

MINUTES
ENOCH CITY COUNCIL
February 2, 2022 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut-absent
Council Member David Harris-Zoom
Council Member Richard Jensen
Council Member West Harris
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder-Zoom
Ashley Horton, Treas.-Zoom
J. Wayment, City Atty.
Hayden White, PW Dir.
Robert Dotson, City Mgr.-Zoom
Jackson Ames, PD Chief
Lindsay Hildebrand-Dep. Rec.

Public Present: On Zoom-John Staples, Rajan Zed, In Person: Matt Edwards

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Pro-Tem Stoor at 6:00 pm.
 - a. **Pledge of Allegiance-**Led by Council Member Jensen
 - b. **Invocation (2 min.)-**Audience invited to participate-By Rajan Zed, Hindu Leader-On Zoom
 - c. **Inspirational thought-**not given
 - d. **Approval of Agenda for February 2, 2022-Council Member Ross made a motion to approve the agenda. The motion was seconded by Council Member West Harris and all voted in favor.**
 - e. **Approval of Minutes for January 19, 2022-Council Member Jensen made a motion to approve the minutes. The motion was seconded by Council Member Ross and all voted in favor.**
 - f. **Ratification of Expenditures-**none
 - g. **Conflict of Interest Declaration for this agenda-**none stated

2. **PUBLIC COMMENTS-**

Matt Edwards cited an example of a City regulation regarding outdoor lighting which at first, he objected to. After the reasons were explained to him, he understood the reasons for the ordinance. He said he lives in the old farm home on Southern Homestead Blvd. up against the hillside by Hwy. 91. A truck driver has been parking by their house blocking views and causing disruption with the noise of the engine warming up. The rig wakes them early in the morning quite often. He tried to talk to the owner/driver and the fellow was not receptive or cooperative at all. He found out truck parking on City streets is allowed in Enoch law. He gave details about talking to the PD and asked for a courtesy request to be made to the driver. The PD told him they can't do anything but ask him to be courteous. He said he is here tonight to ask the City Council to consider having a discussion about adding a courtesy clause for where truck drivers can park. There is plenty of room on Hwy. 91 and he asks for the Council's attention to this matter. The driver did say it is too tight to park by his own house. Mayor Pro-Tem Stoor said there has been discussion on this in the past. Matt added this happens on a regular basis every other week for two days and often more. Matt thanked the City Council for considering his request.

3. CONSIDER THE COMMERCIAL MINOR SUBDIVISION OF VALLEY GATE ESTATES-Go Civil Eng.

Council Member Ross said the Planning Commission sent a favorable recommendation after reviewing this minor subdivision application. Arlo Fawson of Go Civil Engineering said they did a zone change previously and this is the minor subdivision process to divide the property into three (3) parcels and a large remainder parcel. It meets all City requirements.

Council Member Jensen made a motion to approve the commercial minor subdivision of Valley Gate Estates. The motion was seconded by Council Member Ross and all voted in favor.

4. CONSIDER THE PRELIMINARY PLAT OF VALLEY GATE ESTATES SUBDIVISION, PHASE 1-Go Civil Eng.

Arlo Fawson of Go Civil Engineering said this is the Preliminary Plat for the lots north of the commercial portion of Valley Gate Estates on Midvalley Road. Council Member Ross said the Planning Commission sent a favorable recommendation, however, Commissioner Ley requested her concerns be stated about flooding in the area that occurred last summer. Arlo said they are aware of that and they will work it out in the construction drawings. This is the preliminary plat only and details are not required at this stage. They are working with many others regarding drainage. The lot sizes and road widths will all be determined in relation to working out the drainage issues in the construction drawings.

Council Member Ross made a motion to approve the Preliminary Plat of Valley Gate Estates Subdivision, Phase 1. The motion was seconded by Council Member West Harris and all voted in favor.

5. CONSIDER A LETTER OF CREDIT FROM UTAH HOUSING CORPORATION FOR CONSTRUCTION OF EAGLE VALLEY ESTATES, PHASE 2-Mgr. Dotson

Mayor Pro-Tem Stoor asked City Manager Dotson about this. City Manager Dotson said this is a continuing discussion from the last meeting. This is an example of the exact letter we will be given rather than a sample from another city. Utah Housing was created by the State Legislature as a body to help enable and create affordable housing. They are asking Enoch to accept a letter of credit from themselves to them. Typically, we do not do this preferring a bank letter of credit or bond so our legal counsel wanted approval of the City Council for this variation. City Attorney Justin Wayment said he does not care for this method so wants it on the City Council to decide. Because this is a government entity there is not a lot of risk but he wants the City Council to be aware of it. If they don't complete it the City would have a legal obligation to finish it. In order to protect citizens, this is typically done by a bank issued letter of credit. Council Member Jensen said he is not sure it is on the City to save them money. They said it increases their costs. Council Member David Harris said Utah Housing is set up and mandated to create affordable housing and every dollar they can save enables that. Their goal is to reduce costs. Others in the past have asked for waiver of fees and Utah Housing has not and we don't do that anyway. It was noted the amount of the guarantee depends on the engineer's estimate and they don't have that yet. We require 125% of that estimate. Mayor Pro-Tem Stoor confirmed we need some action in the form of a motion and City Manager Dotson confirmed that. Council Member Jensen said why should we take any risk for them to save them money. Mayor Pro-Tem Stoor recapped that this is to make housing more affordable which is a mandate for all cities. Council Member David Harris agreed we don't have to do anything but it may be a political benefit to "play nice" and there is not a lot of risk. There is a benefit to supporting affordable housing and we are required to do that. This is one way we could do this to support them. We don't have to but maybe we should. Council Member David Harris said he is willing to go along in this case to achieve the end goal.

There was brief discussion about the dire need for affordable housing. Mayor Pro-Tem Stoor asked for a motion.

Council Member David Harris made a motion to approve this method of guarantee for the subdivision improvements for Eagle Valley Estates, Phase 2. The motion was seconded by Council Member Ross and all voted in favor except Council Member Jensen and Council Member West Harris who voted no. Motion passed 3 to 2.

6. CONSIDER ACCEPTANCE OF OPEN SPACE DONATION TO ENOCH CITY FROM PINE VIEW ESTATES, PHASE 1-

City Manager Dotson said we received this request from the owner, John Staples who was attending on Zoom. City Manager Dotson said this is on the south end of Pine View Subdivision Phase 1, and would be the landscaped entry way. This portion has open space on the right and left as shown on the hatched areas on the map. They want to give this to the City for maintenance like a park would be in a subdivision although this is not a park. He suggests the City require this be built by them and xeriscaped so it does not use much water and does not require much maintenance by us. We have done this before and he cited the example on Heather Hue Road. They don't want to have an HOA to do this. That is their request. Mayor Pro-Tem Stoor asked for discussion and said it is for the public benefit. There was some confusion noted by the owner, John Staples, who said he thought this was for the two drainage ponds at the north end which would be parks when not in use as drainage areas. City Manager Dotson noted the City always is given those drainage basins/parks as a matter of policy when a subdivision comes in. It does not require any special action or motions. It was noted the confusion would be cleared up and this item brought back if necessary, which it may not be. There was no action taken.

7. CONSIDER AMENDING CHAPTER 12.1100.1107 RECREATIONAL VEHICLES/TRAVEL TRAILERS -TEMPORARY

Council Member Jensen said we talked about bringing this up. He said he is not in favor of regulating trailers on a person's own lot. City Manager Dotson said there is a history to this and the legislation did not happen in a vacuum. Something happened to spur it as is the case with the semi-truck parking. He brought them up to date on the issue which is that RV's/trailers are not meant to be permanent dwellings except where so zoned in the RV Park. That area has more stringent requirements such as permanent foundations and electrical and sewer connection set-ups. Persons living in trailers created a nuisance and an aesthetic blight for their neighbors including noise and intrusive lighting at night. City Manager Dotson noted we were told it was illegal for trailers on a person's lot to dump into the sewer connection but it is not. It is not in any code or EPA standard anywhere. It is illegal to dump sewage on the ground and that is covered elsewhere in code. This problem arose from what people were seeing and did not like in their neighborhoods. Council Member Jensen said personal property rights are being infringed. Mayor Pro-Tem Stoor said that is where this came from and he sees both sides of the issue. We have had complaints and it is a problem for neighbors in single-family residential (SFR) zones. Chief Ames added there was nothing in the Code about this so it was not a violation and there was nothing they could do as the PD. That caused the ordinance to be created. Council Member Ross said we require a temporary permit that has conditions because a trailer is not a "home" by definition. This is about not allowing it to be a "permanent" residence on another's property. This is not about weekend guests. Council Member David Harris said trailers are not designed for permanent residency. They were unregulated and were being occupied within SFR neighborhoods. Homes require building permits for safety such as foundations, electrical connections and safety related things that regular homes are required to pass in the building permit process. Trailers are not designed for permanent use and had no such regulations in this context. That undermines our zoning and increases density, creating parking issues and other problems. We all have sympathy

for temporary hardships and this ordinance was created with that in mind. It is not meant to be for permanent residential use. There was a discussion of set-backs between homes for fire safety and other safety issues. It was noted that when trailers are lived in there is cooking and heating going on so there is some risk. This came from the Planning Commission originally where it was scrutinized for several months of discussions including public hearings. Mayor Pro-Tem Stoor said many built homes and driveways with the intention of having an RV connection. He agrees it should not be permanent although it is fine for temporary use by guests. He asked about City liability in a structure with no building standards. It was noted they are not the same as a house but there are no particular risks for the City with liability. They are built to industry standards, City Attorney Wayment said. Aesthetics are the issue to consider. People will do things illegally all the time no matter what you do. Council Member Jensen asked why residents have to ask us for permission and there was a discussion of that. Do we want a bunch of people living in trailers among the residential homes? Planning Commission Correa added that our ordinance is one of the least restrictive he has studied from other municipalities. This is about protecting neighborhoods and striking a balance in allowing for hardship situations that are temporary. It is a tough balance. This is very accommodating compared to others. Council Member Ross suggested removing the portions that make no sense such as dumping into the residential sewer connection. Lynn said the Sewer Treatment Plant has no issue with that and he does not know why we put that in. He added he can't pass a temporary permit unless we take that out. We require a permanent foundation for residential units and that is a tough balance. He said he does not know what to do for an inspection regarding that. There are challenges with the wording of the ordinance. Lynn said he wanted to give his perspective on what to do adding, as written, he can't pass any of them and there are more doing it illegally. There was more discussion of problems for Lynn. Another one is the placement of the RV/trailer makes it impossible to hook into the sewer line. Mayor Pro-Tem Stoor recapped Lynn's issues; set-backs for fire code, inability to access the sewer connection due to positioning, questions about the permanent foundation etc. Mayor Pro-Tem Stoor said changing the language in Part 1-C could correct these issues. Most were fine with that. Council Member Jensen said that seems fine to him also. He added why not just say it is allowed. Why make them come in to ask permission to use their own RV? It was noted this is not meant for a permanent residence and we are regulating it so it does not become a permanent situation. We have to be able to keep track of who is doing this and have it come to an end within the year timeframe if not sooner. That is so when a neighbor complains, and they complain, we can say we have permitted it per our ordinance for a specific time period with certain conditions. As a City, we have the authority to regulate it, Mayor Pro-Tem Stoor said. It gives us the authority to deal with it when a problem arises. There are other requirements regarding safety and health concerns covered in other sections of Code or Health Department rules. City Manager Dotson said this is only for one year and can't be renewed. He noted there is no charge for this permit. It is basically the way we, as local government, try to educate and to help people understand we have a permitting process and in set, residential zones they don't have the right to do anything they want to. This was a political decision and a policy issue. Council Member David Harris said it also has roots in the fact that property owners pay taxes and pay for other services and folks do not have the right to mooch off other law-abiding residents. They are using our services without paying property taxes and we can't subsidize that. A one-year timeframe is not an issue but generally allowing it in an unregulated manner lets it become something that will get out of hand. That is the issue. We require that people do things the way they are designed to be done and pay for the services we are providing. That is why we have zoning and planning and we need it to work as designed. Council Member Jensen said he does not think that is the role of government.

Mayor Pro-Tem Stoor said if there is not an ordinance then we have no teeth for enforcement. It is not really an issue that we require residents to come in and apply for the permit

and comply with the requirements. City Attorney Wayment said again it is a matter of if the City Council wants a trashy looking town or not, which is what you get with no regulations. The purpose of zoning and planning is to not affect the property of other established residents. How far do you want to go? You have to have somewhere where you find your level. He respectively disagrees with Council Member Jensen. We need order and organization for people to live together peacefully while being balanced with freedom of property. There has to be a balance and it can't be just do whatever you want regardless of your neighbor's property rights. City Manager Dotson said he is observing that this City Council is respectful of each other's political values and are learning to compromise. There are solutions for the benefit of both the community and the individual. In other municipalities we don't see that much. Mayor Pro-Tem Stoor asked if the Council would like to consider amending this and have it come back on the next agenda? City Attorney Wayment noted this was listed as for discussion only tonight so no motion is needed. They need only specify a direction for the Planning Commission to go if their input is needed. Mayor Pro-Tem Stoor said that was already done when they considered this at length before. The only corrections needed are to the sewer connection and issues the Building Inspector had with the wording. His recommendation is to leave it as is otherwise. Council Member David Harris said the discussion was on Part 1-C and suggested taking that out regarding hooking onto the sewer system. City Attorney Wayment said unless you are amending the zoning ordinance there is no need to go back to the Planning Commission with this. It was thoroughly vetted by them already. This is just a change to that one item. Staff has had experience with the problems and can have input on the wording changes. He suggested having staff amend some language and bring it back with modifications to the wording.

Council Member Jensen made a motion that staff make wording changes as discussed and bring this item back for the first meeting in March. The motion was seconded by Council Member West Harris and all voted in favor.

8. COUNCIL/STAFF REPORT

Lynn Nielson reported he is busy with lots of building permits and new subdivisions.

Chief Ames said at the last meeting they talked about having two openings and they hired two certified officers. The first officer started last week and the other will start on the 16th. We now have seven full time officers. He expressed appreciation for the support of the Council.

Hayden White reported he is going over rules with his employees. He is conducting tailgating meetings with contractors before starting construction. The wells are going back together. He gave some details of the secondary irrigation system being installed in Eagle Valley Estates.

City Attorney Justin Wayment said HB 242 is up again in the Legislature. It requires the metering of secondary systems. We do that already, Hayden said. Justin added they intend to fine municipalities for not having metered secondary systems if that bill is passed.

Council Member Ross said the Planning Commission does a great job.


Council Member West Harris said he would be absent tomorrow for the EDC meeting.

Council Member Jensen said he may not make it for the next meeting due to family commitments.

Mayor Pro-Tem Stoor said they need tree and rec committee members.

Council Member David Harris said the Water Board is talking about rates.

9. ADJOURN-Motion to adjourn by Council Member Ross. The motion was seconded by Council Member West Harris and all voted in favor. The meeting ended at 7:30 pm.


Julie Watson, Recorder 2-16-22
Date

Meeting ID: 846 8375 1057