

**MINUTES**  
**ENOCH CITY COUNCIL**  
**February 6, 2019 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Geoffrey Chesnut  
Council Member David Harris-absent  
Council Member Jolene Lee  
Council Member Dave Owens  
Council Member Katherine Ross  
Council Member Shawn Stoor

**Staff present:**

Julie Watson, Recorder  
Ashley Horton, Treasurer  
Justin Wayment, Atty.-absent  
Robert Dotson, City Mgr.  
Jackson Ames, PD Chief  
Earl Gibson, PW Dir.

**Public present:** Dilworth & Cheryl Armstrong, Alex Meisner, Doug & Theresa Nelson, Brian & Kerri Crawford, Steve Mecham, Helen & Randy Rhoads, Justin Christensen, E. Nielsen, Adam Hahn, Joel & Jenny Vossler, Jace Lambeth Dave & Julie Nelson, Bill Grimshaw, Worth Grimshaw and Zurl Thornock

**1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 6:00pm.**

- a. **Pledge of Allegiance-Led by Julie Watson**
- b. **Invocation-Audience invited to participate-Given by Council Member Stoor**
- c. **Inspirational thought-Given by Mayor Chesnut**
- d. **Approval of Agenda for February 6, 2019-Council Member Owens made a motion to approve the agenda. Motion was seconded by Council Member Stoor and all voted in favor.**
- e. **Approval of Minutes for January 16, 2019-Council Member Ross made a motion to approve the minutes. Motion was seconded by Council Member Lee and all voted in favor.**
- f. **Conflict of Interest Declaration for this agenda-none stated**

**2. HONOR DILWORTH ARMSTRONG FOR SERVICE ON THE WATER BOARD**

Mayor Chesnut said Dilworth has served on the Water Board since January 2005 until January 2019. Water is so important to Enoch and Dilworth has helped us chart that path. He is now retiring from service and we wanted to show our appreciation to him. We can't express how grateful we are for his knowledge of water. Mayor Chesnut invited Dilworth to come up to receive a plaque. Mayor Chesnut said we appreciate his dedicated service and Dilworth thanked the City Council and other Boards for their support. There was applause.

**3. PUBLIC COMMENTS-**Mayor Chesnut invited public comments. He said we put this first so people did not have to sit through things they were not here for. Too often public comments become yelling vents. He asked for civility and respect so we can engage in something constructive.

Doug Nelson said he wanted to find out if we could revisit the guest house ordinance. He told about the 1200 SF accessory building in the back of his property. They want to travel and their son will live in their house. They want to retrofit part of that accessory building into living quarters. He wondered if the ordinance could be revisited to change that for an existing building because what he wants to do does not fit the current definitions. He noted that would be more cost effective and since the accessory building was built to code he would like to be able to live in a

portion of it. He thinks under definitions he should be able to do it now but was told no by staff. This would have no impact on the neighbors. Mayor Chesnut said he has no problem with having the Planning Commission take a look at it. He asked the City Council members and they concurred it would be good to have the Planning Commission take a look at it and formulate some wording if they agree. City Manager Dotson said he would take it to our City Attorney for clarification and go from there.

Adam Hahn-President of the Iron County Homebuilders Association said he came to speak for the proposed R-1-11 zone change. They track building permits in the county to gauge things. Last year they saw great growth in Iron County except Enoch who was down 1.8% compared to Cedar City who was up 19% and Iron County up 26%. He noted we were only off by one new home from the previous year. His point is we want growth in Enoch too. It is a beautiful community and a great place to live and they believe this new subdivision would be a great addition. The proposed zone change would benefit the growth of the City and adds to the tax base and diversity of neighborhoods. He noted neighborhoods use less water than farmland does.

Jace Lambeth said he moved to Enoch from Cedar City because he likes the larger lots and wanted to keep horses. He said he would have loved to buy the Rollo property and farm it but could not afford it. He disagrees with what was just said. We need to grow food on that land and he came tonight to oppose the smaller lots. When subdivided it should stay the same as the rest of Enoch. It is about money and packing as many houses in to make money and he disagrees with it. It will negatively affect the community.

Helen Rhoads cited the letters sent out to those who are adjacent to this property saying only some cared enough to attend and many did not come. She thinks more would come if they knew about it and thanked the City for putting it in newsletter. They moved here for the rural life and don't like smaller lots coming in. It will overcrowd the schools. Less people live on larger lots and they are not in agreement with more people on smaller lots. Many people moved here for less growth.

Randy Rhoads of Old Scout Trail said they wanted to have livestock and moved here for that and this proposal is for high density lots. He thinks that would limit it to dogs and cats and not livestock. There is an impact on the PD and schools. The letter they received said there would be no tax impact on them but it will affect that by affecting everything like schools. In the last meeting the contractor said it is not cost effective to do larger lots. A quarter acre lot means more roads and sidewalks.

***Mayor Chesnut said this has come up before and the question is should the government tell people what to do with their property. We had this issue in the past where we had citizens who lived by a proposed zone change and they came in and expressed concern of going from a commercial zone to a residential zone. They objected for the same reasons saying the lots are too small. They expressed concerns about who might move in. Does the government have the right to tell you what to do with your property? Your attitude is about a very specific principle. The neighbor owns a property and you want them to do what makes you happy. He understands that but does anyone have the right to tell them what to build?***

Randy Rhoads said they looked at the zoning here and bought for that. He had a bad experience in Las Vegas saying a high density development came in and then a strip mall came in and it devalued their property.

***Mayor Chesnut said we can't even get more than a Family Dollar here. Are they telling the City Council that we should be able to tell people what to do with their property?***

Many people were talking at once and some said "yes" tell them what to do.

***Mayor Chesnut said this is a density issue and the Planning Commission and City Council created the guest house ordinance because it came up that many folks need to take care of aging parents. We want to accommodate those things but have restrictions on what can be built. We require 1 AF (acre foot) of water per home. Part of the issue is they have to bring the***

*water for each house. We get the water to meet the needs of the whole community. They also pay impact fees which offsets costs for existing City residents. Mayor Chesnut said we have a conversion rate for surface water to underground water. We have been proactive in foreseeing these issues and planning for future growth. We make people bring water and it has to be 1934 or older water in our ordinance. That protects the City's water. In Cedar City the problem is a third of their water could go away and our risk is about 10% so we have been planning for the issues already. He talked about the tax increase for more PD. The people in a new subdivision will pay taxes that cover additional needs. The schools district deals with growth in schools and they plan for that growth. It is not like that is a huge issue. He said he understands the appeal of living in a rural area and we all like it here. Do I believe I can tell your neighbor that he can't do what he wants to do with his property? No, it is a constitutional right. We are making smaller lots because people want that and it is allowed by our ordinances. This will not be overwhelming the place with all these things people fear. We have this zone available in our community.*

Jace Lambeth said eminent domain took his father's property and built the golf course on it and his father's taxes skyrocketed. Then an apartment building was built nearby and his property values plummeted. He does not want that to happen in Enoch and moved here to get away from that.

Mayor Chesnut said do we just say "sorry you can't do what you want with your property?" He said there are six low income housing units by his house and he knows who lives there. Families live there and elderly live there. Are we saying we are rural but we don't want poor people here?

Randy Rhoads said we are talking about property values that will go down due to this development.

Mayor Chesnut said what evidence do you have to present of loss of value as a reason?

Randy Rhodes said it happened to them before in Las Vegas.

Mayor Chesnut said if this had happened there do you think the Las Vegas City Council would be talking to you there. Mayor Chesnut said he wants perspective on this.

Randy Rhoads said if it was the same size lots it would be different. When you take it from rural to smaller lots then we become Cedar City.

Mayor Chesnut said we do have plans for the future of Enoch and this smaller lot size is allowed.

Jace Lambeth said let it be the same as the rest of Enoch to have larger lots. They (the developer) are in it for the money.

Mayor Chesnut said now we are attacking capitalism. He said government has the ability to set some rules and we allow for this and they want the smaller lots. We changed it two years ago and this is single family residential. It does not allow for apartment buildings or commercial businesses in the zone being requested. The ordinance says the City Council heard the need expressed for the R-1-11 zone and it was a necessary thing. This person wants to do this and meets all the requirements.

Jace Lambeth said he wants it to stay the same.

Mayor Chesnut said he has the right to do what he wants with his property within the law. He complied with the law we implemented to do this zone. He appreciates them being here but the deal is we still need to discuss this zone change and should government tell people what to do. We are having a discussion and we talk about principles about how we make decisions.

Jace Lambeth said keep it in bigger lots. That was the reason they moved here. He added they want to make money and they don't live here and they don't care about anything else.

Mayor Chesnut said someone asked about infrastructure, water and roads. At this stage of the development process we are not there yet. They want to change to R-1-11 and there are only so many homes that can fit in there.

Mrs. Rhoads said they don't know what it will be and that is why they are worried.

**Mayor Chesnut said the zone change comes first. This is for single family homes on a quarter acre lot. He asked should we just say no to more development.**

Kerri Crawford said it is the quantity of people in there and she is concerned about traffic patterns and adding that many people. Limiting how many people can live in an area would impact streets less.

**Mayor Chesnut said the fact is people are going to come. We are growing. Tonight we are only approving the zone change. Later they will come back with a plan and if they are smart do you think they would be more or less likely to take your thoughts into consideration when they make plans to sell their lots.**

Randy Rhoads said they want the City to stand up for them so it will not impact their property values.

**Mayor Chesnut asked for proof that their property would lose value. Explain that assertion, he said.**

Randy Rhoads said what you do directly affects their property values. Maybe they will put in a development that enhances values but he does not believe that is their plan. The goal is to make money and they will do something cheap. They do it by density and that is one way.

Worth Grimshaw said we are arguing and the people wish the City would stay with big lots.

**Mayor Chesnut said you are asking the City Council to impede another's property rights.**

Worth Grimshaw said the reason is that we were here first.

**Mayor Chesnut said if you could have had the ability to do quarter acre lots would he have done it. Worth said no. Mayor Chesnut said we don't know what they are going to do until they bring that after the zone change.**

Kerri Crawford said they don't know and that is the biggest factor for the negative feelings. We want it to stay the same and you can do that.

**Mayor Chesnut said the State law says you have to have a process to get a zone change and if the property owner checks the boxes and meets requirements they get a zone change.**

Joel Vossler said he is not opposed because he does not use most of his half acre and it is not landscaped. This could be nice with smaller lots with new homes on it. What is wrong with that with new landscaped homes instead of run down weed filled lots?

**Council Member Stoor asked if anyone else is in favor of this zone change.**

Zurl Thornock of the Iron County Builders said he thinks this process to allow for the zone was passed two years ago and went through a process to do this zone to encourage more affordable homes. With property costs going up, it is too expensive to build on large lots. You can build nice homes on quarter lots. Many people don't want big lots that they can't take care of. He cited his own experience with wanting less yard work but still wanting to live in a rural area. We are ignoring the needs of a lot of the market that wants a smaller lot and a nice home. He knows the builders and they are very reputable and build nice homes. The average is \$250,000. With large lots selling for \$60,000 or more this gives the opportunity to build nice homes and be in a rural area. You can't make money if people won't buy them and this makes it available for those who want smaller lots.

Ezra Neilson said he builds in the area and as a builder he can give more value on a quarter acre than on a half-acre property. No one ever develops the back and it is weeds. He can offer more value with the quarter acre and keep his good reputation as a builder of nice homes. He told of a loss suffered in 2008 and when he found out Enoch would allow quarter acre lots he could see a way he could make his loss back. It is a better value with quarter acres and easier and cheaper to fence it too. You can't fence a half acre and sell it for a reasonable price. This is a better value.

**Council Member Stoor asked if anyone else is in favor.**

Jenny Vossler said she is for it and she does not like the mudslinging and assumptions about this project. She gets it that we all live on what was once a farm area. This area is growing and people

live here and they don't want the big lots to take care of. This is a great place to live and the size of the lot is not what they want to keep. This happened two years ago and it is available and she is for the zone change. This is a zone change by the current property owners and not the builder.

***Mayor Chesnut said no one will walk out happy tonight. He asked from the beginning the bigger question is what you believe government should or should not do.***

Randy Rhoads said stand up for residents.

***Mayor Chesnut said he understands because some of you have a bad taste where this has gone awry. He gets it. Do we make decisions based on that alone? This happened two years ago when we had a lot of people who said they were here first and they get to dictate to everyone else what they get to do. That is not the kind of community we want to be. We encourage positive interactions and respect property rights as best as we can.***

There were no more comments.

#### **4. DISCUSS PLANNING COMMISSION RECOMMENDATION ON ZONE CHANGE FOR ROLLO FAMILY PARTNERSHIP PROPERTY FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11**

Mayor Chesnut asked if the City Council has any further discussion or comments. Council Member Stoor said he appreciates the comments and understands the passion about this. We all have ideas of why we moved here. This decision tonight will not change the greatness of our community. Great people are everywhere and they can live on a smaller lot. He has noticed in our community the bigger lots are harder to take care of and the City looks a little trashy with weeds and so on. These smaller lots afford more opportunity to take care of it with a smaller footprint. He appreciates the open space but this is our community and we are growing. We should get along and let this opportunity go forward. The Planning Commission said they are in favor of this and he respects their work. His vote would be in favor.

Council Member Ross said there are two homes south of this area and she has lived in both of them. She will miss not having a farm there as this is connected to land her family owns. The fact remains our City allows the smaller lots for a reason and she hopes that when the developer does this it will be well planned and traffic will flow well. She understands the concerns and it will be a change for all.

Council Member Owens said we had this discussion before with another zone change and there are a lot of emotions. He told about his experience with finding just the right to place to live with his ham radio set up. He always lived in the country. The longest he stayed in any house is five years and then he would move. When he came to Enoch things changed. We live in great community. He talked to neighbors before he put up his antenna and was welcomed to the neighborhood and he loves it here. He understands the concerns. We don't know what is coming in and that creates fear. All moved here at some point for whatever reason and we don't want change. We have a fantastic Planning Commission that has been tasked with future growth and it is coming as you did when you moved in. The Planning Commission has recommended many ordinances for subdivisions and there are strict requirements for subdivisions, infrastructure and roads. This is a way to ensure we have the water, streets, drainage and all of that. It will come whether you agree on quarter acre lots or half acre lots and we need to plan for the future. If people want smaller lots that is their choice and they should have it. They think this is only about money and that is not so as long as there is planning to it. The Subdivision Ordinance is online. We have no idea what will come in here at this stage but be assured when they come in there are rules and regulations and this will not be willy-nilly. We are looking out for the people but that means all people. Council Member Owens said apartments can't go in this zone so that is not a worry.

Mayor Chesnut said even if this was solely about money is that a bad thing? That is why we go to work. Mayor Chesnut said Enoch has a rural feel but we are not truly rural. Mayor

Chesnut said the people elected are not motivated by money. He added he does not even get a vote unless there is a tie so that is not power on the small monthly stipend that he loses in billable hours. He does it because he likes to represent people.

Council Member Lee said she has not seen most of these folks at City Council meetings and generally the City Council has heated discussions. She wants them to know that tonight. The people that she serves with do not see eye to eye on everything and they do discuss it. She has taken it seriously to study the Planning Commission recommendations. This does not just appear as a crazy thought out of the blue. This has real depth and much discussion for a long time. When this new zone came up she does not remember if there were many people there for the discussion so there was not comment from the public. She is over the roads and drainage. As we talk about what kind of homes will develop and if this is an appropriate place for that zone to go in, this will go through a big process to make the development work well for roads and drainage. We care about where we live and she does not agree with all comments because there is emotion without facts. As a City Council member she takes that into consideration. This is only the second development to request this zone. The Planning Commission looks at how the City will develop. R-1-11 can't go just anywhere. We can't do spot zoning. Council Member Lee said people have a responsibility to look at things online if they are concerned and attend meetings.

Mayor Chesnut said we do take this seriously and we question things. When the Planning Commission sends a favorable recommendation the City Council digs in and looks at everything. Mayor Chesnut said he does not steer away from controversy and wants people to have a voice. You may not get what you want but you should participate when they come back with the subdivision plan. We have not had this many people here in months but we don't steer away from having people here. He takes that seriously. He said he appreciates them coming out to participate.

**5. ORDINANCE NO. 2019-02-06 AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 56.23 ACRES OF PROPERTY OWNED BY THE ROLLO FAMILY LIMITED PARTNERSHIP FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11**

Mayor Chesnut asked for a motion. **Council Member Lee made motion to approve Ordinance No. 2019-02-06, an ordinance amending the General Plan Land Map and the Enoch Zoning Ordinance Zoning Map by changing the zoning of approximately 56.23 acres of property owned by the Rollo Family Limited Partnership from Single Family Residential R-1-18 to Single Family Residential R-1-11. The motion was seconded by Council Member Owens and a roll call vote was held as follows:**

<b>Council Member Harris-Absent</b>	<b>Council Member Stoor-Yes</b>
<b>Council Member Ross-Yes</b>	<b>Council Member Owens-Yes</b>
<b>Council Member Lee-Yes</b>	<b>Motion passed</b>

**6. RESOLUTION NO. 2019-02-06 A RESOLUTION APPROVING THE ENOCH CITY, UT/IRON COUNTY DISASTER INTER-LOCAL AGREEMENT**

Mayor Chesnut asked City Manager Dotson to tell them about this. City Manager Dotson said we have had this inter-local agreement for many years and every five years we renew it. This formalizes the agreement that in the event of an emergency we can call upon each other for resources to help. This helps us with the State also if their resources are needed. In case of an emergency that impacts a lot of our community we would call the County Emergency Manager and he would call the State if need be. This is between Enoch City and Iron County. Mayor Chesnut said it sets the stage for cooperation between agencies and he asked for a motion.

**Council Member Owens made a motion to approve Resolution No. 2019-02-06, a resolution approving the Enoch City/Iron County Disaster Inter-Local Agreement. The motion was seconded by Council Member Stoor and a roll call vote was held as follows:**

<b>Council Member Harris-Absent</b>	<b>Council Member Stoor-Yes</b>
<b>Council Member Ross-Yes</b>	<b>Council Member Owens-Yes</b>
<b>Council Member Lee-Yes</b>	<b>Motion passed</b>

**7. COUNCIL/STAFF REPORT**

Earl Gibson reported on the snow plowing saying the roads cleared off pretty well. The snow has set them back on projects but they will catch up. The roof is on animal shelter and the doors and windows are all installed now.

City Manager Dotson said the Legislature is in session now and he went to a Legislative Policy Committee (LPC) meeting while he was in SLC. He is on the Board of the LPC. He said we are in very good hands with the Utah League of Cities and Towns. They lobby for us and help us to keep our municipal authority. Some legislators are pushing to take municipal authority away. We track the bills that are coming up and there are a lot of things regarding municipalities. He gave more details and told about procedures to oppose, amend or support various bills.

Julie Watson said if the public is interested in staying informed about things going on in the City they can go to the Utah Public Notice Website and sign up to get emails every time an Enoch City meeting is posted. All meetings are posted per State law and all meetings are public.

Mayor Chesnut said we are tracking many bills in the Legislature. They are poised to consider approximately 1000 bills.

Council Member Stoor he received a call the other day from a representative of the Sons of Utah Pioneers and they have interest in helping with Iron Works Park. They may help with work, funds and a monument. We are waiting for spring to get Iron Mountain Park going again. The Recreation Committee and Tree Committee have some members who have agreed to serve again and we will need some new members. He will be bringing that to the City Council for approvals of names soon.

**8. CLOSED MEETING REQUESTED TO DISCUSS PERSONNEL MATTERS, IMMEDIATE LITIGATION OR REAL ESTATE TRANSACTIONS-(Requires a roll call vote w 2/3 majority)**

Mayor Chesnut said we need a closed meeting to discuss contract negotiations. **Council Member Owens made a motion to adjourn the regular meeting and go into a closed meeting to discuss contract negotiations. The motion was seconded by Council Member Stoor and roll call was held as follows:**

<b>Council Member Harris-Absent</b>	<b>Council Member Stoor-Yes</b>
<b>Council Member Ross-Yes</b>	<b>Council Member Owens-Yes</b>
<b>Council Member Lee-Yes</b>	<b>Motion passed</b>

**7. ACTION FROM CLOSED MEETING-APPROVE CONTRACT FOR RAVINE WELL DEEPENING**

The contract was awarded to Grimshaw Drilling. There were two bids submitted and one was incomplete.

**8. ADJOURN-The regular meeting ended at 7:53 pm.**

Julie Watson                      2-20-19  
Julie Watson, Recorder              Date