

MINUTES
ENOCH CITY COUNCIL
August 19, 2020 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-absent

Staff present:

Julie Watson, Recorder
Ashley Horton, Treas.-absent
Justin Wayment, Atty.
Hayden White, PW Dir.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief

Public present: Derek Nelson, Ben & Hilary Howe, Caroline Howe,

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00 pm.
 - a. **Pledge of Allegiance-**Led by Julie Watson
 - b. **Invocation-**Audience invited to participate-Given by Council Member David Harris
 - c. **Inspirational thought-**Given by Council Member West Harris
 - d. **Approval of Agenda for August 19, 2020-Council Member David Harris made motion to approve the agenda. Motion was seconded by Council Member Ross and all voted in favor.**
 - e. **Approval of Minutes for August 5, 2020-Council Member David Harris made motion to approve the minutes. Motion was seconded by Council Member Ross and all voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-**Council Member Ross said on item #4 the Howe's are family. There were no other conflicts.

2. **PUBLIC COMMENTS-**none

3. **CEDAR BREAKS NATIONAL MONUMENT PRESENTATION-**Park Ranger Kacey Jones will give a presentation to the Council thanking them for their letter of support for the visitor station at Cedar Breaks Monument.

Kasey Jones was on Zoom and said they wanted to thank Mayor Chesnut and the City Council for their service. She sent greetings from Superintendent Gonder of Cedar Breaks. Kasey said she works for a non-profit that works with the Park Service. She wanted to update the Council on the Cedar Breaks Visitor Contact Station. Federal funds were allocated to this and they appreciated the letter of support and the proclamation from Enoch City. It was meaningful as they talked to others throughout the State. Having local support is essential. The regional assets available were highly competitive and they got a half million dollars from that program and it makes a difference to meet goals. They are trying to secure the final funding. "Enhance the View" is the theme. They are elevating the National Park experience with the Visitor Center. Since the old lodge burned there has been nothing for visitors. They launched a new website and our letter is highlighted on the website. She asked for questions and wanted to express appreciation. Mayor Chesnut thanked her. There were no questions.

4. **RESOLUTION NO. 2020-08-19-A - Platt & Platt Engineering/Ben Howe. The Council will consider a resolution that creates a minor subdivision for the Gary & Caroline Howe Family Trust.**

Mayor Chesnut asked Council Member Ross about this item and she said this came through the Planning Commission with a favorable recommendation.

Council Member David Harris made a motion to approve Resolution No. 2020-08-19-A, a resolution granting approval of the minor subdivision for the Howe Family Trust. 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-Absent
Council Member Ross-Abstained	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed

5. **ORDINANCE NO. 2020-08-19 - Rob Dotson, City Manager. The Council will consider a temporary land use ordinance suspending applications for Planned Unit Developments for six (6) months while the Planning Commission rewrites it.**

City Manager Dotson said our ordinance on PUD's is rather skimpy now with no regulations to protect the City and with no parameters or requirements. The Planning Commission wants to put a temporary land use in place on applications for six months to work on the language. It used to be called a moratorium. This is quite a lengthy process and the Planning Commission needs six months but they will move faster most likely. Council Member Ross said they want to go through it line by line. City Manager Dotson said the idea is PUD's are not common. The plan is we are going to diagram one and design it with the good things and bad things. Mayor Chesnut said they will make a recommendation to the Council for future developments. Jolene clarified there are pros and cons and emphasized cons. She said she appreciate them looking at this.

City Manager Dotson said this is an overlay and described what can be done. It dictates density but with different types of homes like apartments or town homes so this area is its own little city with some commercial businesses. What we have now is so vague we have to clarify what we will allow to be done and where it can be done. They have their own HOA's and when they fail as they often do then the city has to manage it. That is part of the big discussion. They want to develop what it could be like in Enoch with our culture and bring it into a place that makes sense for traffic and the like. That is the basic reason. These applications are coming in the near future and developers don't know what the standards are. This will stop them for up to six months to apply to do this.

Council Member David Harris made a motion to approve Ordinance No. 2020-19-08, a temporary land use ordinance establishing suspension of applications for Planned Unit Developments (PUD) for a period of up to six (6) months. The motion was seconded by Council Member Ross and roll call vote was held as follows:

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

6. **RESOLUTION NO. 2020-08-19-B -Rob Dotson, City Manager. The Council will consider a Resolution for a Storm Water System Maintenance Agreement with UDOT at SR-130 and Midvalley Road.**

City Manager Dotson said he has a revised agreement from the one in the packet from UDOT's attorney and it is simplified. The work went out for bid last week. The roundabout will not be built until next year. UDOT will move utilities and to assist UDOT they have to purchase

property from the corner owners. On one property there are drainage pipes and UDOT needs to move those. That uses the owners land that he may have used for a parking lot as this is zoned commercial. We came to the rescue and are negotiating to the north to allow drainage water to go in a pipe to the neighbor's property. UDOT and all agree. UDOT will build the infrastructure on that property and we will maintain it. Now we can use all of the property and they will bring all storm water to the north where it will naturally flow. Council Member Lee commented their approval process is copious. Council Member David Harris said this is not a lot of maintenance and is underground. We have to do this for the roundabout to happen.

Council Member David Harris made a motion to approve Resolution No. 2020-08-19-B, a resolution to approve the Storm Water Maintenance Agreement between the Utah Dept. of Transportation and Enoch City Corporation and noted that it is the amended agreement. The motion was seconded by Council Member West Harris and roll call vote was held as follows:

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

7. **CONSOLIDATED FEE SCHEDULE- Rob Dotson, City Manager. The Council will consider the amendment of various fees in the Enoch City Fee Schedule of March 2020 and the City Council will set a public hearing for September 2, 2020 or later if needed.**

City Manager Dotson went through the list of items needing changes. Somethings that don't apply anymore, like faxing, will be removed. There are questions about why we collect a transportation fee on roads at final plat. They build the road and give it to us so we don't know why we charge that fee. Park use fees were brought up by Hayden who said there is extra maintenance to go back and make sure things get done. Double booking on weekends means we have to send an employee back and it costs us so we need to raise the fee to \$20 on parks with restrooms. He would also like to add \$50 refundable cleaning deposit as there are a lot of problems coming up from use like vandalism or excessive messes in the restrooms. It would not be refunded if things are broken or it is filthy. We make sure it is all good before they use it and now we will check and then give the deposit back if extra clean-up is not required. It sounds like people are not behaving in the use of public places Mayor Chesnut said. Parents will watch their kids better if they have to pay. It is mostly family events where we are having issues. Council Member David Harris said if it is an unreasonable mess then we keep the fee. There is no fee for other parks without restrooms. Another place we are losing money is when people ask for a second trash can. We do not charge for the can like we do for their first can. We raise the fee for trash collection by \$8.50 per can when they have two cans. We should charge for the can when they want a second can. Hayden explained the sharp uptick on trash dumping at the Maintenance Yard saying they are hauling out two dumpsters a day and we used to do that once per week. With so many people dumping more and we need to raise the fee to keep them limited to one to two cans. We have a lot of with three cans now. The suggestion is the additional can be \$10 per month for weekly service and \$95 for the extra can. Hayden said he would like to raise the charge for wood chips because the bucket on the backhoe at the yard is bigger than one we used to have. We need to charge \$20 for a scoop of chips because they are getting more. We would also like to raise the cost for dirt delivered by City truck to \$30.

Regarding drainage, Council Member Lee asked if \$2 is enough. Her question is are we collecting enough funds to pay for the small drainage projects we have had planned for years. Are we maintaining our storm drains? Hayden said the street sweeper is helping with that maintenance. She said we identified problems and wondered if we are getting enough money for the little problems? That can be impact fees, City Manager Dotson said. Ok she said. Commercial

zones have more storm water and we have to deal with that so Hayden said he wanted to raise the fee on that. Council Member David Harris said that sounds reasonable. We want to make sure we are charging enough to get what we need to buy. City Manager Dotson said we will skip the fees for water until later and go to connection fees. We want to add "licensed and bonded contractor" when they are installing the lines rather than the developer doing it. Hayden suggested removing the \$25 fee to turn water on and off for inspections. When homeowners do it they break or damage the valves. If we don't charge we are hoping they will call us instead of doing it themselves which ends up costing the City. They are more likely to call us to do this turn on if there is no charge. There was discussion of the fee schedule for City equipment. It was noted we had to put that into our fee schedule because we were doing "in kind" labor on the NRCS drainage project and there had to be something to value that labor. This is in there for federal projects. We do not rent equipment or operators to the public. City Manager Dotson said he would prefer we did not have it in the fee schedule but re-add it if we have a federal project. City Attorney Wayment said just say it is not available for public use. Mayor Chesnut said rather than call it "rental charge" say "use charge". He thinks we could restrict it in the schedule for the public by adding "at the sole discretion of the City for joint projects".

Mayor Chesnut went to water saying there have been discussions in the last weeks about what are we doing in our system. One of the things he came to understand and City Manager Dotson and Hayden agree is that we are not charging enough. The old philosophy of "you bring an acre foot (AF) of water to build and you get an AF of water" does not hold up anymore. We immediately lose 40% when we put it into culinary wells. And then there is maintenance of the infrastructure and new wells that all have costs. The prior policy was we don't charge more than it costs to pump it out to you. We need to charge an amount that allows us to maintain and build the system. We have to structure our fees to address that reality. There was a discussion of applying for grants and loans to improve and maintain our system and we come out in a bad place because our rates are so low we can't qualify. There was more discussion of the bonding process and the bottom line is still our rates are too low. Even with the increases we are considering we would still be the lowest in this area. If we raise the rate by \$6 we could undertake to secure financing to get after the source projects we have been discussing. Rather than have a big leap we build in inflation in order to address needs. We ease into this to get where we need to be and then figure in an annual increase for the next few years. The issue is people need to understand that there are specific needs in the City and we are tasked with meeting those needs and it costs money. City Manager Dotson showed the rate chart. For the first 30,000 gallons is \$29. Above that it is 40 cents per thousand gallons and up from there. For 100,000 gallons it is \$77.00. There is no pain with using more than the AF that your home brought. We are very low compared to others. Council Member Ross asked if we have considered lowering the 30,000 gallons. Mayor Chesnut explained the AF and it works out at 30,000 per month to be an AF for the year of use noting again when we convert it to residential use we get 60% of that AF and not the whole thing. We are giving 40% more. It is an outdated policy. City Manager Dotson said we did a rate structure study and took each customer in June of last year and what they paid and we established three different rate structures. Our expenses are the same. The final number on income with rate structures was they were about the same bottom line. The only variable is the 30,000 gallons has never changed. In other cities you don't get 30,000.

City Attorney Wayment said Beaver raised rates last month after doing a study. He said Beaver does the same thing that is in State law. He suggested we could look at their study as it is recent and we are about the same size. Council Member Lee said we have to pay our way and people should not be mad. Historically Enoch was R-1-18 and we were to use the water to take care of our larger property. Times have changed. We should pay for what we use and that is logic. When we say we are going to raise a rate the Council room is packed. People are on fixed incomes and we hear all the same reasons it is a bad idea. No one is willing to get real about what

it takes. This is the dichotomy between administration, business and politics. Where we are now is the historical encouragement to use all the water you want. Mayor Chesnut said we have to get out there and educate the residents as to why this has to change. We all understand when you neglect something in your home and it breaks you have to repair it and that costs money. When there is not enough water it is too late. We are just beginning to understand we live in a desert. We have more data now and water is very important and we have been spoiled. Mayor Chesnut said moving forward with as little pain as possible we have to do this to get a loan for a water project. We need to fix it now. He will propose we go \$6.00 right away with a built in increase and not raise rates again until 2022, then an automatic trigger kicks in and we are at \$45 per month for the 30,000 gallons. Or we could lower the base amount. Where do we set that point at. Mayor Chesnut said we have to figure that out and message that to the residents. As we go through this process we need to not lose money. We need to gain enough income to maintain and to get more sources of water. Mayor Chesnut said we will also deal with overage costs. City Attorney Wayment said the Council needs to decide if each should carry the load or if you pay for what you use. Council Member David Harris said it is not unreasonable but we need to get grants too. We have to raise our rates and justify the grants and loans we need. Do we lower the amount of the base? If the City only gets 60% of the AF that is what we should give. We can't reduce the income we need. There needs to be a bigger penalty for overage. Council Member David Harris is he is ok with the rate increase to get what we need. We need to reduce the base amount from 30,000 and then we will do the work. The state has a number but it not our reality. We can get our particular average use. Most residents are not the problem. It is the City and public spaces, school and churches. We need to undertake projects to get green space irrigated with irrigation wells and off culinary wells. Council Member David Harris said we all know we need to make adjustments and he is good to look at it. Do we want to set a PH in two weeks for everything but the water? It was decided to set the public hearing for everything else and delay the water discussion for some time to educate the public on the issues. It will not be fun politically. We will have to treat it like the tax increase with a heavy educational component to it. We want to justify it, Mayor Chesnut said.

Council Member David Harris made motion to set a public hearing for 9-2-20 for the purpose of discussing the changes to the current fee schedule less the water increases. The motion was seconded Council Member West Harris and all voted in favor.

8. RESOLUTION 2020-08-19-C. Jackson Ames, Chief of Police. The City Council will consider a resolution adopting the bail amounts for the Shared Master Offense Table (SMOT).

Chief Ames said our bail amounts have to be sent to the State to be entered into the Spillman system so our officers are able to write citations. Chief Ames said we are not here to discuss the laws tonight but to approve this list and then we can go back and revise our ordinances that don't apply anymore or are otherwise useless or ridiculous. We have the ordinances on our books and we are taking our local laws and putting them in the Shared Master Offense Table. In all cities when they write a citation it is done electronically so has to be in the Spillman system and it has to come from the SMOT. Some are in there but it is not all inclusive. We made sure we are covering all ordinances. He did not include redundant things in State law that do not use local ordinances. Many of our ordinances are outdated. This is baseline. He went through the list and put in similar crimes to current State law to have something to look at. He wants to know if the Council thinks the bail amount is too high or low. Our ordinances don't specify that. The court has to know how much to charge the person on local ordinance violations. There was some discussion of the list and the suggestion was made to pass the resolution tonight as is. The Council Members can then go through the ordinances and find things that need to be changed or updated at a later date when this list could be revised. Council Member David Harris

said he trusts Chief Ames to pass it now and amend it later if needed. Council Member Ross thought is a good place to start and then it is on the books. Mayor Chesnut said he would entertain a motion and then put it back on the agenda if need be. Council Member Lee noted there are 37 nuisance items on there and that is good. As it stands now we can't cite for nuisances until this is done.

Council Member West Harris made a motion to approve Ordinance No. 2020-08-19-C, a resolution to amend the Enoch City Offense Code Violation List and submit to the Utah Shared Master Offense Table (SMOT) and revisit it when needed. The motion was seconded by Council Member David Harris and roll call vote was held as follows:

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

9. NORTH FIRE STATION PRESENTATION-Derek Nielson, Enoch City & Cedar City Fire Dept. The Council will observe a presentation regarding the potential Cedar City North Fire Station.

The presentation was canceled until 9-2-20. No action needed.

10. COUNCIL/STAFF REPORT

Hayden White reported they are busy and are trying to improve 4200 N. with chipping or asphalt. They are test pumping Little Eden well for secondary use and it is pumping 500 GPM which is at least double what we expected.

City Manager Dotson said he, Mayor Chesnut and Hayden have been working on three other wells. One is in Enoch City that we just learned of and that may be something good. He did have a couple things to bring up about the Covid money granted to Enoch. One option we could use the money for communication with the public. We can get signs and marquees to get information out. He is talking with two companies for digital marquees like mini billboards. One could go on Hwy. 91 and one could go on SR-130. He received quotes from both. He passed those out to the Council showing the prices. He noted the problem with big ones is the price. Our allotment is \$642,000 dollars. Of that we have pledged \$350,000 to the business grant program. Another issue is that we are not sure the third allotment will get to us. There is talk on the State level depending on Covid they may decide to reallocate that to someplace else in their budget. If the virus flares in some areas they want to pull money back for unforeseen problems. Because of that the expensive signs are probably out. The most appropriate use would be to change the marquee here at the City Office. The problem is most of Enoch does not see this sign because they don't drive this way. There was consensus on the sign in front of the office to go ahead with that one. The smaller signs for 91 and SR-130 are too small to read at 55 MPH. Even one would be good. It was noted the car wash by the bowling alley is available for a sign to be posted and many would see it there. There are UDOT regulations for signs and City Manager Dotson said he would check on that. Mayor Chesnut said we will talk about it more. All agreed to get the small one for sure. The discussion was it would be a pole or monument sign. They liked monument but that style is one sided. It would be better on top of the poles they agreed. The question was asked do we want to pursue a UDOT agreement for a pole sign on SR-130. More discussion will take place at the next meeting. City Manager Dotson said we have put our request for a proposal for impact fees for public safety, parks and transportation and public facilities and advertised for firms to do the study. City Manager Dotson said he needs help to pick the firm to do this and would like two Council members to volunteer to be on the committee on September 3rd for the presentations. We will go through the proposals and pick one. Council Member West Harris and Council Member Ross volunteered. City Manager Dotson said we also advertised for consultants for the east bench watershed project funded by NRCS. There is a lot of interest. Iron County is going through the

same process for their Coal Creek drainage. That means this environmental assessment if we combine with Iron County we may be able to get 100% grant. This is a big deal for Enoch City. Sept. 14th is when those bids are due and we will go through the same process to choose the right firm. He would like two City Council members on that committee also. Council Member David Harris said he could help. Council Member Ross said she could too unless Council Member Stoor would like the job.

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

Council Member David Harris said Water Board was canceled. He has been doing the Covid business loss applications. We designed it to only given away about \$100,000. We get more and need more applications to come in. They are tweaking it as they go to make it work to best benefit those who can show a loss. They have to prove a loss. He gave more details saying they will improve the process to try to help as many businesses as they can. Enoch money is going to Enoch businesses. The EDC is trying to help with that.

Council Member Lee she liked the Cedar Breaks presentation and theme "Enhance the View". That goes with nuisance things she likes.

11. **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)**

Council Member David Harris made a motion to close the regular Council meeting and go into a closed meeting to discuss the purchase, exchange, or lease of real property, including any form of water rights or water shares. The motion was seconded by Council Member Ross and a roll call vote was held as follows:

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

12. **RESOLUTION 2020-08-16-D.** Geoffey Chesnut, Mayor Chesnut. The Council will consider a Resolution that formalizes an Agreement with Norman J. Grimshaw Family Trust for property purchase and water right dedication. No action on resolution. Discussions with Family Trust are ongoing.
13. **ADJOURN**-The regular meeting ended at 8.30 pm.

 9-2-20
Julie Watson, Recorder Date