

MINUTES
ENOCH CITY COUNCIL
August 5, 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

Staff present:

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

Public present: Derek Nelson, Leonard Corea, Chris Carter, George Lutterman, Don Kelley, Clay Carter, Larry Brough, Jeff Okeson, Dan Roberts, Dennis and Misty Check

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00 pm saying we are meeting at the City Office and on Zoom.
 - a. **Pledge of Allegiance-**Given by Ashley Horton
 - b. **Invocation-**Audience invited to participate-Given by Larry Brough
 - c. **Inspirational thought-**Given by Council Member Ross
 - d. **Approval of Agenda for August 5, 2020-Council Member David Harris made a motion to approve the agenda. Motion was seconded by Council Member West Harris and all voted in favor.**
 - e. **Approval of Minutes for July 15, 2020-Council Member David Harris made a motion to approve the minutes. Motion was seconded by Council Member West Harris and all voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-**none stated

2. PUBLIC COMMENTS

Clay Carter said he lives next to Willow Glen Inn and he said he liked our new zone change signs. He is the largest landowner near them and he is in favor of the zone change being approved.

Chris Carter said he had concerns last time and has no problem with it happening as long as it follows the ordinance. He has concerns about the ordinance itself and he referred to an old zoning ordinance from 2016 and the permitted uses which are now only 54 from much more in the past. He said he wondered why we changed it so much. He read from the N-C zoning ordinance and then he read the C-C zone uses. He thinks it is zoned as it should be at N-C and we should amend our ordinance to allow the use which makes more sense. *Mayor Chesnut said he understands that and had similar concerns. When we changed the N-C zone it makes it so expansion or changes in the business would not be allowed. Mayor Chesnut said he appreciates that distinction being brought up. Mayor Chesnut said he likes property rights and letting people do what they want to with their land.*

Don Kelley owner of Willow Glen Inn came up to say we would not be having this discussion if Willow Glen had been changed when the City rezoned other areas to make them more in line with the uses permitted. It got missed and they need to be C-C in order to add on to the business and that is the main thing. They want to be in the correct zone for what they do. Before anything can be done this has to be approved for the change. Whatever he wanted to do would have to be

approved by the City as they go through the processes and public opinion could be brought up at that time.

3. PUBLIC HEARING ON APPLICATION TO VACATE PARKVIEW SUBDIVISION, PHASE 3A INCLUDING ROADWAYS

Council Member David Harris made a motion to close the regular meeting and go into a public hearing regarding vacating Parkview Subdivision, Phase 3A including the roadways. Motion was seconded by Council Member Stoor and all voted in favor.

Mayor Chesnut asked City Manager Dotson to inform the public about this action being requested. City Manager Dotson showed the map and told about the Parkview Subdivision issues with going bankrupt and then the fissure developing in that area. Most lots went to the County and were put up for sale with the intent that there would be no utilities to them unless a developer could get things done with the fissure in the middle of Phase 3A. The County sold Phase 3A to George Lutterman and he showed it on the map. In conversations with the City he is trying to make the property usable. He now requests this phase be vacated so he can use the whole property and the streets. He will leave a utility easement for the water line which is there. This public hearing is specifically for the roads due to State law requiring it because the roads were dedicated to the City. Mayor Chesnut invited public comments. There were none.

Council Member David Harris made motion to close the public hearing and return to the regular meeting. The motion was seconded by Council Member Lee and all voted in favor.

4. ORDINANCE NO. 2020-08-05-A AN ORDINANCE APPROVING VACATING PARKVIEW SUBDIVISION, PHASE 3A INCLUDING ROADWAYS

Council Member David Harris made a motion to approve Ordinance No. 2020-08-05-A, an ordinance approving vacating Parkview Subdivision, Phase 3A including roadways. 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 unanimously

5. 2020-08-05-A A RESOLUTION TO RENAME THE PARK KNOWN AS LIBERTY PARK TO BOEBERT PARK

Council Member Lee made a motion to approve Resolution No. 2020-08-05-A, a resolution to rename the park known as Liberty Park to Boebert Park. The motion was seconded by Council Member David 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 unanimously

Mayor Chesnut said by way of explanation, Shelly Boebert recently passed away. She designed this park and many others in the City. She was the driving force behind Liberty Park to make it happen. He gave more details about her dedication through serious illness and how hard it was for her to come to work but she persevered. The Public Works crew brought up this idea to rename the park to honor her and they will make a sign they designed to place at the park.

6. ORDINANCE NO. 2020-08-05-B AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 9.43 ACRES OF PROPERTY OWNED BY DON AND LINDA KELLEY KNOWN AS

WILLOW GLEN INN FROM NEIGHBORHOOD COMMERCIAL (N-C) TO COMMUNITY COMMERCIAL (C-C)

Mayor Chesnut asked if they had any more discussion on this. Council Member Ross said the Planning Commission sent a favorable recommendation for approval. Two residents spoke against it. One was concerned with infrastructure regarding hooking onto the sewer and the other with a rumor that there would be a RV park put in and she did not like it. Council Member Lee thanked Chris Carter for doing the research to be involved. She also commended the Planning Commission for going through the permitted uses to meet the needs of Enoch City. This is one of those oversights that happened and this is to correct an error. City Manager Dotson said the Planning Commission changed the permitted uses to make it work better for Enoch. State code changed so we have to state in writing in our Code what is allowed. He gave more details about the process. Things are either permitted or not permitted. It was a long process for the Planning Commission. Mayor Chesnut said State law spurred this change. Council Member Lee added this is a good opportunity to make it right.

Council Member David Harris made motion to approve Ordinance No. 2020-08-05-B, an ordinance amending the General Plan Land Use Map and Enoch Zoning Ordinance Zoning Map by changing the zoning of approximately 9.43 acres of property owned by Don and Linda Kelley known as Willow Glen Inn from Neighborhood Commercial (N-C) to Community Commercial (C-C). 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 unanimously**

7. ORDINANCE NO. 2020-08-05-C AN ORDINANCE TO APPROVE VACATING PROPERTY OWNED BY DENNIS & MISTY CHEEK FROM VILLAGE GREEN SUBDIVISION

Mayor Chesnut said this was tabled at the last meeting for more consideration. He asked for questions or a motion.

Council Member Lee made a motion to approve the Ordinance No 2020-08-05-C, an ordinance to approve vacating property owned by Dennis & Misty Cheek form Village Green Subdivision. The motion was seconded by Council Member Ross and a roll call vote was held as follows: all yes

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

8. ORDINANCE NO. 2020-08-05-D A TEMPORARY LAND USE ORDINANCE ESTABLISHING SUSPENSION OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS (PUD) FOR A PERIOD OF SIX (6) MONTHS

Council Member David Harris made a motion to table this until the next meeting after the Planning Commission holds the public hearing and makes a recommendation. The motion was seconded by Council Member West Harris and all voted in favor.

9. RESOLUTION 2020-08-05-B A RESOLUTION TO APPROVE THE WATER SERVICE AGREEMENT BETWEEN UTAH WATER CONSERVANCY DISTRICT, THE CENTRAL IRON COUNTY CONSERVANCY DISTRICT AND ENOCH CITY CORPORATION

Mayor Chesnut said we have had issues every summer with the water. We have an excess of water rights but a shortage of places to pull it out of the ground. We require a builder to give us

water rights for each door built. It is a budget issue and wells are not cheap. This year we have been running every well 24/7 and are bound to have mechanical problems happen. This was a check valve and an electrical problem that went bad on the Ravine Well. That is the issue with the shortage and the tanks not being able to refill. Had this mechanical issues not happened we would not be in this situation again now. We have been working on an agreement where in times of emergency we can flip a switch and buy water from the Conservancy District at a reasonable rate. We already have a hook up and are set to use this water when needed. We are also taking steps to get all green areas off of the culinary system and get it on irrigation wells. Their goal is to take big water users off of the culinary system to allow for more water for the residents. City Manager Dotson said this is a long term investment. Developing and rehabilitating old irrigation wells for the large users like City properties, the schools and churches it will make it so the City can have the most valuable water for homes for drinking. Tonight we are bringing this agreement for approval to buy water from the Conservancy District when we need it.

City Manager Dotson showed the information we have posted online for the public to view to understand this. We have asked people to stop watering for now so the tanks can refill. It seems like this has been a problem every year and we want the community know we are working on alternatives so it does not keep happening. We are working on developing sources and to getting it into use in the City. We are trying to go about this with wells we already have because of the arduous State processes that are so time consuming. We plan to develop the well by Earl Gibson's house for irrigation water for the cemetery, school and some churches. Mayor Chesnut stressed there is not a water shortage. It is a well that went down with mechanical issues. We are in a good long term situation. We need more wells and to get the water out faster and we are working on fixing that. The Groundwater Management Plan (GMP) will disallow some rights in 15 years. But we are in good a way for that. There was brief discussion of the GMP and things being done to recharge the aquifer. If we make the right kind of changes to refill the aquifer then this may not have to happen. We require water rights that are older than 1934 to be deeded to the City for building. City Manager Dotson gave more details about the GMP, including changing to crops that use less water, the project to bring water from the West Desert, treatment plat water for recharge etc. Council Member Lee asked if there is a consequence to setting 1934. City Attorney Wayment said everyone has adopted that rule of 1934. It is supply and demand. City Manager Dotson said the agreement is to buy water from the District when we need it. That takes 400 GMP off the City while we fix the well. Mayor Chesnut said there are solutions but they are not quick. We are actively pursuing all of those things for Enoch. We are trying to be more self sustaining but it takes time. This is a safety valve.

Council Member West Harris made a motion to approve Resolution No 2020-08-05-B, a resolution to approve the water service agreement between Utah Water Conservancy District, the Central Iron County Conservancy District and Enoch City Corporation. The motion was seconded by Council Member David 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 unanimously

10. COUNCIL/STAFF REPORT

Chief Ames reported the PD is working on doing trainings and have teamed with Sheriff's office for some things. They are working on nuisance complaints and have issued a citation.

Hayden White reported the Ravine well is down. They hope to get it fixed and back together so they can take a sample to get it tested before it resumes service. They are working on roads. He said he needs to see if the Council will let him go into the negative and adjust the budget mid-year. Then need to purchase some equipment to do asphalt patching properly. He gave more

details of how that works. We will be making it stick better with new techniques. He needs \$25,000 to do it right. It was noted this is just a line item adjustment. Mayor Chesnut confirmed with Ashley that this is acceptable and she said it is. This comes out of the streets budget. The department heads can make those adjustments as long as the bottom line stays the same. Hayden said he just wanted to make the City Council aware of these adjustments. He wants to level the streets to make them better for doing asphalt. Mayor Chesnut went around the City Council Members for a voice approval and they all agreed. Mayor Chesnut thanked him for his hard work. City Manager Dotson reported on the Cares Act saying we have not spent much yet. The City gets \$642,000 to mitigate expenses caused by Covid 19 within certain parameters which have to be justified. We pledged half to go for small businesses in Enoch who were hurt. HE explained the process and the information flyer that was mailed to all Enoch businesses. There is an application process that the EDC is helping business owners with. Council Member David Harris is on the County committee who decides who qualifies. The City is also looking at things like new marquees and other signs to notify the public to things about wearing masks and other emergency information. We have talked about touchless faucets maybe. We need a sound system installed in the Council room for Zoom meetings.

Ashley Horton reported the audit was done on Monday and Tuesday. They had a good report but it is not official yet. The auditors said we could buy a trash truck with the Covid money because we are wearing our vehicles out with people off work and cleaning up their properties.

City Attorney Wayment said for the record he represents the Conservancy District and Enoch City and he wanted it known he represents both entities. Mayor Chesnut thanked him for stating the conflict.

Mayor Chesnut said we need a closed meeting for discussion of purchase of real estate etc.

Council Member Ross reported the Planning Commission is talking about PUDs and need time to work on it so that will be coming to the next Council meeting to approve a moratorium on applications for six months.

Council Member David Harris reported the Covid money committee had their first meeting with the County. There were about two dozen applications and a lot of money to be awarded. The EDC meets tomorrow to help business owners apply.

Council Member Lee passed out handouts for the SR-130 roundabout project. It is very well done. The committee is meeting on the 26th at 6:00 pm.

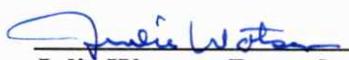
11. CLOSED SESSION TO DISCUSS ONE OR MORE OF THE FOLLOWING: THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, COLLECTIVE BARGAINING; PENDING OR REASONABLY IMMINENT LITIGATION, THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF WATER RIGHTS OR 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 end the regular 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-Yes
Council Member Ross-Yes	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed unanimously

12. ACTION FROM CLOSED MEETING-none

13. ADJOURN-The regular meeting ended at 7:30 pm.

 8-19-20
Julie Watson, Recorder **Date**

Enoch City Council Meeting
August 5, 2020