

Kanab City Council Meeting
January 25, 2022
City Council Chambers
26 North 100 East
6:30 PM

The prayer was offered by Arlon Chamberlain and the pledge was led by Celeste Meyeres. Mayor Johnson called the meeting to order and roll call was taken.

In Attendance: Mayor Colten Johnson, Council Members Arlon Chamberlain, Celeste Meyeres, Chris Heaton and Scott Colson, Attorney Kent Burggraaf, Recorder Joe Decker, Land Use Coordinator/Building Inspector Janae Chatterley. Council Member Michael East and Treasurer Katherine Ohlwiler were excused.

Approval of Agenda: A motion was made by Celeste Meyeres and 2nd by Chris Heaton to approve the January 25, 2022 meeting agenda. Motion passed unanimously.

Approval of Minutes: A motion was made by Arlon Chamberlain and 2nd by Celeste Meyeres to approve the meeting minutes of January 11, 2022 as written with the accepting of adding each council member voting onto every motion. Motion passed unanimously.

Approval of Accounts Payable Vouchers and Check Registers: A motion was made by Celeste Meyeres and 2nd by Arlon Chamberlain to approve the check vouchers for January 13, 2022 in the amount of \$436.08; January 18, 2022 in the amount of \$47,576.97; January 5, 2022 in the amount of \$341,792.61. Motion passed unanimously.

Public Comment: Joe Clark commented about the Internal Accessory Dwelling Units. He feels this affects citizens freedoms and liberties. He encouraged the Council on all issues to protect and preserve the liberties of citizens and not to vote on things that limit those liberties. We should make our own decisions on what we want to do with our private property that doesn't affect other people.

Dennis Frappier commented about how Kanab is doing a lot of things right but from a business perspective the number one thing that scares people is insecurities. He is in favor of short-term rentals and believes they are good for Kanab; it allows people to maximize the use of their properties. Hopes they can take action and the business people can plan accordingly.

Julie Jensen commented about item eleven and is in favor of option three. Allowing homeowners and business owners to use their property however they need is the best decision. It is helpful to let people who own the property, with regulations, make decisions on how they should use their property.

Kerry Cornell explained she has just briefly been aware of item number eleven and isn't very educated on it. She isn't sure why there is only three options on that item and wondered why the vacation rental owner's association could come up with some options as well and asked that this discussion item be tabled. She agreed with Julie Jensen and life is constantly changing and, in the future, she may want the

option to rent out a bedroom long term or short term and feels that should be her decision. She understands this decision comes from the State and wondered if those options were based on a metropolitan place. Kanab is different and rural and it shouldn't be treated the same. Consider personal property rights and also the size of land should allow different options. A blanket policy isn't quite fair.

A motion was made by Scott Colson and 2nd Chris Heaton by to move agenda item number 11 to take it out of order. Motion passed unanimously.

Discuss – Vote on Ordinance 1-2-22 O “An Ordinance amending Kanab City Land Use Ordinance Permitting the creation and use of Internal Accessory Dwelling Units”: Kent Burggraaf explained this ordinance address four different chapters in the Land Use Ordinance. He spoke about the changes he made in the ordinance relating to housing regulations when it comes to those with disabilities. He also made some statutory corrections where it referenced incorrect statute that had been changed in state code. The main changes in chapter four formatting and three options to choose from. The options are: 1. *A guesthouse may not be rented out at the same time the IADU is rented. Option 2: If the IADU amounts to three dwelling units on the property, then the third non-primary dwelling unit (i.e., the guesthouse) must be rented long term. Option 3: If the IADU amounts to three dwelling units on a property, then the third non-primary dwelling unit (i.e., the guesthouse) may be rented short term or long term.*

A motion was made by Celeste Meyeres to vote on ordinance 1-2-22 O An Ordinance amending Kanab City Land Use Ordinance Permitting the creation and use of Internal Accessory Dwelling Units, with option three and a \$50 licensing fee. Motion died due to lack of second.

A motion was made by Scott Colson and 2nd by Arlon Chamberlain to adopt ordinance 1-2-22 O An Ordinance amending Kanab City Land Use Ordinance Permitting the creation and use of Internal Accessory Dwelling Units, with option one and a \$50 onetime fee being assessed with the application of an IADU. Motion passed by roll call vote with Scott Colson voting aye, Chris Heaton voting aye, Celeste Meyeres voting nay and Arlon Chamberlain voting aye.

Discuss – Vote on Appointment of Elizabeth Davis to the Library Board with a term ending 12/31/2026: Mayor Johnson explained he received her application and believes she will do a great job. A motion was made by Celeste Meyeres and 2nd by Chris Heaton to appoint Elizabeth Davis to the Library Board with a term ending 12/31/2026. Motion passed unanimously.

Discuss – Vote on the following Appointments to the Heritage Board – Connie Zweifel, term ending 12/31/2024 – John McClellan, term ending 12/31/2025 – Karen Heet, term ending 12/31/2025 – Sharon Westmoreland, term ending 12/31/2026 – Mace Glazier, term ending 12/31/2025: Mayor Johnson expressed he also got applications from everyone and wanted to thank them for their willingness to serve. A motion was made by Chris Heaton and 2nd by Scott colson to appoint the following people to the Heritage Board: Connie Zweifel, term ending 12/31/2024 – John McClellan, term ending 12/31/2025 – Karen Heet, term ending 12/31/2025 – Sharon Westmoreland, term ending 12/31/2026 – Mace Glazier, term ending 12/31/2025. Motion passed unanimously.

Discuss – Vote on awarding RFP for Pavement Maintenance at the Kanab Municipal Airport to Straight Stripe Painting Inc in the amount not to exceed \$102,955.00:

Joe Decker explained he added the engineer's report to the packet for this annual pavement maintenance done by the airport with the State of Utah Aeronautics. This will be funded by a grant by the state solely to include crack seal and new painting along the runway, and crack sealing and fog coating/painting along the taxi ways and tie down areas. Five bids came in and Straight Stripe came back with the lowest bid. They have done this once before and did a great job. Total project cost with engineering and everything is about \$149,000.00 and our cost that was put out for this is about \$14,000.00. Celeste Meyeres was impressed with the quality of the bid summary and how the information was presented.

A motion was made by Scott Colson and 2nd by Celeste Meyeres to award the RFP for pavement maintenance at the Kanab Municipal Airport to Straight Stripe Inc. in the amount not to exceed \$102,955.00. Motion passed unanimously.

Chris Heaton explained that on item 9 and 10, Iron Rock Group is representing the client and he has ownership in that company but it is not substantial so he will discuss and vote. Arlon Chamberlain explained he also has a conflict as the principal of Acclaim LLC but there is no financial gain.

Discuss – Vote on a zone change to Parcel K-33-4 and K-33-1-Annex from M-1 (Manufacturing) to RR-1 (Rural Residential 1 acre) with the intent to parcel out lots; located in the approximate area of 1450 Hwy 89A in Kanab, Utah (Applicant Acclaim LLC):

Janae Chatterley explained it is a zone change from M-1 to RR-1, the property is behind Western Rock and it does meet the Future Land Use Map. The owner is responsible for securing any development permits prior to any construction activity. They are bordered by some County properties on the southwest and to the northeast. The surrounding properties are an M1, RR-1 and agriculture. Staff and the Planning Commission recommend a positive recommendation to change the zone.

A motion was made by Scott Colson and 2nd by Celeste Meyeres to approve a zone change to Parcel K-33-4 and K-33-1-Annex from M-1 (Manufacturing) to RR-1 (Rural Residential 1 acre) with the intent to parcel out lots, located in the approximate area of 1450 Hwy 89A in Kanab. Motion passed by roll call vote unanimously.

Discuss – Vote on consideration of additional provision for the site plan review of the Hitch n Post RV Park located at 196 E 300 S:

Joe Decker discussed the staff report as this went to the Planning Commission and all of their decisions and discussions. Kent and Joe spent time discussing the legalities of this. Hard surfacing and the curb, gutter, sidewalks are requirement of the ordinances. They can't get away with one law and enforce another. The Planning Commission is only allowed to put conditions on their approvals as it pertains to the chapters. It causes an issue when you selectively enforce what is required by Ordinance. Provisions need to be done legislatively. The owners of the Hitch N Post explained they spent a lot of money cleaning the place up and trying to make it more desirable. They proposed that they would do the curb and sidewalk at their cost and keep the gravel like it is on the inside. The Council directed Planning Commission and Staff to make corrections.

Discuss – Vote on Ordinance 1-3-22 O “An Ordinance amending Kanab City Land Use Ordinance Chapter 15, section 2, Minimum Floor area in Residential Zones”:

Janae Chatterley explained the staff report summary in the packet. The proposed amendments to the Kanab City Land Use Ordinance would

allow a minimum floor area of 720 sq.ft. for a Two-Family Dwelling in the Single-Family Residential Zone R-1-8 through R-1-20. Currently the Land Use Ordinance allows for Two-Family Dwellings in the Single-Family Residential Zone (R-1-8 through R-1-20), MH-KCR Zone, Multi-Family Zone (RM) and Commercial Zones (C-2 and C-3). Two Family Dwellings are not currently allowed in the Agricultural and Rural Residential Zone. In the Single-Family Residential Zone and the MH-KCR Zone a Two-Family Dwelling must meet the Design Standards outlined in the respective chapter and requires a site plan review as outlined in Chapter 9 of the Land Use Ordinance. In addition to the respective chapters for Single-Family Residential Zone and MH-KCR Zone the Two-Family Dwelling must meet the minimum floor area found in Chapter 15, Section 15-2 of the Land Use Ordinance. City Staff is recommending the minimum floor area be changed to a minimum of 720 sq.ft. each side of a two-family dwelling unit in the single-family residential zone R-1-8 through R-1-20. This would add consistency and uniformity with two-family dwellings in the other allowed zones and encourage development for additional housing.

A motion was made by Celeste Meyeres and 2nd by Chris Heaton to approve the proposed amendment to the Kanab City Land Use Ordinance Chapter 15 section 5.2, amending the minimum floor area in the single-family residential zones R-1-8 through R-1-20 for a two-family dwelling to 720 sq.ft. per side of the two-family dwelling unit. Motion passed by roll call vote unanimously.

Presentation on City Procurement Policy: Joe Decker explained the ordinance on procurement. From the Section 7-103: *The city manager or designee shall act as the purchasing agent, and shall be responsible to make procurement, solicit bids and proposals, enter into and administer contracts, and make written determinations for the city. The city council delegates to the purchasing agent the authority to purchase supplies, services, or construction items where the dollar amount is equal to or less than twenty thousand dollars (\$20,000,00), or the payment of a particular obligation as approved by the city council.* Mr. Decker explained if a department head needs to purchase something over \$250, they get his approval even though that is not in the ordinance. He explained the rest of the section talking about bids and requests for proposals. Engineers help with requests for qualifications to make sure those that are submitting bids are qualified to do the job. As per Ordinance when bids are coming in; City engineers, department heads and the City Manager are all present in an open meeting. Joe explained he and Kent will work through a government surplus ordinance.

A motion was made by Scott Colson and 2nd by Chris Heaton to adjourn the meeting. Motion passed unanimously.

Mayor

Recorder