

MINUTES
ENOCH CITY COUNCIL
August 18, 2021 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Jolene Lee
Council Member West Harris
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder-Zoom
Ashley Horton, Treas.
J. Wayment, City Atty.
Hayden White, PW Dir.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Lindsay Hildebrand-Dep.Rec.

Public Present: Kim Whitehead, John Horstdaniel, Scott & Gayle Long, Robert Bromley, Matt Goodman, Tim Watson, Janie Renteria, Andy Losee, Jared & Lisa Baker, Stacey & Adam Bales, Arlo Fawson, Candace Funk, Justin & Rachel Godfrey, Ron & Julie Foster and Marci Moody

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING**-By Mayor Chesnut at 6:00 pm.
 - a. **Pledge of Allegiance**-Led by Council Member West Harris
 - b. **Invocation**-Audience invited to participate-Given by Jared Baker
 - c. **Inspirational thought**-Given by Council Member Lee
 - d. **Approval of Agenda for August 18, 2021, 2021-Council Member David Harris made a motion to approve the agenda. Motion was seconded by Council Member Ross and all voted in favor.**
 - e. **Approval of Minutes for Emergency Meeting August 3, 2021-Council Member David Harris made a motion to approve the minutes of the emergency meeting. The motion was seconded by Council Member Ross and all voted in favor.**
 - e. **Approval of Minutes for August 4, 2021-Council Member David Harris made a motion to approve the minutes. Motion was seconded by Council Member Ross and all voted in favor.**
 - f. **Ratification of Expenditures**-Ratified last meeting-signed tonight
 - g. **Conflict of Interest Declaration for this agenda**-none stated
2. **PUBLIC COMMENTS**-Mayor Chesnut said he wanted to move public comments to the end after the flood updates and other items.
3. **ORDINANCE NO. 2021-08-18-A AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH CITY ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY TEN (10) ACRES OF PROPERTY OWNED BY VALLEY GATE ESTATES, A PORTION OF PARCEL #A-0797, FROM PROFESSIONAL OFFICE ZONE (P-O) TO COMMUNITY COMMERCIAL (C-C)-Go Civil Engineering**

Council Member Ross said the Planning Commission sent this forward with a favorable recommendation noting there were two comment letters against the zone change. One just didn't want commercial property by them and the other had other issues with the way commercial

properties are regulated. It was pointed out this is the property across the street from the City Office and the owner is asking to be rezoned from Professional Office Zone (P-O) to Community Commercial (C-C) so the parcel it is all the same zone.

Council Member David Harris made a motion to approve Ordinance No 2021-08-18-A, an ordinance amending the General Plan Land Use Map and the Enoch City Zoning Ordinance Zoning Map by changing the zoning of approximately ten (10) acres of property owned by Valley Gate Estates, a portion of Parcel #A-0797, from Professional Office Zone (P-O) to Community Commercial (C-C). The motion was seconded by Council Member West Harris and a roll call vote was held as follows:

Council Member David Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed

4. ORDINANCE NO. 2021-08-18-B AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH CITY ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 9 ACRES OF PROPERTY, PARCELS #A-0928, #A-0910-0001 AND #A-0935-0008, FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11-Worth Grimshaw

Council Member Ross said the Planning Commission sent this forward with a favorable recommendation. There was lots of discussion from residents about the water and the infrastructure and why we allow more building when we can't manage what we already have. Someone suggested we should put a moratorium on building.

Council Member David Harris made a motion to approve Ordinance No. 2021-08-10-B, an ordinance amending the General Plan Land Use Map and the Enoch City Zoning Ordinance Zoning Map by changing the zoning of approximately 9 acres of property, Parcels, A-0928, #A-0910-0001 and #A-0935-0008. The motion was seconded by Council Member Lee and a roll call vote was held as follows:

Council Member David Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed

5. UPDATE FEMA RECENT STORMS AND FLOODING

Mayor Chesnut asked City Manager Dotson about what he has prepared on the storm water plan. City Manager Dotson said since the storm on 8-1-21 the application was submitted to the State and Mayor Chesnut had already made the Emergency Declaration for Enoch. It included the damage reports and volunteer hours reported. He recapped the details about the storms that occurred in the last month. The State is trying to take a series of storm events from around the State and combine them for the Governor to declare a State of Emergency for the whole State with all events combined. If the threshold is met then FEMA assistance kicks in. Once that happens there are funds for repairing the infrastructure of the municipalities affected. It is not a sure thing and does not fund resident's claims. He gave more details of what FEMA funding can be used for. There has to be 4.2 million in infrastructure damage, statewide, before FEMA assistance could be available. Each single incident by itself has to be assessed and there are many agencies involved. We don't know what will happen if anything. We met with our engineers from NRCS and our City Engineer. The original NRCS grant was \$425,000 in 2018. It was for detention basins along Hwy. 91 which he pointed out on the map. The storms that occurred in the last month have helped to request further assistance because we have seen more water come down the east side of I-15 to the north more than was in our original plan. We discussed with NRCS what we have to do to get the data to get more funding to do an expanded study. The

debris basins were not meant to hold the water we had in these storms like the one on Sunday 8-1-21. That was more water than any system can be planned to handle. He gave details of the plan and the increased amount of infrastructure we will need there. City Manager Dotson noted the land we are dealing with includes BLM land and that adds to the complications due to it not being City property. BLM has been slow to move on this delaying the building of these basins. This water comes from BLM property mostly so they have to be involved. Emergency watershed funding would pay 75 % of the project and we have to put in matching funding which can be “in kind” labor done the Public Works crew. We will apply for whatever the cost is. With adding an additional three basins there will be increased costs. We are trying to hurry this along but studies are required. He gave more details of the culverts under I-15 and where the water comes from in storms like the ones we had. He told about the existing pipes and waterlines that move the storm water. We are also talking to some property owners to lease or purchase their property for the basins. The object is to find the right places for this to go and decide whether to do it piecemeal or do the whole project at once. It could be up to 15 million for just the basins. That does not include the other infrastructure required with it. He added they looked at other infrastructure that could possibly be enhanced and the challenge we have is to engineer it correctly for protection for all residents.

There was more discussion of various areas of concern, sizes of storms to engineer for and what is reasonable, rates we currently charge for drainage and the need for more funding from residents including possible bonding or tax increases to cover costs. There are many considerations. Costs for materials are ever increasing and all projects have to be professionally engineered. All property owners have to let water move by their property. They can't stop it or divert it. There was discussion regarding if the City should take over maintenance of all the culverts rather than requiring residents to maintain them as we do now. Many do not take care of keeping their culverts clean of weeds and debris although they are required to do so. If that was to happen it would require more public works staff with increases in the budget to pay for more staff. Questions were asked about what impact fees can be used for and explained they can only be used to maintain the current level of service; not to improve the level of service. In discussing planning for projects, the discussion went over the storms and the amount of rainfall we received in the past month that was way beyond normal. The cost of planning to mitigate storms of that magnitude would not be practical or affordable. The NRCS plan will definitely be expanded to go farther north with more basins and we are in negotiations to purchase property for that purpose. It was noted we need a closed meeting tonight to discuss those negotiations. That is the update for now, City Manager Dotson said. Mayor Chesnut asked if there were questions.

There were questions about what level of storm we plan for, requiring developers to meet higher standards, how we go about deciding on fees to charge for drainage on the utility bill among other things. Residents expressed concerns about new subdivisions and many blamed them for making the problem worse. It was explained again to them that people have a right to use their private property as they see fit if they meet the City requirements and Code. There comes a time when farmers retire and their children do not want to farm anymore. They often sell to developers and growth is inevitable. City Manager Dotson said he asked our engineer to come to talk about our current standards and what it looks like to change it. Tim Watson, City Engineer said there is a standard that all build to. The underground infrastructure is built to handle a 100 year flood. Mayor Chesnut said we don't understand what that term means. NOAA information was handed out in a flyer (attached) and Tim went through the details explaining what it means. It is based on probabilities. On August 1st we received 5-6 inches of rain in less than an hour and that is over twice what the standard is. We also had storms for days previous to the big one. He clarified one item saying there is a difference between “retention” and “detention” ponds. Detention is where we detain the water and let it out slowly and “retention” is where we hold it until it soaks in and/or evaporates. There was more discussion of current and planned ponds and

plans for changes to them. The terms are misleading, Mayor Chesnut said, regarding “100 year storm”. Around here we have a monsoon season which, in the past, used to be in July and August with rain almost every afternoon. Over the years with climate change we saw that diminish. This year we have had weeks of it previous to the big storm on August 1st. City Manager Dotson said if we built for a 200 year event everything would be bigger and costlier which is passed onto buyers. Tim said if you have a destination to get the water to then do that. Silt and clay has to go somewhere so that is an issue also because it will clog up water soaking into the aquifer resulting in losing the water to evaporation. As an example look at difference between the 100 year storm and 200 year storm which is a 15% increase. Tim said it does not necessarily double the size of things. The more you can slow the water down you allow the downstream infrastructure to handle it. That is the intention, City Manager Dotson said. Mayor Chesnut asked for questions from the Council Members.

It was asked what the process is to proceed with studies. Mayor Chesnut said we decide with the help of our engineers what to do and send it out for bids. We don't have any numbers at this time. City Manager Dotson said we have asked Tim Watson to come up with some scenarios. City Attorney Wayment said engineering is essential for liability reasons. Once the city does something you are open to liability if it is not done correctly due to lack of engineering. If we don't follow plans then we are open to liability and suits. Doing nothing at all also avoids liability. Council Member Lee said we have different sources of income. Getting the studies is not the challenge; it is the paying for it. The \$2 fee was tough to get when we did that. We all know that is minimal and we moved one dollar from refuse and then added one dollar. We have impact fees for new development but they are very specific on what they can be used for. City Manager Dotson said impact fees can only be used to keep level of service that exists not improve it. That means we can't raise the level of service to a higher standard using impact fees. FEMA would give money to fix infrastructure and NRCS is a grant with a match. We need to know the numbers so we can divide it proportionally. There was discussion of a general obligation bond and what is required to get that approved. You can do a bond and have public hearings and it is paid for by taxes to pay the bond. City Attorney Wayment said there is all the State held ARPA federal money and it can only be used for sewer and water but not drainage. Mayor Chesnut said we are working with the County also. City Attorney Wayment is saying go to the State for more of that money. City Manager Dotson said they have a disaster recovery fund that is a loan. It is for recovery not to improve infrastructure. City Manager Dotson told about other sources of money. There is always a match required from the City. Mayor Chesnut said the cost of the basins is more than our entire budget. We have had residents throw a fit about a \$2 fee or hotdogs at July 4th. City Attorney Wayment said figure out what we need to do and then start applying for things. Do you want to increase staff and fees to cover that? Do we want a study done that costs money? Do we increase fees? Mayor Chesnut said when we do an impact fee we have to go through a study process. It is not just arbitrary. We have to commission an independent study for that. The recommendation comes from the study and the City Council decides. There is a process for everything. How do we decide what to plan for, Council Member Stoor asked? If you need approval to get studies done we need to do that. Council Member Stoor asked if the study funding is in the budget. City Manager Dotson said we could bond for a portion of it. Council Member David Harris said he appreciates the engineers looking at smaller projects we can do right now. Council Member Stoor said we have to spend money to decide what is best for the long run. Mayor Chesnut said we are talking about miles of pipe in different areas to move water from I-15. Curb and gutter also moves water, City Manager Dotson said. It was noted we had a discussion of that engineering and it was very expensive for just a quarter of a mile of curb and gutter however it changes everything on drainage. City Manager Dotson said we have talked about this for years and there is always some problem with it. There are always contingencies and the impact of safety and we are working through those things. Mayor Chesnut said he hears the consensus from

the City Council is that we move forward with engineers to start figuring out what to do to get studies going. Some are already ongoing like the detention basins in the NRCS plan and Tim Watson is doing other things. The point is to figure out how to move water out to the north of Enoch. Mayor Chesnut said we are getting those things started. There was no other action.

6. PUBLIC COMMENTS-

Mayor Chesnut said they are all tired and on edge. He said his wife was personally attacked by a neighbor for what has happened. He said he loses money doing this job as mayor and we are all doing our best. Remember we are all neighbors and how we talk about this is important. Mayor Chesnut invited public comments now.

Jared Baker of 4662 N. Half Mile Rd. said he appreciates the spirit of this evening in the discussions. 19 years ago when they finished their home and it was the first home built on Half Mile Road. Since 19 years ago they have been to Council meetings a lot. There is a push to do the right thing for the community and he can see that. He loves his neighbors and everything about Enoch City. As far as the biggest things from the meeting to point out is everything is on the table right now. The drainage should be the focus and how it affects all of us. Nothing is more important than the infrastructure and he applauds all the projects in the talking stages and advises we keep an open mind. He appreciates that we are looking at every avenue for funding and construction. Designing with the proper engineering and a reasonable design is paramount. That may be different now after all these floods. The Council needs to do what is best for the community. He said there will be a 40% increase in the Utah population in years to come. This can't be a "band aid" thing. We need to make it big and right. If your storm water goes on your neighbor you are liable. He wants it on record he can't stand taxation without representation. If we earmark something to help our community he is not opposed and it is good for all. We all have PTSD about this as we hear rain or think we hear it. We want to feel safe and be comfortable to leave our homes and not worry. Again he applauds the efforts and implores them to be leaders. We have good people here who will get in the trenches. We can't tell the future and storms will come again. Let that be the focus.

Lisa Baker said she will be emotional and has been fighting for 19 years as she has seen things that affect them for so long and nothing was done. She does not mean this Council individually. Bad decisions were made in the past. She has ideas. Maybe we can send out a flyer of how to handle things in a flood. Make people aware they have to retain water on their property. The storm water went into the sewer and it has happened before. We should find a way to stop that. She feels we get the cart before the horse and are doing things in the wrong order. She went to Planning Commission meeting and thinks there should be a moratorium on building until we upgrade standards. We are building subdivisions that are supposed to take care of themselves but the water does not stay there. Settlers Square changed it all since they went in. They did not retain their water and that is why the sewer got flooded. She asked the Planning Commission to make tougher standards and to put the costs on the developer. Make them pay to put in bigger retention ponds or whatever. She talked about the pond in Settlers Square Subdivision and how that got put there was wrong. It flooded homes before the big storm came on 8-1-21. We should look out for older homes before we put in new homes. Poor people have poor ways. She feels that way about the City. Things need to be done right to start with and we don't have money to do that.

Gayle Long of 4792 Half Mile told her story. She said she suffers from an auto immune disease. Her home is her sanctuary and is only place she felt safe and the storms took that away from her. When the big one came she could not live in her home because it was too dangerous. She has had to have more medical treatments. She has questions for the City Council on Midvalley Road where the ditch runs. The ditch ends at the corner of her house and it goes nowhere. She has had City people come out and Hayden admitted we have to do something because someone closed off Utah Trail before the big storm. That road was closed and all that water came into her backyard.

They lost their pet chickens and most everything. She fell into the ditch and her foot got caught and she almost drowned. She could not get out. The ditches are not as deep as they used to be. She gave more details of the ditches being full of weeds and debris. We need to make the ditches deeper. She said they get hit every time we get a storm. She keeps her culverts clean and wants to know why others are not liable or the City not liable for the water coming into her yard. She was nice to Hayden but is mad about why that ditch never gets cleaned out. Half Mile Road flooded because the street goes downward and then tries to go across the street. Gayle asked why the City is not responsible for that water. **Mayor Chesnut said he does not know enough to give a proper answer right now but we will go through it with Hayden and figure it out.** She said she is so stressed because of that ditch. She keeps water away from her neighbors. **Mayor Chesnut said they will get answers and deal with it.** She said they have driveway erosion and water flow into her yard that needs to stop. **Hayden said he had to get information from people who don't work here anymore. Mayor Chesnut said they will get to her as soon as possible.**

Matt Goodman said they live on Old Scout Trail by Southern Homestead. Everything came down off the cinder block walls. His daughter was trapped in the basement. He appreciates all the City does. Certain people react in bad ways. They were affected. Home was their sanctuary. His wife grew up here and they felt safe in their home and now they don't. Everything was in the basement and he described the losses. The SUU football team helped them and without the community they could not get through it. We need to get to where people feel safe here. If it costs more in taxes he will pay. No one likes taxes. They appreciate this community saying they keep more to themselves and he wishes he could thank all who helped them. He talked about issues that contributed to the flooding. This was a lot of water and the water ran behind their homes and overflowed the ditches to the north and that was from the storms prior to 8-1-21. The ditch became clogged with debris and then water had no place to go except through his yard and then to everyone's homes. The City came and dug out the west side but the west side is full of gravel and if we get more water he will get flooded. For at least five years the ditch funnels water to his lot. He would like to see the City come out and do some simple things and he will help. He appreciates this meeting to talk about issues. **Mayor Chesnut said we will work together. When you look at past minutes it was a literal fight over two bucks to fund drainage improvements. If it costs a bit to make this work we have to do it. He feels this City Council has focused and we want the community to be a part of that. We try diligently to spend frugally and wisely. For what we pay our staff we are getting a screaming deal.. Compared to rates across the state we pay peanuts. Our guys were working at 2:30 in the morning. Keep us accountable. He appreciates the comments and will keep them informed. City Manager Dotson has been here day in and day out and the hours are uncountable for him. Not to minimize the suffering of all. We bear it together rather than trying to throw anyone under the bus.**

Brian Johnson said his flooded basement was finished on the clean out with help in 7 hours. Someone asked who came to help. **City Manager Dotson said there were other groups who volunteered but he had to tell them the work was done already and we really didn't have anywhere specifically to send them to help. He said these guys go regularly from place to place to help with natural disasters and did not believe we are all done. They said in other places people just sit and wait for the help to come to them. We had no place to direct them to help. He also told about all of the donations. That is why people want to live here. Mayor Chesnut said prior councils have not had the political will to fund things that need to be done. We will do that and figure out the best ways because it brings value to our community and is for our benefit. He is glad for that and will continue to try to find funding and ways to accomplish the major things that need to be done.**

Cody Mortensen asked if the City could give references of those who helped with heavy equipment and services. **City Manager Dotson said it would not be fair to recommend some and not all and we don't know all who gave service. That would get the City in trouble.** Someone

said a person has made arrangements for a plumber to go to neighbors to install backflow preventors and do the whole street and some people are still pushing back on doing it. Individuals can do that but the City can't recommend people to do the work. Brian Johnson said if your basement fills up you'll change your mind about backflow preventers. There was more discussion of backflow preventers and how they work. *Council Member Lee mentioned she is concerned about scammers too and we have to look out for that. Whenever there is a disaster they come out of the woodwork with false promises and demanding money upfront for work they never do. All need to be on the lookout for that.*

7. COUNCIL/STAFF REPORT

Council Member Ross said Lisa Baker went through most things discussed in Planning Commission meeting which was a long meeting with flooding discussions mostly about stopping building and tightening standards.

Council Member Lee asked about the transportation plan and was told it would be presented in a future meeting after we deal with these other issues.

Mayor Chesnut said City Attorney Wayment has to drive to Idaho tonight for his mother's funeral. We need to cut this short and get to the closed meeting we need tonight.

Council Member David Harris said he talked to Martin Tyner and he is releasing an eagle Saturday and wanted to dedicate it as a symbolic gesture and have a family affected more than others to represent Enoch and hold the eagle to release it. It will be at the Parowan Gap and he will try to get more information and get the word out there.

8. CLOSED SESSION TO DISCUSS ONE OR MORE OF THE FOLLOWING: THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, COLLECTIVE BARGAINING; PENDING OR REASONABLY IMMINENT LITIGATION, THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF WATER RIGHTS OR WATER SHARES; DEPLOYMENT OF SECURITY PERSONNEL, DEVICES OR SYSTEMS; INVESTIGATIVE PROCEEDINGS REGARDING ALLEGATIONS OF CRIMINAL MISCONDUCT.

(Requires a roll call vote with 2/3 majority)

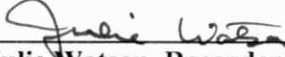
Mayor Chesnut said we need a closed meeting to discuss the purchase, exchange, or lease of real property, including any form of water rights or water shares.

Council Member David Harris made a motion to close the regular meeting and go into a closed meeting for the above stated reason. The motion was seconded by Council Member Stoor and a roll call vote was held as follows:

Council Member David Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed

9. ACTION FROM CLOSED MEETING-Council Member David Harris made a motion to instruct staff to continue property purchase negotiations as discussed in the closed meeting. The motion was seconded by Council Member Ross and all voted in favor.

10. ADJOURN-The regular meeting ended at 8:05 pm.


Julie Watson, Recorder

9-1-21
Date

Meeting ID: 845 1885 6776