

Kanab City Council
May 23rd @ 6:30pm
Council Chambers, 26 North 100 East, Kanab Utah

Work Meeting

1. Liaison Report

Councilmember Chamberlain - Planning & Zoning discussed the Development Agreement with Jeff Yates & Dirk Clayson, the site plan for the Kanab Center remodel, and the fencing regulations in Chapter 4 of the Land Use Ordinances.

Councilmember Wright - The Softball Heatstroker Tournament took place this past weekend and it was a great success. Councilmember Wright expressed appreciation for Sterling Glover's hard work on the event. Babcock Engineering was awarded the Kanab Recreation Center project. Backstops at the baseball fields have been provided by the Goodfellow family at minimal cost and will be installed during the Kane County Sheriff Office service day this coming Friday.

Councilmember Glover - The Library Board meeting was held this month. Councilmember Glover expressed appreciation for Dave Owens and the work he did for the Arts Board. He also expressed condolences to the Dave Owens' family during this difficult time of his passing.

Mayor - Mayor congratulated the Kanab High School Baseball Team and Boys Track Team for winning the state championship.

Councilmember Heaton - The Police Station renovations are moving along well. The seasonal wildland firefighters finished their training last week and have begun working on a project at East Zion.

Councilmember Colson - The Public Works department is staying busy. Staff is working hard to get the pool open.

2. City Staff Report - Mr. Ludwig explained June 1st-7th is the opening for the vacancies for City Council positions. There are three positions open.

City Hall hours will be changing to Monday - Friday 8am-5pm and Friday 8am-12pm.

Library Director Report - Ms. Peay reported that her department is working on updating their library regulations. She briefly spoke about potential grants she will be applying for. She spoke about the programs offered at the library. She also shared library stats with the Council.

3. Other -

Business Meeting

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

In attendance Kerry Glover, Scott Colson, Chris Heaton, Arlon Chamberlain, JD Wright, City Manager Kyler Ludwig, City Attorney Kent Burggraaf, City Treasurer Danielle Ramsay (arrived late), Building Inspector/Land Use Coordinator, Janae Chatterley was excused.

2. Approval of Minutes of Previous Meeting A motion was made by Councilmember Wright and seconded by Councilmember Chamberlain to approve the minutes from the May 9th, 2023 City Council Meeting with the proposed amendments to Councilmember Wright’s liaison report. Motion passed unanimously.

3. Approval of Accounts Payable Vouchers A motion was made by Councilmember Heaton and seconded by Councilmember Wright to approve the check registers for May 17th, 2023 in the amount of \$127,913.85, March 17th, 2023 in the amount of \$250.00, May 18th, 2023 in the amount of \$200.00 and May 23rd, 2023 in the amount of \$21,361.01. 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.

Russell Duff - Mr. Duff is a resident of Kanab and lives in the Ranchos on Stewart Drive. He expressed concern for the Public Works dumping rocks near his property. He’s concerned about the road eroding.

Melody Hinote - Ms. Hinote commented on Kanab City’s water billing and City Office hours. She expressed concern for the process of how water meters are read. She also expressed concern for how late fees on water bills are managed.

5. Public Hearing, Discussion, and Consideration of a Resolution Approving a Development Agreement with the Yates Family Revocable Trust and Manzanita Properties, LLC for Parcels K-7-21-ANNEX and K-7-1-ANNEX (700 South and 900 East).

Mr. Ludwig explained the Development Agreement and the allowed uses for the proposed agreement.

Applicant Dirk Clayson highlighted items of the Development Agreement which included item B, item C and item D. He further explained the Agreement, specifically Item 1, item 2, and item 3.

Mayor Johnson entered into Public Hearing.

Gayle Locke - Ms. Locke commented on traffic concerns near the intersection by Wendy’s Restaurant. She requested that a traffic light be installed at that intersection if the development is approved.

Mayor Johnson clarified that traffic lights are a decision made by the Utah Department of Transportation.

Lisa Allred - Ms. Allred asked if Kanab City taxpayers would pay for road improvements?

Mayor Johnson exited out of Public Hearing.

Councilmember Colson expressed frustration for the Development Agreement as it was presented. He further commented that more discussion should take place.

Councilmember Glover expressed opposition to the Development Agreement. He feels like there is still a lot of work to be done on the Agreement.

Councilmember Wright also expressed concerns for the Development Agreement and the listed uses.

Councilmember Chamberlain expressed that it seems the Developers are trying to cover their bases due to the economy. He requested more specific information from the Developers and would like to continue to work with them.

Councilmember Heaton expressed concerns with the concept of passing zones with conditions.

Mr. Clayson addressed the Council's concerns and welcomed the opportunity to discuss the Agreement in more detail with the Council.

A motion was made by Councilmember Heaton and seconded by Councilmember Colson to continue the agenda item to the June 13th City Council Meeting. Motion passed unanimously.

Discussion for Agenda items 6-8 were combined.

Public Hearing for Agenda items 6-8 were combined.

6. Public Hearing, Discussion, and Consideration of an Ordinance Approving a Zone Change for Parcel K-39-43-Annex From RA to R-1-8.

Mr. Ludwig explained that Property Owner Z7 Development LLC is requesting a zone change to rezone parcel K-39-43-Annex from Residential Agriculture (RA) to Single Family Residential (R-1-8). This parcel was recently annexed into the city and at that time a zoning designation of RA was assigned.

Mr. Ludwig explained that assigning an R-1-8 zone is consistent with the Kanab City Future Land Use Map designation of MDR/GC/AG. The requested zone of R-1-8 is not consistent with the adjacent properties that are zoned RA and RR-1. The Planning Commission made a negative recommendation for the zone change of RA to R-1-8 resulting in a unanimous vote.

Mr. Ludwig explained that Property Owner Z7 Development LLC is requesting a zone change to rezone parcel K-39-42-Annex from Residential Agriculture (RA) to Commercial (C-3). This parcel was recently annexed into the city and at that time a zoning designation of RA was assigned. The Planning Commission made a negative recommendation for the zone change of RA to C-3 resulting in a unanimous vote. Assigning a C-3 zone is consistent with the Kanab City Future Land Use Map designation of MDR/GC/AG. The requested zone of C-3 is consistent with the properties to the west and inconsistent with the properties to the north, south and east. The surrounding parcels are a mix of developed and undeveloped properties.

Mr. Ludwig explained that Property Owner Z7 Development LLC is requesting a zone change to rezone parcel K-39-41-Annex from Residential Agriculture (RA) to Manufacturing (M-2). This parcel was recently annexed into the city and at that time a zoning designation of RA was assigned.

Mr. Ludwig explained that assigning a M-2 zone is not consistent with the Kanab City Future Land Use Map designation of MDR/GC/AG. The requested zone of M-2 is consistent with the properties to the south and west, and inconsistent with the properties to the north, and west. The Planning Commission made a positive recommendation for the zone change of RA to M-2 resulting in a unanimous vote.

Applicant Chase Stratton with Z7 Development LLC explained the proposed development beginning with the requested zone change of R-1-8. He proposed that with the zone change there be a development agreement in place that allows for ten acres to be zoned agriculture and the local FFA (Future Farmers of America) group would be allowed to use the land. This agreement would allow the usage for up to fifteen years. After fifteen years,

Mr. Stratton explained that with the uniqueness of the development and the concerns that community members have, a development agreement is the best course of action. He further explained that Z7 Development LLC is requesting the frontage property along highway 89 be zoned C-3. He explained that they would include that the development won't negatively impact the water shares in the development agreement.

Mr. Stratton addressed concern for an asphalt plant in the requested M-2 zone. He explained that they would be willing to include in a development agreement that an asphalt plant isn't permitted.

Mayor Johnson asked for clarification on conditional uses.

Mr. Burggraaf explained conditional uses in brief detail.

Mayor Johnson entered into Public Hearing.

Melody Hinote - Ms. Hinote explained that she loves the feel of Kanab and asked if we're ready to give that up.

Gwen Brown - Ms. Brown would like to see the agricultural property preserved and urged the Council to deny the proposed zone change.

Gayle Locke - Ms. Locke expressed concern for all of the potential uses under the proposed zone changes.

Danny Little - Mr. Little expressed concern for the requested zone changes with the growth that will take place. He is the manager of Kane County Landfill and explained the negative impact the growth has on the landfill.

Casey Glover - Mr. Glover explained that he feels like we are losing our community. He spoke about Kanab City's General Plan. He listed items in the General Plan that Kanab residents were concerned about when a survey was done which included: avoid sprawl, no large corporations, keep it rural, preserve agriculture, non-polluting commercial, slow growth, and enforce zoning. He feels like Kanab needs an agricultural type development for the residents now and in the future.

Bryant Shakespear - Mr. Shakespear commented that he is a property owner on 1100 South. He complimented the efforts that have been made on the north end of Kanab in the past and would like to see similar efforts on the south end of town. He expressed concerns on the growth Kanab and Kane County is experiencing. He works in the power industry and expressed concern for the amount of development that is taking place and the demand it will have.

Bob Woods - Mr. Woods commented that he lives south of the airport. He expressed concern the requested zone change will ruin the small rural town that Kanab is.

Que Johnson - Mr. Johnson commented on private property rights. He agrees that agriculture is important but agrees with private property rights.

Becky Glover - Ms. Glover feels it's in the best interest of the community to leave the agricultural land as it is so that it can be a future opportunity for those that want to be self-sufficient. She explained that there are over two thousand units that have been approved. She feels we have a building problem, not a zoning problem. She further commented that she wants Kanab to be smart with the growth, utilize the land we have in the right ways and not take away opportunities for others and future generations. She asked the Council to vote the way the community wants, not the way a person from outside the community who didn't elect them into their positions.

Lisa Allred - Ms. Allred expressed frustration with the Developer.

Curt Robinson - Mr. Robinson commented that he is a resident that the requested zone change will affect. He commented that he would like to see large lots next to his property. He expressed opposition to smaller lots. He understands that change will happen but he would like to see lot sizes consistent with what currently exists.

Carrie Duff - Ms. Duff commented that she agrees with the right to sell. She appreciates the concessions the developer stated he is willing to make. She expressed appreciation for City and County leaders but feels there is a not in my backyard mentality and she feels it's unfortunate. She expressed that there are people that want to live in Kanab, pay taxes and continue to make the community grow and she feels that sometimes that isn't a bad thing.

Dave Bischoff - Mr. Bischoff commented that he is a property owner on 1100 South and Kanab Creek Drive. He is opposed to requested zone change. He agrees with larger lots and with the current zoning.

Mike Noel - Mr. Noel commented on the heritage of Kanab and that he has a strong connection to Kanab. He commented that he doesn't believe in taking private property rights from property owners.

Tracy Glover - Mr. Glover commented that he is a long-time resident of Kanab and Kane County. He feels that property shouldn't be purchased with the entitlement of zone changes. He commented that is not an entitlement people have with their property rights. When zone changes are approved, it affects other property owner's rights in doing that. He commented that zone changes need to be carefully considered.

Lindsey Jones - Ms. Jones commented that she grew up in Kanab her family is from Kanab. She feels that we are selling Kanab for money and it's changing the way of life for her kids and grandkids. She believes in property rights but the property was bought with agriculture zoning and it should stay that zoning.

Dirk Clayson - Mr. Clayson commented on water shares and protecting agriculture property. He explained that he has done a lot to protect agriculture in the area. He commented that if we want to preserve agriculture, we need to create Farmer's Markets and retail benefits for it.

Mayor Johnson exited out of Public Hearing.

Mayor Johnson and Council discussed the requested zone changes in great detail. Mayor Johnson and the Councilmembers expressed their thoughts on the requested zone changes.

A motion was made by Councilmember Wright and seconded by Councilmember Glover to deny the application for a zone change from RA to R-1-8 on Parcel K-39-43 Annex. Motion failed by roll call vote.

Councilmember Chamberlain - NAY
Council Member Wright - YEA
Councilmember Glover - YEA
Councilmember Heaton - NAY
Councilmember Colson - NAY

A motion was made by Councilmember Chamberlain and seconded by Councilmember Heaton to approve Ordinance 5-4-23 O, An Ordinance approving a zone change for Parcel K-39-43-Annex from RA to R-1-8 with the additional conditions being added to the Ordinance. Namely that an approved Development Agreement is presented to and approved by the City Council within four months and an additional condition that lot lines be adjusted or created to mirror the zones and would include an agricultural parcel for the northern portion. Motion passed by roll call vote.

Councilmember Chamberlain - YEA
Council Member Wright - NAY
Councilmember Glover - NAY
Councilmember Heaton - YEA
Councilmember Colson - YEA

7. Public Hearing, Discussion, and Consideration of an Ordinance Approving a Zone Change for Parcel K-39-42-Annex From RA to C3.

A motion was made by Councilmember Colson and seconded by Councilmember Chamberlain to approve the application for a zone change from RA to C-3 on Parcel K-39-42-Annex and adopt Ordinance 5-5-23 O, based on the finding and conditions outlined in Staff Report #2023019 with the conditions that a Development Agreement be approved by the City Council within four months and the Developer will create lot lines as necessary.

Councilmember Wright expressed opposition to Development Agreements. Further discussion took place between the Council regarding Development Agreements. Mr. Burggraaf provided clarification on **Development Agreements**.

Councilmember Chamberlain - YEA
Council Member Wright - NAY
Councilmember Glover - NAY
Councilmember Heaton - YEA
Councilmember Colson - YEA

Motion passed by roll call vote.

8. Public Hearing, Discussion, and Consideration of an Ordinance Approving a Zone Change for Parcel K-39-41-Annex From RA to M2.

A motion was made by Councilmember Wright and seconded by Councilmember Glover to deny the application for a zone change from RA to M-2 on Parcel K-39-41-Annex. Motion failed by roll call vote.

Councilmember Chamberlain - NAY
Council Member Wright - YEA
Councilmember Glover - YEA
Councilmember Heaton - NAY
Councilmember Colson - NAY

A motion was made by Councilmember Colson and seconded by Councilmember Heaton to approve the application for a zone change from RA to M-2 on Parcel K-39-41-Annex and adopt Ordinance 5-6-23 O, based on the finding and conditions outlined in Staff Report #2023020 with the condition of a Development Agreement within four months and with the condition of lot line adjustments. Motion passed by roll call vote.

Councilmember Chamberlain - YEA
Council Member Wright - NAY
Councilmember Glover - NAY
Councilmember Heaton - YEA
Councilmember Colson - YEA

9. Discussion and Consideration of a Resolution Approving Kanab City Library Policies.

Mr. Ludwig explained that during their May meeting the Library Board voted to recommend approval for the proposed Library Policies. The policies are required for state accreditation and for many grant opportunities. Within the policies the following criteria are established to review materials for the collection.

1. Authoritativeness
2. Social significance
3. Presentation of various sides of controversial issues
4. Balancing of several groups' interests with general demand
5. High standards of quality in content, expression, and format
6. Accurate information
7. Clear presentation and readability
8. Timeliness or permanence of the material
9. Potential use or patron demand
10. Reflection of the unique needs and interest of the community
11. Inclusion in standard bibliographies, indexes, or review resources

Library Director, Janalee Peay further explained the proposed Library Policies.

The City Council and Mayor Johnson thanked Ms. Peay for her hard work as Library Director and on the Library Policies.

A motion was made by Councilmember Glover and seconded by Councilmember Heaton to approve Resolution 5-3-23 R, A Resolution Approving the Kanab City Library Policies with references to specific fees and fines removed from the Policy. Motion passed unanimously by roll call vote.

Councilmember Chamberlain - YEA
Council Member Wright - YEA
Councilmember Glover - YEA
Councilmember Heaton - YEA
Councilmember Colson - YEA

10. Discussion and Consideration of a Resolution Authorizing Kane County to use City Property Adjacent to the Kanab Center for Western Legends and Balloons and Tunes.

Mr. Ludwig explained that since the last City Council Meeting when this item was discussed, a meeting took place with City and County Staff to mitigate concerns that were brought up by Council.

Applicant Jayme Church with Kane County Tourism Office explained that they are trying to bring new ideas to Western Legends which is requiring more space for the event. She also addressed concerns that were discussed by the Council in the May 9th City Council Meeting.

Mr. Ludwig explained the proposed Resolution in detail.

A motion was made by Councilmember Glover and seconded by Councilmember Chamberlain to approve Resolution 5-4-23 R, A Resolution Authorizing Kane County to use City Parcel K-23-2 to Host Vendors for Western Legends and Balloons & Tunes. Motion passed unanimously by roll call vote.

Councilmember Chamberlain - YEA
Council Member Wright - YEA
Councilmember Glover - YEA
Councilmember Heaton - YEA
Councilmember Colson - YEA

11. Discussion on Sales and Use Taxes

Mr. Ludwig explained as part of the budget process, the City Council annually reviews sales tax collection. Kanab currently has a Sales and Use tax rate of 8.2%. The Sales tax collection brings in approximately 2.5 million dollars annually. This accounts for about half of the City's General Fund Budget. Kane County is currently proposing an additional .25% sales tax for road and transportation infrastructure. The City Council has the legal authority to increase the resort community sales tax by .1% which would generate just over \$100,000 annually. Implementing this tax would cost shoppers \$1 for every \$1,000 they spend in Kanab. An additional .5% sales tax could be implemented by the voters of Kanab through the resort community tax.

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