

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

July 14th, 2015

76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 14th day of July, 2015, in the Multi Purpose Room at the Kanab City Library at 374 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

- Golf Course
- Matt Brown – Old Middle School
- Military Service – Water bills

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 3-601
6. Appoint Jeff Mosdell to the Library Board with a term ending 12/31/2018
7. Appoint Vickie Brackney to the Library Board with a term ending 12/31/2018
8. Resolution 7-1-15 R “A Resolution combining Kanab City’s four voting precincts into one voting precinct”.
9. Ordinance 7-1-15 R “An Ordinance Amending Kanab City General Ordinance Section 3”.
10. Closed Session:
 - Discuss pending or reasonably imminent litigation.
Swimming Pool
 - Discuss the purchase, exchange, or lease of real property.
 - Discuss the character, professional competence, or physical or mental health of an individual.

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 –

RESOLUTION #R2013-19

**A RESOLUTION WAIVING WASHINGTON CITY UTILITY CHARGES
FOR ACTIVATED MILITARY HOUSEHOLDS**

WHEREAS, there are many residents of Washington City who serve part-time in protecting our country as members of the National Guard and military units; and

WHEREAS, when these residents are called up to active-service they leave their regular jobs to serve in the military often times at lower pay; and

WHEREAS, this lower family income creates a financial burden on their families; and

WHEREAS, the city has a desire to alleviate some of the financial concerns associated with the payment of municipal utilities while a head of household is serving in active military duty.

NOW, THEREFORE, BE IT RESOLVED BY THE WASHINGTON CITY COUNCIL:

That the households of all non-full time military personnel who have been called into active duty will have their Washington City utilities waived based upon the following conditions:

1. Prior to waiving of fees, applicant (or household) must provide the Utility Department with verification of orders of military activation.
2. Waiving of charges are for primary or co-primary account holder only.
3. Waiver only applies to Washington City utility fees and does not include fees collected by Washington City on behalf of other entities such as the water district surcharge, garbage collection and sewer treatment charges.
4. Waiver automatically expires after six (6) billing cycles at which time applicant would need to reapply for the waiver.
5. Applicant is responsible for providing the utility office with the proper military documents indicating when the applicant was released from Active Duty. Applicant will be responsible to pay any charges that occur after release from active duty even if that time period is within the six billing cycles granted under this waiver.

APPROVED AND ADOPTED this 14th day of August, 2013.

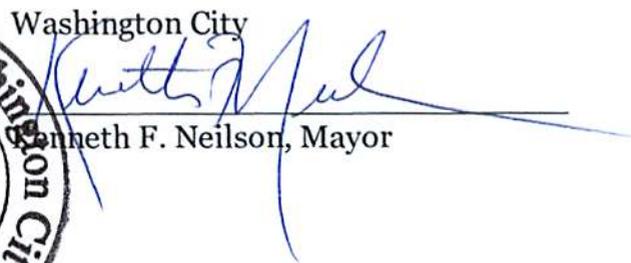
Attest:



Danice B. Bulloch, CMC
City Recorder



Washington City


Kenneth F. Neilson, Mayor

KANAB CITY COUNCIL MEETING

JUNE 23, 2015

KANE COUNTY COMMISSION CHAMBERS

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

WORK MEETING: The Council discussed whether or not to have a central polling place for voting instead of the 4 separate precincts. The County is looking to have a central voting place and wanted the Council's input. Council Members Carpenter, Brown and Burggraaf agreed to change to the central polling place, and Council Members Chamberlain and Wright wanted to keep it as it is at the present time. Mr. Decker reported on the progress of the swimming pool construction. Nothing has changed; the City is still waiting for one of the parties to sign construction agreement. Council Member Chamberlain gave a report from Tyler Cornell, Recreation Director, on the events that were scheduled for June. Heat Stroker went really well. There were 40 teams in town for the tournament. There were some races which were very successful. There were six coed teams and six ladies teams for a volleyball league. Jacob Hamblin Days had a good turnout for the rodeo. Mr. Cornell would like to see a horseshoe tournament next year. There was also a youth basketball camp. There were over 100 kids participating.

Golf Course: Mayor Houston explained to the Council that he and Mike have had a lot of discussions. He hasn't brought anything back to the Council because there has not been anything firm. Mayor Houston said that is why he asked Mike Schollian to come before the Council to explain his ideas and thoughts. Mr. Mike Schollian addressed the Council. He said when he had purchased the golf course, the economy was very favorable, but it has gone downhill since that time. He said he feels bad about what is going on at the golf course. It became financially impossible for him to run the golf course. He was subsidizing the golf course with his Treasure Trail Motel. The water contract with the City had expired, so that was another \$60,000 he didn't have. He said they are trying to maintain the course in hopes there can be an arrangement made that will make everyone happy. He explained that it is his and his partner's goal to build a resort on the back of the driving range. There is 600 acres there. He wants to make it a destination location which includes improvement of the existing nine holes. Mayor stated he understands as a businessman why Mr. Schollian can't keep the golf course open, but as the Mayor he feels an impact to the City. The City needs to make every effort to try and keep the course open and available for the community. He wanted to know if the City could keep the golf course open and operable for 18 months to 2 years while Mr. Schollian works on his resort. Council Member Burggraaf asked Mr. Schollian if he wanted the City to take the golf course or if he wanted to maintain it himself. Mr. Schollian said that he has talked about turning it over to the City and then the City turning it back to him. That would help with the taxes for that period of time. He really wants to leave the golf course closed until he is ready to develop the resort. He can't afford to keep it open. He can't subsidize the golf course \$60,000 to \$100,000 a year anymore. He was approached by the Mayor to see if something

could be worked out. Council Member Burggraaf stated that if Mr. Schollian is willing to give it to the City then let's get it on paper. There is no obligation to help Mr. Schollian, but it is an economic benefit for Kanab. Mayor stated he didn't feel Kanab City could stand the full amount to subsidize the golf course. He wanted to get to a point where he could go and talk with the County and the homeowners. Mayor said his number one priority is not to drain the finances of Kanab City. Mayor Houston said the possibility of subsidizing the golf course by paying \$5,000 a month for nine months (\$45,000 a year) to Mr. Schollian to manage the course. He in turn would put \$1500 a month into it. Kanab City would provide the water. That is what is on the table right now. Council Member Burggraaf felt that he couldn't agree with paying someone to manage the course that has run it into the ground. Mr. Schollian said he took offense to what he said. When he bought the golf course, it was a mess. He put approximately \$300,000 into the course. Council Member Chamberlain said it is very difficult for the City to put over \$45,000 a year into a private business. He felt that if the City invests capital into the golf course, it won't go back to Mr. Schollian for free. Mayor stated that part of the problem with the golf course there isn't enough people playing on it. Council Member Burggraaf told Mr. Schollian if he wanted to save money on taxes he could deed the course to the City right now. It already has City water being used on the course. Council Member Burggraaf feels that the City can maintain it the way it is currently being maintained. Mayor Houston said that if the Council is willing to commit anywhere from \$80,000 to \$100,000 to keep the course operational with no improvements, we can do it. If we can say the County and the Homeowners are going to contribute so much, we can do it. We could wipe out what reserves we have in two to three years by managing the golf course. Council Member Carpenter wants the course to operate as a golf course. He doesn't want it maintained as a park. Council Member Chamberlain felt that there is very little time left. The decision whether to have the City take over the golf course needs to be done quickly before the season is over. Mr. Jim Clark, a homeowner on the golf course, said he would be willing to help with the maintenance. Ms Bonnie Anderson wanted to know why Mr. Schollian came to the City for financial help. He has money from selling his motel. Mayor Houston said he didn't come to the City, the City came to him. Mr. Jim Peters asked about the water in the reservoir. Mayor stated that water belongs to the Irrigation Company and the Water Conservancy District. Mr. Ken Stirland said that four people could maintain the golf course. He wanted to know where the \$300,000 that Mr. Schollian said he put into the course went. He couldn't see that many improvements. It's a million dollar piece of property. He couldn't see him just walking away from it. Mayor Houston asked Mr. Schollian to talk with his partners and get back to the City what he would be willing to do.

The Council discussed General Ordinance Chapter 3: Municipal Government. Attorney Stott said a lot of things were deleted from the ordinance that was already included in the State Code. Council Member Wright felt that the Ordinance should include Kanab's classification. Also, in Section 3-502 Time, Place –Exceptions the meetings shall begin right after the work meeting which begins at 6:30 p.m. Remove "begin promptly at 7:00 p.m."

Mayor Houston opened the regularly scheduled meeting at 7:45 p.m. and roll call was taken. Prayer was offered by Joe B. Wright and the pledge was led by Cheryl Brown.

APPROVAL OF AGENDA: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the agenda of June 23, 2015. Motion passed unanimously.

APPROVAL OF MINUTES: A motion was made by Council Member Brown and 2nd by Council Member Carpenter to approve the minutes of the June 9th meeting. Motion passed unanimously.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the check register of June 18, 2015 in the amount of \$202,483.01 and the vouchers. Motion passed unanimously.

PUBLIC COMMENT PERIOD: Mr. Jeff Frey stated he hasn't seen any improvements on the golf course since Mr. Schollian purchased it. He said a lot of people have quit playing golf on the course because of the owner's attitude. They would rather go somewhere else to play. He doesn't think that Schollian should have anything to do with the golf course.

ZONE CHANGE FOR PARCEL K-16-2A (61 WEST 100 SOUTH) FROM RM-7 TO C1: A motion was made by Council Member Burggraaf and 2nd by Council Member Wright to adopt Ordinance #6-5-15 O changing the zone at 61 West 100 South from RM-7 to C1 and changing Exhibit G, zoning map, and adopting staff findings. Motion passed unanimously by roll call vote.

ORDINANCE 6-3-15 O AMENDING THE LAND USE ORDINANCE CHAPTERS 1, 4, 16, 17, 18 AND 19 BED AND BREAKFAST: In the Ordinance Bed and Breakfast is currently listed as a permitted use in C1, C2 and C3 zones and a conditional use in all single-family residential zones. Council Member Wright was concerned with changing the ordinance. He felt the Bed and Breakfast needed a conditional use permit in a residential zone. He was concerned with signs and parking in residential areas. He felt the conditional use permit could address this problem. A motion was made by Council Member Burggraaf and 2nd by Council Member Chamberlain to adopt Ordinance 6-3-15 O amending the land use ordinance 1, 4, 16, 17, 18 and 19 Bed and Breakfast not including Chapter 7 and adopting staff findings. Motion passed unanimously by roll call vote.

PUBLIC HEARING/NUISANCE ORDINANCE: A motion was made by Council Member Wright and 2nd by Council Member Brown to go in and out of public hearing at the discretion of the Mayor to discuss the Nuisance Ordinance. Motion passed unanimously. Mr. Allen Gilberg said that the current updated nuisance ordinance was not on the web site. Mr. Jeff Frey asked about his suggestion of allowing the Code Enforcement Officer to respond to a complaint if only one person complains. He was told that the Code Enforcement Officer can follow up on a complaint of a nuisances on private property that he has determined to be a health or safety hazard.

Out of Public Hearing

ORDINANCE 6-4-15 O AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 10-300 THROUGH 10-359 NUISANCE ORDINANCE: A motion was made by Council Member Carpenter and 2nd by Council Member Chamberlain to adopt Ordinance #6-4-15 O amending the General Ordinance Section 10-300 through 10-359 Nuisance Ordinance effective August 1, 2015. Motion passed as follows:

Council Members Carpenter, Burggraaf, Chamberlain and Wright voting yea and Council Member Brown voting nay.

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 NO. 7-1-15 R
A RESOLUTION COMBINING KANAB CITY'S FOUR (4) VOTING PRECINCTS
INTO ONE (1) VOTING PRECINCT

WHEREAS, Kanab City finds that combining all four (4) of its voting precincts into one (1) would facilitate the voting process and setup, as well as increase voter turnout;

AND WHEREAS, Utah Code Section 20A-5-301(2)(a) allows for a municipal legislative body of a city of the fifth class to combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election;

AND WHEREAS, Kanab City will approve a polling place that is as near as practical to the middle of the combined precincts;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KANAB, STATE OF UTAH, AS FOLLOWS:

1. For purposes of the 2015 Kanab City Municipal Elections, Kanab City voting precincts 1A, 2A, 3A, and 4 are hereby combined into one (1) voting precinct.
2. The newly combined voting precinct shall be called "Kanab City Central."
3. The location and address of the combined voting precinct is designated as all land and real property within the Kanab City municipal limits.

ADOPTED this _14th day of July, 2015.

ATTEST:

ROBERT HOUSTON
Kanab City Mayor,

Kanab City Recorder

ORDINANCE NO. 7-1-15 O

AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 3

WHEREAS, the City Council of Kanab desires to amend and clarify section 3 of the Kanab City General Ordinance.

WHEREAS, The Kanab City Council and staff have evaluated current ordinance requirements and has found the need for clarification.

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City General Ordinance is hereby amended as reflected in the following 15 pages.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 14th day of, July 2015.

KANAB CITY

MAYOR

ATTEST:

RECORDER

Section 3: MUNICIPAL GOVERNMENT

Section 3-100	Kanab City Government
Section 3-110	Time, Place, Type - Exceptions
Section 3-504	Quorum Necessary to do Business
Section 3-505	Quorum Defined
Section 3-506	Attendance
Section 3-507	How the Vote is taken
Section 3-508	Minimum Vote Required
Section 3-509	Reconsideration
Section 3-510	Council Agenda
Section 3-601	Business of Governing Body Conducted Only in Open Meeting
Section 3-606	Rules of Procedure
Section 3-607	Rules of Conduct for Members of the Governing Body
Section 3-608	Rules of Conduct for the Public
Section 3-609	Action on Committee Reports
Section 3-610	Requiring Attendance of Witnesses, Production of Evidence
Section 3-600	GRAMA Fees
Section 3-603	GRAMA Appeals
Section 3-603-02	Disposition of records
Section 3-603-03	Creation and Duty of City Archives and Records Services Section
Section 3-818	Compensation and Salaries
Section 3-819	Amount of Bond
Section 3-924	City Manager
Section 3-924.3	Appointment and Term
Section 3-924.4	Residence
Section 3-924.5	Eligibility
Section 3-924.6	Compensation
Section 3-924.7	Bond of the City Manager
Section 3-924.8	Powers and Duties
Section 3-1200	Appeal Board Established
Section 3-1210	Employee Appeals Procedure

Section 3-100 Kanab City Government

Section 3: MUNICIPAL GOVERNMENT

Kanab City is a city of the fifth class. Kanab City operates under the six member council form of government, as informed by Utah Code 10-3b-301. As such, the powers of municipal government are vested in a council consisting of six members, one of which is a mayor.

Section 3-110 Time, Place, Type - Exceptions

The governing body shall hold two regular meeting(s) which shall be held on the second and fourth Tuesdays of each month. The meeting(s) shall begin with a work meeting promptly at 6:30 p.m.

- A. The governing body may by resolution provide for a different time and place for holding regular meetings of the governing body.
- B. If one of the monthly meetings falls on a holiday, or during the week of Christmas or Thanksgiving, the Chair may either re-schedule or cancel said meeting, as long as the governing body has met or will meet at least one other time in the calendar month.
- C. If the Chair determines that there is nothing on the agenda, or if no quorum can be present, then the Chair may either re-schedule or cancel said meeting, as long as the governing body has met or will meet at least one other time in the calendar month.
- D. **Special Meeting:** If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered into the minutes of the City Council. The order shall provide at least three (3) hours' notice of the special meeting and notice thereof shall be served by the City Recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a council member at any specially called meeting constitutes a waiver of the notice required in this subsection.
- E. **Electronic Meetings:** The City Council may convene and conduct an electronic meeting in accordance with Utah Code Annotated 52-4- 207 as amended.

Section 3: MUNICIPAL GOVERNMENT

1. A quorum of the council must be present, either in person at the anchor location or by electronic participation. At a minimum, two (2) council persons must be in attendance at the anchor location. If, for any reason, lack of communication with a member of the council causes a lack of a quorum, no additional business may be conducted until the quorum can be reconstituted. Business already conducted remains valid and binding.
2. A council member must give notice to the City Recorder as to what electronic means said council member intends to utilize to attend a meeting electronically at least forty-eight (48) hours prior to the meeting to allow for arrangements to be made for the electronic meeting.
3. One anchor location for electronic meetings shall be the Kane County Commission Chamber at 76 North Main, Kanab, Utah. Other locations may be deemed acceptable as required by circumstances, as long as adequate facilities are provided for public participation. Public participation is limited to the anchor location.
4. Electronic meetings may be prohibited or limited based on budget, public policy or logistical circumstances.
5. Notice of the meeting is to be given pursuant to Utah Code Annotated 524-202 and 52-4-207 as amended.

Section 3-504 Quorum Necessary to do Business

No action of the City Council shall be official or of any effect, except when a quorum of the members is present. Fewer than a quorum of the City Council may vote to adjourn a meeting from time to time when a quorum is not present.

Section 3-505 Quorum Defined

The number of members of the City Council necessary to constitute a quorum is three (3) or more.

Section 3-506 Attendance

Section 3: MUNICIPAL GOVERNMENT

The City Council shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith.

Section 3-507 How the Vote is taken

A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote and shall be recorded. Every ordinance or resolution shall be in writing before the vote is taken.

Section 3-508 Minimum Vote Required

The minimum number of "yes" votes required to pass any ordinance, resolution or to take any action by the City Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3).

- a. Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the City Council even though such a majority is less than that required herein.
- b. A majority of the members of the City Council, regardless of the number, may fill any vacancy in the City Council as provided in Utah Code Annotated 20A-1-510, as amended.

Section 3-509 Reconsideration

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the

Section 3: MUNICIPAL GOVERNMENT

number of members present at the meeting when the action was approved.

Section 3-510 Council Agenda

1. Any member of the public desiring to have an item placed upon the City Council Agenda needs to submit an Agenda Application, along with all required information, to the City Manager no later than 10:00 am on the Friday before the regularly scheduled City Council meeting.
2. Subject to Utah state law and local ordinance, the Mayor will make the final decision regarding what items are placed on the City Council Agenda.
 - a. An applicant will be notified by the City Manager of whether the item was placed on the City Council Agenda no later than 3:00 pm on the Monday before the regularly scheduled City Council meeting.
3. If an item is not placed on the City Council Agenda, the applicant may make a public comment as prescribed in Section 3-606 of the City's General Ordinances.
4. If two (2) or more City Council members determine that the subject of a public comment should be placed on the City Council Agenda, the item will be placed on the agenda for the next regularly scheduled City Council meeting.

Section 3-601 Business of Governing Body Conducted Only in Open Meeting

1. Every meeting of the City Council is open to the public, unless closed pursuant to Utah Code Annotated sections 52-4-204 and 52- 4-205.
2. The public may witness the workings of their public officials, but are not guaranteed the right to participate in the proceedings unless the meeting is a public hearing. Even though the public is not guaranteed the right to speak at a public meeting, the Mayor or presiding officer of the meeting may invite citizens to speak.

Section 3: MUNICIPAL GOVERNMENT

3. Public hearings provide citizens with the opportunity to comment about agenda items for which a public hearing has been scheduled. Citizens shall have the opportunity to make comments at all public hearings in accordance with the Rules of Procedure prescribed in Section 3-606.

Section 3-606 Rules of Procedure

1. The Mayor or presiding officer shall at all times have the authority to conduct and maintain order in all public meetings.
2. At a public hearing, comments pertaining to items on the agenda shall be heard when the agenda item is considered.
3. At the Mayor's discretion, the City Council meeting agenda may contain a "public comments" item as the last regular meeting agenda item after all other items on the agenda have been addressed^[JS1].
4. Citizens should wait to be recognized by the presiding officer and invited to speak before doing so.
5. Once recognized, the individual shall come to the podium^[JS2] and state his/her name for the record before beginning to make comments.
6. Only the presiding officer shall have the right to interrupt individuals during their time to make comments.
7. Those making comments shall not make personal references or attacks on the reputation of other persons.
8. Those making comments shall confine their comments to three (3^[JS3]) minutes. This limit will be strictly enforced so that all who desire to speak will have an equal amount of time in which to do so.
9. Members of the public may only speak once per public meeting, unless the presiding officer makes special exception. This limit will be strictly

Section 3: MUNICIPAL GOVERNMENT

enforced so that all who desire to speak will have an opportunity to do so.

[JS4]

10. The presiding officer may request any member of the public to refrain from inappropriate language, statements or behavior, and if he/she does not honor said request, the presiding officer may terminate the right of that individual to speak further at that meeting. Individuals who do not respect the authority of the presiding officer shall not be permitted to speak.

11. Once all who wish to participate respecting any given issue have done so, or once the specified time for comments on an issue has concluded, the presiding officer shall, in the case of a public hearing, close the public hearing by motion, and in all other cases shall inform the public and/or any party(ies) making presentations that no further comments will be taken regarding that issue. Thereafter the presiding officer will refuse to recognize any such comments.

12. In circumstances where it is deemed appropriate to do so by the presiding officer, Rules 2,3,4,6, 7, 8 and 9^[JS5] may be waived in whole or in part in favor of a more open, participative discussion and dialogue, or a question and answer format.

Section 3-607 Rules of Conduct for Members of the Governing Body

The City Council may fine or expel any City Council Member for disorderly conduct on a two-thirds (2/3) vote of the members of the City Council.

Section 3-608 Rules of Conduct for the Public

The City Council, on a two-thirds (2/3) vote, may expel any person who is disorderly during the meeting of the City Council. This subsection or any action taken by the City Council pursuant hereto shall not preclude prosecution under any other provision of law.

Section 3-609 Action on Committee Reports

Section 3: MUNICIPAL GOVERNMENT

Final action on any report of any committee appointed by the City Council shall be deferred to the next regular meeting of the City Council on the request of any two (2) members, except that the City Council may call a special meeting to consider final action.

Section 3-610 Requiring Attendance of Witnesses, Production of Evidence

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this subsection or it may issue subpoenas in its own name in the same manner as provided in the Utah Rules of Civil Procedure.

Section 3-600 GRAMA Fees

- 1) The City may charge a reasonable fee to cover the City's actual cost of providing a record.
- 2) (a) When the City compiles a record in a form other than that normally maintained by the City, the actual costs under this section may include the following:
 - (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;
 - (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and
 - (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii)

Section 3: MUNICIPAL GOVERNMENT

(b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.

(c) Notwithstanding Subsections (2)(a) and (b), no charge may be made for the first quarter hour of staff time.

(d) The reasonable fee established by the City is 25 cents for each 8 by 11 page. For anything greater than 8 by 11, or for any record in a different format, or if the 8 by 11 page cost more than 25 cents to provide, then the City may charge the actual cost of providing the record.

Section 3-603 GRAMA Appeals

A. In regards to GRAMA requests dictated by State Code, the City's "Chief Administrative Officer" shall be the mayor. The Chief Administrative Officer may delegate his or her duties, such as the duty to hear GRAMA appeals, to someone else (for example, delegating the hearing of appeals to whomever is currently handling land use decision appeals).

Section 3-603-02 Disposition of records

A. There shall be appointed a City Records Officer to oversee and coordinate records access and management and City archives activities. The Records Officer shall work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

B. Each records officer of a governmental entity or political subdivision shall, on an annual basis, successfully complete online training and obtain certification from state archives in accordance with Section 63A-12-110.

Section 3-603-03 Creation and Duty of City Archives and Records Services Section

Section 3: MUNICIPAL GOVERNMENT

There is created the City Archives and Records Services Section, to be managed by the City Records Officer. It is the responsibility of the section to receive, store, and preserve City agency records and other materials and to store and to provide reasonable access thereto as may be calculated to accurately and safely maintain City records over the long term in compliance with this Chapter and the State GRAMA Act. Policies and guidelines regarding the nature of records and record series which are to be received and stored by City Archives shall be developed and promulgated by the City Records Officer. City Archives shall be considered the formal, official repository of the City records; the central depository for reports, publications, productions in other media, rules, policies, and regulations of the City, where not otherwise determined by law; and, where appropriate, historical artifacts. Each agency shall be responsible for assisting the City Archives in the collection of such records, depository materials, and artifacts through methods promulgated by the City Records Officer.

Section 3-818 Compensation and Salaries

- A.** The salary of the officers and employees of this municipality shall be paid in the amount and at such times as is specified in compensation schedules as shall be adopted in the City Council. Compensation for elective and statutory officers shall be set in accordance with Utah Code 10-3-818.
- B.** In addition to the salary paid to the officers and employees of this municipality, they shall receive the following benefits:
 - 1. The employees' share of the social security tax.
 - 2. Health and accident insurance for themselves and their families on such basis and cost to the employee or officer as the governing body may time to time establish by resolution.
 - 3. Vacation and sick leave on such basis as the governing body may from time to time establish by resolution.
 - 4. Participation in the Utah state retirement program on such basis and cost as the governing body may from time to time by resolution establish.

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C. Whenever any person serves in two or more positions either as officers or employees of this municipality, unless otherwise specifically provided in the employment agreement, by ordinance or resolution, the person shall receive the salary or compensation of the office or employment paying the greater amount.

D. In addition to all other compensation or salaries any officer or employee of this municipality may receive, following the submission to the recorder/clerk of a claim, travel expense and per diem established by the Utah state department of finance for expenses actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the governing body.

Section 3-819 Amount of Bond

A. Before taking the oath of office and entering on the duties of their respective office, the following named municipal officials shall each give a bond with good and sufficient securities, payable to the municipality conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law and the ordinance of this municipality in the following amounts:

1.	Mayor	\$2,500.00
2.	Council Member	\$2,500.00
3.	Treasurer	\$1,000.00
4.	Recorder/Clerk/City Manager	\$20,000.00
5.	Marshall	\$1,000.00
6.	Deputy	\$1,000.00
7.	Justice of the Peace	\$1,000.00

B. The treasurer's bond shall be superseded by any rules, regulation or directive of the state money management council when such rule, regulation or directive is binding on this municipality.

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C. The premium charged by any corporate surety for any bond required in this section shall be paid by this municipality.

D. The bond required in this section may be a blanket bond.

Section 3-924 City Manager

The office of the City Manager of the City of Kanab is hereby created and established.

Section 3-924.3 Appointment and Term

The City Manager shall be appointed by the Mayor and approved by the City Council. Appointment shall be based upon administrative and executive abilities. His term of office shall be for a period not exceeding 3 years, to be set in the resolution establishing his appointment. He shall hold office at the pleasure of the City Council. The term of employment may be renewed at any time.

Section 3-924.4 Residence

Residence in the City at the time of appointment of a City Manager shall not be required as a condition of the appointment, but within one hundred eighty (180) days after reporting for work the City Manager must become and thereafter remain a resident of the City during the term of such employment.

Section 3-924.5 Eligibility

No Mayor or member of the City Council shall be eligible for appointment as City Manager until one year has elapsed after such individual shall have ceased to be Mayor or a member of the City Council.

Section 3-924.6 Compensation

The City Manager shall receive such compensation as the City Council shall by resolution, from time to time determine. In addition, the City Manager shall be reimbursed for all actual and necessary expenses

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incurred by him in the performance of his official duties, as approved in advance by the City Council.

Section 3-924.7 Bond of the City Manager

Before taking office, the City Manager shall file with the City Recorder a surety bond, conditioned upon honest and faithful performance of his duties as provided in Section 3-819.

Section 3-924.8 Powers and Duties

The City Manager shall be the administrative head of the government of the City under the direction and control of the Mayor and City Council except as otherwise provided in this ordinance. He shall be responsible for the efficient administration of all affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, he shall have the powers set forth below:

- A.** Faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the municipality are observed.
- B.** Carry out the policies and programs established by the Council.
- C.** Except for the appointments to be made by the Mayor and City Council as provided by state statute or in these ordinances, to have appointment and removal power of all officers, agents and employees necessary for the proper conduct of duties incident to his position, such appointment to be made upon the basis of fitness alone.
- D.** Organize and direct the management of the executive affairs of the municipality in a manner consistent with this act and with municipal ordinances.
- E.** To have direct supervision of the construction, improvements, repairs and maintenance of streets, sidewalks, alleys, lanes, bridges, and other public highways; of sewers, drains, ditches, culverts, streams and water courses or gutters and curbs; of the municipal water system of all public buildings, boulevards, parks, playgrounds, airports, squares and other

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grounds belonging to the City, and to collect and dispose of waste material.

F. To oversee the issuing of building permits; the inspection of buildings, plumbing and wiring, jointly with the engineer, plumbing inspector and building inspector; to be fully informed on all functions as may be undertaken by the various duly appointed Boards; to supervise and oversee all functions of the Public Safety Department.

G. To be responsible for the preparation of the City's tentative and final budget, and keep the council advised as to the financial condition and needs of the City.

H. Examine and inspect the books, records, and the official papers of any office, department, agency, board, or commission of the municipality, and make investigations and require reports from personnel.

I. To review all claims before presentation to the City Council for Payment, to see that all goods purchased by and for the City are received as per contract.

J. To create no liability against the City in excess of \$20,000 without the sanction of the City Council.

K. Recommend to the Council standards, qualifications, criteria, and procedures to govern the appointments, by heads of offices, departments, and agencies, or by other authorized officers, of divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and municipal administrative code.

L. Submit to the council plans and programs relating to the development and needs of the municipality, and annual and special reports concerning the financial, administrative, and operational activities of municipal offices, departments, and agencies, with his evaluation and recommendations relating to them.

M. To schedule and prepare agendas for meetings of the City Council, and to give public notice thereof, and to members of the City Council and Mayor.

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N. Attend all meetings of the council and take part in its discussions and deliberations, but without the right to vote.

O. Promote the interests of the city to associations of local governments and before and with other governmental entities and officers, and public groups.

P. To perform such other duties as may be required of him by ordinance or resolution of the City Council.

Provided, however, the power and duties of the City Manager may be enlarged or taken away by resolution of the City Council.

Section 3-1200 Appeal Board Established

The Appeal Authority that oversees the City's Land Use Appeals shall also serve as the Employee Appeals Hearing Officer.

Section 3-1210 Employee Appeals Procedure

The appeals procedure under this section shall be in accordance with Utah Code 10-3-1106. The Standard of Review shall be de novo.