizona Fuels and the Uranium Company that sustained family related jobs. We have Tourism dollars. The population demographics is shown in shrinking schools. There are no family sustaining jobs. To get that back, we need access to these resources. If we want to solve tax problems, we need help in getting the land back for access. We should make them State Public Lands.

Mr. Cheney said it seems like the County is making it sound like all doors are closing, this is not happening.

Mr. Cheney said there were not a lot of great extractions that can come out of here.

Commissioner Clayson said that is not true, they have done a better job in other counties. Logging timber used to be a sustainable job.

**MOTION** to exit the Public Hearing made by Commissioner Clayson and the motion carries with all Commissioners present voting in favor.

#### **Resolution 2013-21 Adopting the 2014 Budget :**

**MOTION** to adopt Resolution 2013-21 Adopting the 2014 Kane County Budget as presented made by Commissioner Heaton and the motion carries with all Commissioner's present voting in favor.

Commissioner Clayson expressed appreciation to all Kane County Departments for their efforts on the budget and managing finances within their control.

#### **10:00 Am Public Hearing - 2013 Budget Opening:**

Auditor Johnson commented that although they recognize that they have not reached the end of the year. Budgets need to be adjusted to allow for grants, projects previously approved correcting entries, receivables and other adjustments as approved by the Commissioners. These adjustments allow the books to fairly and accurately present the Kane County financial records. The list of adjustments are approved and attached to the resolution.

**MOTION** to go into the Public Hearing was made by Commissioner Matson.

Commissioner Clayson called for any questions.

Mr. Cheney asked how the County was doing with Revenue and Expenses.

Auditor Johnson explained that the County is on target, without having spent as much, we will be in the black.

Commissioner Clayson said we are \$30,000 better than projected.

Commissioner Clayson explained that Lou had some projects, stream bed projects because of the Shingle Fire and flooding. We have both the spending and revenue to account for the money going in and out for these projects.

Lou commented that they have a request for amendment for 90 days on the Virgin River project; which will be completed this Friday.

Commissioner Clayson thanked Lou for managing these projects; these improvements have made a big difference.

Commissioner Clayson made declaration to go out of Public Hearing and back into the Regular Agenda.

#### **Resolution 2013-20- 2013 Budget Opening- Approval**

In order to present the Kane County Books in a fair and accurate manner, the Kane County Commissioners Task the County Auditor to make the necessary adjustments to the 2013 budget.

**MOTION** to adopt Resolution 2013-20 In order to present the Kane County Books in a fair and accurate manner, the Kane County Commissioners Task the County Auditor to make the necessary adjustments to the 2013 budget. made by Commissioner Matson and the motion carries with all Commissioners present voting in favor.

#### **11:00 AM PUBLIC Hearing –CDBG Grant**

**Motion** to enter Public Hearing for purposes of discussion the CDBG program, made by Commissioner Matson and the motion carried with all Commissioners present voting in favor.

Commissioner Clayson, opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2014 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Five County Association of Governments in which Kane County is a member, is expecting to receive approximately \$700,000 in this new program year. All eligible activities that can be accomplished under this program are identified in

the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Commissioner Clayson read several of the eligible activities listed including, Construction of public works and facilities, ie: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners.. Commissioner Clayson indicated that in the past Kane County has received Four grants and what they achieved as follows: Kane County/Mount Carmel in 1985 for a water project. Kane County/Long Valley SSD in 1986 and 1988 for a wastewater project. Kane County/Kane Co. Water Conservancy District in 1999 for a water project. Kane County for Public Service (Meals on Wheels Delivery Trucks) in 2004. The city has handed out its capital investment plan as part of the regional “**Consolidated Plan**”. **This list shows which projects the city has identified as being needed in the community.** It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing. Mrs. Fayann Christensen asked if The County would consider two (2) 2014 F 150 4 x 4 pickup trucks with refrigerator and heating units for delivering care and share meals. No other suggestions were proffered. Commissioner Clayson responded to the suggestion by stating that He would look for a motion of support after exiting the public hearing.

**MOTION** to exit Public Hearing made by Commissioner Heaton and the motion carries with all Commissioners present voting in favor.

The Commissioners held further Discussion was held regarding the proposed CDBG application as suggested in the public hearing.

COA Director Christensen explained they were asking for 2 Meals on Wheels trucks, 4X4's for the Senior Center. They will be hot/cold trucks. They need 4 wheel drive because of the weather. The bid that we received for the 2 trucks is \$92,516, plus \$5,000 in case things have to be added into it ie: licensing. These are for 2 F150's that will be fixed with refrigeration and hot boxes for meals. The cost is 24,599 each. The truck will run the box on the back. We are not increasing our service, but will continue to serve those we have. The two existing trucks will also be continued to be used.

Commissioner Clayson asked what happened with the application last year.

Ms. Christensen explained there was a problem with the minutes. They have to be exact. They took the higher priority projects. I went to the CDBG training meeting. We have to be represented every year, if not, we can't apply the following year. We will finish processing the paperwork by the end of January and should know by the end of February if we get it. We should have the funding by July. We do have to put up a \$10,000 match funding, but it is budgeted for.

Commissioner Clayson said he appreciates the efforts. He asked if the parking for the North Event Center would qualify.

Auditor Johnson explained that these projects have to benefit the disadvantaged or low income citizens.

Ms Christensen explained that they are doing meal delivery's in Alton, Orderville, Glendale, Kanab and Johnson Canyon 3 days a week. All the meals are cooked at the Orderville Sr. Center. We are cooking 160 meals.

**MOTION:** to approve the CDBG Grant as discussed previously and move forward with the Grant Application made by Commissioner Matson. The motion carries with all Commissioners present voting in favor.

Commissioner Matson explained that Craig, Care & Share Director, would not be at the meeting, and postponed his agenda item to the next meeting.

**Other Agenda Items were addressed at this time.**

**12:00 PM Recess while Commissioner's attend a Remote Court Service Meeting** (*Commissioner Clayson*)

**MOTION** to recess for the Remote Court Service Meeting made by Commissioner and the motion carries with all Commissioner's present voting in favor.

**Long Valley Service District Easement – Old HWY 89 :**

Commissioner Heaton explained that Jones & DeMille had contacted him regarding a portion of the road of HWY89 that the County owns. It is the old road and runs through Long Valley Sewer District. They are improving the lagoons and request we transfer title to this portion of the road over to the Long Valley Sewer District SSD. I don't see any reason why we couldn't do it.

Commissioner Clayson showed the area in question on a map, projected on the screen. He said this portion was turned back to the County and is no longer used as HWY 89. He suggested abandoning it from where it merges with the highway and to the gate on the South end.

**MOTION** to abandon the portion of road that is between Long Valley Sewer District SSD to the point North where the Sewer District property ends on the East side and authorize signing a Quick Claim Deed to the Long Valley Sewer District made by Commissioner Heaton and the motion carries with all Commissioner's present voting in favor.

GIS, Lou Pratt will notify Jones and DeMille and get the Quick Claim Deed taken care of.

**Departmental Reports:**

**Best Friends MOU** (*ES-Alan Alldredge*)- This item was tabled.

**Public Defender Contract Renewal** (*Attorney VanDyke*)

Attorney VanDyke explained that the Contract was the same as last year with the addition of the Drug Court and a 1.5% COLA, making the contract at \$59,827. He recommends approval of the Contract and suggested that next year the County put out an RFP for the services.

**MOTION** to accept the Public Defender Contract for 2014 made by Commissioner Matson and the motion carries with all Commissioners present voting in favor.

**Yellow Jacket Road Title V –Approval** (*GIS Lou Pratt*)

GIS, Lou Pratt showed the area in question on the map and explained that the Yellow Jacket Ranch owners requested the entrance change. Yellow Jacket Ranch Road connects to Yellow Jacket Ranch from the Sand Dunes Road. Clair Ramsay is one of the owners in Yellow Jacket ranch. Typical title V right of ways have a termination date of 20 to 30 years.

Commissioner Clayson asked Lour to look into doing them in perpetuity, forever.

**MOTION** to apply for the Title V to Yellow Jacket Ranch Road as presented by the GIS Director made by Commissioner Heaton and the motion carries with all Commissioners present voting in favor

**Senior Center Operations during HWY 89 Closures** (*Craig Hansen*)

Commissioner Matson explained that Craig, Care & Share Director, would not be at the meeting, and postponed his agenda item to the next meeting.

This item was tabled to the December 16<sup>th</sup> Meeting.

**Other Business: Reports,**

GIS Director Pratt indicated he had a 90 extension agreement on the EWP project for \$55,000. The work on the Mt. Carmel diversion was delayed because of weather. It will be ratified at the next meeting.

Attorney VanDyke talked about a Records Officer and GRAMA archiving. He had received an email indicated that the County needed to appoint a Chief Administrative Officer over all government records.

Karla will review this and put it on the next meeting agenda.

The next Commission Meeting will be held Dec 16<sup>th</sup> 2013, and there will be no meeting On December 23<sup>rd</sup>.

Schedules:

SW Health Mtg-St. George, Dec. 10<sup>th</sup>.

Iron County-Sage Grouse, Dec 18<sup>th</sup>

Multi County Meeting, Dec 10<sup>th</sup>

EIS Mtg at 6 on Dec 10<sup>th</sup>.

Travel Council Director Gotzen-Berg indicated the need for the Commission to send a letter regarding waiving the lottery for the “Waive”. He will assist in drafting the letter.

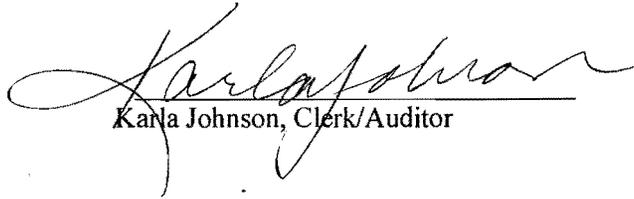
Commissioner Clayson suggested that they ask the numbers to go from 20-40 people to hike the Waive.

Commissioner Heaton will be in SLC for American Land Council Meetings doing a presentation. There will be a 501C3 meeting held at Applied Technology Center on Wednesday.

Auditor Johnson will be in Big Water for a UCIP presentation.

**WHEREUPON THE MEETING ADJOURNED**

  
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Commissioner Clayson, Chair

  
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Karla Johnson, Clerk/Auditor