

MINUTES
ENOCH CITY COUNCIL
November 17, 2021 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 West Harris
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder-Zoom
Ashley Horton, Treas.
J. Wayment, City Atty.
Hayden White, PW Dir.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Lindsay Hildebrand-Dep. Rec.

Public Present: Richard Jensen and Delaine Findlay

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 6:00 pm.**
 - a. **Pledge of Allegiance-Led by Council Member Stoor**
 - b. **Invocation-Audience invited to participate-Given by Council Member David Harris**
 - c. **Inspirational thought-Given by Council Member David Harris**
 - d. **Approval of Agenda for November 17, 2021-Council Member David Harris made a motion to approve the agenda. Motion was seconded by Council Member Lee and all voted in favor.**
 - e. **Approval of Minutes for November 3, 2021-Council Member David Harris made a motion to approve the minutes. Motion was seconded by Council Member Ross and all voted in favor.**
 - f. **Ratification of Expenditures-none**
 - g. **Conflict of Interest Declaration for this agenda-none stated**
2. **PUBLIC COMMENTS-There were no public comments.**
3. **SET A PUBLIC HEARING FOR THE ALAN WADE ANNEXATION FOR DECEMBER 1, 2021**

Council Member David Harris made a motion to set the public hearing on the Alan Wade annexation for December 1, 2021. The motion was seconded by Council Member Ross and all voted in favor.
4. **PUBLIC HEARING ON THE MODERATE INCOME HOUSING REPORT**

Council Member David Harris made a motion to close the regular meeting and go into a public hearing on the Moderate Income Housing Report. The motion was seconded by Council Member West Harris and all voted in favor.

Mayor Chesnut invited public comments. There were none.

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

5. CONSIDER RESOLUTION NO. 2021-11-17 A RESOLUTION TO APPROVE THE MODERATE INCOME HOUSING REPORT

Council Member Lee pointed out one date correction which City Manager Dotson said he would make. City Manager Dotson said we have talked before that the State is requiring we choose from three (3) strategies to promote moderate income housing. There are twenty (20) to choose from. There are things cities can do to help but some of these strategies are out of our control. We are already doing everything in our General Plan and reporting as required.

Council Member David Harris made a motion to approve the Moderate Income Housing Report with the date correction. Motion was seconded by Council Member West Harris and all voted in favor.

**Council Member Ross -Yes
Council Member Lee -Yes
Council Member Stoor -Yes**

**Council Member W. Harris -Yes
Council Member D. Harris -Yes
Motion passed unanimously**

6. ORDINANCE NO. 2021-11-17 AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH CITY ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 130.80 ACRES OF PROPERTY OWNED BY THE PENNY FAMILY TRUST FROM MIXED RESIDENTIAL M-R-2 AND SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11-

Council Member Ross said there was lots of public participation in the Planning Commission public hearing. They were worried about road access, water availability, which was explained and the meaning of the current zones of M-R-2 and R-1-18, which was explained. It was brought up that part of the property was sold to Gateway for expansion and there is already a parking problem there although that has nothing to do with this zone change. Council Member David Harris said Gateway will deal with their parking issues. It was noted that the frontage is commercial property along Minersville Hwy. and is in line with the General Plan. Council Member Lee had concerns about where the roads will connect. City Manager Dotson said they will be required to connect on 4200 North and down Spanish Trails Drive. They will also have ingress/egress on Minersville Hwy. which they will have to negotiate with UDOT. That will be an agreement between them and UDOT. The City requires they use our Master Planned Roads in their design of the subdivision. That is required before any subdivision plans are approved. Due to the size and density they have to do an access management plan and design how they will build it according to our ordinances. Requiring any design now is premature. City Manager Dotson said we won't approve the subdivision until they get their access worked out. Council Member Ross said we can't do what people said they want which is that they prefer it remain farmland. City Manager Dotson showed the map and there was brief discussion of the locations and roads again. He noted the current zone has been there for years with commercial frontage. That was created when another developer was coming in around 2006 and they ended up not doing the development. Council Member Lee said access is more scrutinized on Minersville Hwy. now than it was back then. They may need to face the subdivision to the west instead of east to make the road alignment work out. City Manager Dotson said Fosters made it work facing east so who knows what they will come up with.

Council Member David Harris made a motion to approve Ordinance No. 2021-11-17-A, an ordinance amending the General Plan Land Use Map and the Enoch City Zoning Ordinance by changing the zoning of approximately 130.80 acres of property owned by the Penny Family Trust from Mixed Residential M-R-2 and Single Family Residential R-1-18 to Single Family Residential R-1-11. The motion was seconded by Council Member West Harris and a roll call vote was held as follows:

Council Member Ross -Yes

Council Member W. Harris -Yes

Council Member Lee -Yes
Council Member Stoor -Yes

Council Member D. Harris -Yes
Motion passed unanimously

7. CONSIDER A MINOR SUBDIVISION AND PLAT AMENDMENT FOR THE STEAD PROPERTY ON HWY. 91-

City Manager Dotson said this was passed before in a previous Council meeting and tonight it is back due to a formality because the language that left out "plat amendment" to Village Green Farms.

Council Member David Harris made a motion to approve the Minor Subdivision and Plat Amendment for the Stead property on Hwy. 91. The motion was seconded by Council Member West Harris and all voted in favor.

8. CONSIDER A MINOR SUBDIVISION AND PLAT AMENDMENT FOR THE ALAN WADE PROPERTY CONTINGENT ON APPROVAL OF ANNEXATION-

Council Member Ross asked if this item may be better considered in the next meeting with the pending annexation. It was noted we do not have jurisdiction until the annexation is completed. Mayor Chesnut confirmed that is the case. They have to complete the annexation first before we vote on this action. He said he had the same experience in Parowan with a landowner he represented. It will come back on the next agenda with the annexation. No action was taken.

9. CONSIDER ORDINANCE NO 2021-11-17-B AN ORDINANCE TO CHANGE THE ADDRESS IN SETTLERS SQUARE SUBDIVISION, PHASE 2 FROM 4372 N. ALPAL TRAIL TO 1212 E. 4375 NORTH

Council Member David Harris made a motion to approve Ordinance No. 2021-11-17-B, an ordinance to change the address in Settlers Square Subdivision, Phase 2 form 4372 N. Alpal Trail to 1212 E. 4375 North. The motion was seconded by Council Member Ross and a roll call vote was held as follows:

Council Member Ross -Yes
Council Member Lee -Yes
Council Member Stoor -Yes

Council Member W. Harris -Yes
Council Member D. Harris -Yes
Motion passed unanimously

10. CONSIDER CIB/CDBG APPLICATION LIST AND SET A PUBLIC HEARING FOR DECEMBER 1, 2021

City Manager Dotson showed the CIB/CDBG list on the screen. Mayor Chesnut asked for questions saying this process is required in order to be able to apply for grant money. City Manager Dotson explained what the acronyms stand for; Community Development Block Grant (CDBG) and Community Impact Board (CIB). One is State (CIB) and the other is federal (CDBG). As a City we are always looking and applying for grants. We need to pursue grants for various projects and there are requirements for how we do it. Mayor Chesnut explained more about the requirements. A list is required with costs and the priority of projects. Council Member David Harris said he liked the list noting the 25 million for storm drainage seems like a pipe dream. City Manager Dotson confirmed that is the current cost estimate although much of the funding comes from NRCS. Mayor Chesnut said they have really stepped up since the flooding to help the City with more funding and expanding the scope of the project. There was brief discussion of the drainage project. City Manager Dotson said we received a grant from the ARPA money for the water tank so that is covered now. There was more brief discussion of the wells in development and that there were less problems in the past irrigation season with draw down of the water tanks. The odd/even address watering schedules worked well. Mayor Chesnut told about other wells the City is working on. City Manager Dotson said the Public Safety Building has been on the list for a long time. We have to get an agreement on the design in a year. SUU

students may help with that. We are coming up on the time limit we can hold impact fees. We have saved those fees and will need to use them to be in compliance with State law. There was more discussion of the priorities. The security fencing for water tanks has been on list for 16 years and is important. Remodeling the City Office is a low priority.

Council Member David Harris made a motion to set the public hearing for the 2022 CIB/CDBG list for 12-1-21. The motion was seconded by Council Member West Harris and all voted in favor.

11. ORDINANCE NO. 2021-10-20-D AN ORDINANCE AMENDING THE ENOCH CITY SUBDIVISION ORDINANCE, CHAPTER 12.2000. PLANNED UNIT DEVELOPMENT (PUD)

Mayor Chesnut said this has come back around. Council Member David Harris and Council Member West Harris have worked on it and have produced this ordinance as an option for development. The restrictive size is by design and requires 150 acres. This application is not for small things but is for big developments to allow for the diverse nature of a Planned Unit Development or PUD. These usually are mixed uses and close to main arteries for transportation. This allows for creativity and a lot of planning in advance to allow commercial and residential uses to fit together to make a nice area. City Manager Dotson explained the strike outs in the rough draft which covers everything from parking, landscaping and open areas to make it desirable. There is no variation from this although it can be built in phases. We have wide streets for collector roads but can be creative within the boundaries for a closer neighborhood feel. This ordinance is similar to Cedar City's ordinance. It allows for more affordable housing and smaller lots for less water usage. Council Member David Harris said while being flexible they tried to cover the bases for what we would want in Enoch and to allow freedom for the developer. This checks off water usage and the affordable housing requirements.

Council Member Lee expressed concerns about the large size required wondering where this could be possible to develop. She noted the Penny property we discussed earlier is 130 acres and would not qualify as a PUD. There was discussion of various properties and City Manager Dotson noted that different contiguous landowners could go in together to make the 150 acre requirement. That will add to the available land that could be developed into a PUD. He noted this will not be a common thing and is not meant to be. He showed the map with different places this could possibly work. Council Member David Harris discussed roads within the City and what could be used for this application as major collectors. He noted there is a concern with transportation for the bigger picture. If we modify this so more areas could be PUD's there could be transportation issues. City Manager Dotson cited the General Plan Land Use Map and there was more brief discussion of roads and transportation. Council Member Lee said she was concerned that we are over limiting it and we should maybe go down in size but she likes the reasoning and it looks good. It was noted people ask who maintains the roads in the HOA and it is the developer. HOAs can and do dissolve. In the PUD these are private roads. Council Member David Harris said they could deed the roads to the City if the City wanted to accept them. Mayor Chesnut said if they are small narrow roads they don't do what we need them to do within City standards. Council Member David Harris said these concepts have been tried and tested in other places and this works with similar ordinances to this one. It is also contingent on our ability to provide services. We may not be able to provide all services and want that option to decide.

Council Member Ross said she does not want garages counted as parking spots. Many garages do not remain as garages and go to other uses such as family rooms. It was noted the parking is designated only in the multi-family unit areas. Council Member David Harris said they talked about that and it is self-regulating with driveways and streets and they considered that issue. He talked more about driveways saying that was where they had problems. They tried to consider minimum requirements for large vehicles so driveways were not counted as four spots.

There was more discussion of the issue of bedrooms mandating how many parking spots are required. Four bedrooms do not denote four cars. Council Member David Harris said parking on the street is allowed on wider streets and he wants to keep the garage in the count for parking. That is adequate and they should not have to find two other parking spaces. The developer can make the streets larger or create additional parking spots in a parking lot and they have to do that in their plans. He said this is a minimum requirement. Mayor Chesnut said most garages do develop other uses and don't end up being parking spaces. If we take that out what then. Council Member Ross said she is fine with one parking space for a garage. Council Member David Harris said Cedar has .85 per bedroom and we exceed that in this ordinance. Parking can be inadequate but for most it is adequate. They decided on one parking unit per bedroom. There could be parking stalls somewhere else, Mayor Chesnut said. They have to do the plan and get it approved and it won't be approved if the parking is not adequate. Council Member David Harris said multi-family areas require a parking lot. There was more discussion of other PUDs. Some don't park on the streets. City Manager Dotson said the issue is for visitors and not those who live there. With one car in the garage and one in front and one other car somewhere else that covers it. The developer will do something else like a parking lot for extra vehicles. Council Member David Harris said we will still count the garage and two vehicles in the driveway. Extra vehicles can park elsewhere. They could add for extra spaces but if we do more, we exceed general standards and even what Cedar City requires. Council Member Ross still wanted one more off street parking for more units.

Council Member Ross said her other concern is water and sewer and would the City pick up the trash. Council Member David Harris said they had that question too. The ordinance does not say who does that. There was a discussion of commercial dumpsters that are common in PUD's and that the City does not pick those up. They would have to contract with a private commercial service for that. If the City were to provide regular trash cans to the single family homes we could do the pickup of trash for those cans. City Manager Dotson said we don't pick up large dumpsters and it does not have to be written. It was asked if we should we require that they contract with a private service so they know they have to do that. It was noted that would come after it is built and not at this stage. City Manager Dotson said a lot of this is in the City Engineering Standards so that is covered. That also covers fencing around dumpsters and that we don't pick them up. City Manager Dotson said they reviewed this for months and as issues come up we can review them and change things. The extra parking space is for multi-family areas only. Council Member David Harris said he was fine with that change. The HOA is part of a PUD and is a legal entity by which things are handled and paid for with dues. There was brief discussion of that and a situation where the roads failed in a PUD in Cedar City. They have to have an HOA to access the funds from residents to rebuild the roads. They got a loan to cover that and they have to have an HOA as an entity to do that.

Council Member David Harris made a motion to approve Ordinance No. 2021-10-20-D, an ordinance amending the Enoch City Subdivision Ordinance, Chapter 12.2000. Planned Unit Development (PUD) with the amendments as discussed. The motion was seconded by Council Member Lee and roll call vote was held as follows:

Council Member Ross -No	Council Member W. Harris -Yes
Council Member Lee -Yes	Council Member D. Harris -Yes
Council Member Stoor -Yes	Motion passed 4 to 1

12. OPEN 2021-2022 BUDGET-

Council Member David Harris made a motion to open the 2021-2022 budget. The motion was seconded by Council Member West Harris and all voted in favor.

Treasurer Ashley Horton said we will discuss the budget in more depth next time. She wanted to mention one line item for drainage due to the cost of the flooding to make repairs. The

other changes are the routine inter-department adjustments. She said she is not prepared to show the changes tonight but will have them for next time.

Mayor Chesnut told about the ribbon cutting at SW Technical Center today. We have people in our local Enoch area who are big players in this with helping Iron County in this center. Since this will benefit Enoch residents he would like to ask the Council to divert some funds from the excess we have in savings to help support this effort. We would be contributing to the operations of it. They are going to prepare a presentation for the City Council. He said we are talking maybe \$10,000 a year. He told more about it and what they do for small businesses and what is offered like space to rent for small business. This is to help and encourage entrepreneurial endeavors. Mayor Chesnut said others have committed and he was asked to bring it to the City Council. It needs support and there will be a net gain for our community as well as everyone in the County. We will utilize funds we already have to support this effort. It was noted this is an appendage of SW Tech and SUU.

13. COUNCIL/STAFF REPORT

Hayden White reported they are gathering up sandbags. He was asked if people should return them to the yard so we can save the sand. Hayden said they have been dumping some bags out and people can turn them in for refilling. He reported they finished Half Mile and the water loop. They will be flushing the line next week. Little Eden well is surface sealed and they are developing the well tomorrow. He gave more details.

City Attorney Wayment reported there is a disgruntled individual complaining about one thing and we will discuss it more later on.

Ashley Horton told about the water tank and the match from ARPA. More funding may come but we may have to get another source if it doesn't.

City Manager Dotson said he was asked today about RVs and hooking into the sewer. We forbid it in our RV ordinance but there is no rule against it from the Wastewater Treatment Plant or any EPA standards in place. All want to dump because it is so inconvenient to pull out to go dump elsewhere. It seems overly burdensome as there is no rule against it from other agencies. The City Council said no but no one else does. Council Member Lee said she thought we had a reason which was to keep RVs out mainly. The challenge with trailers dumping is there is no p-trap to stop junk from going into the system. A regular house does have that extra protection. That does not fly with most and he was asked to bring that up. City Attorney Wayment cited an example from Beaver and problems with what goes into the sewer system with no trap. There was more discussion of the inconvenience of it but there is a huge risk there and is justified most thought. If living in an RV permanently is what we want to discourage, this helps with that end. Also they are not paying for the service although the landowner is. He reminded everyone of the pot luck Christmas Party on the 15th at Enoch Elementary.

Mayor Chesnut said we need a closed meeting for discussion of a litigation issue. He also would like to get a working group on compensation and salary issues. A problem has arisen. He gave a brief description of the issue saying it does not require raises but only a policy change to fix it. Council Member David Harris volunteered. He will meet with City Manager Dotson and Mayor Chesnut soon.

Council Member Ross reminded the Council of Wreaths Across America and their goal. She said it will be a nice program at the Cemetery on the 18th at noon. The wreaths are covered for this year but they are 250 short for next year. She said the Planning Commission is thinking they want to do educational videos for people about City things to explain and educate residents. They want to know what the City Council thinks. There was brief discussion that it would have to be passed by them before it is put out to the public. Council Member David Harris said they should script it out and let the City Council look at it to be sure it is what is intended. It was noted there are lots of questions such as about water right with new homes.

Council Member West Harris reported the EDC meets tomorrow.

Council Member David Harris said there was no Water Board meeting this month. The Iron County Water Conservancy District will be holding a meeting about the Pine Valley Water Project on December 7th.

Council Member Lee said she would like to hold a City Council road meeting and wants to have it on 4200 North and Minersville Hwy. She wants to meet there to talk about it and observe what's going on there.

Council Member Stoor said he had the opportunity to ride with Jeff Okeson who is now over parks and he has good ideas for the parks. He said he is excited about Jeff's ideas and told the Council what he is thinking. Council Member Ross added a lady in the Planning Commission meeting commented on the little park in Spanish Trails saying the playground equipment is in bad shape and wondered if the City could do something. Maybe Jeff could look at that.

14. **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 David Harris made a motion to close the regular meeting and go into a closed meeting to discuss pending litigation. The motion was seconded by Council Member Lee and a roll call vote was held as follows:

Council Member Ross-Yes	Council Member W. Harris -Yes
Council Member Lee -Yes	Council Member D. Harris -Yes
Council Member Stoor -Yes	Motion passed unanimously

15. **ACTION FROM CLOSED MEETING**-none

16. **ADJOURN**-The regular meeting ended at 8:00 pm.


Julie Watson, Recorder **Date** **12-1-21**

Meeting ID: 829 0629 7212