

MINUTES
ENOCH CITY COUNCIL
January 6, 2016 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Steve Johnson
Council Member Dave Owens
Council Member Shawn Stoor
Council Member Gary Wilcken

Staff present:

Julie Watson, Recorder
Dan Jessen, Treasurer
City Atty Kuhlmann, City Atty.
Robert Dotson, City Manager
Earl Gibson, Public Works
Jackson Ames, PD Chief

Public present: Ken & Carolyn Bauer, John Horstdaniel, Dilworth Armstrong, Troy Denman, Tambor & Linda Bascom, J.D. Price, Charles Roberts , Kent Brown, Mike & Mason Berg, Susan Lewis, Mike Olenlager, David Benkert, Sr., Lisa Owens, Peter & Danielle Grayson, Desiree Chesnut, Jolene & Bruce Lee, Jeff Lowe, Andrew Losee, Brent & Susan Carter, Alan Blake, Dave Jacobson, Heather Harris, Worth Grimshaw, Carolyn Olenlager, Jordan Barben, Spencer Jones, Michelle Pritchard, Rick Edmunds, Christine Spencer, Bob Gaul, Brian Johnson and Jennifer Heath

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Council Member Johnson at 6:00pm saying he was appointed Mayor Pro-tem at the last meeting to conduct until the new Mayor is sworn in. He welcomed the audience saying this is an historic meeting with a new Mayor and three Council Members starting tonight

- a. **Pledge of Allegiance-**Led by Julie Watson
- b. **Invocation-**Audience invited to participate-Given by Carolyn Olenlager
- c. **Inspirational thought-**Given by Council Member Wilcken
- d. **Oath of Office Ceremony-**City Recorder
- e. **Approval of Agenda for January 6, 2016-**Mayor Chesnut asked for a motion. **Council Member Stoor made motion to approve the agenda. Council Member Harris seconded the motion and all voted in favor.**
- f. **Approval of Minutes for December 16, 2015-** Mayor Chesnut asked for a motion. **Council Member Harris made a motion to approve the minutes. Motion was seconded by Council Member Wilcken and all voted in favor.**
- g. **Conflict of Interest Declaration for this agenda-**none stated

2. DISCUSS MEETING PROCEDURE POLICY AND VOTE ON MEETING SCHEDULE FOR 2016

Mayor Chesnut said the public can see the meeting schedule on the City website and he encouraged them to use that resource. He asked for questions or concerns. Council Member Owens said the EDC wants to meet on the first and third Thursdays and will propose that change at their meeting tomorrow night. Mayor Chesnut said we will vote on the rest of the meeting schedule tonight and if that passes then we will amend it on another agenda. Mayor Chesnut asked for motion excluding the item regarding the EDC schedule. **Council Member Owens made a motion to approve the 2016 public meeting schedule with the change for the EDC to be voted on later. Council Member Harris seconded the motion and all voted in favor.**

Mayor Chesnut said it is good there are rules so we all understand what we are doing to conduct business in an open and fair manner. For civil discourse and we should aspire to high ideals and we have rules to make sure we do that. Council Member Wilcken said to clarify this is a review of what we have had in place for several years now and nothing has changed. Mayor Chesnut asked City Manager Dotson to explain the meeting procedures. City Manager Dotson said most municipalities use Roberts Rules of Order to some degree. Basically the State Legislature changed that so each city could decide on its own rules within parameters. We adopted this ordinance in 2012. He reviewed the agenda procedure and how it has to be noticed no less than 24 hours in advance with location, date, time, and items to be discussed. Notice is placed on the Public Notice Website, in the newspaper, posted in the office and on the City website. He said we have always delivered paper packets to the Mayor and Council however they may choose to have the packet sent electronically if they desire. All information that is available on agenda items comes to them in the packet which is delivered the Thursday or Friday before the next meeting. We obey State open and public meeting laws. As required by State Code we will hold a training session in the next meeting as we will do for every public body of the City. Agendas can be amended with 24 hour notice but we try to reserve that action for extenuating circumstances. Emergency meetings can also be called when circumstances dictate. He said we have a means of electronic communications available should a Council Member need to participate by phone. Minutes are taken by the City Recorder or other qualified person. Minutes are marked as "draft" until they are approved when they become official. Recordings are made, saved on a file in the computer and posted on the website after meetings. Recordings are not the "official" minutes. The written minutes are the official documentation of all meetings.

City Manager Dotson went through decorum rules saying Mayor Chesnut chairs the meetings. The Council could elect a Mayor Pro-tem but historically we do that in the meeting previous to the Mayor being unavailable for the next meeting. Council Members responsibilities are to show up, to communicate their needs to staff and to respect the public process. Any person exhibiting disorderly conduct can be removed from the meeting. City Manager Dotson went through the explanation of reasons a closed executive session can take place. State Code is very strict on the items that can be discussed in private. The minutes of those meetings are sealed unless a judge unseals them due to a lawsuit. Things that can be covered in a closed meeting are discussion of pending litigation, the character, professional competence or health of an individual and the purchase or sale of real property where public knowledge could affect negotiations. The City's security measures can also be discussed in a closed session. A quorum is three members of the City Council. Motions shall be voted on by not less than three members and must be unanimous when only three are in attendance. Anything less than three "yeses" and an action item does not pass. Each vote is recorded. Voting members can abstain but that is not to be confused with a "no" vote. You can recuse yourself and remove yourself from your seat. Conflicts of interest are to be stated in advance however you can still participate and vote. There is to be a clear motion stated and a second to the motion and then a vote. If there is a motion on the table and there is no second the motion dies and a new motion can be stated or an item can "die" for lack of a second. It is important to go through the process for clarity on Council actions. We try to have all discussion first before the motion.

City Manager Dotson asked for questions. Council Member Owens asked about the establishment of agendas. City Manager Dotson said Mayor Chesnut has the authority to say what comes on the agenda. By law three Council Members can create an agenda item. Council Member Wilcken said they usually set an item for the next agenda in the prior meeting. Council Member Wilcken asked for more clarification on executive sessions. City Manager Dotson explained that only the City Council can hold a closed meeting. All other meetings of City Boards are public. He reiterated the reasons a closed session can be held adding security measures for the City are now also a confidential item for discussion. The option to hold a closed session is

on every agenda in case it is needed. Decisions have to come back in the public portion of the meeting if there is an action to be taken. When a closed session is called by Mayor Chesnut a 2/3 majority vote of the Council is required. Also Mayor Chesnut needs to disclose the reason for the session so the public knows why you are going into executive session. Mayor Chesnut added when we do this it requires judicial order to open the sealed minutes because things are very sensitive and should not be discussed outside of that meeting. Council Member Wilcken said they can speak openly in the session but the closed session commits them not to speak outside of the closed meeting about items being discussed. Council Member Wilcken gave the example of the recent property purchase. We are protecting residents in the negotiations to get the best deal in a thing like that. Mayor Chesnut thanked City Manager Dotson and encouraged the Council Members to read through the policy.

3. PRESENTATION OF RURAL WATER UTILITY MANAGEMENT CERTIFICATION

Mayor Chesnut said City Manager Dotson has completed the training in water and wastewater utility management and has been awarded a plaque saying he is certified by the University of Utility Management. There were congratulations to City Manager Dotson and applause. Mayor Chesnut also recognized Council Member Harris for his decade of service on the Planning Commission and Council Member Owens for his service on the EDC presenting them with certificates of appreciation. He thanked them for their service to the City and there was a round of applause.

4. DISCUSS/VOTE ON CONDITIONAL USE PERMIT FOR RICK EDMUNDS FOR AN AUTO SALES BUSINESS ON DRIFTWOOD LANE-Planning Commission Rec.

Mayor Chesnut said in the packet they were given the minutes of the Planning Commission meetings from 12-8-15 and 12-22-15 which included a public hearing and the reading of the community response from those who were notified by letter. Mayor Chesnut asked Council Member Harris, who was the chair of the Planning Commission, to tell the Council about this item. Out of 42 letters sent to residents living on Driftwood there were four responses, one in favor and three against. To summarize the ones against were concerned about excessive traffic, signage and noise and were also concerned about another resident on the street who has been an issue for some residents. Mr. Edmunds said he is aware of the concerns and he will not be doing any of the things that were objected to. Council Member Harris said there were no issues with this for the Planning Commission after discussion and questions to Mr. Edmunds. He explained the business license he is requesting is part of the process to get his Utah Auto Dealers license. He will not display cars or do anything else that was of concern to some neighbors. A conditional use permit is granted and it stands unless there are complaints, which starts another process where the conditional use permit can be revoked for cause. All were in favor on the Planning Commission.

Mayor Chesnut recapped saying it appears Mr. Edmunds would not be operating in a manner that was stated in the concerns. Mr. Edmunds added he has been in this business for 19 years and now he will be able to apply for his state licensure and have the principle place of business at his home for the time being. He cited some problems he had in Cedar City with lots he rented being repurposed resulting in him having to close his business. His neighbors will not know he is even there and he can move his location in the future if it works out. Mayor Chesnut thanked Mr. Edmunds for coming to the City and going through the process adding he encourages that. He noted the City Council has the final approval and could add conditions if desired. Mayor Chesnut asked for a motion. **Council Member Harris made motion to approve the conditional use permit for Rick Edmunds to operate an auto sales business from his home on Driftwood Lane. Motion was seconded by Council Member Owens and all voted in favor.**

5. PUBLIC COMMENTS

Mayor Chesnut invited public comments asking the public to state their name and address for the record.

Bob Graul of 4240 Maple Circle said he wanted to give congratulations to the new Mayor and Council and thanked them for their prior service. He encouraged them not to take this assignment lightly. They have been given great responsibility and will make decisions that affect lives. He suggested they should not have a personal agenda but to bear in mind the documents that govern this nation and state. He added many people moved to Enoch for a reason one being is it is not Cedar City. The City staff has done a marvelous job and the Council should remember that they are committing someone else's money to things when they vote to raise taxes or fees. He encouraged fiscal responsibility going forward as many residents have limited resources.

Linda Bascom said there was an issue on October 6th when Troy Denman hit a water line and their basement was flooded by the City pipeline. They have gotten their estimates for repairs and restoration however Enoch's insurance denied coverage as did Mr. Denman's insurance and their own insurance. They are out \$52,940 and rising in damages. She asked where this can go now because if things are not taken care of they will consider legal action. They are not able to make any repairs or do anything with this matter pending. If the answer is "no" then they need to know because this has been going on for three months now.

Troy Denman said he has come to last two meetings and thought it would be on the agenda tonight. The first time they asked the City Council to discuss the broken water main and the City's liability. In the next meeting details of the break were elaborated however the Bascom's did not have their estimates ready. He defended his position and City Manager Dotson gave a presentation of the City's due diligence. *Mayor Chesnut said we have insurance and that company indicated we are not liable to which Mr. Denman may disagree.* Troy said the City's insurance got false information. *Mayor Chesnut said we abide by our policies and abide by our insurance company's decision. To do otherwise would be to violate our duty to the City.* Troy said there was a precedent set when the City paid on the Brindley's sewer damage claim. That is why they brought this matter to the Council. *Mayor Chesnut said factually it was a different situation and he asked City Attorney Kuhlmann who agreed. Mayor Chesnut said our insurance made a decision even if the next step is litigation. He thanked them for coming in.*

David Benkert, Sr. congratulated the newly elected saying he wanted to read a letter about an urgent notice for Enoch residents that was sent in the past regarding a petition circulating on the tax increase citing misrepresentations. He read the letter and chided the City Council to never do that again.

6. **CORRESPONDENCE**-City Manager Dotson said the Council Members received an email from SUU regarding an invitation to meet with the President and SUU Board for a luncheon meeting on Wednesday January 13th. They asked for an RSVP.

7. COUNCIL/STAFF REPORT

Council Member Johnson said he has butted heads with Council Member Olenslager on many occasions however he wanted to say he was grateful for his insight and experience.

Earl Gibson reported they are in the process of developing the new well and hope soon to know the expected output so we can complete it.

Council Member Wilcken asked Earl about the milky water as he has gotten calls from residents about it. Earl said one well was breaking suction and letting air into the lines. He took it off line yesterday and the air should clear out soon.

Chief Ames welcomed the new Council and Mayor Chesnut saying he looks forward to working with them. He said he has an open door policy and all are invited to come in with questions about the PD.

Council Member Owens reported the EDC is considering changing their meetings to twice a month and they are reviewing their EDC renewal for Utah in the meeting Thursday night.

John Horstdaniel of the Planning Commission said with Council Member Harris moving to the City Council they are seeking a new member and a new chairman. ***Mayor Chesnut said that appointment will be on the next agenda adding we have received one application.***

Council Member Wilcken said he has had some interest indicated to him from some individuals. ***City Manager Dotson referred him to the application form online saying they would need to submit an application to be considered.***

Dan Jessen said he is busy working through the end of the calendar year items. There are a few new things the State requires tax wise with ACA requirements. They want more electronic reporting to cut down on fraud. He welcomed the new City Council and Mayor saying he also has an open door policy and invited any questions adding he is open to new ideas regarding financial matters and is good at running numbers on spread sheets.

City Manager Dotson reported the elected official's orientation meeting is this Saturday from 9:00 to 4:30 or so including lunch. He said the Council Members have a thumb drive in front of them with all the ordinances and City policies for their review. When we do add policy or change ordinances he asked them to please bring the thumb drives for updating. He added this training will be fairly intense but will be helpful. City Manager Dotson said tomorrow night at 7:00pm there will be a water meeting at Cedar High School with the State Engineer and is for all concerned with water. He recapped the over mining of the aquifer saying that oversight of the water is with the State Engineer. He told about the process of developing a ground water management plan in the Enterprise/Beryl area and that this meeting is the start of the talks in our valley. He encouraged all to attend the meeting. This can be worked out but there will be some contention as water is a vital resource. City Manager Dotson reported this year is the 50th anniversary of Enoch being incorporated as a City. He gave details of the history of this action in 1966 and suggested perhaps we should celebrate the event. We went from 100 residents to over 6000 now. City Manager Dotson added he also has an open door policy adding we are all on the same team. He added he is going to Salt Lake City after this meeting for the CIB hearing for funding for our storm drainage plan on Thursday morning.

Julie Watson reported on the next agenda.

Mayor Chesnut said he wants to assign the City Council responsibilities with three new members and he elaborated on the list. He said we also want volunteers from the community members to help make things happen while saving money. He said he played off the strengths of the Council Members in making the assignments. He said January 27th will be "local official's day at the legislature" and encouraged Council Members to get in touch with City Manager Dotson if they want to go. He said the ICCC met today here in Enoch and elected a new Chair, Mayor MaileWilson with Mayor Don Landes as Vice-Chair and he as Treasurer. Commissioner Alma Adams was there and indicated that the State legislature passed funding for a county resource management plan to be developed. Mayor Chesnut said he is also on the rural transportation committee to coordinate on transportation issues in the county.

8. ADJOURN-Mayor Chesnut asked for a motion to adjourn. Council Member Harris made a motion to adjourn the meeting. Motion was seconded by Council Member Wilcken and all voted in favor. The meeting ended at 7:25pm.

Julie Watson, Recorder **Date**