

**Kanab City Council Meeting
March 9, 2021
City Council Chambers
26 North 100 East Kanab, UT
6:30PM**

Jeff Stott offered the prayer and the pledge was led by Byard Kershaw. Mayor Houston called the meeting to order and roll call was taken.

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

Approval of Agenda: A motion was made by Celeste Meyeres and 2nd by Michael East to approve the meeting agenda for March 9, 2021. Motion passed.

Approval of Minutes: A motion was made by Celeste Meyeres and 2nd by Byard Kershaw to approve the meeting minutes for February 9, 2021. Motion passed.

Approval of Accounts Payable Vouchers and Check Registers: A motion was made by Byard Kershaw and 2nd by Michael East to approve the accounts payable vouchers and check registers dated 02/16/2021 in the amount of \$24,085.40, 02/23/2021 in the amount of \$120,786.81, 03/02/2021 in the amount of \$75,215.59 and for 03/09/2021 in the amount of \$85,851.77. Motion passed.

Public Comment: Dennis Tharp talked about La Estancia Phase 3 and concerning the flood wall, to his knowledge there hasn't been any engineering on that. There is an idea with the flood wall with the Bureau of Land Management where it looks like they would put in a detention area. His concern is to not get ahead of ourselves and approve this if the BLM doesn't come through and the HOA would be left with a flood wall they have to maintain.

Susan King has been concerned about legislation that is at the federal level, HR127 which will severely impact her second amendment rights. She felt encouraged when Fredonia was going to draft an ordinance to make Fredonia a second amendment sanctuary. She has also heard that Kane County is going to draft an ordinance or resolution as well. Mrs. King feels that we can't have too many layers of protection when it comes to the second amendment rights. The State of Utah is not currently a second amendment sanctuary state. It makes it important to act on the lower level. She would like the City of Kanab to draft and pass a second amendment sanctuary ordinance.

Gwen Golstead explained she also wants Kanab City to become a second amendment sanctuary City as well.

Wanda Lewis agreed with the previous two speakers and explained that the second amendment is very important and feels very strongly about her rights.

Discuss – Vote on Preliminary Plat for La Estancia Phase 3 to include the approval of Phase 3 Development Agreement: Joe Decker explained the Planned Unit Development that goes along with the Development Agreement. The PUD is a little different than the Subdivision Ordinance they are designed around home owners' associations. The streets and parks remain private and the only thing that is public is the water and sewer systems. The agreement lays out what the developer would do and the City will do. Arlon Chamberlain explained the Planning Commission went through the agreement and discussed the detention area and how it would work as far as meeting the conditions. Joe Decker explained that the City Engineers and Iron Rock Engineering have gone back and forth and all problems have been solved. The City was overly cautious on this Phase because of the history the City has with that subdivision. The infrastructure has to be done before they can build anything on the lots. The final plat will come back to City Council as this is just the preliminary plat. The only utilities that would turn over to Kanab City would be the water and sewer. Michael East explained in reading the documents it sounds like everyone is hopeful the BLM will build their retention pond but if for some reason they won't, what is the solution. Joe Decker explained that the way the storm drain system is now the engineers have double and triple checked it and it will handle the flows that show come out of that canyon without doing a retention basin in the canyon. The BLM won't ever build the retention basin it would be a Recreation and Public Purposes Act lease and would be on the City or the developers to build that. The way the retention basin is designed now would work for the flow that would come out of Little Tom's Canyon. The reason there has been so many flooding issues before is that the original development was done out in phases all the way to phase five. Phase one and two were done and they didn't have to do their critical development for storm water infrastructure until phase three came into play and the development went bankrupt before phase three happened. That is what shifted all of that to where it was never done and made all the major floods happen. According to the engineers the basin that is there now will handle the flow of water. If the developer felt they needed the additional retention basin they would work with Kanab City to get the R&PP lease through the BLM once their moratorium is up which is in another month and a half. Those talks will still happen until the final plat is done.

A motion was made by Arlon Chamberlain and 2nd by Celeste Meyeres to approve the preliminary plat for La Estancia Phase 3 to include the approval of the Phase 3 Development Agreement with the correction on number eleven about the utilities, water and sewer are considered by Kanab City. Motion passed.

Discuss Building Problems with Library: Joe Decker explained the front of the library was tore off because of water leaking through the roof. What started as a simple renovation of the Library Multi-Purpose Room, has turned into something more. They have discovered mold under every window of the room and every window in the building. The contractor that built the building back in 1997 did not weather proof the building under the stucco. There weren't gutters on the roof until a few years ago and all that water would seep into the walls. This is a bigger project than the City can do and also that the current contractor can do. The engineers are looking at all of the issues and figuring out what needs to be done. Fortunately, it is not black mold and it is being contained. It will be difficult to get a Request for Proposal. The stucco is easy to get a price on but the damage that needs to be fixed will be hard to determine. They have been discussing this with Library Director Jenny Chatwin and are brainstorming ways to keep the library open during renovations.

Mayor Houston explained the progress on the Health and Wellness Center. He doesn't have any firm information on the specific building they want to build. They are researching similar buildings to find out costs and also operation and maintenance for the building. There is a gentleman that will be coming to figure out the cost to build which then they could figure out the operation and maintenance. It will have to go to a vote to the people. The Mayor also discussed there are multiple ways to find revenue sources and they are working on that.

Mayor

Recorder