

**Mayor**  
**Colten Johnson**  
**City Council**  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Kerry Glover**



**KANAB**  
—UTAH—

**City Manager**  
**Kyler Ludwig**  
**City Attorney**  
**Kent Burggraaf**  
**City Recorder**  
**Celeste Cram**  
**City Treasurer**  
**Danielle Ramsay**

**KANAB CITY COUNCIL**  
**January 24, 2023**  
**Council Chambers, 26 NORTH 100 EAST, KANAB, UTAH**

**NOTICE** is hereby given that the Kanab City Council will hold a regular council meeting on the 24th day of January 2023, in the City Council chambers at the Kanab City Office, 26 N 100 E, Kanab, Utah. The Council Meeting will convene at 6:30 p.m. and the agenda will be as follows:

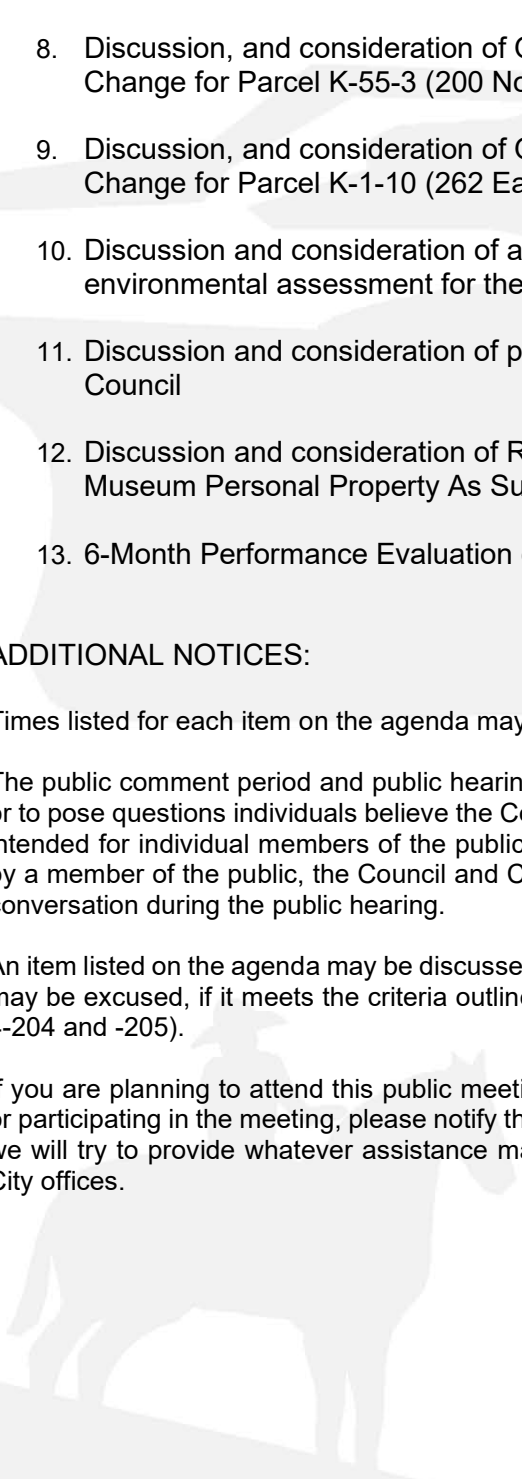
**Work Meeting**

1. Liaison Report
2. City Staff Report
  - a. City Manager's Report
  - b. Kanab Museum/Heritage House
3. Other

**Business Meeting**

1. Call to Order and Roll Call
2. Approval of Minutes of Previous Meeting
3. Approval of Accounts Payable Vouchers
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.
5. Public hearing, discussion, and consideration of Ordinance 1-2-23 O, An Ordinance Annexing Approximately Forty-Three Contiguous Unincorporated Parcels and Area, Constituting An Island Or Peninsula.
6. Public hearing, discussion, and consideration of Ordinance 1-3-23 O, An Ordinance Providing A Zone Assignment For Forty-Three Annexed Parcels Surrounding Or In Close Proximity To The Kanab City Airport.

**— A Western Classic —**

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7. Discussion and consideration of Resolution 1-3-23 R, A Resolution Approving the Development Agreement with Ben Riley and Lydia Ojuku (K-57-1, K-54-1, K-55-3).
  8. Discussion, and consideration of Ordinance 1-4-23 O, An Ordinance Approving a Zone Change for Parcel K-55-3 (200 North 400 West).
  9. Discussion, and consideration of Ordinance 1-5-23 O, An Ordinance Approving a Zone Change for Parcel K-1-10 (262 East 100 South).
  10. Discussion and consideration of an agreement with Alpha Engineering to perform an environmental assessment for the expansion of the Westfork wells.
  11. Discussion and consideration of public notice to fill a midterm vacancy on the Kanab City Council
  12. Discussion and consideration of Resolution 1-4-23 R, A Resolution Designating Certain Museum Personal Property As Surplus Property.
  13. 6-Month Performance Evaluation of Kyler Ludwig, City Manager.

#### ADDITIONAL NOTICES:

Times listed for each item on the agenda may be accelerated, as time permits, or taken out of order.

The public comment period and public hearings are intended for the public to provide input to the Council or to pose questions individuals believe the Council and City staff should consider. Public hearings are not intended for individual members of the public to engage in conversation. While questions may be posed by a member of the public, the Council and City staff will attempt to refrain from answering or engaging in conversation during the public hearing.

An item listed on the agenda may be discussed in a closed portion of the public meeting, in which the public may be excused, if it meets the criteria outlined in the Open and Public Meetings Act (see Utah Code 52-4-204 and -205).

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 (8) or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact Celeste Cram at the Kanab City offices.

— A Western Classic —

**Kanab City Council Meeting**  
**January 10, 2023**  
**City Council Chambers**  
**26 North 100 East**  
**6:30 PM**

**Work Meeting**

**1. Liaison Report**

Councilmember East reported there is a job opening for Rec Director due to Danielle Ramsay being appointed as City Treasurer. Councilmember Chamberlain reported the last Planning Commission Meeting was canceled due to the power outage.

**2. City Staff Report**

Kyler Ludwig reported Kanab City staff will be putting out an RFQ for the ALP Plan for the Airport. Work will begin on the pool within the next two weeks. The Safe Routes to School Grant was not approved. The Raising Kane Summit will be held on Friday, January 13<sup>th</sup>, 2023 and the City will be supporting the event. Public Works Department is looking into moving to ten-hour shifts and the change will be taking place over the next few weeks. Due to Utah History Month, there is a scavenger hunt taking place in Kanab. Mr. Ludwig invited everyone to participate.

**Business Meeting**

**1. Call to order and roll call**

Councilmember Colson offered the prayer and Council Member Chris Heaton led the pledge. Mayor Johnson called the meeting to order and roll call was taken.

**In Attendance:** Mayor Colten Johnson, Council Members Arlon Chamberlain, Michael East, Chris Heaton, Scott Colson, Treasurer Danielle Ramsay, Attorney Kent Burggraaf, and City Manager Kyler Ludwig.

**2. Approval of minutes of previous meeting (December 13, 2022):**

A motion was made by Councilmember Heaton and seconded by Arlon Chamberlain to approve the City Council Meeting Minutes of December 13, 2022. Motion passed unanimously.

**3. Approval of Accounts Payable Vouchers and Check Registers (12-14-2022: \$47,569.21; 12-20-2022: \$76,325.95; 01-03-2023: \$87,603.38):**

A motion was made by Councilmember Colson and seconded by Councilmember East to approve the accounts payable vouchers and check registers dated December 14, 2022 in the amount of \$47,569.21; December 20, 2022 in the amount of \$76,325.95 and for January 3, 2023 in the amount of \$87,603.38. Motion passed unanimously.

**4. Public Comment Period:** No public comments were made.

**5. Consideration of Appointment: Russ Whitaker to the Planning Commission (Jan 2023-Dec 2026):**

Mayor Johnson presented the appointment of Russ Whitaker to the Planning Commission with the term expiring in December 2026. Councilmember East asked Mr. Whitaker if him being employed by Iron Rock Engineering would present a conflict of interest when projects that will be presented to the Planning Commission, that if approved or denied, could affect business at Iron Rock?

Mr Whitaker explained he is employed by Iron Rock Construction, not Iron Rock Engineering and they are two separate entities so there will be no conflict.

A motion was made by Councilmember Chamberlain and seconded by Councilmember Colson to appoint Russ Whitaker to the Planning Commission with a term expiring in December 2026. Motion passed unanimously.

**6. Interviews and voting to fill a midterm vacancy on the Kanab City Council:**

Mr. Ludwig explained the interview process in detail. Each applicant answered the following questions: What do you want us to know about you? What is your vision for the future of Kanab City? What sets you apart from the others who have applied for this position?

**Applicant #1 – Josh Porter:** Mr. Porter has been a Kanab City resident for the past five years. He is a Certified Project Manager who works remotely for an IT Solutions Provider in the Pacific Northwest. Mr. Porter has served as a volunteer firefighter and on various community councils in the school system. He loves serving Kanab.

**Applicant #2 – J.D. Wright:** Mr. Wright is a fifth generation Brown from Kanab. He has served in law enforcement for the past sixteen years and is currently assigned as a Sergeant. Mr. Wright is also a local business owner since 2014. His vision for Kanab is to see controlled, sustained growth. Mr. Wright would like to be a voice for the citizens of Kanab. He has served on Planning Commission for the past year. He coaches many youth sports and enjoys working with the youth.

**Applicant #3 – Natalie Wade:** Ms. Wade was raised in Kanab and recently moved back after being gone for twenty-five years. She has spent many years volunteering with refugees and the homeless population in Salt Lake City. Ms. Wade's vision for Kanab is to have healthy growth and a healthy community.

**Applicant #4 – Kerry Glover:** Mr. Glover was born and raised in Kanab. He has worked for UDOT for twenty years and currently works at the Port of Entry. Mr. Glover has held supervisor positions and has worked on large projects with UDOT. He expressed his love for Kanab. Not only the locals, but those who visit our area as well.

**Applicant #5 – Boyd Corry:** Mr. Corry owns Kanab Custom Meats with his daughter and nephew. His vision for Kanab is rooted in the past. Mr. Corry grew up in Kanab and wants the same feeling he had growing up. He currently serves on the Planning Commission and has a desire to continue to serve.

**Applicant #6 – Marlee Swain:** Ms. Swain is a young mother, college student with an Associate of Science and is pursuing a Bachelor's Degree in Sociology. She appreciates the essence of Kanab and sense of community. Ms. Swain asked the Council to consider her demographic in the decisions they make.

**Applicant #7 – Hal Johnson:** Mr. Johnson grew up and graduated high school in Kanab. He recently moved back to Kanab just over two years ago. He wants to learn and practice humility. His vision for Kanab is to honor the past.

Mayor Johnson expressed his support for candidate Kerry Glover.

Councilmember Colson summarized the applicant's presentations and thanked them all of being willing to serve on City Council. Councilmember Heaton also thanked the applicants for their



willingness to serve. Councilmember East expressed his appreciation for the applicants. Councilmember Chamberlain also expressed his appreciation to the candidates.

Mayor Johnson called on each individual Council Member to vote:

Councilmember Colson voted for Kerry Glover.

Councilmember Heaton voted for Kerry Glover.

Councilmember East voted for Kerry Glover.

Councilmember Chamberlain voted for Kerry Glover.

Mr. Ludwig explained that Mr. Glover will be sworn in at a later date which prevents him from voting in tonight's meeting.

***7. Discussion and consideration of Resolution 1-1-23 R, a Resolution to Fill the Midterm Vacancy on the Kanab City Council:***

A motion was made by Councilmember East and seconded by Councilmember Chamberlain to approve Resolution 1-1-23 R, a Resolution to appoint Kerry Glover to Fill the Midterm Vacancy on the Kanab City Council. Motion passed unanimously by roll call vote.

***8. Discussion and consideration of Ordinance 1-1-23 O, An Ordinance Prohibiting Certain Forms of Tobacco and Nicotine on City Owned Properties:***

Mr. Ludwig explained that the Kane Community Youth Coalition worked with Kanab City staff to put together an ordinance that will allow for tobacco free parks to be enforced. The purpose of the Ordinance is to limit smoking, vaping and tobacco usage on Kanab City properties. The Ordinance wouldn't prohibit usage on streets and sidewalks. The Kane County Water Conservancy District is open to the Ordinance including Jackson Flat Reservoir.

The Kane Community Youth Coalition presented on the negative effects of tobacco usage. The Coalition stated that other Cities and Towns similar in size to Kanab have taken action to prevent the harmful effects of tobacco usage. They stated one of the best ways to maintain the essence of Kanab is to pass this Ordinance. Police Chief Cram stated his support of the Coalition.

A motion was made by Councilmember East and seconded by Councilmember Colson to approve Ordinance 1-1-23 O, An Ordinance Prohibiting Certain Forms of Tobacco and Nicotine on City Owned Properties, with the amendments of the penalties as were discussed. Motion passed unanimously by roll call vote.

***9. Discussion and consideration of Resolution 1-2-23 R, A Resolution Approving the Interlocal Agreement for Emergency Medical Services Between the Kane County Human Resources Special Service District and Kanab City:***

Kyler Ludwig explained the number of EMS calls has increased significantly over the past year. Currently the Kane County Hospital is contributing \$225,000 annually to Kanab City to staff. Mr. Ludwig explained that contribution helps pay for nine EMTs and Fire Chief for the City. Mr. Ludwig stated Kane County Hospital proposed a new agreement that would increase their contribution to \$450,000 per year. The Hospital is asking Kanab City to hire an additional two staff. Mr. Ludwig recognized the Hospital for paying for the ambulances, the equipment on the ambulances as well as liabilities they are responsible for medical services. The proposed contract is a five-year agreement with a ninety day out increasing with the CPI annually.

Mr. Loveless briefly explained the history of the interlocal agreement between Kane County Hospital and Kanab City that began in April of 2021.

Mr. Loveless explained that Kane County Hospital has a desire to have volunteer EMT's. A great working relationship with the full-time EMT's is important to the hospital as well. The Hospital is seeing an increase in their financials. The ambulance exceeded revenues this past year by approx.\$380,000. He added the proposed interlocal agreement was well received by the Hospital Board.

Councilmember Heaton thanked Mr. Loveless, Fire Chief Pierson and City Staff for their hard work on the interlocal agreement.

Councilmember Colson asked Mr. Loveless where he sees the agreement after the five-year period?

Mr. Loveless explained the five-year agreement with a 90 day out allows both parties to renegotiate if needed, but not be an administrative burden. Mr. Loveless added that the proposed agreement outlines the underlining strategy of the agreement so the intent isn't lost and allows for growth.

Mr. Burggraaf explained the reasoning for some of the verbiage and terms of the agreement.

A motion was made by Councilmember Heaton and seconded by Councilmember Colson to adopt Resolution 1-1-23 R, A Resolution Approving the Interlocal Agreement for Emergency Services Between the Kane County Human Resources Special Service District and Kanab City. Motion passed unanimously by roll call vote.

#### ***10. Election of Mayor Pro Tempore:***

Mayor Johnson thanked Councilmember Chamberlain for serving as Mayor Pro Tempore thus far.

A motion was made by Councilmember East and seconded by Councilmember Heaton to Elect Councilmember Chamberlain as Mayor Pro Tempore. Motion passed unanimously.

#### ***11. Discussion and consideration of the 2023 Public Meeting Schedule:***

Mr. Ludwig explained the 2023 Public Meeting Schedule. The Parks & Recreation Board, The Beautification Board, and The Heritage Board have all requested to move to quarterly meetings.

A motion was made by a Councilmember Colson and seconded by Councilmember East to approve the 2023 Public Meeting Schedule giving Staff permission to make administrative changes as necessary. Motion passed unanimously.

#### ***12. Discussion on Facilities for the Kanab City Police Department.***

Police Chief Cram explained the current situation of the police department and the need for an adequate building for the officers and staff. He explained his history with the department and his time as Police Chief.

Mr. Ludwig explained options that work best for the Police Department. The current facility is approx. 1120 square feet of office space, 690 square feet of garage storage and 550 square feet of evidence room space. The annual cost of rent for the space is \$9,000. Chief Cram and Mr. Ludwig have looked in

to options to rent and to purchase. Mr. Ludwig explained that the proposed new police station is an option as well and discussed funding the building.

Councilmember Heaton thanked Chief Cram for his presentation and thanked the law enforcement for all they do. He added he understands the need for a new facility, whatever that may look like.

Councilmember East expressed concerns about the revenue of Kanab City and the needs of our community. He explained that the Council can raise TRT, sales tax and property tax to fund what the community needs.

Councilmember Chamberlain expressed he doesn't like the thought of raising taxes but in order to maintain a quality police force the employees need to be taken care of.

Councilmember Colson expressed that he would like to see a gradual approach to a tax increase. He added Kanab City as an organization needs to do a better job to help the community understand the needs we have. He would like to move forward with finding a solution immediately.

Mayor Johnson agreed with the other Council Members. He expressed that progress needs to happen with the police station.

A motion was made by Councilmember Colson and seconded by Councilmember Heaton to go into closed session to discuss the purchase, exchange or lease of real property. Motion passed unanimously by roll call vote.

The Council returned to Open Session.

### ***13. 6-Month Performance Evaluation of Kyler Ludwig, City Manager.***

Mr. Ludwig explained the employee appraisal sheet that was sent to Mayor Johnson and Council Members. He explained aspects of the City Manager position as well as goals he set for himself.

Mayor Johnson stated there is evidence of many great things that Mr. Ludwig has done thus far. City staff seems happy and morale is up.

Councilmember Heaton thanked Mr. Ludwig for everything he has done.

A motion was made by Councilmember East and seconded by Councilmember Heaton to go into closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Motion passed unanimously.

The Council returned to Open Session.

A motion was made by Councilmember East and seconded by Councilmember Heaton to give to the City Manager a three percent pay increase based on his performance. Motion passed unanimously

A motion to adjourn the meeting was made by Councilmember East and seconded by Councilmember Heaton. Motion passed unanimously.

## Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
01/23	01/17/2023	35324	560	GARKANE ENERGY	10-2100	8,003.99
01/23	01/17/2023	35325	615	HONEY'S MARKETPLACE	10-2100	242.53
01/23	01/17/2023	35326	880	KANE CO. SPECIAL SERVICE DIST.	10-2100	620.00
01/23	01/17/2023	35327	1080	AMERIGAS PROPANE LP	10-2100	1,601.85
01/23	01/17/2023	35328	1240	SCHOLZEN PRODUCTS	51-2100	4,493.97
01/23	01/17/2023	35329	1290	CASELLE	51-2100	1,946.00
01/23	01/17/2023	35330	1520	WORKERS COMP. FUND OF UTAH	02-2100	1,758.57
01/23	01/17/2023	35331	1635	WATERMAN WELDING	51-2100	17.60
01/23	01/17/2023	35332	2085	AT&T MOBILITY	10-2100	120.72
01/23	01/17/2023	35333	3880	INTERMOUNTAIN FARMERS ASSOCIA	10-2100	233.72
01/23	01/17/2023	35334	3900	KANAB CITY CORPORATION	10-2100	30.00
01/23	01/17/2023	35335	4055	SOUTH CENTRAL UTAH TELEPHONE	10-2100	2,813.76
01/23	01/17/2023	35336	4690	LITTLE'S DIESEL SERVICE	10-2100	688.17
01/23	01/17/2023	35337	9010	GLAZIER'S MARKET	51-2100	92.10
01/23	01/17/2023	35338	9111	KANE COUNTY SHERIFF'S OFFICE	10-2100	14,499.99
01/23	01/17/2023	35339	9175	DIVISION OF OCCUPATIONAL &	10-2100	83.55
01/23	01/17/2023	35340	10647	MOUNTAIN WEST COMPUTERS	10-2100	1,347.00
01/23	01/17/2023	35341	10685	ALSCO	10-2100	366.09
01/23	01/17/2023	35342	11047	UTAH RETIREMENT SYSTEMS	02-2100	182.41
01/23	01/17/2023	35343	11352	RANDY'S AUTO BODY	10-2100	6,398.22
01/23	01/17/2023	35344	11755	SHERWOODS SEW WHAT	51-2100	36.00
01/23	01/17/2023	35345	12152	BISHOP & LEIGH	10-2100	1,000.00
01/23	01/17/2023	35346	12288	NICHOLSON, BOB	10-2100	900.00
01/23	01/17/2023	35347	12942	BLOMQUIST HALE CONSULTING GRO	10-2100	152.60
01/23	01/17/2023	35348	13208	FREEDOM MAILING SERVICES, INC.	51-2100	1,168.86
01/23	01/17/2023	35349	13336	RHODES, STACEY	01-2100	23.32
01/23	01/17/2023	35350	13337	MACDONALD, DENNIS	51-2100	50.00
Grand Totals:						<u>48,871.02</u>

Mayor  
Troy Colten Johnson  
City Manager  
Kyler Ludwig  
Treasurer  
Danielle Ramsay



City Council  
Arlon Chamberlain  
Kerry Glover  
Scott Colson  
Chris Heaton

## Kanab City Council Staff Report

### *Annexation of Unincorporated Area Surrounding Airport*

<b>Date:</b>	January 20, 2023
<b>Meeting Date:</b>	January 24, 2023
<b>Agenda Item:</b>	Public hearing, discussion and consideration of Ordinance 1-__-23 O, An Ordinance Annexing Approximately Forty-Three Contiguous Unincorporated Parcels and Area, Constituting an Island or Peninsula
<b>Subject Property Address:</b>	See Exhibit C
<b>Applicant:</b>	None (Per Utah Code § 10-2-418)
<b>Applicant Agent:</b>	N/A
<b>Zoning Designation:</b>	To be determined by City Council with Recommendation from the Planning Commission
<b>General Plan Designation:</b>	Mixed Manufacturing District / General Commercial / Agriculture
<b>Parcel #s:</b>	3-6-33-5-6; 3-6-34-10; 3-6-34-10B; 3-6-34-7; 4-6-4-21; 4-6-4-22; 4-6-4-23; 4-6-4-24; 4-6-4-1A; 4-6-4-12; 4-6-4-12A; 4-6-4-12A1; 4-6-4-14; 4-6-4-14E; 4-6-4-11; 4-6-4-18; 4-6-4-13; 4-6-4-7; 4-6-4-9; 4-6-4-8A; 4-6-4-8; 4-6-4-6; 4-6-4-5; 4-6-9-5; 4-6-9-5A; 4-6-9-3; 4-6-9-2A; 4-6-9-2; 4-6-4-18A; 4-6-4-13B; 4-6-4-19; 4-6-4-13A; 4-6-4-7A-X; 4-6-4-4; 4-6-4-3; 4-6-4-3B; 4-6-4-3C; 4-6-4-3G; 4-6-4-3E; 4-6-4-3D; 4-6-4-3F; 4-6-4-18B; and 4-6-4-11-A
<b>Applicable Law:</b>	Utah Code Title 10, Chapter 2, Part 4, <i>Annexation</i> ; Kanab City General Plan, including Appendix B, Kanab City Annexation Policy Plan (and map)

### **Attachments:**

**Exhibit A: Kanab City Annexation Policy Plan**

**Exhibit B: Kanab City Annexation Plan Map**

**Exhibit C: Proposed Annexation Plat**

**Exhibit D: Resolution 12-1-22 R, A Resolution Indicating Kanab City's Intent to Annex Contiguous Unincorporated Parcels and Area, Constituting an Island or Peninsula**

**Exhibit E: County Resolution R-2022-35, A Resolution Recommending to Kanab City the Annexation of Certain Properties Near the Kanab City Airport**

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### **Summary:**

On October 27, 2020, the Kanab City Council met during a regularly scheduled meeting. As part of their work meeting, the Council discussed the City's plans and goals for annexation. The Council directed staff to work on annexing the unincorporated areas around the airport and north of town, which direction corresponds with the Kanab City Annexation Policy Plan.

The current annexation under consideration includes the annexation of all unincorporated and contiguous parcels of land surrounding the Kanab City Airport, which area is sparsely populated and surrounded by Kanab City boundaries and the Arizona border. See Exhibit C, Proposed Annexation Plat. All these contiguous unincorporated parcels currently receive one or more City services (i.e., police, fire, and/or water), which services have been provided for more than one year. It's anticipated that as some of the parcels develop or as uses change, they will require additional City services, including but not limited to water, sewer, and stormwater.

### **Adjacent Land/Boundaries:**

Each parcel in the proposed area for annexation is contiguous. The unincorporated area is surrounded by Kanab City boundaries on the north, east, west, and for some, the south. A few of the parcels in the area are bordered on the south by the Arizona border. The Kanab City Airport (parcel K-13-AP-ANNEX) is in the middle of these unincorporated parcels and was previously annexed. See Exhibit C.

### **Planning Commission and Initial Public Hearing**

On November 15, 2022, a public hearing was held with the Kanab City Planning Commission, after which the Planning Commission discussed and considered the proposed annexation, thereafter making a positive recommendation to the Kanab City Council (unanimous vote; Commission Wright abstained). Comments made by members of the public and property owners in attendance included the following, which, at the allowance of the Chair, became somewhat of a question-and-answer period:

- Zoning and how annexation would impact current uses (including commercial uses and maintaining cattle);
- Application of the stormwater fee upon annexation;
- Reason for annexation at this time and whether it was the result of a developer's request;
- How the unincorporated property owners/residents would benefit from annexation;
- Assessment of property taxes and impact fees;
- Maintenance of current roads and access points upon annexation;
- Timeline/process for getting City water to these properties and cost (some property owners expressed an interest in getting City water to their parcels); and
- City services currently being provided to the unincorporated parcels and the conditions for providing them.

### **City Council's Adoption of Resolution Indicating Its Intent to Annex**

On December 13, 2022, the City Council met and discussed the process and legal basis for annexing the forty-three parcels surrounding the Kanab City Airport. The City Council then adopted Resolution 12-1-22 R, A Resolution Indicating Kanab City's Intent to Annex Contiguous Unincorporated Parcels and Area, Constituting an Island or Peninsula, thereby directing staff to schedule and publish a notice of a public hearing, and to provide public notice to the Kane County Commission, each local district and special service district whose boundaries contain some or all of the area proposed for annexation.

### **County Commission's Adoption of a Resolution Recommending the Annexation**

November 22, 2022, the Kane County Commission met and discussed Kanab City's consideration for annexing the contiguous unincorporated parcels around the Kanab City Airport and thereafter directed their staff to draft a resolution for them to consider recommending the annexation.

On December 20, 2022, the Kane County Commission held a public hearing and thereafter discussed and adopted Resolution R-2022-35, a Resolution Recommending to Kanab City the Annexation of Certain Properties Near the Kanab City Airport, attached to this report as Exhibit E. During the public hearing, property owners from the proposed annexation addressed the Commission and engaged in a back-and-forth dialogue, including discussions of the following:

- The potential increase in property taxes and the impact on *Greenbelt* properties;
- Requirement to make improvements to meet City ordinances and grandfathering of uses, valid under County ordinances currently, but potentially not valid under City ordinances; this included a discussion about pets and livestock;
- Application of the City's nuisance ordinance; and
- Impact of the County Commission's recommendation to annex the proposed parcels on the annexation process.

The County Commission's Resolution included the following findings:

- The area to be annexed can more efficiently be served with municipal-type services by Kanab City;
- The area to be annexed is not likely to be naturally annexed into Kanab City in the future as a result of urban development, based on existing development in the area and other relevant factors outlined herein;
- Annexation of the area is likely to facilitate the consolidation of overlapping functions of local government; and
- Annexation of the area is likely to result in an equitable distribution of community resources and obligations.

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## **Public Notice of Hearing and Intent to Annex**

Staff published a notice in the Southern Utah News (“SUN”) of the City’s intent to annex the subject parcels and the date, time, and location of the public hearing, scheduled for January 24, 2023, at 6:30 p.m., in the Kanab City Council Chambers, which notice appeared in the following editions of the SUN: January 5, 12, and 19, 2023. Staff mailed a notice of the public hearing to each of the parcel owners of record in the proposed annexation area and on December 30, 2022, posted physical notices in the following four approximate locations within or directly adjacent to the proposed annexation area: at the corner of parcel 3-6-33-5-6 (near HWY 89A); northeast corner of parcel 4-6-4-12; northwest corner of parcel 4-6-4-12; and the corner of parcel 4-6-9-2A (near HWY 89A).

## **Applicable Law and Analysis**

Municipal Annexations are governed by Utah Code, Title 10, Chapter 2, Part 4, *Annexation*. This Part requires a municipality to adopt an annexation policy plan, including a map, and define its “expansion area.” Kanab City’s most recent adoption and revision of its Annexation Policy Plan and annexation map occurred on or about January 24, 2006, and is currently incorporated into Kanab City’s General Plan as Appendix B. See Exhibits A and B.

Kanab City’s General Plan also states, in relevant part:

It is expected that additional areas will need to be considered for annexation over the projected 20-year life of this Plan. Future possible areas of annexation include east along Highway 89 to Johnson Canyon, north along Highway 89 to Hancock Road, and the [unincorporated] lands in the vicinity of the city airport.

...The application of the recommended land uses for those properties which seek annexation will allow for well-planned and cohesive growth.

When considering an area for annexation, the unincorporated area must be contiguous to itself and to the municipality and must not leave or create an unincorporated island or unincorporated peninsula, except under limited circumstances. See Utah Code § 10-2-402(1)(b). An island or “unincorporated peninsula” means and unincorporated area that:

- (i) is part of a larger unincorporated area;
- (ii) extends from the rest of the unincorporated area of which it is a part;
- (iii) is surrounded by land that is within a municipality, except where the area connects to and extends from the rest of the unincorporated area of which it is a part; and
- (iv) whose width, at any point where a straight line may be drawn from a place where it borders a municipality to another place where it borders a municipality, is no more than 25% of the boundary of the area where it borders a municipality. See Utah Code § 10-2-401(1)(l).



The area proposed for annexation must be within the municipalities previously adopted expansion area. The proposed unincorporated area around the Kanab City Airport is included in Kanab City's expansion area. See Utah Code §§ 10-2-402(1)(b) and 10-2-418(3); and see Exhibit A (p. 2) and Exhibit B (the mapped expansion area).

Normally a petition from one or more property owners would be required to initiate the annexation process. However, the process and requirements for annexing an unincorporated area that constitutes either an island or peninsula is different. See Utah Code §§ 10-2-402(2) and 10-2-418. As is depicted in Exhibit C, attached hereto, the unincorporated area being considered for annexation presently is considered an island or peninsula and therefore has not been initiated by an annexation petition—the unincorporated area is surrounded on all four sides by Kanab City boundaries and the Arizona border.

Pursuant to Utah Code, for Kanab City to annex the proposed unincorporated area depicted in Exhibit C, the unincorporated area must:

- Consist of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and
- The City has provided one or more municipal-type services to the area for at least one year.

See Utah Code § 10-2-418(2)(b)(ii).

In the present circumstances, the proposed unincorporated area for annexation does consist of one or more unincorporated islands within or unincorporated peninsula contiguous to Kanab City boundaries. There are less than 800 residents in this area—the area has a limited number of residences, and the total numbers of parcels is approximate 43. Much of the area is used for agriculture and some limited commercial purposes, and less so for residential.

As it relates to municipal services:

1. **Municipal Water:** Many of the parcels in the proposed unincorporated area are currently receiving water service from Kanab City and have been for more than one year. Other parcels are not receiving municipal water services and are not served with culinary water by the Kane County Water Conservancy District. Some parcels do receive irrigation water from the local irrigation company.
2. **Municipal Police and Fire Protection:** City staff has consulted with Police Chief Tom Cram and with Chief Brett Pierson about law enforcement and fire response to the unincorporated area proposed for annexation. Both explained that their department responds to public safety incidents in this unincorporated area when a call comes out through dispatch. Both explained that Kanab City has usually had officers and fire/EMS personnel in closer proximity than the County (e.g., Kane County does not have fire response for structural fires and the Sheriff's Office may or may not have deputies in the area, because they have responsibilities through the entirety of Kane County). Additionally, they explained that quickly identifying

municipal boundaries in this unincorporated area is not usually of primary concern when an emergency incident is report in this area (i.e., due to the island/peninsular character of the unincorporated area). Both Chief Cram and Chief Pierson explained that their respective departments have been on call to provide service to the entire unincorporated area for more than a year.

#### **ANNEXATION CRITERIA – KANAB CITY ANNEXATION POLICY PLAN**

The Kanab City Annexation Policy Plan requires that any proposed annexation be considered by the Kanab City Planning Commission, with the Planning Commission making a recommendation to the City Council. As noted herein, the Planning Commission has given such consideration and made a recommendation to the City Council in regard to the proposed annexation area. In anticipation of the City Council's decision regarding annexation, the Planning Commission met on January 17, 2023, considered each parcel under consideration for annexation and has made recommendations to the City Council for the zoning designations for each parcel being considered for annexation.

The Annexation Policy Plan further directs that annexation shall only be considered for areas in which there is the potential for urban (i.e., municipal) services. As outlined above, Kanab City is already providing some municipal services to the proposed annexation area and anticipates providing additional municipal services to this area.

The Annexation Policy Plan outlines additional criteria to be consider, much of which is mirrored in State law, as follows:

1. Areas to be annexed must be contiguous to the corporate limits of Kanab City at the time of submission of the annexation request.
2. Kanab City shall avoid gaps between or overlaps with the expansion areas of other municipalities.
3. Proposed annexations will not be approved if they create an island or peninsula of the unincorporated area.
4. Areas to be annexed shall not be located within the corporate limits of another incorporated town or be part of a previously filed annexation petition that has not been either denied, accepted, or approved.
5. When feasible, the city favors annexation along boundaries of water and sewer improvements, special service districts, or other taxing entities.
6. It is not Kanab City's intent to annex territory for the sole purpose of acquiring revenue.
7. There has been no exclusion of urban development within the policy plan. No urban development, as defined in 10-2-401(l)(i) Utah Code Annotated, exists within ½ mile of Kanab City's boundary.
8. The annexation petition must comply with the requirements of Section 10-2-403, Utah Code Annotated.
9. Annexations will facilitate the consolidation of overlapping functions of local government by assuring jurisdiction is providing services to an area.

10. Kanab wishes to promote the efficient delivery of service by clearly defining who will provide service to a particular area. Consideration shall be given to encourage the equitable distribution of community resources and obligations.
11. Kanab's Capital Facilities Master Plan outlines the provisions of municipal services in the Annexation Policy Plan area and assures that the services will be equitably distributed.

Facts applicable to each of these criteria are presented throughout this report, where relevant. Additionally, the proposed annexation will resolve multiple issues with #10 of the criteria listed in the Annexation Policy Plan (i.e., “promote the efficient delivery of service by clearly defining who will provide service to a particular area.”). It would clearly place the responsibility of providing municipal services for the proposed annexation area on Kanab City. Some specific examples and scenarios related to this are as follows:

- Currently, when 911 dispatch receives a call and/or issues a call out to law enforcement requiring law enforcement services within the proposed annexation area, some question may arise as to whether the Sheriff's Office will respond or not. City law enforcement will respond due to its proximity to City boundaries, and also because it is not always clear whether the incident is occurring within or outside City limits.
- When/if a structural fire occurs within the unincorporated proposed annexation area, it's currently unclear that any fire protection response will be sent by the county. The City's fire department responds for the same reason explained that law enforcement responds to the area (i.e., proximity and City limits sometimes unclear).
- Some municipal culinary water service has been provided to certain unincorporated parcels in the proposed annexation area. The Kane County Water Conservancy District does not *currently* provide *culinary* water service to the proposed annexation area.
- Concerns about maintenance of access points and roads within and to/from the parcels within the proposed annexation area were raised by property owners at the public hearing before the Planning Commission. Upon annexation, any roads dedicated to the City after being brought up to the required standard, and after acceptance by the City, would clearly establish the City's responsibility to maintain such roads.
- Within the past few months, City staff has spoken with a representative of a property owner, intending to develop one or more parcels within the proposed annexation area. The contemplated development will necessitate the need of municipal services—it's anticipated the City will require and provide all city services afforded a development undertaken within current City limits, only if the particular parcels are annexed. Were one or more parcels in this unincorporated area to be developed under the County's ordinances, there may be development that is not compatible with the City's current ordinances, notwithstanding the parcel(s) being in the City's expansion area and its proximity to the City. One example of this may be the use of a septic system, instead of a connection to the City's sewer system.

## **STATUTORY ANNEXATION PROCESS:**

As part of the annexation process for an unincorporated island or unincorporated peninsula, the City is required to:

- Pass a resolution indicating the municipal legislative body's (City Council's) intent to annex the area; and
- Hold a public hearing on the proposed annexation no earlier than 30 days after the adoption of the resolution.  
Utah Code § 10-2-418(5).

The City Council passed the required resolution on December 13, 2022, and thereafter the public hearing was scheduled, with notices being published in the Southern Utah News, mailed to each property owner, and posted in four locations in or adjacent to the proposed annexation area.

Normally, following the conclusion of the public hearing, the City Council could adopt an ordinance approving the annexation unless, at or before the hearing, written protests to the annexation have been filed with the City's recorder/clerk by the owners of private real property that:

- (i) Is located within the area proposed for annexation;
- (ii) Covers a majority of the total private land area within the area proposed for annexation; and
- (iii) Is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation.  
Utah Code § 10-2-418(8)(a).

However, the resolution, recommendation, and formal findings made by the Kane County Commission impacts the process and decision to be considered by the City Council in two significant ways:

1. The City Council may only consider whether to annex all forty-three parcels, as recommended by the Commission, or to decline to annex all of the parcels (i.e., the Council cannot make a decision that would exclude any of the parcels—it's an all or nothing decision).
2. Without considering written protests submitted by property owners to the City Recorder, the City Council can decide to annex all parcels under consideration.

As of the date of this report, staff has not received any *written* protests; though property owners may submit a written protest to the City Recorder until the conclusion of the public hearing on January 24, 2023. Staff has contacted as many of the potentially impacted property owners for which it could identify a phone number and was able to speak to an owner of twenty-one (21) properties, leaving messages for several others. Staff inquired of zoning designation preferences, if annexed, and whether they opposed annexation. Of the property owners contacted, four (4) were not in favor of annexation, four (4) were not opposed/in favor of annexation, and thirteen (13) expressed no opinion or were neutral

(though expressing a desire to be able to maintain their current permitted uses). Subsequently the owner of two additional parcels, Dos Pollos, LLC, expressed they were in favor of annexation. There is one other owner of three larger parcels, Z7 Development LLC, that is believed to also be in favor of the annexation (they were inclined to petition for annexation if the City wasn't moving towards annexation), but staff has not been able to confirm that (as of the creation of this report).

If after the public hearing the City Council desires to only annex a portion, but not all of the parcels in the proposed annexation area, a motion may be made to seek an amendment from the County Commission of the County's resolution recommending annexation, requesting the County exclude certain parcels, if the proper findings can be made (i.e., it would be equitable to leave certain parcels out). This action would then postpone the City Council's annexation decision until the County Commission has the opportunity to consider amending its resolution.

### **Findings of Fact:**

- The proposed unincorporated area being considered for annexation contains approximately 43 parcels of real property, contiguous with Kanab City's boundaries, as depicted in Exhibit C.
- The proposed unincorporated area constitutes an unincorporated island or unincorporated peninsula as defined by Utah Code § 10-2-401.
- There are fewer than 800 residents within the proposed area for annexation.
- Municipal services, including police, fire, and/or water services have been provided for more than one year the proposed annexation area.
- The proposed annexation will meet the criteria and requirements outlined in the Kanab City Annexation Policy Plan.
- The Kane County Commission has made formal findings required by statute and passed a resolution recommending annexation of all 43 parcels.
- The required public hearing has been held and the required notices have been provided.

### **Conditions of Approval:**

1. No Conditions of Approval have been identified by staff.

### **Possible Motions:**

I move to approve Ordinance 1-2-23 O, An Ordinance Annexing Approximately Forty-Three Contiguous Unincorporated Parcels and Area, Constituting an Island or Peninsula, adopting the findings outlined in the staff report and directing City staff to take further action necessary to complete the annexation process.

*[Continued on the next page.]*

If annexation is not desired by one or more members of the City Council, then an alternate motion could be made:

I move to decline to annex the proposed annexation area and parcels, notwithstanding the County's recommendation.

If one or more members of the Council desire to exclude one or more parcels from the proposed annexation area, but annex the remainder, then an alternate motion can be made:

I move that we request the County Commission consider revising their prior resolution recommending the annexation of all forty-three parcels, and consider, for equitable reasons, excluding parcel(s): \_\_\_\_\_.

## **ORDINANCE NO. 1-2-23 O**

### **AN ORDINANCE ANNEXING APPROXIMATELY FORTY-THREE CONTIGUOUS UNINCORPORATED PARCELS AND AREA, CONSTITUTING AN ISLAND OR PENINSULA**

**WHEREAS**, on or about January 24, 2006, Kanab City adopted, amended, and revised its annexation policy plan, Ordinance No. 1-2-060, *An Ordinance Adopting Kanab City Annexation Policy Plan* (incorporated as Appendix B of the Kanab City General Plan), in which plan a map is included identifying the expansion area the City anticipates annexing in the future, as well as the criteria for evaluating any proposed annexation.

**WHEREAS**, Section 2.4 of the Kanab City General Plan describes the areas of anticipated annexation, including those “in the vicinity of the city airport.”

**WHEREAS**, Utah Code § 10-2-418 establishes the process and authority for a municipality to annex an area considered to be a contiguous unincorporated island or peninsula in relation to the municipalities boundaries, and may consider doing so without the submission of an annexation petition.

**WHEREAS**, on or about October 27, 2020, the Kanab City Council met and discussed annexation matters, directing City staff to work on annexing the unincorporated areas around the airport and north of town.

**WHEREAS**, City staff has received inquiries about the annexation of certain parcels in this unincorporated area around the airport.

**WHEREAS**, the City desires that any annexation occur in a well-planned and orderly fashion and comply with the parameters outlined in State law.

**WHEREAS**, City staff has identified the parcels that are within the unincorporated island or peninsula adjacent to the incorporated Kanab City airport and otherwise surrounded by the City’s boundaries and the Arizona border, as shown on the plat attached hereto.

**WHEREAS**, the Kanab City Planning Commission met during their regular meeting on November 15, 2022, during which meeting they: held a public hearing; City staff and Commission members responded to questions from the members of the public in attendance; considered the annexation of the contingent unincorporated area (island or peninsula) surrounding the Kanab City airport; and, thereafter, made a positive recommendation to the Kanab City Council to annex the area.

**WHEREAS**, the Kanab City Council met during its regular meeting on December 13, 2022, to further consider the matter, and adopted Resolution 12-1-22 R, A Resolution Indicating Kanab City’s Intent to Annex Contiguous Unincorporated Parcels and Area, Constituting an Island or Peninsula.

**WHEREAS**, Kanab City staff published, mailed, and posted the required notices of a public hearing for January 30, 2023.

**WHEREAS**, the Kane County Commission met on December 20, 2022, and adopted a resolution that made the statutory findings in Utah Code § 10-2-418(8)(c)(i) recommending the annexation of the forty-three parcels under consideration. [See Kane County Resolution R-2022-35.]

**WHEREAS**, on January 24, 2023, a public hearing was held as noticed.

**WEHREAS**, on January 24, 2023, the Kanab City Council met during is regular meeting and deliberated over the annexation of the proposed forty-three contiguous unincorporated parcels surrounding or in close proximity to the Kanab City Airport.

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council:

The municipal boundaries are extended to include the following enumerated county parcels, as identified in the Office of the Kane County Recorder, and as included in the proposed annexation plat:

3-6-33-5-6	4-6-4-12A	4-6-4-8	4-6-4-19	4-6-4-3F
3-6-34-10	4-6-4-12A1	4-6-4-6	4-6-4-13A	4-6-4-18B
3-6-34-10B	4-6-4-14	4-6-4-5	4-6-4-7A-X	4-6-4-11-A
3-6-34-7	4-6-4-14E	4-6-9-5	4-6-4-4	
4-6-4-21	4-6-4-11	4-6-9-5A	4-6-4-3	
4-6-4-22	4-6-4-18	4-6-9-3	4-6-4-3B	
4-6-4-23	4-6-4-13	4-6-9-2A	4-6-4-3C	
4-6-4-24	4-6-4-7	4-6-9-2	4-6-4-3G	
4-6-4-1A	4-6-4-9	4-6-4-18A	4-6-4-3E	
4-6-4-12	4-6-4-8A	4-6-4-13B	4-6-4-3D	

And as further described in the legal description attached hereto.

The Mayor and City staff are authorized to take all steps necessary to effectuate this ordinance and complete the annexation process.

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 this Ordinance 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 Ordinance or the application in a different circumstance.

[Continued on the following pages.]

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This Ordinance shall be effective upon posting.

**PASSED AND RESOLVED** this 24th day of January, 2023.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

**VOTING:**

Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____
Kerry Glover	Yea ____	Nay ____

POSTED the \_\_\_\_ day of \_\_\_\_\_, 2023, as certified by the Recorder: \_\_\_\_\_.  
RECORDER

## **LEGAL DESCRIPTION**

### **AREA 1:**

AN AREA LOCATED IN SECTIONS 4 AND 9, TOWNSHIP 44 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 9, AND RUNNING THENCE N 89°27'48" W 2622.70 FEET ALONG THE SOUTH LINE OF SAID SECTION 9, BEING THE STATE LINE OF UTAH/ARIZONA, TO THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE N 0°41'44" E 2535.61 FEET ALONG THE WEST LINE OF SAID SECTION 9, TO THE NORTHWEST CORNER OF SAID SECTION 9; THENCE N 1°18'57" E 1322.22 FEET; THENCE S 89°19'45" E 285.31 FEET; THENCE S 0°39'25" W 33.12 FEET; THENCE S 89°20'35" E 298.05 FEET; THENCE N 0°39'25" E 1052.04 FEET; THENCE S 89°20'35" E 33.00 FEET; THENCE N 0°39'25" E 308.88 FEET; THENCE S 89°20'35" E 87.14 FEET; THENCE N 0°39'25" E 262.52 FEET; THENCE S 89°20'35" E 33.00 FEET; THENCE N 0°39'25" E 74.44 FEET; THENCE S 89°20'35" E 359.67 FEET; THENCE N 2°09'25" E 571.47 FEET; THENCE N 89°20'35" W 197.33 FEET TO THE NORTH LINE OF SECTION 4; THENCE N 0°39'25" E 1697.85 FEET, TO A POINT ON THE NORTH LINE OF SAID SECTION 4; THENCE S 89°17'43" E 577.06 FEET ALONG SAID LINE; THENCE S 0°39'51" W 150.37 FEET; THENCE S 89°20'35" E 101.01 FEET; THENCE S 0°39'25" W 17.22 FEET; THENCE S 89°20'35" E 817.72 FEET; THENCE S 0°39'25" W 486.75 FEET; THENCE S 89°20'35" E 600.00 FEET; THENCE S 21°28'08" W 3457.76 FEET; THENCE S 73°27'55" W 1000.79 FEET; THENCE S 16°31'35" E 509.01 FEET; THENCE S 89°15'29" E 506.95 FEET; THENCE S 21°30'46" W 2729.14 FEET; THENCE S 68°18'35" E 769.14 FEET; THENCE N 21°34'55" E 165.49 FEET; THENCE S 0°28'32" W 40.63 FEET; THENCE N 21°16'15" E 850.66 FEET; THENCE N 89°08'14" W 10.69 FEET; THENCE N 21°34'55" E 1413.13 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 4; THENCE S 89°03'59" E 519.05 FEET ALONG SAID LINE, TO THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE S 89°26'34" E 401.40 FEET ALONG THE NORTH LINE OF SAID SECTION 4; THENCE S 17°26'06" W 1380.54 FEET TO THE CENTER LINE OF SECTION 9; THENCE ALONG THE CENTER LINE OF SECTION 9, S 0°31'55" W 1196.40 FEET TO THE SOUTH 1/4 CORNER OF SECTION 9 AND THE POINT OF BEGINNING.

CONTAINS 12,737,440 SQ FT OR 292.41 ACRES MORE OR LESS.

*[Legal description continued on the next page.]*

**AREA 2:**

AN AREA LOCATED IN SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 6 WEST, AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUNNING THENCE S 1°01'15" W 1978.40 FEET; THENCE N 89°18'59" W 78.61 FEET; THENCE S 0°59'18" W 651.21 FEET; THENCE N 89°20'26" W 764.67 FEET; THENCE N 1°05'00" E 870.02 FEET; THENCE S 89°20'35" E 93.20 FEET; THENCE N 1°05'00" E 60.00 FEET; THENCE N 89°20'35" W 511.44 FEET; THENCE S 0°39'55" W 60.00 FEET; THENCE S 0°35'16" W 869.97 FEET; THENCE S 89°20'26" E 6.04 FEET; THENCE S 0°25'58" W 666.84 FEET; THENCE N 89°01'02" W 86.56 FEET; THENCE S 0°45'13" W 11.16 FEET; THENCE N 89°14'47" W 1039.21 FEET; THENCE N 2°24'42" W 127.18 FEET; THENCE N 21°34'55" E 1253.30 FEET; THENCE S 89°20'35" E 579.12 FEET; THENCE N 0°39'25" E 24.59 FEET; THENCE N 89°20'35" W 326.24 FEET; THENCE N 0°39'25" E 283.80 FEET; THENCE N 89°20'35" W 126.95 FEET; THENCE N 21°25'55" E 249.20 FEET; THENCE N 89°20'35" W 7.84 FEET; THENCE N 21°34'25" E 157.70 FEET; THENCE N 1°10'21" E 84.47 FEET; THENCE N 89°11'59" W 198.13 FEET; THENCE N 68°34'05" W 489.58 FEET; THENCE N 21°25'55" E 437.87 FEET; THENCE S 89°20'35" E 912.47 FEET; THENCE N 0°39'55" E 1937.86 FEET; THENCE S 89°20'35" E 610.50 FEET; THENCE N 0°39'25" E 668.25 FEET; THENCE N 89°20'35" W 660.00 FEET; THENCE N 0°39'25" E 24.75 FEET; THENCE S 89°20'35" E 1650.00 FEET; THENCE S 0°39'25" W 660.00 FEET; THENCE S 89°20'35" E 330.00 FEET; THENCE S 0°39'25" W 1023.00 FEET; THENCE S 89°20'35" E 660.00 FEET; THENCE S 0°39'25" W 297.00 FEET; THENCE N 89°20'35" W 1320.00 FEET TO THE NORTHWEST CORNER OF SECTION 4 AND THE POINT OF BEGINNING.

CONTAINS 8,362,873 SQ FT OR 191.99 ACRES MORE OR LESS.

## **Exhibit A: Kanab City Annexation Policy Plan**

ORDINANCE NO. 1-2-060

AN ORDINANCE ADOPTING KANAB CITY  
ANNEXATION POLICY PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE MUNICIPALITY  
OF KANAB CITY, COUNTY OF KANE, STATE OF UTAH:

The Kanab City Annexation Policy Plan is hereby adopted to  
read as follows:

(See Attached.)

1. So far as the provision of the Revised Ordinances are the same as those of previously existing ordinance, they shall be constructed as continuations thereof.
2. This ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause, paragraph, sentence or provision of this ordinance shall not effect the validity of any other.

This Ordinance shall become effective thirty (30) days from its passage or twenty (20) days from its first posting, whichever is the most remote from the passage hereof.

Passed and ordered posted this 24 day of Jan, 2006.

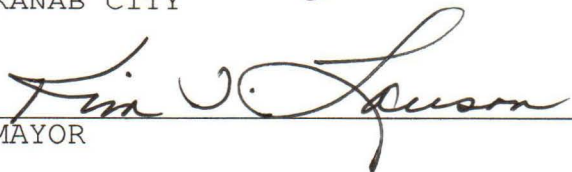
KANAB CITY

ATTEST:

RECORDER

MAYOR



  
MAYOR

# **KANAB CITY**

## **ANNEXATION POLICY PLAN**

**January 24, 2006**

# KANAB CITY ANNEXATION POLICY PLAN

## A. INTRODUCTION

In accordance with the provisions of 10-2-400, Utah Code Annotated, all municipalities within the State, except in Salt Lake County, are required to adopt an Annexation Policy Plan. In this Annexation Policy Plan, the cities are required to develop an "expansion area" map or plan for the future growth of the community. The annexation area plan shall incorporate the long range planning objectives contained in the land use plan of the community and shall represent a graphic illustration/representation of the areas that the city intends to provide services to.

The Annexation Policy Plan is created by the City to guide decision making regarding future annexations. It also helps the city plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan.

The Annexation Policy Plan anticipates the annexation of the following areas.

Area:	1-North	14,400 acres
	2-East	26,880 acres
	3-South	640 acres
	4-West	640 acres
TOTAL		42,560 acres

## B. CHARACTER OF THE COMMUNITY

Kanab, Utah is in the center of Utah's scenic Southwest it is located just north of the Arizona border, 80 miles east of St. George. Traveling along Scenic Byway U.S. 89 puts you less than 90 minutes from Bryce, Zion, and Grand Canyon National parks. Pipe Springs, Cedar Breaks National Monument, Coral Pink Sand Dunes and Kodachrome Basin State Park are just minutes away. Glen Canyon National Recreation Area - better know as Lake Powell - is just a short 55 miles east of Kanab, Utah.

Kanab is a community which provides an excellent location for individuals and families interested in an outdoor lifestyle surrounded by a scenic environment. The relatively close commute to surrounding areas has attracted, and will continue to attract, a large number of people who want to live in this community but are willing to commute to work and shopping within reasonable driving distances from the City. This poses a rather unique problem for the community that affects its growth and development. For this and other reasons, Kanab City's tax base needs more diversification, specifically permanent jobs and commercial services. Thus, developing an annexation policy that deals with the specific issues of Kanab City will have a significant impact on the future quality of life and development of Kanab area.



The Kanab General Plan indicates that Kanab will annex lands when such annexation helps the City realize its vision and goals. To that end, the City supports entering beneficial annexation agreements, inter-local agreements and boundary management agreements with adjoining public entities. When the annexed property is developed it should be done in accordance with the Kanab Land Management code. (ie. General Plan, Zoning & Subdivision Ordinances)

## C. EXPANSION AREA MAP

The City shall adopt and maintain an expansion area map (Exhibit A) that represents the growth boundary which includes territories outside, but adjacent to, the community that may be annexed into the City. This map is consistent with the "Kanab City General Plan." These areas are not bordered by any other municipality. Even though the proposed properties may lie within the expansion area, there is no guarantee that the annexation request will be approved by the City. The petition for annexation may require additional requirements than those contained in the current Annexation Policy Plan.

## D. POPULATION

Population growth projections for the municipality for the next 20 years.

Kanab's growth projections are as follows:

Year	Population
2000	3,564
2010	3,862
2020	4,185

## E. POLICY/CRITERIA

The following are policy statements, and criteria Kanab City will use in determining whether or not to approve future annexation petitions.

### Policy:

1. DEVELOPMENT IN ANNEXED AREAS TO CONFORM TO GENERAL PLAN  
All annexations accepted by Kanab City shall be found in conformance with the Kanab City General Plan. Kanab City may exercise its initiative to adopt an area options Master Plan for future development in those extraterritorial areas of interest for future annexation as indicated in this Policy Declaration. These area specific Master Plans will define proposed land uses as well as the nature and density of development desired in each particular area. Once adopted, any proposed development in an area to be annexed must conform to the Master Plan and General Plans, notwithstanding the said Master Plan may be amended from time to time as deemed necessary and appropriate.
2. PLANNING AND ZONING COMMISSION TO REVIEW ANNEXATION  
In order to facilitate orderly growth and development in Kanab City, the Planning Commission shall review



all proposed annexations and make recommendations to the City Council (as set forth in the State Statute) concerning the parcel to be annexed, effects on the City's General Plan, and the recommended zoning district designation for the proposed annexed area.

3. **ANNEXATION TO BE CONSIDERED ONLY IN AREAS OF POTENTIAL URBAN SERVICE**  
Kanab City's policy is to consider annexation only in those areas where the City that has the potential to provide urban service (either directly or through inter-local cooperative agreement). These areas may include locations served or to be served by the City's water system, sewer system, police and fire protection services.

#### **Criteria:**

1. Areas to be annexed must be contiguous to the corporate limits of Kanab City at the time of submission of the annexation request.
2. Kanab City shall avoid gaps between or overlaps with the expansion areas of other municipalities.
3. Proposed annexations will not be approved if they create an island or peninsula of the unincorporated area.
4. Areas to be annexed shall not be located within the corporate limits of another incorporated town or be part of a previously filed annexation petition that has not been either denied, accepted, or approved.
5. When feasible, the city favors annexation along boundaries of water and sewer improvements, special service districts, or other taxing entities.
6. It is not Kanab City's intent to annex territory for the sole purpose of acquiring revenue.
7. There has been no exclusion of urban development within the policy plan. No urban development, as defined in 10-2-401(1)(i) Utah Code Annotated, exists within ½ mile of Kanab City's boundary.
8. The annexation petition must comply with the requirements of Section 10-2-403, Utah Code Annotated. (Exhibit B)
9. Annexations will facilitate the consolidation of overlapping functions of local government by assuring jurisdiction is providing services to an area.
10. Kanab wishes to promote the efficient delivery of service by clearly defining who will provide service to a particular area. Consideration shall be given to encourage the equitable distribution of community resources and obligations.
11. Kanab's Capital Facilities Master Plan outlines the provisions of municipal services in the Annexation Policy Plan area and assures that the services will be equitably distributed.

## **F. DEVELOPMENT OF SERVICES**

All areas included in the Annexation Policy Plan will need municipal services. Kane County Policy is that municipal services should be provided by cities and not by the county. Kanab City has identified Capital Facilities Master Plans for water, sewer, streets, parks, and storm drainage. These plans include the area outlined in the Annexation Policy Plan. Line sizes, etc. have been increased to include these areas.

### **1. Developer pays service extension**

In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all city ordinance and policy criteria and will be paid for by the individual developer or property owner.

### **2. Annexation Agreements**

An annexation agreement will be prepared between the city and future developers outlining specific circumstances relating to water, sewer, streets, electricity, telecommunications, fiber optic/broadband, and other specific improvements.

### **3. Water Rights**

Water rights, of the type and quantity acceptable to Kanab City, that can be utilized for underground water rights (culinary, secondary) shall be required to be conveyed to Kanab City as a condition of development, subdivision approval or issuance of a building permit on property annexed into the Kanab City limits. It is the intent that land annexed to Kanab City be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land when development occurs. The water rights conveyance requirements of development shall be in addition to any requirement that may be imposed upon development of the land after annexation and in addition to appropriate Kanab City impact fees. Water requirements will be established utilizing, among other things, Division of Drinking Water standards. Specific requirements will be contained in the annexation agreement. The general guideline of one (1) acre foot of water per residential building permit will be a minimum standard or as required by the Capital Facilities Plan. All water rights must be transferable and approved by Kanab City. If water rights are not available, usable and transferable, Kanab City will require a water right fee for the annexed area as set forth in the Capital Facilities Plan.

The annexation will allow developers of the annexed property access to culinary water, sewer, and other services, provided all developments meet City specifications and comply with all applicable development ordinances and all improvements are installed pursuant to Kanab City standards.

### **4. Financial Implications**

The manner in which these amenities are developed will have a bearing on how they will be financed. Property taxes with increased valuation of property and sales tax will contribute to the general fund to help defray the added expenses the city may incur by annexing these properties. In summary, the newly annexed developing areas shall finance the extension of needed municipal services, such as new utilities, streets, curb and gutters, sidewalks, and other capital improvements as development occurs.

It is not anticipated that the annexation should or will cause any adverse consequences to the residents in the city or in the area annexed, except there may be a slight reduction in general services to the city residents in the present city limits as general services are expanded into the newly annexed territory. It is further anticipated that the expanded growth, when development occurs, shall be borne by the developer and not city residents.

It is anticipated that the residents in the territory to be annexed will experience an increase in their property tax because of the difference in the certified tax rates in the County and Kanab City. It is further anticipated that as newly annexed territory property taxes are received by the city, the city will expand the total level of services to include the total community. Additionally, persons in the newly annexed territory may experience reductions in their fire insurance rates and property insurance rates, although Kanab City makes no guarantee or representation of the same.

As areas grow and become more populated, the demand and need for services increase. Once this policy plan is adopted and areas begin to develop, continual planning by Kanab City will allow development to occur in an economical manner, since homes, buildings, streets, and other amenities will be developed in accordance with Kanab City specifications. The plan and time frame for the extension of municipal services will be determined by the



interest of the property owners to subdivide and develop their property.

## **G. The interests of all “affected” entities.**

**Big Water:** Kanab City and Big Water may share a common boundary some day. Both entities will work together to decide upon a common boundary.

**Orderville:** Kanab City and Orderville may share a common boundary some day. Both entities will work together to decide upon a common boundary.

**Kane County:** Kane County’s policy has been that municipal type development should take place in cities. All of the land shown in the Annexation Policy area would be able to be served by Kanab City.

**BLM - Bureau of Land Management:** Several of the annexations proposed in the Annexation Policy Area are adjacent to BLM lands. It is anticipated that the development of these lands would be compatible with the BLM land in preserving open space and not having a negative impact on the BLM land.

**Kane County School District:** Kane County School District is involved in the boundaries of the annexation area and it is anticipated that Kane County School District will provide school service to the area.

**Western Kane County Special Service District & Garbage Collection:** Provides landfill service and garbage collection for the whole county. District facilities have been sized to accommodate the growth of all cities.

## **H. ENVIRONMENTAL AND LAND USE ISSUES**

Unincorporated area surrounding the City should be analyzed in terms of environmental and land use issues as it relates to possible annexations. The environmental and land use issues that were analyzed are included in the General Plan and are as follows:

Development in Sensitive Lands will be limited in order to protect and preserve environmentally and geologically sensitive lands in Kanab City. New development shall be prohibited above the elevation of 6000 feet Mean Sea Level unless it is demonstrated that the development would not adversely impact, or be impacted by, the following:

- a. Fault and earthquake hazards.
- b. Subsurface rock and soil types
- c. Slope of the land
- d. Groundwater recharge areas and local groundwater conditions.
- e. Flood hazards and erosion types
- f. Viewscapes
- g. Flood Planes
- h. Elevation
- i. Cost of City Services
- j. Wildlife habitat
- k. Water quality

The Planning Commission will analyze each area proposed for annexation in accordance with the criteria outlined in the Land Use Element of the General Plan and this annexation plan.

## **I. JUSTIFICATION FOR EXCLUDING URBAN DEVELOPMENT WITHIN ONE-HALF MILE OF CITY'S CURRENT BOUNDARY**

There are no urban developments within one-half mile of the City's current boundary that would be excluded from this Annexation Policy Plan.

## **J. PUBLIC COMMENTS**

Copies of all written comments submitted by any interested party either during public hearings or during the adoption process of this Annexation Policy Plan have been attached hereto.

## **K. PROCEDURES FOR SUBMISSION OF AN ANNEXATION REQUEST:**

The following steps reflect a general summary of requirements and procedures for processing an annexation request in Kanab City.

1. An annexation petition shall be filed with the City Recorder.
2. An annexation petition shall contain the signatures of the owners of private real property that is located within the area proposed for annexation, that covers a majority of private land area within the area proposed for annexation and is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation.
3. An annexation petition shall be accompanied by an accurate and recordable map prepared by a licensed surveyor, of the area proposed for annexation.
4. An annexation petition shall designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.
5. On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to the Clerk of Kane County.
6. The City Recorder, upon receipt of a properly prepared and completed annexation petition accompanied by the proper plat, shall impose such fees, to recover the costs of processing said petition, as have been established by the City Council. The City Recorder, at that time, shall place the petition on the agenda for consideration at the next regular City Council meeting.
7. The City Council shall review the annexation petition and either accept the petition for further consideration or deny the petition.
8. If the City Council denies a petition, it shall, within five days of the denial, mail written notice of the denial to the contact sponsor, the Clerk of the County and the Chair of the Planning Commission.
9. If the City Council accepts a petition, the City Recorder shall within 30 days determine whether the

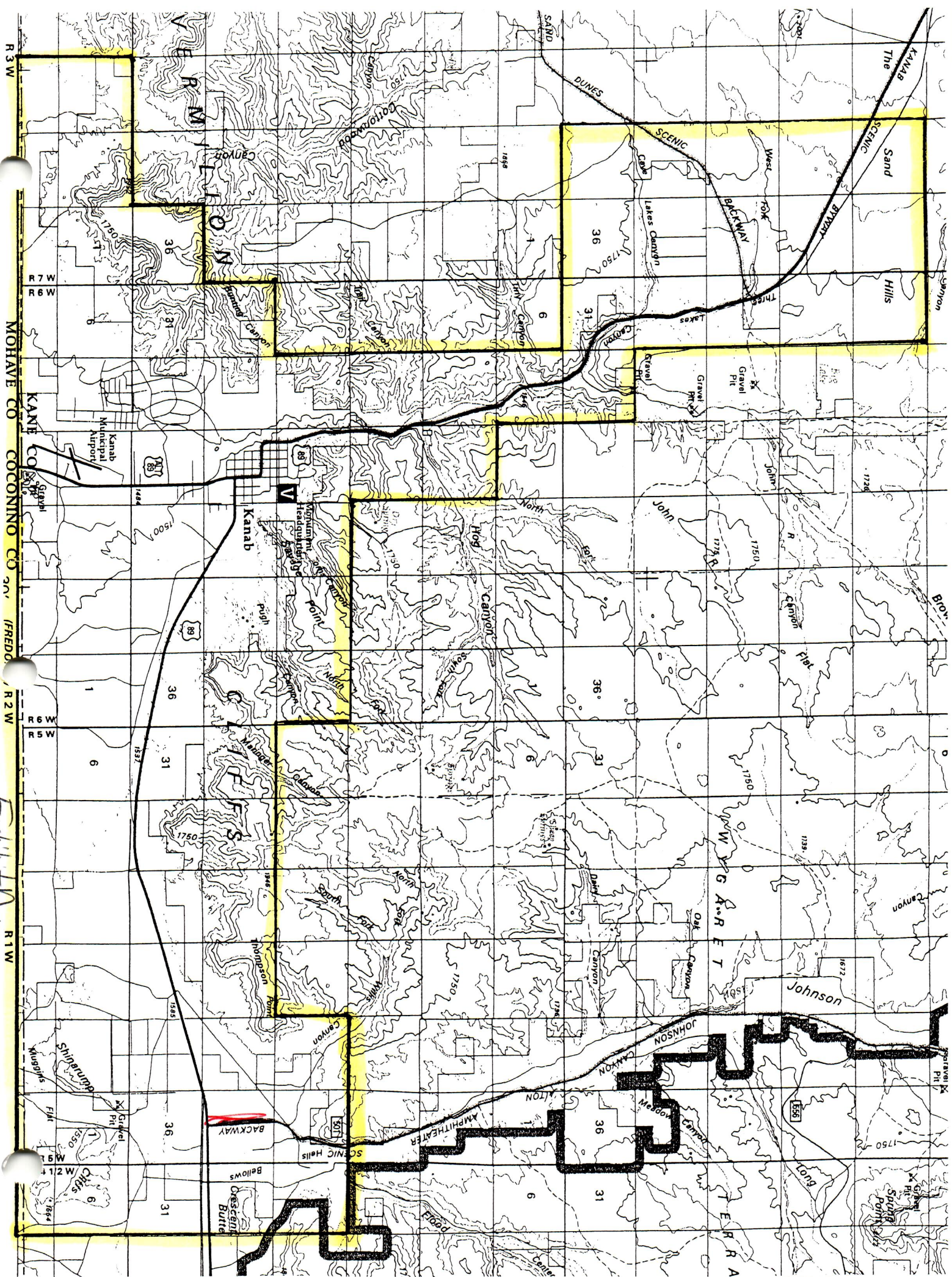
petition meets the requirements of an annexation. If the petition meets the requirements, the City Recorder shall certify the petition and mail or deliver written notification of the certification to the City Council, the Contact Sponsor, the County Legislative Body and the Chair of the Planning Commission. If the petition fails to meet the requirements, the City Recorder shall reject the petition and mail the necessary written notification of the rejection and the reasons for the rejection.

10. The City Council, within ten (10) days after receipt of the Recorder's notice of certification, shall publish a notice of the proposed annexation at least once a week for three (3) consecutive weeks. Said notice shall contain information about the proposed annexation and explain how written protest is to be filed, within thirty (30) days after the date of the City Council's receipt of the certification notice.
11. If no timely protest is filed, and after the Planning Commission has made a recommendation to the City Council regarding the annexation petition, the City Council shall hold a public hearing, after giving at least seven (7) days notice of the hearing. After the hearing, the City Council may grant the petition and by ordinance annex the area that is subject of the annexation petition.
12. If a protest is filed, the City Council may deny the annexation petition or take no further action on the annexation petition or take no further action on the annexation petition until after receipt of the County Boundary Commission's notice of its decision on the protest. Upon receipt of the Boundary Commission's decision, the City Council may deny or approve the proposed annexation subject of the Boundary Commission's decision.



## **Exhibit B: Kanab City Annexation Plan Map**



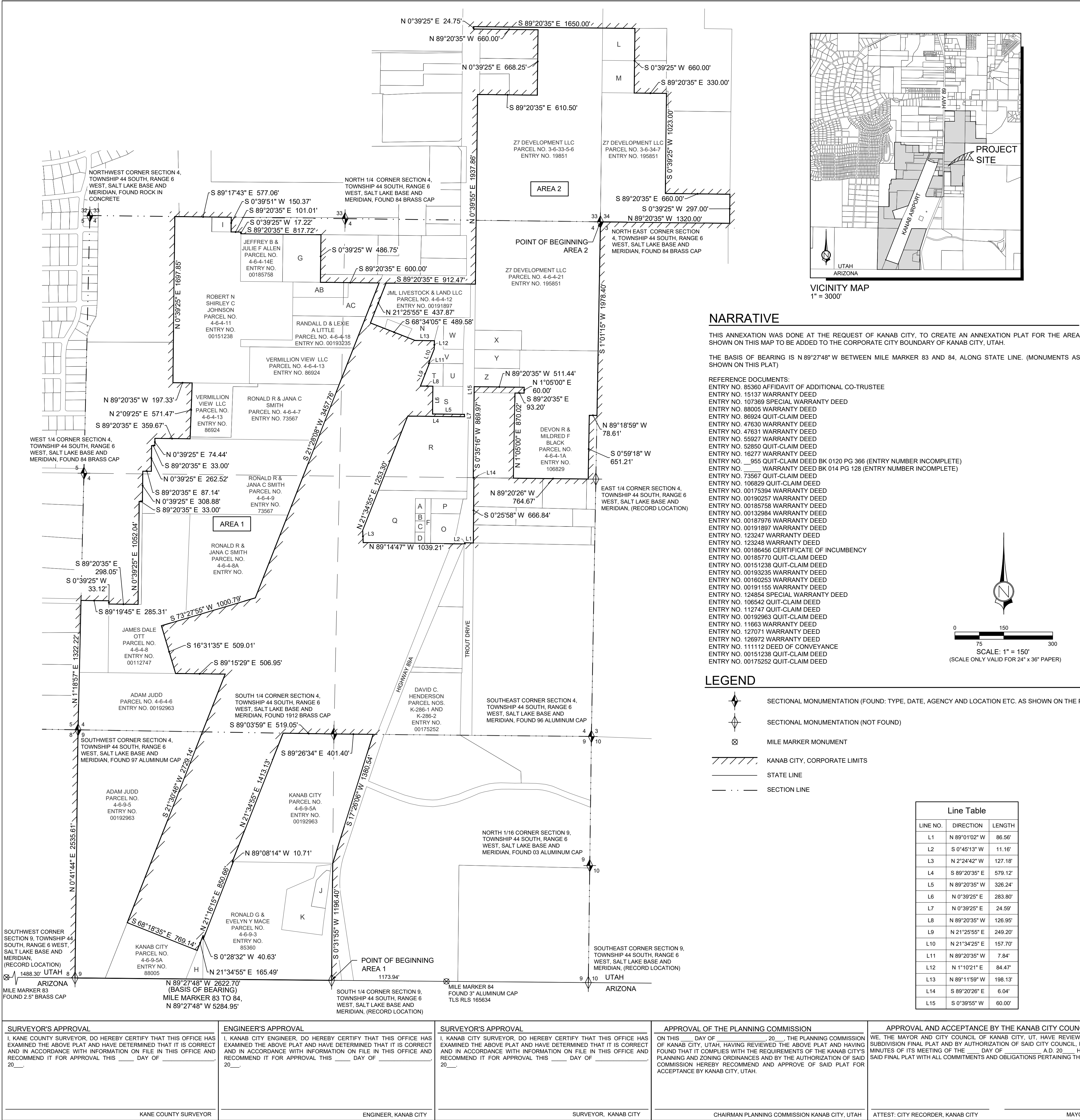


# Exhibit A



## **EXHIBIT C: Proposed Annexation Plat**





SURVEYOR'S CERTIFICATE

I, TRAVIS W. SANDERS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 9481170, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS LANDS TO BE ADDED TO THE CORPORATE LIMITS OF KANAB CITY, KANE COUNTY, STATE OF UTAH.

DATE

TRAVIS W. SANDERS, PLS

LEGAL DESCRIPTION

AREA 1:

AN AREA LOCATED IN SECTIONS 4 AND 9, TOWNSHIP 44 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 9, AND RUNNING THENCE N 89°27'48" W 2622.70 FEET ALONG THE SOUTH LINE OF SAID SECTION 9, BEING THE STATE LINE OF UTAH/ARIZONA, TO THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE N 0°41'44" E 2535.61 FEET ALONG THE WEST LINE OF SAID SECTION 9, TO THE NORTHWEST CORNER OF SAID SECTION 9; THENCE N 1°18'57" E 1322.22 FEET; THENCE S 89°19'45" E 285.31 FEET; THENCE S 0°39'25" W 33.12 FEET; THENCE S 89°20'35" E 298.05 FEET; THENCE N 0°39'25" E 1052.04 FEET; THENCE S 89°20'35" E 33.00 FEET; THENCE N 0°39'25" E 308.88 FEET; THENCE S 89°20'35" E 87.14 FEET; THENCE N 0°39'25" E 262.52 FEET; THENCE S 89°20'35" E 33.00 FEET; THENCE N 0°39'25" E 74.44 FEET; THENCE S 89°20'35" E 359.67 FEET; THENCE N 2°09'25" E 571.47 FEET; THENCE N 89°20'35" W 197.33 FEET TO THE NORTH LINE OF SECTION 4; THENCE N 0°39'25" E 1697.85 FEET, TO A POINT ON THE NORTH LINE OF SAID SECTION 4; THENCE S 89°17'43" E 577.06 FEET ALONG SAID LINE; THENCE S 0°39'51" W 150.37 FEET; THENCE S 89°20'35" E 101.01 FEET; THENCE S 0°39'25" W 17.22 FEET; THENCE S 89°20'35" E 817.72 FEET; THENCE S 0°39'25" W 486.75 FEET; THENCE S 89°20'35" E 600.00 FEET; THENCE S 21°28'08" W 3457.76 FEET; THENCE S 73°27'55" W 1000.79 FEET; THENCE S 16°31'35" E 509.01 FEET; THENCE S 89°15'29" E 506.95 FEET; THENCE S 21°30'46" W 2729.14 FEET; THENCE S 88°18'35" E 769.14 FEET; THENCE N 21°34'55" E 165.49 FEET; THENCE S 0°28'32" W 40.63 FEET; THENCE N 21°16'15" E 850.66 FEET; THENCE N 89°08'14" W 10.69 FEET; THENCE N 21°34'55" E 1413.13 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 4; THENCE S 89°03'59" E 519.05 FEET ALONG SAID LINE, TO THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE S 89°26'34" E 401.40 FEET ALONG THE NORTH LINE OF SAID SECTION 4; THENCE S 17°26'06" W 1380.54 FEET TO THE CENTER LINE OF SECTION 9; THENCE ALONG THE CENTER LINE OF SECTION 9, S 0°31'55" W 1196.40 FEET TO THE SOUTH 1/4 CORNER OF SECTION 9 AND THE POINT OF BEGINNING.

CONTAINS 12,737.440 SQ FT OR 292.41 ACRES MORE OR LESS.

AREA 2:

AN AREA LOCATED IN SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 6 WEST, AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUNNING THENCE S 1°01'15" W 1978.40 FEET; THENCE N 89°18'59" W 78.61 FEET; THENCE S 0°59'18" W 651.21 FEET; THENCE N 89°20'26" W 764.67 FEET; THENCE S 89°20'35" E 93.20 FEET; THENCE N 1°05'00" E 60.00 FEET; THENCE N 89°20'35" W 511.44 FEET; THENCE S 0°39'55" W 60.00 FEET; THENCE S 0°35'16" W 869.97 FEET; THENCE S 89°20'26" E 6.04 FEET; THENCE S 0°25'58" W 666.84 FEET; THENCE N 89°01'02" W 11.16 FEET; THENCE N 89°41'44" W 1039.21 FEET; THENCE N 2°24'42" W 127.18 FEET; THENCE N 21°34'55" E 1253.30 FEET; THENCE S 89°20'35" E 579.12 FEET; THENCE N 0°39'25" E 24.59 FEET; THENCE N 89°20'35" W 326.24 FEET; THENCE N 0°39'25" E 283.80 FEET; THENCE N 89°20'35" W 126.95 FEET; THENCE N 89°20'35" E 157.70 FEET; THENCE N 21°25'55" E 249.20 FEET; THENCE N 89°20'35" W 7.84 FEET; THENCE N 21°34'25" E 157.70 FEET; THENCE N 1°10'21" E 84.47 FEET; THENCE N 89°11'59" W 198.13 FEET; THENCE N 88°34'05" W 489.58 FEET; THENCE N 21°25'55" E 437.87 FEET; THENCE S 89°20'35" E 912.47 FEET; THENCE N 0°39'55" E 1937.86 FEET; THENCE S 89°20'35" E 610.50 FEET; THENCE N 0°39'25" E 668.25 FEET; THENCE N 89°20'35" W 660.00 FEET; THENCE N 0°39'25" E 24.75 FEET; THENCE S 89°20'35" E 1650.00 FEET; THENCE S 0°39'25" W 660.00 FEET; THENCE S 89°20'35" E 330.00 FEET; THENCE S 0°39'25" W 1023.00 FEET; THENCE S 89°20'35" W 1320.00 FEET TO THE NORTHWEST CORNER OF SECTION 4 AND THE POINT OF BEGINNING.

CONTAINS 8,362.873 SQ FT OR 191.99 ACRES MORE OR LESS.

PARCEL OWNERS			
LOCATION	PARCEL #	OWNER	ENTRY NO.
A	4-6-4-3	GARY L & BONNIE J ANDERSON	00123248
B	4-6-4-3B	KAY K & STERLING T WILLARDSON	00175394
C	4-6-4-3C	BILLIE N HOLLIDAY	52850
D	4-6-4-3G	BILLIE N & CRYSTAL HOLLIDAY	55927
F	4-6-4-3F	MICHAEL L LITTLE	00193111
G	4-6-4-14	JEFFREY B & JULIE F ALLEN	00185758
H	4-6-9-5	ADAM JUDD	00192963
I	4-6-4-11-A	ACLAIM LLC	00151238
J	4-6-9-2	APRIL & GEORGE WITZKE	00191155
K	4-6-9-2A	WATERMAN WELDING & MACHINING LLC	00191155
L	3-6-34-10	SHAWNNA COX	00127071
M	3-6-34-10B	TOM & ROBYN SAWYER	00126972
N	4-6-4-18B	KANAB CITY	00190257
O	4-6-4-3E	THOMAS S WILLARDSON	00111112
P	4-6-4-3D	MICHAEL L LITTLE	00193111
Q	4-6-4-5	JUDD-ASAY LEGACY, LLC	00132781
R	4-6-4-4	DAREN W JUDD	00186456
S	4-6-4-7A-X	GARKANE POWER	16663
T	4-6-4-13B	WORTH W & JILL K BROWN	00160253
U	4-6-4-13A	JAMES N BROWN	86924
V	4-6-4-19	WORTH WOOD & JILL K BROWN	00109097
W	4-6-4-18A	WORTH WOOD & JILL K BROWN	00190257
X	4-6-4-22	EARDLEY LLC	107369
Y	4-6-4-24	DOS POLLOS LLC	00124854
Z	4-6-4-23	KANE COUNTY	15137
AB	4-6-4-12A1	LEXIE ANN & DAVID LITTLE	00187976
AC	4-6-4-12A	THE LITTLE FAMILY TRUST	00185770

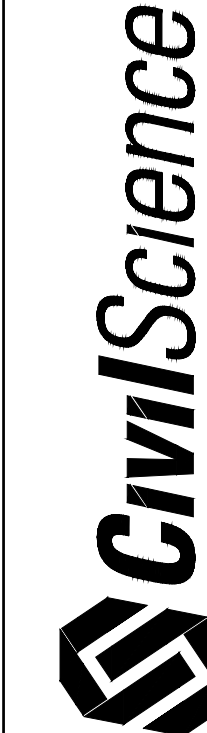
ANNEXATION TO THE CITY OF KANAB, UTAH

LOCATED IN  
SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 6 WEST, AND  
SECTIONS 4 AND 9, TOWNSHIP 44 SOUTH, RANGE 6 WEST,  
SALT LAKE BASE AND MERIDIAN  
PREPARED FOR:  
KANAB CITY

SURVEYOR'S APPROVAL		ENGINEER'S APPROVAL		SURVEYOR'S APPROVAL		APPROVAL OF THE PLANNING COMMISSION		APPROVAL AND ACCEPTANCE BY THE KANAB CITY COUNCIL		CITY ATTORNEY CERTIFICATE		RECORDED No.			
I, KANE COUNTY SURVEYOR, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE PLAT AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS ____ DAY OF ____ 20____.		I, KANAB CITY ENGINEER, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE PLAT AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS ____ DAY OF ____ 20____.		I, KANAB CITY SURVEYOR, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE PLAT AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS ____ DAY OF ____ 20____.		ON THIS ____ DAY OF ____ 20____, THE PLANNING COMMISSION OF KANAB CITY, UTAH, HAVING REVIEWED THE ABOVE PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE KANAB CITY'S PLANNING AND ZONING ORDINANCES AND BY THE AUTHORIZATION OF SAID COMMISSION HEREBY RECOMMEND AND APPROVE OF SAID PLAT FOR ACCEPTANCE BY KANAB CITY, UTAH.		WE, THE MAYOR AND CITY COUNCIL OF KANAB CITY, UT, HAVE REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL, RECORD IN THE MINUTES OF ITS MEETING OF THE ____ DAY OF ____ A.D. 20____ HEREBY ACCEPT SAID FINAL PLAT WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO.		I, ATTORNEY FOR KANAB CITY, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE PLAT AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS ____ DAY OF ____ 20____.					
KANE COUNTY SURVEYOR		ENGINEER, KANAB CITY		SURVEYOR, KANAB CITY		CHAIRMAN PLANNING COMMISSION KANAB CITY, UTAH		ATTEST: CITY RECORDER, KANAB CITY		MAYOR, KANAB CITY		ATTORNEY, KANAB CITY		KANE COUNTY RECORDER	

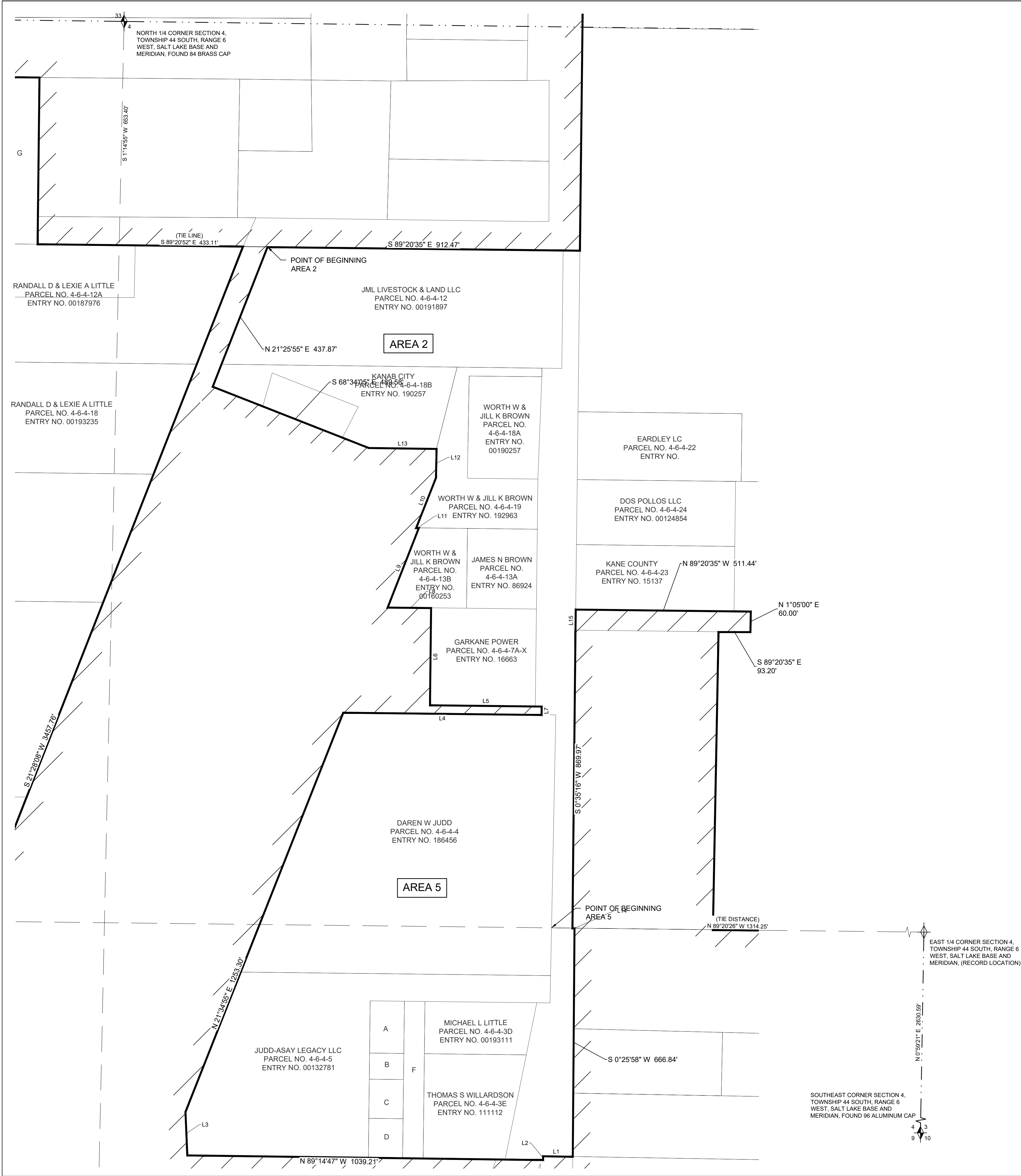
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1453 S. DYKE DRIVE, SUITE 150  
ST. GEORGE, UT 84770  
435.966.0100



ANNEXATION TO THE CITY OF KANAB, UTAH  
LOCATED IN  
SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 6 WEST, AND  
SECTIONS 4 AND 9, TOWNSHIP 44 SOUTH, RANGE 6 WEST,  
SALT LAKE BASE & MERIDIAN

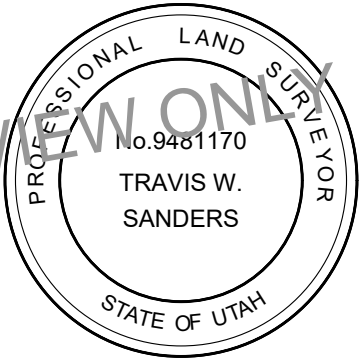
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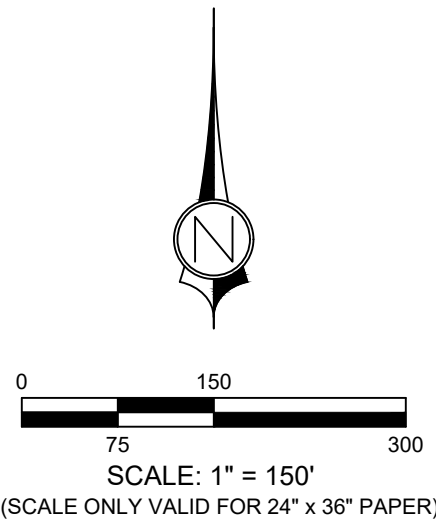
DATE \_\_\_\_\_

TRAVIS W. SANDERS, PLS

DRAFT COPY FOR REVIEW ONLY



PARCEL OWNERS			
LOCATION	PARCEL #	OWNER	ENTRY NO.
A	4-6-4-3	GARY L & BONNIE J ANDERSON	00123248
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F	4-6-4-3F	MICHAEL L LITTLE	00193111
G	4-6-4-14	JEFFREY B & JULIE F ALLEN	00185758



ANNEXATION TO THE CITY OF KANAB, UTAH

LOCATED IN  
SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 6 WEST, AND  
SECTIONS 4 AND 9, TOWNSHIP 44 SOUTH, RANGE 6 WEST,  
SALT LAKE BASE AND MERIDIAN  
PREPARED FOR:  
KANAB CITY

ANNEXATION TO THE CITY OF KANAB, UTAH  
LOCATED IN  
SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 6 WEST, AND  
SECTIONS 4 AND 9, TOWNSHIP 44 SOUTH, RANGE 6 WEST,  
SALT LAKE BASE & MERIDIAN

PROJ. #: FF21155  
DRAWN BY: GMH  
DATED: 12-16-2022  
CHECKED BY: TWS  
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HOR SCALE: 1" = 150'

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OF  
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**Exhibit D:**  
**Resolution 12-1-22 R, A Resolution**  
**Indicating Kanab City's Intent to Annex**  
**Contiguous Unincorporated Parcels and**  
**Area, Constituting an Island or Peninsula**

**RESOLUTION NO. 12-1-22 R**

**A RESOLUTION INDICATING KANAB CITY'S INTENT TO ANNEX CONTIGUOUS  
UNINCORPORATED PARCELS AND AREA,  
CONSTITUTING AN ISLAND OR PENINSULA**

**WHEREAS**, on or about January 24, 2006, Kanab City adopted, amended, and revised its annexation policy plan, Ordinance No. 1-2-060, *An Ordinance Adopting Kanab City Annexation Policy Plan* (incorporated as Appendix B of the Kanab City General Plan), in which plan a map is included identifying the expansion area the City anticipates annexing in the future, as well as the criteria for evaluating any proposed annexation.

**WHEREAS**, Section 2.4 of the Kanab City General Plan describes the areas of anticipated annexation, including those "in the vicinity of the city airport."

**WHEREAS**, Utah Code § 10-2-418 establishes the process and authority for a municipality to annex an area considered to be a contiguous unincorporated island or peninsula in relation to the municipalities boundaries, and may consider doing so without the submission of an annexation petition.

**WHEREAS**, on or about October 27, 2020, the Kanab City Council met and discussed annexation matters, directing City staff to work on annexing the unincorporated areas around the airport and north of town.

**WHEREAS**, City staff has received inquiries about the annexation of certain parcels in this unincorporated area around the airport.

**WHEREAS**, the City desires that any annexation occur in a well-planned and orderly fashion and comply with the parameters outlined in State law.

**WHEREAS**, City staff has identified the parcels that are within the unincorporated island or peninsula adjacent to the incorporated Kanab City airport and otherwise surrounded by the City's boundaries and the Arizona border, as shown on the plat attached hereto.

**WHEREAS**, the Kanab City Planning Commission met during their regular meeting on November 15, 2022, during which meeting they: held a public hearing; City staff and Commission members responded to questions from the members of the public in attendance; considered the annexation of the contingent unincorporated area (island or peninsula) surrounding the Kanab City airport; and, thereafter, made a positive recommendation to the Kanab City Council to annex the area.

**WHEREAS**, the Kanab City Council met during its regular meeting on December 13, 2022, to further consider the matter.

//

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**NOW, THEREFORE, BE IT RESOLVED** by the Kanab City Council:

1. The City Council hereby indicates its intent to annex the contiguous unincorporated area and parcels within the island or peninsular area surrounding the already incorporated area upon which the Kanab City airport is located and bordered, or contiguous to a parcel that borders, the City's boundaries and/or the Arizona border elsewhere, as further depicted by the plat attached hereto.
2. The City Council will hold a public hearing on the proposed annexation, no earlier than thirty (30) days from the date of this resolution and directs City staff to publish notice thereof to the public and provide written notice to the Kane County Commission, and to each local district and special service district whose boundaries contain some or all of the area proposed for annexation, all in accordance with the provisions of State law.

The Mayor and City staff are authorized to take all steps necessary to effectuate this resolution.

The provisions of this Resolution 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 Resolution or the application in a different circumstance.

This Resolution shall be effective upon passage.

**PASSED AND RESOLVED** this 15 day of December, 2022.

KANAB CITY

  
MAYOR

ATTEST:

  
RECORDER



**VOTING:**

Michael East	Yea	<input type="checkbox"/>	Nay	<input type="checkbox"/>
Celeste Meyeres	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Arlon Chamberlain	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Scott Colson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Chris Heaton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

**Exhibit E:**  
**County Resolution R-2022-35, A Resolution**  
**Recommending to Kanab City the**  
**Annexation of Certain Properties Near the**  
**Kanab City Airport**

**KANE COUNTY RESOLUTION NO. R 2022-35**

**A RESOLUTION RECOMMENDING TO KANAB CITY THE ANNEXATION  
OF CERTAIN PROPERTIES NEAR THE KANAB CITY AIRPORT**

**WHEREAS**, Utah Code § 10-2-418 establishes the process and authority for a municipality to annex an area considered to be a contiguous unincorporated island or peninsula in relation to the municipalities boundaries, and may consider doing so without the submission of an annexation petition;

**WHEREAS**, on December 13, 2022, the Kanab City Council adopted Resolution No. 12-1-22 R, A Resolution Indicating Kanab City's Intent to Annex Contiguous Unincorporated Parcels and Area, Constituting an Island or Peninsula;

**WHEREAS**, the subject of the City's resolution are specific identified unincorporated parcels (approximately forty-three), that are within an unincorporated island or peninsula adjacent to the incorporated Kanab City airport and otherwise surrounded by the City's boundaries and the Arizona border, as shown on the draft plat attached hereto.

**WHEREAS**, the proposed annexation is part of the City's expansion area, as identified in the City's Annexation Policy Plan;

**WHEREAS**, the proposed area for annexation around and adjacent to the Kanab City Airport is so closely intertwined with Kanab City and the City can more efficiently serve these property owners;

**WHEREAS**, the property within the proposed annexation area is currently being used for agricultural and commercial purposes, with some limited residential uses;

**WHEREAS**, Kanab City law enforcement and fire department have been and are currently responding to this unincorporated area, as needs and emergencies arise;

**WHEREAS**, about twenty properties within the proposed annexation area have been and continue to receive water service from Kanab City, while others have not been provided this service;

**WHEREAS**, the proposed annexation area is so closely tied to Kanab City, and yet the property owners and residents are not fully afforded all the services that the City offers, nor do they equitable share the burdens and obligations for the services they do receive from Kanab City;

**WHEREAS**, Kane County does not provide municipal-type services to the unincorporated areas;

**WHEREAS**, the City desires that any annexation occur in a well-planned and orderly fashion and comply with the parameters outlined in State law;

**WHEREAS**, Utah Code § 10-2-418(8)(c) affords the county legislative body the opportunity to make a formal recommendation related to a proposed annexation, which recommendation may affect the annexation process and decision, upon the making of certain findings;

**WHEREAS**, the Kane County Board of Commissioners during its regular meeting on November 22, 2022, during which meeting the Commission discussed the anticipated action by Kanab City; and

**WHEREAS**, on December 20, 2022, the County Commission held a public hearing and thereafter further considered the proposed annexation by Kanab City.

**NOW, THEREFORE, BE IT RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:**

1. The Kane County Board of Commissions formally recommends that Kanab City annex the contiguous unincorporated area around the Kanab City Airport, which includes approximately forty-three parcels.
2. The recitals above are incorporated by reference.
3. This Resolution is effective immediately upon passage.
4. In making this formal recommendation, the Board of Commissions make the following findings:
  - a. The area to be annexed can more efficiently be served with municipal-type services by Kanab City;
  - b. The area to be annexed is not likely to be naturally annexed into Kanab City in the future as a result of urban development, based on existing development in the area and other relevant factors outlined herein;




- c. Annexation of the area is likely to facilitate the consolidation of overlapping functions of local government; and
  - d. Annexation of the area is likely to result in an equitable distribution of community resources and obligations.
5. The provisions of this Resolution 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 Resolution or the application in a different circumstance.

ADOPTED this 20<sup>th</sup> day of December, 2022.

ATTEST:

  
KARLA JOHNSON  
Kane County Clerk





Andrew Gant, Chair  
Board of Commissioners  
Kane County

Commissioner Gant voted  
Commissioner Chamberlain voted  
Commissioner Heaton voted

*aye*  
*aye*  
*aye*

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Kerry Glover**

## **Kanab City Council Staff Report**

### **File # 20230101**

<b>Date:</b>	<b>January 13, 2023</b>
<b>Meeting Date:</b>	<b>January 24, 2023</b>
<b>Agenda Item:</b>	<b>Public Hearing to discuss and recommend to City Council Zone Assignments for 43 parcels proposed to be annexed into Kanab City</b>
<b>Subject Property Address:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>Kanab City</b>
<b>Applicant Agent:</b>	<b>Planning &amp; Zoning Department</b>
<b>Zoning Designation:</b>	<b>None</b>
<b>General Plan Designation:</b>	<b>Medium Density Residential, Manufacturing, Commercial, Agriculture</b>
<b>Parcel #:</b>	<b>See Exhibit E</b>

#### **Referencing Documents:**

**Annexation Map**

**Vicinity Map**

**Future Land Use Map**

**Zoning Map**

**List of Parcels Effected by the Proposed Annexation**

#### **Summary:**

Kanab City Council adopted Resolution 12-1-22 R: A Resolution Indicating Kanab City's Intent to Annex Contiguous Unincorporated Parcels and Area, Constituting an Island or Peninsula. The proposed annexation area is located east of Highway 89A starting at 1100 South and heading south to 1900 South and on the west side of Hwy 89A starting at 1500 South and heading south to the UT/AZ border.

On December 20, 2022, Kane County Commissioners adopted Resolution R2022-35: A Resolution Recommending to Kanab City the Annexation of Certain Properties Near the Kanab City Airport.

Kanab City Council will hold a public hearing to approve or deny the annexation of the parcels listed in Exhibit E, contingent on approval of the annexation City Council will then assign zoning with Planning Commission's recommendation to the parcels annexed into City limits.

#### **Site Description:**

There are 43 properties that are effected by the proposed annexation that will need zoning designation recommendations. The current uses of the parcels range from manufacturing,

**— A Western Classic —**



commercial business, residential, and agriculture. Kanab City Staff made attempts to contact the property owners to discuss their preferred zoning they would like to have assigned if the annexation is approved by Kanab City. In addition to the zoning inquiries we asked the property owners if they oppose or are in favor of the annexation.

**Kanab City Land Use Ordinance, General Plan and Zoning Map Analysis:**

Zoning designations and zone changes are regulated by the Kanab City Land Use Ordinance, Chapter 15 – Establishment of Zoning Districts regulates zoning designations within Kanab City. Section 15-7 Transitioning and Maintaining Balance, states:

*It is the objective of the City to encourage and provide for proper transition and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial, and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.*

*The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.*

The 43 parcels current County zoning range from manufacturing, residential and agriculture the uses of the properties seem to match the County zoning. The surrounding areas or parcels that are already annexed into City limits are zoned in similarity to the proposed annexation parcels.

**Findings:**

1. The application was initiated by Kanab City.
2. City Council has approved a resolution indicating an intent to annex 43 parcels into City limits that create an island or peninsula.
3. Kane County Commission passed a resolution recommending the annexation of 43 parcels into City limits.
4. The City Council is the decision-making authority for a Zoning Map assignment and may adopt or reject the assignment as it deems appropriate.

**Property Owner Comments:**

City staff made attempts to contact property owners via phone to discuss the annexation. The questions staff were asking are:

— A Western Classic —

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Kerry Glover**

- Are you in favor or opposition to annexing into City limits; and
- What zoning would you like to see assigned to your property?

Many of the conversations resulted in property owners stating they are not in favor or opposition but just want to retain their current use. There were some property owners that requested a specific zones based on future plans for their property. Below are the individuals where a more in-depth conversation occurred about the allowed uses per Kanab City's Zoning Ordinances:

Z7 Development owns three different parcels and are requesting R-1-8, C-3, and M-2  
Robert Johnson is requesting RR-1  
Norris Brown is requesting C-3  
Vermillion View, LLC is requesting C-3 or M-1  
April Witzke is requesting C-3 or M-1  
Julie Allen is requesting RA  
Garkane Power is requesting M-2

#### **Planning Commission Meeting:**

Planning Commission met on January 17, 2023 to discuss the zoning designation on the 43 proposed parcels. The Planning Commission recommended zone designations for either the current use or equivalent zone between the County and City zoning. There were some properties that were discussed where the zone being requested by the property owner did not match the current surrounding density or current use/zone, in these cases the Planning Commission chose to recommend a zone that matched the surrounding density and current use/zone of the parcel. Motion was made by Ben Aiken for a positive recommendation of the zoning designations discussed during the meeting and recorded on the Annexation Parcel Spreadsheet, JD Wright seconds, unanimous vote.

#### **Recommended Motion:**

I move that we approve the zoning designation assigning forty-three (43) parcels with the zones as discussed during the meeting and recorded on the Annexation Parcel Spreadsheet and, based on the findings as outlined in this staff report.

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Parcel #	Situs Address	Property Owner Name	Property Owner Address
3-6-33-5-6		Z7 Development, LLC	42 S 850 W Hurricane, UT 84737
3-6-34-10	425 E 1300 S	Shawna Cox	1696 S HWY 89A Kanab, UT 84741
3-6-34-10B		Tom & Robyn Sawyer	2852 W 220 N Cedar City, UT 84720
3-6-34-7		Z7 Development, LLC	42 S 850 W Hurricane, UT 84737
4-6-4-21		Z7 Development, LLC	42 S 850 W Hurricane, UT 84737
4-6-4-22	1719 S 175 E	Eardley LC c/o Susan Eardley	1142 Cresole Dr. Saint George, UT 84770
4-6-4-23	1751 S HWY 89A	Dos Pollos, LLC	1739 S HWY 89A Kanab, UT 84741
4-6-4-24	1739 S HWY 89A	Dos Pollos, LLC	1739 S HWY 89A Kanab, UT 84741
4-6-4-1A	1865 S 200 E	Devon & Mildred Black	1865 S 200 E Kanab, UT 84741
4-6-4-12	1600 S HWY 89A	JML Livestock & Land LLC C/O Little Michael	1600 S HWY 89A Kanab, UT 84741
4-6-4-12A		Randall & Lexie Little	1580 S 40 W Kanab, UT 84741
4-6-4-12A1		Randall & Lexie Little	1581 S 40 W Kanab, UT 84741
4-6-4-14		Jeffrey & Julie Allen	26 E 1600 S Kanab, UT 84741
4-6-4-14E		Jeffrey & Julie Allen	27 E 1600 S Kanab, UT 84741
4-6-4-11		Robert & Shirley Johnson	138 S Main St Kanab, UT 84741
4-6-4-18		Randall & Lexie Little	1581 S 40 W Kanab, UT 84741
4-6-4-13		Vermillion View, LLC	45 E 100 N Kanab, UT 84741

4-6-4-7		Ronald & Jana Smith	PO Box 190 Kanab, UT 84741
4-6-4-9		Ronald & Jana Smith	PO Box 190 Kanab, UT 84741
4-6-4-8A		Ronald & Jana Smith	PO Box 190 Kanab, UT 84741
4-6-4-8		James Ott	169 S 300 E Kanab, UT 84741
4-6-4-6		Ada Judd	PO Box 393 Fredonia, AZ 86022
4-6-4-5		Judd-ASAY Legacy LLC	46 N 150 W Ivins, UT 84738
4-6-9-5		Ada Judd	PO Box 393 Fredonia, AZ 86022
4-6-9-5A		Kanab City	26 N 100 E Kanab, UT 84741
4-6-9-3		Ronald & Evelyn Mace	HC 64 Box 171 Fredonia, AZ 86022
4-6-9-2A	2552 S HWY 89A	Waterman Welding & Machining, LLC c/o Kenneth Robinson	PO Box 93 Kanab, UT 84741
4-6-9-2	2540 S HWY 89A	April & George Witzke	1373 S Powell Dr Kanab, UT 84741
4-6-4-18A		Worth & Jill Brown	1750 S HWY 89A (175 E) Kanab, UT 84741
4-6-4-13B		Worth & Jill Brown	1750 S HWY 89A (175 E) Kanab, UT 84741
4-6-4-19		Worth & Jill Brown	1750 S HWY 89A (175 E) Kanab, UT 84741
4-6-4-13A		James Norris Brown	16 E 200 S Kanab, UT 84741
4-6-4-7A-X	1802 S 175 E	Garkane Power c/o Garkane Energy Cooperative, INC	PO Box 465 Loa, UT 84747
4-6-4-4		Daren Judd	530 N 4050 W Cedar City, UT 84721
4-6-4-3		Gary & Bonnie Anderson	613 N Sky Mountain BLVD, Hurricane, UT 84737
4-6-4-3B		Thomas & Kay Willardson	1434 S McAllister Dr Kanab, UT 84741
4-6-4-3C		Billie & Crystal Holiday	PO Box 158 Fredonia, AZ 86022
4-6-4-3G		Billie & Crystal Holiday	PO Box 158 Fredonia, AZ 86022

4-6-4-3E		Thomas & Kay Willardson	1434 S McAllister Dr Kanab, UT 84741
4-6-4-3D	1946 S 175 E	Michael Little	1946 S HWY 89A Kanab, UT 84741
4-6-4-3F		Billie & Crystal Holiday	PO Box 158 Fredonia, AZ 86022
4-6-4-18B		Kanab City	26 N 100 E Kanab, UT 84741
4-6-4-11-A		ACCLAIM, LLC	664 E Chinle Dr. Kanab, UT 84741

## ANNEXATION

In Favor /Opposes Annexation	Water Meter	Current Use	County Zoning	Preferred Zoning
	No	Agriculture	AG	R-1-8
will call back with answer. Not in favor	No	Vacant	R-2	
	No	Vacant	R-2	
	No	Agriculture	AG	C-3
	Yes	Agriculture	AG	M-1
	Yes	Business (AmeriGas)	M	
LMOM	Yes	Business	M	
Not Opposed or In Favor, they would like to maintain their current use	Yes	Business	M	
not in service	Yes	Agriculture/Residential	AG	
Not Opposed or In Favor, they would like to maintain their current use	Yes	Business (Little's)	M	M-1
Not Opposed or In Favor, they would like to maintain their current use	Yes	Business (Randy's)/Agriculture	M	M-1/C-3
Not Opposed or In Favor, they would like to maintain their current use	Yes	Residential/Agriculture	R-1	RA / RR-1
Not Opposed or In Favor, they would like to maintain their current use and kennel business.	No	Agriculture	R-1	RA
Not Opposed or in Favor, they would like to maintain their current use and kennel business.	No	Agriculture	R-1	RA
in Favor	No	Agriculture	AG	RR-1
in Favor	Yes	Agriculture	R-5	RA
	No	Agriculture	AG	



	Yes	Agriculture	AG	
	No	Agriculture	AG	
	Yes	Agriculture	AG	
LMOM	No	Agriculture	AG	
	No	Agriculture	AG	
	No	Agriculture	R-5	
	No	Agriculture	AG	
Not Opposed or in Favor, they would like to maintain their current use	No	Airport	RA	
	No	Agriculture	AG	
Not Opposed or in Favor, they would like to maintain their current use	Yes	Business (Waterman Welding)	M	M-1
Would like to keep the same use/zoning and prefers a zone for future development	Yes	Business (Blacksmith Adventure)	M	M2 (may change, would like to review our ordinances)
Not in favor	No	Storage (Vehicle & Farm Equipment)	M	M-1
	No	Storage/Shop (Vehicle & Farm Equipment)	C-1	C-3
	Yes	Residential/Agriculture	M	M-1
In favor	No	Storage (Vehicle & Farm Equipment)	M	C-3
	Yes	Business (Garkane)	M	M-2
Not in Favor	Yes	Agriculture	AG	RA
	Water From 4-6-4-3E	Storage/Shop (Vehicle)	M	
Would like to keep the same use/zoning	Water From 4-6-4-3E	Storage/Shop (Vehicle)	M	M-2
Not Opposed or in Favor, they would like to maintain their current use	No	Storage/Shop (Vehicle)	M	M-1
Not Opposed or in Favor, they would like to maintain their current use	No	Storage/Shop (Vehicle)	M	M-1

Would like to keep the same use/zoning	Yes	Residential/Cargo Containers/Storage	M	M-2
not in favor	Yes	Residence	M	M-2
Not Opposed or in Favor, they would like to maintain their current use	No	Cargo Containers/Storage	M	M-2
not opposed	No	Airport	C-1	
	No	Agriculture	M1	

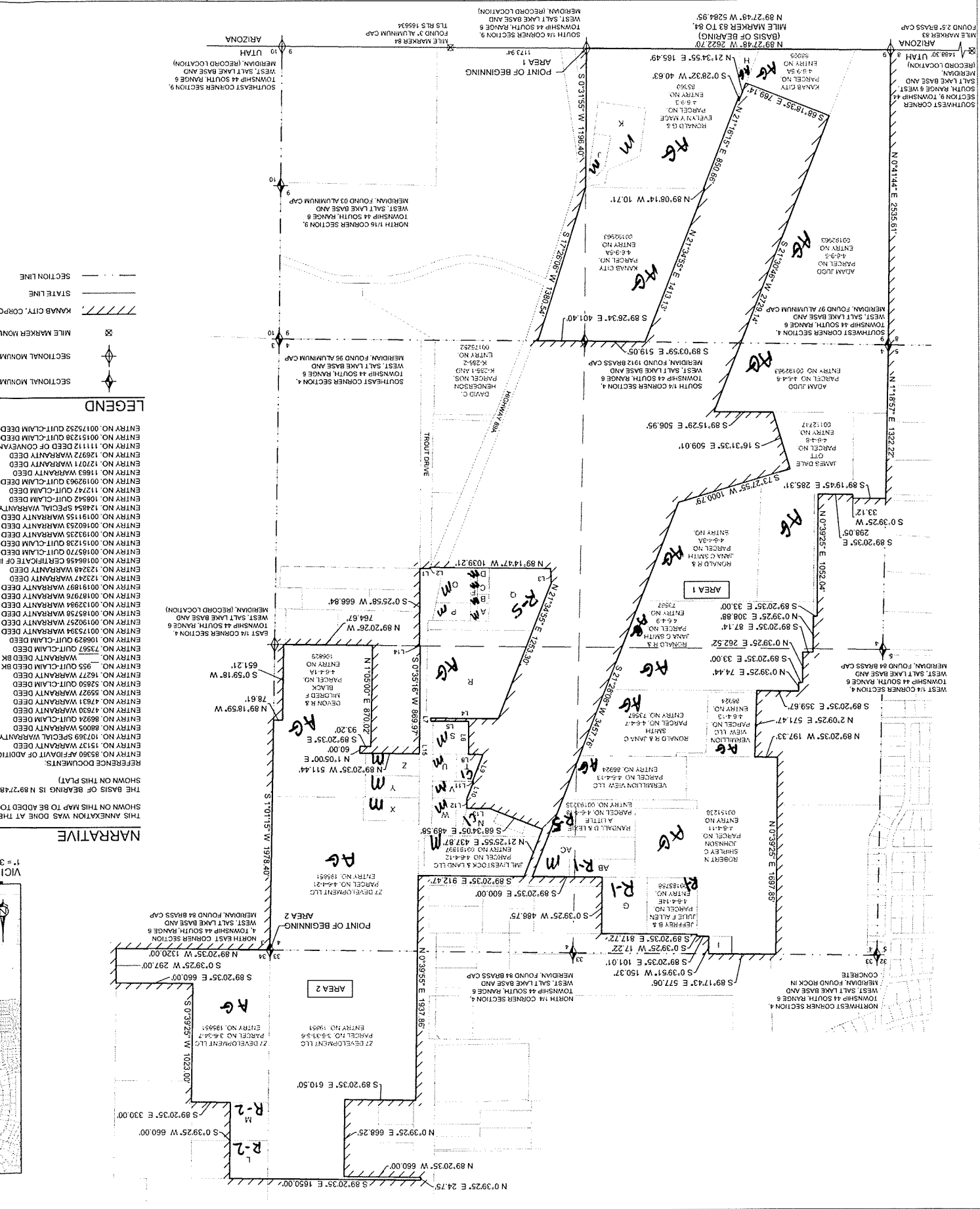
Planning Commission Recommendation

RA
RR-1
RR-1
RA
RA
M-2
M-1
M-1
RA
C-3
C-3
RR-1
RA
RA
RA
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M-1
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RR-1

<p>_____  ENGINEER'S APPROVAL</p> <p>_____  ENGINEER KANAB CITY</p>	<p>_____  SURVEYOR'S APPROVAL</p> <p>_____  SURVEYOR KANAB CITY</p>	<p>_____  APPROVAL OF THE PLANNING COMMISSION</p> <p>_____  CHAIRMAN PLANNING COMMISSION KANAB CITY</p>
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Parcels Effected by the Proposed Annexation					
3-6-33-5-6	3-6-34-10	3-6-34-10B	3-6-34-7	4-6-4-21	4-6-4-22
4-6-4-23	4-6-4-24	4-6-4-1A	4-6-4-12	4-6-4-12A	4-6-4-12A1
4-6-4-14	4-6-4-14E	4-6-4-11	4-6-4-18	4-6-4-13	4-6-4-7
4-6-4-9	4-6-4-8A	4-6-4-8	4-6-4-6	4-6-4-5	4-6-9-5
4-6-9-5A	4-6-9-3	4-6-9-2A	4-6-9-2	4-6-4-18A	4-6-4-19
4-6-4-13B	4-6-4-13A	4-6-4-7A-X	4-6-4-4	4-6-4-3	4-6-4-3B
4-6-4-3C	4-6-4-3G	4-6-4-3E	4-6-4-3D	4-6-4-3F	4-6-4-18B
4-6-4-11-A					

## ORDINANCE NO. 1-3-23 O

### AN ORDINANCE PROVIDING A ZONE ASSIGNMENT FOR FORTY-THREE ANNEXED PARCELS SURROUNDING OR IN CLOSE PROXIMITY TO THE KANAB CITY AIRPORT

**WHEREAS**, on January 24, 2023, the Kanab City Council adopted an ordinance annexing the following parcels, as identified in the records of the Kane County Recorder:

3-6-33-5-6	4-6-4-12A	4-6-4-8	4-6-4-19	4-6-4-3F
3-6-34-10	4-6-4-12A1	4-6-4-6	4-6-4-13A	4-6-4-18B
3-6-34-10B	4-6-4-14	4-6-4-5	4-6-4-7A-X	4-6-4-11-A
3-6-34-7	4-6-4-14E	4-6-9-5	4-6-4-4	
4-6-4-21	4-6-4-11	4-6-9-5A	4-6-4-3	
4-6-4-22	4-6-4-18	4-6-9-3	4-6-4-3B	
4-6-4-23	4-6-4-13	4-6-9-2A	4-6-4-3C	
4-6-4-24	4-6-4-7	4-6-9-2	4-6-4-3G	
4-6-4-1A	4-6-4-9	4-6-4-18A	4-6-4-3E	
4-6-4-12	4-6-4-8A	4-6-4-13B	4-6-4-3D	

**WHEREAS**, the annexation will be effective upon the date of issuance of a certificate of annexation by the Lieutenant Governor's Office;

**WHEREAS**, Utah Code § 10-9a-506 requires the City Council to assign a land use zone to parcels annexed to the municipality at the time of the annexation;

**WHEREAS**, pursuant to Utah Code § 10-9a-501, and Kanab City Land Use Ordinance, Chapter 1, Section 17, the City Council is authorized to assign zoning district boundaries, after receiving a recommendation from the Kanab City Planning Commission;

**WHEREAS**, the Kanab City Planning Commission met on January 17, 2023, reviewed the potential parcels to be annexed one-by-one, taking under consideration the current known uses, property owner's preferences (if contact was made with them by City staff), the designation on the Kanab City Future Land Use Map, and the current zoning designation under County ordinances, and thereafter made a recommendation to the City Council as to the land use zone to be assigned, if and upon annexation, as follows:

3-6-33-5-6	RA	4-6-4-12A	C-3	4-6-4-8	RA	4-6-4-19	M-1	4-6-4-3F	M-1
3-6-34-10	RR-1	4-6-4-12A1	RR-1	4-6-4-6	RA	4-6-4-13A	M-1	4-6-4-18B	M-2
3-6-34-10B	RR-1	4-6-4-14	RA	4-6-4-5	RA	4-6-4-7A-X	M-2	4-6-4-11-A	RR-1
3-6-34-7	RA	4-6-4-14E	RA	4-6-9-5	RA	4-6-4-4	RA		
4-6-4-21	RA	4-6-4-11	RA	4-6-9-5A	M-2	4-6-4-3	M-1		
4-6-4-22	M-2	4-6-4-18	RA	4-6-9-3	RA	4-6-4-3B	M-1		
4-6-4-23	M-1	4-6-4-13	RA	4-6-9-2A	M-1	4-6-4-3C	M-1		
4-6-4-24	M-1	4-6-4-7	RA	4-6-9-2	M-1	4-6-4-3G	M-1		
4-6-4-1A	RA	4-6-4-9	RA	4-6-4-18A	M-1	4-6-4-3E	M-1		
4-6-4-12	C-3	4-6-4-8A	RA	4-6-4-13B	M-1	4-6-4-3D	M-1		

**WHEREAS**, a public hearing was held on January 24, 2023, to receive further input from property owners and residents;

**WHEREAS**, the Kanab City Council held a public hearing on January 24, 2023, in which public comments were received and discussed;

**WHEREAS**, the City Council met during its regularly scheduled and properly noticed meeting on January 24, 2023, discussed the Kanab City Planning Commission's recommendation and the zoning options for the parcels.

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council that upon issuance of the certificate of annexation by the Lieutenant Governor's Office, effectuating the annexation of the parcels listed herein (i.e., or as subsequently identified or renumbered in the records of the Kane County Recorder), are hereby assigned the following zones under the Kanab City Land Use Ordinance:

3-6-33-5-6	RA	4-6-4-12A	C-3	4-6-4-8	RA	4-6-4-19	M-1	4-6-4-3F	M-1
3-6-34-10	RR-1	4-6-4-12A1	RR-1	4-6-4-6	RA	4-6-4-13A	M-1	4-6-4-18B	M-2
3-6-34-10B	RR-1	4-6-4-14	RA	4-6-4-5	RA	4-6-4-7A-X	M-2	4-6-4-11-A	RR-1
3-6-34-7	RA	4-6-4-14E	RA	4-6-9-5	RA	4-6-4-4	RA		
4-6-4-21	RA	4-6-4-11	RA	4-6-9-5A	M-2	4-6-4-3	M-1		
4-6-4-22	M-2	4-6-4-18	RA	4-6-9-3	RA	4-6-4-3B	M-1		
4-6-4-23	M-1	4-6-4-13	RA	4-6-9-2A	M-1	4-6-4-3C	M-1		
4-6-4-24	M-1	4-6-4-7	RA	4-6-9-2	M-1	4-6-4-3G	M-1		
4-6-4-1A	RA	4-6-4-9	RA	4-6-4-18A	M-1	4-6-4-3E	M-1		
4-6-4-12	C-3	4-6-4-8A	RA	4-6-4-13B	M-1	4-6-4-3D	M-1		

All former zoning designations for the subject parcel conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

The provisions of this Ordinance 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 (1) the required posting and (2) the issuance of the certificate of annexation by the Lieutenant Governor's Office.

*[Signature(s) on the following page.]*

**PASSED AND ORDERED POSTED** this 24th day of January, 2023.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

**VOTING:**

Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____
Kerry Glover	Yea ____	Nay ____

POSTED the \_\_\_\_ day of \_\_\_\_\_, 2023, as certified by the Recorder: \_\_\_\_\_.  
RECORDER

**Mayor**  
Colten Johnson  
**City Council**  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Kerry Glover



**KANAB**  
—UTAH—

**City Manager**  
Kyler Ludwig  
**City Attorney**  
Kent Burggraaf  
**City Recorder**  
Celeste Cram  
**City Treasurer**  
Danielle Ramsay

**DATE:** January 24, 2023  
**TO:** Mayor and City Council  
**SUBJECT:** Development Agreement 400 W 200 N  
**PREPARED BY:** City Manager, Kyler Ludwig

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**Background:**

The property owners for parcels K-57-2, K-54-1 and K-55-3 are seeking to build homes connected to the City's sewer lines. The elevations of the properties require the development to use forced sewer laterals. The City has used development agreements previously to clarify the responsibilities and ownership of the infrastructure of these types of developments in the past.

**Analysis:**

The proposed development agreement is based on a development agreement entered into by the City in August of 2022. This development agreement requires the developers to take on all the costs, liabilities, and responsibilities for the sewer until it reaches the City line.

**Legal:**

This development agreement has been approved as to form.

**Financial:**

The financial responsibilities through this development agreement fall upon the developer.

**Recommendations/Actions:** It is recommended the City Council:

Motion to approve Resolution 1-3-23 R, A Resolution Approving the Development Agreement with Ben Riley and Lydia Ojuka.

**Attachments:**

Resolution 1-3-23 R  
Development Agreement

— A Western Classic —

## **RESOLUTION NO. 1-3-23 R**

### **A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT WITH BEN RILEY AND LYDIA OJUKA**

**WHEREAS**, the Kanab City Council (the “Council”) met in regular session on January 24, 2023, to discuss, among other things, approving a development agreement between Kanab City (“City”) and Ben Riley and Lydia Ojuka (“Riley and Ojuka”) (collectively the “Parties”);

**WHEREAS**, Riley and Ojuka are building homes on the properties known as K-57-1, K-54-1, and K-55-3, located in the vicinity of 400 West 200 North, Kanab, Utah (the “Properties”), and desires to utilize the City’s sewer system by hooking into the sewer main on 200 North, Kanab, Utah;

**WHEREAS**, due to the elevation of the properties and proposed home, the flow of the sewer line will not flow to the City’s sewer main by gravity;

**WHEREAS**, the Parties have agreed that a sewer pump (or “pump grinder”) is necessary with a 1 ¼” forced sewer lateral from the pump to the main sewer line;

**WHEREAS**, the City is willing to install the 1 ¼” sewer line, upon arrangement with the Public Works Director, subject to the City’s fee schedule;

**WHEREAS**, Riley and Ojuka will be responsible to purchase and install the sewer pump necessary;

**WHEREAS**, the installation of the sewer pump will be subject to the inspection and approval of the City’s Public Works Director.

**WHEREAS**, Riley and Ojuka and any successive owners of the subject parcel will be responsible for the maintenance, upkeep, repair, and replacement of the sewer pump and the 1 ¼” forced sewer lateral line from the point at which it connects to the City’s sewer main line; and

**WHEREAS**, the attached development agreement outlines the City’s and Riley and Ojuka’s understanding, intent, and terms agreeable to the Parties.

**NOW, THEREFORE, BE IT RESOLVED** by the Kanab City Council, adopting and approving the Development Agreement attached hereto, and thereby authorizing the signing and recordation of the same.

The Mayor and City staff are authorized to take all steps necessary to effectuate this resolution.

A fully executed copy of the Development Agreement shall be provided to Ben Riley and Lydia Ojuka for their consideration and execution.



The provisions of this Resolution 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 Resolution or the application in a different circumstance.

This Resolution shall be effective upon passage.

**PASSED AND RESOLVED** this 24th day of January, 2023.

KANAB CITY

ATTEST:

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MAYOR

---

RECORDER

**VOTING:**

Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____
Kerry Glover	Yea ____	Nay ____

**WHEN RECORDED, RETURN TO:**

KANAB CITY  
26 N. 100 E.  
Kanab, Utah 84741  
435-644-2534

Tax ID #s K-57-1  
K-54-1  
K-55-3

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**DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (the "Agreement") is executed and entered into by Ben Riley and Lydia Ojuka ("Grantor") and Kanab City ("Kanab"). (Each individually a "Party" and collectively the "Parties").

**RECITALS**

A. The Grantor anticipates developing three parcels located in the vicinity of 400 West 200 North, Kanab, Utah, on property identified in the Office of the Kane County Recorder as parcel numbers K-57-1, K-54-1, and K-55-3 (the "Property"), and desires to utilize the Grantee's sewer system by hooking into the sewer mainline, located at approximately 350 West 200 North, Kanab, Utah, just to the east of the existing manhole thereabouts.

B. Due to the elevation Grantor's property and proposed development, the flow of the sewer line from Grantor's three parcels will not flow to the Grantee's sewer main by gravity. The Parties have agreed that a sewer pump (or "pump grinder") is necessary for each parcel with a 1 ¼" forced sewer lateral from the pump to the main sewer line.

C. Grantee is willing to install the 1 ¼" sewer line, upon arrangement with the Public Works Director, subject to the Grantee's fee schedule. Grantor will be responsible to purchase and install the sewer pump necessary for each parcel. Installation of each sewer pump is subject to the inspection and approval of the Grantee's Public Works Director.

D. Grantor and any successive owners of the subject parcels will be responsible for the maintenance, upkeep, repair, and replacement of each sewer pump and the 1 ¼" forced sewer lateral line from the point at which it connects to the Grantee's sewer main line.

**AGREEMENT**

1. Property to Be Bound. Grantor's agreement to pay for certain expenses, and maintain, repair, and replace certain infrastructure, as set forth in Section 2, which shall be

binding upon and run with the following described tract of land in Kane County, State of UTAH:

Parcel number K-57-1, further described as:

ALL OF LOT 1 & A FRACTION OF LOT 2 OR OTHERWISE KNOWN AS THE SOUTH ½ OF BLOCK 57 PLAT "A" OF THE OFFICIAL SURVEY OF KANAB TOWNSITE, CONTAINING 1.83 ACRES, MORE OR LESS. LESS 1.02 ACRES DEED TO K-57-1A, LEAVING 0.81 ACRES, MORE OR LESS

Parcel number K-54-1, further described as:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 54 PLAT "A" OF THE OFFICIAL SURVEY OF KANAB TOWNSITE & RUN THENCE SOUTH 0°13' EAST ALG THE EAST LINE OF BLOCK 54, A DISTANCE OF 390.0 FEET; THENCE NORTH 31°41'26" WEST 308.94 FEET; THENCE WEST 135.0 FEET TO THE WEST LINE OF BLOCK 54; THENCE NORTH 0°13' WEST 126.0 FEET TO THE NORTHWEST CORNER OF BLOCK 54; THENCE NORTH 89°47' EAST 297.98 FEET TO THE POINT OF BEGINNING.

Parcel number K-55-3, further described as:

BEGINNING AT A POINT 61.0 FEET SOUTH OF THE NORTHWEST CORNER OF BLOCK 55 PLAT "A" OF THE OFFICIAL SURVEY OF KANAB TOWNSITE & RUN THENCE NORTH 89°47' EAST 132.0 FEET THENCE SOUTH 0°13' EAST 30.0 FEET; THENCE NORTH 89°47' EAST 132.0 FEET; THENCE SOUTH 0°13' EAST 127.0 FEET; THENCE SOUTH 89°47' WEST 33.0 FEET; THENCE SOUTH 0°13' EAST 119.5 FEET, MORE OR LESS; THENCE NORTH 89°47' EAST 33.0 FEET; THENCE SOUTH 32.0 FEET; THENCE WEST 71.0 FEET; THENCE SOUTH 66°53'11" WEST 210.16 FEET; THENCE NORTH 0°13' WEST 390.0 FEET TO BEGINNING, CONTAINING 1.87 AC, M/L.

\*THIS IS A REMAINING DESCRIPTION\*

2. Duty to Pay Development Expenses, Maintenance, Replacement. Upon the conditions outlined below, Grantor shall be responsible to pay for the cost of connecting to the Grantee's sewer system, including, but not limited to the cost of parts, supplies, and labor to install a 1 ¼" forced sewer lateral line from Grantee's main line to a sewer pump (or "pump grinder"), subject to the Grantee's adopted fee schedule. Grantor shall be responsible for purchasing and install a sewer pump for each developed parcel, subject to the inspection and approval of the Grantee's Public Works Director. Thereafter, Grantor

shall bear the expense and responsibility to maintain, repair, and replace, if or when necessary, the sewer pump and the sewer lateral line from the sewer main line out.

4. Default. Failure by a Party to perform any of the Party's obligations under this Agreement within a thirty (30) day period (the "Cure Period") after written notice thereof from the other Party shall constitute a default ("Default") by such failing Party under this Agreement; provided, however, that if the failure cannot reasonably be cured within thirty (30) days, the Cure Period shall be extended for the time period reasonably required to cure such failure so long as the failing Party commences its efforts to cure within the initial thirty (30) day period and thereafter diligently proceeds to complete the cure. Said notice shall specify the nature of the alleged Default and the manner in which said Default may be satisfactorily cured, if possible. Upon the occurrence of an uncured Default under this Agreement, the non-defaulting Party may institute legal proceedings to enforce the terms of this Agreement or may terminate this Agreement. If the Default is cured, then no Default shall exist and the noticing Party shall take no further action.

5. Binding on the Property. This Agreement shall be recorded against each of the Grantor's properties. The obligations contained within this Agreement shall run with each Property, binding all successors, heirs, and assigns of the Property.

6. Governing Law and Costs. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

7. No Third-Party Beneficiary. This Agreement is made for the sole protection and benefit of the Grantor and the Grantee and their assigns. No other person shall have any right of action based upon any provision of this Agreement whether as third-party beneficiary or otherwise.

8. Severability. If any part or provision of this Agreement shall be adjudged unconstitutional, invalid or unenforceable by a court of competent jurisdiction such determination shall not affect any other part or provision of this Agreement except that part or provision so adjudged to be unconstitutional, invalid or unenforceable. If any condition, covenant, or other provision of this Agreement shall be deemed invalid, due to its scope or breadth such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

9. Attorneys' Fees. If either the Grantor or Grantee brings any legal action to enforce or interpret this Agreement (or any of the documents contemplated or provided for in this Agreement), for damages on account of any default or breach of a liability, obligation, or covenant contained in this Agreement, or with respect to any other issue related to this Agreement, the prevailing Party shall be entitled to recover from the other Party the prevailing Party's reasonable attorneys' fees and costs incurred in any such action or in any appeal from such action, in addition to any other relief, remedies, and damages to which the prevailing Party is entitled.

10. Counterparts. This Agreement may be executed in any number of duplicate originals or counterparts, each of which when so executed shall constitute in the aggregate but one and the same document.

11. Waiver. No waiver of any of the provisions of this Agreement shall operate as a waiver of any other provision regardless of any similarity that may exist between such provisions nor shall a waiver in one instance operate as a waiver in any future event. No waiver shall be binding on Grantee or the Grantor, unless executed in writing by the waiving party.

12. Reasonableness. Except as otherwise stated to the contrary in this Agreement, when the consent, approval, or agreement of Grantor and/or the Grantee is required or contemplated under this Agreement, such consent, approval, or agreement shall not be unreasonably withheld, conditioned, or delayed; provided, this provision shall not bind the Grantee with respect to its legislative actions.

13. Non-Liability of City Officials, Employees, Members, or Managers. No officer, representative, agent, or employee of the Grantee shall be personally liable to Grantor or any of its successors or assigns in the event of any default or breach by the Grantee or for any amount which may become due to Grantor or its successors or assigns for any obligation arising out of the terms of this Agreement. Similarly, no officer, member, manager, or representative, agent, or employee of Grantor shall be personally liable to the Grantee or any of its successors or assigns in the event of any default or breach by the Grantor or for any amount which may become due to the Grantee or its successors or assigns for any obligation arising out of the terms of this Agreement.

14. Incorporation of Recitals. The foregoing recitals are true and correct and hereby incorporated by reference as part of this Agreement.

*[Signatures on the following pages.]*

IN WITNESS WHEREOF, this Agreement has been executed by the Grantor and by Kanab City, acting by and through its City Council by duly authorized persons as of the \_\_\_\_ day of \_\_\_\_\_, 2023.

**GRANTOR:**

\_\_\_\_\_  
Ben Riley

STATE OF UTAH                    )  
  ss.  
COUNTY OF KANE                )

On the \_\_\_\_ day of \_\_\_\_\_ 2023, personally appeared before me Ben Riley, whose identity is personally known to or proved to me based on satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that she did duly acknowledge to me that she executed the foregoing document.

\_\_\_\_\_  
Notary Public

**GRANTOR:**

\_\_\_\_\_  
Lydia Ojuka

STATE OF UTAH                    )  
  ss.  
COUNTY OF KANE                )

On the \_\_\_\_ day of \_\_\_\_\_ 2023, personally appeared before me Lydia Ojuka, whose identity is personally known to or proved to me based on satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that she did duly acknowledge to me that she executed the foregoing document.

\_\_\_\_\_  
Notary Public

**GRANTEE:**

By: \_\_\_\_\_  
Colten Johnson, Mayor  
KANAB CITY

STATE OF UTAH                    )  
  ss.  
COUNTY OF Kane                )

On the \_\_\_\_ day of \_\_\_\_\_ 2023, personally appeared before me Colten Johnson, Kanab City Mayor, whose identity is personally known to or proved to me based on satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that she did duly acknowledge to me that she executed the foregoing document.

\_\_\_\_\_  
Notary Public



**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Kerry Glover**

## **Kanab City Council Staff Report**

### **File # 2022040**

<b>Date:</b>	<b>December 2, 2022</b>
<b>Meeting Date:</b>	<b>January 24, 2023</b>
<b>Agenda Item:</b>	<b>Public Hearing to discuss and recommend a zone change to City Council from RR-1 [Rural Residential] to R-1-20 [Single Family Residential] for parcel K-55-3 located in the approximate area of 200 N 400 W</b>
<b>Subject Property Address:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>Lydia &amp; Ben Riley</b>
<b>Applicant Agent:</b>	<b>Steven Glodowski</b>
<b>General Plan Designation:</b>	<b>Medium Density Residential/High Density Residential/General Commercial</b>
<b>Parcel #:</b>	<b>K-55-3</b>

#### **Referenced Documents:**

**Subject/Vicinity Property**  
**Future Land Use Map (updated)**  
**Zoning Map (updated)**

#### **Summary:**

Lydia and Ben Riley are requesting a zone change to rezone parcel K-55-3 from Rural Residential (RR-1) to Single Family Residential (R-1-20). The representative for the applicant is Steven Glodowski from Oak'n'Crete. Under the current zone the applicant would not be eligible to subdivide the property for additional single-family residences. The property owners would like to have the property rezoned to R-1-20 which would allow them to subdivide the property in to lots 20,000 sq.ft. or larger. An application requesting a zone change from RR-1 to R-1-8 was recently denied by City Council. Kanab City Land Use Ordinances, Chapter 1 does not allow another zoning application to rezone the same parcel or portion of the property to the same zone classification within one year of the date of the denial. This zoning application is for a different zone classification then the previous submission and is allowed as a new zoning request.

#### **Site Description:**

The subject property is 1.87 acres and undeveloped. The parcel is owned by Lydia and Ben Riley. The parcel is vacant and has access from an unimproved street. Surrounding zoning designations and the density designations are as follows:

**— A Western Classic —**

Mayor  
**T. Colten Johnson**  
 City Manager  
**Kyler Ludwig**  
 Treasurer  
**Danielle Ramsay**



City Council  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Kerry Glover**

North	South	East	West
RR-1(adjacent lots) with MDR/HDR/GC	RR-1 and Gunsmoke Dr with MDR/HDR/GC	RR-1 and C-2 with MDR/HDR/GC	RR-1 with MDR/HDR/GC

**Kanab City Land Use Ordinance, General Plan and Zoning Map Analysis:**

Zoning designations and zone changes are regulated by the Kanab City Land Use Ordinance, Chapter 15 – Establishment of Zoning Districts regulates zoning designations within Kanab City. Section 15-7 Transitioning and Maintaining Balance, states:

*It is the objective of the City to encourage and provide for proper transition and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.*

*The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.*

Parcel K-55-3 is in an area designated as Medium Density Residential (MDR)/High Density Residential (HDR/General Commercial (GC) on the current Future Land Use Map. The adjacent parcels are currently legal non-conforming lots that are zoned RR-1, to the north, west and south and C-2 to the east. The surrounding neighborhood is mostly zoned RR-1 and C-2. There are three (3) lots on the corner of 200 N and 400 W that are zoned R-1-8, these lots were originally one parcel zoned RR-1 until just over a year ago when a zone change and subdivision with a private lane was approved. The existing neighborhood has been developed as single-family residences and commercial uses. The adjacent RR-1 lots are approximately 0.25 acres or smaller and the adjacent C-2 lotas are approximately 0.75 acres or smaller.

**Public Comment:**

Planning and Zoning Department has received calls from an adjacent neighbor inquiring on what development the R-1-20 zone allows, a copy of any conceptual plans that were submitted and if the applicant is allowed to submit another application so soon after one was denied.

Heather & David Russell spoke at the Planning Commission meeting on January 17, 2023 requesting that the zone change be denied.

— A Western Classic —



**Findings:**

1. The application was initiated by the owners representative Steven Glodowski.
2. The property is 1.87 acres.
3. The City Council is the decision-making authority for a zoning application. The Council may adopt or reject the request as it deems appropriate or may assign a different zoning designation.
4. Assigning a R-1-20 zone is consistent with the Kanab City Future Land Use Map designation of MDR/HDR/GC. R-1-20 does allow a transition and balance between the surrounding and adjacent properties zoning, use and current development.
5. Out of the properties zoned RR-1 in this neighborhood, the majority are non-conforming due to the lot size being less than 1-acre.

**Planning Commission:**

Planning Commission met on January 17, 2023, and discussed the zone change request. Planning Commission member JD Wright does not agree with the zone change request and feels that it does not fit the existing neighborhood. Chair Boyd Corry asked if any conceptual drawings were sent with the zone change request. Janae Chatterley explained that a conceptual drawing was not submitted with this application but was submitted with the previous application. Steven Gladowski, applicant's representative, stated that he did have conceptual drawings and shared them with the Planning Commission. Planning Commission member Ben Aiken commented that the conceptual drawing was irrelevant and that the Commission should be reviewing the zone change and not what could possibly be developed as it may change at a later date. JD Wright makes a motion to recommend a negative recommendation to change the zone from R-1-8 to RM, Terry seconds, JD. W., Terry E., and Russ W vote yay, Ben Aiken voted nay.

**Suggested Motion(s):**

I move that we approve/deny the zone change from RR-1 to R-1-20 for Parcel K-55-3 based on the findings as outlined in this staff report.

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**ORDINANCE NO. 1-4-23 O**

**AN ORDINANCE APPROVING A ZONE CHANGE FOR PARCEL  
K-55-3**

**WHEREAS**, pursuant to Utah Code § 10-9a-501, and Kanab City Land Use Ordinance, Chapter 1, Section 17, the City Council is authorized on its own motion or pursuant to an application, to amend and assign zoning district boundaries, after receiving a recommendation from the Kanab City Planning Commission;

**WHEREAS**, applicants Lydia Ojuku and Ben Riley have submitted an application for a zone change of parcel identified as K-55-3, approximately 1.87 acres, requesting they be changed from Rural Residential (RR-1) to Single Family Residential, specially R-1-20;

**WHEREAS**, the Future Land Use Map of the Kanab City General Plan has designated the area in which these two parcels are located as Medium Density Residential (MDR), High Density Residential (HDR), and General Commercial (GC), for which the zoning designation of R-1-20 would be compatible;

**WHEREAS**, after proper notice was provided, the Kanab City Planning Commission held a public hearing on January 17, 2023, in which public comments were received, and then reviewed, discussed, and voted on sending its recommendation (negative) to the Kanab City Council; and

**WHEREAS**, the City Council met during its regularly scheduled and properly noticed meeting on January 24, 2023, received further input from the applicant/applicant's representative and staff, and reviewed and discussed the Kanab City Planning Commission's recommendation and the zoning options for the parcels.

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council that the parcel identified on the Kane County records as K-55-3 is hereby assigned the zone of R-1-20, a Single Family Residential zone under the Kanab City Land Use Ordinance;

All former zoning designations for the subject parcel conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

The provisions of this Ordinance 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.

*[Signatures on the next page.]*

**PASSED AND ORDERED POSTED** this 24th day of January, 2023.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

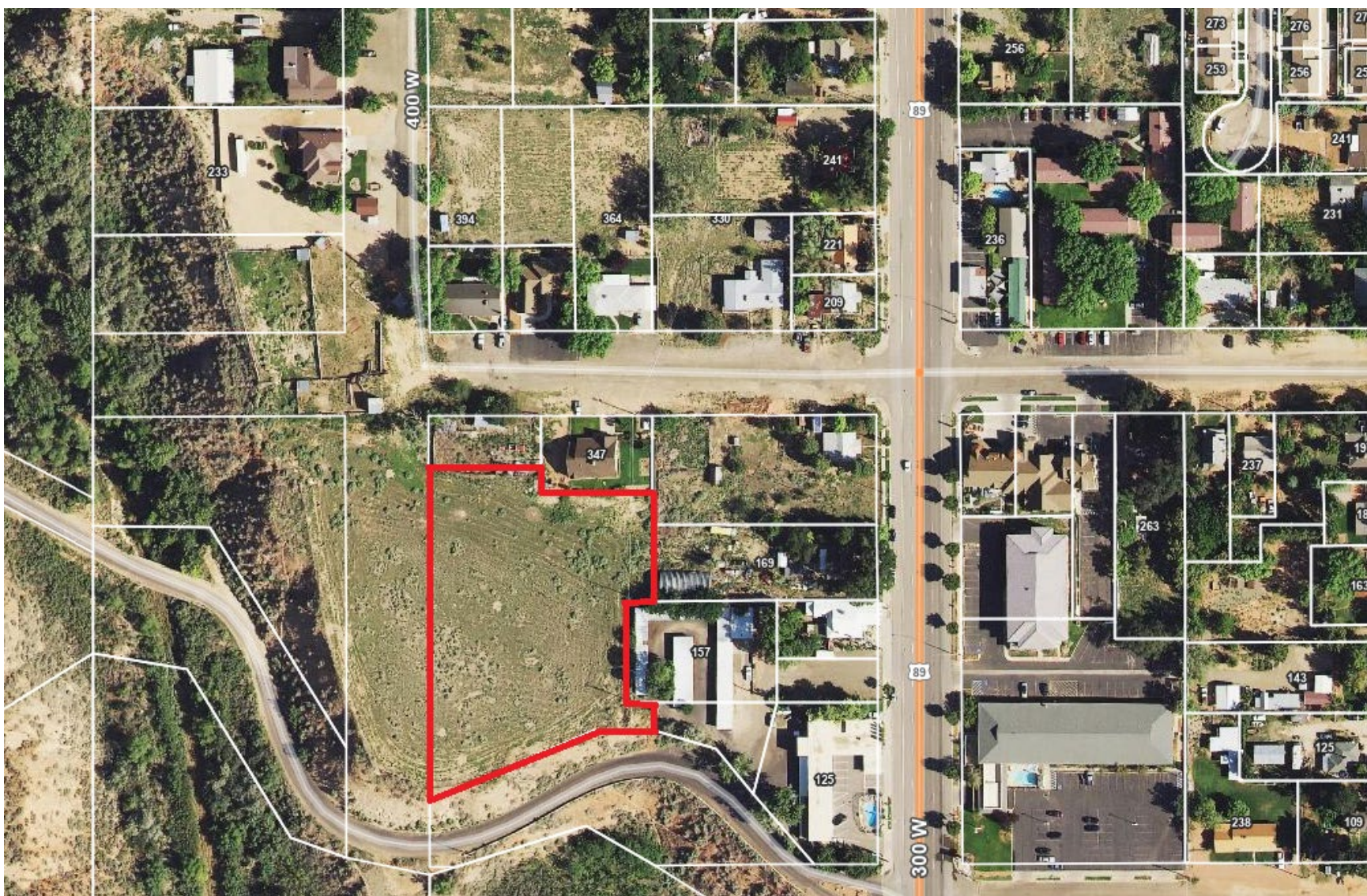
\_\_\_\_\_  
RECORDER

**VOTING:**

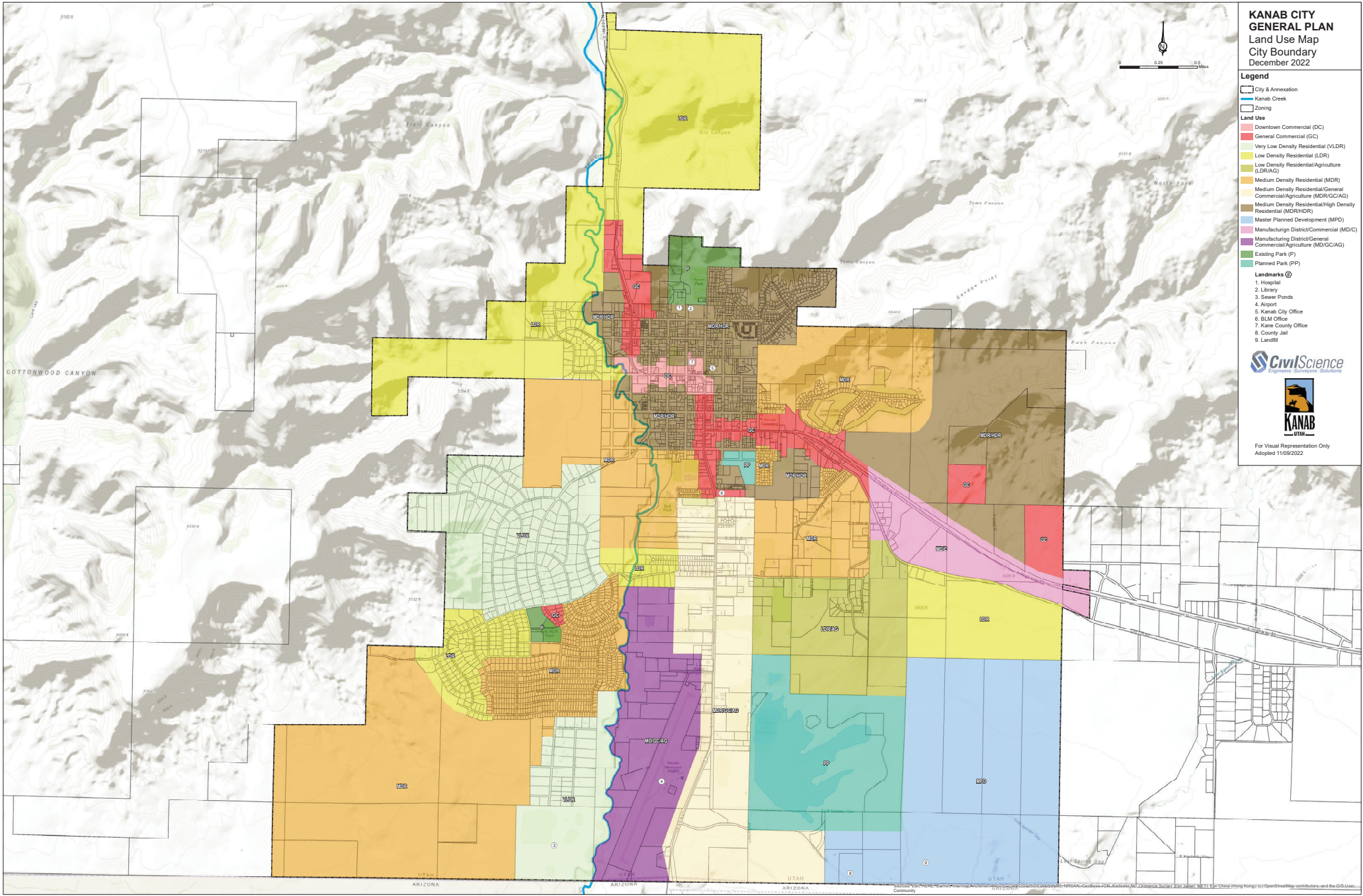
Kerry Glover	Yea ____	Nay ____
Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____

POSTED the \_\_\_\_ day of \_\_\_\_\_, 2023, as certified by the Recorder: \_\_\_\_\_.  
RECORDER









**KANAB CITY  
GENERAL PLAN  
Land Use Map  
City Boundary  
December 2022**

**Legend**

- City & Annexation
- Kanab Creek
- Zoning
- Land Use**
  - Downtown Commercial (DC)
  - General Commercial (GC)
  - Very Low Density Residential (VLDR)
  - Low Density Residential (LDR)
  - Low Density Residential/Agriculture (LDRA/G)
  - Medium Density Residential (MDR)
  - Medium Density Residential/General Commercial/Agriculture (MDR/GC/AG)
  - Medium Density Residential/High Density Residential (MDR/HDR)
  - Master Planned Development (MPD)
  - Manufacturing District/Commercial (MD/C)
  - Manufacturing District/General Commercial/Agriculture (MD/GC/AG)
  - Existing Park (P)
  - Planned Park (PP)

- Landmarks**
  - 1. Hospital
  - 2. Library
  - 3. Sewer Ponds
  - 4. Airport
  - 5. Kanab City Office
  - 6. BLM Office
  - 7. Kane County Jail
  - 8. County Jail
  - 9. Landfill

**CivilScience**  
Engineering • Technology • Research



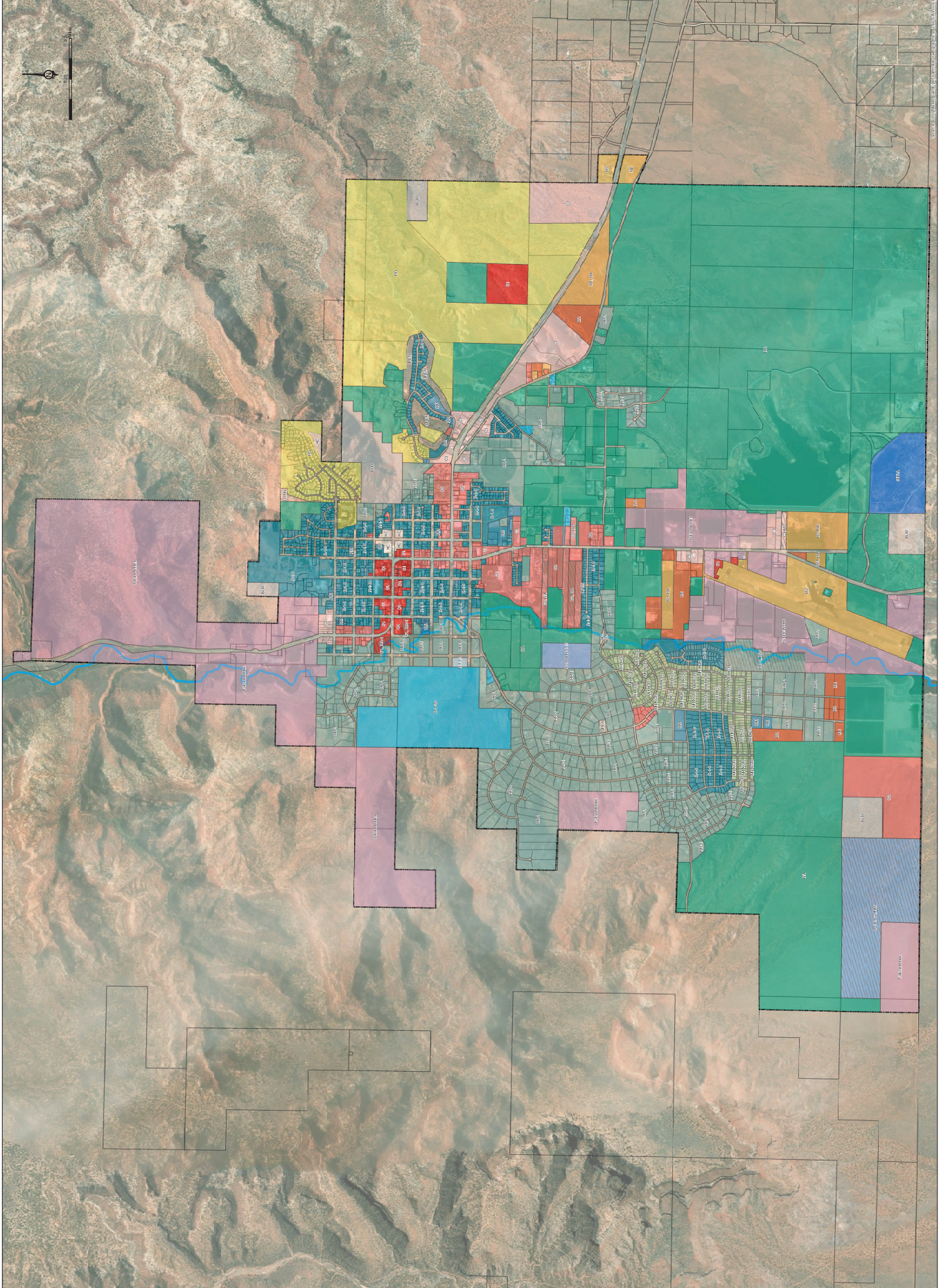
For Visual Representation Only  
Adopted 11/09/2022



# **KANAB CITY** **ZONING MAP** Current Zoning and Annexation Boundary December 2022

## **Legend**

- City & Annexation
- BLM
- C1
- C1, RR-1
- C2
- C2, RA
- C3
- C3, M2
- Future
- KC
- M1
- M1, RA
- OPEN
- PD
- R-1-10
- R-1-20
- R-1-8
- R-1-8, R-1-15
- R-1-8, C2, RM
- R-2
- RA
- RM
- RR-1
- RR-1, M2
- STLA
- State Creek





Mayor  
T. Colten Johnson  
City Manager  
Kyler Ludwig  
Treasurer  
Danielle Ramsay



City Council  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Kerry Glover

## Kanab City Council Staff Report File # 2022039

Date:	December 3, 2022
Meeting Date:	January 24, 2023
Agenda Item:	Public Hearing to discuss and recommend a zone change to City Council from R-1-8 [Single Family] to RM [Multi-Family] for parcel K-1-10 located in the approximate area of 262 E 200 S
Subject Property Address:	262 E 200 S
Applicant:	Michael & Carlee Stewart
Applicant Agent:	N/A
General Plan Designation:	Medium Density Residential/High Density Residential
Parcel #:	K-1-10

### Referencing Documents:

Subject/Vicinity Property  
Future Land Use Map  
Zoning Map  
Conceptual Plan  
Public Comment Letter

### Summary:

Michael and Carlee Stewart are requesting a zone change to rezone parcels K-1-10 from a Single Family Residential (R-1-8) zone to a Residential Multi-Family (RM) zone. Currently the property owners have an approved and valid building permit for a two-family dwelling, construction began on this project back in August 2022. Under the current zoning of R-1-8 a two-family dwelling could not be subdivided and sold as separate dwellings. The property owners would like the opportunity to subdivide and sell the units individually.

### Site Description:

The subject property is 0.31 acres and is located at 262 East 200 South. The parcels are owned by Michael and Carlee Stewart. The two-family dwelling unit is currently under construction with a valid building permit. Surrounding zoning designations and the density designations are as follows:

North	South	East	West
R-1-8 with MDR/HDR	C-2 with MDR/HDR	R-1-8 with MDR/HDR	RM with MDR/HDR

— A Western Classic —



### **Kanab City Land Use Ordinance, General Plan and Zoning Map Analysis:**

Zoning designations and zone changes are regulated by the Kanab City Land Use Ordinance, Chapter 15 – Establishment of Zoning Districts regulates zoning designations within Kanab City. Section 15-7 Transitioning and Maintaining Balance which states:

*It is the objective of the City to encourage and provide for proper transition and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.*

*The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.*

Parcel K-1-10 is in an area designated as Medium Density Residential (MDR)/High Density Residential per the current Future Land Use Map. The surrounding parcels and existing neighborhood are currently zoned R-1-8 to the north and east, C-2 to the south, and RM to the west, the existing neighborhood has been developed as single-family residences and commercial uses.

### **Public Comment:**

Planning and Zoning Department has received one letter regarding the zone change. Doug Dewitz, a neighbor, commented that he is in favor of the zone change.

### **Findings:**

1. The application was initiated by the owners Michael and Carlee Stewart.
2. The subject property is 0.31 acres and currently being developed as a two-family dwelling unit.
3. The City Council is the decision-making authority for zone changes and may adopt or reject the application as it deems appropriate.
4. Assigning a RM zone is consistent with the Kanab City Land Use Ordinances and Future Land Use Map designating the area as MDR/HDR. The zoning request is consistent with

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**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Kerry Glover**

the current zoning of the established neighborhood. Much of the established neighborhood is developed as Single-Family residences or Commercial use.

**Planning Commission Meeting:**

Planning Commission met on January 17, 2023, and discussed the zone change request. Planning Commission member JD Wright asked staff to explain what type of development could happen on this property. Janae Chatterley explained that due to the current setbacks of the Duplex it would be difficult to add another duplex or multi-family in the back of the property. It was explained that if the property is subdivided and parceled for sale the owners would be allowed to put in an Accessory Dwelling Unit in the back of the property. Planning Commission member JD Wright was concerned about the change to RM zone in the neighborhood and future requests that may be received, he did not think that RM fit the neighborhood. He also was concerned that future R-1-8 properties where a duplex is constructed on the property will request a RM zone, he felt that this is an ordinance issue that needs to be resolved to allow the split/subdivision in a R-1-8 zone, rather than a zone change request to RM. Planning Commission member Ben Aiken felt that this did meet the area and couldn't think of a better place for RM as the parcel was one block from the highway. He also stated that there is already a tri-plex to the West of the property. Ben Aiken makes a motion to recommend a positive recommendation, to change the zone from R-1-8 to RM, Terry Edwards seconds; Ben A., Terry E., and Russ W vote yay, JD. W voted nay.

**Suggested Motion(s):**

I move that we send a positive recommendation to the City Council for File #2022039 to assign the zone RM to Parcel K-1-10 based on the findings as outlined in this staff report.

I move that we send a negative recommendation to the City Council for File #2022039 to assign the zone RM to Parcel K-1-10 based on the findings as outlined in this staff report, and the following additional finding(s) (i.e., demonstrating the applicant has not meet the standards outlined in the Kanab City ordinances): .

— A Western Classic —

## **ORDINANCE NO. 1-5-23 O**

### **AN ORDINANCE APPROVING A ZONE CHANGE FOR PARCEL K-1-10**

**WHEREAS**, pursuant to Utah Code § 10-9a-501, and Kanab City Land Use Ordinance, Chapter 1, Section 17, the City Council is authorized on its own motion or pursuant to an application, to amend and assign zoning district boundaries, after receiving a recommendation from the Kanab City Planning Commission;

**WHEREAS**, applicants Michael and Carlee Stewart have submitted an application for a zone change of parcel identified as K-1-10, requesting they be changed from Single Family Residential (R-1-8) to Residential Multi-Family, specially RM;

**WHEREAS**, the Future Land Use Map of the Kanab City General Plan has designated the area in which these two parcels are located as Medium Density Residential (MDR) and High Density Residential (HDR), for which the zoning designation of RM would be compatible;

**WHEREAS**, after proper notice was provided, the Kanab City Planning Commission held a public hearing on January 17, 2023, in which public comments were received, and then reviewed, discussed, and voted on sending its recommendation (positive) to the Kanab City Council; and

**WHEREAS**, the City Council met during its regularly scheduled and properly noticed meeting on January 24, 2023, received further input from the applicant/applicant's representative and staff, and reviewed and discussed the Kanab City Planning Commission's recommendation and the zoning options for the parcels.

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council that the parcel identified on the Kane County records as K-1-10 is hereby assigned the zone of RM, a Residential Multi-Family zone under the Kanab City Land Use Ordinance;

All former zoning designations for the subject parcel conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

The provisions of this Ordinance 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.

*[Signatures on the next page.]*

**PASSED AND ORDERED POSTED** this 24th day of January, 2023.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

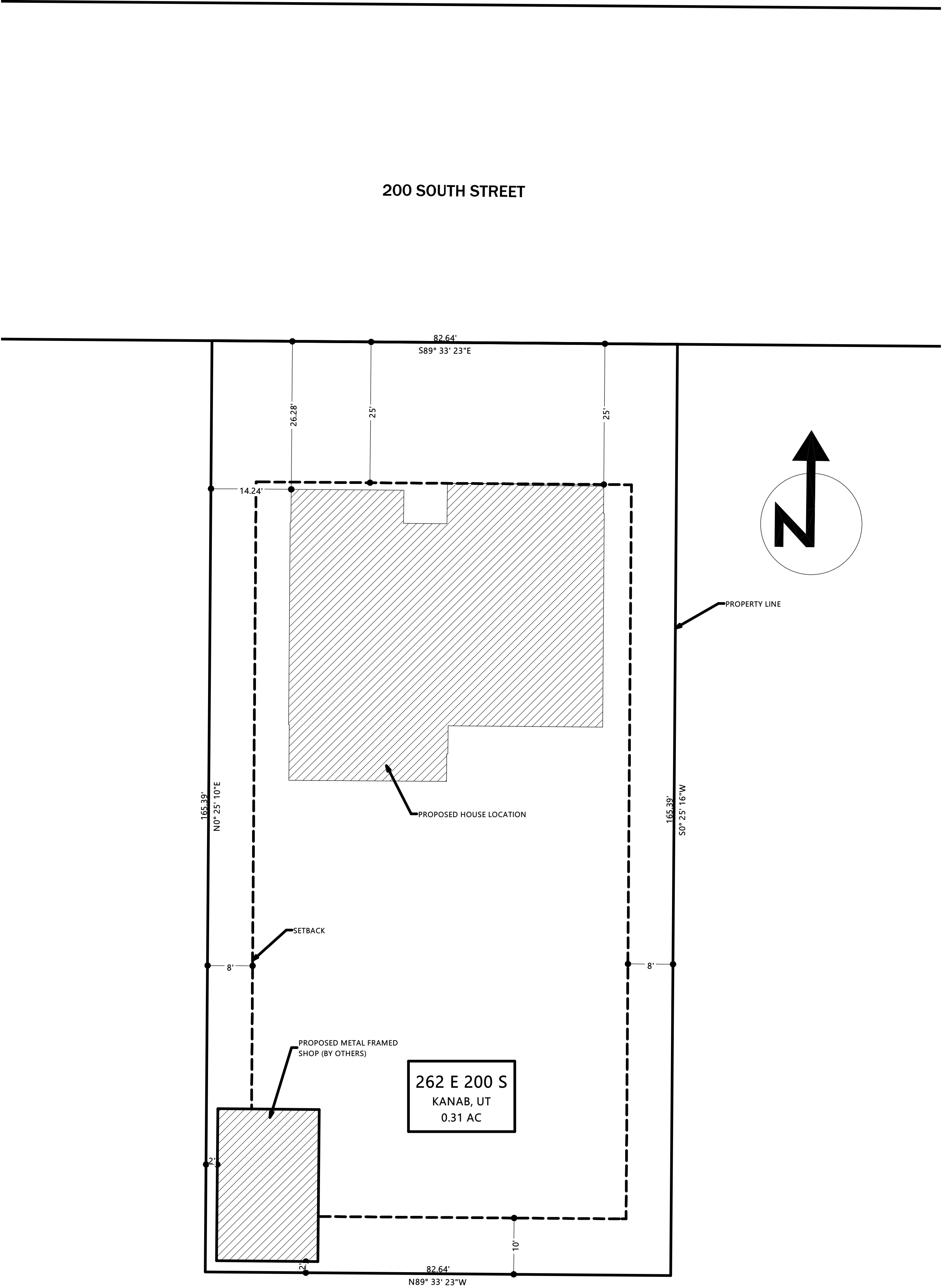
\_\_\_\_\_  
RECORDER

**VOTING:**

Kerry Glover	Yea ____	Nay ____
Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____

POSTED the \_\_\_\_ day of \_\_\_\_\_, 2023, as certified by the Recorder: \_\_\_\_\_.  
RECORDER

GENERAL NOTE:  
ONCE CONSTRUCTION HAS COMMENCED, THE GENERAL CONTRACTOR AND/OR OWNER ASSUMES SOLE RESPONSIBILITY FOR ENSURING ALL APPLICABLE CODE REQUIREMENTS ARE MET. THE DESIGNER SHALL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS.

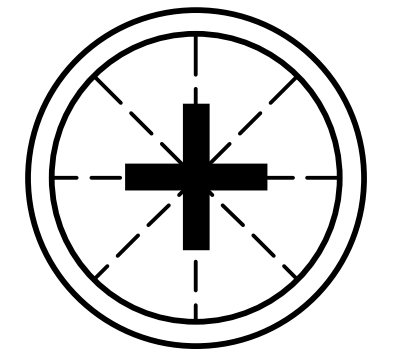


1 SITE PLAN

SCALE: 1" = 20'



262 EAST 200 SOUTH, KANAB, UT 84741  
The STEWART Duplex



05.15.2022

PROJECT NO.:  
22.006

DRAWN BY:  
CSJ

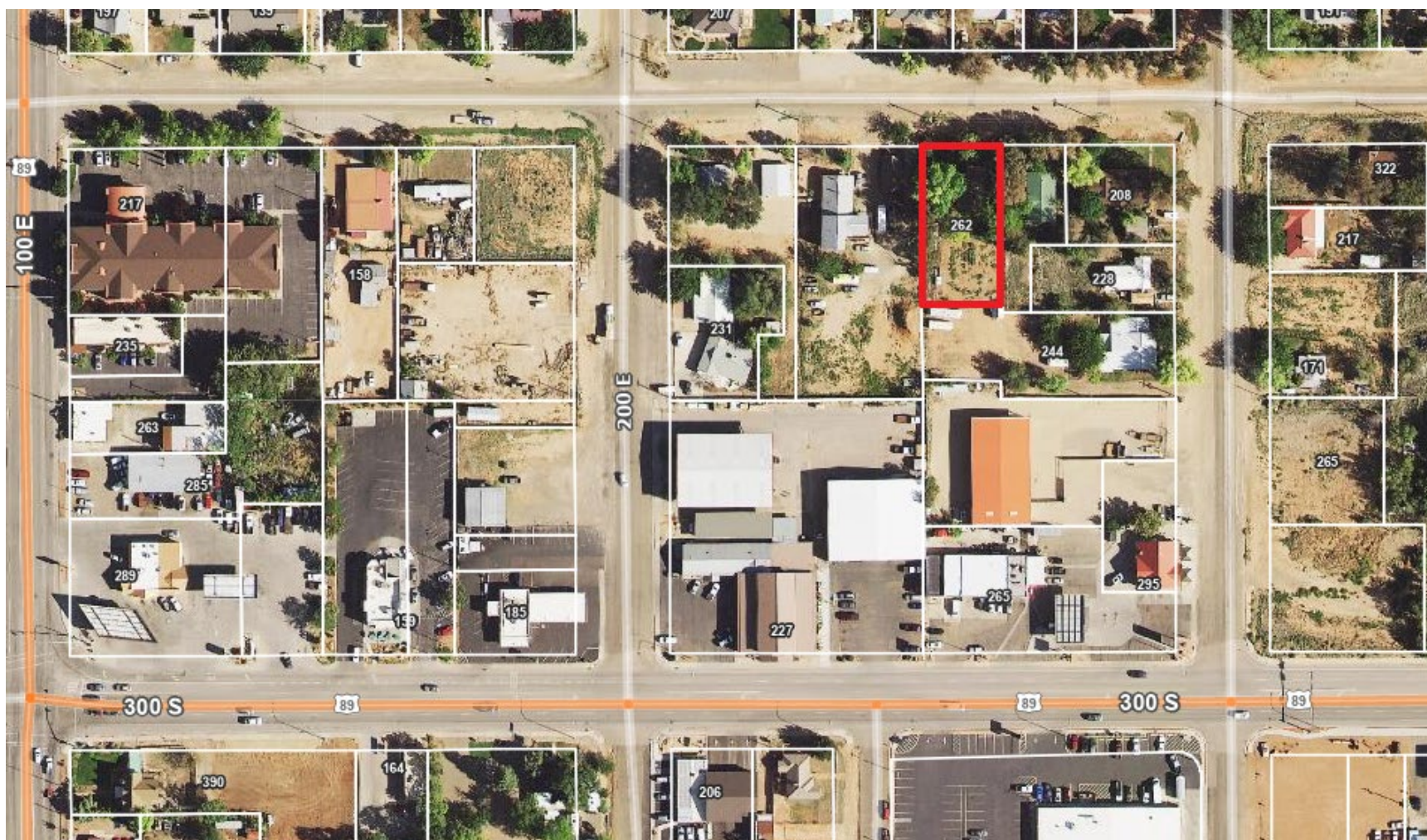
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AS NOTED

STAMP

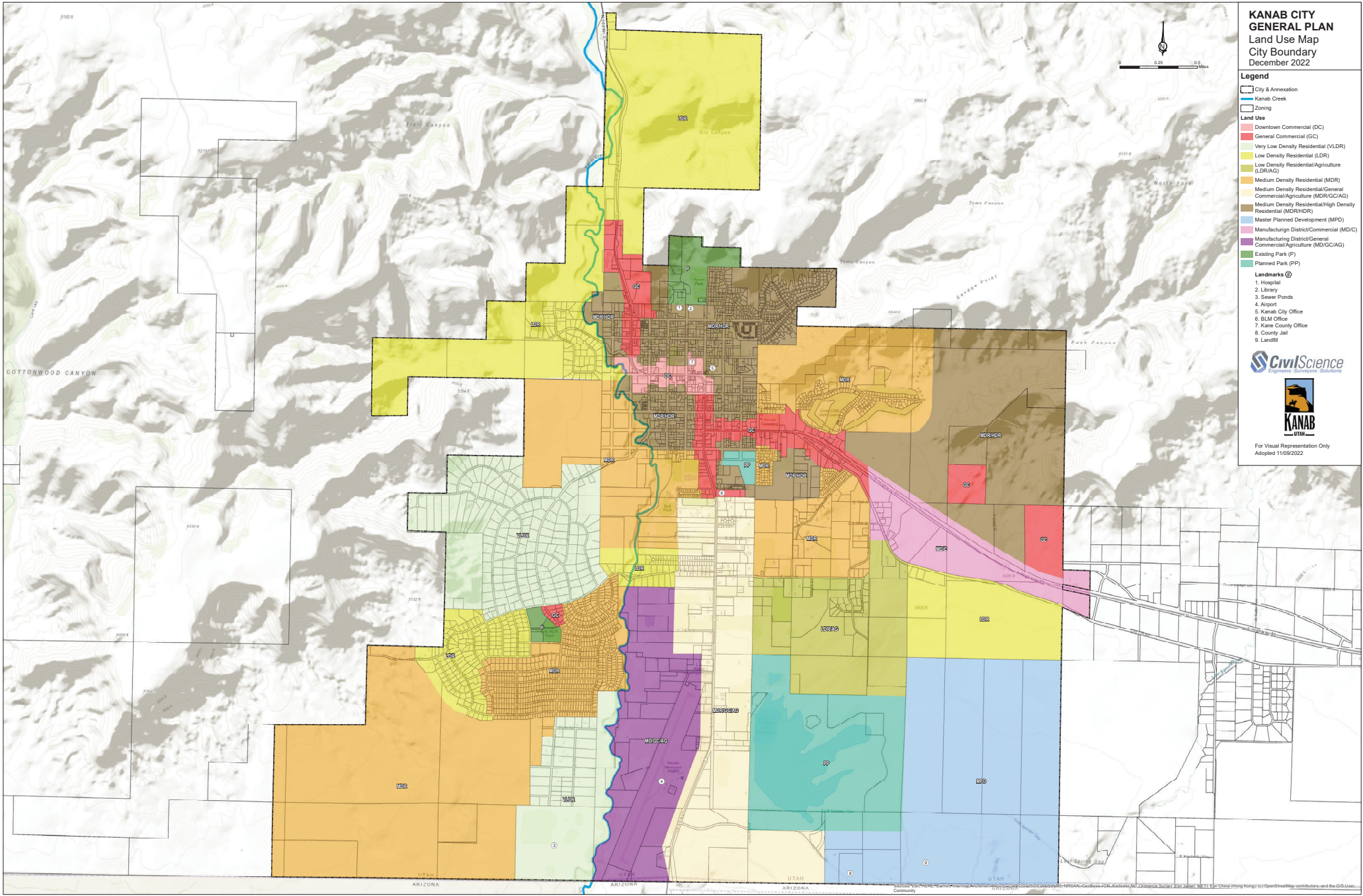
SITE PLAN

C.1  
SHEET 3 OF 12









**KANAB CITY  
GENERAL PLAN  
Land Use Map  
City Boundary  
December 2022**

- Legend**
- City & Annexation
  - Kanab Creek
  - Zoning
  - Land Use**
  - Downtown Commercial (DC)
  - General Commercial (GC)
  - Very Low Density Residential (VLDR)
  - Low Density Residential (LDR)
  - Low Density Residential/Agriculture (LDRA/G)
  - Medium Density Residential (MDR)
  - Medium Density Residential/General Commercial/Agriculture (MDR/GC/AG)
  - Medium Density Residential/High Density Residential (MDR/HDR)
  - Master Planned Development (MPD)
  - Manufacturing District/Commercial (MD/C)
  - Manufacturing District/General Commercial/Agriculture (MD/GC/AG)
  - Existing Park (P)
  - Planned Park (PP)

- Landmarks**
- 1. Hospital
  - 2. Library
  - 3. Sewer Ponds
  - 4. Airport
  - 5. Kanab City Office
  - 6. BLM Office
  - 7. Kane County Jail
  - 8. County Jail
  - 9. Landfill



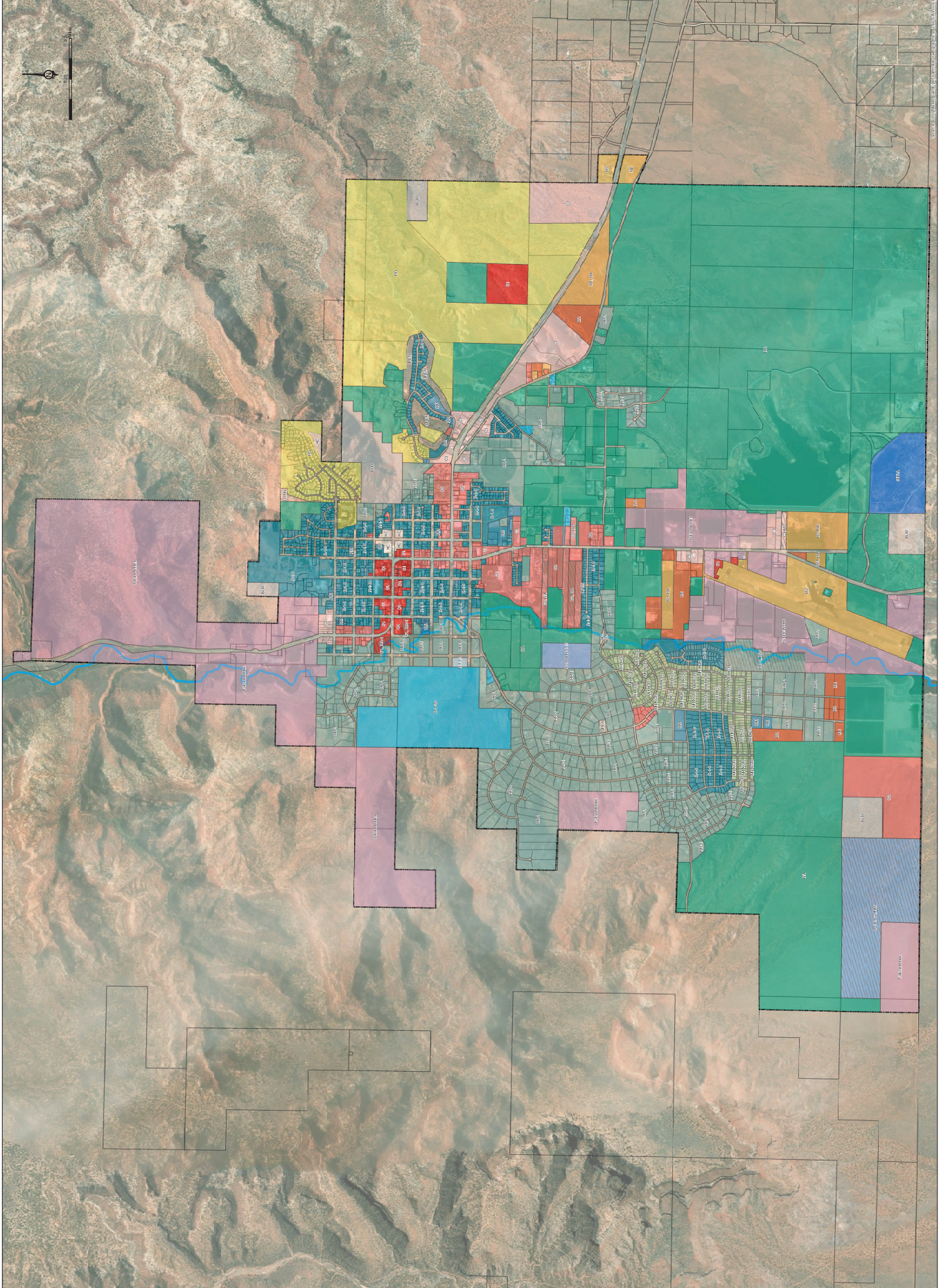
For Visual Representation Only  
Adopted 11/09/2022



# **KANAB CITY** **ZONING MAP** Current Zoning and Annexation Boundary December 2022

## **Legend**

- City & Annexation
- BLM
- C1
- C1, RR-1
- C2
- C2, RA
- C3
- C3, M2
- Future
- KC
- M1
- M1, RA
- OPEN
- PD
- R-1-10
- R-1-20
- R-1-8
- R-1-8, R-1-15
- R-1-8, C2, RM
- R-2
- RA
- RM
- RR-1
- RR-1, M2
- STLA
- State Creek





**Mayor**  
Colten Johnson  
**City Council**  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Kerry Glover



**KANAB**  
—UTAH—

**City Manager**  
Kyler Ludwig  
**City Attorney**  
Kent Burggraaf  
**City Recorder**  
Celeste Cram  
**City Treasurer**  
Danielle Ramsay

**DATE:** January 24, 2023  
**TO:** Mayor and City Council  
**SUBJECT:** West Fork Well Environmental Assessment  
**PREPARED BY:** City Manager, Kyler Ludwig

---

**Background:**

The City started working with Alpha Engineering on the expansion of the West Fork Wells in 2020. In October of 2021 Joe Decker entered into an agreement with Alpha Engineering to complete an environmental assessment for the West Fork Well expansion project. The estimate through Alpha Engineering was \$109,288.

**Analysis:**

The City Council is required to approve expenditures of projects greater than \$20,000.

Staff was unable to find other bids prior to the agreement being signed. In June of 2022 Civil Science worked with Alpine Environmental Resources to put together a quote, the competitor's estimate came in at \$76,248.50.

City Council approval is needed to pay the contract that was entered into in October of 2021.

**Legal:**

Legal has not yet reviewed the agreements

**Financial:**

This project is impact fee eligible. The total cost is \$109,288.

**Recommendations/Actions:** It is recommended the City Council:

Motion to approve the West Fork Well Design and Environmental Assessment project with work being completed by Alpha Engineering.

**Attachments:**

— A Western Classic —



43 South 100 East, Suite 100 T 435.628.6500  
St George, Utah 84770 F 435.628.6553

alphaengineering.com

October 11, 2021

Kanab City  
Attn: Joe Decker, City Manager  
76 North Main  
Kanab, UT 84741

**Re: Updated Scope of Work for Preparation of 30% Design and Environmental Assessment (EA) for Kanab West Fork Wells**

Dear Joe:

We appreciate the opportunity to submit this proposal to provide civil engineering and environmental services for the above referenced project. Outlined on the following pages is our proposed scope of work to provide professional civil engineering and environmental services and their associated costs (Exhibit A) for the preparation of an EA for a proposed pipeline extension and well sites located on Bureau of Land Management (BLM) administered property in West Fork Canyon north of Kanab.

Transcon Environmental will be assisting us in the preparation of the EA for this project. Alpha Engineering will complete 30% design of the pipeline and well sites to facilitate the field surveys and preparation of the EA and will be providing overall documentation of the project in the preparation of, and publication of the EA.

We appreciate the opportunity to work with you on this project. Depending on the schedule of the BLM, we anticipate this process will take a minimum of 6 months and possibly up to a year depending on the schedule of the BLM to complete. Please let us know if you have any questions regarding this proposal. If this proposal is acceptable to you, please sign below.

Sincerely,

Approved by:

Brent E. Gardner, P.E.  
ALPHA ENGINEERING COMPANY

By: Joe Decker  
CITY OF KANAB

Attachments: Exhibit A – Scope of Work  
Project Exhibit

**EXHIBIT A - SCOPE OF WORK**  
**KANAB CITY – WEST FORK WELLS AND PIPELINE PROJECT**  
**30% DESIGN AND ENVIRONMENTAL ASSESSMENT**

**ARTICLE 1**

**SCOPE OF WORK**

The ENGINEER will complete the necessary environmental work on the proposed access road and pipeline to the master planned well sites and on each well site. The CONSULTANT will prepare a draft and final Environmental Assessment (EA) that will be submitted to Kanab City and the Bureau of Land Management (BLM) for review and approval. The following scope of work is anticipated for the preparation and approval of the EA:

**1.1 Prepare Draft Planning and Documentation (PAD) Form**

The BLM will provide the ENGINEER (and its environmental consultant, Transcon) with a checklist with their initial thoughts on potential impacts and issues as part of an ID Team Resource Information Form. Transcon's resource specialists will coordinate with the BLM Kanab Field Office to prepare the initial draft PAD form which will summarize and document any known sensitive environmental resources that may be impacted by the Kanab Wells Project. The PAD would include the following:

- Proposal name
- Proponent name
- Anticipated level of NEPA compliance
- Project area (description and map)
- Introduction/Summary of the proposal
- Purpose and Need
- Description of the proposed action
- Resource concerns and benefits
- Interdisciplinary teams
- Timeline notes

Transcon will submit the draft PAD to the BLM for review and comment. It is anticipated this review would take up to 2 weeks and development of the final PAD for use in the EA would be the responsibility of the BLM.

Deliverables

- Draft PAD

#### Schedule

- Preparation of the draft PAD would be initiated immediately upon receipt of the NTP
- Draft PAD submitted to the BLM within 2 weeks of NTP
- Final PAD received from the BLM following an approximate 2-week review

## **1.2 Project Kick-Off Meeting and Agency Coordination**

An initial meeting to collaborate as a team and review relevant features will be held upon award of this project and completion of the PAD. It is anticipated that these meetings will need to be held virtually. Discussion topics will include but are not limited to the schedule, points of contact, scope, available data, milestones, and expectations. Specifically, the meeting attendees will:

- Review the scope and work plan
- Confirm roles and responsibilities
- Identify points of contact
- Examine the proposed action
- Confirm study area
- Discuss known issues / Review PAD Form
- Review the proposed schedule
- Review reporting procedures

This task also includes project management oversight, including regular project update meetings, as needed, throughout the course of the project.

#### Deliverables

- Meeting notes
- Monthly progress reports

#### Schedule

- The kick-off meeting will occur within two weeks of notice to proceed (NTP), depending on attendant availability
- Project management tasks will occur throughout the project duration
- Project update meeting will be scheduled as needed

## **1.3 Preliminary Design Survey and Engineering (30% Design)**

The ENGINEER will conduct a topographic and existing conditions survey using a combination of our GPS and Aerial Drone survey equipment of the proposed road, pipeline extension, and well sites. Current Aerial imagery will be provided along with contours with intervals of one foot.

The ENGINEER will prepare exhibits showing existing and new roadways for access and the location of power lines to service new wells sites located in the West Fork of the Kanab Creek Canyon. The well sites will be identified by Field Survey. The preliminary alignment and well sites will be coordinated with the OWNER.

The ENGINEER will utilize the topographic and existing conditions survey completed to prepare 30% design of the access road, pipeline and well sites. This will include preliminary plan and profile drawings, preliminary piping layout, and grading for each well site to identify proposed areas of disturbance. The preliminary design will be coordinated with the OWNER. Upon approval of the preliminary design, the information will be provided to Transcon to complete the necessary surveys in support of the preparation of the EA.

#### Deliverables

- Topographic mapping and project boundary map
- Plan and profile mapping of roads, power lines, and disturbance areas
- Mapping of well site disturbance areas

#### Schedule

- Alpha will produce these items within 8 weeks of the notice to proceed

## 1.4 Cultural Resources

A cultural resources evaluation is required in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (Section 106). Tasks associated with the cultural evaluation of this project will include a pre-field literature review, field surveys, preparation of documentation, and coordination.

In compliance with Section 106, Transcon archaeologist(s) will conduct a pre-field background research literature review to determine if any previously identified cultural resources are present within the proposed project *Area of Potential Effect* (APE) and will conduct a Class III (intensive pedestrian) cultural resources inventory (survey) of the project area to determine if any previously undocumented cultural resources are present within the project APE. Prior to conducting the Class III survey(s), appropriate fieldwork authorizations (FWAs) applicable permits will be obtained from all involved agencies; additionally, a pre- field visit may be conducted with the Kaibab Band of Paiutes to complete an in-person literature review, as needed.

A *Cultural Resources Inventory Report* (CRIR) will be required to present the results of the literature review and Class III survey. Documentation of these resources will follow all applicable Utah BLM and Utah State Historic Preservation Office (SHPO) reporting and submission guidelines and manuals. All identified cultural resource sites will be

documented on appropriate *Utah Archaeology Site Forms* (UASF), as needed. The survey area and identified resources will be mapped in appropriate ESRI ArcGIS shapefiles, as needed. Upon completion, a draft CRIR will be reviewed and approved by all agency archaeologists prior to Utah SHPO consultation. One approved, the final documents will be submitted as a zipped “SHPO package” file, including SHPO-formatted CRIR, UASF (as needed), GIS shapefiles, and SHPO tabular data spreadsheet (as needed).

A preliminary review of the project area indicates the portion of the project following U.S. Highway 89 (US-89) has been previously surveyed, as well as some narrow surveys within the mouth of the East Fork canyon near US-89. However, these surveys are greater than 10 years old and are no longer meet Section 106 and Utah SHPO standards. Additionally, there are two archaeological sites that fall within the proposed project APE: 42KA4226/4480 historic road (Not Eligible) and 42KA6578 prehistoric lithic scatter (Eligible). Both sites, as well as any new sites, would require a revisit and updated or new documentation and evaluation of effects from the proposed undertaking.

This scope of work and cost estimate do not include any costs for treatment and/or monitoring activities as the level of effort is unknown until after surveys have been completed and the agencies have identified the level of mitigation. Additionally, a paleontological resource (desktop) review and/or resource mitigation efforts are not included as part of this scope of work and cost estimate.

#### Deliverables

- Draft and Final CRIR
- Draft and Final UASF, as needed
- ArcGIS shapefiles, as needed
- Final SHPO package

#### Prerequisites

- APE clearly defined prior to initiating surveys
- Notice to proceed (NTP)

#### Schedule

- The background research review will be initiated, and FWA/permit requests will be prepared within 4 weeks of *Notice to Proceed* (NTP)
- Class III fieldwork will be conducted within 6 weeks of FWA approval
- A Draft CRIR and UASF, as needed, will be prepared within 6 weeks of fieldwork
- A Final CRIR and UASF, as needed will be submitted within 4 weeks of draft approval



## 1.5 Administrative Draft Environmental Assessment

The proposed ROW that will be analyzed by Transcon will include all areas proposed for project-related disturbance, including proposed well sites, new access roads and existing access roads that require improvement. The Administrative Draft EA will be prepared in compliance with BLM procedures and policies regarding NEPA compliance. The Administrative Draft EA will be developed in collaboration with City of Kanab staff to gain an understanding of the project scope of work, construction methods, and APE. Giving a concise overview of the project's resources, the contents will describe the existing conditions; analyze potential environmental impacts from the proposed project; and discuss the purpose and need for the project, location of the project, and examination of environmental resources. One field day for one person is anticipated to document all general environmental resources that would not require specific surveys or technical reporting, including those for biological, aquatic, and visual resources.

If resources are not present or will not be affected by the proposed activity, they will be eliminated from EA evaluation. The Administrative Draft EA will include a prediction of project effects on the environment and a discussion of ways to mitigate significant effects, if any. The EA will be provided to the OWNER for review and comment.

### Deliverable

- Administrative Draft EA (electronic copy)

### Prerequisites

- City of Kanab will need to provide detailed descriptions of all aspects of the project, including:
  - All construction plans (from pre-construction to post-construction)
  - Purpose of and need for the project
  - Any alternatives considered

### Schedule

- The Administrative Draft EA will be completed within four months of the notice to proceed

## 1.6 Draft Environmental Assessment

For the initial round of review, we will provide the OWNER and BLM with a Preliminary Draft EA. Following receipt of the City of Kanab and the BLM's comments on the Preliminary Draft EA, Transcon will incorporate all edits and prepare the Draft EA. This

draft will be circulated for a final review before publishing the Notice of Availability (NOA).

The environmental assessment will be prepared in accordance with the National Environmental Policy Act of 1969, as amended, and in compliance with all applicable regulations and laws passed subsequently, including Council on Environmental Quality (CEQ) regulations, US Department of the Interior requirements, BLM guidelines, Guidelines for Assessing and Documenting Cumulative Impacts (BLM 1994), and Considering Cumulative Effects Under the National Environmental Policy Act (CEQ 1997).

#### Deliverable

- Draft EA (electronic copy)

#### Schedule

- Transcon will produce the Draft EA within two weeks of receipt of the Administrative Draft EA comments

## **1.7 Final Draft Environmental Assessment**

Once final edits and comments are received from BLM on the Draft EA, Transcon will catalog and incorporate all requested changes into the Final Draft EA. We will also draft the Notice of Availability (NOA) for BLM to publish in the Federal Register.

#### Deliverables

- Catalog of comments and responses (administrative record)
- Final Draft EA

#### Schedule

- Transcon will respond to comments and produce the Final Draft EA within two weeks of receipt of comments

Following BLM's review of the Draft EA and incorporation of comments from federal, state, and local agencies and the public, the ENGINEER will work with the OWNER and the BLM to make appropriate edits to the EA. The review – edit process will continue until the EA is approved by the BLM. We will also draft the Notice of Availability (NOA) for BLM to publish in the Federal Register

## **1.8 Final Environmental Assessment / Finding of No Significant Impact**

Following receipt of comments on the Final Draft EA, Transcon will incorporate all revisions into the Final EA. Following BLM concurrence of the responses to comments and approval of revisions, the Final EA will be printed and circulated to interested parties.

Transcon will draft a Finding of No Significant Impact (FONSI) to be included in the Final EA. The availability of the Final EA will be announced in the local newspaper.

#### Deliverables

- Catalog of agency comments and responses (administrative record)
- Final EA and FONSI

#### Schedule

- Comments will be addressed and the Final EA prepared within four weeks of the close of any comment period. With no unanticipated delays, the Final EA and FONSI will be completed within six months of notice to proceed

### **ASSUMPTIONS**

- The proposed project area would include all proposed well sites, improvements to the existing Pumphouse Road and an approximately 1-mile extension of Pumphouse Road.
- BLM will be the lead agency for this project
- Preparation of the draft PAD would be a desktop review only and would not require any field visits and/or surveys to complete
- The final PAD would be the responsibility of the BLM to complete
- No public meetings are expected
- No Environmental Impact Statement is required
- Public scoping activities were not included in this proposal; these costs are dependent on the lead agency's needs, and a cost quote can be drafted following the initial kick-off meeting if needed
- Project Kickoff Meeting could be attended by Transcon virtually
- Project update meetings are anticipated to occur monthly
- Cultural resources
  - A single 4-day field visit is planned, to coincide with favorable weather
  - Up to 4 person-days of survey are planned
  - Up to 5 miles (including well locations) will be evaluated in 15-meter-wide (approximately 50-foot) transects
  - Up to 6 cultural resource sites (including previously recorded/known and newly identified sites) of average size (less than 50 square meters) may be identified and evaluated within the project area

- If additional cultural resources are identified, additional evaluation will be required and will be at additional cost
- Cultural resources will be documented on UASF, in accordance with Utah SHPO guidelines and regulations
- A single CRIR will be prepared for the project; should additional documentation be required, it will be at additional cost
- All Tribal and SHPO consultation will be complete by the lead agency for the project; should support be requested, it will be at additional cost
- Review and analysis of biological and aquatic resources could be captured within the EA and would not require a separate technical report
- No impacts to Waters of the U.S. would occur because of the project
- No USFWS Section 7 consultation would be required
- No Section 404 permitting or USACE consultation would be required
- Analysis of potential impacts to visual resources would be incorporated directly in the EA and no visual resource simulations would be required

## ARTICLE II

### BASIS OF COMPENSATION

The OWNER agrees to pay compensation to the ENGINEER for work performed on the project as specified below:

**2.1 Design Fee.** For all engineering services as outlined in Article 1, "Scope of Work", the ENGINEER shall be compensated the fixed fee of: One Hundred Nine Thousand Two Hundred and Eighty Eight dollars, \$109,288.00 The design fee has been broken down for the different aspects of the project as follows:

#### Design:

2.1.1	Prepare Draft Planning and Documentation (PAD) Form .....	\$5,486.00
2.1.2	Kick-off Meeting and Project Management .....	\$14,335.00
2.1.3	Preliminary Design Survey and Engineering (30% Design) .....	\$24,208.00
2.1.4	Cultural Resources .....	\$19,041.00
2.1.5	Administrative Draft Environmental Assessment .....	\$24,272.00
2.1.6	Draft Environmental Assessment .....	\$8,664.00
2.1.7	Final Draft Environmental Assessment .....	\$8,241.00

2.1.8 Final Environmental Assessment/Finding of No Significant Impact .....\$5,041.00  
Total Fee **\$109,288.00**

**2.2 Additional Services.** Additional work and reproduction expenses will be invoiced per our *Standard Rate Schedule*. No extra work will be performed without the consent of the OWNER.









June 14, 2022

Cody Howick, P.E.  
Civil Science  
1453 S Dixie Drive, Ste 150  
St. George, UT 84770

RE: Kanab City Proposed Well Field

Dear Mr. Howick,

Thank you for the opportunity to provide this Scope of Work and Cost Estimate for the proposed upgrade to the existing municipal water supply system in Kanab City, Utah. I understand that the proposed action would be to drill additional ground water supply wells to supplement the existing well field and municipal water supply. The proposed action is located on land administered by the Bureau of Land Management (BLM); construction of the additional proposed wells would require an amendment to an existing rights-of-way or a new grant from the BLM. All federal actions are required to comply with the National Environmental Policy Act (NEPA), thus it is anticipated that the BLM would require an Environmental Assessment level of NEPA document to analyze the anticipated effects of this proposed action.

We are proficient in NEPA analysis particularly with the BLM requirements. We have completed multiple types of NEPA analysis for the Kanab and St. George Field Office over the past 18+ years. While administrative directives often change some of the analysis requirements, we understand the overall process well. We strive to work with the local BLM specialists and project managers to provide proper documentation without needless time waste on each project. Our goal as a company is to achieve the permits necessary to move the project to the construction phase as rapidly as possible. Unlike many consulting firms, we do not offer additional analysis if it is unnecessary to move the project to construction. We strive to utilize existing data to the extent possible to avoid over analysis beyond the minimum agency requirements.

Table 1, below outlines the anticipated tasks, time line, and projected costs for this project. We have biologists on staff that are US Fish & Wildlife (USFWS) certified to survey for those listed T&E species that may occur within the project vicinity. We do not anticipate any USFWS protocol level survey for federally listed species at this time. Our cost estimate includes a habitat survey for federally listed species. If species-specific survey is required based on available habitat, then we will provide an additional scope of work cost estimate prior to completion of any out of scope work. We also have NEPA specialists on staff that are proficient in the BLM NEPA analysis process. We currently have capacity to initiate this project immediately when contracted.

Please feel free to call me if you have any questions or concerns.

Thank you so much,

A handwritten signature in black ink that reads "Jill Hankins". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Jill Hankins, Principal



Table 1: Anticipated Tasks, timeline, cost estimate.

Timeline	Task	Senior Hours	Rate \$220/hr	Assistant Hours	Rate 150/hr	Overhead 15%	Direct Costs	Total	Comments
Day 1	Contracting	5.00	\$1,100.00	0.00	\$0.00	\$165.00	\$2,800.00	\$4,065.00	
Day 7	Scope of Work	5.00	\$1,100.00	0.00	\$0.00	\$165.00	\$0.00	\$1,265.00	
Day 10	GIS set up	2.00	\$440.00	5.00	\$750.00	\$178.50	\$500.00	\$1,868.50	
Day 10	Project Research	3.00	\$660.00	0.00	\$0.00	\$99.00	\$0.00	\$759.00	
Day 12	RMP Review	8.00	\$1,760.00	0.00	\$0.00	\$264.00	\$0.00	\$2,024.00	
Day 14	Review PAD from Engineers or City	3.00	\$660.00	0.00	\$0.00	\$99.00	\$0.00	\$759.00	
Day 15	Initiate Kick Off Mtg	3.00	\$660.00	0.00	\$0.00	\$99.00	\$0.00	\$759.00	
Day 30	Attend Virtual Kick Off Mtg	4.00	\$880.00	0.00	\$0.00	\$132.00	\$0.00	\$1,012.00	
Day 70	Review IDTeam Checklist	2.00	\$440.00	0.00	\$0.00	\$66.00	\$0.00	\$506.00	
Day 77	Prepare Biological Survey Plan	4.00	\$880.00	0.00	\$0.00	\$132.00	\$0.00	\$1,012.00	
Day 117	General Biological Survey for BLM Sensitive and T&E Species Habitat	0.00	\$0.00	24.00	\$3,600.00	\$540.00	\$400.00	\$4,540.00	
	USFWS Protocol MSO Survey	0.00	\$0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	Possible, Not Anticipated
	USFWS Protocol Endangered Plant Survey	0.00	\$0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	Possible, Not Anticipated
Day 147	Biological Survey Report	6.00	\$1,320.00	32.00	\$4,800.00	\$918.00	\$0.00	\$7,038.00	
Day 147	Cultural Resource Survey & Report	0.00	\$0.00	0.00	\$0.00	\$0.00	\$10,000.00	\$10,000.00	Sub-contracted
Day 77	Draft Ch 1 & 2 for EA	8.00	\$1,760.00	40.00	\$6,000.00	\$1,164.00	\$0.00	\$8,924.00	Compliance with RMP, Purpose and Need Statement
Day 110	Address BLM Comments	16.00	\$3,520.00	4.00	\$600.00	\$618.00	\$0.00	\$4,738.00	
Day 160	Prepare Administrative Draft EA	24.00	\$5,280.00	48.00	\$7,200.00	\$1,872.00	\$0.00	\$14,352.00	Evaluation of no more than 6 Issues. Evaluation of water rights and ground water draw down are not included in this scope of work.
Day 190	Address BLM Comments	4.00	\$880.00	16.00	\$2,400.00	\$492.00	\$0.00	\$3,772.00	
Day 200	Prepare Public Draft EA	8.00	\$1,760.00	16.00	\$2,400.00	\$624.00	\$0.00	\$4,784.00	
Day 240	Evaluate Public Comments	6.00	\$1,320.00	0.00	\$0.00	\$198.00	\$0.00	\$1,518.00	
Day 270	Prepare Final EA	2.00	\$440.00	6.00	\$900.00	\$201.00	\$0.00	\$1,541.00	
	Assist BLM in Decision Doc and FONSI	4.00	\$880.00	0.00	\$0.00	\$132.00	\$0.00	\$1,012.00	
	<b>Total</b>	117.00	\$25,740.00	191.00	\$28,650.00	\$8,158.50	\$13,700.00	\$76,248.50	
	<b>Required Retainer</b>						\$0.10	\$7,624.85	

**Mayor**  
Colten Johnson  
**City Council**  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Kerry Glover



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**City Manager**  
Kyler Ludwig  
**City Attorney**  
Kent Burggraaf  
**City Recorder**  
Celeste Cram  
**City Treasurer**  
Danielle Ramsay

**DATE:** January 24, 2023  
**TO:** Mayor and City Council  
**SUBJECT:** Midterm Vacancy on the City Council  
**PREPARED BY:** City Manager, Kyler Ludwig

---

**Background:**

On January 10, 2023, Councilmember East submitted a letter of resignation to Mayor Johnson. The resignation was effective immediately. The Council is required by state code to fill the vacancy.

**Analysis:**

Prior to filling the position, the Council must give public notice of at least two weeks of the intent to fill the opening. The notice must include the date, time, and location of the meeting where the vacancy will be filled.

The Council recently participated in this process to fill the vacancy left by Celeste Meyeres. It is anticipated that the same process will be followed to fill this vacancy.

**Legal:**

Approved as to form.

**Financial:**

N/A

**Recommendations/Actions:** It is recommended the City Council:

Approve a notice to be sent out to the public notifying them of the vacancy on the City Council.  
Establish a date for interviews- February 28<sup>th</sup> 6:30pm  
Contact – Kyler Ludwig – [kludwig@kanab.utah.gov](mailto:kludwig@kanab.utah.gov)

**Attachments:**

— A Western Classic —

January 11, 2023

Dear Mayor and fellow Council Members:

It has been a pleasure serving alongside each of you over our respective terms on the Kanab City Council. I appreciate each of you tremendously and the perspectives that you bring to the team as we have tried to collectively move Kanab forward for the betterment of all its families.

During the recent city councilor appointment process my heart was warmed by the willingness of so many great candidates eager to serve on Kanab City Council. We are incredibly fortunate to have an awesome appointed councilor in Kerry Glover. He is a great man and will serve Kanab thoughtfully and with the purest of intentions. I believe wholeheartedly that there is more than one other exemplary potential candidate that applied during the appointment process.

With that in mind, please accept my letter of resignation from the Kanab City Council, effective immediately. Again, it has been a pleasure serving with each of you, but it is time for me to instead give 100% of my free time and energy to my family.

Respectfully submitted,

A handwritten signature in blue ink, reading "Michael R. East". The signature is stylized with a large "M" and "E".

Michael R. East

**Mayor**  
**Colten Johnson**  
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**Arlon Chamberlain**  
**Scott Colson**  
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**Kerry Glover**



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**Celeste Cram**  
**City Treasurer**  
**Danielle Ramsay**

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

### **Application to Fill Vacancy on City Council**

I, \_\_\_\_\_, hereby submit my name for consideration by the governing body to fill the vacancy on the Kanab City Council. I understand that if I am selected, I will serve until elected candidates from the 2023 Municipal Election are sworn in on January 9, 2024. I certify that I meet the qualifications set forth in Utah Code Ann. § 10-3-301, which are as follows:

(Please initial)

- \_\_\_\_\_ I am a United States citizen. UCA § 20A-9-201(1)(a).
- \_\_\_\_\_ I am a registered voter in Kanab City. UCA § 20A-9-203(1)(a).
- \_\_\_\_\_ I have resided within the City of Kanab for 12 consecutive months. UCA § 20A-9-203(1)(b)(i).
- \_\_\_\_\_ In accordance with Utah Constitution Article IV, Section 6, I am not mentally incompetent, convicted of a felony, or convicted of treason or a crime against the elective franchise. UCA § 20A-9-203(2)(c).
- \_\_\_\_\_ I agree to maintain my principal place of residence within the City of Kanab during the term of office. UCA § 10-3-301(5)(a)
- \_\_\_\_\_ I agree to not be absent from the City of Kanab for a continuous period of more than 60 days without the consent of the City Council. UCA § 10-3-301(5)(b), (6).

\_\_\_\_\_  
Signature of Applicant

Date and Time Received:  
(City Recorder)

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**City Treasurer**  
Danielle Ramsay

### Mid-term Vacancy Contact Information

Name: \_\_\_\_\_

Preferred Name/Election Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Birth Date (MM/DD/YY) \_\_\_\_\_

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A vacancy on the Kanab City Council was created on January 10, 2023, due to Michael East's resignation from the governing body. Individuals interested in serving the remainder of Michael East's unexpired term should submit their names, in person, to Celeste Cram, City Recorder, at 26 N. 100 E.

Applicants should plan to fill out a brief application and may submit a written statement to the City Council to be considered with the application.

The deadline to apply is \_\_\_\_\_.

The City Council will hold a meeting to select the person to fill the vacancy on \_\_\_\_\_, at 6:30 pm, at the Kanab City Hall located at 26 N. 100 E, Kanab, Utah. Applicants are required to attend this meeting.

Applicants must meet the requirements of candidates set forth in Utah law. These include the following:

- Be a United States citizen. UCA § 20A-9-201(1)(a).
- Be a registered voter in the City of Kanab. UCA § 20A-9-203(1)(a).
- Have resided within the City of Kanab for 12 consecutive months. UCA § 20A-9-203(1)(b)(i).
- In accordance with Utah Constitution Article IV, Section 6, not be mentally incompetent, convicted of a felony, or convicted of treason or a crime against the elective franchise. UCA § 20A-9-203(2)(c).
- Maintain a principal place of residence within the boundaries of Kanab City during the term of office. UCA § 10-3-301(5)(a).
- Not establish a principal place of residence nor reside outside the City for a continuous period of more than 60 days without the consent of the City Council. UCA § 10-3-301(5)(b), (6).

Questions may be directed to Kyler Ludwig at [kludwig@kanab.utah.gov](mailto:kludwig@kanab.utah.gov)

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**Effective 5/9/2017**

**20A-1-510 Midterm vacancies in municipal offices.**

- (1)
- (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality who meets the qualifications for office described in Section 10-3-301 to fill the unexpired term of the vacated office.
  - (b) Before acting to fill the vacancy, the municipal legislative body shall:
    - (i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy;
    - (ii) identify, in the notice:
      - (A) the date, time, and place of the meeting where the vacancy will be filled;
      - (B) the person to whom an individual interested in being appointed to fill the vacancy may submit the interested individual's name for consideration; and
      - (C) the deadline for submitting an interested individual's name; and
    - (iii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
  - (c)
    - (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the day on which the vacancy occurs, the municipal legislative body shall fill the vacancy from among the names that have been submitted.
    - (ii) The two individuals having the highest number of votes of the municipal legislative body after a first vote is taken shall appear before the municipal legislative body and the municipal legislative body shall vote again.
    - (iii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.
- (2)
- (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
    - (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and
    - (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.
  - (b) In appointing an interim replacement, the municipal legislative body shall:
    - (i) comply with the notice requirements of this section; and
    - (ii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
- (3)
- (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:
    - (i) the council may appoint an individual to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and
    - (ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection (1) or (2) to fill the vacancy, the council chair shall serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.
  - (b) While serving as acting mayor under Subsection (3)(a)(ii), the council chair continues to:



- (i) act as a council member; and
- (ii) vote at council meetings.

Amended by Chapter 91, 2017 General Session

**Mayor**  
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**City Council**  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Kerry Glover



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Kent Burggraaf  
**City Recorder**  
Celeste Cram  
**City Treasurer**  
Danielle Ramsay

**DATE:** January 24, 2023  
**TO:** Mayor and City Council  
**SUBJECT:** Museum Items  
**PREPARED BY:** Museum Director, Emily Bentley

---

### **Background:**

The Kanab Museum acquires objects by purchase, contract, gift, bequest, loan, legal field collecting, or other appropriate and ethical means. If an item is acquired as a gift, a Deed of Gift form must be completed by the owner. If an item is acquired by loan, an Incoming Loan must be completed by the owner/loaner. However, historically such documentation was not always required. This has resulted in various objects in the museum collection having no provenance or ownership records.

Of these objects, a small portion of them fall outside the museum's Scope of Collection policy and are therefore recommended for deaccessioning and removal from the collection. The removal of an object is not taken lightly. Before an object can be recommended for deaccessioning and removal it must undergo a complete assessment for significance. This is done using a Significance Assessment document that evaluates significance based on historic, aesthetic, scientific, social, spiritual, provenance, representative, rarity, condition, and interpretive potential to determine if there apparent and/or obscure historical value to an object. For an item to be approved for deaccession, it must also meet the deaccession criteria outlined in the museum's policy and procedures.

On occasion, members of the public may claim ownership of an item in the museum's collection. If the item is documented as being on loan to the museum, the item may be returned to their possession. However, if no clear loan documentation exists, ownership of the item may be disputed and therefore the item cannot be removed from the collection and disposed of by granting it to the claimant.

The museum currently has objects in its collection that have been recommended for deaccessioning and removal. However, because the potential historic value of an object in the museum collection may surpass monetary value, special consideration needs to be given to its potential disposal outside of surplus policies that may only have financial value as a consideration.

The museum also has an object in its possession that a member of the public claims was on loan

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to the museum, but neither the museum nor the claimant has documented provenance indicating this factually. Because this item does not robustly meet all of the Scope of Collection criteria, is not found to be significant to the collection, and because of the personal attachment the claimant has to the object, this object is also recommended for deaccession and removal.

For all of these objects, if an item is disposed of without clear ownership documentation or title in place, the City could potentially be held financially liable for improperly disposing of the property.

Objects recommended for deaccession and removal:

- 1) FIC.636 – Kikkoman Soy Sauce Bottle (1973-1990)
- 2) FIC.323 – Rainbow Brite Doll (1986-1990)
- 3) FIC.10.14.2022 and FIC.9.24.22 – Assorted music cassettes (See attached inventory)
- 4) FIC.8989 – Ziggy Graduation Doll – (1981)
- 5) CTC.R10.B02 – Small plastic doll (c.1975-1985)
- 6) No # attached – Steamer Trunk (This is the item being claimed by a member of the public)

**Analysis:**

Utah State Code 9-8-803 establishes a rebuttable presumption that any repositied materials held by a collecting institution are the property of that collecting institution, despite not having documentation of donation/acquisition. This gives the museum the ability to hold items in its collection despite lack of provenance.

Utah State Code 9-8-805 outlines the legal process that can be taken by collecting institutions to perfect title on an object. Once the city has completed the process of perfecting title, it may take action to dispose of property as outlined in surplus policy or disposal policy that may exist.

All the objects presented in this report have completed this process and as of 1/24/2023 the city has perfected title to establish ownership.

**Legal:**

Legal has assisted in the advertisements to perfect title on these items.

**Financial:**

There is a small cost to publish public notice to perfect title on these items. The advertisements and costs for this item have already been incurred.

**Recommendations/Actions:** It is recommended the City Council:  
Motion to approve Resolution 1-4-23 R, A Resolution Designating Certain Museum Personal Property As Surplus Property.

**Attachments:**

Significance statements/ Inventory of Cassettes  
Scope of Collections  
Deaccession Policy

## **RESOLUTION NO. 1-4-23 R**

### **A RESOLUTION DESIGNATING CERTAIN MUSEUM PERSONAL PROPERTY AS SURPLUS PROPERTY**

**WHEREAS**, Utah Code § 10-3-717 authorizes the City Council to exercise administrative powers by resolution, including regulating municipal property;

**WHEREAS**, Utah Code § 10-8-2 grants municipalities the power to “purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality;”

**WHEREAS**, Kanab City staff has followed the procedures outlined in Utah Code § 9-8-805 for perfecting title in several items of personal property currently held in the Kanab Heritage Museum Collection, including items that are the subject of this resolution;

**WHEREAS**, pursuant to state law, the City desires to declare certain City-owned personal property, held within the museum collection, as surplus, to wit:

1. FIC.636 – Kikkoman Soy Sauce Bottle (1973-1990)
2. FIC.323 – Rainbow Brite Doll (1986-1990)
3. FIC.10.14.2022 and FIC.9.24.22 – Assorted music cassettes
4. FIC.8989 – Ziggy Graduation Doll – (1981)
5. CTC.R10.B02 – Small plastic doll (c.1975-1985)
6. No # attached – Steamer Trunk

**WHEREAS**, the monetary value of items listed is undetermined at this point, and some or all items may have little to no market value;

**WHEREAS**, there is a local resident that is interested in claiming the Steamer Trunk, due to the family connection to the item;

**WHEREAS**, the Kanab City Council met during its regularly scheduled meeting on January 24, 2023; and

**WHEREAS**, the Kanab City Council has determined that the above-stated personal property, is no longer needed by the City, and it is therefore in the best interest of the citizens of Kanab to declare the above stated property as surplus.

**NOW, THEREFORE, BE IT RESOLVED** by the Kanab City Council, hereby declaring as follows:

1. Recitals. The recitals are hereby incorporated by reference.
2. Declaration of Surplus Property. The Kanab City Council hereby declares that City-owned personal property listed herein, currently held in the Kanab Heritage Museum Collection, is surplus property and no longer needed by the City.

3. Authorization to Sell or Otherwise Dispose. City staff is directed to gift the Steamer Trunk to the local resident that has inquired about and requested it, due to its family significance. City staff is further directed to make a reasonable effort to determine the fair market value of the remaining surplus property. Thereafter, staff shall offer the items for sale, using a reasonable method for sale which will result in the best economic return to the City, subject to any prior written agreement related to the surplus real property, if any. If a fair market value is difficult to ascertain or is of de minimis value (e.g., less than \$100.00), then staff may sell, gift, or dispose of the property as reasonably deemed appropriate.

The provisions of this Resolution 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 Resolution or the application in a different circumstance.

This Resolution shall be effective upon passage.

**PASSED AND RESOLVED** this 24th day of January, 2023.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR


\_\_\_\_\_  
RECORDER

**VOTING:**

Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____
Kerry Glover	Yea ____	Nay ____



## Significance Assessment Worksheet

<b>COLLECTION ID #:</b>	CTC.R10.B02		
<b>OBJECT NAME AND PHOTO:</b>	Doll 		
<b>OBJECT CATEGORY / TYPE:</b>	Doll / Plastic		
<b>MUSEUM RECORDS:</b> <i>E.g. Donor / Vendor, Object, Image, Artist/Maker, Owner History, Exhibit Research, Loans</i>			
Comments:	No known records.		
<b>OBJECT LOCATION:</b> <i>Include location, date sighted, person who sighted.</i>			
<b>Current Location:</b>	Museum, Downstairs Archive, West Wall	<b>Date:</b> 1/18/2022	<b>Person:</b> Emily Bentley
<b>PHYSICAL DESCRIPTION:</b>	Dolled with stuffed torso encased with white cotton. Plastic head, arms, and legs. Feet have white painted on shoes. Blue movable eyes with lashes. Yellow yarn hair.		
Inscriptions or Marks:	Attached tag for Applause Toys of Middlesex, New Jersey. Product of Taiwan. Item 8438		
Materials:	Synthetic fibers, chopped nutshell		
Dimensions:	5"w x 8.5"h		
Condition (mark one):	<i>Excellent</i> <i>Good</i> <i>fairX</i> <i>poor</i>		
Is it still in working condition?	Yes.		
Does it show wear, breaks, repairs, alterations, evidence of the way it was used, etc? If Yes, please describe.	Doll has grimy residue on all plastic surfaces.		

<b>MAKER DETAILS:</b>	None		
Name:			
Bio Summary:	<i>Unknown</i>		
Street / Town / Country:			
Where Made:			
When Made:	Exact Date:	Unknown	or Estimated Date or Range:

Comments:	This item has no attached tags or information.
<b>HISTORY OF THIS OBJECT:</b>	This object has no known unique history.
<b>HISTORY OF OBJECTS LIKE THIS (LARGER CULTURAL CONTEXT):</b>	Dolls such as this one were generally produced for children as toys. Modern research indicates that playing with dolls encourages children to talk more about others' thoughts and emotions. The research also suggests that playing imaginary games with dolls could help children develop social skills, theory of mind and empathy. Therefore, Dolls are generally considered important to child growth and development. At the time this doll was produced, traditional gender roles prevailed and dolls were generally considered to be toys for girls.

## SIGNIFICANCE ASSESSMENT CRITERIA QUESTIONS

*Significance assessment is a collaborative process that draws on the knowledge, skills and experience of a range of people, including donors and people in the community knowledgeable about the subject or object. Make sure you consult as widely as possible to fully understand the context, history, and significance of the object, and research more information where relevant. Use the questions to help draw out the precise qualities of the object's significance. One or more criteria may apply and criteria may be inter-related. An object may be highly significant even if only one or two criteria apply. Think of the criteria as a framework to assist you to consider and describe how and why the object is important.*

### Historic Significance:

- **Is it associated with a *particular* person, group, event or activity?**  
Answer: No.
- **What does it tell us about an historic theme or process or pattern of life?**  
Answer: Nothing.
- **How does it contribute to our understanding of a period or place, activity, person or event?**  
Answer: N/A

### Aesthetic Significance:

- **Is it well designed, crafted or made?**  
Answer: No.
- **Is it a good example of a style, design, artistic movement or the artist's work?**  
Answer: No.
- **Is it original or innovative in its design?**  
Answer: No.
- **Is it beautiful?**  
Answer: No.

### Scientific Significance:

- **Do researchers have an active interest in studying the object today, or will they want to in the future?**  
Answer: No.
- **If Yes, how is it of interest or value for science or research today or in the future?**  
Answer:
- **If Yes, what things in particular constitute its scientific or research interest and research value?**  
Answer:

<p><b>Social / Spiritual Significance:</b></p> <p><i>Note: Social or spiritual significance only collections where there is a demonstrated contemporary attachment between the object and community. Items of social history interest are of historic significance. If the object has spiritual or social significance this needs to be demonstrated through consultation with the community or group.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is the object of particular value to an ethnic or cultural community or group today? Why is it important to them?</b> Answer: No.</li> <li>▪ <b>If Yes, how is this demonstrated? Is the object kept in the public eye? Is its meaning kept alive for the group (eg by being used in an annual a parade or ceremonies, or by maintaining traditional practices surrounding the object)?</b> Answer:</li> <li>▪ <b>Has the Museum consulted the community about its importance for them?</b> Answer: N/A</li> <li>▪ <b>Is the object or collection of spiritual significance for a particular group?</b> Answer: N/A</li> <li>▪ <b>Is this spiritual significance found in the present?</b> Answer: N/A</li> </ul>
<p><b>Provenance:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Who owned, used or made the object?</b> Answer: Unknown. There is no record of how this item came to be in the museum.</li> <li>▪ <b>Where and how was it used?</b> Answer: Unknown.</li> <li>▪ <b>Is its place, or origin, well documented?</b> Answer: No.</li> </ul>
<p><b>Representativeness / Rarity:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it a good example of its type or class?</b> Answer: No.</li> <li>▪ <b>Is it typical or characteristic?</b> Answer: Typical.</li> <li>▪ <b>Is it unusual or a particularly fine example of its type?</b> Answer: No.</li> <li>▪ <b>Is it singular, or unique?</b> Answer: No, items such as these were typically massed produced.</li> <li>▪ <b>Is it particularly well documented for its class or group?</b> Answer: Because there is no provenance, there is nothing that distinguishes this item from others of its type.</li> <li>▪ <b>Does it have special qualities that distinguish it from other objects in the class or category?</b> Answer: No.</li> </ul>

<p><b>Condition, intactness or integrity:</b></p> <p><i>NOTE: In general, an object in original condition is generally more significant than one that has been restored.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it in unusually good condition for its type?</b> Answer: No.</li> <li>▪ <b>Is it unusually intact or complete?</b> Answer: No.</li> </ul>
<p><b>Interpretive potential</b></p> <p><i>NOTE: The Kanab Museums mission is to preserves\ and promote the heritage of the Kanab region from the time of its earliest inhabitants, by collecting relevant artifacts and presenting an educational, interpretive museum experience to the community and its visitors.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Does it help the museum tell a story?</b> Answer: Could be used to discuss child development, the evolution of toys as compared to the toys of earlier children.</li> <li>▪ <b>Can you learn something about the object's wider context and associations, or about its materials, design and function?</b> Answer: No.</li> <li>▪ <b>How is it relevant to the museum's purpose, collection policy and exhibition program?</b> Answer: No.</li> <li>▪ <b>Does it represent an opportunity to use some different interpretation strategies?</b> Answer: This item could be used for training purposes to help new staff understand the Scope of Collections for the museum and for training on creative interpretation.</li> <li>▪ <b>Is there anything else in the collection that can tell the same story?</b> Answer: Yes.</li> </ul>
<p><b>Significance Summary Statement:</b></p> <p><i>NOTE: A significance summary statement is a reasoned assessment of the meaning and importance of an object. It is more than a description of what the object looks like. A statement of significance summarizes <b>how</b> and <b>why</b> the object is important. A significance summary statement is not set in stone and may change over time.</i></p>	<p>Because this item has no unique history, it lacks significance to support the scope of collections for the museum and for our mission statement in ways that could not be adequately be done so by other objects in the collection.</p>
<p><b>CITE SOURCES OF INFORMATION USED TO CATALOG &amp; ASSESS OBJECT:</b></p>	<p><a href="https://www.theguardian.com/society/2022/feb/06/playing-dolls-helps-children-talk-about-how-others-feel-study#:~:text=Playing%20with%20dolls%20encourages%20children,theory%20of%20mind%20and%20empathy">https://www.theguardian.com/society/2022/feb/06/playing-dolls-helps-children-talk-about-how-others-feel-study#:~:text=Playing%20with%20dolls%20encourages%20children,theory%20of%20mind%20and%20empathy</a>  <a href="https://blog.frontiersin.org/2020/10/01/human-neuroscience-child-play-dolls-cognitive-social-benefits-children/">https://blog.frontiersin.org/2020/10/01/human-neuroscience-child-play-dolls-cognitive-social-benefits-children/</a></p>



<b>CONTRIBUTORS:</b>	Emily Bentley
<b>DATE OF RESEARCH:</b>	1/18/2023

### Significance Assessment Worksheet

<b>COLLECTION ID #:</b>	FIC.10.14.2022 and FIC.9.24.22		
<b>OBJECT NAME AND PHOTO:</b>	32 select Musical Cassette Tapes		
<b>OBJECT CATEGORY / TYPE:</b>	Media / cassette/ music/ audio		
<b>MUSEUM RECORDS:</b> <i>E.g. Donor / Vendor, Object, Image, Artist/Maker, Owner History, Exhibit Research, Loans</i>			
Comments:	No known records		
<b>OBJECT LOCATION:</b> <i>Include location, date sighted, person who sighted.</i>			
<b>Current Location:</b>	Museum Downstairs Archive	<b>Date:</b> 1/19/2022	<b>Person:</b> EB
<b>PHYSICAL DESCRIPTION:</b>	32 various audio cassette tapes. Some in original cases, many cases broken.		
Inscriptions or Marks:	Each tape is printed with the specific recording and artist.		
Materials:	Plastic, paper, polyester-type plastic film (magnetic tape).		
Dimensions:	4"L x 2.5"H x .5"W		
Condition (mark one):	<i>Excellent</i> <i>Good</i> <i>fair</i> X <i>poor</i> X		
Is it still in working condition?	<i>Unknown</i>		
Does it show wear, breaks, repairs, alterations, evidence of the way it was used, etc? If Yes, please describe.	Many cassettes show signs of use and wear. Many cases broken and many are missing cases.		

<b>MAKER DETAILS:</b>	N/A or unknown		
Name:			
Bio Summary:			
Street / Town / Country:			
Where Made:			
When Made:	Exact Date:		or Estimated Date or Range: 1979 -2001
Comments:			

<b>HISTORY OF THIS OBJECT:</b>	Unknown
<b>HISTORY OF OBJECTS LIKE THIS (LARGER CULTURAL CONTEXT):</b>	<p>Tape cassettes or audio cassettes are an analog magnetic tape recording format for audio recording and playback. Invented by Lou Ottens and his team at the Dutch company Philips in 1963, Compact Cassettes come in two forms, either already containing content as a prerecorded cassette or as a fully recordable "blank" cassette. (All the tapes evaluated in the assessment are prerecorded with music from various artists.) Both forms have two sides and are reversible by the user.</p> <p>They are primarily used as a portable audio device. The Compact Cassette technology was originally designed for dictation machines, but improvements in fidelity led to it supplanting the stereo 8-track cartridge and reel-to-reel tape recording in most non-professional audio applications by the mid-1970s. It became an extremely popular format for prerecorded music, first alongside the LP record and later the digital compact disc. The CD format eventually caused prerecorded cassettes to fade into obscurity by the mid-1990s in many countries, but it continued to be popular well into the 2000s in some other countries as well as for home recording purposes.</p>

## SIGNIFICANCE ASSESSMENT CRITERIA QUESTIONS

*Significance assessment is a collaborative process that draws on the knowledge, skills and experience of a range of people, including donors and people in the community knowledgeable about the subject or object. Make sure you consult as widely as possible to fully understand the context, history, and significance of the object, and research more information where relevant. Use the questions to help draw out the precise qualities of the object's significance. One or more criteria may apply and criteria may be inter-related. An object may be highly significant even if only one or two criteria apply. Think of the criteria as a framework to assist you to consider and describe how and why the object is important.*


<b>Historic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it associated with a <i>particular</i> person, group, event or activity?</b> Answer: No</li> <li>▪ <b>What does it tell us about an historic theme or process or pattern of life?</b> Answer:</li> <li>▪ <b>How does it contribute to our understanding of a period or place, activity, person or event?</b> Answer: Provides information to the music genres and artists of the 20<sup>th</sup> century.</li> </ul>
<b>Aesthetic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it well designed, crafted or made?</b> Answer: No.</li> <li>▪ <b>Is it a good example of a style, design, artistic movement or the artist's work?</b> Answer: N/A</li> <li>▪ <b>Is it original or innovative in its design?</b> Answer: No</li> <li>▪ <b>Is it beautiful?</b> Answer: No</li> </ul>
<b>Scientific Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Do researchers have an active interest in studying the object today, or will they want to in the future?</b> Answer: No.</li> <li>▪ <b>If Yes, how is it of interest or value for science or research today or in the future?</b> Answer:</li> <li>▪ <b>If Yes, what things in particular constitute its scientific or research interest and research value?</b> Answer:</li> </ul>

<p><b>Social / Spiritual Significance:</b></p> <p><i>Note: Social or spiritual significance only collections where there is a demonstrated contemporary attachment between the object and community. Items of social history interest are of historic significance. If the object has spiritual or social significance this needs to be demonstrated through consultation with the community or group.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is the object of particular value to an ethnic or cultural community or group today? Why is it important to them?</b> Answer: No</li> <li>▪ <b>If Yes, how is this demonstrated? Is the object kept in the public eye? Is its meaning kept alive for the group (eg by being used in an annual a parade or ceremonies, or by maintaining traditional practices surrounding the object)?</b> Answer:</li> <li>▪ <b>Has the Museum consulted the community about its importance for them?</b> Answer:</li> <li>▪ <b>Is the object or collection of spiritual significance for a particular group?</b> Answer:</li> <li>▪ <b>Is this spiritual significance found in the present?</b> Answer:</li> </ul>
<p><b>Provenance:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Who owned, used or made the object?</b> Answer: Unknown</li> <li>▪ <b>Where and how was it used?</b> Answer: No specific information exist. But logic indicates they were used for listening to music from the 1990's-2000's</li> <li>▪ <b>Is its place, or origin, well documented?</b> Answer: No.</li> </ul>
<p><b>Representativeness / Rarity:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it a good example of its type or class?</b> Answer: No.</li> <li>▪ <b>Is it typical or characteristic?</b> Answer: Typical.</li> <li>▪ <b>Is it unusual or a particularly fine example of its type?</b> Answer: No</li> <li>▪ <b>Is it singular, or unique?</b> Answer: No. These items were massed produced.</li> <li>▪ <b>Is it particularly well documented for its class or group?</b> Answer: No</li> <li>▪ <b>Does it have special qualities that distinguish it from other objects in the class or category?</b> Answer: No</li> </ul>

<b>Condition, intactness or integrity:</b>  <i>NOTE: In general, an object in original condition is generally more significant than one that has been restored.</i>	<ul style="list-style-type: none"> <li>▪ <b>Is it in unusually good condition for its type?</b> Answer: No</li> <li>▪ <b>Is it unusually intact or complete?</b> Answer: No</li> </ul>
<b>Interpretive potential</b>  <i>NOTE: The Kanab Museum's mission is to preserve and promote the heritage of the Kanab region from the time of its earliest inhabitants, by collecting relevant artifacts and presenting an educational, interpretive museum experience to the community and its visitors.</i>	<ul style="list-style-type: none"> <li>▪ <b>Does it help the museum tell a story? If so, what?</b> Answer: No</li> <li>▪ <b>Can you learn something about the object's wider context and associations, or about its materials, design and function? If yes, Explain.</b> Answer: The tapes may provide information regarding data and music storage to younger generations that have not seen or used an audio cassette. They tapes also speak to the rapid development of technology that leads to out-dated media.</li> <li>▪ <b>How is it relevant to the museum's purpose, collection policy and exhibition program?</b> Answer: They are not.</li> <li>▪ <b>Does it represent an opportunity to use some different interpretation strategies? Explain.</b> Answer: No.</li> <li>▪ <b>Is there anything else in the collection that can tell the same story?</b> Answer: N/A</li> </ul>
<b>Significance Summary Statement:</b>  <i>NOTE: A significance summary statement is a reasoned assessment of the meaning and importance of an object. It is more than a description of what the object looks like. A statement of significance summarizes <b>how</b> and <b>why</b> the object is important. A significance summary statement is not set in stone and may change over time.</i>	<p>Due to the mass production of these cassettes and having no documented provenance, these items are not seen as having significance to the museum collection nor do they help to tell a story that cannot be told using other items in the collection.</p>
<b>CITE SOURCES OF INFORMATION USED TO CATALOG &amp; ASSESS OBJECT:</b>	<a href="https://obsoletemedias.org/compact-cassette/">https://obsoletemedias.org/compact-cassette/</a> <a href="https://www.theregister.com/2013/08/30/50_years_of_the_compact_cassette/">https://www.theregister.com/2013/08/30/50_years_of_the_compact_cassette/</a> <a href="http://news.bbc.co.uk/2/hi/technology/4099904.stm">http://news.bbc.co.uk/2/hi/technology/4099904.stm</a> <a href="https://en.wikipedia.org/wiki/Cassette_tape">https://en.wikipedia.org/wiki/Cassette_tape</a>
<b>CONTRIBUTORS:</b>	EB
<b>DATE OF RESEARCH:</b>	Completed: 1/19/2023



## Significance Assessment Worksheet

<b>COLLECTION ID #:</b>	FIC.323		
<b>OBJECT NAME AND PHOTO:</b>	Doll  		
<b>OBJECT CATEGORY / TYPE:</b>			
<b>MUSEUM RECORDS:</b> <i>E.g. Donor / Vendor, Object, Image, Artist/Maker, Owner History, Exhibit Research, Loans</i>			
Comments:	No records. Found in collection		
<b>OBJECT LOCATION:</b> <i>Include location, date sighted, person who sighted.</i>			
<b>Current Location:</b>	Museum, Downstairs Archive, West wall	<b>Date:</b> 12/15/2022	<b>Person:</b> EB
<b>PHYSICAL DESCRIPTION:</b>	Rainbow Brite doll. Orange yarn hair. Plastic head with soft body. Removable dress. Boots and sleeves stitched to doll.		
Inscriptions or Marks:	Tag on back.		
Materials:	Polyester fibers, polyurethane foam		
Dimensions:			
Condition (mark one):	<i>Excellent</i> <i>Good</i> <i>fair</i> <i>Poor X</i>		
Is it still in working condition?	Yes.		
Does it show wear, breaks, repairs, alterations or evidence of the way it was used? If Yes, please describe.	Yes. Stitching on boots is coming apart. Has marks (from crayon or marker) and discoloration across face. Dirt is present on various parts of body.		

<b>MAKER DETAILS:</b>				
Name:	Emotions. Division of Mattel Toys. Hallmark Cards.			
Bio Summary:				
Street / Town / Country:				
Where Made:	Hong Kong			
When Made:	Exact Date:		or Estimated Date or Range:	1986-1990

Comments:	These dates were chosen because of the date listed on the tag and research into when they were made. The ones with these feet were not made until then.
<b>HISTORY OF THIS OBJECT:</b>	Unknown.
<b>HISTORY OF OBJECTS LIKE THIS (LARGER CULTURAL CONTEXT):</b>	In 1983 Mattel got the license to create the Rainbow Brite dolls from Hallmark. Each doll had a plush body, cloths, and a hand sprite. These dolls were produced as children's toys in conjunction with a cartoon television program.

## SIGNIFICANCE ASSESSMENT CRITERIA QUESTIONS


*Significance assessment is a collaborative process that draws on the knowledge, skills and experience of a range of people, including donors and people in the community knowledgeable about the subject or object. Make sure you consult as widely as possible to fully understand the context, history, and significance of the object, and research more information where relevant. Use the questions to help draw out the precise qualities of the object's significance. One or more criteria may apply and criteria may be inter-related. An object may be highly significant even if only one or two criteria apply. Think of the criteria as a framework to assist you to consider and describe how and why the object is important.*

<b>Historic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it associated with a <i>particular</i> person, group, event or activity?</b> Answer: Associated with children born in the 1980's.</li> <li>▪ <b>What does it tell us about an historic theme or process or pattern of life?</b> Answer: Marketing through a television program works.</li> <li>▪ <b>How does it contribute to our understanding of a period or place, activity, person or event?</b> Answer: No</li> </ul>
<b>Aesthetic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it well designed, crafted or made?</b> Answer: No.</li> <li>▪ <b>Is it a good example of a style, design, artistic movement or the artist's work?</b> Answer: N/A</li> <li>▪ <b>Is it original or innovative in its design?</b> Answer: No.</li> <li>▪ <b>Is it beautiful?</b> Answer: No.</li> </ul>
<b>Scientific Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Do researchers have an active interest in studying the object today, or will they want to in the future?</b> Answer: No.</li> <li>▪ <b>If Yes, how is it of interest or value for science or research today or in the future?</b> Answer:</li> <li>▪ <b>If Yes, what things in particular constitute its scientific or research interest and research value?</b> Answer:</li> </ul>

<p><b>Social / Spiritual Significance:</b></p> <p><i>Note: Social or spiritual significance only collections where there is a demonstrated contemporary attachment between the object and community. Items of social history interest are of historic significance. If the object has spiritual or social significance this needs to be demonstrated through consultation with the community or group.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is the object of particular value to an ethnic or cultural community or group today? Why is it important to them?</b> Answer: No.</li> <li>▪ <b>If Yes, how is this demonstrated? Is the object kept in the public eye? Is its meaning kept alive for the group (eg by being used in an annual a parade or ceremonies, or by maintaining traditional practices surrounding the object)?</b> Answer:</li> <li>▪ <b>Has the Museum consulted the community about its importance for them?</b> Answer:</li> <li>▪ <b>Is the object or collection of spiritual significance for a particular group?</b> Answer:</li> <li>▪ <b>Is this spiritual significance found in the present?</b> Answer:</li> </ul>
<p><b>Provenance:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Who owned, used or made the object?</b> Answer: Unknown</li> <li>▪ <b>Where and how was it used?</b> Answer: Childs toy during the 1980's.</li> <li>▪ <b>Is its place, or origin, well documented?</b> Answer: No.</li> </ul>
<p><b>Representativeness / Rarity:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it a good example of its type or class?</b> Answer: No.</li> <li>▪ <b>Is it typical or characteristic?</b> Answer: Typical</li> <li>▪ <b>Is it unusual or a particularly fine example of its type?</b> Answer: No.</li> <li>▪ <b>Is it singular, or unique?</b> Answer: No.</li> <li>▪ <b>Is it particularly well documented for its class or group?</b> Answer: No.</li> <li>▪ <b>Does it have special qualities that distinguish it from other objects in the class or category?</b> Answer: No.</li> </ul>

<p><b>Condition, intactness or integrity:</b></p> <p><i>NOTE: In general, an object in original condition is generally more significant than one that has been restored.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it in unusually good condition for its type?</b> Answer: No.</li> <li>▪ <b>Is it unusually intact or complete?</b> Answer: No.</li> </ul>
<p><b>Interpretive potential</b></p> <p><i>NOTE: The Kanab Museum's mission is to preserve and promote the heritage of the Kanab region from the time of its earliest inhabitants, by collecting relevant artifacts and presenting an educational, interpretive museum experience to the community and its visitors.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Does it help the museum tell a story? If so, what?</b> Answer: No.</li> <li>▪ <b>Can you learn something about the object's wider context and associations, or about its materials, design and function? If yes, Explain.</b> Answer: No.</li> <li>▪ <b>How is it relevant to the museum's purpose, collection policy and exhibition program?</b> Answer: Because we cannot identify who this belonged to, there is no way to connect it to local history.</li> <li>▪ <b>Does it represent an opportunity to use some different interpretation strategies? Explain.</b> Answer: Could be used to show child toy development over time.</li> <li>▪ <b>Is there anything else in the collection that can tell the same story?</b> Answer: Yes.</li> </ul>
<p><b>Significance Summary Statement:</b></p> <p><i>NOTE: A significance summary statement is a reasoned assessment of the meaning and importance of an object. It is more than a description of what the object looks like. A statement of significance summarizes <b>how</b> and <b>why</b> the object is important. A significance summary statement is not set in stone and may change over time.</i></p>	<p>Because this item was mass produced and has no unique history, it lacks significance to support the scope of collections for the museum and for our mission statement in ways that could not be adequately be done so by other objects in the collection.</p>
<p><b>CITE SOURCES OF INFORMATION USED TO CATALOG &amp; ASSESS OBJECT:</b></p>	<p><a href="http://wharble.com/Rainbow_Brite_Dolls.htm">http://wharble.com/Rainbow_Brite_Dolls.htm</a>  <a href="https://wiki.rainbowbrite.co.uk/index.php5/Rainbow_Brite_Dolls">https://wiki.rainbowbrite.co.uk/index.php5/Rainbow_Brite_Dolls</a></p>
<p><b>CONTRIBUTORS:</b></p>	<p>Emily Bentley</p>
<p><b>DATE OF RESEARCH:</b></p>	<p>12/15/2022</p>

## Significance Assessment Worksheet

<b>COLLECTION ID #:</b>	FIC.636		
<b>OBJECT NAME AND PHOTO:</b>	Bottle 		
<b>OBJECT CATEGORY / TYPE:</b>	Container, Food / Glassware		
<b>MUSEUM RECORDS:</b> <i>E.g. Donor / Vendor, Object, Image, Artist/Maker, Owner History, Exhibit Research, Loans</i>			
Comments:	No known records.		
<b>OBJECT LOCATION:</b> <i>Include location, date sighted, person who sighted.</i>			
<b>Current Location:</b>	Museum, Downstairs Archive, West Wall	<b>Date:</b> 12/14/2022	<b>Person:</b> Emily Bentley
<b>PHYSICAL DESCRIPTION:</b>	Glass bottle with red plastic screw on cap. Front and back label intact. There is a residue of some kind on the top of the cap and on the bottle covering the full circumference near where the neck begins to taper from the body.		
Inscriptions or Marks:	On bottom of bottle: PI 81 23 CHK. Label has a recipe for Quick BBQ Burgers.		
Materials:	Glass, plastic, paper, unknown adhesive		
Dimensions:	2"w x 7"h		
Condition (mark one):	<i>Excellent</i> <i>Good X</i> <i>fair</i> <i>poor</i>		
Is it still in working condition?	Yes.		
Does it show breaks, repairs, alterations or evidence of the way it was used? If Yes, please describe.	No.		

<b>MAKER DETAILS:</b>	
Name:	Kikkoman Foods, Inc
Bio Summary:	<p>During the 100 years from the mid-17th century to the mid-18th century, the soy sauce industry flourished, centered around the <i>Mogi</i> and <i>Takanashi</i> Families, near the present day city of <i>Noda</i> in <i>Chiba</i> Prefecture. It was during this period that Kikkoman Soy Sauce also was born. It was mainly in order to ship soy sauce to <i>Edo</i> that several soy sauce brewers organized an association. By the mid-19th century, <i>Noda</i> was the largest soy sauce producer in the <i>Kanto</i> region.</p> <p>In 1917, the <i>Mogi</i>, <i>Takanashi</i> and <i>Horikiri</i> families merged their businesses to form Noda Shoyu Co., Ltd. Then in 1964, Noda Shoyu Co., Ltd. changed its corporate name to Kikkoman Shoyu Co., Ltd. This trade name was altered in 1980 to the company's current name: Kikkoman Corporation.</p>
Street / Town / Country:	Walworth, WI 53184
Where Made:	Kikkoman Factory (opened in 1973)



When Made:	Exact Date:		or Estimated Date or Range:	1973-1990AD
Comments:				
<b>HISTORY OF THIS OBJECT:</b>	This object has no unique history.			
<b>HISTORY OF OBJECTS LIKE THIS (LARGER CULTURAL CONTEXT):</b>	This object was mass produced by the Kikkoman Foods company. While soy sauce was popular for centuries, it was after the Second World War that Kikkoman's overseas business significantly expanded.			

## SIGNIFICANCE ASSESSMENT CRITERIA QUESTIONS


*Significance assessment is a collaborative process that draws on the knowledge, skills and experience of a range of people, including donors and people in the community knowledgeable about the subject or object. Make sure you consult as widely as possible to fully understand the context, history, and significance of the object, and research more information where relevant. Use the questions to help draw out the precise qualities of the object's significance. One or more criteria may apply and criteria may be inter-related. An object may be highly significant even if only one or two criteria apply. Think of the criteria as a framework to assist you to consider and describe how and why the object is important.*

<b>Historic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it associated with a <i>particular</i> person, group, event or activity?</b> Answer: No.</li> <li>▪ <b>What does it tell us about an historic theme or process or pattern of life?</b> Answer: Nothing.</li> <li>▪ <b>How does it contribute to our understanding of a period or place, activity, person or event?</b> Answer: Because this object became popular in American post WW2, it could be suggested that it was something many soldiers serving abroad had become familiar with during while serving overseas.</li> </ul>
<b>Aesthetic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it well designed, crafted or made?</b> Answer: It is standard in form for objects of this type.</li> <li>▪ <b>Is it a good example of a style, design, artistic movement or the artist's work?</b> Answer: No.</li> <li>▪ <b>Is it original or innovative in its design?</b> Answer: This design was used for an extended period of time.</li> <li>▪ <b>Is it beautiful?</b> Answer: No.</li> </ul>
<b>Scientific Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Do researchers have an active interest in studying the object today, or will they want to in the future?</b> Answer: No and it is unlikely.</li> <li>▪ <b>If Yes, how is it of interest or value for science or research today or in the future?</b> Answer:</li> <li>▪ <b>If Yes, what things in particular constitute its scientific or research interest and research value?</b> Answer:</li> </ul>

<p><b>Social / Spiritual Significance:</b></p> <p><i>Note: Social or spiritual significance only collections where there is a demonstrated contemporary attachment between the object and community. Items of social history interest are of historic significance. If the object has spiritual or social significance this needs to be demonstrated through consultation with the community or group.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is the object of particular value to an ethnic or cultural community or group today? Why is it important to them?</b> Answer: No.</li> <li>▪ <b>If Yes, how is this demonstrated? Is the object kept in the public eye? Is its meaning kept alive for the group (eg by being used in an annual a parade or ceremonies, or by maintaining traditional practices surrounding the object)?</b> Answer:</li> <li>▪ <b>Has the Museum consulted the community about its importance for them?</b> Answer: N/A</li> <li>▪ <b>Is the object or collection of spiritual significance for a particular group?</b> Answer: N/A</li> <li>▪ <b>Is this spiritual significance found in the present?</b> Answer: N/A</li> </ul>
<p><b>Provenance:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Who owned, used or made the object?</b> Answer: Unknown. There is no record of how this item came to be in the museum.</li> <li>▪ <b>Where and how was it used?</b> Answer: Unknown.</li> <li>▪ <b>Is its place, or origin, well documented?</b> Answer: No.</li> </ul>
<p><b>Representativeness / Rarity:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it a good example of its type or class?</b> Answer: No. Considering this item is not unique, the residue on the exterior of the bottle is significantly more that other items of its type.</li> <li>▪ <b>Is it typical or characteristic?</b> Answer: Typical.</li> <li>▪ <b>Is it unusual or a particularly fine example of its type?</b> Answer: No.</li> <li>▪ <b>Is it singular, or unique?</b> Answer: No, this item was mass produced for decades.</li> <li>▪ <b>Is it particularly well documented for its class or group?</b> Answer: Because there is no provenance, there is nothing that distinguishes this item from others of its type.</li> <li>▪ <b>Does it have special qualities that distinguish it from other objects in the class or category?</b> Answer: No.</li> </ul>

<p><b>Condition, intactness or integrity:</b></p> <p><i>NOTE: In general, an object in original condition is generally more significant than one that has been restored.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it in unusually good condition for its type?</b> Answer: No.</li> <li>▪ <b>Is it unusually intact or complete?</b> Answer: No.</li> </ul>
<p><b>Interpretive potential</b></p> <p><i>NOTE: The Kanab Museums mission is to preserves\ and promote the heritage of the Kanab region from the time of its earliest inhabitants, by collecting relevant artifacts and presenting an educational, interpretive museum experience to the community and its visitors.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Does it help the museum tell a story?</b> Answer: No.</li> <li>▪ <b>Can you learn something about the object's wider context and associations, or about its materials, design and function?</b> Answer: No.</li> <li>▪ <b>How is it relevant to the museum's purpose, collection policy and exhibition program?</b> Answer: No.</li> <li>▪ <b>Does it represent an opportunity to use some different interpretation strategies?</b> Answer: This item could be used for training purposes to help new staff understand the Scope of Collections for the museum and for training on creative interpretation.</li> <li>▪ <b>Is there anything else in the collection that can tell the same story?</b> Answer: Yes.</li> </ul>
<p><b>Significance Summary Statement:</b></p> <p><i>NOTE: A significance summary statement is a reasoned assessment of the meaning and importance of an object. It is more than a description of what the object looks like. A statement of significance summarizes <b>how</b> and <b>why</b> the object is important. A significance summary statement is not set in stone and may change over time.</i></p>	<p>Because this item was mass produced and has no unique history, it lacks significance to support the scope of collections for the museum and for our mission statement in ways that could not be adequately be done so by other objects in the collection.</p>
<p><b>CITE SOURCES OF INFORMATION USED TO CATALOG &amp; ASSESS OBJECT:</b></p>	<p><a href="https://www.kikkoman.com/en/shokuiku/soysaucemuseum/history/index_en.html">https://www.kikkoman.com/en/shokuiku/soysaucemuseum/history/index_en.html</a>  <a href="https://en.wikipedia.org/wiki/Kikkoman">https://en.wikipedia.org/wiki/Kikkoman</a></p>
<p><b>CONTRIBUTORS:</b></p>	<p>Emily Bentley</p>
<p><b>DATE OF RESEARCH:</b></p>	<p>9/30/2020</p>

## Significance Assessment Worksheet

<b>COLLECTION ID #:</b>	FIC.8989
<b>OBJECT NAME AND PHOTO:</b>	Doll  
<b>OBJECT CATEGORY / TYPE:</b>	Doll / Plush

**MUSEUM RECORDS:** *E.g. Donor / Vendor, Object, Image, Artist/Maker, Owner History, Exhibit Research, Loans*

Comments:	No known records.
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**OBJECT LOCATION:** *Include location, date sighted, person who sighted.*

<b>Current Location:</b>	Museum, Downstairs Archive, West Wall	<b>Date:</b> 1/18/2022	<b>Person:</b> Emily Bentley
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<b>PHYSICAL DESCRIPTION:</b>	Graduation themed Ziggy Doll. Light colored felt doll in blue non-detachable graduation gown and blue rubber square mortarboard style hat (detachable, but stitched to head) and blue tassel. Has You Done Good! across front of shirt.
Inscriptions or Marks:	Attached tag for Applause Toys of Middlesex, New Jersey. Product of Taiwan. Item 8438
Materials:	Synthetic fibers, chopped nutshell
Dimensions:	5"w x 8.5"h
Condition (mark one):	<i>Excellent</i> <i>Good</i> <i>fairX</i> <i>poor</i>
Is it still in working condition?	Yes.
Does it show wear, breaks, repairs, alterations, evidence of the way it was used, etc? If Yes, please describe.	Shows sign of light damage (fading) and some chemical interaction resulting in "bleached" spots.

<b>MAKER DETAILS:</b>	
Name:	Applause Toys

Bio Summary:	<p><i>Ziggy</i> is an American cartoon series about an eponymous character who suffers an endless stream of misfortunes and sad but sympathetic daily events. It was created by <a href="#">Tom Wilson</a>, a former <a href="#">American Greetings</a> executive, and distributed by <a href="#">Andrews McMeel Syndication</a>. In 1987, his son Tom Wilson II took over writing and drawing the comic strip.</p> <p><i>Ziggy</i> is also notable for the high amount of merchandise and promotional material with his likeness on it. There have been annual calendars produced throughout the years, as well as various <a href="#">greeting cards</a>, books, dozens of plush dolls, collectibles, holiday-themed toys, promotional items, placemats, Christmas ornaments, messenger bags, pillowcases, brooches, posters, coffee mugs, lunchboxes, and cake tins, among a vast number of others.</p> <p>Applause Toy Company, originally known as The Wallace Berrie Company, was founded in 1966. By 1979, the company obtained the rights to <i>The Smurfs</i> and released figurines for \$1.50. Those toys became some of the bestselling toys of the 1980s. During that time, the company acquired the Applause division from Knickerbocker Toys. Which came with the licenses to Disney, <i>Sesame Street</i>, and Raggedy Ann and Andy. The company officially changed the name to Applause Inc. and began releasing California Raisins merchandise. It would later go on to produce various <i>Batman</i> figures and dolls, as well as the Magic Trolls Babies toy line.</p> <p>Through 1991 to 1995, the company focused their efforts on classic entertainment event properties, such as <i>The Lion King</i>, <i>The Flintstones</i>, <i>Pocahontas</i>, <i>Little Mermaid</i>, <i>Star Trek</i>, and <i>Star Wars</i>. It was also during this period that the company obtained the licensed rights to the <i>Looney Tunes</i> characters. After acquiring the company, Dakin Inc., the business was able to further their stuffed animal division. Applause later created a Strategic Alliances Group to oversee products for food-related programs, including Taco Bell, KFC, Kellogg's, General Mills, and Pillsbury.</p> <p>The Applause Company became defunct in 2004.</p>			
Street / Town / Country:	Taiwan			
Where Made:	Unknown			
When Made:	Exact Date:	1981AD	or Estimated Date or Range:	
Comments:				
<b>HISTORY OF THIS OBJECT:</b>	This object has no known unique history.			
<b>HISTORY OF OBJECTS LIKE THIS (LARGER CULTURAL CONTEXT):</b>	This object was mass produced by Applause Toys company as part of a larger <i>Ziggy</i> merchandise campaign Throughout the 1980's.			





## SIGNIFICANCE ASSESSMENT CRITERIA QUESTIONS

*Significance assessment is a collaborative process that draws on the knowledge, skills and experience of a range of people, including donors and people in the community knowledgeable about the subject or object. Make sure you consult as widely as possible to fully understand the context, history, and significance of the object, and research more information where relevant. Use the questions to help draw out the precise qualities of the object's significance. One or more criteria may apply and criteria may be inter-related. An object may be highly significant even if only one or two criteria apply. Think of the criteria as a framework to assist you to consider and describe how and why the object is important.*

<b>Historic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it associated with a <i>particular</i> person, group, event or activity?</b> Answer: No.</li> <li>▪ <b>What does it tell us about an historic theme or process or pattern of life?</b> Answer: Nothing.</li> <li>▪ <b>How does it contribute to our understanding of a period or place, activity, person or event?</b> Answer: N/A</li> </ul>
<b>Aesthetic Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Is it well designed, crafted or made?</b> Answer: No.</li> <li>▪ <b>Is it a good example of a style, design, artistic movement or the artist's work?</b> Answer: No.</li> <li>▪ <b>Is it original or innovative in its design?</b> Answer: No.</li> <li>▪ <b>Is it beautiful?</b> Answer: No.</li> </ul>
<b>Scientific Significance:</b>	<ul style="list-style-type: none"> <li>▪ <b>Do researchers have an active interest in studying the object today, or will they want to in the future?</b> Answer: No.</li> <li>▪ <b>If Yes, how is it of interest or value for science or research today or in the future?</b> Answer:</li> <li>▪ <b>If Yes, what things in particular constitute its scientific or research interest and research value?</b> Answer:</li> </ul>

<p><b>Social / Spiritual Significance:</b></p> <p><i>Note: Social or spiritual significance only collections where there is a demonstrated contemporary attachment between the object and community. Items of social history interest are of historic significance. If the object has spiritual or social significance this needs to be demonstrated through consultation with the community or group.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is the object of particular value to an ethnic or cultural community or group today? Why is it important to them?</b> Answer: No.</li> <li>▪ <b>If Yes, how is this demonstrated? Is the object kept in the public eye? Is its meaning kept alive for the group (eg by being used in an annual a parade or ceremonies, or by maintaining traditional practices surrounding the object)?</b> Answer:</li> <li>▪ <b>Has the Museum consulted the community about its importance for them?</b> Answer: N/A</li> <li>▪ <b>Is the object or collection of spiritual significance for a particular group?</b> Answer: N/A</li> <li>▪ <b>Is this spiritual significance found in the present?</b> Answer: N/A</li> </ul>
<p><b>Provenance:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Who owned, used or made the object?</b> Answer: Unknown. There is no record of how this item came to be in the museum.</li> <li>▪ <b>Where and how was it used?</b> Answer: Unknown.</li> <li>▪ <b>Is its place, or origin, well documented?</b> Answer: No.</li> </ul>
<p><b>Representativeness / Rarity:</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it a good example of its type or class?</b> Answer: No. This item shows damage that is not found on readily available types of this doll.</li> <li>▪ <b>Is it typical or characteristic?</b> Answer: Typical.</li> <li>▪ <b>Is it unusual or a particularly fine example of its type?</b> Answer: No.</li> <li>▪ <b>Is it singular, or unique?</b> Answer: No, this item was mass produced.</li> <li>▪ <b>Is it particularly well documented for its class or group?</b> Answer: Because there is no provenance, there is nothing that distinguishes this item from others of its type.</li> <li>▪ <b>Does it have special qualities that distinguish it from other objects in the class or category?</b> Answer: No.</li> </ul>

<p><b>Condition, intactness or integrity:</b></p> <p><i>NOTE: In general, an object in original condition is generally more significant than one that has been restored.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Is it in unusually good condition for its type?</b> Answer: No.</li> <li>▪ <b>Is it unusually intact or complete?</b> Answer: No.</li> </ul>
<p><b>Interpretive potential</b></p> <p><i>NOTE: The Kanab Museums mission is to preserves\ and promote the heritage of the Kanab region from the time of its earliest inhabitants, by collecting relevant artifacts and presenting an educational, interpretive museum experience to the community and its visitors.</i></p>	<ul style="list-style-type: none"> <li>▪ <b>Does it help the museum tell a story?</b> Answer: No.</li> <li>▪ <b>Can you learn something about the object's wider context and associations, or about its materials, design and function?</b> Answer: No.</li> <li>▪ <b>How is it relevant to the museum's purpose, collection policy and exhibition program?</b> Answer: N/A.</li> <li>▪ <b>Does it represent an opportunity to use some different interpretation strategies?</b> Answer: This item could be used for training purposes to help new staff understand the Scope of Collections for the museum and for training on creative interpretation.</li> <li>▪ <b>Is there anything else in the collection that can tell the same story?</b> Answer: Yes.</li> </ul>
<p><b>Significance Summary Statement:</b></p> <p><i>NOTE: A significance summary statement is a reasoned assessment of the meaning and importance of an object. It is more than a description of what the object looks like. A statement of significance summarizes <b>how</b> and <b>why</b> the object is important. A significance summary statement is not set in stone and may change over time.</i></p>	<p>Because this item was mass produced and has no unique history, it lacks significance to support the scope of collections for the museum and for our mission statement in ways that could not be adequately be done so by other objects in the collection.</p>
<p><b>CITE SOURCES OF INFORMATION USED TO CATALOG &amp; ASSESS OBJECT:</b></p>	<p><a href="https://en.wikipedia.org/wiki/Ziggy_(comic_strip)">https://en.wikipedia.org/wiki/Ziggy_(comic_strip)</a>  <a href="https://lostcollectibles.fandom.com/wiki/Dakin/Applause_Toys">https://lostcollectibles.fandom.com/wiki/Dakin/Applause_Toys</a>  Ebay.com</p>
<p><b>CONTRIBUTORS:</b></p>	<p>Emily Bentley</p>
<p><b>DATE OF RESEARCH:</b></p>	<p>1/18/2023</p>











**Cassette Tapes:**

Jim Reeves / Precious Memories / 30 Gospel Favorites -2001

The Golden Hits of Fats Domino - 1990

The 101 Greatest Country Hits Vol 5 - 1994

The Very Best of Anne Murray- 1990

The 101 Greatest Country Hits Vol. 6 – 1994

George Straight #7 – 1986

Robin Hood Prince of Thieves Soundtrack – 1991

Manheim Steamroller

The Country Side of Jim Reeves – 1985

Slim Whitman – Best Loved Favorites Vol 1– 1989

Country and Blues Harmonica for the musically hopeless -  
1984

The 101 Greatest Country Hits Vol. 3 – 1994

Anne Murray Croonin’ – 1994

The School House

Slim Whitman – Best Loved Favorites Vol 2– 1989

The Legendary Patsy Cline – 1990

Elvis 50 years, 50 hits (Two copies) – 1985

The Stars come out at Christmas – 1995

The 101 Greatest Country Hits Vol. 10 – 1994

Andy Williams Greatest Hits

Farther Down the Road -1996

The 101 Greatest Country Hits Vol. 7 – 1994

The 101 Greatest Country Hits Vol. 2 – 1994

The 101 Greatest Country Hits Vol. 5 – 1994

The 101 Greatest Country Hits Vol. 4 – 1994

Country Spotlight Patsy Cline – 1994

Don Williams, Especially for You – 1988

Suzy Boggus greatest hits – 1994

John McDermott / The Danny Boy Collection – 1994

Pavarotti’s Greatest Hits – 1980

The Bar G Wranglers sing the Western Classics – 1996

Sylvia/Drifter – 1979

# Deaccession Policy

The removal of an item is not to be taken lightly. Before an item can be recommended for deaccessioning it must have a complete evaluation (Significance Assessment) as to determine its condition and if there is unseen significant historical or heritage value. For an item to be approved for deaccession, it must meet the deaccession criteria and have documented approval (see Deaccession Form). Once deaccession is approved, the item may be disposed of according to approved means.

## **Deaccession Criteria:**

- 1) To the best of knowledge, the City of Kanab fully and legally owns the archival material(s), artifact(s), library material(s), or photograph(s).
- 2) Must meet at least one of the following:
  - a. The archival material(s), artifact(s), library material(s), or photograph(s) is outside the scope of the statement of purpose of the Museum and its acquisitions policy.
  - b. The archival material(s), artifact(s), library material(s), or photograph(s) is a duplicate of those already held within the collection.
  - c. The archival material(s), artifact(s), library material(s), or photograph(s) has deteriorated beyond usefulness, or has failed to retain its identity or authenticity.
  - d. The archival material(s), artifact(s), library material(s), or photograph(s) poses a physical hazard or is dangerous to the health of museum personnel.
  - e. The archival material(s), artifact(s), library material(s), or photograph(s) is the subject of irreversible deterioration or infestation and may imperil the condition of other artifacts in collections and on exhibit.
  - f. The archival material(s), artifact(s), library material(s), or photograph(s) is not original or is a copy of material(s) owned by another repository.
  - g. Have exceptional evidence for deaccessioning that is not covered in this list.

# Kanab Museum

## SCOPE OF COLLECTIONS STATEMENT

**PURPOSE:** Building on the Kanab Museums' founding collections, the Scope of Collections Statement sets a guided course of action for future donated, loaned, and purchased acquisitions to effectively execute the Museum's mission and core values. The Scope informs decisions on care, preservation, access and deaccession strategies while observing professional standards.

**MISSION:** The Museum preserves and promotes the heritage of the Kanab region from the time of its earliest inhabitants, by collecting relevant artifacts and presenting an educational, interpretive museum experience to the community and its visitors.

**COLLECTION HISTORY AND SUMMARY** The Museum collection was formed through a series of donations and loans of historic objects related to the history of Kanab and Kane County under the supervision of Deanna Glover. The Museum was originally approved to function by Kanab City on a temporary basis in the 1939 Kanab Library Building. Kanab City eventually agreed to the operation of a permanent museum at the same location, being operated by Kanab City. In the decades since that time, a significant number of objects and archival materials have been donated or loaned to the museum. Kanab City also began to provide operating support by means of funding and salaried employees. The Kanab Museum collection is acquired, preserved, researched, exhibited and interpreted to further the Museum's mission. Artifacts are primarily acquired for preservation and interpretation, although some may be designated for hands-on use.

**COLLECTION OBJECTS:** The Museum collection is made up of approximately 2,500 objects. These objects can be divided into five main categories. 1) Pre-Historic 2) Historic Native American 3) 19<sup>th</sup> Century 4) 20<sup>th</sup> Century and 5) 21<sup>st</sup> Century

- 1) Pre-Historic: Objects in this collection are typically of a fragile nature due to age and require special attention to humidity and temperature fluctuation. This includes pottery, cordage, sandals and animal sourced objects. Any objects offered to the museum for this collection must be fully provenanced and must only be accepted if they fit into the Scope of Collection and in accordance with local, state, and federal laws.
- 2) Historic Native American: Objects in this collection are typically of a fragile nature due to age and materials. Objects in this collection are primarily made of natural materials like clay, animal fur, stone.
- 3) 19<sup>th</sup> Century: Objects in this collection are primarily related to the settling of Kanab and Kane County area by members of The Church of Jesus Christ of Latter-Day Saints. This collection primarily consists of items related to an agricultural society, including tools, hand-made textiles and home décor.
- 4) 20<sup>th</sup> century: This collection is the largest in the museum and features many items from the second and third industrial revolutions and their role in Kanab. There are approximately 1,600 objects in this collection. A large portion of this collection is military (WWI and WWII), domestic (kitchen wares and décor), and textiles. There are objects that also relate to Kanab's connection to the film industry in which time (1930-1970) Kanab came to be called "Little Hollywood".
- 5) 21<sup>st</sup> Century: This collection focuses on the history of Kanab beginning in the 21st century. This collection contains items related to specific events, people, and community issues that will most likely have even greater significance in the future.

**COLLECTION ARCHIVES:** The Museum archives are extensive with many historic commercial, community, personal, and government records. There are also many newspapers and newspaper clippings. All archives date from c.1850 -2020. There are currently 640 archive collections identified. This number does not account for individual records within the collections.

**CORE VALUES AND INTERPRETIVE FOCUS:** The Kanab Museum's core values include community education and preservation, museum best practices, diversity, relationships, participation, sustainability, and innovation. As an institution, the Kanab Museum was founded in an era wherein museums were designed to serve primarily as repositories of objects. Like many museums, the Kanab Museum should utilize interpretive techniques with its visitors. Establishing a connection, between visitors and objects, is not only essential interpretively, but key for visitors' understanding of the importance of collections management and care. The Kanab Museum's goal is for positive and strong connections between visitors and objects which will lead to visitors' appreciation, preservation and protection of objects. But objects, themselves, also do some of the interpretive work in connecting people to the past and thus having the potential to elicit an emotional response from museum visitors. Museums are shifting from repositories of "things" and keepers of objects, to places that help people understand our past and help define their present and future. Collections and collecting will continue to represent a significant function of the Kanab Museum. Still, as the Kanab Museum moves from a collections-centric to a visitor-centric institution, our interpretive strategies will also influence the Museum's collections decisions. Specifically, as the Museum highlights the stories of the people who have made Kanab their home, the Museum will inevitably choose to accept objects that better highlight the human aspects of the region instead of the geological. The Kanab Museum's collection policy should be mindful of the Museum's larger interpretive goals, which are summarized in the following statements: We tell the stories of Kanab through the stories and culture of people. This perspective should serve as an important consideration in contemplating gifts and in seeking future acquisitions. As a matter of policy and procedure, collections should be viewed not as a separate and function of the Museum, but as an integral and interconnected aspect of the Kanab Museum's core values.

**COLLECTION DEVELOPMENT** The Kanab Museum subscribes to a collection development policy that values provenance, historical significance and relevance. This policy contributes to the Museum Mission statement. The Kanab Museum collections strives to prioritize high research value and interpretation potential in its development, primarily through donations. It also emphasizes the value of connecting people with meaningful objects and materials in an accessible environment. These standards frame decisions regarding acquisitions, deaccessions and collection care in general.

**CRITERIA:** Accepting an item or collection for the Kanab Museum prompts serious consideration of the provenance, condition, long-term collection care, potential for interpretation or research value and relevance to existing collections. Acquisition decisions need to be based on an examination of the source of donation, chain of custody, significance based on historic, aesthetic, scientific, social, spiritual, provenance, representative, rarity, condition, and interpretive potential. Specifically for full-size equipment, decisions are made against criteria which may include consideration of the builder, rarity, uniqueness, historical operation, previous owners, other preserved examples, continued existence, location, condition, age, historic integrity, potential use, operability, value and specific program needs.

**GEOGRAPHY:** In general terms, the Kanab Museum collections are geographically centered on Kanab and Kane County. Some collections may extend beyond these boundaries for comparative research or if its significance outweighs geographical lines.

**OWNERSHIP OF ORIGINALS** It is the Museum's policy and intention to have full and clear title to all permanent collections held by the institution. The Kanab Museum places a high priority and value on owning original, authentic and well-documented original collections as opposed to reproductions, replicas or fakes.



**SUSTAINABILITY:** Responsible stewardship and professional curatorial practices form the basis of decisions balancing needs and constraints such as finite storage, staff processing time, funds, resources, and the ability to facilitate access. Serious thought is assigned to the Museum's long-term investment on preservation, documentation, interpretation, exhibition and research. To properly balance these functions of the collection and allocate resources in a responsible manner, the museum must be selective in its collection development. As a result of nearly forty years of active collecting, parts of the collection are comprehensive, allowing focused growth in other areas. It is the responsibility of the Kanab Museum Director to acquire and accession collections on a case-by-case basis, making conscious curatorial decisions based on thoughtful and well-researched justifications.

**LIMITATIONS:** Going forward, the Kanab Museum's will seek to accept only collection donations. The museum will only accept collections on long-term or permanent loans as rare exceptions. In addition, the Kanab Museum will not acquire collections with donor restrictions.

**PARTNERSHIPS:** The Museum and its collections have benefited from funding and professional partnerships with individuals and organizations such as Utah Arts and Museums, Utah Humanities, Utah State Historic Preservation Office, and Utah Division of State History. The museum will continue to seek out and nurture these partnerships with a goal of understanding and meeting various needs of the larger community.

**REVIEW:** The Scope of Collections Statement is a living document to be reviewed and revised as necessary every five years or in response to changes of the Museum's related policies.

**Mayor**  
Colten Johnson  
**City Council**  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Kerry Glover



**KANAB**  
—UTAH—

**City Manager**  
Kyler Ludwig  
**City Attorney**  
Kent Burggraaf  
**City Recorder**  
Celeste Cram  
**City Treasurer**  
Danielle Ramsay

**DATE:** January 24, 2023  
**TO:** Mayor and City Council  
**SUBJECT:** City Manager 6-Month Review  
**PREPARED BY:** City Manager, Kyler Ludwig

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**Background:**

The Kanab City Personnel Policy requires employees to have a performance review following the first 6 months of service.

On January 10, 2023, the City Council discussed this agenda item in a closed session without the City Manager in attendance. Following the closed session, a motion was made by the City Council to approve the 6-month wage adjustment for the City Manager. Mayor Johnson requested this item be placed on the agenda again for further discussion.

It is anticipated that this agenda item will take place in a closed session to include the City Manager.

**Analysis:**

The following areas have been designated as key job duties to review during performance reviews of the City Manager:

1. Elected Body Relationship – Does not surprise the board and keeps the council informed on progress. Makes sound recommendations for council action and facilitates the decision-making process. Effectively implements policy decisions of the City Council
2. Organizational – Leads a smooth-running and continuously improving organization. Anticipates and plans well in advance. Follows through on set plans and deadlines. Emphasizes development and enhancement of the skills of all employees. Delegates effectively.
3. Community Relations- Is appropriately visible and active within the community. Understands and is knowledgeable about the needs of the community. Encourages and

— A Western Classic —

honestly considers community input.

4. Fiscal- Manages the budget within fiscal constraints. Displays common sense and good judgment in business transactions. Seeks all available funding sources. Provides accurate and complete financial reports in a timely manner.
5. Communication- Responds to all requests for information in a timely manner. Speaks and writes clearly. Provides details about specific projects to those affected in a timely manner.

Discussion of the character, professional competence, or physical or mental health of an individual may be discussed during an executive session. Topics outside the legal purposes of closed meetings need to take place during an open and public meeting (52-4-205).

**Legal:**

**Recommendations/Actions:**

Discuss the City Manager's performance in the key job duties and provide feedback.

**Attachments:**

Kanab City Employee Appraisal Form  
Kanab City General Ordinance – City Manager  
Manager Evaluations Handbook - ICMA



# Employee Appraisal

EMPLOYEE NAME: Kyler Ludwig

DATE: January 10, 2023

DEPARTMENT: Administration

JOB TITLE: City Manager

ANNIVERSARY DATE: 07/05/2022

GRADE: \_\_\_\_\_

CURRENT SALARY STEP: \_\_\_\_\_

NEXT SALARY STEP: \_\_\_\_\_

APPRAISAL TYPE: Annual \_\_\_\_\_ Mid-Year x Probationary \_\_\_\_\_ Special \_\_\_\_\_

## I. PERFORMANCE

### Performance Rating Scale: 7-1

7	Outstanding
4	Satisfactory
1	Unsatisfactory

#### A. JOB DUTIES – List and rate each critical performance area

- \_\_\_\_ 1. Elected Body Relationship – Does not surprise the council and keeps the council informed on progress. Makes sound recommendations for council action and facilitates the decision-making process. Effectively implements policy decisions of the City Council
- \_\_\_\_ 2. Organizational – Leads a smooth-running and continuously improving organization. Anticipates and plans well in advance. Follows through on set plans and deadlines. Emphasizes development and enhancement of the skills of all employees. Delegates.
- \_\_\_\_ 3. Community Relations- Is appropriately visible and active within the community. Understands and is knowledgeable about the needs of the community. Encourages and honestly considers community input.
- \_\_\_\_ 4. Fiscal- Manages the budget within fiscal constraints. Displays common sense and good judgment in business transactions. Seeks all available funding sources. Provides accurate and complete financial reports in a timely manner.
- \_\_\_\_ 5. Communication- Responds to all requests for information in a timely manner. Speaks and writes clearly. Provides details about specific projects to those affected in a timely manner.

**B. STANDARD FACTORS – Rate each factor**

- \_\_\_\_\_ **1. Quality of Work** – precision, accuracy, neatness
- \_\_\_\_\_ **2. Quantity of Work** – actual work accomplished; speed of performance
- \_\_\_\_\_ **3. Initiative** – self-reliance; accepts and completes assignments willingly; uses good judgment; adjusts to changing circumstances
- \_\_\_\_\_ **4. Dependability** – reliability; confidence; supervision not required; attendance at work; punctuality
- \_\_\_\_\_ **5. Communications** – expresses oneself effectively (written / oral); communicates with and through immediate supervisor
- \_\_\_\_\_ **6. Personal Relations** – ability to work with others, creates a positive work environment, follows chain of command, public relations, loyalty to organization
- \_\_\_\_\_ **7. Safety** – complies with City’s risk management & O.S.H.A. policies, promotes & practices safe operations

**OVERALL PERFORMANCE RATING** – Considering the results of job duties and performance factors, the following rating is provided: \_\_\_\_\_

**C. WRITTEN SUMMARY OF OVERALL PERFORMANCE – Required for probationary ratings and if any factor is rated below a 4**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## Employee Appraisal

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### II. FUTURE DEVELOPMENT

Comments should be directed toward plans for future improvement.

#### A. AREAS REQUIRING ADDITIONAL DEVELOPMENT

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#### B. PERFORMANCE GOALS FOR COMING YEAR

Preparing a clear/transparent budget that is easily read and understood.

Increasing employee satisfaction in two key areas – Recognition & Communication.

Build a more robust employee training program and create training programs focused on org. culture.

Improve external communications with the public.

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#### C. EDUCATION, TRAINING, & WORKSHOPS REQUIRED/REQUESTED

Continued training through the Utah City Managers association and International City/County Managers association as provided within the employment contract.

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**CERTIFICATION:** This appraisal report is based on job related performance and I acknowledge this report was discussed with me:

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

I disagree with certain ratings within this appraisal and wish to discuss it with the next supervisory level:

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

### Section 3: MUNICIPAL GOVERNMENT

#### **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 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.



### Section 3: MUNICIPAL GOVERNMENT

- 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 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.

### Section 3: MUNICIPAL GOVERNMENT

**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.

**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.



**Very good**

**Average**

**Excellent**

**Poor**

**Good**



# Manager Evaluations

## HANDBOOK

**ICMA**



*Leaders at the Core of Better Communities*

ICMA advances professional local government worldwide. Its mission is to create excellence in local governance by developing and advancing professional management of local government. ICMA, the International City/County Management Association, provides member support; publications, data, and information; peer and results-oriented assistance; and training and professional development to more than 9,000 city, town, and county experts and other individuals and organizations throughout the world. The management decisions made by ICMA's members affect 185 million individuals living in thousands of communities, from small villages and towns to large metropolitan areas.

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# Contents

<b>Definition of Terms .....</b>	<b>iv</b>
<b>Members of the Task Force on Manager Evaluations.....</b>	<b>iv</b>
<b>Preface.....</b>	<b>1</b>
<b>Executive Summary .....</b>	<b>2</b>
Successful Evaluation Tips .....	3
<b>Introduction .....</b>	<b>4</b>
<b>The Purpose of Manager Evaluations.....</b>	<b>4</b>
<b>Basic Process .....</b>	<b>4</b>
How to Initiate .....	4
How to Proceed .....	5
Frequency and Timing of Manager Evaluations .....	7
<b>What Others Are Doing: Survey Results .....</b>	<b>9</b>
Failure to Undertake Evaluations .....	9
Lack of a Credible Evaluation Process .....	10
Lack of Knowledge of the Council-Manager Form of Government .....	10
Lack of Communication .....	10
<b>Supplemental Approaches .....</b>	<b>10</b>
Self-Evaluations .....	11
Periodic Check-ins .....	11
360-Degree Assessments .....	11
Conversation Evaluation System .....	12
<b>Data-gathering/Software Resources .....</b>	<b>12</b>
<b>Conclusion .....</b>	<b>13</b>
<b>Sample Evaluation Forms for Local Government CAOs .....</b>	<b>13</b>
<b>Other Resources .....</b>	<b>13</b>

## Definition of Terms

- The term *local government*, as used in this handbook, refers to a town, village, borough, township, city, county, or a legally constituted elected body of governments.
- The term *manager* refers to the chief executive officer (CEO) or chief administrative officer (CAO) of any local government who has been appointed by its elected body to oversee day-to-day operations.
- The terms *elected officials*, *elected body*, and *board* refer to any council, commission, or other locally elected body, including assemblies, boards of trustees, boards of selectmen, boards of supervisors, boards of directors, and so on.
- The term *manager evaluation* refers to the appraisal or assessment conducted by the elected body of the manager's performance in achieving organizational goals and implementing policy.

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# Preface

The evaluation of the manager is a key component of any well-run local government, yet the value of a quality evaluation process and the responsibility for that activity is often overlooked. Even in communities that are considered to be professionally governed, the performance evaluation of the local government manager can be an afterthought. The 2012–2013 Executive Board of the International City/County Management Association (ICMA), led by President Bonnie Svrcek, acknowledged the need for local government managers and their elected bodies to put more focus on the manager evaluation process.

Accordingly, it created a task force of managers from around the United States, representing over a dozen communities, to develop a *Manager Evaluations Handbook* that would assist managers and their boards in this critical task.

Managers are encouraged to review this handbook with an eye toward working with their elected bodies to develop formal, mutually agreed-upon processes for their own evaluations. This handbook, however, is also intended to highlight the value of a formal manager evaluation process and to assist local elected officials in the design of an effective evaluation tool.



# Executive Summary

**T**he periodic evaluation of the local government manager by the elected body is an important component of a high-performance organization. The evaluation should contain performance goals, objectives, and targets that are linked to the elected body's established strategic plans, goals, and priorities, and it should focus on the manager's degree of progress toward organizational outcomes. To be fair, it must be based on criteria that have been communicated to the manager in advance. Sample or generic evaluation forms, if used, should be customized to reflect these criteria.

The purpose of the evaluation process is to increase communication between the members of the elected body and the manager concerning the manager's performance in the accomplishment of assigned duties and responsibilities, and the establishment

of specific work-related goals and objectives for the coming year. Thus, all members of the elected body should participate in the process, both by individually completing the rating instrument and by discussing their ratings with the other board members in order to arrive at a consensus about performance expectations.

There is no one correct way to conduct a manager evaluation. The key is to ensure that the evaluation takes place in a regular, mutually agreed-upon manner and is viewed by all as an opportunity for communication between the elected officials and the manager.

It may be useful, particularly if the members of the elected body are inexperienced in the performance evaluation process, to use a consultant to help the elected body prepare for and conduct the manager's evaluation.

# Successful Evaluation Tips<sup>1</sup>

## **Performance evaluations will allow you to**

- A. Recognize the accomplishments of the manager and show appreciation for the unique contributions to the organization
- B. Clearly identify areas where the manager is doing well
- C. Clearly identify areas where the manager can improve his or her performance
- D. Specify definite actions that will allow the manager to make additional value-added contributions to the organization in the future.
- E. Obtain the manager's own opinions on progress and his or her individual contribution to collective actions and achievements.

## **Discussing tasks that the manager performs well**

- Gives the manager insight into self-awareness, interests, and motivation
- Gives the manager recognition and appreciation for achievements
- Creates a positive climate for the remainder of the review.

### **Reminders:**

- Listen intently.
- Reinforce the manager's performance.
- Emphasize facts; provide concrete examples and specific descriptions of actions, work, and results.
- Give only positive feedback during this part of the evaluation.
- Acknowledge improvements that the manager has made.
- Praise efforts if the manager has worked hard on something but failed because of circumstances beyond his or her control.
- Describe performance that you would like to see continued.

## **Discussing areas that need improvement**

- Gives insight into how the manager feels about change, improvement for growth
- Allows you to express any concerns you have about the manager's overall performance and performance in specific areas
- Lets you challenge the manager to higher levels of achievement.

### **Reminders:**

- Keep the discussion focused on performance.
- Describe actions and results that do not meet expectations.
- Describe areas where the manager can make a greater contribution.
- Describe any situation or performance observed that needs to be changed; be specific.
- Tell the manager what needs to be done if a specific change of behavior needs to take place.
- Focus on learning from the past and making plans for the future.
- Keep this part of the discussion as positive and encouraging as possible.

## **Do's and Don'ts**

### **DO:**

- Spend a few minutes warming up in which the agenda is laid out so everyone is reminded about what to expect. Give an overview.
- Always start with the positives. Be specific.
- Explain the ratings in all areas: Talk about how the consensus was arrived.
- Be honest. Tell it like it is.
- Be a coach, not a judge. Managing employees is a lot like being an athletic coach. Effective coaching involves a lot more than just score keeping. Simply providing the score at the end of the game doesn't improve performance.
- Discuss with the manager his or her reactions to the ratings, making clear that you are interested in his or her feelings and thoughts.
- If appropriate, develop an improvement plan that includes areas of deficiency, developmental needs.

### **DON'T:**

- Rate the manager without the facts. Ratings should be on actual results.
- Be too general.
- Sidestep problems. Document performance problems and clearly identify what needs improvement.
- Be vague or generalize the reasons for the performance scores. Clear and specific examples of results should be available.
- Ambush the manager by identifying deficiencies or problems that have never been addressed in informal discussions prior to the formal evaluation.
- Minimize the manager's concerns or discount his or her feelings.

## Introduction

There is some irony in the fact that managers' evaluations are often less formal and less structured than those of the managers' employees. While the manager may oversee the evaluation of hundreds of employees within an organization, his or her own performance evaluation becomes the task of elected leaders who are often not formally trained in the evaluation process or who have narrow or conflicting definitions of good performance. The fact that an elected body with numerous members is charged with the task of evaluating the manager makes the need for a clear and agreed-upon evaluation process even more important. And a thoughtful and structured evaluation process that is supported by all involved parties enhances the ongoing communication that is fundamental to effective board/manager relationships.

A manager's evaluation should contain performance goals, objectives, and targets that are linked to the elected body's established strategic plans, goals, and priorities and should focus on whether the manager has achieved the desired organizational outcomes.

Sometimes the tone of a performance review can be unduly influenced by the manager's last success or failure. Judging performance on the basis of a single incident or behavior is a common problem that can arise in any organization. But a single incident or behavior should not be the sole focus of a performance evaluation. That is not to discount the importance of how a manager handles high-stress, higher-profile issues, which is an important aspect of a manager's responsibility. However, day-to-day leadership, which is also a key responsibility of the manager, can sometimes go unnoticed even though it provides the foundation in which high-stress, high-profile issues are handled.

ICMA has developed a list of [18 Practices for Effective Local Government Management](#) that is recommended to members who are considering their own professional development needs and activities. The core areas represent much of what local government managers are responsible for on an everyday basis, and competency by the manager in these practices is central to an effective, high-performing, professionally managed local government. It is therefore the recommendation of ICMA's Task Force on Manager Evaluations that competency in the [ICMA Practices](#) also be considered in the manager's performance evaluation.

There is no one way, let alone one single correct way, to conduct an effective manager evaluation. This *Manager Evaluations Handbook* will present traditional

evaluation approaches that have proven to be successful, along with some alternative methods that may be good for your local government. Again, the key is to ensure that the evaluation takes place in a regular, mutually agreed-upon manner and is viewed by all as an opportunity for communication between the elected officials and the manager.

## The Purpose of Manager Evaluations

High-performance local governments embrace an ethos of continual improvement. Conducting regular appraisals of the manager's work performance is part of the continual improvement process.

The purpose of the evaluation process is to increase communication between the members of the elected body and the manager concerning the manager's performance in the accomplishment of his or her assigned duties and responsibilities and the establishment of specific work-related goals, objectives, and performance measures for the coming year. The evaluation process provides an opportunity for the elected body to have an honest dialogue with the manager about its expectations, to assess what is being accomplished, to recognize the manager's achievements and contributions, to identify where there may be performance gaps, to develop standards to measure future performance, and to identify the resources and actions necessary to achieve the agreed-upon standards. Keeping the focus on "big picture" strategic goals and behaviors rather than on minor issues or one-time mistakes/complaints leads to better outcomes.

Given that good relationships promote candor and constructive planning, the performance appraisal also provides a forum for both parties to discuss and strengthen the elected body-manager relationship, ensuring better alignment of goals while reducing misunderstandings and surprises. When elected bodies conduct regular performance appraisals of the manager, they are more likely to achieve their community's goals and objectives.

## Basic Process

Ideally, the performance appraisal process for a manager is the natural continuation of the hiring process.

## How to Initiate

Prior to the recruitment of candidates, the elected body typically develops the goals and objectives for

the position of manager. Then, during the selection process, the candidate and the hiring body meet to discuss these items along with the long- and short-term needs and issues of the community. Through these conversations, the basic tenets of the manager's performance evaluation are identified. At this point, the performance appraisal process just needs to be formalized. When the employment offer has been accepted, the employment agreement should include the requirement and schedule for the manager's evaluation.

(Excellent tools for preparing the employment agreement are contained in the [ICMA Recruitment Guidelines for Selecting a Local Government Administrator](#) and the [ICMA Model Employment Agreement](#).)

The employment agreement should stipulate that the performance evaluation will be a written document and that all parties will meet to discuss the contents in person. It should also identify the frequency with which evaluations will take place (e.g., annually, semi-annually). By including this information in the employment agreement, the hiring body ensures that communications between the manager and the elected body will be consistently scheduled, and that initiatives and objectives can be reviewed and updated on a regular basis.

It is especially critical for the elected body to come to consensus on the initial expectations of the newly hired manager so that priorities can be assigned and progress measured. Those issues that were important during the hiring process will logically factor into the initial evaluation process. Then, in the succeeding years, the document can be revised to reflect the latest accomplishments and newest challenges.

Of course, priorities may shift during the year. If that happens, make it clear to the manager that new or changed priorities are being added into the evaluation process.

If, with the passage of time, elections have taken place and the board that is conducting the evaluation is not the same board that did the hiring, it is important that the newly elected officials immediately be introduced to the established performance goals, measures, and evaluation process. This can be done as part of the orientation process for new board members, included in the discussion of the form of government and the role of the manager. If a new member has no experience in conducting performance evaluations, he or she will need to receive training before participating in this process.

If performance evaluations were not discussed during the hiring process, either the manager or the

elected body may request that an evaluation process be instituted, and the specifics for conducting the evaluation can then be agreed upon outside of the provisions of the employment agreement. If the request is made by the elected body, it is important to emphasize that the purpose of the evaluation process is to serve as a tool for organizational improvement, not as a means of punishing the manager or setting the stage for termination. While elected officials, especially those newly elected, may sometimes wish for a change in management, the performance evaluation process should not be used to effect such a change.

## How to Proceed

A number of issues should be considered when preparing for the evaluation process, including how to develop the rating instrument (and whether to use an outside consultant), how to use the rating instrument, and whether the evaluation should be conducted in private or in public.

### ***Developing the Rating Instrument***

Unlike most employee performance evaluations, in which the employee is evaluated by a single executive or supervisor, the manager's evaluation is conducted by a group of individuals acting as a body. As each elected official likely has different expectations, the board members must first come to a consensus on measures and definitions to be used.

***Using a consultant.*** If the members of the elected body are inexperienced in the performance evaluation process, it might be helpful at this point to use an independent consultant to assist in preparing for and conducting the manager's evaluation. A consultant could be used in a variety of ways.

When designing the evaluation instrument, a consultant should solicit each elected official's full participation by asking for examples and details for each rating category. Whether this is accomplished by interviewing each official individually or by facilitating a group session, it is important to ensure that all voices are heard. Use of an independent consultant is especially helpful if there is a lack of cohesion among elected officials.

Once the consultant has collected the information, the elected body and manager should meet in person to discuss the findings. It is recommended that the in-person conversation with the manager to review the evaluation be conducted by the elected body with the assistance of the consultant but not by the consultant alone.

If funds are limited, a consultant could be used in a limited engagement to prepare an evaluation system and then train the elected officials on how to conduct an evaluation, which the officials may manage themselves after the first year.

If the elected body decides to use a consultant, the Society for Human Resource Management (SHRM) may be a source of referrals, as may be state municipal leagues or the local government's regular employment consulting firms. If a recruiter was used to assist with the hiring process, the recruiter's agreement could be extended to include the setup of the initial evaluation process.

It is recommended that the evaluation process NOT be facilitated by the local government's corporation counsel, municipal clerk, or human resources director because these individuals are not independent parties. In almost all cases, their positions have either a reporting or a cooperating relationship with the manager, so involving them in the manager's evaluation may damage relationships that are necessary for the effective and efficient operation of the local government.

***Proceeding without a consultant.*** If a consultant is not used to facilitate the development of the evaluation instrument, the elected body may wish to begin by reviewing the format and process used for the other local government employees and considering the same or a revised method. It is important to understand, however, that a manager is evaluated in additional ways. Because of this key difference, flexibility is needed to add any necessary components intended to assess varied goals and objectives and to facilitate a dialogue between the elected body and the manager.

To be fair, the evaluation must be outcome based, using criteria that have been previously communicated to the manager and that incorporate the elected body's priorities. The use of a prefabricated generic evaluation form (even the sample forms found at the end of this handbook) is not recommended without some customization to reflect these priorities.

### ***Measure observable behaviors and progress toward goals***

The manager's job is to achieve the organization's goals and implement the policies that have been determined by the elected body. Evaluating the manager's effectiveness in achieving the goals necessarily means that the elected body must have determined and communicated the goals to the manager in advance, ideally through a strategic planning process.

The manager's success in achieving the goals set by the elected body is related to his or her competencies and behaviors with respect to the specific functions identified as the responsibility of the manager. Defining the strengths of the manager and identifying areas for improvement are part of the evaluation process. ICMA has a list of 18 core areas critical for effective local government management. While this list, the [ICMA Practices for Effective Local Government Management](#), was developed for the purpose of ICMA's Voluntary Credentialing professional development program, the elected body might find it helpful for identifying the specific observable behaviors to be used in the manager evaluation. It is suggested that the elected body select what it believes to be the most important areas for achieving its goals and evaluate the manager's performance in these areas. The ICMA Practices are as follows ([click here](#) for descriptions):

1. Staff effectiveness
2. Policy facilitation
3. Functional and operational expertise and planning
4. Citizen service
5. Performance measurement/management and quality assurance
6. Initiative, risk taking, vision, creativity, and innovation
7. Technological literacy
8. Democratic advocacy and citizen participation
9. Diversity
10. Budgeting
11. Financial analysis
12. Human resources management
13. Strategic planning
14. Advocacy and interpersonal communication
15. Presentation skills
16. Media relations
17. Integrity<sup>2</sup>
18. Personal development

The members of the board must be in agreement about their expectations of the manager. Furthermore, both the manager and the board must understand what the expectations are.

The performance criteria established by the board for each of the prioritized functional areas need to be specific and observable by the members of the elected



body. If the criteria are quantifiable, they should be expressed in objective, measurable terms. For example, the manager saved 10% on the new project. If the criteria are qualitative and subjective, they can be expressed in terms of the desired outcome. For example, members of the community and employees frequently commented on the manager's fairness during this evaluation period.

### **Using the Rating Instrument**

The usefulness of any performance evaluation depends almost entirely upon the understanding, impartiality, and objectivity with which the ratings are made. In order to obtain a clear, fair, and accurate rating, an evaluator must clearly differentiate between the personality and performance of the manager being rated, making an objective and unbiased assessment on the basis of performance alone. Fairness requires the ability to identify both the strengths and weaknesses of the manager's performance and to explain these constructively to the manager.

When an evaluation is completed by a group of people, it is important that it reflect the consensus opinion of all members. All members of the elected body should participate in the manager evaluation process in order to arrive at a consensus. This consensus can be accomplished by having each member individually rate the manager, followed by a group discussion to arrive at a final consensus rating for each measure. Alternatively, if consensus cannot be reached, each member can individually complete the rating form, and then one member (or the consultant, if one is used) can collect the forms and compile the results and comments into one document, followed by group discussion. It is important that each member's ratings, whether positive or negative, be backed up with specific comments and examples so that the whole group understands the reasoning behind them.

If individual comments—those that do not necessarily represent the sentiments of the elected body as a whole—are to be included in the final document that will be discussed with the manager, the board should decide in advance whether those comments will be anonymous or attributed to the individuals making them.

It is important to keep in mind that performance evaluation is just one part of the communication toolbox between the manager and elected officials. It is intended to enhance that communication, not to result in a periodic written "report card" that is an end in itself. In addition, nothing in the evaluation ought ever

to be a surprise. Ongoing conversations should be held throughout the year (assuming that the evaluation is done annually) to help the manager understand if he or she is on course or if any midseason corrections are necessary. Ideally, the items in the evaluation will have already been touched on in these conversations, so the evaluation will serve as a written summary of them.

### **Public versus private evaluations**

When deciding whether to conduct the evaluation process in a public or an executive/closed session, the elected officials, manager, and legal counsel should review state law. When possible, it is recommended that the performance evaluation process occur in executive/closed session between the elected body and manager; however, many states have specific regulations about whether and when the public may be excluded from attending a meeting involving the elected body or from having access to certain records involving a public employee. Such "sunshine" laws were first created to increase public disclosure by governmental agencies. The purpose is to promote accountability and transparency by allowing the public to see how decisions are made and how money is allocated.

While all states have such laws, the exact provisions of those laws vary. For example, specific legislation may require that all government meetings be open to the public or that written records be released upon request. In many states, all local government records are available for review by the public, including evaluation documents and notes, unless they are specifically exempted or prohibited from disclosure by state statutes.

Regardless of whether the evaluation is conducted in a public or an executive/closed session, each state's statute will dictate certain procedures for meeting notification, recording of minutes, and disclosure of decisions made. These procedures should be reviewed by the elected officials, manager, and legal counsel and followed throughout the evaluation process.

However, all final decisions or actions related to the manager's performance (e.g., employment agreement changes, compensation) should be made in a public setting.

## **Frequency and Timing of Manager Evaluations**

As previously noted, the manager evaluation process, including the frequency and timing of the evaluations, will ideally have been discussed as part of the employ-

### Benefits of executive session/closed meeting to evaluate manager's performance

- Provides a venue for handling issues that are best discussed in private, and ensures confidentiality until a decision is made regarding the manager's performance
- Provides a forum that is not unduly influenced by outside sources
- Promotes a free-flowing discussion of comments by the elected body and manager
- Ensures the respect and privacy of personnel dealings between the elected body and manager
- Improves communication between the elected body and the manager
- Reduces opportunity to politicize the performance evaluation process
- Provides a forum for the elected body and the manager to talk openly about topics that warrant special attention, such as succession planning, senior staff performance, and executive compensation
- Enables elected officials to challenge the manager without fear of undermining his or her authority in the community

### Benefits of an open session/meeting to evaluate manager's performance

- Can build transparency and trust by enabling members of the public to view the process
- Can reduce claims of inappropriate agreements and "secrets"
- Can improve elected body, manager, and citizen relationships

### Benefits of providing a public summary once the process is completed

- Lets the public know how the elected body evaluates and views the manager
- Ensures transparency and public accountability
- Promotes the embodiment of ICMA's commitment to openness in government
- Provides the organization with another opportunity to earn the public's trust

ment agreement at the time of the manager's hiring. It is recommended that the initial formal evaluation not take place until the elected officials and the manager

have worked together for a year; however, short, less formal evaluations are recommended on a quarterly basis. After that, at least one formal evaluation (still with quarterly informal evaluations) should be conducted per year, as longer intervals create a higher likelihood of miscommunication and surprises.

It is further recommended that the formal evaluation be scheduled during the least busy time of year for both the manager and the elected officials, avoiding both the budget preparation season (particularly if the manager's compensation is tied to the evaluation) and the election season (lest the manager's evaluation become an election issue). The scheduling should also allow adequate time for newly elected members of the board to become familiar with the manager's performance.

### Relationship of Evaluation to Compensation

The primary purposes of a manager's performance evaluation are

1. To provide a tool for communication between the elected body and the manager
2. To provide an opportunity for the elected body to specifically indicate levels of satisfaction with the manager on mutually identified and defined performance priorities
3. To provide an opportunity for the manager to learn and improve
4. To allow for fair and equitable compensation adjustments based on a review of performance in achieving mutually identified priorities and on the elected body's level of satisfaction with the manager's overall performance.

Performance evaluations that are tied directly to compensation decisions are often distorted by those decisions and therefore result in less-than-honest communication between the elected body and the manager. This happens primarily because

1. Elected officials wishing to offer upward compensation adjustments may feel obliged to embellish the evaluation in a positive manner to justify the compensation decision to the public.
2. Elected officials not wishing to adjust compensation may feel obligated to justify their decision with negative comments about performance matters that actually are not a major concern to them.
3. The manager may be reluctant to seek full clarification on issues raised in the evaluation for fear it could result in a reconsideration of the compensation decision.



To avoid these distortions in communication, a balanced evaluation is necessary. That is, the evaluation should provide the opportunity for open communication and at the same time be used for compensation decisions related to identified performance achievement and corrective actions by the manager. To this end, a balanced evaluation would

1. Establish a clear set of performance expectations prior to the evaluation period.
2. Include a midterm evaluation without any consideration of compensation in order to focus on clarity of communication and performance to date. This evaluation would allow the manager to take steps to address areas of performance that were of concern to the elected body; it would also help to eliminate misunderstandings and miscommunication between the elected body and manager.
3. Use a full-term evaluation to evaluate the level of performance satisfaction for the entire performance period and thus provide the basis for a fair and equitable compensation decision.

Often, factors other than the performance evaluation form the basis of compensation decisions. These nonperformance considerations include

1. The economic climate of the community and region
2. The general status of compensation decisions in the private sector of the community
3. The compensation decisions for other employees of the local government
4. A general review of the competitive position of the local government in the local government's market area
5. A comparative salary review.

In summary, the performance evaluation of a professional manager can provide input into compensation decisions by the local elected body. However, the communication value of an evaluation is best served by a periodic evaluation not directly tied to compensation.

### **The Evaluation Results**

The evaluation serves as the written, formal record of the conversation between the manager and elected body and consists of two important sections. The first section is the elected body's appraisal of the manager's performance with respect to the previously agreed-upon goals for the period under review as well as the general performance of the organization. The second section contains an agreed-upon list of the

goals to be accomplished during the next appraisal period as well as any specific performance areas identified for improvement.

## **What Others Are Doing: Survey Results**

In developing this handbook, the task force surveyed a sample of local government managers within the United States to obtain information on current evaluation practices. The key findings of the survey suggest that the evaluation process is a problem for a sizeable number of managers. Fortunately, though, most respondents did not report problems with their evaluations and took the time to comment on key aspects of successful appraisals. These comments provide clues to the common pitfalls related to the evaluation process and, more importantly, suggestions for improving the process. This section of the handbook describes these survey findings.

The most common challenges managers and elected bodies face with the evaluation process revolve around four general areas: failure to undertake evaluations, lack of a credible appraisal process, lack of knowledge of the council-manager form of government, and lack of communication. Each of these topics is briefly discussed below.

### **Failure to Undertake Evaluations**

Employee appraisals are a standard feature of most workplaces. They serve as a means of enhancing employee performance as well as the overall effectiveness of the organization. Indeed, employee appraisals serve similar purposes as performance measures of programs and services. In both cases, we seek to identify opportunities for continual improvement. Yet people avoid completing performance appraisals, most likely because properly completed appraisals require time and effort. Other reasons for avoidance may include fear of criticism or the underlying stress associated with the appraisal process. Neglecting to undertake regular performance appraisals, however, can lead to underachievement. Worse yet, failing to complete appraisals on a regular basis can lead to unfounded assumptions that all is well when it is not. It is therefore important to establish a regular pattern of appraisals.

The survey responses identified two methods to help ensure that appraisals are conducted on a regular basis. The most common method is to place a requirement for an annual evaluation within the employment

contract. The requirement should also specify a time of year—often a time that is less busy than others. The other method is to establish an appraisal time at a regularly scheduled annual meeting, such as a board retreat. But while this method achieves the goal of a scheduled appraisal, it is a less satisfactory approach because it may easily dilute the focus necessary for a good appraisal.

## Lack of a Credible Evaluation Process

Another common challenge that survey respondents noted is the lack of a credible evaluation process. Problems include lack of structure, little to no preparation, and limited understanding of appraisals, both purpose and process. Process issues may be addressed through formal training of both the manager and council. Training can be accomplished through work sessions with human resource professionals. Another approach is to team up with CEOs and board members of locally-based institutions that have the same challenge and jointly sponsor training programs. Although not as effective as training, the use of standard evaluation forms, customized to a community's goals, is another way of ensuring a more structured process. Lastly, most managers who are satisfied with their appraisal processes noted that one member of the elected body, typically the mayor, provided active oversight of the process and kept discussions on point and on track.

## Lack of Knowledge of the Council-Manager Form of Government

Lack of knowledge about the community's form of government and/or the day-to-day work of the manager is another factor that was cited as hindering quality appraisals. In this case, providing information as early as possible to newly elected officials about the form of government is recommended. This can include meeting with those officials and discussing the manager's duties and responsibilities as well as taking them on field visits. Another approach is to partner with the statewide municipal league and/or municipal clerks association to provide seminars on the form of government. Managers can also use opportunities such as community functions to inform the general public about its form of government. Some jurisdictions use the "policy governance" model, whereby the explicit roles of the manager, elected body, and

other key staff such as attorney are clearly defined and documented. Removing misunderstandings and filling informational voids about the form of government can greatly improve appraisals because such efforts clarify the duties and responsibilities of both the manager and the board.

## Lack of Communication

Perhaps the most important ingredient for successful appraisals is effective means of communications between manager and elected officials. As in any human relationship, effective communication is key to understanding and removing faulty assumptions. Achieving superior levels of communication requires active listening and regularity. And the benefits of such attention are high. For instance, survey respondents noting the most satisfaction with the appraisal process use a wide variety of means to regularly communicate with their elected bodies. They meet with elected officials on an individual basis and talked with them regularly via telephone. These same managers provide regular written and verbal reports, typically at each board meeting, that discuss the progress on council goals and objectives, strategic plans, and prior evaluation topics, as well as on operational and special topic issues. More detailed reports are provided on a quarterly basis. In addition, many managers meet with their elected bodies more than once a year with a single-issue focus to discuss progress, redefinition, and resourcing of established goals and objectives, strategic plans and efforts, etc. These additional meetings provide time to focus on progress and reduce the probability of end-of-year surprises.

Creating an effective organization takes time and effort. It also requires regular evaluation of services and operations. Evaluating employee performance, especially the manager's, is a vital element of successful organizations. Objective appraisals can be achieved with an accurate understanding of the manager's and elected officials' duties and responsibilities. Communicating regularly and effectively through a variety of means is a vital element of successful organizations and employee appraisals.<sup>3</sup>

## Supplemental Approaches

The basic process for evaluations may be supplemented or expanded by using other tools, such as self-evaluations, periodic check-ins, 360-degree assessments, and conversation evaluations.

## Self-Evaluations

It is recommended that a self-evaluation component be included in whatever type of evaluation is used. The purpose of a self-evaluation is for the manager to reflect upon his or her level of performance in achieving the organizational objectives, including both internal and external accomplishments and challenges in handling specific tasks and taking organizational direction. In a public setting, process and perception can be as important as outcomes, and managers should include all three in a self-evaluation. Thus, a manager's self-evaluation should make clear to elected officials the process by which the manager pursued individual goals, and the perceptions of both the manager and stakeholders of the manager's success or failure in meeting those goals. A manager's self-evaluation should be customized to the needs of each governmental entity.

## Periodic Check-ins

There is a management philosophy that says there should be no surprises during an evaluation. Managers should be continually evaluating, assessing, measuring, and communicating with employees. Providing this type of continuous evaluation is a greater challenge, however, for elected boards because it requires the participation of all board members—since the manager reports to a group and not a single individual supervisor. If a process is in place for formal evaluations of the manager, such evaluations likely occur just once per year. The annual evaluation can be a stressful time for all involved, and it can also be a challenge to remember all that has occurred over the past year. Moreover, it is easy for annual assessments to skew toward recent events, challenges, and successes while deemphasizing activities that occurred nine or ten months ago. In reality, an elected body's perception of a manager's job performance is often viewed through lenses crafted by the “crisis of the day” or by how smoothly the last board meeting went. A more workable alternative is periodic check-ins.

Periodic check-ins, such as once per quarter, can help reduce the stress and minimize the surprises that can come when a manager's performance is evaluated only annually. A periodic review of a manager's work plan can help remind the elected body of the manager's long-term goals (as set by the organization) so that both parties can evaluate the manager's progress toward meeting those agreed-upon goals. If progress on the work plan has slowed down or other challenges have arisen along the way, a quarterly check-in offers the manager

an opportunity to self-reflect on his or her performance as well as a forum to explain delays. It can also provide the manager the opportunity to remind the board of the 18 core areas noted in the [ICMA Practices for Effective Local Government Management](#) that are critical and are part of operating effectively on a day-to-day basis.

A periodic check-in on the manager's work plan is also important when faces on the elected board change, such as after an election, resignation, or reassignment of committees. By apprising the new board members of the manager's work plan, the manager is making certain that the new officials understand and are supportive of the projects or goals that he or she is working on.

## 360-Degree Assessments

Another form of appraisal process is the 360-degree assessment, which is sometimes referred to as a “self-development” tool. Generally speaking, the 360-degree assessment consists of an employee obtaining feedback from supervisors, subordinates, and peers. In this case, the manager completes a self-evaluation as well, with a sample of the workforce providing the subordinate feedback. In some instances, feedback is also obtained from those outside the organization, such as citizens who have frequently worked with the manager and use the jurisdiction's services regularly.

Some jurisdictions include the 360-degree assessment as part of the manager's appraisal process. The ICMA Voluntary Credentialing Program also uses this method as part of maintaining the credential; however, ICMA's assessments ask only behavioral questions. They do not cover progress toward organizational goals.

In most cases a 360-degree assessment is conducted digitally via the Internet. Raters are provided evaluation forms that are returned to an independent third party via the Internet in order to ensure anonymity and confidentiality.

One of the chief benefits of the 360-degree assessment process is that it provides feedback on competencies that are not regularly seen and therefore are not discussed in the typical performance appraisals. For instance, line staff will see behaviors that elected officials do not see and vice versa. Thus, a manager's performance may be improved because it is evaluated from several different perspectives. However, if the 360-degree assessment is used as part of the appraisal process, caution should be taken so that the evaluation doesn't become a measure of the manager's popularity with staff or the public. The manager works for the elected officials and should be evaluated by them on the basis of their stated expectations.

## Conversation Evaluation System<sup>4</sup>

This version of an evaluation is a conversational session between the manager and the elected officials. For situations where there is tension among the elected officials or between the manager and the elected body, a facilitator can be used.

### **Step #1: Create Factors**

The elected officials divide themselves into subgroups—normally an equal number of officials in each. The number of groups should be small, so for a board with 7 members, there would be a group of 3 people and a group of 4 people. With larger boards—say a county board with 20 people—there might be more groups. Where the situation involves a mayor and other elected officials, the mayor can move between the two groups or can be part of one group. The manager makes up his or her own group.

The elected official groups are given a single question that they can respond to with a number of factors: “What should members of the elected body expect of the manager?” The groups place their answers on a flipchart page. The manager also gets a question: “What do you think the elected body ought to expect of the manager?” to which he or she can also respond with a number of factors listed on a flipchart page.

### **Step #2: Reach Consensus on the Factors**

The subgroups come back together and discuss each of the factors they listed. They work to combine their lists to arrive at between 10 and 15 factors.

### **Step #3: Assign Weight Values for the Factors**

The group divides again, and the subgroups assign points to each of the factors from Step #2. They are given a total of 300 points and may assign from 10 to 30 points to each factor, but each factor must be given an even number of points. More points are given to those items that are a higher priority.

### **Step #4: Reach Consensus on Weight Values for the Factors**

The subgroups come back together again with the point values they have from their discussions. During this conversation, the entire group tries to come to a consensus on how the point values from Step #3 should be allocated.

### **Step #5: Assign Rating to Each Factor for the Actual Performance of the Manager**

The elected officials distribute points to each of the factors on a 1–5 scale, on which 5 is far exceeds expectations, 4 is exceeds expectations, 3 is achieves

expectations, 2 is below expectations, and 1 is far below expectations. For example, a 30-point factor would have the following scale:

30–28	Far exceeds expectations (5)
28–26	Exceeds expectations (4)
26–24	Achieves expectations (3)
24–22	Below expectations (2)
22–20	Far below expectations (1)

These points are totaled, and then added to the points from the section below.

### **Step #6: Select Goals**

The board—collectively and in consultation with the manager—comes up with the list of goals for the manager. Together they then assign another 100 points to the goals for the year. So, for example, 50 points could be assigned to Goal #1, Goal #2 could get 20 points, and Goal #3 could get 20 points, leaving 10 points for Goal #4.

The points from the above 5 steps would be added to the 100 points possible from step number 6 and would be totaled for an overall score using the chart below:

400–360	Far exceeds expectations
359–320	Exceeds expectations
319–280	Meets expectations
279–240	Below expectations
239–200	Far below expectations

In summary, this is a conversational evaluation. The evaluators review the factors each year and everybody owns them. From year to year the factors are revised as necessary to reflect the feelings of the elected body, which can change each year.

## Data-gathering/Software Resources

Performance evaluation software can be an effective tool for the elected body to prepare manager evaluations. A wide variety of programs are available, enabling elected bodies to have as much or as little input into the rating categories as they wish. Some programs come with rating categories already provided for a variety of positions, some allow the customer to provide the categories, and some are a hybrid. This flexibility allows the elected officials to create a customized rating tool that works best for them.



Some evaluation software programs allow for multiple raters and some for a single rater. If the program only allows for a single rater, all elected officials convene to discuss each category, agree on the rating, and offer comments, while one elected official enters the rating and comments into the software program. In this case, there needs to be trust among the elected officials that all opinions are being heard and recorded. It is then important that all elected officials review the final draft and offer feedback before it is given to the manager.

If a multiple-rater system is used, elected officials will be completing the evaluation away from the rest of the elected body, so it is recommended that there be group discussion beforehand to ensure consistency in the meaning of the rating categories as in opinions about the manager's performance. The elected officials should also meet after they have entered their ratings because the evaluation *is* a group activity, not a multiple individual activity.

A word of warning regarding the multiple-rater system: It may be difficult to make sure that everyone fully participates in the process. Elected officials won't be informed by each other's comments, and consensus can be hard to achieve. Thus, if some elected officials provide more commentary than others, it could skew the overall evaluation.

Even with the use of performance evaluation software, an in-person conversation between the elected body and the manager is needed to review the evaluation and discuss the results.

As noted above, a wide variety of software programs are available, including

- Online survey tools such as Survey Monkey
- Performance evaluation software (SHRM can recommend)
- NeoGov online performance evaluation module

## Conclusion

Communication. That is the essential element to maintaining a good relationship between an elected board and the appointed manager. Communication comes in many forms, but the board's evaluation of the manager is a formalized method of communication that should not be overlooked.

The task force that was formed to develop this handbook compiled and considered the best practices for manager evaluations. The group shared numerous ideas and learned a great deal from each other. The final product demonstrates that just as each manager and board are unique, so too must be the evaluation process for each manager. While there are common

methods of evaluation, the tools and methods used to evaluate one manager in one community may not be appropriate for another manager in a neighboring community. To maximize legitimacy and effectiveness and to enhance communication, a manager's evaluation needs to be tailored to the issues and stated goals of the elected body.

That said, the task force also agreed that there are some standard elements—notably, the [ICMA Practices for Effective Local Government Management](#)—that would enhance any evaluation. These 18 core competencies are the framework for what a manager does on a day-to-day basis, and they warrant acknowledgment in the evaluation process.

Finally, while this handbook offers a variety of ideas on the manager evaluation process, the most important takeaway is that the evaluation must take place and that the process must be mutually agreed upon. There are many ways to get this done, but the manager and the board both deserve the structured communication that the evaluation provides.

## Sample Evaluation Forms for Local Government CAOs

- [Sample Appraisal of Performance](#)
- [Sample Manager Evaluation Form](#)
- [Sample Manager Performance Evaluation](#)
- [Sample County Administrator Performance Evaluation](#)

## Other Resources

- [ICMA Practices for Effective Local Government Management](#)
- [Recruitment Guidelines for Selecting a Local Government Administrator](#)
- [ICMA Model Employment Agreement](#)
- [ICMA Code of Ethics with Guidelines](#)





## Notes

- 1 Adapted from City Manager Performance Review, Successful Evaluation Tips, City of Mountlake Terrace, WA
- 2 Integrity is not simply concerned with whether the manager's behavior is legal; it also addresses the issue of personal and professional ethics: "Demonstrating fairness, honesty, and ethical and legal awareness in personal and professional relationships and activities." ICMA members agree to abide by the ICMA Code of Ethics.
- 3 Perkins, Jan. "Case Study: It's (Gulp) Evaluation Time." *PM*, July 2005. <http://icma.org/Documents/Document/Document/3602>
- 4 Adapted and used with permission from Lewis Bender, PhD, Professor Emeritus, Southern Illinois University, Edwardsville, [lewbender@aol.com](mailto:lewbender@aol.com)

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