### MINUTES ENOCH CITY COUNCIL

### February 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-Excused Hayden White, Public Works Director Lindsay Hildebrand, City Recorder Jackson Ames, PD Chief-Excused

**Public Present:** Delaine Finlay, Bryce Poulson, Wade Wilcock, Lester Ross, Jonathan Wilson, Jennie Hendricks, and Robert Weitenhagen, and Jerry Barlow

### 1. CALL TO ORDER OF REGULAR COUNCIL MEETING

- a. Pledge of Allegiance- Led by Mayor Chesnut
- **b. Invocation (2 min.)-Audience invited to participate-** Given by Council Member Stoor
- **c. Inspirational thought-** Given by Council Member Harris
- d. Approval of Agenda for February 7, 2024 Council Member Harris made a motion to approve the agenda. Council Member Tingey seconded and all voted in favor.
- e. Approval of Minutes for January 17, 2024- Council Member Stoor noted that he was not in attendance on January 17, 2024. Council Member Harris made a motion to approve the minutes with the noted change. The motion was seconded and all voted in favor.
- **f. Ratification of Expenditures-** Postponed until the next meeting on February 21, 2024
- g. Conflict of Interest Declaration for this agenda- Council Member Ross noted that she is related to the Nelson Family who has item number 9 on this agenda.

#### 2. PUBLIC COMMENTS

There were no public comments.

### 3. CONSIDER APPOINTMENT OF NEW PLANNING COMMISSION MEMBER

Mayor Chesnut invited Bryce Poulson to speak. He gave his name and Mayor Chensut nominated Bryce to the Planning Commission.

Council Member Harris made a motion to approve Bryce Poulson to the Planning Commission. Council Member Ley seconded and all voted in favor.

4. PUBLIC HEARING REGARDING A ZONE CHANGE REQUEST FOR PENNINGTON LIVING TRUST, PARCEL #A-0967-0003-0002 FROM SINGLE-FAMILY RESIDENTIAL (R-1-18) TO SINGLE-FAMILY RESIDENTIAL (R-1-11)

Council Member Harris made a motion to close the regularly scheduled City Council meeting and open a public hearing regarding a zone change request from Pennington Living Trust. Council Member Stoor seconded and all voted in favor.

Jenny Hendricks said there was a discrepancy with the Planning Commission recommendation on January 23, 2024. The Pennington parcel was not given a recommendation because the Commissioners had a tied vote. The next item on their agenda was a joining parcel for the exact same zone change request. It was given a favorable recommendation. Mayor Chesnut noted that the statute says if no recommendation is made, then it's presumed unfavorable. She wanted to point out that there seemed to be a lack of consistency. Mayor Chesnut also noted that there were two letters in the City Council packet from Commissioners Correa and Finlay. He submitted those to be part of the public record. Council Member Ley recognized that Chairman Correa changed his vote in the letter.

Council Member Harris made a motion to close the public hearing and resume the regular City Council Meeting. Council Member Stoor seconded and all voted in favor.

5. CONSIDER ORDINANCE NO. 2024-02-07-A A ZONE CHANGE REQUEST FOR PENNINGTON LIVING TRUST, PARCEL #A-0967-0003-0002 FROM SINGLE-FAMILY RESIDENTIAL (R-1-18) TO SINGLE-FAMILY RESIDENTIAL (R-1-11)

Council Member Ross noted that there were people in attendance for the public hearing. There were issues they had with the zone change. One issue was the condition of the road available to access the property. The other issue was how close it was to the fissure. There were a few other comments regarding property value and that their view would change.

Council Member Harris said he understood some concerns that were mentioned. However, these concerns have come up before and have never come to fruition. Such as quarter-acre lots will increase traffic or lower property values. We have them in our city and they are very nice subdivisions in his opinion. They haven't changed our community in a negative way. There are a lot of people who don't want a half-acre because they don't want that much land to take care of. The market demand is for smaller lots. We got together with the extension service that gave us a report about water-wise landscaping and if we can zone in a way that encourages less outdoor watering and encourages people to landscape in a water-wise way, it would be good for our water situation. The smaller lots help us with that when compared to a half-acre lot. There was a comment about quarter-acre lots not resulting in affordable housing. He disagreed with that idea. It was mentioned briefly that say we defer to property rights and let them do what they want with their land and he agreed. He doesn't think this is an inappropriate place for quarter-acre lots. He doesn't see a reason not to approve it. Council Member Ross said she agreed with Council Member Harris. In regards to the fissure, there are tests that have to be done on the property before anything can be built. Council Member Harris agreed and that doesn't have anything to do with zoning. Council Member Tingey noted that he agreed. One other issue is many people that this would double the number of houses in the subdivision, but when you consider roads and other things, it doesn't double. Council Member Stoor said it looked like an additional 9 homes. He agreed with what's been said as well. This could potentially be positive when considering taking care of property in regards to less weeds. He was in favor of this. Council Member Harris said he wasn't familiar with the condition of the road mentioned, but he always tried to focus on transportation and master plans. As all things are developed, he felt that they should put in adequate streets, making sure to not result in unnecessary congestion. Council Member Ross asked what road they were talking about. City Manager Dotson said it was the north end at 5200 N. and it's a half road at the top of Legacy Estates. He showed the road on a map. They were concerned about 600 East and we made it clear that we are contracting to fill that road. Council Member Stoor asked if that would be the primary access to that development. City Manager Dotson said, in the beginning, it would, we are in conversations with neighboring property owners to acquire more road property. Council Member Ley asked to see the two properties on the map (adjacent to Pennington). There was a conversation about what zones were surrounding the property.

Council Member Harris made a motion to approve Ordinance No. 2024-02-07-A a zone change request for Pennington Living Trust, Parcel #A-0967-0003-0002 from Single-Family Residential (R-1-18) to Single-Family Residential (R-1-11). Council Member Stoor seconded and a roll call vote was held as follows: all yea except Ley - Nay

Council Member Ross: Yea
Council Member Stoor: Yea
Council Member Tingey: Yea

Council Member Ley: Nay Motion Passed

6. PUBLIC HEARING FOR A ZONE CHANGE REQUEST FOR VALLEY GATE ESTATES, PARCEL #A-0965-0000-0000 FROM SINGLE-FAMILY RESIDENTIAL (R-1-18) TO SINGLE-FAMILY RESIDENTIAL (R-1-11)

Council Member Harris made a motion to close the regularly scheduled City Council meeting and open a public hearing regarding a zone change request for Valley Gate Estates from Single-Family Residential (R-1-18) to Single-Family residential (R-1-11). Council member Tingey seconded and all voted in favor.

There were no public comments.

Council Member Harris motioned to close the public hearing and resume the regular meeting. Council Member Stoor seconded and all voted in favor.

7. CONSIDER ORDINANCE NO. 2024-02-07-B A ZONE CHANGE REQUEST FOR VALLEY GATE ESTATES, PARCEL #A-0965-0000-0000 FROM SINGLE-FAMILY RESIDENTIAL (R-1-18) TO SINGLE-FAMILY RESIDENTIAL (R-1-11)

Council Member Ross said this came forward from the Planning Commission with a favorable recommendation.

Council Member Harris made a motion to approve Ordinance No. 2024-02-07-B, a zone change for Valley Gate Estates, Parcel #A-0965-0000-0000 from Single-Family Residential (R-1-18) to Single-Family Residential (R-1-11). Council Member Stoor seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Stoor: Yea
Council Member Tingey: Yea

Council Member Ley: Yea Motion Passed

## 8. CONSIDER A PETITION FOR ANNEXATION OF NELSON FAMILY LAND LLC PROPERTY, PARCEL #D-0658-0001-0000 -Approve or Deny by voice vote

City Manager Dotson said a few meetings ago the City Council agreed to a pre-annexation with the family and the county. The county doesn't allow smaller than 5-acre lots for a minor subdivision. The agreement said after the lot boundary adjustments the City Council would approve the annexation of a portion of it. A map of the property was shown on the screen. Lester Ross said the area is the new lot that was created. There is a home on the lot and is connected to Enoch water and Cedar sewer. The other portion was part of an Enoch lot. Council Member Harris asked if there were any issues with providing city services. City Manager Dotson

noted that services were already there. Council Member Ross said the property was touching her lot.

Council Member Harris made a motion to accept the Petition of Annexation of Nelson Family Land LLC Property, Parcel #D-0658-0001-0000. Council Member Tingey seconded and all voted in favor.

- 9. CERTIFICATION OF PETITION FOR ANNEXATION OF NELSON FAMILY LAND LLC PROPERTY, PARCEL #D-0658-0001-0000 AND SET A PUBLIC HEARING FOR MARCH 6, 2024 IF NO PROTEST FILED -City Recorder Council Member Harris made a motion to set the public hearing for March 6, 2024. Council Member Ley seconded and all voted in favor.
- 10. CONSIDER RESOLUTION NO. 2024-02-07-A A RESOLUTION TO APPROVE AN AMENDED MEMORANDUM OF UNDERSTANDING FOR THE ENOCH COMMUNITY TRAUMA RECOVERY COMMITTEE Manager Dotson

City Manager Dotson said receiving a \$100,000 or more from the Eccles, the Huntsman, Zions Bank, and the Miller family. This money went to the Family Support Center of South Western Utah and the funding of this organization. Since then, there have been some changes. Most money goes to the treatment of the family and friends of the Haight Family. There are three other organizations involved. This agreement ends at the end of this year. There is about \$40,000 left over. Everything has complied with HIPPA. Canyon Creek Services will take over as fiscal agents. The administration agent is Enoch City. He has been functioning with Council Member Harris. This will no longer exist by the end of the year. We would like to create a memorial at the Enoch City Cemetery. We think we can use the corner or back of the cemetery. Council Member Harris said we added training of professionals to deal with these kinds of things. It adjusted for what we found as we implemented everything. We wanted to make sure the agreement was aligned with the methods and what it was being used for. Council Member Ley wondered about how word got out to individuals who needed services. Council Member Harris said we worked through the school district and informed councilors. The Family Support Center and places that deal with people who are dealing with issues were aware of it. We were also on the radio a couple of times. City Manager Dotson said they reached out with fliers. Council Member Harris said we didn't feel like we wanted to spend the money on advertisement so they did everything they could think of that didn't cost. City Manager Dotson said the intent was to get more counselors involved. Item F used to be four items. We added therapist training and products that helped with therapy. Tappers were donated to the police department received some and students with the school got some and we had group events. Those who donated and expended funds need to be refunded. There were no strings attached to the money. Council Member Tingey asked where left over money would go if its not spent by the end of the year. City Manager Dotson noted that 4a within the agreement, the remaining funds will go to Enoch City as a donation. Our attorney said we could buy blankets or stuffed animals and donate to the CJC to aid families with domestic violence issues. Council Member Tingey asked if there was an account to put that money in. City Manager Dotson replied yes, and it's a miscellaneous account.

Council Member Harris made a motion to approve Resolution No. 2024-02-07-A, a resolution to approve an amended memorandum of Understanding for the Enoch Community Trauma Recover Committee. Council Member Tingey seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Stoor: Yea
Council Member Tingey: Yea

Council Member Ley: Yea Motion Passed

# 11. CONSIDER RESOLUTION NO. 2024-02-07-B A RESOLUTION TO AMEND THE ENOCH CITY PERSONNEL POLICIES AND PROCEDURES MANUAL, ARTICLE XI, SECTION III – HEALTH AND LIFE INSURANCE

Ashley explained that the Enoch City Personnel Policy says that 80% of our employees will be on our health insurance and 20% can opt-out. Those who opt out can receive an in lieu of payment, which is 60% of the cost of what the health insurance would be. The only people who opt out would have access to other insurance, such as, from a spouse. We want to amend it to be lower than 80%. She talked to PEHP and it doesn't affect our policy negatively. Currently, there are employees on a waiting list to get on the in lieu of. It saves the city money because we only pay 60% of the cost. When we submit a file at the end of the year, it shows that all of the employees are covered on the insurance. The IRS makes sure that everyone is on a policy. They have to show us proof and we have to send that to PEHP. We propose that 60% of employees be on the policy. Council Member Harris said contracted people won't get the in lieu of. Council Member Harris said it was a great idea. Council Member Tingey said this was interesting. He asked if the Affordable Care Act mandates that employees have insurance. Council Member Harris said it mandates it, but there was no penalty. Council Member Tingey said it used to be that you couldn't pay somebody in lieu of health of insurance. City Manager Dotson said almost every city does it. PEHP says its legal. We are just making sure are following the law. Council Member Harris said they don't want employers to incentivize not having insurance. Mayor Chanut noted that requiring proof of other insurance keeps the incentive out. City Manager Dotson said he spoke with the Director of Public Employee Health Plan. We are trying to figure out why this is required in the first place. Why do we require PEHP? It was to save money. He asked if there was a concern with reducing the number of employees on it. He explained that this won't change our premiums.

Council Member Harris made a motion to approve Resolution No. 2024-02-07-B to amend the Enoch City Personnel Policies and Procedures Manual, Article XI, Section III, Health and Life Insurance to allow more people to opt out. Council Member Stoor seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Stoor: Yea
Council Member Tingey: Yea

Council Member Ley: Yea Motion Passed

## 12. CONSIDER CONTRACTING WITH DEIV ARCHITECTURE FOR THE POLICE DEPARTMENT BUILDING FOR A BID PRICE OF \$68,000

City Manager Dotson said we are going back to the drawing board with our new Police Department building. We sent out a request for proposals for the architecture and we received two. Council Member Tigney said he attended the meeting. They both had a wide amount of experience with different types of buildings. The bid amount was substantially different. They couldn't see a reason to not go with the lower bid, which was from DEIV. City Manager Dotson said this also includes construction management. He received verbal bids without them seeing the plans or understanding what we were looking for. DEIV knew our limitations and what we were looking for. Council Member Ley noted that it was interesting to see the comparisons. She asked if we require three bids. City Manager Dotson said no. When it comes to requests for proposals you don't. Bids are different.

Council Member Harris made a motion to approve the architecture contract with DEIV for the police department building for the bid price of \$68,000. Council Member Stoor seconded and all voted in favor.

Jerry Barlow from DEIV wanted to introduce himself. He said they had conversations before the bid. He stated he worked locally, and when he needed an architect to help with design he reached out to others. He's worked with DEIV in the past and they work on the same software. He was impressed with David Clayton who is a licensed architect. They considered in the price that we have gone through a lot of effort and they didn't want to discredit that. City Manager Dotson said Jerry is involved in the construction side of a of projects. He also lives in Enoch.

# 13. CONSIDER RESOLUTION NO. 2024-02-07-C A RESOLUTION AMENDING THE PROCESS OF THE CURRENT PURCHASING POLICY TO A NEW PROCUREMENT POLICY

City Manager Dotson said this has gone through a review and it has the same processes used by other cities. We wanted to add to the definitions of professional services. Under the scope of our current purchasing policy the amounts to go out for bids, we had to get three bids. We changed the amount values. Mayor Chesnut said for this Resolution we have the discretion to make these changes, however, if there is a budget effect, we want to make sure that the legislative body is aware. Council Member Tingey asked how a policy interfaces with a statute or an ordinance. Mayor Chesnut said that's why it's a resolution. The Council is essentially approving the way of acting. City Manager Dotson said you also have state procurement rules which tells us how we have to budget. This complies with that. When you create a budget and pass it by ordinance, there are rules to adhere to regarding budget practices. We need to adapt those sometimes so we can function. Council Member Tingey asked if a policy was a legal issue. Mayor Chesnut said yes. That is we are keeping you in the loop. Whenever we make a change in the policy that may have a budgetary action, the Mayor wants the Council to be aware of how we follow practices. The whole process is internal and administrative. City Manager Dotson said we have to follow this as staff. There was a conversation about resolutions and policies. Council Member Tingey asked if once the product arrives, we have a policy regarding what we do with it. City Manager Dotson said we have three checks on every purchase. Hayden White said we have to initial and confirm that what is on the receipt is what was delivered. This is done especially when there are a lot of small items, like fittings. He makes his employees go through and count them. He won't pay the invoice until all parts have come in. Council Member Tingey suggested that a policy of checking invoices be written and added to the Resolution. Mayor Chesnut said we can do that and bring it back. Council Member Ross asked how long Hayden keeps those signed invoices. Hayden explained his process. Ashley noted that we keep all invoices for 7 years.

Council Member Harris made a motion to approve Resolution No. 2024-02-07-C a resolution amending the process of the current purchasing policy to a new procurement policy. Council Member Tingey seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Stoor: Yea
Council Member Tingey: Yea

Council Member Ley: Yea Motion Passed

## 14. CONSIDER RESOLUTION NO. 2024-02-07-D A RESOLUTION ADOPTING AN INTERLOCAL AGREEMENT WITH PAROWAN CITY -

Equipment for chip-sealing

City Manager Dotson said this is the Interlocal Agreement that our attorney wrote up for chipping our roads. Council Member Ley was impressed with all of the inspections that were going to happen. She wondered who would do them. City Manager Dotson said this was to protect each other and the equipment. We would do those on all of our equipment. Council Member Ross asked if there would be a standard form for the inspections that both Parowan and Enoch City would use. Hayden said yes. Council Member Ross asked if we were tracking how much use each city is doing. City Manager Dotson said that's what Parowan's concern was. We

have more roads, we collect more money from Class C roads than they do. Their City Manager said we need a partner to do this. Council Member Tingey noted that they are getting a good deal too because with less roads their savings on cost is more.

Council Member Harris made a motion to approve Resolution No. 2024-02-07-D a resolution adopting an interlocal agreement with Parowan City. Council Member Tingey seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Stoor: Yea
Council Member Tingey: Yea

Council Member Ley: Yea Motion Passed

# 15. CONSIDER ORDINANCE NO. 2024-02-07-C AN ORDINANCE AMENDING ENOCH CITY CODE OF REVISED ORDINANCES, SECTION 11.500.545 TAXES AND ASSESSMENTS

City Manager Dotson said our current code doesn't comply with state law. We charge a 3.5 % telecommunications tax, but we don't have that in our code.

Council Member Harris made a motion to approve Ordinance No. 2024-02-07-C, an ordinance amending Enoch City Code of revised Ordinances, Section 11.500.454 Taxes and Assessments. Council Member Stoor seconded and a roll call vote was held as follows:

Council Member Ross: Yea
Council Member Stoor: Yea
Council Member Tingey: Yea

Council Member Ley: Yea Motion Passed

## 16. CONSIDER MOVING ALL THE ADMINISTRATION OF RECREATIONAL PROGRAMS TO SPORTSITE.COM

City Manager Dotson said Lindsay has been looking into ways to improve our recreational programs. Right now, we have Rugby, Coach Pitch/Tball and Soccer. The main issue is the registration process. In the past, we have been using a form with Xpressbill Pay. Cedar City uses SportSite.com. We contacted them to see what they could do for us. This website handles registration, setting up teams, notifications to parents and coaches, etc. The one constraint is the cost which is \$3500 per year. We still feel that it would be a benefit. Citizens will know where to go to register or if they have questions. We get a grant from Iron County every year for recreational uses. For many years we don't spend that money so it goes into our general fund. Andy Losee runs our baseball program and he thought that was a good idea. We would love to purchase this program and are looking for advice for all programs to use this. Soccer is using a different program. City Manager Dotson said it's currently being run through their committee. We would like to funnel all sports through our system. Council Member Stoor said there is no limitation on how many programs we could use on this. City Manager Dotson said we budget \$16,000 alone that they bring in for soccer. Mayor Chesnut said that initial registration for families is not entirely smooth and we don't want to discourage people from signing up. Council Member Tingev suggested making a spreadsheet to verify cost and savings.

Council Member Stoor made a motion to approve moving all administration of recreational programs to Sport Site.com. The motion was seconded and all voted in favor.

## 17. CONSIDER PARTIAL RELEASE OF CASH BOND FOR FINAL APPROVAL OF DAIRY GLEN SUBDIVISION, PHASE 2A

City Manager Dotson explained a portion of the subdivision approval process. When we have someone put in a subdivision we require completion assurance, which is 125% of engineer's estimate of construction cost. He explained how they do that. After a certain portion of the subdivision is inspected and approved, we release a portion of that bond. When it's completed we

hold 10% for the one-year warranty. Once that one year is up we inspect again and if there is something wrong like sidewalks are cracked, they fix it or we hire someone to fix it using that 10%. The Wilcock brothers gave us a cash bond. At 25% of completion, we gave them a check. Their one-year warranty ended and we kept the 10% and now that is up, there is about \$7600 worth of things that need to be completed plus \$11600 for a fence around the retention basin. So, Just under \$20,000. They requested that we wait for them to finish and release the cash, or take the cash and finish those things. We could release everything except for those things that need to be done. They are now going to start phase 2B. Wade Wilcock was present and explained that the items that need to be finished are items remaining due to weather. Mr. Wilcock said he could write a check for the fence portion if we are willing to put it up. Council Member Harris said if they continue to develop in Enoch, they will come through with their work. He is in agreeance to release what is eligible. Council Member Ross said she would like a written agreement of what needs finished. City Manager Dotson said he has that. It's the engineer's punch list. Mr. Wilcock said the cash in the account is their guarantee. City Manager Dotson said we would be releasing a portion of the 10%.

Council Member Harris made a motion to approve partial release of a cash bond for final approval of Dairy Glen Subdivision, Phase 2A. Council Member Stoor seconded and all voted in favor.

### 18. COUNCIL/STAFF REPORT

#### Havden White

- He appreciated what was presented at the meeting on Saturday.
- They have changed out meters in well houses.
- They have been doing water and sewer reports at the end of the year.
- They will fire up the lift station on the 23<sup>rd</sup>.
- The Council had previously talked about the potential to buy a new trash truck. Do they need to discuss it? It went down and will be \$25,000 to fix it. In 2025 he planned on ordering a new truck. It takes about 9 months to get. Council Member Harris asked if the \$25,000 repair would only last a year or buy us more usage than that. Hayden said if they sell that truck its only worth \$5,000. The county has one we can use for a backup. Mayor Chesnut asked if he could get by with what he had. Council Member Harris said it would be a better investment to buy a new truck. It will go on the next agenda.

#### Ashley Horton

• Express Bill Pay printed the newsletter in color again. She wondered if the Council wanted to keep printing in color for \$70 additional per month. Council Member Harris and Council Member Stoor both agreed that they liked it in color. Council Member Ley noted that when there is color behind the words, older people have a hard time reading it. Lindsay will work on the Newsletter and keep color away from text.

#### Lindsay Hildebrand

- She renewed 27 business licenses. Six of them were commercial.
- She has been working with mortuaries to mark graves and open plots.
- SWRCA will meet for a quarterly meeting in Hildale. They are hosting.

### Mayor Chesnut

- He gave two certificates of appreciation to Council Members Ley and Tingey because they have concluded their service as Planning Commissioners. He thanked them for all of their work as Commissioners.
- He reported on the Iron Leaders Academy Capitol Hill Day. It started here and they had a mock city council meeting. ILA is an educational program facilitated through SUU, with a variety of people. They all get together once a month. It was exciting to have people here in a mock scenario about parking and traffic at SUU.

### Council Member Stoor

- He noted that Arbor Day was not too far off. They could use another person on the board. Council Member Ross
  - When the Planning Commission sends a split vote, it's important to have the conversation. She wanted to thank the Police Department for moving their meeting so the Leaders could have their meeting.

### Council Member Harris

• There is a Water Board meeting tomorrow. Cedar Beaver Watershed Council was a new board formed and he was elected vice chair.

### Council Member Tingey

• He attended a school board meeting and received input regarding recreation fliers sent home with students. The superintendent was cordial and helpful.

### <u>Debra Lev</u>

- March 5<sup>th</sup> is Caucus Night. She has been talking about youth groups in different areas becoming involved in the community. She asked if anyone would be interested in a car show on the 4<sup>th</sup> of July. Everyone was in agreeance. Mayor Chesnut thought maybe they could have some nice rewards to local entries. Council Member Ross wondered if we should put something on the marquee when there is a big game at Canyon View.
- 21. ADJOURN Council Member Harris made a motion to adjourn. Council Member Ross seconded and all voted in favor.

Lindsay Hildebrand Recorder

Date