

MINUTES
ENOCH CITY COUNCIL
March 1, 2023 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Richard Jensen
Council Member West Harris - Excused
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Robert Dotson, City Manager
Ashley Horton, Treasurer
Justin Wayment, City Attorney
Hayden White, Public Works Director
Lindsay Hildebrand, City Recorder
Jackson Ames, PD Chief

Public Present: Leonard Correa, Danica Hoyle, Delaine Finlay, Lt. Clint Pollock, Ben Johnson, Darrin Fraser, Sarilee Fraser, Chelsey Young, James Thelin, Tom Mitchell, Desaree Chesnut, and Jana Hassett on Zoom

1. CALL TO ORDER OF REGULAR COUNCIL MEETING

- a. **Pledge of Allegiance-** Led by City Manager Dotson
- b. **Invocation (2 min.)-Audience invited to participate-** Given by Sarilee Fraser
- c. **Inspirational thought-** Given by Council Member D. Harris
- d. **Approval of Agenda for March 1, 2023- Council Member D. Harris made a motion to approve the agenda. Council Member Ross seconded and all voted in favor.**
- e. **Approval of Minutes for February 15, 2023- Council Member D. Harris 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

Leonard Correa said he and his wife requested that there be more trees planted in the cemetery, especially with Arbor Day coming up.

Lt. Clint Pollock with Cedar City Police Department and Ben Johnson, School Board President came to the meeting to relay information and talk about an incident and timeline that took place at Canyon View High school on Monday and Tuesday. Lt. Pollock read a report issued by the Cedar City Police Department. Law enforcement and school officials worked hand in hand. Mr. Johnson said the police advise the schools about precautions to be taken. There had been a lot of misinformation that had gone out mainly because of a lack of evidence. Council Member D. Harris asked if the suspect was a former student and a juvenile. Mr. Johnson said it was a juvenile and it was not a student.

Danica Hoyle asked how people could access any 911 calls that would have happened the night before. Mayor Chesnut said you would have to make a GRAMA request. Her concern was a rumor that she heard. Mr. Johnson said there was a rumor of a 911 call reporting a threat of gun violence against the school. That was not the case. That did not happen. Council Member Jensen said he appreciated the clarification of the timeline. He then asked if the school had a short lockdown on Tuesday, as police were arresting the suspect. Mr. Johnson said that was a concern for people. The police had eyes on the suspect the entire time, prior to the arrest. They did a lockdown at Fiddlers Elementary school because of the proximity of the arrest. They locked down

Canyon View High school and Canyon View Middle school as a precaution. There was a conversation about the reasoning as to why all three schools weren't locked down immediately following the initial report of a potential gun on campus. Council Member D. Harris said there was a time when the schools went on lockdown because someone had a leaf blower. He noted that some kids have anxiety about a lockdown, which ultimately could be for nothing.

There was more conversation about the timeline and whether the police had eyes on the individual or the vehicle.

Chelsea Young came to the podium and noted that the report stated the juvenile said he thought a gun was pointed at him. Then the suspect came back to the school and another kid after pointing a gun at four other students. She thought that everything should have been stopped at that point. Danica Hoyle said she had a feeling that the police knew about the suspect's previous incidents, which is more of a reason to put the school on lockdown. The students are scared. They don't trust the police right now, or the principal. She has had multiple messages that they don't trust the school resource officer. She is looking for them to ease these kids' hearts. It sounds like the police did their due diligence, but there are still people upset about the way the situation was handled. Mayor Chesnut said he understood the press release. He asked Mr. Johnson to walk through what the procedure is for making a determination as to whether to enter a lockdown situation. Who makes the decision and what is it based on? Mr. Johnson said if there is an act of violence constituting the need for police, the school will rely upon them for their expertise to help determine the need for a lockdown. Mr. Johnson went over the timeline of events. Mayor Chesnut went through a potential scenario about a suspect who is unmonitored for any length of time. He then asked if there is a procedure for knowing or understanding where that individual might be. From the time the SRO got the report, went outside to check, and then walked back into the school to view the camera footage, enough time had passed for the suspect to park and enter the school with the gun. What triggers a response or lockdown and is there a direct policy or procedure to follow? Lt. Pollock said for police response they have to determine if a crime had been committed. An hour had lapsed from the time it was reported to the time it happened. Mr. Johnson said if the student had said "they pointed a gun at me" the scenario would have changed. There was a discussion about policy.

Darren Fraser asked if they had to contact the police in order for a lockdown to happen.

Mr. Johnson said the Principle, Mr. Heaton can decide to lockdown. Mayor Chesnut asked if there was a protocol for him to make that decision. What is the level of threat that he has to determine is viable and is he trained in that assessment? Mr. Johnson said there is a policy associated. We are stating whether the principle should have locked down. By the time Mr. Heaton received the information, the school was letting out. The administrator will lock the school down if there was a viable threat. Mayor Chesnut asked what is deemed a viable threat. He thought the administration and the district should have a policy in place where they can act independently on less than whether or not the officer investigated sufficiently to determine if there was a viable threat. He noted that he wasn't speaking personally to Mr. Johnson or Lt. Pollock. He hoped that the District and the administration can provide a better response than "we rely on the police". The Police are doing enough.

Council Member Ross said it sounds like a lot of us are not happy about how this was handled. She had her concerns too. While this is a City Council meeting, she felt that some of these questions should have been brought up to the Iron County School District. She asked when the school meetings are held and if there was a Zoom option. Council Member Jensen said the next meeting is the 3rd Tuesday of March at 4:30, which is a work meeting. The 4th Tuesday at 5:30 is the meeting for public comments. Council Member Ross suggested holding a special meeting School District meeting. Council Member Jensen said he had questions about the timeline and the incident in the parking lot. He asked what Mr. Heaton did to increase security for kids leaving school at 2:30. Mr. Johnson said Mr. Heaton didn't do anything. Council Member Jensen said it

would seem reasonable to get more help at the school than just the SRO. He also mentioned that the statement said the high school didn't go into a lockdown because they had the suspect under surveillance. There were 5 people arrested, all related to gun-related charges, over incidents over the prior weeks and days, related to this incident. He asked if all five of those individuals were under surveillance at the time kids were going to school. Lt. Pollock said the only report they have was just the one individual. Council Member Jensen noted that the other five people could have been at the school and a threat to students. Lt. Pollock said he was unsure of the other five individuals that he was speaking of. This incident was only related to one individual and didn't know if they were related to the other five. Council Member Jensen read a portion of the statement issued by the school. Mayor Chesnut said if the arrests are not connected then it would be good to know that. Lt. Pollock said the other arrests are not their investigation. Council Member Jensen asked, with all of it happening, at what point were they going to notify parents. The public only became aware when a news article went out on social media. Mr. Johnson said as the school went on lockdown, a Remind went out to all parents. Council Member Jensen said that happened about 24 hours after a gun had been on campus. There was more conversation about notifications. Mr. Johnson said the police and the School District could do a better job with notifications. Mayor Chesnut said we all need to collaborate to find the problems and fix them. He said it is unacceptable for the district to say we rely on the police. Mr. Johnson wanted to be clear and said that the school does not have to wait for the police to tell them to lock down the school. He said safety is a number one priority and concern. They will look at their policy and have a safe school policy evaluation.

3. PUBLIC HEARING REGARDING THE 2023 RECREATION IMPACT FEE FACILITIES PLAN & ANALYSIS

Council Member D. Harris made a motion to close the regularly scheduled City Council meeting and open a public hearing regarding the 2023 Recreation Impact Fee Facilities Plan & Analysis. Council Member Jensen seconded and all voted in favor.

Janna Hasset was on Zoom and said she had three questions. She asked if the trails listed were all non-motorized. She asked if the plan was a final build and if there was ever a modification to the trails, will that result in another public input process. There are a bunch of trails and she was concerned about the volume of users. City Manager Dotson said yes all of the trails are designated as non-motorized. This is a plan put in place that is generally because it's required for impact fees to be collected and could change. Regarding her third question, City Manager Dotson said yes, however, usually we do an impact analysis every 6 years and we have to spend those fees collected and use that money within those 6 years.

Leonard Correa was in person and said after the last meeting he thought that Council Member Jensen mentioned Cedar City's Park Impact Fee was about \$1,200. Leonard thought that was a good figure because it's something the Home Builders Association should be fine with because it won't affect the growth of Cedar City and the amount is less than Cedar City. The impact over a 30-year mortgage would be minimal. It would be enough to give us the funds needed to finish our parks.

There were no other comments.

Council Member D. Harris made a motion to close the public hearing and return to the regularly scheduled City Council meeting. Council Member Jensen seconded and all voted in favor.

4. CONSIDER SETTING AN ADOPTION DATE FOR ORDINANCE NO. 2023-03-01-A AN ORDINANCE APPROVING THE 2023 RECREATION IMPACT FEE FACILITIES PLAN & ANALYSIS

Council Member D. Harris said they had previously discussed the fee anywhere from \$750 to \$1,350. He agreed with \$1,200 but wanted to make sure that when looking at more vital impact fees they weren't expending too much capital in one area. Council Member Jensen asked how far in the future would be realistic to adopt this plan. City Manager Dotson said the date they would approve would be today and by state code, it goes into effect in 90 days.

Council Member Jensen made a motion to adopt Ordinance No 2023-03-01-A an ordinance approving the 2023 Recreation Impact Fee Facilities Plan & Analysis with a new impact fee of \$1,200. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member W. Harris: Absent
Council Member D. Harris: Yea	Council Member Jensen: Yea
Council Member Stoor: Absent	

5. CONSIDER AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES CHAPTER 9.400.412, SECTION B, LICENSE APPLICATION – Distance from church or school building

City Manager Dotson said Family Dollar would like to sell beer and our ordinance requires that licensing can only sell beer within 300 feet of a church or school. There is a church about 231 feet away from Family Dollar. This would require a modification of the ordinance. Justin Wayment, City Attorney, said it may be a state code that says sets the 300-foot limitation. Council Member Jensen said he wouldn't mind changing that code. City Manager Dotson said when he reviewed it, he didn't remember seeing the distance requirement by state code. Mayor Chesnut said it is 32B1-202 and read that code. Council Member D. Harris when Family Dollar originally came in, the Council knew that they would be prohibited. Council Member Ross said if state code allowed it, she was ok with removing or modifying the distance of churches but was concerned about schools. Council Member Jensen asked if they could make an adjustment for churches rather than schools. Family Dollar had Mr. Crumley represent them. He said Google maps showed that 780 feet were the distance from the front door to the front door. Council Member Ross said there is a brick wall and that would make it not pedestrian. It's over 200 feet. Mayor Chesnut said the Council will look into it and bring it back at the next meeting. Mr. Crumley noted that the current ordinance did not specify how the measurement was done. He suggested adopting what the state provision was or the designation of the distance as the measure. Justin said the state wouldn't give them a license based on their requirements. The Council agreed to research it more and bring it back.

6. CONSIDER RESOLUTION NO. 2023-03-01-A A RESOLUTION GRANTING APPROVAL OF THE FINAL PLAT OF ASPEN ACRES SUBDIVISION - See Planning Commission Rec. – Platt & Platt

Council Member Ross said this came forward with a favorable recommendation from Planning Commission.

Council Member D. Harris made a motion to approve Resolution No, 2023-03-01-A a resolution granting approval of the final plat of Aspen Acres Subdivision. Council Member Jensen seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member W. Harris: Absent
Council Member D. Harris: Yea	Council Member Jensen: Yea

Council Member Stoor: Absent

7. CONSIDER THE APPOINTMENT OF A NEW MEMBER TO THE ECONOMIC DEVELOPMENT COMMITTEE – James Thelin

James Thelin said he lives in Enoch and realized that there is a market for businesses here. Our population is roughly 8,000. There are a lot of businesses growing and his goal is to help locals find success in their businesses. Residents don't know what is here and so they drive "into town" but this is the town. He has started a little company making sourdough. He would love it if they could bring locals here. It's scary to start a business and if there could be a magazine of the Enoch Chamber of Commerce. Why not keep this local? He is a business coach and has been watching the growth in Enoch, but he kind of pulls back to Cedar City for business things. He said he often listens to the previous City Council meetings and noticed that the Council asks, "What is Cedar doing?" We try to match them. It's time for Enoch to keep growing. It's great if we get other businesses from national chains, but this is about helping locals, knowing what our resources are, and networking. Council Member Jensen said he loved Mr. Thelin's enthusiasm.

Council Member Jensen made a motion to appoint James Thelin to the Economic Development Committee. Council Member D. Harris seconded and all voted in favor.

8. CONSIDER RESOLUTION NO. 2023-03-01-B A RESOLUTION TO ADOPT THE ENOCH CITY ENGINEERING STANDARD DETAILS – Hayden White

Hayden White, Public Works Director, said the engineering standard details are the new Enoch City Standards. A lot of them have already been approved by the Council. He gave examples of some of the changes including, R-1-1 zones without curbs and gutters, knuckles, and changes to the secondary water. He also mentioned that they added a sample station and a cleanout for camp trailers in the RV Parks for home or business.

Council Member D. Harris made a motion to approve Resolution No 2023-03-01-B a resolution to adopt the Enoch City Engineering Standards. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member W. Harris: Absent
Council Member D. Harris: Yea	Council Member Jensen: Yea
Council Member Stoor: Absent	

9. CONSIDER MULTIPLE WATER RIGHTS IN LEU OF A WATER ACQUISITION FEE

Merlin Mitchell said he owns a parcel of land and has some water shares that are attached to the city well. He spoke with City Manager Dotson said his water shares don't have the value that they used to. His shares have a priority date of 1963 and are valued at 13% of what 1934 shares of worth. He has 9 shares and is butted up to a well that the city has purchased and is converting to culinary. He asked if he could transfer, to Enoch, 8 shares of water at 13%, which would be a tad over \$20,000 for those 8 shares of water. He then would get one share of the hookup. City Manager Dotson said he wrote a draft and read it. The water acquisition fee was important in order to have funding for the West Dessert Water project. He also added that the valuation is described in another section. He is concerned about deeding more water rights to us than the valuation that we are requiring of everybody else. His valuation of those 8 shares of water rights is \$2600 an acre-foot based on the current appraisal. If an acre-foot is \$20,000 then 8 shares are 104%. This means that potentially this may cause a situation where we owe him 4% more than his 8. He wanted to make it clear that any additional water rights can only add up to the value of one

acre-foot for each connection. Mayor Chesnut said in this case he would convey 7 shares and cover the additional in cash. Council Member Jensen asked if there was a reason that Mr. Mitchell couldn't decide to forfeit that extra percentage. City Attorney, Justin Wayment said no, however, he was concerned about the potential new law, this year, that states you can only require the exact amount of water that an average user uses over the last 5 years in your city. Which he says is not appropriate because you would never work from the average. City Manager Dotson said once that new law is enacted then there is no such thing as "grandfathering". Mayor Chesnut said they could bring it back as a proposed ordinance. City Manager Dotson said we have to have a public hearing and it has to go through the Planning Commission. Justin said he doesn't agree with the law and thinks its wrong. Council Member D. Harris said he is ok to do this as long as it's legal. Council Member Ross said she would like to hear the Planning Commission discussion. Mayor Chesnut confirmed that it will go on the agenda for discussion pending the outcome of the legislative session.

10. CONSIDER ORDINANCE NO. 2023-03-01-B AN ORDINANCE APPROVING THE REVISED GENERAL PLAN - See Planning Commission Rec.

Council Member D. Harris read through Commissioner Ley's Vision Statement and liked it. Council Member Ross said the Planning Commission worked very hard and she felt they did a good job.

Council Member D. Harris said the Planning Commission did a great job. He made a motion to approve Ordinance No. 2023-03-01-B an ordinance approving the revised General Plan. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member W. Harris: Absent
Council Member D. Harris: Yea	Council Member Jensen: Yea
Council Member Stoor: Absent	

11. COUNCIL/STAFF REPORT

Hayden White reported that the crew had been working on fixing plow trucks. City Manager Dotson read a report from Chief Ames. Officer Devin K. was cleared from the investigation. Today was his first official day back. The animal shelter is busy and Chris has asked for another part-time employee. Officer Orton said the County shelter had a parvo outbreak so they have had to help mediate overflow. Mayor Chesnut said he appreciated the efforts of the officers.

Justin Wayment said he believed that the state code to sell beer within a certain distance of a church is an OR so it has to meet both requirements. There was a short discussion.

City Manager Dotson said they need a closed meeting to talk about the potential purchase of water rights. Also, he and Hayden have talked about enhancing Highway 91 but are looking at potentially getting an application for funding all the way north.

Lindsay Hildebrand reported that she has been working on the Tball/Coach Pitch program and Bailey is working on getting the Easter Egg Hunt ready.

Mayor Chesnut said he attended the Iron County Coordinating Council of Governments meeting where Commissioners talked about the jail moving forward. There was also a discussion about Brian Head. Iron County will need to get ready for potential issues regarding water coming off the mountain. They are still looking at more snow. In 2005 there was enough water that old lake Quichapa Lake flooded. Homeowners sued three entities. We need to be ready with sandbags, especially around Coal creek. City administrations from various cities talked about sewers. There is a lot happening. It was pushing maybe a district model because the connections are getting closer. The south interchange is about a \$65 million dollar project.

Council Member Ross said she is excited that the General Plan is finished. There are also new subdivisions that may be coming in.

Council Member Jensen apologized for seeming contentious during the public comments. He had asked them to come and explain the decision-making. It is also possible that he may be moving to Missouri.

- 12. CLOSED SESSION TO DISCUSS ONE OR MORE OF THE FOLLOWING: THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, COLLECTIVE BARGAINING; PENDING OR REASONABLY IMMINENT LITIGATION, THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF WATER RIGHTS OR WATER SHARES; DEPLOYMENT OF SECURITY PERSONNEL, DEVICES OR SYSTEMS; INVESTIGATIVE PROCEEDINGS REGARDING ALLEGATIONS OF CRIMINAL MISCONDUCT.**

(Requires a roll call vote with 2/3 majority)

Council Member D. Harris made a motion to go into a closed session to discuss the possible purchase of real property. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member W. Harris: Absent
Council Member D. Harris: Yea	Council Member Jensen: Yea
Council Member Stoor: Absent	

- 13. ACTION FROM CLOSED MEETING-**

- 14. ADJOURN**

	3/15/2023
<hr/> Lindsay Hildebrand, Recorder	Date