

MINUTES
ENOCH CITY COUNCIL
October 16, 2024 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member Katherine Ross
Council Member David Harris
Council Member Shawn Stoor
Council Member Bob Tingey
Council Member Debra Ley

Staff present:

Robert Dotson, City Manager
Ashley Horton, Treasurer
Justin Wayment, City Attorney
Hayden White, Public Works Director
Lindsay Hildebrand, City Recorder
Jackson Ames, Police Chief

Public Present: Arlo Fawson, Bryce Poulson, Matt Edwards, Lief Condie, Jonathan Edwards, DJ Bettis, Jonathan Wilson, James Thelin

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING** – By Mayor Chesnut
 - a. **Pledge of Allegiance-** Led by Council Member Harris
 - b. **Invocation (2 min.)-Audience invited to participate-** Given by a member of the audience
 - c. **Inspirational thought-** Given by Council Member Tingey. Council Member Ley will have the next inspirational thought.
 - d. **Approval of Agenda for October 16, 2024 – Council Member Ross made a motion to approve the agenda. Council Member Harris seconded and all voted in favor.**
 - e. **Approval of Minutes for October 2, 2024- Council Member Ley made a motion to approve the minutes. Council Member Ross seconded and all voted in favor.**
 - f. **Ratification of Expenditures- Council Member Harris made a motion to ratify the expenditures for the month. Council Member Ross seconded and all voted in favor.**
 - g. **Conflict of Interest Declaration for this agenda-** None stated

2. **PUBLIC COMMENTS**

3. **PUBLIC HEARING REGARDING A ROAD VACATION PLAT FOR ENOCH CITY**

Council Member Harris made a motion to close the regularly scheduled City Council meeting and open a public hearing for the road vacation plat for Enoch City. Council Member Ross seconded and all voted in favor.

There were no public comments.

Council Member Ley made a motion to close the public hearing and reconvene the regularly scheduled City Council meeting. Council Member Tingey seconded and all voted in favor.

4. **CONSIDER ORDINANCE NO. 2024-10-16-A A ROAD VACATION PLAT FOR ENOCH CITY- Go Civil**

Arlo Fawson from Go Civil Engineering was present. He explained that they platted the roads at the end of last year and this is a re-work of the project. A portion got sold off and a portion will

remain. It's just a partial road vacation. They are moving things around. Mayor Chesnut said this has to do with road dedications that happened. Council Member Ley asked what the acreage was within a specific parcel. Mr. Fawson said he didn't have an acreage on it. Council Member Ross asked if that area was already connected to existing roads. Mr. Fawson said yes.

Council Member Harris made a motion to approve Ordinance No. 2024-10-16-A, a road vacation plat for Enoch City. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yes

Council Member Stoor: Yes

Council Member Harris: Yes

Council Member Tingey: Yes

Council Member Ley: Yes

5. PUBLIC HEARING REGARDING A ZONE CHANGE REQUEST FOR PROPERTY OWNED BY SHON A. JOHNSON FROM SINGLE-FAMILY RESIDENTIAL (R-1-18) TO COMMUNITY COMMERCIAL (C-C) PARCEL A-0988-0000-0000

Council Member Harri made a motion to close the regularly scheduled City Council meeting and open a public hearing for a zone change request by Shon A. Johnson from Single-Family Residential (R-1-18) to Community Commercial (C-C) parcel A-0988-0000-0000. Council Member Tingey seconded and all voted in favor.

Shon A. Johnson stated his address. He wanted to put in six Airbnb units on that property. Council Member Ley asked if he had spoken with his neighbor in the back of his property. Mr. Johnson said that the neighbor is kind of hard to talk to. His neighbors on the sides of his property said they were fine with this zone change as long as it was quiet after 10 pm. The neighbor in the back bought his property because he wanted a quiet place to retire. Council Member Ley said she went to the area and spoke to neighbors and they stated that they were ok with it. Council Member Ross asked if the city received any comments about this change. City Manager Dotson said just the comments in the Planning Commission. Council Member Harris asked if this would be appropriate for Neighborhood commercials. City Manager Dotson said no. Mayor Chesnut said they discussed that with the administration and didn't have a clear-cut answer.

James Thelin wondered if they could talk about neighborhood and community commercials. Mayor Chesnut said it is something that needs to be talked about but isn't on the agenda.

Council Member Harris made a motion to close the public hearing and reconvene the regularly scheduled City Council meeting. Council Member Stoor seconded and all voted in favor.

6. CONSIDER ORDINANCE NO. 2024-10-16-B AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE MAP BY CHANGING THE ZONING OF PROPERTY OWNED BY SHON A. JOHNSON PARCEL #A-0988-0000-0000 SINGLE-FAMILY RESIDENTIAL (R-1-18) TO COMMUNITY COMMERCIAL (C-C)– Shon Johnson

Council Member Ley asked if this would create a precedent that leads to "islands" within residential areas. City Manager Dotson responded by citing a property near Highway 91 at the edge of a residential zone that was changed to a community commercial. Council Member Tingey inquired about any potential downsides. Mayor Chesnut stated that if the request aligned with the general land use plan and there was no public objection, then it was ok to do. Each property is unique and the council's decision wouldn't bind future requests, as various factors influence these decisions.

Justin Wayment explained that the situation involved a spot zone, referencing a case where a shopping mall was developed in a residential area. While neighbors sued, the courts found that spot zoning was not illegal unless it served special interests. He noted that as long as the proposal complies with zoning regulations, the council could approve it.

City Manager Dotson added that from a utility perspective, there is water, but no sewer. Any development there would require following septic system regulations set by the Southwest Utah Public Health Department. Council Member Harris commented that Community Commercial was designed to be next to residential areas and zoning rules, such as fencing requirements, still applied.

City Manager Dotson mentioned that the subdivision under discussion, the Chamberlain subdivision, had been developed in the 1980s.

Council Member Harris made a motion to approve Ordinance No. 2024-10-16-B, an ordinance amending the General Plan Land Use Map and the Enoch Zoning Ordinance Map by changing the zoning of property owned by Shon A. Johnson Parcel #A-0988-0000-0000 Single-Family Residential (R-1-18) to Community Commercial (C-C).

Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yes

Council Member Stoor: Yes

Council Member Harris: Yes

Council Member Tingey: Yes

Council Member Ley: Yes

7. CONSIDER A RESIDENTIAL IMPACT FEE WAIVER – Matt Edwards

Matt Edwards discussed his property located at 1587 Southern Homestead. He shared that he built his first home in California in 1988 and was introduced to the concept of impact fees based on square footage by the city. He expressed concerns about the unique situation of his home here in Enoch and questioned whether other properties had similar situations regarding impact fees. As he understood, his home was the first instance where a guest house had been separated from the main property and then a building permit was pulled for additions. Mr. Edwards inquired if other homes with sufficient acreage for splitting also existed. City Manager Dotson confirmed his belief that such homes did exist. Mr. Edwards requested the council to treat his situation uniquely, as he felt his existing home was being held to a higher impact standard. He was told that the building permit process had triggered the impact fees.

Mr. Edwards highlighted that he had not paid impact fees when he bought the property, as it was over 100 years old, and was surprised to learn about the fees when planning an addition. They discussed that adding square footage would lead to additional impact fees, questioning the fairness of applying the same standards across different situations.

Council Member Ross asked Mr. Edwards if he had asked all the questions and notified the staff of everything he planned to do. She also noted that in the Planning Commission, those things would have been addressed, however, legislation has taken that right away. Mr. Edwards asked what the definition of an impact was. Mayor Chestnut addressed where the change occurred in the last 5 years that brought this into question. There are expectations at the time of construction. Mr. Edwards clarified that the only difference in fees was related to sewer and water connections. Mayor Chesnut emphasized the importance of understanding that the council's decisions were guided by state mandates regarding impact fees.

Mr. Edwards expressed regret over miscommunications regarding fees when they sought to split the lot, while Council Member Harris emphasized the established nature of impact fees and the importance of not making exceptions based on ignorance of the regulations. The discussion

continued with comments by City Attorney, Justin Wayment. Mr. Wayment noted that a guest house by definition and purpose is not intended to be a full-time residence. The city and the State have to draw the line. As an example, Mr. Wayment discussed the impact fee study done on streets. The maximum allowable impact fee for a restaurant in Enoch was \$24,000 per square foot. The council decided that was not realistic. They have a right to charge less than what was recommended by the engineer. They do that to balance what people can afford with the people who have already been here. At the end of the day the study had been done, and when a permit is pulled, impact fees have to be paid. The addition to the guest house is being built, and constructed, and is expanding the residence. It is now becoming a permanent residence. He didn't see that as unfair.

Several attendees, including Edwards's son, appreciated the council's consideration but pointed out the challenges faced by young families related to these fees. The discussion concluded with acknowledgment of the complexities surrounding the impact fees and the regulatory framework that governs them, with a suggestion to consider policy recommendations for similar future cases.

8. CONSIDER ORDINANCE NO. 2024-10-16-C AN ORDINANCE TO RESCIND ORDINANCE NO. 2024-10-02, WHICH ADOPTED THE STORMWATER IMPACT FEE FACILITIES PLAN & POLICY AND IMPACT FEE ANALYSIS AND AMENDED THE STORMWATER IMPACT FEE

Council Member Harris said this was coming forward because they didn't specifically talk about fees in separate zones.

Council Member Harris made a motion to approve Ordinance No. 2024-10-16-C, an ordinance to rescind Ordinance No. 2024-10-02, which adopted the Stormwater Impact Fee Facilities Plan & Policy and Impact Fee Analysis and amended the Stormwater Impact Fee. Council Member Stoor seconded and a roll call vote was held as follows:

Council Member Ross: Yes	Council Member Stoor: Yes
Council Member Harris: Yes	Council Member Tingey: Yes
Council Member Ley: Yes	

9. CONSIDER ORDINANCE NO. 2024-10-16-D AN ORDINANCE ADOPTING THE STORMWATER IMPACT FEE FACILITIES PLAN & POLICY AND IMPACT FEE ANALYSIS AND AMENDING THE STORMWATER IMPACT FEE

Council Member Harris discussed a \$10,000 impact fee, proposing a discount to \$3,200. He suggested that similar adjustments could be made for other lot sizes, maintaining the same percentage discount as with the original R-1-11. City Manager Dotson explained that the fee structure is based on zoning, noting that R-1-11 would result in more water runoff compared to R-R-1 due to increased hard surface. He presented a spreadsheet outlining impact fee calculations by zone.

Council Member Harris recommended discounting the impact fee by 75%, while Council Member Tingey pointed out that the numbers and assumptions had originated from Sunrise Engineering. Council Member Ley inquired if the proposed discount would cover the projects, to which the Council responded negatively. They expressed concerns that charging the full impact fee for storm drains might deter construction in Enoch.

Council Member Harris raised the possibility of increasing the user fee. City Manager Dotson commented that they would not secure a bond that they could not repay. There is a need for new builds to generate impact fees necessary for funding projects. Mayor Chesnut remarked that governments often lag in addressing such needs. Council Member Harris conveyed the goal of implementing incremental increases annually, while Council Member Ley questioned the frequency of such actions by the council. Council Member Harris noted that this perspective had only developed in recent years.

Council Member Ross mentioned that tax and fee increases had been challenging, and Council Member Ley asked about public engagement on these issues. Council Member Tingey, who had been on the council for about nine months, reported that although 25-30 individuals had approached him with various concerns, none had come with a clear understanding of the issues at hand.

Council Member Harris made a motion to approve Ordinance No. 2024-10-16-D, an ordinance adopting the Stormwater Impact Fee Facilities Plan & Policy and Impact Fee Analysis and amending the Stormwater Impact Fee reflecting the last column of the study by the engineer and changing the heading of the study to reflect the current impact fee. The impact fee will be raised to the second to the last column and discounted to the last column. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yes	Council Member Stoor: Yes
Council Member Harris: Yes	Council Member Tingey: Yes
Council Member Ley: No	

10. CONSIDER RESOLUTION NO. 2024-10-16 A RESOLUTION TO AMEND THE ENOCH CITY FEE SCHEDULE, 9. A STORM DRAINAGE MONTHLY USER FEE

Mayor Chesnut said the storm drain fund is not being funded by the current \$2 user fee. Council Member Harris suggested \$10 for residential.

Council Member Harris made a motion to approve Resolution No. 2024-10-16, a resolution to amend the Enoch City Fee Schedule, 9. A Storm Drainage Monthly User Fee from \$2 to \$10 for residential and \$20 for commercial. The motion was seconded and a roll call was held as follows:

Council Member Ross: Yes	Council Member Stoor: Yes
Council Member Harris: Yes	Council Member Tingey: Yes
Council Member Ley: Yes	

11. CONSIDER BID AWARD FOR CONTRACT - New Enoch City Public Safety Building

Chief Ames reported that the bidding process had concluded with three bids received, which were reviewed by himself, Rob Ashley, Council Member Stoor, and Hayden. They met with representatives from each company and found all employees to be excellent and capable. The discussion ultimately focused on the financial aspects of the bids.

City Manager Dotson noted that inquiries about owner contingency occurred a day before the bids were due, allowing for questions to be posed in the following two weeks. A 15% owner contingency inclusion allowed for sufficient budget coverage. The team sought suggestions for cost reduction but decided to adhere to the provided bid numbers.

Council Member Ross emphasized the importance of thorough consideration when reviewing bids. Chief Ames mentioned that they aimed to keep the project cost at approximately \$2.7 million. The group was uncertain about including a basement in the project, but Chief Ames indicated that they believed it could be feasible based on the property's value. Two of the three companies added the 15% owners contingency. However, just looking at the bottom line, the bids were as follows: PRT at \$2,623,825, Stout at \$2,756,813, and Precision at \$2,547,895. Council Member Tingey inquired about the basement's square footage, which Chief Ames stated was \$6,213, including a 2,000-square-foot sally port. Council Member Tingey assessed the basement cost difference of around \$450,000 to \$600,000, with Chief Ames suggesting a basic, unfinished design that could be completed later.

Mayor Chesnut opened the floor for further questions. Justin asked about the basement's cost, to which City Manager Dotson explained that it involved significant structural work. Council Member Tingey proposed soliciting contractor and citizen donations for labor, but Council Member Harris cautioned that governmental regulations could restrict this approach. City Manager Dotson elaborated on the specific requirements for the basement space.

Council Member Ley advocated for a bare-bones approach, and Ashley indicated the possibility for cost reductions through value engineering. Mayor Chesnut confirmed the presence of strong bid numbers while emphasizing that Chief Ames would need to make certain choices. Council Member Tingey insisted on clarity regarding the necessity of a basement.

Council Member Ley raised the question of whether a holding area was mandatory; Chief Ames confirmed that a holding room would be included, though it would not serve for overnight stays. City Manager Dotson confirmed that each contractor had provided project details along with contact information. Ashley mentioned that one contractor had a solid track record for timely project completion.

Council Member Harris pointed out that the current \$2.7 million covered only basic needs, with the basement adding approximately \$500,000. City Manager Dotson noted that altering certain upstairs features could lead to cost savings. Mayor Chesnut highlighted that project decisions were delegated to the administration, and City Manager Dotson expressed frustration regarding the budget constraints.

Council Member Harris expressed support for Precision as the preferred contractor. Council Member Ross acknowledged the stress stemming from not reviewing the numbers earlier. Council Member Tingey emphasized the importance of contractor reliability and responsiveness, while Council Member Stoor summarized the committee's opinion, stating their recommendation for Precision.

Council Member Tingey sought assurance of the contractors' expertise, to which Council Member Harris attested that the water district had positive experiences with Precision, describing them as a local company that would work well within their community. Council Member Stoor noted that Precision was familiar with local subcontractors, as previously discussed.

Lynn commented on his lack of familiarity with Stout but had not heard negative feedback about them. He had worked successfully with both PRT and Precision, noting that both had performed admirably in Enoch. Council Member Stoor concluded that warranty issues had been balanced among the proposals, ultimately indicating a decision based on the lowest responsible bidder.

Council Member Harris thanked everyone who bid on the project.

Council Member Harris made a motion to award the contract to Precision Development as the lowest responsible bidder. Council Member Ross seconded and a roll call vote was held as follows:

Council Member Ross: Yes

Council Member Stoor: Yes

Council Member Harris: Yes

Council Member Tingey: Yes

Council Member Ley: Yes

12. CONSIDER UTILITY DEPTHS AND PLACEMENT OF SECONDARY LINES - Hayden White, Public Works Director

Hayden noted this has to do with secondary. It's required and they are designing the standards for it as they go along. He would like the secondary deeper than the drinking water so main lines can pass across each other without having any issues. this is an engineering standard. A copy of the item was not in the Council's packets, so this item will be presented on the next agenda item.

13. COUNCIL/STAFF REPORT

Chief Ames

- There are about 1,050 cases currently. In total last year, there were between 850 and 900.
- There was a child struck by a truck. He broke his jaw in two different places and lost some teeth.
- Council Member Ross asked how the bike and walk to school went. Chief Ames said it went well. There weren't as many people as anticipated.

Hayden White

- This is an RFP for street light maintenance on the next agenda. There are modifications to maintenance and inventory. He wanted ideas.
- There will be snow in the mountains.
- They paved Enoch Road.
- Secondary lines will be shut down on November 1st.
- Council Member Ley noted cleated tractors on the new road on Midvalley Road.

Mayor Chesnut

- There is a game at the ice rink on Friday. He's been going and volunteered as the PA announcer. Relative to that, Chad Fain has requested to get on the agenda. The team Iron County Yeti's and beer sales. City Manager Dotson clarified the requirements for that.

Council Member Ross

- She may be out of town for the next Planning Commission.

Council Member Tingey

- He went to the work meeting for the school board. They have a new AI program, but there is special permission to where only certain people can use it. They can take information like research and load it into the program. Then the program will develop lesson plans.

16. ADJOURN

Council Member Harris made a motion to adjourn. Council Member Ross seconded and all voted in favor.



Lindsay Hildebrand, Recorder

11/7/2024

Date