

MINUTES
ENOCH CITY COUNCIL
June 5, 2024 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member Katherine Ross
Council Member David Harris - Excused
Council Member Shawn Stoor
Council Member Bob Tingey
Council Member Debra Ley

Staff present:

Robert Dotson, City Manager
Ashley Horton, Treasurer
Justin Wayment, City Attorney
Hayden White, Public Works Director
Lindsay Hildebrand, City Recorder
Devin Kwiatkowski, Officer

Public Present: Jonathan Wilson, Ron & Chree Bohn, Stormey & Denise Trujillo, Delaine Finlay, Rick Holman, Andy Funderburk, Tony Barne, Gary & Brenda Funderburk, Barbara Combs, and Shirley Richardson

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING** – By Mayor Chesnut
 - a. **Pledge of Allegiance-** Led by Council Member Tingey
 - b. **Invocation (2 min.)-Audience invited to participate-** Given by Council Member Stoor
 - c. **Inspirational thought-** Given by Council Member Ley
 - d. **Approval of Agenda for June 5, 2024 – Council Member Tingey made a motion to approve the agenda. Council Member Ley seconded and all voted in favor.**
 - e. **Approval of Minutes for May 15, 2024- Council Member Ley made a motion to approve the minutes. Council Member Ross seconded and all voted in favor.**
 - f. **Ratification of Expenditures-** None
 - g. **Conflict of Interest Declaration for this agenda-** None stated

2. **PUBLIC COMMENTS**

Chree Bohn was present and stood in front of the Council with her fellow Cottonwood subdivision residents, Stormy & Denise Trujillo, and Tony Barney. Chree commented that the park was a disaster and a disgrace that the previous Tree Committee left. There are overgrown trees, no play equipment, a broken table, and unkempt weeds that now flow into their yards. The bugs are terrible and the trees planted have huge thorns. The trees have never been pruned. The lawn is mowed, but that's it. This group has addressed the issues at this park a few times. They are willing to help as a community. They asked that the administration and Council take them seriously.

Denise Trujillo noted that her home sits against the park. There was also an issue when the wind blew. She has been there for 7 years. They have problems with foxtails and goat heads. Her dog had to have surgery twice because of the goat heads. They are all asking for help and noted 865 Canyon Road was a good home to look at. They have been told that there was no money to keep the park nice. The group mentioned the Enoch City Tree Committee had found money to plant over 130 trees in that park.

Tony Barney spoke to the Tree Committee about those trees being a mistake. The Barne family cleans that road into the park. The city brought dirt in and left it for a couple of years. Ultimately, it was not long term sustainable. The trees will grow into the power poles eventually. They all asked what their next steps would be. Mayor Chesnut said he would talk with the City Manager and the department heads to figure out what the next steps would be. They can also reach out to the City Manager or other staff. Council Member Ross said she was on the Tree Committee during the time when those trees were planted. There was an arborist and a tree plan. The arborist switched the trees on the committee. They were not supposed to be barbed. They were supposed to be sustainable and approved by Utah Power. It wasn't until they were all in the ground that he surprised everyone.

3. PUBLIC HEARING REGARDING A ZONE CHANGE REQUEST BY GRIMSHAW FAMILY TRUST PARCEL #A-0786-0007-0000 FROM RURAL RESIDENTIAL (R-R-1) AND SINGLE FAMILY RESIDENTIAL (R-1-18) TO COMMUNITY COMMERCIAL (C-C)

Council Member Ross made a motion to close the regularly scheduled City Council meeting and open a public hearing for a zone change request by Grimshaw Family Trust. Council Member Stoor seconded and all voted in favor.

Rick Holman noted that he represented the Grimshaw Family Trust.

Andy Funderburk noted that he lived on 5080 N. He described what he read regarding the description and criteria for community commercials. His concern was the access to the street. The size of it and the traffic potentially impacting those residents are a concern. The issue was just the accountability of that access. Once it's rezoned, it won't come before a governing body again and he's seen instances where items were missed and space was infringed upon. He noted that he was uncomfortable with the zone change without guaranteed access from UDOT.

Mr. Holman addressed Mr. Funderburk's comment. His experience with commercial developers was they wanted to make the access as easy as possible. The intent for the access would be off of SR-130. They have had discussions with UDOT that access off of SR-130 is very likely because of the subdivision on the west side of the Highway. It wouldn't make sense to bring commercial traffic through that small road. He didn't think any commercial developer who would want their business to succeed would bring traffic through that small road. Council Member Tingey said one of the concerns he heard was if the property was sold and the new owner started development without fixing that access. City Manager Dotson said that our General Plan suggests that we prefer to have access off of a commercial street. It's not an ordinance. The new owner could access that road because they own the property. It is a private access easement. The four surrounding property owners have an ingress/egress access that had been granted to the residential properties next to it. It is not a road or a street. It's more like a flag lot.

Mr. Holman said the property owner would have to bring a plan to the city for proper access to commercial property. With the discussions they've had with UDOT, those would most likely be off of SR-130. Council Member Ley asked what premise would UDOT give for a road access off of the Highway. Mr. Holman said they are stingy with highway access; however, they are more congenial to working with local governments to master planned roads. UDOT is also a part of a review process for any future developments on the property.

Council Member Ross asked if UDOT would not give access until the property was commercial. City Manager Dotson said they wouldn't do anything until there was a development plan in place. He showed where the collector road was.

Brenda Funderburk noted that she lived on 450 East. She understood that it would be commercial. The owners would have access from Churchfield Rd. Her concern was there wasn't anything that

stopped them from developing that property before they got the access approved. Mayor Chesnut said they could do that right now because they own the road. Mrs. Funderburk asked if the road was wide enough. Mayor Chesnut said it may not be, but it's not subject to our ordinance because it's not a road and we don't have any control over it. Mrs. Funderburk asked if they could change the ordinance to conform to the General Plan. Mayor Chesnut said the General Plan is like the architectural drawings for the city, but adjustments can be made. Within that we want people to be able to use their property the way they want. When they sold those lots, they granted an easement as part of your conveyance and gave perpetual access to your property. They could throw a fence at the bottom and give you the keys. If they want to move big trucks up and down that "road" they can. Mayor Chesnut also noted that he was a property rights advocate. When this property first changed from commercial to R-R-1 and R-1-18, he didn't like them retaining it as a private drive. Council Member Finlay asked that before making any more changes to commercial, the city change the ordinance so that commercial has to have the access outlined in the General Plan. Council Member Ross noted that their property line was on Churchfield Road so even if they changed commercial access, their access is Churchfield Road, 450 East. Andy Funderburk said we are specifically talking about these 7 acres. What protection do they have? Mayor Chesnut said the agreement that they have is with the landowners. It's a private drive that the city has no authority over.

Council Member Ross made a motion to close the public hearing and reconvene the regularly scheduled City Council meeting. Council Member Ley seconded and all voted in favor.

4. CONSIDER ORDINANCE NO. 2024-06-05-A AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE MAP BY CHANGING THE ZONING OF APPROXIMATELY 7.54 ACRES OF PROPERTY OWNED BY GRIMSHAW FAMILY TRUST PARCEL #A-0786-0007-0000 FROM RURAL RESIDENTIAL (R-R-1) AND SINGLE FAMILY RESIDENTIAL (R-1-18) TO COMMUNITY COMMERCIAL (C-C) - See Planning Commission Rec.

Council Member Ross noted that this came forward from the Planning Commission. Aaron Tiede, and Andy Funderburk were against this zone change. Mr. Roberts represented the Grimshaw Family Trust. He spoke in favor of it because he felt that UDOT would give permission to have access from SR-130. She also noted that she had a family with a condition like this where it was a private road, which they took care of. Then, the commercial went next to it and they put their water away from it right on their road. It was an awful experience. She felt that the owners of this property had planned for it to be residential, including the road. Until UDOT grants access she felt that this property should stay zoned residential. Council Member Tigney asked about the sewer comment from the Planning Commission minutes. Council Member Ross said they were worried about which way it flowed. They did pass it along with three members voting yea and two voting nay. Council Member Ley said Mr. Tiede talked about losing an amount of property because of the widening of the road. Mayor Chesnut said if there was an expansion of the driveway to a road to be sufficient under the ordinance the road had to be wider. Council Member Ross said Mr. Tiede mentioned that he felt the road was only 47 feet wide. Mayor Chesnut said there will never be an eminent domain issue. City Manager Dotson said we have a lot of commercial areas that have 50 feet.

Justin said it seemed that there was a possibility that the Grimshaw Family Trust could meet with their neighbors and put together an easement agreement regarding something that, for example, says they won't use that road with anything over a certain weight. They could come together and do a modification of the easement. That has nothing to do with the city and would only be

between the neighbors and the property owner. Council Member Stoor asked what UDOT's position was for temporary access during construction. City Manager Dotson asked Hayden. He said they could get an easement, but it could take 6 to 8 months to get it approved. Council Member Ross said she hoped both the property owner and the neighbors would have a discussion. For now, she wanted to maintain residential.

Mr. Holman said he believed that those utilities would be something that the owners would want for any development for the north and the residents. That access is as important to future property owners or developers as it is the current land owners. Most have seen how long it takes for commercial developments to make any progress and with the discussions about access off of SR-130, that would be something that would be addressed right up front in order to do any planning of the parcel. As a representative of the Grimshaw Trust, he would not have any problem talking with neighbors about that access.

Council Member Stoor made a motion to approve Ordinance No. 2024-06-05-A, an ordinance amending the General Plan Land Use Map and the Enoch Zoning Ordinance Map by changing the zoning of approximately 7.54 acres of property owned by Grimshaw Family Trust parcel #A-0786-0007-0000 from Rural Residential (R-R-1) and Single Family Residential (R-1-18) to Community Commercial (C-C). Council Member Ley seconded and a roll call vote was held as follows:

Council Member Ross: No

Council Member Tingey: No

Council Member Stoor: Yea

Council Member Ley: Yea

Council Member Harris: Absent

Mayor Chesnut: Yea

The motion passed.

5. CONSIDER ENOCH CITY'S 2024 ANNUAL DRINKING WATER QUALITY REPORT

Hayden White said this has to be passed by the City Council and posted in the Newsletter and on the City Website. The chlorination just got approved. We are no longer in trouble. The report showed all of the deficiencies because we didn't run on the chlorinators when we were supposed to. They will be turned on July 8th. Council Member Ley asked if we have to go to the 0.65 chlorination. She compared it to Beaver's report and they are at a 0.5. Hayden said we have to be detectable, which means there has to be a trace detected. If you have to chlorinate you are supposed to hold 2.0. Council Member Ley asked about including Total Trihalomethanes (TTHM) in ours. Hayden said yes that will be included in ours. We are hiring a new employee to complete those tests daily.

Council Member Tingey made a motion to accept the 2024 Annual Drinking Water Quality Report. Council Member Stoor seconded and all voted in favor.

6. PUBLIC HEARING FOR THE 2023-2024 BUDGET

Council Member Stoor made a motion to close the regularly scheduled City Council meeting and open a public hearing for the 2024-2024 budget. Council Member Ross seconded and all voted in favor.

There were no public comments.

Council Member Stoor made a motion to close the public hearing and reconvene the regularly scheduled City Council meeting. Council Member Ross seconded and all voted in favor.

7. CONSIDER RESOLUTION NO. 2024-06-05-A A RESOLUTION APPROVING THE REVISED 2023-2024 BUDGET AND CLOSING THE BUDGET

Ashley Horton said she had provided the council members with a copy of the changes that were discussed at the last City Council meeting. She asked the Council for approval to make small adjustments throughout the rest of the year. Those changes do get audited.

Council Member Stoor made a motion to approve Resolution No. 2024-06-05-A a resolution approving the revised 2023-2024 Budget and closing the budget. Council Member Tingey seconded and a roll call vote was held as follows:

**Council Member Ross: Yea Council Member Tingey: Yea
Council Member Stoor: Yea Council Member Ley: Yea
Council Member Harris: Absent**

8. CONSIDER RESOLUTION NO. 2024-06-05-B A RESOLUTION APPROVING A GROUND LEASE RENEWAL FROM YESCO

City Manager Dotson said there are multiple billboards up by the soccer fields. He shared the location on the screen for everyone to see. This specific agreement is for the billboard on Enoch City property. There are two lease agreements and upcoming lease agreements with the signs to the south. There are about 4 or 5 signs additional to the south. Council Member Ley asked how long we have had this agreement.

Amy with YESCO said was proposing their standard lease agreement. She thought there was a trade for land for a 20-year lease. This would begin lease payments. City Manager Dotson said the soccer field was traded for the lease payments. It has been over 20 years. Council Member Ley asked for the ability to place communications on the billboard. Amy said if they are able to get the agreement with a telecom company to put a cell tower on the structure, then they agree to pay 25% of revenue generated to the city as the land owner. She noted that there was nothing imminent, but they wanted to plan for the future. This is a ten-year renewal. The lease rate range is typically 15-20% of what the potential advertising revenue is and the rate proposed is 18%.

Council Member Stoor made a motion to approve Resolution No. 2024-06-05-B, a resolution approving a ground lease renewal from YESCO. Council Member Tingey seconded and a roll call vote was held as follows:

**Council Member Ross: Yea Council Member Tingey: Yea
Council Member Stoor: Yea Council Member Ley: Yea
Council Member Harris: Absent**

9. CONSIDER RESOLUTION NO 2024-06-05-C A RESOLUTION AMENDING THE ENOCH CITY FEE SCHEDULE

City Manager Dotson said this came up in budget discussions about raising the dump fee from \$1.50 to \$2.00 and the wastewater fee from \$24.00 to \$25.00. These changes would take effect immediately. The other portion was the business license fees. Previously the legislature made it illegal to charge for home-based businesses unless there was an actual impact on a community. Some kept the fees as they were and made them fit. City Manager Dotson said the staff went through the cost to create a business license and calculated it at about \$6.72 to provide someone with a business license. We receive funding from Class C Road funds, the General Fund revenues for police protection, etc. We didn't calculate those into the business license because it just provides the license. It was proposed that someone with a home

occupation business that is exempt (they don't have any employees, customers, or clients) can get one, but it will cost them if they request the license. Ashley said the reasoning is that we feel like it's necessary. We don't require them to have it, but if we are talking about cost and the city needs to raise fees, why not charge people for that extra service? We recognize that there is some sort of impact on surrounding neighbors when business owners have people coming and going. Council Member Tingey asked how many licenses are there every year. City Manager Dotson read that there are currently 266 home-based businesses.

Council Member Tingey made a motion to approve Resolution 2024-06-05-C, a resolution amending the Enoch City Fee Schedule. Council Member Stoor seconded and a roll call vote was held as follows:

Council Member Ross: Yea Council Member Tingey: Yea
Council Member Stoor: Yea Council Member Ley: Yea
Council Member Harris: Absent

**10. CONSIDER RESOLUTION NO 2024-06-05-D A RESOLUTION
DECLARING THAT ENOCH CITY IS PICKING UP URS TIER 2 PUBLIC
SAFETY CONTRIBUTIONS**

City Manager Dotson said the Utah Retirement System requires the City Council to approve, by resolution, that we will pay the portion of the retirement that is required for public safety employees. Officer Devin Kwiatkowski said Utah changed the percentage of retirement that is contributed. Right now, the city is picking up 16% overall. Utah increased it to about 18%. This is asking whether Enoch will pay that extra 2% or employees pay it out of their checks.

Council Member Stoor made a motion to approve Resolution No. 2024-06-05-D, a resolution declaring that Enoch City is picking up URS Tier 2 Public Safety Contributions. Council Member Ross seconded and a roll call voted was held as follows:

Council Member Ross: Yea Council Member Stoor: Yea
Council Member Harris: Absent Council Member Tingey: Yea
Council Member Ley: Yea

**11. CONSIDER ORDINANCE NO. 2024-06-05-B AN ORDINANCE AMENDING
ENOCH CITY CODE 12.500 OFF STREET PARKING**

Council Member Ross noted that this came forward from the Planning Commission with a favorable recommendation, except for section M. It reduced the amount of parking too much. City Manager Dotson said this is from our ordinance and we need to update it to current standards. The parking demands have changed. Cedar City has dealt with this at the university around student parking. He made some changes to fit the definitions. Council Member Tingey asked if we have jurisdiction over a school for construction. City Manager Dotson said no not for construction. However, we do for things like zoning and parking. He added some things about retail stores. Justin asked if there were any SITLA lands within the city. There are not any. Council Member Stoor commented on having 1.5 parking spaces per bedroom and wasn't sure how that was helpful.

Council Member Stoor made a motion to approve Ordinance No. 2024-06-05-B, an ordinance amending Enoch City Ordinance 12.500 Off Street Parking. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yea Council Member Stoor: Yea
Council Member Harris: Absent Council Member Tingey: Yea
Council Member Ley: Yea

12. CONSIDER ORDINANCE NO. 2024-06-05-C AN ORDINANCE AMENDING ENOCH CITY ORDINANCE 12.2400.2407 APPLICATION PROCESS AND REQUIREMENTS FOR SUBDIVISIONS

City Manager Dotson said the legislature went through new requirements and made some changes. We cannot require them to submit the improvement plan or construction drawings again with the final plat. It's approved at Preliminary. They have also increased the max review phases for preliminary reviews up to 4 and within 15 days to review each. The final plat has up to 2 reviews. Council Member Ross said this came forward from the Planning Commission and there was no discussion. It had a favorable recommendation.

Council Member Ross made a motion to approve Ordinance No. 2024-06-05-C, an ordinance amending the Enoch City Ordinance 12.2400.2407, Application Process and Requirements for Subdivisions. Council Member Tingey seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member Stoor: Yea
Council Member Harris: Absent	Council Member Tingey: Yea
Council Member Ley: Yea	

13. CONSIDER ORDINANCE NO. 2024-06-05-D AN ORDINANCE AMENDING ENOCH CITY ORDINANCE 12.2400.2413 WATER RIGHTS AND ORDINANCE 14.100.113 APPLICATION FOR WATER CONNECTION – See Water Board Rec.

The state code requires that we can only exact from development the average water rights that are being used in development within a 5-year lookback. After calculations, we figured 0.88-acre foot is what the average user uses which is 0.5 acre-feet of culinary. He explained that this requirement is in two places in our ordinances. Mayor Chesnut said there is actual instruction people can receive for water rights. Rob, Hayden, and Richard are the people who have gone through the process in the administration. He took all the water from every customer over the last 5 years and calculated usage. Converting agricultural to culinary was discussed. Council Member Tingey asked if you have to re-assess this number. And City Manager Dotson said yes, every 5 years. Mayor Chesnut explained how the process works. Justin said the division of water rights told us what the average consumption was and we were following the state engineer.

Council Member Ross made a motion to approve Ordinance No. 2024-06-05-D, an ordinance amending Enoch City Ordinance 12.2400.2413 Water Rights and Ordinance 14.100.113 Application for Water Connection. Council Member Stoor seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member Stoor: Yea
Council Member Harris: Absent	Council Member Tingey: Yea
Council Member Ley: Yea	

14. COUNCIL/STAFF REPORT

Hayden White

- They have been starting to asphalt. They will pave the entrance of 4200 off of Minersville Highway down to the end of the gutter. The ice rink will be paved and our portion of Ravine Road up to Highway 91 will be paved as well.
- They are having concrete issues and subdivisions with sidewalks. We need to come up with something in our ordinances about cracked concrete because homeowners want the city to replace it. City Manager Dotson said some cities do a 50/50 split. There is some

liability exposure because they are city-maintained. Once the money is gone it's gone. In other cities, it's the landowner's responsibility. We need to come up with a budget plan.

- Council Member Tingey thanked Hayden for his road sign.
- Council Member Stoor asked if he had 600 East on the asphalt radar. Hayden said yes that road and also Midvalley.
- Council Member Ross asked if there was any forward motion on making a 90-degree turn where Midvalley meets Highway 91. Hayden said they are waiting for the subdivision right there in the final plat. Then they will give us that right of way.

Devin Kwiatkowski

- Council Member Ross asked if there has been more vandalism now that the school is out. He said yes windows from cars have been broken.
- City Manager Dotson said they are finishing up the architectural design of the new police department building. They changed the contract to remove the basement so there are two plans to give bids on. They would have had it out for bid already.

Ashley Horton

- She has been staying busy and trying to submit a bunch of reports.

City Manager Dotson

- He sent an application in to the Iron County Rural Transportation Advisory Committee to purchase property for 5200 North between 600 East and Half Mile Road. The meeting will be next month to approve the purchase and funding.
- We didn't get the grant for the underpass. So, he put together a CIB Grant application. The previous grant was a match of 6.77% and the County, and Cedar City were going to commit a third of the total amount. This is a match of 50%. However, they have not committed their third of \$50,000. He didn't feel comfortable applying for that without a commitment from them. UDOT said they may pitch in before October.
- It might be a good idea for the Enoch City Council to contact the Cedar City Council Members to ask them to slow down this process with the reuse instead of going full force. He asked that if they had any contacts, to call them and let them know that we want to participate. Justin said there are other dynamics that come into play. There was a discussion about collaboration regarding water reuse.

Lindsay Hildebrand

- She has been working with Andy Losee to get the baseball program where it needs to be. It has been going pretty well.

Mayor Chesnut

- He noted that he is taking donations for the Wings of Death for the 4th of July. The sauces are about \$350.00 and the total prizes are about \$1500.00.

Council Member Ross

- The Planning Commission is working on the PUD parking section of the ordinance.

Council Member Stoor

- He thought there were candidates that wanted to join the Recreation Advisory Board. They are due for a meeting this month.

Council Member Tingey

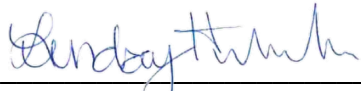
- He still needed more surveys from the Historic Preservation questionnaire.

Council Member Ley

- Her Newsletter was hard for her to read and emphasized her desire for it to be printed in black and white. The printouts in the office are great. City Manager Dotson said we have more people telling us how much they love the colored Newsletter.

- Regarding the 4th of July, she wondered if she had to go through a certain process to purchase supplies. Ashley said within reason we can purchase things for her. She suggested meeting with her to go over everything.
- Mayor Chesnut said Tyler LeBaron wanted to add an arm-wrestling competition at the 4th of July festivities.
- The Antique Car Club will park on the outfield of the park. The Lions Club has a dunk tank that we can use. Ashley also has a foam machine.
- Council Member Ley asked about looking at the road load as an ordinance for our community. There was a concern about heavy trucks on a private road. Justin said he thought if it's a chip-sealed road, you may not be able to. City Manager Dotson said we would have to make it uniform for the entire city.

17. ADJOURN - Council Member Ross made a motion to adjourn. Council Member Stoor seconded and all voted in favor.



6/19/2024

Lindsay Hildebrand, Recorder

Date