

MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
June 27, 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, Janette Peatross, Ryan Maddux, Torrey Cluett, Taylor Glover

CALL MEETING TO ORDER: Commissioner Heaton

WELCOME: Commissioner Heaton

INVOCATION: Commissioner Kubeja

PLEDGE OF ALLEGIANCE: Janette Peatross

PUBLIC COMMENT:

No public comment.

CONSENT AGENDA:

Check Edit Report:

Motion to approve the Consent Agenda including the minutes from June 6, 2023 and June 13, 2023, as well as the check edit report made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Presentation and Discussion with County Assessor: General Assessment and Tax Overview/Commissioner Kubeja

Ryan Maddux, Kane County Assessor, gave a general overview of the tax process in Utah and what his office does. The big thing he focused on was tax shifts, because they are a big deal and sometimes hard to see. He said they could happen for a variety of reasons. Tax shifting happens every year as markets change. In Utah, we value as of the lien date, which is January 1 of every year. For the 2023 tax year, that is the 2022 calendar year market data that is analyzed and sets values for the upcoming tax year. Ryan continued to give the Commission an illustration of what the tax shift is.

2. FY24 Kane County Bailiff and Security Contract/Commissioner Kubeja

This contract is for the County Sheriff providing bailiff and security at the courthouse. This annual contract has been in place for many years.

Motion to approve the contract for the Fiscal Year 2024 Kane County Bailiff and Security contract with the state made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye
Commissioner Meyeres-aye

3. Discussion/Possible Action on Renaming the Kanab Center-Torrey Cluett/Commissioner Heaton

Torrey said he has spent the last month and a half meeting with all the town councils and mayors of Glendale, Alton, Big Water, and Orderville. They were all very receptive, responsive, and appreciative that we reached out to them for some input. Each one of the town councils gave letters in support of both the name change and logo change as well as given the option of two different selections they are down to, which are “The Kane County Convention Center” and “The Kaneplex Convention Center”. All four of the towns selected the “Kaneplex” name to be associated with the facility. Torrey said the reason for the request of a name change and logo change is because they are trying to get

into a mass marketing and solicit some bigger and better business to come here. In addition to doing that, he needs to make it a little more marketable. This has been in the motion for Torrey for about a year and a half. He has everything on hold waiting on a decision.

Commissioner Heaton has had some people reach out to him with some concerns. He would like to hear from Kanab City Council and the mayor to see where they are at with this.

Commissioner Meyeres still thinks we need to hear from the public at large, not just the officials. It might not be a bad idea to have some kind of town hall or open house with kiosks set up.

Commissioner Kubeja thinks they need to get more input from the community. She also thinks that the name “Kaneplex” sounds industrial to her.

Torrey said the reason they were thinking of going with that name is because it is already an established name in the county. The intent would be to be able to put all event facilities under one umbrella.

Motion to have Torrey work with our Government Affairs Department in scheduling a coordinating one, but preferably three, open house type meetings in the month of July to get more public input made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye
Commissioner Meyeres-aye

4. Review/Approval of Public Defense Contract/Grant Funding-Candace Reid/Commissioner Kubeja

Commissioner Kubeja said this is a contract for the next fiscal year for our public defense and then there was a grant that was applied for, that will go towards that.

Candace mentioned that this was simply a renewal to continue the services with the contracts that are already in place.

Motion to approve the Fiscal Year 2024 Public Defense Contract and the Grant funding that goes along with it made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye
Commissioner Meyeres-aye

5. Kane County Resolution No R-2023-16 a Resolution Enshrining the Continued Significance and Display of the Utah Historic State Flag/Commissioner Kubeja

Commissioner Kubeja said last meeting we discussed making this a resolution stating that Kane County and all their buildings would fly the historic flag. It also proposes that the historic flag would fly above the new flag.

Attorney Van Dyke said the way the new law is set up, is that it requires state level entities to display the new state flag. It gives discretion in certain circumstances to the governor to choose to fly the “historic flag”. The governor's executive order was to exercise his full discretion in having the historic flag flown as often as possible as he was allowed under the new law. Attorney Van Dyke does not see anywhere in the current law where it prevents us from flying the historic flag. The only issue is that if we choose to fly both flags, state law does require the new state flag is flown higher. The governor is asking that the state change the law so that the historic flag would be flown higher.

Motion to approve Kane County Resolution No. R-2023-16 a Resolution Enshrining the Continued Significance and Display of the Utah Historic State Flag made by Commissioner Kubeja and motion carried with all Commissioner present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye
Commissioner Meyeres-aye

6. Discussion/Approval of New Contract for the Tilted Mesa Toilet not to Exceed 70K Contingent Upon State Contribution of 10K/Commissioner Kubeja

Commissioner Kubeja said this toilet is for the Tilted Mesa trail that is east of town. The prices have gone up. Kane County had committed \$50K for the toilet, they want a

different one so the state is going to put in the additional funds, which is up to \$70K. The state will make up the difference, but we do have to pay for this first to get reimbursed. There is money in the trails fund to cover the expense until we get reimbursed from the State of Utah.

Kelly said that this vault toilet that they want to purchase is a much better option for that area and the state agreed to cover the difference on the cost.

Motion to approve the new amended contract for the Tilted Mesa Toilet not to exceed \$70K contingent upon a total State contribution of \$20K made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye
Commissioner Meyeres-aye

7. Kane County Resolution No. R-2023-15 a Resolution to Join the Multiple Use Alliance Against Proposed BLM and USFS Rules/Commissioner Heaton

Commissioner Heaton said there is a group called the American Stewards of Liberty that has helped with a lot of Western State Public Land issues. They have formed a Coalition between dozens of western counties to push back and fight against the BLM's new proposed Conservation Rule. This resolution provides us the authority to join this alliance.

Commissioner Meyeres said we already have a pre-existing relationship with the main entity that is creating this alliance. She wonders if we should strike the numeral 2 on this contract, since it has been indicated that we are not necessarily going to be required to give an additional certain amount of funding. We could always decide later to contribute a certain amount.

Motion to adopt Kane County Resolution No. R-2023-15 with numeral 2 being stricken, which reads "Kane County hereby commits fund in the amount of blank dollars to the Alliance to help support its efforts in fighting against the above mentioned regulation" made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye

Commissioner Kubeja-aye
Commissioner Meyeres-aye

8. Discussion/Vote on the Following County Economic Opportunity Board Funding Recommendations/Commissioner Meyeres

1. East Zion Trails Wilderness Study Area (WSA) Resurvey Project

Request for \$5,000

2. Additional Customer Service Trainings

Request for \$5,220

3. Kane County School District Cosmetology Program

Request for \$50,000

4. Duck Creek Community Center Planning

Request for \$10,000

5. Women in Leadership Institute

Request for \$5,000

6. Big Water Road Intersection Improvement

Request for \$25,000

The Commission received recommendations from the County Economic Opportunity Board (CEO) to award this \$100,220.00 split between the six entities.

Commissioner Meyeres clarified that this is monies from an existing fund that has been allocated from the state specifically for this purpose.

Motion to approve all six funding of the funding asks in their entirety based on the recommendation from the County Economic Opportunity Board made by

Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton aye

Commissioner Kubeja-aye

Commissioner Meyeres-aye

9. Zone Change/Ordinance 2023-21: SITLA for Camp Korongo/Commissioner Heaton

Shannon said on this they are just asking for a zone change. They are asking to go to C-2 and Residential-5. They are requesting that 230 acres to go to Commercial-2 and 248 acres to go to Residential-5. The parcel has a total of 478 acres.

Tom said this is a preemptive zone change. What they are asking is that instead of property going to AG zone when it becomes private, is that the east and southeast portion become zoned C-2 and then the west side and northwest portion become R-5, which R-5 is more restrictive than AG and that is why they want to do that, to protect the existing homeowners. The C-2 portion would cover just the area that the Commission has granted recommendations to SITLA on. Tom has been working with Aaron Langston, with SITLA, to write the formal acceptance of those recommendations and inclusion into the contract. That letter should be forthcoming.

Commissioner Heaton mentioned that this project has basically been approved, it is on SITLA property. The reason they are coming before us now is because there is going to be a change in ownership, it is going to become private. In accordance with our ordinance, there is a preemptive zone change request. This is what we are hearing today.

Commissioner Meyeres asked if it was for sure changing hands.

Tom said SITLA had the option and they have voted to joint venture with Canyon Global Group.

Attorney Van Dyke said the owner of the property is not going to be the state, it is going to be the LLC. He mentioned that the proposed ordinance says that the entire property is going to be zoned both R-5 and C-2.

Shannon said the ordinance has the legal description of the C-2 zone with 230 acres and then the R-5 zone with 248 acres.

Attorney Van Dyke asked if that split the property.

Shannon said that it did split the acreage.

Attorney Van Dyke clarified with Shannon that the intent was for the one part be R-5 and the other be C-2. He said the ordinance might need to be tweaked a little if that is what the Commission agrees to approve.

Tom asked that they also make the motion contingent upon receiving the formal acceptance letter from SITLA.

Commissioner Heaton said we submit recommendations to the SITLA board and they can approve them, but what does that mean? He likes our recommendations and wants them to be followed because it limits the uses in C-2, which is what he wants, but it does put us in a weird place because you cannot have a conditional zone change. They felt that if they could get a letter from SITLA that would basically say that SITLA is accepting Kane County's recommendations then they could submit that to us in a recordable form. We could then record that and then the recommendations/restrictions could go with the property as it changed ownership hands.

Attorney Van Dyke clarified that the recommendations that were sent to SITLA and then being formally accepted by SITLA, the effect of it is that those recommendations become binding conditions on the land at the time that the land transfers into private ownership. What Tom is suggesting is that the condition that takes place before this ordinance would become effective is the letter back from SITLA saying they accept the recommendations.

Sujatha Ramakrishna said from her understanding, SITLA could still do this without the zone change. She does not see what the urgency is on allowing this zone change that a lot of the community is upset about. She also thinks this will affect the community and the neighbors.

Amy Affeld asked if there is any plan to grant an easement for the section of BLM property that is directly to the south.

Attorney Van Dyke said from his perception it is intentionally created to prevent the public from accessing it. They want their clients to be able to access it without the public accessing it.

Tom said there is a County Prescriptive Easement that runs along the west side of property, and then there is a private road on the east side that goes through the Crosby's property. There are some trails on the property, but they would not be considered public or prescriptive.

Commissioner Meyeres said there are certain routes that might not be accessible in the future, but there are definitely accesses (especially on foot) to the BLM parcel from 8-Mile Gap.

Motion to adopt Zone Change/Ordinance 2023-21 contingent upon receiving the recordable letter from SITLA, adopting all of Kane County's recommendations for the parcel. With the understanding, our County Attorney will re-word for clarity that the zone changes are for the individual legal descriptions for the R-5 and C-2, and additional instructions about amending the zoning map with the Land Use Administrator made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye
Commissioner Meyeres-aye

10. Reauthorization of Kane County Ordinance 2007-5 Kane County Duck Creek Days Ordinance/Commissioner Heaton

Attorney Van Dyke said we have from year to year brought this on the agenda, but have discovered there was an ordinance in place that essentially lets the sheriff do it. For some reason this ordinance didn't survive the codification that we went through in 2011. It is listed in the ordinance that codified all our ordinances as being approved, but didn't make it into the codification. We are just asking for the Commission to reauthorize the ordinance and then the County Clerk's Office will send it to the codifiers.

Motion to reauthorize Kane County Ordinance 2007-5 Kane County Duck Creek Days Ordinance to close the road partially for Duck Creek Days made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Heaton-aye
Commissioner Kubeja-aye
Commissioner Meyeres-aye

11. Review of 2023 Legislative Session/Full Commission

Nothing to review at this time.

12. Commissioner Report on Assignments/Full Commissioners

No reports at this time.

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