

**Kanab City Council Meeting**

**June 28, 2022**

**City Council Chambers**

**26 North 100 East**

**6:30 PM**

**Work Meeting:** Scott Colson spoke about scheduling when they would like to restart the Impact Fee Study. There is still time on the existing study but he feels the needs may have changed so he wondered when they can adjust it and the fees, they are collecting to fit the needs. Michael East had a productive a Recreation Meeting and established a list of priorities and eventually seeking input from the community as well to get the priorities from their prospective. Arlon Chamberlain spoke on the Planning Commission items they went over and will go over this evening.

The prayer was offered by Chris Heaton and the pledge was led by Celeste Meyeres. Mayor Johnson called the meeting to order and roll call was taken.

**In Attendance:** Mayor Colten Johnson, Council Members Arlon Chamberlain, Celeste Meyeres, Michael East, Chris Heaton and Scott Colson, Treasurer Katherine Ohlwiler, Attorney/Interim City Manager Kent Burggraaf and Building Inspector/Land Use Coordinator Janae Chatterley.

**Approval of Minutes of Previous Meeting:** A motion was made by Celeste Meyeres and seconded by Chris Heaton to approve the meeting minutes of June 14, 2022. Motion passed unanimously.

**Approval of Accounts Payable Vouchers and Check Registers:** A motion was made by Michael East and seconded by Scott Colson to approve the accounts payable vouchers and check registers dated June 15, 2022 in the amount of \$103,521.83; June 23, 2022 in the amount of \$67,100.39 and for June 28, 2022 in the amount of \$97,224.22. Motion passed unanimously.

**Public Comment:** Ted Prihoda wondered why he received a warning going 30 mph in the Ranchos yet people speed through downtown. Need to get the speeding in town under control. His second concern was pickleball. He would like to see the courts get repainted. Would like to see a workout room in the Rec center as well. Third concern was why he is paying a storm water fee as he lives in the Ranchos.

*“My name is Carrie Duff. I am here with the support of 65 Kanab residents, some of whom are here with me tonight, who would like to see the City of Kanab take steps to expand Pickleball play both outdoors and in. My husband and I, and another strong supporter, have met several times with Danielle Ramsay Rec Department director, and just yesterday we attended the Kanab City Parks and Recreation board meeting to make public comment promoting Pickleball. This popular sport was recently declared the fastest growing sport in the US, for the second year in a row. Our Pickleball group is eager for support from our City and County elected officials, and we are interested in knowing what steps are underway to ensure existing, and to expand local play opportunities for residents and visitors alike. We would like to open a cooperative dialog between the City and our group. Pickleball is a fun sport that combines elements of tennis, badminton, and ping-pong. It is played both indoors and out on a badminton-sized court with a modified tennis net, using a lightweight ball and wood, composite or graphite paddles.*”

*Pickleball is almost equally popular among men and women; 53% of players are male and 47% female. According to an annual report from USA Pickleball, over 4.8 million Americans picked up a pickleball racquet last year. Despite the pandemic, the sport has grown 39.3% in the last two years. While some see pickleball as a pastime for seniors, the Sports and Fitness Industry Association asserts that today the fastest growing demographic for pickleball is ages 18-54. Recreation facilities are a public service, and a Tourism draw. Regular indoor pickleball play now takes place M, W, and F in the old HS gym at the Kanab Center. We're grateful to the former City Rec Director who, in late 2019, allowed two of us to use a special adhesive tape to mark court lines for 3 courts in the KC gym, and just yesterday, 19 local, regular players used those courts, with portable nets for >2 hours. Indoor play is very popular, these numbers are not unusual. We often have drop in players, travelers who arrive with paddles in hand. Outdoor play is available at one of two City tennis courts, where portable nets can be placed parallel to and on both sides of the tennis net, and contrasting PB court lines are painted perpendicular to white tennis court boundaries. Currently, outdoor play is less desirable, heat and winds being a strong detriment. Also, the court lines are seen as confusing, crosswise to and less visible than the tennis lines, and oriented East-West with sunlight impairing visibility. The two portable outdoor nets are damaged and barely usable. Despite issues, our group has played outdoors when wind and heat are tolerable, and we've observed tourists and even one local young family using Kanab's outdoor courts. Our group is concerned that indoor play will be impacted by renovation at the Kanab Center. Will our current schedule be interrupted, or eliminated? It was understood by some in our group that the KC facility, was given by the City and that there was/is an existing agreement between City and County that the old HS gym be used for recreation until a Recreation Center might be built. Who has the say, City or County, in whether or not we'll continue after renovation? If we lose the KC gym, can we possibly use, even temporarily, the Elementary facility for indoor play once it is vacant? Outdoor play concerns are: whether or not court lines might be reoriented to North/South versus East/West; whether both existing tennis courts might be painted with N/S orientation to allow for 3-4 courts; whether new and sturdier portable nets (possibly with steel frames and wheels), and wind screening material might be purchased. Our group would greatly appreciate any or all of these improvements. We would be much more likely to play outside if these concerns were addressed. And, if, in fact, our indoor play is interested as the KC is renovated, our only option will be to use our now less acceptable outdoor facilities. What can City Council do to offer us improved Pickleball options? We know that a Recreation Center has been envisioned for some time, and plans include indoor pickleball courts. That hope, is very exciting to this interest group. On that specifically, we'd like confirmation as to the City's commitment for the Health and Wellness center Partnership that was documented by Kane County on December 29, 2021. Is this joint City/County project in the works? Even so, the proposed Center does nothing to meet the need of us pickleballers now. We'd like some assurance that provision for indoor play will be made, and some action to improve outdoor play for the present. Please give your consideration to these questions, suggestions and comments. Thank you."*

Dave Hortenson (name could be incorrect) spoke about pickleball being a game for all ages. Told the Council that they are very interested in working with the City and various subcommittees including Land Use. Other developments in different communities have pickleball courts as well. They would like to figure out something long term.

Lynn Dolan explained Danielle Ramsay suggested coming to the City Council to try and get their issues resolved. She believes there was an agreement in the past where one tennis court would be painted for pickleball and one for tennis. They were told that they won't reline the courts because they need to redo the courts altogether. She never sees anyone there playing tennis. They need more than two courts. Getting permission from the Council to line the tennis courts for pickleball would be beneficial.

Amy Sorenson commented that she has been playing pickleball for twelve years. It is hard to find a pickleball court open in St George. She gets contacted by people coming through town who are interested in playing while they are in town. Mrs. Sorenson talked about the orientation of the lines as they are painted compared to the sun as well.

Dale Lock thanked everyone for their public service. She mentioned there is a huge wave of pickleball activity. Pickleball has been like the Fountain of Youth as they stay active and are able to play. Not only being able to communicate and meet new people as well.

**Discussion and adoption of Resolution 6-6-22 R, A Resolution Determining the Certified Rate of Tax and Levying of Taxes Upon All Real and Personal Property Within the City for Fiscal Year Beginning July 1, 2022, and Ending June 30, 2023, and Amending Resolution 6-2-22 R:** Kent Burggraaf explained that as he coordinated with the County Clerk/Auditor as well as with the State which gave him permission to look at the website and approve the property tax numbers, they gave him access to last years numbers and not this years. This is correcting that issue which is the amount they get which is not an increase in the tax rate.

A motion was made by Celeste Meyeres and seconded by Scott Colson to adopt Resolution 6-6-22 R determining the certified rate of tax and levying of taxes upon all real and personal property within the City for fiscal year beginning July 1, 2022 and ending June 30, 2023 and amending Resolution 6-2-22 R. Motion passed unanimously by roll call vote.

**Public Hearing, discussion, and adoption of Resolution 6-7-22 R, Amending Budget for Fiscal Year 2021/2022:** Kent Burggraaf explained that there were unanticipated expenses that came in from the City Engineers with other tweaks to revenues and adjustments as well. Mayor Johnson opened up Public Hearing.

Ted Prihoda commented on if there was any money budgeted for cleaning the highway area trash or the trash by the reservoir.

Lynn Dolan explained her concerns with the Creekside subdivision becoming an ATV track for kids.  
Out of Public Hearing.

A motion was made by Michael East and seconded by Chris Heaton to adopt Resolution 6-7-22 R, Amending Budget for Fiscal Year 2021/2022. Motion passed unanimously by roll call vote.

**Discussion and Consideration of adopting the following Land Use Ordinance Changes:**

- a. **Ordinance 6-1-22 O, An Ordinance Amending Kanab City Land Use Ordinance, Chapter 6-5, Access Requirements;**

Janae Chatterley explained Iron Rock Engineering asked to see if they can change the Chapter 6-5 of the Land Use Ordinance which is the driveway access ordinance. They wanted to request to allow additional driveway access on residential lots. Planning Commission suggested some draft amendments to the

Ordinance. Currently it only allows two driveway accesses for residential lots. They proposed that residential lots with less than one hundred feet of street frontage shall only have two accesses. And lots with more than one hundred feet of street frontage are allowed one additional driveway for each additional fifty feet of street frontage, each of which shall be a minimum of twenty-five feet wide. Circular driveways would only be counted as one access unless they have a arch or branch then it would classify as two. The council wanted to strike the second sentence in subsection C. "If a driveway branches off from the circular drive this will count as a second driveway." Scott Colson wondered why there was a need to regulate driveway accesses. Janae Chatterley explained that when there is already curb and gutter, they have to cut in the driveway accesses.

A motion was made by Michael East and seconded by Celeste Meyeres to approve the proposed amendments and adopt Ordinance 6-1-22 O, An Ordinance Amending Kanab City Land Use Ordinance, Chapter 6-5, Access Requirements as identified in exhibit B of the staff report for 2022051701, with the following amendment to remove the second sentence in Chapter 6-5 subsection C. Motion passed by roll call vote with Arlon Chamberlain voting aye, Celeste Meyeres voting aye, Michael East voting aye, Chris Heaton voting aye and Scott Colson voting nay.

**b. Ordinance 6-2-22 O, An Ordinance Amending Kanab City Land Use Ordinance, Chapter 4-16, Maximum Height of Fences, Walls and Hedges:**

Janae Chatterley explained she had brought this chapter to the Council before, now they are looking at clearing up some of the language requiring conditional use permits and maximum heights of fences along with allowed/prohibited material. In Chapter 4-16 section A, it says "Fences and walls at the property line may be erected to a maximum height of six feet as described in this chapter." B. States, "Fences and walls at the property line may be erected to a maximum of eight feet when approved by the Planning Commission under a Conditional Use Permit." Scott Colson would rather have specific reasons as to why a CUP is approved rather than giving all of the authority to the Planning Commission. The consensus was to make the maximum to eight feet and also remove section B. Mayor Johnson wondered about the materials allowed. They decided to table the decision after Janae makes some adjustments recommended.

**c. Ordinance 6-3-22 O, An Ordinance Amending Kanab City Land Use Ordinance, Chapter 4-20, Flag Lots – Special Provisions (and relocation to the Kanab City Subdivision Ordinance, Chapter 2):**

Janae Chatterley explained that staff requested that the Planning Commission consider amending Chapter 4-20 of the Land Use Ordinance by removing the Conditional Use Permit requirement for a flag lot and moving the requirements under the subdivision ordinances. 15470

A motion was made by Scott Colson and seconded by Michael East to approve the proposed amendments and adopt Ordinance 6-3-22 O, An Ordinance Amending Kanab City Land Use Ordinance, Chapter 4-20, Flag Lots – Special Provisions (and relocation to the Kanab City Subdivision Ordinance, Chapter 2) as identified in exhibit B and C of the staff report for 2022051702. Motion passed unanimously by roll call vote.

A motion was made by Celeste Meyeres and seconded by Chris Heaton to adjourn the meeting. Motion passed unanimously.