

Mayor

Robert Houston

City Manager

Joseph Decker

Treasurer

RaeLene Johnson



KANAB
— UTAH —

City Council

Brent Chamberlain

Cheryl Brown

Kirt Carpenter

Joe B. Wright

Kent Burggraaf

KANAB CITY COUNCIL
April 22nd, 2014
76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 22nd day of April, 2014, at the Kane County Commission Chambers at the Kane County Courthouse at 76 North Main, Kanab, Utah. The Council Meeting will convene at 6:30 p.m., and the agenda will be as follows:

6:30 Work Meeting

- Review Accounts payable
- Discuss the location of the New Skate Park
- Discuss policy on Building Use
- Discuss Building License Ordinance
- Discuss Robert's Rules of Order

Business Meeting

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of minutes of previous meeting
4. Approval of Accounts payable vouchers
5. Public Comment Period – Members of the public are invited to address the Council. Participants are asked keep their comments to 3 minutes and follow rules of civility outlined in Kanab Ordinance 3-60
6. Discuss Letter of Intent with Siemens Industry on a investment grade audit
7. Approval to purchase a new vehicle for the Public Works Department
8. Approval to purchase a High Pressure Breathing Air Compressor for the Fire Department.
9. Discuss RFP for Airport Management
10. Closed Session:
 - Discuss the character, professional competence, or physical or mental health of an individual.
 - Discuss pending or reasonably imminent litigation.
 - Discuss the purchase, exchange, or lease of real property.

Times listed for each item on the agenda may be accelerated as time permits. If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact RaeLene Johnson at the Kanab City offices.

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KANAB CITY COUNCIL MEETING
APRIL 8, 2014
KANE COUNTY COMMISSION CHAMBERS

PRESENT: Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf and Joe B. Wright, City Manager/Recorder Joe Decker and City Treasurer RaeLene Johnson. Council Member Brent Chamberlain excused.

WORK MEETING: Council Member Brown presented an award and check to Linda Ghidossi-Deluce for Artist of the Year 2013. As a violin and viola instructor, she established and directed the award winning Young People's Chamber Orchestra through the Symphony's Music Education Department. It is still in existence after twenty-five years. She is the fiddler in Kanab's own rock band, "Mesozoic", and concertmaster for the Symphony of the Canyons. She is an artist who is willing to share her love of music and give all who study with her a desire to excel.

Council Member Brown presented an award and check to Ed Meyer for Art Supporter of the Year 2013. He has contributed his time and skills to elevate the level of arts in Kanab. He helped create the Center for Education, Business and the Arts (CEBA). He led an effort to build the Terrace Performing Art Center. He also helped develop the Kane County Hospital Healing Arts Exhibit. While Mr. Meyer was on the City Council, the City received the Utah Arts Council's award for Community Leadership in the Arts. He is a published writer. He helped publish The Red Rock Review, a local literary and arts publication.

A presentation was given by Derrill Adair of Century Consulting on the possibilities of project management. He said they work for public entities and contractors. They complete projects on time and within budget. He said that the hard work needs to be done early. Contracts are an important part of what they do. He said schedules need to be looked at and used daily. The main thing they do is "manage the process".

Mr. Carl Parker and Lyle Kunz with URMMA addressed the Council and explained the financial position of URMMA which is very good. They presented a dividend check to the Mayor in the amount of \$3,366.88. Cities representing URMMA are part of a team helping one another.

Mayor Houston opened the regularly scheduled meeting at 7:10 p.m. Prayer was offered by Cheryl Brown and pledge of allegiance was given by Mayor Houston. Mayor Houston called the meeting to order and roll call was taken. Council Member Chamberlain excused.

A motion was made by Council Member Wright and 2nd by Council Member Burggraaf to approve the agenda. Motion passed unanimously. Council Member Chamberlain absent.

APPROVAL OF MINUTES: A motion was made by Council Member Burggraaf and 2nd by Council Member Wright to approve the minutes of March 25 with correction. Motion passed unanimously. Council Member Chamberlain absent.

APPROVAL OF VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Brown to approve the accounts payable vouchers in the amount of \$82,301.90 dated April 7, 2014. Motion passed unanimously. Council Member Chamberlain absent.

PUBLIC COMMENT PERIOD: No comments received. Police Chief Cram brought Ed Meyer's check to Council Member Brown. It was endorsed, and he wanted to donate it to the Skate Park.

PUBLIC HEARING FOR POSSIBLE CHANGES TO THE KANAB CITY LAND USE ORDINANCE CHAPTER 6 AND ALL RELATED CHAPTERS: Council Member Burggraaf explained Levi Roberts (from Five Counties) and the Planning Commission's recommendations. He said that a parking study was completed. A motion to go into a public hearing to discuss changes to Chapter 6 of the Land Use Ordinance and authorize at the discretion of the Mayor to go in and out of the public hearing was made by Council Member Wright and 2nd by Council Member Burggraaf. Motion passed unanimously. Council Member Chamberlain absent. No comments were received. Mayor ended the public hearing. A motion to adopt Ordinance #4-1-14 O amending the Land Use Ordinance concerning parking in commercial zones with changes as follows: Section 6-4 swap second sentence with first sentence. Change #15 to read one space for each shift employee was made by Council Member Burggraaf and 2nd by Council Member Wright. Motion passed unanously by roll call vote. Council Member Chamberlain absent.

PUBLIC HEARING FOR CONSIDERATION OF ADDING NEW USE TO THE C-2 ZONE AND POSSIBLE OTHER ZONES OF THE LAND USE ORDINANCE. THE NEW USE BEING CONSIDERED WILL BE A COMMERCIAL ANIMAL BOARDING FACILITY. (DOGGIE DAYCARE)

Mayor Houston opened the Public Hearing. JoAnn Rando-Moon stated she supports the change. She felt it was a good idea to allow for Doggie Day Care. Andrea Williams representing Laura Bradshaw expressed appreciation to the Council for this change. They will have a plan for taking care of the noise. The ordinance allows for normal house hold pets as recommended by the Planning Commission. Mr. Jeff Frey approves the change, but feels the need to be considerate of neighbors. Charlie Sobe didn't think the 14 day requirement made sense. He didn't like the time limit. Mr. Bill Cole agrees with the change. He thinks this will be a good service for Kanab. Mr. Bruce Davis is also for the change, but he thinks exotic pets should be addressed. Ms Gaye Rowan agrees with the new ordinance, but she wanted to have one on her property in the Ranchos. The Council told her she would have to be rezoned to a C-2 or a C-3. A motion was made by Council Member Burggraaf to adopt Ordinance #4-2-14 O with changes adding the need for a conditional use permit and the findings in the staff report.

Motion 2nd by Council Member Carpenter. Motion passed unanimously by roll call vote. Council Member Chamberlain absent.

DISCUSS ORDINANCE 4-3-14 O WHICH INCLUDES CHANGES TO THE GENERAL ORDINANCE 8-301 FOR ADDING A HIGH SCHOOL

AMBASSADOR TO THE LIBRARY BOARD: Council Member Wright explained the change to the library board members. The addition of one member of the Board may be a current high school student. The high school ambassador's term shall be one school year. A motion was made by Council Member Wright and 2nd by Council Member Carpenter to adopt Ordinance #4-3-14 O amending the General Ordinance Section 8-301 as stated above and also on last page changing Heritage Board to Library Board. Motion passed by roll call vote. Council Member Chamberlain absent.

DISCUSS RFP FOR AIRPORT MANAGEMENT: Mr. Decker addressed the draft of minimum standard for the airport and a Fixed Base Operator (FBO). He feels something needs to be said about fuel pricing and if the City has any input. Mayor Houston would like a history of the company. Mayor told the Council to review this document and return with suggestion and changes to staff or himself by Friday.

DISCUSS RFP FOR PUBLIC DEFENDER: The Council directed staff to send out the Request for Proposals for a Public Defender as written.

ARBOR DAY PROCLAMATION: Mayor Houston read the Arbor Day Proclamation and proclaimed April 25th as Arbor Day in Kanab and urged all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. Council Member Brown reminded everyone that there will be a project at the Rancho Park to dig around the trees on Saturday 19 at 8:00 a.m. Clean up Week will be April 14-18.

A motion to adjourn was made by Council Member Wright and 2nd by Council Member Brown. Motion passed unanimously. Council Member Chamberlain absent.

MAYOR

ROBERT D. HOUSTON

RECORDER JOE DECKER

Mayor

Robert D. Houston

City Manager

Joseph M. Decker

Treasurer

RaeLene Johnson



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April 22, 2014

Siemens Industry, Inc.
Building Technologies Division
Energy & Environmental Solutions
Attention: Mark Cram
9707 S Sandy Parkway
Sandy, UT 84070

Re: Letter of Intent and Approval to Proceed with Investment Grade Audit

Dear Mark:

Kanab City, Utah ("Kanab") intends to contract with the Building Technologies Division of Siemens Industry, Inc. ("Siemens") to implement a performance contracting project to improve its infrastructure and operational efficiencies ("Project"). The Project will be comprised of a variety of facility improvement measures ("FIMs") to be assessed through an investment grade audit ("Audit").

The Audit will be performed at the following location(s):

- City Library
- City Public Works
- Firestations (2)
- City Pool
- City Water Wells

The Audit will evaluate the following systems: Heating, Ventilation and Air Conditioning; Building Automation and Controls; Lighting; Building Envelope; Water Fixtures; and potential sources of Alternate Energy.

The purpose of the Audit will be to identify opportunities to: Reduce operating and utility costs; replace or upgrade existing equipment; improve facility infrastructure; enhance revenue (if allowed); and reduce the City's carbon footprint.

In order to accomplish the Audit, Kanab shall provide Siemens the following data (if not already provided): Two-year history of utility bills (electric, gas, water, etc.); maintenance and operational costs for addressed systems; access to facilities and design drawings; audited financial statements for the past two years; and a point of contact for the Audit team.

The objectives of the Project to be assessed during the Audit (Objectives) are as follows: Siemens will provide a written guarantee of projected utility savings and reduced operational costs in compliance with State Government Code; and the associated State Contract.

Kanab and Siemens will cooperate to finalize the technical, legal and financial components of the Project, and Kanab will pursue financing for the Project, possibly with assistance from Siemens. Kanab also will

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prioritize the FIMs to be implemented, and Siemens will use the results of the Audit as the basis for a draft Performance Contracting Agreement ("Agreement").

Siemens and Kanab jointly commit to provide the necessary resources and information in order to meet the following Project development schedule:

Milestone	Target Completion Date
Council LOI Approval	April 2014
Kickoff Meeting	May 2014
Presentation of Audit Results	August 2014
Mayor and Council Approval of Project Scope	August 2014
Begin Procurement of Financing	August 2014
Select Financial Provider	September 2014
Finish Negotiating Agreement	October 2014
Mayor and Council Financing and Agreement Approval	October 2014
Execution of Agreement	October 2014

If Siemens is unable to produce an Agreement that meets the above Objectives, then it shall receive no payment for its efforts to develop the Project. However, if Siemens presents an Agreement that meets the above Objectives, and the parties do not execute it within thirty (30) days thereafter, then Kanab agrees to pay Siemens a termination fee of **\$\$18,500.00** (eighteen thousand five hundred dollars and no cents) within sixty (60) days of invoice. Alternatively, if Siemens provides an Agreement which meets the Objectives defined above, and the parties execute the Agreement, then the costs associated with the Audit will be incorporated into the price of the Agreement.

On behalf of Kanab City, Utah, this Letter of Intent is approved as of the date above.

Sincerely,

Signed

Print

Title