

**Kanab City Council Meeting**  
**August 11, 2020**  
**City Council Chambers**  
**26 North 100 East Kanab, UT**  
**6:30 PM**

**In Attendance:** Mayor Robert D Houston, Council Members Arlon Chamberlain, Celeste Meyeres, Michael East, Jeff Yates and Byard Kershaw, Recorder Joe Decker and Treasurer Katherine Ohlwiler. Attorney Jeff Stott excused.

Jeff Yates offered the prayer and the pledge was led by Celeste Meyeres. Mayor Houston called the meeting to order and roll call was taken.

**Approval of Agenda:** A motion was made by Celeste Meyeres and 2<sup>nd</sup> by Jeff Yates to approve the August 11, 2020 agenda. Motion passed.

**Approval of Minutes:** A motion was made by Arlon Chamberlain and 2<sup>nd</sup> by Jeff Yates to approve the minutes of July 28, 2020. Motion passed.

**Approval of Accounts Payable Vouchers and Check Registers:** A motion was made by Byard Kershaw and 2<sup>nd</sup> by Celeste Meyeres to approve the accounts payable vouchers and check registers dated August 4, 2020 in the amount of \$62,592.16 and for August 11, 2020 in the amount of \$156,520.68. Motion passed.

**Public Comment:** Carrie Duff made the following comments: "My name is Carrie Duff. I am here on behalf of nearly 100 Kanab residents who would like to see the current Kanab City Pool season extended, and a possible future expansion of Pool programs. I have the contact information for 28 regular lap and aerobic swimmers, and 57 individuals and/or families who responded "yes" to my interest survey on a Kanab Classified Facebook discussion post. I have already met with Danielle Ramsay and Chelsea Perkins of the Rec Department, to advise them of the interest and to explore any possibility of a longer season. The Swimming Pool is a public service, according to the Rec Department, and already loses money annually. Per Joe Decker, City Manager, it costs the City about \$149K per year with a swim season lasting only about 96 days per year. Each and every day that can added to the season will greatly add to the total enjoyment of the pool and it's benefit to your constituents. Every one of those days will serve the public and more surely justify the yearly cost of the pool. Extending the service, if at all logistically possible, would substantially increase the benefit to the public and to taxpayers, potentially at only a small percentage of increased cost. I, and others who I speak for, feel that the citizens are under served by the present and historical pool season. Since the City is already bearing the cost of this public service for taxpayers, shouldn't more be done, to make the service do more for those it serves? Can we get more public "bang" for our buck? Can costs be lowered? Can reliance on student labor be decreased, even slightly, to assure some coverage after the school year begins? Can adult swim programs be expanded – for lap swimming, and adult exercise or water physical therapy? Perhaps there are ways to increase the solar heating potential. Suggestions have been made by my interest group, for now, and for the future, and The Rec Department expressed "openness" to an expanded pool season, even this year. I am aware hat there is a vision for year-round swimming in some future Kanab indoor

pool. But that is years and many \$ away. That hope, while very exciting to this interest group, does nothing to meet the needs of the public now. This year, restrictions of the covid-19 Pandemic, have made opportunities for healthy and safe activities more important than ever. Accommodations made by the Rec Dept and pool staff limiting capacity and increasing cleaning, to inhibit spread of the virus while keeping the pool open have been greatly appreciated. We, who support a longer pool season, perhaps through the end of September, would be very grateful for further accommodation to increase the public benefit that would result. What can City Council do to support the City in offering greater service this year to constituents who would benefit from a longer Pool Season? A specific two-hour exclusive time slot for lap swimming and adult swim, perhaps sharing the large pool from 10-12, and a late afternoon swim period for families might work. Although nights will get cooler and days shorter, September should still allow for healthy, enjoyable swim activity. Please give your consideration to these comments, made on behalf of those in favor of an extended 2020 Pool season. Thank you.”

MaryBeth Kuntz the Western Legends BBQ Organizer for the year wanted to shamelessly push the people’s choice awards from 2-3:15PM. Know that your five dollars will go directly to your favorite teacher at the Kanab Elementary School. So, if she sells 100 tickets the County is giving \$500 back into the supplies for the Kanab Elementary School teachers and the money is not being kept anywhere but going right back into the school. Can buy tickets at the visitor center or at the information booth at Western Legends. There are 43 teams and are one of the largest BBQ competitions west of the Mississippi and there are a lot of people coming to town just for this so it should help the TRT a little bit. MaryBeth also wanted to comment on she knows we are in a town where the physicians at the Kane County Hospital encourage people to wear mask and social distance, at the BBQ the judges will be socially distanced and also wear masks between meats. The four types of meat at the people’s choice will be chicken, ribs, pork and brisket. And she applauded the Mayor for wearing his mask.

Donna Hunstman asked if there was some way to connect to this meeting without actually being at the meeting.

Mayor explained that they are working with Craig Baird to get that broadcasted out as they can use the COVID money the City received towards that.

**Public Hearing to consider opening the operating budget for Fiscal Year 2019/2020. This will include adjusting Revenues and Expenditures and re-adoption of the budget:**

A motion was made by Jeff Yates and 2<sup>nd</sup> by Byard Kershaw to go in and out of Public Hearing at the call of the Mayor. Motion passed.

Out of Public Hearing.

**Discuss – Vote on Resolution 8-1-20 R “A Resolution Amending the Fiscal Year 2019/2020 Budget”:** Joe Decker explained as they were passing the next fiscal year’s budget, they would also be reopening the budget from 2019/2020 to fix revenues and expenditures. HE went over the sheet explaining the changes. The amount budgeted for revenues needed to be adjusted to what was actually collected. Even with the hit from Covid, the City still ended up with revenues a little higher than what was budgeted. Fund 41 the Recreation had a few changes, the FAA fund is always adjusted based on the grants received at the end of the year.

Fund 51 is the water fund, there were a few changes in salaries as a few people left and had to pay out sick time for those. Celeste Meyeres wondered with the new smart meters that are being installed, do they not need so many employees in the water department. Joe Decker explained no, it will lighten their load but we will need to maintain the employees the City does have in that department and they'll be able to do more maintenance throughout the City.

A motion was made by Jeff Yates and 2<sup>nd</sup> by Byard Kershaw to approve Resolution 8-1-20 R, a resolution amending the fiscal year 2019/2020 budget. Motion passed by roll call vote.

**Discuss – Vote on Resolution 8-2-20 R “Approval of Submission of Utah Enterprise Zone Application”:** Kelly Stowell explained this program is something that has been done before. This zone expired last year and when they went to reapply last year the State told them not to as there were going to be changes made. The intent of the legislature was to kill the program all together but through some lobby efforts they were able to salvage the program. With this application, it would have the City in the enterprise zone until 2028. At that point the program won't exist any longer. This program is a tax credit that is offered to rural communities. Former Councilman Ed Meyer helped draft this legislature in the 1980's when he worked for the State office of Economic Development. In the past, Kanab City and Kane County were in an enterprise zone together but the state is having everyone do their own application. The intent is to create jobs and they would receive 5% of the first \$750,000 of a qualifying investment in plant, equipment or other depreciable property. Mr. Stowell put together an initial application which will be submitted along with the Resolution. Construction companies and retail businesses don't qualify for enterprise zones. It is capital investment and for employees. Kelly explained the accountants for these businesses put it out there and there is information from the State as well.

A motion was made by Michael East and 2<sup>nd</sup> by Celeste Meyeres to approve resolution 8-2-20 R the Approval of Submission of Utah Enterprise Zone Application. Motion passed by roll call vote.

**Discuss Final Draft of Chapter 7 of the Land Use Ordinance “Signs”:** Mike Reynolds explained this started with staff in 2019 to find a way to simplify this ordinance. In January the Planning Commission started discussions on this ordinance and the Chamber of Commerce to join in and start looking at the ordinance as well. There were discussions with the Chamber and citizens of the city. There were also a few sign companies that came in and discussed the ordinance as well.

#### *Section 7-1 General Requirements*

Celeste Meyeres expressed that this section should read, “The City Council of Kanab, Utah, finds and declares that by controlling and standardizing signs in the city, the regulations set forth in this chapter will supplement and promote the health, safety and general welfare of the citizens of Kanab, Utah.” The middle section she felt was open for interpretation and leveraging, she doesn't believe it is the role of government to safe guard property values. Most of that lingo in this section is already in the General Plan for the City. Mayor Houston felt that they were just encouraging people in this section and felt iffy about deleting that middle section.

### *Section 7-2 Interpretation*

Celeste Meyeres liked this section but thought the last part needed to be retracted. As it states. “..unless specifically approved otherwise by the Planning Commission.” Mrs. Meyeres explained the Planning Commission didn’t want to feel uncomfortable if there were people that wanted special treatment. They wanted to be behind the legislation and make it equal across the board for everyone. The City Council can give the Planning Commission to override their own rules. Ultimately the City Council can give their input and influence.

### *Section 7-3 Application and Review Procedures*

Celeste Meyeres expressed her thought of needing a timeframe for permits by the City Office. Mayor Houston suggested adding in “Sign Permits shall be obtained from the Kanab City Office in a timely manner.”

### *Section 7-4 Sign Defined*

#### *Section 7-5 Awnings and Canopies*

Celeste Meyeres wondered if section B. subsection 2 and subsection 3 needed to be reworded or moved. Mayor Houston wondered if there was a way to write it so it is not so subjective. Mrs. Meyeres suggested adding in the first sentence in subsection 3 to after the first sentence in subsection 2. Stating: “Awnings must be located in a traditional manner above doors, windows, or walkways, provided that walkways lead to a bona fide entrance. All other locations for awnings are prohibited.”

Section C subsection 2 needs to be reworded and discussed further. Subsection 4 needs to also be reworded to add “subject to..” pertaining to the bodies of approval.

### *Section 7-6 Banners*

The “temporary nature” verbiage has a limit of three months. Needs to add language about temporary signs into this section for action and enforcement.

### *Section 7-7 Freestanding Signs*

In regards to section C subsection 5, Mrs. Meyeres is not in favor of pressing the light ordinance into the sign ordinance.

### *Section 7-8 Wall Signs*

Section C is twenty percent of the wall area, up to one hundred square feet maximum.

### *Section 7-9 Projecting Signs*

Letter D from previous section might need to be added into this section.

### *Section 7-10 Window Signs*

Instead of front elevation, should be for any elevation in section C.

### *Section 7-11 Monument Signs*

Celeste Meyeres suggested striking section D from this section.

### *Section 7-12 A-Frame (Sandwich) Signs*

Needed to add another parenthesis to the first line of the first section.

*Section 7-13 Temporary Signs*

Section C subsection 2 might need the words “after reasonable effort has been made” pertaining to the City removing violating signs.

*Section 7-14 Commercial Signs in Residential Areas*

*Section 7-15 Directional or Guide Signs*

The Council will further discuss section A pertaining to where the directional or guide signs are to be installed.

*Section 7-16 Public Necessity Signs*

*Section 7-17 Entrance/Exit Signs*

*Section 7-18 Electronic Message Signs*

Change the word “works” to “words” in section A. Section C needs to be discussed further to regulate the maximum size of the electronic portion of a sign. Section H also needs to be discussed and adjusted.

*Section 7-19 Outdoor Lighting Ordinance*

To be discussed further.

*Section 7-20 Signs Not Otherwise Identified*

*Section 7-21 Enforcement of Abandoned, Dangerous, Illegal or Defective Signs*

Subsection B needs to be edited to remove the words “What Required” after Requirements.

*Section 7-22 Prohibited Signs*

Section C subsection 5 needs to be adjusted to add a clause to say “except where allowed”. Subsection 13 needs to be better clarified to add “unless allowed by...”

*Section 7-23 Non-Conforming Signs*

Section 1 Remodeling was edited and more defined.

*Section 7-24 Safety in Construction and City Non-Liability*

Section C needs the words added “Any installation or modification”.

**Discuss – Vote on opinion question to the residents of the City, so that each resident of the City has an opportunity to express the resident’s opinion on the imposition of a local sales and use tax of .3% on the transactions described in Utah Code 59-12-103(1) located within the City, to fund the development, construction, maintenance, or operation of the streets and highway program in the City of Kanab:** Joe Decker explained that this is a highway option tax specifically for the development, construction, maintenance for the streets and highway of Kanab City. It is a .3% sales tax on certain items but not on everything. It is on sales of gas, electricity, coal and other fuel but not on propane. Telecommunication services that originate and boundary within the state. Sales on prepared food, unprepared food is not taxed. Amounts charged for recreation type stuff, laundry and dry-cleaning services. Tourist homes, motels and short-term rentals. It is also taxed on products transferred electronically. This would be an opinion question put on the ballot for November. This tax would free up General Funds that is currently used for the roads and that money could be used for Recreation

purposes. If people show that they are in favor of it after the opinion question, the Council can then decide if they want the tax or not.

A motion was made by Michael East and 2<sup>nd</sup> by Arlon Chamberlain to approve the opinion question to the residents of the City, so that each resident has an opportunity to express the resident's opinion on the imposition of a local sales and use tax of .3% on the transactions described in Utah Code 59-12-103(1) located within the City, to fund the development, construction, maintenance, or operation of the streets and highway program in the City of Kanab. Motion passed by roll call vote including Mayor Houston.

Celeste Meyeres adjourned the meeting.

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Mayor

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Recorder