

MINUTES
ENOCH CITY COUNCIL
June 5, 2019 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

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

Staff present:

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

Public present: none

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 Council Member Lee
 - c. **Inspirational thought-**Given by Mayor Chesnut
 - d. **Approval of Agenda for June 5, 2019-**Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Ross and all voted in favor.
 - e. **Approval of Minutes for May 15, 2019-**Council Member Harris made a motion to approve the minutes. Motion was seconded by Council Member Owens and all voted in favor.
 - f. **Conflict of Interest Declaration for this agenda-**none stated

2. **PUBLIC COMMENTS-**none

3. **ORDINANCE NO. 2019-06-05-A, AN ORDINANCE TO CHANGE THE ADDRESS OF 2223 E. SUNSET PLACE TO 5130 N. HEATHER HUE ROAD**

Council Member Harris asked about this home under construction. City Manager Dotson said when the subdivision was platted the addresses were on the deeds. The house being built faces onto Heather Hue Road and they want it to be the address of 5130 Heather Hue Road. The process to change the deed with Iron County is by ordinance.

Council Member Harris made a motion to approve Ordinance No. 2019-06-05-A, an ordinance to change the address of 2223 E. Sunset Place to 5130 N. Heather Hue Road. The motion was seconded Council Member Ross and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member Owens-Yes
Council Member Lee-Yes	Motion passed unanimously

4. **PUBLIC HEARING REGARDING NUISANCE ORDINANCE**

Council Member Harris made a motion to close the regular meeting and go into the public hearing regarding the nuisance ordinance. The motion was seconded Council Member Owens and all voted in favor.

There were no public present.

Council Member Harris made motion to close the public hearing and return to the regular meeting. The motion was seconded by Council Member Stoor and all voted in favor.

5. ORDINANCE NO. 2019-06-05-B, AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES, CHAPTER 13, PART 13-1080. PUBLIC NUISANCES

Council Member Lee wanted to say from the previous discussion that Council Member Owens had texted his comments regarding enforcement and she asked him if we addressed his concerns. Council Member Owens said this should be reviewed frequently and can be changed if we find it has issues. He said he did want it to be reasonably enforceable and this can be costly to a city to enforce. His personal feeling is that a code enforcement officer should be utilized rather than the PD. If we can't find one perhaps we could use someone else like animal control who could wear two hats. We can't make everyone happy and we know that. He asked about 13-1087.2 regarding the voluntary correction agreement and recovering costs and expenses like a lien on the property. Is that still something we want to do? The city "may" lien the property City Manager Dotson said, or there could be a monetary fine or other legal remedy available like adding costs to the water bill. That is implied as an option and will depend on the nature of the nuisance. Adding it to the property tax bill is an option also. What would be done depends on the situation. Council Member Owens said he was fine with that.

Council Member Lee added we will grow into this and learn as we go. Did we stay with three or more complainants if it is an emergency? Mayor Chesnut said he talked with City Attorney Wayment and he agreed in limited circumstances for an immediate threat that it is reasonable to allow for a single person to complain in limited circumstances. Council Member Lee asked if that is written. City Manager Dotson said it is written in 13-1087.3. This covers "due process" and allows in an emergency for us to enter onto private property. Mayor Chesnut said things of this nature would be noticed by the PD in their course of patrolling. Council Member Stoor asked about fire potential. Mayor Chesnut said City Attorney Wayment said to leave it broad. The Fire Dept. could determine that. Council Member Harris said we just have to try it and then tweak if necessary. Mayor Chesnut asked for motion to table the ordinance for another public hearing on June 19, 2019.

Council Member Harris made a motion to table Ordinance No. 2019-06-05-B, an ordinance amending the Enoch City Code of Revised Ordinances, Chapter 13, Part 13-1080. Public Nuisances, until June 19, 2019 for a public hearing. Council Member Owens seconded the motion and all voted in favor

6. RESOLUTION NO. 2019-06-05, A RESOLUTION TO AMEND THE ENOCH CITY ENGINEERING DETAILS

City Manager Dotson said the Engineering Details as written are originally from 1995. They were Cedar City's details and since then we have not updated them. With the new development coming in, our City Engineer uses Cedar's standards anyway so we are updating this to fit the current standards today. We changed a few things that we allow such as PVC pipe which is just as good as ductile iron pipe. We allow PEX pipe from the street to the house. Ours is just a little different but is standard details for development. We did this by resolution in the past so that is why we are doing it that way this time. There was brief discussion and it was noted this is not from the International Building Code but is standard technique and new tech is coming in all the time. These are standards for roads and so on. We also added detention basins to this. Mayor Chesnut asked for a motion.

Council Member Harris made motion to approve Resolution No. 2019-06-05, a resolution to amend the Enoch City Engineering Details. The motion was seconded by Council Member Stoor and a roll call vote was held as follows:

**Council Member Harris-Yes
Council Member Ross-Yes
Council Member Lee-Yes**

**Council Member Stoor-Yes
Council Member Owens-Yes
Motion passed unanimously**

7. DISCUSS PLANNING COMMISSION RECOMMENDATION ON CARGO STORAGE CONTAINERS

Mayor Chesnut asked Council Member Ross about this. She said there were people on both sides of this in the public hearing. Some don't want the City to do anything and some do not want to allow storage containers at all. The Planning Commission worked hard to find middle ground. This is the final version they decided to send on to the City Council. Mayor Chesnut asked if they took both sides and Council Member Ross said they did listen to the public on this. One example was on the "no human habitation" part. They changed it so if that use is desired they can get a building permit and comply with all codes to get a Certificate of Occupancy and it would be allowed. There was one person at the public hearing who wanted to make an office out of a container. City Manager Dotson said this is treated the same as any accessory building on a property. Council Member Lee asked about existing units. They are grandfathered until they want to change anything and then it has to meet code. There was brief discussion of other points such as painting the cargo containers an earth tone color. Council Member Ross told about some of the changes and the extensive discussions by the Planning Commission.

8. ORDINANCE NO. 2019-05-01-B, AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 10, SECTION 10-4, CARGO STORAGE CONTAINERS

Mayor Chesnut asked for a motion. **Council Member Harris made motion to approve Ordinance No. 2019-05-01-B, an ordinance amending the Enoch City Zoning Ordinance, Chapter 10, Section 10-4, Cargo Storage Containers. The motion was seconded by Council Member Lee and a roll call vote was held as follows:**

**Council Member Harris-Yes
Council Member Ross-Yes
Council Member Lee-Yes**

**Council Member Stoor-Yes
Council Member Owens-Yes
Motion passed unanimously**

9. DISCUSS DRAINAGE PROJECTS AND FUNDING SOURCES

Mayor Chesnut asked City Manager Dotson to lead off. City Manager Dotson referred to the recent emails from a resident on Veteran's Memorial Drive and Jones Lane. He has voiced complaints and cited issues he perceives on several occasions. Basically it comes down to is the City Council good with the level of service we are providing with the 25 year event engineering standard we have built our infrastructure to accommodate. We have done extra things in that area and he gave details asking if the City Council wants to do more? We have some recommended improvements which we have not budgeted for yet. Does the City Council want to add to the drainage budget for those projects? What level of service do you want to provide?

Council Member Stoor asked if curb and gutter would help there. This resident's letter says we have not done enough and should do more. He has proposed some things that are just conjecture now City Manager Dotson said. Council Member Lee asked if he is questioning the City or the study. We spent money on the study, Council Member Owens said, and this will not fix all issues overnight but we need to complete projects we have planned. Council Member Owens said he understands the concerns and he appreciates the comments but thinks we need to stay on track with our study. The big question is do we want to do it partially or get a loan and knock it out. We have seen a decrease in water in the Half Mile Road area since the drainage project was done there. Council Member Stoor agreed saying we should go with the engineering and the professional opinions on this. Mayor Chesnut said some of this is also addressed in the

pending nuisance ordinance. Homeowners have responsibilities to keep drainage areas clear and we need to enforce that. We, as a City, should do basic audits of conditions in heavier flow areas to make sure culverts are clear and ditches cleaned. There was brief discussion of the process to change a culvert and the flow of water which Earl Gibson has to approve for the homeowner. It is a way administratively to get input from the City if a resident wants to change the flow of storm water in their landscaping. If your property causes damages to others you are liable for that.

Council Member Lee brought up the drainage fee of \$2 per month per connection. It accumulates approximately \$42,000 a year but that does not cover the costs of the projects. Maybe the fee is not adequate. It was noted this fee was created to chip away at smaller projects like the one recently completed on Quickdraw Lane. City Manager Dotson said we know that the NRCS Project, Phase 2 has to go in this summer. We need to find a way to pay for that. We need to discuss funding Phase 2 which is about \$200,000 and we have not budgeted for it. We have the money in other accounts and could consider loaning ourselves money and pay it back to the Enterprise Fund we borrow from. We need to know from the City Council where to get the money. Council Member Stoor said he likes the idea of borrowing "in house" and paying ourselves back. The City Council makes policy by putting it in the budget. Ashley gave examples of this like the purchase of the new trash truck and the inter-fund loan. She added there is \$400,000 available in water or refuse. Her suggestion is to do the inter-fund loan because this is a relatively small amount. There has to be a public hearing to borrow from ourselves "in house". Ashley said this is to have the commitment on paper to keep the bookkeeping straight and not to forget you borrowed.

City Manager Dotson said he thinks we should leave the Water Enterprise Fund alone because we have had many repairs to the wells this year and they need that money on hand. In the Refuse Fund we have a new truck and they are in pretty good shape. Ashley added they would still have funds left even if we borrow from that fund. City Manager Dotson said he likes the "in house" borrowing approach and Ashley agreed. Mayor Chesnut said this is a wise use of funds and we are saving on interest over any deal we could get from a lender.

Council Member Lee said the engineers in the study suggested curb and gutter on Enoch Road and she asked if that would help. It was noted it would protect properties on Enoch road only. There was more discussion of Jones Road and Veterans Memorial. Council Member Lee said we don't know the answer for this. City Manager Dotson said this requires the City Council to decide to change the level of service or not. Currently infrastructure is built for a 25 year event. Earl Gibson said we can upgrade as we go to some degree but all infrastructure would have to be bigger to handle a change in the level of service we now provide. Council Member Lee asked how the City Council knows what to do. She wondered if a resident swayed the engineers. We have to have a guideline of some kind. We collect impact fees for what the engineers suggested in the study. Mayor Chesnut said the engineers were not swayed by the residents. The City Council instructed the engineers to include certain conditions in their recommendations at the open house. Council Member Lee said we should honor what we approved. City Manager Dotson said again the City Council needs to make the choice to budget for the drainage projects.

Council Member Lee said she is not in favor of increasing the level of service and other Council Members agreed with that. Council Member Owens said we should move onto the next project and look at continuing on with the NRCS project. If the remaining budget funds are there then we see the numbers to do more projects. City Manager Dotson noted he asked for a quote on the Veterans Memorial project. Mayor Chesnut summarized saying there seems to be agreement that we fund the first project through a loan from the Refuse Enterprise Fund. Then we will discuss costs and evaluate again for loans or whatever funding we can obtain when we have firm bids and costs. The Enterprise Fund loan is to finish the NRCS project. We should put it in the 2019-2020 budget right now so it can go on display starting tomorrow. The consensus was in agreement. City Manager Dotson suggested \$200,000 for the NRCS project, Phase 2 and curb

and gutter on the west side of Enoch Road to Sunset Road which could be about \$100,000. He noted that should be included in the motion to change that. Council Member Lee said philosophically we have determined projects on our lists and we should work to take care of those projects. Mayor Chesnut said to give Ashley specifics in the motion per our discussion.

10. SET A PUBLIC HEARING FOR THE 2019-2020 BUDGET AND FOR BORROWING FROM OUR REFUSE FUND TO FUND DRAINAGE PROJECTS FOR JUNE 19, 2019

Council Member Harris made a motion to set a public hearing for June 19, 2019 for the 2019-2020 Budget and to set a public hearing for borrowing from our Refuse Enterprise Fund for drainage projects as discussed and to instruct Treasurer Ashley Horton to modify the budget to include the loan and other projects discussed tonight. The motion was seconded by Council Member Stoor and all voted in favor.

11. COUNCIL/STAFF REPORT

Earl Gibson said they had rough month with the wells. We are down to two wells running. The BLM well quit and they pulled it out and sent the bowls back and got the new bowls. They turned it on and pumped it and cleaned it all up and sampled it, as required. They started it up the next day and it would not start. It quit and froze solid. They are pulling it again and are not sure what is wrong. The Iron Works well is running and is pumping 1300 GMP. The Ravine well will be done soon. The Rec Center trail is coming along. We are using red infield soil and we are compacting it so you can walk on it all around the Rec Complex. The trail will be asphalt on Midvalley Road. The Animal Shelter is close to being finished. Next is to install cabinets, the parking lot and fencing. They will be mowing roadsides and patching potholes. We need drier weather to finish the pond in Iron Mountain Park.

Ashley Horton said she will send the updated budget to the City Council and post it for the public hearings.

City Manager Dotson reported on water rights and that someone is asking if we want to buy some. The money is not budgeted now but is for next year. The question is asked why people have to bring water rights to develop. It is a good policy and we have good rights because we require them to bring water to the City. He reported we were approached by the Daughters of the American Revolution (DAR) regarding "Wreaths Across America". More information is available on a YouTube video. They chose our cemetery for their project and we agreed to it. They get sponsors to pay for it and every Veterans grave at the cemetery will get a wreath on December 14th in a ceremony. We will have more information coming on that.

Mayor Chesnut discussed plans for "Wings of Death" and getting sponsors. One question is should we allow last year's winner to participate. Maybe we need more rules. The CJC will take care of games for the kids. We want to keep more people at park until the fireworks start. Ideas are welcome.

Council Member Ross said the Planning Commission will discuss the Subdivision Ordinance on the 11th.

Council Member Stoor said the community clean-up is on Friday at 6:00 pm. He will take a field trip with Shelly Boebert to get ideas for the scope of the clean-up. The kick off will be at the Rec Complex and is geared to the parks.

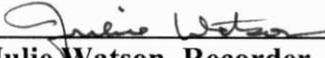
Council Member Lee told about a meeting with Iron County residents who live on 4200 North which is a good thing to move forward for the City. This is a road on our General Plan road map. It abuts residents of Iron County to the south. The meeting last night had 100% attendance of owners. We put the facts out of what we need and hope to do for improvements. It was a good meeting, City Manager Dotson said. It was handled well with Council Member Lee's approach. We are all neighbors here and we need information and they were surprised to get the facts. They

left with a more positive feeling and we are trying to help them. They are concerned about growth. They don't especially want it by them but the reality is, it is here. They were really receptive. We need to find out if it is a road dedicated to Enoch or just a farm road or prescriptive right-of-way. The next conversation is with our attorney to see where to go next.

Council Member Owens apologized for his absences. Surgery set him back and he missed the EDC meeting. City Manager Dotson said Darrin Fraser was hired to produce a marketing video of sorts based on the EDC mission to help businesses in Enoch to expand. He gave more details. He will do it for what is budgeted which is \$2,000. Darrin does good professional work in this area. Some of the City Council and Mayor Chesnut may be contacted to do some spots in the video. It may attract commercial development but that is not the main purpose. We are a residential community that needs some commercial services.

City Manager Dotson said he had questions about the Professional Office zone noting we have only one area for that. We may need to look at it. We usually wait for owners to come in to request a zone change. In the one area we have, one lot was sold to "Etch 'n Carve" and one sold to an asphalt company. We asked that their buildings look like an office but the code does not allow for that request. They may be metal buildings. That is a concern for the future.

12. ADJOURN-Motion to adjourn by Council Member Harris. The motion was seconded by Council Member Owens and all voted in favor. The meeting ended at 7:50pm.

 6-19-19
Julie Watson, Recorder Date