

Kanab City Council
March 28th @ 6:30pm
Council Chambers, 26 North 100 East, Kanab Utah

Work Meeting

1. Liaison Report

Councilmember Chamberlain - Absent

Councilmember Wright - The Rec Department is busy with baseball season. The first Parks & Rec board meeting with the new Rec Director, Sterling Glover was held and went well.

Councilmember Glover - The floors are completed at the Heritage Museum. There is some finish work left to complete.

Mayor – No report was given

Councilmember Heaton - Absent

Councilmember Colson - Spring Clean-up will be on April 17-20 for the City. The Jviation contract has been approved and is ready to be signed. It was anticipated that the pool relining and tile project would be completed this year. There was an issue with the tiles so the project has been postponed until next year.

2. City Staff Report - No staff report was given.

3. Other

Business Meeting

1. Call to Order and Roll Call - Mayor Johnson called the meeting to order. Councilmember Glover offered the invocation. Councilmember Colson led the pledge of allegiance.

In attendance JD Wright, Kerry Glover, Scott Colson, City Manager Kyler Ludwig, City Attorney Kent Burggraaf, City Treasurer Danielle Ramsay and Land Use Coordinator/Building Inspector Janae Chatterley. Councilmembers Chamberlain and Heaton were excused.

2. Approval of Minutes of Previous Meeting - A motion was made by Councilmember Wright and seconded by Councilmember Glover to approve the minutes from the March 14, 2023 City Council Meeting as provided in the packet. Motion passed unanimously.

3. Approval of Accounts Payable Vouchers - A motion was made by Councilmember Colson and seconded by Councilmember Wright to approve the check register for March 28, 2023 in the amount of \$177,049.03. Motion passed unanimously.

4. Public Comment Period: Members of the public are invited to address the Council. Participants are asked to keep their comments to 3 minutes and follow the rules of civility outlined in Kanab Ordinance 3-601.

Colleen Brown commented that she and her husband grow mushrooms and make them available to the community through a Farmer's Market. The Farmer's Market takes place every Friday morning by State Bank of Southern Utah and Comfort Suite. She further explained that Office Coleman recently told the vendors they couldn't be in that location. She requested that the vendors be able to stay in that location. She spoke to City Staff about the requirements needed to continue and she was informed that the vendors need a business license. She referred to State Code SB-151. She continued by saying that Farmer's Market should be exempt from a business license.

Ruby Johnson commented that she is a vendor at the Farmer's Market that takes place every Friday. The vendors sell a variety of products. She further commented that the vendors clean up after themselves.

Councilmember Colson asked if the Farmer's Market taking place on Friday is associated with the Farmer's Market at the Kane County Office of Tourism?

Colleen Brown explained they are not associated with the Farmer's Market at the Tourism Office. There has also been a Farmer's Market held at the Kanab Center in the past. They are not associated with that Market either.

Cheyenne Hinote is a resident of Johnson Canyon. She commented that she frequents the Farmer's Market that takes place every Friday.

5. Discussion and Consideration of Resolution 3-6-23 R, A Resolution Authorizing Kane County to use City Property North of the County Courthouse Located at 76 North Main to Install 2 Accessible Parking Stalls.

Mr Ludwig explained that Kane County is adding on to the County Courthouse building. The expansion of the County Commission Chambers will remove the two current accessible parking stalls at the facility. The proximity to the drainage prevents the accessible parking stalls from being installed in the County's parking lot. As part of the site plan, Kane County is requesting the use of City property/road area adjacent to their facility to add 2 accessible parking stalls. The request will require Kane County to provide maintenance, repair, and upkeep of the requested accessible parking on City property. The City may revoke this agreement at any time. The City isn't obligated to any financial responsibilities with the agreement.

Kane County Commissioner Celeste Meyeres commented that County staff and City staff have been working together to get the project moving forward.

A Motion was made by Councilmember Wright and seconded by Councilmember Glover Resolution 3-6-23 R, A Resolution Authorizing Kane County to use City Property North of the County Courthouse Located at 76 North Main to Install 2 Accessible Parking Stalls. Motion passed unanimously by roll call vote.

Councilmember Chamberlain - Absent
Councilmember Wright - YES
Councilmember Glover - YES
Councilmember Heaton - Absent
Councilmember Colson - YES

6. Discussion and Consideration of Resolution 3-7-23 R, A Resolution Authorizing Four of a Kind LLC to use the Non-walkway Portions of City Property on the North Side of their Business Located at 97 West Center Street to Provide for Outdoor Dining and Seating.

Mr. Ludwig explained under previous ownership Rocking V Café had permission to use the City property adjacent to their property to accommodate outdoor dining. With the sale of the business, permission needs to be renewed. The new owners of Rocking V Café sent a letter requesting use of this property to continue use of the property for outdoor dining.

Councilmember Glover expressed some concerns for the outdoor seating. He explained that it's difficult to walk the section of the sidewalk with the outdoor seating. He further stated that he supports small business and understands that the seating is needed for the restaurant.

Applicant Delia Robinson explained that the plan is to scale down the number of tables that are placed on the sidewalk.

Councilmember Colson suggested the side of the building could be used for outdoor seating instead of the sidewalk. He also suggested that the sidewalk could possibly be marked to show pedestrian traffic and outdoor seating.

Mr. Ludwig explained that there are safety concerns with the side of the building being used for outdoor seating.

Councilmember Wright expressed concern for the safety of the patrons using the outdoor seating and the liability on the City.

Delia Robinson explained that they have discussed installing some sort of fencing or barrier.

Mr. Burggraaf explained that the liability concerns are addressed in the Resolution that has been drafted.

A motion was made Councilmember Glover and seconded by Councilmember Colson to Resolution 3-7-23 R, A Resolution Authorizing Four of a Kind LLC to use the Non-walkway Portions of City Property on the North Side of their Business Located at 97 West Center Street to Provide for Outdoor Dining and Seating. Motion passed unanimously by roll call vote.

Councilmember Chamberlain - Absent

Councilmember Wright - YES

Councilmember Glover - YES

Councilmember Heaton - Absent

Councilmember Colson - YES

7. Discussion, and consideration of Ordinance 3-4-23 O, An Ordinance Amending Kanab City Land Use Ordinance, Chapter 20, Commercial Zones.

Ms. Chatterley explained In April of 2022 Kanab City Council requested that the Planning Commission consider amending Chapter 20: Commercial Zone clarifying the description of the commercial zones. Kanab City Staff requested that the Planning Commission review the permitted and conditional uses in the Land Use Chart to see if any uses need to be amended or added to the chart. In June 2022 Planning

Commission recommended a positive motion for City Council to adopt the amendments. As part of the amendments, the Planning Commission requested that staff research “Food truck Parks” prior to permitting any use in the ordinance. During the City Council meeting on October 11, 2022 there was discussion on the permitted uses in the Land Use Chart and concerns on the number of commercial lots that could be developed as commercial businesses. City Council requested that Chapter 20 be sent back to the Planning Commission to look over the Land Use Chart and the permitted uses to ensure that they are aligned with the content of the Chapter and the future growth and development of Kanab.

Council Members further discussed the proposed amendments in length. More specifically, Taverns, bars, and distilleries. State code was discussed. Council Members expressed concern about allowing taverns, bars and distilleries in certain zones and what the vision of Kanab looks like.

Former Planning Commission, Member Donna Huntsman commented on the proposed amendments. She explained that state laws are already in place that control taverns, bars and distilleries. She explained that it’s **beneficial to be consistent with state law.**

Food trucks and Farmer’s Markets were briefly discussed. Mr. Ludwig recommended that this agenda item not be taken back to the Planning Commission and to continue the item to the next City Council Meeting.

A motion was made by Councilmember Colson and seconded by Councilmember Wright to continue agenda item number 7 to the next City Council meeting. Motion passed unanimously.

8. Public Hearing, Discussion, and Consideration of Ordinance 3-5-23 O, An Ordinance Adopting the Kanab City Standard Specifications for Design and Construction.

Ms. Chatterley explained Civil Science have expressed concerns with the current Design Standards, the Design Standards are outdated with the construction standards and methods that are found in the AASHTO and APWA standards and at times we are asking developers to implement more updated standards than what was found in the City’s Design Standards. The City last reviewed the Design Standards on April 13, 2010, which is also the adoption date. The requirements and some information needs updates. Civil Science has spent time going through our current Design Standards and Ordinances to provide an updated document for the Standard Specifications for Design & Construction. Planning Commission first reviewed this on September 6, 2022 where they continued the item and asked staff to invite the City Engineers and Public Works director to the next meeting as well as an outline of some of the changes and cost summaries. On September 20, 2022 a public meeting was held where Iron Rock Engineering, Tom Avant and Josh Beazer had several questions they wanted clarification on. The Planning Commission requested some amendments to the proposed standards and continued the meeting. On March 24, 2023 Planning Commission reviewed the amendments made by staff and City Engineers and made a positive recommendation to adopt the revision to the Kanab City Design Standards.

Josh Beazer with Iron Rock Engineering expressed some concerns on the Ordinance. He explained that some of the requirements are targeted towards larger cities. Overall, he expressed there are good things included in the ordinance.

Council Members further discussed the ordinance and the recommendations from Iron Rock. They would like to further review the recommendations and continue the agenda item.

A motion was made by Councilmember Colson and seconded by Councilmember Glover to continue agenda item number 8 to the next City Council meeting. Motion passed unanimously.

9. Discussion and Consideration on the Purchase of Real Property.

Mr. Ludwig explained that the City Council has had discussions on the purchase of real property. The City has entered into an agreement to purchase property. Staff will present to the Council and the public at the next City Council meeting.

A motion to adjourn was made by Councilmember Glover and seconded by Councilmember Wright. Motion passed unanimously.