

**Kanab City Council Meeting**  
**June 12, 2018**  
**Kanab City Council Chambers**  
**26 North 100 East**  
**6:30 PM**

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

Prayer was offered by Jeff Yates and the pledge was led by Byard Kershaw. 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 June 12, 2018 agenda. Motion passed unanimously.

**APPROVAL OF MINUTES :** A motion was made by Byard Kershaw and 2<sup>nd</sup> by Jeff Yates to approve the May 22, 2018 meeting minutes. Motion passed unanimously.

**APPROVAL OF ACCOUNTS PAYABLE VOUCHERS:** A motion was made by Jeff Yates and 2<sup>nd</sup> by Michael East to approve the check register and accounts payable vouchers dated June 12, 2018 in the amount of \$341,331.75. Motion passed unanimously.

**PUBLIC COMMENT PERIOD :** None.

**Public Hearing to Discuss Revisions and Amendments to the Kanab City Land Use Ordinance Chapter 4-33 [Residential Outside Lighting ], Chapter 6-8 [Lighting of Parking Lots], Chapter 7 [Signs] and any other chapters related to outside lighting regulations in all residential and commercial zones :** A motion was made by Michael East and 2<sup>nd</sup> by Byard Kershaw to go into Public Hearing at the call of the Mayor. Into public hearing.

Rich Csenge spoke briefly about the history that has gone into creating this ordinance, surrounding cities that have a dark sky designation, cost of becoming dark sky compliant and acting now to preserve our night sky.

David Mortenson explained when he built a home here his goal was to have lights that didn't light the sky, the lights he purchased were considerably cheaper than normal lights. As Mr. Mortenson was looking through the ordinance, he thought it was simple to meet as far as building a home or modifying the home.

Tim Clarke explained that change happens and wonders if it's going to be dictated by others or guided by us. Mr. Clarke is in total favor of this ordinance expressing that it represents strength for this community and protects us.

Russell Duff explained he is in favor of the ordinance and expressed what bothers people is the idea of more regulation, unreasonable light pollution is like excessive noise. Kanab would be a much pleasanter and more likely place to visit.

Scott Colson wondered if residential homes no longer had a timetable in which it had to be retroactive. Not everyone is as in favor of this as thought, he agrees that we need to protect the night sky, anything that was retroactive should be removed. Mr. Colson explained that this is not really an issue for us currently in the City enacting more ordinances to address an issue that we don't have isn't necessary. He also disagrees with the color chart of the light. There should be some science to back up the health and safety concern and we shouldn't dictate the color of light from someone's opinion. This could be a voluntary thing without having an ordinance or rules to dictate tackling an issue that isn't an issue, don't believe that this will guarantee more money from astro-tourism or take money away based on this ordinance. As this ordinance is being proposed, Mr. Colson disagrees.

Walt Thirion explained regulations are never perfect, intelligent regulation that provides a safe environment with some control over what is happening is good. The crux of the ordinance could be passed then more studies could decide what could be done later, sees growth happening and without some laws it could be the wild west out there. Majority of the request for signs are dark sky compliant signs and cheaper to fabricate, intelligent way to regulate and City Council could modify the ordinance in the future.

Hailey Hunter from Park City expressed her family would travel through Kanab and it was one of the first times she saw the Milky Way. Ms. Hunter explained that it's great that this isn't an issue right now but it is something that we can implicate for future generations and have the night sky for as long as we need.

Von Del Chamberlain expressed if we don't do something it will just keep changing as time goes on. The leadership doesn't have a set of principles that value the night sky and keep it, this is all about future generations. Mr. Chamberlain thanked Rich Csenge and others who have worked hard at this ordinance. He then urged and begged council to pass this ordinance and make improvements to this ordinance as time goes on, don't let little by little change and become a bigger problem.

Pam Mortenson explained hotels and other businesses will keep coming in and asking for more without an ordinance to direct them, important that we do something.

Will James expressed that this is a matter of small change now to prevent big change in the future, idea that values seeing the Milky Way here in Kanab must be preserved, the last frontiers in America are we going to do it right or watch it unfold, time is now to act.

Victor Cooper explained as a business owner it will affect him and is still in favor of the ordinance and is willing to change his signs to be compliant. Mr. Cooper explained there is a cost of everything and the hills are lit up now and we need regulation, proper lighting ordinances could have prevented the lights. Mr. Cooper likes this ordinance and is important that we do something now before it is too late. If people are opposed to it

they should have sent their surveys back and said that, the people that are at the meetings seem to be always here and it's a voice that needs to be heard, the people are here now is the time for action, not an unreasonable ordinance, won't put people out.

Jolynn Stewart said grew up here and the street light was always getting shot out and loved it. We should have regulations, this isn't the wild west anymore and it will continue to change and better that the community is on the forefront of the change we must retain those values and retain those dark skies. Ms. Stewart explained surveys are very problematic and people need incentive to fill them out, can't do anything based on surveys, she wants to keep the dark skies.

Dianna Bell thanked the council for all their time and paperwork they had to read through, this is an important subject to the community. Ms. Bell thanked Donna Huntsman and Rich Csenge for their time and energy into this ordinance, this is a jewel of a town couldn't ever see the sky from her old town. We have wild life here because there aren't any bright lights, asking the council to protect this town from the lighting of others.

Larry Casebolt explained he is opposed to this proposal, was never presented to the people to explain to them the enforcement of this ordinance and up to 200 a day fine if you're not compliant. Mr. Casebolt thought the nuisance doesn't think that this was brought in by the community going to get stuck with this and live with this every day after the tourists leave, his recommendation was to not pass this ordinance.

Noel Poe was worried about the cost and has found out it doesn't cost that much. He installed a light with motion detector for \$25, deer and neighbor's dog triggers light and goes out within a few minutes. His wife purchased built in LED solar lights that has top cover that shines light down, a package of eight of those fixtures cost four dollars a light. He will replace existing lights that shine on their neighbors and appreciates time to come into compliance. Mr. Poe replaced lights at the Catholic Church and none of the lights bother the neighbors. Mr. Poe appreciates that the ordinance gives time for commercial to come into compliance, now is the time this ordinance could be modified in the future get a good ordinance on the books let's use it.

Steve Bell explained he is anti-ordinance and doesn't like things dictated on what he can and can't do really likes the starry sky although doesn't like outside investors dictating what he can see and what he can't see. Mr. Bell has been visiting Kanab since 1973 and has seen the sky go every horizon and the Milky Way but can't see the milky way in town anymore, sees less stars and is in favor of this ordinance.

Christiane Turner asked what is our identity and who are we as a community, sell out tourism town or now is key element of this discussion will her children and her children's children be able to see the stars as well. There is something happening in the community that is disengaging us from the future starry skies and its very important what we have here is magical and should never go away, please preserve the sky.

Donna Huntsman explained this ordinance is a partnership and hopes we get somewhere that is effective in what it does. The primary intent of this ordinance is to preserve the wonder of the night sky to preserve for our children, when you live in a gateway to the parks location tourism is a reality, Kanab is a prime dark sky friendly place that is rare. Ms. Huntsman believes were all in agreement that better paying jobs is a critical point that will allow families to stay here. We can have dark skies and families sustaining jobs, not an economic deterrent but rather an economic attraction, business will pay strong wages to folks. What kind of tourists do we want to attract in Kanab choice more busloads of tourists or do we attract people like astro-photographers or folks who spend an extra night to check out our starry nights. Tourists who stay longer who can make a connection or have a positive experience in Kanab makes them more likely to return, please don't sell Kanab short and preserve the starry skies.

Tom Dillian is concerned of the removal of the mandatory requirements in the residential areas, the goals are good, people should convert over to dark sky lighting. This encourages you to take a stronger stance towards it.

Dave Lane has been coming to Kanab for about five years and one of the main attractions is the dark skies, photography not a hobby for people on a budget and having to go outside of town to see the sky is already happening, lighting is **passé** for security, little cameras are much more secure of the future and produce no light. He can see the milky way from the middle of down town in Sedona and that is a point of pride for the people that live there. It is important to keep the character of this town people want to be friendly to nature and to the sky, dark sky designation for this town is civic pride if you wait it will be gone this is your opportunity.

Lara Clayson has been in hospitality for several years, if you have an overnight guest they spend four times as much astro-tourism is perfect for getting the numbers up without getting the number of tourists up. Ms. Clayson doesn't want to go to her neighbor and deal with issues of lights that's why there are regulations that way we all can be on the same page. Ms. Clayson also asked how long do you have to live in Kanab to be a part of the community. Putting ordinance in place before there is an issue will save a lot of money and issues, stay in shape so you don't have to deal with coming out of shape. Hildale is already seeing glow, Kanab is lucky to not have that happening yet we have the power to dictate where we are going from here.

Celeste Meyeres explained she is a City Planning Commission member and this did pass as a recommendation. The commission was divided and the biggest issue that she heard from the members that were opposed is the amortization, current ordinance is just fine and addresses most things, feels what others have said here are very true things are moving into the direction of being pro dark skies. Mrs. Meyeres explained this is going to be more hassle for the city and we should just go with voluntary community programs and incentives, compliant lighting lists availability at local stores, voluntary not mandatory. Mrs. Meyeres suggested to get rid of amortization.

Dave Lane expressed that amortization is an incorrect term it should be ten-year waiver of compliance.

Scott Colson wondered if anyone has discussed compliance with the management at Garkane since this will affect them the most.

Mayor Houston explained that this will be on the agenda at the June 22, 2018 meeting to be discussed.

Donna Huntsman expressed closing comments thanking the Council, Joe Decker and Jeff Stott also Mike Reynolds for their time and effort with this ordinance.

Out of public hearing.

**Award the Main Street Safe Routes to School curb, gutter and sidewalk project to Barco, LLC in the amount not to exceed \$511,380.40** : Joe Decker explained that the City was awarded a grant that takes curb gutter and sidewalk from up around the tennis court all the way to the high school. Four bids turned in Barco came in as the lowest. Barco takes the project from start to finish, City won't be involved in any construction of this. Looking at starting in July, to try and get as far as they can before school starts, with a 90-day duration. Grant amount is \$295,000 covered.

A motion was made by Michael East and 2<sup>nd</sup> by Joe B. Wright to award the Main Street Safe Routes to School curb, gutter and sidewalk project to Barco, LLC in the amount not to exceed \$511,380.40.

Motion passed unanimously.

Joe B. Wright read his resignation letter.

A motion was made to go into closed session by Joe B. Wright and 2<sup>nd</sup> by Jeff Yates.