

Kanab City Council Meeting
June 27, 2023
Kanab City Council Chambers
26 North 100 East
6:30 PM

Work Meeting

1. Liaison Report

Councilmember Chamberlain – The Planning Commission is discussing lot size averaging.

Councilmember Wright – None.

Councilmember Glover – The Heritage museum is still planning a soft opening on July 4th, 2023.

Mayor Johnson – None.

Councilmember Heaton – The police station renovation is going well. The fire department is ready for the 4th of July, and the fireworks are ready. He wanted to give special thanks to Steven Grimes and Spencer Mosdell for helping make that happen.

Councilmember Colson – Absent.

2. City Staff Report – None.

3. Other – None.

Business Meeting

Collette Cox came to present a slide show representing the Governor’s Office of Economic Opportunity. Mrs. Cox discussed Utah’s employment rate, year-over job change rate, population growth, amenities, social capital, business support grants, and enterprise zone tax credits.

1. Call to Order and Roll Call – Mayor Johnson called the meeting to order. Councilmember Heaton offered the invocation. Celeste Cram 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.

Not in attendance – Councilmember Colson.

2. Approval of Minutes of Previous Meeting – Councilmember Heaton made a motion to approve the minutes from June 13th, 2023 meeting. Councilmember Wright seconded, unanimous vote. motion passed.

3. Approval of Accounts Payable Vouchers - A motion was made by Councilmember Wright and seconded by Councilmember Chamberlain to approve the check registers for June 20th, 2023 in the amount of \$35,456.55, and June 27th, 2023 in the amount of \$103,986.78. Unanimous vote, motion carried.

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- 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.**

None.

- 5. Public Hearing, Discussion and Consideration of an Ordinance Approving a Zone Change on Parcels K-C-4-1, K-C-4-2, and K-C-4-3 from the Residential Zoning of R-1-8 to a Commercial Zone of C-3 (355 N Main Street – Kane County Hospital).**

- 6. Public Hearing, Discussion and Consideration of an Ordinance Approving a Zone Change on Parcels K-C-4-6, K-C-4-7, and K-C-4-4 from the Residential Multi-Family Zone of RM to a Commercial Zone of C-3 [Applicant, Kane County Hospital]**

Mrs. Chatterley stated that Kane County Hospital, property owner, is requesting a zone change to rezone parcel K-C-4-6, K-C-4-7, K-C-4-4 from Residential Multi-family (RM) to Commercial (C-3). The property owner is currently using the property as a hospital and other health care amenities. The parcel has been used for medical and health care amenities and businesses. Kurt Loveless, CEO of Kane County Hospital, spoke on the plans they have for the area in question.

-Enter Public Hearing-

Public Comment: None

-Close Public Comment-

Councilmember Glover made a motion to assign zone C-3 to Parcel K-C-4-6, K-C-4-7, K-C-4-4 based on the findings and conditions outlined in Staff Report #2023030. Councilmember Heaton seconds.

Councilmember Chamberlain – YES

Councilmember Wright – YES

Councilmember Glover – YES

Councilmember Heaton – YES

Councilmember Colson – ABSENT

Motion passed.

Councilmember Glover made a motion to assign zone C-3 to Parcel K-C-4-6, K-C-4-7, K-C-4-4 based on the finding and conditions outlined in Staff Report #2023030. Councilmember Chamberlain seconds.

Councilmember Chamberlain – YES

Councilmember Wright – YES

Councilmember Glover – YES

Councilmember Heaton – YES

Councilmember Colson – ABSENT

Motion passed.

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85 **7. Public Hearing, Discussion, and Consideration of a Resolution Amending the Kanab City**
86 **Fee Schedule, Including Cemetery Plots, Development Agreements, and Library Fees.**

87 Mr. Ludwig stated that the City's fee schedule includes a wide range of services including
88 permits, licenses, utilities, use of facilities, etc. The City of Kanab regularly reviews the City fee
89 schedule to ensure that the fees charged by the City reflect the costs of providing services. He
90 added that City staff is proposing adjustments to the library fees, cemetery fees, and is
91 proposing a Development Agreement Review Fee. A proposal to remove the "Refundable
92 Deposit for Temp Patron Cards" and services providing customer addresses is also included in
93 the proposed fee schedule. The council briefly discussed the GRAMA request fee, and higher
94 fees for development agreement review fees for larger developments that are more time
95 consuming.

96 Mayor Johnson spoke on the library card fees, wanting to allow any students K-12 to be able to
97 check out books without a fee. Councilmember Chamberlain suggested having a family card for
98 \$25 instead of \$50 to help lessen the burden on families.

99 **-Enter Public Hearing-**

100 **Public Comment: None.**

101 **Close Public Hearing-**

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103 Councilmember Wright made a motion to approve Resolution 6-4-23 R, A Resolution Amending
104 and Adopting the Kanab City Consolidated Fee Schedule with the exception on if a student can
105 present a Kane County School District card, the \$50 fee will go down to \$25. Also adding that
106 staff has permission to add language pertaining to development agreement review fees.

107 Councilmember Heaton seconds.

108 Councilmember Chamberlain – YES

109 Councilmember Wright – YES

110 Councilmember Glover – YES

111 Councilmember Heaton – YES

112 Councilmember Colson – ABSENT

113 Motion passed.

114

115 **8. Public Hearing, Discussion, and Consideration of a Resolution Approving an In-Kind**
116 **Transfer from the Water Utility to the General Fund for Fiscal Year 2023.**

117 Mr. Ludwig stated that any transfer of funds from municipal utilities to the General Fund
118 requires a public hearing. The City's general fund receives in-kind contributions from the water
119 utility which includes free water for Fire Employees/Volunteers, free water for all city
120 properties, and waived fees for Kane County School District Water in Kanab City (per written
121 agreement). He went over the analysis as stated in the packet, explaining the numbers of
122 estimated gallons.

123

124 Jake Dutton, Public Works Director, stated that he feels it is unfair that fulltime fire
125 employees receive free water and sewer, and that it should only go to only volunteer firefighters
126 or all City employees.

127 Brett Pierson, Fire Chief, stated that the fire fighters don't receive on call pay, so the free
128 water was incentive. He doesn't feel that the incentive must be the water compensation, but
129 that there needs to be something because the firefighters deserve it.

130 The council discussed on call pay, and what it means. They want to explore other options to
131 compensate for their time. Councilmember Chamberlain thinks its fine to keep it until they find
132 something else to replace it with. The council wants to have staff look at other avenues for
133 compensation, and a more structured on-call reimbursement.

134 **-Enter Public Hearing-**

135 **-Close Public Hearing-**

136 Councilmember Heaton made a motion to approve the in-kind contribution from the Kanab
137 Water Utility to the General Fund. Councilmember Glover seconds.

138 Councilmember Chamberlain – YES

139 Councilmember Wright – YES

140 Councilmember Glover – YES

141 Councilmember Heaton – YES

142 Councilmember Colson –ABSENT

143 Motion passed.
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145 **9. Public Hearing, Discussion, and Consideration of a Resolution Amending the Budget for**
146 **Fiscal Year 2023 (July 2022 – June 2023).**

147 Mr. Ludwig stated that a few minor changes have been made since the Council's review on May
148 9; the changes include an increase in projected revenues, adjustments to the police remodel
149 budget, the increases from the Pool capital projects, and an increase in the proposed transfer
150 from the General Fund to the Capital Projects Fund. He added that the proposed amendments
151 have been available for public review; no written comments have been received from the public.

152 **-Enter Public Hearing-**

153 **-Close Public Hearing-**

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155 Councilmember Heaton made a motion to approve Resolution 6-5-23 R, A Resolution Approving
156 Year-end Final Amendments to the Budget for Fiscal Year 2023. Councilmember Chamberlain
157 seconds.

158 Councilmember Chamberlain – YES

159 Councilmember Wright – YES

160 Councilmember Glover – YES

161 Councilmember Heaton – YES

162 Councilmember Colson –ABSENT

163 Motion passed.
164

165 **10. Discussion and Consideration of an Ordinance Amending Kanab City Land Use**
166 **Ordinance, Chapter 1, General Provisions (Regulations on Building Permits and Zone**
167 **Changes).**

168 Mrs. Chatterley stated that Staff found language in Chapter 1 that is incorrect regarding zone
169 changes and language about building permits that are addressed in the General Ordinance and
170 not needed in this chapter. Staff felt it would be a good opportunity to review other sections of

171 the ordinance since it hasn't gone through a full review since 2008 and Mayor Johnson
172 requested planning commission review the process of requesting multiple zone changes on one
173 parcel within a year. There was an amendment to remove one of the definitions (animal) in
174 2022 but there was not a review of the whole chapter with this amendment. The Planning
175 Commission discussed at length how many zone changes a property owner can
176 apply for in one year and the length of time would or would not be necessary. They also
177 discussed changing the length of time that a landowner or an applicant could come in and ask or
178 petition for the same zone change and what constitutes a substantial change. The planning
179 commission decided to leave the language regarding the timeline and substantial changes as
180 currently stated in the ordinance. There was discussion regarding zone changes with annexation.
181 During the meeting it was discovered that the State code had been updated and City code
182 needed to be updated. The Planning Commission requested that the chapter is brought back at
183 a different date to do a full review. The council briefly discussed what was said by the planning
184 commission, and that they liked what was said.

185
186 Councilmember Heaton made a motion to approve Ordinance 6-6-23 O, An Ordinance
187 Amending Kanab City Land Use Ordinance Chapter 1, General Provisions. Councilmember Glover
188 seconds.

189 Councilmember Chamberlain – YES
190 Councilmember Wright – YES
191 Councilmember Glover – YES
192 Councilmember Heaton – YES
193 Councilmember Colson –ABSENT
194 Motion passed.

195

196 **11. Discussion and Consideration of an Ordinance Amending Kanab City Land Use**
197 **Ordinance, Chapter 17, Single Family Residential Zones (Approval of Two-Family**
198 **Dwellings).**

199 Mrs. Chatterley stated that The Planning Commission Chair requested this be reviewed with the
200 recommendation to remove the requirement for Planning Commission review and allow staff to
201 approve two-family dwellings based on the requirements in the Chapter. While preparing the
202 proposed amendments staff identified a contradiction to a new legislative law that was passed
203 regarding bonding that needs to be updated. The planning commission and staff discussed the
204 bonding requirement for landscaping and the new legislative law that was passed. Staff
205 recommended adding language that within six months of occupancy that landscaping would
206 need to be installed. There was a brief discussion between Planning Commission members on
207 why there is a landscaping requirement for two-family dwellings but not a requirement for
208 single-family homes. The consensus was to leave the landscaping requirement for two-family
209 dwellings. A motion was made for a positive recommendation, vote was 6-1.

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211 Councilmember Chamberlain made a motion to approve Ordinance 6-7-23 O, An Ordinance
212 Amending Kanab City Land Use Ordinance Chapter 17, Single Family Zones. Councilmember
213 Wright seconds.

214 Councilmember Chamberlain – YES

215 Councilmember Wright – YES
216 Councilmember Glover – YES
217 Councilmember Heaton – YES
218 Councilmember Colson – ABSENT
219 Motion passed.

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221 **12. Discussion and Consideration of an Ordinance Amending Kanab City Land Use**
222 **Ordinance, Chapter 19, Manufactured Homes (Approval of Two-Family Dwellings).**

223 Stated that The Planning Commission Chair requested this be reviewed with the
224 recommendation to remove the requirement for Planning Commission review and allow staff to
225 approve two-family dwellings based on the requirements in the Chapter. While preparing the
226 proposed amendments staff identified a contradiction to a new legislative law that was passed
227 regarding bonding that needs to be updated.

228

229 Councilmember Glover made a motion to approve Ordinance 6-8-23 O, An Ordinance Amending
230 Kanab City Land Use Ordinance Chapter 19, Kanab Creek Ranchos KCR-720 Zone.

231 Councilmember Wright seconds.

232 Councilmember Chamberlain – YES

233 Councilmember Wright – YES

234 Councilmember Glover – YES

235 Councilmember Heaton – YES

236 Councilmember Colson – ABSENT

237 Motion passed.

238

239 **13. Discussion and Consideration of a Resolution Approving an Interlocal Agreement with**
240 **Kane County for Municipal Elections.**

241 Mr. Ludwig stated that Kanab City has elections planned for 2023 and 2025. Historically the Kane
242 County Clerk's Office has managed the elections for the City of Kanab. He added that under the
243 agreement Kane County will aid in conducting the primary and general elections in 2023 and
244 2025. Costs of elections are split among the entities participating in the election. The cost is
245 capped at \$3.09/registered voter. A \$0.05 administrative fee is also allowable under the contract.

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247 Councilmember Wright made a motion to approve Resolution 6-6-23 R, A Resolution Approving
248 the Interlocal Agreement with Kane County for Municipal Elections with staff clarifying the
249 \$3.09/registered voter price. Councilmember Chamberlain seconds.

250 Councilmember Chamberlain – YES

251 Councilmember Wright – YES

252 Councilmember Glover – YES

253 Councilmember Heaton – YES

254 Councilmember Colson – ABSENT

255 Motion passed.

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14. Annual Performance Review of the City Manager.

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Mr. Ludwig informed the council that it was time for employee performance reviews. He asked that they each fill out an evaluation for himself. The council commended Mr. Ludwig on the work he has done for the City and hopes that he will be around for a long time.

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Councilmember Chamberlain made a motion to adjourn, Councilmember Wright seconds.

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Unanimous vote, meeting adjourned.

Unapproved