

**MINUTES**  
**ENOCH CITY COUNCIL**  
**December 6, 2023 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

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

**Staff present:**

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

**Public Present:** Steve Woolsey, Jesse Maheu, Bryce Poulson, Wendy Jessen, Delaine Finlay, Jonathan Wilson, James Thelin, Debra Ley, Dallas Buckner, and Lester Ross

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING – Mayor Chesnut**
  - a. **Pledge of Allegiance- Led by City Manager Dotson**
  - b. **Invocation (2 min.)-Audience invited to participate- Given by**
  - c. **Inspirational thought given by Mayor Chesnut**
  - d. **Approval of Agenda for December 6, 2023- Council Member W. Harris made a motion to approve the agenda. Council Member Ross seconded and all voted in favor.**
  - e. **Approval of Minutes for November 15, 2023- Council Member Stoor made a motion to approve the minutes. Council Member Ross seconded and all voted in favor.**
  - f. **Ratification of Expenditures- There were none.**
  - g. **Conflict of Interest Declaration for this agenda- Council Member Ross said she is related to the people in item number 7. She also said that no money was exchanged.**

2. **PUBLIC COMMENTS** - There were no public comments. Mayor Chesnut brought forward item number four ahead of number three.

4. **CONSIDER RESOLUTION NO. 2023-12-06-A A RESOLUTION APPROVING THE INTERLOCAL FIRE PROTECTION AGREEMENT**

The Cedar City Fire Chief spoke about the building fund created for future buildings. The agreement detailed increases in cost to keep up with buildings. He discussed some of the changes. Mayor Chesnut said he was happy to see this.

**Council Member Stoor made a motion to approve Resolution No. 2023-12-06-A a resolution approving the Interlocal Fire Protection Agreement. Council Member W. Harris seconded and a roll call vote was held as follows:**

<b>Council Member Ross: Yea</b>	<b>Council Member W. Harris: Yea</b>
<b>Council Member D. Harris: Absent</b>	<b>Council Member Tingey: Yea</b>
<b>Council Member Stoor: Yea</b>	

**3. REQUEST FROM FRIENDS OF THE IRON COUNTY CHILDREN'S JUSTICE CENTER TO WAIVE ALL BUILDING PERMIT FEES**

Jennifer Davis represented the Iron County Children's Justice Center Friends Board. Also, present was Wendy Jessen who is the Director of the Children's Justice Center. Mayor Chesnut said there was a request to waive the permit fees. The total is \$18,938.40. City Manager Dotosn said one of the things that we cannot waive is the plan review fee. We use a third party and they charge the city. The rest we collect goes to a general fund and impact fees. Mayor Chesnut said this is being built in Enoch. We have committed property. Council Member Stoor asked if we would have to absorb that plan review fee. City Manager Dotson said yes. Council Member W. Harris asked if we have space in the budget for that. Ashley said we could, but would have to add some from savings. Council Member Ross said she agreed to waive all of the fees except the one that costs us. Council Member Tingey agreed with Council Member Ross.

**Council Member Ross made a motion to waive all building permit fees for the Iron County Children's Justice Center except \$2, 417.66 for the plan review fee. Council Member W. Harris seconded and all voted in favor.**

City Manager Dotson asked for an update. Jennifer Davis said it's moving along. They plan to have it completed in April of 2024.

**5. PUBLIC HEARING REGARDING THE 2023-2024 REVISED BUDGET**

**Council Member W. Harris made a motion to close the regularly scheduled City Council Meeting regarding the 2023-2024 revised budget. Council Member Ross 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 Tingey seconded and all voted in favor.**

**6. CONSIDER RESOLUTION NO. 2023-12-06-B A RESOLUTION APPROVING THE REVISED 2023-2024 BUDGET AND CLOSING THE BUDGET**

Ashley said there was an update because there was a question on page 4 in the police department when increasing dues and memberships. It was an agreement with SWAT that we pay our County SWAT a portion of fees so that they can make purchases. Chief Ames said every agency in the county contributes to the SWAT team. It's \$500 per full time officer. City Manager Dotson said this item was a good time to mention the analysis done on the chipper. Council Member Tingey said he worked on the analysis with Hayden White. He went over scenarios including costs and life of the equipment. They also used a 3% inflation factor. The numbers were favorable and useful for Enoch City. Mayor Chesnut thanked Council Member Tingey for his contribution to that portion.

**Council Member W. Harris made a motion to approve Resolution No. 2023-12-06-B, a resolution approving the revised 2023-2023 Budget and closing the budget. Council Member Tingey seconded and a roll call vote was held as follows:**

<b>Council Member Ross: Yea</b>	<b>Council Member W. Harris: Yea</b>
<b>Council Member D. Harris: Absent</b>	<b>Council Member Tingey: Yea</b>
<b>Council Member Stoor: Yea</b>	

**7. CONSIDER RESOLUTION NO. 2023-12-06-C A RESOLUTION TO ADOPT A PRE-ANNEXATION AGREEMENT BETWEEN IRON COUNTY, ENOCH CITY, CAROLINE HOWE, AND GARY/CAROLINE HOWE FAMILY TRUST**

Lester Ross represented the Nelson Family Trust. He said this agreement allowed them to do a lot-line adjustment with Iron County. They will annex into Enoch and are moving a lot line on Caroline’s lot so her play yard is actually on her lot. This was required by the county. They have petitioned to annex this week. He knew that this would be a legal lot in the county and they won’t do it unless they annex with us. City Manager Dotson said this has been reviewed, although it’s unusual, but ultimately required to annex.

**Council Member W. Harris made a motion to approve Resolution 2023-12-06-C a resolution to adopt a pre-annexation agreement between Iron County, Enoch City, Caroline Howe, and Gary/Caroline Howe Family Trust. Council Member Tingey seconded and a roll call vote was held as follows:**

**Council Member Ross: Yea                      Council Member W. Harris: Yea**  
**Council Member D. Harris: Absent      Council Member Tingey: Yea**  
**Council Member Stoor: Yea**

**8. CONSIDER A PLAT AMENDMENT FOR SPANISH TRAIL ESTATES - UNIT 2**  
–Steve Woolsey / See Planning Commission Rec.

Steve Woolsey with Woolsey Land Surveying said he was representing himself. He currently owned lot 2 block three of the property shown on a map. He wanted to split that lot into two lots. He has a shop on the west side and a home on the east side. Council Member Ross said this had a favorable recommendation from the Planning Commission. Mayor Chesnut said this is an asset protection mechanism.

**Council Member W. Harris made a motion to approve the plat amendment for Spanish Trails Estates – Unit 2. Stoor seconded and all voted in favor.**

**9. CONSIDER A PLAT AMENDMENT FOR THE HOMESTEAD SUB., LOT 7 –**  
James Thelin / See Planning Commission Rec.

James Thelin said the goal was to grow his business. They want to do a lot line adjustment to move the fence line. The egress and ingress will be off of Highway 91. Council Member Ross asked if there was an entrance for the other lot. City Manager Dotson said it’s not publicly dedicated. Council Member Ross said this had a favorable recommendation from the Planning Commission.

**Council Member W. Harris made a motion to approve the plat amendment for the Homestead Subdivision, Lot 7. Council Member Ross seconded and all voted in favor. City Manager Dotson showed the map and explained the other portion.**

**10. CONSIDER ORDINANCE NO. 2023-12-06-A AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES, SECTION 12.3100.3102 DESIGN STANDARDS, D. EASEMENT STANDARDS-**  
See Planning Commission Rec.

City Manager Dotson said in our current code we are required to have a 15-foot easement around the outer ring of the subdivision and also require the side and black lots to have a 15-foot easement shared between lots, so 7 feet each lot. Engineers say it’s a waste of space to have that easement. All utilities are required in the front of the property. This is removing that requirement. Council Member Ross said this had a favorable recommendation from the Planning Commission. Council Member Tingey asked what guying meant. City Manager Dotsons said those are for power poles.

Spencer Jones asked to comment. He wasn't aware of the additional guy easements. He understood that guying only applied to overhead power and overhead power wasn't allowed for new development in a subdivision, so he wasn't sure why it was in the code. City Manager Dotson said when a developer comes in there may be certain circumstances where it is needed. Justin Wayment mentioned that Rocky Mountain Power might need it. He also gave an example where someone does a lot split and needs to string more power. You would still have guying. City Manager Dotson said this would apply to old development.

**Council Member W. Harris made a motion to approve Ordinance No. 2023-12-06-A, an ordinance amending the Enoch City Code of Revised Ordinances, section 12.1300.3102 Design Standards, D. Easement Standards. Council Member Stoor seconded and a roll call vote was held as follows:**

**Council Member Ross: Yea                      Council Member W. Harris: Yea**  
**Council Member D. Harris: Absent      Council Member Tingey: Yea**  
**Council Member Stoor: Yea**

**11.      CONSIDER ORDINANCE NO. 2023-12-06-B                      AN ORDINANCE  
AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH  
ZONING ORDINANCE MAP BY CHANGING THE ZONING OF PROPERTY  
OWNED BY VIRGIN VISTA ENT. LLC, PARCELS #A-0901-0101-0000 AND  
#A-0901-0100-0000 FROM RURAL-RESIDENTIAL (R-R-1) TO  
COMMUNITY-COMMERCIAL (C-C)– See Planning Commission Rec.**

John Kay owner of the property located on the southeast corner of Minersville Highway and 3600 North. The location is where future growth and commercial would be expected. The property had been zoned commercial in the past and for tax purposes was rezoned agricultural. He believed this would be a benefit to Enoch City as the area expands and develops. Council Member Ross said this came forward with a favorable recommendation from the Planning Commission. There were four yeas and one nay. Four people came to speak against it during the public hearing. There is a private road that leads from Minersville Highway through 3600 N, which Mr. Kay said he has an easement and recording right-of-way to. They were worried about traffic going through Maxwell Mini Farms Estate. They were also worried about certain types of businesses buying the property. They had also permitted that private road with the promise that it would be kept residential. That road is maintained by Maxwell Mini Farms. Mayor Chesnut said the Maxwell Subdivision is in the county limits. City Manager Dotson showed the location on a map. Council Member Ross said she wondered since that road was private if the Council would be putting a hardship on other citizens. There was a comment that we require 6 feet of fencing around commercial businesses. City Manager Dotson said our code requires the 6-foot fence between commercial and residential. The property in the county is zoned agricultural so he asked Attorney, Justin Wayment if this code should be applied. Justin said our code would apply. He also said he wasn't sure the road was our concern because it is private and not city owned. Whether Mr. Kay has an easement or not is a private issue and not necessarily our concern. Mayor Chesnut said the issue of the use of the road isn't before the council or something that we would address. The limited scope of what is before them is the zone change. City Manager Dotson said this was a legislative issue not administrative.

**Council Member W. Harris made a motion to approve Ordinance No. 2023-12-06-A, an ordinance amending the General Plan Land Use Map and the Enoch Zoning Ordinance Map by changing the zoning of property owned by Virgin Vista Ent. LLC, Parcels, #A-0901-0101-0000. Council Member Stoor seconded and a roll call vote was held as follows:**

**Council Member Ross: Nay**                      **Council Member W. Harris: Yea**  
**Council Member D. Harris: Absent**      **Council Member Tingey: Yea**  
**Council Member Stoor: Yea**                      **Motion passed**

**12.            CONSIDER ORDINANCE NO. 2023-12-06-C                      AN ORDINANCE**  
**ADOPTING THE PUBLIC SAFETY IMPACT FEE ANALYSIS IMPACT FEE**  
**FOR COMMERCIAL BUILDINGS**

City Manager Dotson said back when we did the impact fee analysis, everything was done according to state law. However, we didn't put an impact fee in place for commercial for the public safety portion. Now we have commercial buildings coming and the maximum impact fee the analysis said they could charge for a commercial building is 90 cents per square foot. The public hearing was held and noticing was done, then we can apply this. Mr. Wayment said he wasn't aware of any law that restricts a time frame after a public hearing.

**Council Member Stoor made a motion to adopt Ordinance No. 2023-12-06-C, an ordinance adopting the Public Safety Impact Fee Analysis, Impact Fee for commercial buildings. Council member W. Harris seconded and a roll call vote was held as follows:**

**Council Member Ross: Yea**                      **Council Member W. Harris: Yea**  
**Council Member D. Harris: Absent**      **Council Member Tingey: Yea**  
**Council Member Stoor: Yea**                      **Motion passed**

**13.            CONSIDER ORDINANCE NO. 2023-12-06-D                      AN ORDINANCE**  
**ADOPTING THE TRANSPORTATION IMPACT FEE ANALYSIS IMPACT FEES**  
**PER UNIT**

City Manager Dotson said this is the same issue. The maximum allowable impact fee for residential was \$20,865.00 per residential unit and the City Council said no. The Transportation Impact Fee was based on the mileage, average users, etc. They also did a calculation on different types of commercial use and multi-family use. We never adopted anything on those. The City Council decided that \$4,000 per residential unit was ok and discounted it to \$2,000 to start with so within 3-4 years we could increase if needed to. The \$4,000 was considered to be 19.17%. He showed a chart on the screen, which was based upon trips per usage. He explained how he calculated the amount and gave an example. They are calculating the traffic that those businesses will bring in on the new roads and expansion. He gave an example. SR-130 expansion forced by development; the developer pays for it. Council Member Tingey asked how many years an impact fee covers. City Manager Dotson said up to 20. That's the horizon the analysis showed. Council Member Stoor asked if he calculated it using the same formula and concept as they had for residential. City Manager Dotson said yes because he thought that would be technically fair. Mayor Chesnut said the administration took the formula and applied it to the component parts.

Spencer Jones asked to speak. He is a chair for the Governing Affairs League of Home Builders and would like an opportunity to review this and have professionals in Salt Lake review it as well if possible. He asked that if there have been modifications that they have an opportunity for those. He owns a few buildings along main street and is leasing them to businesses. Their project is 90,000 square feet. If this was approved, the transportation line item alone, based on the \$2100 per 1,000 square feet, would put his impact fee at \$180,000. That could be the tipping point, making him unable to complete a project. Council Member Storr asked that if they hold off on this and allow Mr. Jones and others to review it, would there be a penalty or negative impact on the city. City Manager Dotson said there really is no impact, except when the next commercial business comes in they would have a residential impact amount. As administration, they have been paying the same impact as one family home. Mayor Chesnut said we will put it on the next

agenda. The basis for the added column could contain assumptions. The chart is in terms of residential units. Council Member Ross said she was ok with waiting two weeks.

James Thelin asked to speak. He explained that for him to build a shop was \$284,000 on the 19.17% and his cost of building is about \$420,000 so a 50% markup just on that part. His goal in Enoch is to help development grow locally. He would love to table it and let the professionals review it. It stifles growth. City Manager Dotson said it makes no difference to the administration to table this item. It's just that someone will pay for the impact and the City Council will need to decide who that will be. Mr. Wayment said it's really important to look at the numbers. Council Member Tingey said he supported taking more time if they weren't ready. Mayor Chesnut said the next meeting is supposed to be short because of the holiday.

**Council Member Stoor made a motion to table Ordinance No. 2023-12-06-D, an ordinance adopting the Transportation Impact Fee Analysis, Impact Fees Per Unit to January 3<sup>rd</sup> 2024. Council Member Tingey seconded and all voted in favor.**

**14. CONSIDER RESOLUTION NO. 2023-12-06-D A RESOLUTION ADOPTING A DEVELOPMENT AGREEMENT BETWEEN ENOCH CITY, DESMOND AND SARA PENNY LIVING TRUST, AND RESULT HAPPINESS, LLC FOR THE NELSON MASTER COMMUNITY PLAN**

Dallas Buckner, with Go Civil, said a few months ago he requested to table a development agreement on this. They are now at a point where all parties are happy with the development agreement. City Manager Dotson showed the area on the screen. There was one specific thing that changed on the agreement. It said if our water rights process changes that this development can follow the new code if it's less. This would benefit the developer. City Manager Dotson said the other thing had to do with water rights 73-43 and 44. Those and the stock certificate for the surface water will be deeded to the city. The Penny well/Nelson Farm well will also be given to the city and we will use those credits. They met with the state engineer multiple times to make sure those rights were valid to transfer to the city.

**Council Member Stoor made a motion to approve Resolution No. 2023-12-06-D, a resolution adopting a development agreement between Enoch City, Desmond and Sara Penny Living Trust, and Result Happiness, LLC for the Nelson Master Community Plan. Council Member W. Harris seconded and a roll call vote was held as follows:**

<b>Council Member Ross: Yea</b>	<b>Council Member W. Harris: Yea</b>
<b>Council Member D. Harris: Absent</b>	<b>Council Member Tingey: Yea</b>
<b>Council Member Stoor: Yea</b>	<b>Motion passed</b>

**15. CONSIDER PRELIMINARY PLAT FOR HAWK'S LANDING P.U.D.- Watson Engineering / See Planning Commission Rec.**

Jessy Mahue is the owner, developer, and builder for this. **He said they were** hoping to do create 6 four-unit townhomes, one twin home and about 18 single-family homes and the density all adhere to the PUD. Council Member Ross said this came from the Planning Commission with a favorable recommendation. One person abstained. Chairman Correa asked her to add that in the future he would like the Council to consider deed restrictions so people who own property would live in the property for developments like this. Mayor Chesnut, he understood the concern. Mr. Wayment said Senate Bill 85 restricts the ability to do that. Council Member Ross they liked the townhomes with single-family homes around for a buffer. City Manager Dotson said this is the first planned unit development project based on the Master PUD and has been through review. We had this sent to Platt & Platt to review because Watson Engineering doesn't review their own work.

**Council Member W. Harris made a motion to approve the Preliminary Plat for Hawk's Landing P.U.D. Council Member Ross seconded and all voted in favor.**

**16. CONSIDER ORDINANCE NO. 2023-12-06-E AN ORDINANCE ANNEXING 667.14 ACRES OF LAND OWNED BY PIDDING LLC INTO THE CORPORATE BOUNDARIES OF ENOCH CITY**

Mr. Wayment said he read through the annexation agreement and needs to go into a closed session to talk about a couple of things.

**Council Member Ross made a motion to table item Ordinance No. 2023-12-05-E, an ordinance annexing 667.14 acres of land owned by Pidding LLC into the corporate boundaries of Enoch City to December 20, 2023. Council Member W. Harris seconded and all voted in favor.**

**17. CANVASS GENERAL ELECTION HELD NOVEMBER 21, 2023** – City Recorder  
The City Recorder recapped the 2023 General Election results. Members of the City Council were given the complete election counts and breakdown provided by the Iron County Clerk.

**Council Member W. Harris made a motion to accept the 2023 General Election results. the canvassing of the General election Council Member Ross seconded and all voted in favor.**

**18. COUNCIL/STAFF REPORT**

Hayden White

- They finished the storm drain project off of Highway 91 and Enoch Road. There will be a final walk-through next Tuesday and then if it passes, they will hydroseed it.
- They received the dozer from the county and have been building the North Enoch Flood Basin.
- They have also been getting ready for snow.

Chief Ames

- Last night they had a night qualification shoot and everyone passed.
- They have the Festival of Trees fundraiser and it raised \$12,000. They use that money for shop with a cop which is this Saturday. Council Member Ross asked about Dancing With The Stars. Chief Ames said it was great and historically is raises \$90,000-\$100,000.

Lynn Nelson

- A year ago, there were 23 homes total. As of November, we are at 36. Things have picked back up.
- Dollar General is in plan review right now.
- The ice rink will be enclosed here soon.
- He is still waiting on the plan review for O'Reilly's.
- Mindy, in the office, is going through training to be a Permit Tech. This will help him with office paperwork.

Ashley Horton

- She has been working on the budget and end of year items.
- We are closing on the water bond.

- On the agenda for the next meeting is we are working on a credit application with State Bank for the Police Department credit cards. This is to increase the credit card limit. The increase will be less than \$5,000 and it's because each officer has a limit of \$500 off of our main card. \$500 doesn't get them much if they are out of town at training.
- A reminder that Jolene Lee's husband passed away and we will send flowers if anyone wants to contribute. Council Member Ross said he was a former Mayor. The funeral is at 10 am on Saturday at the church by Family Dollar.

#### City Manager Dotson

- Mr. Lee was instrumental. He was the mayor from 1986-1993 and he helped get our sewer collection system and developed it for a 20-year window. He did a lot of things for the city and his wife was recently on the city council.
- He finished the application for the Transportation Planning Grant. Cedar City, Enoch City, and Iron County joined as co-applicants to do the feasibility study for the underpass off of Highway 91 and Summit Frontage Road on the south side of Enoch.
- Hansen Consultants is a consulting firm that was given a contract with the State of Utah to help municipalities write subdivision codes. They came back with some suggestions. They are taking what we established at the Planning Commission and changing a few things. In February we have to pass that code that takes the subdivision process out of legislative hands. The state says we can do four total review cycles. For example, Hawks Landing had 6-7 reviews. This puts pressure on the engineers and some timing issues aren't clear in the code. Cedar City has the preliminary plat come in with the construction drawings and the application would be complete. Then they will do 4 review cycles. Or, we could do two at the preliminary and two at the final. This will come to the City Council. Hansen Consultants are being paid for by the State of Utah. We do have software that we can use as well.

#### Lindsay Hildebrand

- She had been working on the packet.
- She renewed 15 business licenses.

#### Council Member Stoor

- He attended the Utah Division of Outdoor Recreation Grant Workshop. He thought there were things that the city could benefit from.

#### Council Member Tingey

- He attended the school board meeting on the 28<sup>th</sup>. They recognized some of the sports teams from the schools that won 1<sup>st</sup> and 2<sup>nd</sup> place in State. During public comments, 5 people all stood up and talked about changing the name back to Redmen for the high school. They said that happens every meeting. They are re-working their handbook. The most interesting was service dogs and mini horses as service animals. They also talked about nursing mothers at school and tobacco use training.
- Wreaths Across America is on the 16<sup>th</sup> at noon at the Enoch Cemetery.



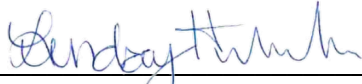
19. **CLOSED SESSION TO DISCUSS ONE OR MORE OF THE FOLLOWING: THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, COLLECTIVE BARGAINING; PENDING OR REASONABLY IMMINENT LITIGATION, THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF WATER RIGHTS OR 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 W. Harris made a motion to close the regular meeting and go into a closed meeting for the purpose of purchase, exchange, or lease of real property and any pending or imminent litigation. Council Member Ross seconded and a roll call vote was held as follows:**

<b>Council Member Ross: Yea</b>	<b>Council Member W. Harris: Yea</b>
<b>Council Member D. Harris: Absent</b>	<b>Council Member Tingey: Yea</b>
<b>Council Member Stoor: Yea</b>	<b>Motion passed</b>

20. **ACTION FROM CLOSED MEETING-**

21. **ADJOURN**

	<u>12/20/2023</u>
<b>Lindsay Hildebrand, Recorder</b>	<b>Date</b>