

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

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

Prayer was offered by Brent Chamberlain and the pledge was led by Byard Kershaw. Mayor Houston called the meeting to order and roll was taken.

APPROVAL OF AGENDA: A motion was made by Brent Chamberlain and 2nd by Jeff Yates to approve the June 26, 2018 agenda. Motion passed unanimously.

APPROVAL OF MINUTES: A motion was made by Byard Kershaw and 2nd by Michael East to approve the minutes of June 12, 2018. Motion passed unanimously.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: A motion was made by Jeff Yates and 2nd by Byard Kershaw to approve the check register and accounts payable vouchers dated June 26, 2018 in the amount of \$154,222.44. Motion passed unanimously.

PUBLIC COMMENT PERIOD: Andi Porter, representing the Utah Tennis Corporation presented a grant they gave to Kanab City for the for upcoming court renovations. Ms. Porter explained that the tennis courts have been busy and a few professional trainings were given to interested tennis players.

Breck Judd urged the City Council to consider the purpose of the night sky ordinance, he doesn't think the ordinance as it is written does that. Mr. Judd explained that the City is the biggest violator and the proposed ordinance makes them exempt from compliance to the ordinance.

Noel Poe wondered if the City implemented any further fireworks regulations than the state has. Mr. Poe recommended doing so to prohibit private fireworks.

Richard Jenkenson lives in the ranchos and was raised in the east, never believed there is a milky way and when he moved out here he saw what he hadn't seen before, father came to live with him and was able to see it also. He explained the City has a chance now to keep things as they are and urges to approve the ordinance.

Kelly Stowell thanked the Council for the support in developing the recreation facilities, someone told him it is the best skate park they had ever been, lot of projects that they want to do and appreciates the continued support. Mr. Stowell recommended leaving basketball court lights on another thirty minutes.

Celeste Meyeres loves that the government is respectful of the residents here and reads about other cities that aren't as respectful, feels like the dark sky ordinance as written is a big city ordinance and doesn't belong here in Kanab. Existing Ordinance is perfect.

Victor Cooper disagreed with the two other comments and explained now is the time to act the City needs to do something before this becomes a problem, needs to be passed as is, can't get the dark sky back once it's gone.

Jesse Johnson explained if we can't do this for our city and for the people that are here we should to do it for our grand-children, shame on us for not protecting the night sky.

Tom Carter wanted to recognize Rich and Donna for all their incredible hard work.

Mich Grafio is in favor of passing the ordinance and glad he moved here, dark sky is one of the reasons.

William James explained not protecting the night sky is one more negligence of the tourism industry, didn't feel like Kanab City needed to vote on the Grand Staircase Monument anything that diminishes the environment or doesn't protect that is negligence.

Aimee Route lives and works in Kanab hasn't been able to see the Milky Way ever before and doesn't want to lose it.

Walt Thirion agrees with a lot of stuff that has been said and considers himself libertarian and they tend to exploit other things. He explained this is by partisan issue no one that isn't for night sky the question is how do we get there, it is property rights and the time is now.

Margaret Israel is in favor of not taking anything away and is in favor of this ordinance. She explained people who worked on this will do anything they can to bring the community together and inform them.

DISCUSS-VOTE ON ORDINANCE 6-2-18 O "AN ORDINANCE AMENDING KANAB CITY LAND USE ORDINANCE CONCERNING 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:

Mayor Houston explained the Planning Commission recommended approval of this ordinance and that the Council needed to make a vote as is.

A motion was made by Brent Chamberlain to vote on and pass ordinance 6-2-18 O an ordinance amending Kanab City Land Use Ordinance concerning 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. Motion dies for lack of second.

Jeff Stott explained his changes made to the proposed ordinance. Mayor Houston also explained a few changes he had made to the ordinance. The Council then went over each change in depth and discussed their opinions.

A motion was made by Jeff Yates and 2nd by Brent Chamberlain to approve ordinance 6-2-18 O an ordinance amending Kanab City Land Use Ordinance concerning 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 with the amendments that were given to the City Attorney. Roll call vote was taken with Michael East voting nay, Brent Chamberlain yea, Jeff Yates yea and Byard Kershaw yea. Motion passed.

DISCUSS-VOTE ON RELEASE OF RESTRICTIVE COVENANT FOR LOTS 72-445 AND 72-446 OF THE KANAB CREEK RANCHOS UNIT 4-A (769 WEST VANCE):

Joe Decker explained this request from Mr. Thompson who owns this property on Vance that there is a restrictive covenant placed between the property that has a home on it. No utilities that goes across and nothing shared between the two properties. Current owners are looking to sell one lot, no reason given why the restrictive covenant was put in place, just to put the lots together. Mr. Decker explained this is not a practice done in the City anymore. A motion was made by Brent Chamberlain and 2nd by Jeff Yates to release the restrictive covenant for parcel number 72-445 and 72-446 of the Kanab Creek Ranchos unit 4-A (769 West Vance). Motion passed.

DISCUSS-VOTE ON ORDINANCE 6-1-18 O “AN ORDINANCE DESIGNATING RESTRICTED AREAS WITHIN KANAB CITY FOR THE DISCHARGE OF FIREWORKS”:

Joe Decker explained that once this is passed it won't have to change again because he designated a map and sent it to the State. State code will not allow the City to completely ban lighting off fireworks.

A motion was made by Jeff Yates and 2nd by Brent Chamberlain to approve ordinance 6-1-18 O An ordinance designating restricted areas within Kanab City for the discharge of fireworks.

Motion passed by roll call vote.

PUBLIC HEARING TO OPEN THE OPERATING BUDGET FOR FISCAL YEAR 2017/2018. THIS WILL INCLUDE ADJUSTING REVENUES AND EXPENDITURES AND RE ADOPTING THE BUDGET:

Joe Decker explained the budget revenues are higher than expected and went through each change he amended. A motion was made by Jeff Yates and 2nd by Brent Chamberlain for the Mayor to go in and out of Public Hearing at his discretion.

Out of Public Hearing.

DISCUSS-VOTE ON RESOLUTION 6-1-18 R “A RESOLUTION AMENDING THE FISCAL YEAR 2017/2018 OPERATING BUDGETS:

A motion was made by Jeff Yates and 2nd by Byard Kershaw to approve the resolution 6-1-18 R A resolution amending the fiscal year 2017/2018 operating budget. Motion passed by roll call vote.

A motion was made by Byard Kershaw to go into executive session 2nd by Jeff Yates.
Out of closed session.

A motion was made by Brent Chamberlain to authorize City Manager Joe Decker to
Michael East 2nd. Motion passed by roll call vote.

Brent Chamberlain adjourned Jeff Yates 2nd.

Mayor

Recorder