

**Kanab City Council Meeting**  
**May 22, 2018**  
**Kanab City Council Chambers**  
**26 North 100 East**

**PRESENT:** Mayor Robert D. Houston, Council Members Joe B. Wright, Michael East, Brent Chamberlain, Jeff Yates and Byard Kershaw, Recorder Joe Decker, Attorney Jeff Stott and Secretary Katherine Ohlwiler.

Prayer was offered by Joe B. Wright and the pledge was led by Jeff Yates. Mayor Houston called the meeting to order and roll call was taken.

**APPROVAL OF AGENDA:** A motion was made by Jeff Yates and 2<sup>nd</sup> by Byard Kershaw to approve the agenda for May 22, 2018 with the correction on transportation. Motion passed.

**APPROVAL OF MINUTES:** A motion was made by Brent Chamberlain and 2<sup>nd</sup> by Joe B. Wright to approve the minutes of May 8, 2018. Motion passed.

**APPROVAL OF ACCOUNTS PAYABLE VOUCHERS:** A motion was made by Joe B. Wright and 2<sup>nd</sup> by Jeff Yates to approve the accounts payable vouchers and check register dated May 22, 2018 in the amount of \$121,217.98. Motion passed.

**PUBLIC COMMENT PERIOD:** Jon Carlson wondered about the paper stating there would be an opening on the Council and the position would be filled from a previous list. Mayor Houston informed Mr. Carlson that they are taking applications until June 15<sup>th</sup> and the Council will make the selection.

A motion was made by Brent Chamberlain and 2<sup>nd</sup> by Jeff Yates for the Mayor to go in and out of public hearing at his discretion for all three public hearings. Motion passed.

**PUBLIC HEARING TO DISCUSS THE IMPLEMENTATION OF THE IMPACT FEE ENACTMENT**

**ORDINANCE:** Into public hearing.

Gary Mudrow hopes that the City Council has exhausted every other means through grants for these projects instead of imposing it all on new construction, he explained if the impact fees are left unchecked it is a value that is not recognized on appraisals. Mr. Mudrow continued that it will make home ownership less affordable for the residents of the City and make home ownership less obtainable for the low-income families. Mr. Mudrow cautioned the Council to use every other means instead of just raising all the money from impact fees.

Lynette Foster expressed when she moved here in 1990 her understanding was that there was a water system in place to provide water for at least 10,000 residents, now the estimate is there are 4,000 residents, six thousand people less than what the water system was set up for. Mrs. Foster wondered if this difference was taken into consideration.

Jeff Peterson appreciates the time and effort into the studies and he thinks the growth rate is a little aggressive but does support the impact fees, make sure amounts are doable when it comes to the market.

Ben Clarkson explained in his role with sales and development in real estate, he appreciates the process and there is a need for impact fees depending on what the market will bear something that will be absorbable but not detrimental. Mr. Clarkson thinks that the impact fees need to be revisited in the current market.

Scott Colson explained last time he asked about if the council had willingness to consider fee waiver and wondered if that had been discussed.

Jeff Stott said the ordinance that they have written does allow for a whole or partial waiver done by a case by case basis, unless the council wanted to establish definition now and include it in this ordinance.

Dirk Clayson wondered if multiple housing units may have some discount for the number of units involved, instead of being two full impact fees it could be a percentage.

Amy Sorenson explained about duplexes and looking at the bigger water line that will be put into the property the higher the impact fee will be. Mrs. Sorenson recommended reducing the percentage instead of per unit.

Lynette Foster explained she was involved when the owners of Montezuma Villa Apartments were going to build sixteen more units and because how it was designed they had to run a new line to get back to the new units for the fire hydrant. The city was going to charge a hundred thousand dollars just for that. She continued to explain that's what stopped those sixteen units from going in and is afraid that's what is going to happen again with similar issues.  
Out of public hearing.

**VOTE ON ORDINANCE 5-1-18 O “An Ordinance of Kanab City Approving and Adopting an Impact Fee Facilities Plan and Analysis for Public Safety, Recreation, Water, Wastewater, Storm Water and Transportation; and Establishing and adopting an associated Impact Fee for each Plan & Analysis to meet the demands of new growth”:** Mayor Houston asked the Council for their opinions and if they were in favor of the maximum allowable impact fee. Michael East explained he is in favor of approving the max allowable amount in the ordinance but when it comes to rates, he is not in favor of the max amount. The council members agreed. Jeff Stott expressed adding a paragraph to the ordinance stating “The City Council may by resolution change the amounts for impact fees to be paid as long as such amounts do not exceed the maximum amount established in this Ordinance. Amounts will be passed by resolution and posted in the consolidated fee schedule.”

Jeff Stott explained that you enact the max amount in the ordinance and then in the resolution you set the actual fees.

A motion was made by Joe B. Wright and 2<sup>nd</sup> by Michael East to adopt Ordinance number 5-1-18 O, An Ordinance of Kanab City Approving and Adopting an Impact Fee Facilities Plan and Analysis for Public Safety, Recreation, Water, Wastewater, Storm Water and Transportation; and establishing and adopting an associated Impact Fee for each Plan & Analysis to meet the demands of new growth; this ordinance amends, supersedes or replaces the existing Kanab City Impact Fee Analysis with the addendum that has been read in by the City's Attorney. Motion passed by roll call vote.

**DISCUSS - VOTE ON ORDINANCE 5-2-18 O "AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 14 STORM WATER UTILITY":** Jeff Stott explained a few grammatical corrections he wanted to make. Mayor Houston expressed that this is an enterprise fund and the money that will be collected will go directly into the fund and treated solely for storm water. A motion was made by Joe B. Wright and 2<sup>nd</sup> by Brent Chamberlain to adopt ordinance 5-2-18 O an Ordinance Amending Kanab City General Ordinance Section 14 Storm Water Utility with the corrections noted in section 14-840 and 14-820 and typos as noted by the attorney. Motion passed by roll call vote.

**VOTE ON RESOLUTION 5-1-18 R "A RESOLUTION AUTHORIZING JOSEPH DECKER AND KATHERINE OHLWILER TO MAKE CHANGES TO PTIF ACCOUNTS:** A motion was made by Jeff Yates and 2<sup>nd</sup> by Byard Kershaw to approve resolution 5-1-18 O A Resolution authorizing Joe Decker and Katherine Ohlwiler to make changes to PTIF accounts. Motion passed by roll call vote.

**PUBLIC HEARING TO CONSIDER INCREASING WATER, SEWER, STORM WATER AND MISC FEES:** Joe Decker explained to the Council in their packets the highlighted changes to some of the fees. Into public hearing.

Celeste Meyeres wanted to say the rates are quite low now and the proposed increases sound reasonable.

Amy Sorenson wondered if all the figures would be approved or would it be one by one. Out of public hearing.

Mayor Houston asked the Council if anyone was in favor of charging the maximum amount of Impact Fees. The Council was not in favor of that although a suggestion was made to select the amount they will charge and then phase in the amount over a period.

Joe B. Wright thought the fees should go by project. Jeff Yates thought it would be difficult to go project by project. Brent Chamberlain explained beyond 2018, depends on where things will develop.

Michael East added the monthly user fees need to balance out the impact fees.

Mayor Houston explained the only fee that will impact the impact fees is the storm water fee. Michael East expressed growth impacts storm water as much as anything else and should be closer to the max fee. Brent Chamberlain explained the biggest ticket item they have is not impact fee eligible and justifying a max doesn't make sense to him.

The council was tentatively in favor of option 1 with a storm water user fee of 12.91. They then went through each Impact Fee topic and decided on a low and a high number for the fee. Michael East and Joe B. Wright were okay with \$9000 as the total Impact Fee amount being phased in. While Jeff Yates and Brent Chamberlain thought, the fee should be revisited each year. A motion was made by Brent Chamberlain and 2<sup>nd</sup> by Byard Kershaw to phase in the dollar amount they settle on, over a three-year period starting at 50% year one, 25% in year two and another 25% in year three and those be automatically phased unless the Council does otherwise in those periods. Motion passed by roll call vote with three yeas and Councilman East and Councilman Wright voting nay.

A motion was made by Michael East and 2<sup>nd</sup> by Brent Chamberlain to approve impact fees in the total amount of \$9000 to be allocated to those percentages. Motion passed by roll call vote with four yeas and Councilman Yates voting nay.

A motion was made by Joe B. Wright and 2<sup>nd</sup> by Brent Chamberlain to set the Commercial Impact fee rate at 29% of the maximum amount with 100% collection on the starting date. Motion passed by roll call vote.

A motion was made by Joe B. Wright and 2<sup>nd</sup> by Byard Kershaw to adopt Resolution 5-2-18 R A Resolution adopting the Kanab City consolidated fee schedule adding, shall go into effect July 1, 2018 except for impact fees which shall go into effect August 22, 2018. Recognizing option 1 of the impact fees including the amended. Motion passed by roll call vote.

**PUBLIC HEARING TO CONSIDER ADOPTING OPERATING BUDGET FOR FISCAL YEAR 2018/2019:**

Into public hearing. Out of public hearing.

A motion was made by Jeff Yates and 2<sup>nd</sup> by Byard Kershaw to approve resolution 5-3-18 R A Resolution Adopting Budes for the City of Kanab for the Fiscal Year ending June 30, 2019. Motion passed by roll call vote.

A motion was made by Joe B. Wright and 2<sup>nd</sup> by Brent Chamberlain to adjourn.

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Mayor

Date

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Recorder

Date