

Kanab City Council Meeting
September 10, 2019
City Council Chambers
26 North 100 East
6:30 PM

In Attendance: Mayor Pro Tem Jeff Yates, Council Members Arlon Chamberlain, Celeste Meyeres, Michael East and Byard Kershaw, Recorder Joe Decker, Attorney Jeff Stott and Treasurer Katherine Ohlwiler.

Mayor Robert Houston was excused. Mayor Pro Tem Jeff Yates called the meeting to order and roll call was taken. The prayer was offered by Arlon Chamberlain and the pledge was led by Byard Kershaw.

Approval of Agenda: A motion was made by Celeste Meyeres and 2nd by Michael East to approve the September 10, 2019 agenda. Motion passed.

Approval of Minutes: A motion was made by Byard Kershaw and 2nd by Arlon Chamberlain to approve the minutes of August 27, 2019. Motion passed.

Approval of Accounts Payable Vouchers and Check Register: A motion was made by Arlon Chamberlain and 2nd by Michael East to approve the accounts payable vouchers and check registers dated September 4, 2019 in the amount of \$118,229.07 and September 10, 2019 in the amount of \$101,141.58. Motion passed.

Michael East mentioned at the last meeting he said he would look into the citizens complaint about the lights at the tennis courts. He inquired with the tennis committee about turning the light angle down and they expressed to him that would not work and they already feel there is insufficient lighting on the court. Mr. East also found out the dimmer was not working and that will be fixed and should alleviate the glare into the surrounding neighbor's house. Also, the lights are set to go off at 10:15 PM.

Public Comment Period: None.

Superintendent Ben Dalton – Discussion about the proposed G. O. Bond by the School District: Ben Dalton was not in attendance.

Discuss – Vote on Ordinance 9-1-19 O “An Ordinance amending Kanab City General Ordinance Section 14-050 Utility Installation”: Jeff Stott explained at the last Planning and Zoning Commission meeting this was discussed with Garkane and there are a few different ordinances that talk about whether utilities should be underground or not. The Planning Commission decided to make it into one ordinance, utilities should be underground and that would apply to all new construction with multiple exceptions. Arlon Chamberlain expressed Garkane was concerned the City would want to replace existing above ground lines and the City

would be liable for that cost. But, this would be for new construction or if roads would need to be widened the agreement with them spells out who will cover what. The developer will pay for those costs. Michael East expressed he likes this ordinance and asked if there is an existing subdivision with aerial power and a new development goes in next to it if the new power would be underground. It was answered that it would be underground power. Mr. East thinks there are so many benefits to underground utilities. Celeste Meyeres expressed what a fantastic job City staff, the attorney and planning commission has done. Two small things she would consider: in the beginning of the ordinance it talks about during development there can be temporary above ground lines and then they would have 30 days to be put underground before final the occupancy permit is issued. Mrs. Meyeres believes that would leave too many loopholes and loose ends. She thinks that should be changed to saying they can receive their final occupancy permit once they have all the power underground. Michael East agreed that the power should be buried before final occupancy. Jeff Stott explained that this was taken from the current code word for word and the planning commission didn't go over that part. Joe Decker wondered why they would have above ground power poles for temporary power on a new subdivision because they're not going to run above ground and then turn around and do underground to give them temporary power. Basically they will run the main lines in and then the temporary power is going to come out of the transformer and into their temporary box. Arlon Chamberlain explained this refers to individual lot construction where they have temporary boxes that stay up for too long. By the time occupancy comes in the temporary lines should be gone. The other thing Celeste Meyeres brought up was in exception #4, "Where underground installation would be highly unfeasible due to terrain, distance, and/or cost, the City Council may deem an exception. The Planning Commission must first make a recommendation to approve or deny such exception, after holding a public hearing where notice has been provided to property owners within 300 feet." Mrs. Meyeres thinks that is a whole lot of expense on the taxpayers, someone could think that is five dollars more than they wanted to pay so they are going to make City staff send out notices to what could be a lot of people if its 300 feet along a power line. This could be a multi thousand dollar expense every time someone wants to contest this. She recommended having a high application fee to discourage appeals, or not allowing appeals unless it was double or three times the cost. Michael East wondered if this is an issue, could the first opinion be given by the Land Use Coordinator. Mr. East explained as long as the utility companies understand this from the City then cost shouldn't be a factor to the developers. Utility companies will do what the ordinance says unless there is a letter or request from City Council.

A motion was made by Celeste Meyeres and 2nd by Michael East to approve Ordinance 9-1-19 O "An Ordinance amending Kanab City General Ordinance Section 14-050 Utility Installation" with the changes that the 30 day leeway for the developments to move their power underground is removed and now they must have the overhead power removed before they are issued a final occupancy permit and with the change that the word "cost" is struck from exception #4. Motion passed by roll call vote.

A motion was made by Michael East and 2nd by Byard Kershaw to go into closed session to: discuss the purchase, exchange, or lease of real property to discuss the character, professional

competence, or physical or mental health of an individual and to discuss pending or reasonably imminent litigation. Motion passed.

A motion was made by Michael East and 2nd by Byard Kershaw to go out of closed session and adjourn the meeting. Motion passed.

Mayor Pro Tem

Recorder