

**MINUTES
ENOCH CITY COUNCIL
November 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-phone

Staff present:

Julie Watson, Recorder
Ashley Horton, Treasurer
Justin Wayment, Atty.
Robert Dotson, City Mgr
Jackson Ames, PD Chief
Earl Gibson, PW Dir.

Public present: Dilworth Armstrong, Sgt. Isaac Askeroth and Caleb Askeroth

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 Council Member Lee
 - c. **Inspirational thought-**Given by Council Member Ross
 - d. **Approval of Agenda for November 7, 2018-Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Ross and all voted in favor.**
 - e. **Approval of Minutes for October 17, 2018-Council Member Harris made a motion to approve the minutes. Motion was seconded by Council Member Owens and all voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-Council Member Ross stated she is an owner and has an interest in an area of the proposed General Plan Map roads in item #4.**

2. **OATH OF OFFICE CEREMONY FOR NEW PD OFFICER-**City Recorder
Mayor Chesnut said you may have seen a new face in town. Sgt. Isaac Askeroth has joined the Enoch PD and we were excited to have him. He is highly qualified and ready to go. The City Recorder administered the Oath of Office. Mayor Chesnut invited Isaac to make some remarks. Isaac said he was on the Cedar PD for nine years however he is part of this community and lives in Enoch. That was part of the decision to come here. He is excited to face a new challenge and is anxious to learn. He said you can expect the best from him and trust him to uphold the law and be a good representative of the Enoch PD. Mayor Chesnut said he will be the school resource officer at some time soon to as we have not been able to do that lately.

3. **REVIEW AND VOTE ON MINOR LOT SUBDIVISION FOR EIGHT C'S, LLC**
Mayor Chesnut said they have information from the Planning Commission and the map and deeds for the road. Council Member Harris said Steve Woolsey represented the Clarks and he explained they are carving out a lot to build a home for their daughter. This is all in place and meets all City requirements. Council Member Lee asked about the deed of dedication for the road. She said she drove by and looked and it looks to her like this isn't exactly lined up with 600 East. She said her question about roads isn't so much about the minor lot subdivision but why do

we want Enoch to own that road. There was more discussion on roads of this type which are required to be brought to our gravel road standards after which the City maintains the road. Council Member Harris said this meets our codes so we can't deny them based on the things Council Member Lee brought up. He noted the Planning Commission is very safety conscious regarding roads and emergency vehicle turning radius. They complied and did everything to have it approved. The Planning Commission sent the recommendation and we have to approve it. City Manager Dotson said he can answer some questions. Currently this is not a road but it is on the County's map and shown as a road. The ownership is not dedicated as a road. It is owned by the Clarks. We asked for the road to be deeded to the City because we have had problems before. That area was developed when it was metes and bounds and there were no subdivisions or Subdivision Ordinance. We are being proactive in acquiring the road. City Manager Dotson said they have to install utilities in the road and it is best we own the road. It is 33 feet wide with a 10 foot public utilities easement on the west side. That is normally done so we can maintain it and that is why we want the road.

Mayor Chesnut asked for a motion. Council Member Lee made a motion to approve the Minor Lot Subdivision for the Eight C's, LLC including the road dedication. The motion was seconded by Council Member Harris and all voted in favor.

4. REVIEW PLANNING COMMISSION RECOMMENDATION REGARDING ADDING ROADS TO THE GENERAL PLAN LAND USE MAP

Mayor Chesnut asked Council Member Harris to explain. Council Member Harris said this is the map the Planning Commission created. It took several meetings to add roads to the map. Right now they are just lines on the map but if ever developed the developer will have to connect to these lines. The idea is mobility to get people in and out of the area and create a nice traffic flow through the City. He pointed out the east/west and north/south roads for traffic movement. The belt route proposal was drawn on there also. He noted Enoch will not build these roads. The developers will do it as our map directs for traffic flow. City Manager Dotson said these are connector roads.

Council Member Ross asked if the Planning Commission drove around to look at these roads. No, Council Member Harris said. Council Member Ross said Half Mile Road would go right through houses which is her neighborhood. We would adjust for that Council Member Harris said. We want a wider connector road to go through there rather than just a neighborhood road. There was more discussion of the details and how this would work for connector roads. We would go around obstacles like existing homes. Council Member Ross said she was wondering about problems we can see and why not adjust that at this time. Council Member Harris said this is meant to be "general" but we can adjust tonight if need be. Mayor Chesnut said it will not be exactly as drawn now but is meant as a "guideline" as opposed to hard fast rules. There was more discussion of roads and speeds and getting people from Point A to Point B without stopping. We would avoid any existing homes at the time of road development.

Council Member Owens asked if we ever have problems with developers that force other developers down the line to put the road in. City Manager Dotson said yes it happens all the time. We tell the developer you will put a road right here so next guy can connect. They have to bring their plat to get it approved. They have to build it so there is a way around existing homes. City Manager Dotson said our Code states that if you need access, such as easements around homes, you have to procure that prior to coming in for approval. You have to make the roads connect. All developers want good access. Existing homes will force us to go a different route and we will alter the map for that. It is better to have it on the map now for future development so they know the expectations of what they have to do. City Manager Dotson gave the example of the Howe annexation. We told them they would have to have access through there with the road and they would have to get Enoch an easement and make an agreement with neighbors. We told them they

had to get this public road to go through. Council Member Harris said to Council Member Ross's point, this may not look perfect but will be adjusted as needed for houses already there. We could send it back to the Planning Commission for more tweaking but this is meant to be general in nature and is not written in stone so there is really no need to rework it. Council Member Lee confirmed we would allow for existing structures.

Council Member Ross said she thought we should send this back to the Planning Commission and have them do a driving tour to see the houses they are running roads through. City Manager Dotson said this is "General Plan" and the Planning Commission is not the body who needs to make it work. A General Plan is not concrete and does not say it has to be exactly here. We are not building these roads. This is for future development to build it. Council Member Lee said she wants it clear homes are protected. Council Member Ross said if we see an issue in the plan we should correct it now. Mayor Chesnut said the point is because it is a "General Plan" the roads could exist as proposed and may not ever exist. To do more designing does not dictate what the road will be like. This is a broad set of instructions for the future.

City Attorney Wayment read from State Code about official maps. This does not prohibit a municipality from recommending where the roads are to go. City Attorney Wayment said this just gives a suggestion of desired roads so when people come into develop they have an idea of what the City has planned. He said the road General Plan is not intended to be set in stone. This is a long term layout. Council Member Ross said she understands that but she talked to the Howes and a 50 foot road can't go in there because there is not room and they were not able to build it. Council Member Ross said they couldn't get the property to get the 50 feet they needed. If it was 33 feet wide they could have done it. There was more discussion of that process. Mayor Chesnut said he understands maybe the Howes could not acquire or were unwilling to pay the cost to acquire what the City required for the road. Mayor Chesnut said they just have to spend the money to acquire what is required. She said what the City required of this property owner is not fair due to this map. Mayor Chesnut said these are different roads. Collector road can't go where it is marked Council Member Ross said. The people on the south are affected by the road that can't go through. Council Member Ross would like the Planning Commission to check that for a 55 foot road to go through there. It was noted the General Plan does not say there must be a 55 foot road there. If it is not possible we can make adjustments. Council Member Harris said we are saying we want a 55 foot road to connect to Hwy. 91. All developers need to know we want that road. Being too precise is not productive, Mayor Chesnut said. City Attorney Wayment said the General Plan is an advisory guide. You may look it as an "intent" to have a collector road and that could change. The point is things can adjust. It may say collector road now but that can be changed and be amended as things go in and out. If the Planning Commission goes out to look they see land there and want a 55 foot road and they say why not. Mayor Chesnut said the Planning Commission does not have to lay out the roads permanently. That is not what we are talking about. They don't do that job.

Mayor Chesnut said his concern is what would you instruct them to do to see any potential hypothetical road in the future. This is a malleable proposal that the City Council can change when people bring plats. The City Council is the last word. We have to fulfill the General Plan, City Attorney Wayment said, but detail is not set in stone. City Manager Dotson said there are only two places where there are existing homes. They are on 940 E. and the Bitsoie home on Blue Sky Drive. Council Member Owens said a "General Plan" is better than nothing at all. The public hearing was held. The City Council can make changes now if they want to. It still states we want that road. We can curve it. City Manager Dotson said whoever builds it will make it work. It does not have to be exactly as drawn now. Council Member Harris said it is just a line on a map. We are not building the roads. In the past people have been upset enough that lines were removed and this is designed to prevent future problems. Council Member Harris said we can approve it with changes to the map.

There was more discussion about the second accesses that can be required in subdivisions with a certain number of homes. Council Member Lee said she could not find it in our Code. She found it in Engineering Standards. Who do we go to with these questions? How does this work. Now we have the R-1-11 zone and does that change the requirement. City Attorney Wayment said he does not know our Zoning Ordinance but usually it would be City Manager Dotson to go to with questions. He is the Zoning Official for Enoch. With regard to how you know what you have to have, that is why you have the zones with requirements. What determines what you put there is what is required in the zone. Council Member Lee asked are the engineering standards the code? City Attorney Wayment said yes, it says we adopt those standards and that is what is required. The developers have to live by the standards. City Manager Dotson made the two changes requested to the map around existing homes. City Manager Dotson said these are all connector roads which are critical to traffic flow. Council Member Harris said he is not trying to ram this through. This is a guideline and we can change it. The Planning Commission did a lot of work on this to try to make the roads help facilitate traffic flow for the future. City Attorney Wayment said there is value to this. Go to Orem and see the mess where they took out 50 homes on 800 South. Advanced planning is great so that does not happen and cost cities millions of dollars.

5. ORDINANCE NO. 2018-11-07 AN ORDINANCE ADOPTING THE REVISED GENERAL PLAN LAND USE MAP

Council Member Harris made motion to adopt Ordinance No. 2018-11-07, an ordinance adopting the Revised General Plan Land Use Map with changes as noted. 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 unanimously

6. DISCUSS PROPERTY ACQUISITIONS IN CONTEXT OF SEEKING LEGAL COUNCIL

Mayor Chesnut asked City Attorney Wayment to take the lead on this adding this came to light due to the issues with obtaining a trail easement or right-of-way from the Pennington's and two other landowners. City Attorney Wayment said his general suggestion is that the City Council needs to understand that it is the responsibility of the developer to do the roads and to have to acquire the easements and the City is not paying for them. When roads are built adjacent to property it can increase property values for some or result in condemnation for others. This is a matter of supply and demand for the developers who wish to do it. In the original Pennington easement the language was not clear on what was meant. Council Member Lee said this road was 5200 North and basically she asked City Manager Dotson to ask City Attorney Wayment about this because it has been a run around regarding how much it would cost us to acquire the easement for a trail. She likes what City Attorney Wayment said and the answer is to let this piece of road go and not worry about it now. She read the letter from City Attorney Wayment. It is not the City's job to make people money. She really wanted that for a trail and thought it would be easy but it is not. She explained the trail. Because we invested time and money in the historical trail we could reroute some of it to make it work. She told about the trail plan to lead to the cemetery and onto Old Enoch Park. We assumed this would be easy and it was not. We could ask them to dedicate this easement for this purpose. One property owner is the LDS Church and City Attorney Wayment said they do not move fast unless it is something they want. Those are the realities. To finish we will need to reroute it for about \$500 more but not pursue the acquisition of a road. No action was taken.

7. DISCUSS ENOCH ZONING ORDINANCE, CHAPTER 13, REGARDING DENSITY DUE TO BASEMENT RENTALS AND GUEST HOMES BEING PERMITTED

Council Member Lee said she noticed this in the Iron Mountain Subdivision. She said homes in R-1-18, Single Family Residential zone, can include a guest home on a half acre parcel. R-1-18 also allows for basement rentals. The purpose of the R-1-18 zone is to provide low density single family residences. You can have a guest house and a basement rental. Are we stretching that zone to have three families on one lot? She sees it is legal by our Code but is that the intent. The guest home is 800 SF or less, on a permanent foundation and is hooked to the home utilities and is not separately metered. It was noted that in most cases the guest home is for a family member such as an aging relative but that is not a requirement to build a guest home. Density would lend itself to a more wide open area like the large lots in R-1-18 but does it change the rural feel most people bought large lots for. Council Member Harris said we are not increasing the footprint or decreasing the yard. The basement rental does not make it tighter. Council Member Lee said that is what she is asking. Most people are looking for lower density when they buy half acre lots and if three families could potentially be on the half acre that is more density. Council Member Ross brought up parking issues. Council Member Owens said that is the point. What is the difference between that and a large family with several cars? Council Member Lee said if she was a developer she might sell a property to generate more money with these rentals allowed and maybe that is not right either. Do we care in Enoch? Is that what we want it to be?

Council Member Harris said the guest house does affect the density to a degree. If he rents his basement it does not change the look and feel of the neighborhood. When this was discussed in Planning Commission we looked at the worst case scenarios. What if everyone maxed that out? In that case it would change the feel of the original intent but that is not happening. He does not like to plan for the worst case scenario with everything we do. We consider it but note it is unlikely. Council Member Harris said it does not affect the intent and he was comfortable with it. Council Member Stoor said how do you police that anyway. Council Member Lee said someone came to her on this and they discussed it. Council Member Harris said this is also a property rights issue. Do we want to restrict that? In some cases they need to have this option. Perhaps an elderly relative needs help and they can't afford assisted living facilities. Letting property owners do what they need to do and not creating a situation where we make it difficult is good for property rights. Property rights were more important. Council Member Owens agreed. Council Member Owens said CC&R's may prohibit this too. We don't deal with that as a City but some developments may not allow rentals. Council Member Lee said she was good with that. She hates for someone to take advantage of the intent for low density. There was no action taken.

8. DISCUSS/VOTE ON INSITE LEASE

City Manager Dotson said Mark Yahne is here representing Insite. City Attorney Wayment said he went through the contract and has changes. He noted the changes needed and Mr. Yahne said they will be made and the agreement will come back for approval. Access through City property during construction is allowable if needed. City Manager Dotson said interference is not an issue with South Central being adjacent. City Attorney Wayment said he would go through the contract with City Manager Dotson for the next meeting and get the needed changes in the contract.

9. PUBLIC COMMENTS-none

10. COUNCIL/STAFF REPORT

Earl Gibson reported they are trying to get Quickdraw Lane done and will pave it tomorrow. Richard started framing at the shelter. Nick had to have surgery on his neck and came back on light duty today. They have not been digging the pond now but will resume it. Council Member Stoor asked about the bid for 600 E. Earl said they got the bid yesterday. City Manager Dotson said it was put in that way because we approved a horse path there but it did not happen so not we are paving the gap between existing pavement and the curb with Class C road funds. The pavement should go to the gutter and that was not done.

Dilworth Armstrong of the Water Board expressed concerns regarding multiple dwellings on one lot and the amount of water needed.

City Attorney Wayment said hopefully City Manager Dotson does not shoot him but sidewalks are an issue. His perspective is we can leave sidewalks out as contractors build so they don't get broken by heavy trucks. When we do that we have a hodge-podge and the sidewalks are all different colors. Maybe that is not so good and we should look at it. If sidewalks in home construction break they have to re-pour them. Developers are required to put in sidewalks. We have avoided a few lawsuits on this City Manager Dotson said. We could correct that issue in the Subdivision Ordinance and give notice they have to do that and even bond for it. We need better notification of whose responsibility this is. There is a reason for not doing it but by delaying putting those in we have had problems. We could require they bond for it so we get it all poured at the same time. City Attorney Wayment suggested we think about it.

City Manager Dotson said the Christmas party will be held on Dec. 19th after a short City Council meeting. We are working out the details and getting fun ideas. More information will be available soon. One other thing, he was recently with an attorney at the City Manager's Conference and they talked about treatment homes. There is a big misunderstanding and our ordinance may be too lenient. We may need to revisit that. We had some assumptions when we changed the law and it may need to be changed again. City Manager Dotson said Joe Melling, longtime City Manager of Cedar City and Parowan and water rights expert just passed away last night. It would be appropriate for us to acknowledge him and what he has done. His leadership was great throughout the County. It was suggested and agreed we would send flowers from Enoch City for the funeral.

Julie Watson noted we will need to see if we can get a quorum for the 21st, which is Thanksgiving Eve. We will post an agenda but the meeting won't be called to order without a quorum.

Mayor Chesnut said thank you to all who bought tickets for the CJC event. About 1000 people were there. He won 1st place with his partner for their dancing. Last year's fund raising raised \$18,000 and the number this year was \$48,769 which is impressive.

Council Member Ross said congratulations to Mayor Chesnut and asked him to post pictures on City social media.

Council Member Stoor said there will be a meeting of the Rec Committee on the 14th.

Council Member Harris said he attended the belt route open house and made comments. All comments are due by this Friday.

Council Member Lee said she has been on a long road trip and visited little cities and is getting ideas.

13. ADJOURN-Motion to adjourn by Council Member Harris. Motion was seconded by Council Member Owens and all voted in favor. The meeting ended at 8:00pm.


Julie Watson, Recorder 11-21-18
Date