

**Kanab City Council Meeting**  
**June 13, 2023**  
**Kanab City Council Chambers**  
**26 North 100 East**  
**6:30 PM**

**Work Meeting**

**1. Liaison Report**

**Councilmember Chamberlain** – Some items that have gone through Planning Commission will be coming to City Council soon.

**Councilmember Wright** – They had a Recreation Board meeting where they discussed the Heat Stroker, upcoming youth sports, and the pool. Recreation Director Sterling Glover wrote Thank you letters to Goodfellow and Sheriff's Department.

**Councilmember Glover** – He did a walkthrough with Heritage Museum Director Emily Bentley, and that she wants to have a soft opening on the 4<sup>th</sup> of July. He also mentioned that they received a \$20,000 grant from Mormon Pioneer National Heritage Area (MPNHA) and received funding for the all-women's town council monument.

**Mayor Johnson** – No report given.

**Councilmember Heaton** – No report was given.

**Councilmember Colson** – Absent.

**2. City Staff Report** – Mr. Ludwig stated that he attended the County Commission meeting and that they approved a .25% sales tax increase that the City will get a portion of to help improve transportation. He also wanted to thank Jeff Turner for his hard work and contributions to all departments within the City.

**3. Other – None.**

**Business Meeting**

**1. Call to Order and Roll Call** – Mayor Johnson called the meeting to order. Councilmember Chamberlain offered the invocation. Councilmember Heaton led the pledge of allegiance.

**In attendance:** Mayor Johnson; Councilmember Wright, Councilmember Glover, Councilmember Chamberlain, Councilmember Heaton; City Manager Kyler Ludwig; Building Inspector Janae Chatterley; Recorder Celeste Cram; and City Attorney Kent Burggraaf (available by phone).

**Not in attendance** – Councilmember Colson.

**2. Approval of Minutes of Previous Meeting** – Councilmember Heaton made a motion to approve the minutes from May 23<sup>rd</sup>, 2023 meeting. Councilmember Wright seconded, unanimous vote. motion passed.

3. **Approval of Accounts Payable Vouchers** - A motion was made by Councilmember Glover and seconded by Councilmember Heaton to approve the check registers for May 31<sup>st</sup>, 2023 in the amount of \$38,766.43; June 6<sup>th</sup>, 2023 in the amount of \$61,860.23; June 13<sup>th</sup>, 2023 in the amount of \$58,686.88; and May 26<sup>th</sup>, 2023 in the amount of \$100.00. Councilmember Heaton seconded. Unanimous vote, motion carried.
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.**

**-Enter Public Comment-**

**Chandler Clarkson** – Mr. Clarkson stated that he has been going back and forth for 9 months on if his fence will be allowed. He read the ordinance several times before putting up the fence and he thought he understood it, but he was then told by staff that he was not compliant with the ordinance. He is confused about what he is supposed to follow and hopes that the meeting tonight will bring clarification.

**-Close Public Hearing-**

5. **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 to the council the different uses that could be allowed if the Development Agreement were to be approved. He added that staff created a proposed resolution that the council can consider. The developer, Dirk Clayson, spoke about their intentions with the property and is welcome to input and edit to help them feel good about passing the agreement. Councilmember Heaton clarified with the developer what he put in the agreement and wants to strike apartments from being allowed. The developer agreed to strike it from the agreement. The Councilmembers discussed with the developer the density, and what the ordinance allows. Councilmember Glover expressed the council's willingness to help and work with the developer. Mayor Johnson asked Mr. Burggraaf if there was a way to word it in the agreement that would not allow for a grocery store but will allow for smaller convenience store items to be sold. The developer and council members discussed wording that met the needs of both.

Councilmember Heaton made a motion to approve Ordinance 6-1-23 O "A Development Agreement with the Yates Family Revocable Trust and Manzanita Properties, LLC for Parcels K-7-21- ANNEX and K-7-1-ANNEX" with the following amendments: apartments are not an allowed use, and amenities are only allowed in a public clubhouse and common areas. Councilmember Chamberlain seconds.

Councilmember Chamberlain - YES

Councilmember Wright - YES

Councilmember Glover - YES

Councilmember Heaton - YES

Councilmember Colson – Absent

Motion passed.

**6. Discussion and Consideration of an Ordinance Amending Kanab City Land Use Ordinance, Chapter 4-16 Maximum Height of Fences, Walls, and Hedges.**

Janae Chatterley stated that the Planning Commission discussed the items on March 21st, April 18th, and May 16th. During the March 21st meeting Bob Nicholson, City Planner, provided a presentation about fences and the pros and cons of having fences with and without setbacks, clear view areas and he provided pictures of different neighborhoods showing fences that sit at property lines or set back. Some of the points Bob made are:

- Safety issues when solid fences sit at property lines, near driveways, and around corners.
- Aesthetics both in conformity or with “weed patches” in the setback areas
- Walkability with high solid fences on a setback adjacent to a street
- Difficulty with code enforcement

The Planning Commission discussion on March 21st decided not to address the setbacks on a corner lot and to leave it as currently stated with a 6-foot setback on the street side of a corner lot. In the April 18th discussion and Public Hearing, the Planning Commission discussed setbacks again and some Commissioners wanted to change to a zero setback while other Commissioners did not state their preference. Planning Commissioners felt that the fencing ordinance was still not clear, the discussion was continued to the next meeting. Staff reorganized the ordinance, changed the setback to 1-foot off the property line after a discussion with Public Works Director, Jake Dutton who expressed a difficulty in maintaining or installing sidewalks when a fence sits right on property lines, added requirements for a clear view area around driveways and provided an example of a diagram that can be included with the ordinance. During the May 16th meeting

discussion, a consensus was made by the Planning Commission that they did not want to have a setback along the property lines, they agreed on a clear view around the driveway, and they want to include the diagram in the ordinance. Mr. Burggraaf clarified that the blue language in LUO 4-16- A was in the version they reviewed and that they made their recommendations on. Councilmember Heaton went over the map of the Clarkson property and wants to add language to paragraph B under the blue language about legal non-conforming structures can have 6 ft fences.

Councilmember Heaton made a motion to approve and adopt Ordinance 6-1-23 O to City Code identified in exhibit A of the staff report 20230418-1 and allow staff to update the fence diagram with the requirements in Exhibit A, with the added language to paragraph B “Legal non-conforming structures that are non-conforming as to their orientation to the closest adjacent road subsequently installed, improved and dedicated to the City may have a 6-foot fence with a zero setback on the street frontage side”. Councilmember Glover seconds. Unanimous vote, motion carried.

Councilmember Chamberlain - YES

Councilmember Wright - YES

Councilmember Glover - YES

Councilmember Heaton - YES

Councilmember Colson – Absent

Motion passed.

**7. Discussion and Consideration of an Ordinance Amending Kanab City Land Use Ordinance, Chapter 23, Planned Development Overlay.**

Mrs. Chatterley stated that The Planning Commission reviewed Chapter 23 Planned Development Overlay on October 18, 2022 to clarify the process and steps an applicant needs to follow for the application process and to better streamline the process or enhance the requirements. During the discussion they reduced the acreage requirement for a Planned Development from 10-acres to 2-acres. Planning Commissioners agreed with the other amendments made by staff in exhibit A. In June of 2023 prior to the amendment review by City Council, staff updated exhibit A to include recent legislative changes during the 2023 session regarding Development Agreements.

Councilmember Glover made a motion to approve and adopt Ordinance 6-2-23 O in exhibit A of the staff report for 09202022.6. Councilmember Chamberlain seconds. Unanimous vote, motion passed.

**8. Discussion and Consideration of Payment to Kane County School District for Oversizing of Road and Sewer Infrastructure.**

Mr. Ludwig stated that in 2021 Kane County School District negotiated with staff from Kanab City to oversize and complete infrastructure that was the City's responsibility at the same time as the school project. The negotiations included having the sewer on Swapp Drive oversized from a 9' pipe to a 15' pipe and a deeper excavation. The sewer project is impact fee eligible. Negotiations also included widening of the street at Powell Drive and Kanab Creek Drive; the district accepted the costs to pave 25 feet, and any additions were to be paid by the City. During discussions with the district, they have proposed a reduction in the original invoice to \$208,482; Sewer \$68,372.09; and Streets \$140,110.20.

The school has asked that the City also pay for two change orders for the work. The change orders were approved by the School District during construction (Kanab City was not part of the approvals for the change orders). Sewer Pipe - \$5,460; Asphalt Increase - \$10,680.

The school representative, Cary Reese, went over the map and briefly explained the plans to the council members. He also brought up several emails that were exchanged with former City Manager Joe Decker, former Land Use Coordinator Mike Reynolds, Civil Science, Alpha Engineering, Hughes Construction, and the School District. The commission members discussed the City wanting to honor any commitment made to the school by former staff even though no contract was drafted, and permission was not given by the council previously. Councilmember Wright would like to explore alternative payment methods like water transfers to help get the cost down. The council directed staff to create a contract for them that includes the changes they want to make. The City Attorney will draft up a contract that includes the change orders, have the school district review it, then it will be presented to the council again for approval.

**9. Discussion and Consideration of an Ordinance Designating Restricted Areas within Kanab City for the Discharge of Fireworks.**

Mr. Ludwig stated that Kanab City Fire Chief Brett Pierson has conducted an analysis of fire threats within the city, and he is proposing a renewal of the previous map designating approved areas to discharge fireworks. He thinks Reducing firework discharge in areas of high fire risk can

help protect homes from the threat of fire. The proposed ordinance would limit fireworks in the following areas:

- a. All areas south of 750 South;
- b. All areas west of 300 West; and
- c. All areas east of 600 East.

[These areas include, but are not limited to all of Kanab Creek Ranchos, Cedar Heights, La Estancia, Sedona Valley, The Cove, Coral Cliffs Golf Course, and Mesa Hills subdivisions.]

Councilmember Glover made a motion to approve Ordinance 6-3-23 O An Ordinance Designating Restricted Areas within Kanab City for the Discharge of Fireworks. Councilmember Heaton seconds.

Councilmember Chamberlain - NAY

Councilmember Wright - YES

Councilmember Glover - YES

Councilmember Heaton - YES

Councilmember Colson – Absent

Motion passed.

**10. Discussion and Consideration of a Resolution Approving the Form of the Lease/Purchase Agreement with ZIONS BANCORPORATION, N.A. Salt Lake City, Utah, and Authorizing the Execution and Delivery Thereof.**

Mr. Ludwig stated that the City Council approved the purchase of a facility for the police department in March of 2023. The city entered an agreement to lease the facility for three months and then purchase it in July of 2023. City staff have worked with Zions Bank to review potential financing options. Zions has offered a lease-purchase agreement at 4.43% over 10 years. This agreement has an annual principal and interest cost of \$91,006.67. The first payment would be due in July of 2024.

Councilmember Heaton made a motion to approve Resolution No. 6-2-23 R, Approving the Form of the Lease/Purchase Agreement with ZIONS BANCORPORATION, N.A. Salt Lake City, Utah, and Authorizing the Execution and Delivery Thereof. Councilmember Glover seconds.

Councilmember Chamberlain - YES

Councilmember Wright - YES

Councilmember Glover - YES

Councilmember Heaton - YES

Councilmember Colson – Absent

Motion passed.

**11. Discussion and Consideration of the Purchase of Furniture and Equipment for the Kanab Police Station.**

Mr. Ludwig stated that Spacesaver Intermountain has bid storage and secure evidence lockers for the new space under the Utah State contract pricing. The total price of the bid is \$31,522.22; this includes installation.

Staff is still working to secure quotes for furniture which may be presented at a future meeting.

Councilmember Wright made a motion to approve the purchase of evidence storage in the amount of \$31,522.22 to Spacesaver Intermountain LLC. Councilmember Heaton seconded. Unanimous vote, motion carried.

Councilmember Wright made a motion to approve the purchase of furniture in the amount of \$60,000. Councilmember Heaton seconded the motion. Unanimous vote, motion carried.

**12. Discussion and Consideration of the Purchase of a Pool Heater.**

Mr. Ludwig stated that at the start of the 2023 pool season, the pool's heater stopped working. City staff have worked to secure a new heater as a replacement to allow for the pool to open as quickly as possible. Estimates during the FY 2023 Budget came in at around \$80,000. Work to install a new heater is currently being done on the pool and is estimated to cost just under \$50,000. Staff should have a final invoice for the installation prior to the next City Council Meeting.

Councilmember Wright made a motion to approve the purchase of a new pool heater not to exceed \$50,000. Councilmember Glover seconded the motion. Unanimous vote, motion carried.

**13. Discussion and Consideration of a Resolution Proposing a Certified Tax Rate for the City of Kanab for the Fiscal Year 2024 (July 1, 2023-June 30, 2024).**

Mr. Ludwig stated that On May 9th the City Council reviewed the tentative budget which includes the use of reserve funds for the new police facility and for a cost-of-living wage increase. During the tentative budget discussion, during that meeting the council discussed supporting a property tax rate adjustment to offset these costs; an increase in the revenues collected would require a truth in taxation hearing which was set for August 8, 2023. The tentative budget has a shortfall of \$275,500, which will come from the City's General Fund balance if adjustments are not made to the tax rate. A calculator has been created for the City Council to review the impact of property tax adjustments on an average residential home within Kanab. The council members discussed at length their opinions on wanting to be able to fund the new police department, pay city employees fair wages to improve employee retention and take care of local families. They also expressed concern for several recreational financial needs. Councilmember Wright made a motion to approve Resolution 6-3-23 R, A Resolution Proposing a Certified Tax Rate for the City of Kanab for the Fiscal Year 2024. Including the amounts of

General Operations - \$885,876  
Recreation - \$360,149  
Total - \$1,246,025

Councilmember Glover seconds, unanimous vote. Motion carried.

Councilmember Chamberlain - YES

Councilmember Wright - YES

Councilmember Glover - YES

Councilmember Heaton - YES

Councilmember Colson – Absent

Motion passed.

Councilmember Wright made a motion to adjourn, Councilmember Glover seconds. Unanimous vote, meeting adjourned.