

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
March 14, 2023
IN THE SCHOOL BOARD ROOM,
20 NORTH 100 EAST, KANAB, UTAH**

Present: Chairman Wade Heaton, Commissioner Celeste Meyeres, Commissioner Patty Kubeja, Attorney Van Dyke, Sheriff Tracy Glover, Clerk/Auditor Chameill Lamb, Deputy Clerk/Auditor Candice Brown

Also Present: Rhonda Gant, Shannon McBride, Taylor Glover

CALL MEETING TO ORDER: Commissioner Heaton

INVOCATION: Commissioner Meyeres

PLEDGE OF ALLEGIANCE: Commissioner Kubeja

WELCOME: Commissioner Heaton

PUBLIC COMMENT:

Tom Avant commented on item #5. He said that he knows there has been some discussion in the Planning Commission meeting as far as how SITLA is treated, whether they are AG or Commercial. SITLA has a mandate from the federal government to do the highest and best use of the property and if you lock all the property into the AG use that wouldn't allow them to do the highest or best use of the property. What is in the proposed ordinance doesn't follow the charter that SITLA has.

Aaron Langston with SITLA said he was not made aware of this proposed ordinance until today. They would love to be able to participate with how the County treats and handles SITLA on its land uses.

Tom Gardner lives in Vermillion Cliffs, very close to where the Willow Reserve development is supposed to happen. He said water is the problem with development, the developers do not consider our water problems. Tom asked the Commissioners to represent the taxpayers and residents, and to work for us and not the developers.

Tom Hill said the senior center does a great job. He thinks if they send the cooking to the jail it will be a tough act to follow because Tina does a wonderful job.

Kevin Barnes from Church Wells spoke to item #4. He said they are trying to get some roads improved in their community and feels like they are following the vision of coming together as a community, finding solutions to their problems, and working to address those problems. They are hoping they can get a support letter.

George Reese stated that he would like the Commissioners to start listening to the public on what the public wants.

CONSENT AGENDA:

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Motion to approve the Consent Agenda made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Discussion/Possible Action with the SITLA Easement Packet-Taylor Glover/Commissioner Heaton

Taylor Glover gave a background on the easement packet. He said prior to 2017, there was an issue because SITLA land doesn't have to adhere to certain laws. There had been a little bit of an issue with roads that the public or county used and thought were public rights of way or county roads, then being sold and closed or abandoned. In 2017, the state legislature allowed for ATV registration funds to be used to work on these perpetual easements with SITLA for counties around the state. Taylor said this packet is around 173 pages long and goes through quite a few roads. At the bottom of the packet are maps

that are associated with this packet of easements and you can tell that they are not legible, you can't really make out which roads are which. Recently, they have had a few experiences where they have ran into roads that members of the community or county have thought are county rights of way. As they have gotten into these intricacies of the easement, they have found there is maybe a few hundred feet of the easement that is missing. Taylor is asking if there is an appetite from the Commission to have him go and seek what it would cost to have these plotted and have the maps reflect what the actual easements are so that we have a better visual and understanding.

Commissioner Heaton thinks that there are instances in the County where we have public rights of way and public prescriptive easements that access other areas. He thinks if we don't have actual easements across some of this SITLA then we are going to short change ourselves and the public. Commissioner Heaton thinks it would be wise to spend the time and effort to find out where we have easements, find out where we do not, and then start to work with SITLA on it.

Sheriff Glover thinks it is in the County's best interest to have professional people go through the packet and figure out every piece of the roads as it crosses from section to section to see if the little clips/corners are included in the easement packet.

Aaron Langston with SITLA said if they have these digitized already, they will just give them to us for free. He said they want to resolve these issues as well and even if they don't have them digitized, he thinks they could do it for the County.

Commissioner Heaton feels strongly that we need to move forward with this and would like to authorize Taylor to do more research, figure out what help he might need, utilize SITLA and their offer, and see what this is going to take to get where we want to be.

2. Kane County Farm Bureau Partner Funding Request/Commission Heaton

Commissioner Heaton introduced Dusty Reese and Chris Heaton from the Kane County Farm Bureau stating that they wanted to share some ideas and thoughts with us.

Dusty Reese said they would like to talk about some partnership opportunities that we could have between our two organizations. She said the farm bureau has been around for over 100 years and is surprised this hasn't been done before. The farm bureau is important to the community for three reasons. 1) Is for leadership development. 2) Is for

advocacy, they do a lot to try and protect agriculture throughout the state and nation. 3) Is for Education, they try to get out with the kids a lot and out of the classroom. They also put on a farm field day and participate in the county fair. They are wanting to reach out more to the community and get that engagement.

Chris Heaton went over a couple things that they did last year. They are asking for a little money to help with community events because they have a very little budget.

Commissioner Heaton said agriculture has always been a big part of Kane County and the Farm Bureau has always been a big part of agriculture. He said this is consistent with a lot of counties and a lot of farm bureau chapters within their counties have done something similar to this.

Commissioner Meyeres asked if they were thinking of some kind of formal sponsorship or membership to where we could get some advertisement or acknowledgment.

Chris and Dusty both agreed with that and said that they could come once a year and report on where the money was used and what benefit it had on the community.

Motion to approve the expenditure of \$5,000 a year for the Kane County Farm Bureau pending County Clerk/Auditor review made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

3. Discussion/Action: Kane County Resolution No. R-2023-9 a Resolution to Appoint New Members to the Kane County Economic Development Board: Kevin Barnes, Mitch Stadtlander, Boyd Corry, Joseph Sorensen, and David W. Schmuker with Terms Ending 12/31/24/Commissioner Meyeres

Commissioner Meyeres said that the Kane County Economic Development Board is an advisory board that has members from various segments of the population. They are volunteers that serve a two-year term. The new members being appointed are Kevin Barnes, Mitch Stadtlander, Boyd Corry, Joseph Sorensen, and David W. Schmuker.

Motion to adopt Kane County Resolution R-2023-9 a Resolution to appoint new members to the Kane County Economic Development Board made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-Aye
Commissioner Kubeja-Aye
Commissioner Meyeres-Aye

4. Discussion/Action: Letters of Support for Community Project Funding Requests from Throughout the County/Commissioner Meyeres

Commissioner Meyeres said the Community Project Funding through Representative Chris Stewart's office have been working with us and the County and other various governmental entities within the county that are asking for some funding from this program. The County has received three requests for letters of support. The first request is from the Church Wells, while they are fixing their water they would also like to fix their roads. The other two requests are from the City of Kanab for water infrastructure improvements and some trail improvements. The Commission is unanimously in support for those asks even though we have a competitive ask of our own related to fixing the Coral Pink Sand Dunes road.

Sheriff Glover said they are putting a law enforcement application together for this as well. They were approached by Congressman Stewart's office because they want to fund some law enforcement projects, so they would also like a letter of support from the Commission.

Commissioner Heaton said that we could authorize Commissioner Meyeres to help with whatever support letters come through.

5. Ordinance 2023-07: An Ordinance Revising Kane County Land Use Ordinance Chapter 4 Zones and Chapter 7 Article D State Lands-Shannon McBride/Commissioner Heaton

Shannon said the first part of this is due to zoning, the P&Z requested that she put together some different suggestions as far as people coming back and doing zone changes in the same year. She went to a couple different ordinances and got the language but Attorney Van Dyke emailed some new suggestions today.

Attorney Van Dyke said in this ordinance, in the "whereas section" he changed it to summarize what the changes were, there were two changes. The first change is if someone applies for a zone change and they are denied, there is a one-year waiting period to apply again for the same piece of property for the same zone that they would like to change it to. There is exceptions to it, if there is a substantial change in circumstances or new evidence that is sufficient to merit a consideration of another application. In his draft he took it out of Subsection 4 and is creating a new Subsection 9-4-5 and it clarifies that zone change applications have to be submitted in accordance with state law and then by submitting a complete application. In new Subsection B, it sets forth the one-year waiting period with the exception. It also delegates that the Land Use administrator is the one that can determine if there is substantial change in circumstances. Attorney Van Dyke said the second change is how we process applications for recommendations when someone is proposing to develop on any state land, but specific to SITLA. Attorney Van Dyke said when they first put this ordinance in place it said that SITLA land is not zoned but would be considered as if it were zoned Commercial 2. Last year we changed the Commercial to AG, so that all SITLA parcels were considered to be zoned AG (again, we don't have the ability to actually zone them).

Aaron Langston with SITLA said when they go to engage with a developer that wants to develop SITLA land they have to analyze their offer, which usually triggers an appraisal. If the county has a zoning in there (even if it is artificial), they are going to look at the zoning and say that the highest and best use for it is Agriculture, so the amount is going to be very low. SITLA has a mandate from the federal government that their fiduciary responsibility is to generate as much money as possible for the beneficiaries. Most of the lands are school kids/public education, so this is kind of in opposition to that. He predicts if this is all Agriculture, and they do try to bring something forward, then everyone is going to come around and say that the County is now trying to rezone and this is supposed to be AG land. If there is something different then it is going to upset people. We don't want to go down that road and put it in peoples minds that this is just AG lands. These lands were not given by the federal government to become AG lands because the purpose was to generate money for the beneficiaries.

Attorney Van Dyke said the Commission is not zoning SITLA today, has never zoned SITLA parcels, and is not changing the zoning. It is further clarifying that there is no zoning applied to SITLA.

Commissioner Heaton thinks we need to make this as easy of a process that we can for SITLA as they are here by requirement but are going through the motions (in some degree) and at the end of the day they can do whatever they want to on the property. He

thinks we should simply call it SITLA and Shannon can come up with some recommendations and submit them to SITLA.

Commissioner Meyeres would definitely go for the idea that Commissioner Heaton presented of leaving it as a SITLA zone.

Aaron said he thinks SITLA would be supportive of it being called a SITLA zone. He is not at all comfortable with an AG zoning, even if it is to be changed later.

Motion to table agenda item #5 until the March 28th Commission meeting made by Commissioner Kubeja and motion lost with Commissioner Kubeja voting aye, Commissioner Heaton voting nay, Commissioner Meyeres voting nay.

Commissioner Heaton-Nay
Commissioner Meyeres-Nay
Commissioner Kubeja-Aye

Motion failed. Commissioner Heaton entertained another motion.

Motion to instruct Attorney Van Dyke to recraft Ordinance 2023-07 that removes the references to zoning and says that we are going to call it SITLA and provide recommendations then have it come back to the March 28th Commission Meeting for the Commission to review made by Commissioner Meyeres and motion carried with all Commissioner present voting in favor.

Commissioner Heaton-Aye
Commissioner Kubeja-Aye
Commissioner Meyeres-Aye

6. Discussion on the Kane County General Plan and Review of Recommendations from the Planning Commission Regarding the Acknowledgement Page-Shannon McBride/Commissioner Heaton

Attorney Van Dyke said there is nothing substantive on the recommended changes to the General Plan. It is a heads up because essentially at every meeting in Planning and Zoning for however long it takes, they will be taking bits and pieces of the General Plan and making recommendations and sending them to the Commission for further review.

He suggests that they look at the recommendations as they come, but just have one final ordinance as one update to the General Plan once they get through the process.

7. Zone Change/Ordinance 2023-09: Zion Mountain Development-Shannon McBride/Commissioner Heaton

Shannon said with this zone change Kevin Mclaws is asking to go to C-2, it is in the area where the visitor's center is going in. She said the reason Kevin didn't put this in the original application was because he didn't have the property deeded off yet, that is why he is bringing it back.

Commissioner Heaton mentioned that this zone fits and is consistent with a lot of the other zones in the area.

Motion to adopt Ordinance 2023-09: Zion Mountain Development made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-Aye
Commissioner Kubeja-Aye
Commissioner Meyeres-Aye

8. Zone Change/Ordinance 2023-10: Carter-Shannon McBride/Commissioner Heaton

Shannon said this is currently zoned Residential-1 and they are asking for it to be changed to C-1. P&Z unanimously voted to approve this zone change.

Motion to approve Ordinance 2023-10 a zone change from R-1 to C-1 made by Commissioner Kubeja and motion carried with all commissioners present voting in favor.

Commissioner Heaton-Aye
Commissioner Kubeja-Aye
Commissioner Meyeres-Aye

9. Discussion/Action: Kane County Resolution No. R-2023-10 a Resolution Authorizing the Temporary Closure of Certain County Roads to Heavy Vehicle Traffic Due to High Snow Pack and Kane County Ordinance No. O-2023-11 The Temporary Road Closure Ordinance/Commissioner Heaton

Commissioner Heaton said in the northern half of the county we have some unusually high snow packs right now, it is creating some unique and unusual challenges on some of the county roadways. They have had subdivisions approach them about closing those roads to heavy vehicle traffic for fear of the damage that might be done. He thinks it is in the best interest of the county to protect those roads and keep heavy traffic off them until the roads start to harden some.

Attorney Van Dyke said the resolution is more messaging. There wouldn't necessarily be an enforcement mechanism to it. The ordinance that is before them needs to be posted for four weeks and have a public hearing because of the potential closure of roads involved. He said the resolution could be approved today but if someone was to violate it there is not much we could do. He also needs to have a definition of heavy vehicles.

Commissioner Heaton asked if the resolution would authorize a Commissioner or the Road Dept. supervisor.

Attorney Van Dyke said the way it is set up, it would be the Commission chair that would impose the restriction upon recommendation from the County Road Dept. supervisor.

Commissioner Heaton mentioned they wanted to add that heavy vehicles have a gross weight of over 10,000 lbs.

Commissioner Meyeres asked if there could be an exception to emergency vehicles/ vehicles for different extenuating circumstances.

Motion to approve Kane County Resolution No. R-2023-10 a Resolution authorizing the temporary closure of certain County roads to heavy vehicle traffic due to high snow pack with the changes requested regarding emergency vehicles and situations made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-Aye
Commissioner Kubeja-Aye

Commissioner Meyeres-Aye

10. Discussion/Possible Action on Adding Contract with Greg Hughes as Policy Advisor/Commissioner Meyeres

Commissioner Meyeres stated Greg Hughes is a policy advisor that helps Washington County and the Sheriffs Association. She said they have seen those two entities have some pretty big successes working with him.

No action is needed on this item, they just wanted to be transparent and talk about what they are doing and what their priorities are as a county.

11. Discussion/Possible Action for the Commission Chamber Remodel Parking Issue/Commissioner Kubeja

Commissioner Kubeja stated that we are in the middle of the Commission Chamber remodel and ran into a snag because we were taking away the handicap parking and was going to be put on the road, which is on the right of way with the city so we had to get permission from the city. We are also short on parking spaces per the city ordinance so we are doing an agreement with the school board to be able to use the parking across the street.

Motion to authorize Commissioner Kubeja to sign an agreement for parking with the School District made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

12. Discussion/Possible Action on the Courthouse Remodel-Lease Renewal/Commissioner Kubeja

Commissioner Kubeja stated that right now we are doing a remodel of the Commission Chambers and Building B/gym. She also mentioned that the state leases the courthouse from us and they have needed some safety protection things put into place. This remodel was discussed in 2020 and then COVID happened. Most of the court was meeting

virtually, so the need wasn't as great, but we are in the middle of the remodel, so the sheriff and her talked about maybe tying this remodel of the courthouse entrance into the remodel that is already happening.

Sheriff Glover said the magnetometer, security area, is right outside the main door of the court, and nobody likes that. They have tried to revamp it a couple ways but haven't been able to land on anything that works. Something that has been discussed numerous times over the years is pushing the entrance out and making a lobby. Sheriff Glover said it was brought to his attention a couple meetings ago that the state Administrative Office of the Courts is renegotiating our lease agreement right now, so it led to a discussion with our representative from the Administrative Office of the Courts and he is amenable to the idea of adding that to our construction process. We would need to decide how to pay for it and get an estimate on how much it will cost.

Commissioner Heaton feels like if we do not do it now while we have contractors here then it will probably never get done. The time seems to be right and he is in favor of pursuing to see where it goes.

Motion to move forward with pursuing the courthouse remodel and the renegotiation of the lease with the state for security purposes made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

13. Discussion on Active Living Center Meals/Commissioner Kubeja

Commissioner Kubeja said there had been discussion on pursuing different options for the meals at the Active Living Center for the seniors. The previous Commission had approved to pursue a contract to have the meals prepared at the jail but due to multiple challenges on both sides, the contract was never put into place. She met with Jerica, the Sheriff, and some other members and decided another course of action would be pursued. They wanted to let the public know the courses of action that they are pursuing right now to be able to provide these meals to the community.

Sheriff Glover said the idea of the jail kitchen providing the Meals on Wheels started when Craig Hansen was the director of the Senior Citizen Center. The jail provides around 600 meals a day through a private vendor. He said it was difficult at the time to get the menu and other things to work, so it did not end up going back then. They revisited it at the request of Commissioner Chamberlain more recently and the vendor felt

like they could do it, so they entertained it cautiously, but in the end, they have had a lot of hurdles to get through and feel like other options might be better.

Commissioner Kubeja said the meals are currently cooked in Orderville and one of the struggles is there is only one cook up there and not the staff to help out if that cook needs a day off. It was decided that we should centralize the operation down in Kanab where there is a bigger staff and more flexibility. She said we could remodel the current kitchen which is fairly new but some decisions were made that were not the best for the preparation of the meals there, so there would be a cost to that. Commissioner Kubeja said Jerica has talked to some people that have done large amounts of cooking and given her ideas on how to maximize the current facility we have with a minimal expense.

Jerica said she has been talking to a couple consultants, she doesn't have any prices on what it would cost to remodel the current kitchen but it is doable. She thinks the best option for them would be if they could get a kitchen built in the new Community Outreach Center.

Sheriff Glover said it seems like there might be some wisdom in looking at a chunk of square footage in that building that might make sense for a more modern commercial kitchen that Jerica could operate the Meals on Wheels out of sometime in the future. He thinks this could be a realistic option and that the Commission should carefully look at it as part of that project.

14. Discussion/Possible Action on an Interagency Agreement for Transferring Funds to the BLM/Commissioner Kubeja

Motion to continue agenda items #14, #15, #16 made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

15. Review of 2023 Legislative Session/All Commissioners

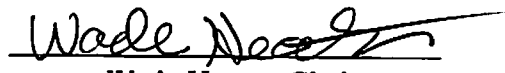
See motion on item #14.

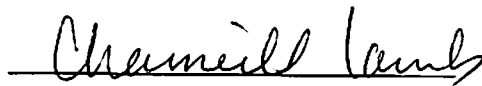
16. Commissioner Report on Assignments/All Commissioners

See motion on item #14.

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

WHERE UPON MEETING WAS ADJOURNED


Wade Heaton Chairman


Chameill Lamb Clerk/Auditor

