

MINUTES
ENOCH CITY COUNCIL
May 2, 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
Jackson Ames, PD Chief
Earl Gibson, PW Dir.

Public present: Dilworth Armstrong and Franklin Tilley

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 6:00pm.**
 - a. **Pledge of Allegiance-Led by City Manager Dotson**
 - b. **Invocation-Audience invited to participate-Given by Franklin Tilley**
 - c. **Inspirational thought-Given by Council Member Stoor**
 - d. **Approval of Agenda for May 2, 2018-Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Owens and all voted in favor.**
 - e. **Approval of Minutes for April 18, 2018-Council Member Ross made a motion to approve the minutes. Motion was seconded by Council Member Harris and all voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-none stated**

2. **DISCUSS RECOMMENDATION FROM THE PLANNING COMMISSION ON AMENDING THE ZONING ORDINANCE, CHAPTER 18 REGARDING CONDITIONAL USES**

Mayor Chesnut asked Council Member Harris to tell them about this. Council Member Harris said the Planning Commission went through this exhaustively and changed many items or took them off the list. Most things are either permitted or not. There are two items with conditions. The State Code now requires us to have conditions written in our Code so all understand the uses. It takes the subjectivity out of it on saying yes or no. We say yes if they meet requirements and no if they don't. Conditions are hard to outline but just a few items needed some. They went through this list several times and debated many scenarios and possibilities and they did their best to allow what we want here and mark out what is not appropriate for this community. He asked for questions.

Council Member Stoor asked about big box stores and what is the definition. Council Member Harris said big box is like Walmart. Sometimes they come in as an anchor store with other smaller stores nearby. They would need to rezone to R-C to do that. It prevents someone from putting a big box retail location near lots of homes which would cause real traffic issues. Council Member Harris explained the categories. Almost all of Enoch is Community Commercial (C-C). Zones can be changed if need be. It was noted by City Manager Dotson where the new animal shelter is located is Regional Commercial (R-C) and is the only area in Enoch with that zone. Council Member Lee said she is wondering about the north end of town where that fenced in area is for storage. She was told it met the requirements for that zone so it was permitted. She

said going back to big box stores what you describe does not seem like it would be appropriate to have it way out of the City. She wondered about that. Council Member Harris talked about the increased traffic that would bring and we have to consider that too. It has to be in an appropriate area. Council Member Owens said it has to do with traffic patterns and that has to be taken into consideration. It gives us the opportunity to decide if an area would be appropriate for big box retail if they wanted to come in. This list is appropriate for the zones now and zones can be changed. There was more discussion of lumber yard, building material sales and hardware store and the differences between them. City Manager Dotson said there is a difference in these types of businesses so they are listed separately. Council Member Lee said she is ok to make changes to make things fit. Council Member Harris said we would figure out a way to do it if someone came in and wanted to do something different from what we have listed. Items that have “strike throughs” are permitted by default. More examples were given and Council Member Harris said it may not be perfect but we can juggle it if need be. This helps ensure traffic flow, safety and quality of life.

3. ORDINANCE NO. 2018-05-02-A AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 18, CONDITIONAL USES

Mayor Chesnut asked for motion.

Council Member Harris made motion to approve Ordinance No. 2018-05-02-A; an ordinance amending the Enoch city Zoning Ordinance, Chapter 18, Conditional Uses with the note that lumber yard is NNNP as corrected. The motion was seconded by Council Member Owens 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

4. DISCUSS RECOMMENDATION FROM THE PLANNING COMMISSION ON AMENDING THE ZONING ORDINANCE, CHAPTER 7, DESIGN REVIEW

Mayor Chesnut said when a proposed commercial building project comes into town they have to provide a design review site plan. The site plan shows parking, driveways, set-backs and other features of the site. We have requirements stated in our ordinances that must be met. The current ordinance says they have to bring it to the Planning Commission who then recommends to the City Council. It actually does not work that way. The legislative body sets the rules already and currently applicants come into the office to administration and go through the punch list with City Manager Dotson. Going to the Planning Commission is redundant. If they meet requirements the Planning Commission can't say no. The proposed ordinance makes a change to remove the Planning Commission out of the equation and also the City Council because they can't say no if it is approved by administration when they meet the requirements. An applicant can appeal that decision if they feel it is arbitrary. Administration enforces them. City Manager Dotson added the only recourse if they don't like a decision is to appeal to the Planning Commission and then to the City Council if they don't like the Planning Commission's decision. After that it goes to the Land Use Appeal Authority who can only regulate certain specific things; after that goes to District Court. Basically administration has the list that we passed as requirements and the project engineer shows City Manager Dotson they are in compliance and they fix it if they are not. Council Member Lee asked about Section 7-6 and the wording “may” and “shall”. It was noted that is so it is not arbitrary. “May” does not comply with State Code. State Code says if they comply they have to be approved. This frees the City Council and Planning Commission to deal with more essential things. It is an administrative action with administrative approval. The building permit process also includes the Pretreatment Coordinator from the Wastewater

Treatment Plant and the Fire Marshall to oversee this too. In those cases they are the “designee” for those issues as listed in the Code.

5. ORDINANCE NO. 2018-05-02-B AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 7, DESIGN REVIEW

Mayor Chesnut asked for a motion.

Council Member Harris made a motion to approve Ordinance No. 2018-05-02-B, an ordinance amending the Enoch City Zoning Ordinance, Chapter 7, Design Review. 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

6. OPEN 2017-2018 BUDGET, DISCUSS CHANGES AND SET A PUBLIC HEARING FOR JUNE 6, 2018

Council Member Harris made motion to open the 2017-2018 budget, discuss it and set a public hearing for June 6, 2018 and all voted in favor.

Mayor Chesnut asked Ashley about the changes and she projected them on the screen. She talked about the general fund changes saying they are adjusting things within line items to make it cleaner. No more money is needed. Salaries, wages and benefits were mostly the changes shown. She explained some changes and went through the list. She noted the PD line item is a “pass through” for turning in some radios to buy new radios. One main thing that we talked about last meeting was purchasing the new trash truck. It was the preferred option to get it done this year so that is showing now in capital outlay that we had some extra money in. We will also take from savings and the general fund loan to buy the truck. That leaves \$160,000 for the animal shelter. We used the left over excess general fund money. She said she adjusted the sewer fund to show the refinance. We had to have some funds from savings to pay some of the fees for that so she transferred that. She talked about other small adjustments where we need more to finish out the year. The water fund had extra water meters to buy and the payment to the Trujillo’s so we needed \$9000 there. A couple of other things were noted. Ashley said to balance we put less into savings. She asked for questions. There were none. She will make changes with the budget open and they need to authorize her to make other small changes as needed to get through the end of the fiscal year as bills trickle in. We will put the budget on the website so people can see it before the public hearing. Last year the City Council authorized her to make adjustments as the year comes to end so we don’t need to reopen the budget. We will approve the 2017-2018 budget by resolution after the public hearing with that permission included.

7. DISCUSS TENTATIVE 2018-2019 BUDGET AND SET A PUBLIC HEARING FOR A DATE TO BE DECIDED

Mayor Chesnut said the date has to be for the next meeting. He said at the last City Council meeting the Council gave instructions to administration to include adding two officers to the PD into the budget. After consideration of what that means for our community he wanted to make sure for purposes of public education and the Truth in Taxation process that we did not run into the challenges we had before. It has to be clear to the community the reasons for this tax increase. We don’t have to have a tax increase to maintain the status quo. One City Council concern noted was that COLA was accounted for in those numbers and that COLA was found in this budget and is not part of the increase and that was figured in. To add two officers to the PD is the only reason for the increase that requires more property taxes to fund it. We made the change to benefits and adjusted the COLA without needing extra funding. The proposed increase makes the budget \$202,701 out of balance. That is the necessary cost to bring two officers online.

Council Member Harris said the last time we went through the Truth in Taxation process the proposed tax increase included salary increases but this time nothing is driving this other than we need more law enforcement officers. We have to say why we need to do this and say it exactly. We need to have the adult conversation. This is a specific need and this is what it costs and we make the proposal. Council Member Harris added, the temptation when people hear about this, is to say surely we can cut elsewhere to make room for this. It is important to understand there are times we budget for things and don't spend the money but we have to have the line item in case the need comes up. You can't cut elsewhere because it hampers us if other needs come up. People will nit-pick the budget but it is not that flexible. Most people don't have a household budget so they don't understand how it works. We can't operate the City that way. We have to have a plan. Council Member Harris said we need to communicate this to the community. It is not a general increase for X, Y and Z. It is for exactly this one thing. We don't need to raise taxes to maintain the status quo but we do need to raise taxes to deal with this issue of funding two new officers. The status quo will deteriorate if we don't take this action and people have to understand what that means.

City Manager Dotson said to the City Council you need to communicate with your constituents. Head it off before the action gets misconstrued. Mayor Chesnut went to the board where he had drawn out what this means as a way to communicate with the public. He said this is how he would talk to someone about costs to do things so they really understand what we are talking about. He detailed the information on the board. We have four (4) officers including Chief Ames and we get 160 hours out of each of them. In a seven (7) day week there are 168 hours. Right off the bat if we assume we want one officer on 24 hours a day we are short by eight (8) hours. We are either making a sacrifice or we pay OT. They work more hours. Now there is a six (6) hour window when there is no one on the street. Someone is on call but not out there. If that is acceptable to the community then that is fine. The question then becomes that presumes only one officer is on duty at any one point. What are his duties? Many are administrative. They are not on the road every minute of every day. They have to write reports for every incident. They also have to do investigations and give testimony at trials. Often the victim or perpetrator is in Cedar City or elsewhere. The officer on duty has to leave the community to go talk to them. Giving court testimony is OT because they are not on duty. Next we get to patrolling on the road. When an emergency arises we only have one person on duty. If one is in the fray then no one is on duty here in Enoch. Emergency calls are a problem with only one on duty. Operating at this shortage of officers they can never really leave their job. Training is required all the time to keep up and be professional. What do we do if we have illness or injury striking an officer? Time off is required. There is a high divorce rate in police work because of the long hours and time away from family. What do we want for our community? We want someone on patrol. We want officers in the schools doing community policing and proactive when they know of problems.

Council Member Stoor said keeping drugs down and keeping more of an eye out to keep crime at bay is proactive policing which is nearly impossible to do with the small staff we have now. Chief Ames said they have about 3000 calls per year. We had about 1170 cases last year. That is more than three (3) per day. Reports have to be written. Investigations average time take easily 8-10 hours plus. Then there is appearing in court, interviews and just talking to people. Chief Ames said the average CJC interview is an hour and a half. That is dealing with child victims and the CJC is in Cedar City.

Mayor Chesnut said he looks at as if we do nothing, this is what we get. Being on patrol in the community in order to keep an eye out for problems is almost non-existent with the small staff we have. This is how we need to articulate the concern. If we maintain the current status quo then there is no request for additional funds. The status quo is deteriorating and we know crime goes up with the population increase. Many calls are complaint based and we could be more proactive if we are patrolling and following up. They can't do that now. Crime exists but we can't address it. Council Member Lee said these four (4) officers do a really good job but are they going to be able to maintain that with the heavy workload and not much time off. She wondered

how many residents don't think there is a problem. That could be attributed to that they do a good job. There are a portion of residents that feel they are not doing a good enough job. The fact is they don't have the time to address things they would like to address.

There was more discussion of the numbers. Mayor Chesnut said we understand the disparity and we need to make the public understand it. This will catch up to us if we don't act. Property values will not increase if crime goes up. Mayor Chesnut cited the example of West Valley City and how out of control it has gotten due to inadequate policing. As we talked to people last time about what we needed the tax increase for it was too vague. We need to make sure as the leaders that the message of "this is what it is and why it is" and if we don't do this, over time it will get worse. That is neglectful as City elected officials. It is not good stewardship. Council Member Stoor added an individual could lose their life in a domestic dispute because an officer is not available. Residents don't see a problem unless it happens to them. Mayor Chesnut said he is seeing Facebook posts about incidents of stealing from cars. He cited other package stealing scams going around lately. Our PD is aware of "nuisance residences" where people are doing all sorts of things but are unable to act in a timely manner due to the shortage of officers. Council Member Owens said the ratio of officers per community members is very high here. He cited some numbers comparing us to other local cities. Officers need to be able to be proactive.

Mayor Chesnut said as a community we should appreciate our PD by not increasing their burdens. We are still below full coverage by two officers. They will still work an extra day of OT every week. We need to help residents understand this is a problem. This is specific and targeted and logical. We are the leaders and residents need to be a part of it. Council Member Stoor added we will lose employees if we can't get some stress off of them. They can't sustain this load indefinitely. Even though our wages have improved that is less palatable when the work load is so high. Council Member Stoor said we all hate taxes but we don't want the consequences. There are consequences of not doing this. This is the proper role of government. We can't carve out any more money to cover this from other areas. Council Member Harris said our case is solid and we just need to communicate this correctly. There may be a referendum but they have to get signatures. If we approach this as we should to educate the public then they won't sign a referendum. Council Member Stoor said we should use all communication sources; Facebook, website, newsletter and other thing we can think of. Council Member Stoor said we work for the community and we want to do what is best and this is it. If we have to have extra meetings and forums we can do that.

Mayor Chesnut asked for a motion to set the first public hearing. Council Member Harris made a motion to set a public hearing for May 16, 2018 to discuss to discuss the 2018-2019 tentative budget. Council Member Owens seconded the motion and all voted in favor.

8. PUBLIC COMMENTS-

Franklin Tilley said this was very informative and thanked them for the time and hard work to make this work out. His heart goes out to Chief Ames for the difficult job he has with such a small staff.

Dilworth Armstrong said to put this in the newsletter as presented so people see it.

9. COUNCIL/STAFF REPORT

Earl Gibson reported the road is ready to go to the shelter. The new well is not ready yet. We found a couple of things to fix and are working on that.

Ashley Horton said one thing we did is PEHP offered more than one plan and we narrowed it down to offer only one plan to save money. Now we have a 3% increase instead of 6%.

City Manager Dotson said the animal shelter/dog park groundbreaking will be held on Saturday May 19th at 5:00pm. Festival Country K-9's will facilitate that. Council Member Harris and

Council Member Ross said can't attend that day. City Manager Dotson said the dog park folks want to make it a huge deal and do sponsorships to name the road. The sponsors could donate funds and get in a drawing for naming of the road. It has to be a good name because other businesses will be locating on that road and we have to consider that. The City Council has to approve the name of the road. Chief Ames suggested we come up with three names and let the sponsors donate to the name of their choice and then the largest donor gets to choose. It was noted there is no time frame for naming the road. City Manager Dotson said we could discuss it in a meeting or the City Council Members and staff could email name suggestions to him. City Manager Dotson said on zoning there is a landowner who has a subdivision in R-1-18 and wants to rezone a portion to R-1-11. He has a piece of property in his initial subdivision that is big enough to rezone to R-1-11 if the City Council would approve it. In years past that was called "spot zoning" which is no longer illegal. This is a piece of property in an R-1-18 zone that would be reduced to the smaller lots in the R-1-11 zone. He asked if the City Council would be good with an application to rezone that. He said he told the developer he would bring it up in City Council meeting. He asked the Council Members to let him know what they think. He talked to Council Member Ross about an issue with a well since she is over water. Someone offered us a well with conditions that would cost the City money. It is on the west side of Enoch within an area that has been high in nitrates. That is why we have irrigation wells there. This well does not have power to it and has not been pumped for years. He asked us to pump it. We don't normally do that unless we know it is a good well and good for culinary use. If it is irrigation well we need to know what it pumps. We can't get that information from an appraiser. This owner needs to know if we are interested because he told Rocky Mountain Power that Enoch was interested. Council Member Stoor said he thinks the owner should have to pay for power to pump it. City Manager Dotson said this is not a priority for the long term or the short term. Dilworth told about the well saying it is no good. After talking to Council Member Ross last week we told him no. We have a lot on our plate now and we know of better wells to try to buy, lease or partner with. He reported he is meeting at 9:30 with the FD on their budget meeting. This is in regard to the Wildland Fire Interface funding. Also on Friday he graduates from SUU with his Master's Degree in Public Administration.

Chief Ames said he appreciates this consideration for the two new officers and the presentation. It is about the community and not about them. They want to provide the best service and be out there and have a presence. It deters crime. They want to give every investigation its due diligence. There are serious situations out there and victims. He reported they are up and running with new hand held 800 MHZ radios which will make a difference in officer safety.

Mayor Chesnut said the ICCC meeting was held today. He told about our planned 4th of July celebration and the hot wings eating competition called "Wings of Death". There was a good response from the attendees. We will try to get sponsors and t-shirts. He told about the ground rules. There will be three wings per round and water, milk etc. will be there but if contestants drink that they are eliminated. He has found the "HOT" sauces. Charlie's BBQ will furnish the wings. There will be a big prize, about \$750, which he is donating perhaps with help from others. He said to go on YouTube and look at "Hot Ones" to see an example of this event. He will be the MC and it will be entertaining and exciting.

Council Member Ross reported she attended the Wastewater Board meeting and learned about the sewer plant. Earl told them we want to be part of water reclamation project. Mayor Chesnut added we talked about it at the ICCC meeting today and they are open to partnerships. Council Member Ross also reported she attended ULCT Conference.

Council Member Stoor reported they attended the Tree City USA luncheon in Santa Clara to get our Tree City USA award. Also we held the Arbor Day celebration and had about 20 people or so attended. There was a good presentation on tree pruning. Daniel Allen, a Utah State Forester may prune all the City owned trees and the Tree Committee will help.

Council Member Harris said he missed the last Planning Commission meeting. They held the public hearings and the City Council passed their recommendations tonight.

Council Member Lee commented on the wing competition saying that sounds awesome.

Council Member Owens said he missed the last meeting but read the minutes. He said he appreciates the help with the 4th of July planning because getting volunteers has been discouraging. The 5-K race is online to register for that again. Fireworks may or may not occur. The EDC has several members out of town so will not meet tomorrow night.

City Manager Dotson said the soccer program was approved and it has taken off. People can register online and pay through PayPal. They have not found a place to play yet. They would like to use the Rec Complex but other soccer groups have it reserved already. It is first come, first serve. Council Member Lee suggested Liberty Park might work.

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

 5-16-18
Julie Watson, Recorder Date