

MINUTES
ENOCH CITY COUNCIL
July 5, 2017 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Steve Johnson
Council Member Jolene Lee
Council Member Dave Owens
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder
Ashley Horton, Treasurer
Todd Sheeran, City Atty.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Earl Gibson, Public Works
Lynn Nielson-Building Insp.

Public present: Dilworth Armstrong, Sarah Broderick and Spencer Jones

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

- a. **Pledge of Allegiance**-Led by Council Member Owens
- b. **Invocation**-Audience invited to participate-Given by Lynn Nielson
- c. **Inspirational thought**-Given by Council Member Jolene Lee. Thought was assigned to Council Member Stoor for 7-19-17.
- d. **Approval of Agenda for July 5, 2017-Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Owens and all voted in favor.**
- e. **Approval of Minutes for June 21, 2017-Council Member Owens made a motion to approve the minutes. Motion was seconded by Council Member Harris and all voted in favor.**
- f. **Conflict of Interest Declaration for this agenda**-none stated

2. RECOGNITION OF PLANNING COMMISSION MEMBER JOHN HORSTDANIEL

Council Member Harris said he tried to get John here but could not get hold of him. **He made a motion to table item #2 until John can come to the meeting. Motion was seconded by Council Member Johnson and all voted in favor.**

3. DISCUSS WASTEWATER AND STORM WATER IMPACT FEE FACILITIES PLANS AND ANALYSIS REGARDING IMPACT FEES AND RATES AND SET A PUBLIC HEARING FOR JULY 19, 2017

Mayor Chesnut said this is from June 21st where we had the presentation by Sunrise Engineering. We have had time to consider this and now we will open up the discussion. If we are not ready we do not have to set the public hearing tonight. City Manager Dotson added that the process to enact impact fees requires noticing and public hearings and the approval of the plan should be adopted after the public hearing. The plan is an unapproved document right now. Council Member Harris said there is one section where the suggestion was made to reduce the sewer impact fee because we have been charging too much. Correspondingly we would create an

impact fee for drainage. The sewer impact fee is \$1,900 now and they recommended we reduce it to \$738.38 and add a fee for storm water drainage per the analysis.

There was considerable discussion of the data used to make future growth predictions. Council Member Harris said he thought it was unrealistic on the population growth predictions. Council Member Stoor said this included future build out. Council Member Harris said his issue was the analysis of the future growth where more desirable areas will build out and the less desirable places in Enoch may never be built out. Maybe annexations will come in but we can't count on that. The point is the financial analysis depends on growth and collecting fees to pay for the costs over 20 years. He does not think the impact fees will come in as predicted and we need to raise the user fees. Council Member Lee asked if the storm drain projects are "needs" or could a portion happen where there are priorities. Considering the user fee for drainage it would need to be substantially higher than what was presented. Council Member Lee asked do we decide on impact fees in this discussion or do we talk about the user fees too.

Council Member Harris said we are talking about all fees. If we go with the IFFP as it is now written the impact fee analysis is to do all the projects listed here. Council Member Lee said if this is a need and if we can't project impact fees will pay for it, then we have to increase fees. If we don't we are negligent as a City because we have been told there is a problem. Council Member Johnson said a big part of their recommendations are for new subdivisions. The drainage retention part is in our ordinances already for developers to meet those requirements. Some already have voluntarily. We have not had the opportunity to see if some projects we have done will work. Council Member Johnson said this is not the bible to him. Council Member Harris said this is recommendation from those who know what they are talking about. Council Member Harris said we know there are problems to fix. How much of this is required to be built because of population analysis? None, City Manager Dotson said. If you don't have the money you don't do projects.

Council Member Lee asked what we need now? Mayor Chesnut said they laid a time frame out on page 20. The projects can be phased based on revenues or we could do a bond and do it all. There was more discussion of bonding and if that money can be held and used in phases as growth comes. Mayor Chesnut said this plan has projected costs so we can plan and budget accordingly rather than scaling up fees too fast. There is more than one way to do this.

Council Member Harris said to clarify his points we do need what they suggested and he is looking at feasibility to pay for it. We may have to rely more on user fees. City Manager Dotson said regarding population we have had about 5.9% average per year. Also as more desirable locations to build are built out that diminishes where we can build. We want to be sure we know where the money is coming from. This study allows changes to impact fees. He wants to be realistic on the funding. We have no storm water impact fee at all right now. If we charge the impact fee based on the study does that mean we intend to follow through with the plan. These are things that have to be done said City Manager Dotson. When we talk with the public the big problems are still out there. City Manager Dotson said we should accept this plan as it is with their calculations.

Council Member Harris said he just wanted to see some revisions on the financial side of it based on buildable room in our City. Council Member Johnson said they used the historical growth rate and we expect diminishment over time. The argument is if we do that model and down the road we do not collect enough impact fee money then it will shift to the user in fees. Mayor Chesnut said instead of it having it be an analysis he wants to look at it from a different growth pattern and what the user rate would have to be using that alternative. He said he has seen that done up north. They used the best information they had. Council Member Harris said he wants to tweak underlying assumptions in case it does not bear out. Council Member Stoor said they did that in their analysis. They did use 1½% and then to 5% .We know the growth rate will flatten out.

Council Member Lee said we are guessing what the growth is and our user fee right now is inadequate. We need to agree what projects we want to work on to make the price realistic. If we agree on any project we have to increase the fee. Council Member Stoor said costs are based on building the plan and the growth projections. Then there are grants and loans but no promises. If that would keep fees down that's wonderful but that is unrealistic. Council Member Harris said he sees a higher user fee in the future. Council Member Johnson said when they talked about impact fee going down for sewer he heard from the audience it would promote growth. Lowered rates are too good to be true. This increase goes overall to the citizens. Council Member Harris said they were helping us figure out how to do this. As we increase impact fees growth slows.

Council Member Lee said we have to pay for what we need and that has been laid out. We are negligent if we don't cover what we have to pay for. Mayor Chesnut said this is hard talk. We have issues and this is the cost. Council Member Stoor said the engineering firm has no other motivation than what we need. Council Member Harris is still against the compounding growth that may not happen. Council Member Harris said he wants to look at other financing to do it in stages. If future growth slows and we don't need something then we can let it go. Council Member Stoor said if the situation changes we can modify the plan. Costs listed are based on today's costs. These are engineer's estimates and could be less. Mayor Chesnut said the engineers are not just blowing smoke, they analyzed the needs. Council Member Stoor said he wants to go with what they propose. Mayor Chesnut said he would be interested to understand the assumption other than just averages. That is all they have to go on Council Member Stoor said. Council Member Harris said he is not questioning the engineering just the financial end of it. It looks great if those moving in pay for it but that will not be the case. We have a problem to fix and we have to be realistic on who pays for it. Council Member Lee said getting this information makes us no longer naïve about the issues we face. Council Member Harris said if we can finance it in sections he would feel better than putting up all 8 million upfront. When we set an impact fee based on 8 million that makes us committed to it. The cost of bonding is a concern and there are other ways to do it. We are required to revisit the impact fees analysis if growth does not come in six years. Council Member Harris agrees they know what they are talking about referring to Sunrise Engineering and we need to fix the problems. Projects need to be done but we need a better way to pay for it. Council Member Stoor said we could get the engineers to come back again to talk about it more before we decide. Council Member Harris said he would meet them on his own if necessary. Council Member Harris said he wanted to talk to other cities and hear about their growth projections. Mayor Chesnut said this would be rerunning the numbers based on a different growth estimate. Council Member Harris wants this study to reflect what the existing population will be paying for. Mayor Chesnut said he is fine with bringing this back at the next meeting as an agenda item to get more information and then set the public hearing.

Council Member Harris made motion to table item #3 until the next agenda. Council Member Stoor seconded the motion and all voted in favor.

4. ORDINANCE NO. 2017-07-05-A AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 10-4, REGARDING CONDITIONAL USE PERMITS TO RESIDE TEMPORARILY IN AN RV FOR THE PURPOSE OF BUILDING A NEW HOME OR BECAUSE OF HARDSHIP

Council Member Harris gave background. Council Member Lee and Council Member Owens were there too. This was brought by a citizen with a need and wanting to live within the law. In the past we have allowed people to live in their RV while building a new home. The question was in cases of hardship should we allow it? Some on the Planning Commission felt the answer should be "no" to all RV living on property. Others sympathized and thought six months to live in an RV running utilities through the home would be fine in the case of hardship. The attached ordinance is what the Planning Commission agreed on but with some reservations. It

was a compromise. Council Member Stoor asked about residents visiting and staying in an RV while they visit relatives. This ordinance does not allow for that. It is safe to say that is not our concern. It is the long term use we are concerned with. Council Member Harris said our ordinance says one lot should have one residence. Recently we allowed for guest homes conditions. Council Member Stoor said the objective is the impact on infrastructure and the look and feel of the neighborhood. More homes on a lot impacts that. Council Member Stoor said in regard to the look and feel of it people store RV's on their lots all the time and that looks the same as if someone is living in the RVs. Where do you draw the line? Council Member Stoor said he thinks them needing permission is overreaching by government. Council Member Owens asked how we would enforce this and who keeps track and does that. Council Member Harris said enforcement is a big thing. If we have an ordinance most will live within the law. We are not allowing this on a permanent basis. Visiting guests are not included in this. We can enforce when we say "permanent dwelling". Council Member Lee reviewed what she stated at the Planning Commission meeting. She said she has other feelings. She appreciates those who started this wanted to live within the law. They came in and found out they could not do this and they wanted to change the process to allow it. That does not usually happen. She said there are multiple people who are not living within the law where she lives. How can we enforce this or don't we have the will to. She feels for their hardship but this opens a can of worms. Some people are even selling and leaving due to this. She is sorry for their struggles but let families solve it within the family and not government.

Council Member Stoor said maybe the nuisance ordinance could be part of the solution. Maybe we only carry this out if there are complaints but we have to have a law first. Council Member Lee said there is a law that says no. There was more discussion of existing problems. Council Member Lee said it does not serve the community well to have us hand pick those who can disobey the law. Her subdivision has gone downhill due to this situation. Council Member Lee said we refuse to impose the law on the people who are neglecting living within the law. We are not taking care of the majority. Council Member Harris said he wishes we had the money to do law enforcement. Mayor Chesnut asked what the remedy is. City Manager Dotson said we can cite them. Chief Ames said depending on what they did it could be an infraction or a misdemeanor. Mayor Chesnut asked what they are charged with on the RV issue. Chief Ames said it is a Class B misdemeanor. Chief Ames said there is no jail time unless they are habitual offenders. Chief Ames said if someone is in violation and they don't fix it they are cited again. They have both a criminal side and a civil side. The City and can take people to court to force them to comply. The City has not wanted to go that way he said. Council Member Johnson said that is where police discretion comes in. Mayor Chesnut said are you willing to say when someone has a hardship and lives with relatives in an RV then do we cite them. Mayor Chesnut said if we do this we have to enforce it. What does enforce mean? Council Member Lee added we are not consistent. Council Member Johnson said we need principles we will follow. Council Member Johnson referred to what Commissioner Killian said in the Planning Commission minutes. Either allow it for hardship or home building or have government stay out of people's lives. Council Member Lee does not think they defined it enough. The City Council has to enact the ordinance Mayor Chesnut said. We don't have an ordinance now. If you have nothing in the ordinance Mayor Chesnut said, we still deal with it as one residence per lot. Council Member Harris said there is nothing to enforce right now. He just wanted to help a resident be lawful. This was reasonable. The idea is to prevent what Council Member Lee is concerned about. Council Member Stoor agreed if there is law in place then we have something to enforce. Mayor Chesnut agreed with Council Member Lee we don't want unintended effects. The issue still exists that there are many outside of the law as it stands.

Mayor Chesnut said there are two issues. Is there a problem with the existing definition under legal enforcement and next are we up to enforcing. Council Member Johnson said there

should always be a compromise. Council Member Harris said sometimes there is no ethical compromise. Mayor Chesnut agrees with Council Member Lee on her scenario. This creates two permanent residences on that lot. Does this fix that problem? This ordinance makes an exception for those who want to be within the law and is defined as “temporary”. More conversation about enforcement is needed. There was no motion and no action.

5. ORDINANCE NO. 2017-07-05-B AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTERS 2-14, 13-4, 14-4, 15-4 AND 16-4, REGARDING MAXIMUM HEIGHT OF ACCESSORY BULDINGS

Council Member Harris said there was some need for clarification of the language regarding this issue. The current ordinance said twenty feet at the roof peak. Our Building Inspector has had people coming in wanting to have loft storage areas in their accessory building and it is vague where we are to measure from. The spirit was not to allow high buildings but to be more flexible on uses. Mayor Chesnut asked Lynn Nielson to tell the City Council what problems he is facing. He said we have a resident who want to build a two story building and our ordinance says no. To clarify we wanted to say we would measure 20 feet from the ground to the top of the outside wall so they have the option of two stories or one story. We are talking about a 260 SF shed and not a huge building. Accessory buildings are limited to 10% of the lot size. He is waiting on this to get approval. Our current wording is very unclear. Council Member Harris said roof pitch does not matter. City Manager Dotson said it was decided to measure the height from the ground to the top of the outside wall. This allows for flexibility but does not go against intent to keep buildings from being too big. Mayor Chesnut said use the term “top plate” instead of top of the wall. Spencer Jones added saying “final grade” would be good words to add in place of “ground”. Mayor Chesnut said we can pass this tonight with the wording changes.

Council Member Owens made a motion to approve Ordinance No. 2017-07-05-B, an ordinance amending the Enoch City Zoning Ordinance Chapters 2-14, 13-4, 14-4, 15-4 and 16-4 regarding the maximum height of accessory buildings with wording changes as discussed. The motion was seconded by Council Member Harris and a roll call vote was held as follows:

Council Member Johnson-yes	Council Member Harris-yes
Council Member Stoor-yes	Council Member Lee-yes
Council Member Owens-yes	Motion passed

6. ORDINANCE NO. 2017-07-05-C AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 2-20 AND CHAPTER 18-1 REGARDING REQUIREMENTS FOR DIVIDERS BETWEEN RESIDENTIAL AND COMMERCIAL ZONES

Mayor Chesnut asked Council Member Harris to explain. Council Member Harris said when you have a commercial zone bordering a residential zone there is requirement for a solid wall between the two zones. City Manager Dotson said that was the intent but it says between every zone. In some cases that may be necessary but not in most. There is an individual who wants to change his zoning to Neighborhood Commercial and a solid block wall would be financially prohibitive to do. Also N-C blends in with residential uses and his residence will be located there. We want to allow for alternatives and reduce the restrictions. The wording “adequately protects” had issues in the discussion. There was more discussion of types of barriers like ten foot wide planting strips of trees and landscaping. A sight obscuring fence could also be chain link with slats. Options like those take out the cost prohibitive wall and allow for less expensive alternatives. “Adequately protects” is subjective. Mayor Chesnut said take out the last six words after landscaping.

Council Member Harris made a motion to approve Ordinance No. 2-17-07-05-C, an ordinance amending the Enoch City Zoning Ordinance, Chapter 2-20 and Chapter 18-regarding requirements for dividers between residential and commercial zones with wording changes as noted. Motion was seconded by Council Member Owens roll call vote was held as follows:

Council Member Johnson-yes	Council Member Harris-yes
Council Member Stoor-yes	Council Member Lee-yes
Council Member Owens-yes	Motion passed

7. ORDINANCE NO. 2017-07-05-D AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH CITY ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING FROM RURAL RESIDENTIAL 5-ACRE (R-R-5) TO NEIGHBORHOOD COMMERCIAL (N-C) LOCATED AT 2027 E. MIDVALLEY ROAD

Mayor Chesnut asked Council Member Harris to explain to the City Council again. He said there was a public hearing held and one person sent in a letter saying they were concerned with traffic and didn't want to look at it from their backyard. Another person said they did like the looks of it and no other neighbors had any issue. Debra Ley is one of the neighbors informed of the pending zone change and she had no problems with it. City Manager Dotson told about Aaron Diamond's plan on the middle lot of the three five acre lots he owns. It will be a residence and a working farm. They will also have an event center like a wedding barn. He will plant hundreds of trees on the perimeter and gardens to teach gardening and old type crafts. It will be a commercial venture but is appropriate for N-C and fits well with neighboring residential zones. The Planning Commission was unanimous on approval. Mayor Chesnut said a rural themed business is good fit.

Council Member Stoor made a motion to approve Ordinance No. 2017-07-05-D, an ordinance amending the General Plan Land Use Map and the Enoch City Zoning Ordinance zoning map by changing the zoning from Rural Residential 5-Acre to Neighborhood Commercial for five acres of land located at 2017 E. Midvalley Road. The motion was seconded by Council Member Harris roll call vote was held as follows:

Council Member Johnson-yes	Council Member Harris-yes
Council Member Stoor-yes	Council Member Lee-yes
Council Member Owens-yes	Motion passed

8. DISCUSS/VOTE TO PARTICIPATE WITH THE NATIONAL FITNESS CAMPAIGN 2018

Mayor Chesnut asked City Manager Dotson to explain about this. City Manager Dotson said a gentleman who is wealthy has put together this campaign. They give grants towards a fitness court. We met with him by phone and the City Council got the video. It involves \$10,000 in seed money and helps give support information to get sponsors. They are planning on putting these in 100 cities. The City Council needs to choose if we will go for the funding for Enoch City. It would cost \$90,000 plus installation. \$90,000 is for equipment but installation is extra. That would involve a cement pad and other things. Council Member Harris said he hates government to compete with private industry. He is not sure this would do that but it might. It could be a nice idea to expand the Rec Complex if the committee wants it. Council Member Stoor said he likes it for a small community. This is a new concept and we have many fitness oriented residents. Council Member Johnson said this competes with fitness clubs in town adding this is more like socialism or a welfare state and we should not do it. Council Member Stoor asked where they would put this in our town. This is an outdoor facility so it is not competing with gyms so much. Council Member Johnson said it could not be used in winter if outside. Council Member Lee

thinks it is a neat thing but would tap City resources and we already have projects on the books. . We are working on trails and parks and this is the type of thing we would like under the right circumstances. We would have \$80,000 to come up with for installation. Council Member Harris said we have the land for this but a playground would be more popular. City Manager Dotson said they need a decision to participate or not by tomorrow. We can say no. That was the consensus. No action was taken and we will not participate.

9. PUBLIC COMMENTS-

Spencer Jones for Sarah Broderick said he is restating comments from Sarah who was here earlier but had to leave. She said on #3 you should convey her ideas to double the impact fee so there is a reserve. On #4 she feels government should stay out of things. The high turnover of the PD is due to challenges.

Spencer Jones said in talking about growth he has had multiple people tell him they have done analysis between 2016 and 2017 and there has been a reduction in building between the two years. **Council Member Harris added Cedar is down 30%**. He said his company builds all over. A segment of their business is people moving out of Enoch. They don't feel their ideals are met as such. They are building in Cedar and the County. They do not like the direction and are moving out of here. He wants us to succeed so take those things into heavy consideration for what the community will look like in 20 years.

Carolyn Bauer said she missed the part on RV's and she is happy that they are looking at needs vs wants on the rec area and staying within our means.

10. COUNCIL/STAFF REPORT

Earl Gibson said we still have an ongoing water problem in the tanks. We are barely holding our own. We are cutting back more on parks watering so they don't look so great. The change to no watering between 8am and 8pm has helped but we are still not refilling the tanks adequately for fire flows. He told about other options to buy water from Cedar City but it would require installing tees and pipe and is not a quick fix. There is also a tee by Three Peaks Elementary belonging to the Conservancy District but we would have to lower our pressure to be able to use that water. We don't want to open that valve unless we can put a booster pump on it. When Cedar put in their wells in Enoch there is an 18" line from our well they put it in an agreement that if they took our water they would sell it back at their cost to us. Does the City Council want to buy water or have residents cut back more until we get the new well done. It would cost about \$5,000 for all the parts to hook it up. We don't know the cost on the price of their water. City Manager Dotson said other option is to get our test back and hook up our well and that is still coming soon. People are obeying but watering longer. Council Member Owens said it would be difficult to get the people to do the odd and even watering days. Earl said after we get approval we have to order the pump and it is 4-6 weeks out. He ordered it already knowing that lead time. Earl said we are low in the tanks for fire safety. Tonight we had 8 feet in one tank and 12 in the other. We are dealing with fire suppression and we need to get the word out and try it for two weeks to get more compliance. Council Member Lee said we need to grow up and face the music. She thinks she is inclined to be look at water restrictions rather than buying water. City Manager Dotson said 300 confirmed they got the Everbridge notice sent out over registered phones and emails. We did that on water and fireworks and had 400 confirm. The PD and Public Works have been out every morning and have been knocking on doors and leaving door hangers. We have put signs out too. The biggest users are churches, schools and the City. They have been notified to cut down. Mayor Chesnut said they will talk more about it. There was no action tonight.

Chief Ames said with fireworks restriction we did good job of getting the word out. Most were compliant but there were a couple of bad ones but no fires. The Division of Natural Resources is really amped up and asked us to issue warnings and cite people for even little fires. People are

getting the message. He reported there has been an increase in fraud cases and credit card hijacking. Scammers are out in full force. Be aware. They are still busy. One resident had someone break into their house when they were asleep. They caught one guy.

Lynn Nielsen said talking about Spencer Jones on impact fees. He paid for a retention basin himself without being required to do so and others may do that to help. Some of the Impact Fee Analysis Plan may not be necessary if growth does not come. Regarding conditional use permits for RV's State law says we have to have conditions stated in our ordinance and not decided at the time a case comes in. We wanted to lay out the conditions so it not subjective. It is a touchy issue and no one wants that going on. We did guest houses to alleviate some of that. He thanked the City Council for looking at it because some ordinances are not clear. We strive to make it clear so people know what they can or cannot do. It was a great year and we are still growing.

Ashley Horton said she is working on finalizing the budget and year end and starting the new year.

Mayor Chesnut said to follow up about our emergency meeting on fireworks we did not ban them but restricted them to the two parking lots. Parowan banned them all. Enforcement would have been problematic due to State law not allowing complete bans. We did it right within our power to do so.

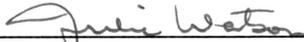
Council Member Stoor said there is mulch left over and road base. Maybe we could allow some citizens to use it.

Council Member Harris said tonight was the culmination of the Planning Commission's many projects and long hours of work. They have no agenda for next week so we are canceling the meeting on the 11th

Council Member Lee thanked Jerry Womack and Alan Sanderson for the 5-K yesterday. They did a knock-out job and it was well received. There is a lot of behind scenes stuff they do. Thanks to City employees also.

Council Member Owens said the 4th turned out well. Good people helped and next year it will be bigger and better. The EDC is meeting and we will approve two new names at the next meeting.

13. ADJOURN-Motion to adjourn by Council Member Harris. Motion seconded by Council Member Owens and all voted in favor. The meeting ended at 8:30pm

 7-19-17
Julie Watson, Recorder Date