

MINUTES
ENOCH CITY COUNCIL
May 4, 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 Jolene Lee
Council Member Dave Owens
Council Member Shawn Stoor-absent

Staff present:

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

Public present: Michelle Pritchard, Casey Anderson, Dilworth Armstrong, Brent Oakeson, Alan, Chase & Braden Madsen, Debra Ley, Justin & Matthias Greener, Spencer Jones and Justin Wayment

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 6:00pm. He welcomed the audience and excused Council Member Stoor who was out of town.

- a. Pledge of Allegiance-**Led by City Manager Dotson
- b. Invocation-**Audience invited to participate-Given by Council Member Owens
- c. Inspirational thought-**Given by Mayor Chesnut
- d. Approval of Agenda for May 4, 2016-**Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Owens and all voted in favor.
- e. Approval of Minutes for April 20, 2016-** Council Member Owens made a motion to approve the minutes. Motion was seconded by Council Member Harris and all voted in favor. Council Member Johnson apologized to the City Council for misunderstanding the language regarding fences.
- f. Conflict of Interest Declaration for this agenda-**none stated

2. PRESENTATION OF THE TAP AWARD-Brent Oakeson

Mayor Chesnut asked City Manager Dotson about the TAP Award and he invited Brent Oakeson up to tell the City Council about it. Brent introduced himself saying he is from the Utah Local Governments Trust who is the City's insurer. He is in loss prevention and makes sure we are doing things right to avoid liability and risk. This award is the Trust Accountability Award. Some of the requirements to get the award are to have an active Safety Committee, a return to work policy in place for injured employees, driver qualifications, managing sewer systems and the like that result in less claims. Another part of this award is a check that was sent earlier for a 5% discount on the insurance premiums. The award is to recognize all involved in creating a "culture of safety" in Enoch City. Mayor Chesnut thanked staff for implementing things to keep employees safe and saving money for the citizens. City Manager Dotson said the Trust met with us last month and we had the lowest Worker's Compensation premium increase of all insured by the Trust in the state.

3. DISCUSS/VOTE ON RESOLUTION NO. 2016-05-04-A A RESOLUTION APPROVING THE MATHESON MINOR LOT SUBDIVISION

Mayor Chesnut there is a Planning Commission recommendation and the map in the packet. Council Member Harris was asked to tell them about this. Council Member Harris said the application for the minor lot subdivision was all in order per City requirements so the

Planning Commission sent a favorable recommendation for approval. Council Member Lee asked about the \$200 transportation fee. City Manager Dotson said that is an impact fee. He explained that we collect \$200 at plat recordation and \$300 at the time the building permit is issued. Mayor Chesnut asked for a motion. **Council Member Harris made a motion to approve Resolution No. 2016-05-04-A, a resolution approving the Matheson Minor Lot Subdivision. The motion was seconded by Council Member Johnson and a roll call vote was held as follows:**

Council Member Harris-Yes	Council Member Stoor-absent
Council Member Johnson-Yes	Council Member Owens-Yes
Council Member Lee-Yes	Motion passed unanimously

4. ADOPT TENTATIVE 2016-2017 BUDGET BY MOTION AND SET A PUBLIC HEARING FOR MAY 18, 2016

Mayor Chesnut said at the prior meeting we discussed the tentative budget. He asked Dan to comment. Dan said we have to adopt the budget tonight by motion but it is tentative and changes can be made. Dan said he needs the Council's direction to balance the sewer fund which has a deficit of \$27,400. There are three options; increase revenues, decrease expenses or appropriate from savings to balance. Mayor Chesnut said we have had increased expenses with operations from the Wastewater Treatment Plant. The salary and wage study conducted increased expenditures also. We created the storm drain fund without funding it except for taking from the sewer enterprise fund. Essentially we robbed Peter to pay Paul and now it has come due. Mayor Chesnut said it has been more than two decades, if ever, that we have had an increase in sewer fund costs. The City has grown and we have held costs down but now it is time to consider a fee increase to help reduce the deficit in the sewer fund. The City definitely has a need for both sewer and storm drainage funds and it is justified to increase the sewer fee. Dan told of some adjustments he could make within the budget to help balance but stressed that even if we did get to a breakeven point by making other adjustments the enterprise funds need to make money. They are a business. One thing that makes it appear we have more money is the impact fees we collect. They can only be spent on capital improvements and can't be used for day-to-day operations. The enterprise funds need to have a surplus and it is not a responsible business practice to do otherwise.. His point is even if we make adjustments to break even it is not a responsible way to do business.

Council Member Lee asked Council Member Johnson why the prior council postponed the inevitable. He said it seemed at the time they were told it would not cause harm to move money from the sewer fund. They had a mandate to create the drainage fund but to stay within the budget. Council Member Johnson said another part of the deficit is the pay increases. Mayor Chesnut said it is a small portion but not the big part of the problem. The question is do we cover the deficit with money from the general fund or implement other measures to fix this. Council Member Johnson said he understands that general funds can go to enterprise funds but it is not good policy. Council Member Harris said this is ongoing and we can't do that every year. We need to look at an increase of \$1 per month in the sewer fund and then cover it for now with savings but set it to build up with increased revenue.

Mayor Chesnut said we would explain that in the public hearing and it is a justified fee increase. The reality is we paid for storm drainage and now we are short. Council Member Harris proposed a \$1 increase with perhaps another \$1 increase a year later to get the sewer fund where it should be. Council Member Owens said we had to pay more to Cedar for the treatment plant and asked if that is a yearly cost increase. Dan said they did a one- time upgrade that we used impact fees to participate in but the upgrade increased their power costs so it will be ongoing in that respect. Dan said one other change was in the general fund where we received \$450 from the Paiute Tribe and it was listed as \$4500. When he corrected that error it dropped our revenue so there is not as much surplus in the general fund.

Dan asked the City Council to adopt the budget by motion with those changes. **Council Member Harris made a motion to adopt the 2016-2017 budget with the changes discussed and set a public hearing for May 18th 2016. Motion was seconded by Council Member Johnson and all voted in favor.** Dan said the budget will be posted for the public to see and it will be online.

5. DISCUSS CHANGES TO SUBDIVISION ORDINANCE REGARDING DRAINAGE AND OTHER MINOR CHANGES TO COMPLY WITH STATE LAW AND UPDATE TECH REFERENCES AND SUBMITTAL REQUIREMENTS-Planning Commission rec.

Mayor Chesnut said the Planning Commission gave a favorable recommendation and he asked Council Member Harris to explain. Council Member Harris said this has been a concern in the community and storm drainage needed to be addressed in the subdivision process. The change to the Subdivision Ordinance essentially requires developers to create an engineering plan and to actually build something to retain or detain the storm water so it does not exceed pre-development run-off levels and cause flooding to downhill neighborhoods. He gave more details about engineering standards saying this will help to curb flooding problems and will apply to all new development coming in. Some developers have already agreed and are complying voluntarily to do this even though the ordinance is not in place yet. City Manager Dotson told about a few other changes to submission requirements and technical terms. He noted there have been issues at the County level with making sure final plats were passed so following their lead our Planning Commission Chair will sign the deed to each piece of property in a new subdivision attesting that the final plat was passed.

6. ORDINANCE NO. 2016-05-04 AN ORDINANCE AMENDING THE ENOCH CITY SUBDIVISION ORDINANCE REGARDING STORM WATER DRAINAGE REQUIREMENTS AND OTHER CHANGES TO SEMANTICS FOR CLARIFICATION AND TO COMPLY WITH UTAH STATE LAW

Council Member Harris made a motion to approve Ordinance No. 2016-05-04, an ordinance amending the Enoch City Subdivision Ordinance regarding storm water drainage requirements and other changes to semantics for clarification and to comply with Utah State law. The motion was seconded by Council Member Owens and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-absent
Council Member Johnson-Yes	Council Member Owens-Yes
Council Member Lee-Yes	Motion passed unanimously

7. RESOLUTION NO. 2016-05-04-B A RESOLUTION OF THE CITY COUNCIL OF ENOCH CITY, UTAH ENCOURAGING THE COUNTY OF IRON TO SUBMIT THE TRANSPORTATION PROPOSAL TO VOTERS IN NOV. 2016

Mayor Chesnut said the State Legislature allowed for some counties to approve a local option sales tax dedicated to transportation. They were going to leave it to the cities to let the County know if the County Commission should put it on the ballot in November so the voters can vote on the tax. We are only saying we want the voters to decide on this and nothing else.

Council Member Johnson said he sent email out to the City Council members with concerns about this tax. This is the second time it has come up. They are selling it as the people should decide. Enoch is small and even if the citizens opposed it Cedar City could still carry it. He does not like the County to decide things for us in Enoch. He discussed his concerns with the League of Cities and Towns pushing this issue. Last year they wanted the cities to sign on and pay \$100 to participate in pushing this and it was mostly funded by private concerns. We did not

know their agenda but since then that information is available on line. UTA is one major proponent and they have spent much money lobbying for this because they stand to get a lot for their rail system. Very little comes to Enoch and they say it will fund many road projects but it is more about the Wasatch front. He gave more details about the basis for this which is Agenda 21. He added we are expected to pass this with a stated goal to minimize vehicle traffic for cleaner air and to get us exercising more due to health and obesity. That is not the role of government in any way. The County did not put this on the ballot last year because they did not want to impose another tax on the people. We can raise our own money for road projects in Enoch.

Council Member Harris said he thinks it is always better to let the people vote on it and we should give a recommendation to the County Commission to place it on the November ballot. Council Member Johnson said it would not represent Enoch. Mayor Chesnut said the County Commission will not place it on the ballot in November unless the cities are on board with it. This is the proposal and we are being asked what Enoch thinks on this. It went on hold last year because we do not have public transportation and now the legislation has been changed so it does not have to go to public transit and can go to roads or other transportation modes like trails.

Council Member Johnson added last time this came up we talked about Agenda 21 and all of these elements that are not the proper role of government and that is his concern. Council Member Harris said he appreciates what Council Member Johnson feels but thinks the people should vote on it because this is a tax. Council Member Johnson said in this case it would not represent the voters of Enoch if Cedar City pushes this through. Council Member Lee said we have state roads running through Enoch and it seems like we should be a good player in this with our attitude. We need the improvements on the state roads. Council Member Lee said she appreciates the League of Cities and Towns. Road funds are necessary and we wear out our roads.

City Manager Dotson said this is money that comes to Enoch like Class C road funds. However this money could be used for trails or to maintain more roads or anything we want it for that involves transportation. Mayor Chesnut said this is an Iron County tax so we would get more than our fair share and could implement it locally. Council Member Johnson maintained this is not responsible. Council Member Harris confirmed Council Member Johnson is against this seeing it as not fair. Council Member Owens said there are other added benefits we would get. The County and State fix state roads but this would help us in Enoch with City roads. This allows people to have a voice even if we are smaller than the rest of the County. Council Member Johnson said we will still have the funds we have always had to fix roads. City Manager Dotson said to put it in context the ULCT studied this and many municipalities are using far more of their general funds for road maintenance than we are. Their studies indicate most supplement Class C road funds by over 150%. Enoch has not done that yet but we could use more money for roads. We budget \$300,000 and Earl does a great job of it maintaining 2-3 miles of roadways per year. With additional funding we could maintain more miles of roads per year. This went through the “crusher” at the legislature to get it to correct some issues. They decided this provides resources to cities and counties to do anything relating to transportation and not just what Class C funds allow for. Mayor Chesnut said he does not like expansion of government and understands Council Member Johnson’s concern. Council Member Harris agreed saying we are not voting on a tax increase but to encourage the County to put it on the ballot. People should vote on this.

Council Member Owens made a motion to approve Resolution No. 2016-05-04-B, a resolution of the City Council of Enoch City, Utah encouraging the County of Iron to submit the transportation proposal to voters in November 2016. Motion was seconded by Council Member Harris and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-absent
Council Member Johnson-No	Council Member Owens-Yes
Council Member Lee-Yes	Motion passed 3 to 1

8. RESOLUTION NO. 2016-05-04-C A RESOLUTION TO COOPERATE WITH THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT TO SEEK WATER RESOURCES OUTSIDE CEDAR BASIN

Mayor Chesnut said this item was submitted and prepared by the Conservancy District and he invited Justin Wayment to present this to the City Council because he is their attorney. Justin explained that our aquifer is being mined for more water than is recharged back into it. As a result subsidence has occurred in Enoch. We are limited in our water in this valley and the Lake Powell Pipeline was determined to be too costly for Iron County. The Conservancy District has been looking for other water to bring into this valley. They located water in the West Desert straddling Iron and Beaver Counties out in Wah Wah and Pine Valley that would much less costly to bring here than Lake Powell water would have been. They have applied for that water with some opposition from Beaver County and SITLA. They are seeking State approval subject to certain conditions. SITLA, Potash Ridge Mining and Beaver County have sued and it is going to court. The Conservancy District is asking the cities to pass a resolution indicating we are in need of this water and it is necessary for future municipal growth and economic growth. As a result this resolution was drafted to show communities are behind this water application. He assured the City Council this resolution commits Enoch City to nothing. It just says we are interested in bringing the water here. This will be utilized by the attorneys in the litigation.

Council Member Lee asked why Beaver County is opposed and he said the water is coming out of Beaver County although they have no plans for its use now. SITLA is concerned with leasing their land for potash mining. Water law is “first in time, first in right” and the Conservancy District filed first. Mayor Chesnut recapped saying this is to show we are supportive of the District’s efforts to acquire this water. There was more discussion of aquifer recharge and the upcoming groundwater management plan. Mayor Chesnut clarified again this is saying we support the District to explore bringing this water that is in litigation. Mayor Chesnut asked for a motion. **Council Member Johnson made a motion to pass Resolution No. 2016-05-04-C, a resolution to cooperate with the Central Iron County Water Conservancy District to seek water resources outside Cedar Basin. Motion was seconded by Council Member Owens and a roll call vote was held as follows:**

Council Member Harris-Yes	Council Member Stoor-absent
Council Member Johnson-Yes	Council Member Owens-Yes
Council Member Lee-Yes	Motion passed unanimously

9. PUBLIC COMMENTS-

Casey Anderson, newly appointed County Commissioner introduced himself and touched on County issues adding he is also on the Conservancy District Board. He clarified on the discussion of the west desert water saying this straddles the county line with Beaver. It is not Iron County taking water from Beaver County. He expounded on the gas tax passed by the State Legislature saying the County expects about \$350,000 from the taxes. He would like to see how that affects our road work in the County before we pass any other taxes. Taking this to voters does not mean it will pass. Two counties up north voted it down already. He is working with Enoch on contracting with the County to do our building inspections. City Manager Dotson said we have a great relationship with the County in all departments. Council Member Lee asked about his term. He said he replaced Dave Miller who resigned in time that this could go on the ballot to allow him to be elected to serve until 2018. He was appointed to serve for the next seven months. The primary fills the term to 2018 and then the seat is back on the regular election cycle.

10. CORRESPONDENCE-none

11. COUNCIL/STAFF REPORTS

Earl Gibson said the crew is doing routine maintenance. Mayor Chesnut thanked them for their work.

City Manager Dotson reported the City Council is invited to visit the Wastewater Treatment Facility for an evening tour if they would like him to set that up. The Leavitt Center for Politics and Public Service is paying for an intern for Enoch. Her name is Casey LaVoie and she is working on her master's in public administration. She will work 20 hours a week for us on creating a Marketing Communication Plan for Enoch. He reported our building inspector is taking a job in Cedar City and we are advertising to fill that position. Iron County will help us in the interim and Dave will be a variable employee to help with plan reviews and permits with the County doing inspections for us. We are now on the same software as Cedar and the County is going to do that too so we can schedule building inspections online. In conversations with the Festival Canines they want to build a dog park in Enoch. This could be by the new shelter. It is potentially going to be built with grant money and they have other funding too. They want us to send a letter of support for them. They only need to get the property.

Julie Watson reported on the next agenda.

Mayor Chesnut reported that on our Facebook page we did a live broadcast and will do that on Tuesday mornings. He told about showing the people who work in the office and what they do. It has reached 2500 people and has been viewed by 1000. We will spotlight people in our community and different things. He said we need to hold an executive session for discussion of strategy on the purchase of real property.

Council Member Johnson said that Gaylen Matheson informed him he would like to be the "on call" building inspector which would save a decent amount of money. City Manager Dotson said he can apply however this is a 40 hour a week job and the building department is very busy. Council Member Johnson confirmed this is an hourly wage job for a full time employee. There was more discussion and it was noted by City Manager Dotson that the crossing guard duties will no longer be handled by the building inspector. They are talking with the school on covering that.

Council Member Harris said the PC has expressed interest in bringing up the M-R-2 zone for discussion or to eliminate it all together due to the allowance for smaller lots. They refer back to the vote on the ballot a few years ago where the R-1-10 that was passed by the City Council was revoked by referendum. They feel eliminating M-R-2 would be in the spirit of that vote. We have also seen from citizens that they would like to introduce an R-1-11 zone to allow for smaller lots. Maybe the community is ready for that now. Also affordable housing has to be considered.

Council Member Lee reported on Arbor Day saying it was a success. They had about 60 people attend and help complete the projects. Daniel Allen, the Urban Forester, did some teaching at the event and it helped meet the requirements to finish up the grants we got. Council Member Lee commented for Shawn saying the Tree Committee appointed Katherine Ross as Chairman and Riley Howard will be secretary. An SUU student did an internship with her at Garden Park to offer activities for children as his EDGE project and received a \$1000 scholarship for it. She worked with SUU and rural health to have Garden Park be used for the summer lunch program.

Council Member Owens reported the EDC is still in need of two applicants to fill the committee. They will have a meeting tomorrow night.

12. CLOSED EXECUTIVE SESSION REQUESTED-(Requires a roll call vote w 2/3 majority)

Mayor Chesnut asked for a motion to go into executive session to discuss strategy for the purchase of real property. **Council Member Harris made a motion to end the regular meeting and to go into executive session for the discussion of the purchase of real property. Motion was seconded by Council Member Owens and a roll call vote was held as follows:**

Council Member Harris-Yes	Council Member Stoor-absent
Council Member Johnson-Yes	Council Member Owens-Yes
Council Member Lee-Yes	Motion passed unanimously

The regular meeting ended at 7:55pm.

13. ACTION FROM EXECUTIVE SESSION-

The City Council returned from executive session at 8:30pm. Mayor Chesnut recalled the meeting to order and asked for a motion. **Council Member Harris made a motion to direct the City staff to instruct our attorney to draw up a contract for the potential purpose of the purchase of real property. Council Member Owens seconded the motion and all voted in favor.**

14. ADJOURN-Motion to adjourn by Council Member Harris. Motion was seconded by Council Member Owens and all voted in favor. The meeting ended at 8:32pm.

Julie Watson, Recorder

Date