

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

September 9th, 2014

76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 9th day of September, 2014, at the Kane County District Court Room 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 P.M. Work Meeting

- Skate Park
- Arts Council
- Water Conservation

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. Approval of Interlocal Agreement for legal services with Kane County

7. Approval of Lease Agreement between Children’s Justice Center and Kanab City for a portion of Fire station #2

8. Consider Resolution 9-1-14R A Resolution amending Kanab City Personnel Policy

9. 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.

– A Western Classic –

KANAB CITY COUNCIL MEETING

AUGUST 26, 2014

KANE COUNTY DISTRICT COURTROOM

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

WORK MEETING: Work meeting started at 6:40 p.m. Council Member Carpenter expressed concern about the recent communication outages. He said the Council is responsible for the health, welfare and safety of the citizens, and no one could call emergency services during the outage. Mr. Michael East with South Central addressed the Council. He said the first outage on August 3rd was caused by a lightning strike near Kanab Furniture. According to Craig Baird an employee of South Central there has never been an outage like this in the last decade. They worked continuously day and night until it was fixed. The only customers impacted at that time were the wireless customers. Then on August 10th there was a water line break between Orderville and Mt Carmel. It was underground. The conduit was cut from the pressure of the water and then eventually the fiber was damaged. With the first outage emergency services had backups, but not with the water line break outage. Council Member Wright asked Mr. East if there was a way to keep local calls up and running if the fiber is cut somewhere else. Mr. East said possibly yes. Council Member Carpenter also was concerned with water conservation. He would like to see the capital facilities plan on water rights, wells, and conservation going hand in hand together. He wants to link the two together, so the City can go into the next 40 years or so prepared. He feels Kanab needs to take a serious look at the water billing prices. He said that Kanab's billing is backward from everyone else. The largest users should be paying the higher cost instead of the more you use, the less it costs. Kanab City also needs to acquire more water rights. He talked about the Lake Powell Pipe line.

Mayor Houston expressed appreciation to Council Member Brent Chamberlain and his Western Legends Committee for the work that was done for Western Legends. It was a great success. Mayor Houston updated the Council on the old middle school building. It is still being considered. Mayor Houston also said that the mileage paid for use of personal vehicles should be updated to what the Federal Government pays which is \$.55 a mile.

Prayer was offered by Cheryl Brown and the pledge of allegiance was led by Mayor Houston. Mayor Houston called the meeting to order and took roll call.

APPROVAL OF MINUTES: A motion was made by Council Member Wright and 2nd by Council Member Carpenter to approve the minutes of the August 12th meeting as amended. Motion passed unanimously.

APPROVAL OF AGENDA: A motion to approve the agenda was made by Council Member Chamberlain and 2nd by Council Member Wright. Motion passed unanimously.

APPROVAL OF VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Brown to approve the vouchers for August 25th in the amount of \$67,686.62. Motion passed unanimously.

PUBLIC COMMENT PERIOD: Mr. Herb Alexander stated that there needed to be money set aside for pipes that will need to be replaced in 20 years or so. Council Member Chamberlain explained that the City does have money in a repair and replacement fund.

PUBLIC HEARING TO MODIFY THE HEIGHT RESTRICTION IN CHAPTER 15-3 OF THE KANAB CITY LAND USE ORDINANCE IN THE COMMERCIAL AND MANUFACTURING ZONES. ALSO CHANGING SET BACK REQUIREMENTS FOR COMMERCIAL BUILDINGS:

A motion was made by Council Member Wright and 2nd by Council Member Burggraaf to go in and out of public hearing at the call of the Mayor. Motion passed unanimously. Council Member Wright stated concerns about changing the ordinance in regard to the General Plan. Council Member Chamberlain was concerned with the look of a 45 foot building, but the downtown overlay and the design standards will help take care of that problem. Council Member Burggraaf said that the Planning Commission valued the change and what they wanted the downtown to look like. He was excited for a new economic structure, but wanted to keep the feel of downtown. He thinks the City can have both. Council Member Brown said she went to the Planning and Zoning meeting and the pros and cons were evenly split. Council Member Carpenter wanted to have the walk ability concept for the downtown area. He wants to maintain the feel of downtown, and he is looking forward to a new building on the vacant lot across from the Kane County Travel Council building. Mayor Houston said that the Planning Commission had recommended approval of the height modification and the set back changes. JoAnn Rando Moon addressed the Council. She said she was against the change to a four story building. She wants the downtown corridor preserved. Mr. Alexander stated he was against the four story change. He feels it does an injustice to all those who put so much time in meetings and studies into the present ordinance. Mr. Vince Vincent said he was in favor of the change. He thinks Kanab needs the increase in revenue and taxes. Mr. Matt Walters said he owns four motels in town. He is for the Hampton Inn going in, but is against changing the height requirement because once it is changed then there can be a number of four story buildings in the downtown area. There are small motels that may sell, and large buildings will be able to be built in the downtown area. Mr. Matt Brown said he was against the height change. He said he has looked at all of our surrounding towns. He said none have a four story motel in their downtown area. He feels the City shouldn't change the game plan anytime someone wants to do something different that doesn't agree with our ordinances. The downtown area is a special area and needs to remain different. Noel Poe said he was in favor of the height increase as long as the set back is part of the change. Krista Erickson, who owns Aiken's Lodge, said she was for the motel, but against the 45' height change. Mr. Bill Cole said he thinks he will be able to still enjoy the

K'Hill. Mr. Rick Csenge feels it is a mistake for the community to change the ordinances for one person. He opposes the height change. He wants the Historic Overlay to create and maintain the downtown area. He said this building would encroach on the Hospital Thrift Store. He suggested that the owners of the proposed hotel purchase the Thrift Store, so there would be more room and an additional height wouldn't be needed. He doesn't think it is good planning. Mr. Lou Pratt felt the change would be a benefit for the area. He has lived in that neighborhood his whole life. It would be good for the economy. Victor Sandonato addressed the Council. He said that in order for businesses in the downtown area to succeed, there needs to be walk ability. In order for that to happen there needs to be people on the streets. Mr. Stuart Willoughby stated he agrees with the height change. He said there are a lot of our small motels who close for the winter. Having another large motel would be beneficial during this time. Mr. Gary McBride stated he is for the change also. Mr. Charlie Soba said once you change this anyone will be able to come in and build a 45' tall building. Mr. Jeff Frey reminded the Council that they are changing what could be the future in downtown Kanab. It is going to change the flavor of downtown. Jeannie Hunt said the City should invite people to come to Kanab, and look at ways to help businesses be profitable. Michael East said he was in favor of anything that will bring family wage jobs to town. He agrees with the height change with the set back requirement. Mr. Sheldon Honey wondered how high the City was willing to go. At first 3 stories was too high, now we are requesting for 4 stories, is the next request going to be 5 stories. He wanted to know where do we stop. Julie Hunt said she was for anything that would increase the economy, so that our kids will be able to stay here and work here. We need to do everything to keep families from moving away. They need to be able to afford to live here. Mr. Jon Carlson said he wasn't sure either way until he listened to the different ideas presented. He is in favor of people spending money downtown. Susan Hand said she is opposed to height change, but she is in favor of the setbacks. She thinks it is more about atmosphere, and those who will follow. Sometimes things don't turn out the way we think. She doesn't approve changing the plan. Council Member Brown said since the Planning Commission had recommended approval; she didn't have any problems with it. Council Member Burggraaf explained that the General Plan needs to change from time to time. He said it isn't good to have empty lots. We need an economic increase. We can have the design standards and the overlay to make things compatible with the downtown area. Mayor Houston felt that the visual impact softens the impact with trees and colors and that is how the design standards take effect. Council Member Chamberlain said we are a tourist town. We need people walking up and down the streets. We need to encourage them to go downtown. St. George's downtown is dead because of all the building outside of the downtown area. Council Member Wright said that when he was on the Planning Commission, he was taught that there are two things that stop people from going downtown. One is a series of closed buildings and the other is gaps. He feels that the zero set back in the downtown area is to encourage walk ability. If you start setting buildings back, it stops walk ability. Council Member Wright is not in favor of the height change in C1. He is concerned with saving the downtown area. A motion was made by Council Member Burggraaf and 2nd by Council Member

Chamberlain to adopt Ordinance #8-1-14 O amending the Land Use Ordinance concerning commercial and manufacturing zones changing the 35 ft height to 45 ft height in the Commercial Zones and removing the Three Story or 40 feet to just 45 feet in the manufacturing zone. In Section 20-6 changing the set back from 20 to 0 in the C1 and C2 zones. Motion passed as follows: Carpenter, Brown, Burggraaf, Chamberlain voting yea and Council Member Wright voting nay.

CONSIDER ADOPTING RESOLUTION 8-1-14 R: A motion was made by Council Member Chamberlain and 2nd by Council Member Wright to adopt Resolution #8-1-14R adopting final tax rates for the 2014/2015 fiscal year. Motion passed as follows: Council Member Carpenter, Brown, Chamberlain and Wright voting yea and Council Member Burggraaf voting nay.

PUBLIC HEARING TO OPEN THE FISCAL YEAR 2014/2015 FISCAL YEAR BUDGET TO ADJUST REVENUES AND EXPENDITURES AND RE- ADOPT THE BUDGET:

Mayor Houston explained that when the budget was approved, fuel sales and fuel expenditures for the airport were not included because the City thought they would be having a FBO (Fixed Base Operator) at the airport. A change in the cost of public defender was not included in the budget at the time of adoption. A motion was made by Council Member Wright and 2nd by Council Member Burggraaf to go in and out of a Public Hearing to discuss the adjustments of revenues and expenditures at the discretion of the Mayor. Motion passed unanimously. Mayor called to go out of Public Hearing. A motion was made by Council Member Wright and 2nd by Council Member Brown to adopt Resolution 8-2-14 R adopting budgets for the City of Kanab for the fiscal year ending June 30, 2015. Motion passed as follows: Council Members Carpenter, Brown, Chamberlain and Wright voting yea and Council Member Burggraaf voting nay.

APPROVAL OF INTERLOCAL AGREEMENT FOR LEGAL SERVICES WITH KANE COUNTY: Council Member Burggraaf explained that he would have to abstain since he works in the same office as the attorney who would represent the City in this agreement. Conflict of interest was discussed. It was determined that was taken care of in #6 of the agreement. This was tabled until the next meeting, so Attorney Greg Hardman would have time to review it.

APPROVAL OF LEASE AGREEMENT BETWEEN KANE COUNTY AND KANAB CITY FOR A PORTION OF FIRE STATION #2: A motion was made by Council Member Wright and 2nd by Council Member Carpenter to approve the lease agreement between Kane County Children's Justice Center and Kanab City to use a portion of Fire Station #2 located at 1359 South Powell Drive for a satellite location of the Iron County Children's Justice Center. Council Member Burggraaf was concerned with the 25 year lease. He suggested having a 15 year lease in case something came up that the City needed the building. Council Member Wright amended his motion to table this item until the next meeting and try to address this concern of the time length of the lease. Motion 2nd by Council Member Carpenter. Motion passed unanimously.

A motion was made by Council Member Wright and 2nd by Council Member Carpenter to go into a closed session to discuss pending litigation and the exchange of real property. Motion passed unanimously. The closed session began at 8:50 p.m.

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

MAYOR

ROBERT D. HOUSTON

RECORDER JOE DECKER

KANAB CITY RESOLUTION 9-1-14 R

A RESOLUTION AMENDING KANAB CITY PERSONNEL POLICY

WHEREAS, the City of Kanab is desirous of amending the Personnel Policy to address travel reimbursement,

WHEREAS, said policy amending the Personnel Policy has been submitted to and reviewed by the City Council of Kanab Utah, and found to be reasonable and acceptable.

NOW THEREFORE,

BE IT HEREBY RESOLVED that the attached Personnel Policy and Procedures shall be in effect until further resolution. All resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

This Resolution shall be effective immediately upon passage.

Passed by the City Council of the City of Kanab this 9th day of September, 2015

Robert D. Houston, Kanab City Mayor

Attest: Joseph Decker, Recorder

EMPLOYMENT POLICIES AND PROCEDURES

I.	GENERAL POLICY	54
II.	HIRING AND EMPLOYMENT PRACTICES.....	54
A.	Anti-Nepotism	54
B.	Equal Employment Opportunity Statement	54
C.	Residency	54
D.	Veterans Preference	65
E.	Driver's License Requirements For New Hires	65
F.	Maintenance of Valid Driver's License	65
III.	EMPLOYMENT STATUS.....	76
A.	Appointed Officials.....	76
B.	Probationary Employees	76
C.	Regular Full-time Employees.....	76
D.	Temporary Employees	87
E.	Part-time Employees	87
IV.	COMPENSATION.....	87
A.	Time Sheets	87
B.	Overtime and Compensatory Time	87
C.	Separation Pay	109
D.	Pay Days	109
E.	Work Days	109
F.	Rest and Meal Periods	109
G.	Pay Advancement.....	1110
H.	Anniversary Date Defined	1110
I.	Travel.....	1110
V.	INSURANCE AND BENEFITS	1110
A.	Worker's Compensation.....	1110
B.	Medical Insurance	1110
C.	Long Term Disability	1210
D.	Social Security	1211

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and paid as time worked, employees must not be absent from their stations beyond the allotted rest period time. Rest periods normally will last no longer than fifteen minutes.

All regular full-time employees are provided with one meal period of 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

G. Pay Advancement

The City will not make pay advances to employees.

H. Anniversary Date Defined

An employee's "Anniversary Date" shall be that date, upon completion of the required probationary period and after a successful evaluation, when the employee is hired or appointed as a Kanab City employee. An employee's evaluation period shall be determined from the date of employment; if the employee is hired prior to or on the 15th day of the month, the evaluation date shall be determined from the 1st day of said month; if the date of hire is the 16th or after, the evaluation date for computing merit increases shall be determined from the 1st day of the following month. A promotion to a new job shall establish a new evaluation date for the employee, in accordance with the foregoing rules.

I. Travel

Reimbursement for travel expenses will be based on the current IRS formula for mileage and per diem.

IV. INSURANCE AND BENEFITS

A. Worker's Compensation

Kanab City operates under the provisions of the State of Utah Worker's Compensation Act.

Any injury occurring on the job must be reported to the supervisor immediately and forms prescribed by the State Industrial Commission must be completed and submitted to the City Manager within seven (7) days of the injury.

B. Medical Insurance

The City may pay the premium for health, hospitalization, surgical, dental, life and disability insurance for regular full-time employees and those employees' dependents. The specific plan may be changed from time to time, and benefits under the plan may change or be eliminated.