

MINUTES
ENOCH CITY COUNCIL
August 7, 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: Corie Mortensen, Karl Callison, Cam Findlay, Jody Findlay, Delaine Finlay, McKenna Prince, Chase Prince, Brad & Ashlee Burton, CJ Zeigler, Andy Funderburk, and Noel Wells

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING** – By Mayor Chesnut
 - a. **Pledge of Allegiance-** Led by Council Member Tingey
 - b. **Invocation (2 min.)-Audience invited to participate-** Given by Council Member Stoor
 - c. **Inspirational thought-** Given by Mayor Chesnut
 - d. **Approval of Agenda for August 7, 2024 – Council Member Harris made a motion to approve the agenda. Council Member Ross seconded and all voted in favor.**
 - e. **Approval of Minutes for July 17, 2024- Council Member Ley made a motion to approve the minutes with grammatical error corrections. Council Member Tingey seconded and all voted in favor.**
 - f. **Ratification of Expenditures-** There were none.
 - g. **Conflict of Interest Declaration for this agenda-** There were none.

2. **PUBLIC COMMENTS**

Jeff Hogland stated that he lived on Horseshoe Dr. They have had two RVs on their property for the last year and got approval for both of them. They recently asked for approval for two again. One at 4835 and one at 4815 which is the field next to his home. There was no space in town in the Cedar City area for RVs. There are a lot of people who don't know what to do. He was asking for a renewal to allow the rental of space. They haven't had any issues with either property within the last year. He had an electrician install a dedicated 50-amp breaker and has not had any issues. The breakers have not been thrown. The people who had lived there previously were able to find an apartment. Another person wants to bring her RV to rent that space on that property.

Corin Mortensen stated she was the person who wanted to rent Mr. Hogland's property. Her purpose for the request was that this was something that she could afford. She also stated that she was single with no children. She works but doesn't earn a lot of money. She was saving to eventually buy a home. His property was affordable for her. She moved to Enoch a year ago and wants to live here for the remainder of her days.

3. PUBLIC HEARING FOR ANNEXATION OF PROPERTY OWNED BY TRENT GLEAVES PARCELS D-0550-0003-0000 AND D-0550-0003-0001

Council Member Ross made a motion to close the regularly scheduled City Council meeting and open a public hearing for the annexation of property owned by Trent Gleaves Parcels D-0550-0003-0000 and D-0550-0003-0001. Council Member Harris seconded and all voted in favor.

There were no comments.

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

4. CONSIDER ORDINANCE NO. 2024-08-07-A AN ORDINANCE ANNEXING PROPERTY OWNED BY TRENT GLEAVE, PARCELS D-0550-0003-0000 AND D-0550-0003-0001 INTO THE CORPORATE BOUNDARIES OF ENOCH CITY

City Manager Dotson located the property on a map for everyone to see. There are two parcels unincorporated and surrounded by Enoch City. The owner wanted to do some boundary adjustments and discovered that these parcels were never annexed into the Enoch City boundary. **Council Member Harris made a motion to approve Ordinance No. 2024-08-07-A, an ordinance annexing property owned by Trent Gleave, parcels D-0550-0003-0000 and D-0550-0003-0001 into the corporate boundaries of Enoch City. Council Member Stoor seconded and a roll call vote was held as follows:**

Council Member Ross: Yea

Council Member Stoor: Yea

Council Member Harris: Yea

Council Member Tingey: Yea

Council Member Ley: Yea

5. CONSIDER RESOLUTION NO. 2024-08-07-A A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING WITH ENOCH CITY, CEDAR CITY, IRON COUNTY, AND THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT REGARDING THE USE OF THE CEDAR CITY REGIONAL WASTEWATER TREATMENT FACILITY

Mayor Chesnut provided a historical overview of the previous agreement, explaining that the city would pay \$660,000 for an upgrade and receive water for its use. He mentioned attending several meetings on this issue. Council Member Stoor inquired if the city's commitment to a storage facility was in addition to the \$660,000, which City Manager Dotson confirmed. Mayor Chesnut noted ongoing discussions involving the Conservancy District, and City Manager Dotson mentioned collaboration with farmers to bring water to the city and contact with Rocky Mountain Power. An agreement with water users regarding pumping costs was needed. Mayor Chesnut explained that the storage would mainly be for winter water. Council Member Tingey asked about the timeline for needing the \$660,000, to which Mayor Chesnut replied they were awaiting information from Cedar City. City Manager Dotson said construction was proposed to start by year-end, and impact fees could contribute. City Manager Dotson also mentioned the city is now outside the previous agreement, and approval is still required. Council Member Harris supported the option as it conserves water, potentially qualifies for grants, and is a necessary step, despite previous disagreements with Cedar City.

Council Member Harris made a motion to approve Resolution No. 2024-08-07-A, a resolution adopting a memorandum of understanding with Enoch City, Cedar City, Iron County, and the Central Iron County Water Conservancy District regarding the use of the

Cedar City Regional Wastewater Treatment Facility. Council Member Tingey seconded and a roll call vote was held as follows:

Council Member Ross: Yea

Council Member Stoor: Yea

Council Member Harris: Yea

Council Member Tingey: Yea

Council Member Ley: Yea

6. DISCUSS SOCCER STIPEND/STORAGE

Cam Findlay and others manage the soccer program, which includes about 550 children aged 4 to 12. He explained their efforts to avoid burdening the city and their desire to maintain a positive relationship. They mentioned a current stipend of \$500 per person, up to \$1,500 for the three board members, and their efforts to save money for adding lights and other improvements through voluntary contributions. They inquired if the City Council would consider allowing the board fiduciary control over funds or increasing the stipend for equipment storage, as they need a trailer for moving goals and a conex box for everything else.

Council Member Harris questioned why not have the city purchase a conex box instead. Mr. Findlay responded that they aim to be self-sufficient, not relying on city resources. He also mentioned that they run a lacrosse program, which has raised \$2,000 for a container, and discussed shared-use options. Council Member Ross asked about the location of the container, and Mr. Findlay indicated a spot east of the bathrooms by the Recreation Complex. They also discussed the logistics of keys and noted that the program charges \$30 per child, a low fee with minimal profit from the jerseys.

Council Member Tingey suggested that this seemed like a nonprofit project, but Mr. Findlay expressed concerns about the complexities of running a nonprofit. Council Member Ross raised concerns about increasing the stipend to buy personal items, while Mr. Findlay emphasized the time and volunteer effort invested. Council Member Harris was open to raising the stipend but found it unusual to place personal property on city land. The discussion included ensuring that if a stipend was raised, the city would have access to the purchased equipment.

Ultimately, Council Member Harris proposed using soccer funds to buy a conex box for city property, granting necessary access, and increasing the stipend from \$500 to \$1,000. Council Member Ross supported a one-time increase to \$1,500, but Mr. Findlay indicated this would not cover costs for the trailer. Council Member Stoor suggested buying the conex, with the trailer remaining city-owned. Jody Findlay clarified that they needed the trailer for soccer, stored on city property, and requested a one-time \$3,000 increase. The discussion ended with Council Member Harris suggesting a \$3,000 increase to each of the three board members for this year and a return to the \$500 stipend, with plans to purchase a conex box. He also emphasized the need for creating bylaws.

Council Member Harris made a motion to approve an increased stipend to \$3,000 this year (one year) for the three board members. After this year the stipend will return to \$500. The city will buy the conex box to store on city property. Council Member Ross seconded and all voted in favor.

7. SET A PUBLIC HEARING FOR DISPOSAL OF PROPERTY, PARCELS A-0938-0104-0000 and A-1014-0012-0000

There was a correction for one of the parcel numbers. The public hearing was already set at the previous City Council meeting. The correct parcel numbers are A-0916-0002-001C and A-1014-0012-0000.

Council Member Harris made a motion to close the regularly scheduled City Council Meeting and open a public hearing for the disposal of property, Parcels A-0916-002-001C and A-1014-0012-0000. Council member Tingey seconded and all voted in favor.

City Manager Dotson explained that an ordinance required a public hearing to gather ideas and thoughts as part of an existing agreement. He stated that the city would accept sealed bids at the city office for the property. CJ Siegler, who lives on Highway 91, mentioned that the parcel listed incorrectly on the agenda was adjacent to his property, making it difficult for him to back his vehicle into his garage. He expressed interest in purchasing the parcel. Mayor Chesnut advised Mr. Siegler to submit his proposal in a sealed envelope to the city office.

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

City Attorney, Justin Wayment recommended setting another public hearing.

Council Member Harris made a motion to set a second public hearing for the disposal of property, parcels A-0916-0002-001C and A-1014-0012-0000 for August 21, 2024. Council Member Tingey seconded and all voted in favor.

8. CONSIDER ORDINANCE NO. 2024-08-07-B AN ORDINANCE TO AMEND ENOCH CITY ORDINANCE 13.200.250 DOGS THAT DISTURB NEIGHBORHOOD AND 13.200.221 ANIMALS AT LARGE

Chief Ames expressed concerns about the subjectivity of enforcing the ordinance regarding dog barking, as the current language states that if a dog barks frequently and annoys any person, it meets the statute. He suggested adding clearer guidance and parameters, including setting a time limit to help build a case in court. He also proposed incorporating the issue into the nuisance ordinance to avoid it being just one person's complaint against another. Tingey and Harris agreed to include it in the nuisance ordinance. Chief Ames noted that dog barking complaints are regular, and while most owners want to resolve the issue, some resist.

The council discussed quantifying the barking time, with Ross asking how they would prove a dog barked for ten minutes. Chief Ames mentioned that recordings are often used. Justin noted that in court, a witness would testify about the duration of the barking, and it is important to show that the disturbance affects more than one person, suggesting three or more neighbors. The discussion also touched on trespassing, teasing, or provoking provisions. Harris suggested a 20-minute barking period as a standard, and the council leaned towards including it in the nuisance ordinance if it affects more than one neighbor. Justin proposed "constant barking for 20 minutes OR disturbing three or more neighbors." Tingey added that public education on the ordinance is essential, as not everyone is aware of the rules.

Council Member Harris made a motion to approve Ordinance No. 2024-08-07-B, an ordinance to amend Enoch City Ordinance 13.200.250 Dogs That Disturb Neighborhood and 13.200.221 Animals At Large with the following adjustments: 20 minute bark time limit and include it in the nuisance ordinance. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Harris: Yea
Council Member Ley: Yea

Council Member Stoor: Yea
Council Member Tingey: Yea

9. DISCUSS OPERATION OF GOLF CARTS AND BICYCLES ON PUBLIC ROADWAYS

City Manager Dotson clarified that the discussion was not about recommendations but rather an open discussion. Justin noted that state laws already exist and are enforceable, questioning the need for additional regulations. Chief Ames explained that state code allows certain activities if the municipality explicitly permits them, and he asked the council whether they wanted to allow those activities. Harris acknowledged that horses, ATVs, and similar vehicles are a significant part of the local culture but expressed concern about the safety of driving with insufficient lighting at night. While supportive of allowing these activities, he emphasized the importance of safety. Mayor Chesnut agreed, stating that an ordinance should include safety measures. Tingey mentioned that state code exempts golf carts from title, emissions, and insurance requirements, leading to a discussion on insurance.

The council decided to draft an ordinance covering all relevant vehicles and revisit it later. During the discussion, Noel Wells, a resident of 5130 N, expressed frustration that the issue stemmed from a single anonymous complaint, despite the cultural significance of these activities. He moved to the area for its culture and was upset by people causing trouble. Harris saw the situation as an opportunity to codify the culture in the ordinance, and Mayor Chesnut agreed, noting that sometimes addressing these issues is necessary to preserve the local culture.

10. CONSIDER ORDINANCE NO. 2024-08-07-C AN ORDINANCE TO AMEND ENOCH CITY ORDINANCE 12-1200 PLANNED UNIT DEVELOPMENT (PUD) – See Planning Commission Rec.

Council Member Harris reported that he researched the proposed changes, noting that similar parameters had been successfully implemented in other areas. He mentioned that the entire 150 acres could be planned without altering density and that narrowing some neighborhood roads could slow traffic, addressing previous complaints. When Mayor Chesnut asked about fire safety, Council Member Harris confirmed that the changes passed fire safety standards.

Tim McCoy was granted permission to comment. He is a resident of 600 East and inquired about the city's building official and expressed concerns about exponential growth and inadequate drainage in a nearby subdivision. He also mentioned flooding in his neighborhood and road reconstruction issues. Mayor Chesnut advised Mr. McCoy to discuss these concerns with city administration since they were not on the agenda.

Council Member Ross stated that the Planning Commission had given the proposal a favorable review, but she had concerns about variations requiring City Council approval. There was a portion of amendments that were included because they needed to align with state law. She pointed out specific changes to minimum lot sizes, setbacks, parking requirements, and design details. Council Member Harris responded that smaller setbacks and streets could lead to more affordable housing and greater choice for residents, noting that successful developments in other cities had implemented similar changes.

Council Member Ley expressed ongoing concerns about fire department access, while Council Member Tingey suggested minor revisions for clarity in the Master Plan approval process. He also proposed including "deeply affordable housing" in the language to reflect current

standards. The council discussed the importance of ensuring adequate parking, especially for single-family homes, and considered adding provisions for senior housing under permitted uses.

City Manager Dotson mentioned that phase one of the development had been submitted but did not meet the city's engineering standards. He recommended that the city's engineer review the phase and the requested changes. Mayor Chesnut suggested that each council member formalize their red-line edits against the proposed changes and review them with an engineer. Council Member Ross asked about ensuring the language met state law, and City Manager Dotson confirmed that certain sections needed to be aligned with state requirements.

Council Member Ross made a motion to approve the changes to the PUD Ordinance from section 1201 to the end of section 1203 to meet state standards. Council Member Harris seconded and a roll call vote was held as follows:

Council Member Ross: Yea

Council Member Stoor: Yea

Council Member Harris: Yea

Council Member Tingey: Yea

Council Member Ley: Yea

11. CONSIDER ORDINANCE NO. 2024-08-07-E AN ORDINANCE TO AMEND ENOCH CITY ORDINANCE 12.1100.1107 RECREATIONAL VEHICLES/TRAVEL TRAILERS – TEMPORARY - See Planning Commission Rec.

Council Member Ross stated that staff identified issues with the ordinance, particularly regarding people believing they could renew their RV permits annually. While the Planning Commission reviewed the ordinance favorably, some feared it might lead to a ban on RVs altogether. Council Member Tingey recalled that rentals were allowed when the ordinance was initially developed. City Manager Dotson clarified that the ordinance addresses both the rental of space and the rental of an RV, though it does not explicitly mention the rental of space. He also noted that RVs must have dedicated utilities like water and sewer.

Council Member Ross mentioned that the original intent was to provide temporary housing for local residents' children and that the ordinance permits a one-year stay, with the possibility to reapply. Individuals could have up to two years of stay within a five-year period, though the years need not be consecutive. Council Member Stoor added that after the five-year period expires, residents could reapply. Council Member Tingey questioned why the council should be concerned, but Council Member Ley pointed out noise and other issues. Council Member Ross explained that setbacks were introduced because some residents complained about RVs being parked too close to their homes. Council Member Harris noted reports of multiple RVs being used as residences, which conflicted with neighborhood density standards. Council Member Ross also mentioned that most other cities prohibit living in RVs, but Council Member Tingey argued that enforcement was a challenge.

The council discussed enforcement and permitting, with Council Member Harris stating that permits should be required for stays over a month. Council Member Tingey asked about requirements for utilities, and Council Member Ross explained that such requirements were considered but ultimately deemed too burdensome for the city inspector. Mayor Chesnut highlighted issues with disposable wipes and children's toys as the most significant concerns related to RV living.

Council Member Harris made a motion to approve Ordinance No. 2024-08-07-E, an ordinance to amend Enoch City Ordinance 12.1100.1107 Recreational Vehicles/Travel Trailers – Temporary with the addition that the time period starts at the point of application and required if the stay is longer than one month. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Harris: Yea
Council Member Ley: Nay

Council Member Stoor: Yea
Council Member Tingey: Yea

12. CONSIDER ORDINANCE NO. 2024-08-07-E AN ORDINANCE TO AMEND ENOCH CITY SIGN ORDINANCES - See Planning Commission Rec.

Council Member Ross reported that the Planning Commission had forwarded the proposal with a favorable recommendation, noting that Commissioner Finlay had put in significant effort. Council Member Harris inquired whether there had been any complaints regarding signs. Mayor Chesnut mentioned that the issue related to First Amendment rights. City Manager Dotson clarified that there were no regulations on the content of signs and that signs could not be placed on property owned by someone else. Council Member Tingey observed that the location of political signs was not included in the discussion, but City Manager Dotson pointed out that it was addressed on page 20 of the proposal.

Council Member Harris made a motion to approve Ordinance No. 2024-08-07-E, an ordinance to amend Enoch City Sign Ordinances. Council Member Stoor seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Harris: Yea
Council Member Ley: Yea

Council Member Stoor: Yea
Council Member Tingey: Yea

13. CONSIDER RESOLUTION NO. 2024-08-07-B A RESOLUTION TO AMEND THE ENOCH CITY PERSONNEL POLICIES AND PROCEDURES MANUAL; SECTIONS IV - WORKER'S COMPENSATION AND SECTION VIII - SICK LEAVE AND FUNERAL LEAVE

The council discussed an internal policy with potential budget changes. Council Member Tingey inquired about the requirement to report an accident within 24 hours and what would happen if someone failed to do so. City Manager Dotson explained that while there are no immediate repercussions for failing to report, it could result in delays. Ashley added that if an accident isn't reported, employees would have to use their own sick leave. There was a discussion about the importance of timely reporting. Mayor Chesnut acknowledged the concern but cautioned against making the policy punitive, as it could negatively impact the workplace culture. He also noted that as Enoch grows and more employees are added, the city needs to remain mindful. City Manager Dotson suggested adding a clause stating that "failure to report may limit or exclude any workers' compensation claim."

Council Member Harris made a motion to approve Resolution No. 2024-08-07-B, a resolution to amend the Enoch City Personnel Policies and Procedures Manual; Sections IV – Worker’s Compensation and Section VIII – Sick Leave and Funeral Leave with the addition of a clause stating that “failure to report may limit or exclude any workers’ compensation claim.” Council Member Ley seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Harris: Yea
Council Member Ley: Yea

Council Member Stoor: Yea
Council Member Tingey: Yea

14. CONSIDER THE ENOCH CITY STORMWATER IMPACT FEE ANALYSIS AND SET A PUBLIC HEARING

Council Member Harris addressed the significant increases in both the user fee and impact fee, noting that the proposed amounts exceeded what most people would likely spend. He suggested an incremental increase, similar to the approach taken with transportation, and recommended offering a discount without revisiting the study. Council Member Tingey inquired

about the possibility of obtaining grants to reduce costs, to which City Manager Dotson confirmed they apply for grants, but noted these typically require a match, historically around 6.77%. Tingey asked if the budget had funds for this, and Ashley indicated there was some, but not enough to make a substantial difference.

Brittini from Sunrise Engineering discussed the NRCS East Bench projects, noting that 25% of the cost for the city was included in the user rate and impact fee. She mentioned that \$6-7 million of the \$21 million total cost was covered by NRCS. This project was part of the master plan and included all GIS work, such as curb and gutter, flow, and detention basins. Harris acknowledged that they could not raise impact fees and user rates enough to cover all necessary expenses and proposed starting at \$4,000 with a discount. Stoor agreed with this approach.

Council Member Harris made a motion to set a public hearing for August 21, 2024 for the discussion of the Enoch City Stormwater Impact Fee Analysis. Council Member Ross seconded and all voted in favor.

12. COUNCIL/STAFF REPORT

Hayden White:

- They have been busy with overlays, and working on roads.
- They are trying to fill the water tank on Highway 91 right now. On day two they were only at 12 feet.
- There have been a bunch of water leaks because of plastic conduit that seems to be breaking everywhere. The pipe is ADS. He mentioned the electrical conduit in Garden Park. It was from the 1970s. They have replaced about three a week.
- Next week they will be chipping for 5 days straight. They had the guys train us. The county road department will be coming on Monday to help them get started.

Chief Ames:

- The groundbreaking for the new Iron County Sheriff complex is August 16th also the ribbon cutting for the CJC is the same day at 10:30.
- They had the first CJC advisory meeting in the new building.
- There were some concerns about speeding on 4200 N. There have been extra patrols there.

Justin Wayment:

- The Leagues of Cities and Towns had a meeting. There was good information about impact fees. He gave an example. There is fear that the general impact fee may not be serviceable and you may have to do a study for every development.

Ashley Horton:

- She has been working on the upcoming audit.

City Manager Dotson:

- He mentioned the Sidewalk Replacement Program.
- The scout troop has lost its scoutmaster and is starting a new troop. This is a great idea. If they can start another troop then there are more options. There is potential that they might need more funding.
- Walk and Bike to School Day will be on Oct. 9th at Enoch Elementary and Gateway. We are working with the county and Cedar City to promote safety.
- There is an issue about an ordinance defining what a family is. There have been complaints about 6 non-family members renting individual rooms within the home. We have not evicted anyone. We are trying to figure out the process. Single-family are up to 4 unrelated people and are zoned for single-family dwellings.

- Justin said you can now have a duplex in every single home. As long as you don't alter the outside, theoretically, you can have 4 in one area and 4 in another area of the home. Mayor Chesnut brought up the rationale that the individuals are not related, but if they were related, then would there be an issue?

Lindsay Hildebrand:

- She had been working on packets, minutes, and business license renewals.

Council Member Ross:

- She met with staff to talk about sidewalks. Hayden reported that there are 171, 978 feet of sidewalk currently in Enoch, and who is responsible for it? They are clarifying things. She recommended finding funds to fix their sidewalk with a 50% match to help people keep their sidewalks in good repair. We would have to find the money to do that. It's important for safety reasons. They are just talking about current sidewalks.

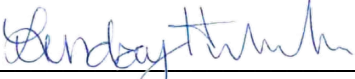
Council Member Stoor:

- On the 15th of August, they will be meeting with residents. What was done before was not appreciated by some.
- Regarding the Iron Works Park, there was an email from someone who had a connection with that park. There was a day of service with about 70 volunteers. They cleared some brush and created a vision board to preserve pioneer history. This fall in September is a Day of Service. He suggested working on that park.

Council Member Tingey:

- He met with the director of the Care and Share and took a tour of the facility. They do a lot with not very much. He even went to the shelter. They had 32 people staying there. They have a lot of land that they own next to the Care and Share with future plans.

15. ADJOURN – Council Harris made a motion to adjourn. Council Member Ross seconded and all voted in favor.


8/22/2024

Lindsay Hildebrand, Recorder **Date**