

**MINUTES**  
**ENOCH CITY COUNCIL**  
**November 1, 2017 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Geoffrey Chesnut  
Council Member David Harris  
Council Member Steve Johnson  
Council Member Jolene Lee  
Council Member Dave Owens  
Council Member Shawn Stoor

**Staff present:**

Julie Watson, Recorder  
Ashley Horton, Treasurer  
Gary Kuhlmann, Atty-absent  
Robert Dotson, City Mgr.  
Jackson Ames, PD Chief-absent  
Earl Gibson, Pub. Works

**Public present:** Chrystal Trujillo, Dilworth Armstrong, Andrew McAfee, Caroline Brown and Katherine Ross

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00pm. He welcomed the audience.
  - a. **Pledge of Allegiance-**Led by Julie Watson
  - b. **Invocation-**Audience invited to participate-Given by Council Member Stoor
  - c. **Inspirational thought-**Given by Council Member Johnson
  - d. **Approval of Agenda for November 1, 2017-Council Member Harris made a motion to approve the agenda. Motion was seconded Council Member Owens and all voted in favor.**
  - e. **Approval of Minutes for October 18, 2017-Council Member Harris made a motion to approve the minutes. Motion was seconded by Council Member Stoor and all voted in favor.**
  - f. **Conflict of Interest Declaration for this agenda-**none stated

2. **PRESENTATION BY THE INTERNATIONAL DARK-SKY ASSOCIATION**

Council Member Harris gave the back story on the lighting ordinance we talked about a few months ago and why we might want to address that. A neighbor conflict over intrusive outdoor lighting started this. City Manager Dotson added the person pushing this was invited tonight and is not here at this time. Caroline Brown and Andrew McAfee represented the Southern Utah Space Foundation and are affiliated with the International Dark Sky Association. They work with the Park Service, the Ashcroft Observatory, municipalities and others. They gave some background of what they do and why light pollution is an issue and what you may do in Enoch to address this. The first question is, does Enoch have an issue with lighting beyond neighbor disputes? Caroline said out at Three Peaks Recreation area you can only see about half the stars you could see in a truly "dark night sky" location. Andrew said in general the important thing is good lighting and not just more lighting when thinking about changes. He cited the effect we all have experienced when hit with oncoming car high beams. With that being said a lot of the battle is in making sure we have directional retrofits with light going down rather than scattering out. Light pollution, crime and safety are considerations. There were other examples given of success stories in other areas. A main point to remember is education of the public is the most effective tool. They suggested the best type of lighting is in the red and yellow hues which are more eye friendly. That spectrum of lighting also reduces costs because it uses less power. Enoch City needs to decide what works best for this community. Caroline asked for questions. Council Member Harris asked if they have examples of lights they recommend and that their organization

certifies. Andrew said they do. The IDSA website recommends which fixtures are best. He gave more technical details. Council Member Owens said he went to the IDSA site and watched the video they have about losing the dark. He said it talked a lot about the commercial lighting aspect. Education and workshops have more chance of success than an ordinance. Caroline suggested we look at Christmas lights and what is pleasant to look at. Some are really blaring and hurt our eyes. Those things make a difference. Council Member Stoor asked about LEDs and longevity and if they are good to use. Andrew gave more technical details about those types of lights adding soft white are best. The blue/white spectrum lighting scatters light far worse than the red/yellow spectrum lighting. Mayor Chesnut thanked them for the presentation.

### **3. OPEN 2017-2018 BUDGET BY MOTION**

**Council Member Harris made motion to open the 2017-2018 budget. Council Member Stoor seconded the motion and all voted in favor.** Mayor Chesnut said Ashley will make the adjustments and changes for the next meeting for discussion and to set a public hearing.

### **4. DISCUSS/VOTE ON PURCHASE OF LOTS A-1010-0392-0000, A1010-0394-0000, A-1010-0393-0000 AND A-1010-0409-0000 FROM IRON COUNTY TO FINISH THE NRCS STORM DRAINAGE PROJECT**

City Manager Dotson gave the background information on the NRCS storm drainage project completed to date. It is almost finished except for running 60 inch pipe under four lots in Park View Subdivision to route the storm water to the drainage basin the City owns. He gave more details of the work done to date. In order to cross the four lots to get to our drainage area the City would have to acquire the lots from Iron County who now owns them. The lots are located near the fissure and are in a subdivision that is unbuildable due to the fissure. Because of that, the property taxes have never been paid on the lots. The tax bill due for the four lots is \$8,886.68. City Manager Dotson explained he went to the County Commission and asked for the lots but the offshoot is the tax money belongs to the taxpayers of Iron County. If we want the lots we should pay the taxes due to obtain them in fairness to all. There was more discussion of the situation, the fissure and the work that needs to be done to complete the NRCS project. City Manager Dotson said the government does not give things away and shouldn't because it is owned by the people. To be fair we should pay the tax that is due of \$8886.68 for the four lots. We have not approached them since the original conversation but it would be professional to offer to pay the taxes due. We have the money available from the drainage fund. There were a couple of other options discussed such as a 99 year lease or to ask for an easement. An easement is not really feasible because we have to use 60 inch pipe under the ground. Those are not really good options for the long term. It would be better if we own the land to put our facilities in there.

There was more discussion of the fissure and the City declaring the lots in Park View Subdivision unbuildable due to the fissure. Council Member Johnson asked if there is liability for the county due to the fissure. It was noted it is unknown if the fissure will increase in size. City Manager Dotson said we pulled water lines out of the ground in the north end of Park View Subdivision. The 8" PVC pipe in the fissure was bent permanently because of the fissure exerting pressure on it. Mayor Chesnut said it is an incentive for the county to divest themselves of the land for the cost of the taxes. We want to finish our project so we need to initiate an offer. There is a tendency for people to ask for free stuff from the county but that is not appropriate because the taxes belong to the people of the county.

City Manager Dotson said he proposes we approach them with this offer to pay the taxes to acquire the lots in order to complete our drainage project. This may also become a way to reuse treated water from the sewer plant for recharge of the aquifer. City Manager Dotson explained Cedar City is putting together an RFP to get engineering to get the treated water to places for recharge and one area that would be effective is in Enoch. Geologically and politically this is a

good thing for communities to band together. There was more discussion of the recharge methods. Council Member Harris and Council Member Lee agreed it is fair to all taxpayers to pay our way to get these lots. Mayor Chesnut asked for a motion. **Council Member Council Member Owens made motion to authorize the purchase of four lots, A-1010-0392-0000, A1010-0394-0000, A-1010-0393-0000 and A-1010-0409-0000 for the tax amount due of \$8886.68 to Iron County to finish the NRCS project. The motion was seconded by Council Member Harris and all voted in favor.**

**5. DISCUSS RESIDENT REQUEST FOR PUBLIC IMPROVEMENT REIMBURSEMENT AGREEMENT**

Mayor Chesnut said we have had preliminary discussions. Crystal Trujillo came up to say they built a house on the end of Enoch Road several years ago when Larry Brough was City Manager. He told her husband that to build down there the sewer and power was a long ways away for the City to pay to go out that far for one home. They wanted to build there so they did all the work and paid for it all to run the utilities for the new home. She said Larry Brough told them they would be reimbursed if any other homes tapped into those utilities. They have sold that home and moved to another new home and both times they built they paid impact fees to connect to their own lines. Also now there are three more homes connected on the lines they paid for. They feel they paid the impact fees and should be reimbursed for some that cost now that there are more homes on the utility lines. The fire on the yellow hill last summer was fought with the fire hydrant they paid for. They just want what's fair. They gathered up all of the receipts they could find from many years ago.

Mayor Chesnut said after discussing this with City Manager Dotson we would like to go through the receipts so we understand exactly what the request is. Crystal said there was \$40,000 for labor for the lines and to build the road to the house and they have not been able to get that receipt or locate the contractor who did the work. Mayor Chesnut said we need enough information to give to the City Council something they can make a decision on. He asked for questions from the Council. Council Member Johnson clarified they want reimbursement for impact fees that they have paid twice for two homes. Council Member Harris asked about refunding impact fees. City Manager Dotson said impact fees are separate than installation of utilities. Impact fees are charged to the whole system for impact due to new growth. We are not talking about refunding any impact fees here. We are only talking about the other costs for the extension of the utility lines. Crystal said that Larry Brough said at the time, the City could not pay for the utilities way out there for just one home to be built there. She said they were willing to do that because they wanted to build there. It cost considerably more than what they thought it would. Mr. Brough promised that if anyone else connected they would be reimbursed from the City. The City required two fire hydrants and a manhole. Now three more homes including their own new home have hooked on. Council Member Stoor asked if there was a written agreement about this and was told there was not.

Mayor Chesnut said we need more information and then we will talk with the Trujillo's about options. Generally any agreements of this type would be done in advance of the project and not after the fact. City Manager Dotson gave more details about what could be in an agreement of this type with costs detailed out. With an agreement in place and on public record when anyone else attached to that line they would be charged the fees and other assessments based on the value of what was put in. It is similar to an SID but not quite the same thing. He cited the example of the one foot of roadway Joe Burgess encumbered so he could get reimbursed as development came in. The City did not have an agreement with him. Typically that is what is done. We can't charge the ones who hooked on after the fact because there was no agreement. He told about when the City put the sewer system in Village Green Subdivision in 1996-97. We had to get those people off of septic systems because it was affecting our water quality adversely. There were not

many developed lots out there in those days so we created the agreement for the special fees to be paid as building permits were pulled in Village Green. We charge a special assessment for every home built there now. That agreement was made at the time so it is in our fee schedule. Crystal said they know that step was not taken and they think the City should have offered that agreement. She added these costs were not included in their home loan. This was all out of pocket. Council Member Johnson said what should have been done in the past is neither here nor there. This almost feels like when there was a sewer flooded home and we decided to just pay out against the advice of counsel.

Mayor Chesnut said he proposes that administration review the documentation and then talk with the Trujillo's about what might be feasible. We will bring it back to the City Council when we have all the facts and a proposal. Council Member Lee said if there are more homes coming on we need to rectify it now for future builds. Council Member Owens asked if the City asked for upgrades to the pipe size back in the day. City Manager Dotson explained there are certain requirements for one home but if you are so far away you are required to have fire hydrant which use an 8 inch line. This is fire code law. Their home required the bigger line for fire flows. Crystal said they paid for all that for one house. When they started they did not know it would be that costly and would require two fire hydrants and a manhole. Council Member Johnson clarified this was a verbal contract only. Crystal said they are here now because others are connecting and they think it would be fair for them to get some reimbursement. Mayor Chesnut said administration will review it and talk to the Trujillo's. No action was taken.

## **6. PUBLIC COMMENTS**

David Benkert said he would like to have people be able to see where they are going and the lighting is not good enough on Heather Hue and Hwy. 91. He drives a school bus and said the intersection is really hard to see in the dark. He would like a street light installed there. He asked the City Council if they could do that adding if we can spend money on disc golf we should be able to afford to put up a light so people can see at that corner. He asked they consider it for the upcoming budget talks for safety.

## **7. COUNCIL/STAFF REPORT**

Earl Gibson reported we are still holding on several projects awaiting engineering and getting ready for winter.

Ashley Horton said we have had the auditors here the last two days and they will finish tomorrow. She thinks it is going well. She has done some adjustments and said the auditors have indicated we are doing well.

City Manager Dotson said for the next meeting the budget adjustments will be ready for discussion and we will set a public hearing for Dec. 6<sup>th</sup>. The Christmas Party will be on Dec. 20<sup>th</sup> after a short Council meeting. It will be held at Gateway Academy again and Ashley is in charge. He reported we are required to do a capital improvement list for CDBG/CIB funding. Council Member Harris will go to the CDBG (Community Development Block Grant) meeting tomorrow. He has the list from last year and is looking at things we have planned for like the animal shelter. He asked the City Council to keep that in mind for future discussion. City Manager Dotson said Tom Wells quit as our trash truck driver. We internally advertised the position and Jeff Okeson wanted it and is now the driver. We opened his position internally for anyone who wants to move up. If no one already employed by the City wants it we will advertise outside to the general public.

Mayor Chesnut said we need executive session tonight to discuss the character, professional competence or physical or mental health of an individual.

Council Member Stoor asked Earl if we have a schedule for striping the frontage road noting there have been lots of complaints about that. Earl said the contractor said it would be done this week.

Council Member Harris said the Planning Commission did not meet on October 24th due to lack of a quorum. They will meet on 14<sup>th</sup> and are working on conditional use permits in the Zoning Ordinance. He said he was asked to see if the City could install a “slow, children at play” sign in The Ridge. Perhaps we can consider that in the budget.

Council Member Lee asked if we are having a Water Board meeting in November. Julie said yes on the 9<sup>th</sup> and she will do the packet on Monday the 6<sup>th</sup>.

Council Member Owens said the EDC rescheduled their meeting due to people being gone.

**8. CLOSED EXECUTIVE SESSION REQUESTED-(Requires a roll call vote w 2/3 majority)**

Mayor Chesnut asked for a motion to go into executive session. **Council Member Harris made a motion to close the regular meeting and adjourn to executive session. Motion was seconded by Council Member Owens a roll call vote was held as follows:**

<b>Council Member Johnson-yes</b>	<b>Council Member Harris-yes</b>
<b>Council Member Stoor-yes</b>	<b>Council Member Lee-yes</b>
<b>Council Member Owens-yes</b>	<b>Motion passed</b>

**9. ACTION FROM EXECUTIVE SESSION-**The Council reconvened and Mayor Chesnut asked for a motion. Council Member Harris made a motion to move ahead with creating an RFP and selection committee as discussed for selection of new legal counsel. The motion was seconded by Council Member Owens and all voted in favor.

**10. ADJOURN-**The regular meeting adjourned at 7:08 pm.

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**Julie Watson, Recorder**                      **Date**