MINUTES OF THE
KANE COUNTY MUNICIPAL BUILDING AUTHORITY AND RDA
MEETING HELD TUESDAY November 22, 2022 at 2:00 PM
IN THE KANE COUNTY COMMISSION CHAMBERS
IMMEDIATELY FOLLOWING COMMISSION MEETING

CALL MEETING TO ORDER & WELCOME: Chairman Brent Chamberlain
PRESENT: Chairman Brent Chamberlain, Member Wade Heaton, Member Andy Gant, County Attorney Rob Van Dyke, Sheriff Tracy Glover, Clerk/Auditor Karla Johnson, Deputy Clerk/Auditor Candice Brown

CONSENT AGENDA: Approval of the September 13, 2022 MBA Minutes

Motion to approve MBA Minutes for September 13, 2022 made by Member Heaton and motion carried with all members present voting in favor.

REGULAR AGENDA:

1. **Approval of Kane County Road Shed Project Bid and Contract**

Bert stated that there were only two bids for the project and they came in really close to each other. He said that Matt had sent them a letter to clarify some stuff and they both revised their bids. Maxwell Construction's bid came in at $1,054,549 and then PRT Builders came in at 1,073,929.

Matt Henke said that his team sent out a specific request, it was to over 10 different contractors and only two responded and then in addition Karla placed it on the State website. He said that after reviewing them he thinks that either contractor would be a beneficial choice. It comes down to the priority of the County.

Member Chamberlain asked Bert if it made any difference on the timing with this.

Bert said that at this point they will not be in the building before the snow season ends. They are looking at the minimum being around March or April. It is not a deal breaker either way for him. PRT said they could start January 1, 2023 which he is not sure if they can have all the bonding in place and everything with CIB. Maxwell Construction said they can start in March.

Member Gant said that if there really isn't any objections he would just as soon keep it here in the County.

Motion to award the bid to Maxwell Construction for the new road shed made by Member Gant and motion carried with all Members present voting in favor.

2. **Consideration for Adoption of Resolution MBA-2022-1 Reauthorizing Bylaws for the Municipal Building Authority of Kane County, Utah; Confirming the Election of Officers for Such Authority; and Authorizing Other Action on Behalf of the Authority**

Member Chamberlain said that currently we have officers in place and will not until next year have new officers in place. He assumes we are confirming for what we currently have and then it will be dealt with again next year.

Attorney Van Dyke said that this action is a result of the lapse in registering the MBA with the State. He said they had already taken action authorizing Karla, him, and the chair to take any action necessary to reconstitute the MBA. They have done that by having the Articles of Incorporation drafted, signed, and submitted to the State. This is the next step that is just reauthorizing the bylaws. The portion that is electing the officers to the MBA is somewhat ceremonial. The members of the board of the MBA are the Commissioners and then every year they have to re-designate officers and the secretary treasurer is the County Clerk so come January that will be Chameill being elected as the secretary treasurer and then the new commission at that time will decide who the chair is. Attorney Van Dyke said that the bylaws are set up so that the chair of the commission is supposed to automatically be the chair of the MBA. He said the last several years they have specifically picked someone besides the commission chair to be the chair of the MBA. Today's action that elects the officers is just crossing the T's and dotting the I's so next year the Commission will have to look at it again when they reassign all the assignments.

Motion to approve Resolution MBA-2022-1 reauthorizing the bylaws and confirming election officers of the MBA made by Member Heaton and motion carried with all Members present voting in favor.

3. **Consideration for Adoption of Resolution MBA-2022-2 of the Municipal Building Authority of Kane County, Utah Authorizing the Issuance and Sale of Not More Than $3,500,000 Aggregate Principal Amount of Its Lease Revenue Bonds, Series 2022; and Related Matters**

Attorney Van Dyke said this is for the Kanab Center and Commission Chambers projects. He said that the bids were larger than previous and it went over the original parameters resolution so this is starting that process again so that they can do bonding for the higher amount.

Karla said that there was one typo in it because in one place it is for the Visitor's Center/Building B and Courthouse. We just need to eliminate that before it gets signed.

Mark said the parameters resolution does exactly what Attorney Van Dyke described. The only thing that has changed is the maximum amount of the borrowing. The County has already received authorization for a little over $3.2 million in financing from CIB. This resolution also authorizes certain people to make decisions within the parameters and it schedules a public hearing on January 10, 2023. They can't do the public hearing sooner because they can't get this in the newspaper until the 1st of December to put notice out.

Motion to adopt Resolution MBA-2022-2 authorizing issuance and sale of not more than $3,500,000 with conditions that the Clerk can edit language in the Resolution made by Member Gant and motion carried with all Members present voting in favor.

4. Zion Public Finance Invoice

Member Chamberlain said that Zion Public Finance is the County's financial advisor. He said that in this case they provide assistance with advice, counseling, and assistance on loans with CIB and other financial matters. With the Visitor's Center we used Zion Public Financing extensively up until the point that we transferred it to the LSD and the LSD chose to go with Lewis Young Robertson & Burningham. Member Chamberlain said that the CIB loan for the Visitor's Center is that the payment for the services rendered on that project by Zion Public Finance wouldn't be due until the bonds closed and the loan was issued and paid for out of the proceeds of the loan. However, with that changing and Zion Public Finance is not the financial advisor for the LSD, it became appropriate that he requested Mark send us a bill to cover the amount up to this point in time. We need to take care of that and then it will be up to the LSD to take care of anything beyond that. Member Chamberlain said that he anticipates this would be paid for out of the pass through grant money.

Karla said that the money has not all been transferred but it was on the contract, so we will need to look at a different source because the rest is to pay off the shuttle. She said that we do have funding in several other locations that would be appropriate to pay it.

Member Heaton asked if there was no more of the $2.9 million that is available.

Karla said that there is more available but they have signed the contract to send all the balance of it to the district.

Attorney Van Dyke clarified that there are no funds available to the County under the remaining funds of the $2.9 million Go Utah grant. He said that another source of funding for this could be a reimbursement of the TIF funds, either the 2.5% of administration or the 4th tier priority funding for projects.

Karla asked Attorney Van Dyke if it would be appropriate for her to bill the district for that much to cover it and then they pay us and use the bill to them as back up for us.

Attorney Van Dyke said that if the district is willing to pay this invoice and then submit it back to us for under the Go Utah funds then we could make that work, we just can't force them to do it that way.

Motion to approve paying this amount and then authorizing the County Clerk to move forward with the best method for getting it paid with the intent of Karla working with the district to get it paid through the Go Utah funds made by Member Heaton and motion carried with all Members present voting in favor.

5. **Designation of ARPA Funds for the Care & Share Building**

Member Chamberlain said that there has never been a discussion on how much of the ARPA funds were going to go to each building. He said the thing that needs to be done is balancing between loan and grant on this building. He would suggest that it would be advantageous to use all the grant money. Member Chamberlain said there should be a good opportunity to sit down and determine how much they have of the ARPA funds and where they would be eligible to use it.

Member Heaton said that the intent is to bridge whatever gap they might have past CIB.

Attorney Van Dyke said that him and Karla had discussed this and felt that it needed Commission discussion and approval but he thinks it is good for the MBA to have the discussion on which projects they would like ARPA funds to go towards. However, he thinks that ARPA and the authority to designate those funds is probably not the MBA. At some point this will need to go on the Commission agenda to take official action on designating the funds.

Karla said that the CIB wants the letter now, that we have the funding to support the amount that we have to come up with.

Member Chamberlain said that there is a $200K shortfall on the renovation for the Commission Chambers and Building B from what is available through CIB. They need assurance that we have the money to cover it before they issue bonds and the loan. He suggests that we go back to them with the number that says this is how much money we have in the ARPA fund and we will use what is necessary to cover that debt.

Motion to authorize Member Chamberlain to write the letter of intent to CIB that we have funds to cover any shortfalls on Building B and the Commission Chambers made by Member Gant and motion carried with all Members present voting in favor.

Motion to adjourn made by Member Heaton and motion carried with all members present voting in favor.

WHEREUPON MEETING ADJOURNED

Patty Kubeja
Chairman Patty Kubeja

Chameill Lamb
Secretary Chameill Lamb