

MINUTES
ENOCH CITY COUNCIL
August 21, 2024 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

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

Staff present:

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

Public Present: Todd Renae, Ryan Talbot, Bryce Poulson, Anne Stapel, Jonathan Wilson, Reynolds, Delaine Finlay

1. CALL TO ORDER OF REGULAR COUNCIL MEETING - By Mayor Pro-Tem Stoor

- a. **Pledge of Allegiance-** Led by Council Member Tingey
- b. **Invocation (2 min.)-Audience invited to participate-** Given by Council Member Ross
- c. **Inspirational thought-** Given by Council Member Ross. Council Member Ley will have the thought at the next meeting.
- d. **Approval of Agenda for August 21, 2024 - Council Member Ross made a motion to approve and amend the agenda. Item number 10 will go before item number 3. Council Member Ley seconded and all voted in favor.**
- e. **Approval of Minutes for August 7, 2024- Council Member Ley made a motion to approve the minutes. Council Member Ross seconded and all voted in favor.**
- f. **Ratification of Expenditures- Council Member Ross made a motion to ratify the expenditures for the month. Council Member Tingey seconded and all voted in favor.**
- g. **Conflict of Interest Declaration for this agenda-** There was none.

2. PUBLIC COMMENTS

Spencer Jones wanted to discuss item number 8. The proposed ordinance 11.300.3506 - he wasn't sure of the background, however, he does agriculture and every night they have irrigation water that will go onto adjoining lands. The rural nature of our community includes this. Sprinklers do drift over and sometimes onto a road. He wanted the Council to take a serious consideration to amend that to only if there was damage to public property. The other side is there are two situations where Enoch's water goes onto his property regularly.

Regarding the removal of snow, sections 11.300.361 and 11.300.360, there are a lot of municipalities that if the sidewalk is heaved, the city will grind those joints. Cities will have a bid with contractors and concrete contractors will charge by the square foot. He realized that would be a funding issue for the council. In Enoch City, the right of way is one foot behind the sidewalk. The premise behind that has been for maintenance to replace those sidewalks so that they aren't trespassing onto private property. He is only speaking as a concerned citizen. In many other cities,

the property line starts at the curb whereas here it is Enoch City property. A lot of cities do the snow removal, and take care of the public property.

Steve Nelson

Is representing the Penny's for the Master Planned PUD parcel. He wanted to share his perspective on some of the previous amendments. Shret for the community has seen the Master Plan Community. City Manager Dotson showed a map of the concept. They are TND Traditional Neighborhood Design. They hired Mark Watkins who is viewed as one of the fathers of this concept. The foundation of the overall concept is thinking about how people interact and design a community built by interaction. Walkable streets and green spaces are important. Some of the ideas are the desire to create a city center for Enoch. They are hoping that it will become the downtown area of Enoch. He gave some architectural examples. They are talking about traditional cottages. They want to take stormwater through a series of parks. The homes around those become more desirable. He mentioned the street sections. They will be different than was currently in the norm. An affordable home is currently a starter home. He is looking for a simple small 800 to 1000 square foot as a base home where you add the garage later. It would be beautifully designed. He showed their first phase and mentioned the ordinances that would need to be amended. He noted permitted uses. He wondered if the council would include that a developer can plug one twin home in the phase to intermix with detached homes. They would be individually owned. Let the fire code and setbacks determine the lot size. This allows the developer to be creative and create something more affordable.

10. CONSIDER RESOLUTION NO. 2024-08-21-B A RESOLUTION TO AMEND THE ENOCH CITY FEE SCHEDULE REGARDING POLICE DEPARTMENT FEES

Bailey Breinholt from the Police Department administration reported that she had been researching the fees from other police departments. She proposed amendments to the fee structure, including setting a \$10 fee for incident and accident reports and video requests, with the option to waive the fee for large requests to avoid excessive charges. For flash drives, the department would charge the actual costs, as that is the medium used to provide the information. Additionally, she suggested charging for the time it takes to fulfill a request after the first 15 minutes, which is free per GRAMA code.

Council Member Tingey inquired if the request would still be free for the first 15 minutes, to which Breinholt confirmed a flat \$10 fee. Breinholt also mentioned that she has been informing requesters of the estimated costs in advance. Council Member Ley inquired about fee waivers, and Breinholt noted that fees could be waived for victims of crimes. She cited two instances where large requests were made but never picked up, leading to a policy that future requests from those individuals would require payment upfront. When asked by Council Member Tingey about the cost of DNA testing, Breinholt clarified that the DNA testing kits are provided by the state.

Council Member Ross made a motion to approve Resolution No. 2024-08-21-B, a resolution to amend the Enoc City Fee Schedule Regarding Police Department Fees. Council Tingey seconded and a roll call vote was held as follows:

**Council Member Ross: Yea Council Member Harris: Yea
Mayor Pro-Tem Stoor: Yea Council Member Tingey: Yea
Council Member Ley: Yea**

3. PRESENTATION REGARDING THE IRON COUNTY YETI BILLETING PROGRAM – Todd Ranae

Todd Ranae, a resident of Sunrise Drive and the general manager and business coach for Yeti, presented information about the Yeti junior hockey team, which serves as a gateway to college hockey for players aged 16-20. He explained that the team is seeking host families to provide a private bedroom, meals, and a supportive atmosphere for the players, who will become involved in the community and schools. Host families are not required to cook for the players but are expected to treat them as part of their family. Each host family will receive a \$500 flat rate per player, up to four players, as well as season tickets and access to special events. The players are scheduled to arrive on September 6 for training camp, with the hosting period lasting 8-9 months. Host families need to provide a room, internet access, and a bathroom; they do not need to provide clothing or medications, as the players are insured through the league.

Council Member Tingey inquired about the age of the program, and Ranae confirmed that it is brand new, though junior hockey is common throughout the USA. Council Member Ley asked what action was expected from the city, and Ranae clarified that he simply wanted to spread the information. When Stoor asked about the number of players, Ranae stated that up to 28 players are involved, with 14 already covered by host families and 14 more needed. In response to Ross's question about how interested parties could contact him, Ranae mentioned that the information is available on the Iron County Yeti Facebook page and through a Google form. He also noted that while the players come from all over the world, most are currently from the USA. When Ley asked about academic standards, Ranae explained that players have advisors, but it is ultimately their responsibility to succeed academically. He emphasized that any misconduct would result in immediate expulsion from the team, as they are expected to be very responsible.

4. PUBLIC HEARING FOR DISPOSAL OF PROPERTY, PARCELS A-0916-0002-001C and A-1014-0012-0000

Council Member Ross made a motion to close the regularly scheduled City Council meeting and open a public hearing for the disposal of property, parcels A-0916-0002-001C and A-1014-0012-0000. Council Member Tingey seconded and all voted in favor.

There were no public comments.

Council Member Ross made a motion to close the public hearing and reconvene the regularly scheduled City Council meeting. Council Member Ley seconded and all voted in favor.

5. CONSIDER BIDS FOR THE DISPOSAL OF PROPERTY, PARCELS A-0916-0002-001C and A-1014-0012-0000 (little lot)

City Manager Dotson said these are two parcels that we traded owners for. A discussion and a potential decision to award the bid could happen in a closed meeting. Mayor Pro-Tem Stoor said they review the bids tonight and if they need to, they will go into a closed meeting to determine if they accept those bids.

- City Manager Dotson opened a bid from Mckell Staple. It was for Parcel A-1014-0012-0000, which is the ¼ acre lot. The bid was for \$20,000.
- City Manager Dotson opened a bid from Mr. Serano. It was for Parcel A-1014-0012-0000, which is the ¼ acre lot. The bid was for \$5,000.
- City Manager Dotson opened a bid from Mckell Staple. It was for Parcel A-0916-0002-001C, which is the .413 acre lot. The bid was for \$40,000.

- City Manager Dotson opened a bid from Mr. Serano. It was for Parcel A-0916-0002-001C, which is the .413 acre lot. The bid was for \$10,000.

City Manager Dotson explained why they would need a closed meeting.

6. PUBLIC HEARING REGARDING THE ENOCH CITY STORMWATER IMPACT FEE ANALYSIS

Council Member Ross made a motion to close the regularly scheduled City Council meeting and open a public hearing regarding the Enoch City Stormwater Impact Fee analysis. Council Member Tingey seconded and all voted in favor.

Ryan Talbot, Executive Officer of the Iron County Home Builder Association (HBA), read an official statement from the association. Council Member Ley inquired whether holding areas could reduce costs associated with storm drains. Ryan suggested it might be more cost-effective to retain water post-development, preventing it from entering the city system.

Spencer Jones, the Chair of Government Affairs for Home Builders, explained that retention basins would incur significant excavation costs. He noted that moving water between detention basins would not impact the city's storm drain system and emphasized the need to consider user fees in the impact fee study. If developers manage the net difference of pre- and post-development flows, there would be no impact on the system. Council Member Ley raised concerns about the city having to maintain retention basins in the future. Spencer clarified that unless roads are private, water from them would be considered city water. He described the process in which a developer's engineer designs plans, which are reviewed by the city staff and Watson Engineering before approval and construction. City Manager Dotson added that impact fees do not cover maintenance costs, noting that the city generates about \$40,000 annually in user fees. Spencer suggested the city needed a more comprehensive system.

Council Member Tingey asked for thoughts on the impact study related to user fees. Spencer proposed assessing existing hard surfaces to determine costs covered by user fees. He supported an increase in the impact fee from \$2,000 to \$5,300, with an incremental rise of \$300-\$500 each year.

Ryan mentioned that the county had completed some Lidar mapping to visualize water flows. Justin Wayment, City Attorney, cited a state statute prohibiting local entities from imposing impact fees to address deficiencies in public facilities serving existing developments or to recoup more than the actual costs incurred for excess capacity.

Council Member Ley asked if a developer could receive a discount on impact fees for constructing a specific type of retention basin. The El Dorado case was discussed.

Council Member Ross made a motion to close the public hearing and reconvene the regularly scheduled City Council meeting. Council Member Ley seconded and all voted in favor.

7. DISCUSS THE ENOCH CITY STORMWATER IMPACT FEE ANALYSIS

City Manager Dotson explained that some portions of projects were not eligible for impact fees and gave an example. Council Member Ley asked if adding drainage would then require paying impact fees. City Manager Dotson confirmed that it was a possibility and discussed the differences between retention and detention.

Brittani, Sunrise Engineering, suggested the possibility of discounting fees for retention. She explained that the fees were based on developed and undeveloped areas and runoff calculations. However, completely waiving the fees was not feasible because all water, including mountain runoff, needed to move through the system. Even with 100% retention, infrastructure and planning would still be required.

Stoor asked how this aligned with state code, and Justin explained that state law required fees to be fairly and reasonably assessed. He provided an example from a case in northern Utah and emphasized the need for a logical basis related to development. City Manager Dotson discussed a recent transportation analysis. The impact fees had been politically reduced and explained the calculation process.

There was a discussion about whether a developer could receive a discount for retaining all water on their property, which would be evaluated on a site-specific basis. Council Member Tingey questioned whether even with a 100% water retention plan, contingencies were needed for extreme events like a 600-year flood. City Manager Dotson responded that such design standards were impractical and not in use, citing past storms that exceeded existing infrastructure capacities.

Council Member Ross inquired about how frequently the standards were updated and when the recent floods would be factored into future planning. Brittani and Justin discussed how coefficients for runoff were calculated and the impact of landscaping choices, like plastic and rock installations, which increase runoff.

The group discussed current fee structures and the need for adjustments. Council Member Harris proposed setting the impact fee between \$4,000 and \$5,000 with incremental increases and raising user fees to around \$8. Justin noted that low user fees might limit grant opportunities and that the state regulates fees to some extent.

Council Member Tingey expressed concerns about the public's understanding of these matters and suggested better education efforts. City Manager Dotson mentioned he was preparing a spreadsheet to outline fee considerations. Ross supported an \$8 residential fee and a \$21 commercial fee. City Manager Dotson added that to qualify for certain grants, fees must meet specific thresholds, such as charging a base fee for water projects.

The discussion highlighted a disconnect between the city's costs and the fees charged, leading to budget shortfalls. Council Member Ross praised the City Council for being proactive in addressing these issues.

8. CONSIDER ORDINANCE NO. 2024-08-21 AN ORDINANCE AMENDING ENOCH CITY ORDINANCES 11.300.350 CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS, 11.300.351 CONSTRUCTION BY PERSONS, 11.300.356 OVERFLOWING OF WATER ON PUBLIC PROPERTY, 11.300.360 SIDEWALK REGULATIONS, AND 11.300.361 REMOVAL OF SNOW

Council Member Ross reported that she was part of a committee focused on keeping sidewalks in good repair. The discussion did not cover water overflow issues but did address snow removal.

City Manager Dotson clarified that the code section 11.300.351 requires street or sidewalk construction to be approved by engineering specifications. He explained recent amendments to other parts of the code and stated that residents are historically responsible for maintaining the water flow past their properties. Council Member Tingey asked if this was due to a local ordinance or a state mandate. City Manager Dotson explained that it is because of our ordinance.

Regarding sidewalk regulations, City Manager Dotson noted that most cities require property owners to maintain their sidewalks, often with a 50/50 cost-sharing program between the city and residents. Spencer raised concerns about the language regarding water flowing onto streets and suggested adding "if it created damage" to clarify the infraction.

Council Member Ross mentioned that there were only two instances where tree roots had lifted sidewalks, and suggested that any repair program should be budget-conscious, fixing only what the city can afford each year. City Manager Dotson stated that most cities use a request for proposals (RFP) process for such repairs. There was a discussion about whether to mandate that residents repair their sidewalks, with Mayor Pro-Tem Stoor suggesting an analysis of the costs to the city and a possible 50/50 cost-sharing model. Council Member Tingey inquired about which account would fund these repairs, and City Manager Dotson confirmed it would come from the general fund.

Council Member Ross proposed adding the word "purposefully" to clarify that allowing water to flow onto public property must be intentional for it to be an infraction. Council Member Harris supported the snow removal provision and the addition of "purposefully" but raised concerns about enforcing the 50/50 cost-sharing model, especially for residents on a fixed income. Council Member Ross suggested that residents be required to pay for repairs initially, with the city reimbursing them to encourage sidewalk maintenance.

Mayor Pro-Tem Stoor noted that sidewalks are technically city property, and Council Member Ley mentioned the need to determine eligibility for any cost-sharing program. Hayden White reported that seven work orders covered about 20 feet of sidewalk repairs, costing around \$7,000 to replace about 60 feet of sidewalk.

The group discussed amendments to section 11.300.356, suggesting it should state that it is an infraction for any person to "purposefully" allow water to overflow. Council Member Ross proposed modifying the language to prevent blocking water flow and suggested removing the term "irrigation stream."

Council Member Ross made a motion to approve Ordinance 2024-08-21 an ordinance amending Enoch City Ordinances 11.300.351, 11.300.356, and 11.300.361. Council Member Stoor seconded and a roll call vote was held as follows:

**Council Member Ross: Yea Council Member Harris: Yea
Mayor Pro-Tem Stoor: Yea Council Member Tingey: Yea
Council Member Ley: Yea**

**9. CONSIDER RESOLUTION NO. 2024-08-21-A A RESOLUTION APPROVING THE 50/50 CONCRETE REPLACEMENT PROGRAM
Council Member Ross made a motion to table item #9 to the first meeting in September. Council Member Harris seconded and all voted in favor.**

City Manager Dotson noted the need for a motion to continue the public hearing related to the sales tax bond to September 18th. It was noticed and not put on the agenda.

Council Member Harris made a motion to continue the public hearing related to the sales tax bond on September 18, 2024. Mayor Pro-Tem seconded and all voted in favor.

11. COUNCIL/STAFF REPORT

Hayden White

- They chipped about 6 miles of road. This included all of Cottonwood and Spanish Trails. They went to Parowan and helped there as well.
- They had a mower go down. He was worried about going over budget. The mechanic is trying to look for parts. A new mower is \$16,000 and that's the entire department budget.
- 600 E. should be done tomorrow. Midvalley is done and right now they are working on Enoch Road.
- There have been a lot of water connections.
- They lost an employee to the Moab Conservancy District. They will be posting the position.
- They had the final walkthrough at the new water tank on Highway 91.

Ashley Horton

- She has been getting ready for the city audit.

City Manager Dotson

- He sent the Council the response he received about the Moderate-Income Housing Plan.
- Cedar City Fire Chief will re-roof the main fire stations. He read the details regarding funds and the timing of the project. It includes Kanarraville, Enoch City, the County, etc.

Council Member Stoor

- Had a good meeting at Cottonwood Park. They had about 60 people attend. The results were a consensus on what they wanted to have there. He spent time explaining where the money would come from. They left there with the hope that playgrounds could be put in the future. Most of the parks were built with sweat equity.

Council Member Ross

- Jolene Perkins Lee helped with the Garden Park and they raised the money for that playground equipment.
- In Planning Commission there was just a training during the meeting.
- On August 30th the State Historical Society will be at Frontier Homestead State Park. Everyone is invited. There is a new state history museum that is going in behind the Utah State Capital.

Council Member Tingey

- He attended a school board meeting last night. They talked about all of the bonds. They went over the budget.

Council Member Ley

- She talked to the principal about the youth council and will see what kind of interest there is.

Council Member Harris

- The HBA will be hosting a big event this Saturday.

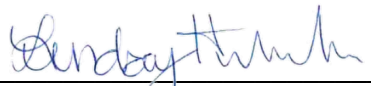
12. CLOSED SESSION TO DISCUSS ONE OR MORE OF THE FOLLOWING: THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, COLLECTIVE BARGAINING; PENDING OR REASONABLY IMMINENT LITIGATION, THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF WATER RIGHTS OR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

Council Member Harris made a motion to close the regular meeting and go into a closed meeting for the purpose of buy, sell, or trade or exchange of real property and potential litigation. Council Member Ross seconded and a roll call vote was held as follows :

Council Member Ross: Yea Council Member Harris: Yea
Mayor Pro-Tem Stoor: Yea Council Member Tingey: Yea
Council Member Ley: Yea

13. ACTION FROM CLOSED MEETING-
Council Member Ross made a motion to deny the bids and allow staff to do as instructed. Council Member Ley seconded and all voted in favor.

14. ADJOURN

 9/5/2024

Lindsay Hildebrand, Recorder Date