

**MINUTES**  
**ENOCH CITY COUNCIL**  
**August 2, 2017 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Chesnut Geoffrey Chesnut  
Council Member David Harris-absent  
Council Member Steve Johnson  
Council Member Jolene Lee  
Council Member Dave Owens  
Council Member Shawn Stoor

**Staff present:**

Julie Watson, Recorder  
Ashley Horton, Treasurer  
Gary Kuhlmann, City Atty.  
Robert Dotson, City Mgr.  
Jackson Ames, PD Chief  
Earl Gibson, Public Works

**Public present:** Dilworth Armstrong, Mike & Carolyn Olenlager, Matt Miller, Michelle Pritchard. Chris Johnson and Officer Josh Hildebrand

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING**-By Mayor Chesnut at 6:00pm. He welcomed the audience and excused Council Member Harris.
  - a. **Pledge of Allegiance**-Led by Council Member Stoor
  - b. **Invocation**-Audience invited to participate-Given by Council Member Johnson
  - c. **Inspirational thought**-Given by City Manager Dotson
  - d. **Approval of Agenda for August 2, 2017**-Council Member Stoor made a motion to approve the agenda. Motion was seconded by Council Member Owens and all voted in favor.
  - e. **Approval of Minutes for July 19, 2017, 2017**-Council Member Lee made a motion to approve the minutes. Motion was seconded by Council Member Owens and all voted in favor.
  - f. **Conflict of Interest Declaration for this agenda**-none stated
  
2. **SET PUBLIC HEARING ON HOWE, CHRISTOPHER & ROSS ANNEXATION FOR AUGUST 16, 2017**

Mayor Chesnut asked for a motion. Council Member Stoor made motion to set a public hearing for the Howe, Christopher and Ross annexation for August 16, 2017. Motion was seconded by Council Member Johnson and all voted in favor.
  
3. **DISCUSS/VOTE ON COMMUNICATIONS CENTER COOPERATIVE AGREEMENT FOR 2017-2018**

Mayor Chesnut asked Chief Ames about this agreement. He said the essence of the contract has not changed. They have some new administrators at the State level that reviewed it all and updated the language but there are no real changes to the content. We renew this every year. City Attorney Kuhlmann said he reviewed the contract and it is fine. Council Member Lee asked if the budget is affected and Chief Ames said no. Mayor Chesnut asked for a motion.

Council Member Owens made a motion to approve the Communications Center Cooperative Agreement and authorize signing by the Mayor and City Attorney. Motion was seconded by Council Member Stoor and all voted in favor.

#### **4. DISCUSS AND MAKE WATER BOARD ASSIGNMENTS REGARDING WATER MANAGEMENT PLAN**

Mayor Chesnut said this is on the agenda from the last meeting at the request of Council Member Lee to review assignments for the Water Board regarding a groundwater management plan. Mayor Chesnut said we have had some issues recently and have taken steps to address things that have come up. We need to be more proactive in forming our own plan. Council Member Lee said City Manager Dotson will show a tentative skeleton of a management plan that we would ask the Water Board to work with deciding on the timeliest issues first. City Manager Dotson showed the plan. He said the whole Cedar Valley is coming up with a plan because of over pumping of the aquifer. We need to create something for Enoch and he has developed a structure to work within. He said developing a plan is fine but we need to act on the plan. We need to be able measure and report on progress. We create measurement and reporting tools in the plan and then we create policy.

Major points discussed were:

- Reuse of treated water from the Cedar City Wastewater Treatment Plant for which we pay a fee to treat our wastewater.
- The necessity to have a plan in place for infrastructure to get pre-treated water to a place it can be reused which will add to our credibility in the negotiations.
- Recharge of the aquifer using winter water from Coal Creek. Plan includes working with irrigation companies to pipe open ditches that freeze now. Having a plan raises our credibility in negotiations for a share of the Coal Creek water.
- Continue discussions with private well owners and water right owners for opportunities to purchase wells and rights.
- Having a system to monitor and manage water resources currently done by hand by office staff.
- Being able to monitor what we pump and use more efficiently.
- Conservation and public education including stressing low water use landscaping. Part of this could be a discussion and possible change in water rates.
- Having water data management as a tool to gauge our status constantly. Better data creates better policy decisions.
- Goal is to build long lasting professional relationships and collaboration with other water users.

There was more discussion of current pumping and storage capacity and when that needs to be upgraded per the CFP. It was noted the new culinary well will come online very soon. There was more discussion of the mandate from the State Engineer to develop a Groundwater Management Plan for this aquifer.

The old system of being able to use all of the acre feet (AF) of water currently owned is not the future of water because there is not that much water in the aquifer to allow for that.

The discussion from residents in the last meeting was considered and noted that there is more to it than the usage of the one AF required for each home including cost to maintain and pump the water. The allegation the City is "stealing" water is not valid.

There was discussion of current contradictory State water policies that discourage conservation.

City Manager Dotson said Dan Jessen created a spreadsheet to put the data into a chart so anyone can see it visually and understand the status of our pumping, storage and aquifer recharge. This can be posted on the website for residents to see and hopefully increase their understanding of the groundwater management plan and its goals. From our recent update of the Storm Water and Wastewater Impact Fee Facilities Plans we have a plan to install flow meters in various basins around Enoch to give us new data regarding the outflow to the wastewater treatment plant which will help us develop data for our spreadsheet.

Council Member Lee said this is a good place to start. The Water Board asked her to bring this to the City Council for direction to tell them where to start on developing Enoch's management plan which is hoped to give us more credibility in the larger discussion for the whole valley. When talking potential policy they should be talking about this in the Water Board and balancing that against the hard facts. Council Member Lee said they have been doing their job but there are myriad things to consider and she asked what the City Council wants them to emphasize first. Mayor Chesnut said that is a great response to ask for direction. Mayor Chesnut asked Dilworth what he thought about this plan format. Dilworth said you have to have records in order to know where you are headed and what to do to consider costs and inflation. Assigning them priorities is a big help.

There was more discussion of the need to get a baseline of where our water situation is now and then decide priorities based on that information. There was discussion of the recent issues and how the residents pulled together to help the City get the tanks refilled in the crisis. Council Member Stoor said we need more direction on what to emphasize so getting a baseline is a start. Council Member Lee agreed that is a priority although there are many things of equal importance such as working with the irrigation companies for winter use of Coal Creek water which could possibly proceed this winter.

City Manager Dotson gave more details of the current Groundwater Management Plan being discussed with most of the major water users in the valley. He and Spencer Jones are on that committee. Some of the problem is unrealistic laws regarding water that would require the State Legislature to change the law that the State Engineer has to work within. It was noted only the courts can forfeit water rights. If there was a way to bank rights for when water comes back into the aquifer after other measures are taken, those rights would be protected and that would take some of the tension out of the discussion. Currently State statute is the default position and a management plan can override that. This valley sharing the same aquifer was given an ultimatum from the State Engineer to create a plan for this geographical area or he would do it without local input. Council Member Johnson asked how this committee was formed to create the plan. City Manager Dotson said basically it is the Conservancy District, Cedar City, Enoch and agricultural users. This is an ad hoc committee with no taxing ability. It was noted each municipality has to agree to and approve the plan so elected officials are in the loop. Council Member Owens said regarding the assignments for the Water Board this is meant to be a tool they can use to proceed with working on things to be included in the plan.

Step one is to determine where we are right now. Water issues are very timely Council Member Lee said. This has come to a head because we need to protect Enoch City. Things are happening around us and we want to be in charge of Enoch. The recent restrictions were misinterpreted by some residents who thought we were running out of water. Council Member Lee said acting in a timely manner will add to our credibility in the bigger plan. Council Member Lee said she is in favor of using this as a tool to fill in as much information as we can get. Mayor Chesnut said he proposes to put this on the next agenda for a status report. City Manager Dotson he would put together a presentation of the water situation. The City Council determines policy. Council Member Lee said she would like this skeleton plan to be where the Water Board starts on their next agenda. No motion or action was needed.

**5. DISCUSS/VOTE ON COMMENCING CONSTRUCTION OF THE ENOCH CITY ANIMAL SHELTER OR PARTNERING WITH CEDAR CITY ON AN ANIMAL SHELTER**

Mayor Chesnut said he had a conversation with Mayor Wilson of Cedar City today and they would like to know what our decision is regarding going in with them on an animal shelter. They need an official statement one way or the other so they can move on. They are ready to hire an architect. We are farther ahead. Council Member Owens said we have this all in place, we

have our own staff and we should build our own facility. There is no negative impact from that. We are ready to go now he said. Council Member Stoor said our numbers make sense. We control our own destiny with our shelter and he agrees we want our own control. Council Member Lee asked Chris Johnson and Chief Ames for input and their views. Chief Ames said our own new shelter would be a vast improvement over the current shelter. There was discussion of the needs such as restrooms. Chris said the dog park will be next door so there will be traffic for restrooms and we are not there all the time. We need facilities and water for the dog park too. Council Member Lee said that means the dog park will cost the City something adding this is the way she wants to go but wanted to understand the restroom needs. There was discussion of the advantages of having our own facility. Chief Ames said there are pros and cons. As they looked at it we do things a bit different than Cedar City does. Joining them in certain ventures could be good but this is an “all in” commitment and we would lose a lot of control on how we want to run things because they are bigger and have more money. Chief Ames told about the meetings they have had. The administrators met and then involved the staff working at the shelters so they brought everyone together. Concerns and benefits were discussed and they got into the “nuts and bolts” of day-to-day operations. Ultimately we could make that work but we lose control and we do have a different philosophy. We have been saving for ten years and then to give that to Cedar feels unpalatable. He likes that this legislative body in Enoch can oversee and control what happens in Enoch. If it didn’t work out with Cedar and we wanted to back out we would be starting over. Distance is an issue too. This is a good location out here for enforcement and also is more convenient for resident’s needs. City Manager Dotson said the water line needs to be done and approved by the State before we can start to dig for the building. We have no timeline for that but our engineers are working on it. Access is an issue for rights-of-way. UDOT will not allow access off of Minersville Highway. We will have to work that out coming in from the old Parkview side. We do have an offer from someone to donate all the concrete work. Mayor Chesnut asked for a motion to vote to commence the Enoch shelter or go in with Cedar City.

**Council Member Owens made motion to approve construction of our own Enoch Animal Shelter. Motion was seconded by Council Member Stoor and all voted in favor except Council Member Johnson who voted no.** Mayor Chesnut said he would let Mayor Wilson know and thank them for the offer.

6. **PUBLIC COMMENTS**-Mayor Chesnut invited public comments. There were none.

#### 7. **COUNCIL/STAFF REPORT**

Dilworth Armstrong of the Water Board said the water plan outline looks good.

Earl Gibson said they are working on road work until they can start on the well. They are patching and shouldering Highway 91 and will chip seal it later. We did get the permit to construct the well. The equipment is up there and we are almost ready to install the pump. By the end of the next week or two it will be going and then we will build the pump house. Water levels in the tanks are good. One well went down yesterday because it got hot and tripped.

Chief Ames said they are up to 730 cases for the year. He ran the numbers on traffic stops and citations and about 25% are cited. The rest are warnings. They are enforcing in hot spots. Josh got a meth bust. The officers are working hard and doing a good job and he is proud of them. He said he is going to a narcotics conference later this month.

City Attorney Kuhlmann said he wants to introduce his new colleague Matt Miller. Todd Sheeran went to South Jordan and they hired Matt with many years of experience. He will be working on City matters. Matt said he has been working in St. George for two years.

Ashley Horton said the audit is set for November 1<sup>st</sup> for three days.

City Manager Dotson reported building is going crazy in Enoch with 84 permits out now.

32 of those are new homes with five applications received this week. He said he received data about the inter-local fire agreement and that is being changed in a few areas. He said he would meet with each Council Member to explain it to those who have not already been talked to. This is beneficial to us. He reported there is a lot happening on Capitol Hill this year. There are a lot of bills aimed at taking away municipal rights to govern ourselves. The ULCT (Utah League of Cities and Towns) is trying to stop that. The League is made up of municipalities. Our local legislators are good about protecting municipal rights. State Senator Evan Vickers and Representatives John Westwood and Brad Last in the House have all been City Council members before and have an understanding of municipal issues. He encouraged Council Members who would like to attend the conference to let him know so he can get them registered. He reported Council Member Harris wanted him to bring up about the push for all communities to clean-up as part of the "Sparkle Initiative" to make our cities look good for the many visitors coming for the Temple open house. He requested some projects Enoch could promote for local church groups to help. Shelly made a list of projects and that is on the [justserve](#) website. He asked Council Members to let him know if they have possible projects so we can promote them. City Manager Dotson informed the City Council that a resident gave him the bills he paid to run water and sewer to his house that was quite a ways away from existing lines. Now others are building there and he wants a way to be compensated by them for the work he paid for earlier. He would like the Council to consider if there is some way to help him recoup his costs. He asked if that is something the Council would address in a public meeting. We have not brought it up to our attorney yet. Mayor Chesnut said they would address this request administratively first and bring it to the Council if need be.

Mayor Chesnut reported he attended the ICCC meeting today and they got some good information on the Brian Head fire. At final count it burned 71,000 acres at a cost of 41 million dollars. Due to the Wildland Fire Management Agreement the State will take care of that. Under the old structure Brian head would have had to pay some of the costs. There was a lot of discussion about the issues regarding fireworks and the problems all municipalities are having. That was presented to legislators because we can't regulate fireworks at all except to designate an area for them. Chief Phillips talked about it and it is a first step to lobby our legislators to do something about that. Representative Vickers said it is a revenue generating thing. Selling fireworks for 14 days in July brings in a lot of money, substantial enough to risk fires. Nothing will change anytime soon so we need our own policy decisions to balance the freedom of celebrating against the risk of fires starting.

Council Member Stoor said regarding City clean-up, his Ward has set a date of August 29<sup>th</sup> to do a clean-up drive and they would like to have the gates to the dumpsters open for their project on Tuesday evening. Everyone will put their stuff for disposal on the streets and the Ward will pick it up and take it to the the dumpsters. Earl said to be sure there is no illegal debris like tires, oil or construction waste. Council Member Stoor said they would keep it separate on their end so the City is not fined at the County dump. He reported the Tree Committee did not meet because they could not get a quorum.

Council Member Owens reported the EDC will meet tomorrow to discuss feedback on the survey. They will be working on a strategic plan. They talked about goals of what to look at. They could utilize zoning to benefit economic development. There was talk of a "Main Street" being beneficial from the survey feedback.

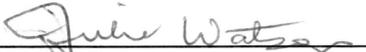
**8. CLOSED EXECUTIVE SESSION REQUESTED-(Requires a roll call vote w 2/3 majority)**

Mayor Chesnut said we need an executive session regarding pending litigation and he asked for a motion. **Council Member Stoor made a motion to adjourn the regular meeting and go to an executive session to discuss matters of pending**

**litigation. Motion was seconded by Council Member Owens and a roll call vote was held as follows:**

<b>Council Member Johnson-yes</b>	<b>Council Member Harris-yes</b>
<b>Council Member Stoor-yes</b>	<b>Council Member Lee-yes</b>
<b>Council Member Owens-yes</b>	<b>Motion passed</b>

9. **ACTION FROM EXECUTIVE SESSION**-none
10. **ADJOURN**-The regular meeting ended at 7:45pm.

 8-16-17  
**Julie Watson, Recorder**                      **Date**