

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

**Members present:**

Mayor Geoffrey Chesnut  
Council Member Richard Jensen  
Council Member West Harris  
Council Member Katherine Ross – excused  
Council Member Shawn Stoor

**Staff present:**

Ashley Horton, Treasurer  
J. Wayment, City Attorney  
Hayden White, Public Works Director  
Robert Dotson, City Manager  
Jackson Ames, PD Chief - excused  
Lindsay Hildebrand, Dep. Recorder

**Public Present:** Steve Woolsey, Bryce Poulson, Wade Adams, Debra Ley

**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 D. Harris
- c. **Inspirational thought-** Assigned to Council Member Jensen during the next meeting
- d. **Approval of Agenda for July 6, 2022- Council Member D. Harris made a motion to approve the agenda. Council Member W. Harris seconded and all voted in favor.**
- e. **Approval of Minutes for June 15, 2022- Council Member W. Harris made a motion to approve the agenda. Council Member D. Harris seconded and all voted in favor.**
- f. **Ratification of Expenditures-** There were none
- g. **Conflict of Interest Declaration for this agenda-** There were none

**2. PUBLIC COMMENTS**

Debra Ley located on Midvalley Road said she is on the Planning Commission. At last week's meeting they talked about an item on this agenda. Regarding Ordinance No. 2022-07-06, she is not in favor of extending an extension to developers for their parks and recreation. They should pay for a water right when putting in a park. She also mentioned that in the past the parks have become a part of the City. If the developer puts a little park into their subdivision, even if its deeded to the City, they should not be exempt. Little parks are for a small area and later on in development and planning, the City should ask for a larger park. She would like them to consider that the funds received from the acquisition fee and tied to newer water rights be used for projects to find more water. *Council Member Jensen said we talked about it, but it's not in the ordinance. Council Member D. Harris said that's a budget policy and probably doesn't need to be in the ordinance. Mayor Chesnut agreed with Commissioner Ley about the open space exemption.*

**3. ADMINISTER OATH OF OFFICE TO NEW CITY RECORDER-Mayor Chesnut**  
Mayor Chesnut administered the oath of office to Lindsay Hildebrand.

**4. CONSIDER APPOINTMENT OF A NEW MEMBER TO THE PLANNING COMMISSION**

Mayor Chesnut said Wade Adams has put his name in as a request and expressed desire for appointment on the Planning Commission. He works for Iron County and has for 21 years. He worked for Enoch for 2.5 years and has had some experience. He spent years learning surveying with his dad. Council Member Jensen asked if he had served any position like that before. Wade said this would be his first. He also said he has attended some of the meetings. Mayor Chesnut submitted Wade's name for approval.

**Council Member D. Harris made a motion to approve the appointment of Wade Adams to the Planning Commission. Council Member Stoor seconded and all voted in favor.**

**5. CONSIDER MINOR SUBDIVISION FOR RANGE 16, LLC – PARCEL #A-0963-0009-0000 – Steve Woolsey**

Steve Woolsey said Nathaniel Pew is the manager of Range 16, LLC. This is a four parcel minor subdivision that sits by the animal shelter. The property was shown on a map. Mayor Chesnut asked about access roads. Mr. Woolsey said they have  $\frac{3}{4}$  of the road dedicated to Enoch City. They need the south 33 ft. of that east half. They do have access off of parcels 7 and 8 to publicly dedicated roads.

**Council Member W. Harris made a motion to approve the minor subdivision for Range 16, LLC – Parcel #A-0963-0009-0000. Council Member D. Harris seconded and all voted in favor.**

**6. CONSIDER MINOR SUBDIVISION FOR RANGE 16, LLC – PARCEL #A-0962-0008-0000 – Steve Woolsey**

Steve Woolsey said this is east of 600 East and 5600 N. It's a larger parcel split into four. There are no easements that need created. Mayor Chesnut noted that this came forward with a favorable recommendation from the Planning Commission.

**Council Member D. Harris made a motion to approve the minor subdivision for Range 16, LLC – Parcel #A0962-0008-0000. Council Member W. Harris seconded and all voted in favor.**

**7. CONSIDER DUMPSTER PROGRAM AND THE \$3 FEE – MAKE FINAL DECISION**

City Manager Dotson said the Council had made the final decision regarding the \$3 fee when they approved the budget. The challenge was how to manage that. Council Member D. Harris noted that there had been reports of a lot of calls to the City office about the dumpsters. Hayden White said they have had it open the last two Saturdays. They have been borrowing the County's truck and had filled the bins by noon. He had six people come today wondering when it closed. Council Member D. Harris said most people were saying that they were willing to pay a fee and they really wanted to keep them open. With the price of gas and the time it would take to drive to the County is worth it. Hayden said there were about 15 cars waiting to enter the dump at 6:30am. He suggested starting with a fee, so they could buy a truck or rent a truck and hired someone to haul the dumpsters out. Then if there is backlash from residents, they could close it down. To hire it out would be almost \$3500. It's roughly \$900 a month for three dumpsters every Saturday. Council Member D. Harris mentioned that he would like to only charge the people who are dumping. City Manager Dotson said that if the dump closed then the people who generate more trash could get an additional garbage can for \$95 and \$10.50 per month on their utility bill. There is concern for people not using it, but paying for it. Council Member Stoor asked if they didn't pass it, would they still need equipment for the City. Hayden said they would use the

broken trash cans that residents don't want. Council Member W. Harris asked Hayden if he wanted the dump to stay open. Hayden answered by saying that it would be easier if it were open. Council Member Jensen asked how many man hours are saved by closing it. Mayor Chesnut said it wouldn't extend him any more hours because the \$3 would cover it. Hayden noted that they would want to run it from 2pm -6pm and at least one Saturday a month because it needs to be more available if people are paying for it. Council Member D. Harris asked about having it open three months a year in the summer so people know that there is an option at some point to dump their trash. In an ideal world he would charge only the people that use it, but it's too hard to pinpoint that amount. Council Member Jensen agreed that it would keep the city cleaner, but felt that it's not right for the majority to tell the minority that they have to pay for it. Justin Wayment said that argument has a lot of fallacy to it. Council Member D. Harris wanted to explore having it open a small amount during the year. He also felt that the decision should be put into the newsletter and explain why it's happening. Mayor Chesnut asked that the Council writes a small explanation as to their decision. City Manager Dotson said if there is illegal dumping then the police department will go out and investigate. If the person(s) responsible are not found, then the City will be called upon to clean it up. The man hours would be tracked in that regard as well. Council Member Jensen suggested revisiting the item in three months or so to see if they have changed their minds. Mayor Chesnut said that there is an opportunity to buy a used truck at a significantly reduced rate and that opportunity wouldn't be there in three months. Then the truck purchase would be exponentially higher. Ashley suggested charging \$1.50, instead of \$3, if they are able to get the less expensive truck. Then plan would be to revisit the fee in two years and possibly raise it another \$1.50. This would make less of a burden now. Council Member D. Harris liked the \$1.50 fee a lot better and said we are all benefitting from a cleaner town.

**Council Member D. Harris made a motion to increase the garbage fee to \$1.50 per month per household. Council Member Storr seconded and a roll call vote was held as follows:**

<b>Council Member Stoor: Yea</b>	<b>Council Member Jensen: No</b>
<b>Council Member D Harris: Yea</b>	<b>Council Member W. Harris: No</b>
<b>Mayor Chesnut tie breaker: Yea</b>	<b>Motioned passed</b>

**8. CONSIDER ORDINANCE 2022-07-06 WATER ACQUISITION & WATER RIGHT TRANSFERS**

Council Member D. Harris asked when someone comes into the City and develops do we just charge an impact fee for parks and used Boebert Park as an example. City manager Dotson explained that the property was donated and then impact fees were used to build it. Council Member D. Harris said if the City ends up with ownership then he's ok with the City providing the water. We are already taxing for parks via impact fee. Mayor City Manager Dotson said if you require water rights for parks then no one will want to build a park. Mayor Chesnut asked if park impact fees could be used to acquire water for a park. City Manager Dotson said yes. Mayor Chesnut said he has been regularly talking with City Manager Dotson and Hayden about secondary acquisition for issues and growth. The Garden Park well has huge opportunities to increase our secondary system exponentially, especially given the fact that water is going to be an extremely limited resource. Do we want to encourage green space or not? City Manager Dotson used Pinnacle Ridge as an example of green space. It has some land between streets in the median and not owned by the City, which in itself is not irrigated. There was a small discussion on an HOA maintaining that green space. Mayor Chesnut said exemptions should be carefully tailored with equal applications of the law. Council Member Jensen asked if they pass it as it's written, are there situations where in the past it would have really hurt? City Manager Dotson said the City doesn't have any undeveloped or open areas that require water rights. The only issue is about parks. The open space is undeveloped and there are no water rights. Council Member Jensen

asked Commissioner Ley to clarify her opinion. She said regarding open space exemptions, parks and recreation should be taken out. We have a bunch of little parks everywhere. Justin Wayment suggested that if the City wants additional parks then they would charge an acquisition fee. If the City doesn't want the park then we wouldn't maintain it. Otherwise, the developer donates the land and then we maintain it. Council Member Stoor asked do we want to have no green space. That might be the net effect to require water for open space and if they donate the land. There is a discussion on whether a developer uses culinary water on a park and has an HOA maintain it or the developer donates the park and the City will be responsible for the water right. It's a secondary water issue.

Spencer Jones was invited to speak on the matter. He thought the exemption was ok the way it is. If a developer comes to the City and says they want a park, the City has to sign the deed accepting the conveyance of private land. If the developer wants an HOA park then they have to bring a water right. The ordinance covers that. The City gets to decide whether to sign on the deed and take the land or not. Whether on culinary or secondary irrigation, the City can decide to use the property for the future. This could be years in the making and the City isn't required to develop it. Pinnacle Ridge is an example where there is open space land that in the future may be given to the City or given to an HOA. That's going to be a public dedication property or HOA and it won't be irrigated. The idea is to encouraging open space that doesn't have to be irrigated. Spencer also explained what the plan is for Pinnacle Ridge, regarding the open space and xeriscaping. Council Member Jensen asked about cutting out the park and recreation side of things and keep all of the other exemptions. Will that dis-incentivize people from building parks? Spencer said it's land deeded to the City whether it's a future park or current park. The mayor and recorder have to sign accepting it. City Manager Dotson said if someone builds a park and deeds it to the City they are required to bring us water rights at four acre feet an acre. Spencer said this allows the City to make the decision to keep the park or tell the developer no. Mayor Chesnut said he doesn't want to encourage green space if it means putting drinking water on the grass. Justin Wayment said if you knew in the next five years that you are putting in a secondary line and a developer puts in a park it could benefit or use the impact fees to bring in the secondary. If you know you won't have secondary there, then you say no and deny acceptance of the park. This gives you the control to accept the park or not. Mayor Chesnut added that they spend a lot time debating water rights and conservation and now are asking how to incentivize bringing in green space. Council Member Jensen wanted to table the item. Council Member D. Harris said he wanted to keep it the way it is.

**Council Member Jensen made a motion to table Ordinance 2022-07-06 Water Acquisition and Water Rights Transfers until July 20, 2022. Council Member D. Harris seconded and all voted in favor.**

**9. CONSIDER RESOLUTION NO. 2022-07-06 A RESOLUTION ADOPTING THE 2022 FIVE COUNTY ASSOCIATION OF GOVERNMENTS MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN**

Council Member D. Harris said this would allow us to coordinate with other municipalities and without it we are more or less operating on our own.

**Council Member D. Harris made a motion to approve Resolution No. 2022-07-06 a resolution adopting the 2022 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan. Council Member Stoor seconded and a roll call vote was held as follows:**

<b>Council Member Stoor: Yea</b>	<b>Council Member Jensen: Yea</b>
<b>Council Member D Harris: Yea</b>	<b>Council Member W. Harris: Yea</b>
<b>Motioned passed</b>	

## 10. COUNCIL/STAFF REPORT

Hayden White said they have been working on the retention basin on Enoch Road and construction drawings for the other side of Hwy 91. They are working with the owners of the property. They finished all of the electrical for the roundabout. They have also been working on the Grimshaw well. He will conduct interviews next week for two new positions in the Public Works Department.

Ashley Horton said things for her are busy with end of year reporting and taxes.

City Manager Dotson said Council Member Ross had asked him to update everyone on the drainage. He showed a map of the basin that Sunrise Engineering are designing and constructing. The main East bench Water Shed Plan hasn't changed much at all. They are still negotiating with property owners to put in additional basins and its looking good. They have sand and sandbags ready on 600 East next to public works building. They will keep adding to it. Our detention ponds have been enhanced. On Jones Road they plan to enhance the drainage and are waiting for some concrete drop boxes. There are plenty of thistles around and Hayden is the only certified sprayer. He has worked on getting rid of the thistle but it doesn't seem to make much of an impact. The floods from last year pulled lots of seeds and covered lots of areas that we have never had before. We invite residents to take a shovel and cut them down. There has also been an unnecessary building application to request to build a development sign that are extremely large and made of rock and brick. City Manager Dotson reviewed the City code on the matter, which hasn't been updated since 1996 or 1997. There has been a request to update the code so that they can comply for bigger and nicer signs. This particular sign is meant to be permanent. The sign would cost about \$40,000. City Manager Dotson said he would review and look at other cities.

Lindsay Hildebrand said she has been busy settling into the recorder position. She has now taken over the end of the month building permit reports, business licenses, and cemetery work orders.

Mayor Chesnut said Commissioner Cozens is putting together a group to see if there is a way to incentivize developers and builders to act in a water wise way. The idea is to be collaborative to bring to various councils and committees to create a more unified ordinance. He gave examples. There has also been an opioid settlement with state of Utah with companies that sell opioids and Iron County will probably get about \$100,000 for five years. They are working on putting a way to use it towards opioids. The push is to let law enforcement take over and potentially put it towards drugs and mental health, but he didn't necessarily agree. He may ask for assistance and thoughts on that.

Council Member W. Harris said during the 4<sup>th</sup> of July Celebration they cooked 280 hotdogs and he ran the bubble machine. The event was successful and turned out really well.

Council Member D. Harris said there will be a Water Board meeting later in the month.

Council Member Jensen noted that he missed the last meeting and 4<sup>th</sup> of July. He wanted to talk about the water fee schedule. He wanted some clarification about Roberts's Rules of Order and there was discussion about it. He also said the Simon Fest is opening plays next week. They have a fundraiser next Tuesday.

Council Member Stoor said they are working on the park at Jones Memorial and he will go forward with it. It'll be done next week, but won't be ready to use. There is a National Day of Service coming up on September 10<sup>th</sup>. This is a community wide effort kind of in conjunction with 9-11 memorial.

**Council Member D. Harris made a motion to close the public meeting and move into a Motioned to close public meeting and go into a closed session for the purpose of discussion of a possible pending litigation. Council Member Jensen seconded and a roll call vote was held as follows:**

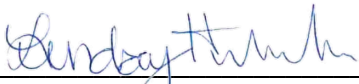
**Council Member Stoor: Yea**

**Council Member Jensen: Yea**

**Council Member D Harris: Yea**

**Council Member W. Harris: Yea**

- 11. 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 INVESTIGATIVE PROCEEDINGS REGARDING ALLEGATIONS OF CRIMINAL MISCONDUCT.  
(Requires a roll call vote with a 2/3 majority vote)**
- 12. ACTION FROM CLOSED MEETING**
- 13. ADJOURN -**

  
\_\_\_\_\_  
**Lindsay Hildebrand, City Recorder**                      **7/20/2022**                      **Date**