

**MINUTES**  
**ENOCH CITY COUNCIL**  
**April 3, 2024 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Geoffrey Chesnut  
Council Member Katherine Ross  
Council Member David Harris  
Council Member Shawn Stoor  
Council Member Bob Tingey  
Council Member Debra Ley

**Staff present:**

Robert Dotson, City Manager  
Ashley Horton, Treasurer  
Justin Wayment, City Attorney-Excused  
Hayden White, Public Works Director  
Lindsay Hildebrand, City Recorder  
Jackson Ames, PD Chief-Excused

**Public Present:** Alan & Valerie Wade, Bryce Poulson, Erica Cheek, Ryan Huff, Megan Stead, Jennifer & Charles Zeigler, John & Tammy Banks, Jonathan Wilson, and Anthony Maganuco

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING** - by Mayor Chesnut
  - a. **Pledge of Allegiance-** Led by Council Member Stoor
  - b. **Invocation (2 min.)-Audience invited to participate-** Given by Megan Stead
  - c. **Inspirational thought-** Given by Council Member Ley
  - d. **Approval of Agenda for April 3, 2024 - Council Member Harris made a motion to approve the agenda. Council Member Ross seconded and all voted in favor.**
  - e. **Approval of Minutes for March 20, 2024- Council Member Harris made a motion to approve the agenda. Council Member Ross seconded and all voted in favor.**
  - f. **Ratification of Expenditures- Council Member Harris made a motion to approve and ratify the expenditures for the month. Council Member Tingey seconded and all voted in favor.**
  - g. **Conflict of Interest Declaration for this agenda- None stated**

2. **PUBLIC COMMENTS** *See link to recording*

<https://www.cityofenoch.org/city-council-agenda--minutes.html>

Kenneth A. Wade stated he was at the meeting for the zoning and ordinance issues within the city. He currently lives off of Highway 91. Mr. Wade discussed some of his personal history in detail in response to a plea of poverty that was given at the last City Council meeting. He and his wife Val had been married for 42 years. They had a total of 5 kids between them. He was \$25,000 in debt from custody fees from a previous marriage. He worked out of town. When he went to work for Iron County Road Department, he was making \$7.00 per hour. What made the job worth it was the benefits and insurance. For the first ten years, he had to work two to three jobs and gave examples. They struggled to pay rent and couldn't afford a house. Eventually, when they purchased a modular home, they had to pay 9% interest. He always wanted a new home. His interest rate is currently 6.75% on the new home that they recently built. When they purchased the old modular home, the CCNRs stated that you couldn't have a trailer, modular, mobile home, etc. Mr. Wade gave the history of his current property. The group of people got together and circulated a letter and put the issue on a ballot to see if everyone in the area wanted to stay in the covenants and CCNRs in that subdivision or have them removed. Removing them would require Enoc City ordinances to take their place. Everyone voted to rescind the CCNRs because there was

only one person who controlled and enforced them. Everyone figured Enoch City would protect them and take care of them. The ordinances at that time were pretty clear about what could be done. However, in the last few years, everything has been going south. There is a family that lives in between the two single-wides that aren't happy. about having them here. Mr. Wade noted that he decided to take on the issue because his property has lost value due to the single-wide homes. An appraiser had appraised his home about a year ago. He asked that same appraiser if he could sell his home for the same amount that it appraised for a year ago and the response was no, even though the value should be more. He has gone through the city's ordinances and found several things that have not been done by the city staff. He specifically noted Enoch City code 12.1800.1802 Definitions. "Mobile Home. A detached, single-family dwelling unit with a minimum of four hundred (400) square feet, designed for long-term occupancy, and constructed to be transported on its wheels, flatbed trailers or detachable wheel. It is designed to be used as a dwelling unit without a permanent foundation..." He also noted Zoning Restrictions code 12.2100.2105. It states "Anything in these ordinances notwithstanding, no "mobile home," as herein defined, shall be located, placed, used or occupied in any zone of Enoch City except within approved zones; provided however, that mobile homes may be stored, displayed, and sold but not occupied as living quarters, in commercial and industrial zones." He stated that they should never have been placed there. He listed several issues he found with the Stead's mobile home trailer. He listed all of the requirements needed to build and fix problems. Not everyone is getting the same ordinances and codes enforced upon them. He showed a petition of over 40 signatures against the mobile home trailers. He expected the city to follow their codes and ordinances. He didn't care if they brought modular or manufactured homes in. He was worried about liability. The zoning isn't correct there. He said it should be MXR Mixed Residential.

**\*See Recording starting at 04:45**

Anthony Magnooko stated he lived on Highway 91. His concern was the property value. He recently moved to Enoch from California about a year and a half ago. Property values are a little bit over-valued. He knows mobile homes because he used to work in the industry. The way the Stead's home is placed on stilts, worried him because he was afraid that it would sink in the ground. He hoped the City Council would consider this. He also noted that the government here in Enoch was like the government in California.

**\*See Recording starting at 31:20**

Megan Stead stated she lived on Highway 91. Her home is one of the homes in danger of being removed. She addressed Mr. Wade's statement regarding his option to buy a home. She felt that it came down to affordable housing and was concerned about where her kids would live. Is the city going to allow affordable housing or not? They thought they were in compliance with all codes. They got the permit and went through the proper channels. Her request was to change the ordinance. She understood that the property values were probably going to decrease. It is currently under construction. She read a statement. In it, she addressed her issues with the ordinance. She requested an ordinance change for her family and future generations. They have put a lot of time, money, and sacrifice into their home. She asked a question about being kind or being right. By changing the ordinance, they can be kind and right. If they had to move, they would lose a lot of time, money, and a place to live. She thought that it would only be fair that they be compensated. She came up with a few options and emailed City Manager Dotson. She wanted to be monetarily compensated and another course of action could be for the city to exchange their mobile home for a double-wide or manufactured home. It's 1500 sq. feet. Another option would be for the city to buy them a new double-wide. If they can't figure out something that works for everyone, then they would have to haul off the trailer and pursue litigation. They don't want to do that. They are willing to be flexible.

**\*See Recording starting at 33:45**

Jennifer Zigler stated she lived on Highway 91 in between the two mobile homes. She and her husband have a young family. They also take care of her mother. She discussed her personal history. They have four kids. She didn't agree with having to bring down a community in value in order to let younger families come in. She and her husband worked three jobs. They do what it takes to stay in a nicer community. They work paycheck to paycheck. There are communities out there that help people afford homes in different areas. A home loan is based on what she can afford and she has to find a home in an affordable area. Every community is different based on values. She feels like they should respect that.

**\*See Recording starting at 43:35**

Tammy Banks stated she lived on Hillcrest Circle. She owned property near the Steads. The core issue is that they are experiencing something illegal that was done. She had a private buyer who came to look at a lot that they owned. As soon as they saw the trailers and RV park, they pulled out of the sale. That is when she realized that it is affecting everyone who has put a lot of money into the homes that were built. She didn't have anything against the family in doing what they wanted to do. There were just misunderstandings from the beginning. She sells real estate. Buyers are required to do their due diligence to make sure that what they are buying is ok. Her job is to try to help make sure that they are aware and not caught in a negative situation. A mobile home and a modular are brought in on trailers and sometimes left on trailers, but they are specifically designated to be in mobile home parks as the ordinance states. To change the ordinance is not appropriate. Affordable housing might be to open a mobile home park. There are a lot of options out there. There are some great government programs available. We can't bend the laws to accommodate people. She didn't know what the answer was but was hoping it can get worked out. She expressed gratitude to the Council.

**\*See Recording starting at 48:50**

Peter Stead stated he lived on Old Highway 91. There are many laws coming to be in cities. Many come from fears and desires to protect a person or property. If the ordinances that are in place in Enoch are in line with the city's goals and the ordinances don't follow those goals, then ordinances change. What they are asking is to change the ordinance to allow single-wide mobile homes. He has worked with single-wides and double-wides. They will go over the electricity with the city inspector and electrician. They are trying to do what is right. The Iron County codes don't really apply because they are working with Enoch and not the County. What is the Council's goal? Are they going to stand by the principles such as property rights, protection over property rights, etc.? He appreciated the Council.

**\*See Recording starting at 54:34**

Ryan Hough stated he lived on Green Acre Circle. He didn't own a home in the neighborhood but rents there. He rents because he can't afford a home. He was 41 years old and had been wanting to buy. He has been renting the home for 9 years. He understood the sentiment of the Steads. He has had a home in the past and lost a lot of money. He noted that he didn't have a vested interest in the property values in the neighborhood. However, he also understood the vested interest of the property owners in the areas. In his opinion, if the couple didn't do due diligence, then they should eat the cost. If it was the city didn't do due diligence then they should pay for the loss. Something wasn't done correctly, so there would be a price. In his opinion, those two mobile homes shouldn't stay.

**\*See Recording starting at 59:40**

Mayor Chesnut noted that he appreciated the respectful tone of all statements heard.

**3. CONSIDER RESOLUTION 2024-04-03 A RESOLUTION TO AMEND THE ENOCH CITY FEE SCHEDULE**

City Manager Dotson stated that there were a few requests by staff to amend the fee schedule. The first was based on unpaid utility penalties. We are having challenges with people who will pay their bills with a check. It will bounce and we will shut water off for non-payment. So they then go online and pay, typically with an E-check. We will then turn it back on and the E-check will get returned. This keeps going on and in the meantime, we charge a fee for non-sufficient funds. This request allows us to receive payment when they go through the process of manipulating the system. We think this may help. Council Member Ross asked if we have a safe place to put cash. City Manager Dotson said yes. Council Member Harris asked if people could use a debit card. City Manager Dotson said it must be cash.

The other issue was that we are also getting more and more team sports wanting to reserve the Enoch baseball field and the Rec Complex. They are competing against each other for reservations. Lindsay stated that there are teams who know their season schedule months in advance and request to reserve the baseball field 3-4 days per week. We are trying to find ways to allow more people to reserve the field since there is only one. Council Member Harris was concerned about teams that take over and don't allow our community to use the field. He suggested limiting the amount of time for the groups to use it. He was fine with the fees.

City Manager Dotson said there are times when our building inspector is sent out to inspect a job and if the job isn't done, he can't inspect it. Then he gets called back again and it's still not done. There have been instances where this occurred three times in a row. This would allow us to charge a \$50 inspection fee after the second inspection on the same item. Council Member Harris agreed on the fee of \$50.

**Council Member Harris made a motion to approve Resolution No. 2024-04-03, a resolution to amend the Enoch City Fee Schedule. Council Member Tingey seconded and a roll call vote was held as follows:**

**Council Member Ross: Yea**

**Council Member Stoor: Yea**

**Council Member Harris: Yea**

**Council Member Tingey: Yea**

**Council Member Ley: Yea**

**4. CONSIDER APPLICATION OF ORDINANCE 12.300.321 SINGLE-FAMILY AND TWO-FAMILY DWELLING STANDARDS**

City Manager Dotson read the ordinance. Council Member Tingey wanted clarification about what they needed to do. Mayor Chesnut noted that there was a public community member request to put the item on the agenda. There was no action to take tonight because there were conversations ongoing. They were working on various options on the administration side to bring to the Council for them to make an educated decision. City Manager Dotson said the deliberations and any consequences have to be done in public. The deliberations can't happen outside of the room. They need to be mindful that any course of action could have legal consequences. Council Member Harris acknowledged that this is a no-win deal. He appreciated the willingness of any party to be willing to be flexible and come together to develop a solution. In his opinion, he would lean heavily toward trying to find a way to have the Steads come into compliance with the law rather than change the law. Council Member Ross agreed with Council Member Harris. She didn't think the ordinance should be changed. With regard to this ordinance and other laws in the city, Council Member Stoor questioned if they were concerned about what the home looked like, or what the size of the home was. If we put our homes

next to multi-million-dollar homes, we would be considered low-class. Did it make us bad people? At the sake of being neighborly a lot of the intent is inward. We have laws to protect citizens. He didn't have a solution but asked how do we be neighborly and come together instead of apart. We need to be concerned about everyone's interest and not just our own. He would like to think that Enoch is different than California because of who we are and what we can become. Do we create more division, angst and dislike for our neighbors? Council Member Ley said there can be a solution even if we keep the ordinance. Through the Planning Commission, they tried to work the ordinance so that it would be a process for homes being built in the area. That is really hard. She wanted to find a way to keep the ordinance but find a solution for the Steads. Council Member Tingey wanted to abstain from conversation because he lived in the area. Mayor Chesnut noted that there is a stop order in place for both.

Mr. Wade noted that he requested a decision to be made tonight and not a discussion. Mayor Chesnut responded and the conversation continued between the two. The conversation ended with Mayor Chesnut highlighting the fact that the Council indicated that they did not have an appetite to change the ordinance.

## **5. COUNCIL/STAFF REPORT**

### Hayden White

- They had an inspection with the State with chlorinators and they passed. They have installed everything correctly.
- They have ordered 840 feet of 60 in. storm drain to continue on Half Mile down to Little Eden.
- They have been doing maintenance in parks, including ordering new doors for Old Enoch Park. Council Member Ross asked if that was due to vandalism. Hayden said rust from sprinklers and then some vandalism.

### Ashley Horton

- She is working on next year's budget. She appreciated them coming in and giving input.

### Rob Dotson

- We were not awarded the transportation funding for the study of the I-15 underpass at Highway 91. However, he was contacted by UDOT who will try to get money to do it instead. We will have to cooperate with Cedar City and the County for partial funding. We may even cooperate with the Community Impact Board (CIB). They have planning money. UDOT may add to that also.

### Lindsay Hildebrand

- She is at a Conference at SUU and working on packets.

### Council Member Stoor

- Arbor day is coming up and he got in touch with the arborist. He mentioned a tree grant that he wanted us to apply for. It will be on the 27<sup>th</sup> and we will also have a spring cleanup. The dumpsters will be open from 9am-1pm.

### Council Member Ross

- Planning Commission was quiet. They went over the General Plan to learn more about it.

