

MINUTES
ENOCH CITY COUNCIL
January 20, 2021 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut-Zoom
Council Member David Harris
Council Member Jolene Lee
Council Member West Harris
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder-Zoom
Ashley Horton, Treas.
Justin Wayment, City Att-absent
Hayden White, PW Dir.
Robert Dotson, City Mgr.-Zoom
Jackson Ames, PD Chief-absent

PUBLIC PRESENT: Chris Jaussi, Jesse Carter, Spencer Jones, Sean Wharton, Shane Adair
Nick VanDermolen, Ken Stevens and Dallin Staheli

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut.
 - a. **Pledge of Allegiance-**Led by Council Member West Harris
 - b. **Invocation-**Audience invited to participate-Given by Sean Wharton
 - c. **Inspirational thought-**not given
 - d. **Approval of Agenda for January 20, 2021-Council Member David Harris made a motion to approve the agenda. Motion was seconded by Council Member West Harris and all voted in favor.**
 - e. **Approval of Minutes for January 6, 2021-Council Member David Harris made a motion to approve the minutes. Motion was seconded by Council Member Lee and all voted in favor.**
 - f. **Ratification of Expenditures-**none
 - g. **Conflict of Interest Declaration for this agenda-**none stated

2. **PUBLIC COMMENTS**

Spencer Jones said on item #5 he spoke at Planning Commission in their public hearing and he said he did not want them to remove the PUD ordinance. As staff and elected officials they are looking at the best interests of the City and that would not line up with that. He said it concerns him although he has no plans for that use.

3. **CONSIDER ORDINANCE 2021-01-20-A AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 57 ACRES OF PROPERTY OWNED BY THE RICHARDSON'S LOCATED ON THE NORTH SIDE OF MIDVALLEY ROAD FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11- The Council will consider the favorable recommendation from the Planning Commission on a zone change application.**

Mayor Chesnut said the Planning Commission sent a favorable recommendation on this zone change application. He asked Council Member Ross about it. She said they had one member of the public stand up against it. That person lives on five acres to the west and did not like being by smaller lots. Only one Planning Commission Member voted against it and three were for it. City Manager Dotson showed it on the map saying the land next to the person who objected is all R-1-18 now. The R-1-11 zone is smaller lots but is all single family residential. Dairy Glen is

right next to it on the east so it is surrounded by residential lots. City Manager Dotson told about the two easements saying they will stay the same and are separate easements to those properties. Council Member Lee said her usual concern is access for roads. City Manager Dotson said Midvalley Road is the main access and depending on how many lots they develop will determine the need for other ingree/egress roads. He mentioned permission from UDOT would be required if they have to go out onto SR-130. This is no different than what is around them except smaller lots.

Council Member David Harris made a motion to approve Ordinance No. 2021-01-20-A, an ordinance amending the General Plan Land Use Map and the Enoch Zoning Ordinance Zoning Map by changing the zoning of approximately 57 acres of property owned by the Richardson's located on the north side of Midvalley Road from Single Family Residential R-1-18 to Single Family Residential R-1-11. The motion was seconded by Council Member Ross and a roll call vote was held as follows:

Council Member David Harris	Harris-yes	Council Member Stoor	Yes
Council Member Ross	Yes	Council Member West Harris	Yes
Council Member Lee	Yes	Motion passed	

4 CONSIDER THE PRELIINARY PLAT OF PINNACLE RIDGE SUBDIVISION, PHASE 1-VELOCITY DEVELOPMENT, LLC-The Council will consider the favorable recommendation from the Planning Commission on the preliminary plat of Pinnacle Ridge subdivision, Phase 1.

Council Member Ross said this is a routine application. This is part of a cluster zone from The Ridge Subdivision, Phases 4-10. Council Member Lee asked for clarification of the cluster overlay and what that means instead of a PUD overlay. City Manager Dotson explained the cluster zone overlay maintains the same density but allows for smaller lots to work around possible land features that can't be built on and are left for open space. In a PUD, which this is not, they can do other creative things like having smaller lots, open space, maintaining front yards and common areas and other regulations an HOA might impose. This is a cluster zone overlay and they can have smaller lots with open space. This subdivision started in 2006 and was then called Pinnacle Point. There have been changes to the City's Subdivision Ordinance since then so they had to bring a revised version back to comply with the current ordinances. The rest of Pinnacle Ridge probably will not need to do that unless there are drastic changes. City Manager Dotson gave some examples and showed an old picture. The Stake Center was not there in 2006 when this subdivision first started. There was brief discussion of the lay of the land. They show that in this preliminary plat.

Council Member David Harris made a motion to approve the preliminary plat of Pinnacle Ridge Subdivision, Phase 1. The motion was seconded by Council Member Stoor and all voted in favor.

5. CONSIDER ORDINANCE NO. 2021-01-20-B AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 11, PLANNED UNIT DEVELOPMENT BY REMOVING THE ENTIRE CHAPTER FROM THE ENOCH CITY ZONING ORDINANCE-The Council will consider a favorable recommendation from the Planning Commission on removing Chapter 11 regarding PUD's.

Mayor Chesnut asked Council Member Ross and City Manager Dotson about this. Council Member Ross said the City Council made an assignment to the Planning Commission to review this because there was some talk by developers of doing PUD's. A moratorium for six (6) months was placed on any applications so the review could take place. The Planning Commission had lots of concerns about HOA's failing and the City having to take over and what that would

involve. The M-R-2 and cluster overlays cover the things a PUD allows for so there are still many choices to make land uses creatively work out in Enoch. They felt there was a possibility for too high of density to occur and that is not what the basic feel of Enoch City is. They have talked for months about this and seen the complicated ordinances from other cities trying to regulate PUD's. Council Member Stoor said there are checks in place so there is no reason a PUD would not work. Council Member Ross said personally she does not think the chapter should be removed either and a few other public comments reflected that feeling as well. The Planning Commission still thought it was not in keeping with the often heard comments about keeping a rural feeling in Enoch and the biggest concern was the fact that HOA's do fail and could be problematic.

Mayor Chesnut asked City Manager Dotson to refresh everyone's memories about why we did this to begin with. City Manager Dotson said there was talk from some developers about doing PUD's. Our ordinance did not have much regulation in it and since we had never done a PUD we thought a moratorium of six months to allow time for review was a good idea. The City Council sent it to the Planning Commission to see if they thought what we had addressed in the current ordinance had adequate regulations as written or if we needed to further regulate this type of development. Enoch is a prime area and huge growth is coming. The current Chapter 11 in the Zoning Ordinance was two (2) pages of requirements for PUD's. He gave them an example from another city that was 16 pages of regulations and requirements as a sample of what could be done. This is an administrative action when a PUD or any subdivision comes for approval. We have to have our regulations and requirements in writing and if met it has to be approved. Without a lot of specifics in our current ordinance there was a lot of discretion for developers to do whatever they want. He noted this is an overlay like the cluster overlay we have used in Enoch. That controls density. If you don't spell out every little thing then they can do whatever they want and that was an issue. The rules can be subjective if not written correctly and that requires a lot of detail work. The 16 page ordinance from another city was too much the Planning Commission thought. The conversation was about HOAs failing and the City having to take it over. We would have no say in what a developer could put into the HOA rules. How do you enforce it as a municipality vs. an HOA should the HOA fail? The only way to guarantee that is for us to create the same restrictions as the HOA. The other option is if an HOA fails then it reverts to City ordinances. All requirements have to be spelled out in detail in the ordinance. There was brief discussion about developers needing to maximize space to make any money on their development and allowing PUD's is another option they could use.

Mayor Chesnut said he wanted City Manager Dotson to remind the Council what the original concern was. City Manager Dotson said we had ambiguities in the ordinance that needed to be addressed. The proposal from the Planning Commission is to do away with the PUD chapter as an option because there are other zones in Enoch that allow for all the things a PUD does. There is no need to write extensive regulations for something we don't really need at this time. They said if a true need did come up then this could be added aback into the Zoning Ordinance. Mayor Chesnut said that recommendation is out of the scope of what they were instructed to do. The concerns will not be alleviated by removing this. There are unique differences. If they have HOA's in the PUD, that is fine. We should create a proper code for the distinct differences. Mayor Chesnut said he does not think we should not take this out. The concept is the location would be by shopping and restaurants creating a walkable community. Although we don't have those things now we expect to in the future. People need this type of development where front yard areas and common areas are maintained as part of the deal they sign up for in an HOA. That is not happening in Enoch soon. Those type of businesses are not here now but are expected to come in the future. Council Member Lee said the City Council asked the Planning Commission to look at this and define it. She said she attended some meetings and they did a good job and she commends them. They looked at many minor points and they had a list of pros and cons so they had good reasons for their recommendation. The "cons"

outweighed the “pros”. Is it our goal to help developers or to do what is best for Enoch residents with our attitude that this is a rural type area. The PUD’s are very nearby in Cedar City if that is what a person desires for a lifestyle. She thinks we should not have unacceptable language in the ordinance due to State Code and with a PUD. That could be very copious and overwhelming. Do we really need it with the zones we have now that cover many ways to use the land? We could add it back if needed when more businesses actually come to Enoch and set the stage for this type of development. Council Member Stoor said if it is not allowed then that option is taken away and it would limit their ability to be creative. It is true people don’t like HOA’s for some good reasons. It can be denser so parking issues and crowded streets can be a problem. We could define that in an ordinance but it is a challenge. It is not perfect.

Mayor Chesnut suggested we could form a committee to take another look at this and see if they can find a justification for either option. Council Member David Harris agreed he would prefer to look at defining this more and not throwing it out. It may still be an option to eliminate it if it is not good for Enoch City. Council Member David Harris said we would not want the City to have to deal with an HOA if it fails but it could be written in a way that if that happens things revert to City ordinances. The Planning Commission did make a decision after copious review. They did their due diligence so the City Council will review it again by committee before a decision is made. Mayor Chesnut said we will form this working group rather than sending it back the Planning Commission and have them look at it again rather than throwing it out. It is not fair for the Planning Commission to have to try again. Council Member David Harris said he would dig into it and Council Member West Harris said he would be in the working group also with City Manager Dotson. No action was taken.

6. CONSIDER ORDINANCE NO. 2021-01-20-C AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTERS 13-2, 14-2, 15-2, 16-2 & 17-3, REFERRING TO THE QUALIFYING REGULATIONS FOR ACCESSORY BUILDINGS-The Council will consider a favorable recommendation from the Planning Commission on allowing 20% of a lot to be used for an accessory building.

Mayor Chesnut asked Council Member Ross what the Planning Commission discussed. She said after it was decided 10% was too small an area to allow for accessory buildings they considered other sizes and settled on 20%. In the voting on the recommendation one abstained and three (3) voted yes for 20%. Council Member West Harris said he is still trying to figure out our position. Why do we need to dictate what can be built on their own property? If it fits and meets Code for buildings why say anything else. Council Member Lee said subdivisions are residential and are not for big buildings. We, as the City Council, have a mission to say whether we will allow big buildings. City Manager Dotson said the way it is now they come in for a building permit and they can build an accessory building on up to a certain percentage of the total land. That may reduce the size of home built based on set-backs. That limits the home and we don’t dictate that, we dictate the accessory building size which was 10%. After discussion and public comments it was decided that 10% was too small and the Planning Commission was asked to consider other options. They settled on 20% because of set-backs that could reduce the size of the home.

There was more discussion from the Council Members on issues in their own neighborhoods and the bottom line was that this action is more about aesthetics in residential neighborhoods and the need to consider that in the decision. Larger buildings belong in commercial areas and not in residential neighborhoods. When people buy homes in residential neighborhoods they have certain expectations of the look and feel of the neighborhood they choose to live in. It was noted we don’t get complaints about small buildings; only the large buildings. City Manager Dotson cited the building code limitations already in place that require accessory buildings over 200 SF to get a building permit and to meet the building code

regulations. The Planning Commission went through this in numerous meetings. Council Member Ross cited the cargo storage unit issue saying we went through it in City Council meetings and if unlimited, they could fill the whole yard with them. 20% of the total lot brings it back to a pretty good size building. Council Member Stoor said he has an issue when we tell people what they can do with their property. Council Member David Harris said you can always think of an exception that will make someone mad. We try to create a balance. We don't want industrial shops in residential areas although some do. Council Member David Harris said deregulation was tried and it created a lot of problems. We need simple regulations to live together as a group. He tries to make things work for the greater good and is fine with 20%. That keeps it close to what we have done in the past because people are used to that. Council Member David Harris said an exception to the rule for one person makes it seem restrictive. Council Member Ross said that issue was brought up in Planning Commission too. Some people do want to do something very large which was stated in a meeting and we don't make rules for one person. Council Member Ross said she thinks 20% is very large and it is more than we have done before.

Council Member David Harris made a motion to approve Ordinance No. 2021-01-20-C, an ordinance amending the Enoch City Zoning Ordinance, Chapters 13-2, 14-2, 15-2, 16-2 and 17-3 referring to qualifying regulations for accessory buildings. The motion was seconded by Council Member West Harris and a roll call vote was held as follows:

Council Member David Harris	Harris-yes	Council Member Stoor	No
Council Member Ross	No	Council Member West Harris	Yes
Council Member Lee	Yes	Motion passed 3 to 1	

7. CONSIDER HIGHWAY 91 EXPANSION PROJECT-The Council will discuss the possible expansion of Hwy. 91.

Mayor Chesnut asked City Manager Dotson about this. Council Member Lee said City Manager Dotson is the one who got this ball rolling for the City. Hwy. 91 needs major repairs and widening. City Manager Dotson said we can patch it and keep doing that or another option is to look at the Master Transportation Plan with Iron County and Cedar City. It is intensive and will cover needs for 5-10-20-years. We are basically married to Cedar City due to the roads. There are suggestions for enhancements like bike lanes and walking trails. As we look at the usage on Hwy. 91 it needs both. We started this by having a conversation with the engineers and we had a meeting with Iron County roads and the Iron County Planner to discuss the needs. The idea is to put this as a project onto the State Transportation Improvement Plan for potential funding. We need to create something in the way of a plan in order to do that and we don't have that yet. There are still issues with the area by the Maverik and some improvements there are already on the State list for next year. Finding another way to connect Enoch with Cedar City is an issue. We need to connect in different areas and not just Hwy. 91 so that is another problem. We need to create something and we need City Council approval before he can continue discussions with others involved. City Manager Dotson said he is not comfortable without their blessing and a plan of what we need to do.

Council Member Lee said we need to explain what the cost would be to Enoch and figure out if we need to start budgeting for this project. Long term it would be an easy sell to suggest three lanes with a center lane and have it connect with trail systems in this area; then City Manager Dotson could look into grants that are specifically for those things. The issues now are ice forms in the big dips and causes lots of accidents after storms because the dips can't be cleaned out very well and freeze to ice. We don't know any costs. The SR-130 project was widened to five lanes and was 11 million. It is three lanes now. That is a State road so it is not our financing headache but this would be at our cost in the Enoch City boundaries. We would have to put some money into the project and we don't know what that looks like. We have no cost information now. It could be years down the road before this can happen. We may need to

reevaluate our property taxes coming up in March when we start budget talks. City Manager Dotson said we need data and he has reached out. Some say the traffic is not worth widening it but those that travel on it differ. It does need to be repaired. We did chip seal two years ago but that does not fix the big ruts. Council Member David Harris said it is bad and he knows from firsthand experience every morning. The County will do repairs on their part but in Enoch it is our cost. Council Member Lee asked who owns the land. City Manager Dotson said the State owns it. Over the years they have changed dimensions of the road but Enoch is responsible for maintenance in our section. That goes from just north of Village Green to the Frito-Lay warehouse. The road needs to be lit better too. It is very dark at night in many sections. Asphalt is temporary, Council Member David Harris said. Down the road we need a more long term fix. He suggested getting more information on a long term fix and the other Council Members agreed. Council Member Ross asked when the road study would be completed. City Manager Dotson said he thinks by the end of March or so but it may be expanded. There is a need for more public input so that means more open houses for explanation and comments. All agreed the cyclists on the road are in need of a lane of their own for safety. The hill is a bad spot for accidents in icy weather. For now we could use more salt on the hill. City Manager Dotson was given direction to get more on costs and to explore the idea of phasing the project. He will also get information on grants we might obtain for trails or bike lanes. Council Member Ross said Cedar City would need to be on board to put in more lanes to match what we would do up to their portion of the road. City Manager Dotson said the State said it is our responsibility. Iron County takes care of their part and Cedar's part is by Maverik. Council Member Lee said it can't get on a State list unless we are proactive. City Manager Dotson said he hears consensus that he can move forward as instructed and all agreed.

8. COUNCIL/STAFF REPORT

Hayden White reported they started putting pipe into the ground to turn Woolsey well into irrigation well now that it has become high in nitrates. They are working on mitigating the situations with the extremely high usage of the dumpsters at the City yard. They were hauling one or two dumpsters per week and now it is one or two per day. They are getting stuff dumped that they are not supposed to take like construction waste and refrigerators and they do not have the staff to have someone there to monitor the situation. He is trying to find a solution or bring it to the City Council for answers. Some solutions could be putting in key code gate with the code on the utility bill to try to limit it to Enoch residents. We know for a fact that people are coming from all over to dump in Enoch. He is looking at prices for that. The biggest problems are the illegal items and the volume. The equipment and the dumpsters are getting beaten up and that is expensive. Manning the gates is a hard thing to do. Council Member Lee said our residents take a lot for granted. There was more brief discussion of the issues and possible solutions. Hayden added people are always sneaking in when the crew goes to get something they forgot. We have to find a way to slow this down. Council Member Lee suggested locking the gate and making it only available on certain days when we could have someone there. Hayden said they are looking at an electric gate just for the use of the crew and keeping the other gate locked all the time unless manned. Council Member Lee said we should put something in the newsletter about the problem. City Manager Dotson said the regular trash pick-up days are seeing more trash because people are not working due to Covid and so they clean up. They also dump illegally in Parkview. Hayden said the over use is getting to be so onerous we just can't keep up. We also get charged for illegal stuff in the dumpsters like construction waste. They are changing the trash pick-up routes soon due to new subdivisions and all the new homes. They will deliver letters to those being changed when they deliver trash. Council Member David Harris said we need to keep the convenience for Enoch residents so let's get more solutions before we eliminate it altogether. We definitely have

to slow it down. If they don't have the dumpsters people will dump illegally. Maybe we could put roll offs other places in the City. Hayden said there are issues with that too.

Ashley Horton had to leave early so City Manager Dotson reported the W-2's are in the mail. City Manager Dotson reported from a list. The State Legislature is meeting now. There are numerous bills that can impact cities. He will keep track and advise the Council on impacts. The Iron County Economic Development Committee wants a representative from Enoch in the form of a City Council Member or Mayor Chesnut on the committee. At the local emergency meeting which he was late getting to, he was nominated and elected as Chairman. The draft of the Pine Valley water EIS is now available. The Iron County- Beaver County agreement for the Drug Task Force has been updated. We requested the wastewater reuse project be added to the Iron County EIS. There will be no cost to us. He said he is continuing the ice rink conversation with the Staheli's and it will come for a vote of the Council when an agreement/contract is reached. He gave many details of the pending project and there was brief discussion of the issues when they were in Cedar City and how it will be different in Enoch. It is expected to be a great recreational benefit to Enoch with year around activities.

Council Member Stoor said they have a Recreation Committee meeting Thursday and welcome the ice rink as a great addition to recreational activities available in Enoch.

Council Member West Harris said the EDC met and wanted to talk about the ice rink.

Council Member Lee said the Roundabout Committee held a meeting while she was out of town. They have the final design for the roundabout. The signs will tell the story of Enoch City. They will get it finalized with an engineer and take it to a contractor to get a cost.

Council Member Ross said we talked about everything the Planning Commission did. The "Wreaths Across America" committee did the cleanup day to remove the wreaths and did a great job of handling everything while she was ill.

Mayor Chesnut said we need a closed meeting to discuss purchase, exchange, or lease of real property, including water rights or shares.

9. 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 Lee made a motion to close the regular meeting and go into a closed meeting for the discussion of the purchase, exchange, or lease of real property, including any form of water rights or water shares. The motion was seconded by Council Member West Harris and a roll call vote was held as follows:

Council Member David Harris	Harris-absent	Council Member Stoor	Yes
Council Member Ross	Yes	Council Member West Harris	Yes
Council Member Lee	Yes	Motion passed	

10. ACTION FROM CLOSED MEETING-Continue to negotiate.

11. ADJOURN-The regular meeting ended at 8:02 pm.

 2-3-21
Julie Watson, Recorder Date