

MINUTES
ENOCH CITY COUNCIL
March 7, 2018 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
Robert Dotson, City Mgr-absent
Jackson Ames, PD Chief
Earl Gibson, PW Dir.

Public present: Dilworth Armstrong, Franklin Tilley, Dave Jacobson, Bryce Jacobson, Troop 1846, Brian Johnson and Kent Brown

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00pm, He excused City Manager Dotson
 - a. **Pledge of Allegiance-**Led by Council Member Owens
 - b. **Invocation-**Audience invited to participate-Given by Franklin Tilley
 - c. **Inspirational thought-**Given by Council Member Lee
 - d. **Approval of Agenda for March 7, 2018-Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Lee and voted in favor.**
 - e. **Approval of Minutes for February 21, 2018- Council Member Ross made a motion to approve the minutes. Motion was seconded by Council Member Harris and voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-**None stated except Council Member Ross noted on item #5 her family owns shares in Union Fields.

2. **2018-03-07 A RESOLUTION PROCLAIMING SATURDAY, APRIL 28, 2018 AS ARBOR DAY**

Council Member Stoor made a motion to approve Resolution No. 2018-03-07, a resolution proclaiming Saturday 28, 2018 as Arbor Day. Motion was seconded by Council Member Harris 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

3. **SET A PUBLIC HEARING ON THE HARDIN FAMILY TRUST ANNEXATION FOR MARCH 21, 2018**

Mayor Chesnut said this is the next step in the process. Council Member Harris made a motion to set a public hearing for the Hardin Family Trust annexation for March 21, 2018. The motion was seconded by Council Member Owens and all voted in favor.

4. **REPORT FROM THE RECREATION ADVISORY BOARD-Dave Jacobson**

Dave Jacobsen of the Recreation Advisory board came up and passed out some maps saying they are working on a few projects. Iron Works Park and Iron Mountain Park are two of the projects for this year. We are waiting for the design work on the retention basin in Iron

Mountain Park to determine what can be done there. The other park is Iron Works Park where they plan to establish a trail on City property. He referred to the one mile long trail shown on the map he passed out. He gave details of the plans for the walking, biking trail. This will not be open to motorized vehicles and will be fenced to keep them out. They want to apply for an outdoor grant of \$20,000 which is a 50/50 match. It will cost approximately \$20,000 to construct the trail. He explained on the matching grant, we have to pay for it upfront and then get reimbursed. We get credit for "in kind" labor up to 25% so it is not all cash for our match. This is the Utah Outdoor Recreation Grant. There is five million available and the application deadline is 4-15-18. The grant is for recreation opportunities in rural communities so we have a good chance of getting it. Council Member Lee added the fact that this is well planned will help our chances. Dave Jacobson said he is asking for permission from the City Council to pursue the grant. Mayor Chesnut said this does not need a motion and we are in favor of pursuing the grant.

Dave updated the Council on the grant we already received to extend the paved trail from Horseshoe Drive to the Rec Complex and around the field. They need to do the environmental impact study work and he is working on that now. Switching to BLM plans Dave said he is the outdoor recreation planner for them. BLM is working on a proposal to extend a non-motorized trail to Hwy. 91. This is outside of the Enoch City limits but he wanted to make the City Council aware of the project because it will benefit Enoch City. It will be a BMX track of about an acre. Council Member Stoor asked about the interstate and the box culvert. Dave said the project is by the smaller culvert. It is conceptual at this point. There was more discussion of extending a trail from this project to the Rec Complex at some point in future. Dave added they have planned for parking. There will be some traffic on Hwy. 91 and the speed limit is already 45 mph there however they may need a crosswalk. Mayor Chesnut thanked him for the hard work.

**5. DISCUSS PLANNING COMMISSION AND WATER BOARD
RECOMMENDATION REGARDING AMENDING THE ENOCH CITY
SUBDIVISION ORDINANCE, CHAPTER 2, REGARDING SURFACE WATER
SHARES VS. UNDERGROUND WATER RIGHTS REQUIREMENTS FOR
DEVELOPMENT**

Council Member Harris said he has been in on the discussion in Planning Commission and Dilworth participated in the Water Board and at Planning Commission meeting. Mayor Chesnut asked Dilworth to tell them about this. Dilworth said what brought this up is someone with ten acres who wants to develop four lots and only has surface water shares and not underground water. He told about the difference between the two types of water. He gave many details of how the Coal Creek water is divided up and about the Union Fields and East Extension primary rights starting April 15th for water from Coal Creek for irrigation. He noted this is not culinary water and is only suitable for irrigation. He said the Union Fields has a primary water right all summer long of 21 second feet per second. That is about equivalent to a three foot culvert clear full and flowing. That comes to all the farms in this area from Hwy. 91 to west of Minersville Hwy. Council Member Lee clarified that is surface water. The problem they have with surface water is that it is variable due to weather and run-off. He added the Union Fields has a supplemental well with 200 AF of water in it to use as a supplemental right in the summer when water from Coal Creek is low. He said he has records from many past years that he has checked and he gave details. They have reached over 6 AF per share in some years and in other years only 1 to 2 AF per share. The Water Board tried to consider bad years and average it out for the recommendation of one (1) surface water share for two (2) AF of underground water. Dilworth added he can see some problems because farms as they go to subdivisions most only have the surface water but not much underground water. We will need to readjust and that will take planning and discussion again in the future. We would use some of this water to develop our secondary irrigation system in the future.

Council Member Harris added the water engineers consulted gave a figure of 3.64 AF. The one (1) surface water share to two (2) underground rights is a more conservative trade off because the City will have costs to make use of this water. This is not culinary water and is only for irrigation. For now we would try to recharge the aquifer with it until we develop the secondary irrigation system. This “in lieu of” trade is only for these two water companies. The ultimate goal is to give some flexibility to develop homes that will not impact us in a detrimental way. The Planning Commission beat this pretty hard but they did agree with the Water Board recommendation. Most years we will be good. There was brief discussion of the supplemental rights in the well the Union Fields owns. Mayor Chesnut said that well water is also involved. The Union Fields Irrigation Company can pump the well, not individuals. The 200 AF in the supplemental well is there for use towards the end of June to September. It was noted in the discussion that Chairman Gardner of the Water Board said we can’t have too much of this surface water. We want all we can get because it is cheap water. The only expense is the ditch maintenance to your property. It is gravity feed so there are no pumping costs. With culinary underground water there are pumping bills and repairs and that has costs. There was brief discussion of the times in the past when we have accepted surface water from Dave Hatch for Hawthorn Subdivision and from Willow Glen Inn. We did not codify it into code at that time and the basis for the trade was not known. Now it is necessary to get this in writing in our code. Council Member Stoor asked if this is a good deal for Enoch. Dilworth said yes it is. More farms will be developed and that surface water will be valuable. Council Member Stoor asked if we will have to store that water. Dilworth said there are 3 or 4 ponds that store it now. Basically that is a start. As subdivisions come in they may want to look at putting in more small ponds for our turn at the water. Council Member Harris said our storm drainage work may tie in with some of that. If we don’t use the water we can take it for recharging the underground aquifer. Dilworth added the water out of Coal Creek in these two companies is dedicated and decreed for within this area only. It cannot be transferred to any other areas of valley. It has to stay here. That is why we are trying to make this work for the owner Mayor Chesnut said. We want to accommodate if we can.

6. ORDINANCE NO. 2018-03-07 AN ORDINANCE AMENDING THE ENOCH CITY SUBDIVISION ORDINANCE, CHAPTER 2 REGARDING WATER RIGHTS REQUIREMENTS

Mayor Chesnut asked for a motion. **Council Member Harris made motion to adopt Ordinance No. 2018-03-07, an ordinance amending the Enoch City Subdivision Ordinance, Chapter 2, regarding water rights requirements. The motion was seconded by Council Member Stoor 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

7. UPDATE ON NUISANCE ORDINANCE DISCUSSIONS

Mayor Chesnut asked Council Member Lee to lead off. She said they had a very productive meeting. They ended up coming up with a basic framework for change. One thing moving forward first is to deal with the abatement side of this issue. How do we determine what we will do if there is an offence? They are leaning toward a tiered approach starting with more mild infractions and then on up. A lot of things are not that big of an issue and could be handled by sending a letter. The cost to abate major problems is an issue. If the City has to do that we don’t know yet where the money will come from. We need to try to get some figures of costs of what it would be and then define nuisances. The committee will meet next week sometime. Council Member Ross said it was a good meeting and the group is mostly in agreement. Council

Member Lee said there are different points of view and that will help our community. It will come back onto the agenda as it moves along.

8. PUBLIC COMMENTS-Mayor Chesnut invited comments.

Brian Johnson of Ravine Road said his comment is would it be possible to put road signs where the road narrows to let people know it is narrowing on Hwy. 91. It is hard to see in the dark and is a hazard. There is a sign that says the road narrow but chevrons painted on the road would be helpful. ***Council Member Harris said we have a sign budget and may be able to do that.***

Kent Brown of 4549 Maple Lane said he is concerned about all the messes around Enoch and he passed out pictures. About nuisance the ordinance, it is either a law or not a law. He thought they were trying to avoid the issue. This is an attitude in Enoch and not just dirty yards. He took pictures all over town. He noted the cars parked, unlicensed and not being moved for 30 years. That represents trash and needs to be taken care of. The problem is nobody cares. Chief Ames and he have talked to about this and Chief Ames said he does not care about junk cars on lots. He saw nine unlicensed cars parked on the streets. That is against the law in most places. Not in Enoch City. This devalues property. We need action to clean this up. Maybe fines but the law needs some teeth. He has made formal complaints several years ago and nothing was done. Nobody cared because it is an attitude in Enoch. He said you work for us all in the City. The obligation is to not tear down property values and safety and security in town. We need to agree to live in a clean city. This is citywide. Three people have to complain before they abate a nuisance. Send letters or cite people. Send weed letters. His home value has gone down. A home in Cedar City just like his sold for \$400,000 and his lot is better but has a lower value. It is time you as the City Council do your job and look out for all in the City. ***Mayor Chesnut said his points are well taken and they are talking about this now. The issue is our ordinance does not define what a nuisance is. It is really vague and we are trying to mitigate that now. Mayor Chesnut told about Cedar City's ordinance where everything is listed. The former City Council gutted the nuisance ordinance and now we are working on this by deciding what we are willing to do to abate. What is the level of intrusion we are comfortable with? It could be from sending letters to incarceration. What are we willing to do for the better of the whole? From there we can put together a list. We are trying to balance this, Mayor Chesnut said. It is your right to quiet enjoyment of your property against others rights to enjoy their property, junkie or not. How do we balance those rights? We are taking this seriously. Council Member Harris added because State law allows for no subjectivity it has to be all written in our law. There will always be loopholes but we can't be subjective. Mayor Chesnut told about real concerns of deciding what is a nuisance. We can't say it depends. That is the issue. Litigation and courts say it has to not be subjective or say "unsightly" because that definition differs with people. We are starting from the back end and saying what are we willing to unleash the power of government on. Code enforcement sees "X" and they do "Y". Council Member Lee said we have to figure costs too. The working group met for almost two hours to figure this out. It is the community good against individual property rights. We are working on this and it is not going away. Mr. Brown said this is an attitude and he would like to help change that attitude. We are rural but that does not mean unsightly Council Member Lee said. His concerns are not on deaf ears. How do we do an attitude adjustment in the City Mr. Brown asked? Mayor Chesnut said is it the carrot or the stick. Education might help. They are up for ideas. Council Member Ross told about Council Member Stoor's neighborhood that did a clean up there. Start small like that. Mayor Chesnut said whatever we do the community has to come along.***

Franklin Tilley said he wanted to report on the CERT program and garner more support from the City. He has been teaching it since 1995 and recently gave a course to the nursing students at SUU. He would like to teach it to the community members and get the CERT group going again. It matters a lot. He has been through a tornado and having trained help in emergencies is

